



JOINT SELECT COMMITTEE ON

# NATIONAL SECURITY

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

*SECOND SESSION (2016/2017) OF THE ELEVENTH PARLIAMENT*

ON

*An Inquiry into the Operations of the Trinidad and Tobago Forensic  
Science Centre and the Issue of DNA Sampling in Trinidad and Tobago*

**3RD**  
**REPORT**

**OF THE**

**JOINT SELECT COMMITTEE ON NATIONAL SECURITY**

**SECOND SESSION (2016/2017) OF THE ELEVENTH PARLIAMENT**

**ON**

**AN INQUIRY INTO THE OPERATIONS OF THE TRINIDAD AND TOBAGO FORENSIC  
SCIENCE CENTRE AND THE ISSUE OF DNA SAMPLING IN TRINIDAD AND TOBAGO**

**\*\*\*\*\***

**Date Laid in HOR:**

**HOR Paper No:**

**PARL No:** 14/3/43

**Date Laid in Senate:**

**Senate Paper No:**

## SUMMARY OF ISSUES

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1. Operational improvements at the TTFSC including the reduction of the backlog of DNA tests (Narcotics, Homicides and Ballistics);
2. The accreditation of the TTFSC and its laboratory services under the International Standards Organization and International Electro Technical Commission (ISO/IEC);
3. The efficient implementation of the Administration of Justice (Deoxyribonucleic Acid) Act, 2012 (the Act) and the introduction of effective methods of DNA sampling;
4. Accommodation issues and staff shortages at the TTFSC;
5. The establishment, commencement and operationalization of a DNA Databank; and
6. The need for Regulations for the purpose of giving effect to the Act, pursuant to Section 34.

## GENERAL FINDINGS

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1. The challenges negatively impacting the effective operations of the TTFSC remain largely unresolved.
2. There are a large number of cases awaiting processing at the TTFSC and the specific requirements of the Centre for the elimination of the backlog of cases.
3. There is a lack of quantitative evidence to indicate that the taking of DNA samples, as contemplated under Sections 13 and 16 of the Administration of Justice (Deoxyribonucleic Acid) Act, 2012 (the Act), is being conducted.
4. A Steering Committee was setup by the Ministry of National Security to expedite the establishment and operationalization of the DNA Databank.
5. A work programme was developed by the Ministry of National Security toward the Establishment, Commencement and Operationalization of a DNA Databank in the year ahead.
6. On August 29, 2016 the position of Custodian Manager was successfully filled and effective January 30, 2017, an office holder assumed duties.
7. Regulations pursuant to Section 34 of the Act are being drafted.
8. The TTFSC is currently pursuing accreditation with the assistance of the US Embassy which had offered to assist in the establishment of the DNA Databank. The accreditation of the Centre is anticipated to take approximately eighteen months.

## SUMMARY OF RECOMMENDATIONS

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The Committee recommends:

1. That the TTFSC:
  - a) Continue to pursue measures to ensure that the Centre is accredited to ISO/IEC 17025 as soon as possible;
  - b) Conduct periodic follow-up with the Permanent Secretary of the Ministry of National Security toward operationalizing the comprehensive timeline for the implementation of solutions as identified by the Director, TTFSC, including:
    - i. the resources required by the TTFSC;
    - ii. recommendations for the improvement of the operations of the TTFSC using current resources; and
2. That there be a review of the process for the granting of scholarships in the area of forensic pathology as well as the process for hiring internationally-based Forensic Pathologists with the objective of addressing the challenges in procuring qualified and experienced Forensic Pathologists;
3. That the Ministry of National Security:
  - a) Assist the Custodian Manager to advance all efforts for the establishment, commencement and operationalization of the DNA Databank in accordance with the work programme outlined in the Permanent Secretary's submission to the Committee dated March 23, 2017;
  - b) Assist the TTFSC in:
    - i. sourcing additional staff;
    - ii. filling the current vacancies;
    - iii. sourcing required equipment; and
    - iv. acquiring suitable accommodation.
4. That the Commissioner of Police ensure that all Officers/Qualified Persons responsible for taking DNA samples be made aware of the provisions of the Administration of Justice (Deoxyribonucleic Acid) Act, 2012 regarding the taking of DNA samples whether non-intimate or otherwise.
5. That the Office of the Attorney General expedite the drafting and presentation to Parliament of regulations required under Section 34 of the Act.

## **Current Membership**

The Committee comprises the following members:

- |    |                          |               |
|----|--------------------------|---------------|
| 1. | Mr. Fitzgerald Hinds, MP | Chairman      |
| 2. | Mr. Prakash Ramadhar, MP | Vice-Chairman |
| 3. | Mr. Faris Al-Rawi, MP    | Member        |
| 4. | Ms. Nicole Olivierre, MP | Member        |
| 5. | Mr. W. Michael Coppin    | Member        |
| 6. | Mr. Nigel De Freitas     | Member        |
| 7. | Mr. Wayne Sturge         | Member        |
| 8. | 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](http://www.ttparliament.org/committee_business.php?mid=19&id=235&pid=28)

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**Republic of Trinidad and Tobago**

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## ACRONYMS AND ABBREVIATIONS

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<b>Abbreviation</b>	<b>Term</b>
COP	Commissioner of Police
DNA	Deoxyribonucleic Acid
ISO	International Standards Organization
IEC	International Electro Technical Commission
TTFSC	Trinidad and Tobago Forensic Science Centre
TTPS	The Trinidad and Tobago Police Service.
The DNA Act	The Administration of Justice (Deoxyribonucleic Acid) Act, 2012

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# 1. INTRODUCTION

## Committee Mandate and Establishment

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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 authorised 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;
- 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 Shrikissoon 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 V**.



## Powers of the Committee

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- 1.5 By Standing Orders 101 of the Senate and 111 of the House of Representatives the Committee has the power, inter alia:
- b. to send for persons, papers and records;
  - c. to sit notwithstanding any adjournment of the House;
  - d. to adjourn from place to place;
  - e. to report from time to time;
  - f. to 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;
  - g. to communicate with any other Committee on matters of common interest; and
  - h. to meet concurrently with any other Committee for the purpose of deliberating, taking evidence or considering draft reports.

## 2. THE INQUIRY INTO THE OPERATIONS OF THE TRINIDAD AND TOBAGO FORENSIC SCIENCE CENTRE AND THE ISSUE OF DNA SAMPLING IN TRINIDAD AND TOBAGO

### Objectives of the Inquiry

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- 2.1 The Committee agreed that the following will comprise the objectives of the inquiry:
- a. To gain an understanding of the operations of the Trinidad and Tobago Forensic Science Centre (TTFSC);
  - b. To identify the current challenges faced by the TTFSC as it relates to effective forensic services; and
  - c. To determine the effectiveness of forensic sampling and the process of the collection of DNA as required under the Administration of Justice (Deoxyribonucleic Acid) Act, 2012.

### Conduct of the Inquiry

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- 2.2 On June 01, 2016 the Committee conducted a public hearing with Officials from the Ministry of National Security and with officials of the TTFSC. Subsequent to this meeting, the Committee met with the following stakeholders on June 22, 2016:
- Officials of the Ministry of National Security;
  - Officials of the Trinidad and Tobago Forensic Science Centre;
  - Officials of the Office of the Chief Parliamentary Counsel;
  - Officials of the Office of the Personnel Department; and
  - Officials of the Trinidad and Tobago Police Service.
- 2.3 Oral and written submissions received from the entities appearing before the Committee provided a frame of reference for the questions posed at hearings. Written submissions received from entities are attached at **Appendix I**.
- 2.4 The Minutes of the Meeting during which the public hearings were held are attached at **Appendix III** and the Verbatim Notes at **Appendix IV**.

**Table 1**  
**Persons who appeared and provided oral evidence**

<b>Name of Official</b>	<b>Portfolio</b>	<b>Organization</b>
<b>Public Hearing Held on June 01, 2016</b>		
Mr. Simeon Yearwood	Permanent Secretary (Acct. Officer)	The Ministry of National Security
Mr. Vel Lewis	Permanent Secretary	The Ministry of National Security
Ms. Maria Joseph	Dep. Permanent Secretary	The Ministry of National Security
Ms. June Thomas	Director, Finance	The Ministry of National Security
Ms. Joy Seepersad-Boodoo	Director, Human Resource	The Ministry of National Security
Mr. Glen Pamassar	Deputy Director, Forensic (Ag.)	The Trinidad and Tobago Forensic Science Centre
Mr. Mark Lutchman	Project Manager	The Trinidad and Tobago Forensic Science Centre
Mr. Derrick Sankar	Scientific Officer III (Ag.)	The Trinidad and Tobago Forensic Science Centre
<b>Public Hearing Held on June 22, 2016</b>		
Mr. Simeon Yearwood	Permanent Secretary (Acct. Officer)	The Ministry of National Security
Mr. Vel Lewis	Permanent Secretary	The Ministry of National Security
Ms. Maria Joseph	Dep. Permanent Secretary	The Ministry of National Security
Ms. Arlette Lewis	Director, Forensic	The Trinidad and Tobago Forensic Science Centre
Mr. Mark Lutchman	Project Manager	The Trinidad and Tobago Forensic Science Centre
Mr. Ian Macintyre, S.C.	Chief Parliamentary Counsel	The Chief Parliamentary Counsel
Mr. Beresford Riley	Chief Personnel Officer (Ag.)	The Personnel Department
Mr. Gary Joseph	Dep. Chief Personnel Officer (Ag.)	The Personnel Department
Ms. Susan Rajnauth-Houllier	Director (Ag.) - Benefits Mgmt. Div.	The Personnel Department
Ms. Dawn De Silva	Senior Human Resource Officer	The Personnel Department
Mr. Stephen Williams	Commissioner of Police (Ag.)	The Trinidad and Tobago Police Service
Mr. Jerry De Leon	Asst. Superintendent (Ag.)	The Trinidad and Tobago Police Service

Mr. Kazim Ali	Sgt. - SDO I/c - Legal	The Trinidad and Tobago Police Service
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## Issues Considered

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- 2.5 A number of issues engaged the attention of the Committee, including:
- a. Operational improvements at the TTFSC including the reduction of the backlog of DNA tests (Narcotics, Homicides and Ballistics);
  - b. The accreditation of the TTFSC and its laboratory services under the International Standards Organization and International Electro Technical Commission (ISO/IEC);
  - c. The efficient implementation of the DNA Act and the introduction of effective methods of DNA sampling;
  - d. Accommodation issues and staff shortages at the TTFSC;
  - e. The establishment, commencement and operationalization of a DNA Databank; and
  - f. The need for Regulations for the purpose of giving effect to the DNA Act, pursuant to Section 34.

## Findings

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### The operations of the TTFSC and the current challenges faced by the TTFSC

#### *Staffing Challenges*

- 2.6 According to written submissions by the TTFSC dated **June 20, 2016**, the following challenges were negatively impacting the effective operations of the Centre:
- a. Only two (2) of the four (4) contract positions of Pathologist were filled;
  - b. Consequently, the workload per pathologist was double what it should be in the ideal situation;
  - c. In the current structure, all the positions of Pathologist at the TTFSC are at the same level. The current pathologists have recommended that a senior position be created which will have both casework and administrative responsibilities;
  - d. There is no junior level position with medical qualifications and experience in the current structure to assist the pathologists during the conduct of post-mortems. Employment of suitable personnel to assist the pathologists as well as report cases of confirmed natural deaths would allow the pathologists to focus on cases of unnatural deaths in which a felony has been committed;

- e. The duties of the Mortuary Attendant position include the lifting/transport of bodies and as such the incumbents are required to possess above average physical strength. Personnel recruited to the position do not always have the physical strength to effectively perform the duties;
- f. The workload in the Pathology Section on the first working day of the week is often quite heavy, particularly when the weekend is preceded by a public holiday or vice-versa; and
- g. The lack of a photographer on staff to photograph findings often results in an increase in the time taken to complete post mortem examinations.

2.7 The Committee noted the attempts made by the TTFSC to acquire additional pathologists. One such action was liaising with the Scholarships and Advanced Training Division, which led to the creation of six scholarships in the area of forensic pathology. However, the Committee was advised that owing to an inefficient and lengthy process, potential candidates became disillusioned.

2.8 By letter from the Ministry of National Security dated **March 23, 2017**, the Committee received an update that three (3) of the four (4) Pathologist positions had been filled, with the fourth position being approved and advertised.

### *The Backlog*

2.9 In a submission dated **June 20, 2016**, the TTFSC provided the following list of specific requirements of the Centre for the elimination of the backlog of cases:

- a. Filling of fourteen technical /professional permanent establishment positions which are currently vacant, will contribute to the elimination of the existing backlogs but is unlikely to completely eliminate the backlogs in a timely manner. Filling of the vacant positions will decrease the average time taken for a case to be completed but is unlikely to effectively eliminate the backlogs by the current staffing complements in a reasonable time frame;
- b. Employment of at least three additional qualified DNA Analysts with at least two (2) years of work experience is required to eliminate the backlog of cases in the Biology Section in a timely manner;
- c. Procurement of scientific equipment (including a genetic analyser which costs approx. \$1.5M) for use by the additional staff would be necessary as well as accommodation/work space for the staff and equipment;
- d. Employment of at least four additional qualified Firearm Examiners with extensive work experience is required to eliminate the backlog of cases in the Firearm Section in a timely manner. Procurement of scientific equipment (including two comparison microscopes at a total cost of approx. \$2M) for use by the additional staff would be necessary as well as accommodation/work space for the staff and equipment;
- e. Adequate allocation and timely releases of funds to facilitate procurement of reagents, supplies and equipment, routine maintenance and urgent repairs to analytical equipment, are necessary to prevent equipment downtime and ensure the availability of critical supplies used during the processing of casework; and

f. The present TTFSC facility at Federation Park is unable to accommodate the increased workspace requirements for additional staff as specified at 2 and 4 above. Although there is Cabinet Approval for the construction of a new state of the art facility, additional accommodation is required in the short term since this project is unlikely to be completed in less than 3 years.

2.10 The Committee raised these concerns with the Ministry of National Security at a public hearing held on June 22, 2016.

2.11 The Committee is disappointed to note that to date the requirements outlined above by the TTFSC have remained largely unfulfilled.

2.12 As at **February 28, 2017**, the **number** of cases awaiting processing at the TTFSC stood at **4,679**. Below is a breakdown of these cases by type and year:

Type of Case	No. of Cases Submitted Prior to 2013	No. of 2013 Cases	No. of 2014 Cases	No. of 2015 Cases	No. of 2016 Cases	No. of 2017 Cases	Total No. of Cases
Narcotics	11	3	10	11	152	174	<b>361</b>
*Homicide	3	58	96	152	468	93	<b>870</b>
+Ballistics	1508	361	336	424	544	65	<b>3268</b>
+Toxicology	Nil	Nil	1	1	27	151	<b>180</b>

\* Homicide figures reflect submissions from Homicide cases for the detection/identification of body fluid evidence only (viz. DNA Analysis). Ballistics and Toxicology Cases include submissions from Homicide Cases for ballistics examinations and toxicological analyses respectively.

2.13 **Appendix II** contains a table showing timelines for completion of all remaining activities that are necessary for full operationalization of the TTFSC as at **March 31, 2017**.

### Provisions for the collection of Non-intimate DNA Samples

2.14 Written submissions of the TTPS dated **July 11, 2016** confirmed that there are approximately one thousand (1,000) TTPS officers specially trained in the retrieval of non-intimate DNA samples<sup>1</sup>.

2.15 By written submission received dated **September 9, 2016**, the TTPS indicated that the collection of non-intimate DNA samples is guided by the Departmental Order No. 104 and the DNA Act<sup>2</sup>.

2.16 However, the Committee was not presented with any evidence that establishes that the taking of DNA samples, as contemplated under Sections 13 and 16 of the DNA Act, is being conducted.

