

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

The Deputy Bailiff:

Very well. That brings the listed Oral Questions to an end. We now come to Questions to Ministers Without Notice. The second question period has been deferred until 2.15 p.m. so the first question period is for the Minister for Home Affairs. Deputy Trevor Pitman.

3.1 Deputy T.M. Pitman:

My question depends on whether I have understood advice from the Minister, so I hope he will not mind me asking him. I asked him about petrol bombs and he was trying to explain to me, I believe, that a person could not be charged or prosecuted if those petrol bombs were on his own property. Is that correct could I first ask?

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

It is correct that a petrol bomb on your own property is not an offensive weapon because the law in relation to offensive weapons requires them to be in a public place but if a person had a petrol bomb with the intent of using it, that would be a different offence; in fact, a more serious offence, even if it was in their own home.

3.1.1 Deputy T.M. Pitman:

Thank you. Could I follow up, then, with my proper question? Doing a bit of digging as I tend to do, a case in December 2000 with a member of a biker fraternity who was charged with having a petrol bomb, I think he had 16 that was on personal property as well. How does one differentiate between 2 cases because obviously my constituent was attacked in his home by a person found to possess petrol bombs?

Senator B.I. Le Marquand:

I am aware of the case some years ago because, in fact, I dealt with it at the Magistrates Court level and passed it up. In that particular case, the prosecutors had decided to charge the more serious offence under the ... I cannot think of the name of the word, it is in French to do with explosions. In the case that the Deputy is referring to, the prosecutors decided not to charge that more serious charge. I, of course, have absolutely no reason to understand why that was so because I am not sufficiently aware of the facts. It is, of course, a prosecution decision, as I have said before in answer to other questions. The role of the police is to investigate and to produce a report. It is then a matter for prosecutors to decide which charges to charge.

3.2 Deputy G.P. Southern:

Will the Minister inform Members whether he has yet fully identified areas for C.S.R. (Comprehensive Spending Review) savings between now and 2013 and to what extent does he intend to make his savings in the terms and conditions of his employees?

Senator B.I. Le Marquand:

The answer is no, I have not fully identified where savings will take place. That is partly because some of the savings which we were hoping to make we cannot make in those areas and so we have had to look at other areas. The process is still ongoing. I will very shortly be receiving detailed reports from my people, which will enable me to know what I am going to put forward as part of this. I am afraid that because I did not write down the second half of the question, I have now forgotten it.

Deputy G.P. Southern:

To what extent are savings going to be made from terms and conditions of his employees?

Senator B.I. Le Marquand:

We did have proposals, which were part of terms and conditions in relation to unusual allowances for particular organisations, but what we are currently being told is that in a situation in which the current negotiations are not offering anything in terms of increase, it is difficult to ask people to be reducing those while not getting the others in place. So that is one of the areas where we are in difficulty in terms of making our savings.

3.2.1 Deputy G.P. Southern:

Can the Minister confirm or otherwise that he will be making savings which may affect frontline services?

Senator B.I. Le Marquand:

With Home Affairs, if I am going to meet the target which I have set myself and which the previous Council of Ministers set me, ultimately if I cannot find savings in other directions, I come back to the number of police officers. Police officers are frontline services and so the answer is yes, it will involve frontline services in the numbers of police officers if I cannot find savings in any other way.

3.3 Deputy J.A. Hilton of St. Helier:

It was reported yesterday that Guernsey are having trouble with lack of capacity at their prison and were considering sending their prisoners to the United Kingdom. Has any consideration been made between La Moye Prison or have any communications been made between La Moye Prison and Guernsey whereby we may be able to offer them some places for their prisoners, prisoners that are suitable to be housed at La Moye, which obviously would help us from a revenue point of view and would help Guernsey out of a problem as well?

Senator B.I. Le Marquand:

No, I am not aware of any such discussions. In fact, as the Deputy may recall, when she was my Assistant Minister and we were speaking to Guernsey, we thought it was wonderful how low the prison population was in Guernsey. Obviously, it is not quite so good now but I am not aware of any such discussions but thank you for the suggestion.

3.4 Deputy M.R. Higgins:

Is the Minister content with the fact that firms are evading the Rehabilitation of Offenders Law by insisting that potential employees ask for a police check to be done in their name which therefore discloses spent convictions which, if declared, may also cause them not be employed?

Senator B.I. Le Marquand:

No, I am not content with that because that is, in fact, contrary to the spirit of the Rehabilitation of Offenders Law. The position under that law is that unless an employee's job falls within one of the exempt categories (exempt means that you have got to declare everything), then they are entitled to produce a shortened list of their convictions in accordance with the law. Therefore, any employer who is requiring the full list of convictions in a case where it is not an exempt category is acting improperly.

3.4.1 Deputy M.R. Higgins:

Would the Minister then therefore ask the police to set up a system whereby if someone comes along and asks for it, if they are being asked for it for employment, to say what the nature of the employment is and if it does not fall within an exempt category, only give the shortened version of the criminal record?

Senator B.I. Le Marquand:

That would create severe difficulties for the police in terms of resourcing because we simply do not have the resources to do the work in relation to reducing the list down. Also, of course, in

many cases, there is a mixture of convictions from different jurisdictions so that the same process would have to apply to the U.K. Now, at the moment, we have taken the view that we simply could not obtain the resourcing for that. If we did, we would have to make a substantial charge for that process. There is, I understand, an organisation in Scotland which provides such a service in relation to U.K. convictions and the police tend to suggest to people that they go to them to get the list, as it were, amended. Currently I have no plans to do that because of the costs and number of staff that would be required.

