

26 February 2010

Dear Lord Carswell

Review of the Roles of the Crown Officers

I write with reference to your letter dated 29 January, 2010 concerning your review of the Role of the Crown Officers.

Can I first of all thank you for the opportunity to comment on these matters. In order to assist the panel I have confined my remarks specifically to those matters which fall within your terms of reference.

Part 1 – Roles of the Bailiff (and Deputy Bailiff.)

In considering the role of the Bailiff as Chief Justice, President of the States and Civic Island I have no specific observations in relation to the respective roles of the Bailiff and the States of Jersey Police.

Part 2 – Roles of the Attorney General and Solicitor General.

As you will appreciate there is significant interaction between the Attorney General, Solicitor General and the States of Jersey Police. With regard to the role as the Legal Adviser to the States of Jersey, to the Council of Ministers and to Scrutiny Panels, we have not been able to identify any specific areas where there have been difficulties or problems or where there is a perceived or real conflict of interest.

Similarly, in relation to the Attorney General's role as the Chief Prosecutor, our experience of working together on a regular basis has been very positive and again we have not identified any conflict of interest.

I turn now to the role of the Attorney General as the head of the Jersey Honorary Police. Having regard specifically to your terms of reference it is not my intention to make comment in relation to the role of the Honorary Police. However, dealing specifically with the Attorney General's role this has in my experience fallen broadly into two areas.

In the first instance the Attorney General is the Titular head of the Jersey Honorary Police. In theory, this would suggest that the Attorney General had direct operational control over the Honorary Police, in each of the twelve parishes. From my experience and the observations of colleagues over many years the Attorney General has never sought to exercise any form of operational control over the Honorary Police, and therefore there have been no difficulties in this regard.

The second area of responsibility for the Attorney General relates to his Chief Prosecutors role and the direct interaction that he has with Centeniers issuing legal and charging advice. Charging advice and guidance falls outwith our law enforcement responsibilities and is not a matter for the States of Jersey Police. In summary, I suggest there is no conflict with regard to the Attorney General continuing to be responsible in this area.

In responding to this matter I have given careful consideration to the duties and responsibilities of the States of Jersey Police, and the impact on our ability to carry out our duties in a free and democratic society, preserving the rule of law and meeting the Human Rights of individuals. Whilst I believe there are significant areas which need to be addressed in relation to the control, governance, independence and accountability of policing, I do not believe that the current roles of the Bailiff, the Attorney General and the Solicitor General impinge on our ability to police the Island of Jersey.

Should you require any further information in relation to any matter that I have raised then please do not hesitate to contact me and I would be happy to assist.

Yours sincerely,

D Warcup
Deputy Chief Officer