



Education and Home Affairs Scrutiny Panel

Quarterly Hearing

Witness: The Minister for Home Affairs

Friday, 26th October 2018

Panel:

Deputy R.J. Ward of St. Helier (Chairman)
Deputy R.E. Huelin of St. Peter (Vice-Chairman)
Deputy T. Pointon of St. John
Connétable A.S. Crowcroft of St. Helier

Witnesses:

The Minister for Home Affairs
Assistant Minister for Home Affairs
Acting Director for Customs and Immigration
Director General of Justice and Home Affairs.
Assistant Director, Criminal Justice Policy

[09:59]

Deputy R.J. Ward of St. Helier (Chairman):

Good morning. Welcome to the quarterly public hearing with the Minister for Home Affairs. Minister, can I draw your attention to the notice in front of you. If you have not read it before, please take a few moments to do so and there is a copy for your information. We have an hour and a half, plenty of questions to get through. I would like to ask the answers to be as succinct as possible and I will interject if the subject appears to be going off topic, so please do not consider me as being rude. I am just trying to drive it along a little.

[10:00]

Members of the public are obviously all watching online, which is great. We have web cameras installed, streaming is live today so welcome to anybody who is listening online. What we would like to do for the record is everybody who is present to introduce themselves, their name and their professional title would be great. I will start off. I am Deputy Robert Ward, I am chairman of the Home Affairs and Education Scrutiny Panel.

Deputy T. Pointon of St. John:

I am Trevor Pointon, Deputy of St. John and member of the panel.

Deputy R.E. Huelin of St. Peter (Vice-Chairman):

Rowland Huelin, Deputy of St. Peter, vice-chairman of the panel.

Connétable A.S. Crowcroft of St. Helier:

Simon Crowcroft, Constable of St. Helier, member of the panel.

The Minister for Home Affairs:

Len Norman, Constable of St. Clement and Minister for Home Affairs.

Assistant Minister for Home Affairs:

Gregory Guida, Deputy of St. Lawrence, Assistant Minister for Home Affairs.

Acting Director, Customs and Immigration:

Luke Goddard, Acting Director for Customs and Immigration, specifically on immigration Brexit matters.

Director General of Justice and Home Affairs:

Julian Blazeby, Director General of Justice and Home Affairs.

Assistant Director, Criminal Justice Policy:

Nathan Fox, Assistant Director, Criminal Justice Policy.

Deputy R.J. Ward:

Thank you very much. If we get started. What would the Minister say has been his main achievements in the first 100 days in office?

The Minister for Home Affairs:

Achievements? Well, I think what we have been able to do is to show that Jersey is a safe place to live, work and visit, and we continue to push that message everywhere we can. I think what we are

trying very hard to do is to modernise the laws relating to Home Affairs. We want an efficient criminal justice system, to do that we need the laws in place, and I think my predecessor made significant strides in that regard, and we want to build on that work, and we want to see a co-ordinated and integrated criminal justice system and we are working on a model which will fit Jersey's needs in the 21st century.

The Connétable of St. Helier:

The Minister mentioned a safe place to live, work and visit. We have just had some ... the last few days we have had a violent assault in St. Helier, obviously you cannot talk about specifics, but how many of these attacks or assaults do we have to have before we begin to reconsider this description of St. Helier as safe?

The Minister for Home Affairs:

Well it is not just St. Helier, it is the whole Island. Certainly what we have seen over the last 5 years is a reduction in crime throughout the Island, all types of crime. Obviously there is a flexibility, some move up a little bit, some move down a little bit, but overall they are coming down. In Jersey we have about 24 crimes per 1,000 people, in the United Kingdom it is about 80 crimes per 1,000 people. The evidence is undoubtedly there. You asked me this question in the States a few weeks ago, or a couple of weeks ago, which we were able to give these figures to show that Jersey continues to be a safe place. Crime is dropping. People do feel safe. The survey we did a couple of years ago indicated that, I think it was, 94 per cent of people said that they felt safe in their environment. That is all good stuff. In fact, I think in the last 12 months violent crime in town related to the night-time economy has dropped by 11 per cent, if I recall correctly. Crime is not going to disappear ever completely but at the present time Jersey is undoubtedly a very safe place.

Deputy R.J. Ward:

Going back to what you said about modernising laws, can you give a couple of specific examples or a specific example to something that has happened that you consider would explain that in more detail?

The Minister for Home Affairs:

Certainly my predecessor brought in the Sexual Offences (Jersey) Law, which I am bringing into the Appointed Day Act in a couple of weeks' time and will come into effect at the end of November, which again is good news. A simple example is the cybercrime law. With more crime being committed online, the use of computers and so on, it is making sure that all of our legislation remains fit for purpose in the modern world. That is one of those which does that. Our officers will be looking at all of our legislation to see how it can be improved. Hate crime and prejudice crime is also another

example which we are consulting on, which I think is very important. Hopefully we will be bringing something next year on that.

The Deputy of St. Peter:

Can I ask a point of clarity? Can you please explain to me what you mean by “integrated criminal justice system”?

The Minister for Home Affairs:

What it is, what I want to see, is a closer working together of all the agencies from the police, probation, ambulance, fire. One of the things which I have mentioned a few times and am very keen on, a project board has already been set up, is a combined control room for the 3 emergency services, possibly 4 in due course with perhaps the coastguard coming on board as well. That is another matter. That way you will get, hopefully, an even better response and absolutely appropriate response from those emergency services. At the moment the calls go through J.T. (Jersey Telecom) and are diverted either to the ambulance, fire or the police. There has to be a risk of some delay there. Having the calls going straight into the combined centre and I think you should get ... be sure of a more appropriate and quicker response time.

The Deputy of St. John:

Minister, may I ask a question there in relation to your view in relation to the probation service. Are we saying now that probation are a blue light service?

The Minister for Home Affairs:

No, they are not a blue light service but they are part of the offender management service, in my view, and should be working as close as possible, particularly with the prison service, because there are a lot of synergies there, common process, common needs and common aims within those services.

The Deputy of St. John:

Are they not already working with the prison service?

The Minister for Home Affairs:

They are. Clearly they have to work with the prison service but I think there is a lot more that can be done.

The Deputy of St. John:

In what sense? Have you got examples?

The Minister for Home Affairs:

Yes, there is no ... on release there is compulsory supervision arrangement or condition on early release, which can cause issues. What I want to see is the prison producing more people, when they are released, being assets to the society, having be able to work in society and redefine themselves in society. We spoke in the past to potential employers - we are talking hospitality, farming, unions and so on - and we want to talk to them ... I want them to see what is going on in prison, for example, and to ... for the prison authorities to understand the sort of skills that would be good for former prisoners to have to rehabilitate themselves in society. One of the things that is worrying people about taking on former prisoners is the supervision in the short term ... in the relatively short term so they know that ... they have their own security issues. That is the sort of thing which I want probation to get involved with.

The Deputy of St. John:

At this current time probation will supervise ...

The Minister for Home Affairs:

Only on a voluntary basis.

The Deputy of St. John:

... on a voluntary basis. The argument being that if you require somebody to be supervised that person is likely to be resentful about that and not comply, which would mean all sorts of pressure on the system to take them back into prison.

The Minister for Home Affairs:

Yes, well that is the last thing we want to do. What we want to do is have them rehabilitated as much as possible and that we can do - well, we can contribute towards it - by encouraging employers to help these people to rehabilitate.

Deputy R.J. Ward:

Can I ask on that point, are you talking about a compulsory supervision on release as part of the sentence or once the sentence is completed? Would that not just be an extension of the sentence?

Assistant Minister for Home Affairs:

It is a parole system that we do not have here. Probation is all about a soft entry into the jail system, so try to keep people away from it as far as we can. Then we should really be following people while they are in prison, which is not really done now, and what we would like is to have a soft release ... a softer release and, yes, people can be resentful but on the other hand they are out of prison, they are not finishing their sentence.

Deputy R.J. Ward:

So it is part of their sentence? If somebody has a 2-year sentence that would be the last 6 months, for example?

Assistant Minister for Home Affairs:

It is what we all understand as parole and which does not exist here. All we have is Honorary Policemen going and checking curfews and that is the only thing we have to control people, and it would be really nice to be able to have soft release back into the workplace with probation supervision, with a curfew check, that makes people available to work and become part of society earlier.

Deputy R.J. Ward:

Not to labour the point but just want to be really clear, so we are saying if somebody argued ... just as an example, if somebody has a 2-year sentence they would perhaps be after 14 months of that sentence released on to this parole system that you are talking about?

Assistant Minister for Home Affairs:

Yes.

Deputy R.J. Ward:

It would not be at end of serving that 2 years, compulsory at the end?

Assistant Minister for Home Affairs:

No.

Deputy R.J. Ward:

That is an important point, I think.

Assistant Minister for Home Affairs:

It is difficult when you have not been in the system, and I believe none of us has. It is really a process. We are not looking at it as, you know, you start your sentence, you end your sentence and then you are thrown back into it. It is a whole process and integrating probation with the process, within the process would help that.

The Deputy of St. John:

What legislation changes do you envisage to try and facilitate this direction?

The Minister for Home Affairs:

I think it is far too early, Deputy, to go into that. We are talking ... at the moment, we are talking about principles and objectives but certainly there would be legislation changes required, but I think we are a little way from that just yet.

