

**Jersey Law 4/1999**

**POLICE (COMPLAINTS AND DISCIPLINE) (JERSEY) LAW  
1999**

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SCHEDULE – The Jersey Police Complaints Authority

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**POLICE (COMPLAINTS AND DISCIPLINE) (JERSEY) LAW  
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**A LAW** to establish the Jersey Police Complaints Authority, to make provision for the investigation of complaints about and the procedures, rights and powers relating to disciplinary charges against members of the Force, port control officers and members of the Honorary Police, and for related purposes, sanctioned by Order of Her Majesty in Council of the

**10th day of FEBRUARY 1999**

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*(Registered on the 5th day of March 1999)*

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**STATES OF JERSEY**

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The 22nd day of September 1998

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**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

*PART I*

**INTERPRETATION AND ESTABLISHMENT OF JERSEY POLICE  
COMPLAINTS AUTHORITY**

**ARTICLE 1**

**Interpretation**

(1) In this Law, unless the context otherwise requires –

“the Authority” means the Jersey Police Complaints Authority established by Article 2, or the member or members carrying out the Authority’s duties in accordance with any Order or Regulations made under this Law or paragraph 6 of the Schedule;

“the Chairman” means the Chairman of the Authority appointed under sub-paragraph (2) of paragraph 1 of the Schedule;

“the Chief Officer” means the Chief Officer of the Force;

“chief officer of some other force” means a chief officer from a force in the British Islands;

“the Committee” means the Defence Committee;

“the Force” means the States of Jersey Police Force;

“investigating officer” means the member of the Force or police officer from some other force appointed to carry out an investigation;

“police officer from some other force” means a police officer from a force in the British Islands;

“port control officer” means a member of the Port Control Unit;

“Port Control Unit” means the unit established by Article 13B of the Police Force (Jersey) Law 1974.<sup>1</sup>

(2) A reference in an Article or other division of this Law to a paragraph, sub-paragraph or clause by number or letter only, and without further identification, is a reference to the paragraph, sub-

<sup>1</sup> Volume 1982–1983, page 57.

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paragraph or clause of that number or letter contained in the Article or other division of this Law in which that reference occurs.

(3) A reference in this Law to a Part or Article by number only or to the Schedule, without further identification, is a reference to the Part or Article of that number in or the Schedule to this Law.

(4) Unless the context otherwise requires, where this Law refers to an enactment, the reference is to that enactment as amended from time to time.

## ARTICLE 2

### **Establishment of the Jersey Police Complaints Authority**

(1) There shall be an authority, to be known as the Jersey Police Complaints Authority.

(2) The Schedule shall have effect in relation to the Authority.

## *PART II*

### COMPLAINTS AND OTHER MATTERS CONCERNING MEMBERS OF THE FORCE AND PORT CONTROL OFFICERS

## ARTICLE 3

### **Interpretation of Part II**

(1) In this Part –

“complaint” means any complaint about the conduct of a member of the Force or port control officer which is submitted –

(a) by a member of the public; or

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- (b) on behalf of, and with the written consent of, a member of the public; or
- (c) by a member of the Force, port control officer or member of the Honorary Police otherwise than in the course of his duty;

“register” means the register maintained under paragraph (1) of Article 6.

#### ARTICLE 4

### **Application of Part II**

(1) Nothing in this Part has effect in relation to a complaint in so far as it relates to the direction or control of the Force or the Port Control Unit by the Chief Officer.

(2) If any conduct to which a complaint wholly or partly relates is or has been the subject of criminal or disciplinary charges, none of the provisions of this Part which relate to the recording and investigation of complaints has effect in relation to the complaint in so far as it relates to that conduct.

#### ARTICLE 5

### **Duty of Chief Officer in relation to evidence**

Where a complaint is submitted to the Chief Officer, he shall take any steps that appear to him to be desirable for the purpose of obtaining or preserving evidence relating to the conduct complained of.

#### ARTICLE 6

### **Duty of Chief Officer in relation to complaints register**

(1) The Chief Officer shall maintain a register of complaints submitted to him.

