



Jersey

# **POLICE (COMPLAINTS AND CONDUCT) (JERSEY) LAW 2022**

## **Official Consolidated Version**

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Jersey

## POLICE (COMPLAINTS AND CONDUCT) (JERSEY) LAW 2022

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Jersey

## POLICE (COMPLAINTS AND CONDUCT) (JERSEY) LAW 2022

A **LAW** to replace the Jersey Police Complaints Authority with the Jersey Police Complaints Commission; to make provision in relation to complaints about, or matters concerning the conduct of, or death or serious injury matters involving police officers or persons undertaking certain functions of police officers; for the disciplining of police officers; to amend the [States of Jersey Police Force Law 2012](#) and for connected purposes.

*Adopted by the States**30th March 2022**Sanctioned by Order of Her Majesty in Council**8th June 2022**Registered by the Royal Court**17th June 2022**Coming into force**in accordance with Article 24*Commencement [[see endnotes](#)]

### PART 1

#### INTERPRETATION AND APPLICATION

##### 1 Interpretation: general

In this Law, unless the context indicates otherwise –

“2005 Law” means the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#);

“Chief Officer” and “Deputy Chief Officer” means the Chief Officer and Deputy Chief Officer of the Force respectively appointed to those offices under the Police Force Law and, in the case of the Deputy Chief Officer, includes a person appointed to carry out the functions of that office under Article 8(3) of that Law;

“Commission” means the Jersey Police Complaints Commission referred to in Article 7;

“Comité des Chefs de Police” means the Committee established under Regulation 8 of the [Honorary Police \(Jersey\) Regulations 2005](#);

“Comité des Connétables” means the Connétables of the 12 parishes;

“complaint” is construed in accordance with Article 2;

“complainant” is a person described in Article 2(4);

“conduct matter” is construed in accordance with Article 3;

“designated person” means –

- (a) a States’ employee designated under Article 26 (States’ employees designated to undertake police functions) of the Police Force Law; or
- (b) a person designated under Article 27 (contractors undertaking police functions) of the Police Force Law who is an employee of a contractor;

“DSI matter” is construed in accordance with Article 4;

“Force” means the States of Jersey Police Force continued in being by Article 2 of the Police Force Law;

“Honorary Police Association” means the Association established under Regulation 4 of the [Honorary Police \(Jersey\) Regulations 2005](#);

“Jersey Appointments Commission” is construed in accordance with Article 17 of the 2005 Law;

“Law” means the Police (Complaints and Conduct) (Jersey) Law 2022;

“Law Officers Department” is construed in accordance with Article 1(1)(b) of the [Departments of the Judiciary and the Legislature \(Jersey\) Law 1965](#);

“Magistrate” has the meaning given in Article 1(1) of the [Magistrate’s Court \(Miscellaneous Provisions\) \(Jersey\) Law 1949](#);

“member of the Honorary Police” means a Centenier, Vingtenier or Constable’s Officer;

“member of the Youth Court” is construed in accordance with paragraph 1 of the Schedule to the [Criminal Justice \(Young Offenders\) \(Jersey\) Law 2014](#);

“Minister” means the Minister for Home Affairs;

“Police Authority” means the Jersey Police Authority established by Article 4 of the Police Force Law;

“Police Force Law” means the [States of Jersey Police Force Law 2012](#);

“police officer” has the meaning given in Part 1 of the Schedule to the [Interpretation \(Jersey\) Law 1954](#);

“prescribed” means prescribed by Regulations;

“Professional Standards” means the standards of professional behaviour set out in paragraphs 2 to 11 of Schedule 2;

“public authority” has the meaning given in Article 1(1) of the [Data Protection \(Jersey\) Law 2018](#);

“publish” in relation to reports, arrangements or guidelines, means publish those items in a manner that is likely to bring them to the attention of the public;

“reconsideration request” is construed in accordance with Article 9(3);

“relevant Connétable” means in the case of a member of the Honorary Police, the Connétable of the parish in which that member serves;

“serious injury” means a fracture, a deep cut, a deep laceration or an injury causing damage to an internal organ or the impairment of any bodily function;

“States’ employee” has the meaning given in Article 2 of the 2005 Law;

“States of Jersey Police Association” means the association established under Article 12(1) of the Police Force Law.

## **2 Meaning of “complaint”**

- (1) Subject to paragraph (3), “complaint” means a statement in writing (including in electronic form) which is made by any person described in paragraph (4) (“complainant”) expressing dissatisfaction about an act done by or on behalf of –
  - (a) a police officer;
  - (b) a designated person; or
  - (c) a person who, at the time of the act, was a serving police officer or designated person.
- (2) Without prejudice to the generality of paragraph (1), an act may include the standard of any service provided.
- (3) A Centenier’s decision to charge or not to charge an individual in respect of an offence is not an act in respect of which a complaint may be made under this Law.
- (4) A complainant is any of the following –
  - (a) a member of the public who claims to be the person in relation to whom the act took place;
  - (b) a member of the public not falling within sub-paragraph (a) who claims to have been adversely affected by the act;
  - (c) a member of the public who claims to have witnessed the act;
  - (d) a person acting on behalf of a member of the public described in sub-paragraphs (a) to (c); or
  - (e) a member of the Force, a member of the Honorary Police or a designated person acting otherwise than in the course of his or her duty.
- (5) For the purposes of paragraph (4)(b) a complainant is adversely affected if he or she –
  - (a) suffers any form of loss or damage, distress or inconvenience; or
  - (b) is put in danger, or otherwise unduly put at risk of being adversely affected.

## **3 Meaning of “conduct matter”**

- (1) “conduct matter” means any matter which is not and has not been the subject of a complaint (other than one which has been withdrawn) but in the case of which there is an indication (whether from the circumstances or otherwise) that a police officer or designated person may have –
  - (a) committed a criminal offence; or
  - (b) behaved in a manner which would justify the bringing of disciplinary proceedings.
- (2) “conduct” in relation to a conduct matter includes acts, statements and decisions (whether actual, alleged or inferred).

