

POLICE COMPLAINTS AUTHORITY



ANNUAL REPORT 2015

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.



Mr. Martin Cox – Ex-Officio Member

Mr. Cox is the Director of Finance and Economic Affairs and Head of the Civil Service. He is a Graduate of the University of the West Indies as well as a Certified Management Accountant and a member of the Society of Management Accountants of Canada.



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, the Family Law Council and the Financial Services Commission Appeals Tribunal.



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 2015

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 currently comprises an Investigator, an Administrative Officer II, a Clerk/Typist and a Maid.

Training:

During the year under review all staff underwent training in the Performance Review and Development System (PRDS). The Clerk/Typist also completed training in Secretarial Development and Registry Procedures, for which she received Certificates of Participation.

Meetings:

There were twelve (12) meetings of the Police Complaints Authority for the period January to December 2015.

Complaints received for 2015:

Since the relocation of the office from Hincks Street, Bridgetown to its new location at Jones Building, Webster's Business Park, Wildey, St. Michael, there has been a dramatic decline in the number of complaints made to the Authority. The number of complaints has declined from forty-five (45) in 2014 to a mere nineteen (19) in the year under review representing a 58% decrease in complaints.

Of this number thirteen (13) complaints were made by males and six (06) by females. One request for review challenging the findings of an investigation completed by the Commissioner of Police

was also received during the period under review. Of the complaints filed one remains incomplete with the complainant to come to the office to complete the process.

Categories of Complaints received at the Police Complaints Authority:

Table 1: Categories of Complaints

CATEGORY	DESCRIPTION	<u>2015</u>	<u>2014</u>
1	Aggression/Threats/Verbal Abuse/Harassment	7	13
2	Failure to take action on reports made	5	11
3	Failure to produce Police I.D. or Search Warrant	0	1
4	Assault/Beat	2	12
5	Abuse of Power	3	7
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	2	1
9	Damage of Property	0	0
10	Wrongful Arrest	0	0
	<u>TOTAL</u>	<u>19</u>	<u>45</u>

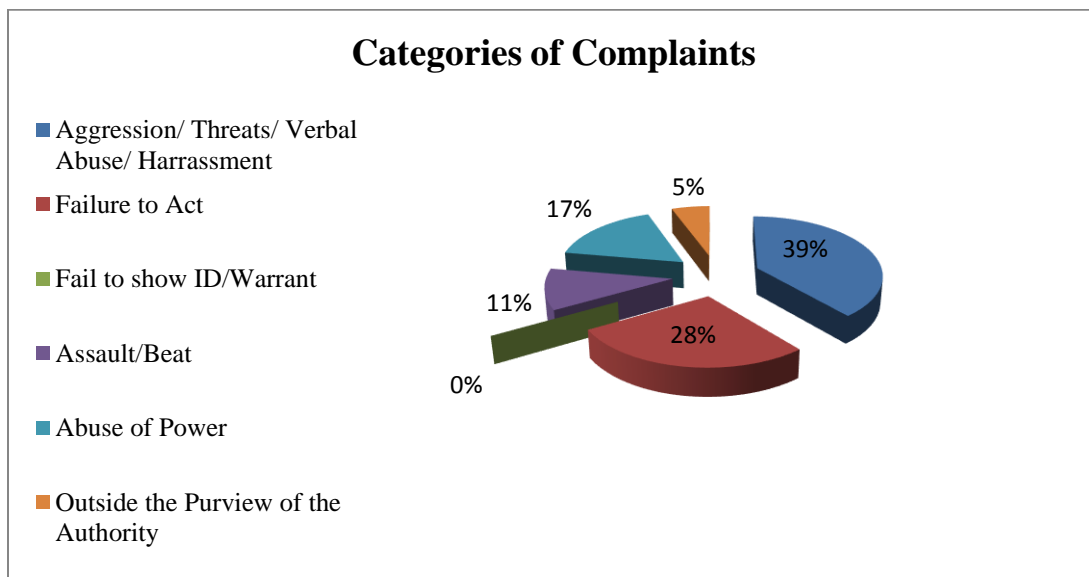


Chart 1: Percentages of Categories of Complaints

Category 1 represents unprofessional conduct and is sub-divided as follows; Aggression (02), Threats (02), Verbal Abuse (01) and Harassment (02). These allegations continue to be a source of concern as they constitute the most reports in any one category. The manner in which the public is approached and dealt with is pivotal in garnering public support and confidence. Category 2 which refers to the allegation of failure to take action on reports made follows closely. This too has similar consequences. The Authority is pleased to report that as was the case in previous years the complaints do not include allegations of bribery, corruption or other serious matters of that nature.

