

POLICE COMPLAINTS AUTHORITY



ANNUAL REPORT 2017

POLICE COMPLAINTS AUTHORITY

MISSION STATEMENT

To assist with fostering improved working relations between the police and the public of Barbados by maintaining an independent system of investigating complaints against the police.

VISION

To secure confidence of the public and the police in the manner of the investigation of complaints against the police.

Members of the Police Complaints Authority



Mr. Justice W. LeRoy Inniss, QC – Chairman

Mr. Justice Inniss, QC is a retired judge of the High Court of Barbados. He is at present Chairman of the Barbados Deposit Insurance Corporation and Chairman of the Financial Services Commission Appeals Tribunal. He is also President of Parent Education for Development in Barbados (PAREDOS).



Mr. Michael Beckles, JP – Deputy Chairman

Mr. Michael Beckles is graduate of the Faculty of Law, University of the West Indies, Cave Hill Campus and an Attorney-at-Law of over 28 years standing. He has been the Deputy Chairman of the Police Complaints Authority for a decade. He has advanced training in Legislative Drafting and Business Administration. He has tutored and lectured in Legislative Drafting at the University of the West Indies Faculty of Law.



Ms. Sonja Welch – Ex-Officio Member

Ms. Sonja Welch has spent 43 years in the Public Service of Barbados, of which 32 were in the Foreign Service. She has served as Resident Ambassador of Barbados in Venezuela, and currently serves as Permanent Secretary in the Prime Minister's Office and Head of the Civil Service. She is the holder of a BA Hons (Spanish and Portuguese) and an LLB.



Mr. A. Henderson Marshall, LLB (Hons), JP Secretary

Mr. A. Henderson Marshall, JP has a background in banking and is the Special Events Coordinator/Consultant in the Prime Minister's Office. He is at present the Deputy Chairman of the Graydon Sealy Secondary School Board.



Mr. Cecil N. McCarthy, QC – Member

Mr. Cecil N. McCarthy, QC has been an Attorney-at-Law in private practice since 1984 and a part time Lecturer in Labour and Employment Law at the University of the West Indies, Cave Hill since 2009. He is a Member of the Board of the Central Bank of Barbados and The Family Law Council.



Dr. Raymond Forde, JP – Member

Dr. Raymond Forde, JP has been a Family Physician in private practice since 1989. He is currently the President of the Barbados Tennis Association and Vice President of the Central American and Caribbean Tennis Confederation. Dr. Forde is also a past President of the Barbados Red Cross Society and a past Vice President of the International Federation of Red Cross and Red Crescent Societies.



Mr. Charles Blades, SCM – Member

Mr. Charles Blades, SCM has served in the Royal Barbados Police Force for 40 years. He reached the rank of Deputy Commissioner of Police. He has also served as Commandant of the Regional Police Training Centre, Head of the Criminal Investigation Department and President of the Ex-Police Association.

POLICE COMPLAINTS AUTHORITY

Annual Report – January to December 2017

The Police Complaints Authority was established by an Act of Parliament – The Police Complaints Authority Act, 2001-10.

The Functions of the Authority are to:

- a. Monitor the investigation by the police force of any complaint with a view to ensuring that the investigation is conducted impartially;
- b. Supervise the investigation of complaints or other matters in accordance with section 7;
- c. Undertake the direct investigation of complaints where it thinks necessary; and
- d. Review complaints in accordance with sections 21 to 24.

The Authority comprises:

- a. A Chairman, a Deputy Chairman and two other persons all of whom shall be appointed by the Governor-General on the advice of the Minister.
- b. One person who shall be appointed by the Governor-General in his absolute discretion.
- c. One person who is a former gazetted police officer of the Police Force who shall be appointed by the Governor-General on the advice of the Police Force Association; and
- d. The Head of the Civil Service, ex officio.

The Chairman and the Deputy Chairman shall be Attorneys-at-Law of at least 10 years standing.

The Governor-General shall appoint a member of the Authority to be its secretary.

No person shall be eligible to serve as a member of the Authority if that person is or was during the last 5 years

- (a) a member of Parliament;
- (b) a candidate for election to membership of the House of Assembly;
- (c) a member of the Police Force;
- (d) a member of the Barbados Defence Force; or
- (e) declared bankrupt or moved against by his creditors.

By Section 5 (2) of the Act the Authority is, subject to the provisions of the Constitution relating to the powers of the Director of Public Prosecution and the Police Service Commission, not subject to the directions or control of any other person in the exercise of its functions under the Act.

Filing of Complaints:

Complaints may be made by a member of the public or his authorized agent at the Police Complaints Authority at its office in the Jones Building, Webster's Business Park, Wildey,

St. Michael, at any police station or at the Office of Professional Responsibility, Royal Barbados Police Force.

When a complaint is made at the office of the Authority or a police station, it is forwarded to the Office of Professional Responsibility and when it is made at the Office of Professional Responsibility a copy is forwarded to the Authority.

