

**WRITTEN QUESTION TO H.M. ACTING ATTORNEY GENERAL
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 14th APRIL 2015**

Question

Further to question (8707) of 24th March 2015, will H.M. Acting Attorney General -

- (a) confirm that only police officers are required to act in conformance with the Police Procedures and Criminal Evidence (Jersey) Law 2003 and have the powers contained within that Law;
- (b) confirm that no enforcement officers are governed by, or have the powers contained in, the aforementioned Law;
- (c) advise whether he considers it appropriate for Enforcement Officers in States Departments to state that they follow the aforementioned Law as best practice when it does not apply to them; and,
- (d) outline the legal powers of the Enforcement Officers in the Planning and Environment Department, Population Office and Andium Homes and any other States Department, advising members of the legislation in which they are contained?

Answer

One reads the answer to question 8707 of 24th March 2015 to confirm, as is the case, that police officers and not enforcement officers have the powers contained within the Police Procedures and Criminal Evidence (Jersey) Law 2003. The answer given to question 8707 also outlines the legal powers referred to in part (d) of the question above.

The only new question appears to be part (c). The Police Procedures and Criminal Evidence (Jersey) Law 2003 saw the introduction of related Codes of Practice which sets out in detail best practice in respect of the conduct of an investigation. For example, one of the Codes relates to how best to interview a person who is the subject of an investigation so as to protect that person's rights. If an enforcement officer has decided to follow a Code of Practice so as to ensure that their investigation is in accordance with best practice then one cannot readily discern the difficulty. This view is offered on the somewhat limited information provided.