



Jersey

**POLICE (HONORARY POLICE  
COMPLAINTS AND DISCIPLINE  
PROCEDURE) (JERSEY)  
REGULATIONS 2000**

**Official Consolidated Version**

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Jersey

# **POLICE (HONORARY POLICE COMPLAINTS AND DISCIPLINE PROCEDURE) (JERSEY) REGULATIONS 2000**

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## **POLICE (HONORARY POLICE COMPLAINTS AND DISCIPLINE PROCEDURE) (JERSEY) REGULATIONS 2000**

**THE STATES**, in pursuance of Article 28 of the [Police \(Complaints and Discipline\) \(Jersey\) Law 1999](#) and Article 4(4) of the Police Force (Jersey) Law 1974, have made the following Regulations –

Commencement [[see endnotes](#)]

### *Preliminary*

#### **1 Interpretation**

- (1) In these Regulations, unless the context requires otherwise –
- “chairman of the panel” means the Jurat appointed as such pursuant to Regulation 30(5);
  - “Code” means the Discipline Code referred to in Regulation 2;
  - “complainant” means the person by or on whose behalf a complaint is submitted;
  - “complaint” has the same meaning as in Article 17 of the Law;
  - “interested party” means a witness or any person involved in the conduct which is the subject of the case or who otherwise has a direct interest in the case;
  - “investigating officer” means, in relation to an investigation, the member of the Force or police officer from some other force appointed pursuant to Regulation 6;
  - “Law” means the [Police \(Complaints and Discipline\) \(Jersey\) Law 1999](#);
  - “member concerned” means a member of the Honorary Police whose conduct has been the subject of a complaint, report or allegation;
  - “member of the Honorary Police” means a Centenier, Vingtenier or Constable’s Officer;

“original hearing” means, in relation to an appeal, the hearing of the disciplinary charge at the conclusion of which the appellant was found guilty of an offence against discipline;

“panel”, in relation to an appeal, means the panel set up by the Bailiff pursuant to Article 27(2) of the Law;

“prison” has the same meaning as in the [Prison \(Jersey\) Law 1957](#);

“supervised investigation” means an investigation supervised by the Authority pursuant to Article 23 of the Law;

“unsupervised investigation” means an investigation which is not supervised by the Authority pursuant to Article 23 of the Law.

- (2) Any reference in these Regulations to a report or allegation or to a report and allegation does not include a complaint.

## **2 Discipline Code and offences against discipline**

- (1) The Discipline Code in the Schedule to these Regulations shall have effect.
- (2) A member of the Honorary Police commits an offence against discipline if the member’s conduct does not meet the standard set out in the Code.

## **3 Informal resolution of complaints<sup>1</sup>**

- (1) Where a Connétable is directed by the Attorney General, pursuant to Article 21(2) of the Law, to deal with a complaint informally, the Connétable must, as soon as practicable –
  - (a) seek the views of the complainant and the member concerned about the matter; and
  - (b) subject to paragraph (3), take such other steps as may appear to the Connétable to be appropriate.
- (2) The Connétable must give the member concerned the opportunity to respond to the complaint, at the member’s option, orally or in writing.
- (3) Where, having obtained the views of the complainant and the member concerned, it appears to the Connétable that the complaint had in fact been satisfactorily dealt with at the time it was brought to his or her notice, the Connétable may treat the complaint as having been dealt with informally.
- (4) A Connétable must, after dealing with a complaint informally, give to the Attorney General a copy of the outcome of the complaint recorded pursuant to Article 20(2) of the Law.

