

GUERNSEY POLICE COMPLAINTS COMMISSION

2016 Annual Report

CHAIRMAN'S FOREWORD

In beginning my second foreword as the Chair Person of the Police Complaints Commission (PCC), I firstly wish to acknowledge my fellow Commissioners. The PCC has operated with five Commissioners throughout the reporting period, all of whom have approached the role with both professionalism and an integrity that I have greatly valued throughout my tenure serving on the Commission.

The Commission is required to report to the Committee *for* Home Affairs as soon as practicable at the end of each calendar year with regards to the discharge of its duties throughout the year as well as any additional matters that should be drawn to the Committee's attention. The Commission has met regularly in 2016 with representatives of Home Affairs to discuss the ongoing developments with regards to the review of the Police Complaints legislation, in addition to the statutory supervisory work that is detailed within this Report.

The Commission supervised eight complaints throughout the 2016 calendar year, some of these complaints overlapped from previous years and some are yet to be concluded. As was the case with the drafting of the previous PCC Report, confidentiality restricts the Commission in providing specific details of the individual complaints, therefore this Report aims to provide an understanding of the work undertaken by the Commission over the 2016 calendar year as well as the Commission's hopes in terms of future developments.

The Commission is conscious that the introduction of the PCC Law in July 2011 was initially a learning process for the Guernsey Police, the Committee *for* Home Affairs (previously the Home Department) as well as the Commission itself. All parties involved in the process quickly identified a number of areas within the relevant legislation that can be added, removed or amended in order to strengthen the overall Police Complaints regime and as a consequence, we believe, enhance the trust and understanding of the general public in the PCC, the complaints process and the Police service.

The Commissioners are aware of the work that was commenced three years ago in July 2014 by Home Affairs in order to facilitate a review of the Police Complaints Law, 2008 and its accompanying Regulations. However, having commented in my report 12 months ago that there was an expectation the review would have concluded by that time, the Commission is disappointed with the continued lack of progress in producing a report and expediting the review of the legislation in order to remedy current frustrations that all parties involved in the Police Complaints process have with the current regime.

The Commission is pleased to learn that the Committee *for* Home Affairs has prioritised the review of the PCC legislation within its list of outstanding work-streams. The Commission hopes that this prioritisation will become more than a nominal gesture in the context of other priority projects and remains fully committed

to working in conjunction with Home Affairs and the Guernsey Police to review the Law in order to enhance the legislation's effectiveness and the Commission's role and to improve public confidence in the complaints process. It is the Commission's strong recommendation that a commitment to complete the review and implementation of the amended legislation and process be completed to an agreed deadline of July 2018. To this end the Commission has committed to conclude its initial contribution to the process by the end of September 2017.

Stewart Chisholm

Chairman

INTRODUCTION INTO THE POLICE COMPLAINTS PROCESS

The Police Complaints Commission was established under the Police Complaints (Guernsey) Law, 2008 ("the Law") and provides independent oversight of the investigation of complaints made against the Police with the aim of increasing public confidence and trust in the police and the complaints system as a whole. The Commission does not carry out investigations itself as, in introducing the legislation, it was the view of the States that the investigation of complaints against the Police is most appropriately carried out by the Police, where necessary with the assistance of an independent Force. The support of UK police resource has thus far been called upon on two occasions.

The Commission has sight of all complaints made against the Police – these complaints are recorded in a register which the Commission reviews.

The Commission:

- Must supervise the investigation of any complaint alleging the conduct of a police officer resulting in the death or serious injury of a person,
- Must supervise the investigation of any complaint relating to the conduct of a senior officer (Superintendent or above)
- May supervise the investigation of any complaint if it considers that it is desirable in public interest to do so,
- May supervise the investigation of any matter which is not subject to a complaint but has been referred to the Commission by reason of its gravity, public importance or any other exceptional circumstances.

Each investigation is overseen by three Commissioners - this mechanism is useful in allowing the Commission to benefit from members' varying expertise and also enabling Commissioners to remain familiar with the process whilst maintaining the impartiality of other Commissioners to supervise appealed decisions.

When supervising an investigation within the remit of the current Police Complaints legislation, the Commission is looking to satisfy itself in the first instance that the process set out in the legislation has been appropriately followed. At the end of a supervised investigation, the Commission prepares a statement explaining whether it is satisfied or not that the statutory process in relation to the investigation has been followed correctly as per the Police Complaints Law and its accompanying Regulations. This statement is provided to the Appropriate Authority (the Chief of Police in the majority of cases but the Committee *for* Home Affairs should the complaint relate to a senior officer) as well as the complainant and the officer/s subject of the complaint.

