

LEGAL NOTICE NO. 326

REPUBLIC OF TRINIDAD AND TOBAGO

THE ADMINISTRATION OF JUSTICE (ELECTRONIC MONITORING) ACT, 2012

REGULATIONS

MADE BY THE MINISTER UNDER SECTION 25(1) OF THE ADMINISTRATION OF JUSTICE (ELECTRONIC MONITORING) ACT, 2012 AND SUBJECT TO NEGATIVE RESOLUTION OF PARLIAMENT

THE ADMINISTRATION OF JUSTICE (ELECTRONIC MONITORING) REGULATIONS, 2020

1. These Regulations may be cited as the Administration of Justice (Electronic Monitoring) Regulations, 2020. Citation

2. In these Regulations—

Interpretation

“Act” means the Administration of Justice (Electronic Monitoring) Act, 2012;

“beacon” means a monitoring device which works in tandem with the electronic monitoring device;

“Director” means the Director of Electronic Monitoring or any other duly authorized officer;

“electronic monitoring alert” means a system-generated notification indicating that a condition may have been breached or signaling a problem with the electronic monitoring device;

“electronic monitoring device” or “device” includes a device which operates on a global positioning system (GPS), radio frequency or telecommunications network which is used to monitor compliance with the conditions of release of a monitored person;

“Electronic Monitoring Unit” means the Unit established under section 4 of the Act;

“exclusion zone” means such specific geographic locations where a monitored person fitted with an electronic monitoring device is not permitted to enter;

“Global Positioning System” or “GPS” includes a navigational system using satellite signals to fix the location of a radio receiver on or above the earth's surface;

“inclusion zone” means such specific geographic locations where a monitored person fitted with an electronic monitoring device is permitted to enter;

“occupier” means any person exercising control over that part of the premises where the equipment is to be installed for the time being;

“monitored person” means a person, respondent, child or applicant who may be subjected to electronic monitoring pursuant to a court order, a lawful condition of pardon, instructions from a competent authority or an application by a person under section 13 of the Act.

#### STAFF OF THE ELECTRONIC MONITORING UNIT

Director to ensure that staff be trained in electronic monitoring

3. The Director shall ensure that staff be adequately trained in electronic monitoring and the use of electronic monitoring devices.

Director to keep and maintain a register of all members of staff and their monitoring activities

4. (1) The Director shall keep and maintain a register containing details of all staff engaged in electronic monitoring, as well as transaction logs of all monitoring activity in accordance with the Electronic Monitoring Unit’s standard operating procedures.

(2) The information recorded by the Director in subregulation (1) shall be extracted from the manual and digital activities records of the electronic monitoring system.

#### ELECTRONIC MONITORING

Permission to install electronic monitoring equipment

5. (1) The Director shall obtain the permission of the occupier of the premises under sections 10(6) and 12(3) of the Act to—

- (a) install;
- (b) respond to alerts from; and
- (c) visit the premises when necessary to maintain or remove,

the electronic monitoring device.

(2) The Director shall—

- (a) explain to the occupier of the premises the need to install the electronic monitoring equipment; and
- (b) obtain the permission of the occupier in the form as set out as Form 1 in the Schedule.

Electronic Monitoring

6. (1) Where electronic monitoring has been—
- (a) ordered by the Court under section 10 of the Act;
  - (b) imposed as a lawful condition of pardon under section 11 of the Act;

- (c) imposed by a competent authority under section 12 of the Act;  
or
- (d) granted to an individual who has made an application to the Court to be fitted with a device and the application is approved under section 13(1) of the Act,

the Director shall make the necessary arrangements to have the electronic monitoring device fitted onto that person at a scheduled date, time and location, after which, monitoring will commence.

7. A staff member shall—

Duties of a  
staff member

- (a) complete all administrative documentation and explain the use of and the fitting process to the person to be monitored;
- (b) test and adjust the electronic monitoring device to ensure that it works as intended and fits properly;
- (c) register and activate the electronic monitoring device of each person to be monitored;
- (d) enter into the electronic monitoring system, information on the monitored person including—
  - (i) any necessary enrolment data; and
  - (ii) the unique identifier of the electronic monitoring device which has been fitted;
- (e) ensure that the directives and terms of electronic monitoring imposed under section 16 of the Act are entered into the electronic monitoring system;
- (f) input into the electronic monitoring system additional details as it relates to sections 10, 11, 12 or 13 of the Act, which would include—
  - (i) inclusion and exclusion zones;
  - (ii) a general description of the residence at which the person or respondent has been approved to stay as well as its GPS coordinates; and
  - (iii) other relevant details;
- (g) extract any information from the electronic monitoring system; and
- (h) discharge his duties and any other related functions which the Director requires him to perform.

ELECTRONIC MONITORING ALERTS AND PROCEDURES TO BE FOLLOWED  
BY THE ELECTRONIC MONITORING UNITElectronic  
monitoring  
alerts

8. Where an electronic monitoring alert is received *via* the electronic monitoring system, a staff member shall, pursuant to the Electronic Monitoring Unit's standard operating procedures –

- (a) access the system and investigate the type of alarm triggered to determine the course of action to be taken; and
- (b) inform the Director of the type of alert received as well as whether a violation has occurred.

Electronic  
monitoring  
Unit  
procedures

9. (1) Where an electronic monitoring alert has been triggered, a staff member shall attempt to contact the monitored person immediately *via* telephone to verify the cause of the electronic monitoring alert and after having verified the cause, he shall follow the standard operating procedures which the Director may, from time to time, issue for handling that particular type of alert.

