

COMMITTEE OF INQUIRY INTO HONORARY POLICE ELECTION PROCEDURES: REPORT

**Presented to the States on 3rd December 2002
by the Committee of Inquiry into
Honorary Police Election Procedures**



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Introduction

Context

On 8th September 2000, Mr. Roger Holland was found guilty by the Royal Court on two counts of indecent assault committed prior to 1992 and was sentenced to a three year probation order, which included a requirement to attend for a minimum of 12 months at Wolvercote Centre, United Kingdom, where he would receive compulsory treatment. The Court indicated that, if he did not co-operate fully with the programme, he would be brought back before the Court and would be likely to receive a custodial sentence.

In the event, on 2nd March 2001, Mr. Holland was brought back to the Royal Court which concluded that Mr. Holland had breached the three year probation order, by failing to abide by requirements of the Wolvercote Centre and to co-operate with treatment. The Court discharged the probation order and instead sentenced him to two years' imprisonment on each count concurrent.

The conviction of Mr. Holland made the public aware that he had a prior conviction for indecent assault in 1986. His apparent ability in 1992 to enter and then remain in the St. Helier Honorary Police whilst having such a conviction raised serious questions as to the procedures that had been followed in the recruitment and monitoring of this officer. It was considered in some quarters to be essential that the procedures followed, or not followed as the case may be, should be investigated in depth so that secure safeguards could be put in place to prevent similar occurrences in the future.

Appointment of Committee

On 24th April 2001, Deputy R.G. Le Hérissier of St. Saviour lodged "au Greffe" a proposition (P.67/2001) which stated -

THE STATES are asked to decide whether they are of opinion -

in accordance with Article 36B of the States of Jersey Law 1966, as amended, to approve the appointment of a Committee of Inquiry to investigate fully -

- (a) the circumstances through which Mr. Roger Holland was elected and remained a member of the Honorary Police of St. Helier;
- (b) the current procedures that are in place for the election of persons as members of the Honorary Police;

and to report back to the States with such recommendations as the Committee considers to be appropriate.

The proposition was adopted by the States on 3rd July 2002, and, on 27th November 2001, the States approved (P.148/2001) the appointment of the President and members of the Committee.

The States voted a budget of £50,000 from the General Reserve to meet any staff, administration, consultancy and other costs incurred. The Finance and Economics Committee agreed to provide initial funding of £25,000 at the start of the inquiry and any balance, if required, when further details of expenditure were known. To date, the Committee has spent about £4,500, mostly in the hire of meeting rooms, the taping of evidence given at oral hearings and the transcription of that evidence.

Methodology

This Committee was sworn in by Jurat P.J. de Veuille on 7th January 2002. Initial meetings established procedures for the Committee and also established which official documents the Committee would need to refer to. An advertisement had been placed in the Jersey Evening Post asking for written submissions to the Committee and requests were also made through the media for information. A number of submissions were received which enabled the Committee to obtain an initial understanding of events. This understanding needed to be tested against oral evidence, and in some cases information was needed from individuals who had not made submissions. On 24th April 2002 the first of a number of public hearings was held. Witnesses were questioned on oath and were given the opportunity to make their own statements to the Committee. There were no bars to attendance at the meetings. Consequently witnesses were able to hear directly, and learn from news media, the testimony of other witnesses. This Committee is satisfied that this had no effect on the process of the Inquiry. These hearings continued until 6th August 2002 with gaps between meetings being necessary due to availability of individuals and the necessary notice being given to witnesses. The Committee members then drafted the report.

This Committee decided that its terms of reference required it to establish, as accurately as possible, the facts regarding the events which occurred and, where appropriate, to comment on those events. If the events of the period covered by this Inquiry are to be properly understood, it is necessary to view them, as far as possible, through the eyes of the participants and in the light of the information available to them at that time without the application of hindsight. The information included in this report is that provided by the oral and written evidence presented to this Committee backed by some individual research by Committee members and the Committee Clerk.

In writing the report certain conventions have been adopted for consistency and ease of reading. The word "Connétable" has been used instead of Constable to ensure that there can be no confusion with Constable's Officer. The title "Chef de Police" has been used in its colloquial sense to distinguish the senior Centenier in the Parish, even though, strictly speaking, the Connétable is still the Chef de Police. Where direct quotations are used either from written or oral evidence the words have been italicised. When an individual is first named in the report their position and name are given. After that only the position name is used until another individual assumed that position. When the report details oral or written evidence given to the Committee, the witness is referred to as the "then" witness.

CHAPTER 1

Background

Honorary Police

1.1 The principle of a community policing itself has many advantages. The administration of the parishes and policing in Jersey has a distinctive character which has evolved over many centuries. Although changes have been made in response to the requirements of contemporary society difficulties have arisen particularly in urban areas. This is partly because a system developed in rural communities, where the emphasis is on personal knowledge, adapts uneasily to a highly mobile urban society.

1.2 The ranks of Honorary Police Officers are as follows -

Centeniers are the only officers authorised to charge and bail offenders and undertake a significant rôle in Magistrate's Court cases and at Parish Hall inquiries. They also deal with general policing matters.

Vingteniers deal with general policing matters, and undertake certain financial duties for the Parish, including assisting with the Visite du Branchage, although in practice the exact nature of these duties may vary from Parish to Parish.

Constables' Officers assist the Centeniers and Vingteniers of the Parish with general policing matters.

The method of electing honorary police officers has been in existence for nearly five hundred years. The Connétables of the parishes are elected by the electors of that parish. Centeniers, Vingteniers and Constables' Officers who assist the Connétable are also elected, although it is possible that before 1500, sermentés, now known as Constables' Officers, were appointed.

1.3 All honorary police officers must live in the Parish at the time of their election, except that in the case of St. Helier a non-resident ratepayer or the mandataire of a business located in that Parish is eligible. A person may be nominated for election as a member of the honorary police force if, on the day of nomination, that person is at least 20 years of age and less than 70 years of age.

1.4 A number of reports and inquiries over the last two centuries have modified the rôle of the honorary police and a paid police force was established by legislation and is now the States of Jersey Police. Nevertheless certain customary law powers were expressly reserved to a Connétable and a Centenier by Article 3 of the Police Force (Jersey) Law 1974.

Child Protection

1.5 In 1988 the then Director of the National Society for the Prevention of Cruelty to Children expressed the opinion that *child abuse is a very secret, disturbing, ill-understood and extraordinarily difficult problem*. He commented further that it required responsible and sensitive reporting as the pressure upon the victim can be enormous.

1.6 In 1989, a child protection team was formed in Jersey and staffed by members of social services. It deals with all types of child abuse, including sexual abuse. In 1991, a total of 80 cases were reported to the team; of these there were 11 prosecutions for sexual abuse and four for physical abuse. The States of Jersey Police has a Family Protection Team which was established in 1990. There is also a Child Protection Committee which consists of representatives of the key agencies and includes a representative of the honorary police. In 1993, a report recommended the use of video recordings in court hearings dealing with child abuse. Work on sexual offenders' legislation is currently underway.

CHAPTER 2

Honorary Police Election Procedures

2.1 The deployment of the honorary police is governed by custom and a series of Laws, adopted by the States in the 19th Century, and regularly amended, which determine the ranks and number of police officers in the various parishes and the terms of office. The principal Law is the 'Loi (1853) au sujet des centeniers et officiers de police', the amendments of which occupy no fewer than three pages of the General Index of Jersey Legislation published by the States Greffe. Among other matters, this Law contains provisions relating to the election of Centeniers and Constable's Officers and determines the number of the latter in each parish.

2.2 During the period covered by this report the election of Centeniers was governed partly by the 1853 Law and partly by the 'Loi (1897) sur les élections publiques'. The latter Law was recently repealed and replaced by the Public Elections

(Jersey) Law 2002, although the provisions of this Law relating to the election of Centeniers are not yet in force. The election of Vingteniers is governed by the 'Loi (1871) sur le mode d'élection des Vingteniers', which essentially restated the then existing provisions, and the election of Constable's Officers by the previously mentioned Law of 1853 and the 'Loi (1938) sur les officiers du Connétable'. Both ranks of officer are elected at a Parish Assembly. At present the whole Assembly elects a Vingtenier but the electors of the individual Vingtaines elect the Constable's Officers. St. Helier consists of five Vingtaines but, for the purpose of electing Constable's Officers, two of these Vingtaines are divided into two Cantons. Up to 30 Constable's Officers may be elected overall in St. Helier; the numbers vary for each Vingtaine or Canton, with a greater complement being elected for the more populated areas of St. Helier, but no Vingtaine elects less than two officers. Candidates for election must be proposed and seconded by Principaux of the parish, or Vingtaine, concerned. If there is more than one candidate for an office, the nomination and election take place the same night. After election, honorary police officers are required to attend the Royal Court to take an oath of office. This usually takes place on the Friday immediately following their election. All members of the honorary police serve a three-year term and may be re-elected.

2.3 The holding of an election for Centenier is ordered by the Royal Court and, to that end, the Connétable of the parish concerned is required by law to inform the Attorney General at least six weeks in advance that a Centenier's term of office has expired. This procedure does not apply to Vingteniers or Constable's Officers.

2.4 Although officers of the honorary police are elected (either by universal suffrage or by rate-payers entitled to participate in a Parish Assembly), they are ultimately responsible to the Attorney General for efficient and fair policing.

CHAPTER 3

Honorary Police Discipline Procedures

3.1 At the time of Mr. Holland's election in 1992 the legislation in force regarding police conduct was the Police Force (Jersey) Law 1974 and the Honorary Police (Jersey) Regulations 1977 (R&O - 6480). The provisions of the Regulations regarding complaints against members of the Honorary Police were repealed and replaced by the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000 (R&O 110/2000) which came into force on 1st January 2001.

3.2 Under the Honorary Police (Jersey) Regulations 1977, a complaint against a member of the Honorary Police had to be investigated by the Connétable of the Parish in which that member served and the Connétable was required to inform the Attorney General of the complaint as soon as possible.