The Deputy of St. John:

It is said, and we have heard it from the horse's mouth, there would be a move of probation from the courts to Home Affairs?

The Minister for Home Affairs:

This is something which has been mooted.

The Deputy of St. John:

That would require a law change, would it not?

The Minister for Home Affairs:

Quite possibly, I do not know. I think we have to get the principle adopted first. There is some resistance in some areas for that to happen.

The Deputy of St. John:

I believe the Bailiff is against the idea.

The Minister for Home Affairs:

You may say that, I could not possibly comment. We have to have the discussion, we have to have the debate and no doubt there will be ... the States will have to make a decision at the end of the day.

Deputy R.J. Ward:

There would be a full consultation with probation throughout the process?

The Minister for Home Affairs:

Absolutely. Well, with everybody involved, yes.

The Deputy of St. John:

I am wondering if you have replied yet to the Bailiff's letter and to the chief probation officer's letter?

The Minister for Home Affairs:

I have certainly replied to the Bailiff's letter. I have had discussions with the chief probation officer because I am a guest apparently at the probation board, so I have attended a couple of those meetings.

Director General of Justice and Home Affairs:

On that point, we met the probation service recently with the chief executive of the States of Jersey to talk about the broad issues of probation and we have engaged with the Bailiff as well, and that dialogue is ongoing. You will be aware that the target operating model for the States has probation within my department. It is still to be agreed is the terminology. That dialogue is ongoing. In relation to the integrated offender management piece, for me it is an end-to-end process, so right from young people, right through to when people may end up in prison and out again. That is just about integrating the whole service, whether it is the Honorary Police, the Parish system, right through to States of Jersey Police, probation intervention in the prison and then back out again. At the moment it is not integrated so probation as you know, as you rightly identify, sits outside that. There are some people in the community who are on programmes around domestic abuse or alcohol intervention and, if they carry on offending, end up in prison and have to stop that programme because there is no integration between probation and prison. They go into the prison service, they get a different programme, different set of interventions and then when they get released they come back and that stops and they go back into a different system. That is not as integrated as it could be. My ambition, along with the Minister, would be to see one wholly integrated system. Build on all the good things that probation do, we are enhancing that provision across the whole of the Island.

Deputy R.J. Ward:

There is a question later but I will use it now because you are on the topic of the new one.gov structure, which you mentioned. What I have a concern about is the drive behind the One Gov structure, it is sort of like a steamroller over everything that is going to go on, whether it is good, bad or indifferent. With probation service I would like some reassurance that the actual integration and where it is situated would be considered regardless of the One Gov structure. So if it is seen it works where it is, it can be integrated, and I think everyone would agree with what you are saying in terms of the continuation of care, but what are the main drivers there? Is it simply the One Gov principle or will you look wider than that?

Director General of Justice and Home Affairs:

Of course it is the One Gov principle but I am confident that it is not that alone, it is about what is the best offer for the Island for people who enter or are on the cusp of getting into the criminal justice system, going through it and coming out the other end. From my point of view, from my professional point of view, I would say I want to build on the good work probation does, bring it into the department

and enable us to deliver an integrated offer without having to go back to the board that probation reports into, that sits within the courts.

[10:15]

They may or may not agree with that. A good analogy is the courts will say probation are an extension to the courts and their work is at the courts but the same does not apply to the prison service. So the courts can award a community order where probation intervene and so therefore they say that is why probation should be sitting in the courts but when they award a prison sentence, then the prison service sits not within the courts, of course, it sits within the States of Jersey. So those 2 do not quite add up in terms of the rationale behind it. But I want to be really clear, it is not about look at the probation service in the U.K. (United Kingdom) and saying let us bring those principles over here, because that is pretty well broken and that has been articulated in the public.

Deputy R.J. Ward:

Yes, you just anticipated my next question.

Director General of Justice and Home Affairs:

I really want to put it on record it is not about doing that. There are some really good models around the world, New Zealand, Australia, Norway, Sweden, Finland, where we can take the best of that, build on the best there is in Jersey and then come up with a completely integrated offer.

Deputy R.J. Ward:

So just to be clear, that One Gov structure that has been published is not a done deal, it will be looked at very carefully first.

Director General of Justice and Home Affairs:

It says very clearly "still to be agreed" and the dialogue is still ongoing. The Minister is engaged with that dialogue, I have engaged with that dialogue and so has the chief executive.

The Deputy of St. Peter:

I have 2 points. Can we go back to integrating the call centres, for want of a better word? Do you have any metrics and ideas about what you are hoping to achieve by that? Can you then be able to retrospectively work back to find out if it has been a success? I am thinking about the ultimate success in potentially saving lives, et cetera, more than the tax or a couple of quid here.

The Minister for Home Affairs:

Clearly we are hoping there will be some efficiencies which would save money, it is not going huge amounts, but the important thing is to have it integrated. One call centre, and the calls could be diverted to the appropriate agency or agencies quicker. At the moment it goes through J.T., then to whichever control room the J.T. operator thinks is appropriate and dealt with that way. If it goes straight into the call centre has to be an advantage.

The Deputy of St. Peter:

Common sense says yes, we would just like to know what you were hoping to genuinely achieve, as it affects people's lives.

Assistant Minister for Home Affairs:

Almost every one of our emergencies is a multi-service emergency so if there a traffic accident, the Honorary Police are going to be involved, the S.o.J.P. (States of Jersey Police) is going to be involved, they are going to send an ambulance in case anybody is hurt. They are also going to send fire because they are taking people out of cars.

The Minister for Home Affairs:

Also first responders supporting the ambulance service.

Assistant Minister for Home Affairs:

You may have 4 or 5 services sent to almost every emergency. If you have a fire, you send the fire brigade but you also send an ambulance. To have those services in the same place, in the same room being able to talk to each other, co-ordinate an approach to an incident is really important. It is already done. I was lucky enough to see the emergency centre in the U.K., which was based in Kinloss in Scotland. One person would answer a call and on the screen allocate resources, okay 2 ambulances, we are missing one from here, we will take it from there. It was extraordinary. It is something that we can do here.

Deputy R.J. Ward:

Do you think that can work given the limited resources we have here? Having visited the ambulance station and seen one of the calls come in, it is a very specialist approach they take and their teamwork together was incredible, but it was very specialist. Will that not be diluted down?

Assistant Minister for Home Affairs:

No, it will be the same people. Instead of being in different rooms, they will be in the same room and of course they are starting with the same software so the same person is going to be in front of the same computer with the same software because, of course, dealing with medical emergencies is completely different, you have to be a specialist. But it will be the same person doing that, except

they will be able to just talk across the room and say: "Do we have the other services ready to help with this?"

Deputy R.J. Ward:

How will that direction of those medical emergencies be different from what happens now if they have to be directed to the same people?

Assistant Minister for Home Affairs:

No, just it will be in the same room. Now it is in different places and if they want S.o.J.P. to assist, they have to call them. They have to initiate an emergency call to S.o.J.P. There you will be able to deal with the medical emergency and say: "We also need the police to attend because we do not know the risk."

The Deputy of St. John:

Take me through this process. Somebody rings 999 because they have a medical emergency, how is that call routed? How is it filtered?

Director General of Justice and Home Affairs:

Currently all 999 calls, whether it is police, fire, ambulance, coastguard goes to Jersey Telecom, J.T. The call handlers in a 24-hour call centre do not just do emergency calls, they do customer help desk as well. It is an arrangement we currently have with them. That call then gets sent to the fire and ambulance control room or to the police control room or the coastguard control room.

The Deputy of St. John:

So that same process will simply redirect the call to a certain desk in the central control room?

Director General of Justice and Home Affairs:

For a start, that brings in a slight delay and you can argue slight risk. So the plan for the new control room is to remove the call-handling capability away from J.T. and have the 999 call directed to the combined control room where all the services are collocated. That will reduce your risk and make things more efficient and effective. The Isle of Man have a joint control room, as we have just described, and so do Guernsey. As the Assistant Minister has said, there is conversation in the room. At the moment a call goes to the ambulance service, they then have to pick the phone up to the police and say to the police: "We need a police officer as well" which is introducing further risk because of delay. As we go forward it may be we start to deploy different resources to different incidents because some of the firefighters are quite well trained around medical emergencies and the ambulance are under quite a lot of pressure in terms of their call handling at the moment, so an

integrated combined control is a good start to deploy different resources to manage whatever the challenge is in a more effective way.

The Deputy of St. Peter:

At what point do you determine that the correct resource is being sent to the correct place for the right reason?

Director General of Justice and Home Affairs:

That would be done in a triage system. So the ambulance and fire systems use a computer software package that triages. Controllers are not medically trained, they just follow it. So you and I could sit and do it. You just follow drop down menus. I say "just", it requires training, but has that person fallen? How far have they fallen? Are they bleeding? Are they conscious? They are not medically trained people who do that, so they triage. The police have a different but a similar approach to triaging. So controllers will continue as is, currently using the same triage but the aspiration is to have an off-the-shelf solution or a bespoke solution built that will combine all those 3, and maybe 4 with the coastguard as well.

Deputy R.J. Ward:

Are all the blue light services on board with this change?

