

STATES OF JERSEY

OFFICIAL REPORT

In Camera Proceedings

TUESDAY, 2nd DECEMBER 2008

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1. Questions on statement by The Minister for Home Affairs regarding the suspension of the Chief Officer of the States of Jersey Police:

The Bailiff:

Connétable, I understand that you wish to propose a suspension of the Standing Order. I wonder if it would be sensible if I parked that for 10 minutes and I will certainly come back to it should you wish to move the suspension of the Standing Order which limits the time then we will approach that at that period. Now if the members have left the public gallery, the Statement is open for questioning. Deputy Le Hérisier?

1.1 Deputy R.G. Le Hérisier of St. Saviour:

I wonder if the Minister could confirm that, in considering this matter, this House will act as the body which makes the final decision as to the fate that will befall the Chief Officer. Could he confirm our precise role in this process?

The Deputy of St. John (The Minister for Home Affairs):

I assume the Deputy is talking about possible further disciplinary process. If indeed the decision was made to dismiss the Chief of Police, then that matter would be referred to this Assembly.

1.2 Deputy G.P. Southern of St. Helier:

My question concerns the process that was undertaken during the suspension, leading to the suspension of the Chief Officer. In a statement circulated by the Chief Officer, he states: "Paragraph 2.1 of the code requires that in the event of a Minister having disciplinary concerns he will write to the Chief Executive." It then goes on to say: "Two days after my suspension I was provided with what was said to be a copy of that letter. It is dated 12th November 2008 and in it the Chief Executive is instructed to conduct a preliminary investigation under paragraph 2 of the code. Part 2 sets out the actions which the Chief Executive is required to take. These include the obtaining of statements from available witnesses and from the Chief Officer." Those statements were never sought nor made. Why then was the officer concerned suspended?

The Deputy of St. John:

This is exactly what the process is about. That investigation is now underway and that is why the Police Chief is being temporarily suspended.

1.3 Deputy F.J. Hill of St. Martin:

Yes, could I just follow up on that answer? Surely that should have been carried out before the suspension. Why was it not carried out?

The Deputy of St. John:

Members will be aware that an investigation has been carried out by the Metropolitan Police and I was presented with a preliminary report on the basis of that investigation. So as far as I am concerned that is the preliminary investigation. I acted on the information that was contained in that and in order to pursue a disciplinary investigation it was necessary to suspend the police officer.

1.4 Deputy J. Gallichan of St. Mary:

Will the Minister advise the Assembly whether, in the time since the suspension took effect, he has received any correspondence from the body which would represent the Chief Constable's interests in the U.K. and if so, can he elaborate further on it?

The Deputy of St. John:

Yes, I have and, no, I cannot elaborate further on it otherwise that would interfere with the process of the Chief Officer of Police defending himself.

1.5 Senator S. Syvret:

Will the Minister inform the Assembly of which Ministers took part in the earlier discussion on the Tuesday evening concerning this issue and will he also, in particular, inform the Assembly whether he is aware of the fact, given the involvement of the Chief Executive to the Council of Ministers and the Head of the Civil Service, that that particular individual is one of the potential suspects in the perversion of the course of justice investigations being undertaken by the police force of which Mr. Power was the head?

The Deputy of St. John:

I am not aware of any such investigation but I can assure Members that the investigation will be undertaken by an independent body and in this case, the Chief Constable of Wiltshire will be investigating this. He is a policing expert. He has been asked by the Chief Executive of the States of Jersey to investigate these allegations.

1.6 Senator S. Syvret:

Is the Minister, or does he think his successors will be, prepared to explain to the national media and to the Royal Courts of Justice in London just why it is that the Government of Jersey chose to mount this coup against the Chief Constable of its police force being engaged in and participated in by people who are potential suspects in the investigation?

The Deputy of St. John:

They only appear to be potential suspects in the eyes of the Senator. As far as I am concerned this investigation is being conducted in a thorough and professional manner and I would not have it any other way. **[Approbation]** I find it quite disingenuous that the Senator in the past has called for accountability for people in the public sector, senior officers in particular, we have brought or I have brought the Chief Officer to account and I would expect him to have every opportunity to defend his position. That is what this process is all about.

