

“Addressing Police Brutality in a 21st Century Barbados: A Call for Accountability and Reform.”

AUTHORS:

Mr. Martie R.M. Garnes, LL.B (Hons)(UWI), L.E.C. (HWLS)

Attorney-at-Law

martie.r.garnes@gmail.com

Ms. Tyra Trotman, LL.B (Hons)(UWI), LL.M(UWI), L.E.C. (HWLS),

Attorney-at-Law

info@trotman-law

**Mr. Stefan Newton, LL.B (Hons), LL.M (AUWCL) (ILSP), LL.M (QMUL) (IEL),
PGCert (AUWCL), PGCert (Columbia)**

Attorney-at-Law

stefannewton64@gmail.com

ABSTRACT

Police brutality in Barbados, though often underreported, remains a critical human rights issue in need of urgent attention. Incidents of excessive use of force by law enforcement officers have been documented and made publicly available, highlighting a disturbing pattern of abuse. The absence of effective oversight and accountability mechanisms has exacerbated this issue, with victims frequently encountering significant barriers in seeking justice. Despite efforts by the Government of Barbados to address police misconduct by establishing the Police Complaints Authority, concerns about the entity's efficacy and the measures it employs persist.

Police brutality continues to affect individuals from all walks of life, ranging from well-respected citizens to those with a troubled past. This submission underscores the need for comprehensive policing reform and stronger safeguards against police brutality. It is envisioned that the United Nations Human Rights Committee will carefully consider the recommendations in this submission and that the Committee will issue recommendations to Barbados to combat police brutality, ensure justice, counter impunity and protect the human rights of Barbadians.

Keywords: *Police Brutality – Torture – Cruel and Inhumane Treatment – Arrest and Detentions – Human Rights – Police Complaints Authority – Barbados*

TABLE OF CONTENTS

Introduction: A Pattern of Violations:.....	page 4
Failure to Address Police Abuse:.....	page 4
Relevant International Legal Standards:.....	page 4
International Standards for the Humane Treatment of Persons in Custody:	page 6
Jurisprudence of the United Nations Human Rights Committee:.....	page 6
Jurisprudence of the Inter-American Human Rights System:.....	page 8
The Constitution of Barbados and Domestic Legislation:.....	page 9
Case Studies on Police Brutality in Barbados:.....	page 11
Case Study No. 1: Rashda Lani Daisley:.....	page 11
Case Study No. 2: Rackesh Kismar Grant:.....	page 13
Case Study No. 3: Brandon Rommel Shakur Allamby:.....	page 14
Case Study Number 4: Shaquille Kareem Goodridge:.....	page 15
Case Study No. 5: Malik Derick Fenty:.....	page 16
Case Study No 6: ‘Covert Surveillance’:.....	page 17
Miscellaneous Case Studies:.....	page 18
Recommendations:.....	page 18
Body-Worn Camera Policy:.....	page 18
Cameras in Police Stations:.....	page 22
Ceasing The Practice of Manual Diary Entries by Officers:.....	page 23
Installation of Surveillance Cameras Inside and Outside Police Stations:.....	page 23
The Need For Government Investment In Accountability Mechanisms:.....	page 24
Establishment of a Human Rights Committee:.....	page 24
Reforming the Police Complaint Authority:.....	page 24
Draft and Enact a New Police Act:.....	page 25
Commitment to Re-Open the Forensic Sciences Centre or Sustainable Alternative.....	page 25
Modernisation of Record-Keeping System:.....	page 26
Extension of Retention Periods for Police and Public Medical Records:.....	page 26
Conclusion:.....	page 26
Executive Summary of Recommendations:.....	page 28

POLICE BRUTALITY & OVER-POLICING IN BARBADOS

[1] Introduction: A Pattern of Violations:

[1.1] Police brutality remains a critical issue affecting societies worldwide, including Barbados. While often shrouded in anecdotal evidence, law enforcement officials' persistent reports of excessive force point to a deeper systemic issue that demands urgent attention. One of the main points of contention is the public perception held by some sections of society that individuals are physically abused by police officers whilst in custody to either obtain confessions or intimidate them into giving statements. In Barbados, incidents of police misconduct have repeatedly surfaced over the years, with some cases sparking a significant public outcry.

[1.2] Such incidents are not only deeply troubling but also raise serious concerns about the violations of fundamental human rights. The use of excessive force, especially while individuals are in police custody, constitutes a violation of international human rights obligations.

Failure to address police abuse:

[1.3] The repeated reports of physical abuse, coercion through violence, and violations of the right to due process point to a broader systemic issue that transcends isolated incidents. The frequency of these complaints is cause for concern.

[1.4] Such actions, which include the use of excessive force to extract confessions and the denial of basic human rights during police interactions, undermine the fundamental principles of justice, fairness, and human dignity. The implications of these patterns are far-reaching, as they threaten to erode public trust in the police, perpetuate a culture of impunity, and violate the rights to life, liberty, and security of persons, as enshrined in domestic legislation and international human rights frameworks. The government of Barbados must take immediate and concrete steps to address this issue, ensuring that law enforcement practices align with the protection of human rights and the rule of law.

[2] Relevant International Legal Standards

[2.1] Barbados has ratified several international and regional treaties, such as the *International Covenant on Civil and Political Rights* (“ICCPR”), the *American Convention on Human Rights* (“*American Convention*”), the *International Covenant on Economic, Social and Cultural*

(“ICESCR”) and the *International Convention on the Elimination of All Forms of Racial Discrimination* (“ICERD”).¹ Barbados, through its ratification of key international and regional human rights treaties, has committed to robust protection of fundamental rights such as the right to life, the prohibition of torture, and restrictions on the use of force. The ICCPR guarantees the right inherent right to life (Article 6) and the ban on torture and cruel, inhuman, or degrading treatment (Article 7).²

[2.2] Similarly, the American Convention (Articles 4 and 5) reinforces these protections regionally.³ These treaties operate in unison by setting complementary standards for protecting life and human dignity while requiring states to take positive measures to prevent abuses. The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials further elaborate those protections by establishing that law enforcement must exercise restraint, use force only when necessary, and prioritise non-lethal means to preserve life.⁴ These principles align with broader international standards, including the Code of Conduct for Law Enforcement Officials, emphasising accountability and minimising harm.⁵ Collectively, these instruments form a cohesive legal framework guiding state obligations to protect individuals from arbitrary deprivation of life, torture and excessive use of force, ensuring accountability and compliance with international norms.⁶

[2.3] Police brutality while in custody can allegedly take many forms, such as physical beatings in plastic wrap, administering short electrical shocks, spraying individuals with harmful household chemicals, sleep deprivation and detention in unsanitary conditions. They all constitute human

¹ United Nations Human Rights Treaty Bodies, “UN Treaty Body DataBase”, Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=15&Lang=EN Accessed on 4 January 2025

² International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR).

³ American Convention on Human Rights (adopted 22 November 1969, entered into force 18 July 1978) 1144 UTS 123.

⁴ United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (adopted 7 September 1990, UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba).

