

3.10 Deputy F.J. Hill of St. Martin of the Minister for Home Affairs regarding the investigation and evidence gathering by the States of Jersey Police in relation to a drugs case:

Will the Minister update Members on the Hampshire Police investigation into the circumstances surrounding the investigation and evidence gathering by the States of Jersey Police which led to the arrest and conviction of a high profile drugs dealer who was attempting to import a considerable amount of drugs to the Island?

Senator B.I. Le Marquand (The Minister for Home Affairs):

The Hampshire Police investigation in relation to this matter is still continuing and no formal report has been received by the States of Jersey Police.

3.10.1 The Deputy of St. Martin:

I was under the impression that the investigation began maybe 2, 3, 4 months ago. Is there any reason as to why this investigation is taking so long?

Senator B.I. Le Marquand:

I presume that is because that is the length of time it needs to take, but my memory is that the announcement in relation to the investigation was made just before the decision was made by the Privy Council. I did not think it was quite that long ago, but I may be wrong.

3.10.2 Deputy R.G. Le Hérisssier:

Could the Minister inform the House, all being well and the wind behind the ship, so to speak, when does he anticipate receiving the report?

Senator B.I. Le Marquand:

I do not anticipate receiving the report. The report will be going to the Deputy Chief Officer of Police and not to myself. My understanding is that this may well be received in the next few weeks.

[11:00]

3.10.3 Deputy M.R. Higgins:

Can the Minister tell us what effect, if any, the referral of the case to the European Court of Human Rights will have and, secondly, if the European Court of Human Rights upheld the appeal by Warren and his associates, whether that will lead to compensation being paid by the Island to them if they are released, on the basis of the way that the evidence was gathered?

Senator B.I. Le Marquand:

This is taking me into an area which I do not know the answer to. I am not sure, if there was a successful reference to the European Court of Human Rights, as to whether that would overturn a criminal conviction or not. I have not taken advice on that point or as to whether it would purely have a civil effect in relation to that. I am afraid I do not know the answer to that and, curiously, although I am a lawyer, I would need to take legal advice on the point.

3.10.4 The Deputy of St. Martin:

In an answer to an oral question on 8th December 2009, the Minister stated he was not aware of any intention on the part of the acting leadership of the States Police to

take disciplinary action against anyone concerned. Can the Minister inform Members why there appears to be a u-turn and why there now seems to have an investigation almost 13, 14, 15 months maybe after these initial statements and has the Minister himself been consulted with a decision to ask the Hampshire Police to investigate the matter?

Senator B.I. Le Marquand:

We have a new Police Chief and it may well be that the new Police Chief has taken a different view of the matter. I was informed of the decision that was being made and I am fully supportive of it.