

3.9 The Deputy of St. Ouen of the Minister for Home Affairs regarding the review of the Firearms (Jersey) Law 2000:

Following the Minister's indication that a review of the Firearms (Jersey) Law 2000 was initiated in January 2006, would the Assistant Minister indicate why States Members and other interested parties were not notified and included in this process at the time and would he also state what plans, if any, have been made to address this situation?

The Deputy of St. John (Assistant Minister for Home Affairs):

Following the raising of concerns at a routine meeting between the States of Jersey Police and the Minister on 25th January about the presence of a specific firearm in the Island, a number of actions were initiated. These include the instigation of a States of Jersey Police report on the issue, together with an internal States of Jersey Police force inspectorate review on local compliance with the Cullen recommendations, which was established following the Dunblane massacre. Contact was also made at this time with the Education, Sport and Culture Department who consequently commissioned a U.K. expert to inspect their shooting facilities and to report back on various issues. This report has yet to be completed. At around the same time, albeit not initiated by such specific concerns, the Comité des Connétables had requested guidance from the Attorney-General on the implementation of the Firearms (Jersey) Law 2000. The Committee is also awaiting the response of the Attorney General. A great deal of work was either already underway or initiated at the end of the January owing to the seriousness of the concerns that had been raised. At the time of the initial reports in the media not all this work was completed. The Minister was not in a position to bring the findings and recommendations before the States and did not want to present the House with incomplete information. It would have been premature to release incomplete and inconclusive information on this important matter. At the time of the recent media interest in firearms a number of States Members questioned as to why they had not been informed of these developments in advance of the media comments, to which I responded with a similar answer to that given to the Deputy of St. Ouen, which was circulated to all Members on 20th March. When all the reports I have mentioned have been completed and presented to the Minister and myself, a paper will be produced for circulation to all Members containing all relevant information and recommendations as to the most appropriate manner in which to proceed in the best interests of open government, public safety and global best practice.

3.9.1 The Deputy of St. Ouen:

Again, I am rather confused at the way that the Assistant Minister has suggested that the Minister has chosen to handle this subject. Obviously, I presume and I would like confirmation, that the Minister was indeed aware of the comments in the article that was written in the *Evening Post* and I am also aware that equally it raised a number of issues and concerns relating to the general public. As such, surely the Assistant Minister must be aware that it would have been far more appropriate to inform both States Members and the general public that indeed these reviews were being undertaken. Furthermore could he also explain when he speaks about the review looking at local compliance, who was involved?

The Deputy Bailiff:

One question at a time, Deputy, you have asked your first question.

The Deputy of St. John:

There were several questions then, I must admit I have forgotten some of them already. The fact is that we were not going to bring anything into the public domain until a number of questions had been asked and answered and that is why the review had begun. Since then I have met with the Comité des Connétables, I have met with Customs on the issue of importation of firearms, I have spoken to Education about using the ranges; a lot of work has been going on, as I said in my answer. It would be inappropriate to bring an incomplete report to the House or to discuss it in the media before discussing it here. I do accept, however, though, that in a perfect world the issue of the Police Chief or Deputy Police Chief issuing statements to the media of this nature was unsatisfactory. The Minister stated that last time, last Tuesday, and I agree with that. It is an unfortunate situation. Having said that, she did also state that she was not prepared and would at all times avoid interfering with operational matters and it was a bit of a blur here as to what was operational and what was policy. With hindsight I would have much preferred this was not released in the public domain until we have fully completed the review and had all the information at our fingertips.

3.9.2 The Deputy of St. Martin:

The Assistant Minister has mentioned himself a number of times; could I just ask him through you who is conducting the review and how is it being conducted?