Director General of Justice and Home Affairs:

Yes, we set up a project board that commenced last week, engaging all the service heads. We have looked at technology, looked at the people, looked at the terms and conditions and all that is ongoing at the moment.

Deputy R.J. Ward:

Would you need extra staff or less staff or the same staff?

Director General of Justice and Home Affairs:

We certainly will not need extra staff. It may be that we will have less staff. You have been to the ambulance and fire control, it is a pretty poor location. There is no air conditioning, they struggle to get breaks, they are going to go to a new location that does have air conditioning, does have canteen facilities, will have colleagues, will have supervision. So the offer is much better. Of course there will be some challenges in terms of moving those people, cultural challenges, relocation, but we are alive to that.

The Deputy of St. John:

Could I extend this question to a question in relation to how the services co-operate to responses? How often, for example, are the fire service having to intervene when there are not ambulances available?

Director General of Justice and Home Affairs:

There are protocols in place where the fire service can deal with a relatively low-level medical emergency. Fire officers have been trained in the U.K. and then they have come back and been trained by Jersey Ambulance Service. It does not probably happen as much as it could do, would be my answer to that. My experience having stood in the ambulance control room a number of times in recent years is that ambulances continue being sent to incidents where they could send some of their colleagues from the fire and rescue service who have some of those skills for those low-level injuries. Going forward we will be looking to ensure those skills and the training is up to date and they can support colleagues in a more integrated way.

The Deputy of St. Peter:

I have one more.

Deputy R.J. Ward:

I am conscious that there are also some questions that will come up later.

The Deputy of St. Peter:

I just want to get back to prison and prison release. We went for a visit there and one thing that became quite clear is the provision to help vulnerable prisoners with mental challenges back into the community seemed to be clearly lacking. Can you comment on that?

The Minister for Home Affairs:

This is something that I know the new Prison Governor is very, very keen about, to get right. We have to work ... we do have psychologists at the prison, with advice from the Department for Health, but it is something that certainly needs to be addressed and improved, no question about that. But, again, working with other agencies such as Health. That was one of the things ... sorry I was just thinking out loud, we have a new development going on at the present and there are other phases to come, just improving the medical facilities available at the prison. That is one of the next stages.

Assistant Minister for Home Affairs:

Truthfully, we know that it is something that needs to be developed over the whole Island, it is not just a prison problem.

The Deputy of St. Peter:

Mental health takes a long time to get people back, if at all possible. Physical health can be quite quick, broken leg, 6 weeks. You know, it is a different scenario.

Director General of Justice and Home Affairs:

If I may, I have been tasked under One Gov to chair the Mental Health Improvement Board on behalf of the Island, so not just from a criminal justice point of view. I have my first board meeting this week with the Director General for Health and other colleagues looking that whole improvement plan across mental health, not just criminal justice, whether it is dementia, whether its ... as I say, there are some significant improvements to be made.

Deputy R.J. Ward:

I am just conscious of time.

The Deputy of St. Peter:

Shall we move on?

Deputy R.J. Ward:

Question 3.

The Deputy of St. Peter:

Shall we go straight past that one, I think it is answered.

Deputy R.J. Ward:

I think question 3 is quite important. In advance of the next Medium Term Financial Plan or whatever it will be called, can the Minister outline financial priorities for Justice and Home Affairs and how they link into the strategic plan? As briefly as you can.

The Minister for Home Affairs:

Okay, the new Strategic Plan, which has just been launched by the Chief Minister. I think the Home Affairs issues underpin that plan and, I come back to the phrase I used earlier this morning, to make sure Jersey remains a safe and secure place for people to live, to work and to visit. To that end my main aim would be to ensure that whatever the financial plan is - the Medium Term Financial Plan or Government plan, whatever it is going to be called in the future - that we have sufficient resources to keep Jersey that way. That is the bottom line as far as I am concerned. We must have the resources to deliver effective and efficient services to keep our community safe. That is the bottom line, because if we do not Jersey becomes more vulnerable, our reputation will suffer, which is not good, tourism will suffer. Coming back to the Constable's point earlier, the local population suffers.

They feel safe and must continue to feel safe and Jersey continues to be safe, whether that is fire prevention, crime prevention, border controls, all of that has to be properly resourced.

Deputy R.J. Ward:

I think that leads us nicely on to the question the Constable of St. Helier was going to ask.

The Connétable of St. Helier:

What are sufficient resources? Given that your department is required to make efficiency savings, when do you reach the point where you can no longer make further efficiency savings?

The Minister for Home Affairs:

We are looking at the operational model for Home Affairs and for the emergency services, for them working closer together. Now, while they have been extremely successful, while crime is dropping, while the number of fires is dropping, while the border control people are doing a superb job, I am not going to say that we need a lot of extra resources. It is not about the number of people, it is about the efficiency and the effectiveness of the services that we have. At the present time that is at an extremely high level. I want to make sure it remains there and that is why I will be in close communication with the Jersey Police Authority, with the fire service, with the director general, with the customs and immigration management to make sure that we can continue to work at those high levels, and enhance the service where we possibly can and where we feel it is needed. If additional resources are proven to be needed then we will fight for those. The bottom line is we are not going to reduce the level of service provided to the Island from the emergency services. That is my bottom line. My line in the sand, if you like.

The Connétable of St. Helier:

Is it not the case that the services have already been reduced? Perhaps you could tell us how many officers are on duty in the Island, in the early hours of the morning. I understand that the number is very low so if something happens, certainly if there is a low-level nuisance that a resident of Jersey is affected by they may well be told by the police that they have to call a Centenier, for example, and you are not going to find a Centenier probably available at 2.00 a.m. in the morning to deal with a noisy party or antisocial behaviour. It is this kind of thing I think that there is a concern that there are not as many officers as there used to be, therefore, things may not be dealt with.

The Minister for Home Affairs:

Is that pure speculation or are you telling me that is the case?

The Connétable of St. Helier:

Well can you tell us how many officers are ...

[10:30]

The Minister for Home Affairs:

No, I cannot tell you how many officers there are on the beat at any one time. I know that officers are deployed where the management of the police recognise there is an issue and they prioritise where the officers need to be and what they need to be doing. What they are doing is also working with other agencies. Now, if you are telling me that the States of Jersey Police are telling folk to ring the Centenier at 3.00 a.m. or 4.00 a.m. in the morning then I think it is time that your chef, or the chefs in general, had a meeting with the management of the States of Jersey Police to get that sort of thing resolved. Because I want to see it co-ordinated; that means working together and understanding together and not your Honorary Police getting calls they do not expect or it is not appropriate for them to get. So I think that is a matter of co-ordination between the Honorary Police and the States Police, and the States Police will be working with all the other agencies as well to provide the service that Jersey wants. Julian, you look as though you wanted to say because you have some experience in this area.

Director General of Justice and Home Affairs:

I was just going to say, it has been well documented in relation to numbers, not just police numbers but fire officer numbers as well, in terms of reductions over the years. But for me it is not necessarily about numbers, it is about what we do with our staff and how effective they are in being deployed and what they do. Crime, as the Minister has said, has reduced significantly over the last number of years, so have fires reduced, and we have seen a drop-off in terms of police officer numbers. So it is about making sure they are working smarter, working more integrated with other agencies, and delivering a different type of effort. So technology is coming into the fore now, police officers are spending much more time out and about in the communities and in the Parishes than previously in the police station because of technology of the SMARTPolice project. Then going forward we are looking at how the customs and immigration service and the police service can collaborate or integrate and work more together, similarly with fire and rescue and the ambulance as well. The profile of crime is changing, so it is not just about the numbers.

The Deputy of St. John:

Can I just examine that notion that the workload for police has gone down because crime has gone down? What we have not mentioned is the fact that the police service is a gateway, and it is a gateway for mental health, for example, it is a gateway for concerns for welfare. So a lot of their time now surely is spent or diverted to people things, those things that they were not necessarily involved with some years ago. So their workload has increased in other areas as their workload has decreased in relation to crime.

Director General of Justice and Home Affairs:

You are absolutely right. The crime figure does not tell the whole story, by any stretch of the imagination.

The Deputy of St. John:

No, it does not. So given that their workload effectively has changed, rather than reducing, why are we operating with so few officers?

Director General of Justice and Home Affairs:

So I completely agree, the profile of demand has changed; there are many more instances of welfare and mental health, but that is not necessarily the police's problem but, you are right, they are the gateway and most people call the police first. So the point the Minister is talking about in relation to strategic direction around integration and working more closely across the government with different agencies is definitely the way forward. My new department is going to be based on 4 principles: integration, collaboration, early intervention and prevention. We need to work much harder at those things to design out some of these challenges and get upstream of those people who are suffering from mental health or have welfare issues, or indeed children and young people who are starting to just get to the crossroads of their life where it becomes more difficult. That way of approaching it, as opposed to just throwing numbers at it, will design the problem out. Putting more police officers on the street will not necessarily solve that problem because it is not a policing problem.

