

**3.1 Deputy R. Labey of St. Helier of the Chief Minister regarding whether an official apology would be provided to the former Chief Police Officer, Mr. Graeme Power: [1(443)]**

Following the publication of the Independent Jersey Care Inquiry's report, will the Chief Minister be sending an official apology to the former Chief Police Officer, Mr. Graham Power, for the treatment Mr. Power received at the hands of the Council of Ministers?

**Senator I.J. Gorst (The Chief Minister):**

It is for those who were in public office at the time to reflect upon their actions in light of the report and consider whether, with the passage of time, they may or may not have acted differently with the benefit of hindsight.

**3.1.1 Deputy R. Labey:**

Will the Chief Minister be offering Graham Power an apology for his treatment?

**Senator I.J. Gorst:**

I do not think that that would be appropriate for me to do so. The Council of Ministers does not serve or hold office in perpetuity and that is why I answered as I did in the first instance.

**3.1.2 Deputy M. Tadier of St. Brelade:**

The Chief Minister has, quite rightly I think, issued an apology on behalf of the States of Jersey to victims of child abuse, even though he was not in office at the time and although the 2 are not comparable by any stretch of the imagination, where there has been a further injustice, is it not the case that the current Chief Minister could issue an apology and given the fact that there has been a report recently that has vindicated Mr. Power and also found that the process in his dismissal was wrong?

**Senator I.J. Gorst:**

The Deputy is right, it is completely different. The apology that I offered to those who had themselves suffered abuse and I stand by that apology. For my part, it was right to make that apology but even that apology goes nowhere at all to mitigating the suffering and abuse that those individuals indeed suffered and, again, for my part the suspension of the former Chief of Police is wholly different. Some Members may have completed the reading of the entire report; I have not yet done so but will over the summer. But my initial reading was that it was carefully balanced, as I think the report in its entirety was very carefully and well written, in its assessment of Mr. Power's suspension. On the one hand the Inquiry panel recorded their disquiet at the manner in which the suspension of Mr. Power was handled, while also recognising that at the time of the suspension there were genuine reasons for concern about some aspects of the past conduct of Operation Rectangle and, for those reasons, I think it is a different matter.

**3.1.3 Deputy G.P. Southern of St. Helier:**

Is it not in fact common practice for Ministers to offer apologies for the actions of their predecessors? This happens commonly in the U.K. (United Kingdom) and why will the Minister not consider such an apology?

[9:45]

**Senator I.J. Gorst:**

I do not think it does happen commonly. I do not want to draw any comparisons with where responsibility lay because we know that one of my previous Assistant Ministers... his words about responsibility for previous actions were taken out of context. Therefore we, I think,

going forward have to be very careful about this issue of responsibility and that Ministers do not or the Council of Ministers does not perpetually hold office and it is different for the reasons that I just answered in response to Deputy Tadier.

#### **3.1.4 Deputy S.Y. Mézec of St. Helier:**

The Independent Care Inquiry's report raises issues to do with injustices that occurred, that were not necessarily directly related to the victims of abuse themselves but to people who were on the periphery involved in the investigation and the political side of things as well. Now that the question has been raised by Deputy Labey, would the Chief Minister like to give further consideration about what official statement could be made to those people who were not victims of abuse themselves but were people involved in the periphery, Mr. Graham Power being one example, Mr. Stuart Syvret being another? Would he like to consider what could be done by way of making, if not an apology, at least a statement that recognises the way that they were treated?

#### **Senator I.J. Gorst:**

I am always happy to consider questions that Members ask of me and, of course, in this regard I will do so. I would, however, say that if such a statement were to be made, it would reflect what was in the report. I think the report reflects that it was a carefully balanced decision and although, as I said, the Inquiry recorded their disquiet with regard to the manner of the suspension and we had a number of Members spoke about that at the last States sitting, it did also recognise that there were issues with the past conduct of Operation Rectangle and wanting to ensure that prosecutions took place. Of course I am prepared to consider making such a statement, as the Deputy asks, but such a statement would have to be balanced and represent the entirety of the report's finding in regard to such individuals.

#### **3.1.5 Connétable A.S. Crowcroft of St. Helier:**

In the light of the fact that Members were told at the of the suspension of Mr. Power that it was a neutral act and the subsequent findings of the Napier Report, does the Chief Minister believe that it was indeed a neutral act and if it was not, is not some kind of apology overdue?

#### **Senator I.J. Gorst:**

I am going to repeat myself. I know Standing Orders do not allow me to do so but the point, I think, is worth reiterating, that, as the Constable suggested in his question, the panel did record their disquiet at the manner in which the suspension was handled. I think that that is the issue that the Constable is referring to in regard to a neutral act. We, of course, know that suspensions are technically neutral acts but I think we also know, in a small community such as ours, that technicality of the neutral act can very easily be seen to be something else. That is where we then end up in difficulty because we are not always good in our private and sometimes public dialogue of recognising that an individual is innocent until proven guilty and, therefore, suspension should be considered a neutral act. But we know from our own conversations and other public statements that in our community it is not always considered so and people start to judge once one has been suspended as a neutral act and that is what I think gives rise to difficulty. Having said all that, of course I am prepared to consider, as Deputy Mézec has asked me to consider, with regard to a future statement.

