

**COMMITTEE *FOR* HOME AFFAIRS REPONSE TO  
RULE 14 QUESTIONS FROM DEPUTY CURGENVEN  
31<sup>st</sup> OCTOBER, 2025**

In responding to the Rule 14 questions, the Committee *for* Home Affairs (“the Committee”) has sought to balance the need to provide the public and the Assembly with reassurance that there are safeguards in the complaints process to ensure that matters are dealt with appropriately and that those discharging the responsibilities of the regime do so with integrity and professionalism.

It would not be appropriate for the Committee to comment on or speak on behalf of either the Guernsey Police, who are necessarily operationally independent of the Committee, or the Police Complaints Commission (“the Commission”), which is an independent body established under the Police Complaints (Guernsey) Law, 2008 (“the Law”) in order to carry out a specific role and functions provided for under the statutory police complaints framework.

When complaints are referenced in this response, the Committee is referring to complaints about non-senior ranking officers, i.e. officers below the rank of superintendent.

The Committee considers that the questions as posed do not provide a holistic view of the complaints regime. The Assembly and the public should be assured that the complaints process is not in crisis and, with appropriate context, the questions and responses demonstrate that the complaints process is working, albeit it is complex and in need of review.

For complete clarity, the Committee is not aware of any evidence that would indicate intentional wrongdoing in order to avoid addressing misconduct, as inferred by these questions.

**1. Can the Committee confirm that, in 2023, the Isle of Man Constabulary (IoM) visited Guernsey and, during its investigatory works, found that Guernsey police had been making a procedural error when dealing with complaints?**

Yes, the Committee can confirm the IoM Constabulary visited Guernsey in 2023 at the direct invitation of the Chief Officer of Police. The visit concerned an operational matter and as such the supplementary question posed does not relate to the mandate of the Committee, rather a statutory function discharged by police officers.

Guernsey Police has statutory independence from the Committee in operational matters, a principle recognised across the world as inherent to policing by consent and maintaining the impartiality and independence of police services. It is the Chief Officer of Police who holds statutory responsibility for the operation of Guernsey Police. His specific role in respect of

complaints is further set out in the Law. It would be neither lawful nor appropriate for the Committee (or its officers) to seek to insert itself (or themselves) in a statutory process or publicly comment on proceedings in so much as they relate to individual cases.

The Head of Law Enforcement has provided assurance that any procedural errors identified while officers discharge their duties are addressed. Further, he is satisfied that there is no evidence that any deviation from the complaints regime set out in the Law has occurred in order to avoid addressing misconduct.

For clarification, although the question implies that the IoM Constabulary conducted a general review of complaints, it did not do so.

- 2. Can the Committee confirm that this procedural error effectively closed complaints without further formal investigation under disciplinary notice and, in consequence, some of the core elements which one would expect of a formal misconduct investigation were not present in the file (examples include Regulation 12 notices; officer ten-day responses; or subject officer interview records)?**

No, the Committee cannot confirm this but is comforted that the independent process is being discharged appropriately and that this specific example provided an opportunity for an external force to provide an independent assessment of a complaint. Again, although the question appears to imply that the IoM conducted a general review of complaints, this is not correct.

- 3. Can the Committee confirm that the IoM also found the procedural error was not an isolated incident, but rather a process which had been routinely applied by Guernsey Law Enforcement in complaints investigations up to that point?**

For the reason set out in response to question 1 and 2, the Committee cannot confirm this.

- 4. Can the Committee confirm that, following these findings, Guernsey police altered its complaints handling on the basis of legal advice?**

No, the Committee cannot confirm this. Legal advice is privileged between the legal advisor and the client. The Committee is not privy to any legal advice which may or may not have been provided to the Guernsey Police.

It would be normal practice for 'learning' identified as a result of complaint handling to be carefully considered.

- 5. Can the Committee confirm that Guernsey Police did not, at any time after altering its complaints process off the back of legal advice received, revert back to using the procedural error when handling complaints?**

No, the Committee cannot confirm this, as noted above in response to question 4, the Committee is not aware of any legal advice that may or may not have been sought, or action subsequently taken.

