

**REPLY BY THE PRESIDENT OF  
THE COMMITTEE FOR HOME AFFAIRS  
TO QUESTIONS ASKED PURSUANT TO RULE 14 OF THE  
RULES OF PROCEDURE BY DEPUTY E YERBY**

- 1. Although Prison numbers have reduced since their peak in 2012, they have now been steadily increasing for the past couple of years. Does the Committee consider that this is an urgent sign of the need to take further steps to tackle the causes of crime, in order to reduce serious offending and reoffending?**

There are a number of factors which might influence an increase in prison numbers, including improved detection and prosecution of offences which may attract a longer sentence and the careful judgement by the Courts of what the appropriate sentence needs to be in each case. Caution always needs to be exercised when drawing conclusions from relatively small data sets and it would arguably be premature to conclude that the current upward trend in the prison population is an urgent sign of a problem with the community or the justice system. Nonetheless it is equally not something to be ignored and in this respect the Committee remains focussed on ensuring that Guernsey remains a safe and secure place to live where crime rates are low. Tackling the root causes of crime is a key factor in seeking to keep the Bailiwick safe and secure in the long term. This requires multi-agency activity and cross Committee working.

- 2. When forming criminal justice policy, what information does the Committee receive about the people in our community who are victims of crime, and the harm done to the lives of victims by different types of crime?**

The Committee recognises that the victim should be at the centre of criminal justice policy. It values and supports the excellent work of the Bailiwick of Guernsey Victim Support and Witness Service. Regular dialogue takes place with the Service both at an operational level and more formally at Committee level to ensure we are all working to achieve the right outcomes.

The Committee conducts a Crime and Justice survey approximately once every two years. The Survey provides an insight into public perception of crime locally and the performance of criminal justice services. The results and feedback from the survey help to inform the Committee's future decision-making. The results from the latest survey completed earlier this year will be published in the coming months.

The Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013 brought in a statutory responsibility for the Probation

Service to keep all victims of sexual and serious violent offences informed at key points in the offenders sentence. Risk of harm to future victims is considered at all points of assessment of offenders through the Criminal Justice System.

- 3. Considering the frequency with which they happen in our community, and the severity of the harm done to others, what kinds of crime does the Committee consider should be the most urgent focus of attempts to prevent or reduce crime within the Islands?**

The Committee considers that all crime is serious and that crimes impact on people in different ways. As set out in its P&R Plan update in June 2018, the targeting and delivery of quality operational services to ensure that Guernsey remains a safe place to live and do business is a priority for the States and the Committee.

- 4. Is this order of priority reflected in the way the Committee allocates its resources to crime reduction and prevention, and to the management of offenders, at present?**

The Committee takes an holistic view of the justice system and prioritises its work to tackle those areas which it considers will be most effective in achieving the desired outcomes for our community. The Services that make up the Committee *for* Home Affairs work collaboratively with each other and colleagues in other service areas across the States to ensure expertise is utilised and appropriately focused on core operational activities of being tough on crime, safeguarding the vulnerable and the management and rehabilitation of offenders.

- 5. As the Committee is currently preparing new Sexual Offences legislation, it is reasonable to conclude that the current law is not always effective in protecting the most vulnerable. Are there any other areas in which the Committee considers law reform could lead to better protection of vulnerable people, justice for victims, and better outcomes for the community?**

The Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013 which was implemented in 2015 was the first of two work streams identified in the Home Department's Policy Letter of 10<sup>th</sup> May 2011 to be progressed. This Law introduced measures to enhance the protection of the public and reduce the risk posed to vulnerable members of the community by putting in place a robust system for the registration of sex offenders and introducing a range of preventative civil orders which protect the public.

The subsequent focus has been on the drafting of a new Sexual Offences Law which updates (and occasionally translates into English) the current Bailiwick sexual offences legislation.

The new Sexual Offences Law will provide appropriate modern substantive legislation to criminalise inappropriate sexual behaviour. However, it needs to be emphasised that in the meantime, effective prosecutions have continued to take place under the current legislation. Although the new sexual offences legislation will introduce more targeted and specific controls, the public should be assured that it is not the case that defendants have been able to escape from prosecution as the more general offences which exist under existing legislation have been used effectively to ensure that criminal behaviour has been prosecuted.

