

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 19th MARCH 2013**

Question

Will the Minister advise members what action, if any, his Department takes when complaints are made to it regarding misconduct or wrongdoing by members of the States of Jersey Police and what it does to ensure that complaints are investigated in an effective and timely fashion?

Answer

I am not sure as to what is meant in the question by the term 'his Department'.

The role of the States of Jersey Police in relation to complaints against officers of the States of Jersey Police below the rank of Deputy Chief Officer is set out in the Police (Complaints and Discipline) (Jersey) Law 1999 and the Police (Complaints and Discipline Procedure) (Jersey) Order 2000. These are too detailed to set out in a written answer and I simply refer to them.

Where the Minister, the Assistant Minister or a member of staff at the central Home Affairs Department at 11 Royal Square becomes aware of a complaint against a police officer below the rank of Deputy Chief Officer, they will normally forward the complaint to the Deputy Chief Officer or to the Police Complaints Authority, so that it can be dealt with in accordance with the said Law and Order.

The Minister has no role in relation to individual complaints and individual disciplinary hearings.

However, under the terms of Article 16 of the Police (Complaints and Discipline) (Jersey) Law 1999, the Minister has a duty in carrying out his or her duty with respect to the maintenance of an adequate and efficient Force, to keep himself or herself informed as to the working of the Part of that Law which relates to the States of Jersey Police Force.

The Minister takes the view that that duty does not extend to the conduct of individual investigations and disciplinary proceedings, but does extend to a general oversight of the system.

In pursuance of that general oversight, the Minister approved a review by an expert in this area of the current law and procedures, the outcome of which he is still awaiting.

Where a complaint relates to the Chief Officer of Police, or Deputy Chief Officer of Police, it is not dealt with under the said Law or Order, but remains the responsibility of the Minister who determines the manner in which the complaint is dealt with. The precise method used in relation to this is determined by the Minister on an individual case basis.