

### **The Police Complaints Board Annual Report 2013.**

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 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 Board's 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 the 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-	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 seventh annual report of the Police Complaints Board covers the period 1st January 2013 to 31st December 2013.

During 2013 23 complaints were received from members of the public. However, 3 complaints were sub-judice and can only 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 Police Complaints Board. Therefore, the number of complaints received during 2013 which could be investigated was 20 ( 36 complaints were received in 2012).

The Board notices the marked 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 its independence from the RGP

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

Abuse of authority:	9
Neglect of duty:	3
Discreditable behaviour:	8
<b>Total:</b>	<b>20</b>

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

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

Complaints not sustained:	10
Complaints sustained:	1
Complaints withdrawn:	1
<b>Total:</b>	<b>12</b>

The single complaint sustained was dealt with by the Line Managers and the complainant was duly informed. The complaint resulted in the Board recommending remedial action be taken against the officer involved. At the time of writing this report the recommendations involving disciplinary action have been complied with.

Recommendations were also made by the Board on two complaints which had not been sustained but which warranted appropriate remediation. These were also complied with.

One complaint was withdrawn by the complainant following an initial meeting with the alleged offending officer who resolved the matter to the complainant's satisfaction with no further need for a full investigation by the Board.

### **Reviews**

Two requests for reviews were received during 2013. Therefore, in accordance with Regulation 15/5 of the Police Complaints Regulations 2008, both complaints were referred back to the Gibraltar Police Authority for consideration. The first of these was found to be unsubstantiated by the Authority and the conclusions of the Police Complaints Board upheld. The second request for a review is currently under investigation by the Authority.

### **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 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 establishment of the Neighbourhood Policing Units by the current Commissioner of Police has definitely been very effective and positive in this area of policing. They have resulted in creating a closer, interpersonal rapport between the general public and the RGP. This has encouraged and helped officers further develop the necessary skills needed to deal correctly with the public which they serve.

With regard to traffic matters, the past year has been exceptionally difficult due to the long queues and subsequent tail backs, in particular, which have arisen from the recent stringent measures taken by the Spanish authorities at the land frontier. 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 and the end of a long day's work. It was therefore not surprising to receive six complaints about officers mishandling situations at the frontier 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 and demanding 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. However, and notwithstanding the fact that some of the complainants may have been oversensitive or even prejudiced against the RGP when reporting their incidents, there is, a pattern which reveals a predisposition amongst some RGP officers which causes

chagrin and annoyance amongst certain members of the public. Albeit, 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.

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.

To conclude, I take this opportunity to express my gratitude and appreciation to the Professional Standards Department of the Royal Gibraltar Police for their help and professionalism in dealing with the complaints the Board refers to them. 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

Police Complaints Board

January 2014