

STATES OF JERSEY

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

THURSDAY, 25th AUGUST 2011

Note: The witness has not corrected the transcript

Panel:

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

Deputy R.G. Le Hérisssier of St. Saviour

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

Witness:

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

Present:

Scrutiny Officer

[10:02]

Deputy T.M. Pitman:

Minister, thank you for coming back a second time. A lot to get through, as I say, so perhaps we could start on what [the former Acting Chief Officer of Police] had to say about the supremacy of the Wiltshire inquiry. To put it in a nutshell, he felt that it could have seriously undermined the investigation by the Wiltshire Police doing this BDO Alto review at the same time. So, in a nutshell, would you agree, Minister, that the timing of BDO Alto was inappropriate and that it would have been much better to deal with the disciplinary matters first and separate out the other issues?

The Minister for Home Affairs:

Well, I am very surprised that [the former Acting Chief Officer of Police] raised that because clearly he never raised his concerns with me at any stage. I think his concerns were a bit overrated in the sense that all these reports were fundamentally being produced for me and at the end of the day it was my task in terms of the way in which I used the reports and information and what happened with them and when to ensure that there was not any prejudice to the Wiltshire inquiry. I agree that the Wiltshire inquiry takes primacy in relation to that, but of course the purpose of this inquiry was much wider. Indeed, if you think about it, if I had basically said: "No, we are going to have to wait until the end of the Wiltshire inquiry", we would have been waiting a very, very long time and people would be saying: "Why are you not looking into these other aspects?" et cetera. The other factor, of course, is that at the time when I dealt with this, if you recall, both the previous Minister and myself were initially told that the inquiry would be completed by March of 2009. So by the time I signed this off, which I think was in February, I was probably still under that impression. I remember the dates going back; I remember at the end of the suspension hearing they conducted in this room for Mr. Power, being told then it was going to be May and it then slipped and slipped and slipped. So, you can see that, in fact, I probably was under the impression that the Wiltshire stuff would be completed well before BDO Alto. But as I say, no one ever raised this issue with me and I think he has overcooked it a little there because at the end of the day it was me that was going to look at the stuff and decide what was going to happen with it.

Deputy T.M. Pitman:

When you say “overcooked” why would [the former Acting Chief Officer of Police] ...

The Minister for Home Affairs:

I think his concerns are a bit overrated.

Deputy T.M. Pitman:

... come up with that argument now? It must ... I would assume his thoughts were consistent all the time. Why would he be saying that now and you say he never mentioned it to you?

The Minister for Home Affairs:

I do not know. I do not know. He clearly had concerns; I have read his statements. But what puzzles me in relation to this, where there were concerns why was no one actually coming to talk to the Minister about it and saying: “Minister, I think you need to be careful here. Can you not put this back?” or whatever? That clearly did not happen.

Deputy T.M. Pitman:

Put what back?

The Minister for Home Affairs:

Put back the date for the BDO Alto report. It is fine raising concerns now but if no one actually raised these concerns with me at the time how am I to know that there were these concerns in existence? I would then have considered them, of course.

Deputy T.M. Pitman:

But, of course, [the former Acting Chief Officer of Police] says that his decision - and he makes it very clear - not to let [Police Consultant] interview Mr. Harper as a part of the States of Jersey Police was purely into advice received about the primacy of the investigation.

The Minister for Home Affairs:

Well, I think also my reading of his statement he is saying that that was only police officers he meant and that he did not mean BDO Alto. I think that is what he is saying in his statement. If you remember there is a passage where he talks about there being no property - I think it is misspelt in the report - in a witness and that is what he is talking about there. Now, I do not know if that is right or not but that is what he is saying. Can I just interject something because I went into - and I apologise for this - the previous hearing a little underprepared because I had not, in fact, focused sufficiently on the initial report documents which I got. As a result of that I am afraid I was rather vaguer than I should have been. I actually prepared reading other areas and did not focus sufficiently, but I subsequently discovered you will, of course, have received the copies of the supporting report. But you will find, in fact, that attached to that was attachment A, which were draft terms of reference. Now, clearly I had forgotten about that. You will find at the end of the section called “scope” ...

The Deputy of St. Mary:

Sorry, can you just clarify, supporting report, which supporting report?

The Minister for Home Affairs:

This is the report provided to me by, not [the chief Officer, Home Affairs], I think the chief accounting person in the department, which was the basis of my ministerial decision to do this.

The Deputy of St. Mary:

Oh, fine.

The Minister for Home Affairs:

I was asked questions on that previously and I am sorry I was underprepared and had not read this

adequately. But if you look at the bottom of the first page of attachment A, which is effectively the draft terms of reference for the report - I have not checked the wording against the final terms of reference but I am told they are substantially similar - you will see it says there: "Direct contact should be made with the appropriate key individuals to secure a full and thorough assessment." That is clear. I was actually asked that question by Deputy Wimberley as to whether there was anything in the documents about seeing Mr. Harper, but in fact there was that clear statement. It was part of the terms of reference.

The Deputy of St. Mary:

Sorry, I am not finding what you are referring to. Is this the M.D., the ministerial decision?

The Minister for Home Affairs:

This is the report attached to the ministerial decision.

The Deputy of St. Mary:

Which page are we on of the report?

The Minister for Home Affairs:

Well, you find that there is a 2-page report and then there is attachment A which is marked "draft".

The Deputy of St. Mary:

Yes, fine.

The Minister for Home Affairs:

If you go down to the bottom of the section marked "scope" you will see: "Direct contact should be made with the appropriate key individuals to secure a full and thorough assessment." So that was always envisaged from the start and so again I am slightly surprised that when issues arose in relation to that, as I said last time, that it was never referred back to me.

Deputy T.M. Pitman:

We did not think you were vague. I thought you were doing an Oliver North impersonation.

The Minister for Home Affairs:

Sorry?

Deputy T.M. Pitman:

I thought you were doing an Oliver North impersonation.

The Minister for Home Affairs:

Well, I know nothing ...

Deputy T.M. Pitman:

If you remember Oliver North.

The Minister for Home Affairs:

Yes, he was a general, was he not?

Deputy R.G. Le Hérisier:

Colonel North.

The Minister for Home Affairs:

No, I can only tell you the things I know and ...

Deputy R.G. Le Hérisier:

On this point, Mr. Minister, sorry ...

The Minister for Home Affairs:

... frankly, I have discovered this subsequently.

Deputy R.G. Le Hérisier:

Okay, but you never had any indication that Mr. Harper had been - shall we put it in inverted commas - "overlooked" as the thing was proceeding?

The Minister for Home Affairs:

Well, I did, I did in the report itself. The report is quite clear on that, that he had not been seen, but then, as I think I said last time, it then contained all sorts of references to his statement and so on which clearly gave any reader the impression that his account and views on the matter had been considered and taken into account. Now, I accept that is not ... I accept that that is not sufficient, I said that last time, and it was not good practice. I suppose I could be criticised for at that point not having picked up that point, but I obviously was of the opinion that they had taken the view they had sufficient knowledge of what he was saying in relation to things to formulate an opinion sufficient for the purposes of this report.

Deputy R.G. Le Hérisier:

But you still hold to that view even though there was this incredibly feverish attitude around, there were people saying: "Why are all these police officers earning these fabulous amounts of overtime on manning the cordon?" and so forth and so on, and it was inevitable that the finger was being pointed at one individual, and yet having taken account of what was going around the situation you still felt there was no real issue in not having interviewed almost the prime accused?

The Minister for Home Affairs:

Well, I think that is the view I took, yes, and obviously I was comforted by the fact that this is a professional body. They, of course, say in the statement ... sorry, say in the report that they had interviewed key people like the dog handler, like the forensic company for whom they were still charging on an hourly rate when they should have been on a daily rate and things like that. Now, some of those issues, no matter what Mr. Harper might say, the criticism would still be there. I think that is undeniable.

