
STATES OF JERSEY



JERSEY POLICE COMPLAINTS AUTHORITY: REPORT FOR 2009

Presented to the States on 9th March 2010
by the Minister for Home Affairs

STATES GREFFE

JERSEY POLICE COMPLAINTS AUTHORITY

ANNUAL REPORT 2009

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The Jersey Police Complaints Authority is an independent organisation set up by the States of Jersey under the Police (Complaints and Discipline) (Jersey) Law 1999. The role of the Authority is to oversee, monitor and supervise the investigation by the States Police, and such other external Police Forces as circumstances require, of certain complaints made by members of the public against States of Jersey police officers, (excluding the Chief Officer), and Honorary police officers.

The Law requires the Authority to approve the appointment of an Investigating Officer and its responsibility is to ensure that the investigations it supervises are carried out in an impartial, thorough and meticulous manner.

The members of the Authority are appointed by the States for a period of three years and their services are provided on a voluntary basis. The number of members is in accordance with that prescribed in the Law, The Authority does not carry out investigations and its members are not trained investigators.

MEMBERS OF THE AUTHORITY

Thomas Slattery – Chairman
Anthony Beaumont
Andrew Cornish
Advocate Debbie Lang
Stephen Luce
Advocate Jane Martin
Bruce Ridley

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OVERVIEW

The Authority is pleased to present its 9th Annual Report for the year ended 31st December 2009.

The number of new complaints in 2009 at 26 is in line with the previous year but once again a number of more serious or complex complaints have taken a disproportionate amount of the Authority's time. In addition to these new cases, a further 8 cases were brought forward from 2008 which brings the total cases under supervision for the year to 34.

As was noted in the 2008 Report the level of seniority of some of the officers subject to complaints over the last two years has required the appointment of investigating officers from outside the States of Jersey Police. If the investigation of internal complaints from within the Police Force supervised by the Authority are included, a total of five different UK Police Forces have been involved in 2009. Supervising these cases continues to place an extra workload on members of the Authority and inevitably lengthens the time to complete cases.

On the matter of the seniority of officers against whom complaints are made the Authority sought clarification in 2008 from the H.M Attorney General as regards the remit of the Authority where complaints are made against the Deputy Chief Officer. It was confirmed that complaints against the Deputy Chief Officer do fall within the Authority's remit but the Chief Officer is excluded under the governing legislation. It was noted in the last Report that consideration should be given to formalising the process with regard to the Chief Officer to remove this anomaly. This is perhaps particularly pertinent at a time when States' Members are being asked to consider the appointment of an independent body to review the circumstances surrounding the suspension of the Chief Officer; there exists, in the Authority, such an independent body experienced in the complaints process.

In 2009 the situation has been further complicated by the suspension of the Chief Officer and the appointment of his Deputy as Acting Chief Officer. In effect this has meant that neither of the two most senior States of Jersey Police officers fall within the remit of the Authority. Advice has also been given that officers seconded from the UK are outwith the Authority's terms of reference where they are not required to take an oath in the Royal Court. This is not a desirable situation and the Authority wishes to repeat the recommendation made last year with the added recommendation that the issue of seconded officers be addressed also.

ANALYSIS OF COMPLAINTS

1.Number of Complaints

A total of 24 complaints, (2008 - 27), were formally made by members of the public against officers of the States of Jersey Police and members of the Honorary Police. In addition two

cases of an operational nature were referred to the Authority where it was felt that supervision by the Authority would be in the public interest.

Table 1 shows the total number of new complaints supervised annually since 2001, averaging 28 per annum.

Table1- New Complaints Supervised by the Authority Annually

	2001	2002	2003	2004	2005	2006	2007	2008	2009
Complaints Supervised	17	21	30	37	30	30	36	27	26

2. Nature of Complaints

Table 2 analyses the complaints supervised according to the nature of the main complaint. As noted above, simple numbers do not always reflect the relative complexity of cases. In addition there are situations where the complainant has made a main complaint together with a number of secondary allegations.

Table 2 - Nature of Complaints Supervised

Nature of Complaint	2001	2002	2003	2004	2005	2006	2007	2008	2009
Excessive use of force	10	10	17	11	6	14	8	6	5
Harassment/threatening behaviour/ abuse of authority	2	5	5	12	11	6	9	10	13
Use of CS spray	0	3	0	1	1	0	4	1	0
Other	5	3	8	13	12	10	15	10	8
TOTAL	17	21	30	37	30	30	36	27	26

In general the mix of complaints in 2009 is consistent with previous years. The heading of 'Other' in the analysis covers many different descriptions by complainants including for example instances of alleged wrongful arrest, illegal search of premises, incorrect disclosure of information, claimed planting of evidence or breaches of the Police Code of Practice. Consideration will be given to further analysing cases in future years if this indicates any material trends.

