

2.13 Deputy S. Pitman of St. Helier of the Chief Minister regarding a review of the suspension procedures:

Following the rejection of P.9/2010 on 23rd February 2010, when he stated that he would be appointing an independent expert in the shortest possible timeframe to undertake a review as to whether procedures for the suspension of the Chief Officer were correctly followed, will the Chief Minister inform Members whether the expert has been appointed and when the findings will be published?

Senator T.A. Le Sueur (The Chief Minister):

I can confirm that an independent person has been identified to undertake the review of the process in which the suspension of the Chief Officer of Police was followed. The Deputy of St. Martin has assisted me in selecting the person from a list of names provided by A.C.A.S. (Advisory, Conciliation and Arbitration Service). The person selected will be in the Island this week to finalise the appointment and to gather background information prior to undertaking a detailed review. I do not have a date when the review will be finalised but I hope it will be concluded in a matter of weeks, rather than months.

2.13.1 Deputy S. Pitman:

Does the Chief Minister agree that this inquiry must be completed and made public prior to any consideration of appointing the current Acting Chief Police Officer to the role full-time, given that he is a central figure in the suspension?

Senator T.A. Le Sueur:

No, I do not. The review that I am commissioning is a review into the suspension process. The ongoing suspension has been reviewed by the current Minister for Home Affairs and that suspension is justified. All that this review is doing is looking at the process of the original suspension. On that basis there is no reason to delay the appointment of a new Chief Officer of Police.

2.13.2 Deputy S. Pitman:

Could the Chief Minister tell us if this is following States policy, this practice?

Senator T.A. Le Sueur:

Which practice is the Deputy referring to?

Deputy S. Pitman:

Appointing an Acting Chief Officer while he was heavily involved in this issue.

Senator T.A. Le Sueur:

I do not see that this is normal practice, or any practice. What has been proposed is that a person who is appointed Deputy Chief Officer with a view of becoming Chief Officer, on the retirement of the then current Chief Officer, would then be appointed. This is continuing a process which started some time ago, which I have every reason to believe should be completed at the earliest possible opportunity to demonstrate that the public can rely on a sound and well-run police force.

2.13.3 The Connétable of St. Helier:

Does the Chief Minister agree that independence and impartiality is a key attribute of such an expert and it is particularly important in the current review? Does he agree with me that while the Assistant Minister for Home Affairs has shown commendable

objectivity in a refusal to be drawn into the discussion of any culpability of the suspended officer, the same cannot be said of the Minister for Home Affairs?

[11:15]

Senator T.A. Le Sueur:

No, I have absolute confidence that the Minister for Home Affairs has treated this with absolute clarity, analytical criticism and has fully weighed-up all the situation and I believe that the Constable of St. Helier is mistaken.

2.13.4 Deputy J.A. Martin:

I think I was quite surprised by the Chief Minister's response. I just would like him to clarify when this independent report is finalised. Can the Chief Minister categorically confirm that the Acting Chief Minister who we, in this House, were asked to appoint, will have had nothing to do with the suspension of the current Chief Officer? Because I really feel, like Deputy Shona Pitman has said, this is one appointment that is appointed by this House and if brought under these circumstances, I, for one, will abstain and that will be the first time in 10 years that I have ever abstained. It is absolutely ridiculous.

Senator T.A. Le Sueur:

Members seem to be getting confused here and mixing all sorts of things in different arguments. The review, which has been commissioned, is the review into the suspension process which was played out in November 2008 by the then Minister for Home Affairs, Deputy Lewis. The Acting Chief Officer of Police had no part in that suspension process and therefore any reference to him in these comments appears to be, not only irrelevant, but a slur on his character.

2.13.5 The Deputy of St. Mary:

Does the Chief Minister not realise the damage that he will do to the credibility of this House if he brings us to vote on an appointment of the Chief Officer of Police which, I would assume, should have pretty well full unanimity and support from this House? In the circumstances it will not have that. Does he not realise just how damaging that is and will he not let this review, such as it is, take place before that decision is taken?

Senator T.A. Le Sueur:

Firstly, to correct your factual points, the proposition to appoint a Chief Officer of Police is brought by the Minister for Home Affairs, not by myself. Secondly, I believe that delaying this when the review process, as I have tried to make clear, is a review of the process of suspension carried out by the former Minister for Home Affairs and has nothing to do with any candidate for the post of Chief Officer of Police. The Deputy, I believe, is really barking up the wrong tree.