⁵ Inter-American Commission on Human Rights, *Police Violence Against Afro-Descendants in the United States* (IACHR, 2018 OEA/Ser.L/V/II.Doc.156 <https://www.oas.org/en/iachr/reports/pdfs/PoliceUseOfForceAfrosUSA.pdf> [Accessed 4 January 2025]

⁶ Amnesty International, *United Nations Code of Conduct for Law Enforcement Officials and Basic Principles on the Use of Force and Firearms: A Commentary* (1998) <https://www.amnesty.org/en/wp-content/uploads/2021/06/pol300041998en.pdf> [Accessed 4 January 2025]

rights violations. Such actions fall squarely within the definition of torture and cruel, inhuman or degrading treatment, which, as previously outlined, are unequivocally prohibited under international law.

International Standards for the Humane Treatment of Persons in Custody

[2.4] The international legal framework for the human treatment of persons in detention rests on core principles of human dignity, non-discrimination and accountability. These principles are articulated in treaties, regional agreements, and jurisprudence of human rights bodies, all of which aim to prevent torture, inhuman or degrading treatment, and abuse in detention settings.⁷

[2.5] The United Nations Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment emphasises that all detainees must be treated with humanity and respect for their inherent dignity.⁸ These principles stress the prohibition of torture and inhumane treatment, access to legal representation and family, the right to health and proper living conditions, and judicial oversight to ensure the legality of detention. These standards ensure that States respect both the physical and mental well-being of persons deprived of their liberty.

[2.6] The ICCPR further protects detainees through its guarantees of freedom from torture and cruel treatment and its explicit mandate for the humane treatment of all persons deprived of liberty. The Human Rights Committee has elaborated on these obligations, particularly highlighting the importance of adequate detention conditions, the segregation of vulnerable groups such as juveniles, and the need to prevent overcrowding and unsanitary conditions that could amount to degrading treatment.

Jurisprudence of the United Nations Human Rights Committee

[2.7] At the universal level, the United Nations Human Rights Committee ('the Committee') has addressed numerous cases concerning treating persons in custody under the International Covenant on Civil and Political Rights (ICCPR). These cases provide detailed interpretations of the right to

⁷ Amnesty International, Detention and Imprisonment <https://www.amnesty.org/en/what-we-do/detention/> [Accessed 4 January 2024.]

⁸ United Nations General Assembly, *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* (adopted 9 December 1988, UNGA Res 43/173) UN Doc A/RES/43/173.

humane treatment, the prohibition of torture, and the obligations of states to ensure adequate detention conditions.

[2.8] In the case of *Cabrera v. Uruguay* (Communication No. 147/1983), Cabrera, a political detainee, was subjected to physical and psychological torture while in custody. The Committee found Uruguay in violation of Articles 7 (prohibition of torture) and 10 (humane treatment of detainees), stressing that torture and cruel treatment are strictly prohibited under any circumstances. This case highlighted the Committee's role in addressing not only direct physical abuse but also systemic issues like the use of prolonged detention without trial and denial of legal safeguards.

[2.9] In *Callejo v. Philippines* (Communication No. 1560/2007), Callejo was taken into police custody for questioning and alleged physical and psychological abuse to extract a confession. The Committee found violations of Articles 7 (prohibition of torture) and 10 (humane treatment of detainees) of the ICCPR, emphasising the state's obligation to provide adequate legal safeguards during questioning, such as access to a lawyer and medical examination. The case reaffirmed the need for oversight during police detention to prevent coercive practices.

[2.10] In *Aouabdia v. Algeria* (Communication No. 1780/2008), Aouabdia was detained in a police station without formal charges, without an arrest warrant being presented, without being informed of the reasons for the arrest and alleged ill-treatment during interrogation, including threats and physical harm.⁹ The Committee ruled that the State's failure to ensure proper detention conditions and prevent abusive interrogation practices constituted a breach of Articles 7 and 9 (prohibition of arbitrary detention).¹⁰ The decision stressed that even brief periods of police custody must comply with international standards.

[2.11] In *Gilboa v. Uruguay* (Communication No. 147/1983), the victim was detained by police and subjected to physical abuse during questioning.¹¹ The Committee held that Uruguay violated Article 7 of the ICCPR, noting that police custody poses particular risks of abuse and therefore

⁹ *Aouabdia v. Algeria* (Communication No. 1780/2008) UN Doc CCPR/C/110/D1780/2008 (2014).

¹⁰ *Ibid*, paras 7.5 and 7.7.

¹¹ *Gilboa v. Uruguay* (Communication No 147/1983) UN Doc CCPR/C/OP/2 (1990).

requires strict compliance with procedural safeguards, such as immediate access to legal counsel and judicial review of detention.¹²

Jurisprudence of the Inter-American Human Rights System

[2.12] The Inter-American Human Rights System adds to this framework regionally through the American Convention on Human Rights and the Inter-American Convention to Prevent and Punish Torture. These instruments establish the right to humane treatment and compel States to adopt preventive measures against torture, including training for law enforcement officials and mechanisms for redress. The Inter-American Court of Human Rights has expanded on these obligations through its jurisprudence. In the case of *Loayza Tamayo v. Peru*¹³, the Court ruled that psychological and physical abuse inflicted on a detainee constituted a violation of the right to humane treatment, demonstrating the responsibility of states to protect individuals from all forms of mistreatment.

[2.13] The Inter-American Commission on Human Rights ('IACHR') has noted in many instances and cases over the years that most acts of torture and cruel, inhuman and degrading treatment perpetrated against persons in the custody of the state take place during the first hours or days of detention.¹⁴ The great majority of cases involve acts of torture for purposes of criminal investigation. This pattern has been widely documented by both the IACHR and IACtHR, as well as by the different protection mechanisms of the United Nations.

[2.14] In the case of *Maritza Urrutia v. Guatemala*, Urrutia was arbitrarily detained by Guatemalan security forces, tortured, and threatened. This included having a radio turned on as loud as possible. Urrutia was coerced into making a false televised confession. She was then released on the condition that she must not leave the country and she should never tell anyone what transpired because, otherwise, they would kill her or a member of her family. The IACtHR found that Guatemala violated Article 5 (Right to Humane Treatment and Article 7 (Right to Personal Liberty), amongst violations of other articles of the American Convention.¹⁵

¹² *Ibid*, para 14 Available at: <http://hrlibrary.umn.edu/undocs/session41/147-1983.htm> [Accessed 2 January 2025].

¹³ *Loayza-Tamayo v. Peru*, Judgment of September 17, 1997.

¹⁴ Inter-American Commission on Human Rights, Report on the Human Rights of Persons Deprived of Liberty in the Americas (2011), <https://www.oas.org/en/iachr/pdl/docs/pdf/PPL2011eng.pdf> [Accessed 3 January 2025].

¹⁵ *Maritza Urrutia v. Guatemala* (Judgment) Inter-American Court of Human Rights Series C No 103 (27 November 2003) https://www.corteidh.or.cr/docs/casos/articulos/seriec_103_ing.pdf [Accessed 5 January 2025]

[2.15] These cases collectively highlight the Inter-American Human Rights System’s emphasis on the need for safeguards during all forms of detention, even those lasting only for a short period, and reinforce States’ obligations to protect detainees from torture, ill-treatment, and abuse. These international and regional instruments create a robust legal framework that obligates States to treat persons in custody with humanity and dignity. They also impose a duty to adopt preventive measures, ensure transparency, and hold accountable those who violate these protections. The cases adjudicated by the Inter-American Court demonstrate the devastating impact of non-compliance and highlight the need for states to integrate these standards into their national practices. By adhering to these principles, states uphold international law and reinforce the fundamental values of justice and respect for human dignity.