3.5 Deputy M. Tadier:

I appreciate the Minister may not have these figures to hand but can he give a rough idea as to what percentage of those imprisoned at La Moye are there to do with drug related offences?

Senator B.I. Le Marquand:

I have a lot of figures on hand but I do not think I have got that one. It has customarily been a high percentage. I receive a report on a monthly basis which gives me an indication of the percentage. It is normally about 50 per cent but I cannot give an exact figure.

3.5.1 Deputy M. Tadier:

Would the Minister inform the Assembly if or whether he would consider engaging in a cost benefit analysis to see whether the costs of catching, prosecuting and imprisoning these drug offenders is proportional when balanced with the threat that those individuals pose to the public?

Senator B.I. Le Marquand:

That is a very complex question because it goes across a number of different areas, not only Home Affairs, but also Health. It also cuts across the issue of independence of the judiciary in terms of sentencing policy. I think though that what the Deputy is hinting at may be decriminalisation and that, of course, is a wider issue. The view I have taken and my predecessors have taken, is that it would be quite wrong for Jersey to seek to move in that direction unless other major surrounding jurisdictions were doing the same thing. So I do not think that it would be right to start a piece of work which is going to cost a lot of money in relation to this unless we saw others also moving in the same direction.

3.6 Deputy G.P. Southern:

Is the Minister content that the Customs and Immigration Department in their Annual Report report a large decrease in the number of drug confiscations going on in the last year and is he satisfied that we are, in fact, protecting our borders properly at this time?

Senator B.I. Le Marquand:

Again, that requires a complex answer. My organisation, such as the police and Customs and Immigration, are indicating to me that we may be seeing signs of a reduction of the amount of drugs that are around. There is some independent verification of that, I understand, in terms of the number of referrals to the Alcohol and Drug Service. I hope that that is so. I have to say that one of the statistics I am aware of, which is the number of female prisoners, is well down and that is a significant figure because most female prisoners are drugs couriers.

[11:45]

So I think we are seeing the first signs of a reduction in the quantities of drugs around and that may be the reason why there has been a reduction in terms of the amount found by Customs and Immigration. Having said that, of course, they did have a notable success recently in a major alleged case of conspiracy to import large quantities of cannabis into the Island. That may not be included in their figures because the conspirators, in the main, were off-Island.

3.7 Deputy M.R. Higgins:

Does the Minister agree with the rehabilitation of offenders and does he also believe that firms who continue to seek unnecessary police checks are causing some people to be punished time and time and time again for the same offence because of not being able to get employment?

Senator B.I. Le Marquand:

I am not quite sure how to answer the question. Clearly, the principle behind the law in relation to rehabilitation of offenders was that there would be spent convictions after a period which would not be available to employers and therefore would improve the chances of people returning to a normal life. That I wholeheartedly agree with. I have always been frustrated by the fact that it is a law which, in my opinion, does not deliver completely what it purports to deliver. That has been a frustration I have had for a long time. It is difficult, though, without substantial resourcing to see how I can change that.

3.8 Connétable S.W. Pallett of St. Brelade:

In light of the current failure of the department to meet its C.S.R. savings, will the Minister confirm whether there is any intention to privatise any areas of the police or prison service in areas such as prisoner transport or custody services and, if so, what are those plans?

Senator B.I. Le Marquand:

The current situation is that among those working in court security and prisoner transfer are people who are not police officers but they are employees. As part of the C.S.R. process, one of the areas that has been looked at as to feasibility is, indeed, this particular area but this work is still at a very early stage of consideration. But, yes, the issue of court security and transport is a potential area for privatisation but we are a very long way away from any firm decisions on that.

3.9 Deputy T.M. Pitman:

I was tempted to go down the route asking about the twin holiday idea with Guernsey but what I would like to know is I think the Minister said that he was confident that there was going to be a reduction in the number of drugs. Now, is that correct, because my background before coming back to Jersey was in drugs work. I was not a dealer, I should point out. It does not seem a realistic view at all. Could the Minister just clarify what he was trying to say?

Senator B.I. Le Marquand:

Yes what I said, and this is in response, of course, to questions to my key heads of departments, is that what has been fed back to me by both police and Customs is that they think there is a reduction in the amount of illegal drugs around, particularly heroin. That is what they are telling me. I have to say that what triggered my interest was partly the drop in the number of female prisoners which, as I say, is linked very closely with the issue of drugs couriers but also the fact that we currently have much lower levels in the prison. We had, as of 1st May, 155 people in the prison. In my period as Minister, we have fluctuated between 160 and 200. We have had a situation where we have been down to the 160s before. That proved to be a false dawn but we are now lower than that and because at the same time we have lower numbers of female prisoners, which I say is indicative of drugs mules, we also have the lowest numbers we have ever had in relation to young offenders. I will shortly be putting out a press release in relation to the very low levels of youth crime and activity at this moment.

The Deputy Bailiff:

Minister, you have talked out your 15 minutes.

Senator B.I. Le Marquand:

I am sorry.