

**2.14 The Connétable of St. Helier of the Minister for Home Affairs regarding the duration and cost to date of the suspension of the Chief Officer of the States of Jersey Police:**

Would the Minister state the duration and cost to date, including staff cover and investigation by Wiltshire Police, of the suspension of the Chief Officer of the States of Jersey Police, and also advise which Members of the current Council of Ministers were present at the briefing meeting on the evening of 11th November 2008 at which the suspension was discussed?

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

There are 3 answers there. The suspension commenced on 12th November 2008. The costs to date, that is costs both of the Wiltshire Police and also acting up and replacement costs is £162,924.71 and the current Ministers present at the meeting on the evening of 11th November 2008, the answer to that is none, there were no people who are currently Ministers present at that meeting.

**The Connétable of St. Helier:**

Sorry, just a minor point of clarification. I did ask for the duration and the Minister gave me the starting date and if he could just give me the duration, thank you.

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

In case the Connétable of St. Helier is in any doubt whatsoever the suspension is still continuing.

**The Connétable of St. Helier:**

I just wanted him to say "6 months", that was all, but it does not matter.

**2.14.1 Senator S. Syvret:**

The question refers, and as indeed did the answer, to the investigation by Wiltshire Police - the outside U.K.-based police force. Will the Minister for Home Affairs confirm or deny that U.K. police officers who are operating under secondment in Jersey are not in fact falling under the ambit of the Police Complaints Authority and the only avenue of potential complaint relates to their home force in the U.K.?

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

I can confirm that matters in relation to investigation and matters concerning the Chief Officer of Police do not fall under the ambit of the Complaints Authority. That is because the Chief Officer of Police disciplinary matters are not covered by the Police Complaints Authority, they are covered by statute which deals specifically.

**Senator S. Syvret:**

That was not the question I asked. I understood, I think we all understood from previous discussions, that that was the case in respect of the Chief Officer. The point I am making is that in the case of U.K. police officers seconded to work in Jersey they are not covered by ... they do not fall within the protections given to the public of the Jersey Police Complaints Authority.

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

That I understand to be so, because they are not States of Jersey Police officers.

**2.14.2 Deputy G.P. Southern:**

If I may, the Minister has stated that no Member of the current Council of Ministers was present at the meeting of 11th November. Is he prepared to state which Members of the then Council of Ministers were present at that meeting?

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

Yes, I can answer that. The answer is the Minister for Home Affairs and the Chief Minister, the then Ministers.

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

I will just ask the Minister for Home Affairs, is the complaint which has been investigated by the Wiltshire Police also being covered by the Police Complaints Authority, in other words I gather the Jersey Police Complaints Authority will be keeping an investigatory eye on the whole proceedings. Can I have that confirmation from the Minister, please?

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

As I indicated before, matters relating to a disciplinary matter of the Chief Officer of Police do not fall under the Jersey Complaints Authority.

**2.14.4 Deputy P.V.F. Le Claire:**

A remarkable revelation, for me anyway, that the seconded police officers operating in Jersey under any circumstance are not subject to the checks and balances that we would expect from our own police forces. Would the Minister undertake to investigate whether or not this can be remedied, whether or not it is desirable to be remedied, and if it is not desirable to be remedied under what circumstances, and in what procedure does the ordinary person in Jersey make a complaint about a seconded police officer operating within Jersey - to which department - and how would that affect their discipline and who would discipline them in the U.K.? I think the issue that has been raised this morning is of significant importance, regardless of the Chief of Police Officer's case in question, this also relates to seconded drug officers that work in the Island and also would this cover matters such as customs officers, *et cetera*?

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

My understanding is that seconded officers who remain officers of a different force would be subject to the disciplinary procedures of their own force. I am perfectly satisfied with that, because they cannot be subject to 2 sets of discipline. If they remain officers of a U.K. force it is perfectly proper they be subject to their disciplinary arrangements.

**2.14.5 Deputy P.V.F. Le Claire:**

Could I press the Minister for the supplementary that would then follow on from that? If the Minister is satisfied that is the process, in what terms can somebody go to a judicial review in relation to a decision that has been made by the Police Complaints Authority from outside of the Island? Where would they go for that review? Privy Council?

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

I do not know if decisions of the U.K. Complaints Authority are subject to judicial review. If they are then you would go normally to the High Court, as I understand it, for judicial review.

