

STATES OF JERSEY

Education and Home Affairs Scrutiny Panel Review of Issues Surrounding the Review of the Final Financial Management of Operation Rectangle

TUESDAY, 16th AUGUST 2011

Panel:

Deputy T.M. Pitman of St. Helier (Chairman)

Deputy D.J.A. Wimberley of St. Mary

Deputy R.G. Le Hérisssier of St. Saviour

Witness:

Mr. D. Warcup (via conference call) former Acting Chief Officer with the States of Jersey Police

Also Present:

Scrutiny Officer

NOTE: The text has not been corrected by the witness

Deputy T.M. Pitman:

Okay. I will introduce everyone for the purpose of the transcript and the fact you cannot see us and we cannot see you and I do need to read the proceedings details, the oath so that you ... I am sure that you are fully aware of that but I believe it has not been sent to you so if I can just read that to you to make sure you are happy with that, is that okay?

Mr. D. Warcup:

I understand, yes.

Deputy T.M. Pitman:

Okay, so it is: "The proceedings of the panel are covered by parliamentary privilege through Article 34 of the States of Jersey Law 2005 and the States of Jersey (Powers, Privileges and Immunities) (Scrutiny Panels, P.A.C. (Public Accounts Committee) and P.P.C. (Privileges and Procedures Committee) (Jersey) Regulations 2006 and witnesses are protected from being sued or prosecuted for anything said during the hearing unless they say something which they know to be untrue. This protection is given to witnesses to ensure that they can speak freely and openly to the panel when giving evidence without fear of legal action although the immunity should obviously not be abused by making unsubstantiated statements about third parties who have no right of reply. The panel would like you to bear this in mind when answering questions." Is that okay?

Mr. D. Warcup:

Yes, I understand that.

Deputy T.M. Pitman:

Okay. As I say, thank you very much for agreeing to speak to us and for your written submission. We have got a lot of material and we have got an hour to get through it so we will jump straight in. Could you tell us first about the concerns that you felt regarding a range of matters concerning the conduct of the Operation Rectangle inquiry when you first got involved in all of this. What were those concerns, if you could briefly outline them?

Mr. D. Warcup:

Yes. This afternoon I am more than willing to assist the panel in relation to this review but I would like to say that just from some of the evidence I have seen previously you will excuse me, if I may comment, if you start looking at issues which I believe are outwith the terms of reference I will direct that back to you. So I am more than willing and I hope that I can help the panel this afternoon in relation to these specific issues. To go directly to your question the issues which were concerns related to the conduct of the inquiry which was known as Operation Rectangle. I was concerned that some of the management arrangements and some of the investigative issues were concerns as has been documented and of course were continuously raised with the former Chief Office, Mr. Power, and subsequently for very detailed legal reasons - reasons which again have been well documented - I brought my concerns to the attention of the Chief Executive.

Deputy T.M. Pitman:

Could you enlarge for us, what specific steps did you take to rectify the position that you had found and were so concerned about?

Mr. D. Warcup:

In which respect? With Mr. Power or ...?

Deputy T.M. Pitman:

Well that is a good place to start, yes.

Mr. D. Warcup:

I mean for some time prior to raising this with [former States Chief Executive] it again was a documented fact that I raised all my concerns and all of the concerns which have been subsequently highlighted in the Wiltshire report were previously raised with Mr. Power.

The Deputy of St. Mary:

When were they raised with Mr. Power?

Mr. D. Warcup:

On a number of occasions. I think what we could do here is we could spend a lot of time examining the issues prior to the media release which was made in November 2008. Those have been documented, reported in the Wiltshire report, and they have examined them in detail. It would take longer than the hour we have this afternoon to do that and I am [not] sure that it is part of today's terms of reference.

The Deputy of St. Mary:

I sort of agree with that but I was concerned when I heard you say that there were concerns about the conduct of the inquiry which eventually the suspension had been raised with Mr. Power. But I think you are right, we have to stick to what we are talking about today.

Mr. D. Warcup:

Sorry, Mr. Wimberley?

The Deputy of St. Mary:

I think you are right, we have to stick more narrowly to the terms of reference. I think if we go back prior to the suspension ...

Mr. D. Warcup:

I am not trying to be obstructive in any way in relation to this but my concerns which were set out, and unfortunately I believe that the panel will not have access to those full written issues, which were submissions as part of the Wiltshire inquiry but they do explain in detail exactly what happened, the engagement with Mr. Power prior to myself raising those issues with [former States Chief Executive].

Deputy T.M. Pitman:

For the record, Mr. Warcup, do you feel that that would strongly help the panel if we could have access to the material that you are referring to? Do you think that is a big gap in what we have got to look at?

Mr. D. Warcup:

Yes, it is because I mean it is something that we will probably touch on later on. Many of the documents and many of the reports and things that I had to deal with through my time contained confidential information. But there is also some information which would be of assistance to the likes of yourselves. Perhaps I could give an example. I was going to say that when I was coming back to Mr. Wimberley there it was that I could not hear him very well, that was all. Yes, there are clearly many issues which are within some of the documents in my submission to the Wiltshire inquiry which I believe would be of help. The issue would then be redacting those for matters which were legally privileged or sensitive, but I think it would help explain some of the issues. By way of example, if I can clarify, the Deputy of St. Mary has previously -- the previous witness has raised an issue in respect of that, that the Metropolitan Police during their review did not speak to Mr. Power or Mr. Harper. That is not correct. They did speak to both of them as part of the review and it is the issues like that that would be clarified.

The Deputy of St. Mary:

Did they speak to both of them before the interim review reached your desk on 10th of ...

Mr. D. Warcup:

The only reason it was an interim review was because they had not had a chance to speak to Mr. Harper because of his availability. They therefore submitted an interim report. Once they had had the opportunity to interview Mr. Harper they then submitted their final report.

The Deputy of St. Mary:

Had they spoken to Mr. Power before the interim review came to your desk on 10th November 2008?

Mr. D. Warcup:

Yes, they had.

The Deputy of St. Mary:

They had spoken to him?

Mr. D. Warcup:

Absolutely clearly they had.

The Deputy of St. Mary:

Can I just ask you this to get this clear in my head, Mr. Warcup, are you saying that, in your opinion - and it would be your opinion - there is no need for these documents to be redacted, that they could help the panel and probably should be available to us? Is that what you are saying?

Mr. D. Warcup:

No, I am saying there are possibly parts of those documents ... if you take the documents as a whole some of it needs to be redacted because it does contain confidential information and sensitive information that was given in confidence and so on. But there are parts of that which would explain ... going back to your very first question, for example, I have detailed fully to Wiltshire in early 2009 my full involvement and discussions with Mr. Power. They were all documented, they were all written records and subject to appropriate legal advice, which I am sure the panel could take, I do not see why the panel should not have the opportunity to see those.

Deputy R.G. Le Hérissier:

Okay, thank you, Mr. Warcup. I wonder if we can jump to the fact that in your submission you mentioned 5 different reviews and obviously people have, in a sense, become a bit confused about this. But as you know we are looking very much at the BDO report. Could you tell us, as you allude to in your written submission, what the overlap was, if any, between the Wiltshire review and the BDO external review when both, it appears, were looking at aspects of financial management?