## **4 Suspension**

- (1) Where –
  - (a) a member of the Honorary Police has been charged with a criminal offence;or

- (b) there has been a complaint, report or allegation which indicates that a member of the Honorary Police may have committed an offence against discipline, whether or not it has been investigated,
- the Attorney General may, after consultation with the Connétable of the parish in which the member serves, suspend the member from office.
- (2) The Attorney General may exercise the power to suspend a member of the Honorary Police under this Regulation at any time from the time the member is charged with a criminal offence or the time that the Attorney General is informed of the complaint or the report or allegation is referred to him or her until –
- (a) the Attorney General decides not to prefer a disciplinary charge in respect of the conduct which was the subject of the criminal charge, complaint, report or allegation or directs that all disciplinary charges be withdrawn;
- (b) the member concerned has been charged with an offence against discipline and all such charges against the member have been dismissed;
- (c) the time limit for appeal against the decision finding the member concerned guilty of an offence against discipline has expired; or
- (d) a decision has been made on an appeal against that finding or the punishment imposed in respect of it.
- (3) Where the member concerned is suspended under this Regulation, the member shall be suspended until whichever occurs first of one of the events described in paragraph (2)(a) to (d) or a decision of the Attorney General to end the suspension.
- (4) Where the member concerned who is suspended is required to resign under Regulation 26, the member shall remain suspended during the period of the member's notice.

## **5 Conduct of investigations where there are outstanding criminal proceedings**

Where there are criminal proceedings outstanding against the member concerned which relate to conduct which is the subject of a complaint, report or allegation, no proceedings shall take place under these Regulations in respect of the complaint, report or allegation except the exercise of the power to suspend under Regulation 4, unless the Attorney General believes that, in the exceptional circumstances of the case, it would be appropriate for them to take place.

### *Formal investigation of complaints and other matters*

## **6 Appointment of officer to investigate complaint, report or allegation**

- (1) The Attorney General –
- (a) shall, where it appears to the Attorney General that a complaint is not suitable for being dealt with informally; or
- (b) may, where it appears to the Attorney General that a report or allegation indicates that a member of the Honorary Police may have committed an offence against discipline,

direct the Connétable of the parish in which the member concerned serves to request the Chief Officer to appoint a member of the Force or police officer from some other force, of at least the rank of inspector, to carry out an investigation.<sup>2</sup>

- (2) The Chief Officer shall comply with a request made pursuant to paragraph (1) and may ask the chief officer of some other force to provide a police officer of the other chief officer's force for appointment.
- (3) This Regulation is subject to the powers of the Authority, in the case of a supervised investigation, to approve the appointment of an investigating officer pursuant to Article 23 of the Law.

## **7 Notice of investigation of complaint, report or allegation**

The investigating officer shall, as soon as is practicable (without prejudicing his or her or any other investigation of the matter) cause the member concerned to be given written notice –

- (a) that there is to be an investigation into the case;
- (b) of the nature of the complaint, report or allegation;
- (c) informing the member that the member is not obliged to say anything concerning the matter, but that the member may, if he or she so desires, make a written or oral statement concerning the matter to the investigating officer or to the Attorney General;
- (d) informing the member that if the member makes such a statement it may be used in any subsequent proceedings under these Regulations;
- (e) informing the member that the member has the right to seek advice from the Honorary Police Association; and
- (f) informing the member that the member has the right to be accompanied by any person, other than an interested party, to any meeting, interview or hearing.<sup>3</sup>

## **8 Report on investigation**

At the end of an investigation, the investigating officer shall –

- (a) in the case of a supervised investigation, in accordance with Article 24(3) of the Law, give a written report to the Authority and send a copy to the Attorney General and to the Connétable of the parish in which the member concerned serves; or
- (b) in the case of an unsupervised investigation, give a written report to the Attorney General and send a copy to the Connétable of the parish in which the member concerned serves.

## **9 Procedure on receipt of investigating officer's report**

- (1) The Attorney General shall consider whether a disciplinary charge shall be preferred against the member concerned –
  - (a) in the case of a supervised investigation, after either the Attorney General has informed the Authority, in accordance with Article 25(2) of the Law, that criminal proceedings will not be initiated, or such proceedings are concluded; or

- (b) in the case of an unsupervised investigation, after the Attorney General has received the investigating officer's report made under Regulation 8 and determined either that criminal proceedings will not be initiated or such proceedings are concluded.
- (2) Paragraph (1) is without prejudice to the powers of the Attorney General under Regulation 5.

