

STATES OF JERSEY

Education and Home Affairs Scrutiny Panel Issues surrounding of the Review of Financial Management of Operation Rectangle

MONDAY, 4th JULY 2011

Note: The witness has not yet had the opportunity to correct any textual inaccuracies

Panel:

Deputy T.M. Pitman of St. Helier (Chairman)

Deputy M. Tadier of St. Brelade

Deputy D.J.A. Wimberley of St. Mary

Deputy R.G. Le Hérisssier of St. Saviour

Witness:

Mr. L. Harper

Also present:

Mr. M. Haden (Scrutiny Officer)

[11:03]

Deputy T.M. Pitman of St. Helier (Chairman):

Well, can I welcome everyone, all the members of the public and the media; credited media, unaccredited media. We will be going live on the audit pretty soon. What I do want to point out to members is that we cannot have any interruptions from the public or from the media while we are talking to Mr. Harper. There has been a request if it is allowed to interview afterwards, so I will put that to him. The decision is up to him. We are happy for him to do that so if you could put any, we could get on and run this quickly and smoothly as possible so no interruptions from anyone.

Male Speaker:

What about after? Any comment after when you are finished?

Deputy T.M. Pitman:

The media can if Mr. Harper is willing to speak to them but it is not an exchange of views. If you want to put anything to the panel that is fine. Like I say, we are here for the purpose of Mr. Harper and see what he has got to say, so we ask everyone to bear that in mind.

Male Speaker:

Could I just say before you start I do not think members of the public want to be filmed by the media.

Deputy T.M. Pitman:

Are you going to focus on us? Please, thank you.

Mr. M. Haden (Scrutiny Officer):

Hello, Mr. Harper.

Mr. L. Harper:

Yes.

Mr. M. Haden:

Hello, the Education Scrutiny Panel is now set here ready for you. I will hand you over to the Chairman, Deputy Pitman.

Mr. L. Harper:

Okay, thank you.

Deputy T.M. Pitman:

Hello, Mr. Harper.

Mr. L. Harper:

Good morning.

Deputy T.M. Pitman:

It is a bit of a strange situation, it is almost like a séance; we cannot see you and you cannot see us but we will all introduce ourselves. We have quite a number of members of the public here as well and the media. There are a few things I have to put to you; you have been sent the oath to do with the hearing, is that correct, you have seen it?

Mr. L. Harper:

Yes.

Deputy T.M. Pitman:

Right, do you want me to read that to you or are you quite happy? The basis of it is that you do not tell us anything that you know not to be true.

Mr. L. Harper:

Yes, I understand that.

Deputy T.M. Pitman:

Okay. The other point, which I am sure you are aware but I do have to say it to the public, obviously this sub-panel, it is not here to re-investigate the whole Haut de la Garenne investigation. You are aware of that and it is quite a tight scrutiny review.

Mr. L. Harper:

Yes, I am.

Deputy T.M. Pitman:

Okay. We will introduce ourselves in due course. One other thing, there has been a request from citizens' media actually; would you be willing to stay on the line for the media to ask any questions afterwards or not, the choice is yours?

Mr. L. Harper:

Yes, I will.

Deputy T.M. Pitman:

Okay.

Mr. L. Harper:

Yes.

Deputy T.M. Pitman:

Right, with that I will introduce myself and the panel and I will say, because you cannot see us every time a member comes in we will introduce ourselves again so you just do know who is speaking to you.

Mr. L. Harper:

Okay.

Deputy T.M. Pitman:

I am Deputy Trevor Pitman. I am chairman of this sub-panel which is a sub-panel of the Education, Sport, Culture and Home Affairs Panel.

Deputy R.G. Le Hérisier of St. Saviour:

Hello, Mr. Harper. Roy Le Hérisier, Deputy of St. Saviour, member of the panel.

Deputy D.J.A. Wimberley of St. Mary:

Hello, Mr. Harper. I am Daniel Wimberley, Deputy of St. Mary, offered myself on to the panel.

Deputy M. Tadier of St. Brelade:

Good morning, Montfort Tadier. I am a Deputy of St. Brelade. I am a member of the panel.

Mr. L. Harper:

Good morning.

Deputy T.M. Pitman:

Okay, Mr. Harper, the first thing I would like to ask you, for the record, can you confirm that you were not invited or even approached by BDO to participate in this report?

Mr. L. Harper:

Yes, I can confirm that.

Deputy T.M. Pitman:

A difficult question possibly but what are your feelings on the motivation perhaps of why you were not asked to participate?

Mr. L. Harper:

Well, I mean you all understand that this is probably pure speculation on my part but my view on it is that if I had been invited to comment or answer questions from BDO I would have given a contradictory explanation and answer to practically every one of the conclusions which criticised me in the review. Now, the only conclusion I can come to as to why I was not asked to give those contradictory explanations was that either because they had been told to or they were under pressure not to speak to me and not to receive and consider the alternative explanations to the conclusions that they came to in their report.

Deputy T.M. Pitman:

Right. Obviously we have not had a formal interview with BDO yet but myself and our Scrutiny Officer did meet with BDO a couple of days ago and it was interesting that they actually state that they did request to be able to interview you but this was blocked, allegedly by the Acting Chief Officer at the time, which would have been [the Acting Chief Officer]. Have you got any thoughts on that? Were you aware of that?

Mr. L. Harper:

I was not aware of that because I emailed the Minister for Home Affairs some weeks ago and asked him why BDO has not interviewed me; asked him whose instructions the BDO it was that I should not be interviewed and asked if it was him or someone else. [the Minister] replied to me and said that he had had nothing whatsoever to do with the BDO terms of reference and that he had stayed independent but did not know. So I emailed him back and said to him: "Well, look, you must have delegated this responsibility to someone. Somebody has told BDO, if they did not take their own decisions, somebody has told BDO not to interview me. Can you tell me who you delegated the making of the terms of reference to?" [The Minister] emailed me back very quickly and said: "I think that possibly I did have something to do with the makeup of the terms of reference but I am not absolutely certain. I will check when I come back from holiday and I will get back to you." Now, to date I have not heard anything from [the Minister]. My assumption was, when I saw some of the comments attributed to [Acting Chief Officer], that he had commissioned this report, then I felt that it must have been either [the Minister] or [Acting Chief Officer] that had told BDO not to approach me but I did not know that BDO had said that it was in fact [Acting Chief Officer].

Deputy T.M. Pitman:

Okay.

Deputy M. Tadier:

Can I just jump in? Deputy Tadier here. The first question is a fairly simple one; if you had been invited to give evidence or to be consulted would you have taken up that opportunity?

Mr. L. Harper:

Yes, I would, absolutely.

Deputy M. Tadier:

Okay. I think the second question is you said that they were under pressure not to talk to you; where did that pressure come from, in your opinion, or from whom?

Mr. L. Harper:

Well, it would have come from whoever it was that commissioned the report and gave them the terms of reference. As I said, I believed that it was either [the Minister] or [the Acting Chief Officer]. [The Minister] totally denied having anything to do with it at the outset, so as my feelings then were that it must have been [the Acting Chief Officer]. But when [the Minister] then emailed back to me with his change of opinion and said that he might have had ... I think the words that he used were: "I probably might have had something to do with the setting up of the terms of reference" then, again, that put the ball back to somewhere between [the Acting Chief Officer] and [the Minister]. So, my view was that the pressure on BDO, if indeed they had not taken the decision themselves, I could not see why they would take the decision themselves not to interview me but it must have been coming either from the senior officer within the States of Jersey Police or indeed [the Minister].