3.3 At any stage of his investigation into a complaint against a member of the Honorary Police a Connétable could, and if the Attorney General directed, should, refer the matter for investigation by a panel of Connétables and Centeniers appointed by the Attorney General for that purpose.

3.4 The Defence Committee, as it then was, if requested by the Connétable or the panel investigating a complaint, was required to place at the disposal of that Connétable a member of the States of Jersey Police Force of the rank of Inspector or above.

3.5 Following any investigation the Connétable or the panel was obliged to submit a report to the Attorney General.

3.6 The Attorney General could require a member of the Honorary Police to resign his office, if, after consulting with the Connétable of the Parish in which that member served, the Attorney General was satisfied that the member had by some act or default rendered himself unfit to carry out his duties.

3.7 The Attorney General also had the authority to suspend any member of the Honorary Police from office, if, following consultation with the Connétable, he was satisfied that the conduct of the member fell short of the highest standard required of the Honorary Police. He also had the power to suspend a member of the Honorary Police during the course of an investigation into a complaint against that member.

3.8 A member of the Honorary Police who was required to resign, or who had been suspended, had the right of appeal against the decision on the grounds that the decision was unreasonable having regard to all the circumstances. The appeal would be heard and determined by a panel of three Jurats of the Royal Court appointed by the Bailiff.

CHAPTER 4

How Mr. Roger Holland was elected

4.1. The events

4.1.1 In 1986, Mr. Roger Holland, who was 21 years old, and was an active member of a division of the St. John Ambulance Brigade, was arrested and charged with indecent assault on a minor who was mentally retarded. The minor had accepted a lift from Mr. Holland whom she knew from that Brigade.

4.1.2 The investigating officer, Detective Constable B. Duffy, recorded in his report that Mr. Holland, during the course of questioning, admitted to another indecent assault on a minor. This admission was followed up by the States of Jersey Police. However, the parents of the victim did not wish to pursue the matter as they wished to protect her from any distress that might be caused by the investigation process. Consequently, to date, Mr. Holland has not been prosecuted for this admitted assault.

4.1.3 The investigating officer advised Mr. Holland that he should seek medical help and noted in his report that Mr. Holland had sought psychiatric help of his own volition and had an appointment with Mr. J. Hollywood, Consultant Clinical Psychologist, prior to his appearance in Court.

4.1.4 The investigating officer informed his senior officer and one of the then senior officers of the St. John's Ambulance Brigade, who was also an officer of the States of Jersey Police, of his concerns about Mr. Holland's behaviour.

4.1.5 Mr. Holland appeared before the Jersey Magistrate's Court on 10th October 1986 on a charge of indecent assault on a minor, pleaded guilty and received a sentence of one year's probation. On 2nd June 1987, just under eight months later, the Magistrate's Court approved an early discharge of the probation order on grounds of good progress.

4.1.6 It appears that Mr. Holland remained a member of the St. John Ambulance Brigade until 1988. In 1988 and 1991 Mr. Holland applied to join the St. Helier Parish Civil Emergency Team, declaring his conviction of indecent assault on both occasions and on the later application declaring a motoring conviction.

4.1.7 Police records were sought and on both occasions the conviction for indecent assault was disclosed. On the earlier occasion the report was accompanied by a copy of the charge sheet of the Magistrate's Court together with a copy of the original report submitted by the arresting officer of the States of Jersey Police. A manuscript note added to the copy of the police report indicates that the then Connétable of St. Helier, the late Mr. Fred Clarke and the then Town Greffier Mr. Patrick Freeley, considered consulting Mr. Hollywood about Mr. Holland.

4.1.8 On 15th March 1992, Mr. Holland submitted an application as a prospective candidate for Constable's Officer for the Parish of St. Helier. On his application form he declared that he had one previous conviction.

4.1.9 The practice at that time in the Parish of St. Helier was for potential recruits to the Honorary Police to complete an application form and to undergo a familiarisation process, usually of three months' duration, effectively shadowing a senior officer. This enabled applicants to understand the nature of honorary police work and see whether it suited them. It also gave the parish authorities the opportunity to assess applicants' suitability for service. At some stage in the process, an applicant would be interviewed by a panel comprising a senior Centenier (at the time in question, this was usually Centenier M. Patton) and a senior Vingtenier (usually Vingtenier M. Couriard). In the absence of evidence on the matter, this Committee has concluded that Mr. Holland's suitability for honorary police service was never assessed in this way.

4.1.10 On 18th March 1992, the Town Greffier wrote to the Chief Officer of the States of Jersey Police Force requesting a criminal record search. There does not appear to have been a reply to this letter. However, as noted above, previous requests by the same Town Greffier following the application of Mr. Holland to become a member of the Parish Civil Emergency Team had been replied to in full.

4.1.11 On 19th March 1992, the Town Greffier wrote to Mr. Holland telling him that the Connétable considered that he would be unable to accept him as a probationary officer *in view of the unfortunate incident which took place in 1986*.

4.1.12 However, the letter also stated that if Mr. Holland wished to put forward an application to become a member of the Honorary Police he could always get a proposer and seconder and put forward his nomination at a Parish Assembly. This letter was copied to Centenier Patton, and Vingtenier Couriard.

4.1.13 On 9th June 1992 the monthly meeting of the St. Helier Honorary Police discussed, among other matters recruitment. The minute of that discussion reads: *Vingtenier Mahé reported that there was one recruit that was almost ready to join. He added that two candidates that had been turned down might stand for election. Vingtenier Holmes felt that if these candidates wanted to stand they should be allowed to and let the Royal Court decide if they were desirable. It was felt that it could harm recruitment if official candidates were beaten at (sic) election. No officers present were opposed to the election*

of the two men and if they were prepared to face the possible rejection of the court they should be allowed to stand. From the evidence submitted, this Committee is satisfied that one of the two candidates referred to was Mr. Holland.

4.1.14 Apart from the Connétable, who chaired the meeting, others present who have given evidence to this Committee were Chef de Police Centenier P. Davies, Centenier R.L. Le Brocq (later Connétable), and Vingteniers M. Couri, P. Haynes and E. Mahé. Centenier M. Patton and Vingtenier W. Rousseau were not present. The minutes were taken by the Town Greffier, Mr. Patrick (Paddy) Freeley.

4.1.15 On 22nd June 1992, the Town Greffier wrote to Mr. Holland stating that the Connétable had directed him to ask Mr. Holland to complete a Constable's Officer Prospective Candidates form. In response to the question: *Are any convictions recorded by the police?*, the answer on the form was: *Yes*.

4.1.16 On 7th July 1992, Mr. Holland, having been duly proposed and seconded, was elected unopposed at an Assembly of Electors to be a Constable's Officer for the Canton de Bas de la Vingtaine de la Ville. No record has been traced of who proposed and seconded him, and no witness has been able to tell this Committee who those people were. In accordance with normal practice, Mr. Holland, together with four other successful candidates in different Cantons and Vingtaines, was warned to appear before the Royal Court on 10th July 1992 at 10.00 a.m. in order to take the oath of office as a Constable's Officer.

4.1.17 On 8th July 1992, the Town Greffier formally wrote to Mr. Holland on behalf of the Connétable congratulating him on his successful election and reminding him to appear before the Royal Court on Friday 10th July 1992 at 10.00 a.m. to take the oath of office as Constable's Officer. Also on 8th July 1992 the Connétable wrote to the Attorney General, Philip Bailhache, informing him of the names of persons elected as Constable's Officers at the Parish Assembly on 7th July 1992, and notifying him that they had been warned to appear before the Royal Court. This letter was in standard form and was not accompanied by police records for any of the elected officers. A similar letter was sent to the Judicial Greffier so that he might sign the new officers' warrant cards.

4.1.18 The oath of office for a member of the Honorary Police is administered by the Royal Court after it has heard any observations of the Attorney General as to whether or not the oath should be administered. It is for the purpose of these observations (known technically as "moving conclusions") that the Attorney General requires to know whether the officer concerned has any previous convictions.

4.1.19 There was a conflict of evidence regarding the requirement to inform the Attorney General of the criminal records, if any, of prospective honorary police officers. The then Attorney General insisted that this was a matter for the Connétable, and correspondence from his successor supports that understanding. However, in written evidence to this Committee, the then Clerk to the Attorney General paints a different picture. She stated that: *As a matter of routine, all prospective honorary police officers were automatically checked out with the Criminal Records Office, both by the Greffier on behalf of the Town Hall and by myself on behalf of our department. My requests to the Criminal Records Office were made by telephone and that office would fax the records through to us with no other paperwork being created. Criminal records are not usually kept on file as a safeguard against a Data Protection breach.* She also stated: *Should I or one of my colleagues have omitted to do this, it would have been picked up by the Attorney General or Solicitor General before going to the Samedi Court for the swearing in process.* However, in written evidence, the Attorney General has challenged that recollection. He stated that *it would have been impractical to have undertaken such checks as a matter of course because of the short time between receipt of notification of the elections and the appearance of the officer before the Royal Court.*

4.1.20 Whatever the procedure in place at the time, the then Attorney General, in oral evidence, stated that he was not aware of Mr. Holland's previous conviction before he was sworn in.

4.1.21 On 10th July 1992 at 10.00 a.m., Mr. Holland was sworn in before the Royal Court as a Constable's Officer, the Attorney General having moved that the oath be administered.

4.1.22 That same day, an anonymous letter, dated 8th July 1992, was received at the Law Officers' Department. The letter read: *Reading today's J.E.P. I notice with horror that a Mr. Roger Arthur Holland has been elected as Constable's Officer for the Parish of St. Helier. My reason for being concerned is that Mr. Holland was recently convicted of an Indecent assault on a retarded child whilst he held a position of trust as a St. Johns Ambulance Instructor; surely people of this calibre can not be allowed to hold office in the Jersey Parish Police*".

4.1.23 Under procedures in place at the time in the Law Officers' Department for receiving and distributing incoming mail, it is almost certain that this letter was not seen by anyone in authority until after the Attorney General had returned from the Royal Court that morning. In due course, the letter was passed to the Attorney General, who initialled it and his Clerk sent a copy of the letter under cover of a compliments slip to the Town Greffier asking for comment.

