

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY M.R. HIGGINS OF ST. HELIER
QUESTION SUBMITTED ON MONDAY 24th MAY 2021
ANSWER TO BE TABLED ON TUESDAY 1st JUNE 2021**

Question

“Will H.M. Attorney General advise members –

- (a) what legal obligations or requirements, if any, apply to investigations conducted by the Professional Standards Department (P.S.D.) of the States of Jersey Police into complaints made by police officers or members of the public, stating in particular whether any such legal obligations include a requirement to conduct investigations in accordance with the principles of natural justice;
- (b) further to paragraph (a), how Article 6 of the European Convention on Human Rights is engaged through the conduct of such investigations by the P.S.D., if at all; and
- (c) what legal remedies are available to police officers and members of the public in the event of a failure by the P.S.D. to follow the standards that apply to investigations or to carry out a proper investigation?”

Answer

- (a) what legal obligations or requirements, if any, apply to investigations conducted by the Professional Standards Department (P.S.D.) of the States of Jersey Police into complaints made by police officers or members of the public, stating in particular whether any such legal obligations include a requirement to conduct investigations in accordance with the principles of natural justice;**

Investigations by the Professional Standards Department of the States of Jersey Police are conducted in accordance with the Police (Complaints and Discipline) (Jersey) Law 1999 and the Police (Complaints and Discipline) (Jersey) Order 2000 (the “Order”). The Order sets out the procedure which is to be followed in relation to complaints that are made against a member of the Force. The procedure contained in the Order accords with the principles of natural justice.

The Professional Standards Department is subject to the oversight of the Jersey Police Complaints Authority in conducting investigations. The Authority is independent of the Police and Government and its role is to ensure that investigating officers carry out the investigations it supervises in a thorough and impartial manner.

- (b) further to paragraph (a), how Article 6 of the European Convention on Human Rights is engaged through the conduct of such investigations by the P.S.D., if at all; and**

Article 6 of the European Convention on Human Rights is not engaged in relation to investigations of members of the Force by the Professional Standards Department of the States of Jersey Police.

(c) what legal remedies are available to police officers and members of the public in the event of a failure by the P.S.D. to follow the standards that apply to investigations or to carry out a proper investigation?”

It would be for a member of the public to establish that they were owed a justiciable duty of care by the Chief Officer of the States of Jersey Police and, in turn, that this duty had been breached and they had suffered a loss as a result.

In the event that a police officer was dissatisfied with the process of an investigation by the Professional Standards Department and, on the assumption that a disciplinary charge was to be preferred as a result of the investigation, the police officer could raise his concerns in relation to the process of the investigation at the hearing of the disciplinary charge. A police officer who is found guilty of a disciplinary charge may appeal against the decision on the disciplinary charge and the punishment imposed to a Panel of Jurats.