

## **The Police Complaints Board Annual Report 2010**

The Police Act 2006 provides for the setting up of an independent Police Complaints Board, tasked with:

1. The handling of complaints involving the conduct of persons serving with the force.
2. The recording of matters from which it appears that there may have been conduct of such persons which constitutes or involves the commission of a criminal offence or behaviour justifying disciplinary proceedings.
3. The manner in which any such complaints of any such matters as are mentioned in Paragraph (2) are investigated or otherwise handled or dealt with.

After any such investigation, the Police Complaints Board shall communicate its decision to the complainant. The complainant may, if not satisfied, ask the Gibraltar Police Authority to review a decision or recommendation of the Boards if, and or:-

1. The complainant produces new written evidence to the Authority which:
  - Was not, with reasonable diligence, available to the complainant at the time the Board considered the complaint; and
  - In the opinion of the Authority might have had a significant bearing on the decision or recommendation of the Board had the Board considered that evidence.
2. The complainant considers 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.

The current members of the Police Complaints Board are:-

Chairman – Henry Pinna

Members – Phylis Miles

Rosalind Serfaty

Joseph Garcia

Julio Alcantara MBE

Albert Danino

For their years of service to the Board, I wish to thank Leslie Edmonds OBE and LT. Col Retd Francis Brancato OBE. They both retired during 2010, and were replaced by Rosalind Serfaty and Albert Danino.

The members of the Board are appointed for a period of three years and are eligible for re-appointment.

Since April 2007 members of the public have been able to lodge their complaints with the totally independent Police Complaints Board.

This fourth annual report of the Police Complaints Board covers the period from 1<sup>st</sup> January 2010 to 31 December 2010.

During 2010 58 complaints were received from members of the public. However, 1 complaint was withdrawn by the complainant and 14 are sub-judice and could be investigated if the matters complained against are not dealt with by the Courts and the complainants wish these complaints to be investigated by the PCB. Therefore the number of complaints received during 2010 which could be investigated was 43 (50 were received in 2009). To this figure we must add a further 9 complaints which remained pending from the previous year. Therefore the total number of complaints either investigated or being investigated during 2010 is 52. (The total in 2009 including 7 complaints from the previous year was 57).

**Breakdown of alleged complaints investigated or in the process of being investigated:**

Abuse of authority or conduct:	<b>32</b>
Neglect of duty:	<b>11</b>
Discreditable conduct:	<b>14</b>
<b>Total:</b>	<b>57</b>

**Pending:**

There are currently eight complaints under investigation, plus 14 which are sub-judice, and might be investigated at a later date.

**Results of complaints which have been fully investigated and closed:**

Complaints not sustained:	<b>31</b>
Complaints sustained:	<b>11</b>
Complaints partly sustained:	<b>2</b>
<b>Total:</b>	<b>44</b>

Of the 13 complaints which were sustained or partly sustained, 10 were dealt with by the Line Managers. This resulted in 2 complainants being sent letters of apology, and one officer being given a written warning. The other 3 complaints resulted in the Board recommending that disciplinary action be taken against the officers involved. This resulted in one officer being fined, and the other officers in the other two cases having been suspended for one month each without pay.

Recommendations were also made by the Board on 13 complaints which had not been sustained but which did warrant appropriate recommendations. These were also complied with.

## **Reviews**

Two requests for reviews were received during 2010. Therefore in accordance with Regulation (15/5) of the Police Complaints Regulations 2008, one was referred back to the Gibraltar Police Authority for their consideration. The request for a review therefore remains outstanding.

The other request for review was also addressed by the Gibraltar Police Authority which wrote back to the complainant informing him that his request for the Authority to review the ruling by the Police Complaints Board was deficient, and asking the complainant to set down in writing why he believed that the ruling made by the Police Complaints Board was manifestly wrong or perverse. The complainant was given 28 days to lodge the full grounds for seeking the requested review. The 28 days margin was not complied with by the complainant, therefore the review was not made, and the case was closed.

## **Chairman's Comment**

In my two previous reports I pointed out that a number of complaints could have been avoided. This was because members of the public felt they had been treated rudely and thus unprofessionally by certain officers. In my last report I said that although this alleged attitude is not systemic, or can be applied generally, the relative frequency of this type of occurrence was of some concern. In view of this I urged the Commissioner to take the necessary action to address this problem, which, although not major, or widespread, can, if routinely and appropriately addressed, help further improve and enhance the force's interaction with the general public.

I am pleased to note that the RGP carried out during the past year a citizen focus lecture in their last but one round of training days during which all police officers received an hour's presentation on dealing with the general public and incorporated examples of inappropriate behaviour, which had led to members of the public making complaints to the Police Complaints Board.

The main message of the lecture was "deal properly with members of the public and you will not attract unnecessary complaints". In addition to this, a number of officers whose inappropriate attitude had been the subject of attention from Line Managers, attended a day's seminar on dealing with the general public, and the youth in particular.

I think this is a step in the right direction, and I would exhort the Commissioner to hold this type of lectures as often as possible, and very importantly to continue holding seminars aimed at

officers who have attracted a significant number of complaints from members of the public because of their inappropriate and unprofessional attitude and behaviour.

As I pointed out in my last report some of the complaints made at the police have been without substance, and seem to have been made vexatiously. I must again point out that the role of the Police Complaints Board is not only to protect members of the public which have been the victims of inappropriate action by police officers, but also to exonerate and protect officers who might be the victims of groundless and malicious accusations by members of the public.

To conclude, I once again wish to express my thanks and appreciation to the Professional Standards Department of the Royal Gibraltar Police for their professionalism in dealing with the complaints the Board has investigated throughout 2010.

Henry Pinna

Chairman

Police Complaints Board

January 2010