

# **Jersey Police Complaints Authority**

## **Annual Report 2020**

**R.66/2021**

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# 1. INTRODUCTION FROM THE CHAIR

It is my pleasure to present the 2020 annual report of the independent Jersey Police Complaints Authority and my last as Chair. The Authority has a statutory duty under the Police (Complaints and Discipline) (Jersey) Law 1999, to report annually to the Minister for Home Affairs and present data on complaints recorded about the States of Jersey Police and the Jersey Honorary Police.

The police complaints and discipline system and processes are key to police accountability. They facilitate the public and those within policing to raise concerns about the behaviour of individual officers and the organisation of the police in Jersey. Through effective and independent oversight, our role overseeing the police complaints system and supervising investigations, including death or serious injury matters (DSI), is vital to securing overall public confidence in policing practice and systems. All our work is undertaken independently of the government, police and interest groups.

Between 2014 and 2020 governments in the UK undertook a series of major reforms of police complaints systems, most of which became fully operational by February 2020. Much of the emphasis of these reforms was focussed on improving policing by identifying and sharing learning. While accountability of individual officers for wrongdoing is clearly important, the greater impact of our oversight and an effective complaints system, can come from the themes and learning identified, not just from the complaints process in Jersey, but also learning from best practice in the UK and elsewhere in order to help strengthen policing practice more broadly. In 2020 the States of Jersey police recorded over nineteen thousand incidents and received nearly nine thousand 999 calls for help and assistance. Although the data in this report shows an increase in the total number of new complaints received in 2020, which gave rise to a complaint or allegation of misconduct and is higher than each of the previous three years, they represent a small proportion of the many daily interactions between police officers and the Jersey public.

Irrespective of how many complaints are made, it is the role of the Authority to ensure that every complaint is properly registered, recorded and comprehensively investigated and, where appropriate, referred to the Authority for independent oversight and supervision. It is a primary function of the Authority to secure public confidence in policing and the complaints process by ensuring the police are accountable for their actions and lessons are learnt whilst also ensuring the interests of the police themselves are equally served.

In our report last year we expected that a new Police Complaints and Discipline Law would be presented to the States for approval and the Jersey Police Complaints Authority (JPCA) would transition to become the Jersey Police Complaints Commission (JPCC). However, additional amendments and the Coronavirus pandemic have further delayed this process. This wide-ranging overhaul of the legislation is the result of extensive collaboration and also reflects best practice and the major reforms to UK complaint systems referred to above. The new law will further strengthen and create a strong and robust oversight regime and it is very much hoped the legislation will be put before the States Assembly during the first half of 2021.

## 2. ANNUAL REPORT 2020

### **About us - Who we are, what we do and becoming the Jersey Police Complaints Commission (JPCC)**

The States of Jersey Police, like every police force in the UK has a Professional Standards Department (PSD), which is responsible for the administration and investigation of allegations or complaints made about both States of Jersey police officers, the Honorary Police or both police forces. The role of the Authority is to oversee, monitor and supervise investigations by the Professional Standards Department. The Authority does not carry out the investigations and its Members are not trained investigators. The Authority is independent of the police and government and its role is to ensure that the investigating officers carry out the investigations it supervises in a thorough and impartial manner and to ensure the police achieve high standards in the handling of complaints, conduct matters and death and serious injury (DSI) cases.

To have confidence in the police service, the public must have trust in the police complaints system. When complaints are made, people should be reassured that they will be dealt with robustly and fairly. We are often challenged and questioned on how local police officers can fairly investigate their own colleagues. This is the accepted norm in the UK and in all but the most serious cases. It should be understood that all incidents and complaints about the conduct of police officers will be investigated impartially, that officers will be held to account for poor conduct, both by PSD and the Authority and that the police will strive to learn and improve from all complaints. The Authority is increasingly prioritising learning through supplementary observations, comments and recommendations at the conclusion of complaint investigations. The new law will provide significant scope for the Commission to ensure learning recommendations are effective, targeted and outcomes are achieved in a timely manner.

The States of Jersey appoints Members of the Authority for a period of three years (subject to reappointment up to a maximum of three terms) and their services are provided on a voluntary basis. The Members who served during the year are detailed below.

Mr Howard Cooper***,	Chair,	Appointed February 2013
Mrs Rachel Catchpole,	Deputy Chair,	Appointed January 2017
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 January 2017

\* Mr Duncan Baxter and Mrs Gail McCourt will complete their second three-year term in March 2021. They have decided not to seek re-appointment for a third term and will be leaving the Authority. \*\*Mrs Dee Taylor-Cox has tendered her resignation and will also leave the Authority with effect from March 2021 after serving as a member for eight years. \*\*\*Having served as Chair for four years, Mr Howard Cooper stepped down in January 2021. Following a recruitment process overseen by the Appointments Commission, Mrs Janet Naylor was appointed as Chair and approved by the States Assembly on 19 January 2021. The process of recruiting replacement members started in November 2020.

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; no expenses were claimed during the year.

### 3. AUTHORITY'S POWERS

The Authority supervises three categories of investigation:

- 1) those arising from complaints made by members of the public which have not been dealt with by Informal Resolution. Please refer to [Section 6](#) on page 16.
- 2) those arising from issues referred to the Authority on a voluntary basis by the States of Jersey Police.
- 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.

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 deaths or serious injury following police contact would normally be subjected to an investigation by the police standards department, regardless of any complaint arising from such an incident and referred to the Authority for supervision.

All cases where a potential conflict or perceived bias is identified are taken very seriously and steps taken to avoid this situation arising. The Authority has a process to ensure that there is no conflict between the supervising member and any complainant or officer(s) subject of 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 police force. In the UK the most serious complaint matters or cases involving death or serious injury (DSI), are referred by individual police forces to the Independent Office for Police Conduct (IOPC) for investigation. Here in Jersey, the need for the involvement of an external police force might arise because of potential conflicts, complex cases, those involving senior officers or because a case is so serious that it warrants the appointment of an external force. The appointment of an external force has to be agreed by the Authority and the Authority would also oversee the investigation. As indicated on page 5, it should be noted that the Authority does not investigate complaints – the States of Jersey Police receive the complaint and if informal resolution is not possible, the complaint is formally referred to the Authority to supervise. Once the SOJP Professional Standards Department complete their investigation, an Investigating Officer's report together with supporting documents, body worn camera and video evidence is submitted to the Authority. The Supervising Member reviews the report, documents and evidence to ensure the investigation has been properly carried out, that the conclusion is reasonable and that the report has covered all aspects of the complaint. In addition to the supervising member conducting their review, another member of the Authority conducts a second independent review of the complaint investigation to ensure the principal supervising member has reached an appropriate conclusion.

