
STATES OF JERSEY



JERSEY POLICE COMPLAINTS AUTHORITY: REPORT FOR 2013

Presented to the States on 17th March 2014
by the Minister for Home Affairs

STATES GREFFE

REPORT

Introduction

The Jersey Police Complaints Authority (the “Authority”) is an independent organisation set up by the States of Jersey under the Police (Complaints and Discipline) (Jersey) Law 1999 (the “Law”). The role of the Authority is to oversee, monitor and supervise the investigation, by the Professional Standards Department of the States of Jersey Police, of certain complaints made by members of the Public against the States of Jersey Police and Honorary police officers. On occasions, the role of the Investigating Officer will be assumed by an Officer from an external Force, and in such instances the Authority has the power to supervise the investigation undertaken by that Officer.

The Law requires the Authority to approve the appointment of an Investigating Officer, and its responsibility is to ensure that the investigations are carried out by the Investigating Officer in an impartial, thorough and meticulous manner. The Authority itself does not carry out investigations, and its members are not trained investigators. The Authority is only able to supervise the investigation of those complaints which, by virtue of the Law, are required to be referred to it for supervision. The Authority does not have a role in supervising those complaints which are dealt with by informal resolution. The Law does not provide for the oversight of complaints made against the Chief Officer and the Deputy Chief Officer, and the Authority therefore has no role to play in such matters.

The members of the Authority are appointed by the States for a period of 3 years and their services are provided on a voluntary basis. At the end of 2012, following the retirement of 3 long-serving members, the Authority was in breach of the Law for a short period, as there were fewer members than the minimum required by the Law. Following a second recruitment drive, Mr. Howard Cooper, Mr. Graeme Marett and Mrs. Dee Taylor-Cox were appointed as additional members of the Authority by the States on the recommendation of the Minister for Home Affairs (the “Minister”). At that time, the Minister approved the appointment of Mr. Bruce Ridley as the Deputy Chairman. The current members and their respective dates of appointment appear below.

Mrs. Debbie Prosser	Chairman (since January 2013)	Appointed November 2007
Mr. Bruce Ridley	Deputy Chairman (since February 2013)	Appointed January 2010
Mrs. Jane Martin	Supervising Member	Appointed January 2010
Dr. John Birtwistle	Supervising Member	Appointed January 2012
Mrs. Dee Taylor-Cox	Supervising Member	Appointed February 2013
Mr. Howard Cooper	Supervising Member	Appointed February 2013
Mr. Graeme Marett	Supervising Member	Appointed February 2013

The Authority is pleased to present its 13th Annual Report for the year ended 31st December 2013.

Overview

Twenty-two new complaints from members of the Public (24 in 2012) and 4 other non-public complaint cases (5 in 2012) were supervised by the Authority during the year. A total of 10 cases were brought forward from 2012, bringing the total number of cases under supervision during the year to 36, compared with 48 in 2012.

Analysis of complaints

Nature of complaint	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Excessive use of force	17	11	6	14	8	6	5	6	14	10	9
Harassment/threatening behaviour/abuse of authority	5	12	11	6	9	10	13	2	8	6	6
Use of CS spray	0	1	1	0	4	1	0	0	0	1	1
Other	8	13	12	10	15	10	8	8	13	9	9
Data Protection Breach	0	0	0	0	0	0	0	0	0	3	1
TOTAL	30	37	30	30	36	27	26	16	35	29	26

Table 1 – Nature of complaints supervised

The 9 ‘use of force’ complaints mainly refer to force allegedly used when arresting and/or hand-cuffing a non-compliant individual. Five of these 9 complaints were found to be unsubstantiated or incapable of investigation, or were withdrawn or informally resolved. Four of these complaints have been carried forward to 2014 for completion.

Out of the 6 complaints alleging abuse of authority, none had, at the end of the year, been deemed to be substantiated. Three were carried forward to 2014, and the remaining 3 had been informally resolved, deemed to be incapable of investigation, or recorded as unsubstantiated.

The introduction of body-worn cameras by the States of Jersey Police in 2013 is, without doubt, an excellent initiative. The evidence provided by these cameras will, amongst other things, inevitably require a different approach to the investigation into complaints about an Officer’s conduct. Indeed, it may well be that the immediate evidence offered by the body-worn cameras will reduce the number of complaints against Officers. However, the converse may apply where evidence offered by the body-worn camera may be used to support a complaint against an Officer’s conduct. The Authority supervised one investigation during 2013 concerning the conduct of a particular Officer whilst the body-worn camera was in operation.

