

STATES OF JERSEY

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

WEDNESDAY, 17th AUGUST 2011

Panel:

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

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

Deputy R.G. Le Hérisssier of St. Saviour

Witness:

Mr. G. Power (via conference call), retired Chief Officer for the States of Jersey Police

Also Present:

Scrutiny Officer

Deputy T.M. Pitman:

Well, it is a bit of a strange situation again. You cannot see us, we cannot see you. For the record I will get us all to introduce ourselves in a minute. Welcome, though, audience. There is no mainstream media filming but I must point out we have had a request not to film the audience so if they do come in I will stop proceedings. You have not had the oath so can I just run through the oath so that you are familiar with what we are working to?

Mr. G. Power:

Yes, sure. Sure.

Deputy T.M. Pitman:

Okay, so it is: "The proceedings of the panel are covered by parliamentary privilege through Article 34 of the States of Jersey Law 2005 and the States of Jersey (Powers, Privileges and Immunities) (Scrutiny Panels, P.A.C. (Public Accounts Committee) and P.P.C. (Privileges and Procedures Committee) (Jersey) Regulations 2006 and witnesses are protected from being sued or prosecuted for anything said during the hearing unless they say something which they know to be untrue. This protection is given to witnesses to ensure that they can speak freely and openly to the panel when giving evidence without fear of legal action although the immunity should obviously not be abused by making unsubstantiated statements about third parties who have no right of reply. The panel would like you to bear this in mind when answering questions." Is that okay?

Mr. G. Power:

Yes, okay. Yes, I will carry on.

Deputy T.M. Pitman:

We have got quite a lot to get through so we will do our best to press on. You are aware of the terms of reference obviously?

Mr. G. Power:

Yes, yes, I am.

Deputy T.M. Pitman:

Okay. Could I first ask you, Mr. Harper states in his submission, without reading the whole thing out, that the report in question, BDO, totally misunderstands and represents a situation of the Jersey Police as it was at the time of the investigation in relation to the management of its budget. Would you agree with that assessment from Mr. Harper? Perhaps you could enlarge on that if you do not.

Mr. G. Power:

Yes, I suppose what you are doing is asking me to make an assessment of the value of that specific report. My understanding is that we were not going to get into a detailed discussion of it and so I do not claim to have studied it in more depth. I think ... the comment I would make is this is perfectly proper that politicians would wish a report that looks in a challenging way at lessons that can be learned from major inquiry, there is nothing wrong with that in principle. But it is equally right that it should be even-handed. Mr. Harper knows a great deal more about the detail of the investigation than I do but I think that opportunity is the victim of the report that it does not ... it is insufficiently strategic and it is frustrated, particularly with the almost impossible situation that we found ourselves in in operating the system of financial management that was imposed upon us contrary to best practice advice, and how that arose and how responsibility for that ought to be shared. I think there was an inordinate emphasis on the detail of expenditure in restaurant bills and matters of that nature rather than how did you get into a situation where there was so many fingers in the pie of financial management and no clear line of accountability. I mean that is the bigger question.

Deputy T.M. Pitman:

When you say “so many fingers in the pie” can you just enlarge on that?

Mr. G. Power:

Yes, I mean there is one thing I think everybody agrees on and I could be wrong about that but this system had the Chief Officer of whatever department, namely the Chief Officer of Home Affairs having responsibility for financial management in the police service and the Chief Officer of the police force not having any financial staff under his management, which is quite a bizarre arrangement. All good practice in relation to policing would tell you, or all best practice advice, that there ought to be a qualified accountant as part of the senior management team for the police force. That was the arrangement in Jersey when I started and that was a time when everything was to budget and there was no queries regarding the financial management of the force at all. Then along came the Finance Law, I think it would be the Finance Law 2005, which created the position of accounting officer. Proposals were then put forward to make the Chief Officer of Home Affairs accounting officer for the force and also guidelines were produced which had the accounting officer responsible for setting objectives for line managers for monitoring performance and so on. It left the Chief Officer of Police with nothing to do apart from day to day administration. That was subject of some heated exchanges. Had those proposals not got amended I think I would have had to have gone outside the Island for support. As it was, the management proposals, the proposals to make the accounting officer, the Chief Officer of Home Affairs, responsible for setting objectives for the police line managers themselves were withdrawn with the outcome that the management of the force remained with the Chief Officer of the force but financial management would then come under the control of the Chief Officer for Home Affairs. I opposed that strongly but I was not supported. The Chief Officer for Home Affairs was keen to go along with that arrangement in spite of me producing copies of the best practice advice from other jurisdictions which say you should not do that. You should not split financial control away from the operational management. The Minister for Treasury at the time and the Chief Minister were very determined to impose that arrangement. So I think all of the financial staff were taken away from police headquarters so we were operating around the £20 million a year budget and we did not have a qualified financial person within line management within the police service. So I think a good strategic report which looked at this would identify that is where the problem began because I do not think anybody is disputing that there were problems.

Deputy T.M. Pitman:

Could I just come in there and say when you say you were not supported, who was that specifically by; the Chief Minister at the time or ...? Because you said you made your case very strongly.

Mr. G. Power:

No, the Chief Officer for Home Affairs was not persuaded by my arguments. I went into it in some detail in the statement that I made to Wiltshire. It is just frustrating to be going through this in detail over the phone to some extent when there already is a substantial written submission on the issues relating to the financial management of the historic abuse inquiry which has been sitting on the Minister's desk since July 2009. If the Committee could read that it would ...

Deputy T.M. Pitman:

Believe me, Mr. Power, we share your frustration. I will let my colleagues come in.

The Deputy of St. Mary:

Just staying with this history in a way around 2005 you say that the Home Affairs Chief Officer assisted you but at that level of decision making it is going to go to Ministers, is it not? So what was the ministerial attitude around this issue?

Mr. G. Power:

I had a quite heated meeting with the then Chief Executive, the then Treasurer of the States, the Chief Officer of Home Affairs and myself and we discussed our ideas, I will not say evidence, with this proposal to effectively give the Chief Officer of Home Affairs control of the force. That would have significant constitutional implications and to give credit people could see the trap in that arrangement. But to date the Chief Officer of Home Affairs as the accounting officer for the force did seem to me ... I did say in my statement that I speculated at the time were we being set up to fail with the Chief Officer of Home Affairs in the police force but it was nevertheless an arrangement which every expert on the proper governance of a police force would tell you it is one that would not work most days and certainly would not work under pressure as proved to be the case. Again, I do go into some detail about processes I put in place to try and make a bad system work and us police officers often think ourselves quite good at making bad systems work. What I did was institute ... make sure that the senior management meetings that we had, which occurred on average every couple of weeks, were attended always by a member of the Home Affairs Department finance section. So we also had a qualified accountant sitting at the table of the management meetings representing Home Affairs and we always had a financial report as a standard item. They were minuted meetings with an agenda so there was always the opportunity for the financial person to raise any concerns and if there were any they would be recorded in the minutes.

Deputy R.G. Le Hérissier:

Thank you, Mr. Power, can I follow up on that because we are now in the curious situation of if we read the Home Affairs evidence from the Chief Officer what he was saying was, for example in terms of invoices: "We had to accept them we could not question them." So that could be read by some people as being an abdication of responsibility but yet you attended meetings where this system was argued to be a workable system. At what point in your view, Mr. Power, did the system start manifestly breaking down and it was obvious that despite assurances you had had at the earlier set up meetings the system was not working?