4.1.24 The then Attorney General stated in oral evidence to this Committee that this was the first time he had become aware of Mr. Holland's conviction.

4.1.25 On 14th July 1992, a file note written by the Clerk to the Attorney General records a telephone call from the Town Greffier in the following terms: *Mr. Holland had been trying to get into the Honorary Police for a number of years and had previously been dissuaded because of the offence complained of. However, this was in 1986 and he was put on Probation for a period of one year, which Order was discharged after only 6 months duration, so the offence could not have been considered a particularly serious one.*

In addition to this he has been on Advisory Committees and has given good service to the Parish in many ways. Paddy received a number of references from respectable parishioners which he could send you if you wish to see them. All in all, the Constable did not feel he could oppose his wish to join the honorary service any longer as this offence is now six years ago.

4.1.26 The then Attorney General told this Committee that he could not remember whether he had any conversations with the Connétable regarding Mr. Holland but he had accepted the advice recorded in the telephone message that in all the circumstances Mr. Holland's membership of the St. Helier Honorary Police should not be opposed.

4.1.27 The then Attorney General told this Committee that, in his view, the Magistrate must have decided that the original offence was *clearly not very serious* because it had resulted merely in a probation order. It was also in Mr. Holland's favour that the probation order had been discharged early on the grounds of *good progress*. Furthermore, the conviction had been six years earlier and, so far as anyone was aware at the time, Mr. Holland had not re-offended. The then Attorney General told this Committee that, in the light of these facts, even if he had been aware of them before Mr. Holland had been sworn in, he *would very likely have agreed that the matter was in the past and would have moved that the oath be administered*. This statement was made, however, apparently without the knowledge that Mr. Holland had confessed to another indecent assault at the time of his first conviction.

4.1.28 The then Attorney General made the point to this Committee that the swearing-in of an honorary police officer before the Royal Court process is a solemn affair, and to ask the Court *to review shortly after the swearing in* an honorary police officer's suitability for continuing in office would have been a very serious matter. Furthermore, the threshold for making that petition would have been higher than if the question were asked before he had been sworn in.

4.1.29 In the event, the Attorney General decided not to refer the matter of Mr. Holland's previous conviction to the Royal Court.

4.1.30 The then Attorney General agreed with the suggestion made by a member of this Committee that, once an officer with a previous conviction had been sworn in, and therefore accepted by the Royal Court, the previous conviction from his record would be of no further account in determining the officer's suitability to remain in office. Thus at this point Mr. Holland had been accepted formally as a member of the honorary police, in spite of his previous conviction, and for all future purposes, his conviction was effectively regarded as spent.

4.2 Comments on the events

4.2.1 It is clear from correspondence that Connétable Clarke was unwilling to accept Mr. Holland into any aspect of parish service, despite the latter's very persistent attempts to become involved. Thus the letter of 19th March 1992 appears to mark a sea-change in the Connétable's attitude, whether intended or not. Although the letter stated clearly that the Connétable would not accept Mr. Holland as a probationary police officer, it also conceded that he might offer himself as a candidate for election as a Constable's Officer. It can be fairly argued that that part of the letter simply stated the obvious and was not an inducement for Mr. Holland to stand for election. However, given the Connétable's repeated attempts to discourage Mr. Holland from joining the St. Helier honorary service in any capacity, this Committee would have expected the letter to point out that, if Mr. Holland were elected as an honorary police officer, his police record could be made available to the Royal Court and might result in him not being sworn in.

4.2.2 This unexplained omission was compounded by the letter of 22nd June 1992. This informed Mr. Holland that the Connétable had directed the Town Greffier to send him a candidate's application form but again without referring to the possibility of the previous conviction coming to the attention of the Royal Court. The then Town Greffier stated in oral evidence that he had attempted privately to dissuade Mr. Holland from standing for office because of the risk of embarrassment, if the Royal Court declined to administer the oath of office to him. However, that attempt had been unsuccessful. A further unfortunate consequence of the letter of 19th March 1992 was that Mr. Holland eventually joined the St. Helier Honorary Police without apparently undergoing a proper probationary period, or meeting the interview panel.

4.2.3 The minutes of the Honorary Police meeting of 9th June 1992 regarding recruitment do not record the discussion which this Committee believes must have taken place. It is apparent that the matter of candidates with police records was a concern to some officers. This Committee has received no evidence that the Connétable's earlier discouragement of Mr. Holland was mentioned at that meeting, which is strange considering it was formally recorded in correspondence with Mr. Holland. The decision to leave the matter to the Royal Court could be interpreted in two ways, either it was purposive with the intention that the meeting's concerns would be brought to the Court's attention (however that might be done) or there was, in effect, a collective acceptance that events were to be allowed to take their course. Whatever the intention of the meeting, it seemed that the latter course prevailed.

4.2.4 It was not a mandatory requirement in 1992 for the Connétable to include details of previous convictions when informing the Attorney General of election results. It was left to the Connétable to decide whether a conviction should be referred to the Attorney General. In the evidence presented to this Committee, there was a clear disagreement between the then Town Greffier and the then Attorney General about the manner in which such information would be sent to the Attorney General. It may be that the Town Greffier and the Attorney General's Clerk had a private arrangement to exchange such information informally, about which the Attorney General was unaware. However, it is clear on this occasion that the Town Hall did not inform the Attorney General directly of Mr. Holland's conviction (because the then Town Greffier thought that it was unnecessary to do so). Consequently, we may be certain that the concerns expressed at the Honorary Police meeting were also not reported to the Attorney General.

4.2.5 It is likely that the file note dated 14th July 1992 of the telephone conversation between the Attorney General's Clerk and the Town Greffier following the anonymous letter records the sense of the conversation and not the detail. However, it contains no mention of the honorary police meeting, nor the Connétable's previous discouragement of Mr. Holland's earlier attempts to become involved in honorary parish activities. In addition, and perhaps more crucially, it also contains no mention of the fact that, at the time of Mr. Holland's arrest, he had admitted to another assault on a minor. We may safely assume, therefore, that they were not mentioned. This information would have been material to the Attorney General's inquiries, even if it might not have influenced his eventual decision. Furthermore, the then Parish Greffier was mistaken regarding the length of time by which the sentence was reduced, an error later repeated by others.

4.2.6 It is clear that, at some point in this process, the Connétable decided that he would no longer sustain his objections to Mr. Holland's attempts to join the St. Helier Honorary Police but this Committee has been unable to determine the reasons for the Connétable's change of mind. It could have been because of Mr. Holland's persistence, or a recognition of the authority of the electoral process, or simply the result of misunderstandings.

4.2.7 It is clear from the evidence that this Committee has received that, if an Attorney General were notified that a candidate for honorary police office had previous convictions, it would be his responsibility to decide whether details of the conviction should be brought to the attention of the Royal Court. Among the factors that he would take into account in making that decision are whether or not the existence of the conviction might affect adversely the reputation of the Honorary Police generally, or compromise the officer's ability to discharge his police duties.

CHAPTER 5

How Mr. Roger Holland remained in office- 1992 to 1998

5.1 The events

5.1.1 On 31st July 1992 Mr. Robert L. Le Brocq was elected as Connétable of St. Helier.

5.1.2 Following Mr. Holland's election as a Constable's Officer and swearing-in on 10th July 1992 he proved himself to be a very hard-working and enthusiastic volunteer, dedicated to the Honorary Police Service. He carried out his duties efficiently and effectively. However, there were a number of incidents, some of which are detailed below, which raised some serious questions about his suitability as an Honorary Police Officer.

5.1.3 At a meeting on 15th March 1993 between the Chef de Police, Centenier Peter Davies, and a member of the public a complaint was made regarding the behaviour of Mr. Holland during the previous weekend. Mr. Holland had made inappropriate remarks to a St. Saviour resident. The Chef de Police sent a letter of apology to the complainant and Mr. Holland sent a separate letter of apology.

5.1.4 On 30th May 1993 Mr. Holland was reported to the Chef de Police by a Vingtenier for possibly having exceeded the speed limit in pursuit of an alleged traffic offender, contrary to the Chef de Police's recommendations on high speed driving. It was also possible that he had acted outside the limits of the Parish of St. Helier. The Chef de Police accepted Mr. Holland's explanation of events and concluded that he had been justified in his actions.

5.1.5 However, the then Chef de Police stated in oral evidence to this Committee that by then he had begun to be concerned about Mr. Holland's over zealous attitude.

5.1.6 On 11th September 1994 there was an incident outside the Pomme d'Or Hotel in St. Helier witnessed by a Centenier and by an ex-United Kingdom police officer during which Mr. Holland was alleged to have assaulted a visitor to the Island.

5.1.7 On 16th September 1994 the Town Greffier wrote a letter to the victim of the alleged assault to establish the facts of the incident. The Town Greffier also wrote to the United Kingdom resident who had witnessed the incident. At the time of the alleged assault, Mr. Holland was working as a taxi driver and was not on duty.

5.1.8 On 29th September 1994 Mr. Holland was caught turning right against a traffic light. He was later fined £20 for this offence.

5.1.9 On 17th October 1994, after the Town Greffier had received information from the victim of the alleged assault outside the Pomme d'Or Hotel and the witness, the Chef de Police wrote to Mr. Holland. He told him that he had been directed by the Connétable of St. Helier to inform him that a serious allegation had been lodged with the Connétable relative to Mr. Holland's conduct.

5.1.10 On 18th October 1994, Mr. Holland voluntarily surrendered his warrant card.

5.1.11 On 21st October 1994 the Chef de Police wrote to the Attorney General, Michael Birt, on behalf of the Connétable, to advise him of the alleged assault by Mr. Holland and requested that the Attorney General issue such directives as were appropriate.

5.1.12 The Attorney General, in a letter dated 26th October 1994 replying to the Chef de Police, pointed out that, in the reported case 'In re Pearce' (1987-88 JLR p.109), the Royal Court had emphasised the importance of keeping separate the investigation of the criminal and disciplinary aspects of a particular incident. In this instance the Attorney General decided not to request the States of Jersey Police to carry out a criminal investigation but decided that the facts should be investigated by the Connétable as a disciplinary matter. For that purpose, he recommended that the Connétable obtain the assistance of the States of Jersey Police.

