

## **2.10 Deputy T.M. Pitman of the Minister for Home Affairs regarding the publication of the response of the former Chief Officer of the States of Jersey Police to the Wiltshire Report:**

Will the Minister confirm whether he was ever advised by the Chief Minister that the former Chief Officer of the States of Jersey Police had requested on 3rd April 2010 that his response to the Wiltshire Report should be published?

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

I have checked my own files and incoming emails, and the Chief Minister's Department has done the same, and I am confident that I had not seen this letter before a copy was provided to me on 25th March of this year. Furthermore, I was surprised by the contents of the letter when I saw it, and although I believed that I may have had some conversation with the Chief Minister about a representation having been made to him by the former Chief Officer at about that time, I am confident that the relevant sentence was not mentioned to me. However, on 2nd August 2010 in the last paragraph of my letter to the former Chief Officer's representative, the former Constable of Gloucestershire, I wrote: "My position is that the statements of witnesses will not generally be going into the public domain but if [and then I name the former Chief Officer] were to ask me to put redacted versions of his statements into the public domain, then I may well agree to this. I would be grateful to you if you could discuss this point with him." I received a reply to that letter dated 15th August 2010, the relevant paragraph of which starts: "Concerning your last paragraph and your proposed position, if [and then the name of the individual former officer ] has a view, he will make it known to you." So I myself raised this very same issue in August but never received any response in relation to my inquiry. However, I have recently, on 25th March of this year, written again to the former Chief Officer asking him to tell me precisely what it is that he is now asking me to do.

### **2.10.1 Deputy T.M. Pitman:**

Supplementary, Sir. I thank the Minister for his answer. However, if we can stick with 3rd April, given that Mr. Power could not ask the Minister for Home Affairs direct due to the Minister's stated wish to remain independent, is it not reasonable to think that any request or suggestion about publication of his defence made to the Chief Minister would have been passed on as a matter of course and, with due respect, does the Minister not concede that this really is not acceptable or fair to Mr. Power?

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

I do have to agree that the ... well he has just been named ...

### **The Bailiff:**

The former Chief Officer is how he should be referred to.

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

I do not agree that the former Chief Officer could not have written to me directly about this matter. There was quite a lot of correspondence floating around at that time in relation to other matters and I have also looked at that to make sure it was not raised in those, which it was not. However, I would have expected the Chief Minister to have passed on to me any representations, which were being made to him, which clearly were matters which I should consider.

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

Will the Minister not accept that it might have been wiser and fairer all round that before he initially published the redacted version way back last July that he had contacted the Chef de Police or the suspended police officer informing him of his actions so that there could have been a joint publication of the Chief Officer's redacted version and also the Minister for Home Affairs'? So in other words, they could have gone out in tandem rather than one side of the argument put forward without the other side having the opportunity to put their case forward.

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

No, I do not agree with that. Ironically, I was not aware until this letter was sent to me recently that the former Chief Officer was aware of my intentions as early as April 2010. He therefore had ample opportunities to contact me directly to make requests in relation to this. I took the view that because this was an independent report, which had given full weight to what had been said by the former Chief Officer and which at times indeed quoted what he was saying, that it was perfectly reasonable that this go out in the way that it did. Subsequently when representations were made to me in this Assembly I wrote, as I have indicated, in August 2010 to ask the former Chief Officer what he wanted me to do and he never told me and he still has not told me to this day.

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

Can I have a supplementary? I think that the Minister is forgetting that the suspension was a neutral act so therefore the Minister still had a responsibility for the former Chief Officer who had retired at the end of June so, by mentioning it in August, the suspended Chief Officer was no longer a police officer. Does he not accept that his actions were incorrect? He should have informed the Chief Officer before the publication of the redacted form of the complaint so the Chief Officer could have put his side of the story along with the Minister's. By saying it was done in August, it was too late because the Chief Minister had retired.

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

But we now know that he knew what I was proposing to do as early as April 2010. I also further made my intentions clear in this Assembly at a date I believe in late June or early July as to what I was about to do. There was no matter of surprise here as indeed the letter of April indicates most clearly.

### **2.10.4 Deputy T.M. Pitman:**

I would and I hope this is not too wide of the mark. I am sure you will cut me off at the knees if I have strayed too far. But given that in a sadly related case yesterday in the court an individual who was instrumental in setting up a blog side to rubbish the former Chief Officer of Police was fined just £400 for making death threats on the grounds that they believed that it was a first offence, an out of character offence - when the Data Protection Commissioner has, I am made aware, a file the size of the telephone directory on this individual's actions - is the Minister at all worried about public concern that within this case of the suspension, Haut de la Garenne, that justice is not operating as consistently as we would all wish?

[10:45]

#### **The Bailiff:**

I have to say Deputy that is a long way off the original question.

**Deputy T.M. Pitman:**

It was worth a try, Sir.

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

I am afraid that I was not going to be able to be very helpful here because I am completely unaware of the particular case to which the Deputy is referring.

**The Bailiff:**

Very well, we will leave that one for another time.

**Deputy T.M. Pitman:**

Next week.