(2) In relation to each complaint submitted to him, the Chief Officer shall record in the register –

- (a) the nature of the complaint;
- (b) the steps taken in dealing with the complaint; and
- (c) the outcome of the complaint.

(3) The Chief Officer shall, as soon as practicable, notify a complainant in writing of the outcome of the complaint.

(4) The Chief Officer shall, when requested by the Authority, make the register available to it.

#### ARTICLE 7

#### **Preliminary procedure for a complaint about a member of the Force or port control officer**

(1) Upon submission of a complaint to him, the Chief Officer shall record it in the register.

(2) If it appears to the Chief Officer that a complaint is suitable for informal resolution, he shall seek to resolve it informally and may appoint a member of the Force or a police officer from some other force to do so on his behalf.

(3) A complaint is not suitable for informal resolution unless –

- (a) the complainant gives his consent; and
- (b) the Chief Officer is satisfied that the conduct complained of, even if proved, would not justify a criminal or disciplinary charge.

(4) If it appears to the Chief Officer that a complaint is not suitable for informal resolution or that, after attempts have been made to resolve a complaint informally, informal resolution of the complaint is impossible or the complaint is, for any other reason, unsuitable for informal resolution, he shall –

- (a) notify the Authority of the complaint; and
- (b) subject to paragraph (3) of Article 9, appoint a member of the Force or a police officer from some other force to investigate it formally.

(5) The Chief Officer may ask the chief officer of some other force to provide a police officer of his force for appointment under paragraph (2) or (4).

(6) No officer may be appointed under this Article unless he is –

- (a) of at least the rank of inspector; and
- (b) of at least the rank of the member of the Force or port control officer against whom the complaint is made.

(7) A member of the Force or a police officer from some other force may not be appointed to investigate a complaint formally if he has previously been appointed in relation to its informal resolution.

## ARTICLE 8

### **Referral of other matters to the Authority**

The Chief Officer may refer to the Authority any matter which –

- (a) appears to him to indicate that a member of the Force or port control officer may have committed a criminal offence or an offence against discipline; and



- (b) is not the subject of a complaint,

if it appears to him that the matter ought to be referred by reason of its gravity or of exceptional circumstances.

## ARTICLE 9

### **Supervision of investigation of member of the Force or port control officer**

- (1) The Authority shall supervise the investigation –
  - (a) of any complaint alleging that the conduct of a member of the Force or port control officer resulted in the death of or serious injury to some other person; and
  - (b) of any other description of complaint that may be prescribed by Order of the Committee.
- (2) The Authority may supervise the investigation –
  - (a) of any complaint the investigation of which it is not required to supervise under paragraph (1); and
  - (b) of any matter referred to it under Article 8,

if it considers that it is desirable in the public interest that it should supervise that investigation.

- (3) Where an investigation is supervised by the Authority, it may require –
  - (a) that no appointment shall be made of a person to investigate the complaint or matter unless it has given notice to the Chief Officer that it approves the member of the Force or police officer from some other force whom he proposes to appoint; or

- (b) if such an appointment has already been made and the Authority is not satisfied with the person appointed, that –
  - (i) the Chief Officer shall, as soon as is reasonably practicable, select another member of the Force or police officer from some other force and notify the Authority of the proposed appointment, and
  - (ii) that appointment shall not be made unless the Authority gives notice to the Chief Officer that it approves the person to be appointed.

(4) The Committee may by Order confer power on the Authority, subject to any restrictions or conditions specified in the Order, to impose requirements as to a particular investigation additional to any requirement imposed by virtue of paragraph (3).

(5) It shall be the duty of a member of the Force, a port control officer and an investigating officer to comply with any requirement imposed on him by virtue of an Order made under paragraph (4).

## ARTICLE 10

### **Reports etc. on supervised investigation of member of the Force or port control officer**

(1) If, during the course of an investigation supervised by the Authority relating to a complaint, it becomes clear to the investigating officer that the complaint is frivolous or vexatious, he may report that finding to the Chief Officer and recommend that the investigation should not be pursued further.

(2) Where the investigating officer makes a report and recommendation to the Chief Officer under paragraph (1), the Chief Officer may, with the concurrence of the Authority and, in the case of a criminal allegation, with the concurrence of the Attorney General, direct that the investigation shall not be pursued further.

