
STATES OF JERSEY



JERSEY POLICE COMPLAINTS AUTHORITY: REPORT FOR 2017

Presented to the States on 2nd March 2018
by the Minister for Home Affairs

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 Authority reports to the Minister for Home Affairs. 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 complaints made against States of Jersey Police and Honorary Police Officers. The Authority does not carry out the investigations and its Members are not trained investigators. 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 reappointment 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.

Mr. Howard Cooper	Chairman	Appointed February 2013
Ms. Debbie Sebire	Acting Deputy Chairman	Appointed March 2015
Mrs. Dee Taylor-Cox	Supervising Member	Appointed February 2013
Mr. Graeme Marett	Supervising Member	Appointed February 2013
Mr Duncan Baxter	Supervising Member	Appointed March 2015
Mrs. Gail McCourt	Supervising Member	Appointed March 2015
Mr. Matthew Swan	Supervising Member	Appointed Jan 2017
Mrs. Rachel Catchpole	Supervising Member	Appointed Jan 2017

The Authority continues to operate from accommodation in St. Andrew’s Place and employs one part-time administrator. The Authority’s office is open on Tuesday, Wednesday and Thursday mornings between the hours of 09.15 and 12.15.

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

Three members are coming up to the end of their three-year term of office. Two members, Mrs. Gail McCourt and Mr. Duncan Baxter, are seeking re-appointment and this proposition will be lodged with the States in January 2018.

Ms. Debbie Sebire, who has been Acting Deputy Chairman throughout 2017, is to step down from the Authority at the end of her three-year term in March 2018. The recruitment of her replacement is currently underway, in accordance with the guidelines issued by the Jersey Appointments Commission.

Authority’s Powers

The Authority supervises 3 categories of investigation: (1) those arising from complaints made by members of the public which have not been dealt with by informal resolution, (2) those arising from issues referred to the Authority on a voluntary basis by the States of Jersey Police and (3) those specifically detailed in the Law, such as

investigations arising from a complaint into the death of individuals following contact with the States of Jersey Police. Generally speaking the Authority is not involved in the oversight of the investigation of complaints which are of an operational nature unless the matter is specifically referred, on a voluntary basis, to the Authority by the States of Jersey Police.

One of the first stages of the complaints process is to assess whether the complaint is capable of what is currently known as Informal Resolution. The Authority does not have a role to play in supervising those complaints which are dealt with by way of informal resolution between the complainant and the States of Jersey Police. However, the Authority reviews annually the States of Jersey Police files relating to cases which have been dealt with by Informal Resolution.

Previously, the Law did not provide for the oversight of complaints made against the Chief Officer or the Deputy Chief Officer of the States of Jersey Police and the Authority therefore did not have a role to play in such matters. However, the [States of Jersey Police Force \(Chief Officer and Deputy Chief Officer\) \(Jersey\) Regulations 2017](#) came into force in February 2017 and the Authority has a formal role to play in the investigation of complaints against these 2 senior officers. No complaints against either the Chief Officer or the Deputy Chief Officer have been referred to the Authority.

Complaints made by members of the public against Honorary Police Officers are submitted to the Authority in the usual manner by the States of Jersey Police following a referral by the Connétable of the relevant Parish, usually at the direction of the Attorney General. The Attorney General is responsible for considering informal resolution of complaints made against Honorary Police Officers.

Voluntary referral cases, not necessarily complaints, are occasionally made by the States of Jersey Police on any internal matter which is the subject of investigation by the Professional Standards Department

The flow chart at Appendix 1 (complaints against a States of Jersey Police Officer) and at Appendix 2 (complaints against an Honorary Police Officer) show the entire complaints process from receipt of a complaint from a member of the public to the issue of the Authority's closure letter.

The Law requires that the Authority supervise all complaints alleging that the conduct of a member of the States of Jersey Police Force or Honorary Police Force resulted in the death of, or serious injury to, some other person.

