



## Freedom of Information Request

**Date of receipt: 6<sup>th</sup> February 2023**

**Date of response: 6<sup>th</sup> March 2023**

### Freedom of Information request regarding Police Matters

---

**Request:**

1. What is the average time taken for a Guernsey police complaint to be resolved – ‘resolved’ being defined as when the complainant receives a final assessment letter from the ‘Appropriate Authority’ (as defined by the ‘Police Complaints (Guernsey) Law, 2008’) - by the Guernsey Professional Standards Department for an officer of rank below that of Superintendent, shown on a year-to-year basis for the last ten years?
2. What is the average time taken for a Guernsey police complaint to be resolved by the Committee for Home Affairs for an officer of rank the same as, or above, Superintendent, shown on a year-to-year basis for the last ten years?
3. What is the average time taken for a Guernsey police complaint appeal to be resolved by the Guernsey Police Complaints Commission for an officer of rank below that of Superintendent, shown on a year-to-year basis for the last ten years?
4. How many times in the last ten years, shown on a yearly basis, have the Guernsey police used an outside police force as the ‘Appropriate Authority’ (as defined by the ‘Police Complaints (Guernsey) Law, 2008’) to investigate a local police complaint for an officer of rank below that of Superintendent?
5. How many times in the last ten years, shown on a yearly basis, have the Guernsey police used an outside police force as the ‘Appropriate Authority’ (as defined by the ‘Police Complaints (Guernsey) Law, 2008’) to determine the outcome of a local police complaint for an officer of rank below that of Superintendent?
6. How many times in the last ten years, shown on a yearly basis, have the Guernsey Police Complaints Commission used an outside police force as the ‘Appropriate Authority’ (as defined by the ‘Police Complaints (Guernsey) Law, 2008’) to investigate the outcome of a local police complaint for an officer of rank below that of Superintendent?

7. What was the total amount of taxpayers' monies budgeted for use by the Bailiwick Law Enforcement solely for the legal defence of police officers, shown on an annual basis for the last ten years?
8. How much of taxpayers' monies was used by the Bailiwick Law Enforcement for legal defence/counsel of police officers, shown on an annual basis for the last ten years?
9. Does the Chief of Guernsey police have complete autonomy on how he spends funds allocated to Guernsey Bailiwick Law Enforcement?
10. If the Chief of Guernsey police does not have complete autonomy on how he spends funds allocated to Guernsey Bailiwick Law Enforcement, which Committee, or Committees, is he required to interact with?
11. Who oversees the Guernsey Bailiwick Law Enforcement's budget?
12. Can the public view the Guernsey Bailiwick Law Enforcement's budget?
13. If so (to question 12.), please can you provide a copy of the annual budgets for the last ten years?
14. If the public are not entitled to view the annual budget of Guernsey Bailiwick Law Enforcement, what is the reason, or legislation, that prohibits this?
15. Does the Guernsey Bailiwick Law Enforcement get audited on a yearly basis?
16. If so (to question 15.), please can you provide a copy of the annual audit report for the past ten years?
17. If the public are not entitled to view the annual budget Guernsey Bailiwick Law Enforcement audit (if such an audit exists), what is the reason, or legislation, that prohibits this?
18. How many times have the Guernsey police been taken to Court (for any reason), shown on an annual basis for the last ten years?
19. How much money did the Guernsey police 'pay out' to settle legal issues which were settled by the courts (i.e., not settled outside of court), shown on an annual basis for the last ten years?
20. How many times have the Guernsey police settled legal issues outside of Court, shown on an annual basis for the last ten years?

21. How much money did the Guernsey police 'pay out' to settle legal issues outside of Court, shown on an annual basis for the last ten years?

**Response provided by the Committee *for* Home Affairs:**

- 1. What is the average time taken for a Guernsey police complaint to be resolved – 'resolved' being defined as when the complainant receives a final assessment letter from the 'Appropriate Authority' (as defined by the 'Police Complaints (Guernsey) Law, 2008') - by the Guernsey Professional Standards Department for an officer of rank below that of Superintendent, shown on a year-to-year basis for the last ten years?**

The time a complaint takes to 'resolve' can vary significantly depending on the nature and circumstances of the complaint. Influencing factors can include:

- Availability of witnesses;
- Associated legal proceedings;
- A complainant's willingness to engage with the process, in some instances this is limited to highlighting an issue;
- New information or complaints made as part of proceedings.

