



Jersey

# **STATES OF JERSEY POLICE FORCE LAW 2012**

## **Official Consolidated Version**

This is an official version of consolidated legislation compiled and issued under the authority of the Legislation (Jersey) Law 2021.

Showing the law from 30 July 2021 to 20 September 2023



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## STATES OF JERSEY POLICE FORCE LAW 2012

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Jersey

## STATES OF JERSEY POLICE FORCE LAW 2012

A **LAW** to provide for the administration and supervision of the States of Jersey Police Force, the establishment of a Jersey Police Authority, the establishment of arrangements for independent custody visiting in order to monitor the detention of persons in the custody of the police or immigration or customs officers and for connected purposes.<sup>1</sup>

Commencement [[see endnotes](#)]

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### *Interpretation*

#### **1 Interpretation**

In this Law, unless the context otherwise requires –

“2003 Law” means the [Police Procedures and Criminal Evidence \(Jersey\) Law 2003](#);

“Annual Policing Plan” shall be construed in accordance with Article 19;

“Appointments Commission” means the Jersey Appointments Commission established under Article 17 of the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#);

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

“Deputy Chief Officer” means the Deputy Chief Officer of the States Police Force;

“financial year” has the same meaning as in the [Public Finances \(Jersey\) Law 2019](#);

“functions” includes powers and duties;

“member of the States” has the same meaning as in the [States of Jersey Law 2005](#);

“Minister” means the Minister for Home Affairs;

“Police Authority” means the Jersey Police Authority established under Article 4;

“police officer” means a police officer in the States Police Force;

“States’ employee” has the same meaning as in Article 2 of the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#);

“States Employment Board” means the States Employment Board established under Article 4 of the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#);

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

“terms and conditions of appointment”, in respect of a police officer, means the officer’s –

- (a) periods of leave of absence (whether by way of annual leave or otherwise) and leave on medical grounds (including pay and allowances while on such leave);
- (b) scale of pay, allowances, gratuities and expenses; and
- (c) hours of duty.<sup>2</sup>

### *States of Jersey Police Force*

## **2 States of Jersey Police Force**

The States of Jersey Police Force continues as a police force.

### *Minister’s functions*

## **3 Functions of Minister**

- (1) The Minister has overall and ultimate responsibility for the functioning of the States Police Force.
- (2) The Minister shall be responsible for ensuring that the Police Authority carries out its functions listed in Article 4 effectively.
- (3) The Minister, after consulting the Police Authority and the Chief Officer –
  - (a) must set policies in relation to the key aims and objectives of the States Police Force;
  - (b) may set management policies of the States Police Force in areas which may impact on the Force’s reputation or image or on the reputation of Jersey and its people.
- (4) The Minister must, after consulting the Police Authority and the Chief Officer, determine the ranks in the States Police Force.<sup>3</sup>
- (5) Articles 18(6), 19(3), 20(3) and 26(5) set out the other duties of the Minister in this Law.

### *Jersey Police Authority*

## **4 Jersey Police Authority<sup>4</sup>**

- (1) The Jersey Police Authority is established.
- (2) The Jersey Police Authority’s main duties are –
  - (a) to promote and support continuous improvement in the policing of Jersey; and
  - (b) to oversee the performance of policing services by the States Police Force.
- (3) The Jersey Police Authority must seek from the Minister any additional resources needed to enable –

- (a) the States Police Force to deliver the key aims and objectives referred to in Article 3(3)(a); and
- (b) the Police Authority to perform its duties.

## 5 Membership of the Police Authority

- (1) The Police Authority shall consist of not less than 5 and not more than 7 members comprising –
  - (a) a Chairman, not being an elected member of the States, appointed by the Minister;
  - (b) up to 4 members, not being elected members of the States, appointed by the Minister and the Chairman;
  - (c) up to 2 members, being elected members of the States, appointed by the States by secret ballot.
- (2) An appointment under paragraph (1)(a) or (b) must not be made unless the Appointments Commission has been consulted in relation to that appointment.
- (3) A member of the Police Authority appointed under paragraph (1)(a) or (b) may be appointed for a maximum period of 4 years and upon expiry of appointment is eligible for reappointment.
- (4) The term of office of a member of the Police Authority appointed under paragraph (1)(c) shall expire on the day on which the States are reconstituted after the next ordinary election under the [States of Jersey Law 2005](#) following such appointment unless the member ceases to be a member of the Police Authority earlier than that date under this Article.
- (5) A member of the Police Authority appointed under paragraph (1)(c) whose term of office has expired is eligible for reappointment.
- (6) None of the following may be appointed as a member of the Police Authority –
  - (a) a police officer;
  - (b) a person who is a member of the Honorary Police;
  - (c) an office holder of a Crown appointment;
  - (d) the Minister or his or her Assistant Minister;
  - (e) a Connétable;
  - (f) a States' employee;
  - (g) a person who is bankrupt, whether under the law of Jersey or under the law of a country or territory outside Jersey;
  - (h) a person who has been a police officer at any time during the previous 5 years; or
  - (i) a person who has been a member of the Honorary Police at any time during the previous 5 years.
- (7) A member of the Police Authority shall hold office in accordance with such terms of his or her appointment as the Minister may determine, including any terms relating to remuneration and payment of out of pocket expenses.
- (8) A member of the Police Authority –
  - (a) appointed under paragraph (1)(a) or (b) may resign from office by giving written notice of resignation to the Minister;

- (b) appointed under paragraph (1)(c) may resign from office by giving written notice of resignation to the Greffier of the States and the Minister.
- (9) The Minister may remove a member of the Police Authority appointed under paragraph (1)(a) or (b) from office –
  - (a) if, without the approval of its Chairman or in the case of the Chairman, the approval the Minister, the member has been absent from 3 consecutive meetings of the Police Authority;
  - (b) if, in the Minister’s opinion, the member has, without good reason, failed to carry out his or her duties as a member;
  - (c) if, in the Minister’s opinion, the member is no longer a fit and proper person to be a member; or
  - (d) if, due to physical incapacity or a lack of capacity within the meaning of Article 4 of the [Capacity and Self-Determination \(Jersey\) Law 2016](#), the member is unable to perform his or her duties as a member.<sup>5</sup>
- (10) The Minister may remove a member of the Police Authority appointed under paragraph (1)(b) only following the recommendation of the Chairman.
- (11) The States may, following a proposition lodged by the Minister, remove a member of the Police Authority appointed under paragraph (1)(c) on any ground described in paragraph (9).
- (12) A person ceases to hold office as a member of the Police Authority if the member becomes a person referred to in paragraph (6).

## **6 Meetings of the Police Authority**

- (1) The Chairman of the Police Authority must fix the time and place for meetings of the Police Authority.
- (2) At a meeting of the Police Authority –
  - (a) a majority of the members appointed to the Police Authority at that time is a quorum;
  - (b) the Chairman presides but if the Chairman is absent the members present must elect one of their number to preside;
  - (c) matters arising are to be decided by a majority of the members voting but if there is an equality of votes the member presiding has a casting vote;
  - (d) minutes must be kept;
  - (e) the Police Authority may otherwise determine its procedures.

