

2020.07.13

16 Deputy M.R. Higgins of the Minister for Home Affairs regarding the Police Complaints Authority: (OQ.196/2020)

Will the Minister explain to the Assembly what changes to the powers and operation of the Jersey Police Complaints Authority, if any, are being prepared by his department and what the purpose is of such changes?

Connétable L. Norman of St. Clement (The Minister for Home Affairs):

Over the past 12 months we have been reviewing our police complaints legislation to ensure that it is up to date and accords with best practice. The updated legislation is expected to provide significant new powers to the authority to match the position of similar bodies elsewhere in the British Isles. For example, it will have fuller oversight of all stages of the complaints process, make formal recommendations to the deputy chief officer or the Attorney General regarding police complaints and conduct matters, require the disclosure of information to assist with complaints and conduct matters and make more information available to complainants and ensure that the authority can commission its own legal and investigative equities when necessary.

3.16.1 Deputy M.R. Higgins:

Is the Minister planning a public consultation on his changes to get the views of the people who have had experience of the Police Complaints Authority?

The Connétable of St. Clement:

We have already been out to consultation with the authority itself, the Police Authority, the judiciary, the Comité des Connétables, the Comité des Chefs de Police and the Law Officers' Department. Our Scrutiny Panel, of which Deputy Higgins is a member, has had draft legislation for nearly a month now. I am hoping that the law and the regulations made under it will be lodged later this month. That will mean it will not be debated until September or October, which will give plenty of time for the public or anyone who is interested to make comments on the draft legislation. So the answer probably in simple terms is yes.

3.16.2 Deputy R. Labey of St. Helier:

Is it the case currently that if one has a complaint against the police one has to lodge that complaint with the police?

The Connétable of St. Clement:

Yes, that is the normal procedure. Then it is dealt with by the Professional Standards Department and the Police Complaints Authority become involved subsequent to that.

3.16.3 Deputy R. Labey:

Does the Minister not regard that situation as anomalous and not in line with best practice that you lodge the complaint you have against someone or an organisation with that organisation? Does his new legislation cover that and find an alternative route directly to the authority?

The Connétable of St. Clement:

Yes, there can be an alternative route if it is appropriate. There can be an alternative route now. In particularly serious cases or where there is an accusation of corruption and so on, we always bring in outside investigators to deal with it, but the new legislation will be best practice. Throughout the

United Kingdom, Great Britain and Northern Ireland, all complaints are, firstly, passed to the professional standards department within the force that is involved.

3.16.4 Deputy K.G. Pamplin:

Just to pick up on the Minister's response to the previous question, can I just be clear that there has been no public consultation with maybe members of the public who have been through this process, whether good or bad or whatever? Have I got that right? Is that clear?

The Connétable of St. Clement:

As far as I am aware, and I cannot recall there being any public consultation as yet but, of course, the moment it is lodged that consultation is then in place.

3.16.5 Deputy K.G. Pamplin:

Does the Minister agree with me that surely part of any process should be including the people who may have had experience, whether good or bad, to interject as doing this? Will he be openly encouraging members of the public, which I am pretty sure he will be, that they really have their voices heard in this important issue?

The Connétable of St. Clement:

Yes, of course. Anyone who has had experience of the complaints authority, or have not but simply have views on it, we would welcome and encourage their participation in the process before the regulation or regulations are debated.

3.16.6 Deputy M.R. Higgins:

I have got 2 supplementaries but under the system I cannot put them both although I might try. Would it not be better, Minister, to go out to consultation with your proposals so the public can comment on it before bringing the regulations to the States so, therefore, they could be modified before that? Also, can you elaborate on how many external investigations have been carried out, because I am not aware of any?

The Connétable of St. Clement:

How many, I cannot say. I am personally aware of at least 2 and I am quite happy, as I said before, for members of the public, whether they have a personal interest in this matter or not, to make contributions and they will be able to do that when they see the legislation and when the legislation is lodged.