HRED

PARLIAMENT
REPUBLIC OF TRINIDAD AND TOBAGO

FIFTH REPORT OF THE

JOINT SELECT COMMITTEE ON

HUMAN RIGHTS, EQUALITY AND DIVERSITY

THIRD SESSION OF THE ELEVENTH PARLIAMENT (2017/2018)

on

the Examination of the Human Rights of Remandees at Remand Prisons

Committee Mandate

The Joint Select Committee on Human Rights, Equality and Diversity was established under House of Representatives Standing Order 106 and Senate Standing Order 96 and shall have the duty of considering, from time to time, and reporting whenever necessary, on all matters related to:

(a) compatibility of Acts of Parliament with human rights, and any matters relating to human rights in Trinidad and Tobago (but excluding consideration of individual cases);
(b) Government compliance with national and international human rights instruments to which Trinidad and Tobago is a party;
(c) the promotion of measures designed to enhance the equalization of opportunities and improvement in the quality of life and status of all peoples including marginalized groups on the basis of gender, age (elderly, youth, children) disability and the creation of an inclusive and more equitable society through greater social justice and sustainable human development within Trinidad and Tobago."

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Mr. Randall Mitchell, MP	Member
Mrs. Glenda Jennings-Smith, MP	Member
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LIST OF ABBREVIATIONS

ALTA	Adult Literacy Tutors Association
CCHR	Caribbean Centre for Human Rights
CSEC	Caribbean Secondary Examinations Council
DPP	Director of Public Prosecution
NGO	Non- Governmental Organisation
MC-MU	Mediation and Conflict Management Unit
MNS	Ministry of National Security
MLSED	Ministry of Labour and Small Enterprise Development
OOTT	Office of the Ombudsman of Trinidad and Tobago
OHCHR	Office of the United Nations High Commissioner for Human Rights
POS	Port-of-Spain
TTPrS	Trinidad and Tobago Prison Service
UDeCOTT	Urban Development Corporation of Trinidad and Tobago
UNDHR	United Nations Declaration on Human Rights
UNDP	United Nations Development Programme
VOM	Vision on Mission

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EXECUTIVE SUMMARY

1.1. The Committee resolved at its Eleventh Meeting held on January 13, 2017 to examine the human rights of remandees at Remand Prisons and agreed that the following three (3) objectives would guide the inquiry:

1. **to determine the treatment of the remandees in Remand Prison.**
2. **to examine the physical conditions of the facilities at Remand Prison.**
3. **to evaluate the implementation of recommendations with respect to remandees conditions at Remand Prison within the following Reports:**
    a. **2002 Final Report of the Cabinet Appointed Task Force on Prison Reform; and**
    b. **2013 Special Prisons Committee Report chaired by Professor Ramesh Deosaran.**

1.2. The Committee agreed that the Ministry of National Security, Vision on Mission and Professor Ramesh Deosaran were to be invited to a public hearing on May 19, 2017.

1.3. The Committee obtained both oral and written evidence based on the objectives listed above.

1.4. Some of the significant issues raised during the public hearing were:

- The review of the Prison Rules, 1943;
- The lack of a written charter for the process of dealing with the human rights of remandees by the agencies involved in the process;
- The need for appropriate actions to be taken to deal with overcrowding in the facility;
- The need to upgrade the bail system and to utilize an electronic monitoring system;

- The need to reduce the use of pails at the Remand Prison by the installation of toilet facilities after each three (3) cells;
- The need for a process by which remandees can renew national documents;
- The review of the visitation rights of the remandees;
- The proposal for a new remand facility to be built;
- The review of the rehabilitative, educational and vocational programmes available to the remandees;
- The mentoring of first-time remandees;
- The review of the complaints system for remandees;
- The access to medication and special diets for remandees who may be ill or suffer from a chronic disease;
- The access to television and newspapers;
- The psychological effect of extended remand periods on a remandee;
- The need for a pre-trial pre-release programme for the remandees to re-civilize them to become functional, independent members of society
- The Prison Officer/Remandee ratio currently exceeds the recommended 1:6 ratio.
- The incomplete strategic plan for Remand Prison; and
- The challenges faced to separate violent remandee from non-violent remandees.

1.5. The Committee agreed to conduct site visits to the Remand Prison and the Remand facilities of the Women's Prison and the Maximum Security Prison on May 31, 2017.

Subsequently, the Committee agreed to conduct a site visit to the Remand Yard facility of the Port-of-Spain Prison on June 09, 2017.

1.6. Some of the significant observations during both of the site visits were:

- The remandees are allowed two (2) visits per week. Four (4) remandees are allowed visits with children every Saturday on a rotation basis. Calls are allowed every day for fifteen (15) minutes except on Sundays;
- The remandees are given airing every day subject to staff availability or inclement weather conditions;
- The programme participation is voluntary leading to the non-participation of some 'remandees';
- Recidivism is usually noticed amongst the remandees who are drug addicts;
- Some remandees at the Remand Prison, Golden Grove and the Remand Yard, Port of Spain indicated that upon release, as a result of intermingling with repeat offenders, they might be inclined to engage in criminal activity;
- The remandees are placed before a doctor within the first twenty-four (24) hours of admittance;
- Many of the remandees are on capital charges and those remandees on minor offences do not usually stay for a lengthy time period;
- The remandees are generally dissatisfied with the diet provided;
- Some remandees alleged that routine allowances such as the provision of bed space have been used to extort payment by prison officers; and
- Many remandees indicated that the length of time on remand had affected their mental state.

1.7. The Committee submits its findings and recommendations with respect to the human rights of the remandees at Remand Prison in Chapter 4 and 5.

INTRODUCTION

Human Rights and Treatment of Remandees

2.1. The Office of the United Nations High Commissioner for Human Rights (OHCHR) defines human rights as, "*rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status.*[1]"

2.2. Article 5 of the United Nations Declaration on Human Rights, which was adopted by the UN General Assembly in 1948, states, "*No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.*[2]" Preliminary Observation 1 of the Annex of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) indicates that "*the rules are not intended to describe in detail a model system of penal institution, but seek on the basis of the general consensus on contemporary thought the essential elements of the most adequate systems of today, to set out what is generally accepted as being good principles and practice in the treatment of prisoners and prison management.*"

2.3. Rules 1 and 2 of the Nelson Mandela Rules states, "*All prisoners shall be treated with the respect due to their inherent dignity and value as human beings…*" and "*The present rules shall be applied impartially…The religious beliefs and moral precepts of prisoners shall be respected*"[3]. The revised Standard Minimum Rules (the Nelson Mandela Rules) were adopted unanimously by the United Nations General Assembly on December 17, 2015.

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[1] The Office of the United Nations High Commissioner for Human Rights (OHCHR) website. http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx
[2] UN Declaration on Human Rights, http://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf
[3] United Nations Standard Minimum Rules for the Treatment of Prisoners(the Nelson Mandela Rules)(UN-Doc A/Res/70/175)https://documents-ddny.un.org/doc/UNDOC/GEN/N15/443/41/PDF/N1544341.pdf?OpenElement p8

Definition of "Remand Prisoner"

2.4. A remand prisoner is, *"any person charged with a criminal offence who has been ordered by the Court to be detained in custody while awaiting trial or sentencing*[4]*…. These include*[5]*:*

i. Imates awaiting trial in the High Court.
ii. Those whose cases have been adjourned at the Magistrates' Court.
iii. Inmates who have appealed their sentences and are awaiting the determination of their appeals.
iv. Prohibited immigrants and deportees."

2.5. Internationally, a remand prisoner may also be known as a pre-trial detainee.

2.6. For the purpose of the report, the local term 'remandee' was used.

Legislation for Remandees in Trinidad and Tobago

2.7. Section 4(d) of the Constitution of Trinidad and Tobago states, that it is *"the right of the individual to equality of treatment from any public authority in the exercise of any functions."* Section 5(2)(c)(iii) also states, *"the Parliament may not deprive a person who has been arrested or detained of the right to be brought promptly before an appropriate judicial authority;*[6]*"*

2.8. According to Section 17 of the Prisons Act, Chap. 13:01, *"the Minister may, subject to affirmative resolution of Parliament, make Rules for the better carrying into effect of the provisions and purposes of this Act, including rules for amending or revoking the Prison Rules, and without limiting the generality of the foregoing, may make Rules providing for –*

> *… (b) the classification, diet, clothing, maintenance, employment, discipline, instruction and correction of prisoners;…*
> *(f) the remission of sentence to be allowed to prisoners and the manner and conditions under which the remissions are to be granted; …*

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[4] Final Report of the Cabinet Appointed Task Force on Prison Reform and Transformation. 2002. Page 433. http://ttprisons.com/downloads/taskforcereport.pdf
[5] Ibid. Page 94.
[6] Constitution of Trinidad and Tobago 1: p33.

(h) the powers and duties of medical officers; the medical inspection of prisons and prisoners; and the prevention of contagious diseases in prisons;…

(j) the construction, description, equipment and supervision of wards or cells for separate confinement;

(k) the classification of prisons and prisoners into categories and their separation accordingly;…

(t) generally for the effective administration of this Act, for the good management and government of prisons and the discipline and safe custody of prisoners."

2.9. The Prison Rules, 1943 contain guidelines for prison management and the treatment of prisoners:

- General Treatment
- Prohibited Articles
- Discharge
- Food, Clothing and Bedding
- Accommodation
- Health and Cleanliness
- Employment
- Religious Instruction
- Education
- Visits and Communications
- Offences Against Prison Discipline
- Restraints
- Complaints by Prisoners
- Petitions
- Review of Long Sentences
- Classification
- Honour Prisoners
- Remission of Sentence
- Progressive Stages
- Earnings
- Awarding of Marks For Remission Of Sentence and Stage Privileges

Trinidad and Tobago Prison Service (TTPrS)

2.10. The TTPrS was established under the Prison Service Act of Trinidad and Tobago Chap. 13:02 and is headed by the Commissioner of Prisons followed by the Deputy Commissioner. During the period 2012[7] to 2015[8] the TTPrS was under the purview of the Ministry of Justice, however since November 20, 2015, it is now under the Ministry of National Security[9].

[7] Gazette No.120 of 2012 dated July 6, 2012.
[8] Gazette No.15 of 2015 dated February 20, 2015.
[9] Gazette No.125 of 2015 dated December 4, 2015.

2.11. The TTPrS is committed to the protection of the society and crime prevention by facilitating opportunities for the habilitation/rehabilitation of offenders, while maintaining control under safe, secure and humane conditions[10]. TTPrS has responsibility for the following remand facilities[11]:

- the Remand Prison in Golden Grove, Arouca for male remandees;
- the Remand Yard at the Port-of-Spain Prison for male remandees;
- the Remand Section at the Women's Prison; and
- the Remand Section at the Maximum Security Prison in Golden Grove, Arouca for male remandees.

Budgetary Allocation

2.12. The budgetary allocation for TTPrS for the fiscal years 2012 to 2017 under Recurrent Expenditure and Development Programme Expenditure is provided in Table 1.

Table 1
Budgetary Allocation, Trinidad and Tobago Prison Service

BUDGET ALLOCATION	2012 (ACTUAL)	2013 (ACTUAL)	2014 (ACTUAL)	2015 (REVISED ESTIMATES)	2016 (ESTIMATES)	2017
Estimates for Recurrent Expenditure[12]	$266,168,011[13]	$547,794,187[14]	$579,565,339	$641,337,800	$1,143,707,200[15]	$914,313,400[16]
Estimates for Development Programme	$14,025,968[17]	$15,151,277[18]	$ 9,241,358[19]	$ 22,318,750	$ 23,000,000	$20,500,000[20]

[10] Administrative Report of the Ministry of Justice 2013, p11.
[11] Administrative Report of the Ministry of Justice; 2013, p11.
[12] Total of figures for Goods and Services, Personnel Expenditure and Minor Equipment Purchases.
[13] Estimates, Details of Estimates of Recurrent Expenditure for the Financial Year 2014, p301,305,307.
[14] Estimates, Details of Estimates of Recurrent Expenditure for the Financial Year 2015, p284,287,289.
[15] Estimates, Details of Estimates of Recurrent Expenditure for the Financial Year 2016, p124,131-132,145,356,358, 361.
[16] Draft Estimates of Recurrent Expenditure for the Financial Year 2017, p132,139,146.
[17] Estimates of Development Programme for the Financial Year 2014, p160.
[18] Draft Estimates of Development Programme for the Financial Year 2015, p146.
[19] Estimates of Development Programme for the Financial Year 2016, p64, 163.
[20] Draft Estimates of Development Programme for the Financial Year 2017, p60.

2.13. In fiscal 2016, the TTPrS received an allocation of $59.4 million for the provision of facilities and services related to the safe keeping and rehabilitation of remandees, was in adherence with international standard.[21]

Vision on Mission (VOM)[22]

2.14. Vision on Mission is a non-governmental organisation (NGO) that has been in existence since 1995 and was incorporated on the August 17, 2001. Vision on Mission is non-denominational with responsibility for the reintegration and rehabilitation of deportees/returning nationals, prisoners, ex-prisoners, delinquent youth and socially displaced persons. The aim of the organization is:

- to promote and support restorative justice;
- to provide transitional housing, employment opportunities, rental facilities, training and re-training opportunities, banking opportunities; and
- to prepare remandees while incarcerated for re-civilization, through the pre-release programme of the Trinidad & Tobago Prison System and the use of modules, workshops, counseling, mediation and professionals.

Office of the Ombudsman of Trinidad and Tobago (OOTT)

2.15. The OOTT plays an integral role in the investigation of complaints from members of the public who believe they have been treated unfairly by Ministries/Government Departments/State Agencies. In accordance with Section 91 of the Constitution of the Republic of Trinidad and Tobago and the provisions of the Ombudsman Act, Chap. 2:52, the Ombudsman performs the following roles:

- to provide a fair and impartial investigation service for members of the public who believe that they have been adversely affected by a decision or action of a public sector agency;

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[21] Public Sector Investment Programme 2016; Ministry of Planning and Development, p108.
[22] About us, Vision on Mission, http://visiononmission.org/about-us

- to assist public sector agencies to improve their decision making and administrative practices and procedures; and

- to provide a review mechanism under the Freedom of Information Act, Chap. 22:02 for persons who are dissatisfied with the responses given by public authorities to their requests for information.

Prison Conditions

2.16. There have been several reports examining prison conditions between 2002 and 2015. Most of these included recommendations for improvement of the physical conditions of the Remand Prisons.

2.17. The recommendations in Table 2 for the Remand Prison were given in the 2002 Final Report of the Cabinet Appointed Task Force on Prison Reform.

Table 2
Recommendations of the 2002 Cabinet Approved Task Force Report on Prison Reform

2002 TASK FORCE REPORT	RECOMMENDED CHANGES
Inmate Accommodation at the Remand Prison	Upgrade
Remand Prison Administration Facility	Upgrade
Water System	Upgrade
Sewer System	Reconstruction
I.T. System	Upgrade
Laundry Facilities	Construct/Equip
Fire, Health and Safety Systems	Upgrade
Recreational Facility	Upgrade
Chaplains Facility	Establish
Infirmary	Expansion/ Upgrade
Welfare	Relocate/Upgrade
Transportation	Acquire
Electrical	Upgrade
Security System	Upgrade
Maintenance System	Establish
Educational Facilities	Establish
Radio/Television System	Acquire/Install
Teaching/Training/Training Aids	Acquire
Reception	Upgrade

2.18. The 2013 Ombudsman Report of Trinidad and Tobago also expressed the poor and harsh conditions at the prisons and overcrowding at the Port of Spain and the Golden Grove Remand Prisons[23].

2.19. The recommendations for Remand Prison from the 2013 Special Prisons Committee Report is shown in Table 3.

Table 3
2013 Special Prisons Committee Report

2013 SPECIAL PRISONS REPORT	RECOMMENDATIONS
New Remand Facility	Build
Upgrades to beds, plumbing, lighting and toilet facilities	Procure 300 beds, Upgrade lighting, plumbing and toilet facilities
Use of Force Policy	Implement a firm and detailed use of force policy
Training in use of force	Training routine in use of force for prison Officers
Prison Rules	Update

2.20. According to the United States Department of State Country Report on Human Rights Practices for Trinidad and Tobago 2013 to 2015, the main issues in relation to prison conditions[24] at the Remand Prison were overcrowding, prisoner abuse, poor lighting, poor ventilation and poor sanitation facilities.

2.21. The Public Sector Investment Programme 2016 highlighted some key projects to be undertaken by the Trinidad and Tobago Prison Service. With respect to Remand Prison, the key project to be undertaken is, *"the finalisation of designs for the construction for a new Remand Prison which is intended to aid in the overcrowding experienced in the Prison[25]."* The intent to initiate this project was reiterated in the Public Sector Investment Programme 2017.[26]

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[23] 36th Annual Ombudsman Report 2013; p14.
[24] United States Department of State; Country Report on Human Rights Practices for Trinidad and Tobago 2013- 2015, Section 1(c), 'Prison and Detention Center Conditions'. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dlid=253045#wrapper
[25] Public Sector Investment Programme 2016, p 108.
[26] Public Sector Investment Programme 2017, p 121.

Conduct of the Inquiry

2.22. Before the public hearing, the Committee was briefed by Ms. Marcia Rampersad, the Programme Manager of Citizen Security and Justice from the United Nations Development Programme (UNDP), on the regional situation of remandees. The Committee posed questions to inform and broaden the scope of the questions asked during the public hearing.

2.23. The public hearing was held on Friday May 19, 2017. During this time, the Committee questioned the officials on the various matters based on the inquiry objectives.

2.24. Prior to the public hearing, notice was given as to the general objectives of the inquiry and in response, written submissions were received from the Ministry of National Security and Vision on Mission. These responses provided a frame of reference for the supplementary questions pursued at the hearing.

Table 4
Officials Attendance List

NAME	POSITION
Ministry of National Security	
Mr. Vel Lewis	Permanent Secretary
Mr. Mark Lutchman	Project Co-ordinator
Trinidad and Tobago Prison Service (TTPrS)	
Mr. Cecil Duke	Commissioner of Prisons
Mr. Dane Clarke	Deputy Commissioner of Prisons (Ag.)
Mr. Carlos Corraspe	Senior Superintendent of Prisons (Ag.)
Mr. Joseph Nelson	Assistant Superintendent of Prisons (Ag.)
Vision on Mission	
Mr. John Rougier	Chairman
Mr. Gordan Husbands	Director

2.25. The Committee also sought responses from the Office of the Ombudsman of the Republic of Trinidad and Tobago and a call for public submissions on social media and

the Parliament's website were met with written submissions from the Caribbean Centre for Human Rights.

2.26. The public call for submissions issued on January 23, 2017 received a public reach of 37,822 persons, with several persons posting comments.

2.27. The Committee conducted site visits to the Remand Prison and the Remand Sections at the Women's Prison and the Maximum Security Prison on May 31, 2017 and to the Remand Yard Prison at Port-of Spain on June 09, 2017. The site visit report is attached in **Appendix III**.

2.28. The **Minutes** and **Verbatim Notes** are attached as **Appendix I** and **Appendix II respectively**.

2.29. The Third Report was approved on September 27, 2017.

EVIDENCE

Objective 1: To Determine the Treatment of the Remandees in Remand Prison

Statistics of Remandees

3.1. The number of remandees housed at the Remand Prison for the years 2013 to 2015 and 2017 is shown in Table 5.

Table 5
Remandees Population 2013 to 2015 and 2017

YEAR	2013	2014	2015	JAN 2017
Number	1129	1189	1077	1074

3.2. The length of time the persons in Remand Prison have been in custody is shown in Table 6.

Table 6
Number of Years in Custody as at February 20, 2017

YEARS IN CUSTODY	NO.OF REMANDEES[27]
Over 20	1
15-20	5
10-14	148
5-9	515
1-4	653
Less than 1	836

3.3. The daily schedule of the remandees of the Remand Prison exclusive of court visits is shown in Table 7.

[27] The number of years is based on the charge for the offence committed. Therefore, some remandees have been remanded for more than one offence at more than one court.

Table 7
Daily Schedule of a Remandee

TIME	ACTIVITY
6:30 a.m.	Unlocking/Tubbing
7:30 a.m.	Morning Diet
8:30 a.m.	Inmates are taken out for airing
10:30 a.m.	Lunch Diet
12:30 a.m.	Inmates are locked in for checking/ handing over
2:00 p.m.	Inmates airing
3:00 p.m.	Evening Diet
4:30 p.m.	Evening locking down

3.4. The overview of the regional situation on remandee statistics for 2016 is shown in Table 8. In the table Trinidad and Tobago has the second highest population of remandees in the Caribbean region.

Table 8
Remandee Statistics for the Caribbean Region for the year 2016[28]

COUNTRY	NUMBER OF REMANDEES	% OF TOTAL PRISON POPULATION
Antigua and Barbuda	**143**	**37%**
Bahamas	**600**	**42%**
Barbados	**361**	**42.3%**
Dominica	**50**	**22.8%**
Grenada	**219**	**52.3%**
Haiti	**7827**	**70.9%**
Jamaica	**894**	**23.1%**
St. Kitts and Nevis	**53**	**24.2%**
St. Lucia	**349**	**57.5%**
St. Vincent and the Grenadines	**96**	**23.3%**
Trinidad and Tobago	**2235**	**60%**

Trinidad and Tobago Prison Service (TTPrS)

Disciplinary Treatment

3.5. According to the TTPrS, the Prison Rules (Part IV- 220 to 293) contains the general treatment of prisoners in 74 areas. These rules also include the disciplinary actions of the

[28] Institute for Criminal Policy Research, "World Pre-Trial/Remand Imprisonment List," http://www.prisonstudies.org/sites/default/files/resources/downloads/wptril_3rd_edition.pdf.

TTPrS. The status of compliance for Prison Rules Nos. 220 to 293 and the punishments awarded to the remandees for the years 2014 to 2015 are provided in **Appendix IV**.

3.6. In 2014, the Use of Force Policy, 2012 was updated and enacted on March 07, 2014. It was published as Trinidad and Tobago Prison Service General Order No. 32 of 2014. The policy encompasses the following fundamental issues:

- Self Defense
- Defense of a third party
- Enforcement of Prison Rules
- Prevention of escapes
- Prevention of a crime
- Authorization and limitation on the Use of Force
- Reporting of the Use of Force
- Discipline

3.7. According to the Public Service Commission Regulations 85 (5), 85(6), 85(7) and 85 (8) and 110 (1), if upon the completion of a comprehensive investigation and tribunal process, an officer is found to be guilty of use of excessive force, the relevant penalties shall be implemented accordingly.

Medical Treatment

3.8. In relation to the health of the remandee, an Infirmary Officer meets with each remandee within twenty four (24) hours upon entry into the remand facility. Thereafter, a remandee is examined as often as required by the Infirmary Officer.

3.9. In 2015, one hundred and sixty (160) remandees were escorted to health institutions for medical attention. Tables 9 to 13 show the statistics of remandees with medical conditions while in the Remand Prison for the years 2012 to 2016.

Table 9
Number of Remandees admitted to Hospitals from 2012 to 2016

YEAR	POS GENERAL/ ERIC WILLIAMS MEDICAL SCIENCES COMPLEX	CAURA CHEST HOSPITAL	ST. ANN'S HOSPITAL
2012	300	18	13
2013	300	18	05
2014	350	10	05
2015	350	10	02
2016	400	10	05

Table 10
Number of Remandees undergoing Psychiatric Examination from 2012 to 2016

YEAR	2012	2013	2014	2015	2016
Number	175	200	195	175	220

Table 11
Number of Remandees attending Clinics from 2012 to 2016

YEAR	2012	2013	2014	2015	2016
Number	1450	1715	1700	1670	1790

Table 12
Number of Remandees attending Dental Clinics from 2012 to 2016

YEAR	2012	2013	2014	2015	2016
Number	225	300	200	175	200

Table 13
Number of Remandees with Communicable Diseases from 2012 to 2016

DISEASE	YEAR				
	2012	2013	2014	2015	2016
Tuberculosis	27	38	55	35	65
Chicken Pox	46	61	24	19	21
Diarrhoea	62	39	20	31	34
Scabies	05	06	07	08	05

3.10. The daily meal plan for the remandees for the week of August 01, 2015 to August 07, 2015 is provided in **Appendix V**.

Staff Challenges

3.11. According to the TTPrS, the staff levels are not ideal for the safe and effective management of the Remand Prison. Although the ideal ratio of remandees to staff is 6:1,

there are 1,074 (as at January 31, 2017) remandees managed by an average of seventy (70) Officers per work shift (1-9, 9-6 and 6-1 shifts), a ratio of 1:15; more than twice the best practice ratio.

Confrontations in the Facility

3.12. TTPrS indicated that confrontations between staff and remandees usually stem from the lengthy delays within the judicial system, the gang warfare that occurs outside the facility and the breaching of rules and regulations in an attempt to intimidate staff. Therefore, a Mediation and Conflict Management Unit (MC-MU) is currently being established to treat with all levels of conflict, 'staff-remandees', 'remandees-remandees', and 'staff-staff'.

3.13. In addition, the following measures are being implemented to treat with 'staff-remandee' and 'remandee-remandee' conflict resolution:

- gang identification drive coupled with separation as a means of controlling threats to officers and staff;
- remandees identified as belonging to a gang(s) are moved on a regular basis to preserve life and minimize threats;
- implementation of Use of Force training and ensuring the Use of Force Policy is properly communicated to staff at all levels;
- training in conflict management/dispute resolution for staff;
- alleviation of violent situations/extraction training; and
- correctional developmental programmes/training for both staff and remandees.

