



JOINT SELECT COMMITTEE ON

NATIONAL SECURITY

*FIRST REPORT OF THE
JOINT SELECT COMMITTEE ON NATIONAL SECURITY*

SECOND SESSION (2016/2017) OF THE ELEVENTH PARLIAMENT

ON

*The Follow-Up Inquiry into the Status of the Investigation of the PCA
and the TTPS into the Events Surrounding the Day of "Total Policing"
on March 23, 2015*

1ST
REPORT

OF THE

JOINT SELECT COMMITTEE ON NATIONAL SECURITY

SECOND SESSION (2016/2017) OF THE ELEVENTH PARLIAMENT

ON

**THE FOLLOW-UP INQUIRY INTO THE STATUS OF THE INVESTIGATION OF THE PCA
AND THE TTPS INTO THE EVENTS SURROUNDING THE DAY OF “TOTAL POLICING”
ON MARCH 23, 2015**

Date Laid in HOR:

HOR Paper No:

PARL No: 14/3/43

Date Laid in Senate:

Senate Paper No:

SUMMARY OF ISSUES

1. What action has been taken by the Ag. Commissioner of Police in relation to the recommendations made in the report of the Joint Select Committee on National Security, Fifth Session (2014/2015) Tenth Parliament?
2. What is the status of the report of the Police Complaints Authority (PCA) on its investigation into the day of “Total Policing”?
3. What steps have been taken by the Ag. Commissioner of Police to ensure that there is no recurrence of the incidents of that day?

GENERAL FINDINGS

1. The Ag. Commissioner of Police has taken no further action, disciplinary or otherwise, in relation to the day of total policing.
2. This lack of action is based on the Ag. Commissioner’s view that once the PCA commences an investigation into a matter the Commissioner of Police is estopped from taking any action whatsoever until the PCA completes its work, based on his interpretation of Section 48(2) of the Police Complaints Authority Act, Chap. 15:05¹.
3. The PCA’s investigation into the day of “Total Policing” has been completed.
4. The PCA indicated that its draft investigative report is currently being reviewed to assess the evidence gathered, among other things. As such, the PCA has categorised the matter as “not yet closed”.
5. The PCA experienced challenges in completing its investigations and specified a lack of sufficient resources as a major problem which delayed the completion of the report.
6. No disciplinary action has been taken against any officer involved in the day of “Total Policing”.
7. The actions of officers involved in the day of “Total Policing” may have compromised the national security apparatus of Trinidad and Tobago and the comfort and safety of its citizens.

¹ Ministry of Legal Affairs. Police Complaints Authority Act, Chap. 15:05. Accessed January 23, 2017.
http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/15.05.pdf

SUMMARY OF RECOMMENDATIONS

1. **The Committee recommends that the Commissioner of Police should act with alacrity in dealing with matters of discipline which do not fall within the purview of the PCA.**
2. **The Committee also recommends that greater efforts should be made by the Police Complaints Authority (PCA) to complete its investigations in an efficient and timely manner, such that the public interest is best served.**
3. **The Committee further recommends that the line ministry undertake an assessment of the resource needs of the PCA with a view to satisfying all critical needs in order to ensure that the work of the PCA is not hindered.**
4. **The Committee also recommends that the Commissioner of Police take careful note of the recommendations of this Committee (2014/2015 Session, 10th Parliament).**

Current Membership

The Committee comprises the following members:

- Mr. Fitzgerald Hinds, MP Chairman
- Mr. Prakash Ramadhar, MP Vice-Chairman
- Mr. Faris Al-Rawi, MP Member
- Ms. Nicole Olivierre, MP Member
- Mr. W. Michael Coppin Member
- Mr. Nigel De Freitas Member
- Mr. Wayne Sturge Member
- Mr. Paul Richards Member

Secretariat Support

The following officers were assigned to assist the Committee:

- Mrs. Jacqui Sampson-Meiguel Secretary
- Mr. Brian Caesar Assistant Secretary
- Mr. Johnson Greenidge Assistant Secretary
- Ms. Chantal La Roche Legal Officer II
- Ms. Simone Yallery Legal Officer I
- Mrs. Delrene Liverpool-Young Legal Officer I
- Mrs. Krystle Gittens Research Assistant

Publication

An electronic copy of this report can be found on the Parliament website:

http://www.ttparliament.org/committee_business.php?mid=19&id=235&pid=28

Contacts

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ACRONYMS AND ABBREVIATIONS

Abbreviation	Term
ACP	Assistant Commissioner of Police
COP	Commissioner of Police
DCP	Deputy Commissioner of Police
GEB	Guard and Emergency Branch
PCA	Police Complaints Authority
PCA Act	The Police Complaints Authority Act, Chap. 15:05
TTPS	Trinidad and Tobago Police Service

TABLE OF CONTENTS

SUMMARY OF ISSUES	3
GENERAL FINDINGS.....	3
SUMMARY OF RECOMMENDATIONS	4
ACRONYMS AND ABBREVIATIONS.....	6
1. INTRODUCTION	8
Committee Mandate and Establishment.....	8
Powers of the Committee.....	9
2. THE FOLLOW-UP INQUIRY INTO THE STATUS OF THE INVESTIGATION OF THE PCA AND TTPS INTO THE EVENTS SURROUNDING THE DAY OF “TOTAL POLICING” ON MARCH 23, 2015	10
Background.....	10
Objectives of the Current Inquiry	12
Conduct of the Inquiry.....	12
Issues Considered.....	13
Conclusion	15
Recommendations	15
APPENDIX I-A.....	18
APPENDIX I-B.....	25
APPENDIX II	33
APPENDIX III.....	39
APPENDIX IV	95

1. INTRODUCTION

Committee Mandate and Establishment

1.1 The Joint Select Committee on National Security is established by Standing Orders 103 and 93 of the House of Representatives and the Senate respectively and is mandated to consider, from time to time, and report to the Parliament whenever necessary, on all matters related to the national security policy of Trinidad and Tobago. In particular, the Committee is authorized to examine:

- a) the security, safety and protection of citizens;
- b) the working relationships between the various agencies involved in intelligence gathering, and how they collect, coordinate, analyse and disseminate information and how these functions might be enhanced; and
- c) the mechanisms to review the performance and activities of the various agencies involved in National Security and critical infrastructure.

1.2 By motions approved in the House of Representatives and Senate on November 13, 2015, November 17, 2015 and December 19, 2016 respectively, the following members were appointed to serve on the **Joint Select Committee on National Security**:

Mr. Fitzgerald Hinds, MP	Chairman
Mr. Prakash Ramadhar, MP	Vice-Chairman
Mr. Faris Al-Rawi, MP	Member
Ms. Nicole Olivierre, MP	Member
Mr. W. Michael Coppin	Member
Mr. Nigel De Freitas	Member
Mr. Wayne Sturge	Member
Mr. Paul Richards	Member

1.3 Mr. Paul Richards was appointed to serve as a Member of the Committee in lieu of Mr. Taurel Shrikissoo on December 19, 2016.

1.4 The Committee has held ten (10) meetings to date during the Second Session, Eleventh Parliament. The attendance record is attached to this Report at **Appendix IV**.

Powers of the Committee

- 1.5 By Standing Orders 101 of the Senate and 111 of the House of Representatives the Committee has the power, *inter alia*, to:
- a. send for persons, papers and records;
 - b. sit notwithstanding any adjournment of the House;
 - c. adjourn from place to place;
 - d. report from time to time;
 - e. appoint specialist advisers either to supply information which is not otherwise readily available, or to elucidate matters of complexity within the Committee’s order of reference;
 - f. communicate with any other Committee on matters of common interest; and
 - g. meet concurrently with any other Committee for the purpose of deliberating, taking evidence or considering draft reports.

2. THE FOLLOW-UP INQUIRY INTO THE STATUS OF THE INVESTIGATION OF THE PCA AND TTPS INTO THE EVENTS SURROUNDING THE DAY OF “TOTAL POLICING” ON MARCH 23, 2015

Background

- 2.1 On Monday 23rd March, 2015 between the hours of 4:00 a.m. and 10:00 a.m., officers of the TTPS conducted roadblocks throughout Trinidad and Tobago. Twenty one (21) roadblocks from nineteen (19) police stations across six (6) of the nine (9) police divisions in Trinidad and Tobago were operated by members of the TTPS. These roadblocks had the effect of severely inconveniencing the public and costing the economy millions of dollars as business activities came to a halt². The resulting massive nationwide traffic gridlock led to public outrage.
- 2.2 This was the subject of an inquiry by the Joint Select Committee on National Security during the Fifth Session (2014/2015), Tenth Parliament. That Committee proposed eleven (11) recommendations, namely that:
- The TTPS should complete its investigation into the roadblock exercises conducted on March 23, 2015 and the findings of the investigation should be forwarded to the Police Complaints Authority to complete its own investigation as well as to the Police Service Commission;
 - The investigations should examine the role of the Guard and Emergency Branch (GEB) in the roadblock activities of March 23, 2015;
 - The relationship between the officers conducting roadblock exercises and the Trinidad and Tobago Police Service Social and Welfare Association should be investigated;
 - The relationship between the officers conducting the roadblock exercises and those attending the Trinidad and Tobago Police Service Social and Welfare Association meeting on the 19th March 2015 at the offices of the Guard and Emergency Branch (GEB) should be investigated;
 - The role of Inspector Roger Alexander in the roadblock exercises should be further investigated;
 - The role of the Trinidad and Tobago Police Service Social and Welfare Association in the active management of the concerns of police officers within the Trinidad and Tobago Police Service should be examined;

² Page 2, Report on the ‘Total Policing’ exercise of Monday March 23, 2015 by Ag. Assistant Commissioner of Police Mr. Vincel Edwards

- The levels of awareness of Acting Assistant Commissioner of Police Garfield Moore and Snr. Supt. Joanne Archie of roadblock exercises on March 23, 2015 should be further investigated;
- The role of the Guard and Emergency Branch (GEB) in relation to the provision of security of the Parliament should be immediately reviewed;
- Intelligence gathering as an area of law enforcement should be given extra attention and possibly enhanced in order to prevent similar occurrences like that of March 23, 2015;
- The quality of human intelligence resources which could detect internal threats should be examined and improved; and
- The Police Service Commission should examine the number of acting appointments in the Trinidad and Tobago Police Service and request that the Acting Commissioner of Police seeks to rectify same.

2.3 During the JSC Tenth Parliament, it was revealed that the Ag. COP had mandated Ag. Assistant Commissioner of Police (ACP) Mr. Vincel Edwards to investigate and report on the roadblock exercises. Therefore, by the time of the current inquiry, the investigation by Ag. ACP Vincel Edwards on behalf of the Ag. COP was completed. That investigation found, *inter alia*, that:

- The concept of “Total Policing Day,” was a crime fighting initiative from the office of the Deputy Commissioner of Police - Operations Mr. Harold Philip who mandated all Divisional Commanders by way of Memorandum dated January 19, 2015, to conduct a Total Policing Day each week with effect from the January 19, 2015. The Memorandum stated Total Policing should include “*roadblock exercises, stop and search exercises, ticket exercises, search warrant execution...*”
- In conducting the roadblock exercises on that day the Police Officers were “*maliciously obedient*” to the laws and regulations of Trinidad and Tobago as they did exactly what they were told to do. However the Total Policing Day concept was not intended to be conducted on the scale in which it was done on [March 23, 2015] and the officers’ actions on the said day were without disposition to sustain the spirit of the Total Policing Day concept.
- There was no evidence to substantiate the view that that there was a correlation between industrial action and the police roadblock exercises in Trinidad and Tobago that day.
- There was a breakdown of communication systems within the TTPS as intelligence agencies such as Heads of Divisions and Branches, Cyber Crime Unit, Criminal Gang and Intelligence Unit indicated that they were unaware of any planned roadblock exercises.
- For a brief moment , First Division Officers who were in charge of six (6) Police Divisions and Second Division officers who were in charge of six (6) Police Stations lost control of their Divisions and Stations respectively, to a small group of Junior Officers.

2.4 The Committee was informed that this report, prepared by Ag. ACP Vincel Edwards was sent to the PCA by the COP pursuant to Section 48 (2) of the PCA Act.

Objectives of the Current Inquiry

2.5 The objectives were:

1. To determine the status of the investigation by the Police Complaints Authority into the actions of Police Officers on the “day of Total Policing” on March 23, 2015.
2. To ascertain whether the recommendations of the Joint Select Committee of National Security appointed during Fifth Session, (2014/2015) Tenth Parliament were actioned by the Acting Commissioner of Police and if not, the reasons for inaction.
3. To gain an understanding of the challenges faced by the PCA in completing its investigation.

Conduct of the Inquiry

2.6 On June 01, 2016 a public hearing was conducted with the Ag. Commissioner of Police and officials from the Trinidad and Tobago Police Service and thereafter with the Director and officials from the Police Complaints Authority, *in camera* on July 13, 2016. The Committee received written submissions from both the TTPS and the PCA.

Table 1
Persons who appeared and provided oral evidence

Name of Official	Portfolio	Organization
Public Hearing Held on June 01st, 2016		
Mr. Stephen Williams	Commissioner of Police	The Ministry National Security
Mr. Glen Hackett	Deputy Commissioner of Crime and Support	The Ministry National Security
Mr. Harold Phillip	(Ag.) Deputy Commissioner of Administration	The Ministry National Security
Mr. Deodat Dulalchan	(Ag.) Deputy Commissioner of Operations	The Ministry National Security
Ms. Ellen Lewis	Head of Corporate Communications	The Ministry National Security
<i>In Camera</i> Hearing Held on July 13th, 2016		

Mr. David West	Director, Police Complaints Authority	The Ministry of the Attorney General and Legal Affairs
Mr. Andrew Stroude	Deputy Director	The Ministry of the Attorney General and Legal Affairs
Mr. Wellington Virgil	Consultant - Investigations	The Ministry of the Attorney General and Legal Affairs

Issues Considered

The status of the report of the Police Complaints Authority on its investigation into the day of “Total Policing”

- 2.7 By way of letter dated August 15, 2016, the Director of the PCA indicated that the PCA’s investigation into the day of “Total Policing” has been completed and that it is in the process of finalizing the report. This was some seventeen (17) months after the events of March 23, 2015.
- 2.8 The PCA has advised the Committee that pursuant to section 21(4) of the PCA Act, all information and evidence obtained by the PCA in the performance of its duties is confidential.
- 2.9 In a written submission by the PCA, dated February 7, 2017, the PCA indicated that its draft investigative report is currently being reviewed to assess the evidence gathered, among other things. As such, the PCA has categorised the ‘matter as not yet closed’.
- 2.10 As a consequence of the foregoing, the Committee can go no further with this component of the inquiry.

Action by the Acting Commissioner of Police in response to recommendations of the Joint Select Committee of National Security appointed during the Fifth Session, (2014/2015) Tenth Parliament.

- 2.11 By letter dated February 26, 2016, the Ag. Commissioner of Police informed the Committee that he took no action disciplinary or otherwise against officers involved in the day of Total Policing.
- 2.12 The Ag. Commissioner of Police adopted this position based on his interpretation of section 48(2) of the Police Complaints Authority Act, Chap 15:05 which states;

“...Where the Commission or the Commissioner receives information or a complaint in relation to any of the matters mentioned in section 21(1)(a), the Commission or the Commissioner shall immediately inform the Authority of the investigation in writing and the Authority shall have the sole responsibility for dealing with those matters.”

- 2.13 However there were recommendations, not within the purview of the PCA, which required action. For example:

- The role of the Guard and Emergency Branch in relation to the provision of security of the Parliament should be immediately reviewed;
 - Intelligence gathering as an area of law enforcement should be given extra attention and possibly enhanced in order to prevent similar occurrences like that of March 23, 2015;
 - The quality of human intelligence resources which could detect internal threats should be examined and improved.
- 2.14 It appeared to the Committee that the Ag. COP considered himself estopped in law from pursuing any course of action whatsoever, pending the completion of the PCA's investigation.
- 2.15 At a hearing of the Committee held on July 13, 2016, the Director of the PCA acknowledged that section 48(2) of the PCA Act gives the PCA sole responsibility in relation to matters involving *investigations into criminal offences involving police officers, police corruption and serious police misconduct*. However, evidence submitted to the Committee revealed that the PCA does not, in practice, retain this sole responsibility given the existence and operations of the Professional Standards Bureau. Therefore, the Committee is of the view that clarification of the jurisdiction of the PCA, COP and Professional Standards Bureau is necessary to align practice with what is provided in law.
- 2.16 The Director of the PCA advised that nothing stops a Commissioner from dealing with disciplinary and organisational matters within his remit, pending the conclusion of an investigation commenced by the PCA. The Director further added that clear disciplinary issues exist for the COP to address.
- 2.17 As such, the Committee is of the view that the Ag. COP had a duty to treat with matters of discipline. Certainly it is the Commissioner's duty to ensure that acts labelled '*malicious obedience*' are recognized and identified as such and that he condemns all such acts in clear and unambiguous terms, given the importance of the agency he leads to the national security of Trinidad and Tobago.