The Connétable of St. Helier:

Can I come into that because I was going to come on to this, but certainly in terms of the perception of safety the presence of the bobbies on the beat is enormously effective, and there does seem to have been a reduction in recent years, certainly in the last year or so. Also I think the public need to be reassured that the C.C.T.V. (closed-circuit television) network that we have is being monitored, that it is effective, that it may even be increased in its scope. I think the sense that there is someone keeping an eye on any antisocial behaviour that may be kicking off at 3.00 p.m. on an afternoon when you will not see any bobbies sometimes; can we reassure the public that this is not going to disappear completely?

Director General of Justice and Home Affairs:

So there are people who walk the town, maybe not as frequently as done previously because, going back to the point about crime is changing, it is more fraud, more online crime, so the police service has to adapt and not just continue maybe visibly patrol. However, there has been a town centre officer throughout the whole of summer visible, and the C.C.T.V. cameras are monitored and controlled 24 hours a day. That will not reduce because that is a good tool in terms of monitoring

that. As I say, I would repeat we have to cut our cloth accordingly, the budget has been reduced, we all know that, and we have got to make our savings. So it is about being smarter and about deploying our resources in a different way and that is happening.

Deputy R.J. Ward:

I was going to leave this until later but I think this is an opportune moment just to ...

The Deputy of St. Peter:

Can I just do one on ...

Deputy R.J. Ward:

Do you want to do that one and then I will move on to the question we were going to ask?

The Deputy of St. Peter:

It is following on. You used the use of technology and SMART use technology; for our viewer, can you explain how the adoption of technology means that you can provide fundamentally a better or equivalent service with the reduced numbers of feet?

Director General of Justice and Home Affairs:

Police officers traditionally would attend incidents and record, so they would take a statement off somebody or reported a crime or a road traffic collision or anything out and about among the Island of Jersey; and paper came straight into place. Crime reports to be filled in, notes would be made, reports would be filled in and then officers would have to come back to the police station and sit behind a desktop computer and fill in loads of forms and upload them. The project that went live at the beginning of this year, 2018, every officer has been issued with a tablet now or a smartphone where they can digitally fill in their documents. They can do a crime report online, they can upload it straight away from the device to the police station. What we find is officers are spending more and more time out in the community and have not got to come back to the police station. Most forces in the U.K., if not all, have done exactly the same thing. There is very clear evidence that the profile, if you look at how long an officer spends in the police station versus out and about in their community, being seen, engaging with the community and picking up the work; it is quite a significant shift.

Deputy R.J. Ward:

Following on from that then, I think we will throw this in now, in written question 201 on Tuesday it was identified there were 42.9 uniformed service vacancies possibly earmarked for removal as part of the £30 million of cuts that we face. Can the service cope with those losses?

Director General of Justice and Home Affairs:

I am not sure of the exact figures but if they are vacancies they currently exist, is what I am hearing, and all the services are managing with their current vacancy rate. States of Jersey Police are recruiting at the moment, in fact some new recruits were just sworn in this morning as I saw them, and some of those are local people, on-Island, and some have come from the U.K., so that is positive. The States of Jersey Fire and Rescue Service are also in the middle of a recruitment drive at the moment as well.

Deputy R.J. Ward:

So those 42 vacancies that were identified, how many of those are now being filled from this recruitment process?

Director General of Justice and Home Affairs:

Certainly not all of them; the police are looking to recruit I think 9 in the next 3 months. Fire and rescue are only, I think, 5 short from their establishment. They have only reduced 10 over the last 15 years.

Deputy R.J. Ward:

So those vacancies are a sum total of £1.439 million, which I assume, as they are vacant, has not been paid; but there would have been funding for those vacancies so where has that money gone?

The Minister for Home Affairs:

The police, in the Medium Term Financial Plan that they are currently in, reduced their budget by about £2 million because most of their expenses are with staff, staff salaries.

Deputy R.J. Ward:

So have those savings already been made?

The Minister for Home Affairs:

Yes, £2 million have.

Deputy R.J. Ward:

So to identify them as future savings from the £30 million savings would be inaccurate because those savings have already been made. You cannot make that saving twice.

The Minister for Home Affairs:

We have not discussed yet or we have not been advised yet what the expectations are for our department - or at least I have not been advised yet - for the £30 million. But we are going to have to make some efficiencies somewhere, clearly.

Deputy R.J. Ward:

The point was clearly made to the Institute of Directors that that will be through vacancy management, and when I asked about the vacancies that would be managed, part of those vacancies were the 42.9 vacancies in uniformed services. I am just trying to get a clear picture of where vacancies exist, and you are saying that those savings have already been made?

Director General of Justice and Home Affairs:

There is a lot of work to be done around the establishment as to whether they are vacancies, whether the F.T.E.s (full-time equivalent) have been taken off the bottom line of the budget already, which is what the Minister is referring to. We have had to make our savings for 2019 as part of the Medium Term Financial Plan already, and as we have gone through the Medium Term Financial Plan the budget has been reduced, so that bottom line has been taken off. Obviously with a budget of 88 per cent people then there will be posts removing. What I cannot say to you is whether all those 42 posts still remain on my establishment as vacant.

Deputy R.J. Ward:

Could you find out that information?

Director General of Justice and Home Affairs:

We will be doing that as part of identifying what the department's contribution to the overall savings target will be, yes.

Deputy R.J. Ward:

What is the timescale for finding that information? Because I am quite interested to know, as soon as possible, what this means because I do not think there is any clarity there.

Director General of Justice and Home Affairs:

I cannot give you a timescale at the moment, because I am reliant on other people to generate that work for me, and of course it is a broader piece of work around the 600-odd vacancies that we referenced the other day in the news.

The Connétable of St. Helier:

Can I just ask, are you able to put a figure on the ... because you said at the beginning, Minister, that you would not be prepared to go below a level where service would be compromised; are you able to put a figure on the number of police officers, for example, in that section?

The Minister for Home Affairs:

No, absolutely not. As I keep saying, it is not about numbers, it is about the effectiveness of the service and finding better ways of working, more collaborative ways of working.

The Connétable of St. Helier:

But is there not a point where it does become a matter of numbers, where you cannot do the job without a certain number of resources?

The Minister for Home Affairs:

Of course, and because crime will always exist, fire will always exist, so that service has to be provided. At the present time, as I keep repeating, the number of fires is reducing, crime is reducing, so the management of those services are doing extremely well with the resources they have, and at the present time would appear to be content with those resources. If the situation arises where a change in numbers is required or an increase in budget is required then those services, with the support of the Jersey Police Authority and the support of the director general, will come to us with a request for an increase. If you remember, when I stood for this job I said I would be the champion for the emergency services, but I will also be the challenger. If they do want more resources and they come to me, I will support them in every way but they will have to convince me that what they require is absolutely correct. When they can do that then we will fight for them.

Deputy R.J. Ward:

Sorry to interrupt, but will that not be quite difficult if you do not even know where the savings are to be made yet? Because if you do not know what savings are to be made, in a service that is 88 per cent people, which will probably be vacancies, then you will not know ...

Assistant Minister for Home Affairs:

This is a new batch of savings. We have done the previous ones and we were probably the department that was the most efficient in doing the savings.

Deputy R.J. Ward:

So what savings are you expecting specifically to be made next year from the £30 million?

Assistant Minister for Home Affairs:

We know that there are efficiencies to be made. I do not think we can put a figure on them, and certainly not a figure on people; but we know that by bringing the services together we can make them more efficient. Again, all the services are scrutinised and they all have to give figures at the end of the year on their effectiveness, and if that curve looks anything like going upwards we are doing something wrong. So if we can keep all the curves going down, we take care of fires efficiently, the ambulances show up in the right time, the police drives crime down; if all this continues then we can have efficiencies, we can do savings, but we will not accept a budget, we will not be told: "You have to take £5 million out of your budget", it will not work like that.

Deputy R.J. Ward:

Sorry, there is just one key point that I have still not got the answer to. But what is happening is announcements are being made of where £30 million worth of cuts can be made next year; public announcements being made in the public arena. When that is drilled down into through where those savings would be 42.9 vacancies are being identified within uniformed services. Now, I am not clear as to whether those savings have already been made and so, therefore, cannot be part of this £30 million saving, or they are new vacancy savings that you are expected to be made. I think you need to know that for the well-being of the service.

The Minister for Home Affairs:

We will need to know that but at the present time we have been given no indication of what is expected of our department. We know what is expected in absolute cash terms, if you like, and we know, and we would expect, that we would be expected to be as efficient as possible. But ...

Deputy R.J. Ward:

We can agree then that the statement about those £30 million for vacancy management really does not hold much pay?

The Minister for Home Affairs:

Well, I do not know, I would have to look into it.

Director General of Justice and Home Affairs:

All the organisations in my department have all set out their savings plan for next year; first thing. The Medium Term Financial Plan next year's savings are all in, sorted out, and there is a plan for each organisation. There is currently no plan around our contribution towards the £30 million deficit that you are referring to. I fully expect to contribute towards that plan and that is what the Minister said, and we will work through that and I will design a department that will quite rightly contribute to it.

[10:45]

Assistant Minister for Home Affairs:

If it is possible.

Deputy R.J. Ward:

I understand what you are saying, I am just trying to square a round ...

Director General of Justice and Home Affairs:

Does that make it clear?

The Connétable of St. Helier:

It would involve fewer police officers on the beat, coming back to that. You do not want to put a number on the kind of ideal ...

The Minister for Home Affairs:

I think it is unlikely because we are just recruiting.

