

2.16. The Deputy of St. Mary of the Minister for Home Affairs regarding A.C.P.O. advice followed in the commissioning of the Napier Report:

What was the basis on which the then Deputy Chief Officer of the States of Jersey Police commissioned the report from the Metropolitan Police on 27th August 2008? Was the advice of A.C.P.O. (Association of Chief Police Officers) followed in the commissioning of this report? Does the Minister consider the use of that report, as detailed in the Napier Report, was consistent with best practice and has it damaged relations with Metropolitan Police?

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

If good practice had been followed in relation to Operation Rectangle, the historical abuse inquiry, then such a review would have been commissioned as early as March 2008. But it was not. What in fact happened was that following advice from the A.C.P.O. Homicide Working Group, but in any event knowing that this was good practice, the then Deputy Chief Officer commissioned the report. The basis of the report was so that there would be an independent look at how the inquiry had been handled and, in particular, as to how individual inquiries within the inquiry had been handled. There are differing opinions in relation to what could or could not have then happened in relation to this. I do not think that the Deputy Chief Officer was wrong to make reference to it in his letter to the Chief Executive. Indeed, it confirmed his own concerns, and he did not write the relevant letter until such time as those concerns had been independently confirmed by the interim report. But such reports are not normally used for disciplinary purposes. The Metropolitan Police most certainly did not want it to be used for formal disciplinary purposes. Mr. Napier, in his report - let me refer to him by name - sees no reason why it should not be used in a redacted form. There he clearly departs from normal practice in relation to such matter. If it had been used in a redacted form, this would have caused great difficulties in relationships with the Metropolitan Police and possibly also with other police forces. Indeed the Metropolitan Police had indicated to the Deputy Chief Officer if it was used for formal purposes then they would not have completed the review, because of their concerns. But, as I say, there are different opinions in different areas on this. Mr. Napier, as in many other areas, takes a different opinion to most other people.

2.16.1 The Deputy of St. Mary:

That is a very interesting answer. It points up the exact problem with the use of the Metropolitan Police's Interim Report. The Metropolitan Police did not want it used for anything anywhere near disciplinary process and certainly not with suspension. Yet, that is how it was used. It was used in that way, with or without the wish of the Deputy Chief Officer. That is how it was used. I just wonder whether the Minister would like to comment on this matter of it causing great concern and the fact that it could not be issued in redacted form, because that would have shed even more light on the fact that this report was being used in a suspension process, which it should never have been. Would the Minister comment on that?

Senator B.I. Le Marquand:

Of course, that is not the opinion of Mr. Napier in relation to the matter. As I say, we do have different opinions in relation to this. It was viewed by the former Minister for Home Affairs only inasmuch that it was referred to in the relevant letter by the then Deputy Chief Officer. But he did not see the document. One of the difficulties

with the document is it contains 2 types of information. It contains general information and comments in relation to the way in which the matter had been handled, which is highly relevant to the disciplinary matter. Also, it contains detailed analysis of individual investigations, which is highly operational, entirely operational material, which should not be viewed to any purpose other than that. I think that is part of the complication. As I say, there are different opinions in relation to this matter.

2.16.2 The Deputy of St. Martin:

I am glad the Minister has mentioned that the report really is to look at the strengths and the weaknesses of investigation. Will the Minister inform Members whether in actual fact that Metropolitan Police Report was commissioned with the authority of the Acting Chief Police Officer? So, in fact, the Acting Chief Police Officer was aware of it and, in fact, gave the okay for it to be commissioned.

Senator B.I. Le Marquand:

I have been referring, for consistency of the question, to the then Deputy Chief Officer of Police. Of course, he is now the Acting Chief Officer of Police. So when I refer to the then Deputy, it is the same person. I may have lost ...

The Deputy of St. Martin:

I asked the question the wrong way. Will the Minister confirm that in actual fact the Metropolitan Police Report was commissioned with the authority of the suspended Police Chief Officer? In other words, it was done with the authority of the Police Chief?

Senator B.I. Le Marquand:

Yes, that is so. That is my understanding. The mechanism was through the then Deputy Chief Officer, but it was with the knowledge and agreement of the then Chief Officer.

2.16.3 The Deputy of St. Mary:

Wiltshire, in their report, make it absolutely clear that the purpose of an external review of the kind commissioned by the Deputy Chief Officer, with the authority of the then Chief Officer of Police, is to learn lessons, is to find out whether things have been done right, and so on, and in this case to go into individual inquiries. Then Napier says at paragraph 35: "Mr. Warcup said in interview that he wanted a report from the Met. Police in order to give substance to the media announcement that was to be made on 12th November." A media announcement which, of course, was absolutely more or less the same thing as the suspension because it happened in parallel. Can the Minister comment on the abuse of a Metropolitan Police review, which is supposed to be a learning device and part of the mentoring process and part of the process of improving the operations of the police, and therefore people respond to it in a different way. It was waited for, so that it would give substance to the media announcement on 12th November 2008. There is a contradiction there, which I would like the Minister's comments on.

Senator B.I. Le Marquand:

There is absolutely no contradiction there at all, because it is quite proper that a senior police officer who is contemplating making a media announcement should double-

check that what he is going to say is correct and supported. That is entirely consistent with the proper use of the interim report.