

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS  
BY DEPUTY M.R. HIGGINS OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 10th SEPTEMBER 2013**

**Question**

Further to conflicting responses given to date, will the Minister, after conferring with H.M. Attorney General and the Chief and Deputy Chief Officers of the States of Jersey Police, give a definitive answer as to who was responsible for instigating 'Operation Invicta' and pursuing the disciplinary action against the three officers who were involved in the bugging of the car in France in the Curtis Warren case?

Will he also set out a time line showing, to the extent that he is aware of it, the actions of all three parties listed above and any others who were involved in the decision to instigate and pursue disciplinary action against these officers so that the role of each party at each point in time can be precisely determined?

**Answer**

On 9 and 10 February 2011, the Privy Council heard the appeal of Curtis Francis Warren and others v Her Majesty's Attorney General of the Bailiwick of Jersey. During that hearing, the Privy Council made reference to very serious misconduct by the three officers involved in the bugging of the car in the case and talked of a sustained, deliberate and cynical act of law-breaking.

On the basis of a briefing from the Law Officers' Department and in anticipation of possible serious criticism being made by the Privy Council of the actions by those officers of the States of Jersey Police, it was decided by the Chief Officer of the States of Jersey Police that there should be a general operational review of the policies and procedures that had been adopted by the States of Jersey Police officers in relation to the surveillance methods used when investigating the activities of Curtis Warren and others. The Hampshire Constabulary was commissioned in February 2011 by the Chief Officer of the States of Jersey Police, to conduct that review.

In April 2011, as a result of the findings of that general review, the Hampshire Constabulary was asked by the Chief Officer of the States of Jersey Police, to carry out an investigation of potential criminal charges or disciplinary issues. The eventual outcome of this investigation was a recommendation for disciplinary proceedings. Legal advice was obtained by the Deputy Chief Officer and consultation made with the Jersey Police Complaints Authority as a result of which the Deputy Chief Officer of the States of Jersey Police brought disciplinary action against the three officers.

The misconduct hearing in January 2013 was conducted by Mr Mike Barton (Chief Constable of Durham Constabulary). Given Mr Bowron's earlier knowledge of the case and discussions with the Law Officers' Department, it was not appropriate for Mr Bowron to adjudicate. The outcome of the hearing on 10 January 2013 was that the officers involved were acquitted of the misconduct charges.

## Timeline

Warren and others arrested between **21 and 23 July 2007**

Abuse of Process Hearing (Sir Richard Tucker) **10 - 13 March 2008**. Defence application rejected **20 March 2008**.

The application for the product of illegally placed device to be excluded from the evidence at trial was refused on **28 April 2008**.

Jersey Court of Appeal (appeal against Abuse of Process result) **11 – 12 August 2008**.

Warren and others convicted at Assize trial on **7 October 2009**.

Sentencing of Warren and others on **3 December 2009**.

**30 November 2010**. Draft statement by Defence for Privy Council hearing raises potential disciplinary issues for States of Jersey Police officers.

**4 January 2011**. Current Chief Officer, States of Jersey Police, takes up his post in Jersey.

**6 January 2011**. Law Officers' Department receives a final copy of the agreed statement of facts for the Privy Council hearing – it concedes that States of Jersey Police officers acted unlawfully.

**13 January 2011**. Meeting between Attorney General, Solicitor General, Director of the Criminal Division of the Law Officers' Department, Chief Officer States of Jersey Police and DCO States of Jersey Police. The meeting briefed the new Chief Officer on the full background to the case and the potential for criticism in the Privy Council of the conduct of the officers.

**26 January 2011**. Chief Officer, States of Jersey Police, briefed HMIC re criticism and need for independent review.

**8 February 2011**. Letter from the Chief Officer, States of Jersey Police, with Terms of Reference, to Chief Constable Marshall, Hampshire Constabulary to commission operational review.

**9 – 10 February 2011**. Privy Council hearing at the Supreme Court. Judgment delivered by Lord Dyson on **28 March 2011**.

**4 April 2011**. Assessment conducted by Hampshire Constabulary. Identified matters of misconduct and potential criminality.

**8 April 2011**. Letter from Chief Officer, States of Jersey Police, to Chief Constable Hampshire, confirming extension of Terms of Reference to include criminal / misconduct investigation.

**15 September 2011**. Hampshire (Invicta) report received.

**September 2011**. Report sent by Law Officers' Department to an outside expert criminal lawyer for advice on the possibility of any criminal proceedings.

**16 September 2011.** Copy of Hampshire report provided to an outside expert on police disciplinary matters and the Jersey Police Complaints Authority.

**7 December 2011.** Case conference in Exeter involving the Attorney General, Law Officers' Department and Hampshire Officers with the outside expert criminal lawyer.

**16 December 2011.** The outside expert criminal lawyer advises the Attorney General that there is insufficient evidence for any criminal proceedings. The involvement of the Law Officers' Department ended at this point.

**16 December 2011.** States of Jersey Police arrange case conference with the outside expert on police disciplinary matters.

**26 January 2012.** Case conference between States of Jersey Police and outside expert on police disciplinary matters.

**30 January 2012.** Case conference between States of Jersey Police and Jersey Police Complaints Authority.

**30 January 2012.** DCO States of Jersey Police decides to bring misconduct proceedings against officers.

**31 January 2012.** Officers and the Police Association are notified of the misconduct proceedings.

**1 February 2012.** Arranged for Chief Constable Martin Richards (Sussex) to chair misconduct hearing.

**7 February 2012.** States of Jersey Police telephone the outside expert on police disciplinary matters re draft charges.

**10 February 2012.** Carey Olsen agrees to take the case for the misconduct offences.

**21 February 2012.** Case conference States of Jersey Police and Carey Olsen – advice on charges.

**22 March 2012.** Three States of Jersey Police Officers are charged with misconduct offences.

Hearing due to commence on **9 July 2012** is adjourned until 3 September 2012 at request of Defence.

Hearing due to commence **3 September 2012** is adjourned until 4 December 2012 at request of Defence.

Hearing due to commence **4 December 2012** in front of Chief Constable Barton (Durham) at Pomme d'Or Hotel.

**4 – 10 January 2013.** Misconduct hearing at Pomme d'Or Hotel heard by Chief Constable Barton.

**10 January 2013.** Hearing concluded. Officers acquitted of misconduct charges.