

4. Questions to Ministers Without Notice - The Minister for Home Affairs

The Deputy Bailiff:

Very well, that brings an end to the time allocated to oral questions with notice. We now come to Questions to Ministers Without Notice and the first question period is for the Minister of Home Affairs. I have no option but to see Senator Ferguson who has the privilege of the first question.

4.1 Senator S.C. Ferguson:

In view of the criticism of the former Deputy Chief Officer of the States of Jersey Police in relation to expenses in the recent Wiltshire Police Report, and of the BDO report, at a time when he was responsible for the professional standards unit, will the Minister be reviewing the cases where the D.C.O. (Deputy Chief Officer) was making judgments on officers and compelling to leave the police service? Will he also be reviewing the complaints file for that period?

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

The question makes a valid point in relation to the behaviour of the former Deputy Chief Officer of Police. I think I have the name in this case, Mr. Harper, in relation to totally unacceptable expenditure on accommodation and meals for himself and colleagues. It is deeply unfortunate and ironical that a person who was apparently on a mission to root out corruption in the States of Jersey police should have behaved in this way. However, there is no intention to reopen previous disciplinary matters in relation to which the former Deputy Chief Officer played a role, bearing in mind that the Deputy Chief Officer is normally responsible for suspensions only and not for full hearings. The Senator added an extra question to what was written down. I am afraid I cannot now recall what it was, I would be grateful if she could repeat that.

4.1.1 Senator S.C. Ferguson:

Will the Minister also review the complaints dealt with over that period where it happened that a complaint was made about the Deputy Chief Officer? It was reviewed by the Professional Standards Unit and the letter to the complainant saying that there was no case to answer was also signed off by the Deputy Chief Officer about whom the complaint had been made.

Senator B.I. Le Marquand:

I have to say, the latter does sound a little strange that someone would sign off something in relation to a complaint about themselves. No, it is not my intention to review matters. Frankly, I am well aware that there were outstanding complaints against the former Deputy Chief Officer of the States of Jersey Police which were never investigated or proceeded with simply because he had ceased to hold that office.

[16:45]

4.2 Deputy K.C. Lewis of St. Saviour:

Now that the investigation into Operation Blast is complete, what does the Minister intend to do with the Operation Blast files kept on States Members? As far as I am concerned, the Minister can publish mine but will these files be viewed by States Members? Will they be kept locked away in a safe or will they be destroyed?

Senator B.I. Le Marquand:

I have never viewed these files and, indeed, made every effort to ensure that I did not do so until such time as I would have had to have done so as part of a disciplinary hearing. The situation is that the operation of the files was closed down by the Acting Chief Officer as soon as he became aware of them. I understand that, fairly recently, there has been a notice served upon the States of Jersey Police by the Data Protection Officer in relation to those files requiring their destruction but there is a problem with that happening immediately because there still remain

outstanding certain disciplinary matters and, of course, the issue is still outstanding as to whether anybody might eventually face criminal charges in relation to this matter. But I can assure Members that these are being kept most securely and purely for those purposes and that the files will be destroyed once they can be. There may, of course, be some individual elements of information contained in the files which can properly be kept, the information that is, in some more appropriate format.

4.3 Deputy A.E. Jeune:

While I believe that any right-minded person abhors abuse of any kind to anyone, especially children and others who are vulnerable, and we would seek to bring to justice any perpetrators and ensure that the care and treatment of victims and perpetrators is provided, would the Minister agree that while there have been very regrettably cases of abuse in Jersey, there are those for whom Haut de la Garenne gave them safety and security when they needed it most and they have predominantly happy memories of their childhood at Haut de la Garenne and of those house parents who cared for them and the environment which they were fortunate to have enjoyed.

The Deputy Bailiff:

I am not sure, Deputy, this is a matter within the responsibility of the Minister for Home Affairs.

Deputy A.E. Jeune:

But would he not agree that there have been, despite all the appalling media coverage and everything else, for those good memories of the place that I believe the media and others have tried to bring down Jersey and it is not all like that.

