JERSEY POLICE COMPLAINTS AUTHORITY

ANNUAL REPORT 2022

First floor, St Andrew's Place, Charing Cross, St Helier, Jersey, JE2 3RP

Contents

1. INTRODUCTION FROM THE CHAIR

It is my pleasure to present the 2022 annual report of the independent Jersey Police Complaints Authority (JPCA). The JPCA has a statutory duty under the Police (Complaints and Discipline) (Jersey) Law 1999, to report annually to the Minister of Home Affairs and present data on complaints recorded about the States of Jersey Police and the Jersey Honorary Police.

The police complaints and discipline system and processes are key to police accountability. They facilitate the public and those within policing to raise concerns about the behaviour of individual officers and the organisation of the police in Jersey. It is vital to securing public confidence in policing practice and systems through our role in administering effective, independent oversight of the police complaints system and supervising investigations, including death or serious injury matters (DSI). The work of the JPCA is undertaken independently of the government, police and interest groups.

Irrespective of how many complaints are made, it is the role of the JPCA to ensure that every complaint is properly registered, recorded and comprehensively investigated and, where appropriate referred to the JPCA for independent oversight and supervision. It is a primary function of the JPCA to secure public confidence in policing and the complaints procedure by ensuring the police are accountable for their actions and lessons are learnt whilst also ensuring the interests of the police themselves are equally served. Whilst accountability of individual officers for wrongdoing is clearly important, a significant impact from our oversight and an effective complaints system, can come from themes and learning identified, not just from the complaints process in Jersey, but also learning from best practice in the UK and elsewhere in order to help strengthen policing practice more broadly. It is equally important to note of the many thousands of incidents and 999 calls for help or assistance, the data in this report represents a small proportion of the many daily interactions between police officers and the Jersey public.

Our 2020 and 2021 reports noted our expectation that a new Police Complaints and Discipline Law would be presented to the States Assembly for approval through which the JPCA would transition to become the Jersey Police Complaints Commission (JPCC). This is the result of extensive collaboration and represents best practice to further strengthen and create a strong and robust oversight regime. The new law was approved by the States Assembly on the 30th of March 2022. However, the date of enactment and the approval of the associated regulations will not be considered until the proposed regulations are submitted to the States Assembly.

It is important to note that the new legislation represents a modernisation of the law and the JPCA. The JPCC remains supervisory rather than investigatory but nevertheless, the implementation of the new procedures and ongoing responsibilities under the new Law are going to be burdensome on the members of JPCC. The members of the JPCC are laypeople without a working knowledge of police policies and procedures. They are volunteers who give their time freely without remuneration to oversee, monitor and supervise investigations by the Professional Standards Department.

2. ANNUAL REPORT 2022

The JPCA - who we are, what we do and becoming the Jersey Police Complaints Commission (JPCC) in 2023.

Consistent with every police force in the UK, the States of Jersey Police (SOJP) has a Professional Standards Department (PSD), which is responsible for the administration and investigation of allegations or complaints made about both the SOJP officers, the Honorary Police, or both police forces. The role of the JPCA is to oversee, monitor and supervise investigations by PSD. The JPCA does not carry out the investigations and its Members are not trained investigators. The JPCA is independent of the police and government and its role is to ensure that the investigating officers carry out the investigations it supervises in a thorough and impartial manner to ensure the police achieve high standards in the handling of complaints, conduct matters and DSI cases.

To have confidence in the police service, the public must have trust in the police complaints system. When complaints are made, people should be reassured that they will be dealt with robustly and fairly. We are often challenged and questioned on how local police officers can fairly investigate their own colleagues. This is the accepted norm in the UK in all but the most serious cases. Here in Jersey all incidents and complaints about the conduct of police officers will be investigated impartially, officers will be held to account for poor conduct, both by PSD and the JPCA and the police will strive to learn and improve from all complaints. The JPCA is increasingly prioritising learning through supplementary observations, comments and recommendations at the conclusion of complaint investigations. The new law will provide significant scope for the Commission to ensure learning recommendations are effective, targeted and outcomes are achieved in a timely manner.

The States of Jersey appoints Members of the JPCA for a period of three years (subject to reappointment up to a maximum of three terms) and their services are provided on a voluntary basis. The Members who served during the year are detailed below.

Janet Naylor	Chair	Appointed January 2021
Rachel Catchpole	Deputy Chair	Appointed January 2017
Graeme Marett*	Supervising Member	Appointed February 2013
Matthew Swan *	Supervising Member	Appointed January 2017
Patrick Abernethy	Supervising Member	Appointed May 2022
Mark James *	Supervising Member	Appointed May 2022
David Porter	Supervising Member	Appointed June 2022
Allison Le Couteur	Supervising Member	Appointed October 2022
Jenna Newlands	Supervising Member	Appointed October 2022
Blake Albert	Supervising Member	Appointed October 2022

*Retirements: Graeme Marett left the JPCA in April 2022 following completion of his 9 year tenure; Matthew Swan resigned from the Authority in March 2022 to fulfil the role of Viscount and Mark James resigned from the Authority in December 2022. The JPCA wishes to acknowledge

their service and dedication and thank them for their commitment to the role without which the JPCA could not deliver its obligations.

Three new members were appointed to the JPCA during the year: Allison Le Couteur, Jenna Newlands and Blake Albert. Further recruitment will take place during 2023 in readiness for the transition to the JPCC. Recruitment of new Members is not without its challenges as we receive very few candidate applications in response to recruitment campaigns.

It is pertinent to note in this report that the Members of the JPCA are volunteers. They fulfil an important role and one where they shoulder the burden of responsibility without remuneration, reward or recognition. They give their time freely and repeatedly to deliver an important and professional service - a service which requires a significant time commitment given the complexity of many complaints under the JPCA's supervision.

The Members of the JPCA are entitled to claim their reasonable expenses. One expense claim was made during the year.