Every effort is made to resolve complaints in a timely manner and the number of complaints are published in the police annual reports. It should be noted that there may be limited information contained in an initial complaint that prevents meaningful action from taking place, further the issuing of an 'assessment' letter does not necessarily mean a complaint has been resolved.

Whilst in accordance with the [Police Complaints \(Guernsey\) Law, 2008](#) there is a complaints 'Register', complaints are not recorded in a central data management system that can be interrogated in such a way to establish the date a complaint was received and final assessment letter issued.

The Committee *for* Home Affairs has considered it appropriate to apply exemption 2.9 to this question.

To recover the information requested would require an extensive manual search of paper and electronic files. Exemption 2.9 applies in this case, namely that the request for information would require unreasonable diversion of resources because of the amount of information that would need to be processed (searched through) to compile the statistics requested and would require the retrieval of information from files not currently in use.

- 2. What is the average time taken for a Guernsey police complaint to be resolved by the Committee for Home Affairs for an officer of rank the same as, or above, Superintendent, shown on a year-to-year basis for the last ten years?**

The [Police Complaints \(Guernsey\) Law, 2008](#) interprets a 'senior-ranking officer' as being a member of the Island Police Force holding the rank of Superintendent or above. This represents a limited number of officers, currently 3. This structure and the requirements of the Police Complaints Law means that where a complaint is made that is assessed as requiring investigation an appropriate ranking officer from another Force is appointed to complete the investigation.

The number of complaints against senior ranking officers that have been investigated over the last ten years is sufficiently low that the Committee *for* Home Affairs has considered it appropriate to apply exemptions 2.8 and 2.12 to this question.

Exemption 2.8 applies as this information constitutes personal data which would require the disclosure of information directly relating to individuals' employment.

Providing further qualifying data and breaking these figures down by year, whilst the information is pseudonymised, has the potential to result in the unwarranted disclosure of personal information about an individual and would constitute a breach of the Data Protection (Bailiwick of Guernsey) Law, 2017 and exemption 2.12 applies.

**3. What is the average time taken for a Guernsey police complaint appeal to be resolved by the Guernsey Police Complaints Commission for an officer of rank below that of Superintendent, shown on a year-to-year basis for the last ten years?**

The same answer that applies to question 1 applies here.

Complaints are not recorded in a central data management system that can be interrogated in such a way to establish the date a complaint was received and final assessment letter issued.

The Committee *for* Home Affairs has considered it appropriate to apply exemption 2.9 to this question.

To recover the information requested would require an extensive manual search of paper and electronic files. Exemption 2.9 applies in this case, namely that the request for information would require unreasonable diversion of resources because of the amount of information that would need to be processed (searched through) to compile the statistics requested and would require the retrieval of information from files not currently in use.

**4. How many times in the last ten years, shown on a yearly basis, have the Guernsey police used an outside police force as the 'Appropriate Authority' (as defined by the 'Police Complaints (Guernsey) Law, 2008') to investigate a local police complaint for an officer of rank below that of Superintendent?**

The [Police Complaints \(Guernsey\) Law, 2008](#) interprets the “appropriate authority” in relation to an complaint or proceedings concerning the conduct of a senior-ranking officer as the Committee *for* Home Affairs, and in any other case the Chief of Police.

It is not possible to delegate the responsibility of Appropriate Authority, however, the Committee *for* Home Affairs or the Chief of Police will consider potential conflicts when appointing an investigating officer and may appoint an officer from an outside Force.

- 5. How many times in the last ten years, shown on a yearly basis, have the Guernsey police used an outside police force as the ‘Appropriate Authority’ (as defined by the ‘Police Complaints (Guernsey) Law, 2008’) to determine the outcome of a local police complaint for an officer of rank below that of Superintendent?**

It is the responsibility of the Appropriate Authority to determine the outcome of a complaint. As noted in the response to question 4, an officer from an outside police force may be appointed to investigate a complaint. The Appropriate Authority would then consider that investigation and make a determination.

- 6. How many times in the last ten years, shown on a yearly basis, have the Guernsey Police Complaints Commission used an outside police force as the ‘Appropriate Authority’ (as defined by the ‘Police Complaints (Guernsey) Law, 2008’) to investigate the outcome of a local police complaint for an officer of rank below that of Superintendent?**

The same answer to question 4 applies here.

- 7. What was the total amount of taxpayers’ monies budgeted for use by the Bailiwick Law Enforcement solely for the legal defence of police officers, shown on an annual basis for the last ten years?**

No funds are budgeted for use by Bailiwick Law Enforcement solely for the legal defence of police officers.