## **7 Power of Minister to direct the Police Authority**

- (1) The Minister may request that the Police Authority enquire into and provide a report to the Minister on any matter relating to the States Police Force.<sup>6</sup>
- (2) If a report mentioned in paragraph (1) identifies an area for improvement, a training need or any inadequacy in the States Police Force, the Minister may direct the Police Authority to ensure that the States Police Force takes appropriate action.<sup>7</sup>
- (3) If a report of an inspection undertaken under Article 28AB identifies that the Police Authority is not adequately carrying out its duties, the Minister may direct the Police Authority to take remedial measures.<sup>8</sup>

*Terms and conditions of appointment of police officers***8 Chief Officer and Deputy Chief Officer**

- (1) The States Police Force shall have a Chief Officer and a Deputy Chief Officer.
- (2) The Deputy Chief Officer must carry out the functions of the office of Chief Officer if –
  - (a) the office of Chief Officer is vacant; or
  - (b) the Chief Officer is unable to do so.
- (3) The Minister may, after consultation with the Chief Officer if practicable, appoint a person to carry out the functions of the office of Deputy Chief Officer whilst –
  - (a) the office is vacant; or
  - (b) the holder of the office is unable to perform the functions of the office.<sup>9</sup>
- (4) References in this Law to the “Chief Officer” or to the “Deputy Chief Officer” shall be to the person who is, for the time being, carrying out the functions of Chief Officer or the Deputy Chief Officer, as the case may be, under this Article.

**9 Appointment of Chief Officer and Deputy Chief Officer**

- (1) The States may make Regulations prescribing the manner in which persons may be appointed to the office of –
  - (a) the Chief Officer; and
  - (b) the Deputy Chief Officer.
- (2) The Regulations may, in particular, prescribe –
  - (a) who may make the appointments;
  - (b) who may determine the periods of the appointments and the way in which they may be extended;
  - (c) who may determine the terms and conditions of the appointments;
  - (d) the circumstances in which and the manner in which a person may be suspended from office and by whom;
  - (e) the circumstances in which and the manner in which a person may be dismissed from office and by whom;
  - (f) disciplinary arrangements generally and matters related to the handling of complaints.
- (3) Regulations made under this Article may impose functions and confer powers on –
  - (a) the Royal Court;
  - (b) the Minister;
  - (c) the States Assembly;
  - (d) the States Employment Board;
  - (e) the Appointments Commission;
  - (f) the Police Authority;
  - (g) the Police Complaints Authority established under Article 2 of the [Police \(Complaints and Discipline\) \(Jersey\) Law 1999](#); and

- (h) any other body constituted for the purposes of conducting or reviewing disciplinary proceedings or any other individual whose functions include conducting or reviewing such proceedings.
- (4) Regulations made under this Article may –
  - (a) include provision for the application of any provision made by or under the [Police \(Complaints and Discipline\) \(Jersey\) Law 1999](#) with such modifications as may be considered necessary or expedient; and
  - (b) provide for the services of any other police force in the British Islands, and of any of its officers, to be sought and used for the purpose of investigating complaints.
- (5) Regulations under paragraph (3)(c) may make provision for the States Assembly to sit in camera.

## **10 Appointments of other police officers**

- (1) This Article applies to police officers other than the Chief Officer and the Deputy Chief Officer.
- (2) The Minister may, by Order, after consulting the States Employment Board and the Police Authority, provide for –
  - (a) the appointment of persons to be police officers; and
  - (b) the promotion of police officers.
- (3) An Order made under this Article may confer functions on –
  - (a) the States Employment Board;
  - (b) the Appointments Commission; and
  - (c) the Police Authority.

## **11 Terms and conditions of appointment of other police officers**

- (1) This Article applies to police officers other than the Chief Officer and the Deputy Chief Officer.
- (2) The States Employment Board must –
  - (a) determine the terms and conditions of appointment of police officers; and
  - (b) as soon as practicable, make any such determination known to those affected by the determination.
- (3) The States may, by Regulations, designate such body as the States think fit to carry out the functions described in paragraph (4) and may make Regulations prescribing the constitution of such a body and the way in which it must carry out its functions.
- (4) The functions referred to in paragraph (3) are to –
  - (a) negotiate with the States Employment Board; and
  - (b) make non-binding recommendations to the States Employment Board, on the terms and conditions of appointment of police officers.
- (5) The body designated under paragraph (3) shall have such other functions as are conferred on it by any other enactment.

## 12 Association of police officers

- (1) Police officers may establish an association to represent them in matters affecting their welfare and efficiency.
- (2) A police officer may not otherwise be a member of –
  - (a) a trade union; or
  - (b) an association,  
that has, as a stated objective, an intention to seek to influence the terms and conditions of appointment of police officers.
- (3) Nothing in paragraph (2) prevents a police officer who is a member of an association established under paragraph (1) from being a member of, or appointed to, a body designated under Article 11(3).
- (4) An association mentioned in paragraph (1) has no power –
  - (a) to recommend or engage in industrial action; or
  - (b) to represent an individual police officer on a question of promotion.

## 13 General Orders

- (1) The Minister may by Order after consulting –
  - (a) the Chief Officer; and
  - (b) the association of police officers mentioned in Article 12; and
  - (c) the Police Authority,provide for the governance and administration of the States Police Force.
- (2) Such an Order may, in particular, provide for –
  - (a) the conduct of police officers;
  - (b) the duties of police officers;
  - (c) the standard of performance required of police officers and the evaluation of that performance including procedures and measures for dealing with performance that fails to meet the required standard, including –
    - (i) caution,
    - (ii) reprimand,
    - (iii) fine,
    - (iv) reduction in rate of pay,
    - (v) reduction in rank,
    - (vi) requirement to resign, and
    - (vii) dismissal from the Force;
  - (d) the issue, use and return of clothing, personal equipment and accoutrements;
  - (e) the use of equipment, including information equipment and information technology systems.<sup>10</sup>
- (3) An Order made for the purposes of this Article may provide that anything required to be done under the Order must be done in accordance with the directions of the Chief Officer.

#### **14 Restriction on police officers undertaking other activities**

A police officer must not engage in any other occupation, profession or employment or in any undertaking or trade except with, and in accordance with the approval of the Chief Officer or, in the case of the Chief Officer, the Minister.

#### **15 Police officer to take oath or make solemn affirmation**

A police officer, on taking office, must either take the following oath or, in the circumstances set out in [Solemn Affirmations \(Jersey\) Law 1963](#), make the following solemn affirmation –

##### **Oath**

You swear and promise before God that well and faithfully you will exercise the office of a Member of the States of Jersey Police Force, that you will faithfully serve Her Majesty Queen Elizabeth the Second, her heirs and successors according to law, and that you will carry out your duties with courage, fairness and integrity, protecting human rights and according equal respect to all people. You will to the best of your ability uphold the laws and usages of Jersey, cause the peace to be kept, prevent offences against people and property and seek to bring offenders to justice according to law.

##### **Affirmation**

I [name] do solemnly, sincerely, and truly declare and affirm that I will exercise the office of a Member of the States of Jersey Police Force, that I will faithfully serve Her Majesty Queen Elizabeth the Second, her heirs and successors according to law, and that I will carry out my duties with courage, fairness and integrity, protecting human rights and according equal respect to all people. I will to the best of my ability uphold the laws and usages of Jersey, cause the peace to be kept, prevent offences against people and property and seek to bring offenders to justice according to law.

##### *Functions of police officers*

#### **16 Duties and powers of police officers**

- (1) A police officer must, to the best of his or her ability –
  - (a) cause the peace to be kept and preserved;
  - (b) prevent offences, whether under customary or statutory law, against persons and property; and
  - (c) take such lawful measures as are appropriate to bring offenders to justice with due speed.
- (2) A police officer may arrest a person the police officer has reasonable cause to suspect has committed, is committing or is about to commit, an offence.
- (3) A police officer has the powers and privileges relating to policing which a Centenier has under customary law or any enactment except –
  - (a) the power formally to charge any person with an offence;

- (b) the powers to conduct and decide a parish hall inquiry into an allegation that an offence has been committed; and
- (c) the power to present a person charged with an offence before a court.

