

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 9th SEPTEMBER 2014**

Question

Will the Attorney General advise Members -

- (a) whether he issues guidance to the Police and States departments on what crimes or regulatory breaches that they should or should not investigate or upon the degree to which any offence, criminal or regulatory, that is committed before they should take steps to institute a prosecution?
- (b) whether he believes that such guidance should be published to the public in a transparent way so as to all can judge whether such guidance is reasonable in the circumstances?
- (c) whether he has issued any such guidance to the States of Jersey Police with regard to cyber bullying or the operation of the Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008 and, if so, what guidance he has issued for the treatment of such cases.

Answer

- (a) The Attorney General's Code on the Decision to Prosecute is on the Law Officers' Department website and provides guidance to Centeniers. In 2008, my predecessor re- issued complementary guidance for officers of Regulatory Departments. This document is also available on the Law Officers' Department website. Those documents deal with both evidentiary and public interest considerations.
- (b) Accordingly, the guidance referred to above is accessible to the public at large.
- (c) In March 2012, following a number of matters involving use of the Social Media which were being considered by the Data Protection Commissioner and the States of Jersey Police, I issued informal guidance to both in the hope that it might assist them in determining the types of matter which I might regard as being appropriate for prosecution in the courts. That guidance is being reviewed. When that review is complete and the guidance is re-issued, I will consider whether it should be published on our website as formal guidance.