

# The Police Complaints Board Annual Report 2017

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

Peter Latin

Rosalind Serfaty

## Derek Cano

Julio Alcantara MBE, Joseph Garcia and Monica Ritchie completed their respective terms of service on the PCB during the current year. Derek Cano joined the Board in September 2017. Two new members will be appointed to the Board in the coming weeks to complete the established complement of 7 serving members.

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 eleventh annual report of the Police Complaints Board covers the period 1st January 2017 to 31st December 2017.

During 2017 the PCB received 19 complaints from members of the public. However, 4 of these complaints were classified as "sub-judicial". 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 with the complainants then requesting these to be investigated by the Police Complaints Board. Therefore, the number of complaints received during 2017 which were considered and approved for formal investigation under 6(4) of the Police Complaints Regulations was 15.

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

**Total: 15**

There is currently one complaint, under investigation. However, there are 4 complaints which are classified as "sub-judicial" 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. Complaint 7/17 was withdrawn by the complainant after a satisfactory initial investigation into the subject matter of the complaint met the complainant's approval.

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

Complaints not sustained:	10
Complaints sustained:	3
Withdrawn complaint	1
Complaints pending investigation	1

**Total: 15**

The three complaints sustained were dealt with by the RGP Line Managers through the Professional Standards Department and the respective complainants duly informed of the outcome of their investigations. The investigations resulted in the Police Complaints Board recommending remedial action be taken against the officers involved who, in two of these particular cases neglected their duty and, in the third, abused his authority. At the time of writing this report these recommendations, involving disciplinary action, have all been complied with satisfactorily.

**Reviews**

A request from one complainant for a review of the PCB's ruling on the complaint lodged was received during 2017. 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.

## **Chairman's Comment**

This year, once again, the number of complaints which were not sustained is considerably higher than the number of complaints which have been sustained. It is evident that a number of complaints could have been averted judging from the evidence which has emerged. The six complaints classified under "discreditable behaviour" were raised with the PCB by the complainants in question because they felt aggrieved that they had been addressed inappropriately by the police officers in question and 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 disrespect 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 just a few police officers, is of concern. This has been manifested in 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.

This year fewer complaints of a minor nature arose from police management of traffic and movement of people at the land frontier with Spain. Needless to say a couple of challenging complaints on cross border passage required special attention be given to their investigation and thorough attention to both parties in order to arrive at satisfactory rulings.

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 and challenging situations.

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 the occasional RGP officer to show a certain disrespectful tone in addressing the individual, which unfortunately, is disconcerting for 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 the staff of the Professional Standards Department of the Royal Gibraltar Police for their invaluable assistance in providing the Board with dockets on each complaint referred to them and for their good governance and professionalism in dealing with the requests for formation made by the investigative PCB sub-committees. I am pleased to say that we have established 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 2018