

### **3.16 The Deputy of St. Martin of the Minister for Home Affairs regarding the arrest of Senator Syvret and the action taken by the States of Jersey Police:**

It is good I did not put any money on the horses because obviously the draw was very poor for me, but we are getting in there. Given the concerns expressed regarding the arrest of Senator Syvret, would the Minister advise whether he has asked the States of Jersey Police for a report which addresses the concerns? If he has, is he satisfied with the action taken? If he has not called for a report will he give his reasons for not doing so?

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

This question relates to a current criminal investigation which at this stage is still an operational matter. I have not asked the States of Jersey Police for a full report because this would only be appropriate once the matter is concluded. It is a very important constitutional principle that States of Jersey Police Officers have operational freedom without political interference from the Minister for Home Affairs or from any other politicians. However, the States of Jersey Police are ultimately accountable for the way in which operational matters are handled. I have, however, received a detailed factual statement as to what occurred, part of which I would have shared with this House last Tuesday if the debate had taken place and will share when the debate takes place. I am satisfied that the police had a power of arrest in this case and a power to search under Article 29 of the P.P.C.E. Law and that the operation was carefully planned with the benefit of legal advice from a senior prosecutor.

#### **3.16.1 The Deputy of St. Martin:**

I am pleased to hear that the Minister has now called for a report but I would have hoped that we would not have had to wait for a States appearance or until we particularly debate a particular proposition. I would have thought it might be prudent to maybe, with hindsight, that the Minister will agree that possibly he should really have made a statement soon after the arrest to allay the fears of other States Members and the general public to keep them informed. As I said last week, if it was not for the *J.E.P. (Jersey Evening Post)* many of us States Members would not have been aware what was going on, so will the Minister possibly be persuaded to make his statement earlier than States Members having to wait until 12th May?

#### **Senator B.I. Le Marquand:**

No, my opinion is that this is not a matter in which it is appropriate for me to make a statement for a whole number of reasons. First, because if I make a statement that will give the impression wrongly that I am in charge of what is essentially an operational matter, and that I am not. Secondly, because if I do so it will give the impression that this matter is treated differently from other matters concerning people who are not States Members. No, I am very strongly of the opinion that all people, whether States Members or not, should be treated in the same way by the police. No one is above the law but no one should be treated differently because they hold an important public position. If I had made a statement that would have been singling out the individual and the case for special treatment which, in my opinion, would be wrong.

#### **3.16.2 The Deputy of St. Martin:**

I can understand that the Minister comes to that conclusion however, possibly, if I had been a Minister I would have handled it differently. I think the public have a right to

know when something splashed all over the front page... and it is in the public interest, I would have thought, to have a statement from the police. All we had... I do recall seeing a letter in the *J.E.P.* almost condemning the *J.E.P.* about the statement they themselves had put in the paper and it may have been helpful if the Minister had made the statement. Can I just ask again, and I will make it quite clear, there is no way that I would expect the Minister to advise whether the police should have 10 men down King Street on duty doing the role but I do think the Minister's role is to ensure the accountability of officers of an operational duty, and possibly again could I try to persuade the Minister to make a statement ahead of the debate on 12th May.

**Senator B.I. Le Marquand:**

I think I have already answered that question and given my reasons why I do not think that is appropriate.

**3.16.3 Senator S. Syvret:**

Since the raid I have spent some days, in fact, writing to a variety of my constituents whose often deeply personal private information including some case files relating to child abuse issues were taken by the States of Jersey Police Force. I have had to inform my constituents of that profoundly shocking fact and they are deeply disturbed by it. Will the Minister undertake to have examined the taking of the police and the copying by the police of this information, and take legal advice as to whether it was lawful or in fact whether it was a breach of the rights of my constituents?

**Senator B.I. Le Marquand:**

I am afraid I find the question too complicated to understand it. Could it be simplified?

**Senator S. Syvret:**

Certainly it can be simplified. Have my constituents had their human rights breached and indeed the Data Protection Law breached in this respect by the police taking substantial quantities of their information and their files and copying it during the raid?

**Senator B.I. Le Marquand:**

I am unable to answer that question.