

STATES OF JERSEY



CHIEF OFFICER OF STATES OF JERSEY POLICE: APPOINTMENT PROCESS

Lodged au Greffe on 23rd March 2010
by the Deputy of St. Martin

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to agree that no proposition to appoint a new Chief Officer of the States of Jersey Police should be debated by the Assembly before the outcome of the review being conducted by the Commissioner appointed by the Chief Minister into the circumstances surrounding the suspension of current Chief Officer is completed and published and to further agree that, if in the Commissioner's view a Committee of Inquiry should be established, no proposition to appoint a new Chief Officer should be debated until the outcome of that subsequent Inquiry has also been published.

DEPUTY OF ST. MARTIN

REPORT

The purpose of P.30/2010 (“Chief Officer of the States of Jersey Police Force: appointment”) lodged by the Minister for Home Affairs on 16th March 2010 is to ask Members whether they will approve the appointment of a Chief Police Officer to succeed the current Chief Officer. It should be noted that no reference is made to the current Chief Police Officer’s outstanding leadership of the States of Jersey Police Force since 2000. Neither is any mention made of his suspension nor the manner of his suspension.

It should be recalled that the Royal Court in a judgement given on 8th September 2009 expressed its *“serious concern at the fairness of the procedure apparently adopted by the Previous Minister. He was dealing with the person holding the most senior position in the police force who had enjoyed a long and distinguished career. Bearing in mind the implications of suspension, we would have thought that fairness would dictate firstly Mr Power being given a copy of the media briefing and Mr Warcup’s letter and secondly an opportunity to be heard on whether there should be an investigation and, if so, whether he should be suspended during that investigation.”* (Judgement paragraph 19.)

Since the suspension, which was conducted in 35 minutes, countless hours have been spent in getting to the truth surrounding the suspension. Sadly, although the suspension was deemed to be a “neutral act”, countless time and expense has been incurred in successfully placing obstacles in front of those seeking the truth. However, the States has now adopted a 2-stepped approach to establish the truth which is covered further into this Report.

It should be recalled that both the former and present Chief Ministers refused to provide the suspended Chief Officer with details of when documents were drafted. They were only released following a Complaints Board Review, and dates on the documents showed that the sequence of events were not as claimed by the former Minister.

It is no longer denied that the original notes drafted by the Chief Executive Officer were destroyed by that same Officer. This is the same Officer who, along with the Acting Chief Officer of Police was directly involved with the suspension of the Chief Officer. As a result of the suppressed documents being released, it is now known that the letters to be served on the Chief Police Officer on 12th November were prepared on Saturday morning 8th November and the report from the Acting Chief Police Officer to the Chief Executive Officer was written on Monday 10th November 2008. It was this letter which formed the base for the suspension. The sequence implies that that the decision to suspend was taken first and the evidence was provided afterwards. The Minister in a sworn statement claimed that until he had received the Acting Police Chief’s letter he had no reason to believe that the management of the investigation was not being well handled. That claim now appears to be inaccurate. The author made reference to a Metropolitan Police Interim Report which he claimed fully supported his previous comments and the opinions which had been expressed in his letter. However, it was never seen by his Minister and was subsequently withdrawn by the Met Police apparently because it was not drafted for suspension purposes.

Following an exchange of correspondence between the suspended Chief Officer and PPC, between 10th and 25th January this year I entered into an exchange of correspondence with the Chief Minister which culminated in my lodging P.9/2010

seeking approval for a Committee of Inquiry to inquire into the Police Chief's suspension. During my exchange I stated that issues raised by the suspended Police Chief pointed towards a conspiracy at the highest levels of government.

Without offering any evidence, the Chief Minister denied my claim, however he did state that he was aware that comments made could be subject to challenge in terms of accuracy, and those would be fully addressed as part of the Wiltshire Police investigation. Therefore he saw no justification for any inquiry.