The Deputy of St. Mary:

Yes, but the criticisms are then put in the report without any opportunity being given to Mr. Harper in particular to ...

The Minister for Home Affairs:

No, I accept that. I accept that.

The Deputy of St. Mary:

It is untenable as a position, really, is it not?

The Minister for Home Affairs:

I accept that is good practice.

The Deputy of St. Mary:

More than good practice, it ...

The Minister for Home Affairs:

It is clearly good practice and clearly that is what was initially envisaged.

Deputy R.G. Le Hérisier:

It is natural justice, surely.

The Deputy of St. Mary:

Minister, it is more than good practice. It means that the report, really you can hold it up and say that because the person who is responsible for these various financial decisions, as he was ... and we are going to come to why he had that responsibility and maybe he should not have had, but he did have it and he accepts that in his statement, I think. He did not have any opportunity to explain these different allegations, if you like, or these different statements by BDO one by one to say: "Well, that was because of this and this was because of that and I did not have a right-hand person" and so on, whatever he would have said. But the fact that all that is missing is not just something that is sort of ... that is acceptable and is, as you say, not a real issue. You said: "That is the view I took."

The Minister for Home Affairs:

I think the view I took was here I had professional people who were reporting back to me and clearly they were satisfied that they had a sufficient basis upon which to reach judgments.

The Deputy of St. Mary:

[Police Consultant] actually resigned over this issue. He left the inquiry because he said: "I cannot work without having interviewed ..." and he made that clear to [the former Acting Chief Officer of Police]. He said: "Look, if I cannot interview Mr. Harper I am going" and he went.

[10:15]

The Minister for Home Affairs:

Well, I know that from his statement now but that is the first time I had any knowledge of that because, as you know - and again I had not checked the detail sufficiently - the report itself does indicate that it is a joint report. So I am not quite sure as to why if he had resigned why he was happy that this still be a joint report.

Deputy T.M. Pitman:

If I can jump in there, you view it as the professional people. If nothing else, so far we have learnt the whole basis for BDO not speaking to Mr. Harper was allegedly instructions from [the former Acting Chief Officer of Police]. [the former Acting Chief Officer of Police] has told us that is not true; he had only said that [Police Consultant] could speak to him in one aspect. You have [Police Consultant] working to terms of reference that he did not even understand. Nobody checked on him for 4 months. You then had the fallout and, as Deputy Wimberley said, [Police Consultant] actually walks. How can that leave you confident to say that this was professional people and professional review? There are huge problems there.

The Minister for Home Affairs:

Hang on, I am telling you what I thought at the time when I received the report and when I put it into the public domain in relation to that. Yes, I agree, questions are raised but at the end of the day fundamentally the money was spent. The actual accounting aspects of what happened still fundamentally remained. Some of these matters, I am afraid, are not capable of being explained away in terms of mistakes having been made, but I accept that the failure to give Mr. Harper an opportunity to comment is a significant procedural failure. Whether it has any significant effect on the outcome is, of course, another matter.

Deputy R.G. Le Hérissier:

This issue, if I can revert - and the Chairman will stop me if I have digressed too much - this issue, Mr. Minister, of running in parallel with the Wiltshire report, which, of course, was also looking in a fashion at finance and financial management, albeit not from the same angle and perhaps not to the same detail, it has been put to us that there is a procedure in the police service, indeed in most big organisations, a learning from mistakes procedure. Did you feel let Wiltshire proceed, albeit under the belief it is going to finish at a fairly reasonable time, which we all know was not to be, let it proceed and then, okay, that will be when the discipline issues will be dealt with, I will consider and

make decisions, and then can we all step aside and try and learn from this. Did anyone ... because Mr. Power has argued that he was very ... he was very persuaded by that view that that sort of exercise should happen, albeit when the feverish thinking and emotions had died down, that there should have been a learning from mistakes session, but all it seemed to be was a lay the blame kind of culture had taken root.

The Minister for Home Affairs:

There has been a learning from mistakes in relation to this and [the Chief Officer, Home Affairs] will be able to tell you if you ask him about the additional safeguards which have been put in place. The fact is that at the time in all the different sections of Home Affairs you had senior officers who had the power to ... customs, prison, police, whatever, to authorise expenditure and there were very limited controls in place, with double checking procedures in place, as to whether there was proper value for money, et cetera, and we will come to that in more detail. That applies right across the board. Indeed, you will see some references to accountants having checked whether there were appropriate procedures for authorisation and things of that nature, of payments as just referred to in the start of the report. But what I understand is now happening, in fact, is we now have a situation where finance officers or the equivalent of finance officers in different departments are checking samples of other things from other departments, so there have been lessons learned. The lessons have been learnt I think also in relation to the issue of the accounting officer. Home Affairs should always have had 2 accounting officers; there is no question about it. Mr. Power should have had the position of being an accounting officer with responsibilities. Ironically, I have a draft letter here in which [the Chief Officer, Home Affairs] actually invites him to take on that role during the investigation and he declines to do so. He is actually offered essentially that and you may wish to look at that.

The Deputy of St. Mary:

With respect, how can he possibly offer Mr. Power to be chief accounting officer when the law prohibits that? The 2005 Finance Law does not allow the police officer, police chief, to be an accounting ...

The Minister for Home Affairs:

Well, [the Chief Officer, Home Affairs] will show you this letter in which in order to try to deal with any difficulties he invites him to effectively take on responsibility for ensuring there is proper financial management of resources, investigation being administered in a prudent economic manner, resources being used efficiently and effectively. He will show you that letter.

The Deputy of St. Mary:

What date is that email?

The Minister for Home Affairs:

I do not know because it was an attachment to an email so it is best if ... Mr. Power declined to sign that, although clearly he was aware of his responsibilities ...

The Deputy of St. Mary:

He could not possibly sign it, Minister, because he had no accounting staff.

The Minister for Home Affairs:

No, hang on, can I say that ... we are going to go on to that area. Can I say that Mr. Power's statement and evidence to you is grossly misleading in this area in a whole number of ways. He has, frankly, misrepresented in a big way the nature of the financial set-up and the safeguards and so on. If you want to double check this, you must look in detail at the analysis contained in the Wiltshire finance report which analyses this very carefully in relation to that. You must also obviously look at the BDO Alto report, which has a section which also analyses all this. But at one point Mr. Power was even implying that officers of the Home Affairs Department would have been countersigning individual payments and he knows better than that. Surely he cannot have forgotten exactly how

things run from a financial point of view at that time within Home Affairs. My understanding of the situation, and again [the Chief Officer, Home Affairs] will confirm this ... I am speaking quite strongly on this because what he is saying is clearly wrong and if you wish to have independent confirmation on that then you should call a witness from the Treasury or someone like that who can confirm what the arrangements were at the time if you feel that there is a dispute here. But essentially the system that operated at the time was that individual officers in individual departments authorised payments. That happened right across the board. The Home Affairs Department did not authorise payments other than payments for monies expended within the Home Affairs Department, a small department that sits across the road there. So you have a system in which there is effectively authority given to officers in each individual department. They know what they have ordered. They know the basis on which they have ordered it and the way the system is supposed to work is that the person who authorised it will approve that and then it will be countersigned by somebody more senior. Now, in practice in relation to the historical abuse inquiry, very, very many of these actual payment instructions - I will call them that - were authorised by Mr. Harper personally in relation to that. Now, that is the way the system ran. The functionality of the Home Affairs Department was to provide central accounting services, to manage the overall budget, to tell departments how much money they had spent, how much money they had left, et cetera, but not to make any individual decisions as to whether to employ a particular dog handler or a particular contractor or whatever. That is where it is very, very misleading for Mr. Power, particularly in the context of the meals, to be saying: "I did not countersign" ... sorry, can I just finish? I will come to you very quickly. "I did not countersign any of the meal receipts." He is correct, he did not countersign them, and to imply that Home Affairs therefore did, it simply did not. It was countersigned, in fact, by a more junior officer than ...