Programmes for Remandees

3.14. The Educational Programmes Schedule for the Remand Prison is included in **Appendix V**.

3.15. The Remand Prison Administrative Report for 2015 indicated that the following resources which were available to the remandees:

- Fathers In Action Programme – facilitates the children visits for fathers who were in custody for over one (1) year); and

- Legal Aid (Legal Aid and Advisory Authority) – provides monthly personnel visits, with an avenue to seek free legal representation and advice.

Vision on Mission (VOM)

Need for Specialised Training

3.16. According to VOM, prison staff are not trained in Remand Pre-trial Management. Furthermore, remand operations require specifically designed infrastructure, amenities and services to reform the existing pre-trial system.

Office of the Ombudsman of Trinidad and Tobago (OOTT)

Delayed Access to Medical Treatment

3.17. According to the OOTT, a number of complaints are received from remandees indicating they are not sent to medical appointments and there is lack of feedback on new medical appointment dates. Additionally, the OOTT receives complaints that the remandees are not administered prescribed diets and medications.

Caribbean Centre for Human Rights (CCHR)

3.18. The following human rights violations were identified by the CCHR:

- living conditions on remand undermining the rights to health and may also be considered unconstitutional;
- use of excessive violence and the incidence of unnatural deaths while on remand;
- failure to provide reasonable access to the outside world and the maintenance of family contacts;
- lack of transparency of systems of prison discipline; and
- detention under the Immigration Act, Chap. 18:01.

Objective 2: To Examine the Physical Conditions of the Facilities at Remand Prison

Accommodation

Trinidad and Tobago Prison Service (TTPrS)

3.19. The Remand Prison presently has 203 functional cells of 9x6 feet in dimensions, which houses an average of five (5) to nine (9) remandees per cell. There are a total number of 714 beds for 1100 remandees. Written submissions indicated that sleeping mats and mattresses are provided in the absence of a bed.

3.20. Although the long term solution to alleviate overcrowding requires the construction of a new purpose-built remand facility, the TTPrS has adopted the short measure of transferring remandees amongst the four (4) remand facilities.

Sanitation

Trinidad and Tobago Prison Service (TTPrS)

3.21. According to the Remand Prison Administrative Report for 2015, personnel from the Insect Vector Control Division, Ministry of Health, visited and conducted exercises for flying and crawling insects. Furthermore, two (2) officers were assigned to undertake sanitation maintenance internally and externally which resulted in cleaning of cells at least once during the year 2015.

3.22. During the day remandees at Remand Prison have access to four (4) shower installations and four (4) toilets in each wing as well as five (5) shower installations and five (5) toilets in the air yard. However, during the night the pail system is used and emptied daily.

Vision on Mission (VOM)

3.23. VOM indicated that the remandees are housed in old dilapidated, unsanitary, crowded cells without modern amenities and access limited services.

3.24. Vision on Mission recommended the need for a modern remand facility that includes:

- infrastructure maintenance;
- infrastructure design that fits the needs of remandees; and
- increased number of beds, amenities and services.

Office of the Ombudsman of Trinidad and Tobago (OOTT)

3.25. The OOTT indicated that a number of complaints were received on poor conditions inclusive of allegations of pigeon infestation and other vermin as well as poor sleeping conditions.

Lighting

Trinidad and Tobago Prison Service (TTPrS)

3.26. Lighting at the Remand Prisons are in accordance with local and international standards for prisoners. It was articulated that lighting fixtures and an electrical bulb are outfitted inside the cell as well as florescent bulbs (secured by a metal grill) are used in the opening above the cell.

3.27. However, some cells are not lit due to the placement of lighting fixtures outside the cells at Remand Yard in Port-of-Spain and electrical issues at the Remand Prison, Golden Grove.

Infirmary Department

Trinidad and Tobago Prison Service (TTPrS)

3.28. The Remand Prison Administrative Report for 2015, highlighted the need for the Infirmary Department to be better equipped with basic medical diagnosis services in order to reduce the number of hospital referrals.

Objective 3: To evaluate the Implementation of Recommendations with Respect to Remandees Conditions at Remand Prison within the 2002 Final Report of the Cabinet Appointed Task Force on Prison Reform and 2013 Special Prisons Committee Report.

2002 Final Report of the Cabinet Appointed Task Force on Prison Reform

3.29. The status of the recommendations of the 2002 Cabinet Approved Task Force Report on prison Reform are provided in Table 14.

Table 14
Status of Recommendations- 2002 Task Force Report

2002 TASK FORCE RECOMMENDED CHANGES	STATUS	SITE VISIT OBERVATIONS AT REMAND PRISON, WOMEN'S PRISON, AND MAXIMUM SECURITY PRISON ON MAY 31, 2017	SITE VISIT OBSERVATIONS REMAND YARD, PORT OF SPAIN ON JUNE 09, 2017
Upgrade of Inmate Accommodation at the Remand Prison	The contractor Bynoe Rowe Wiltshire has submitted the scope of works which includes in-cell toilets, lighting, security, ventilation etc. The project is currently awaiting approval.	Five (5) to nine (9) remandees per cell at Remand Prison and instances where remandees sleep on the ground without mattresses on the beds.	Four (4) to (7) remandee per cell. In some cells it was noted there were no mattresses. Limited or lack of lighting in cells.
Remand Prison Administration Facility Upgrade	Completed. Offices for the Superintendent, Assistant Superintendent and Administrative staff fully occupied and operational.	Facility upgraded.	The information systems and internet facility should be upgraded.
Water System – Upgrade	In Progress Pumps and other parts and equipment being replaced and serviced where necessary.	Water system functional.	Functional.

2002 TASK FORCE RECOMMENDED CHANGES	STATUS	SITE VISIT OBERVATIONS AT REMAND PRISON, WOMEN'S PRISON, AND MAXIMUM SECURITY PRISON ON MAY 31, 2017	SITE VISIT OBSERVATIONS REMAND YARD, PORT OF SPAIN ON JUNE 09, 2017
Sewer System – Reconstruction	Rehabilitation works ongoing.	Toilets functional. Pails used by remandees at Women's Prison and Remand Prison. Two (2) toilets per division at the Remand Prison insufficient number for remandees per division.	Pails used by remandees.
I.T. System – Upgrade	In Progress.	Upgraded.	Needs to be Upgraded to allow for Wi-Fi use by the administration.
Laundry Facilities Construct/Equipment	Completed. Laundry system fully operational.	Four (4) washers and two (2) dryers installed in Airing Area of Remand Prison. Two (2) of the washers were not functional.	Functional.
Fire, Health and Safety Systems – Upgrade	Works on-going.	Fire, Health and Safety systems need to be upgraded.	Fire, Health and Safety systems need to be upgraded.
Recreational Facility – Upgrade	Completed.	Area insufficient for the current number of remandees at Remand Prison.	Insufficient area to for appropriate airing.
Chaplains Facility - Establish	The Council of Prison Chaplain and Ministers (COPCAM) has been established as a recognized entity within the Prison Service. They act as the coordinating body for religious entities within the System. In this regard, they need to be placed on the financial books and paid for their services.	Established.	-

2002 TASK FORCE RECOMMENDED CHANGES	STATUS	SITE VISIT OBERVATIONS AT REMAND PRISON, WOMEN'S PRISON, AND MAXIMUM SECURITY PRISON ON MAY 31, 2017	SITE VISIT OBSERVATIONS REMAND YARD, PORT OF SPAIN ON JUNE 09, 2017
Infirmary – Expansion/ Upgrade	No works yet commenced.	Infirmary at Women's Prison and Remand prison needs to be upgraded.	Infirmary was separated into remand and convicted and seemed to be well-kept.
Welfare – Relocate/Upgrade	Welfare Offices relocated.	Relocated	-
Transportation – Acquire	In progress.	-	-
Electrical – Upgrade	On-going.	Upgrade needed. Exposed wires in outlets and outlet not functional.	Upgrade needed to allow for appropriate lighting system within the cells.
Security System – Upgrade	On-going. Full Body Scanner acquired and located at the Reception Area for scanning of all persons entering the facility. Implementation of Cellphone Grabbers and Jammers.	Cell-jammers operational. Staff shortages should be addressed to appropriately manage the remandee population	System needs to be upgraded. Cell-jammers functional.
Maintenance System – Establish	System put in place and functional.	-	Established.
Educational Facilities – Establish	Correctional Education Programmes for remandees at this location are held at the Golden Grove Prison's Tech/Voc. Facility.	Established education facilities.	Available educational facilities.
Radio/Television System – Acquire/Install	Rise Maximum Radio, stationed at the Maximum Security Prison, is currently running a test of transmission to the Remand Prison. Once deemed successful, daily transmission shall be ongoing.	Radio and television system installed at the Maximum Security Prison (Remand) and radio at the Women's Prison (remand).	Televisions accessible in the recreation area.

2002 TASK FORCE RECOMMENDED CHANGES	STATUS	SITE VISIT OBERVATIONS AT REMAND PRISON, WOMEN'S PRISON, AND MAXIMUM SECURITY PRISON ON MAY 31, 2017	SITE VISIT OBSERVATIONS REMAND YARD, PORT OF SPAIN ON JUNE 09, 2017
Teaching/Training/Training Aids – Acquire	On-going.	Teaching aids available at the Women's Prison (Remand), Remand Prison and Maximum Security Prison (Remand).	Training and teaching aids available.
Reception – Upgrade	Facility partially refurbished. Scanner installed. A/C unit installed.	Upgraded.	-

2013 Special Prisons Committee Report

3.30. Table 15 shows the recommendations of the Special Prisons Committee Report 2013 and the status of recommendations as provided by the TTPrS.

Table 15
Status of Recommendations – 2013 Special Prisons Committee Report

2013 SPECIAL PRISONS REPORT RECOMMENDED CHANGES	STATUS	SITE VISIT OBERVATIONS AT REMAND PRISON, WOMEN'S PRISON, AND MAXIMUM SECURITY PRISON ON MAY 31, 2017	SITE VISIT OBSERVATIONS REMAND YARD, PORT OF SPAIN ON JUNE 09, 2017
Status of the new Remand facility	UDECOTT was contracted to build a 1500bed Remand /Pre-trial Detention Facility at Golden Grove. Another contract was awarded to Canadian firm Urban Architectural Systems Limited (URBASYS) to produce preliminary designs. This stage is yet to be completed. Projected to begin by 2017/2018 fiscal year.	-	-
Upgrades to beds, plumbing, lighting and toilet facilities	The improvements were started in the 2013-2014 fiscal period and completed on 31/3/2016. Note: Although improvement works were undertaken, there still remains the issue of remandees constantly tampering with the lighting fixtures.	Upgrades to the toilets observed at Remand Prison. Lighting and the number of beds in cells need to be upgraded.	Upgrades needed to the toilets and lighting. Increased number of beds required.
Use of Force Policy	The Prison Service implemented the policy which is illustrated in General Order 32 of 2014.	-	-
Training in use of force	The training provided to the officers with tools to efficiently and effectively treat with threats posed by remandees and its successful mitigation. 400 staff members were trained in its application as at December 31,2016	-	-
Prison Rules	The Draft Prison Rules is before a committee comprising members of the Ministry of the Attorney General and Legal Affairs and the Prison's Legal Team. The Committee is currently working on an implementation plan for the new rules. The committee is therefore at the pre-Law Reform Commission stage.	-	-

FINDINGS AND RECOMMENDATIONS

Objective 1- To Determine the Treatment of the Remandees in Remand Prison

Disciplinary and General Treatment

4.1. Following the public inquiry, the site visits and dialogue with several remandees at the various institutions, the Committee is of the view that the current practices in relation to discipline and the general treatment of remandees needs to be aligned with the best practices and procedures of human rights as articulated in the United Nations Declaration on Human Rights (UNDHR) and the Nelson Mandela Rules to which Trinidad and Tobago is a signatory.

4.2. The Committee noted that the TTPrS does not have a written Charter of Rights for remandees and as a consequence relies solely on the Constitution of the Republic of Trinidad and Tobago and the pronouncements by the courts to inform on current practices.

4.3. The Committee noted that a strategic plan has been drafted for the treatment of remandees in the prison facilities and is currently awaiting approval, however, there was no specific completion date was given by the TTPrS for its completion.

4.4. The Committee notes a positive development, namely, that as at December 31, 2016 approximately four hundred (400) officers of the TTPrS were trained in the 'Use of Force' through the National Security Training Agency.

4.5. According to the OOTT Annual Report 2013, in spite of the improvements made to the system, in terms of administration and staff development there has been little to no improvements in the physical conditions of the prisons and the treatment of remandees, as

a result, the infrastructure continues to be inhumane and inadequate based on international standards.

<u>Programmes and Services</u>

4.6. The Committee acknowledged that remandees are allowed to participate in the educational programmes in **Appendix V** inclusive of the following programmes:

- sport, recreational activities or internal sport competitions
- CSEC programmes
- ALTA programmes (Level 1 and 2)
- Religious Organisations
- Life Skills Training

4.7. However, while these programmes exist, remandees are not assessed upon entry to determine their skill or educational level and Nelson Mandela Rule 104(2) states, *"So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty."*

4.8. The Committee noted the difficulty remandees face to attain employment upon release and commended the work of Vision on Mission to obtain jobs in the agricultural sector for those persons who were unable to secure employment

4.9. During the site visits, the Committee observed that the Remand Facility of the Maximum Security Prison, there were televisions in both sections that housed both nationals and non-national remandees and could be used to keep current with national affairs.

4.10. However, it was observed that there were no provisions made for remandees to follow current national affairs in the cell sections at the Remand Prison, Golden Grove, the Remand Section of the Women's Prison and Remand Yard in the Port-of-Spain Prison. This was due to the absence of electricity in many of the cells at the remand facilities. However, Nelson Mandela Rule 63 states, *"Prisoners shall be kept informed regularly of the*

more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the prison administration."

Renewal of Documents

4.11. The Committee was informed that while there is no set policy in place for the renewal of national documents of the remandees, there is a request system in place through the welfare officers at the various remand facilities to treat with renewal of documents for remandees.

Complaints and Conflicts Systems

4.12. The Committee was concerned that there was no policy for the separation of remandees who have committed minor offences (for example, persons who failed to pay child maintenance and certain traffic offences) and those who were remanded on serious offences (for example, murder). However, Nelson Mandela Rule No. 11 states:

> *"The different categories of prisoners shall be kept in separate institutions or parts of institutions, taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment; thus:*
> *(a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women, the whole of the premises allocated to women shall be entirely separate;*
> *(b) Untried prisoners shall be kept separate from convicted prisoners;*
> *(c) Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence;*
> *(d) Young prisoners shall be kept separate from adults."*

The Committee observed approximately 40 remandees standing in close proximity to each other in a large holding cell, under unacceptable conditions. The Committee was informed that these remandees were new arrivals to the Remand Prison, Golden Grove.

4.13. The Committee noted that there the absence of a computerised information system with data from other prisons to aid in the classification of remandees and to track the recidivism rate amongst prisons and detention centres. Due to the lack of information on incoming remandees, there is a high probability of the unintentional mingling of high-risk remandees with the low-risk remandees or first time remandees.

4.14. The Committee was pleased to note that TTPrS is in the process of establishing a Mediation and Conflict Management Unit (MC-MU) to treat with all levels of conflict between staff- remandees, remandees-remandees, staff-staff and staff-public.

4.15. The Committee recognised that there is a complaints system which the remandees can utilise to express and submit issues in the remand facilities. The services of the OOTT is another option available to remandees.

Airing and Medical Treatment

4.16. Although written evidence submitted stated that remandees have daily airing time, during the site visit the Committee was informed that the airing time of one (1) hour was reduced to half hour many times (in poorly ventilated conditions described on page 41) and the airing was done according to the perceived risk level of the remandees.

4.17. In addition, the daily confinement in the cell is at least a fourteen (14) hours from 4:30 p.m. to 6:30 a.m. as highlighted in Table 7. However, Rule 21(1) of the United Nations Declaration on Human Rights (UNDHR) and the United Nations Standard Minimum Rules for the Treatment of Prisoners states, *"Every prisoner that is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits"*.

The Committee observed that the airing yard was an inadequate size for the population at Remand Prison, Golden Grove and the ratio of prison officers to remandees at the airing yard of the Remand Prison, Golden Grove was insufficient.

4.18. The Committee noted that counselling services were now available to new remandees via the Welfare Officers, psychologists and faith-based organisations at the Remand Prison.

4.19. The Committee was concerned that there are cases where there is a low supply of medication at the Infirmary of the Remand Prison to distribute to the remandees. However, in these cases the family members of the remandees are allowed to bring the medication to the facility.

4.20. During the hearing the Committee was informed of the psychological effects of a prolonged remand period on remandees. Remandees experience depression, frustration and anxiety which would be expedited by the current conditions at the remand facilities.

Recommendations

4.21. The Committee recommends the development of re-entry programmes to help the transitioning of remandees upon leaving the facility in the following areas:

- **Addiction Therapy**
- **Motivational Interviewing Counselling**
- **Life-Skills**
- **Cognitive-Behavioural Therapy**
- **Sports and Recreation**
- **Preparation of Re-entry**
- **Character First**
- **Leading above the line**

4.22. The Committee recommends that upon entry to a remand facility, remandees are assessed to determine the skill and educational level in order for immediate placement in educational programmes recognised by the Ministry of Education, that can be continued upon release from remand.

4.23. The Committee recommends that pre-trial management and re-entry training is provided to the staff of the remand facilities in order to improve the management of remandees.

4.24. The Committee recommends that a system/procedure be developed to counteract the victimisation that may occur due to a remandee utilising the complaints system.

4.25. The Committee recommends that a limit be placed on the number of remandees in the holding cell at the Remand Prison, Golden Grove, based on international best practices.

4.26. The Committee recommends that a radio wireless transmission be installed in communal areas at the Remand Section of the Women's Prison, Golden Grove, the Remand Prison, Golden Grove and the Remand Yard, Port-of-Spain Prison for remandees to be regularly informed of current national affairs during fiscal 2018.

4.27. The Committee recommends that the TTPrS establish the Mediation and Conflict Management Unit (MC-MU) during fiscal 2018.

4.28. The Committee recommends that the Strategic Plan for the Remand Prison be finalised by the Ministry of National Security and begin implementation by September 2018.

4.29. The Committee recommends that the MLSED and the Ministry of National Security collaborate to develop post-release employment programmes.

4.30. The Committee recommends that the TTPrS develop a computerised system containing information on inmates from adult prisons and juvenile detention centres to aid with the classification and separation of repeat remandees held on serious offences from the remandees held on minor offences or first time offender remandees.

4.31. The Committee recommends that additional persons from the TTPrS be given the training on the Use of Force of Policy during the fiscal year 2018.

4.32. The Committee recommends the creation of an implementation timetable for the separation of prisoners in accordance with Nelson Mandela Rule No. 11 by August 2018.

Objective 2: To examine the Physical Conditions of the Facilities at Remand Prison

Accommodation

4.33. After the site visit, the Committee recognised that the issue of overcrowding has not been adequately addressed. Members noted that the Remand Prison, Golden Grove was built to accommodate 600 remandees and as at January 31, 2017 there were 1,074 remandees at Remand Prison, Golden Grove.

4.34. The Committee observed that at the Remand Prison, Golden Grove and Remand Yard in Port-of-Spain Prison, there were approximately four (4) to nine (9) remandees in each cell. However, at the Women's Prison and the Remand Section of the Maximum Security Prison there were approximately one (1) to three (3) remandees per cell.

At the Remand Prison, Golden Grove and Remand Yard in Port-of-Spain Prison, remandees in the cells with nine persons sleep 'razor' (edge) style, where each person sleeps on their side with no room to move. (See Figure 1 below)

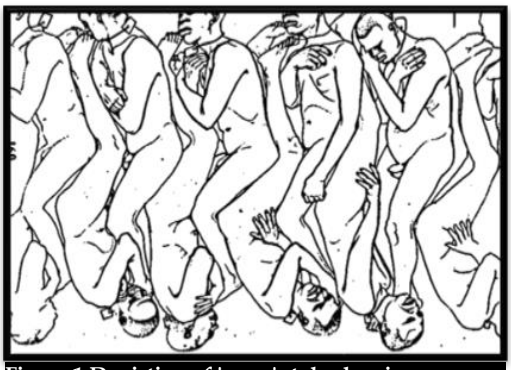
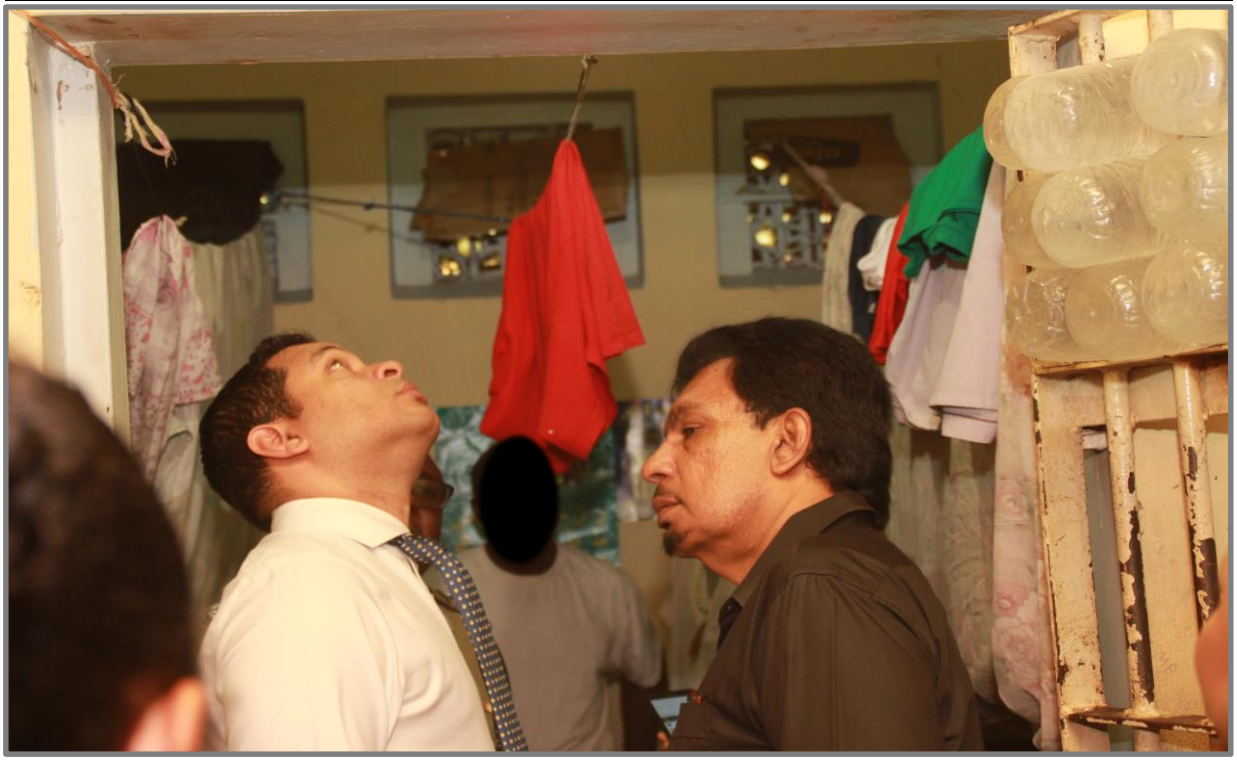


Figure 1 Depiction of 'razor' style sleeping

The Committee noticed that most of the cells at both the Remand Prison Golden Grove and the Remand Yard at the Port of Spain Prison did not have lights and remandees were living in darkness for 23 hours a day. Ventilation was provided by a 24″x 1ft or 18″x 1ft corroded hole covered in mesh, which resulted in extreme heat and many of the remandees half-naked.

Committee members examining the cells of the remandees at the Remand Prison, Golden Grove



4.35. The Committee noted that Nelson Mandela Rule No. 14 states:

"In all places where prisoners are required to live or work:

(a) The windows shall be large enough to enable the prisoners to read or work by natural light and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;

(b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight."

Members of the Committee along with the Commissioner of Prisons (Ag.), view the cells of the remandees at the Remand Yard in the Port-of-Spain Prison

Members of the Committee and TTPrS use a flashlight to view the inside of a cell at the Remand Yard in the Port-of-Spain Prison.

4.36. The Committee noted that remandees are transferred to the Remand Section of the Maximum Security Prison, in order to deal with the constant issue of overcrowding at the Remand Prison, Golden Grove and to maintain the number of remandees at a maximum of approximately one thousand (1000) persons.

Infrastructure

4.37. During the hearing, the Committee was informed that the physical infrastructure of the Remand Prison, Golden Grove is ageing and in need of upgrades. This was confirmed during the site visit where the Committee observed the damaged conditions of the facility which included:

- the holes on the stairways leading to the upper divisions;
- the rusty cells which housed the remandees; and
- the exposed wires of electrical sockets.

Member of the Committee speaking to a remandee at Remand Prison, Golden Grove while viewing the dilapidated condition of the cell.

Members of the Committee view a cell at the Remand Section of the Women's Prison, Golden Grove.

Members of the Committee interacting with the remandees at the Remand Prison, Golden Grove

Members of the Committee interacting with the remandees at the Remand Yard in the Port-of-Spain Prison

4.38. During the site visits, the Committee observed that the family of the remandees were allowed to visit, however, the waiting area is insufficient to accommodate the number of visitors to the remand facilities.