The Deputy of St. John:

I thought I had already answered that. I was asked to chair the Firearms Liaison Group back in January. Before taking on such a role I was determined to find out as much as I could about firearms policy, procedure and legislation. That was only right and proper. I did that by asking the police to do a review of certain issues concerning firearms. I was then going to move on to the Connétables - which we have now done - to ask their views as well. Likewise we would then ask the existing members of the Priority Liaison Group, which I was asked to chair, and included in that we also were discussing the ranges with the Education Committee. It was at my request that this information was beginning to be collated because I was not prepared to chair a Committee that I knew nothing about. When the review began I started realising there were a few issues that needed to be looked at and we had every intention of bringing some kind of paper to the States at an appropriate juncture. That process has been somewhat interrupted by media interest but that process is very much underway and you will be presented with some kind of paper very shortly with full consultation with the Comité des Connétable, Firearms Liaison Group (i.e. gun user groups) and the police, both Honorary and States Police.

3.9.3 The Deputy of St. Ouen:

In a briefing note sent to all elected Members it claims that the Minister, Assistant Minister and the Chief Officer of the States of Jersey Police expressed concern that certain high velocity firearms had been licensed and they, the Police, were unable to act. Could the Assistant Minister confirm that all licence applications are in fact made known to the States of Jersey Police prior to a licence being issued?

The Deputy of St. John:

That is correct. But the power of the actual issue of the licence lies with the Connétables and the weapons you are particularly referring to were licensed perfectly legally by the Connétables. Having said that, the Chief of Police expressed concern at

the velocity of those weapons and asked for further research to be done by ballistics experts to ascertain as to whether they were appropriate to be licensed in Jersey. There are very few, if any, Connétables that have a huge degree of knowledge of ballistics. That is an expertise which I am sure many of them would prefer to avoid. Having said that, in certain instances it is probably very useful to have a bit more knowledge and that is something which we are looking at as to how we can provide that to make it easier for the Connétables when issuing licences to fully understand what it actually is they are licensing.

3.9.4 Senator L. Norman:

Last week Senator Perchard asked that the exchange of emails between the Deputy Chief of Police and the *Jersey Evening Post* be made available to States Members. Could the Assistant Minister say when these emails will be made available to States Members?

The Deputy of St. John:

The Minister alluded that wished to check with all parties concerned with the exchange of those emails. What we did not want to do was issue copies of emails with a one-sided conversation. We were perfectly happy to issue the emails that the Deputy Chief of Police had sent to the press but we had to refer to the press to ensure that they were happy that their side of the conversation was also released. I understand that has been done and that information will be released very shortly. If you want a copy of it today I have it with me. You are very welcome to see it today.

3.9.5 Connétable K.P. Vibert of St. Ouen:

Would the Assistant Minister agree that the firearm which has raised the whole issue was, as he said, quite legally registered and at the time of registration no comment was made by the Firearms Unit at Police Headquarters as to whether that firearm caused a problem or not?

The Deputy of St. John:

I think as the Deputy Chief of Police has alluded already, a lot of comment was made about that particular weapon and it was brought to the Connétable's attention by the Minister which is why we started dialogue with the Connétables very shortly after the media release. So it was discussed with the Connétable, but I am not so sure that was done in the correct order, and that is something which we are looking into so that that does not happen again, that we have an opportunity to discuss such an issue with the Connétable before it has ended up being debated in the media.

3.9.6 Deputy S.C. Ferguson:

The Assistant Minister talked of not interfering in operational matters, which raises the question of where the accountability of the police is. Home Affairs are responsible for budgets and that side of things; where are the police responsible, where is their accountability in operational matters?

The Deputy of St. John:

As far as operational matters are concerned, the Minister is responsible for the Police. There is no doubt about that. Perhaps there was some confusing comment made last Tuesday, but the Chief of Police is ultimately answerable to the Minister for Home Affairs. That is perfectly clear and that covers all matters, whether it be operational

or policy. The issue that you are talking about here is issues of releasing information to the media and there is a blurred line which we are trying to make a little less blurred perhaps, and that is an issue relating to what media releases should be issued concerning policy and what should be operational. What the Minister does not want to do is start having every single press release from the Police run past her first. That would be inappropriate and time wasting and the Police need to get on and do their job. But when it comes to policy that is something which we would dearly prefer - and indeed may make statutory - that the Chief of Police should run past the Minister before sending it to the media.

