

5. Questions to Ministers Without Notice - The Minister for Home Affairs

5.1 Connétable G.F. Butcher of St. John:

Has the Minister ascertained why staff turnover within the States of Jersey Police is so high?

Senator B.I. Le Marquand (The Minister for Home Affairs):

Well, that is an area I looked at. Unfortunately, the *J.E.P. (Jersey Evening Post)* misreported the figures I gave the Scrutiny Committee twice in the same week, and reported that 35 people had left in a period of one year, whereas it was 35 in a period of 2 years. Now, I have asked questions in relation to whether there is any evidence of people having left by reason of bullying, and the answer that has come back to me is that there is no clear evidence of that, although I have had one or 2 people approach me directly to complain that they left for that specific reason. The main reason why people appear to have left is obviously natural retirements, but also we have an economic climate in which people were being attracted into other jobs in the private sector, and there was a whole host of other reasons why people left.

5.2 Senator S.C. Ferguson:

The Minister may not be aware that his predecessor promised a review of the operation of the Rehabilitation of Offenders Law. Will the Minister be taking this up, and when can we expect it?

Senator B.I. Le Marquand:

I am not sure as to whether or not I was aware that that promise had been made. I think I answered a question on the day when I was chosen as Minister for Home Affairs on the Rehabilitation Law and explained that the problem lay in working it out in practice. It is a good law in theory, but unless there is somebody locally based who can go through the records and can deal with them effectively, and modify them effectively, then it does not work in practice. I have to say this is not a high priority in a very busy department which faces many demands at this moment.

5.2.1 Senator S.C. Ferguson:

Yes, but is the Minister aware that it is working to the detriment of a number of people who would like to get their lives back on the rails, but in fact are prevented by the stringencies of the Rehabilitation of Offenders Law of obtaining jobs in the Island because of the number of exemptions?

Senator B.I. Le Marquand:

I am sorry to hear that, and there is a possibility, I suppose, that we may be able to do something in relation to this area in conjunction with the Vetting and Firing Law, because certainly we are going to have to put in place in relation to vetting and firing procedures in this area; it may be that we can do something at the same time. I have major problems in terms of the staff levels at the States of Jersey Police at the moment, and any extra pressures on them at this time simply would not be possible.

5.3 Senator A. Breckon:

Is the Minister aware of a process of conducting exit interviews for staff leaving the service and, if so, does he believe there would be a benefit?

Senator B.I. Le Marquand:

Yes, I do, and in fact I am in favour of all police officers leaving the service having exit interviews. I had understood that was happening, although I have subsequently been contacted by one or 2 people with whom that did not happen. I believe it should happen.

5.4 Deputy T.M. Pitman:

Could the Minister please advise us as to his latest thinking on the likely time scales for the revised Sex Offenders (Jersey) Law to be brought forward?

Senator B.I. Le Marquand:

Yes. What happened was that at the last States meeting that I withdrew the existing draft law because I needed to consider it in more depth. I have now had the opportunity to meet with advisers and I am clearer in my own mind what I want to achieve, but there remain one or 2 areas in relation to which more work needs to be done. I am still hopeful of bringing it back to the States within the 3-month period from the last sitting which I had previously envisaged.

5.5 Deputy J.B. Fox of St. Helier:

Prior to sitting in this Assembly, I was a greatly enthusiastic member of the Police Force in the preventive role especially, and one of the main frontline preventive roles was the police motorcyclists. Forgetting the reasons why they were dispensed with as a historic point of view, could I seek the Minister having discussions with the Acting Chief Officer to seek his views, because I believe that this should be reviewed, as it is a good preventive measure and a safety measure for the Island. Would he do so, please?

Senator B.I. Le Marquand:

Well, it is not a matter which I discuss with the Acting Police Officer, mainly for the reasons I have already indicated, that we are so under strength at the moment that it is very difficult to see how this could happen. My understanding is that the senior officers do not view this as a good use of resources at this time.

5.5.1 Deputy J.B. Fox:

The question I was asking, it is your understanding at the moment, but I would appreciate as I have some information to suggest that the current thinking might have changed. Thank you.

Senator B.I. Le Marquand:

I do not want to sound ungrateful to Deputy Fox and I will discuss this matter with the Acting Chief.

5.6 The Deputy of St. Martin:

Three weeks ago the Chief Minister gave an answer to the Constable of St. Martin regarding suspensions. Can I ask the Minister in respect of the Police Chief, it says: "Chief Officers are to

ensure that all suspensions are formally reviewed one month from suspension date and no less frequently than one month thereafter.” Can I have an assurance from the Minister that the Acting Chief Officer is looking at the suspension every month, and also could the Minister give us an update on his own inquiry into the current suspension of the Chief Officer?

Senator B.I. Le Marquand:

I think there are 2 questions there if I have understood correctly. First is in relation to suspensions of other officers and how regularly they are being reviewed. I do not know the answer to that question, but I can find out. The second question relates to matters concerning the ...

The Deputy Bailiff:

Yes. You can only, I think, in public give the out various patterns. There is no reason, I do not think, why you should not give a timescale or any other such bare information, but you must not ...

