

4.13 Deputy M.R. Higgins of the Minister for Home Affairs regarding who brought disciplinary action against three officers involved in car bugging in the Curtis Warren case:

Will the Minister for Home Affairs reconcile his written answer on 10th September 2013, confirming that the disciplinary action against the 3 officers involved in car-bugging in the Curtis Warren case was brought by the Deputy Chief Officer of the States of Jersey Police, with that same officer's statement to the Disciplinary Hearing conducted by the Chief Constable of Durham Constabulary that he was not the complainant but that it was H.M. (Her Majesty's) Attorney General?

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

Deputy Higgins asked me a similar question on 24th September 2013, which indicated that he thought there was a disciplinary issue here. I responded: "If the Deputy has a complaint about the Deputy Chief Police Officer I would ask him to write to me in detail with that. I do not think that this is the right place for me to comment on such matters." Later I said: "I am not going to conduct matters in relation to potential complaints against senior officers in public in this Chamber. I have made this very clear in the past and that is my position." My answer today is the same.

4.13.1 Deputy M.R. Higgins:

I am not asking what action he is taking against the Deputy Chief of Police here on this particular occasion. I am trying to reconcile conflicting information that has been given by the Minister for Home Affairs and officers under his control and others. We have been given 3 different versions of who was responsible for bringing the disciplinary action against these 3 officers. We have the report on 10th September where the Minister for Home Affairs tells us it was the Deputy Chief of the States of Jersey Police. The Deputy Chief has stated publicly, or before the disciplinary hearing, it was the Attorney General. The Attorney General has said in this House: "It was not me." Who was the person responsible? That is the question I am asking. Can we finally get to the bottom of it? Who instigated the disciplinary hearing that resulted in the Chief Constable of Durham coming down to investigate and the officers being exonerated?

Senator B.I. Le Marquand:

The written answer which I gave on 10th September 2013 is accurate.

4.13.2 Deputy T.M. Pitman:

Sorry if I am confused and none the wiser after the Minister for Home Affairs' answer, but it is a straightforward question for him to clarify. We have got 3 allegations, if that is the term, 3 individuals. It clearly cannot be all of them. For the benefit of people like me who do not understand, and perhaps the rest of the Assembly, who initiated this investigation?

Senator B.I. Le Marquand:

I will try to repeat the information contained in the answer of 10th September as succinctly as I am able. The position is that the Law Officers' Department became aware that there was a serious attack upon the conduct of the relevant officers, as part of the appeal to the Privy Council. They brought that fact to the attention of the Chief Officer of Police and I also believe the Deputy Chief Officer of Police. The Chief Officer of Police then decided that it was appropriate to instigate an internal inquiry in relation to the methods that were being used, et cetera, and he did so. It was commissioned by the Deputy Chief Officer of Police, but at the request of the Chief Officer of Police. He did so, and the Hampshire Police were asked to do that but they were also asked that if the result of what they were doing indicated any potential criminality or any matters that might lead to a disciplinary matter against the 3 officers they should indicate that. Their initial report did indicate that, and they therefore moved on to a stage

where they were investigating both potential criminality and they were investigating at the same time potential disciplinary matters. The issues of criminality were looked at, and I am not going to comment on them in detail for obvious reasons, but there were recommendations in relation to disciplinary matters. As a result of that the Deputy Chief Officer of Police caused disciplinary charges to be laid against the officers with the assistance of counsel from the U.K. from memory, and local counsel. I hope that clarifies the position.

4.13.3 Deputy M.R. Higgins:

Thank you. That is opening up another can of worms, because it then brings us down to Operation Invicta and the role of the Hampshire Police. The Hampshire Police, as my understanding is, took evidence from Curtis Warren's attorney. There were private discussions between the Chief Officer of Police and I believe the counsel, and these things led to a report that was not totally balanced. Is the Minister for Home Affairs totally convinced that the investigation into the criminality and also the disciplinary actions was conducted in a totally fair and open manner?

Senator B.I. Le Marquand:

Again, by implication the Deputy is making allegations against presumably the Chief Officer of Police and the Deputy Chief Officer of Police. If he is doing so he should do so openly to me and then I can look at the matter properly, but I am not going to comment on these matters in this Chamber. It is totally inappropriate so to do. All I can say is that the Hampshire Police were asked to do exactly what I have said to the Assembly they were asked to do, and the results were that which I have said.