

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

7.1 Deputy K.C. Lewis:

Further to news that a convicted sex offender who is facing further charges in Jersey has a Facebook page with several young local girls listed as friends and as the Facebook moderators have declined to remove this page will the Minister insist that whichever local telecom provider supplies this person that they terminate the connection with immediate effect and if not why not?

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

I do not think I have the power to do that. This case does highlight the importance of the Sex Offenders Law and the powers under that, because this person I understand had previously been convicted of sex offences and it will be possible to control this person, but I do not have arbitrary powers to require people to do things.

7.2 Deputy K.C. Lewis:

Does the Minister believe that on completion of a prison sentence it should be a condition of release that sex offenders do not have internet connections?

Senator B.I. Le Marquand:

Well, there are no conditions of release under the current law. Once a person has served their sentence they have served their sentence. That is exactly the reason why we need to have the Sex Offenders Law in place. I do not know the date when it is coming back from the Privy Council but I am obviously keen to press on as soon as possible with the implementation of that and this case highlights exactly why this is so important.

7.3 The Deputy of St. Mary:

The Minister said earlier today in questions that the press conference of November 2008 by the 2 leading policemen was to undo the damage that had been done which might prejudice possible cases going to trial. The Minister, in his written reply to my question asking for information to be made available, has basically stonewalled. I just wonder whether the Minister will agree to let Members have specific threads in the *Wiltshire Report*. He can talk about confidentiality of specific cases; I am not interested in specific cases. I am interested in following the media presentation because that seems to be one of the main criticisms of the S.I.O. (senior investigating officer) and the former chief of police is the media handling is the important matter. I want to know whether Members are going to be able to follow through on any of these specific media so-called disasters and whether we are going to have the information, the actual transcripts, actually what the S.I.O. said, the actual videos. I want to know that we are going to be able to make up our own minds.

Senator B.I. Le Marquand:

This is exactly the same question as I was asked before as a follow-up and I gave exactly the same answer. That is that I want to provide as much information as possible but at this stage I cannot say exactly what I can provide and in what form. It is exactly the same question, Sir.

7.4 The Deputy of St. Mary:

With respect the Minister did say that the *Wiltshire Report* would only be issuable, even in part, when the disciplinary process is brought to a conclusion, I think the Minister mentioned July. Well, that is going to be after we debate the appointment of the new Chief Officer of Police.

Senator B.I. Le Marquand:

That depends on what date we debate the matter, and the date on which we are going to debate that matter will probably depend upon when I can provide the information.

7.5 The Deputy of St. Martin:

I am grateful for the written answer the Minister has given - written answer 28 - in which there is a breakdown of the cost during the time of the Deputy Chief Officer's involvement at Haut de la Garenne. It appears that there is just about £7 million broken up into 2 halves. Is the Minister in a position to say how much of that was police expenditure and how much was the legal costs? Would it be fair to say possibly of that £7 million how much would go for paying for legal costs, lawyers, *et cetera*?

Senator B.I. Le Marquand:

It is my understanding that the answer I gave there was solely police expenditure. I hope I am not wrong on that but that was my understanding because I do not think we have sought information from any other sources. If I am wrong on that then I apologise but that was my understanding.

7.6 Deputy R.G. Le Hérissier:

Given the enormous amount of time that the Minister is having to devote to the Chief Officer of Police issue, could he inform the House whether he has made contingency plans to advance very important draft legislation, such as Vetting and Barring, such as the Discrimination Law, which are at the moment languishing because of the enormous pressures he is under?

Senator B.I. Le Marquand:

Vetting and Barring is not languishing because we have one specific officer who is working on that and making considerable progress in relation to that. Discrimination Law is also not languishing because we are awaiting the Law Draftsman doing some additional work on that.

7.6.1 Deputy R.G. Le Hérissier:

I wonder if the Minister could be more specific and say when will they be referred to scrutiny?

[12:30]

Senator B.I. Le Marquand:

In relation to the latter, I cannot say because I do not know when the drafting is going to be done but we are still firmly very much on target, as far as I am concerned, for this year in relation to the Discrimination Law. There is also an intention that in addition to the law the first attributes would be dealt with as part of the law and that will be in relation to race. In relation to the Vetting and Barring matters, I am struggling to find the details in my mind in relation to this but in fact, of course, this is an issue in which we are going to be applying the U.K. system and extending the U.K. system, as I understand it, and therefore it would not be a law drafting area, if I am right in that. It would be an area where the Law Officers would be working on it but we have to decide the various different principles. One of the difficulties that we have had is we do not know as yet the precise final shape of what is going to exist in the U.K. What has become apparent is that whatever that final shape is we are likely to be put in a position of either buying into it entirely or not at all which I regret because I had hoped that we might be able to have some degree of fluidity in relation to exactly how we bought into it. That is the shape things seem to be taking at the moment.

7.7 Deputy T.M. Pitman:

Is the Minister confident that elements of our police have not become politicised given that in the past 2 weeks another States Member, who will remain nameless, enjoying a quiet glass of wine at home, had 2 police officers demand entry to their home under the guise of an unfounded, as it turned out, suspicion of drink driving. Not only this, but then sat with the Member for the best part of half an hour because they said that a sergeant had to come along to carry out a breathalyser test, a breathalyser test that was passed yet 3 officers to oversee this. Is that standard practice and is the Minister happy about it?

