

2.9 The Deputy of St. Martin of the Chief Minister regarding the Terms of Reference relating to the former Chief Officer of the States of Jersey Police's sworn affidavit:

Will the Chief Minister inform Members why part (d) of the Terms of Reference relating to the former Police Chief's sworn affidavit and published in the comments to P.9/2010 and in the *Jersey Evening Post* on 26th March 2010 was removed from the Napier Report, and who was responsible and, given the affidavit's relevance to the suspension, why Members were not party to the decision to amend the terms?

Senator T.A. Le Sueur (The Chief Minister):

The original terms of reference were drafted at the time when it was not known whether the previous Chief Officer of Police would participate in the review. As such, paragraph (d) deals in certain terms of reference as this sworn affidavit was a significant document available in the public domain that put across his version of events. When it was established that the previous Chief Officer of Police would fully participate in the investigation, Mr. Napier felt that he would be able to obtain all of the necessary information from the Chief Officer through formal interview. Prior to the detailed investigation commencing, Mr. Napier discussed the relevance of the paragraph with the Deputy Chief Executive, who was overseeing the investigation on my behalf, and they agreed it was no longer required since the copy of the full affidavit was provided to Mr. Napier as part of his original briefing. Mr. Napier makes 3 references to the affidavit in his report, and I am totally satisfied that any relevant detail contained in the affidavit was fully considered by Mr. Napier in compiling his final report.

2.9.1 The Deputy of St. Martin:

It is not a good day for the States when we do not really get the answers one seeks, or at least the truth behind the answer. But the Minister will be aware that the affidavit contained allegations of malpractice by his Chief Executive Officer, but because the terms of reference were then altered these allegations were never looked into. Does the Chief Minister agree that by altering those terms of reference the credibility of the Napier Report is now weakened?

Senator T.A. Le Sueur:

No. As I already said, Mr. Napier did have the full copy of the affidavit. He no doubt considered the allegations referred to in that affidavit and he treated them accordingly.

2.9.2 The Deputy of St. Martin:

Will the Minister then confirm that because some of the affidavit was tampered with, or the terms of reference to the allegations were tampered with, certain very important witnesses were never interviewed by Mr. Napier; and because of that Mr. Napier has now come to the conclusion that there was no evidence of a conspiracy? But had he looked at the full terms of reference, i.e. the whole of the affidavit, he would have then confirmed that there was evidence of conspiracy.

Senator T.A. Le Sueur:

Mr. Napier had full access to the whole affidavit. He also had full access to the former Chief Officer of Police who, if he felt inclined to suggest that there were gaps in the process, would no doubt have advised Mr. Napier accordingly. Given that Mr. Napier had full access not only to the Chief Officer's written affidavit but his personal

views, I see no reason to believe whatsoever that Mr. Napier came to any conclusion other a reasonable one.

2.9.3 Deputy T.M. Pitman:

Is the Chief Minister aware that by the change of the terms of reference that Mr. Napier was not able to speak to Deputy Le Claire who has stated that he overheard a conversation about a plan to remove Mr. Power, that he says took place between the former Chief Minister and former Minister for Home Affairs?

Senator T.A. Le Sueur:

I see nothing that would have precluded Mr. Napier from making those inquiries if he felt they were relevant.

2.9.4 The Deputy of St. Mary:

One aspect of the affidavit, which I do not think appears in Napier is the A.C.P.O. (Association of Chief Police Officers) reports which present a different view of the handling of the inquiry to the one which Mr. Napier assumes really for the purpose of his report, and even though when he does leave out the A.P.C.O. there are still a lot of questions to be answered and it is, of course, very unsatisfactory what happened with the suspension. But does the Chief Minister not agree that by excluding that particular term of reference, the matter of the fact that there are 2 different versions of the former Chief Officer of Police's handling of the Haut de la Garenne inquiry, there are 2 different versions, and that simply does not make it to the surface in the Napier Report at all, because of this exclusion.

Senator T.A. Le Sueur:

I cannot and did not influence what Mr. Napier wrote in his report. He had access if he wished to do so to any and every piece of information. If he chose not to address the A.C.P.O. report in his report that is entirely a matter for him to decide.

2.9.5 Deputy M.R. Higgins:

The Chief Minister is obviously aware from the questions that he has been asked this morning that a lot of people are concerned about even the Napier Report and what was included or was not, what information was given and so on. Will he not therefore invite Mr. Napier to come back and answer questions by States Members and the public? I know you said that you would not in the past, but this is not going to go away unless you do.

Senator T.A. Le Sueur:

I do not believe that there is such a widespread concern as the Deputy alleges. I am certainly prepared to discuss with Mr. Napier whether there is any point in him coming to the Island to do that, but I cannot prejudge what he might or might not say.

2.9.6 Deputy M. Tadier:

On that last point I would also urge the Minister, so States Members can hear it from the respected and distinguished horse's mouth, so to speak. My question is: on paragraph 107 it says the basis on which Mr. Power was suspended was in his view inadequate, and that there was lack of hard evidence against him to justify the suspension. What action will the Minister be taking in respect of that statement, if any?

Senator T.A. Le Sueur:

I already answered that question last week, and I do take exception to the fact that Members suggest that what Mr. Napier has written does not give a full résumé of all the facts. I believe that the report is totally comprehensive and there is little that Mr. Napier could add by coming to the Island to do so.

2.9.7 Deputy M. Tadier:

I do not know why the Chief Minister added that to my question. I certainly was not suggesting that the report was not comprehensive, but can the Minister just say why he stated that?

Senator T.A. Le Sueur:

Could I say what?

2.9.8 The Deputy of St. Martin:

The Chief Minister will be aware that I was raising these questions as about the alterations to the terms of reference before the publication of the Napier Report, and in an early answer to a question on the matter the Chief Minister informed me that the report in the *J.E.P. (Jersey Evening Post)* was incorrect and I too was incorrect. In light now of his explanations this morning, will the Minister now confirm that the report as reported in the *J.E.P.* was correct, and it was he himself who had made the mistake?

Senator T.A. Le Sueur:

I do not recall saying that the report in the *J.E.P.* was incorrect. I said one should not always believe everything one reads in a newspaper. But I am quite content to confirm that what was written in the newspaper reflected what was written in the report.