<sup>1</sup> TTPS Response – JSC on National Security Request for Information, Inquiry into the Operations of the Forensic Science Centre, July 11, 2016

<sup>2</sup> JSC on National Security Request for Information, Inquiry into the Operations of the Forensic Science Centre – DNA Sampling SOP, September 9, 2016

## The National Forensic DNA Databank as required under the DNA Act

- 2.17 The DNA Act was passed in the House of Representatives on November 09, 2011 and in the Senate on February 08, 2012. The House then considered amendments from the Senate on April 25, 2012 and the DNA Act was assented to on May 10, 2012. It was not subject to proclamation and therefore became law on May 10, 2012, the date of Assent. Accordingly, the provisions of the DNA Act are key aspects of national security policy supported by the force of law. Implementation of this Act is therefore mandatory and is essential in the fight against crime.
- 2.18 The Committee is dissatisfied with the slow pace of implementation of the DNA Act by all relevant stakeholders and had reported this dissatisfaction in its report to Parliament in the First Session of the Eleventh Parliament.
- 2.19 As a result of the Committee's inquiry into this matter, a Steering Committee was established by the Ministry of National Security to expedite the establishment of the DNA Databank. Also, terms and conditions of service for a Custodian were completed by the Chief Personnel Officer in **June 2016** following the Committee's intervention. It is important to mention that this matter was before the Chief Personnel Officer for determination for more than one (1) year prior to **June 2016**.
- 2.20 The Custodian of the National Forensic DNA Databank is head of the Unit as well as the lead researcher for the Databank. The Databank is intended to be the storehouse of all DNA profiles that are generated either at the TTFSC or that come into the possession of the State.
- 2.21 In a letter to the Committee dated **September 14, 2016**, the Minister of National Security confirmed that on **August 29, 2016** the position of Custodian Manager, DNA Databank was successfully filled. The Custodian assumed duties on **January 30, 2017**.<sup>3</sup>
- 2.22 In the Permanent Secretary's submission to the Committee dated **August 15, 2016**, the Ministry of National Security outlined a work programme toward the Establishment, Commencement and Operationalization of a DNA Databank in the year ahead.
- 2.23 The DNA Databank will be independent from the TTFSC in keeping with international best practice which provides that the storage of DNA samples should be managed by a body independent from analysis laboratories.
- 2.24 The Committee noted that the Ministry intends to utilise the Combined DNA Index System (CODIS) software and to utilise assistance through the US Embassy which the Committee was advised had offered to assist in the establishment of the DNA Databank. However, in order to obtain the software, the TTFSC must first be accredited. The Committee was advised that the accreditation of the Centre is anticipated to take approximately **eighteen months** and that a proposal and costing for the accreditation process has been received from a potential provider. However, the Committee remains dissatisfied with the rate of progress towards the accreditation of the Centre.
- 2.25 The following additional activities that are necessary for the operationalization of the DNA Databank have taken place:

<sup>3</sup> As per responses received to "Tracking of Timeline for the Establishment and Operationalisation of the DNA Databank Unit" as at 23 March, 2017

- a. Approval has been granted for the filling of two (2) positions of support staff to be advertised by **April 7, 2017**. These positions are: Databank Analyst and Database Specialist
- b. Infrastructural improvement work is at Tender Stage for outfitting of office location. Outfitting of the facility will proceed following the completion of the infrastructure work.
- c. With respect to the Genetic Analyser, Fourier Transform InfraRed Spectrometer (FTIR) and Drug Testing System, quotes from suppliers have been received and evaluated with respect to the FTIR Spectrometer. However, owing to the budgetary allocation, the Drug Testing system cannot be procured in FY 2017.
- d. **Appendix II** contains a table showing timelines for completion of all remaining activities that are necessary for full operationalization of the DNA Databank as at **March 31, 2017**.

## Conclusion

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2.26 Based on the issues and findings from the Committee's inquiry, the Committee concludes as follows:

- a. **The provisions of the DNA Act are key aspects of national security policy supported by the force of law. Implementation of this Act is therefore mandatory and essential. It is disheartening that despite the passage of almost five (5) years since it became law, the DNA Act, which is critical in the fight against crime, has not to date been implemented. Appendix VI provides details of the key requirements under the DNA Act;**
- b. **Of particular concern is the length of time it took to employ a Custodian Manager for the DNA Databank, an essential first step. Given the significance of the role of the Custodian, the Committee finds it inexcusable that the Chief Personnel Officer took more than one (1) year to propose terms and conditions for the contract employment; and**
- c. **Considering the urgency of this matter, the Committee is perturbed that very little progress has been made in accordance with the timelines provided to the Committee for the:**
  - a. **Establishment and Operationalization of the DNA Databank Unit**
  - b. **Filling of TTFSC Positions**
  - c. **Procurement of Equipment**

2.27 The Committee intends to follow up and report to the House/Senate on all submissions received and commitments made by the relevant stakeholders until the DNA Act is fully implemented.

## Recommendations

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



The Committee recommends:

1. That the TTFSC:
  - a) Continue to pursue measures to ensure that the Centre is accredited to ISO/IEC 17025 as soon as possible;
  - b) Conduct periodic follow-up with the Permanent Secretary of the Ministry of National Security toward operationalizing the comprehensive timeline for the implementation of solutions as identified by the Director, TTFSC, including:
    - iii. the resources required by the TTFSC;
    - iv. recommendations for the improvement of the operations of the TTFSC using current resources; and
2. That there be a review of the process for the granting of scholarships in the area of forensic pathology as well as the process for hiring internationally-based Forensic Pathologists with the objective of addressing the challenges in procuring qualified and experienced Forensic Pathologists;
3. That the Ministry of National Security:
  - c) Assist the Custodian Manager to advance all efforts for the establishment, commencement and operationalization of the DNA Databank in accordance with the work programme outlined in the Permanent Secretary's submission to the Committee dated March 23, 2017;
  - d) Assist the TTFSC in:
    - v. sourcing additional staff;
    - vi. filling the current vacancies;
    - vii. sourcing required equipment; and
    - viii. acquiring suitable accommodation.
4. That the Commissioner of Police ensure that all Officers/Qualified Persons responsible for taking DNA samples be made aware of the provisions of the Administration of Justice (Deoxyribonucleic Acid) Act, 2012 regarding the taking of DNA samples whether non-intimate or otherwise.
5. That the Office of the Attorney General expedite the drafting and presentation to Parliament of regulations required under Section 34 of the Act.

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. Paul Richards  
**Member**

Mr. Nigel De Freitas  
**Member**

Mr. Michael Coppin  
**Member**

Mr. Wayne Sturge  
**Member**

# APPENDIX I-A

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## Correspondence between the JSC National Security and the Ministry of National Security



**PARLIAMENT**  
Republic of Trinidad and Tobago

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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. III**

November 11, 2016

**Ms. Lydia Jacobs**  
Permanent Secretary (Ag.)  
Ministry of National Security  
Temple Court I  
31-33 Abercromby Street  
**PORT OF SPAIN**

Dear Ms. Jacobs,

**An inquiry into the operations of the Forensic Science Centre  
and the issue of DNA sampling in Trinidad and Tobago**

*Follow-up Information*

I write on behalf of the Joint Select Committee on National Security. The Committee wishes to gratefully acknowledge receipt of the correspondence received from the Permanent Secretary, Ministry of National Security dated August 15, 2016 in relation to the subject at caption.


I am now instructed by the Committee to confirm whether the activities outlined have been completed in accordance with the attached correspondence provided by your office.

It would be appreciated if your response could be sent to the Committee's Office by **Friday November 25, 2016**. An electronic copy should be sent to [jcnationalsecurity@tparliament.org](mailto:jcnationalsecurity@tparliament.org). Should you have any queries, I may be contacted at 624-7275 ext. 2227/2132 or [jcnationalsecurity@tparliament.org](mailto:jcnationalsecurity@tparliament.org).

The Committee will continue to engage in follow up enquiries with regards to action to be taken in accordance with the timelines provided by the your office.

Thank you.

Respectfully,

  
S. Greenidge  
Jacqui Sampson-Meiguel  
Secretary to the Committee

cc: Mr. Vel Lewis – Permanent Secretary (Ag.), Ministry of National Security  
Ms. Arlette Lewis – Director, Forensic, Trinidad and Tobago Forensic Science Centre  
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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NS: 35/27/4 Vol. II

November 25, 2016

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

Dear Ms. Sampson,

**Re: An Inquiry into the operations of the Forensic Science Centre and the issue of DNA sampling in Trinidad and Tobago**

Your letter Parl.: 14/3/43 Vol. III, dated November 11, 2016, on the subject above, refers.

In this regard, please see the attached document which provides the requested information.

Please contact Mr. Roger Gilkes, Research Officer II (Ag.), at telephone number 624-8695, or via e-mail at [rgilkes@mns.gov.tt](mailto:rgilkes@mns.gov.tt) should you require any clarification.

Yours respectfully,



Permanent Secretary  
Ministry of National Security



**PARLIAMENT**  
Republic of Trinidad and Tobago

Leeds G-7, Zone D  
The Port of Spain International Workplace Centre  
1A Wrightson Road, Port of Spain

**Joint Select Committee on National Security**

Parl.: 14/3/43 Vol. III

November 23, 2016

Ms. Lydia Jacobs  
Permanent Secretary (Ag.)  
Ministry of National Security  
Temple Court I  
31-33 Abercromby Street  
PORT OF SPAIN

Dear Ms. Jacobs,

**Call for information from the Ministry of National Security  
in relation to the Trinidad and Tobago Forensic Science Centre**

Reference is made to the matter at caption. I write on behalf of the Joint Select Committee on National Security. I am instructed by the Committee to request from you the following information:

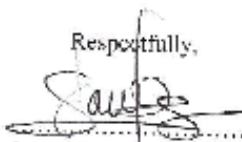
- i. What is your progress on the statistical management of firearms and narcotics?
- ii. What is the status of the backlog of cases in respect of certificates of firearms?
- iii. How many outstanding cases exist?

It would be appreciated if your written response could be sent to the Committee's Office by **Monday November 28, 2016**. An electronic copy should be sent to [jcnationalsecurity@ttrparliament.org](mailto:jcnationalsecurity@ttrparliament.org).

Should you have any queries, I may be contacted at 624-7275 ext. 2227/2232 or [jcnationalsecurity@ttrparliament.org](mailto:jcnationalsecurity@ttrparliament.org).

Thank you.

Respectfully,



Jacquie Sampson-McGuire  
Secretary to the Committee

cc: Mr. Vol Lewis – Permanent Secretary (Ag.), Ministry of National Security  
Ms. Arlette Lewis – Director, Trinidad and Tobago Forensic Science Centre  
Mr. Fitzgerald Hinds – Chairman of the Joint Select Committee on National Security

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


Telephone: (868) 624-PARL (7275) ext. 2227/2232 Fax: (868) 624-4672 Email: [jcnationalsecurity@ttrparliament.org](mailto:jcnationalsecurity@ttrparliament.org)  
Website: <http://www.ttrparliament.org>



## MINISTRY OF NATIONAL SECURITY

31-33 Abercromby Street, Port of Spain.  
Ph - 623-2441-B Fax - 627-3044  
Email - [info@mns.gov.tt](mailto:info@mns.gov.tt)

NS: 35/27/4 Vol. II

December/ , 2016

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

Dear Ms. Sampson-Meiguel.


**Re: Call for information from the Ministry of National Security in relation to the Forensic Science Centre**

Your letter Parl.: 14/3/43 Vol. III, dated November 23, 2016, on the subject above, refers.

In this regard, please see the attached document which provides the requested information.

Please contact Mr. Roger Gilkes, Research Officer II (Ag.), at telephone number 624-8695, or via e-mail at [rgilkes@mns.gov.tt](mailto:rgilkes@mns.gov.tt) should you require any clarification.

Yours respectfully,

  
Permanent Secretary  
Ministry of National Security



**Joint Select Committee on National Security**

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**Part: 14/3/43 Vol. III**

January 17, 2017

**Ms. Lydia Jacobs**  
Permanent Secretary (Ag.)  
Ministry of National Security  
Temple Court 1  
31-33 Abercromby Street  
**PORT OF SPAIN**

Dear Ms. Jacobs,

**An inquiry into the operations of the Forensic Science Centre  
and the issue of DNA sampling in Trinidad and Tobago**


*Request for Updated Information*

I refer to previous correspondence related to the captioned inquiry and in particular ours to you dated November 11, 2016 in which the Committee stressed its interest in tracking the timelines for the completion of activities related to the establishment of the DNA Databank Unit and the operations of the Trinidad and Tobago Forensics Science Centre.

Kindly see the attached form. I am instructed to request you to update this form appropriately and return the updated form to the Committee's Office by **Tuesday January 24, 2017**. An electronic copy should be sent to [jcnationalsecurity@tparliament.org](mailto:jcnationalsecurity@tparliament.org).

Thank you.

Respectfully,

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

cc: Mr. Fitzgerald Hinds – Chairman of the Joint Select Committee on National Security  
Ms. Arlette Lewis – Director, Forensic, Trinidad and Tobago Forensic Science Centre  
Mr. Glen Parmassar – Deputy Director, Forensic (Ag.), Trinidad and Tobago Forensic Science Centre

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

Telephone: (868) 621-PARL (7275) ext. 2227/2232 Fax (868) 625-4672 Email: [jcnationalsecurity@tparliament.org](mailto:jcnationalsecurity@tparliament.org)  
Website: <http://www.tparliament.org>





## MINISTRY OF NATIONAL SECURITY

31-33 Abercromby Street, Port of Spain.  
Ph. – 623-2441-8 Fax – 627-8044  
Email – [info@mns.gov.tt](mailto:info@mns.gov.tt)

NS: 35/27/4 Vol. III

January 24, 2017

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

Dear Mrs. Sampson-Meiguel,

Re: **An Inquiry into the operations of the Forensic Science Centre and the issue of DNA sampling in Trinidad and Tobago – Request for Updated Information**

Your letter Parl.: 14/3/43 Vol. III, dated January 17, 2017, on the subject above, refers.

In this regard, please see the completed forms attached.

Should you require any clarification, please contact Ms. Cheryl St. Louis-Felix, at telephone number 624-8695 or via e-mail at [cstlouis@mns.gov.tt](mailto:cstlouis@mns.gov.tt).

Yours respectfully,



Permanent Secretary  
Ministry of National Security



**PARLIAMENT**  
Republic of Trinidad and Tobago

Levels G - 7, Tower D  
The Port-of-Spain International Waterfront Centre  
1A Wrightson Road, Port of Spain

**Joint Select Committee on National Security**

**Parl: 14/3/43 Vol. III**

March 01, 2017

**Ms. Lydia Jacobs**  
Permanent Secretary (Ag.)  
Ministry of National Security  
Temple Court I  
31-33 Abercromby Street  
**PORT OF SPAIN**

Dear Ms. Jacobs,

**An inquiry into the operations of the Forensic Science Centre  
and the issue of DNA sampling in Trinidad and Tobago**

*Call for Updated Information*

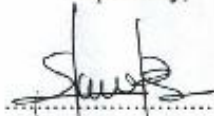
I refer to previous correspondence related to the captioned inquiry and in particular ours to you dated January 17, 2017 in which the Committee stressed its interest in tracking the timelines for the completion of activities related to the establishment of the DNA Databank Unit and the operations of the Trinidad and Tobago Forensics Science Centre.

The Committee wishes to know whether any activities have been completed since your response dated January 24, 2017. Accordingly, I am instructed to request you to update the Committee using the attached form.

It would be appreciated if your response could be sent to the Committee's Office by **Friday March 10, 2017**. An electronic copy should be sent to [jcnationalsecurity@ttparliament.org](mailto:jcnationalsecurity@ttparliament.org).

Thank you.

Respectfully,



.....  
Jacqui Sampson-Meiguel  
**Secretary to the Committee**

cc: Ms. Arlette Lewis – Director, Forensic, Trinidad and Tobago Forensic Science Centre  
Mr. Fitzgerald Hinds – Chairman of the Joint Select Committee on National Security

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

Telephone: (868) 624-PARL (7225) ext. 2227/2232 Fax (868) 625-4672 Email: [jcnationalsecurity@ttparliament.org](mailto:jcnationalsecurity@ttparliament.org)

Website: <http://www.ttparliament.org>



**PARLIAMENT**  
Republic of Trinidad and Tobago

Levels G - J, Tower D  
The Pons of Spain International Waterfront Centre  
1A Wrightson Road, Port of Spain

**Joint Select Committee on National Security**

**Parl: 14/3/43 Vol. III**

March 21, 2017

**Ms. Lydia Jacobs**  
Permanent Secretary (Ag.)  
Ministry of National Security  
Temple Court 1  
31-33 Abercromby Street  
**PORT OF SPAIN**

Dear Ms. Jacobs,

**An inquiry into the operations of the Forensic Science Centre  
and the issue of DNA sampling in Trinidad and Tobago**

**Reminder: Call for Updated Information**

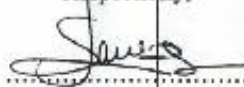
I refer to previous correspondence related to the captioned inquiry and in particular ours to you dated March 01, 2017 in which the Committee requested updated information on the completion of activities related to the establishment of the DNA Databank Unit and the operations of the Trinidad and Tobago Forensics Science Centre.

The Committee wishes to stress its interest in tracking these timelines and anxiously awaits your written submission which will inform its report to Parliament on the captioned inquiry. Accordingly, I am instructed to request you to update the Committee using the form previously provided.

The original deadline of Friday March 10, 2017 has since elapsed. As such it would be appreciated if your response could be sent to the Committee's Office by **Friday March 24, 2017**. An electronic copy should be sent to [jcnationalsecurity@ttrparliament.org](mailto:jcnationalsecurity@ttrparliament.org).

Thank you.

