

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY THE DEPUTY OF ST. MARTIN
ANSWER TO BE TABLED ON TUESDAY 18th JANUARY 2011**

Question

With reference to the removal of part (d) from the Napier Terms of Reference will the Chief Minister inform Members –

- (a) why this was considered necessary when the former Chief Officer of the States of Jersey Police had agreed to partake in the Review and, if he had not participated, would part (d) have been removed?
- (b) what was to be achieved by deleting part (d) and what date in April 2010 was it decided?
- (c) with whom did the Deputy Chief Executive consult before the decision was made and when was the Chief Minister advised?
- (d) why the Deputy Chief Executive did not consult with the Deputy of St Martin beforehand or inform him at the time the decision was taken?
- (e) why the Chief Minister and Deputy Chief Executive ignored concerns raised by the Deputy of St. Martin regarding the possible deletion a month before the publication of the Report, and why no explanation relating to the deletion from the Terms of Reference has been offered?
- (f) why the Chief Minister has not informed Members why part (d) was deleted and will he now agree to make a formal statement informing Members the reason this decision was taken?

Answer

- (a) During a discussion with Mr Napier at the time he commenced his review, the TOR were discussed and the relevance of paragraph (d), given that Mr Power had confirmed that he would fully participate in the review. Mr Napier's view on this particular clause is re-produced below and has already been provided to the Deputy of St Martin in a previous e-mail exchange.

"I too remember our conversation. But I am afraid I don't have a note of the date. It didn't, to be honest, seem an important point at the time. My recollection is that it seemed unnecessary to go into the affidavit since it had become clear that Mr Power was willing to talk to me."

Had Mr Power chosen not to participate, part (d) would not have been reviewed. The very reason this paragraph was put in at the outset (P9.COM) was to enable the Reviewer (at that time not known) to have access to Mr Power's version of events should he not wish to participate. Given that Mr Power or, one of his supporters

chose to place the Affidavit in the public domain, it seemed reasonable that the Reviewer should have access to this document.

- (a) It was not a case of what would be achieved. It was a discussion with Mr Napier as he commenced his review that resulted in agreement that as this was not the only evidence that he would receive from Mr Power. As confirmed, Mr Napier was of the view that it seemed unnecessary to go into the affidavit.
- (c) The Deputy Chief Executive did not consult with anyone as it seemed reasonable that as Mr Napier would have access to more information than originally envisaged, it was not material. Given that Mr Power had chosen to participate, Mr Napier would have full access to any information that he required in order to complete his review. As it turned out, Mr Napier chose to make reference in his final report to the content of the affidavit, which demonstrates that he did use this document.
- (d) Given that Mr Napier would have access to more and better information than originally envisaged as a result of Mr. Power agreeing to participate, the need to consult was not seen as important or necessary.
- (e) Because Mr Napier had access to everyone he asked to see and had full co-operation from all participants, the issue of the deletion of para (d) did not seem relevant.

The document referred to by the Deputy of St Martin in August was R10. It has subsequently been found to have had a reproduction error in it. When the Council of Ministers approved the appointment of Mr Napier and agreed that R10 could be presented to the States, the Terms of Reference as approved had para (d) included. When the Terms of Reference were then transmitted to the Greffe for reproduction, the second page which contained para (d) was accidentally omitted.

- (f) The deletion of the paragraph referred to by the Deputy of St Martin has been fully investigated and Mr. Napier who undertook the review has confirmed that its deletion had no bearing on his investigation into the Suspension of the previous Chief Officer of Police. I too am fully satisfied that the deletion of this paragraph did not in any way hamper Mr. Napier's review and I do not consider it necessary to take the matter any further and I will not be making a Statement