

**Minister for Home Affairs
Justice and Home Affairs**



19-21 Broad Street | St Helier
Jersey | JE2 3RR

Deputy R Ward
Chair, Children, Education and Home Affairs Scrutiny Panel
States Greffe
Morier House
St Helier
Jersey
JE1 1DD

7 February 2022

Dear Deputy Ward

Quarterly Hearing with the Minister for Home Affairs – Written Questions Response

Please find below answers to the questions provided by the Panel which you did not have sufficient time to ask during the hearing.

Additionally, I would like to take this opportunity to clarify some matters which, further to the Panel's press release, I believe may have been misinterpreted.

I would like to reassure the Panel, and indeed the public, that there is no lack of clarity in relation to addressing violence against women and girls. Indeed, as we discussed, there are a number of actions ongoing to address this. We are commencing a piece of consultative work, further to receiving funding in the Government Plan, which will seek to gather information from Islanders on their experiences of violence, harassment and non-criminal behaviour of this type. This work will be overseen by a taskforce made up of representatives of government and non-government agencies and bodies who will use the information collected to develop recommendations for actions to be taken by the next Government.

The press release suggested that members of the public were invited to join the Task Force. This is not the case, the public will be able to contribute, and will be encouraged to do so, once the consultation work begins. The release also referenced 'difficulty in recruiting the right professionals'. I wish to make clear that where delays have been due to recruitment, it is because we are seeking a single policy officer for a relatively specialist role, for a fixed term appointment, at short notice.

In addition to this, the States of Jersey Police had already made tackling violence against women a priority and had initiated a number of actions in support of this that we discussed during the hearing.

It is unclear to me which aspect of our discussion at the hearing led the Panel to find there was a lack of strategic clarity, however if I can assist the Panel's understanding by providing any further information, please do let me know.

Taser Proposition

1. One of our recommendations within our scrutiny report (S.R6/2021) which the previous Minister had agreed, was that it would be beneficial to identify data in relation to instances where Taser was not used but would have provided a better tactical option if the option was available to the officer at the time. You noted in your response that this continues to be challenging to assess given the number of incidents attended by officers over the trial period.

- a) Under what circumstances could this type of data be identified?

The previous Minister *partially* accepted this recommendation. There is no suggestion that this data would not be useful, however, as acknowledged by the previous Minister, this data is very challenging to obtain as it would rely on the subjective judgement of Officers, as ultimately decisions around the use of force are dependent on Officer discretion.

So, where it may occur to one Officer who attended an incident without the use of Taser that this would have provided a better tactical option had it been available, another Officer returning from the same incident may not consider that to be the case.

In order to capture this data in any meaningful way it would be necessary to interview Officers after every incident in which Taser was not used and ask them to consider whether it would have provided a better tactical option. This would be a labour intensive, time consuming exercise which would divert response Officers away from their policing duties. There is no existing means, within the current procedures and data capture, to provide this data in a legitimate or statistically meaningful way.

2. You mentioned that as no complaints or correspondence had been received during the trial period in respect of the changes, that would indicate that the public's perception of policing was unchanged as a result of the changes.
 - a) Noting that no correspondence has been received, what active work, if any has been undertaken to engage the public regarding their views or perception on policing during the trial period to understand this further?

Whilst lots of consideration was given during the trial to ensuring the adequate collection of that data explicitly requested by the Assembly, active public engagement on this subject was not conducted.

3. Regarding the two occasions where Taser was drawn on a person between the ages of 15-17 years, could you briefly outline the circumstances regarding those two incidences?

Briefly, one concerned an incident where a 16 year old was self-harming in the presence of Officers. Taser was drawn, and the subject made aware, this was sufficient to cause the individual to cease self-harming.

The second concerned an individual who was reported to be 18, but it later transpired was 16 years of age. The individual was reported to be committing an offence in public place. Officers attended

and the individual immediately approached in an aggressive manner. Taser was drawn after the individual refused to cease that behaviour, and the individual proceeded to run away. Taser was holstered when a chase ensued. The individual was arrested.