The Connétable of St. Helier:

But you have lost an awful lot in the last 6 months so presumably the number of recruits does not meet the loss of headcount.

The Minister for Home Affairs:

We have lost quite a number over the last 3 or 4 years, that is absolutely true; a planned reduction because of the savings that have to be made. But the field officers ...

Deputy R.J. Ward:

There is no clarity on these vacancies.

The Minister for Home Affairs:

... have still done a fantastic job.

The Connétable of St. Helier:

I think we all agree they have done a fantastic job.

The Minister for Home Affairs:

This is a public hearing and I do not want people to think and I want to stress the message that crime is still reducing despite the reduction in the number of officers, and it is important the public know that.

Deputy R.J. Ward:

We would absolutely echo the fantastic work that is done by all of our blue light services and absolutely agree with that. But there is just no clarity around the vacancies that were published in the Assembly on Tuesday.

The Minister for Home Affairs:

I understand that, I mean, that was not our work of our officer so I cannot give you much more clarity on that.

Deputy R.J. Ward:

I think we have got some clarity on, ironically, the lack of clarity which is interesting.

The Deputy of St. Peter:

Can I ask the question the other way around: what metrics are you tracking that would trigger a red flag when you would believe that the Island's safety, for want of a better word, could be compromised by budgetary and subsequently people constraints?

Assistant Minister for Home Affairs:

Again, every year there is a report on all of the services and thankfully all the curves ...

The Deputy of St. Peter:

A year is a long time.

Assistant Minister for Home Affairs:

There are intermediary ones, we tend to know monthly what is going on, the Jersey Police Authority follows that quite closely.

The Deputy of St. Peter:

What are the triggers?

Assistant Minister for Home Affairs:

It is very, very well followed and there is a downwards trend. If anything happens to pull it up we really pounce on it.

The Deputy of St. Peter:

What are the triggers that you are looking at?

Assistant Minister for Home Affairs:

Any trends that go upwards.

The Minister for Home Affairs:

We need to understand why it is going down and we need to understand why it is going up.

The Deputy of St. Peter:

Do you see the point of my question? There is a point at which it will creak, it will snap. You bend something with budgetary constraints, bend, bend, bend, there is a point at which it snaps. What we have got to do is make sure it is intercepted, and probably your role is before it snaps and keep it ...

Director General of Justice and Home Affairs:

If I may here, in terms of managing performance there are a number of indicators, as the Assistant Minister has highlighted, that will help us measure that. So the overall picture in terms of demand, what is the demand profile, what type of demand, times of day, temporal factors if you are looking at that, response times across all the emergency services, are they improving or are they decreasing, what is the issue around that. Officer safety, if that starts to get compromised, if you suddenly see a spike in officer assaults or assaults on ambulance staff or firefighters that will tell us something. If there are delays in responding to calls, calls start to stack up and they do not get responded to and we are not delivering a service to the community that would also be an indication. So through a performance framework, a dashboard looking at all those factors on a pretty dynamic basis, we can then - and we do - start to look at how the environment changes or not. At the moment response times are still very well within their targets and there are not any significant delays in terms of what we are delivering.

The Deputy of St. Peter:

How near real time is your dashboard?

Director General of Justice and Home Affairs:

I view it from my point of view ...

The Deputy of St. Peter:

Weekly, hourly, daily, monthly?

Director General of Justice and Home Affairs:

The data I review on a monthly basis will give me down to the second and minute in terms of response times; we are talking 9 minutes 20 seconds or ...

The Deputy of St. Peter:

But the data is refreshed once a month on the dashboard?

Director General of Justice and Home Affairs:

Yes.

The Deputy of St. Peter:

Is that acceptable? Is that enough? I mean, people can die quicker than that.

Director General of Justice and Home Affairs:

What, the response time?

The Deputy of St. Peter:

The month of refresh.

Director General of Justice and Home Affairs:

That is from my point of view but as you go into the organisation people see it on a daily and weekly basis.

The Deputy of St. Peter:

But do you see where I am coming from? Is there a process to uplift the information to your dashboard from those people working with you, when they see a red flag that you need to be notified on because ... we are not talking about budgets here, we are talking about people.

Director General of Justice and Home Affairs:

There is lots of monitoring around the system.

Assistant Minister for Home Affairs:

They are relatively small organisations, they are not extremely tall, they are reasonably flat. If something starts being a problem you get told, there is communication within the organisation.

Deputy R.J. Ward:

Are those risk factors specific to an island community into Jersey, because if you were to put those sort of metrics from a much larger organisation in the middle of the U.K. where you can shift in

emergencies quite rapidly simply by driving across a border, they are different in Jersey? So are they specific to Jersey?

Director General of Justice and Home Affairs:

No, from my experience in the U.K. and here they are very similar, and of course you can add sickness and absence on to that as well. They are all quite rightly the hygiene factors that would show in an organisation whether the health of the organisation in terms of people and our response to the community is improving or decreasing or remaining stable.

Deputy R.J. Ward:

Okay, we will move on because there was a specific area that we were going to ask regarding the Immigration (Biometrics Information) (Jersey) Order 2018. Can I ask, the panel understands the legislation would enable the States to bring forward regulations; what is the timescale for bringing those regulations forward?

The Minister for Home Affairs:

Quite quick because we want the settled status scheme to be operational January, so we want to get the regulations ...

Acting Director for Customs and Immigration:

They will be through beforehand.

The Minister for Home Affairs:

Done before January.

Deputy R.J. Ward:

There is no mention in the law about where the biometric data will be stored. Will it be held solely by the Jersey authorities, by U.K. authorities, or both?

Acting Director for Customs and Immigration:

The data will just be held by ourselves in Jersey, the biometric data.

Deputy R.J. Ward:

What system are you using to store that?

Acting Director for Customs and Immigration:

It is an existing system we are using for immigration case management. It is in fact just an extension to what we are using already with the scheme.

Deputy R.J. Ward:

The definition of biometric information in the drafted document is quite wide. Exactly what type of biometric data is intended to be collected in this draft law?

The Minister for Home Affairs:

In the regulations it will be a photograph.

Deputy R.J. Ward:

Just a photograph?

The Minister for Home Affairs:

Yes.

Deputy R.J. Ward:

The law enables an extension by the States to extend the definition of biometric data beyond photographs and fingerprints, so any physical aspect of a person.

The Minister for Home Affairs:

Yes.

Deputy R.J. Ward:

In the future, therefore, could a law be enforced to collect D.N.A. (deoxyribonucleic acid), for example, and given what we have seen in the U.K. ...

The Minister for Home Affairs:

I suppose theoretically it could. It could include fingerprints, retinas, this sort of thing, but that could only be done by regulations in the States.

Assistant Minister for Home Affairs:

The problem is that this is a Common Travel Area problem and it is the United Kingdom that will dictate how we keep track of people, how we manage visas, how we manage settled status. Their own view of it is of course tainted by the rest of the world. So if the Americans say for your visa you need an iris scan then 3 years later Europe will do it, the British will do it, and we will have to follow suit. Right now we need a photograph but we have no idea what it will be in the future, and that is not for even nationals, it is for everybody. When you ask for a passport you may be asked for fingerprints, like it is in other countries.

Deputy R.J. Ward:

I think you have just highlighted a concern we have for the future there in terms of what we will eventually or inevitably ask for, given the openness of the current law that you are proposing. Therefore, will you consider implementing a supervisory panel with responsibility for examining the practical and the ethical implications of collecting biometric data here in Jersey, i.e. what we decide to do.

Assistant Minister for Home Affairs:

I suppose we would welcome that. I understand after a discussion that we have a limited freedom in that, and I think that in Jersey our tendency would be to ask for as little as possible. So even if the greater powers push us we would try to do it in the nicest fashion possible so, why not, yes, we would welcome something like that.

The Deputy of St. John:

So our concerns are about some of the stuff that has been happening in the U.K., and I have got a headline in front of me here from *The Independent* "Home Office forcing immigrants to take D.N.A. test".

Assistant Minister for Home Affairs:

Yes, if we could avoid that it would be nice.

The Deputy of St. John:

It was hundreds of people and ...

The Minister for Home Affairs:

We cannot do that. We do not have the legislation to do that.

The Deputy of St. John:

Well, this was directly against the Government's declared policy on the matter.

The Minister for Home Affairs:

It is more than policy; there is no legislation to allow it in here. I do not know about the U.K.

Deputy R.J. Ward:

But does the new draft law not open the way for that type of ...

The Minister for Home Affairs:

Only if the States approve regulations for it to happen.

Director General of Justice and Home Affairs:

So the regulations just say photograph and if there is any additional change to that we will have to come back to the States.

Deputy R.J. Ward:

I mean, the devil here is in the detail and I think ...

Assistant Minister for Home Affairs:

Sorry, it is a common Jersey issue that whenever we come up with a new law it has to go to the U.K. and come back to us and it takes time. We have been trying very hard for the last 10 years to put as much flexibility in the law as possible so that we could take our own decisions. In this case, we make a very wide law so we never have to ask again, but regulations will come back to the Chamber if any of this needs to be changed. Yes, please, scrutinise very fine, make sure we do not go too far.