Senator B.I. Le Marquand:

I have commenced the review which I proposed, and I have made certain decisions in relation to that, but the matter currently stands adjourned because, as a result of the decisions I have made, I made further decisions and disclosures of information as necessary. I hope to continue very soon, within a fortnight or so.

5.7 Deputy J.A. Martin:

Could the Home Affairs Minister confirm or deny the truth in a headline in the *J.E.P.*? Is the Minister trying to bring a law to the States that will criminalise children if found in possession of alcohol up to the age of 16, 17, and obviously under 18?

Senator B.I. Le Marquand:

Well, this is a possibility which I consider. The difficulty when you talk to the press, as Members will know, is that sometimes they put the emphasis upon matters which are really a side issue. I was discussing in general terms options in terms of a policy for dealing with binge drinking and particularly with underage drinking. I certainly view it as a serious possibility of making it an offence for a young person under a certain age to be drinking alcohol in a public place while not accompanied by a parent or suitable adult. That is an option. But I am reviewing the situation; there are other options. Some people are talking about the possibility of changing the law so that people have to be 21 in order to buy alcohol from an off-licence. That would be part of the review of the Licensing Law. These are options. I hope that other matters of education and youth workers working together with youngsters and so on will be able to solve the problem in a different way without such draconian measures becoming necessary, but one has to be aware that those measures may not work, and therefore more draconian measures may be necessary.

5.8 The Deputy of St. Martin:

Could I just ask a helpful question to the Minister, and ask if he will confirm that there is in law - a Confiscation of Alcohol Law - which enables police officers to remove alcohol from young people if they so wish?

Senator B.I. Le Marquand:

Yes, there is indeed, and it also enables officers to require the youngsters to give their name. The difficulty with that law, of course, is that it really means they take the alcohol away, and in practice that means that officers may have to put up with a great deal of abuse from youngsters in order to do so. I have come across incidents in my former professional life where the attempt so to do in itself led to assault and difficulties like that.

5.9 Senator S.C. Ferguson:

In countries such as New Zealand there is external public publication of reports on external complaints against the police. Will the Minister consider following the same practice in Jersey?

Senator B.I. Le Marquand:

I do not think there could be external publication where a complaint was upheld, because that then gives rise to a disciplinary matter. I do not think there could be in such a case. There is an issue which has been highlighted to me recently by the Deputy of St. Martin in relation to the fact that where complaints against the police are not upheld that no reasons are given for that, and I am of the view that reasons ought to be given in relation to that. I would need to think carefully and take advice before I could make any decision on what is suggested by Senator Ferguson.

5.10 The Deputy of St. John:

Is the Minister happy with the welcome relationships between the special unit of Customs and States Police, given the problems we had many months ago within that unit? Has he met the officers that had originally been suspended and sorted out all the concerns that they had?

Senator B.I. Le Marquand:

I am satisfied that working relations are very much improved. Indeed, recently a protocol was agreed in relation to the exchange of information. I have spoken to the managers in this area and in order to glean the view of the Customs and Immigration staff on the one hand. I have also spoken to senior police officers and police officers who work on the ground, as it were, in parallel to get their views. Everybody believes that now the working relationship is a great deal better. I am aware of both sides of the argument in relation to this. I have decided not to try to judge between 2 of my departments. I think we need to look at the future now and relationships are improving is a positive.

5.11 Deputy K.C. Lewis of St. Saviour:

Does the Minister agree that the penalties for any individual or a company knowingly selling alcohol to people underage should be increased?

Senator B.I. Le Marquand:

I am afraid I cannot remember what the penalties are even from my previous life. I think it is £2,000 or level 3. I think the penalties are sufficient. I think it is a matter for the way in which the courts utilise those penalties. That, of course, is not a matter for me directly.

5.12 Deputy R.G. Le Hérissier:

Can the Minister tell us when he will complete his review of the Police Authority Law? As this is one of many laws with which he perhaps rightly has found fault, when will he be reintroducing it to the States?

Senator B.I. Le Marquand:

It is not my intention to start work at an early stage in relation to this because, frankly, I believe that we need to let the dust settle on certain current matters and see if lessons are to be learned from that. This is a complicated area in terms of deciding the relationship between the States of Jersey police on the one hand, the Minister on the second hand and a police authority on the third hand. I was not personally happy with the draft law as it was and want to review it. But my own intention - and indeed I was discussing this yesterday with the Acting Police Chief - is not to commence work on this this year but deliberately to leave this over to start considering next year.

5.12.1 Deputy R.G. Le Hérissier:

Just a supplementary. Would the Minister not acknowledge that some of the very issues he is wrestling with are because he is, by default, far too involved directly in issues like discipline and that there should be an arm's length body dealing with these matters?

Senator B.I. Le Marquand:

I accept that the current situation is not ideal and that there is a role for a police authority. But I do not accept that if structures had been in place earlier it would necessarily have prevented the problems which may have occurred. Nevertheless, we have to get it right for the future.

The Deputy Bailiff:

Very well. I am afraid that completes the time available for questions to the Minister for Home Affairs.