Mr. G. Power:

Yes, okay. At the earlier stage of the inquiry I was receiving regular assurances. These were verbal, they were minuted in meetings and there exists, for example, an email chain from 2008 which refers to meetings between the Chief Officer of Home Affairs, the senior accountants and Lenny Harper which discussed issues such as the Financial Policy Group and travel costs and indicated that there were no concerns. These reassurances were coming on a fairly frequent basis but I was getting an uneasy feeling that perhaps there was not sufficient rigour in the Home Affairs approach. If I was asked to say what was the sort of turning point in a sense, it was on 22nd May 2008 with the Treasurer of the States at the time. He had got in touch with the Chief Officer at Home Affairs and reminded him of the responsibility of the accounting officer and the assurances he was expected to give. The Treasurer said to him ... the accounting officer reminded him the accounting officer is

personally responsible for prudence and economic administration and that the resources are being used efficiently and effectively. Now this led to contact between myself and the Chief Officer of Home Affairs on 27th May and the Chief Officer of Home Affairs asked me to sign a letter saying that I had a finger on everything and everything was fine and providing such assurance. I really was not comfortable with that because I kept repeatedly having to point out: "Look, if I want to know what is going on the in police budget ..." I will not mention it again but the accounting officer obviously was not (inaudible 11:16:08) but if I want to know what is going on in relation to the police budget then really I have to ask the person who is sitting a few feet from where you are sitting now in your office who has all the information because I do not. I then made a suggestion. I discussed it with him and I firmed it up in an email and that was on 9th June 2008, and I said: "Look, we need to have more effective officers, we need a more robust arrangement" and I recommended the establishment of what I called the Financial Oversight Board. I suggested the membership would be himself, a senior accountant from his department, the Senior Investigating Officer who was Lenny Harper and myself. A proper structured body with minutes and an agenda to scrutinise the expenditure. Now, that eventually was accepted that proposal but I felt that it was not acted on with sufficient speed and for whatever reason was not able to call the first meeting until 23rd July 2008. At that meeting I was able to make some proper recommendations, the concept of constructive challenge, the idea that we should bring in some independent auditing procedures. Of course the Senior Investigating Officer was present and was able to answer some of the issues that were raised there and were recorded in the minutes. I do not have a copy of the minutes of that meeting, I obviously cannot remember exactly what was said. There is very clearly a body of which anybody with financial knowledge who had any concerns about any of the procedures could have raised a query, was expected to raise a query. That is what the group was for so if anyone had financial issues they could put it on the agenda, discuss it at the meeting, have it recorded in the minutes and something would have been done about it. Nobody ... if a matter had been raised at that meeting which required me to do something I would have been rushing out and doing it at full speed. That was the way things happened. The minutes will show that nobody raised any concerns and so whatever I might have felt intuitively the fact is that the people who had the knowledge of financial procedures, who had daily access to all of the accounts was unanimous in telling me that there was nothing I needed to do and nothing I needed to worry about. You know whatever people are saying in hindsight what they said at minuted meetings is simply a matter of record and what is a matter of record is that nobody had any concerns.

Deputy R.G. Le Hérisier:

Thank you, Mr. Power. Obviously that seems very much at odds certainly with the understanding that was put in the public domain that there was allegedly a high degree of irresponsible and misdirected spending going on, for example.

Mr. G. Power:

I am not sure that the 2 are necessarily incompatible. I do not know because any alleged revelations regarding irresponsible spending that came to light came to light after I was no longer in post. I would say there that I cannot really comment. But I am not saying that there was not irresponsible spending taking place. I do not necessarily think there was but they are not in a position to give evidence of that, that is not the substance of the evidence I have just given. What the substance of that evidence is, what I am saying is that at minuted meetings with the accounting officer and his financial team I was told that there were no concerns. I am not saying that is true or false I am saying what is true is that that is what I was told and that is according to the minutes of those meetings.

Deputy T.M. Pitman:

Can we just ...

Mr. G. Power:

It was when I was no longer in post when people started telling a very different story, okay, but I would be astounded if any member of the Home Affairs Department or the Minister or anybody has

produced minutes or have documented any meeting at which I was present in which any concerns were raised to me. Ask them to show you.

Deputy T.M. Pitman:

Okay, that is a very interesting point.

Deputy R.G. Le Hérissier:

Thank you for that, Mr. Power. Just to confirm, when you were at these meetings did the representatives from Home Affairs give you an analysis, for example, of the invoices that had come in? Did they say: "Oh, there appears to be exceptional expenditure here which we really cannot explain, could you explain it further?" Did these kinds of discussions take place with that group?

The Deputy of St. Mary:

Can you clarify which group?

Deputy R.G. Le Hérissier:

The financial oversight.

Mr. G. Power:

It is hard to remember the detail of discussions that took place years ago but in essence it was a strategic meeting, I think it is right to say that. It would be very unusual in a meeting which was attended by people at executive level that was addressing strategic expenditure issues got into the detail as to whether you were paying too much for the hotel or whether anybody ordered a meal that they were not entitled to. I think that would be unusual. But my question was are you getting access to the financial account information for Operation Rectangle? Yes, I am. Is that to your satisfaction? Yes, it is. Have you any concerns you want to raise with me? No, I have no concerns I want to raise with you, it all seems in order, it all seems to be well documented. Now this is as far as this discussion went. I never at any stage sort of said: "Well, can you tell me what sort of invoices you are getting for hotels or for meal orders and so on?" You expect those things to be gone through on a standard rate of charges and if any of it is looking odd then somebody has to bring it up at that meeting and say: "Well, Chief, now you ask, I have got a bit of a concern about the entertainment" or whatever it is.

Deputy T.M. Pitman:

Okay, Mr. Power. I just want to point out that you referred to the document which obviously we have never seen, only the Minister has. We have requested paragraphs from 265 to 284 so hopefully we will have the benefit of seeing those. Deputy Wimberley.

The Deputy of St. Mary:

Just following on from that point, first of all before I go back to the Financial Oversight Board, would you agree to make public the paragraphs in your statement referring to financial management, because there is a slight doubt in your submission? I just want it on the record that you are happy for those paragraphs to come to this panel.

Mr. G. Power:

Well, let me respond to that. It is 2-fold. I do not mind it being public but would I object to supplying them a scrutiny panel, no I would not. If the proper request is there then I am happy to oblige the scrutiny panel. I think making it public in principle is fine but there are matters ... we do mention people's names for example and so I think there would need to be some modest redacting required before they put it in the public domain. But it would be a pity if the fact that individual's names are mentioned stopped quite a detailed narrative of these issues being available to people who have an interest. So subject to appropriate redaction I think, yes, that is fine.

The Deputy of St. Mary:

All right, thank you. Now, going back to the Financial Oversight Board, first you said that - there is

a few points here - on 9th June you first raised the issue that there should be such a board and you said it was eventually accepted and the first meeting was over a month later. Can you give any account of why you think that delay might have happened because it is an obvious thing that should have been put in place?

Mr. G. Power:

Well, I do not know why there was a delay. There were other things happening in the background because I did not see the Financial Oversight Board as a permanent feature because clearly that was going to be absorbed into the Gold Group, and parallel with that I had been having discussions with David Warcup about making the establishment of a Gold Group one of his first priorities and would have absorbed the work of the Financial Oversight Board. I just felt that ... in terms of financial management I just got the feeling that we needed to get hold of that and we could not wait for the Gold Group to be established.

The Deputy of St. Mary:

Okay, fine.

Mr. G. Power:

I do not know why the delay occurred.

The Deputy of St. Mary:

The next question is when did the Financial Oversight Board meet? You said it met on 21st July, have you any recollection of whether it was quarterly, was it monthly, because my recollection is that it did not meet very often.

Mr. G. Power:

I think the intention was to meet once a month. Now I note ... I am sure we intended to meet about once a month. I am fairly sure it had at least 2 meetings but then at some stage we became satisfied that the Gold Group was in a position to take on the work of that board and it did not meet any more but the work was transferred to the Gold Group. I am sorry I cannot be more precise about that but I do have a recollection, I think it was monthly; that is the best I can do.

The Deputy of St. Mary:

All right, that is fair enough. My next question you have answered already about how it met and what sort of things went on at it so that is all right. Another thing you said was that no concerns were brought to you as a result of minutes of other meetings, the meetings before the Financial Oversight Board and I am very interested in those meetings. You talked about that an accountant was part of the senior management team of the police force, was that ... can you describe how that arrangement worked?