Mr. D. Warcup:

Yes, I think you have highlighted the difficulty. The fact is that they were not the same reviews, the BDO review was specifically an audit to look into the aspects of financial management. The other review, which was referred to and approved by the Gold Group on 8th December 2008 was it was a review of matters which were a broad range of issues. We had had a number of public complaints, we had had a number of issues of concerns raised by members of the public, by States Members, and through that process we felt that it was necessary to research those, document those, and to have that information available should it be required either to respond to the Minister, to States Members' questions or indeed to any future committee of inquiry. That was the purpose. It would have been wrong not to have collated that information at the time.

Deputy R.G. Le Hérissier:

Thank you, Mr. Warcup. I will just continue. Of course obviously there is the Wiltshire review which seems to be understood by the politicians and the public, there is then the States of Jersey Police internal review and then there is the BDO external review. Can you distinguish between the States of Jersey Police internal review and the BDO review?

Mr. D. Warcup:

Yes, absolutely. The BDO review was a review which was commissioned by the Minister, the terms of reference agreed by the Minister, and the involvement as far as I was concerned, when that was commissioned in December 2008, was to provide some resource to assist people from the auditors. I say the auditors at the time because BDO had not been appointed at that stage. It was to appoint somebody to assist the auditors to understand their way through the practice, procedures and policies of policing.

[15:15]

Not to carry out a review on their behalf, not to carry out an investigation and that was my clear understanding and instruction at that time.

The Deputy of St. Mary:

So the BDO terms of reference, how were they arrived at, because we need to be clear about these different reviews. So if we take BDO first. You said the terms of reference were agreed by the Minister and I am sure that is right that he would have signed them off but how were those terms of reference arrived at?

Mr. D. Warcup:

Those terms of reference, to my understanding, were prepared and completed within the Home Affairs Department. Procedurally I would imagine that the Chief Officer at Home Affairs had a key role in doing that. However, as you are aware, we had established an oversight board called the Gold Group for Operation Rectangle and on 8th December ... if you bear with me while I just refer to the relevant document. On 8th December that panel met and was advised by the Chief Officer of Home Affairs that they were to conduct this review which became known as the BDO Alto review. At that meeting papers were presented at which the details of the internal review as set out in my written submissions were presented to that group and agreed.

The Deputy of St. Mary:

So at the same time as the setting up of the BDO investigation was reported to Gold Group you

also ... what I am not clear about is I can see the BDO you are now saying was internal to Home Affairs, they developed the terms of reference and that was then presented to the Gold Group and you did not have an input into that process?

Mr. D. Warcup:

It was not my role to have an input into that.

The Deputy of St. Mary:

No, okay, fair enough.

Mr. D. Warcup:

I can possibly clarify as well from the minutes of the meeting, which I have had a chance to go through. I chaired that meeting and in the minutes of the meeting it is recorded that auditors had been engaged at the direction of the Accounting Officer. "The chair (myself) had proposed that a formal review should be carried out using resources available within the inquiry and a separate and 'firewall' strand of the inquiry to report on those matters relevant to the conduct of the inquiry providing necessary details to facilitate reports to Ministers and to States Members. Also to pull together information that will ensure that full and accurate disclosures were made to any future public inquiries."

The Deputy of St. Mary:

Okay, now this is the bit that I am less than clear about, did you propose that additional review to the Gold Group?

Mr. D. Warcup:

I did, yes.

The Deputy of St. Mary:

Okay, and you say it would have been within ... you were proposing that it be within the formal review? Within which formal review is that?

Mr. D. Warcup:

Are they separate reviews? I was proposing something completely separate to the audit proposed by the Accounting Officer, what is now known as the BDO Alto review.

The Deputy of St. Mary:

Okay, so that is fine. Completely separate review to look at these other details so that Ministers and States Members and the public could be informed of the other matters. So how did that evolve then? What was the process of taking that forward?

Mr. D. Warcup:

It is from previous experience you have a slight difficulty whenever you try and run 2 reviews, inquiries or investigations in parallel. What you must determine is you must determine which has primacy and sometimes those that do not have primacy have to take a back seat until certain stages are reached within various inquiries. That is required for evidential purposes. In this particular case what we were doing was we were saying that we had had a number of issues which had been raised by ... concerns which had been raised, public complaints which had been raised under the Police Complaints (Jersey) Law that are required to be reported to the Jersey Police Complaints Authority. We had a number of internal issues which we needed to review including learning lessons of how we should do things in the future and the purpose of the review that I commissioned, and I believe I wrote the terms of reference myself for that, was to capture all of that learning and all of that information.

The Deputy of St. Mary:

Did that go back to the Gold Group for their ratification? Did you report back saying: "Here are the

terms of reference, I am going ahead with carrying out what I said on 8th December and ...”

Mr. D. Warcup:

That is right, yes. It was presented; the papers were presented and agreed by the group on 8th December.

The Deputy of St. Mary:

No, wait a minute, sorry, sorry, no that was when I understood that it was first mentioned by you that there would be a second review in parallel to the auditor’s review, which that meeting was informed of for the first time and you said you were going to have a ...

Mr. D. Warcup:

I was not formally informed, I was made aware by the Accounting Officer, the Chief Officer of Home Affairs, that this process was embarked on and that is why I put together the separate review. I would have done it anyway, had the first one been commissioned or not I still would have put this review together.

The Deputy of St. Mary:

Okay, and so you are saying now that both the reviews came to 8th December meeting more or less as finished articles with terms of reference and so on?

Mr. D. Warcup:

Yes.

The Deputy of St. Mary:

Yes, okay.

Deputy R.G. Le Hérissier:

Mr. Warcup, you mentioned you wanted to bring together all sorts of issues that have been the subject of complaints to yourself, to the Complaints Authority, et cetera. Could you give us a summary of what those issues were that you wanted to be the subject of the internal review?

Mr. D. Warcup:

No, some of them related to complaints against serving informant(?) police officers, some them related to concerns which had been expressed about the conduct of the inquiry and some of them were concerns over matters which were appearing in the media or appearing on the internet. For example, documents that were appearing on the internet and other such things. So there was a very wide range of issues which were ... it was necessary for us to look at.

The Deputy of St. Mary:

So how did that then turn into ... you have got terms of reference now, you have got the agreement of Gold Group, how does that turn into a review? Where did the person come from who was ... how did you see the appointment of someone to do this?

Mr. D. Warcup:

It was agreed within these terms that the committee would be appointed to do this; in fact I believe originally it was felt that there should be ... there would be sufficient work for 2 people. My understanding was that having attempted to recruit the right people with the necessary skills and background we were only able to recruit one person. Part of the terms of the review were that this aspect of the review would be taken under the wing of the Senior Investigating Officer, [retired D/Superintendent], and he was left with responsibility to this review.

Deputy R.G. Le Hérissier:

Did you give [retired D/Superintendent] complete discretion? What kind of reporting relationship was there to you as he was going about this report?

Mr. D. Warcup:

I think when you say “complete discretion” the complete discretion was to carry it out within the instructions which I issued which were those formal terms of reference agreed on the 8th. That was my expectation and that was my understanding. Indeed I met with [retired D/Superintendent] almost on a daily basis and while the focus of our meetings was primarily aspects of the historical abuse investigation and the progress on that I was assured that matters were progressing, I became aware that the auditors had been appointed and subsequently became aware that assistance was being given. I think if we get right to the heart of the matter you would have noticed now that it was not for some considerable time that I realised that, or became aware, work had been indeed commissioned and was taking a different route other than that which I had previously prescribed should be done.

