

POLICE COMPLAINTS AUTHORITY



ANNUAL REPORT 2016

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 – Deputy Chairman

Mr. Michael Beckles is an Attorney-at-Law of over 25 years standing. He has experience in both the private and public sectors of Barbados.



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 2016

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.

During the year 2016 the appointments of all the members of the Authority were renewed for another three (3) year period. There was however one change in the latter part of the year with the retirement of Mr. Martin Cox, Head of Civil Service. He was replaced by Ms. Sonja Welch, the acting Head of the Civil Service with effect from August 3, 2017.

Staff:

The staff of the Police Complaints Authority comprised an Investigator, an Administrative Officer II and a Clerk/Typist. During the year under review the Administrative Officer II was transferred to the Ministry of Social Care and Constituency Empowerment and Community Development and was replaced by an Administrative Officer II (ag).

Training/Conferences:

The Chairman attended a two day conference in Trinidad and Tobago on Civilian Oversight of Law Enforcement. This conference was hosted by the Trinidad Police Complaints Authority.

The Investigator also successfully completed the 3W's Criminal Investigations Course at the Regional Police Training Centre.

Meetings:

There were twelve (12) meetings of the Police Complaints Authority for the period January to December 2016.

Complaints received for 2016:

For the year 2016 a total of nineteen (19) complaints were received. Of this number twelve (12) complaints were made by males and seven (7) by females. Of these the average age for males was 51 years and females 47 years. The demographic portrayed from the statistics show the majority of complaints ranged from the middle aged to mature adults.

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 one hundred and two (102) complaints made to the Office of Professional Responsibility, Royal Barbados Police Force.

Several complainants have expressed 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>2016</u>	2015
1	Aggression/Threats/Verbal Abuse/Harassment	6	7
2	Failure to take action on reports made	4	5
3	Failure to produce Police I.D. or Search Warrant	1	0
4	Assault/Bodily Harm	5	2
5	Abuse of Power	1	3
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	1	2
9	Damage of Property	1	0
10	Wrongful Arrest	0	0
	<u>TOTAL</u>	<u>19</u>	19

