

THE POLICE PUBLIC COMPLAINTS ACT

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SCHEDULES

THE POLICE PUBLIC COMPLAINTS ACT

Acts
4 of 1992.
40 of 2002.

[1st December, 1992.]

Preliminary

1. This Act may be cited as the Police Public Complaints Act. Short title.

2. In this Act—

Interpreta-
tion.

“the Authority” means the Police Public Complaints Authority established under section 3;

“the Commissioner” means the Commissioner of Police;

“complaint” means any complaint about the conduct of a constable which is submitted—

(a) by a member of the public whether or not that member is affected by the subject of the complaint; or

(b) on behalf of a member of the public who is affected as aforesaid and with his written consent,

and shall be deemed to include any matter referred to in section 6 (1) (c);

“constable” means—

(a) any member (of whatever rank) of the Jamaica Constabulary Force;

(b) any member (of whatever rank) of the Island Special Constabulary Force and any person appointed as a Parish Special Constable pursuant to the Constables (Special) Act; and

(c) any member of the Rural Police,

“Constitution” means the Constitution of Jamaica,

“disciplinary proceedings” includes proceedings instituted by the Police Service Commission;

“Executive Chairman” means the Executive Chairman of the Authority;

“the Force” means the Jamaica Constabulary Force;

“functions” includes powers and duties.

The Authority

Establishment
of the
Authority

3.—(1) There is hereby established an Authority to be known as the Police Public Complaints Authority which shall be a body corporate to which section 28 of the Interpretation Act shall apply.

First
Schedule

(2) The provisions of the First Schedule shall have effect in relation to the Authority.

Functions of
the Authority

4.—(1) Subject to the provisions of this Act, the functions of the Authority shall be to—

- (a) monitor the investigation by the Force of any complaint or other matter to which this Act applies with a view to ensuring that such investigation is conducted impartially;
- (b) supervise the investigation of complaints by the Force,
- (c) undertake direct investigation of complaints in such circumstances as may be prescribed by or pursuant to this Act; and
- (d) evaluate and report to the Minister from time to time on the system of handling complaints.

(2) For the purpose of the discharge of its functions under this Act the Authority shall, subject to the provisions of this Act, be entitled—

- (a) to be advised of any complaint made against a constable;
- (b) upon the authority of a warrant issued in that behalf by a Justice of the Peace—
 - (i) to have access to all records, documents or other information relevant to any complaint or other matter being investigated pursuant to this Act;
 - (ii) to have access to any premises or other location where the Authority has reason to believe that there may be found any such records, documents or other information as are referred to in sub-paragraph (i) or any property which is relevant to an investigation pursuant to this Act;
 - (iii) to enter any premises occupied by any person in order to make such enquiries or to inspect such documents, records, information or property as the Authority considers relevant to any matter being investigated pursuant to this Act;
- (c) to retain any records, documents or other property referred to in paragraph (b).

(3) For the purposes of subsection (2), the Authority shall have power to require any person to furnish in such manner and at such times as may be specified by the Authority, information which in the opinion of the Authority is relevant to any matter being investigated pursuant to this Act.

Independence of Authority.

5.—(1) Subject to the provisions of the Constitution relating to the powers of the Director of Public Prosecutions and the Police Service Commission, in the exercise of the powers conferred upon it by this Act, the Authority shall not be subject to the direction or control of any other person.

(2) Nothing in subsection (1) shall be construed as preventing the assignment to a Minister of responsibility for such aspects of the administration of this Act as are necessary or desirable to facilitate the operations of the Authority.

Supervision of investigation.

6.—(1) The Authority shall supervise the investigation—

- (a) of any complaint alleging that the conduct of a constable resulted in the death or serious injury to some other person; and
- (b) of any other description of complaint specified for the purpose of this section in regulations; and
- (c) of any other matter which, whether or not the subject of a complaint, is in the opinion of the Authority of such a nature that it should be so supervised because of—
 - (i) its gravity; or
 - (ii) its exceptional circumstances.

