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# **STATES OF JERSEY**



## **JERSEY POLICE COMPLAINTS AUTHORITY: REPORT FOR 2010**

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**Presented to the States on 11th February 2011  
by the Minister for Home Affairs**

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**STATES GREFFE**



**JERSEY POLICE COMPLAINTS AUTHORITY**

**ANNUAL REPORT 2010**

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# **JERSEY POLICE COMPLAINTS AUTHORITY**

## **ANNUAL REPORT 2010**

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, (excluding the Chief Officer), 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 three 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**

Thomas Slattery – Chairman  
Advocate Debbie Lang – Deputy Chairman  
Anthony Beaumont  
Andrew Cornish  
Stephen Luce  
Advocate Jane Martin  
Bruce Ridley

# **JERSEY POLICE COMPLAINTS AUTHORITY**

## **ANNUAL REPORT 2010**

### **OVERVIEW**

The Authority is pleased to present its 10th Annual Report for the year ended 31st December 2010.

Fifteen new complaints and one other non-complaint case were supervised by the Authority in the year, which is a significantly less than in previous years as shown in Table 1 below. In addition to these new cases, a further 13 cases were brought forward from 2009, bringing the total cases under supervision during the year to 29 (35 in 2009).

It is probably too early to conclude that the reduction is indicative of a longer-term downward trend or to reach any conclusions about the reasons for the fall in the number of complaints. Improved policing standards may be a factor, but it is also possible that a reduced number of arrests for public order offences, the traditional source of many complaints, may also be relevant.

In 2010 the prolonged disciplinary investigation into the role of the Chief Officer undoubtedly impacted on the functioning of the States of Jersey Police, with a disproportionate number of senior officers operating in an "acting" capacity. This does not encourage longer-term planning, and it is to be hoped that with the recent appointment of a new Chief Officer, matters can be regularised in 2011.

Included in this regularisation should be a proactive review of the disciplinary process applicable to police officers, aiming to bring this more into line with modern employment practice. This is especially relevant to situations which result in formal disciplinary hearings, where current rules can result in hearings being conducted in an overly adversarial fashion, especially where advocates are used. Hearings are not subject to the same rules of evidence as would apply in a criminal court, but should be judged on the basis of the balance of probabilities, a consideration which is, on occasion, overlooked.

## **ANALYSIS OF COMPLAINTS AND OTHER SUPERVISED INVESTIGATIONS**

### **1. Number and Nature of Complaints**

A total of 15 new complaints (2009 – 24) against officers of the States of Jersey Police and members of the Honorary Police, as well as one other non-public complaint issue (2009 – 2), were supervised by the Authority in the year. Table 1 provides a comparison of this total with previous years.

**Table1 – Annual Analysis of New Complaints Supervised and Other Supervised Investigations**

<b>Nature of Complaint/Issue</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
<b>Excessive use of force</b>	10	17	11	6	14	8	6	5	6
<b>Harassment/threatening behaviour/ abuse of authority</b>	5	5	12	11	6	9	10	13	2
<b>Use of CS spray</b>	3	0	1	1	0	4	1	0	0
<b>Other</b>	3	8	13	12	10	15	10	8	8
<b>TOTAL</b>	<b>21</b>	<b>30</b>	<b>37</b>	<b>30</b>	<b>30</b>	<b>36</b>	<b>27</b>	<b>26</b>	<b>16</b>

Table 1 also analyses the cases supervised according to the nature of the case. Such statistics, of course, do not always reflect the relative complexity of cases, nor situations where the complainant has made a main complaint together with a number of secondary allegations.

The reduction in the number of complaints relating to harassment, threatening behaviour or abuse of authority is the most significant feature of 2010. It should be noted however, that three of the other cases classified under other prime headings also included reference to abuse of authority. The heading of 'Other' in the analysis covers many different descriptions by complainants including, for example, instances of alleged wrongful arrest, illegal search of premises, incorrect disclosure of information, claimed planting of evidence or breaches of the Police Code of Practice. It also includes the other supervised cases not initiated as complaints by members of the public.