Resources required by the PCA for the improvement of its operations and enhancement to the efficiency of its investigations

- 2.18 At a meeting of the Committee held on July 13, 2016 and by letter dated August 15, 2016, the PCA Director revealed some of the challenges the Authority faced in completing its investigations. The Director highlighted a need for additional funding as well as the need to deal with human resource shortages.
- 2.19 The Authority also stressed the need for amendments to the PCA Act to:
- Provide the PCA and its duly authorized officers with certain powers typically exercised by Police Officers such as the power to search a person for weapons or evidence, to take charge of and preserve the scene of a crime relative to a complaint;
 - Achieve necessary consistency with best practice and civilian oversight;
 - Facilitate operational and administrative improvements of the PCA;

- Increase efficiency in oversight; and
- Ensure that all police officers are subject to independent oversight.

2.20 The Committee is of the view that the suggested amendments by the PCA to the Police Complaints Authority Act, Chap 15:05 is a matter for the consideration of the Government in relation to its duty to develop policies for the improvement of the various agencies involved in national security.

Conclusion

2.21 Based on the issues and findings from the Committee’s inquiry, the Committee concludes as follows:

1. **The Committee is disappointed that after almost two (2) years, not a single officer involved in the actions labelled ‘malicious obedience’ on the day of “Total Policing” has been made to face disciplinary action. The Committee notes that this is owing the Commissioner’s decision not to proceed given that he considered himself estopped in law from pursuing any course of action whatsoever, pending the completion of the PCA’s investigation.**
2. **The PCA’s remit is to investigate criminal offences involving police officers, police corruption and serious police misconduct, while the Commissioner of Police has legal responsibility for the exercise of disciplinary control over police officers pursuant to Section 123A of the Constitution. Discipline of police officers therefore remains within the purview of Commissioner of Police who should exercise urgency when dealing with matters of discipline which arise from investigations into the day of “Total Policing”.**
3. **The Committee notes that by letter dated August 15, 2016, the PCA advised that its report into the day of “Total Policing” has been completed and that by letter dated February 07, 2017 the PCA has advised that it is in the process of determining its recommendations on what action is warranted.**

Recommendations

2.20 Based on the foregoing the following recommendations are submitted by the Committee:

1. **The Committee recommends that the Commissioner of Police should act with alacrity in dealing with matters of discipline which do not fall within the purview of the PCA.**
2. **The Committee also recommends that greater efforts should be made by the Police Complaints Authority (PCA) to complete its investigations in an efficient and timely manner, such that the public interest is best served.**

- 3. The Committee further recommends that the line ministry undertake an assessment of the resource needs of the PCA with a view to satisfying all critical needs in order to ensure that the work of the PCA is not hindered.**

- 4. The Committee also recommends that the Commissioner of Police take careful note of the recommendations of this Committee (2014/2015 Session, 10th Parliament).**

The Committee respectfully submits the foregoing for the information of the Parliament.

Mr. Fitzgerald Hinds, MP
Chairman

Mr. Prakash Ramadhar, MP
Vice-Chairman

Ms. Nicole Olivierre, MP
Member

Mr. Faris Al-Rawi, MP
Member

Mr. Wayne Sturge
Member

Mr. Nigel De Freitas
Member

Mr. W. Michael Coppin
Member

Mr. Paul Richards
Member

APPENDIX I-A

Correspondence between the JSC on National Security and the PCA



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The Port-of-Spain International Waterfront Centre
1A Wrightson Road, Port-of-Spain

Joint Select Committee on National Security

Parl.: 14/3/43 Vol. II

August 12, 2016

Mr. David West
Director
Police Complaints Authority
Level 24, Tower D
International Waterfront Centre
1A Wrightson Road
PORT-OF-SPAIN

Dear Mr. West,

The day of "Total Policing" on March 23, 2015 – Completion of PCA investigation

I am directed to refer to discussions held on July 13, 2016 with your good self and other officials of the PCA and the Joint Select Committee on National Security.

The Committee has noted that at the meeting held on July 13, 2016 you indicated that the PCA had concluded approximately 85% of its investigation into the events at caption but that one of the PCA's challenges in completing the report was its lack of adequate stenographic personnel. You would recall that the Chairman offered to arrange assistance in this regard. This offer still stands.


I have since been instructed to request from you a date for the likely conclusion of the PCA's investigation into this matter. This information is needed in preparation for the Committee's report to Parliament at the end of the current session.

It would be appreciated if your response could be sent to the Committee's Office by **Friday August 19, 2016**. An electronic copy should be sent to jscnationalsecurity@tparliament.org.

Should you have any questions, please feel free to contact me at **624-7275 ext. 2227/2232** or jscnationalsecurity@tparliament.org.

Thank you.

Respectfully,


|f| Jacquie Sampson-Meiguel
Secretary to the Committee

cc: Mr. Fitzgerald Hinds – Chairman of the Joint Select Committee on National Security
Mr. Andrew Stroude – Deputy Director, Police Complaints Authority

Chairman: Mr. Fitzgerald Hinds
Joint Select Committee on National Security

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August 15th, 2016

Mrs. Jacqui Sampson-Meiguel
Secretary
Joint Select Committee on National Security
Levels G -7, Tower D
International Waterfront Centre
1A Wrightson Road,
Port of Spain



Dear Mrs. Sampson Meiguel,

Re: The day of "Total Policing" on March 23, 2015 – Completion of PCA Investigation

I refer to your letter dated August 12th, 2016 on the captioned subject.

Please note that the investigation into the day of "Total Policing" on March 23rd, 2015 has been completed.

The Police Complaints Authority (PCA) is in the process of finalising the report. Once the report has been finalised, it is the intention of the Authority to have the report reviewed by a Senior Counsel.

When the review has been completed, the Authority shall determine the next step.

Yours sincerely,



David West
Director



Joint Select Committee on National Security

Parl.: 14/3/43 Vol. III

February 06, 2017

Mr. David West
Director
Police Complaints Authority
Level 24, Tower D
International Waterfront Centre
1A Wrightson Road
PORT-OF-SPAIN

Dear Mr. West,

**The Committee's Inquiry into the status of investigations into the events surrounding
The day of "Total Policing" 2015**

I write on behalf of the Joint Select Committee on National Security. The Committee has concluded its inquiry into the status of investigations into the events surrounding the day of total policing on March 23, 2015 and is now engaged in the process of completing its report to Parliament on this matter.

In your letter dated August 15, 2016 you informed the Committee that -

"... the investigation into the day of "Total Policing" on March 23, 2015 has been completed.

The Police Complaints Authority (PCA) is in the process of finalising the report. Once the report has been finalised, it is the intention of the Authority to have the report reviewed by a Senior Counsel.

When the review has been completed, the Authority shall determine the next step."

I have been directed to enquire whether –

- i. The PCA has finalized its report into this matter;**
- ii. The PCA's investigation into this matter is to be considered closed; and**
- iii. The PCA has taken action as prescribed in Section 21(1) of the Police Complaints Authority Act, Chap. 15:05?**

Chairman: Mr. Fitzgerald Hinds
Joint Select Committee on National Security

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It would be appreciated if your response could be sent to the Committee's Office by **Tuesday February 14, 2017**. An electronic copy should be sent to jscnationalsecurity@ttparliament.org.

Should you have any questions, please feel free to contact me at **624-7275 ext. 2227/2232** or jscnationalsecurity@ttparliament.org.

Thank you.

Respectfully,


.....
|/| Jacqui Sampson-Meiguel
Secretary to the Committee

cc: Mr. Andrew Stroude – Deputy Director, Police Complaints Authority
Mr. Fitzgerald Hinds – Chairman of the Joint Select Committee on National Security

Chairman: Mr. Fitzgerald Hinds
Joint Select Committee on National Security

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February 7, 2017

Mrs. Jacqui Sampson-Meiguel,
Secretary to the Committee,
Joint Select Committee on National Security,
Level G-7, Tower D,
The Port of Spain International Waterfront Centre,
1A Wrightson Road,
Port of Spain.

"BY HAND"

Dear Mrs. Sampson-Meiguel,

**Re: The Committee's Inquiry into the status of investigations into the events surrounding The day of
"Total Policing" 2015**

Reference is made to your letter of February 6, 2017 concerning the captioned subject.

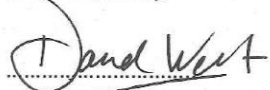
In response to your enquiries contained in the referenced correspondence, the Authority wishes to advise that its draft investigative report is currently being reviewed by a Senior Counsel who is expected, inter alia, to assess the evidence gathered and to provide legal advice therein. As such, the matter is not yet closed.

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Once the Authority receives the advice of Senior Counsel it shall determine what action is warranted, be it the pursuit of further lines of inquiry or the making of recommendations pursuant to Sections 21 (2) and/or 44(2) of the Police Complaints Authority Act, Chapter 15:05, ("the Act") and/or the provision of advice pursuant to Section 21 (1) (d) of the Act.

Please be guided accordingly.

Yours sincerely,



David West

Director

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APPENDIX I-B

Correspondence between the JSC on National Security and the TTPS



Joint Select Committee on National Security

Parl.: 14/3/43 Vol. II

February 2, 2016

Mr. Stephen Williams
Commissioner of Police (Ag.)
Police Administration Building
Cor. Edward and Sackville Street
PORT OF SPAIN

Dear Sir,

**Status Report on the recommendations of the Joint Select Committee on National Security
(2014-2015 Session, Tenth Parliament)**

I write on behalf of the Parliamentary Joint Select Committee on National Security. I refer to a letter sent to you from the Committee dated June 11, 2015 regarding the *"Report of the Joint Select Committee on National Security on an Inquiry into the "Total Policing" Initiative on March 23, 2015"*.

I am instructed by the Committee to request a report from you on the action taken, if any, by the Trinidad and Tobago Police Service (TTPS) pursuant to each of the following recommendations of the Committee:

- i. The TTPS should complete its investigation into the roadblock exercises conducted on March 23, 2015 and the findings of the investigation should be forwarded to the Police Complaints Authority (PCA) to complete its own investigation as well as to the Police Service Commission (PSC);**
- ii. The investigations should examine the role of the GEB in the roadblock activities of March 23rd 2015;**
- iii. The relationship between the officers conducting the roadblock exercises and the TTPSSWA should be investigated;**
- iv. The relationship between the officers conducting the roadblock exercises and those attending the TTPSSWA meeting of the 19th March 2015 at the offices of the GEB should be investigated.**

Chairman: Mr. Fitzgerald Hinds
Joint Select Committee on National Security

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(2)

- v. **The role of Inspector Roger Alexander in the roadblock exercises should be further investigated.**
- vi. **The role of the TTPSSWA in the active management of the concerns of police officers within the TTPS should be examined.**
- vii. **The levels of awareness of ACP (Ag.) Garfield Moore and Snr. Supt. Joanne Archie of roadblock activities on March 23, 2015 should be further investigated.**
- viii. **The role of the GEB in relation to provision of security of the Parliament should be immediately reviewed.**
- ix. **Intelligence gathering as an area of law enforcement should be given extra attention and possibly enhanced in order to prevent similar occurrences like that of March 23, 2015.**
- x. **The quality of human intelligence resources which could detect internal threats should be examined and improved.**
- xi. **The PSC should examine the number of acting appointments in the TTPS and request that the Commissioner of Police (Ag.) seeks to rectify same.**

Kindly submit an electronic copy of your responses and any supporting documentation to the Committee's office via email to jscnationalsecurity@ttparliament.org by **Monday February 22nd, 2016**. **If your documents are too large to be emailed, the Committee shall require an e-copy of the documents on a USB Drive and ten (10) hard copies.**

Should you have any queries, I may be contacted at 624-7275 ext. 2227/2232 or jscnationalsecurity@ttparliament.org.

Thank you.

Respectfully,



Jacqui Sampson-Meiguel
Secretary to the Committee

cc: Mr. Fitzgerald Hinds – Chairman of the Joint Select Committee on National Security

Chairman: Mr. Fitzgerald Hinds
Joint Select Committee on National Security

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TRINIDAD & TOBAGO POLICE SERVICE
Office of the Commissioner of Police

Police Administration Building, 6th Floor, Corner Edward & Sackville Streets
P.O. Box 387, Port of Spain, Trinidad, Republic of Trinidad & Tobago
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COP: 1/1/11

June 9th 2016

Mrs. Jacqui Sampson-Meiguel
Secretary to the Committee
Joint Select Committee on National Security
Level G-7, Tower D
The Port-of-Spain International Waterfront Centre
1A Wrightson Road, Port-of-Spain

Dear Madam,

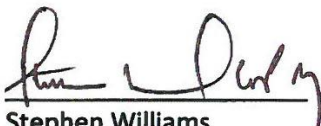
**Response to the Joint Select Committee on National Security - Request for
Information on Matters Relating to the Functioning of the Trinidad and Tobago
Police Service**

Reference is made to correspondence **PARL: 14/3/43 Vol. II** in which a request was made for
the following information from the Commissioner of Police:

- (1) An itemised list indicating the measures implemented to improve the infrastructure of the TTPS in relation to each of the recommendations of the JSC on National Security (2014 – 2015 Session, 10th Parliament)
- (2) The legal advice obtained, if any, which guided you to conclude that, in this matter, once the PCA had commenced its investigation, no further action of any nature could have been taken by the Commissioner of Police in relation to the said matter.

A response to this request for information is attached.

Yours respectfully,



Stephen Williams
Commissioner of Police

**TRINIDAD AND TOBAGO POLICE SERVICE
COMMISSIONER OF POLICE**

Response to Request for Information from the
Joint Select Committee on National Security on
*MATTERS RELATING TO THE FUNCTIONING OF THE TRINIDAD AND TOBAGO POLICE
SERVICE*

Item (i) An itemised list indicating the measures implemented to improve the infrastructure of the TTPS in relation to each of the recommendations of the Joint Select Committee (JSC) on National Security (2014 – 2015 Session, 10th Parliament)

Prior to the recommendations from the JSC a policy change was made on the conduct of roadblocks by personnel of the Trinidad and Tobago Police Service (TTPS). The change was effected on the said day of the roadblock exercises, March 23, 2015, by the then Acting Commissioner of Police, Mrs. Annmarie Alleyne-Daly. She issued a directive to all police officers across the TTPS that "with immediate effect, no roadblock exercises are to be conducted by Second Division Officers (SDOs) without the authorization of Divisional Commanders and Heads of Sections or Branches."

Further, the following actions were taken in relation to each of the recommendations of the JSC on National Security (2014-2015 Session, 10th Parliament):

Recommendations 1 – 5 and 7

These recommendations all relate directly to the conducting of an investigation into the activities of March 23, 2015. In keeping with Section 48 Subsection 2 of the Police Complaints Authority Act No. 8 of 2006, the Commissioner of Police had written to the Police Complaints Authority (PCA) informing it of the event and investigation which was conducted into the said activities by Acting ACP Vincel Edwards. Thereafter, the PCA had the sole responsibility for dealing with that matter. To date, the matter remains under investigation by the PCA.

Recommendation 6: The role of the TTPSSWA in the active management of the concerns of police officers within the TTPS should be examined

The Executive of TTPS has examined the role of the Trinidad and Tobago Police Service Social and Welfare Association (TTPSSWA) in the active management of the concerns of police officers within the TTPS and has engaged the TTPSSWA in a series of meetings. The roles and responsibilities of the Executive of the Association were explicitly outlined with clear reminders that all Association Executive members are serving police officers and that the Association is not a trade union. As a consequence, on June 25 2015, the Association Secretary, Inspector Michael Seales, was suspended pending an investigation into an allegation of sedition from statements he made during a television interview. The investigation has since been completed by DCP Dulalchan and had been submitted to the Director of Public Prosecutions (DPP) for direction. The Association Executive members have been reminded that any breach of discipline will be effectively dealt with in accordance with the Police Service Regulations.

Recommendation 8: The role of the G.E.B. in relation to provision of security of the Parliament should be immediately reviewed

The role of the Guard & Emergency Branch (G.E.B.) has been reviewed and the following arrangements are in place:

- A security team from G.E.B. headed by an Inspector is assigned to provide security for every sitting of Parliament and the sitting of Parliamentary Committees.
- The officers are present at Parliament not less than half hour (30 minutes) before the sitting.
- At the end of Parliamentary sittings the Inspector is responsible for confirming with the Marshal or the Head of Parliamentary Security that no Committee is in session and there are no further requirements for the security team for the day.
- It is only after such confirmation that the security team of the G.E.B. shall leave the Parliamentary building.