[2.16] These treaties, principles, and cases form a robust framework to protect individuals whilst in police custody. The emphasis is placed on several key principles under international law. First, there is a strong prohibition of torture and inhuman treatment. Additionally, safeguards in police detention are crucial, ensuring access to counsel, prompt judicial review, and proper medical care for detainees. Finally, accountability mechanisms are vital to address violations and deter future abuses, ensuring those responsible for such actions are held accountable.

[2.17] Cases like *Callejo* and *Maritza Urrutia* demonstrate the severe consequences of non-compliance, while the United Nations Principles provide detailed guidance on how states can fulfil their obligations. These standards remind states that even brief periods of custody at police stations require adherence to the highest human rights standards, ensuring that no individual is subjected to mistreatment.

[3] The Constitution of Barbados and Domestic Legislation:

[3.1] Under the Constitution of Barbados, and specific sections of the Police Act CAP 167¹⁶ several legal safeguards are in place to protect individuals in police custody from police brutality, cruel and inhuman treatment, and violations of human dignity. These provisions establish standards of treatment aligned with fundamental human rights.

¹⁶ Section 32 of the Barbados Police Act, CAP 167.

[3.2] The Constitution of Barbados is the supreme law and provides fundamental rights and freedoms applicable to all persons, including those in police custody. Section 15 of the Constitution ensures the Right to Protection from Inhuman Treatment, which says, “No person shall be subjected to torture or inhuman or degrading punishment or other treatment.”¹⁷ This prohibits all forms of police brutality and cruel and inhuman treatment and requires authorities to ensure human treatment during detention.

[3.3] Section 13 of the Constitution of Barbados ensures the ‘Right to Personal Liberty’ and specifies that any deprivation of liberty must be lawful.¹⁸ Accordingly, persons detained by police must be informed promptly of the reasons for their detention and brought before a court within a reasonable time.¹⁹

[3.4] The Barbados Constitution also makes several references to the right to human dignity. Implied under the Preamble of the Constitution of Barbados and other sections emphasising the protection of an individual’s fundamental freedoms.²⁰ Authorities, including the police, must respect the dignity of individuals at all times, even when they are in custody.

[3.5] Section 18 outlines the Right to Counsel and Fair Treatment, which ensures the right to consult with an attorney and defend oneself if charged with an offence.²¹ Persons in custody have the right to legal representation and fair treatment during investigations.²²

[3.6] The Constitution of Barbados outlines the right to prevent police brutality. Still, the other domestic legislation, particularly the Police Act, is limited in actually preventing police brutality or protecting the dignity of persons in custody. Section 32A(1)(h) of the Police Act CAP 167 is a critical provision that safeguards the public against police brutality and abuses of power. This section explicitly addresses abuse of authority, prohibiting officers from engaging in oppressive or unlawful behaviour.²³ It mandates that no member of the force shall treat any person with whom

¹⁷ Constitution of Barbados 1966, s 15.

¹⁸ Constitution of Barbados 1966, s 13.

¹⁹ Constitution of Barbados 1966, s 13 (2).

²⁰ Constitution of Barbados, preamble, s 11(c), s 13. S 15 (1).

²¹ Constitution of Barbados, s 18.

²² Constitution of Barbados, s 18 1 (e).

²³ Police Act (Cap 167) (Barbados), s 32A (1) (h)

<https://www.barbadoslawcourts.gov.bb/assets/content/pdfs/statutes/PoliceCAP167.pdf> [Accessed 5 January 2025].

they interact in the execution of their duties in an oppressive manner.²⁴ This includes conducting searches, requiring tests or procedures without sufficient cause, making unlawful or unnecessary arrests, or using unnecessary violence toward any prisoner or other individuals.²⁵

[3.7] Furthermore, Section 32A(1)(h) of the Police Act forbids police officers from improperly threatening individuals with violence or being abusive or uncivilised toward members of the public.²⁶ By establishing these standards, the provision reinforces accountability and underscores the obligation of law enforcement to operate within the bounds of legality, fairness, and respect for human dignity. Although lacking in detailed content, this provision directly addresses concerns about police misconduct and is pivotal in upholding the rule of law and protecting citizens' rights.

[3.8] While the provisions under Section 32A(1)(h) of the Police Act prohibit abusive conduct and the misuse of authority by law enforcement, they are not sufficiently detailed in their elaboration of the principles of proportionality and necessity, which are crucial under international law for the use of both lethal and non-lethal force.²⁷ The legislation lacks clear guidelines regarding the specific parameters within which police may use force and the appropriate scale and application of force in different situations. Additionally, there is no explicit guidance on situations where the use of force should be avoided, such as in cases involving minors or other vulnerable individuals. This lack of clarity creates opportunities for the misuse and abuse of power, undermining the broader human rights framework designed to protect individuals from excessive or unjust force

[4] Case Studies on Police Brutality in Barbados

Disclaimer: The information below is derived from publicly available records such as newspaper articles, interviews, other online resources and/or court transcripts. This information does not breach any attorney-client privilege, as it pertains solely to public domain materials previously published.

Case Study No. 1: *Rashda Lani Daisley*

[4.1] On the 12th day of September 2012, Ms. Daisley, an Attorney-at-Law, visited the Barbados Port Authority's Customs Office to meet with her detained client but was denied access by police

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ United Nations Office on Drugs and Crime, *The General Principles of the Use of Force in Law Enforcement* <https://www.unodc.org/e4j/en/crime-prevention-criminal-justice/module-4/key-issues/3--the-general-principles-of-use-of-force-in-law-enforcement.html> [Accessed 5 January 2025].

officers. When she insisted on seeing her client, a police officer said “*arrest she because she getting on my nerves now.*” The prosecution's case was based on the police officers’ testimony, claiming Ms. Daisley’s actions justified her arrest. However, Ms. Daisley maintained she acted appropriately and was subjected to physical abuse which included being dragged down a flight of stairs during the arrest. She was charged with assault, resisting officers, and trespass.

[4.2] Fortunately, Ms. Daisley had secretly recorded the interaction with a pen that functioned as an audio recorder. The recording revealed that the police officers had fabricated their testimony and colluded to create a false narrative. In the audio, one officer is heard describing how they planned to misrepresent the events, saying, “*so how we working it is that customs tell the woman to leave... She try and she did not try to, she push pass you, saying that she gine and see she client, right? I held onto her, she start to struggle with we.*” The Learned Trial Magistrate adequately examined the evidence and returned a not guilty verdict on all counts.

[4.3] In the successful malicious prosecution suit brought by Ms. Daisley, Mr. Justice Bryan Weekes declared in *Rashda Lani Z. Daisley v The Attorney General of Barbados CIV 1151 of 2023, p 14, pp 33 – 36:*

“[33] The Court found the actions of the police officers involved in this matter to be completely unacceptable and quite frankly alarming.

[34] The transcript of the recording reveals a lack of professionalism and a standard of behaviour which was shocking to the Court’s conscience.

[35] The Claimant was subjected to a level of physical and verbal abuse to which no citizen should ever be exposed.