## **2. Outcome of Cases Supervised**

Table 2 shows the results of the investigations initiated and completed during 2010 and in earlier years. Of the cases initiated and completed in 2010, one was found to be substantiated or partly substantiated. For clarification, a case is classified as complete once the Authority has formally confirmed its satisfaction with an investigation, any referral to the Law Officers Department has been satisfactorily resolved, and after a formal decision on appropriate disciplinary action has been agreed.

It should be noted however, that the fact that a complaint may be substantiated does not in itself mean that formal disciplinary action is merited, and on average less than 7% of cases result in disciplinary action. As noted in previous years, the Authority would prefer to see focussed training to prevent repetition of breaches in standards as a key aim rather than simple allocation of blame.

**Table 2 - Outcome of Cases Supervised by Year Initiated**

<b>Outcome</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
<b>Withdrawn/ Informal Resolution</b>	14	5	10	15	15	15	9	13	6
<b>Vexatious</b>	3	2	0	2	0	3	0	0	0
<b>Unsubstantiated</b>	3	19	20	7	14	16	13	7	2
<b>Substantiated/Partly substantiated</b>	1	4	7	6	1	2	5	5	1
<b>Outstanding 31.12.2010</b>	0	0	0	0	0	0	0	1	7
<b>TOTAL</b>	<b>21</b>	<b>30</b>	<b>37</b>	<b>30</b>	<b>30</b>	<b>36</b>	<b>27</b>	<b>26</b>	<b>16</b>

At the end of 2010, 7 cases initiated in the year were still being investigated and an additional one case was still outstanding from 2009. Two of these cases were *sub judice* with investigations delayed pending completion of court hearings; and two other investigations, although completed, were awaiting a response from the Law Officers' Department as to any possible action for a criminal offence. The case outstanding from 2009 fell into the latter category.

## **TIME TO COMPLETE INVESTIGATIONS**

As noted in prior years, the Authority strongly believes that in the interests of both the complainant and the officers concerned, investigations should be completed as quickly as practicable with no unnecessary delays, and conclusions should be reached and advised promptly thereafter. In practice the Police Standards Department, who are responsible for undertaking most of the investigations, aim to complete their reports within 120 days of the notification of a complaint. In most cases this is achieved, but delays can occur due to the need to await the completion of court hearings and this is unavoidable. However, the major factor in 2010 has again been the time taken to obtain a decision by the Law Officers' Department as to whether individual complaints merit the initiation of criminal proceedings. These delays reflect work pressures on the Department.

## **OTHER CASES SUBJECT TO SUPERVISION**

As provided under Article 9(1)(a) of the Police (Complaints and Discipline) (Jersey) Law 1999, the Authority also supervised the investigation of a case involving the death of a person recently held in police custody, although no complaint had been made. It was concluded that the Police had acted properly and their actions had not contributed to the death.

## **CRITICISM OF AUTHORITY ACTIONS**

During the year the Authority received formal objections/criticisms in a small number of cases from either the complainants or the police officers subject to complaint.

In one of these cases the Authority had declined to supervise what was essentially an operational matter. It is the responsibility of the Chairman of the Authority or his designated deputy to decide whether cases will be supervised, except for issues specifically prescribed in the Law, and this was clearly communicated to the complainant.

It should also be noted that the Police Complaints Law does not provide for appeals by complainants against the decisions or actions of the Authority; the only recourse is a judicial review. In the above cases the Authority did, however, review the issues raised by the complainants and the officers, but concluded that the decisions reached were substantiated.

## **BUDGET**

The budget allocated to the Authority for 2010 was £16,500. This has been unchanged since 2001. The actual costs incurred in 2010 amounted to £15,500. All investigation costs are borne by States of Jersey Police, including the reimbursement of expenditure incurred by external Police Forces where they are utilised.

## **MEMBERSHIP OF THE AUTHORITY**

Advocate Debbie Lang's period of office expired on 31st December 2010. The States approved her re-appointment for a further 3 years from the same date.

**Jersey Police Complaints Authority**  
**3rd February 2011**