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# STATES OF JERSEY



## JERSEY POLICE COMPLAINTS AUTHORITY: REPORT FOR 2015

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Presented to the States on 19th April 2016  
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 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 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 Authority is only able to supervise the investigation of those complaints which are required to be referred to it under the Law. 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. However, the Draft States of Jersey Police Force (Chief Officer and Deputy Chief Officer) (Jersey) Regulations 201- are currently being drafted and, once in force, the Authority will have a role to play in the investigation of complaints against these two senior officers. 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 supervises 3 categories of investigation: those arising from complaints made by members of the Public which have not been dealt with by informal resolution; those arising from issues referred to the Authority on a voluntary basis by the States of Jersey Police; and those specifically referred to in the Law, such as investigations into the death of individuals following contact with the States of Jersey Police. Generally speaking, the Authority is not involved in 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.

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.

Mrs. Debbie Prosser	<i>Chairman</i>	Appointed November 2007
Mr. Howard Cooper	<i>Deputy Chairman</i>	Appointed February 2013
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
Ms. Debbie Sebire	Supervising Member	Appointed March 2015
Mrs. Gail McCourt	Supervising Member	Appointed March 2015

The Authority undertook a recruitment campaign during November and December 2014 and 4 individuals were each offered a position as a Supervising Member of the Authority; their appointments were approved by the States on 6th March 2015. These were Duncan Baxter, Debbie Sebire, Gail McCourt and Allana Binnie. On 20th March 2015, Allana Binnie tendered her resignation from the Authority as a result of a previously unforeseen conflict. The Authority did not see the need to recruit a replacement, although this matter will be given further consideration during 2016 as part of the succession planning strategy for the Authority.

Mrs. Prosser's tenure as Chairman of the Authority expired at the end of 2015. During the year the matter of her re-appointment was considered, and her re-appointment was debated by the States Assembly on 2nd February 2016. Pending her re-appointment, the Deputy Chairman, Mr. Howard Cooper, was Acting Chairman. Mrs. Prosser will resign as Chairman of the Authority at the end of 2016, following the completion of her 9th year as a member of the Authority. During the course of the year, her successor will be identified and appointed by the year end.

The Authority reports to the Minister for Home Affairs, and during the year the Chairman liaised with the Minister on a number of issues, but particularly legislative changes. The Minister attended a meeting with all members of the Authority.

The Authority continually reviews its processes and updates its members' Operational Manual accordingly.

### Overview

In total, 21 new complaints were referred to the Authority for supervision in 2015 (35 in 2014), comprising 19 public complaints (30 in 2014) and 2 voluntary referrals (5 in 2014). A total of 14 cases were brought forward from 2014, bringing the total number of cases under supervision during the year to 35, compared with 49 in 2014.

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

### Analysis of complaints

Nature of Complaints	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Excessive use of force	6	14	8	6	5	6	14	10	9	13	9
Harassment/ threatening behaviour/ abuse of authority	11	6	9	10	13	2	8	6	6	12	6
Death referral	0	0	0	0	1	1	0	2	2	2	0
Property damage	2	0	0	0	0	1	0	0	0	2	0
Use of CS spray	1	0	4	1	0	0	0	1	1	0	0
Other	10	10	15	10	7	6	13	7	7	5	5
Data Protection breach	0	0	0	0	0	0	0	3	1	1	1
<b>TOTAL</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>	<b>21</b>

**Table 1 – Nature of complaints supervised**

The 9 ‘use of force’ complaints mainly concern force allegedly used when arresting and/or handcuffing a non-compliant individual. Five of the 9 complaints were carried forward to 2016 for completion. The remaining 4 were withdrawn by the complainants.

At the end of the year, 2 of the 6 complaints alleging abuse of authority had been deemed to be partly substantiated. Two cases were carried forward to 2016, and the remaining 2 were withdrawn or recorded as unsubstantiated.

During the year, the Authority supervised 2 investigations concerning the conduct of Officers whilst their body-worn camera was in operation. By the end of the year, the Attorney General had concluded that criminal proceedings would not be initiated in either case; the cases are carried forward for finalisation in 2016.

The number of investigations relating to the [Data Protection \(Jersey\) Law 2005](#) has remained constant, with one case in 2015 which has been carried forward to 2016 for finalisation. The one complaint held over from 2014 was withdrawn by the complainant.

The 5 cases which fall into the category labelled “Other” in Table 1 relate to allegations concerning the following – unlawful search (1), theft (1), mishandling a case (1), sexual discrimination (1), and integrity (1).

Eighteen complaints referred to the Authority in 2015 related to the conduct of States of Jersey Police Officers. There were 3 new cases in 2015 concerning the conduct of Honorary Police Officers.

In 2015 the Authority liaised with the Citizen’s Advice Bureau to ascertain the number of enquiries made to the Bureau about complaints against the Police, to ensure that wherever possible, members of the Public are given adequate opportunity to process such complaints. The Bureau advised the Authority that during the year it had received 67 enquiries about Police-related matters, of which 14 were specifically related to complaints against the Police and the complaints process. The Authority was pleased to note 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.

