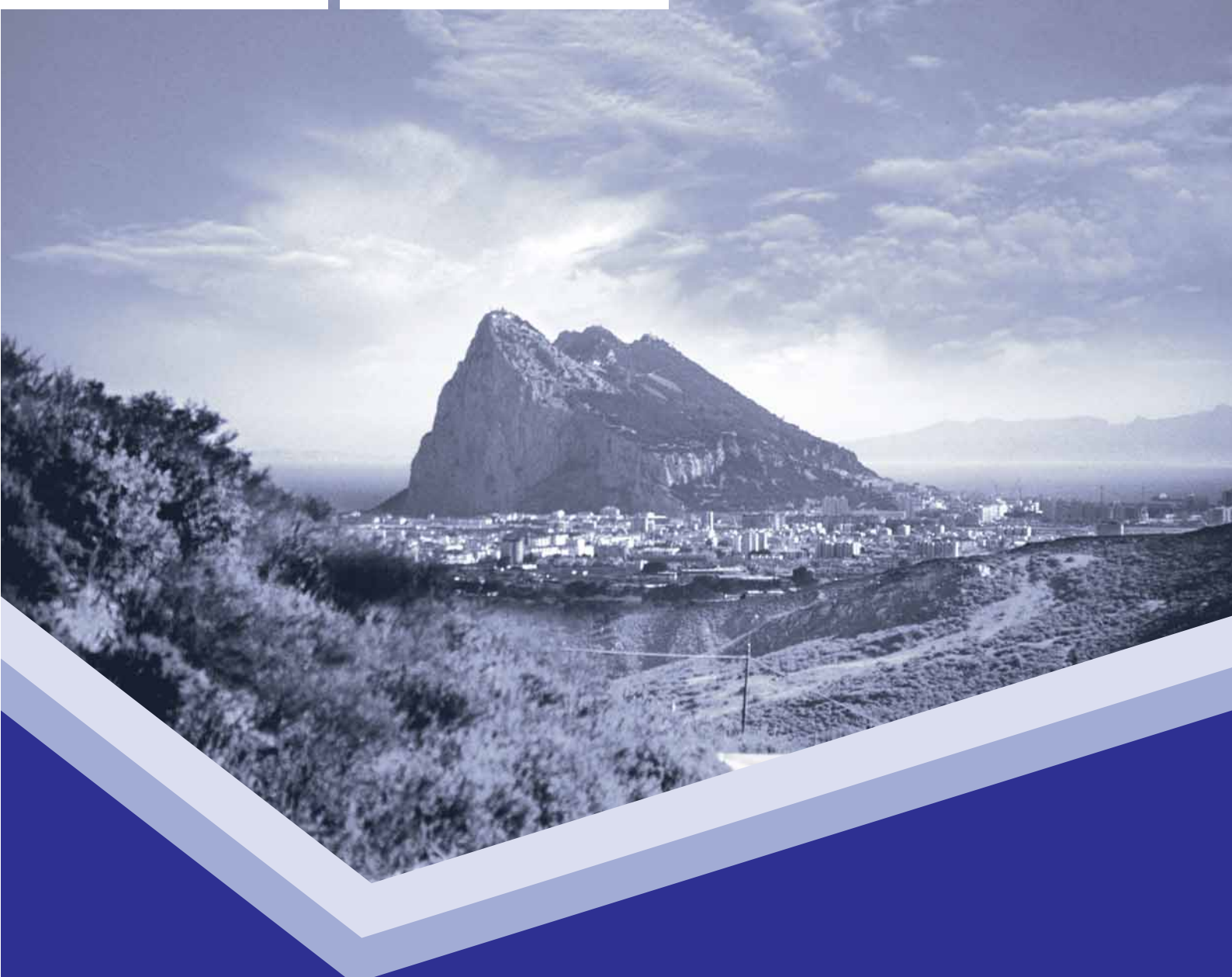




# The Police Complaints Board



## Who are the Police Complaints Board?

The Police Complaints Board (PCB) is established under the Gibraltar Police Authority (GPA) in accordance with the provisions of the Police Act 2006. The procedures under which the PCB operates are set out in the Police Complaints Board Regulations 2008. The PCB is completely independent of the Royal Gibraltar Police (RGP) and deals with the investigation of complaints and allegations of misconduct on the part of police officers in the RGP.