The JPCA continues to operate from accommodation in St Andrew's Place and employs one part-time administrator, Nicky Le Blond, who provides a critical role in the day-to-day function and administration of the JPCA. Mrs Le Blond has served the JPCA for some 12 years now and the JPCA would like to acknowledge the dedication, professional and valued support that she continues to provide. The JPCA office is open on Tuesday, Wednesday and Thursday mornings between the hours of 09.15 and 12.15.

The lease on current office premises expires in October 2023 and the Authority will move to more practical and cost-effective office accommodation during 2023.

3. POWERS OF THE JPCA

The JPCA supervises three categories of investigation:

1. Those arising from complaints made by members of the public which have not been dealt with by Informal Resolution. Please refer to Section 6 on page 15;

2. those arising from issues referred to the JPCA on a voluntary basis by the SOJP; and,

3. those specifically detailed in the Law, such as investigations arising from a complaint into the death of individuals following contact with the SOJP. Generally speaking, the JPCA is not involved in the oversight of the investigation of complaints which are of an operational nature, unless the matter is specifically referred on a voluntary basis to the JPCA by the SOJP.

One of the first stages of the complaints process is to assess whether the complaint is capable of what is currently known as Informal Resolution. The JPCA does not have a role to play in supervising those complaints, which are dealt with by way of Informal Resolution between the complainant and the SOJP. However, the JPCA reviews annually the SOJP files relating to complaints, which have been dealt with by Informal Resolution.

Complaints made by members of the public against Honorary Police Officers are submitted to the JPCA in the usual manner by the SOJP following a referral by the Connétable of the relevant Parish, usually at the direction of the Attorney General. The Attorney General is responsible for considering informal resolution of complaints made against Honorary Police Officers.

Voluntary referral cases, not necessarily complaints, are occasionally made by the SOJP on any internal matter, which is the subject of investigation by PSD.

The flow chart at Appendix I (complaints against an SOJP Officer) and at Appendix II (complaints against an Honorary Police Officer) show the entire complaints process from receipt of a complaint from a member of the public to the issue of the JPCA's closure letter.

The Law requires that the JPCA supervise all complaints alleging that the conduct of a member of the SOJP Force or Honorary Police Force resulted in the death of, or serious injury to, some other person. All deaths or serious injury following police contact would normally be subjected to an investigation by PSD, regardless of any complaint arising from such an incident and referred to the JPCA for supervision. In the case of a death, the Viscounts office will be involved and in most cases a Coroner's inquest held. Normally it is the Deputy Viscount who acts as the Coroner in Jersey.

A death or serious injury after contact with the police challenges the public's confidence in policing. Therefore, it is essential that the facts surrounding such incidents are fully investigated and independently supervised by the JPCA in order to preserve and even enhance public

confidence. In certain circumstances an external police force may be requested to undertake such an investigation.

Police officers will regularly come into contact with some of the most vulnerable members of society and their actions may influence what that person does next. Sometimes deaths or serious injury will occur because things have gone wrong or because, upon reflection, a different strategy or approach may have been preferable. The investigation into such tragic events must primarily identify what happened and why. It is the role of the JPCA in such circumstances, to ensure the police learn from any mistakes and to provide the public with reassurance that the police are held to account for their actions, where the evidence deems it necessary.

All complaints where a potential conflict or perceived bias is identified are taken very seriously and steps taken to avoid this situation arising. The JPCA has a process to ensure that there is no conflict between the Supervising Member and any complainant or officer(s) subject of the complaint. If a conflict were identified, the complaint would be re-allocated to another Supervising Member to ensure impartiality.

The JPCA is required to approve the appointment of the Investigating Officer. Usually, the Investigating Officer is an officer of the SOJP of Inspector rank or above. However, on occasions the JPCA either requires or agrees to the appointment of an Investigating Officer from an external police force. In the UK the most serious complaint matters or cases involving death or serious injury (DSI), are referred by individual police forces to the Independent Office for Police Conduct (IOPC) for investigation. Here in Jersey, the need for the involvement of an external police force might arise because of potential conflicts, complex cases, those involving senior officers or because a case is so serious that it warrants the appointment of an external force. The appointment of an external force must be agreed by the JPCA who would also oversee the investigation. As indicated on page 4, it should be noted that the JPCA does not investigate complaints; the SOJP receives the complaint and if informal resolution is not possible, the complaint is formally referred to the JPCA to supervise. Once PSD complete their investigation, an Investigating Officer's report together with supporting documents, body worn camera and video evidence is submitted to the JPCA. The Supervising Member reviews the report, documents and evidence to ensure the investigation has been properly carried out, that the conclusion is reasonable and that the report has covered all aspects of the complaint. In addition to the Supervising Member conducting their review, another Member of the JPCA conducts a second independent review of the complaint investigation to ensure the principal Supervising Member has reached an appropriate conclusion.

The Chair and Deputy Chair meet with the PSD monthly to monitor progress of investigations and other relevant issues. These meetings provide a helpful forum to discuss the handling of all associated complaint matters, to challenge process and decisions where appropriate in a healthy and constructive manner, with the aim to improve the handling of complaints by the police service. The SOJP and Honorary Police Officers provide a professional service to the public of Jersey and standards are generally very high. However, on occasions when officers and the organisation fall short of these standards it is important to have a system that can quickly establish what has gone wrong, while ensuring there is appropriate accountability at both

individual and force level and that lessons are learned. Learning outcomes arising from complaints are taken up by the SOJP 'Learning the Lessons Forum' and disseminated across the force as appropriate. An important addition to the new law will enable the Jersey Police Complaints Commission (JPCC) to make recommendations to the SOJP and Honorary police regarding improvements to best practice and policing policy arising from an investigation. The new law also makes provision for the JPCC to request information and report generally on outcomes and whether the police are implementing the JPCC's recommendations. The JPCA welcomes these changes and the facility to audit whether its recommendations have been implemented.

Members of the JPCA continue to liaise with officers of the Law Officers Department (LOD) with bi-monthly meetings during which current cases are discussed, reasons for any delay are examined and other relevant matters are considered. The introduction of a service level agreement between the JPCA, PSD and LOD in 2017 continues to work well, with most cases being concluded within agreed timeframes. However, it is noted that this year some complaint cases have proven more challenging and time consuming due to their complexity, consequently it has taken longer to investigate and resolve to the satisfaction of the JPCA.