[36] The Court accepts the Claimant’s assertion, based on the transcript, that Constables Gamble and Rock conspired to concoct a web of lies to undergird any charges which they chose to lay against the Claimant.”²⁸

²⁸ See also Coroner Faith Marshall-Harris comments in her ‘*Coroner's Report & Verdict: Re I’Akobi Tacuma Maloney*’ (Office of the United Nations High Commissioner for Human Rights, 24 April 2009) <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session15/BB/JC_UPR_BHS_S15_2012_JusticeCommittee_annex_E.pdf> accessed 2 January 2025, pg 38.

[4.4] In 2024, Ms. Daisley was awarded \$343,400.00 BBD in damages for the abuse she suffered. Despite the serious nature of the misconduct, one of the police officers was doubly promoted. The officers responsible for falsifying evidence and subjecting Ms. Daisley to abuse have not faced disciplinary action or criminal prosecution. This lack of accountability reflects a deeper issue of police officers not being held responsible for their actions, which is contrary to the mission statement of the Police Complaints Authority.²⁹

[4.5] Despite the eventual vindication of Ms. Daisley, this case revealed the alarming systemic issues within the Barbados Police Service. These issues include the fabrication of evidence, the failure to hold law enforcement officers accountable for misconduct, and the lack of meaningful consequences for officers involved in serious human rights violations.³⁰ The unlawful nature of this arrest and the lack of legal justification for detaining Ms. Daisley underscores significant concerns regarding police authority and the protection of legal professionals carrying out their duties.³¹ This incident occurred before the implementation of body-worn cameras, but such measures would provide valuable safeguards moving forward. The aforesaid would deter misconduct, ensuring greater transparency and accountability. However, promoting an officer involved in this type of misconduct undermines these efforts, perpetuating a culture of police impunity and a lack of accountability within the service. The failure to take disciplinary action, despite the court's condemnation of their behaviour, further erodes public trust in both the police and the justice system, allowing such violations to persist.

Case Study No. 2: *Rakesh Kismar Grant*

[4.6] Mr. Grant and his co-accused were charged with rape.³² The prosecution's case was primarily built upon oral admissions allegedly made by Mr. Grant while in police custody. These admissions were presented as being freely and voluntarily given. However, Mr. Grant's defence attorney contested the authenticity of these admissions, suggesting that they were fabricated by the lead investigating officer, who also signed the statements. The defence enlisted a handwriting expert

²⁹ Office of the Attorney General and Legal Affairs, 'Police Complaints Authority' (*Official Website of the Barbados Government*, 2021) <<https://oag.gov.bb/Departments/Police-Complaints-Authority/>> accessed 2 January 2025.

Stuart Maslen, 'The Law on Police Use of Force in Barbados' (*The Law on Police Use of Force Worldwide*, 2023) <<https://www.policinglaw.info/country/barbados>> [Accessed 2 January 2025].

³⁰ Police Act (Cap 167) (Barbados), s 32(2).

³¹ Part III, Article 14(3)(b) , Article 14(3)(d) of the ICCPR.

³² *The State v Rakesh Kismar Grant* [2024] Unreported (Indictment 12 of 2023) (Mdm. Justice Pamela Beckles).

who testified that the handwriting on Mr. Grant's admissions matched that of the police officer, not Mr. Grant. The jury acquitted Mr. Grant and his co-accused of all charges. Following the acquittal, Mr. Grant's attorney raised concerns about potential forgery by the police officer with both the Commissioner of Police and the Director of Public Prosecutions. However, to date, no response or indication of an investigation or disciplinary action has been received.

[4.7] Although Mr. Grant was ultimately acquitted, this case raised significant issues regarding the conduct of law enforcement officers, the reliability of evidence, and the potential abuse of authority. Even though it was not one of police brutality, it perfectly illustrates the dangers of undue reliance on police testimony, the abuse of custodial powers, and the failure to address allegations of misconduct in a timely and transparent manner. In the absence of objective evidence, such as body-worn camera footage, there is the risk of police officers fabricating or manipulating statements. This calls into question the integrity of the evidence presented in court and the fairness of the trial process. The introduction of more robust safeguards, such as mandatory body-worn cameras for all police interactions with detainees, could prevent similar instances of police misconduct in the future.

Case Study No. 3: *Brandon Rommel Shakur Allamby*

[4.8] Mr. Allamby was charged in 2024 with possession of an AK-47 assault rifle and twenty-seven (27) rounds of 7.62 ammunition, as well as assaulting a police officer with the intent to resist lawful apprehension.³³ The prosecution claimed Mr. Allamby was seen holding a firearm, who then pointed it at an officer when ordered to drop it, and later fled after dropping the weapon. It was suggested he was apprehended at a nearby house. Mr. Allamby denied any involvement with the firearm, stating that he fled the scene after witnessing a group of persons running away shouting "police!" Under oath, he explained that he ran away because he had marijuana on his person. He sought refuge from gunfire that he heard in the area. No DNA or fingerprint analysis was done on the firearm or ammunition. The investigating officer admitted under oath that there was no direct evidence linking Mr Allamby to the firearm other than the testimony of the arresting officer.³⁴

³³ *The State v Brandon Rommel Shakur Allamby* [2024] Unreported (Indictment 66 of 2023) (Mdm. Justice Wanda Blair).

³⁴ Barbados Today, (2024), "*Investigator admits Constable's report is only evidence against gun accused*", Available at: <<https://barbadostoday.bb/2024/10/31/investigator-admits-constables-report-is-only-evidence-against-gun-accused/>> [Accessed 1 January 2025].

[4.9] After his initial arrest, Mr. Allamby was treated for an injury to his foot at the Queen Elizabeth Hospital. However, a subsequent medical examination after being in police custody revealed that he had sustained soft tissue injuries to his right pectoral wall, which he testified were a result of physical abuse while in police custody. Mr. Allamby maintained that the police beat him to coerce a confession regarding the firearm, but he refused to do so. Thankfully, a jury of his peers returned a unanimous not-guilty verdict.³⁵

[4.10] This case highlighted serious concerns about the treatment of detainees, the reliability of police testimony, and the potential miscarriage of justice in the absence of objective, corroborative evidence. Mr. Allamby's defence focused heavily on challenging the credibility of the police and revealing the inconsistencies of their investigation, which failed to establish any physical evidence linking him to the firearm. The lack of forensic analysis and the absence of independent verification of the police officers' actions exposed significant weaknesses in the prosecution's case.³⁶ The only direct evidence in Mr. Allamby's case was the arresting officer's testimony, unsupported by physical evidence. This, yet again, underscores a broader issue in Barbados, where the reliance on handwritten records and outdated systems for documenting police and medical information hinders transparency and accountability. While Mr. Allamby obtained the medical journal to support his claims, many others have been unable to access station diaries or public medical records due to the seven-year retention policy, which, in our view, needs to be reviewed.

Case Study Number 4: *Shaquille Kareem Goodridge*

[4.11] Mr. Shaquille Goodridge was charged with possession of a 9mm Luger calibre semi-automatic pistol and twenty (20) rounds of ammunition without a valid license.³⁷ The prosecution's case against Mr. Goodridge was based on claims that he kept a firearm and ammunition at his ex-girlfriend's home. However, no DNA or fingerprint analysis was conducted on the firearm, and the prosecution also relied on the purported oral admissions Mr. Goodridge allegedly made during the search. The defence argued that these statements were coerced under duress, with Mr. Goodridge

³⁵ Barbados Today, *Jenique Belgrave, 'ACQUITTED' (Barbados Today E-Paper, 13 November 2024)* <epaper.babados.today.bb> accessed 1 January 2025.

