

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 25th NOVEMBER 2014**

Question

Will the Minister advise members whether she will be publishing to members a redacted copy of the submission of the former States of Jersey Police Chief to the Wiltshire Police (Operation Haven) which her predecessor advised the Assembly would be published after the release of the Wiltshire Report?

Answer

On 11 September 2012, in response to an oral question by the former Deputy Shona Pitman, when asked about the publication of the affidavit submitted to the Wiltshire investigation by the former Chief of Police, my predecessor said the following:

As a follow-on from previous answers, I needed to obtain specialist legal advice on the issue of libel. That advice was that, as I was not under any legal duty to make the statement - it is a statement, not an affidavit - public, the risks of a libel action were substantial. As a result of this, it became clear that there would need to be substantially more redaction of the document, probably with whole sections being redacted. Indeed I wondered whether it might be better to ask the former Chief of Police to rewrite his statement so as to explain his position while omitting the potentially libellous references. However, during the summer there was a further development with what purports to be the majority of the statement being placed with minimal redaction on a blog site. In the light of this I cannot now properly proceed with this task as originally envisaged because any person reading a fully redacted version could then find elsewhere the full text, which would completely defeat the whole purpose of redaction. I have to say that throughout this process, including the disciplinary process, I have constantly faced a situation in which confidential documents have been put into the public domain and this is yet a further example of that.

In response to the follow-up question he then added:

I must make the position clear. In relation to this situation, I was not under a duty to do this piece of work. I was urged to do so by the former Scrutiny Panel. I decided so to do, so that alongside the Wiltshire Report could stand, for posterity, the former Chief Officer's statements in a redacted form. Redaction was incredibly important because there were all sorts of allegations contained there that should not be in the public domain: references to individuals. I have to think about fairness to the other individuals involved. Now, the fact is that purported versions of the document now do exist on another website. Frankly, I cannot go ahead. It would simply be totally unfair to the people who should have the benefit of the process of redaction. I do, however, still leave open the possibility of going back to the former Chief Officer, as I have mentioned, and saying to him: "Look, we cannot now do this as originally intended because this has been cut across by the irresponsible actions of people who have put an unredacted form into the public domain but would you like, as an alternative, to have the opportunity to produce an alternative statement which takes out the potentially libellous matters?" That, I think, is the very best I can do.

On first consideration the concerns that my predecessor expressed in 2012 appear to me to be as valid today as they were at the time of his statement in this Assembly. Even were I, after further advice, to consider it otherwise I would also need to consider whether or not it would be appropriate now to publish a redacted copy of the submission in the light of the terms of reference of the Independent Jersey Care Inquiry.