Deputy T.M. Pitman:

Could I just come in at that point? [police consultant] obviously was appointed to carry out this review in March 2009, however, as you have just alluded to, he claims that he was never given the terms of reference for the review and only discovered in July 2009, 4 months after starting work, that there was another review that he was expected to be working on. Can you try and clarify that because it is something the panel are really struggling to get their heads around, I must be quite honest? How could that situation come about?

Mr. D. Warcup:

I wish I could provide some clarity because I think in many respects probably [police consultant] and myself were in a similar position. We were both probably ... I am sure we were both working under the illusion that everybody was working to agreed terms of reference. However, subsequently to this conversation when I found that he was not - and I attach no criticism to him for that, as I said to him before - I spoke with [retired D/Superintendent] and found [retired D/Superintendent] had indeed given him some different direction in relation to the work that he should carry out.

Deputy T.M. Pitman:

If I can just come in before my colleague, Deputy Wimberley, it does seem very hard to grasp here. We have got people diligently working away apparently doing the job that they have been requested. You have said in answer to Deputy Le Hérissier that [retired D/Superintendent] was really the man who Kellett would have been reporting to. I think that is what I understood. What kind of liaison was there in those 4 months? What was happening in those 4 months before you sort of discovered this within conversation? Can you just try and make that clearer for us?

Mr. D. Warcup:

Yes, I think it is important to make clear the context in which the BDO Alto review was operating as well. This was an audit which was being carried out. It had not been commissioned by me, I had no oversight responsibility. To go back to your very first question today in relation to what were the concerns that I had, clearly I had raised concerns in relation to the management of the inquiry. It was therefore not appropriate for me to be in any way trying to influence or guide any reviews, whether that was the BDO Alto review, whether it was the Wiltshire review or anything else, my role at that time was the responsibility for the States of Jersey Police and to ensure that the historical abuse inquiry was carried out in a thorough, detailed and professional manner.

Deputy T.M. Pitman:

I am sorry to labour this point but a 4 month period, how was this being reported back? Surely you had to be kept in the loop given your seniority in the role?

Mr. D. Warcup:

Yes, during that time there were various things reported back. I do not have the details here but there were many matters which were reported back, all of which would have fallen under the terms of reference that I had agreed. However, when it came to ... it was probably ... you said it was 4 months

and you have assistance in that but when I first saw some written paperwork in relation to that, that is what is immediately drew my attention to the fact that obviously was not as had previously been agreed.

Deputy T.M. Pitman:

A final point, [retired D/Superintendent] has unfortunately refused to give us any evidence, which does limit us slightly. So really am I right in understanding what [police consultant] would have been reporting back would have gone to [retired D/Superintendent] and then, through no fault of your own, you would have been none the wiser? Is that how this was working or not working?

Mr. D. Warcup:

You are correct to say that I unfortunately was not aware and although I was receiving regular updates and regular briefings on many of the matters that I had asked to be done I was not aware that it was taking a slightly different direction, and that slightly different direction was clearly the fact that it had become what one might call a joint inquiry with BDO Alto with a single report.

The Deputy of St. Mary:

Can I go back to the 8th December meeting of the Gold Group because when you were talking about that you said that there was ... first of all the terms of reference were presented by the Home Affairs people at that meeting and there was an offer, now I am just saying and you can confirm whether I am right or not, from your side that someone would be provided to assist the auditors because they would not know their way around a major police investigation, is that what happened at the Gold Group?

Mr. D. Warcup:

Yes, that is right. It happened at the Gold Group and in discussions with the Chief Officer at Home Affairs. Having been involved previously in external audits into financial matters, into policing, it is not unusual to have somebody who is familiar with these procedures, police regulations and to its practice as well particularly to perhaps advise the external auditors as to a more efficient way of doing it as well.

The Deputy of St. Mary:

Right, and how was that discussed at the Gold Group? How was that envisaged, that helping the auditors?

[15:30]

Mr. D. Warcup:

I am not sure what you mean exactly in terms of the detail.

The Deputy of St. Mary:

Well, would it have been provided from States of Jersey Police existing resources or did you see that as someone who would need to be appointed to do that, or how did you see that fitting in?

Mr. D. Warcup:

Yes, absolutely. It was agreed ... I am just looking at the terms of reference, sorry the detail. It was agreed that the States of Jersey Police would provide those resources from the resources that were available. I am trying to find it but I cannot lay my hands on it at the moment, whether it would be paid for by as part of Operation Rectangle or part of the base budget.

The Deputy of St. Mary:

Yes, okay. So did the States of Jersey Police agreed to provide a resource that would provide someone who was au fait with police procedures to help BDO?

Mr. D. Warcup:

Yes.

The Deputy of St. Mary:

Now where did that agreement go to operationally? How did that pan out?

Mr. D. Warcup:

When we agreed at the Gold Group that the resources would be made available ... what happens with great regularity is the forecast in relation to expenditure are updated at each of the Gold Groups and the Accounting Officer is then fully apprised of the planned expenditure as part of the inquiry.

The Deputy of St. Mary:

Yes, sorry, but what I am saying is how did that decision or that offer to provide someone from within S.O.J.P. (States of Jersey Police) to help with the au fait ... the police side, to help the auditors, how was that decision carried through? Who was appointed, how did that happen, was it yourself who found somebody? This is where I am not clear.

Mr. D. Warcup:

Sorry, yes, absolutely. As I said before [retired D/Superintendent] was given direct responsibility for that. He was given full oversight of that and, in liaison with his colleagues, was finding the right person with the appropriate experience to be able to come in and assist. I did not have a role in that.

The Deputy of St. Mary:

Who drafted the terms of reference for that person?

Mr. D. Warcup:

The terms of reference were the terms of reference that were agreed at the group. It has now transpired that the terms of reference to which [police consultant] was working to were a different set of terms of reference. However, again in contrast it must be understood that - and I am sure you will appreciate - if the Gold Group, which is the strategic level group, determines what would happen in the direction of the review then that was really what was engaged with under the inquiry that was carried out. That is laying down the foundations and the expectations for what is happening. If there were any disagreements with that or changes which were necessary, those would be brought back to the Gold Group and the Gold Group would agree any changes.

Deputy R.G. Le Hérissier:

Thank you, Mr. Warcup. Moving slightly on, we have got your written submission and in your submission of course you say that you became concerned that the BDO Alto report might indeed seriously undermine the Wiltshire review. Can you explain to us why you were struck by this thought and when it occurred to you? How did you know that there was this danger and (b) what did you do about it once you had become aware of it?

Mr. D. Warcup:

Right from the very outset, when we go back to December and the terms of reference that we have been talking about, one of the things that somebody in my position must be alive to is that different inquiries do not conflict with each other and that any conflict does not tarnish or inhibit the investigation in any way. So my concern would be that - and was - having reached a stage where we fundamentally, through the powers(?) of [retired D/Superintendent], had begun the process of investigating the financial arrangements, the decisions which were made by Mr. Power and Mr. Harper. That was not the expectation that I had. That was already agreed as part of the terms of reference for Wiltshire and the Wiltshire inquiry had primacy in every respect.

Deputy R.G. Le Hérissier:

You said that was not the expectation you had. What was the expectation you had?