1.7 Deputy P.V.F. Le Claire:

This whole process regarding this statement and questions on it, given the statement, strikes me as somewhat bizarre. In his statement, the Minister says: "At some stage at the end of the process, my successor, whoever it will be, will need to make a decision about the substantive matters and he or she should not be influenced in any way by any views expressed by Members of the Assembly." How is it possible that the successor to the Home Affairs Ministry is going to be somehow isolated from anything that is being said in here this morning, from Members that are taking part in this? Surely, if there is a process that requires independent and isolated adjudication, then this statement and these questions should not be occurring today. It should have been parked and left over for the successor, otherwise what we are doing is we are contaminating the membership and that Minister will have an Assistant Minister who will have heard these things going on.

The Deputy of St. John:

The Deputy is absolutely right. That is why I would urge Members to resist from questioning me on this subject in this Chamber. Although we are in camera, there are Members here that may well become involved with Home Affairs in the near future, so I would urge Members to keep their questions to the bare minimum. If it is about the process, I am happy to answer them. If it is about the investigation I am not.

1.8 Connétable A.S. Crowcroft of St. Helier:

I want to look at the procedure followed by the Minister and ask him, he has already confirmed to me that the correct procedure has been followed and yet he has just said now that the preliminary investigation was carried out by the police after which the suspension was carried out. According to the Disciplinary Code which we have, some of us, had supplied to us, bizarrely it was considered to be secret; it says quite clearly: "A complaint will be followed by a letter to the person concerned

and then there will be an investigation and then the person concerned will have the chance to comment with the presence of a companion.” Now will the Minister not agree that this process has not happened? That no companion was offered to Mr. Power when he was brought into the office and that the investigation in fact was not preceded by a letter to the officer who was on holiday at the time?

The Deputy of St. John:

The Constable refers to item 2.2 of the code which refers to minor breaches of discipline or poor performance. I am sorry, but I do not regard this as a minor infraction of the code. This is a serious infraction of the Discipline Code and therefore he is not afforded that process.

1.9 The Connétable of St. Helier:

Sorry, the Minister is not reading his own code properly. It is quite clear that section 2 on the procedure, as it must and as we all expect in our own departments, offer any person who is accused of a disciplinary matter to have the chance to be accompanied to a meeting. It is outrageous that he has carried this out in this high-handed way and not given this person the opportunity to be represented. I did a disciplinary myself this morning before the States and the person had a companion with them. It is simply wrong the way this is carried out and I do believe the Minister should accept that.

The Deputy of St. John:

No, I do not accept that. My interpretation of the code is that I had every right to take the action I did. Furthermore, under the law, I also have that right too, outside of the code. So I believe it to be in the interests of the police force, the interests of Jersey and the interests of justice for the Chief Officer of Police to take this action.

1.10 Deputy A. Breckon:

I would like to ask the Minister what experience, if any, he has in handling employment grievance and disciplinary procedures?

The Deputy of St. John:

As it happens, I happen to have a great deal. But in this instance I took advice, as all Ministers should. I took advice from the Chief Officer of Human Resources, I took advice from the Chief Executive and I took advice from the Solicitor General. I would not have expected to act in this way without taking thorough and proper advice, even though I have some experience of dealing with these matters. This is an extraordinary matter that not many Ministers would have to deal with at any time, therefore it is fully appropriate I take such advice and I did so.

1.11 Deputy J.A. Martin of St. Helier:

The Disciplinary Code where it says: “Notification to the States of Jersey after everything has been exhausted” could the Minister inform me whether ... I know this is the Chief of Police we are talking about and it is under the Police Force (Jersey) Law 1974 ... would this be the last resort for any other Chief Officer, civil servant or is it just because it is the Chief of Police?

The Bailiff:

Well, I am not sure that is a fair question for the Minister, Deputy. Remember he is the Minister for Home Affairs, he is dealing with the Chief Officer of Police. He does not have a responsibility for other senior civil servants.

Deputy J.A. Martin:

No, my question is it seems extraordinary to me that disciplinary all the way through would end up on the floor of this Assembly to decide on the future of the Chief of Police. My question was is this

across the board or is it just because it is the Chief of Police? Not to comment on any other civil servants. Or is this a hangover? It is a very old law, 1974. Does the Minister ...

The Bailiff:

I am sorry, I just am not sure I understand the question. This is ... you are looking at the Disciplinary Code for the Chief Officer of Police. It does not apply to anybody else. It is a Disciplinary Code for the Chief Officer of Police. That is the provision, I think, to which you have referred which says that if the decision of the Home Affairs Minister is to dismiss the Chief Officer then the matter is referred back to the States in accordance with the law. But this does not apply to any other civil servant, nor does it apply to any other police officer. It applies only to the Chief of Police.

