



Police Complaints Authority

Our Ref.: PCA015 Vol. II

Mach 26, 2021

The Honourable Dale Marshall, QC, MP
Attorney General
Attorney General's Chambers
Jones Building
Webster's Business Park
Wildey
St. Michael

Dear Minister,

LETTER OF TRANSMITTAL

In accordance with Section 30 (1) of the Police Complaints Authority Act Cap. 167A, I have the honour to submit to you the Annual Report of the Police Complaints Authority for the calendar year January-December 2019.

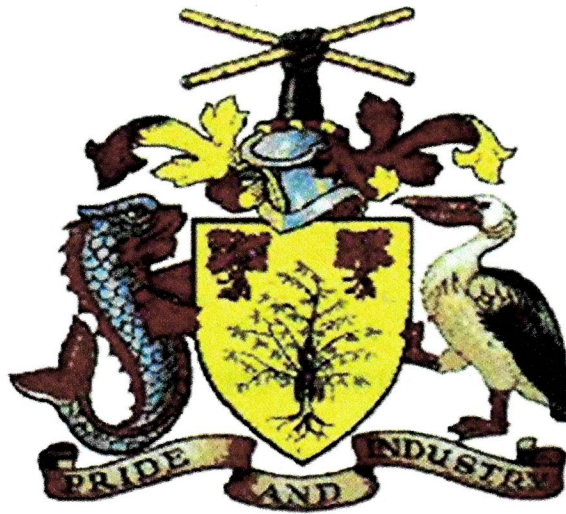
The Annual Report has been signed and forwarded by the Deputy Chairman as the Chairman is currently off Island awaiting an opportunity to return.

Yours faithfully

Mark Forde
Deputy Chairman

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POLICE COMPLAINTS AUTHORITY



ANNUAL REPORT

2020

POLICE COMPLAINTS AUTHORITY

MISSION STATEMENT

*To maintain an independent system of investigating complaints against the
Police*

VISION STATEMENT

*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



Madam Justice Elneth O. Kentish, QC – Chairman

Madam Justice Kentish, QC is a retired judge of the High Court of Barbados and a Fellow of the Commonwealth Judicial Education Institute.



Mr. Mark Forde – Deputy Chairman



Rev. Dr. Lucille Baird MBE, DD, JP - Member

Mr. Mark Forde is an Attorney-at-Law of some 14 years' experience at the Bar. He also holds a B.Sc. degree (Upper Second Class Honours) in Public Administration from the University of the West Indies. He has worked in the private sector in Marketing Management and Training Administration and has lectured at BIMAP in Marketing Management. He has also lectured and provided public and private seminars in personal finance and had been a Talk Show Host on radio for several years.

Rev. Dr. Lucille Baird has been a Minister of Religion for 40 years and is the Senior Pastor of Mount Zion's Missions. She served at Her Majesty's Prison, Glendairy for 25 years as a Counsellor and a Government Rehabilitation Officer. She is a member of the British Empire, and has a Doctorate of Divinity from the International Theological Seminary of California (Honoris Causa). She is the chairperson of the Foursquare Women's Regional Committee and a member of the Foursquare Women's Global Council Committee USA, she is a member of Her Majesty's Prison, Dodds Advisory Board



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.



Mr. Louis St. E Woodroffe PhD.
Ex-Officio Member

Dr. Woodroffe is Head of the Civil Service and also Director General of Foreign Trade in the Ministry of Foreign Affairs and Foreign Trade. He previously held the position of Permanent Secretary in a number of Government Ministries. He has been employed in the public service for close to 40 years.



Mr. David Leacock – Member

David Leacock is a company director in the Leacock Group of Companies whose activity spawns financial services, real estate rentals and distribution. He graduated with a Master of Business Administration (Finance) in 1984 from the University of Windsor, Canada. Mr Leacock is a Past President of the Rotary Club of Barbados South and is currently the President of the Barbados Squash Club. His interests include world affairs, foreign travel and squash.



Mr. Henderson R. Clarke- Member

Henderson R Clarke is a former teacher and tutorial leader in Mathematics and Statistics at the UWI Cave Hill. He holds a B.A (Hons) degree in Maths and Social Sciences. Trained in International Trade in Singapore, Seoul Korea and Dublin Ireland he served as Barbados Vice Consul and Trade Representative at New York. A former Manager of the BIDC, president of The St. Catherine's Social & Sports Club and recipient of the Shrewsbury, Bayleys Old Scholars Award for commitment and community dedication .

