

STATES OF JERSEY

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DRAFT POLICE (HONORARY POLICE COMPLAINTS AND DISCIPLINE PROCEDURE) (AMENDMENT No. 2)(JERSEY) REGULATIONS 200

**Lodged au Greffe on 23rd August 2007
by the Minister for Home Affairs**

STATES GREFFE



Jersey

DRAFT POLICE (HONORARY POLICE COMPLAINTS AND DISCIPLINE PROCEDURE) (AMENDMENT No. 2)(JERSEY) REGULATIONS 200

REPORT

The purpose of these Regulations is to amend the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000 as a consequence of the Police (Complaints and Discipline) (Amendment) (Jersey) Law 2000, which deals with complaints against members of the Honorary Police.

Where the Attorney General is satisfied that the conduct complained of, even if proved, would not justify a criminal charge or disciplinary hearing, it would not be appropriate to require the States of Jersey Police to utilise valuable resources in investigating matters further.

The Law amendment removes the requirement in Article 21(5) for the Attorney General to direct the Connétable to request the Chief Officer to carry out an investigation where informal resolution of a complaint is impossible. This amendment brings the Regulations into line with the Law.

The provision whereby a Connétable must notify the Attorney General of the outcome of an attempt at informal resolution would be retained, thus providing a monitoring mechanism by which further steps may be taken if appropriate.

There is no requirement to inform the Police Complaints Authority in minor cases of complaints against members of the Honorary Police, and there is therefore no reason to require the Attorney General to notify the Authority where informal resolution has failed.

There are no financial or manpower implications arising from these Regulations.

The Regulations will come into force on the same day as the Police (Complaints and Discipline) (Amendment) (Jersey) Law 200.

Explanatory Note

These Regulations amend the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000 as a consequence of the Police (Complaints and Discipline) (Amendment) (Jersey) Law 200.



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Arrangement

Regulation

- 1 Interpretation
- 2 Regulation 3 substituted
- 3 Regulation 6 amended
- 4 Citation and commencement



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Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 28 of the Police (Complaints and Discipline) (Jersey) Law 1999 ^[1], have made the following Regulations –

1 Interpretation

In these Regulations “the principal Regulations” means the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000^[2].

2 Regulation 3 substituted

For Regulation 3 of the principal Regulations there is substituted the following Regulation–

“3 Informal resolution of complaints

- (1) Where a Connétable is directed by the Attorney General, pursuant to Article 21(2) of the Law, to deal with a complaint informally, the Connétable must, as soon as practicable –
 - (a) seek the views of the complainant and the member concerned about the matter;
and
 - (b) subject to paragraph (3), take such other steps as may appear to the Connétable to be appropriate.
- (2) The Connétable must give the member concerned the opportunity to respond to the complaint, at the member’s option, orally or in writing.
- (3) Where, having obtained the views of the complainant and the member concerned, it appears to the Connétable that the complaint had in fact been satisfactorily dealt with at the time it was brought to his or her notice, the Connétable may treat the complaint as having been dealt with informally.
- (4) A Connétable must, after dealing with a complaint informally, give to the Attorney General a copy of the outcome of the complaint recorded pursuant to Article 20(2) of the Law.”.

3 Regulation 6 amended

For Regulation 6(1)(a) of the principal Regulations there is substituted the following sub-paragraph –

“(a) shall, where it appears to the Attorney General that a complaint is not suitable for being dealt with informally; or”.

4 Citation and commencement

- (1) These Regulations may be cited as the Police (Honorary Police Complaints and Discipline Procedure) (Amendment No. 2) (Jersey) Regulations 200.
- (2) They shall come into force on the same day as the Police (Complaints and Discipline) (Amendment) (Jersey) Law 200.

[1]

chapter 23.325

[2]

chapter 23.325.75