

S.I. 2009 No. 120

**Police Complaints Authority Act**  
**Cap. 167A**

**POLICE COMPLAINTS (PROCEDURE) RULES, 2009**

The Commissioner in exercise of the powers conferred on him by section 20 of the *Police Complaints Authority Act*, with the approval of the Minister, makes the following Rules:

1. These Rules, may be cited as the *Police Complaints (Procedure) Rules, 2009*. Citation.
2. In these Rules "officer concerned" means an officer against whom a complaint is brought or who is the subject of an investigation. Interpretation.
3. (1) The Complaints Office shall consist of: Complaints Office.
  - (a) a gazetted officer who shall be in charge of the office and who shall be responsible to the Deputy Commissioner;
  - (b) such number of officers, as the Commissioner determines to be investigative staff; and
  - (c) such number of other officers as the Commissioner determines.
- (2) Notwithstanding sub-paragraph (1), the Commissioner may assign any officer to the Complaints Office for the purposes of investigating a particular matter.
4. (1) No officer shall be appointed to investigate a matter or a complaint against an officer concerned if that officer Investigating officers.
  - (a) is of a lower rank than;
  - (b) is of the same rank as;

(c) is serving at the same station or department as; or

(d) is a relative of,

the officer concerned.

(2) For the purposes of sub-paragraph (1), "relative" means

(a) the spouse or a child, step-child, parent, brother or sister of that person; or

(b) a parent, brother or sister of the spouse of that person.

Notifica-  
tion of  
complaint.

5. The officer in charge of the Complaints Office or such other officer as may be determined by the Commissioner, shall as soon as practicable, inform the concerned officer of the substance of the complaint made against him.

Informal  
resolution.

6. (1) No reference shall be made in the personal record of an officer to a complaint that is resolved informally.

(2) No statement made in the course of attempting to dispose of a complaint informally shall be admissible at any hearing or in any civil or criminal proceedings arising out of the matter.

Final  
investigation  
report.

7. A final investigation report shall contain

(a) a summary of the complaint and a description of the alleged misconduct of the officer concerned;

(b) a summary of the investigation and a summary of the information obtained from the complainant, the officer concerned and any witnesses; and

(c) details of any physical evidence obtained.

8. (1) Where from a report or complaint it appears that an officer may have committed a disciplinary or criminal offence, and that

Suspension  
of officer  
concerned.

- (a) the effective investigation of the report or complaint may be prejudiced unless that officer is suspended; or
- (b) the public interest requires, having regard to the nature of the report or complaint and any relevant considerations, that the officer should be suspended,

the Commissioner may recommend to the Police Service Commission that the officer be suspended from duty whether or not the matter has been investigated.

(2) An officer who is suspended shall be permitted to receive such proportion of the salary and allowances of his rank, not being less than two-thirds, as the Commissioner may recommend.

(3) An officer who is suspended pursuant to this rule and is subsequently cleared of the conduct alleged in the complaint or the matter investigated, shall be paid the full amount of his emoluments that he would have received had he not been suspended.

Made by the Commissioner this 17th day of September, 2009.

DARWIN DOTTIN  
Commissioner of Police.

Approved by the Minister this 2nd day of October, 2009.

MICHAEL A. LASHLEY  
Minister responsible for Police Administration  
and the Preservation of Public Order.