

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS
BY DEPUTY M.R. HIGGINS OF ST. HELIER
QUESTION SUBMITTED ON MONDAY 14th JUNE 2021
ANSWER TO BE TABLED ON MONDAY 21st JUNE 2021**

Question

Will the Minister advise members in detail –

- (a) what the nature is of the oversight of the Professional Standards Department by the Police Complaints Authority;
- (b) what checks and balances exist to ensure that the Police Complaints Authority does its job; and
- (c) what remedies are available to members of the public if either the Professional Standards Department or the Police Complaints Authority is suspected of failing to do their job properly?

Answer

(a) what the nature is of the oversight of the Professional Standards Department by the Police Complaints Authority;

In accordance with the Police (Complaints and Discipline) (Jersey) Law 1999 and the Police (Complaints and Discipline) (Jersey) Order 2000, the role of the Authority is to oversee, monitor and supervise the investigation by the States of Jersey Police, and such other external Police Forces as circumstances require, of certain complaints made by members of the public against States of Jersey Police (SOJP) officers and Honorary Police officers.

Under the Law, the Authority is required to supervise the investigation of any complaint alleging that the conduct of a member of the Police Force resulted in the death of or serious injury to some other person. The Law also provides for the Authority to supervise other cases referred to it by the Chief Officer which do not arise from complaints by members of the public but where it is felt that supervision would be in the public interest. Generally, an investigation into an individual's death during or shortly after being in police custody will be voluntarily referred by the States of Jersey Police.

The Law requires the Authority to approve the appointment of an investigating officer and its responsibility is to ensure that the investigations it supervises are carried out in an impartial, thorough, and meticulous manner. The Authority's focus is on possible breaches of police conduct standards and any related disciplinary issues. It is required to confirm its agreement to disciplinary action where a complaint has been deemed substantiated.

It is acknowledged that members of the Authority are not trained investigators and it is not their role to conduct the investigation. However, they must ensure, wherever possible, that all aspects of the investigation have been covered. Members should be encouraged to challenge the investigating officer on any aspect of the investigation which the member feels are unsatisfactory or insufficiently thorough. The Authority does not have investigatory powers outside of its review of the investigating officer's report and follow on correspondence.

(b) what checks and balances exist to ensure that the Police Complaints Authority does its job; and

On receipt of the SOJP investigating officer's report, together with relevant documents and evidence, the supervising member will review, scrutinise and take further action to question any element of the investigation in order to ascertain whether the investigation has been carried out to their satisfaction. In support, the Authority operates a 'second review process' whereby a second independent review of the documentation is completed by the Chair or Deputy Chair before reaching a conclusion on the conduct of the investigation. Upon completion of the review the supervising member and the Chair or Deputy Chair will prepare and sign a statement for retention on the Authority's file confirming if he/she agrees with the findings of the investigating officer's report and why. If the supervising member or Chair/Deputy Chair does not agree with the findings of the investigating officer he/she will state so in writing, providing reasons. A written statement will then be prepared to confirm that the investigation has been conducted to the satisfaction of the Authority. If the Authority is satisfied with the investigation but has concerns regarding the investigating officer's conclusion, the satisfaction statement should still be sent but a supplementary letter covering their concerns and recommendations should be sent to the AG/CO/DCO (if appropriate).

(c) what remedies are available to members of the public if either the Professional Standards Department or the Police Complaints Authority is suspected of failing to do their job properly?

If the complainant is unsatisfied with the investigation as opposed to individual conduct, the complainant may apply for an administrative appeal through the States of Jersey Complaints Board or judicial review. In the event that the complainant is unsatisfied with the conduct of an individual of the JPCA, the Authority operates an internal complaints procedure in respect of complaints received about its members and staff. The complainant should set out the details of their complaint and submit it to the Authority who will manage the complaint under the Authority's policy.