Drug and Alcohol Strategy

Before answering the Panel's question on the Drug and Alcohol Strategy, it feels important to clarify that whilst work to implement a new strategy has been delayed, there is no vacuum in terms of how these issues are currently addressed. Services continue to work according to previously agreed policies and strategies.

4. How will any enforcement measures/police response framework feature as part of the drug and alcohol strategy (health – orientated approach) and how will this intersect with your remit of responsibility?

As explained to the Panel, the strategy is in early stages of development. Whilst the strategy will focus on harm reduction, it is expected that enforcement will remain a feature in support of that aim.

In the Minister's remit of responsibility there will be a continued expectation that the Police will enforce the law in relation to illicit drugs, and that the Jersey Customs and Immigration Service will do so in relation to the import of illegal drugs.

5. How is joined-up working across departments - Health, Home Affairs and CYPES - being ensured to avoid siloed working regarding this significant workstream?

Work on a new Strategy is being coordinated within the Department of Strategic Planning, Policy and Performance (SPPP) for several reasons, but one reason is so that the work can join up the various responsibilities and priorities of these Departments, and others. It will be a key aim of the strategy to ensure there is cross-government collaboration and understanding of this issue.

6. Has any further consideration been given to the decriminalisation of drugs?

This is not a decision that is within the gift of the Minister for Home Affairs.

This Minister is not averse to the decriminalisation of some drugs but it is a much wider subject that would need to be tackled by the whole government and its agencies.

The legality, or otherwise, of drugs is controlled under the Misuse of Drugs (Jersey) Law 1978. Any amendment to this Law would be made by the Minister for Health and Social Services who would be advised by the Misuse of Drugs Advisory Council (MDAC).

That said, this Minister is not aware of the broad decriminalisation of drugs being under active consideration. Given the complexity of the subject any consideration is likely to involve a wider consultation than just the MDAC, and a States debate.

Licences for Medicinal Cannabis Patients

It is the Minister's understanding that a range of issues in relation to medicinal cannabis are under consideration by a subgroup of MDAC, who are the appropriate body to consider such matters. This subgroup reports to the Minister for Health and Social Services, as does MDAC.

Accordingly, the matters the Panel have asked about below fall outside of this Minister's area of responsibility. The below reflects this Minister's understanding.

It is however worth noting that the prescription of otherwise illegal substances, such as opiates, by the medical profession has long been possible, and the same is now possible for cannabis-based medicines. It is therefore a familiar dynamic for the Police Force, who are required to differentiate between those who are and are not legitimately in possession of such substances, and is not presenting a significant challenge presently.

7. What consideration has been given to the potential implications of introducing a licensing scheme for medicinal cannabis including for:
 - Financial and manpower implications
 - Fees for accessing a licence for medicinal cannabis use
 - Potential criminal charges should a legitimate patient fail to produce a licence on request from the police
 - Potential offences for forgery of a licence
8. Considering that the act of smoking medicinal cannabis was made illegal in the legislation that allowed the prescription of medicinal cannabis in 2019, which introduced Article 20A Prohibition of smoking of medicinal products related to cannabis to the Misuse of Drugs (General Provisions) (Jersey) Order 2009, has any campaign been undertaken to raise public awareness of the illegality of smoking medicinal cannabis.

I am not aware of a campaign specifically on this issue being undertaken.

- a) If not, why has this not been undertaken, and should a campaign be undertaken to highlight the legal implications as well as the potentially detrimental consequences to health in relation to smoking medicinal cannabis?
9. Considering a key element of a 'harm reduction strategy' would be through education and improving awareness, where can members of the public access up to date information on medicinal cannabis as well information on illicit substances?

There is information available on the States of Jersey Police, and Government of Jersey, websites about illicit substances and about seeking medical help for dependence on alcohol or drugs. This information includes links to other external sources of expert information and advice.

As a prescribed medication, it would be for the prescribing physician to provide their patient with the required information about medicinal cannabis, as they would for any treatment they prescribe.

It is unlawful to explicitly promote these medicines to the public just as it is with any other prescription only medicine. Anybody who thinks medicinal cannabis might be an option for them should discuss this with their doctor or one of the cannabis clinics as the clinical decision on whether it is appropriate is different for individuals with differing conditions. Many of the medical cannabis

clinics have some basic information on their websites providing an overview without promoting specific products.