(2) Where the Authority undertakes the supervision of any investigation under this section it shall give notice thereof to the Commissioner.

(3) In the exercise of its functions under this section, the Authority shall have power to give directions to a constable as to a particular investigation and it shall be the duty of that constable to comply with any such directions.

7.—(1) After considering a report submitted to it under section 17 (4) (formal handling of complaints) the Authority shall submit an appraisal statement to the Commissioner and the Director of Public Prosecutions.

Appraisal by the Authority of reports of investigation.

(2) In this section “appraisal statement” means a statement—

- (a) as to whether or not the investigation was conducted to the satisfaction of the Authority;
- (b) specifying any respect in which it was not so conducted; and
- (c) dealing with such other matters as may be prescribed.

(3) The power to issue an appraisal statement includes power to issue separate statements in respect of the disciplinary and criminal aspects of an investigation.

8.—(1) Notwithstanding anything to the contrary, the Authority may, if it thinks necessary, instead of supervising an investigation pursuant to section 6, itself undertake and carry out the investigation and shall notify the Commissioner in writing accordingly.

Direct investigation by the Authority.

(2) The Authority may adopt whatever procedure it considers appropriate to the circumstances of a particular case.

(3) Nothing in this section shall be construed as requiring the Authority to hold any hearing.

(4) On completion of an investigation under this section, the Authority shall submit a report thereon—

- (a) to the Commissioner;

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- (b) where the report indicates that a criminal offence may have been committed, to the Director of Public Prosecutions,

and, if the Authority considers it desirable so to do having regard to all the circumstances of the case, it shall send a copy of the report to the constable whose conduct was investigated and to the person by or on whose behalf the complaint was made.

(5) On making a report to the Director of Public Prosecutions pursuant to subsection (4), the Authority shall furnish him with—

- (a) copies of all statements collected in relation to the complaint;
- (b) all exhibits so collected; and
- (c) such other information as the Director of Public Prosecutions may, from time to time, require and the Authority is able to furnish.

Powers, authorities and privileges in relation to sections 6 and 8.

9. For the purpose of giving effect to sections 6 and 8 the members of the Authority, the investigative staff of the Authority and any person authorized thereto by the Authority shall, in the exercise of their duty under this Act, have the like powers, authorities and privileges as are given by law to a constable.

The Complaints Division of the Force

Complaints Division of the Force.

10.—(1) The Commissioner shall establish and maintain for the purposes of this Act, a unit of the Force charged with primary responsibility of addressing complaints (hereinafter referred to as the Complaints Division).

(2) The Commissioner shall ensure that the Complaints Division is supplied with sufficient staff and facilities effectively to receive, record and investigate complaints.

The Commissioner of Police

11.—(1) It shall be the duty of any constable receiving a complaint in accordance with this Act promptly to take steps, in accordance with rules of the Force, to have the complaint brought to the attention of the Commissioner.

Prerogative of the Commissioner and relations with the Authority.

(2) Nothing in this Act shall have effect in relation to a complaint in so far as the complaint relates to the direction and the control of the Force by the Commissioner.

(3) It shall be the duty of the Commissioner—

- (a) to make arrangements to facilitate—
 - (i) supervision under this Act of an investigation by the Authority; and
 - (ii) the conduct of any direct investigation under this Act by the Authority; and
- (b) to take such steps, consequent on an investigation under this Act, as he thinks appropriate having regard to the provisions of section 18 (final investigation reports).

12. The Commissioner may make rules governing the procedures to be followed by members of the Force in receiving, recording, investigating, disposing of or otherwise dealing with complaints under this Act, and without prejudice to the generality of the foregoing, such rules may require that all complaints be notified to such officers of the Force as the Commissioner may specify.

Rules by the Commissioner.

