

3.16 Deputy M.R. Higgins of the Minister for Home Affairs regarding the decision of a recent disciplinary tribunal involving police officers:

Due to the important public interest issues involved, will the Minister publish the written decision of the disciplinary tribunal involving the 3 officers involved in the Curtis Warren car bugging case and if not, why not and if so, when?

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

The Minister for Home Affairs should follow the terms of the relevant law which is the Police (Complaints and Discipline Procedure) Order (Jersey) 2000. Article 24(1) of that order reads: "Except as provided in Article 23 and the following paragraphs of this Article, a disciplinary hearing shall be in private." The written decision of the Tribunal is part of the hearing and should therefore be treated as private. This is no different a situation to the situation where this Assembly may sit in camera and thereafter that people should not say what happened at the meeting in camera. So the answer to the question is no for the reasons given.

3.16.1 Deputy M.R. Higgins:

The Minister for Home Affairs has already set a precedent for this in the case of a former Chief of Police where he published the Wiltshire Report which was not only exempt from freedom of information but was also confidential and should never have been disclosed until the outcome of the disciplinary hearing that he had instituted against the former Chief Officer. So will he not publish this one? He is showing double standards, inconsistent standards. Will he please explain?

Senator B.I. Le Marquand:

No, I am not showing inconsistent standards. I operated each case according to the rules that appertained. In this case there is a statute. In that case, it was clear as part of the disciplinary code that it was a matter for the discretion of the Minister for Home Affairs as to what he did at the end of the proceedings. That is what the code said. I acted in accordance with that and on that occasion, acted in favour of the general public having access to the matter. In this case, I am bound by the terms of the statute.

3.16.2 Deputy M.R. Higgins:

The officers in the case I believe are quite aggrieved and they feel that they have been badly done by. If the 3 officers request the report to be published, will the Minister publish it or if not, why not?

Senator B.I. Le Marquand:

No, I will not, for the reasons I have already given. It is clear in statute that it is in private. I must abide by that.