

3. Questions to Ministers without Notice - Minister for Home Affairs

The Bailiff:

Well, we come now to questions to Ministers without notice, and the first question period is to the Minister for Home Affairs. The Deputy of St. Peter.

3.1 Deputy C.H. Egré of St. Peter:

Would the Home Affairs Minister confirm that our recent problems in communicating, as commented on in the *Jersey Evening Post*, were as a result of a misunderstanding, exacerbated by trying to make contact on a mobile phone number that is no longer current? My main question, Sir, is: in the light of recent events, would the Minister indicate to the Assembly what action, if any, is being proposed to create an independent body to investigate individual complaints into the actions of the States of Jersey Police?

Senator W. Kinnard (The Minister for Home Affairs):

I am grateful to the Deputy for his public apology [Laughter] for blackening my name, for not supposedly getting back to him when he was ringing me on an old mobile number that has been out of use for over 6 months now. Anyway, moving on. [Laughter] What are we doing about these complaints? Well, of course, there are 2 elements to dealing with the issue of complaints against the police: one is, of course, the independent Jersey Police Complaints Authority. That is available for members of the public, or anyone else, to make a complaint about the behaviour or the conduct of the police. It is a body that is made up of independent members. It can require another force to investigate if it considers it desirable. There is provision within that Law, as well, for a panel to sit with an independent chairman for disciplinary proceedings. There is an appeal to a panel of Jurats, also existing in the Law. We are also aware, Sir, from comments in this House, that the Police Professional Standards Department is not slow to act on accusations of police misconduct. Indeed, the public has the ability to bring a civil case. Moving on from that, Sir, there are proposals to bring to this House a police authority in the strategic plan for 2008. Action has already been taken to incorporate into our new Police Force Law the police authority. Indeed, I took the matter to the Scrutiny Panel, in February of this year, asking that they would scrutinise the proposal and respond with the Panel's views. They have yet to say that they are prepared to scrutinise that matter. There is much going on with, Sir, to deal with the issue of complaints.

3.2 Deputy K.C. Lewis of St. Saviour:

Now that small countries in Eastern Europe have joined the European Community, enabling its citizens to relocate to Jersey as long as they have a valid passport, is it not time for the States of Jersey Police to have a reciprocal police check agreement with these countries as, at present, there is no way of checking if someone has a police record. Does the Minister not agree?

Senator W. Kinnard:

There are difficulties in checking police records in other jurisdictions. We are, in part, dependent on the quality of the records that are kept. Obviously, every effort is made to particularly find out the police record of those individuals who may be coming to the Island from other jurisdictions. There is much work going on in my department on the issue of vetting and barring, which will really update and give, I think, greater comfort to the Island, that we are in a position where we have the ability to have as up to date information as we can possibly get our hands on. I have to admit that there is a difficulty with some other countries because we are dependent on the information that they themselves keep.

3.3 Deputy R.G. Le Hérrissier:

When the likelihood of appointing the Fire Chief externally was discussed, could the Minister tell us whether she asked for the succession plan in place in the Fire Service and, when she received that succession plan, what comments she made upon it?

Senator W. Kinnard:

Yes, I did receive the succession plan quite some time before the matter was discussed with the Jersey Appointments Commission. I cannot, off the top of my head, think of when it was but I think it may have been in the previous June that we looked in detail at the succession plan. Obviously, the decision to go the way that we did, in terms of opening-up the recruitment process, was as a result of discussions with the Jersey Appointments Commission.

3.4 Deputy R.G. Le Hérrissier:

Supplementary. Given that the Minister looked at the succession plan, could she answer my second question: what conclusions did she draw from having seen that plan and did she ask why, apparently under a stewardship of 8 years of the former Chief Officer, who had made attempts, I understand, for succession planning, the plan was not working and what answers was she given?

Senator W. Kinnard:

No, Sir, the plan, as far as I was concerned, seemed to be working and, in fact, it was my department's recommendation originally that it should be an internal appointment.

3.5 Connétable G.F. Butcher of St. John:

Could the Minister advise the House if it is normal practice for Immigration Officers to board a vessel coming from St. Malo into Jersey and then on to Poole, to check the passports of every person that is going on to Poole? It seems somewhat unnecessary.

Senator W. Kinnard:

Yes, Sir, it is normal practice and I disagree, I think it is absolutely necessary.

3.6 The Deputy of St. Martin:

The Minister just made reference to the Home Affairs Department, or herself, consulting with the Education and Home Affairs Scrutiny Panel regarding the police authority. Will the Minister confirm that the Panel does not support what Home Affairs is proposing because it is not in line with the Strategic Plan, which was approved in this House only last year.

Senator W. Kinnard:

In the Strategic Plan it uses the words "consultative group", which was a phrase that was agreed between the Scrutiny Panel and ourselves. Since the Strategic Plan was published we have, of course, had the benefit of Her Majesty's Inspectorate of Constabulary to the Island. It was he who suggested that we look at the model that is used in Gibraltar. That is currently what is drafted and is just about to go to consultation, slightly wider than the immediate stakeholders. I think if the Deputy wishes to stick to his guns, just because we happen to have come up with something that he has not necessarily agreed the wording of, I would say that he would be far better to scrutinise our proposal, to give us his considered Panel's thoughts on it, rather than just sticking to his guns for no good reason, other than it was something that he happened to agree and now does not like it because we have slightly changed with the benefit of the advice of Her Majesty's Inspectorate.