3.9.7 Deputy J.B. Fox:

Could I ask the Assistant Minister to make a clarification? I always understand that any firearm application was processed through the States of Jersey Police and a subsequent recommendation was passed on to the appropriate Constable of the Parish before any such licence was considered and issued. Is there some dissent that I am recognising when his comment this morning was: "But the States of Jersey Police do not have the power in relation to this application, it is the Constable." May I remind the Assistant Minister the States of Jersey Police do not have the power of charge but it has been working very well all the time that I served with the States of Jersey Police. Could he just clarify the point whether this latest inquiry et cetera with the States of Jersey Police querying that in fact... or I am querying the fact that in fact everything is processed through the States of Jersey Police first and that they make recommendations to the Honorary Police as to a suitable way forward.

The Deputy of St. John:

I have reiterate once again that the licensing authority is the Parishes, it is the Connétable that signs the licence certificate, it is the Connétable's responsibility to ensure that that person is right and proper to have a certificate for owning a firearm. All the Police do is interrogate their own records to ensure that that person has no criminal record of any kind that would be a detriment to the application and those records are made available to the Connétable. It is then up to the Connétable as to what he chooses to do with that information, but the licensing authority is the Parishes and the signatory is the Connétable, not the States of Jersey Police Force.

3.9.8 Senator J.L. Perchard:

Does the Assistant Minister think that the sensational coverage in the *Jersey Evening Post* about 2 weeks ago regarding firearm use and ownership in Jersey, which came about as a result of a media release from the States of Jersey Police, does he believe, Sir, that this sensational coverage will assist in a measured and informed review of the Jersey Gun Law?

The Deputy of St. John:

I am not so sure it helped terribly much at all. It created hysteria from all quarters and it has been very unhelpful and we have had discussions with the Deputy Police Chief and the Chief so that this sort of thing can be avoided in the future. We do not want to discuss these things in the media first; we want to have informed debate in this House as and when necessary, not through the media. I was very disappointed that that occurred and so was the Minister. We have taken steps to avoid that sort of thing occurring again.

3.9.9 Deputy G.C.L. Baudains:

The Assistant Minister has referred on several occasions to the velocity. Would he confirm that the velocity of the firearm which seemed to cause the States of Jersey Police and the Minister so much concern is in fact lower than that of the full bore rifles currently used at Crabbé and in competition elsewhere?

The Deputy of St. John:

The Deputy is correct, Sir, and it was not just the velocity that was a concern here, it was the ammunition being used in it. We were shown film clips of ammunition exploding on impact with catastrophic effects at considerable range and this was the concern of the Police Chief, not necessarily just the calibre, Sir.

3.9.10 The Deputy of St. Ouen:

Just so as we avoid any doubt at all, would the Assistant Minister confirm once and for all that all licence applications are made known to the States of Jersey Police prior to licences being issued? Furthermore would the Minister advise us as to whether there is any evidence at all as to whether the Constables have ignored the advice provided by the States Police and, if so, would that evidence be provided in written form to all States Members?

The Deputy of St. John:

On your final point there, Sir - the Deputy's point about providing that information - only yesterday I was in conversation with various parties including the Connétables and the same question was raised. I will be asking the Chief of Police to provide evidence of the accusations that have been made through the media that certain Connétables have issued licences inappropriately and if that is the case the Chairman of the Comité of Connétables assures me that action will be taken to make sure that this does not occur in the future. And I wonder if the Deputy can remind me of the first part of his question?

The Deputy of St. Ouen:

The first question was just to ensure that every Member in this House is in no doubt that actually the Police do view all applications prior to licences being issued.