Deputy M. Tadier:

Perhaps the last question for now from me, would there have been anything in the terms of reference as they are drafted which would have precluded BDO from approaching you?

Mr. L. Harper:

I do not think I have actually seen the terms of reference so I cannot answer that unfortunately.

Deputy M. Tadier:

I think that what I am trying to get to the underlying question is whether BDO was specifically told not to interview you or whether they simply were not told or they were not encouraged to interview you; that is perhaps a difference there?

Mr. L. Harper:

Well, I think if they were looking to do a professional job then I think that they would have had to have been told specifically not to interview me and otherwise I think that they would have been looking to seek an explanation for some of the things that were in their report, and my belief was that they were specifically told not to interview me.

Deputy T.M. Pitman:

Mr. Harper, Deputy Pitman again. Before I come to my other colleagues one question arises from what Deputy Tadier has asked you, could you just clarify for me; you were by then an ordinary member of the public, what authority would the police have had to stop you being interviewed, if any, that you are aware of?

Mr. L. Harper:

There was absolutely no authority whatsoever and if an instruction was given to BDO not to interview me I would see that as a deliberate attempt to suppress the truth and another attempt to stop the evidence which supported the evidence of the abuse victims from being given a proper airing. I do not think there was any lawful reason or any lawful authority indeed why BDO should have been told not to interview me.

Deputy T.M. Pitman:

Okay, thank you.

Deputy R.G. Le Hérisssier:

Mr. Harper, Roy Le Hérisssier here. From your contacts there still may have been in the States of Jersey Police, did any of them inform you that the review was indeed under way?

Mr. L. Harper:

No, nobody informed me that BDO were carrying out a report. I knew that Wiltshire were carrying out a discipline inquiry into [then Chief Officer, States of Jersey Police]'s suspension and the circumstances around that. I picked up somewhere along the line that there had been criticism of the financial management of the investigation but at no time was I ever told by anybody, States of Jersey Police or anybody else, that BDO or any firm of auditors were carrying out an investigation into the financial management of the inquiry.

Deputy R.G. Le Hérisssier:

Okay, thank you. You said you picked it up somewhere along the line. Roy Le Hérisssier again, Mr. Harper. Can you tell us how you picked it up?

Mr. L. Harper:

Yes, no, it was obviously on the internet somewhere and it was through media coverage that there had been criticism. Now, I did not know where that criticism was coming from.

[11:15]

I did not know what it had been based on and I picked it up in either one of the blogs or in some sort of newspaper coverage. I am not absolutely certain at this stage.

Deputy R.G. Le Hérisssier:

Okay, thank you.

The Deputy of St. Mary:

Yes, Mr. Harper, it is Deputy Wimberley. Just to put it in context, this fact that you were not approached, could you give us maybe comparable cases to this where an investigation is under way, either in Jersey or elsewhere in your previous experience and how that was handled in terms of, if you like, the main witness not being approached?

Mr. L. Harper:

Well, the one that I know of best, which is probably the best known publicly, was the case of the *Department of Trade and Industry v Maxwell* where an investigation was carried out into his dealings and he was the subject of serious criticism in that, and the High Court ruled, and my memory is not 100 per cent on it ... I was able to put it in the written submission but the High Court in London were very critical and stated that in any sort of investigation such as this where someone is to be criticised that they should be (a) been made aware of the criticisms, be interviewed and be given an opportunity to comment on those criticisms and to present any evidence that he had

got, now this is a clear breach of that. This covered inquiries, according to the High Court, which were being carried out on behalf of Government or on behalf of public bodies and my view is, is that this was a clear breach of those principles, as well as a clear breach of the codes of conduct laid down by the accountancy regulation body, which states also that all reports being carried out by companies of accountants must be seen to be fair and objective and to take all points of view into consideration.

The Deputy of St. Mary:

Yes, on that last point, just sort of to take that to its end now, are you doing anything about that? I think you mentioned something about that, taking action.

Mr. L. Harper:

Yes, indeed. I mean I complained to the regulatory body and they came back and despite the fact that their own codes of practice state that they will investigate cases where firms of accountants do not comply with their codes of practice, they felt that although I had made allegations against BDO, that they had failed to meet with me, they did not think that I had proved it beyond all reasonable doubt. I went back to them again and said: "Look, it is not for me to prove beyond reasonable doubt. I have given you the evidence. You are the one who is supposed to investigate it" but they came back then and told me they did not think it was within their remit.

The Deputy of St. Mary:

Okay. Yes, I want to take you back to the terms of reference, which you said you were not familiar with. If I can just read them out and then maybe you would like to comment on the fact that you were not approached: "The terms of reference for this review is to examine and consider the following, in respect of the H.C.A.E. (Historical Child Abuse Enquiry) investigation and there are 3 points: the first is the cost associated with personnel to include overtime costs as well as accommodation and travel and subsistence; the costs associated with all external suppliers and services and the internal governance arrangements that existed within the States of Jersey Police to ensure effective management control and efficient use of resources." Now, those are quite clear; they are not terms of reference to say find out who done it, they are terms of reference to say we want to know what happened with these costs. So, would you like to comment on the fact that you then were not asked to comment on the information they had gathered?

Mr. L. Harper:

Yes, yes, I mean I think it is absolutely bizarre that when they are given terms of reference to find out matters such as this that they do not even contact the person who is probably responsible for making the vast majority of those decisions, and I made most of the decisions in respect of the financial cost of the Haut de la Garenne investigation and some of them were quite large expenditure items like, for instance, the new incident room, which is probably the single most expensive item during the whole of the inquiry. Now, if they had bothered to come and ask me I would have told them how we went through the political procedures for that and got approval the whole way and, in actual fact, it was a member of the States department which did all the work and which carried it through and got the approval for the finance. Now, I was not even asked about that and how you can come to conclusions and decisions about the spending of an inquiry when you do not even ask the person who made most of the decisions, I just find it rather bizarre.

The Deputy of St. Mary:

Thank you.

Deputy R.G. Le Hérisssier:

Yes, Mr. Harper, Roy Le Hérisssier again. Can I follow that up; giving, shall we say, the benefit of the doubt to the arguments that have been put forward, who else do you think they should have gone to or could they have gone to other people and said: “Well, these are the people who made the decisions and Mr. Harper was very involved with the operational side”? Who were the people, alongside yourself, who were taking the key financial decisions as this inquiry carried on?

Mr. L. Harper:

Well, to be perfectly honest I took practically all of the key financial decisions. The other person that they could have spoken to, because I was talking to him on a daily basis and who was aware of all of the expenditure, was [then Chief Officer, States of Jersey Police]. Now, I cannot be 100 per cent certain but I am pretty sure that they did not contact [then Chief Officer, States of Jersey Police] either.

Deputy R.G. Le Hérisssier:

No, I think you are right there. But, Mr. Harper, in terms of Home Affairs, who were the key people that you went to who were giving you overall direction and guidance and so forth in the financial sphere?

Mr. L. Harper:

Well, the truth of the matter is that I received very little guidance in respect of the financial affairs. When I did attend meetings it was with [the Chief Officer, Home Affairs], and the head of Finance; I am not 100 per cent sure about the surname, but I attended a number of meetings. But that was mainly to do with questions that were being asked of [the Chief Officer, Home Affairs] about specific things, for instance, the cost of the accommodation for visiting officers and the notorious Australian trip. In respect of the large items such as the new incident room, and I forget the exact cost of that but as you can imagine it was pretty hefty, that was done in a carefully audited written procedure which went through, I think, [] who was the property representative for the States who worked alongside us and he took it through [the Chief Officer, Home Affairs] and then through Home Affairs and onwards to get approval for that. So, the advice in respect of spending on a day-to-day basis on staff and everything else were all my decisions.