Deputy J.A. Martin:

Well, then my question is being such an old law is it something that has been overlooked because I fear an absolute bloodbath on the floor of this House if it has to come and be decided whether this Chief Officer is dismissed or not and that is what the code is saying?

The Deputy of St. John:

That is currently the law. The Chief of Police is one of the peculiarities of employment law in Jersey. It is not employment law, it is a law that governs the police force and to a certain extent that is right and proper as it is an unusual position and it is very important that there is a divide between the police and other States employees. The States of Jersey Police, generally speaking, are regarded as States Police Officers, they are officers of the Crown of the Court, they are not employees. So the Chief of Police is regarded in a slightly different way. That is in the law. If the Deputy seeks to change that law she is freely at will to do so.

The Bailiff:

Now the time allowed ...

Male Speaker: (?)

With respect, I have had my light on all the time.

The Bailiff:

Let the Chair finish, Deputy, please if you would not mind. The time allowed for questioning has expired but the Constable did indicate that he wished to propose Standing Orders ...

The Connétable of St. Helier:

Extend it. Yes, please may I so propose?

The Bailiff:

Yes. Is that seconded? **[Seconded]** Put that to the vote. Members in favour of allowing the period of questioning of the Minister for Home Affairs to continue, kindly show. Those against the lifting of Standing Orders? Very well, the Standing Orders are lifted to allow the questioning of the Minister for Home Affairs to continue. I do not wish to engage in this debate at all but I must say in response to the latest question from Deputy Martin about bloodbaths, that that does really presuppose an outcome at which the Assembly has not yet arrived which I thought was the point that was being made by the Minister ...

The Deputy of St. John:

Sir, if I could just ... if I may, I did urge Members in my statement not to prolong this question time as attractive as it may be, because this does run the potential of muddying the waters and affecting the process and not protecting the Chief Officer of Police which is what the code is intended to do. So I would urge Members to bear that in mind, if you prolong this questioning to a great extent, it

could have a major impact on the investigation should that information leak out to people that would use it at a later date. So I would urge Members to be very careful with their questioning and I will say to Members now, I will refuse to answer certain questions that I feel would impinge on that investigation.

1.12 Deputy P.V.F. Le Claire of St. Helier:

This is a remarkable second statement by the Minister after I had asked him in regard to this whole process this morning how bizarre it is that we are here doing this ...

The Bailiff:

This is a question? A question arising out of the statement.

Deputy P.V.F. Le Claire:

This is a question. When the Chief Officer had his contract renewed by the States of Jersey recently, to somewhat surprise by members of the public and the States of Jersey thinking that he was retiring, was that contract renewed after said infractions or before said infractions were known?

The Deputy of St. John:

It was well before and not only that, it was renewed by the Appointments Board, nothing to do with me at the time and a proper process was followed. These allegations were not in place at the time.

1.13 Connétable D.J. Murphy of Grouville:

I assume from the Deputy's statement that the Chief Constable of Wiltshire who is going to carry out this investigation is a member of the Association of Chief Police Officers. I also assume that our Chief of Police here is a member of the Association of Chief Police Officers. Does he think it right and proper that 2 members of the same organisation should sit in judgment of each other?

The Deputy of St. John:

Yes, this is the way that it is done both in the U.K. (United Kingdom) and we would have done here in that it has to be investigated by obviously a policing expert. Not only that, somebody of substantive rank, i.e. somebody the same rank or higher than our Chief of Police. So that is the process that is adopted elsewhere and it would be the process we would adopt here. But these are unusual circumstances, it has not occurred before as far as I am aware, but it is very important that somebody of that rank investigates this because they have got full understanding of the obligations of a Chief Officer of Police.

1.14 Senator F.H. Walker:

The Minister has referred to the advice he has taken, could he also confirm whether or not Her Majesty's Inspector of Police has been consulted on the process and if so, to what effect?

The Deputy of St. John:

Yes, I took it upon myself to consult with Her Majesty's Inspectorate as I felt that they were a useful arbitrator in such matters and the question I posed was did they feel that the action that we have taken was proportionate and appropriate and I was told by a senior officer of that organisation that it was wholly appropriate in the circumstances to suspend an officer in order to instigate a proper and thorough investigation.