Respectfully,



Jacqui Sampson-Meiguel  
**Secretary to the Committee**

cc: Ms. Arlette Lewis – Director, Forensic, Trinidad and Tobago Forensic Science Centre  
Mr. Fitzgerald Hinds – Chairman of the Joint Select Committee on National Security

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

Telephone: (868) 624-PARL (7275) ext. 2227/2232 Fax (868) 625-4672 Email: [jcnationalsecurity@ttrparliament.org](mailto:jcnationalsecurity@ttrparliament.org)

Website: <http://www.ttrparliament.org>



## MINISTRY OF NATIONAL SECURITY

31-33 Abercromby Street, Port of Spain.  
Ph. - 623-2441-4 Fax - 627-8044  
Email - [info@mns.gov.tt](mailto:info@mns.gov.tt)



NS: 35/27/4 Vol. IV

March 31, 2017

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

Dear Mrs. Sampson-Meiguel,

**Re: An Inquiry into the operations of the Forensic Science Centre and the Issue of DNA sampling in Trinidad and Tobago – Request for Updated Information**

Your letter Parl.: 14/3/43 Vol. III, dated March 1, 2017, on the subject above, refers.

In this regard, please see the attached completed form, which provides an update on the progress of activities relating to DNA sampling.

Should you require any clarification, please contact Mr. Roger Gilkes, at telephone number 624-8695 or via e-mail at [rgilkes@mns.gov.tt](mailto:rgilkes@mns.gov.tt).

The delay in responding is regretted.

Yours respectfully,



Permanent Secretary  
Ministry of National Security

# APPENDIX I-B

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## Correspondence between the JSC National Security and the Trinidad and Tobago Forensic Science Centre



**PARLIAMENT**  
Republic of Trinidad and Tobago

Levels G-7, Tower D  
The Port of Spain International Waterfront Centre  
1A Wrightson Road, Port-of-Spain

**Joint Select Committee on National Security**

**Parl.: 14/3/43 Vol. III**

March 01, 2017

**Ms. Arlette Lewis**  
Director  
Trinidad and Tobago Forensic Science Centre  
14-17 Barbados Road Federation Park  
**ST. CLAIR**

Dear Ms. Lewis,

**An inquiry into the operations of the Forensic Science Centre  
and the issue of DNA sampling in Trinidad and Tobago**

*Call for Updated Information*

I write on behalf of the Joint Select Committee on National Security and refer to the captioned inquiry.

I am instructed by the Committee to request from you the following:

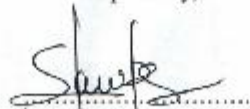
**Updated data on the number cases that are waiting to be processed at the Trinidad and Tobago Forensic Science Centre as at February 28, 2017, in each of the following areas:**

- a. *Narcotics*
- b. *Homicide*
- c. *Ballistics*
- d. *Toxicology*

It would be appreciated if your responses could be sent to the Committee's Office by **Friday March 10, 2017**. An electronic copy should be sent to [jscnationalsecurity@tparliament.org](mailto:jscnationalsecurity@tparliament.org).

Thank you.

Respectfully,



Jacquie Sampson-Meiguel  
**Secretary to the Committee**

cc: Ms. Lydia Jacobs - Permanent Secretary (Ag.), Ministry of National Security  
Mr. Fitzgerald Hinds - Chairman of the Joint Select Committee on National Security

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

Telephone: (868) 624-PARL (7275) ext. 2227/2232 Fax (868) 625-4672 Email: [jscnationalsecurity@tparliament.org](mailto:jscnationalsecurity@tparliament.org)

Website: <http://www.tparliament.org>

**TRINIDAD AND TOBAGO FORENSIC SCIENCE CENTRE**  
**Ministry of National Security**

Tel No: (868) 622-1011  
Fax No: (868) 622-5443  
e-mail: forensic@mns.gov.tt

Barbados Road  
Federation Park  
St Clair  
Trinidad and Tobago

**Ref: FSC 7/1/3 Vol. II**

March 6, 2017

Joint Select Committee on National Security  
Levels G-7, Tower D  
The Port of Spain International Waterfront Centre  
1A Wrightson Road,  
PORT-OF-SPAIN

**Attention: Mrs. Jacqui Sampson-Meiquel**

Dear Madam,

**Re: An Inquiry into the Operations of the Forensic Science Centre and the Issue of DNA Sampling in Trinidad and Tobago – Call for Updated Information**

I refer to your letter reference Parl.: 14/3/43 Vol. III dated March 01, 2017 on the above subject and acknowledge receipt on March 2, 2017.

The updated data requested on the number of cases waiting to be processed at the Trinidad and Tobago Forensic Science Centre as at February 28, 2017 is detailed hereunder.

***Cases Waiting to be Processed at February 28, 2017***

<i>Type of Case</i>	<i>No. of Cases Submitted Prior to 2013</i>	<i>No. of 2013 Cases</i>	<i>No. of 2014 Cases</i>	<i>No. of 2015 Cases</i>	<i>No. of 2016 Cases</i>	<i>No. of 2017 Cases</i>	<i>Total No. of Cases</i>
<i>Narcotics</i>	11	3	10	11	152	174	<b>361</b>
<i>*Homicide</i>	3	58	96	152	468	93	<b>870</b>
<i>*Ballistics</i>	1,508	361	366	424	544	65	<b>3,268</b>
<i>*Toxicology</i>	nil	nil	1	1	27	151	<b>180</b>

*\* Homicide figures reflect submissions from Homicide cases for the detection/ identification of body fluid evidence only (viz. DNA Analysis). Ballistics and Toxicology Cases include submissions from Homicide Cases for ballistics examinations and toxicological analyses respectively.*

Yours respectfully,

**ARLETTE LEWIS**  
Director  
Trinidad and Tobago  
Forensic Science Centre

# APPENDIX II

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## Tracking of Activities re: Inquiry into Forensic Science Centre as at March 31, 2017



**JSC National Security**  
**Tracking of the Timeline for the Establishment and Operationalisation of the DNA Databank Unit**

Activity	Start Date	End Date	Started? Yes/No	Completed? Yes/No	Update
<b>Recruit Custodian</b>	19-Jul-2016	31-Dec-2016	Yes	Yes	
Option 2: Offer to Alternative Candidate, Accepts			Yes	Yes	
Letter of offer			Yes	Yes	
Acceptance of letter of offer			Yes	Yes	
Assumption of the Custodian Manager			Yes	Yes	The Custodian Manager assumed duties on 30-1-2017.
<b>Recruit Deputy Custodian</b>	1-Aug-2016	31-Dec-2016	No	No	
Approval to engage GHRS					Based on the fact that the Unit is at the start up phase, the Custodian Manager has recommended that priority be given to filling the support Staff positions at this thime.
Receipt of GHRS Proposal					
Approval of GHRS Proposal					
GHRS Advertise					
GHRS Shortlist					
Interview candidate					
Approval to hire and offer letters					
Response to offer letter					
Assumption of the Deputy Custodian Manager					
<b>Identify Support Staff</b>	25-Jul-2016	30-Sep-2016	Yes	No	
Approval to advertise positions					Approval has been granted for the filling of two (2) positions of support staff which would be advertised by April 7, 2017. These positions are: Databank Analyst and Database Specialist
Advertise position			No	No	
Shortlist candidates			No	No	
Interview candidates			No	No	
Approval to hire			No	No	

**JSC National Security**  
**Tracking of the Timeline for the Establishment and Operationalisation of the DNA Databank Unit**

Activity	Start Date	End Date	Started? Yes/No	Completed? Yes/No	Update
<b>Establish DNA Databank</b>	19-Jul-2016	28-Feb-2018	Yes	No	
<b>Option 1: US Gov't Assistance</b>					
Secure assistance from US Embassy			Yes	No	
Gap assessment of FSC for accreditation			Yes	No	Proposal and Costing received from potential provider
Accreditation of FSC			Yes	No	On-going
Acquisition of CODIS software			Yes	No	On-going
Acquisition of hardware			Yes	No	On-going
<b>Option 2: UK Gov't Assistance</b>					
Engage the UK Gov't for assistance			Yes	Yes	This option is no longer being pursued.
Secure proposal			No	No	
Review and acceptance of proposal			No	No	
Acquisition of software			No	No	
Acquisition of hardware			No	No	
<b>Operationalisation of Databank</b>	2-Jan-2017	31-Jan-2017	Yes	No	
Assumption of support staff			Yes	No	
Acquisition of office location			Yes	Yes	
Outfitting of office location			Yes	No	Infrastructural improvement work at Tender Stage. Outfitting of the facility will proceed following the completion of the infrastructure work.
Collection of existing profiles			No	No	
Option 1: US Gov't assistance - Dataload of existing profiles			No	No	
Option 2: UK Gov't assistance - Dataload of existing profiles			No	No	This option is no longer being pursued

**Filling of TTFSC Positions**

Activity	Start Date	End Date	Started? Yes/No	Completed? Yes/No	Update
<b>Filling of 14 Vacant Established Technical Positions</b>					Please note that there have been no changes from the previous position
a. Submit request to the Director of Personnel (DPA) Administration for the advertising and filling of the vacancies	21-Jul-16	31-Jul-16	Yes	Yes	
b. Advertising of positions by the DPA	1-Sep-16	30-Sep-16	yes	No	Vacancy of Scientific Officer 1 was advertised on 5-1-2017 for submission of applications with a deadline date of 17-2-2017.
c. Shortlisting of applicants	1-Oct-16	31-Oct-16	Yes	No	The dates and status for items c-g are to be addressed by the Director of Personnel Administration (DPA) since the filling of Establishment positions is under the remit of the Public Service Commission. Following correspondence with DPA, five (5) positions of Scientific Officer II have been filled. The DPA. has also informed that the nine (9) other positions of Scientific Officer I were advertised in February and applicants are being shortlisted.
d. Assessment of shortlisted Candidates	1-Nov-16	30-Nov-16	Yes	No	
e. Selection of Candidates	1-Dec-16	31-Dec-16	Yes	No	
f. Recruitment of Candidates	3-Jan-17	31-Jan-17	Yes	No	
g. Assumption of Candidates	1-Feb-17	28-Feb-17	Yes	No	

**Filling of TTFSC Positions**

<b>Filling of Existing Contract Positions</b>					<b>Please that there have been no changes from the previous position</b>
a. Request approval to advertise positions	8-Aug-16	22-Aug-16	Yes	<b>No</b>	Three ( 3) of the four (4)positions of Forensic Pathologists are filled. Approval has been granted to fill the other position. This position has been advertised.
b. Advertise positions	29-Aug-16	19-Sep-16	Yes	<b>No</b>	Position of Forensic Pathologist was advertised.
c. Shortlisting of applicants	21-Sep-16	30-Sep-16	<b>No</b>	<b>No</b>	
d. Assessment/Interviews of shortlisted Candidates	1-Oct-16	21-Oct-16	<b>No</b>	<b>No</b>	
e. Selection of Candidates	24-Oct-16	31-Oct-16	<b>No</b>	<b>No</b>	
f. Approval of Recruit Candidates	1-Nov-16	14-Nov-16	<b>No</b>	<b>No</b>	
g. Offer letters and Assumption of selected Candidates	15-Nov-16	15-Feb-17	<b>No</b>	<b>No</b>	

**Filling of TTFSC Positions**

Activity	Start Date	End Date	Started? Yes/No	Completed? Yes/No	Update
<b>Creation of Additional Contract Posisitons</b>					Please note that there have been no changes from the previous position
Prepare Draft Note for Cabinet (DCN) to create positions	15-Aug-16	31-Aug-16	Yes	No	A Draft Note to Cabinet is being drafted.
Submit DCN for approval of Permanent Secretary and Minister	1-Sep-16	16-Sep-16	No	No	Items b-l will be advertised after item(a) has been completed.
Seek comments/recommendations of the Public Management Consulting Division (PMCD)	19-Sep-16	17-Oct-16	No	No	
Submit Note with comment of PMCD for consideration of Cabinet	18-Oct-16	31-Oct-16	No	No	
Obtain Cabinet approval	1-Nov-16	11-Nov-16	No	No	
Request approval to advertise positions	14-Nov-16	25-Nov-16	No	No	
Advertise positions	9-Dec-16	31-Dec-16	No	No	
Shortlisting of applicants	3-Jan-17	17-Jan-17	No	No	
Assessment/Interviews of shortlisted Candidates	23-Jan-17	17-Feb-17	No	No	
Selection of Candidates	20-Feb-17	10-Mar-17	No	No	
Approval of Recruit Candidates	13-Mar-17	24-Mar-17	No	No	
Offer letters and Assumption of selected Candidates	27-Mar-17	30-Mar-17	No	No	

**JSC National Security**  
**Tracking of the Operations of the Forensic Science Centre**  
**Procurement of Equipment**

Activity	Start Date	End Date	Started? Yes/No	Completed? Yes/No	Update
<b>Fourier Transform InfraRed Spectrometer (FTIR) and Drug Testing System</b>					Please note that there have been no changes from the previous position
Generate specifications and prepare RFP		31-Aug-16	Yes	Yes	Quotes from suppliers have been received and evaluated with respect to the FTIR Spectrometer. However, owing to the budgetary allocation, the Drug Testing system cannot be procured in FY 2017.
Invite suppliers to provide quotations	3-Oct-16	17-Oct-16	Yes	Yes	
Evaluate quotations and recommend supplier	18-Oct-16	26-Oct-16	Yes	Yes	
Submit to Permanent Secretary and obtain approval	27-Oct-16	9-Nov-16	Yes	No	A submission was made to the Permanent Secretary on March 6, 2017, for approval to proceed with the purchase
Request and obtain releases from Budget Division	10-Nov-16	30-Nov-16	No	No	
Prepare and issue Invoice Order to Supplier	1-Dec-16	5-Dec-16	No	No	
Delivery, installation and training	6-Dec-16	5-Feb-17	No	No	
<b>Genetic Analyser</b>					Please note that there have been no changes from the previous position
Generate specifications and prepare RFP	15-Aug-16	14-Sep-16	Yes	Yes	Owing to the budgetary allocation, a smaller capacity system is being procured.
Submit to Procurement Unit, MNS to initiate procurement process	3-Oct-16	14-Oct-16	Yes	Yes	
Invite tenders (media advertisement), evaluate tenders and identify most suitable supplier	17-Oct-16	16-Dec-16	Yes	No	
Obtain approval of Ministerial Tenders Committee	19-Dec-16	18-Jan-17	Yes	No	A submission was made on March 3, 2017 to the Procurement Section seeking approval.
Request and obtain releases from Budget Division	19-Jan-17	17-Feb-17	No	No	

**JSC National Security**  
**Tracking of the Operations of the Forensic Science Centre**  
**Procurement of Equipment**

Activity	Start Date	End Date	Started? Yes/No	Completed? Yes/No	Update
Remit downpayment to Supplier	17-Mar-17	31-Mar-17	Yes	No	
Delivery, installation and training	1-Apr-17	30-Jun-17	No	No	
<b>Comparison Macroscope System</b>					Please note that there have been no changes from the previous position
Generate specifications and prepare RFP	15-Aug-16	14-Sep-16	No	No	Based on the Fiscal 2017 Budgetary Allocation, this item cannot be procured during the current Fiscal Year. Preparation of Specifications at this time is not advised since it changes form year to year.
Invite suppliers to provide quotations	1-Oct-16	30-Oct-16	No	No	
Evaluate quotations and recommend supplier	1-Nov-16	14-Nov-16	No	No	
Submit to Permanent Secretary and obtain approval	15-Nov-16	29-Nov-16	No	No	
Request and obtain releases from Budget Division	30-Nov-16	21-Dec-16	No	No	
Prepare and issue Invoice Order and process downpayment to Supplier	22-Dec-16	20-Jan-17	No	No	
Delivery, installation and training	23-Jan-17	22-Apr-17	No	No	
<b>GC/MSD Systems (2) - Separate systems to be purchased for the Chemistry and Toxicology Sections</b>					Please note that there have been no changes from the previous position
Generate specifications and prepare RFP	1-Sep-16	15-Sep-16	No	No	
Invite suppliers to provide quotations	1-Oct-16	30-Oct-16	No	No	
Evaluate quotations and recommend supplier	1-Nov-16	14-Nov-16	No	No	
Submit to Permanent Secretary and obtain approval	15-Nov-16	29-Nov-16	No	No	
Request and obtain releases from Budget Division	30-Nov-16	21-Dec-16	No	No	
Prepare and issue Invoice Order and process downpayment to Supplier	22-Dec-16	20-Jan-17	No	No	
Delivery, installation and training	23-Jan-17	22-Apr-17	No	No	

# APPENDIX III

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## Minutes of Fifth and Sixth Meetings of the JSC on National Security held on June 01 and 22, 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**

### **PRESENT**

#### **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

**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, 10<sup>th</sup> 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)
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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.

I certify that these Minutes are true and correct.