The Domestic Abuse Strategy, which comes under the Committee *for* Home Affairs has a major work stream to review and progress updates to the laws protecting victims of domestic abuse.

The Committee is cognisant of the need to monitor and review how it delivers its services and the legislation which underpins them; this is key to providing a safe and secure Bailiwick for example the Vetting and Barring legislation. The Committee considers that victims are central to the justice process and committed to ensuring resources are appropriately targeted to deliver positive outcomes community.

**6. The Committee has undertaken to update both Probation and Parole legislation. What role will the new laws play in helping to reduce rates of reoffending?**

The Probation and Parole legislation both form part of a framework which support the management and rehabilitation of offenders.

A fundamental ethos of the Probation Service is to protect the public and work with offenders in order to reduce reoffending and aid rehabilitation. The new Probation Law will widen the Courts' options for Community Sentencing, including powers to sentence supervision and community service for the same offence. This may reduce the numbers of short term custodial sentences but as mentioned earlier the choice of sentence imposed remains a matter for the Courts.

The principal objectives of the new Parole Law is to move the eligibility for early release on parole licence to the halfway point through the sentence and

importantly to provide the Parole Review Committee with statutory guidance which is currently lacking, to support it in the discharge of its duties.

The current Parole Review Committee (Guernsey) Law, 1989 provides an effective and structured mechanism for the early release of prisoners. The proposed law will add clarity but will not make a material difference to the situation for prisoners or the community.

**7. How soon will the new Sexual Offences, Parole and Probation laws be brought to the States?**

The Committee is cognisant of the pressure on the Law Officer's Chambers to progress the raft of legislative drafting, particularly at a time when the States need to prioritise legislation associated with Brexit which has the potential to impact on the whole Bailiwick both personally and commercially. Further the Committee is aware of the need to prioritise its internal initiatives to ensure its own limited resources are appropriately targeted to deliver its objectives of ensuring a safe and secure community.

The Sexual Offences Legislation is progressing steadily and wide consultation of the draft Law has been completed which is contributing to a revised draft of the Law, it is anticipated this will be considered by the Committee in the coming months.

A final draft of the Probation Law has been completed and is being considered by the Committee at its September meeting.

At present the coordinated view of the Legislation Review Working Party has been to categorise the Parole Law as a medium priority. The Committee has recently determined to press for this to be treated as a high priority given its linkage with the Justice Framework initiative which the States determined under the P&R Plan to be one of the 23 priorities.

The primary legislation for the new Parole Law has been approved by the States and the Privy Council and significant work done on completing the subordinate Ordinance and Regulations. It will provide greater clarity around the parole process however, while it will be most helpful in certain circumstances it cannot be considered to rank as the Island's top legislative priority.

**8. What other factors does the Committee consider important in reducing rates of reoffending (in general, or specific to different types of crime)? How is the Committee acting on these?**

Poverty, unemployment, fractured family relationship, early life factors and lack of access to housing are among the many aspects most relevant to offending. Effective offender management therefore includes the involvement of other agencies and Committees in areas such as mental health, housing, social security and addiction agencies. Other social factors in the community such as family and social networks and job opportunities also influence re-offending. Government can influence but not resolve all of these factors but those where actions and influences can be brought to bear require effective working across the multiple committees of the States and many third sector organisations.

**9. Can the Committee please provide an update on the status of its Restorative Justice programme?**

Restorative practice has become more embedded in the Criminal Justice System since the concept was first acknowledged by the States. This has extended to the community where holding restorative conversations, with the aim of resolving conflict, is now a common approach automatically applied across organisations and is not limited to the criminal justice arena. The Committee is keen that any restorative programme should appropriately evolve to meet the changing needs of society.

