

2018.03.19

**11 Deputy M.R. Higgins of the Minister for Home Affairs regarding the creation of an independent Police Complaints Authority: [OQ.58/2018]**

Will the Minister agree to take the necessary steps that would see the Jersey Police Complaints Authority evolve into an independent police complaints authority, with its own investigating officers and which would not be reliant on the Professional Standards Department of the States of Jersey Police undertaking investigations?

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

As the Deputy is aware, work is currently being progressed to update the Police Complaints and Discipline (Jersey) Law 1999 and related legislation. A key objective of this work is to update Jersey's legislative framework to match current good practice in associated legislative frameworks elsewhere in the British Isles.

[16:15]

This will make the process clearer and easier to understand, thereby hopefully improving the service to the complainant. It is anticipated that the changes proposed will enhance the provisions around the use of external police forces to investigate complaints and enable the provision of the authority at appropriate legal investigatory or other expertise needed to fulfil its functions. I would remind Members however that even though the Independent Office for Police Conduct in the U.K. (United Kingdom) has such investigatory powers for use in most serious incidents, the majority of the complaints continue to be investigated by local forces and overseen by the I.O.P.C. (Independent Office for Police Conduct).

**3.11.1 Deputy M.R. Higgins:**

The question was, is she willing to evolve into an independent police complaints authority with their own investigating officers rather than professional standards? The Minister did not answer the question.

**The Deputy of St. Peter:**

I think I have answered the question by offering a comparison of what is good practice elsewhere and explaining that we are currently, as the Deputy is aware, working on provisions that will improve the service that the Police Complaints Authority, which is an independent body already, constituted of volunteers to whom we are very grateful, they give up their time to conduct what is an important role in terms of serving the public.

**3.11.2 The Deputy of St. John:**

Could the Minister advise whether she sees any current problems with the Complaints Authority and what improvements she sees that could be made to ensure that the public have trust in the role of the police going forward?

**The Deputy of St. Peter:**

Yes, I think really what we have done since the Constable of St. Lawrence and myself have been at Home Affairs is ask officers to look at what is good practice elsewhere in terms of accessibility to this process and making it simpler for a complainant to find the relevant forms and make their complaints and pass them on. There is currently oversight from an independent body, who we have, the J.P.C.A. (Jersey Police Complaints Authority), but there is always room for improvement and that is exactly what we are aiming to do.

### **3.11.3 Senator S.C. Ferguson:**

But can the Minister say that it is totally satisfactory for the Police Complaints Authority to immediately refer a complaint to the Professional Standards Department, which is part of the police force? Then they give a result to the complaints authority who inform the public. The public I think thinks that the Police Complaints Authority is independent with its own investigations. I mean I have seen a reply to a complaint saying that there are no grounds for complaint signed by the person, the complainee I suppose you call them. Is the current system really satisfactory from the point of view of the complainant who would like an independent review?

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

Every police force in the British Isles has a professional standards department, which deals with complaints. In Jersey their work is currently independently overseen by the Jersey Police Complaints Authority. So, irrespective of the future role or powers of the J.P.C.A., a constructive working relationship with the States of Jersey Police Professional Standards Department is always going to be important. The body of the J.P.C.A. are there to offer their oversight but the investigatory powers are there within the Professional Standards Department. So I refer back to my previous and initial answer, which referred to what happens in other places, how that works, and so the opportunity to go out to other investigatory bodies would be something that happens further down the line, depending on the severity of the complaint.

### **3.11.4 Senator S.C. Ferguson:**

But can the Minister not see that, as far as the public are concerned, to find out that the complaint is being investigated not independently but within the police force, can she not understand that the public find this unsatisfactory and difficult to understand?

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

I do understand the point that the Senator makes and I can only reiterate that it is a question of using the resource and the skills that we have in the appropriate places, and it is an acceptable practice in other places to use the skills that a professional standards department would have to do the investigatory work. But the important point is the oversight and the oversight is provided by an independent group of people who volunteer their time generally and we are grateful to them and that is the process. There are further processes available depending on the severity of the complaint but I am content that at the moment this is a practice that works well.

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

I am just going to read a little extract from the Police Complaints Authority Report for 2017. It states: "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 the States of Jersey Police and Honorary Police Officers. The Authority does not carry out the investigations and its members are not trained investigators." This is the key part: "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." Recently, the Police Complaints Authority were approached by someone who had a complaint, they referred the matter to the States of Jersey Police, and the complainant was told that they will be contacted by an investigating officer to go through the evidence as the Police Complaints Authority would not be sending the evidence across when the investigating officer contacted them to provide all the evidence. That person was never contacted by an investigating officer and the Police Complaints Authority signed-off the investigation as being thorough and satisfactory. It just beggars belief if you have the Authority signing off shoddy

workmanship, no investigation, and yet the Minister is saying everything is fine. That is not the only complaint I have received about the Police Complaints Authority. What does the Minister have to say? Does she think it is acceptable for the Authority to sign-off an investigation where the investigating officer did not even speak to the complainant?

**The Deputy of St. Peter:**

I clearly cannot go into the details of an individual case because I do not know the circumstances or indeed the details, so it would be wrong and impossible for me to draw any conclusions on the example that we have just been given. However, I would suggest that, if a complainant were to find themselves in that situation, one would expect that they would refer themselves back to the Police Complaints Authority and ask a question about the process and what has been promised and what they deemed to have happened in their experience. Let us just reiterate here that police officers are public servants, they are here to protect the public and to work in the best interests of the public to maintain safety and to do their work in an independent and sensible fashion.