

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON MONDAY 12th SEPTEMBER 2011**

Question

- (a) Following the enactment of the Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008 would the Minister state how many convictions there have been and how many orders have been issued under the Law?
- (b) Is the Minister satisfied that the correct procedures are being followed by the States of Jersey Police in implementing the legislation and would he inform members -
 - (i) whether the States of Jersey Police, after receiving a complaint made to them by the complaining party that another person is harassing them, always check the facts or validity of the complaint or question the person alleged to be conducting the harassment before taking action under the Law; and
 - (ii) whether the Police are issuing orders stating that they are not judging the issue but then warning the recipient that they must cease taking the actions that are causing the problems and that if they do not that they will face prosecution, without stating what the actions are that are the cause of the complaint?

Answer

- (a) Since the enactment of the Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008 ('the Law') 41 cases of harassment have led to alleged offenders either being charged or served notice of intended prosecution. Of these, 31 went to Court and 10 to Parish Hall Enquiries. It should be noted that sanctions imposed at Parish Hall Enquiry do not count as convictions.

In respect of orders, the courts are responsible for issuing restraining orders under the Law and this information is not held by the Home Affairs Department. However, the Deputy may be referring to the Police Information Notices (Allegation of Harassment), which are issued by the States of Jersey Police. The States of Jersey Police have issued 67 of these notices since the enactment of the Law.

- (b) The Minister for Home Affairs is satisfied that the States of Jersey Police leadership have set up the correct procedures when implementing the legislation. Whether those correct procedures are correctly followed in all cases would require a detailed examination of each case.
 - (i) When dealing with complaints of harassment, officers establish whether this is the first incident which has allegedly caused the victim harassment, alarm or distress. If it is the first incident and there is no other evidence to corroborate the allegation and, unless there is evidence to the contrary, officers may consider giving words of advice to the alleged perpetrator. The purpose of such words of advice is to bring to the attention of the alleged perpetrator that a complaint has been made and that what

the alleged perpetrator has done has upset someone. In so doing, an officer does not make any finding as to the validity of the complaint.

If there is corroborative evidence available, then officers must include this in the victim statement detailing, seizing and exhibiting any corroborative evidence, such as -

- Independent eye witness statements, detailing the harassment / behaviour involved
- Forensic evidence such as letters or photographs
- Evidence from telephones, answer phones and computers.
- CCTV footage

- (ii) On serving a Police Information Notice (Allegation of Harassment) the States of Jersey Police specify that harassment can take several forms and they advise the alleged perpetrator that they may be liable to prosecution if they do not cease any behaviour towards the individual concerned that may cause them further harassment. Again, no finding of fact is made by the officer and the purpose of the Notice is the same as for words of advice.

The subject is informed of the allegation that has been made. However the written Notice given to the subject makes it clear that the States of Jersey Police makes no comment as to the truth, or otherwise, of the allegations at the time the Notice is served. Neither words of advice, nor a Notice have any legal effect.

The Notice is issued in the spirit of crime prevention, to ensure that the subject is aware that what they may consider to be reasonable behaviour is actually causing alarm and distress to the individual concerned. The intention behind the giving of words of advice or the service of a Notice is to seek to avoid the situation escalating to the stage where consideration of prosecution will be necessary. If that stage arrives then the Police will prepare a file in the normal way for the consideration of a prosecutor.

This is how the correct procedures should be followed. Whether they are in each case would require a detailed examination of each case.