The Chair and Deputy Chair meet with the Professional Standards Department monthly to monitor progress of investigations and other relevant issues. These meetings provide a helpful forum to discuss the handling of all associated complaint matters, to challenge process and decisions where appropriate in a healthy and constructive manner, with the aim to improve the handling of complaints by the police service. The States of Jersey Police and Honorary Police Officers provide a professional service to the public of Jersey and standards are generally very high. However, on occasions officers and the organisations fall short of these standards and it is important to have a system that can quickly establish what has gone wrong, while ensuring there is appropriate accountability at both individual and force level and that lessons are learned. Learning outcomes arising from complaints are taken up by the States of Jersey Police Learning the Lessons Forum and disseminated across the force as appropriate. An important addition to the new law will enable the Commission to make recommendations to the States of Jersey Police and Honorary police regarding improvements to best practice and policing policy arising from an investigation. The draft new law also makes provision for the Commission to request information and report generally on outcomes and whether the police are implementing the Commission's recommendations. The Authority welcomes these changes and the facility to audit whether its recommendations have been implemented.

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. The introduction of a service level agreement between the Authority, Professional Standards Department and the Law Officer's Department in 2018 continues to work well, with most cases being concluded within agreed timeframes. However, it is noted that this year some complaint cases have proven more challenging and time consuming and as a consequence taken longer to investigate and resolve to the satisfaction of the Authority.

## 4. OVERVIEW



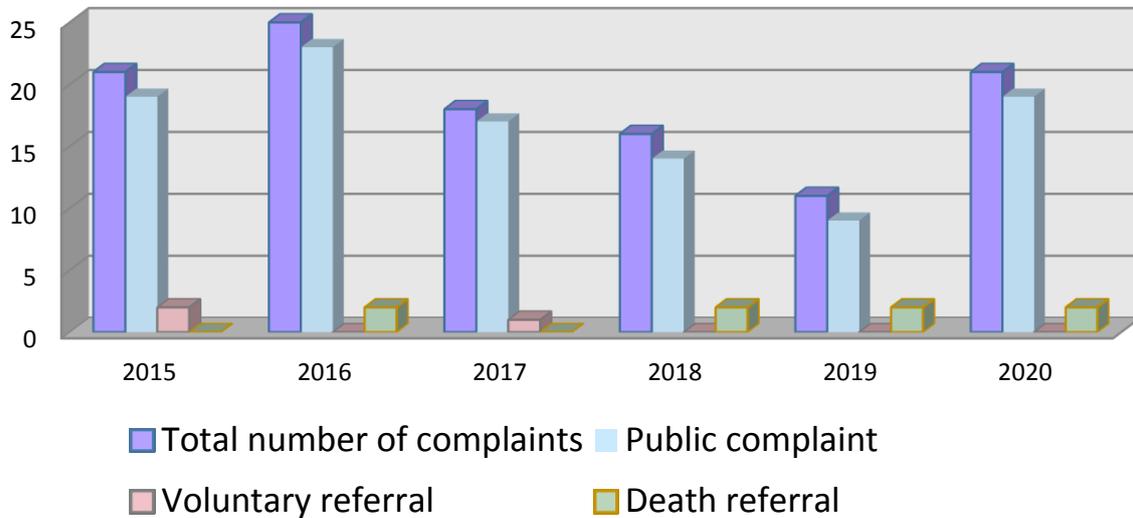
In total 21 new cases were referred to the Authority for supervision in 2020 comprising 19 public complaints and two death/serious injury referrals - see table below for previous 5 years data.

There have been no voluntary referrals since 2017. The Chief Officer may make a voluntary referral to the Authority where no complaint has been made where he has reason to believe a member of the force may have committed a criminal offence or an offence against discipline, if it appears to the Chief Officer that the matter ought to be referred by reason of its gravity or of exceptional circumstances.

A total of 4 cases were brought forward from 2019, bringing the total number of cases under supervision during 2020 to 25.

Overview of complaints	2015	2016	2017	2018	2019	2020
Total number of new cases	21	25	18	16	11	21
<b>Split as:</b>						
Public Complaint	19	23	17	14	9	19
Voluntary referral	2	0	1	0	0	0
Death referral	0	2	0	2	2	2

## Overview of complaints 2015 - 2020



The Authority liaised with the Citizens Advice Bureau to ascertain the number of enquiries made to the Bureau about police related matters during 2020 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 77 enquiries about police related matters, (91 in 2019) (84 in 2018) (55 in 2017) (38 in 2016) (67 in 2015).

There were 7 enquiries specifically related to complaints against the police and the complaints process (17 in 2019) (12 in 2018) (11 in 2017) (13 in 2016) (14 in 2015).