All potential conflicts or perceived bias are taken very seriously and avoided. The Authority has a process to ensure that there is no conflict between the supervising member and any complainant or officer(s) subject to the complaint. If a conflict were identified, the case would be re-allocated to another supervising member to ensure impartiality.

The Authority is required to approve the appointment of the Investigating Officer. Usually the Investigating Officer is an officer of the States of Jersey Police of Inspector rank or above. However, on occasions the Authority either requires or agrees to the appointment of an Investigating Officer from an external 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.

Whilst the Chairman and Deputy Chairman maintain a good working relationship with the Professional Standards Department, with monthly meetings to monitor progress of investigations and other relevant issues, the relationship is one of mutual respect; regular challenges of processes and decisions are made in a healthy and constructive manner.

Members of the Authority continue to liaise with officers of the Law Officers' Department with bi-monthly meetings during which current cases are discussed, reasons for any delay are examined and other relevant matters are considered. A new service level agreement between the Authority, Professional Standards Department and the Law Officers' Department is now operating. The Authority is pleased to report the agreement has resulted in a general reduction in the time taken to review cases.

OVERVIEW

In total, 18 new cases were referred to the Authority for supervision in 2017 (25 in 2016), (21 in 2015), comprising 17 public complaints (23 in 2016) (19 in 2015), and 1 voluntary referral (0 in 2016) (2 in 2015) and no death referrals (2 in 2016) (none in 2015). A total of 9 cases were brought forward from 2016, bringing the total number of cases under supervision during 2017 to 27 compared with 36 in 2016.

One internal investigation case was referred to the Authority for supervision in 2017; this case has subsequently been classified incapable of investigation and is therefore no longer being supervised by the Authority.

There were no cases referred to the Authority by the States of Jersey Police relating to death following police contact.

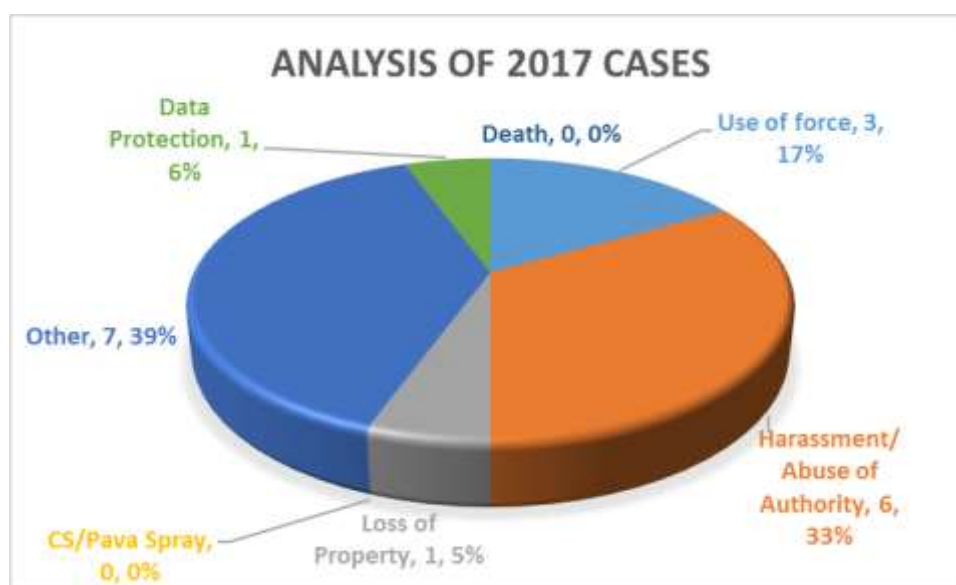
The Authority has not supervised any new investigations conducted by an external force in 2017.

In 2017 the Authority liaised with the Citizens Advice Bureau to ascertain the number of enquiries made to the Bureau about police related matters to ensure that wherever possible members of the public are given adequate opportunity to proceed with a complaint. The Bureau advised the Authority that during the year it had received 55 (38 in 2016) (67 in 2015) enquiries about police related matters of which 11 (13 in 2016) (14 in 2015) were specifically related to complaints against the police and the complaints process. The Authority notes that this number of enquiries is consistent with the level of enquiries referred to the Authority although there is no way of knowing how many of the matters raised with the Bureau were formally referred to the Authority.