The Deputy Bailiff:

Minister, to the extent you are able to answer that, if you wish.

Senator B.I. Le Marquand:

I fully concur with the opening remarks of Deputy Jeune. The people who have been hurt most in relation to the whole issue are victims of sexual crimes, particularly children who have been victims. I absolutely personally abhor such offences and I am determined that people will be brought to justice, if that is possible. In relation to the issue of the adverse publicity, I believe it is correct also that some of the adverse publicity was effectively directed almost at the building and I am aware that there are those people for whom the experience of living at Haut de la Garenne was not an unhappy one, bearing in mind their family circumstances, and it is unfortunate that I am also aware that some of those feel that that which was a home and a happy home for them has been denigrated as part of the process.

Deputy M. Tadier:

Can I raise a point of order, please? I think notwithstanding “tuts” from the back row of the senior Members, Standing Order 10 talks about the contents of a question and I know that 6(b) precludes an expression of opinion and also later on, it precludes any question which seeks an expression of an opinion. Also Part 3 says that a question should not be framed primarily to convey information so was that question in order, Sir?

The Deputy Bailiff:

As I indicated to the Deputy while she was asking it and to the Minister, I thought that there was a limit to the extent to which the Minister could properly respond to it. I have to say that it seems to me that very often questions are used for the purposes of passing on information and not for requesting it and very often expressions of opinion are to be found, but that is not to justify a breach of Standing Orders more generally, but I did allow some latitude to this particular question. I agree with you that if I have to rule on a point of order, I would have

thought the question was probably out of order but the Minister has answered it to the best of his ability.

4.4 Deputy T.M. Pitman:

The Wiltshire investigators highlight the significant concern about the attempts to interview the States C.E.O. and how they were effectively “scuppered”, if I can use that word, by the Attorney General declaring that he must be treated instead as a witness. The investigators promised to explain their concerns later in the report yet, very oddly, all such comments have been redacted by the Minister. Will he enlighten us as to what those concerns were or are?

Senator B.I. Le Marquand:

Yes, those are contained in Section 4.7 and 4.14 of the report and if the Chair will allow me time, I will read out that paragraph: “The allegation that both Chief Minister, Frank Walker, and Chief Executive, Bill Ogley, had been involved with the decision-making around establishing Operation Blast was given careful consideration. This inquiry sought independent legal advice on the most appropriate way to interview Mr. Ogley as a serving civil servant. Upon that advice, the decision was taken to interview Bill Ogley under the relevant Disciplinary Code in order to ensure that he was afforded his rights and entitlements. However, the Jersey Attorney General, Timothy Le Cocq, Q.C., apparently overruled this decision and stated that Bill Ogley should be treated as a witness unless he provided self-incrimination in giving his account. Given the circumstances, the Senior Investigating Officer, Chief Constable Moore, wrote to the Attorney General to express concern about this intervention and the impression of interference that was created. Mr. Le Cocq has denied any interference and stated that he was unaware of the existence of independent legal advice to this investigation and queried the remit of Operation Haven 2, which is the Blast investigation, to investigate Mr. Ogley in any event. The Senior Investigating Officer prepared a separate confidential report outlining his concerns about the fairness of Jersey’s discipline process and which he may choose to rely on in the future.” I would merely comment that there is clearly a difference of opinion here between the Chief Officer of Wiltshire and the Attorney General but the effect of the involvement of the Attorney General would not have benefited the Chief Executive in any way whatsoever because the effect of him not being treated, as it were, as a suspect at that stage would have deprived him of the protection which he otherwise would have had by virtue of being a suspect. A witness does not get that protection so there was no benefit whatsoever in any way to ... **[Interruption]**

The Deputy Bailiff:

The Chief Executive.

Senator B.I. Le Marquand:

To the Chief Executive.

The Deputy Bailiff:

Hansard will so reflect.