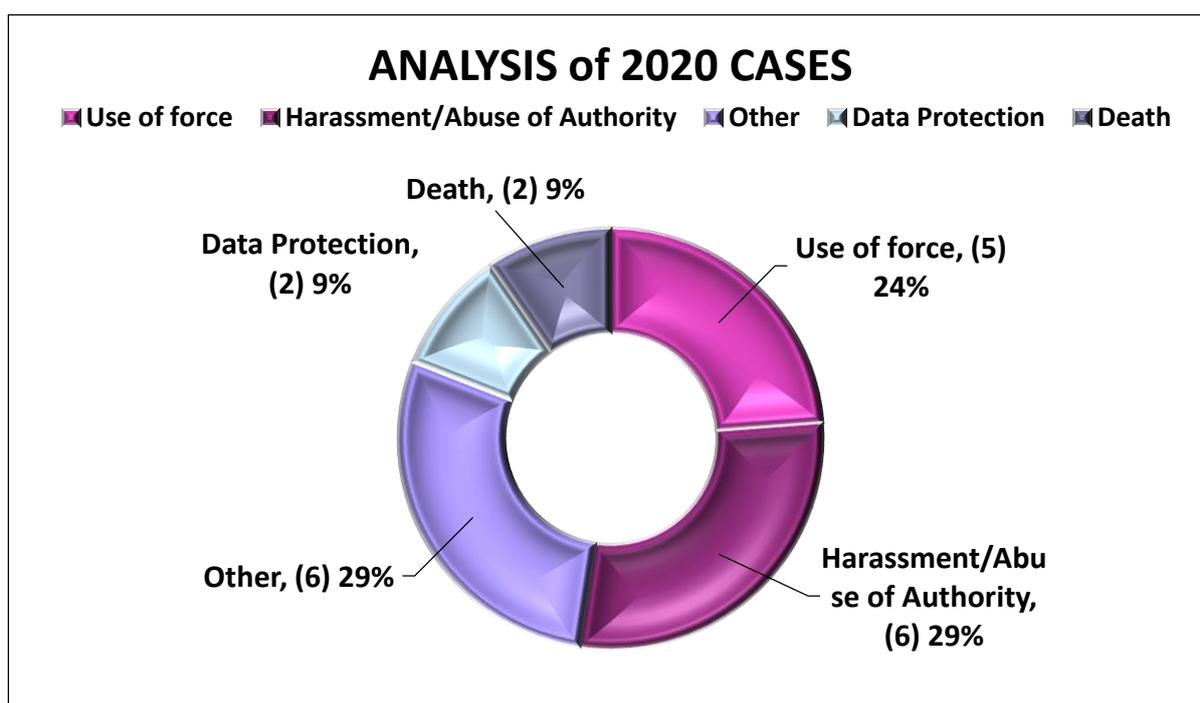
The Authority notes there were fewer enquiries to CAB relating to possible complaints. The Citizens Advice Bureau referred the 7 enquirers to the Government of Jersey website; however, data is not available on whether any of these initial enquiries translated into actual complaints or were formally referred to the Authority.

## 5. ANALYSIS OF COMPLAINTS



Nature of Complaint	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Excessive use of force	6	14	10	9	13	9	4	3	3	1	5
Harassment/ threatening behaviour/ abuse of authority	2	8	6	6	12	6	6	6	7	5	6
Property Damage/Loss	1	0	0	0	2	0	0	1	0	0	0
Instances relating to death/serious injury	1	0	2	2	2	0	2	0	2	2	2
Use of Pava spray	0	0	1	1	0	0	0	0	0	0	0
Other	6	13	7	7	5	5	11	7	3	2	6
Data Protection Breach	0	0	3	1	1	1	2	1	1	1	2
<b>TOTAL</b>	<b>16</b>	<b>35</b>	<b>29</b>	<b>26</b>	<b>35</b>	<b>21</b>	<b>25</b>	<b>18</b>	<b>16</b>	<b>11</b>	<b>21</b>

Table 1 – Nature of complaints supervised



## Summary explanation of cases

Of the 5 use of force complaints; 1 was found to be unsubstantiated, 1 Frivolous, 1 withdrawn, 1 partly substantiated and 1 carried forward to 2021.

Of the 6 complaints alleging abuse of authority, 2 have been partly substantiated with the remaining 4 being carried forward to 2021.

In 2020, 2 complaints related to the Data Protection Law; 1 of these cases was found to be unsubstantiated and the other case was carried forward to 2021.

The 6 cases, which fall into “Other” in Table 1, relate to allegations concerning lack of investigation, neglect of duty, inappropriate conduct and being discourteous.

Of the 16 States of Jersey Police Officer cases there were 2 referrals relating to death/serious injury following police contact and the remaining 14 were public complaints – 6 relating to operational concerns and 8 against specific police officers. The chart below shows the split of SOJP investigations for the previous 5 years.

Breakdown of SOJP investigations	2016	2017	2018	2019	2020
Organisational	9	5	4	3	6
Conduct of Officer	12	9	9	5	8
Death/serious injury referral	2	0	2	2	2

Of the 21 new cases supervised, 16 complaints referred to the Authority in 2020 related to the conduct of States of Jersey Police Officers. There were 5 new cases concerning the conduct of Honorary Police Officers

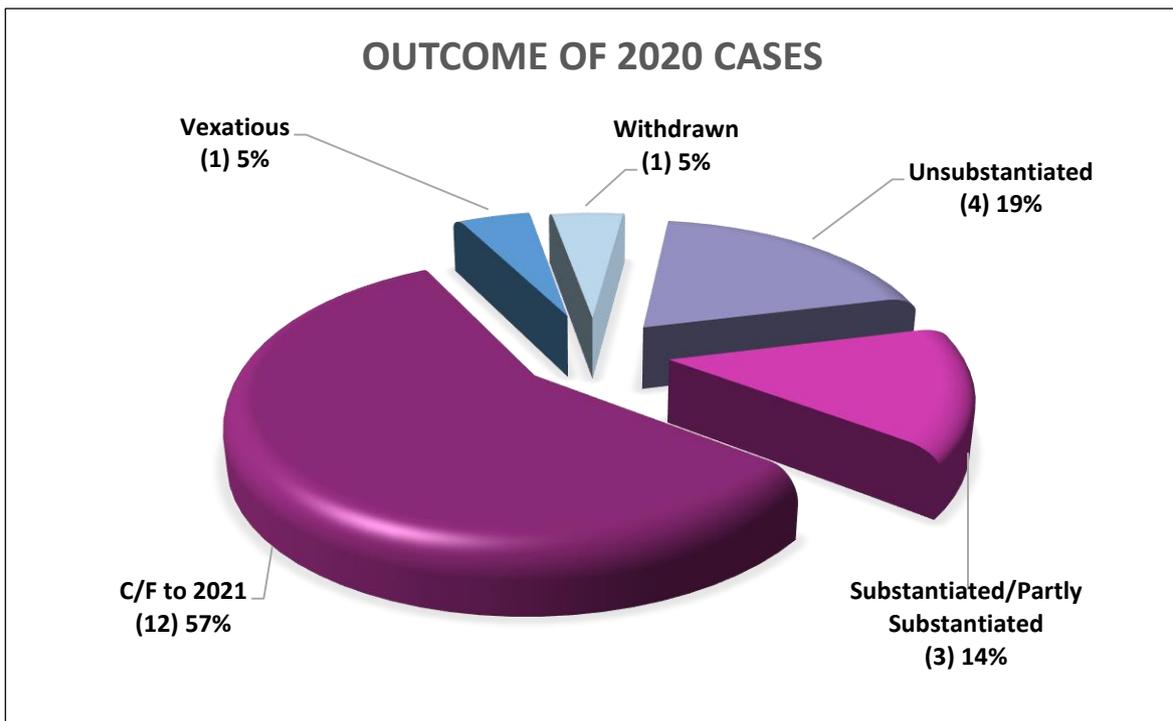
Split of complaints (SOJP and Honorary Officers)	2016	2017	2018	2019	2020
States of Jersey Police	23	14	15	10	16
Honorary Officers	2	4	1	1	5