4. COMPLAINTS 2022 OVERVIEW

17 new cases were referred to the JPCA for supervision in 2022, 15 of which were complaints received from the public. There were two death or serious injury referrals in 2022.

Chief Officer may make a voluntary referral to the JPCA where no complaint has been made where he has reason to believe a member of the force may have committed a criminal offence or an offence against discipline, if it appears to the Chief Officer that the matter ought to be referred by reason of its gravity or of exceptional circumstances.

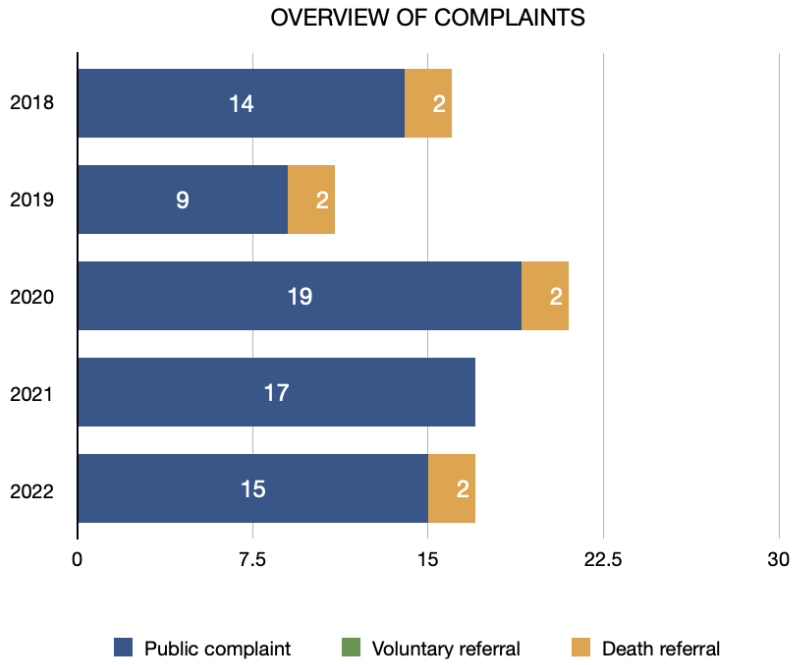


Table 1

OVERVIEW OF COMPLAINTS	2018	2019	2020	2021	2022
Public complaint	14	9	19	17	15
Voluntary referral	0	0	0	0	0
Death referral	2	2	2	0	2
Total no. new cases	16	11	21	17	17

2 cases were brought forward from 2019, 2 from 2020 and a further 7 from 2021, bringing the total number of cases under supervision during 2022 to 28.

The JPCA liaises with the Citizens Advice Bureau (CAB) to ascertain the number of enquiries made to the Bureau about police related matters during the year to ensure that wherever possible members of the public are given adequate opportunity to proceed with a complaint. The CAB advised the JPCA that during 2022 it had received 74 enquiries about police related matters; (74 in 2021; 77 in 2020; 91 in 2019). 7 enquiries were specifically related to complaints against the police and the complaints process, (13 in 2021; 7 in 2020; 17 in

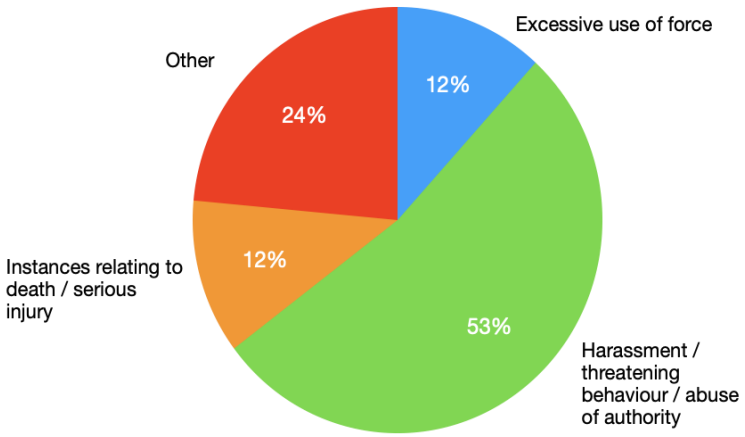
2019). The CAB referred the 7 enquirers to the Government of Jersey website and gave them assistance with how to make a complaint. However, data is not available as to whether any of these initial enquiries translated into actual complaints or were formally referred to the JPCA.

4. ANALYSIS OF COMPLAINTS

Illustration 1: Nature of complaints supervised 2022

Nature of Complaint	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Excessive use of force	9	13	9	4	3	3	1	5	5	2
Harassment / threatening behaviour / abuse of authority	6	12	6	6	6	7	5	6	5	9
Property damage / loss	0	2	0	0	1	0	0	0	0	0
Instances relating to death / serious injury	2	2	0	2	0	2	2	2	0	2
Use of Pava spray	1	0	0	0	0	0	0	0	0	0
Data protection breach	1	1	1	2	1	1	1	2	0	0
Other	7	5	5	11	7	3	2	6	7	4
Total	26	35	21	25	18	16	11	21	17	17

Illustration 2: Nature of complaints supervised 2022



Summary explanation of complaints supervised by the JPCA

- 2 complaints relating to use of force. 1 was unsubstantiated and 1 was carried forward to 2023.

- 9 complaints alleging abuse of authority. 1 was substantiated, 1 was informally resolved, 3 were unsubstantiated and 4 were carried forward to 2023.

- 4 complaints determined as 'other' in illustration 2 relate to allegations concerning the complaint investigation and use of Taser.

- 14 complaints related to SOJP officers, 1 in respect of organisational concerns and 13 complaints raised against specific police officers. The table below illustrates the split of SOJP investigations for the last 5 years.

