

## **9. Questions to Ministers without notice - The Minister for Home Affairs**

### **The Deputy Bailiff:**

We now come to the second question period for the Minister for Home Affairs.

#### **9.1 Deputy T.M. Pitman:**

Can the Minister for Home Affairs advise that in instances where there is evidence of data protection breaches - certainly by police officers, probably court officials and possibly even a States Member - can a States Member thwart the police in their investigations by quoting his parliamentary privilege? This is a court case, nothing to do with the States Assembly, I should point out.

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

We are struggling to understand the question, I am afraid.

[15:00]

Data Protection law is not one of my specialities and indeed, the police when they do work in that area will normally work in conjunction with a Data Protection Registrar. But I am not sure I understand the precise question.

#### **9.1.1 Deputy T.M. Pitman:**

The gist of it, if it helps the Minister is, having presented evidence to the police about what seems to be a clear data protection breach, when the police have gone back to him to clarify this matter, the States Member has said he does not have to answer because he has parliamentary privilege. So the police really cannot proceed in those inquiries any further. That has been accepted by the police. All I am asking is, is that right and proper?

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

I do not think that parliamentary privilege operates outside of things which happen in the Assembly or in a Scrutiny Panel. So if parliamentary privilege is being claimed for something which happened outside that, my own view would be that that is not correct.

#### **9.2 Deputy R.G. Le Hérissier:**

Given the encouraging information of downward spiralling crime contained in *Building a Safer Society* and the Minister's many pronouncements on that, is he saying that this downward spiral is entirely up to the police or is he saying it is up to other factors, in which case when will he be reducing police numbers?

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

No, I am never going to claim that a decrease in crime, including a decrease in youth crime, is entirely down to the police. What I have said is it is down to very good work being done by a whole number of agencies. There are also factors of changes of social patterns, particularly with youth crime which are happening right across Western Europe. The Deputy is right, of course, that there will come a time if crime figures do continue to decline when the Minister will come under serious pressure to give a dividend, as it were, back in terms of financial reductions. We do not think we have arrived at that point as yet and what we are seeking to do at the moment is to increasingly improve the service that we are giving; but that point will arise, I accept that.

#### **9.3 Deputy M.R. Higgins:**

Further to the Minister's written answer to the States Assembly on 10th September 2013, in which he stated that the Deputy Chief of the States of Jersey Police brought the disciplinary action against the 3 officers involved in the bugging of the car involved in the Curtis Warren case, will the Minister state what action he proposes to take against the Deputy Chief of Police

for giving false evidence to the disciplinary hearing conducted by Mr. Mike Barton, the Chief Constable of Durham Constabulary, and in particular a statement made that he was not the complainant in this case but the Attorney General was? This is what I was trying to ascertain from the written question. I wanted a definitive answer as to who is responsible. There is a blame game going on, the Minister is now stating categorically it was the Deputy Chief of Police, he said it was the Attorney General. Are you going to take any action against the Deputy Chief of Police for misleading the disciplinary hearing?

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

If the Deputy has a complaint about the Deputy Chief Police Officer, I would ask him to write to me in detail with that. I do not think this is the right place for me to be commenting on such matters.

**9.3.1 Deputy M.R. Higgins:**

With respect, Minister, I am replying to your answer to the States which is either misleading or he has a case to answer.

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

I am not going to conduct matters in relation to potential complaints against senior officers in public in this Chamber. I have made that very clear in the past and that is my position.

**9.4 The Connétable of St. John:**

Given the very poor quality of many of our main roads across the Island, can the Minister give details of the number of incidents where the poor quality of the surface of our roads have been a contributory factor to accidents across the Island?

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

I cannot immediately. There was a study done not very long ago which I think the Connétable would be aware of in relation to the breakdown of the causation for accidents. I do not have that in front of me but if he would care to contact me on that I will seek to find that information for him.

**The Connétable of St. John:**

Could the Minister make that available to all Members, please?

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

Yes, if I can find it. Interestingly enough, I was trying to get hold of the very same information recently for another purpose and was having difficulty with that. So provided I can get hold of that breakdown I will make that public.

**9.5 Deputy S. Power:**

The Minister may or may not be aware that the U.K. Prison Service announced at the weekend through the Justice Department that it was planning to phase-out smoking in U.K. prisons. Has the Minister given any thought to this and does he think it is a realistic prospect for our prisoners here?

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

We have been considering this for some time and I do come under certain pressure from one of my Ministerial colleagues in this connection, but it is not a very simple matter. Some prisons have done this. It can create difficulties in terms of people switching to other things. For instance, I recently visited the Isle of Man where they have done this and people have started smoking just about everything you can imagine instead, which creates other problems. My own personal provisional view has been that I would seek to switch to a system with electronic

cigarettes if we were able to, but that has not been finally tested in a way that enables us to do that. I personally have doubts about a complete ban without an alternative for the reasons of the experience of the Isle of Man.

