

2.14 Deputy M. Tadier of the Minister for Home Affairs regarding the outcome of the Hampshire Police investigation into the circumstances leading to the arrest of Curtis Warren:

Could I first apologise for not having been in the Chamber for question 11. I misread the running order and there was no discourtesy intended. I am sure if there is time at the end, Christmas cheer, you may allow it. I am not sure if there will be time, Sir.

The Bailiff:

We will have to see how the Christmas cheer is... [Laughter]

Deputy M. Tadier:

Was the Hampshire police investigation into the circumstances leading to the arrest of Curtis Warren and others due to be completed in December this year and if so, will the Minister inform Members whether any investigation has been completed and if so, will he make the outcome known?

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

The Hampshire Constabulary was commissioned in February 2011 initially to conduct an operational review of the policies and procedures adopted by the States of Jersey in respect of surveillance methods undertaken during an investigation into the activities of Curtis Warren and others concerned with the importation of controlled drugs to Jersey. Subsequently, Hampshire Constabulary considered whether there were possible criminal charges or disciplinary issues. The operational review was completed in mid-2011 and all recommendations have now been acted upon. The secondary investigation was completed in September 2011 and that has also been acted on appropriately.

2.14.1 Deputy M. Tadier:

If I read from the Privy Council's judgment of 2011, they also talk about a senior member of the Law Officers' Department in Jersey that advised the police: "That despite the French and Dutch refusals, he did not think that the Jersey Court would be likely to exclude any evidence" so essentially saying that he gave permission, or at least allowed the police to plant a bug which was later controversial. Does the Minister for Home Affairs know whether there has been any review or disciplinary proceedings with regard to the Law Officers' action?

Senator B.I. Le Marquand:

That I do not know. It was not within the remit of the Hampshire Police and that would be a matter, of course, for the Law Officers' Department and not for me.

2.14.2 Deputy G.P. Southern:

The Privy Council judgment upheld the decision of the judge to admit evidence against Curtis Warren and therefore uphold the conviction. Why has it been necessary to have a review and/or investigation into the police and waste so much public money?

Senator B.I. Le Marquand:

Because it was quite clear from the judgments of all levels that there were very serious criticisms of the conduct of police officers in relation to this matter.

2.14.3 Deputy G.P. Southern:

Did those criticisms not apply to the Law Officers?

Senator B.I. Le Marquand:

Apparently they did from the words which have just been read out by Deputy Tadier, but that was not a matter for me.

2.14.4 Deputy T.M. Pitman:

Could the Minister inform the Assembly how many officers this applies to and what their ranks are, please?

Senator B.I. Le Marquand:

No, I am not going to go into such details. I am going to explain why I am not going to go into such details. I absolutely deplore the recent article of the *Jersey Evening Post* in purporting to name individuals. The fact is that we have a dual duty here. We have a duty to the public in terms of being open and honest as far as we can but we also have a duty as employers. In the case of police officers, they are not, of course, employees. They are public officeholders, as I understand it, but nevertheless we have duties to them and it is very unfair to them if matters are made public in relation to disciplinary issues irrespective of what the outcome may be and at the stage where things are still going on and I will not therefore provide the information requested.

2.14.5 Deputy T.M. Pitman:

Can I ask my supplementary even though I did not quite get the answer that I would have liked? Without going into ranks, I know there are 3, so could the Minister just tell us, will he reveal how much this is costing the taxpayer to undertake this investigation and when he is likely to know that figure if he does not already?

Senator B.I. Le Marquand:

I do not have that information in relation to the investigation to hand. I could certainly find out the cost of the investigations but there is no doubt that these investigations were necessary.

2.14.6 Deputy M.R. Higgins:

I am just wondering if the Minister for Home Affairs would like to comment on the message that is going out to the public today that police officers can enter property without warrant, without showing I.D. (identification) cards and bug people's cars. Is it a case of, as far as the police are concerned, the ends justify the means?

Senator B.I. Le Marquand:

I have always made my position plain on the Curtis Warren matter, and indeed on other matters, that the police must act lawfully and within appropriate procedures and powers. That is my position and it always has been and it always will be.

2.14.7 Deputy G.P. Southern:

Why was the Hampshire Review announced before the Privy Council had delivered its judgment?

Senator B.I. Le Marquand:

I think that was because if you look at the dates of February 2011, you will see that corresponds very closely with the arrival of the new Chief Officer of Police. It is quite clear to me that he started to review the situation once he had arrived and decided that this was an appropriate step to take.

2.14.8 Deputy G.P. Southern:

Can the Minister state whether Curtis Warren is still receiving legal aid and if so, how much has he cost the public purse so far?

The Bailiff:

I cannot see that that has anything to do with this particular question, does it, Deputy?

Senator B.I. Le Marquand:

It is not within my knowledge anyway, Sir.

2.14.9 Deputy M. Tadier:

Is the Minister aware of an independent legal opinion that was sought of Simon McKay who, among other things, is an expert on covert policing, which seems to exonerate the 3 officers which were involved in this case and has he read that and seen that report?

Senator B.I. Le Marquand:

No, I have not.