1.15 Connétable M.K. Jackson of St. Brelade:

I note that in the Disciplinary Code for the Chief Officer of Police there is an appeals procedure, paragraph 3. Would the Minister confirm whether the Chief Officer has in fact invoked that appeal procedure and has the Minister in fact been in contact with A.C.A.S. (Advisory, Conciliation and Arbitration Service) in the U.K. as laid out in that paragraph?

The Deputy of St. John:

The Chief Officer will have every right to do that. The process has just begun and he will have the right to appeal. The Constable of St. Brelade is quite correct, but the process has just begun and he will have every right to defend himself and if he chooses to take advantage of such organisations including his own professional organisations, then I would obviously encourage anybody in that position to do that and seek advice and assistance. The Chief Officer will have every opportunity to do that.

1.16 The Connétable of St. Helier:

I take the Minister back to the Disciplinary Code, the first paragraph of which states and I quote: "In the normal course of events, the Home Affairs Minister will raise and attempt to resolve issues arising which concern the performance, conduct, capability, et cetera of the Chief Officer on a personal basis. The procedure described in the code will be used only where such efforts to resolve problems arising have failed." Will the Minister tell us how he complied with that first paragraph of the code before moving further on with the procedure?

The Deputy of St. John:

When I took over as having Ministerial oversight of the investigation in question, I began to ask a number of questions and it would seem right and proper to appoint another force to investigate such matters which the Chief of Police agreed to. The result of that is some fairly damning evidence about the command, control and supervision of that investigation. So, yes, the process was adopted and the outcome was a report that was presented to me that gave me absolutely no choice other than to suspend the Chief Officer of Police in order to investigate the allegations of gross misconduct in terms of management, supervision and control of quite considerable sums of money and quite considerable resource. That is a matter that I know Members here are most concerned about in other areas and I saw an absolute necessity in order to investigate these things thoroughly to suspend the Chief of Police so that we can have an uncontaminated investigation with him having the full rights of appeal and process so that he can defend himself.

The Connétable of St. Helier:

Sorry, it is quite clear from the Minister's comments that he has now jumped into part 2 of the disciplinary procedure and that he did not attempt, on a personal basis which means in discussion with the officer concerned, attempt to elucidate the problem.

The Deputy of St. John:

I would dispute that. The Chief Officer of Police was requested to come to a meeting with myself and we attempted to discuss this matter with him and he refused to discuss it. He wished to leave very soon after we had the discussion. I gave him an opportunity to retire and to ... to retire to another room rather ... I would add he was never ever given the option to retire, he was never given the option to resign either, that is a complete fabrication on his part. I do not know where that came from. But he was given every opportunity to consider the suspension and that is what he was offered. He chose not to take that opportunity so the suspension was immediate.

1.17 Senator S. Syvret:

The Minister has made reference with great store on the preliminary or interim review by the Metropolitan Police. But, having taken the action he has done, that review remains incomplete, it is not yet finalised. No final review document by the Metropolitan Police has been produced. Does he not recognise the fact that ... the Chief Minister is shouting no. I can tell him that it is not ... I know because I have been in contact with Mr. Sweeting of the Met and I know that he has still got a great number of people yet to interview, germane witnesses. So does the Minister not accept that he his actions have been pre-emptory and quite unacceptable, given that the Met review itself is not yet complete? The second question is this and I think the Minister needs to think very carefully about his answer to this: the Chief Constable of the States of Jersey Police Force, along with

another one of his senior officers who is still employed in the force, he is - they both are - witnesses to the conspiracy to pervert the course of justice as they were present at meetings when this conspiracy was taking place, which they noted and duly recorded in the evidence. Does he not accept that, given that that conspiracy did involve the Chief Executive to the Council of Ministers that this action is totally unacceptable and will only do Jersey colossal damage?

The Deputy of St. John:

The Senator's conspiracy theories continue to astound me. I was not part of the Council of Ministers until but a few weeks ago. I am not conspiring in any way at all. The Senator consistently conspires in his own mind to work out conspiracies. This is nothing about that. This is a matter of great interest to me as the Minister for Home Affairs, as a resident of Jersey, as a custodian of the public purse. I am bringing a Chief Officer to account. I am giving him every opportunity to defend himself. As far as the accusation you raise about the Metropolitan Police, when I saw the preliminary report I was astounded. So much so that my actions, I believe, are fully justified. If the preliminary report is that damning, Lord knows what the main report will reveal. So my successor will have an interesting time. The report that I was shown gave me no doubt at all ...