## **17 Functions and status of Chief Officer**

- (1) The Chief Officer has the command, direction and control of the States Police Force and of each of its police officers.
- (1A) The Chief Officer must ensure that the States Police Force is an efficient and effective police force.<sup>11</sup>
- (1B) The Chief Officer may determine the number of police officers that may be appointed to each rank.<sup>12</sup>
- (2) The Chief Officer in carrying out his or her functions must give effect to –
  - (a) the policies referred to in Article 3(3); and
  - (b) the Annual Policing Plan.<sup>13</sup>
- (3) The office of Chief Officer shall be a corporation sole.
- (4) The Chief Officer may, in the name of his or her office –
  - (a) enter into agreements for any purpose of the office;
  - (b) acquire, hold and dispose of property;
  - (c) sue and be sued in civil proceedings; and
  - (d) be charged with an offence and defend criminal proceedings.
- (5) The Chief Officer, or any person carrying out the functions of the Chief Officer under Article 8, shall be the accountable officer of the States Police Force for the purposes of the [Public Finances \(Jersey\) Law 2019](#).<sup>14</sup>

## **18 Accountability of Chief Officer**

- (1) The Chief Officer is accountable to the Minister for carrying out his or her functions under Article 17(2).
- (2) The Chief Officer is accountable to the Police Authority for –
  - (a) the general administration, governance and business of the States Police Force;
  - (b) the discipline and organisation of its officers; and
  - (c) the training of its officers to ensure that succession planning for officers is both appropriate and effectively implemented.
- (3) Accordingly the Chief Officer, if required to do so by the Police Authority or the Minister, must advise or provide a written report on any policing matter.
- (4) In particular the Chief Officer may, under paragraph (3), be required to advise or to provide a written report on –
  - (a) an event arising out of a matter specified in the Annual Policing Plan;
  - (b) an event arising out of the direction, governance or control of the States Police Force; or
  - (c) any deployment of police officers.

- (5) In addition the Chief Officer may be required to provide a factual assessment on any policing matter.
- (6) In carrying out their functions under this Law the Minister and the Police Authority must have due regard to the need to respect the operational independence of the States Police Force.

#### *Administration of States Police Force*

### **19 Annual Policing Plan**

- (1) The Police Authority must, after consultation with the Chief Officer, before 1st December each year –
  - (a) prepare an Annual Policing Plan for the Force for the following financial year and for the 3 financial years following the next financial year; and
  - (b) present it to the Minister.<sup>15</sup>
- (1A) In preparing an Annual Policing Plan, the Police Authority must consider –
  - (a) the key aims and objectives set by the Minister;
  - (b) the efficiency and effectiveness of the States Police Force; and
  - (c) the resources available to the States Police Force.<sup>16</sup>
- (2) The Minister may, after consulting the Police Authority and the Chief Officer, amend the Annual Policing Plan.
- (3) When the Minister has approved an Annual Policing Plan (whether or not with amendments), the Minister must lay it before the States Assembly at the first reasonable opportunity.

### **20 Annual Policing Report**

- (1) The Police Authority must, within 3 months after the end of each financial year, prepare and submit to the Minister an Annual Policing Report.
- (2) The Annual Policing Report must provide a review of –
  - (a) the manner in which the provisions of the Annual Policing Plan, for the financial year have been addressed; and
  - (b) the performance of the States Police Force generally.
- (3) The Minister must lay the Annual Policing Report before the States Assembly at the first reasonable opportunity.

### **21 Relationship with Honorary Police**

- (1) The Chief Officer and the Attorney General must, by agreement, establish appropriate arrangements –
  - (a) for the exchange of information between the States Police Force and the Honorary Police; and
  - (b) for the Force to work in partnership with the Honorary Police.

- (2) Before establishing appropriate arrangements under paragraph (1), the Chief Officer and the Attorney General must consult the Comité des Connétables and the Comité des Chefs de Police.

## **22 Chief Officer may seek assistance**

- (1) This Article applies if the Chief Officer is satisfied, after taking into account the resources of the Force and the Honorary Police, that the Force needs or will need assistance to meet a special demand on its resources.
- (2) The Chief Officer may, with the approval of the Minister, agree that –
  - (a) a police force; or
  - (b) other law enforcement agency,in another part of the British Islands will make officers or other individuals available to the Chief Officer.
- (3) An officer from a police force made available under paragraph (2)(a) is, for the purposes of this Law and any other enactment, a police officer during his or her period of duty in Jersey.
- (4) For the purposes of paragraph (2), “law enforcement agency” means any person or body of persons authorized under the law of any part of the British Islands to enforce any law of any part of the British Islands.

## **23 Chief Officer may give assistance**

- (1) This Article applies if the Chief Officer receives a request from a police force in another part of the British Islands for police officers it believes it needs or will need to meet a special demand on its resources.
- (2) The Chief Officer may, with the approval of the Minister, agree to make police officers available to the police force.

## **24 Charges for police goods and services<sup>17</sup>**

- (1) The Chief Officer may charge for the provision of police goods and services where such provision is reasonably incidental to normal police activity and the amount charged is in accordance with guidelines issued by the Minister.
- (2) In preparing guidelines for the purposes of this Article the Minister must take into account the guidelines on charging for police services (including goods) issued by the National Police Chiefs’ Council of the United Kingdom or any successor body to that Council.

## **25 Chief Officer liable for wrongful acts of police officers**

- (1) The Chief Officer is liable in respect of civil wrongs committed by police officers in the performance, or purported performance, of their functions as police officers.
- (2) For the purpose of paragraph (1) the Chief Officer shall be taken to be the employer of police officers.
- (3) There shall be paid out of funds provided by the Minister –

- (a) any damages or costs awarded against the Chief Officer in any proceedings brought against the Chief Officer by virtue of this Article;
  - (b) any costs incurred and not recovered by the Chief Officer in any such proceedings; and
  - (c) any sum required in connection with the settlement of any claim made against the Chief Officer by virtue of this Article, if the settlement is approved by the Minister.
- (4) Out of funds provided by the Minister, the Minister may, in such cases and to such extent as he or she thinks fit –
- (a) pay any damages or costs awarded against a member of the Force in proceedings for a civil wrong committed by the member of the Force;
  - (b) pay any costs incurred and not recovered by the member of the Force in any such proceedings; and
  - (c) pay any sum required in connection with the settlement of any claim that has or might have given rise to such proceedings.

#### **25A States' employees working for Police Force<sup>18</sup>**

- (1) States' employees who are employed to assist the operation of the police force are, in the carrying out of their functions, subject to the direction and control of the Chief Officer.
- (2) This Article does not apply to a States' employee whose employment duties involve providing legal advice.