Analysis of Complaints

Nature of Complaint	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Excessive use of force	8	6	5	6	14	10	9	13	9	4	3
Harassment/threatening behaviour/abuse of authority	9	10	13	2	8	6	6	12	6	6	6
Property Damage/Loss				1				2	0	0	1
Instances relating to death			1	1		2	2	2	0	2	0
Use of Pava spray	4	1	0	0	0	1	1	0	0	0	0
Other	15	10	7	6	13	7	7	5	5	11	7
Data Protection Breach	0	0	0	0	0	3	1	1	1	2	1
TOTAL	36	27	26	16	35	29	26	35	21	25	18

Table 1 – Nature of complaints supervised



Of the 3 use of force complaints, one was found to be unsubstantiated, one was withdrawn by the complainant and the remaining case has been carried forward to 2018.

At the end of the year, 2 of the 6 complaints alleging abuse of authority have been carried forward. One was found to be incapable of investigation. The remaining 3 cases were found to be unsubstantiated.

In 2017, one case was relating to the [Data Protection \(Jersey\) Law 2005](#); this case is incapable of investigation owing to a lack of substantive evidence.

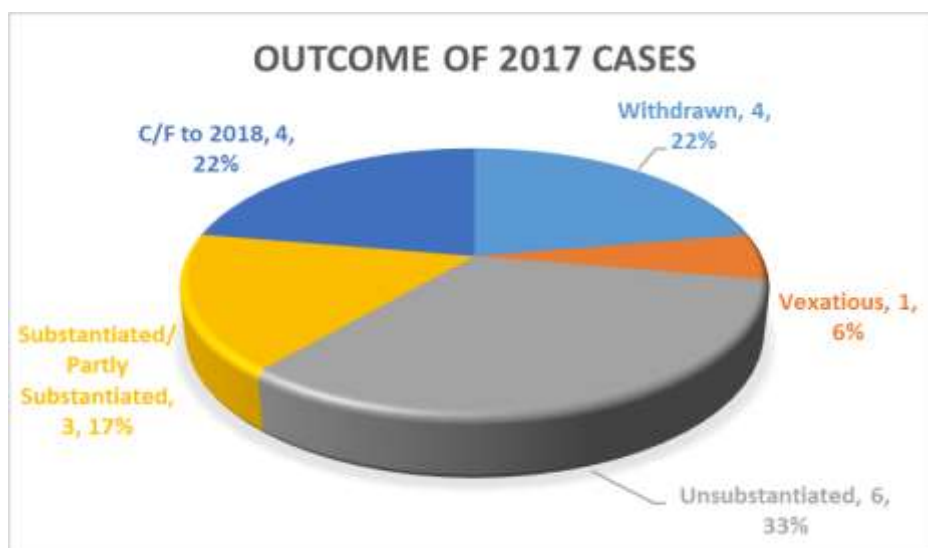
The 8 cases which fall into “Other” in Table 1 (7 in other and 1 property loss) relate to allegations concerning lack of investigation, false media statement, non-return of property, body-worn footage not kept, careless driving and excessive speed.

Of the 18 new cases supervised, 9 complaints referred to the Authority in 2017 related to the conduct of States of Jersey Police Officers; 5 were States of Jersey Police Operational concerns and there were 0 voluntary referrals relating to death following police contact. There were 4 new cases concerning the conduct of Honorary Police Officers.