Deputy T.M. Pitman:

Can I come in there because you are saying we should really look at certain documents? What about us looking at the 62,000 words from Mr. Power because surely it is equally valid that we finally see that? It would certainly help.

The Minister for Home Affairs:

Yes. Can I say that I came today intending to provide you with a redacted version of the financial part of the statement. Work has been going on on the redaction, as I indicated, as I promised, of the whole. I received a draft of the redaction of the whole of that statement just before I went away on holiday. I have looked at it. I am about to arrange a meeting to continue work on that, but I accelerated forward this particular part I intended to come with today. Then I had pointed out to me that the agreement with Mr. Power was that we would go back to him and say: "Look, this is the form of the proposed redaction. Are you happy with that?" It so happens that that particular section has a section already which was redacted out of it, believe it or not, by the Wiltshire Police. So when it was presented to me there was a section which they took the view should be redacted out in the first place. So that is redacted, where I have tried to put some words back in there. But I am sorry that I have not come today ... that was my intention and as soon as we get the confirmation from Mr. Power on the financial section you will have that. I would have brought it today otherwise.

Deputy T.M. Pitman:

Second point. You are explaining to us all the reasons why things were not as they should be and it seems again it is all down to Mr. Power. In July 2008 - that is a month before Mr. Harper went - there was a letter, I think it was from [the Chief Officer, Home Affairs], saying everything was hunky-dory, so to speak. None of these real problems, although we all know there were rumblings publicly, none of these real problems were highlighted until the December.

The Minister for Home Affairs:

[the Chief Officer, Home Affairs] can better argue for himself, but all I am saying is that which has been said in the different reports in relation to this. Because bearing in mind not only did BDO Alto look at this but also the Wiltshire financial report looked at it. Subsequently, the Comptroller and Auditor General looked at it, although he did not go into any detail. He merely looked at what had

been said elsewhere. Again, you must understand, as I said before, that when I set out on this road with BDO Alto I was fully aware that it might lead to a situation where there would be potential disciplinary matters concerning the staff of the Home Affairs Department. So I might have both my chief officers in trouble at the same time. Now, on the basis of the reports which I received there was no basis for that. [the Chief Officer, Home Affairs] can better answer himself, but you can see that essentially what he did was he sought confirmations from people. He could not get from Mr. Power the overarching confirmation he requested here, but he got confirmations from Mr. Harper that money was being properly expended, that there were proper controls in place, et cetera. [the Chief Officer, Home Affairs] will present those to you himself. I have looked through his file in relation to that and you will see the detail. That was the best he could do because in a sense on the accounting officer issue the theoretical problem is this. An accounting officer should be in a position to control monies by virtue of all the people spending it being his subordinates. In the case of the police force, they are not his subordinates. The police force is a second organisation which has its own chief officer and there is no line of accountability from the Chief Officer of Police to the Chief Office of Home Affairs. There is in all the other Home Affairs Departments. He is the boss of the Prison Governor and so on and so forth. So that puts the Chief Officer of Home Affairs into a very difficult position. The other thing that has to be said is that, rightly so, the States of Jersey Police under the leadership of Mr. Power and subsequently have been very jealous of operational freedom and any impinging on that and, therefore, have said: "We must be free to get on and do things and make decisions and so on and so forth." That leaves the Chief Officer of Home Affairs in a position in which he is entirely reliant upon their assurances as to what is going on.

Deputy R.G. Le Hérissier:

We do not want to unscramble everything, but one of the very important statements, Mr. Minister, made by Mr. Power was that when the Finance Law came in, he had strenuously objected to this arrangement.

The Minister for Home Affairs:

Yes.

Deputy R.G. Le Hérissier:

He apparently was told by [the Chief Officer, Home Affairs] that it was workable. Then as, of course, the Haut de la Garenne thing flowed on, in his view it patently proved unworkable. So the compromise was then suggested of the Financial Oversight Board where all relevant parties would be together, admittedly at a fairly high level. They would not be looking at receipts for meals and so forth but they would be setting policy. Were you aware that that was the background? Because if indeed Mr. Power's assertions are true, it suggests that Home Affairs had accepted that situation and they thought it could work.

[10:30]

The Minister for Home Affairs:

Was I aware when? Because ...

Deputy R.G. Le Hérissier:

Well, when you assumed office, shall we say?

The Minister for Home Affairs:

By the time ...

Deputy R.G. Le Hérissier:

Because this issue is raised all the time to basically excuse Home Affairs from responsibility for what proved apparently to be a mess.

The Minister for Home Affairs:

By the time I assumed office, which was in December 2008, of course completely different arrangements had been in place for some time because the gold command group had been set up by [the former Acting Chief Officer of Police] and was in place and that brought into place much better financial control measures, so in a sense the situation had been diffused. The basic problem here, to put it simply, is this, that for whatever reasons Messrs Power and Harper decided to run the investigation and to control it between the 2 of them and excluded the next 2 levels of management. They did not want a gold command group. They had their reasons in relation to that, but that is what happened. Clearly, their priority was getting on with the investigation, getting on with what they would have seen as the real key issue, which was finding out were there bodies, what was happening and so on. They simply were taking their eye off the financial ball. Their focus would have been elsewhere.

Deputy R.G. Le Hérisier:

But why ... if what I am saying is true and, okay, it predates you but it is very important because it contradicts the version of history you have put forward that Home Affairs could not work with this situation. If Home Affairs thought it was a manageable, workable situation why did they not assert themselves?

The Minister for Home Affairs:

How was Home Affairs going to assert themselves?

Deputy R.G. Le Hérisier:

Well, presumably when the receipts came in and people or the public started saying: "Why are all these people on the court and earning these fabulous rates of overtime?" and so forth, surely the message got through and somebody said: "What is going on here?"

The Minister for Home Affairs:

Well, what you are saying is that as public concern started to come in Home Affairs should have taken a more controlling attitude. You need to talk to [the Chief Officer, Home Affairs] about that because I think you will find that he sought yet further assurances. But the mechanism was that monies were being committed; decisions were being made by the police; monies were being committed; monies were being expended; contracts were being entered into. Those are then reported in, as it were, to the central system and Home Affairs could start looking at them but would have great difficulties in evaluating whether this was money properly spent or not properly spent because they are not police officers, et cetera. Also, you must understand the resourcing of Home Affairs' account team is actually quite small. You have a senior person and you have 2 other people, one of whom works mainly with the police and one who works mainly with the prison. They are essentially supporting the individual sections but they are not running their finance departments for them as such. They are not making decisions. They are not making evaluations.

The Deputy of St. Mary:

Can I say in a sense your response a while back was the answer that you came to office in December 2008 so this was all water under the bridge, the details of it was water under the bridge. My question to you is, or my first question is, the terms of reference of the BDO report, you signed these off effectively in the ministerial decision, is that right?

The Minister for Home Affairs:

I approved the ...

The Deputy of St. Mary:

You must have approved the terms of reference.

The Minister for Home Affairs:

... on the basis of the draft terms of reference, yes.

The Deputy of St. Mary:

They say that the review should consider the following: the costs associated with personnel, the costs associated with external supplies, the internal governance arrangements. Now, my first question to you is when you took office, December 2008, were you at all aware, did you become aware, that there was this issue of financial tension between Home Affairs and the police in general?