13. The Commissioner may designate any officer of the Force, not below the rank of Deputy Superintendent, to exercise any of his powers and perform any of his duties under this Act and the officer so designated shall have the power and duties set out in the designation; and where any power is conditional on the opinion of the Commissioner, the requisite opinion shall be that of the designated officer.

Performance by designated police officer of Commissioner's powers and duties under this Act.

Handling of Complaints

Where complaints may be made.

14.—(1) A member of the public may make a complaint at—

- (a) any police station or other police post;
- (b) the office of the Complaints Division; or
- (c) the office of the Authority.

(2) The person who receives a complaint under subsection (1) shall—

- (a) record it in the prescribed form and furnish to the complainant a copy of that record signed by the person receiving the complaint;
- (b) furnish to the complainant a prescribed statement setting out the procedures that will be followed respecting the complaint and the rights of the complainant.

(3) In addition to the requirement of section 11 (1), the person recording the complaint shall—

- (a) if it is made at a police station or other police post, forward a copy forthwith to the Complaints Division and the Authority;
- (b) if it is made at the Complaints Division, forward a copy forthwith to the Authority;
- (c) if it is made at the Authority, forward a copy forthwith to the Complaints Division; and
- (d) wherever it is made, if it relates to a fatality, forward a copy forthwith to the Director of Public Prosecutions.

Duty of officer in charge of a police division to preserve evidence.

15. Subject to any directions by the Commissioner, it shall be the duty of the police officer in charge of a police division promptly to take any steps which appear to him to be

desirable for the purpose of obtaining or preserving such evidence as relates to a complaint under this Act.

16.—(1) If the police officer in charge of the Complaints Division is satisfied—

Informal resolution of complaints.

- (a) that a complaint relates to conduct which, even if proved, would not justify a criminal or disciplinary charge; and
- (b) that the complainant and the constable concerned have given consent for that purpose,

he shall, subject to the directions of the Commissioner, consider whether the complaint can be resolved informally and may attempt so to resolve the complaint; and if he considers it expedient so to do, may designate an officer of the Force to assist him.

(2) No officer shall be designated under subsection (1) unless he is—

- (a) of at least the rank of Deputy Superintendent; and
- (b) of at least the rank of the constable against whom the complaint is made.

(3) Where a complaint is resolved informally, a record shall be made of the manner in which the complaint was resolved; and the person making the complaint and the constable concerned shall each signify in writing his agreement to such resolution.

(4) A copy of a record made under subsection (3) shall be furnished forthwith to the Authority, the person making the complaint and the constable concerned.

(5) A complaint may be resolved informally pursuant to subsection (1), in accordance with such procedures as

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may be prescribed under this section or by regulations, at any time during the course, or after, an investigation under section 17.

(6) A complaint may be resolved informally by the Authority in like manner as it may be resolved by a police officer under this section at any time during the course of, or after, an investigation under section 8 or a review under section 19.

(7) No reference shall be made in the personal record of a constable to a complaint resolved under this section.

(8) No answer or statement made, in the course of attempting to dispose of a complaint informally, by the complainant or the constable concerned shall be used or receivable in any criminal or civil proceedings except, with the consent of the complainant or the constable, at a hearing under this Act.

(9) Notwithstanding subsections (1) to (8), where the Police Officer in charge of the Complaints Division or the Authority is of opinion that the informal resolution was obtained as a result of a misunderstanding, a threat or other improper pressure, the Police Officer subject to the direction of the Commissioner or the Authority may order that the complaint shall continue and give reasons therefor in writing to the constable concerned and the complainant and in such event the complaint shall continue to be treated as a complaint under this Act.

Formal
handling of
complaints.

17.—(1) Subject to the provisions of section 8, where a complaint is not resolved informally the police officer in charge of the Complaints Division shall cause an investigation to be made forthwith into the complaint.

(2) The police officer in charge of the Complaints Division shall, not later than thirty days after the receipt of the complaint, furnish to the Authority and, subject to

subsection (3), to the complainant and to the Constable concerned, an interim report in the prescribed form providing a summary of the investigation to date; and shall furnish further interim reports on a monthly basis during the course of the investigation.