Deputy R.G. Le Hérisssier:

Okay, thank you.

Deputy T.M. Pitman:

Mr. Harper, Deputy Pitman again. To follow on from Deputy Le Hérisssier, you stated in your submission that the report totally misunderstands and represents a situation for the States of Jersey Police, as it was at the time, in relation to the management of the budget. Could you clarify the statement, and you seem to have stated or given the impression that [then Chief Officer, States of Jersey Police], for instance, was requesting a budget but this was never given; it almost seems like a possible

dereliction of someone taking control? Could you outline that and give us your thoughts?

Mr. L. Harper:

Yes, absolutely. From absolutely day one [then Chief Officer, States of Jersey Police] was pleading for a budget for us to work to but we kept getting told: "Look, you spend what you feel is operationally necessary, we will sort it out later." Now, I am not speaking for [then Chief Officer, States of Jersey Police] because I already said that he was almost, on a daily basis, pleading for a budget but I was very mindful of the huge cost to this inquiry and we took extraordinary steps in respect of trying to get what services we could at either reduced or no cost. But also when interviewed publicly in the media and I mentioned costs I was immediately slapped down by [Chief Executive, States of Jersey] in an email, who told me in no uncertain terms that I was letting the side down by even suggesting that cost was an issue and by telling me, and I quote: "Cost is irrelevant." So, we were trying to get a budget from day one but we never, ever had a budget that we were to work to. What we had to work to was to try and do everything and to get all our services at the most cost effective rate that we could.

Deputy T.M. Pitman:

Even accepting that, Mr. Harper, obviously as a senior officer being in control of an investigation, you fully accept that it was down to yourself to really maintain as tight control as you could. Do you feel that perhaps you were not given perhaps the supervision that you should have had or the input to assist you in that from Home Affairs?

Mr. L. Harper:

Well, we were not given ... we never, ever had, even with the investigation, we were never able to, as other police forces were able to in the U.K. (United Kingdom), sit down and say: "This is what we have to spend and this is what we are doing and we will do this and we will carry this forward to next year". Now, in my written submission I described a situation where we eventually had to monitor our own expenditure because what we did was we got a monthly report from the Treasury but it was invariably so inaccurate that it became something of a joke with ourselves and we eventually realised that some of the inaccuracies were deliberate. One year in particular we got caught out where we thought that we were well in credit and we were being told that no, we were in fact slightly overspent but then we realised the next year that we had in fact been correct and that our underspend had been given to other departments in the Home Affairs; I think most notably the prison. Now, this went on for several years and we eventually, as I say, had to try and monitor our own expenditure but because everything was going through the Treasury it was not easy. We had Treasury employees working with us in the office; now, when I first went to Jersey I think we had 4. By the time the investigation went into the incident room we did not have any; we had one part-time person who came up from the Treasury a couple of days a week, everything had been taken down and centralised there. So, no, I do not think we got the assistance in that respect that we needed and, as I say, as the senior investigating officer, I had to work on the basis that we tried to do everything as cost effectively as we could but we were flying blind insofar as because not only did we not have a budget but we were being told that cost was irrelevant. Now, we knew that cost was not irrelevant, that we knew, as is easily found on a number of

open-sourced media sites, that I was saying that among the considerations as to whether or not we ever mount a homicide inquiry as opposed to treating the scene as a potential homicide scene, but most of the considerations we will have taken not only is there contradictory evidence but there is also a financial cost and the evidence is contradictory. That was as a result of those statements that I got told in no uncertain terms, and this was quite late on in the investigation, not too long before I retired, by [Chief Executive, States of Jersey] that cost was irrelevant.

Deputy T.M. Pitman:

Okay. I think Deputy Wimberley wants to come in.

The Deputy of St. Mary:

Just a point of detail really; when you say in your written statement: “We monitored our own expenditure” who exactly is “we”? Is that the State of Jersey Police as a whole or is it the inquiry team working on the Haut de la Garenne inquiry?

Mr. L. Harper:

Well, it was [then Chief Officer, States of Jersey Police] and myself and the senior management team in particular. When it came to the inquiry it was ourselves who were looking at what we were spending and we trying to cut down and that comes into accommodation and everything else. But [then Chief Officer, States of Jersey Police], in respect of the States of Jersey Police as a whole, that was a senior management team, we were having to look and monitor our own spending.

Deputy M. Tadier:

I will just jump in quickly. Deputy Tadier. At what point did the message change that, for example, initially you were being told that cost is no object to being asked where and why are you spending so much?

Mr. L. Harper:

Well, I was never asked why and when. I was never asked why we were spending so much. The email from [the Chief Executive, States of Jersey], which stated the financial cost was totally irrelevant, came not too long before I retired. There were certain items which were picked up on and used, as stated at the time, be this for instance the trip to Australia; it came up before I retired and we were criticised for sending officers to Australia. Now, we did a lengthy report justifying that and it went through [the Chief Officer, Home Affairs] because I had orally gone through it with him and he was in full agreement that the cost of this trip was totally justified because the officers had lost out financially by not taking rest days while they were out there, to get themselves home as quickly as possible. We put that to bed but once I retired from the actual Island it was reintroduced again into the media and we were the subject of further criticism.

[11:30]

The fact that I had done and the officers under my command had completed this lengthy report, which had gone through [the Chief Officer, Home Affairs], through the Minister for Home Affairs, as far as the Chief Minister, that was totally ignored but the whole subject of the Australian trip was raised again. So, the truth of the

matter is that none of this business about our overspending was really raised with me while I was still in post.

Deputy R.G. Le Hérissier:

Yes, Mr. Harper, Roy Le Hérissier here. Reverting to the main questions, you say at one point in your submission that BDO Alto deliberately ignores the evidence in the Operation Rectangle summary report. Could you explain how you believe this report supports your case about the investigation?

Mr. L. Harper:

Well, this is a lengthy document, which goes into all of the background as to how the investigation was mounted and it clearly states and clearly lays out the incremental steps that this inquiry took and the reasons for it. It starts right back to the intelligence and the evidence that we were receiving to us going to, I think it was Cambridge, where we met with the National Policing Improvement Agency. We met the forensic archaeologist and an anthropologist with others and we discussed all of this evidence. We decided that we would carry out a preliminary reconnaissance of Haut de la Garenne and we then went there and that summary report clearly then describes all the technical and scientific aids and methods alongside the 2 dogs that were taken there by the National Policing Improvement Agency. It goes through step by step every bit of reasoning and every bit of rationale the way we did what we did and that document was placed on the States of Jersey Police website before [the Acting Chief Officer] had it removed. As I say, it clearly lays out and completely explodes the BDO comments that we appeared to be going in there on a whim and we had no evidence. I think it was [retired D/Superintendent] who said that he would not have gone into Haut de la Garenne on the evidence we had. This is of course contradicted, I think, by Wiltshire but not only that, if that is the case of [retired D/Superintendent] then shame on him because we had no choice but to do what we did and this Operation Rectangle summary of course lays that out in great detail and describes the technical methods that we used to build on each step before we took it.

Deputy R.G. Le Hérissier:

Okay thank you, Mr. Harper, just following on from that; could you explain then how did that report interact with the finance people? In other words, did you or did [then Chief Officer, States of Jersey Police] with you, did you go to the finance people and say: “Look, these are the very well researched steps which we will have to take. They are all laid out in a phase and they will involve this kind of money”? How did it sort of proceed in terms of the way that the finance came to interact with it?

