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# STATES OF JERSEY



## JERSEY POLICE COMPLAINTS AUTHORITY: REPORT FOR 2014

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Presented to the States on 2nd March 2015  
by the Minister for Home Affairs

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STATES GREFFE

## REPORT

### Introduction

The Jersey Police Complaints Authority (“the Authority”) is an independent organisation which was established in 1999 pursuant to the Police (Complaints and Discipline) (Jersey) Law 1999 (“the Law”). The role of the Authority is to oversee, monitor and supervise the investigation, by the Professional Standards Department of the States of Jersey Police, of certain complaints made by members of the Public against States of Jersey Police and Honorary Police Officers. The Law does not provide for the oversight of complaints made against the Chief Officer or the Deputy Chief Officer, and the Authority therefore has no role to play in such matters. In addition, the Authority does not have a role in supervising those complaints which are dealt with by way of informal resolution between the complainant and the States of Jersey Police.

The Authority does not carry out the investigations and its Members are not trained investigators. The Authority is only able to supervise the investigation of those complaints which, by virtue of the Law, are required to be referred to it for supervision. The role of the Authority is to ensure that the investigations it supervises are carried out by the investigating officers in a thorough and impartial manner.

The Members of the Authority are appointed by the States for a period of 3 years (subject to re-appointment for up to a maximum of 3 terms) and their services are provided on a voluntary basis. The Members who served during the year are detailed below.

<i>Member</i>	<i>Position</i>	<i>Date first appointed</i>
Mrs. Debbie Prosser	Chairman	November 2007
Mr. Bruce Ridley	Deputy Chairman	January 2010
Mrs. Jane Martin	Supervising Member	January 2010
Dr. John Birtwistle	Supervising Member	January 2012
Mrs. Dee Taylor-Cox	Supervising Member	February 2013
Mr. Howard Cooper	Supervising Member	February 2013
Mr. Graeme Marett	Supervising Member	February 2013

Mr. Ridley and Mrs. Martin resigned during the latter part of the year, and Dr. Birtwistle did not seek re-appointment at the expiration of his term of office on 31st December 2014. Following the retirement of Mr. Ridley, Mr. Howard Cooper was appointed Deputy Chairman of the Authority. The Chairman would like to record formally her gratitude, on behalf of the Authority, for the significant contribution made by Mrs. Martin, Dr. Birtwistle and Mr. Ridley during their respective terms of office: their commitment to the work of the Authority and their dedication to their duties was noteworthy and commendable.

The Authority undertook a recruitment campaign during November and December 2014, and 4 individuals were each offered a position as a Member of the Authority; their appointment is subject to approval by the States and it is hoped that they will join the Authority in the early part of 2015. Pending their appointment, the Authority is in breach of the Law by falling short of the requisite number of Members, namely the Chairman plus 6 Members. If all new Members are appointed by the States in early 2015, the Authority will comprise a Chairman plus 7 Members.

### Overview

In total, 35 new complaints were referred to the Authority for supervision in 2014 (26 in 2013), comprising 30 public complaints (22 in 2013) and 5 voluntary referrals (4 in 2013). A total of 14 cases were brought forward from 2013, bringing the total number of cases under supervision during the year to 49, compared with 36 in 2013.

Voluntary referral cases, not necessarily complaints, are made by the States of Jersey Police after the death of a member of the Public who had contact with police officers shortly before death, or any other internal matter which is the subject of investigation by the Professional Standards Department.

### Analysis of complaints

Nature of complaint	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Excessive use of force	11	6	14	8	6	5	6	14	10	9	13
Harassment/ threatening behaviour/ abuse of authority	12	11	6	9	10	13	2	8	6	6	12
Death referral	0	0	0	0	0	1	1	0	2	2	2
Property damage	0	2	0	0	0	0	1	0	0	0	2
Use of CS Spray	1	1	0	4	1	0	0	0	1	1	0
Other	13	10	10	15	10	7	6	13	7	7	5
Data Protection breach	0	0	0	0	0	0	0	0	3	1	1
<b>TOTAL</b>	<b>37</b>	<b>30</b>	<b>30</b>	<b>36</b>	<b>27</b>	<b>26</b>	<b>16</b>	<b>35</b>	<b>29</b>	<b>26</b>	<b>35</b>

*Table 1 – Nature of complaints supervised*

The 13 'use of force' complaints mainly concern force allegedly used when arresting and/or handcuffing a non-compliant individual. Three of these 13 complaints were found to be unsubstantiated, 3 were deemed incapable of investigation and one was withdrawn. Three cases were found to be substantiated. Three of the 13 complaints have been carried forward to 2015 for completion.

