

2.3 Deputy F.J. Hill of St. Martin of the Minister for Home Affairs regarding the suspension of 2 officers from the States of Jersey Police:

Would the Minister confirm that 2 suspended officers from the States of Jersey Police have recently been cleared of all allegations of assault? Will he give the cost and duration of the suspensions, the cost of the investigation and the cost of the disciplinary hearing, including any legal costs? Is he satisfied that the matter was handled correctly and, if not, what actions, if any, will he be taking?

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

I can confirm that the 2 officers were cleared of all disciplinary charges at a hearing on 23rd February. They were suspended each for a period of just less than 18 months. There is an indication in the written comment that there was a period of 7 months of delay caused by the existence of the criminal charges and the time taken to make decisions on that, an additional 4 months delay caused by issues of them obtaining legal advice and the matter had been adjourned off and co-ordinating with the dates when an officer could come from another force to conduct the matter. During their suspensions they received their salaries. I am not going to give individual figures for the officers because that would in fact identify the grades and I want to preserve, as far as possible, the anonymity of the officers who have been cleared of disciplinary charges. But the total sums that they were paid during the period, including pension rights and other things, is £249,020. The total investigation costs came to £94,269. The major amount of that was, in fact, legal advice obtained in relation to the disciplinary proceedings as to whether they should be continued, and if so in what form after the criminal matters had been dropped. That was £60,438. They were other acting-up costs, overtime costs and costs of accommodation in the Island. Coming now to the major question. I am satisfied that correct and appropriate procedures were followed both in relation to the suspension. I have made detailed inquiries as to what principles were covered in relation to the suspension. I have already indicated to this House that I am perfectly satisfied with the system being followed by the police in Jersey, which mirrors that which happens in the U.K. in relation to such matters, and I am satisfied that correct procedures were followed, advice was appropriately obtained and there was appropriate oversight of the investigation at all stages.

2.3.1 The Deputy of St. Martin:

I am very thankful for a very full answer. Clearly another £400,000 has been used or spent on suspension issues. Given the fact that the Crown Officers decided almost 12 months ago that there was insufficient evidence to have criminal proceedings, could I ask the Minister whose decision was it to proceed with disciplinary charges, and maybe I will just put that question first? Whose decision was it to proceed with disciplinary charges and also why?

Senator B.I. Le Marquand:

As I already indicated, after the end of the criminal matter legal advice was obtained from lawyers in the private sector, which are different lawyers to the Law Officers, who said that it had to be, as I understand it, because one was a criminal matter and this was a different issue, and matters proceeded on that advice. I also need to inform the Assembly that the Police Complaints Authority current chairman was actively involved also in the process of matters. I have now forgotten what the last question

was but I do not think I can answer it but if the Deputy could repeat it. Help me, I have forgotten what it is.

The Deputy of St. Martin:

I wanted to know who was responsible for continuing with the disciplinary proceedings after, in fact, a decision was taken that there be no criminal proceedings.

[10:00]

Senator B.I. Le Marquand:

After taking advice, I would assume that that was the acting leadership of the police force in relation to that. But the question I could not have answered was the reasons why because that would be unfair to the individual people involved who have been cleared.

2.3.2 Deputy P.V.F. Le Claire of St. Helier:

Could I inquire please from the Minister for Home Affairs, as these officers have now been cleared will their costs from their lawyers be met by the public purse or are they set aside within the budget of the police force in some way?

Senator B.I. Le Marquand:

The answer to that question is no. They will pay their own legal costs.

2.3.3 Deputy T.M. Pitman of St. Helier:

I apologise that I did not quite catch what the Minister said. Could he clarify whether it is a fact that suspensions in terms of length with our police are completely out of kilter with anywhere in the U.K.?

Senator B.I. Le Marquand:

I have absolutely no way of knowing that. The answer to any individual case would depend upon the length of time taken in relation to criminal investigations. Now, I have no statistics from the U.K. with which to compare but I would imagine if there was a lengthy criminal investigation that that similarly would massively delay matters. There also is, as I said, where particular issues arose in relation to obtaining of legal advice which caused further delays and the co-ordination of dates for the hearing were difficult because of the need for an officer from away.

2.3.4 Senator J.L. Perchard:

Would the Minister say why it is that the States are so extraordinarily bad at dealing with disciplinary matters such as this in a timely fashion and what does he intend to do to ensure that this type of appalling waste of public money becomes a thing of the past?

Senator B.I. Le Marquand:

The Minister for Home Affairs has absolutely no control over the processes of the Law Officers' Department in relation to criminal investigations. As I have already indicated I am informed that there was a period of 7 months delay caused by that alone and another period of 4 months. I do not view - if we take off the 7 and the 4 - the remaining 7 months for this matter as being excessive.

2.3.5 The Deputy of St. Martin:

The Minister has said that the legal costs are going to have to be met by the 2 police officers concerned. Does the Minister not consider it totally unfair, as indeed as has happened also to the Chief Police Officer, where the States of Police employ or engage the services of a very senior lawyer to prosecute and therefore the officers who have to face the discipline charges have to pay their own legal costs? Does the Minister not feel that is rather unfair and surely, on this particular occasion, as the officers are found not to have been guilty, surely their costs will be met by the police and not by the 2 innocent officers?

Senator B.I. Le Marquand:

The current position is that the policy of States of Jersey generally, or at least the States Employment Board, as I understand it, is not to provide free legal aid for individuals who are facing disciplinary charges. Now, in relation to this particular matter I can reveal to the States that I was asked the question as to whether I would do so, and I considered that. I am well aware it is human rights principles in relation to this matter because of my long experience as a judge, but the principle is this; that if a person were facing a disciplinary charge and could not reasonably afford their own legal advice then there would be a duty to provide them with assistance. But if they can reasonably afford their own legal advice, as I took the view was the case in this case, there is no duty so to do. It would be a major departure from past practice if the States of Jersey were to start to pay the legal costs of people who are defending themselves and, indeed, that in itself would massively increase the costs of such disciplinary matters for which there is currently general criticism.

2.3.6 The Deputy of St. Martin:

I think the Minister has missed the point. The decision to prosecute against the 2 officers was taken by the Chief Officer of Police and they also engaged a very senior lawyer to prosecute therefore one can understand the 2 officers trying to get some legal aid themselves, so surely now the case has been found against, they have been found not guilty, in other words, they are innocent, surely their costs should be met by the States of Jersey, not by the 2 individuals.

Senator B.I. Le Marquand:

I do not know if the lawyers were involved in a prosecution role or not. I am afraid I have not asked that question. That information was not clear to me. I do not know if a lawyer appeared for, as it was, the complainant at the hearing or how that was handled, which puts me in a difficult position. I genuinely do not know the answer to that question. I know that legal advice was obtained and it was expensive but I do not know if that included conducting the presentation of matters.

The Deputy of St. Martin:

Can I just ask maybe the Minister will inform Members whether in fact those costs will be met by the 2 officers?