

2.6 Deputy R.G. Le Hérissier of the Minister for Home Affairs regarding the suspension of the Chief Officer of Police:

Would the Minister confirm whether or not the suspended Chief Officer of Police has been fully informed of the allegations made against him?

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

My answers here are, of necessity, going to be briefer than I had hoped they would be for reasons which we have already discussed. Mr. Power is aware of the reasons why he was suspended. I can say that because that is in the public domain by virtue of the judicial review case that he brought unsuccessfully. He is aware of the areas of the Wiltshire investigation but I cannot go into more detail on that. He is not aware of any precise disciplinary complaints in terms of what I might think of as charges he might face and to that extent he is not fully informed, but to that extent alone.

2.6.1 Deputy R.G. Le Hérissier:

Would the Minister not agree that after such a period, and in the interests of natural justice, that there should now be clear allegations put to the individual rather than areas of general concern and so forth?

Senator B.I. Le Marquand:

Yes, I would agree with that and that is going to happen as soon as possible.

2.6.2 The Connétable of St. Helier:

Would the Minister confirm that once the investigation has been completed - and he told us he has only had part of the result of that so far - there may be a disciplinary process which in itself could take up to a year and that the contract of the person we are talking about I believe expires in the middle of next year. How is this going to play out?

Senator B.I. Le Marquand:

The contract of Mr. Power, I understand, expires at the end of next year. I could speculate - and indeed I would have speculated if we had been in camera - as to the procedures and the possible length that things may take but I am not willing to do that other than in camera, for the reasons that I have already given.

2.6.3 The Deputy of St. John:

How long can a person be held to account before a charge is brought against an accused person?

Senator B.I. Le Marquand:

The Deputy is now straying into the areas of criminal law and that is probably my fault for using the word "charge" loosely. The answer, apparently in the case of a certain doctor who I will not name, is indefinitely.

2.6.4 Deputy G.P. Southern:

Does the Minister not consider that that represents a fundamental breach of human rights if someone effectively cannot find out what he is accused of and is suspended from his work? The right to a fair trial applies to tribunal hearings as well as court proceedings, surely.

Senator B.I. Le Marquand:

My opinion is that the right to a fair trial does not apply to suspension matters. It does apply to disciplinary matters but not to suspension matters which are *pro quo*. Nevertheless, clearly in any disciplinary matter one should proceed as rapidly as one is able so to do and that has always been my firm intention and remains so.

2.6.5 The Deputy of St. Martin:

Would the Minister not agree that the time it is taking to get to the bottom of the suspension inquiry could be seen almost as dismissal by stealth by some people and it does no good at all for this Island to be allowing something like this to stretch on? I know we have heard from the Minister again to say this morning that this is going to be done as soon as possible but how soon is soon as possible and how much can the Minister do to expedite this particular case?

Senator B.I. Le Marquand:

I have in my left hand the interim report. It has 383 pages. An extremely thorough investigation is being undertaken and that unfortunately has taken longer than I would have hoped.

2.6.6 The Connétable of St. Helier:

Is it not also the case that the investigation into Operation Blast which could also result in disciplinary matters being raised is going to add further to the delay and to the cost of this whole process? The Minister said that the contract expires at the end of next year. Is it not the case that the officer concerned must give his notice by June of next year?

Senator B.I. Le Marquand:

That is the first time that I have been told that. My understanding was that the officer concerned had a fixed contract which terminated at the end of December next year. But it could be that I have been misinformed in relation to that. I am sorry, I have now lost the first part of the question.

The Connétable of St. Helier:

I was asking the Minister about the fact that the Operation Blast investigation is going to add further to the time and the expense of the whole process.

Senator B.I. Le Marquand:

I have been trying to avoid making a link, other than in camera, between the Chief Officer and Operation Blast. So I cannot comment on that.

2.6.7 Deputy R.G. Le Hérissier:

First, would the Minister define what he means by as soon as possible? Second, would the Minister, in terms of looking at general issues arising from suspension, say he would expect tighter connection between the grounds of suspension and the movement towards actual disciplinary charges? If he were dealing with the development of policy he would expect there to be fairly clear grounds when the suspension occurred in order that one could move to the actual allegations.

Senator B.I. Le Marquand:

I do not understand the last part of the question. There was a very clear and proper process conducted by myself in February and March last year in relation to

suspension which was upheld by the Royal Court on judicial review. So I really do not understand what the question was getting at there.

2.6.8 Deputy R.G. Le Hérisier:

Can I clarify my thinking in the hope of clarifying the Minister's thinking? Does he believe that in cases like this there should be fairly substantial evidence brought forward at the point at which suspension takes place and not just general areas of concern?

Senator B.I. Le Marquand:

There must be sufficient reason to warrant suspension. The Royal Court has upheld my decision that there was in this case. Of necessity disciplinary matters in general are going to start upon the basis of areas of concern. There is then going to be a period of investigation - of information gathering - and that is going to create a hiatus. In this particular case I have shown the 383-page draft report to show why it has taken so long, because it has been so thorough. In general, of course, there must be proper grounds and there were. That has been upheld by the Royal Court and is a matter of public record.