

2.4 Deputy M. Tadier of the Minister for Home Affairs regarding the report commissioned by an outside media consultant in relation to Operation Rectangle:

Can the Minister inform Members whether the report written on 8th October 2008 by an outside media consultant in relation to Operation Rectangle was commissioned by the former Chief Executive of the States and the former Chief Minister and not by the States of Jersey Police?

Senator B.I. Le Marquand (The Minister for Home Affairs):

In answering this, I think I want to refer to the name of the individual. The reason for that is because there is a question for the Chief Minister about that individual, he is named there, so I cannot see any problem in my doing that unless you rule otherwise.

The Bailiff:

If it is essential.

Senator B.I. Le Marquand:

But I think it is confusing otherwise when there is a question.

The Bailiff:

Very well.

[10:15]

Deputy M. Tadier:

Can I just add that it says “former Chief Minister” but, of course, that is 2 Chief Ministers ago now so it is probably helpful if we do refer to names.

Senator B.I. Le Marquand:

I would assume that the question relates to Mr. Tapp - that ties-in with the question of Deputy Higgins - who was a specialist media consultant who was appointed by Mr. Warcup in order to advise the States of Jersey Police on media-related issues. Following a disagreement with Mr. Power as to the correct way forward, he resigned. He was then asked by the Chief Executive, Mr. Ogley, with the consent of the Chief Minister at the time - acknowledging consent to the Chief Minister at the time, Mr. Walker - to produce a report, which he did. That report was not available until after the original suspension. The involvement of Mr. Ogley in this and Mr. Walker and Mr. Tapp's involvement is all covered at some length in the *Napier Report* and Mr. Napier does not express any concerns in relation to the part which Mr. Tapp played or, indeed, Mr. Ogley in this way and I am frankly puzzled as to why there is now excitement about Mr. Tapp's role when this has been in the public domain for quite a long time.

2.4.1 Deputy M. Tadier:

Firstly, if I can thank the Minister because a similar question was asked on 20th April 2010 and at that time, there was an ongoing inquiry so the Minister had to be slightly more cagey in the answer that he was able to give on that occasion. I suspect that the reason that this has been given some

import by certain journalists and certain individuals in our Island is because it exactly confirms the suspicion that this was a political act and it was not the Police Chief and that department which decided that there was need for the Police Chief to be suspended. Rather, it was a decision of the Chief Executive Officer who, as we know, has now been if I can say "paid off" - I do not know if that is the appropriate expression. So does the Minister acknowledge that with so many people having resigned, the Chief Executive Officer and Mr. Warcup, who ostensibly resigned because he was getting harassment, but it could be for other reasons, that this is something which is of political interest? Will the Minister seek to give a full statement to the media outlining the timeline, the chronology, and the reasons for the suspension?

Senator B.I. Marquand:

There are so many questions again in that one.

The Bailiff:

There are only 2. Was it a political act and will you make a statement?

Senator B.I. Marquand:

No, it was not a political act. It was quite apparent by the time that Mr. Tapp was asked to produce his report that there were serious concerns in relation to the way in which the media handling had taken place. That was apparent fairly early on, in fact, but by the time we are getting into October 2008, the storm clouds were definitely gathering in relation to that. It was by then known that the so-called skull fragment was not a skull fragment at all but was some other type of material and it seems to me that it was part of the duty of the Chief Executive at the time to try and start to gather evidence which would become relevant to subsequent decisions. There is absolutely nothing political about that.

The Bailiff:

Will you make a statement?

Senator B.I. Marquand:

I will talk to the press but I am not going to go into enormous length or enormous technical details.

2.4.2 Deputy M.R. Higgins:

Does the Minister not find it rather strange though that Mr. Tapp was brought in by the Deputy Chief Officer of Police to write a report, it was then felt that his services were not required by them. He is then invited by the Chief Executive who had already from 24th September been making inquiries with the Solicitor General and others about bringing disciplinary charges against the Chief of Police. Does it not look like the media thing was part of a political process of getting rid of him?

Senator B.I. Marquand:

No, the fact that already inquiries were being made in terms of possible disciplinary matters is fully consistent with Mr. Ogleby taking the view that he should be gathering evidence together. Clearly, Mr. Tapp very strongly disagreed with the way in which matters were carried out. Incidentally, Mr.

Tapp's evidence of what he had to say in relation to matters was included as part of the *Wiltshire Report*. They clearly treated him as being an expert with the right knowledge and ability.

2.4.3 Deputy M.R. Higgins:

Going back to Mr. Ogley's role in this, Mr. Ogley commissioned this report with the former Chief Minister, Mr. Frank Walker, and the report was used as part of the justification for his dismissal. Mr. Ogley, according to Napier, said that one of the reasons for the suspension of the Chief Officer of Police was the fact that he would not agree to the media strategy. Will the Minister for Home Affairs please go through all this and produce chapter and verse for the media and for Members here because there are so many elements of it now coming to the front showing that it was a political act. Will he revisit it and put out all the information?