4.39. During the site visit the Committee noted two (2) stainless steel toilets installed and a wash area for the remandees in the Southern Lower Division of the Remand Prison in Golden Grove in order to service approximately 230 remandees housed at this Division. However Nelson Mandela Rule 15 states, *"The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner."*

4.40. The Committee was informed that plans to improve the Remand Prison, Golden Grove by the installation of toilets (within the cells) to eradicate the pail system and improve and upgrade the conditions at the prison will cost approximately $55 million.

Members of the Committee with the Former Commissioner of Prisons (Ag.), viewing the toilet facilities for remandees of the Southern Lower Division of the Remand Prison, Golden Grove.

Bath facilities for the remandees of the Southern Lower Division of the Remand Prison Golden Grove.

The Committee observed that at the Remand Section of the Women's Prison, both sections had four toilets (without toilet seats, toilet bowl covers and toilet flush handles), a shower and an area to empty and clean pails. There were also times where there was no water to flush the toilets.

Toilet at the Remand Section of the Women's Prison, Golden Grove.

Shower area of the Remand section at the Women's Prison , Golden Grove

4.41. During the site visit, the Committee observed that while the Remand Prison allows for the remandees to engage in sporting activities, the exercise area allocated for the games is limited and only a finite number can play sports in the space allotted.

4.42. During the site visit it was observed that there was clothing hanging along the central canopies located within the Remand Prison which increased the humidity in the Remand Prison as highlighted in the Remand Prison Administrative Report for 2015. The Committee was informed that two (2) of the four (4) washing machines were not in operation at the time of the site visit to Remand Prison, Golden Grove.

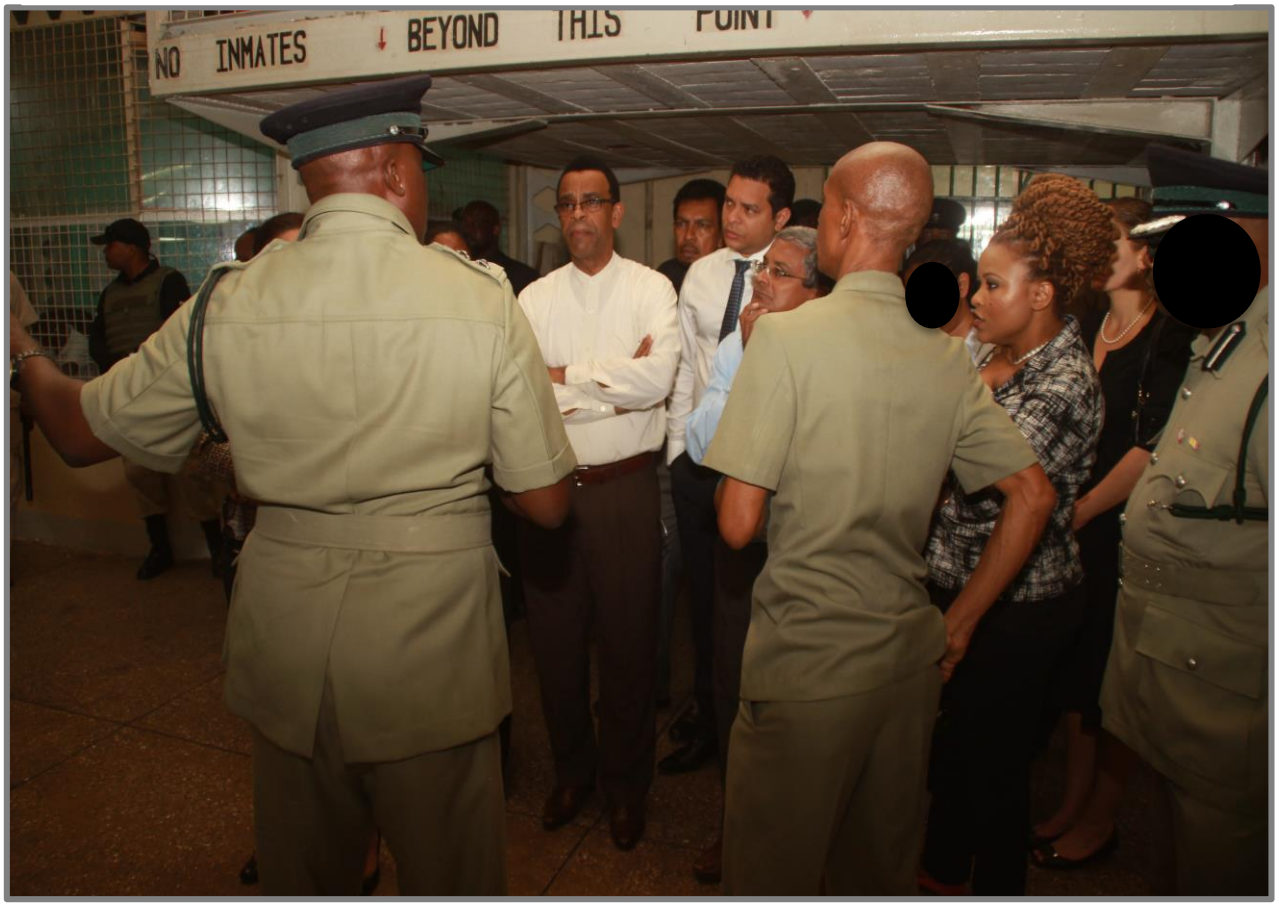
The Committee observed the remandees' clothes hanging to dry on the canopies in the Remand Prison, Golden Grove which increased the heat and humidity felt when walking around the facility.

Sanitation

4.43. Although TTPrS' written submissions indicated that in 2015, two (2) officers were assigned sanitation for the Remand Prison, the Committee's observations during the site visit indicated that there is a need for increased checks and sanitation of the cells in the Remand Prison, Golden Grove and Remand Yard of the Port-of-Spain Prison due to complaints of rat infestation received from remandees.

The Committee noted that upon entry to the Remand Prison, Golden Grove, there was a pungent odour of chemicals and the Committee was concerned by the effects the odour could have on the health of the remandees.

Entrance of the Committee to the Remand Prison, Golden Grove.



4.44. The Committee was concerned that the pail system is still utilised for the remandees at the Remand Prison Golden Grove, Remand Yard in the Port-of-Spain Prison and the Remand Section of the Women's Prison. Additionally, at the Remand Section of the Women's Prison, the remandees who are menstruating are expected to utilise the pails at night.

The Committee observed at the Remand Yard in the Port-of-Spain Prison in order to prevent the stench in the cells remandees adopted the process of urinating in plastic bottles and then emptying the bottles through the bars: either into the pail sitting outside of the cell; or in the drain that runs parallel to the cells. When defecating remandees stooped over newspapers and placed the used newspaper outside the cells or into the pails outside the cells.

Members of the Committee at Section A1 of the Remand Yard in the Port-of-Spain Prison

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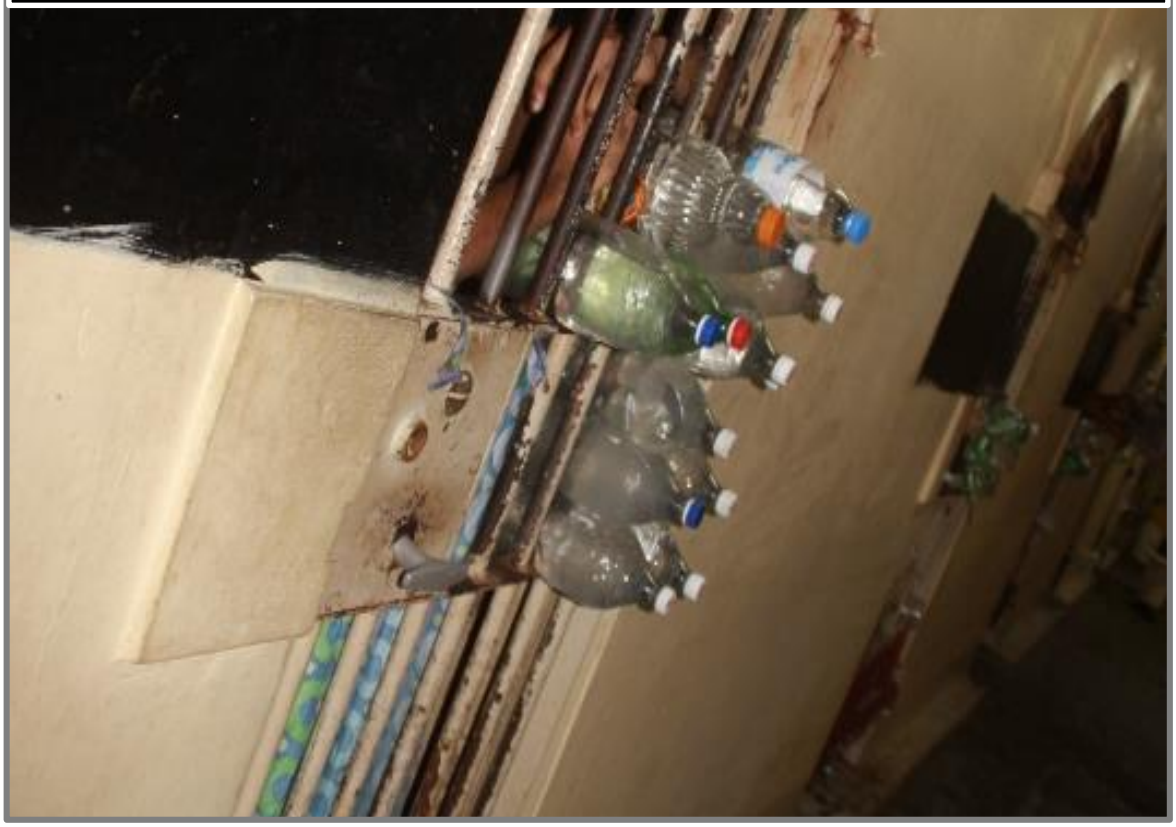
The drains of Section A1 of the Remand Yard in the Port-of-Spain Prison where remandees empty their bottles.

Cells at the Remand Yard in the Port- of- Spain Prison depicting the use of news papers and bottles by the remandees.

4.45. Given the current number of remandees per cell and the unsanitary use of the pail system at the remand facilities, there is an increased chance of a rodent infestation. This is a breach of Rules 12 and 15 of the United Nations Declaration on Human Rights and the United Nations Standard Minimum Rules for the Treatment of Prisoners which states, *"The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner"* and *"Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and such toilet articles as are necessary for health and cleanliness"*.

Types of bottles used by the remandees to hold drinking water for a day at the Remand Yard in the Port-of-Spain Prison.



4.46. The Committee noticed the bottles kept by remandees with drinking water were unsanitary and in need of changing. The Committee was also concerned dehydration may occur due to the limit on the amount of water the remandees have access to in the bottles during the day.

Staffing Challenges

4.47. The Committee was concerned that the staffing level at the Remand Prison, Golden Grove is not ideal for the effective and secure management of the facility. The ideal ratio of remandees to prison officers is 6:1, however, the Remand Prison, Golden Grove is currently operating with a ratio of approximately 15:1.

4.48. During the site visit to the Remand Yard of the Port-of-Spain Prison, the Committee was taken to the prison officers' dormitory. The Committee was concerned by the working conditions of the prison officers. Conditions experienced by the Prison officers included:

- cramped and hot quarters with shower facilities which were below acceptable standards;
- the kitchenette floor and countertops were unsanitary and in a state of disrepair;
- the water cooler was rusty and unsuitable for the consumption of potable water; and
- the absence of a method for officers to sanitize themselves prior to leaving the compound and taking their laundry home in separate bags.

Pantry of prison officers' kitchenette at the Remand Yard in the Port of Spain Prison

Water fountain at the prison officers' dormitory at the Remand Yard in the Port of Spain Prison

Recommendations

4.49. Given the durability of the stainless steels toilets at the Remand Prison, Golden Grove the Committee recommends that these toilets be installed at the Remand Section of the Women's Prison and at Remand Yard of the Port-of-Spain Prison.

4.50. The Committee recommends that the visitors' area of the Remand Prison, the Remand Section of the Women's Prison and Remand Section of the Maximum Security Prison in Golden Grove and the Remand Yard of the Port-of-Spain Prison are expanded to allow for more visitors.

4.51. The Committee recommends the Insect and Vector Control Division, Ministry of Health provide monthly insect and vector checks at the Remand Prison, Golden Grove and Remand Yard of the Port-of-Spain Prison.

4.52. The Committee recommends that the TTPrS provide cleaning equipment and detergents to remandees at the Remand Prison, Golden Grove and Remand Yard of the Port-of-Spain Prison to sanitize their cells on a weekly basis.

4.53. The Committee recommends that two (2) additional dryers are purchased to meet to the needs of the remand population at the remand prison in order to reduce the hanging of the remandees' clothing along the central canopies located within the Remand Prison.

4.54. The Committee recommends that the toilet facilities at the Remand Prison, Golden Grove be refurbished and the pail system in use at the facilities be eradicated by the implementation of the new system as approved by Cabinet.

4.55. The Committee recommends that the TTPrS recruit additional staff for the Remand Prison, Golden Grove in order to achieve the ideal ratio of officers to remandees of 1:6 and in accordance with the recommendation of the Remand Prison Administrative Report for 2015 which indicates to *"increase the number of staffing at the institution"* in Appendix VII.

Objective 3: To Evaluate the Implementation of Recommendations with respect to Remandee conditions at Remand Prison within the 2002 Final Report of the Cabinet Appointed Task Force on Prison Reform and 2013 Special Prisons Committee Report.

2013 Special Prisons Committee Report

4.56. During the hearing, the Committee was informed that the Prison Rules currently under review at the Ministry of the Attorney General and Legal Affairs are being revised to include aspects of the United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules). However, there is no deadline given for the completion of the rules.

4.57. The Committee noted that a new remand facility has been scheduled to be constructed and works on the project are to commence in fiscal 2018 upon the finalization of the preliminary designs by UDeCOTT during fiscal 2017.

4.58. A detailed status of the implementation of this Report is outlined in Table 15.

2002 Final Report of the Cabinet Appointed Task Force on Prison Reform

4.59. The Committee noted that changes were made as a result of the recommendations of the 2002 Final Report of the Cabinet Appointed Task Force on Prison Reform as follows:

- Three hundred (300) beds were purchased for the cells however only one hundred and ninety (190) could be installed given space limitations;
- Two (2) washers and four (4) dryers were installed however at the time of the site visit, two (2) of the four (4) washers were not functional and only two (2) dryers were observed; and
- Twenty-three (23) stainless steel toilets were installed throughout the facility.

4.60. The Committee found during the site visit, that the lighting in the majority of the cells in the Remand Prison, Golden Grove was not functional, this was also indicated in

the Remand Prison Administrative Report for 2015 which referenced, *"an overhaul of the lighting fixtures"* and the need to *"install tamper proof lighting fixtures,"* in **Appendix VII**. However, the cells at the remand facilities of the Women's Prison and the Maximum Security Prison were well-lit**.** At Remand Yard of the POS Prison, the light fixtures were located outside the cells as a security feature.

4.61. The Committee noted during the site visit that while the blowers at the Remand Prison, Golden Grove were functional it was insufficient to reduce the noticeable humidity within the facility. The ventilation at the remand facility of the Women's Prison and Remand Yard of the POS Prison also seemed insufficient for the needs of these facility as evidenced by the humidity experienced on the site visit and the comments of remandees.

4.62. During the site visit, the Committee recognised that cell phone jammers were utilised by TTPrS and that a system was implemented to allow for the remandees to maintain contact with the relatives and friends.

4.63. The Committee also noted that some prisoners at Remand Prison, Golden Grove and Remand Yard in the Port-of-Spain Prison did not have mattresses or foam for sleeping in their cells. However, Nelson Mandela Rule No. 21 states, "*Every prisoner shall, in accordance with local or national standards, be provided with a separate bed and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness."*

4.64. A detailed status of the implementation of this Report is outlined in Table 14.

Recommendations

4.65. The Committee recommends that the Prison Rules be updated to include the best practices and procedures outlined in the United Nations Declaration on Human Rights (UNDHR) and the Nelson Mandela Rules and finalized during fiscal 2018.

4.66. The Committee recommends that the electrical system of the Remand Prison, Golden Grove and the Remand Yard of the POS Prison be upgraded and in accordance with the recommendation of the Remand Prison Administrative Report for 2015, *" an overhaul of the lighting fixtures"* be done and the authorities *"install tamper proof lighting fixtures"* in Appendix VII.

4.67. The Committee recommends that the ventilation systems at the Remand Prison, Golden Grove, Remand Yard of the POS Prison and the remand facility of the Women's Prison be upgraded to reduce the humidity experienced at these facilities.

4.68. The Committee recommends that the washers at the Remand Prison, Golden Grove be repaired immediately and two (2) additional dryers be purchased.

4.69. Given that Trinidad and Tobago has the second highest population of remandees in the Caribbean (Table 8), the Committee recommends that the project to build the new remand facility be initiated during fiscal 2018 subject to any necessary approvals, so as to address issues of overcrowding.

4.70. The Committee recommends that the number of remandees per cell be reduced to ensure that each remandee has the right to an individual bed and bedding in accordance with Nelson Mandela Rule No. 21.

Your Committee respectfully submits this Report for the consideration of Parliament.

Dr. Nyan Gadsby Dolly, MP
Chairman

Mr. Kazim Hosein
Member

Mr. Randall Mitchell, MP
Member

Mrs. Glenda Jennings-Smith, MP
Member

Mrs. Vidia Gayadeen-Gopeesingh, MP
Member

Mr. Dennis Moses
Member

Mr. Rodger Samuel
Member

Dr. Dhanayshar Mahabir
Member

September 27, 2017

APPENDIX I
MINUTES

EXCERPT OF THE MINUTES OF THE THIRTEENTH MEETING OF THE JOINT SELECT COMMITTEE ON HUMAN RIGHTS, EQUALITY AND DIVERSITY, HELD IN THE J. HAMILTON MAURICE ROOM, MEZZANINE FLOOR, TOWER D PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, 1A WRIGHTSON ROAD, PORT OF SPAIN ON WEDNESDAY MAY 19, 2017

Present

Dr. Nyan Gadsby-Dolly, MP	Chairman
Mrs. Glenda Jennings-Smith	Member
Mr. Kazim Hosein	Member
Dr. Dhanayshar Mahabir	Member
Mr. Randall Mitchell, MP	Member

Secretariat

Ms. Candice Skerrette	Secretary
Ms. Khisha Peterkin	Assistant Secretary
Mrs. Angelique Massiah	Assistant Secretary
Ms. Aaneesa Baksh	Parliamentary Intern

Absent/Excused

Mr. Dennis Moses	Member [Excused]
Mr. Rodger Samuel	Member [Excused]
Mrs. Vidia Gayadeen-Gopeesingh, MP	Member

Ministry of National Security

Mr. Vel Lewis	Permanent Secretary
Mr. Cecil Duke	Commissioner of Prisons (Ag.)
Mr. Dane Clarke	Deputy Commissioner of Prisons (Ag.)
Mr. Carlos Corraspe	Superintendent of Prisons (Ag.)
Mr. Joseph Nelson	Assistant Superintendent of Prisons (Ag.)
Mr. Mark Lutchman	Project Manager

Vision on Mission

Mr. John Rougier	Chairman of the Board
Mr. Gordon Husbands	Director

<u>Public Hearing</u>

10.1 The meeting reconvened at 10:38 a.m. in the J. Hamilton Maurice Room.

10.2 The Chairman welcomed and thanked the officials for attending. Introductions were made.

10.3 The Chairman invited opening statements from:

- Mr. Vel Lewis Permanent Secretary, Ministry of National Security
- Mr. Cecil Duke, Commissioner, Trinidad and Tobago Prisons Service; and
- Mr. John Rougier, Board Chairman, Vision on Mission.

Summary of Discussions

11.1 The following issues arose during discussions with the officials *(for further details, please see the Verbatim Notes)*:

- the review of the Prison Rules, 1943;
- the lack of a written charter for the process of dealing with the human rights of remandees by the agencies involved in the process;
- the need for appropriate actions to be taken to deal with overcrowding in the facility;
- the need to upgrade the bail system and to utilize an electronic monitoring system;
- the need to reduce the use of pails at the Remand Prison by the installation of toilet facilities after each three (3) cells;
- the need for a process by which remandees can renew national documents;
- the review of the visitation rights of the remandees;
- the proposal for a new remand facility to be built;
- the review of the rehabilitative, educational and vocational programmes available to the remandees;
- the mentoring of first-time remandees;
- the review of the complaints system for remandees;

- the access to medication and special diets for remandees who may be ill or suffer from a chronic disease;

- the access to television and newspapers;

- the psychological effect of extended remand periods on a remandee;

- the need for a pre-trial pre-release programme for the remandees to re-civilize them to become functional, independent members of society

- the Prison Officer/Remandee ratio currently exceeds the recommended 1:6 ratio.

- the incomplete strategic plan for Remand Prison; and

- the challenges faced to separate violent remandee from non-violent remandees.

11.2 The Chairman invited the following persons to make closing statements:

  - Mr. Vel Lewis Permanent Secretary, Ministry of National Security
  - Mr. Cecil Duke, Commissioner, Trinidad and Tobago Prisons Service; and
  - Mr. John Rougier, Board Chairman, Vision on Mission.

Adjournment

12.1 The Chairman provided a summary of the discussions and thanked officials in attendance.

12.2 The meeting adjourned at 12:39 p.m.

I certify that the Minutes are true and correct.

Chairman

Secretary

June 13, 2017

APPENDIX II
VERBATIM

VERBATIM NOTES OF THE THIRTEENTH MEETING OF THE JOINT SELECT COMMITTEE ON HUMAN RIGHTS, EQUALITY AND DIVERSITY HELD IN THE ARNOLD THOMASOS ROOM (WEST), LEVEL 6, (IN CAMERA) AND J. HAMILTON MAURICE ROOM (MEZZANINE FLOOR) (IN PUBLIC), OFFICE OF THE PARLIAMENT, TOWER D, THE PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF SPAIN, ON FRIDAY, MAY 19, 2017 AT 10.38 A.M.

PRESENT

Dr. Nyan Gadsby-Dolly	Chairman
Mr. Kazim Hosein	Member
Mrs. Glenda Jennings-Smith	Member
Mr. Randall Mitchell	Member
Dr. Dhanayshar Mahabir	Member
Miss Candice Skerrette	Secretary
Miss Khisha Peterkin	Assistant Secretary
Mrs. Angelique Massiah	Assistant Secretary
Ms. Aaneesa Baksh	Parliamentary Intern

ABSENT

Mr. Rodger Samuel	Member
Mr. Dennis Moses	Member
Mrs. Vidia Gayadeen-Gopeesingh	Member

MINISTRY OF NATIONAL SECURITY

Mr. Vel Lewis	Permanent Secretary
Mr. Cecil Duke	Commissioner of Prisons
Mr. Dane Clarke	Deputy Commissioner of Prisons (Ag.)
Mr. Carlos Corraspe	Senior Superintendent of Prisons (Ag.)
Mr. Joseph Nelson	Superintendent of Prisons (Ag.)
Mr. Mark Lutchman	Project Manager

VISION ON MISSION

Mr. John Rougier	Chairman
Mr. Gordon Husbands	Director

Madam Chairman: Good morning everyone. I would like to welcome all who are present here with us as well as those who are viewing and listening to us, to the Thirteenth Meeting of the Joint Select Committee on Human Rights, Equality and Diversity. This public hearing is being broadcast live on Parliament Channel 11, Parliament Radio 105.5 FM and the Parliament's YouTube Channel, *ParlView*.

I would like to welcome the officials from the Ministry of National Security with us, those from the Trinidad and Tobago Prisons Service, those from Vision on Mission and I would like to welcome you to today's public hearing. My name is Dr. Nyan Gadsby-Dolly and I am the Chairman of this Joint Select Committee on Human Rights, Equality and Diversity and I would like now to invite the members of the Committee to introduce themselves starting on my right.

[*Introductions made by the members of the Committee*]

Madam Chairman: Can I ask now that members who are with us, the officials with us, introduce themselves.

[*Introductions made by the Officials*]

Madam Chairman: Thank you so much to you all for being with us this morning.

> "Conditions in our overcrowded prisons are inhumane…and unacceptable…particularly so in the remand yard…"

And this is a quote from the 2013 report, "*No time to quit: Engaging Youth at Risk*" by Prof. Selwyn Ryan, page 263.

The Joint Select Committee on Human Rights, Equality and Diversity has the duty, among other things, to consider from time to time Government's compliance with national and international human rights instruments to which Trinidad and Tobago is a party. The UN Human Rights Office of the High Commissioner defines human rights as:

> The—"rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status."
> The UN Universal Declaration of Human Rights, Article 5 states:
> "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."
> While the UN Standard Minimum Rules for the Treatment of Prisoners state that:
> All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.

With regard to the mandate of this Joint Select Committee and statements such as those made by Prof. Ryan and others regarding the physical conditions of Remand Yard over the years, the Committee considers it a priority to consider the physical conditions at Remand Yard. The recommendations which have been advanced for their improvement and the status of implementation of these recommendations.

