

### **3.7 Deputy R.G. Le Hérissier of the Minister for Home Affairs regarding the security checks applied to civilian employees working within H.M. Prison La Moye:**

Would the Minister outline the security checks that are applied to civilian employees working within H.M. (Her Majesty's) Prison La Moye and confirm whether there have been any lapses concerning such employees in the last 10 years and, if so, how many have there been and what remedial actions were taken?

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

The security checks that are applied to civilians seeking employment in the Prison Service are no different to those that apply to other States Departments or, indeed, to uniformed staff, and they include a criminal records check. The ongoing security checks that apply to those in civilian roles in a prison are no different to those that apply to the uniformed staff. Staff are frequently subjected to rub down searches, metal detector screening and bags are also searched. Prison staff are not permitted to take any personal items such as mobile phones, car keys, wallets, *et cetera*, beyond the sterile area, administration and staff facility buildings. If any such items are found during staff searches they are removed and placed in the security office. The head of security will then consider whether disciplinary action is necessary. In regard to lapses concerning such employees, in order to shorten my answer I simply refer the Deputy across to the written answer to question 9 of Deputy Tadier.

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

Can we therefore be assured from the Minister that the procedures in regard to both civilian and uniformed staff are working absolutely well and that there are no problems? He has never had occasion to question the working of these procedures, would that be a correct interpretation?

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

I think the procedures we have at the moment are very good and are as good as we could have. I do not think I have made any secret that in the past we have had significant problems in the Prison in relation to the area of drugs coming into the Prison and in relation to the area of mobile phones. A number of changes were made in terms of arrangements for prisoners, for outworkers, and things of that nature, in addition improved security, checking facilities and so on.

[10:45]

I am satisfied now that what we have is of a very high level, but there have been problems in the past, I do not seek to hide that.

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

Just for the sake of clarity, can the Minister inform the House whether he was informed of those problems and what the precise nature of those problems were?

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

I am informed from time to time in relation to disciplinary matters which occur in relation to officers. I cannot say that I was informed of every matter of the items which are down here, because some of them predate... and I cannot recall the details, but in general terms, where there is a significant disciplinary matter, I am informed of it. In relation to matters where there might be a prosecution against a prisoner for possession of drugs within the Prison, I would not normally be routinely informed of that.

#### **3.7.3 Deputy M. Tadier:**

Will the Minister advise whether on the related matter he has responded yet to the email that was sent anonymously outlaying the concerns that were highlighted earlier? If so, what response will the Minister be taking to address what still seem to be current concerns regarding morale and existing senior management who still seem to be posing a problem, at least to this complainant?

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

I take the contents of the email, which was sent to be yesterday, very seriously and will most certainly be following that up. The area of responsibility, obviously I have responsibility as Minister, my Chief Officer of Home Affairs is the line manager of the Prison Governor and we together, no doubt also together with my Assistant Minister, will be considering what is the correct way to go forward on this. I can assure the Assembly I do take such matters very seriously.

**3.7.4 Deputy M. Tadier:**

To follow on from that, will there be a whistle-blowing facility offered by the Minister so that any concerned current staff or former staff, or even prisoners, may be able to come forward to give information anonymously, obviously to be identified to the Minister or his departmental staff?

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

I am not aware as to whether or not such a facility already exists within the prison; I simply do not know whether there is a whistle-blowing facility within the Prison. What I do know, of course, is that information is gathered by Prison Officers and forwarded to the senior officers, and that happens routinely. I will need to consider whether there is a need for a specific process by which a person could make a complaint at a higher level than that of the Prison Governor. If that was so, then at the Civil Service level that would have to be for the Chief Officer of Home Affairs at the Ministerial level, obviously to myself. I will need to consider that.

**3.7.5 Deputy M.R. Higgins:**

Does the Minister not feel though that the allegations being made ... for example, he dismissed the Rodrigues story in the *Daily Mail* as being pure fantasy. He has now got here details of another female prison officer having an intimate relationship with Curtis Warren, passing and smuggling items and mail, in that prison, and no action was taken. We have also heard in the Royal Court trial where the States were trying to recover, I think, £198 million, or whatever it is, from Curtis Warren, that 35,000 phone calls by Curtis Warren were monitored. How did he get the phones in the first place? If the system is so robust and everything else, why were these things going on? Was it condoned to let him have a phone so they could try and track down the information about what he was up to?