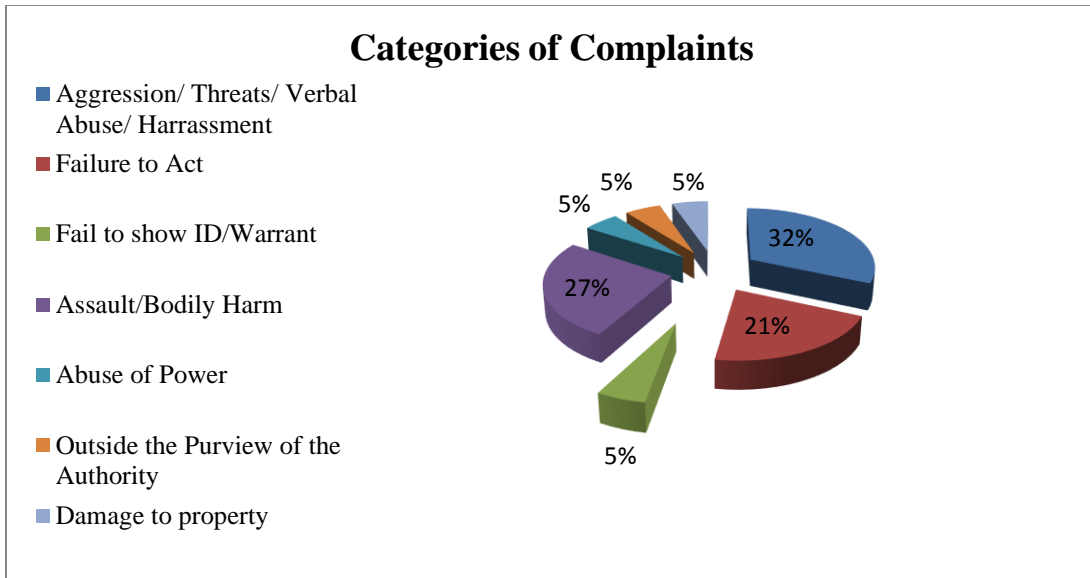


Chart 1: Percentages of Categories of Complaints

Category 1: Unprofessional Conduct continues to receive the highest number of complaints, making up 32% of the amount received for the period. These were allegations of aggression, threats and verbal abuse. 27% of the complaints fell under Category 4: Assault/Bodily Harm and 21% were Category 2: Failure to take action on reports made. Categories 3, 5, and 8 along with Category 9 each garnered 5% of the complaints made. 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.