Recommendation 9: Intelligence gathering as an area of law enforcement should be given extra attention and possibly enhanced in order to prevent similar occurrences like that of March 23, 2015

Extra attention has been given to intelligence gathering as an area of law enforcement in order to prevent similar occurrences like that of March 23, 2015. Emphasis has been placed on strengthening via training,

all intelligence gathering units such as Special Branch, Cyber Crime Unit, Fraud Squad, Organized Crime Narcotics and Firearms Bureau (OCNFB), Professional Standards Bureau, Homicide Bureau of Investigation (HBI) and Criminal Gang Intelligence Unit (CGIU) as well as the skills of officers across the nine police geographical divisions. Some of the training programmes include:

- Basic Criminal Investigative Techniques
- Fundamentals of Crime Analysis
- Increasing the TTPS covert surveillance capacity
- Enhancing Workplace Productivity
- Source Handling
- Customer Service Training
- Anti-Corruption Investigations & Enquiries Techniques
- Trauma Workshop

Recommendation 10: The quality of human intelligence resources which could detect internal threats should be examined and improved.

Special attention has been paid to the TTPS Special Branch which is specially trained to detect both internal and external threats. Since March 23, 2015 a series of meetings and training workshops such as Smart Phones Technology for Technical Surveillance and Advanced National Security have been conducted with the officers of Special Branch with the intention to improve their capacity to detect internal and external threats. The Head and Deputy Head of Special Branch have also since been changed.

Recommendation 11: The PSC should examine the number of acting appointments in the TTPS and request that the Commissioner of Police (Ag.) seeks to rectify same

The TTPS has addressed issues of acting appointments within the organization by making substantive promotions to the ranks of Assistant Superintendent of Police (ASP), Inspector, Sergeant and Corporal. The number of promotions made since March 23, 2015 are as follows:

Rank	Promotions Made
ASP	4
Inspector	4
Sergeant	433
Corporal	557

The TTPS is currently in the process of addressing the other First Division Officer (FDO) ranks via an assessment process.

Item (ii) The legal advice obtained, if any, which guided you to conclude that, in this matter, once the PCA had commenced its investigation, no further action of any nature could have been taken by the Commissioner of Police in relation to the said matter.

No legal advice has been sought or obtained in this matter.

APPENDIX II

Minutes of Fifth Meeting of the JSC on National Security held on June 01, 2016

JOINT SELECT COMMITTEE ON NATIONAL SECURITY

**MINUTES OF THE FIFTH MEETING HELD IN THE J. HAMILTON MAURICE
ROOM, MEZZANINE FLOOR, OFFICE OF THE PARLIAMENT, TOWER D, IWFC,
#1A WRIGHTSON ROAD, PORT OF SPAIN ON JUNE 01, 2016**

Committee Members

Mr. Fitzgerald Hinds, MP	Chairman
Mr. Faris Al-Rawi, MP	Member
Ms. Nicole Olivierre, MP	Member
Mr. Prakash Ramadhar, MP	Member
Mr. Michael Coppin	Member
Mr. Nigel De Freitas	Member
Mr. Taurel Shrikissoon	Member

Secretariat

Mrs. Jacqui Sampson-Meiguel	Secretary
Mr. Brian Caesar	Clerk of the Senate (Ag.)
Mr. Johnson Greenidge	Assistant Secretary
Ms. Roxanne Fournillier	Research Assistant

Officials of the Trinidad and Tobago Police Service

Mr. Stephen Williams	Commissioner of Police
Mr. Glen Hackett	Dep. Comm., Crime and Support
Mr. Harold Phillip	Dep. Comm., Administration
Mr. Deodat Dulalachan	Dep. Comm., Operations (Ag.)
Ms. Ellen Lewis	Head, Corporate Communications

Officials of the Ministry of National Security

Mr. Simeon Yearwood	Permanent Secretary (Acct. Officer)
Mr. Vel Lewis	Permanent Secretary
Ms. Maria Joseph	Dep. Permanent Secretary
Ms. June Thomas	Director, Finance
Ms. Joy Seepersad-Boodoo	Director, Human Resource

Officials of the Trinidad and Tobago Forensic Science Centre

Mr. Glen Pamassar	Deputy Director, Forensic (Ag.)
Mr. Mark Lutchman	Project Manager
Mr. Derrick Sankar	Scientific Officer III (Ag.)

ABSENT

Mr. Wayne Sturge	Member
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PUBLIC HEARING WITH THE COMMISSIONER OF POLICE AND OTHER OFFICIALS OF THE TRINIDAD AND TOBAGO POLICE SERVICE ON:

An inquiry into the status of the investigation of the TTPS into the events surrounding the "Total Policing Initiative" on March 23, 2015.

Welcome and Opening Remarks

7.1 The meeting was resumed in public.

7.2 The following persons joined the meeting:

Officials of the Trinidad and Tobago Police Service

Mr. Stephen Williams	Commissioner of Police
Mr. Glen Hackett	Dep. Comm., Crime and Support
Mr. Harold Phillip	Dep. Comm., Administration
Mr. Deodat Dulalachan	Dep. Comm., Operations (Ag.)
Ms. Ellen Lewis	Head, Corporate Communications

7.3 There were introductions.

7.4 The Chairman identified the following objectives of the hearing:

- 1. To determine the status of the investigation of the TTPS into the "day of Total Policing" on March 23, 2015;**
- 2. To gain an understanding of the challenges faced by the TTPS in completing its investigation; and**
- 3. To determine whether the TTPS is estopped in law from conducting investigations when the PCA has commenced an investigation.**

7.5 The Chairman read from the Committee's letter to the Ag. Commissioner dated February 02, 2016 (*See Appendix I*) and read aloud the recommendations of the JSC on National Security (2014-2015 Session, 10th Parliament) regarding its report on "Total Policing Initiative" on March 23, 2015. (*See Verbatim Notes*)

7.6 The Chair then referred to the letter from the Ag. Commissioner of Police dated February 26, 2016 (*See Appendix II*) and invited the Ag. Commissioner to make brief opening statements. The Ag. Commissioner gave no opening statements.

The decision of the Ag. CoP to halt the TTPS investigation into the "day of Total Policing"

7.7 At the end of the hearing, the Committee requested that the Ag. Commissioner submit the following no later than June 10, 2016:

- i. an itemized list indicating the measures implemented to improve the infrastructure of the TTPS in relation to each of the recommendations of the JSC on National Security (2014-2015 Session, 10th Parliament).

- ii. the legal advice obtained, if any, which guided you to conclude that, in this matter, once the PCA had commenced its investigation, no further action of any nature could have been taken by the Commissioner of Police in relation to the said matter.

(See Verbatim Notes)

7.8 The Chairman thanked the Ag. Commissioner and accompanying officials for attending and gave closing comments. The Ag. Commissioner gave closing remarks.

7.9 The meeting was suspended.

7.10 The following persons left the meeting:

Officials of the Trinidad and Tobago Police Service

Mr. Stephen Williams	Commissioner of Police
Mr. Glen Hackett	Dep. Comm., Crime and Support
Mr. Harold Phillip	Dep. Comm., Administration
Mr. Deodat Dulalachan	Dep. Comm., Operations (Ag.)
Ms. Ellen Lewis	Head, Corporate Communications

PUBLIC HEARING WITH OFFICIALS OF THE MINISTRY OF NATIONAL SECURITY AND THE TRINIDAD AND TOBAGO FORENSIC SCIENCE CENTRE (TTFSC) ON:

An inquiry into the operations of the Trinidad and Tobago Forensic Science Centre (TTFSC) and the issue of DNA sampling in Trinidad and Tobago.

Welcome and Opening Remarks

8.1 The meeting was resumed in public.

8.2 The following persons joined the meeting:

Officials of the Ministry of National Security

Mr. Simeon Yearwood	Permanent Secretary (Acct. Officer)
Mr. Vel Lewis	Permanent Secretary
Ms. Maria Joseph	Dep. Permanent Secretary
Ms. June Thomas	Director, Finance
Ms. Joy Seepersad-Boodoo	Director, Human Resource

Officials of the Trinidad and Tobago Forensic Science Centre

Mr. Glen Pamassar	Deputy Director, Forensic (Ag.)
Mr. Mark Lutchman	Project Manager
Mr. Derrick Sankar	Scientific Officer III (Ag.)

8.3 There were introductions.

- 8.4 The Chairman identified the following objectives of the hearing:
- 1. To gain an understanding of the operations of the TTFSC;**
 - 2. To determine the effectiveness of forensic sampling and the process of the collection of DNA in criminal investigations; and**
 - 3. To identify the current challenges faced by the TTFSC as it relates to effective forensic services.**
- 8.5 The Chairman referred to the written submission from the Permanent Secretary (Acct. Officer) dated March 4, 2016 (*See Appendix III*) and invited him to make brief opening statements. The Permanent Secretary gave opening statements in relation to the status of the operations of the TTFSC. (*See Verbatim Notes*)
- 8.6 In relation to a table on Page 3 of the written submission (*See Appendix III*), the Committee inquired in relation to the percentage of the cases before the TTFSC which are waiting to be processed. The Ag. Deputy Director, Forensic gave statistics related to the current estimated workload of the TTFSC. (*See Verbatim Notes*)
- 8.7 The Committee requested the following information, including:
- i. a listing of the number of criminal cases before the courts which are pending as a result of forensic evidence awaiting review by the TTFSC;
 - ii. the percentage of cases completed or otherwise resolved by the TTFSC for the last five (5) years;
 - iii. the work ratio of the TTFSC as it relates to Human Resources and the number of cases assigned;
 - iv. the list of the specific requirements of the TTFSC for the elimination of the backlog of cases;
 - v. the outsourcing arrangements that the TTFSC engages in with regard to ballistics and DNA evidence for murder and sexual offenses;
 - vi. a list of the challenges faced by Pathologists at the TTFSC in the conduct of their day-to-day functions;
 - vii. a written explanation of the statistics provided in the table illustrated on Page 3 of the submission from the Permanent Secretary, Ministry of National Security dated March 4, 2016.
 - viii. a comprehensive list of the stakeholders integral to the establishment of a DNA Databank by the TTFSC; and
 - ix. any recommendations toward the improvement of the criminal justice system as it impacts the functioning of the TTFSC.
- (*See Verbatim Notes*)

- 8.8 In relation to comments made by the officials of the TTFSC, the Committee inquired into specialist staffing requirements within the TTFSC. A discussion commenced on the actual staff strength and required staffing requirements within the TTFSC. *(See Verbatim Notes)*
- 8.9 The Chairman requested that the Ag. Deputy Director, Forensic submit to the Committee a position paper regarding the challenges faced by Pathologists in the conduct of their day-to-day functions.
- 8.10 The Committee requested elucidation on the table illustrated on Page 3 of the written submission *(See Appendix III)*. The Ag. Scientific Officer III gave an explanation. *(See Verbatim Notes)*
- 8.11 A discussion commenced on the length of time taken for forensic samples complete with certificates of analysis to appear before the courts in relation to criminal investigations. *(See Verbatim Notes)*
- 8.12 The Committee highlighted the need to maximize the available human resources of the TTFSC toward increasing productivity and reducing the backlog of cases. A discussion commenced. *(See Verbatim Notes)*
- 8.13 The Committee enquired into the application of microscopy to match projectiles to weapons toward completion of criminal investigations. A discussion commenced in relation to the capacity of the TTFSC to conduct microscopy in this way and its match/detection rate. *(See Verbatim Notes)*
- 8.14 The Chairman referred to item (ii) on Page 1 of the written submission and the effectiveness of forensic sampling in criminal investigations. A discussion commenced on the following:
- i. the success rate of DNA Sampling in relation to criminal investigations; and
 - ii. the status of the functionality of a local DNA Data Bank.
- (See Verbatim Notes)*
- 8.15 The Committee attempted to determine which government department/agency is responsible for the collection of DNA samples. The Ag. Deputy Director, Forensic advised that Crime Scene Investigators with the TTPS were responsible. A discussion commenced. *(See Verbatim Notes)*
- 8.16 The Committee agreed that further investigation was needed into the status of the implementation of the DNA Act and towards this end, the Chairman requested that the Permanent Secretary submit to the Committee a list of all the stakeholders invested in the issue of DNA sampling and storage in Trinidad and Tobago and its improvement.
- 8.17 The Chairman thanked the officials for attending and gave closing comments. The Permanent Secretary, Mr. Vel Lewis, gave closing remarks.
- 8.18 The meeting was suspended.

APPENDIX III

Verbatim Notes of Fifth Meeting of the JSC on National Security held on June 01, 2016

UNREVISED VERBATIM NOTES OF THE FIFTH MEETING OF THE JOINT SELECT COMMITTEE ON NATIONAL SECURITY IN THE J. HAMILTON MAURICE ROOM (EAST), MEZZANINE FLOOR (IN PUBLIC), TOWER D, INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF SPAIN, ON MONDAY, JUNE 01, 2016 AT 2.35 P.M.

PRESENT

Mr. Fitzgerald Hinds	Chairman
Mr. Taurel Shrikissoon	Member
Ms. Nicole Olivierre	Member
Mr. Nigel De Freitas	Member
Mr. Michael Coppin	Member
Mr. Faris Al-Rawi	Member
Mr. Prakash Ramadhar	Member
Mrs. Jacqueline Sampson-Meiguel	Secretary
Mr. Brian Caesar	Clerk of the Senate
Mr. Johnson Greenidge	Assistant Secretary
Miss Chantal La Roche	Legal Officer II
Miss Simone Yallery	Legal Officer I

ABSENT

Mr. Wayne Sturge	Member
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OFFICIALS FROM THE POLICE SERVICE

Mr. Stephen Williams	Ag. Commissioner of Police
Mr. Glen Hackett	Deputy Commissioner of Crime and Support
Mr. Harold Phillip	Ag. Deputy Commissioner of Administration

Mr. Deodat Dulalchan Ag. Deputy Commissioner of Operations

Ms. Ellen Lewis Head of Corporate Communications

Mr. Chairman: Thank you very much, ladies and gentlemen of this Committee and specially invited team of the—a very good afternoon to one and all. This is a public hearing of the Joint Select Committee on National Security, pursuant to this Committee's enquiry into the status of investigations that are within the purview of the Trinidad and Tobago Police Service into the events surrounding the day of total policing which was staged on March 23, 2015.

I would like to indicate for the benefit of all that this hearing is being broadcast live on the Parliament channel 11, Parliament radio 105.5 FM and the Parliament's YouTube channel, ParlView. May I as well inform members and those who we invited and the listening audience that you can send your comments via email at parl101@ttparliament.org or on our facebook page at facebook.com/ttparliament or on twitter@ttparliament.

Today, for this public hearing we invited three office holders and support staff as they saw it fit. These three persons or office holders are, the Police Complaints Authority, Chairman, Mr. David West, the Commissioner of Police and officers as he saw it fit and, of course, the representatives of the Forensic Science Centre on the issue of DNA.

We are very happy to welcome Commissioner Williams and other officers of the Trinidad and Tobago Police Service and I am advised that in the precincts we have representatives of the Forensic Science Centre. The Chairman of the PCA is not here and we are engaged in an exchange of correspondence, this Committee and the director and we expect that in light of that office holder absence today he would be with us at some stage in the very near future, presumably at our next meeting.

So again let me welcome the Commissioner of Police as I invite you for the record and formality to introduce yourself Commissioner and those who accompanied you. Thank you very much.

[Introductions made]

Mr. Chairman: Thank you very much. I would now like to introduce for the formality as well and for the record the members of my committee.

[Introductions made]

Mr. Chairman: And, of course, we have as well the secretariat of this Committee, hard-working and supportive as they always are. Let me remind us that it is largely the objective of this enquiry to determine the status of the investigation of the Trinidad and Tobago Police Service into the day of total policing which transpired on March 23, 2015. For those who visited us very recently, post that date and for those who missed proceedings of this Joint Select Committee earlier, this from the public perception was a very eventful day when a large cross section of the Trinidad and Tobago Police Service engaged in an activity that was not all together new, roadblock exercises as it were, but it was very unique and very different because it was very, very widespread in the main city centres around Trinidad and Tobago.

It was very much sustained and it had a serious impact on public activity on that day. It led to traffic congestion, it led to gridlocks, it led to public outrage, it led to some praises for the police, it all found itself, the subject of significant public discussion at home and abroad and resulted in the matter coming before this Joint Select Committee and, of course, thereafter, certain recommendations by that Committee were rendered.