Outcome of cases supervised

Outcome	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Withdrawn or Incapable of Investigation	15	9	13	7	11	10	11	7	6	2	4
Vexatious	3	0	0	0	1	0	0	1	0	1	1
Unsubstantiated	16	13	8	7	13	11	9	19	10	12	6
Substantiated/Partly Substantiated	2	5	5	2	10	8	6	8	5	8	3
Outstanding at year end	0	0	0	0	0	0	0	0	0	2	4
TOTAL	36	27	26	16	35	29	26	35	21	25	18

Table 2 – Outcome of Cases Supervised by Year Initiated



At the end of 2017, 18 cases had been referred to the Authority (4 cases have been carried forward to 2018 and are still being investigated).

14 of the 18 new cases that were referred in 2017 were also concluded in the year; of these 14, 3 cases were found to be partly substantiated or substantiated compared with

6 cases in 2016. A split of the 3 substantiated cases is detailed below. The Authority notes that 6 of the 18 new cases were found to be unsubstantiated (compared with 8 in 2016).



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 Authority ensures that any queries are resolved and all matters have been concluded. Members of the Authority also, on occasions, make observations on operational issues, which may be called into question by an investigation. During 2017 the Authority's supervising members questioned or asked for further information on the investigations on 6 occasions. Their questions related to the content of investigation and the process.

Regular Complainants/Unreasonable Complainant Conduct

As reported last year, most complaints dealt with by the Authority in recent years have been one-off complaints. However, the Authority notes that over the past 5 years, 9 individuals have made more than one complaint, with one individual making 5 separate complaints; 2 individuals each making 3 separate complaints and a further 6 individuals making 2 separate complaints. It should be noted that although these figures are the same as reported last year for the preceding 5 year period, 2017 saw 3 new repeat complainants. The Authority wishes to emphasise that it will always consider all new complaints in a fair, impartial and independent manner regardless of whether the complainant has previously made a complaint.

The Authority will continue to work with the States of Jersey Police to address the issue of complaints which would be classified as exhibiting Unreasonable Complainant Conduct in other jurisdictions. The amount of time, effort and resources required to resolve such complaints is often disproportionate to the level of complaint. It is hoped the new law and agreeing an Unreasonable Complainant Conduct policy with the States of Jersey Police will ameliorate this problem.

Informal Resolution

A review of the Complaints Register maintained by the States of Jersey Police revealed that in 2017 there were 18 cases resolved through the informal resolution process (13 in 2016) (14 in 2015) (22 in 2014). The Authority notes the increased efforts by the States of Jersey Police to resolve complaints to the satisfaction of complainants, through the “informal resolution” process.

The Authority had no cause for concern when reviewing the records held by the States of Jersey Police of cases informally resolved in 2017.

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-judice¹ due to an ongoing criminal investigation or where delays are encountered in engaging with the complainant. On the whole the Authority had no particular concerns about delays in 2017.

During the course of 2017, bi-monthly meetings between the Authority, the Professional Standards Department and a member of the Law Officers’ Department continued and provided a useful forum for monitoring the progress of cases. The Authority notes that the new service level agreement between the Law Officers’ Department, the Professional Standards Department (SOJP) and the JPCA has generally resulted in a reduction in the time taken to investigate cases. For the three-year period 2015 – 2017 the average time taken for a case referred to the Law Officers Department to conclusion was 83 days (19 Cases). For 2017 this average time was 96 days (average of 7 Cases). However, it should be noted these numbers include one particular protracted case, which significantly extended the average. Without this case the average for the three-year period is 65 days and for 2017 43 days. At the end of 2017 there were no outstanding cases under review by the Law Officers’ department.

General Supervision and Oversight

The Members, between them, visited all Parish Halls to view the registers of complaints made against Honorary Police Officers; maintenance of these registers is required pursuant to the Law. The visits to each Parish are conducted on an annual basis in December and details of informally resolved complaints are referred to the Attorney General. The Authority had no cause for concern when reviewing the records held by the Parishes relating to the Honorary Police.

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.

¹ Sub-judice is generally invoked when the complainant, or the officer subject to the complaint, is facing a criminal charge. The complaint investigation is placed on hold until the criminal charge has been dealt with. However, the investigation into the complaint may proceed with the informed consent of the complainant to waive their right to sub-judice.