(3) At the end of an investigation supervised by the Authority, the investigating officer shall –

- (a) submit a report on the investigation to the Authority; and
- (b) send a copy of the report to the Chief Officer and, in the case of a criminal allegation, to the Attorney General.

(4) After considering a report submitted to them under paragraph (3), the Authority shall prepare a statement –

- (a) whether the investigation has or has not been conducted to its satisfaction; and
- (b) specifying any respect in which it has not been so conducted.

(5) The Authority may prepare separate statements in respect of the criminal and disciplinary aspects of an investigation.

(6) The Authority shall submit the statement to –

- (a) where the statement is in respect of a criminal allegation, the Attorney General; and
- (b) in any other case, the Chief Officer.

(7) Where the Authority submits the statement to the Attorney General, it shall also send a copy to the Chief Officer.

(8) Where it is practicable to do so, the Authority shall send a copy of the statement to –

- (a) the member of the Force or port control officer whose conduct has been investigated; and
- (b) if the investigation related to a complaint, the complainant.

## ARTICLE 11

**Steps to be taken after supervised investigation of member of the  
Force or port control officer**

(1) Where an investigation has been supervised by the Authority, no disciplinary charge shall be preferred before the Chief Officer receives the statement submitted to him or copy sent to him under paragraph (6) or (7) of Article 10.

(2) After considering a report copied to him under paragraph (3) of Article 10 and a statement in respect of the report submitted to him under paragraph (6) of that Article, the Attorney General shall inform the Chief Officer and the Authority whether or not criminal proceedings will be initiated.

(3) After either the Attorney General has informed the Chief Officer that criminal proceedings will not be initiated or such proceedings are concluded, the Chief Officer shall send the Authority a memorandum, signed by him and stating whether he intends to prefer disciplinary charges in respect of the conduct which was the subject of the investigation and, if not, his reasons for not doing so.

## ARTICLE 12

**Powers of Authority as to disciplinary charges**

(1) Where, following an investigation supervised by the Authority, the Chief Officer does not propose to prefer disciplinary charges, the Authority may recommend him to prefer such disciplinary charges as it may specify.

(2) Subject to paragraph (6), the Chief Officer may not withdraw charges which he has preferred in accordance with a recommendation under paragraph (1).

(3) If, after the Authority has made a recommendation under paragraph (1) and consulted the Chief Officer, he is still unwilling

to prefer such charges as the Authority consider appropriate, it may direct him to prefer such charges as it may specify.

(4) Where the Authority gives the Chief Officer a direction under paragraph (3), it shall furnish him with a written statement of its reasons for doing so.

(5) Subject to paragraph (6), it shall be the duty of the Chief Officer to prefer and proceed with charges specified in a direction given under paragraph (3).

(6) The Authority may give the Chief Officer leave –

(a) not to prefer charges which paragraph (5) would otherwise oblige him to prefer; and

(b) not to proceed with charges with which paragraph (2) or (5) would otherwise oblige him to proceed.

(7) The Authority may request the Chief Officer to furnish it with such information as it may reasonably require for the purpose of discharging its functions under this Article and the Chief Officer shall comply with any such request.

## ARTICLE 13

### **Hearing of disciplinary charges preferred at the direction of the Authority**

(1) A disciplinary charge preferred at the direction of the Authority given under paragraph (3) of Article 12 shall be heard by a tribunal consisting of –

(a) subject to paragraph (2), the Chief Officer, who shall be the chairman; and

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- (b) two members of the Authority nominated by the Chairman of the Authority, being members who have not been concerned with the case.

(2) In the event that the Chief Officer is interested otherwise than in his capacity as such, or that he is a material witness, the chairman of the tribunal shall be such chief officer of some other force, as has consented to act in the case, at the request of the Chief Officer.

(3) The tribunal shall decide whether the member of the Force or port control officer is guilty of the disciplinary charge and their decision may be a majority decision.

(4) The chairman of the tribunal, after consulting with the other members of the tribunal, shall determine any punishment to be imposed.