#### **26 States' employees designated to undertake police functions<sup>19</sup>**

- (1) The Chief Officer may designate in writing a States' employee as an officer of one or more of the descriptions specified in paragraph (2).
- (2) Those descriptions of officer are as follows –
  - (a) investigating officer;
  - (b) detention officer;
  - (c) escort officer.
- (3) The Chief Officer shall not designate a States' employee under paragraph (1) unless the Chief Officer is satisfied that the States' employee –
  - (a) is a suitable person to carry out the functions for the purposes of which he or she is designated;
  - (b) is capable of effectively carrying out those functions; and
  - (c) has received adequate training in the carrying out of those functions and in the exercise and performance of the powers and duties to be conferred or imposed on him or her under the designation.
- (4) A States' employee designated under this Article shall have the powers and duties conferred or imposed on him or her by the designation.
- (5) Powers and duties may be conferred or imposed on a designated person by means only of the application to him or her by the designation of provisions of the applicable Part of Schedule 2 that are to apply to the designated person, and, for this purpose, the applicable Part of that Schedule is –

- (a) Part 1, in the case of a person designated as an investigating officer;
  - (b) Part 2, in the case of a person designated as a detention officer;
  - (c) Part 3, in the case of a person designated as an escort officer.
- (6) A States' employee authorized or required to do anything by virtue of a designation under this Article –
- (a) shall not be authorized or required by virtue of that designation to engage in any conduct otherwise than in the course of that employment; and
  - (b) shall be so authorized or required subject to such restrictions and conditions (if any) as may be specified in his or her designation.
- (7) Where any power exercisable by any person in reliance on his or her designation under this Article is a power which, in the case of its exercise by a police officer, includes or is supplemented by a power to use reasonable force, any person exercising that power in reliance on that designation shall have the same entitlement as a police officer to use reasonable force.
- (8) Where any power exercisable by any person in reliance on his or her designation under this Article includes power to use force to enter any premises, that power shall not be exercisable by that person except –
- (a) in the company, and under the supervision, of a police officer; or
  - (b) for the purpose of saving life or limb or preventing serious damage to property.
- (9) For the purpose of the handling of complaints relating to, or other instances of misconduct involving, the carrying out of the functions of an officer by a States' employee designated under paragraph (1), Schedule 3 shall have effect.
- (10) The States may, by Regulations amend paragraphs (2) and (4) and, in relation to a person designated under this Article, Schedules 2 and 3.

## **27 Contractors undertaking police functions<sup>20</sup>**

- (1) This Article applies if the Chief Officer has, following consultation with the Minister and the Police Authority, entered into an agreement with a person ('the contractor') for the provision of services relating to the detention or escort of person who have been arrested or are otherwise in custody.
- (2) The Chief Officer may designate a person who is an employee of the contractor as either or both of the following –
- (a) a detention officer; or
  - (b) an escort officer.
- (3) A person designated under this Article shall have the powers and duties conferred or imposed on him by the designation.
- (4) The Chief Officer shall not designate a person under this Article unless the Chief Officer is satisfied that the person –
- (a) is a suitable person to carry out the functions for the purposes of which he or she is designated;
  - (b) is capable of effectively carrying out those functions; and
  - (c) has received adequate training in the carrying out of those functions and in the exercise and performance of the powers and duties to be conferred or imposed on him or her under the designation.

- (5) The Chief Officer shall not designate a person under this Article unless the Chief Officer is satisfied that the contractor is a fit and proper person to supervise the carrying out of the functions for the purposes of which that person is designated.
- (6) Powers and duties may be conferred or imposed on a designated person by means only of the application to him or her by his or her designation of provisions of the applicable Part of Schedule 2 that are to apply to the designated person, and, for this purpose, the applicable Part of that Schedule is –
  - (a) Part 2, in the case of a person designated as a detention officer;
  - (b) Part 3, in the case of a person designated as an escort officer.
- (7) An employee of the contractor authorized or required to do anything by virtue of a designation under this Article –
  - (a) shall not be authorized or required by virtue of that designation to engage in any conduct otherwise than in the course of that employment; and
  - (b) shall be so authorized or required subject to such restrictions and conditions (if any) as may be specified in his or her designation.
- (8) Where any power exercisable by any person in reliance on his or her designation under this Article is a power which, in the case of its exercise by a police officer, includes or is supplemented by a power to use reasonable force, any person exercising that power in reliance on that designation shall have the same entitlement as a police officer to use reasonable force.
- (9) For the purposes of the handling of complaints relating to or other instances of misconduct involving a person designated under this Article, Schedule 3 shall have effect.
- (10) A designation under this Article, unless it is previously withdrawn or ceases to have effect in accordance with paragraph (11), shall remain in force for such period as may be specified in the designation subject to renewal at any time with effect from the time when it would otherwise expire.
- (11) A designation under this Article shall cease to have effect –
  - (a) if the designated person ceases to be an employee of the contractor; or
  - (b) if the contract between the Chief Officer and the contractor is terminated or expires.
- (12) The States may by Regulations amend paragraphs (2) and (6) and, in relation to a person designated under this Article, Schedules 2 and 3.

## **28 Property in possession of police officers**

The Minister may, by Order, make such provision as he or she deems appropriate for the disposal of property that has come into the possession of the Chief Officer and the owner of the property cannot be ascertained or found.

### *Inspections<sup>21</sup>*

#### **28AA Inspection of States Police Force<sup>22</sup>**

- (1) The Police Authority must arrange for the States of Jersey Police Force to be inspected.

- (2) The inspections must –
  - (a) be performed by an independent body that, in the opinion of the Police Authority, is suitably qualified; and
  - (b) be undertaken at regular intervals determined by the Police Authority, which must be at least once every 4 years.

### **28AB Inspection of Police Authority<sup>23</sup>**

- (1) The Minister may direct an independent body that, in the opinion of the Minister, is suitably qualified to –
  - (a) inspect the Police Authority; and
  - (b) provide a report to the Minister on the findings of the inspection.
- (2) The body that undertakes the inspection must, before finalising a report, –
  - (a) provide a copy of the draft report to the Police Authority;
  - (b) give the Authority 28 days to respond; and
  - (c) consider any response from the Police Authority.
- (3) As soon as practicable after receiving a final report, the Minister must –
  - (a) provide a copy of the report to the Police Authority; and
  - (b) present the report to the States.

### *Independent Custody Visiting<sup>24</sup>*

### **28A Arrangements for independent custody visitors<sup>25</sup>**

- (1) In this Article –
  - (a) “detainee” means a person who is detained in the custody of any of the following –
    - (i) the States Police Force,
    - (ii) an officer of the Impôts as referred to in the definition ‘officer’ in the [Customs and Excise \(Jersey\) Law 1999](#),
    - (iii) an immigration officer;
  - (b) “immigration officer” means an officer appointed under paragraph 1 of Schedule 2 to the Immigration Act 1971, as extended to Jersey by the Immigration (Jersey) Order 1993;
  - (c) “Chief Immigration Officer” means the most senior immigration officer.
- (2) The Police Authority must –
  - (a) make arrangements for detainees to be visited by persons appointed under those arrangements (such persons to be known as “independent custody visitors”); and
  - (b) keep those arrangements under review and from time to time revise them as it thinks fit.
- (3) The arrangements must secure that the persons appointed under the arrangements are independent of –
  - (a) the Police Authority;

- (b) the Chief Officer;
  - (c) the Agent of the Impôts; and
  - (d) the Chief Immigration Officer.
- (4) The arrangements must ensure that independent custody visitors can –
- (a) access information relevant to the treatment of detainees and the conditions in which they are detained; and
  - (b) monitor the treatment of detainees and the conditions in which they are detained.
- (5) The arrangements must –
- (a) authorize independent custody visitors to do anything which the Police Authority considers necessary to enable them to visit detainees and monitor the treatment of detainees and the conditions in which they are detained; and
  - (b) provide for reporting on each visit.
- (6) The arrangements may, in particular, authorize independent custody visitors to –
- (a) access, without prior notice or as otherwise determined by the arrangements, any place in which a detainee is held;
  - (b) examine records relating to the detention of persons there;
  - (c) meet any detainees there (in private) to discuss their treatment while detained and the conditions in which they are detained;
  - (d) inspect the conditions in which persons are detained there (including cell accommodation, washing and toilet facilities and facilities for the provision of food); and
  - (e) meet such other persons as the visitors think may have information relevant to the treatment of detainees and the conditions in which they are detained.
- (7) The arrangements may allow access to a detainee to be refused only if –
- (a) it appears to an officer of the rank of inspector or above (or a person of equivalent seniority if the detainee is not in the custody of the Force) that there are grounds for denying access at the time it is requested;
  - (b) the grounds are specified for the purposes of sub-paragraph (a) in the arrangements; and
  - (c) the procedural requirements imposed by the arrangements in relation to a denial of access are complied with.
- (8) The Police Authority must publish the arrangements it makes under this Article, including revisions to those arrangements.
- (9) Arrangements under this Article may vary between each person or body referred to in clauses (i) to (iii) of paragraph (1)(a).
- (10) Before issuing or revising any arrangements under this Article, the Police Authority must consult with –
- (a) the Minister;
  - (b) the Chief Officer;
  - (c) the Agent of the Impôts;
  - (d) the Chief Immigration Officer;
  - (e) the Police Complaints Authority; and
  - (f) any other person or body that the Police Authority thinks appropriate.