With that in mind the objectives of this enquiry are: to determine the treatment of the remandees in the Remand Yard prison; to examine the fiscal conditions of the facilities at the Remand Yard prison and to evaluate the implementation of recommendations with respect to remandee conditions at the Remand Yard prison within the following reports: The 2002 Final Report of the Cabinet Appointed Task Force on Prison Reform and Transformation and the 2013 Special Prisons Committee Proposals for Early Urgently Needed Action report.

During today's hearing, viewers and listeners can send the Committee questions related to today's topic, via email, on parl101@ttparliament.org, on facebook.com@ttparliament and on Twitter@ttparliament.

At this time I would like to acknowledge receipt of comments that came in via facebook also via the website. I would also like to acknowledge stakeholders submissions that we received from the Office of the Ombudsman and the public submission from the Caribbean Centre for Human Rights. At this time I would like to invite brief opening remarks from Mr. Vel Lewis, Mr. Cecil Duke, Mr. John Rougier, and I would ask Mr. Vel Lewis to begin.

Mr. Lewis: Thank you very much, Madam Chairman. Again, good morning to you, Madam Chairman and members of the Committee. As Permanent Secretary with the responsibility for the divisions under the Ministry of National Security, including, of course, the prison service, I want to thank you for the invitation to meet and to address some of the concerns relative to human rights within our prisons and particularly with respect to the remand prison. This we believe provides us with the opportunity to highlight some of the initiatives which we are presently undertaking in implementing, in ensuring that basic human rights are adhered to. We continue to assiduously review and explore initiatives to address

the issues even with the economic challenges with which we are faced today.

We are hopeful, Madam Chairman and members, that from this meeting further support could be garnered as we move forward to ensure a humane environment in the prisons, especially for persons in the remand prison and I am certain that by the end of today's session you would agree that the officers of the Trinidad and Tobago Prison Service have been able to maintain even the basic UN standards and perhaps even have surpass those standards. With those few words, Madam Chairman, I want to leave it there for this time.

Madam Chairman: Thank you so much. Mr. Cecil Duke.

Mr. Duke: Good morning, Madam Chairman and members of the Committee. I will be very brief but what I would like to say, we as prison officers and members of Trinidad and Tobago Prison Service we are charged with managing the lives of people sent to us from the court. Two things that I would like to basically raise is: One, the fact that we are being here to supervise persons who would have come to us, particularly in this case, the remand prisoners who, based on what would have been taking place in the court, find themselves having to remain inordinate length of time with us.

The other side of the coin there is the fact that we are operating from what we consider an ageing plant, the physical environment in the remand prison particularly, to a great extent, circumscribe what we could do in terms of managing the lives of these persons. Nevertheless, we utilize all the information coming to us, all the criticisms and we are trying as best as possible to mitigate the circumstances that exist in Trinidad and Tobago Prison Service, particularly at the remand prison. We would have taken on board many of the recommendations in the Task Force Report and particularly in the report of 2013 and as we are here this morning we are willing to contribute and let the Committee know what we have done in these regards.

I have here with me this morning Mr. Clarke who was particularly instrumental in managing a lot of these development programmes as we go along and also Mr. Nelson who is the Superintendent of Prisons, remand presently, who over time would assist me in assisting the Committee in terms of our deliberation here this morning. Thank you.

Madam Chairman: Thank you so much, Mr. Duke. Mr. Rougier.

Mr. Rougier: Thank you very much, Ma'am. Vision on Mission is an NGO, however it is linked to the national security. What has happened is that we, the Vision on Mission, have been working with the prison system coming out of the national security where we have been preparing the remand prisoners along with the prison system to prepare them for their re-entry into the community.

So one of the things that we are doing is that we are concerned with the inmates while they are in the prison system because when they are through at the prison system quite a number of them come to Vision on Mission to continue the process that they have been doing. And what we are looking at as well is the whole issue of the community, because in the long run we are part of the community and therefore we work with them in Vision on a Mission to ensure that they can get themselves together as it relates to the community. Because once they come from the prison system into the Vision on Mission organization very soon they would be leaving and going to their community and we, the Vision on Mission organization, are working to continue what was done in the prison system to get it done right in the community.

One of the things is this, is that we are aware that the inmates of the prison system will eventually, let us say, probably about 90, or thereabout, would be leaving the prison system and coming into the

community and therefore as a result of that we have been working with the prison system to deal with them, to get them to be in the kind position that is required as it relates to being law-abiding within the community as a whole. And this is what we focus on and as a result of that we have done quite a lot of work as far as that is concerned and we have seen the results that we have done as it relates to that and we are hoping that we can continue to do more than that as it relates to the inmates coming into the community. We are also looking at deportees as well and these deportees, that is one of the problems that we have with the deportees because of the fact that most of them would have left Trinidad and Tobago as children and they have been deported back to Trinidad and Tobago and they have some serious problems as far as that is concerned and therefore we have to deal with them in Vision on Mission to get them to get themselves organized as we expect them to be for this whole issue of Trinidad and Tobago and the country of Trinidad and Tobago.

My good friend here, Gordon Husbands, is one of the monitoring and evaluation persons in Vision on Mission and he has been doing quite a big job as far as getting this thing together. Thank you very much.

Madam Chairman: Thank you very much, Mr. Rougier. As we start or begin the questioning segment of the public hearing, I would like to establish that there have been quite a number of reports done which have spoken to the conditions at Remand Yard and how they can be improved, quite a number of recommendations made. And we are trying to establish, as one of our main priorities, how those recommendations have been implemented, what is the status of progress, what are some of the challenges to that implementation and how those can be surmounted.

So, just reminding members of the Committee as well as the officials to direct your questions to the Chair as we begin this segment. And I would like to lead off with the first question and I think this may be to Mr. Duke or Mr. Lewis, I am not sure which one will be able to deal with it.

The Prison Rules and I am speaking from the submissions that were given, the Prison Rules that guide the governance of the remand section were designed in 1943, if I am correct, based on the submission that would have come to us. What I would like to know is, when have these rules been last updated? I recall from one of the submissions, I think it is from the Prison Commissioner's Report in 2013 that the Ministry of Justice at that time would have done some work on updating those rules and that was supposed to go before Parliament in 2014. I would like to know, was that done? Did it happen? Have these rules been updated? And I am asking this in specific reference to the fact that there have been some declarations in 2015 and so with the so called Nelson Mandela Rules that look at how remandees should be treated and so on. When was the last time those rules have been updated?

Mr. Duke: Presently, those rules have not been pronounced in the Parliament as yet. Those rules are still at the Office of the AG.

Madam Chairman: So as a follow-up to that question, I have noticed that the rules that have been used and are still in use now are not very specific with respect to certain types of treatment. For example, the Nelson Mandela Rules they tend to spell out like ratios of prisoners to cell and ratios of prisoners to toilet facilities and so on, and to beds. That is not spelt out as distinctly in the Prison Rules that are presently in operation. The updated rules that are going to be enforced, do they go down to that level of specificity?

Mr. Duke: Based on my interaction with the committee, our internal committee I would say, yes, we are still studying it. There is an ongoing process taking place right now at the prison in the small legal department that would impact on what goes back to the Attorney General's office and those are some of the issues that they will be looking at.

Madam Chairman: So then are the rules, the recommendations with the changes in the rules, are they complete then or is that process still ongoing?

Mr. Duke: That process is still ongoing.

Madam Chairman: Okay, so it is a conversation happening between the legal of the prisons and the Attorney General's office. So it is not a complete process at this time. So you cannot say it is at the AG's office right now, it is still ongoing?

Mr. Corraspe: Good morning again, Madam Chair. The rules had been prepared and were ready for coming to Parliament. However, because time has elapsed the AG would have asked the prison to comment further given that it is a dynamic environment that we are operating in and, for instance, we had issues to do with whether we would want to have the remand inmates having a special uniform. Those are some of the updates that had to be taken on board because the traditional rule and even the revised rule had been sort of silent with respect to remanded inmates.

Again, for the obvious reasons, the convicted persons had been given—the original rule had a bias with respect to convicted persons and the revised rule had continued in a sense with that and, of course, issues to do with women and the treatment of women. So we felt at the legal department that there was a need to encompass all this because these rules once they are passed, they would chart the course going forward. So it had been completed but there was a request for additional updates and we have been submitting those updates to the AG's office. That is the present position as far as the rules are concerned.

Madam Chairman: And my last question on this, those updates that are being considered, what impact has the declaration of the Nelson Mandela Rules in 2015 had on those updates that are going forward?

Mr. Corraspe: They have been taken on board, Madam Chair. As I said, the whole issue of the uniforms for the remanded inmates is something that the Nelson Mandela Rules speaks to, whether they should remain in their normal clothing as far as possible or whether if you are going forward with a uniform it should be a uniform separate and apart from those of the convicted inmates. All of these issues have been considered within the economic constraints because we are talking about laundering and all these other niceties' that come with providing a uniform for remanded persons. But as I say, it is a little more than that. Certainly the AG's office is in conversation, there is a standing committee that is looking at these new adjustments to add to what had already been processed to come to Parliament.

Madam Chairman: And is there a deadline by which—obviously, the situation is anaemic, there are going to be changes from time to time. Is there a deadline by which the prison service expects the discussion to end and the new rules to be decided upon to go to Parliament?

Mr. Corraspe: Under the direction of the AG with respect to the time frames and the limits. However, it has to be noted that the rules require as well some level of infrastructural changes so I am told that those—the AG has a strategy with respect to that and I would not want to prejudice those strategies at this time.

Madam Chairman: Thank you.

Dr. Mahabir: Thank you very much, Madam Chair. My first question is a very simple one. I understand the constraints under which you operate, but in the submissions received, there is evidence that in Remand Yard, overcrowding occurs. First question, a very simple one. You have more prisoners than you have beds. How do you manage that situation?

Mr. Nelson: Morning. Nelson, Superintendent, remand. Well, we operate with a total of 1010 this

morning. The remand was built—we have 714 beds. The remand was built to accommodate 600 inmates. So I would also like to say, along with the beds we also operate with a system where we use mats too, where the bed is not totally adequate.

Dr. Mahabir: But basically in the night every prisoner has somewhere soft to sleep. Are you giving the Committee that assurance? It may not be a formal bed it could be a piece of sponge or something.

Mr. Nelson: Yes, Sir.

Dr. Mahabir: Very well, thank you very much.

Mr. Mitchell: Thank you, Madam Chair. Just going back, because the Committee, this enquiry is an examination into the human rights of the remandees at the remand prisons, so I wanted to ask, the Prison Rules as presently constituted, what rights did they take into consideration? Is it just those rights that are guaranteed under the Constitution or do they also take into consideration—did they take into consideration some international charter of human rights or what rights the Prison Rules take into consideration when they were being drafted?

Mr. Corraspe: The fundamental rights as enshrined in the Constitution, those were the rights and of course we had, prior to the coming on board of the Mandela amendments, there was the United Nations Standard Minimum Rules for the Treatment of Prisoners that had existed for some time. So we had been using those as the standard and of course our own experiential considerations as a prison service in terms of what we feel should inform best practice and what our experience has taught us over time. So those would have gone into the drafting of these new rules.

Mr. Mitchell: So with respect to best practice, are you saying that you, the prison service, have a charter of rights or some sort of charter that deals with the treatment of prisoners, remandees?

Mr. Corraspe: The prison service does not have a written charter of rights. As I said, over time we would have relied on the Constitution and pronouncements by the courts, several judicial decisions would have informed some of the practices that we undertake. But there is no written charter of rights per se that the prison is bound by or is attended by in terms of our actions.

Mr. Mitchell: With respect to all the inmates, is there some policy or document that specifies that the convicted inmates are treated separately from the remanded inmates?

Mr. Corraspe: The 1943 revised Ordinance, that speaks to the separation between the remanded inmates and the convicted inmates. So though that body of rules date back to 1838 and was revised in 1943, certainly it—perhaps quite forward-thinking and there are many pronouncements with respect to the separation. But as I said, there has also been a bias in relation to the remanded inmates as opposed to the convicted inmates and also feminine issues because at the time it would perhaps not have been considered as vital as we now see it.

Mr. Mitchell: Do the remanded inmates, are they mixed with convicted inmates at any point in time?

Mr. Corraspe: It happens procedurally when the person goes to court on any particular day, especially if it is a Friday and the sentence is pronounced the person is returned to the remand but they are kept separated. There is a particular location, the central location, because they have to be processed to move from being a remanded person to a convicted person. So they have to come to Port of Spain for that process to take place. But whilst they are at the remand for the very short time, especially if it happens on a Friday, the longest time that happens is until the weekend where they are transferred from that department to Port

of Spain.

However, whilst they are there they are kept separate and apart from the normal remanded population who have adjourned cases, as the case may be.

11.05 a.m.

Madam Chairman: One of the major issues raised with respect to human rights along with overcrowding—it is overcrowding—and along with that come a whole slew of human rights that may be infringed on that basis. Since the time of the report, 2002/2013, what are the concrete or major things that have been done to deal with the issue of overcrowding at the Remand Yard?

Mr. Clarke: Once again, good morning, Madam Chairperson. Based on the recommendations of the Committee several steps were taken to address those. The purchase of beds—300 beds—would have been undertaken and 190 of those beds would have been installed. Those are all the beds that could have fit in the cells that we have so they were all installed. The issue of a laundry was also constructed to allow the inmates to have their clothes washed. So we have installed two washers and four dryers to facilitate the washing of clothing, in addition to which we also installed 23 stainless steel toilets throughout the facility which would allow the inmates to use the toilets during the course of the day—of course, not overnight, but during the course of the day—in some measure of comfort as the case would have been.

What we have also continued to do over time as it relates to easing the troubles with the overcrowding is move the population. As the population goes up, we take those persons across to the Maximum Security Prison. So as far as is possible we try to keep the population at the Remand no higher than 1,000 persons. In the past it used to be almost 1,200. So we have been—

Madam Chairman: I am sorry, if I just clarify on that point. When you say when it gets too high, you take some to the maximum prison?

Mr. Clarke: Maximum Security Prison, yes.

Madam Chairman: What does that mean? Because I know you are not mixing them, obviously.

Mr. Clarke: No, no. Well, at the Maximum Security Prison we have remanded inmates there, so we continue to take inmates from the remand prison, Golden Grove, and take them across to the Maximum Security Prison as that facility has a greater capacity than the remand prison, Golden Grove.

Madam Chairman: So to be clear, the remand prison in Golden Grove, when it becomes too overcrowded—the capacity of that is how much?

Mr. Clarke: Six hundred.

Madam Chairman: Six hundred. So when it gets to over 1,000 or so, you move prisoners from there to the maximum security in Port of Spain.

Mr. Clarke: No, that is at Arouca also. Just to advise, Ma'am, there are remanded inmates at Port of Spain prison; at the remand prison, Golden Grove; and at the Maximum Security Prison, for the most part. And we try to manage those populations in the best way that we can, given the space and the restrictions that we have with the infrastructure. So as the population increases, we move around the inmates, the numbers, to ensure that no one location is overly overcrowded or becomes unmanageable as the case may be.

Madam Chairman: Are all the locations overcrowded? Do they all have greater than their capacity at this

point in time?

Mr. Clarke: With the exception of the Maximum Security Prison, yes.

Madam Chairman: Okay. So just to be clear, one other measure is to manage the level of overcrowding by distributing the remandees in all the available locations?

Mr. Clarke: Yes, Ma'am.

Madam Chairman: Okay. Did I get all of your initiatives to deal with overcrowding? Is that it?

Mr. Clarke: No. Well, as far as to deal with overcrowding, yes. The conditions, there are improvements to speak to the actual conditions.

Mrs. Jennings-Smith: Thank you, Madam Chair. I am taking from where our Chairman left off with respect to the overcrowding and I want to pose a question to you. Can you tell us when we would see an elimination of the use of pails? Because with overcrowding we have challenges with hygiene and health issues. Could you tell the Committee this morning if there is a plan afoot which would indicate to us a process for the total elimination of the use of pails in the prisons?

Mr. Duke: There is a plan to improve that type of facility in terms of the toilet issue at the remand prison, where we basically would utilize in a cluster of three cells—we utilize each cell in between three cells to put toilet facilities in that particular area. The document that would speak into that is at the level, I think, of Cabinet where we are still seeking approval.

Madam Chairman: So just to clarify. There are plans to do that. So that that would cater for them at night, when the pail system is to be—

Mr. Duke: That would eradicate the pail system and it would allow the use of toilets at night.

Mrs. Jennings-Smith: I need some more clarification on that answer. Could you tell me, okay, if there is a plan afoot to eradicate pails, which means that—are you telling us that 100 per cent of all the areas, in particular the Remand Yard, still use pails? Or is it 70 per cent or 50 per cent? And tell me, at what point are you now in this whole process of eradication? Has something started? And can you tell me, to the population which you said is over 600—which is catering for 600 but over 600—could you tell me at what point you are at in that particular issue with regard to pails and use of pails?

Mr. Duke: Are we speaking of the remand prison?

Mrs. Jennings-Smith: I am speaking of the remand prison.

Mr. Duke: That particular plan has been on the burner probably before 2013. Recently it was resubmitted. My colleague here could take me up on that. It is out of our hands as far as the whole idea of that situation is concerned. We would have done what we need to do in terms of sending forward the things like estimate and we are waiting on the go-ahead from up above in order to actually start this project.

Mrs. Jennings-Smith: I know that the Commissioner of Prisons has certain areas of responsibility in managing the affairs of the prison. Can you tell us under whose remit that falls, in respect of managing the prison? In respect of expending funding, usage of funding and directing to the Ministry what areas of funding is necessary and urgent, can you tell us who determines that?

Mr. Duke: The particular facility we are speaking about, the Commissioner does not have capacity to approve for a situation like that. The Commissioner could approve up to $1 million—$450,000, sorry. The project we are speaking about would cost something like, I think, $55 million in order to eradicate the whole use of pails.

Madam Chairman: And just to alert everyone who is here that online we are getting quite a number of questions, and one of these questions really centres around the same thing we are discussing right now, and they are speaking about female prisoners and the use of the pail, especially at certain times, being very unhygienic. So that information coming forward about the plan to eradicate that and the fact that there is a detailed submission awaiting approval, I think would be very heartening to those who are asking those questions.

I want to place one question that moves a little bit away from that but speaks to, again, the human rights of the remandees—that deals with renewal of national documents: driver's permit, passport, et cetera. And the person is asking if a social worker is assigned to prisoners—or I guess it is to remandees at this point—to deal with that whole issue of renewal of national documents and what happens when somebody is on Remand for more than five years and their documents expire, what is put in place, or if anything is put in place to assist remandees in this regard?

Mr. Duke: Some time ago we had an issue regarding a situation like that and basically what would have happened, we would have looked at the situation case by case. But presently we have a policy that is supposed to be coming into effect shortly that would deal with in entirety the whole issue of that sort of arrangement for remanded prisoners.

Madam Chairman: So just to clarify, at this point in time there is nothing put in place to deal with that type of situation?

Mr. Duke: Yes, there is a plan that would have come out of a last situation—

Madam Chairman: There is a plan.

Mr. Duke: There is a plan now to deal with that.

Madam Chairman: Okay. But it has not been implemented.

Mr. Duke: Well, it has been implemented.

Madam Chairman: All right. So there is a system then?

Mr. Duke: There is a system.

Madam Chairman: So at this point, if remandees have those needs, there is some measure of redress to deal with that?

Mr. Duke: Yes, there is some measure of redress. And one of the points—the starting point is through the welfare officers or the social workers in the prison system.

Madam Chairman: Okay. Thank you.

Dr. Mahabir: Madam Chair, I just need clarification on that. Someone has a passport expired and he needs to get it renewed. While he is on Remand you are saying that it is currently done by the use of social

workers in the remand prison—the renewal of passports—at this time?

Mr. Duke: There is a request system. When a situation like that comes up, the request would be normally forwarded to the welfare officer who goes about the whole investigation of the process and makes their recommendations and the process would continue from there.

Madam Chairman: And you are aware that this has resulted in somebody being able to deal with their situations in this way?

Mr. Duke: Yes, it has.

Mr. Hosein: Thank you, Madam Chair. The Remand Yard prison has at present 203 functional cells. The centre was built to accommodate 600 inmates. How many cells are functioning at present?

Mr. Nelson: Basically, I could say that all the cells would be functional at present. Sometimes it would have minor hiccups with a little luck from here to there, but as for functionality, you could basically say that all the cells are functioning.

Mr. Hosein: Okay. Thank you.

Dr. Mahabir: Thank you very much, Madam Chair. The question I want to pose is this: the remandees have not yet been convicted of any crime; they are simply awaiting trial. I would like to know whether they have different visitation rights from the regular incarcerated inmate. Are their families able to visit them more often? Do they get to see their children? If so, what are the facilities available? And is it that the prison currently, the authorities, do try to ensure that the existing family connection of the remandee is, as far as is practicable, maintained?

Mr. Duke: The inmates at the remand prison have a different visit arrangement than convicted prisoners. Generally, their family visit twice per week of 15 minutes duration. That does not take into consideration their legal visit. Legal visits could be any amount.

Dr. Mahabir: And does that include the visit of their children?

Mr. Duke: There is another policy in place that deals with visit by children.

Dr. Mahabir: And could you elaborate on what that policy is?

Mr. Duke: The policy basically takes into account persons who would have been in the system over a year. They would normally make a request to visit with their family.

Dr. Mahabir: Okay. One final question, Madam Chair. There are inmates in remand over a year. They are awaiting trial. Could you give me an indication of the minimum time one can expect, in Trinidad and Tobago, to remain in remand; and the maximum time, from your experience? What is the shortest period of time have you seen an inmate remain in remand before he is either exonerated or incarcerated, and what is the maximum time you have seen someone spend in remand in Trinidad and Tobago?

Mr. Duke: It could be from a day, because there is a system of bail where people come there and they get bail.

Dr. Mahabir: To an upper limit of how long?

Mr. Duke: I would have seen people there over 14 years.

Dr. Mahabir: You have seen people over 14 years in remand?

Mr. Duke: Yes, I would.

Dr. Mahabir: Thank you very much.

Mr. Mitchell: Thank you very much, Madam Chair. In my respectful and humble view, in terms of improving the conditions at the remand centre, the easiest thing right now is to ensure that a minimal amount of remandees are kept on remand, those for offences arrested and charged that are unbailable. I saw a recommendation made that a new remand centre should be built and I will ask you to comment on that, but the Inspector of Prisons report made a recommendation that the system of bail, the access to bail, be improved for bailable offences. Because I am seeing some statistics here that 60 per cent of your inmate population are remandees and the majority of that remandee population are on remand for bailable offences. So it appears that there is some problem with the access to bail. Can I have your opinion on where a system of bail is improved—the access to bail is improved—what impact would that have on your remand population? What impact would that have on your management of the remand population?

Mr. Duke: Any system like that implemented would automatically impact on the population of the remand prison. It says that, other things being equal, there would be a reduction in persons being held at the remand prison. The general management of prisoners, particularly where we have issues with gangs and these sorts of stuff, would give us, basically the capacity to manage risks and needs situations regarding prisoners; help us to manage issues regarding interaction or accidental interaction of gangs. It would allow us greater utility as far as staff is concerned. These are some of the basic things I would see there. And probably it would allow us now to move around inmates even at that section to effect greater level of repairs to the infrastructure. This is what I see basically from the reduction in persons there.

Mr. Mitchell: And can I have a comment on the proposal to construct a new remand centre?

Mr. Lewis: Member, I just wanted to mention that point. There is actually a proposal that has been agreed to for the construction of a new remand prison. Land has already been identified for the construction of the facility. UDeCOTT has been engaged to manage that project. In fact, UDeCOTT is currently in conversation with the Ministry of National Security to finalize a contract on that. We had actually hoped to start that project this year but because of the financial constraint within which we had to operate, we had to prioritize a little differently, and so we are actually aiming to start that project in the new fiscal period.

In the interim, though, we had to prioritize some of the other projects. And one of the projects that we have actually prioritized this year is the electronic monitoring system which we feel—based on one of the questions asked there just now—we feel would also be able to, once we have implemented that, would also have a positive impact on the population in the Remand Yard prison. This is where an electronic gadget is fastened to inmates and stuff, and they could be actually released and be monitored and not necessarily be locked up in a prison cell.

So that is one of the projects that we have actually prioritized. We are hoping to have that project completed and have it on stream by the end of the current fiscal period. But certainly with respect to the new remand prison, we should see that—in fact, we are actually hoping still that we could be able to have an agreement with UDeCOTT in place to have the preliminary designs begin before the end of the current fiscal period.

Mr. Mitchell: Just one other unrelated question. Let us imagine someone is arrested for some non-violent

possession of some marijuana or something. They are arrested on a Friday night and they go to jail. On Monday they appear before a magistrate and the magistrate grants bail but they are unable to meet the conditions of bail so they are sent up on remand. That has a dramatic, drastic effect on that person's family life. If that person is employed, he is just absent from his place of employment. But, of course, he is not yet convicted and he is presumed innocent until so convicted. Do you have any programmes at the remand centre that offer some sort of counselling to these persons who are just uprooted and placed in remand in a very, very difficult place, a very difficult situation?

Mr. Duke: If I could just answer the question first of all from the narrow point in terms of what you speak about, the person coming in on a Friday. On a Saturday morning we have officers who would interview the inmate generally about particulars pertaining to his warrant. And subsequently we have welfare officers who come in on a Saturday for that particular purpose, in terms of meeting and greeting the prisoner, in terms of dealing with issues that hedge around his family outside. And most of our welfare officers, if not all of our welfare officers, are university-graduate social workers who possess that necessary skill in counselling that deal with immediate issues like that.

