

3.8 Deputy R.G. Le Hérisier of the Minister for Home Affairs regarding the conduct of the former Drugs and Addictions Counsellor at H.M. Prison La Moye:

Given the revelations of the former Drugs and Addictions Counsellor at H.M. Prison La Moye, could the Minister identify if and when concerns were raised about her conduct, whether it was considered that a possible criminal offence had been committed which required the intervention of the police and, if so, why was this person allowed to resign with no police follow up?

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

As the Deputy knows, I do not accept that the accounts published in the *Mail on Sunday* is credible. There are approximately 1,000 reports per year of information within the prison, most of which contain low level information. Concerns began to be raised in relation to this individual in 2009 but the necessary evidence to challenge her was not available until September 2010, at which time the individual immediately resigned. Initial concerns were reported by the prison to 2 chief inspectors in October 2009. Furthermore, the evidence which was necessary in order to challenge her, which was obtained by the prison, was passed on to the police in September 2010.

3.8.1 Deputy R.G. Le Hérisier:

Could the Minister confirm that the evidence was passed on when the person was still in office and if so, what response was received after the police investigation?

Senator B.I. Le Marquand:

In 2009, at the meeting which took place in October, she was still in office but information was passed on subsequent to resignation. In fact it was passed on in 2 different ways. Firstly, by a conversation directly with the Prison Governor with senior policy officers and, secondly, when the matter came to the attention of the Minister and the Assistant Minister, Deputy Hilton, we were most insistent that the matter of potential criminal matters should be placed before the police, and that was done by the Chief Officer of Home Affairs on our behalf.

3.8.2 Deputy M.R. Higgins:

I am very confused. We are being told that sufficient evidence was found to show this woman had been engaged in criminal wrongdoing and it took a year for a formal report to go to the police. Surely if there were suspicions that she was engaged in criminal activity within the prison the prison should have been consulting with the police at that time, not waiting for her to resign and then produce a report a year later or make a complaint a year later.

Senator B.I. Le Marquand:

That is what the person did in October 2009. They passed on the information which they had to 2 chief inspectors.

3.8.3 Deputy M.R. Higgins:

Does the Minister for Home Affairs think it is acceptable then, information is passed on about wrongdoing but no action was taken? If it was given to 2 chief inspectors or whatever rank they were, why was no action taken?

Senator B.I. Le Marquand:

I do not know the answer to that. That is not a matter which is the responsibility of the prison. That is a matter which is the responsibility of the 2 inspectors. It has been quite difficult to find out precisely what happened here because neither of them are in post any

longer. What seems to have happened is they seemed to have considered a course of action in relation to investigation but then not proceeded with it, and it is quite unclear to the current police leadership as to why that is so.

3.8.4 Deputy M. Tadier:

I am also concerned by the apparent delay that from concerns being raised to reports being made to the police, and subsequently obviously the individual leaving anyway without facing any criminal inquiries. Does the Minister agree that there is both the duty of care to the prison and their apparatus in ensuring that inappropriate staff are not employed though and that criminal prosecution is also important but perhaps secondary? What was going on during this period? Was the aim in order to protect ...

The Bailiff:

I think you have asked your question, Deputy; what is going on?

Deputy M. Tadier:

That is not really the question.

The Bailiff:

Could you come to the question then please?

Deputy M. Tadier:

The question is: was the priority to safeguard the prison and prisoners and prison staff or is the priority to secure a conviction and is that the reason for the delay?

Senator B.I. Le Marquand:

The priority of the prison will always be to safeguard the integrity of the system and to ensure that people are not misbehaving and to take appropriate disciplinary action where there is sufficient basis. The difficulty is, as I tried to explain, that low level information starts coming in which may suggest something or may suggest nothing. It is only after a time when that starts to build up that there is a point at which the prison may conclude there may well be an issue here. What they are then doing subsequently was observing the person and seeking to ascertain some hard evidence which would warrant a disciplinary process against the person?

3.8.5 Deputy M. Tadier:

May I have a supplementary? The email that we received 2 weeks ago, which seemed to come from a whistle-blower at the prison, suggested that individuals who were partaking in inappropriate behaviour, such as this individual, were protected by senior prison staff, and that is the reason why no prosecutions were brought. They brought time, if you like, but also they were tipped-off about investigations going on. Is the Minister satisfied that this did not happen in this case and if he is not satisfied what steps will he be taking to make sure that individuals who are currently in a senior position at the prison are looked into?

Senator B.I. Le Marquand:

I am absolutely satisfied that the prison acted completely properly in relation to this matter and did their very best to resolve the issue, and were not in any way seeking to protect this individual.

3.8.6 Connétable M.P.S. Le Troquer of St. Martin:

I am not sure if the Minister is able to tell us whether the inquiries and investigations that were being carried out were in relation to internal Jersey prison rules or whether they were an infraction under the Prison Force (Jersey) Law 1957.

Senator B.I. Le Marquand:

The issue in relation to which there was ultimately some hard evidence related to the supplying of a mobile phone to a prisoner. There had been previously suspicions in relation to supply of drugs but there was never any hard evidence of that.

3.8.7 Deputy R.G. Le Hérissier:

Therefore, given that the Minister has political authority over the key bodies involved, namely the prison and the police, can the Minister assure us that this matter was dealt with as every other matter, every other serious allegation, was dealt with, and the fact there was no police follow-up was in no way a reflection on the quality of the reaction?

[10:45]

Would the Minister assure us that he was utterly satisfied with everything that occurred in the investigation and the police follow up?

Senator B.I. Le Marquand:

I think I cannot say that in relation to the actions of the 2 chief inspectors. I think they could have done more frankly. I am not sure why they did not. It is very hard to get to the bottom of that. In relation to the information provided in September 2010, it is clear that the police took the view that because it solely related to a matter of a mobile phone that it was not of sufficient seriousness to warrant a full investigation. I think they may well have been influenced by the fact that the person had left the Island and no one knew where they had gone.

3.8.8 Deputy R.G. Le Hérissier:

Is the Minister saying - and I will have a follow-up question later - that the easy availability of mobile phones and the allegation that a large number were floating around was of no real interest and is not a high security issue?

Senator B.I. Le Marquand:

No. The difficulty is I am having to answer some questions from the point of view of the prison and some of the questions from the point of view looking at what the police did. My last answer was a comment on what the police did. The prison clearly has great concerns. I will produce some statistics shortly which indicate just how much things have improved and the steps we have taken to rectify the problems that we had during this period.