Chairman

Secretary

May 31, 2016

## **JOINT SELECT COMMITTEE ON NATIONAL SECURITY**

**MINUTES OF THE SIXTH MEETING HELD IN THE A.N.R. ROBINSON MEETING  
ROOMS, LEVEL 9, OFFICE OF THE PARLIAMENT, TOWER D, IWFC,  
#1A WRIGHTSON ROAD, PORT OF SPAIN ON JUNE 22, 2016**

### **PRESENT**

#### **Committee Members**

Mr. Fitzgerald Hinds, MP	Chairman
Ms. Nicole Olivierre, MP	Member
Mr. Michael Coppin	Member
Mr. Taurel Shrikissoo	Member

#### **Secretariat**

Mrs. Jacqui Sampson-Meiguel	Secretary
Mr. Johnson Greenidge	Assistant Secretary
Ms. Roxanne Fournillier	Research Assistant

#### **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

#### **Officials of the Trinidad and Tobago Forensic Science Centre**

Ms. Arlette Lewis	Director, Forensic
Mr. Mark Lutchman	Project Manager

#### **Officials of the Office of the Chief Parliamentary Counsel**

Mr. Ian Macintyre, S.C.	Chief Parliamentary Counsel
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#### **Officials of the Office of the Personnel Department**

Mr. Beresford Riley	Chief Personnel Officer (Ag.)
Mr. Gary Joseph	Dep. Chief Personnel Officer (Ag.)
Ms. Susan Rajnauth-Houllier	Director (Ag.) - Benefits Mgmt. Div.
Ms. Dawn De Silva	Senior Human Resource Officer

#### **Officials of the Trinidad and Tobago Police Service**

Mr. Stephen Williams	Commissioner of Police
Mr. Jerry De Leon	Ag. Asst. Superintendent
Mr. Kazim Ali	Sgt. - SDO I/c - Legal

### **ABSENT**

Mr. Prakash Ramadhar, MP (excused)	Member
Mr. Nigel De Freitas (excused)	Member
Mr. Faris Al-Rawi, MP	Member
Mr. Wayne Sturge	Member

### **PUBLIC HEARING WITH ALL RELEVANT STAKEHOLDERS ON:**

### **The Challenges in relation to DNA Sampling and the establishment of a Forensic DNA Databank pursuant to the Administration of Justice (Deoxyribonucleic Acid) Act, 2012**

#### **Welcome and Opening Remarks**

7.1 The meeting was resumed in public.

7.2 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

#### **Officials of the Trinidad and Tobago Forensic Science Centre**

Ms. Arlette Lewis	Director, Forensic
Mr. Mark Lutchman	Project Manager

#### **Officials of the Office of the Chief Parliamentary Counsel**

Mr. Ian Macintyre, S.C.	Chief Parliamentary Counsel
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#### **Officials of the Office of the Personnel Department**

Mr. Beresford Riley	Chief Personnel Officer (Ag.)
Mr. Gary Joseph	Dep. Chief Personnel Officer (Ag.)
Ms. Susan Rajnauth-Houllier	Director (Ag.) - Benefits Mgmt. Div.
Ms. Dawn De Silva	Senior Human Resource Officer

#### **Officials of the Trinidad and Tobago Police Service**

Mr. Stephen Williams	Commissioner of Police
Mr. Jerry De Leon	Ag. Asst. Superintendent
Mr. Kazim Ali	Sgt. - SDO I/c - Legal

7.3 There were introductions.

7.4 The Chairman identified that the objective of the hearing was to gain elucidation on the challenges in relation to DNA Sampling and the establishment of a Forensic DNA Databank pursuant to the Administration of Justice (Deoxyribonucleic Acid) Act, 2012.



- 7.5 The Chair acknowledged receipt of the written submissions from the Permanent Secretary, MNS dated June 08 and 20, 2016 (**Appendices I and II**) in response to requests by the Committee. He thanked the Permanent Secretary.
- 7.6 The following officials made brief opening statements:
- i. The Permanent Secretary, Ministry of National Security
  - ii. The Chief Parliamentary Counsel, Office of the Attorney General and Ministry of Legal Affairs
  - iii. The Ag. Chief Personnel Officer
  - iv. The Ag. Commissioner of Police
  - v. The Director, Trinidad and Tobago Forensic Science Centre

#### **The appointment of the Custodian of the DNA Databank under the Act**

- 7.7 The Committee inquired into the appointment of the Custodian of the Forensic DNA Databank under Part III, Sec. 8 of the Administration of Justice (Deoxyribonucleic Acid) Act, 2012. The Director, Forensic advised on the responsibilities of the Custodian according to the Act and indicated that filling the position is central to the establishment of a DNA Databank and the issue of DNA Sampling. (**See Verbatim Notes**)
- 7.8 The Chairman asked for further explanation on the importance of the Custodian and why the responsibility for the retention and storage of DNA samples after analysis does not rest with the TTFSC. The Director advised that international best practice provides that the storage of DNA samples should be managed by body an independent from analysis laboratories. The Custodian if established would head such a body independent of the TTFSC, namely the DNA Databank. (**See Verbatim Notes**)

#### **Non-intimate DNA samples taken from officers in the Third Schedule of the Act**

- 7.9 The Chairman referred to Sec. 15 of the Act and inquired who was responsible for the taking of non-intimate DNA samples from the officers identified in the Third Schedule of the Act. The Chief Parliamentary Counsel (CPC) advised that the responsibility rests with the relevant officials identified in the Fourth Schedule of the Act. (**See Verbatim Notes**)
- 7.10 The Director also indicated that the TTFSC currently stores the samples collected after analysis in order to transfer them accordingly upon the establishment of the DNA Databank. The Committee was also advised on Sec. 25 of the Act and that the TTFSC may store profiles for up to five (5) years after which they may be destroyed. (**See Verbatim Notes**)

### **Cross-referencing of DNA Samples for the purpose of DNA profiling<sup>4</sup> in criminal investigations**

- 7.11 The Committee asked whether the TTFSC can currently cross-reference active DNA samples in criminal investigations with archived samples for the purpose of identifying matches and creating DNA profiles. (See **Verbatim Notes**)
- 7.12 The Director advised that the capacity of the TTFSC only allows for manual cross-referencing of samples by request. The TTFSC does not retain an electronic database for the same purpose. The Committee was referred to Sec. 25 of the Act and the difference between a DNA sample and DNA profile. (See **Verbatim Notes**)

### **Storage of DNA Samples in the absence of a Custodian**

- 7.13 The Committee inquired whether the TTFSC is now fulfilling the roles and functions of the Custodian. The Director, Forensic and CPC indicated the law clearly separates the roles of both the TTFSC and the Custodian. However, the TTFSC as indicated has stored samples in the absence of the Custodian and DNA Databank. (See **Verbatim Notes**)

### **Challenges in relation to the appointment of the Custodian of the DNA Databank**

- 7.14 The Chairman sought elucidation on the challenges in relation to the appointment of the Custodian and establishment of the DNA Databank pursuant to the Act. The Director indicated that stakeholders began work toward the establishment of the Databank in 2013 and an Organisational Chart for the body was proposed. The Chairman later requested that the proposed Organisational Chart for the DNA Databank be forwarded to the Committee. (See **Verbatim Notes**)
- 7.15 The Chief Personnel Officer (CPO) indicated that his office was requested to finalize the terms and conditions of the position of Custodian and Deputy Custodian in May, 2015. The Permanent Secretary, Ministry of National Security (PS, MNS) indicated that he received the finalized terms and conditions for each position approximately one (1) hour before the meeting. He stated that as of June 23, 2016 the Ministry will begin contacting persons targeted for the position. (See **Verbatim Notes**)

### **Matters related to the written submission by the Permanent Secretary dated June 20, 2016**

- 7.16 A discussion commenced as the Committee sought clarification on matters related to the written submission by the Permanent Secretary dated June 20, 2016. (See **Verbatim Notes**)

### **Non-intimate DNA samples taken from persons identified in the Section 13 of the Act**

- 7.17 The Chairman read aloud Sec. 13 of the Act and inquired whether the TTFSC routinely collects non-intimate DNA samples from persons identified in this section of the Act. Ag.

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<sup>4</sup> DNA profiling is a forensic technique used to identify individuals by characteristics of their DNA.

ASP De Leon advised the Homicide Unit of the TTPS routinely collects non-intimate samples detainees/suspects in the custody. **(See Verbatim Notes)**

- 7.18 Subsequent to an inquiry by the Chair, the Committee requested that the Ag. Commissioner confirm whether non-intimate samples of this nature are collected by other Units of the TTPS and submit this information to the Committee in writing. **(See Verbatim Notes)**

### **General Challenges faced by Stakeholders**

- 7.19 The Chairman inquired whether entities wished to highlight any particular challenges. The Project Manager advised that the US Government requires that a Custodian be appointed and the DNA Databank Unit be established in order to allow Trinidad and Tobago to acquire the CODIS<sup>5</sup> software necessary to operate the DNA Databank. The Project Manager also indicated that the DNA Databank Unit may be fully equipped and established by the period September to October, 2016 if a Custodian is appointed at the soonest. **(See Verbatim Notes)**
- 7.20 The Committee requested that the Permanent Secretary submit a work programme which outlines a timeline for the appointment of a Custodian, establishment of a DNA Databank and commencement of the operation of the Databank. **(See Verbatim Notes)**
- 7.21 The Ag. Commissioner advised that many police officers have been trained to collect DNA Samples in anticipation of the establishment of a DNA Databank. He also indicated that training of more officers will continue. **(See Verbatim Notes)**
- 7.22 The Director, Forensic later indicated that there is a serious need to employ additional staff at the TTFSC and to procure the accommodation and equipment necessary to facilitate the functions of such additional staff members. **(See Verbatim Notes)**
- 7.23 The Chairman recommended that the Director submit to the Permanent Secretary a list of the resources required by the TTFSC as well as recommendations for the improvement of the operations of the TTFSC using the resources it currently applies. The Chair then requested that the Permanent Secretary submit to the Committee a timeline which indicates the implementation of solutions regarding the requirements/recommendations identified by the TTFSC. **(See Verbatim Notes)**
- 7.24 The Committee through the Chair requested that the CPC submit his legal advice regarding:
- i. whether office holders identified in the Fourth Schedule of the Administration of Justice (Deoxyribonucleic Acid) Act, 2012 are restricted by any provision in law from performing their functions according to the Act; and

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<sup>5</sup> Combined DNA Index System (CODIS) utilised by the Federal Bureau of Investigation

- ii. which government department/agency is responsible for collecting non-intimate samples from prisoners according to Sec 14 (6) of the Administration of Justice (Deoxyribonucleic Acid) Act, 2012.

### **Current Outsourcing arrangements used by the TTFSC**

- 7.25 The Committee inquired whether the TTFSC currently engages in any outsourcing arrangements with foreign laboratories. The Director, Forensic advised that the TTFSC does not and has not outsourced regarding DNA samples for analysis. A discussion commenced in relation to accredited laboratories for possible outsourcing of DNA samples for analysis. **(See Verbatim Notes)**
- 7.26 Ag. ASP De Leon advised that TTPS consults the TTFSC to determine whether it is able to analyse the particular DNA sample. If it is not, the DNA sample is sent abroad for analysis. The Director, Forensic indicated that the results of the analysis of outsourced samples are also stored to be transferred to the DNA Databank Unit upon its establishment. **(See Verbatim Notes)**

### **Regulations in accordance with Section 34 of the Act**

- 7.27 A discussion commenced on the need for Regulations to be made by the Minister of National Security in accordance with Section 34 of the Act. **(See Verbatim Notes)**

### **Closing Statements**

- 7.28 The Chairman thanked all officials for attending and gave closing comments. The following officials gave closing comments:
- i. The Permanent Secretary, Ministry of National Security
  - ii. The Chief Parliamentary Council, Office of the Attorney General and Ministry of Legal Affairs
  - iii. The Ag. Chief Personnel Officer
  - iv. The Ag. Commissioner of Police
  - v. The Director, Trinidad and Tobago Forensic Science Centre

- 7.29 The meeting was suspended.

I certify that these Minutes are true and correct.

Chairman

Secretary

July 04, 2016

# APPENDIX IV

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## **Verbatim Notes of Fifth and Sixth Meetings of the JSC on National Security held on June 01 and 22, 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
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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@tpparliament.org](mailto:parl101@tpparliament.org) or on our facebook page at [facebook.com/tpparliament](https://www.facebook.com/tpparliament) or on [twitter@tpparliament](https://twitter.com/tpparliament).

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 19<sup>th</sup> 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 19<sup>th</sup> 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 going on, 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 23<sup>rd</sup>,

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 10<sup>th</sup>. 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](mailto:parl101@ttparliament.org), or on our facebook page, @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 31<sup>st</sup>, 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 31<sup>st</sup>, 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 31<sup>st</sup>—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 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 stand-alone?

**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 wont 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.

**UNREVISED VERBATIM NOTES OF THE SIXTH MEETING OF THE  
JOINT SELECT COMMITTEE ON NATIONAL SECURITY IN THE A.N.R.  
ROBINSON MEETING ROOM (EAST), LEVEL 9 (IN PUBLIC), TOWER D,  
INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD,  
PORT OF SPAIN, ON MONDAY, JUNE 22, 2016 AT 4.07 P.M.**

**PRESENT**

Mr. Fitzgerald Hinds	Chairman
Mr. Taurel Shrikissoon	Member
Ms. Nicole Olivierre	Member
Mr. Michael Coppin	Member
Mrs. Jacqueline Sampson-Meiguel	Secretary
Mr. Johnson Greenidge	Assistant Secretary
Miss Chantal La Roche	Legal Officer II
Miss Simone Yallery	Legal Officer I

**ABSENT**

Mr. Nigel De Freitas	Member [Excused]
Mr. Faris Al-Rawi	Member [Excused]
Mr. Prakash Ramadhar	Member [Excused]
Mr. Wayne Sturge	Member

**OFFICIALS FROM NATIONAL SECURITY**

**FORENSIC SCIENCE CENTRE**

Mr. Simeon Yearwood	Permanent Secretary (Accounting Officer)
Mr. Vel Lewis	Permanent Secretary



Ms. Maria Joseph	Deputy Permanent Secretary
Ms. Arlette Lewis	Director, Forensic
Mr. Mark Lutchman	Project Manager

### **CHIEF PARLIAMENTARY COUNSEL**

Mr. Ian Macintyre SC	Chief Parliamentary Counsel
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### **OFFICE OF THE PERSONNEL DEPARTMENT**

Mr. Beresford Riley	Chief Personnel Officer (Ag.)
Mr. Gary Joseph	Deputy Chief Personnel Officer (Ag.)
Ms. Susan Rajnauth-Houllier	Director (Ag.) Benefits Management Division
Ms. Dawn De Silva	Senior Human Resource Officer

### **TRINIDAD AND TOBAGO POLICE SERVICE**

Mr. Stephen Williams	Commissioner of Police (Ag.)
Mr. Jerry De Leon	ASP Homicide Bureau of Investigations (Ag.)
Mr. Kazim Ali	Sergeant – SDO I/C Legal

**Mr. Chairman:** Good afternoon and welcome. We propose to deal with continuation of our enquiry, this Committee's enquiry into the operations of the Forensic Science Centre and the issue of DNA sampling in Trinidad and Tobago. Might I indicate that the proceedings are being recorded and will be aired on the

Parliament Channel 11, Parliament Radio105.5 FM, and the Parliament's YouTube channel ParlView.

May I take this opportunity to sincerely welcome the Permanent Secretary, Ministry of National Security; the Chief Parliamentary Counsel; the Acting Chief Personnel Officer; the Acting Commissioner of Police; and, of course, the Director of the Trinidad and Tobago Forensic Science Centre; and all of the officials who would have accompanied you to support your positions here this afternoon. And I would like to invite you to introduce yourselves, beginning, of course, with the Permanent Secretary, Ministry of National Security.

[Officials introduce themselves]

**Mr. Chairman:** Thank you very much, I am Fitzgerald Ethelbert Hinds, Chairman of this Committee, Member of Parliament, and let me ask my colleagues to introduce themselves.

[Members introduce themselves]

**Mr. Chairman:** We are usually with a couple other members, some of whom are obviously not with us today; Mr. Prakash Ramadhar, Member of Parliament, he could not be with us, and Sen. Wayne Sturge, who is somewhere in the precincts conducting other public business, and, of course, yes, my colleague the Member of Parliament for San Fernando West, and the Attorney General, Mr. Faris Al-Rawi.

Thank you all very much again. Let us remind you that the objective of this hearing is to gain elucidation on the challenges that you encounter in relation to DNA sampling and the establishment of the forensic DNA databank, pursuant to the law that governs those. That is to say, the Administration of Justice (Deoxyribonucleic Acid) Act of 2012. We are not unaware as a Committee that you have encountered, and perhaps continue to encounter, certain challenges and part of our responsibility is to understand what they are so that we can communicate them to our principals as it were, because we are a subset of the Parliament. To communicate it in our report to the Parliament and, of course, where necessary, as often is the case, to the Minister of National Security in this particular case, who is responsible in constitutional and legal terms, for the operation.