³⁶ Secretary of State for the Home Department of the United Kingdom, *'A National Approach to Forensic Science Delivery In The Criminal Justice System'* [March 2016] Forensic Science Strategy p 8.

³⁷ *The State v Shaquille Kareem Goodridge* [2023] Unreported (Indictment 86 of 2022) (Mdm. Justice Wanda Blair).

claiming he was physically assaulted by police. His ex-girlfriend testified to hearing sounds suggesting an assault, and Mr. Goodridge later reported the abuse to his attorney, who filed a complaint. He was also examined by a doctor, who prescribed medication. The defence emphasised that Mr. Goodridge did not initial or sign any statements during formal questioning. Despite the police officers' denials of mistreatment, the jury returned a not-guilty verdict.³⁸

[4.12] This case represents the challenges when law enforcement agencies engage in coercive practices that undermine an accused person's right to a fair trial.³⁹ It is imperative to underscore the systemic inefficiencies and risks that arise from the lack of physical evidence in cases such as this. In the absence of forensic analysis of the firearm or independent verification through surveillance mechanisms such as body-worn cameras, an innocent man could have been convicted.⁴⁰ These events reflect a broader concern for the protection of individuals' rights during police detention and interrogation.⁴¹ Body-worn cameras would have provided a transparent, objective record of the interactions between Mr. Goodridge and the police, which could have either corroborated or contradicted the respective accounts provided by the parties involved.⁴²

Case Study No. 5: *Malik Derick Fenty*

[4.13] Mr. Fenty, along with five other men, was charged with the unlawful possession of firearms, including two 9mm semi-automatic pistols, two .40mm semi-automatic pistols, and 44 rounds of ammunition, as well as endangering the lives of four (4) police officers and reckless discharge of firearms in a public space.⁴³ During the trial, the prosecution relied on police testimonies claiming to have observed flashes from the vehicle Mr. Fenty was in, suggesting his involvement.

[4.14] However, Mr. Fenty denied knowledge of or involvement with the firearms and asserted no discharge occurred from the vehicle. The defence emphasised the lack of physical evidence, such as DNA, fingerprint, or GSR testing, to link Mr Fenty to the firearms. Additionally, only one shell casing was found, despite claims of multiple flashes. The defence alleged that the spent shell was

³⁸ Nation Newspaper, Heather-Lynn Evanson, '*Cleared of Gun Charge*' (June 22, 2023).

³⁹ Part III, Article 14, ICCPR.

⁴⁰ H.S. Bakhtiar, 'Utilization of Forensic Evidence in the Criminal Justice System' [2023] p 237 – 242.

⁴¹ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, Articles 7 & 10(1).

⁴² International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, Articles 14.

⁴³ *The State v Malik Derick Fenty* [2023] Unreported (Indictment 213 of 2022) (Mr. Justice Carlisle Greaves)

planted along with the firearms. Mr. Fenty also alleged coercion during police questioning, stating he was promised a reduced sentence in exchange for taking responsibility for one of the firearms and was beaten by an officer before the interrogation. The police denied such claims.

[4.15] Despite the lack of physical evidence, such as fingerprinting, DNA testing or gunshot residue testing, the jury found Mr. Fenty and his co-accused guilty. He was sentenced to 25 years in prison, prompting an appeal regarding the fairness of the trial process.⁴⁴ This case reveals yet another pattern of an over-reliance on *viva voce* (oral) testimony from police officers. Reliance on testimony without physical evidence in Mr. Fenty's case raised doubts about the prosecution's claims. The absence of body-worn camera footage from the officers and forensic testing on the firearms weakened the case, as it could have either supported or disproved key allegations. Mr. Fenty's confession, obtained under questionable circumstances without the presence of his mother or legal counsel, further calls into question the fairness of the interrogation, especially considering his age. The defence's claim of duress highlights concerns about false confessions, while the lack of forensic evidence undermined the prosecution's case, which was based on assumptions rather than solid proof.

Case Study No 6: 'Covert Surveillance'

[4.16] On the 4th day of February 2023, Ms. Faith Greaves, an Attorney-at-law, discovered a cellular phone affixed to the underside of a table during a consultation with her client at the District 'E' Police Station in Barbados. The phone was attached with duct tape, raising concerns about a breach of her client's constitutional right to confidential communication with legal counsel. Ms. Greaves reported the incident to the Commissioner of Police and the Barbados Bar Association, which called for an independent investigation.⁴⁵ However, the investigation was conducted internally by the police, without involvement from the Police Complaints Authority.

[4.17] On the 12th day of September 2023, the police declared their internal investigation found no protocol violations. Still, no detailed evidence or investigatory notes have been provided,

⁴⁴ Virginie Redouté Minzière and others, 'The Relevance of Gunshot Residues In Forensic Science' [2022] 5(1) WIREs Forensic Science Journal p 2 of 26

⁴⁵ Barbados Today, 'Lawyers seeking commission of inquiry, more protection of client-attorney privilege' (5 October 2023) <<https://barbadostoday.bb/2023/10/05/lawyers-seeking-commission-of-inquiry-more-protection-of-client-attorney-privilege/>> accessed 4 January 2025

leaving questions about how the phone was placed in the room. The failure to offer a clear and comprehensive account of the investigation diminishes confidence in the Barbados Police Service's capacity to address serious legal violations impartially, especially the right to confidential communication between detainees and their legal representatives. This underscores the urgent need for a more effective and transparent Police Complaints Authority. The lack of a clear and transparent investigation account erodes confidence in the Barbados Police Service's ability to address significant legal rights violations, particularly the right to confidential communication between detainees and their legal counsel.⁴⁶

Miscellaneous Case Studies

[4.18] In recent memory, there have been several incidents involving police brutality, such as Daron Kirton,⁴⁷ Leon Freeman,⁴⁸ Jabarry Bennett,⁴⁹ Rasheed King,⁵⁰ Dario Stanton,⁵¹ and Romario Quintyn.⁵² These are just a few, but they all underscore concerns about excessive force, procedural violations, and the urgent need for systemic reforms in Barbados' policing practices.

[5] Recommendations:

Body-Worn Camera policy

[5.1] Since 2004, the Government of Barbados has publicly outlined their 'zero tolerance' policy on police brutality, articulated by its then-lead delegate, Mr. Louis Tull, Q.C.^{53[27]} This position,

⁴⁶ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, Article 14(3)(b) & Section 13(2) of the Barbados Constitution.

⁴⁷ Barbados Today, 'Lawyer plans to sue cop and refer matter to two police bodies' (17 January 2024) <<https://barbadostoday.bb/2024/01/17/lawyer-plans-to-sue-cop-and-refer-matter-to-two-police-bodies/>> accessed 4 January 2025

⁴⁸ The Nation Barbados, 'Nation Update: Freeman accuses police of physical abuse' (17 January 2024) <<https://www.youtube.com/watch?v=GxdPHIPWeYE>> accessed 4 January 2025

⁴⁹ Barbados Today, 'Gun possession accused claims police brutality' (0, 2 October 2020) <<https://barbadostoday.bb/2020/10/02/gun-possession-accused-claims-police-brutality/>> accessed 4 January 2025.