The Minister for Home Affairs:

Yes.

The Deputy of St. Mary:

You must have become aware?

The Minister for Home Affairs:

Yes. Right from the start I was of the opinion that the Chief Officer of Police should be a separate accounting officer. That was my view right from the start.

The Deputy of St. Mary:

That is a generally held view and, indeed, Mr. Power expressed it strongly in 2005, or pre 2005 as the arguments raged.

The Minister for Home Affairs:

Yes.

The Deputy of St. Mary:

Okay. So my question now is the terms of reference are all ... we are talking about the financial, whether the money was spent effectively and efficiently to further the aims of the investigation, and yet no terms of reference ... there is not a term of reference exploring this relationship between, if you like, the accounting officer side of it, which is Home Affairs, and the operational side, which is the police?

The Minister for Home Affairs:

Well, I expected that to happen and, indeed, it did happen insofar as there was the chapter in the report ...

The Deputy of St. Mary:

BDO do, in fact, ignore the terms of reference and go there. It is just a bit odd that it was not in the terms of reference.

The Minister for Home Affairs:

It is not expressly there, yes. I am surprised because I think with the evidence I gave to you last time, which was without having looked at this document in detail again, I was clear right from the start that part of the functionality of that was to see whether there was fault in the Home Affairs Department.

The Deputy of St. Mary:

Good. Well, I am glad we are clear that although it was not in the terms of reference that should ...

The Minister for Home Affairs:

That was always in my mind. That seems to have ended up in the ...

The Deputy of St. Mary:

It has ended up in the report.

The Minister for Home Affairs:

Yes. No, that was quite clear and this is one of the reasons that made this a much wider thing than

issues in relation to Mr. Power.

The Deputy of St. Mary:

My next final question on this particular line is do you think that the report then gives a balanced view of the difficulties inherent in the 2005 law as expressed to us by Mr. Power, and we will go into it in more detail with your Chief Officer because he was there and you were not at the time, but how the inquiry was managed financially in the overall sense? Do you think it gives a balanced view of that tension and those issues?

The Minister for Home Affairs:

It does not go into the detail, which is why you may have been in some confusion as to how in practice things were working. It does not actually explain who authorised payments, where the information went, what the role of Home Affairs was in ...

The Deputy of St. Mary:

Well, that is interesting, is it not? It does not look at the role of Home Affairs, as you say. It does not really go into detail in that. It focuses on expenses in restaurants; it focuses on Australia; it focuses on the dog handler. Well, fair enough, but there is no emphasis on what the control mechanisms were, where the challenge was, why it was not there, who wrote to who about that and so on. It did not seem to cover that at all, or not in detail.

The Minister for Home Affairs:

Of course, if you look at the Wiltshire financial report, which you must in detail because this is the more authoritative and more detailed report, it is highly critical of the failure to create posts within the police force of a finance officer, highly critical of the police not having established within the organisation a person whose role was going to be to go out and get the best value for money and so on. Now, I am quite clear that that is not a Home Affairs function. That was a policing function. It is no different if we were talking about the Customs Department or the prison service or whatever. The individual department has the responsibility within States of Jersey financial guidelines to go out and ensure they are getting value for money.

The Deputy of St. Mary:

They may have that responsibility, Minister, but the law says that the Chief Officer of Home Affairs is the accounting officer for the States of Jersey Police. So one would assume that BDO would look at that aspect and ask questions around the issue of should that chief officer have made provision to manage this huge extra expenditure which suddenly appears outside the normal operations of the police, should that have been in place and why not, and now you are saying Wiltshire say the Chief Officer of Police should have done that. But BDO do not go anywhere near this issue of how this might have been arranged better in advance.

The Minister for Home Affairs:

Well, I think it is clear that there should have been put in place better arrangements for ensuring that there was good value for money at the nitty-gritty level. The decisions were actually being made by the police, particularly by Mr. Harper, in relation to that and there were failures. Now, there were also failures on the part of Mr. Power as set out in the Wiltshire reports for not having put in place the appropriate systems to ensure that best value for money was being obtained. What you are suggesting, I think, is that there may in addition to that be failures on the part of the Home Affairs Department. That is what you are suggesting and that in a sense was looked at to a degree by BDO Alto, it was looked at by Wiltshire, and my understanding of it - in the sense that I had responsibility to consider whether there was any disciplinary matters which could flow - is that they concluded that by seeking assurances from the individual departments that they were operating correctly and properly that they did the best with a bad job. That is what the report said.

The Deputy of St. Mary:

Just to conclude, in my view - and I put this to you - Wiltshire actually say there is a debate here.

Chief Officer Power said this; we were told that by Home Affairs; and then they come down on the side of that is another case for disciplining Mr. Power.

The Minister for Home Affairs:

That is correct, yes. They ...

The Deputy of St. Mary:

But it is a debate, you see, and I would have expected BDO Alto to have followed that debate through and to have really looked at those issues.

The Minister for Home Affairs:

I presented to the public, as you know, the outcome of the reports in relation to this. I presented them into the public arena as I have received them. Now, other people may take a different view of these matters, but was I supposed to impose my own views over the top? Where there was a conflict between the 2 reports, between the finance reports and BDO Alto, particularly in relation to the area of the decision to start digging at Haut de la Garenne, I have expressed a view because there was a conflict there. If you go back, as I am sure you will, to my text, the written text of my statement to the press, you will see that I express a clear view on that. I had to because there was a conflict. But in other areas, I am just reflecting the reports as I have received them.

Deputy T.M. Pitman:

I have 2 questions and then I will come to Deputy Le Hérissier to move to the next point. Firstly, I really cannot understand what you have said about how Mr. Power was offered the accounting officer role when, as I understand it, under the Jersey Finance Law it could have no legitimacy whatsoever. How could that be a realistic option, with due respect?

The Minister for Home Affairs:

No, he was not offered the accounting officer role, but he was ... you have to read the text of ...

The Deputy of St. Mary:

Could you let us have the text of that, please?

The Minister for Home Affairs:

[the Chief Officer, Home Affairs] will show you. You may say it cuts both ways so it is a question for him, because he is actually being asked to assure that he is running it and managing it as if he were the accounting officer, taking full responsibility. He comes back and says: "I cannot do that because I do not have the necessary accounting staff" and so on. In fact, as I said before, the conclusion of Wiltshire was that it was a police responsibility to put in place, embedded within the investigation, somebody who was going to seek to get best value for money. It is very difficult for anybody from outside the investigation to do that because of the confidential nature of information floating around. They would then get privy access to the names potentially of individual suspects.

Deputy T.M. Pitman:

But with due respect this comes back to the flaw in the system, that if it was not there, that problem was not there, arising from that law ...

The Minister for Home Affairs:

I agree there is a flaw in the system. Interestingly enough, although we have now agreed in principle that the law will be changed and, in fact, it will be written into the new Police Law, the old system is still in operation for the purposes of this accounting year and will change over from the start effectively of next year.

Deputy T.M. Pitman:

One final question and I will move to Deputy Le Hérissier. Given the fact that I think we have agreed it is the system that initially is to blame and sets this all in motion and clearly there has to be

questions on both sides, Home Affairs as well as the police, what attempts did you do to try and correct some of the media assumptions, the way ... really, let us be fair, what we were seeing was almost character assassination. There was no mention of the Home Affairs side. What did you do to counter that focus just on meals and things and taking it away from a child abuse inquiry? To be honest, look at the breakdown of the money. The £7.5 million that is often talked about, 50 per cent of that was spent by [the former acting Chief officer of Police and retired D/Superintendent]. Now, you do not read that in the media. What did you do as the Minister because surely you have the duty of care to those individuals as well?