Let me for the benefit of recall, Commissioner and members of the public, identify what those recommendations were:

- i. The TTPS should complete its investigation into the roadblock exercises conducted on March 23, 2015 and the findings of the investigation should be forwarded to the Police Complaints Authority...to complete its own investigation as well as to the Police Service Commission...;
- ii. The investigations should examine the role of the GEB in the roadblock activities of March 23rd 2015;"

2.45 p.m.

“iii. The relationship between the officers conducting roadblock exercises and the Trinidad and Tobago Police Service Social and Welfare Association should be investigated.”

I must add, bearing in mind, that this association is effectively the representative body of police officers and we must recall was, at the time, advocating for improved terms and conditions for members of the police service. And four, I quote again:

“iv. The relationship between the officers conducting the roadblock exercises and those attending the Trinidad and Tobago Police Service Social and Welfare Association meeting on the 19th March 2015 at the offices of the Guard and Emergency Branch should be investigated. “

Those were the recommendations of this Committee following its interrogation of these issues. They continue:

- “v. The role of Inspector Roger Alexander in the roadblock exercises should be further investigated.
- vi. The role of the Trinidad and Tobago Police Service Social and Welfare Association in the active management of the concerns of police officers within the Trinidad and Tobago Police Service should be examined.
- vii. The levels of awareness of Assistant Commissioner of Police Acting Garfield Moore and Snr. Supt. Joanne Archie of roadblock exercises on March 23, 2015 should be further investigated.
- viii. The role of the Guard and Emergency Branch in relation to the provision of security of the Parliament should be immediately reviewed.
- xi. Intelligence gathering as an area of law enforcement should be given extra attention and possibly enhanced in order to prevent similar occurrences like that of March 23, 2015.
- x. The quality of human intelligence resources which could detect internal threats

should be examined and improved.

- xi. And finally, the Police Service Commission should examine the number of acting appointments in the Trinidad and Tobago Police Service and request that the Commissioner of Police, Acting, seeks to rectify same. “

And the Trinidad and Tobago Police Service was mandated to do these things, to investigate as was required and to treat with all of these issues and these were the recommendations of that Committee.

I wish to acknowledge receipt of a letter from the Commissioner of Police dated February 26, 2016 in response to a request by this Committee. This Committee wrote to the Commissioner requesting responses on the matters that I have just raised and for the benefit of the viewing and listening public and for the benefit of those who may not up to now have been privy to the contents of this letter, I wish to read into the record the terms thereof.

“February 26, 2016

Mrs. Jacqui Sampson-Meiguel

Secretary to the Committee

Joint Select Committee of Parliament on National Security

Level G-7, Tower D

Port of Spain International Waterfront Centre

1A Wrightson Road

PORT OF SPAIN

Dear Mrs. Sampson-Meiguel,

Re: Status Report on the recommendations of the Joint Select committee on National Security (2014-2015 Session, Tenth Parliament)

I refer to your correspondence dated February 2, 2016, your ref PARL: 14/3/43 Vol. II on the subject matter and wish to advise on the action that has been taken.

The recommendation for the continuation of the investigation by the Police Service has

not been pursued because the Director of the Police Complaints Authority (PCA) has undertaken to do a comprehensive investigation into the matter. We have provided full co-operation to the PCA in its investigation making available all officers at all levels from the Commissioner of Police down to Constables to be interviewed by the investigators of the PCA and also made available all documents requested.

The Police Complaints Authority has been addressing those recommendations identified by the Joint Select Committee and I await the outcome of that investigation to implement any recommendations.

Yours sincerely,

Commissioner of Police”

With these items for recall now behind us, I would like to ask you, Commissioner, for any opening comments that you may wish to make. You and or any of those who accompany you in this regard. The floor is now open to you.

Mr. Williams: Thank you. Honourable Chairman, I do not have any opening comments to make.

Mr. Chairman: Thank you very much. Well, in which case, let me begin by identifying that the recommendations of the Joint Select Committee were directed to you, Mr. Commissioner. To you. And it is interesting to note that you opined in your letter that you have left all of these recommendations to the Chairman of the Police Complaints Authority. That strikes as a little bit strange because one takes it that while the Police Complaints Authority is established under law and has clear functions and a mandate, the Trinidad and Tobago Police Service, led by your good self, also is established under law and also has clear responsibilities and a mandate. Some of the matters that were recommended in my view, fall squarely within the responsibility of the Commissioner of Police and the Trinidad and Tobago Police Service. Would you like to tell this Committee on what basis you found it necessary or useful to leave this Committee’s recommendations entirely and exclusively, 11 of them in number, to the Office of the Director of

the Police Complaints Authority?

Mr. Williams: Honourable Chairman and members of the Joint Select Committee, as I summed up the recommendations made by the Joint Select Committee, they generally are built around the continuation of the investigation with clear mandates to specificities in relation to how the continuation of that investigation should be conducted.

By virtue of the Police Complaints Authority Act, section 48, subsection (2), having referred a copy of the investigator's report to the PCA Director, the law imposes sole responsibility on the PCA Director by virtue of the said section 48, subsection (2). And it is in those circumstances, I await the outcome of that investigation to be conducted by the PCA so that I can follow through on whatever comes out of that investigation.

Mr. Chairman: Some of these recommendations, one of them, for example, item xi—no, let us take item x which says:

“The quality of human intelligence resources which could detect internal threats should be examined and improved.”

Do you think that that requires the outcome of the PCA's investigation before you could approach it?

Mr. Williams: May I respond, Chairman?

Mr. Chairman: Yes.

Mr. Williams: The issue of the intelligence within the police service and its improvement is something which is being addressed on a continuous basis based on the available resources and based on the levels of training that we see are relevant for such improvements.

Mr. Chairman: Well yes and since it is continuous and the Committee had suggested to you that you tell us—well, you do something about it and when we wrote for an update, you told us that all of those recommendations, including that one, awaited the outcome of an investigation by the PCA. That is what I found strange; we found strange. We could not understand that. So is it that you are now correcting that position?

Mr. Williams: I would like to indicate, Chairman and members of the Committee, the majority of the recommendations that the Committee made to the office of the Commissioner are built around the continued investigation of the matter, majority of the recommendations. That particular matter, surely can be addressed and has been addressed on a continuous basis by the police service. If I may bring added clarity to it, that matter is one which is distinct and separate and apart from the general continuation of the investigation.

Mr. Chairman: So you could understand why this Committee found it a little strange?

Mr. Williams: I do understand, Chairman.

Mr. Chairman: Good. Now, let me take you then to recommendation viii which says:

“The role of the GEB in relation to the provision of security of the Parliament should be immediately reviewed.”

Would you agree, Commissioner, that that too, has little connection to the outcome of the PCA’s investigation?

Mr. Williams: That matter has been effectively addressed and another report would have been submitted in relation to issue of GEB and its role with the Parliament.

Mr. Chairman: Could you, therefore, for the benefit of the Parliament and for the public, tell us in essence what has been done to—well, I do not know. Let me look at another issue. Mr. Ramadhar, you have a question while I get to this?

Mr. Ramadhar: I am most grateful to you, Chairman.

Mr. Chairman: Please, go ahead.

Mr. Ramadhar: Commissioner, good afternoon, Sir. Is it your view that the actions or possible actions of police officers on that day of total policing involved only criminal—potential criminal offences?

Mr. Williams: It is not my view and I have not expressed any such view.

Mr. Ramadhar: No, do not get me wrong for a moment. I am just enquiring as to the basis upon which you have taken the position that the PCA is authorized and the only ones who are

authorized to conduct the investigations into this matter. Did you see yourself then as Commissioner of Police having no role whatsoever in terms of disciplinary investigations of what may have happened on that day of total policing?

Mr. Williams: The issue which I am confronted with and was confronted with is a matter of jurisdiction. PCA, under the law, I had an obligation to pass the report, a copy of it to the PCA. The PCA wrote back to me indicating that they will be pursuing the investigation and they requested my cooperation and I have extended full cooperation, including making myself available to be interviewed and gave a statement and every other officer and all the demands. The main thrust of the investigation was built around serious police misconduct.

Mr. Ramadhar: Could you remind us as to the date that the jurisdiction passed for the investigation to the PCA?

Mr. Williams: Well, I would not be able to off my head give you the date but I surely can source the date because I wrote to them and that correspondence has a date, but I can source that.

Mr. Ramadhar: Yes. Now, back to where I started. The PCA has jurisdiction to investigate certain quality of conduct. Do you agree? And it is not exclusive that you will always retain some level of jurisdiction to investigate certain quality of conduct of your officers. Do you understand the question?

Mr. Williams: I do not.

Mr. Ramadhar: Well, let me help you a little bit. Can the PCA investigate, what should I say, administrative failures of your officers as distinct from criminal conduct?

Mr. Williams: If we are making reference to administrative failures as matters which fall under serious police misconduct, PCA has that sole responsibility. General administrative failures is not the extent of what we were considering.

Mr. Ramadhar: Well, that is where I think we need to examine. That the PCA would have their duty to investigate certain things but there may be other things that will still remain within your purview, and I think we need to examine what would be under your purview to continue the

investigations on and not to pass it wholeheartedly and wholesale to the PCA.

It has been sometime and we are waiting as a Committee and we have had no response yet from them and we are, today, of course, hearing your interpretation, not just today but in the past. We have not moved anywhere forward at all as to what happened on that day and certain reports that we were expecting. So could we ask you to examine with a different eye the jurisdiction that you may have still within your bosom to continue some level of investigations on this matter?

Mr. Al-Rawi: Commissioner, good afternoon, members. Perhaps, I might enquire of you, Commissioner, as we are on the topic of jurisdiction, it may be useful to perhaps allow us to understand your perspective as the Commissioner of Police, as to how you see your constitutionally grounded powers to have absolute management of the police service in the Constitution of the Republic of Trinidad and Tobago as not allowing you the jurisdiction to act upon this matter, separate and apart from the PCA's role which has another source of authority? Perhaps, you could explain that.

Mr. Williams: My constitutional jurisdiction is subject to other specific legislative provisions and it is one which I exercise and I exercise it in keeping within the law as it provides in numerous different Acts and Regulations. So the general provision under the Constitution which speaks to the Commissioner of Police having complete power to manage the police service is subject to specific pieces of legislation and the PCA Act is one such piece of legislation which actually specifies the limitation that is placed on the office of the Commissioner of Police in expressed terms.

Mr. Al-Rawi: Thank you, Commissioner. So following upon that answer, insofar as the PCA Act deals with professional misconduct of a certain type and insofar as the responses coming from your office in the enquiry which resulted in a report which coined a very interesting expression "malicious obedience", is it that you consider that there was nothing in that day of total policing which you have jurisdiction over?

Mr. Williams: I would not say that. In fact, I have shared with the Joint Select Committee

that out of the report which was submitted by the investigator, there are several recommendations that he made and I shared by way of correspondence that I have followed some of those recommendations and I indicated how I followed those recommendations.

Mr. Al-Rawi: Lovely. So the recommendations, just to be clear, were recommendations for the improvement of the service going forward or were they, in fact, recommendations for action for any breaches within your jurisdiction? Which were they?

Mr. Williams: They were mostly recommendations for improvements.

Mr. Al-Rawi: Lovely. Following upon your answer to the question—two questions prior, may I ask you this then. Insofar as the report which spoke to malicious obedience had matters which were broader than those which the Police Complaints Authority could act upon and therefore, stood as matters within your jurisdiction for action for breaches discovered during the day of total policing, what have you done by way of action upon those breaches that you can report to us on?

Mr. Williams: The substantive report addresses serious police misconduct. That is what the substantive report addresses. The investigator, in his coined term—and it is not the Police Commissioner's coined term. The investigator in his coined term—spoke about "malicious obedience". It addresses the issue of serious police misconduct. What we saw is that the investigation, because of time constraint, was not done in such an extensive way which it covered everything. And in those circumstances, the investigator reported, reported within the timeframe and following that, the PCA took over the investigation of serious police misconduct.

And from that point in time, to this date, we have done everything possible by way of the request of the PCA to provide them with all that they required, including making every officer available that they requested. I, myself, was requested to be made available for interview and I made myself available. The Deputy Commissioners were requested and they made themselves available and I made every other officer available and all the documentation that they requested, I made available.

Mr. Al-Rawi: Thank you, Commissioner. May I ask you then specifically, one, has the TTPS—because you have just mentioned that insofar as the timeframe was short prior to the production of the report, the specific recommendation made by the Parliament to the police to you, in writing, was that the TTPS should complete its investigation into roadblock exercises which were conducted on March 23, 2015. Has the TTPS completed that exercise?

Mr. Williams: The Trinidad and Tobago Police Service has not continued any investigation into that total policing day issue.

Mr. Al-Rawi: Thank you.

Mr. Williams: It was all built around roadblocks and we have not continued. We have passed on all the relevant documentation and support to the PCA for them to complete their investigation.

Mr. Al-Rawi: So may I ask this of you, please. By way of letter, February 02, 2016, from this Joint Select Committee of Parliament, the specific recommendation made to you was that the Trinidad and Tobago Police Service, which you have responsibility for under the Constitution, should complete its investigation into the roadblock exercises conducted on March 23, 2015 and the findings of the investigation should be forwarded to the PCA to complete its own investigation, as well as to the Police Service Commission. So you are confirming to us that you did not comply with that recommendation.

Mr. Williams: I am also sharing with the Committee that in my opinion, section 48, subsection (2), having passed on to the PCA by way of the requirement of the law, the content of the investigation done by the police at that point in time and the PCA undertaking to do a full investigation into serious police misconduct which involved roadblock exercises, the police service, at that point in time, was now awaiting the PCA's outcome and was cooperating fully with the PCA for the completion of that investigation.

Mr. Al-Rawi: So the answer is that you have not completed the exercise which you were requested to do. Yes or no?

Mr. Williams: The answer is that I have not pursued any further investigation in light of the PCA undertaking an investigation under the law which they have a sole responsibility to do. The word is "sole".

Mr. Al-Rawi: Did you write to the Committee to indicate that you would not be doing that for those specific reasons?

Mr. Williams: I did not write to the Committee indicating any particular reference to the law.

Mr. Al-Rawi: Because you would appreciate that we could have assisted you by way of request for interpretation upon what your jurisdiction was.

May I ask as well, hon. Commissioner, the investigation into the role of the GEB, as the Chairman put to you a short while ago, in the roadblock activities, was also to be conducted by the TTPS, as was the relationship between officers conducting the roadblock exercises? Similarly, the relationship between officers conducting the roadblock exercises and those who were attending the particular meeting on March 19th at the offices of GEB should have been investigated; the role of Inspector Roger Alexander into the roadblock exercises; the role of the association's active management; the level of awareness of specific ACPs, et cetera. Have any of those requested recommendations and actions by the Joint Select Committee committed into writing by way of its letter to you on February 02, 2016, have any of those been carried out by you?

3.15p.m.

Mr. Williams: As indicated earlier, I saw all those matters relating to one item, total policing, roadblock exercises, GEB, any unit, all involving one activity of a day and all those matters I encapsulated in my response to say that the Police Complaints Authority was the party at that point in time, now taking full charge and responsibility for investigating that matter.

Mr. Al-Rawi: Last question from me. Thank you, hon. Commissioner. In the four-month period between the letter of February 02, 2016 to today's date nearly, one day shy, have you put

into writing any response to this letter so that the Committee can complete its response on the item by item requests of you, so that we could then make a report to Parliament? So have you committed your specific responses on each item in writing to the Joint Select Committee of the Parliament at any time in the period February 02, 2016, to June 01, 2016?

Mr. Williams: I submitted a response to the Joint Select Committee. I have not committed item to item, line by line, a response.

Mr. Al-Rawi: Thank you very much, Commissioner. And just to confirm that. I do see now a letter of February 26, 2016, and that is the letter you referred to.

Mr. Williams: Yes, hon. Member.

Mr. Al-Rawi: Thank you, Sir, appreciated.

Mr. Chairman: Commissioner, let me ask this. In all that you had become aware of, up until the time you transposed the responsibility to the PCA, in accordance with section 48, as you told us, did you see in all of this any insubordinate or oppressive conduct on the part of any officer or officers out of that event?

Mr. Williams: I have not gone into the investigation other than to address the recommendations made by the investigator.

Mr. Chairman: Thanks.

Mr. Williams: And those recommendations, I have submitted what I have done on those recommendations.

Mr. Chairman: Thank you. In all of this, did you see anything that reflected disobedience to orders by any of the officers under your charge, in all of this matter?

Mr. Williams: The answer is the same. I have not gone into the investigation. The investigation was not a complete one. We reported to the Joint Select Committee here. The investigator himself was here. He accounted for the time frame that he had and all of us accounted before the Joint Select Committee.