3. Outcome of Complaints Supervised

Table 3 shows the results of the investigations of new complaints completed during the year, of which 3 were substantiated or partly substantiated. For clarification, a case is classified as complete once the Authority has formally confirmed its satisfaction with an investigation and after a formal decision on appropriate disciplinary action has been agreed and after any referral to the Law Officers Department has been satisfactorily resolved. The Authority has had no occasion on which it has withheld its approval. It should be noted however that the fact that a complaint may be substantiated does not in itself mean that formal disciplinary action is merited. The Authority would prefer to see prevention of breaches in standards as a key aim rather than simple allocation of blame. In a number of cases this can best be met by relevant training for specific officers and the States of Jersey Police has been supportive in this regard.

Table 3 – Outcome of New Complaints Supervised

Outcome	2001	2002	2003	2004	2005	2006	2007	2008	2009
Withdrawn/ Informal Resolution	6	12	3	10	14	15	8	5	6
Vexatious	5	4	3	3	3	5	1	0	0
Unsubstantiated	3	3	7	13	5	4	2	8	4
Substantiated/Partly substantiated	0	1	1	4	2	0	2	3	3
Other	0	0	0	0	0	0	3	3	0
Investigations in progress at year end	3	1	16	7	6	6	20	8	13
TOTAL	17	21	30	37	30	30	36	27	26

At the end of 2009, 13 cases were still being investigated of which 5 were sub judice with investigations delayed pending completion of court hearings. Table 4 shows the outcome of the cases brought forward from 2008. One case is still outstanding at the time of this report and 2 cases were found to be at least partially substantiated.

Table 4 – Outcome of cases brought forward at end of 2008

Outcome	Number
Withdrawn/Informal resolution	2
Vexatious	0
Unsubstantiated	3
Substantiated/Partly substantiated	2
Other	0
Investigation still outstanding	1
TOTAL	8

TIME TO COMPLETE INVESTIGATIONS

The Authority is very conscious that, in the interests of both the complainant and the officers concerned, investigations should be completed as quickly as practicable with no unnecessary delays and conclusions should be reached and advised promptly thereafter. It continues to advocate the setting of realistic completion timetables matched, of course, to appropriate police resources.

Inevitably, however, a number of complaints do take a lengthy period to resolve. A major factor in 2009 has been the number of investigations delayed pending completion of court hearings. Delays can also arise where an external police force is requested to conduct an investigation.

A further factor can be the need to refer a case to The Law Officers' Department to assess whether a potential criminal action is involved. The time taken by the Law Officers' Department to respond, both in the circumstances of a possible criminal offence and also to

requests for guidance, can be significant which is not a desirable situation and we would hope that the response times can be improved.

Even when an investigation has been completed however extensive delays can be experienced in finalising the disciplinary process in serious cases. All these are factors outwith the Authority's control.

BUDGET

The budget allocated to the Authority for 2009 was £16,500 a reduction on prior years. The actual costs incurred in 2009 amounted to £15,699. All investigation costs are borne by States of Jersey Police, including the reimbursement of expenditure incurred by external Police Forces where they are utilised.

PROPOSED NEW POLICE LAW

The Authority has previously commented on drafts of the Proposed New Police Law and awaits further updates on how this is being progressed and any likely impact on the Authority.

MEMBERSHIP OF THE AUTHORITY

Leslie May, the Authority's founding Chairman, retired at the end of 2009. The Authority is very much indebted to Leslie for all his work in both helping draft the original Complaints Law and for his dedication and commitment since 2001 in laying the groundwork for its operations and in directing and guiding its members.

The Authority also wishes to express its gratitude to Toni Roberts, who was also a founding member in 2001, and who retired at the end of 2009.

Tom Slattery who has been a member since 2005, and Deputy Chairman since 2007, was appointed Chairman with effect from 1st January 2010.

Advocate Jane Martin and Bruce Ridley were appointed as members with effect from 1st January 2010. Anthony Beaumont and Andrew Cornish were reappointed for a further three years from the same date. All these appointments were formally approved by the States Appointments Commission.

Advocate Debbie Lang, who has been a member since 2008, was appointed Deputy Chairman with effect from 1st January 2010.

Jersey Police Complaints Authority
23rd February 2010