

2.12 The Deputy of St. Martin of the Minister for Home Affairs regarding formal procedures to allay sense of grievance:

Would the Minister advise Members what formal written arrangements, if any, the States of Jersey police have in place to allay a sense of grievance from people who have been detained and/or questioned and then subsequently exonerated from unsubstantiated allegations of crimes?

The Deputy of St. John (Assistant Minister, Home Affairs - rapporteur):

I thank the Deputy for his continued interest in Home Affairs. **[Laughter]** The States of Jersey police comply with the requirements of the Police (Complaints and Discipline Procedure) (Jersey) Order 2000 and the Police (Complaints and Discipline) (Jersey) Law 1999, both of which set out clearly the process for an individual to make formal complaint against the police and how such matters must be dealt with. Complaints against the police are also independently overseen by the Jersey Complaints Authority. In cases where the complainant also includes alleged criminality, the file is then passed to the Attorney General's office for consideration for criminal charges. Thank you, Sir.

2.12.1 The Deputy of St. Martin:

I am glad I do maintain an interest in Home Affairs because I have not got the answer of the question I posed and thought by posing a question at least 5 days ago I may have had an answer. The Assistant Minister has talked about complaints against police. What the question I was asking was, what actual arrangements are in hand to apologise to people who have been exonerated from inquiries? Are there any steps to allay that sense of grievance? Is there any written criteria? Because the answer the rapporteur has given is completely different from the question I asked.

The Deputy of St. John:

The Deputy seems to be suggesting that if the police have occasion to arrest somebody and they are then exonerated of all charges that some kind of apology should be sought. That should only happen if the arrest and the interrogation, if there is such a thing, is not conducted in an appropriate manner. It is a very distressing thing if somebody is arrested for anything whether they be innocent or guilty, so consequently the police are trained to deal with that situation so the person is dealt with very sympathetically. But it is still quite a traumatic happening for anybody. That is why it is dealt with very sympathetically. If those people feel it has not been, and that is what the Deputy is suggesting, then they have recourse through the Complaints Authority, but I have every confidence that our officers deal with all these cases very sympathetically because it is a very traumatic experience for anybody whether they be witnesses, whether they be suspects, whether they be charged or not. Thank you, Sir.

2.12.2 Deputy S.C. Ferguson:

I think, like the Deputy of St. Martin, Sir, that the rapporteur has missed the point. If you are examined on the basis of an allegation and if you are cleared of any wrongdoing, what formal written arrangements are there for the police to confirm that you are innocent and perhaps apologise for any inconvenience to which you have been put.

The Deputy of St. John:

All such cases are followed up by the police and there is a post case procedure whereby witnesses are thanked for their co-operation and they are told the outcome of the investigation. Indeed that is not always entirely possible because of perhaps latter criminal proceedings, but all cases are followed up, Sir, and documented to the effect that any witness statement that is given becomes part of a case, so I do not quite understand what the Deputy is concerned about. My understanding is that he is concerned that people feel upset and aggrieved that they have been, in some cases, arrested for normal police investigations. Well, that suggests that we should never arrest anybody just in case they are innocent which would be an absolute mockery of the law enforcement agencies. What is important is that those people are dealt with appropriately and afterwards a

follow up is done, and I assure the Deputy that there is a follow up, and that those people are thanked for their co-operation and that if, indeed, they have any concerns about the way that was dealt with, then they have recourse to the Police Complaints Authority.

2.12.3 Deputy R.G. Le Hérisssier:

In a case where an arrest is carried out perhaps inadvertently in the glare of publicity and considerable damage is done to a person, what is the redress other than having to go to the very formal process of making a formal complaint? What other redresses or mechanisms exist in the system in order that that person's life will not be entirely undermined by that episode?

The Deputy of St. John:

Unfortunately, to uphold criminal justice in the Island, these cases need to be investigated and as long as they are investigated appropriately, that is what the public want us to do. Now, unfortunately, occasionally cases do not go quite to plan and you do not necessarily get the correct witness first time round. As long as that person is treated appropriately and assist the police with their inquiries, then I cannot see a problem. The Deputy seems to be suggesting that we should never ever detain anybody because they might not be proved guilty. So, I am really struggling with what the Deputy is trying to get at. If he is concerned as to the way people are dealt with while in custody or while giving witness statement then that I am very happy to look at further and if somebody has a complaint to make, then there is a process to go through. But I think also the Deputy ... there have been some high profile cases, not so much here but certainly in the U.K. where people's lives have been damaged by investigations and they have been proved innocent afterwards. Unfortunately that is an unintended consequence of our judicial process which would be very difficult to change. What is important is that those people are dealt with appropriately, there is a wash up afterwards and that there is follow through, they are thanked for their input into the case and that they are dealt with entirely appropriately. Thank you, Sir.

2.12.4 Deputy J.A. Martin:

Yes, there seems to be some confusion. I think what we want to hear from the rapporteur is, is there or is there not any formal, written or otherwise, arrangements in place for somebody who is then found to be completely not guilty? I think the answer we should be receiving is a just straightforward no.

The Deputy of St. John:

There is a formal policy and process of following up all cases and it is done diligently by all the officers when their case is brought before them. So, yes, there is a policy and process in stance at the moment that is used to follow up such cases.

2.12.5 The Deputy of St. Martin:

I think it would be helpful if all Members of the House were given a copy of those instructions that the rapporteur has just referred to because, quite clearly, I think we need to see to ensure that what the rapporteur is saying is in agreement with what the question was put. With that, the rapporteur must follow on that this question really arises from what the questions were asked 2 weeks ago regarding the customs officers where the Assistant Minister said there was no need to apologise to those officers because the police were doing their job. Has any arrangements been made now to ensure those officers that were exonerated from an unsubstantiated allegation have now been properly advised and apologised to?

The Deputy of St. John:

I answered this question last time. They have been thanked for their co-operation. They have been told about the outcome of the investigation. An internal investigation is now going on to ensure that all procedures and process was followed correctly by those officers. If, as a result of that investigation, it is established that the police acted improperly in any way or form, then action will

be taken. Very firm action will be taken, against any officers that have overstepped the mark, as some people may be suggesting, but that cannot be discussed in this House and cannot be discussed until the internal investigation has been completed and if it turns out that that allegation that has been made is substantiated, action will be taken. Thank you, Sir.