5.1.13 Because the alleged victim and witness were resident in the United Kingdom, the States of Jersey Police requested assistance from the Wiltshire Constabulary to take statements. These were eventually undertaken in February 1995. Mr. Holland was interviewed on 10th March 1995.

5.1.14 A report was prepared by the Chef de Police and on 12th April 1995 submitted to the Connétable. At the end of the formal report an "Antecedents" report was included which detailed Mr. Holland's record as an officer and previous convictions. An early draft of the "Antecedents" report had stated: *Throughout his Honorary Police Service, Mr. Holland has gained a reputation for being a very keen officer who will tackle most incidents he is sent to, or happens across, whether officially 'on duty' or 'off duty'. This has on occasions been interpreted as over zealousness.* This paragraph was omitted from the report in its final form.

5.1.15 At the end of the final report there was a list of recommendations. The last paragraph stated: *...consideration is given as whether (sic) C.O. HOLLAND, by virtue of his actions outside the Pomme D'Or Hotel at 1700 hours, or thereabouts, on Sunday 11th September, 1994, showed himself to be unfit to carry out the duties of a Police Officer and should therefore be required to resign from the Honorary Police.*

5.1.16 In oral evidence to the Committee the then Chef de Police was questioned about this recommendation and was asked whether that last paragraph, although written diplomatically, was a strong recommendation that Mr. Holland should be dismissed. He confirmed that that was the case.

5.1.17 The then Connétable told this Committee that he did not read the report, although he did discuss it with the Chef de Police. He sent it to the Attorney General under cover of a letter dated 15th May 1995, asking for his comment on Mr. Holland's future as an Honorary Police Officer.

5.1.18 The Connétable had already spoken to Mr. Holland and in his covering letter told the Attorney General that he had warned him that his conduct was not what he expected of an Honorary Police Officer and that Mr. Holland had expressed deep regret. He also forwarded a copy of a letter from Mr. Holland in which he expressed regret and stated his desire to continue in the Honorary Police Service.

5.1.19 Under the Honorary Police (Jersey) Regulations 1977, the Attorney General had the power to suspend Mr. Holland from office or require him to resign. The then Attorney General stated in his written submission that he was undecided at the time whether to require Mr. Holland to resign or to *suspend him a period*. His file note of a meeting held on 4th August 1995 with the Connétable and the Town Greffier stated: *The Constable requested that I consider suspension. He said that C.O. Holland is a very enthusiastic member of the Force and has been already punished quite substantially by the long period of suspension. He believes that Holland has learnt his lesson and is much chastened by the whole experience.* The then Attorney General decided to suspend him for three months.

5.1.20 In passing, it should be noted that in taking this decision, which followed a disciplinary investigation, the then Attorney General was able to take into account only *things which C.O. Holland had done whilst an Honorary Police Officer* and not conduct prior to his election. In other words, the Attorney General could not at that time take Mr. Holland's 1986 conviction into account.

5.1.21 On 8th August 1995 the Attorney General wrote to Mr. Holland telling him that he was formally suspended from the Honorary Police for three months. In the letter the Attorney General stated that, after the suspension, Mr. Holland would be free to resume office and to stand for re-election to the Honorary Police. He told this Committee that he had inserted that sentence purely as a matter of fact.

5.1.22 It seems that nobody had informed the Attorney General that Mr. Holland's term of office had in fact expired on 10th July 1995, three years after his swearing-in, and therefore technically he could not suspend him.

5.1.23 While this matter was being investigated, the States in January 1995 appointed an independent Review Body, chaired by Sir Cecil Clothier K.C.B. Q.C., to carry out a "full and thorough" review of the policing system in the Island. Among those making written submissions to the Review Body was the Chief Officer of the States of Jersey Police. He gave a copy of his submission, in which he expressed concern about the election of Honorary Police Officers with criminal convictions, to the Attorney General.

5.1.24 As a result of reading this submission, the Attorney General wrote on 29th June 1995, to the Chairman, Comité des Connétables, giving new directions for reporting previous convictions and stated: *With immediate effect I require to see the criminal record (if any) of all new applicants.* In order to avoid misunderstandings, he also required the Connétables to provide *specific written confirmation* if there were no criminal record. The letter also set out a procedure for dealing with late nominations which might leave insufficient time for a record check to be completed. The Attorney General told this Committee that the reason this direction only applied to new applicants and not to re-elected officers was *because of the difficulties I envisaged in applying the new rule retrospectively to persons who joined the Honorary Police under the old system and who had perhaps served conscientiously and diligently for many years.*

5.1.25 On 4th August 1995, the Vingteniers' and Constable's Officers' Association wrote to the Attorney General with regard to the Association's submission to the Independent Review Body on Police Services in Jersey. The Association had received from the States of Jersey Police a letter which included a list of Honorary Police Officers with criminal convictions. Included in this list were details of Mr. Holland's conviction, although he was not specifically identified.

5.1.26 In July 1996 the Review Body published its report entitled "Report of the Independent Review Body on Police Services in Jersey". The report contained various recommendations and also expressed serious concern about the election and re-election of officers with previous criminal convictions.

5.1.27 On 5th December 1995 Mr. Holland was re-elected as a Constable's Officer for the Canton de Bas de la Vingtaine de la Ville in St. Helier having been proposed by Vingtenier Haynes and seconded by Mr. K. MacCarthy, the caretaker at the Town Hall. In evidence to this Committee, Vingtenier Haynes stated that he had proposed Mr. Holland because he thought he had done a good job, even though he knew of Mr. Holland's previous conviction. He had also become aware of an allegation that Mr. Holland had committed a further indecent assault prior to joining the Honorary Police (other than the one that Mr. Holland had admitted to in 1986) but for which he had not been prosecuted. Mr. MacCarthy explained in a written submission that he is often one of the few people present at meetings of the Parish Assembly when nominations of candidates for the honorary police are being made and therefore is asked to second candidate's applications for office, which he does to assist the process.

5.1.28 Mr. Holland was sworn in on 8th December 1995. There was no requirement to inform the Attorney General of his previous conviction because he was not a new applicant. The Connétable's standard letter informing the Attorney General of Mr. Holland's election stated: *enquiries had been made with the States of Jersey Police and there are no police convictions recorded against [the other elected officers]; with regard to Roger Holland I would refer to your letter dated 9th August 1995 reference MCB/SB 145/5(7/94) ordering Mr. Holland's suspension for a period of three months and confirming that at the*

end of the suspension Mr. Holland would be free to stand for re-election.

5.1.29 During 1995, the then Chef de Police introduced a new system of working for Vingteniers and Constable's Officers. They were formed into four teams headed by a senior Vingtenier. Following his re-election as a Constable's Officer, Mr. Holland was assigned to Team B. The senior Vingtenier was Vingtenier Bougourd. The other members were Vingteniers Mahé and Rousseau, Constable's Officers Batho, Smith, Le Louarn and Rousseau.

5.1.30 On 9th April 1996 a letter was sent to the Connétable concerning Mr. Holland's treatment of a relative of the complainant. This Committee has been unable to determine the full facts of this incident, as the evidence presented has been contradictory. It is apparent that both the individuals who investigated the matter, and others who were aware of the incident, were uncomfortable at the manner in which Mr. Holland had conducted himself. However this Committee is satisfied that the incident had only a minor bearing on the issue of why Mr. Holland remained in the Honorary Police and therefore has not pursued the matter further.

5.1.31 On 2nd September 1997 Mr. Holland was proposed for election as a Vingtenier by Vingtenier Rousseau who had initially refused to propose him. However, he was asked repeatedly by Mr. Holland to do so and eventually agreed. He stated in evidence to this Committee that he considered him to be the perfect officer at times and considered that he would be a better Vingtenier than other officers who had expressed an interest in the rank. He also thought that the responsibilities of higher office might make Mr. Holland behave a little more rationally. At the time Vingtenier Rousseau probably did not know the details of the original conviction nor the alleged indecent assault of which Vingtenier Haynes had been made aware. Vingtenier Haynes seconded the nomination of Mr. Holland because, in spite of his knowledge of Mr. Holland's character defects, he thought he was good at his job.

5.1.32 Mr. Holland was sworn in on 5th September 1997 and the Attorney General was not informed of his previous convictions, there being no requirement to do so.

5.1.33 On 23rd September 1997 the Chief Officer of the States of Jersey Police wrote to the Attorney General to express concern over, inter alia, Mr. Holland's election to the post of Vingtenier. In his letter he stated: *I acknowledge that his conviction was 11 years ago and whilst the details of the incident are not at the serious end of a scale, the victim was a 14 year old girl who attended a school of Special Education as she had a mental age of 10 years. Furthermore, he admitted to another incident for which he was not charged and admitted to having a "problem for younger girls".* With his letter, the Chief Officer sent copies of the States of Jersey Police report, a related witness statement and Mr. Holland's statement after caution recorded by the Police. The then Attorney General told this Committee that this was the *first occasion upon which [he] had seen the papers setting out the evidence which underlay Holland's conviction in 1986.* Partly as a result of this, he changed the directive concerning the reporting of previous convictions of elected honorary police officers and wrote on 3rd November 1997 to all Connétables directing that all convictions of such officers should be reported to him whether they had been elected for the first time or re-elected. In that letter he stated *I appreciate that, in the case of an officer with previous convictions who has behaved impeccably as an Honorary Police officer for many years, my judgment may be exercised in a different manner to that which it would have been had the officer been elected for the first time. Nevertheless I think it is important in the public interest that, even in the case of re-elected officers, his previous record, if any, be known so that a decision can be made as to whether it precludes him from office.*

5.1.34 During 1998 relationships between Mr. Holland and his fellow officers became increasingly strained. Vingtenier Rousseau's hopes that the senior office might temper Mr. Holland's behaviour were found to be misplaced. In fact, according to Vingtenier Rousseau, he became *ten times worse*, and this Committee has been told many credible anecdotal incidences of his erratic behaviour. In turn, Mr. Holland complained that his fellow officers were lazy and inefficient.

