

#### **4. Questions to Ministers without notice - The Minister for Home Affairs**

##### **4.1 Deputy T.M. Pitman:**

On a serious note, could I just apologise for my phone going off. My only defence is it was Jersey Hospice about my Mum's health. My question for the Minister is will he clarify what was the conclusion of the brief investigation into who within the police force leaked the interim BDO-related report for U.K. child abuse to a journalist and has anyone been suspended as of yet?

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

The most likely person who did this was the former senior investigating officer who took on the Historical Abuse Inquiry and who left in August 2009 with a very noisy - if I may put it that way - publicity in relation to his criticisms of his predecessors. The result of the inquiry, which was conducted by my staff in 2009, very clearly pointed in his direction.

##### **4.2 Deputy K.C. Lewis:**

Further to news that the Ministry of Defence are to make well in excess of 10,000 redundancies in the U.K. Armed Forces, can the Minister confirm that Jersey will continue its obligation and that the Jersey Field Squadron is safe, secure and enjoys the full confidence and support of the Council of Ministers?

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

There is no current proposal to reduce the Island's contribution to the U.K. Armed Services by virtue of our local T.A. (Territorial Army) group. We do from time to time look carefully at the costs of running that and have made appropriate savings where that was necessary. But the Island's commitment currently still remains clearly to this provision.

##### **4.3 Deputy G.P. Southern:**

Following the reduction or withdrawal of support for the Prison! Me! No Way! Project, is the Minister for Home Affairs aware that, as of 2012, Prison! Me! No Way! will no longer function?

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

I have been in discussions with the lady who co-ordinates this and certainly the Home Affairs Department has increased its support to compensate for reductions of support from private funds in the past. I am now aware from an answer to a question for the Minister for Housing that he is not proposing for 2012 to continue support. My view is that between the Home Affairs Department and the Minister for Education, Sport and Culture, we will need to make some provision in this area but that it may have to happen in a different way or in a reduced format.

##### **4.3.1 Deputy G.P. Southern:**

A supplementary if I may, Sir? Is the Minister aware that the £50,000 that is granted would merely cover the costs of one extra prisoner in prison?

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

The costs in terms of the current grants is £60,000 a year from States departments. In addition to that, of course, there is the cost of staff, particularly from the Home Affairs Department, which I have not yet seen quantified but have requested. That is, theoretically, correct although the calculations are nothing like as simple as that. A reduction of one prisoner does not produce a reduction of £55,000 in terms of running costs in the prison because we have basic running costs of buildings and staff numbers and so on; there is no simple correlation between those.

##### **4.4 Senator S.C. Ferguson:**

Given the fact that the judges in the European Court are not experienced in Anglo-Saxon common law, given the fact that many are political appointments and given the public disquiet of the operations of Human Rights Law, is it time to amend it?

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

By "it" I assume that the Senator is referring to the Jersey Human Rights legislation. But, of course, the answer in relation to that is the first port of call in terms of interpretation of human rights issues in relation to legislation is, in fact, the courts in Jersey and it is only once all appellate routes have failed that matters ultimately go to the Central Court. My own personal view is that we are politically committed as an Island to the European Convention on Human Rights and to now cease to be committed to that would create all manner of difficulties.

**4.4.1 Senator S.C. Ferguson:**

A supplementary, Sir? Would the Minister not agree that I was not, in fact, suggesting rescinding the Human Rights Law but perhaps amending it in view of the case law that is being handed down and that will eventually affect Jersey as part of common-law precedent?

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

There are always potential difficulties with human rights matters because individual countries may not be happy with the outcome of the process and that could potentially also happen in Jersey. But I think one has to look at a particular issue as and when it arises.

**4.5 Deputy M.R. Higgins:**

Is the Minister happy with the workings of the Police Complaints Authority in dealing with complaints against the police from members of the public and does he see any areas in which they need to improve what they do?

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

We are currently looking at potentially quite major changes in this area. The problem with the system of police complaints is it is really tied into the issue of disciplinary action against individual officers and, of course, disciplinary action may not be the best way forward in some cases as is sometimes retraining, re-education and so on. So we are in a process... the leadership of the States of Jersey Police particularly are in a process of looking at possible amendments to the system but I do not think they are going to come through, in reality, for a year or 2.

**4.5.1 Deputy M.R. Higgins:**

Just following through, does the Minister see any areas where they could improve looking at things other than discipline?

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

Sorry, I did not hear that, Sir.

**The Bailiff:**

Are there any other areas which could be looked at, apart from discipline? You must not use too much of your 15 minutes by thinking about a reply, Minister. **[Laughter]**

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

I am sorry, Sir, I was thinking, but nothing immediately comes to mind.

**4.6 Deputy A.E. Jeune:**

Would the Minister please advise what advance has been made in respect of mental healthcare provision for prisoners during the last year?