At the end of the year, one of the 12 complaints alleging abuse of authority had been deemed to be substantiated. Five cases were carried forward to 2015, and the remaining 6 were – withdrawn (1), deemed to be vexatious (1), or recorded as unsubstantiated (4).

During the year, the Authority continued its supervision of one investigation which commenced in 2013, concerning the conduct of a particular officer whilst his body-worn camera was in operation. The complaint was found to be substantiated.

The number of investigations relating to the Data Protection Law has remained constant, and is an improvement on 2012 which had 3 cases, with one in 2013. There was one complaint in 2014 which was withdrawn by the complainant.

The cases which fall into the category labelled “Other” in Table 1 relate to allegations concerning – integrity (1), lack of professionalism (1), mishandling of statements (1), conducting an insufficiently thorough investigation (1) and non-return of property (1).

All 35 complaints referred to the Authority in 2014 related to the conduct of States of Jersey Police Officers. There were no new cases in 2014 concerning the conduct of Honorary Police Officers.

It is worthy of note that in the past 3 years, of the 14 cases which were voluntarily referred to the Authority by the States of Jersey Police, 6 concerned the death of a member of the Public shortly after police contact, but there was no finding of fault on the part of the States of Jersey Police in those cases which have been finalised. The remaining 8 of the 14 cases related to conduct issues, 6 of which concluded that the conduct of the officer under investigation was inappropriate, and disciplinary action was taken in each case; the remaining 2 cases were unsubstantiated. The cases concerned issues of integrity (2), use of force (3), unprofessional conduct (1) and data protection breaches (2).

### Outcome of cases supervised

Outcome	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Withdrawn or incapable of investigation	10	15	15	15	9	13	7	11	9	10	7
Vexatious	0	2	0	3	0	0	0	1	0	0	1
Unsubstantiated	20	7	14	16	13	8	7	13	11	7	8
Substantiated/Partly substantiated	7	6	1	2	5	5	2	10	8	6	5
Outstanding at year end	0	0	0	0	0	0	0	0	1	3	14
<b>TOTAL</b>	<b>37</b>	<b>30</b>	<b>30</b>	<b>36</b>	<b>27</b>	<b>26</b>	<b>16</b>	<b>35</b>	<b>29</b>	<b>26</b>	<b>35</b>

*Table 2 – Outcome of cases supervised, by year initiated*

At the end of 2014, 14 cases which had been initiated in the year were still being investigated, together with 3 cases outstanding from 2013 and one from 2012.

14% (5) of the total cases investigated and concluded in 2014 were found to be substantiated, compared with 23% in 2013.

Members of the Authority have cause, on occasions, to challenge the findings of the Investigating Officer or to question certain recommendations. Whenever such a

challenge is made, the matter is usually concluded to the satisfaction of the Authority. Members of the Authority also, on occasions, make observations on operational issues which may be called into question by an investigation.

### **Total number of complaints made to the States of Jersey Police**

A review of the Complaints Register maintained by the States of Jersey Police reveals that in 2014 there was a total of 52 complaints received from members of the Public, of which only 30 were required to be referred to the Authority. Under the provisions of the Law, upon receipt of a complaint, consideration will be given as to whether the complaint is suitable for informal resolution. In 2014, 22 complaints were dealt with by way of informal resolution and were not therefore referred to the Authority.

### **Time taken to complete investigations**

Previous reports have referred to the length of time taken to complete an investigation. Occasionally delays in the investigation are unavoidable when the matter is *sub judice* due to an ongoing criminal investigation, or where delays are encountered in engaging with the complainant.

During the course of 2014, bi-monthly meetings between the Authority, the Professional Standards Department and a member of the Law Officers' Department continued, and these provided a useful forum for monitoring progress in cases which had been outstanding for longer than the desired timescale. The average length of time taken by the Law Officers' Department to deal with cases with a criminal element was 69.5 days in 2014, which is a marked improvement on previous years (179.5 in 2013).