⁵⁰ Loop News Barbados, 'Assault charges brought against 8 police' (0, 26 July 2017) <<https://barbados.loopnews.com/content/assault-charges-brought-against-8-police>> accessed 4 January 2025

⁵¹ Loop News Barbados, 'Police to investigate video of fete patron being kicked' (0, 19 June 2017) <<https://barbados.loopnews.com/content/police-investigate-video-fete-patron-being-kicked>> accessed 4 January 2025

⁵² Loop News Barbados, 'Family waiting; Police trio charged after Pirate's Cove attack' (0, 20 July 2017) <<https://barbados.loopnews.com/content/family-waiting-police-trio-pirates-cove-attack-charged>> accessed 4 January 2025

⁵³ United Nations, 'Death Penalty, Corporal Punishment, Police Brutality Among Chief Concerns Raised' (*Death Penalty, Corporal Punishment, Police Brutality Among Chief Concerns Raised By Human Rights Committee As It Examines Report Of Barbados*, 21 March 2007) <<https://press.un.org/en/2007/hrct688.doc.htm>> accessed 2 January 2025, see pages 2 – 3 of Barbadian Lead Delegate Jurist and Mr. Louis Tull Q.C.

however, is yet to be seen, given the non-exhaustive case studies referenced above. In those circumstances, it is our respectful submission that to protect fundamental human rights—particularly the right to life and the right to be free from cruel, inhuman, or degrading treatment, there is an urgent need for the Government of Barbados to implement a comprehensive body-worn camera (BWC) policy.⁵⁴ We recommend that the Government of Barbados immediately draft and implement a BWC policy that clearly outlines the procedures for using, deploying, and regulating body cameras by law enforcement officers. Such a policy should specify when, where, and how body cameras should be activated, the penalties for non-compliance, and the retention and storage of footage.

[5.2] Additionally, the policy must be made publicly available through official government channels, such as the Government Information Service, the Caribbean Broadcast Corporation, and major newspapers, such as *The Nation* and *Barbados Today*, to ensure public transparency and foster trust between the police and the communities they serve. Barbados need not reinvent the wheel in BWCs; valuable guidance can be drawn from existing policies in jurisdictions like New Jersey and the United Kingdom. These countries have developed robust body camera policies that balance the rights and responsibilities of law enforcement officers and the public, and their frameworks could be adapted to the Barbadian context.

[5.3] For instance, the Office of the Attorney General in New Jersey⁵⁵ published a comprehensive Body-Worn Camera Policy in May 2021, detailing (i) the deployment and use of BWCs, (ii) standards governing activation, (iii) retention of recordings, and (iv) guidelines for secure storage and accessibility of footage. Similar to its American counterpart, the National Police Chiefs' Council in the UK⁵⁶ published a Body-Worn Video Policy, widely regarded as an effective yet practical approach to maintaining accountability and transparency within law enforcement.

The Benefits of Body-Worn Cameras:

⁵⁴ Right to Life: Part III, Article 6(1) ICCPR; Section 12 of the Barbados Constitution; Right against cruel and inhuman treatment: Part III, Article 7 ICCPR; Section 15 of the Barbados Constitution

⁵⁵ Office of The Attorney General in the State of New Jersey, 'Body Worn Camera Policy' (May 2021) <<https://www.nj.gov/oag/dcj/agguide/ag-Directive-2021-5-BWC-Policy.pdf>> accessed 2 January 2025

⁵⁶ National police chiefs' council, 'NPCC Body-Worn Video Guidance 2022' (*Body Worn Video*, October 2022) <<https://library.college.police.uk/docs/NPCC/Body-worn-video-2022.pdf>> accessed 2 January 2025

[5.4] The introduction of body-worn cameras in the United States of America and the United Kingdom offered a range of benefits, particularly in increasing the transparency of police interactions and investigations.⁵⁷ First and foremost, it ensures that police officers' actions are recorded, providing an objective account of encounters with the public. This is especially critical in cases where allegations of police brutality or misconduct are made. Body cameras reduce the risk of fabricated evidence and mitigate potential collusion among officers. Secondly, BWCs can serve as an invaluable tool in criminal and internal police investigations, providing an unbiased record of events that can assist in determining the truth. Thirdly, the recordings can enhance police training, offering real-life examples of appropriate and inappropriate conduct during interactions with the public. By viewing footage of real-life scenarios, new recruits can better understand how to handle difficult situations, fostering a culture of accountability within the force.

Privacy and Costs

[5.5] Critics of body-worn cameras often raise concerns about the potential invasion of police officers' privacy, the associated costs, and the infrastructure required for storing video footage. In response, we submit that the duty of a police officer is to the public. While individual privacy concerns should be considered in non-public contexts such as personal breaks or private communications, there is a clear and overriding public interest in ensuring that police interactions with suspects and detainees are recorded. This serves not only to protect the rights of the public but also to safeguard the police from unfounded accusations.

[5.6] Regarding the cost of purchasing quality body cameras and the necessary storage infrastructure, we acknowledge that such investments require significant financial resources. However, this should be seen as an investment in the criminal justice system's integrity and the protection of fundamental human rights. The initial financial outlay for BWCs will likely yield long-term benefits, including reduced claims of police brutality and enhanced public trust and confidence in the justice system. It is critical to recognise that maintaining a fair and accountable police service far outweighs the rights of police officers to privacy.

⁵⁷ David Helbraun, '*Pros And Cons Of Body Cameras*', 26 January 2023 <<https://www.helbraunlaw.com/pros-and-cons-of-body-cameras/>> accessed 2 January 2025.

International Precedents and Regional Support

[5.7] The global benefits of body-worn cameras are well-documented. Following the police-involved shooting of Michael Brown in Ferguson, Missouri, in 2014, the U.S. Department of Justice allocated \$263 million USD for body camera programs and police training.⁵⁸ This initiative, launched under the Obama administration, emphasised the importance of BWCs in restoring public trust and ensuring accountability in law enforcement.

[5.8] Similarly, the Government of Barbados has taken steps toward addressing police accountability. To his credit, the Hon. Dale Marshall, Q.C., M.P., in September 2020, announced the purchase of 200 body cameras⁵⁹, a significant but insufficient step toward ensuring comprehensive monitoring of police activities. The Attorney General noted that these cameras would protect the public and law enforcement officers by providing objective evidence of interactions. However, to date, there is no publicly available policy or formalised framework outlining how these cameras should be used, and the number of cameras remains insufficient for the full complement of officers within the Barbados Police Service.

[5.9] In 2022, it was reported that the Barbados Police Service had approximately 1,250 officers⁶⁰ falling short of its target of 1500 personnel.⁶¹ Only a small fraction of these officers are equipped with body cameras. Even though the Barbados government has made some initial purchases, it has not publicly released a detailed policy to govern the use of these devices, nor has it ensured that all officers are equipped with cameras. This delay undermines the potential of the existing initiatives to address the systemic issue of police brutality truly.

⁵⁸ NBC News, 'Obama Requests \$263 Million for Police Body Cameras, Training' (1 December 2014) <<https://www.nbcnews.com/politics/first-read/obama-requests-263-million-police-body-cameras-training-n259161>> accessed 2 January 2025.

⁵⁹ Barbados Today, 'Body cams for police' (22 September 2020) <<https://barbadostoday.bb/2020/09/22/body-cams-for-police/>> accessed 2 January 2025.