Deputy R.J. Ward:

I think the notion of a supervisory panel or a sort of enhanced scrutiny process of this sort of thing is even more needed, given the fact that we remain to have control over the regulations, which I think is really important for the future so I am very pleased that you accept that idea. That is good.

The Minister for Home Affairs:

No question. When the Order in Council is here, then any regulations made under it can only be made by the States, nobody else.

Deputy R.J. Ward:

Just to sum up and make sure we are clear on this - it is the detail in this - we are only going to ask for a photograph?

The Minister for Home Affairs:

Correct.

Deputy R.J. Ward:

Any change in future needs will go to hopefully some sort of supervisory panel, and certainly to the States Chamber?

The Minister for Home Affairs:

Yes, absolutely.

Deputy R.J. Ward:

There will be no loss of control over those changes?

The Minister for Home Affairs:

Correct.

Deputy R.J. Ward:

Okay, thank you very much.

Acting Director for Customs and Immigration:

I can add to that in-house that the environment that we live in, especially with reference to G.D.P.R. (General Data Protection Regulation), means that officers are far more conscious about ensuring that they are only requiring what is necessary. I think before any proposals are put up to any law draftsman or through the Minister for his approval that that consideration is now more in our minds than it ever was.

Deputy R.J. Ward:

Can I ask you just quickly: do you have any concerns over the storing of the data?

Acting Director for Customs and Immigration:

I do not. We store it currently for immigration purposes in the identical way.

Deputy R.J. Ward:

Thank you very much. Anything you would like to add to that? A question, Simon, I think you had.

The Connétable of St. Helier:

Going into legacy issues, the previous Minister for Home Affairs intended to bring forward legislation in respect of hate crime and public order offences. Is there any update on this proposed legislation?

The Minister for Home Affairs:

Yes, some legislation has been drafted. In fairness I have not seen it yet because that was started before I came into office, but we are going out to consultation later in the year with hate crime, prejudice crime, how much of it is needed. Will the draft legislation be available at that time?

Assistant Director, Criminal Justice Policy:

It will be part of the consultation.

The Minister for Home Affairs:

It will be part of the consultation. But also we are looking at bringing into that legislation other customary law crimes like affray and riot, but all that is going to go out to consultation and hopefully we will have something towards the end of next year to take to the States.

The Connétable of St. Helier:

Which is hopefully not going to be a problem, the last one, riot. You have outlined consultation; how will the consultation ensure the voice of minority groups is captured?

The Minister for Home Affairs:

I think that is a matter of a skillset, is it not, to ensure that ... all the Honorary Constables and so on obviously will be brought in to be involved, all the church groups will be brought in to consult with specifically. We will target all of these groups and you are quite right, it is important that the minority groups, whom this is here to help, have a say in it, but of course the wider community as well. But we will make sure that is done, and certainly involving the constables who will advise us where to go.

The Connétable of St. Helier:

Have you considered how the proposal will be enforced in the light of our earlier conversations about numbers and resources?

The Minister for Home Affairs:

How will it be enforced?

The Connétable of St. Helier:

Clearly, it is another thing that the police are going to be particularly responsible for.

The Minister for Home Affairs:

Yes, well they are having to deal with the sort of crimes that we are talking about here already, but these will now be specific prejudice crimes. There are still crimes now, almost certainly, but there will be greater clarity for the police and for the courts I think.

[11:00]

Assistant Minister for Home Affairs:

It is for the courts rather than for the police.

The Deputy of St. John:

The other 2 for the courts of course is domestic abuse and domestic violence. Currently most domestic violence is dealt with by customary law. Your predecessor was bringing forward legislation in relation to domestic abuse across the piece. How far are we down that road? Are we any nearer getting a domestic abuse law?

Assistant Minister for Home Affairs:

Yes, very near this. We are working on the training with all the agencies that would be involved with it now, so it is very, very close.

The Deputy of St. John;

How far away are we?

Assistant Minister for Home Affairs:

End of the year, I understand.

Deputy R.J. Ward:

End of this year?

Assistant Minister for Home Affairs:

Domestic abuse laws?

Director General of Justice and Home Affairs:

We have not been involved with the legislation. That may well fall to another section within the strategic policy.

Assistant Minister for Home Affairs:

Sorry, are we talking about the sexual offences?

The Deputy of St. John:

No, not sexual offences; domestic abuse law.

Director General of Justice and Home Affairs:

It is not directly within the sexual offence legislation.

Assistant Minister for Home Affairs:

Sorry, yes, I got it completely wrong. Are we missing anything in the domestic abuse?

The Minister for Home Affairs:

Yes, this is something which clearly is of concern and is the subject of specific work, both within the police and other agencies. The workshop is being held end of next month, which is facilitated by an organisation called Safelives, a U.K.-wide charity dedicated to ending domestic abuse and supporting people to rebuild their lives. So that is going to commence ...

The Deputy of St. John:

Minister, the specific question was: how far down the line are we with the legislation?

The Minister for Home Affairs:

I am not aware of any legislation.

Assistant Minister for Home Affairs:

Sorry, it was my mistake, I answered it wrong. I am not sure there is an urgent need for legislation; we are dealing with the crimes reasonably well at this stage.

The Deputy of St. John:

Well, certainly in my day as a Centenier there was strong talk of there needing to be legislation. It was raised with the previous Minister and he made a commitment to pursue legislation in relation to domestic abuse. Are we going to commit to pursuing that legislation?

The Minister for Home Affairs:

We have got this conference next month and that will be the start of the process. We are well aware of the issues surrounding ... it is not just a matter of creating legislation, it has got to be the right legislation, it has got to be meaningful, and we have got to understand what it means. There is a growing awareness. I mean, what is domestic abuse: coercion, control as well as physical and sexual abuse. This is something we have got to learn about and understand even more before we start talking about legislation. But we are certainly putting a lot of resources into assisting people in this situation.

Director General of Justice and Home Affairs:

I set up a meeting, I think we met 3 weeks ago, for this term of office to look at the legislative programme across Justice and Home Affairs in every organisation, so the police and fire and ambulance and others, where are the gaps in legislation going forward, where is it they want things to improve. So I have set up that process already with the Law Officers' Department to look at where we need to get a legislative programme with support from the Minister going forward, so it might take a bit of time.

Deputy R.J. Ward:

Specifically about domestic abuse? Because it is a legacy issue that came through.

Director General of Justice and Home Affairs:

Across the piece, but absolutely the S.o.J.P. have already said there are some gaps in the legislation in terms of domestic abuse.

Deputy R.J. Ward:

So there are specific plans to look at legislation for domestic abuse in this term?

Director General of Justice and Home Affairs:

Yes, absolutely. Yes.

Assistant Director, Criminal Justice Policy:

I received the list from the Acting Chief of Police this morning, which contained dealing with domestic abuse; bespoke legislation is one of the top 3 issues of the force at the moment.

Deputy R.J. Ward:

Okay, and do you have a timescale for that? I mean, would it be by the end of next summer, by the end of next year?

Director General of Justice and Home Affairs:

We do not at the moment. I will prioritise it and look at the resources with the Law Officers' Department, but I can reassure you domestic abuse will be high on the agenda.

Deputy R.J. Ward:

I think we would like as soon as possible some sort of timing on that; that would be a really useful thing for us to have.

Director General of Justice and Home Affairs:

Absolutely.

The Deputy of St. John:

It would be because it has literally been years in the waiting.

Director General of Justice and Home Affairs:

I am very supportive; I agree with you completely. It is an area that is underreported, as we know, and we need to do much more.

The Minister for Home Affairs:

Yes, but we are doing a lot with the Building a Safer Society programme to assist people who are subject to this sort of abuse. It is not just being ignored. It is not just a matter of legislation, it is a matter of supporting people socially.

Deputy R.J. Ward:

But surely legislation gives more sort of power to your elbow, so to speak.

The Minister for Home Affairs:

Of course it does.

Assistant Minister for Home Affairs:

I am sorry I got it wrong, because I was in the middle of it when we changed our approach to the problem, as Centeniers and in the court, and that was completely overhauled a few years ago. I think that helped us work much better with the victims and of course with the offenders. I did not see at the time the need for further legislation but obviously other people did and now this is going forward.

Deputy R.J. Ward:

Just a few questions then on good old Brexit and customs. The settled status scheme, which we know about in the U.K. and we know there will be implications for Jersey; what is the proposed timescale for a settlement scheme here?

The Minister for Home Affairs:

It will be launched in January.

Deputy R.J. Ward:

The scheme will be launched in January?

The Minister for Home Affairs:

Yes.

Deputy R.J. Ward:

What additional resources will be needed to implement the scheme?

Acting Director for Customs and Immigration:

Would you like me to put in, Minister?

The Minister for Home Affairs:

Yes, go on then.

Acting Director for Customs and Immigration:

We have got a team put together, which is referred to as the Brexit team, but there are 2 dedicated members specifically to run the scheme, they have been brought in as case workers. They will be supported by ... we have a team of case workers already for immigration purposes, they will be supported by those 2. They are currently in the process of being trained up and ready to work with the scheme when it gets launched.

Deputy R.J. Ward:

So they are already in post?

Acting Director for Customs and Immigration:

Yes, they are in post.

Deputy R.J. Ward:

Those posts are already funded?

Acting Director for Customs and Immigration:

Yes, they are.