#### **9.6 Deputy R.G. Le Hérissier:**

Given the fact that the current Fire Chief was appointed in order to bring about good succession planning but he himself became the successor, could the Minister assure us that there is now a proper succession planning system in place in the Fire Service and in other of these services?

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

We have a very good number 2 in the Fire Service who is local and who, no doubt, in due course will be a very strong candidate to succeed the present Fire Chief. In relation to the Police Service we now have a developmental programme for high-flyers for the future but that is unlikely to achieve a situation where we have either a deputy or chief who is local for 10 years or more. In relation to the Prison Service, it is proving very difficult to have a developmental programme because it is very difficult to get the wider experience that would be needed for individual officers. In relation to Customs and Immigration, which is entirely home-grown, we have in the past had an excellent progression of officers moving up. I think that covers my main departments.

#### **9.7 The Connétable of St. John:**

The Firearms Liaison Group, how often do they meet and when was the last time that they met, please?

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

That varies. I think there have been 2, possibly 3 meetings, in the period of 5 years that I have been Minister. It is said to be variable depending upon where there are specific incidents. I am struggling to remember the precise date of the last occasion. I just cannot recall it.

#### **9.7.1 The Connétable of St. John:**

Historically there was a Firearms Liaison Group that met on a regular basis, is the Minister telling us that the liaison group do not meet on a regular basis to discuss various firearms laws and amendments which have come about, and these are passed across this group, which are, in a sense, clubs and associations and the public in general.

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

It tends to meet as and when there are particular issues. I am not 100 per cent sure of this but I think we have met in the last 6 months, but I am not 100 per cent sure. I am looking at the Connétable of St. Martin who is nodding. I have a recollection of a meeting downstairs here within the last 6 months but the tendency has been to meet when there are specific issues to bounce off the liaison group which need to be considered.

#### **9.8 Deputy T.M. Pitman:**

A few months ago the Minister for Home Affairs stated that the police were now going to be brought up to speed with their U.K. counterparts with internet crime. Could he tell us, has any progress been made and are we getting close, because I am dealing with an individual who lives in another country who is investigating what he believes to be the bullying to death of his son over here a short time ago.

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

We are appointing an officer who is a specialist in this area. That was an additional post. I am afraid I cannot say precisely where we are within that process. There was a separate piece of work being done which the Deputy has discussed with me, to do with aggressive offensive

material on the internet. That piece of work, which I thought was going to be under my oversight has now moved away from me and is in fact being conducted by the Minister for Economic Development. So I am not so involved with that as I thought I was going to be. If that was the area the question was about.

#### **9.9 The Deputy of St. Martin:**

Given the physical and arduous job that the uniformed services do on our behalf, is the Minister satisfied that 55 is a suitable retirement age?

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

This is something that has been considered in relation to the police, whether that is appropriate or not, and of course it depends upon the role that an officer is performing. If you are expecting a person to be fit and active and chasing people around, as it were, on the streets, then that does create certain issues. It is a matter which is under review but we have not reached any clear decision on it as yet. What has tended to happen, of course, is that a number of officers who have had specialist skills outside of the normal uniform police have been kept on and retained as civilian officers so that we could keep their skills within the force. So that means that there are a number of former police officers who are still working but they are not police officers, they are civilian workers.

#### **9.10 The Connétable of St. Brelade:**

Some time ago while I was a member of the Education and Home Affairs Scrutiny Panel concerns were raised as to coverage of Customs at ports. Is there any current concerns as to the coverage of ports at busy times and, if so, is the Minister doing anything to alleviate that?

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

The situation is that at times, because the priority is the Immigration side, there will not be anybody doing Customs checks at the port or at the airport or whatever. I believe that is a perfectly acceptable risk and, indeed, that was looked at recently I think by the Scrutiny Panel, if my memory is serving me right - and I am looking at the chairman - who came to the same view as I have done. If one passes through a major airport anywhere else, it is not unusual for there not to be Customs people there at a given time. It is a question of allocating resources and what are appropriate risks. In relation to drugs matters, great deal of the successful prosecutions or major ones arise from information rather than just by accident coming across somebody.

#### **9.10.1 The Connétable of St. Brelade:**

Just in regards to vehicles entering into the Island, are checks carried out on a regular basis or are there gaps when vehicles are not checked or there is not coverage at the ports?

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

I think there would normally be somebody checking vehicles coming in. I think the gap would be more so at the airport, but I cannot be absolutely certain about that, I am afraid, as to whether there are sometimes gaps in vehicle checks. This would be vehicles coming from the U.K., because of the need to have Immigration checks on any vehicle that is coming the other way from France, we will always have people there to check it. I do not, I am afraid, 100 per cent know the answer to that. My suspicion is that there are rarely such gaps.

#### **The Connétable of St. Brelade:**

I wonder if the Minister could let me know in private, if he could.

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

Yes, I will do that.