⁶⁰ Barbados Today, 'AG says Barbados Police Service still not attracting enough people' (17 August 2023) <<https://barbadostoday.bb/2023/08/17/ag-says-barbados-police-service-still-not-attracting-enough-people/>> accessed 2 January 2025.

⁶¹ Barbados Today, '*Barbados police face critical staffing crunch*' (25 August 2024) <<https://barbadostoday.bb/2024/08/25/barbados-police-face-critical-staffing-crunch/>> accessed 2 January 2025.

[5.10] In contrast, neighbouring Trinidad and Tobago has invested \$25 million TT in 3,000 body cameras for its police force.⁶² Such a commitment highlights the feasibility of large-scale investments in body-worn camera programs and serves as a model for Barbados. Moreover, in December 2024, the United Kingdom pledged a £27 million funding package to support law enforcement efforts in Caribbean nations, including Barbados.⁶³ We urge the Government of Barbados to direct a portion of this funding to the Office of the Attorney General to ensure the effective implementation of a comprehensive body-worn camera policy.

Cameras in Police Stations

[5.11] Stringent procedural safeguards must be established and rigorously enforced to effectively address the pervasive issue of police brutality in police stations. The following recommendations are essential measures to curb the abuse of power by law enforcement officers while they carry out their duties in the police station.

Implementation of Body Cameras for Police Station Orderlies

[5.12] One of the most critical steps in ensuring accountability within police stations is the mandatory use of body cameras by all officers, including station orderlies—the officers responsible for receiving suspects upon their entry into the station. These officers must be included in the cohort of personnel required to wear body cameras during their shifts in the framework recommended above. By doing so, a transparent and verifiable record of interactions between suspects and police officers can be maintained, reducing opportunities for misconduct and ensuring that allegations of brutality are subject to objective scrutiny.

Body Cameras for Custodians Conducting Condition Checks

[5.13] In addition to station orderlies, custodians who conduct regular condition checks on detainees should also be mandated to wear body cameras while on duty. This would serve as an invaluable tool in criminal proceedings, where the veracity of claims made by detainees—particularly those alleging torture or mistreatment—can be assessed through video evidence. It is

⁶² Trinidad Express, 'TTPS awards \$25m body cam contract 3,000 devices to boost transparency amid scrutiny over fatal shootings' (22 September 2024) <https://trinidadexpress.com/news/local/ttps-awards-25m-body-cam-contract/article_be4c6b04-7885-11ef-a7a3-6bc5b9f90aed.html> accessed 2 January 2025.

⁶³ Barbados Today, 'Britain reinforces its commitment to help Caribbean countries arrest spiralling crime' (13 December 2024)<<https://barbadostoday.bb/2024/12/13/britain-reinforces-its-commitment-to-help-caribbean-countries-arrest-spiralling-crime/>> accessed 2 January 2025.

common practice for defence attorneys to rely on station diary entries to establish the timeline and conditions of custody. However, such documentation is often susceptible to manipulation, mainly since lower-ranking officers are typically tasked with making these entries. The introduction of body cameras would ensure that the detainee's condition is accurately recorded and can be later verified independently in court. There has been a worrisome trend of suspects passing away under suspicious circumstances whilst in police custody, and if this recommendation is implemented, it will prevent future occurrences like Curtis Callender⁶⁴, Colin MacDonald Greene⁶⁵, and Kemo Grant.⁶⁶

Ceasing the Practice of Manual Diary Entries by Officers:

[5.14] Currently, station orderlies make initial notes about suspects in an exercise book before transferring the information to official station diaries under the guidance of senior officers. This practice creates a significant risk of tampering and obfuscation, and we strongly recommend immediately discontinuing it. To foster greater transparency and accountability, all records regarding detainee conditions and any incidents of alleged abuse should be directly input into a secure, auditable system—preferably linked to the body camera footage—to prevent the falsification or alteration of critical information.⁶⁷

Installation of Surveillance Cameras Inside and Outside Police Stations:

[5.15] To further ensure the protection of detainees and the prevention of police misconduct, we urge the Committee to recommend to national governments the installation of surveillance cameras inside and outside police stations. These cameras should be positioned so there are no blind spots,

⁶⁴ Bureau of Democracy, Human Rights and Labour, '2011 Country Reports on Human Rights Practices - Barbados'(UNHCR: *The UN Refugee Agency*, 24 May 2012)<<https://www.refworld.org/reference/annualreport/usdos/2012/en/86578>>accessed 4 January 2025];

⁶⁵ Barbados Today, 'Man dies in police custody, leaving unanswered questions' (0, 16 November 2021)<<https://barbadostoday.bb/2021/11/16/man-dies-in-police-custody-leaving-unanswered-questions/>>accessed 4 January 2025

⁶⁶ Caribbean Broadcasting Corporation, 'Family of Kemo Grant still searching for answers' (*Youtube*, 1 October 2024) <<https://www.youtube.com/watch?v=dLMXoqhCxDU>> accessed 4 January 2025.

Caribbean Broadcasting Corporation, 'Grant's relatives call for forensic pathologist for autopsy' (*Youtube*, 20 June 2024) <https://www.youtube.com/watch?v=QmdcOe-iL_4> accessed 4 January 2025.

Caribbean broadcasting corporation, 'Nation Update: Dad questions not seeing body' (*Youtube*, 15 June 2024) <<https://www.youtube.com/watch?v=-Vx-3KATyKI>> accessed 4 January 2025 can be investigated with a sense of transparency

⁶⁷ Pacific Regional Branch of The International Council on Archives, '*Recordkeeping for Good Governance Toolkit*' [7 Sep 2011] 'GUIDELINE 12: Introduction to Digital Recordkeeping' p 6 – 15, accessed 2nd January 2025.

enabling authorities to track suspects' movements from the moment they enter the station. For instance, a detainee may claim to have been subjected to physical abuse for an extended period, but the comprehensive surveillance system would allow for the verification of such claims. The ability to track detainees at all times within the station would significantly reduce the likelihood of fabricated complaints of police brutality and, more importantly, ensure that legitimate claims are promptly addressed.

The Need for Government Investment in Accountability Mechanisms:

[5.16] We acknowledge that implementing these reforms will require substantial financial investment. However, we firmly believe that protecting fundamental human rights, including the right to be free from torture and ill-treatment, is not a mere luxury but a critical necessity. The costs associated with installing surveillance systems and equipping officers with body cameras should be viewed as an investment in justice, public trust, and the overall integrity of law enforcement.

Establishment of a Human Rights Committee:

[5.17] In recent memory, there has been a call for establishing a local Human Rights Committee, and we urge this Committee to suggest that such a recommendation be followed.⁶⁸

Reforming the Police Complaint Authority:

[5.18] All cases where a jury rules in favour of the defence based on allegations of police misconduct or brutality should be referred to the Police Complaints Authority for further investigation. This can be achieved by amending and expanding Section 7 of the Police Complaints Authority Act to encompass such cases.⁶⁹ The current structure of the Police Complaints Authority is inadequate to take swift, decisive, or effective action against officers who engage in misconduct while in office. According to the 2019 and 2021 Police Complaints Annual Report, the Authority is staffed by a single investigator.⁷⁰

⁶⁸ Caribbean Broadcasting Corporation, '*Call for human rights commission to be established*' (Youtube, 10 December 2024) <<https://www.youtube.com/watch?v=58CzDTeizRk>> accessed 2 January 2025.