## **4 Meaning of “death or serious injury matter”**

- (1) A death or serious injury matter, referred to in this Law as a “DSI matter”, means any circumstances (other than those which are or have been the subject of a complaint or which amount to a conduct matter) –
  - (a) in which or in consequence of which an individual has died or has sustained serious injury; and

- (b) in relation to which the requirements of either paragraph (2) or (3) are satisfied.
- (2) The requirements of this paragraph are, that at the time of the death or serious injury the individual –
  - (a) had been arrested by a police officer or designated person and had not been released from that arrest; or
  - (b) was otherwise detained in the custody of a police officer or designated person.
- (3) The requirements of this paragraph are that –
  - (a) at or before the time of the death or serious injury the individual had contact (of whatever kind, and whether direct or indirect) with a police officer or designated person who was acting in the execution of his or her duties; and
  - (b) there is an indication that the contact may have caused (whether directly or indirectly) or contributed to the death or serious injury.

## **5 Meaning of “other relevant matter”**

In Articles 8(1)(h) and 9(1)(b), “other relevant matter” is any incident, not being a matter investigated under the supervision of the Commission, in relation to which there is an indication that a police officer or designated person has been involved.

## **6 Application and objective of Law**

- (1) Except where express provision is made to the contrary, whether by this Law or the Police Force Law, nothing in this Law has effect in relation to a complaint or conduct matter in so far as it relates to the Chief Officer or Deputy Chief Officer.
- (2) The overriding objective of this Law is to ensure effective arrangements for –
  - (a) the handling and investigation of complaints, conduct matters and DSI matters; and
  - (b) the disciplining of police officers.
- (3) For the purposes of satisfying the overriding objective, the Chief Officer, Deputy Chief Officer, Connétables of the parishes and Attorney General must ensure that the respective functions conferred upon them under Part 3 (handling of complaints etc. and investigations) and under any Regulations made under this Law, are carried out efficiently, expeditiously and impartially.

# **PART 2**

## **ESTABLISHMENT AND FUNCTIONS OF THE JERSEY POLICE COMPLAINTS COMMISSION**

## **7 Jersey Police Complaints Commission**

- (1) The body corporate previously known as the Jersey Police Complaints Authority established under Article 2 of the [Police \(Complaints and Discipline\) \(Jersey\) Law 1999](#) –
  - (a) is to continue to exist; and
  - (b) is to be known instead as the Jersey Police Complaints Commission.

- (2) Schedule 1 makes further provision about the constitution and operation of the Commission.
- (3) The States may, by Regulations, amend this Part or Schedule 1 for the purpose of amending the functions of the Commission or otherwise making further provision about the Commission.

## **8 Functions of the Commission**

- (1) The Commission's functions are, subject to any Regulations under this Law –
  - (a) to secure the maintenance by the Chief Officer in relation to members of the Force and designated persons, and Connétables of the parishes in relation to members of the Honorary Police, of –
    - (i) suitable arrangements for the obtaining and preserving of evidence in accordance with Article 15, and
    - (ii) the register of complaints, conduct matters and DSI matters referred to in Article 16;
  - (b) to secure the maintenance by the Deputy Chief Officer in relation to members of the Force and designated persons, of suitable arrangements which generally accord with arrangements implemented elsewhere in the British Islands, for the matters specified in Article 13(1);
  - (c) to secure the maintenance by the Deputy Chief Officer in relation to members of the Honorary Police, of suitable arrangements for the matters specified in Article 13(2);
  - (d) to secure the maintenance by the Connétables of the parishes in relation to members of the Honorary Police, of suitable arrangements for the matters specified in Article 13(3);
  - (e) to secure the maintenance by the Attorney General in relation to members of the Honorary Police, of suitable arrangements for the matters specified in Article 13(4);
  - (f) to supervise the investigation of –
    - (i) any complaint or conduct matter, and
    - (ii) any DSI matter, complaint or conduct matter notified under Article 18;
  - (g) to review prescribed decisions taken by the Deputy Chief Officer, relevant Connétable or Attorney General, and to recommend any of those people, as the case may be, to take such action as may be prescribed; and
  - (h) to examine and report upon any other relevant matter if the Commission considers that it would be in the public interest to do so.
- (1A) The States may, by Regulations, make further provision about the Commission's function to supervise the investigation of a complaint, conduct matter or DSI matter referred to in paragraph (1)(f).<sup>1</sup>
- (2) The Commission must –
  - (a) keep under review all the arrangements mentioned in paragraph (1)(a) to (e); and
  - (b) seek to secure that those arrangements –
    - (i) are effective, efficient, and expeditiously and impartially carried out,
    - (ii) contain, and manifest an appropriate degree of independence, and



(iii) are adhered to.

- (3) The Commission must discharge such functions as may be conferred by, or under, the Police Force Law in relation to complaints, conduct matters and disciplinary arrangements concerning the Chief Officer and Deputy Chief Officer.
- (4) The Commission may do anything which appears to the Commission to be calculated to facilitate, or is incidental or conducive to, the carrying out of the Commission's functions under this Law, or the Police Force Law.
- (5) Without prejudice to the generality of paragraph (4), the Commission may, having first consulted the Chief Officer, Deputy Chief Officer, Connétables of the parishes, or Attorney General, as the case may be, issue guidance concerning the exercise or performance of those peoples' functions under this Law, and in so doing the Commission may request any of those people to assist in the preparation of that guidance where it is reasonable and practicable to do so.

