

#### **4.4 Deputy M. Tadier of the Minister for Home Affairs regarding an estimate of the cost incurred by Department in respect of the surveillance, arrest, security and conviction of Curtis Warren and associates:**

Will the Minister provide an estimate for the costs being incurred by the department in respect of the surveillance, arrest, security and conviction of Curtis Warren and Associates and the cost to date of the investigation and subsequent disciplinary action being pursued against 3 of the officers involved in that said case?

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

I cannot give an accurate figure because I do not have any figures for normal police time with their normal salary so the figures I am going to give will be extraordinary expenditure over and above normal salaries. I also, in these figures, cannot answer for the Law Officers' Department in relation to legal costs but I note that the Attorney General will be answering a question on that. Subject to those caveats, the figure which I have in relation to the initial case of unusual expenditure is £1,116,000 and the figure which I have in relation to the disciplinary investigation and subsequent disciplinary hearings to date is £217,674.

#### **4.4.1 Deputy M. Tadier:**

If I might ask the initial supplementary, although in an ideal world there would be many, would the Minister explain what the extraordinary spending means for the most part of that £1,116,000 figure?

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

Yes I think the main breakdown there is between the expenditure on the case itself, that is the *Warren & Ors* case, which was £344,352 and the expenditure on the security. There was a very high security risk, which I am prepared to talk about now that the case is completely over, and I was not prepared to talk about before, and the figures for that were £771,648. So you will see the bulk of those extraordinary costs in relation to the case related to the special security arrangements that had to be put in place.

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

Some of these costs the Minister has confirmed obviously related to the 3 officers being provided with public funds towards their defence in the disciplinary instance. Could the Minister for Home Affairs clarify whether this provision of public funds is standard procedure, given that the former Police Chief was afforded no such assistance?

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

No, it is not standard procedure and it is not a procedure that I would generally want to follow. The general position in relation to officers is that the Police Association has an insurance policy which covers them in a year up to a certain amount. That was exceeded in this particular case and the senior police officer who was conducting the process, the judge, if you like, for want of a better word, of the disciplinary expressed great concern at the fact that there was a danger that the money would run out. It was therefore decided in an exceptional case to authorise an amount which, in fact, was agreed as £10,000 maximum towards the defence legal costs. That is not the normal process and it is not a direction I want to go down in the future. My view is that the Association should carry appropriate levels of insurance cover.

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

I am aware that the Minister said that this is not standard procedure or one he would want to repeat. However, I am told that the former Chief of Police had in his new contract, which was removed from his safe, that he was entitled to some financial support. So why did that not kick in in the same way as we have seen here?

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

I am not sure I have understood the question. Is the Deputy asking about the former Police Chief or the present Police Chief?

**Deputy T.M. Pitman:**

The former Police Chief.

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

I am certainly not aware of any financial arrangement of that nature. My understanding is that he chose not to be part of any scheme in relation to insurance and therefore did not have any financial provision.

#### **4.4.4 Deputy M.R. Higgins:**

Does the Minister not feel that since he has done this in order to give equality of arms to both parties that really this should become standard practice in the public sector in other disciplinary hearings, especially when employees do not have any form of insurance whatsoever?

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

That would be a matter, I think, for terms and conditions negotiations which the States Employment Board would have to be involved with. I am being asked questions that go beyond my own area. My own personal view is that if that is a route that we are going to go down, it would have to be a route as part of a terms and conditions negotiation because it would represent an additional benefit to employees.

#### **4.4.5 Deputy R.G. Le Hérissier:**

Does the Minister consider that the sum spent was value for money, given the considerable doubts that have been expressed and the quite unprecedented move by the officers concerned to express their very deep abhorrence and feelings in public as to the experience which they were required to undertake?

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

Deputy Le Hérissier likes to ask me questions about value for money in such cases and he always gets the same answer from me, that it is a necessary part of maintaining a credible police force that we have a proper disciplinary process where that was necessary. Now what happened in this particular case, it may help to Deputy to know, is that the Police Chief, anticipating and correctly anticipating, that local officers would be very heavily criticised in any judgment of the Privy Council, which they were, decided before the decision came out in relation to that to institute an investigation which was conducted by the Hampshire Police Force. That investigation made recommendations in relation to disciplinary action and their disciplinary action has followed. The fact that the outcome has been as it is, in my view, is irrelevant. The fact is that the Chief Officer has followed a correct process in this case and I do not think he could have done anything else.

#### **4.4.6 Deputy R.G. Le Hérissier:**

Could the Minister tell the House whether he thinks the procedures followed, which are becoming almost similar to a court of law in the whole notion, have departed so seriously from the normal disciplinary procedure that the whole issue of discipline needs to be revisited and certainly the cost of discipline needs to be revisited?

[11:15]

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

Yes, I most certainly agree that it does need to be revisited and we seem to have a kind of hybrid model which has developed in Jersey and we need to look and see if we can create a simpler model. Such disciplinary matters, particularly when both sides have lawyers, are very expensive indeed. I am certainly instituting a review in relation to that. I had already, I must say, instituted

a review in relation to disciplinary matters generally. I have not seen the outcome of that and I want to extend that so that we look at this. I have said the U.K. model is not necessarily the right model because I have heard of cases in the U.K. involving disciplinary matters concerning officers where the overall costs to the public purse were in the millions.

**4.4.7 Deputy J.H. Young:**

I wonder if the Minister could clarify for me, is it correct that in these disciplinary proceedings, particularly where they are very, very public, that the person conducting the proceedings does not have the power to award costs in the event of a finding exonerating the persons charged? If that is the case, have people that have been left, as it were, substantially out of pocket, have they got access to the Royal Court to seek redress?

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

No, that is my understanding. There is no ability of the person to award costs but, of course, that would cut both ways. If you were going to have a system in which costs could be awarded in favour of the person subject to the process, you would also want to have a situation where they could be awarded against them and the situation with such matters is that costs are not awarded either way. That is the current system. That is not just for police; that is right across the board.

**4.4.8 Deputy M. Tadier:**

There is an idea out there, which may be with merit, which says that although the police officers in question were found guilty and the Minister alluded to the Privy Council ruling which said that they were unquestionably guilty of serious prosecutorial misconduct, they were only acting on the advice of a higher authority, i.e., a senior law officer which was also mentioned in the ruling which says that they acted on that advice, hence why they took the action. Would that perhaps be one of the reasons why the Home Affairs Department was so keen to give some financial assistance to provide some support with this disciplinary hearing which the Minister is no longer willing to provide to other police officers in the future?

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

No, I cannot speak on behalf of the Law Officers' Department and no doubt the Attorney General will be asked questions in relation to issues relating to his own department members. No, that was not part of it. At the time when the decision was made, I was completely unaware of what the verdict was going to be and that was irrelevant. It was simply that the judge, as I am calling him in this case, was concerned about this and specifically asked that such provision be made. It was agreed as a multi-party provision, in fact.