The Minister for Home Affairs:

I was very careful, as I said before, to produce a written statement and to read it out at the initial press conference, which I think I said before caused great impatience among the press who just wanted to get on and question me. I was very, very careful to do that so that the text would be correct and accurate.

[10:45]

But, of course, you must understand that we had already had the situation in which the allegations of [retired D/Superintendent] had been given massive publicity some months before, so you already had a view out in the public domain of this and that and the other in relation to that. Frankly, all I could do was make a clear statement which I believed was fair and balanced as to what the reports were saying. Inevitably, you are going to get misstatements of detail in various different areas. You cannot go chasing all those hares, as it were, around. It is just impossible.

The Deputy of St. Mary:

On the [retired D/Superintendent] issue, if he was supervising directly [Police Consultant] who was doing the police side of the BDO, do you think there is an issue there? Did you follow that issue at all?

The Minister for Home Affairs:

I have only become aware of that issue, of course, during these hearings because ...

The Deputy of St. Mary:

But [retired D/Superintendent] ... oh, you did not know [retired D/Superintendent] had ...

The Minister for Home Affairs:

I was not even clear what the role of [Police Consultant] was in relation to this. It comes down, does it not, to the integrity of [Police Consultant] and whether [Police Consultant] allowed his views to be influenced by [retired D/Superintendent] in a way that was unfair? That is the key issue, is it not?

The Deputy of St. Mary:

That is an issue.

Deputy R.G. Le Hérisier:

But following on from that, Mr. Minister, [retired D/Superintendent] was a very vocal person and he made some quite dramatic comments, as you have just said, which seemed to sort of obviously change the whole direction of things. He was technically, as my colleague has said, supervising [Police Consultant]. Of course, [the former Acting Chief Officer of Police] has told us that the review had become overly focused on Mr. Harper, it lacked objectivity, and it had the potential to be unfair to Mr. Power. So you had the situation of a very senior officer who appears to be at odds by his statements and so forth with his own chief officer, acting chief officer. So how did you ... did you become aware of that, that this had the potential to really destabilise the report and that there were competing versions, so to speak, of the truth being placed in the public domain?

The Minister for Home Affairs:

Obviously, I became aware of the fact that [retired D/Superintendent] had gone public in a big way with his statements when that occurred. I made statements in the Assembly in relation to that which were very critical of that. But because I did not understand the interrelationship of the different people until the evidence was given, I think even at the last hearing I did not really understand the interrelationship of the people, it is only reading the most recent set of statements that I can actually see what [the former Acting Chief Officer of Police] intended to set up and how in fact the role of [Police Consultant] became different to that.

Deputy R.G. Le Hérissier:

Did you actually ...

The Minister for Home Affairs:

Because no one was speaking to me about these issues.

Deputy R.G. Le Hérissier:

Despite the sacrosanct nature of police operational independence, did you, for example, sit down with [the former Acting Chief Officer of Police] and say: "Look, there are some terribly controversial and mixed messages coming out of the police. What is going on here?"

The Minister for Home Affairs:

Do you mean when [retired D/Superintendent] went public?

Deputy R.G. Le Hérissier:

Yes.

The Minister for Home Affairs:

Well, obviously I did discuss that with [the former Acting Chief Officer of Police] and he was very upset - I could actually use a stronger word than that - because he had become aware there was a risk that something was going to happen and had sought assurances from [retired D/Superintendent] that he was not going to do anything of this nature in relation to that, and then discovered that even before they had held some of the meetings ... I think he may have said before there was a meeting where the Attorney General of the day was involved to try to persuade [retired D/Superintendent] not to do whatever it was thought he might do, and he then subsequently found, if my memory is correct, that he had already given his press interviews prior to that.

Deputy R.G. Le Hérissier:

Were you aware that [retired D/Superintendent] through this ... not mythical but through this sort of ephemeral States of Jersey Police inquiry which [Police Consultant] was initially helping with, were you aware that he had the potential to have a great influence obviously on the outcomes of these inquiries because he was involved in supervising in a sense or overseeing [Police Consultant]? He had gone very public with a certain view of the situation.

The Minister for Home Affairs:

I did not understand the structure because, as I say, I did not understand the role of [Police Consultant] until very recent times.

The Deputy of St. Mary:

Do you think your new understanding influences your view of the report, of the BDO review, sorry? Now that you have understood, you have seen [former Acting Chief Officer of Police], you have seen Kellett, you have seen Power and you have seen these various bits of evidence we have been given, a lot of new information, has that affected your view of the report?

The Minister for Home Affairs:

I think there must be a very significant risk that the view of [Police Consultant] will have been influenced by the view of [retired D/Superintendent]. I think that must be right, yes.

Deputy T.M. Pitman:

Can I ask something? Sorry, Minister, but I found what you said there quite profound. You seem to say that [the former Acting Chief Officer of Police] became aware that there was really a threat that [retired D/Superintendent] was going to go public, totally unprofessionally it has to be said. How did he become aware of that threat and would that not have been a disciplinary matter?

The Minister for Home Affairs:

Yes, except that, again if my understanding is right - and I have not checked documents - [retired D/Superintendent] was seconded from another force and was about to retire from that force. Under the Police Force (Jersey) Law you cannot ... Jersey cannot discipline seconded officers. It can only discipline Jersey officers. It can send them back but it cannot discipline them.

Deputy T.M. Pitman:

So if he had been a Jersey officer he would have been disciplined, is that what you are saying?

The Minister for Home Affairs:

Well, no, because he had retired by the time. He had retired by the time that this came up.

The Deputy of St. Mary:

So had Lenny Harper but he could not be interviewed.

The Minister for Home Affairs:

I am sorry?

The Deputy of St. Mary:

So had Lenny Harper retired and, as Mr. Power said to us, he was a civilian but he could not be interviewed for the purposes of BDO.

The Minister for Home Affairs:

I do not think that is right. I do not personally think that I can see why he could not be interviewed, particularly in the latter stages. I said this last time, particularly in the latter stages because ...

The Deputy of St. Mary:

Wiltshire had already finished, in fact, in the latter stages.

The Minister for Home Affairs:

Well, it had not ...

The Deputy of St. Mary:

Yes, it had. The final report was December 2009.

The Minister for Home Affairs:

Oh, I am sorry, Wiltshire had finished and had delivered their reports, yes. Yes, that is absolutely right. That is why I am left slightly puzzled as to why in the latter stages they did not think: "Well, now that that has been gathered, let us put it to Mr. Harper."

The Deputy of St. Mary:

They certainly had the opportunity. They had months.

The Minister for Home Affairs:

Yes.

Deputy T.M. Pitman:

Sorry, Deputy Le Hérisssier wants to come in, but you have not answered my question. It is like

question time.

The Minister for Home Affairs:

Sorry. Well, I think another question came in and it superseded.

Deputy T.M. Pitman:

How did [the former Acting Chief Officer of Police] become aware of this threat, then, from [retired D/Superintendent] that something was about to be ... and he was going to really try and discredit the whole operation? That is what it boils down to.

The Minister for Home Affairs:

Well, no, I think that is unfair to [retired D/Superintendent] in relation to that. I do not know, it may be that there were rumours flying around. It may be he was talking about ... you would have to ask ...

Deputy T.M. Pitman:

We would like to ask [retired D/Superintendent] but he will not speak to us.

The Minister for Home Affairs:

No, you have to ask [the former Acting Chief Officer of Police] but I know that he became aware. I know that he intervened to try to prevent it. I think I have said this previously in the Assembly.

Deputy T.M. Pitman:

But what would his motivation be to do such a thing? This is a professional you have brought in to do a job, he has been seconded here. What would a professional's motivation be to go and act so unprofessionally?