(5) Where –

- (a) a disciplinary charge is to be heard in accordance with this Article; and
- (b) there is another disciplinary charge against the member of the Force or port control officer which, in the opinion of the Chief Officer, can conveniently and fairly be determined at the same time,

the Chief Officer may direct that this Article shall apply also to the hearing of the other charge.

#### ARTICLE 14

##### **Disciplinary appeal by member of the Force or port control officer**

(1) A member of the Force or port control officer who is found guilty of a disciplinary charge, whether at a hearing held under Article 13, on the recommendation of the Authority or otherwise, may appeal against –

- (a) the decision on the disciplinary charge; and
- (b) the punishment imposed.

(2) An appeal shall be made to the Authority, which will advise the Bailiff and ask him to set up a panel of three Jurats to hear the appeal.

(3) Subject to paragraph (4), an appeal must be made within the period of 21 days beginning on the day the appellant is notified in writing of the decision against which he wishes to appeal.

(4) Where the Authority is satisfied, on the application of the appellant, that by reason of the special circumstances of the case it is just and right so to do, it may extend the period within which an appeal must be made.

(5) The appellant may conduct his appeal in person or be represented by an advocate or a solicitor or by a member of the Force selected by him.

- (6) The panel of Jurats may –
- (a) allow the appeal;
  - (b) dismiss the appeal; or
  - (c) subject to paragraph (7), substitute some other punishment.

(7) The panel of Jurats may not substitute another punishment unless it appears –

- (a) that the person or persons who heard the disciplinary charge could have imposed it; and
- (b) that it is less severe than the punishment imposed by that person or those persons.

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(8) Subject to paragraph (9), all the costs and expenses of an appeal under this Article, including the costs of the parties, shall be defrayed out of the revenue of the States.

(9) The panel of Jurats may direct an appellant to pay the whole or any part of his own costs.

## ARTICLE 15

### **Orders**

- (1) The Committee may by Order make provision –
- (a) for the informal resolution of complaints about members of the Force and port control officers, for giving any such officer an opportunity to comment orally or in writing on the complaint, and for giving the person who made the complaint a record of the outcome of any such procedure;
  - (b) for the investigation of any complaint or matter in respect of a member of the Force or port control officer, whether supervised by the Authority or otherwise;
  - (c) for the discipline code for members of the Force and port control officers;
  - (d) for the hearing of disciplinary charges against a member of the Force or port control officer, whether preferred on the recommendation or at the direction of the Authority or otherwise, including provision for the representation of such a member or officer at such a hearing and for the disclosure of documents to him for the purposes of the hearing;
  - (e) for the suspension of a member of the Force or port control officer pending the investigation of any complaint or matter;



- (f) for the punishment by way of dismissal, requirement to resign, reduction in rank, reduction in rate of pay, fine, reprimand or caution of a member of the Force or port control officer found guilty of an offence against discipline;
- (g) for the hearing of an appeal by a member of the Force or port control officer found guilty of an offence against discipline;
- (h) for the procedures of the Authority in discharging its functions under this Part, including the discharge of any function of the Authority by one or more of the Authority's members; and
- (j) for the purpose of carrying this Part into effect.

(2) The Committee may prescribe by Order anything which may or shall be prescribed for the purposes of this Part.

(3) An Order made under this Part may make different provision for different cases and contain such incidental and supplementary provisions as the Committee think necessary.

(4) The Subordinate Legislation (Jersey) Law 1960<sup>2</sup> shall apply to Orders made under this Part.

## ARTICLE 16

### **Duty of Committee to keep itself informed**

The Committee, in carrying out its duty with respect to the maintenance of an adequate and efficient Force and Port Control Unit, shall keep itself informed as to the working of this Part in relation to the Force and Port Control Unit.

<sup>2</sup> Tome VIII, page 849.

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*PART III*

COMPLAINTS AND OTHER MATTERS CONCERNING MEMBERS  
OF THE HONORARY POLICE

ARTICLE 17

**Interpretation of Part III**

In this Part, unless the context requires otherwise –

“complaint” means any complaint about the conduct of a member of the Honorary Police which is submitted to the Connétable of the Parish in which that member serves –

- (a) by a member of the public; or
- (b) on behalf of, and with the written consent of, a member of the public; or
- (c) by a member of the Force, port control officer or member of the Honorary Police otherwise than in the course of his duty;

“register” means, in relation to each Parish, the register maintained for it under paragraph (1) of Article 20.