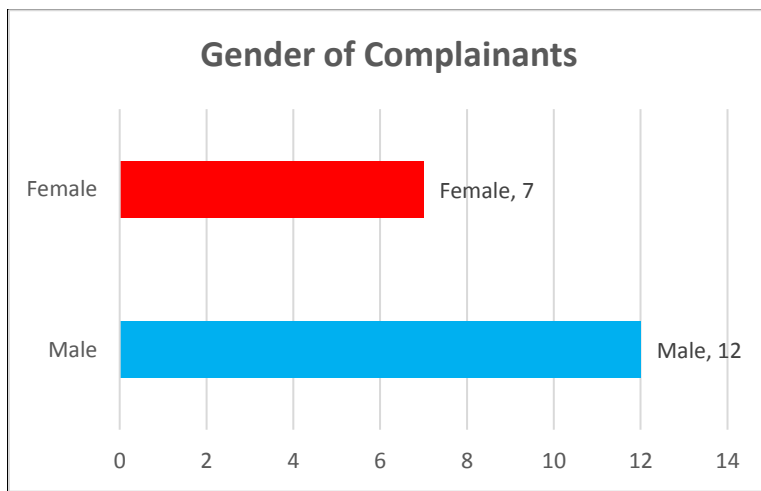


Chart 2: Complainants Gender

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

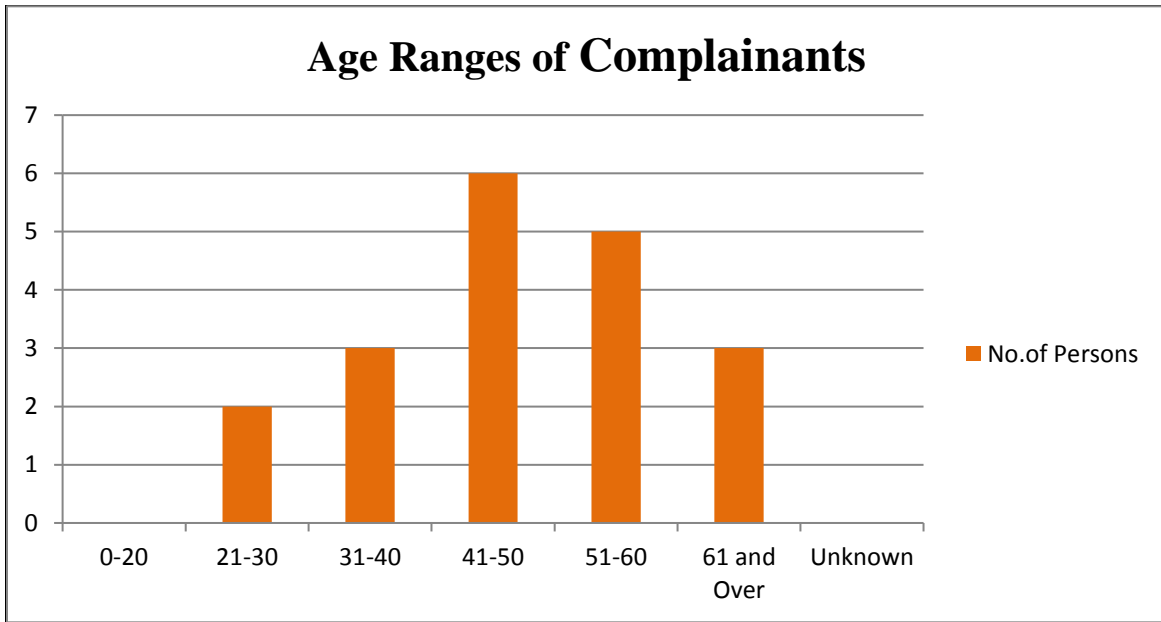


Chart 3: The number of Complainants and Complainant Age Ranges.

The age ranges of complainants are as follows:

- 0-20 age range - zero (0) persons
- 21-30 age range - two (2) persons
- 31-40 age range - three (3) persons
- 41-50 age range - six (6) persons
- 51-60 age range - five (5) 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 2016, complaints were made against eighteen (18) police officers. The ranks or departments complained against are as follows:

- Nine (9) Police Constables
- Nine (9) Sergeants

In addition, there were complaints against unnamed staff of two (2) Police Stations and three (3) departments.

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 2016, fourteen (14) persons were invited to interviews and all of the persons invited attended.

Of the complaints filed during the year under review seventeen (17) were referred to the Commissioner of Police to be investigated and one (1) complainant is to be interviewed before a determination is made.

In accordance with Section 25 of the Police Complaints Authority Act, one (01) complaint was adjourned pending the completion of a court case arising out of the same circumstances as the complaint.

Completed Investigations:

During the year 2016, Twenty-three (23) 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 36 replies received in 2015. Of the replies received:

- One (1) dated back to a complaint filed in 2007;
- One (1) to a complaint filed in 2009;
- Four (4) filed in 2010;
- One (1) filed in 2011;
- Four (4) filed in 2012;
- Two (2) filed in 2013;
- Five (5) filed in 2014; and
- Five (5) filed in 2015.

Of the reports received three (3) stated that the officers involved were admonished and one (1) was cautioned for their actions. Fifteen (15) of the replies stated that there was no evidence to substantiate the complaint. Three (3) complainants gave written statements indicating they were no longer interested in pursuing the matter. One (1) complaint was closed as the officer involved had retired from the force.

The Authority also received from the Commissioner of Police one (1) update to a current requested investigation.

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 \$241,207.00 was allocated in the Estimates for the Financial Year 2016-2017 for the Sub-Program 0238: Police Complaints Authority.

Developments:

The Public Awareness Drive to inform the general public of the Authority's current location and telephone numbers was conducted through the Government Information Service and included notices in the electronic and print media. The Authority will continue during the coming year to inform the public of its location as well as the work which it does.

For some time the Authority has been requesting an amendment to the Police Complaints Authority Act. The draft of a new Bill has been received for comments and it is hoped that the Bill 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 has the potential to 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 independence of the Authority, both perceived and real, is pivotal in contributing to ensuring the satisfaction of the general public when they receive quality service from the Royal Barbados Police Force. It stands as a potential barrier to the declining service standards in times when service delivery and police actions are constantly being scrutinized by the public at large.

To this end the ability of the Authority to investigate and make a timely determination on complaints made to it when the new Act comes in to being should go a long way in 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 continues to monitor the number of complaints filed to determine if a more central location should be considered for its office so as to improve the ease of access by the general public.

Every effort must be made to improve the relationship between the police and the public. The Authority is 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, short 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 congratulate the members of the Authority on their re-appointment for another term and express my thanks to the outgoing Head of the Civil Service, Mr. Martin Cox, a happy retirement and thank him for the invaluable service rendered during his tenure. A warm welcome is extended to the new acting Head of the Civil Service, Ms. Sonja Welch as she commences her tenure with the Authority. I also extend my gratitude to the staff for their support.



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W. LeRoy Inniss, Q.C.
Chairman