Mr. Chairman: Well, you know, Commissioner, to learn that you as Commissioner did

not go into whatever the extent of the report that was in front of you revealed is more than interesting, if that is what you are telling us. Because, as the member who spoke before me was pointing out, you have certain constitutional responsibilities and you, of course, have responsibility under the Police Service Act and the Police Service Regulations.

Let me remind us about Regulation 150. Some of the disciplinary offences there are:

1. Discreditable conduct,

—which may not be serious police misconduct worthy of the attention of the PCA.

2. Insubordinate or oppressive conduct.

—again, may not reach the standard of serious police misconduct to attract the attention of the PCA.

3. Disobedience to orders.

4. Breach of confidence and corrupt practice.

These are items in Regulation 150 that you have responsibility to oversee, to manage, to administer. And to learn today that you have not gone in, in great detail.

I tell you why it troubles me and us, because in truth the reason why you are here today is because the public who we represent as a Parliament and who you serve as Commissioner of Police, there is a sense of disaffection, a sense of dissatisfaction with this matter. So when we summoned you here, we summoned you thinking that you would have grasped the opportunity to salve this disaffection from the public because they want to know what happened.

There was thorough interrogation in a previous manifestation of this Committee. There was thorough public discussion toing and froing, social media on the matter. The public themselves suffered directly as a result of the activities of that day and for the public to see you before this Committee again today, to hear that you did not go in, in great detail to the report that was available to you and that subsequently you passed it on to the Police Complaints Authority, having nothing further to do with it, and the reality that up to today, that public of which we speak and we serve has not had any sense of finality. The reality is, even the PCA has not yet reported to

you or to the country as to the outcome.

And the PCA was supposed to be here today. And, of course, that had to be set for another occasion. In short, the public wants answers. And on their behalf I ask whether, in your general terms of reference, in your general duty as Commissioner of Police, you have found so far, nothing that you considered worthy of further pursuit and investigation, simply leave it up now to the Police Complaints Authority, notwithstanding that there may have been matters, as I just quoted them, that are short of matters that might attract the attention of the Authority. This does not lend itself very well for public consumption. What is your reaction to that?

Mr. Williams: I would share some slight disagreement with your viewpoint on the matter. Where I sit, discipline is a matter which the regulations require that I stand above and away from. The issue of whether there is some, as you refer to it, breach of the regulation is a matter which has to be dealt with other officers, separate and apart from the Office of the Commissioner.

The Office of the Commissioner, by way of the regulation, has the responsibility for imposing the ultimate disciplinary sanction up to the point of dismissal. So it has to be dealt with by others. When I share with you, it is the exact position I would share with anybody else, in relation to matters involving discipline, because that is what is required of the Office of Commissioner, to stand away from matters like those.

I also shared with you that, out of the investigation that was done by Acting ACP Edwards, the recommendations that he made, we actioned many of those recommendations. So it is not that nothing was done. We actioned many of those recommendations. The recommendation of the Joint Select Committee for the continuation of investigation is one which I shared with you, that under the law, the Police Complaints Authority, the law speaks to a particular thing and it gives an independent body, the PCA, the authority to address serious police misconduct and it also says that they have the sole responsibility, sole responsibility, and that is where it is vested in them.

And section 48(2) is clear. If my interpretation is wrong well I see it as a literal clear provision of the law and I have done what I am supposed to do and I am dependent on the PCA

to complete their investigation. I cannot dictate to them how fast to do their investigation.

Mr. Chairman: Commissioner, thank you very much. Before I allow my colleague, Miss Olivierre to make an intervention, we, this Committee, are acutely aware of the Act that governs the operation of the Police Complaints Authority, but for the benefit of those who are hearing us and looking at us, let me say for their benefit, because we know you are acutely aware as well, the PCA is empowered to undertake audits for ascertaining if there is corruption within the police service, as well to gather evidence that may be admissible in the prosecution of a person who is not a police officer for a criminal offence, in relation to the police service. Three, it has the power, of course, to collaborate with persons or bodies, may it be public or private in the performance of its functions, and it can conduct an investigation on its own initiative on the basis of a complaint made by a member of the public, a police officer, a public body or authority, or the appropriate unit or a disciplinary tribunal of the police service.

We understand the role of the PCA, you know, Commissioner. I am simply saying, as I press on to invite another member—and the idea of they having the sole authority, we are suggesting to you that, two things: the general role and responsibility and authority of the Police Commissioner never stops. It may coincide at times with what the PCA is doing, but the role of the Commissioner does not stop. And further, there may have been breaches of the police regulations, detectable in all the reports and the investigation of Mr. Edwards, that may not have been serious enough to attract the attention of the PCA that may have fallen squarely within your purview but they have not received any attention. Perhaps, because as you have said, you did not go thoroughly into it. And I am saying, as representative of the public, that does not make me feel very comfortable. That is all.

Miss Olivierre: Thank you very much, Chairman. Mr. Commissioner, one of the recommendations of the Joint Select Committee indicated that intelligence gathering as an area of law enforcement should be given extra attention and possibly enhanced to prevent similar occurrences. I imagine this would have come out of the belief that several senior members of the

service were not aware of an action being planned. So I would like to ascertain from you, following the events of March 23rd, what actions, if any, have you taken, to improve the intelligence-gathering capability within the service?

Mr. Williams: In this particular matter the Special Branch is of greatest concern to intelligence gathering. What we have done, we have met with the Special Branch. We have highlighted the weaknesses generated and identified from this investigation, which was done by Acting ACP Edwards and we have in fact carried out extensive training to improve the Special Branch. We have also done extensive training of other units in the police service, including the Criminal Gang and Intelligence Unit.

Miss Olivierre: In addition to the special training that you would have done, has the service sought to acquire any new equipment to help with intelligence gathering and any other measures have been taken to improve the overall intelligence-gathering capabilities?

Mr. Williams: Yes, the police service has acquired additional technology and has benefited from donations of technology from other organizations.

Mr. Chairman: Well Mr. Commissioner, time has run out. One of the recommendations, though, the one that I quoted earlier actually is recommendation number x. Let me just rehash it.

“The quality of human intelligence resources within the police service which could detect internal threats should be examined and improved.”

I think you did agree that that one did not hinge directly on the outcome of the PCA's investigation, in respect of section 48 of their authorizing legislation. So I would like to ask that you issue a report to this Committee, in respect of the matters that you have addressed in those recommendations. I was about to ask, in this public forum about some of them and then my public spiritedness told me that I should not. However, I would ask that you indicate to us in writing, what are some of the things you have done to bring about the improvements that the recommendations directed your attention to. Can we look forward to that?

Mr. Williams: I will so submit, Chairman.

Mr. Al-Rawi: Thank you, Mr. Chairman. Hon. Commissioner, would you mind please including into writing how it is you have formed the view or the basis upon which you have formed the view, using a word that you have used in the past, that you are estopped or precluded from acting upon the recommendations which this Committee asked you to do in writing by its letter, as a result of a collision with the PCA Act. I would be very interested to understand that in a little better detail if you have been the beneficiary of any opinion or advice, which you based your estoppel upon, then would you kindly provide that advice to us as well?

Mr. Chairman: Mr. Commissioner, thank you. So all that falls for me to do as Chairman of this Committee is to warmly and sincerely thank you, Commissioner of Police, for taking time out, along with your senior operatives and other staff, to come before us this afternoon, and to give you notice that we will be asking you to be with us sometime in the not-too-distant future, because there are some other matters. We will write to you. There are some other matters that we would like addressed in the public interest, from the level of this Committee.

I think that the promise that you made to provide the report that we sought, that should—how much time do you think it would take you to do that, Commissioner?

Mr. Williams: One week's time.

Mr. Chairman: One week's time. That would be quite fine. We would like to be even more generous, Commissioner. We would say by 10th. We would give you a little more time because we know you are heavily burdened; lots of stuff to do.

So I would like sincerely to thank you. I would like to thank you profusely and while I have your attention, in particular, on a matter that is not closely related to this, I would like to thank the officers, the men and women of your police service, for your general efforts to keep this place as whole as it ought to be.

I know yours is a tough business. I know that nobody takes time to measure the preventative aspect of your presence and what you do, and most times we just look on other things. But we in this Committee understand full well the challenges that a modern fast-paced society, that is

Trinidad and Tobago, poses and we wish you very well and to assure you that our interrogation this afternoon, on behalf of the larger Parliament and on behalf of the people of Trinidad and Tobago, it is with nothing else but noble intentions, two-fold in this particular regard. One, to assist you in clarifying the approaches that you would take in serving the country as you want to and as you should; and two, to give the public—because we are always mindful that they are the ones who pay us to serve them—to give them information and to give them the comfort that the best is being done to assist and to protect them and more acutely to assure them that if there is any attempt to cover up anything, the Parliament of Trinidad and Tobago will be no part of that.

So it is against that kind of background that we interrogate as thoroughly as we have, because they are looking on and they have a sense. They have a feeling at any rate, not a sense, a feeling that somebody is covering up things in this country, and we have a duty to shed light on those things. So it in that regard that we have summoned you here and we thank you very sincerely for your work and for coming and put you on notice that we should have you with us in the not-too-distant future.

Mr. Williams: Thank you very much, Chairman and members. We will continue to do our best in serving this country and responding to the Joint Select Committee on any request that it has made of us. Thank you.

Mr. Chairman: Thank you very much. God bless you all. Thank you.

3.36 p.m.: *Members of Trinidad and Tobago Police Service depart committee room.*

Mr. Chairman: Committee members, we have some other business to sort out. We have other people with us. Therefore, this meeting with the Police Service is now formally suspended.

3.38 p.m.: *Meeting suspended.*

3.46 p.m.: *Meeting resumed.*

OFFICIALS OF THE MINISTRY OF NATIONAL SECURITY

Mr. Simeon Yearwood

Permanent Secretary

	(Accounting Officer)
Mr. Vel Lewis	Permanent Secretary
Ms. Maria Joseph	Acting Deputy Permanent Secretary
Ms. June Thomas	Director, Finance and Accounts
Ms. Joy Seepersad-Boodoo	Acting Director, Human Resources
Mr. Mark Lutchman	Project manager

OFFICIALS OF THE FORENSIC SCIENCE CENTRE

Mr. Glen Parmassar	Acting Deputy Director, Forensic
Mr. Derrick Sankar	Acting Scientific Officer III

Mr. Chairman: A very good afternoon to you all, ladies and gentlemen. As I reconvene the public hearing of this Joint Select Committee on National Security, pursuant to this Committee's enquiry into the operations of the Forensic Science Centre, and the issue of DNA sampling in Trinidad and Tobago.

Let me for the formality, in case you missed it, indicate that this hearing is being broadcast live on the Parliament Channel 11, Parliament Radio 105.5 FM, and the Parliament's YouTube Channel, ParlView.

Might I as well inform members of the viewing and listening audience, that they can send comments via email at parl101@ttparliament.org, or on our facebook page, [@facebook.com/ttparliament](https://www.facebook.com/ttparliament) or on Twitter@parliament.

Let me welcome formally again, the Permanent Secretary, Ministry of National Security, and the officials of that Ministry, as well as the officials of the Forensic Science Centre to this meeting. And we begin with my requesting that you introduce yourselves to us and to members of the public, in the order that you see fit, beginning of course with the Permanent Secretary.

[Introductions made]

Mr. Parmassar: I might add, Acting Director for two weeks, and probably another two weeks, but substantively, Deputy Director of the Centre overall.

Mr. Chairman: Thank you all very much. My name is Fitzgerald Hinds. I am Chairman of this Committee, and let me invite my colleagues to introduce themselves, starting on my left.

[Introductions made]

Mr. Yearwood: Chairman, permit me, there is one more member of our team.

Mr. Sankar: Good afternoon members of the Committee, my name is Derrick Sankar, I am the Acting Scientific Officer III at the Forensic Science Centre.

Mr. Chairman: Thank you very much. Sorry about that, and let me indicate, that we have other members of the staff of the Parliament here, who act as the Secretariat to this Committee, and they are well known to you and Trinidad and Tobago. They prefer to remain as good public servants, faceless if they can and quietly behind the scene, but they are here with us. Thank you very much.

Let me remind us that we are focused today on really, four objectives. Four objectives of this enquiry are:

- To gain an understanding of the operations of the Trinidad and Tobago Forensic Science Centre;
- To determine the effectiveness of forensic sampling and the process of the collection of DNA in criminal investigations.
- Thirdly, to identify the current challenges faced by the Trinidad and Tobago Forensic Science Centre as it relates to effective forensic services.

We had as well listed among these objectives:

- To gain an appreciation of the status of the Trinidad and Tobago Forensic Science Centre, ISO/IEC 17025 standard, according to World Health Organization.

—but that we consider has been to some extent satisfactorily treated with.

Let me remind members that we did receive a written submission from the Permanent Secretary, Ministry of National Security, dated March 04, 2016, in response to a written request from this Committee. With those things behind us, I would like to invite you, Mr. Permanent

Secretary, Ministry of National Security, to make brief opening remarks.

Thank you.

Mr. Yearwood: Thank you, Chairman. Good afternoon again to all. The portfolio of the Trinidad and Tobago Forensic Science Centre, was reassigned to the Ministry of National Security in September 2015. The Centre is located at No. 17—19 Barbados Road, Federation Park, St. Clair.

The role of the Centre is essentially to provide one, forensic science services in the areas of biology, chemistry, document analysis, toxicology and firearms. And two, forensic pathology services, for example post-mortems, in support of law enforcement agencies involved in the investigation of crime.

The Centre faces such challenges as inadequate staff complement, inadequate accommodation. In this context, efforts are being made one, to develop a state-of-the-art centre on five acres of land at Carlsen Field, and two, to ensure institutional strengthening over time, one such area is development of a DNA custodian unit.

Thank you.

Mr. Chairman: Thank you very much. Just a little bit of housekeeping, when you speak, you can press the speak button in front of you, so that what you say would be heard and recorded by *Hansard*, who is present. And, of course, members, the floor is now open for any questions you may wish to direct, to those who are in front of us. Member?

Miss Olivierre: Thank you. I would like to refer to the written submission that we received. Looking at the response to iii, where we asked for information and statistics relating to cases that are waiting to be processed.

Now, from the table submitted to the PS that this is a statement of the outstanding cases. So cases that are waiting to be processed or in progress, and the status as at December 31, 2015.

What I would like to know is, an indication of what percentage of the total cases, that pass through the Centre is represented by these numbers? To me well, because if you just look at the

numbers in isolation, then we do not know the total number of cases that pass through the Centre, then we cannot get a sense of how efficient and effective the Centre operates.

So from my understanding, you can correct me if I am wrong, but this simply appears to be a statement of essentially outstanding cases, with no indication of the total number of cases that would have passed through the Centre. So if you could clarify, so we can get an indication of what percentage of cases remain outstanding for an extended period, it would certainly be helpful in us ascertaining the efficiency and the effectiveness of the Centre.

Thank you.

Mr. Parmassar: Yes. Good afternoon. In relation to these statistics, like I mentioned, they were compiled by the last Director, well, the present Director, who is on vacation leave. In compiling the figures, I believe she was asked to give what was outstanding and based on that I believe this is how the response was.

To give an insight as to the quantum and volume of work of the Forensic Science Centre, last year in 2015, the Trinidad and Tobago Forensic Science Centre received 3,105 cases, and in receipt of those 3,000 cases, there were 19,441 pieces of evidence submitted for examination. In the area of pathology, the Centre conducted 1,019 post-mortems. To date, in normal case work submission, excluding pathology, the Centre has received 1,301 cases, with 8,631 pieces of evidence. And in pathology, we have received as of May 31st, 473 post-mortems have been conducted, which roughly works out to about, I would say, about 90 a month. Currently, this is only being handled by two active pathologists at the Centre at present.

So it gives you an idea what was received last year and to the current period, and I would add in previous years, we have roughly approximated in that category, of roughly 3,000 cases. So the figures outstanding give an indication of what—

Mr. Al-Rawi: Would you please repeat those again, with apologies?

Mr. Parmassar: Sure. In 2015, 3,105 cases which would have comprised 19,441 pieces of evidence required for examination. To date, in that submission as well, we have received 1,301

cases; this is to May 31st, and this includes 8,631 pieces of evidence.

In the field of post-mortems, I know the country normally looks at the murder rate and homicides every year, but we are deluded at the Forensic Science Centre with other bodies that do not necessarily constitute the normal homicide type cases, but in 2015 the Centre conducted 1,019 post-mortems. And as of May 31st—I checked prior to coming here—we had received and conducted 473 pieces of evidence.

I should mention here, and I think it is important, while these figures give an indication of the outstanding cases, in the area of pathology with all the challenges the Centre has had, to the credit of the pathologists and the personnel at the Centre, all bodies once they are submitted to the Centre are worked on, and within a day or two, sometimes maximum three, depending on the workload of the pathologists, all autopsies are conducted within that time frame; and therefore, members of the public do not have to wait in too long periods of time to actually receive, you know, their bereaved ones and, you know, to deal with those types of situations.