## **10 Withdrawal of disciplinary charge**

At any time before the beginning of a disciplinary hearing, the Attorney General may direct that any disciplinary charge preferred be withdrawn and shall give the member concerned written notice of any such direction.

### *Disciplinary hearings*

## **11 Limitation on punishments**

- (1) No punishment of a kind described in Regulation 26 shall be imposed on a member of the Honorary Police otherwise than upon a finding at a disciplinary hearing that the member is guilty of an offence against discipline.
- (2) A member of the Honorary Police may not be dismissed or required to resign upon a finding described in paragraph (1) unless the member has been given an opportunity to elect to be legally represented by an advocate or solicitor at the disciplinary hearing.

## **12 Notice of decision to prefer disciplinary charge**

- (1) Where the Attorney General decides to prefer a disciplinary charge the Attorney General shall ensure that –
  - (a) as soon as practicable, the member concerned is given written notice of the decision complying with paragraph (2); and
  - (b) not less than 21 days before the date of the disciplinary hearing, the member concerned is given copies of documents required by paragraph (3).
- (2) Written notice of a decision shall specify the conduct which it is alleged constituted an offence against discipline and the paragraph of the Code in respect of which that offence is alleged to have been committed.
- (3) The documents of which copies are to be given to the member concerned are –
  - (a) any written statement the member may have made to the investigating officer;
  - (b) an account of any oral statement the member may have made to the investigating officer or the Attorney General; and
  - (c) any other relevant statement, document or other material obtained during the course of the investigation, other than the report of the investigating officer prepared pursuant to Regulation 8.

### **13 Notice of disciplinary hearing**

- (1) The Attorney General shall give the member concerned not less than 21 days' written notice of the time, date and place of the disciplinary hearing.
- (2) The Attorney General shall, in every case where the Attorney General is of the opinion that a disciplinary hearing should have available the punishments of dismissal or requirement to resign, give the member concerned, at the same time as the Attorney General gives notice pursuant to paragraph (1), written notice of –
  - (a) the opportunity to elect to be legally represented at the hearing; and
  - (b) the effect of Regulations 11(2) and 18.

### **14 Procedure on receipt of notice**

- (1) The member concerned shall be invited to state in writing, within 14 days of the date on which the member is notified that the last of the documents to be given to the member pursuant to Regulation 12(1)(b) has been so given –
  - (a) whether or not the member accepts that the member has committed an offence against discipline;
  - (b) in a case where the member is given notice pursuant to Regulation 13(2), whether the member wishes to be legally represented at the disciplinary hearing; and
  - (c) whether the member proposes to call any witnesses to relevant facts at the hearing and the names and addresses of any such witnesses whose attendance the member wishes the Attorney General to secure.
- (2) Where, pursuant to paragraph (1)(c), the member concerned states that the member wishes the Attorney General to secure the attendance of witnesses, the Attorney General shall –
  - (a) order any witness who is a member of the Honorary Police to attend the disciplinary hearing; and
  - (b) cause any other witness to be given due notice that their attendance is desired and of the time and place of the hearing.
- (3) Nothing in this Regulation shall require a disciplinary hearing to be adjourned where a witness is unable or unwilling to attend the hearing.

### **15 Advancement of disciplinary hearing date**

Notwithstanding Regulation 13, a disciplinary hearing may take place less than 21 days after notice is given pursuant to that provision, if the Attorney General considers it appropriate in the circumstances, where –

- (a) at the time the member concerned receives notice pursuant to Regulation 12(1)(a), the member is detained pursuant to a sentence of a court in a prison; and
- (b) having been given the documents required by Regulation 12(1)(b), the member concerned does not elect to be legally represented at the hearing.

## **16 Hearing of disciplinary charges**

A disciplinary charge shall be heard by the Attorney General.

## **17 Documents to be given to member concerned**

- (1) Where the member concerned accepts, in accordance with Regulation 14, that the member has committed an offence against discipline the Attorney General shall cause a summary of the facts of the case to be prepared and a copy of it given to the member concerned at least 14 days before the disciplinary hearing.
- (2) If the member concerned does not agree the summary of facts, the member may give a response within 7 days of receipt of the copy of the summary.
- (3) Where the member concerned does not accept that the member has committed an offence against discipline, no summary of facts shall be prepared.