- (11) Independent custody visitors and the persons and bodies referred to in clauses (i) to (iii) of paragraph (1)(a) must comply with such arrangements published under this Article as apply to them.

## **28B SPT Visits<sup>26</sup>**

- (1) In this Article –
  - (a) “detainee” has the meaning given by Article 28A(1)(a);
  - (b) “OPCAT” means the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment adopted on 18th December 2002 at the fifty-seventh session of the General Assembly of the United Nations by resolution A/RES/57/199;
  - (c) “SPT” means the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment established under Article 2 of OPCAT.
- (2) The Police Authority must make arrangements to ensure that members of the SPT may –
  - (a) visit detainees;
  - (b) access information relevant to the treatment of detainees and the conditions in which they are detained; and
  - (c) monitor the treatment of detainees and the conditions in which they are detained.
- (3) The arrangements must authorize members of the SPT to do anything which the Police Authority considers necessary to enable them to visit detainees and monitor the treatment of detainees and the conditions in which they are detained.
- (4) The arrangements may, in particular, authorize members of the SPT to –
  - (a) access, without prior notice or as otherwise determined under the arrangements, any place in which a detainee is held (accompanied by such experts as the SPT members think fit);
  - (b) examine records relating to the detention of persons there;
  - (c) meet any detainees there (in private) to discuss their treatment while detained and the conditions in which they are detained;
  - (d) inspect the conditions in which persons are detained there (including cell accommodation, washing and toilet facilities and facilities for the provision of food); and
  - (e) meet such other persons as the SPT members think may have information relevant to the treatment of detainees and the conditions in which they are detained.
- (5) The arrangements may allow access to a detainee to be refused only if –
  - (a) there are urgent and compelling grounds of public safety, natural disaster or serious disorder in the place to be visited that temporarily prevent the carrying out of such a visit; and
  - (b) the Minister has notified the Police Authority that such grounds exist and that access should accordingly be refused.
- (6) The Police Authority must keep the arrangements it makes under this Article under review and revise them from time to time as it thinks fit.

**28C Reports to the Minister<sup>27</sup>**

- (1) The Police Authority must, no later than 31 March each year, prepare and submit to the Minister a report on the working of the arrangements which it has made under Articles 28A and 28B and the Minister must lay the report before the States Assembly at the first reasonable opportunity.
- (2) The Police Authority must prepare and provide to the Minister such other reports on matters related to the visiting of detainees as the Minister may reasonably require from time to time and may prepare and provide reports to the Minister on such matters at any time of its own motion.
- (3) In this Article “detainee” has the meaning given by Article 28A(1)(a).

*Offences***29 Impersonation of police officer**

- (1) A person who, with intent to deceive –
  - (a) impersonates a police officer; or
  - (b) makes a statement or does an act calculated falsely to suggest that the person is a police officer,is guilty of an offence and liable to imprisonment for 6 months and to a fine of level 3 on the standard scale.<sup>28</sup>
- (2) A person who, not being a police officer, wears an article of police uniform in circumstances where it gives the person an appearance so nearly resembling that of a police officer as to be calculated to deceive, is guilty of an offence and liable to a fine of level 3 on the standard scale.
- (3) A person who, not being a police officer, has, in his or her possession, an article of police uniform, is guilty of an offence and liable to a fine of level 2 on the standard scale unless the person proves that he or she –
  - (a) obtained possession of the article lawfully; and
  - (b) has possession of it for a lawful purpose.
- (4) In paragraphs (2) and (3) “article of police uniform” means –
  - (a) an article of uniform; or
  - (b) a distinctive badge or mark or document of identification,usually issued to a police officer or anything having the appearance of such an article, badge, mark or document.
- (5) In this Article –
  - (a) paragraph (2) does not apply to an article of police uniform worn by a person in the exercise of his or her functions as a member of the Honorary Police; and
  - (b) paragraph (3) does not apply to an article of police uniform which is in the possession of a person for the purposes only of his or her functions as a member of the Honorary Police.

**30 Wasting police time**

- (1) A person who causes a wasteful employment of the resources of the States Police Force by knowingly making a false report tending –
  - (a) to show that an offence has been committed;
  - (b) to give rise to apprehension for the safety of any persons or property; or
  - (c) to show that the person has information material to a police inquiry,is guilty of an offence and liable to imprisonment for 6 months and to a fine of level 3 on the standard scale.<sup>29</sup>
- (2) Proceedings must not be instituted for an offence under this Article except by or with the consent of the Attorney General.

*Miscellaneous provisions***31 Amendments to other enactments**

The States may, by Regulations, make such amendments to enactments other than this Law as appear to the States to be expedient in consequence of the coming into force of any provision of this Law.

**32 Transitional provisions**

- (1) The transitional provisions set out in Schedule 1 have effect.<sup>30</sup>
- (2) The Minister may, by Order, make such further transitional or savings provisions as he or she thinks fit.

**33 Regulations and Orders**

An Order or Regulations under this Law may contain such transitional, consequential, incidental or supplementary provisions as appear to the Minister or the States, as the case may be, to be necessary or expedient for the purposes of the Order or Regulations.

**34 Citation and commencement**

This Law may be cited as the States of Jersey Police Force Law 2012.

**SCHEDULE 1<sup>31</sup>**

(Article 32)

**TRANSITIONAL PROVISIONS****1 Chief Officer and Deputy Chief Officer**

- (1) The persons who, immediately before 1st August 2014, were the holders of the offices of Chief Officer and Deputy Chief Officer continue to hold those offices as if they had been appointed to those offices under this Law.
- (2) Until their terms and conditions are amended under this Law, they do so on the same terms and conditions of appointment as applied to them immediately before 1st August 2014.

**2 Police officers**

- (1) Persons who, immediately before 1st August 2014, were police officers in the States of Jersey Police Force continue as police officers in the Force as if they had been appointed under this Law.
- (2) Until their terms and conditions are amended under this Law, they do so –
  - (a) with the same ranks as were held by them immediately before 1st August 2014; and
  - (b) on the same terms and conditions as applied to them immediately before 1st August 2014.

**3** <sup>32</sup>**4 States of Jersey Police Association**

The States of Jersey Police Association established under Article 27 of the Police Force (Jersey) Law 1974 that existed immediately before 1st August 2014, continues as if it were an association of police officers established under Article 12 of this Law.