Breakdown of SOJP investigations	2018	2019	2020	2021	2022
Organisational concerns	4	3	6	4	1
Conduct of Officer	9	5	8	10	11
Death / serious injury referral	2	2	2	0	2

- 17 new cases were supervised by the JPCA during 2022. Of these, 14 were related to the conduct of SOJP officers as noted in the illustration above and 3 were related to the conduct of Honorary Police officers as noted in the illustration below.

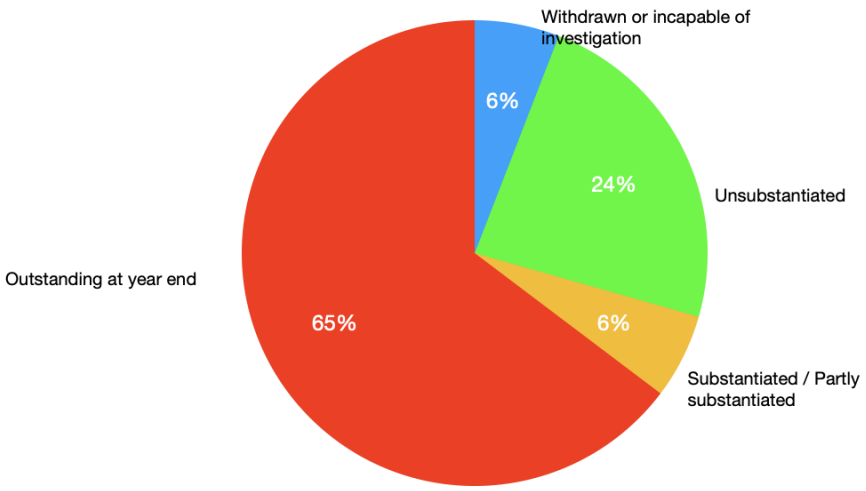
Split of complaints - SOJP and Honorary Officers	2018	2019	2020	2021	2022
States of Jersey Police Officers	15	10	16	14	14
Honorary Officers	1	1	5	3	3

- During the 5 years commencing 2018, there have been a total of 13 complaints recorded against Honorary Officers and 69 complaints have been recorded against SOJP Officers.

Illustration 1: Outcome of complaints supervised by the JPCA 2002

Outcome at 31 Dec 2021	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Withdrawn or incapable of investigation	11	7	6	2	4	2	0	2	8	1
Vexatious / frivolous	0	1	0	1	1	2	1	1	1	0
Unsubstantiated	9	19	10	14	10	7	8	11	3	4
Substantiated / partly substantiated	6	8	5	8	3	5	2	5	5	1
Outstanding at year end	0	0	0	0	0	0	0	2	0	11
Total	26	35	21	25	18	16	11	21	17	17

Illustration 2: Outcome of complaints supervised by the JPCA 2022



As noted above, during the course of 2022, 17 new complaints were referred to the JPCA. 11 of these complaints have been carried forward to 2023 as they were not capable of being finalised during 2022. 9 of these complaints are still under investigation by PSD and 2 are with the JPCA for review.

6 of the 17 new complaints referred to the JPCA in 2022 were concluded within the year. Of these complaints 1 was found to be substantiated or partly substantiated. Of the remaining 5 complaints, 4 were found to be unsubstantiated and 1 was informally resolved. Reference illustration 1 above for a breakdown of the complaint outcomes for previous years.

From time-to-time Members of the JPCA will have cause to challenge the findings of the Investigating Officer or to question certain aspects of the investigation or specific recommendations. Whenever such challenge is made, the JPCA ensures that any queries are resolved and that all matters have been concluded to its satisfaction prior to the JPCA issuing a satisfaction statement. This includes ensuring that all elements of a complaint have been dealt with in the report produced by the Investigating Officer. Members of the JPCA also, on occasion,

make observations on operational issues, which may be called into question by an investigation. During 2022 of the 6 complaints concluded within the year, JPCA supervising members questioned or queried aspects of the Investigating Officer's report and requested further information in relation to 2 complaints, (2021 – 5; 2020 – 6; 2019 – 5; 2018 – 7). These observations related to the investigation process and the outcome of the investigations.

After considering the Investigating Officer's Report, the JPCA is required to issue a statement as to whether the investigation has or has not been conducted to its satisfaction. From time to time, the JPCA is not able to provide a satisfaction statement until it is satisfied with all elements of the investigation and its findings. During 2022, there was one complaint where the JPCA was not prepared to provide a satisfaction statement due to disagreement with the conclusion. This case has been carried forward for further review.

In cases where the JPCA are satisfied with the SOJP investigation but wish to provide comments in relation to points of learning or indeed observations that relate to the content of the Investigating Officer's report, the JPCA will provide feedback through the supplementary letter process.

6. INFORMAL RESOLUTION

A review of the Complaints Register maintained by SOJP, revealed that in 2022 the Police registered 64 complaints, (2021 – 55 complaints; 2020 – 80 complaints; 2019 – 53 complaints). During 2022, 14 complaints were resolved through the informal resolution process (15 cases in 2021; 41 cases in 2020; 29 cases in 2019). Resolution of complaints by this process is, in the main, by way of an explanation of police actions or responses, or because of a formal apology. The remaining complaints that have not been referred to the JPCA have been dealt with by SOJP service recovery, have been withdrawn, or are incapable of investigation

The JPCA conducts a review of the records of all complaints which were informally resolved by SOJP. These complaints are not referred to the JPCA. The JPCA is satisfied these cases were dealt with appropriately and had no cause for concern with complaints informally resolved in 2022.

7. TIME TAKEN TO COMPLETE INVESTIGATIONS

Occasionally delays in completing the investigation are unavoidable when the matter is sub-judice [1] due to an on-going criminal investigation or where delays are encountered whilst engaging with the complainant. Since the introduction of a service level agreement in 2017 between the LOD, PSD and the JPCA, the time taken to conclude supervision of a complaint investigation has hitherto generally been within the agreed timeframe. However, the JPCA acknowledges there were minor delays in finalising complaints in 2022. Of the 6 concluded within the year, 1 was informally resolved, leaving 5 complaints supervised by the JPCA. In 2022, 40% of these cases concluded within the year within the agreed 28-day timeframe (2021 – 34%). Of the remaining cases, 2 achieved a review timeline of between 35 to 44 days (40%); one case took 144 days (20%). It should be noted that the JPCA reverted to SOJP with queries on 2 of the 5 cases.