## Who can make a complaint?

You can make a complaint if you:

- Have been the victim of conduct you felt was inappropriate by a police officer.
- Were present when the alleged inappropriate conduct took place, or close enough to see or hear the inappropriate conduct, or have been adversely affected\* by the incident
- Are distressed as a result of a friend or a relative being treated badly by the RGP
- Are acting on behalf of any of the above, for example a person who has been given written permission by an individual or an organization to make a complaint on his behalf.

*\*Being adversely affected may include distress, inconvenience, loss or damage, or being put in danger or at risk. This might apply, for example, to other people present at the incident or to the parent of a child, young person or friend of the person directly affected. It does not include someone distressed by watching an incident on television or reading about it in the media.*

## What can I complain about?

The RGP have a Code of Conduct which they must follow at all times. The Code requires the Police Officer to act with honesty and integrity, they must treat the members of the public with respect and they must not abuse the extraordinary powers and authority which they are granted. The Codes of Conduct can be found at the GPA web-site [www.gpa.gi](http://www.gpa.gi)

*If you think you have been treated badly or improperly by a police officer you have the right to make a complaint.*

*Please note that the PCB is not responsible for handling complaints about RGP policies, operational issues or the allocation of resources. Any complaints of this nature should be addressed in the first instance to the Commissioner of Police.*

## How to make a complaint?

- Fill in the PCB Complaint Form at the back of this brochure and post it or hand it in to our offices at No. 1, Casemates House, Casemates Square, Gibraltar.
- Call in at our offices and a member of our staff will assist you to fill up a PCB Complaint Form.
- If you have access to the Internet open the GPA Web-site at [www.gpa.gi](http://www.gpa.gi) and there you will find a PCB Complaint Form which you can fill up and e-mail to us.
- A complaint may be made on your behalf by anyone who is acting on your behalf and who has been given written permission by you to lodge the complaint.
- A juvenile (under the age of 17 years) will be required to submit a complaint through an adult.

*If you think you have been treated badly or improperly by a police officer you have the right to make a complaint.*

## What happens when a complaint is submitted?

### Initial examination

On receipt of the complaint the PCB will carry out an initial examination to determine whether:-

- (a) it appears that a criminal offence may have been committed.
- (b) there is a case to answer.

### Criminal Offence?

If it is the view of the PCB that a criminal offence may have been committed the PCB will refer the matter to the Attorney General, as it is not within the remit of the PCB to handle criminal cases.

### Case to answer?

If it is the view of the PCB that there is a case to answer in terms of the RGP Discipline Code, then the PCB will initiate a formal investigation.

### No case to answer?

If it is the view of the PCB that there is no case to answer, the PCB shall so inform the complainant.

### Appeal against a finding of no case to answer

You may appeal to the GPA against a decision by the PCB that there is no case to answer. You must submit your appeal in writing to the GPA within 14 days of receipt of the decision of the PCB by writing to the Chairman of the GPA at No 1 Casemates House, Casemates Square, Gibraltar and you must set out the reasons for the appeal.

## How will you be kept informed?

You have the right to be told how your complaint will be dealt with and, what action is being taken as a result of your complaint. The PCB will keep you informed at regular intervals.

## What happens once your complaint has been investigated?

When the PCB have investigated your complaint, you will be advised in writing of their decision.

