

ANNUAL REPORT
ON THE POLICE COMPLAINTS AUTHORITY FOR
THE YEAR 1994

The Office of the Police Complaints Authority Secretariat was brought into being by the Police Complaints Act No. 9 of 1989 and on the 27th day of December, 1989, the Honourable Minister of Home Affairs signed an order as is required by Section 1 Part 1 of the said Act thus bringing the Act into operation.

Section 23(1) of the said Act No. 9 of 1989 prescribes that:-

"the Authority shall, before the expiry of 3 (three) months after the end of each calendar year, submit to the Minister a report containing an account of the activities of the Authority throughout the preceding calendar year and the difficulties, if any, experienced by the authority in the exercise of its function".

Section 23(2) of the said Act directs me as the Police Complaints Authority to send a copy of my Annual Report to the Director of Public Prosecutions and to the Commissioner of Police. It then falls within the discretion of the Director of Public Prosecutions or/and the Commissioner to offer any explanation in respect of any matter or opinion stated by me in my report.

Section 23(3) stipulates that the Minister shall lay before the National Assembly a copy of my Annual Report, with any explanation that he the Minister or the Director of Public Prosecutions or the Commissioner may like to offer to any matter stated in the report.

For the year 1994 I received 146 complaints, a few came through the post but the majority by persons who came to the office.

The figure of 146 (one hundred and forty-six) shows an increase in the numbers of complaints received in the previous year (1993) of the 146 (one hundred and forty-six) complaints received 2 (two) were rejected for want of jurisdiction and 2 (two) as being frivolous and vexatious.

Of the remaining complaints 56 (fifty-six) were made against members of the force who delayed to act upon reports made at the various stations. In these cases delay by the police would cause the complainants to come to this office but as soon as the police took action the matter would be resolved.

Once again it would seem to me that brutality of members of the force is raising its ugly head. I received in the year 1994, 30 (thirty) complaints of such a nature, nearly double the amount which I received for the year 1993.

It would appear from the reports received by me from the investigating officers that enough time and care is not spent when investigating these complaints. I would request the Commissioner of Police to alert his officers about this aspect. In most cases the investigating officer would say in his report that he contacted the offending member of the force who denied the allegation of brutality made by the complainant.

I would also like to mention that most of the incidents of assault or wounding are made against the members of the Impact force. They I feel should be advised not to use too much force when arresting suspects.

Incidents of wrongful arrest and illegal detention numbered 46 (forty-six) and the balance of 11 (eleven) complaints was for threats and corrupt practice.

Once again I must repeat that from the time this office started to operate we were short staffed. On the 31st day of December, 1993 Mr. Mclean Ogle retired and since then no one has been appointed to fill his place.

On the 31st March, 1993, Mr. Wallace and Father Khanai, the two members of the panel appointed as provided by Section 17(1) Part IV of the Act of 1989 to assist me in the discharge of my functions retired and no one has since been appointed to fill their vacancies.

It means therefore that for the year 1994 this office was manned by myself, a typist and a confidential secretary. In November, 1994 a temporary Accounts Clerk was appointed by the Public Service Management, and I am promised that an Administrative Assistant would soon be appointed to this office.

For the year 1994 all the complaints received by this office (one hundred and forty-six) were sent to the Commissioner of Police for investigation by me and I received from the Commissioner 113 (one hundred and thirteen) reports leaving a balance of 33 uninvestigated.

It means therefore that 40 (forty) reports for 1993, 37 for 1992 and 17 for 1991 are still outstanding. I have sent several reminders to the Commissioner concerning these complaints but to no avail.

Charles J. E. Fung-A-Fatt
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Charles J. E. Fung-A-Fatt, CCH
Police Complaints Authority