- 8. How much of taxpayers’ monies was used by the Bailiwick Law Enforcement for legal defence/counsel of police officers, shown on an annual basis for the last ten years?**

The way the States accounts are recorded means it is not possible specifically search for ‘legal defence/counsel of police officers’. This information will be recorded and accounts scrutinised at the appropriate level by budget holders, Service Chiefs and the Committee *for* Home Affairs.

The Committee *for* Home Affairs has considered it appropriate to apply exemption 2.9 to this question.

To recover the information requested would require an extensive search of electronic and paper files. Exemption 2.9 applies in this case, namely that the request for information would require unreasonable diversion of resources because of the amount of information

that would need to be processed (searched through) to compile the statistics requested and would require the retrieval of information from files not currently in use.

**9. Does the Chief of Guernsey police have complete autonomy on how he spends funds allocated to Guernsey Bailiwick Law Enforcement?**

The Head of Law Enforcement has autonomy for how he allocates the Bailiwick Law Enforcement budget, but is accountable to the Committee *for* Home Affairs.

**10. If the Chief of Guernsey police does not have complete autonomy on how he spends funds allocated to Guernsey Bailiwick Law Enforcement, which Committee, or Committees, is he required to interact with?**

As noted in response to question 9 the Head of Law Enforcement has autonomy for how he allocates the BLE budget, but is accountable to the Committee *for* Home Affairs.

The Committee *for* Home Affairs submits its accounts annually to the Policy & Resources Committee. The States Accounts are presented to the States Assembly for approval.

**11. Who oversees the Guernsey Bailiwick Law Enforcement's budget?**

The Committee *for* Home Affairs.

**12. Can the public view the Guernsey Bailiwick Law Enforcement's budget?**

Committee budgets are considered annually by the States of Deliberation and are published on gov.gg. The Committee *for* Home Affairs allocated budget includes Bailiwick Law Enforcements allocation.

**13. If so (to question 12.), please can you provide a copy of the annual budgets for the last ten years?**

States of Guernsey accounts and budgets from 2007 can be found here [Budget 2023 - States of Guernsey \(gov.gg\)](#)

**14. If the public are not entitled to view the annual budget of Guernsey Bailiwick Law Enforcement, what is the reason, or legislation, that prohibits this?**

As noted in response to question 13 above States of Guernsey accounts and budgets from 2007 can be found here [Budget 2023 - States of Guernsey \(gov.gg\)](#)

**15. Does the Guernsey Bailiwick Law Enforcement get audited on a yearly basis?**

Bailiwick Law Enforcement Accounts form part of the States of Guernsey Accounts which are audited annually. To inform this process the States Finance Team in conjunction with Bailiwick Law Enforcement budget holders review accounts on a monthly basis and management accounts are then presented to the Committee *for* Home Affairs. At the end

the accounting year final accounts are approved by the Committee *for* Home Affairs and submitted to the Policy & Resources Committee for inclusion in the States Accounts.

**16. If so (to question 15.), please can you provide a copy of the annual audit report for the past ten years?**

States of Guernsey accounts and budgets can be found here [Budget 2023 - States of Guernsey \(gov.gg\)](https://www.guernsey.gov.gg/Budget-2023)

**17. If the public are not entitled to view the annual budget Guernsey Bailiwick Law Enforcement audit (if such an audit exists), what is the reason, or legislation, that prohibits this?**

The process for scrutinising Bailiwick Law Enforcement's annual budget is set out in response to question 15.

**18. How many times have the Guernsey police been taken to Court (for any reason), shown on an annual basis for the last ten years?**

**19. How much money did the Guernsey police 'pay out' to settle legal issues which were settled by the courts (i.e., not settled outside of court), shown on an annual basis for the last ten years?**

**20. How many times have the Guernsey police settled legal issues outside of Court, shown on an annual basis for the last ten years?**

**21. How much money did the Guernsey police 'pay out' to settle legal issues outside of Court, shown on an annual basis for the last ten years?**

In response to questions 18 to 21 the Committee *for* Home Affairs has considered it appropriate to apply exemption 2.9 to this question.

To recover the information requested would require an extensive search of electronic and paper files. Exemption 2.9 applies in this case, namely that the request for information would require unreasonable diversion of resources because of the amount of information that would need to be processed (searched through) to compile the statistics requested and would require the retrieval of information from files not currently in use.