## **9 Power of the Commission to make recommendations**

- (1) The Commission may make recommendations as appear to the Commission to be necessary or desirable in the public interest, in connection with –
  - (a) the arrangements mentioned in Article 8(1)(a) to (e);
  - (b) the practice of the Deputy Chief Officer or relevant Connétable in relation to any relevant matter the Commission has examined and reported on under Article 8(1)(h); and
  - (c) the performance of the Chief Officer's, Deputy Chief Officer's and relevant Connétable's duties under Article 15.
- (2) Where paragraph (1) applies, or where Regulations are made under paragraph (6), the Chief Officer, Deputy Chief Officer, relevant Connétable or Attorney General, as the case may be, must as soon as is reasonably practicable after receiving the recommendations, notify the Commission in writing –
  - (a) as to whether or not he or she is minded to accept the recommendations, whether in full or in part;
  - (b) of the steps he or she proposes to take to implement the accepted recommendations; and
  - (c) of the reasons for not accepting the recommendations, whether in full or in part.
- (3) If any of the people mentioned in paragraph (2) determines not to accept the recommendations given under paragraph (1) or (6), the Commission –
  - (a) may request those people to reconsider that determination (referred to hereafter as a reconsideration request); and
  - (b) must give a statement of its reasons for making that request.
- (4) In deciding whether or not to issue a reconsideration request, the Commission must have regard to –
  - (a) the seriousness of the case; and
  - (b) the public interest.
- (5) The people mentioned in paragraph (2) must have due regard to any reconsideration request.

- (6) The States may, by Regulations, enable the Commission to make recommendations in connection with –
  - (a) the exercise of functions by any of the people mentioned in paragraph (2) under any other provisions of this Law or Regulations; or
  - (b) particular complaints, conduct matters or DSI matters including the conduct of investigations into those complaints or matters, and where the Commission is exercising functions under the Police Force Law, any complaints or conduct matters concerning the Chief Officer or Deputy Chief Officer.
- (7) Notwithstanding the generality of the power under Article 10(4), the States may, by Regulations, enable the Commission to disclose information about the recommendations it has made, notifications it has received and reconsideration requests it has made under this Article, to specified descriptions or categories of persons.

## **10 Reports**

- (1) As soon as practicable after the end of each calendar year, the Commission must make a report to the Minister on the carrying out of the Commission's functions under this Law, and the Police Force Law, during that year (the "annual report").
- (2) The Commission may also make reports to the Minister about matters relating generally to the carrying out of the Commission's functions under this Law or the Police Force Law as the Minister may, from time to time, request.
- (3) The Commission may, from time to time, make other reports to the Minister as the Commission considers appropriate for drawing the Minister's attention to matters which –
  - (a) have come to the Commission's notice; and
  - (b) are matters which the Commission considers should be drawn to the Minister's attention by reason of their gravity or of other exceptional circumstances.
- (4) The Commission's annual report may include the scope of any recommendations it has made, or reconsideration requests it has made, and whether those recommendations have been accepted and implemented to the Commission's satisfaction, or whether those reconsideration requests have, or have not, resulted in the reconsideration of a determination not to accept a recommendation.
- (5) The Minister must, as soon as practicable, lay before the States and publish –
  - (a) every annual report made under paragraph (1); and
  - (b) every other report made under this Article but only if, and to the extent that, the Minister considers it appropriate to do so.

## **11 Provision of information to the Commission**

- (1) The Chief Officer, Deputy Chief Officer, relevant Connétable or Attorney General may supply the Commission with any information and documents as may be specified or described in a notification given by the Commission as appear to the Commission to be necessary for the purposes of the carrying out of any of the Commission's functions under this Law or the Police Force Law.
- (2) The information and documents referred to in paragraph (1) must be information and documents which the people mentioned in that paragraph would, apart from

paragraph (1), only lawfully be able to supply to the Commission, and provided it appears to those people proportionate and reasonable to do so.

- (3) Anything falling to be supplied further to a notification given under paragraph (1) must be supplied in the form and manner and within the period as may be specified in the notification or in any subsequent notification given under this Article.
- (4) Nothing in this Article requires the people mentioned in paragraph (1) to provide the Commission with any information or document, or to produce any other thing, before the earliest time at which it is practicable for those people to do so.
- (5) A requirement imposed by any notification under this Article may authorise or require information or documents to which it relates to be provided to the Commission electronically.

## **12 Disclosure of information by the Commission**

- (1) No information obtained by the Commission in connection with any of the Commission's functions under this Law or the Police Force Law may be disclosed by any individual who is or has been a member, officer or staff of the Commission except as otherwise in accordance with this Article.
- (2) A person who knowingly or recklessly discloses information in contravention of paragraph (1) commits an offence and is liable to imprisonment for a term of 2 years and to a fine.
- (3) Information obtained by the Commission in connection with any of the Commission's functions under this Law or the Police Force Law may be disclosed by the Commission –
  - (a) to the Minister, Attorney General, or a member, officer or staff of the Commission; or
  - (b) if it is proportionate and reasonable to do so and in accordance with paragraph (4), to any public authority in Jersey or elsewhere.
- (4) The Commission may disclose information to a public authority in Jersey, or elsewhere if –
  - (a) the information has previously been lawfully disclosed to the public;
  - (b) the disclosure is made in accordance with any enactment or order of a court;
  - (c) the disclosure is necessary for the purpose of facilitating the exercise of any of the Commission's functions; or
  - (d) the disclosure is made for the purposes of –
    - (i) the investigation or prosecution of any offence (whether in Jersey or elsewhere), under any enactment or under the customary law of Jersey, or
    - (ii) civil or disciplinary proceedings.
- (5) Information disclosed by the Commission under this Article to any public authority must not be further disclosed by that public authority except –
  - (a) for a purpose connected with a function of that public authority; and
  - (b) with the consent of the Commission.
- (6) Consent under paragraph (5) may only be given –
  - (a) in relation to a particular disclosure; or

- (b) in relation to disclosures made in circumstances specified or described in the consent.