- 6. On what date did Committee Officers become aware of the procedural error, as reported by the IoM? Further, on what date did the same become aware of related legal advice provided to Guernsey police and/or the Guernsey Police Complaints Commission (PCC)?**

In common with all States Committees, the Committee has a small group of officers directly supporting the political body with the vast majority of officers working within the operational services. Those officers directly supporting the Committee would not routinely be made aware of operational detail within individual service areas.

Further, in line with the response to questions 4 and 5, legal advice is privileged between the legal advisor and the client. As such the officers directly supporting the Committee would not be privy to legal advice that may or may not have been obtained by the Guernsey Police or the Police Complaints Commission.

- 7. On what date did Committee Members become aware of the procedural error, as reported by the IoM?**

The Committee has not been briefed on any procedural errors arising from complaint investigations, this would be a matter for the Chief Officer of Police to consider. In line with the response to question 6 there would be no expectation that information arising from individual complaints would be shared with the Committee.

- 8. Upon discovering Guernsey police had been rejecting complaints without conducting complaint investigations as set out in the Regulations, has the Committee performed any form of review/investigation to identify if there have been any other instances of non-compliance with the requirements of the Regulations?**

In line with the response to question 7 the Committee would not be made aware of specific observations made in relation to individual complaints, as there would be no statutory basis

for it to become involved in the process. It would be a matter for the Chief Officer of Police to ensure Guernsey Police complies with the statutory complaints process.

**9. Can the Committee confirm whether the PCC was aware of the procedural error and, if so, on what date it became aware; and detail how it became aware?**

Whilst the Commission is required to provide the Committee with an annual report regarding the discharge of its functions, the Commission does not disclose to the Committee details of individual complaints or investigations, nor would it be lawful for it to do so. The Commission was specifically established to be independent of the States and the Committee, with statutory oversight of the police complaints regime.

Section 7(4) of the Law sets out the information that the Commission may require the investigating officer to provide during the course of an investigation and section 8(3) states that the information that shall be submitted to the Commission at the end of a supervised investigation.

It would be the responsibility of the Chief Officer of Police to respond to any matters identified during the course of a complaint investigation.

**10. If the PCC was aware of this error, on what date did it first receive legal advice in respect of it?**

Further to the response to question 4, legal advice is privileged between the legal advisor and the client. The Committee is not privy to any legal advice which may or may not have been provided to the Commission.

**11. If the PCC was aware of the procedural error – that Guernsey police had been rejecting complaints contrary to the Regulations – why did it not detail this in any of its reports?**

The Committee refers to the responses provided to question 9 above. Further, it does not accept that there is any evidence that the Police have been 'rejecting complaints' or acting in a way so as to avoid addressing misconduct.

In publishing complaint details consideration must be given to maintaining the anonymity of complainants and officers concerned. Publishing details that may potentially identify individuals risks the integrity of the complaints process in that it may dissuade individuals from raising concerns. For this reason the Commission does not report on learning identified as a

result of complaint handling, neither would it be considered necessary or appropriate to report publicly on a genuine procedural error.

The Commission and the Chief Officer of Police have provided assurance there have been no cases where, in its opinion, a procedural error in the complaint handling process has impacted the outcome of a complaint.

**12. Is the PCC aware of any other instance or instances, following the IoM findings, where Guernsey police had repeated this error when handling complaints?**

Further to the response to question 11, the Commission has not highlighted any such concerns in its published report or to the Committee.

**13. Is the Committee aware of any written communications where Guernsey police confirmed it had not complied strictly with the Regulations?**

As noted in response to question 4, it would be normal practice for 'learning' identified as a result of complaint handling to be disseminated internally within Guernsey Police. There would be no reason for this to be shared with the Committee.

