

# **JERSEY POLICE COMPLAINTS AUTHORITY**

## **ANNUAL REPORT 2012**

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The Jersey Police Complaints Authority is an independent organisation set up by the States of Jersey under the Police (Complaints and Discipline) (Jersey) Law 1999 (“the Law”). The role of the Authority is to oversee, monitor and supervise the investigation by the States Police, and such other external Police Forces as circumstances require, of certain complaints made by members of the public against States of Jersey police officers, (excluding the Chief Officer), and Honorary police officers.

The Law requires the Authority to approve the appointment of an Investigating Officer and its responsibility is to ensure that the investigations it supervises are carried out in an impartial, thorough and meticulous manner. The Authority does not carry out investigations and its members are not trained investigators.

The members of the Authority are appointed by the States for a period of three years and their services are provided on a voluntary basis.

### **MEMBERS OF THE AUTHORITY WHO SERVED DURING THE YEAR**

Debbie Prosser - Chairman - appointed 1st January 2013

Dr John Birtwistle

Jane Martin

Bruce Ridley

Thomas Slattery – (retired as Chairman 31st December 2012)

Anthony Beaumont (retired 31st December 2012)

Andrew Cornish (retired 31st December 2012)

# JERSEY POLICE COMPLAINTS AUTHORITY

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### OVERVIEW

The Authority is pleased to present its 12th Annual Report for the year ended 31<sup>st</sup> December 2012.

Twenty four new complaints from members of the public and five other non-public complaint cases were supervised by the Authority in the year. While down on 2011, these numbers are not significantly out of line with historic referral levels as evidenced in Table 1 below. In addition to these new cases, a further nineteen cases were brought forward from 2011 bringing the total cases under supervision during the year to forty eight compared to forty three in 2011.

In previous years we have recommended that a review of the Law originally enacted in 1999 should be undertaken. We have already contributed input to a range of suggested improvements. The review is ongoing and we hope progress will be made in 2013.

### ANALYSIS OF COMPLAINTS

#### 1. Number of Complaints received in 2012

The investigation of twenty four new complaints (2011 – thirty three) against officers of the States of Jersey Police and members of the Honorary Police, as well as five other matters internal to the States of Jersey Police (2011- two), were supervised by the Authority in the year which is not materially out of line with historic trends.

Table 1 provides a comparison of the current year total with previous years.

Nature of Complaint	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Excessive use of force	17	11	6	14	8	6	5	6	14	10
Harassment/threatening behaviour/ abuse of authority	5	12	11	6	9	10	13	2	8	6
Use of CS spray	0	1	1	0	4	1	0	0	0	1
Other	8	13	12	10	15	10	8	8	13	9
Data Protection Breach	0	0	0	0	0	0	0	0	0	3
<b>TOTAL</b>	<b>30</b>	<b>37</b>	<b>30</b>	<b>30</b>	<b>36</b>	<b>27</b>	<b>26</b>	<b>16</b>	<b>35</b>	<b>29</b>

**Table 1 – Nature of Complaints Supervised**

Table 1 also analyses the complaints supervised according to the nature of the main complaint. As noted in previous reports such statistics do not always reflect the relative complexity of cases or situations where the complainant has made a main complaint together with a number of secondary allegations.

Allegations of use of excessive force, while down on 2011, still represent the most frequent cause of complaint. The number of complaints regarding harassment, threatening behaviour or abuse of authority has also increased. In addition complaints relating to breaches of the Data Protection Law have become more common with 3 being supervised in 2012. It is not possible to compare this statistic with prior year figures as such complaints historically fell under "Other". However, due to the increasing number and complexity of these cases the Authority is now monitoring them separately.

The heading of 'Other' in the analysis covers many different complaints including for example instances of alleged wrongful arrest, illegal search of premises, incorrect disclosure of information, planting of evidence and breaches of the Police Code of Practice. It also includes the supervised cases not initiated as complaints by members of the public which, being the subject of internal review by the States of Jersey Police, are voluntarily referred to the Authority. .

## **2. Outcome of Cases Supervised**

Table 2 shows the results of the investigations initiated and completed during 2012 and in earlier years. Of the cases initiated and completed in 2012 three were found to be substantiated or partly substantiated. Of the substantiated complaints one related to a Breach of Data Protection and two to inappropriate behaviour: appropriate disciplinary action was approved by the Authority. For clarification, a case is classified as complete once the Authority has formally confirmed its satisfaction with the conduct of the investigation, once any referral to the Law Officers' Department has been satisfactorily resolved and after a formal decision on appropriate disciplinary action has been agreed.