Mr. D. Warcup:

The expectation that I had ... sorry, could I just add another point in relation to that last matter. This is something that may appear to you as something that ... you know, I am perhaps going on experience or it is something that I have determined is the correct way forward. It goes a lot further than that. It is also the conclusion of meetings which were held between Mr. Moore, the investigating officer from Wiltshire, and the Attorney General at the outset of the investigation. A meeting was held with the Attorney General to determine the primacy and the structure of all aspects of investigation. So Mr. Moore was aware, as the acting head of the force I was aware and as the responsible law officer the Attorney General was aware of what the primacy was in relation to any review, investigation or misconduct complaints issue that was being carried out. That was clearly established right from the very outset. It went through a formal process as well.

Deputy R.G. Le Hérissier:

Okay, thank you. That point then, so presumably you received the draft of some sections of BDO Alto and said this is seriously in conflict with or may be seriously in conflict with what Wiltshire were after. Indeed it might impugn the integrity of people. I put words there but I think that is what you said in your submission.

Mr. D. Warcup:

If I can explain and clarify. The paper that I reviewed were not part of the BDO Alto report, they were papers of which my understanding was that [police consultant] had prepared for [retired D/Superintendent] - [retired D/Superintendent] showed me them - and they were to be submitted then to BDO Alto. Whether they would have been repeated verbatim, I do not know, but they were not ... it was not the BDO Alto report, this was an early draft of some written work which was going to be submitted to BDO Alto and that is the point at which I said, you know, that is not going to happen, my instructions are that these are 2 separate issues, they should not be conflated and that is where I refer in my submission as well to objectivity because [retired D/Superintendent] had made his position clear, even prior to September 2009. He had made his position clear in relation to some of his concerns and I was concerned that the objectivity of somebody who had been, shall we say, critical in overseeing permissions of that nature back to BDO Alto, and I was concerned that it would be less than objective.

The Deputy of St. Mary:

You said there were 2 separate issues. Could you clarify what those are?

Mr. D. Warcup:

Yes, the second issue was that I had become aware that the work being done for BDO Alto had gone further than my expectation - far, far exceeded that. I also, and being aware of the primacy issue, went and spoke to the Senior Investigating Officer from Wiltshire, Mr. Moore, and I sought his advice. But I also wanted to make sure that all of the work which had been carried was submitted to them so they could consider that as part of their financial review. First of all there was duplication but most importantly there were the issues of potential for possible misconduct to consider. We already had the Wiltshire inquiry going. It had already been established and in determination with the Attorney General that that had primacy, and on the advice that I received, the legal advice and the advice from Mr. Moore, that is why I instructed for them to take no further action at that time in relation to interviewing Mr. Harper.

Deputy T.M. Pitman:

Can I just come in there? Can I get this clear for the record, when you are talking about objectivity are you saying that there were concerns at the way this review, investigation, was being undertaken? Was in danger of being personalised where perhaps it focused on the individual, as it happens Mr. Harper, who was at the centre of much of the decision making, was that the primacy of your concern? Was it being personalised?

Mr. D. Warcup:

That was not the primacy of my concern but that was a concern, yes, and that was part of my concern

in relation to the objectivity aspect. The aspect of my decision not to let [police consultant] to interview Mr. Harper as part of the States of Jersey Police was not in relation to that. That was purely in relation to the advice that I had received and the primacy of the investigation. If you could envisage a situation where evidence was to be taken at a future hearing, how that may be interpreted in relation to what had gone on because Wiltshire had primacy in that investigation. It is perhaps just worth reflecting as well on the way that Wiltshire were conducting their inquiries, and that was by the use of expert witnesses. One of those expert witnesses in their discussions and what have you with Mr. Moore was a finance director with police experience. I was fully cognisant of the fact that they were looking into these issues and therefore I was not concerned that they were not going to be looked at. So the issue of objectivity and the aspect of [police consultant] interviewing Mr. Harper had not ... they are 2 separate issues anyway.

Deputy T.M. Pitman:

But how does this go back to the concern [police consultant] was appointed by [retired D/Superintendent] it seems and that relationship which has been criticised between [police consultant] and [retired D/Superintendent], was that a part of your concerns about the objectivity?

Mr. D. Warcup:

When that was brought to my attention later on, yes. I was aware that they knew each other as officers but that is not uncommon, particularly due to the fact that both of them were ... because they would work across ... Their work would transcend their normal areas of work and they would come into professional contact. Yes, later on it was a concern but I had no reason to impugn the professional integrity of either officer at that stage.

Deputy T.M. Pitman:

How did you deal with those concerns when you began to feel them? What options were open to you and what did you do?

Mr. D. Warcup:

I think [police consultant] - and I read his submission to the panel - described to you the fact that I was very relaxed about this. I think that is a fair comment because it was plainly clear that [police consultant] was working under the instructions that he had been given. It was not his fault that he was working under different instructions. I did not therefore need to challenge him, the challenge came when I spoke to [retired D/Superintendent], and I challenged [retired D/Superintendent] on that and issued further directions in relation to what I expected, which was to return to the original review and have that work done.

Deputy T.M. Pitman:

Is it fair to say, and I do not want to put the words into your mouth, that you would not have put 2 people who had that relationship into such a situation with foresight. If you had known you would not have seen that as an ideal situation?

Mr. D. Warcup:

I would have been and would still be comfortable with ... had they carried out the work which I had initially set to them, I would have been comfortable with that. I was not comfortable in relation to the focus which ... there had become a focus on ... I make no comment about the rights and wrongs, there was a predominant purpose to look at the activities of Mr. Harper at that particular point.

The Deputy of St. Mary:

Can I just come in, you mentioned the phrase “the work set to them” and that is [police consultant] really. I just want to put to you 2 things, one is from your submission to the panel where you say on page 4: “Subsequently Mr. Mike Kellett was appointed to fulfil this role” and that is the role of the internal review, the one that wraps up the complaints and questions from States Members and so on. In [police consultant]’s submission to us he says: “In March 2009 I was engaged by the Acting Chief Officer of the States of Jersey Police [that is yourself] to carry out a review of certain aspects of

Operation Rectangle, the full terms of reference read as follows” and then it is the support role that we talked about earlier. Helping BDO Alto to come to terms with how the police work and lots of very specific questions which he has been asked to answer. How can you square those 2? He seems to be being asked to do 2 things, one by yourself in relation to the BDO and one by someone unknown, it is not stated, about the ... within yours it was appointed, he was appointed to fulfil a completely different role, the internal review role?

[15:45]

Mr. D. Warcup:

Yes, my interpretation of that, I am not sure I can be of use but my interpretation is that he is talking about in a general sense of being appointed by me because I did not personally appoint him. That was a delegated function to [retired D/Superintendent] and [retired D/Superintendent] carried that out, he appointed him, he did not have to refer back to me in relation to the appointment. It had been agreed previously. Does that help?

The Deputy of St. Mary:

That helps a lot. So that is the helping BDO part of it. [retired D/Superintendent] appointed [police consultant] to do that role and what about the other, the internal review. “Subsequently [police consultant] was appointed to fulfil this role under the supervision of Detective Superintendent Gradwell.” Was that also delegated to [retired D/Superintendent]?

Mr. D. Warcup:

Yes, that was delegated to [retired D/Superintendent] and [retired D/Superintendent] had the terms of reference which I had proposed on 8th December. That was what they should have been working to.