## **PART 3**

### **HANDLING OF COMPLAINTS ETC. AND INVESTIGATIONS**

#### **13 Arrangements for handling complaints, conduct and DSI matters**

- (1) The Deputy Chief Officer, in relation to members of the Force and designated persons, must maintain suitable arrangements which generally accord with arrangements implemented elsewhere in the British Islands, for –
  - (a) the handling of complaints (including the resolution of complaints by mutual agreement), conduct matters and DSI matters from initial referral to their conclusion by way of disciplinary proceedings, or otherwise, as the case may be;
  - (b) the recording of the matters set out in Article 17; and
  - (c) the conduct of investigations into complaints, conduct matters or DSI matters (as the case may be) including the obtaining and preserving of evidence until the complaint, conduct matter or DSI matter is concluded by way of disciplinary proceedings, or otherwise, as the case may be.
- (2) The Deputy Chief Officer in relation to members of the Honorary Police, must maintain suitable arrangements for the conduct of investigations into complaints, conduct matters or DSI matters (as the case may be) involving those members including the obtaining and preserving of evidence until the complaint, conduct matter or DSI matter is concluded by way of disciplinary proceedings, or otherwise, as the case may be.
- (3) The Connétables of the parishes, in relation to members of the Honorary Police, must maintain suitable arrangements for –
  - (a) the handling of complaints, conduct matters and DSI matters from initial referral up to, and including the initiation of any investigation into those complaints or matters; and
  - (b) the resolution of complaints by mutual agreement.
- (4) The Attorney General, in relation to members of the Honorary Police, must maintain suitable arrangements for –
  - (a) the recording of the matters set out in Article 17; and
  - (b) the handling of complaints, conduct matters and DSI matters after any investigation into those complaints or matters has occurred until such time as the complaints or matters in question are concluded by way of disciplinary proceedings, or otherwise.
- (5) The Deputy Chief Officer, Connétables and Attorney General must publish the details of their respective arrangements.
- (6) Before publishing their respective arrangements –
  - (a) the Deputy Chief Officer, Connétables and Attorney General must seek the views of the Commission and have due regard to those views; and
  - (b) the Connétables must also seek the views of the Comité des Connétables and Comité des Chefs de Police.

- (7) The Deputy Chief Officer, Connétables and Attorney General must, in the manner as each so determines, keep the Commission and, as the case may be, the Comité des Connétables and Comité des Chefs de Police informed about –
  - (a) the maintenance of their respective arrangements so that the Commission and, as the case may be, the Comité des Connétables and Comité des Chefs de Police may be satisfied that those arrangements continue to be suitable; and
  - (b) improvements to policy or practice that have resulted from complaints, conduct matters or DSI matters.

#### **14 Disclosure of information by the Deputy Chief Officer or Attorney General**

- (1) If it appears to be in the public interest to do so, information obtained by the Deputy Chief Officer or the Attorney General in connection with any of his or her functions under this Law, may be disclosed to any public authority in Jersey or elsewhere.
- (2) Information disclosed under this Article to any public authority must not be further disclosed except –
  - (a) for a purpose connected with a function of that public authority; and
  - (b) with the consent of the Deputy Chief Officer or the Attorney General.
- (3) Consent under paragraph (2) may only be given –
  - (a) in relation to a particular disclosure; or
  - (b) in relation to disclosures made in circumstances specified or described in the consent.

#### **15 Duties to preserve evidence relating to complaints, conduct and DSI matters**

- (1) In relation to any complaint, conduct matter or DSI matter, the Chief Officer, in relation to members of the Force and designated persons, and the Connétables of the parishes in relation to members of the Honorary Police, must respectively take all steps as appear to be appropriate for the purposes of this Law and Regulations made under Article 22, for obtaining and preserving evidence relating to a complaint, conduct matter or DSI matter, as the case may be.
- (2) The Chief Officer's or relevant Connétable's duty under paragraph (1) must be performed as soon as practicable after he or she becomes aware of the complaint or matter in question.
- (3) After that, the Chief Officer or relevant Connétable must continue to take the steps from time to time appearing to him or her to be appropriate, for obtaining and preserving evidence relating to the complaint or matter until –
  - (a) he or she is satisfied that it is no longer necessary to do so; or
  - (b) the Deputy Chief Officer launches an investigation (if any) into the complaint or matter.

#### **16 Duties in relation to register of complaints, conduct and DSI matters**

- (1) The Chief Officer, in relation to members of the Force and designated persons, and the Connétables of the parishes, in relation to members of the Honorary Police, must respectively maintain a register of complaints, conduct matters and DSI matters.

- (2) Subject to Regulations made under Article 22, the Chief Officer and Connétables, as the case may be, must record in their respective registers, in relation to each complaint, conduct matter or DSI matter –
  - (a) the nature of it;
  - (b) the steps taken in dealing with it; and
  - (c) the outcome of it.
- (3) The Chief Officer or Connétables must make the register available to the Commission, when so requested.

## **17 Duty to keep records**

- (1) The Deputy Chief Officer in relation to members of the Force and designated persons, and the Attorney General in relation to members of the Honorary Police must respectively keep records in the form he or she determines, of –
  - (a) every complaint, conduct matter or DSI matter that is referred to the Deputy Chief Officer, Attorney General or the Commission, as the case may be;
  - (b) disciplinary proceedings against members of the Force, designated persons or members of the Honorary Police, as the case may be; and
  - (c) matters constituting or involving the commission of a criminal offence by members of the Force, designated persons or members of the Honorary Police, as the case may be.
- (2) In the case of members of the Force and designated persons, records kept by the Deputy Chief Officer must be retained for a period which generally accords with guidance on the minimum standards for the retention and disposal of police records adopted by police forces elsewhere in the British Islands.
- (3) Nothing in this Article is to be taken as derogating from the requirements of the [Data Protection \(Jersey\) Law 2018](#).