5.1.35 The then Chef de Police, Centenier M. Patton, told this Committee that he was not aware of Mr. Holland's problems with his fellow officers, although he had discussed particular incidents with the Connétable from time to time. He generally thought that Mr. Holland was a good, hard-working officer.

5.1.36 On 15th September 1998 following a disturbance in St. Helier, Mr. Holland was in attendance in support of the States of Jersey Police. A formal complaint against Mr. Holland for unlawful arrest and using excessive force was subsequently made by one of the parties involved. This was referred to the Connétable for resolution. The States of Jersey Police investigated the matter and passed a file to the Attorney General. However, since the complainant failed to make a formal statement, the matter was dropped.

5.2 Comments on the events

5.2.1 Mr. Le Brocq became Connétable just under a month after Mr. Holland's swearing-in. There was no formal system in place in St. Helier for briefing an incoming Connétable on his responsibilities. No doubt on policing matters Mr. Le Brocq

was expected to know the ropes because he had a total of twelve years' service in the St. Helier Honorary Police. He also had a long discussion with the retiring Connétable. Mr. Le Brocq told this Committee that, in that conversation, Mr. Clarke said *Nobody can actually tell you what responsibility a Constable has, you actually have to sit in the chair to find out what it's about.* He also advised that, in policing matters, *if there should be any enquiries or any complaints reference the Honorary Police, you give it to the Chef to deal with.* In particular, this Committee was told by Mr. Le Brocq that no mention was made of Mr. Holland in the hand-over discussions.

5.2.2 During the period 1992 to 1998 Mr. Holland was involved in several incidents in which his conduct could be considered inappropriate for a serving officer. All but one of these incidents was resolved informally. That was the alleged assault outside the Pomme d'Or Hotel which the then Attorney General decided should be investigated as a disciplinary, and not a criminal, offence. After investigation Mr. Holland was suspended from office for three months. For the purposes of that investigation, Centenier Davies compiled an "Antecedents" report. It appears that, apart from that report, there was no comprehensively documented record of Mr. Holland's performance as an honorary police officer.

5.2.3 Very limited personnel files were kept on members of the Honorary Police in St. Helier, and those files were kept in the Town Greffier's office since they were regarded as Parish files rather than Honorary Police files. Anyone in authority in the Honorary Police who needed to see a file had to consult with the Town Greffier and this was rarely done. Consequently, no one was able to build up a comprehensive picture of any officer's performance, except from memory.

5.2.4 On the face of it, the St. Helier Honorary Police appears to be a highly structured organisation with a clear reporting line from the Connétable through the Chef of Police to the various ranks of the police. In such circumstances one would expect information to flow not just downwards but also from the lower ranks upwards throughout the structure. In practice, this did not occur. From 1995, when the team structure was established, there were ten Centeniers and only four Teams. The Duty Centenier worked to a different rota therefore did not remain with any particular team. Furthermore, Centeniers were primarily involved in Parish Hall inquiries and preparing cases for presentation to the Police Court and were not in touch with the day-to-day workings of the force at the lower level. However, the team system meant that members of the team knew each other well and in a number of cases the teams had, in effect, selected themselves.

5.2.5 All the members of the St. Helier Honorary Police who gave oral evidence to this Committee stated that they were jointly responsible with their colleagues for maintaining high standards of conduct within the police, but in practice they did not discharge this responsibility.

5.2.6 Within this unstructured organisation there were no effective complaints procedures. Apart from a brief period when a Centenier was appointed as a Discipline Officer, no-one was formally responsible for assessing officers' performance and none of the Vingteniers or Centeniers who gave evidence to this Committee regarded it as part of their direct responsibility to be concerned with discipline. Connétable Le Brocq told this Committee that he had adopted an open-door policy so that any officer could approach him directly with any concern. The risk of such an approach was that he would either be bothered by trivial complaints or matters would only come to his attention when they had developed to a damaging level.

5.2.7 The powers of the Attorney General under the Honorary Police (Jersey) Regulations 1977, were essentially two-fold. He could require a member of the Honorary Police to resign his office if he were satisfied that the officer had "by some act or default rendered himself unfit to carry out his duties". To establish that level of default would require a formal hearing at which the accused officer could present his case. Alternatively, the Attorney General could suspend from office a member of the Honorary Police, if, after consulting with the Connétable of the Parish concerned, he was satisfied that the member's conduct "[fell] short of the highest standard required of the Honorary Police", a lower level of fault.

5.2.8 Under the same Regulations, a Connétable could also suspend from office a member of the Honorary Police in the parish, on the same grounds as the Attorney General and after consultation with him.

5.2.9 When the Attorney General wrote to Mr. Holland informing him that he was formally suspended from office for three months, Mr. Holland's term of office had already expired. Although it was the practice at the time for honorary police officers to remain in post until a replacement had been appointed, it seems strange that he would be suspended in those circumstances. Although the election of a Constable's Officer could have taken place at any time after 10th July 1995, in fact the election for Constable's Officer for the Canton de Bas de la Vingtaine de la Ville, was not called until 5th December 1995 by which time Mr. Holland had completed his period of suspension.

5.2.10 Some members of the St. Helier Honorary Police at various times and in various ways became aware of the fact of Mr. Holland's conviction, but generally it appears that they were unaware of the exact nature of the offence. If anyone queried it with a superior or colleague, they tended to describe it as "a youthful indiscretion". Members of the St. Helier Honorary Police probably did not need to be told the precise details. However, it would have caused much less trouble

subsequently if senior members of the force had been aware of the conviction. They would then not have been surprised had the matter been raised by a member of the public. They also needed to know (for reassurance) that any honorary police officer with a conviction, such as Mr. Holland, had been admitted to the police only after the proper processes had been observed. Not everyone might agree with the decision, but they should be able to accept that a proper judgement had been made under a process that was robust and trustworthy. Although in the case of Mr. Holland the vetting process was seriously impaired, the Attorney General had considered the matter and decided that Mr. Holland's swearing-in should stand.

5.2.11 The allegation made to Vingtenier Haynes that Mr. Holland had committed another indecent assault, was made during a telephone conversation. When Vingtenier Haynes confronted Mr. Holland he denied it. Furthermore, given that the party involved was not prepared to pursue the matter, this Committee is not surprised that, in the circumstances, Vingtenier Haynes took no further action.

5.2.12 The Attorney General responded to the letter of 23rd September 1997, from the Chief Officer, States of Jersey Police, by changing the procedures for advising him on convictions of officers to be re-elected. In his reply to the Chief Officer he stated: *In the light of the way in which this has arisen, I do not propose to take any action at this stage in relation to the Honorary Police Officers to whom you refer.* In his evidence to this Committee the then Attorney General stated that *he could not at that stage take retrospective action in respect of those officers who had already been duly sworn in.* This was effectively the same decision that his predecessor had taken in 1992 following his receipt of the anonymous letter. However, the Attorney General in 1997 did not make the connection that one of the officers referred to in the Chief Officer's letter was Mr. Holland whom he had suspended from office two years previously and therefore could not be described as having "behaved impeccably as an Honorary Police Officer for many years".

CHAPTER 6

How Mr. Roger Holland remained in office- 1999

6.1 The events

6.1.1 By the beginning of 1999 the relationship in Team B, of which Mr. Holland was a member, had become extremely strained. Mr. Holland was regarded by his fellow officers as being overzealous and overbearing while Mr. Holland regarded his fellow officers as lazy and inefficient.

6.1.2 On 30th January 1999, there was an incident between Mr. Holland and Mr. Brian Duffy, who as a Detective Constable had been the investigating officer in 1986, and who was by then a civilian. Mr. Duffy said he was *astonished* and *disgusted* to find that Mr. Holland was in the Honorary Police. He challenged Mr. Holland about his past record when he came across him while Mr. Holland was on duty issuing parking tickets. Mr. Duffy believes that Mr. Holland panicked because he was one of the few people who knew the true position, and therefore arrested him for being drunk and disorderly.

6.1.3 On 24th February 1999 Mr. Duffy wrote to the Connétable detailing his version of events, and setting out some other concerns he had about the actions of Mr. Holland as a serving officer.

6.1.4 The Connétable was out of the Island at the time and the matter was handled by Centenier E. Gallichan, the Chef de Police. There appears to have been no formal reply to Mr. Duffy's letter. Some time later, at a private meeting held immediately before Mr. Duffy was charged in the Police Court, the Chef de Police accused Mr. Duffy of trying to make trouble for a person he considered to be an excellent serving officer. Mr. Duffy wanted Mr. Holland's previous conviction to be brought out in open court, but the Chef de Police advised that this could not happen. There is conflicting evidence on the exact details of this discussion. The charge against Mr. Duffy was eventually dropped as no evidence was offered against him.

6.1.5 In late March or early April 1999, Vingtenier Rousseau and Constable's Officer Parry were on duty in a police car when they were approached by a minor. The conversation with her included an allegation that Mr. Holland had committed a sexual act with her in the back of a police van. They initially dismissed the matter as improbable.

6.1.6 Two or three weeks after the conversation with the minor, a meeting was held at Vingtenier Rousseau's house at which all the Team B members including Mr. Holland attended. During this meeting the Team confronted Mr. Holland with their concerns about his general behaviour and he replied forcefully. In addition, they confronted Mr. Holland with the allegation made by the minor. His reaction led them to believe that there was some truth in the matter.

6.1.7 The officers subsequently decided to gather as much information as possible to compile a thorough report on Mr. Holland. They discovered that the victim of the alleged indecent assault, about which Vingtenier Haynes was aware, was now prepared to make a formal complaint. They also discovered that there was another person who was prepared to make a

complaint about an alleged offence committed before Mr. Holland had joined the Honorary Police. For most of the officers this was the first time they had become aware of these matters and realised the seriousness of the position.

6.1.8 On 23rd April 1999, shortly after the meeting at Vingtenier Rousseau's house, Mr. Holland wrote a report to the Connétable complaining bitterly about his fellow officers. He ended up by suggesting that he should leave Team B and join Team D.

6.1.9 On 4th May 1999, at the monthly Honorary Police meeting, the Connétable told the meeting that he had received a letter of complaint about some officers from Mr. Holland.