Deputy R.G. Le Hérissier:

Just carrying on with the issue of the Wiltshire report, [police consultant] disputes your statement in your submission that there was unhappiness with the contents of the draft sections of his report, unhappiness from Wiltshire when they saw his report. He says it simply boiled down to an issue to do with a member of the States of Jersey Police and a national tabloid newspaper and that it was easily resolved by him simply deleting this reference. Do you agree with his characterisation of this issue or do you think it was indeed a serious issue that they raised that they were really quite concerned about the content of the drafts?

Mr. D. Warcup:

I am certainly not aware who he is referring having spoken to within the Wiltshire team but I can be absolutely clear that I spoke to the Chief Constable Mr. Moore about this and was advised that those and other matters had been subject to legal advice and they were inappropriate to be included in the report. It did not take legal advice to believe that it was inappropriate that they should be included.

Deputy R.G. Le Hérissier:

Was this because, I do not know and I suppose I am speculating and I need confirmation from you, there were some allegations being made about individuals or an individual and that the appropriate evidence was not there to back up these allegations?

Mr. D. Warcup:

Yes, and I think that that was my feeling and I mentioned that some of the witnesses have not been disposed in writing so if we are making issues which are going to be substantially challenged then it would only be right to do so if you had the written evidence backing that up. Of course that written evidence may have been available to Wiltshire but it certainly was not available to anyone in Jersey, including [police consultant], because the aspects of the Wiltshire inquiry were entirely confidential.

Deputy T.M. Pitman:

Mr. Warcup, just taking you back a stage, you told us in your submission how it became overly

focused on Mr. Harper and, as we said, lacked objectivity, but I am interested in where you said it had the potential to be unfair to Mr. Power. Could you just enlarge on that, what was your concern, how would that evolve and did it evolve? What was this unfairness?

Mr. D. Warcup:

I raised those concerns with Mr. Moore and what I mean by that is these 2 issues are directly connected. At the time, although I was speaking to Mr. Moore about matters which affected the States of Jersey Police we could not discuss matters of evidence in the same way as I could not discuss matters with the Minister in relation to that. So what we had to do is we had to make sure that there was no conflict between what Wiltshire were doing and what the States of Jersey Police were doing. I was very clear in that regard that if comments were made which were critical of Mr. Harper they could, by implication, have therefore been critical of Mr. Power because we did not know at that time where the Wiltshire inquiry was at, whether the Wiltshire inquiry would draw conclusions that Mr. Power was ultimately responsible or whether indeed individually they would be responsible for their own options. The focus on Mr. Harper may have been detrimental in that regard.

Deputy T.M. Pitman:

Did it cross your mind that - and this may be impossible to answer - there was an ulterior motive from anywhere that this was a deliberate focus on Mr. Harper? I ask that because when we had BDO in [the Managing Director] said: "Look, we praised Mr. Harper in 9 specific areas here." If you look back at the reporting that does not really come out, it all seems to be focused in one angle, the negativity as opposed to possibly thing that went well. Were there any concerns ...

Mr. D. Warcup:

Yes, I think in every situation you flag those things that were positive as well as if you are going to challenge and flag things that are negative. You have to balance it and be fair. I think that is a fair comment. I cannot comment, however, not having studied in detail the findings which were the ultimate outcomes. I could not comment on that.

The Deputy of St. Mary:

Can I ask a few questions again to the point of why Mr. Harper was not interviewed by the whole BDO process? First of all, do you agree that in retrospect it would have been a better base for the report if he had been interviewed?

Mr. D. Warcup:

Yes, it would have been a better base but I have some concern that maybe it is felt or conclusions were drawn that I in some way inhibited or prevented that. What I did was to advise on what we as the States of Jersey Police would do in our role as part of that. It was not for me to advise in relation to how the BDO Alto would conduct their audit and their review.

The Deputy of St. Mary:

Could BDO have approached Mr. Harper, from your point of view?

Mr. D. Warcup:

There is no ... there is a saying in law that there is no propriety in a witness. You do not own a witness. Nobody owns a witness so there is every freedom to approach people and speak to them.

The Deputy of St. Mary:

I am positive about this, on page 5 of your submission to us you say you had not approved a joint report by [police consultant] and BDO, you had to approve that there should be a joint report produced, nor was it in accordance with the agreed terms of reference but it is implicit completely in the terms of reference which went to [police consultant] and which he accepted when he took on the job or jobs.

Mr. D. Warcup:

That is right and I did not approve those.

The Deputy of St. Mary:

But they came from Gold Group. I am just putting that to you and asking for a clarification. The terms of reference that are on [police consultant]'s page 2, where he says he was engaged by yourself but you are saying that that was delegated to [retired D/Superintendent]: "To carry out a review of certain aspects of Operation Rectangle, the full terms of reference of which I was handed read as follows. Employment of Mr. Mike Kellett" and it goes through a page including all the details of all the different aspects of Operation Rectangle.

Mr. D. Warcup:

I am sorry, I do not have that document in front of me.

The Deputy of St. Mary:

[police consultant]'s first submission to us. What he said ...

Mr. D. Warcup:

In his written submissions?

The Deputy of St. Mary:

Yes, but if I can just read the first 2 paragraphs: "The Home Affairs Accounting Officer has employed accountants to conduct the above review. The accountants have no knowledge relating to the management or police operations, the review will benefit from the involvement of an experienced police manager" then [police consultant] is ideally placed, and then it says all the things he is going to look at on behalf of BDO. [police consultant] says: "While it was not explicitly stated it was my understanding from the outset that BDO Alto and I would prepare a joint report of our findings" and certainly that is the impression they gave in the hearings with us. They were working together from the beginning and that was their understanding.

Mr. D. Warcup:

All right, well that is different to the terms of reference which I am referring to and I referred to in my written submissions which were: "The purpose of the review is to carry out a formal internal review into matters which currently do not fall within the parameters of the current historic child abuse inquiry or other related investigations or reviews."

The Deputy of St. Mary:

This is the funny thing that [police consultant] - as my colleague Deputy Pitman pointed out - worked for 4 months on one terms of reference and you said he was working for another terms of reference.

Mr. D. Warcup:

That is right, that was the position.

The Deputy of St. Mary:

Can I just carry on, because you then say on page 6, because this is relating now to why Lenny Harper could not be interviewed, and this really perhaps in the nub: "In summary, my intervention that they could not interview Mr. Harper related to the States of Jersey Police internal review and not the BDO Alto report."

Mr. D. Warcup:

Yes, that is right. There were several things. One, I said that we were not going to be joint authors because I had issued terms of reference about what I required and the report was a sole report from BDO Alto and as part of that [police consultant]'s role had been, albeit he was working to different instructions, he was there to assist them in the compilation and to understand the policy, practice and

procedure. It had gone beyond that and I was then reverting back to the original terms of reference which had been agreed. Under those terms of reference and following the advice I was given by Mr. Moore and based on legal advice that I received, that we the States of Jersey Police would not carry out an interview with Mr. Harper.

The Deputy of St. Mary:

Could you expand on what the issues and complaints were that led to your terms of reference, if I can call them yours? You know, the second of terms of reference that came out of the Gold Group, the issues and complaints raised. Are you able to give any details about what the ... because you have not said specifically what those issues and complaints were.

Mr. D. Warcup:

No, those issues are obviously confidential; they are reported through the process and overseen by the Police Complaints Authority in Jersey.

The Deputy of St. Mary:

You mentioned States Members complaining, you cannot give any details about those?