## **18 Investigation of DSI matters and complaints or conduct matters where death or serious injury has occurred**

- (1) Subject to paragraph (3), it is the duty of the Deputy Chief Officer to determine whether or not it is necessary, in every case, to investigate –
  - (a) DSI matters;
  - (b) complaints alleging that the conduct or other matter complained of has resulted in death or serious injury; or
  - (c) conduct matters where those matters relate to any incident or circumstances in which or in consequence of which an individual has died or suffered serious injury.
- (2) The Deputy Chief Officer must, without delay, notify the Commission and, in a case involving a member of the Honorary Police, the Attorney General of any DSI matter, and any complaint or conduct matter described in paragraph (1).
- (3) If it appears to the Deputy Chief Officer that the DSI matter, complaint or conduct matter, as the case may be, does not require investigation, the notification under paragraph (2) must include the Deputy Chief Officer's reasons for that view and give details of the proposed alternative manner of dealing with that DSI matter, complaint or conduct matter, if any.

**19 Duty to keep complainant, police officer or designated person informed**

- (1) In any case in which there is an investigation of a complaint, it is the duty of the Deputy Chief Officer to provide the complainant, police officer or designated person concerned with all information as will keep the individual concerned properly informed, while the investigation is being carried out and subsequently, of all the matters mentioned in paragraph (2).
- (2) The matters of which the people mentioned in paragraph (1) must be kept properly informed are –
  - (a) the progress of the handling of the complaint;
  - (b) the outcome of the handling of the complaint; and
  - (c) any other matters as may be specified in Regulations.
- (3) The duties imposed by this Article on the Deputy Chief Officer must be performed in the manner, and have effect subject to the exceptions, as may be provided for by Regulations.
- (4) Regulations providing for any exceptions from the duties imposed by this Article or Article 20 may be made for the following purposes –
  - (a) preventing the premature or inappropriate disclosure of information that is relevant to, or may be used in, any actual or prospective criminal proceedings;
  - (b) preventing the disclosure of information in any circumstances in which it has been determined in accordance with the Regulations that its non-disclosure –
    - (i) is in the interests of national security,
    - (ii) is for the purposes of the prevention or detection of crime, or the apprehension or prosecution of offenders,
    - (iii) is justified on proportionality grounds, or
    - (iv) is otherwise necessary in the public interest.
- (5) The non-disclosure of information is justified on proportionality grounds if its disclosure would cause, directly or indirectly, an adverse effect which would be disproportionate to the benefits arising from its disclosure.

**20 Duty to provide information to other people**

- (1) An individual has an interest in being kept properly informed about the handling of a complaint, conduct matter or DSI matter if –
  - (a) it appears to the Deputy Chief Officer, relevant Connétable or Attorney General, as the case may be, that the individual is a person described in paragraph (2), (3) or (4); and
  - (b) that individual has indicated that he or she consents to the provision of information to him or her in accordance with this Article and that consent has not been withdrawn.
- (2) In the case of a complaint that relates to the conduct of a police officer or designated person, or a conduct matter, an individual falls within this paragraph, if –
  - (a) the individual is a relative of a person whose death is the alleged result from the conduct complained of or to which the conduct matter relates;
  - (b) the individual is a relative of a person whose serious injury is the alleged result from that conduct and that person is incapable of making a complaint; or
  - (c) the individual has suffered serious injury as the alleged result of that conduct.

- (3) In the case of a DSI matter, an individual falls within this paragraph if –
  - (a) the individual is a relative of the person who has died;
  - (b) the individual is a relative of the person who has suffered serious injury and that person is incapable of making a complaint; or
  - (c) the individual is the person who has suffered serious injury.
- (4) An individual who does not fall within paragraph (2) or (3) has an interest in being kept properly informed about the handling of a complaint, conduct matter or DSI matter if the Deputy Chief Officer, relevant Connétable or Attorney General, as the case may be, considers that the individual has an interest in the handling of the complaint, conduct matter or DSI matter which is sufficient to make it appropriate for information to be provided to that individual in accordance with this Article.
- (5) In relation to a complaint, this Article confers no rights on the complainant.
- (6) An individual who falls within paragraph (2), (3) or (4) is referred to in the following provisions of this Article as an “interested person”.
- (7) In any case in which there is an investigation of a complaint, conduct matter or DSI matter under this Law, it is the duty of the Deputy Chief Officer to provide the interested person with all the information as will keep the interested person properly informed while the investigation is being carried out and, subsequently, it is the duty of the Deputy Chief Officer or Attorney General, as the case may be, to keep the interested person properly informed of all the matters specified in paragraph (8).
- (8) Those matters are –
  - (a) the progress of the handling of the complaint, conduct matter or DSI matter;
  - (b) the outcome of the handling of the complaint, conduct matter or DSI matter;
  - (c) any other matters as may be prescribed.
- (9) The generality of paragraph (8)(a) and (b) is not affected by any requirement to notify an interested person that is imposed by any other provision of, or under, this Law.
- (10) The duties imposed by this Article on the Deputy Chief Officer, relevant Connétable or Attorney General in relation to any complaint, conduct matter or DSI matter must be performed in the manner, and have effect subject to the exceptions, as may be provided for by Regulations.
- (11) Article 19(4) and (5) applies for the purposes of this Article.
- (12) In this Article “relative” means any spouse, partner (including civil partner), parent or child who has attained the age of 18.

## PART 4

### FINAL PROVISIONS

#### 21 Standards of professional behaviour

- (1) Schedule 2 sets out the standards of professional behaviour required of police officers and designated persons.
- (2) The States may by Regulations amend Schedule 2 for the purpose of amending the application of that Schedule or the Professional Standards set out in it.
- (3) Regulations under this Article may only be made after the Minister has consulted –



- (a) the Chief Officer and Deputy Chief Officer;
- (b) the Attorney General;
- (c) the Comité des Connétables;
- (d) the Comité des Chefs de Police;
- (e) the States of Jersey Police Association; and
- (f) the Honorary Police Association.

