

The Police Complaints Board Annual Report 2014.

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

We are very grateful to Thomas Proctor who offered his services diligently on the PCB committee for the last three years and who resigned in 2014. The appointment of a new PCB member will be announced in 2015.

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 eighth annual report of the Police Complaints Board covers the period 1st January 2014 to 31st December 2014.

During 2014 30 complaints were received from members of the public. However, 2 of these complaints were classified as sub-judice and can only be investigated if the matters complained against therein by their respective complainants are not dealt with to their satisfaction by the Courts and the complainants then wish these to be investigated by the Police Complaints Board. Therefore, the number of complaints received during 2014 which were considered and approved to be investigated formally under 6(4) of the Police Complaints Regulations was 28.

The PCB received a further four complaints of a minor nature the complainants of which did not request a formal investigation yet simply sought clarification for their concerns. These were satisfactorily addressed and resolved at meetings held between the respective complainants, members of the PCB and representatives of the RGP Professional Standards Department

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:	10
Neglect of duty:	3
Discreditable behaviour:	15
Total:	28

There are currently five complaints under investigation plus two 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:	20
Complaints sustained:	3
Total:	23

The three complaints sustained were dealt with by the RGP Line Managers through the PSD and the respective complainants were duly informed. The complaints resulted in the Board recommending remedial action be taken against the officers 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 one complaint which had one of its strands sustained and which warranted appropriate remediation. These recommendations were also complied with.

Reviews

Two requests for reviews were received during 2014. 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. These reviews are still in progress.

Chairman's comment

Although the number of complaints which were not sustained is significantly higher than the number of complaints which have been sustained, once again this year 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 the manner in which they had been treated by the police officers in question was over assertive and, in their view, unprofessional.

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 incivility 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. This has been manifested, in the most part, in complaints concerning situations arising during traffic management at the queues at the land frontier with Spain on days when there have been disproportionate delays and tempers have been high.

Measures are taken regularly 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 Neighbourhood Policing Units established by the current Commissioner of Police continue to be very effective and positive in this area of policing. They have resulted in creating a closer, interpersonal rapport between the general public the RGP which has encouraged and helped officers further develop the necessary skills needed 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 queues and subsequent tail backs, in particular, which have arisen from the 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 note that 30% of all the complaints received were about officers allegedly 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 in adverse weather conditions.

Again this year, It was noted that some of the complaints levelled at the police have been without substance, and seem to have been made in a vexatious and retributive manner. 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 2015