Mr. D. Warcup:

No, no, unfortunately. I am sure you will understand why I cannot. Not only States Members but other complaints which had been received as well and were being actioned.

Deputy T.M. Pitman:

Can I just ask, those complaints - and we probably accept that you cannot go into details - were they specific things and specific incidents or was it just that perhaps politicians were very unhappy at how things were being reported in the media because there was a huge global interest. Can you give us some indication of ...

Mr. D. Warcup:

I cannot. I do recall what they were and I recall the sources of those complaints that I am referring to, not all of them but I do recall. I need to be clear as well that it was not totally States Members who were raising issues and making complaints. There were complaints from members of the public as well.

The Deputy of St. Mary:

Did any actual report arise out of this review or did it simply not happen, although [police consultant] was supposed to be working on it?

Mr. D. Warcup:

That is the position that when [police consultant] left what we did was we did conclude each different aspect in a different way so all the complaints were subject to investigation and recorded for the Police Complaints Authority and they were finalised in accordance with the Police Complaints (Jersey) Law, the learning of lessons in relation to what we need to do and how we need to approach it were all developed and in many cases the practices and changes were implemented where they could be. For example, training of officers to ensure that they have got the right training in the right areas to be able to deal with serious investigations and the investigation of serious crimes. They were implemented as well.

The Deputy of St. Mary:

So it was all done on a kind of ad hoc basis?

Mr. D. Warcup:

Not ad hoc, no. It would be wrong to say it was ad hoc, some of them were subsequently reported on in the Wiltshire report that I think we had already identified. For example, training was an issue and we had put in place the arrangements to make sure that relevant people were trained, including

investigating officers, and that they were able to comply with best practice and the procedures which were adopted following the investigation of serious crime.

Deputy R.G. Le Hérissier:

We are getting towards the end. It strikes me, listening to your evidence, that you obviously felt that when it came rightly to people like Mr. Power and Mr. Harper there had to be a high evidential bar. But there appeared to be these other investigations going on and there was evidence brought forward which did not meet that bar, so to speak. Do you think in retrospect or just as a general principle it was wrong to have these reviews going in parallel with each other, particularly when you have the primacy of Wiltshire.

[16:00]

Because what was happening was people were making allegations based not on verifiable evidence necessarily. Do you think that led to very unfortunate outcomes and that were you to do this again you would never go into a situation where reviews were running essentially parallel to each other and where they appeared to have on level of evidence and another review appeared to have another level of evidence acceptability?

Mr. D. Warcup:

I would agree with you. Can I just go back a step further in relation to what ... you said what you would do. I did not do it, of course, because it is fair to say I would not have initiated the BDO Alto review in the way it was done but it is appropriate to look certain things, to learn the lessons even while there are inquiries ongoing. What must be established, however, is what the parameters of those are and where you draw the line in relation to the extent of those inquiries. One the fact of it, if I was to go back and say: "Well, how should it have been done?" then I would say that it would have been perhaps better to deal with the issues of alleged misconduct and deal with those first and to completely separate out the other issues. If there are other issues that need dealing with that are likely to overlap, they should be included within the terms of reference for the primary review. It is not uncommon in a police discipline inquiry for the investigating officers to be asked not only to see whether there are any misconduct issues which flow from the circumstances, but also whether there are any organisational issues from which the organisation can learn and benefit in the future.

Deputy T.M. Pitman:

A question that was further down our list, although we are getting towards the end, talking about primacy. You stressed that quite a lot and I think I understand why, however could you clarify for the record how it could be then that BDO or [police consultant] got to see apparently Mr. Harper's statement from Wiltshire? How did that ... surely that would have affected primacy and possibly conflict in some way? Can you enlarge on that because we are having difficulty getting to the bottom of this and it is, I am sure you will accept, a key issue.

Mr. D. Warcup:

I would accept that until I saw the papers I was not really aware that they had seen that. My understanding was that the States of Jersey Police and those working for the States of Jersey Police would not see any of the evidence in relation to the Wiltshire inquiry, and I do think that ... I cannot say whether he did or he did not see that. I do not know, has [police consultant] said that he has seen that?

Deputy T.M. Pitman:

As I say, we are getting a really confused picture. My question to you, and obviously you cannot answer what another person has seen, is how could that come about where a person could see something which was meant to be confidential to another review which you said had primacy?

Mr. D. Warcup:

I would say there is not a matter of confidentiality in relation to that, what there is is a matter that

goes back to that issue of primacy that you raised and it would raise an issue should there any misconduct procedure I would have thought it would have been a matter which would be subject to challenge within the misconduct process to say why did that happen and was it appropriate and what was the purpose. Such things always raise doubt in any such proceedings. That is why decisions are often made to engage outside bodies to carry out inquiries and it is a very unusual circumstance, yes.

Deputy T.M. Pitman:

But if something can be almost quoted from surely there is no smoke without fire. Had did that come about, that is what we need to find out.

Mr. D. Warcup:

You mean [police consultant] seeing the statement?

Deputy T.M. Pitman:

Yes.

Mr. D. Warcup:

I have no idea because to put it another way, if [police consultant] or [retired D/Superintendent] had come to me and said: "Can we approach Wiltshire to see Mr. Harper's statement?" I would have said no.

Deputy R.G. Le Hérissier:

In a related issue, Mr. Warcup, the issue of how it appears a very similar replication ... sorry, a very similar version or replication of parts of Operation Rectangle can be published in a newspaper, a national newspaper, in October 2009. Were you able to get to the bottom of this?

Mr. D. Warcup:

No, unfortunately there were many issues right through from 2008 until 2010 where we did look to try and establish how information had been released to the media. It is a matter of some regret in many respects that it happened and I do not condone it at all but I am afraid I cannot shed any light on the source or how it happened.

Deputy R.G. Le Hérissier:

Did the police institute any investigations into whether there was a leak occurring from Police H.Q. (headquarters)?

Mr. D. Warcup:

I am sorry; I did not catch the first part of that.

Deputy R.G. Le Hérissier:

Sorry, did the police institute any investigations into how this information was indeed leaking, so to speak?

Mr. D. Warcup:

It would be wrong to say an investigation. On each occasion when information is put into the media we will look and see whether there is a source and whether there is a prima facie reason for information going into the media. Sometimes of course it is neither illegal nor is it a disciplinary matter that information is put into it, it may be just be a question of judgment or professionalism.

Deputy T.M. Pitman:

Just to take on from that point, you said from 2008 right through to 2010, and of course that is well after the Mr. Harper/Mr. Power period, did it ever concern you that possibly those leaks were politically based? They were coming from politicians and probably they were not even internal from the States of Jersey Police. Was that a concern to you?

Mr. D. Warcup:

No, I would not focus my attention on that. If I was to say ... my concern was from a very early stage the media was being given a considerable amount of information and documents and they were being given this information either directly by people or indeed - people I do not know and I do not wish to get into a guessing game ... they were getting information and also information was appearing on the internet. I have to say that I think that the release of information in such circumstances is detrimental to the good conduct of the inquiry. In fact it is a fact that the release of some information in the earlier stages which appeared on the internet and in the media and was clearly information which had been given in court, could have had a detrimental impact on those cases which appeared before the Royal Court in Jersey and could have undermined those cases, and indeed there was a hearing in the Royal Court in which it was challenged by the defence solicitors that there could have been an abuse of process. I think that that matter needs to be seriously considered for the future and the release of information, however well intentioned, has to be carried out under proper regulated and approved systems and not to fulfil whatever agendas people are trying to pull through.

