

2015.04.14

### **3.3 Deputy M.R. Higgins of the Minister for Home Affairs regarding the initiation of prosecution proceedings against drivers:**

Will the Minister advise whether it is the policy of the States of Jersey Police not to initiate prosecution proceedings against drivers who knock down pedestrians on pedestrian crossings, even if the driver admits their guilt and the event has been witnessed by independent witnesses; and furthermore, is it the policy not to provide the injured party with the name and insurance details of the driver in such cases?

#### **Deputy K.L. Moore of St. Peter (The Minister for Home Affairs):**

The response of the States of Jersey Police to road traffic accidents is determined by Article 52 of the Road Traffic (Jersey) Law 1956. This Article defines those road accidents that are reportable to the police for the purposes of recording an investigation. When a report of a road accident is received policy dictates that sufficient details must be obtained in order to determine whether there is the requirement for police attendance and indeed whether the accident is reportable and/or therefore recordable by the police. Every relevant case will be examined, investigated and dealt with on its own merits in accordance with Article 52 of the law. In relation to the second part of the question, it is policy to provide relevant details in order to comply with Article 52 of the law. Any person having reasonable grounds for requiring the name and the insurance details of a driver in the case where damage or injury is caused will be provided with those details upon request. Usually details are exchanged at the scene of the collision. If this is not the case a written request should be made to the Criminal Justice Department who will provide the relevant disclosure to the applicant.

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

Supplementary. I find it amazing listening to the Minister for Home Affairs' answer. We have a situation where an accident took place. A lady was knocked down on a crossing. The crossing had a red light. She was knocked over the bonnet of the vehicle and on to the ground and injured. There were 3 witnesses to the accident. One including an employee of the States of Jersey Police. The driver admitted his responsibility that he had gone through the red light and knocked her down, and yet 6 months later no action had been taken by the States of Jersey Police and in fact they were not going to proceed with any action against the driver. Does the Minister think that is good enough?

#### **The Deputy of St. Peter:**

I am rather surprised that the Deputy is raising this question in this Assembly. He has had a face-to-face meeting with the Chief of Police. They happened to bump into each other in the street last week and the Chief of Police reminded the Deputy, as the Deputy well knows, that I am unable to deal with operational questions in this Assembly. This question would be much better dealt with by the Chief of Police and the Chief of Police has extended an invitation to the Deputy to which the Deputy has agreed to attend. I would suggest that he takes up this invitation.

#### **3.3.2 Deputy M. Tadier:**

But what the Minister can be accountable to this Assembly for is consistency when it comes to the approach that the police are taking, which does very well fall within her remit. Does she acknowledge that when we have a situation, for example, where a driver inadvertently drives through a red light at Cheapside and very narrowly misses a baby in a pram who is then subsequently prosecuted by the police? We have another occasion somewhere in St. Clement, I believe, where somebody jumps a red light there, hits a pedestrian while they are crossing at the pelican crossing, and is injured as a consequence and no action is taken by the police, that the public have a right to expect consistency of approach to be taken. Especially when there is a

suggestion that it could be to do with the individuals involved and the police taking a different approach, depending who it is. Does the Minister accept that falls within her remit and will she undertake to make sure that consistent approaches are taken by the States of Jersey Police in future?

**The Deputy of St. Peter:**

I have to say I am satisfied in this case that there is a consistent approach from the States of Jersey Police. It is not normal for a Minister to discuss a particular personal case but on this occasion I am happy to use parliamentary privilege and to enter into some discussion on this point because I am aware that various Deputies have been contacted and it is a rather special and individual case. Firstly, the person involved in this collision is known to us as a former Deputy. Secondly, at the outset of this case the person involved in the collision asked the police not to press any charges. They felt the driver had been very kind to them at the time and at that moment they did not want to press charges and so that is why things have been slightly delayed on this occasion.

**3.3.3 Deputy M.R. Higgins:**

In fact I would like to challenge that and a number of statements made by the Minister this morning. **[Interruption]** I wonder if I could challenge the Minister on this. She mentions, for example, the Chief of Police. The Chief of Police, yes, I did meet him on, I think, it was Friday. It was after my questions had been submitted, and I asked him about this particular case and he said, first of all, he denied he had any knowledge of it, and yet the person concerned had written to him. I challenge him on ...

**The Deputy Bailiff:**

Deputy, could I remind you this is for asking a question?

**Deputy M.R. Higgins:**

Yes, I am sorry, but I think it is important that facts are laid out because we are being told the police had done everything possible, they have not.

**The Deputy Bailiff:**

Extremely briefly in order to preface a question.

**Deputy M.R. Higgins:**

Yes, Sir, thank you. We are talking about an event that happened 6 months ago. By the way, after my meeting with the Chief of Police and ... by the way the Deputy Chief of Police had also been written to and done nothing, as had the Assistant Minister for Home Affairs, who had been written to on this matter. What I will say is: on Friday afternoon after my conversation a policeman suddenly comes with the insurance details. Now the case is being re-investigated. But the point was, the case was deemed by the police not to be worthy of an investigation and yet the evidence was overwhelming. I disagree with the statement about whether a prosecution should take place. The person concerned was shocked at the time of the accident but did not inform police that they would like to see the driver prosecuted and no action was taken. So therefore I must admit I get so fed up of these standard answers ...

**The Deputy Bailiff:**

Deputy, please could you ask the question?

**Deputy M.R. Higgins:**

Yes, I am coming to it now, Sir.

**The Deputy Bailiff:**

Please would you come to it straightaway.

**Deputy M.R. Higgins:**

I am fed up with the Minister's responses, defending the police on operational matters when they cannot be defended. Will the Minister go back and speak to the police and make sure that they are consistent because their policies are totally inconsistent on these matters rather than smile and just say: "Oh everything is wonderful in our police force" which it is not?

**The Deputy of St. Peter:**

I will indeed discuss this with the Chief Officer, but I would also remind the Deputy that it would be more appropriate if he discussed this case with the Chief Officer as he has been requested to do so.

**Deputy M.R. Higgins:**

I agreed to meet the Chief Officer of Police about our famous cyber troll and the lack of action on that.