(3) The police officer in charge of the Complaints Division may decide not to make a report to the complainant and the constable concerned where, in his opinion, to do so might adversely affect the investigation of the complaint, or where there are no new matters to report, in which case the police officer in charge of the Complaints Division shall forthwith notify the Authority of the reasons for his decision.

(4) Where an investigation has been completed, the police officer in charge of the Complaints Division shall cause a final investigation report to be prepared and shall submit a copy thereof to the Authority and to the Commissioner.

(5) A final investigation report shall contain—

- (a) a summary of the complaint and a description of the alleged misconduct by the constable;
- (b) a summary of the investigation and of information obtained from the complainant, the constable concerned and witnesses, if any; and
- (c) a description and analysis of any physical evidence obtained.

(6) Notice that a final investigation report has been submitted pursuant to subsection (4) shall be given by the officer in charge of the Complaints Division to the complainant and to the constable concerned.

18.—(1) The Commissioner shall review a final investigation report made pursuant to section 17 and any appraisal statement that may be made thereon by the

Powers and duties of Commissioner in relation to final investigation report.

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Authority under section 7 and he may order such further investigation as he considers desirable or proceed forthwith to dispose of the issue under subsection (2).

(2) Subject to subsection (3) the Commissioner may—

(a) take either or both of the following actions, that is to say—

(i) refer the matter to the Director of Public Prosecutions for prosecution; or

(ii) cause disciplinary proceedings to be taken in accordance with the appropriate enactment or regulations applicable to the constable; or

(b) after giving the constable concerned an opportunity to reply to the complaint, either orally or in writing, counsel or caution the constable regarding his conduct; or

(c) direct that no action is warranted.

(3) If there is any indication of criminal conduct on the part of the constable concerned, the Commissioner, before taking action pursuant to subsection (2), shall refer the matter to the Director of Public Prosecutions for his advice and such other directions as the Director of Public Prosecutions may consider necessary.

(4) The Commissioner, forthwith upon taking any action pursuant to subsection (1), (2) or (3), shall give written notice to the Authority, the complainant and the constable concerned and, if his decision is that no action is warranted or he has taken action under subsection (2) (b), shall give his reasons therefor.

Review by Authority

19.—(1) Subject to the provisions of the Constitution as regards the powers of the Director of Public Prosecutions, a complainant who is not satisfied with the disposition of the complaint or with the decision of the Commissioner under section 18 in respect of the complaint may apply in writing to the Authority for a review of the matter.

Applica-
tion for
review.

(2) The provisions of the Second Schedule shall have effect in relation to a review under this section.

Second
Schedule.

General

20.—(1) The functions of the Authority may be performed by any member of its staff, or any other person not being a constable, authorized for that purpose by the Authority.

Perfor-
mance of
functions of
the Autho-
rity by its
members
and mem-
bers of its
staff.

(2) Nothing in subsection (1) shall be construed as affecting the responsibility of the Authority for any functions performed on its behalf pursuant to subsection (1).

21.—(1) Except in the case of proceedings for an offence pursuant to paragraph (c) of section 23, no proceedings whatsoever shall lie against the Authority or any person concerned with the administration of this Act for anything done, reported or said in the performance of functions under this Act.

Privileges.

(2) Anything said or information supplied or any document or thing produced by any person for the purpose or in the course of any investigation by or proceedings before the Authority under this Act shall be absolutely privileged in the same manner as if the investigations or proceedings were proceedings in a court of law.

(3) For the purposes of the law relating to defamation, any report made by the Authority under this Act and any fair and accurate comment thereon shall be deemed to be privileged.

Secrecy.