Mr. L. Harper:

Well before we went into Haut de la Garenne one of the few people who knew what we were doing and who was told that we were going to excavate before we did was [the Chief Executive, States of Jersey], and I have got email evidence in which [the Chief Executive, States of Jersey] expresses his support for what we were doing and we explained. We did not know at that stage what we were going to find so it was very much an incremental approach and we were working through the fact that it was operationally necessary; we were doing it in the most cost effective method we could. But [the Chief Executive, States of Jersey] certainly knew about the operation before we carried it out and expressed his support for it.

Deputy R.G. Le Hérisier:

Okay, just to carry on that line, Mr. Harper, and then I will cease; because obviously one of the underlying inferences it seems in the BDO Alto Report is that, yes, when the inquiry went to look at major issues, the collagen finding and so forth and so on, it seems to be an inference that things accelerated very quickly - the speed of the investigation - plus there was a loosening of financial control. Do you accept that assertion?

Mr. L. Harper:

No, there was no loosening of financial control; there was, once the fragment was found there was a need then, even before that, to start excavating with archaeologists and anthropologists. There was an escalation in spending, a huge escalation in spending. Archaeologists and anthropologists are expensive experts to employ so there was an escalation in spending of that, there is no doubt. What there was not was loosening of controls. Now BDO, when they are talking about this fragment, BDO is stating as fact that this was identified as wood or coconut by someone at the carbon dating lab in Oxford though, as we know, this is absolute nonsense. Firstly, nobody at that laboratory was qualified to say what that item was, their expertise was in carbon dating the evidence and it has to be said that they made a contradictory hash of that. Secondly, certainly when I left there was never any evidence - other than a throwaway comment by somebody who looked at it - as to what this was. The anthropologist again was badly, badly misquoted and I think it was [the Acting Chief Officer] who said that when the item came back - and this was repeated by BDO - when the item came back after being passed about without authority and without any proper auditing at this carbon dating lab, it came back and the anthropologist was quoted as saying she had now changed her mind and it was not human bone. That was totally untrue. I mean, her published evidence and her log and her daily diary absolutely disproves that. What she said - and it has been well quoted - is that because the item had changed appearance, changed shape and changed colour she could no longer be so sure as to what it was but it would need to be properly examined in a laboratory again so that she could determine what it was. So BDO have taken all that on board and have taken it all on board incorrectly, and I would have corrected that if they had bothered to come and speak to me about it. So that whole thing about the initial fragment, there is no doubt that the finding of the initial fragment did accelerate the need for more experts to be obtained, and that certainly escalated the costs, but there was never any loosening of the financial controls because all along we were ... at that stage we had the National Policing Improvement Agency people onsite and as far as the Jersey Government were concerned we were being told that we were to use what resources we found were operationally necessary.

Deputy R.G. Le Hérisier:

Okay, thank you.

Deputy T.M. Pitman:

Just to take you back to what you said about [retired D/Superintendent] and the Wiltshire Report, the Minister for Home Affairs has acknowledged that, in his words, [retired D/Superintendent] did put a slightly different spin on the decision to go into Haut de la Garenne. Are you surprised and what do you think is the reason for some of these discrepancies coming out into the media?

Mr. L. Harper:

Well I just find it absolutely unbelievable that when [the Minister] said he put a slightly different spin on it he was feeding the media and the public totally incorrect information. One of the biggest criticisms that has been levelled at me has been my handling of the media, now here we have somebody deliberately manipulating - and there is no other word for it - giving untrue information to the media and the public and I presume to the Jersey Government as well; and it is put down as sort of words that he slightly spun it wrongly. I mean, for instance, he and [the Acting Chief Officer] clearly stated - and BDO were no doubt subject to this as well - but he clearly stated that there were no cellars or no spaces in there more than about 3 feet in height but that has been clearly disproved. So that was a deliberate attempt to mislead the public and the media. Other aspects of it, I mean, BDO accept without question the fact that these bones that were sent off have not been lab tested or subject to peer review. I mean, a very, very eminent anthropologist in Sheffield identified a number of bones that we sent him as being human juvenile which had been burnt shortly after death and had been buried shortly after being burnt. He used the phrase to the anthropologist, which was recorded in her written note, that these bones were fleshed and fresh when they were put in the earth. Now, for [retired D/Superintendent] to say that we were wrong in going to search for these, it disfigures belief, it is absolutely incredible. I mean, [retired D/Superintendent] never mentioned [the anthropologist's] report, it seems to have disappeared into thin air.

Deputy T.M. Pitman:

Okay. I mean, I appreciate that all these are deeply linked but we have to try and stick to the terms of reference. Could I move you on to the fact that [Police consultant] was engaged by the Acting Chief Officer to undertake a review prior to the engagement of BDO, were you aware of that?

Mr. L. Harper:

I was not aware of it until again I read it in, I think, a blog very, very recently or Voice For Children, I am not sure which one of the 2. I have done some research on [Police consultant] and I do not know [Police consultant] and I did not know [retired D/Superintendent]. When [retired D/Superintendent] went for the job he was one of 6 applicants; the other 5 applicants came to speak to me, he did not, so I had never met [retired D/Superintendent] previously to him taking over. Now, [Police consultant] worked in the same area in the same region and doing the same type of work as [retired D/Superintendent] did for many, many years. Now, I find it difficult to accept that [the Acting Chief Officer] would have been appointing someone that he thought was truly independent to assist BDO when he appointed [Police consultant].

Deputy T.M. Pitman:

Okay, and are you aware of how [Police consultant]'s report appears to have fed in or interacted with the BDO Alto Report?

Mr. L. Harper:

Well I only know that ... I think the report states somewhere that it was the joint findings of [Police consultant] and BDO.

Deputy T.M. Pitman:

For the record, you were never approached by any of those people?

Mr. L. Harper:

No.

The Deputy of St. Mary:

Can I ask, Mr. Harper, how in your view it should have gone and what the changes might have been that would have resulted from that, if any?

Mr. L. Harper:

Well I think you are probably sensible to say what the changes might have been because no one knows if BDO would have been honest or open minded enough to look at what I was going to tell them and then change their conclusion. But if they had come to me and gone through and asked me questions then almost every single criticism they make of me would have had an alternative explanation. They would have had other evidence, which I would insist is fairly easily verifiable. One has to imagine that there probably would have been some changes through the conclusions but that is not the important thing, the important thing is that they would have alternative explanations and alternative evidence to almost every point of criticism that they made in that report. Now, if it was going to be an objective and fair independent report then you certainly must have an alternative explanation to the rather biased and one-sided stuff that you get in the first place. The fact that they did not took away any possibility that they could claim to have examined all sides of the story.

Deputy M. Tadier:

Mr. Harper, I will jump in, it is Deputy Tadier again. You have made several statements, one of which was about the Minister for Home Affairs¹ saying he gave untrue information which was done deliberately. You have also said, for example, that you are not sure that had you given evidence to BDO that they would have necessarily treated it in an open minded or honest way. You have also said that they have misinterpreted other information. I think the underlying question we have to ask is clearly you are implying that there is some kind of deliberate wrongdoing here and what is the motivation for the either omission of information or the alleged misinterpretation - deliberate or otherwise - from the BDO Alto Report?

Mr. L. Harper:

Well if I deal with the first matter first; yes, I am claiming and I am convinced that there is some ulterior motivation for this. I find it so incredible that when BDO were asked to examine the decision making in the financial area of this inquiry that they did not bother to ask the person who made the overwhelming majority of the financial decisions. They did not bother to ask that. Now, this was further exacerbated when I emailed the Minister for Home Affairs and he totally denied having anything to do with the inquiry, and in a second email a little later changed his story and says well he may have had something to do with it. Then we had the amount of false information which was fed to BDO in respect of things like the fragment and the Wiltshire statement and other bits and pieces; and I am forced to think that these were such obvious inconsistencies, such obvious factual inaccuracies that somebody did not

Note: Mr. Harper appears to be referring to the retired D/Superintendent rather than the Minister in this context (page 12)

want me to be spoken to because I would have immediately contradicted these and produced the evidence to contradict quite a number of them.

