
STATES OF JERSEY



JERSEY POLICE COMPLAINTS AUTHORITY: REPORT FOR 2008

Presented to the States on 6th May 2009
by the Minister for Home Affairs

STATES GREFFE

JERSEY POLICE COMPLAINTS AUTHORITY

ANNUAL REPORT 2008

**Jersey Police Complaints Authority
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The Jersey Police Complaints Authority is an independent organisation set up by the States of Jersey under the Police (Complaints and Discipline) (Jersey) Law 1999. The role of the Authority is to oversee, monitor and supervise the investigation by the States Police, and such other external Police Forces as circumstances require, of certain complaints made by members of the public against States of Jersey police officers and Honorary police officers.

The Law requires the Authority to approve the appointment of an Investigating Officer and its responsibility is to ensure that the investigations it supervises are carried out in an impartial, thorough and meticulous manner.

The members of the Authority are appointed by the States for a period of 3 years and their services are provided on a voluntary basis. The Authority does not carry out investigations and its members are not trained investigators.

MEMBERS OF THE AUTHORITY

Leslie May – Chairman
Tom Slattery – Deputy Chairman
Anthony Beaumont
Andrew Cornish
Advocate Debbie Lang
Stephen Luce
Toni Roberts

JERSEY POLICE COMPLAINTS AUTHORITY

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OVERVIEW

The Authority is pleased to present its 8th Annual Report for the year ended 31st December 2008.

This has been a more than usually demanding year for the Authority. Although the number of new complaints from members of the public, at 27 has fallen from 36 in 2007, a further 20 cases were brought forward from 2007 which, when added to 4 internal complaints, brings the total cases under supervision for the year to 51. There has also been an increase in the complexity and sensitivity of certain of the complaints being supervised.

Additionally, the level of seniority of some of the officers subject to complaints in the latter part of 2007 and in 2008 has required the appointment of investigating officers from outside the States of Jersey Police. In fact, if the investigation of internal complaints from within the Police Force supervised by the Authority are included, a total of 5 different UK Police Forces have been used. Supervising these cases has placed a considerable extra workload on members of the Authority and inevitably lengthened the time to complete cases.

On the matter of the seniority of officers against whom complaints are made, the Authority has sought clarification during the year from the H.M. Attorney General in regard to the remit of the Authority where complaints are made against the Deputy Chief Officer. It has been confirmed that complaints against the Deputy Chief Officer do fall within the Authority's remit, but the Chief Officer is excluded under the governing legislation. Consideration should perhaps be given to formalising the process with regard to the Chief Officer to remove this anomaly.

ANALYSIS OF COMPLAINTS

1. Number of Complaints

A total of 27 complaints, (2007 – 36), were formally made by members of the public against officers of the States of Jersey Police and members of the Honorary Police and all the investigations were supervised by the Authority.

Table 1 shows the number of complaints against Police Officers supervised annually since 2001, averaging 28 per annum.

Table1 – Complaints by members of the Public supervised by the Authority

	2001	2002	2003	2004	2005	2006	2007	2008
TOTAL COMPLAINTS SUPERVISED	17	21	30	37	30	30	36	27

2. Nature of complaints

While, as noted above, there has been a reduction in the number of cases reviewed, this does not reflect the more complex nature of some of these cases. In addition, there are situations where the complainant has made a complaint together with a number of secondary allegations. Table 2 analyses the complaints supervised according to the nature of the main complaint.

Table 2 - Nature of complaints supervised

Nature of Complaint	2001	2002	2003	2004	2005	2006	2007	2008
Excessive use of force	10	10	17	11	6	14	8	6
Harassment/threatening behaviour	2	5	5	12	11	6	9	10
Use of CS spray	0	3	0	1	1	0	4	1
Other	5	3	8	13	12	10	15	10
TOTAL	17	21	30	37	30	30	36	27

In general the mix of complaints in 2008 is consistent with previous years. The heading of 'Other' in the analysis covers many different descriptions by complainants, including for example, instances of alleged wrongful arrest, incorrect disclosure of information, claimed planting of evidence or breaches of the Police Code of Practice.

3. Outcome of complaints supervised

Table 3 shows the results of the investigations completed during the year, of which 3 were substantiated or partly substantiated. The Authority was totally satisfied with the investigations carried out, and where complaints were substantiated the Authority approved the disciplinary action taken.

Table 3 - Outcome of complaints supervised

Outcome	2001	2002	2003	2004	2005	2006	2007	2008
Withdrawn	6	12	3	10	14	15	8	5
Vexatious	5	4	3	3	3	5	1	0
Unsubstantiated	3	3	7	13	5	4	2	8
Substantiated/Partly substantiated	0	1	1	4	2	0	2	3
Other	0	0	0	0	0	0	3	3
Investigations in progress at year end	3	1	16	7	6	6	20	8
TOTAL	17	21	30	37	30	30	36	27

At the end of 2008, 8 cases were still being investigated, compared to 20 at the end of 2007. Table 4 shows the outcome of the 2007 cases brought forward. Only one case is still outstanding at the time of this report, and 2 cases were found to be partially substantiated.

Table 4 - Outcome of 2007 cases brought forward

Outcome	Number
Withdrawn	1
Vexatious	2
Unsubstantiated	8
Substantiated/Partly substantiated	2
Other	6
Investigation still outstanding	1
TOTAL	20

TIME TO COMPLETE INVESTIGATIONS

The Authority is very conscious that, in the interests of both the complainant and the officers concerned, investigations should be completed as quickly as practicable with no unnecessary delays.

Unfortunately, the investigation of a number of complaints in 2008 and 2007 has taken a considerable time to complete. While in some cases this has been due to the level of investigation required, the pressure on limited Police resources has also been a contributory factor, compounded in the early part of 2008 by alternative demands on resources as a result of the historic abuse enquiry.

In addition there has been an increase in the number of cases where, as a result of the investigation, the matter has been referred to the Law Officers' Department to assess whether a potential criminal action is merited. Although to date, no case has been treated as criminal, this inevitably extends the period before a complaint can be finally resolved.

The Authority believes strongly that more consideration needs to be given to setting more defined completion deadlines, by limiting avoidable delays and ensuring the correct resources are available. It is also proposed to report on average completion times in future Reports to help in assessing how standards are being maintained.

BUDGET

The budget allocated to the Authority for 2008 was £18,000. This has been unchanged since 2001. The actual costs incurred in 2008 amounted to £18,484, which included significant additional unexpected expenses incurred as a result of the forced relocation from its previous office.

All investigation costs are borne by States of Jersey Police, including the reimbursement of expenditure incurred by external Police Forces where they are utilised.

PROPOSED NEW POLICE LAW

During the year, the Minister for Home Affairs asked the Authority to comment on early drafts of a proposed new Police Law, and the Authority submitted a detailed written response to the Minister.

MEMBERSHIP OF THE AUTHORITY

Advocate Debbie Lang was appointed with effect from 1st January 2008 for a term of 3 years, and Tom Slattery was re-appointed for a further 3 years from the same date. The remaining members are due to retire at the end of 2009 in accordance with their terms of appointment. Retiring members are eligible for re-appointment.

Jersey Police Complaints Authority
9th April 2009