Miss Olivierre: Okay. Well, thank you for that information, and certainly we must congratulate the pathology department, for their efficient and effective operations, but if you could submit in writing, just the total numbers for the four categories that we would have previously requested, it will certainly help us get a better idea, in terms of these specific ones, toxicology, ballistics.

Mr. Parmassar: We will certainly do that.

Mr. Al-Rawi: Could I, on the back of the question by my colleague member, ask you please for following information:

1. The number of cases which are pending before the Assizes or Magistracy, which are impacted by the outstanding statistics that you have provided for us.

So whilst we recognize, if I may explain, 1,591 or 3,155 ballistic matters, I would like to know how those are grounded in the criminal justice system, i.e. the particular cases that they are involved in.

2. I would like to have the disposition ratio over time for as far back as you can, perhaps a five to six-year period or a ten-year period, whichever is convenient for you.

What we would like to have as well would be the work ratio from the human resource perspective to the work product perspective.

So, for instance, the DPP's Department is a 1:80 ratio, whereas in Jamaica, it may be 1:20 ratio. I would like to be able to factor what the work ratio on the human resource factor looks like. If you could also provide us with:

An estimate for clearance of backlog. What is the specific requirement for the clearance of backlog, in terms of physical resources, that is plant and machinery or human resources?

Could you also tell us:

What outsourcing arrangements the forensic institute engages in? Specifically as it relates to ballistics or gun issues, insofar as armoury, if you borrow the police term, may be involved, and specifically on DNA evidence as it relates to murder and sexual offences.

And if I could just disclose to you why we are interested in those specifics. As a Committee, in making a recommendation to the Parliament, we would like to be able to marry the solution with the problem. So we are inviting you to squeak, so that the wheel which is squeaking can have the oil. So I do not want you to take the request as one which is an attack. It is intended to be one to ventilate, because this is a situation which has gripped our country for many years, not just last year, or not for the last five years.

What we would also like to have please, would tie in, in terms of proposals for the criminal justice system, which is next on deck for public commentary, at least from the Attorney General's Office. The forensic institute is an integral partner in the criminal justice system, and requires efficiency if the criminal justice system is to work, because there are many cases that are impacted by the caseload that that you manage or, more particularly, cannot manage, not do not manage, but cannot manage. So that is at least from a written perspective, if you could provide us with further information.

Thank you.

Mr. Parmassar: Yes, hon. AG, what I would like if possible, if you can give us a detailed listing of what you require, and I will be more than happy to try and have the information gathered. In one or two of the areas, like the correlation between the work of the Centre and what is in the court, there might be a little challenge for us because once a request is made by the police, the cases are worked on by the Forensic Science Centre, the report is given back to the police. Thereafter, what action is taken, you know, whether at the police level or DPP's level, we may not always be aware of that, but I will try to see how best we can make the correlation.

Mr. Al-Rawi: Then let me refine that request, you can provide us with the information to the police, if that is where your door stops. The Secretariat to the Committee will, of course, provide you with the requests that I have just itemized for you.

Thank you so much.

Mr. Parmassar: I do appreciate it, and I do share your concerns with the rationale for the statistics. I do believe myself that the Forensic Science Centre can and should be playing the most integral part, in trying to reduce the crime situation in Trinidad and Tobago, especially as detection rates are concerned in the administration of justice.

Like I said, I have only been here two weeks, and I will only be here for another two weeks. When I leave, the regular Director who is on vacation will come back. I will try and coordinate with her, but in a lot of the areas, I do believe that we can make significant inroads in improving efficiency, but at the same time we do have significant challenges especially in the areas of storage, in capacity and staffing, that we may have to look at, you know, probably, hopefully in conjunction with your Office as well as that of the National Security Ministry itself. I see present in this Committee, members I have integrated with myself as a forensic expert in the past, in the criminal courts and civil courts. So I understand fully, you know, the need for the Forensic Science Centre to really play its part for the betterment of the citizens of Trinidad and Tobago.

Mr. Al-Rawi: Those of us who have worked with you in court, I speak for Mr. Ramadhar,

Mr. Hinds and myself, I do not know if my other legal colleagues, like Mr. Coppin, have. Thanks for your dedicated work and for your response.

Thank you very much.

Mr. Ramadhar: Thank you, Mr. Chairman. Mr. Parmassar, in relation to forensic pathologists, I overheard you say that there are only two on service now. I know that efforts had been made in the past to retain further numbers of forensic pathologists. Can you update us as to the progress there?

Mr. Parmassar: Okay. Fortunately we have the person from the human resource department. What I would share with the Committee is that the Trinidad and Tobago Forensic Science Centre does not have the capacity to do our own hiring. So we have to go through the aegis of the Ministry itself and institutions like the CPO and DPA's office. After she has enlightened you as to the actual position, I could come back and answer the question which I know you are asking, in terms of how well we are coping with what is happening.

Ms. Seepersad-Boodoo: Good afternoon again. With regard to the positions of pathologists at the Centre, there are four positions, all contracted positions. Currently, two of those positions are filled. The other remaining two, an offer of employment has—well, we are in the process of offering employment to a third individual. With regard to the fourth position, the Ministry will be taking steps shortly to re-advertise that position, in attempts to fill that fourth and final vacancy.

Mr. Ramadhar: Chair, with your leave, of course. Now, we appreciate that these are highly specialized experts, and they are very short in number, in terms of the world capacity. I know, serving as a former Minister with some responsibility for this, that sometimes you are handicapped by the length of time it would take to get the approval from other offices and by which time those who had shown interest had moved on and had been basically taken elsewhere. Is there any suggestion you may want to put before this Committee to allow us to—in some way facilitate a speeding up of the process? So that when you have a candidate at the hand, you are

able to capture them with a contract.

Ms. Seepersad-Boodoo: With regard to that, I agree that sometimes we do face challenges. On the last attempt where we had advertised the position of pathologist, not only is it the period of time it takes, because we do have to depend on central agencies like the CPO, to determine terms and conditions of employment, but sometimes we are faced with other challenges.

In the last recruitment exercise, we were faced with challenges of having security vetting done. Sometimes the persons that are identified as you rightfully said, there is a dearth of that capability within Trinidad and Tobago. So when we do identify persons, sometimes they are from abroad. You have to go through the whole security vetting process, which in itself sometimes we face challenges in terms of the period of time.

As well as in order for a foreigner to operate as a pathologist in Trinidad, we need to get the relevant—we need to have them—we need to have their qualifications looked at by the Medical Board of Trinidad and Tobago, to verify that the persons and the qualifications and experiences that they are coming with, that they will be allowed to be registered with the Medical Board to perform as a pathologist in Trinidad and Tobago. Even with that, there are challenges because the Medical Board on the last instance that we had written to them, requesting for them to look at some academic documents that were submitted to us by potential candidates, even they had indicated to us that they were not in a position yet, because they had some challenges of their own in getting some sort of approval from the Ministry of Health. So even with regard to that, we have several challenges. So I agree sometimes you do find the persons, but the length of time to sought out all the background and supporting things to go with it can create challenges that frustrate the process.

In terms of what suggestions we may have, one of the things that the Ministry did look at, was trying to get our locals trained in the area and with regard to that we have partnered with the Scholarships and Advanced Training Division where approval was granted for the issue of six scholarships in the area of forensic pathology. So we are working with the Scholarships and

Advanced Training Division.

Thus far, based on feedback from that division, they have interviewed two potential candidates for scholarships in the forensic pathology area. We are currently doing the security vetting aspect of that. Once we get the results of that, the information will be passed back to the Scholarships and Advanced Training Division so that possibly those persons can be awarded scholarships. So it is a method. It is a strategy that we are using to try to get some of our locals trained in the area, so that we can fill some of our vacancies within.

Mr. Parmassar: Yes, on the human resource point, could I follow up to that question as well? I believe there could be some insight.

Mr. Chairman: No, I think she has handled it. She has treated with it rather thoroughly, I believe.

Mr. Parmassar: I do have a suggestion I think, that, with the benefit of the Committee, might be worth sharing. The position have always been in shortages in different fields for the Forensic Science Centre—goes back a long time. I think even when you were practising, I remember you making suggestions when I was the only document expert at the time, dealing with those issues.

Here is something—and I have only been in this position for a short period and I have started the look at those very issues. Since we can remember, Trinidad and Tobago has always been in a problem where pathologists are an issue. Hear the facts, the profession of pathology is a subdivision of medicine. It is not a subdivision of forensic science. What does that mean? If we can take the position where forensic science as it is deals with the true law enforcement aspect, document examination, firearms identification, DNA analysis, and take the forensic pathology back, back to where it belongs, in the realm of medicine. What does that mean? It means it really should be under the Ministry of Health, and I say this is the forum for it, because I do not know when next or how we will get the opportunity to deal with really proactive solutions to solving issues in Trinidad and Tobago.

This is one area in the United States and other jurisdictions, pathology is handled by a coroner's office; that is the Ministry of Health. Here is what happens if you look at the statistics. We received 1,019 requests and conducted 1,019 post-mortems in 2015. The homicide rate in Trinidad hovers around 450 to 500, that means, and again this is only within the short time I have been here. The Trinidad and Tobago Forensic Science Centre is doing approximately more than 500 autopsies or post-mortems that do not necessarily have to be conducted by a pathologist. That taken as it is, therefore, means therefore, if we could put it under the ambit of the Ministry of Health, okay?

I looked at an org chart from the previous Director this morning, she was present at a meeting, and I remember at one time, we had Dr. Chandu Lal who was listed as the Chief Forensic Pathologist. We do not have that anymore. So right now the pathologists report to me as Deputy Director in my substantive dealings with them. I am not a medically qualified individual, but I am supervising pathologists, granted without, you know, saying too much, I mean, I have dealt up a really good working relationship with the present individuals, and they have been quite cooperative in handling almost everything that we have tried to work together, despite constraints. But here is what it could do for Trinidad and Tobago, if we make the switch at the strategic and tactical level. If you move it to the Ministry of Health, you will get the situation where, house officers, registers could come and work on those bodies, and, therefore, the resources of the pathologists could be diverted elsewhere.

A pathologist by international standards, should only be working on an average about 250 bodies per year. Okay? So—

Mr. Chairman: I think it is a rather interesting angle, a very interesting angle and I would suggest that you put a position paper if you like, and submit it to us. We would be very happy to give serious contemplation to this, and I urge you so to do.

4.15 p.m.

Mr. Parmassar: I am very happy to hear that because I believe this is one of the things

that could make the centre better, and it would also give the opportunities to new people to enter the field while—

Mr. Chairman: Certainly, certainly. Mr. Coppin, you had a question.

Mr. Coppin: It was slightly answered by what Mr. Parmassar was saying. It related to the international best practice as it relates to the number of pathologists per cases, for instance. But in any event, given that you have already stated, I think it is 250, I probably just want to move on to another question. In your written submission, there is an astronomical increase in the number of cases waiting to be processed in the fields of narcotics and toxicology, in particular, as well as homicide. Could you give us an indication as to why that is such an astronomical increase between the years 2014 and 2015?

Mr. Parmassar: What is happening with the forensic—?

Mr. Chairman: Please permit me. The public who is listening to us is not in possession of the document that is in front of us. So, let me for the purpose of elucidation say to those who are listening and watching, the question from this Committee to the department was that they provide this Committee with information and statistics relating to cases that are waiting to be processed at the Trinidad and Tobago Forensic Science Centre as at December 2015 in each of the following cases:

1. Narcotics;
2. Homicides;
3. Ballistics; and
4. Toxicology.

Now, in answer to that you produced a table with six columns: type of case, the four that we have identified: narcotics, homicides, ballistics and toxicology. The next column is headed: "No. of cases submitted prior to 2013". The next column is headed "No. of 2013 cases" that is within the year 2013 and then 2014, then 2015 and the final column, column six, deals with "Total No. of cases". And I would like, therefore, if you would explain, one of you, what does this column,

sorry, these columns, what does it say? Explain it, because it is a little complicated as presented, and then you will tackle the question of Mr. Coppin, Sen. Coppin.

Mr. Sankar: Members of the Committee, I am Derrick Sankar. I would attempt to explain the table even though I am not the author of the table. The narcotics cases, in the second column you have number of cases submitted prior to 2013. That number is 22. That represents the backlog of cases that we received before 2013 that are yet to be processed.

Mr. Chairman: Narcotics cases.

Mr. Sankar: We are dealing with the narcotics cases. The number of cases we received in 2013 itself yet to be processed is seven. In 2014, there are 17 cases and the number of cases in 2015 that are received and not processed as yet as of December 31, 2015, 715, which gives a total of 761 cases yet to be processed as of December 31, 2015.

The number in "(292)" indicates that which was processed for the first two months in 2016, because the letter or the response is dated March. So the Director gave the "(292)" representing of the 761, "(292)" were processed as of the end of February.

Mr. Chairman: Pause. Now these numbers, outstanding cases, seven in 2013, 17 in 2014 and in 2015, 715. They are startling to me, especially when I hear and I am to some extent personally familiar with the fact that some of the narcotic cases that come to your department for analysis when the police arrests and charges someone, they plead not guilty, it comes to you for analysis to prove that it is a narcotic. In some cases the reports are—and I have personal knowledge of it as I said. Some cases they take two and three years. So with these very slim figures, it is very hard to cognize to balance this. Please explain.

Mr. Sankar: I know from my experience when there are priority cases—and one of the priorities we consider very important to us are cases where the persons pleaded guilty and sought immediate justice. A decision by the court is requested and it is transmitted through the police officer who submitted the case and we, most times, obliged and process that case ahead of other cases. The normal cases that take two to three years are cases that are in the traditional backlog

and we prioritize. If you notice in 2013, we have only seven. So we start the backlog from the earlier years and come up to the present. That is the usual trend at the Forensic Science Centre.

Miss Olivierre: Perhaps, I think it might be necessary to clarify. I mean, that seven in 2013, it is not a total of seven cases that was sent to the Forensic Science Centre.

Mr. Sankar: No, no, that is seven that is outstanding, so we have processed the rest.

Miss Olivierre: I just wanted to clarify.

Mr. Chairman: But if you processed the rest, why are we having cases taking—explain, if you process all as at December 2013—

Mr. Sankar: For 2013, yes.

Mr. Chairman: In the last five years, why do we have this large backlog and some cases not coming before the courts, some certificates of analysis not getting there until three years later? That is what I would like you to tell the public.

Mr. Sankar: In areas such as ballistics, we have a backlog.

Mr. Chairman: I am not talking about ballistics.

Mr. Sankar: Narcotics.

Mr. Chairman: I am talking about narcotics. There are people—one of the problems that we are having here now is the length of time matters are taking to be disposed of in the courts. This is causing all kinds of adverse feedback in the Remand Yard and all of that. So the public is concerned that the administration of justice, particularly in the criminal area, is taking too long. When you get into it, one of the reasons why it is taking too long is because the narcotic takes two years to be analysed and to be certified as a narcotic. Am I correct Mr. Ramadhar?

Mr. Ramadhar: Yes.

Mr. Chairman: Yeah? And if your record to this Committee is that you only have 717 outstanding, it is incredulous. I do not understand it. I would like you to explain, not to me alone, but to the public in the face of the threat and the problem I have just described, how could you be so efficient?

Mr. Sankar: What I know is that we had acquired the services of two contracted positions, two analysts and they have assisted in processing the cases at a faster rate.

Mr. Chairman: In which case then it is safe for us to tell the country, this Committee, that the backlog thing finished, and that when a matter comes in to your department for analysis, a narcotic matter, at any rate, within that very year it will be back certified in the court? Can I safely tell that to the public?

Mr. Sankar: I would say yes, Sir, because we have been treating with the narcotic cases at a rapid pace.

Mr. Chairman: I just want to remind you though that whatever you say here will be taken down in writing. [*Laughter*]

Mr. Sankar: And I am specific to the narcotic cases.

Mr. Chairman: Yes. Let us go on to ballistics now.

Mr. Sankar: Again, the ballistics, the figures there, 1,591 represent cases yet to be processed prior to 2013. The number of cases for 2013 yet to be processed, 453; 2014, 507; 2015, 604. The total number of cases yet to be processed or the backlog in ballistics is 3,155 cases.

Mr. Chairman: Why is that so?

Mr. Al-Rawi: Sorry, I was asking whether there is any overlap in those cases. So in the same way a sexual offence might relate to one matter, but the 14, I was wondering what the incidence of overlap look like in those or are they standalone?

Mr. Sankar: They are separate cases, and the cases we received are homicide cases, wounding cases and other cases where we require microscopy.