When in relation to a matter which is before the Authority, proceedings have been, or are instituted in any court the Authority cannot commence proceedings, or if proceedings have already commenced, the Authority must discontinue the proceedings in respect of the matter until after the determination of the Court.

General:

The office of the Police Complaints Authority provides an independent outlet where a member of the general public can make a complaint against the police for any acts committed in the exercise of their duties. Complaints can be made by any person between the hours of 9:00 am and 3:00 pm Monday to Friday. The office is located in Jones Building, Webster's Business Park, Wildey, St. Michael.

Ms. Sonja Welch, Head of Civil Service retired and was replaced by Mr. Louis Woodroffe, PhD, the acting Head of the Civil Service with effect from September 2017.

Staff:

The staff of the Police Complaints Authority comprised an Investigator, an Administrative Officer II and a Clerk/Typist. All three (3) post were established under the Public Service (General) Order, 2016.

Training/Conferences:

The Chairman and Investigator attended a three (3) day conference in Jamaica on Caribbean Use of Force in Law Enforcement. This conference was hosted by the Independent Commission of Investigations (INDECOM) Jamaica.

Meetings:

There were twelve (12) meetings of the Police Complaints Authority for the period January to December 2017.

Complaints received for 2017:

For the year 2017 a total of twenty-two (22) complaints were received at the Authority. Of this number twelve (12) complaints were made by males and ten (10) by females. Of these the average age for males was forty-two (42) and females fifty-six (56) years. The demographic portrayed from the statistics show the majority of complaints continue to range from the middle aged to mature adults.

There was also one (1) request for a review of the findings of an investigation completed by the Commissioner of Police. On review by the Authority it was determined that the investigation was fairly and impartially done.

The low number of complaints made to this office when compared to the number made directly to the police continues to be of concern to the Authority. The Authority received from the Commissioner of Police notice of eighty-one (81) complaints made to the Office of Professional Responsibility, Royal Barbados Police Force.

Complainants are still expressing difficulty in accessing the Authority's services because of its location.

Categories of Complaints received at the Police Complaints Authority:

Table 1: Categories of Complaints

CATEGORY	DESCRIPTION	<u>2017</u>	2016
1	Aggression/Threats/Verbal Abuse/Harassment	7	6
2	Failure to take action on reports made	8	4
3	Failure to produce Police I.D. or Search Warrant	2	1
4	Assault/Bodily Harm	4	5
5	Abuse of Power	1	1
6	Theft of Property by Police	0	0
7	Wrongful Cause of Death	0	0
8	Not within the purview of the Police Complaints Authority	0	1
9	Damage of Property	0	1
10	Wrongful Arrest	0	0
	<u>TOTAL</u>	<u>22</u>	19

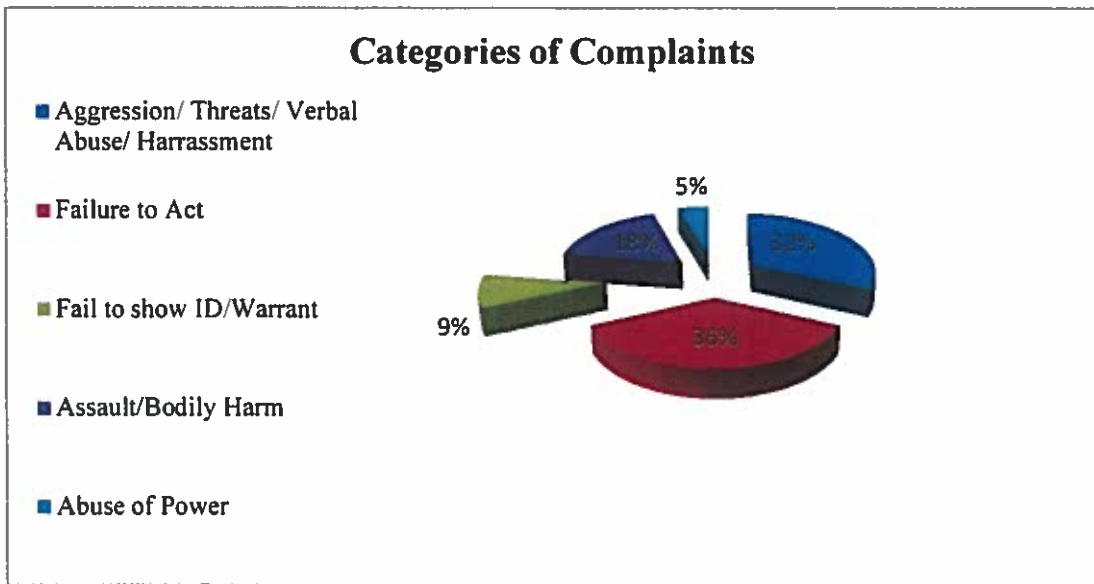


Chart 1: Percentages of Categories of Complaints

Category 1: Unprofessional Conduct continues to receive the high number of complaints seven (7), making up 32% of the amount received for the period. These were allegations of aggression, threats and verbal abuse. Category 2: Failure to take action accounted for the majority of the complaints, eight (8), representing 36%. Category 4: Assault/Wounding accounted for four (4) complaints representing 18%, followed by Category 3: Failure to produce Identification or Search Warrant (2) 9% and Category 5: Abuse of Power receiving one (1) complaint at 5%. The Authority is pleased to report that as was the case in previous years the complaints do not include allegations of bribery, drug related activity, corruption or other serious matters of that nature.

