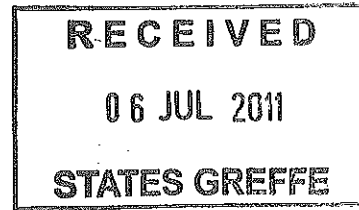


Your reference: 516/29(5)
Our reference: BTT/rme
Direct line: 01534 612512



4 July 2011

States of Jersey Police

Making Jersey Safer

Private & Confidential

Deputy T Pitman
Chairman
Education and Home Affairs Scrutiny Sub Panel
States Greffe
Morier House
St Helier JE1 1DD

Dear Mr Pitman

**Education and Home Affairs Scrutiny Panel
Review of BDO Alto report on Operation Rectangle**

I refer to your letter dated 23 June 2011 outlining the terms of reference for a review by your Scrutiny Panel of the BDO Alto report on Operation Rectangle and your request for a submission on the matter by the States of Jersey Police.

Those individuals who were associated with Operation Rectangle, and the BDO Alto audit in particular, are no longer in the employ of the States of Jersey Police and have left the Island.

I will endeavour, however, to provide you with as much information as possible to assist your review.

Background

During 2006 a number of allegations of reported child abuse raised concerns in the States of Jersey Police about the actions of States' employees and those in a position of trust and responsibility for their care. These, and a number of earlier cases, were coordinated and led to the instigation of an historic child abuse enquiry (HCAE), Operation Rectangle, which began on 10 September 2007.

Former Deputy Chief Officer (DCO) Lenny Harper led the investigation as the Senior Investigating Officer (SIO) until his retirement in August 2008. David Warcup succeeded him as DCO on 4 August 2008. Upon his appointment, DCO Warcup assumed responsibility for the strategic oversight of the investigation.

Detective Superintendent Mick Gradwell was seconded to the States of Jersey Police from Lancashire Constabulary and was appointed as the new SIO on 8 September 2008.

During the ensuing weeks concerns were raised about the command and management on the ongoing investigation which, on 12 November 2008, led to the suspension of the (then) Chief Officer, Graham Power, by the Minister for Home Affairs.

On 1 December 2008, Mr Bill Ogley, (then) Chief Executive to the Council of Ministers, commissioned (via her Majesty's Inspector of Constabulary) Brian Moore, Chief Constable of Wiltshire Constabulary, to undertake a misconduct investigation.

The terms of reference were agreed as follows:

"In respect of States of Jersey Police Historic Child Abuse Investigation (Operation Rectangle) and in the context of the duties of the Chief Officer of Police, as set out in Article 9 (3) of the Police Force (Jersey) Law 1974, (ie the Chief Officer of Police shall be responsible to the Minister for the general administration and discipline, training and organisation of the Force and of the Port Control Unit) to undertake a disciplinary investigation which seeks to establish:

- 1. Whether Chief Officer Graham Power's performance met the ACPO / NPIA standards and guidance for the supervision of Operation Rectangle (including the supervision of the financial management of Operation Rectangle);*
- 2. Whether Chief Officer Graham Power's performance met the ACPO / NPIA standards and guidance for the supervision of Operation Rectangle as a critical incident;*
- 3. Whether Chief Officer Graham Power's performance met the ACPO /NPIA standards and guidance for the supervision of the media strategy in respect of Operation Rectangle, and*
- 4. a) In discharging 1 – 3 above, if it is discovered that a person may have committed any criminal offence which may have a bearing on 1 – 3 above, this will be disclosed to the Acting Chief Officer of Police and the investigative approach will be agreed with him*
b) In respect of the States of Jersey Police, if it is discovered that a person may have committed any disciplinary breach which may have a bearing on 1 – 3 above, this will be disclosed to the Acting Chief Officer Of Police and the investigative approach will be agreed with him.
- 5. To identify and report any corporate learning for the benefit of the States of Jersey Police identified from 1 - 4 above."*

In parallel with what has now become known as 'the Wiltshire Enquiry', on 15 January 2010 the Minister for Home Affairs and the Home Affairs Accounting Officer, instructed BDO Alto Ltd, an accountancy and consultancy firm based in St Helier, Jersey, to undertake an independent review of the efficient and effective use of resources in relation to Operation Rectangle.