2.13.6 Deputy P.V.F. Le Claire:

Does the Chief Minister feel comfortable that States Members, who have been subjected to police recordkeeping and investigations under Operation Blast, can truthfully vote upon an appointment of the Chief of Police, without fear of incriminating themselves if they vote against that appointment because they are Members in this Assembly? Is he not aware of the fact that some Members will be voting to appoint the Chief of Police under what could be considered duress? A point of clarification, I certainly do not feel happy conducting a debate in camera and then

going on the record and then voting when I might in camera state, as I feel, that I would like to say that I am concerned while there is an investigation, a possible Committee of Inquiry going to be undertaken about the collection of files by States Members, that this process is going forwards? There is, without a doubt, a certain amount - Members may wish to admit it or not - there certainly is a certain amount of fear by Members who have been seen to be voting against a Chief of Police Officer.

The Deputy Bailiff:

Deputy, can I ask you to sit down please. We have strayed very considerably indeed from the question, as first put by Deputy Shona Pitman, which concerns the timeframe for the publication of the expert's advice or the intended expert's report. Now, if there are any further questions on that, which is supplementary to that question, then we will take them, otherwise we will move on.

2.13.7 The Deputy of St. Martin:

Just to clarify 2 things. Will the Chief Minister agree that the Commissioner has not started yet? We are due to see him this week to start. So make it absolutely clear that we have not started yet, so that will clarify that situation. Also, while I am on my feet, I would remind Members that there will be a proposition today being lodged later on about the ...

The Deputy Bailiff:

That is not a question, will you please use question time for the right purpose.

The Deputy of St. Martin:

The Chief Minister just mentioned the fact that the Acting Chief Officer of Police had no say, whatsoever, in the suspension. Will the Minister agree that the letter that was used for the suspension purposes was written by the Acting Chief Police Officer?

Senator T.A. Le Sueur:

There are 2 totally different questions there. Firstly, I confirm that the person selected to do this review is in the Island this week has not yet been formally appointed. That will be done this week. Secondly, the letter or letters given to the Chief Officer of Police at the time of suspension were letters written by the Minister for Home Affairs. **[Interruption]** I am answering the question. I have no idea to what extent he may have had other advice given to him by other people, but the ultimate responsibility for the letter and for the suspension remains with the Minister for Home Affairs. That is why the review is being carried out to see that that was properly done, in accordance with normal procedures.

The Deputy Bailiff:

This question, I remind Members, is about the timeframe for an inquiry. It is not about the question of the appointment of the next Chief Officer of Police.

2.13.8 Deputy M.R. Higgins:

The question asked was: did the Deputy Chief of Police... was he the instigator of the letter that went to the Chief Executive and started the whole process? The Chief Minister has not answered the question.

Senator T.A. Le Sueur:

Not having been involved, whatsoever, in the suspension process, I am not in a position to answer in minutiae and that is why there is an inquiry going on to investigate just how that suspension procedure was carried out.

2.13.9 Deputy S. Pitman:

I have 3 questions for the Minister. Firstly, will the review involve the inquiring of the 2 reasons why the Chief Officer was suspended? Could the Chief Minister point out to me - identify for me - what practice and policy is he following when the Acting Chief Officer will be in full-time office while this review is being undertaken? Will he also inform us as to whether or not States Members will get this review, when it is completed?

Senator T.A. Le Sueur:

I made it quite clear when I presented my comments to Projet 9, some 4 weeks ago, what the terms of reference for the inquiry are. Those terms of reference have been published. They are available to all States Members and the Deputy can read them on my comments. Equally, the other matters which she refers to, regarding the publication of that report, I also indicated that process at the time when I made a statement. The fact that the Deputy Chief Officer will remain in place while this review is carried out is perfectly reasonable. It is a review into the suspension process and that is something which will go on irrespective of individual personalities, whether they are still in office or whether, in some cases, the people have retired from office.

2.13.10 Deputy J.A. Martin:

Can I have a clarification? We have just learnt this morning; I did not know the Chief Officer was suspended again in July 2009. Do the terms of reference cover this extra suspension, because I do think that is very important?

Senator T.A. Le Sueur:

The terms of reference are perfectly clear. They refer to the suspension carried out in November 2008.

The Deputy of St. Mary:

Will the Chief Minister ...

The Deputy Bailiff:

I am sorry, Deputy, this is not a debate upon the Projet which has already been debated and dealt with on 23rd February.