6.1.10 On 7th May 1999, Vingteniers Rousseau and Mahé and Constable's Officer Roberts held a meeting with the Connétable to voice their concerns about Mr. Holland. The Connétable considered that a matter of this importance should have been submitted in writing and requested the officers to do so. The officers were disappointed with the Connétable's reaction.

6.1.11 That same evening Vingtenier Rousseau wrote a four-page letter to the Connétable detailing a range of complaints about Mr. Holland's behaviour. In particular, he reported an alleged assault on himself by Mr. Holland and various examples of over zealous and inappropriate behaviour. He told the Connétable: *As you are now aware Roger has for some years been on Prozac medication ... part of the side effects of the drug is that he has severe mood swings.* He also alleged that Mr. Holland had committed a sexual act in early 1999 in a police van with a minor. In addition, he reported that the victim of an alleged sexual assault by Mr. Holland was prepared to make a statement about the incident and gave contact details for the Connétable to follow up. Vingtenier Mahé also wrote a shorter letter to the Connétable echoing some of Vingtenier Rousseau's concerns but Constable's Officer Roberts did not. Constable's Officer Batho wrote a short letter to the Connétable expressing concern at Mr. Holland's manner of dealing with members of the public.

6.1.12 There is conflicting evidence on what action the Connétable took. Shortly after his meeting with the three officers, he discussed the matter informally with the Chef de Police, who was about to go on holiday and would effectively be unavailable to be consulted until the end of June. During the month of May the Connétable received the written statements that he had requested from the officers but, despite the seriousness of the allegations, he chose not to report the matter to the Attorney General until the Chef de Police had returned from holiday. (This decision was later criticised by the Royal Court. The Court found that the Connétable had acted in a manner that was inconsistent with his statutory duties but in doing so had not acted dishonestly or with any intention of obstructing the course of justice). On 30th June 1999, the Connétable had a meeting with the Chef de Police during which he requested him to carry out an enquiry into the allegations made against Mr. Holland and handed over the three letters and Mr. Holland's report to the Chef de Police to investigate. He also took the unusual step of instructing the Chef de Police to keep a log of all the action he took. He advised the Chef de Police that this was in order to comply with a decision of the Royal Court. Because the matter had not been reported to the Attorney General at this stage Mr. Holland could not be suspended by the Connétable.

6.1.13 Having read the papers, the Chef de Police formed the view that there might be sufficient evidence to bring the matter to the attention of the Attorney General. He decided to consult a colleague who, on 5th July 1999 agreed that the matter should be investigated and referred to the Attorney General. Three days later, after consulting another colleague, the Chef de Police started to prepare the report. Six days later the Chef de Police handed the report to the Attorney General, having had some difficulty getting it typed in a secure manner.

6.1.14 The covering letter to the report did not indicate that there were serious matters to be considered and therefore the Attorney General did not immediately read it. On 30th July 1999 at a meeting with the Connétable and the Chef de Police on another matter, the Chef de Police asked what action had been taken. The Attorney General apologised for the fact that he had not been able to turn to the matter.

6.1.15 Over the following weekend the Attorney General read the correspondence, and on 2nd August 1999 started an official investigation into the matter.

6.1.16 On 5th August 1999, just before going on a long leave the Attorney General wrote a note to the Solicitor General, handing the matter over to her in his absence. He noted that Mr. Holland had not yet been told about the investigation and that, if Mr. Holland were suspended, consideration would need to be given to the question of how Mr. Holland became member of the Honorary Police, particularly since the press were aware of the matter. He did not make the connection at that time that the complaint concerned the same person that he had suspended in 1995 but he was aware that this was the person who had been detailed as an officer with a criminal record in the letter of 23rd September 1997 to him from the Chief Officer of the States of Jersey Police.

6.1.17 On 11th August 1999, the Solicitor General suspended Mr. Holland from the Honorary Police, noting that he

intended to appeal against his suspension.

6.1.18 On 22nd June 1999, while the investigation into Mr. Holland was being considered by the Connétable, Mr. Holland was involved in an incident with Mr. A. Burnett during which there were allegations made against Mr. Burnett of an assault on Mr. Holland. This matter was investigated by Centenier Hilton but eventually the case was dropped.

6.1.19 Centenier Hilton, having discovered from her dealings with Mr. Burnett that Mr. Holland had a previous conviction, wrote to the Attorney General on 29th July 1999 expressing her concern that a person with such a conviction could be a member of the Honorary Police. This was after discussing the matter with the Chef de Police, who had decided that he could not disclose anything to her because of the investigation which was taking place at that time.

6.1.20 On 20th August 1999 the Solicitor General wrote to Connétable Mrs. I.M. Le Feuvre, in her capacity as Chairwoman of the Comité des Connétables, asking her to nominate representatives to a committee of Connétables and Centeniers to be appointed by the Attorney General to investigate the allegations made against Mr. Holland. This was the standard form of investigation provided by the Honorary Police (Jersey) Regulations 1977.

6.1.21 On 17th November 1999 Mr. Holland resigned from the Honorary Police admitting to *conduct unbecoming of the office of Vingtenier* prior to his election in 1992.

6.2 Comments on the events

6.2.1 It is evident that at the beginning of 1999 there was much ill-will in certain parts of the Honorary Police in St. Helier, particularly in Team B. Allegations and counter-allegations, including some of an apparently petty nature, were exchanged. The Connétable and the Chef de Police originally took the allegations made at the 7th May 1999 meeting as examples of that kind of behaviour and believed they were in retaliation for Mr. Holland's complaints against his fellow officers of inefficiency and laziness. However, this Committee has formed the view that Mr. Holland's complaints about his fellow officers were probably a pre-emptive strike on his part, since he expected that his fellow officers would be making a formal complaint against him.

6.2.2 The incidents involving Mr. Duffy and Mr. Burnett illustrate a difficulty that this Committee has encountered in investigating this matter. The two incidents occurred at a time when Mr. Holland was an established member of the Honorary Police having been elected a Constable's Officer in 1992, re-elected in 1995 and elected a Vingtenier in 1997. On each occasion his previous conviction had to some extent been vetted. However, the only information that Mr. Duffy and Mr. Burnett possessed was that Mr. Holland was a person who had been convicted of a sexual offence and yet was serving as a police officer. This led them to believe that some form of cover-up had occurred. It was also around this time that Mr. Holland's background became a matter of public interest.

6.2.3 Members of the Honorary Police, particularly those involved in reporting Mr. Holland to the Connétable, had no information on the progress of the investigation between 7th May and 11th August 1999. When they questioned the Connétable they were given non-committal answers. This led them to believe that a cover-up might be in progress. This view was heightened by a report of Constable's Officer Parry to his fellow officers of a conversation which he claimed to have overheard between the Chef de Police and Mr. Holland. In his sworn evidence to this Committee, Constable's Officer Parry stated that the Chef de Police had said words to the effect: *Don't worry about this, this complaint will go no further*. The Chef de Police has denied in sworn evidence to this Committee that this conversation took place. In addition, Centenier Hilton discovered from Mr. Burnett the fact that Mr. Holland had a previous conviction. This was a complete surprise to her and a cause of alarm. She discussed this matter with her colleagues and this reinforced her sense that the conviction had been covered up.

6.2.4 This Committee is of the opinion that no cover-up in the accepted sense of the term occurred. The information about Mr. Holland's conviction was never hidden and was to some extent considered at each of the critical points in his career in the Honorary Police, although that consideration had been flawed and decisions had been made on insufficient information. As was mentioned in the previous chapter, it is regrettable, for operational reasons, that senior members of the St. Helier Honorary Police were not entrusted with the information about Mr. Holland's police record. In addition, once Mr. Holland had been sworn in as an honorary police officer, despite his previous conviction, that conviction receded into the background for the purposes of his continuing police service. It appears that the suggestion of a cover-up has arisen from individuals with limited knowledge of the background of the matter. At a time of heightened anxiety regarding sexual abuse of children the discovery of a man with a conviction for sexual abuse of a child serving in the honorary police was inevitably disturbing. It was immediately assumed that Mr. Holland's presence in the St. Helier Honorary Police can only have had a malign explanation.

6.2.5 During the course of this Inquiry, adverse comments have been made about the manner in which the subsequent

allegations of sexual misconduct against Mr. Holland came forward. It should be noted that the offences of which Mr. Holland was convicted are particularly sensitive ones. At the time the offences occurred, under-age victims of sexual assaults were more reluctant to complain that assaults had taken place than perhaps they would be today. There were a variety of reasons for this reluctance. On occasions, when others became aware of the problem, they often genuinely believed that it was in the best interests of the victim not to pursue the allegations. Because such incidents usually occur without witnesses, the evidence is often one person's word against another, namely the victim (who is usually vulnerable) and the perpetrator (who usually has some form of influence or superiority over the victim). Consequently many indecent assaults against minors go unrecorded or unprosecuted.

CHAPTER 7

Findings

7.1 Mr. Holland joined the St. Helier Honorary Police because he was determined to do so and would not take "No" for an answer. He stood for election as Constable's Officer because there was no legal inhibition to his candidature and that remains the position today. It should be noted that Mr. Holland was not the only individual with a criminal record, albeit of a different kind, who was accepted into the St. Helier Honorary police at about that time.

7.2 He was accepted for office, despite his previous conviction, because, when he attended the Royal Court to take the oath of office, his suitability for honorary police service was not questioned. The then Attorney General would have been responsible for bringing Mr. Holland's previous conviction to the Court's attention. The then Attorney General did not do so, according to his sworn evidence, because he was unaware of it. This Committee received conflicting evidence about the information that would have been available in the Attorney General's office at the time. This conflict cannot now be resolved because of the office's policy of destroying police records once they had served their immediate purpose in order to comply with data protection requirements.

7.3 The opportunity arose immediately after Mr. Holland's swearing-in to review his suitability for office following the receipt by the then Attorney General of an anonymous letter. The evidence shows that, when consulted, Connétable Clarke no longer felt able to oppose Mr. Holland's wish to join the honorary police and the then Attorney General considered, in all the circumstances, that it would not be appropriate to refer the matter back to the Royal Court.

