



POLICE COMPLAINTS AUTHORITY

PATI Information Statement

Name of Public Authority: POLICE COMPLAINTS AUTHORITY

Introduction:

The Public Access to Information 2010 (PATI) legislation was designed to make central Government, and the larger public section, more open and accountable by giving the public the legally enforceable right to request and access information subject to limited and prescribed exemptions. Each public authority is required to produce an information statement that gives the public an overview of the types of information accessible through the public authority.

This information statement provides information on the functions and services of the Police Complaints Authority and the classes of records held.

Section A: Structure, Organization and Legislation [s5(1)a]

The Police Complaints Authority comprises six members, appointed by the Governor. There is a Chairman who is legally qualified, Deputy Chairman and five other members. The Authority is only answerable to the Governor albeit it comes under the Ministry of National Security.

Legislation

Police Complaints Authority Act 1998

Section B: 1) Functions, powers, duties of the Authority [s5(1)b]

The Police Complaints Authority has been established to make better provision for the investigation and resolution of complaints against the police. The Professional Conduct Unit of the Bermuda Police Service receives the complaint and provides a copy to the Police Complaints Authority. The Professional Conduct Unit then investigates the complaint and sends a report to the Police Complaints Authority. The Authority reviews how the investigation was conducted and unless it disagrees with any matter, then writes to the Complainant in respect of the outcome. On occasion, and as one of its functions, where the Police Complaints Authority is satisfied there are reasonable grounds to carry out an investigation in the public interest of its own initiative. It will do so. The Authority can direct and supervise investigations of incidents involving death or serious injury.

Section B: 2) Obligations under PATI Act [s5(1)b]

To provide an **information statement** for the public and promulgate it [s5],

- To provide **other information** to the public so that the public needs only to have minimum resort to the use of the Act to obtain information [s6]. This includes:
 - General information, e.g. activities of the Authority
 - Log of all information requests and their outcome
 - Quarterly expenditure (upon request) [s6(5)]
 - Contracts valued at \$50,000 or more.
- To **respond to information requests** in a timely manner [s12-16]
- To **track information requests**, and provide this data to the Information Commissioner
- To respond to requests from the Information Commissioner [s9]
- To **amend personal information** held by the Authority that it is wrong or misleading following a written request by the person to whom the information relates [s19]
- To conduct an **internal review** if formally requested [part 5]
- To give evidence for **review by the Information Commissioner** [part 6, 47(4)], or for **judicial review** [s49], if required subject to the exceptions created by the Police Complaints Authority Act, sections 25 and 26
- To provide an **annual written report** to the Information Commissioner of the status of information requests [s58 (3)].
- **To do anything else as required** under the PATI Act and subsequent Regulations [s59, 60], including:
 - **Fees** for Requests for information
 - Management and maintenance of **records**
 - **Procedures** for administering the Act
- To **train staff and make arrangements** so as to facilitate compliance with the Act [s61]
- To **designate one of its officers** to be the person to whom requests are directed [s62]

The functions of the Authority are to receive complaints alleging any misconduct, neglect of duty or negligent performance of duty by an officer;

Where it is satisfied that there are reasonable grounds to carry out an investigation in the public interest, it may of its own initiative, conduct its own investigation or direct and supervise an investigation of any incident involving death or serious injury. It can take such action in respect of complaints, incidents and other matters as is contemplated by the Police Complaint Authorities Act.

In the course of taking action in respect of any complaint the Authority may direct and supervise an investigation of any apparent misconduct, or neglect or negligent performance of duty by an officer which appears to the Authority to relate to the complaint, notwithstanding that the complaint itself does not refer to that misconduct or neglect or negligent performance of duty.

It does not investigate any matter relating to the terms and conditions of service of an officer. The Authority and its staff are bound to maintain secrecy in respect of all matters that come to their knowledge in the exercise of their functions (section 25) and have privilege in respect of all proceedings against the Authority unless there is shown to be bad faith (section 26).

Section C: Services and Programs [s5(1)c]

Services:

The Police Complaints Authority maintains a website which has a fillable form so that members of the public can make their complaint direct to the Police Complaints Authority.

Programs:

The Police Complaints Authority does not run any programs.

Section D: Records and documents held [s5(1)d]

The only records held by the Police Complaints Authority are files of complaints made by members of the public or an investigatory file, if one is conducted on the initiative of the Police Complaints Authority.

Section E: Administration (all public access) manuals [s5(1)e]

There are no employees and no administrative manuals. The members of the Police Complaints Authority rely on the Police Complaints Authority Act 1998 for guidance.

Section F: Decision-making documents [s5(1)f]

The Police Complaints Authority Act 1998

Section G: The Information officer [s5(1)g]

Details here:--

Mr. Andrew Bermingham, Email: apbermingham@logic.bm and Telephone: (441) 295-2487 (w), (441) 236-4193 (h)

Section H: Any Other Information [s5(1)h]

Section I: Any Other Information To be Provided? [s5(1)i]

Section J: Information Statement: Copies and Updates [s5(2,3,4,5)]

Every public authority shall update its information statement at least once a year, and make it available for inspection by the public at reasonable times by [s5(1-5), PATI Act]:

Date Information Statement was updated:

30th December 2020

Locations of Information Statement:

- Principal office:
Bermuda Fire & Rescue Service Building, 49 King Street, Hamilton HM 19 Y
- The Bermuda National Library; Y
- The Bermuda Archives; Y
- Available electronically, Y
- Website for public authority – www.pca.com. Y
- No notice has been published in the Gazette indicating the places where the information statement is available for the public. N
- With the Information Commissioner. Y

Copies of Information statement are available at Police Complaints Authority, Bermuda Fire & Rescue Service Building, 49 King Street, Hamilton HM 19.

Sign and Date:



**Jeffrey Elkinson, Chairman
Police Complaints Authority**

31st December 2020

cc: Bermuda National Library
Bermuda Archives
The Office of the Information Commissioner