4.5 Deputy J.M. Maçon:

In a recent answer to me on 9th March 2010, question 5,168, the Minister gave the undertaking that the Disciplinary Code for the Chief Police Officer would be revised before appointing the new Chief of Police as the code is inadequate. Can the Minister confirm that this has occurred as the appointment was down for this sitting and will the Minister circulate the new code to all Members?

Senator B.I. Le Marquand:

I have to slightly disagree with the Chief Minister in relation to this because under the terms of the Police Force (Jersey) Law 1974, the terms and conditions of the appointment of a Chief

Officer of Police are a matter for the States Employment Board. That is also the case in relation to a Deputy Chief Officer of Police. Clearly, it is desirable before any appointment is finalised that the work is done to look at the terms and conditions, in particular, to look at the issue of the Disciplinary Code. A problem still exists, of course, inasmuch that partly matters are governed by law and the law gives a certain role to the Minister for Home Affairs which frankly is probably not desirable in this context. Therefore, in terms of any earlier appointments because of the impossibility of changing the law in time there will still be certain constraints.

4.6 The Deputy of St. Mary:

I want to ask about the Met. review which Wiltshire say was there to provide advice, guidance and learning for the Senior Investigating Officer in the Operation Rectangle team. They say that public disclosure of the report is resisted and it usually attracts public interest immunity because staff have to be encouraged - have to be able - to speak freely to such a review. Accordingly, they, Wiltshire say, would not be disclosable for the purposes of a discipline hearing as to do so would undermine the public interest by inhibiting candour between interviewers and interviewees in the review process. So my question to the Minister is has the Minister received any communications from the Met. about the use of their review, either in whole or as an interim report, and, if so, what was that communication from the Met., please?

Senator B.I. Le Marquand:

I did not receive direct communication from them but I was led to understand that they were not happy at the prospect of their reports being used as part of a disciplinary process and, indeed, I respected that and the Members of this Assembly may recall that for the purposes of the suspension hearings, I deleted all references to the Met. reports from my consideration. I am grateful to the Deputy of St. Mary for the question because, in fact, he has explained, I think, to this Assembly the key reason why I have been somewhat reluctant to reveal publicly the contents of the Met. Report. It is very helpfully dealt with in the Wiltshire Report and explained very clearly.

4.6.1 The Deputy of St. Mary:

Does the Minister not agree that the use therefore of an interim report based on that review was wholly ... as part of the suspension process sending it to the D.C.O. and it was then subsequently used in the suspension process - does the Minister not agree that that really was wholly inappropriate as it was a review to encourage learning not a review for discipline?

Senator B.I. Le Marquand:

It was not used by me in relation to the disciplinary process and certainly not in relation to the suspension process. It was referred to in the letter written by the then Deputy Chief Officer of Police - now Acting Chief Officer of Police - to confirm some of the details in relation to his concerns. I am unable to judge whether that is proper or not.

4.7 The Deputy of St. Martin:

Will the Minister agree with me there is a certain pot calling the kettle black - or irony - in the way in which the Wiltshire Police have carried out their investigation. They were there to look at investigation of the mismanagement of funds and also the mismanagement by the States of Jersey Police and yet here we have a bill for nearly £1 million by the Wiltshire Police. A quarter of the sum is spent on accommodation and travel and, indeed, again I am poaching from the Minister's own answer here, the meals and entertainment expenses. Does the Minister not really consider it to be ironic in the way that all this money has been spent and, in fact, that had not been accounted for until the States gave the consent only 2 weeks ago to give £260,000-odd for Operation Blast. The question is will the Minister now have an investigation into the mismanagement [Aside] [Laughter] of the Wiltshire investigation.

The Deputy Bailiff:

Minister, will you have an investigation?

Senator B.I. Le Marquand:

That is not my intention in the absence of evidence that anything improper has happened. I would have thought that the Deputy of St. Martin was the last one to want more money to be spent on further investigations. **[Aside]**