In the 5 years since 2016 there have been a total of 13 complaints recorded against Honorary Officers and 78 complaints have been recorded against SOJP Officers.

**Outcome of cases supervised**

Outcome (as at 31/12/20)	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Withdrawn or Incapable of Investigation	7	11	10	11	7	6	2	4	2	0	1
Vexatious/ Frivolous	0	1	0	0	1	0	1	1	2	1	1
Unsubstantiated	7	13	11	9	19	10	14	10	7	6	4
Substantiated/ Partly Substantiated	2	10	8	6	8	5	8	3	5	2	3
Outstanding at year end	0	0	0	0	0	0	0	0	0	2	12
<b>TOTAL</b>	<b>16</b>	<b>35</b>	<b>29</b>	<b>26</b>	<b>35</b>	<b>21</b>	<b>25</b>	<b>18</b>	<b>16</b>	<b>11</b>	<b>21</b>

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



As stated above, during the course of 2020, 21 new cases were referred to the Authority. 12 of these cases have been carried forward to 2021, as they were not capable of being finalised in 2020. Of these 12 cases, six are still under investigation by PSD, five are with the Authority for review and one is awaiting a decision from the Viscounts office.

Nine of the 21 new cases that were referred in 2020 were concluded within the year; of these nine cases three were found to be substantiated or partly substantiated. In relation to the remaining six cases, four were found to be unsubstantiated, one was withdrawn by the complainant and one was deemed to be frivolous. Refer to the table on [page 14](#) for a breakdown of the complaint outcomes for previous years.

Members of the Authority occasionally have cause to challenge the findings of the Investigating Officer or to question aspects of the investigation or certain recommendations. Whenever such a challenge is made the Authority ensures that any queries are resolved and all matters have been concluded to its satisfaction prior to the Authority issuing a satisfaction statement (see further below). This includes ensuring that all elements of a complaint have been dealt with in the report produced by the Investigating Officer. Members of the Authority also, on occasion, make observations on operational issues, which may be called into question by an investigation. During 2020, of the 9 cases concluded within the year, the Authority's supervising members questioned or queried aspects of the Investigating Officer's report and asked for further information in relation to 6 cases – (2019 – 5 cases) (2018 – 7 cases). These questions related to the scope of the investigation process that had been carried out, the content of the Investigating Officer's reports, and the supporting evidence that had been provided by the Investigating Officer in support of their report (including body worn camera evidence or an explanation as to why no such evidence existed if appropriate). The purpose of such queries was to ensure that all elements of the complaint were covered by the Investigating Officer's report and that all relevant evidence had been considered. Clarification on SOJP reception CCTV, call recording and the categorisation of complaints by PSD as either individual or organisational was also sought.

After considering the Investigating Officer's Report, the Authority is required to issue a statement whether the investigation has or has not been conducted to its satisfaction. From time to time, the Authority is not able to provide a satisfaction statement until it is satisfied with all elements of the investigation and its findings. During 2020 the Authority was not prepared to provide a satisfaction statement for one of the complaints. The States of Jersey Police were advised on which aspects of the investigation report the Authority was not satisfied. At the time of this annual report, we anticipate that this matter will shortly be resolved to our satisfaction.

## 6. INFORMAL RESOLUTION

A review of the Complaints Register maintained by the States of Jersey Police, revealed that in 2020 the Police registered 80 complaints (2019 – 53 cases). In 2020, 41 cases were resolved through the informal resolution process (29 cases in 2019) (25 in 2018) (18 in 2017) (13 in 2016). The Authority notes the continuing trend for more complaints to be resolved to the satisfaction of complainants, through the “Informal Resolution” process. Resolution of complaints by this process is, in the main, by way of an explanation of particular Police actions or responses, or as a result of a formal apology.

The Authority conducts a twice-yearly review of the records of all complaint cases, which were informally resolved by the States of Jersey Police. These cases are not referred to the Authority. The Authority is satisfied these cases were dealt with appropriately and had no cause for concern with those complaints resolved in 2020.

### **Agreed Resolution**

With the introduction of the new law the current Informal Resolution process will become an Agreed Resolution and the Commission will have a role in determining a review of the decision to resolve a complaint in this way and requiring the Chief Officer or Attorney General to reconsider whether a complaint should be resolved in this way or if a full investigation is warranted.

## 7. TIME TAKEN TO COMPLETE INVESTIGATIONS

The length of time taken to complete an investigation has been reported on in previous reports by the Authority. Occasionally delays in the investigation are unavoidable when the matter is sub judice<sup>1</sup> due to an on-going criminal investigation or where delays are encountered in engaging with the complainant. Since the introduction of a service level agreement in 2017 between the Law Officers Department, the Professional Standards Department (States of Jersey Police) and the Authority, the time taken to conclude supervision of complaint cases has hitherto generally been within the agreed timeframe. However, the Authority acknowledges there were minor delays in finalising complaints in 2020, with only 33% of cases concluded within the year being reviewed within the agreed 28-day timeframe and aims to improve this turnaround time significantly in 2021. Of the remaining cases, a timeline of 36 to 65 days was achieved. It should be noted that the Authority reverted back to SOJP with queries on 6 of the 9 cases, which extended the time taken to review the investigation.

During the course of 2020, 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. At the end of 2020 there was one outstanding case under review by the Law Officers Department. This case has now been resolved in the first quarter of 2021.