The Bailiff:

Minister, do not go down this road, please.

The Deputy of St. John:

... that the actions that I took were justified and we will await the outcome of the investigation as to whether it was.

1.18 Senator S. Syvret:

Will the report be published when it is completed?

The Deputy of St. John:

No, it will not because the report of the Metropolitan Police contains Crown evidence that will be used in the prosecutions that are currently underway and potential prosecutions that may come from this investigation.

Senator T.J. Le Main:

Could I have some advice from the Chair, please? In view that this is held in camera what is the repercussions of a Member putting out information gained in this Chamber in camera this morning on a blog site or internet which is currently being done by an arrogant Member of this Assembly? What is the legal implications of standing in camera this morning and that information being put on the internet?

The Bailiff:

When the Assembly agrees to meet in camera in order to discuss matters which should not be made public, there is an inevitable consequence that Members are not expected to reveal anything which took place during an in camera discussion. So far as ... if a Member were to do that I would need notice, Senator, having regard to the specific facts involved, but I am inclined to think that it would be a gross breach of the privilege of the Assembly and could be dealt with by the Assembly accordingly. Deputy Southern?

1.19 Deputy G.P. Southern:

In answer to the Constable of St. Helier's question referring to Article 1 of the Code, if the Minister, by suggesting that the meeting which lasted 35 minutes, that the Chief of Police was called to on Thursday, 12th, was his interpretation of trying to resolve the issue on a personal level,

he is deliberately, I believe, misinterpreting Article 1. It cannot be interpreted that way surely. Does he not admit that he has failed to meet the terms of Article 1 before proceeding to Article 2?

The Deputy of St. John:

I took advice. I am satisfied with that advice and I acted on that advice and I stand by my decision.
[Approbation]

1.20 The Deputy of St. Martin:

The Minister, no doubt, will have received a copy which has been circulated this morning from the Chief Officer of the States of Jersey Police and in paragraph 6 it said: "I have been given no notice that this was to be either a disciplinary meeting or a suspension meeting. I had been offered no time to prepare, no opportunity to make any report and not offered any representation. I was handed the letter and disciplinary code and the Minister spoke briefly regarding its concepts. He then told me that he was minded to invoke the disciplinary code, but that I would be allowed up to one hour to consider my position." Will the Minister accept that this is a true statement from the Chief Officer? If it was, why did he offer the Chief Officer to consider his position?

The Deputy of St. John:

I never used the word "position". I used the word "consider the correspondence" that was laid before him and he was given every opportunity to do that. He chose not to so the code was invoked and he was suspended.

1.21 Deputy R.G. Le Hérissier:

I come back to my original question and perhaps the Solicitor General might be able to offer us some timely words of advice. I do not see how a political body of 53 people is going to transform itself. Were we to reach this stage, without presupposing, I do not see how it can transform itself into some kind of independent employment tribunal, utterly impartial and objective when the body is totally split on political grounds. Is there any way, having got into this cleft stick because of the phrasing of the law, in which the situation can be avoided and meet, for example, the rights of a person under the European Court of Human Rights and their right to a fair trial?

The Bailiff:

Deputy, I am sorry, but that question is not in order. It is a hypothetical situation.

Deputy R.G. Le Hérissier:

But, Sir, we are considering, in a lot of the questions that have come up, has due process thus far been followed? Obviously when the final decision is looked at the whole issue of the correctness or otherwise of the process surely will be key and we will be asked to make a judgment and we, as politicians, should not be doing that.

The Bailiff:

No, the Minister for Home Affairs has followed strictly the provisions of the law. He has informed Members of the suspension of the Chief Officer of Police and he has done so by means of a statement which enables Members to question him on the statement. He did not have to deal with matters in that way. He has done it in that way in order to enable Members to question him on that as a process which is what Members have quite properly done. Moving further down the line is hypothetical and I am not prepared to allow that question.