POLICE COMPLAINTS AUTHORITY

Annual Report – January to December 2020

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.

Staff:

The staff of the Police Complaints Authority comprised an Investigator, an Administrative Officer II and an Administrative Assistant.

Meetings:

The period under review was an unprecedented one. With the onset of the Covid-19 Coronavirus pandemic many activities were curtailed because of the associated health restrictions and lockdown. These severely restricted face to face gatherings and the movements of citizens and visitors alike and the imposition of stringent health protocols in an effort to prevent the spread of the virus. These conditions tested the entire country socially, physically, mentally, financially and technologically, with technology becoming a necessity for the continuity of education and work purposes. This tested the resolve of all organizations including the business community.

Against this backdrop the members of the Authority rose to the technological challenge and were able to continue to function by a blend of electronic and limited face to face means. To this end the Authority was still able to comply with its legally mandated meeting once per month. There were twelve (12) regular and two Sub-Committee (2) meetings of the Police Complaints Authority for the period January to December 2020. The full constitution of the Authority with the appointment of the seventh member provided the much needed support in obtaining a quorum for regular meetings.

During the period under review the Authority continued discussions with the Office of the Commissioner of Police in order to formulate and execute a Memorandum of Understanding between the two organizations. This Memorandum of Understanding is critical not only in charting

the way forward but in reducing the backlog of outstanding complaints sent to the Commissioner of Police for investigation. It would identify a standard agreed timeframe in which investigations should be completed.

To this end following submission of an outline Memorandum of Understanding from the Office of The Commissioner of Police a draft Memorandum of Understanding was prepared by the Chairman and submitted to the Office of the Commissioner of Police for comments. The Authority is still awaiting comments from the Office of the Commissioner of Police in respect of the draft.

Complaints received for 2020:

During the year 2020 a total of twenty-nine (29) complaints were received at the Authority. This represented an increase of six (6) complaints. Of the complaints made thirteen (13) complaints were made by males and sixteen (16) by females. Of these the average age for males was forty-one (41) and females forty-seven (47) years. The demographic portrayed from the statistics shows the majority of complaints continue to range from the middle aged to mature adults.

In comparison the Authority received from the Commissioner of Police notice of seventy-two (72) complaints made to the Office of Professional Responsibility, Royal Barbados Police Force for the corresponding period.

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>2018</u>	<u>2019</u>	<u>2020</u>
1	Aggression/Threats/Verbal Abuse/Harassment	6	9	14
2	Failure to take action on reports made	6	6	7
3	Failure to produce Police I.D. or Search Warrant	0	2	1
4	Assault/Bodily Harm	0	2	0
5	Abuse of Power	0	2	6
6	Theft of Property by Police	1	1	0
7	Wrongful Cause of Death	0	0	0
8	Not within the purview of the Police Complaints Authority	0	1	0

9	Damage of Property	0	0	0
10	Wrongful Arrest	0	0	0
11	Wrongful Detainment of property	0	0	1
	<u>TOTAL</u>	<u>13</u>	<u>23</u>	<u>29</u>