### **Contact with complainants**

Contact with some complainants was a feature of the Authority's work during 2014. Several complainants were dissatisfied with the outcome of the investigation into their complaint and lodged complaints with the Authority. The Law does not provide for the complainant to be provided with a copy of the investigating officer's report, and therefore the Complainant receives only the Authority's Satisfaction Statement at the end of the investigation and a conclusion letter from the States of Jersey Police. The number of requests for information under the Data Protection Law has increased with any information and documentation provided to members of the Public, pursuant to such requests being redacted as required by the Data Protection Law to protect the identity of, and information relating to, third parties.

### **General supervision and oversight**

The Members, between them, visited all Parish Halls to view the register of complaints made against honorary police officers, which each Parish is required to maintain pursuant to the Law. These visits are conducted on an annual basis in December. The Chairman and the Administrator viewed the States of Jersey Police's complaint register twice during the year. This is a useful monitoring exercise to ensure that all complaints which are made by members of the Public, whether to a particular Parish or to the States of Jersey Police are, where appropriate, referred to the Authority for supervision. Where discrepancies were found between the Authority's records and the Parish Complaints Register or the States of Jersey Police Register, the matter was investigated by the Authority and resolved to its satisfaction.

## **The Law**

Regrettably, due to 2014 being an election year, it was not possible to bring about the much-needed changes to the Law or to make provision in new or existing legislation for complaints about the Chief Officer and Deputy Chief Officer. The work continues, and it is hoped that changes will be introduced during 2015. Debate continues on whether the structure of the Authority should be changed so that it becomes a truly independent body with its own independent investigators.

## **Accounts**

The budget allocated to the Authority in 2014 was £33,190. The actual costs incurred in 2014 amounted to £21,484.

The Authority now operates from accommodation in St. Andrew's Place, with an increased rental payable.

The Authority employs one part-time administrator, and the Authority's office is open on Tuesday, Wednesday and Thursday mornings between the hours of 09:30 and 12:30.

The Members of the Authority are unpaid but are entitled to reclaim their reasonable expenses.

All investigation costs are borne by the States of Jersey Police, including the costs incurred in appointing external police forces where they are utilised. During the year, 2 investigations were conducted by an external police force. The need for the involvement of an external police force arises because of potential conflicts or complex cases involving senior officers or because a case is so serious that it warrants the appointment of an external force. The Authority is unaware of the costs involved in appointing these external forces, which are funded by the States of Jersey Police.

Due to the complexity of some of the cases under review, the Authority reached agreement with the Minister in 2013 that, where deemed necessary and appropriate, additional resources would be made available to the Authority to enable it to employ the services of an independent experienced investigator to assist with the supervision of the more complex investigations. To date, the Authority has not availed itself of this additional resource.

## **New initiatives during the year**

In an attempt to increase awareness of the role of the Authority, the Chairman attended a meeting of the Constables in January 2014 with the Attorney General. The Chairman also provided input in training sessions for new recruits of the States of Jersey Police, an exercise which will be repeated in 2015.

The Chairman and members of the Authority attended briefing sessions on procedures to follow in the event of a fatal shooting by police officers. Some members of the Authority attended a Taser training session: in this connection it is worthy of note that the Authority receives and monitors reports on each occasion a Taser is deployed by officers of the States of Jersey Police.

**Summary**

2014 was another busy and demanding year for the Authority, with several very complex and time-consuming cases; and a greater amount of time was spent dealing with enquiries and complaints about the investigation process from members of the Public. There was an increase in the number of investigations supervised by the Authority in 2014 over the 2 preceding years.

Members of the Authority continue to probe and challenge where required, in order to ensure complete satisfaction as to the conduct of the investigation and the recommended course of action. There are, however, limitations on what can be achieved, either because the Members of the Authority are not trained investigators or because the Law needs to be reviewed and updated. The Authority looks forward to changes being made to the Law to strengthen its powers and the perception of its independence, in order to continue to provide a meaningful service to the Public.

The Chairman should like to express her gratitude to the Members of the Authority, who give up their time generously in the conduct of their role, ensuring impartiality and fairness at all times, and the Authority's administrator for her significant contribution throughout the year.