

The Police Complaints Board Annual Report 2008

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 force.
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 behavior justifying disciplinary proceedings.
3. The manner in which any such complaints or 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 if, and or:-

- (A) The complainant produces new written evidence to the Authority which
 - (i) Was not, with reasonable diligence, available to the complainant at the time the Board considered the complaint; and
 - (ii) In the opinion of the Authority might have had a significant bearing on the decision or recommendation of the Board had the Board considered that evidence.
- (B) 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 – Henry Pinna

Members – Leslie Edmonds OBE

Joseph Garcia

Julio Alcantara

Lt. Col. Retd. Francis Brancato OBE

The members of the Board are appointed for a period of three years and are eligible for re-appointment.

Since April 2007 members of the public have been able to lodge their complaints with the totally independent Police Complaints Board.

This second annual report of the Police Complaints Board covers the period from 1st January 2008 to 31st December 2008.

During 2008, 49 complaints were received from members of the public. To this figure we must add a further 15 complaints which remained pending from the previous year, two complaints were withdrawn by the complainants, therefore, the total number of complaints investigated under current investigation, or pending investigation is 62.

Breakdown of complaints investigated during 2008

Alleged Assault	6
Alleged Discreditable conduct, and or abuse of authority	31
Alleged neglect of duty or not complying with orders	14
Total:	51

Pending

Complaints under investigation	7
Sub-judice	4
Total:	11

Results of complaints after investigation

Complaints not sustained	38
Complaints sustained	13
Total:	51

Of the 13 complaints which were sustained, 12 were dealt with by the Line Manager and 1 complaint resulted in disciplinary action being taken against the officer involved in the complaint.

Recommendations were made by the Board in 3 complaints which had not been sustained.

A total of eight requests for reviews were received during 2008 which were reviewed by the independent Gibraltar Police Authority. Five reviews were found to be unsubstantiated by the Authority, and the conclusions of the Board were upheld. Three reviews were referred back to the Board with the recommendation that these be reviewed again. As a consequence one appeal, which involved a no case to answer, was fully investigated and resulted in the complaint not being substantiated. The second review, made by a member of the public who alleged to have witnessed acts of discreditable conduct by Police Officers while carrying out an arrest, could not be investigated because the person involved in the alleged incident refused to give any evidence to the members of the Board. The third review was also dismissed by the Authority and the resolution of the Board was upheld.

Chairman's Comment

Again, as in last year's report, I feel I must point out that a number of complaints could have been easily averted and were only made because those affected felt aggrieved at what they considered to be rude, and/or the abrasive attitude of certain Police Officers.

As I said last year, notwithstanding the fact that some of the complainants may have been prejudiced against the Police in general, or may have been oversensitive (perception is subjective and at time difficult if not impossible to ascertain or quantify). There seems to be a certain attitude amongst some officers, which can, and does cause some members of the public to feel aggrieved.

I would again urge the commissioner to take the necessary action to address this problem which affects some officers in their interaction with the general public.

I take this opportunity to express my thanks 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 in a relatively short period of time (since April 2007) we have managed to establish a sound and constructive working system and relationship which can only be of benefit to both the RGP itself and the general public which we all strive to serve.

Henry Pinna, Chairman PCB, January 2009.