

## **2.4 Deputy F.J. Hill of St. Martin of the Minister for Home Affairs regarding a recent search of a property in St. Ouen:**

Will the Minister inform Members of the circumstances that led to the recent abortive search of a property in St. Ouen? Is he satisfied that the appropriate steps were taken to allay a sense of grievance and given the difficulty in identifying addresses, particularly in rural Parishes, is the Minister of the view that before States Police execute searches, they should liaise with a Chef de Police of the relevant Parish.

[10:00]

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

If I answer the question, I need to make it clear that the fact that the police may obtain a search warrant in relation to open premises does not imply anything adverse to the occupant of those premises. The police obtained a warrant to search premises and, in fact, searched the premises which they always intended to search. However, the description of the premises searched was wrong on the warrant because the police wrongly assumed that the premises, which they searched and always wanted to search, were attached to a nearby property. The police have apologised for the error and if a claim for compensation is made, then this will be dealt with in the usual way. That claim would of course have arisen in any event even if the warrant had not been inaccurate. It is my view that the police, when obtaining a warrant and when executing a warrant, should always ensure that the description of the premises is accurate. Where necessary, they should check with local knowledge such as the Chef de Police or the Duty Centenier in a particular Parish. The matter is now subject to a disciplinary complaint made by the occupant, which is now being investigated and this limits how much more I can properly say.

### **2.4.1 The Deputy of St. Martin:**

The question was in 3 parts. Can I just ask a little bit about the second part and that is what was done to defuse the situation because I can inform the Minister that at around 8.15 a.m. that morning, I did contact the States Police to inform them that a mistake had been made and I did suggest that they took steps to allay a sense of grievance. The Minister has now said an apology has been given. Will the Minister just fully inform Members when that apology was given?

### **Senator B.I. Le Marquand:**

I do not know the answer to that question although I did notice in a local newspaper that it was printed there that the police had apologised. It was confirmed to me by senior police officers yesterday that an apology had been given, but I cannot say precisely who made that apology and in what form that was made.

### **2.4.2 Senator S.C. Ferguson:**

Does the Minister not think that the old method of initiating a search by using a local Centenier is to be preferred since you start with the local knowledge inherent in that particular Centenier?

### **Senator B.I. Le Marquand:**

No, I do not think that is always necessary because there will be premises which are well known to the police. They may have been observing them for some time. I cannot say therefore that it is always necessary to have contact with a local Centenier for these purposes.

#### **2.4.3 Senator S.C. Ferguson:**

No, I am referring to the practice whereby the local Centenier was in fact the search warrant?

#### **Senator B.I. Le Marquand:**

This is going into esoteric areas but my understanding of the law - I see the Attorney General is not here to confirm this but probably will be in fact glad to not be here to be asked this question - but the power of a search of a Centenier was always limited. It was not an unlimited search. My understanding is that the search was for stolen goods effectively. I note a former Centenier, who is nodding in my direction. If so, it could not have covered this type of situation where specific statutory powers have been created in order to enable a search warrant to be obtained. It was clearly not thought by the States at the time that the powers of the Centenier should be extended in this way but it was necessary for a formal warrant to be obtained through the Bailiff as is required by statute.

#### **2.4.4 The Deputy of St. John:**

I can confirm what the Minister has said. Anything to do with drugs, *et cetera*, a Centenier or the police had to get a warrant. Will the Minister explain when he said "compensation will be dealt with in the usual way"; can he tell us what "the usual way" is, please?

#### **Senator B.I. Le Marquand:**

The usual way is that first of all somebody makes a claim for compensation. Depending upon the value of that claim, it may be referred on to the States insurers because there is an insurance issue here. If it is a very small claim below the amount of the excess, then of course it may be dealt with directly by the police, but the first step is for the person to make a claim and then that claim would be considered either through the States insurers or directly by the States Police themselves. That is the normal practice.

#### **2.4.5 The Deputy of St. John:**

Would the Minister accept therefore that if it was dealt with by the police themselves on a small claim, where the cut-off is between small and large, and also that it will be the taxpayer at the end of the day that will pick up the bill?

#### **Senator B.I. Le Marquand:**

Yes, that is right. I did try to hint in my previous answer that of course there were circumstances in which the police would make a search covered by a search warrant, and in so doing would do damage to premises and that that might lead to a claim in itself and that, in this particular case, it was not the defective nature of the details on the warrant which made any difference to the situation.

#### **2.4.6 Deputy M. Tadier:**

A concern has been expressed that in this particular case, the owner would never have known that his property had been searched had he not come back and found the police in the act of searching it and may have thought that his property had been vandalised. What is the process for informing a property owner once his or her property has been searched correctly or incorrectly? Would they normally be informed or would they just have to presume that their property maybe had been vandalised?

**Senator B.I. Le Marquand:**

I do not know exactly what the precise rules are followed by the police on this but my view would be most certainly that the owner of premises should be informed that they had been searched, particularly if the process of searching had potentially done any damage to the premises. I would expect that would be the normal rule although I am not able to confirm that it is because I have not been briefed in that area.

**2.4.7 Deputy M. Tadier:**

A supplementary, Sir. Is the Minister content in this situation that the police would have informed the individual had they not been caught in the act so to speak?

**Senator B.I. Le Marquand:**

For the reasons I have said, I would expect them to do so. I will certainly take up that issue with the senior management to ensure that that is standard practice.

**2.4.8 The Deputy of St. Martin:**

I think we all accept that mistakes can happen and they do occur, but I think what we ought to do is take steps to ensure they do not occur again. One or 2 questions have been asked involving the role of the Centenier. It is one of those things that I do feel very strongly about. Would the Minister not consider a greater way of ensuring greater co-operation between the Honorary Police and the States Police that when searches are undertaken, particularly in country Parishes, that the Chefs de Police are informed before those searches are carried out?

**Senator B.I. Le Marquand:**

It is my view that that would not always be necessary, but there are many cases in which that would be highly desirable. That also is the view of the current leadership of the States of Jersey Police because we discussed that yesterday, and I will go back to them a second time and have further discussions with them to ensure that such mistakes as this of description are not made again.