Further down the road, if the person would stay there a particular length of time, there is available counselling. We have on the staff, psychologists. And there is also a referral system in terms of getting these people external assistance in that regard. Additionally, if you want to look at development programmes, notwithstanding the fact that the person is un-convicted, we have a fair amount of development programmes to help people with development. Additionally to that, we have partnership with faith-based organizations who come in and normally would meet and have congregational services and probably do one-on-one faith-based and faith-related issues that would help deal with issues that individual persons might have. So, generally, at the remand prison, notwithstanding the amount of persons we have to deal with, there are some facilities there that would actually help persons through situations like this.

Dr. Mahabir: Madam President, a follow-up. It is not my substantive question but a follow-up from member Mitchell. And the follow-up is this, and it will bring in Mr. Rougier of Vision on Mission. I am looking at prisoners who may be first-time offenders and who would really be very traumatized at being uprooted and being placed in the remand system, and I am just wondering, in the absence of social workers whom you may have to call, whether you have a system in place where prisoners themselves who have been in the system for a while and who can act as mentors for these younger ones, can be teamed with them. So that in the absence of the social workers, some of the individuals who will find their way into Vision on Mission subsequently, the senior ones, those who are hopefully going to leave, can act as the mentors within the prison system to provide the kind of counselling and the guidance to the younger ones, so that the prison experience will not be as horrific and as traumatizing as I suspect it could be if someone is just uprooted—a first-time offender.

Mr. Duke: I am trying to answer the question, but I would want to know whether or not if it specifically—the question deals with the general prison or remand prison? Because with the remand prison we need to be a little bit guarded in terms of that.

Dr. Mahabir: Remand prison. Because you indicated that there are some people in remand who can be there for up to 14 years. There are people in there who are in remand for quite a while. I am sure many of them would have tremendous experience in being in remand. And have you been able to screen any of them for aptitude who would work with other prisoners, as opposed to relying solely on social workers on the outside, so that a senior prisoner helping out junior prisoner? Do you have such a system that you can use so that the actual experience for the newcomer will not be as worrying or troublesome as I suspect it may be?

Mr. Duke: Yes, to a very limited extent.

Dr. Mahabir: Maybe I could direct a follow-up to Mr. Rougier on that?

Mr. Duke: I would want to say also, given the remand situation, it is difficult to have a wholesale project like that. But I will want to tell you, we would have had prisoners in the remand prison even recently who would have been in other programmes. We would have had a prisoner maybe over the last year who would have—self-taught and assisted by officers there, would have graduated with something like about 12 CXC passes, and eventually would have gotten convicted. People like him would normally—not that we have a direct programme like that but people like him would normally encourage others in this regard. And basically we have educational classes and other classes there that facilitate that sort of coming together of persons of that nature. At the general level, we have a specific mentoring sort of programme in Maximum Security Prison.

Dr. Mahabir: Just a case in point. An 18-year-old young man has been accused of having marijuana in his possession. He is taken before the courts. He cannot get bail. He is brought before you. This is his first-time experience. How do you go about integrating him into the remand system? Do you select certain prisoners or certain cells that he can go to knowing that, well, these prisoners are going to be a little more caring to this individual, as opposed to individuals who may be violent to this person and so on?

Mr. Duke: Yes, we do.

Madam Chairman: You want to respond to this same issue?

Mr. Rougier: I want Mr. Husbands to respond because he deals with those types of things.

Mr. Husbands: Thank you, Chair. I have sat, I have listened and I know the focus is on the prison, but I will come to your question just now. But I am hearing very little in terms of how can we decongest the court to help to decongest the prison—

Madam Chairman: If I may. I just want to be very specific. There is another joint select committee that deals with the legal system and so. So we are very specific in our focus dealing with the human rights of the remandees. So if you could just confine it to that—

Mr. Husbands: And to confine it, you cannot separate it. It is my view, Madam Chair. Because, you see, if you are talking about human rights, human rights begin from arrest, into the court; that filters into the prison, and there must be—I think it was Mr. Mitchell. I think he struck a very important chord. If we are talking about human rights, equality and diversity, there must be a particular charter that all the agencies who form the criminal justice system must be part of, and must become part of, what you call the criminal justice system, human rights management system. For me, that is key.

To come to Dr. Dhanayshar's position. While that might be good, it is something that they call inmate-run programmes, but you have got to be very careful, in that, that person or inmate must be trained. That inmate must be that kind of person who understands human behaviour. That individual must be an epitome of good behaviour, good character and the like. And again, you have to look out for manipulation. Those are very important things. And I am saying two things that I know that operate in the prison—I know my colleague, it probably slipped him. There is something that they call a counsel of prison chaplains and ministers who have that kind of responsibility to counsel, to take control of particularly young ones and they actually can try to manage cases like the young person you are talking about. Again, more than that, if we are talking in terms of young persons, the 18-year-old should not be in our remand in the adult prison at all. So it speaks to the whole aspect in terms of human rights, diversity and equality. I do not

know if that puts a spin on the whole aspect in terms of human rights, diversity and equality.

11.35 a.m.

Madam Chairman: Certainly. Thank you. Let me ask a question. If there is someone, a remandee, who is concerned that his or her human rights are being infringed, is there any system in place for them to report that and get any measure of redress that is within the prison system itself?

Mr. Duke: There is a request and complaint system that goes from the supervisor and could go all the way to the President if that is the situation.

Madam Chairman: And could I ask for some indication of how many complaints are received? Is it the supervisor of the prisons that they have to report to? The remandee has to report to whom?

Mr. Duke: The reports would normally take the form of a report to the prison supervisor, the shift supervisor who, if something happens, there and then, the report would go to the supervisor and it probably will be channelled all the way up if some level of redress is not gained at that particular low level, and it could reach to the point where inmates would be given letters to write their lawyer, or perhaps the Minister of National Security, the Ombudsman, and it could go all the way to the President's office.

Madam Chairman: And how many reports are received, say within the last year, and what is the success rate then? For example, so you say it can go, how many of them do get there? Because I could envisage that a remandee may feel that they open themselves up to maybe victimization or that kind of thing. How many reports actually do reach to a point where they are dealt with and some measure of redress is given to the remandee?

Mr. Clarke: Madam Chairperson, in terms of numbers, that will be very difficult to say exactly how many would have come through. You would appreciate that many of those requests are handled at the supervisor level. If an inmate has a challenge, he may be advised that he may need to write the Ombudsman to treat with the issue, he may need to write his representative, his attorney, the Minister of National Security. It depends on what the problem is. If it is something that can be treated within the prison environment, of course, we would tend to treat with the problem. If the supervisor cannot handle it, then he takes it to the superintendent who then addresses the concerns of the inmate. If however, again, at that level, it is something that the supervisor cannot handle, then it may reach all the way up to the Commissioner for the Commissioner's intervention in treating with the problem.

We do not normally have many of those types of issues reaching the Commissioner because most of the issues can be addressed at the supervisor or superintendent level, except those issues that need to be taken outside where he is advised by the court, the attorney, the Ombudsman as the case may be. We do get many returns from the Ombudsman and some of the matters are investigated and reported back to the Ombudsman as required.

Madam Chairman: But are you satisfied that that system allows a free and fair flow of concerns from the remandee to those who need to deal with the system? Because it is almost as though they are going to the persons who are in charge of instituting the system to make that complaint. Is there no facility that allows them to deal with somebody who is outside of the system and therefore, can look a little more impartially at what is happening?

Mr. Duke: The Ombudsman is one of the most important facilities or the Inspector of Prisons or the prison inspectorate that hopefully will be coming on stream at any time soon.

Madam Chairman: And how is that facilitated? How easy is it for someone who believes that their rights

are being infringed to get an appointment with the Ombudsman? How does the prison facilitate that or do they not facilitate it?

Mr. Duke: We have a request system. Just to step back, a person could request to see their attorney in the case of problems, complaints. They could request to see an attorney appointed by the State through the legal aid system. With regard to the Ombudsman, they are permitted and allowed to write letters which go uncensored to the Office of the Ombudsman. They are allowed to seal their letters and we just dispatch the letters. Normally, when the response comes from the Ombudsman, they come in the form of envelopes attached to a forwarding form; all we do is just facilitate the dispatch of those responses from the Ombudsman to the particular inmate.

Madam Chairman: And so you are clear that that facility is afforded to every remandee and that they are able to make those complaints or state their concerns in a free and fair manner and they can be dealt with?

Mr. Duke: I believe so.

Dr. Mahabir: I thank you, Madam Chair, for my more substantive questions and a few of them. First, are remandees able to see this particular programme, the Parliament Channel, in Remand Yard and what is happening? So do they have facilities where they can look at national television at least during the course of the day? And second, the general population has certain ailments—diabetes, hypertension—and I would imagine the remand population also. If there are remandees with these medical conditions and the infirmary is not able to supply them with the necessary pharmaceuticals, is it that the family members are permitted to bring the diabetes, hypertension, and cholesterol drugs to them or is it that that is not permitted? And the third is, many of us like nice things to eat, what about a remandee who would like a box of chicken and chips? Would a family member be able to bring that to him or her during the 15-minute period?

So the three questions are: Are there facilities to look at what is happening in the national community? Because we do want to reintegrate them back in the system as Vision on Mission has indicated and we need for them to know what goes on in Parliament on the Parliament Channel. Do they have access to medications outside, and can family members bring things for them to eat that they may not normally get in the prison?

Mr. Duke: The present physical configuration of the remand prison makes it almost impossible to have television sets installed that inmates could access.

Dr. Mahabir: Okay. But do you think it would be beneficial for the remandees to at least be able to see some television during the day to know what is happening in the rest of the world. So that when they are released back into society, it is not as if they are coming into a completely strange, new environment, they are already aware. How difficult will it be to have a couple of TVs around the Remand Yard so that people can see what is happening? Is that extremely complex?

Mr. Duke: There are television sets, I believe, in the exercise area that remand prisoners have during the time that they have recreation.

Dr. Mahabir: And the other two questions. Medications and—

Mr. Duke: Medication where the system cannot facilitate, they are permitted to have their relatives bring the medication to them. And regarding the Kentucky fried chicken—

Dr. Mahabir: Royal Castle.

Mr. Duke: Well, the same thing. [*Laughter*]

Madam Chairman: Local.

Mr. Duke: The issue there has to do with the security at the institution having these things and the possible problems that we have could have if those food materials are tainted, and we would find ourselves having to deal with a lot of liability in that regard. So we basically do not allow that.

Dr. Mahabir: Okay, but could it be that since these places deliver that they can actually deliver it on behalf of the prisoners and the family members can collect and say, "I brought a box of chicken and chips for you", so you did not buy it yourself and you could put things in there. KFC or whatever it is delivers. Do you think such a system can work?

You see, I am looking at the basic rights of a remandee. I would like as far as is practicable for the remandee not to be denied what he normally will have on the outside as long as it conforms with safety and security standards and some of those things, I think, are things which, they may be small, but they may make the kind of difference we want to make to the remandee so that his integration back in the society and his level of anger can somehow be controlled. Especially if an innocent man is incarcerated, I would imagine he would be very annoyed and that cannot be good for the society. So some of these small things I am looking at, I am hoping that your prison administrators would be looking at to see if there are things which could be done to mitigate the hardship that they inevitably suffer while incarcerated.

Mr. Corraspe: Certainly, we are on the same page as far as that is concerned, Dr. Mahabir. But I just want to go back to the issue of the food. We have had serious security challenges with the issue of the food. Historically, we had a practice in place that the remand prisoner could have food from the outside. It had to be approved by the Commissioner and because you did not want to have a situation where the person would be bringing in food for two days of the week and then for the other two, they are not able to so it had to be sure that they could consistently supply the food and that arrangement was working fine. Then we had a security threat where persons who knew certain people bringing that food could try to get to it and taint it as the Commissioner spoke to, and that then becomes a critical liability issue. And also if the person falls sick from eating food from the outside, in circumstances where the duty of care lies with the Commissioner, there is a legal possible avenue there as well. So it is not something that we are against but certainly the limitations of the resources speak to that issue.

But we agree with you totally and the Commissioner, to the extent of his discretion, has been using that discretion to apply initiatives. You spoke earlier about the child visits. We have been having child visits once it is properly screened because the welfare of the child is the critical issue when we speak to child visits. So once the welfare do their background check and they are satisfied that the child is not negatively impacted and it will conduce to a better situation with the inmate, then after those checks are done, that visit is allowed. And any other initiatives, sporting initiatives, bringing in teams from outside to play against the remand, every cultural programme. A slew of initiatives within our remit to allow for that recognition, that dubious interval between trial and commitment.

Madam Chairman: Since you are on that topic, I just want to get a little more understanding of what is done as you have mentioned sporting and so on. I want to understand a little bit more about what is done for the remandee. What programmes are in place and so on? I note the question about looking at the news, looking at national events and so on. Are they afforded to have access to the newspapers and so on? What is done to use their time seeing that they are in this period, this dubious period between conviction and incarceration? What are the programmes in place for remandees that can mitigate against the feelings of stress, frustration and anger while they are incarcerated?

Mr. Duke: We are somewhat limited in terms of physical facilities to implement the type of programmes we want but just to tell you, we have CSEC programmes including English, mathematics, social studies, English grammar and composition, social studies and science. We have ALTA programmes, Level 1 and Level 2. We have school leaving. There are inmates at the system who are exposed to YTEPP training. We have also religious organizations including the Raja Yoga Centre, we have Spiritual Baptists come in and they do their stuff, we have the Muslim Jummah service, we have Seventh-day Adventist services, Jehovah Witness, Catholic. We have also life-skills training.

In the area of sporting, we have cricket, football, basketball, table tennis and even in the limited area that the exercise yard is—I do not know that any of the persons on the panel would have been close to the prison. There is a nice yard where we would run competitions—football competitions and wind-ball cricket competitions in that exercise area. So we allow them that facility.

Madam Chairman: Do these things happen at all the facilities, all the remand facilities?

Mr. Duke: Yes, they do. Because right now, even at Port of Spain where we have remanded prisoners, I think we are just winding up on a cricket competition there at Port of Spain prison.

Madam Chairman: And maybe I can direct a question to Vision on Mission. You deal with people who come out of prison, but what I am asking is: do you also deal with persons who have spent extended times on remand and do they display the same types of anger and frustration and face the same types of challenges as people who have come out of incarceration, actually having been sentenced? So basically what I am asking is: Does a long time on remand affect you in the same way as time in prison would? Are the challenges the same and so on? Because we are hearing that, yes, there are things in place to assist them while they are on remand but what happens when someone spends a long time on remand and is now to be reintegrated into society? What are their challenges?

Mr. Husbands: Well, from our experience, we have had very few long-term remandees coming to seek our services. We find more those who have been convicted. But those who have been on remand, when they come to us, they come with a lot of anxiety, right, they come with a lot of depression, a lot of frustration. And here is the whole aspect in terms of human rights, in terms of work, in terms of housing, in terms of getting that sort of sense that they have had that kind of equal life chances. And what is required when they come to us is how can we, more or less, have them stabilized to understand the road? We call them the navigational issues to start to get back on their feet to start to live independently and it is not an easy thing.

It takes about—particularly if they remain very long, it takes about three years for an ex-offender, whether convicted or remanded, to start to re-socialize and start to get back on his feet and it requires care, support, surveillance and supervision, in terms of do they have the skill if they are looking for work. So, many of them come and they are looking for work but are they functional? Right? Do they understand the responsibilities? Have they kept up to the whole standard in terms of ICT and the like? Well, I know the prison now, you are getting a lot of certification. That was a challenge but now some of them are coming out with certification. But some of them do not understand the whole aspect in terms of OSHA, the whole aspect in terms of the work conduct, the ethics and those are some of the issues that must be addressed.

But the remandees, those are more difficult because in that they still have that issue of whether they would be convicted or not still on their shoulders. Some of them, if they come out and they are on bail, some of them are still thinking to how are they going to pay back the bailer or the person who has put up bail for them, and there is where the whole aspect in terms of work and this is why Vision on Mission is trying to get into agriculture so that you could have that kind of—those people who come out and cannot

find jobs can get some kind of meaningful immediate kind of employment but that cannot happen in a vacuum.

Because yes, they may want work but if they have not stabilized in terms of their character, in terms of obedience, in terms of understanding their adherence to law, order, morality and justice which are issues must be addressed in terms of re-cognition therapy—some people laugh at it. But you have to teach them how their decisions have impacted on them and what are the deficits and how they can re-evaluate their decisions, and how we could actually teach them how to start to function as law-abiding citizens and that requires things like respect, obedience, understanding what citizenship is all about.

So a whole question in terms of with remand, right, is what we need to call a pre-trial pre-release in remand to address all those issues that I am talking about and that has nothing to do with after they have been convicted. From the time that they come, we must develop what we are calling in corrections now, pre-trial release, in terms of preparing them, in terms of what are the challenges. Even if they are staying there for a while, what are the challenges while they are there, in terms of how they can be stabilized, how they deal with their frustration, how they deal with substance abuse because that is a big thing; mental issues. And all of these things speak to a whole question in terms of a human rights management approach to prisons and that is the whole concept in terms of why Vision on Mission has been more or less advocating for pre-trial pre-release.

Yes, we do pre-release for the convicted but then there must be that same kind of process for people on remand, even more so because they did have a particular date and we are saying we are—it may not happen overnight, probably in the next two or three years. I hope it will but I am not too optimistic. So we must get into the remand and we actually try to prepare those persons in terms of how they cope with the eventuality in terms that they may not be coming out in a very quick time.

Yes, that may be sounding sort of contradictory if we are talking about human rights, but the fact that we are having them there so long, to me, that constitutes cruel and unusual punishment and it is also contrary to the whole charter in terms of human rights. And all of these issues have to be explained so the inmates can understand and develop that desire and the need and the reason to know why they need to try to conform and develop a whole concept in terms of cognitive theory, in terms of how they think through things and how they rationalize things. That is the only way we are going to try to get them to understand—and not only to accept but understand the reason for their long delays in prison. And these are the things—when the remand comes to us, these are the things we have to deal with as well as the convicted persons.

Madam Chairman: Minister Mitchell.

Mr. Mitchell: Or sorry. You wanted to add something?

Mr. Rougier: Yeah. What was I saying, boy? No, I will get back to it, yes, sorry about that.

Mr. Mitchell: Thank you very much. I am still on the constitutional rights, respect for private and family life. Let me ask you a slightly controversial question. Having regard to that right, is that the reason why the remandees have unlimited access to cell phones and cell phone calls and credit and so on at the remand prison or is it just an unlawful illegal trade? Is it some relaxed position by the prison why the remandees are allowed to have these cell phones and engage the cell phone calls to the outside?

Mr. Corraspe: It is absolutely not a relaxed position, it is the law and cell phones are prohibited under the laws and every opportunity, we conduct searches to find where these phones are and to take them out of the jurisdiction. Because I hope, certainly, as far as the prison service is concerned to protect society as a

fundamental role in the criminal justice system, having any inmate with access to phones, separate and apart from the consideration of the contact with the family, can also lead to an infringement of the rights of other citizens if those phones are used for nefarious purposes. So the prisons' position is clear and unambiguous that a prisoner ought not to have a cell phone and we take all action that we can to eliminate this situation that is certainly against the prison rules.

Mr. Mitchell: Okay. So you said "prisoner", but we are talking about remandees, just the remandees. So thank you for that. But tell me, what access to telephone calls do these remandees have? You said they have visits to a maximum of twice per week for 15 minutes, what access do they have to cell phone calls and how are those monitored and how often, how long can a phone call be, et cetera?

Mr. Corraspe: We have had the installation, two years ago, of technical capacity to jam calls, the cell phone calls, because we recognized the difficulty in finding the phones. Before this was instituted, a phone system was implemented across all the Remand Yard including the high-security divisions, where inmates can access phone calls through a normal regulated line that does not require the use of prohibited cell phones. So there is a system in place. The inmate makes the request, there is time that they can get to the phones. Their families would pay the moneys to put on the card and they are allowed to make phone calls in relation to what are some of their pressing needs.

We took care to ensure that this was installed before the jammers were fully institutionalized because some people had been making the case that the cell phones were the only contact with the family. And again, it was not a blanket security approach but certainly that system is in place and working to the extent, of course, that persons believe that some calls, perhaps, they would not want to put certain information on such a line, then, of course, some people have not been using it. But it is there for any inmate who so desires its use.

Mr. Mitchell: Okay. Last question. With respect to the Remand Yard, is there a system in place—and I am on the right that individuals are not to be subjected to a cruel and unusual punishment. Is there a system where the more dangerous offenders—the more dangerous remandees, sorry, or the gang members, et cetera, are they separated from the non-violent remandees? The remandees who are charged for non-violent offences, is there a system of separation or do everybody mix? Because not only am I concerned about the incidents of violence, the gang members preying upon the others, but there is a general sentiment in society that the Remand Yard is a criminal manufacturing facility.

Mr. Duke: I would say yes, but I would also want to say that there are two issues that basically would impact on that decision and what we do and it has to do, one, with the level of information coming to us regarding persons of that nature coming to us and at the other end, it has to do with the physical capacity to deal with that in that regard. This is something that we understand and appreciate, the whole idea of classification. It is critical in us managing the lives of prisoners there in terms of being able to mitigate a certain level of risk to the society, to the staff, to other inmates and even to the persons themselves and this is critical. But the whole idea of flow of information somehow circumscribes us and physical capacity.

What I could say, given the full situation, I know somewhere in the document, they speak about intelligence unit. Without wanting to say much but I know we would have initiated some efforts in terms of actually dealing with that particular situation that would help inform us and our decisions in terms of persons who are coming to us who are security threats, persons who are related to gangs and different affiliations in areas where they could bring to us that whole violent content and impact negatively the system. So yes.

Mr. Mitchell: Just lastly and more of a comment. I want to commend all of you here present. I think that you all are doing a tremendous job having regard to the circumstances that you all face every day. But of

course, my position is that in the short term, we can improve the human rights of remandees by getting them out of there. Thank you.

Mr. Duke: Could I make a further statement, please? Just to state also, what we have been doing, what we would have done, recently, we would have sat down together as members of the executive of the Trinidad and Tobago Prison Service and we would have—because what happens here, we cannot turn a blind eye to it, it affects all of us. We would have come together and authored a document in terms of more efficient and effective use of the physical space we have, and we would have done a document that relates to the use of the maximum security prison in terms of housing some additional remanded inmates who are there for a long period.

That said, we would have some years ago, a security enclosure would have been established. We still have not had full use of that but the document that we would have sent to the Ministry would speak into that because basically when you look at the whole issue of remanded prisoners, they ought to be allowed opportunity to work physically and get involved in actual programmes that are outside of the normal minimum areas if they choose to. And we are hoping that that document we would have sent to the Ministry would have been, in the near future, sit down and speak to probably the Minister, the PS and persons who are technical in the Ministry in terms of how we could facilitate that.

One of the issues that would help us deal with that situation is we have some on-going repairs at the Maximum Security Prison that we would adjust the inmate population to suit that situation that we are trying to represent to the Ministry. If that comes on stream, we would be able to more adequately deal with this whole issue that surrounds the remanded inmate population in our charge.

Mr. Hosein: Thank you, Madam Chairman. At the Remand Yard prison, what is the ratio of prison officers to remandees?

Mr. Nelson: At the remand presently, there is a total of 302 officers assigned to the remand.

12.05 p.m.

Out of those we have, like 54 on non-active duty. But going straight to the point, the batches A, B and C, we have a three-batch system that actually see about the inmates on a rotational basis. A batch would have an average of about 70 officers with about 15 of those working the night duty. So, basically, with our total being about an average of 1,000, he basically would have like about 55 officers that would actually be seeing about the day-to-day, like bathing, feeding and caring for the inmates on a daily basis.

Mr. Hosein: Okay, so that is the ideal figure with the ratio of prisoners to—well, the figure that I have is six to one. That is the ideal figure?

Mr. Nelson: That is the ideal figure as it stands presently, Sir.

Mr. Hosein: All right. Okay. Thank you very much, Madam Chairman.

Dr. Mahabir: A follow-up on that. I can imagine that in the prison system a lot of work has to be done to look after the prisoners, and that there is that ratio of staff to inmates. Do you have the inmates themselves assist with respect to the various tasks, in relation to their well-being such as assisting with the preparation of meals, the doing of the dishes, the laundering of the clothes and the general maintenance of their cells? Do you have a programme where the inmates themselves do the bulk of that work, to assist the bona fide staff members?

Mr. Duke: With regard to the remanded inmate population, the only area that they would not be engaged

in is preparing meals.

Mr. Hosein: Thank you very much.

Madam Chairman: If I may, now we are coming down to the end so I want to just focus on some of the concrete things. There are a number of recommendations made in all the different reports. Has a strategic plan for the prison, whether it is the prison or the Remand Yard, has a strategic plan been formulated, based on all of those recommendations, has it been or is it being formulated? Who is in charge of producing that plan? Who is in charge of monitoring the progress of the implementation of that plan, based on the recommendations made for improvement, specifically dealing now with Remand Yard? What is—because I am noting the document that Mr. Duke would have referred to, with respect to the one that you submitted for review by national security, does that constitute a strategic plan or is there one in the making? Who is implementing and who is looking at the progress of implementation?