Mr. G. Power:

It was not part of the senior management team but it had been prior to the Finance Law so what I tried to do is to compensate for that by making sure that whenever the senior management team were to meet ... the senior management team always had regular scheduled minuted meetings. Obviously we talked to each informally every morning but there is a standard process that every now and again we would sit down, we would have a proper minuted meeting of people doing ... it was mostly operational matters, you know we are going to bring in a new system for speed enforcement, these are the crime statistics, these are the problems, this is what we are doing about the problem areas, it was largely operational. But I always made sure that a member of Home Affairs, an accountant from Home Affairs, attended those meetings and there was always a standing item on financial reporting. That was when the person from Home Affairs would present a briefing saying: "Here is a paper on the police budget, this is expenditure, this is where we are in relation to the budget. Here are the issues that I think this meeting needs to consider." You know: "You have spent too much money on D.N.A. (Deoxyribonucleic acid) testing, you have money left in the fuel budget but you ..."

The Deputy of St. Mary:

Okay, fine, I get the picture there, if I may cut you off there. But what I am interested in is did those meetings of the S.M.T. (Senior Management Team) cover the abuse inquiry and the financial aspects?

Mr. G. Power:

The abuse inquiry was referred to in the financial report in the sense that the person was saying: "As far as the force budget is concerned this is the position. As far as the abuse inquiry is concerned the Treasury has a fixed amount of money, it is based on this and that, I am meeting regularly with the Senior Investigating Officer and we are dealing with the issues about whatever it was. Is there anything else you need to bring to the attention of this meeting that is causing you concern?" "No, there is not." That was basically how that was done. Again, I felt that that was ... I was torn between 2 things, one was the feeling that such an arrangement was not sufficiently robust and I recognised that really I was treading on somebody else's toes because it was the accounting officer who had a handle on this and had the legal responsibility and I should have been, in truth, telling him: "Look, I think you have got this all wrong." As I did describe, it got to a stage where I thought: "Well, I need to make some positive suggestions about this" and that is why I suggested we beef up the process by having an additional financial oversight board.

The Deputy of St. Mary:

Okay. So the abuse inquiry financials are buried in the report that went to the S.M.T. when it met the financial person from Home Affairs. But behind that there is meetings between the Home Affairs financial people and the S.I.O., Lenny Harper?

Mr. G. Power:

Yes.

The Deputy of St. Mary:

Could you tell us how those meetings went? What I am looking for is challenge; what I am looking for is at what point was there supervision of the expenditure?

Mr. G. Power:

I think that is a fair question. The briefings from all sides was that regular meetings were taking place between the Senior Investigating Officer, members of the Home Affairs Department and none of the parties involved in those exchanges raised any concerns. I think the first line of challenge would have to be the accounting officer who had the responsibility of saying: "I am not happy about this or that aspect or the story that is coming back to me through my accounting team." With hindsight, perhaps I was a little bit too intimidated about the fact that ... the law was very clear on the subject. The law was very clear that the responsibility for financial oversight was not mine it was the Chief Officer for Home Affairs and although I was getting assurances from his department, as I think I discussed already, I thought: "No, this really is not good enough, I have got to get some rigour around this" which is why ...

The Deputy of St. Mary:

Okay, I do have a clear picture now.

Deputy T.M. Pitman:

Can I take from that, Mr. Power, and ask you, in light of all you have said and your thoughts on the Jersey Finance Law - interesting to say the least - why do you feel that there has been all this focus on the police side of the matters, which I think is understandable that is to be looked at, but there has been very little focus on the other side of what was clearly a system that was not working and was recognised that it was not working. Have you got any explanation for why the Home Affairs side has not really been given the same scrutiny?

Mr. G. Power:

Well it depends what mandate people were given and it seems to me very clear that substantial amounts of investigative effort has been ploughed into making critical comments regarding the police service. It was a very difficult and long-running suspension because we had a judicial review pending in the Royal Court which they anticipated, correctly, would at the very least make some strong critical comments of the way the matter was being handled. They were facing critical comments in the States about the expenditure on the investigation and I suppose this - in my reading of it - caused a lot of energy to be directed towards finding critical things to say about policing which perhaps justified, the long-running suspension, the anticipated inquiry, the £2 million of expenditure, there is a whole saga (inaudible 11:32:57) in relation to this issue. I think the opportunity was lost when you look at how we managed to get into a situation where effective financial management was ...

The Deputy of St. Mary:

So what you are really saying is you feel there was an ulterior motive for the direction that this all took.

Mr. G. Power:

Yes, I think there is an ulterior motive (inaudible 11:33:23) but I feel ... the actions of the police in this have been subjected to very intense scrutiny against best practice guidelines in other jurisdictions. There was, for example, best practice guidelines as to how these cases should be prosecuted. I am not aware that anybody has been appointed to audit the prosecutions against these best practice guidelines or anybody has been appointed to look critically at the actions of Ministers or senior civil servants in establishing arrangements which prove to be if not unworkable at least very difficult.

The Deputy of St. Mary:

Okay, could I take you on to a slightly different point? You said in your submission that it appears that some person had made payments to the Deputy Chief Officer in breach of the rules governing such payments. Could you enlarge on that?

Mr. G. Power:

Yes, it is a simple point ...

The Deputy of St. Mary:

It is a simple point but an important one.

Mr. G. Power:

Yes, it ... I have been frustrated as a lot of people have that whenever the debate seems to shift towards where it probably belongs in my view, which is towards to the victims and to asking the hard questions about how was that the abuse was not challenged for so many years and why it took some rather exceptional police interventions to bring it within the criminal justice system, the conversation seems to be turned away to restaurant bills in London and who has had a second helping or whether there is ... I mean, this whole business about personal expenses has, I think, been used in particular to trivialise what ought to be a rather more serious debate. But to return to your point, in my early stages as Chief Officer we had the States auditors as they were then look through the whole issue of expenses and do some spot ... I wanted the reassurance of some spot checks on everybody's expenditure, everybody's credit card bills, including mine, and the auditors produced the report which largely supported that there needed to be a few more checks and balances, which was that the Deputy's expenditure needed to be signed off by the Chief, it needed that oversight and that scrutiny, and credit bills incurred by the Deputy. That was accepted as a recommendation by the Home Affairs Committee, I think it was then, and that became the rule that the Deputy could not incur any expenses unless I had signed them off. The frustration I have with listening to this debate is they are referring to expenses that I never signed off. I am not saying that the expenses were unjustified, or justified, I have no information which entitles me to come to a firm conclusion but somebody decided in a sense to go behind my back and to sign off expenditure on behalf of the

Deputy which they had no authority to sign off. They should not have paid tuppence without my signature on the bottom of the page. I just wonder at the gall of people who breached the rules for financial expenditure and then seem to feel free to pontificate about expenditure in the police service. The rules were bypassed and it could only be bypassed by the staff in the Home Affairs Department ...

The Deputy of St. Mary:

Okay.

Mr. G. Power:

... spend money without my signature on the page as it should have been.

Deputy R.G. Le Hérissier:

Thank you, Mr. Power, I wonder if we can follow that up. You said someone, could you identify who this someone was by name or office held and, second, could you tell us when you were aware that you were being bypassed and what you did about it?

Mr. G. Power:

Yes, I been aware since I was suspended ... I learned about these issues about meals and hotel bills in the same way largely as anybody else did. I picked up it from the Jersey media and I thought: "What is all that about?" Then I thought: "I do not remember signing off any of that" and I looked through the disclosure papers that Wiltshire had given me and there is no allegation at any stage that I had signed off any of this expenditure that some people think was inappropriate expenditure and so I concluded that somebody other than me has signed that off. I could not really believe ...

Deputy R.G. Le Hérissier:

Who was that someone then, Mr. Power?

Mr. G. Power:

Well it has to be somebody in the Home Affairs Departments who is authorised to make payments out of public funds to an individual or member of staff for expenditure. Now, I could not say who that will be but it would be one of a handful of people for sure.

Deputy R.G. Le Hérissier:

Okay, thank you.

The Deputy of St. Mary:

I suppose following on from that, Mr. Harper says in his evidence: "The nearest we got to financial control was sitting down and talking with the Chief Officer of 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 cost down to a budget that we did not have." Can you confirm that that is your understanding of what happened and that that was the first stage before it came to the S.M.T.?

