

Education and Home Affairs Scrutiny Panel

Issues surrounding the review of financial management of Operational Rectangle

Dear Mr Pitman,

I refer to your letter dated 5th July 2011 setting out the agreed terms of reference for the above review by the Education and Home Affairs Scrutiny Panel.

Background

On the 4 August 2008 I was appointed Deputy Chief Officer, States of Jersey Police and assumed strategic oversight for the police investigation into allegations of Child Abuse, an enquiry which was known as Operation Rectangle.

In August 2008 I requested the Metropolitan Police to carry out a review of the enquiry known as Operation Rectangle. In September 2008 the Metropolitan Police began their review of the investigation.

In September 2008 Detective Superintendent Mick Gradwell was seconded from the UK to the States of Jersey Police and appointed as the Senior Investigating Officer for Operation Rectangle.

In the weeks following my appointment I became concerned regarding a range of matters concerning the conduct of the enquiry. These matters were raised with the then Chief Officer, Mr Graham Power and subsequently with the then Chief Executive of the States of Jersey, Mr Bill Ogley.

On the 12 November 2008 Mr Power was suspended and I was appointed Acting Chief Officer.

On 1 December 2008 Mr Brian Moore, Chief Constable of Wiltshire was appointed to undertake a misconduct investigation. In 2010 the findings of the investigation were reported in; *'Operation HAVEN' An independent disciplinary investigation by Wiltshire Police following the suspension of Chief Officer Graham POWER of the States of Jersey Police on 12 November 2008.*

Examination of the report clearly identifies a number of issues which are relevant to the considerations of the scrutiny panel. I would draw attention to those matters which relate to the governance of the enquiry. Due to the lack of any formal governance I took steps to rectify this position and to ensure that recognised investigative standards were applied. This included establishing a Strategic Coordinating Group (Gold Group) and agreeing Terms of Reference for the different aspects of work which were undertaken in connection with the enquiry.

Scrutiny Panel terms of Reference.

- **To examine the instructions under which BDO Alto was engaged to review the financial management of Operation Rectangle and their methods for gathering evidence for this review;**

On 15 January 2010 the Minister for Home Affairs and the Home Affairs Accounting Officer, instructed BDO Alto Ltd. Jersey, to undertake an independent review, the terms of reference for which were:

'To examine and consider the following in respect of the HCAE investigation:

- *The costs associated with personnel, to include overtime costs as well as accommodation, travel and subsistence;*
- *The costs associated with all external supplies and services;*
- *The internal governance arrangements that existed within States of Jersey Police to ensure the effective management control and the efficient and effective use of resources.'*

- **To clarify the connection between the BDO Alto review and the review on the same matter separately commissioned by the Acting Chief Officer of Police;**

The review conducted by BDO Alto was commissioned by the Home Affairs Department and not the States of Jersey Police. The separate review commissioned by myself as the Acting Chief Officer was not a review of the same issues as those under review by BDO Alto Ltd. The assumption that they were the same as stated in the terms of reference is therefore wrong.

In December 2008 the Chief Officer, Home Affairs Department, Mr Steven Austin-Vautier advised the (Police) Strategic Coordinating Group, (Gold) of the intention to carry out the external (audit) review.

At the same time separate proposals were considered by the Strategic Coordinating Group; *'to conduct a formal review into miscellaneous matters concerning Operational Rectangle.*

In addition separate terms of reference were agreed for the criminal investigation of allegations of child abuse, known as Operation Rectangle.

For clarity therefore a number of reviews and investigations were commissioned, namely;

- i) The enquiry by Wiltshire Police.
- ii) The investigation of criminal matters of historic abuse, known as Operation Rectangle.
- iii) The external review by BDO Alto Ltd.
- iv) The review by the Metropolitan Police of Operation Rectangle.
- v) The internal review by the States of Jersey Police (SOJP).

In each case separate terms of reference were agreed.

With regard to item v), as highlighted previously proposals for an internal review by the SOJP were considered by the Strategic Coordinating Group and the following 'Purpose and Terms of Reference' were agreed.

'The purpose of the review was; 'to carry out a formal internal review into matters which currently do not fall within the parameters of the current historic abuse enquiry or other related investigations or review. The aim is to identify issues which have been identified during the course of the enquiry or have come to light as a result of complaints, which;-

- a) Give rise for concern in relation to the overall conduct of the enquiry.*
- b) Have been raised as a matter of complaint either internally, or by members of the public.*
- c) Have come to light as a result of information and intelligence received.*
- d) Are likely to be of relevance to any future public enquiry.*
- e) Are likely to form the basis of questions from states members in relation to their accountability function.*
- f) Relate to matters which will assist in demonstrating the openness and transparency of the States of Jersey Police in respect of the overall conduct of the enquiry.'*

It will be noted that the agreed purpose and terms of reference recognise the existence of other inquiries and reviews.

In addition to agreeing the purpose and terms of reference, it was also agreed that an individual would be appointed to carry out the review under the supervision of Detective Superintendent Gradwell. Subsequently Mr Mike Kellet was appointed to fulfill this role.

