

# STATES OF JERSEY



Jersey

## **DRAFT STATES OF JERSEY POLICE FORCE (AMENDMENT No. 3) LAW 202- (P.10/2021): AMENDMENT**

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**Lodged au Greffe on 24th March 2021  
by the Deputy S.M. Wickenden of St. Helier  
Earliest date for debate: 20th April 2021**

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**STATES GREFFE**



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**PAGE 16, ARTICLE 4 –**

Delete Article 4 and renumber the subsequent Articles accordingly.

DEPUTY S.M. WICKENDEN OF ST. HELIER

## REPORT

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This amendment removes the requested changes to the composition of the Jersey Police Authority being suggested by the Minister for Home Affairs.

### Jersey Police Authority History

On 31st January 1995 the States adopted a proposition of the then Defence Committee ‘(P.94/1994) Policing System in Jersey – independent review’. P.94/94 charged the then Defence Committee to commission a full and thorough independent review of the policing systems in Jersey.

The independent review ‘Clothier One (Police Services in Jersey, 23rd July 1996)’ gave the first suggestion to create a Police Authority in Jersey which was 24 years ago. The review body was constituted under the chairmanship of Sir Cecil Clothier K.C.B., Q.C.

On 19th May 1998 the then Defence Committee lodged [P.49/1998](#), which asked the Assembly to agree in Article (2) –

- (2)(a) that the constitution of the Police Authority shall be as follows –
- (i) an independent chairman appointed by the States on the recommendation of the Defence Committee;
  - (ii) Two members of the Defence Committee, not being Connétables, appointed by that Committee;
  - (iii) Two Connétables appointed by the Committee des Connétables;
  - (iv) Two independent persons appointed by the States on the recommendation of the Defence Committee following an open selection procedure involving the Attorney General and the Defence Committee.

Nothing happened until 2nd March 2010, when the then Senator Alan Breckon lodged [P.23/2010](#), which asked the States to decide –

*To refer to their Act dated 19th May 1998 approving by law that establishment of a Police Authority, and –*

*To request the Minister for Home Affairs to present to the States for approval no later than December 2010 detailed proposals for the establishment of an Independent Police Authority to oversee the work of the States of Jersey Police.*

On 21st December 2010, the then Minister for Home Affairs lodged [P.192/2010](#) – Jersey Police Authority Establishment. P.192/2010 was unanimously approved by the Assembly and mostly sets out the laws, requirements, and constitution that the Police Authority have been working to up to this day.

The then Minister for Home Affairs when proposing P.192/2010, said regarding the constitution of the Jersey Police Authority –

*Paragraph (14) sets out the make up of the authority. Now, this is the issue of trying to balance it not being too strong and not being too weak, and the idea which we have come up with is basically firstly that a chairman would be appointed by the Minister after an appropriate selection process. So there would be that degree of independence of selection process with the final decision with the Minister. Two members would be appointed by the States and that adds weight to the authority. But I must emphasise, for this to work properly the members who will be appointed by the States will have to understand that the role of the authority if it is to work properly should be non-political. I mean non-political in*

*the sense of left and right and so on, the job is to ensure that the police are operating efficiently and indeed that has been a key principle in relation to the operation of police authorities in the U.K., that general acceptance. Then there would be 4 other members appointed by the Minister and the chairman, again following an appropriate selection process. However, some people will be excluded from the authority, the Minister, the Assistant Minister and also the Connétables. The Connétables simply because of their own role in relation to oversight of their own Parish forces, which is a separate role which they need to exercise and it is not appropriate for them to be on both bodies.*

Importantly, P.192/2010 was based on the Gibraltar model, a template provided by the Gibraltar Ordinance for the establishment of a Police Authority in a small jurisdiction, rather than looking at the UK for comparison.

### Comptroller and Auditor General

On the 22nd March 2018 the then Comptroller and Auditor General (C&AG) published the report '[Governance of the States of Jersey Police](#)'.

Within the report the C&AG made the following analysis –

2.6 I also note that the practice of the States Assembly electing members of the Police Authority from amongst its own membership is inconsistent with the practice in both Scotland and Ireland. Indeed, to reinforce the operational independence of the police service, there is statutory prohibition on serving members of the legislature sitting on the Scottish Police Authority and Irish Policing Authority respectively.

And made the following recommendation –

**R3** Review whether it remains appropriate for the States Assembly to elect two members of the Police Authority.

Section 2.6 refers to the Scottish and Irish Police Authorities but fails to make a case for why they are superior to the Gibraltar model that Jersey has followed.

In fact, in section 5 of the report under 'conclusions' the C&AG did not mention anything regarding the Police Authority constitution.

### P.10/2021 Conclusion

The Minister will say that the C&AG made a recommendation therefore he has followed it, ignoring the fact that the recommendation was to review the appropriateness of sitting States members to be on the authority.

There have been 4 sitting States members since the Jersey Police Authority was created and constituted, who are as follows –

Senator Sarah Ferguson  
Deputy Judy Martin  
Deputy Scott Wickenden  
Deputy David Johnson.

All of whom are current sitting States members and as far as I know, the Minister nor the C&AG ever spoke to one of us. I would have hoped that at the least the Minister during his review would have ask us, "his colleagues" our opinions on the recommendation of the C&AG before lodging these changes.

At no point in this proposition which I am asking to amend does the Minister explain how having elected States members is no longer appropriate, nor does it explain how it affects the independence of the States of Jersey Police.

The Minister, like the C&AG, has also not explained why the Scottish and Irish modes are superior to the Gibraltar model.

I have been a member of the Jersey Police Authority since 11th November 2014. I can say with experience that having sitting States members on the Jersey Police Authority has no impact on the independence of the Police, as the Authority has no powers to instruct, but instead has a real impact on the independence of the Minister for Home Affairs.

In my time, I have challenged the former Minister for Home Affairs and significantly reduced a huge budget cut to Police that the then Minister had tried to impose. I challenged the current Minister's plans, reviewing possible line management changes that would have seen the Chief of Police report directly into the Director General of the Home Affairs Department.

I end by saying these proposed changes have not been made through any form of review of what is best for the Island, and instead made with little thought on their effects, just taking on the position set by the U.K. which has a completely different political landscape.

#### **Financial and manpower implications**

There are no financial or manpower implications for the States arising from the adoption of this proposition.