The Minister for Home Affairs:

Okay. Well, I did have a conversation once with [retired D/Superintendent] - I think I mentioned that to you last time - and that was after I had answered some questions in the Assembly giving my opinion as to what his motivation had been. He rang me up because he was upset by what I had said and he wanted to make it plain to me what his motivations are. So this is hearsay but obviously I can tell you. I had assumed that his motivation initially had been because he felt he had been unfairly treated by blog sites, et cetera. There had been all sorts of allegations of a coup d'état between himself to push out the existing leadership, his integrity had been called into question in various different ways, and I had initially assumed that what he was trying to do was to put the record straight, to say: "Look, all these things went wrong" and, as it were, to fight back with countering matters. That is what I had assumed had been his primary thing. He rang me upset at that kind of suggestion and said: "No, no, my primary motivation in relation to doing this was that the truth came out." That is what he told me. "I felt it was very, very important that the truth came out. There was so much misinformation about the mistakes that had been made." Of course, from my perspective that just was not his role. At the end of the day, it was going to be my decision on the basis of all the reports I received at the end of any disciplinary proceedings or whatever to decide what should properly go into the public domain, not his decision. That is what he told me. I can only reflect.

Deputy R.G. Le Hérisier:

Two issues, Mr. Minister. Some are being dealt with as we go through in an intermingling kind of fashion. The first one, it was said about the ... we mentioned the focus on the guest who was not at the wedding, you know, for the BDO, in other words Mr. Harper, and it was also said, asserted by Mr. Power in fact, that the BDO Alto report lacks a strategic focus. There is this almost I suppose relatively easy obsession with restaurant bills and hotels and all that, issues it should be said, of course, where there are clear States standards. So if Home Affairs had wanted to assert itself it is very easy to get policy on hotel prices, on restaurant prices, et cetera.

The Minister for Home Affairs:

Except bills ...

Deputy R.G. Le Hérissier:

You are not totally at the mercy of the police here. There are very clear States standards.

The Minister for Home Affairs:

No, except that bills were being split and there were occasions when the bills were split between 2 charge cards, I think on one occasion 3 charge cards. Well, you would have to be very astute to ...

The Deputy of St. Mary:

Here we are going into the detail again and then Lenny Harper has a different version of why they were split, because the States cannot keep its credit card accounts in functioning order, so there are different accounts. But we are looking at the strategic ...

Deputy R.G. Le Hérissier:

Well, yes, what I was about to ask ... sorry, it is my fault in a way. I pressed that restaurant bill button again which seems to get people excited.

The Minister for Home Affairs:

You did take us there, yes.

Deputy R.G. Le Hérissier:

What I was asking was did you think that the BDO Alto report, as Mr. Power thought, did you think it lacked a strategic focus and it really should have come down to this issue of who on earth is responsible? A second not terribly related question but it is one you have been asked time and time again in the States as the frustration builds up about the Wiltshire report, about the reporting day which receded, time and again it receded into the future. Do you think that it imposed a blight because it was a disciplinary report or it was associated with a disciplinary outcome; it imposed a blight on all other associated reports and it took on a life of its own? It should never, never have been allowed to run to the extent that it did?

The Minister for Home Affairs:

Sorry ...

Deputy R.G. Le Hérissier:

Two separate issues.

The Minister for Home Affairs:

Two separate, I have now forgotten the first one. I will have to come back to that.

Deputy R.G. Le Hérissier:

The first is strategic focus, was it missing in the BDO report?

The Minister for Home Affairs:

No, because the primary purpose of the BDO report is to look at whether monies had been spent efficiently and effectively and, therefore, by its nature it was always going to be delving into a great deal of detail and producing some sort of view - we now know with the help of [Police Consultant] - as to whether or not this was the proper use of expenditure. It was always going to be focusing on the ... I forget the one that annoys the Deputy of St. Mary, but it was always going to be focusing on the dog expenditure, it was always going to be focusing on the hotel expenditure, it was always going to be focusing on the outside company being paid an hourly rate rather than a daily rate, it was always going to be focusing on the overtime at double time running on, et cetera. It was always going to be focusing on those individual things because that was the nature ...

Deputy R.G. Le Hérissier:

But should it not also ...

The Deputy of St. Mary:

But, Minister, you said yourself that it should have covered the term of reference that was not there and, in fact, it did cover that; in other words the arrangements for controlling expenditure and the relationship between Home Affairs and ... but it did not cover them in detail and that is what other people are saying. They are saying to us this strategic focus was absent, and we would like you to comment on that. Sorry, it was not ...

The Minister for Home Affairs:

It does not cover it as well as the Wiltshire report, I have to say. The Wiltshire financial report actually does really go into much more detail on that. Of course, if you like, I think I have said this before that I treated the Wiltshire financial report as the primary report and the BDO Alto report essentially as providing me with detail in relation to areas which were controversial.

[11:00]

The Deputy of St. Mary:

Yes.

The Minister for Home Affairs:

Shall I try your second question now?

Deputy R.G. Le Hérisier:

Yes.

The Deputy of St. Mary:

Wiltshire being pushed ...

Deputy R.G. Le Hérisier:

Did Wiltshire take on a life of its own and by doing that it totally obscured and took away from all these other reports and learning from mistakes exercises you should have been undertaking?

The Minister for Home Affairs:

I think that the problem that I faced for a very long period in relation to Wiltshire, firstly it was the problem that it took much longer than expected and so time was drifting on. Then there was a delay when they would not provide me with statements which I needed to have because they were not happy with the nature of the disciplinary code and wanted to receive assurances on that. So that further delayed matters. Then, of course, the financial report came in as a separate report later and then I had the same problems repeated with the statements in relation to that. Now, all that led to a situation in which that which initially I thought was going to be reporting quite quickly and with me being able to then proceed on to hearings if that was appropriate, quite quickly drifted on. This then created concern in the Assembly as to what was happening and why. Then we had the unfortunate situation where there was selective leaking of parts of Mr. Power's defence case, which caused me enormous difficulties. You will recall when there was leaking of the A.C.P.O. (Association of Chief Police Officers) Homicide Advisory Group's reports and so on. All that created great difficulty. So in addition to what had happened initially, I was then faced with the unfortunate situation in which the way in which the disciplinary process was going was in itself becoming controversial with selective leaks of partial information, and all this at a time when I was still bound by the confidentiality aspects contained in the disciplinary code. So I find that all unfortunate. Mr. Power has commented that ... I was going to paraphrase what he said but effectively some sort of tactic going on here to distract attention away from the main issue of there being victims of sexual abuse, et cetera, et cetera. Well, it was not my doing that caused what should have been allowed to proceed as a disciplinary matter in an orderly fashion to suddenly become politicised and to become a political football.

The Deputy of St. Mary:

With respect, Minister, the question is about ...

The Minister for Home Affairs:

That was not my doing.

The Deputy of St. Mary:

The question was the delay, I have not sure that you have explained why Wiltshire took one and a half years, or whatever it took, and therefore blighted the other inquiries.

The Minister for Home Affairs:

I am not sure what you mean by blighting other inquiries.

The Deputy of St. Mary:

Well, it means that ...

Deputy R.G. Le Hérissier:

Because it was disciplinary, it has been argued that, for example, Mr. Harper could not give evidence.

Deputy T.M. Pitman:

It effectively shut up a lot of people and was that possibly not the motivation for letting it drag on?