## **18 Representation at disciplinary hearing**

- (1) Where the member concerned has not been given an opportunity to elect to be legally represented or has not so elected, the case against the member shall be presented by a member of the Force.
- (2) Where the member concerned has given notice in accordance with Regulation 14 that he or she wishes to be legally represented, the case against the member may be presented by an advocate or solicitor, whether or not the member concerned is actually so represented.
- (3) The member concerned may, in any case, conduct his or her case in person.
- (4) Where the member concerned has been given an opportunity to elect to be legally represented and has so elected, the member may be represented at the disciplinary hearing, at the member's option, by an advocate or solicitor.
- (5) Where the member concerned has not been given an opportunity to elect to be legally represented or has not so elected, the member may be represented at the disciplinary hearing only by another member of the Honorary Police or by a member of the Force or police officer from some other force.

## **19 Procedure at disciplinary hearing**

- (1) Except as provided by these Regulations, the procedure at a disciplinary hearing shall be determined by the Attorney General.
- (2) The Attorney General may from time to time adjourn a disciplinary hearing if it appears to be necessary or expedient to do so for the due hearing of the case.
- (3) The Attorney General shall review the facts of the case and decide whether or not the member concerned is guilty of the offence against discipline with which the member is charged, but shall not find the member guilty unless –
  - (a) the member has admitted the offence; or
  - (b) the case is proved by the person presenting it on the balance of probabilities.

- (4) Where the member concerned is found guilty of an offence against discipline, the Attorney General shall determine whether, in all the circumstances, it would be reasonable to impose any punishment and, if so, what that punishment should be.

## **20 Attendance of member concerned at disciplinary hearing**

- (1) The Attorney General shall order the member concerned to attend the disciplinary hearing.
- (2) If the member concerned fails to attend the disciplinary hearing, it may be proceeded with and concluded in the member's absence.
- (3) Where the member concerned informs the Attorney General in advance that the member is unable to attend due to ill-health or some other unavoidable reason, the disciplinary hearing may be adjourned.
- (4) Where, owing to the absence of the member concerned, it is impossible to comply with any of the procedures set out in these Regulations, that procedure shall be dispensed with.

## **21 Attendance of complainant at disciplinary hearing**

- (1) This Regulation applies where the disciplinary charge being heard arises from a complaint.
- (2) Subject to paragraph (3), the complainant shall be allowed to attend the disciplinary hearing and may, at the discretion of the Attorney General, be accompanied by a personal friend or relative.
- (3) Where the complainant or any person allowed to accompany him or her is called as a witness at the disciplinary hearing, he or she and any person allowed to accompany him or her shall not be allowed to attend before he or she gives his or her evidence.
- (4) Where the member concerned gives evidence then, after the person presenting the case has had an opportunity of cross-examining the member, the Attorney General shall put to the member concerned any questions which the complainant requests should be so put and might have been properly so put by the person presenting the case, or at the Attorney General's discretion, may allow the complainant to put such questions to the member concerned.
- (5) Except as provided in paragraph (4), the complainant and any person allowed to accompany him or her shall neither intervene in, nor interrupt, the disciplinary hearing and, if the complainant or such person behaves in a disorderly or abusive manner or otherwise misconducts himself or herself, the Attorney General may exclude the complainant or such person from the remainder of the hearing.

## **22 Attendance of others at disciplinary hearing**

- (1) Except as provided in this Regulation and Regulation 21, a disciplinary hearing shall be in private.
- (2) The Attorney General may allow any advocate, solicitor or other such persons as the Attorney General considers desirable to attend the whole or such part of the

disciplinary hearing as the Attorney General may think fit, subject to the consent of the member concerned and the person presenting the case against the member.

- (3) Any member of the Authority shall be entitled to attend the hearing of a disciplinary charge which arises from a complaint or from any investigation supervised by the Authority pursuant to Article 23 of the Law.
- (4) The member concerned may be accompanied at the hearing by any person other than an interested party.
- (5) The Attorney General may allow witnesses to be accompanied at the hearing by a personal friend or relative.