### **Outcome of cases supervised**

<b>Outcome</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b>Withdrawn or incapable of investigation</b>	15	15	15	9	13	7	11	9	11	7	6
<b>Vexatious</b>	2	0	3	0	0	0	1	0	0	1	0
<b>Unsubstantiated</b>	7	14	16	13	8	7	13	11	9	19	4
<b>Substantiated/ partly substantiated</b>	6	1	2	5	5	2	10	8	6	7	2
<b>Outstanding at year end</b>	0	0	0	0	0	0	0	1	0	1	9
<b>TOTAL</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>	<b>21</b>

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

At the end of 2015, 9 cases which had been initiated during the year were still being investigated, together with one case outstanding from 2014 and one from 2012. The cases from 2012 and 2014 are currently awaiting input from the Law Officers' Department.

9% of the total cases investigated and concluded in 2015 were found to be partly substantiated, compared with 14% in 2014 and 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. During 2015, the Authority's supervising members questioned or asked for further information on the investigations on 8 occasions. Their questions related to – the content of investigation (3), the outcome of the investigation (3), non-disclosure (1), and closure of an investigation (1).

### **Informal resolution**

A review of the Complaints Register maintained by the States of Jersey Police revealed that in 2015 there was a total of 30 complaints received from members of the Public (52 in 2014), of which only 16 were required to be referred to the Authority (30 in 2014). Under the provisions of the Law, upon receipt of a complaint, consideration will be given to whether the complaint is suitable for informal resolution. In 2015, 14 complaints (46.6%) were dealt with by way of informal resolution (22 in 2014 (42.30%)) 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 2015, 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 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 104 days in 2015 (compared to 69.5 days in 2014 and 179.5 days in 2013). At the end of 2015 there were 3 public complaint cases with the Law Officers' Department, with timescales ranging from 54 to 371 days (excluding the case held over from 2012).

The Authority remains concerned by the length of time taken by the Law Officers' Department to conclude its review of the investigation reports.

### **General supervision and oversight**

The Members, between them, visited all Parish Halls and the States of Jersey Police Headquarters to view the registers of complaints made, both against Honorary Police Officers and States of Jersey Police Officers; maintenance of these registers is required pursuant to the Law. 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. 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 Chairman and the Administrator viewed the States of Jersey Police's complaints register twice during the year. No discrepancies were found in 2015 between the various complaints registers and the Authority's records.

The Authority monitors monthly reports of Taser and Firearms deployment by Officers of the States of Jersey Police.

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

### **The Law**

During the year, the Chairman continued the review of the Law with the Deputy Chief Officer, but regrettably the revisions have yet to be implemented. The matter was delayed whilst the possibility of establishing a more independent body was considered. This is not an easy issue due to cost restraints, but nevertheless it was felt important to consider all options before effecting changes to the legislation. The Authority continues to receive adverse comment that it is not a truly independent body and that it is inappropriate for the complainant to be required to report the complaint to the States of Jersey Police. There is evidence to suggest that the Public perceive this as a significant barrier in the complaints process, which could impact on the public confidence in the role of the Authority.

### **Accounts**

The budget allocated to the Authority in 2015 was £36,630 (£33,190 in 2014). The actual costs incurred in 2015 amounted to £31,283 (£21,484 in 2014). The Authority's annual expenses increased as a result of the need to obtain legal advice and the payment of increased rental and rates and other inflation-linked expenses.

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 09:30 and 12:30.

The Members of the Authority are unpaid, but are entitled to reclaim their reasonable expenses. No expenses were claimed during 2015.

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, one investigation was conducted by an external police force and was carried forward to 2016. 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. However, the Authority is involved in the appointment of the external force, and agrees the terms of reference for the appointment.

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 were implemented in 2015. The 3 new supervising members received a tour of Police Headquarters and joined the shifts on patrol on a Friday evening to witness first-hand events on a night shift. They also visited the custody suite and the control room.

Four members attended a MAPPA safeguarding seminar in April 2015. The Deputy Chairman took part as an observer at an Active Shooter Exercise, and also attended a one-day conference entitled 'Effectively Handling Police Complaints'.

National decision-making training and updated Taser training for members will be taking place in January 2016.

The Chairman and Deputy Chairman gave presentations on the Authority and its role to all uniformed shift officers as part of their professional development training.

The Chairman and Deputy Chairman met members of the Prison Board of Visitors on one occasion during the year to explain the role of the Authority.

### **Summary**

Although 2015 was another busy and demanding year for the Authority, with several very complex and time-consuming cases, there was a decrease in the number of investigations supervised by the Authority during the year over the 4 preceding years. The decrease in the number of cases referred to the Authority could be due to 2 factors: firstly, the impact of the body-worn camera on the investigative process; and secondly, a concerted effort to make greater use, where appropriate, of the informal resolution process. However, one has to be alert to the possibility that members of the Public may not be inclined to make complaints, either because they do not wish to attend the States of Jersey Police Headquarters to make the complaint, or because they are concerned that the investigation into the complaint is not conducted independently. 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 challenge of processes and decisions is made in a healthy and constructive manner. In an ideal world without budgetary constraints it would be preferable for members of the Public to be able to submit complaints formally to the Authority without the need to make direct contact with the States of Jersey Police, and furthermore if independent investigators could be appointed to investigate the complaints, there can be no doubt that public confidence in the process would be restored. However, this is a small jurisdiction with limited resources, a small Police Force, and a relatively low number of complaints, and the cost of an investigative independent Authority arguably cannot be justified.

The Chairman should like to express her 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.