

## The Police Complaints Board Annual Report for 2015

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

Peter Latin

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 ninth annual report of the Police Complaints Board covers the period 1st January 2015 to 31st December 2015.

During 2015 36 complaints were received from members of the public. However, 10 of these complaints were classified as sub-judice. Complainants classified as sub-judice 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 2015 which were considered and approved to be investigated formally under 6(4) of the Police Complaints Regulations was 16.

The PCB received a further 2 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:	7
Neglect of duty:	3
Discreditable behaviour:	6

**Total: 16**

There are currently 2 complaints under investigation and a further 10 which are "sub-judice" which may be investigated at a later date if they are re-submitted by the complainants if they feel that their complaints have not been addressed satisfactorily after the court proceedings have terminated.

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

Complaints not sustained: 11

Complaints sustained: 3

**Total: 14**

The three complaints sustained were dealt with by the RGP Line Managers through the Professional Standards Department and the respective complainants were duly informed. The complaints resulted in the Police Complaints 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.

**Reviews**

A request from a complainant for a review was received during 2015. Therefore, in accordance with Regulation 15/5 of the Police Complaints Regulations 2008, this complaint was referred back to the Gibraltar Police Authority for consideration. The review is still in progress.

**Chairman's comment**

This year the number of complaints which were not sustained is higher than the number of complaints which have been sustained, and, once again, 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.

As in previous years 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, abruptness or incivility when the complainants have been approached by certain police officers and, although this is not systematic or generally the case, the manifestation of this type of behaviour is of some concern. This has been manifested, in the most part, in complaints related to 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, outside certain schools at drop off and collection times and generally in areas of town where there are traffic hot spots at peak times when traffic tickets are issued.

It is reassuring that 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 Professional Standards Department at the RGP has an on-going programme to encourage its officers to develop interpersonal skills with the aim of creating a closer rapport between the general public and the RGP. This encourages and helps officers further develop the necessary skills needed to deal correctly with the public which they serve.

With regard to traffic matters, there has been a very noticeable drop in complaints arising from traffic management at the land frontier with Spain which over the past two years gave rise to an increase in complaints related to officers mishandling situations when queues and tail backs were a regular feature. This year only two complaints of a minor nature arose from this area of police management of traffic and 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.

Once again, as in previous years, 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 predisposition to unacceptable behaviour amongst a few 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 2016