

# JERSEY POLICE COMPLAINTS AUTHORITY

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Connétable Len Norman  
Minister for Home Affairs  
19-21 Broad Street  
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11 October 2019

Dear Minister

Disciplinary complaint - [REDACTED] vs [REDACTED]

[REDACTED] against [REDACTED] has met on four occasions to evaluate the complaint and various documents and files provided to the Panel by the States of Jersey Police.

[REDACTED] requires the Investigating Panel, to the extent that it considers appropriate, to investigate the complaint or conduct matter referred to it and report to the Minister whether it considers that the conduct under investigation would, if proved, justify a criminal or disciplinary charge; and the action, if any it recommends the Minister should take.

The central tenet of the complaint is that [REDACTED] has supported and endorsed a decision made by several named Officers of the States of Jersey Police

In order to assess the complaint the Investigating Panel reviewed the following material:

2. Report compiled by [REDACTED] of the SOJP Police Standards Department at the request of the Investigating Panel.
3. Correspondence between [REDACTED] and various SOJP officers and civilian staff.
4. Witness Statements by the SOJP officers who had assessed [REDACTED]
5. SOJP Occurrence Log
6. SOJP Case Management File

In order to reach a view on [REDACTED] in the decision not to investigate the criminal complaint, the Panel looked closely at the correspondence between the three officers who assessed the complaint, and the witness statements they provided retrospectively, which ultimately led to the advice provided [REDACTED]

From early in its deliberations it became clear to the Panel that there was an absence of contemporaneous records or file notes detailing and explaining how the decision not to investigate was reached and thus failing to provide reassurance that the original complaint had received full and proper assessment and consideration.

The Panel is not qualified to judge on whether the complaint was a criminal or civil matter; correspondingly it is not questioning the experience or integrity of the reviewing officers in forming a view and reaching their decision. The Panel do not find any evidence that this matter has not received formal consideration and appropriate assessment. However, without any auditable records of the decision making process and procedures, it was not possible for the Panel to come to a view on the level or degree of analysis to which the complaint was scrutinised.

[REDACTED] Following initial assessment, subsequent reviews and further consideration by officers independently, it was decided the complaint did not warrant further investigation or allocation of police time and resources. The Panel does not question the validity of this decision and also acknowledges the discretion the States of Jersey Police has to determine which allegations and claims warrant further investigation. However, the Panel would expect to have seen an explanation and justification for this conclusion. The retrospective witness statements do not adequately provide explanation or rationale in sufficient detail on which aspects of the complaint met or did not meet the evidential test or public interest test.

The Panel is collectively of the view that all complainants should expect a full assessment and subsequent explanation of the standards against which their complaint has been measured, together with an account of the procedures and processes followed. The Panel found that correspondence between the SOJP and the complainant lacked specific detail and did not provide adequate justification to support the decision not to investigate.

Indeed paragraph 71 of the SOJP report submitted to the Panel acknowledges that this should be a principal objective in their handling of such matters:

*'Police officers and staff handling a matter must be able to demonstrate what has been done, including what decisions have been made and why. This includes where a decision has been made not to do something. They should be able to demonstrate that they took steps to understand the matter and the views of the complainant'.*

In additional email correspondence with the Panel, [REDACTED] wrote:

*'Whilst it appears the decision not to investigate was right and proper it also appears SOJP should have provided the complainant a more concise rationale for reaching that decision'.*

The Panel did not find any evidence that [REDACTED] has acted in any way that would justify a criminal or disciplinary charge. However, in the absence of a report or record of how [REDACTED] was advised on the matter, the Panel is of the view that the SOJP [REDACTED] have not paid sufficient attention to documenting their decision making process and communicating the rationale for the actions taken to the complainant.

#### **Recommendation**

The Panel strongly recommends that the SOJP [REDACTED] [REDACTED] This response should clearly set out and explain the criteria by which the specific aspects of the complaint were measured and determined to be a civil matter and, therefore, not one which warranted further police action. The Panel would also recommend that the response should reveal the rationale for the decisions taken and the procedural steps that were followed.

Your sincerely



Howard Cooper  
Chair – Investigating Panel