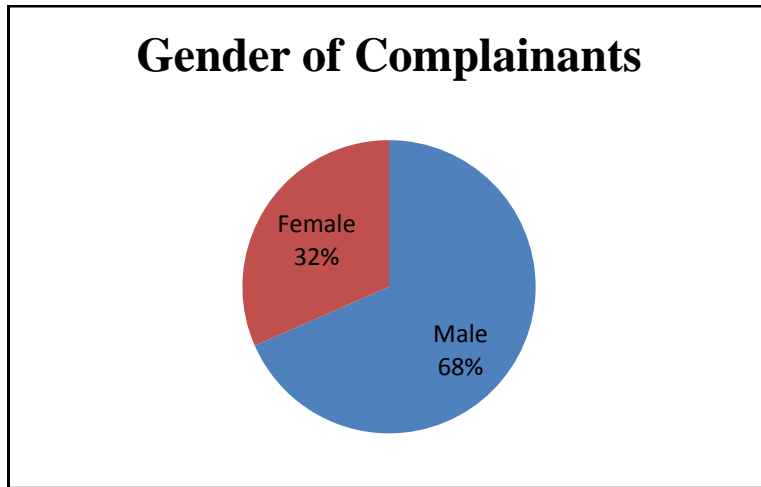


Chart 2: Percentages of Complainants Gender

The above chart indicates that 68% of the complaints made were by males and 32 % by females.

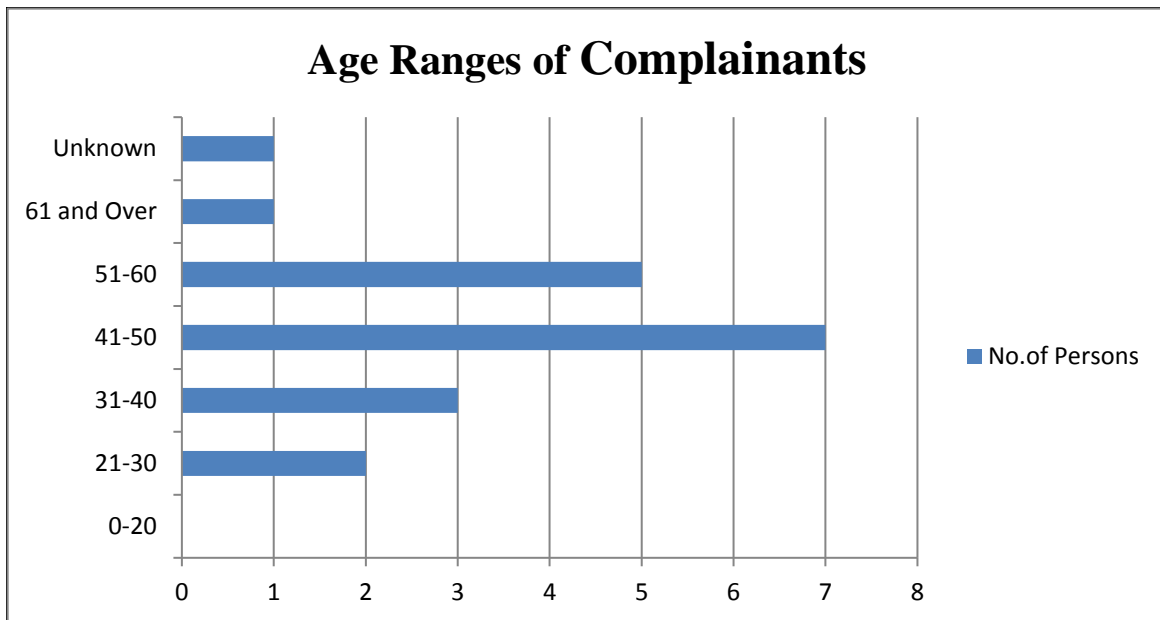


Chart 3: The number of Complainants and Complainant Age Ranges.

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 - seven (7) persons
- 51-60 age range - five (5) persons
- 61 and over age range - one (1) person
- Unknown age range - one (1) person

The Authority received from the Commissioner of Police notice of eighty-five (85) complaints made to the Office of Professional Responsibility, Royal Barbados Police Force.

Ranks of Police Officers Complained against:

For the period January to December 2015, complaints were made against twenty-two (22) police officers. The ranks or departments complained against are as follows:

- Eleven (11) Police Constables
- Ten (10) Sergeants
- One (1) Station Sergeant

In addition, there were complaints against unnamed staff of two (2) Police Stations and one (1) complaint against the Court Prosecutors Office.