Mr. G. Power:

I did not catch the last part of your question but I think that what Mr. Harper is describing there will be possibly his recollection of meetings of the Financial Oversight Board. He comments regarding a budget that we did not have I think does touch a relevant nerve because perhaps he is describing his attempts to bring it about. I know it is mentioned in the accountant's report but the political background was very difficult because in one sense we were trying to produce financial rigour and on the other hand the Chief Minister at the time, no doubt for reasons of reassurance or whatever but possibly with different motives was making public statements to the effect that money was no issue. With Jersey being what it is the people we were dealing with were acting on this so I find myself intercepting the expenditure which was being made on the strength of Chief Minister's promise that we were not going to worry about money and Home Affairs said: "No, you cannot do this because

there is not a budget approved by the States.” To a degree I am sure some just slipped through the net but the lack of rigour, I think, began, I have to say, with the Chief minister’s statement and what we should have had is a full allocated budget, proper lines of financial reporting, clarity about who it was supposed to be and who it was that was expected to go around in the inquiry ...

The Deputy of St. Mary:

Yes, exactly, now what ...

Mr. G. Power:

... to put some rigour around it.

The Deputy of St. Mary:

You are quite right, there should have been someone with a big stick and what surprises me or what the question to you is BDO Alto are very strong saying there should have been a financial manager within the inquiry to track the expenditure and do the ordering and the commissioning and so on or to have a handle on that. It did not happen. Where does the responsibility for that lie? BDO simply make a recommendation that it should have happened but ...

Mr. G. Power:

I am not sure that it did not happen. Let me just go back to what I say about that. I think at the early stage the person who was appointed - and I do give a name in my statement at paragraph 271, 270 - when it became clear that Rectangle was likely to have significant financial implications I asked the Chief Officer for Home Affairs what arrangements he wanted in respect of financial management. I was conscious that it was his decision to take. He was the accounting officer and he had a legal responsibility for the budget. He said that he would appoint the senior finance officer, who I know, to work directly with the Rectangle team.

The Deputy of St. Mary:

There you go, there is the man with the big stick.

Mr. G. Power:

Yes.

The Deputy of St. Mary:

It never happened.

Mr. G. Power:

I think that person was appointed to work with the Rectangle team. I know it became a concern as to how effective that arrangement was.

The Deputy of St. Mary:

If that man was there with his big stick inside the Rectangle team, what is the BDO Alto report about and why does that person not figure in the report?

Mr. G. Power:

You have me there. I really do not know. The appointment of the person whose name appears in my statement as the person who would be, if you like, the eyes and ears of the accounting officer inside the Rectangle team, that person that I have identified I am sure did an audit trail at a very early stage because there was no argument when the person was appointed. I think with experience we learned that that relationship was not working well and as I have described to you the various stages that we took to put rigour around it.

Deputy T.M. Pitman:

I am sure you will be reassured to know that our scrutiny officer has asked for those paragraphs of the statement but the reason I ask that other question about whether you were happy with that was

just to have that on the record. Can I move on from there, Mr. Power, and take you back to Mr. Harper's statements in evidence to the panel that when he mentioned the cost of the inquiry in a public interview with the media, in his words, he was immediately slapped down by Mr. Ogley 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 'cost is irrelevant'." What are your observations on that?

Mr. G. Power:

Well I go back to the statement made by the Chief Minister ... you know, the Chief Minister was handling it under pressure, he assured us he knew what he was doing in his public statement that cost was no option with the best of motives but he effectively undermined those of us who were working to try and bring some control. In the email exchange dated 1st May 2008, which I put forward as one example, with a senior member of the operation team saying: "Look, I know that the Chief Minister has said this publicly, this means I can now go ahead and appoint these additional officers to the position" or whatever it is. They said: "You will see it from the email if you can get your hands on it." I said: "No, look, it might even be the Chief Minister is actually *ultra vires* in making that statement but this really has to go before the States and you cannot just go ahead and spend because he said something on the radio." In the political mood of the time there was a desire for Jersey Limited to position themselves in a way which they were saying to the world: "Money will be no object, this inquiry will go wherever it needs to go, we will not put restraints on what the police can purchase", and so on. That is well documented. There are 2 opinions, I think. There is a more conventional approach which ...

Deputy T.M. Pitman:

Okay. Did you want to come in there?

Deputy R.G. Le Hérissier:

On that point, Mr. Power, when that statement was made, and presumably the Chief Officer of Home Affairs was somehow in the loop, was there any meeting between you, he and the senior investigating officer about the implications of that statement?

Mr. G. Power:

I think that my email of 1st May 2008 was shared with the accounting officer. I am fairly confident of that, and I think that at one of the early meetings with Mr. Harper they have gone over that ground. There was not, I think ... yes, there was a discussion. It was discussed at the Corporate Management Board because I recall that there was one meeting of the Corporate Management Board, whether it is in the minutes I do not know, with myself and the Chief Officer for Home Affairs along with the Treasurer. He seemed quite taken aback by the [Chief Minister's] statement and we said: "Look, the Chief Minister just cannot do this." I hope nobody takes offence but people will say that it is typical that a political commitment was given to expenditure when there is not any budget for this expenditure. We may have got away with that before the Finance Law where somebody would have found a pot of money in a quiet corner but under the Finance Law you can only spend what is in the budget. That is the way the law is now and the Chief Minister had not got his head around that and what was then necessary was for the Treasurer to produce a paper for the States asking the States to vote for the official budget. I understood all that. When I went back to the office you find this email from a senior police officer saying: "Good to hear about the Chief Minister's statement. Can we now spend X thousand pounds? No, you cannot." So that was the sort of process that was going on.

Deputy R.G. Le Hérissier:

Okay, and did you get supported in your stand by the accounting officer?

Mr. G. Power:

Yes. I did, yes. I think he was very clear. I am fairly sure that people who had ownership of the problem had sight of what I had done. I think I asked for assurance. I might have asked the accounting officer for assurance, saying: "Have I taken the right line here? Oh yes, that is what you

got to do. You have got to hold the line until there is a proper budget approved by the States.”

The Deputy of St. Mary:

My understanding was that the Minister for Treasury and the accounting officer of Home Affairs were talking with each other quite seriously about this because obviously there was unbudgeted expenditure. But you were out of the loop because you are not the accounting officer so all you can do is kind of make sure that the arrangement that ends up makes any sense.

Mr. G. Power:

I would make sure that relevant emails were always copied to the accounting officer but, yes, I have described trying to make a very difficult arrangement work. This episode I described was one of the things that had me going: “Oh no, I think we have got to do a little bit more here”, which is why ... and I think already we had an issue about the financial oversight board, how we evolved that into the (inaudible 11:49:31) group and so on, because I think everyone agrees that long before I left office in November 2008 that there were very robust arrangements in place. Nobody is accusing anybody of not having a sound arrangement in place, say, in July, August, September, October or November 2008. That is where we had got to. I fully agree with hindsight we did not get there quickly enough but it was all rather moving very fast and unfamiliar territory for everybody, including some of the senior politicians.

Deputy T.M. Pitman:

I will cut in there, Mr. Power. We do need to get a lot more in yet. Can I just ask you an issue? It is a wider issue but it is troubling me. Consistency in financial management. I have raised questions on this myself. Subsequently since your departure we have seen quite considerable expenditure on putting police up, say, in the Radisson for the Wiltshire inquiry, acknowledged as being out of the norm yet really waved away by the Minister as not important. Have you got an explanation for this inconsistency that there appears in how what is proper and what is not is looked upon, perhaps from the Home Affairs Department? Is there any explanation for that?

Mr. G. Power:

I can offer some professional views on that and some ...

Deputy T.M. Pitman:

Please do.

