

**WRITTEN QUESTION TO THE PRESIDENT OF THE HOME AFFAIRS COMMITTEE
BY DEPUTY J.A. HILTON OF ST. HELIER**

ANSWERS TO BE TABLED ON TUESDAY, 21st JUNE 2005

Question

Would the President inform members –

- (a) of the number of offenders apprehended at the Airport and Harbours for the years 2003 and 2004 with known un-discharged arrest warrants, in breach of bail, or with un-discharged probation or community hours?
- (b) the identities of those authorities/jurisdictions that refused to send officials to Jersey to pick up those arrested in Jersey from those jurisdictions?
- (c) the nature and breakdown of offences of those persons arrested at the point of entry?
- (d) the number of offenders escorted off the Island to other jurisdictions, if any, or authorities that did send officials?
- (e) the nature and breakdown of the known offences of those admitted to visit or live in Jersey, and whether the States of Jersey Police has access to the U.K. Police National Computer and the U.K. register of sex offenders?
- (f) whether the States of Jersey Police monitors the movement of U.K. and other registered sex offenders as and when they enter the Island?
- (g) whether the Committee was advised that one U.K. registered sex offender recently arrived in the Island? and,
- (h) whether the Committee considers the absence of a sex offenders register in Jersey to make the Island ‘attractive’ to U.K. reregistered sex offenders, and, if so, what action, if any, does the Committee propose to take to address this?

Answer

- (a) States of Jersey Police:

The answer is none. This is because there is no power to arrest persons wanted for offences in other jurisdictions. In the case of persons wanted on warrant in other jurisdictions there is still no power of arrest until that warrant is ‘backed’ in Jersey.

Legislation on the ‘backing’ of English warrants in Jersey is specific in respect of those warrants that can be backed. (Indictable Offences Act 1848, s 13, as amended by the Courts Act 1971, Schedule 8)

Warrants can normally be backed in Jersey in the following cases –

Warrant of arrest of the accused on failure to appear before a Magistrates’ Court.

Warrant of commitment in default of payment of a sum adjudged to be paid by a conviction or order of a Magistrates’ Court.

Warrant of commitment in default of payment of a sum payable in forfeiture of recognizance.

Warrant of arrest of a witness on failure to appear before a Magistrates’ Court.

Warrant of arrest issued by a court having jurisdiction in bankruptcy.

Warrants cannot be backed in the under mentioned cases –

Warrants of arrest of the accused on failure to surrender to bail before a Magistrates' Court (with the exception that one can normally be backed if the offence is indictable).

Warrants of arrest for breach of a probation or community service order.

Warrant of arrest on the commission of a further offence by a person in whose case a probation order or order of conditional discharge has been made.

Legislation in respect of the backing of warrants (Republic of Ireland and Jersey) Order 1965 is again specific –

where a warrant for the arrest of a person accused or convicted of –

an indictable offence

an offence punishable on summary conviction within six months of imprisonment, and

an application for endorsement of the warrant is made to the Bailiff by a police officer who produces a warrant and swears on oath that he has reason to believe the person named or described therein to be within the Bailiwick.

However, where a person is accused of an offence, not being an indictable offence but an offence which on summary conviction is punishable by six months' imprisonment, a warrant shall not be endorsed unless the person has previously failed to answer to a summons, or has failed to appear in answer to bail.

Although the number arrested on warrants from other jurisdictions is nil, there were still a number of arrests made at the Airport and Harbours for other matters, including outstanding Jersey arrest warrants, breaches of bail and probation orders. (Please see answer to c for precise breakdown).

2003	Airport	4,461 stop/checked (additional 1294 monitored). 45 arrests;
2003	Harbour	875 stop/checked (additional 11 monitored). 54 arrests;
2003	Total	99 arrests at ports.
2004	Airport	4,321 stop/checked (additional 528 monitored). 22 arrests;
2004	Harbour	947 stop/checked (additional 23 monitored). 38 arrests
2004	Total	60 arrests at ports.