I would like to acknowledge the fact that in response to our written requests, we received written submissions from the Permanent Secretary, Ministry of National Security, by letters dated June the 8th and June the 20<sup>th</sup>, 2016. We thank you for that. I, therefore, would like to ask the Permanent Secretary, Ministry of National Security, to express briefly any opening thoughts or comments that you may have, now that we have indicated clearly what our purpose this afternoon is. And your comments will be followed by those of the Acting Commissioner of Police, and of course, the Director of the Trinidad and Tobago Forensic Science Centre in turn. Thank you very much.

**Mr. Yearwood:** In terms of our last meeting where it was indicated that there were challenges, I am pleased to say that some of the challenges have been overcome, and to ensure we keep on track, we have put in place a steering committee under the stewardship of the Deputy Permanent Secretary responsible for the defence and protective services to ensure that everything remains on track. I think that is what I want to say at this point in time, Chairman. Thank you.

**Mr. Chairman:** Thank you very kindly. So, some advance has been had?

**Mr. Yearwood:** Yes, sir.

**Mr. Chairman:** And this steering committee is at work?

**Mr. Yearwood:** As of Friday next week they will begin to work, sir.

**Mr. Chairman:** I see. Thank you. Mr. Commissioner.

**Mr. Williams:** Hon. Chairman, the Trinidad and Tobago Police Service is represented here on invitation to provide any assistance that the Committee requires. I do, in fact, have two officers available. One who is the First Division officer in charge of the Scientific Evidence Unit which we normally refer to as SEU, that is ASP Dillion. Matters relevant to the operations of the police service and the issue of evidence recovery, would effectively be supported by him.

**Mr. Chairman:** Thank you very much. Madam Lewis.

**Ms. Lewis:** Good afternoon everyone. Further to what the Permanent Secretary has said, we have in fact, as a team, responded to the questions that were asked in terms of the challenges. In

terms of the specific challenges for the establishment of the DNA databank, I do not know if you wanted us to deal with that, or to all the particular questions you asked?

**Mr. Chairman:** Well, we had asked for some opening remarks, but if you are in flight you—

**Ms. Lewis:** Well, opening remarks, all right. In terms of the DNA databank, work has started and is continuing. And I think what is happening now is that everyone is on board with what needs to be done, and that is going ahead. We have really several challenges related to the work that is needed to be done by the centre. A lot of it is related to the quantity of work that is coming to us over which we have no control, but we are working as best as we can, with what we have, and a lot of the issues surround—and it goes back to what is coming to us that we cannot say we cannot work on. We are just taking longer, because we do not have the capacity in some of the areas to deal with the requirement or the demands that are asked of us on a daily basis. But, we are working as best as we can with what the staff we have, the equipment we have. But, again, that is just an overall picture of what is going on.

**Mr. Chairman:** Well, obviously, as I indicated earlier, our business is to understand very, very clearly what those challenges, including your manpower challenges, are, so that we can make recommendations to the Parliament or to your Minister and support the effort to getting those challenges resolved, so that the full effect of the law can be brought to bear. Especially in the circumstances as now exist in Trinidad and Tobago. So, I would like you then, having heard those opening statements to tell us a bit about those challenges, in particular, as it relates to manpower.

I recall on the last occasion we were here, one office holder, or one office that is yet to be established/filled is that of the custodian. For the benefit of those who are observing, listening, tell us who is the custodian? What is his/her responsibility in this law? And, why, in your view a custodian has not yet been appointed? Because that clearly is one of your challenges. And thereafter you can tell us about the general human resource issues that you indicated that you face, so that we can better understand.

**4.20 p.m.**

**Ms. Lewis:** The Custodian, under Part III of the Act, the Custodian is supposed to be responsible for what we called the National Forensic DNA Databank of Trinidad and Tobago. And that office or that entity, because it is going to be an entity which is separate and apart from the Trinidad and Tobago Forensic Science Centre, will be responsible for the storing of all the DNA profiles that are generated either at the Centre or would come into the possession of Trinidad and Tobago. For instance, from immigration purposes, from deportees or by mutual understanding. They will be the persons who would be responsible for storing the profiles and having it on a database.

If the Commissioner of Police, for instance, has some information where he or she would like to find out if a particular individual in a case could have been responsible for a case that happened some time ago, the Forensic Science Centre would, in fact, submit all their profiles to the data bank, but it would be the function of the Custodian to search the data bank to determine whether cases are linked or so.

If we get cases or profiles rather from other sources, other laboratories, other countries or if they request from other countries asking for information about DNA profile to search against our data bank that would be the function of the Office of the Custodian. The Custodian is, if you want to call the person who heads the unit, which will be called the National Forensic DNA Databank. As it stands now, what happens is, there is a particular case where, let us say, it is a wounding case or a sexual offences case, the investigator would in fact take samples and ask us to do a DNA analysis to determine if this particular suspect is responsible for this particular crime.

So it is all dealt with on a case by case basis now. But what would happen in the future is, we get a suspect, five years down the road we have some crime scene samples where DNA profiles were generated, five years ago, he would then be able to ask the Custodian, the investigator or through the Commissioner of Police based on the regulations or the law, if they can do a search to determine if this person would have been responsible for any, if you want to call, cold cases or any cases that have not been solved.

So it is important for us as a country to have the Custodian in place so that that could be done, similar to what is done in fingerprints where you can do tracing and determine if this person did something how many other years ago.

**Mr. Chairman:** Let me ask a couple of questions before, of course, my colleagues do the same. On the last occasion one of your officers indicated to this Committee that you, the Forensic Science Centre, you generally speaking do not collect evidence on the crime scenes. That is a matter for the Commissioner of Police and his men and women.

**Ms. Lewis:** Yes.

**Mr. Chairman:** And we established that that is not unique. It is not strange, it is not a bug bear, it is not a problem. That is pretty okay. In some places, jurisdictions, the Forensic Science Centre might very well be the entity that does that collection from the crime scene, but either way it is not an issue. It is how it is managed and so on.

So you have the police collecting, dealing with the crime scene.

**Ms. Lewis:** Yes.

**Mr. Chairman:** You have the Forensic Science Centre which does the analysis of whatever the police would have picked up by way of evidence on the crime scene, and then you have the DNA Databank headed by the Custodian that stores these profiles over time.

**Ms. Lewis:** That is correct.

**Mr. Chairman:** That is how the thing is designed to work. I would like you to just, and there is obviously as you said, some independence of office, the Custodian and the DNA Databank from the Forensic Science Centre which does analysis and testing and so on. Why in your view, for our benefit, is this distinction to exist, this independence from the Forensic Science Centre? Just for elucidation, in other words, the layman's question. Why can you not, having analyzed it, retain the information just as the Custodian independent of you might have?

**Ms. Lewis:** Because generally, I am talking about internationally, the data bank are normally independent, it is normally done by an independent body. For instance, in the States all the

laboratories in the States, their data bank is managed by the FBI, even the State labs and so on. So that if there is any, if you want to say, checking and so on to be done it is one collection point.

In Canada, the RCMP, there is a separate entity within the RCMP, the individual labs do not do it. There is one particular, if you want to say office. So I think it was done by and I have to by—it was drafted in such a way based on best international practice where it is normally an independent body to the labs. So you do not have the persons who are generating the profiles being responsible for keeping the profiles. They transfer it to an independent body whose function is to keep that and manage it, because it is not really, the analyst will have to be—even if it is within the Centre, it will have to be a completely separate unit managed by a different set of personnel. I think internationally that is how it is and it is normally an independent unit, independent from the labs and all the labs will send it to this particular—

**Mr. Chairman:** Let me ask again, under the Act, quite apart from the police and the collection of evidence on crime scenes, under the Act provision is made for collection of samples from different subsets of the society. Is that correct? Like prisoners, some categories of prisoners.

**Ms. Lewis:** Yes.

**Mr. Chairman:** Suspects, correct?

**Ms. Lewis:** Yes.

**Mr. Chairman:** Persons detained and so on. So quite apart from collection by the police on the crime scene, the law permits, I think in which section, Mr. Macintyre SC, you might be able to direct us promptly. Is it section 15? For example, section 15, let me just read that. Section 15 of the Act provides that:

“(1) A non-intimate sample shall be taken from”—the following persons—“without his consent.”

And that:

“(2) The Commissioner of Police shall make arrangements”—for these—“samples to be taken by a qualified person...”

And it goes on to list:

- “1. A person who is employed, or applies for employment as:
  - (a) an officer of the Protective Services”—which we now know means police, defence force and fire service.
    - “(b) a member of the Municipal Police...;
    - (c) a member of the Special...Police;”

Any:

- “...person...employed, or”—applying—“for employment...
  - (d) a constable within the meaning of the Supplemental Police Act;
  - (d) a member of the Defense Force;
  - (e) ...Customs Officer of the Customs and Excise Division; or
  - (f) a private security officer.”

So we see—and then the prisoners as I told you.

So the law permits that you can obtain these samples from these categories. That is the responsibility of the Forensic Science Centre is it?—on instructions to the Police Commissioner or the Police Commissioner can just proceed to do that. Mr. Macintyre SC, you have the Act before you I take it. I was looking at section 15.

**Mr. Macintyre SC:** On section 15.

**Mr. Chairman:** Yes. I was getting to the point—yes.

**Mr. Macintyre SC:** Will be taken by a qualified person.

**Mr. Chairman:** Yes, but whose responsibility is it from your reading of that piece of law to collect these samples? We know on a crime scene that is the matter for the police, detainees and so on, the police will deal with that. And we talk here about the Commissioner of Police—

**Mr. Macintyre SC:** Yes. Okay. So the person who is authorized to order the taking of the non-intimate sample is listed in the Fourth Schedule as the Commissioner of Police in respect of the police service, Special Reserve Police and Supplemental Police. The Chief Fire Officer in



respect of the fire service, the Commissioner of Prisons in respect of the prison service, et cetera.

**Mr. Chairman:** Right. So all these office holders are mandated under the law to simply take these samples from these categories of persons.

**Mr. Macintyre SC:** Yes.

**Mr. Chairman:** And then make those samples available to the Custodian, I take it.

**Mr. Macintyre SC:** Custodian to be kept in the data bank.

**Mr. Chairman:** So that it is in that way and in other ways that this data bank is developed so that at the appropriate times you can have matches with this expanded or expanding data bank. Am I correct?

**Mr. Macintyre SC:** Yes, that is the intention, yes.

**Mr. Chairman:** All right, great. Colleagues you may have some matters you wish to raise. Thank you. Section 13, while my colleagues—you have—yeah, please, go ahead Sen. Shrikissoon.

**Mr. Shrikissoon:** Thank you, Chair. Can anyone advise if—this Act has been in effect since 2012. Can anyone advise if any of the samples or any of the analyses that has been done prior to now, has that been stored and is it stored anywhere that can be accessed at any point in time? Thank you.

**Ms. Lewis:** The samples that were submitted to the Trinidad and Tobago Forensic Science Centre for analysis or the profiles that have been generated to date are at the Centre and as soon as the, if you want to call it, the Office of the Custodian is set up and generated, established, we are in a position based on whatever infrastructural arrangements are putting networking to be able to send them. So we have samples that were submitted to us that we have actually generated profiles. We have them available for transfer to the data bank as soon as it is generated.

**Mr. Shrikissoon:** Thank you. And just to follow up on that question. You mentioned earlier, that your analyses are being done on a case by case basis. But should you have a sample, do you have the capability to actually, once you determine or once you analyze the sample, do you have

the capability to run a check against the data that you all would have collected or has been stored to help assist in any way?

**Ms. Lewis:** We will check it against what is done in the particular case, right. That is how it will be done. A collection of items in the case, so we check it against that. However, oft times based on information that the police investigation will have, they will ask us to check it against a previously submitted case or previously submitted evidence and we will then have to physically do it. We cannot do it electronically.

**Mr. Shrikissoon:** Okay. So that was the point I was trying to get at, whether or not you have the capability to essentially perform, a cross reference check based on what you have.

**Ms. Lewis:** Manually now, we can do it.

**Mr. Shrikissoon:** But that has to be initiated by someone.

**Ms. Lewis:** Yes, it has to be requested and it will also be requested in the provisions of the data bank, also have allowed for that to be done. But then it could be done electronically. So now it is being done manually.

**Mr. Shrikissoon:** But do you have the capability to do it electronically at this time?

**Ms. Lewis:** Now?

**Mr. Shrikissoon:** Yes.

**Ms. Lewis:** No.

**Mr. Shrikissoon:** So therefore, what you are saying to me is that sometimes you may actually have a sample that probably could have a match that in a database somewhere, that if it is not initiated by a request, that match may not occur.

**Ms. Lewis:** Yes, the possibility occurs now.

**Mr. Shrikissoon:** Thank you.

**Mr. Chairman:** Yeah. I suspect if I am correct, the Commissioner will help me here. Is it not the case, if the investigator considers it necessary, he makes such a request. Is it not Commissioner?

**Mr. Williams:** Yes, Chairman.

**Mr. Chairman:** So it depends on the depths and the extent of the investigation and so on. Madam Olivierre, you had some—

**Miss Olivierre:** If I may just follow up on the question in terms of the storage of the samples that you currently maintain until the data bank becomes available, what is your capacity to store evidence and how much time again would it take before you have exhausted that capacity? I am trying to get a sense of—exactly how urgent it is.

**Ms. Lewis:** Okay, what we do is, we actually store the profile. Okay, it is not the actual sample that we are storing to give to the Custodian.

**Mr. Chairman:** When you say sample, could you for the benefit of the public who are listening, when you say sample, what do you mean?

**Ms. Lewis:** The sample is the actual physical sample be it blood or it could be saliva that would have been taken from the suspect or the crime scene or the item of evidence, a knife and so on. What would happen is, we would extract the DNA from that and we would generate a profile. The actual items from a crime scene are given back to the police because quite often it is used as an exhibit in court. So we do not store those.

What we have available, which is what is going to be given to the Custodian is the actual profile which is like your fingerprint. So that is stored digitally. It is written on the report but that information is what we will then be giving to the Custodian. We are also required to store samples taken from, I think a period of ten years, I cannot remember the exact—where they talked about the storing of the samples, the samples that we take from suspects or—section 25(1), that is where we are talking about:

“Subject”—to those—“where a sample is not destroyed during forensic DNA analysis”—centre—“shall keep the sample for a minimum period of five years...”

What we would keep is the actual extract of the sample.

So there is a difference between the sample—and in those cases what we do, if it is a blood

sample, we will use little cards where we will extract it and keep it under certain conditions for a period of five years after which we are able to destroy it as opposed to the profile which goes to the data bank. So I hope it is clear, the difference between the profile and the sample.

**Mr. Chairman:** And this profile, for the benefit of those who are ignorant of your science, describe it, because the question deposited an understanding if you like, a craving for an understanding, how many of these you could store? You need a big, big room, a small room? So tell us, this profile.

**Ms. Lewis:** The profile is really a digit, a code which is written on a report, which is generated by an instrument, which can be stored electronically. So it is okay, it is like your fingerprint. The sample is something that is physical, the profile is the result of your genetic code, so it is written on the report, the reports are given to the police officers. We store our reports so it will be in every report. It also can be stored in a—if you want to say digitally in a database. So the storing of the profile does not actually take up space.

**Mr. Chairman:** So when the time comes as we have been promised and the Custodian is appointed and the data bank is established, you are in a position to transfer these profiles to the Custodian for permanent keeping.

**Ms. Lewis:** Yes.

**Mr. Chairman:** So that nothing now is being lost.

**Ms. Lewis:** No, Sir.

**Mr. Coppin:** The question may well be better directed to the Senior Counsel, Mr. Macintyre. Based on my reading of the Act it appears, well, the Act is clear that the Custodian shall have the sole custody and control of forensic DNA in the data bank in this section 10. I understand the intimate sample and samples can be taken, but as it relates to storage, it would appear that any storage currently must be legal. I do not know if that is your interpretation, as well, up to this legislation collectively.

**Mr. Macintyre SC:** It is not, I do not think it is illegal. What you have would be the profiles

generated by the forensic analysis and they are keeping that as a matter of their records. At present, they do not have anywhere to put it. They can forward it to the bank. So once the data bank is established then they would be able to forward what they have collected by way of analysis, what they have now by way of their records, they would be able to forward it to the data bank. So the information that they have now is not illegal.

**Mr. Coppin:** So that is governed by what exactly? What piece of legislation governs, because that would be personal information, surely? So is it that the Data Protection Act which is not in effect or some stuff is in effect, but what governs the storage currently of personal information as it relates to data, given the fact that the Custodian is not appointed. But what governs the actual storage of data, DNA?

**Mr. Macintyre SC:** Section 25 is what is governing it right now, where samples are not destroyed during forensic DNA analysis that:

“...the Trinidad and Tobago Forensic Science Centre shall keep the sample for a minimum of five years...”

So that is their authority for the Centre to keep the information.