Mr. G. Power:

There has been a lot of work done on the area. For example, there was an operation called Operation Lancet which ran in Cleveland, I think about 12, 15 years ago, which involved somebody who is now Mayor of Middlesbrough, a long running disciplinary inquiry, and that is one of a series which triggered some very high level reviews of police discipline investigations. It identified a number of cases. One report was by Bill Taylor who was Chief H.M.I. (Her Majesty's Inspector of Constabulary) at one time. It identified a number of cases where inquiries had taken on a life of their own, had gone on fishing expeditions and had perpetuated themselves to a point where the original purpose had become lost. They spent years producing nothing apart from a van full of paper. Best practice guidance was produced and the guidance was about things such as ring fencing, about tight budgets, about keeping to original, tightly defined objectives and not wandering off on fishing expenditures, interviewing people from 20 years ago, or developing tangents in terms of lines of inquiry. I think a lot of people look at the Wiltshire inquiry and say: “There are some of the classic elements.” Poorly defined terms of reference, ambiguity as to what they are entitled to achieve and an inquiry that just went on and on and on and kept going on long after it become clear it was never going to finish within the prescribed time. Even after I had finished work, even after my last working day when I was effectively a pensioner ... what I mean by my last working day, clearly there is a day on which you are officially retired but there is your last working day which takes account of any outstanding entitlements that you have, and that is usually a couple of weeks before your official retirement day. But even after my last working day I was receiving correspondence inviting me to a

disciplinary meeting to discuss the Wiltshire Report and I think the Chief Police Officers' Staff Association had to write to the Minister and say: "I think we ought to draw your attention to the fact that the police discipline law does not actually apply to civilians and what are you doing this for?"

The Deputy of St. Mary:

No, I think we know where you are coming from there. Deputy Le Hérissier.

Deputy R.G. Le Hérissier:

On that issue, Mr. Power, following that up, we had BDO Alto but we had reference to the fact that Wiltshire had looked at finance even though, obviously in terms of your submission and other things, we have not by any means seen the full picture. In terms of your professional judgment, do you feel that the BDO report was really needed or do you feel that there was utter disorganisation, given the whole number of reports that appeared to be running at the same time, overlapping with each other, and some of which were not known?

Mr. G. Power:

I think Wiltshire did produce a report on financial management but I am really confused about the financial management aspect. No doubt they are going to come round to it but, of course, it was in 2009 that the Minister told me that he had already commissioned a report from a firm of accountants so I knew that something was entering the process. I knew that Wiltshire were producing a financial report. I think the answer to your question, I am sorry to keep taking the thing back to sort of strategic principles but you have got to say: "What are you trying to achieve in this? Are you trying to produce evidence which justifies somebody being suspended or disciplined or are you trying to learn lessons which enable you to improve quality and service delivery and consequences in the future?" I think what has been going on over the past few years it has continually got stuck between those 2 objectives and we have got some strange hybrids which certainly have not delivered in the discipline sense, that have been inhibited from learning the lessons in the sort of lesson learning sense. I will just give you an example of this. In the very early days of 2009 my professional association wrote to the Minister, and wrote to the Wiltshire Police, and said: "Would somebody tell us what is going on here? Are we having a management review of the historic abuse inquiry, because we are happy to help? If you want to sit down and learn lessons, have a candid discussion as to where things went right, where they went wrong, mistakes that were made, lessons for the future, we will have that discussion. We will eagerly engage in that process." It seems after weeks of deliberation they eventually got a letter back saying: "No, this is a disciplinary inquiry and we will remind you that you should not be saying anything and anything you say might be used in evidence against you." So that was the end of any co-operation that we might have given to that. So that choice early on was to say: "No, we are not going to turn it into a learning exercise. We are going to turn it, if you like, into a disciplinary hunt of one individual, who incidentally should have retired 2 years ago" meant that a lot of the lesson learning opportunities were lost because quite clearly obviously when Wiltshire were asking some questions I would say: "Well, I want to reserve my position on. I could offer you some very helpful information but (several inaudible words 11:56:53)." That is where I think we have got stranded between the lessons learned and the disciplinary. The Minister was desperate to defend the actions taken: "We were right to suspend, we were right to have a disciplinary inquiry, we were right to spend all this money on Wiltshire", but at the same time they want to learn lessons for the future. The 2 are not always compatible. If I can give an example of one investigation that I did in another force in Scotland where a murder investigation had gone horribly wrong and I said at a very early stage: "Look, I need to know if you want any scalps out of this because if you do I am going to go around all the key people and tell them they do not have to tell me anything because that is the rules. If, on the other hand, you are willing to sign up a chit of a paper that says there will no disciplinary outcome then I am going to go around everyone to say you have got to talk to me because we want to learn and there is no disciplinary outcome." Now, I got the response to say: "Yes, we are willing to sign up to say nobody is going to face any disciplinary proceedings because we want to learn all the lessons."

Deputy R.G. Le Hérissier:

Thank you, Mr. Power. That is very well explained. Can you tell us, just for the record, who did you put this view to that these reports were seemingly running off in the wrong directions or they were taking on lives of their own and if you really wanted to learn, as opposed to sort of be involved in focusing on one or 2 individuals you were not going to get a good open sort of culture where you would learn? Who did you put these views to and what was the response when you put them?

Mr. G. Power:

Bear in mind that I was under caution, I was told that anything I said might be used in evidence against me, so I took advice and I was very restricted on what I said. But my professional association wrote to Wiltshire and I believe in a meeting repeatedly spoke to the Minister, a very substantial meeting, the transcript of that I think is publicly available, saying: "Look, what are you after here? Do you want to learn lessons or is it a disciplinary inquiry?" I think at the first suspension meeting the Minister made it very clear it is a disciplinary inquiry, in which case the advice I was getting is: "Do not say anything. Do not say anything until you have had disclosure and then we will decide what it is you have got to say and what the other side are saying."

Deputy T.M. Pitman:

Was that the July meeting, Mr. Power? What date was that?

Mr. G. Power:

I do not think it was the July meeting. I think that was the very first meeting which would be February (several inaudible words 11:59:28) trying to obtain some further clarification as just what is intended by this whole process.

Deputy R.G. Le Hérissier:

So there was never any chance for you then to have what I might call a heart to heart with the Minister and say: "Look, this is the situation. We have got to learn. This is what I suggest"? That never occurred, essentially?

Mr. G. Power:

Every time I stuck my head above the parapet I was warned that I was not supposed to say anything and so that was the end of that.

I did eventually decide that I should record it in a written statement for posterity, which is what I have done, and I am sure it will emerge in time that there are lessons but I think the lessons would have been learned earlier if they had been allowed earlier, if people had realised that the disciplinary inquiry was not going to come to any conclusion and it was far better to have an inclusive, candid review of the lessons learned to which I would have contributed willingly.

Deputy T.M. Pitman:

On that point, Mr. Power, for the record you would have contributed to the BDO review and you obviously think that your contribution would have been very relevant?

Mr. G. Power:

Yes. I did not know anything about the BDO review when it was happening but if they had asked me to contribute I would have referred them to the relevant parts of the statement that I had already submitted in relation to financial management and, yes, I would have contributed because I still think there are some important lessons. It is just not good enough to say that: "The senior investigating officer at the time did not control expenditure properly and so let us criticise him and we can all go home." I think that that are some serious issues about how Jersey runs and funds policing and lines of accountability, both professionally and politically, which need to be taken on board and I think that opportunity perhaps has been missed.

The Deputy of St. Mary:

You have just said that if BDO had let you know that the review was happening and if they had

asked you to contribute you would have agreed, but would that not have come under the sort of Wiltshire embargo? Would there have been problems there?

Mr. G. Power:

Well, no, because by then I had left the service and none of the inhibitions of the disciplinary code would continue to apply.

The Deputy of St. Mary:

In 2009?

Mr. G. Power:

By then I had left the service so none of the restrictions of the disciplinary code would have applied. It was always when I was still a serving officer, and I was a serving officer until July 2010, that I was bound by the rules of confidentiality. After that time I was free to speak. So I am not absolutely certain about the timing of BDO's work. I suppose if they were doing work prior to ... yes, good point. I assumed that they were doing the work after I had retired. If they were doing the work before I retired then I would have been subject to the rules of confidentiality and could not have spoken to them. That is true.

The Deputy of St. Mary:

That is the problem, is it not? Do you accept the view of Mr. Warcup that they could not approach Lenny Harper? He blocked them approaching Lenny Harper. Do you have any comment on that?

