

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

Deputy Catherine Curtis
Chair – Children, Education and Home Affairs Panel
Via email only

2 May 2024

Dear Chair,

I was pleased to attend my first quarterly hearing with your Panel as Minister for Justice and Home Affairs last week.

Please find below my responses to the follow up questions shared in your letter of 25 April 2024.

I trust these will assist the Panel, but if you have any further questions, please do not hesitate to contact me.

1. Please can you advise how the States of Jersey Police has been impacted by the further delay to the Article 36 suite at Clinique Pinel?

Under the Law, anyone detained by a police officer under Article 36 is taken to a place of safety.

Presently, anyone detained under Article 36, is normally taken to the Emergency Department (ED), where they will be seen by a mental health professional within 4 hours. During this time, they remain under police detention until they have been assessed by the authorising officer and a determination made around whether the patient will be sectioned or released. This requires the police, usually with a minimum of 2 officers, to remain with the patient for several hours which can add pressure to the available or deployable resources. In some circumstances, a patient that may be medically unfit or intoxicated is unable to be assessed by an Authorised Officer (AO) until they present as fit.

The current average time that a police officer remains with an article 36 patient is 6 hours. In some instances, police have remained with a patient in excess of 12 hours. There are a number of reasons that this could happen which include, availability of an AO and/or psychiatrists, intoxication of a patient or availability of beds or transport after sectioning.

These delays would be expected to significantly reduce with the introduction of the Article 36 suite.

Equally, it should be recognised that ED is not a fit and proper place to take every person subject to an Art 36 detention. The new suite will provide a purpose built and much safer environment to take people and significantly improve the experience patients.

a. What cross-Ministerial discussions have taken place about the facility and is there a suitable communication process between departments in relation to the progress of the Article 36 suite?

I have not discussed this matter with the Infrastructure Minister, however I am aware that our predecessors did discuss this matter. Additionally, at an operational level, the Police are kept informed about the progress. They are encouraged that the facility is due to be available imminently.

2. Please could you provide an update on the current status of the Combined Fire & Ambulance Station project, including the decision about the future location of the emergency services.

I have recently had a productive meeting with the Ministers for Infrastructure and the Minister for Education and Lifelong Learning. We are broadly aligned on the direction of travel. We are due to meet again in June, after which I hope to be able to confirm the position more definitively.

a. As the new Minister, please could you also provide the Panel with your assessment of the proposed replacement Combined Fire & Ambulance Station project?

I acknowledge that this project has clearly faced challenges over recent years, however I am pleased that we have identified a positive way forward which my ministerial colleagues and I are aligned on, and I am focussed on how we move forward and deliver. We are also giving consideration to ensuring that the current facilities remain safe and appropriate for use for their functions in the meantime.

3. The Panel notes that there have been recent property and budget transfers from Justice and Home Affairs to Infrastructure (as approved by Ministerial Decision MD-TR-2024- 162). Please could you explain how this change will benefit the Justice and Home Affairs Department and confirm if the transfer was pre-planned prior to your tenure as Minister?

Fire & Rescue, Field Squadron, and Prison properties moved to Jersey Property Holdings (JPH) management as of 1st February in line with the Corporate Landlord model.

There are 14 Prison houses which are currently occupied by prison staff and their families.

This had been planned for some time, in line with the strategic intention to consolidate the government property portfolio under JPH.

The MD to transfer the budget was signed on 8 March by the Minister for Treasury and Resources. After the required 4-week lodging period, the budgets were transferred in April.

This means that the Prison Governor is no longer acting as 'landlord' for those properties – which I am sure the Panel will agree is not an appropriate role for the Governor. It will also provide tenants with a more professional and dedicated landlord service in JPH.

4. The Panel did a public call for questions and one member of the public suggested that there were staff shortages at H.M.P La Moye and that inmates were being kept in their cells for long periods of time. Are you able to address that point and advise whether there are any staffing or recruitment challenges for the Prison Service?

Prisoner time out of cells has moved to an average of over 7 hours per prisoner in 2023 and recent changes to the regime (within existing resources) means that prisoners who chose to engage with the regime fully, can access up to 10 hours out of cell per day, in line with the HMIP expectations of a good prison.

This is an improvement further to challenges that have been experienced since the Covid-19 pandemic.

Prisoners report this increased time out of cell as having made a significant improvement to their overall wellbeing and it has supported better engagement with rehabilitation and training opportunities within the prison.

La Moye Prison is currently fully staffed with prison officers and do not anticipate sufficient vacancies to warrant a recruitment process and training a new cohort until early 2025, having been very successful in recruiting in recent years.

5. In your nomination speech to the States Assembly on the 30th of January, you stated that “I do believe that the Firearms (Jersey) Law needs to be looked at”. Please could you confirm if, or how, you intend to do this during your term as Minister, including details about the timeline for any work?

I remain of the view that it would be desirable to undertake work with a view to the revision or replacement of the current Firearms Law, given that it has now been in force for over 20 years.

However, this legislation is not currently under development as policy development capacity is currently fully committed to a range of activity including improvements to youth justice, hate crime legislation, a new civil contingencies/resilience law and the implementation of the recommendations of the taskforce on violence against women and girls.

At this stage, I am not able to advise when this work might commence.

6. Please could you outline any plans you have to review or reform legislation relating to the use of fireworks?

The issue of fireworks can be divisive, with both supporters and detractors. While many people enjoy fireworks, especially at large, professional events, there are also legitimate concerns around human and animal welfare to consider and accommodate as far as possible.

The subject of Pyrotechnics has occupied considerable time in the policy schedules of the last three Ministers for Justice and Home Affairs, and in each case, there has been great difficulty in reaching a solution that is acceptable to all stakeholders.

While it would be better to have a modernised and more effective regulatory scheme for fireworks, it is difficult to argue that it warrants displacing other items of legislation currently being progressed.

This is not currently being actively worked on. Policy resource has instead been prioritised on reform to the Fire Precautions (Jersey) Law 1977, which is a priority for the Fire Service.

7. Please could you outline your Ministerial input to the Government's draft Common Strategic Policy?

The Common Strategic Policy (CSP) ([P.21/2024](#)) was lodged by the Council of Ministers on 9 April. The CSP by its very nature represents a collective vision of what this Government wants to deliver within the next two years.

As a member of Council, my input matched that of my ministerial colleagues, including leading discussions on those areas under my direct responsibility, for example, VAWG which I was pleased that the Council of Ministers supported including as a priority.

More generally I was involved in commenting and assisting with the development of the priorities affecting my colleagues' responsibilities.

8. Please can you summarise your top priorities for the remainder of this electoral term and, if relevant, also advise if there are any other areas not already discussed with the Panel that you intend to focus on during your term of office?

In line with the commitment in the draft CSP, I can confirm that implementation of the recommendations in the VAWG report is a key priority for this term.

In addition to this, the Panel will be aware that work continues to advance around finalising and implementing the Building a Safer Community (BASC) Framework, which will be a

priority for this term of office. This includes delivering a Youth Justice Strategy in alignment with the BASC Framework.

I will also be progressing a number of pieces of legislative development work including reform of our divorce law; development of a law to deal with hate crime incidents; and development of a modern slavery law, which I have directed officers to prioritise.

At an operational level, priorities include continuing to embed investment and improvements in the Fire and Rescue Service, and the Ambulance Service. Equally, at the Prison, continuing to implement the new operating model – including a new delivery model for healthcare – and embedding a new culture focussed on a rehabilitative model to reduce reoffending is an enduring priority.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. R. Le Hegarat', written in a cursive style.

Deputy Mary Le Hegarat
Minister for Justice and Home Affairs