## **22 Regulations as to procedures**

- (1) The States may make Regulations as to the procedure to be followed under any provision of this Law and, in particular, without prejudice to the generality of that power or of any other power to make Regulations under this Law, provide –
  - (a) for the initial submission and recording of complaints or conduct matters;
  - (b) for the complainant and the individual complained against to be supplied with a copy of the record made of the complaint;
  - (c) for the specifying of descriptions of complaints or conduct matters that are not required to be recorded;
  - (d) for the notification to the Commission of specified descriptions of conduct matters;
  - (e) for complaints about police officers or designated persons, to be resolved by way of mutual agreement; for giving any of those individuals an opportunity to comment orally or in writing on the complaint; and for giving the complainant a record of the outcome of any procedure;
  - (f) for the referral to the Law Officers Department of a complaint, conduct matter or DSI matter, from which it can be reasonably inferred that a police officer or designated person may have committed a criminal offence;
  - (g) for the investigation of any complaint, conduct matter or DSI matter whether supervised by the Commission or otherwise, including the appointment of people to conduct investigations or to assist with the conduct of investigations and for conferring functions on those people;
  - (h) for the suspension of a police officer or designated person pending the completion of an investigation of any complaint, conduct matter or DSI matter;
  - (i) for the circumstances in which any investigation or other procedure under this Law may be or must be suspended to allow a criminal investigation or proceedings to continue, and for the consequences of a suspension;
  - (j) for any procedure for the purposes of this Law to be discontinued, and for the consequences of any discontinuance, including where –
    - (i) a complaint is withdrawn, or the complainant indicates that he or she does not wish any further steps to be taken, or
    - (ii) the whole or part of the investigation of the complaint has been suspended until the conclusion of criminal proceedings;
  - (k) for requiring the subject-matter of a complaint that has been withdrawn to be treated for the purposes of this Law, in the cases and to the extent specified in the Regulations, as a conduct matter;

- (l) for the procedure to be followed in cases in which the Commission relinquishes the supervision of any investigation and for the consequences of the Commission doing so;
- (m) for the procedures of the Commission in discharging its functions under this Law, including the discharge of any function of the Commission by one or more of the Commission's members;
- (n) for applying provisions made by or under this Law, with modifications as the States think fit, in cases where a complaint or conduct matter relates to an individual who has ceased to be a police officer or designated person since the time of the act complained about, or the conduct in question;
- (o) for applying provisions made by or under this Law, with modifications as the States thinks fit, in cases where a complaint or conduct matter relates to an individual –
  - (i) whose identity is unascertained at the time at which a complaint is made or a conduct matter is recorded,
  - (ii) whose identity is not ascertained during, or subsequent to, the investigation of a complaint or conduct matter;
- (p) for the Deputy Chief Officer or Attorney General to assess whether a complaint is likely to result in disciplinary proceedings, and if not, to assess what if any other action may be appropriate, including resolution by mutual agreement;
- (q) for establishing procedures to deal with conduct of police officers or designated persons which requires action other than disciplinary proceedings;
- (r) for the Deputy Chief Officer and Attorney General to have power to delegate the exercise or performance of powers or duties conferred or imposed on them by or under this Law;
- (s) for the manner in which any notification for the purposes of any provision made by or under this Law is to be given and the time at which, or period within which, any notification must be given;
- (t) for enabling representations on behalf of an individual complained about or to whose conduct an investigation relates, to be made to the Commission by a person who is not that individual's legal representative but is of a description specified in the Regulations;
- (u) for the conduct of disciplinary proceedings in respect of a police officer, including provision for the representation of an officer at a hearing and for the disclosure of documents to the officer for the purposes of the hearing;
- (v) for the maintaining by the Police Authority of a list of people who may be appointed to conduct disciplinary proceedings;
- (w) for disciplinary action to be taken in respect of a police officer whose conduct amounts to misconduct, including contravention of any of the Professional Standards;
- (x) for conferring a complainant with a right of review in relation to decisions prescribed under Article 8(1)(g), taken by the Deputy Chief Officer, relevant Connétable or Attorney General, as the case may;
- (y) for conferring a complainant, police officer or designated person with a right of appeal; for the establishment of an appeal panel to hear appeals from disciplinary proceedings; for making provision about costs and for the conduct of appeals generally.

- (2) Regulations under this Law may be framed so as to apply in respect of a specified rank of police officer, or to apply in relation to particular cases, description or category of cases or person, or to exclude a rank or case from their application, and may include exceptions or conditions as appear to the States to be expedient for the purposes of the Regulations.
- (3) The States may by Regulations amend this Article for the purpose of amending the scope of Regulations which may be made under paragraph (1).

