



## **Conduct of Honorary Police leading up to and during elections and referendums**

- 1) These guidelines have been issued by the Attorney General after consultation with the Jurats, the Connétables, the Privileges and Procedures Committee, the Comité des Chefs and the Honorary Police Association, taking into account both the traditional role of the Honorary Police in assisting at elections and the right of individuals, including honorary officers to express themselves and participate in public affairs.
- 2) These guidelines apply to:
  - a) elections held pursuant to the Elections (Jersey) Law 2002 (“elections”), including:
    - i) public elections, for Deputies or Connétables;
    - ii) parish elections, for Centeniers or Procureurs du Bien Public; and
  - b) referendums held pursuant to the Referendum (Jersey) Law 2017 (“referendums”).

## **Elections**

### **Public support of candidates by members**

- 3) Members of the Honorary Police are asked not to align themselves with any candidate by:
  - a) proposing or seconding any nomination paper;
  - b) canvassing for, or on behalf of, any candidate;
  - c) wearing the colours of, or otherwise publicly supporting, any candidate.
- 4) Those who have publicly supported a political party will be considered to have aligned themselves with the candidates that party endorses in the election. Membership of a political party is not of itself constitutive of publicly supporting the party. Acts of public support would arise where it is publicly made known that the person supports the party, for example through the wearing of colours or an emblem associated with the party, attending public campaigning events as a party member, subscribing to a party's application to the Court for registration or by making a donation to the party of an

amount that makes it a reportable donation under law which is required to be published.

- 5) This is a request and not a disciplinary matter. Those who have aligned themselves with a candidate should not, however, carry out police duties on polling day or at hustings. As a result of this principle, the Connétable and/or Chef de Police in each parish should take steps to identify as soon as possible whether the level of Honorary Police support expressed for particular candidates is likely to lead to a lack of officers to assist on polling day or at hustings, as the case may be, and, if so, to take such steps as are appropriate to ameliorate the problem.

### **Members standing for election**

- 6) In the case of members of the Honorary Police who stand for office in an election (other than an election for Centenier), once a member has publicly declared his or her intention to stand, he or she should cease to carry out all police duties which bring him or her into contact with voters of the constituency concerned. So he or she might, for example, be able to carry out duties at the Parish Hall which do not involve contact with the electorate or indeed Parish Hall Enquiries and Court commitments which again do not involve persons from the constituency. However, for the period commencing from nomination day, the officer should play no part at all in carrying out police duties, including, in the case of Centeniers, Parish Hall Enquiries. Although the above does not apply to elections for Centeniers, a member of the Honorary Police who stands for election as Centenier should play no part at all in the policing of the polling station and its immediate vicinity in relation to the election for Centenier.
- 7) It is good practice, but not a requirement, that the member should voluntarily temporarily surrender his or her warrant card to the Connétable when he or she ceases all police duties.
- 8) In respect of any functions a member may have in connection with the Honorary Police Association which do not bring him or her into contact with the electorate, there is no objection per se to that member continuing those functions up to nomination day, from which point he or she should play no active role in the Honorary Police Association.
- 9) At all events, a member, even where not involved in police duties which bring him or her into contact with the electorate, remains bound by the Discipline Code in the Schedule to the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000. In other areas of activity (which might include, for example,

sitting on Boards such as the Emergency Planning Board, or organising public events), the question remains whether the member concerned is or is not called upon to undertake a policing function which brings him or her into contact with the electorate, and this must depend on the facts of each case.

- 10) It is a fundamental principle that members of the Honorary Police should be perceived by the public to carry out their duties independently, without potential for improper influence.
- 11) If elected, a member of the Honorary Police would need to tender his or her resignation in accordance with Regulation 5 of the Honorary Police (Jersey) Regulations 2005.

### **Responsibilities at polling stations**

- 12) Members of the Honorary Police are asked to note that:
  - a) the *Autorisé* (or *Adjoint*) in charge of a polling station shall have control over the polling station and its immediate vicinity during an election<sup>1</sup>; and
  - b) the *Autorisé* (or *Adjoint*) in charge of a polling station may give such reasonable directions, and take such reasonable measures, as are necessary within the polling station and its immediate vicinity to:
    - i) ensure the complete secrecy and regularity of the vote at the polling station;
    - ii) in the case of elections for Deputies or Connétables, secure compliance with Art. 29(1B) of the Elections (Jersey) Law 2002<sup>2</sup> ; and
    - iii) ensure that any other requirement of that Law is met<sup>3</sup>.
- 13) Members of the public attending at a polling station in order to vote must not be obstructed, harassed or subjected to any pressure to vote for any particular candidate.

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<sup>1</sup> Elections (Jersey) Law 2002, Article 29(1)

<sup>2</sup> Article 29(1B) states that no more than one representative of each candidate at the election, in addition to the candidate, may remain in the immediate vicinity of the entrance to the polling station while the poll is open. A representative of a political party is to be regarded as a representative of each of the candidates endorsed by that party (Article 29(1C)).

<sup>3</sup> Elections (Jersey) Law 2002, Article 29(2)

- 14) The entrance and approaches to the polling station from the road, and the area of the road and pavement immediately outside the building (or its ground if any) in which the polling station is situated, should be kept clear at all times. Moreover, the presence and conduct of candidates and their supporters in that same area should be supervised and controlled. If necessary, the number of supporters should be limited, to ensure that the objectives stated in paragraph 13 are achieved.
- 15) It will be the responsibility of the Connétable to achieve the objectives stated in paragraphs 13 and 14 above and, in his or her absence, to appoint a Centenier for this purpose at each polling station in his or her parish. Members of the Honorary Police (and where applicable the States of Jersey Police) who are on duty at polling stations should be fully informed of the above restrictions.
- 16) The Connétable, or a Centenier appointed by him or her for the purpose, will maintain a close liaison with, and follow any instructions of, the *Autorisé* (or *Adjoint*) at each polling station to achieve the above objectives.

## Referendums

- 17) In relation to the holding of a referendum as much as in relation to the holding of an election, the same role of the Honorary Police comes into consideration, as does the same right of expression on the part of honorary officers.
- 18) Accordingly, where, in relation to an election, members of the Honorary Police are asked not to align themselves publicly with any candidate, so in a referendum members of the Honorary Police are asked not to align themselves publicly with a campaign for one or more of the competing options in a referendum. This is a request and not a disciplinary matter.
- 19) Aligning oneself with a campaign will include (but not necessarily be limited to) disseminating material, speaking publicly, writing letters to newspapers, or using social media to support or promote a given option in a referendum.
- 20) As is the case in elections, those who have so aligned themselves should not carry out police duties on polling day or at any equivalent of the hustings. As a result of this principle, steps should be taken to identify as soon as possible whether the level of Honorary Police support expressed for any of the given options in a referendum is likely to lead to a lack of officers to assist on polling day or at any equivalent of the

hustings, as the case may be and, if so, to take such steps as are appropriate to ameliorate the problem.

- 21) On polling day in any referendum, the same practices and procedures should be adhered to as on polling day in an election. In particular, members of the public attending at a polling station in order to vote must not be obstructed, harassed or subjected to any pressure to vote for any particular option in a referendum.
- 22) The position of a member of the Honorary Police who has aligned himself or herself publicly with a given option in a referendum is not equivalent to that of a member who declares an intention actually to stand for office in an election; rather, the position of the member is like that of a member who merely aligns himself or herself with one of the candidates in an election.

HM Attorney General

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