[11:45]

In respect of why this should be so, I mean, I am under no illusions; I have retired and left Jersey so in the normal run of events nobody would have cared about trying to smear or discredit me and that would have been totally irrelevant. I was back in the U.K., if I had gone back to Jersey again it would have been as a private citizen with absolutely no remit to interfere with anything over there. So me on my own would not have been worth trying to smear or discredit. I am absolutely certain that the reason why so much effort was put in to try and discredit and smear me was because the investigation that I was carrying out was supporting the evidence which was being given by the victims of abuse which was inflicted on them in Jersey care homes; and they were the real target of this attempt to muddy the waters. I was not the target, I was purely the intermediary. If they could discredit me and discredit [then Chief Officer, States of Jersey Police] and discredit the investigation then at the same time the evidence of the abuse victims was being discredited as well. They were the real target.

Deputy M. Tadier:

Okay, thank you.

Deputy R.G. Le Hérisssier:

Thank you, Mr. Harper, Roy Le Hérisssier again. In terms of the BDO Alto Report, to what extent do you have any documentary evidence in your possession which you feel would have been of use to that report?

Mr. L. Harper:

Well, I mean, I have laid out in my written submission the evidence. I mean, one of the attachments that I did send with the report was the strategy document for the search by the National Policing Improvement Agency. Their homicide search expert, who laid out the strategy and it made clear that the strategy we were working through had been discussed with, approved by and drawn up by the National Policing Improvement agency. Now, the impression given by the BDO inquiry, at the heart of the BDO conclusions is the claim that the main trigger for all of the spending was the inquiry into Haut de la Garenne and BDO flatly state that this entry was unjustified. There is absolutely no qualification to that. BDO state that our entry to Haut de la Garenne was unjustified and if they had come to me I would have given them the supporting evidence, including the strategy for the search and the rationale for the search which was drawn up by the National Policing Improvement Agency experts. Even Wiltshire said that they were sound operational reasons for entry. Now, the detailed rationale was totally ignored by [the Acting Chief Officer] and [retired D/Superintendent] and it is their version that BDO have printed in their report to say that the main trigger for most of the unjustified spending was the entry into Haut de la Garenne; and BDO also state that entry was unjustified and I would have supplied a fair bit of evidence to show that was not true.

Deputy R.G. Le Hérisssier:

Okay thank you, Mr. Harper. Just a supplementary on that, and I think you partly answered this previously; so what you are saying is at every major point in the investigation there was a policy justification, and not only that, you were in liaison with the financial people, they knew full well what the implications were of you taking more steps deeper into the investigation? You would accept that?

Mr. L. Harper:

Yes, absolutely. Absolutely.

Deputy R.G. Le Hérisier:

Can I just - and then I will keep quiet - on this issue of documentary evidence coming to more mundane stuff, I mean, there has been a lot of mention of restaurants and the Bombay Brassiere and so forth and so on. Do you have receipts and all that for that kind of thing, could that have been produced?

Mr. L. Harper:

No, all receipts for any expenditure in that respect were all handed in and were all given in. I mean, just going on to that, BDO attacked me for spending in restaurants and hotels and they seem to be saying - and I think whether or not it is accidental or deliberate - but they seem to be deliberating confusing the issue between the regulations in regards to purchasing, for instance, alcohol when away and buying refreshments. The regulations are quite clear that if you are buying, say for instance, lunch or, et cetera, et cetera, and you are claiming back expenses then you should not be claiming for alcohol and you should not be spending money on alcohol, and that is easy to see and easy to adhere to. So they did not make the differentiation between and they criticised the spending on entertainment and hospitality, either for police officers or even, on the odd occasion, journalists; and they do not differentiate between the use of a hospitality budget which was a legitimate budget given for hospitality by [the Chief Officer, Home Affairs], and the use of that as regards to not buying and claiming for alcohol on normal expenses. For instance, BDO compare the use on my expense account in respect of items like travel and hotels and hospitality and they compare it, for instance, with a small force in Yorkshire. They seem to be saying that it was absolutely outrageous and somewhat sinister that I spent in an 8 or 9-month period something like £2,000 more than the Deputy Chief Constable of a force in Yorkshire. Now, if they had bothered to ask me about that I would have pointed out to them that (a) this little force in Yorkshire did not have a major inquiry; (b) the Deputy Chief Constable did not have to cross the English Channel every time they wanted to go somewhere or stay in hotels. I would have pointed out, yes, I did, I did buy alcoholic drinks for people that I was entertaining and giving hospitality to. But I would have to say that this is a common reason for hospitality, and I remember even the very first trip that I did to the U.K. as a Jersey police officer where one police officer who was carrying out the inquiry that I was over there to supervise was buying large rounds of alcoholic drinks people at the meeting, which included not only people from the American Embassy but also a large number of barristers and staff from 7 Bedford Road who I came into contact with later on; but also 2 senior members of the Jersey Law Officers' Department who obviously saw nothing wrong in that and who participated in that. So I think it was wrong and misleading in the way that they attacked me for what I was doing and, I have said in my written submissions, I am quite happy to have my spending in this area of hospitality and travel, et cetera, compared to any other department or politicians or civil servants in

Jersey and compared to the benefits that I have bought in compared to what I spent. So I think even there that, yes, I did, I am ...

Deputy T.M. Pitman:

I think you have made your point there, Mr. Harper. Did you have another point? We really need to move on, Mr. Harper, as time is pressing. Could I take you on to the issue that does fall within these terms of reference that really apply to you: the issue of the witness statements to the Wiltshire inquiry. Obviously BDO mention on 2 instances in their reports your statement to Wiltshire; have you got any explanation as to how BDO Alto or the Minister would have these statements or how they came to be used, or appear to be used?

Mr. L. Harper:

I have made inquiries with this with both Wiltshire and [the Minister]. Now, again, [the Minister] originally told me that it was Wiltshire who must have given the statement to BDO and I have that on an email from [the Minister]. I then complained to Wiltshire Police and they carried out a lengthy and detailed investigation and only last week I received a letter from a solicitor acting for the Wiltshire Police who flatly denied that they had ever supplied details of my statement to BDO. Around about the same time, of course, we then had the announcement by the Minister for Home Affairs that he had in effect changed his mind; whereas he had told me that it was Wiltshire that supplied the statement he now seemed to be saying that in actual fact it was [retired D/Superintendent] who supplied it through David Rose and who leaked the statement. Now, my honest truth is that I have got no idea who leaked it, all I know is that this was a confidential witness statement that I made to Wiltshire Police; it was made as part of a discipline investigation surrounding [then Chief Officer, States of Jersey Police]; it was made on the condition that it was used for no other purpose other than that investigation; it contained sensitive details as well as names of victims and suspects and I was assured by Wiltshire Police that no one - not even myself - would be given a copy of it and they told me that the statement was exempt from the Freedom of Information laws and in fact they issued a severe warning that any disclosure of information from the statement would be likely to prejudice relations between the United Kingdom and Jersey.

Deputy T.M. Pitman:

Given what you have said, Mr. Harper, can you tell us do you intend to take any action in relation to that matter?