Deputy T.M. Pitman:

So just the last question I will ask you on this point. The leaking, however it came about, to the media, you would expect to see consistency in this because obviously there has been huge and very negative focus on leaks which allegedly came from during Mr. Harper/Mr. Power's time yet the Minister, for example, seems very unconcerned about leaks that have come subsequently. Is that not a concern that should be ongoing all the time? Should there be consistent policy? That seems to be what you are saying.

Mr. D. Warcup:

I cannot speak for what the Minister would say but I can speak from my conversations with the Minister during my time with the States of Jersey Police and my impression at that time of the Minister's point of view was he, like I, thought it was totally wrong, irresponsible and unprofessional. But I would agree entirely that there needs to be a consistent approach. Leaking of information to the media is something which can, as I say, seriously undermine criminal inquiries and the consequences could be quite serious. That is not serious to you or I or others, it is to the victims of crime who will not get justice through the courts.

Deputy T.M. Pitman:

One final point on that. We have heard within our review here allegations that a former Assistant Minister for Health leaked information to a U.K. (United Kingdom) journalist. To what extent were you aware of that? How did it come about that you were learnt of that?

Mr. D. Warcup:

I am not sure I am aware of that particular ...

Deputy T.M. Pitman:

A leak to Mr. Rose who is a quite well-known U.K. journalist. You are not aware of that? So there is no inquiry?

Mr. D. Warcup:

Was it a former Minister for Health?

Deputy T.M. Pitman:

Assistant Minister for Health. You are not aware of that at all?

Mr. D. Warcup:

No, I am sorry I am not clear about the particular case that you are talking about.

Deputy R.G. Le Hérissier:

Just a wrap up question, Mr. Warcup, it is maybe a bit too broad but in the light of what happened, in the light of all these reports, in the light of the different evidential standards that appeared and in the light of the concerns you expressed once you became aware of the way things were panning out, how would you have done things differently?

Mr. D. Warcup:

How I would have done things differently?

Deputy R.G. Le Hérisssier:

Yes.

Mr. D. Warcup:

There are many things which one learns in relation to things which happen but I have no regrets that what I did I did in the best interests for the States of Jersey Police and hopefully the people of Jersey and also the victims. Had I not made the disclosures in relation to that there was every possibility that the cases before the Royal Court would have been undermined and there would have been no prosecutions that would have followed. There are perhaps many other things that I would have tried to do differently in the weeks and months which followed but I am not sure, given some of the circumstances which prevailed, how much I would have been able to influence though.

Deputy R.G. Le Hérisssier:

Can you give us one or 2 examples?

Mr. D. Warcup:

I think just the one. I think the issues of the control of information which was being put not into the media but into the public domain, whether it was through the States Chamber or whether it was through the media, however you refer to it, that uncontrolled information which was being put through there, perhaps with the best intentions, was quite often inaccurate and ill-informed. That unfortunately had a big influence on the way that the States of Jersey Police were able to operate, the way they were able to conduct their inquiries and also on my role and position as head of the force. As I say, I am not sure that I could have been in a position to change that. What I could do is to try and act with the utmost professionalism to try and do things properly and also to try and make sure that everything that is done in respect of the former Chief Officer, Mr. Power, was done fairly and appropriately. As a good example of that, at no time will you find me on record as getting into speculation and comment on the rights and wrongs of some of the things that have been speculated about.

The Deputy of St. Mary:

I would like to ask a final question, I would probably kick myself afterwards if I did not ask you and what you have been saying leads on to it about information should not be put into the public domain in an uncontrolled way, in an often inaccurate and ill-informed way and so on and trying to do things properly. I think that is nub of it, is it not, trying to do things properly. So if I just quote you from the Wiltshire report in a paragraph where they are writing about the Met review, which of course you referred to in your letter which led to the suspension or immediately led to the suspension.

[16:15]

“The purpose of the review [that is the Met review] and the report which followed was to provide advice, guidance and learning for the S.I.O. (Senior Investigating Officer) and the Operation Rectangle team. The review will typically highlight well run aspects of an investigation and comment on areas that require attention. In order to be effective and to encourage staff to speak openly the content of the final report of the review is intended to be provided and received in the spirit of learning, public disclosure of the report is resisted and it usually attracts public interest immunity, in other words the whole thing is private to allow people to speak openly. Accordingly it would not be disclosable for the purposes of a discipline hearing as to do so could undermine the

public interest by inhibiting candour between interviewers and interviewees in the review process.” As you know, you based your letter which led immediately to the suspension of the former Chief Officer, Graham Power, on that review even though the review specifically has to be open book, people encouraged to speak openly and not used for disciplinary purposes. Would you like to comment on that?

Mr. D. Warcup:

In those last couple of sentences where I would agree to depart from what was being said and the reason for that is that I did not base my letter solely on that review. The construct of my letter, which I believe you will have seen, was that I raised issues which were concerns and I also - which I was subsequently criticised for, which is rather strange - abided by that in terms of saying that the review remained confidential. It remains confidential for other reasons of course as well. But if we go back to earlier questions, I had raised concerns and they were documented concerns with a number of people, including the then Minister for Home Affairs, the Chief Office of Police, the Attorney General and others, including [former States Chief Executive], about certain aspects. That was in September, 2 months before the review ... in fact the Met did not even start the review until September and I had already raised, before they gave the written review, some concerns. Those concerns were documented and documented in September. Therefore I stand by the fact that the issues that I raised with [former States Chief Executive] were issues that I had been raising for about 2 months and were not as a consequence of the Met review.

The Deputy of St. Mary:

So you do not think that in that letter, which had been requested by [former States Chief Executive] and 2 days later Graham Power was suspended, you should have mentioned the fact that it was not a disciplinary investigation and could not be used as such, or in any way connected with the disciplinary process?

Mr. D. Warcup:

Sorry?

The Deputy of St. Mary:

Should you not have mentioned in that letter, and I would have to say that the perception - and I am pretty sure I could find it in Napier if I had time - that one can show that your letter was largely - not exclusively - based on your reliance on the Met interim review. In fact people around were saying if we had not ... [former States Chief Executive] is on record as saying in the Napier review that if the letter had not been received about the Met interim report then it would have been much harder to suspend Graham Power. So it was a very important letter and it relied on the interim review but it did not mention that the Met interim review was not a disciplinary investigation and could not be used in any disciplinary process.

Mr. D. Warcup:

They were probably ... given the scale and complexity of things, there were probably a lot of other things that could have been put but I was not unfortunately aware of that at that exact time and I put in what I considered to be relevant information but I absolutely stand by the fact that the issues and concerns that I had raised had been raised for some 2 months prior to the Met review being produced.

The Deputy of St. Mary:

None of the other concerns were mentioned in the actual suspension documents. This is the problem, is it not? This is the problem with the whole basis of why we are here, why we are talking about BDO and so on is this kind of atmosphere around this whole process. But can I just ask you, you mentioned the letter which you will have seen. We would love to see the letter. Is it possible for you to let us have that letter?

Mr. D. Warcup:

Again, I would ask the panel if you can take legal advice as to whether it is appropriate for you to see that.

The Deputy of St. Mary:

Yes, we will do that.