All persons stop/checked would be subject to local and U.K. police checks. It is policy that should any have 'flags' relating to outstanding arrest warrants contact is made with the originating force to establish if they are prepared to apply to have the warrant 'backed' and travel to back the warrant locally and escort the subject back to their force area.

It is also good practice for local officers to contact the originating force should there be any other 'flags' of interest in respect of an individual stop/checked.

The Police National Computer (PNC) maintains a record of all persons subject to arrest orders or wanted on warrant. Any persons identified locally as being subject to either are dealt with as and when they come to notice. Depending on the severity of the offence, U.K. forces may decide that it is not efficient, effective or economically viable to back an outstanding warrant and travel to collect some individuals. This decision must rest with the originating forces who are in possession of all the mitigating circumstances.

Probation:

In the case of Probationers and Community Service Offenders (Community Rehabilitation and Community Punishment in England and Wales) the position is as follows:

Officers in the other British Jurisdictions have no legal power to stop the majority of these offenders travelling to Jersey. Some years ago the Probation Service became concerned at the number of offenders who were coming over without the prior knowledge of the Service, and on occasions with no planning or funds. A notice was placed in the Probation Officers' 'Bible' which points out that Jersey is a separate jurisdiction and instructing colleagues to contact the Jersey Service prior to travel. The Probation Service then informs the supervisor about the Regulation of Undertakings, residential qualifications, entitlement to benefit, drugs laws etc. and seek assurances in respect of repatriation if things do not go according to plan. The States of Jersey Police are also informed of travel details. As a result there is no longer a serious problem from a Probation viewpoint, although not all people who come to the Island are considered to be 'desirable'.

However, Jersey reciprocates and permits its Probationers and Community Service workers to travel to other British Jurisdictions if it is judged to be in their best interest. There is the facility to refuse to allow some offenders this privilege. If they misbehave or fail to comply, the Attorney General is contacted, and he takes the decision on whether it is in the public interest to have them returned to Court in Jersey. Some years ago an attempt was made to pursue legislation to allow for the formal transfer of community orders between Jurisdictions. This was not successful, in part due to the requirements and type of Order being very different in each country.

The position with prisoners on licence is different. They are generally not allowed to travel for holidays, and can only travel to another British Jurisdiction with the approval of that Jurisdiction if it has been established that they have close family ties and that the move will assist in their rehabilitation.

- (b) Persons discovered to be subject of outstanding arrest orders are dealt with on an individual basis and although records are maintained within individual reports, currently there is no easy method of obtaining the data requested. To research individual records to ascertain those jurisdictions that declined to travel would be difficult and extremely time consuming. I am, however, able to confirm that from time to time other jurisdictions do decline to travel to Jersey for wanted persons.

As mentioned above there are numerous factors that impact on forces in deciding whether to back a warrant and travel to collect individuals. In practice both the States of Jersey Police and U.K. forces will normally only back a warrant and travel to collect individuals in the most serious of cases. Deploying a minimum of two officers to travel to the U.K. (or other jurisdictions) to escort a suspect back to Jersey for any other but the most serious of offences is not considered an appropriate use of public funds.

- (c) States of Jersey Police:

<u>Offence</u>	<u>2003</u>	<u>2004</u>
Drug Offences	43	11
Immigration	14	5
Breach of bail/Viscounts/wanted	12	12
Road traffic offences	6	7
Acquisitive crime	4	6
Offences against the person	4	1
Disorder offences	3	5
Prevention of terrorism offences	3	5
Financial crime	2	3
Offences against property	1	1
Other offences	4	2

Customs:

<u>Offence</u>	<u>2003</u>	<u>2004</u>
Fraudulent Evasion contrary to Article 61(2)(b) of the Customs and Excise (Jersey) Law 1999	76	42
Possession of drugs contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law 1978	16	8
Conspiracy to import	2	-

Immigration:

Immigration offenders dealt with upon arrival from abroad (not from within the Common Travel area) are generally refused leave to enter and returned abroad. Immigration offenders arriving from the U.K. and detected on arrival are returned to the U.K. to be dealt with by the U.K. Immigration Service. Immigration offenders broadly means persons seeking to enter for a purpose for which they are not entitled to enter (e.g. a person seeking work without a work permit) or persons referred to as illegal entrants who seek to enter on false documents or otherwise in breach of Immigration law.

