



The Police Complaints Board Annual Report 2012

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 RGP.
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 at (2) above 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 Board, if:-

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 the evidence; or
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 members of the Police Complaints Board during 2012 were:

Chairman-	Albert Danino
Members-	Phyllis Miles
	Monica Ritchie
	Rosalind Serfaty
	Julio Alcantara MBE
	Joseph Garcia
	Thomas Proctor

The members of the Board are appointed for a period of three years and are eligible for reappointment.

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

This sixth annual report of the Police Complaints Board covers the period 1st January 2012 to 31st December 2012.

During 2012 36 complaints were received from members of the public. However, 6 complaints were sub-judice and it was not possible to investigate the matters complained against because they are yet to be dealt with by the Courts. In due course, the complainants may ask that these complaints be investigated by the Police Complaints Board. Therefore, the number of complaints received during 2012 which could be investigated was 30 (35 were received in 2011). To this figure of 30 complaints must be added a further 5 complaints which remained pending from the previous year. Therefore, the total number of complaints either investigated during 2012 or still being investigated is 35. The total in 2011, including 8 complaints from the previous year, was 43.

The Board notices the slight reduction in the number of cases which it attributes to the rising standards of professional police behaviour. However, the Board will continue to ensure that the public is aware of the existence and role of the Police Complaints Board and of its independence from the RGP.

Breakdown of complaints investigated or in the process of being investigated.

Abuse of authority:	9
Neglect of duty:	20
Discreditable behaviour:	6
Total:	35

There is currently one complaint under investigation plus six which are sub-judice and which may be investigated at a later date.

Results of complaints which have been fully investigated and closed.

These figures include the 5 complaints which were left pending from 2011.

Complaints not sustained:	27
Complaints sustained:	2
Complaints partly sustained:	2
Complaints withdrawn:	3
Total:	34

The four complaints sustained or partly sustained were dealt with by the Line Managers and the complainant in each case was duly informed. The four complaints resulted in the Board recommending remedial action be taken against the officers involved. At the time of writing this report three of the recommendations involving disciplinary action have been complied with, the fourth is awaiting action.

Three complaints were withdrawn by the complainants following initial meetings with the alleged offending officers who resolved the matters to their satisfaction without the need for a full investigation by the Board.

No requests for the GPA to review a decision of the Board were received during 2012.

Chairman's comment

Although the number of complaints which were not sustained is significantly higher than the number of complaints which have been sustained , a number of complaints could have been averted judging from the evidence which has emerged . These complaints were made because some members of the public felt aggrieved that they had been treated abrasively and therefore unprofessionally by certain officers.

The investigating sub-committees of the Police Complaints Board have highlighted that a number of complaints made by the public contain some degree of alleged rudeness to complainants when approached by certain police officers and, although this is not systematic or generally the case, the relative frequency of this type of occurrence is of some concern.

Measures have been taken in the past by the Commissioner and his management team to address this problem which, although not widespread, can, if routinely and appropriately addressed, contribute to further improve and enhance the force's interaction with the general public. The setting up of the Neighbourhood Policing Units will no doubt embrace a closer, interpersonal rapport between the public and the force which will encourage and help officers further develop the skills required to deal correctly with the public which they serve.

With regards to traffic matters, the past year has been exceptionally difficult due to the long frontier queues and subsequent tail backs. As a result of this there has been much frustration and even heated annoyance amongst motorists and cyclists caught up in traffic, especially during the hot summer evenings at the end of a long day's work. It was therefore not surprising to receive complaints about officers allegedly mishandling situations at the land frontier with Spain either related to traffic or to the movement of people. Regardless of this, police officers assigned to duties at the frontier must be commended for generally coping professionally in, at times, rather difficult circumstances.

It must be noted that some of the complaints levelled at the police have been without substance, and seem to have been made vindictively. The role of the Police Complaints Board is not only to protect members of the public who genuinely complain about the conduct of persons serving with the police, but also to exonerate police officers who might be the victims of malicious or groundless accusations by members of the public who might bear a grudge against a particular officer, or the force in general.

To conclude I wish to thank all the members of the Board for their onerous work which they have carried out diligently and with total impartiality and independence, and it must be said, without remuneration.

I take this opportunity to express my gratitude and appreciation to the Professional Standards Department of the Royal Gibraltar Police for their help in providing the Board with information that is requested of the force in order to allow the Board to fully and independently consider complaints. I am pleased to say that we have managed to establish a sound and constructive working system and relationship which can only be of benefit to both the RGP and the general public which we all strive to serve.

Albert Danino

Chairman

January 2013