The 2012 Annual Report referred to the increasing number of breaches of the Data Protection (Jersey) Law 2005. Three cases were supervised in 2012 and one was supervised in 2013. Of the total number of investigations into breaches of the Data Protection Law conducted during 2012 and 2013, one was found to be unsubstantiated, one resulted in criminal prosecution and a disciplinary hearing which

resulted in dismissal, another concluded with a formal disciplinary hearing resulting in dismissal, and one was referred for a disciplinary hearing to be held in 2014. The Officers concerned appealed against the decision to dismiss. Such appeals are heard by a panel of 3 Jurats appointed pursuant to the provisions of the Law. The decision of the Jurats in one particular case, namely the reinstatement of the appellant Officer, is the subject of judicial review, the outcome of which will be known in 2014.

The 9 cases referred to under “Other” include complaints of inappropriate website use, larceny, perverting the course of justice, the conduct of complaint investigations and certain operational procedures. In addition, the Authority supervised 2 investigations following unexpected deaths where there had been contact by the Police with the deceased at a point prior to death: these referrals were voluntary referrals by the States of Jersey Police and were not as a result of any public complaint.

Out of the 26 complaints received, 25 were in relation to a States of Jersey Police Officer and one case related to an Honorary Police Officer.

Outcome of cases supervised

Outcome	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Withdrawn or Incapable of investigation	5	10	15	15	15	9	13	7	11	9	8
Vexatious	2	0	2	0	3	0	0	0	1	0	0
Unsubstantiated	19	20	7	14	16	13	8	7	13	12	4
Substantiated/ Partly substantiated	4	7	6	1	2	5	5	2	10	5	3
Outstanding at year end	0	0	0	0	0	0	0	0	0	3	11
TOTAL	30	37	30	30	36	27	26	16	35	29	26

Table 2 – Outcome of cases supervised by year initiated

At the end of 2013, 11 cases which had been initiated in the year were still being investigated, together with 3 cases outstanding from 2012.

20% of the total cases investigated and concluded in 2013 were found to be substantiated (19.2% in 2012 and 28% in 2011). The national average of cases which were substantiated in 2011/2012 was approximately 12%¹.

Members of the Authority have cause, on occasions, to challenge the findings of the Investigating Officer or to question certain recommendations. Whenever such a challenge is made, the matter is usually concluded to the satisfaction of the Authority.

¹ Source: The Independent Police Complaints Commission: Police Complaints and Statistics for England and Wales 2011/2012

Time taken to complete investigations

Previous reports have referred to the length of time taken to complete an investigation. Sometimes delays are outside the control of the Investigating Officer and the Authority, particularly when cases are *sub judice* or where there is an investigation into alleged criminal conduct. It remains the case, however, that there is still a concern over the length of time taken to conclude an investigation. It is not fair on the Officer under investigation when the conclusion of the investigation is delayed for a considerable period of time, sometimes exceeding a year. Equally, the complainant is entitled to know the outcome of his or her complaint within a reasonable period of time.

During the course of 2013 the Authority, in conjunction with the Professional Standards Department, discussed with the Law Officers' Department a means by which its consideration of the Investigating Officer's report into alleged criminal conduct by the Officer under investigation could be expedited. An informal agreement has been reached as to the timetable within which an initial response will be received from the Law Officers' Department of 30 days, with a full response within 90 days. Bi-monthly meetings between the Authority, the Professional Standards Department and a member of the Law Officers' Department, implemented in 2013, provide a useful forum for monitoring progress in such cases.

The average length of time taken by the Law Officers' Department to deal with cases with a criminal element was 179.5 days in 2013.

Contact with complainants

During 2013, the Authority continued the policy adopted in 2012 of providing complainants with the Authority's satisfaction statement at the conclusion of the investigation. As with previous years, the Authority continues to receive correspondence from complainants who are not happy with the outcome of an investigation or who are unaware of the procedure for instigating an investigation. Where appropriate the Authority gives guidance, but it is worthy of note in this context that the Authority is not empowered to direct that an investigation should be undertaken. It is also worth reiterating that that Authority itself is not an investigative body, that its members are not trained or experienced investigators, and that the role of the Authority is merely to provide supervision of the investigation to ensure impartiality, thoroughness and fairness.

The Law does not provide for the complainant to be provided with a copy of the Investigating Officer's report. However, the number of requests for information under the Data Protection Law has increased.

General supervision and oversight

The members, between them, visited all Parish Halls to view the register of complaints made against honorary police officers, which each Parish is required to maintain pursuant to the Law. These visits are conducted on an annual basis in December. The Chairman and the administrator viewed the States of Jersey Police's complaint register twice during the year. This is a useful monitoring exercise to ensure that all complaints which are made by members of the Public, whether to a particular Parish or to the

States of Jersey Police are, where appropriate, referred to the Authority for supervision.