As emphasized in previous years however the fact that a complaint may be substantiated does not in itself mean that formal disciplinary hearings are merited. Where complaints do not justify formal disciplinary action, but where an officer's actions are below the desired standard, focused training is being used by the States of Jersey Police to encourage performance improvement.

**Table 2 – Outcome of Cases Supervised by Year Initiated**

Outcome	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Withdrawn/ Incapable of investigation/ Informal Resolution	5	10	15	15	15	9	13	7	4	9
Vexatious	2	0	2	0	3	0	0	0	1	0
Unsubstantiated	19	20	7	14	16	13	8	7	8	7
Substantiated/Partly substantiated	4	7	6	1	2	5	5	2	5	3
Outstanding 31.12.2012	0	0	0	0	0	0	0	0	17	10
<b>TOTAL</b>	<b>30</b>	<b>37</b>	<b>30</b>	<b>30</b>	<b>36</b>	<b>27</b>	<b>26</b>	<b>16</b>	<b>35</b>	<b>29</b>

At the end of 2012, ten cases initiated in the year were still being investigated and one case was still outstanding from 2011. Three of the outstanding cases were awaiting a response from the Law Officers' Department on the matter of criminal prosecutions. The remaining cases are subject to ongoing investigation.

### **TIME TO COMPLETE INVESTIGATIONS**

As noted in previous years the Authority strongly believes that in the interests of both the complainant and the officers concerned, investigations should be completed as quickly as practicable without unnecessary delays and conclusions should be reached and advised promptly thereafter. In practice the Police Standards Department, which is responsible for undertaking most of the investigations, aims to complete its reports within 120 days of the notification of a complaint. In most cases this is achieved but delays can occur due to the need to await the completion of criminal prosecutions or the inability to contact complainants. The time taken to obtain a decision from the Law Officers' Department as to whether individual complaints merit the initiation of criminal proceedings also continues to be a factor contributing to significant delays in a number of cases. A commitment to a prescribed response time of less than 60 days by the Law Officers' Department would be welcome and may be worth formally including in any revision to the Law.

### **CONTACT WITH COMPLAINANTS**

The Authority continues to receive a small number of objections or criticisms from complainants who are not satisfied with the outcome of investigations or who feel that their complaint is not being properly acted upon. As has been highlighted previously the Law

does not provide for a formal appeal process by complainants against the decisions or actions of the Authority: the only recourse is a judicial review.

Additionally, an increasing number of complainants are addressing their complaints, regarding members of the States of Jersey Police, directly to the Authority claiming that their complaint would not otherwise be properly considered. The Law does not however formally allow for the Authority to initiate complaint investigations; the legally prescribed procedure to register a complaint is either in writing to the Chief Officer or by attendance at Police Headquarters. The Authority does however advise the Deputy Chief Officer on receipt of complaints it receives direct with the aim of ensuring that matters are properly followed up.

From January 2012 the Authority has written to complainants at the conclusion of an investigation and once any corrective or disciplinary action has been agreed. The letter states not only the Authority's satisfaction with the investigation but also with the conclusions noted in the detailed closure letter which is sent separately to the Complainant by the Deputy Chief Officer.

## **BUDGET**

The budget allocated to the Authority for 2012 was £17,056. The actual costs incurred in 2012 amounted to £17,136. The budget been largely unchanged since 2001 but is deemed sufficient and where necessary the Home Affairs Department covers any over-spend for unforeseen items. The Authority employs a part time administrator and rents office accommodation in the Royal Square. All investigation costs are borne by the States of Jersey Police, including the reimbursement of expenditure incurred by external Police Forces where they are utilised.

## **MEMBERSHIP OF THE AUTHORITY**

Dr John Birtwistle was appointed with effect from 1<sup>st</sup> January 2012. Tony Beaumont, who had been a founding member of the Authority, retired on 31st December, as did Andrew Cornish. Debbie Prosser was appointed Chairman with effect from 1st January 2013 succeeding Tom Slattery who retired at the end of his period of office. The Authority wishes to record its appreciation of the contribution made by the retiring members.

Despite early attempts to recruit new members for the Authority towards the end of 2012 no additional members were identified and appointed before the year end.

At the end of the year arrangements were in hand to recruit three new members and it is hoped that the three vacancies will be filled early in 2013. Pending the appointment of three new members the Authority is in breach of Paragraph 1 (1) of the Schedule to the Law which requires that the Authority shall consist of a Chairman and not less than 6 or more than 8 other members. In the view of the Chairman of the Authority there is no need to impose a minimum number of members and as and when the Law is amended the Authority will recommend that such a provision be removed.