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

In relation to the second matter, it is clear that Curtis Warren did have access to mobile phones. I do not know precisely how that came about. In relation to the first question, sorry, I have lost precise details of that. I think it was as to whether I was not concerned in relation to the issues of matters going into the Prison and these kind of issues. Of course, I am concerned in relation to these matters, and that is why I am going to look into them.

**3.7.6 Deputy M.R. Higgins:**

The Minister answered part of it, but the point was that he dismissed the *Daily Mail* story as fantasy and would not investigate. You have now got further allegations being made from

someone within the Prison that another officer was having a sexual relationship with Curtis Warren and was passing and smuggling items and mail in and out of the prison, but no issue has been taken against that person.

**The Connétable of St. Brelade:**

Sir, could I just make ...? I do not think Deputy Higgins is being correct there in his assertion. The words he uses are not included in that email; I just wondered if he would withdraw them. The word used is “improper” relationship; no mention of a sexual relationship was given.

**Deputy M.R. Higgins:**

With respect, from other sources, it was a sexual relationship, so it is backed up by someone else.

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

I am not sure how I am going to answer this question other than to repeat that I am obviously concerned at these new allegations. I said before that I did not believe that the previous allegations in the *Mail on Sunday* were credible; that is still my opinion. I believe that is the opinion of a number of other people who have looked at this independently, and it was quite proper that I say that. But I cannot express a view on these further allegations until have had an opportunity to make inquiry into them.

**3.7.7 Deputy R.G. Le Hérissier:**

I wonder, in assessing the robustness of the systems or otherwise that were in place, in answer to number 9, and in relation to my question, the Minister mentions that on 10th September, apparently it was only then that the Prison Authorities became aware of the activities of the Drug and Alcohol Counselling Manager. I wonder if the Minister could say whether there was a much longer history and is he not absolutely flabbergasted that for someone who was subject to so many allegations it only came out suddenly? Why was there not advance warning and why, if the systems were not as robust as he portrays was this issue, or these range of issues, not picked up much earlier?

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

I think the first thing I have to say is that this particular individual was very highly trusted within the Prison and their work was very highly valued. Over a period of time, there began to be suspicion that all was not well and the Prison Governor put action into place to try to check whether or not that suspicion was justified. What happened was that he came into possession of evidence which enabled him to have sufficient certainty as to the situation in order to be able to challenge this individual directly. The individual, as I said in the answer, thereupon immediately resigned and subsequently we believe left the Island at very short notice. There was a period in which there was suspicion but it took time for that suspicion to be confirmed.

**3.7.8 Deputy R.G. Le Hérissier:**

Just a supplementary, could the Minister confirm that in regard to that individual as an example, all the proper checks and all the proper follow-up for references, *et cetera*, were done robustly and there was no suspicion at the point of recruitment and in the early years of service? Is that correct?

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

No, I cannot confirm that. I can confirm that in 2004 there was a criminal record check, but I have been having great difficulty, in fact, in tracking down the necessary documentation. I was away last week and work was done in my absence. I came back on Sunday evening and started working on this and have been chasing very hard the contractual documentation to understand the structure of things. What appears to have happened is this: that in 2003, the person in question started going to the Prison on behalf of the Jersey Addiction Group and clearly was a trusted member of their team and so on. That process continued and in 2004 there was a criminal record check. In 2006, money started to come in from the B.a.S.S. (Building a Safer Society) programme, and it was clear that there was a need to have specialist drugs counsellors, and indeed, the desirability of having one who spoke Portuguese. So this individual then was moved to a contractual basis. I have managed to find some of the paperwork and my staff have found some of the paperwork in relation to that, but what I cannot tell at this moment is what additional checks were done in 2006. That is why I cannot give the assurance that is sought by the Deputy, but I am continuing to work on this. Neither have I been able, in the short period available, to find the contractual documentation in 2006. What subsequently then happened in 2008 was the individual, for the first time, became a States employee. Again, I am not, as yet satisfied as to the process that happened there. I am not saying something went wrong but I simply am not clear in relation to that and will be continuing to make inquiries on that score. I would mention in passing, for the sake of completeness, that this person was so valued that, in fact, they obtained a (j) category status in order to be able to continue their work. This is one of the aspects of the matter that I want to continue to check into. It does appear that, because of the peculiar route in which the person first came to the Prison that some of the safeguards may have been bypassed, but I am not sure about that.