3.7 The of St. Martin:

Will the Minister confirm that the prime objection to what has been proposed is because it does not include the honorary police, who would like to be part of what the Minister is proposing?

Senator W. Kinnard:

The proposal is as I have mentioned in the drafts at the moment that are about to go to consultation currently set out, because of all the difficulties that we have had in setting up a previous police authority; that we should originally, if you like, learn to walk before we run and that we should set up the police authority for the States of Jersey Police. I, as Minister, and the

States of Jersey Police, have been very keen to have a police authority in place. Indeed, that decision as to whether or not the honorary police will be covered immediately at the beginning of the police authority is a matter that I am having consultations with the Constables about. In fact, I am meeting the Chairman of the Constables Committee this week to discuss those very issues as to the practicalities, Sir.

3.8 Deputy G.C.L. Baudains:

I wonder if the Minister would, firstly, confirm that the Police Complaints Authority does not in fact carry out independent investigations into the States' Police but, rather, oversees the States Police investigating themselves? Could she, therefore, tell us when we are likely to have a completely independent investigatory process?

Senator W. Kinnard:

The Complaints Authority does oversee the investigation and the investigation is undertaken by the Professional Standards Department, as I have mentioned before. They are known to be rigorous in their rooting-out of police misconduct. The Complaints Authority is quite a common model. I am quite happy to share with Members a very important cross-jurisdictional book, Sir, called *Civilian Oversight of Policing: Governments, Democracy and Human Rights*. Indeed, Sir, what that book shows is that the model that we have in Jersey is an extremely robust model. I am quite happy to share that with Members. Indeed, if Members have any concerns, there is an open and standing invitation to come out on a night shift. So far very few Members have taken up that opportunity. I would, certainly, ask those Members who do seem to have some concern, that they should take up that opportunity. If I may ask the Dean to close his ears for a moment, Sir, I do sometimes get the feeling that there are some Members here that when they were to arrive in heaven might immediately start complaining about the softness of the clouds. Thank you, Sir. [Laughter]

Deputy G.C.L. Baudains:

That was very interesting, Sir. I wonder if the Minister would mind answering my question? [Laughter]

Senator W. Kinnard:

I did, Sir.

3.9 Deputy J.B. Fox:

In a reply that the Chief Minister gave with regard to succession planning and talking about modern manager programmes for success and future leadership programmes, and recognising that emergency services are quite unique in the knowledge and expertise that is required but having limited knowledge only with the police service, could the Minister give us reassurance that in the future succession programmes that the best use of facilities, such as the Police Staff College of Bramshill, will be encouraged and used. Perhaps it may be on another occasion, we ask: are we still using Bramshill College to its full potential for our future senior specialised officers, *et cetera*? Thank you.

Senator W. Kinnard:

I answered a question at length I think, last time that this House sat, all about the different ways in which we use the various opportunities that are available for training, not just in the police but across the whole range of Home Affairs departments. I think it seems ridiculous to take up the time of the House and go through all of that again, but I am happy to reissue the information to the Deputy for his information.

Deputy J.B. Fox:

Just to clarify, she did not answer the question last time. That was the reason I was asking this time. It was so general last time it was invisible. Thank you, Sir.

Senator W. Kinnard:

Well, Sir, I am happy to provide him with all of the absolute details but that really needs to be a written question as to exactly what we use when. But, yes, we do use the college. I am happy to provide the details.

3.10 Deputy S.C. Ferguson:

On a recent C.P.A. (Commonwealth Parliamentary Association) visit to Belfast, we had the privilege of meeting Nuala O'Loan. With the wealth of knowledge about Northern Ireland available to her, officers are being trained over there now. Has the Minister not considered a completely independent complaints authority, on the line of the Northern Ireland Police Complaints Authority?

Senator W. Kinnard:

Indeed, that matter is in this particular tome that I have just referred to. I do believe, Sir, that the particular issues that were attendant on the problems in Northern Ireland, and the R.U.C. (Royal Ulster Constabulary), are certainly not in the same league in Jersey. We have very few complaints against the States of Jersey Police and very few of those, in fact, are upheld. The vast majority of the complaints that are upheld tend to be on rather minor matters. I think if we are being asked to implement the system that they have had to implement in Northern Ireland for Jersey then I think, really, we have lost all sense of credibility.

3.11 Deputy R.G. Le Hérissier:

I have to return to the issue of the Fire Chief, I do not feel I have had satisfactory answers. I wonder, Sir, if the Minister could inform me, given we are talking of a very compact highly operational unit, which has a great tradition using external courses of promoting from within, why, in this instance, the system broke down? What were the reasons given her why there was no successor available locally?

Senator W. Kinnard:

It was not that there were no successors available locally. In fact, local candidates were involved in the selection process. The difficulty was to deal with the issue of retirement ages coming quite close together, which is a particular problem in a small service where we have very few people, a very small pool upon which to draw for these kinds of specialist appointments. That is simply the matter, Sir, that we sometimes have a difficulty in the selection process, in a small pool, when we have very few people with those skills and when they sometimes have the unfortunate issue of being of similar age and retiring at a similar time.

The Bailiff:

I am afraid that concludes the first question period without notice.