

### **3.19 The Deputy of St. Martin of the Minister for Home Affairs regarding complaints against the States of Jersey Police.**

Will the Minister inform Members whether the States of Jersey Police has a policy to ensure that complaints against police are investigated and processed expeditiously and is he content with the Police Complaints Authority's oversight of complaints against police?

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

There is such a policy in Force Policy and Procedure and that policy is also set out in a memorandum which is provided to all officers who are investigating complaints against the police. The policy states that the complaint has to be fully investigated as soon as possible and in any event within 120 days, that would be that would be 4 months. The Jersey Police Complaints Authority is an independent organisation set up by the States and operating in accordance with statutory law and I am content with their oversight of complaints.

#### **3.19.1 The Deputy of St. Martin:**

I am rather disappointed to hear that people are content that 120 days is seen to be a reasonable date. Having had some experience of investigations I would disagree with that. Can the Minister inform Members, or agree that at the moment the Complaints Law does not provide for appeals by complainants against decisions or actions of the Authority. Therefore there appears to be nothing a complainant can do to get the police or police authorities to complete a police investigation in a timely manner. Does the Minister accept that the current situation is unsatisfactory? If he does agree, what action does he intend taking?

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

I am trying to speak as loudly as I can without shouting, but the Deputy may not have heard that what is said is that they should be completed as soon as possible. The 120 days is the fallback period in relation to that. It is interesting that in every Jersey Police Complaints Authority report for last year there was a reference there to the time taken to complete investigations. This indicated that the 120-day period was achieved in most cases but that unavoidable delays can occur due to the need to await the completion of court hearings. Also that in 2010 the major factor in delay was the time taken to obtain a decision from the Law Officer's Department as to whether criminal proceedings were merited. So, there are genuine factors which can lead to delays of more than 120 days.

#### **3.19.2 Deputy M.R. Higgins:**

Does the Minister think it is acceptable that where a complaint is made to the Police Complaints Authority, which is investigated by them, and an officer is disciplined for it that there is firstly no explanation of the officer's conduct, secondly, no apology from the police force and no further information other than he is disciplined.

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

I know that the police as a matter of practice will not give an apology while a discipline matter is still outstanding but I would expect that once a disciplinary matter was completed that if they accepted that there was fault on the part of an officer I would then expect an apology to be made. But, as I say, not until the disciplinary matter had been completed.

**Deputy M.R. Higgins:**

Just for information, it was completed I think it was 6 months ago.

**3.19.3 The Deputy of St. Mary:**

Can I take the Minister back to his 120 days? That is the fallback position for completion but does he not think ... is it the case that in the guidelines, in the rules, there is not a time limit given on the first response, the acknowledgement, and if not would he remedy that? He is looking puzzled. When the complaint is made the person who complains needs to be reassured that the complaint is being looked at, that it has been confirmed, it has been logged and something is going to happen. If that is not in the code I believe it should be. Would the Minister comment on that and if it is not will he undertake to make sure that that response to the complainant is in the rules?

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

The initial lodging of complaints is normally with the Deputy Chief Officer of Police and I would have thought that he would as a matter of course acknowledge the formal receipt of a complaint. I can take that matter up with him to find out what the practice is.

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

There are 3 movements with a complaint. One is the investigation, 2 then goes to the Deputy Chief Officer for consideration and then onward possibly to the Police Authority. Can the Minister inform Members, what can a complainant do when they are not given any information as to how the investigation is going or, indeed, they are not satisfied that the matter is being dealt with in a timely fashion? Because quite clearly if they are seen to be complaining about the time it is taking they are just seen to be a complainer who complains. Is there anything one can do to expedite the situation and also encourage people not to be afraid to make a complaint if the complaint is genuine?

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

If a complainer is unable to get a satisfactory response from the officer who is investigating the complaint then I would suggest that they should make contact either with the chairman of the Police Complaints Authority, because it is that body that has responsibility for oversight of the process, or indeed the Deputy Chief Officer of Police because he also has a very distinct role in this.