

**QUESTION TO BE ASKED OF THE PRESIDENT OF THE HOME AFFAIRS COMMITTEE ON
TUESDAY 13th MAY 2003, BY DEPUTY R.G. LE HERISSIER OF ST. SAVIOUR**

Question

Would the President inform members whether the Home Affairs Committee intends to present to the Assembly a response to the report entitled '*Review of Criminal Justice Policy in Jersey*' prepared by Professor Andrew Rutherford dated October 2002, and, if the response is in the negative, could the President indicate what aspects of the report the Committee agrees and disagrees with?

Answer

There is a necessary, short preamble to the answer –

On the 23rd and 24th July 2002, the States adopted P.70/2002 entitled 'Machinery of Government: Proposed Departmental Structure and Transitional Arrangements'. Appendix 2 to the proposition described the ten departments of government in the Ministerial system. Paragraph 1.7.2 noted that Home Affairs will also have responsibility for criminal justice policy.

Although mindful of the important and pivotal role of the Attorney General in Jersey, it is nevertheless a fact that the Island has never had a formal criminal justice policy laid down by the Executive. The Home Affairs Committee felt that the development of such a policy was too important a task to be left until the advent of Ministerial government and it decided, therefore, to commence work on it during the transitional period.

To help the Committee develop its thinking on the subject, it commissioned an independent review on aspects of criminal justice by Professor Andrew Rutherford, Dean of Law at the University of Southampton. His report was published in October 2002, and was made available to the public via the Home Affairs Committee website and the States Greffe Bookshop. On the 29th November, my predecessor sent a personal copy to all States members who were in office at that time, and I ensured that new States members were sent a personal copy on the 14th February this year. On both occasions, the covering letters included an invitation for members to comment on the report's recommendations.

And here I come to the point in answer to the first part of the Deputy of St. Saviour's question. Professor Rutherford's report was commissioned to provide an independent view of where we are on some areas of criminal justice and as a catalyst for policy formulation, rather than as a possible policy template. In other words, it was a means to an end rather than an end in itself. With that in mind, we ought not to spend time responding formally to the report. What is important is the policy which the Home Affairs Committee proceeds to formulate, and in that the Assembly can be assured that the Committee will consult widely and at regular intervals. Distribution of the report in November and February began that process and, on both occasions, members were invited to comment on the report and its recommendations. Members may like to note that, to date, I have received substantive comments from only two States members. These will be taken into account during the policy formulation process together with any other responses I may yet receive. Professor Rutherford's report will prove to be a valuable reference source as the Home Affairs Committee formulates a criminal justice policy. Much of its value is in the body of the report as opposed to the recommendations. It provides, for the first time, a statistical profile of crime and criminal justice in Jersey; it gives an overview of the criminal justice process and the profile of sentencing that has taken place; and it looks at the wider social influences on criminal justice. As to the recommendations, the Committee has already consulted the Bailiff and the Attorney General in some depth; however, a substantive answer to the question would be premature given that the Committee will be considering which recommendations to carry forward into the policy formulation process at its meeting on the 22nd May 2003. Clearly, I will be better able to answer this question after that meeting.

Finally, members will know that policy formulation is a difficult and complex task to get right, even when there is an existing policy which requires review. Therefore, on the 22nd May, we shall also be considering what would be a realistic timescale for developing this new policy. I do not wish to pre-judge this; however, suffice it to say

that it is an area that touches all members of society and there are many opinions to be taken into account, not least those of the public, colleagues in the judiciary and those delivering front-line criminal justice services.