## **23 Consequential amendments, repeals, savings and transitional provisions**

- (1) The States may, by Regulations, amend any enactment, including this Law, for the purpose of making transitional, consequential, incidental, supplementary or savings provisions as the States consider necessary or expedient in consequence of any provision made by or under this Law.
- (2) The States may, by Regulations, amend this Law (and Regulations under this Law) to substitute another person for the Deputy Chief Officer.
- (3) Any Regulations under this Law may contain transitional, consequential, incidental or supplementary provisions as appear to the States to be expedient for the purposes of the Regulations.
- (4) A power to make Regulations under this Law for the purpose of amending a provision of this Law, includes the power to make transitional, consequential, incidental or supplementary amendments to any other provision of this Law as appears to the States to be necessary or expedient.
- (5) The following enactments are repealed –
  - (a) the [Police \(Complaints and Discipline\) \(Jersey\) Law 1999](#) (the “1999 Law”);
  - (b) the [Police \(Complaints and Discipline Procedure\) \(Jersey\) Order 2000](#);
  - (c) the [Police \(Honorary Police Complaints and Discipline Procedure\) \(Jersey\) Regulations 2000](#).
- (6) Despite the repeal of the enactments specified in paragraph (5), those enactments are to continue to have effect for the purposes of –
  - (a) concluding any investigation, disciplinary or appeal proceedings commenced under those enactments before the specified commencement day; and
  - (b) bringing an appeal in relation to disciplinary proceedings commenced before the specified commencement day but which are concluded whether before or after that day.
- (7) Any function conferred upon the Jersey Police Complaints Authority by the enactments specified in paragraph (5) are, for the purposes of paragraph (6), taken to be functions conferred upon the Commission.
- (8) The members of the Jersey Police Complaints Authority who were in office immediately before the specified commencement day –
  - (a) may continue to serve as members of the Commission until their 3 year term of appointment specified in the Schedule to the 1999 Law expires, or their appointment is terminated earlier under paragraph 3 of Schedule 1; and
  - (b) subject to paragraphs 2 and 3 of Schedule 1, are eligible for re-appointment.
- (9) The Chairman of the Jersey Police Complaints Authority who was in office immediately before the specified commencement day –

- (a) may continue to serve as chair of the Commission as if that individual were so designated by the Minister under paragraph 2(5) of Schedule 1, and until his or her 3 year term of appointment specified in the Schedule to the 1999 Law expires; and
  - (b) is eligible to be designated to serve as chair or deputy chair of the Commission for a further period as the Minister may determine under paragraph 2(5) of Schedule 1.
- (10) In this Article “specified commencement day” means a day specified in accordance with Article 24.
- (11) <sup>2</sup>

## **24 Citation and commencement**

This Law may be cited as the Police (Complaints and Conduct) (Jersey) Law 2022 and comes into force on a day to be specified by the States by Act.

## SCHEDULE 1

(Article 7(2))

### THE JERSEY POLICE COMPLAINTS COMMISSION

#### 1 Incorporation of the Commission

The Commission is a body corporate.

#### 2 Constitution of the Commission

- (1) The Commission is to consist of a minimum of 3 and a maximum of 12 members.
- (2) Members of the Commission must be appointed by the Minister, and Article 2 of the [States of Jersey \(Appointment Procedures\) \(Jersey\) Law 2018](#) applies to their appointment.
- (3) The Jersey Appointments Commission must oversee the appointment of members of the Commission in accordance with Article 23 of the 2005 Law, and a person whose appointment is so overseen is to be treated as a States' appointee for the purposes of Part 4 of the 2005 Law.
- (4) When appointing a person as a member of the Commission the Minister must –
  - (a) have regard to the need to encourage diversity in the range of people appointed; and
  - (b) determine the period of the appointment, being not more than 4 years.
- (5) The Minister must, from among the members of the Commission, designate one as the chair and another as the deputy-chair for a period as the Minister may determine, being not more than 4 years.
- (6) The Minister may, subject to sub-paragraph 3, re-appoint a member of the Commission when the member's period of appointment expires (and references in this paragraph to appointment include re-appointment).
- (7) A person may not be a member of the Commission if –
  - (a) the person has been, is, or becomes a member of the Force, Honorary Police or of any other police force;
  - (b) the person has been, is, or becomes a member of the States (within the meaning of the [States of Jersey Law 2005](#)), the Magistrate, a judge of the Royal Court, Jurat or member of the Youth Court;
  - (c) the person is working or starts working, whether as a States employee, or under a contract for services, in any administration of the States for which the Minister is responsible; or
  - (d) the person has been, is, or becomes a member of an equivalent body to the Commission established in another jurisdiction.

### 3 Termination of member's appointment

- (1) A member may resign from the Commission by giving not less than 3 months' notice in writing to the Minister and the Minister must, as soon as practicable after receiving that notice of resignation, inform the States of it.
- (2) The Minister may terminate the appointment of a member of the Commission by giving that individual not less than 3 months' notice in writing.
- (3) A notice given under sub-paragraph (2) must include the grounds for terminating the appointment which may include, but not limited, to any of the following –
  - (a) the member has without reasonable cause failed to carry out the member's duties;
  - (b) the member has become bankrupt;
  - (c) the member is incapacitated by physical or mental illness; or
  - (d) the member is otherwise unable or unfit to perform his or her duties.
- (4) Article 3 of the [States of Jersey \(Appointment Procedures\) \(Jersey\) Law 2018](#) applies to the termination of the appointment of a member of the Commission under sub-paragraph (2).
- (5) A member's appointment automatically terminates if –
  - (a) the period for which the member was appointed expires without re-appointment;
  - (b) the member becomes a person who is ineligible to be a member of the Commission by virtue of paragraph 2(7);
  - (c) the member is convicted of a criminal offence; or
  - (d) the member completes 12 years' service (whether consecutively or in aggregate) as a member of the Commission.

### 4 Resources, expenses and accounts

- (1) The Minister must ensure that the Commission is provided with administrative and other support, including staff, services and accommodation, as the Commission may reasonably require for the purpose of discharging the functions of the Commission under this Law or the Police Force Law.
- (2) The Minister may determine the expenses of the Commission and of its members, and those expenses are to be paid out of the revenue of the States.
- (3) The expenses of the Commission may include the costs of legal advice, engaging persons to advise upon, conduct or supervise an investigation, or any other advice as is required to facilitate, or is conducive or incidental to the discharge of the Commission's functions.
- (4) The Minister must cause to be kept records and accounts of the finances of the Commission.

### 5 Method of operation

- (1) The Commission may determine the arrangements for the proceedings of the Commission (including the quorum for meetings and the establishment of committees).