Mr. G. Power:

I cannot see why they could not approach any private citizen who they felt was relevant to their investigation. It is not for police officers to tell investigating bodies which members of the public it can and cannot speak to, I would not have thought. Who Lenny Harper speaks to is nothing to do with David Warcup, nothing to do with the States of Jersey Police and nothing to do with anybody else that I can think of.

The Deputy of St. Mary:

But he cited the Wiltshire inquiry. He said that the reason that Lenny Harper could not or should not talk to BDO or [the Police Consultant] was that the Wiltshire inquiry had primacy and that in some way Lenny Harper speaking to BDO might undermine something or other, the disciplinary process I suppose, and it is very important for us to get your comments on that.

Mr. G. Power:

I can see there may be an argument for that but by then, if we are talking about some period in the middle of 2010, everybody knew that the Wiltshire inquiry was going nowhere. Everyone knew it was going to run out of time but it kept running and we can speculate as to why. You can speculate as to why the Wiltshire inquiry was kept going when it was clear it was never going to reach a finish in time before I retired but one of the effects was it shut a lot of people up because it was saying: "Sorry, you cannot talk about that because there is still the Wiltshire inquiry."

The Deputy of St. Mary:

It was in 2009 that BDO were working, you see, so the Lenny Harper thing and the relationship to Wiltshire comes under the 2009 timescale.

Mr. G. Power:

I can see why that argument might have been put. I do not think it is a very strong argument but I can see why it might have been put, yes.

Deputy T.M. Pitman:

Interesting what you say there, Mr. Power, because it comes back to my earlier point about an ulterior motive and when you say about by keeping the Wiltshire going it shut a lot of people up. Is

there anything else you can share with us on that?

Mr. G. Power:

I do not have enough evidence to be sure. It is, I think, highly curious that a disciplinary investigation is kept running long after it became manifestly clear that it was not going to reach a conclusion before the person subject to the investigation had retired, I know of no precedent for doing that. I can think of no justification for doing that, particularly because it is costing money. I just do not know how you defend spending money on an investigation where you know that the bird has already flown. I just think it is remarkable. There might be a good reason for it but I cannot think what the good reason might be.

The Deputy of St. Mary:

You have mentioned several times going back to strategic principles and something that puzzles me is this ... and another thing you said was everything was moving very fast and that might have been part of the reason for the financial problems. BDO refer at length to the golden hour principle and point out that it could not really be said to apply in this case, that it was not a live murder investigation, as we are seeing now in Jersey, for instance. So the hurry was not necessary and therefore a lot or some of the expenditure might have been avoided because it would have been taken in a more leisurely fashion, a more reflective fashion. Would you like to comment on that passage in BDO where they spend half a page talking about the golden hour?

Mr. G. Power:

I am not an expert on criminal investigations. My qualifications in this area are redundant, which is why it is a matter of record that I relied on my U.K. (United Kingdom) experts throughout and I was heavily bound by that advice. I do not think I know the argument, the level of momentum. You are talking here about victims who are substantial in number, victims and witnesses who have either remained silent for decades or, by the account of many of them, tried to bring their reports to the attention of the authorities over decades and have been rebuffed or not responded to. There was, I think, in the early stages a momentum which was bringing a cascade of fresh reports, almost on a daily basis. I think that that initial rush was greater than any of us anticipated, that it was quite overwhelming for the organisation and we had to rush about very quickly trying to put structures in place to manage the deluge that was pouring upon a small police force in response to that. Let us not forget at the same time responsibilities were partitioned, rightly or wrongly: Mr. Harper was leading on the abuse inquiry and I was still trying to run a police force with whatever resources we were left with.

The Deputy of St. Mary:

Thank you for that explanation. That is really helpful and it shows to me that when BDO write a full half page on the golden hour and there is nothing on the other side, if you like, would you like to comment on that? They did not come to you, for instance.

Mr. G. Power:

Yes. I think I could say I was fairly sure this pressure is going to come off at some stage, it was not going to go on with being flooded with reports in the way that we were, but we were for much longer than I thought, but at some stage it was always clear that we were going to stop, catch our breath and put some more conventional management structures around it. I mean, let us not forget that I was talking about this with David Warcup, the need to apply a more structured management, according to my statement, on Wednesday, 20th February 2008. This is months before he was appointed, when he was only showing an interest in the post. So I was having these discussions then of the need to bring his particular expertise to bear on the inquiry. I think there is a long audit trail showing that at some stage we were going to have to catch our breath and we were going to get some structure around it in a more conventional way, and the evidence is that we did. I think by the summer of 2009 we had quite a solid corporate governance around the inquiry.

Deputy T.M. Pitman:

Can I come in there, Mr. Power? It is Deputy Pitman again. In your submission you said: “At some stage prominence was given to aspects of the financial management of the abuse inquiry and the attention shifted away from the systematic abuse of vulnerable children in States establishments and towards detailed examination of bills in a London restaurant.” What is your view on that as far ... is it the media who are chiefly responsible for misrepresenting the findings of the BDO Alto report and highlighting what are comparatively peripheral aspects of the inquiry?

Mr. G. Power:

I think the media are following the debate of what I think, if you really want to know, is what you are doing is in the wrong place and most of us are talking about the wrong things. We are talking about the abuse inquiry when we ought to be talking about the abuse and we are talking about spats between senior well paid public servants when we ought to be talking about the people who have had their lives damaged and the victims and all of the horrible things that went on and asking some really hard questions about what is there about Jersey that makes it possible for this sort of thing to go on for decades, undiscovered, covered up. Clearly, senior responsible people knew that things were not right and did not do enough about it and why when somebody did bring it all to light, albeit in an unconventional sort of way, so much almost hatred and energy and critical comment was directed to the abuse inquiry and we seemed, in my perception, to have stopped talking about the abuse.

Deputy R.G. Le Hérisier:

Sorry, Mr. Power, let me put you on the spot. What do you think it is about Jersey that led to that situation?

Mr. G. Power:

I think there are issues around checks and balances and the ability of people to speak out. Jersey does not have to beat itself up about this in the sense that we are unique. I am widely experienced in policing. I have worked in inner cities in England, I took responsibility for towns in the Scottish borders, and there are plenty of communities that have their own unique culture, are somehow a little bit inward looking. It is a problem that needs to be addressed. There are parts of some very large police forces that would always make sure that they rotated staff regularly and you did not necessarily employ people to police the people they went to school with, and that probably was present in Jersey historically. I say it is historically because some people have done some very good work in recent years. There just has not been enough openness, enough transparency, and the freedom and willingness of people to speak out. These are things that are capable of being addressed and are capable of being confronted but it does frustrate me. I was listening to a States debate, it might have been on Radio Jersey, some months back and somebody, it might have been somebody present on your panel, was trying to focus the debate on the abuse: “The abuse, how did this happen and what are we going to say about it?” I went to make a cup of tea or something and I came back and the next thing there is a spat going about bills in a London restaurant. It just seems to me there are some people who would rather talk about whether somebody had a second helping of pudding when they were on a trip to London than talk about systematic abuse and why it happened. I just think we have got to be cautious about it and I would rather see the interests of the victims given a higher priority and a little bit more serious discussion about are we sure this could not happen again, have we put the corrective measures, the checks and balances, in place and are we sure that anybody who was responsible for a cover up is not still in a position of authority. So those are the questions I think where the energy ought to be put. It is left almost that you are having this conversation around expenses and who signed them off when there are so many big issues out there that really you wonder if they are being taken hold of.

Deputy R.G. Le Hérisier:

Thank you.

Deputy T.M. Pitman:

I think that was me who was asking those questions, but I understand your frustration. What I wanted to ask you, and it is very difficult, we are trying to stick to our terms of reference but there is

always the feeling behind that there is a bigger picture. When you look at the way this has unfolded and the shift, and no one, I am sure not you, is disputing that finances have to be looked at, they have to be controlled, but this shift which you have stressed from the systematic abuse and unravelling that to finances, does it still deeply trouble you that there is still sitting there at the very top in Jersey a situation where people really do not want to go down this avenue, that really it would be rather swept under the carpet? Are you left with that feeling?