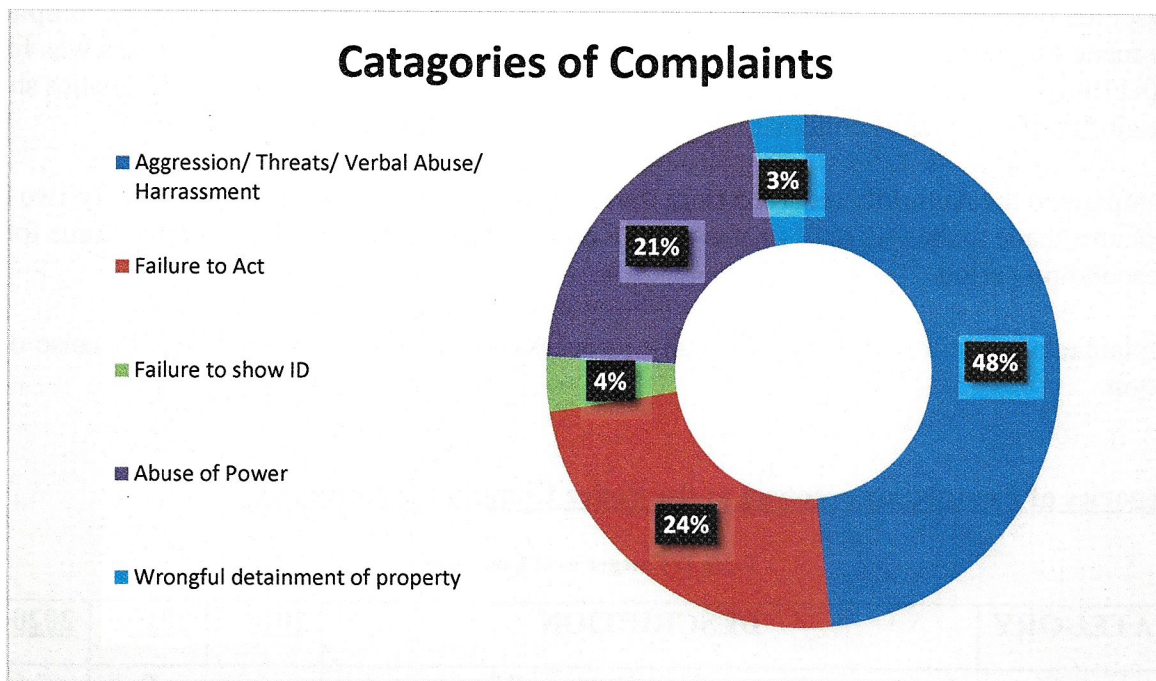


Chart 1: Percentages of Categories of Complaints

Category 1: Unprofessional Conduct, fourteen (14) complaints and Category 2: Failure to take action, seven (7) complaints continue to receive a higher incidence of complaints, accounting for 72% of the amount received for the period. Allegations of aggression, threats and verbal abuse and the failure to take action continue to be the main points of concern with the general public. 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.

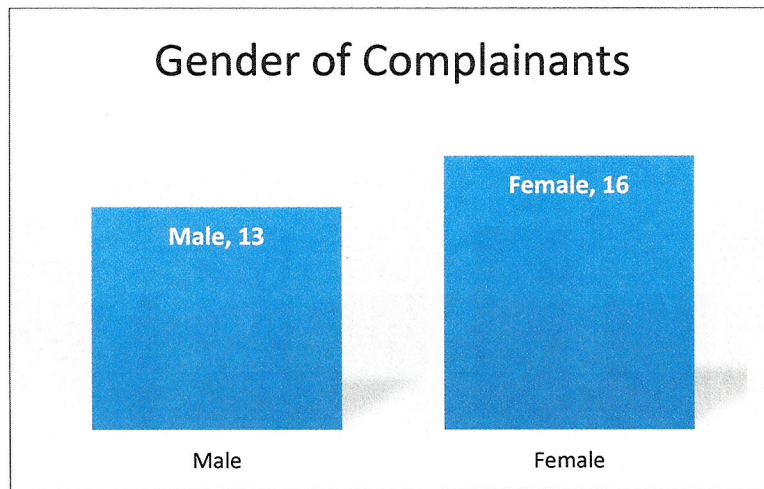


Chart 2: Complainants Gender

The above chart indicates the number of the complaints made by males and females for 2019.

Age Demographic

The age demographic gives a picture of the persons who access the services of the Police Complaints Authority. While the popular view is that the younger generation have more negative interactions with the police our data suggest that our services are not accessed widely by that group. The middle aged to mature group continues to be the greater user of our services with the majority of the complaints related to service delivery.

The age ranges of complainants are as follows:

- 0-20 age range - (0) person
- 21-30 age range - (5) persons
- 31-40 age range - (7) persons
- 41-50 age range - (5) persons
- 51-60 age range - (7) persons
- 61 and over age range - (5) persons
- Unknown age range - (0) person