Mr. L. Harper:

Well to be honest I am still looking at what options there are. I mean, Wiltshire has said that they did not leak it in any way, so at this moment in time I have got no plans to look at any action. But that probably is because I really do not know at this stage how come BDO came to be in possession. The thing that worries me about [the Minister] saying that [retired D/Superintendent] may have given the statement to different people is that [retired D/Superintendent] had left the Island early on before at least it was given to one of the people it has been accused of. So the answer to that is I really do not know how they came to get hold of it and because of that, at this moment in time, I have got no plans to do anything.

The Deputy of St. Mary:

Looking at this in the round, is there any possibility in your mind that it may be BDO Alto were given little bits of your statement to Wiltshire; in other words, not including any references to defendants or victims or whatever but just the bits that are quoted in fact in BDO Alto, in other words not confidential or controversial items?

Mr. L. Harper:

Well, no, Wiltshire have flatly denied giving BDO any of my statement and the time span I am not totally clear on between the 2 inquiries. But you have to look at what Wiltshire have said, and the solicitor was quite clear that Wiltshire are denying all knowledge of it and as a result of the fact that somebody else has leaked it, Wiltshire have now sent me copies of the statement so they obviously feel that the horse has bolted from the stable. But I do not think that it was Wiltshire who fed the information to BDO because of the wording that they have given in respect of freedom of information and they specifically say that it is exempt from it. I really do not think that Wiltshire would have fed this to BDO.

Deputy M. Tadier:

I suppose just to follow up then, and it may be, Mr. Harper, you cannot answer this. Who do you think was the most likely source of what we called a leak?

Mr. L. Harper:

Well I would think probably ... I would say that I would think that it was probably [the Acting Chief Officer].

Deputy T.M. Pitman:

Obviously the panel have not had the benefit of meeting BDO as yet officially, as I have. What was put across to us from BDO - the officer and myself - was that there is a possibility that [Police consultant]'s report that was going on at the same time as BDO, parts of it appear to have been fed in to BDO and almost merged. Could there be an explanation there for how your statement came to be ...

Mr. L. Harper:

Yes, and that would have come from the States of Jersey Police, that would have had to have come from [the Acting Chief Officer] because [Police consultant] was, I think, commissioned by [the Acting Chief Officer] and that would have had to come through [the Acting Chief Officer] and into [Police consultant]'s report. Now if - as I seem to recall - somewhere in the BDO report it says that the conclusions were a combination of [Police consultant] and BDO, then that would explain that perfectly, yes.

The Deputy of St. Mary:

I am still puzzled by this. My understanding of the Wiltshire Report was that all the boxes of evidence that went into it, if you like, including [then Chief Officer, States of Jersey Police]'s statement and your statement, were not public documents so they would not have gone with the report - redacted or un-redacted - to anyone. So how come your statement ends up anywhere really, apart from Wiltshire's files?

[12:00]

Mr. L. Harper:

Well I think that the statements would have had to go to the States of Jersey Police along with the report; even though they are not public documents they form part of the evidence and part of the report. For instance, when I did that anti-corruption inquiry in Guernsey not long before I retired although none of the statements that I took were public documents the statements formed part of the report which goes to the recipient of the report. So the statements would have gone with the report; it goes, in effect, to either the States of Jersey Police or the Minister for Home Affairs. So the statements would have certainly gone with the actual report by the investigating officer along with documentary exhibits, along with everything else, it would have gone as a package. Now, I seem to recall somebody saying that the Wiltshire Report consists of a huge number of packing crates and boxes. That would not only have been the investigating officer's summary report but would have included all the ancillary documents such as statements and exhibits and everything else. So it would all have gone to the recipient of the report and perhaps the term "report" is a wee bit misleading because they would all have been headed by a report by the investigating officer which brought all of that together. But the documents, including the statements, would have been attached to that.

Deputy R.G. Le Hérisier:

Another different line of questioning; you state elsewhere, I think it is on an email from you found on a blog that the report relies on the now discredited Met review. Could you expand on that?

Mr. L. Harper:

Yes, for a start that Met review, that interim was issued without ever speaking to myself and without ever speaking to the leader of the actual homicide review team who was reviewing my investigation and mentoring myself. So that interim report, first of all, was issued and publicly used in the details surrounding the suspension of [then Chief Officer, States of Jersey Police] and it was also made clear, I think, by the Napier report that in the use of that, [the Acting Chief Officer] withheld vital information of what was made public to the Minister for Home Affairs and which was used by the media in respect of that. Then of course arising from that was the letter which purported to be based on that report, which had false dates but also again had vital information withheld from it. So all in all, I think I am fairly justified in using the term "discredited" to discredit that particular so-called interim report which was not so much as a report but a one and a half page email, as far I can make out from what I have learned since.

Deputy R.G. Le Hérisier:

Thanks, Mr. Harper. Just for the record, did you see that report?

Mr. L. Harper:

No, no, I have never seen that report. I made a formal complaint to the Metropolitan Police, which they initially refused to investigate, but then I complained to the Independent Police Complaints Commission and they have forced the Met to investigate it.

The Deputy of St. Mary:

Can I ask about the Met report, the interim report rather? Do you have any comment to make about BDO having access to that report because my understanding was that

that report was absolutely confidential and that basically only [the Acting Chief Officer] had seen it?

Mr. L. Harper:

Well, it was supposed to be confidential because [the Acting Chief Officer] did not even show it, as I understand, to the Minister for Home Affairs. Instead he allegedly summarised it in a letter, so if BDO have had access to that report, it certainly seems that they have, and this brings the link back again to [Police consultant] through to [the Acting Chief Officer]. Then again that is an absolute breach of data protection and an absolute breach of everything that has gone before in that report and is almost verging on a criminal attempt to suppress the truth.

Deputy T.M. Pitman:

Shall we move on? Can we move you on then, Mr. Harper, to how material came to end up in a national newspaper? Did you make any attempt to correct any misleading information that was contained in that article?

Mr. L. Harper:

Yes I had a couple of journalists, one from the *Sunday Times* and one, a freelancer who wrote very often for the *Mail* who is a renowned campaigners for children's rights who had, in fact, won an award for exposing the North London/Islington child abuse, and who has cross words with David Rose on several occasions. I sent a number of emails to the *Daily Mail* and I did long interviews with this journalist who did, in fact, publish an article some time later which contradicted much of what was written. But a very, very well known journalist, David James Smith from the *Sunday Times*, published a couple of articles, which tried to set the record clear. But in truth, I sent a long email to the *Mail on Sunday* the night prior to the David Rose article being published and I went through bit by bit, but the article was published nevertheless.

Deputy T.M. Pitman:

Can I ask you, one of the big criticisms of you obviously has been your alleged inappropriate interaction with the media? What is your reaction then where the Minister for Home Affairs has indicated that in his view it is probably your successor who got this information and leaked it, for want of a better term, into the media domain?

Mr. L. Harper:

Well, I mean, you know, I am not going to be stupid and say I never ever made any mistakes in any aspect of the inquiry, including dealing with the media. Of course I must have done but these mistakes are made honestly. If I made mistakes, whatever they were, then I made them on the basis of trying to do my best for the victims of the abuse that I was investigating and for the public in general. These leaks, to me, are deliberate, verging on criminal leaks in an attempt to rubbish the investigation, which was going before, which was uncovering corroboration for the allegations made by victims of abuse. These are deliberate leaks to try and mislead the public, and for me to be criticised for making mistakes when we have people here deliberately feeding false information to the media is absolutely incredible.

Deputy T.M. Pitman:

One more point and then I will let my colleagues come in. Obviously none of us have got any control of what the media do and how they portray things but you have acknowledged that you could have done better. You are quite open about that. On reflection, do you think that your failings then, for want of a better word, merited some of the headlines like the celebrity lifestyle of Lenny Harper? Was that fair?