During 2022, monthly meetings between the JPCA, PSD and a member of LOD (bi-monthly), continued to provide a helpful and useful forum for monitoring the progress of complaints.

[1] Sub-judice is generally invoked when the complainant, or the officer subject to the complaint, is facing a criminal charge. The complaint investigation is placed on hold until the criminal charge has been dealt with. However, the investigation into the complaint may proceed with the informed consent of the complainant to waive their right to sub-judice.

8. GENERAL SUPERVISION AND OVERSIGHT

JPCA members visited all Parish Halls to view the register of complaints made against Honorary Police Officers; maintenance of these registers is required pursuant to the Law. The visit to each Parish is conducted on an annual basis during the first quarter of each year where a review of the details of informally resolved complaints referred to the Attorney General is completed. The 2022 review is yet to be concluded but thus far has not generated any cause for concern with the recording practices of parish officials relating to the Honorary Police.

The annual review of Parish records by Members of the JPCA, and the review of the SOJP complaint register by the Chair and Administrator is an essential monitoring exercise to ensure that all complaints which are made by members of the public, whether to a particular Parish, or to the SOJP, are, where appropriate, referred to the Authority for supervision.

Complaints procedure via the States of Jersey Portal.

As part of the restructuring of the States of Jersey and the One Government initiative in 2019, the States established a customer and local services operation based at the former Social Security offices. Customer feedback (complaints and compliments) can now be made through a centralised on-line portal including police complaints. However, it should be noted that whilst this allows an additional initial route for the public to make a complaint against the police, the States of Jersey Police (Complaints and Discipline) (Jersey) Law 1999 will continue to determine the procedure for the handling and management of complaints following referral to the police through the States e-portal. No complaints were generated through this system during 2021.

The JPCA continues to review its operating processes and procedures and where necessary will amend and adapt its practices to ensure the supervision and oversight of police complaint investigations are conducted in an independent, impartial and transparent manner. All supervised investigations continue to be subjected to further scrutiny through a second review process by another Member(s) of the JPCA before each complaint is closed.

9. ACCOUNTS

The budget allocated to the JPCA in 2021was £43,500. This was a minor increase over prior years (2021 - £43,000; 2020 - £38,460; 2019 - £38,500; 2018 - £38,300).

The actual costs incurred during 2021amounted to £36,682; (2021 - £45,003.94; 2020 - £42,091; 2019 - £37,834.01; 2018).

The JPCA incurred additional expenditure in 2022 in the region of £8,000 modernising the IT and telephone system and providing a call recording system for increased security.

The annual budget provides £10,000 for indemnity insurance, £12,000 office accommodation rent and £15,459 for general office running costs. It should be noted that no legal fees were incurred during 2022. Typically, legal fees cannot be planned for and are often an unbudgeted expense. Prior year legal fees incurred by the JPCA: 2021 - £10,055.60; 2020 – £15,183; 2019 - £21,000; 2018 - £14,000).

All investigation costs are borne by the SOJP, including any costs associated with the appointment of an external police force undertaking an investigation into a complaint.

Due to the complexity of some of the cases under review, the JPCA reached agreement with the Minister in 2013 that, where deemed necessary and appropriate, additional resources would be made available to the JPCA to enable it to employ the services of an independent experienced investigator to assist with the supervision of the more complex investigations. To date the JPCA has not had occasion to engage such additional resource.

10. TRAINING & DEVELOPMENT FOR MEMBERS

During 2022 the JPCA had three new Supervising Members. In addition to joint supervision of complaints allocated to new Members and mentoring provided from experienced Members, each one is due to spend a night on patrol with the SOJP alongside familiarisation with the custody suite processes and more generally, operational procedures. These patrols were originally booked for early December 2022 however due to the two tragic fatal incidents in Jersey during December these patrols were postponed. They are now due to take place during the first quarter of 2023.

11. TASER USE

Although all cases of death or serious injury (DSI), following police contact, must be referred to the JPCA, for example in the case of a death or serious injury resulting from the discharge of a firearm, the JPCA has no direct involvement in the deployment of Taser and would only become involved if the deployment resulted in referral to the JPCA following a complaint, death or serious injury arising from its use.

PSD provide the JPCA with monthly updates on the number and type of taser deployments. During 2022 out of the 35 incidents reported involving the use of taser, there were 4 discharges. When compared to prior years (2021 – 55 incidents, 10 discharges; 2020 - 43 incidents, 3 discharged). Over the past four years there have been a total of 245 taser incidents reported with 20 incidents where the taser was discharged (the total number of incidents includes all instances of taser being withdrawn from its holster).

12. REGULAR COMPLAINANTS & UNREASONABLE COMPLAINANT CONDUCT

A complaints system that enables easy and effective access is essential for all complainants. All complaint processes give rise to a small number of cases and individuals who pursue their complaints in a way that is unreasonable. The JPCA wishes to emphasise that it recognises that all complainants have the right to be listened to, respected and have their complaint taken seriously and investigated in a fair, impartial and independent manner. This should be irrespective of the number of complaints that the complainant in question may previously have made.

Thankfully, individuals in Jersey who pursue their complaints in a manner that can be categorised as unacceptable is small in number. The JPCA acknowledges that complainants have, in some instances, experienced distressing events and circumstances which may have influenced their behaviour and lead them to complain. They may behave unacceptably, or be unreasonably persistent, or make unreasonable demands in their contact with the police, which can impact on the welfare of those dealing with the complaint, who must equally be accorded the right to be listened to and respected. The JPCA will always adopt a fair and consistent approach when reviewing a complaint where persistent or unreasonable complainant behaviour is a factor. This is aligned with the Government of Jersey customer feedback policy, which includes managing unreasonable conduct in addition to the SOJP policy on dealing with vexatious or frivolous complainants.