1.22 The Connétable of St. Helier:

The Minister said that part of his action has been motivated by concern for Mr. Power. Does he, therefore, think it is satisfactory that Mr. Power's daughter learned of his suspension on the public radio and does this not indicate that the process that has been followed was an accelerated one? My second question, and it is in an effort to be helpful and it is a question I have already asked the

Minister and the Chief Minister, is will he not go away with the code and with his legal advisers, and with an H.R. (Human Resources) professional - preferably one that has not resigned from the States, but one who is going to be here to serve the Island - and check that he has fully complied with the code? If he has not, not only is he putting Mr. Power and his family through unnecessary grief, but he will put the Island through an extraordinary amount of embarrassment and reputational damage? I really do think it would be more courageous to admit that we have got the process wrong. It often happens in H.R.; goodness knows I have done it myself. The process has to be correct or we will be in trouble and I would urge the Minister to go away and at least agree to look again at the decision making process.

The Deputy of St. John:

I will deal with the first matter and that is the matter of the media. As we are in camera I am happy to state this. On leaving the meeting with myself and the Chief Executive of the States, the Chief Officer went immediately to the B.B.C; he was there within 5 minutes of leaving that office. That is why it became world news - not of my making; not of the Communication Unit's making. Secondly, as far as the process is concerned, I have taken advice. I have taken advice from other H.R. professionals within the States of Jersey's H.R. Department. I am perfectly satisfied that the code has been followed appropriately. I have taken advice from Her Majesty's Inspectorate of Constabulary, they feel that such action is wholly appropriate in the circumstances. I have read an alarming report from the Metropolitan Police which led me to this decision in the first place. I can do no more. [Approbation]

1.21 Senator S. Syvret:

Will the Minister state whether the legal advice he has been given at any stage of this particular episode has come from the Attorney General and Solicitor General?

The Deputy of St. John:

I have taken advice from the Law Officers and that does include the Solicitor General.

Senator S. Syvret:

Does it include the Attorney General?

The Deputy of St. John:

No.

1.22 Deputy P.V.F. Le Claire:

The Minister has made reference to the Metropolitan Police report which, as an interim report, he has described as alarming. As an interim report he has said that has swayed and made his decision, something he has relied upon. The full report, which is due to be tabled and considered by the next Minister, was put in a question by Senator Syvret whether or not it would become publicly available. The answer was as it formed part of the Crown Prosecution's case it would not become a public document. How does that square with full disclosure in an appeals process where the defendant and the prosecution are entitled to see all the documents and evidence laid before the court?

The Deputy of St. John:

I think that is precisely the reason for my answer and from a technical point of view I think that question should be directed at the Solicitor General, if he is prepared to add to that.

The Bailiff:

I am not sure that I understood the question, Deputy. You are speaking about the right of the Chief Officer to appeal against his suspension, are you?

Deputy P.V.F. Le Claire:

Yes, Sir, and surely under any normal process - maybe we do not do it here - I would understand that full disclosure would enable the person that is being sent to court to have access to all the evidence that is being put against him and that would include that Metropolitan Police report.

The Bailiff:

Mr. Solicitor, can you assist on that?

Mr. T.J. Le Cocq Q.C., H.M. Solicitor General:

I am not sure what the report that comes from the Metropolitan Police will contain. I anticipate that it will contain factual matters and that some of those factual matters will be germane to prosecutions, which may take place in the future, outside the ambit of this particular matter. But it is right that in the event that the contents of a document form the basis of a complaint against an individual on which a judicial decision is made then in almost all circumstances, other than with the leave of the court, that individual must see that full document. It may be under conditions of secrecy, it may be under conditions of privacy in one form or another, but it is entirely right that that document will be available in one form or another to whoever is going to be dealt with on the strength of what it may or may not say.

Deputy P.V.F. Le Claire:

Thank you very much, Solicitor General. Could I just add one small query on that because that is very informative and helpful? I just have a question mark over the "available in one form or another". Surely the full interim report should be available because the full interim report has been given to the Minister for Home Affairs and it has been that interim report that has given him this position.

The Bailiff:

I do not think that the matter can really be advanced any further, Deputy, at this stage.

1.23 Deputy P.N. Troy of St. Brelade:

Can the Minister confirm that the suspension is only in relation to the management of the Haut de la Garenne Inquiry and that there are no other reasons for the suspension? The Minister said that they were very serious allegations, but can he just confirm there are no other reasons? Can I ask why is it that Mr. Harper, who probably did untold damage to the reputation of the Island, was not suspended prior to his retirement? Why was he not put through the disciplinary process?

The Deputy of St. John:

Mr. Harper had already retired by the time this report was presented to me so I see no reason for that. Sorry, the first part of your question, Deputy?

Deputy P.N. Troy:

Are there any other reasons for the suspension?