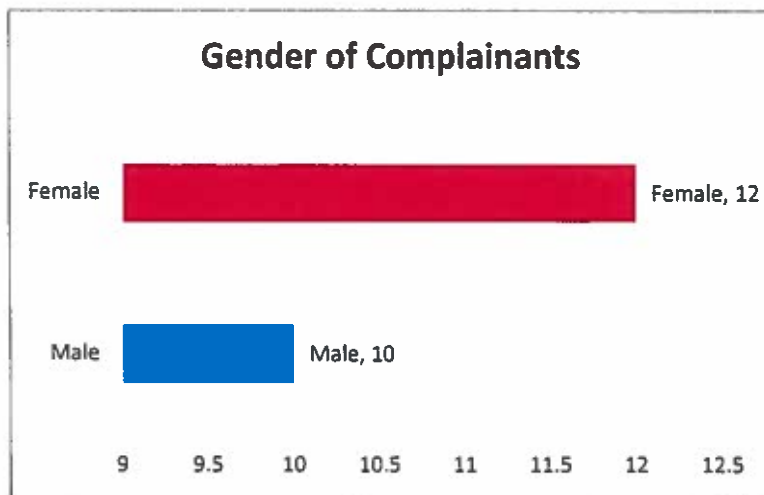


Chart 2: Complainants Gender

The above chart indicates the number of the complaints made by males and females for 2016.

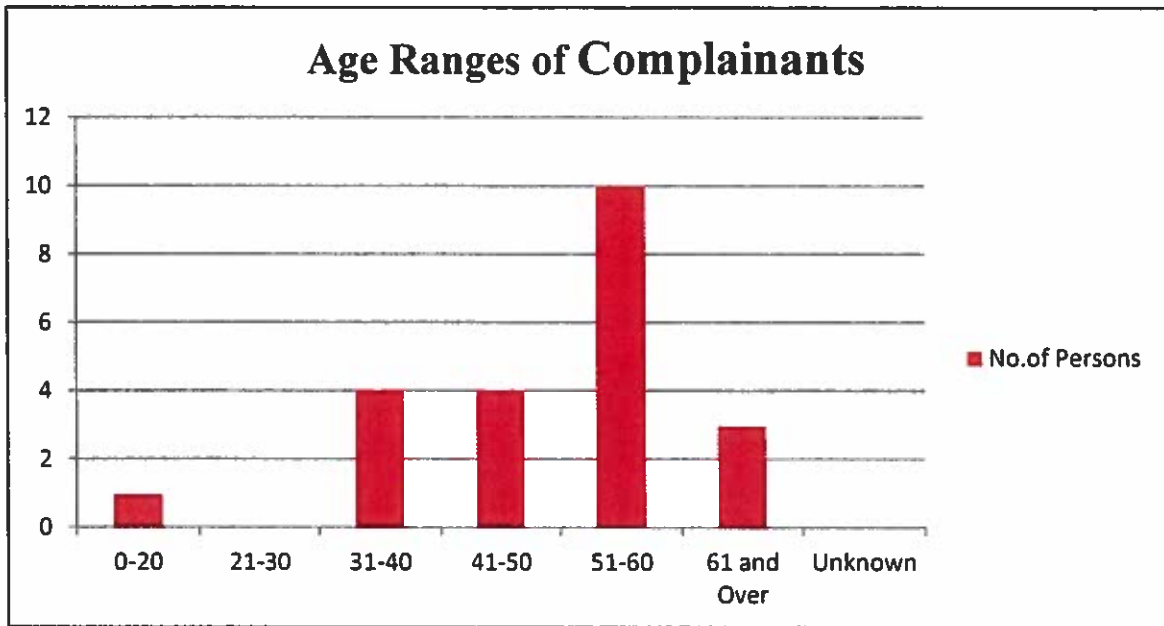


Chart 3: The number of Complainants and Complainant Age Ranges.

The age ranges of complainants are as follows:

- 0-20 age range - one (1) person
- 21-30 age range - zero (0) persons
- 31-40 age range - four (4) persons
- 41-50 age range - four (4) persons
- 51-60 age range - ten (10) persons
- 61 and over age range - three (3) person
- Unknown age range - zero (0) person

Ranks of Police Officers Complained against:

For the period January to December 2017, complaints were made against 18 police officers. The ranks or departments complained against are as follows:

- Two (2) Inspectors
- Four (4) Station Sergeants
- Three (3) Sergeants
- Nine (9) Police Constables

In addition, there were complaints against unnamed staff of one (1) Police Station and one (1) department.