Mr. G. Power:

I think there is a cultural resistance in some quarters to the lifting of stones and why the stones were not lifted. If the stones get lifted then what is found under the stones will be dealt with but they would rather the stones were not lifted in the first place. I do, in my statement, go through a rather candid discussion I had with senior politicians at the time who were debating the appointment of Lenny Harper initially to the force, looking at his professional background and I did say then: "This is a person who is going to lift stones because all his professional history shows that he is fearless at lifting stones and dealing with what is underneath them. Unless you are willing to have stones lifted and deal with what comes out, think about appointing someone else." We know the history that Lenny was appointed and stones got lifted. I am reluctant to go down the conspiracy theory route. It is not as simple as saying that there were certain senior people who would periodically meet in secret rooms and put together a conspiracy. I think there are a number of people in senior positions who are like minded. If it is a conspiracy it is sometimes an unconscious one, that people simply think and behave in the same way and think that it is the natural thing to do, and not wanting to lift stones is a characteristic, I think, of part of the culture. I would say that. Again, it is not just Jersey; it happens in some other places. Perhaps in real life there are some stones that are best not lifted but once the genie was out of the bottle in the early part of 2008 I was very clear in conversation with senior people, some of whom were quite uncomfortable with what was taking place, I said: "Whatever happens, there is only one way out of this now and that is for Jersey to be able to say that everything was thoroughly investigated, we took it as far as it was and if there are many prosecutions or there are no prosecutions we have just got to be able to say nothing more can be done. We have beaten this issue to death." I think that the way events turned left in the minds of a lot of people that there was something desperately being covered up and that is unfortunate.

Deputy T.M. Pitman:

I have got to ask you a question. It may be unfair but it is the way this review impacts on the bigger picture. I have got to ask it and then I will let my colleagues come in. When you look at the way the focus has gone with the BDO review and how it has been reported, or how it has been used by the Minister, are you left with the feeling that there is a connection? Your suspension; the bigger picture, I believe, that there were incidents where emails sent to you by a States Member ended up in the hands of the former Bailiff; then we have got the issue of the raid on a former States Member's home. Do you see there being a link there? I know you may not be able to prove it but what is your feeling? That seems to be what you are saying: we need to get to a position to move forward and we cannot if we do not tackle these issues.

Mr. G. Power:

I really find this a very difficult subject because I have been asked many times about conspiracies and the fact is I simply do not have enough evidence to be sure. I was asked did I think that senior people in senior government positions in Jersey, legal positions, were involved in some sort of collective conspiracy and in an attempt to be light hearted about it I would say: "Well, I think if you believe that you might be paying them a compliment they do not deserve." I have seen conspiracies and they do take rather a lot of planning, a lot of organising and a lot of skill and that is not always present. But I go back to what I think is nearer the mark, which is sometimes a collective state of mind, we would rather ... we just want things to be normal and pleasant and we regard any disruption of that as being unfortunate, and also a failure to think through the consequences of actions and to be taken continually by surprise by what are common reactions to events. What on earth did they think would happen when I got suspended? Did they really think that I was going to go quietly away and everybody in Jersey would shrug their shoulders and say: "That is life", or did they think that they

were igniting something that would still be burning years later, whereas I just think sensible people would have realised that there they were unleashing some fairly significant events in November 2008. Likewise with the police, I have submitted an affidavit in relation to Stuart Syvret's situation and the raid on his house. I really cannot comment on it from a professional evidential point of view because I do not know enough about it but what I can say with absolute certainty is that anybody should have seen that that was going to ignite significant public reaction and conspiracy theories, and that needed to be managed and handled and I am not sure that I saw a great deal of that in the aftermath. I am sorry if that does not go to the heart of your question but I just think to say there is half a dozen people involved in some secret society and they meet in funny clothes and run the Island is rather overdoing it, but I do think there are a number of people who have a very similar point of view about the world in an environment where there are insufficient checks and balances on what individuals can sometimes do.

Deputy R.G. Le Hérissier:

Following on that theme, Mr. Power, and sorry we are slightly away from BDO but, as Deputy Pitman keeps telling us, it is very hard to separate out the bigger from the micro picture. When you felt that this was happening, were you totally isolated or did you find any resonance with anybody in an influential position who was prepared to listen to you and say; "Well, that is a point of view which we really have to consider"? Or did you find yourself totally isolated in this situation?

Mr. G. Power:

When I was serving you have got to work within the system you are in and I was accountable to a single person, who was the Minister for Home Affairs at the time who was, I think we can say with absolute certainty, not one of the inner circle of powerful individuals and was seen as something of an outsider and something of a radical, but people will have views about her political effectiveness as you always do when you are in politics. But the line of accountability was to a person who I think was largely on the same wavelength on many issues. So far as the whole lack of checks and balances, well, I am now on record and was on record as beating the drum pretty hard for a properly constituted police authority in Jersey, independent of politics, with proper lines of accountability. It was what I was promised on the day I joined. If I knew that promise was not going to be kept I would probably never have come to the place in the first place. The whole issue about the constitutional position of the police, lines of accountability, who can tell the police what to do and who cannot, is just a big running sore and unresolved issue. I put substantial energy into that during my time and I am sorry that I was not able to get all the political support I needed to solve that particular problem.

Deputy R.G. Le Hérissier:

Thank you.

The Deputy of St. Mary:

I just wanted to go back to the missing man with the big stick, this financial person who you asked very early on should be working within the Rectangle team. You mentioned that there are paragraphs in your statement to Wiltshire which cover this aspect. Do you include in your paragraphs in Wiltshire the actual emails that you sent on this matter or is that something else that we have to ask for?

Mr. G. Power:

I do not include the actual emails in my statement. I do refer to emails and the dates on which they were sent and who to, so it should be very traceable.

The Deputy of St. Mary:

Thank you very much. That is useful. I think we shall ask for those.

Deputy T.M. Pitman:

A completely different issue that I think we need to touch on, Mr. Power, is the quite topical issue of

leaks. We have heard from the Minister for Home Affairs that leaks, he believed, seemed to be accredited to ~~Mr. Gradwell~~ [\[retiredD/superintendent\]](#). I believe you have some evidence on a leak that took place while you were there to the media. I think a conversation was recorded. Is that correct or have I got that wrong?

Mr. G. Power:

Yes, I think so.

Deputy T.M. Pitman:

What effect did that have on the ...

Mr. G. Power:

I had an email exchange with a Senator who asked me, because he had heard some rumour relating to the first find, the one that was originally described as a piece of skull and which I think is now disputed, but let us not go there because it is a long journey. He had an interest, he had heard something about that. So I forwarded his email to Lenny Harper and said: "Lenny, can you comment on this? Where are we with this?" Lenny replied with some assurances and I responded to the Senator. I think that is the exchange that this is about. I then received a telephone call from a journalist very quickly afterwards who was in possession of the email that I had sent to the Senator. He was able to read from it. I believe, my recollection is, that he told me that in fact he had got it from the Senator. I do give a narrative of this in my statement. I cannot turn to the page at the moment and just find it, but what then happened is that I think the call was recorded. I would be surprised if the recording still exists. Recordings of calls are kept for a period of time and then the system is wiped or whatever. That was about the time that another scientist had cast doubts on the findings of the first scientist, because we had one forensic scientist was saying: "This is definitely a piece of child's skull" and then it emerged that another scientist was saying: "Look, I am not so sure about that." So we asked Lenny Harper to submit a report explaining where he was in relation and I packaged that together with the information relating to the Senator and the conversation I had. I said: "It looks as if there has been a breach here of the Data Protection Law." People were saying should Lenny Harper be investigating in relation to what were perceived to be misleading statements he might have made in relation to the first find. This went to the Chief Minister's office. I said: "You can have an investigation if you want but part of the investigation ought to be whether the Data Protection Law has been broken in relation to this communication from the Senator. I can think of no other way that that email would find its way into this journalist's possession." Now, I did not get a response to that and I thought about whether I should stir the pot further by involving the Data Protection Commissioner but by then we were pretty well up to our necks in events and it did not happen.

Deputy T.M. Pitman:

You are being very tactful. I can say it: was that Senator Perchard?

Mr. G. Power:

Yes, it was.