Mr. Clarke: The plan that Mr. Duke spoke to is actually a strategic plan for treatment of the remanded inmates in our care. That plan is being driven by the Deputy Commissioner of Prisons at this time. At this point in time, we are awaiting some level of approval from the Ministry as to its implementation. The plan comes with several key success factors that should be in place to make it happen and a lot of it depends on the support of the Ministry to make some of these things happen. So there must be some concurrence from the Minister and the Ministry, as it relates to the strategic plan. But once implemented, we believe it will have the effect or the impact of greatly addressing the concerns, the human rights concerns, of those remanded inmates within our care.

Madam Chairman: Could you give us an idea of when this plan was submitted?

Mr. Clarke: The plan left the Commissioner's office, according to him, about three weeks ago.

Mrs. Jennings-Smith: I want to go back to the human rights of the remandee. One of the basic principles afforded by the Constitution is freedom of employment. And when a person is remanded in custody, it is also said that a person who is in Remand Yard is innocent until proven guilty. As a matter of fact, he is awaiting trial.

But what happens is that when a person is in custody in Remand Yard he loses his terms of employment, he loses his employment capacity and he or she loses the capacity to take care of his family. Can you say whether the prisons authority or your welfare department has a programme in place to work along with the families who could be young children and unemployed mothers or reverse? Could you tell us whether you engage in that type of activity and even after that person goes to court and is incapacitated or his matter determined, he has problems in re-engaging his terms of employment with his employer? Can you tell me the role played by the Prisons Welfare Department in all of this?

Mr. Clarke: It is little bit on the trickery side in terms of, the welfare officers, as far as possible, try to act as that liaison between the employee and the employer. In many cases, especially somebody was referred to earlier when the person is there for a short time and they have accessed bail, you find the welfare officer would normally get in touch with the employer and advise the employer that the person is incarcerated, and so on. Many times we would supply documents to the employers on behalf of the employees and let them know that they were incarcerated.

In addition to which, part of the social programmes allow for the families of these incarcerated persons to apply for some level of welfare assistance, social assistance, to fill out the forms and the children, especially, do get some sort of grants to treat with their needs, while the persons are incarcerated.

The welfare officers continue to play that role. Even though the person becomes incarcerated, the inmate usually makes a request to see the welfare officer and the welfare officer would treat with most of those needs, especially—on discharge you would get letters from the prison indicating the period of incarceration, what sort of programmes they may have been involved in, and so on, that goes back to the employer. So the work of the welfare officer involves doing that as well.

Dr. Mahabir: Thank you very much, Madam Chair. Again, a very simple matter I would like to address, and the reason I am raising them is that I think they are implementable in the very short term. While I understand that it may be difficult to have televisions available to the remandees, I have not visited the facilities so I do not know you layout, I am just wondering whether you have newspapers delivered on a daily basis so that at least, I would imagine newspapers do not pose any security threats or risk. Do you have an adequate amount of newspapers available so that the remandees can be au courant, up-to-date with current events? That is one question.

I want to return to the issue of medication and diet, because a submission from the Ombudsman indicated to the Committee that there were complaints from remandees, that they did not receive their medications and/or their dietary requirements. And with respect to medications, I would like to know, what is the process for actually administering the medication to the remandee? Is it one of your staff members who does it? Is it that it is given to him on a weekly basis? I do not know, but if there are complaints that medications were not received, I would imagine that there may have been some systemic problem with the medications not being available or delivered.

Second, with respect to dietary requirements, I imagine there would have been requirements based on someone's religion and/or based upon his ailment. You do not want a particular type of diet for a diabetic not to be given to him. So, I am wondering about the newspaper delivery and second, the complaints that the Ombudsman Office sent to us about medications and food, how prevalent are these complaints and when these complaints are made within the remand system, who really looks into the veracity, the truthfulness of the complaints to ensure that they are not prolonged? I thought I was very clear. It is a very clear question. I was not convoluted at all.

Mr. Duke: If I could probably start with the newspaper. Unconvicted persons are allowed access to paper brought in to them by their relatives and friends.

Dr. Mahabir: Okay, but not from the prison system?

Mr. Duke: The prisons also, at least we cannot supply a thousand newspapers to the system. But we allow a certain amount of newspapers, probably given the amount of persons who have to read, they might be reading a little stale news but the prison acquire paper for the general.

Dr. Mahabir: And that is available at the library so you have newspapers together with books and other facilities—

Mr. Duke: Yes, we would have erected a fairly decent library facility in the cramped area at the Remand Prison, Golden Grove and persons access newspapers from that point.

Dr. Mahabir: All right. With respect to the problem with medications, because I think that is an important issue. Someone who is hypertensive or who needs cholesterol arresting drugs should have it on a daily basis.

We have gotten complaints that that is—sometimes the system breaks down.

Mr. Duke: For persons to be, to get medication, notwithstanding the fact that they would have come in prison with a particular situation, they would have to be channelled to the doctor.

The prison system provides medication for all inmates. Where we encounter problems regarding medication, the privilege is there for the inmate's family to collect the prescription, purchase the medication and bring it back to us. What we try not to allow is the fact that you would have your medication wholesale. Normally, there is what we call the infirmary, where we have trained personnel. We refer to them as infirmary officers. Those are trained nurses who they would go to and their prescribed medication administered. What was the third one?

Dr. Mahabir: The dietary requirements. We were told that sometimes it is not complied with, either for health or religious reasons. How does that problem arise?

Mr. Duke: Sometimes we had problems with the diet. Subsequently, I think in maybe 2011, we developed a diet plan, based on some complaints we would have had. And the diet plan, I have a copy here, basically seeks to deal with issues surrounding health, religion and other factors.

In January this year, we made an attempt to upgrade the diet plan. We would have had personnel from the Arima Borough health facility come in and look at our plan. Presently, we are awaiting an update, in terms of that diet plan for the inmates. But we still have a diet plan in use, that, I have it here, basically it spells out the general and necessary requirement that would adequately take care of what we might consider a balanced diet for inmates.

Dr. Mahabir: Okay, and therefore you can give the Committee the assurance that, on a daily basis, as per the recommendation of the dietician, the range of meals required by the remand prison population is in general going to be distributed, save and except in certain situations where you may not find certain materials but in general maybe 95 per cent of the times the dietary requirements are complied with.

Mr. Duke: Yes, and in addition to that sometimes for instance if an inmate has a particular situation, he would go to see the doctor and information would be generated and it would cause something to happen at the level of purchasing where the necessary material would be bought towards dealing with a particular diet like that, for instance diabetic and these sort of stuff. So the storeroom would generally be informed about these particular areas of dietary requirement and purchases along that line would facilitate that situation.

Madam Chairman: I want to thank everyone for their contributions. At this time I would like to invite Mr. Rougier, Mr. Duke and Mr. Lewis to make their closing remarks. I would like Mr. Rougier, if you would, in your closing remarks, brief closing remarks, but I would like you to focus on if there are any recommendations that come from Vision on Mission, with respect to the Remand Yard in terms of the physical layout and infrastructure that you can make at this time that you would want to include in your closing remarks, please.

Mr. Rougier: Thank you very much, Madam Chairman. I am happy to hear this kind of discussion taking place at this point in time as well, right. I am saying that because of the fact that I know some people would have known and some people probably would not have known that I actually was at one time the Commissioner of Prisons and Mr. Husbands actually was the Chief Welfare Officer. So that, we have an understanding of what is going on and things like that. But not only that, I want to say definitely that these guys have been doing and trying to do a good, good, good job, as far as what has been happening because — I do not know why they did not say certain things as well. When I say certain things as well, things as they relate to how they were not supported in certain things that have the prison service where it is at this point in time. Right. I mean, they did not say it so I would just mention that and move on, as the case may be.

Because if they had gotten the kind of support in certain areas and certain things, certain people and things like that, it would have been different.

For example, let me just show you something. Behind Prison Walls, that was, in my time when the Baptiste—what was it?

Officials: Task Force Report.

Mr. Rougier: The Task Force Report. As I started I got excited and start to talk. Right. But that. We started that and as a result of that, we started to go to the community and things like that. One of the things was this, the number of business owners and proprietors had blanked hosting Behind Prison Walls. This is something that we had done to help the inmates within the prison system to get themselves together and what have you, and things like that; to go out and what have you, and all these sort of things like that; just as what you were talking about here; to get these people to be thinking right and what have you, as the case may be. However, these people did not allow that to happen, as the case may be. So, that we had to come in another area, another way to deal with that, which we did and we had, as we call it Open Prison Walls, as the case may be. And as a result of that what has happened is that we are in a position now, through the Baptiste Task Force Report a lot of things would have taken place, but there is still a lot more to be done, as the case may be.

What I want to talk about as well is what has been happening in recent times, compared to where we were in the past when myself and Gordon Husbands were there. For instance, just let me read something, please Ma'am. All right?

> In the past we focused mainly on institutions having sentenced offenders when discussing corrections.
>
> So that we only talked about those who were convicted and everything like that.
>
> Discussions about pre-trial remand were always secondary to discussions about prison. The approach is now passé. Therefore, pre-trial management and re-entry must be and are central to any discussions on public safety, public policy, as it relates to prison reform.
>
> So that is critical and this is why I am saying, therefore, I am happy to hear those sort of things going on, as the case may be.
>
> Interest in remand has grown as T&T citizens have become more aware of human rights but also concerned about the incidence of violence, murder, mental illness, gang warfare, et cetera, and its relationship to public safety, victims right, inadequate levels of expenditure for public safety and above all the staggering growth of remand population levels, especially in the prison system.
>
> It should be noted that in modern day corrections, human rights and statutory provisions that appear to corrections are numerous and complex and are constantly under review.
>
> Therefore, by keeping in mind the following few fundamental principles, administration can avoid more previous problems.
>
> And that is critical, Madam Chairman.
>
> What I am saying, therefore, to me this is what you all are trying to deal with, to prevent anything getting worse, as the case may be, and that is going to support the prison officers, the administration, and what have you, as the case may be.
>
> I just want to say one thing however as well, that Baptiste Task Force Report, I feel that you all should consider it more, because it is more criminal justice and there was lot of work that was done from the then Prime Minister, Mr. Manning, as far as what he had done, and he supported the Baptiste Task Force thing with respect. That is right. And out of that a lot of things went on within the prison system that needs to be continued now.
>
> However, what is needed is the support from the Government and other persons, private sector

and public people as well, to assist what is happening as far as the prison service, because it cannot be that the prison alone has to do this job. Everyone has to do to the job and that is important, Ma'am.

Madam Chairman: Thank you so much, Mr. Rougier and we will—as a Committee, the Secretariat will take note of that and provide us with the Baptiste Task Force Report.

Mr. Rougier: You want to get a copy of it, you say?

Madam Chairman: Yes.

Mr. Rougier: You would get that. You would get that because we have. Because both myself and Gordon were a part of that as well. So that we would pass on something to you all.

Madam Chairman: Thank you so much. That would assist in our deliberations.

Mr. Rougier: Okay then.

Madam Chairman: Could I invite Mr. Duke to make his closing remarks, brief closing remarks. In your closing remarks, you mentioned quite a number of initiatives that have been taking place with respect to overcrowding and so on and if there is any other challenge or initiative that you have not mentioned, you may want to take the time or the opportunity at this time to mention that as you wind up, so that we can have an idea of anything else that is happening to address the particular concerns, with respect to the reports that would have been made on the prison service.

Mr. Duke: Thank you, Madam Chair. My memory right now cannot pull back some of the things that I might want to say. What I tried to focus on and maintain within this discussion that we would have had is the fact that we have been impacted externally. The fact is that we have to manage the lives of persons whose liberty would have been taken from them and a process of proving their guilt, to some extent, would have extended their stay with us; their stay in physical conditions that are quite demanding. For us, we are the people who have to manage that and we have to mitigate against the problems that they face in living in this condition.

The people who live there are not angels. Some of them are seriously problematic and pose a lot of risk to themselves, to others, as well as the general staff of Trinidad and Tobago Prison Service.

We would like to see in trying to mitigate the situation that exists presently, that the greater concern, in terms of looking at the requirements that we would need to manage the situation better and, you know, bring greater success in terms of what we set out to do. For me, it is critical that in managing the process, all hands on board, in terms of external agencies that impact the lives of the inmates and subsequently our lives that all hands are on board in terms of helping us to mitigate the situation in crime and help us to basically improve the lives of the persons who, subsequently, whether they go back out as untried prisoners winning their case or whether they graduate on to the prison system and would have served time, helping us, in terms of getting that person back out, obviously within reasonable shape or improved situations that they could be and contribute positively to members of Trinidad and Tobago society. Thank you.

Madam Chairman: Thank you, and I would invite Mr. Lewis to make his final submission.

Mr. Lewis: Thank you very much, Madam Chairman. I think after you listened to the submissions this morning, particularly from the prison officers, I am fairly confident that you would agree that given the constraints within which the men and women of the Trinidad and Tobago Prison Service must operate, I

want to suggest that they have been able to do exceedingly well, in terms of upholding the human rights and dignity of those persons currently being held at the Remand Prison.

And I think I want to use this opportunity, with your permission, Madam Chairman, to commend the officers of the prison service for their work. I also want to thank you, Chairman and members of this Committee, for the opportunity given to us to be able to come here today and to describe some of what is happening. I also want to give you the assurance that we at the Ministry of National Security will continue in our efforts to see to the improvements of the conditions at the remand prison, of course with the aim in the medium to long-term to the establishment or the construction of the new remand prison.

Just one point with respect to the strategic plan. Just to confirm what Mr. Duke has said that that document has actually reached the Ministry's head office and is currently being used as part of our exercise at the Ministry in the preparation of the Ministry's wide strategic plan.

So again, I want to thank you and give you the assurance that we are committed to the improvements within the prison service and, of course, committed to upholding the human rights of all of the persons incarcerated within the system. Thank you.

Madam Chairman: Thank you so much. So just to summarize. We have been looking today at and examining the human rights of inmates at the Remand Yard prison, and what has been indicated, as we are looking at the recommendations that have been made in various reports and what has been done about those recommendations, how they have been implemented and what is the progress.

We have noted that one of the main issues identified was overcrowding and all the other issues that flow from the overcrowding situation. And we have noted that there have been some attempts at physical improvement at the Remand Yard. More beds have been purchased. A laundry has been constructed. Toilets will be installed or were installed. Some were installed. There is an attempt to rotate remandees between the different remand sites, so that there is no excess overcrowding, even though the overcrowding does exist and there are plans to put additional toilets for use during the night-time so that the pail system can be eliminated and those plans are at the stage of approval or going for approval.

We also note that there is a definite plan, in fiscal 2017/18 to begin construction of a new remand prison and there is consideration of the electronic monitoring system happening, whether or not that can assist in reducing the numbers of the remand prisons.

Also we are noting that social issues of the remandees are being dealt with by the social welfare officers at the prison. We are also noting that the Prison Rules which are supposed to be updated are in the process of being updated, that educational, religious and cultural also sporting programmes are available at the Remand Yard prisons for the use of the remandees, that there has been an attempt to increase the security, with respect to the phones and cell phones available to the remandees by putting in the jamming system, but to mitigate against the lack of contact, a system has been put in place for remandees to be able to maintain phone contact with their loved ones; that there is a strategic plan that has been submitted for consideration from the prison service to the Ministry of National Security and that speaks to how the recommendations that have been proffered in the different documents are going to be deal with, and that there is a library erected at the Golden Grove Prison so that the prisoners can edify themselves.

We also note and the Committee would have expressed some concerns, some of them being that while we are glad to know that the rules, the process is ongoing, the fact is that the rules have not yet been updated and we have not been able to secure a deadline by which that will be done.

12.35 p.m.

The strategic plan, though we are happy to see that it is in discussion, it has had not yet been implemented. So there is no set record of how the recommendations are going to be dealt with, and a process of monitoring evaluation to make sure that they are. At this point in time, we look forward to that coming.

We also are concerned with respect to the mental stress on first time remandees, and what systems are in place to, you know, integrate them into the system knowing that there would be a lot of stress associated with first time coming on to the remand prison. We also expressed the concern with the length of time that prisoners may spend in remand.

We are concerned also that there is no charter which defines how the human rights of prisoners are to be dealt with and by the different agencies as they go through the system. The concern is also registered that complaints coming from the remandees may not be—the system that is in place may not be seen as a free and fair system and there may be some consideration to be taken into account with how that is done; that long term remandees may have or experience the same issues with reintegration into society as persons who have been into the prison system and actually incarcerated, and there is a need to mitigate against that feeling of being cut-off from society while in Remand Yard. There also should be some consideration given to a pre-trial pre-release programme for remandees that allows them to reintegrate themselves into society in a meaningful way.

A concern was also raised with respect to the ratio of prison officers to inmates being expressed as approximately 20:1 where, as the best practice is 6:1 and, therefore, there may be some issues with how the remandees are being dealt with in that regard. And the concern that there is also a balance to be struck between the necessary infrastructural changes that have to be made and our present economic circumstances, and the ability to be able to do all that is necessary and all that the prison service certainly would want to see done in order to deal with the human rights of those on remand.

And so, I really want to thank the officials who came out today who were so frank and were able to deliver their concerns, their challenges and their progress with us. We want to thank you for that. We want to thank our viewing and listening audience; those who contributed questions via social media and we do want to thank also our Secretariat, giving yeoman service, and we look forward to continued discussion on this issue of the human rights of the remandees in Trinidad and Tobago.

Thank you, ladies and gentlemen.

12.39 p.m.: *Meeting adjourned.*

APPENDIX III

SITE VISIT REPORT

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 Human Rights, Equality and Diversity

SITE VISIT REPORT TO THE WOMEN'S PRISON (REMAND) THE REMAND PRISON, THE REMAND SECTION, MAXIMUM SECURITY PRISON, GOLDEN GROVE AND REMAND YARD, PORT OF SPAIN PRISON

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Site Visit Report to the Women's Prison (Remand), the Remand Prison and the Remand Section, Maximum Security Prison in Golden Grove, Arouca held on Wednesday May 31, 2017 from 9:00 am to 12:30 pm and to Remand Yard of the Port-of-Spain Prison on Friday June 09, 2017 from 9:30 am to 12:00pm.

Introduction

On Friday May 19, 2017, the Committee convened a public hearing into the Human Rights of Remandees at the Remand Prison. The written and oral submissions provided by officials of the Ministry of National Security and Vision on Mission were considered, and as a result, the Committee determined that it a site visit should be conducted to:

a) **to acquire a realistic perspective of the issues/challenges which may be impacting the entity in question with a view to making informed findings and feasible recommendations in its report to Parliament; and**
b) **to verify evidence received in writing or at the public hearing.**

In view of this, the Committee wrote to the Ministry of National Security and gave notice of its intention to conduct a site visit on May 31, 2017 at 10:00 a.m.

Briefing of Committee members at the Remand Prison, Golden Grove

Briefing of the Committee members at the Women's Prison Golden Grove

Briefing of the Committee members at the Maximum Security Prison, Golden Grove

Report

1. The following persons attended the site visit:

Committee Members

i.	Dr. Nyan Gadsby-Dolly, MP	-	Chairman
ii.	Mrs. Vidya Gayadeen-Gopeesingh, MP	-	Member
iii.	Mr. Randall Mitchell, MP	-	Member
iv.	Dr. Dhanayshar Mahabir	-	Member
v.	Mr. Kazim Hosein	-	Member
vi.	Mr. Rodger Samuel	-	Member

Other Member

vii. Sen. Jennifer Raffoul[29] - Independent Senator

Secretariat Staff

i. Ms. Candice Skerrette - Secretary

ii. Ms. Khisha Peterkin - Assistant Secretary

iii. Mrs. Angelique Massiah - Assistant Secretary

iv. Ms. Aaneesa Baksh - Parliamentary Intern

Women's Prison (Remand)

1. On arrival at Remand Prison, the contingent assembled and was greeted by the following officials of the facility including:
    - Mr. Cecil Duke — Commissioner of Prisons (Ag.)
    - Mr. Dane Clerk — Deputy Commissioner of Prisons (Ag.)
    - Mr. Shamshudeen Mohammed — Assistant Commissioner of Prisons (Ag.)
    - Mr. Lester Walcott — Prison Officer II
    - Ms. Babara Guevarra — Prison Officer II
    - Mr. Steffan Seetahal — Prisons Officer I (Photographer)
    - Ms. Avenilla Kahanai-Augustine — Assistant Superintendent of Prisons (Ag.)
    - Mr. David Prince — Superintendent of Prisons (Ag.)

2. The tour commenced at approximately 10:00 a.m. at the Remand Section of the Women's Prison. The tour of the facility was guided by Mr. Cecil Duke, Ms. Augustine and Ms. Kanhai-Augustine.

[29] In accordance with HOR/Senate S.O. Appendix III, Rule 9, the leave of the Committee was sought and granted for the Independent Senator to attend the site visit.

3. The tour began at the cells of the remandees. The Committee was informed that the current population at the prison was 105 with 34 remandees convicted and 71 awaiting trial.
4. The Committee was allowed to interact with remandees from two sections of the Prison. The sections are classified by risk. In the first section the remandees were in their cells however, in the second section some of the cells were without doors and the remandees were allowed to move around freely. The Committee was informed that as these persons better behaved and not as aggressive as some of the other remandees, they were allowed more freedom however, the area was monitored by a CCTV.

Figure 1: Committee Members interacting with female remandees

Figure 2: Member interacting with female remandees who is allowed to roam the Section freely

5. It was observed that both sections had four toilets (without toilet seats, toilet bowl covers and toilet flush handles), a shower and an area to empty and clean pails, however, there are times where no is water available for flushing the toilets.

6. It was noted that most cells were well lit and each cell had a pail (bucket) with a cover. Members were informed that the pail could be emptied at any time upon seeking the attention of a Prison Officer.

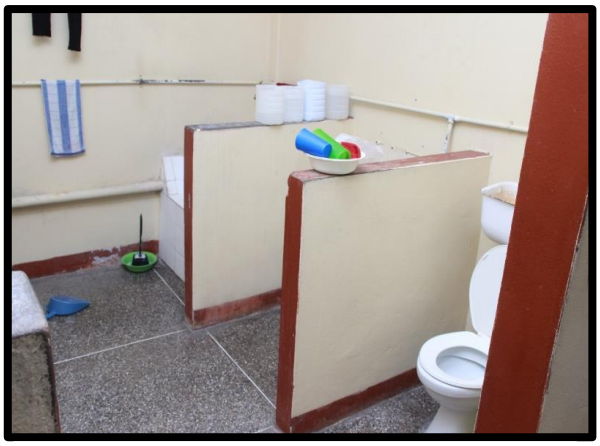

Figure 3: Toilets at the Remand Section of the Women's Prison

Figure 4: Shower area of Remand Section at the Women's Prison

7. Although most cells had two bunk beds with a sleeping capacity for four remandees, most cells had only one to two remandees. It was further observed that the top bunk bed in a number of cells were filled with books for use by the remandee.
8. The following issues were discussed during the tour:
   i. ***Visits / Calls-***
      - the remandees are allowed two (2) visits per week for 15 minutes each.
      - Children's visits are allowed with the consent of the Chief Welfare Officer after submitting a request. Four (4) remandees are allowed visits with children every Saturday on a rotation basis for one hour.
      - Calls are allowed every day for 15 minutes with the exception of Sundays.

   ii. ***Airing-*** the remandees are given airing every day notwithstanding staff issues or weather conditions, however, there were differences in the time allotted to male versus female remandees. They are also allowed to do laundry twice per week although some remandees complained that over the past three weeks they were only allowed to do laundry twice during that period as the Prison Officers informed them there was a water shortage

iii. ***Toiletries –*** some remandees complained that the toiletries provided were insufficient, particularly, sanitary napkins and toilet paper. One Officer explained that those items are only provided to women who do not receive such items from their visitors.

iv. ***Programmes-*** the Committee was informed that some remandees are excited to participate in the programmes while others participate because it helps to occupy their time. Some programmes available are life skills, crafts, vocational programmes, O' level programmes.

v. ***Recidivism-*** amongst women does not occur as often amongst the men. The women who are repeated offenders are usually addicts.

vi. ***Medical-*** the Infirmary Officer is a trained medical officer with the same training as a nurse. The remandees are seen by a doctor during the first 24 hours of being admitted.

vii. ***Offences-*** the Committee was informed that most of the remandees were on capital charges and those on minor offences do not usually stay for a lengthy period.

9. The tour then moved onto the Library Unit which is sponsored by NALIS and had a wide selection of books in an air conditioned room. The remandees are monitored in their use of the computer and are allowed to borrow two (2) books from the library.

Figure 5: Committee Members visiting NALIS facility at the Women's Prison

10. The Members were shown the Dining and the Kitchen areas and a Committee Member was tasted a bowl of soup, prepared for the remandees' lunch on that day.

Figure 6: Kitchen of the Women's Prison

Figure 7: Dr. Mahabir partaking in the lunch given to the remandees at the Women's Prison

11. The tour then moved to the area designated for crafts and vocational skills training. Thereafter, the Committee viewed the Visitor Room with four (4) cubicles that included a separate Attorney Room and another room to meet with the Welfare Officers.

