

3.17 Deputy R.G. Le Hérissier of the Minister for Home Affairs regarding the accountability of the Police:

It is a slightly different take on the same issue. To whom and in what ways are the police accountable?

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

This is almost a good question. **[Laughter]** The reason why it is not quite a good question is because as the questioner well knows I am involved solely with oversight of the States of Jersey Police and not with oversight of the Honorary Police, and therefore I am going to decline to answer any questions in relation to the Honorary Police who are, of course, ultimately accountable to the Attorney General. They also have some accountability no doubt to their Connétable, so I have probably answered that question anyway without answering it. **[Laughter]** The answer in relation to the question concerning the States of Jersey Police is quite complicated. Ultimately they are accountable to the people of Jersey but in fact in practice the mechanism is that they are accountable to the people of Jersey by virtue of the senior officer, the Chief Officer of Police, being accountable to the Minister for Home Affairs. The Minister for Home Affairs, in turn, is accountable to the States of Jersey and the States of Jersey Members are, at least theoretically, accountable at election time to the public of the Island. That is the general structure. I have certain statutory duties. I have duty to secure the maintenance of an adequate and efficient force. The Chief Officer is responsible to me for the general administration and discipline, training, and organisation of the force. I deal with disciplinary matters relating to the Chief Officer and I have the power to suspend him. Lower ranks of police officers are accountable to the higher ranks. The Chief Office of Police is also responsible for the implementation of policy which is set by myself as part of the Council of Ministers in accordance with the States Strategic Plan and, in particular, there is of course an annual policing plan into which the Minister again has input. Although the States Police have operational freedom, which I have said repeatedly today is an important constitutional principle free of political interference, they are ultimately accountable to the Minister by virtue of the chief officer being made accountable to the Minister, and that would include in relation to the way in which they carried out operational matters.

3.17.1 Deputy R.G. Le Hérissier:

With everyone being accountable to everybody it all seems fairly tight. But I wonder, if for example we had a situation... and there was one, as the Minister may recall in the north of England, where a Chief Constable was particularly enthusiastic in arresting certain members of the community, as you may recall. Would that be allowed to continue under this incredible system of accountability which he has outlined to us? At what point would he intervene, for example, if he felt the Chief Officer of this force was, for example, becoming over enthusiastic in arresting certain members of a certain section of the community?

Senator B.I. Le Marquand:

I would be entitled to intervene if I thought that a policy decision was not being carried out and, of course, I would be entitled to start asking questions about general policy matters at a fairly early stage. But, of course, there is this tension between the responsibility for policy and overall responsibility on the one hand and operational matters on the other. In the U.K. of course there is a police authority who are

effectively the employers of the police officers, so the situation is made even more complicated.

3.17.2 The Deputy of St. Martin:

Could I ask the Minister; how frequently does he meet with the Chief Police Officer to discuss operational matters and how the success of operational matters took place? How often do you meet with the Police Chief Officer?

Senator B.I. Le Marquand:

I do not generally meet to discuss operational matters. I meet to discuss policy matters more so. I have meetings probably once a fortnight, we are now setting up a structure of monthly meetings, but I meet when need occurs and of course I may sometimes pick up the phone to talk to the Acting Chief Officer about a particular matter about which I was concerned. I mean, for instance, in relation to the matter in which the Deputy of St. Martin was asking questions before, when I saw there was an issue in relation to search powers I spoke to the Acting Police Chief to check that the police did have appropriate search powers and to receive assurances from him in that regard. But that was unusual.

3.17.3 Deputy T.M. Pitman:

Earlier I asked about a complainant who had attempted to complain to the police, it was sent away to Citizens Advice Bureau; who are the police accountable to for failing in their duty in that type of situation?

Senator B.I. Le Marquand:

I cannot answer that because do not know ... I must apologise to the Deputy, I may have misunderstood him earlier on. I did not realise he was saying that an attempt was made to complain to the police. I failed to understand that. I have to say that the police were wrong if, in relation to a complaint of the nature he was talking about, it were sent away. That could be a failing of an individual officer to understand the situation.