The Commission does not make judgements in relation to the content of the Investigating Officer's report at this initial stage, the Complainant is offered the opportunity to appeal to the Commission which then provides the Commission with

an opportunity to address the report including the assessment made by the Investigating Officer.

SUPPORT AND COST OF THE COMMISSION

The Commission is funded from the general revenue of the Committee *for* Home Affairs and is supported by staff from within Home Affairs, Central Services. Whilst the Commission recognises that receiving administrative and technical support from staff employed by the Committee responsible for Police is not ideal, the Commission firmly believes that the support it receives is delivered impartially and objectively. The Commission recommends that the current arrangement should be considered alongside the legislative review.

The Police Complaints Commission receives remuneration for all of the meetings that are attended; payment for Commissioners is £67 per half day attendance as set out by the States of Guernsey. The Commission supervised eight complaints throughout 2016; each differing in terms of complexity and the requirement in terms of Commission input. Some of the complaints overlapped from previous years and some are yet to be concluded. The Commission met with regularity in order to progress some of the more complex cases whereas some of the cases required significantly less Commission time to conclude. The Committee *for* Home Affairs provided £2,237 of remuneration for the Commission's time throughout the 2016 calendar year. This sum does not include estimations for the cost of time given by Home Affairs staff to support the Commission nor does it include the time given by Law Officers when they are consulted on specific Police Complaints cases.

OVERVIEW

The role of the Police Complaints Commission is to provide independent oversight of the investigation of complaints made against Police Officer conduct. In undertaking this role, the Commission has sight of all of the complaints made to the Police and actively supervises the most serious (those which might constitute misconduct or gross misconduct) and those where it is in the public interest to do so. The Commission also has a statutory role in considering various appeals in respect of the complaints process, including how lower level complaints have been dealt with.

The number of complaints that the Commission has had involvement with throughout 2016 is again a reflection of the low level of serious complaints received by the Force. The Commission is mindful that the number of complaints formally supervised under the Law is not the best, or indeed most accurate, reflection of the Commission's work. The amount of time taken to supervise the complaints has continued to vary and is ultimately dependent upon the nature of the complaint and the complexity of the resultant investigation. Some of the investigations undertaken have been adequately considered by Commissioners within a single meeting; however other complaints required active supervision by Commissioners over a longer period of time.

The Commission does not feel that it is appropriate to comment on the individual complaints that it has considered, even in an anonymised form, as it believes that within a jurisdiction of this size, officers and indeed complainants may be identified. The Commission believes that any action which could potentially draw into question the confidentiality of the complaints process is unacceptable and would undermine one of the Commission's key objectives, namely to enhance public confidence in the complaints process. The Commission has, in the main, been satisfied with the investigations that have taken place throughout the 2016 calendar year. The Commission and other involved parties have however identified a number of areas within the existing legislation that requires amendment in order to strengthen the overall regime and ensure public confidence in the Police Complaints process.

The Commission accepts that the early stages, following the introduction of the Police Complaints Law, were ultimately a learning experience for all parties involved in the process, with time being taken in order to gain familiarity with the legislation. However, the Commission believes that there is now a good understanding of the process and subsequently a number of improvements have been identified by all parties involved that would greatly improve the overall process. The Commission is disappointed with the apparent lack of progress in formulating and implementing revised Police Complaints legislation which would result in a regime much better fit for purpose, however it is noted that the Committee *for* Home Affairs have prioritised this piece of work and the PCC looks forward to working in the near future with Home Affairs and with the Police to ensure the timely completion of the legislative review to strengthen and enhance the role of the PCC and to improve public confidence in the overall Police Complaints process.

COMMISSIONERS

Commissioners are appointed by the States of Guernsey on the recommendation of the Committee *for* Home Affairs. Members and their respective dates of appointment along with their term of office, appear below

Name	Position	Start Date	End Date
^Mr Stewart Chisholm	Chairman	July 2011	July 2019
^Mr Nigel Ward	Ordinary Member	July 2011	July 2019
*Mrs Bonita Hamilton	Ordinary Member	July 2011	July 2017
*Mrs Ann Nippers	Ordinary Member	July 2011	July 2017
+Miss Alison Quinn	Ordinary Member	January 2013	April 2021
*Mr Kevin McGoldrick (deceased)	Ordinary Member	July 2011	September 2015
Mr Gavin St Pier	Ordinary Member	July 2011	April 2012

+Reappointed by the States during 2017

^Reappointed by the States during 2015

*Reappointed by the States during 2013