Actions taken regarding Complaints filed:

The Authority reviewed all complaints received at its office. It determined which complaints should be forwarded immediately to the Commissioner of Police for investigation or which required an interview with the complainant to obtain further information.

For the year 2017, ten (10) persons were invited to interviews. Of that total eight (9) persons attended and one (1) is yet to be interviewed.

Of the complaints filed during the year under review twelve (12) were referred to the Commissioner of Police to be investigated, three (3) were closed after the interview process, two (2) complaints were referred to the station concerned for further assistance and two (2) complaints are to be reviewed before a determination is made.

In accordance with Section 25 of the Police Complaints Authority Act, two (2) complaints were adjourned pending the completion of a court case arising out of the same circumstances as the complaint.

Completed Investigations:

During the year 2017, Six (6) reports were received from the office of the Commissioner of Police in respect of complaints referred for investigations. This shows a decline when compared to the 23 replies received in 2016. Of the replies received:

- Two (2) filed in 2012; and
- Four (4) filed in 2016.

Of the reports received five (5) stated that there was insufficient evidence to substantiate the complaint. The officer involved in the other complaint was admonished for his action.

The Authority also received from the Commissioner of Police an update on the status of the complaints sent for investigation in 2017.

Investigations under Section 7 of the Police Complaints Authority Act:

Section 7 of the Police Complaints Authority Act provides as follows:-

- (1) The Authority shall supervise the investigation of
 - (a) Any complaint alleging that the conduct of a police officer resulted in the death of or serious injury to some other person;
 - (b) Any other matter, whether or not the subject of a complaint, referred to the Authority by the Commissioner, which is the opinion of the Commissioner, should be supervised because of its gravity or its exceptional circumstances.

There were no investigations under Section 7 of the Act.

Budget:

The sum of \$240,410.00 was allocated in the Estimates for the Financial Year 2017-2018 for the Sub-Program 0238: Police Complaints Authority.

Developments:

The Authority continues with its Public Awareness Drive to inform the general public of its current location and telephone numbers through the Government Information Service. This will include notices in both the electronic and print media. This will continue during the coming year to inform the public of its location as well as the work which it does.

The Authority continues to await the passage of the amendments to the Police Complaints Authority Act hoping it will soon be laid before Parliament. The proposed new legislation would empower the Authority to deal summarily with some complaints, thereby leading to a speedier disposal of complaints. This would lead to the reduction of the backlog of matters awaiting investigation by the Commissioner of Police. This has the potential to reduce the resolution time of matters, garner confidence to the complaints process and alleviate some of the apprehension and delays experienced by members of the general public when they make a complaint against the police.

Conclusions and Recommendations:

The Authority continues to advocate for an independent system, both perceived and real, which would contribute to ensuring the satisfaction of the general public when they receive service from the Royal Barbados Police Force. This system stands as a potential barrier to declining service standards in times when service delivery, productivity and police actions are constantly being scrutinized by the public at large.

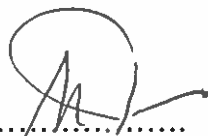
The ability of the Authority to investigate and make a timely determination on complaints made to it potentially allows the Royal Barbados Police Force to have more access to their already scarce resources and should go a long way towards engendering confidence by the public in the system.

While the decline in the number of persons making complaints at the office of the Police Complaints Authority has held steady there is no significant decline in the number of persons making complaints at the Office of Professional Responsibility. The Authority is of the opinion that a more central location should be considered for its office so as to improve the ease of access by the general public.

The Authority continues to believe that transparency, fairness and confidence are extremely important elements when forging an amicable relationship with the police and general public. Every effort must be made to improve and balance the relationship between the police and the public. The Authority continues to be of the view that in order to reduce the number of complaints of unbecoming behaviour on the part of some policemen as they interact with members of the public, refresher courses should be offered to members of the Police Force. These courses should

include public relations, human rights and customer service, along with courses placing emphasis on the duties and responsibilities of the police.

I wish to thank the members of the Police Complaints Authority for their commitment and co-operation throughout the year. I also wish to express my thanks to the outgoing Head of the Civil Service, Ms. Sonja Welch, happy retirement and thank her for the invaluable service rendered during her tenure. A warm welcome is extended to the new acting Head of the Civil Service, Mr. Louis Woodroffe, PhD as he commences his tenure with the Authority. I also extend my gratitude to the staff for their support.



.....
W. LeRoy Inniss, Q.C.
Chairman

CHAPTER 167A

POLICE COMPLAINTS AUTHORITY

ARRANGEMENT OF SECTIONS

SECTION

Preliminary

1. Short title.
2. Interpretation.

The Authority

3. Establishment of Authority.
4. Powers of the Authority.
5. Functions of the Authority.
6. Administration and staff.
7. Supervision of investigations.
8. Powers of the Authority in relation to investigations.
9. Procedure after direct investigation by the Authority.

