

4.17 Deputy M.R. Higgins of the Minister for Home Affairs regarding confidence in the States of Jersey Police's co-operation with the Hampshire Enquiry:

Further to the unauthorised publication of the Disciplinary Tribunal's Judgment into the conduct of the 3 police officers involved in the Curtis Warren investigation, does the Minister stand by his written answer of 29th January 2013 that: "The public can be fully confident that the issues were properly investigated by an outside Police Force" when the Tribunal's judgment states that the lack of co-operation: "can only have compromised the Hampshire enquiry"?

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

The public can be fully confident that the issues were fully investigated by an outside police force. I have become aware, as a result of the latest set of questions, that there appears to have been some issue in relation to access to documents which were held by the Law Officers' Department and the Solicitor General has given a detailed answer in relation to that today. I am not going to seek to answer questions on a matter which is outside of my particular area. What I would say is that if there was some misunderstanding between those parties then it would be unfortunate because it may have led to a situation where there were some documents or some information, which may have been relevant to the matter, which were not in the hands of the investigating police. As I say, that would be unfortunate, but when one sets up an investigation - I did not, the investigation was requested by the Chief Officer of Police and an independent investigation - it is not really a matter then that one can interfere with. It is a matter for that organisation to proceed with the matter. Subject to that small caveat, I think I can maintain my previous position.

4.17.1 Deputy M.R. Higgins:

What I find extraordinary is the fact that the Minister is telling us that we can have confidence in the Hampshire inquiry when he had the judgment of Chief Officer Barton 2 weeks before he gave that answer and in the judgment it states quite explicitly that there was a lack of full co-operation on the part of the Jersey authorities which, I might add, hampered the Hampshire police investigation. So how can he come to this House and tell us that we should have confidence in it when even that judgment states there was a lack of full co-operation? Were you misleading the House at that time?

Senator B.I. Le Marquand:

No, I was not misleading the House. I had not seen the judgment. I saw no reason whatsoever for me to get involved in looking at the judgment at that stage. I did not look at the judgment until preparation for these matters; so, as I say, I was unaware of this particular issue. But I would repeat what the Solicitor General said today, which is that what was said by the presiding officer at that time was said solely based upon the evidence of one particular officer and without calling anybody from the Law Officers to answer questions as to what had happened. It now appears that there may have been some documents that were not received for the reasons which were described previously by the Solicitor General, but I did not know that. I did not even know there was a question on that because I had not looked at the judgment at that time.

4.17.2 Deputy G.C.L. Baudains:

I wonder if the Minister could tell us roughly how many hours his department has spent preparing answers for these technical questions that appear to be of little significance?

Senator B.I. Le Marquand:

I honestly do not know the answer to that question because obviously police time will have been spent on different matters. I have spent quite a lot of time myself. I do know that the Deputy Chief Officer did tell me that he had spent a great deal of time personally yesterday in listening through the transcript and in making contact, but I am afraid I cannot give an answer to that.

4.17.3 Deputy M. Tadier:

Following on from the statement that the Minister had previously said: “The public can be fully confident that the issues were properly investigated by an outside police force” does he think, in order to add greater perhaps credibility with some doubters among the public, that if the judgment were to be made public that would restore some faith, given the fact that the previous court ruling in the U.K. appeal was very public and was condemnatory of the police officers? Will the Minister look into how this judgment can be made officially public?

Senator B.I. Le Marquand:

It is my understanding that the document has been leaked and, notwithstanding that, I have been forced today to answer questions in order to defend my senior officers against outrageous allegations; allegations which have no basis in fact and I would not have answered otherwise but for that particular thing. But it is still not right for me to make public that which should be kept private.

4.17.4 Deputy M.R. Higgins:

I must say that I just cannot believe what is going in this Island. It looks like another cover-up in my view. Anyway, would the Minister for Home Affairs please just clarify who instigated the disciplinary inquiry? You have just stated that it was the Chief Officer. Previously in the States it was stated it was the Attorney General who instigated the disciplinary inquiry. Then we were told the Deputy Chief of Police said ... sorry, I will go through that again. The Deputy Chief of Police stated it was the Attorney General, who denied it. You just stated it was the Chief Office of Police. Could you tell us who instigated the disciplinary hearing on the police officers and when and was it following the intervention of the advocate for Curtis Warren, Advocate Baker?

Senator B.I. Le Marquand:

I am sorry. I was asked the question in 2 different forms there, which has confused me. First of all, the Deputy asked a question about the disciplinary inquiry and then he asked a question about the disciplinary hearing. Could he please clarify which one he intended?

Deputy M.R. Higgins:

For the sake of clarification, could you explain who instigated both? First of all, was the Hampshire police inquiry originally a process inquiry looking to see what lessons could be learned and then was it turned into a disciplinary hearing? Secondly, who then instigated the disciplinary hearing?

Senator B.I. Le Marquand:

The Deputy is correct. I have answered questions on this before, of course, but he is correct. It was initially a process inquiry. That was also recommended by the Law Officers’ Department and was taken on board by the Chief Officer. Subsequently, when it became clear that there were issues being raised which went beyond merely process both in the area of potential criminality and in the area of potential disciplinary matters, it then turned into a combined disciplinary and criminal investigation. I am not going to talk about the criminal aspect. Obviously there were no criminal matters that arose. Out of that came a recommendation for disciplinary proceedings and a decision on that was made by the Chief Officer of Police to accept that recommendation and to act on it.

4.17.5 Deputy M.R. Higgins:

Could the Minister for Home Affairs mention whether Advocate Baker’s intervention on the part of Curtis Warren alleging perjury, alleging a miscarriage of justice, had any role in the disciplinary hearing and the investigation?

Senator B.I. Le Marquand:

I simply do not know the answer to that. If there was such an allegation that might add weight to certain issues for the need of an inquiry but I simply am unaware of that. As I say, I do not get involved in these matters. It is important constitutionally and politically that the Minister be neutral in such matters.