

4.7 Deputy T.M. Pitman of the Minister for Home Affairs regarding the existence of the ‘Metropolitan Police Interim Report’:

Given that, in response to my oral question on 25th May, the Minister was unable to confirm whether the *Metropolitan Police Interim Report* was a physical document in the accepted format of a paper report which had this title heading the document. Was it a collection of preparatory notes or did it even exist at all? Will the Minister now provide this information to the States verbally?

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

On 25th May I was fully confident that the *Metropolitan Police Interim Report* existed as an attachment to an email to the Acting Chief Officer of Police on 10th November 2008, but I was unable to confirm that I had looked at the contents of the document. I have now done so and I have seen it in electronic form, I have also seen it printed out, but there are some words deleted because of names of individuals and so on. There was no question whatsoever in my mind - there never really was any question in my mind - that it existed as at 10th November 2008, electronically. It was never sent in paper form because it was succeeded by the full report which arrived a month later. I can say that the document’s electronic form has a cover with the words: “Metropolitan Police” and: “Operation Rectangle Interim Report”; it is in the normal form of a police report with a cover, an index page, with numbered sections and sub-sections and consists of 17 pages. There is also, in association with it, some other documents which were attachments as annexes to it, which also existed at the time in electronic form.

4.7.1 Deputy T.M. Pitman:

I thank the Minister for his answer and his answer to my written question number 9; indeed, on this issue I have to observe that it is welcome to receive any substantive answer at all. It has to be said that surely Members such as myself should not have to go through this strategy to get information which leads me to the supplementary: why has it taken so long to extract this information and, consequently, will the Minister finally agree to make the content of those 17 pages of notes, with names removed if necessary, available to all States Members so that they, too, may decide for themselves whether there is anything in these notes that justify an 18-month long suspension of a man with a long and distinguished career of community service as, I have to say, conclusions may vary?

[12:15]

Senator B.I. Le Marquand:

I had, in fact, avoided looking at the contents of the document for reasons in relation to the disciplinary matter of the Chief Officer of Police. I had made a decision that I should not do so, for that purpose, and that was the reason why I did not look earlier on at the content. When a question was asked on a previous occasion by the Deputy, unfortunately the Acting Chief Officer of Police was not in the Island at that time and I simply could not get access to the document, which was in his safe, and the electronic part, which was in his private area, until he came back. As soon as he came back, I approached him in order to do so and was able to look and have therefore been able to report back, as I have done. The question as to whether or not I will be able to provide to the Members of this House the text of the core report, the 17 pages, or not is a matter which I still need to take further advice on. The position remains unclear on that but I can say to Members that I have compared the section of a letter, written

by the Acting Chief Officer of Police in November 2008 in which he alludes to the report, with the report itself, and I can say that, in the sections to which he refers in that, he accurately refers to concerns which are raised in that report.

4.7.2 Deputy F.J. Hill of St. Martin:

I am glad the Minister has just repeated that answer. I have 2 which I would like to ask, they are very close, and I am going to ask the first one first and then we will see how the second one goes. In the Minister's written answer today, it states that: "The *Metropolitan Police Interim Report* was received at 15.27 p.m. on 10th November 2008." If that time is correct, can the Minister explain why reference to the Metropolitan Police Report is contained in the former Minister for Home Affairs' letter to the suspended police chief office dated 12th November 2008 but drafted at 8.45 a.m. on Saturday 8th November, which was over 2 days before the Acting Chief Officer says or claims he received the Metropolitan Police Report?

Senator B.I. Le Marquand:

This, of course, is part of the matters which are being looked into by the Commissioner, who will report shortly, and any answer that I give in relation to this is going to only be my opinion based on what I have come across. The fact is that I am well aware that work had started in relation to the press conference which took place in November 2008 before the interim report was received. I think, as I have covered that in a written answer today, that work had already started and, indeed, that the present Acting Police Chief was waiting for the written confirmation of what he had already been told orally would exist. In relation to what was happening in parallel with that in terms of disciplinary matters, I simply am not able to comment, because I do not know exactly what was happening. But from the point of view of the Acting Police Chief, his concern was the press conference because his primary concern - well, his sole concern - was the issue of abuse of process arguments because of misleading statements which had previously been made by the former senior investigating officer.

4.7.3 The Deputy of St. Martin:

I am not totally convinced with the answer but, no doubt, the Minister would expect me to be. But could I also ask the second question, which is very much akin to that because also, was the Minister aware that that interim report which was received at 15.27 p.m. on 10th November, also contained detailed in the Minister for Home Affairs' letter to the suspended Chief Officer, with a copy to the Chief Executive Officer, dated 12th November but drafted at 8.48 a.m., another letter drafted at 8.48 a.m. which, again, was 2 days before the Acting Chief Officer says that he received the letter. Does the Minister consider that to be appropriate and would he not consider that there must be some form of conspiracy here where the details are made available before the Chief Officer received the information from the Metropolitan Police; is he not that concerned about it?