**14. At the time of submission, had elected Committee Members been provided with the independent audits and resultant reports carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (the CPT); and John Hyam's 'A Gap Analysis of the Guernsey Police Professional Standards Legislation, Regulations and Guidelines' (the Hyam's Report)?**

The Committee has been briefed on the application of the Law and experience to date. It has not been specifically briefed on these reports, which considering the passage of time since they were prepared in 2010 and 2014 respectively, would be considered out of date.

**15. The CPT report stated (2010): *"For an investigation into possible ill-treatment to be effective, it is essential that the persons responsible for carrying it out are independent from those implicated in the events and ideally they should be completely independent from the agency implicated. However, the current system in Guernsey whereby the PSD is part of the police service arguably does not provide it with sufficient independence and, in the view of the CPT, alternative institutional arrangements should be considered."* Is the Committee committed to setting up an independent complaint handling unit, in line with CPT guidance?**

This report from 2010 predates the commencement of the Law in July 2011.

- 16. Does the Committee plan on inviting the CPT to again inspect Guernsey police; if not, what steps are the Committee taking to ensure independent verification that the police complaints process is human rights compliant?**

The Law is Human Rights compliant. The Human Rights (Bailiwick of Guernsey) Law, 2000 incorporates Convention rights set out in the European Convention on Human Rights into Bailiwick law and makes it unlawful for a public authority to act in a way which is incompatible with a Convention right. There is no current plan to invite the CPT to carry out any further inspection.

- 17. The Hyam Report stated (2014): “*The overall conclusion of this report is the Guernsey should seize this opportunity to rewrite all of the PSD related legislation/regulations to facilitate synchronicity between the UK...*”. Is the Committee therefore committed to setting up a structurally and operationally independent complaints handling unit (for example, like the IOPC in England and Wales)?**

The Committee is not prepared to pre-empt the outcome of the review.

- 18. How many times, in its lifetime, has the PCC reported an “unsatisfactory” investigation – as defined under the Regulations – in relation to a police complaint?**

Section 8(4)(a) of the Law requires that in the case of a supervised investigation, the Commission is to prepare a statement as to whether the investigation has been conducted to its satisfaction. The Commission has advised that there have been two occasions when it has issued a statement advising that an investigation has not been conducted to its satisfaction. The Commission reports on its satisfaction with investigations in its annual report.

There would be a reasonable expectation that this figure would be low, as the expectation is that Investigating Officers would discharge their statutory responsibilities appropriately.

However, the Commission has repeatedly identified that this particular provision is in need of revision: it is of the view that this requirement and the point at which it is required to notify the complaint of its opinion may impact on the individual’s confidence in the complaints system generally.

The function relates solely to the process of the complaint handling, because of the Commission’s appellate function under regulations 56 and 57 of the Police Complaints (Conduct Proceedings and Investigations) (Guernsey) Regulations, 2011, it is effectively prevented from commenting in any detail on the nature of the complaint, the findings or

outcome. The Commission has expressed the concern that this does not provide the complainant with any confidence that there has been robust scrutiny of the matter.

**19. How many times, in its lifetime, has the PCC upheld a police complaint appeal on the grounds it disagrees with the police determination made?**

Since the commencement of the Law in 2011 to the end of 2024, there have been a total of 31 appeals. Of those a total of 6 have been upheld at least in part resulting in various directions to the Appropriate Authority, including the directing of a supervised investigation following an appeal under Regulation 56.

Regulation 56 and 60 provides appeal routes. The grounds for an appeal can include; information provided, determination, findings, special conditions and actions to be taken or not.

One appeal has been upheld in relation to the determination.

**20. How many times, in its lifetime, has the PCC upheld a police complaint appeal on the grounds the police have not provided the complainant with adequate information as to the determination made?**

Five appeals have been upheld in relation to adequate information.

**21. Noting that the Hyam's Report and CPT report were published in 2014 and 2010/1 respectively, what protocols were put in place to ensure that Law Enforcement procedures were/are up to date with current persuasive case law and best practice?**

Neither report could impact on the interpretation of domestic legislation. It is the responsibility of the Chief Officer of Police to ensure that procedures within the Guernsey Police reflect best practice whilst aligning with the statutory provisions.