Mr. L. Harper:

No, absolutely not. There was no celebrity lifestyle and when you dig into the truth of the expense, I mean when you look at the BDO quote of £4,860 for 8 months which works out at about £608 a month, and when you look at the fact that over that same period that was probably about £250, £200 a month less than the Deputy Chief Constable in Yorkshire that they seem to be equating with, saying I was somehow sinister. I mean that is not even a return fare from Jersey to London. So I think that what made it unfair was the fact, I think, and what made it more so than unfair but totally unjustified, untrue and damaging to the allegations of abuse by the victims, which is the most serious aspect of this. The most serious aspect of it is not that it is around me but that it was causing people to look askance at the evidence of the abuse victims, was the fact that nobody thought to get an alternative explanation to the nonsense that they were putting out publicly in the report.

Deputy T.M. Pitman:

Okay, thank you. Deputy Wimberley?

The Deputy of St. Mary:

Yes. I am just interested really in a little detail. You said that you contacted the *Daily Mail* before they published the long David Rose article. Was that in the sense that David Rose contacted you and gave you some kind of right of influencing that article or how did that work out?

Mr. L. Harper:

Well, what happened was a journalist I know from the Glasgow office of the *Mail on Sunday* came down to see me and said: "Look, this guy, David Rose, is going to print this article tomorrow. It does not correspond with what I know and it seems to me that it is an attempt to smear it and she tipped me off about this and I then contacted ... No, David Rose would not contact me because I told him quite bluntly on the previous occasion that I had contact with him that in my opinion he was a sympathiser with the worst type of convicted paedophile. I mean I said in my other statement that he gave evidence on behalf of Frank Beck who was a rapist in care homes in Leicestershire. He actually gave evidence on this man's behalf and gave evidence on behalf of the North Wales care home abusers and said that the subsequent public inquiry which sustained the convictions was nonsense. So David Rose would not contact me because he knew full well what my opinion of him is. It was a journalist in Glasgow who tipped me off.

The Deputy of St. Mary:

Okay, yes, thank you. After it appeared, clearly it said in it that there was this report going on in Jersey or a report had been written or referred to a report, did you then try to contact the States of Jersey Police or find out who was writing this report and what was going on?

Mr. L. Harper:

To be honest, to this day I have not read David Rose's article. I have no real wish to, there was nothing I could do about it, I knew what was going to be in the article in respect of the criticisms about different bits and pieces, but I never actually read the article and I did not contact Rose, but I continued to have correspondence with the *Mail* and indeed some weeks later they did a 3-page spread which covered some of the aspects by the journalist, Eileen Fairweather, who attempted to correct some of it but not all of the corrections, and not all of what I said within that second article, but certainly yes, we did through Eileen Fairweather, in the *Mail* as well go some way towards rectifying some of what David Rose had said. But, as I say, to be honest I have never actually sat down and read David Rose's article.

The Deputy of St. Mary:

So you knew what was in it without reading it?

Mr. L. Harper:

Yes, well, as I say, the journalist who came from the same newspaper gave me a list of the things that he was saying.

The Deputy of St. Mary:

I see, yes, but to go back to the point about the fact that the Rose article mentions that there is a leak, that there was a report that it was based on. Was that a chance to get in touch with the Jersey authorities and say: "I want my point of view put forward", or is that really for them to do?

Mr. L. Harper:

No, I only really became aware of the fact that this report had been leaked through one of the Jersey blogs in the last few weeks. That is only how I became aware of the details of the actual leak of the report and it was then that I saw the so-called report had been leaked from 5 days after this was going to the Commission. It is only in the last couple of weeks that I have become familiar with all of that.

The Deputy of St. Mary:

I suppose we have to remember that technically you are retired.

Mr. L. Harper:

Well I am not technically, I am retired, but not only that there comes a time, and I am sure you will understand that when you are the subject of too much personal vitriolic criticism, it comes to a stage particularly, you know, with going through other things that were going on in my family's life that you just do not want ... you do not want to deliberately go in and read more nonsense written about yourself, which you know is not true and which you can well do without.

The Deputy of St. Mary:

Yes, thank you.

Deputy T.M. Pitman:

I am conscious of the time moving on, Mr. Harper, so perhaps I could say that obviously we do not have BDO in for a couple of weeks probably. It may be that we need to speak to you again; are you quite happy to do this?

Mr. L. Harper:

Yes, absolutely. I think I have told you that this week I am visiting ... off to Venice and I am back, I think, on 28th July, and of course absolutely, any time after that I am quite happy to talk to you.

Deputy T.M. Pitman:

Okay. What I will do is ask my colleagues if they have any final questions and then perhaps at the end if you have any final thoughts that you want to give the panel?

[12:15]

Deputy R.G. Le Hérisier:

Mr. Harper, Roy Le Hérisier here again, sorry I am the one who seems to be charged with coming back to the financial details again. When the inquiry was ongoing and when you were on the Island, did anyone tell you: "Look, you know, you are very busy with this. You are moving it along but we really have to pin down the finances"? Did anyone say: "We have got to see what we can learn from this", or did you just go away on to your well-earned retirement, as we have just mentioned, that all of a sudden this other report appears out of the blue? Was there any attempt when you were here to try and bring together the experience of people like you and the finance people in order to work out new ways forward?

Mr. L. Harper:

No, there was not because the nearest that we came to that was sitting down with [the Chief Officer, Home Affairs] and ... The nearest we got was sitting down and talking with [the Chief Officer, Home Affairs] and [Head of Finance] and going through the expenditure, and both of those always at every stage expressed satisfaction, and I have to say, some frustration as well with the fact that they were aware that we were trying to keep costs down to a budget that we did not have and also being told, and I mean I gave [the Chief Officer, Home Affairs] a copy of the email to [the Chief Executive, States of Jersey] which said ... because it covers [the Chief Officer, Home Affairs]'s back. He was a man I had a lot of time for and I felt that that email ... because I could foresee that such was the atmosphere and the environment that I knew we were going to be attacked after I left and I knew [the Chief Officer, Home Affairs] would be attacked. I gave [the Chief Officer, Home Affairs] a copy of the email to [the Chief Executive, States of Jersey], which quite clearly stated: "Look, do not mention costs again. You are not to consider cost. It is irrelevant", but in effect we were doing that every day but nobody sat down with me and said: "Look, this has got out of control, you need to look at lessons now." There is absolutely no question of lessons having to be learnt before I left the Island.

Deputy R.G. Le Hérisier:

Okay, Mr. Harper, just one follow up. Since you have left, of course there has an awful lot of chat about the fact ... well serious discussion, that [the Chief Officer, Home Affairs], although the accounting officer, he does not have control over the way the police spend their money. Would you say that that was a real issue as your investigation proceeded and as the alleged inability to financially control it appeared, would you say that was a real issue?