(d) States of Jersey Police:

2003 – 0
2004 – 2.

More often other jurisdictions will be notified and arrest the individual on his/her return to their home jurisdiction.

Immigration:

It is rare for Immigration offenders to be escorted from the Island. As answer (c) above indicates, most offenders are refused entry and simply returned abroad on the vessel in which they arrived. A person who is being deported may occasionally be escorted via the U.K. to ensure that the deportation order is put into effect but this is a rare occurrence as arrangements are usually made for the deportee to be met by the U.K. Immigration Service on arrival in the U.K. from Jersey and then detained until put on the flight abroad. To put this into a numerical context, there were 5 persons deported in 2003 and 2 in 2004. In the last 2 years only one person was actually escorted and this to the U.K. where he was handed over to the care of the U.K. Immigration Service. Note that all deportees were deported following offences committed locally.

(e) During 2004 an estimated 1,171,530 passengers travelled through Jersey Harbour and Airport into Jersey. Of those stop/checked at the ports by officers of the States of Jersey Police the vast majority were subject to a check on PNC and if relevant other databases. Although a record is maintained of persons stop/checked, records do not specify full lists of any pre-convictions as in the case of some offenders this may run to several pages.

As and when registered sex offenders are due to travel to the Island it remains best practice for a nominated officer (usually the force local Intelligence Officer) to make contact and provide full details to his/her Jersey counterpart. The States of Jersey Police Local Intelligence Officer is responsible for ensuring that all officers and other appropriate agencies are aware. The States of Jersey Police place great emphasis on identifying when and where any registered sex offenders may be staying within the Island.

In addition to this the States of Jersey Police has access through the PNC to ViSOR (The Violent Sex Offender Register) If a registered sex offender is identified on PNC as a ViSOR subject then the Local Intelligence Officer will contact the Public Protection Unit in the U.K. where the sex offender order was

issued to establish full details.

- (f) If a registered sex offender is identified having entered the Island, immediate contact is made with the U.K. Force. Then jointly between the Local Intelligence Officer and the Family Protection Team and on occasions Probation, they are monitored. Several times, sex offenders have come to the notice of the States of Jersey Police as a result of Probation having contacted the Local Intelligence Officer to advise him/her. Often Probation has come into possession of the information as a result of the sex offender's probation officer in the U.K., having contacted them to seek either advice or permission. However, if the subject breaches his licence then all that can be done is to report back to the U.K. authorities. The vast majority of the sex offenders are coming to the Island for a brief visit and are not intending to stay.
- (g) The Committee would not expect to be informed of specific cases. However, the States of Jersey Police were notified by their counterparts in the U.K. that a sex offender who is on the Register in England and Wales, but is not subject to any Licence or Order was coming to the Island. They, in turn, informed the Probation Service.
- (h) The introduction of legislation that establishes arrangements for assessing and managing the risks posed by sex offenders, and others who may cause serious harm to the public is supported by the Committee, and the latest draft of the proposed legislation was endorsed by the Committee at the June meeting.

This legislation will enable the provision of services to register offenders and maintain an up-to-date, shared store of information on these offenders, including risk assessments and critically, their movements. It will be a powerful management tool for professionals involved in supervising offenders, compiling pre-sentence reports and investigating cases of sexual abuse.

Perhaps of equal importance is a change in legislation to enable the police and other agencies to investigate and gather evidence on sex offenders. The Children's (Jersey) Law 2002, which is due to be enacted 1st August 2005 is just one of the initiatives being taken by the States to enhance the process of gathering and securing evidence.