

3.14 Deputy R.G. Le Hérisier of the Minister for Home Affairs regarding the circulation of mobile phones within the Prison:

Was a large number of mobile phones circulating within the prison and allegedly linked to a high-profile inmate and, if so, was the Board of Visitors informed and what action, if any, did it take?

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

There was a problem with mobile phones, drugs and some other items being brought into the Prison. I am going to give the figures for the years so Members can judge that and how successful we have been in dealing with it. These are the total figures, but the vast number of them are, in fact, in the category of drugs, mobile phones and sim cards. 2008 - 88; 2009 - 149; 2010 - 104; 2011 - 39; 2012 - 20; 2013 - 15. Telecommunications data was used during the confiscation hearing concerning the high-profile inmate. The Board of Visitors, at regular monthly meetings, are briefed in general terms about issues concerning unauthorised items being found at the prison, but not about the details concerning any individual. I do not think that matters concerning such items are a matter for the prison Board of Visitors, whose main concern is prisoner welfare, so they would not be expected to take action on a matter which fell clearly within the responsibility of the prison management and not within their responsibility.

3.14.1 Deputy R.G. Le Hérisier:

It is noticeable that there was a very massive spike in 2008 and particularly in 2009. Would the Minister explain why there was this massive increase in the availability of illegal mobile phones and would he not accept that the Board of Visitors needed to be informed of any issue which appeared to be reaching alarming proportions?

Senator B.I. Le Marquand:

In spite of saying they were informed in general terms, I can go into some details of the ways in which items can get into the Prison; I will try and do that quickly. There are really 4 different routes: one route is by staff members bringing things in, which they should not do, and providing; one route was by virtue of prisoners who were going out for the day and then coming back in bringing things in. We made major changes in the system in 2010 which has had a major influence. One is by virtue of outside people trying to pass things at visits, or indeed, you could hypothetically have a situation where people bringing goods into the Prison might seek to bring things in. There are a number of different routes. All I can say is things have massively improved. We think the major cause of that has probably been changes to the system whereby prisoners who were going out to work did not come back within the central system of security.

3.14.2 Deputy M.R. Higgins:

I think one of the questions that comes to mind with me is why, for example, Curtis Warren was allowed to make 35,000 telephone calls in his time in La Moye, which was reported in the court case. Now, either he was allowed to have a phone so it was used for intelligence-gathering or there was a total failure of the prison system to allow so many calls to be taking place. If they were monitoring those calls, surely they should have tried to do something to stop him. What does the Minister say to that?

Senator B.I. Le Marquand:

The question is taking me into an area of possible secret surveillance techniques and methods of the police and that is not a question that any competent Minister for Home Affairs would

answer. The controls in relation to such systems are under the Regulation of Investigatory Powers (Jersey) Law.

3.14.3 Deputy M.R. Higgins:

A supplementary. The Minister is using, I think, the law as an excuse. We all know that it came out in court they were monitoring the calls. The point is, if they were monitoring the calls, then why did they not do something to stop it or was it more intelligence-gathering?

Senator B.I. Le Marquand:

I am simply not going to answer that question for reasons I have already said.

3.14.4 Deputy M. Tadier:

I am just remarking to myself, it is lucky that he had a phone in there otherwise there would have been no phone for the police to monitor while he was doing these deals and we may never have caught him, but that is an aside. The question is: the Board of Visitors in Jersey, unlike the independent monitoring boards in the U.K., does not, the last time we checked when we did a Scrutiny review, carry out unplanned visits, or rather, visits which are unannounced to the Prison. Can the Minister confirm that this is still the case and advise whether in future the Board of Visitors may consider making unannounced visits and being given their own keys to access the Prison as and when they wish?

Senator B.I. Le Marquand:

I do not know the answer to that question; I did not anticipate this as a follow-on from the original, but I can find out.

3.14.5 Deputy J.M. Maçon:

Can the Minister advise whether plans to have a scrambler of phone signals over the Prison are still planned and when that is anticipated to be done?

Senator B.I. Le Marquand:

Yes, that is part of our work programme, but we have a bit of a chicken and egg problem in relation to it. We have been working on the necessary extension to the legislation to make that lawful. The problem that we have got is that we would have to first of all make it lawful before we could test it and we cannot do tests in advance. Therefore, there is a risk that we would make it lawful and buy some equipment and then find there were issues that it was interfering around with homes in the area. So this has posed a practical difficulty which has not been resolved.

3.14.6 Deputy R.G. Le Hérissier:

Would the Minister not acknowledge that he has not given a credible explanation of why there was this massive spike in the use of such phones, particularly in 2008 and 2009? He has given an enormously long explanation of different ways in which phones could be smuggled in. Would he like to focus on those 2 years and explain why there was this massive increase in the availability of illegal mobile phones?

Senator B.I. Le Marquand:

These figures are not just mobile phones or sim cards, they are also drugs as well. The answer is I simply do not know. If the Prison had known at the time, they would have taken action to stop this happening. All I can say, from the figures, is that we have massively improved the situation; we clearly have it completely under control now.

3.14.7 Deputy R.G. Le Hérissier:

A supplementary. So it is fair to assume that all the precautions during those 2 years have failed?

Senator B.I. Le Marquand:

They will not have failed completely because there were instances where mobile phones were being found in searches and things of that nature, but in a sense, the fact that the figures are there indicates that the system was finding them, because these are the numbers that we have found. The fact that they were finding them indicated that there were major failings in the system of preventing things getting in there.