**SCHEDULE 2<sup>33</sup>**

(Articles 26(5) and 27(6))

**POLICE POWERS AND DUTIES OF DESIGNATED PERSONS****1 Interpretation of this Schedule**

In this Schedule –

- (a) “a designation” means –
  - (i) in Part 1, a designation under Article 26, and
  - (ii) in Parts 2 and 3, a designation under Article 26 or 27, as the case may be;
- (b) words and expressions also used in the 2003 Law have the same meaning as in that Law.

**PART 1 – INVESTIGATING OFFICER****2 Entry and search after arrest**

Where a designation applies this paragraph to a person –

- (a) that person shall have the powers of a police officer under Article 20 of the 2003 Law to enter and search any premises and to seize and retain anything for which he or she may search under that Article;
- (b) Article 20(5) and (6) of the 2003 Law shall have effect in relation to any exercise by that person of those powers as if the references to a police officer in those paragraphs were references to that person;
- (c) Article 21(6) of the 2003 Law shall have effect in relation to the seizure of anything by that person by virtue of sub-paragraph (a) as it applies in relation to the seizure of anything by a police officer;
- (d) Article 22 of the 2003 Law shall have effect in relation to the power of seizure conferred on that person by virtue of sub-paragraph (a) as it applies in relation to the power of seizure conferred on a police officer by Article 20(2) of that Law;
- (e) Article 23(1) and (2) of the 2003 Law shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him or her by virtue of sub-paragraph (a) as if the references to a police officer included references to that person;
- (f) Article 23(3) to (8) and Article 24 of the 2003 Law shall have effect in relation to anything seized by that person in exercise of the power or taken away by him or her following the imposition of a requirement by virtue of sub-paragraph (d) –
  - (i) as they have effect in relation to anything seized in exercise of the power conferred on a police officer by Article 20(2) of that Law or taken away by a police officer following the imposition of a requirement by virtue of Article 22 of that Law, and
  - (ii) as if the references to a police officer in Article 23(3), (4) and (5) included references to that person.

### **3 Access to excluded and special procedure material**

Where a designation applies this paragraph to a person –

- (a) that person shall have the powers of a police officer under Article 16 of the 2003 Law to obtain access, in accordance with Schedule 2 to that Law, to excluded material or special procedure material;
- (b) Schedule 2 to the 2003 Law shall have effect for the purpose of conferring those powers on that person as if the references in paragraphs 1, 3, 4, 11 and 12 of that Schedule to a police officer were references to that person;
- (c) Article 17 of the 2003 Law shall have effect in relation to the issue of any warrant under paragraph 11 of Schedule 2 to that Law to that person as it has effect in relation to the issue of a warrant under that paragraph to a police officer;
- (d) Article 18 of the 2003 Law shall have effect in relation to any warrant to enter and search premises that is issued under paragraph 11 of Schedule 2 to that Law (whether to that person or another person) as if references in that Article to a police officer included references to that person;
- (e) Article 21(6) of the 2003 Law shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him or her by paragraph 12 of Schedule 2 to that Law as it has effect in relation to the seizure of anything under that paragraph by a police officer;
- (f) Article 22 of the 2003 Law shall have effect in relation to the power of seizure conferred on that person by paragraph 12 of Schedule 2 to that Law as it applies in relation to the power of seizure conferred on a police officer by that paragraph;
- (g) Article 23(1) and (2) of the 2003 Law shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him or her by paragraph 12 of Schedule 2 to that Law as if the references to a police officer included references to that person;
- (h) Article 23(3) to (8) and Article 24 of the 2003 Law shall have effect in relation to anything seized by that person in exercise of the power or taken away by him or her following the imposition of a requirement by virtue of sub-paragraph (f) and to anything produced to that person under paragraph 3 of Schedule 2 to that Law –
  - (i) as they have effect in relation to anything seized in exercise of the power conferred on a police officer by paragraph 12 of that Schedule or taken away by a police officer following the imposition of a requirement by virtue of Article 22 of that Law or, as the case may be, to anything produced to a police officer under paragraph 3 of that Schedule, and
  - (ii) as if the references to a police officer in Article 23(3), (4) and (5) included references to that person.

### **4 General power of seizure**

Where a designation applies this paragraph to a person –

- (a) that person shall have the same powers as a police officer –
  - (i) under Article 21 of the 2003 Law, to seize things when lawfully on any premises, and
  - (ii) under Article 21(4) of that Law, to impose a requirement in relation to information accessible from such premises;

- (b) Article 21(6) of the 2003 Law shall have effect in relation to the seizure of anything by that person by virtue of sub-paragraph (a)(i) as it has effect in relation to the seizure of anything by a police officer;
- (c) Article 23(1) and (2) of that Law shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him or her by virtue of sub-paragraph (a)(i) as if the references to a police officer included references to that person;
- (d) Article 23(3) to (8) and Article 24 of the 2003 Law shall have effect in relation to anything seized by that person in exercise of that power or taken away by him or her following the imposition of a requirement by virtue of sub-paragraph (a)(ii) –
  - (i) as they have effect in relation to anything seized in exercise of the power conferred on a police officer by Article 21(2) or (3) of that Law or taken away by a police officer following the imposition of a requirement by virtue of Article 21(4) of that Law, and
  - (ii) as if the references to a police officer in Article 23(3), (4) and (5) included references to that person.

## **5 Access and copying in the case of things seized by police officers**

Where a designation applies this paragraph to a person, Article 23 of the 2003 Law shall have effect in relation to anything seized by a police officer as if the references to a police officer in Article 23(3), (4) and (5) included references to that person.

## **PART 2 – DETENTION OFFICER**

## **6 Attendance at police station for finger printing**

Where a designation applies this paragraph to a person, that person shall have the same powers as a police officer under Article 49 of the 2003 Law to require a person to attend a police station to have his or her fingerprints taken.

## **7 Non-intimate searches of detained persons**

Where a designation applies this paragraph to a person –

- (a) that person shall have the powers of a police officer under Article 50 of the 2003 Law –
  - (i) to carry out a search under that Article of any person at a police station or of any other person otherwise in police detention, and
  - (ii) to seize or retain, or cause to be seized or retained, anything found on such a search;
- (b) Article 50(9) and (12) of the 2003 Law shall apply to the exercise by that person of any power exercisable under this paragraph as they apply to the exercise of such a power by a police officer.

## **8 Intimate searches of detained persons**

Where a designation applies this paragraph to a person –

- (a) that person shall have the powers of an officer of the Force by virtue of Article 51(6) of the 2003 Law to carry out an intimate search of a person at a police station;
- (b) Article 51(7) of the 2003 Law shall apply to the exercise by that person of any power exercisable by virtue of this paragraph as it applies to the exercise of the power by an officer of the Force.

## **9 Fingerprinting without consent**

Where a designation applies this paragraph to a person –

- (a) that person shall have, at a police station the powers of a police officer below the rank of Inspector to take fingerprints without the appropriate consent under Article 55 of the 2003 Law; and
- (b) the requirement by virtue of Article 55(11)(a) of the 2003 Law that a person must be informed by an officer that his or her fingerprints may be the subject of a speculative search shall be capable of being discharged, in the case of a person at a police station, by the person being so informed by the person to whom this paragraph applies.

## **10 Non-intimate samples**

Where a designation applies this paragraph to a person –

- (a) that person shall have the power of a police officer below the rank of Inspector to take a non-intimate sample under Article 57 of the 2003 Law in the case of a person in a police station without the appropriate consent;
- (b) the requirement by virtue of Article 57(9), (10), (12) and (13) to inform a person of certain matters shall be capable of being discharged, in the case of a person at a police station, by the person being informed by the person to whom this paragraph applies.