## **23 Exclusion of public from disciplinary hearing**

Where it appears to the Attorney General that a witness may, in giving evidence, disclose information which, in the public interest, ought not to be disclosed to a member of the public, the Attorney General shall require any member of the public, including the complainant and any person allowed to accompany the complainant or any witness, to withdraw while the evidence is given.

## **24 Evidence at disciplinary hearing**

- (1) The Attorney General shall determine any question as to whether any evidence is admissible and as to whether any question should or should not be put to a witness.
- (2) With the consent of the member concerned, the Attorney General may allow any document to be adduced in evidence during the disciplinary hearing notwithstanding that a copy of it has not been given to the member concerned in accordance with Regulation 12(1)(b).

## **25 Record of disciplinary hearing**

The Attorney General shall –

- (a) ensure that a verbatim record of the proceedings at a disciplinary hearing is taken; and
- (b) if the member concerned so requests within the time limit for any appeal specified in Article 27(3) of the Law and after he or she has given notice of appeal in accordance with Regulation 30, supply the member with a transcript of the record or a copy of it.

## **26 Punishments**

- (1) Subject to Regulation 11, the Attorney General may impose any of the following punishments, that is to say –
  - (a) dismissal from the Honorary Police;
  - (b) requirement to resign from the Honorary Police, as an alternative to dismissal, taking effect either forthwith or on such date as may be specified in the decision;
  - (c) suspension;

- (d) censure;
  - (e) reprimand.
- (2) Any punishment imposed under paragraph (1), except a requirement to resign, shall have immediate effect.
- (3) The member concerned may be dismissed or required to resign without the member's being legally represented if the member –
- (a) fails without reasonable cause to give notice in accordance with these Regulations that the member wishes to be legally represented;
  - (b) gives notice in accordance with these Regulations that the member does not wish to be legally represented; or
  - (c) gives notice in accordance with these Regulations that the member wishes to be legally represented but, at any time, withdraws such notice.

## **27 Service to be considered before punishment imposed**

Where the question of the punishment to be imposed is being considered –

- (a) the Attorney General –
  - (i) shall have regard to the past service in the Honorary Police of the member concerned, and
  - (ii) may receive evidence from any witness whose evidence, in the Attorney General's opinion or in the opinion of the member concerned, would assist in determining the question; and
- (b) the member concerned or the member's representative shall be given an opportunity to make oral or, if appropriate, written representations concerning the question or to adduce evidence relevant to it.

## **28 Notification of finding**

- (1) At the conclusion of a disciplinary hearing, the Attorney General shall inform the member concerned orally of the decision on the disciplinary charge and of any punishment imposed.
- (2) The Attorney General shall, within the 3 days following the conclusion of the disciplinary hearing, cause the member concerned and the Connétable of the parish in which the member serves to be given written notice of the decision and any punishment imposed and a summary of the reasons for them.

## **29 Records of disciplinary proceedings**

- (1) The Attorney General shall maintain a book of record of disciplinary proceedings brought against members of the Honorary Police.
- (2) The Attorney General shall enter every case brought against a member of the Honorary Police in the book of record, together with the finding on the case and a record of the decision in any further proceedings in connection with the case.

## *Appeals*

### **30 Initiation of appeal**

- (1) An appeal against the decision on a disciplinary charge or punishment imposed may only be made in accordance with Article 27 of the Law and these Regulations.
- (2) The Attorney General shall be the respondent on an appeal.
- (3) Notice of an appeal shall be in writing and given to the Authority within the time specified in Article 27(3) of the Law or allowed pursuant to Article 27(4) of the Law and a copy of it shall be given to the respondent.
- (4) An application for extension of the period within which an appeal must be made shall be in writing and made to the Authority and a copy of it shall be sent to the respondent.
- (5) The Bailiff, when setting up a panel pursuant to Article 27(2) of the Law, shall, at the same time, appoint one of the members as chairman of the panel.

