

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS
BY SENATOR J.L. PERCHARD
ANSWER TO BE TABLED ON TUESDAY 5th JULY 2011**

Question

Will the Minister introduce financial means testing of those detained at HMP La Moye and levy a fee based on a scale of charges up to a maximum of the full cost recovery on inmates?

Answer

I am not intending to do that for four reasons. Firstly, I am not aware of any such scheme anywhere in the British Isles or the European Union. I am aware of some such schemes in the U.S.A., but they are not subject to the European Convention on Human Rights.

Secondly, I believe that this would be contrary to the European Convention on Human Rights for two reasons. It would be viewed as a second penalty in addition to the imprisonment being imposed by the Court. It might also contravene the right to private property being a charge which was not a legitimate tax which was being imposed on an individual without their consent.

Thirdly, because of the potential adverse effect on the family of an offender which had already lost a major source of income. A family could be forced to sell a home or be otherwise penalised by reason of this.

Fourthly, other means already exist to confiscate the proceeds of crime both in relation to drugs offences and in relation to wider crimes. I support current proposals to extend this by way of a civil confiscation scheme which allows for confiscation of the proceeds of crime without the need for a criminal conviction.