

STATES OF JERSEY



Jersey

DRAFT STATES OF JERSEY POLICE FORCE (AMENDMENT No. 3) LAW 202- (P.10/2021): THIRD AMENDMENT

Lodged au Greffe on 27th April 2021
by the Children, Education and Home Affairs Scrutiny Panel
Earliest date for debate: 11th May 2021

STATES GREFFE

DRAFT STATES OF JERSEY POLICE FORCE (AMENDMENT No. 3) LAW 202-
(P.10/2021): THIRD AMENDMENT

PAGE 17, AFTER ARTICLE 8 –

After Article 8 insert –

“9 Article 22 (Chief Officer may seek assistance) amended

In Article 22(2) there is deleted “, with the approval of the Minister,”.

10 Article 23 (Chief Officer may give assistance) amended

In Article 23(2) there is deleted “, with the approval of the Minister,”.”.
and renumber the subsequent Articles accordingly.

CHILDREN, EDUCATION AND HOME AFFAIRS SCRUTINY PANEL

REPORT

The Children, Education and Home Affairs Scrutiny Panel (hereafter ‘the Panel’) has agreed that a further amendment is required to the Draft States of Jersey Police Force (Amendment No. 3) Law 202- ([P.10/2021 Re-issue](#)) (hereafter ‘the draft Law’) in order to fully address one of the recommendations made by the Comptroller and Auditor General (C&AG) in respect of the report on governance of the States of Jersey Police Force ([R.32/2018](#)) (the ‘C&AG’s report’).

Within the submission received by the Panel from the C&AG in respect of the draft Law, recommendation 5 of the C&AG’s report was highlighted as only having been partially addressed. The recommendation read as follows in the report:

“In light of experience of the operation of the States of Jersey Police Force Law 2012 and the practice in other jurisdictions, develop proposals to amend legislation relating to the allocation of powers and duties to reinforce further the operational independence of the States of Jersey Police.”¹

The C&AG went on to note in the submission that Article 7 of the draft Law amends Article 17 of the Primary Law ([States of Jersey Police Force Law 2012](#)) to impose a duty of efficiency and effectiveness on the Chief Officer of the States of Jersey Police and removes the power of the Minister to determine establishment. The C&AG noted that the requirement for Ministerial approval for a police officer to serve with another police force (and by extension also the requirement for Ministerial approval for an officer from another jurisdiction to be able to serve in Jersey) still existed in the draft Law. Upon consideration, the Panel has agreed that this amendment would therefore address this issue in order to further reinforce the operational independence of the States of Jersey Police through the allocation of powers and duties.

The Panel’s amendment, therefore, amends Articles 22 and 23 of the Primary Law in order to remove the requirement for the Minister to provide approval for the following matters:

1. Article 22 – currently Ministerial approval is required for the Chief Officer to seek assistance from a police force or other law enforcement agency in the British Isles. This amendment would therefore remove the requirement for Ministerial approval to be sought in order for this to be achieved. By extension, this approval would now sit with the Chief Officer of the States of Jersey Police.
2. Article 23 – currently Ministerial approval is required for the Chief Officer to provide police officers to another police force in the British Isles in the event a request is made for additional support or resources. This amendment would therefore remove the requirement for Ministerial approval to be sought in order for this to be achieved. By extension, this approval would now sit with the Chief Officer of the States of Jersey Police.

The Panel believes these small changes strengthen the operational independence of the States of Jersey Police Force and would urge members to support this amendment.

Financial and manpower implications

There are no additional financial or manpower implications arising for the States as a result of this amendment.

¹ Written Submission – C&AG – 12th March 2021