- (2) The arrangements may include provision for the committees established under the arrangements to include members of the Commission, its staff and other persons who are not members of the Commission.
- (3) The Commission must prepare guidelines for the Commission's members, which it may publish as it considers appropriate, to assist in the carrying out their functions.

## **6 Limitation of civil liability**

- (1) This paragraph applies to –
  - (a) a person who is or has been a member of the Commission; and
  - (b) a person who is, or has been a member of staff, or is acting or has acted as an agent of the Commission, or who is performing any duty or exercising any power on behalf of the Commission.
- (2) A person to whom this paragraph applies is not liable in damages for any act done in the discharge, or purported discharge, of the functions of the Commission by or under this Law or any other enactment.
- (3) Sub-paragraph (2) does not apply –
  - (a) if it is shown that the act was done in bad faith; or
  - (b) so as to prevent an award of damages made in respect of an act on the ground that the act was unlawful as a result of Article 7(1) (public authorities and the States Assembly) of the [Human Rights \(Jersey\) Law 2000](#).

## **7 Complaints against the Commission**

- (1) The Commission must maintain suitable arrangements for the handling of any complaint made to the Commission expressing dissatisfaction about an act done by the Commission or by any member of the Commission's staff.
- (2) Before making those arrangements, the Commission must consult the Minister and any other persons it deems appropriate, as to what those arrangements should be.

## SCHEDULE 2

(Article 21)

### STANDARDS OF PROFESSIONAL BEHAVIOUR

#### 1 Application and interpretation

- (1) A police officer may be subject to disciplinary proceedings where it appears that the police officer has contravened any of the Professional Standards set out in paragraphs 2 to 11 of this Schedule.
- (2) The making of a protected disclosure by a police officer is not a contravention of the Professional Standards.
- (3) In this Schedule –
  - (a) “police officer” includes the Chief Officer, Deputy Chief Officer and designated persons;
  - (b) “proceedings” include a parish hall inquiry into an allegation that an offence has been committed;
  - (c) “protected disclosure” means any disclosure of information which, in the reasonable belief of the police officer making the disclosure, is made in the public interest and tends to show one or more of the following –
    - (i) that a criminal offence has been committed, is being committed or is likely to be committed,
    - (ii) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject,
    - (iii) that a miscarriage of justice has occurred, is occurring or is likely to occur,
    - (iv) that the health or safety of any individual has been, is being or is likely to be endangered, or
    - (v) that information tending to show any matter falling within any one of the preceding sub-paragraphs has been, or is likely to be deliberately concealed.
- (4) For the purposes of sub-paragraph (3)(c), it is immaterial whether the relevant failure occurred, occurs or would occur in Jersey or elsewhere, and whether the law applying to it is that of Jersey or of any other country or territory.
- (5) A disclosure of information is not a protected disclosure if the person making the disclosure commits an offence by making it.

#### 2 Honesty and integrity

Police officers must –

- (a) be honest;
- (b) act with integrity; and
- (c) not compromise or abuse their position.



**3 Authority, respect and courtesy**

- (1) Police officers must act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.
- (2) Police officers must not abuse their powers or authority and must respect the rights of all individuals.

**4 Equality and diversity**

- (1) Police officers must act with fairness and impartiality.
- (2) Police officers must not discriminate unlawfully or unfairly.

**5 Use of force**

Police officers must only use force to the extent that it is necessary, proportionate and reasonable in all the circumstances.

**6 Orders and instructions**

- (1) Police officers must only give and carry out lawful orders and instructions.
- (2) Police officers must –
  - (a) in the case of members of the Force and designated persons, abide by Force policies;
  - (b) in the case of members of the Honorary Police, abide by –
    - (i) any policies referred to in Article 6A (functions) of the [Honorary Police \(Jersey\) Regulations 2005](#), issued by the Connétable of the parish in which that member serves, and
    - (ii) any directions, directives or guidance issued by the Attorney General;
  - (c) comply with –
    - (i) lawfully given orders, and
    - (ii) any requirements imposed on them by, or under, any enactment.

**7 Duties and responsibilities**

- (1) Police officers must be diligent in the exercise of their duties and responsibilities.
- (2) In line with the expectation set out in sub-paragraph (1), police officers when identified as witnesses are responsible for co-operating appropriately, and participating openly and professionally during investigations, inquiries and formal proceedings.

**8 Confidentiality**

Police officers must treat information with respect and access or disclose it only in the proper course of police duties.

**9 Fitness for duty**

Police officers, when on duty or presenting themselves for duty, must be fit to carry out their responsibilities.

**10 Discreditable conduct**

- (1) Whether on or off duty, police officers must behave in a manner which does not discredit, or undermine public confidence in, the Force or Honorary Police, as the case may be.
- (2) Police officers must report any proceedings taken against them for a criminal offence and any penalty or conditions imposed, or caution given under those proceedings.

**11 Challenging and reporting improper conduct**

Police officers must report, challenge or take action against the conduct of colleagues which contravenes the Professional Standards required of them.

**SCHEDULE 3<sup>3</sup>**

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	◦Projet No (where applicable)
Police (Complaints and Conduct) (Jersey) Law 2022	<a href="#">L.24/2022</a>	5 December 2025 ( <a href="#">R&amp;O.79/2025</a> )	<a href="#">P.22/2022</a>
Police (Complaints and Conduct) (Jersey) Amendment Regulations 2025	<a href="#">R&amp;O.76/2025</a>	5 December 2025	<a href="#">P.81/2025</a>

◦Projets available at [statesassembly.gov.je](https://statesassembly.gov.je)

Table of Endnote References

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<sup>1</sup> Article 8(1A)                      inserted by R&O.76/2025  
<sup>2</sup> Article 23(11)                  spent, omitted  
<sup>3</sup> Schedule 3                        spent, omitted