

**THE FOURTH REPORT INTO OPERATION BLAST (SECRET FILES  
KEPT ON EVERY ELECTED STATES MEMBER)**

**A) INTRODUCING THE FOURTH REPORT**

The fourth report was produced by the Chief Constable of Wiltshire for the purposes of an investigation into Operation Blast. Although the investigation was to cover the possible involvement of the Chief Officer of Police, Mr. Graham Power, it was wide enough to cover the involvement of other States of Jersey Police Officers and other people as well as any criminal offences which may have been committed. The Wiltshire Police had been nominated originally by Her Majesty's Inspectorate of Constabulary in order to complete the disciplinary investigation in relation to the Haut de la Garenne investigation. It was decided between myself and the Deputy Chief Executive to the Council of Ministers that as the Wiltshire Police were still working on the first investigation that it would be easier and cheaper to ask them to also deal with this investigation. I am very grateful to the Wiltshire Police Force for their excellent and detailed work on this.

The fourth report is produced in redacted form. There are particular issues with the report because, in addition to Mr. Power, it refers to a number of other police officers, some of whom are still serving police officers and some of whom may be facing disciplinary action as a result of Operation Blast. In addition to this, the normal considerations of the protection of the identities of witnesses who are not public facing also apply. Further consideration will be given at a later date to whether further parts of the report can be disclosed subject to the redaction process.

As with the other two Wiltshire reports, Mr. Power was provided with the key statements and other evidence and then produced his own second statement. He had sent a first written statement to me at an early date. Subsequently, he received the final report soon after it was provided to me.

**B) A VERY IMPORTANT CONSIDERATION**

I owe it to the general public of Jersey and to the present and former States members in relation to whom secret files were created and a criminal record check completed to put what I have learned into the public arena. Indeed, I have discontinued the disciplinary proceedings against Mr. Power about two weeks before his retirement date so that I could do so before the summer States recess and so that the members of the States Assembly could ask me questions in the States prior to that recess.

**C) APOLOGIES**

As the current Home Affairs Minister, with responsibility for the oversight of the States of Jersey Police I wish to make two apologies for the past failures of the States of Jersey Police in relation to Operation Blast.

Firstly, I apologise to the individual States members in relation to whom the

files were created and the criminal records checks carried out. Although much of the information could have been properly held by the Police it was absolutely wrong that it be held in this way and that criminal records checks be carried out and kept on individuals in an indiscriminate and unjustified way.

Secondly, I wish to apologise to the people of Jersey for the risk represented by the creation of these files for the undermining of the democratic system in Jersey. Although, in fact there is no evidence that they were either intended or used for such a purpose, once the files came into existence there existed a potential for misuse which is totally unacceptable.

#### **D) THE BACKGROUND**

The background to Operation Blast is the start of Ministerial Government in December 2005. I would refer first to Section 1.5 on page 5 of the report. Mr. Power was concerned in relation to the fact that the process for security checking of States members was very limited. (Candidates other than Connétables simply made a statement of their relevant criminal records which is not checked). Furthermore, there was no process at all in relation to the security checking of ministers. Mr. Power was concerned about the behaviour of some politicians seeking to intervene in matters which fell outside the legitimate purview of their political roles and responsibilities. Also Mr. Power was concerned about the nature and scale of some politicians' alleged involvement in incidents which brought them to the attention of the States of Jersey Police.

I refer now to Section 1.46 on page 16. Mr. Power was persistent in his advocacy of a vetting system for people in high profile, sensitive posts. Former Minister Wendy Kinnard acknowledges that Mr. Power was the main mover for this but it did not materialise.

As a result of these factors in February 2006 Operation Blast was set up.

#### **E) THE FINDINGS**

I turn now to the findings on page 132 of the report and refer to those which concern Mr. Power. To avoid misunderstanding I want to make it clear that there is no evidence to suggest that Deputy Chief Officer Lenny Harper was either involved in the setting up of Operation Blast or was aware of its existence.

##### **Conclusion 1 (1)**

CO Power caused files to be opened by the States of Jersey Police in respect of all 53 States of Jersey politicians.

The mechanism of the setting up of Operation Blast was by virtue of an instruction to another senior officer to set up such a system. Mr. Power alleges that the officer concerned did not set it up in the way he intended but the other officer says that he did. The conclusion of the Wiltshire Police is that it was these two officers who are responsible for setting up Operation Blast.

**Conclusion 1 (2)**

CO Power, the officer referred to in 1 (1) and two other members of the senior management team were aware of the files and their contents.

