

**REPLY BY THE PRESIDENT OF  
THE COMMITTEE *FOR* HOME AFFAIRS  
TO QUESTIONS ASKED PURSUANT TO RULE 14 OF THE  
RULES OF PROCEDURE BY DEPUTY G ST PIER**

**QUESTION 1**

**In respect of the action by Mr & Mrs Curgenven against four police officers, commenced in March 2022 and subject to Tomlin Orders in February 2024:**

- a. When was the Committee first made aware of the matter?**

**ANSWER**

At their meeting of 3<sup>rd</sup> October, 2022 the Committee *for* Home Affairs (the Committee) received a formal briefing in relation to two civil actions lodged against a number of police officers in the Petty Debts Court. The Court had given preliminary consideration to the matter and directed both cases should be considered jointly by the Royal Court.

The Committee was not party to the proceedings. In so far as the proceedings related to its mandated and statutory responsibilities the Committee had been kept appropriately apprised of matters relating to the background to this civil action, as published by the Royal Court and publicly available via the legal resources website: [CHttpHandler.ashx\(guernseylegalresources.gg\)](http://CHttpHandler.ashx(guernseylegalresources.gg)).

- b. How frequently was the Committee apprised of developments in the matter, particularly in respect of the litigation costs being borne from the Committee's budget allocation?**

**ANSWER**

The cost of the civil action was acknowledged when the Committee was first briefed on the matter in October 2022 and on eight subsequent occasions during 2023, including as part of the management account reporting.

- c. Was the Committee involved (and if so, how) in any of the following decisions: to fund the legal costs of the officers being sued; to seek injunctive relief in the proceedings; to seek cessation of the proceedings by way of Tomlin Orders agreed between the parties?**

**ANSWER**

In October, 2022 having been fully briefed and being satisfied that the States of Guernsey Litigation Directive was being adhered to in so far as it may have been relevant and that the States' Insurers had been notified, senior officers were advised that the Committee considered it reasonable, at that time, to continue funding the defence of civil actions.

In December, 2023 having received a further detailed briefing the Committee considered whether it was in the public interest for its financial support to continue. The Committee unanimously agreed that settlement should not be predicated by a requirement that the officers should accept wrongdoing on their part but concluded, in principle, that it was in the best interests of the Guernsey taxpayer not to continue funding beyond a reasonable attempt to resolve the matter by alternative means.

As the Committee was not a party to the legal proceedings it was not in its gift to make decisions about the progress of the litigation. The Committee's deliberations concerned any extent to which it was prepared to continue to contribute funding towards, the Officers' defence of the legal claims against them.

**d. Did the Committee make and keep the Policy & Resources Committee aware of the financial exposure arising from the litigation?**

**ANSWER**

Yes. The Committee wrote to the Policy & Resources Committee (P&RC) on 11<sup>th</sup> November 2022 providing a full briefing, including damages sought by the claimant and estimated legal costs for the Officers to defend the civil action. Further, when the Committee met with the P&RC in August 2023 to discuss its 2024 budget submission the ongoing financial pressures caused by the action were acknowledged.

**e. Has the Committee sought (or will the Committee seek) the waiving of legal professional privilege in order that litigation costs borne at public expense can be disclosed in the public interest? If not, why not?**

**ANSWER**

The claims were not against the States or the Committee, but individual officers who then took legal advice. It was reasonable for the officers to defend the claims made against them for carrying out their duties. The litigation affected the officers personally and the legal privilege is that of the officers and not of the Committee.

**QUESTION 2**

**Can the Committee provide a grand total of all litigation costs borne from within its budget allocation on behalf of individuals holding public office for the five calendar years ending 31st December 2023?**

**ANSWER**

The total litigation costs borne from within the Committee's budget allocation on behalf of individuals holding public office for the five calendar years ending 31<sup>st</sup> December 2023 was £5,000.

### **QUESTION 3**

**Are any part of the costs incurred (including litigation costs and sums paid to the claimants) recoverable from any insurance arrangements the States may have, including the Insurance Deductible Fund?**

### **ANSWER**

Yes.