Deputy R.J. Ward:

So how will this impact on E.U. (European Union) residents currently in Jersey?

Acting Director for Customs and Immigration:

The E.U. residents that are here, post-Brexit, will be in a position where they are going to need to have an immigration permission to remain here, such as every other nationality outside of a European nationality at the moment. The scheme is in place to allow those people to receive that permission with hopefully as little difficulty as possible.

Deputy R.J. Ward:

Are there any specific requirements from these E.U. residents that are in addition to what they have now? What will the settlement scheme look like for somebody who is an E.U. resident here; the process?

Acting Director for Customs and Immigration:

The scheme is going to be an online application process, which is similar to the U.K. There are 3 main areas, these are the documented in the U.K. scheme and also some of the information we are putting on our website. This is suitability, eligibility, as well as identity and nationality. It is a particularly, I think, very short application form. The communication that we have already got in place with our colleagues in Social Security will mean that there is not going to be a requirement for people to have to prove to us their residency; we should be able to gather that ourselves. This should be a mirror of the U.K. to hopefully reduce the burden on these people who are obviously already a large part of our community and we do not want to have to make them go through the mill any more than they need to. So we are trying to reduce the amount of information that we are asking for.

Deputy R.J. Ward:

Will there be a financial implication for E.U. residents?

Acting Director for Customs and Immigration:

This is something I think the Minister needs to answer.

The Minister for Home Affairs:

Yes, the U.K. are charging £65 for each settled status arrangement. We are just going for cost recovery and it will be £25 and £12.50 for children.

Deputy R.J. Ward:

For every E.U. resident in the Island?

The Minister for Home Affairs:

Yes. That is purely cost recovery.

Deputy R.J. Ward:

Cost recovery for? You said the posts had been funded.

The Minister for Home Affairs:

Yes, funded by this, by the £25.

Deputy R.J. Ward:

That decision for cost recovery was made by who?

The Minister for Home Affairs:

Me.

Deputy R.J. Ward:

The drivers behind that?

The Minister for Home Affairs:

The driver behind it because, you know, it is not something that we wanted to make a profit out of. I mean, these people ...

Deputy R.J. Ward:

I am not thinking about profit, I am thinking exactly the opposite in terms of cost for up to around 20,000 residents of the Island that this could affect, all of whom would have to have been here for 5 years and have paid their taxes for 5 years, and now through effectively no fault of their own would have an additional cost. Do you think that is the right thing to do?

The Minister for Home Affairs:

Absolutely. That gives them absolute certainty. I mean, you have seen what some of the nonsense ...

Deputy R.J. Ward:

No, I am not disagreeing with the settlement scheme.

The Minister for Home Affairs:

... has gone on in the U.K. with the Windrush generation. I do not want to see anything like that ever happening in Jersey. If I want to travel abroad I have got to buy a passport and it costs me £76, or whatever it is, so I think it is a pretty small price to pay for absolute certainty of their settled status.

Deputy R.J. Ward:

Each of these people already have a passport. This is something that is being imposed as an extra charge through really nothing they could do about.

The Minister for Home Affairs:

It is not being imposed; they do not have to do it so it is not being imposed. This gives them absolute certainty, guaranteed, of their settled status in Jersey for ever.

Deputy R.J. Ward:

Sorry, you said they do not have to do it, but surely they do.

The Minister for Home Affairs:

If they are wanting to stay of course they do, yes.

Deputy R.J. Ward:

So really there is no choice, this is a cost ...

The Minister for Home Affairs:

If they wish to stay they would have to do it, yes.

The Deputy of St. John:

Can we go through this because ...

The Minister for Home Affairs:

The U.K. is £65. I think Guernsey is going to be the same as us, cost recovery. I am not sure about the Isle of Man.

The Deputy of St. John:

Can we go through this: the U.K. Government hold a referendum and slightly more people in the U.K. vote to leave the European Union and we have a process of Brexit, over which we had no say at all but have to follow like sheep. The decision was taken by people outside this Island that this Island is going to require those people who live here and hold E.U. status to pay money to maintain the status quo?

Assistant Minister for Home Affairs:

I think you are probably not thinking of this the right way.

The Deputy of St. John:

I do not know if there is any other way.

Assistant Minister for Home Affairs:

Brexit, which has been voted in the U.K., is going to affect people, industries, businesses all over the world. The fallout from Brexit is going to be immense. It might end up being a nice thing, we might look back at it in 10 years and say: "Well this worked out okay in the end" but certainly the first few years are going to be really, really bad. There are ...

The Deputy of St. John:

These are people who have been part of our society for years and years and years.

Assistant Minister for Home Affairs:

There will be costs to Jersey at every level so ...

Deputy R.J. Ward:

I do not think we have an issue with perhaps the need for a settlement scheme to make certainty.

Assistant Minister for Home Affairs:

It is a very wide issue; there will be costs to Jersey at every level. If we stop sending oysters to France we have a £6 million industry that we will have to support one way or another. There is a very long list of things. The Council of Ministers has this massive list of things that need to be sorted for Brexit, almost every one of which has a cost associated to it. When we looked at this part of the cost we said the people involved will have to bear it.

The Deputy of St. John:

We appreciate that but this is about people who have made this Island their home and we are now saying to retain that status ... but you also have a British passport.

Assistant Minister for Home Affairs:

That is right, yes. My parents will have to register and pay the fee, my kids will have to register and pay the fee. I am involved and ...

The Deputy of St. John:

But why should you have to do that, is my point, and ...

Assistant Minister for Home Affairs:

Why are the oyster breeders going to have to lose their business? It is a very wide thing.

Deputy R.J. Ward:

I do not think that is a fair analogy with oyster breeders. The cost of this, is this the right gesture towards a significant part of our community who have made their homes here and add to the diversity and enrichment of our society, to ask for what is a small fee, admittedly, but still ask them for a fee? What is effect is this going to have on our wider society to say: "To stay here you need to pay £25"?

Assistant Minister for Home Affairs:

It is typical of any expense of that sort. If they do not pay for it - if those 20,000 do not pay for it - then it means that the other 80,000 are going to have to pay for it.

Deputy R.J. Ward:

I think this is something that needs to be considered.

Assistant Minister for Home Affairs:

The Government is the people. If those 20,000 do not pay for the settled status, which I am really sorry we have to impose on them, are the other 80,000 going to pay for it?

Deputy R.J. Ward:

Has there been a consultation of the population as to whether that would be an acceptable charge?

The Minister for Home Affairs:

No, of course not. We are in a position where we knew the United Kingdom were going to charge £65, we decided that we were not going to do that, and we would simply go for cost recovery. I mean, you can take a view that it should be free but of course nothing is free, someone has got to pay, somebody's budget is going to have to pay for it, some services that we currently deal with will have to go, and ...

Assistant Minister for Home Affairs:

We can fire a few policemen.

Deputy R.J. Ward:

I do not think that is entirely ...

The Minister for Home Affairs:

I mean, you do not really want ... Chairman, you do not want us to reduce our number of policemen or our number of firemen, but you want to give things away free. You have got to be a little bit more consistent.

Deputy R.J. Ward:

But there is a wide ...

[11:15]

The Minister for Home Affairs:

We are not members of the E.U., as the Deputy mentioned, we are not members of the E.U., never have been members of the E.U., but under Protocol 3 we have the benefit of free movement both ways and free movement of people and of goods. Now, when Brexit happens that free movement goes; okay, free movement as we recognise it now goes. We have these nationals from the current European Union - they could be from other countries but they are from the European Union - are

going to have the benefit of knowing that they can stay here for ever. The cost of doing that is £25; a small price to pay I suggest. If the States decide that ...

Assistant Minister for Home Affairs:

One thing that is important is that we have no idea if that will be reciprocal. So they can still live here ... well, I should be okay, and they can go back to Europe; we have no idea whether we can go to Europe in 6 months' time. Many of you have seen the French report, it is quite scary, and getting settled status in France is a completely different kettle of fish than the very, very gentle settled status that we have here. So we are really trying our best.

Deputy R.J. Ward:

As I may have said before, 2 wrongs do not make a right, and we have control over our population and the messages that we give to our population I think are very, very important. I would be very concerned about - as has been said before - those who have made their lives here, through no fault of their own, who are now faced ... which is a nominal charge, and perhaps it is one of the hits that we have to take for Brexit if we are going to welcome our population. I think this is something that does need to be considered and I think it is a majority view of the panel; not necessarily unanimous. I mean, this is £500,000 you are talking about for ...

The Minister for Home Affairs:

Yes.

Deputy R.J. Ward:

... which in the cost of Brexit ... I have been in Brexit panels where there are an enormous number of people who arrive which must be costing the Island an absolute fortune, so I wonder whether we are directing that money in the right places when we have a population.

The Minister for Home Affairs:

Just hope there is a deal done between the U.K. and Europe; otherwise the cost is going to be horrendous.

The Connétable of St. Helier:

Can I move on to a related issue, which is around the customs and dealing with the current situation of people visiting Jersey? There is a certainly a sense at times - and I think we have all experienced it when we are down at the harbour waiting to board a ferry and waiting for a ferry to arrive - when we are conscious that people coming into Jersey to be day trippers sometimes have a long delay getting through immigration, and that can sometimes affect the vehicles as well. I know that is not entirely within the customs gift because it is very much up to the ferry operators when the vessels

arrive. But are you comfortable that we have a sufficient number of customs officers at the port, in particular, to deal with the current situation?