#### **3.1.6 Deputy A.D. Lewis of St. Helier:**

Has the Chief Minister reflected on the damning findings contained in the Wiltshire Report about the former chief officer of States of Jersey Police in preparing to answer his question today, a report that is freely available for any Member to read?

**Senator I.J. Gorst:**

I have not really looked at the Wiltshire Report in preparing for this morning; time is not a luxury that I enjoy. But, I think, my reading of the Inquiry's report balances those 2 issues, which is why I made the comments that I did about the Inquiry recognised that at the time of the suspension there were genuine reasons for concern about some aspects of the past conduct of Operation Rectangle, which is what the, I think, Wiltshire Report was looking at.

**Deputy A.D. Lewis:**

Supplementary, Sir.

**The Bailiff:**

No, I am sorry, we have other Members wishing to ask questions. We have to get through Question Time and the Chief Minister is up for Questions without notice later on. Deputy Higgins.

**3.1.7 Deputy M.R. Higgins of St. Helier:**

I saw Deputy Andrew Lewis lobbying the Chief Minister before we came in the Chamber about Wiltshire. What I would say is: will the Chief Minister accept that his words and waffling on this particular issue is giving rise to the view that the Jersey way is still alive and kicking? We will not get anywhere until we deal with some of the injustices that occurred in the past. One of those injustices was the suspension of the former Chief of Police, Graham Power. Does the Chief Minister accept that?

**The Bailiff:**

Is not the Jersey way about fairness and compassion and integrity, Deputy?

**Deputy M.R. Higgins:**

Sorry, Sir, I have a different view to yours about what the Jersey way is, based on the experience ...

**Senator I.J. Gorst:**

Sir, you were not in the Assembly at the last States sitting, rightly you were enjoying the hospitality of our friends to the north. But I do not think it is helpful for us in this Assembly to continue to perpetuate this understanding of what some in the Assembly refer to as a negative Jersey way. What is important is that we act in the future in the correct way, as I know that Members of this Assembly want to do so. I am trying as best I can to represent what is a large report and is well written and is carefully balanced. It will not and I do not think it does necessarily represent those who have come with preconceived ideas. It does say, as I have said, that the panel records their disquiet at the manner of the suspension, so it says that. But it does not just stay there, it does not just say that, it also says that they recognise that there were genuine reasons of concern about the past conduct of Operation Rectangle and, therefore, we cannot just separate them out and jump to a conclusion because of one particular part of the report and one particular area where they have disquiet and concern because there are other areas also where they record their concern.

**3.1.8 Deputy C.F. Labey of Grouville:**

In the last sitting I asked about the suspension of Graham Power and if there would be an apology or an inquiry. The Chief Minister responded and said: "There are not yet answers to a number of questions that this Inquiry has left us with. I did not expect us, over the last 2 days, to be able to find these answers but I wanted us to start to ask those questions." Is he

going to start to ask those questions as to the real reason why Graham Power was suspended or is he going to offer an apology?

**Senator I.J. Gorst:**

Sir, you are being very generous to me this morning because the Deputy is asking about questions and those 2 findings of the report do not lead to an easy answer to the question of, particularly, whether the former Police Chief is owed an apology or not. I think the right approach is for me, personally, to continue the complete reading of the report and to ask some of those questions on behalf of Members, taking into account the Napier Report, which dealt in depth with this issue but not being able to forget what the Wiltshire Report said and some of the feelings and sentiments at the time around ensuring that nothing was done to interfere with prosecutions and allowing for those appropriate prosecution decisions to take place.

**3.1.9 Deputy R. Labey:**

The Chief Minister's argument here is arrant nonsense. Only recently the Government of the U.K. made an apology on behalf of the Government of the time for those soldiers in World War I that were shot for desertion. Let us hope Mr. Power is not going to have to wait as long. The Chief Minister must be incredibly careful not to be selective in the way he is being by quoting so-called genuine reasons and the Wiltshire Report without balancing that with a 95-page rebuttal that Mr. Power made to those allegations that were never tested because he was never given his chance to put his case; for that alone he deserves an apology. I can tell the Chief Minister that the Committee of Inquiry says that they could not get to the bottom of his suspension. They could not understand why the Chief Minister of the time and the Chief Executive of the time acted in the way they did. The official line was that they acted in response to a critical review from the Met., which, it later turned out, nobody had ever seen. I ask the Minister, will he pursue this? Can we get to the bottom of this? Will there be a further inquiry into all of this so we can clear this up, embarrassing as though it may be for the personalities involved, so that Mr. Power can get his rightful apology?

**Senator I.J. Gorst:**

Again, the questioner reflects rightly part of what the report says. I do not say anything other than that. Of course it says the questioner has read directly from the report but the report also says other things that may indeed balance that decision. As I said, I will continue reading this report and considering the issues that Members raise but it cannot be right that we simply jump to judgment based on part of a very detailed, carefully considered report. I am not prepared to do that. I do not think it does justice to the report writers to some of these areas where, again, the Deputy of Grouville acknowledges, that there remain questions. If a public inquiry, which has spent 3 years reviewing these questions, is not able to provide the answers to Members' satisfaction, it is difficult for me to see how another review could do so. But I have given an undertaking to Deputy Mézec that I am happy to consider making a further statement. In order to do so I will have to do more work in this particular regard.