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 2015, ten (10) persons were invited to interviews. Of that number two (2) were with respect to complaints from the previous year. Only one (1) complainant expressed dissatisfaction with the outcome of the investigation of his complaint by the Royal Barbados Police Force, but failed to attend his interview. He communicated that he was leaving the island and was unsure of the return date.

Of the complaints filed during the year under review seven (7) complaints were referred to the Commissioner of Police to be investigated, two (2) were referred to the Officer in Charge of the Division where the complainant resided for further assistance. One (1) complaint was withdrawn by the complainant after she met with the Authority. She requested that no formal action should

be taken but that the incident be brought to the attention of the station manager to obviate any future similar occurrences. This was done.

In accordance with Section 25 of the Police Complaints Authority Act, two (2) complaints were adjourned pending the completion of court cases arising out of the same circumstances as the complaint. Two (2) complainants were informed that their matters were outside the purview of the Authority and therefore could not be entertained. One complaint remains incomplete and outstanding.

Replies:

We are pleased to report that there was improvement in the number of replies received from the office of the Commissioner of Police, with respect to complaints referred to that Department for investigation.

During the year 2015, thirty-six (36) replies were received from the office of the Commissioner of Police. This is the highest number of reports received since its inception in 2004. Of the replies received:

- one (1) dated back to a complaint filed in 2007;
- one (1) to a complaint filed in 2008;
- Five (5) filed in 2009
- Two (2) filed in 2010
- Six (6) filed in 2011;
- Seven (7) filed in 2012;
- Ten (10) filed in 2013; and
- Four (4) filed in 2014

Of the replies received two (2) stated that the officers involved were officially warned, one (1) was censured and two (2) were admonished for their actions. Eighteen (18) of the replies stated that there was no evidence to substantiate the complaint. Ten (10) complainants gave statements indicating they were no longer interested in pursuing the matter. Two (2) of the replies stated the complaints were found to be untrue while one (1) complaint was deemed malicious.

The Authority also received from the Commissioner of Police two (2) updates to current investigations.

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 \$239,437.00 was allocated in the Estimates for the Financial Year 2015-2016 for the Sub-Program 0238: Police Complaints Authority.

Developments:

The public awareness drive to inform the general public of the new Authority's 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 the new location as well as the work done by the Authority.

The objectives and issues highlighted in this report have also been outlined in a Strategic Plan for the Police Complaints Authority with many of these initiatives on-going.

While the Authority is pleased with the increased number of completed investigation reports it received in the year under review it must still express its dissatisfaction with the number of outstanding aged matters which remain to be investigated by the Commissioner of Police. The failure of the police to carry out the investigations and respond to the Authority in a timely manner adversely affects the work of the Authority and undermines its effectiveness. It is certainly not satisfactory for a person who makes a complaint in 2009 to receive a reply in 2016 stating that no misconduct was found. If we continue on this current path where matters are referred to the police and for years there is no report on the outcome of the investigation cynics cannot be blamed for concluding that the Authority is performing only a public relations role. A time frame needs to be instituted for the outcome of an investigation to be determined.

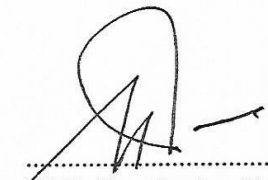
The Authority continues to hold the view that many complaints could be disposed of summarily. In an attempt to increase its effectiveness, the Authority submitted to the Office of the Attorney General, in 2014, proposed draft amendments to the Police Complaints Authority Act with Explanatory Notes for the legislation to be amended to permit the Authority to deal summarily with matters. If the proposals are accepted, the Authority would have the power to summon all relevant parties before it and dispose of the matters. This should ensure greater satisfaction to the public and reduce the increasing backlog of complaints. Anyone dissatisfied with the decision of the Authority would have a right of appeal.

Conclusions and Recommendations:

It is noted that while there is a decline in the number of persons making complaints at the Office of the Police Complaints Authority there is no significant decline in the number of persons making complaints at the Office of Professional Responsibility. The Authority will continue to monitor the number of complaints filed. The outreach programme will be intensified and efforts will be made 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.

The Authority recommends 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 and customer service, along with courses placing emphasis on the duties and responsibilities of the police. This should go a long way in improving the relationship between the Police and the public.

I thank the members of the Police Complaints Authority for their commitment and co-operation. I also extend my gratitude to the staff for their support.



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W. LeRoy Inniss, Q.C.
Chairman