Mr. Al-Rawi: Is the type of ballistics—sorry to intrude—simply a request that this gun, that this is actually, first of all, ammunition within the definition of the Firearms Act or secondly, that it is this? Is it in relation to the gun itself or the bullet itself? Is it also involving a match-up between the two if a weapon has been found?

Mr. Sankar: Okay, prior to 2013, we had a large number of possession cases, possession

of firearm and ammunition, which refers to the gun itself, cartridge cases and bullets. So once you found in possession, then the charge of possession, we conduct an exercise what is called firearm identification. That constituted a large number of the cases. For example, in 2011, we had 482 possession cases by itself.

In addition, we received cases that require microscopy which uses the comparison microscope which involves homicides, wounding cases as well as other cases involving the use of microscopes. So, for example, in 2011 we had 1,068 cases received by the section. An arrangement was made for the Police Armoury to channel or to take all the possession cases away from us which constitute about 50 per cent of our cases, our workload. As a result, compared to 1,068 in 2011, we now received 590 cases in 2013; 548 in 2014; 640 cases in 2015 and those are for microscopy.

Mr. Al-Rawi: And the armoury cases, if just to get the clarification, the possession cases then. No, the armoury, police involvement is simply for identification that this thing is a gun/firearm within the definition of the law.

Mr. Sankar: Yes, Sir.

Mr. Al-Rawi: Yes? Because a complaint coming for the Judiciary is that a number of the matters in the Judiciary are stalled simply because of somebody looking at what appears to be a firearm is not able to certify that it is a firearm. Have you any idea whether the optic, because as recently as just a couple weeks ago, we had seen the optic flow to the court. Has there been any optic or improvement as a result of the Police Armoury being involved?

Mr. Sankar: What I heard from the Police Armourer and from police officers who come to the Forensic Science Centre is that the Police Armourer, he now has a backlog, as he is the only reporting officer. I stand to be corrected on that. He has been indicating to police officers to wait their turn because he in turns has a backlog with the possession cases.

Mr. Al-Rawi: And if I could just ask, it is therefore a matter of the Commissioner of Police simply, well not simply. Is it a matter for the Commission of Police to have more armourers

appointed?

Mr. Sankar: It would seem so, yes.

Miss Olivierre: Thank you. If I may ask a question that would really seek to look at the systemic, the systems you have in place for conducting it. When I compared the rate of cases that are completed—I am just looking at numbers in brackets across the four categories—I see under "Narcotics" you have 292 cases completed in the first two months of the year, but then when we look at ballistics it is just eight cases completed. So I am trying to ascertain, in terms of the different types of cases that you have to work with, do you have adequate staff working in each of these different sections? Is there a different time period that a particular testing takes which would indicate why certain types of cases are done more frequently than others? As you would have indicated based on the changes, the number of ballistic cases has drastically reduced.

Mr. Sankar: No, narcotics.

Miss Olivierre: No, the number of ballistics cases would have reduced from prior to 2013. You indicated that the number of cases received in 2013 was about 519, yet 453 remained outstanding. In 2015, you got about 614 cases yet 604 remained outstanding. So it seems that the ballistic cases really have the lowest rate of completion. So is that a systemic problem or is it that you have less staff working in this area? How would you explain that?

Mr. Sankar: We have a contingent of five staff members, five scientific officers in the Firearms Ballistic Unit, one Acting Scientific Officer III, myself and four Scientific Officer Is. We have inherited a backlog from the possession cases from 2011, 2010 and 2012 in addition to our current cases that we received. We are trying to make—the 2011, 2012 and 2013 cases are now in the court. We are obtaining a lot of requests via summons, via police officers asking for the cases, via magistrates asking for the reports for these cases to be presented because they want to get the matter on and a lot of objections are made. The delay is too long. So we are reprioritizing our cases to satisfy the courts so that we will process some of the 2011, 2012 cases as the demand is made for them, and we are also trying to cut down on the 2013, 2014 and 2015 cases.

In answer to whether we need more staff, we do need a lot more staff to process these cases.

Miss Olivierre: But, to me, I am looking at the low number that has been processed for the first two months, just eight. So I am just trying to understand.

Mr. Sankar: That eight represents eight cases from 2013, 2014, 2015 that we have taken up and had processed. The majority of the other cases we have done for the month would have been from prior to 2013.

Mr. Chairman: Let me ask a question on behalf of the public again here. You said you might need more staff, let me ask a straight hard question. Does the staff who are there now work 8.00 to 4.00 or they come to work ten o'clock do one or two and then cruise home at four o'clock? I mean in a serious way, you know.

Let me tell you something, productivity is an issue. Everybody in this country knows that. We are here talking beautifully, you know, we need more staff. The question is: have we or are we maximizing the use of the resources including human resources that we now have? Because if you have five, but they come to work ten o'clock, there is no supervision—nobody to talk to them, they come to work ten o'clock. They saunter off half past 11 and come back 2.00 and then leave 3.30. We have a problem. So I am asking, do we work conscientiously in there and give our day for our pay?

Mr. Sankar: Whilst there is room for improvement in every section—

Mr. Chairman: I thank you. Now, let me ask another question. I think Sen. Al-Rawi. I keep saying Senator. My colleague, my colleague, my colleague. You see when we first fought together, we were Senators and so on. Yes, I am stuck in that. My apologies. But the question is and he raised it a while ago—what did you call it? Microscopy? I understand that to mean the capacity to match a spent shell or projectile—the part that leaves the shell and does the damage on the target—to match it to the weapon that discharged it. Am I correct?

Mr. Sankar: Yes, Sir.

Mr. Chairman: We are doing that here?

Mr. Sankar: Yes, Sir. We have two comparison microscopes.

Mr. Chairman: So every time that a weapon comes to you, you have now on record the foot or the fingerprint, the microscopy is recorded so you can know when a body shows up with a bullet stuck in it, you can know which gun generally it would have come from if you already had that registered in your database. Am I correct?

Mr. Sankar: Yes, the database does a cross-reference with previously taken—

Mr. Chairman: In this high season of murders, homicides, where the use of firearms is so prevalent as the Commissioner of Police tells us and as we observed: how is it our detection rate is so low and you are performing such a useful service out of the Forensic Science Centre? How is it? Why are the people of Trinidad and Tobago not getting the satisfaction of knowing that we use that technology and solve most of those homicides?

Mr. Sankar: Well every year the case work that comes into the Forensic Lab, all the guns that are tested, all the bullets that are submitted to the Forensic Lab, all are scanned and photographed and stored on the database. We have police firearms also submitted, firearms from the army, the normal traditional firearms that are taken off the streets. All test fires are sent to the Ibis section where the bullets are scanned and the images are stored for cross-reference and the Ibis section presents a report quarterly and annually as to how many hits or how many cross-references were successful—

Mr. Chairman: Great.

Mr. Sankar: —with a bullet or gun that was submitted. How many previous times the same gun was used. Those bullets are then taken back out of the collection and we the Scientific Officers with the expertise place them back on the microscope, and then we do a comparison to confirm whether the instrument, the machinery is really the same truth. When we confirm that we present a report to the police investigating officer, the relevant investigating officer who takes it from there and says whether he wants to link up the case and do a further investigation. So, it is a very useful tool.

Mr. Chairman: All right. Thank you very much. Mr. Coppin.

Mr. Coppin: Earlier in the presentation there was a distinction made between the number of cases and evidence, pieces of evidence being examined. My question is, because this table deals specifically with cases awaiting to be processed. Could you also give me an indication perhaps as to the pieces of evidence waiting to be processed as well?

Mr. Sankar: I do not have those figures, the unprocessed exhibits, the numbers themselves. I just have the number of cases.

Mr. Coppin: Could you undertake to perhaps provide that information to the Committee as well?

Mr. Sankar: Yes, I will.

Mr. Coppin: Thank you.

Miss Olivierre: If I may ask a follow up on your previous response. You outlined in the instance of the ballistics, the comparison, which would identify if the item that is being tested, it matches a specimen that you have previously seen. What I would be interested to know is what percentage of the time do you actually have a match?

Mr. Sankar: The instrument itself when we do a search, cross-references any possible match. The present test from the present gun has what is stored in the database, and if we have five possibilities, we take the five actual cartridge cases or the bullets and match them on the comparison microscope. Sometimes it is not to my satisfaction that it is a match. It is similar but there is not sufficient reprehensible markings to say it is a match, but most times the instrument is fairly correct and we do get a satisfactory comparison.

I cannot answer on what percentage other than that. The times that it does have a hit, as we call it, we look at the evidence and we determine whether it is to our satisfaction it is a match and then we present a report.

Miss Olivierre: Okay, well the reason I asked the question is because it will only have a potential hit if it is a weapon that you would have come into contact with, which you would have

stored in your database. So I am really trying to ascertain if that is the norm or if that is the exception. Is it that most of the cases that you are examining, you do not get a hit because this would be new weapons that would not have passed through?

Mr. Sankar: Sometimes you have trends. There are period of times when you have a lot of hits. The firearm that was submitted was related to five shootings, six shootings, 10 shootings, and sometimes it is possible one shooting it was related to, depending on the age of the firearm, if it was rented out. The circumstances vary.

Mr. Chairman: Let us advance, if you will permit me, this question of the DNA. We asked you how effective are your processes for collection, use and effectiveness of forensic sampling and the use of the DNA in criminal investigations. We have asked you to identify areas and procedures which would more effectively utilize forensic sampling and improve investigation and the detection of crime. You responded to us at page 1, and you told us that you use DNA and forensic sampling to assist criminal investigations by linking the identity of persons to crime scenes, linking crime scenes to persons, linking physical evidence to crime scenes, confirming scientific location of crime, longitude and latitude. Once DNA results are provided, it is usually very useful in the courts of Trinidad and Tobago.

Now, Joe Blog from Trinidad and Tobago or John Brown the visitor, based on what we see on the television in real life documentaries—I am not talking about movies now—we have come to expect that you can find a sample or a stain on a crime scene and should easily be able to link that to some individuals—some bit of his hair, some bit of his skin tissue under the woman who was raped and murdered under her nail, some fingerprint having squeezed on the neck for strangulation and a host of other things. We expect that our Forensic Science Centre, efficient as you tell us it is, would assist in the detection of crimes, but yet we are plagued with low detection in Trinidad and Tobago.

I would like you to tell the country, the public and this Committee more directly, how do you do these things, this linking? How successful you are of the identities of persons to crime

scenes and all of that and, particularly, how expansive now is this DNA databank that the law provides that you should keep? How comfortable we are to feel that you would make a hit when the occasion arises? Pray, tell us.

Mr. Parmassar: Yes, hon. member.

Mr. Chairman: Before you go, we are quite prepared to stay with you until 11.00 p.m. tonight. If you want to leave earlier, be as cryptic and as swift as you can be.

Mr. Parmassar: I will try. The question was asked, like I said, we were not privy to the response to the items. Only once we were informed we had to appear before you all, we tried our best to collect the information. In terms of the process of collection, use and effectiveness of forensic sampling, the process of the collection of the evidence is actually not done by the Trinidad and Tobago Forensic Science Centre. It is actually done by crime scene investigators and/or the police. It is only when the samples are brought to the Forensic Science Centre at that stage at the Forensic Science Centre—

Mr. Chairman: Let me ask a question, best practice internationally. In other jurisdictions in the US, in Canada, in England, in Australia, is that so? Is that dichotomy real or is it that the crime scene investigators are attached to the forensic science department?

Mr. Parmassar: It depends on the jurisdiction. In some labs crime scene officers are part and parcel of the forensic unit.

Mr. Chairman: And, in others, they belong to the police service and they submit samples for testing.

Mr. Parmassar: Right.

Mr. Chairman: So what is happening here is not strange or unique or improper.

Mr. Parmassar: Yes. Historically, in Trinidad, collection of evidence has come from the police. The Forensic Science Centre over time has not been the one responsible for the collection of the evidence.

Mr. Chairman: Sorry, I missed that.

Mr. Parmassar: I said overtime, historically, in Trinidad and Tobago, it was the police who was responsible for the collection of the evidence and then submitted it. With the advent of SAUTT and the training of crime scene officers, they have added a speciality of crime scene trained people to collect that evidence.

Mr. Chairman: So these people are the ones we see in the white suits?

Mr. Parmassar: Yes, they do not belong to the forensic—

Mr. Chairman: With the fancy shoes?

Mr. Parmassar: Yes, they do not belong to the Forensic Science Centre.

Mr. Chairman: Which unit they belong to, the police service?

Mr. Parmassar: From the police service as far as I am aware.

Mr. Chairman: Well then it is that, it is that. So they do it from the police service, but they are specially trained.

Mr. Parmassar: Yes.

Mr. Chairman: And I am asking you, the fact that these crime scene investigators are with the police service and not the Forensic Science Centre, is not a bar, it is not a problem, because it happens in other parts of the world too.

Mr. Parmassar: Correct, yes.

Mr. Chairman: Okay, so proceed. I do not see that as a problem.

4.45p.m.

Mr. Parmassar: So the Forensic Science Centre gets into the system once the samples are submitted. In the question that was asked in terms of usefulness of DNA in linking persons to a crime scene, once the samples are analysed they could belong either to the victim, a suspect, sometimes even a witness depending on, you know, how investigations are conducted. Once the report is generated it goes back to the police and it is the police who handles that aspect of it thereafter.

Mr. Chairman: Yeah, but I am asking, you told us that you assist in creating these

linkages, identifying persons to crime scenes—in other words, if on a crime scene you get a stain, you have that in your database; a woman is raped—that is what you are answering for me? A woman is raped, for an example, a swab is taken so semen is found but they have not found the attacker just yet, so you have that. One day, 10 years later the attacker is arrested and a sample is had from him, one way or the next, voluntary or otherwise. When you get that you ought to be able to tell us, this is likely the individual who did the rape 10 years ago. That is what I am talking about.

Mr. Parmassar: Yes, you can do that, once you have identified the DNA profile of the individual and a suspect is later obtained—

Mr. Chairman: So let me ask a question, do you find in your experience at your Centre that you get stain samples from many or most crime scenes or not that the police bring for you?

Mr. Parmassar: Again, the samples will come from the police. In the majority of cases that are submitted by the police, it is because they have obtained either swabs or clothing samples from the crime scene, whether it comes from the victim or, you know, the suspect, and that is what is analysed at the Forensic Science Centre.

Mr. Chairman: Yeah. I am asking you a question, I am asking, do you find from the statistics and from your practice that—

Mr. Parmassar: If we get a match? Yes, you do get matches, if I understand what you are asking.

Mr. Chairman: Not so much matches, you know. It is not only matches I am talking about. Do we, when there is a crime, for the most part, all the crime scenes, do we get a regular stash of samples coming from the police service from the crime scenes, stains—

Mr. Parmassar: Yes.

Mr. Chairman:—to put in your bank? Or do you, from where you sit, consider that the police crime scene investigators are not getting enough samples from the crime scene to bring to you to put in the bank? That is what I am asking.

Mr. Sankar: Mr. Chairman, just to interject, I refer you to page 3, the table at the top where we have the narcotics cases, homicide cases, ballistic cases.

Mr. Chairman: Yes.

Mr. Sankar: The table has, on the second column there, homicide, and it was clarified prior to this that the homicide really refers to homicide cases where it requires DNA to be done, or DNA analysis to be done, and the number of homicide cases where DNA analysis is required to be done is 2,338, which specifically refer to samples from homicides that are awaiting DNA analysis. The cases are taken, they are profiled using the DNA methodology, and they are stored in the file. That information is kept, and pursuant to the DNA Act where a system of a custodian has to be established and the custodian will manage the DNA database. We are building on our information and are awaiting for the custodian to be established and we will hand that information over to the custodian to manage the profiles of all these—

Mr. Chairman: So let me ask a question, it is not in all cases of homicide that DNA sampling or testing and analysis is necessary?

Mr. Sankar: To me it will depend on the circumstances of the case and the training that the officer received, and the instructions that the crime scene investigators are given.

Mr. Chairman: So let me put it differently, there are some cases of homicide in which no DNA testing or application is done?

Mr. Sankar: With the development where we require a database and profiling to be done we are almost profiling every single homicide, so that we will use that opportunity, that sample, to increase our database.

Mr. Chairman: Sir, let me ask again, in your response earlier, a minute ago, you pointed out that in the table that I went through earlier these are homicides in which DNA sampling is necessary, or is awaited. Remember saying that?

Mr. Sankar: Yes, Sir.

Mr. Chairman: Good. It is on that basis that I recognize that there are some homicides

where DNA application is not necessary, and, therefore, not listed here. Am I correct?

Mr. Sankar: It may be so, I am not the author of the document.

Mr. Chairman: Well, I do not want no “may”, I want to know. Just hold on, please, I want to know.