ARTICLE 18

**Application of Part III**

If any conduct to which a complaint wholly or partly relates is or has been the subject of criminal charges or a disciplinary hearing, none of the provisions of this Part which relate to the recording and investigation of complaints has effect in relation to the complaint in so far as it relates to that conduct.

## ARTICLE 19

**Duty of Connétable in relation to evidence**

Where a complaint is submitted to a Connétable, he shall take any steps that appear to him to be desirable for the purpose of obtaining or preserving evidence relating to the conduct complained of.

## ARTICLE 20

**Duty of Connétable in relation to complaints register**

(1) Each Connétable shall maintain a register of complaints submitted to him about members of the Honorary Police serving in his Parish.

(2) In relation to each complaint submitted to him, a Connétable shall record in the register maintained by him –

- (a) the nature of the complaint;
- (b) the steps taking in dealing with the complaint; and
- (c) the outcome of the complaint.

(3) A Connétable shall, as soon as practicable, notify a complainant in writing of the outcome of the complaint.

(4) A Connétable shall, when requested by the Authority, make available to it the register maintained by him.

(5) A Connétable shall, when requested by the Attorney General, make available to the Attorney General the register maintained by him.

## ARTICLE 21

**Preliminary procedure for a complaint about a member of the  
Honorary Police**

(1) Upon submission of a complaint to him, a Connétable shall –

- (a) record it in the register; and
- (b) notify the Attorney General that the complaint has been made.

(2) If it appears to the Attorney General that a complaint is suitable for informal resolution, he shall direct the Connétable to seek to resolve it informally.

(3) A complaint is not suitable for informal resolution unless –

- (a) the complainant gives his consent; and
- (b) the Attorney General is satisfied that the conduct complained of, even if proved, would not justify a criminal charge or disciplinary hearing.

(4) If it appears to the Connétable, after attempts have been made to resolve a complaint informally, that informal resolution of the complaint is impossible, he shall inform the Attorney General.

(5) If it appears to the Attorney General that a complaint is not suitable for informal resolution, or the Connétable informs him that informal resolution of a complaint is impossible, the Attorney General shall –

- (a) notify the Authority of the complaint; and

- (b) direct the Connétable to request the Chief Officer to appoint a member of the Force or a police officer from some other force, of at least the rank of inspector, to carry out an investigation.

(6) Subject to paragraph (3) of Article 23, the Chief Officer shall comply with a request made pursuant to sub-paragraph (b) of paragraph (5) and may ask the chief officer of some other force to provide a police officer of his force for appointment.

## ARTICLE 22

### **Referral of other matters**

(1) A Connétable shall refer to the Attorney General any matter which –

- (a) appears to him to indicate that a member of the Honorary Police may have committed a criminal offence or an offence against discipline; and
- (b) is not the subject of a complaint.

(2) The Attorney General may refer to the Authority any matter referred to him under paragraph (1) which –

- (a) appears to him to indicate that a member of the Honorary Police may have committed a criminal offence or an offence against discipline; and
- (b) is not the subject of a complaint,

if it appears to him that the matter ought to be referred by reason of its gravity or of exceptional circumstances.

## ARTICLE 23

**Supervision of investigation of member of the Honorary Police**

- (1) The Authority shall supervise the investigation –
  - (a) of any complaint alleging that the conduct of a member of the Honorary Police resulted in the death of or serious injury to some other person; and
  - (b) of any other description of complaint that may be specified in Regulations made by the States.
- (2) The Authority may supervise the investigation –
  - (a) of any complaint the investigation of which it is not required to supervise under paragraph (1); and
  - (b) of any matter referred to it under paragraph (2) of Article 22,

if it considers that it is desirable in the public interest that it should supervise that investigation.

