

21.04.20

3 Deputy M.R. Le Hegarat of St. Helier of the Minister for Home Affairs regarding advising the public who ask about new legislation to contact States Members (OQ.103/2021):

Will the Minister advise Members whether the States of Jersey Police are advising any members of the public who ask them about new legislation to speak to their local States Member as “they have the power to bring in new legislation” and, if so, why?

Connétable L. Norman of St. Clement (The Minister for Home Affairs):

I am sure the Deputy will appreciate that I do not know what Members of the States of Jersey Police may advise members of the public in their daily interactions, which of course there are many with the public. However, I am assured that the scenario described by the Deputy is not happening as a matter of course or in a proactive way. However, having said that, we cannot consider it unreasonable for police officers to direct people towards politicians, States Members, if the public are asking about legislation, which may be in the process of being brought forward or which the public believe should be brought forward because that is our role to do that. It seems a perfectly reasonable thing to do.

3.3.1 Deputy M.R. Le Hegarat:

What communication and consultation has occurred with the Minister and S.O.J.P. (States of Jersey Police) in recent times in relation to new legislation and, in particular, that of antisocial behaviour?

The Connétable of St. Clement:

The police are neutral as far as legislation is concerned in a vast majority of cases. It is up to us, the Assembly, to consider appropriate legislation. The police enforce the laws that we make. They do not make the laws.

3.3.2 Deputy I. Gardiner of St. Helier:

Does the Minister consider that there is a need for additional legislation to tackle antisocial behaviour around the teenagers and if yes, what type of legislation is required? If not, what other action is the Minister planning to take to make sure that this antisocial behaviour of teenagers will be tackled?

The Connétable of St. Clement:

Antisocial behaviour is a very difficult thing to deal with but something that is very difficult for the public to put up with too and it is something which must be tackled. I am looking for advice from the law officers, particularly from the Attorney General, who I know is meeting on a very regular basis with the police chief, who will eventually make recommendations to me as to how we can deal better with this issue.

3.3.3 Deputy I. Gardiner:

Just to reconfirm, if I understood correctly, that there is a work process in place to address and to find if any extra legislation is required to address growing concern in the public?

The Connétable of St. Clement:

That is absolutely correct. There are various options in different jurisdictions available to the law enforcement agencies and to the Children's Services and we are looking at those to see if they could be useful in the Jersey context.

The Bailiff:

Could I just mention to Members that the ambit of the original question was of course advising in general terms when new legislation is concerned and what the States of Jersey Police are advising members of the public to do? The question cannot be, I think, used as a reason to pursue particular legislative initiatives with this Minister.

Deputy K.F. Morel of St. Lawrence:

Thank you for reminding me of the original question because I think I was going to veer off somewhat, in which case I will withdraw my question.

3.3.4 Deputy M.R. Higgins:

The question that was asked was about the police getting members of the public to approach their representatives because I think the implication was that they did not have sufficient power. Can the Minister for Home Affairs tell us however what powers the police do have in this area and whether that would be a reasonable thing to say to go to Members to get new powers where they have existing powers? Can he tell us please what the existing powers are?

The Bailiff:

In which particular area, Deputy? I am not sure ...

Deputy M.R. Higgins:

In terms of antisocial behaviour, Sir, and the powers the police have in this area.

The Connétable of St. Clement:

Antisocial behaviour should not just be considered as an enforcement matter, as simply a police matter. It is much wider than that. It is do with the Children's Services, it is to do with C.Y.P.E.S. (Children, Young People, Education and Skills), it is to do with the Children's Commissioner. It is a much more rounded thing than the police just using the enforcement powers that they have, the powers of arrest, charge, and so on. It is much wider than that. We are currently - both myself, the Home Affairs Department, the Children's Commissioner - looking at the Youth Justice Review and I am hoping that something positive will come out of that in due course. But let us not pretend it is an easy fix. There have always been antisocial problems. The situation over the last 12 months has probably made things a little worse but we are talking about a relatively small number of young people and we have to find the solution to that jointly. Not just relying on the police to do it.

[10:15]

3.3.5 Deputy M.R. Higgins:

I agree with the Minister it is a much wider problem but I asked a specific question. What powers do the police have? He mentioned arrest and charge but for what?