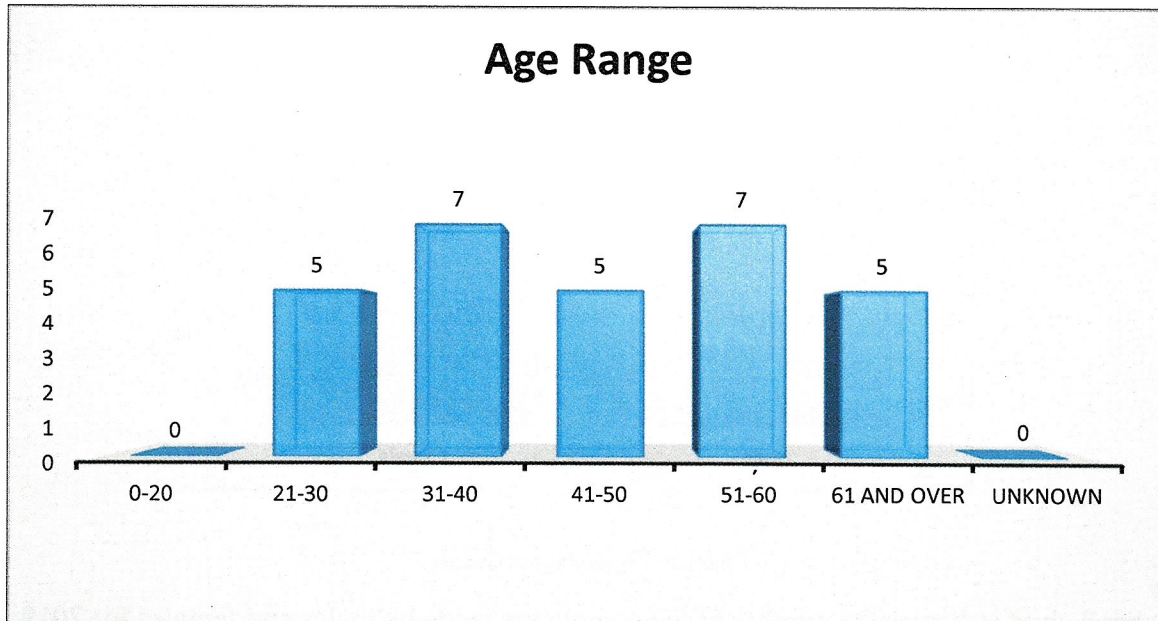


Chart 3: The number of Complainants and Complainant Age Ranges.

Ranks of Police Officers Complained against:

For the period January to December 2020, complaints were made against eighteen (18) police officers. The ranks complained against are as follows:

- (4) Station Sergeants
- (8) Sergeants
- (13) Police Constables
- (6) Unknown

In addition, there were complaints against unnamed staff of five (5) Police Stations 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 and those which were seemed amenable to direct investigation by the Authority after an interview with the complainant and the officer(s) complained against.

For the year 2020, seven (7) persons were invited to interviews. All persons invited to an interview attended.

Of the complaints filed during the year under review twelve (12) were referred to the Commissioner of Police to be investigated. Twelve (12) were also forwarded to the Office of the Commissioner of Police for statements from the officers concerned in order for the Authority to conduct a direct enquiry. The Authority is treading cautiously in relation to interviews as it navigates the current pandemic recognizing the need to balance the health and exposure to its members and the public at large.

Notwithstanding the above, the Authority undertook and completed direct enquiry into four (4) complaints after the initial review.

Completed Investigations:

During the year 2020, six (6) completed investigation reports were received from the Office of the Commissioner of Police in respect of complaints referred for investigation during the review period. These notices related to complaints filed in the following years:

2020- Two (2)
2012- Two (2)
2011- One (1)
2005- One (1)

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 in 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 \$252,509.00 was allocated in the Estimates for the Financial Year 2020-2021 for the Sub-Program 0238: Police Complaints Authority. Our allocation has remained adequate and has continued to service the current needs of the Authority even in the challenging economic environment.

Conclusions and Recommendations:

The Authority continues to discharge its legal mandate within its existing statutory powers. However it recognizes that it can play a useful role in providing guidance to members of the public, where feasible, in the furtherance of good customer service and obtaining the best outcomes for the parties involved.

The need for a legitimate, fair and independent means of investigating, determining and addressing disciplinary complaints and concerns made by the general public continues to be vital in maintaining public confidence in the police. This objective cannot be ignored as it can promote a more harmonious and cooperative relationship amongst the public, police and the Authority.

The continuous reminder to the general public of the existence, location and functions of the Authority remains a priority. This would create the necessary public awareness of the recourse available in the event of a negative encounter with members of the Royal Barbados Police Force in the execution of their duties.

The decision of the Authority to carry out direct investigations where the circumstances permit has had and can have in the foreseeable future a significant impact in the speedier resolution of complaints. In addition there is the benefit that in some cases officers have accepted and acknowledged that they could have handled the situation in a manner that would not have given rise to a complaint.

The issue of continuous training for officers continues to be the bedrock for maintaining and improving service delivery standards.

I especially wish to thank the members of the Authority and the staff for their commitment, support and service during this difficult pandemic year.

I pray God's blessings on us all as we go forward in the coming year.



Mark Forde
Deputy Chairman