**Conclusion 1 (3)**

CO Power failed in the performance of his duty as Data Controller and Chief Officer of Police by allowing personal data on all 53 politicians to be obtained and retained, without a necessary, legitimate or lawful purpose, in contravention of the Data Protection (Jersey ) Law 2005 and associated guidance.

The nature of the information which was kept is referred to in Section 1.4. The files contain information collated as a result of politicians, usually in their private capacity, coming to the notice of Jersey Police in circumstances of legitimate concern together with criminal record and other police intelligence checks. In that section the Wiltshire Police comment that opening such files without the knowledge or consent of democratically elected politicians may be considered to amount to a serious breach of trust and may have substantially undermined the confidence of the public and elected representatives in the Chief Officer and members of his senior team who were parties to the inception of such files.

**Conclusion 2 (1)**

Files were created on all States of Jersey politicians as a result of concerns felt by CO Power and members of his Senior Management Team regarding the perceived behaviour of some politicians and the potential negative impact of that behaviour upon Jersey's 'national security'.

National security was used as a pretext for the criminal record and police intelligence checks but the perceived concerns fall very far below the normal definition of national security which is dealt with in detail in Sections 1.12 to 1.16 on pages 7 to 9 of the Report.

**Conclusion 2 (2)**

CO Power failed in the performance of his duty to ensure that the processing of material relating to Operation Blast was for a legitimate purpose.

The problem here is that information was being kept and criminal record and intelligence checks obtained without any legitimate purpose. Police officers can only perform criminal record checks for a legitimate purpose which would normally involve a genuine suspicion of criminal behaviour. The data here appears to have been compiled just in case it was needed and that is not a legitimate purpose.

**Conclusion 3 (1)**

CO Power was the primary originator of the idea for the files and another officer the primary implementer of the decision to open the Operation Blast files.

**Conclusion 4 (1) and 5 (1)**

These refer to other officers.

**Conclusion 6 (1)**

CO Power and seven other officers were culpably aware of the existence of files relating to States of Jersey politicians.

**Conclusion 6 (2)**

On the balance of probabilities, this Inquiry believes that Chief Executive Bill Ogley and Chief Minister Frank Walker were made aware of incidents in which politicians came to notice of the police. However, there is insufficient corroborated evidence to suggest that either person was aware of the existence of Operation Blast or any such files.

The relevant sections on this are Sections 1.78 to 1.82. The Report does not indicate the view of the Wiltshire Police as to whether or not this was improper. Section 5 of the Report deals with the two accounts given by Mr. Power in his two statements and with the relationship of these to Conclusion 6 (2).

**Conclusion 7 (1)**

This deals with a different matter in relation to which Mr. Power is cleared.

**F) THE ADVICE IN RELATION TO SUGGESTED CHARGES**

This is in Section 6 on pages 115 and 116 and relates to the Conclusions.

**G) FURTHER COMMENTS**

There are two other areas which I wish to highlight.

The first is contained in Section 1.2 which states that the Wiltshire Police considered as to whether the States of Jersey Police sought to undermine or unfairly influence the democratic process in the Island, or just poorly executed an exercise to collate available information about political representatives whose behaviour was of concern to the police. They conclude that there is no evidence for the former but that a number of strands suggest the latter, executed with naivete, poor management and a disregard for the data protection law.

The second is contained in Section 1.40 to 1.44. In 1.40 Mr. Power failed to persuade the States (in reality this will mean Ministers) to create a formal vetting process for people in senior and influential positions in the Island. In 1.44 it is stated that Mr. Power and others created files to enable the States of Jersey Police to have an informal vetting system. I find that most concerning, that Mr. Power and others should effectively go ahead and do what the politicians had not agreed should be done, is indicative of Mr. Power and others being out of control.

**H) ISSUES FOR THE PRESENT AND THE FUTURE**

A number of issues arise.

Firstly, the Data Protection Commissioner has quite correctly served a notice upon the States of Jersey Police in order to ensure future compliance with

proper data protection principles. It is very important that the States of Jersey Police, like any other public body, follow these principles.

Secondly, other police officers at lower ranks may be facing disciplinary proceedings in relation to Operation Blast but it is not appropriate for me to comment any further on this.

Thirdly, there will in due course be a need for a mature debate as to whether Jersey should have an improved system in relation to the vetting of potential States members. Such a process would also mean that potential ministers would have been vetted.

Fourthly, an issue does arise as to what, if any, information in relation to misdeeds on the part of States members can properly be shared by the Police with the Chief Minister or with other appropriate authorities and in what circumstances and subject to what safeguards.

**Senator Ian Le Marquand**  
**Home Affairs Minister**