“Talk to Frank” is a useful website with information about illicit substances including illicit cannabis – <https://www.talktofrank.com/>

Fire at HMP La Moye Prison

10. Can you update us on the circumstances regarding the fire at the prison and the impact on the wellbeing of inmates?

A fire broke out in the prison kitchen shortly after 8pm on Friday 21st January. The Fire and Rescue Service responded rapidly, and the fire was quickly brought under control. No one was injured or required medical assistance. There has been significant damage to the kitchen. An investigation has taken place and has found that the fire was due to an electrical fault.

I would like to take this opportunity to formally record my sincere gratitude to the staff at La Moye Prison, and the Fire and Rescue Service, who worked together to deliver a truly exemplary response to a stressful and potentially dangerous situation.

There has been no disruption to the Prison regime as a result of the fire other than disruption to the food service, and morale amongst both staff and prisoners was good following the incident.

11. It’s our understanding that the prison kitchen has sustained significant damage and has impacted the ability to cater for inmates in relation to meal preparation – we believe inmates were offered minimal food including sandwiches and instant noodles as meals during the weekend following the fire.

a) Was a strategy not in place for potential instances such as this and, if not, why not?

Contingency arrangements, in the event of the loss of the kitchen, were indeed in place and have been stood up following the incident. The training kitchen has been utilised to continue to provide cold food service on site, and external catering arrangements have been sourced so that all prisoners continue to receive a quality hot meal every day.

b) Has normal catering for meals resumed, and how long were meals interrupted before normal catering resumed?

Prisoners were not provided with a hot meal for 1 day (Saturday) immediately following the fire. Hot meals resumed from Sunday 23rd January.

12. What is the current position regarding the repairs and the cost implication?

The management team at the Prison are working with the insurers to arrange for repairs to take place. It is not anticipated that there will be a significant cost implication for the Government.

a) What timescale are you working for the repairs?

We are currently working with the insurers to understand what the timescale for repairs will be. They have appointed a consultant to assess the damage and create a project plan for recovery. At that point the timescales should be clear.

13. How will inmates be catered for while the repairs are undertaken?

Prisoners will continue to receive a good quality hot meal whilst the kitchen is out of action. This was previously being provided by a private catering provider but going forward will now be provided by hospital catering.

Combined Control Room

14. The 'people model' of the Combined Control Room was due to be consulted on during November 2021 to identify the model to be implemented. Can you provide a progress update regarding this workstream please, when is the consultation process due to close and the responses determined?

The people model consultation concluded at the beginning of December.

There was good engagement from staff and good quality feedback through emails and engagement sessions held throughout the consultation period.

In general, the model was supported and understood, but there were concerns about the shift pattern, the phasing of the changes, and detailed points on Terms and Conditions.

The project team are finalising the draft consultation response, which went to the CCR Board on Wednesday 2 February and will now be put to the Unions, and then provided to staff, at which point there will be an accompanying set of 1-1 meetings for each member of staff with their line manager.

15. It's our understanding that the Computer-Aided dispatch (CAD) System is due to be purchased in 2022, with funding allocated for it, can you update us on the procurement process of the system please?

- a) We note from your Ministerial Response that you were uncertain over whether the funds allocated for 2022 would be sufficient to procure the new system during 2022. What has brought about this uncertainty and what impact might this have on progressing the workstream in a timely manner?

The Invitation to Tender exercise was conducted in late 2021. There was mixed response from suppliers, but in general the response was that, against our carefully constructed tri-Service requirements, there is not currently a system available from those suppliers which would meet our current requirements.

We are therefore doing further work on this aspect, which is likely to involve a short/medium/long term approach to ensure current CAD products work effectively, that staff can use the products in order to answer all calls and be 'omnicompetent', and that we procure a full tri service solution in a longer timeframe

16. Previous mention was made of the 'people model' and the CAD system providing potential efficiency savings, can you please outline whether there's been any movement on this position to date?

There are not yet any identified efficiency savings.