The Authority continues to receive monthly reports of Taser and Firearms deployment by officers of the States of Jersey Police. It is noted that for the first time since Tasers were introduced in 2013, a States of Jersey Police Firearms Officer discharged a Taser following deployment to an incident involving a weapon. The Authority received a report into the incident and was satisfied that in the circumstances the use of Taser was appropriate.

Members of the Authority have taken an active interest in monitoring the use of body-worn cameras and it is notable that the cameras continue to play an important role in the investigation of complaints, potentially leading to the informal resolution or withdrawal of a greater number of complaints than hitherto.

The Law

The working party established in Q3 2016 to undertake a comprehensive review of the Law and legislation in other jurisdictions and to recommend changes to the existing law, chaired by the Chief Officer of the Department for Community and Constitutional Affairs, continued to meet regularly throughout the year. This stage of the process is expected to be completed in early 2018 and law drafting to begin in Q2 2018. The working party was made up of representatives from the Department for Community and Constitutional Affairs, the Jersey Police Complaints Authority, the Law Officers' Department, the States of Jersey Police Standards Department, the Jersey Honorary Police, The Jersey Police Authority and the Law Draftsman's Office.

Accounts

The budget allocated to the Authority in 2017 was £38,300 (2016 £38,200) (2015 £36,630). The actual costs incurred in 2017 amounted to £26,856.36 (2016 £45,007) (2015 £31,283).

All investigation costs are borne by the States of Jersey Police, including the costs incurred in appointing external police forces where they are utilised.

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

A number of training initiatives for Authority members were implemented in 2017 such as an overview of the new triage system, information on the new IT rollout to officers and practical demonstrations of handcuffing. The 2 new supervising members joined States of Jersey Police shifts on patrol on a Friday evening in December 2016 to witness first hand events on a night shift.

The Authority regularly reviews its operating processes and procedures and where necessary changes and adapts its practices to ensure the supervision and oversight of police complaint investigations are conducted in an independent, impartial and transparent manner. All supervised investigations are now subjected to further scrutiny

through a second review process by another member/s of the Authority before each complaint is closed.

SUMMARY

There were fewer complaints referred to the Authority in 2017. There was an increase in the number of complaints being satisfactorily concluded through the States of Jersey Police informal resolution process.

The Authority is pleased to report a reduction in the number of complaints against the police referred to the Authority. However, several cases were problematic and time consuming. In any complaints process it is not possible to please everyone and there will inevitably be complainants who remain aggrieved at the conclusion of the investigation into their complaint. The Authority notes there continues to be an increasing number of complainants who are unsatisfied with the handling and findings of the investigation into their complaint. Throughout 2017 the Authority has been the subject of an ongoing application for a Judicial Review into the supervision of a complaint. The Authority remains committed to continuing in its role of supervising and monitoring complaint investigations in an impartial, independent, thorough and fair manner.

The Authority considers that the system for investigating complaints has become more efficient and accessible. However, there remains room for improvement and it is hoped that once the Law has been amended there will be further opportunity for improvement in processes.

