

### **3.9 Deputy M. Tadier of the Minister for Home Affairs regarding action following allegations of impropriety at the Prison:**

Following his response to questions on 4th March 2014, regarding allegations of impropriety at the Prison circulated via an email by an anonymous whistle-blower, will the Minister update Members of what subsequent action he has taken in relation to this?

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

Following the questions I met with the Chief Officer for Home Affairs and we agreed that he would inquire into the issues and provide me with a report. The issues he was to inquire into were those raised in my answers on 4th March and those raised in the anonymous allegations and, at my request, to find out whether any further cases in which staff members had resigned when first challenged without a disciplinary investigation. The outcome is that I have now been able to match up the 6 cases alleged from the anonymous source with the original list of 16 plus one and with the additional list of those who resigned when first challenged. Of the 6 cases one dates back to 2004 and resigned when first challenged. Three are included in the list of 16. One dates from 2010 and resigned when first challenged. One dates from this year and did the same. There is one additional case involving a person who resigned when first challenged without a disciplinary process. That dates from 2005. I am starting to get nervous as I am going over the minute and a half.

#### **The Bailiff:**

Yes, with some justification, Minister.

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

It is difficult. Although it is correct that the Prison has allowed staff members to resign when first challenged after the start of a full investigation, where offences of supplying drugs were indicated the matter was referred to the police. I will stop there and deal with other matters in supplementary.

#### **3.9.1 Deputy M. Tadier:**

The part that particularly interests me, and the Minister will recall that I referred to an individual X who is named in the email - and I presume the Minister and Members do not want me to name this person now because it is based on an anonymous email - nonetheless I take the allegation seriously. It stated that X, who is a current member of the senior staff, ran a regime based on corruption, bullying, lies and deceit. It is specifically this allegation which I would like the Minister to comment on and whether or not he has anything to say about X, who currently works at the prison and whether or not he has been looking into that individual and these allegations concerning him or her?

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

It is completely impossible to investigate such general allegations which are completely unparticularised. What my Chief Officer has been able to do is investigate the matters on which we have sufficient detail. We simply cannot investigate these things, they come from an anonymous source, they make general comments, there has to be more specific information. We just cannot do it. There is nothing there to investigate.

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

The Minister was leading on to talking about drugs offences and references to the police or whatever, can he please explain what has happened in the case of drug cases that have

happened in this period of time of members of staff who have been supplying drugs to prisoners.

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

Yes, there are a number of which I have information and, as far as I can tell, in all of those cases matters of information were passed on to the police, there were investigations and matters were then eventually passed on to prosecutors to decide whether or not a prosecution was appropriate. From memory, without checking my notes, I think there were 2 such cases in which the prosecutors ultimately decided that there was not a sufficient basis for a prosecution. That is not a matter for the Prison or the police, that is ultimately a matter for the prosecutors.

**3.9.3 Deputy M. Tadier:**

We have just been discussing whistle-blowers and it seems to me that in a situation whereby a staff member has serious concerns, wants to remain anonymous, in the absence of any apparent whistle-blowing mechanism available in the prison that individual therefore decides to write to some States Members to tell them about his concerns at the Prison, names an individual who works at the Prison, and the Minister has refused to state that there is a whistle-blowing mechanism. He has refused to provide a forum whereby whistle-blowers, like the ones who have written this email, can come forward and talk to him directly, because understandably they have concerns about the system in which they are working, yet the Minister does not offer anything proactive in any way for these individuals to come forward. He simply says that this allegation is anonymous and therefore there is nothing to be seen. Does the Minister accept that this is not particularly helpful and that if he wants to help move this issue forward he needs to be more proactive and provide that facility for individuals like this one to come forward, and many others who have also contacted me anonymously who would be willing to come forward and speak to the Minister directly?

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

I have not refused to say whether there is a whistle-blowing procedure with the prison. I just said on the last occasion I did not know because it came up as an unexpected aside. The fact is there is at 2 different levels. There is one that enables people to go anonymously ... not anonymously, people to go directly to the Prison Governor but with that being, as it were, a secret. There is a second one which enables people to go, as I indicated before, to the Chief Officer for Home Affairs. Both of those are internal and as it does not exist at the moment, as I understand it, an external mechanism within the States of Jersey, that is the best that can be achieved at this moment in time. The point I am making in relation to general allegations is that we simply cannot investigate them. If you have specific information which says: "Mr. So-and-So was bullied on such-and-such a day by a particular officer in this particular way" then we have something to investigate. Particularly if the individual, who is claimed was bullied, comes forward themselves to make the complaint. But anonymous complaints of second-hand information are just impossible to investigate.