Figure 8: Craft area of the Women's Prison

Figure 9: Members at the Visitor's area at the Women's Prison

12. At 11:02 a.m. the tour of the Women's Prison ended and the team was escorted to the Remand Prison.

Remand Prison

13. The tour of the Remand Prison began at 11:03 a.m. and it was guided by Mr. Cecil Duke and Mr. Dane Clerk.
14. Upon arrival at the facility, the team was informed that there were 973 remandees (there were a number of persons out of the prison on court visits) in the prison at that point in time. The Committee was informed that the prison was divided into the North Division and South Division and then Upper and Lower Divisions.
15. The Committee noticed the pungent odour of strong chemicals that emanated from the facility upon entry into the remand section and the damp quality of the concrete floors of the remand facility and was concerned of the health impacts of continuously living with the pungent odour.
16. The Committee observed approximately 40 remandees in a large holding cell housed like animals and was informed that those persons were new arrivals who were yet to attend bail hearings.
17. The Committee was informed that since the visit was conducted during lunch and airing time, there were some remandees who were outside their cells and the Members would see lunch being distributed.

Figure 10: Lunch being served to the remandees during the visit of the Committee

Figure 12: Members speaking with remandees.

18. The Committee visited the Southern Lower Division and spoke to various remandees about their time on remand and the conditions they face while at the prison.

19. The Committee observed that most cells were dark and without overhead lighting within the cell. Remandees are living in darkness for most of the day as a result inmates are unable to educate themselves and any books need to be stuck outside of the bars to acquire light. The ventilation provided in the cell consisted on patterned concrete window which was covered by a cloth, as a result the cells were hot and humid.
20. Although cells had two bunk beds with the sleeping capacity for four remandees, there were five to nine remandees in each cell. In many cells there was a thin mat (similar to the material of a crocus bag) used in the absence of a mattress.
21. The Committee observed that the majority of the wire fenced ceiling that separated the Upper and Lower Division was used to dry clothing and bed sheets. Further, at the end of the corridor, there were two (2) stainless steel toilets installed.

Figure 12: Mr. Duke and Members of the Committee viewing the toilet facilities at Remand Prison, Golden Grove

Figure 13: Remandees' clothing hanging oalong teh corridor of the Remand Prison, Golden Grove

22. Many remandees informed the Committee about the following issues :
    i. ***Diet***- the remandees stated that it was not fit for human consumption.
    ii. ***Acquiring a bed in the cell***- remandees alleged that one had to pay the officer in charge of allocating the remandees to the cells, if they wanted to be assigned to the bed in the cell.

iii. ***Length of time on Remand*** - many of the remandees informed on the length of time they have been in the prison, stating that it affected their mental state of mind.

23. The tour then moved to the Airing Area. The Committee was shown the area for recreation where the remandees played basketball or football. The Committee also noticed phones were available in the airing area for the remandees. The allotted airing time is one (1) hour daily.

Figure 14: Members at airing yard at Remand Prison

Figure 15: Recreation activities in the airing yard at Remand Prison

24. The Committee noted that the Airing Area included a laundry and at the time of the site visit, only two (2) out of the four (4) washing machines were operational. In addition, many remandees were bathing and hung clothes to dry in the walls of the Airing Area.

Figure 16: Member viewing the laundry facilities at Remand Prison

25. The tour moved on to the maximum security prison at 11:47a.m.

Remand Section, Maximum Security Prison (MSP)

26. The team arrived at the Remand Section of the Maximum Security Prison at 11:54 a.m. The tour was guided by Mr. Cecil Duke and Mr. Prince.
27. The tour was guided to Section K where there were 37 persons. At that time, 36 remandees were in and one (1) person was out.

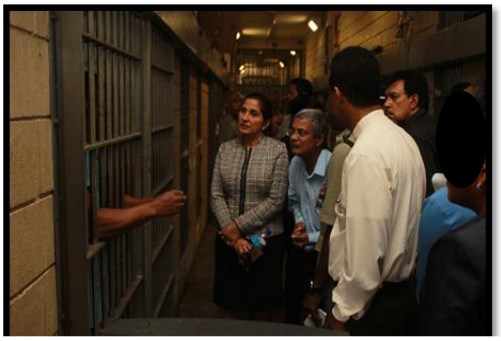

Figure 17: Members interacting with non-national remandees at Maximum Security Prison

Figure 18: Member interacting with the national remandees at Maximum Security Prison

28. The Committee was informed that the persons held in that section were foreign nationals who were on remand. The Committee was allowed to speak to the remandees about their situation.
29. It was noticed that there were two (2) televisions in the corridors of this section for the remandees and music playing through overhead speakers.
30. The Committee was informed that the remandees were usually detained for trafficking or seeking asylum. On speaking to some of the foreigners on remand some were also being held for murder.
31. The tour then moved into Section A [E]. The Committee was informed that this area housed local 'remandees' and contained 20 persons.

32. The accommodation in these cells were noticed to be larger and well-lit than those at the Remand Prison since each cell contained a toilet and shower and housed approximately 1-3 persons.

Figure 19: The Chairman of the Committee and the Commissioner of Prisons view the inside of the cell at Maximum Security Prison

Figure 20: Committee Members view the inside of the cell at Maximum Security Prison

33. The Committee was allowed to enter the cell and observe the conditions of the remandees and the facilities in the cell.
34. The tour concluded at approximately 12:26 pm.

Remand Yard Prison, Port-of-Spain

35. On Friday June 09, 2017, the Committee conducted a site visit to the Remand Yard section of the Port-of-Spain Prison.
36. The following Members attended the site visit:

i.	Dr. Nyan Gadsby-Dolly, MP	-	Chairman
ii.	Mrs. Vidya Gayadeen-Gopeesingh, MP	-	Member
iii.	Mr. Randall Mitchell, MP	-	Member
iv.	Dr. Dhanayshar Mahabir	-	Member
v.	Mr. Rodger Samuel	-	Member

Other Member

i. Sen. Jennifer Raffoul[30] - Independent Senator

37. The Members were met with the following persons form the Prison:

- Mr. William Alexander — Commissioner of Prisons (Ag.)
- Mr. Dane Clerk — Deputy Commissioner of Prisons (Ag.)
- Ms. Babara Guevara — Prison Officer II
- Mr. Steffan Seetahal — Prison Officer I (Photographer)
- Mr. Patrick King — Assistant Superintendent of Prisons (Ag.)
- Mr. Fabian Alexander — Assistant Commissioner of Prisons (Ag.)

38. The tour commenced at the prison at 10:10 a.m. The superintendent of the Prison indicated that there were approximately 315 remandees in the prison.

39. The tour began at the Prison Infirmary. The Committee was allowed to ask questions and noticed that the remandees were separated according to whether they were convicted or remanded.

Figure 21: Infirmary of the Remand Yard in Port of Spain

Figure 22: Members interacting with the remandees in the upper section

[30] In accordance with HOR/Senate S.O. Appendix III, Rule 9, the leave of the Committee was sought and granted for the Independent Senator to attend the site visit.

40. A cell was opened and the Members of the Committee were allowed to enter and observe the conditions of the cell.

Figure 23: Inside a cell at Remand Yard in the Port-of-Spain Prison

41. Upon entry into the cell, it was noticed that the space was insufficient for the five remandees that it accommodated. The cell was equipped with two bunk beds and two pails which were removed for the Members to enter. It had no light as the members utilised a flashlight to observe the conditions and was musty, hot and cob webs were visible.
42. The ventiliation in the cells are provided by a 24″x 1ft/ 18″x 1ft corroded hole covered in mesh which provides poor ventilation. The remandees spend at 23 hours a day locked in cells with poor ventilation and extreme heat as a result many of the remandees were half-naked.
43. The tour then moved on to a remand section on the first floor where the Committee was allowed to interact with the remandees.
44. The tour then moved to a remand section on the ground floor where the Members were allowed to observe the conditions of the remandees and interact with the remandees.

Figure 24: Section A1 of Remand Yard in the Port-of-Spain Prison

Figure 25: Members interacting with remandees from Section A1 in the lower division at Remand Yard i teh Port-of-Spian Prison

45. In many of the cells remandees who were no longer able to use the pails, stooped over newspapers when defecating and placed the used newspaper outside the cells, as a consequence there was an increase in rodents in that cell section.
46. The remandees spoke to the Members about the following issues:
    i. ***Pails***- in the remand section there were pails in every cell except in section A-1 where the pails for the remandees were located outside the cells. The remandees in order to prevent the stench in the cells adopted the process of urinating in plastic bottles and then empty the vessel through the bars: either into the pail sitting outside of the cell; or in the drain that runs in front of the cells. A similar process occurs for defecation. The remandees explained that this process requires stooping over gazette paper in front of fellow remandees and then disposing of the faeces through the bars, into the pail.
    ii. ***Separation***- the remandees brought to the attention of the Members, the lack of separation amongst the remandees. There were persons on maintenance charges housed in the same cells with person charged with murder and firearm possession. The committee was concerned of holding persons in the same cells, (such as maintenance charges and possession of narcotics in the same cell with a person charged with murder), would encourage the persons with minor offences to commit serious offences.

iii. ***Lighting***- most of the cells contained no lighting on the inside. The lights were situated on the outside of the cells and therefore, cells are dark 24 hours a day. Remandees complained that this serves as a deterrent to access programmes that require studying or reading.

iv. ***Ventilation-*** the area for the remandees and in the facility was hot and there was little to no natural air coming into the cells. Many of the remandees were in their underwear trying to combat the heat.

v. ***Airing***- the remandees were allowed to air for 1 hour every day.

vi. ***Diet***- Breakfast was served to the remandees at 6:00 a.m., lunch was served from 9:00 a.m. – 11:00 a.m. and dinner is served at 2:00 p.m.

vii. ***Water bottles-*** the remandees had several empty two litre soft drink bottles that they use to store drinking water. The bottles were observed to be unsanitary and well in need of change. The Committee was concerned of dehydration amongst the remandees as they are allowed a limited amount of water daily.

viii. ***Number of Persons in cells***- there were 4-8 persons in the cells in the remand section. The cells were 6 x 9 feet with some cells housing 2 double decker wooden bunks.

Many of the cells did not have mattresses on all the beds and one cell had no mattress at all. The remand inmates therefore, sleep on the ground in 'razor' style where nine persons sleep on their sides with no room to move.

47. The tour moved to the condemned area where the Members met remandees and were allowed to speak with them about the prison conditions.

48. The tour then moved onto the kitchen where the Members were encouraged to taste the meals given to the remandees. Dr. Mahabir tasted both meals that were presented and commended the cooks on their food.

Figure 26: Kitchen area of Remand Yard

Figure 27: Food prepared for the tasting of the Committee members

49. The tour then moved on to the Officer's dorm where the Members observed the poor conditions.
50. Although the committee visited to view the conditions of the remandees the committee was also concerned by the working conditions of the prison officers. It was observed that Officers too, endured cramped and hot quarters with below standard shower facilities. The kitchenette's floor and countertops were in disrepair and unsanitary. The water cooler was rusty and not suitable for the consumption of potable water, lockers were rusted and the dining tables were in various states of

Figure 28: Prison Officers' dormitory at Remand Yard

disrepair; there was no mechanism for officers to sanitize themselves before leaving the compound and laundry would be taken home in a bag to wash separately.

51. The tour ended at 12:00 p.m. and the Members left the facility to their respective venues.

APPENDIX IV GENERAL TREATMENT OF PRISONERS

Table 1

Status of Compliance for Prison Rules Nos. 220 to 293 (General Treatment of Prisoners)

RULE NO.	PRISON RULE	CURRENT TREATMENT OF INMATES (YES /NO)
220	**Application of Rules**- The rules in this Part shall apply to all classes of prisoners except in-so-far as they may be inconsistent with the rules as to particular classes of prisoners.	YES
221	**Reception of prisoner at Royal Gaol/Remand Prison -** Prisoners will not be received at the Royal Gaol earlier than 6:00 a.m. or later than 8:00 p.m. except with the special permission of the Commissioner	YES
222	**Checking of Warrants-** No prisoner shall be received into any prison unless the usual form of commitment properly filled up in all its parts has been put into the hands of the Commissioner or officer in charge	YES
223	**Reception of Inmates-** 1.Prisoners on admission shall be strictly and minutely searched by the Reception Officer (males by the male Reception Officer, females by the Reception Matron), but with all regard to decency. Their clothing shall be removed and kept in the custody of the Reception Officer who shall take due care of them, but no responsibility shall be accepted for unavoidable deterioration through age or to damage done by rats or other pests. 2. All personal effects (except clothing) and money shall be taken from prisoners and handed to the Steward who shall be responsible for the safe custody thereof. 3. All property and clothing taken from prisoners on admission shall be entered in the Prisoners' Property Book by the Reception Officer, and signed for by the owner on admission and discharge. The Steward will initial all entries of personal effects and money received by him, and his initials shall hold good as a receipt for the articles against which they appear. 4. Articles which, in the opinion of the Commissioner are too bulky for storage will not be received. Matches or other articles of a dangerous nature will not be received.	YES YES YES YES
224	**Description of Inmate**-The name, age, height, weight, particular marks, and such other measurements and particulars as may be required in regard to a prisoner shall, upon his admission, and from time to time, be recorded by such officer and in such manner as may be directed by the Commissioner	YES
225	**Photographs**- Every prisoner may, if required for purposes of justice, be photographed on reception and subsequently; but no copy of the photograph shall be given to any person unless he is officially authorised to receive it.	YES
226	**Examination by P.M.O. -** Every prisoner shall, as soon as possible after admission, be separately examined by the Medical Officer, who shall record the state of health of the prisoner, the class of labour he is fit to perform and such other particulars as the Commissioner may request him to record.	YES
227	**Bathing**- Every prisoner shall take a bath on reception and at the times fixed by the Commissioner, unless it shall be otherwise directed in any particular case by these Rules or by the Commissioner or the Medical Officer.	YES
228	**Contagious Disease**- If a prisoner is found to have any infectious or contagious disease, or to be in a verminous condition, steps shall at once be taken to treat the condition and to prevent it from spreading to other prisoners.	YES
229	**Posting of Abstract of Prison Rules**- An abstract of the Prison Rules, relating to the discipline, conduct and treatment of the prisoners shall be kept in each division of every prison, and shall be explained to all prisoners on admission.	YES
230	**Examination on Transfer/Discharge -** Every prisoner shall be examined by the Medical Officer before being removed to another prison or discharged. No prisoner shall be removed to any	YES

	other prison unless the Medical Officer certifies that he is fit for removal, and no prisoner due for discharge who is suffering from any acute or dangerous illness shall, unless he refuses to stay, be sent out of prison until in the opinion of the Medical Officer it is safe to do so.	
231	**Exposure to Public-** A prisoner shall be exposed to public view as little as possible while being removed from or to a prison	YES
233	**Prohibited Articles-** (1) No prisoner shall have in his possession any unauthorised article, and any such article found in the possession of a prisoner shall be deemed to be a prohibited article and may be confiscated by the Commissioner. (2) No person shall without authority convey or throw into, or deposit in a prison, or convey or throw out of a prison, or convey to any prisoner, or deposit with a view to its coming into the possession of any prisoner, any money, clothing, food, drink, tobacco, letter, paper, books, tools or other article whatever. Anything so conveyed, deposited or thrown without authority shall be deemed to be a prohibited article and may be confiscated by the Commissioner	YES YES
235	**Smoking and Drinking of Prisoners-** 1.No prisoner shall be given or allowed to have any intoxicating liquor except in pursuance of a written order of the Medical Officer specifying the quantity to be given and the name of the prisoner for whose use it is intended. 2. No prisoner shall be allowed to smoke or to have in his possession any tobacco except in accordance with such orders as may be given by the Commissioner.	YES YES
236	**Unauthorised Articles -** Any unauthorised article found secreted on a prisoner, after he has passed to his cell or ward, shall be destroyed, except money, which shall be paid into the Treasury for the use of the Territory.	YES
240	**Diet**-(1) Except when placed on restricted diet, prisoners shall be allowed their daily food in accordance with one of the dietary scales set out in Schedule IV to these Rules, and the Commissioner of Prisons shall ensure that the provisions supplied for the use of prisoners are of proper quality and weight. (2) The diet prescribed in any of the scales A, B, C, or D in Schedule IV to these Rules shall be issued on such days as the Commissioner may direct. Prisoners whose religious faith prohibits the eating of beef or pork may elect on admission to prison to have mutton substituted for the said articles of diet wherever any such article is prescribed in the said Schedule. (3) Prisoners placed on restricted diet as a punishment under the provisions of these Rules shall be given food in accordance with the appropriate scale prescribed in and the provisions of schedule V to these Rules.	YES YES YES
241	**Refusal of Diet-** A prisoner who has any complaint to make regarding his diet or who wishes it to be weighed to ascertain whether it contains the prescribed quantity, must make his request as soon as possible after the diet is handed to him, and it will be weighed in his presence and in that of the officer deputed for that purpose. Should, however, repeated groundless complaints be made by any prisoner under this rule, with the evident purpose of giving annoyance or trouble, it shall be treated as a breach of prison discipline, and the offender will be liable to be punished accordingly.	YES
244	**Bedding**-(1) Male prisoners shall be supplied with a hammock and a blanket. Female prisoners shall be supplied with bed boards and a blanket. (2) Additional bedding shall be supplied on the written recommendation of the Medical Officer.	YES YES
246	**Health and Cleanliness-** Every prisoner shall obey such directions as may from time to time be given by the Commissioner as regards washing, bathing, shaving and hair cutting.	YES
248	**Mohammedan-** The hair and beard of a Mohammedan shall not be cut except on the written order of the Medical Officer on account of vermin or dirt or on the grounds of health.	YES
249	**Upkeep of Cell-** Every prisoner shall keep his cell, and the utensils, books and other articles issued for his use, and his clothing and bedding, clean and neatly arranged, as may be directed.	YES
250	**Airing-1**. Arrangements shall be made as far as practicable for every prisoner who is not employed on outdoor work to take exercise daily for one hour, or for such longer periods as	YES

	the Medical Officer may deem necessary in the case of any individual prisoner, having regard to the state of his health and the nature of his work. The exercise shall take place in the open air except in inclement weather. 2. Every prisoner, except if excused by the Medical Officer on medical grounds, shall take such exercise as ordered.	YES
256	**Religious Instruction-** Adequate arrangements shall be made for the provision of religious administration to all prisoners.	YES
257	**Religious Instruction-** Services shall be held at least once a week at each prison for all prisoners of the Church of England, Roman Catholic and Non-Conformist faiths. Services for prisoners of other denominations shall be held at such times as may be arranged, if there are a sufficient number of prisoners to attend. These services shall be compulsory.	YES
258	**Statement of Religious Affiliation -** Every prisoner shall be required on reception to state his religious denomination, and shall continue to be treated as a member of that denomination unless and until he satisfies the Commissioner that he has good grounds for desiring to join another denomination.	YES
259	**Religious Literature-** Every prisoner shall, from the beginning of his sentence, be furnished with such Scriptures and books of religious observance and moral instruction as are recognized for the denomination to which he belongs.	YES
262	**Visits & Communications-** 1. Communications between prisoners and their relatives and friends shall be allowed in accordance with the following rules, subject to such restrictions as may be necessary for the maintenance of discipline and order in prison, and the prevention of crime. No other person shall be allowed to communicate with a prisoner except by special authority. 2. Every prisoner shall be allowed to write and receive a letter on his admission and he shall be further allowed to write and receive a letter and to receive a visit at intervals of not more than two months. This shall not be regarded as a privilege which is liable to forfeiture for misconduct under rules 270 and 272; provided, however, that when a prisoner who becomes entitled to a letter or visit under this or any special rule, is at the time subject to dietary restriction or close confinement, the letter or visit may in the Commissioner's discretion be deferred until such restriction or confinement has ended. 3. The Commissioner may allow any prisoner entitled to a visit to write a letter and receive a reply in lieu of such visit, and may allow any prisoner to write a special letter and receive a reply or to receive a special visit, in any of the following circumstances:- a) Death or serious illness of a near relative; b) Business or family affairs of an urgent nature; c) Arrangements for obtaining employment or assistance from friends on release; 4. The Commissioner may at any time communicate to a prisoner or to his friends, any matter of importance to such prisoner, in case he should not be entitled to write or receive a letter. 5. Not more than three persons shall be allowed to visit a prisoner at one time. 6. Male prisoners shall be visited in the sight and hearing of a male officer, and female prisoners in the sight and hearing of a female officer. 7. No person shall be allowed to visit a prisoner on a Sunday or on a public holiday except in cases of emergency.	YES YES YES YES YES YES YES
263	**Facility to pay fines-** A person committed to prison in default of the payment of any sum which in pursuance of any conviction or order he is required to pay shall be allowed to communicate or to have an interview with any of his friends on any week-day at any reasonable hour for the bona fide purpose of providing for the payment which would procure his release from prison.	YES
264	**Legal Visits-** (1) Reasonable facilities will be allowed the legal adviser of a prisoner who is conducting any legal proceedings, civil or criminal, in which the prisoner is a party, to see the prisoner with reference to such proceedings in the sight but not in the hearing of a prison officer.	YES YES

	(2) The legal adviser of a prisoner may, with the permission of the Commissioner, see such prisoner with reference to any other legal business in the sight and hearing of a prison officer. (3) For the purpose of this and any special rule, "legal adviser" shall be construed to mean the prisoner's counsel or solicitor or the authorised clerk of that attorney.	YES
266	**Conduct of Visits-** The Commissioner may in his discretion direct that any visit to a prisoner shall take place out of the hearing of a prison officer.	YES
267	**Censoring of Letters -** Every letter to or from a prisoner shall be read by the Commissioner or by a responsible officer deputed by him for the purpose, and it shall be within the discretion of the Commissioner to stop any letter on the ground that the contents are objectionable or that it is of inordinate length	YES
268	**Reporting of Offences –** (1) Every offence against prison discipline shall be reported forthwith, and shall be investigated not later than the following day unless that day is a Sunday or a public holiday. (2) No report against a prisoner shall not be dealt with by any prison officer except the Commissioner, the Deputy Commissioner or a Prisons Superintendent. (3) When a prisoner has been reported for an offence, the Commissioner or his Deputy, or a Prisons Superintendent, or a Chief Officer may order him to be kept apart from other prisoners pending adjudication. (4) A prisoner shall, before a report is dealt with, be informed of the offence for which he has been reported and shall be given an opportunity of hearing the facts alleged against him and of being heard in his defence.	YES YES YES YES
269	Offences against Prison Discipline- A prisoner shall be guilty of an offence against prison discipline if he- (1) disobeys any order of any prison officer or any prison rule; (2) treats with disrespect an officer or servant of the prison, or any person authorised to visit the prison; (3) is idle, careless, or negligent at work, or refuses to work; (4) swears, curses, or uses any abusive, insolent, threatening or other improper language; (5) is indecent in language, act or gesture; (6) commits any assault; (7) communicates with another prisoner without authority; (8) Leaves his cell or place of work or other appointed place without permission. (9) willfully disfigures or damages any part of the prison or any property which is not his own; (10) commits any nuisance; (11) has in his cell or possession any unauthorised or prohibited article, or obtains such article; (12) gives to, or receives from any person any unauthorised or prohibited article; (13) escapes from prison or from legal custody; (14) mutinies or incites other prisoners to mutiny (15) commits personal violence against any officer or servant of the prison; (16) in any way offends against good order and discipline; (17) Attempts to do any of the foregoing things.	YES
270	**Powers of Award – COP, D/COP, Supt.** Save as provided by rule 272(1) and (2) – (1) The Deputy Commissioner or a Prisons Superintendent may investigate any offence against prison discipline, and may determine thereupon and make one or more of the following awards (a) Forfeiture of remission of sentence for a period not exceeding 14 clays. (b) Forfeiture or postponement of privileges for a period not exceeding 14 days. (c) Cellular confinement on full diet and at work for a period not exceeding 14 days. (d) Cellular confinement on Restricted Diet No. 2 and at work for a period not exceeding 14 days.	YES

	(e) Cellular confinement on Restricted Diet No. 1 for a period not exceeding 3 days. (2) The Commissioner may investigate any offence against prison discipline, and may determine thereupon and make one or more of the following awards: — (a) Forfeiture of remission of sentences for a period not exceeding 30 days. (b) Forfeiture or postponement of privileges for a period not exceeding 30 days. (c) Cellular confinement on full diet and at work for such a period as may be necessary for the maintenance of good order and discipline. (d) Cellular confinement on Restricted Diet No. 2 and at work for a period not exceeding 21 days. (e) Cellular confinement on Restricted Diet No. 1 for a period not exceeding 14 clays.	
271	**Appeals -** (1) A prisoner awarded punishment by a Deputy Commissioner or Prisons Superintendent under paragraph (1) of Rule 270 may appeal against such award to the Commissioner and if such award is not rescinded by the Commissioner an appeal shall lie, with the leave of the Commissioner to the Inspector. (2) A prisoner awarded punishment by the Commissioner, under paragraph (2) of Rule 270 may, with the leave of the Commissioner appeal against such award to the Inspector provided that no such appeal shall be entertained unless notice shall have been given within two hours after the award. (3) The Inspector and the Commissioner, in disposing of any appeal under this rule, may confirm, set aside, modify, reduce or increase the punishment, provided that any such modified or increased punishment shall be a punishment which could have been awarded by the officer from whose decision the appeal has been lodged.	
272	Powers of Award: IOP- (1) Where a prisoner is reported for any of the following offences: — (a) Escaping or attempting to escape from prison or from legal custody; (b) Gross personal violence to a fellow prisoner; or (c) Any serious or repeated offence against prison discipline for which such award as the Commissioner is authorised to make is deemed insufficient. The Commissioner may forthwith report the offence to the Inspector who shall as soon as possible enquire into the report (such enquiry may if he thinks it desirable be on oath) and make one or more of' the following awards: (i) Forfeiture of remission of sentence. (ii) Forfeiture or postponement of privileges. (iii) Cellular confinement on full diet and at work for such a period as may be necessary for the maintenance of good order and discipline. (iv) Cellular confinement on Restricted Diet. No. 2 and at work for a period not exceeding 42 days. (v) Cellular confinement on Restricted Diet No. 1 for a period not exceeding 28 days. (2) Where a prisoner is reported for one of the following offences: — (a) Mutiny or incitement to mutiny; (b) Gross personal violence to an officer or servant of the prison; or (c) Any offence described in paragraph (1) of this Rule being an offence of an aggravated nature, The Commissioner shall forthwith report the offence to the Inspector, who shall proceed as provided by the next preceding paragraph and make awards under the powers set forth in the next preceding paragraph, or, in the case of a male prisoner under sentence of hard labour, order corporal punishment, in addition to or in lieu of any such awards. (3) Whenever an Order for corporal punishment is made, the Inspector shall immediately furnish to the [Governor] Minister a COPY of the notes of evidence, and a report of the sentence and the grounds on which it was passed. Such order shall not be carried into effect until it has been confirmed by the [Governor] Minister.	YES

