

2.3 The Deputy of St. Martin of the Minister for Home Affairs regarding the outcome of an internal enquiry by the Head of the Customs and Immigration Service into the activities of a number of Customs Officers:

Will the Minister advise Members whether the internal inquiry by the head of Customs and Immigration Service into the activities of a number of Customs Officers has been completed following police investigations from which no criminal proceedings were instituted and, if so, will she advise of the outcome and whether the report will be made available to States Members?

Senator W. Kinnard (The Minister for Home Affairs):

The internal inquiry was completed on 21st December 2007. I received a subsequent report on 11th January 2008. The report contains references to Customs Law enforcement operational activity that must remain confidential. Disclosing the detail of the type of operational activity undertaken could compromise future drug operations conducted by the Service. Consequently the report is exempted from disclosure under paragraph 3.2.1(4) of the Code of Practice on access to official information and that disclosure would prejudice the prevention, investigation or detection of crime or the apprehension or prosecution of offenders. Sir, I am currently taking advice as to how the findings of the report can be addressed.

2.3.1 The Deputy of St. Martin:

It does seem that the Minister has had the report for at least 6 weeks. I would have hoped that she would be a bit more progressed with her inquiries. Can I ask the Minister whether, if she is allowed to mention this from the report, whether there is any justification whatsoever for the police inquiry or was it really more to do about a bit of a squabble and ill feeling between the customs officers and the police officers themselves? Maybe the best approach may have been by an internal inquiry first and then, if it was felt necessary, then to have the police investigation?

Senator W. Kinnard:

We answered questions on this very issue on 9th October of last year. I have given my answer. I do not intend to discuss it any further on this particular point as I am awaiting, as I say, advice on the findings of the report.

2.3.2 The Deputy of St. Martin:

Am I going to get an answer to my question? Would it not have been better to have had an internal inquiry first to see whether there was any justification for a police investigation?

Senator W. Kinnard:

The answer to that particular question was given on 9th October and I helpfully have it here for the Deputy. I could take the time of the States and read it out. Alternatively, I could hand it to him later on, Sir.

2.3.3 Deputy R.G. Le Hérisier:

Although the Minister has always propounded a policy of strict separation between operations and policy/strategy, how does she react when somebody reports to her that there is an apparent conflict which, with a heavy dose of common sense within her department, there is an intra-departmental conflict? What is her reaction to that, when such an episode is reported?

Senator W. Kinnard:

Generally - and I am going to make it clear, I am not just talking about this specific issue of this specific question - those matters would be dealt with at the operational level by the officers; the heads of departments at first instance and then my Chief Officer of Home Affairs. Thereafter, if it is a matter which involves human resources, of course the Chief Executive would be involved.

2.3.4 Deputy S.C. Ferguson:

Does the Minister not think that a little leadership should be exhibited in this instance, as defined by Deputy Le Hérisssier? Does she not have meetings with her Chief Officers? Should she not be involved in discussions of this sort? Surely it demonstrates leadership if she did.

Senator W. Kinnard:

I would say it demonstrates leadership to know when not to meddle inappropriately. Thank you, Sir.

2.3.5 The Deputy of St. Martin:

I would remind the Minister that, on 20th November a number of questions were asked of the Minister which were answered by the Assistant Minister. I would like to follow on from that: from the result of the internal inquiry, are any discipline proceedings being actioned at all against any of the customs officers?

Senator W. Kinnard:

As I say, I am taking advice and I have yet to receive the outcome of that advice so it is impossible for me to answer that question.

2.3.6 The Deputy of St. Martin:

I would have thought that was quite a simple answer; yes or no. One the Minister could know at the time whether any proceedings have been taken.

Senator W. Kinnard:

It is not a simple matter. I have to await the outcome of the advice that I am taking on this report. It is quite a simple matter. It is not appropriate at this time for me to be able to make or comment upon any such potential decision. It is too early to say so.