Mr. L. Harper:

No, it was not a real issue for us on that one occasion because we were being told ... despite the fact we were not given a budget, we were being told: "You spend what you have to, what is operationally necessary." That was an absolutely fantastic position to be in for a senior investigating officer. Even though we were very aware that we had to keep the costs down, we did not have a budget where we were being told: "Do not consider cost." It would be a nightmare and it must have been a nightmare for [the Chief Officer, Home Affairs] because he was responsible for spending but, as you say, he had no ... for a number of reasons, [then Chief Officer, States of Jersey Police] had ultimate control of the police budget in practice. In theory, [the Chief Officer, Home Affairs] said: "You are responsible for this but you have actually got no responsibility for the way it is used because you have got no responsibility for police operations." Now that was very unfair, I think, to [the Chief Officer, Home Affairs] in that respect and unfair in other respects to the police. But certainly I would not have wanted to have been in [the Chief Officer, Home Affairs]'s position because he was ultimately responsible for spending and did make some attempt to speak to me and get reassurances about what we were spending, and I told them what we were spending it on and why we were spending it and he was happy with that. But at the end of the day he was responsible, as you say, ultimately responsible for police spending, and yet you have this contradictory situation where it says the chief officer is totally responsible for police operations. Most of the police costs go on staff and operations so you have this conflict. It was not a problem for us because of [the Chief Executive, States of Jersey] and the Chief Minister's (a) refusal to give a budget and say: "You just spend what you feel is operationally necessary." So no, it was not a problem for us, although what we did was try and control the spending quite rigidly even down to seeking cheap, cheap deals in the hotels for visiting officers but it would have been a nightmare (a) for [the Chief Officer, Home Affairs], and I suspect in the normal run of events where the chief officer is using his budget to run police operations, [the Chief Officer, Home Affairs] cannot interfere in those operations, but is ultimately responsible for the spending.

Deputy R.G. Le Hérisier:

Okay, thank you.

Deputy M. Tadier:

A question I have, of course we have - it is Deputy Tadier again - we have yet to fully establish how and through whom the confidential information was leaked or revealed to the *Daily Mail* but in your opinion how likely is it that that would have taken place without the knowledge of somebody at the Home Affairs Department?

Mr. L. Harper:

Well, bearing in mind the close link between the Home Affairs Department and [the Acting Chief Officer], I think it is unlikely that it would not have been known about at Home Affairs. It is not inconceivable that [the Acting Chief Officer] leaked that information and did not tell anybody, but I would think it is probably, given the close working relationship in respect of all of those matters, including the Met interim report, Wiltshire, and everything else, I would have thought it unlikely.

Deputy M. Tadier:

Okay, thanks.

Deputy T.M. Pitman:

Just to move on from that point, Mr. Harper, could you make it any clearer to us, what was the link between the journalist in the U.K. with the States of Jersey, because I believe you have stated that he received another leak from within the Jersey Government, so to speak?

Mr. L. Harper:

What happened in that respect was that an email from [then Chief Officer, States of Jersey Police] to a certain Senator was leaked. It was handed over to this journalist who then telephoned [then Chief Officer, States of Jersey Police] and as with a lot of companies we had a system whereby a number of calls into the force were recorded and there was no secret about it, actually it was quite well publicised and in fact in some extensions you are told the call may be recorded, but in fact this call was recorded and in this call David Rose told [then Chief Officer, States of Jersey Police] that he had been leaked this email by the Senator and ...

Deputy T.M. Pitman:

Can you just clarify which Senator, not the Minister for Home Affairs, which Senator?

Mr. L. Harper:

No, , it was not the Minister for Home Affairs, no. I mean I can name the Senator if you want me to name him?

Deputy T.M. Pitman:

That is fine.

Mr. L. Harper:

I have deliberately not done that but if you want me to name him I can name him.

The Deputy of St. Mary:

It is in your witness statement.

Deputy T.M. Pitman:

It is in your statement, yes.

Deputy M. Tadier:

Maybe for public record to get the other 11 Senators off the hook.

Mr. L. Harper:

It was Senator Perchard.

Deputy T.M. Pitman:

Okay.

Mr. L. Harper:

The email was addressed to Senator Perchard. I think it was copied to the ... it may have been copied to the Chief Minister, I am not sure, but David Rose certainly, on that tape recording said that he had been given the email by Senator Perchard, which

sort of fitted in with the emails that had gone before it, between Mr. Perchard and [then Chief Officer, States of Jersey Police]. So it is fair to say that despite the tape recording, David Rose denied saying that Senator Perchard had given him that email and, of course, Senator Perchard denied that he had leaked it. But the fact remains that there was an email which was leaked which had been sent to Senator Perchard, and which David Rose had said he had received from Senator Perchard. Now there was another email as well, which I had sent, which had been given to David Rose as the basis of an earlier article and which had been changed, and I was never able to, from the newspaper article and the quotes that were in the newspaper article, were different from the quotes that were actually in the email that I had sent and I was never able to tie down whether it was, in actual fact, a case that someone had forwarded the email to David Rose and he had changed it or whether somebody at the States had changed it and sent it to David Rose, and that still remains a mystery. But certainly David Rose was in the picture and on the scene from way before this leak that we are talking about was made to him.

Deputy T.M. Pitman:

A final point from me and then I will ask you for your thoughts. Taking you back to the money and what you said recently, would it be fair to say, even though it is obviously a very muddled system that Jersey has had and it does not compare with authorities in the UK, should [then Chief Officer, States of Jersey Police], as your senior officer, have done more to ensure tighter control of the budget because obviously you were not ... you say you were not getting much help or support but should he have done more or should you have done more?

Mr. L. Harper:

No, I got every support that I needed and [then Chief Officer, States of Jersey Police] was a very hands on manager, a very hands on supervisor and not only was he on one end battering the political end of it to try and get us a budget that we could work to, but he was also ... I was meeting with him on a daily basis, and keeping him up-to-date and he was then using what I was briefing him to go and placate the politicians who were breathing down his neck. So in my view, [then Chief Officer, States of Jersey Police] did everything that he should have done and did everything that he needed to do, and he was satisfied, as I was, that I was trying to keep and ... you know, let us not hide the fact this was a hugely expensive operation, particularly the dig at Haut de la Garenne, but there was no way around doing what we did and, you know, archaeologists and anthropologists are expensive people to employ. It was hugely expensive but when you look at the efforts, I mean I had my ... my P.A. (personal assistant) was employed almost full time on going on the internet and getting cheap flights and cheap hotels and, I mean, I have been criticised for using L'Horizon Hotel, but the L'Horizon Hotel rates were equivalent to what probably most people were paying for bed and breakfast there in Jersey now, so we did everything that we could. We called in favours. We got a sifting machine from the antiterrorist squad in London, which would have cost us an absolute fortune. We got it totally free of charge and that not only saved us in that respect, but saved many, many, many hundreds of man hours. We went to great lengths and great effort to try and cut down costs even the officers were forgoing days off when they were in Australia to save costs. We did all that we could. Again, I am not saying that we were perfect. I am not saying that we did not make mistakes. There is absolutely no inquiry, no investigation anywhere in the world which could lay claim to being

perfect but, you know, we did our best and we kept costs down and [then Chief Officer, States of Jersey Police], any criticism that he showed no interest and did not do what he should have done is totally unfair because he was not ... I would not say he was in my face but he was there as an ever present supervisory and advisory person to go to.

Deputy T.M. Pitman:

We are going to have to end this at half past but is there any final thoughts that you would like to put to the panel?

Mr. L. Harper:

No, I just am grateful for the opportunity at this stage to answer some of the criticisms and I have got absolutely nothing else that I need to say to you, but please feel free if you do need to contact me again, then please do.

Senator T.M. Pitman:

As I said, we did have a request from the media perhaps given the time, would it be easier for you if you stayed on the line and the media were to contact you directly?

Mr. L. Harper:

I am quite happy to do it whichever way. I am quite happy to answer some questions from the media. I do not mind.

Deputy T.M. Pitman:

I will end the hearing there, Mr. Harper. Obviously it is our money, the States' money, so I will let the media put one question to you each and if they do want to go to any more length then they can get in touch with you themselves.

Mr. L. Harper:

Okay, no problem.

Deputy T.M. Pitman:

Thank you very much for your participation.

[12:28]