The terms of reference for the review were:

"To examine and consider the following in respect of the HCAE investigation:

- *The costs associated with personnel, to include overtime costs as well as accommodation, travel and subsistence;*
- *The costs associated with all external supplies and services;*
- *The internal governance arrangements that existed within States of Jersey Police to ensure the effective management control and the efficient and effective use of resources.”*

To assist BDO Alto in their review and to provide independent advice on the management of police operations and police regulations, Mr Mike Kellett, a former UK Senior Investigating Officer with experience in the North West Regional Asset Resourcing Agency, was engaged separately by A/CO David Warcup. Mr Kellett’s findings have been incorporated in the BDO Alto report.

For clarity, the ‘Wiltshire Enquiry’ scrutiny of financial arrangements focussed upon aspects of criminality or misconduct whereas the BDO Alto report dealt with matters from an auditing and compliance perspective.

I turn now to some of the specific issues and areas of concern you have raised:

1. **“The fact that the SIO subject of significant criticism in the report was not interviewed by BDO Alto nor given the opportunity to respond to the findings in the report.”**

The former Acting Chief Officer, David Warcup, has been contacted to try to clarify this point. He has explained that his reason for not allowing Mr Kellett to speak with Mr Harper during the course of the BDO Alto review was in order not to prejudice the ongoing ‘Wiltshire Enquiry’ being conducted by Mr Moore.

Mr Warcup has indicated that he is fully prepared to answer any questions the Scrutiny Panel may have about this aspect of the review. He is not prepared for his contact details to be disclosed, but is content for any approach to be made via the States of Jersey Police. No one else has knowledge around this.

2. **“The BDO Alto report refers to confidential statements made by the SIO to the Wiltshire enquiry, while the SIO himself has been refused a copy of his own statement.”**

This is a matter that will need to be referred to Wiltshire Constabulary. The States of Jersey Police has no locus over this matter.

3. **“An ‘interim report by financial auditors’ was leaked to the Mail on Sunday in October 2009, eight months before the report was submitted to the Minister and was used in a highly critical report on the conduct of the Haut de la Garenne inquiry. It appears that a senior police officer was responsible for this leak.”**

It is understood that the likely content of the BDO Alto report was discussed with the Home Affairs Accounting Officer, A/CO D Warcup, Mr M Kellett and D/Supt M Gradwell during 2009 in order that further work could continue towards a final report.

D/Supt M Gradwell left Jersey in August 2009 and retired from the police service on 2 September 2009. Prior to leaving and unbeknown to the States of Jersey authorities, Mr Gradwell gave a number of press briefings which were critical of the investigation led by Mr Harper. During the course of these briefings, it is evident that Mr Gradwell made verbal reference to extracts from the BDO Alto report on financial matters. This was wholly improper and less than helpful to the ongoing enquiry.

This matter was reviewed at the time and there is no evidence of any 'physical' disclosure of any report.

Mr Gradwell is on public record as accepting that he quoted information from notes later incorporated in the report, but he vehemently denies 'leaking' a copy of a report to the media.

Mr Gradwell has also been contacted and he is aware of the impending Scrutiny Panel review. It is likely that he will make a written submission to the Panel. He does not wish his contact details to be disclosed.

There has been no formal investigation into the alleged 'leak'. It was apparent from an early stage that references made by Mr Gradwell to the press came from the draft report.

Having left Jersey and retired from the police service in England, it is not possible to take matters further outside of Jersey's jurisdiction.

I can confirm that the Minister for Home Affairs has again recently asked that matters be looked into and he has been advised as above. No report has been produced in respect of this.

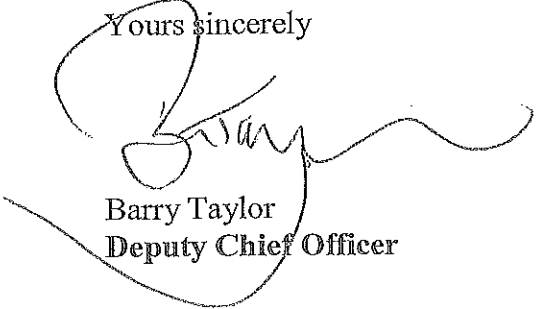
Mr Kellett has also been contacted at your request. He is prepared to assist the Scrutiny Panel in its review. His contact details are as follows:

Email: [REDACTED]

I note that you have requested a representative of the States of Jersey Police to attend a public meeting – provisionally on 15 July 2011 to assist. Whilst this can be arranged, as indicated earlier in my letter, those individuals with knowledge of the BDO Alto review are no longer serving with the States of Jersey Police and there is little that can be added to the information provided in this letter.

I hope this will be of assistance?

Yours sincerely



Barry Taylor
Deputy Chief Officer