## **11 Incidental powers in respect of detention**

Where a designation applies this paragraph to a person –

- (a) that person may detain another person for a period not exceeding 30 minutes to await the arrival of a police officer if –
  - (i) the designated person has reasonable grounds for suspecting that the other person has committed an offence, and
  - (ii) that other person –
    - (A) has failed to give his or her name or address when requested to do so by the designated person, or
    - (B) has given his or her name or address but the designated person has reasonable grounds for suspecting that such name or address is false or inaccurate;
- (b) that person shall remain with a police officer who arrives within 30 minutes as referred to in sub-paragraph (a) until the person who has been detained has been transferred to the control of the police officer;

- (c) if the person who may be detained by virtue of sub-paragraph (a) agrees to accompany the person to whom this paragraph applies to a police station, the person to whom this paragraph applies shall be under a duty –
  - (i) to keep that other person under control while detained at the police station or in its vicinity for as long as the person to whom this paragraph applies is responsible for him or her,
  - (ii) to assist any police officer or other authorized person to keep the person detained at the police station or in its vicinity under control, and
  - (iii) to prevent the escape of that other person from the police station or its vicinity;
- (d) that person shall be entitled to use reasonable force –
  - (i) for any of the purposes described in sub-paragraph (c),
  - (ii) for the purpose of securing, or assisting another authorized person to secure, the detention of the person who may be detained by virtue of sub-paragraph (a), or
  - (iii) for the purpose of escorting that other person within a police station or assisting a police officer or other authorized person to escort such a person within a police station.

### **PART 3 – ESCORT OFFICERS**

#### **12 Power to take arrested person to a police station**

- (1) Where a designation applies this paragraph to a person –
  - (a) that person is authorized to take an arrested person to a police station under Article 28 of the 2003 Law as if the reference to a police officer taking an arrested person to a police station in Article 28(1) of that Law included a reference to that person;
  - (b) Article 28 of the 2003 Law has effect in relation to the exercise of the power conferred by sub-paragraph (a) as if the references to a person being taken to a police station by a police officer in Article 28(3) and (9) (but not Article 28(4) to (8)) included references to that person;
  - (c) that person who is taking an arrested person to a police station in exercise of the power conferred by clause (a) –
    - (i) shall be treated for all purposes as having that arrested person in his or her lawful custody,
    - (ii) shall be under a duty to keep the arrested person under control and to prevent the escape of that arrested person, and
    - (iii) shall be entitled to use reasonable force to keep that arrested person in his or her charge and under his or her control;
  - (d) that person who has taken an arrested person to a police station in exercise of the power conferred by clause (a) –
    - (i) shall be under a duty to remain at the police station until he or she has transferred control of the arrested person to the custody officer at the police station,

- (ii) until he or she has so transferred control to the custody officer, shall be treated for all purposes as having the arrested person in his or her lawful custody,
  - (iii) for so long as that person is at the police station or in its immediate vicinity in compliance with, or having complied with, the duty under clause (i), shall be under a duty to prevent the escape of the arrested person and to assist in keeping the arrested person under control, and
  - (iv) shall be entitled to use reasonable force for the purpose of complying with the duty under clause (iii).
- (2) Without prejudice to any application of paragraph 7, where a person has another person in his or her lawful custody by virtue of sub-paragraph (1) –
  - (a) he or she shall have the same powers under Article 50(7) and (8) of the 2003 Law as a police officer has in the case of a person in police detention –
    - (i) to carry out a search of the other person, and
    - (ii) to seize or retain, or cause to be seized or retained, anything found on such a search; and
  - (b) Article 50(9) and (12) of the 2003 Law shall apply to the exercise by a person to whom this paragraph is applied of any power exercisable under this sub-paragraph as they apply to the exercise of the power by a police officer.

### **13 Escort of persons in police detention**

- (1) Where a designation applies this paragraph to any person, that person may be authorized by a custody officer to escort a person in police detention –
  - (a) from a designated police station to another designated police station; or
  - (b) from a designated police station to another place specified by the custody officer and then either back to the same or another designated police station.
- (2) A person who is escorting another person in accordance with the authorization under sub-paragraph (1) –
  - (a) shall be treated for all purposes as having that other person in his or her lawful custody;
  - (b) shall be under a duty to keep the other person under control and to prevent the escape of that other person; and
  - (c) shall be entitled to use reasonable force to keep that other person in his or her charge and under his or her control.
- (3) A person who has escorted another person to a designated police station or other place in accordance with the authorization under sub-paragraph (1) –
  - (a) shall be under a duty to remain at the designated police station or other place until he or she has transferred control of the other person to a custody officer or other responsible person there;
  - (b) until the other person has been so transferred, shall be treated for all purposes as having that person in his or her lawful custody;
  - (c) for so long as he or she is at the designated police station or other place, or in its immediate vicinity, in compliance with, or having complied with, the duty under clause (a), shall be under a duty to prevent the escape of the other person and to assist in keeping that other person under control; and

- 
- (d) shall be entitled to use reasonable force for the purpose of complying with the duty under clause (c).
  - (4) Without prejudice to any application of paragraph 7, where a person has another person in his or her lawful custody by virtue of sub-paragraph (3) –
    - (a) that person shall have the same powers under Article 50(7) and (8) of the 2003 Law as a police officer has in the case of a person in police detention –
      - (i) to carry out a search of the other person, and
      - (ii) to seize or retain, or cause to be seized or retained, anything found on such a search; and
    - (b) Article 50(9) and (12) of the 2003 Law shall apply to the exercise by that person of any power exercisable under this sub-paragraph as they apply to the exercise of the power by a police officer.

**SCHEDULE 3<sup>34</sup>**

(Articles 26(9) and 27(9))

**DESIGNATED PERSONS: COMPLAINTS, DISCIPLINE AND CONDUCT MATTERS****1 Interpretation of this Schedule**

In this Schedule –

“Law” means the [Police \(Complaints and Discipline\) \(Jersey\) Law 1999](#);“Order” means the [Police \(Complaints and Discipline Procedure\) \(Jersey\) Order 2000](#);

“designated contractor” means the employee of a contractor designated under Article 27(2);

“designated employee” means a States’ employee designated under Article 26(1);

“designated person” means a designated contractor or designated employee, as the case requires;

“disciplinary policy” means –

- (a) in the case of a designated employee, the disciplinary policy applicable to States’ employees other than members of the Police Force;
- (b) in the case of a designated contractor, any policy of the contractor governing the conduct (as opposed to the performance) of the designated contractor in order to determine whether a sanction or punitive measure is to be imposed against him in relation to that conduct;

“performance policy” means –

- (a) in the case of a designated employee –
  - (i) the capability policy applicable to States’ employees other than members of the Police Force,
  - (ii) the attendance policy applicable to States’ employees other than members of the States Police Force;
- (b) in the case of a designated contractor, any policy of the contractor governing the performance of a designated contractor for the purposes of assessing whether the performance is unsatisfactory and whether, as a result, any action is to be taken in relation to it.