22. The Authority and every person concerned with the administration of this Act shall regard as secret and confidential all documents, information and things disclosed to them in the execution of any of the provisions of this Act, except that no disclosure—

- (a) made by the Authority or any person aforesaid in proceedings for an offence under section 23; or
- (b) which the Authority thinks necessary to make in the discharge of its functions,

shall be deemed inconsistent with any duty imposed by this section.

Offences.

23. Every person who—

- (a) wilfully makes any false statement to mislead or misleads or attempts to mislead the Authority or any other person in the execution of functions under this Act; or
- (b) without lawful justification or excuse—
 - (i) obstructs, hinders or resists the Authority or any other person in the exercise of functions under this Act; or
 - (ii) fails to comply with any lawful requirement of the Authority or any other person under this Act; or
- (c) deals with documents, information or things mentioned in section 22 in a manner inconsistent with his duty under that section,

shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

24. The Authority may initiate or continue any investigation and report thereon pursuant to this Act notwithstanding any civil legal proceedings relating to the subject matter of the investigation.

Power to
continue
investigation
despite legal
proceedings

25.—(1) The Minister may, after consultation with the Authority, make regulations generally for giving effect to the provisions of this Act and, without prejudice to the generality of the foregoing, may make regulations prescribing—

Regulations

- (a) the practice and procedure to be adopted in relation to the formal investigation of complaints;
- (b) the practice and procedure to be adopted at any hearing by the Authority pursuant to this Act;
- (c) without prejudice to the generality of section 8, the circumstances in which direct investigation of complaints shall be carried out by the Authority;
- (d) the matters to be included in an appraisal statement;
- (e) procedures to be followed in the informal resolution of complaints;
- (f) such other matters as may be required by this Act to be prescribed.

(2) Any regulations made under this Act may contain such incidental or supplementary provisions as appear to the Minister to be expedient for the purposes of the regulations;

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and, notwithstanding anything contained in section 29 of the Interpretation Act, any regulations so made may provide in respect of the breach of any of the provisions thereof that the offender shall be liable to a fine, or to a term of imprisonment, or to both such fine and imprisonment, as may be prescribed.

(3) Regulations made under this section shall be subject to affirmative resolution.

FIRST SCHEDULE

(Section 3 (2))

THE AUTHORITY

1.—(1) The Authority shall consist of three persons appointed by the Governor-General in his discretion by instrument under the Broad Seal.

Constitution of Authority.

(2) The Governor-General shall appoint one of the members of the Authority to be Executive Chairman of the Authority.

2. No person shall be qualified to be appointed a member of the Authority who—

Disqualification from appointment to the Authority

(a) is a member of the Senate or of the House of Representatives or of any local authority;

(b) was at any time during the seven years immediately preceding appointment, a member of the Senate or of the House of Representatives or of any local authority or was a candidate for election to Parliament or to membership of any local authority;

(c) is a constable or was at any time, during the seven years immediately preceding appointment, a constable;

(d) is an undischarged bankrupt; or

(e) has at any time been convicted of any offence involving dishonesty or moral turpitude.

3.—(1) The appointment of any person as member of the Authority shall, subject to the provisions of this Schedule, be for such period, not exceeding five years and on such terms as the Governor-General may specify in the instrument of appointment.

Tenure of office.

(2) Every member of the Authority shall be eligible for reappointment.

4. If the Executive Chairman or any other member of the Authority is absent or unable to act as such the Governor-General may, in his discretion, appoint some other person to act in the place of the Executive Chairman or such other member.

Acting appointments.

5.—(1) The Executive Chairman may at any time resign his office as Executive Chairman or as a member of the Authority or both by instrument in writing addressed to the Governor-General.

Resignations.

(2) A member of the Authority other than the Executive Chairman may at any time resign his office as member by instrument in writing addressed to the Governor-General and transmitted through the Executive Chairman.

(3) Every such resignation as aforesaid shall take effect from the date of receipt by the Governor-General of the instrument of resignation.

6.—(1) The Governor-General may, at any time, revoke the appointment of any person as the Executive Chairman or as a member of the Authority if satisfied that the person—

Revocation of appointments.