Senator B.I. Le Marquand:

This is the first time that I have heard any details in relation to this matter. Clearly this was an operational matter and I have simply not been involved in it in any way. If there were allegations of a potential possible drink driving offence committed by a person then it would not be unusual for officers to go round to a home on that information, inquire as to if the person had been driving and then check by use of the breathalyser as to what had happened. It would not, in my experience, be usual for a sergeant to become involved in that process unless there was some specific complication which arose. But, as I say, this is the first time I have heard any details of this matter, which is strictly operational. I am satisfied the police force is not politicised. One of my concerns is the attempts of Members of this House from time to time to politicise issues relating to the police force. I am not accusing the Deputy, before he reaches for his button to rebut that; I am making a general statement. It is very important that the issue of operational freedom of the police be recognised. It is a vital constitutional principle, I am utterly committed to that, but I have to say that we are in a process of seeing a politicisation of the police by Members in this House and that I regret.

7.7.1 Deputy T.M. Pitman:

Could the Minister advise if it is standard practice then, on coming across a person, whether a States Member or otherwise, clearly sitting at their table with a bottle of wine having a drink to say that if they failed a breathalyser test they will be arrested and charged anyway?

Senator B.I. Le Marquand:

This is going into an area that is very familiar to me which is the situation where there is an allegation that a person has been driving and the person then returns to their home and then says that they have subsequently drunk alcohol. It is perfectly proper and perfectly normal for officers then to make inquiries to substantiate the quantity of alcohol that may have been drunk subsequently. As I say, it is all dependent on a situation in which a complaint has been made in the first place but the process described in those details is not exceptional, in my opinion, based on my experience as a magistrate.

7.8 Deputy S. Pitman:

I carry on from Deputy Pitman's. During the investigation into my crime I am aware that one of the witnesses had 3 visits by 3 policemen trying to get information out of him. I met the other witness during my canvassing who was so shaken by these police officers that when I knocked on her door with Deputy De Sousa she would not answer the door. Is this not excessive?

Senator B.I. Le Marquand:

These were operational matters. If the Deputy has complaints in relation to the way in which individual officers behaved in relation to particular matters then there is an independent complaints forum for that complaint to be made. That is all I can say on that. Again, it is an operational matter I have no direct knowledge of.

7.9 Deputy M. Tadier:

Going back to the Discrimination Law, is the Minister aware that major stakeholders like J.A.C.S. (Jersey Advisory and Conciliation Service) maintain that rather than prioritising race as the first element that should be put through they think that the gender discrimination, in particular the way it will be applied in the workplace, is a much more pressing concern? Could the Minister explain why he has chosen race and whether he has consulted with stakeholders such as J.A.C.S. and whether he would consider putting gender through first?

Senator B.I. Le Marquand:

I chose race because I thought that was always intended to be the first. The issues that will be raised by gender I believe will be much more complicated and may take much more time to work

on. I have not had discussions with J.A.C.S. on that. No doubt different Members will have different opinions as to what are the highest priorities in terms of different attributes. I think race was always viewed as a relatively simple matter and therefore that we could get it in force earlier and start to operate the tribunal.

7.9.1 Deputy M. Tadier:

Just a supplementary, I understand, I think, where the Minister is coming from. Would he undertake, given his admission, to get in contact with the likes of J.A.C.S., the Citizens Advice Bureau, *et cetera*, at this stage while formulating policy? These are the actual people on a daily basis; it is not we States Members as such who are going to be dealing with the grass root problems every day. I think it is important that he gets their contributions as early as possible.

Senator B.I. Le Marquand:

I accept that it is highly desirable that there be some consultation with different stakeholders as to what is the appropriate order in which different attributes will be taken and I will now do that. I suspect that I will still come to the same decision that race is the matter we should proceed with because we have a reasonable prospect of doing that alongside the law this year whereas other matters I think are going to take much longer.

7.10 The Deputy of St. Martin:

In a written answer to number 20 about the officers who were suspended following not being found guilty in a discipline hearing would the Minister inform Members, please, whether those officers are now back to work? I know the suspension has been lifted but are they back to work or are they now both sick?

Senator B.I. Le Marquand:

I do not know the answer to that because when they would have gone back to work they chose to take leave, as I understand it. I do not know if their period of holiday leave has ended but they are back, as it were, in operation. Whether they are currently on holiday leave or not I know not.

7.10.1 The Deputy of St. Martin:

Would it be possible for the Minister to inform Members whether they are on leave or whether they are on sick leave?

Senator B.I. Le Marquand:

I do not understand them to be on sick leave but this is an internal matter in relation to divisional officers. This is not a matter that I would normally get involved with if officers are sick. I do not get reports daily or weekly as to who is sick or who is not sick. This is a large police force. I have 4 substantial organisations. It is totally inappropriate for the Minister to get involved in that sort of degree of management structure.

The Deputy of St. Martin:

I would just raise the point that they are getting paid at the public expense and I thought it would be a public matter.

Senator B.I. Le Marquand:

There will always be from time to time officers who are sick. I do not think it is reasonable that the public expect me to say which officers are. Apart from that, there are privacy issues involving individual officers. I do not think we should be telling people that officer so and so is sick or whatever. There are privacy issues of individual officers which are important.

The Bailiff:

I understand that brings questions to the Minister for Home Affairs to an end.