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<sup>1</sup> 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.

## 8. GENERAL SUPERVISION AND OVERSIGHT

Authority members 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 2020 review identified some minor anomalies in recording complaints but in general there was no cause for concern with the recording practices of parish officials relating to the Honorary Police.

The annual review of Parish records by Members of the Authority and the twice-yearly review of the States of Jersey Police's complaint register by the Chairman and Administrator is an essential 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.

### **Complaints procedure via the States of Jersey Portal.**

As part of the restructuring of the States of Jersey and the One Government initiative in 2019, the States established a customer and local services operation based at the former Social Security offices. Customer feedback (complaints and compliments), can now be made through a centralised on-line portal including police complaints. However, it should be noted that whilst this allows an additional initial route for the public to make a complaint against the police, the States of Jersey Police (Complaints and Discipline) (Jersey) Law 1999 will continue to determine the procedure for the handling and management of complaints following referral to the police through the States e-portal. In 2020 a small number of complaints, which were channelled through this centralised system, were significantly delayed in being forwarded to SOJP. The Authority notes the findings of a Jersey Complaints Board report into similar problems and that the centralised system requires some 'fine tuning'. The Authority is liaising with SOJP to ensure complaints originating through this route are processed promptly.

The Authority continues to review 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 continue to be subjected to further scrutiny through a second review process by another member/s of the Authority before each complaint is closed.

## 9. ACCOUNTS



The budget allocated to the Authority in 2020 was £38,460 (2019 - £38,500) (2018 £38,300) (2017 £38,300) (2016 £38,200) (2015 £36,630). The actual costs incurred in 2020 - amounted to £42,091 (2019 - £37,834.01) (2018 - £40,748.09) (2017 - £26,856.36) (2016 £45,007) (2015 £31,283).

The budget figure includes £10,000 of indemnity insurance (which was not utilised), rental costs of £13,000 and office running costs of £15,459

The Authority's budget for 2021 is £43,000.

It should be noted that the 2020 expenditure figure includes legal costs in the region of £15,183 (2019 - £21,000) (2018 - £14,000) resulting from the Authority taking legal advice. Legal advice costs extend into 2021 with a further £10,000 being approved in the month of January 2021. These costs relate to one particular case in 2020, which required extensive legal advice in addition to an historic case where we anticipate costs should now be coming to an end.

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.

## 10. TRAINING & DEVELOPMENT FOR AUTHORITY MEMBERS

### **Coroner's Inquest – Death or Serious Injury (DSI) following police contact.**

All death or serious injury (DSI) cases following police contact must be referred to the Authority. In the case of a death, the Viscounts office will be involved and in most cases a coroner's inquest held. Normally it is the Deputy Viscount who acts as the coroner in Jersey. The Authority is grateful to the Deputy Viscount for the presentation given to members in 2020 explaining the procedure and rules governing inquests into deaths and in particular those following police contact.

As previously referred to in this report, the Authority notes that two such cases were referred to the Authority in 2020. The Authority acknowledges that the Coronavirus pandemic has had an impact on the ability to hold inquests, which might require attendance by a number of family members and other relevant parties. However, the Authority remains concerned at the delays in this process and in particular one extended deferment from 2019.

A death or serious injury after contact with the police presents a real challenge to public confidence in policing. It is essential that the facts surrounding such incidents are fully investigated and independently supervised by the Authority in order to preserve and even enhance public confidence. In certain circumstances an external police force may be requested to undertake such an investigation.

Police officers will regularly come into contact with some of the most vulnerable members of society and their actions may influence what that person does next. Sometimes deaths or serious injury will occur because things have gone wrong or because, upon reflection, a different strategy or approach may have been preferable. The investigation into such tragic events must primarily identify what happened and why. It is the role of the Authority in such circumstances, to ensure the police learn from any mistakes and to provide the public with reassurance that the police are held to account for their actions, where the evidence deems it necessary.

## 11. TASER – USE AND NEW LEGISLATION

Although all cases of death or serious injury (DSI), following police contact, must be referred to the Authority, for example, a death or serious injury resulting from the discharge of a firearm, the Authority has no direct involvement in the deployment of Taser and would only become involved if the deployment resulted in referral to the Authority following a complaint or serious injury arising from its use. The Professional Standards Department (PSD) regularly updates the Authority on the number and type of Taser deployments. During 2020 there were 43 incidents involving Taser and 3 where Taser was discharged (fired). Since the introduction of Taser in Jersey in 2014 there have been 341 Taser incidents and 8 occasions when Taser was discharged. In 2020, one of these discharge incidents resulted in a complaint, which was referred to the Authority. This was the first such complaint related to the use of Taser, however, during the course of investigation the complaint was subsequently withdrawn by the complainant. It is Important to note that the total number of incidents includes all instances of Taser being withdrawn from its holster.

The Authority was pleased to be invited to respond to questions and a request by The Children, Education and Home Affairs Scrutiny Panel review of Proposition P.97/2020 – Deployment and use of Energy Conductive Devices ('Tasers') by the States of Jersey Police. The Authority made a number of observations and comments on the proposed changes in deployment based on the experience of members' supervision of complaint investigations where 'use of force' has been subject to scrutiny and examination. Jersey is not immune to the occurrence of a serious incident, or violent assaults against officers, with the attendant real risk of serious harm to attending police officers, the offender and the public. In such circumstances, the general view of the Authority is, that providing appropriate safeguards are in place, particularly with regard to vulnerable people and young adults, Taser is an appropriate instrument for policing in Jersey. The Authority is grateful to the States of Jersey Police for providing further support and input to members on the use of the new Taser together with details of the deployment of the additional twenty specially trained officers who will be part of the year long trial agreed by the States Assembly on 3 November 2020. The Authority will continue to liaise with the police on the use of Taser during this trial period.

## 12 REGULAR COMPLAINANTS & UNREASONABLE COMPLAINT CONDUCT

A complaints system that enables easy and effective access is essential for all complainants. All complaints processes give rise to a small number of cases and individuals who pursue their complaints in a way that is unreasonable. The Authority wishes to emphasise that it recognises that all complainants have the right to be listened to, respected and have their complaint taken seriously and investigated in a fair, impartial and independent manner. This should be irrespective of the number of complaints that the complainant in question may previously have made.

