

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 10th SEPTEMBER 2013**

Question

Will the Minister set out the policy for investigating complaints against police officers and in particular the rules regarding the rank of the investigating officer in relation to the rank of the officer under investigation and explain any legal reason why these rules would not be followed citing the legal references?

Answer

The Minister's current policy in relation to the investigation of complaints against police officers, other than the Chief Officer and the Deputy Chief Officer, is that such complaints should be dealt with in accordance with the existing provisions, which are the Police (Complaints and Discipline) (Jersey) Law 1999 and the Police (Complaints and Discipline Procedure) (Jersey) Order 2000.

Under the terms of Article 7(6)(b) of the said Law, where a complaint is not suitable for or cannot be dealt with by informal resolution, the Chief Officer shall appoint a police officer to investigate the complaint who is:-

- (a) of at least the rank of Inspector
- (b) of at least the rank of the member of the Force against whom the complaint is made.

The normal practice, where the complaint is made against a police officer of the rank of Chief Inspector or Superintendent, is for the investigating officer to come from another Police Force.

Both the terms of the said Law and the said Order are actively under review and advice on these has now been received from an outside expert.

The Minister's policy in relation to complaints against the Chief Officer or the Deputy Chief Officer is as follows:-

- (1) That there should be a preliminary assessment in order to determine whether there is a sufficient basis to warrant a full investigation by a very senior officer from an outside police force.
- (2) In determining whether there is such a sufficient basis, the Minister will normally seek information both from the complainant and from the most senior local officer who has no connection with the complaint.
- (3) For a sufficient basis to exist, the Minister would need to be satisfied:-
 - (a) that there was a reasonable basis for the complaint;
 - (b) that there was prima facie evidence to support the complaint; and

- (c) that, if the complaint were proved, that it would be sufficiently serious to warrant disciplinary action against the Chief Officer or Deputy Chief Officer.
- (4) A formal investigation would need to be conducted by an outside police officer of at least the rank of the Chief Officer or Deputy Chief Officer against whom the complaint has been made.
- (5) It follows from the above that a formal investigation would be conducted by an outside officer of equivalent superiority but that preliminary information may need to be sought from a more junior officer if the complaint is against the Chief Officer of Police or against both the Chief Officer and the Deputy Chief Officer.

The procedure set out above is also under review and the Minister intends to bring Regulations to the States in order to determine the appropriate procedure for dealing with complaints against the Chief Officer or Deputy Chief Officer.