

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 4TH JULY 2017**

Question

Further to the answer to written question 9725 on 29th November 2016, will the Minister-

- (a) advise whether the Jersey Police Complaints Authority, in exercising its oversight and supervision of investigations by the States of Jersey Police (or such other external police forces as circumstances require) of complaints made by members of the public against States of Jersey Police or Honorary Police officers, is able to determine its own investigative process, and whether it must rely solely upon documentation and information provided by the Police or is able of its own volition to seek out material to assist an investigation; and
- (b) state how many investigations each year conducted by the Police have been rejected, or found to be unsatisfactory, by the Authority since it began its operations, expressing the figure numerically and as a percentage of the total number of substantiated claims?

Answer

- (a) The Jersey Police Complaints Authority (the “Authority”) is an independent organisation which was established in 1999 pursuant to the Police (Complaints and Discipline) (Jersey) Law 1999. The Authority reports to the Minister for Home Affairs. The role of the Authority is to oversee, monitor and supervise the investigation by the Professional Standards Department of the States of Jersey Police of complaints made against States of Jersey Police and Honorary Police Officers. The Authority does not carry out the investigations and its Members are not trained investigators. The role of the Authority is to ensure that the investigations it supervises are carried out by the investigating officers in a thorough and impartial manner.

Further information regarding the nature and extent of the Authority’s oversight and supervision of investigations of complaints made by members of the public against States of Jersey Police or Honorary Police officers was published in the Jersey Police Complaints Authority Report for 2016, as presented to the States Assembly on 27 April 2017 (R.44/2017).

- (b) The Authority has not rejected or refused to supervise any complaints referred to it by the Police. It has supervised all complaint investigations referred, whether relating to a personal complaint, an organisational complaint, a death or a voluntary referred internal investigation. Since 2009, one case has ended with the Authority not providing a satisfaction statement. A letter with the reason for this was sent by the Authority to the Attorney General, as it related to an investigation into an Honorary Officer. Since 2009, 34 complaints have been challenged or questions put to the Police following a review of the investigating officer’s report (please note that there may have been more than one issue raised on each individual complaint). These may be challenges related to any of the following:
 - i. disciplinary action or a recommendation to make the disciplinary action more severe;
 - ii. Authority requesting training be given to officers as a result of the investigation;
 - iii. challenged conclusion of the investigation;
 - iv. Authority sought clarification from the Data Protection Commissioner;
 - v. Authority challenged the investigating officer;
 - vi. CCTV recordings not contained within the file;
 - vii. non-disclosure of sensitive information;

viii. Authority requested that learning points from the investigation are highlighted to the force.

These 34 instances are tabulated below.

Year	Number of challenges during the year	Number of substantiated cases during the year	Percentage of substantiated cases *
2009	1	5	20%
2010	0	2	0%
2011	5	10	50%
2012	2	8	25%
2013	5	6	83%
2014	7	8	87%
2015	4	5	80%
2016	9	6	150%
2017 (to date)	1	0	0%

Notes

* Whilst a percentage is provided as requested, this would not seem to serve a useful purpose given that the Authority challenges aspects of both substantiated and unsubstantiated cases.

The information provided in this answer relates to cases from 2009 to date, as the Authority's data retention policy means that the detailed information requested is only retained for six years.