The possible outcomes are:

- The RGP may decide to improve or change their procedures.
- The RGP may take disciplinary action against the officer being complained about.
- In most serious cases, the RGP or PCB may take your complaint further by passing it to the Attorney General who will decide if criminal charges should be brought against an individual as a result of the complaint.  
Keep in view that in some cases, there may not be enough information or evidence to take any action over your complaint in a Court of Law.
- It might be decided that the RGP acted reasonably and your complaint will not be sustained.

## What to do if you are not happy with the decision or recommendation of the Board

Under the Police Complaints Regulations 2008 there is provision for the GPA to review your case if the reasons for a review meet the criteria laid down in the Regulations. You may ask the Authority to review a decision or recommendation of the PCB if:

- you produce new written evidence which was not, with reasonable diligence, available to you at the time the Board considered your complaint, and in the opinion of the Authority the new evidence might have had a significant bearing on the decision or recommendation of the Board had the Board considered that evidence.
- you consider that the decision or recommendation of the Board was manifestly wrong or perverse and that no reasonable Board properly considering the complaint could have come to that decision or recommendation.

A request for a review must be made in writing setting out the reasons why the Authority should review the case, and must be lodged with the Authority within 28 days of receipt of the decision or recommendation.

## Questions and Answers

### Can I arrange an interview with the Secretary of the PCB to make my complaint?

*Yes, please call at our offices at No, 1, Casemates House, Casemates Square between 9.30 a.m. and 1.00 p.m. or call at Tel: 00 350 20051654 to arrange for a date and time suitable to you.*

### I have a disability. What assistance can the PCB provide for me to make a complaint?

*Please give us a ring and we will make the necessary arrangements to enable you to make your complaint.*

### Is there a time limit on making a complaint?

*You should make your complaint as quickly as possible after the incident/s complained about have occurred. The PCB is unable in law to accept and shall not investigate any complaint that relates to an event that occurred three or more years before the date on which the complaint is made unless there are exceptional reasons why in its opinion it should accept and investigate the complaint.*

### How long will my complaint take to deal with?

*There is no limit on the length of an investigation; however the PCB expects that any investigation should be proportionate to the nature of the complaint. Once the investigation has commenced the PCB should be able to indicate how long the investigation is likely to take. Unless alternative arrangements have been made you should be provided with an update on the progress of your complaint at least once every 28 days.*

### Can the PCB help me make a financial claim against the RGP?

*No, the remit of the PCB does not allow for claims for compensation from the RGP. If you want to pursue any financial claims against the RGP, you should write to the Commissioner of Police.*

### Can I make a complaint to the PCB about A Parking Ticket?

*You can complain to the PCB if you are unhappy with the conduct of an officer or if you feel you were treated badly or unfairly by the RGP. However this will not remove the Parking Ticket. You have the right to contest a Parking Ticket in the Magistrates Court.*

Questions and Answers continued on page 6





## Questions and Answers continued

**The RGP have not properly investigated a crime I reported, what can the PCB do?**

*If you are dissatisfied with a criminal investigation which the RGP have finished carrying out, then the PCB can consider a complaint about the conduct of any police officer involved. However this would not necessarily lead to a review of the criminal investigation itself. The PCB does not have any control over the RGP handling of a criminal matter; we cannot review the results or instruct the RGP to reinvestigate a criminal allegation. These are matters relating to the operational management of the RGP and should be raised with the Commissioner of Police.*

**What can I do if I have reported a crime to the RGP but they refuse to investigate it?**

*If you believe the investigation of a crime has been prevented due to the conduct of any police officer, then the PCB can consider a complaint about those involved. However this would not necessarily lead to the investigation of the reported crime. In the majority of cases, the decision of whether a reported crime warrants an investigation is an operational decision made in accordance with specific guidelines followed by the RGP. If you believe that the RGP is failing to adhere to these guidelines, you should raise it with the Commissioner of Police or the GPA.*

## Police Complaints Board

PCB, No1, Casemates House, Casemates Square, Gibraltar.

Fax: 00 350 20076847 Email address: [secretary@gpa.gi](mailto:secretary@gpa.gi)