Thankfully only a few individuals in Jersey pursue their complaints in a manner that can be categorised as unacceptable. The Authority acknowledges that complainants have, in some instances, experienced distressing events and circumstances which may have influenced their behaviour and lead them to complain. They may behave unacceptably or be unreasonably persistent or make unreasonable demands in their contact with the police, which can impact on the welfare of those dealing with the complaint, who must equally be accorded the right to be listened to and respected. The Authority will always adopt a fair and consistent approach when reviewing a complaint where persistent or unreasonable complainant behaviour is a factor. This is aligned with the Government of Jersey customer feedback policy, which includes managing unreasonable conduct. The States of Jersey Police introduced a new procedure for handling persistent and unreasonable complainants in 2019.

The Authority has a policy for handling complaints made against the Authority and its members. The Authority is committed to providing a high standard of service to the Jersey public. We aim to perform our role in a fair, reasonable, proportionate and timely manner to provide the public with an efficient service.

## 13. SUMMARY

The Authority remains committed to continuing in its role of supervising and monitoring complaint investigations in an impartial, independent, thorough and dispassionate manner. The Authority considers that the current law and complaints system has served Jersey well over the past twenty years and has enabled the Authority to provide accessible, independent oversight of complaint investigations in an efficient and extremely cost effective way. However, with the anticipated introduction of a new law in 2021, the Authority acknowledges that the new law and transition into the Jersey Police Complaints Commission will provide opportunities for further developing practice, and in particular to take account of changes and improvements in the UK and other jurisdictions.

The reforms to the police complaints and disciplinary systems in the UK, which came into effect in early 2020, have changed the emphasis from a culture seeking to blame and punish police officers, to one which is more open, reflective of mistakes and focussed on a greater emphasis on learning, development and improvement, as a consequence these developments may lead to more complaints being categorised as organisational complaints. It is anticipated these reforms will further increase transparency whilst maintaining and ensuring accountability. The new Jersey law and Commission will similarly provide opportunity for learning, improvement in practice and procedure, further enhancing public confidence in the service provided by the States of Jersey Police, the Honorary Police and the new Commission.

The table and charts detailed earlier in this report show the number of complaints registered by the States of Jersey Police and Honorary Police together with those referred to the Authority for supervision, to be slightly higher than those of previous years.

Whilst it is disappointing that the number of complaints referred to the Authority have risen compared to the last three years, it should be noted that last year's number was one of the lowest number recorded since the Authority was established in 1999. The Authority is pleased to report the number of complaints received by the police and those referred to the Authority continue at relatively low levels, when compared over the longer term. The number of complaints that were registered during the year but carried forward into 2021 (12 cases) was higher than previous years and this reflects the increasing number of complaints that are more problematic, complex and time consuming. It is also noted that 7 of the 21 complaints referred to the Authority were referred during the last quarter of the year.

The proportion of complaints being satisfactorily concluded through the States of Jersey Police Informal Resolution process was slightly less than last year at 41 complaints (51%) (2019 – 29 complaints (57%)) (2018 - 25 complaints (44%)) compared with 18 in 2017 (32%)

In looking at the data for the past five years there are no discernible trends or significant changes in the nature of complaints. The police continue to see a rise in calls related to domestic incidents, however, it is not possible at this time to connect the increase in 2020 to the Covid-19 situation. There was no meaningful change in complaints related to domestic incidents in 2020. In recent reports the Authority has reported on the positive effects that the wider deployment of body worn cameras (BWC) has had on resolving disputes, in particular incidents involving anti-social behaviour where alcohol has been a factor. Body worn camera evidence can provide critically important evidence throughout an unfolding incident for all involved. There have been occasions when cameras have not been activated sufficiently in advance of an incident and significant evidence has not been available as a result. The Authority recognises that some situations and incidents can escalate very rapidly and anticipating such a change in circumstances is difficult and challenging. The Authority, through its regular meetings with the police continues to make recommendations and learning points arising from complaints, in particular with regard to body worn camera evidence that whenever possible, officers should activate cameras at the earliest opportunity and explain their decision making whenever possible.

### **Comparison with UK police complaints data**

It is not possible to make a direct comparison between complaints made against the police in Jersey and complaints made against separate police forces in England and Wales. There are a number of differences in complaint classification and systems together with variables on how they are recorded. However, despite the small rise in complaints in 2020, the number of complaints received by the States of Jersey Police remains amongst the lowest of Police forces in England and Wales.

### **Dissatisfied complainants**

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 and who are unsatisfied with the handling and findings of the investigation into their grievance.

Throughout the period 2017-19 the Authority was the subject of an on going application for a Judicial Review into the supervision of a complaint. As reported last year this case was ultimately resolved following three Royal Court hearings and a review by the Judicial Committee of the Privy Council (Supreme Court – London). Some additional legal costs for this case were incurred in early 2020. A further hearing in the Royal Court awarded costs in favour of the Authority. The recovery of these costs continues to be in the hands of the Judicial Greffe.

## **Proposed Public Ombudsman**

The Authority participated in the public consultation process in 2019 which followed the States vote to establish a Public Services Ombudsman. The introduction of a Public Services Ombudsman was first suggested in the Clothier report in 2000 to handle complaints about government services. The establishment of an ombudsman service to cover complaints and grievances against all States departments and regulatory bodies is long overdue and it is unfortunate that the Coronavirus pandemic has further delayed the legislation drafting process during 2020. Complaints against the States of Jersey Police and Honorary Police will remain with the new Jersey Police Complaints Commission when established. However, once the Ombudsman service is operating it will complement and support the independent work of the Jersey Police Complaints Commission and provide a valuable service to the public of Jersey.

