

JERSEY POLICE COMPLAINTS AUTHORITY

ANNUAL REPORT 2011

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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 members of the Authority are appointed by the States for a period of three years and their services are provided on a voluntary basis. The Authority does not carry out investigations and its members are not trained investigators.

MEMBERS OF THE AUTHORITY

Thomas Slattery – Chairman
Anthony Beaumont
Dr John Birtwistle (appointed 1st January 2012)
Andrew Cornish
Debbie Prosser (formerly Lang)
Stephen Luce (resigned 15th November 2011)
Jane Martin
Bruce Ridley

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OVERVIEW

The Authority is pleased to present its 11th Annual Report for the year ended 31st December 2011.

Thirty three new complaints and two other non-public complaint cases were supervised by the Authority in the year which is significantly up on 2010 as shown in Table 1 below, but more in line with the trend of previous years. In addition to these new cases, a further eight cases were brought forward from 2010 bringing the total cases under supervision during the year to forty three compared to twenty nine in 2010.

The disruptions, especially at senior levels, in the States of Jersey Police experienced over the previous two years, have hopefully now been resolved. The return to a more consistent volume of complaints is probably reflective of the restored stability and also the more pro-active policing approach now being followed.

In prior years we have recommended that a review of the Law originally enacted in 1999 is merited. During the year a review was undertaken with expert external guidance and with the involvement of senior members of the States of Jersey Police. It is believed that most changes can be done by Ministerial Order without requiring amendments to the Law itself. Work will commence in 2012 to prepare draft new orders which will then be presented to the Minister for Home Affairs for his consideration.

It is not our desire to bring the Jersey Law into line with that in England and Wales but simply to identify areas of potential improvement to our existing Law. In particular we believe that consideration should be given to the following -

- Formalising the process for managing and supervising the investigation of complaints against the Chief Officer and Deputy Chief Officer.
- Implementation of a more progressive disciplinary process allowing for formal verbal and written warnings. Currently any formal disciplinary action requires a hearing. This process should allow for improved performance management with remedial or disciplinary action being initiated as part of a normal management process not requiring a misconduct complaint.
- Development of a fast tracking process for extreme cases where the evidence is incontrovertible.
- Including in the Police code a responsibility on police officers to challenge and report any improper conduct on the part of another officer

ANALYSIS OF COMPLAINTS

1. Number of Complaints

The investigation of thirty three new complaints (2010 – fifteen) against officers of the States of Jersey Police and members of the Honorary Police, as well as two other matters internal to the States of Jersey Police (2010 – one), were supervised by the Authority in the year. While this is a significant increase compared to 2010 it is more in line with earlier years. It is also of note that the number of new cases logged in the second half of the year was nearly double that of the first half. It is too early to say, however, if this is indicative of a trend or reflecting a more pro-active policing policy.

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

Table 1 – Nature of Complaints Supervised

Nature of Complaint	2003	2004	2005	2006	2007	2008	2009	2010	2011
Excessive use of force	17	11	6	14	8	6	5	6	14
Harassment/threatening behaviour/ abuse of authority	5	12	11	6	9	10	13	2	8
Use of CS spray	0	1	1	0	4	1	0	0	0
Other	8	13	12	10	15	10	8	7	13
TOTAL	30	37	30	30	36	27	26	15	35

Table 1 also analyses the complaints supervised according to the nature of the main complaint. Such statistics, of course, do not always reflect the relative complexity of cases nor situations where the complainant has made a main complaint together with a number of secondary allegations.

Complaints regarding use of excessive force showed a significant increase in the year and complaints regarding harassment, threatening behaviour or abuse of authority also increased. The heading of ‘Other’ in the analysis covers many different descriptions by complainants including for example instances of alleged wrongful arrest, illegal search of premises, incorrect disclosure of information, claimed planting of evidence or breaches of the Police Code of Practice. It also includes the supervised cases not initiated as complaints by members of the public.

We have also seen an increase in complaints where at least part of the issue has been alleged loss of cash or damage to property during searches of premises. While none of the missing cash complaints has been substantiated there is now increasing use of video to record the search process.

2. Outcome of Cases Supervised

Table 2 shows the results of the investigations initiated and completed during 2011 and in earlier years. Of the cases initiated and completed in 2011 five were found to be substantiated or partly substantiated. Of the substantiated complaints two related to excessive use of force and three to abuse of authority and 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 an investigation, any referral to the Law Officers Department has been satisfactorily resolved and after a formal decision on appropriate disciplinary action has been agreed.

As emphasised 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, focussed training is being used to encourage performance improvement.

As noted elsewhere the Authority believes the disciplinary procedures should be revised to allow for a progressive performance management process which allows for a range of disciplinary actions including written warnings.

Table 2 - Outcome of Cases Supervised by Year Initiated

Outcome	2003	2004	2005	2006	2007	2008	2009	2010	2011
Withdrawn/ Incapable of investigation /Informal Resolution	5	10	15	15	15	9	13	7	4
Vexatious	2	0	2	0	3	0	0	0	1
Unsubstantiated	19	20	7	14	16	13	8	5	8
Substantiated/Partly substantiated	4	7	6	1	2	5	5	2	5
Outstanding 31.12.2011	0	0	0	0	0	0	0	2	17
TOTAL	30	37	30	30	36	27	26	16	35

At the end of 2011, seventeen cases initiated in the year were still being investigated and two cases were still outstanding from 2010. Three of these cases were sub judice with investigations delayed pending completion of court hearings and three other investigations, although completed, were awaiting a response from the Law Officers' Department as to any possible action for a criminal offence. The cases outstanding from 2010 fell into the latter category.

TIME TO COMPLETE INVESTIGATIONS

As noted in prior 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 with no unnecessary delays and conclusions should be reached and advised promptly thereafter. In practice the Police Standards Department, who are responsible for undertaking most of the investigations, aim to complete their 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 court hearings or 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 as evidenced by the two cases still outstanding from 2010.

CONTACT WITH COMPLAINANTS

The Authority continues to receive a small number of objections or criticisms from complainants not satisfied with the outcome of investigations. 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 Authority is obliged to emphasise that the legally prescribed procedure to register a complaint is either in writing to the Chief Officer or by attendance at Rouge Bouillon. The Authority does however advise the Deputy Chief Officer on receipt of such complaints with the aim of ensuring that matters are properly followed up and it is satisfied that appropriate action has been taken in all such cases

From the start of 2012 the Authority has commenced writing 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 has been sent separately by the Deputy Chief Officer.

BUDGET

The budget allocated to the Authority for 2011 was £16,600. This has been unchanged since 2001. The actual costs incurred in 2011 amounted to £17,259, attributable to the installation of a replacement alarm system and additional staff costs during the hand-over period to a new secretary. All investigation costs are borne by States of Jersey Police, including the reimbursement of expenditure incurred by external Police Forces where they are utilised.

MEMBERSHIP OF THE AUTHORITY

Steve Luce resigned from the Authority on his election as Deputy for St Martin and the Authority would wish to record its appreciation for his support and positive commitment during his period as a member.

Dr John Birtwistle was appointed to fill the vacancy with effect from 1st January 2012.

Jersey Police Complaints Authority
26th January 2012