Deputy T.M. Pitman:

It has been very topical recently with leaks and we have seen the *News of World*, and again interestingly enough as we have begun this review suddenly there has been tried to throw attention away to the *News of the World*. We asked you about politicisation of policing matters. Does that seem to be an ongoing concern throughout your time there? Mr. Harper and yourself have probably been criticised heavily for relationships with the media but yet there seems to be an ongoing problem which is still there and you 2 have both gone. Have you got any thoughts on that?

Mr. G. Power:

Yes, I think in a small force you are always going to get leaks. Lenny Harper was pretty ruthless in pursuing people who were leaking confidential information and got caught doing it. He would have

to speak for himself about his dealings with the media. My experience of his dealings with the media, where I was brought into them was when Wiltshire said: "Did you challenge any of the media statements made by Lenny Harper?" I said: "Well, will you show me the transcripts of what I was supposed to have challenged?" and the only transcripts they could produce were statements which were quite impeccable. I think we did have a big problem over disparities between what the police were saying to the media and what the media were saying, and I had that experience myself. I did one interview where I was asked were we digging for 6 bodies. I said: "No, no, we have got 6 locations which have been identified as ones which ought to be explored because there was some finding on the ground radar or forensics or whatever which could mean a number of things but it means that we have got a duty as investigators to dig a hole and see what if anything is in there." But the headline the next day said: "Police searching for 6 bodies" and so that was a waste of effort. I always dealt with the media above board, on the record and that was the way in the latter years of my service that it always happened. I cannot swear that I always did that. Before I came to Jersey I was occasionally prone to off the record briefings and lunches with journalists. I got my fingers burnt rather badly in one experience and I thought: "Well, I am never doing that again" and so it was always above board, it is all on tape, it is all on record. Whatever I said I said it is there in somebody's archives.

Deputy T.M. Pitman:

Just one question I wanted to ask, because this is what I was leading up to. On 14th July last year on the publication of the redacted Wiltshire report and the BDO Alto report the Minister for Home Affairs was quoted by BBC Jersey as saying: "We have got a serious issue in Jersey, which actually Mr. Power highlights in one of his statements and I agree, of politicisation of policing matters." Do you feel that has almost fed into where we are now? For instance, I will give you an example, the [the Managing Director] from BDO, said to us, I am paraphrasing his words: "We have got no control over how our report was presented. Actually, we praised Mr. Harper, for example, on 9 occasions", I think he said, yet none of us could remember reading that. Is there a feeling from you that that is part of that politicisation which the Minister for Home Affairs is referring to?

Mr. G. Power:

I think there is still an attempt to justify the action that was taken against me and whether the action that was taken against me was really because of an issue with me or because I was, if you like, a proxy target for Lenny Harper, although I think it is right to say that some politicians hate him with an intensity that is quite tangible. To be honest, people are still fighting that battle and it is distorting judgment and I think taking the eye away from the ball of the bigger picture. The politicisation of policing in a small community is always going to be a problem. In my judicial review I give some excellent examples, I think, of where it was addressed elsewhere, in Guernsey, the creation of an independent law enforcement commission, the work that I had done in drafting a law for a police authority in Jersey, all capable of being addressed. But it is completely, to my mind, unacceptable that a chief officer of police should be accountable to one single political individual. That was always going to end in tears and it certainly did.

Deputy R.G. Le Hérissier:

Just on that line, Mr. Power, just to complete a very interesting topic, slightly off topic for us, do you feel that another aspect of politicisation is the tendency of politicians in a locality like this to always wish to micro manage or to always be driven by various agenda which for various reasons they have to make public? Do you think that is an issue in a small community?

Mr. G. Power:

It is an issue but it is one which a competent leadership ought to be able to manage. I would rather that people show a mistaken interest than no interest. I think that every States Member knows that I was always getting emails from States Members: "What is happening about this? What is happening about this?" and everyone knows I always replied within 24 hours and sometimes it was just saying: "Sorry, cannot tell you anything about that" but quite often you could do. There are some real positives about policing in Jersey and one is that we are part of the same community, everybody

cares about each other. I have worked in forces where the police officers arrived in expensive cars in the morning and drove home to a leafy suburb of a night and could not give a damn if the place they were working burned down tomorrow. They would just go and work somewhere else. This is not the situation in Jersey where I think there is a common ownership. I do feel that in the one hand I welcome the interest but there needs to be a clear line of accountability so you can say to a Deputy in St. Helier: "I am very happy to meet with you to talk about a case you are concerned with, to tell you as much as I can but you must understand at the end of the day I am only accountable to the police authority and I really cannot change what I am doing because you are asking me to do it, but I am quite willing to justify what I am doing." I think I can explain this a little bit better. I think what is not often well understood is the difference between control and accountability. If you are controlling somebody you are telling them what to do; if you are accountable then you are really justifying what you have done. I think accountability is great, political accountability is great, the police, all jobs being politically accountable, the politicians ought to set the main objectives, that they ought to hold chief officers to account and so on; I am all for that but political control is quite another matter. Sometimes people talk about it, and I think the present Minister for Home Affairs talks about political control of things when perhaps he meant to say accountability but nevertheless he said what he said.

Deputy R.G. Le Hérisier:

Okay. Thank you.

The Deputy of St. Mary:

I suppose one question would be when you arrived in Jersey you very quickly got on to the matter of having a police authority, because that is the best way to go. Just remind us when that was, when you arrived in Jersey.

Mr. G. Power:

It was the latter part of 2000.

The Deputy of St. Mary:

Okay, the latter part of 2000 and we are still waiting.

Mr. G. Power:

Yes, we are still waiting in spite of persistent efforts by myself. I really think that is regrettable and it reflects badly on the government of the Island that that has not been achieved.

The Deputy of St. Mary:

Yes, but hopefully by the end of this year. One final question I have got for you, Mr. Power, when we look at the BDO review, and we have still got to form our conclusions on this, do you see an irony there that the way that yourself and Mr. Harper perhaps have been portrayed where obviously you are not part of this information gathering, yet yesterday we heard from Mr. Warcup and we were quite surprised, I think, to hear that really for 4 months [Police Consultant] was brought in and nobody really seemed to take any interest in what he was doing. Four months of taxpayers' money being spent and no one seemed to even question what he was doing. In fact he did not apparently even know he was working to the terms of reference to which he had been signed up. Do you see an irony there that there is heavy criticism for yourself and Mr. Harper, yet nothing really being said by Home Affairs on this issue?

Mr. G. Power:

From the very beginning, from the Wiltshire inquiry and subsequently I have seen quite an irony. When people have accused me of presiding over a long-running inquiry that went on too long, spent too much money and did not achieve everything that it hoped to achieve, I look at the behaviour of the people who are making that criticism and what do I see. I see long-running inquiries, lack of any effective control, running over budget and a product that did not really address the core issue. If there is anything wrong with the way we did things then it appears to have been contagious because

everyone else has caught it.

Deputy T.M. Pitman:

We have overrun and I thank you for your time. Is there anything that you would like to say to us that you think we have missed or that you feel you have missed and would like to get in?

Mr. G. Power:

It might be that you have picked this up but I did write to you subsequently to my initial position, and just stop me if you have got this and you are on the case of it. But I did say: "Look, I have thought again and I know there is some dispute about when this accountant's review had kicked off." Well, there is a transcript of a meeting I had with the Minister for Home Affairs in July 2009 in which he had said that he had commissioned an accountant's review early in 2009 and he was expecting the report by July 2009. I cannot equate that with BDO's statement saying they were commissioned, I think, in early 2010 or something like that.

The Deputy of St. Mary:

No, BDO were appointed in March. They confirmed that in an official letter of whatever it is called, engagement, at the end of September. There was then the leak to the *Daily Mail* and then they actually reported in the middle of 2010.

Mr. G. Power:

Okay. If that fits all right with you that is fine. I just thought that might have been a missing piece of the jigsaw.

The Deputy of St. Mary:

Yes, that is clear to us. Thank you.

Deputy T.M. Pitman:

Can I thank you then, Mr. Power, for your time and for the honesty of your answers and the depth of your answers and I will end the meeting there. Thank you.

Mr. G. Power:

Thank you.

[12:40]