In subsequent discussions with Mr Steven Austin Vautier it was agreed that Mr Gradwell and Mr Kellet would assist the staff from BDO Alto in relation to matters of 'police procedure and practice.' It should be noted that Mr Kellet was engaged to carry out work for the SOJP in accordance with the terms of reference prescribed by the Strategic Coordinating Group, under the direct supervision of Mr Gradwell. Their role in relation to the work commissioned by the Home Affairs Department was limited to providing assistance.

- **To identify the reasons why the Senior Investigating Officer for Operation Rectangle was not interviewed during the review and was not given the opportunity to respond to the report's findings;**

The work conducted by BDO Alto was commissioned by the Home Affairs Department. I am therefore unable to shed any further light on the fact that Mr Harper was not given the opportunity to respond to the reports findings.

For the sake of completeness it may help the Scrutiny Panel to highlight the following which may clarify why certain issues have become conflated.

Throughout the review by BDO Alto and the Internal Review I maintained a position based on legal advice and experience that the Wiltshire Enquiry should take primacy over other investigations and that no action should be taken which would prejudice, or undermine that enquiry. The only exception would be in the event that criminal offences were identified where the States of Jersey Police would assume primacy.

During the course of the internal SOJP review I became aware that either Mr Gradwell or Mr Kellet had apparently agreed with BDO Alto Ltd. that there should be a joint report produced in response to the Internal Review commissioned by myself and the Review by BDO Alto Ltd. I had not approved this, nor was it in accordance with the agreed terms of reference.

In meetings initially with Mr Gradwell and subsequently with Mr Kellet I made my position clear that I had not commissioned a joint report, nor did I consider such an approach appropriate. Furthermore having seen sections of the draft reports prepared by Mr Kellet there were matters which I considered were more relevant to the Wiltshire Enquiry particularly as they concerned Mr Power. Having considered aspects of the draft report I was also concerned at the methodology adopted, namely that evidence was used to reach conclusions despite the fact that key witnesses had not been deposed in writing.

It is fully accepted that Mr Kellet requested permission to interview the former Deputy Chief Officer Mr Harper prior to the completion of the report. Based on what I have previously described and on the basis of the advice I received from Mr Moore I did not think it was appropriate for him to do so as a result of which I told Mr Kellet not to interview Mr Harper at that time.

Indeed I did not feel it was appropriate for Mr Kellet to carry out any further work as my original instructions had not been complied with and the review had become overly

focused on Mr Harper, lacked objectivity, had the potential to be unfair to Mr Power and could have seriously undermined the investigation by Wiltshire Police.

Mr Kellet was unhappy with my decision and expressed concern that some of his findings were likely to be suppressed, albeit he was apparently unaware that his reports had been submitted to Wiltshire Police for consideration and that I had received legal advice based on those reports which raised concern at some of the content.

I pointed out to Mr Kellet that there were in addition to those matters identified above further legal and operational considerations which supported my decision not to allow him to interview Mr Harper.

In summary, therefore, my intervention related to the SOJP internal review and not the BDO Alto report and I am unable to shed any further light on the fact that Mr Harper was not given the opportunity to respond to the reports findings.

- **To clarify the liaison between the review of financial management and the Wiltshire Police Investigation, in particular the references in the BDO Alto report to the Senior Investigating Officer's statements to Wiltshire Police;**

I am unable to advise the panel what if any liaison took place between BDO Alto and the Wiltshire Enquiry nor can I assist further concerning any statements made by the Senior Investigating Officer.

- **To investigate how details of the review into the financial management of Operation Rectangle came to be published in a national newspaper in October 2009; and**
- **To consider the implications of the Sub Panel's findings.**

Members of the Scrutiny panel will recall that there had been considerable disclosure of sensitive material to the media and the public from a variety of sources during 2008 and 2009. Such disclosures are wrong and can constitute an illegal act. I do not and have never condoned or agreed with such disclosures, which only serve to undermine the rule of law and the standards by which public and private organisations should operate.

With regard to the publication of information in a National newspaper in October 2009 I cannot assist the panel further with this matter. I can assure the panel that I have no knowledge of the leak or whether any documents were made available to the media. The panel will be aware of the extensive verbal disclosures which were made by Mr Gradwell to the media on his departure from Jersey. It will have been noted that within these disclosures reference was made to matters similar to those contained in the BDO Alto report.

The disclosures by Mr Gradwell to the media on his departure from Jersey were not authorised or approved by myself or any other person in the States of Jersey Police. They were made without my knowledge, were inappropriate and could have jeopardised the objectivity and fairness of the Wiltshire Enquiry.

It is not within my knowledge who was responsible or what information was given to the media in October 2009. I can state that the States of Jersey police did not approve or authorise any such disclosure.

I trust that the information provided will assist the Scrutiny panel in its considerations.

In reviewing these matters I hope the panel will also consider the broader implications of such issues for benefit of good governance in Jersey, good governance which is frequently undermined by the use of information for personal gain, to circumvent the rule of law and to undermine the legitimacy of those who are responsible for the effective administration of the Island.

Yours sincerely

David Warcup QPM