**Mr. Chairman:** So effectively, the Forensic Science Centre is now acting as the Custodian, effectively? That is it?

**Mr. Macintyre SC:** I would not go so far. I think that the two roles are clearly delineated.

**Mr. Chairman:** But right now these profiles are being kept by the Forensic Science Centre when we know it should have been kept elsewhere. But the bank has not been established, the Custodian has not been appointed. So effectively, for the time being, the Forensic Science Centre is retaining these profiles acting as—Madam Forensic Science Centre Director, this is for you. So you are effectively acting as the Custodian as we speak. Yay or nay?

**Ms. Lewis:** Yay, in terms of the all the profiles that we generate and we will have to keep them even when the Custodian are no longer—

**Mr. Chairman:** I must therefore ask, is that perhaps the reason why we have not yet appointed

a Custodian since 2012. Let me identify the presence of the Chief Personnel Officer and the representatives of that organization present. I did not on first take cause you the opportunity to introduce yourselves. Let me do so now with an apology for my oversight earlier, please. CPO.

[Officials of the Office of the Personnel Department introduce themselves]

**Mr. Chairman:** And there are some other persons sitting in the back as well. Would you take the opportunity to introduce yourselves?

[Officials of the Trinidad and Tobago Police Service and the Ministry of National Security introduce themselves]

**Mr. Chairman:** Thank you very much. Madam Director of Forensic Science Centre, are you in a position to tell us why to date a Custodian has not been appointed and why a DNA bank, in accordance with the legislation, has not been established. Are you in a position to tell us that?

**Ms. Lewis:** No, Sir.

**Mr. Chairman:** Not?

**Ms. Lewis:** I am not in a position to say why it has not been done. I am in a position to say what has been done towards the establishment because the process started since, I think, sometime in about, either 2013 or 2014 and there was several steps involved. The first thing that I know has been completed was, actually, doing what you called the Org Chart for the organization. Because it is not only the Custodian and the Deputy Custodian, I cannot remember the name of the other term, but an Org Chart was done. That Org Chart has in fact been approved. The Act had called for us to, for us to have, under section 9(1):

“Without prejudice to the power of the Public Service...”

It allows us to engage a person on contract under subsection (1) in accordance with guidelines to help us establish it, because we did not really have anybody, we did not have the position. And what has happened is we actually had sometime in 2015, if I remember clearly, the positions were advertised for the two key positions to assist with the establishment and interviews and so held.

Some work was also done in terms of identifying the software if you want to call it that, the programme to be used, but a lot of that will have to fall under the Custodian and the Deputy Custodian. So work has been done in terms of getting it started. That much I can say. So it is not that nothing was done, the first set of steps have been taken in terms of having—

**Mr. Chairman:** Let me bring the CPO on this. A lot was said about the Office of the CPO when we identified this grave deficiency on the last occasion we met here. Is the Office of the CPO in a position to tell us anything further on the failure to have established the Office of Custodian and Deputy Custodian to date?

**Mr. Riley:** What I can say, Mr. Chairman, is that a request was made for the position of a Custodian and Deputy Custodian for terms to be provided for them by the Personnel Department as it is customary when a position is on contract. With respect to the finalization of those terms, regrettably that matter took longer than expected in terms of the finalization. We have since, the Committee last met, and it has been brought to the attention of the personnel department. We have subsequently finalized those terms and conditions and the relevant authority within the Ministry of National Security is in a position to make an offer to persons who have been identified as potential incumbents of those positions.

**Mr. Chairman:** Bearing in mind that everything you say here is recorded. I would like to ask, when did that request come to you and, well, I already know when it was advanced, you told us within recent times since we were last here, within the last two weeks or so, but when did that request come to you? I want to get a sense of how long it took at the Office of the CPO in light of your suggestion of regret. How long did you bear this burden?

**Mr. Riley:** The request came in May 2015.

**Mr. Chairman:** Yes. And you acted on it finally with finality in the month of June 2016.

**Mr. Riley:** We acted on it when it came. We finalized it in June of 2016.

**Mr. Chairman:** So altogether you bore that burden for one year?

**Mr. Riley:** If it can be considered a burden, the answer is, yes.

**Mr. Chairman:** I would suggest that it must only be that. A year? Okay. But at least now we know that the terms and conditions have been resolved.

**Mr. Riley:** That is correct.

**Mr. Chairman:** And efforts are being made to get bodies to fill the positions as we speak.

**Mr. Riley:** I cannot speak to that, Mr. Chairman, but I assume the answer is, yes, also.

**Mr. Chairman:** Madam Forensic or PS, sorry. “Ohhh”, yes. The Permanent Secretary, are you able to speak to that?

**Mr. Yearwood:** Yes, Sir. These terms and conditions were handed to me about one hour ago and I assure you that as of tomorrow the parties interviewed will be contacted as to whether they are still available for the post.

**Mr. Chairman:** An hour ago. And now you carry the burden.

**Mr. Yearwood:** I do not see it as a burden. It is responsibility.

**Mr. Chairman:** I see.

**Miss Olivierre:** If we may just shift the line of questioning into the actual operations of the Forensic Science Centre, I certainly want to thank you for presenting the detailed breakdown of the completion of cases for the various sections. So now we certainly have a clearer understanding of, which areas you are strong in and which areas tend to be weak. And I know that in the biology section, well certainly the chemistry section and document and the toxicology sections, I know your performance is quite efficient, the vast majority of those cases are completed. I know that in the firearms section, in particular, the rate of completion of cases have not cross 10 per cent in any year over the past five years. And overall, I noticed that the performance in 2016 has been significantly lower than in the previous years. You would have also identified—

**Ms. Lewis:** Can I just explain something? These are the 2016 cases that have been in fact completed. It is not that these would be the only cases done in 2016. Because the older cases and the cases that the representatives of the TTPS would have asked us for, in 2016 older cases



would also have been done. So this is really a percentage of the 2016 submissions that we would have done and those probably would have been done because they would have been considered priority and we would have been asked to work on them. So it is not that that is the only three cases that were done for the year.

**Miss Olivierre:** Thank you very much for that clarification. In looking at your recommendations on how you can improve the efficiency and deal with the backlog of cases, particularly in the biology section, you indicate that the employment of at least three additional qualified DNA analysis would help you to improve your performance in that area. So I have a number of questions there because—I note that in 2014 you would have extended your staff from four to six analysts. However, the actual performance in 2015 would have dropped significantly although you had additional staff members. So I find that a bit curious. But I am wondering, the existing staff working in the biology section, are they in fact qualified DNA analysts that you have currently in existence or is it that you now need to have specialist DNA analysts working in the biology section to enable you to work with that backlog.

**Ms. Lewis:** Okay, I just want to clarify. What we were asked with the percentage of cases completed, the cases that were received in that year that were completed. This is not the number of cases that were done in the year. This is the number of cases from 2011 based on the question that was asked, the number of cases from 2011 that have already been completed. This is not the number of cases that were done in 2011. Similarly, for 2012, 2013, 2014, 2015 and from January to April 2016.

So this is not really a reflection of the number of cases done in the year but the number of cases from the submissions from that particular year that have been completed to date. So I need to—you see the question asked about the percentage of cases completed or otherwise resolved, the submissions from that particular year. So only 323 of the 2015 cases were resolved, but what would have happened is some of the cases that were worked on in 2015 would have been older—some of 607 from 2014, 589 from 2013, 561 from 2012, some of those cases would have in fact

been done in 2015 and/or in 2016.

Because as I am saying, we work on cases based on what is asked of us by TTPS. They will submit many cases but they will ask us to give priority. So we tend to work on the priority cases. So sometimes in 2015 we might have had a case from 2014 where we did not have all the samples, we did not have enough information and so it would have been worked on 2015/2016.

**Miss Olivierre:** So essentially I think the information that would be really helpful to us would really be an indication of what is your rate of work.

**Ms. Lewis:** So you want to know: how many cases we did each year?

**Miss Olivierre:** Yes. It does not matter specifically which year it came from, but we are trying to get a sense of how much work is done at any given year.

**Ms. Lewis:** In each year. Okay.

**Miss Olivierre:** And particularly, so, if the TTPS does not flag a particular case as priority is it likely to be completed?

**Ms. Lewis:** Yes, it would be completed but the other ones will be given priority.

**Miss Olivierre:** So this is why we need that overall—

**Ms. Lewis:** So you want an overall picture of the number of cases, okay.

**Miss Olivierre:** Number of cases that are worked on—

**Ms. Lewis:** Or completed in a particular year. And you would see that in 2016 for the biology section I am sure and the chemistry section, the numbers in 2015 would have increased because we had increased staff.

In terms of the second question which had to deal with the DNA analysts yes, they are all qualified DNA analysts who would have done postgraduate training in that particular discipline. And in terms of some of them actually having as much as, probably, eight to nine years' experience and the more recent ones we had asked for them to have at least two years' experience in terms of, following their postgraduate qualification. So everyone is in fact qualified. But why we probably asked for two years work experience is because in that case the person can come and

if we just say qualified with no experience the learning curve is a little longer. So if we want to work on the backlog we ask for people with experience and not necessarily only a qualification.

**Mr. Chairman:** Thank you. Let me, well we are all familiar with the law. In Part IV of this Administration of Justice (Deoxyribonucleic Acid) (DNA) Act, section 13(1) says:

“Subject to subsection (2)...”

And I am reading it because the public probably would not have easy or immediate access to it as we speak.

“Subject to subsection (2), a police officer or qualified person shall take a non-intimate sample from a person without his consent 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; or
- (d) the person is not a victim of an offence attends a crime scene and is required by an investigating officer to give non-intimate sample.”

Now this one is for you, Commissioner.

Are the police actually carrying out the dictates of the law as I have just read them? Are the police actually taking non-intimate samples, routinely as this law provides from, for example, a suspect, detainee or an accused. Is this happening?

**Mr. Williams:** Hon. Chairman, I would defer to ASP De Leon to give me some details on that. To the best of my knowledge, not in all cases non-intimate samples are taken, but I will just defer to ASP De Leon.

**Mr. Chairman:** Thank you very much, and before he proceeds let me for the benefit of those who are listening to us say, that there are two categories of samples recognized here, intimate sample and non-intimate sample.

An:  
“intimate sample’ means a specimen of venous blood, or biological or other material taken from—

- (a) any part of a person’s genitals; or
- (b) a person’s bodily orifice other than the mouth;”

And a:  
“non-intimate sample means a specimen of—

- (a) blood obtained by a pin prick of the finger;”

I recall there is this little instrument you just play on the tip of your finger you get a small bit of it, painless, nonintrusive.

“(b) epithelial cells obtained by means of a buccal swab”—or mouth swab against the cheek, just to get some tissue on that swab which can be used for a DNA analysis.

(c) “plucked hair”—just a little bit, relatively painless. Unless if you pull out a jank from like me. Or

(d) saliva; “

So we now reminded of the distinction between the intimate sample and the non-intimate sample and Mr. De Leon is now relating to us whether the police are routinely complying with the dictates of section 13 of the Act by obtaining routinely from suspects, detainees and such other groups as the law permits the police to take on a routine and an ongoing basis. Mr. De Leon.

**Mr. De Leon:** Good day, hon. Chairman. From where I sit at the Homicide Bureau of Investigation this is a routine, that it is this practice that is routinely carried out as with regards to suspect or detainees or accused persons coming into the custody of officers of the Homicide

Bureau of Investigation during the course of the investigation. Buccal swab in the form of buccal swabs are taken.

**Mr. Chairman:** Mr. Commissioner, you deferred that question to ASP De Leon and he spoke specifically on the homicide unit. When a homicide is being investigated they are at play or at work. For greater specificity, they are at work. So once detainees, suspects or so come into the custody of the homicide unit they routinely, we are now assured by Mr. De Leon, obtain these samples in accordance with the law.

So I revert, Mr. Commissioner to you, because the Homicide Unit is not the only unit of the police service that would detain people and have in their custody people who are suspects and so on. Are you, Mr. Commissioner, since Mr. De Leon only dealt with a subset of your service, are you able to tell us whether samples are routinely taken from all others when in your custody other than the Homicide Unit of course?

**5.05 p.m.**

**Mr. Williams:** I am not in a position to so state at this point, hon. Chairman. However, I can surely verify.

**Mr. Chairman:** I thank you very kindly and I look forward to that. To prevent you having to come here again, if you would indicate that to the Committee in writing with promptitude. Thank you very much. And while I am at writing, Madam Forensic Science Centre Director, you told us that an org. chart, organizational chart, has been developed in relation to the Office of the Custodian, would you be kind enough to make that available to the Secretariat with promptitude, please?

**Ms. Lewis:** Hon. Chairman, that work was done by the HR Unit of the former Ministry of Justice. So it will now be in the possession of the—I mean, I was part of the discussions, but that is not in my particular possession at the moment.

**Mr. Chairman:** I see. The Ministry of Justice now longer exists—

**Ms. Lewis:** That is what I am saying so the Ministry of Nation Security—

**Mr. Chairman:**—and that portfolio is now with the Ministry of National Security, and therefore, I must direct this matter to the PS, National Security. We look forward to a copy of that org. chart at your earliest because our business is to find out as I indicated, what are your challenges, and it would help us to clarify that.

And talking about challenges, would someone, or any of you, tell us what are the human resource challenges you face in applying the dictates of this law; what are some of the technological challenges that you face; and certainly whether there are—Mr. Macintyre—legal deficiencies? Having operated this Act since 2012 to some extent, and obviously to some extent not—for emphasis—if there are legal challenges, deficiencies, that you would like to indicate to us, we would be very happy to communicate them to the wider Parliament so that we could consider improving the legislation.

So, I now open the floor to each, or any of you, to tell us what are some of these challenges? My broad categorization, HR, technological and legal if any.

**Mr. Lewis:** Good day, Chairman. In the establishment of the DNA database, there are certain key elements which we need to look at to establish that unit. One of them that we have spoken at length about already is the establishment of the custodian unit itself, which requires bringing on board the Custodian, the Deputy Custodian and his staff to assist him, and we have discussed that matter and we are moving ahead with that matter.

In terms of the National Forensic DNA databank itself—and the databank is a software which we have to acquire—we have been in discussions with parties. Getting advice on that DNA databank, we have been in discussions with the—so we are currently exploring the acquisition of an appropriate software that will suit our purposes in Trinidad.

**Mr. Chairman:** Since 2012?

**Mr. Lewis:** Well, to go into some more details, we had actually partnered with the US

Government who had suggested that in acquisition of the CODIS software, which is a software that the FBI uses for DNA analysis for their database. We are also exploring other opportunities with other government partners that we have, so that we could get a most appropriate software, but we currently had pursued going after the CODIS software.

**Mr. Chairman:** Mr. Shrikissoon wants to make a small intervention.

**Mr. Shrikissoon:** Thank you, Chair. Sir, you are telling me that you are in the process of trying to acquire the software and probably have a best fit in terms of the software you are trying to use.

**Mr. Lewis:** Yes.

**Mr. Shrikissoon:** Since the proclamation of the Act, there is no finality on any software provider or any agent that you can acquire the software from at this point in time? We still do not know?

**Mr. Lewis:** Well, the Ministry at the time was pursuing the acquisition of the CODIS software.

**Mr. Shrikissoon:** And would that software work for you?

**Mr. Lewis:** Yes, it can.

**Mr. Shrikissoon:** So why was it not acquired?

**Mr. Lewis:** At that time there were certain requirements that the FBI and the US State Department had for us to acquire that software. One of them is to have a recipient of that software which is the custodian unit itself. Since we have no established custodian unit there is no recipient for the software. So acquisition of that CODIS software is based on having that custodian unit on board and established.

**Mr. Shrikissoon:** So then you are saying to me in order for us to have this working, the first thing we need is the Custodian and the only way the software could be acquired is once the Custodian has been appointed?

**Mr. Lewis:** Well, yes. So what I am saying is that, yes. We need to have a custodian unit to be able to have a recipient of the software to be able to set up the database.

**Mr. Chairman:** I am very excited. At least we got some progress an hour ago.

**Mr. Shrikissoon:** So the question, Chair, would be to the Permanent Secretary, Accounting

Officer, Mr. Yearwood. In terms of a timeline, how long do you think it would take your division to recruit and select an appropriate Custodian and Deputy Custodian?

**Mr. Yearwood:** All things being equal, Sir, it will take us to the end of August. That is if everything works well, if the persons interviewed and chosen/selected are still interested in the job.

**Mr. Shrikissoon:** So roughly in two and half months we should have at least an offer for our Custodian and Deputy Custodian?

**Mr. Yearwood:** We are hoping towards that, Sir.

**Mr. Shrikissoon:** And then my follow-up question would be to Mr. Lutchman. Once that occurs, how long would it take you then to acquire the software; and do you have the resources at this time to acquire the software?