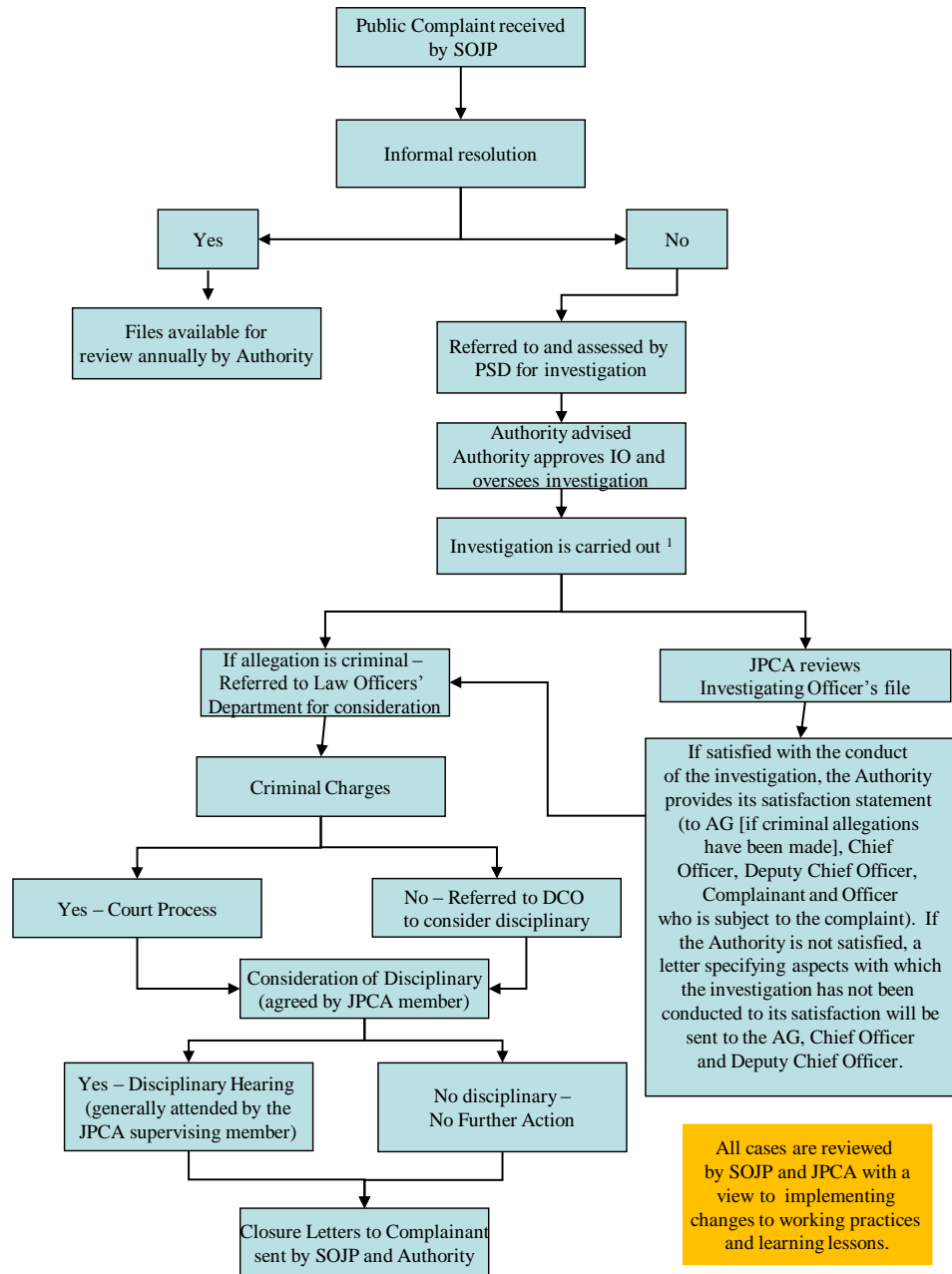
The Authority believes there is a need for more detailed public information on the procedure by which a complaint can be made against the Police by members of the public. The Authority has therefore started work on developing a website which it hopes will be available later in the year.

The Chairman should like to express his gratitude to the Authority's Administrator for her continued dedication to the role and to the Members of the Authority who voluntarily give up their time generously in the conduct of their role, ensuring impartiality and fairness at all times.

The Chairman and Members of the Authority would also like to acknowledge the 3 years of service given to the Authority by Ms. Debbie Sebire and as Deputy Chairman for 2017.

Appendix 1 – Flow chart of complaints process – States of Jersey Police Officer.