- (3) Where an investigation is supervised by the Authority, it may require –
  - (a) that no appointment shall be made of a person to investigate the complaint or matter unless it has given notice to the Connétable and the Attorney General that it approves the member of the Force or police officer from some other force proposed to be appointed; or
  - (b) if such an appointment has already been made and the Authority is not satisfied with the person appointed –
    - (i) that the Connétable shall, as soon as is reasonably practicable, request the Chief Officer to select another

member of the Force or police officer from some other force and notify the Authority of the person the Chief Officer proposes to appoint, and

- (ii) that appointment shall not be made unless the Authority gives notice to the Connétable and the Attorney General that it approves the person to be appointed.

(4) The States may by Regulations confer power on the Authority, subject to any restrictions or conditions specified in the Regulations, to impose requirements as to a particular investigation additional to any requirement imposed by virtue of paragraph (3).

(5) It shall be the duty of a member of the Honorary Police and an investigating officer to comply with any requirement imposed on him by virtue of Regulations made under paragraph (4).

#### ARTICLE 24

#### **Reports etc. on supervised investigation of a member of the Honorary Police**

(1) If, during the course of an investigation supervised by the Authority relating to a complaint, it becomes clear to the investigating officer that the complaint is frivolous or vexatious, he may report that finding to the Attorney General and recommend that the investigation should not be pursued further.

(2) Where the investigating officer makes a report and recommendation to the Attorney General under paragraph (1), the Attorney General may, with, in the case of a disciplinary allegation, the concurrence of the Authority, direct that the investigation shall not be pursued further.

(3) At the end of an investigation supervised by the Authority the investigating officer shall –

- (a) submit a report on the investigation to the Authority; and
  - (b) send a copy of the report to the Connétable and to the Attorney General.
- (4) After considering a report submitted to it under paragraph (3), the Authority shall prepare a statement –
- (a) whether the investigation has or has not been conducted to its satisfaction; and
  - (b) specifying any respect in which it has not been so conducted.
- (5) The Authority may prepare separate statements in respect of the criminal and disciplinary aspects of an investigation.
- (6) The Authority shall submit the statement to the Attorney General and send a copy to the Connétable.
- (7) Where it is practicable to do so, the Authority shall send a copy of the statement to –
- (a) the member of the Honorary Police whose conduct has been investigated; and
  - (b) if the investigation related to a complaint, the complainant.

## ARTICLE 25

### **Steps to be taken after supervised investigation of member of the Honorary Police**

- (1) Where an investigation has been supervised by the Authority, no disciplinary hearing shall be held before the Attorney General receives the statement submitted to him under paragraph (6) of Article 24.



(2) After considering a report copied to him under paragraph (3) of Article 24 and the statement in respect of the report submitted to him under paragraph (6) of that Article, the Attorney General shall inform the Authority whether or not criminal proceedings will be initiated.

(3) After either the Attorney General has informed the Authority that criminal proceedings will not be initiated, or such proceedings are concluded, he shall send the Authority a memorandum, signed by him and stating whether he intends to hold a disciplinary hearing in respect of the conduct which was the subject of the investigation and, if not, his reasons for not doing so.

## ARTICLE 26

### **Recommendation of Authority as to disciplinary hearing**

(1) Where, following an investigation supervised by the Authority, the Attorney General does not propose to hold a disciplinary hearing, the Authority may recommend him to hold such a hearing and in such an event shall furnish him with a written statement of its reasons for so recommending.

(2) The Authority may request the Attorney General to furnish it with such information as it may reasonably require for the purpose of discharging its functions under this Article and the Attorney General shall comply with any such request.

## ARTICLE 27

### **Disciplinary appeal by member of the Honorary Police**

(1) A member of the Honorary Police found guilty of an offence against discipline, whether at a hearing held on the recommendation of the Authority or otherwise, may appeal against –

(a) the decision on the disciplinary charge; and

(b) the punishment imposed.

(2) An appeal shall be made to the Authority, who will advise the Bailiff and ask him to set up a panel of three Jurats to hear the appeal.

(3) Subject to paragraph (4), an appeal must be made within the period of 21 days beginning on the day the appellant is notified in writing of the decision against which he wishes to appeal.