**10. As drug-related offences account for the single largest number of prison sentences (35), can the Committee please provide more information on the nature of this category of offences (e.g. the types of drugs most often involved; the types of drug-related crime which tend to receive prison sentences; and any other information the Committee considers relevant)?**

There are **34** drug-related prison sentences at present. The types of drugs commonly involved in drug-related offences include Class A, B and C drugs. Types of drugs possessed, produced, supplied and imported include: Diamorphine, Fentanyl, Cannabis, Testosterone Propionate, Metandienone, Cocaine, MDMA, Herbal Cannabis, Alprazolam, and LSD.

**11. Can the Committee please provide a breakdown, by type of crime, of all the sentences issued by the courts over the past three years (i.e. not only prison sentences)?**

The Committee respectfully submits that it is not possible to produce the

detailed breakdown requested in the time available and further work would need to be conducted in order to respond appropriately to the question.

**12. What steps is the Committee taking (alone and/or with other Committees) to work with young men and boys, in order to understand why there appear to be higher rates of criminality leading to imprisonment among this population group, and to tackle the key factors affecting this?**

It is important to note that the ratios including male/female offending in Guernsey are similar to other jurisdictions. Also Guernsey has low offending rates compared to a comparator jurisdiction such as the UK.

The gender breakdown for those released from prison in the three years 2015-17 is 10% Female and 90% Male. General offending tends to fall with age, with the peak being between 21-34 although this trend would not be followed by those convicted of sexual offences who are often convicted a significant period after the commission of offences.

The introduction of the Child, Youth and Community Tribunal system has successfully diverted many young people under 18 away from the Criminal Justice System. The Children and Young People's Plan has also proved to be a valuable tool which aims to address all aspects of healthy development in our young people.

**13. Can the Committee please provide a breakdown of the 23 sentences of 12 months or less by type of crime and, separately, by age group?**

There are currently **24** sentences of 12 months or less. The below tables show a breakdown of the types of crimes committed by those with a sentence of 12 months or less and their age ranges:

***Breakdown of the 24 sentences of 12 months or less by type of crime:***

<b>Offence Category</b>	<b>No of sentences</b>
<b>Breach of Supervision</b>	<b>3</b>
<b>Drugs</b>	<b>3</b>
<b>Fraud</b>	<b>3</b>
<b>Property</b>	<b>3</b>
<b>Public order</b>	<b>5</b>
<b>Sexual and Violence</b>	<b>2</b>

Vehicle/Driving	4
Miscellaneous	1

***Breakdown of the 24 sentences of 12 months or less by age of offender:***

Age Range	No of sentences
25 and Under	7
26 – 35	13
36 – 45	4
46 and Over	0

- 14. Bearing in mind that sentences of less than a year are generally considered too short for prison to have any beneficial effect, and other jurisdictions are taking active steps to reduce their use, will the Committee now work with the Courts to take a similar approach here in Guernsey?**

The Committee works in cooperation with the Courts. In this respect the Courts are well aware of the extent to which short sentences can have limited benefits in terms of changing an offender’s behaviour. Equally it is recognised that the Courts judge each case very carefully and impose sentences which are considered appropriate for each offender.

- 15. As justice policy is fundamental to the work of government, and all Committees need to be aware of the role they can play in helping to tackle the causes of crime, will the Committee please undertake to lay its Justice Framework before the States for debate and approval before the end of 2018?**

As directed by States Resolution, the Committee is working jointly with the Policy & Resources Committee (P&R) to progress the transformation of justice and establish appropriate governance and support for the Justice Framework initiative by December 2018.

The topic is regularly discussed by the Home Affairs and Policy & Resources Oversight Board, a body which has been established to assist both Committees to work together to ensure Home Affairs can be fully effective in leading transformation and efficiency in all its areas of operation and strategy, including Justice. While the Oversight Board’s function is only advisory it has already recognised that transforming justice is a significant and long-term work-stream. The potential gains for the Island are well worth the energy and effort which

will be required but it is already clear that reviewing and further developing the whole justice package will not be a case of agreeing it by December 2018 and implementing it in 2019. It is about the myriad of interconnected issues.

The cost of preparing this response has been calculated at approximately £600