In the exchange I made it clear that the Chief Minister was misguided in his belief that the Wiltshire Police were investigating the suspension issue, and as he was not minded to lodge a proposition to investigate the circumstances surrounding the suspension, I would do so myself. On Monday 25th January I submitted my proposition P.9/2010 to the Greffier which was formally lodged on 2nd February and debated on 24th February, but was defeated by 26 votes to 21 in favour of a review to be carried out on behalf of the Chief Minister.

In successfully persuading Members to reject my proposal in favour of his, the Chief Minister again incorrectly informed Members that Wiltshire Police was investigating the grounds relied on by the Minister in taking his decision to suspend. However, the Chief Minister conceded that he had reviewed all the correspondence over the past few weeks and recognised that some Members were concerned at the way in which the management was handled by his Department.

As a result the Chief Minister was appointing a Commissioner to review and report on certain areas as outlined in his attached terms of reference. Unfortunately, because the Chief Minister was of the mistaken belief that Wiltshire Police are investigating the suspension, the Commissioner's terms of reference do not include that issue. However, very importantly, the terms of reference contain a special clause that asks the Commissioner to establish whether there are grounds for a full Committee of Inquiry. Should that be confirmed, the Chief Minister commits to bringing a proposition seeking approval for a Committee of Inquiry.

Given that neither the Commissioner nor Wiltshire Police are investigating the grounds relied on by the previous Minister in taking his decision to suspend, it is highly likely that the Commissioner will conclude that it will be necessary to establish a Committee of Inquiry.

The Minister for Home Affairs is following the normal process in seeking approval for appointing a new Chief Officer of Police but, as everyone knows, there is nothing remotely normal in the circumstances which have led to his proposition. The importance of this appointment cannot be overstated. This is one of the most powerful public sector appointments in the Island. The safety and security of all of our constituents depends on the capabilities, integrity and credibility of the person who holds this office. It is important that not only should this appointment be right, it must be seen and accepted to be right. In the exceptional circumstances in which we find ourselves, we have a duty to be sure that what is being proposed is the right step for us to take at this time. We must have at our disposal as much information as we need in order to ensure that we can, with a clear conscience, face our electorate and say that what we decided was the right thing to do and that we had all of the information we needed before us when we took that decision.

My proposition comes before the States at this time because, and only because, of the suspension of the current Chief Officer. A suspension in which the person named in the Minister's proposition played an active role. That suspension is now to be subject of an independent inquiry, the results of which will be reported to the States. It is surely incumbent on all of us to ensure that whatever emerges from that inquiry can be fully taken into account before such a far-reaching decision is taken. The proposition that we should appoint a Chief Officer of the States of Jersey Police Force at a time when a highly relevant inquiry relating to that position has yet to report its findings makes the Minister's proposition unprecedented and completely beyond the parameters of what we have been asked to endorse in any comparable circumstances.

The Deputy Chief Officer has been Acting Chief Officer for a year and a half. The Minister has indicated that this arrangement has proved to be to his satisfaction. It would therefore appear to be perfectly reasonable to allow it to continue until such time as we are all sure that we have all of the information we need to give this important matter the full consideration which it surely deserves. Once this decision is taken, then we all have to live with it for at least 5 years. On 24th February the Chief Minister promised that there would be a quick inquiry into the suspension of the current Chief Officer. In my view, the right way forward is to allow the Chief Minister to fulfil the commitment made to Members and then, when the outcome is known, for us all to consider this matter again with more information to hand.

Financial and manpower implications

In P.30/2010, the Minister states that there are no financial or manpower implications arising from the proposition as Mr. Warcup will simply be replacing the existing Chief Officer when he takes up his appointment. The Chief Minister has stated that his Commissioner's review will be a much quicker and simpler process than that required by the Committee of Inquiry as proposed in P.9/2010. It was envisaged that the Committee of Inquiry would have completed its review inside 3 months. Therefore, as the suspended Chief Officer is not due to retire until the end of July, there will not be any implications until then because by then the Commissioner's review should have been completed.