The Minister for Home Affairs:

It was not within my control. You have got ... I produced you again the timescales of various different things, the dates on which I got reports, the first report, which at that stage was an interim report because I had not yet spoken to the former Minister in October of 2009, then a month or so later confirmation that it was going to be ... that there was no change to that, and then a delay of 2 or 3 months before they released the statement. Until I could start looking at the statements, start looking at what people had said, I was no in a position to make a final decision as to whether I was going to proceed with disciplinary hearings and on what basis. Then, of course, you have further delay while the financial report came out, which I cannot remember when that was, a further delay in relation to that and then, of course, in addition to that I had the other disciplinary matter, Operation Blast, and the reports on that came out even later in relation to that. It was never any part of my doing to delay the process in relation to it, and I had that put to me many times. I had no possible motivation to do that. I wanted to get on with it. But the fact that it, in itself, became a political football is regrettable. It did. It did distract and in a sense we are still there. I have no motivation ... can I say this very clearly, I have no motivation, I never had had any motivation, I never will have any motivation to take away from the fact that there was abuse of children in children's homes and other institutions.

Deputy T.M. Pitman:

Although you probably accept that that is what has happened? I am sure you would accept that.

The Deputy of St. Mary:

That the spotlight has been turned away.

The Minister for Home Affairs:

You may think this is unfair but what I do regret is that Mr. Power, when he realised there were serious issues, was not prepared to say: "Yes, maybe I could have done things better" and held his hand up, as it where, and said: "Look, there were ..." and accepted some degree of fault, instead of fighting to the last drop of blood. Once he made that decision, to fight to the last drop of blood, it was always going to distract matters away from the core issues.

The Deputy of St. Mary:

Would you say then that the problem that you have just alluded to ... Mr. Power says there was a confusion between disciplinary and learning from and those 2 things, because they were confused, muddled things. You have just alluded to the problem that Mr. Power felt he was on the back foot, had to defend himself rather than having a learning from type appraisal which would have been completely different.

Deputy T.M. Pitman:

Sorry, just to back that up, we have got [the former Acting Chief Officer of Police] saying he would have gone for focus on learning for mistakes, not a blame game. That is really what happened. You share that, as Deputy Wimberley is saying.

The Minister for Home Affairs:

The disciplinary process had started before I arrived. You know that I was not involved in the initial discussions with Mr. Power and the initial suspension. It had already happened by the time that I arrived and very shortly ... there was a debate, if you remember, in January 2009 about some procedural aspects initiated by the Connétable of St. Helier and so on and so forth. Then very shortly after that Mr. Power launched a judicial review of the initial decisions, and then continued that after my decision, which was unsuccessful. So, in a sense, the whole issue had already become adversarial to a degree even before I had come on the scene. Whether or not another route could have been achieved, I do not know. If at the end of the day Mr. Power was always going to say: "I do not accept any blame in relation to this" I think it was inevitable that we would go down this route. But it has had a side effect of distracting away from the main issue. It has become a show in its own right, as it were. That is not of my volition.

The Deputy of St. Mary:

Okay, can I ask you a couple of quickies? A nice easy question. The Wiltshire inquiry, was it funded from the Haut de la Garenne ... from the historic child abuse inquiry budget? The Wiltshire inquiry?

The Minister for Home Affairs:

It was funded from various different sources. I have asked questions on that in detail. I have not got the information in my mind but there were various different sources that it came from. I have answered questions fairly recently from the Deputy of St. Martin on that. There was a variety of different sources.

The Deputy of St. Mary:

The same question for the BDO Alto report, where was that funded from?

The Minister for Home Affairs:

I do not know. I do not know the answer to that. You will have to ask [the Chief Officer, Home Affairs].

The Deputy of St. Mary:

Lastly, and this is the bigger one, revisions. I am troubled by the fact that the BDO interim report ... well, the BDO report, bits word for word appeared in the *Daily Mail* early in October 2010. So it was in some state of readiness at the end of September and yet 9th July the following year was the final report. Can you comment on that delay? That is 8 or 9 months.

The Minister for Home Affairs:

I think what you are talking about we have established were working papers of [Police Consultant]. I think the ...

The Deputy of St. Mary:

No, the working papers go back even further so the interim report ... in fact it is referred to in the

timeline that you gave us as the report. It is denied that it was an interim report, it is called a report, it was already there at the end of September and then it took October, November, December ... 9 months for it to be finalised. I will give you a clue; it was redacted - fair enough - to take out names and so on, that is fair enough, that would take a few months.

The Minister for Home Affairs:

It was very detailed with a lot of financial information.

The Deputy of St. Mary:

No, no, sorry, there was a separate process ... no, Minister, there was a separate process. There were the background papers which were too long and they were told to write a report, so then they wrote the report, that was ready at the end of September and from then on there was redaction necessary and there were revisions. I would just like you to comment if you can, maybe as Minister you have no idea what these revisions entailed, what this process of revising involved. Maybe you do not know.

The Minister for Home Affairs:

I cannot remember the detail. I can tell you that basically questions were asked by the Public Accounts Committee and at that stage I looked in more detail at the various stages of generation of different matters. The date when the report went final was May 2010.

The Deputy of St. Mary:

9th July, Minister.

The Minister for Home Affairs:

No, it is May if you look at the document, and it preserved that date although further revisions were made to it. I afraid I just do not have this level of detail as to what had happened. I cannot recall ...

The Deputy of St. Mary:

My question really is only about the revisions, did you have any input into the revising process that went on between 24th March, when the first draft of the shorter report went to Home Affairs and 9th July when the final, final version went from BDO to Home Affairs.

The Minister for Home Affairs:

I had some involvement in that. Can I just find notes which have been provided to me by [the Chief Officer, Home Affairs] in relation to this. Okay, these are the notes that have been provided to me, this is not from my own memory, this is notes provided by my Chief Officer. It says: "14th December 2009, timescales for BDO report discussed at informal meeting. Other discussions on progress were ad hoc." But the timeline indicates we at least had discussions as follows: "February 2010, BDO told the Minister had views on circulation; April 2010, reports released to the Comptroller and Auditor General." He utilised his power under the law to require me to provide that to him, if my memory is correct. "June 2010, received a final report; July 2010, final signed report received."

The Deputy of St. Mary:

Yes, so my question to you is did you have any ...

The Minister for Home Affairs:

So clearly in those stages, as we were coming towards the end, I was getting involved. But I must have had ... this is not from my memory but this is just thinking back, I must have had concerns in relation to the fact that report could not be going out to general circulation while the disciplinary process was still continuing. I would obviously have had concerns in relation to that. I could not possibly allow anything which would be expressing a view in relation to Mr. Power's disciplinary matter to be going out while the disciplinary matter was continuing.

The Deputy of St. Mary:

So that means, as were talking about before, the existence of the disciplinary process was having an impact on the BDO review and its release?

The Minister for Home Affairs:

It was probably slowing down that, yes. As I said, that is not from memory but that is from logic.

Deputy R.G. Le Hérisier:

Just another wrap up question, Mr. Minister. You said in a BBC interview not too long that you did agree on one area with Mr. Power, that was the politicisation of policing in Jersey. I wonder if you could elaborate on that and I wonder if you could give your assessment of how you felt that did affect the abuse inquiry.

The Minister for Home Affairs:

Yes, again, when eventually - hopefully in all our lifetimes - you see the redacted version of what Mr. Power was saying, you will see it is quite an interesting and incisive section about this sort of issue.