### **31 Procedure on notice of appeal**

- (1) As soon as practicable after receipt of a copy of a notice of appeal, the respondent shall give the panel –
  - (a) a copy of the respondent's report on the decision appealed against;
  - (b) a transcript of the proceedings at the original hearing;
  - (c) any documents which were made available to the respondent at the original hearing.
- (2) The respondent shall, at the same time that he or she gives the documents described in paragraph (1) to the panel, give a copy of the transcript of the proceedings at the original hearing to the appellant.
- (3) Subject to paragraph (4), the appellant shall, within 28 days of the date on which the appellant receives the copy of the transcript of the proceedings at the original hearing, give the panel a statement of the grounds of appeal and any supporting documents.
- (4) The appellant shall, at the same time that the appellant gives the panel the statement and documents described in paragraph (3), give a copy of them to the respondent.
- (5) Where the panel is satisfied, on the written application of the appellant that, by reason of the special circumstances of the case it is just and right so to do, it may extend the period referred to in paragraph (3).
- (6) The respondent shall, not later than 21 days from the date on which the respondent receives the copy referred to in paragraph (4), give the panel a statement of the respondent's response to the appeal and any supporting documents.
- (7) The respondent shall, at the same time as the respondent complies with paragraph (6), give the appellant a copy of the statement and any supporting documents.

### **32 Procedure at appeal hearing**

- (1) Where an appeal is to be determined at a hearing, the chairman of the panel shall cause the appellant and respondent to be given notice of the date of the hearing not less than 28 days, or such shorter period as may, with the agreement of both parties, be determined, before the hearing begins.
- (2) Where an appeal hearing is held, the respondent shall have the same rights to be represented as are afforded to the appellant by Article 27(5) of the Law.
- (3) The panel may proceed with the appeal hearing in the absence of either party, whether represented or not, if it appears to be just and proper to do so, and may adjourn it from time to time as may appear necessary for the due hearing of the case.
- (4) Except as provided in these Regulations, the procedure at an appeal hearing shall be determined by the panel.

### **33 Appeal hearing to be in private**

- (1) Subject to paragraphs (2) and (4) and Regulation 35, an appeal hearing shall be held in private.
- (2) The panel may allow such person or persons as it considers desirable to attend the whole or such part of the hearing as it may think fit.
- (3) Notwithstanding that the panel has allowed a person to attend the appeal hearing, where it appears to the panel that a witness may in giving evidence disclose information which, in the public interest, ought not to be disclosed to a member of the public, the panel shall require any member of the public present to withdraw while that evidence is given.
- (4) A member of the Authority shall be entitled to attend an appeal hearing.

### **34 Evidence at appeal hearing**

- (1) The panel shall determine any question as to whether any evidence is admissible, or whether any question should or should not be put to a witness.
- (2) The panel may require oral evidence to be given on oath.
- (3) A panel may admit evidence by way of a written statement made by a person, notwithstanding that the person may not be called as a witness, so, however, that evidence shall not be admissible under this Regulation if it would not have been admissible had it been given orally.
- (4) For the purposes of this Regulation, a written statement purporting to be made and signed by a person and witnessed by another person shall be presumed to have been made by that person unless the contrary be shown.
- (5) Nothing in this Regulation shall prejudice the admission of written evidence which would be admissible apart from this Regulation.
- (6) The chairman of the panel shall either cause a verbatim record of the evidence given at the appeal hearing to be taken and kept for a period of not less 7 years from the date of the end of the hearing or cause a transcription of the record to be made.