Complaints Office

10. Complaints Office of the Force.

Handling of Complaints

11. Making complaints.
12. Where complaint may be made.

SECTION

13. Handling of complaints.
14. Securing evidence.
15. Frivolous complaints etc.
16. Informal resolution of complaints.
17. Formal resolution of complaints.
18. Powers of Authority in respect of final investigation report.
19. Powers of Commissioner in respect of formal resolution of disputes.
20. Rules.

Review of Complaints by the Authority

21. Reviews by the Authority.
22. Where complaint satisfactorily disposed of.
23. Where complaint not satisfactorily disposed of.
24. Conduct of hearings.

General

25. Proceedings before the Authority.
26. Disclosure of information.
27. Offences.
28. Funds.
29. Accounts.

SECTION

- 30. Reports.
- 31. Remuneration.
- 32. Regulations.

CHAPTER 167A

POLICE COMPLAINTS AUTHORITY

An Act to provide for the establishment of a Police Complaints Authority and for matters incidental thereto. 2001-10.
2006-34.

[1st May, 2004] Commence-
ment.
2004/56.

Preliminary

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

2. In this Act,

"Authority" means the Police Complaints Authority;

Interpreta-
tion.

"Chairman" means the Chairman of the Authority;

"Commissioner" means the Commissioner of Police;

"complaint" means a complaint brought in accordance with section 11 in respect of the conduct of a police officer;

"Complaints Office" means the office of the Police Force established under section 10;

"Force" or "Police Force" means the Royal Barbados Police Force;

"police officer" or "officer" means a member of the Police Force.

The Authority

Establishment of Authority.

3. (1) The Police Complaints Authority is hereby established.
(2) The Authority shall be a body corporate.

Schedule.

- (3) The *Schedule* has effect with respect to the constitution of the Authority and otherwise in relation thereto.

Powers of the Authority.

4. (1) The Authority may sue and be sued in its corporate name.
(2) The Authority may enter into contracts for the purposes of this Act.
(3) The Authority shall have a common seal.

Functions of the Authority.

5. (1) The functions of the Authority are to
- (a) monitor the investigation by the Police Force of any complaint with a view to ensuring that the investigation is conducted impartially;
 - (b) supervise the investigation of complaints or other matters in accordance with section 7;
 - (c) undertake the direct investigation of complaints where it thinks necessary; and
 - (d) review complaints in accordance with sections 21 to 24.
- (2) Subject to the provisions of the *Constitution* relating to the powers of the Director of Public Prosecutions and the Police Service Commission, the Authority is not subject to the directions or control of any other person in the exercise of its functions under this Act.

Administration and staff.
Cap. 21.

6. (1) The staff of the Authority shall be public officers and the offices of the staff shall be established in accordance with the *Civil Establishment Act*.
(2) The Authority may require any officer or any committee of the Authority to perform any of its functions.

7. (1) The Authority shall supervise the investigation of

Supervision
of investiga-
tions.

- (a) any complaint alleging that the conduct of a police officer resulted in the death of or serious injury to some other person;
- (b) any other matter, whether or not the subject of a complaint, referred to the Authority by the Commissioner, which in the opinion of the Commissioner should be supervised because of its gravity or its exceptional circumstances.

(2) In the exercise of its function under this section, the Authority may require the Commissioner to give directions to a police officer as to a particular investigation; and it shall be the duty of the officer to comply with the directions.

8. (1) The Authority may for the purposes of section 5(1)(c) examine any person who in its opinion is able to give any information relating to the matter under investigation.

Powers of
the
Authority in
relation to
investiga-
tions.

(2) The Authority, the investigative staff of the Authority and any other person authorised by the Authority shall, in the exercise of their duties under section 5(1)(c), have the same powers and privileges as are given by law to a police officer.

(3) For the purposes of a direct investigation, the Authority may require the Complaints Office or the police officer concerned to supply information, produce any document or thing or allow access by members of the Authority or an investigator appointed by the Authority to any premises.

9. On completion of a direct investigation, the Authority

Procedure
after direct
investigation
by the
Authority.

- (a) shall submit a report thereon to the Commissioner;
- (b) where the report indicates that a criminal offence may have been committed, shall submit a report to the Director of Public Prosecutions and shall give a copy of the report to the Commissioner; and

- (c) may make such recommendations as it thinks fit to the Commissioner.

Complaints Office

Complaints
Office of the
Force.

10. The Commissioner shall for the purposes of this Act establish and maintain a Complaints Office of the Police Force (by whatever name called), which shall be responsible for

- (a) investigating complaints made by members of the public against police officers; and
- (b) submitting to the Authority and to the Commissioner a monthly report in respect of the investigation of any complaint or matter that is being supervised by the Authority.