[11:15]

What he was talking about primarily was issues where, shall we say, there was some accusation against a particular politician or whatever. He would say well, if there is an accusation against a particular politician then all the politicians' friends would say, if it then went ahead: "Foul play, this is politically motivated" et cetera. But if it did not lead to charge then all the people on the other side would say: "Cover up." I am afraid there is some degree of truth in this. The difficulty is this, the work that we did on advisory group, and particularly the final piece of work which was done between myself and Mr. Bowron in seeking to define Operation Freedom has been very helpful indeed, and I think will be very helpful for the future because there is no doubt that when matters arise, when policing matters arise, which may be of a controversial nature, it does sometimes become a political football. People get involved. My own person view is that it should not be in the political domain unless it is in a legitimate area for me to intervene at that stage. This is quite complicated. As you know I will not intervene in operational matters but now in accordance with definition that we have agreed ... but this is now well understood I would say generally by politicians and members of the public. The difficult area that arises is where there is some concern that the police may have acted overly heavy-handedly but it is with an operational context. Although it is maybe right that that concern be raised, it is a matter that cannot be looked at effectively until the end. Can I give an example of that? If I give the example of the way in which the police handled the arrest of former Senator Syvret. Obviously there was concern in relation to that. I was saying in the Assembly: "Well, hang on, this is an operational matter at this stage, we cannot be getting involved at this stage." Now, it is not wrong that the issue, the concern, is raised but it is not a concern that can be pursued at that time. The process of that example, I have now that the matter is completed - and as I said I would - called for a formal report from the police. I will consider that, I will consider the judgments and I will then express my view in relation to that. But can you see how difficult it is in relation to these things. Now, if we come back to the Haut de la Garenne matter, obviously I can only speak from direct knowledge during the period when I have been Minister and hypothesise as to what happened earlier, there has been absolutely no attempts that I am aware of to politically influence the conduct of the investigation during the period that I have been Minister. If there had been I would have been very sharp about it in any kind of operational matter. But clearly there were concerns raised prior to my time, and some of those concerns have continued to be flagged but they were initially raised, as to various different issues, some of which have become subject to the disciplinary hearings and so on and so forth.

Deputy R.G. Le Hérisier:

You say that there were no attempts ... like a politician did not go there and say: "You must arrest so and so or you must unarrest so and so" but to what extent were there more general concerns

expressed: "This is prejudicing the reputation of the Island" and the famous phrase: "Something must be done." Do you think that happened?

The Minister for Home Affairs:

I told you from the time when I took over, no, because there was obviously there was a disciplinary process in place and so on. I had private comments made to me by individual Members of the States and told them that is most inappropriate, they should not be talking to me at all and sent them away so that I could be objective in relation to things. But clearly there were concerns before and, of course, part of the difficulty here is as to what is operational and what is not operational. We now have a better definition in relation to that. Frankly, some of the concerns that have been expressed, if one looks ... I am talking back in time. If one looks at an issue such as the way in which the press matters were being handled, which is obviously part and parcel of other reports and other matters. My own view is that that went beyond operational. It went beyond operational. It went into an area which would be a legitimate area as to whether this was the right way to be handling this. I think that the onus would have been then, or should have been then, upon the Minister of the day to intervene, to ensure that the right advice was being obtained, to ensure the right standards were being followed. But it is a very delicate thing. It is a very delicate thing. But if I can give you an example, if we had a situation 2 weeks ago in which the police had been providing masses of information about the tragic case of the 6 deaths in such a way as to potentially prejudice fair trials, then I would have intervened. There is no question about it.

Deputy R.G. Le Hérissier:

Okay, thank you.

Deputy T.M. Pitman:

To wrap up, Minister, can I ask you 3 points. I do not think they are too difficult to answer. Firstly, when you look at what has unfolded and been put to us by [the former Acting Chief Officer of Police], [Police Consultant], BDO, would you not share the view that if Mr. Power had initiated this report he would be heavily criticised, because we have seen really one hand not knowing what the other is doing. My second point is - and it is hindsight - could you not really see, like many of us could in the States, that this disciplinary process was never going to come to fruition so it would have been better to scrap that and go down this one route with BDO, if that is what you wanted to do. Finally, BDO made this point to us, they pointed out how they had praised Mr. Power and Mr. Harper significantly in 9 particular areas yet that had never come out in the media. Even now, do you not concede that perhaps, given your position, that you have a duty of care to try and at least rectify that balance, because it is a very negative picture up there. I have got no allegiance to anyone but do you not feel that you have got a duty to do that?

The Minister for Home Affairs:

In my statement to the police I did try to rectify the situation ...

Deputy T.M. Pitman:

To the media?

The Minister for Home Affairs:

I am sorry, in my press statement I did try to rectify the position in relation to the issue as to whether or not initially it was appropriate to go ahead with the digging and exploration. If you go back to my press statement, you will see that I express a view there that, once there had been this false identification of what turned out to be a piece of coconut, it was not unreasonable that they carry on with digging and investigation and so on and so forth, I then take a view thereafter. So I tried to balance that in what I said. There are also, you are quite right, areas in which there were successes. I will quote one, the police managed to negotiate a lower daily rate for officers from away, for some of the officers from away than would have been the standard according to the Cambridge rules or something of that nature. Yes, I accept there were some areas in which there was good practice in relation to that and that is reflected. But, of course, again I put virtually the whole of the report,

because the redactions were very small, into the public domain so people could see the whole of what it is saying. So it was not just what I was saying in relation to that, they could read it for themselves and get a complete balance in relation to that.

Deputy T.M. Pitman:

To go back to the disciplinary, if you come to the same conclusion many of us did then a lot more information possible could have been in the public domain. Would you not agree that is where a lot of people's concern lies, seeing one side of the story, is never given the defence case, if you like?

The Minister for Home Affairs:

Well, as you know, I have agreed to redact it, this is not going to be easy for a variety of different reasons, I have agreed to put into the public domain the key statements of Mr. Power, and we are working on that and I am content to do that. But you asked me a question in relation to the point at which it was clear that the disciplinary matters would not proceed to a final conclusion. I entertained serious hopes of conducting a disciplinary hearing in relation to Operation Blast until very late on in the day. Very late on in the day. I accepted, I think I have said before, that by the time I had received all the reports in relation to the historic abuse aspect, and by the time I had received the report from the Deputy Chief Executive, which was the next stage as I understood the procedure, it was so late on in the day that I realised it was not going to be possible to complete a full hearing. But I did entertain serious hopes of conducting a hearing in relation to Operation Blast until well after that. Subsequently, in fact we got into an odd position towards the end where Mr. Power wrote to me, returned his badge of office or whatever it was, his warrant card, and left the Island. So effectively he was accepting that he was going to remain suspended until the end of the process. I maintain that I had very substantial grounds for his continuing to be suspended; I maintain I had sufficient grounds right from the start and that was upheld by the Royal Court. But certainly once I had seen the first Wiltshire interim report it was quite clear there were very serious issues, very serious disciplinary issues. So what are you suggesting? That I should have lifted the suspension and he should have come back to work for 3 or 4 months? That simply was never going to be possible. There was one more question there, can you remember the third one.

Deputy T.M. Pitman:

It was probably about the duty of care, do you feel any obligation as Minister to try and put things right to a degree?

The Deputy of St. Mary:

In the media. That is where these messages are going out.

Deputy T.M. Pitman:

We saw it only last week.

The Minister for Home Affairs:

Yes, I am happy to agree if you want me to agree with yourselves, insofar as I can agree it, a statement which will say I have never taken the view that he should be blamed for this or that or the other. To reiterate, in a sense, with the digging point - to reiterate the statement I have made initially, I do not have a problem with that. I am happy to indicate, yes, there were some areas in which there was good practice, but at the end of the day I am afraid there were some very serious mistakes made on the financial management and one cannot get away from that reality.

Deputy T.M. Pitman:

Okay. I think the Chief Officer is still sitting outside, so as much as I would like to go into how we find collagen and coconut and things like that, I will draw a line under it and thank you for coming in. Thank you.

The Minister for Home Affairs:

Okay, thank you.

