

2.15 The Deputy of St. Martin of the Minister for Home Affairs regarding disciplinary action against the Acting Chief Officer of the States of Jersey Police:

In light of the criticism in the Napier Report of the Acting Chief Officer of the States of Jersey Police, will the Minister be undertaking disciplinary action against this officer in order to demonstrate consistency, and does the Minister still have confidence in the said officer's integrity and suitability to continue in office despite his imminent retirement?

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

The Napier Report confirms that the Acting Chief Officer of Police acted at all times honourably in an extraordinarily difficult situation. Neither his motivation nor his integrity is questioned. Both of those statements I deduce from paragraph 110 of the report. Indeed, the subsequent reports of the Wiltshire Police have shown that all the areas of concern which he raised in relation to the performance of the Chief Officer of Police were fully justified. There were very serious failures by a former Chief Officer and the consequences were very serious. Furthermore, the Napier Report confirms that the Acting Chief Officer waited for independent written confirmation of his concerns from the Metropolitan Police. In the light of those major considerations where the Acting Chief Officer is fully vindicated, the criticism of Mr. Napier is very minor, and so my answers directly to the questions are firstly, no, of course not; there is not a disciplinary issue here.

[11:15]

Secondly, that consistency is best served by proportionate responses to all issues. The issues raised by Mr. Napier are very minor, whereas the matters relating to the Chief Officer of Police were very serious. I have full confidence in the integrity of the Acting Chief Officer and so does Mr. Napier. The Acting Chief Officer is an excellent officer, and if he had not been driven to withdraw his application by the hostility and persistent inaccurate accusations of certain States Members, then I would have had great pleasure in proposing him to this Assembly as an excellent future Chief Officer. [Approbation]

2.15.1 The Deputy of St. Martin:

It is surprising how people who read a report come to a different conclusion. No doubt if all those footstampers read the report they may well have seen something different. I would particularly refer the Minister to paragraphs 99 and 100, where the actions of the Acting Chief Officer certainly to my mind make the man totally unfit for the job.

The Deputy Bailiff:

Your question please.

The Deputy of St. Martin:

I think it is totally unfair - totally unfair - for Members to level allegations at people like myself and other bloggers who ...

The Deputy Bailiff:

Deputy of St. Martin, please sit down. Please sit down. Deputy, the purpose of question time is to ensure that questions are put and speeches are not made. Will you please put a question to the Minister for Home Affairs if you wish to do so.

The Deputy of St. Martin:

Allegations have been made against myself and other Members of this House that we have made allegations against or questioned the integrity of the Acting Chief Police Officer and I think I am entitled to an opinion, just indeed as the Minister has, and I disagree with his opinion, and that is what I am saying. I do not believe for one moment, in light of the evidence that we have now received in the Napier Report, that ... I am entitled to my opinion based on what we have now read in the Napier Report.

The Deputy Bailiff:

If you do not have a question you have to sit down.

The Deputy of St. Martin:

I have a question, sir.

The Deputy Bailiff:

Well then will you please put it?

The Deputy of St. Martin:

I will put it, I was in the process of putting it, Sir. But I think, again, I was entitled to respond to allegations made against myself and other Members of this House. In light of the paragraphs 99 and 100 of the Napier Report, will the Minister agree that there are serious criticisms here about the way in which the Acting Chief Officer produced the interim report without any reservations or any qualifications to the Chief Executive Officer and the Minister for Home Affairs?

Senator B.I. Le Marquand:

Yes, I am very happy to analyse the nature of the criticism. I would have done earlier except I would have been told off by the Chair. The nature of the allegations or the criticisms, were that the Acting Chief Officer did not sufficiently explain that the findings of the interim report were heavily qualified. What he wrote in his letter of 10th November 2008 was: "On 10th November 2008 I received an interim report detailing the initial findings." Therefore, he made it clear that the report was both interim and initial. Now, I am not quite sure why Mr. Napier criticised that because I am not sure what he means by "heavily qualified". The findings of the Metropolitan Police report, the interim report, were understood to be interim and initial because they had not yet spoken to the former Deputy Chief Officer who had been the senior investigating officer. But once they had done there was no material change in the full report which was received in December 2008. That is why I categorise these criticisms as minor, I am not even sure they are right at this point in time. But even if they are right they are most certainly very minor.

2.15.2 Deputy M.R. Higgins:

I am surprised at the statement made by the Minister that the failures relating to the suspension are minor. Mr. Power was denied natural justice in the way that he was initially suspended. Can the Minister justify, on the basis of the information available at the time of the initial suspension, that it was justified and the process was correct?

Senator B.I. Le Marquand:

Deputy Higgins may have misunderstood my answer in relation to the criticism being very minor. That was an answer which related to criticism of the Acting Chief Officer, which of course is the subject matter of the initial question. The fact is now that Mr. Napier has criticised the initial suspension and the basis of that criticism is different from the basis of the criticisms which I had made earlier, and I believe which the Royal Court have made earlier. What is apparent is that there was extra information available which could have been made available to the then Minister for Home Affairs, which provided overwhelming grounds for suspension. It is unfortunate that he was only provided with partial information and the criticism of Mr. Napier in that regard relates to the decision based upon partial information. But there was lots of other information of which I am aware which was not provided to him at the time.

2.15.3 Deputy T.M. Pitman:

I am not sure if the Minister is aware that the Acting Deputy Chief described the criticism as being par for the course. But is he aware that it was under the watch of the same current Acting Chief of Police that emails given to the police in relation to a complaint by a States Member allegedly somehow ended up in the hands of the former Bailiff, and is he happy that this should happen?

Senator B.I. Le Marquand:

I am afraid I do not know what the Deputy is talking about.

Deputy T.M. Pitman:

It was mentioned in a court case only the other week that somehow emails handed to the police by a Member of this House were passed on to the former Bailiff. How could that happen? Is that standard police procedure and is he happy with the Acting Chief's handling of that matter?

Senator B.I. Le Marquand:

I am simply not aware of the circumstances. I would need to have a specific question so that I could find out the appropriate information. I do not think, with respect, that is a follow up from the question asked originally.

The Deputy Bailiff:

It is broadly related to confidence in the Acting Chief.

2.15.4 The Deputy of St. Martin:

Will the Minister confirm that as all the allegations in the Wiltshire Report have been withdrawn, therefore, there is no substance at all to them because obviously they have been withdrawn? Will the Minister therefore agree that the Chief or the former Chief Officer's character is unblemished?

The Deputy Bailiff:

That is not related to this question.