Handling of Complaints

Making
complaints.

11. (1) A complaint may be made by a member of the public who is aggrieved or by his authorised agent or, where the aggrieved person has died or is otherwise unable to make a complaint, by any member of the public.

(2) A complaint may not be made later than 2 years from the day on which the complainant first knew of the facts that gave rise to the complaint.

Where
complaint
may be
made.

12. A complaint may be made in the prescribed form at

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

Handling of
complaints.

13. (1) The person who receives a complaint under section 12 shall

- (a) record it in the prescribed manner and give the complainant a copy signed by himself and the complainant; and

-
- (b) furnish the complainant with a prescribed statement setting out the procedures to be followed in respect of the complaint.
- (2) Where a complaint
- (a) is made at a police station, it shall be forwarded to the Complaints Office;
- (b) is made at the office of the Authority, it shall be forwarded to the Complaints Office; or
- (c) is made at the Complaints Office, a copy shall be forwarded to the Authority.
- (3) The officer in charge of the Complaints Office shall notify the Commissioner of all complaints.

14. The officer in charge of the Complaints Office shall take all reasonable steps to ensure that all available evidence, which otherwise might be lost if not secured immediately, is gathered. Securing evidence

15. (1) The Commissioner may direct the officer in charge of the Complaints Office not to investigate or not to continue to investigate a complaint where, in the opinion of the Commissioner, F frivolous complaints etc.

- (a) the subject matter of the complaint is trivial;
- (b) the complaint is frivolous or vexatious; or
- (c) the aggrieved person does not desire that action be taken or continued, as the case may be.
- (2) Where any decision is taken pursuant to subsection (1),
- (a) the complainant and the Authority shall be notified of the decision; and
- (b) in the case of paragraphs (a) and (b) of subsection (1), the complainant shall be notified of his right to apply for a review under section 21.

ss.16-17

Informal
resolution of
complaints.**16. (1) Where a complaint**

- (a) is not one that is specified under section 7; or
- (b) in the opinion of the Commissioner, would not justify a criminal charge,

the Commissioner may direct the officer in charge of the Complaints Office to resolve the complaint informally.

(2) Where a complaint is resolved informally, a record shall be made of the manner in which the complaint was resolved; and the complainant and the police officer concerned shall signify in writing their agreement to the resolution.

(3) A copy of the record made under subsection (2) shall be given to the Authority, the complainant and the police officer concerned.

(4) Notwithstanding subsection (2), where the Authority or the Commissioner is of the opinion that an informal resolution was obtained as a result of a misunderstanding, a threat or other improper pressure, the Authority or the Commissioner may direct that the investigation be continued; and shall give reasons in writing to the officer in charge of the Complaints Office, the complainant and the police officer concerned for the continuation of the investigation.

Formal
resolution of
complaints.**17. (1) Where a complaint**

- (a) has not been resolved informally; or
- (b) is not suitable for informal resolution,

the officer in charge of the Complaints Office shall cause an investigation to be made forthwith into the complaint.

(2) Subject to section 10, the officer in charge of the Complaints Office shall forward to the Commissioner and to the Authority a quarterly report during the course of the investigation referred to in subsection (1).

(3) The officer in charge of the Complaints Office shall forward to the Commissioner and the Authority a final investigation report after the investigation has been completed; and shall give notice thereof to the complainant and the police officer concerned.

18. (1) Where, after receiving the final investigation report, the Authority is of the opinion that the investigation was not conducted satisfactorily, the Authority

Powers of Authority in respect of final investigation report

- (a) may notify the Commissioner in writing that in the opinion of the Authority the investigation was not conducted satisfactorily;
- (b) may direct that the matter be further investigated; or
- (c) may direct that any witness be interviewed or re-interviewed.

(2) Any investigation or interview conducted pursuant to subsection (1) shall be conducted by a police officer other than the officer who conducted the original investigation.

19. After consideration of the final investigation report and any requests from the Authority under section 18, the Commissioner may

Powers of Commissioner in respect of formal resolution of disputes

- (a) refer the matter to the Director of Public Prosecutions, where he is of the opinion that a criminal offence justifying criminal prosecution has been committed;
- (b) institute disciplinary proceedings in accordance with the appropriate enactment; or
- (c) direct that no action is warranted.

20. The Commissioner may, with the approval of the Minister, make rules in respect of the handling, investigation and disposal of complaints by the Complaints Office.

Rules

Review of Complaints by the Authority

Reviews by
the
Authority.

21. (1) A person who is aggrieved with the disposition of his complaint or with the findings of the investigation by the Police Force may apply in writing to the Authority for a review of the complaint by the Authority within 3 months of the notice of the disposition of the complaint or within 3 months of the receipt of the results of the investigation, as the case may be.

(2) On receipt of an application under subsection (1), the Authority shall notify the Commissioner in writing and request from the Commissioner all material relevant to the particular complaint.

