

3. Questions to Ministers without notice - The Minister for Home Affairs

3.1 Deputy K.C. Lewis:

In earlier answers to questions, the Minister for Home Affairs mentioned he was considering installing a blocking device to block signals to unauthorised mobile phones held by prisoners at Her Majesty's Prison La Moye. Much as I sympathise with the Minister, is he aware that under present laws it is illegal to (a) make an illegal transmission, and (b) to interfere with the telecom signals. It could also interfere with nearby estates. The Minister has my sympathy, but how will he achieve this?

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

As I said before, in answer to questions, this is technically slightly complex, because it is contrary to law to seek to interfere with transmissions. Therefore, we have to achieve an amendment to law in order to enable that to happen. The relevant law is the Wireless Telegraphy Act; it is a U.K. Act which is extended to us, which even makes it slightly more complex. Having said that, there is also then a technical issue as to how you achieve it without causing problems thereafter, although I am told that that can be achieved relatively simply.

3.1.1 Deputy K.C. Lewis:

Briefly, will the Minister ensure that nearby estates are unaffected?

Senator B.I. Le Marquand:

Yes, indeed, we will.

[11:45]

3.2 The Deputy of St. Martin:

On 9th March this year, the Minister informed Members that the Discipline Code would be amended before a successor to the current Chief Officer was appointed and at that time we were anticipating him being appointed in July. Will the Minister inform Members whether the Discipline Code has, in fact, now been amended?

Senator B.I. Le Marquand:

The position is that work has been done on this by the Law Officers Department. I have not, in fact, seen the fruits of their labours but clearly there will need to be a new Disciplinary Code in place for the new Chief Officer of Police. In addition to that, the Deputy of St. Martin will be aware that I have been looking at a piece of paper in terms of amendments to the law, because my view is that disciplinary matters in relation to the Chief Officer of Police should not be solely the province of the Minister for Home Affairs but there should be a different system and, indeed, the advisory group which I have convened will be assisting me in looking at that issue.

3.2.1 The Deputy of St. Martin:

I am aware of the law, because we are working together on that and I am appreciative of it, but are we in a position, then, to say whether, in actual fact, the Discipline Code or the amended Discipline Code will be in place before the new Chief Officer will be appointed in January?

Senator B.I. Le Marquand:

Yes; indeed it will have to be in place for that.

3.3 Deputy D.J. De Sousa:

Will the Minister give a categorical assurance that he will work with the charity 'Prison! Me! No Way!' and ensure that it is maintained for the future?

Senator B.I. Le Marquand:

This Minister does not give categorical assurances because circumstances can change. The position in relation to 'Prison! Me! No Way!' is that this Minister has been working with them to ensure that they could continue to operate as in the same way as in the past for the year 2011. That, I am seeking to do but thereafter the position as to how it will operate is quite uncertain. There were originally 4 sources of funding of which Home Affairs via B.A.S.S. (Building a Safer Society) was only one, and it is clear that we are about to lose other sources of funding. I am in discussions with the lady who runs 'Prison! Me! No Way!' as to what could happen as an alternative, because there are some things which are done through 'Prison! Me! No Way!' which need to continue in some form but it is most unlikely that they will continue in the present form due to funding issues.

3.3.1 Deputy D.J. De Sousa:

Does the Minister not consider that this is an invaluable process that sticks in the minds of children? I have children at school that did this several years ago and it is still prominent to them. Does he not agree that it would be a false economy to lose this in any way?

Senator B.I. Le Marquand:

There are some aspects of what is done through 'Prison! Me! No Way!' which will need to continue in some form. Some are educational and some are by way of information coming from Home Affairs-based organisations, such as the prison, police and so on, in to the schools. We need to continue doing this in some way but we will not have £60,000 available to do that, as we have had in the past. Clearly the methodology is going to have to change but I am committed to working with 'Prison! Me! No Way!' and also particularly with the Minister for Education, Sport and Culture to see what we can do.

3.4 Deputy M.R. Higgins:

Can the Minister bring the House up to date on Operation Blast and advise us whether anyone has been disciplined and, if so, an indication of the type of disciplinary action that has been taken in this case?

Senator B.I. Le Marquand:

I can indicate that disciplinary action has been taken but I am not going to indicate the details of that because that is always confidential and I am never going to be doing that. I can also indicate that following the recommendations contained in the Wiltshire Report there has been a review in relation to information held by the police and the ways in which they deal with information more generally. That was partly to check that there were no other skeletons in the cupboard which were going to come up, and I am informed there are not, but there are issues in relation to management of data which need to be addressed in terms of changes of process.

3.4.1 Deputy M.R. Higgins:

Could the Minister indicate how many people were disciplined then, even if you will not say the nature of the discipline? How many Police officers were disciplined, even if you will not tell us the method of discipline or the disciplinary action that was taken against them?

Senator B.I. Le Marquand:

I am trying to count.

The Bailiff:

Yes, but we do not want question time to count down while you do it. [Laughter]

Senator B.I. Le Marquand:

I have had no notice of this, so it is quite difficult. I think the answer is 2 but I am not 100 per cent sure of that.

