

# **STATES OF JERSEY**



## **NAPIER REPORT INTO THE SUSPENSION OF THE FORMER CHIEF OFFICER OF THE STATES OF JERSEY POLICE: ACTION ON FINDINGS (P.166/2010) – COMMENTS**

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**Presented to the States on 15th November 2010  
by the Chief Minister**

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**STATES GREFFE**

## COMMENTS

I appreciate that there are some members who still feel that further action needs to be taken following the suspension, and subsequently retirement of, the former Chief Officer of Police. For that reason I have published separately, as an official Report, the report produced by Mr. Brian Napier, Q.C., and set out below a more detailed commentary on certain aspects of his findings. I believe that accordingly parts (a) and (c) of the Proposition are no longer required and should be withdrawn or opposed.

I have asked for the report from Mr. Napier to be presented to the States as an 'R', and I add the following comments in respect of the proposition of the Deputy of St. Martin.

### Part (a)

- (i) The reporting of what takes place at any official meeting needs to be complete and accurate, and policies are already in place to ensure that this occurs. Whilst in some cases it is to be expected that original handwritten notes will be retained even after formal, typed-up versions have been produced and signed off as a true version of events, in other cases such an approach would be unnecessary and excessive. Officers have been advised to continue to use their discretion on these matters, but where there is any doubt, to err on the side of caution.
- (ii) As I have already indicated in response to questions in the States, I do not believe that the actions taken in respect of the suspension of the former Chief Officer of Police were contrary to legal advice. On the contrary, the action was taken in full awareness of such advice, but also in the light of all other relevant information and considerations. I have had regard to all such advice and other information when undertaking and assessing the disciplinary issues to be addressed as a result of the report.
- (iii) Paragraphs 107 and 108 summarise the views expressed in earlier paragraphs, and in themselves can be encapsulated in Mr. Napier's own words: "*the basis on which he (the former Chief Officer of Police) was suspended on 12 November 2008 was **in my view** inadequate* (my emphasis)". I accept that this is a conclusion which he is entitled to draw from the information provided to him. However **in my view** it is not the only conclusion which can be drawn. Indeed various other parties both before and after the event have come to the conclusion that suspension was justified, even though the procedure could have been improved upon.

I have had to weigh up these differing points of view when determining what action I needed to take, if any, in respect of disciplinary issues arising out of the suspension process.

- (iv) The author of the report was invited to present his findings to a meeting of States members, but declined to do so. Such a presentation was not part of the terms of reference, nor part of his contractual duties. In the view of the author, the report speaks for itself.

- (v) Procedures are regularly reviewed as part of normal activities. I am satisfied that procedures and training for disciplinary matters are regularly reviewed. However, I am concerned to ensure that particular disciplinary codes for individual senior employees are more critically examined, and as an example I am of the opinion that there is room for improvement in the disciplinary code for the Chief Officer of Police.
- (vi) I have already indicated in answers to questions in the States that I was addressing any disciplinary issues arising from the suspension of the former Chief Officer of Police. That process is now complete, and as indicated in my answers in the States, the outcomes remain confidential to the parties concerned.

**Part (b)**

In respect of part (b) of the Proposition, I have already been asked in the States at question time whether I would be prepared to issue an apology to the former Chief Officer of Police for the manner of his suspension. I stated then, and, in case any member is in any doubt, I reiterate now, that I do not intend to make any such apology, and that indeed in my view no apology whatsoever in that respect could be justified.

On the contrary, it would perhaps be more appropriate for the former Chief Officer of Police, and also the former Deputy Chief Officer of Police, who were jointly responsible for the mismanagement of the Haut de la Garenne investigation into child abuse, to apologise to the people of Jersey, and in particular those who may have suffered abuse at Haut de la Garenne or elsewhere in Jersey, for the unnecessary suffering and distress which they have caused through the erroneous approach which they adopted as identified in the report of the Wiltshire Police. However, I accept that this will not be forthcoming, and indeed the parties concerned seem to show no remorse for their actions.

We have already expended significant and largely wasteful levels of money and manpower on the Haut de la Garenne saga, and the time has come to declare that 'enough is enough'. We cannot turn back the clock or re-write history, but we can declare a conclusion to this sad and distasteful episode, and I hope that all Members will wish to do just that.