

21.03.02

2 Deputy M.R. Higgins of St. Helier of H.M. Attorney General regarding the legal responsibility for oversight of the States of Jersey Police (OQ.51/2021):

Will H.M. Attorney General advise Members which person or body has legal responsibility for oversight of the States of Jersey Police in cases where claims are made that the police have either failed to undertake an investigation into a criminal allegation, or have failed to investigate it properly; and will he further state who is legally accountable when it is found the police have failed to investigate a crime properly?

Mr. M.H. Temple Q.C., H.M. Attorney General:

Under the States of Jersey Police Force Law, the States of Jersey Police have operational independence and the chief officer of the police is a corporation sole. In those circumstances raised by the Deputy, a complaint could be made against the investigating officer or officers under the Police (Complaints and Discipline) Law 1999 and, if appropriate, disciplinary action could be taken against the officers involved, and the sanctions include dismissal. Secondly, in the U.K. (United Kingdom) it has recently become possible to bring proceedings against a police force under the Human Rights Act where there has been a failure to investigate serious violent crime and that can be shown to amount to a breach of the victim's human rights. The leading case on that is very recent; it is a claim against the Commissioner of Police for the Metropolis and it concerns some victims of John Worboys, who was a black cab driver who raped many women over a period of years. The Supreme Court in that case held that the police have a duty to investigate serious violent crimes, which arguably amount to a breach of a person's Article 3 rights under the E.C.H.R. (European Convention on Human Rights). In areas where Jersey law is similar to English law, such as this one, the Supreme Court decisions are of the highest persuasive authority in Jersey. In theory, therefore, the Human Rights (Jersey) Law 2000 could permit similar claims to be brought here but I would stress that this is a new area of law, both in the U.K. and obviously in Jersey, so it remains to be seen how or whether the principles of this case will be applied in the Jersey courts.

3.2.1 Deputy M.R. Higgins:

Could the Attorney General tell us the role of the Police Authority with regard to overseeing police and whether they have a role in ensuring that investigations are carried out and are investigated properly?

The Attorney General:

Yes, that is correct. The Jersey Police Complaints Authority has duties under the Police (Complaints and Discipline) Law 1999 accompanying regulations to supervise and monitor complaints against the police. It will check whether the investigation has properly been conducted.