7.4 From that moment Mr. Holland's conviction ceased to be relevant in considering his suitability for honorary police service. Furthermore, during the period covered by this report, no complaints of sexual misconduct were made against Mr. Holland until Vingtenier Rousseau's letter on 7th May 1999.

7.5 In the seven years that Mr. Holland served in the honorary police his conduct was often questioned, and he was once suspended for improper behaviour. The Parish re-elected him as a Constable's Officer and later elected him as a Vingtenier. At every occasion, decisions were taken on his suitability for office and the responsible individual ruled that he should continue in office. However the responsible individual was usually not in possession of the full facts to make a proper decision.

7.6 These are the bare facts of the matter. However, there are other related facts which require attention.

7.7 A major weakness in the system was and remains the election process itself. Normally a person elected to any public office gains their authority from the fact that they have attained the office by the will of the people. However for Honorary Police officers in St. Helier, this was largely an illusion. None of the elections in which Mr. Holland stood was contested and the Parish Assembly meetings were poorly attended. The nomination process was also unsatisfactory.

7.8 This Committee understands that the defects apparent in Mr. Holland's elections are commonplace. In the case of Vingteniers and Constable's Officers, an individual wishing to be elected to either office has merely to attend a Parish Assembly where there is a vacancy being considered and obtain two supporters from the parish or vintaine. The practice is that, if only one candidate stands for election, the individual is both nominated and elected the same night and warned to attend the Royal Court to be sworn in.

7.9 There is a formal procedure for the election of a Centenier set out in the part of the 'Loi (1897) sur les élections publiques' that remains in force. It is a full public election, ordered by the Royal Court with all the attendant formality. However, there is often only one candidate and very few electors attend the nomination meeting. If the election of a Centenier attracts little interest in the parish, it is not surprising that the process of electing officers of lesser rank is so weak.

7.10 Another weakness of the system during the period covered by this Committee's investigation was the exchange of information between the two Connétables of St. Helier and the two Attorney Generals. It is clear that the two sides had

different understandings of the reporting requirements in respect of candidates for honorary police office with criminal records. The Attorney General expected the Connétable to inform him of all matters affecting the suitability of a person to serve in the honorary police. Within the honorary police itself the understanding was to leave all difficulties for the Attorney General to resolve. Steps were taken during the period to clarify the matter and these are detailed in the next chapter. There was also misunderstanding on the part of Connétable Le Brocq of his statutory responsibility for reporting complaints against serving members of the Honorary Police to the Attorney General. This matter was examined carefully by the Royal Court in the case 'In the matter of the Constable of St. Helier' (2001 JLR N13) and is not discussed in this report.

7.11 The Honorary Police system has an inbuilt fundamental dilemma. It is a voluntary organisation with considerable powers, including, in some cases, power to restrict the liberty of the individual. It is organised into ranks and thus, on the face of it has a formal command structure which all the officers interviewed by this Committee recognised. However, the volunteer nature of the organisation leads it to operate in an unstructured and informal manner. Undoubtedly the motivation of individual honorary police officers is genuine. However the evidence received by this Committee strongly indicates that in practice only lip-service is paid to some important elements of discipline. A critical element is management control. The evidence presented to this Committee showed that successive Chefs de Police tended to regard themselves as first among equals, commanding effectively by consent and somewhat removed from day-to-day policing. Neither Centeniers nor Vingteniers regarded themselves as having formal responsibility for the management of junior officers beyond settling the duty rosters. They enjoyed a working relationship with officers on duty weeks but apparently not further than that. As a consequence, if there was concern about the behaviour of an officer, generally speaking, there was no formal procedure for dealing with the situation.

7.12 Handover arrangements between successive Connétables and indeed, between serving and incoming Centeniers, were informal and inadequate. Newcomers were expected largely to learn from experience. In particular, it is unsatisfactory that incoming Centeniers were not informed of the background of officers with whom they would be working.

7.13 From the very beginning of his period as Connétable, Mr. Le Brocq, acting on the advice of his predecessor delegated most honorary police matters to the Chef de Police. He also had an open door policy, permitting any officer to approach him with any problem they might have. Since there was no formal procedure, other than that for reporting criminal offences or major disciplinary matters, that meant that he could either be inundated with trivial matters or never hear about developing problems until it was too late. In the case of Mr. Holland the latter appears to be the case. This practice also led to some confusion about the rôle of the Connétable and the Chef de Police and, to a degree, it undermined the authority of the Chef de Police.

7.14 From evidence given to this Committee, there was very poor information flow within the St. Helier Honorary Police. Apart from the mandatory monthly police meeting, which was not attended by all officers, there was very little formal information flow up and down the line. This problem was accentuated for much of the relevant period, by the organizational structure of the St. Helier force. Officers were organized into four Teams, with settled membership, headed by a senior Vingtenier. The Teams did a tour of duty of one week and thus reported to the Duty Centenier for that week. As there were ten Centeniers and only four Teams, Team members reported to a different Centenier on every duty. Thus, if problems were developing within a Team, these would not be noticed at senior level within the force. It also seems, from the evidence presented to this Committee, that Duty Centeniers in St. Helier spent most of their duty time conducting Parish Hall inquiries and preparing cases for Police Court hearings and were not involved in day-to-day policing or the management of the duty Team. Within Team B it seems also that gossip was rife and this inevitably caused misinformation and bad feeling leading to loss of morale.

7.15 Because of the lack of effective organisational structure there was no system to monitor regularly and review an officer's behaviour. Furthermore, there were only limited personnel files kept on honorary police officers in St. Helier, and this remains the case. There were no regular assessments of performance and no proper records kept of complaints made against an individual officer. Consequently it was very difficult for people in authority to gain a complete view of the performance of any one officer. In the case of Mr. Holland there were a number of pointers that could have warned the authorities that he might be unsuitable to be an honorary police officer. During his honorary police service Mr. Holland was involved in several incidents that should have raised questions regarding his suitability. None of them was sufficient on its own to make him unsuitable but together they showed a pattern of behaviour, which should have been observed by the Parish authorities. In addition, until recently, such files as were kept were regarded as belonging to the Parish administration rather than the Honorary Police. This meant that they were not easily accessible to senior officers in the force who might need to read them.

7.16 Mr. Holland had proved himself to be a very hard working and competent officer. He carried out many extra duties that other officers were not prepared to do and this resulted in him being greatly valued by some of the senior officers. The St. Helier Honorary Police were continually understaffed during the period covered by this report. In addition, they were

required to carry out extra duties on behalf of the wider Island community. Mr. Holland's enthusiasm to volunteer for extra duties gave him extra value. This resulted in some of the senior officers failing to look past his eagerness to see the deficiencies lurking beneath, and to regard complaints about him by fellow officers to be trivial and vexatious.

7.17 Throughout the inquiry this Committee has not encountered one officer in the St. Helier Honorary Police, with the possible exception of Vingtenier Haynes, who was prepared to accept any responsibility for the events under investigation. This again reinforces the point that there was no effective management structure in the force.

CHAPTER 8

Developments between 1992 and 2002

8.1 This Committee recognises that since 1992 many welcome changes have taken place with regard to matters considered in this report and acknowledges that others are under way. The changes have improved the process of entry into the honorary police service. In St. Helier, induction and training procedures have improved. The Home Affairs Committee has considered a number of other issues, which that Committee mentioned in its Report to the States "Committee of Inquiry: Procedures for Recruitment of Honorary Police Officers (P.67/2001) - Report" (P.67/2001 Rpt). Chief among these are the consideration of disqualification criteria for service in the Honorary Police or the States of Jersey Police and the process of election to the Honorary Police, for both of which a consultation group has been established. Further progress on these matters has been delayed until the completion of this report.

8.2 As has already been recorded in Chapter 5 of this report, in June 1995, the then Attorney General issued new directions to the Comité des Connétables to the effect that he must be informed of all previous convictions of new candidates for the Honorary Police before they were sworn in. That directive also required the Connétable to advise the Attorney General if there were no convictions recorded against a particular individual. In 1997 a further direction was issued to all Connétables, requiring the same information in respect of officers who were being re-elected. Had these procedures been in effect in 1992, it is quite possible that Mr. Holland would not have been sworn in as an officer.

8.3 In 2001, the States adopted a Law which has now been enacted as the Public Elections (Jersey) Law 2002. This Law includes a range of provisions regarding the conduct of elections, including specific provisions in Article 22 regarding the election of Centeniers (but not Vingteniers or Constable's Officers). These are directed primarily to ensure that, if a candidate for election as Centenier has been convicted of an offence of a kind listed in Regulations made by the States, that information will be reported to the nomination meeting. It will be the duty of the Connétable to seek out this information and see that it is reported to the nomination meeting, as well as to the Attorney General. In practice, he could have only two days to obtain that information. This part of the Law appears to this Committee to be impractical given the time required to obtain criminal records, particularly from other jurisdictions. Article 22 of the Law is not yet in force and consequently Regulations have not been made. It should be noted that offences of a kind not listed in the Regulations would not be reported to the nomination meeting.

8.4 Following the report of the Independent Review Body on Police Services in Jersey, published in July 1996, the States set up a Working Party to consider whether and to what extent the following issues raised in the report were appropriate to the Island. The Working Party presented its report to the States (R.C.41/97) on 9th December 1997 and on 19th May 1998, the States, adopting a proposition of the Defence Committee, as it then was, approved most of the recommendations in that report. The States approved the establishment by law of a Police Authority with responsibility for securing the maintenance of effective and efficient policing throughout the Island and setting local objectives and performance targets for the States of Jersey Police Force and the Honorary Police.

8.5 The States also agreed that -

- (a) the office of Chef de Police for each Parish be established by law to have charge of the Honorary Police within the Parish and perform such other duties as may be prescribed by law; and that the Connétables should cease to fulfil operational policing rôle but retain overall responsibility for the effective and efficient policing of their Parish;
- (b) that posts of Chairman and Deputy Chairman of the Honorary Police and the responsibilities of the respective posts be established by law;
- (c) that the Centeniers' Association and the Association of Vingteniers and Constable's Officers be recommended to merge into a single association.