The Connétable of St. Clement:

Any charges will be brought by the appropriate centenier on the advice of the Law Officers' Department. It would depend on what sort of offence we are talking about.

Deputy M.R. Higgins:

That is the offence I am asking for.

The Connétable of St. Clement:

I cannot speculate about an offence. It could be anything at all from littering to assaults to whatever. Littering is antisocial behaviour but also committing an assault is antisocial behaviour.

3.3.6 Deputy K.F. Morel:

I have now reformulated my question. While it may or may not be the case that police officers are advising members of the public to contact their representatives in order to change legislation, would the Minister agree that in terms of offences, such as antisocial behaviour by youngsters, that legislation is not always the answer and that when there is an entirely predictable outbreak of antisocial behaviour following COVID restrictions that Government's responsibility is not so much to change legislation as to take proactive preventative measures to give those young people something to do.

The Connétable of St. Clement:

I could not agree with Deputy Morel more. He is absolutely right and that is what I was trying to say in my own clumsy way. But nevertheless, we do have a duty when this sort of behaviour comes to the fore, to ensure that our legislation is fit for purpose and that is what we will be doing.

3.3.7 Deputy K.F. Morel:

I am delighted the Minister agrees with me. With that agreement in mind, would the Minister be able to advise the Assembly as to what proactive preventative measures this Government has taken to make it less likely that young people undertake antisocial behaviour?

The Connétable of St. Clement:

It has been a little bit difficult recently with a significant number of changes in the Education Ministry but this is what we are trying to do. The police, law officers, C.Y.P.E.S., Children's Services, Children's Commissioner are working together to make recommendations on how the situation can be improved and this will continue. As I mentioned before, the Youth Justice Review will hopefully come before the Assembly later this year when we can look at the appropriate legislation, the appropriate policies going forward. What I would like to ensure the public, we are not sitting on our hands, we are working very hard, all of those agencies and others, to try and improve the situation for the Island as a whole and indeed for the young people themselves to try and divert them away from criminality.

3.3.8 Deputy R.J. Ward of St. Helier:

Would the Minister advise members of the public if they are interested in legislation to bring it to the States Member and would he advise States Members to bring legislation to the Assembly should they believe it necessary?

The Connétable of St. Clement:

I am not sure if I completely understand the question but the obvious answer is yes, of course. That is what we are here for, that is what we are elected to do. If you want to report a crime you would not normally come to me or to the Deputy or to the Bailiff. One would normally go to a police officer, so the same thing applies.

3.3.9 Deputy R.J. Ward:

Would the Minister support such legislation and what would he do to ensure that there are not obstacles in terms of officer time that may get in the way of any legislation that is brought and passed by this Assembly?

The Connétable of St. Clement:

Again, I am not quite sure if I understand the question. If it is decided, if the Minister for Home Affairs or some other Minister decides that certain legislation is appropriate, it is up to them to gain law-drafting time and then bring it to the Assembly. It will be prioritised the same as every other piece of legislation.

Deputy G.P. Southern of St. Helier:

Do you mind if I stand?

The Bailiff:

No, I think that is fine, provided you can be heard all right. Deputy, I think you can.

Deputy G.P. Southern:

Old habits die hard, I am afraid, especially with an old dog like me.

The Bailiff:

Indeed, I fully understand that.

3.3.9 Deputy G.P. Southern:

Does the Minister agree with the Chief Commissioner of Police in Liverpool that were he to be given £10 million to spend on antisocial behaviour, he would spend £2 million on policing and £8 million on improving the financial condition of the families with young people?

The Connétable of St. Clement:

Yes, I have not heard that quote from the commissioner but the principles behind it are absolutely right. Because a lot of these young people involved in the antisocial behaviour that we are talking about at the present time have been involved in unfortunate backgrounds, have not perhaps had the love and affection that most of us would take for granted and have had not the best opportunities in life. There is probably some merit in that statement.

3.3.10 Deputy G.P. Southern:

Will the Minister bear that in mind when he comes to voting on P.11?

The Connétable of St. Clement:

Sorry, I do not know what P.11 is.

The Bailiff:

It is too far outside of the ambit of the original question, Deputy. I think you will have to wait in suspense to learn how the Minister is likely to vote.

Deputy M.R. Le Hagarat:

No, thank you, Sir, I think it has been well and truly covered.