

#### **4.7 Deputy K.C. Lewis of the Minister for Home Affairs regarding potential increases in penalties for knife crime and the carrying of knives in public:**

Following changes in legislation in the United Kingdom and recent events locally, will the Minister be seeking an increase in penalties for knife crime and the carrying of knives in public; and, if not, why not?

##### **Deputy W. Kinnard (The Minister for Home Affairs):**

Article 16 of the Draft Firearms (Amendment No. 2) (Jersey) Law 200-, which is about to be lodged, increases the maximum prison term for the offence of carrying offensive weapons without lawful authority or reasonable excuse from 2 to 4 years to recognise the seriousness with which this offence is viewed. The draft law also contains new provisions in Article 17 making the carrying of articles with blades or points without lawful authority or reasonable excuse an offence and similarly prohibited the carrying of offensive weapons, blades or sharp-pointed objects, without lawful authority or reasonable excuse on school premises. The penalty for such offences is imprisonment for up to 4 years and/or a fine, although there is provision in the law for a defence where reasonable cause for carrying these things can be established.

##### **4.7.1 Deputy J. Gallichan of St. Mary:**

Could the Minister advise whether there is in fact consideration being given to allowing the police to search school premises for knives without a search warrant?

##### **Deputy W. Kinnard:**

A new provision, Sir, has been included under Article 20 - the power of search - to allow police officers without a warrant to enter and search school premises and persons on the premises for bladed or sharply-pointed objects when there is suspicion of an offence. Head Teacher's permission though must be sought and Head Teacher's guidance already contains the provision that: "No pupils, students or members shall be interviewed either in groups or individually by members of the police force except in the presence of a teacher nominated by the Head or Deputy. At the time any such request is made the Director for Education, Sport and Culture will be notified by the Head Teacher of the action taken." Sir, quite clearly there are safeguards in place and indeed this matter was consulted upon in 2007 and earlier this year with the Department of E.S.C. (Education, Sport and Culture).

##### **4.7.2 Senator M.E. Vibert:**

I can confirm there were discussions on this. Can the Minister also confirm that there is no intention or thought whatsoever to allow random police searches for knives or anything else within our schools unless the Head Teacher and police have reason to believe there are offences being committed?

##### **Deputy W. Kinnard:**

Yes, Sir, I said in my answer that in relation to Article 20 it has to be in a situation when there is suspicion of an offence. I absolutely agree with what my colleague has just said.

##### **4.7.3 Deputy G.P. Southern:**

Can the Minister assure Members that should at any stage she consider any change to these particular items of law that she does not bring them by Order but by Regulation that the House can see, or by amendments to the Law?

##### **Deputy W. Kinnard:**

Matters such as this will always be legislation.

##### **4.7.4 Deputy D.W. Mezbourian:**

Will the Minister expand on the term "reasonable suspicion"?

**Deputy W. Kinnard:**

That is a general term that is used in virtually any circumstantial case where of course police officers have a certain degree of discretion. But I think probably the Attorney General might be a better person to ask for a definition of the legal meaning of it. Thank you.

**The Attorney General:**

I assume that meant on another occasion, Sir.

**Deputy D.W. Mezbourian:**

Sorry, Sir, I did not hear the Attorney's response.

**The Bailiff:**

I think the Attorney General would like notice of that question.

**Deputy D.W. Mezbourian:**

Well, is he taking it that he has been given notice of that question?

**The Bailiff:**

Well, the Attorney General would like notice before he answers what is quite a complicated legal issue as to what constitutes reasonable suspicion in different circumstances. You can either put a written question to him, if you wish, or deal with the matter privately as you see fit, Deputy.

**4.7.5 The Deputy of St. Mary:**

I was listening intently to the Minister's response to my earlier questions, Sir, but I may have missed... what is the involvement of the parents at the interview stage, please, Minister?

**Deputy W. Kinnard:**

I would have to check that also with my colleague from E.S.C. Clearly it is generally the case that where young people are interviewed by the police that parents will be present but I do not have that in my brief. But I cannot see that this circumstance would be any different. But as to the mechanism of achieving that I would have to consult with my colleagues before coming back to the Deputy.

**4.7.6 Deputy D.W. Mezbourian:**

I, too, may have missed something in the Minister's answer initially but I am left wondering why it has been decided that in this instance, or in these instances, a search warrant would not be required?

**Deputy W. Kinnard:**

Of course in a circumstance where there is a reasonable suspicion that knives are being carried on school premises means a situation in which the police may have to act immediately. In order to go back and try and get a search warrant before doing so, some tragic incident may have occurred in the interim period and that is the reason, Sir.