The Chairman observed a number of disciplinary hearings and one appeal during the year.

The Chairman of the Authority worked with the Deputy Chief Officer in conjunction with leading UK Counsel during the year to review the Law and make recommendations for change to the Minister. The Minister agreed to a review being undertaken of the Law, and once that review has been completed and considered, certain necessary changes to the Law will be implemented. There are several important changes which are required to be made to the Law to provide the Authority with more powers and authority which, in turn, will hopefully improve public perception. The effectiveness of the Authority depends on public confidence. It is becoming increasingly apparent that the public confidence is being affected by concerns that the investigations are not being conducted independently. Whilst in the view of the Authority this is not a fair criticism, it is clear that perception is important. However, for as long as the conduct of the investigations into complaints against Police Officers remains with the Professional Standards Department of the States of Jersey Police, including the formal appointment of the Investigating Officer, there is always the risk that members of the Public will perceive there to be a lack of independent oversight.

As mentioned above, the Law does not deal with the matter of complaints made against the Chief Officer or the Deputy Chief Officer. It was felt that provisions for dealing with complaints against these senior Officers should be clarified and, whilst not a matter which falls within the remit of this Authority, the Chairman assisted in making recommendations to the Minister for changes to the relevant legislation. It is believed that those changes will be implemented during 2014.

Budget

The budget allocated to the Authority in 2013 was £22,246. The actual costs incurred in 2013 amounted to £20,466.

The Authority employs one part-time administrator and rents office accommodation in the Royal Square. With effect from the beginning of 2013, the working hours of the administrator increased by one third, as a result of which the Authority's office is now open on Tuesday, Wednesday and Thursday mornings between the hours of 09:30 and 12:30.

All investigation costs are borne by the States of Jersey Police, including the costs incurred in appointing external Police Forces where they are utilised. During the year, 2 investigations were conducted by an external Police Force. The need for the involvement of an external Police Force arises because of potential conflicts or complex cases involving senior Officers, or because a case is so serious that it warrants the appointment of an external Force. The Authority is unaware of the costs involved in appointing these external Forces.

New initiatives during the year

With half of the members of the Authority being appointed in 2013, certain training and induction initiatives were implemented as appropriate, and all members benefitted from observing the training courses for new Police recruits, attending the Impact Day in May 2013, and from joining duty Officers on night patrol until the early hours of the morning on 2 separate occasions throughout the year. This has enabled members to witness first-hand the arrest, search and detention procedures implemented by the States of Jersey Police, and the facilities available to the Force to detect crime: of particular interest to members was the operation of the Force control-room. In this connection, it is worthy of comment that the use of CCTV cameras in St. Helier is key to the detection of crime. Whilst there is a view that such cameras constitute an invasion of privacy, it is the view of this Authority that they remain essential, not only to the detection of crime, but also to the gathering of evidence pertinent to any complaint investigation. For similar reasons, the Authority welcomes the introduction of body worn cameras.

The Chairman and the Deputy Chairman attended part of the Inspectors' Away-Day during the year, which provided a useful opportunity for mutual information-sharing.

During the year, the Authority established its own domain name and now all members communicate under the domain of the Authority – @jpca.je. The Authority's computer software and hardware enjoyed a much-needed upgrade during the year. The Authority's policy and procedure manual benefitted from a thorough review.

Due to the complexity of some of the cases under review, the Authority reached agreement with the Minister that, where deemed necessary and appropriate, additional resources would be made available to the Authority to enable it to employ the services of an independent experienced investigator to assist with the supervision of the more complex investigations. To date, the Authority has not availed itself of this additional resource.

Summary

Whilst the number of complaints remained reasonably consistent with previous years, 2013 was a busy and demanding year for the Authority, with several very complex and time-consuming cases. Members of the Authority continue to probe and challenge where required, in order to ensure complete satisfaction as to the conduct of the investigation and the recommended course of action. There are, however, limitations on what can be achieved, either because the members of the Authority are not trained investigators, or because the Law needs to be reviewed and updated. The Authority looks forward to changes being made to the Law to strengthen its powers and the perception of its independence, in order to continue to provide a meaningful service to the Public.

The Chairman would like to express her gratitude to the members of the Authority who give up their time generously in the conduct of their role, ensuring impartiality and fairness at all times, with particular thanks to her Deputy Chairman for his support, and the Authority's administrator for her significant contribution throughout the year.