(4) Where the Authority is satisfied, on the application of the appellant, that by reason of the special circumstances of the case it is just and right so to do, it may extend the period within which an appeal must be made.

(5) The appellant may conduct his appeal in person or may be represented by an advocate or a solicitor or by a member of the Force or member of the Honorary Police selected by him.

(6) The panel of Jurats may –

(a) allow the appeal;

(b) dismiss the appeal;

(c) subject to paragraph (7), substitute some other punishment.

(7) The panel of Jurats may not substitute another punishment unless it appears –

(a) that the person or persons who heard the disciplinary charge could have imposed it; and

(b) that it is less severe than the punishment imposed by that person or those persons.

(8) Subject to paragraph (9), all the costs and expenses of an appeal under this Article, including the costs of the parties, shall be defrayed out of the revenue of the States.

(9) The panel of Jurats may direct an appellant to pay the whole or any part of his own costs.

## ARTICLE 28

### **Regulations**

- (1) The States may by Regulations make provision –
- (a) for the informal resolution of complaints about members of the Honorary Police, for giving any such member an opportunity to comment orally or in writing on the complaint, and for giving the person who made the complaint a record of the outcome of any such procedure;
  - (b) for the investigation of any complaint or matter in respect of a member of the Honorary Police, whether supervised by the Authority or otherwise;
  - (c) for the conduct of a disciplinary hearing in respect of a member of the Honorary Police, whether held on the recommendation of the Authority or otherwise, including provision for the representation of such a member at such a hearing and for the disclosure of documents to him for the purposes of the hearing;
  - (d) for the suspension of a member of the Honorary Police pending the investigation of any complaint or matter;
  - (e) for the punishment by way of dismissal, requirement to resign, suspension, censure or reprimand of a member of the Honorary Police found guilty of an offence against discipline;

- (f) for the hearing of an appeal by a member of the Honorary Police found guilty of an offence against discipline;
- (g) for the procedures of the Authority in discharging its functions under this Part, including the discharge of any function of the Authority by one or more of the Authority's members; and
- (h) for the purpose of carrying this Part into effect.

(2) The States may specify by Regulations anything which may or shall be specified for the purposes of this Part.

(3) Regulations made under this Part may make different provision for different cases and contain such incidental and supplementary provisions as the States think necessary.

#### *PART IV*

### MISCELLANEOUS AND SUPPLEMENTAL

#### ARTICLE 29

##### **Reports**

(1) The Authority shall, at the request of the Committee or the Attorney General, report on such matters relating generally to the Authority's functions as the Committee or the Attorney General may specify, and the Authority may for that purpose carry out research into any such matters.

(2) The Authority may report to the Committee on any matters coming to its notice under this Law to which it considers that the Committee's attention should be drawn by reason of their gravity or of other exceptional circumstances.

(3) The Authority shall send a copy of any report made under paragraph (2) to the Attorney General, the Chief Officer and to the Comité des Connétables.

(4) As soon as practicable after the end of each calendar year –

- (a) the Authority shall prepare a report upon the discharge of its functions during that year and submit it to the Committee; and
- (b) the Committee shall present the report to the States.

(5) The Chairman shall report to the Committee upon the administration and operation of the Authority when requested to do so by the Committee.

## ARTICLE 30

### **Restriction on disclosure of information**

(1) No information received by the Authority in connection with any of its functions shall be disclosed by any person who is or has been a member, officer or servant of the Authority except –

- (a) to the Committee, the Attorney General, or a member, officer or servant of the Authority or, so far as may be necessary for the proper discharge of the functions of the Authority, to other persons; or
- (b) for the purposes of any criminal, civil or disciplinary proceedings; or
- (c) in the form of a summary or other general statement made by the Authority which does not identify the person from whom the information was received or any person to whom it relates.

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Law 1999*

(2) Any person who discloses information in contravention of paragraph (1) shall be guilty of an offence and liable to a fine.

#### ARTICLE 31

##### **Restrictions on subsequent proceedings**

(1) Subject to paragraph (2), no statement made by any person for the purpose of the informal resolution of a complaint under Part II or Part III shall be admissible in any subsequent criminal, civil or disciplinary proceedings.

