

2.6 The Deputy of St. Martin of the Minister for Home Affairs regarding the payment of compensation in the event that States of Jersey police officers damage property when gaining entry to premises:

Will the Minister advise members of the States of Jersey Police policy in respect of compensation if police officers damage property when gaining entry to premises following the arrest of the occupier, with or without a warrant?

Senator B.I. Le Marquand:

This particular scenario would be a most unusual scenario because you would normally expect forced entry more in cases where a person had not been arrested. Where a person is arrested - particularly if there was a warrant - you would think commonsense would prevail and they would let the police in. But the answer to the question in this relatively unlikely scenario is that if the police find evidence which is relevant then they do not normally compensate. If they do not find such evidence then they do normally compensate.

2.6.1 The Deputy of St. Martin:

I am rather surprised at the answer because, quite clearly, I would have thought if the police caused damage to property when carrying out their duty without the owner's consent, then surely the police are responsible for compensation? Would the person not agree with that?

Senator B.I. Le Marquand:

If the person who has been arrested - and particularly if there were to be a search warrant - and they were to be unreasonably refusing access, I am afraid I am not very sympathetic in that scenario.

2.6.2 The Deputy of St. Martin:

Yes, but could I just press again the Minister? If indeed property is damaged without a need to damage it, when there is a key present or key available, should the police not use that key to gain entry, rather than damaging a property? If they do damage a property when there is the existence of a key, then should they not be responsible for paying or compensating the owner, whether that person is guilty or not?

Senator B.I. Le Marquand:

The police should cause the least damage possible in gaining entry. If they know of the existence of a method such as a key they should most certainly use that. If they were to proceed and cause damage in circumstances in which they knew there was another method, then frankly, I would strongly disapprove of that and would direct them to pay compensation.

2.6.3 Senator S. Syvret:

A few months ago, 2 of my constituents and their children had this experience on an early Friday evening. They were in their home and a police raiding party arrived with these kind of battering rams they use and smashed in simultaneously both the front door and the rear door of the property so violently that both doors were knocked flat off their hinges on to the floor. The house was stormed. There were children present. The officers doing the raid screamed obscenities to the effect that: "Oh, [expletive deleted] there are kids present." The 2 adult constituents were roughly assaulted by the police. There was no child protection officer with the raid, so the children were

deeply traumatised by this. Nothing illegal was found. At the end of this horrifying ordeal one of the constituents asked the police: “Well, what is going to happen to our doors?” because their house was now completely unsecured as both the doors were lying on the floor. They were told: “Well, you will just have to get on to the Housing Department on Monday morning about it” and that was it. Does the Minister think that that kind of conduct is acceptable?

Senator B.I. Le Marquand:

I cannot of course comment on the reasons why the police may have thought it necessary to force entry in this particular case. I would have thought having forced entry and having discovered, as it were, nothing that they would have had some sort of responsibility to ensure that the doors were put back.

2.6.4 Senator S. Syvret:

The doors were not put back and the house was consequently left unsecured all weekend. But it is also the question of the policy of the police in terms of having child protection officers present when raids are carried out on family homes. This is really quite serious.

The Bailiff:

Sorry, what was the question, Senator?

Senator S. Syvret:

The question is will the Minister examine this subject and look at the policies and practices adopted by the police when undertaking these kinds of raids? Because the 2 subjects of the raid were still not told why it had taken place. The only thing that police would say to them was: “Information received.”

Senator B.I. Le Marquand:

If Senator Syvret would provide me confidentially with information by which I can identify the particular case, I will most certainly take the matter up with the senior leadership of the police. It is of course always open to individuals, if they think they police have behaved improperly, to make a complaint to the Police Complaints Authority.

Senator S. Syvret:

I am happy to do that, but the 2 individuals in this case are terrified and I think complaining is the last thing they are going to do.

2.6.5 The Deputy of St. Martin:

Could I try to get 2 into one? **[Laughter]** Would the Minister not agree that the Police and Criminal Evidence Bill, as drafted, lays itself open to abuse by the police inasmuch as they can enter property under that guise? Would he give the States assurance that maybe he will look at that particular law? Also, will he also make the policy on damage to property available to all States Members so we can see the policy that the police are acting under when they do damage property in the course of a duty, whether gaining entry with or without warrant?

Senator B.I. Le Marquand:

Following this question, I indeed will look into the States policy in relation to compensation because there are some scenarios which I could think of in which I

would not necessarily be happy with the full policy as it has been outlined to me. In relation to the P.P.C.E. (Police Procedures and Criminal Evidence) Law, I have taken this up already with the police who assure me that the powers contained therein are important powers which are no different from those held by their U.K. counterparts.