The Deputy of St. John:

Yes, they do view them. The process that is in dispute at the moment is the returning of the completed forms after the licence has actually been issued. We had occasions whereby 4, possibly 5, Parishes had not completely returned all the documentation. This is an administrative error; it is by no means that the Connétables should be necessarily held to... what is the expression, Sir, dragged over the coals over it. I think the media interest in this and the way that the Constables were covered in the media as the bad guys, for want of a better word, is incorrect, inaccurate and inappropriate. The Constables and the Parishes do an excellent job in policing the current method of issuing firearms. There have been some administrative errors that have been detected, which are now being resolved in full co-operation with the Chairman and his Comité and I am very confident that the process of issuing licences through the Parishes will be far more streamlined in future and the documentation that was missing, that was referred to in the press, has all now been given to the States of Jersey Police and in future I am assured that the Parishes are now fully aware of what the process needs and will be adhering to it, Sir.

3.9.11 Deputy J.A.N. Le Fondré of St. Lawrence:

Reference has been made to a video clip, both today and last week. I was wondering equally, in the same context as the emails that have been exchanged, would it be possible for Members at some point to have sight of this video clip, because it has been referred to a couple of times - it would be interesting for Members to assess it themselves?

The Deputy of St. John:

Yes, Sir, I have no reason why that should not be. The Chairman of the Comité des Connétables has seen it, I have seen it, the Chief of Police has seen it and so has the Minister. I see no reason why that cannot be circulated further, providing you have fast enough computers to receive it, Sir, because it is quite a large file.

3.9.12 Senator S. Syvret:

Could the Assistant Minister also undertake to put on a showing of the film *Bowling for Columbine* for all States Members to watch?

The Deputy Bailiff:

That is obviously a very subtle question which only those in the know will necessarily understand.

The Deputy of St. John:

I am sorry, Sir, I still did not hear that.

Senator S. Syvret:

There is a film by the film-maker Michael Moore called *Bowling for Columbine* which deals with gun culture and things of that nature in the United States of America - a very educational film - and I think at some stage Members would benefit from watching it.

The Deputy of St. John:

I am not aware of the film, Sir, but it sounds like an interesting concept. I would like to add something briefly in connection to that. There has been a lot of furore about this whole issue and some corners claiming that there should be no controls at all. Now, I would just like to draw attention to a brief fact. In the United States where by and large they have fairly relaxed gun controls there are 150 times more incidents involving firearms than there are in the U.K., so there is rather a sober thought there, Sir. Regulation is necessary, but I do agree that there is no reason why we cannot have a light touch to certain aspects of it.

Deputy J.J. Huet:

Sir, that last remark I find unbelievable. The population between the United Kingdom and the United States is millions of people.

The Deputy of St. John:

Sir, I am talking proportionately.

The Deputy Bailiff:

Final question.

3.9.13 The Deputy of St. Ouen:

Final question. We have heard about why the reviews have been undertaken and so on and so forth, and the Assistant Minister has mentioned about concerns raised. Who in fact raised the concerns?

The Deputy of St. John:

The States of Jersey Police raised the concerns initially and I followed up those concerns because I was asked to review... Well, I requested to review all aspects to do with gun law and legislation policy and procedure, because I was not prepared to take on the chairmanship of the Liaison Group without knowing more about it. When I started to look into this I realised there were some elements that were not, as I saw them, quite as they should be. I was also given a copy of the Cullen Report - of which I have a copy here - and there are numerous aspects of the Cullen report that we have not complied with in Jersey. There are also aspects of the Cullen report that have not been complied with in the U.K. either, but I was quite intrigued by that and wanted to discuss this with the Honorary Police, with the States Police and with other bodies to ensure these aspects, whether they should be adhered to or not. I think it is highly appropriate that if I was going to take on the chairmanship of such a committee that I knew something about it. That threw up a few issues, I have been asking questions about it. In the middle of that review or that process the media got hold of the story and that is why we are where we are.