

4. Oral Questions

4.1 Deputy M.R. Higgins of St. Helier of the Minister for Home Affairs regarding an external police force investigation into complaints made against the Chief Officer and Deputy Chief Officer of the States of Jersey Police by ex-police officers:

Will the Minister explain to the Assembly whether he has yet called in an external police force to investigate the complaints of perverting the course of justice that have been made against the Chief Officer and Deputy Chief Officer of the States of Jersey Police by ex-policemen and others and, if not, why not?

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

The answer to the first question is no, and the reason is because it would be totally wrong for me to be speaking publicly about complaints that may or may not have been made against police officers, including the Chief Officer or Deputy Chief Officer.

4.1.1 Deputy M.R. Higgins:

Why is it then that the Minister for Home Affairs, when I have asked questions in the past, has not, for example, acted, because I know he has not brought in an external police force? The Minister has had complaints for almost a year from some sources and other complaints have been lodged to the Chief Executive again for perverting the course of justice, for an external police force being brought in. I think it is a matter of public interest and the Minister should state whether or not these complaints are being investigated.

Senator B.I. Le Marquand:

I do not accept the timescale set out by the Deputy and I have nothing further to say.

4.1.2 Deputy M. Tadier of St. Brelade:

Why is it that the Minister for Home Affairs is happy to confirm that he has not brought in an external police force to investigate these complaints, but then goes on to say it is not appropriate to talk about whether or not any complaints have been made? Should he not be saying that he can neither confirm nor deny that there are complaints that have been made and he can neither confirm nor deny that an external police force has been brought in to investigate those complaints, which may or may not have been made?

Senator B.I. Le Marquand:

Thank you for that question. I did make it clear I was answering no to the first question. The first question was: would I explain to the Assembly? By doing so, I am effectively in a position where it is quite right that I neither confirm nor deny. I thank the Deputy for his question.

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

Just for today I think I should point out I am Deputy Mike Higgins, because last time obviously I had a nice abusive letter from the Police Chief, which he has never been man enough to apologise to the paper.

The Deputy Bailiff:

Sorry, Deputy Trevor Pitman, I almost heard you, but I have not heard you and I cannot see you either. It is proposed the default be raised on Deputy Trevor Pitman.

Deputy T.M. Pitman:

Can I be Deputy Higgins now, Sir?

The Deputy Bailiff:

I think you probably were a moment ago, but you probably are now Deputy Trevor Pitman.

[9:45]

Deputy T.M. Pitman:

What I would just like to ask the Minister is, given when we looked back at the history of the previous Chief Officer, Police Chief, Mr. Power, there was information pouring out of Home Affairs. Now, the question Deputy Higgins is asking is a matter, as he says, of significant public interest. Should the Minister not make some statement that these complaints have been made and that they are being investigated? Obviously we cannot expect to know the details as yet, but should he not be confirming that those complaints have been made, they are real, they are not malicious or fictitious, and there they are? Thank you.

Senator B.I. Le Marquand:

If complaints are made to me in my capacity as Minister in relation to the Chief Officer of Police or the Deputy Chief Officer of Police, then, provided I am not conflicted personally from dealing with the matters, I will ensure that these are properly looked at and properly considered. In relation to the matter of the former Chief Officer of Police, of course that became a public matter before my time at the moment that the former Minister had to go to the States to explain that there had been a suspension. Indeed, although despite my very best efforts during the disciplinary process, in terms of the production of the police report to keep things confidential in accordance with the terms of the Disciplinary Code for that officer, vast amounts of material were being leaked, but they were not being leaked by me. Subsequently once the matter of the disciplinary had effectively terminated because I had run out of time to deal with it, it was in the public interest and absolutely essential that the public see the best information that was then available on it, which was of course the Wiltshire reports.

4.1.4 Deputy T.M. Pitman:

With due respect, why? This must be a thing of public interest too. Why is the Minister not at least making a statement saying: "Look, something is happening, something is going on, I cannot tell you all the deals, but this is a matter that is being investigated." Surely that is only good P.R. (public relations).

Senator B.I. Le Marquand:

That is not good P.R.; it is a fundamental issue, it does not just affect the Police Chief and the Deputy Police Chief, it affects every single employee in the public sector. If we are going to have the situation where issues of complaints or possible complaints against anybody in the public sector are going to be aired publicly, that is very unfair and very unjust. We have duties as Members of this Assembly to our staff members; we also have duties to public office holders, such as the Chief of Police and the Deputy Chief of Police. It is as simple as that. These are the rules. My own personal view is that I think the time has now arrived where we ought to be thinking in terms of having some sort of amendment to Standing Orders on questions to prevent questions being asked at early stages in relation to disciplinary matters. It is simply totally unfair and totally unjust to individuals involved. **[Approbation]**

4.1.5 Deputy M.R. Higgins:

I would also say, I think that not only do we have a duty to employees; we also have a duty to the people of this Island that they have confidence in our police force and that they are acting correctly. Now, the allegations that have been brought to my attention, and I have seen the evidence, I have also seen the correspondence to the Minister and how long it has taken the Minister, who has not even responded to many of these complaints of perversion of the course of justice, and has taken no action. I therefore say to the Minister, does he not think that he has a responsibility to Islanders? Can I tell him also that, if he fails to address this matter, I will be bringing a vote of no confidence in him in the next session of this House. Thank you.

Senator B.I. Le Marquand:

Again, Deputy Higgins is inaccurate in information that he has provided to the Assembly. I am not going to comment on the details of any particular matters, which may or may not be occurring. Some of the issues, which may arise, are not matters before me in any event at this stage.

The Deputy Bailiff:

Normally we would come to question 2. Deputy Young, Minister, I very much regret that this question has slipped through the net and ought not to have been approved. There is a case pending in court, which directly involves this question, and I am therefore going to disallow it. I do apologise both to the Deputy and to the Minister for the work that will have been done in advance for preparing for this question.

Deputy J.H. Young of St. Brelade:

Could I just ask to clarify; I carefully avoided the question of the case that is before the courts, and I was seeking to find out from the Minister whether the systems and procedures that he is working in this scheme do make these matters clear. I think that, since this scheme is a significant one, there are a number of contractors around, people should know where the responsibilities lie in these systems that are currently live.

The Deputy Bailiff:

I am sorry, Deputy; that is my decision. It is a matter that is likely to arise, if it has not already arisen, directly in relation to a pending court case. So we come to question 3, which Deputy Trevor Pitman will ask of the Minister for Planning and Environment.

Deputy T.M. Pitman:

That has given me a good idea for a supplementary.

The Deputy Bailiff:

The supplementary may not get very far then, Deputy.