(3) The Commissioner shall, upon receiving the request under subsection (1), furnish the Authority with all material relevant to the complaint.

Where
complaint
satisfactorily
disposed of.

22. Where on review the Authority is satisfied with the manner of the disposition of a complaint or with the findings of the investigation, it shall submit a report in writing to that effect to the Commissioner and shall furnish the complainant and the police officer concerned with a copy.

Where
complaint
not
satisfactorily
disposed of.

23. (1) Where the Authority is not satisfied with the manner in which a complaint is disposed of, the Authority may

(a) institute a hearing to inquire into the complaint; or

(b) submit a report to the Commissioner setting out its findings and recommendations in respect of the disposition of the complaint.

(2) Where the Commissioner does not implement the recommendations of the Authority, the Commissioner shall submit a report to the Authority and to the Governor-General setting out his reasons therefor, together with his comments.

(3) A copy of the Authority's report under this section shall be sent to the complainant and the police officer concerned.

24. (1) The Authority may institute a hearing under section 23 by sending a notice of the hearing to the Commissioner, the complainant and the police officer concerned. Conduct of hearings.

(2) The notice of hearing referred to in subsection (1) shall specify

(a) the purpose of the hearing; and

(b) the place and time of the hearing.

(3) It is the duty of the police officer concerned to attend the hearing referred to in subsection (1).

(4) Where the complainant, having had due notice of the time and place of the hearing, does not attend the hearing, the Authority may dismiss the application for review unless, having received a reasonable excuse for the non-appearance of the complainant, the Authority thinks it fit to adjourn the matter.

General

25. (1) Where, in relation to any matter before the Authority, proceedings have been or are instituted in any court, the Authority shall not commence proceedings, or, where proceedings have already commenced, shall discontinue proceedings in respect of the matter, until after the determination of the court. Proceedings before the Authority.

(2) Any proceedings before the Authority shall be conducted in private.

(3) Any person who attends any proceedings before the Authority for the purpose of assisting in an investigation under this Act shall be entitled to the same fees and expenses as a witness in a court.

(4) Anything said or information supplied or any document produced by any person for the purposes of this Act, or in the course of an investigation or any proceedings before the Authority under this Act, is privileged in the same manner as if the investigations or proceedings were proceedings in a court.

Disclosure
of informa-
tion.

26. (1) The Authority and every person concerned with the administration of this Act shall regard as secret and confidential all documents, information or matters disclosed in the administration of this Act.

(2) No person shall publish or disclose to any person, otherwise than is necessary in the course of his duties, the contents of any documents, communication or information whatsoever, which relate to, and have come to his knowledge in the course of, his duties under this Act.

(3) A person who contravenes subsection (2) is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 2 years or to both.

(4) Any disclosure

(a) made by the Authority or any other person in proceedings for an offence under subsection (3); or

(b) which the Authority considers necessary in the discharge of its functions,

shall not be deemed inconsistent with any duty imposed under this section.

Offences.

27. (1) A person who

(a) wilfully makes a false statement intending to mislead or misleads the Authority or any other person in the discharge of the functions of the Authority or of that other person under this Act; or

(b) without lawful justification or excuse

(i) obstructs, hinders or resists the Authority or any other person in the discharge of the functions of the Authority or of that other person under this Act;

(ii) fails to comply with any lawful requirement of the Authority or any other person; or

(c) without reasonable cause

- (i) refuses or neglects to attend any proceedings before the Authority; or
- (ii) departs from any proceedings without the consent of the Authority or other person conducting the proceedings

is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for 2 years or to both.

(2) Paragraph (c)(i) of subsection (1) does not apply to the complainant.

28. The funds of the Authority shall consist of such sums as are Funds appropriated to it by Parliament.

29. The Authority shall keep proper accounts of its transactions in Accounts relation to the administration of the resources of the Authority in accordance with the directions of the Auditor-General, and shall submit to the Auditor-General a statement of accounts in respect of each financial year.

30. (1) The Authority

Reports.

- (a) shall, at the end of every calendar year, submit to the Minister a general report on the discharge of its functions during that year; and
- (b) may submit a report to the Minister on any matters coming to its notice to which it considers that his attention should be drawn by reason of their gravity or of other exceptional circumstances.

(2) Any report submitted under subsection (1) shall omit any particulars that may lead to the identification of the parties to the complaint.

(3) The Minister shall lay any report submitted under subsection (1) before Parliament and shall cause the report to be published in the *Official Gazette*.

(4) The Authority shall, before making any report, afford any person upon whose conduct it proposes to make adverse comment an opportunity to be heard.

Remunera-
tion.

31. Members of the Authority shall be paid such remuneration by way of fees or allowances as are fixed by the Governor-General acting on the advice of the Minister.

Regulations.

32. The Authority may, after consultation with the Minister, make regulations

- (a) prescribing the form and procedure of hearings;
- (b) prescribing the practice and procedure to be adopted in respect of the review of complaints;
- (c) in respect of the handling of complaints by its officers;
- (d) generally in respect of its operations; and
- (e) generally in respect of this Act.

