

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 16th APRIL 2013**

Question

What actions are available to the public if a public official, having been advised of an alleged illegal act on the part of one of his employees or staff, fails to investigate the complaint or to ensure that the person or body asked to investigate the complaint carries out a genuine and thorough investigation?

Answer

An allegation that an illegal act has taken place amounts to an assertion that a criminal offence has been committed.

Ordinarily, one would expect a member of the public to report a suspected criminal offence to the police and not the employer of the suspect. That comment applies whether or not the employer happens to be a public official.

In so far as a public official declines to refer the matter to the police then the member of the public can simply go straight to the police themselves.

It is difficult to imagine circumstances in which a public official would owe a duty to monitor a police investigation into a criminal complaint even if the public official had referred the matter to the police in the first instance.