

4.7 Deputy S. Pitman of St. Helier of the Minister for Home Affairs regarding the co-operation of Senior Police Officers with a disciplinary investigation relating to the Curtis Warren case:

Would the Minister inform Members whether senior police officers failed to co-operate with the disciplinary investigation relating to the Curtis Warren case which they themselves had initiated, and if so, what action, if any, will he be taking?

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

I do not want Deputy Shona Pitman to feel picked on by my opening remarks, but I am bound to say that this question and others which have been by asked by other Members should not have been asked - I am not criticising the Chair in relation to that - and they should not have been asked for a number of reasons. Not only was the hearing by law held in private, and therefore the judgment remained private, but also the Chief Constable expressly stated in his verbal decision that he did not expect to see his comments in the media and that he did not authorise the use of his comments other than for the hearing. In his written decision, he said that he did not authorise the publication of his written judgment other than for the purposes of the hearing. It is therefore, in my view, totally wrong for Members to have extracted parts and used it in this way. Although initially I was minded to decline to answer questions for the reasons given by the Solicitor General and by myself, the outrageous nature of some of the other questions - not this one - which imply serious misconduct on the part of senior police officers, has forced me into clarifying the position by answering a number of procedural questions. The answer to this question is that all Members of the States of Jersey Police co-operated fully with the investigation.

Deputy M. Tadier:

Can I raise a point of order? Does the suggestion that some of the questions are outrageous, which have also presumably been allowed by the Bailiff, does that impute improper motives on the Members who have lodged those questions?

The Deputy Bailiff:

Were you imputing an improper motive, Senator, or were you suggesting it was ...

Senator B.I. Le Marquand:

No, Sir. I think they are just outrageous questions - well, some of them - because they imply serious faults without any evidence to back it up.

Deputy M. Tadier:

Is it possible to have an outrageous question which is in order? I think Standing Order 4 part 2 says we must not impute improper motives directly or by innuendo to any Member of the States. Will the Minister retract or clarify which questions are outrageous?

The Deputy Bailiff:

Deputy, you raised it as a point of order. It was not, in my view, in breach of Standing Orders for the Minister to reply as he did. I have to say, it would not be the first time I have heard outrageous things said in this Assembly. A supplementary, Deputy Shona Pitman?

4.7.1 Deputy S. Pitman:

Just repeating some of what Deputy Tadier has just said, that this question has been approved by the Bailiff, and also what does he consider to be ... there is an issue of public interest and the information in relation to this question is now in the public eye, so does he not feel obliged to answer this question?

The Deputy Bailiff:

I understood the Minister had answered the question.

Senator B.I. Le Marquand:

I have answered the question ...

Deputy S. Pitman:

Not in full, not the specific question.

Senator B.I. Le Marquand:

I answered very clearly. I have very good reasons for saying that all Members of the States of Jersey Police co-operated fully with the investigation. My Deputy Chief Officer of the States of Jersey Police, at my request yesterday, not only listened through the transcript of the relevant witness, but also spoke by telephone to the presiding Chief Constable in order to check this and it was quite clear from both of those that there was nothing in the evidence which imputed any failure on the part of the States of Jersey Police to fully co-operate with the investigation.

The Deputy Bailiff:

Deputy Shona Pitman, your question asks whether senior police officers failed to co-operate, and if they failed to co-operate, what action will the Minister be taking. The Minister has answered that they did not fail to co-operate and therefore it would seem to follow that there is no action he should be taking. What is it that you are suggesting he has not answered? If that is the question you want to put, he has put that, then we will know what the question is.

Deputy S. Pitman:

Sorry, could you repeat that, Sir?

The Deputy Bailiff:

Yes. The question says: "Did senior police officers fail to co-operate, and if they failed to co-operate, what action will the Minister be taking?" The answer came back: "No, they did not fail to co-operate" so it would follow there is no action he was going to take. If there is some failure to co-operate which you wish to ask the Minister about which he says did not take place, you should put that to him and he can answer it.

Deputy M.R. Higgins:

The other statements made by ...

The Deputy Bailiff:

I am sorry, Deputy, I am putting it to Deputy Shona Pitman. I say that in the context of your question to the Minister, he has now answered your question. If you have got no further questions you wish to put to him, then I will call on Deputy ...

4.7.2 Deputy S. Pitman:

I have got a further question to put to the Minister. Does the Minister not appreciate that senior police being reported to effectively obstruct an investigation of this sort can only undermine confidence that all is above board and is as it should be?

Senator B.I. Le Marquand:

All is above board, as it should be, as I have stated. I got the Deputy Chief Officer of Police to check the facts. There is included in the decision - because I anticipate a question from Deputy Higgins - a statement which could be read as implying fault on the part of the police. That is a mistake, frankly, in the judgment. We have checked that with the Chief Constable and he accepts that there was absolutely no allegation against the States of Jersey Police for failing to co-operate.

4.7.3 Deputy M.R. Higgins:

I find it absolutely amazing that the judgment stated in black and white that States authorities failed to co-operate and co-operate fully, so therefore I really find the Minister for Home Affairs' statement extraordinary, especially we have to take it on trust a third party comment made to the Deputy Chief of Police, that we have to take as justification. However, what about this document, the opinion of Simon McKay, which states that the 3 States police officers were acting fully in accordance with the law? This was in the hands of the Senior Chief Officer before the hearing went ahead. Now, a copy of this is going to be distributed to every States Member, because it is very interesting reading. This is one of the documents that should have come out and we should never have had this thing. Can I ask first of all, Minister, when did you receive this document and why did you allow the disciplinary hearings to continue?

Senator B.I. Le Marquand:

That is a ridiculous question. It is perfectly well-known that I do not get involved with such matters. It would be grossly improper for me to get involved in such matters. It is implying that somehow I bring disciplinary charges against police officers. I do not. I have absolutely nothing to do with it. I have not seen that document. It is an opinion. If it was presented to the presiding judge, then no doubt he will have considered it, among other papers.

4.7.4 Deputy M.R. Higgins:

A supplementary. Can I just clarify, so the Minister for Home Affairs has not seen this document, the Simon McKay document? Will you confirm that neither you have seen it, and if you did not receive it, do you know if the Attorney General saw it?

Senator B.I. Le Marquand:

I have confirmed I have not seen it, either before or after. I was not aware of its existence.