Mr. Sankar: I am uncertain if there are any cases where DNA is not required in a homicide.

Mr. Chairman: But you said that earlier, so I too am uncertain as a result.

Mr. Yearwood: I think, Mr. Chairman, that is an area that perhaps we would have to clarify with the police, because right now we get the samples from the police and they are stored at the Forensic Science Centre with of course the intention that once the database is created we could populate the database with the information that we have kept on file. So, at this point in time, I do not think we could say whether the police would bring to us samples from every crime scene. So it is something that, I am certain, we would need to clarify with the police because—

Mr. Chairman: Sir, at the end of the day, as far as the public is concerned, there is no difference between Forensic Science Centre and police. The problem that the country is having is that murders are being committed and people are not being caught, and that we have a Forensic Science Centre governed by the law of Trinidad and Tobago, and every officer therein is getting paid on a monthly basis, and the public is not getting service that we have grown to expect and to admire by our watching real movies—not movies, sorry, real documentaries and events, and statistics in other countries; that is the problem. And, therefore, if there is any shortcoming in the police service that is adversely affecting what you ought to do under law, that is something the public wants to know you are collaborating on a daily basis to resolve. I am not comfortable to hear nothing else. You follow?

Mr. Yearwood: Yes.

Mr. Chairman: And, therefore, if it is that there is any, because you did say—just one moment, please, counsel, colleague—you did say that you have challenges, let me list them for

those who do not have this document, the public:

The need for timely processing of exhibits from collection to analysis.

That is one of the challenges you say you have.

The absence of real-time systems for officers to check on the status of their exhibits at the police station; improved databases needed.

Imagine you saying improved databases needed, but that is your responsibility under law.

And four:

The absence of DNA databank locally so that samples can be processed.

A DNA databank is within the mandate, your legal responsibility, it is yours. So when you tell me about this is a challenge and a problem, without more I cannot understand that. What you should be telling me, or telling your line Minister, or telling somebody, is what you need in order to fix it. And then, finally:

The need for continuous training of persons involved in the collection and preservation procedures of evidence.

Now, if you discover anything, as you do your work, that is the result of police shortcomings, Mr. PS, then it is obligatory on your part to immediately collaborate with the police to resolve the problems in my interest—and I am bleeding, I am being murdered, I am being killed, you are being paid, and we all go merrily along. Mr. Ramadhar.

Mr. Ramadhar: Thank you very much, Chair. I think it would be quite helpful, PS, if you could update us on the status of the acquisition of a custodian for the forensic databank, because I am hearing a subtext that we do not have an effective databank, and one could understand if we have not developed yet, the databank with a custodian. So if you could give us an update on that I think that would be quite enlightening.

Mr. Yearwood: Thank you again, Mr. Chairman. Before I hand over to my colleague there to give some more details, I want to agree with the Chairman, and I simply want to add that the challenges have been recognized. The Ministry, we will be meeting on these aspects of the

Forensic Science Centre in the last few weeks looking at the challenges and coming up with some ways in which we need to implement a number of changes, and so on, at the Centre, to improve the effectiveness of the Forensic Science Centre. The database is one of the areas that we have looked at and my colleague here will give some details in our efforts to have that going.

Mr. Lutchman: Good day. Now, in relation to the establishment of the custodian unit there are certain activities that the Ministry of National Security has been engaged in. One of them is the recruitment of a custodian and a deputy custodian. The HR department of the Ministry has undergone a recruitment process and has identified persons to fill those positions, and they are foreign nationals to come in and fill the custodian and deputy custodian positions. Those matters were referred to the CPO for development of terms and conditions, so we cannot make an offer to the foreign nationals until we have settled the matter of the terms and conditions for their employment. So that matter is currently before the CPO—

Mr. Chairman: All right, let me say this one time, this Act that governs your operation was born in 2012, am I correct?

Mr. Lutchman: Right. Amended in 2014.

Mr. Chairman: This is 2016, CPO, terms and conditions. Let me tell you where you could start, right, let me tell you where you all could start. The law governing the DNA in Trinidad and Tobago is found in the Administration of Justice (Deoxyribonucleic Acid) Act, Chapter 5:34, right. Now, let me just tell you a couple of things about this, you have defined therein intimate sample and non-intimate sample, as you know well. An intimate sample is defined as:

“...a specimen...or biological or other material taken from—
any part of a person’s genitals; or
a person’s bodily orifice”—meaning opening—“other than the mouth;”

A non-intimate sample is defined as:

“a specimen of—
blood obtained by a...prick;”—on the finger.

There is a little instrument where they could take a little sample, very painless.

“epithelial cells obtained by means of a buccal swab;”—

where they have a particular instrument with a little cotton where they pass it in your mouth to get some of the cells in the back there by the jaw. And these are all non-intimate samples, a little bit of hair or saliva, right.

Now, the law says at section 13, it outlines the circumstances in which a police officer— police eh—or a qualified person like a medical practitioner, persons qualified under the law, shall take a non-intimate sample from a person without the person’s consent. These circumstances include where:

- “(a) the person is a suspect, detainee or accused;
- (b) a stain derived from a crime scene exists and there are reasonable grounds for suspecting that that person was involved in the offence and for believing that forensic DNA analysis could confirm or disprove such suspicion;
- (c) the person has had a non-intimate sample taken and that sample—
 - (i) has proved to be either unsuitable or insufficient for forensic DNA analysis;
 - (ii) is lost or destroyed; or
 - (iii) cannot be used for any other reason;”—and
- “(d) the person is not a victim of an offence, attends a crime scene and is required by an investigating officer to give a non-intimate sample.”

That of course is to rule out that person from possible allegations, or being looked on with suspicion. So that crime scene investigators, for example, they will give a sample so it will be in the databank so you will know definitely that that is not the person who committed the crime because they interfere with crime scenes.

Now, we know what the definition of the qualified person is. You know, the point I am making is the law says as well, in schedule three, there are a number of listed persons coming out of section 15 of the Act, and it says that non-intimate DNA samples to be taken without the

consent of listed person. So all these persons who I will now list could give you a non-intimate sample, either from the hair, saliva, a buccal swab, or a little prick on the finger to take a small sample of blood. Hear these persons:

“an officer of the Protective Services;”

Anyone of them: police, soldier, Coast Guard, reservist.

“a member of the Municipal Police Service;”

All of them, from all the 14 regional corporations around the country.

“a member of the Special Reserve Police;

a constable within the meaning of the Supplemental Police Act;”

—meaning any estate constable who is precepted. And in all these cases, I am being reminded, “shall be taken”, and the law permits you to take that so you should have this DNA base that you are telling me now you do not have.

“a member of the Defence Force;

a Customs Officer of the Customs and Excise Division;”

any—“private security officer.”

—of which there are thousands in this country, some of them even committing crime, holding up their employer, killing their employer—all these things happening here. And:

“A person who is employed or assigned duties at the Trinidad and Tobago Forensic Science Centre...”

—every one of you, except the PSs. Are you all making use of these provisions of the Act and getting these people in the database using non-intimate samples? That is the question and if the answer is, no, this is a very good place for us to start. Forgive me for sounding a little bit exasperated but you see the public is bleeding and crying while we talk.

Mr. Parmassar: Yes, Chairman, in terms of the collection of samples, the Centre has actively been engaging in the collection of samples. These have come primarily from almost all the cases that the Centre has been working on. So that is the first stage in actually the collection

of samples. In terms of the databank, however, that function is independent of the Forensic Science Centre, and the Centre, once the bank is operational, then the Centre will be feeding into the bank—

Mr. Chairman: Do you know whether the bank is operational?

Mr. Parmassar: As far as I am aware, I do not think it is.

Mr. Chairman: Okay, good, thank you. I have nothing else to ask.

Mr. Ramadhar: Chairman, if I may, I think it is about high time that we get rid of the bureaucratic stranglehold on this nation, speaking from my experience being in Government, and you certainly would have experienced it yourself, and will continue to experience it unless we do something very differently. For too long we have been hearing these excuses, and I mean no disrespect to anyone because they are confined within the rules and regulations of the CPO not providing contracts, and without that nothing could go forward.

I think it is ripe for us to invite the CPO here, because it must have a level of priority in terms of—we appreciate the workload that the CPO office deals with, but when it comes to National Security issues and the lack of the capacity for the databank, because what I am hearing, Chair, and gentlemen, you may tell me, and ladies, if I am wrong, is that they have not been able to institutionalize the databank notwithstanding the ability to collect samples to have anything to test it against, and that is where everything is falling apart. And if it is just for the want of contract provision to get the expertise to put this office in place then I think we have done a tremendous disservice to this nation, and under your chairmanship I think it is our duty here to forcefully and manfully deal with this issue here and now.

Mr. Chairman: Thank you very, very much, and most potent and useful for the Committee's consideration. Thank you. Mr. Coppin. Thank you.

Mr. Coppin: As far as you are aware, for any member of the panel, are there circumstances that require the TTPS to send samples abroad for DNA testing?

Mr. Parmassar: Yes, in the past in high profile cases the police has actually sent samples

abroad for DNA testing to expedite some of those matters. In the recent past I have not seen any instance where they have actually done so, as the Centre continues to actually perform the DNA analysis on the samples that they have requested thus far.

Mr. Coppin: Okay, thank you.

Mr. Chairman: Yes, I am aware of that. I seem to recall that in the Dana Seetahal, may her soul rest in perfect peace, matter they sought—yes, yes, they sought international support in that, I seem to recall. Am I correct?

Mr. Ramadhar: Yes.

Mr. Chairman: Yes. As I am passing, the law as well permits that samples, non-intimate samples, could be had from certain categories of prisoners, you must be familiar with this, you operate in the Act. Is that happening?

Mr. Parmassar: I am not sure if that is actually happening at that stage, I do not have that information. I could find out and relate back to you.

Mr. Chairman: All right. Well, I have exhausted my questions and comments this afternoon. Members, any further—

Mr. Ramadhar: Forgive me, but I want a little clarity on this because it is huge in its absence. Tell me if I am wrong, Permanent Secretary and others, that it is because of the non-implementation of the custodian or Forensic DNA databank that we are having this problem that you may collect samples but you have nothing to compare it with and that, therefore, if we should deal with the issue of the appointment of a custodian and create that databank then we would be able to do the many things that the Chairman has so spoken about, to be able to solve crime and bring persons to justice. Am I hearing that right?

Mr. Sankar: Yes. Collection of DNA samples, collection of samples and analysis for DNA, we try to develop the population database and the DNA databank profiles. The DNA databank profiles will be the general profiling database where you put an unknown against "knowns", simple like what we do in fingerprints with the ballistic section, and the computer

matches or cross matches and you get a hit or not. So it is very important that the profiles that we generate at the Forensic Science Centre are put to use for something, because when you go to court you have to say, this person's profile is one in 500,000. And how do you say that as an expert? You have to refer to that database, which we are yet to generate. So the custodians are the ones who will set the guidelines, how to take the profiles from the Forensic Centre, put it in the computer in the format that is required, and then that tool is now used by the same expert in court to give an interpretation to the jury as to what the profile that they have before them, in the case that they worked, is against the population. So that is critical for DNA to be effective.

Mr. Ramadhar: So am I right in saying then it is of the highest priority for Forensic Science Centre to have this matter dealt with?

Mr. Sankar: As the Chair has said this Act has been here from 2012 and this is 2016, four years have gone and, you know, it is time that this tool that is so useful in a lot, a lot of cases be now put of use in the courts.

Mr. Chairman: Mr. Permanent Secretary, National Security, all of this falls under your administrative purview, Sir, whether it is the Forensic Science Centre or the DNA data bank and custodian, and all of that. I must tell you that before us today is a very, it is a pretty poor picture. It is a pretty poor picture, it does not give the people of Trinidad and Tobago too much comfort nor hope while we are being slaughtered. Obviously, we have to meet again soon. In the meantime, I would like you, Mr. Permanent Secretary, to do all things that are lawfully necessary, in fact, Mr. Permanent Secretaries, and Madam Permanent Secretary, and apply your minds and the resources you have to the problems that we have identified this afternoon, and the paucity of Trinidad and Tobago's response, through your Ministry, to it.

We will have to meet again soon, and I hope that when we meet again soon you will be able to tell us more definitively, and to inspire greater confidence in us, what action that is being taken, what action you all propose to take to pull all these disparate strands together, because if you do not we would all have received our monthly salaries in vain, and we will continue to be

slaughtered with no response. We have the law, we have all kinds of resources, we have only experts sitting in front of us in everything.

So we promise you that you will be before us again but in the meantime please be able to tell us what action, Mr. Permanent Secretary and Madam Deputy, that you have taken from the Ministry of National Security to start to pull this thing together, because you, Permanent Secretary, would have heard everything that we heard shockingly here today. For my part I could hardly sleep comfortably in my Trinidad and Tobago bed knowing that this is so. I consider that my job is about solving problems, fixing problems. This Committee's work is about identifying softness in policy and practice, and making recommendations to the Parliament for its improvement. We are starting today. Thank you all very much.

Mr. Ramadhar: Chair, before you do proceed, I think it was an excellent observation you have made, and I think it would be quite useful if the Permanent Secretary could write to our Secretary of your Committee indicating all the different stakeholders that are required to make this thing happen, and to a future date to invite them all into one room. We found that to be an extremely effective means of getting things done rather than letters going back and forth for months on end, things that could be resolved in a day will take these months. So that under your guidance if we could get that information and bring all those parties together under your chairmanship here and let us make this thing really happen. I am lifted by your words that the change starts here today.

5.15p.m.

Mr. Chairman: PS, we have heard the submission of my colleague.

Mr. Yearwood: Yes, Sir. I have heard.

Mr. Chairman: So I would like you, in addition to what I have said, to identify all of the necessary stakeholders who will come together, based on your assessment of what we suggested to make it happen. So when we meet again we will all meet under this roof in camera, to begin or to continue that which is obviously and sorely necessary to make this institution of National

Security and the Forensic Science Centre and DNA administration helpful. Thank you very much.

Are there any closing comments, Mr. PS, from you as we close?

Mr. Lewis: Thank you, Mr. Chairman and members of the Joint Select Committee. I really just want to assure you, as I started saying a bit earlier that we are not at variance with your position, hon. Chairman. Some of us at the executive level of the Ministry of National Security are quite new. I have been there for just a few weeks now. It is not knocking those persons who might have been there before. We know that they would have been giving yeoman service and giving their best of what they were doing. I want to assure that we will continue to do our best. We will continue to innovate.

We have started looking at the situation in the same way that you analysed it. We recognize those challenges and we are going to give you and the people of Trinidad and Tobago the commitment that we are going to continue to provide innovative solutions to challenges that we face. We are going to, of course, certainly take on board your own observations, and we are hoping that by the next time we should meet again like this, that our interactions would be a lot different. I really want to give you the assurance that we are looking at this situation. We are going to do the best we can to make the improvements necessary to the operations of the Forensic Sciences Centre. Thank you.

Mr. Chairman: We thank you very much for coming. Good luck, and God bless each and every one of you.

This public hearing is now at an end. Members of the Committee we must keep our places for a short bit henceforth. Thank you very much. *[Interruption]*

[Officials exit committee room]

Meeting suspended.

APPENDIX IV

Attendance Record of the JSC on National Security Second Session (2016/2017), Eleventh Parliament

ATTENDANCE RECORD
JOINT SELECT COMMITTEE
ON
NATIONAL SECURITY
2ND SESSION (2016/2017) OF THE 11TH
PARLIAMENT

Members	10th Meeting 02.11.2016	11th Meeting 16.11.2016	12th Meeting 08.12.2016	13th Meeting 25.01.2017	14th Meeting 01.02.2017	15th Meeting 08.02.2017	16th Meeting 20.02.2017	17th Meeting 24.03.2017	18th Meeting 07.04.2017	19th Meeting 19.04.2017
Mr. Fitzgerald Hinds, MP (Chairman)	√	√	√	√	√	√	√	√	√	√
Mr. Prakash Ramadhar, MP (Vice Chairman)	exc	exc	exc	√	exc	exc	exc	√	√	exc
Ms. Nicole Olivierre, MP	√	exc	√	exc	exc	exc	√	√	exc	√
Mr. Faris Al-Rawi, MP	exc	√	abs	√	√	abs	√	√	exc	exc
Mr. Michael Coppin	√	√	√	√	√	√	√	√	√	√
Mr. Nigel De Freitas	√	√	√	√	√	√	√	√	√	√
Mr. Wayne Sturge	√	√	√	√	√	√	abs	abs	exc	√
Mr. Taurel Shrikissoon	exc	√	√							
Mr Paul Richards				√	√	√	√	√	√	exc

*exc - Excused

*abs - Absent