

STATES OF JERSEY



COMMITTEE OF INQUIRY: CONFIDENTIAL FILES HELD BY STATES OF JERSEY POLICE ON STATES MEMBERS AND OTHERS (P.104/2009) – COMMENTS

**Presented to the States on 17th November 2009
by the Minister for Home Affairs**

STATES GREFFE

COMMENTS

Although the heading of P.104/2009 makes reference to “and others”, to date no evidence has been found of the existence of files or sections of files relating to anyone other than the Elected Members of the States of Jersey as of February 2006.

Although I do not object to the holding of an ‘in Committee’ debate as suggested, at an appropriate time, I would remind the Members of the States that I remain subject to a confidentiality clause in relation to certain potential disciplinary matters. Accordingly, the amount of information which will be available at the time of an early debate will be limited. Furthermore, any discussions which relate to any such disciplinary action must, by Law, be held *in camera*.

It is my opinion that the setting-up of a Committee of Inquiry would be premature at this stage for the following reasons –

- (1) A process of investigation into Operation Blast has been started and is being conducted by the Wiltshire Police Force.
- (2) That investigation will raise issues both as to whether any criminal offences have been committed and in relation to possible disciplinary issues relating to the police officers who were involved.
- (3) It would be better if those issues were dealt with first before any Committee of Inquiry were to be established. Otherwise there is a danger of those issues becoming intermingled with the process of any Committee of Inquiry.
- (4) An earlier date for the start of a Committee of Inquiry could prejudice both any criminal proceedings which might arise and any such disciplinary matters.
- (5) In practice, if criminal proceedings arise, then a transcript will be available of these and of any evidence presented thereat.
- (6) In the eventuality of disciplinary proceedings arising which involve the Members of the States of Jersey, they would then have access to a great deal of information.
- (7) Any Committee of Inquiry which might be set up prior to the conclusion of any criminal or disciplinary proceedings would find itself going over the same ground as was being addressed by those proceedings.
- (8) I believe that the best course is for any criminal or disciplinary proceedings to be allowed to run their course, with the results thereof being made available to the Members of the States.
- (9) If this course is followed, then the Members of the States will be better placed to determine whether there are any outstanding matters which should be referred to a Committee of Inquiry and the precise areas which should be covered by such an Inquiry.

- (10) In the meantime I have commenced a review of the procedures and protocols being applied both by the States of Jersey Police and by the Customs and Immigration Department in relation to the handling of confidential information and intelligence. I will ensure that these are appropriate.
- (11) Accordingly, I am of the opinion that the setting-up of such a Committee of Inquiry would be premature at this time and should be left over to a later time.

The Proposition makes reference to the Inquiry costing in excess of £50,000. I believe that this is a great under-estimation and that the likely costs, if the Inquiry started now, would be of the order of £500,000. Such an Inquiry prior to any decision on criminal proceedings or any disciplinary matters would be much more expensive as there would be a necessity to provide any person who might be prejudiced by the outcome of the Inquiry with their own legal representation at public expense.

To summarise, there may well be a time when an Inquiry should be set up in order to inquire into particular matters, but that time is not yet.

Accordingly, it is my intention to seek to persuade Deputy Higgins that discussion on this Proposition should be deferred until after any criminal or disciplinary proceedings have been completed.

If the debate proceeds, even *in camera*, I would strongly request Members to remember that in certain circumstances criminal proceedings may arise, or that they may have a role to play in relation to disciplinary matters, and to accordingly moderate any comments which they may make.