

GUERNSEY POLICE COMPLAINTS COMMISSION

REPORT FOR THE PERIOD

JULY 2011 to JULY 2015

CHAIRMAN'S FOREWORD

I am pleased to present the Police Complaints Commission's Report for the period July 2011 to July 2015.

On behalf of the Commission I must first reflect on the sad and untimely passing of our fellow Commissioner Mr Kevin McGoldrick. Kevin had served as a committed Member of the Commission since its introduction in 2011. He was passionate and enthusiastic about the responsibility of the Commission to increase openness and public trust in the police complaints process. He sought to challenge convention in a constructive way and always with respect and humour. Kevin's loss will be sorely felt by the Commission and those he worked with.

The Commission is required to report to the Home Department and it is conscious that this is the first report prepared in this regard, some four years after the Law was enacted. However the Law has taken some time to "bed in" and this is the first juncture at which the Commission has felt able to produce a Report. As Chairman, I have met regularly throughout this time with representatives of the Department to discuss the Law, and the entire Commission has, in addition to its supervisory work detailed in this Report, met annually with the Home Department to discuss developments.

This report sets out the work undertaken by the Commission in the last four years. Understandably, confidentiality means that the Commission does not provide details of the individual complaints. The Report aims to provide an understanding of the work undertaken by the Commission and how the Commission hopes to be able to develop this in the future.

Commissioners are conscious that the introduction of the Law has been a learning process for all parties involved – Guernsey Police, the Home Department and the Commission – and are pleased by the commitment shown by all parties in its roll-out. The Commission recognises that within the Police there is a clear desire to consider and deal with complaints appropriately, and the public should therefore have confidence in the complaints system.

The Commission is fully committed to working in conjunction with the Home Department and Guernsey Police to review the Law in order to assess how best to enhance the Commission's role within the complaints process and to maintain public confidence in the process.

Stewart Chisholm
Chairman

INTRODUCTION

The Police Complaints Commission:

- has sight of all of the complaints made to the Police and actively supervises the most serious and those where it is in the public interest to do so in order to ensure that a robust investigation has been undertaken
- recognises the commitment by the Guernsey Police and Home Department to implement the underlying legislation
- has spent a significant amount of time working to draft guidance for use by Commissioners and liaising with the Police over the practical implementation of the law
- is fully committed to review the Law in order to enhance the Commission's role within the complaints process and to maintain public confidence in the process and is pleased that both the Police and Home Department concur with the merits of a review and have committed to the process which is currently ongoing

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 using an outside Force.

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.

In supervising an investigation, the Commission is looking to satisfy itself 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 with the investigation and this is provided to the Appropriate Authority (the Chief of Police in the majority of cases but the Home Department Board should the complaint relate to a senior officer) before a decision may be made on how to proceed.

OVERVIEW

The Law came into force on 1st July 2011 and the Commission was only able to consider complaints relating to incidents which occurred after this time. 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 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 during the infancy of this legislation is generally reflective 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. In particular following the introduction of the legislation, the Commission has placed particular emphasis on developing Commissioners' knowledge of the complaints process and developing good working practices. The Commission has spent a significant amount of time working with its administrative support to draft guidance for use by Commissioners and liaising with the Police over the practical implementation of the law.

Additionally, the amount of time taken to supervise a complaint varies significantly, depending on the nature of the complaint and the complexity of the resultant investigation. Some investigations may adequately be considered by Commissioners within a single meeting; however other complaints require active supervision by Commissioners over a number of weeks or even months. An 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.

To aid future reporting it has been identified that there needs to be a standardised method for the recording of complaints adopted by those parties who come under

the scope of the Police Complaints Law, in particular the Police Force and Commission and this matter is being considered as part of an ongoing review.

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.

Understandably, the transition from theoretical legislation to a practical complaints process has not been without its difficulties and challenges. However, the Commission has been satisfied with all of the investigations that it has overseen in these four years. The Commission recognise that the last four years have been a learning process as all parties gain familiarity and confidence with the legislation and acknowledge that further developments and indeed improvements are possible. However, the Commission is confident that the complaints made against the Police are treated seriously and with the respect that they deserve and are investigated fully by highly trained professionals. The Commission looks forward to working with the Home Department and with the Police in considering how best to incorporate the learning points identified thus far.

SUPPORT

The Commission is funded from Home Department general revenue and is supported by staff from within Home Department, Central Services. Whilst the Commission recognises that receiving administrative and technical support from staff employed by the Department responsible for Police is not ideal, the Commission firmly believes that the support it receives is delivered impartially and objectively. Notwithstanding this, the Commission recognises that in the future it may be worth reviewing the current arrangement.

REVIEW OF THE LEGISLATION

The Commission is conscious that the legislation governing the Police Complaints process is now four years old and considers that it would be opportune at this time to undertake a comprehensive review of the legislation to assess how successfully it has met its original objectives and whether further development is possible at this time. The Commission is pleased that both the Police and Home Department concur with the merits of a review and have committed to the process. A working party was formed in June 2014 and there was a general expectation on behalf of the Commission that the review would have been concluded by now, however, the

Commission remains committed to supporting this process and looks forward to progress being made.

In particular, the Commission is keen to evaluate whether the current involvement of the Commission in the process provides sufficient reassurance and comfort to the complainant. The Commission has, on occasion, been concerned that the prescriptive nature of the legislation has meant that the Commission has been, in its opinion, unnecessarily hindered from providing detailed responses to complainants. The Commission wholeheartedly believes that the complainant must be at the heart of any complaint process and it is the Commission's role to ensure that this is the case.

The Commission believes that in ensuring that the complainant is at the heart of the complaint process, Guernsey, to some extent, is at the distinct advantage when compared to other jurisdictions as the size of the Bailiwick means that there is a real opportunity for the system to be premised on the provision of a "personal touch" and providing the complainant with the opportunity to fully understand the Police's reasoning in any complaint.

Notwithstanding the above, the Commission is not naïve and does not believe that it will be possible for all complainants to be satisfied with their response. The very nature of police work means that officers have to use their discretion and judgement in dealing with individuals in sometimes challenging and difficult situations and on occasion, individuals will disagree in how a situation was handled. The Commission recognises that in these cases, whilst efforts can be made to ensure that the complainant is informed of the Police's reasoning, it may not be possible to satisfy the complainant. The Commission hopes that in these cases in particular it can play a valuable role in confirming that a suitably robust investigation has been undertaken.

COMMISSIONERS

Commissioners are appointed by the States of Guernsey on the recommendation of the Home Department. 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	January 2017
* <i>Mr Kevin McGoldrick</i>	<i>Ordinary Member</i>	<i>July 2011</i>	<i>September 2015</i>
<i>Mr Gavin St Pier</i>	<i>Ordinary Member</i>	<i>July 2011</i>	<i>April 2012</i>

^ Reappointed by the States during 2015

*Reappointed by the States during 2013