### **35 Attendance of complainant at appeal hearing**

- (1) This Regulation applies in relation to an appeal hearing where the decision appealed against arose from a complaint and the appeal is not against punishment only.
- (2) The chairman of the panel shall cause notice of the date of the appeal hearing to be given to the complainant at the same time as it is given to the appellant and respondent pursuant to Regulation 32(1).
- (3) Subject to paragraphs (4) and (5), the panel shall allow the complainant to attend the appeal hearing while witnesses are being examined or cross-examined on the facts alleged and, if the panel considers it appropriate so to do, on account of the age of the complainant or otherwise, shall allow him or her to be accompanied by a personal friend or relative who is not to be called as a witness at the hearing.
- (4) Where the complainant is to be called as a witness at the appeal hearing, the complainant and any person allowed to accompany him or her shall not be allowed to attend before the complainant gives his or her evidence.
- (5) Where it appears to the panel that a witness may, in giving evidence, disclose information which, in the public interest, ought not to be disclosed to a member of the public, it shall require the complainant and any person allowed to accompany him or her to withdraw while that evidence is given.
- (6) Where the appellant gives evidence, then, after the person representing the respondent has had an opportunity of cross-examining the appellant, the chairman of the panel shall put to the appellant any questions which the complainant requests should be so put and might have been properly so put by way of cross-examination and, at the chairman of the panel's discretion, may allow the complainant himself or herself to put such questions to the appellant.
- (7) Except as provided in paragraph (6), the complainant and any person allowed to accompany him or her shall neither intervene in nor interrupt the appeal hearing and, if the complainant or such person should behave in a disorderly or abusive manner or otherwise misconduct himself or herself, the chairman of the panel may exclude the complainant or such person from the remainder of the hearing.

### **36 Determination of appeal without hearing**

The panel may, with the agreement of the appellant and respondent, determine an appeal without a hearing.

### **37 Statement of panel's decision**

- (1) The chairman of the panel shall –
  - (a) prepare a written statement of the panel's decision on the appeal and of the reason for it;
  - (b) give the statement to the Chairman of the Authority; and
  - (c) give a copy of the statement to the appellant and respondent.
- (2) Where the decision appealed against arose from a complaint, the Chairman of the Authority shall notify the complainant of the outcome of the appeal.

### **38 Effect of decision on appeal**

- (1) Where an appeal is allowed the decision of the panel shall take effect by way of substitution for the decision appealed against and as from the date of the decision appealed against.
- (2) Where the effect of the decision of the panel is to reinstate the appellant in the Honorary Police and the appellant was suspended for a period immediately preceding the date of the decision appealed against, the decision shall deal with the suspension.

#### *Supplemental*

### **39 Delegation**

- (1) Subject to paragraph (2), the Attorney General may delegate to the Solicitor General or a Crown Advocate –
  - (a) the Attorney General’s powers under Regulations 4, 6, 9, and 10; and
  - (b) all or any of the Attorney General’s duties under these Regulations to give any notice, cause any document to be prepared, give a copy of any document to any person or secure the attendance of any person at a hearing.
- (2) The Attorney General may not delegate any duty imposed on the Attorney General by the Law.

### **40 Administration for panel**

The Judicial Greffier shall be clerk to a panel and, accordingly, any document required to be given to a panel shall be delivered to the Judicial Greffier.

### **41 Service by post**

Any notice or document to be given, sent or delivered pursuant to these Regulations may be given, sent or delivered by post.

### **42 Citation**

These Regulations may be cited as the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000.

## **SCHEDULE<sup>4</sup>**

(Regulation 2(1))

### **DISCIPLINE CODE**

#### **1 Interpretation**

In this Schedule “officers” means members of the Honorary Police.

#### **2 Honesty and integrity**

It is of paramount importance that the public has faith in the honesty and integrity of officers. Officers should, therefore, be open and truthful in their dealings; avoid being improperly beholden to any person or institution and discharge their duties with integrity.

#### **3 Fairness and impartiality**

Officers have a particular responsibility to act with fairness and impartiality in all their dealings with the public and their colleagues.

#### **4 Politeness and tolerance**

Officers should treat members of the public and colleagues with courtesy and respect, avoiding abusive or deriding attitudes or behaviour. In particular, officers must avoid: favouritism of an individual or group; all forms of harassment, victimization or unreasonable discrimination; and overbearing conduct to a colleague, particularly to one junior in rank or service.

#### **5 Use of force and abuse of authority**

Officers must not use more force than is reasonable, nor should they abuse their authority.

