

STATES OF JERSEY



COMMITTEE OF INQUIRY: CONFIDENTIAL FILES HELD BY STATES OF JERSEY POLICE ON STATES MEMBERS AND OTHERS

Lodged au Greffe on 17th November 2009
by Deputy M.R. Higgins of St. Helier

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

- (a) to establish a Committee of Inquiry in accordance with Standing Order 146 to inquire into a definite matter of public importance, namely to investigate the actions of the States of Jersey Police in creating and holding files of information on members of the community unconnected with any criminal investigation including files on elected members of the States Assembly (known as ‘Operation Blast’);
- (b) to agree that the Terms of Reference of the Committee of Inquiry shall be to determine –
 - (i) the identities of those responsible for the decision to create the files;
 - (ii) the identities of all those who knew of the existence of the files;
 - (iii) the purpose and use of the information contained in the files;
 - (iv) what information is contained in the files;
 - (v) the identities of –
 - (1) the persons and/or sources from which the files were compiled;
 - (2) the persons holding the files;
 - (3) the persons and/or organisations the information contained in the files has been disseminated to and when this was done;
 - (vi) the identities of those persons on whom the States of Jersey Police held files of this nature;
- (c) to agree that the Committee of Inquiry shall be chaired by a legally qualified ex-judge or Queen’s Counsel together with 4 people; two drawn from among States members (one to be an Assistant Minister and one a non-Executive member) and two citizens who are not members of the States, one of whom should ideally have a legal background;
- (d) to charge the Privileges and Procedures Committee to take the necessary steps to seek recommendations for membership from States members and others and to then to lodge for debate by the States Assembly the necessary proposition relating to the appointment of a Chairman from outside of the Island and the four other Members of the Committee no later than 21 days after the States decide to establish a Committee of Inquiry;

- (e) to request the Minister for Home Affairs to take the necessary steps in conjunction with the States of Jersey Police to ensure that any information contained in the files that is not required as evidence for disciplinary or criminal investigations should be destroyed once the Committee of Inquiry has completed its work.

DEPUTY M.R. HIGGINS OF ST. HELIER

REPORT

Although Standing Orders do not permit a proposition to be lodged jointly by 2 members, this proposition has been prepared and agreed jointly by myself and the Deputy of St. John. It is our intention that the debate be held in the autumn of 2009 so each member has time to have a meeting with the Attorney General or Solicitor General, the Acting Chief Officer of the States of Jersey Police and the Data Protection Commissioner and others, if required, so they be fully informed of the subject matter before the debate takes place.

The revelation by the Minister for Home Affairs in the States of Jersey Assembly on 16th June 2009 that the States of Jersey Police had compiled and held files of information on elected members of the States of Jersey Assembly and other Jersey citizens and residents unconnected with any criminal investigation strikes at the very heart of Parliamentary Sovereignty and democracy in the Island of Jersey.

The actions of the States of Jersey Police is totally unacceptable in a democratic society and is comparable to the actions of police forces in totalitarian regimes such as that of East Germany under communist rule, where the Stasi held files on all its citizens. It also gives rise to concerns that the States of Jersey Police may have used their enormous surveillance and information-gathering powers to collect damaging information on politicians (e.g. their sexual orientation/relationships, business connections, etc.) to intimidate or manipulate sitting or ex-members of the States by threatening to leak damaging disclosures about them for the benefit of the police force, or others, in the way that J. Edgar Hoover of the Federal Bureau of Investigation abused his powers in the United States.

Due to the gravity of the situation we find ourselves in, we ask the States Assembly –

- (1) To hold an ‘in Committee’ debate to discuss the Minister for Home Affairs’ statement made on 16th June 2009, with this ‘in Committee’ debate to be held in the autumn of 2009 and in public where possible, so that each member will have time to have a meeting with the Acting Chief Officer of the States of Jersey Police, the Data Protection Commissioner and the Law Officers, if required, and others, so that they be fully informed of the subject matter before the debate takes place;
- (2) to hold a States debate on the proposition immediately after the ‘in-Committee’ debate.

The Minister for Home Affairs should be commended for his decision to bring this matter to the attention of the Assembly.

Appendix: Minister for Home Affairs’ statement to the Assembly made on 16th June 2009.

Financial and manpower implications

Committee of Inquiry of this nature, involving senior ex-judicial members or Queen’s Counsel, are extremely expensive undertakings and members can anticipate it costing in excess of £50,000. A precise figure cannot be forecast as it is not possible to predict what may be discovered during the Committee’s work, and what leads and avenues

they will have to pursue to determine the extent of the problem and the people and organisations involved. However, due to the serious nature and implications of this matter, which strikes at the very heart of parliamentary sovereignty and democracy in Jersey, and of the immense public concern and interest generated in this case, this should not be our main consideration.

APPENDIX

STATEMENT BY THE MINISTER FOR HOME AFFAIRS IN RELATION TO OPERATION BLAST MADE ON 16th JUNE 2009

It is my duty to inform this Assembly that on 2nd June 2009 I received a formal written report from the Acting Chief Officer of Police which confirmed to me the details of Operation Blast. I was first informed of the general details in relation to Operation Blast by a letter from the Solicitor General dated 30th April 2009, and requested further information prior to making any decision in relation thereto. I am able to reveal the following information –

- (1) In February 2006 the States of Jersey Police set up files under the name of Operation Blast which contained sections on every elected member of the States of Jersey, that is on every Senator, Connétable and Deputy. These files do not appear to relate to any actual police investigation.
- (2) Each section on an individual member contained a photograph and other generally available information on the member. It also contained a full criminal record search on each member. Some of the sections contained other information on a member from a variety of different sources including local police intelligence and national police intelligence and sheets detailing the checks that had been carried out in respect of each individual. The existence and general contents of the files have been independently confirmed to me by the Solicitor General acting upon my request.
- (3) The files were kept securely within the Special Branch office. Between February 2006 and November 2008 the files were updated from time to time. The files were not retained under standard arrangements for the retention of intelligence data. Indeed, there are papers within the files which would suggest that efforts have been made to ensure that this information was maintained outside the normal protocols for the management of information. Various members of the Police Senior Management were aware of the existence of the files and directed certain information to be retained therein. The existence of the files was known only to a very small number of officers and does not appear to have been disseminated further.
- (4) I am not aware of the motivation for the setting up and retention of these files but am very seriously concerned about their existence.
- (5) No new sections were set up after the October/November 2008 elections and no information was added to the files after November 2008.

Existing or former members of the States who are concerned by the contents of this statement may wish to contact the Acting Chief Officer of Police, Mr. David Warcup, who has agreed to meet individually with them, should they so wish, in order to discuss the contents of their section of the files. However, I must inform members that Mr. Warcup will not be able to reveal to them any items which cannot be properly disclosed outside of the Police intelligence community.

I will of course answer questions which members may have, but the answers which I can give will be limited because of possible police disciplinary issues which may arise from this discovery.