Senator B.I. Le Marquand:

As I say, I can only express an opinion in relation to matters as to what happened in relation to the initial suspension; I am perfectly content to await the report of the Commissioner, who is looking at this in great detail.

4.7.4 Deputy R.G. Le Hérisier:

I wonder if the Minister could tell us from whom he will be receiving further advice in order to go forward with the publication of the report?

Senator B.I. Le Marquand:

I have to decide upon the status of the document: is it an operational document, is it not an operational document? If I decide that parts of it could be released then I would have to decide which parts, and so on. Clearly, I will take advice from the normal channels.

4.7.5 Deputy R.G. Le Hérissier:

Who are the normal channels? [Laughter] [Approbation]

Senator B.I. Le Marquand:

Well, the normal channels I take advice from on legal matters are the Law Officers' Department.

4.7.6 The Deputy of St. Mary:

I want to pick up on what the Minister said about the interim report and to explain the delay in all this: "I had avoided looking at the contents" and I just want him to answer why he avoids looking at the interim report, why he avoided looking at A.C.P.O. (Association of Chief Police Officers)... any of the reports, when conducting the hearing in, I think, March - at the first of the disciplinary hearings. It seems that the Minister took one view and all other evidence was not admissible and I find that puzzling, and I would like him to explain how he can judge this case because, effectively, that is what he was doing, without looking at the evidence?

Senator B.I. Le Marquand:

There were 2 separate questions there: the first one is in relation to the Interim Met. Report. Because I was not going to be able to look at that for the purposes of the disciplinary hearing of the suspension, I expressly excluded from the relevant document, the letter of the Acting Chief Officer, all references to that report; I did so out of fairness to the Chief Officer of Police. Having done so, it is clear that it would not be wise for me, while suspension issues remained live issues, for me to be looking at the document, only because, effectively, suspension issues are not particularly live. The Chief Officer of Police has now left the Island and handed in his warrant card and so on - and he did so some months ago - so that I could be a little less cautious in relation to that area. In relation to the second question, the second question relates to the process in relation to the suspension hearing which I conducted. At that suspension hearing, I took the view that it would not be right for me to look at parts of the evidence; we simply do not do that in an interim procedure, I have vast experience of a very similar procedure in relation to bail applications and it is very clear in relation to those that you do not look in-depth at the evidence because otherwise you would be conducting a sort of mini-trial. I made the decision that I would not look at the A.C.P.O. reports because they were only a part of the evidence. The fact is I did not know in what circumstances they were produced, the fact is I did not know if they had been carried out or not; it was simply never going to be determinative, it was a small part of the overall evidence. I have to say, that was one of the grounds for judicial review which was taken before the Royal Court and the Royal Court expressly upheld the approach which I had taken. If the Royal Court had found that I was wrong in that matter and had directed me to reconsider it, I would have done so,

but I have to inform Members that, even if I had looked at it and done so, I would still have come to the same conclusion.

4.7.7 Deputy T.M. Pitman:

A final question: for the record, is the so-called Interim Report, and its contents, endorsed as such by the Metropolitan Police and its authors in its justification for the suspension of the Chief Police Officer?

Senator B.I. Le Marquand:

I did not consider the contents of the Interim Report when I made my decision in relation to suspension. However, I believe that the report fully justifies the contents of the relevant parts of the letter written by the now Acting Chief Officer of Police.

4.7.8 Deputy T.M. Pitman:

The answer I would have liked is whether the Metropolitan Police share and consider that this report justifies the Chief Officer's suspension. I know the Minister's opinion; I would like to know if the Metropolitan Police share that opinion.

Senator B.I. Le Marquand:

With respect to the Deputy, the question is nonsense because I have already told him that I did not consider the document for the purposes of the suspension so how can they have an opinion as to what I should have done with a document that I did not consider?

4.7.9 Deputy T.M. Pitman:

Have they not refused to endorse the report at all? So there we have the answer. I see no difficulty in giving it.

Senator B.I. Le Marquand:

I did not hear the question.

Deputy T.M. Pitman:

Is it not a fact, Minister, that the Metropolitan Police have not endorsed this report at all and really do not want anything to do with it?

Senator B.I. Le Marquand:

No. That is not correct at all. The position is that the Metropolitan Police have never wanted the report to be used for disciplinary purposes and I followed their wishes in that matter by not using it for disciplinary purposes which, indeed, was the reason why I had not read it until the recent line of questioning.