Flow Chart – Jersey Police Complaints Authority- Complaint Process
Complaint Received Against a Police Officer

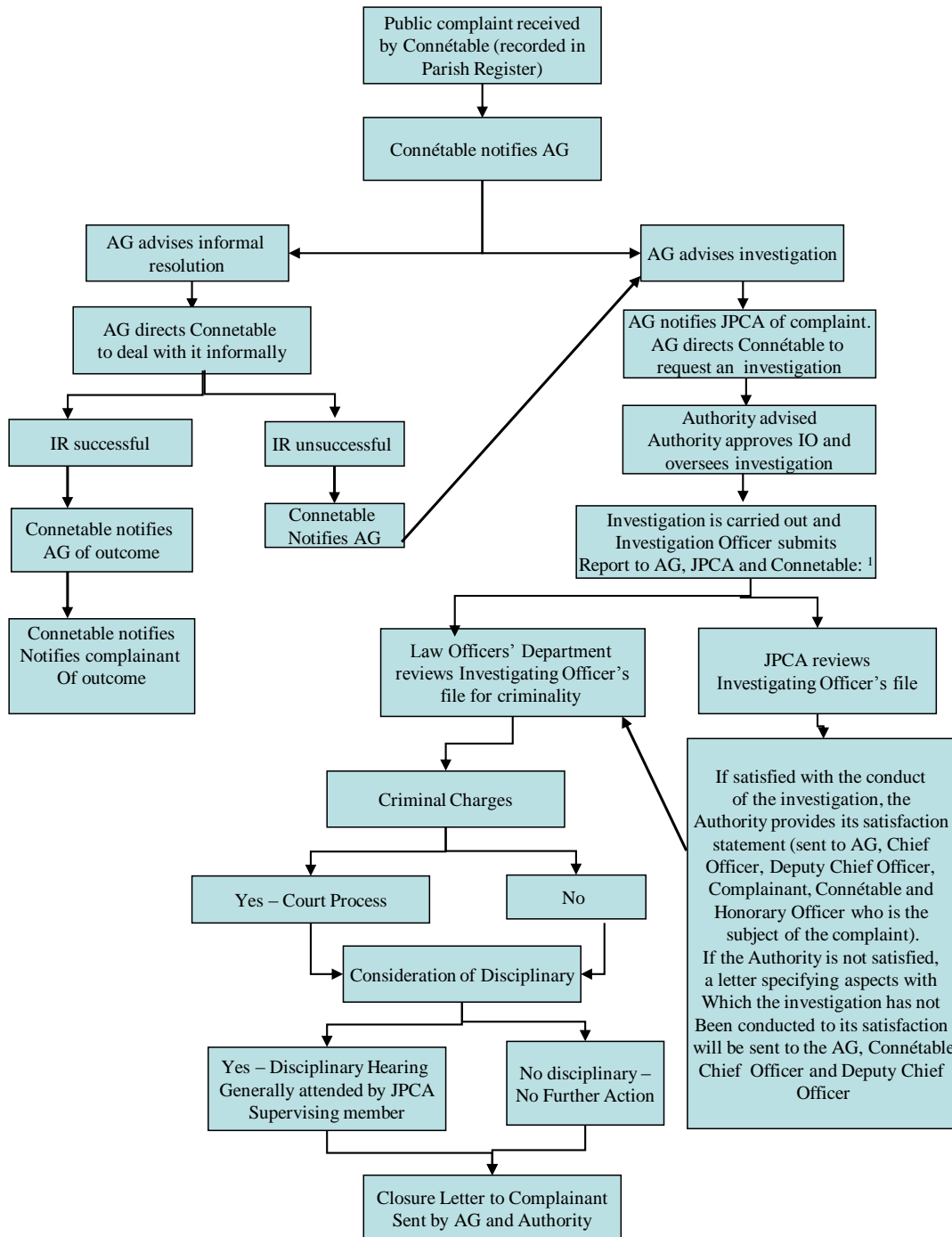


All cases are reviewed by SOJP and JPCA with a view to implementing changes to working practices and learning lessons.

¹ Refer to footnote on page 8

Appendix 2 - Flow chart of complaints process – Honorary Police Officer

Flow Chart – Jersey Police Complaints Authority - Complaint Process
Complaint Received Against an Honorary Police Officer



¹ Refer to footnote on page 8