Jersey Police Authority

17. During the Panel's review of the Government Plan, the Panel found that the new revenue funding allocated to the Jersey Police Authority (JPA) within the Government Plan 2022-25 was one third of what was requested by the JPA. Minister, you noted within your Ministerial Response that the Comptroller and Auditor General is currently undertaking a follow up audit which would also consider the appropriate funding for the JPA.

a) When do you anticipate receiving the outcomes of the audit?

I have not received an indication of when the C&AG is due to conclude this work, which is being conducted as a follow up to that Office's 2018 review of the governance of the States of Jersey Police.

b) If the funding position is found to be inadequate for the appropriate resourcing of the JPA what measures will be taken to improve the JPA's position?

Whilst less than the initial bid, the JPA have received a significant funding uplift for 2022 onwards which was considered adequate to ensure they had the capacity required to fulfil their statutory obligations.

Under the States of Jersey Police Force Law 2012, as updated last year, the JPA must seek from the Minister any additional resources needed to enable the Police Authority to perform its duties. Such requests will be given due consideration should they arise.

Rebalancing and Efficiencies – Removal of civilian posts in SOJP

Minister for Home Affairs	JHA: SoJP	Removal of a number of civilian posts following a staff review and rationalisation process. Responsibilities will be enhanced in other posts to maintain the high levels of service delivery	Recurring	Spend Reduction: Staff	377
---------------------------	-----------	--	-----------	------------------------	-----

18. Minister, we recommended that in the event that the SoJP identified significant impact on the operation of the police force as a result of the rebalancing measure, that the Minister for Home Affairs should immediately seek to release funding in order for the frozen civilian posts to be recruited to as a matter of priority. You rejected this recommendation. Can you explain the rationale for rejecting our recommendation, considering that reversing the 'spend reduction' instated to recruit to the frozen posts would likely be a key mechanism to reversing any significant impact, should it be identified?

As explained in the Ministerial Response, should an impact on service delivery be identified the Minister would expect the Chief Officer to provide recommendations as to how this might be addressed. Whilst one option may be to release funding and recruit to the 'frozen' civilian posts, it may be that dependant on the specific circumstances a better option is presented. The Minister would not wish to commit to a pre-determined response, when that may not be the most appropriate means of responding.

The Minister will also be guided by the JPA in this regard which has a duty under the law, to seek from the Minister any additional resources needed to enable the Force to deliver its aims and objectives

19. What consideration has been given to how any significant impact resulting from the rebalancing measure can be resolved in a timely manner, considering you have rejected the Panel's recommendation?

As previously stated, the expectation would be that the Chief Officer would recommend actions to address such an impact in as timely a manner as necessary, as the accountable officer of SOJP who has direction and control over the Force's officers and staff.

Firearms Range

20. Can you update us on the progress of this workstream please, we believe the planning application to construct the range at Crabbe was submitted in October 2021?

The planning application was registered in October last year, and was publicised until 9th November 2021. It is under consideration by the Planning team.

21. Have any areas of concern been raised through planning application process, if so, could you briefly outline the concerns raised to date?

A number of submissions have been made by the public. The majority of the comments received have been from members of the other firearms clubs who use the other ranges at the facility.

They have raised questions about whether the introduction of this new range will negatively impact upon their own current arrangements. The design team have met these clubs on a number of occasions to reassure that this will not be the case. It is anticipated that these concerns can be addressed appropriately.

Other comments relate to the ecological impact and these are being addressed appropriately – it is anticipated that all such matters can be appropriately addressed in relatively quick time.

22. What is the status of the planning application?

It is pending. We expect that the application will be considered by the Planning Committee in due course. A date for this has not been confirmed.

23. When do you anticipate the tender process for the construction of the range to commence?

This is dependant on the outcome, and timeline of the planning application being decided.

24. Do you anticipate the projected timeline for the commencement and completion of the construction works to be met?

Subject to the planning process concluding in the first quarter of 2022, it is likely that the completion date will be later than planned, but still before the end of 2022.

25. When do you anticipate the range will be fully functional and open for use?

By the end of 2022.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized 'G' followed by a horizontal line and a small flourish.

Deputy Gregory Guida
Minister for Home Affairs