

STATES OF JERSEY



DRAFT STATES OF JERSEY POLICE FORCE (AMENDMENT) LAW 201-

Lodged au Greffe on 20th May 2014
by the Minister for Home Affairs

STATES GREFFE



Jersey

DRAFT STATES OF JERSEY POLICE FORCE (AMENDMENT) LAW 201-

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 States of Jersey Police Force (Amendment) Law 201- are compatible with the Convention Rights.

Signed: **Senator B.I. Le Marquand**

Minister for Home Affairs

Dated: 16th May 2014

REPORT

An Appointed Day Act to bring into force the remaining Articles of the States of Jersey Police Force Law 2012 ('the 2012 Law') with effect from 1st August 2014 is being lodged concurrently with this draft amending Law (*see* P.86/2014).

At present, the Discipline Code contained in the Police (Complaints and Discipline Procedure) (Jersey) Order 2000 ('the 2000 Order') provides that an officer must abide by the provisions of that Order. Article 2 of the 2000 Order provides that a member of the Force commits an offence against discipline if his or her conduct does not meet the standard set out in the Code. The 2000 Order then sets out the procedures that must be followed if a member is alleged to have committed a disciplinary offence.

Under the 2012 Law it is proposed that police officers may become subject to standards of performance, procedures and measures for dealing with them that do not fall within the structure that is currently in place in the 2000 Order. Therefore, Article 13(2)(c) of the 2012 Law, as enacted, provides for an Order to be made in relation to the standard of performance required of police officers and how performance is to be evaluated. However, it is felt that the Order should also provide for how performance that falls below the required standard is to be dealt with and the range of action that may be taken.

The draft amendment to Article 24 of the 2012 Law makes it clear that the power to charge for police services includes a power to charge for goods and services which are reasonably incidental to normal police activity. Such a power is subject to such conditions as the States may set out in Regulations. Instructions for the Regulations have been submitted for drafting. These exclude powers in relation to the policing of events, and are limited to a power to make a charge or recover costs in relation to such matters as the provision of road accident reports, vehicle examination reports, witness statements and documents of a similar nature, and services such as training and mutual aid.

Financial and manpower implications

There are no financial or manpower implications arising from the adoption of this draft Law.

Human Rights

The Law Officers' Department has indicated that the draft Law does not give rise to any human rights issues.

Explanatory Note

This Law amends the States of Jersey Police Force Law 2012 (“principal Law” as defined in *Article 1*) in 2 respects.

Article 2 amends the powers of the Minister for Home Affairs to make an Order relating to the standard of performance required of police officers and the evaluation of that performance. The amendment provides that the Order can also include procedures and measures for dealing with performance that does not meet the required standard and sets out the range of action that may be taken in response, such measures ranging from caution and reprimands to dismissal.

Article 3 amends the principal Law to make it clear that the power in the Law to charge for police services includes power to charge for goods and services which are reasonably incidental to normal police activity.

Article 4 sets out the title of the Law and provides that it will come into force 7 days after registration.



Jersey

DRAFT STATES OF JERSEY POLICE FORCE (AMENDMENT) LAW 201-

A **LAW** to amend the States of Jersey Police Force Law 2012

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 Interpretation

In this Law “principal Law” means the States of Jersey Police Force Law 2012¹.

2 Article 13 amended

For Article 13(2)(c) of the principal Law there shall be substituted the following sub-paragraph –

“(c) the standard of performance required of police officers and the evaluation of that performance including procedures and measures for dealing with performance that fails to meet the required standard, including –

- (i) caution,
- (ii) reprimand,
- (iii) fine,
- (iv) reduction in rate of pay,
- (v) reduction in rank,
- (vi) requirement to resign, and
- (vii) dismissal from the Force;”.

3 Article 24 amended

In Article 24 of the principal Law –

- (a) before the existing text there shall be inserted the number “(1)”;
- (b) after paragraph (1) there shall be added the following paragraph –
 - “(2) In paragraph (1), the reference to ‘police services’ includes the provision of goods and services where such provision is reasonably incidental to normal police activity.”.

4 Citation and commencement

This Law may be cited as the States of Jersey Police Force (Amendment) Law 201- and shall come into force 7 days after it is registered.

¹ *chapter 23.820*