The Deputy of St. John:

No, there are not. I am purely acting on information contained in a report that was about an investigation into an operation which is codenamed Rectangle and that is what the report was about and that is where my concerns were. No other concerns have I currently got, other than those, of a serious nature.

1.24 Deputy G.P. Southern:

The Minister rests heavily on the fact that he believes his interpretation of the code of conduct is correct and in answer to a question from Deputy Breckon as to what his experience of dealing with

such disciplinary codes or employment law was, he said it was extensive. Just for the sake of fullness can he tell us what that full extent is?

The Bailiff:

No, I do not think that is a proper question to ask.

1.25 Senator J.L. Perchard:

As the Minister rightly said, the suspension is a neutral act and I am sure there is one subject that we would all agree on, that this neutral act comes to a speedy conclusion. Would the Minister give some indication as to how long he estimates this suspension will stand before it is dealt with finally one way or the other?

The Deputy of St. John:

Unfortunately, I cannot. Such investigations can take time, and so they should if they are going to be done thoroughly and I want the Chief Officer to have every opportunity to defend himself. To gather evidence on his side and, of course, on the side of the employer will take some time. I could not put a time scale on that, but it must be given sufficient time in order to present good cases on both sides.

The Bailiff:

I must say that I think the Members have had a very reasonable opportunity to ask questions of the Minister. Is there anything new and pressing that a Member wishes to ask?

Deputy P.N. Troy:

Point of procedure, Sir. If this does progress to court, are these proceedings in camera available to the defendant and the prosecution?

The Bailiff:

I think the answer to that is no. There may be exceptional circumstances, but the broad answer is no. The Greffier reminds me it would need the leave of the States for evidence of any proceedings in the Chamber to be placed before a court, but how that relates to proceedings held in camera is yet another issue and that would need to be carefully considered, Deputy.

Deputy A. Breckon:

Can I just ask if Senator Syvret had a question that was carried over from the other questions, if he has been satisfied, before we come out of camera?

The Bailiff:

Do you wish to ask your question, Senator?

Senator S. Syvret:

If direct questioning on the statement has ended then, yes, I do.

Oral Questions

The Bailiff:

Very well. Do Members wish to deal with the proceedings in camera before adjourning? Very well, we come back to the question of Senator Syvret of the Minister for Home Affairs and I ask the Senator to put it.

2. Senator S. Syvret of the Minister for Home Affairs regarding the non-disclosure to the States Assembly of the disciplinary code applicable to the Chief Officer of Police:

Will the Minister explain why he refuses to supply Members with a copy of the code under which authority he suspended the Chief of Police, how he considers the Assembly to be competent to question him on the subject in the absence of such key information, and will he assure the Assembly that all procedural and legal requirements of the code have been observed?

The Deputy of St. John (The Minister for Home Affairs):

My authority to suspend the Chief of Police is contained in Article 9 of the Police Force (Jersey) Law 1974. I have, however, refused to provide copies of the disciplinary code applicable to the Chief Officer of Police because it is confidential to the parties while proceedings under it are being progressed. The parties are expressed in the code as being parties involved in the operation of this code, which means primarily the Minister and the Chief Officer of Police. I am charged under the law with Ministerial responsibility in this matter and I intend to follow the express terms of the code. Under the law it is exclusively my decision whether or not to suspend the Chief Officer of Police. My obligation is to refer my decision to do so to the Assembly and this I have done. I am satisfied that my actions have been in accordance with both the law and the code and that procedural and legal requirements of the code have been observed. I note that the Chief Officer of Police, through his lawyers, has elected to share the code with Members of the Assembly. That is a matter for him and other than reserving my position and that of my successor I am not prepared to comment on that matter any further.

Senator S. Syvret:

The Minister has not properly answered my question. I asked him how he considers the Assembly to be remotely competent to question him on this matter in the absence of the code.

The Deputy of St. John:

I think the code explains that. You are not in a position to question it and that is why I have resisted strongly that we should extend what has turned out to be a debate after my statement. You are not in a position to question it.

Senator S. Syvret:

We are not here questioning the code, we are here questioning the Minister. The Minister is being held to account by this legislature, by this Chamber. That is entirely appropriate and I cannot see how the Assembly can be remotely expected to be competent to question this Minister or any other Minister without access to the key relevant documentation.

The Deputy of St. John:

If the Senator feels that then I would suggest that he recommends the code is changed. At the moment that is the code. That is the advice that I have received.