Mr. D. Warcup:

I think that, for example, there was comment which was attributed to the fact that no reference was made to the fact that it was an interim report. If you saw the letter you will see that one of the paragraphs is headed at the very end, in a very brief reference, refers to the Met review interim report.

The Deputy of St. Mary:

So it would be useful to us to see the letter, in fact it would clarify issues for a lot of people.

Mr. D. Warcup:

I think it would, not least for myself.

Deputy T.M. Pitman:

I am greedy so I have got 2 questions, both very different ones. Obviously we know it was down to you appointing the finance manager; however when you look back if there is one thing that has been learnt it is that Jersey's set up was less than perfect. But with reflection do you think it is unfair the way the focus has been on the police side of this and the finances, and that is why we are here, and very little has been said about the Home Affairs side and their control or lack of with the finance; what would your thoughts be on that, trying to move forward for the future?

Mr. D. Warcup:

Looking forward to the future I think there is now a general agreement, and I proposed this very early, that the Chief of Police should be the Accounting Officer and the budgets should be set but I also feel that there should be more formal oversight of the police in its entirety with some form of police committee or police authority. I am well aware that the U.K. are moving away from that but I think you will struggle to find a Chief Officer in the U.K. that will support that change because the current arrangements with oversight provide for clear lines of accountability and responsibility and a lot of these issues which are being discussed and where it was discussed in the public arena and in the States it could have been properly, professionally and formally discussed through an authority and a lot of the questions could have been answered and then reported back formally to the States.

Deputy T.M. Pitman:

Obviously we are in the process now we are going to have a police authority. Was it ever a concern to you at the time that it has been driven to focus too much on the police side and the police failings, which obviously failings need to be identified, but did you ever feel real concern at the Home Affairs side were almost perhaps shifting the blame not wanting to say: "Yes, there is fault on our side too." Is it easy to just have a scapegoat? I am not saying that is what you have done but you appreciate the question.

Mr. D. Warcup:

No, no, it is not concern I had. I did not feel necessarily the blame was shifted because I think the blame was systemic. It was organisational in as much as the procedures for managing finance and the arrangements were not in place. If they are put in place, if budgets are established and accountability procedures are put in place then I think that Jersey will be in a good position for managing finances for difficult context issues in the future.

Deputy T.M. Pitman:

I suppose it seems an obvious question but it must be hard to know if you are going over budget if you have not got a budget.

Mr. D. Warcup:

Regardless of whether you have a budget or not you have a responsibility to act responsibly and to ensure that monies which are spent in the public purse are spent responsibly. I was acting chief of the force for over 2 years and I would like to think that I applied the same rigour that I would have applied wherever I have been Accounting Officer.

Deputy T.M. Pitman:

One final question, and it takes us back to your big issue of objectivity. Would you agree that when you look back on this now the big tragedy of all this is perhaps the focus on things, the Bombay Brasserie, et cetera, have moved the focus away from what is really important and the victims in this horrible situation. That is not your fault but the way this report and various other reports that have been spun out, has that been the real tragedy of ... this would deter people perhaps from coming forward in the future, the way the focus has gone on to the money when people are more important than money, victims are even more important. That is what I am getting at.

Mr. D. Warcup:

Without a doubt the victims are the most important aspect of any of these inquiries. Sometimes that is very easy to say but it is sometimes very hard to deliver when we become distracted with other things. I think that is why if the arrangements are put in place that holds people properly accountable for what they do then I think the victims will get the better service from the police in the future. I know that colleagues within the States of Jersey police would be very comfortable working, certainly when I was there, within those arrangements and they are not afraid of being accountable.

Deputy T.M. Pitman:

Do you think perhaps politicians were afraid of being accountable? Did you ever get that sense? It is perhaps not a fair question but I will ask it anyway.

Mr. D. Warcup:

I do not think I ever quite got under the skin of that.

Deputy T.M. Pitman:

Did you not ever the pressure in the job that more important is Jersey's image because I think that is what a lot of the public felt? Did you ever feel a pressure on you in your work as it relates to this review?

Mr. D. Warcup:

No, I think there certainly were pressures as you will know and your colleagues on the panel will know, but those pressures came from many different directions. One of the major difficulties which took up a substantial amount of time and was a huge disruption from the investigation and from the successful day to day running of the force was the wild speculations and inaccurate information that quite often then substantial amounts of work had to be done to attempt to correct that. I have to say that that does seem to be a facet of policing in Jersey that you are fire-fighting issues and concerns that are raised which quite often turn out not to be correct.

The Deputy of St. Mary:

Would you say that greater openness and transparency would help in that because then, for instance, if people had had much, much earlier your letter which eventually led to the suspension, if we had that then we would know what was in it whereas without it all people can do is speculate.

Mr. D. Warcup:

If you compared it to a police authority situation, those people on the police who have responsibility for discipline matters concerning chief officers of police would all have had access to that sort of level of information and it is very unfortunate that that responsibility eventually was vested in the Minister and the decisions that he made when it is clearly a serious decision and that is why changes

will undoubtedly benefit future decisions because it will provide a greater breadth of transparency. I am sure you will understand if I say that I would have welcomed that personally because I would like to think that would have led to an understanding of the position I found myself in, the action that I had to take, and the reasons why I did it.

Deputy T.M. Pitman:

To end, Mr. Warcup, is there anything that you would like to say to us that we have missed or that you feel needs to be said?

Mr. D. Warcup:

No, it is fine. I think in your final questions you have covered many of the issues which I am quite glad that I have had an opportunity to express a view on.

Deputy T.M. Pitman:

Good. Okay. I will end the panel hearing now. Thank you for that. I am aware that you were in Jersey in quite a difficult time. Would you say though, in closing, that is almost part of the job for a senior role as you were in? It was not a problem to you as such, you dealt with it. It is a small community, some of these issues were just par for the course, were they not?

Mr. D. Warcup:

You may say that and look it like that but I think it is a much broader issue and much more strategic issue. Having been in the position that I was, the power and position unfortunately as the head of service, you were not only challenged as an individual you were also challenged as being part of an organisation. People are not only forming impressions of you as an individual they are forming impressions of an organisation. If there is a determined effort to try and undermine people in that position then it can have a very negative effect on the organisation itself, and that is a position which is not really sustainable and healthy for an organisation such as the States of Jersey Police. There is a much wider issue.

[16:30]

Deputy T.M. Pitman:

All right, but hopefully a police authority will curtail some of those problems.

Mr. D. Warcup:

I really hope that it will and I hope that Members have some part in implementing such a commitment.

Deputy T.M. Pitman:

One question I promised I would ask, if any of the media wish to get in touch with you, or citizens media, is there an address that they can do so or not?

Mr. D. Warcup:

No, they can go through the press office of the States of Jersey Police.

Deputy T.M. Pitman:

Right, but you will field any questions that people put to you if you receive them?

Mr. D. Warcup:

If they go through the States of Jersey Police media office I will consider things but I will also say that I will be unlikely to give interviews for further speculation and debate. I hope that I have been able to give the panel today some clear answers in relation to issues and what I do not want to do is to step outside of the scrutiny panel and start another round of speculation, debates and challenges. That would only serve to undermine things further.

Deputy T.M. Pitman:

Okay. Thank you again, and I will end it there. Thank you.

Mr. D. Warcup:

Okay. Thank you very much.

Deputy T.M. Pitman:

Thank you, members of the public and media.

[16:31]