**Mr. Lutchman:** We have the resources at this time to acquire the software. And subsequent to the Custodian coming on board, we estimate a further two months. So we are targeting around by December or thereabouts we should have—

**Mr. Shrikissoon:** August to December?

**Mr. Lutchman:** Well, November.

**Mr. Shrikissoon:** So you are saying September, October?

**Mr. Lutchman:** September or October we should have that.

**Mr. Shrikissoon:** So then at the end of September we should have Custodian, Deputy Custodian as well as software?

**Mr. Lutchman:** Yes. That is what we are targeting

**Mr. Chairman:** All right. In which case can we now request that you provide for this Committee a bit of a work programme with the timelines that we could live by, in hope that this matter will get done in accordance with your offering?

**Mr. Shrikissoon:** Chair, across agencies. The timeline across agencies.

**Mr. Chairman:** Yes, yes, yes. You know, I would like Mr. Permanent Secretary, if you would



forward to this Committee, all things taken into account, a work programme with the timelines, and that will give an indication as to when we would no longer have to share this burden. Yes, Mr. Shrikissoon.

**Mr. Shrikissoon:** Thank you, Chair. Now, once you have established the Custodian and the software, my understanding is that samples that would have to be collected would have to go to forensics for analysis, is that correct or no?

**Ms. Lewis:** Let me just say, once the databank is established, the samples that we have—I should not say the samples. The profiles that we have already in train, we would submit to the databank and then on a regular basis as we generate profiles from samples in casework, we will then submit them.

**Mr. Shrikissoon:** I should have said new samples, not the old ones.

**Ms. Lewis:** The existing samples they can have as soon as the software and everything, and then the new samples will be done on a regular basis.

**Mr. Shrikissoon:** So then the question is: for the new samples to be collected through voluntary measures as the Chair has advised, that the police service and other agencies would be the arms to collect the samples. Is the police service—and I am saying police service here because you might be the only security agency represented—are your officers trained to collect the samples?

And my follow-up question would be to the forensics. Now that the samples or the volume of samples that are coming in for analysis would be increased, do you have the capacity to analyze that will now serve as the input into this databank? It is a two-part question. First, to the police service to determine the readiness of your officers to collect and, secondly, to forensics in terms of your capacity to analyze and now be a store to the databank.

**Mr. Williams:** Many of our officers have been trained and we will continue to train officers. So therefore if things are all in train in 2016, the police service can fulfil its mandate under the law.

**Mr. Shrikissoon:** At the current point in time, once the software becomes functional, your men, your officers, our officers, are equipped and ready to collect the samples?

**Mr. Williams:** I would answer that many of our officers—

**Mr. Shrikissoo:** No. And the reason why I am asking is that if your officers need to be trained or any additional support that you require to get it done, here might just be the place for you to indicate such.

**Mr. Williams:** Well clearly we have an obligation to be in the best position to have the organization fully equipped, and in these circumstances we will continue to train our officers so that we can be in the best as soon as everything is in place.

**Mr. Chairman:** Just for clarification. In the Fourth Schedule, as Mr. Macintyre, of senior counsel, directed us earlier, which says that a non-intimate sample shall be taken by a qualified person from a person specified in the Third Schedule on the authority of the following persons, and so on. Now, he pointed out—and it is written here—that the Commissioner of Police will get a qualified person and that qualified person will extract samples from the officers of the police service and the special reserved police service, and the supplemental police service. The Chief Fire Officer in respect of the fire service. The Commissioner of Prisons in respect of the prison service.

Madam Forensic Science Centre Director, I must ask—well, before I ask you. Mr. Macintyre, is it your interpretation of the law that these samples cannot be had because there exists no Custodian and DNA bank, when we have been told by the Forensic Science Centre here today that for the time being she is collecting these profiles, preserving them for handover to the Custodian for stockpiling in the bank when those two come into existence? Put more simply, is there any legal bar for the Commissioner of Police, the Commissioner of Prisons, the Chief Fire Officer, and all the officers mentioned in the Fourth Schedule from carrying out that duty now? And while you contemplate—oh, you are ready? Go ahead.

**Mr. Macintyre:** I believe there is no obstacle to the carrying-out of the function now.

**Mr. Chairman:** I know I gave you short notice.

**Mr. Macintyre:** Yes.

**Mr. Chairman:** I will allow you more time to give deeper contemplation to this and to ask you to submit to us, in writing, your considered interpretation of that matter and to copy all the office holders when you so do, because it may very well be that there is, as you suggested, no legal bar, and in light of the fact that the Forensic Science Centre is holding these profiles and can safely and securely and legally hold them until the Custodian and the bank comes into existence, it may very well be that we are just not doing what we are supposed to do and not doing that for no good reason.

So I will be a very, very happy Chairman, on behalf of my Committee, if you would indicate to us in short order a considered view on that matter, Senior.

**Mr. Macintyre:** Certainly, Chairman.

**Mr. Chairman:** And share that your public service colleagues whose names appear, or whose offices appear here in the Fourth Schedule. Thank you very much in advance. We look forward to that promptly.

**Mr. Macintyre:** Certainly.

**Mr. Chairman:** There is one other matter. Just one more in a second that I would like to raise. Section 14 of the Act permits the taking of a non-intimate sample—actually section 14(6) which reads:

A repeat non-intimate sample shall, within twenty-four hours of the time of personal service of the notice, be taken by a qualified person from a person without his consent where—

(a) the person is—

(i) admitted to a hospital; ...

(ii) suspected, accused or convicted of an offence;

(b) the person is detained in a prison or other institution to which the Prisons Act applies;

So that this law permits the taking of non-intimate samples from certain categories of prisoners just simply by virtue of the fact that they are a prisoner.

Like Sen. Shrikissoo pointed out, there are fellows sitting down in the jail in those categories of prisoners from whom samples can lawfully be had, and if requests are made by the police as we were told today, there will be cross-referencing by the Forensic Science Centre, notwithstanding the non-existence of the DNA bank and/or the Custodian. Again, this Committee, at least I, believe that there is no reason why this dictate of the law has not been routinely carried out. And if that be so, we need to get moving. So I would also like to find out from you, PS, in writing shortly, I would like you to submit to this Committee—

Mr. Macintyre, as you look on section 14, who is responsible for that in respect of the prisoners? I cannot give myself legal advice. I rely upon you.

**Mr. Macintyre:** Well, I would like to look at it more closely, but on the surface it appears to be the police who would be responsible. With respect to prison, right?

**Mr. Chairman:** Prisoners. Prison officers, we know that is the Commissioner of Prison. Now, prisoners.

**Mr. Macintyre:** I will look at it. It is not clear whether the Fourth Schedule applies—

**Mr. Chairman:** No, no, no. That has to do with personnel who are employed in those agencies. I am talking now about categories of prisoners that the law says non-intimate samples, the little prick on the finger, saliva, buccal swabs, a blotch of hair can be had to great value in fighting crime. I would like you to tell us, Mr. Macintyre, when you communicate to us on the other matter, who is responsible for that? And I would like you to direct that office holder's attention to the provision as well.

**Mr. Macintyre:** Okay, I will do that.

**Mr. Chairman:** I thank you very kindly. Sen. Coppin.

**Mr. Coppin:** Ms. Lewis, in light of the fact that you told this Committee that you are currently acting as a de facto Custodian, and by virtue of section 24(2B), it is the role of the Custodian to keep all certificates of analysis strictly confidential and secured. There is a concern, or there have been concerns expressed in light of the fact that in 2014 there were 40 firearms stolen from the

Forensic Science Centre, could you update the Committee on the status of that investigation? That is the first question.

And secondly, have security measures been implemented to ensure that there is no repeat of such an incident; and whether or not the profiles are currently safe and secure in the arms of your good self?

**Ms. Lewis:** The status of the investigation, most I can tell you it is ongoing. I am not aware that—I have to say it is ongoing because from time to time we get requests for information pertaining to the matter from the TTPS. I do not want to put it back in the hand of the Commissioner, but I am aware it is ongoing. That is the status.

In terms of security measures, yes, we have taken security measures which included the—we now have an electronic access system to the laboratory areas which includes biometrics, time-recorded biometric system. So only authorized persons have access and only for particular times to all the areas within the Trinidad and Tobago Forensic Science Centre. That was the main security.

We increased the camera system. We were able to get some assistance from the TTPS as well in terms of for the actual 24-hour security arrangements which were in place. We beefed it up a bit, but the main thing is the electronic access system which is now there.

**Mr. Coppin:** The question is better directed to the Commissioner of Police. Perhaps you can inform us as to the status of that investigation.

**Mr. Williams:** The Director of the Forensic Science Centre is correct. The investigation is ongoing. It has not been completed yet.

**Mr. Chairman:** When did the offence take place?

**Mr. Williams:** I am not in a position to give you that date and response.

**Mr. Chairman:** Madam Director, give us a general—I mean, when did this take place? In what year?

**Ms. Lewis:** It was reported in 2014.

**Mr. Chairman:** It was detected and reported in 2014.

**Ms. Lewis:** Yes.

**Mr. Chairman:** Which month?

**Ms. Lewis:** August.

**Mr. Chairman:** August?

**Ms. Lewis:** I think it was either July or August. Either July or August.

**Mr. Chairman:** And that was 40 firearms?

**Ms. Lewis:** I think it was 41 actually. I cannot remember offhand.

**Mr. Chairman:** Or just about. So Mr. Commissioner the investigation is ongoing as we approach August of 2016?

**Mr. Williams:** Yes, hon. Chairman.

**Mr. Chairman:** Is there any hope in sight; is there any light at the end of this long dark tunnel?

**Mr. Williams:** Well, I surely can find out about the extent of the hope and light. As you would well know, I came here to address DNA. I did not come prepared for all the investigations that we are conducting.

**Mr. Chairman:** I appreciate that.

**Mr. Williams:** So surely I am not in a position to so share with you.

**Mr. Chairman:** We do appreciate that. It just came up from the lips of the Senator because we were talking about the challenges that we face, and obviously security was a challenge. So it was in that context the Senator raised it and we have been assured that measures have been put in place to improve security, and therefore, that challenge perhaps does not exist. That is probably why I did not list it among these three areas that I identified.

I was asking about HR challenges, technological challenges and legal challenges. I did not raise the security question, maybe because I understood that you would have corrected it. So let us focus on this again. HR challenges? Technological challenges? Madam Director? Legal challenges, Mr. Macintyre, Mr. PS, Mr. Commissioner of Police? Or it is all hunky-dory and

going well?

**Ms. Lewis:** Hon. Chairman, well, I would have in fact, as it relates to the DNA analysis, would have outlined in the document that we do have a backlog of cases awaiting DNA analysis. And also in terms of clearing the backlog, one of the things would be we have some positions which are at present vacant, having those filled, and in addition employing additional persons. But coming with employing additional persons, our main constraint is that we are going to have to get more equipment, because we have more people, we will need more equipment and we also have an issue with accommodation.

So if you look at it, we are out of accommodation at the Centre. So it is all well and good to say get more persons, but—

**Mr. Chairman:** Thank you. Mr. Permanent Secretary, I trust that you are fully aware of the constraints HR space that the Director has just spoken of? Are you familiar with all of them?

**Mr. Lewis:** I will not say all, Sir. I will say I am familiar with most of them and they would be addressed.

**Mr. Chairman:** Well you first have to be familiar with all. So, Madam Forensic Director, can this Committee be assured that all of your challenges will be made known to the Permanent Secretary who heads the Ministry under which your operation sits? All of your challenges will be made known to the Permanent Secretary very swiftly, please—

**Ms. Lewis:** Yes, Sir.

**Mr. Chairman:**—and then he will make them known to us. When can we expect that Mr. Permanent Secretary? You can have a quiet word with the Director. We want to know what your challenges are.

**Mr. Lewis:** Chairman, I am advised that the challenges would be brought to my attention within two weeks' time, and depending on what they are I could really project when and how they will be solved.

**Mr. Macintyre:** Mr. Chairman, if I may as well? As you know the legislative drafting

department would not have been involved in the implementation of the legislation. So we not really aware of the legal challenges. So there will need to be a review of the legislation in conjunction with the forensic centre and the Ministry of National Security to really identify what the legal challenges are.

**Mr. Chairman:** It does not necessarily have to be in abstract. What typically happens is that the practitioners under the law, if they discover deficiencies, they will feed them up and it eventually gets to you. We had that with the dishonoured cheques. What is the name of the Act when cheques are dishonoured? Mr. Macintyre, remind me please.

**Mr. Macintyre:** Bounced cheques.

**Mr. Chairman:** Yes, with bounced cheques and so on. What is the name of the legislation, Mr. Commissioner?

**Mr. Williams:** Dishonoured cheques.

**Mr. Chairman:** Dishonoured cheques Act. Yes, we had that. The police had started to operate it and lock up people, and they discovered a serious deficiency. It was the police who got back to us and said we have a problem here. This is deficient. We came to Parliament and we adjusted it. That is how it works. Your job is just to put it in legalese, but this can only happen if somebody complains to you that there is a deficiency. So that is, truthfully speaking, a matter for the Director, and a matter for the Commissioner of Police, if they, in operating the Act, detect deficiencies then they feed them through and it gets to you to make those, which is your specialty.

Yes, Mr. Shrikissoon.

**Mr. Shrikissoon:** Thank you, Chair. And in keeping with the resources question of the distinguished Chairman, to you, Ms. Lewis, I asked earlier and we did not get around to answering the question, and especially with the thrust of the Chairman in trying to encourage the officers to collect samples, do you have the capacity to analyze these samples on a timely basis as received? That is my first question to you.

And in keeping with the hon. Chairman's second question of trying to determine the



resources that you require, I just want to remind you that although you were not here on the last day that your officers beneath you represented you, they did mention to us that there were productivity issues, and efficiency issues that could be improved at your organization. So I would not want you to just highlight the resources that you require, but how you can improve efficiency and productivity with the existing resources that you have and not just attribute to these challenges to a lack of resources. So could you just answer and just be guided by the second comment?

**Ms. Lewis:** Thank you, Sir. In terms of being able to analyze timely analysis of all the samples listed—no, in our current configuration we cannot. When the Bill or the Act was being drafted a provision was put in place, I think it is 6(2), Forensic Laboratory. Sorry, 6(a) and (b) where:

The Government may, for the purposes of obtaining Forensic DNA services...

And that was done primarily for us to be able to do these samples which are considered samples, what we would call reference samples, from labs approved by the Minister by notification.

Because generally those samples—there are many labs that collect outsourced samples and they really do in batches. They have the robotics and they generally do just what we call reference samples, which is what these samples coming from the detainees, or the persons who are listed in the schedule like the police officers and so on. They are considered what we call reference samples that may not necessarily be related to a case, but you want to have on the database for future matching and so on in case anything comes up.

So that is why that provision was put in place so that some of those samples that are not actually related to an actual criminal matter could be outsourced—on large volumes they could be outsourced.

**Mr. Shrikissoon:** Thank you. If you permit me? Now what we had and this is very timely that you are saying this to us in terms of the analysis being outsourced, would you have a list of accredited agencies or institutions that you would use for this analysis?

**Ms. Lewis:** At the moment, no.

**Mr. Shrikissoon:** Now the reason why I am asking this question is that if you are outsourcing it

should be coming from reputable organizations. Now have you outsourced before?

**Ms. Lewis:** At the Centre, no. We do not have any outsourcing arrangements. So anything that comes to us, we in fact analyze ourselves.

**Mr. Shrikissoon:** So therefore, if it is that you would now require assistance external to your organization, it would be important for you to identify reputable organizations that are accredited to do your analysis. Now, my concern here is coming out of our Senate meeting last night. We had a situation where a lab was being utilized in a piece of legislation out of Chaguanas—and that is all I am going to say about it—as a lab for DNA testing with respect to the Family Court, and it turned out last night that this agent or this company that was being used had two directors of a DNA lab, one being an accountant and the other being an electrician, so that we do not want a situation like this, especially where the volume of samples that would be coming in, that you now choose an institution that is not accredited. And, in want of a better expression, and I want to be very careful in what I say, that the institution is accredited locally, or has foreign accreditation—

**Ms. Lewis:** International accreditation.

**Mr. Shrikissoon:**—international accreditation and not just a company that is being used to send the samples to that will now source it externally and return the results to us.

**Ms. Lewis:** Our input into that is very specific into an agreement with a laboratory that is accredited and approved by the Minister. So, therefore, it cannot be done by a second party. It has to be done by the laboratory. All the accrediting bodies, they list their accredited labs, so you can always be cross-checking and so on, and that is why it is put instead of a laboratory and not an agency or anything like that. So that was taken into account when this part of the Act was being—it was very specific and we also, I think, said which accrediting bodies, I think that is listed somewhere else, and that was purposely done—[Interruption] Okay, in the First Schedule. It is in the First Schedule, those particular bodies.

