

2016.06.14

**3.4 Deputy M.R. Higgins of St. Helier of the Minister for Home Affairs regarding the initiation of an investigation by the Police Service of Northern Ireland into the Boschat case: [9491]**

Will the Minister explain why Article 26 of the States of Jersey Law 2005 was invoked by the Assistant Minister in order to enable the Police Service of Northern Ireland to investigate the Boschat case rather than asking the Chief of the States of Jersey Police to initiate such an investigation?

**Deputy K.L. Moore of St. Peter (The Minister for Home Affairs):**

The complaint made by Mr. Boschat was addressed to the Chief Officer of the States of Jersey Police and subsequently referred to me as the Minister for Home Affairs. In my absence the Assistant Minister used the power in Article 26 of the States of Jersey Law 2005 as delegated which enables a Minister to enter into an agreement for the purpose of her office. The purpose of the Minister's Office includes having overall and ultimate responsibility for the functioning of the States Police Force in accordance with Article 3 of the States of Jersey Police Force Law 2012.

**3.4.1 Deputy M.R. Higgins:**

I find this very interesting because I have been trying to get an external police force to investigate another case for another individual and I have been told by the Police Complaints Authority the only person who can bring in an external police force is the Chief of the States of Jersey Police and it comes out of his budget. So why, therefore, did the Chief of the States of Jersey Police refer it to the Minister to use it under a general power to enter into contracts?

[10:00]

**The Deputy of St. Peter:**

It is quite simple and the information that the Deputy has been given in the particular case he is referring to would be correct but in this particular instance, due to the nature of the complaint made by Mr. Boschat, the Chief Office of the Police could not deal with the matter himself and for that reason it was referred to the Minister.

**3.4.2 Deputy M.R. Higgins:**

The obvious answer is: why could the Chief of Jersey Police not deal with the matter? If a complaint has been made against his officers and an external police force needs to be called in, he has the power to do so. Why did he not?

**The Deputy of St. Peter:**

Under the law there are certain instances when that does not happen and cannot happen and so it is for that reason that there is a provision for such matters to be passed on to the Minister, which is what has happened in this case.

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

Can the Minister state whether this was one of those instances where it needed to be passed on? Was that automatic or was that simply a decision that was made?

**The Deputy of St. Peter:**

This is a decision taken under advice but it was very clear under the law that this was the procedure that was in place and it was one to be followed.

#### **3.4.4 Deputy M.R. Higgins:**

I have asked the Minister for Home Affairs how many cases this particular Article has been used to bring in an external police force and also would she tell us what the matter is because we are spending money here. There have been 2 external police force investigations into this case before and we are using a rather unusual procedure to have a third. Surely the States and the public should know why an extra investigation is being brought in.

#### **The Deputy of St. Peter:**

As I stated previously, there is a provision under the law for this process to occur and it has been done for the right reasons. I cannot go into the details of the case at this moment because the investigation is underway but it was not a decision taken lightly but it is a decision taken following the procedure. The Deputy also asks how many times this has been done before. I am not exactly aware of that figure but I can certainly ask and find out.