

**DRAFT POLICE (COMPLAINTS AND DISCIPLINE) (JERSEY)  
LAW 199 (P.162/98): AMENDMENTS**

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**Lodged au Greffe on 1st September 1998  
by Deputy F.J. Hill of St. Martin**

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- (a) *in paragraph 1 of the Schedule (“**Constitution of the Authority**”) in sub-paragraph (4)(a) delete the words “or has previously been”;*
- (b) *in paragraph (2) of Article 14 and in paragraph (2) of Article 27, after the word “Jurats” insert the words, “, none of whom has previously been a member of the Force, port control officer, member of the Honorary Police or member of any other police force,”.*

DEPUTY F.J. HILL OF ST. MARTIN

## Report

It has long been the practice for professional bodies to handle complaints made against their personnel. There has been a general acceptance that complaints, however serious, will be investigated in an impartial, thorough and effective way.

Many complaints arise from one-to-one situations with no witness present. Unfortunately, no matter how thoroughly the complaint has been investigated, unless it reaches a satisfactory conclusion from the complainant's perspective, doubts as to impartiality will always remain.

A United Kingdom Police Complaints Board was set up in 1976 to monitor retrospectively police decisions arising from investigations. The Board has been established following reports of widespread allegations of malpractice during the 1970s and the determination by Sir Robert Mark to root out a minority of police officers who seriously undermined the integrity of police forces nation-wide.

Following the urban riots and the subsequent Scarman Report, a statutory Independent Police Complaints Authority was established. (Police & Criminal Evidence Act 1984, Schedule 4). The proposed Jersey P.C.A. is based on that legislation and is intended to permit the Defence Committee to distance itself from complaints matters.

Although the Police Complaints Authority will be independent, the States and Honorary Police will continue to investigate allegations made by complainants. The Complaints Authority's role will be to supervise, examine and adjudicate cases of complaints against the police.

If it is intended to establish a Jersey Police Complaints Authority, I question whether the constitution of the Jersey Complaints Authority in the suggested form, whereby it excludes those who in the past have served as port control, honorary or States Police officers for whatever period of time, sits comfortably with Jersey's policing traditions.

Jersey has a long tradition of honorary service and it is often said that the honorary police form the backbone of parish life. Countless men and women have served their parish with dignity and pride. Some may have only served for a short period, whilst others have given a lifetime of

devoted service, some have progressed to be members of the States and some have become Jurats.

The States of Jersey Police Force in relative terms is very much an infant when compared with the longevity of the honorary police. Their officers have served the Island with professionalism and dedication. The Island's quality of life, low crime rate and public tranquillity is a testament to the dedication of both forces who over many years have built up a bond of trust with the public.

As previously mentioned, the draft Jersey Law is based on the United Kingdom Law which was drafted following a series of riots and, in some quarters, a deep mistrust of the police and of their ability not only to police their community but also to police themselves. For any community to harbour suspicion and mistrust of its police is divisive and unhealthy. To display those sentiments in legislation does nothing for good community relations or inspire confidence. Whilst it may be understandable that an independent Police Complaints Authority should contain no serving officers, to render ineligible former members is a nonsense and unworthy. If the Jersey Police Complaints Authority is to be respected by the community it serves, I believe membership of it should be open to as wide an area of expertise and experience as possible.

I believe the constitution of the United Kingdom Police Complaints Authority was drafted to appease certain vociferous minority groups. To deny appointment to the Jersey Police Complaints Authority to anyone who has served as a police or port control officer in whatever capacity or period of time is totally inappropriate and unnecessary for our Island. It is alien to our culture and of our relationship with those who are or have been tasked with the preservation of law and order.

If my amendment to Article 2(2) of the Schedule is not successful then it must follow that Jurats who have previously served as police or port control officers should not be eligible for membership of a panel to hear appeals. My proposed amendments of Article 14 and 27 would achieve that purpose. The reason for their exclusion would be the same as for those who are excluded from membership of the Authority.