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

We had a meeting day with the Prison Board of Visitors at which the Prison Governor explained new protocols, which were in the process of being agreed with Health and Social Services in relation to the area of when prisoners are taken out of La Moye temporarily in order to go into a psychiatric hospital and prison warders go with them and so on. So we have made some advance in that area. The fundamental problem which remains is the lack of secure hospitals in the Island and, indeed, the lack of the ability of the courts to make hospital orders as a sentence instead of a custodial sentence, a prison sentence. The difficulties are both related together; I do not ultimately see any final and easy solution because of the costs of creating a secure mental-health unit which would be sufficiently secure to deal with prisoners and because of the wide range of units which exist in the U.K. from a Rampton or a Broadmoor at the top level down to a semi secure at the lower level. This is a very difficult problem and not one for which there is an easy solution.

#### **4.6.1 Deputy A.E. Jeune:**

Can I just ask a supplementary, Sir? Did I understand the Minister correctly: is he saying that the Mental Health Act here in Jersey is not sufficient to allow the courts to deem as eligible persons suffering from mental illness who require secure accommodation, that they are not able to apply that? Did I hear him correctly?

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

What I said was the power to make a hospital order, which is an order which is in certain circumstances available to courts in the U.K.

[17:00]

What there is in Jersey is the power to find that a person is unfit to plead and that can lead, provided it can be proved that they have committed the facts of the offence, to the person being detained indefinitely for psychiatric treatment. That power exists but the hospital order power, as such, does not exist.

#### **4.7 Deputy R.G. Le Hérissier:**

Can the Minister inform the House when the lesser-redacted version of the Wiltshire Report will be published?

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

I do not understand what the question means. Could the Deputy clarify what he means by the "lesser" redacted?

#### **Deputy R.G. Le Hérissier:**

The Minister has been involved in a very lengthy process of redacting the Wiltshire Report and he promised he would redact it less than when it was originally redacted.

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

I do not recall that. What I am in a process of doing is looking at the redaction of the statements of the former Chief Officer of Police, we are actively currently working on that. But I do not see any process by which we could produce a report with less redaction than we did in the last reports.

#### **The Deputy of St. Mary:**

To clarify, I think there is some confusion here. My understanding is that we have had version 2 of the Wiltshire Report, a less-redacted version of the original redacted version. Is that not so?

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

Yes. I am sorry. If what is being referred to is the fuller report, the redacted version of the full report, that has been out for some time.

**4.7.1 Deputy R.G. Le Hérissier:**

Sorry. I do not wish to carry on the confusion, but I will. **[Laughter]** I am sure the Minister said he regretted that he had had to carry out such a large-scale redaction and he was hoping, after further review, he would minimise the amount of redaction.

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

I think that the Deputy of St. Mary is right, I have done that already; we put out the much-fuller version some time ago. It is now in the public domain.

**4.8 Senator J.L. Perchard:**

I thought my time was up there, Sir. With the States recently having agreed to raise the pensionable age to 67 years, does the Minister think it appropriate that officers who have served 30 continuous years in the police service can retire on two-thirds' final salary at the age of 50? If not, what action does he intend to take?

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

I think that there clearly needs to be a review of pension arrangements right across the public sector including in relation to the uniformed forces. The issue, of course, rests squarely with the States Employment Board who negotiate such matters, but they certainly have my full support in making moves in this direction. We are going to have to review all pension arrangements in the public sector in the light of the fact that, if we are not careful, we will be building up further deficits on the new schemes.

**4.8.1 Senator J.L. Perchard:**

Just a supplementary. The Minister said it was not really his area. Will he give an undertaking that he will prompt the Chief Minister in his capacity as Chairman of the States Employment Board to look at this urgently and certainly before his term as Minister expires?

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

I am happy to remind the Chief Minister and the S.E.B. (States Employment Board) of that, but I have been urging them to take action in relation to the whole issue of levels of pay in relation to the uniformed services for a number of years.

**4.9 The Deputy of St. Martin:**

Yes. Maybe I could clarify 2 very quick points, I think, for Deputy Le Hérissier. The Minister will agree that it was the Chief Police Officer's statement which was going to be redacted, I think that is the one - the Deputy of St. Mary is concurring with me. Also with Senator Perchard's question, a police officer will retire at 50 years of age, like myself, if they joined at 20 and have done their 30 years' service. But my question was, following the appointment of the Police Chief, it was mooted that we may well see motorcycles and cyclists again back on the streets - I thought I would get this one in for Deputy Fox - is the Minister able to update Members whether we see police officers on bikes and motorbikes and maybe not in cars?

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

I am in a somewhat embarrassing position on this because I discussed this very matter a week ago with the Chief Officer of Police and today Deputy Fox informed me that some motorbikes had been ordered, which I knew nothing about. So clearly, if that is so, the Deputy is ahead of me on that. But, as I say, I did discuss it last week. That is all I can say. I have not been able to confirm whether what Deputy Fox has told me is correct.

**The Bailiff:**

Very well. That brings questions without notice to the Minister for Home Affairs to an end.