

23 September 2024

Dear Deputy

Thank you very much for your email and for your concern.

Unfortunately, we find that the Committee *for* Home Affairs tends to conflate entirely separate issues. This makes it difficult to really understand the impactful changes it engenders. We hope to counter this by using a simpler, more logical layout. Our initial letter examined the very first amendment; which Home essentially sold to States Members and the public both by making related claims (examined in earlier correspondence).

Your email references Home's more recent proposal, however, we made no mention of this in our letter dated 16 September 2024 (this perhaps is due to the aforesaid tendency to conflate).

This letter attempts to help break down the substantive issues into more manageable chunks.

Amendment 1

A1 Police will now apply a Filter to each complaint considered

Claim	Narrative
C1	This Filter will "bring the island into line with all other jurisdictions in the British Isles."
C2	"The Filter will give the 'appropriate authority', which could be senior officers through to the Home Affairs committee itself, <i>the power to assess a complaint based on initial evidence.</i> "
C3	"It may surprise you..." that this Filter has never before been used.
C4	This Filter was introduced because prior to it we had "no way of dealing with vexatious [police] complainants".

But on examination:

Claim	True/False	Objective Facts
C1	FALSE	No police force in the British Isles (or Great Britain) has in force this Filter (save for Guernsey).
C2	FALSE	The Police Complaints Commission and Isle of Man Constabulary discovered that Guernsey police were "erroneously" but "habitually" <i>assessing all complaints based on initial evidence.</i>
C3	FALSE	This Filter has always been applied/used by the Guernsey police.
C4	FALSE	Section 8 of the police complaints law allows police to throw out vexatious, frivolous and "abuse of process" complaints.

Your Email

You do not mention **C1-4** in your email dated 23 September 2024.

This may be why you came to the **Conclusion** that the implementation of the Filter (**A1**) will “improve the process of the current situation...”. Yet any Conclusion based on false claims must itself be false. Further, you do not discuss how **A1** substantively weakens our rights under Article 3 of the Convention (expanded upon in our letter dated 16 September 2024).

In relation to **A1**, please could you respond to the following:

- (a) Based on this, and the evidence provided, do you concur that **C1-4** are false? If you do agree with some but not all, or if you disagree entirely, please could you explain why? (*This will greatly assist in how we explain things, may help to highlight matters which are still not understood, and also help to ensure we point again to the applicable evidence.*)
- (b) Now that we have (hopefully) better explained ourselves, does this alter your understanding of **A1**?
- (c) In consideration of the above, has your Conclusion that **A1** will “improve the process of the current situation” changed?
- (d) Inasmuch as you agree that **C1-4** are false, do you have any thoughts on being provided false information?
- (e) Finally, you did not bring up the fact that the Filter (*unlawful at the time*) was disproportionately, unlawfully and repeatedly applied by senior officers in order to *shut down formal criminal investigations into officers*. **We think this very serious, and in need of investigation. We would very much like to hear your thoughts on the matter.**

Amendment 2

A2 The Law Officers of the Crown are to represent police officers for civil claims.

Claim	Narrative
C5	A2 will “bring us into line with other jurisdictions”.
C6	“Our amendment will allow police officers to benefit from the experience of the Law Officers of the Crown and <i>move us away from</i> the necessity to hire private law firms <i>to represent officers at a cost borne by government.</i> ”
C7	“Police officers will therefore be more fairly treated compared to other staff groups...”
C8	“... and taxpayer money will be saved.”

But on examination:

Claim	True/False	Objective Facts
C5	FALSE	No police force in the British Isles (or Great Britain) uses the Law Officers to defend police in civil actions (because, we are told, there are serious issues in doing so).
C6	HALF-TRUTH	Law Officers wages are also “cost borne by the government”.

C7	UNKNOWN	You and your peers are better placed to respond. Are “all staff groups” working for the State: (a) treated unfairly compared to police officers? (b) legally represented, no matter how badly they misconduct themselves, at no cost to themselves? (c) given as much attention (and money) as police officers?
C8	UNKNOWN	Law Officers currently do not defend police officers. Law Officers would have to divert considerable resources to do so. Law Officers are paid by the taxpayer. If Law Officers represented police officers it would therefore cost the taxpayer. <i>(Has Home Affairs provided a basic breakdown of estimated costs or any evidence that this change would in fact save the taxpayer money?)</i>

Your Email

You do not detail **Claims 5-8** in your email dated 23 September 2024.

This may be why you came to the **Conclusion** that the implementation of **A2** would “take the burden of the taxpayer whenever a complaint is lodged against police, due to the Law Officers being able to represent them...” Yet any Conclusion based on false or dubious claims must itself be false or dubious (until evidenced otherwise). Further, you do not consider how **A2** affects our rights under Article 3 of the Convention.

To clarify, the Law Officers would not get involved where “a complaint is lodged against police”. The Guernsey police determine whether to investigate **criminal** or conduct complaints against themselves. The Guernsey police determine also the outcome of all complaints against themselves. Further, the Guernsey police determine the outcome of any complaint appeal against themselves.

The Law Officers would only become involved were a police complainant to bring civil claims against police officers. Thus, if the police complaints system worked as claimed, or if officers did not habitually misconduct themselves, there would be no need for officers to worry all too much about civil claims (nor would the taxpayer be concerned over related costs).

In relation to **A2**, please could you respond to the following:

- (f) Do you agree that **C5** is false?
- (g) Now that we have (hopefully) better explained ourselves, does this alter your understanding of **A2**?
- (h) In consideration of the above, has your Conclusion that **A2** will “improve the process of the current situation” changed?

Conclusion

Home’s Filter has always been in force: any claims to the contrary have been proven unequivocally false.

We respectfully submit that you have been provided with ill-factual information (**C1-5**) to obfuscate the real reasoning behind **A1** and **A2**. Moreover, that these false claims (**C1-5**) were sandwiched together with half-truth and a few truths, to further confuse and conflate, in order to present a benign (but false) reason or reasons for passing **A1** and **A2**.

Given your email and confirmation that your peers also “understand [benign reasoning] to be the case”, we sincerely hope we have now disabused you of this notion. If we have not, we apologise, for the fault lies with us for not explaining well enough.

We look forward to hearing from you soon.

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]