13. SUMMARY

The JPCA remains committed to continuing in its role of supervising and monitoring complaint investigations in an impartial, independent, thorough and dispassionate manner. The JPCA considers that the current law and complaints system has served Jersey well over the past twenty years and has enabled the JPCA to provide accessible, independent oversight of complaint investigations in an efficient and extremely cost-effective way. However, with the introduction of the long awaited and modernised new law, (anticipated enactment during the second quarter of 2023), the JPCA acknowledges that the new law and transition into the Jersey Police Complaints Commission will provide opportunities for further developing practice, and in particular to take account of changes and improvements in the UK and other jurisdictions.

Whilst accountability of individual officers for wrongdoing is clearly important, a significant impact from our oversight and an effective complaints system, can come from themes and learning identified, not just from the complaints process in Jersey, but also learning from best practice in the UK and elsewhere in order to help strengthen policing practice more broadly.

As noted elsewhere in this report, the SOJP and Honorary Police Officers provide a professional service to the public of Jersey and standards are generally very high. When officers and the organisation fall short of these standards it is important to have a system that can quickly establish what has gone wrong, while ensuring there is appropriate accountability. Learning outcomes arising from complaints that are taken up by the SOJP 'Learning the Lessons Forum' provides an important emphasis to a culture which is more open, reflective of mistakes and with a greater emphasis on learning, development and improvement whilst maintaining and ensuring accountability. An important addition to the new law will enable the Jersey Police Complaints Commission (JPCC) to make recommendations to the SOJP and Honorary police regarding improvements to best practice and policing policy arising from an investigation. The new law also makes provision for the JPCC to request information and report generally on outcomes and whether the police are implementing the JPCC's recommendations. The JPCA welcomes these changes and the facility to audit whether its recommendations have been implemented.

The illustrations provided earlier in this report show the number of complaints registered by the SOJP and Honorary Police together with those referred to the JPCA for supervision, to be less than those of previous years.

The JPCA is pleased to report the number of complaints received by the police and those referred to the JPCA continue at relatively low levels, when compared over the longer term. The number of complaints that were registered during the year but carried forward into 2023 was 11 (compared to 7 in 2022; and 12 complaints during 2021).

The proportion of complaints being satisfactorily concluded through the SOJP Informal Resolution process was slightly less than last year when 14 complaints /22% were resolved informally compared to 2021 – 15 complaints/28%; 2020 - 41 complaints/51% and 2019 – 29 complaints/57%.

In prior reports the JPCA has reported on the positive effects that the wider deployment of body worn cameras (BWC) has had on resolving disputes, in particular incidents involving anti-social behaviour where alcohol has been a factor. Body worn camera evidence can provide critically important evidence throughout an unfolding incident for all involved. There have been occasions when cameras have not been activated sufficiently in advance of an incident and significant evidence has not been available as a result. The JPCA recognises that some situations and incidents can escalate very rapidly and anticipating such a change in circumstances is difficult and challenging although it is important to note that the JPCA has seen an increase in the availability of BWC as evidence in the complaints it has supervised.

Comparison with UK police complaints data

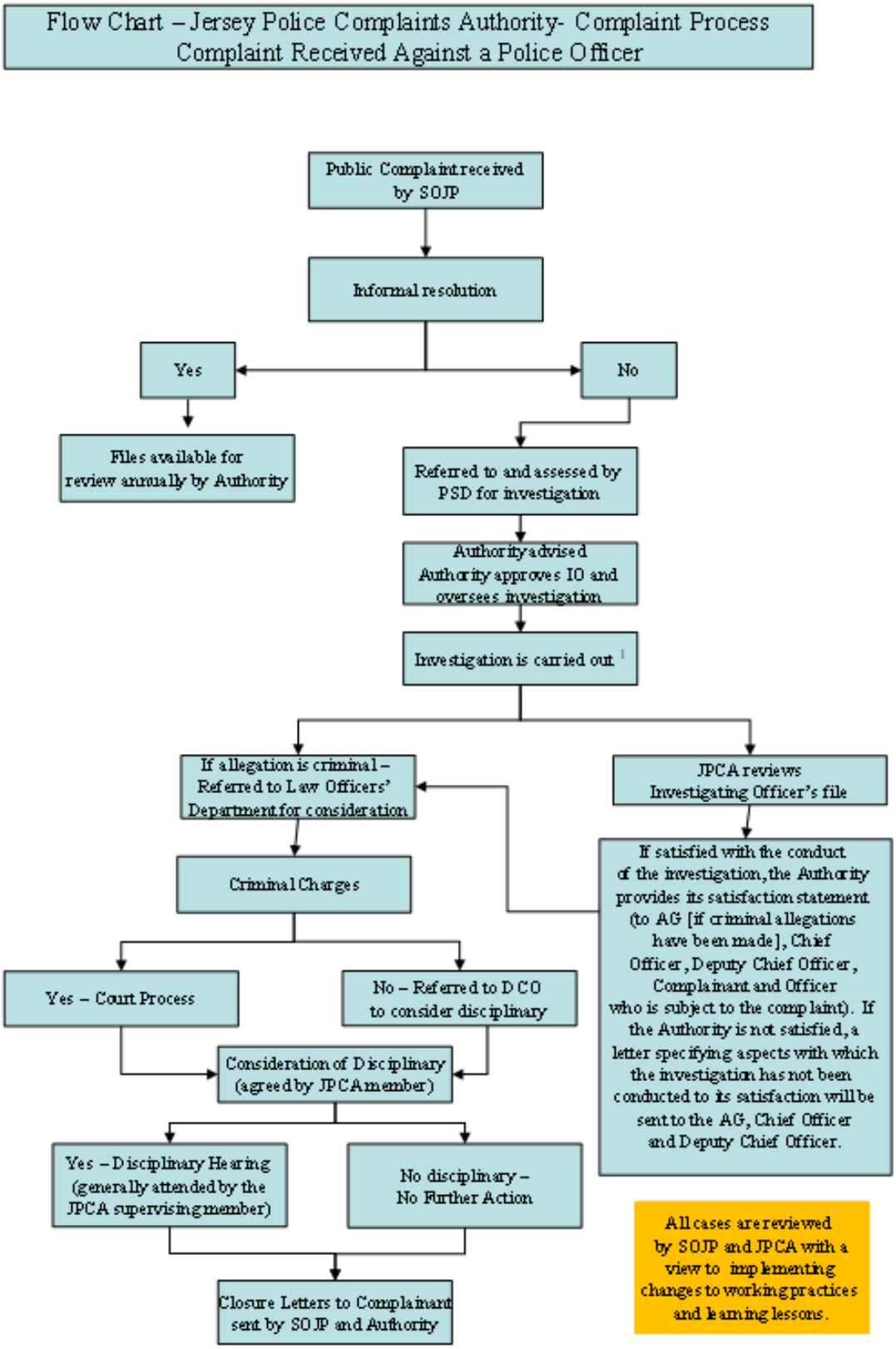
It is not possible to make a direct comparison between complaints made against the police in Jersey and complaints made against separate police forces in England and Wales as there are differences in the classification of complaints and systems together with variables on how they are recorded.

