

STATES OF JERSEY



CHIEF OFFICER OF THE STATES OF JERSEY POLICE: REVIEW OF PROCEDURE REGARDING SUSPENSION

**Lodged au Greffe on 18th December 2008
by the Connétable of St. Helier**

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to request the Minister for Home Affairs to commission a compliance check on the procedures followed by his predecessor, the former Minister for Home Affairs, in suspending the Chief Officer of the States of Jersey Police on 12th November 2008 and to report to the States on the outcome of this compliance check no later than 1st March 2009.

CONNÉTABLE OF ST. HELIER

REPORT

Introductory note

Given the provisions of Article 9(4) of the Police Force (Jersey) Law 1974, the debate on this proposition must take place *in camera*. It follows that the contents of this report have been kept as brief as possible and that there is as little enlargement as possible upon its subject matter in order that the provisions of the relevant law are complied with.

Purpose of the proposition

This proposition seeks a simple check by an appropriately qualified body such as the Jersey Advisory and Conciliation Service, or any other independent body with expertise in the interpretation of industrial relations, into the actions taken by the Minister of Home Affairs in suspending the Chief Officer of the States of Jersey Police on 12th November 2008.

Any employee of the States of Jersey should be able to expect any complaints against them to be dealt with correctly. Therefore, the proposition has more general relevance as a willingness by the States to have their employment procedures checked for compliance should reassure all States of Jersey employees that their employer, the States, will not disregard the principles of good employment relations and of natural justice in their dealings with their employees.

Financial and manpower implications

Should this proposition be approved I would estimate that the work in reviewing the suspension procedure could be undertaken by a local, appropriately qualified and experienced Human Relations practitioner in half a day. The cost of this work would therefore be relatively insignificant.

Statement by the Minister for Home Affairs regarding the suspension of the Chief Officer of the States of Jersey Police

This Statement gives me no pleasure but I wish to inform the Assembly in accordance with my powers under Article 9 of the Police Force (Jersey) Law 1974, on 12th November 2008 I suspended the Chief Officer of Police from duty pending an inquiry under the Disciplinary Code applicable to the Chief Officer. The terms of that code place on me obligations of confidentiality and there is little that I can say about this matter at this time. I can, however, say that pursuant to that code I have taken steps to put an investigation in hand into matters of concern and that investigation is part of a process that when completed will result in a decision on the part of my successor as to what steps should then be taken. I am sure that Members will entirely understand that it would be most inappropriate to discuss any of the substantive matters that caused me to suspend the Chief Officer and to initiate the procedure under the Disciplinary Code. I cannot comment on them and I would ask the Assembly not to seek to explore them at this time. At some stage at the end of the process, my successor, whoever it will be, will need to make a decision about these substantive matters and he or she should not be influenced in any way by any views expressed by Members of the Assembly. In addition, of course, the Chief Officer cannot comment and has not yet had the full opportunity that the process allows to answer to these matters and to defend himself. Any debate would thus be unfair to him as the full facts are not yet known. I am sure, however, that Members will readily understand that a suspension in these circumstances is a neutral act and implies no finding one way or the other, but is rather an entirely prudent course to preserve the integrity of the investigation. If the Assembly wishes to ask questions I will endeavour to be helpful, but I do not propose to answer any questions that will breach the obligations, confidentiality or that I will disclose the detail of any of the substantive matters under investigation.

The Bailiff:

Now Members will be aware, I am sure, that the Police Force (Jersey) Law 1974 requires that any discussion in the States regarding the suspension of the Chief Officer shall take place in camera and I must, therefore, ask the transmitters to close down the transmission and ask those in the public gallery to withdraw so that the period of questioning allowed by Standing Orders may take place.

[Questioning proceeded in camera]

Police Force (Jersey) Law 1974, Article 9:

9 The Chief Officer and Deputy Chief Officer

- (1) The Chief Officer shall be appointed by the States on such terms as to salary and conditions of service as the States Employment Board may from time to time determine.
- (2) The Chief Officer may be suspended from office by the Minister which shall refer the matter to the States at their next Sitting and may be dismissed from office by the States.
- (3) The Chief Officer shall be responsible to the Minister for the general administration and the discipline, training and organisation of the Force and of the Port Control Unit.
- (4) Any discussion in the States regarding the appointment, suspension or dismissal of the Chief Officer shall take place *in camera*.
- (5) The Deputy Chief Officer shall be appointed by the Minister on such terms as to salary and conditions of service as the States Employment Board may, from time to time, determine.
- (6) In the event of the absence, incapacity, suspension or vacancy in the office of the Chief Officer, the functions of that office shall be discharged by the Deputy Chief Officer.