**2 Modifications of the Law and Order**

- (1) Subject to the modifications set out in sub-paragraphs (2) and (3), Part 2 of the Law and the relevant parts of the Order shall apply to the exercise or performance by a designated person of the powers and duties conferred or imposed on him or her by the designation as they apply to a member of the Force.
- (2) Part 2 of the Law shall be read as if –
  - (a) references to a complaint about the conduct of a member of the Force referred to conduct of the designated person in exercising or performing the powers and duties conferred or imposed on him or her by the designation;

- (b) references to disciplinary charges in Articles 4(2), 7(3)(b) and 11(1) referred to action taken under the disciplinary policy by the employer of the designated person following resolution of the complaint under Article 7 or investigation of the complaint under the Law;
  - (c) the reference in Article 7(6) to an officer of at least the rank of the member of the Force against whom the complaint is made were to an officer who is equivalent in seniority to the designated person;
  - (d) the reference to an offence against discipline in Article 8(a) referred to conduct by the designated person that would justify action being taken under the disciplinary policy;
  - (e) the reference in Article 11(3) to a statement by the Chief Officer were to a statement by the Chief Officer stating whether he or she is of the opinion that grounds exist for the employer of the designated person to take action under the disciplinary policy or performance policy;
  - (f) the reference in Article 12(1) to a recommendation by the Authority were to a written opinion by the Authority if it takes a different view to the Chief Officer's statement under Article 11(3) as modified; and
  - (g) Articles 12(2) to (7), 13 and 14 did not apply.
- (3) The Order shall be read as if –
- (a) the references in Article 2(2) and 4(1)(b) to an offence against discipline were to conduct by the designated person that would justify action being taken under the disciplinary policy;
  - (b) the reference in Article 4(1) to suspension referred to suspension of the designation of the person under Article 26(1) or 27(2) of this Law, as the case may be;
  - (c) the references in Articles 4(2) and 4(8) to a disciplinary charge or to being charged with an offence against discipline were to action being taken under the disciplinary policy;
  - (d) the reference in Article 6(3) to an officer of at least the rank of the member of the Force concerned were to an officer who is equivalent in seniority to the designated person;
  - (e) the reference in Article 9(1) to the Chief Officer considering whether a disciplinary charge should be preferred were to the Chief Officer considering whether grounds exist for action being taken by the employer of the designated person under the disciplinary policy or performance policy, as the case may be;
- (f) Articles 9(2) and (3) and 10 to 41 did not apply.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	*Projet No (where applicable)
States of Jersey Police Force Law 2012	<a href="#">L.37/2012</a>	24 July 2013 – Articles 1, 2, 3(1) to (4), 4 to 7, 17(1) to (4), 18 to 20 and 34 and Schedule 1, paragraph 11(9) to the extent that it repeals the following provisions of the Police Force (Jersey) Law 1974 – (i) Article 8(1) and (2), (ii) Article 9(3) <a href="#">(R&amp;O.105/2013)</a>  1 August 2014 – remainder <a href="#">(R&amp;O.87/2014)</a>	<a href="#">P.182/2011</a>
States of Jersey Police Force (Amendment) Law 2014	<a href="#">L.38/2014</a>	24 October 2014	<a href="#">P.87/2014</a>
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	<a href="#">L.1/2016</a>	20 September 2016 <a href="#">(R&amp;O.98/2016)</a>	<a href="#">P.87/2015</a>
States of Jersey Police Force (Police Negotiating Board) (Jersey) Regulations 2017	<a href="#">R&amp;O.25/2017</a>	21 February 2017	<a href="#">P.140/2016</a>
States of Jersey Police Force (Amendment No. 2) Law 2017	<a href="#">L.22/2017</a>	27 October 2017	<a href="#">P.30/2017</a>
Machinery of Government (Miscellaneous Amendments) (Jersey) Law 2018	<a href="#">L.18/2018</a>	8 June 2018	<a href="#">P.1/2018</a>
Mental Health and Capacity (Consequential Amendment and Transitional Provision) (Jersey) Regulations 2018	<a href="#">R&amp;O.49/2018</a>	1 October 2018 <a href="#">(R&amp;O.51/2018)</a>	<a href="#">P.48/2018</a>
Public Finances (Jersey) Law 2019	<a href="#">L.10/2019</a>	23 July 2019 <a href="#">(R&amp;O.67/2019)</a>	<a href="#">P.28/2019</a>
States of Jersey Police Force (Amendment No. 3) Law 2021	<a href="#">L.10/2021</a>	30 July 2021	<a href="#">P.10/2021</a>

\*Projets available at [www.statesassembly.gov.je](http://www.statesassembly.gov.je)

### Table of Renumbered Provisions

Original	Current
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Original	Current
31(1)	Spent, omitted
31(2)	31
Schedule 1	Spent, omitted
Schedule 2	Schedule
34(1)	34
34(2)	Spent, omitted

### Table of Endnote References

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<sup>1</sup> <i>long title</i>	<i>amended by L.22/2017</i>
<sup>2</sup> <i>Article 1</i>	<i>amended by L.22/2017, L.10/2019</i>
<sup>3</sup> <i>Article 3(4)</i>	<i>substituted by L.10/2021</i>
<sup>4</sup> <i>Article 4</i>	<i>substituted by L.10/2021</i>
<sup>5</sup> <i>Article 5(9)</i>	<i>amended by R&amp;O.49/2018</i>
<sup>6</sup> <i>Article 7(1)</i>	<i>substituted by L.10/2021</i>
<sup>7</sup> <i>Article 7(2)</i>	<i>amended by L.10/2021</i>
<sup>8</sup> <i>Article 7(3)</i>	<i>inserted by L.10/2021</i>
<sup>9</sup> <i>Article 8(3)</i>	<i>amended by L.10/2021</i>
<sup>10</sup> <i>Article 13(2)</i>	<i>amended by L.38/2014</i>
<sup>11</sup> <i>Article 17(1A)</i>	<i>inserted by L.10/2021</i>
<sup>12</sup> <i>Article 17(1B)</i>	<i>inserted by L.10/2021</i>
<sup>13</sup> <i>Article 17(2)</i>	<i>amended by L.10/2021</i>
<sup>14</sup> <i>Article 17(5)</i>	<i>substituted by L.18/2018, amended by L.10/2019</i>
<sup>15</sup> <i>Article 19(1)</i>	<i>amended by L.10/2021</i>
<sup>16</sup> <i>Article 19(1A)</i>	<i>inserted by L.10/2021</i>
<sup>17</sup> <i>Article 24</i>	<i>substituted by L.22/2017</i>
<sup>18</sup> <i>Article 25A</i>	<i>inserted by L.10/2021</i>
<sup>19</sup> <i>Article 26</i>	<i>substituted by L.22/2017</i>
<sup>20</sup> <i>Article 27</i>	<i>substituted by L.22/2017</i>
<sup>21</sup> <i>Cross heading</i>	<i>inserted by L.10/2021</i>
<sup>22</sup> <i>Article 28AA</i>	<i>inserted by L.10/2021</i>
<sup>23</sup> <i>Article 28AB</i>	<i>inserted by L.10/2021</i>
<sup>24</sup> <i>Cross heading</i>	<i>inserted by L.22/2017</i>
<sup>25</sup> <i>Article 28A</i>	<i>inserted by L.22/2017</i>
<sup>26</sup> <i>Article 28B</i>	<i>inserted by L.22/2017</i>
<sup>27</sup> <i>Article 28C</i>	<i>inserted by L.22/2017</i>
<sup>28</sup> <i>Article 29(1)</i>	<i>amended by L.1/2016</i>
<sup>29</sup> <i>Article 30(1)</i>	<i>amended by L.1/2016</i>
<sup>30</sup> <i>Article 32(1)</i>	<i>amended by L.22/2017</i>
<sup>31</sup> <i>Schedule 1</i>	<i>renumbered as Schedule 1 by L.22/2017</i>
<sup>32</sup> <i>Schedule 1</i>	<i>paragraph 3 omitted, spent: see R&amp;O.25/2017</i>
<sup>33</sup> <i>Schedule 2</i>	<i>inserted by L.22/2017</i>
<sup>34</sup> <i>Schedule 3</i>	<i>inserted by L.22/2017</i>