Dissatisfied complainants

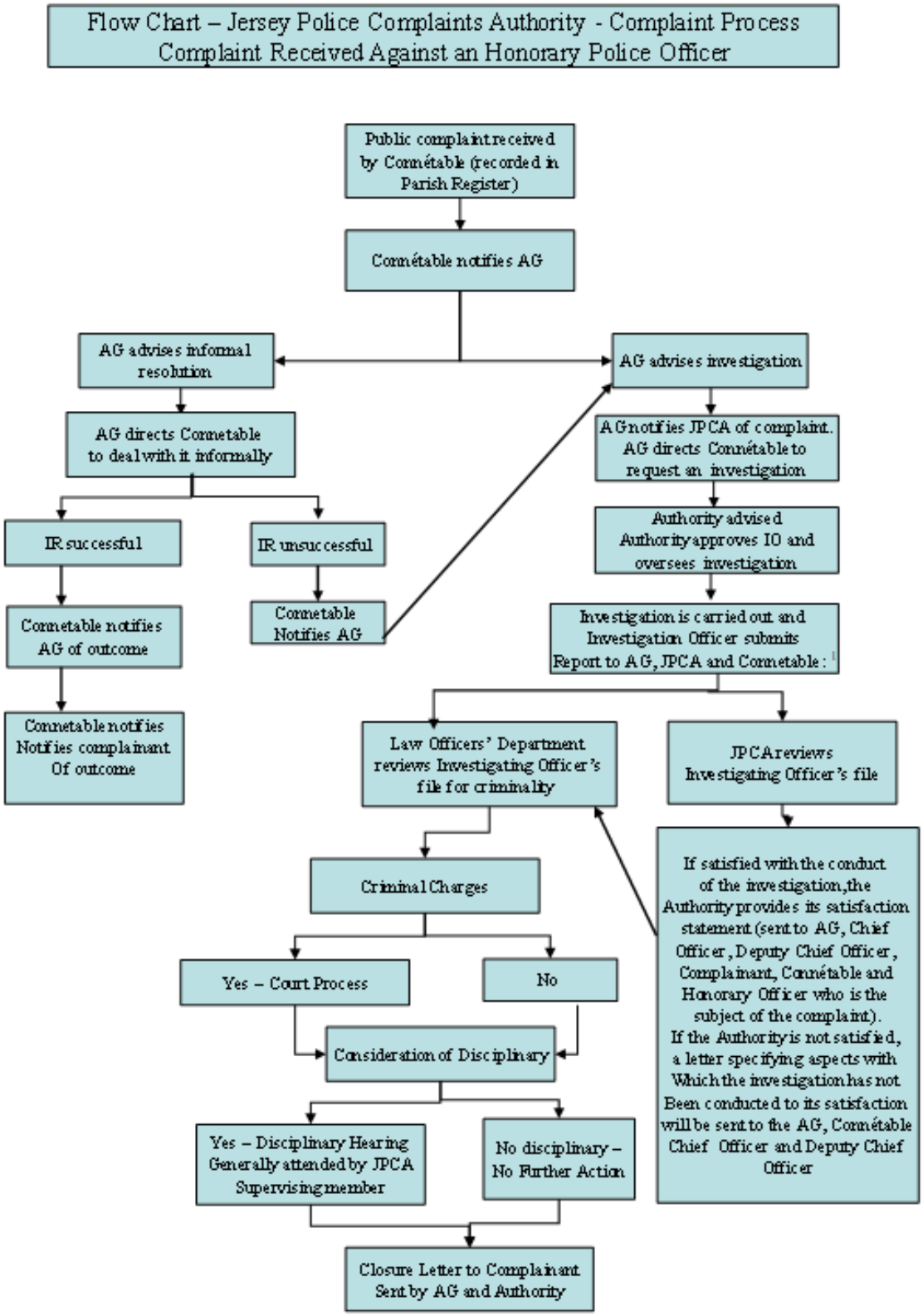
In any complaints process it is not possible to please everyone all the time and there will inevitably be complainants who remain aggrieved at the conclusion of the investigation into their complaint and who are unsatisfied with the handling and findings of the investigation into their grievance.

