



Attorney General's Direction 2/2017

Honorary Police – Powers and Duties outside their home Parish

- 1) Historically members of the honorary police only had authority to act as police officers within their own Parish. This changed under the Honorary Police (Jersey) Law 1974 (“the Law”) as since amended.
- 2) The key provisions of the Law are as follows:
 - i) The territorial limits of a Parish for honorary policing purposes include the States of Jersey Police Headquarters; any Customs custody facility; the Magistrate's Court; the General Hospital and the Prison.
 - ii) A member of the honorary police is empowered to:
 - a) *“pursue into any other Parish and there arrest any person who has committed, or [the officer] has reasonable cause to suspect of having committed, or having been about to commit, an offence and*
 - b) *to continue investigations into any matter in any other Parish, where those investigations started in the [officer's home] Parish.”*
 - iii) A member of the honorary police is empowered to exercise the powers of a member of the honorary police of another Parish if he or she:
 - a) *“encounters a person who the member reasonably believes is in the act of committing an offence against another person or against another person's property or to have just committed such an offence; or*

b) *is at the scene of an incident and reasonably believes that the immediate exercise of those powers is necessary in the interests of public order or safety.”*

iv) The Constable or Centenier of a Parish (the requesting Parish) may request the Constable or Centenier of another Parish (the assisting Parish) to place, at the disposal of the requesting Parish, members of the honorary police of the assisting Parish, for the purpose of meeting any policing need in the requesting Parish. If the Centenier of an assisting Parish agrees to a request then the member of the honorary police of the assisting Parish shall, from the time when he or she is placed at the disposal of the requesting Parish to the time when he or she is ordered to stand down, have all the powers and duties of a member of the honorary police of the requesting Parish.

- 3) Exercising the powers of a member of the honorary police in another Parish is not the same as being a member of the honorary police of that other Parish. When exercising the powers under 2(ii) and 2(iii) above, the officer should notify the Centenier of the Parish concerned of his or her actions as soon as possible after the event.
- 4) The powers referred to above should be exercised with caution and only as set out above. Failing to act within those limits may cause the honorary officer to be acting outside his or her powers.

Guidance on interpreting 2(iii) above

- 5) There are two situations. First where an honorary officer *“encounters a person who the member reasonably believes is in the act of committing an offence against another person or against another person’s property or to have just committed such an offence.”*
- 6) In ordinary language, this means catching someone *“red-handed”*. The offence being committed must be against another person (eg assault) or against someone else’s property (eg breaking and entering premises or maliciously damaging a vehicle or other property. Suspicion that an offence is going to happen is not enough. But, of course,

there is nothing in the provision that prevents an officer from doing what he or she can as an ordinary citizen to assist the police.

7) Secondly, as to an officer being empowered to exercise the powers of a member of the honorary police of another Parish if whilst at the other Parish he *“is at the scene of an incident and reasonably believes that the immediate exercise of those powers is necessary in the interests of public order or safety.”* There are two requirements under this head:

i) there must have been an incident; and

ii) intervention must be necessary in the interests of public order or safety.

8) What is *“an incident”*? Somebody driving through red traffic lights should not normally be regarded, of itself, as a sufficient cause for the exercise of police powers outside an officer’s own Parish. It is not *“an incident”*.

9) A typical situation is when an honorary officer comes upon the scene of a road traffic accident in another Parish and the police have yet to arrive or yet to be called.

10) What does *“In the interests of public order or safety”* mean? The honorary officer in such a case may exercise the powers of a member of the honorary police in the relevant Parish in order to contain the situation and/or ensure the safety of the public until the incident is at an end/his or her presence is no longer necessary to preserve public order or safety.

Conclusion

11) The powers given to honorary police acting outside their own Parish under the Law are to be considered with care and if advice or clarification is sought then an honorary police officer should not hesitate to contact any Legal Adviser at the Law Officers’ Department.

27 March 2017