**Mr. Shrikissoon:** But at this point in time you will not have identified such—

**Ms. Lewis:** No, that has not—

**Mr. Shrikissoo:** So then, Chair, through you, can I ask the Forensics to at least submit a list of labs that would have met the accreditation, that you may be able to utilize once the volume of samples come in, because I would not like a situation where the volume of samples start to come in for analysis and then we start to go and look for these accredited institutions, if it is you are saying that this is what would be required to help you in terms of your more efficient analysis.

**Mr. Chairman:** If I may just say, Senator. In the First Schedule as it relates to section 6 of the Act, there actually are four named internationally recognized accredited bodies: the American Society of Crime and Laboratory Directors/Laboratory Accreditation Board, the Forensic Quality Services-International (FQS), the Standards Council of Canada and the United Kingdom Accreditation Service, and I seem to recall, because I had something to do with the passage of this legislation, it recognized that at the initial stages of our “going DNA”, if I put it colloquially, we would not have had an accredited laboratory ourselves, and that provision was designed to allow us an opportunity to use their accredited facility until we built up sufficient practice and so on, and became accredited ourselves. Was that not it, Madam Director?

**Ms. Lewis:** Probably in the initial legislation, but in this particular legislation this was done because we—I know it was being done by TTPS at a particular point in time, but this was really to take into account because when we had discussions, unless we set up a separate entity the centre will not be in a position for the volume, especially in the initial phases. So those were some discussions that were held where we would in fact enter into agreements with foreign labs particularly to do what we call the reference samples.

**Mr. Coppin:** This is for my own clarification. The question was asked whether or not the TTFSC currently engages “outsources”, and the answer is no. But we know for a fact that in recent times, in a number of high profile cases, DNA samples were sent abroad maybe by the TTPS. So I do not know, maybe the Commissioner of Police perhaps could indicate to us how many samples per year are sent abroad for analysis? So if the Forensic Science Centre does not do it, the police

surely do.

**Mr. Williams:** I do not have exact numbers, but I can confirm, yes, there are specific cases in which the Trinidad and Tobago Police Service would have sourced analysis external. It is extremely expensive, and in those circumstances there are only few cases you can so do, but I do not have exact numbers and I cannot verify how many. Well, I am sure none in 2016 because I have to sign off, but I am aware that there are cases and they would have been in previous years.

**Mr. Coppin:** Could you tell us the reason why? Is it that there is a specific skill set that is lacking the Forensic Science Centre? The reason why you would have sent these samples abroad.

**Mr. Williams:** Well I will ask ASP De Leon to explain that. He will give the specific terminologies in relation to what is viewed from the Homicide Bureau because those are generally homicide cases. So we do not send routine cases. They are generally homicide cases.

**Mr. De Leon:** Mr. Chairman, hon. Chairman, what normally transpires at the Homicide Bureau is that in terms of certain items that are required for DNA processing, checks would have been made at the Forensic Science Centre in terms of whether these items can actually be processed for DNA at the Forensic Science Centre. Once that information is obtained that the centre is unable to provide those processing, analyzing and testing of those items, then the items are sent abroad for testing.

**Mr. Coppin:** Thank you. For me there seems to be a serious issue in my mind, because if those samples are sent abroad and they are returned, and we know that there is no Custodian, who exactly is the custodian of those records when they return—those profiles?

**Mr. De Leon:** The profiles are returned along with the reports to the investigator. Also they are stored at the laboratory in the United Kingdom that does the testing.

**Mr. Coppin:** Senior Counsel, are there any problems you foresee in prosecuting these matters in light of the legislation going forward with the current *vaille que vaille* approach to storing profiles?

**Mr. Macintyre:** Well, with some reservation. I will say, no, because basically the results would

be evidence, and you can always call the expert who would have done the analysis to come and give evidence with respect to the DNA results. So I do not think the evidence could be dismissed.

**Mr. Shrikissoo:** In keeping with building of the database, the findings of the outsourced company should be included into the database in the local forensics? So I am asking, could the information now be shared if that is possible because that information is vital?

**5.50 p.m.**

**Ms. Lewis:** Actually, yes. That is the purpose. The purpose of the data bank is that all DNA taken and even analyzed by anyone pertaining to Trinidad and Tobago will be sensitive. For instance, if we have a detainee—not a detainee, sorry.

**Ms. Joseph:** Somebody who is deported.

**Ms. Lewis:** A deportee, for instance, who is returned to Trinidad and Tobago and part of his DNA profile is included with his records, that will now be sent to the Forensic Science Centre, because are only going to keep records of profiles that we have generated, and that is where the data bank—that is where it will be stored, similarly anything that the police has that will be stored. Because, what the data bank will do, everybody will keep, labs will always keep information on profiles that they have created, because we will always have to go to court sometimes five, 10 years down the road. So, we will always have to keep it. We keep results and records of all the cases we have worked on regardless of whatever type of case. So, we will have to keep it. Right. And similarly the labs abroad will have to keep it, but once the data bank comes in, that will then have to go to the data bank, they will have their different categories of databases, whether it is a crime scene and so on. So, that is the purpose to collect all and have it one central place for anybody who wants information. So that is understood.

**Mr. Chairman:** I am keeping my eye on the clock. Six o'clock is approaching. I have not broken a sweat as yet, and this interface is, in my view, very, very useful for the advancement of the concern to protect the people of Trinidad and Tobago. So, it is to my mind very, very worthwhile and very useful. Two things come to mind as I throw my eye on the clock, aiming to

finish at six o'clock.

If we apply the provisions of this law, we would make obviously a major dent in the wanton criminality that takes place in Trinidad and Tobago. For example, I do not know if Commissioner might agree with this. A thought just came, it may very well be possible that persons of criminal bent will try to infiltrate organizations like ours, well, like the police service from whence I came, and the defence force, and the customs, and all the units identified here. Is the Commissioner prepared to agree with that general comment that criminal elements will try to infiltrate, try to get some of their people into our ranks?

**Mr. Williams:** I will fully agree with you, and that will be something which the country will face on a continuous basis. It is a global issue. Regardless of where you are, criminal elements will seek to infiltrate lawful agencies.

**Mr. Chairman:** But if they knew when they apply, as the law says, an applicant for the job, that you will take a "lil bit" of hair, you will take a "lil bit" of blood, you will take a buccal swab, and it will be matched against some crime scene sample that would have been gathered 10 years ago that they know, although we do not, that they were involved in, they are less likely to approach. Would you gentlemen and ladies agree with that?

**Mr. Williams:** I, again, would agree with you. But at the end of the day, the Act does not stand on its own, and I want to share that with the Chairman and the Committee. It is critical for the effective operation of this Act that regulations are generated, and I have not heard anything about the regulations to effectively operationalize this Act. So, while we speak about the Act existing, it will not stand on its own. There must be regulations to support the Act.

**Mr. Chairman:** I agree with that, but I must respond to say two things on that matter. One, there are provisions of this Act that are not being complied with that do not require any regulations. That is one. And two, if we are not applying the Act—you see, because the Bible says, ask and it shall be given unto you. If we are not applying the Act, we would have encountered no deficiencies and difficulties, and therefore the urge, the call, the natural

inclination towards refinement in regulations would have come axiomatically. I have a suspicion that there was no call because hardly anything was done. That is my response. I say, when the student is ready, the teacher will appear.

So, Mr. Macintyre, obviously the Act provides and the section says, and I read it, that “the Minister may make regulations”. Not shall, you know. He may. But, that would come to the extent that that refinement is necessary. Where? In the dishonored cheques Bill, the police encountered difficulties, they said so. It was reported to the Minister, he reported it to the Attorney General, the Attorney General took it to the Legislative Review Committee, Mr. Macintyre and company made the necessary amendments, came back to Parliament, it became law. The loophole was blocked. In similar manner, if there was a call, but to this date we have not even stumbled off the blocks to get a custodian, or a DNA bank started, and therefore if you have no bank, what do you regulate? So that is just my off-the-cuff response, although I am told by the senior lawyers, a lawyer never gives an off-the-cuff response. But, that is my off-the-cuff response.

So, six o'clock is four minutes away, and I would like you as a matter of this Committee's usual extension of courtesies, I would like to invite you to say any closing words that you may wish to, beginning, of course, with the Director of the Forensic Science Centre and going along the front desk. Madam Lewis.

**Ms. Lewis:** Madam Chair, sorry, Chairman, honourable. Sorry.

**Mr. Chairman:** Did you say Madam Chairman? [Laughter]

**Ms. Lewis:** Yes, sorry. [Laughs] It is six o'clock. Hon. Chairman, I would just like to say thank you for the opportunity. I will provide the information required by hon. Member, Miss Olivierre, in terms of wanting to know the actual output for each of the years, because the way the question was framed I did not understand that, and the other bits and pieces of information, I will share with the PS and the other stakeholders who are here, so that we can have the Act, you know, really effectively being in place, and work with what we have as best as we could. Thank you,

Sir.

**Mr. Macintyre SC:** Hon. Chair, it is a pleasure and a privilege to be part of the hearing today. Thank you for the invitation. I would like to indicate that regulations have been drafted since 2015, however we were taking instructions from the Ministry of Justice at the time, and now that the portfolio has moved to the Ministry of National Security, we hope that those regulations would be finalized. I will let Permanent Secretary, Mr. Yearwood, speak more to the proposal in terms of the timeline for the regulations as well, and as you have already indicated and requested that the timelines be provided, so the regulations will be factored into those timelines. So, thank you very much for the opportunity.

**Mr. Chairman:** Commissioner of Police.

**Mr. Williams:** Hon. Minister, I just want to correct piece of information in relation to silence. Just to share with you that the Commissioner of Police present, and the Commissioner of Police before, have publicly indicated the importance of DNA testing in Trinidad and Tobago, have made public utterances and requests for the operationalization of the legislation, with the critical requirement for the appointment of a custodian and deputy custodian. Representation has been made because this is not today that we are working towards getting effective legislation in place. Out of recommendations, we have had legislation changed, and you would have seen a journey by way of legislation prior to 2012, 2014, representations have been made. So, I just want to put on record that I have not stayed silent. I have been publicly speaking on this matter, and people prior to me sitting in the office have done the same. So, thanks.

**Mr. Chairman:** Thank you very much. It is only to note.

**Mr. Yearwood:** Chairman, this is a very important exercise, and I want to give you and the public the assurance that it would be pursued vigorously by the Ministry of National Security. Thank you.

**Mr. Lewis:** Thank you, Mr. Chairman, like PS Yearwood and the other members of the front table here, I want to thank you and the members of the Committee for assisting us at the Ministry



in pushing this, I could call it a project, forward. Since the last time we have met, we have done a number of things, we have liaised with the CPO and gotten the terms and conditions for employment for the custodian, which we are going to work on as early as from tomorrow to get those persons in place, and certainly we have actually already drafted—put together a draft timeline for the implementation of this project, which certainly we are going to share with you as you have requested. So, I want to thank you and members of the Committee for certainly providing us with the kind of support and trigger to help push this project forward, and we are going to give you the assurance that we are going to stay on this and ensure that it is implemented in the shortest possible time. Thank you again.

**Mr. Chairman:** Well, on behalf of the Committee, all parliamentarians, I say since you thank us so lusciously and so well, and we are not expected or permitted to ask for increases in salaries, which we are not doing, would you like to share some of your pay with us? [Laughter]

That having been said, in the spirit of conviviality, let me thank you all as well for coming and for staying the extended time that you have stayed with us. We too consider this exercise uniquely important, and we give the commitment, as a Committee, that we will continue to carry out our function, because we are all headed in the same direction, making this platform, Trinidad and Tobago, a more secure and safer blessed place.

Thank you all very much. Travel safely to your respective homes. I want to thank my Secretariat for the tremendous support they give, and my colleagues; thank members of the media, and the staff of the Parliament generally for your support in this project. Thank you all very, very much and I must advise you again by extension of our courtesy and hospitality, we have prepared a room and some refreshments for your entertainment. God bless. We thank you.

**6.03 p.m.:** Meeting adjourned.

# APPENDIX V

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## **Attendance Record of the JSC on National Security Second Session, 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 Shrikissoo	exc	√	√							
Mr Paul Richards				√	√	√	√	√	√	exc

\*exc - Excused

\*abs - Absent

# APPENDIX VI

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## **Critical Requirements under the Administration of Justice (Deoxyribonucleic Acid) Act, 2012**

**CRITICAL REQUIREMENTS UNDER  
THE ADMINISTRATION OF JUSTICE (DEOXYRIBONUCLEIC ACID) ACT, 2012**

The DNA Act provides for the following:

<b>Section</b>	<b>Provision</b>	<b>Implemented (YES/NO)</b>
<b>Section 5(2)</b>	Trinidad and Tobago Forensic Science Centre shall have custody of and control over all DNA samples and DNA profiles, including the Forensic DNA Databank of Trinidad and Tobago	<b>YES</b>
<b>Section 7</b>	Establishment of a DNA Databank to be known as the National Forensic DNA Databank of Trinidad and Tobago	<b>NO</b>
<b>Section 8(1)</b>	Appointment of a Custodian of the Forensic DNA Databank	<b>YES</b>
<b>Section 8(2)</b>	Appointment of a Deputy Custodian	<b>NO</b>
<b>Section 11 (1)</b>	Submission by the Custodian of an annual report of his operations to the Minister within three months after the end of each Calendar year.	<b>NO</b>
<b>Section 13 (1)</b>	<p>The taking of non-intimate samples without consent by police officers or qualified persons:</p> <p><i>A police officer or qualified person shall take a non-intimate sample from a person without his consent where:</i></p> <p>(a) the person is a suspect, detainee or accused;</p> <p>(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;</p> <p>(c) the person has had a non-intimate sample taken and that sample—</p> <p>(i) has proved to be either unsuitable or insufficient for forensic DNA analysis;</p> <p>(ii) is lost or destroyed; or</p> <p>(iii) cannot be used for any other reason; or</p> <p>(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.</p>	<b>NO</b>
<b>Section 13 (2)</b>	<p>The taking of non-intimate samples without consent by qualified persons (e.g. Doctor/Nurse under section 4):</p> <p><i>A qualified person shall take a non-intimate sample from a person without his consent where:</i></p> <p>(a) the person is—</p> <p>(i) admitted to a hospital; and</p> <p>(ii) suspected, accused or convicted of an offence;</p> <p>(b) the person is detained in a prison or other institution to which the Prisons Act applies;</p> <p>(c) the person is an incapable person who is—</p> <p>(i) admitted to a psychiatric hospital in accordance with the Mental Health Act; and</p> <p>(ii) suspected, accused or convicted of an offence; or</p>	<b>NO</b>

	<i>(d) the person falls under the supervision of a juvenile residential facility and has been charged with or convicted of a criminal offence.</i>	
<b>Section 16(1)</b>	<p>Taking of non-intimate samples from deported citizens:</p> <p><i>Where a citizen -</i></p> <p><i>(a) is deported ...; and</i></p> <p><i>(b) has been convicted of, or has served a term of imprisonment for, an offence which would have been an indictable offence if it had been committed in Trinidad and Tobago,</i></p> <p><i>a non-intimate sample shall, on that citizen's arrival in Trinidad and Tobago, be taken from him <u>without his consent</u> by a qualified person at any port of entry.</i></p>	<b>NO</b>
<b>Section 16(2)</b>	<p>Taking of non-intimate samples from detained persons who are non-nationals:</p> <p><i>Where a person who is not a citizen of Trinidad and Tobago is detained under the Immigration Act, a non-intimate sample shall be taken from him <u>without his consent</u> by a qualified person.</i></p>	<b>NO</b>
<b>Section 18 (2)</b>	Taking of sample <u>with consent</u> from a victim/complainant during an investigation of a sexual offence.	<b>YES</b>
<b>Section 19</b>	<p>Conditions to be met by the qualified person when taking an intimate sample including:</p> <p>(a) Privacy</p> <p>(b) Within the presence of the same sex or in the presence of a specified person of the opposite sex ( the latter must be in writing)</p> <p>(c) The sample is not taken in the presence of a person who is not required to be there</p> <p>(d) Removal of clothing is not required</p> <p>(e) Procedure is carried out a manner consistent with medical and professional standards</p>	<b>YES**</b>
<b>Section 21(1)</b>	Use of reasonable force to obtain and protect samples.	<b>NO</b>
<b>Section 25 (4)</b>	<p>The provision of a list of DNA samples retained in the DNA Register and DNA samples which are destroyed and expunged to the Commissioner of Police:</p> <p><i>The Trinidad and Tobago Forensic Science Centre shall, within three months after the end of each calendar year, provide the Commissioner of Police with:</i></p> <p><i>(a) a list of samples and DNA profiles which have been entered in the DNA Register and Forensic DNA Databank, respectively; and</i></p> <p><i>(b) a list of the samples and DNA profiles which are proposed to be destroyed and expunged, respectively.</i></p>	<b>NO</b>
<b>Section 34 (1)</b>	The Minister empowered to make Regulations for the purpose of giving effect to the Act.	<b>NO</b>

**\*\* However, samples are taken only in relation to investigations of a sexual offence.**