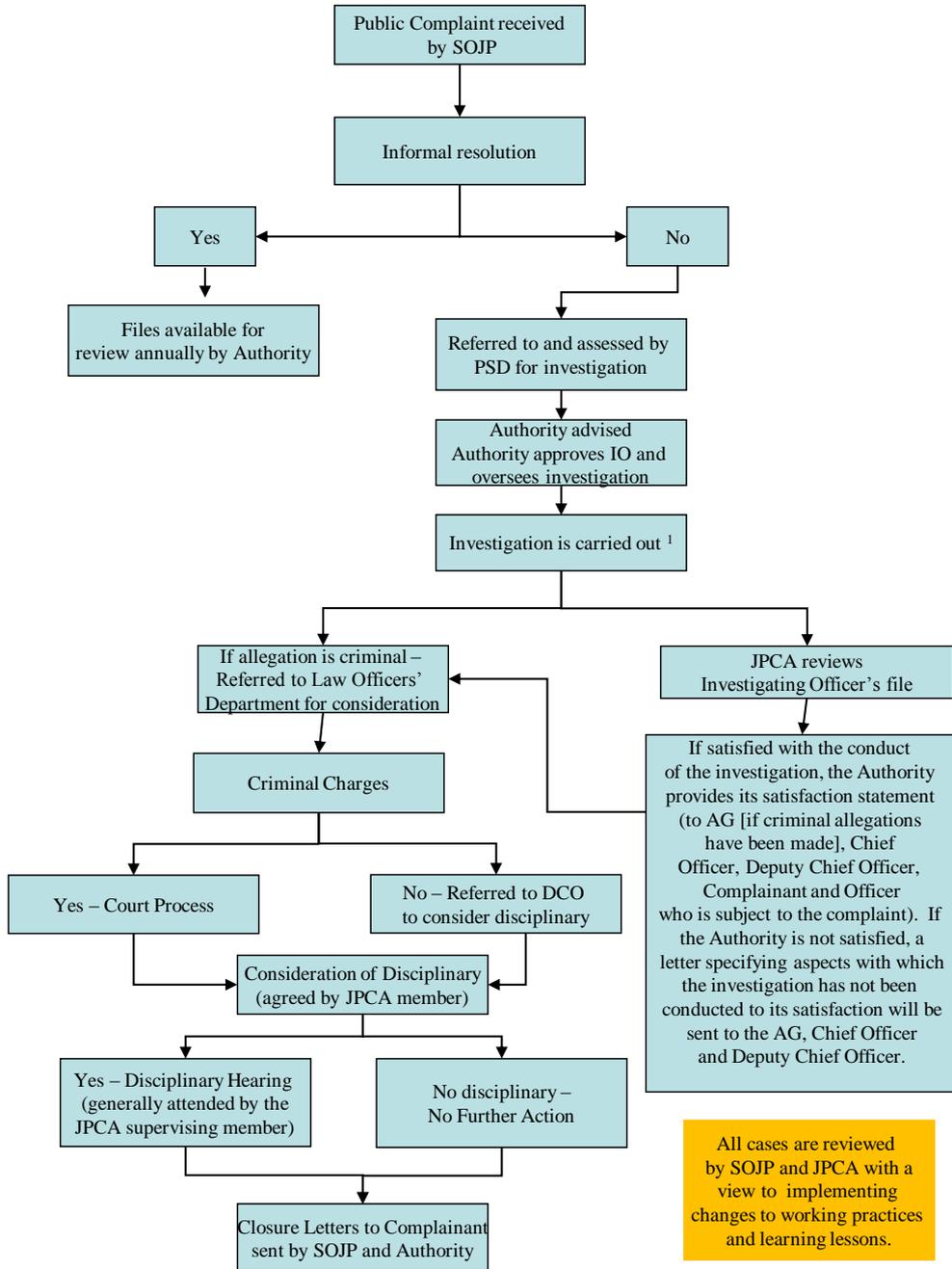
## **Acknowledgements**

As a member of the Authority for eight years and Chair for the past four years I am immensely grateful for the dedication shown by all the members of the Authority, for the time given so freely in the conduct of their role and striving to ensure impartiality and fairness at all times and the provision of an effective and valuable service to the public of Jersey. As I step down from the Authority I would like to record a special thank you to the Authority's administrator in acknowledging the high-quality service, continuity and commitment she has given over the last decade. I have been privileged and am especially proud to have worked alongside such committed people and very appreciative of their support, integrity and sense of duty. As the JPCA becomes the JPCC under the new law in 2021, there will be opportunities to build on and further develop the police complaints resolution process and I wish my successor, Mrs Janet Naylor every success as chair.