#### **6 Performance of duties**

Officers should be conscientious and diligent in the performance of their duties. If absent through sickness or injury, they should avoid activities likely to retard their return to duty.

#### **7 Lawful orders, directives, etc.**

The Honorary Police is a disciplined body. Unless there is good and sufficient cause to do otherwise, officers must obey all lawful orders and directives and abide by the provisions of the Honorary Police (Jersey) Regulations 1977 and the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000. Officers should support

their colleagues in the execution of their lawful duties, and oppose any improper behaviour, reporting it where appropriate.

## **8 Confidentiality**

Information which comes into the possession of the Honorary Police should be treated as confidential. It should not be used for personal benefit and nor should it be divulged to other parties except in the proper course of police duty. Similarly, officers should respect as confidential information about the policy and operations of the Honorary Police and the Force unless authorized to disclose it in the course of their duties.

## **9 Criminal offences**

Officers must report to the Connétable of the parish in which they serve any proceedings for a criminal offence taken against them. Conviction of a criminal offence may of itself be an offence against discipline.

## **10 Property**

Officers must exercise reasonable care to prevent loss or damage to property (excluding their own property but including police property).

## **11 Alcohol**

- (1) Officers shall not consume any alcohol whilst on duty. An officer is on duty at all times during his or her duty rota except during such times as the officer has, with the prior agreement of, if he or she is a Vingtenier or Constable's officer, the duty Centenier or, if he or she is a Centenier, another Centenier of the parish, been relieved of duty.
- (2) Officers shall not be on duty having consumed alcohol before coming on duty to such an extent that their judgment or ability to perform their duties is likely to be adversely affected or is likely to bring the Honorary Police into disrepute.

## **12 Appearance**

Unless on duties which dictate otherwise, officers should always be well turned out, clean and tidy whilst on duty.

## **13 General conduct**

Whether on or off duty, officers should not behave in a way which is likely to bring discredit upon the Honorary Police.

### **Notes:**

- (a) The duties of those who hold the office of Centenier, Vingtenier or Constable's Officer include the protection of life and property, the preservation of the Queen's peace, and the prevention and detection of criminal offences. To fulfil these duties

they are granted extraordinary powers; the public and the Honorary Police therefore have a right to expect the highest standards of conduct from them.

- (b) This Code sets out the principles which guide officers' conduct. It does not seek to restrict officers' discretion: rather it aims to define the parameters of conduct within which that discretion may be exercised. However, it is important to note that any breach of the principles in this Code may result in the preferment of disciplinary charges which, if proved, in a serious case, could involve dismissal.
- (c) This Code applies to the conduct of all officers whilst on duty, or whilst off duty if the conduct is serious enough to indicate that an officer is not fit to be such. It will be applied in a reasonable and objective manner. Due regard will be paid to the degree of negligence or deliberate fault and to the nature and circumstances of an officer's conduct. Where off-duty conduct is in question, this will be measured against the generally accepted standards of the day.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000	<a href="#">R&amp;O.110/2000</a>	1 January 2001
Honorary Police (Jersey) Regulations 2005	<a href="#">R&amp;O.1/2005</a>	1 April 2005
Police (Honorary Police Complaints and Discipline Procedure) (Amendment) (Jersey) Regulations 2007	<a href="#">R&amp;O.37/2007</a>	6 March 2007
Police (Honorary Police Complaints and Discipline Procedure) (Amendment No. 2) (Jersey) Regulations 2007	<a href="#">R&amp;O.132/2007</a>	11 January 2008

### Table of Renumbered Provisions

Original	Current
1(3), (4)	spent, omitted from this revised edition
42	spent, omitted from this revised edition
43	42

### Table of Endnote References

<sup>1</sup> Regulation 3	<i>substituted by R&amp;O.132/2007</i>
<sup>2</sup> Regulation 6(1)	<i>amended by R&amp;O.132/2007</i>
<sup>3</sup> Regulation 7	<i>amended by R&amp;O.1/2005</i>
<sup>4</sup> Schedule	<i>amended by R&amp;O.37/2007</i>