

The Police Complaints Board annual Report for 2016

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
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 tenth annual report of the Police Complaints Board covers the period 1st January 2016 to 31st December 2016.

During 2016 the PCB received 15 complaints from members of the public. However, 3 of these complaints were classified as "sub-judice". Sub-judicial complaints 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 2016 which were considered and approved for formal investigation under 6(4) of the Police Complaints Regulations was 12, four less than for the same period in 2015.

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

Abuse of authority:	3
Neglect of duty:	6
Discreditable behaviour:	3
Total:	12

There are currently no complaints under investigation. However, there are 3 complaints which are classified as "sub-judice" which may be investigated at a later date if they are re-submitted by the complainants if they consider that their cases have not been addressed satisfactorily after the court proceedings have terminated.

Results of complaints which have been fully investigated and closed.

Complaints not sustained:	10
Complaints sustained:	1
Withdrawn complaint:	1
Total:	12

The only complaint sustained was dealt with by the RGP Line Managers through the Professional Standards Department and the respective complainant duly informed of the outcome of the investigation. The investigation resulted in the Police Complaints Board recommending remedial action be taken against the officer involved who, in this particular case, neglected his duty. At the time of writing this report these recommendations, involving disciplinary action, have been complied with.

Reviews

Requests from three complainants for a review of the PCB's investigations into their complaints were received during 2016. Therefore, in accordance with Regulation 15/5 of the Police Complaints Regulations 2008, these complaints were referred back to the Gibraltar Police Authority for consideration. These reviews are 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. In these few cases complaints were raised with the PCB because the complainants felt aggrieved by the manner in which they had been addressed by the police officers in question who, in their view, were considered to be over assertive and 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 contained 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 perception by the public of this type of behaviour by some, if only a few police officers, is of 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 or in cases where arrests have been necessary after drugs raids.

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. To this end 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 in the past two years. This year, as in 2015, only two complaints related to officers mishandling situations when queues and tail backs were a regular feature. This year, as in 2015, 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, the PCB has noted that some of the complaints levelled at the police were somewhat groundless and appeared to have been made in a vexatious and retributive manner. However, and notwithstanding the fact that some of the complainants may have been over-reactive or even prejudiced against the RGP when reporting their incidents, there is a predisposition by a few RGP officers to show a certain highhandedness, which unfortunately, causes an element of chagrin and annoyance amongst some 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.

Lastly, 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 Chief Inspector Caruana and his team at the Professional Standards Department of

the Royal Gibraltar Police for their good governance and professionalism in dealing with the complaints the Police Complaints 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 2017