 SCHEDULE

(Section 3(3))

1. (1) The Complaints Authority shall consist of
- Constitu-
tion and
appoint-
ment of
Authority.
- (a) a Chairman, a Deputy Chairman and 2 other persons, all of whom shall be appointed by the Governor-General on the advice of the Minister; 2006-34.
- (b) one person who shall be appointed by the Governor-General in his absolute discretion;
- (c) one person who is a former gazetted police officer of the Police Force, who shall be appointed by the Governor-General on the advice of the Police Force Association, but subject to sub-paragraph (4)(c); and
- (d) the Head of the Civil Service, *ex officio*.
- (2) The Chairman and the Deputy Chairman shall be attorneys-at-law of at least 10 years standing. 2006-34.
- (3) The Governor-General shall appoint a member of the Authority to be its Secretary.
- (4) No person shall be eligible to serve as a member of the Authority if that person is or was during the last 5 years
- (a) a member of Parliament;
- (b) a candidate for election to membership of the House of Assembly;
- (c) a member of the Police Force;
- (d) a member of the Barbados Defence Force; or
- (e) declared bankrupt or moved against by his creditors.
- (5) No person convicted of a criminal offence is eligible to serve as a member of the Authority, unless the Governor-General in any special case otherwise directs.
2. Where the Chairman or any other member of the Authority is absent or unable to perform his duties, the Governor-General may, on the advice of the Minister, appoint another person to act in the place of the Chairman or the other member.
- Temporary
appoint-
ment to the
Authority.

-
- Tenure.** 3. (1) A member of the Authority shall hold office for a period not exceeding 3 years unless he resigns or his appointment is revoked in accordance with paragraph 6.
- (2) All members are eligible for re-appointment at the end of their tenure.
- Meetings and quorum.** 4. (1) Where the Authority is required to exercise its functions under this Act, the Authority shall meet at least once a month.
- 2006-34. (2) The quorum shall consist of 4 members including the Chairman or, in the absence of the Chairman, the Deputy Chairman.
- 2006-34. (2A) The Chairman or, in the absence of the Chairman, the Deputy Chairman shall preside at all meetings.
- (3) Where the Authority considers it necessary to do so, the Authority may invite the Commissioner, the Deputy Commissioner or the head of the Complaints Office or any other relevant person to attend any of its meetings.
- (4) The Governor-General may direct that any member of the Authority who becomes the subject of a criminal investigation or who is charged with a criminal offence shall not attend meetings.
- Resignation.** 5. (1) The Chairman may at any time, by instrument in writing addressed to the Governor-General, resign his office as Chairman of the Authority.
- (2) A member of the Authority other than the Chairman may at any time resign his office as member by instrument in writing addressed to the Governor-General and transmitted through the Chairman.
- (3) Where the Chairman ceases to be a member, he shall also cease to be Chairman.
- (4) The resignation of the Chairman or a member of the Authority shall take effect from the date of the receipt of the instrument of resignation by the Governor-General.
- Revocation.** 6. The Governor-General may at any time by instrument in writing revoke the appointment of the Chairman or any member of the Authority if he is satisfied that the person
- (a) has, without reasonable excuse, failed to attend 3 consecutive meetings of the Authority;
- (b) has, without reasonable excuse, failed to comply with any direction given by the Authority for the purposes of this Act;

- (c) is physically or mentally incapacitated to such an extent as to impair his ability to perform his duties, or is otherwise unable or unfit to perform his duties;
- (d) has become a person who would be disqualified for appointment pursuant to paragraph 1(4); or
- (e) has improperly discharged his functions.

7. (1) The appointment and cessation of appointment of the Chairman or a member of the Authority shall be published in the *Official Gazette*. Notices to be published.

(2) The address of the Authority shall be published in the *Official Gazette* and in each daily newspaper.

8. (1) All decisions made by the Authority and all documents of the Authority shall be signed by the Chairman or any other person so authorised to act. Signature and seal.

(2) The seal of the Authority shall be kept in the custody of the Chairman or such other member as the Authority may approve.

9. The decisions of the Authority shall be by a majority of votes, and in the event of an equality of votes the Chairman has a casting vote. Decisions.

10. Minutes of each meeting shall be kept in proper form by the Secretary or such other person as the Authority may appoint for the purpose; and shall be confirmed in writing at the next meeting. Minutes.

11. (1) The Authority may appoint committees of its members or other persons to assist with the proper discharge of its functions. Committees.

(2) Where the Authority appoints a person to a committee who is not a member, that person shall be a person who is not disqualified to serve as a member of the Authority under paragraph 1(4).

(3) Where a person who is not a member is appointed to a committee, the Authority may, with the approval of the Minister, determine the remuneration and allowances to be paid to that person.

12. Subject to the provisions of this Act, the Authority may regulate its own proceedings. Procedure.