Howard Cooper - Chair  
Jersey Police Complaints Authority - 2020

# Appendix 1 – Flow chart – States of Jersey Police Officer

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

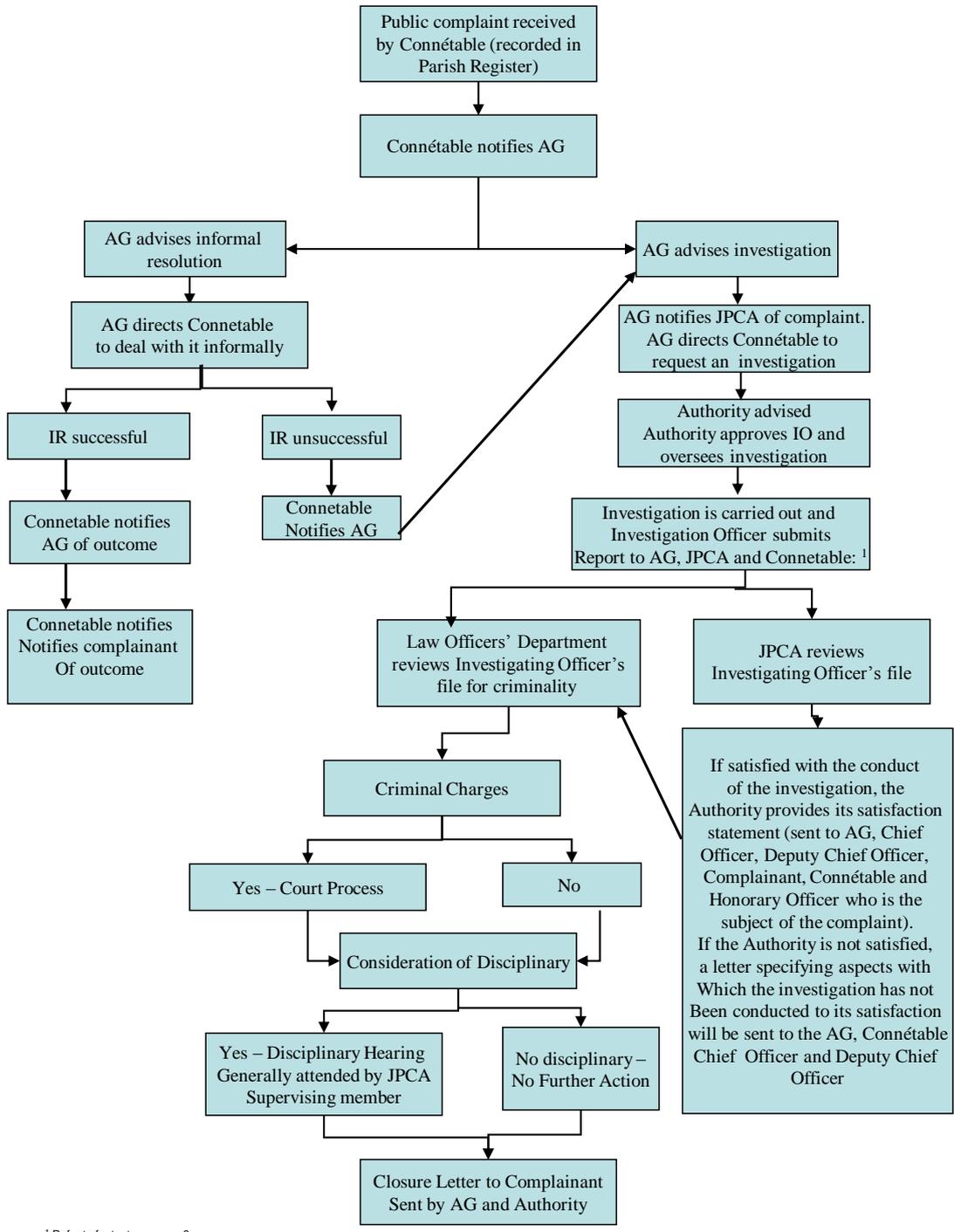


<sup>1</sup> Refer to footnote on page 8

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

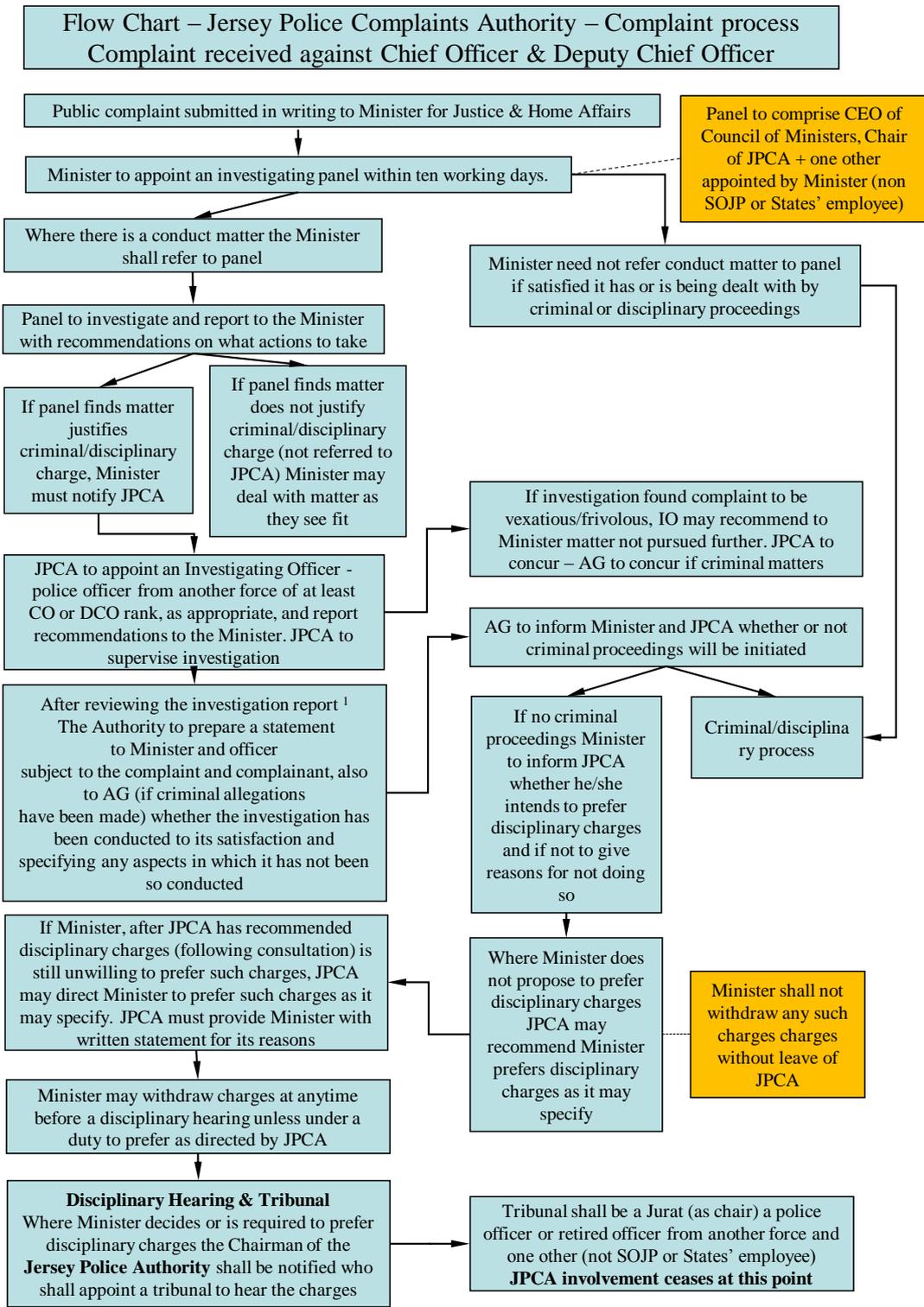
# Appendix 2 - Flow chart - Honorary Police Officer

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



<sup>1</sup> Refer to footnote on page 8

# Appendix 3 - Flow chart – Complaint received against Chief Officer and Deputy Chief Officer



<sup>1</sup> Refer to footnote on page 8