

STATES OF JERSEY



DRAFT POLICE (COMPLAINTS AND CONDUCT – HONORARY POLICE) (JERSEY) REGULATIONS 202- (P.83/2025): COMMENTS

**Presented to the States on 20th November 2025
by the Children, Education and Home Affairs Scrutiny Panel**

STATES GREFFE

COMMENTS

Background

The Children, Education and Home Affairs Panel (hereafter ‘the Panel’) welcomes the amendments proposed within the Draft Police (Complaints and Conduct) – Honorary Police (Jersey) Regulations 202-, (hereafter ‘the draft Regulations’), lodged by the Minister for Justice and Home Affairs on 13th October 2025.

The Panel extends its thanks to Deputy Mary Le Hegarat, Minister for Justice and Home Affairs and Government Officers, who provided a briefing to the Panel on the draft Regulations in January 2025 and on the 21st of August 2025.

At the briefings, the Panel was provided with the contextual background, and the Officers explained the need for the draft Regulations to be brought in, as the Police (Complaints and Conduct) (Jersey) Law 2022 (‘the enabling Law’) was approved by the States Assembly on 30th March 2022. At the August 2025 briefing, the Panel was provided with an update on the draft Regulations, and the Officers explained that further amendments had been made to the draft Regulations. The Panel raised earlier concerns which have been thoroughly reviewed and incorporated into the final drafts, and the Panel understand that all identified issues have been addressed. The Panel acknowledges that the draft Regulations are linked to the following propositions lodged by the Minister for Justice and Home Affairs on 13th October 2025:

- Draft Police (Complaints And Conduct) (Jersey) Amendment Regulations 202- (P.81/2025),
- Draft Police (Complaints and Conduct – States of Jersey Police Force) Regulations 202- (P.82/2025) and
- Draft Police (Complaints and Conduct) (Jersey) Commencement Act 202- (P.84/2025).

Objectives of the Proposition

The Panel was briefed on the three over-arching purposes for the police disciplinary proceedings and understands they are to maintain public confidence in the police service, to uphold high standards in policing and deter misconduct, and to protect the police. The Panel acknowledges that the draft Regulations is intended to ensure consistent complaint handling standards across the States and Honorary police forces.

The draft Regulations in the P.83/2025 proposition specifically address the requirements for the Honorary Police.

The Panel recognises that the draft Regulations focuses on resolving matters early, reasonably and proportionately with an emphasises on learning and development. The Officers advised the Panel that the disciplinary procedures within the draft Regulations align with best practice, while recognising the special status of police officers. The Panel was informed that decisions on disciplinary proceedings will be applied in a manner that is reasonable, transparent, objective, proportionate, and fair.

Key elements:

The Panel received a briefing which outlined the key changes, should the draft Regulations be passed.

Applicability

The Panel was informed that the draft Regulations apply to current Honorary police officers and former Honorary police officers and advised that a complaint or conduct matter must relate to something that occurred while the individual was serving and must be raised within 12 months of them leaving the Honorary Police. The Panel was advised that investigations into former officers should continue even though disciplinary action cannot be taken, as this supports institutional learning and public accountability.

Suspension

The process of suspension was outlined during the briefing, the Panel was informed that the Attorney General has the authority to suspend serving officers if they are charged with a crime, reported for misconduct, or receive a relevant complaint. The Panel notes that suspension remains in effect until specified conditions are met or the Attorney General decides otherwise, and the Connétable or Chef de Police must be consulted.

Exceptions

The Panel was briefed on exceptions to standard complaint procedures. The Attorney General, with the Jersey Police Complaint's Commission's (the 'Commission') concurrence, may handle complaints differently or take no action in cases such as late submissions without valid reason, duplicate or anonymous complaints, vexatious or fanciful complaints, or where investigation is impractical.

Complaints handling process

The Panel recognises the initial handling process for complaints, which requires written submission to the relevant Connétable. The Connétable must record the complaint, preserve evidence, and notify the Attorney General and the Commission, with copies provided to both the complainant and the officer. The Panel notes that records can be withheld by the Connétable, if disclosure would harm an investigation or the public interest, and the Connétable must review this decision regularly.