(2) Where the monitored person cannot be contacted, the Director shall be informed immediately and he shall inform any police officer in charge of a police station of the electronic monitoring alert and provide the last known location and status of the monitored person.

(3) After each alert, that staff member shall handle the event based on the Electronic Monitoring Unit's standard operating procedures, including, but not limited to—

- (a) recording all actions taken;
- (b) extracting any digital activity from the event log as it relates to the alert;
- (c) updating all relevant logs;
- (d) updating the Director; and
- (e) performing any other related functions.

Staff member  
to initial  
cleared  
electronic  
monitoring  
alerts

10. Where a staff member has reviewed an electronic monitoring alert and has determined that there was no violation committed by the monitored person and the electronic monitoring alert has been cleared, he shall place his initials next to the electronic monitoring alert on the report to be submitted to the Director or other duly authorized officer.

Protection  
unit form

11. The form required under section 10A(2) shall be the form set out as Form 2 in the Schedule.

FORM 1

Section 10(6) & 12(3)

**PERMISSION TO INSTALL AND MAINTAIN ELECTRONIC MONITORING EQUIPMENT**  
 PLEASE PRINT INFORMATION IN BLOCK LETTERS  
 USING DARK BLUE OR BLACK INK PEN

FOR OFFICIAL USE ONLY

DEVICE # ..... RECEIPT # ..... INSTRUMENT # .....  
 TYPE ..... DATE ..... DATE OF ISSUE .....  
 ISSUED DATE ..... APPLICATION TYPE ..... VALID TO .....

**Property Address** .....

Occupation via:  
 Sole Ownership     Joint Tenancy     Tenancy in Common  
 Other .....

Your approval is sought for the installation and maintenance when necessary of electronic monitoring equipment to the internal structure of the above identified property.  
 The installation of one transmitter/receiver shall be to the internal structure of the said property and shall in no way inconvenience any other individual.

1. SURNAME .....  
 FIRST NAME .....  
 MIDDLE NAME(S) .....  
 Joint Tenancy Details .....

2. PERSONAL INFORMATION  
 DATE OF BIRTH ..... SEX MALE [ ] FEMALE [ ]  
 OCCUPATION/PROFESSION .....  
 HOME ADDRESS .....  
 MAILING ADDRESS (IF DIFFERENT FROM HOME ADDRESS) .....

CONTACT INFORMATION  
 HOME TEL. NO. .... MOBILE NO. ....  
 E-MAIL ADDRESS .....

3. PARTICULARS OF I.D. / DP / PASSPORT

I.D. / DP / PASSPORT NUMBER	DATE OF ISSUE (Day / Month / Year)	PLACE OF ISSUE

4. CONSENT  
 I hereby CONSENT  DO NOT CONSENT  (please indicate one)  
 without any conditions to the access, installation and maintenance when necessary of electronic monitoring equipment within the property as identified above.

5. DECLARATION  
 I, ..... solemnly declare that:  
 i. The statements made in this form are true and correct.

DATED ..... Signature

## FORM 2

Section 10A (2)

## APPLICATION FOR A PROTECTION DEVICE

PLEASE PRINT INFORMATION IN BLOCK LETTERS  
USING DARK BLUE OR BLACK INK PEN

## FOR OFFICIAL USE ONLY

DEVICE # .....	RECEIPT # .....	INSTUMENT # .....
TYPE .....	DATE .....	DATE OF ISSUE .....
ISSUED DATE .....	APPLICATION TYPE .....	VALID TO .....

1. SURNAME \_\_\_\_\_  
 FIRST NAME \_\_\_\_\_  
 MIDDLE NAME(S) \_\_\_\_\_

## 2. PERSONAL INFORMATION

DATE OF BIRTH \_\_\_\_/\_\_\_\_/\_\_\_\_ SEX MALE [ ] FEMALE [ ] HEIGHT (CM) \_\_\_\_\_ PLACE OF BIRTH \_\_\_\_\_  
Day Month Year

COUNTRY OF BIRTH \_\_\_\_\_ COLOUR OF EYES \_\_\_\_\_ HAIR COLOUR \_\_\_\_\_

MARITAL STATUS: SINGLE [ ] MARRIED [ ] WIDOWED [ ] DIVORCED [ ] SEPARATED [ ] OTHER [ ]

HOME ADDRESS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

MAILING ADDRESS (IF DIFFERENT FROM HOME ADDRESS)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

OCCUPATION/PROFESSION \_\_\_\_\_

WORK ADDRESS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

NAME OF FIRM / ORGANIZATION \_\_\_\_\_  
 \_\_\_\_\_

CONTACT INFORMATION  
 HOME TEL. NO. \_\_\_\_\_ MOBILE NO. \_\_\_\_\_  
 OFFICE TEL. NO. \_\_\_\_\_ E-MAIL ADDRESS \_\_\_\_\_

## 3. PARTICULARS OF I.D. / DP / PASSPORT

I.D. / DP / PASSPORT NUMBER	DATE OF ISSUE (Day / Month / Year)	PLACE OF ISSUE

## 4. DECLARATION

I, \_\_\_\_\_ solemnly declare that:

i. I understand the purpose of the device and accept responsibility for its proper use and care.

DATED \_\_\_\_/\_\_\_\_/\_\_\_\_  
Day Month Year

\_\_\_\_\_

Signature

Dated this 21st day of September 2020.

S. YOUNG  
 Minister of National Security