

ANNUAL REPORT  
OF THE POLICE COMPLAINTS AUTHORITY FOR THE  
YEAR 1995

Section 23(1) of the Police Complaints Act No. 9 of 1989 prescribed 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 forward a copy of the said 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 1995 I received 114 complaints, a few came through the post but the majority by persons who came to the office.

The figure of 114 (one hundred and fourteen) shows a decrease in the number of complaints received in the previous year (1994) of the 114 (one hundred and fourteen) complaints received 1 (one) was rejected for want of jurisdiction and 2 (two) as being frivolous and vexatious. The complainants were duly notified of my decisions.

Of the remaining complaints, 35 (thirty-five) were made against members of the force who delayed to investigate complaints sent to them for investigation. In some cases delay by the police would cause the complainants to come to this office to enquire why and what has caused the delay. Reminders are then sent to the Commissioner of Police. I must say that delay in investigating complaints causes the complainants to lose confidence and faith in this office and the police.

It is with regret I once again have to state that brutality by member of the police force has maintained its position at the top of the list of complaints.

I received 35 (thirty-five) such complaints, for the year 1995, 5 (five) more than in the year 1994. 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 report. 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, and that there were no eye witnesses to the incident and that should be the end result.

I would also like to mention that most of the incidents for assault or wounding are made against the member of the Impact force. They I feel should be advised to use less force when arresting suspects.

Incidents of wrongful arrest and illegal detention numbered 13 (thirteen) and the balance of 8 (eight) complaints was for threats and indecent language.

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 also retired and no one has since been appointed to fill their vacancies.

It meant therefore that for the year 1995 this office was manned by myself, a typist and a confidential secretary. In October 1995, 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 1995 all the complaints received by this office were sent to the Commissioner of Police to be investigated and I have received 44 reports from him leaving a balance of 69 complaints for the year 1995 uninvestigated.

Under Section 12(1) it is provided that any complaint or information that any member of the force has unlawfully caused the death of any person, and Section 13 further provides that any member of the force to whom any complaint or information is received shall forthwith inform me of the particulars of the complaint. During the course of the year 1995 I have read in the daily newspapers and seen on T.V programmes incidents when persons are fatally shot by members of the force but sad to say I have not been notified of any of these cases.

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