The Minister for Home Affairs:

Yes, well I think - Luke will be able to comment further - but all of our customs and immigration officers are multifunctional, so they will be deployed where they are needed at any particular time and any particular pressure points. So currently I would have thought ... though you would know better than me.

Acting Director for Customs and Immigration:

Well, the complement that we have, which is as it has been for the last few years, one of the difficulties you are highlighting is the ferries have changed their dynamics and have larger ferries with larger numbers. It is not just the number of customs or immigration officers on port, it is the port itself that is not able to deal with those larger numbers as well as it could when there were smaller, more frequent ferries. There obviously was a lesser hit at one time, and that inevitably is going to cause some difficulties. We do have instances where the queue outside of the customs and immigration car hall for vehicles is up to the car hall itself because of the exit from the port area. We are stopping doing the control because we cannot push them through any quicker.

The Connétable of St. Helier:

That is the road network there that is the problem.

Acting Director for Customs and Immigration:

At times; and I know this is being examined and looked at by the port.

The Minister for Home Affairs:

There are only 2 channels, are there not?

The Connétable of St. Helier:

I think particularly if you are in your car and you are coming back from France you can wait, you have got your in-car stereo and you are keeping dry and you are sitting down. But if you are an elderly French tripper and you come through on foot and you make it up the sort of hamster system that we have got, and then you see that there are only, say, 2 of the 4 desks, I think, that are manned; that is where frustration ... people start saying why can we not man all 4 desks when we have got a lot of day trippers.

Acting Director for Customs and Immigration:

I can say that there are occasions when that happens but that will always be when we are reacting to other priorities that we have got. Wherever we can we will ensure that priority is given to the immigration controls. We have on a daily basis, literally an hourly basis, in response to the ferries that come through. We have officers that move from all of the other sections that we have within the service to just attend for the ferries to make the numbers up. If they are not there it is because we have another incident that we are dealing with. Equally, we will even move between the foot controls and the car controls if we know that we have completed a control to enable just for the last 20 minutes of the control to add more resources to allow people to come through. So we certainly do what we can to try to open as many gates as we possibly can.

Deputy R.J. Ward:

Do you envisage any need, post-Brexit again, given some of the reports that have come from the U.K. about the shortage of around 600 customs officers on their ports and their back-up plan, which is just go to another port, which seems a bit bizarre but that was their back-up plan; we do not have another port. Do you envisage there may be a need for, even temporarily, a greater number ... I understand it is the “nobody knows” process with Brexit, which is an absolute ...

Acting Director for Customs and Immigration:

I think, Deputy, you have hit the nail on the head. It is inappropriate for us to start employing a number of people on the basis that we could envisage a possibility of it. We are heavily looking into the contingencies of how we are going to manage day one no deal. We do not expect at the moment there to be fallout of that to require further resources at the moment, but these are plans in progress so we will wait for the fallout. It will not just be customs and immigration that will obviously take a hit on that.

Deputy R.J. Ward:

I am conscious of time. Deputy, if you want to ask your question 21, I know you were keen. We have got about 7 minutes left.

The Deputy of St. Peter:

A lot of the U.K. police chiefs have declared that they have lost their battle with cannabis, and Canada is the latest high-profile country to legalise cannabis. What would be the view of enforcing, mainly from your perspective, the growing, selling and consumption of cannabis in the Island?

The Minister for Home Affairs:

Personally, I do not have a view, but from a police point of view ...

Director General of Justice and Home Affairs:

Your question was enforcing it?

The Deputy of St. Peter:

Yes, it is relevant to you. I could go on about taxation and health and everything else, but this is not your area so we will stick to ...

Director General of Justice and Home Affairs:

So in terms of enforcement, if you look at the Canada model, a lot of the enforcement is around public health and indeed taxes and revenue, and such like, to ensure that those controls of any business are being managed. The challenge that Canada are talking about, and you would have seen, is how do you then manage things like drug-driving because it is legal and then you drive in a car and the current legislation in the U.K. is you cannot drive while under the influence of alcohol and drugs. So that would be a challenge, if it is legalised or decriminalised, and then people use it. I think there is quite a debate to go here in Jersey in relation to the decriminalisation of it or the medical use of it, but I have some sympathy with the position of the chief constables in the U.K. who talk about the losing battle against enforcing organised crime routes and drugs, and you look at the amount of money and resources they are putting in trying to stop it coming into the country.

The Deputy of St. Peter:

Is this a challenge for the police forces today, or is it totally manageable?

Director General of Justice and Home Affairs:

In terms of keeping on top of the drug, I mean, there are clearly drugs in Jersey. Last year was a particularly successful year in terms of seizures around quantities of drugs and cash related to drug dealing. Thankfully the psychotic substances that we saw a couple of years ago on the Island seem to have dropped off; there has been a lot of proactivity around that. There is Prison! Me! No Way! and educational campaigns and enforcement. But there still is clearly a market for cannabis, cocaine, heroin, and the like. With the joint effort between customs and immigration and the police it is a constant reminder. There is good evidence only in the last couple of weeks on proactivity to arrest and deal with people.

The Deputy of St. Peter:

I will not take up any more time on that one.

Deputy R.J. Ward:

We have 5 minutes left, I will just ask the question: can you give an overview of the various amendments that we brought forward for P.106 which is the Sexual Offences Law that is coming forward? You mentioned something earlier but ...

The Minister for Home Affairs:

Sexual offences, yes, okay. There are 3 propositions at the next sitting on that, the final one is the Appointed Day Act we are bringing into force. The second one is a minor change to the law because of ... it is raising to offence in a different Article ... it is to do with the Marriage and Civil Status Law having the offence in a different Article than in the new Sexual Offences Law. So there is no chance, it is just ... I have not explained that very well. Nathan, can you explain that one please?

Assistant Director, Criminal Justice Policy:

The Marriage and Civil Status Law went through the States. Then we debated the Sexual Offences Law, which changed it. Then the Marriage and Civil Status Law was subject to a minor amendment, so in bringing the Sexual Offences Law in we need to reflect the fact that that amendment was made. It is just renumbering one Article, it is nothing else. It does not do anything, it is purely technical.

Deputy R.J. Ward:

Okay, that makes sense.

The Minister for Home Affairs:

The first point simply amends other laws to refer to the new offences in the Sexual Offences Law.

Deputy R.J. Ward:

I think we were okay with that. Regulation 3 seeks to give further protection for children when giving evidence. How will that be administered in practice? What would it look like? That is always a good question to ask.

The Minister for Home Affairs:

The Criminal Justice (Evidence of Children) (Jersey) Law gives the court the right to treat vulnerable child victims differently to other witnesses and victims in a court case. So the question of how it will be administered in practice is up to the court. We have probably slightly expanded the offences at trial of which the court can make special arrangements because of the new sexual offences. It was a bit ambiguous whether or not ... we changed the sexual offences around, created new ones and abolished ones. Where there was any ambiguity about how they sort of aligned - for instance one offence might have been 2 old offences and that kind of thing - we have played it as safe as possible in some cases in terms of sticking very closely to what the original law intended. Where the court has powers to do things that are generally good and preventative and healthy things to do we have not worried too much and we have broadened it out a tiny bit. That really is all it is. There is probably now a slightly wider range of offences at trial of which the Royal Court can give special treatment to child witnesses. That really is it.

Deputy R.J. Ward:

So it is entirely up to the court as to how that would be affected?

Assistant Director, Criminal Justice Policy:

Yes, the court regulates its own process and the court has the discretion to give child X, whether they can give evidence via screen or on video or whatever it is.

Assistant Minister for Home Affairs:

The mechanisms already exist, it is just extending it to those witnesses.

Deputy R.J. Ward:

Okay, and will the responsibility lie with the Minister or the courts to ensure the necessary resources are found, because there may be a resource implication for that?

Assistant Minister for Home Affairs:

Yes, but again it is something that already happens. We have cases where we do interviews via ...

The Minister for Home Affairs:

Video.

Assistant Minister for Home Affairs:

Yes, a video conference across countries.

Deputy R.J. Ward:

So the resources are already there?

Assistant Minister for Home Affairs:

Yes.

Deputy R.J. Ward:

Okay, that is positive. We have got one minute, I believe. I was going to ask you for an overview in 38 seconds of the amendment to the Marriage and Civil Status Law - if you can do that you have done a very good job there - also being brought forward. There is an amendment to the Marriage and Civil Status Law that is being brought forward. I do not think I was clear on what that ...

Assistant Director, Criminal Justice Policy:

This is the amending regulations part of the Sexual Offences input.

Deputy R.J. Ward:

That is just a link to the offences, okay, so you have already answered that question. That is great. Are there any things just to ...

The Deputy of St. Peter:

Perfectly timed, chairman.

Deputy R.J. Ward:

Perfectly timed? I would just like to say thank you very much for your time. Thank you for your answers. Some interesting topics covered and I think we are finished. Thank you very much to all those who watched and listened. Thank you very much.

The Minister for Home Affairs:

Thank you.

[11:29]