The Panel acknowledges that complaints involving unidentified officers are subject to modified procedures, with no requirement for notification or representation until identity is established. The Panel was informed that the previous "Informal Resolution of Complaints" process has been replaced by "Agreed Resolution of Complaints," applicable where criminal proceedings are not warranted and formal investigation is unnecessary. The Panel notes that complainants retain the right to request a review by the Commission.

The Panel was briefed on how the draft regulations would introduce a structured process for the initial assessment of complaints, reports, or allegations. It was advised that under these proposals, the Attorney General (AG) will make a preliminary assessment to determine whether the matter, if proved, would amount to misconduct, gross misconduct, or neither. Where the conduct is assessed as neither misconduct nor gross misconduct, the AG must then consider whether it constitutes practice requiring improvement (to be addressed through a Reflective Practice Review), a performance matter, or no action. If the AG concludes that the conduct could amount to misconduct or gross misconduct, the matter must proceed to investigation.

The Panel was informed that complainants may request a review of the AG's determination. In such cases, the Commission will notify the AG, may seek additional information, and will assess the reasonableness of the decision. If found unreasonable, the Commission can request reconsideration. The Commission will inform all parties of

its decision, subject to withholding notification where this could prejudice investigations or the public interest.

Investigation Process

The Panel noted that, at the AG's request, the Deputy Chief Officer will appoint an appropriately qualified investigator who does not work with the individual concerned. The Commission must approve the appointment and may recommend an investigator from another jurisdiction. Investigations will aim to establish facts and assist the AG in determining whether there is a case to answer. The investigator must preserve evidence until the investigation concludes and provide progress updates at least every four weeks. Where investigations exceed 12 months, the Deputy Chief Officer must provide progress reports to the Commission.

The Panel was advised that, following receipt of the investigator's report and consultation with the Commission, if the AG determines there is a case to answer, the matter will be referred to a misconduct meeting. For members of the Honorary Police, all cases of misconduct or gross misconduct will be referred to a meeting. The Commission may submit written representations or attend misconduct meetings if invited. The investigator or a nominated person with sufficient knowledge of the case must attend if requested.

The Panel was informed that sanctions for misconduct may include a written warning, a final written warning, dismissal (with or without notice), or a requirement to resign as an alternative to dismissal where a final written warning was in effect at the time of assessment. For gross misconduct, sanctions include a written warning, a final written warning, dismissal (with or without notice), or a requirement to resign as an alternative to dismissal. Where gross misconduct is found and a final written warning was in effect, dismissal or resignation is mandatory.

Appeals and Review Process

The Panel was advised that appeals against findings must be lodged with the Commission within 28 days, with possible extensions. The Commission will work with the Judicial Greffe to convene an appeal Panel comprising a Judge of the Royal Court and two Jurats. The Panel was also briefed on the Reflective Practice Review process, which is designed to address practice requiring improvement. Evidence from this process will not be admissible in later proceedings. The reviewer will be the relevant Connétable or Chef de Police, and the Commission retains oversight.

Resourcing implications and risk

The Panel was informed that the proposed changes have no significant financial or staffing impact. The Panel also notes that a data protection review and a Children's Rights Impact Assessment were undertaken and concluded that there was no significant risks.

Timescales

The Panel has been advised that the draft Regulations will come into force on 5th December 2025 (at the same time as the enabling Law), subject to the approval of the Draft Police (Complaints and Conduct) (Jersey) Commencement Act 202- (P.84/2025).

Stakeholders feedback

During the briefing the Panel queried whether the Minister and Officers had received any feedback from stakeholders as part of the consultation process. At the time of the briefing the Panel was advised that all stakeholders, including the Comité des Connétables were said to be satisfied with the draft Regulations.

Conclusion

The Panel recognises that the draft Regulations are intended to establish a clear and consistent framework for handling complaints and disciplinary matters involving Honorary Police officers. The Panel considers the draft Regulations to be necessary and proportionate as they set out rules for investigating complaints, determining misconduct or gross misconduct, and managing disciplinary actions and appeals in a transparent manner.

The Panel is supportive of the draft Regulations because they aim to maintain public confidence in the police service, uphold high standards of conduct, and protect the public. The Panel believes that by introducing structured processes for assessment, investigation, and review, the Regulations provide clarity and accountability, which are essential for ensuring fairness and reinforcing trust in policing.