- (a) has without reasonable excuse failed to carry out his duties for a continuous period of three months beginning not earlier than six months before that time: or
- (b) has been convicted of a criminal offence: or
- (c) has become bankrupt or made an arrangement with his creditors: or
- (d) is incapacitated by physical or mental illness: or
- (e) becomes a person who would be disqualified for appointment pursuant to paragraph 2: or
- (f) is otherwise unable or unfit to perform his duties

(2) Before taking action pursuant to sub-paragraph (1)(f) the Governor-General shall designate not more than three persons to examine the matter and make recommendations to him

Gazetting of
membership

7 The names of all members of the Authority as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Executive
Chairman

8 The Executive Chairman shall—

- (a) be responsible for the supervision over and direction of the work and staff of the Authority: and
- (b) carry out such functions as are assigned to the Executive Chairman by or pursuant to this Act.

Appointment
of officers,
employees and
agents

9.—(1) The Authority may appoint and employ at such remuneration and on such terms and conditions as it thinks fit a secretary and such other officers, agents and employees as, after consultation with the Minister, it thinks necessary for the proper carrying out of its functions under this Act.

(2) The Governor-General may, subject to such conditions as he may impose, approve of the appointment of any public officer to any office with the Authority, and any officer so appointed shall, in relation to pension, gratuity, allowance and other rights as a public officer, be deemed to be in the service of the Government while employed in any such office.

Pension
scheme,
medical
benefits, etc
40/2002
S 2

9A. The Authority may with the approval of the Minister—

- (a) enter into arrangements respecting schemes, whether by way of insurance policies or not; and
- (b) make regulations,

for medical benefits, pensions, gratuities and other retiring benefits or disability or death benefits, in respect of the employees of the Authority and such arrangements or regulations may include provisions for the grant of benefits to the dependants and legal representatives of such employees.

Validity of
Authority's
proceedings.

10.—(1) The validity of the proceedings of the Authority shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

(2) Subject to the provisions of this Schedule, the Authority may regulate its own proceedings.

11. Subject to the provisions of this Act, the Authority may make Rules. rules respecting—

- (a) the business of the Authority;
- (b) the manner of dealing with matters before the Authority generally, including the practice and procedure before the Authority;
- (c) the apportionment of the work of the Authority among its members and the assignment of members to review complaints referred to the Authority; and
- (d) the performance of the functions of the Authority generally under this Act.

12.—(1) The Authority may appoint such Committees, for such purposes, as it may think fit and may delegate to any such committee such of the functions of the Authority as the Authority may decide, but excluding the power of delegation conferred by this sub-paragraph. Committees.

(2) The chairman of each such committee shall be a member of the Authority designated by the Authority.

(3) The quorum of any such committee shall be such number of its members as the Authority may determine.

(4) A special meeting of any such committee may be called by the chairman thereof.

(5) A delegation under this paragraph may be revoked by the Authority at any time.

(6) A delegation of any power under this paragraph shall not prevent the exercise of the power by the Authority.

(7) The provisions of paragraph 10 shall (with the necessary modifications) apply in relation to any such committee as if references to the Authority were references to such committee.

13. The funds and resources of the Authority shall consist of—

- (a) such moneys as may from time to time be placed at its disposition for the purposes of this Act by Parliament;
- (b) all other moneys and other property which may in any manner become payable to, or vested in the Authority in respect of any matter incidental to its functions.

Funds and resources.

14.—(1) The Authority shall keep proper accounts and other records in relation to its business and shall prepare annually a statement of accounts in a form satisfactory to the Minister being a form which shall conform with established accounting principles. Accounts and audit.

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(2) The accounts of the Authority shall be audited annually by an auditor or auditors appointed annually by the Authority and approved by the Minister and the auditors' fees and any expenses of the audit shall be paid by the Authority.

