

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS  
BY THE DEPUTY OF ST. MARTIN  
ANSWER TO BE TABLED ON TUESDAY 20th APRIL 2010**

**Question**

“The Minister has stated that he can justify the release of selected parts from the confidential Wiltshire Police Report on the grounds that the suspended Chief Officer of the States of Jersey Police and his supporters have carried out a concerted campaign to put the whole case in the public domain, if the Minister is of that view will he inform Members what information from the confidential report has been put into the public domain by the suspended Chief Officer and what action, if any, the Minister has taken in response?”

**Answer**

It is my opinion that during the working week commencing on 15th March 2010, there was a concerted campaign on behalf of the Chief Officer of the States of Jersey Police to put into the public domain the main elements of the said Chief Officer’s case.

During the first few days of that week I became aware of the following:-

- (1) That the first and second reports of the ACPO Homicide Working Group were put into the public domain both on websites and by virtue of the Deputy of St Martin making public comment thereon on various news media.
- (2) That transcripts of the private hearings which I conducted in relation to the suspension of the Chief Officer of Police in February and March 2009 appeared on various websites. The transcript was only available to the Chief Officer of Police, the Senior Personnel Officer who had caused the transcript to be produced, the Royal Court, before whom parts of the transcript had been put during the Judicial Review hearings in 2009 and the people who produced the transcript.
- (3) A document which purported to be a resume of the issues which were raised by the Acting Chief Officer of Police in his letter dated 10th November 2008 to the Chief Executive to the Council of Ministers together with detailed comments thereon which were attributed to Doctor Timothy Brain also appeared on various websites. Doctor Timothy Brain is the former Chief Constable of Gloucestershire who has been acting as a representative of the Chief Officer of Police. That document, if genuine, could only have come from a person who was acting as the representative of the Chief Officer of Police.
- (4) At the same time, there was a very high profile media campaign fronted by the Deputy of St Martin to put into the public domain:-
  - (a) the major parts of the Chief Officer of Police’s case;
  - (b) criticism of the handling both of the original suspension hearing and of the suspension hearings conducted by me; and
  - (c) criticism of the role played by the Acting Chief Officer in relation to the original suspension of the Chief Officer of Police.

It is my opinion that where matters are put into the public domain that they then cease to be confidential. Furthermore, if they are put into the public domain by or on behalf of an individual who is a party to a confidentiality clause then that individual effectively waives confidentiality in relation to those matters. It would, in my view, be absurd to suggest that a party to a confidentiality agreement could put matters of information and opinion into the public domain whilst other parties to that agreement were forced to remain silent due to the confidentiality clause.

Furthermore, once matters which are of important public interest are placed in the public domain I then have a

duty, in the public interest, to ensure that the public are not being misled by virtue of a one sided view of matters being put forward. The judgement as to exactly where the balance lies between the public interest in information being available on the one hand and the application of the confidentiality clause on the other hand is a fine balance which requires difficult decisions to be made.

I do not think that I have stated that I can justify the release of selected parts from the confidential Wiltshire Police reports as alleged in the Question. My opinion is that where particular facts or issues are placed in the public domain and particularly where they are placed there on behalf of the Chief Officer of Police, I am able properly to comment thereon. In my view, whether in so doing I am able to release parts of the Wiltshire Police report or the essence thereof in a matter of fine judgement.

I do not believe that I have ever alleged that the Chief Officer of Police has put information from the Wiltshire Police reports into the public domain. What I am saying is set out above.