Janet Naylor - Chair
Jersey Police Complaints Authority

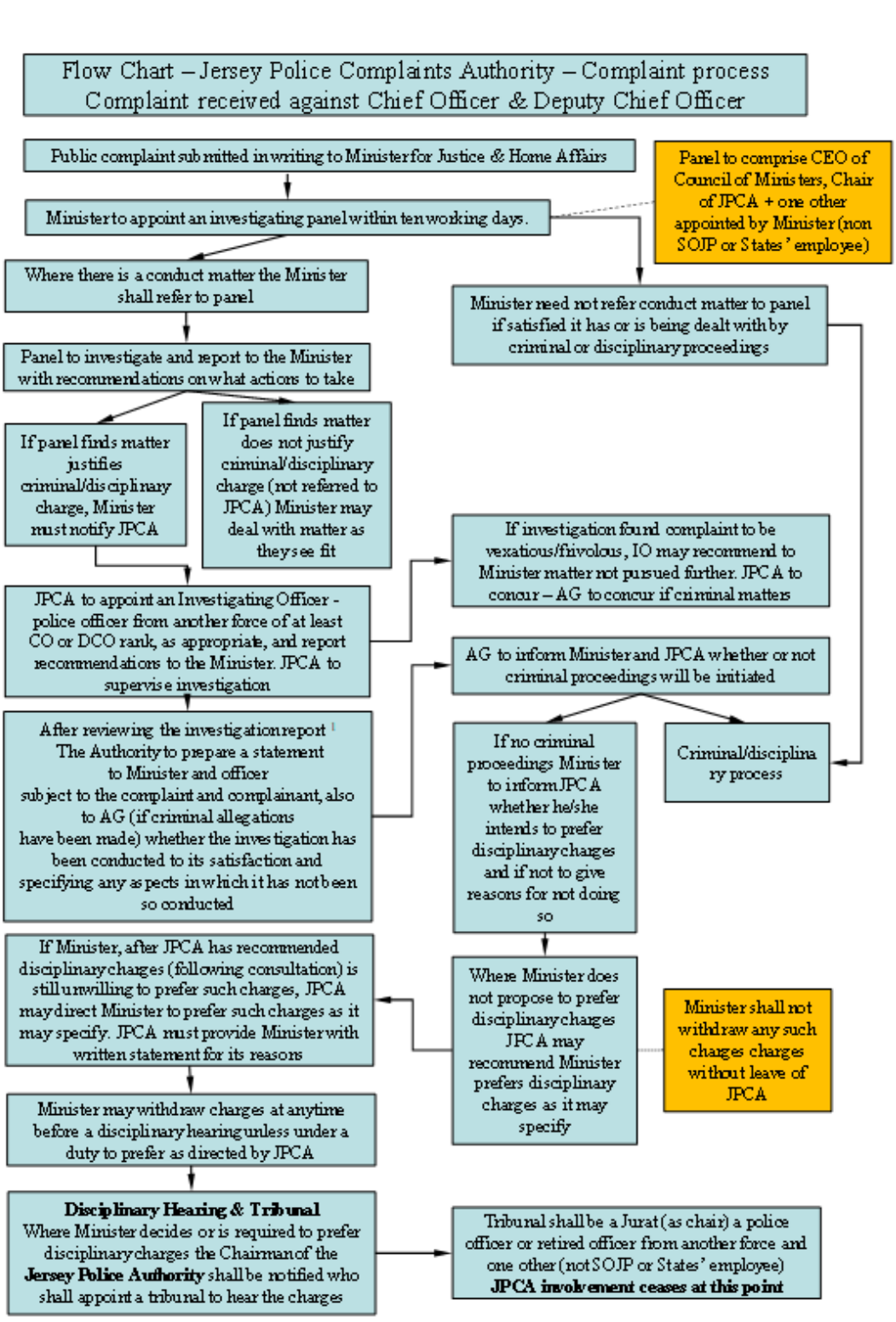
APPENDIX I: STATES OF JERSEY POLICE OFFICER



APPENDIX II: HONORARY POLICE OFFICER



APPENDIX III: COMPLAINT RECEIVED AGAINST CHIEF OFFICER AND DEPUTY CHIEF OFFICER


Flow Chart – Jersey Police Complaints Authority – Complaint process
Complaint received against Chief Officer & Deputy Chief Officer
Public complaint submitted in writing to Minister for Justice & Home Affairs
Minister to appoint an investigating panel within ten working days.
Panel to comprise CEO of Council of Ministers, Chair of JPCA + one other appointed by Minister (non SOJP or States' employee)
Where there is a conduct matter the Minister shall refer to panel
Minister need not refer conduct matter to panel if satisfied it has or is being dealt with by criminal or disciplinary proceedings
Panel to investigate and report to the Minister with recommendations on what actions to take
If panel finds matter justifies criminal/disciplinary charge, Minister must notify JPCA
If panel finds matter does not justify criminal/disciplinary charge (not referred to JPCA) Minister may deal with matter as they see fit
If investigation found complaint to be vexatious/frivolous, IO may recommend to Minister matter not pursued further. JPCA to concur – AG to concur if criminal matters
JPCA to appoint an Investigating Officer - police officer from another force of at least CO or DCO rank, as appropriate, and report recommendations to the Minister. JPCA to supervise investigation
AG to inform Minister and JPCA whether or not criminal proceedings will be initiated
After reviewing the investigation report The Authority to prepare a statement to Minister and officer subject to the complaint and complainant, also to AG (if criminal allegations have been made) whether the investigation has been conducted to its satisfaction and specifying any aspects in which it has not been so conducted
If no criminal proceedings Minister to inform JPCA whether he/she intends to prefer disciplinary charges and if not to give reasons for not doing so
Criminal/disciplinary process
If Minister, after JPCA has recommended disciplinary charges (following consultation) is still unwilling to prefer such charges, JPCA may direct Minister to prefer such charges as it may specify. JPCA must provide Minister with written statement for its reasons
Where Minister does not propose to prefer disciplinary charges JPCA may recommend Minister prefers disciplinary charges as it may specify
Minister shall not withdraw any such charges charges without leave of JPCA
Minister may withdraw charges at anytime before a disciplinary hearing unless under a duty to prefer as directed by JPCA
Disciplinary Hearing & Tribunal
Where Minister decides or is required to prefer disciplinary charges the Chairman of the Jersey Police Authority shall be notified who shall appoint a tribunal to hear the charges
Tribunal shall be a Jurat (as chair) a police officer or retired officer from another force and one other (not SOJP or States' employee)
JPCA involvement ceases at this point