Senator B.I. Le Marquand:

It is not a political act. I have heard absolutely no evidence from that and I stand by the report of Mr. Tapp in relation to that particular area. Members are very quickly forgetting that the concerns of Mr. Warcup were fully justified by the *Wiltshire Reports* when they came out. That is the substantive report in relation to what happened where there were failures and so on.

2.4.4 Deputy R.G. Le Hérissier:

Given this never-ending saga and given the miasma of allegations and counter allegations, could the Minister comment on whether the constitutional manner in which we have dealt with this was sufficiently robust and independent or would he reform it so that we never get into the situation again where so many people are involved and the independence and integrity of an independent Police Chief, as should be, is heavily compromised?

Senator B.I. Le Marquand:

That is part of my work programme because once hopefully the States of Jersey pass the new Police Force Law, I have left the issue of disciplinary codes and such matters for the Police Chief to be dealt with by regulations so that the States will have a full say in relation to that. Clearly, we have got to get the procedures right for the future. I totally agree with Deputy Le Hérissier on that.

2.4.5 Deputy R.G. Le Hérissier:

Would he not agree that the involvement of other civil servants in trying to manage a Police Chief was totally wrong in retrospect?

Senator B.I. Le Marquand:

No, I do not agree with that. Members of this Assembly must understand that Mr. Ogley, as Chief Executive, had a particular role of oversight. Indeed, within the Civil Service system if I can refer to the wider system, I appreciate the Police Chief is not a civil servant and has a particular status, he would have been the person who would have had oversight at the officer level of the Police Chief in relation to matters in relation to which it was proper to have such oversight. In my view, someone will always have to have that. There has to be a proper balance and I am seeking to achieve that balance in the new law between operational matters and other matters and such safeguards but, nevertheless, there has to be some level of oversight at Civil Service level.

2.4.6 Deputy T.M. Pitman:

I am almost tempted to ask if the Minister could tell the House, particularly new Members, what other substance apart from in mammals you find 1.6 collagen; I do not think you find it in coconuts. But my question is the Minister keeps referring again to the *Wiltshire Report* as the ultimate findings. This is the prosecution case that was never able to be put to Mr. Power because the Minister, I will have to use the word “chickened out” - ran away - and would not give him a fair hearing in court. Would the Minister not agree with that?

Senator B.I. Le Marquand:

I very much resent the suggestion that I chickened out or would not give a fair hearing. The fact is that the reports took so long in arriving and a procedure that then followed that, if I got the documentation, took so long... and then Mr. Power then brought forward his resignation date by 6 months which rendered it impossible to deal with the matter. The fact is that Wiltshire did not set out a prosecution case. They produced a balanced report. It is available to Members, both in a redacted form and in full form. They consider what he is saying and they come to judgments on that. It remains, in my view, the definitive report on this matter.

2.4.7 Deputy T.M. Pitman:

Talking about balance and fairness, would the Minister then finally make Mr. Power’s 62,000 words available to all so we can have some real light on the matter?

Senator B.I. Le Marquand:

I have been working on that for quite some time but I have hit significant difficulties. I had to take specialist advice from counsel on issues relating to libel. That has thrown up some complicated issues. I am still working on it but it is complicated. It is not a matter of just taking out certain names. It is a question of whether or not I can properly put in the public domain certain matters without risking libel and I have to be fair, not just to Mr. Power but to others. The work is continuing and we will complete it as soon as we can.

2.4.8 Deputy M. Tadier:

I think the reason this is serious is because the Minister somehow and at some time needs to explain why when a media consultant is taken on by the States of Jersey Police, only to resign, books his flights home, and then he immediately gets a phone call from the Chief Executive and the Chief Minister saying: “We want you to do a report for us” because he would not have been able to do that report for the Chief Minister because he was already working on other reports subsequently, so it suggests that one way or the other the States of Jersey - the Chief Executive, Bill Ogley - who has now resigned or retired and the former Chief Minister, Frank Walker, wanted to get Mr. Tapp to do a report one way or the other. That is one of the questions that needs to be answered because ...

The Bailiff:

Is that your question, Deputy?

Deputy M. Tadier:

That is my question for now. I am going to wait until next week and ask some more or do some writing but there are other questions to be asked but I think that is the first point that needs to be

asked. Does it seem strange to the Minister that when somebody has been commissioned to do a job for one person, resigns, and gets a phone call immediately to do a job from another department when he has already booked his flights home allegedly?

Senator B.I. Le Marquand:

No, I do not find it strange. No doubt, Mr. Ogley discovered that Mr. Tapp was very concerned in relation to the press aspects of the handling of the case. I do not find it surprising at all at a time when documents and matters have been collated with a view to possible disciplinary matters that he be asked to do his report. As I say, it is all dealt with in the *Napier Report*. Mr. Napier found nothing untoward about it.