⁶⁹ Mark Forde, '*Police Complaints Authority Annual Report*', <<https://www.barbadosparliament.com/uploads/sittings/attachments/Police%20Complaints%20Authority%20Annual%20Report%202021.pdf>> accessed 2 January 2025, p 12.

⁷⁰ *Ibid* p 6.

[5.19] It is wholly insufficient for the body responsible for investigating and holding police officers accountable for their actions. This lack of resources and capacity undermines the ability of the Police Complaints Authority to effectively fulfil its mandate and address police misconduct in a timely and just manner. Establishment of a Police Complaints Authority Policy & Procedures: No policy currently outlines a clear timeline for investigations or the procedural framework followed by the sole investigator within the Police Complaints Authority. It is recommended that a formal timeline be established, similar to the forthcoming Criminal Procedure Rules of 2024, to ensure that all complaints are processed efficiently and within a reasonable timeframe. This would help facilitate swift and decisive justice supported by thorough and effective investigations. A model for such a policy and procedure could be drawn from the Internal Affairs Policy & Procedures of August 2020, developed by the Office of the Attorney General of New Jersey.⁷¹

[5.20] It is recommended that the Police Complaints Authority be adequately staffed with at least three (3) full-time investigators, supported by at least five (5) part-time investigators who can be called upon as needed. This staffing structure would ensure that all complaints are handled promptly and effectively, enabling the Authority to fulfil its mandate of holding law enforcement accountable promptly.

Draft and Enact a New Police Act:

[5.21] A new Police Act should be introduced that aligns with the ‘zero-tolerance’ policy once previously articulated by the lead delegate and distinguished jurist Mr. Louis Tull, Q.C. Such an Act should explicitly reference the Police Complaints Authority and include regulations that establish clear timelines, ensuring swift and efficient justice for individuals involved in police brutality.

Commitment to Re-Open the Forensic Sciences Centre or Sustainable Alternative:

[5.22] A commitment from the Government of Barbados to either reopen the Forensic Science Centre (FSC) or secure a contract with a reputable, qualified entity to provide DNA testing services. This initiative should ensure that such services are offered at a reasonable cost, thereby

⁷¹ Office of the Attorney General of New Jersey, U.S.A, ‘Internal Affairs Policy & Procedures ’ [August 2020] Best Practices Guide for Internal Affairs, < <https://www.nj.gov/lps/dcj/agguide/directives/IAPP-August-2020-Version.pdf>> [accessed 2nd January 2024.]

improving access to critical forensic analysis while maintaining high standards of accuracy and reliability in the criminal justice process. The Government's engagement in this process is essential for advancing the capabilities of law enforcement and enhancing the integrity of investigations.⁷²

Modernisation of Record-Keeping System:

[5.23] The Committee should strongly recommend adopting modern, digital record-keeping systems for medical and police documentation⁷³ Such a system should only be accessed by authorised personnel who can track edits should only access these systems. Such a system would ensure that vital information concerning injuries, medical treatment, and police activities is accurately recorded, securely stored, and easily retrievable. This would minimise the risk of accidental loss, destruction, or tampering by police personnel.

Extension of Retention Periods for Police and Public Medical Records:

[5.24] The Committee should advocate extending the retention period of police and medical records beyond seven (7) years. A minimum retention period of twenty (20) years would improve access to evidence, reduce the risk of losing vital information, and ensure records remain available for legal processes, including appeals, supporting the right to a fair trial.

[6] Conclusion:

[6.1] Consequently, the introduction of body-worn cameras for police officers in Barbados is a critical step toward addressing the ongoing issue of police brutality and human rights violations. A well-structured BWC policy would enhance transparency, ensure accountability, and protect the rights of both the public and police officers. While concerns about privacy and cost are valid, they should not outweigh the urgent need for systemic reforms prioritising human rights protection. The government's continued commitment to police accountability can be strengthened by adopting international best practices, allocating sufficient resources, and the precise, public release of a comprehensive body-worn camera policy.

⁷² H.S. Bakhtiar, *'Utilization of Forensic Evidence in the Criminal Justice System'* [2023] p 237 – 242. Secretary of State for the Home Department of the United Kingdom, *'A National Approach to Forensic Science Delivery In The Criminal Justice System'* [March 2016] Forensic Science Strategy p 8.

⁷³ Pacific Regional Branch of The International Council on Archives, *'Recordkeeping for Good Governance Toolkit'* [7 Sep 2011] 'GUIDELINE 12: Introduction to Digital Recordkeeping' p 6 – 15, accessed 2nd January 2025.

[6.2] We respectfully urge the Human Rights Committee to encourage the Government of Barbados to prioritise drafting and implementing these recommendations in line with international standards to foster respect for human rights within the country's law enforcement system. The introduction of body-worn cameras is a step towards a more just and accountable criminal justice system that upholds the principles of fairness and human dignity.⁷⁴ We hope these proposals will encourage the Government of Barbados to take proactive, forward-thinking action in line with Prime Minister Mia Amor Mottley's call for greater youth engagement in pursuing justice, human rights, and national progress. By embracing these reforms, Barbados can build a more secure and harmonious society, demonstrating its commitment to human rights and the rule of law.

⁷⁴ Ariel, B, The Effect of Body-Worn Cameras on Police Use of Force and Citizens' Complaints Against Police: A Randomized Controlled Trial (2022) *Policing: A Journal of Policy and Practice*, doi:10.1093/police/paac065 <https://academic.oup.com/policing/article/doi/10.1093/police/paac065/6717938> accessed 5 January 2025.

EXECUTIVE SUMMARY OF RECOMMENDATIONS:

Recommendations:	Details:
BWC Policy:	Draft and implement a clear policy outlining BWC usage, activation, penalties for non-compliance, and footage retention/storage.
Public Accessibility:	Make the BWC policy publicly available through government platforms, major newspapers, and media channels.
BWC for Police Station Orderlies:	Equip police station orderlies with body cameras to improve accountability during detainee interactions.
BWC for Custodians:	Provide body cameras to custodians conducting condition checks on detainees for better monitoring and protection.
Surveillance Cameras in Police Stations:	Install surveillance cameras inside and outside police stations to enhance transparency and oversight.
Human Rights Committee:	Establish a Human Rights Committee to oversee police conduct and ensure consistent protection of detainees' rights.
Reform the Police Complaints Authority:	Refer cases where the defense prevails on police misconduct to the Police Complaints Authority for investigation & retain at least (3) investigators.
Draft a New Police Act:	Introduce a Police Act reflecting the 'zero-tolerance' policy, with clear timelines for addressing police brutality.
Commitment from Government to re-open the Forensic Sciences Centre or a suitable alternative:	A commitment from the Government of Barbados to reopen the FSC or secure a government contract with a qualified entity to conduct DNA testing services at a reasonable cost.
Modernisation of Record-Keeping Systems:	The Committee should recommend digital record-keeping systems for medical and police documents, ensuring accuracy, security, and preventing tampering.
Extension of Retention Periods for Police and Public Medical Records:	The Committee should support extending the retention of police and medical records to 20 years to ensure access to evidence and uphold fair trials.