

**2.12 Deputy K.C. Lewis of St. Saviour of the Minister for Home Affairs regarding the use of the Criminal Offences Confiscations Fund:**

Further to the statement in the *Customs and Immigration Services Annual Report 2010* that the complement of Customs and Immigration Officers is 3 below minimum operating effectiveness due to funding cuts in previous years, will the Minister be applying for funds from the Criminal Offences Confiscation Fund to enable the department to be brought back up to strength?

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

I have not been able to locate the statement in R.62 despite my best efforts, but I am going to assume that the number 3 relates to the fact that the Customs and Immigration Department have been operating with one person less per shift than they should really have for a number of years. This is not a consequence of the C.S.R. (Comprehensive Spending Review) process because that was the situation when I arrived. The answer to the question is no for 2 reasons: firstly, because (my colleague to my left will approve of this answer) the Criminal Offences Confiscation Fund is not a self-service buffet. It is not available to meet general departmental expenditure. It is now being used primarily to cover exceptional costs in relation to criminal investigations and prosecutions - major ones - in relation to court and case costs. But, secondly, the answer is no because for me to do so would be a sideswipe on the C.S.R. process and on the financial savings target of £65 million agreed by the States. I would, in effect, be cheating under that system. I would, however, bring to the attention of the Members of the Assembly that the Home Affairs Department has committed itself to £1 million a year less than was originally requested by the Council of Ministers in order to safeguard frontline services and it has also protected itself against the effects of staff costs due to increments.

**2.12.1 Deputy K.C. Lewis:**

With the Criminal Offences Confiscation Fund, I can think of no better or morally-right use than employing extra Customs officials to stop further amounts of drugs coming in. Does the Minister not agree?

**Senator B.I. Le Marquand:**

Well, it could potentially be used for that purpose but, for the reasons I have already given, that would cut across the C.S.R. process and the current application of the Fund.

**2.12.2 Deputy K.C. Lewis:**

I will refer again to the *Customs and Immigration Report 2010* - R.62 - in which it is stated that in 2010 over £500,000 of heroin was seized; over £41,000 worth of cocaine, £32,000 cannabis; Methadone £23,000 and others £17,000. Surely any reduction in the Customs and Immigration Department is a false economy; does the Minister not agree?

**Senator B.I. Le Marquand:**

Well, as I said before, if the question refers to the one person per shift down (I could not find that, I read the report through over and over again this morning and I could not find those words anywhere) then that has been the situation for a number of years. It is not something that has recently changed.

**2.12.3 Deputy A.E. Jeune:**

Could the Minister advise whether he is aware of any officers having left this Department in the last 2 years under V.R. (Voluntary Retirement) or V.E.R. (Voluntary Early Retirement)?

**Senator B.I. Le Marquand:**

There is one post in relation to which it possibly was a fixed-term contract and I am trying to remember exactly where we are in relation to that. I do not think they have left the department as yet, but I cannot go into too much detail because I would be dealing with the individual case of a person. But there was one such proposal which might have led in that direction, although it was initially a fixed-term contract.

**2.12.4 The Deputy of St. Mary:**

Given that we now have a joined-up Government, I wonder if the Minister could answer whether his colleagues will also be coming forward with cuts that have put services below their minimum operating effectiveness in terms of the number of people employed?

**Senator B.I. Le Marquand:**

I do not know where the words: “minimum operational effectiveness” have come from. I could not find them in the report and neither could I find the number 3 anywhere. My view in relation to the matter is that, ideally, the Customs and Immigration Service should have one additional person per shift. I have said that repeatedly. I am also of the same opinion in relation to the Fire and Rescue Service, that they should have one additional person per shift. But we have to be real at times in relation to the resources which are available and how we can effectively function. The department continues to be an excellent department which continues to function excellently, notwithstanding the pressures.

**2.12.5 Deputy D.J. De Sousa:**

Going back to the Minister’s original answer to the original question, that answer was alarming for me because he said in his answer that the Criminal Confiscation Fund is used to fund court and case costs. The Article 11(8) requests of last year were to fund court and case costs; so where does the Minister get his information from?

**Senator B.I. Le Marquand:**

That was court and case cost funding for last year; that is my clear understanding of that. I am talking about 2011 and years thereafter. Now, one of the uncertainties of the Criminal Offences Confiscation Fund is how much money there is going to be in it. In fact, it dried up for one year, which caused some difficulties. Potentially, there may be very large sums. I am not sure if “serendipitous” is the right word, but it is uncertain as to how much there is going to be from time to time. But at the moment, as I understand it from my colleague, the Minister for Treasury and Resources, there are no spare funds available which can be clearly allocated.

**2.12.6 Deputy G.P. Southern:**

Is the Minister content that the current strength of the Customs and Immigration force is sufficient to protect our borders from the import of illegal drugs?

**Senator B.I. Le Marquand:**

Yes, I am. We have an excellent system which consists both, of course, of the Customs and Immigration Service - and, of course, of the States of Jersey Police - and

a very effective system which I think even a very experienced drug dealer, who recently lost his appeal at a high level, discovered to his cost.

**The Deputy Bailiff:**

Do you have a final supplementary, Deputy Lewis?

**2.12.7 Deputy K.C. Lewis:**

Immigration has been touched on. At present, it is very rarely that any criminal checks are taken on people coming to Jersey and in the far east of Europe it is virtually impossible as they do not exist. Does the Minister think this is a satisfactory situation?

**Senator B.I. Le Marquand:**

Sorry, I was distracted by somebody pointing out to me where the words did exist in the report. I apologise for not having found them. Could the question be asked again, because I was assimilating the fact that it is there and I failed to find it this morning.

**The Deputy Bailiff:**

It is something to do with Eastern Europe.

**Deputy K.C. Lewis:**

Further to the points raised earlier regarding immigration, it is very rare that anyone coming to the Island from the U.K. has a criminal record check and in Europe, and especially far Eastern Europe, they are virtually impossible as they do not exist and there is no computer link at all. Does the Minister think this is a satisfactory situation?

**Senator B.I. Le Marquand:**

We have no effective controls from an Immigration point of view on people either coming from the common travel area or from the European Economic area. In relation to places outside that, people have to apply for entry permits and things of that nature and we are able to make appropriate checks.

**The Deputy Bailiff:**

We come to question 14, which Deputy Southern will ask of the Chief Minister.