

STATES OF JERSEY

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DRAFT POLICE (HONORARY POLICE COMPLAINTS AND DISCIPLINE PROCEDURE) (AMENDMENT) (JERSEY) REGULATIONS 200-

**Lodged au Greffe on 3rd January 2007
by the Minister for Home Affairs**

STATES GREFFE



Jersey

DRAFT POLICE (HONORARY POLICE COMPLAINTS AND DISCIPLINE PROCEDURE) (AMENDMENT) (JERSEY) REGULATIONS 200-

REPORT

The purpose of these Regulations is to amend the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000 to clarify the provision in respect of the use of force by Honorary Police Officers.

It substitutes paragraph 5 of the schedule to the principal regulations. Difficulty had been encountered in respect of the inclusion of the word 'knowingly' in that paragraph of the principal regulations as currently drafted. It is considered that in the context of the disciplinary offence of abusing their authority, or using more force than is reasonable, it should not be a defence for an Honorary Police Officer to show that they did not realise that they were using more force than was reasonable.

It is acknowledged that there will be occasions where an Honorary Police Officer may genuinely misread a situation, and use force, which is subsequently shown to be excessive. However, they will have the defence to a charge in relation to such an offence if they can show that at the time the force that they were using was no more than was appropriate, which would enable them to argue that they had used reasonable force. What is 'reasonable' should not depend on the state of knowledge of the Honorary Police Officer, but should, rather, be an objective test.

There are no financial or manpower implications for the States arising from these draft Regulations.

Explanatory Note

These Regulations amend the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000 to clarify a provision in respect of the use of force by honorary police officers.



Jersey

DRAFT POLICE (HONORARY POLICE COMPLAINTS AND DISCIPLINE PROCEDURE) (AMENDMENT) (JERSEY) REGULATIONS 200-

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 28 of the Police (Complaints and Discipline) (Jersey) Law 1999 ^[1], have made the following Regulations –

1 Paragraph 5 of Schedule of the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000 substituted

For paragraph 5 of the Schedule to the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000^[2] there is substituted the following paragraph –

“Use of force and abuse of authority

5. Officers must not use more force than is reasonable, nor should they abuse their authority.”.

2 Citation and commencement

- (1) These Regulations may be cited as the Police (Honorary Police Complaints and Discipline Procedure) (Amendment) (Jersey) Regulations 200.
- (2) They shall come into force on the seventh day after they are made.

[1]

chapter 23.325

[2]

chapter 23.325.75