

STATES OF JERSEY

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DRAFT POLICE (COMPLAINTS AND DISCIPLINE) (AMENDMENT) (JERSEY) LAW 200

**Lodged au Greffe on 29th August 2007
by the Minister for Home Affairs**

STATES GREFFE



Jersey

DRAFT POLICE (COMPLAINTS AND DISCIPLINE) (AMENDMENT) (JERSEY) LAW 200

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000 the Minister for Home Affairs has made the following statement –

In the view of the Minister for Home Affairs the provisions of the Draft Police (Complaints and Discipline) (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator W. Kinnard**

REPORT

The purpose of this Law is to resolve an issue in respect of Article 21 of the Police Complaints and Discipline (Jersey) Law 1999 concerning complaints about 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 proposed Law amendment would remove 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.

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.

The Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000 will be amended as a consequence of this amendment to the Police (Complaints and Discipline) (Jersey) Law 2000.

Financial/manpower statement

There are no financial or manpower implications for the States arising from this change.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 requires the Minister in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). On 23rd August 2007 the Minister for Home Affairs made the following statement before Second Reading of this Projet in the States Assembly –

In the view of the Minister for Home Affairs the provisions of the Draft Police (Complaints and Discipline) (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

This Law will clarify how a complaint made against an honorary police officer is to be dealt with where the complaint, even if proved, would not justify a criminal charge or a disciplinary hearing.



Jersey

DRAFT POLICE (COMPLAINTS AND DISCIPLINE) (AMENDMENT) (JERSEY) LAW 200

A LAW to amend the Police (Complaints and Discipline) (Jersey) Law 1999.

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Article 21 of the Police (Complaints and Discipline) (Jersey) Law 1999 substituted

For Article 21 of the Police (Complaints and Discipline) (Jersey) Law 1999^[1] there is substituted the following Article –

“21 Preliminary procedure for a complaint about a member of the Honorary Police

- (1) Upon the submission of a complaint to a Connétable, the Connétable must –
 - (a) record the complaint in the register; and
 - (b) notify the Attorney General that the complaint has been made.
- (2) If the Attorney General is satisfied that a complaint may be dealt with informally the Attorney General shall direct the Connétable to deal with it in that way.
- (3) The Connétable shall comply with the direction and inform the Attorney General of the outcome of the complaint.
- (4) The Attorney General may not direct that a complaint be dealt with informally unless the Attorney General is satisfied that the conduct complained of, even if proved, would not justify a criminal charge or a disciplinary hearing.
- (5) If the Attorney General is satisfied that a complaint may not be dealt with informally the Attorney General shall –
 - (a) notify the Authority of the complaint; and
 - (b) direct the Connétable to request the Chief Officer to appoint a member of the Force or a police officer from some other force, in either case of at least the rank of inspector, to carry out an investigation.
- (6) Subject to Article 23(3), the Chief Officer shall comply with a request made pursuant to paragraph (5)(b) and may ask the chief officer of some other force to provide a police officer of that force for appointment.”.

2 Citation and commencement

- (1) This Law may be cited as the Police (Complaints and Discipline) (Amendment) (Jersey) Law 200.
- (2) It shall come into force 7 days after it is registered.