(2) A statement is not rendered inadmissible by paragraph (1) if it consists of or includes an admission relating to a matter which does not fall to be resolved informally.

#### ARTICLE 32

##### **Amendments to Police Force (Jersey) Law 1974 and saving**

(1) In Article 4 of the Police Force (Jersey) Law 1974<sup>3</sup> (in this Article referred to as “the 1974 Law”), in paragraph (4), for the words “, the retirement and the suspension” there shall be substituted the words “and the retirement”.

(2) In Article 8 of the 1974 Law<sup>4</sup> –

(a) in paragraph (3), sub-paragraphs (c) and (d) shall be deleted; and

(b) paragraphs (4), (5), (6) and (7) shall be deleted.

(3) In Article 13C of the 1974 Law,<sup>5</sup> in paragraph (4), sub-paragraphs (b) and (c) shall be deleted.

<sup>3</sup> Volume 1973–1974, page 376.

<sup>4</sup> Volume 1973–1974, page 378, Volume 1982–1983, page 55 and Volume 1992–1993, page 119.

<sup>5</sup> Volume 1982–1983, page 58.

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(4) Notwithstanding the amendments made by the foregoing provisions of this Article, any provision of an Order or Regulations made under the 1974 Law which relates to the investigation and determination of complaints, suspension and disciplinary offences, which is not superseded by a provision of this Law and which is in force immediately before this Article comes into force, shall continue in force as if made under this Law.

### ARTICLE 33

#### **Short title and commencement**

(1) This Law may be cited as the Police (Complaints and Discipline) (Jersey) Law 1999.

(2) This Law shall come into force on such day as the States may by Act appoint, and different days may be appointed for different provisions of this Law and for different purposes.

**G.H.C. COPPOCK**

*Greffier of the States.*

*SCHEDULE*

**(Article 2(2))**

**THE JERSEY POLICE COMPLAINTS AUTHORITY**

**Constitution of the Authority**

1.-(1) The Authority shall consist of a Chairman and not less than six or more than eight other members.

(2) The Chairman and other members shall be appointed by the States on the recommendation of the Committee.

(3) Both the Chairman and other members of the Authority shall be appointed for a term of three years.

(4) A person may not be a member of the Authority if –

(a) he is or has previously been a member of the Force, port control officer, member of the Honorary Police or member of any other police force; or

(b) he is a member of the States or a Jurat.

**Incorporation of the Authority**

2. The Authority shall be a body corporate.

**Members**

3.-(1) A member may resign from office at any time.

(2) Any resignation by a member must be in writing and made to the Committee and the Committee will notify the States of it at the first available opportunity thereafter.



(3) Any member of the Authority may be removed from office by the States, on the recommendation of the Committee, if the States are satisfied that –

- (a) he has without reasonable cause failed to carry out his duties;
- (b) he has been convicted of a criminal offence;
- (c) he has become bankrupt;
- (d) he is incapacitated by physical or mental illness; or
- (e) he is otherwise unable or unfit to perform his duties.

#### **Administration and expenses**

4.-(1) The Authority may appoint a secretary and such officers as it thinks fit.

(2) There shall be paid out of the revenue of the States such salaries and allowances to the secretary and any other officers of the Authority and such expenses of the Authority and its members as the Committee may determine.

(3) The Committee will cause to be kept records and accounts of the finances of the Authority.

#### **Meetings**

5.-(1) The Authority will meet at least once every year and also, from time to time as necessary.

(2) In the absence of the Chairman, any other member will be entitled to take the Chair.

(3) A quorum at any meeting shall be not less than four members.

(4) The Chairman will meet the Committee at least once a year, at the time of presenting the Authority's report prepared pursuant to paragraph (4) of Article 29, and will attend other meetings if requested to do so.

### **Method of operation**

6.-(1) Subject to any Order or Regulations made under this Law

- (a) the Authority will carry out its duties in such a manner as it from time to time determines and may regulate its own procedures; and
- (b) the Chairman may make arrangements for the discharge, under the general direction of the Authority, of any of the Authority's functions by one or more of the Authority's members.

(2) The Authority will prepare guidelines for the Authority's members to assist in the carrying out their duties.