**Deputy P.V.F. Le Claire:**

So would the Minister then please answer my first question with a yes or no, that he would be willing to look into the matter as it has raised some issues and get back to us on it, and if he is not then he can tell us and then if he is, he can tell us?

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

The answer to the question is no, but I want to just explain why, because it is not generally understood by people what the function is of the Police Complaints Authority. We are well off the original question now, but I will answer it anyway. The function of the Police Complaints Authority is to determine in circumstances in which the police have not already decided to bring disciplinary proceedings against officers as to whether such disciplinary process should be brought. That is why in relation to officers, who are officers of a foreign police force - if I could use that term for a moment - it is right that it be the U.K. disciplinary authorities because they would be disciplined there and not here. It would be nonsensical to have a situation in which you had a Jersey authority making recommendations as to the taking of disciplinary action in relation to people who are subject to discipline of a different force.

**Deputy P.V.F. Le Claire:**

I am sorry to labour the point. My point is, though, at what point does the ordinary man and woman in the streets of Jersey have the ability to review the decision, make a complaint, have that complaint reviewed and seek a proper judicial review? The Minister was not able to answer, in my view, in a way that satisfied my curiosity and all I am asking is if he will look into it and get back to us, yes or no; it is a simple answer. Yes or no?

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

Well, I did say no.

**2.14.6 Senator S. Syvret:**

I think the Minister for Home Affairs misunderstood the point being made by other questioners. The point is we have seconded U.K. officers working in Jersey who are not subject to the same accountabilities and the same checks and balances as their Jersey counterparts. The only mechanism is a disciplinary complaint to their home force but suppose their home force rejects the disciplinary complaint? Then the Jersey Police Complaints Authority has no authority and ambit to re-examine that decision of their home force and would then the Police Complaints Authority in the region of that home force then have the powers to look into a complaint that arose from Jersey? I am afraid it is a total mess.

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

It is a very simple matter. If the performance of the officers who are seconded is unsatisfactory they will simply be sent back to their force, they will not be allowed to remain here. That will be a decision for the senior management of the local Jersey force. But if it is right that they then face disciplinary action it is not right that that disciplinary action take place in Jersey. It should take place where they are employed by their employing body and not by the Jersey body.

**2.14.7 Deputy P.V.F. Le Claire:**

It seems a very interesting point the Minister has made that they will be disciplined outside of the jurisdiction where they could possibly make an offence or take part in something that is against the law and then be disciplined in their home jurisdiction under their authority. I just wonder whether or not this calls into question human rights laws in relation to the ability to make an appeal against the decision, and I also wonder whether or not he stands by his previous statements of saying no matter what the police officer does from a seconded unit he will be disciplined in the U.K. What if he breaks the law here?

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

That is entirely a new point. That point has not been raised before. The answer is anybody who breaks a law, whether they be Senator or police officer or anybody else is subject to the penalties of the law. That question was not asked before. It is blindingly obvious, in my opinion, that that is so, but we are talking about disciplinary action which is action by an employer against an employee who has acted unsatisfactorily. It can only be the person's employer who takes such action and if the employer is a U.K. police force the action can only take place there. It has nothing whatsoever to do with the criminal law.

**The Deputy Bailiff:**

The Connétable of St. Helier, did you wish to ask a final question?

**The Connétable of St. Helier:**

No, thank you, sir.

**The Deputy Bailiff:**

Very well, then we come to question 14.

**The Deputy of St. John:**

Sir, on a point. I had my light on and you acknowledged me.

**The Deputy Bailiff:**

I did acknowledge you, you are absolutely right, Deputy. I think I must stand by my acknowledgement.

**2.14.8 The Deputy of St. John:**

Could the Minister for Home Affairs try and answer this question. How long can a seconded officer remain on Island in post and, further to that, does he have to have housing qualifications or is he given a 1(1)(d) category automatically or does he get put up in hotel accommodation?

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

Of course I do not know the answer to any of those questions because we are now so far away from the original question that nobody could have guessed we would have ended up down this particular avenue. They will not have housing qualifications because by its nature it will be a temporary appointment, but what arrangements are made will depend upon individual officers and similarly with the latter comment, I want the House to understand that we have a shortfall in certain areas of expertise. In particular an acute shortfall in the public protection area where we have had a 150 per cent increase in the number of matters being referred, mainly child protection matters. The House, I believe, shares my view that this is an important area. It takes about 3

years to train an officer up in a necessary expertise, so exactly in that sort of area it is absolutely vital that we utilise the services of seconded officers.