To date, these changes have not been implemented. Apart from (a) above, the changes would not affect directly the issues

disclosed in this report but would change for the better the context in which these issues would be resolved.

8.6 The Police (Complaints and Discipline) (Jersey) Law 1999, (L.4/99) which came into force on 1st January 2001, established a Jersey Police Complaints Authority, and in Part III, made provision for the investigation of complaints against members of the Honorary Police. The Law requires a Connétable to maintain a complaints register and sets out in detail the procedure for investigating a complaint about a member of the Honorary Police, and the possible outcomes of that procedure. These changes make it less likely that conduct such as that exhibited by Mr. Holland and detailed in Chapter 5 would now go unremarked.

8.7 The States subsequently made the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000 (R&O - 110/2000) which also came into force on 1st January 2001. These Regulations repealed and replaced the provisions of the Honorary Police (Jersey) Regulations 1977, which have been mentioned in earlier Chapters of this report. Among other things, the new Regulations set out a Discipline Code which covers most of the behavioural problems which have been disclosed in this report. It includes an obligation on officers to support their colleagues in the execution of their lawful duties and oppose any improper behaviour, reporting it where appropriate. The Regulations also set out, more clearly than previously, the various stages in the informal and formal investigation of complaints against officers and the conduct of disciplinary hearings.

CHAPTER 9

Recommendations

9.1 This Committee considers that there is still a meaningful rôle for the Honorary Police in Jersey in the 21st Century. It is a distinctive and valued feature of the Island's traditions and present way of life, it is part of the fabric of the community, and has certain strengths. However, in order to maintain its position as a valuable and respected institution, it must continually review its practices and procedures and be responsive to changes within the community.

9.2 Most of the evidence received by this Committee concerned the Honorary Police in St. Helier. There are features common to policing in all the parishes. However, St. Helier, being primarily an urban parish with a large, transitory population, does have unique features. The St. Helier Honorary Police force is also by far the largest such force in the Island which presents special organisational problems.

9.3 Chapter 7 of the report describes the deficiencies of the electoral process for honorary police officers in the parish of St. Helier. Another such description is contained in the report of the Independent Review Body on Police Services in Jersey (paragraphs 2.2.7 and 2.2.9). One of the main virtues of the Honorary Police is that its members are elected by the community that they serve. However, if the electors are few in number, or there is only one candidate, the assumed strong link with that community has thereby atrophied. This Committee supports the suggestions in the report of the Review Body to provide a "proper electoral process" and urges those responsible for such matters to make the changes without delay. If such steps are not taken, or prove impractical, this Committee considers that ultimately only Centeniers should continue to be elected and a move to appointing other officers would become unavoidable. This Committee has not heard evidence on the advantages and disadvantages of changing to a system of appointing of honorary police officers. However, this Committee would assume that the appointment of officers would be made by a properly constituted appointments committee in the parish, the members of which should represent the community as well as the parish administration. Vacancies would be advertised publicly and candidates would be assessed. The appointments committee would have the right and duty to vet fully any candidate for office. If the move to appointing honorary police officers becomes unavoidable, this Committee recommends that a process is set in train whereby suitably qualified and experienced individuals implement a robust yet sensitive appointment process.

9.4 With regard to the reporting to the Attorney General of previous convictions, effective steps have already been taken by administrative means to ensure that a candidate's criminal record will be properly evaluated. This Committee considers that no further action needs to be taken with regard to reporting. However, in the event that a list of disqualifying offences is implemented, conforming changes would need to be made to the procedure.

9.5 Despite the improvements noted in the previous paragraph, this Committee considers that the best way forward would be to prescribe by law a list of offences that would disqualify an individual from serving in the Honorary Police. This Committee agrees with the suggestion in the Home Affairs Committee's Report (P.67/2001 Rpt.) that the principles adopted should apply equally to the Honorary Police and the States of Jersey Police. This Committee considers that such a list would help restore public confidence in the Honorary Police, which has been damaged by the circumstances which gave rise to this Inquiry. This Committee also agrees with the suggestion in that report that some offences should constitute an absolute bar to service within the Honorary Police and that all other offences should have a discretionary element. This Committee accordingly recommends that the Home Affairs Committee completes its discussions with the Attorney General, with a view

to the introduction of a list of specific offences that would be enshrined in legislation.

9.6 There should be a standardised system of induction into the Honorary Police throughout Jersey. This system should include standardised application forms which among other things would require a search of criminal records before induction. This Committee understands that a practice has developed in some parishes whereby applicants to join the Honorary Police of those parishes complete an application form and are then interviewed by the Connétable. This Committee recommends that this procedure is adopted in all parishes, however if other recommendations in this report are accepted, the interview would be conducted by the Chef de Police. Where the election of Officers continues, a sufficient deadline for the making of nominations should be set by legislation on the lines proposed by the Independent Review Body on Police Services in Jersey (paragraph 2.2.9). This Committee is aware of work being undertaken by the Home Affairs Committee and the Connétables on these matters and recommends that the parties concerned bring these matters to a speedy conclusion.

9.7 This Committee recommends that each honorary police officer should undergo a probationary period of service after being sworn in and their performance should be formally reviewed by a properly constituted group before they are finally accepted into the Honorary Police. Given the size of the St. Helier Honorary Police, these arrangements would need to be formal but the less populous parishes could probably implement these measures informally.

9.8 This Committee recommends that the St. Helier Honorary Police, and probably other parishes, should implement an effective command structure and clearly define the responsibilities of each senior officer. This would begin with the implementation of the States decision that the office of Chef de Police for each parish should be established by law and the duties of the office defined. The Chef de Police would necessarily spend less duty time as a Centenier. There should also be a designated deputy who assumes the rôle when the Chef de Police is unavailable. Senior Vingteniers should also have management responsibilities in addition to their normal policing rôle. One or more officers of each rank of the Honorary Police should be given management responsibilities, especially performance and behaviour management, in addition to their normal policing rôle. These officers should be selected on the basis of their aptitude and not necessarily seniority.

9.9 This Committee recommends that training is given to officers to enable them to perform their management duties as recommended in the previous paragraph. In particular the Chefs de Police should be given specific training in their rôle.

9.10 This Committee recommends that comprehensive personnel files should be kept on each serving officer and that these should be readily accessible to the Chef de Police and regularly reviewed.

9.11 The complaints register that the Connétable of each Parish is now required to keep should also include internal disciplinary matters. This Committee recommends that, if any one officer has, for example, five or more entries in this register over a three-year period then a formal review of that officer should be automatically instigated.

9.12 Although this Inquiry has been concerned with a relatively narrow range of problems within the St. Helier honorary police, the context in which these matters are dealt with would be improved if changes were made at a higher level within the honorary system. This Committee considers that the implementation of the States decisions regarding the establishment of a Police Authority, the appointment of a Chairman of the Honorary Police of Jersey and of a Chef de Police in every parish would enhance the development of command structures recommended in paragraph 9.8 of this Report. A structure of this kind would assist in removing the confusion inherent in the description of the Attorney General as the "titular head of the Honorary Police" and re-define his rôle both in relation to the efficient and effective policing of the Island and as legal adviser to both the Honorary Police and the States of Jersey Police.

9.13 This Committee recognises that some recommendations have a cost, and individual parishes should consider how this could be financed. It is noted that at present no charge is made by the St. Helier Honorary Police for the services it gives in relation to public events held in the parish by Island-wide organisations. Consideration could be given by the Parish Authorities to charging for these services and applying the proceeds to Honorary Police facilities.

APPENDIX A

Chronology of Parish Officials of St. Helier and H.M. Attorney Generals from 1985 to date

Year	Greffier	Chef de Police	Connétable	H.M. Attorney General
1985	P. Freeley (since 1984)	E. Buesnel	F. Clarke	
1986				P. Bailhache
1987				
1988				
1989				
1990				
1991		P. Davies (June 1991)		
1992			R.L. Le Brocq (31.07.92)	
1993				
1994				M. Birt
1995		P. Davies (retired 28.08.95) M. Patton		
1996	I. Philpott (May 1996)			
1997				
1998		M. Patton (retired 06.10.98) E. Gallichan		
1999				
2000				W. Bailhache (to date)
2001			A.S. Crowcroft (12.11.01)	
2002				

Witnesses attending upon the Committee of Inquiry into the Honorary Police Election Procedures

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Crown Officers

Sir Philip Bailhache, Bailiff
Michael Birt, Esq., Deputy Bailiff
William Bailhache, Esq., Q.C., H.M. Attorney General

Serving and former Honorary Police of St. Helier (alphabetical)

Mr. M. Couriard
Mr. P. Davies
Mr. E. Gallichan
Mr. P. Haynes
Mrs. J. Hilton
Mr. R.L. Le Brocq
Mr. E. Mahé
Mr. M. Patton (Maj. Rtd.)
Mr. A. Parry
Mr. W. Rousseau

Other (alphabetical)

Mr. A. Burnett
Mr. B. Duffy
Mr. P. Freeley

The Committee would like to thank the following for their written submissions -

Crown Officers

Sir Philip Bailhache, Bailiff
Michael Birt, Esq., Deputy Bailiff
William Bailhache, Esq., Q.C., H.M. Attorney General

Committees and Associations

Comité des Connétables
Home Affairs Committee
Vingteniers' and Constables Officers' Association

Public Officials

Chief Officer, States of Jersey Police
Director, Home Affairs Department
Magistrate's Court Greffier
Town Greffier, Parish of St. Helier

Other (alphabetical)

Mr. Alexander Burnett
Mr. M. Couriard, M.B.E.
Mr. Geoffrey Cornwall
Mr. Peter Davies, M.B.E.
Mr. David Eves
Mr. Patrick Freeley
Centenier Edward Gallichan
Mr. Christopher Gray
Mr. Paul Haynes
Mr. Jeremy Holmes
Mr. Robert Le Brocq
Mr. Kevin MacCarthy
Mr. Eric Mahé
Mr. Michael Patton (Maj. Rtd.)
Mr. Wayne Rousseau
Advocate Philip Sinel
Mrs. Pamela Webb
Mr. Martin Willing

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