(3) So soon as the accounts of the Authority have been audited, the Authority shall send the statement of its accounts as referred to in sub-paragraph (1) to the Minister, together with a copy of any report made by the auditors on that statement or on the accounts of the Authority.

(4) The Auditor-General shall be entitled at all reasonable times to examine the accounts and other records in relation to the business of the Authority.

Protection
of members.

15.—(1) No member of the Authority or any committee appointed by it shall be personally liable for any act or default of the Authority or committee done or omitted to be done in good faith in the course of the operations of the Authority or committee.

(2) Where any member of the Authority or a committee is exempt from liability by reason only of the provisions of this paragraph the Authority or, as the case may be, the committee, shall be liable to the extent that it would be if the member were its employee or agent.

Remunera-
tion of
members.

16. There shall be paid from the Consolidated Fund to the Executive Chairman and other members of the Authority and to the chairman and other members of every committee appointed by the Authority such remuneration, if any, whether by way of honorarium, salary or fees, and such allowances, as the Minister may determine.

Annual
report.

17.—(1) The Executive Chairman shall, within three months after the end of each financial year, submit to the Minister a report of the activities of the Authority during that year and the Authority's recommendations, if any.

(2) The Minister shall cause a copy of the report to be laid on the Table of the House of Representatives and of the Senate.

SECOND SCHEDULE (Section 19 (2))

Provisions relating to Review

Notifica-
tion to
Commis-
sioner.

1. On receipt of an application pursuant to section 19 the Authority shall notify the Commissioner of the application.

Material
to be fur-
nished
by Com-
missioner.

2. The Commissioner shall furnish the Authority with such materials under the control of the Force as are relevant to the complaint.

[The inclusion of this page is authorized by L.N. 42/1995]

3.—(1) The Authority or any member or members of the Authority designated by the Executive Chairman to represent the Authority for this purpose shall review the matter and inquire into the handling of the complaint and any disposition of the issue by the Commissioner pursuant to section 18.

Review by Authority or by designated member of the Authority.

(2) If, on review, the Authority is satisfied with the disposition of the complaint, it shall prepare and send a report in writing to that effect to the Minister, the Commissioner, the complainant and the constable concerned.

(3) Where, on review, the Authority is not satisfied with the disposition of the complaint by the Force or considers that further inquiry is warranted, it may—

- (a) prepare and send to the Minister, the Commissioner and the Director of Public Prosecutions a report in writing setting out such findings and recommendations with respect to the complaint as it thinks fit;
- (b) request the Commissioner to conduct further investigation into the complaint;
- (c) conduct its own further investigation into the complaint; or
- (d) institute a hearing to inquire into the complaint.

(4) On completion of an investigation under sub-paragraph (3) (c) the Authority shall prepare and send to the Director of Public Prosecutions, the Minister and the Commissioner a report in writing setting out such findings and recommendations with respect to the complaint as it thinks fit, unless the Authority has instituted or intends to institute a hearing to inquire into the complaint under sub-paragraph (3) (d).

4.—(1) Where the Authority decides to institute a hearing pursuant to paragraph 3 (3) (d) it shall send a notice in writing of the decision to the Minister, the Commissioner, and the Director of Public Prosecutions, the constable concerned and the complainant.

Conduct of hearing by Authority.

(2) For the purpose of this Schedule any member of the Authority conducting a hearing to inquire into a complaint shall be deemed to be the Authority.

(3) Where for the purposes of a hearing the Authority requires a person to attend before it that person shall be entitled to be paid such expenses incurred by him by reason of such attendance as the Authority may consider reasonable.

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(4) On completion of a hearing, the Authority shall prepare and send to the Minister and the Commissioner a report setting out such findings and recommendations with respect to the complaint as the Authority sees fit.

(5) If any report of the Authority reflects adversely on any person the Authority shall, so far as practicable, inform that person of the substance of the report.

(6) The proceedings of the Authority shall not be rendered void for want of form.