3.5 The Deputy of St. Mary:

The interim report of the Metropolitan Police, which arrived on the then Deputy Chief Officer of Police's desk on 10th November 2008, draws the attention of the reader to the interim nature of the report, to the fact that it is concerned to highlight initial findings and areas of concern and that key individuals have yet to be interviewed. It expressly states that: "Any observations in this report may be subject to amendment." Can the Minister give us his view on the fact that the then Deputy Chief Officer of Police referred to that report, relied on it in his letter to the Chief Executive and yet omitted any mention of the fact that the report was extremely qualified, only interim and had not yet been completed?

Senator B.I. Le Marquand:

It is my understanding that the then Deputy Chief Officer of Police's understanding was that there was only one further witness to be interviewed in relation to the matter before the full report was produced. It is correct that the report was qualified and, indeed, in his letter that was written to the Chief Executive of the States, he indicated that it was an interim report but he did not set out the details of the qualifications.

3.6 The Deputy of St. John:

Within the prison and the computer system that the Minister has spoken of this morning; is he aware that you can purchase a dongle no bigger than this or a pen, that you plug into the back of a computer and it will pick up a signal no matter whether you are near a computer base or not? If he is not, will he make sure that these types of dongles that they have are neither available nor even brought into the prison, because they are a piece of equipment that will bypass anything; I have one myself.

Senator B.I. Le Marquand:

I was not aware of that technical capability but the prisoners do not get access to the computer mechanically because of the way that it is placed within the cell.

3.6.1 The Deputy of St. John:

Prisoners are, I am sure, much brighter than a lot of us give them sense for. I know they are in prison but you do not have to get hold of a computer mechanically; this just plugs into one of the portals on the side and I am sure those portals are exposed. Could the Minister confirm that he will double-check all this, please?

Senator B.I. Le Marquand:

It is my understanding that portals are not exposed.

3.7 Deputy T.M. Pitman:

It is good to know that nobody's dongles are exposed, I think. Could the Minister clarify why the identity of the proposed new Police Chief was revealed on the Voice for Children Citizen Media site some weeks before it was announced? How could that happen within the process?

Senator B.I. Le Marquand:

I believe that there was a leak of information in relation to this, which was probably caused by one of the other candidates before they were interviewed and who seems to have indicated who was the preferred candidate. I was aware that information had got out in relation to that and somehow found its way on to the particular blog site. I was not going to make any statement or announcement in relation to this until such time as we had received satisfactory references in relation to the preferred candidate. Notwithstanding the fact that I knew there was a leak, it would not have been right for me to have made a formal announcement at an earlier date.

3.7.1 Deputy T.M. Pitman:

Could the Minister clarify, when he said “the preferred candidate,” how would another candidate know that there was a preferred candidate or had a decision already been taken and a candidate selected? I am not clear on that.

Senator B.I. Le Marquand:

It was indicated to the candidates on the same day as the interviews had taken place as to who was the preferred candidate of the board. We had a process over 2 days in which those who had got to the interview stage were moving around to different interviews at different places and they clearly would have come across each other during that process. Also, it is quite likely that they may have returned to the U.K. on the same flights, which is a further complication but that is my understanding that that is how information got out; by one of the other candidates.

3.8 Deputy M. Tadier:

Just returning to the issue of computer and internet access at the prison; will the Minister undertake to provide information as to whether, as I suspect is the case, U.S.B. (Universal Serial Bus) ports, which are required for dongles to be inserted into, are probably not available at the prison and so that there is unlikely to be a risk of dongles being used either in cells or elsewhere in the prisons where prisoners have access to computers?

Senator B.I. Le Marquand:

Yes. I would gladly explain why these are hopefully dongle-proof. The reason is because the computer unit is behind the television screen and there is some kind of metal screening in front of the television screen so that physically you would have to break through that metal and through the television screen in order to get at the computer. That is why I am saying that it is not accessible to the dongles.

3.9 Deputy A.E. Jeune:

Just listening to what the Minister is saying there; would it not be better if they had networked systems so that they only had the screens and keyboards in the area that they were working in?

Senator B.I. Le Marquand:

No, I do not agree with that. We have that also; we have the network with - I mentioned - 40 screens available elsewhere in the prison but there is a great advantage to having accessibility to the system in their own cells because of issues which I referred to, such as embarrassment in terms of educational difficulties, but also it creates a situation in which prisoners can access the system at any time. They can be working at it at night time. It reduces the need to be moving prisoners around the prison to access things at different places.

3.9.1 Deputy A.E. Jeune:

Surely it would be just as easy for them to have that in their cells but they would not necessarily have to have the actual computer?

Senator B.I. Le Marquand:

I have been asked, I think, the question as to why an individual computer is required behind the television screen in each cell as opposed to a different system. I am afraid I do not know the technical answer to that but I am assured that that is a significant improvement to the system and is part of it.

3.10 Deputy K.C. Lewis:

Further to the Minister’s answer regarding Operation Blast; does the Minister now consider this case closed and, if so, what is to become of the files?

Senator B.I. Le Marquand:

I think the case is effectively closed. As I said, we still have some work to do in improving management systems and the way in which the police handle information and sort it and so on. I cannot personally see any reason why the files should not now be destroyed but I will need to consult with the police leadership in relation to that as to whether there is a particular reason.

The Bailiff:

Very well. That concludes questions to do with the Minister of Home Affairs.