	(4) The Order for corporal punishment shall be duly entered in the prescribed manner, and the number of lashes or strokes, and the instrument with which they are to be inflicted shall in all cases be stated in the Order. (5) Corporal punishment, in the case of a prisoner over 18 years of age shall be inflicted either with a cat-o-nine tails or with a birch or similar rod; and in the case of a prisoner under 18 years of age with a birch or similar rod. (impliedly repealed with abrogation of Corporal Punishment <18 Act) (6) The number of lashes or strokes inflicted on a prisoner of 18 years of age or over shall not exceed 24, or, on a prisoner under 18 years of age, 12. (impliedly repealed with abrogation of Corporal Punishment <18 Act) (7) The Inspector, instead of inquiring into a report and awarding punishment, may, in appropriate cases, direct that steps be taken to have the prisoner prosecuted before Court.	
273	**Punishment –** (1) Cellular confinement on restricted diet, and corporal punishment, shall in no case be awarded unless the Medical officer has certified that the prisoner is in a fit condition of health to sustain it. (2) Every prisoner undergoing cellular confinement or subject to restricted diet shall be visited at least once a day by the Commissioner or his Deputy, or by a Prison Superintendent, and by the Chaplain and Medical Officer whenever these Officers visit the prison. He shall also be visited by an officer on duty at intervals of not more than three hours during the day. (3) Every punishment awarded shall be entered in the Punishment Book kept for that purpose and in the prisoner's record and shall be initialed by the Inspector or officer who awarded it.	YES
274	**Corporal Punishments**- (1) All corporal punishments within a prison shall be attended by the Commissioner or his Deputy, or by a Prisons Superintendent, and by the Medical Officer. (2) The Medical Officer shall immediately before the punishment is inflicted examine the prisoner and satisfy himself that he is in a fit condition of health to undergo the punishment, and shall make such recommendations for preventing injury to the prisoner's health as he may deem necessary. The Commissioner shall ensure that such recommendations are given effect to. (3) At any time after the infliction of punishment has commenced, the Medical Officer may, if he deems it necessary in order to prevent injury to the prisoner's health, recommend that no further punishment be inflicted, and the Commissioner or his Deputy or a Prisons Superintendent shall thereupon remit the remainder of the punishment. (4) The Commissioner shall ensure that the hour at which the punishment was inflicted, the number of lashes or strokes inflicted and any orders that may have been given as to remission are duly entered in the Corporal Punishment Book kept for that purpose.	YES
275	**Restraints-** No prisoner shall be put under mechanical restraints as a punishment.	YES
276	**Restraints** - (1) When it appears to the Commissioner or the Deputy Commissioner or a Prisons Superintendent that in order to prevent a prisoner from injuring himself or others or damaging property, or creating a disturbance, it is necessary that he should be placed under mechanical restraint; he may order him to be placed under mechanical restraint. (2) No prisoner shall be kept under mechanical restraint for longer than is necessary, and in any case not for more than 24 hours unless an order in writing from the Inspector is given, specifying the cause thereof and the time during which the prisoner is to be so kept, which order shall be preserved by the Commissioner as his warrant. (3) Particulars of every case of mechanical restraint shall be forthwith recorded by the Commissioner. (4) No mechanical means of restraint shall be used except of such patterns and in such manner and under such conditions as may be approved by the Governor.	

277	**Cellular Confinement-** The Commissioner or the Deputy Commissioner or a Prisons Superintendent may order any refractory or violent prisoner to be temporarily confined in a cell.	YES
278	**Complaints and Requests** (1) Arrangements shall be made that any request by a prisoner to see the Commissioner or Deputy Commissioner or Prisons Superintendent or the Inspector shall be recorded by the officer to whom it is made and conveyed without delay to the superior officer in charge. The Commissioner shall inform the Inspector on his next visit to the prison, or earlier if considered necessary, of every such request of a prisoner to see him. (2) Should the Deputy Commissioner or Prisons Superintendent be unable to deal with an application made by a prisoner the matter should be referred to the Commissioner.	YES
279	**Hearing of Applications** - The Commissioner or Deputy Commissioner or a Prisons Superintendent shall, at a convenient hour on every day, other than Sundays and public holidays, hear the applications of all prisoners who have requested to see him.	YES
280	**Petitions-** (1) Petitions from prisoners shall be submitted on the prescribed form and shall be forwarded along with the comments of the Commissioner to the Inspector for his comments before being forwarded, through the usual channels, to the Governor. (2) A prisoner who has petitioned and has not received a reply will not, except in special circumstances, be allowed to petition again during the same sentence until a reply is received. (3) Replies to petitions shall, in all cases, be communicated to prisoners individually, and not in the presence of other prisoners. Whenever a prisoner desires it, the effect of the reply to his petition will be explained to him.	YES
281	**Review of Long Sentences** - The case of every prisoner serving a life sentence shall be reviewed by the Governor in Council at the 4th, 8th, 12th, 16th, and 20th year of the sentence.	YES
282	**Review of Long Sentences** - The case of every prisoner serving a term of imprisonment exceeding four (4) years shall be reviewed by the Governor at intervals of four years or at shorter periods if deemed advisable.	YES
283	**Classification -** (1) With a view to facilitating the training of convicted prisoners and to minimizing the danger of contamination, the Commissioner shall classify them in accordance with the following provisions:- (a) Star Class - Those who are in prison for the first time or those whose previous sentences were for trivial offences and whose character is otherwise good. (b) Special Class - Those who have served not more than three sentences for offences not considered grave, or who are not habitually criminal or of corrupt habits. (c) Ordinary Class - Those not placed in (a) or (b). (2) Each Class shall be separated as far as this is practicable. (3) The Commissioner may, in his discretion, exclude or remove from (a) or (b) any prisoner whose character or conduct unfits him to associate with other prisoners of that class.	YES
284	**Honour Prisoners – Employment** (1) Prisoners personally selected by the Commissioner or the Deputy Commissioner or a Prisons Superintendent may be employed within the walls of a prison without the constant supervision of an officer. (2) Special care shall be exercised in the selection of prisoners for such employment, particularly in the case of a prisoner in the earlier part of his sentence or with a considerable criminal record. (3) Each prisoner so selected will give his word of honour in writing to the Commissioner, Deputy Commissioner or Prisons Superintendent to obey all rules and orders, to put his best efforts into his work and to conduct himself properly in every way in return for being trusted. While employed as an "Honour Prisoner", he shall wear a red band around his right arm. (4) This privilege may be forfeited for breach of trust or misconduct.	YES

285	**Remission-** With a view to encouraging good conduct and industry and to facilitating the reformative treatment of prisoners, arrangements shall be made by which a convicted prisoner serving imprisonment, whether under one sentence or consecutive sentences or under any such sentence or sentences and the remnant of a previous sentence, for a period exceeding one month, may become eligible for discharge when a portion of his term of imprisonment, not exceeding one-third of the whole term of imprisonment, has yet to run: Provided that nothing in the said arrangements shall authorize the reduction of any period of imprisonment to be served to less than thirty days.	YES
285	**Remission (1991 Amendment)** :- Notwithstanding rule 285, where a prisoner is sentenced to a term of imprisonment, whether under one sentence or consecutive sentences the aggregate of which does not exceed twelve months, he may become eligible for discharge when a portion of his term of imprisonment, not exceeding one-half of the whole term of imprisonment, has yet to run, save that nothing in this rule shall authorize the reduction of any period of imprisonment to be served to less than thirty days.	YES
286	**Stages-** (1) There shall be established a system of progressive stages with increasing privileges attached to the higher stages for sentences mentioned in rule 285(b)*. [see Prison (Amendment) Rules, 1948) (2) There shall be four stages – First, Second, Third and Special, Promotion from stage to stage will in all ordinary cases follow the earning of the prescribed number of stage marks. Privileges may be forfeited or postponed in accordance with rules 270 and 272. First Stage: A prisoner shall remain in this stage until he has earned 1,647 [<6mths] marks and may be allowed: sea-bathing, one visit of 15 minutes duration and one letter at intervals of two months, one library book a week to attend concerts, lectures and other entertainments. Second Stage: On promotion to this stage a yellow band will be worn on the left sleeve. A prisoner shall remain in this stage until he has earned 6,570 [>6mths <2yrs] marks and may be allowed: Sea-bathing, one visit of 30 minutes duration, and one letter at intervals of six weeks, two library books a week, to attend concerts, lectures and other entertainments, to work at and be taught trades and handicrafts, to take part in outdoor games, to receive approved articles of comfort and reading matter from friends or relatives. Third Stage: On promotion to this stage a green band will be worn on the left sleeve. A prisoner shall remain in this stage until he has earned 13,140 [>2yrs <4yrs] marks, and shall be eligible for all privileges of the Second Stage with indoor games added; he may also be allowed one visit of 45 minutes duration and one letter at intervals of one month. Special Stage: On promotion to this stage a blue band will be worn on the left sleeve. A prisoner will remain in this stage for the remainder of his sentence [>4yrs] and be eligible for all the privileges of the Third Stage.	N/A
287	**Special Remission-** A prisoner in the Special Stage at the time of his discharge may be granted an earlier discharge of three days. If, however, at the date of his discharge he has been continuously in this stage for a period of not less than six months and his conduct has been continuously good for that period, he may be granted an earlier discharge of seven days.	YES
288	**Awarding of marks for remission -** (1) Every sentence mentioned in rule 285 shall be represented by a number of marks to be computed at the rate of six marks for every day of such sentence. (2) Every day each prisoner will be credited with not less than six and not more than nine marks in respect of his industry and conduct for that day, and when such prisoner shall have earned	YES

	the aggregate of marks by which the term of his sentence is represented, he shall be discharged unconditionally.	
289	**Remission and Stage Marks -** The number of marks awarded for remission and for stage respectively need not be the same. Prisoners cannot be awarded less than six marks per day for remission, but may be awarded less, or none at all, for stage.	YES
290	**Accreditation of Marks to hospitalized inmates -** As remission of sentence can only be earned by good conduct and industry in prison, a prisoner returning to prison from the Mental Hospital or the General Hospital will be credited with the minimum number of remission marks only during the period spent in any such Hospital. No marks for stage will be awarded for such period.	YES
291	**Accreditation of Marks to inmates undergoing punishment -** In the case of prisoners undergoing cellular confinement as punishment, the Commissioner, Deputy Commissioner or a Prisons Superintendent will satisfy himself that the actual work, if any, performed by the prisoner is correctly recorded each day. On completion of the period the Commissioner, Deputy Commissioner or a Prisons Superintendent, will determine the number of remission and stage marks to be awarded for the period.	YES
292	**Accreditation of Marks on Weekend, Holidays, etc. -** The number of remission and stage marks to be allotted for Sundays and holidays and to the sick in Infirmaries will be based on the prisoner's industry and conduct during the preceding week or while in health, and will be allowed at the discretion of the Commissioner, Deputy Commissioner or a Prisons Superintendent. If any sick prisoner has brought about his ill-health by his own deliberate act, he will be awarded the minimum marks for remission and none for stage.	YES
293	**Earnings -** (1) Every prisoner undergoing a sentence mentioned in Rule 285(b) shall be eligible to earn monetary remuneration which shall be awarded in accordance with the following grades: Grade A - for the first 13 weeks no remuneration; Grade B - from the 14th to the 52nd week 50 cents per week; Grade C - from the 53rd to the 130th week 70 cents per week; and Grade D - from the 130th week to the end of sentence 90 cents per week. (2) Promotion from grade to grade may be delayed at the discretion of the Commissioner, Deputy Commissioner or a Prisons Superintendent, after careful consideration of the prisoner's industry and conduct. (3) A prisoner may be reduced to another grade, or fined not more than one week's pay for idleness, unsatisfactory work or misconduct. (4) Prisoners while at the Mental Hospital or at the Colonial Hospital will not be credited with pay. (5) Prisoners while sick in the Infirmary may be credited with pay at the discretion of the Commissioner, Deputy Commissioner or a Prisons Superintendent, due regard being given to the cause of the illness. (6) Prisoners undergoing cellular confinement as a punishment will be credited with pay if they have performed the allotted task. (7) The amount due to each prisoner shall be paid to him on his discharge.	YES

Table 2

Punishments awarded to Remandees for the years 2014-2015

PUNISHMENTS AWARDED FOR 2014				
Offences Committed	**Restricted Diet No.1**	**Restricted Diet No.2**	**Severely Warned**	**Forfeiture of Privileges**
Possession of Unauthorized/ Prohibited Articles	7	4	0	10
Offending against Good Order and Discipline	2	2	6	0
Making Threatening Remarks	0	3	0	0
Commits an Assault	7	3	0	3
Disobedience to Orders	3	2	5	0
Commits a Nuisance	0	0	1	0
Willfully Damages Government Property	1	1	0	0
Commits Personal Violence Against an Officer	0	1	0	0
PUNISHMENTS AWARDED FOR 2015				
Offences Committed	**Restricted Diet No.1**	**Restricted Diet No.2**	**Severely Warned**	**Forfeiture of Privileges**
Possession of Unauthorized/ Prohibited Articles	3	1	1	0
Offending against Good Order and Discipline	5	1	1	0
Making Threatening Remarks	5	1	4	0
Commits an Assault	11	1	1	0
Disobedience to Orders	6	2	4	0
Commits a Nuisance	1	0	0	0
Leaves Appointed Place	1	0	0	0
Willfully Damages Government Property	1	0	0	0
Commits Personal Violence	3	1	1	0
Commits Personal Violence Against an Officer	2	1	1	0

APPENDIX V CORRECTIONAL EDUCATION PROGRAMME SCHEDULE

Table 1
Correctional Educational Programmes Schedule at Remand Prison

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
		A.M.		
CSEC Maths 9:00 A.M.- 12:00 P.M.	CSEC English A (1) 9:00 A.M.- 12:00 P.M.	CSEC Maths 9:00 A.M.- 12:00 P.M.	CSEC English A (1) 9:00 A.M.- 12:00 P.M.	CSEC Maths 9:00 A.M.- 1:00 P.M.
School Leaving Classes (1) 9:00 A.M.- 12:00 P.M.	CSEC Social Studies (1) 9:00 A.M.- 12:00 P.M.	School Leaving Classes (1) 9:00 A.M.- 12:00 P.M.	CSEC Social Studies (1) 9:00 A.M.- 12:00 P.M.	ALTA Level 2 (Remand) 9:00 A.M.- 11:00 A.M.
ALTA Beginners (Remand) 9:00 A.M.- 11:30 A.M.	Raja Yoga Programme (Remand) 9:30 A.M.- 10:30 A.M.	Introduction to Islam (Remand) 10:00 A.M.- 11:00 A.M.	ALTA Beginners (Remand) 9:00 A.M.- 11:00 A.M.	School Leaving (1/2) 9:00 A.M.- 12:00 P.M.
			Baptist Service (Remand) 9:00 A.M.- 10:30 A.M.	
		P.M.		
Human and Social Biology 1:00 P.M. – 3:00 P.M.	CSEC English A (2) 1:00 P.M. – 3:00 P.M.	Human and Social Biology 1:00 P.M. – 3:00 P.M.	CSEC English A (2) 1:00 P.M. – 3:00 P.M.	ALTA Level 3 (Remand) 12:00 P.M. – 2:00 P.M.
School Leaving Classes (2) 1:00 P.M. – 3:00 P.M.	CSEC Social Studies (2) 1:00 P.M. – 3:00 P.M.	School Leaving Classes (2) 1:00 P.M. – 3:00 P.M.	CSEC Social Studies (2) 1:00 P.M. – 3:00 P.M.	Juma (Remand) 12:30 P.M. – 1:30 P.M.
ALTA Level 1 (Remand) 1:00 P.M. – 2:30 P.M.	ALTA Level 2 (Remand) 12:00 P.M. – 2:00 P.M.	ALTA Level 3 (Remand) 12:00 P.M. – 2:00 P.M.	ALTA Level 1 (Remand) 12:00 P.M. – 2:00 P.M.	

APPENDIX VI
DAILY MEAL PLAN

APPENDIX II

Food Services GGP

Daily Meal Plan

Saturday 01st August, 2015 to Friday 07th August, 2015

		Saturday 01st August, 2015
Breakfast	Regular	Bread, butter, Corned Beef, coffee
	Special	Macaroni, black eye peas, milk, porridge, vegetables, biscuit
	Diabetic	Whole wheat bread, butter, Melongene, unsweetened milk
Lunch	Regular	White rice, curried channa, Stew lamb, mauby
	Special	Wheat dumplings, provision, vegetables, soup,
	Diabetic	Pumpkin rice, curried channa, Baked lamb, fresh salad
Dinner	Regular	Bread, butter, Tuna, cocoa tea
	Special	Macaroni ,Curried channa, milk, porridge, vegetables, biscuit
	Diabetic	Whole wheat bread, butter, Tuna, unsweetened milk, wheat biscuit

		Sunday 02nd August, 2015
Breakfast	Regular	Bread, butter, Jam, Coffee
	Special	Macaroni, Red Beans , milk, porridge, vegetables, biscuit
	Diabetic	Whole wheat bread, butter, Bhaggi, unsweetened milk
Lunch	Regular	White rice, Dried Peas, stew chicken, sorrel
	Special	Wheat dumplings, provision, vegetables, soup
	Diabetic	Bhaggi Rice, Dried Peas, baked chicken, fresh salad
Dinner	Regular	Bread, butter, Bhigan, cocoa tea
	Special	Macaroni, Dried Peas, milk, porridge, vegetables, biscuit
	Diabetic	Whole wheat bread, butter, Bhigan, unsweetened milk, wheat biscuit

		Monday 03rd August, 2015
Breakfast	Regular	Bread, butter, Mackerel, coffee
	Special	Macaroni, Dried Peas, milk, porridge, vegetables, biscuit
	Diabetic	Whole wheat bread, butter, Mackerel, unsweetened milk
Lunch	Regular	White rice, Black Eye Beans, Stewed Turkey, mauby
	Special	Wheat dumplings, provision, vegetables, soup
	Diabetic	Carrot rice, Black Eye Beans, baked Turkey, fresh salad
Dinner	Regular	Bread, butter, Cheese, cocoa
	Special	Macaroni, Split Peas, milk, porridge, vegetables, biscuit
	Diabetic	Whole wheat bread, butter, Cheese, unsweetened milk, wheat biscuit

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Food Services GGP

		Tuesday 04th August, 2015
Breakfast	Regular	Bread, butter, sausage, coffee
	Special	Macaroni, Split Peas, milk, porridge, vegetables, biscuit
	Diabetic	Whole wheat bread, butter, Sausage, unsweetened milk
Lunch	Regular	White rice, Split Peas, Fried Fish, Mauby
	Special	Wheat dumplings, provision, vegetables, soup
	Diabetic	Ochro rice, Dried Peas, Baked Fish, fresh salad
Dinner	Regular	Bread, butter, Corned Beef, cocoa
	Special	Macaroni, Split Peas, milk, porridge, vegetables, biscuit
	Diabetic	Whole wheat bread, butter, Bhaggi, unsweetened milk, wheat biscuit

		Wednesday 05th August, 2015
Breakfast	Regular	Bread, butter, Peanut Butter , coffee
	Special	Macaroni, Channa, milk, porridge, vegetables, biscuit
	Diabetic	Whole wheat bread, butter, Sardine, unsweetened milk
Lunch	Regular	White rice, Red Beans, Stewed Chicken, Sorrel
	Special	Wheat dumplings, provision, vegetables, soup
	Diabetic	White rice, Red Beans, Baked chicken, fresh salad
Dinner	Regular	Bread, butter, Sardine, cocoa tea
	Special	Macaroni, split Peas, milk, porridge, vegetables, biscuit
	Diabetic	wheat bread, butter, Tomato Choka, unsweetened milk, wheat biscuit

		Thursday 06th August, 2015
Breakfast	Regular	Bread, butter, Tuna, coffee
	Special	Potato, Black Eye, milk, porridge, vegetables, biscuit
	Diabetic	Whole wheat bread, butter, Tuna, unsweetened milk
Lunch	Regular	White rice, Channa, Curried Turkey, mauby
	Special	Wheat dumplings, provision, vegetables, soup
	Diabetic	Saffron rice, Channa, Curried Turkey, fresh salad
Dinner	Regular	Bread, butter, Sada Potato, cocoa
	Special	Potato, Split Peas, milk, porridge, vegetables, biscuit
	Diabetic	Whole wheat bread, butter, Sada Potato, unsweetened milk, wheat biscuit

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Food Services GGP

		Friday 07th August, 2015
Breakfast	Regular	Bread, butter, Cheese, milk
	Special	Potato, Red Beans, milk, porridge, vegetables, biscuit
	Diabetic	Whole wheat bread, butter, Cheese, unsweetened milk
Lunch	Regular	White rice, Split Peas, Fried Fish, mauby
	Special	Wheat dumplings, provision, vegetables, soup
	Diabetic	Pumpkin rice, Split Peas, Curried Fish, fresh salad
Dinner	Regular	Bread, butter, Sausage, cocoa
	Special	Potato, Split Peas, milk, porridge, vegetables, biscuit
	Diabetic	Whole wheat bread, butter, Sausage, unsweetened milk, wheat biscuit

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Ration Room Officer - G.G.P
Y.T.C
C.C.P
P.O.S.P.
Women's Prison

PRISONERS DIETARY SCALE

	A	B	C	D	E	F	G	Remarks
Bread + 2 1/2 %	454g	454g	454g	454g	454g	454g	454g	N.B. The 'A' diet can be either fish or goat and chicken
Fish + 10%	85g*				85g*			
Goat + 10%	85g			85g*		85g		
Liver + 10%			85g*					The 'E' diet can be either chicken or beef and chicken when beef is available from G.G.P
Chicken + 10%	85g	85g*			85g*		85g*	
Pork + 10%							85g	
Beef + 10%					85g			
Butter	29g	29g	29g	29g	29g	29g	29g	The 'G' diet can be either chicken or pork and chicken when pork is available from G.G.P
Eggs	1 only			1 only				
Cheese		29g			29g			
Ham						29g		
Sardines			29g				29g	
Powdered Milk	28g	28g	28g	28g	28g	28g	28g	Powdered milk to be issued to C.C.P. To the other stations when fresh milk is not available in the quantity required.
Fresh Milk	108ml	108ml	108ml	108ml	108ml	108ml	108ml	
Rice	85g	85g	170g	170g	85g	85g	170g	
Flour	85g				85g			

APPENDIX VII

EXCERPT OF THE 2015 REMAND PRISON ADMINISTRATIVE REPORT:

CHALLENGES AND RECOMMENDATIONS

CHALLENGES FACED BY THE ORGANISATION

The major challenges faced by the Institution in the year in review;

- *The issue of overcrowding at the Prison. This normative issue has been exacerbated by the Bail Act as Assented to on 29th April, 2015 and in effect has seen inmates staying at the institution for longer periods. Infrastructural deficiencies such as defective cells gates have also crippled the efforts to reduce this burden.*
- *The management of gang rivalry within an overcrowded establishment.*
- *The delivery of adequate health services to our charges.*
- *The control/management of contagious diseases within the walls of the institution.*
- *The provisions of proper security systems for officers working in a volatile environment.*
- *The issue of tamper proof lighting and electrical fixtures still remain an issue*
- *Poor ventilation remains an issue at the Remand facility.*
- *Inadequate transportation to facilitate daily operations.*
- *Becoming totally compliant with the laws of Trinidad and Tobago.*
- *Garbage storage/disposal remains an issue at the institution.*
- *Consistent supply of water in the Institution remains a problem.*

The Institutions weaknesses have been found to include:-

- *A lack of adequate space to house inmates who are sick and infirmed*
- *Difficulty in safeguarding certain of our charges from violent attacks*
- *Inadequate Cell Block area to enforce discipline/punishment*
- *Inability to eradicate the proliferation of cellular phones within the Prisons.*
- *Challenges with maintaining separation of gangs within the walls of the Prisons.*
- *Challenges to affording the entitlement of Airing considering the number of persons who cannot be aired together.*
- *Challenges in acquiring Fire Certificate for the institution.*
- *Challenges in acquiring an Electrical Certificate.*
- *There are no Alarms on the Eastern End of both North and South lower divisions.*

Recommendations:

- *Establishment of Special Data Base Unit for profiling, monitoring and reporting gang affiliation and movements.*
- *Inmates phone system*
- *Cellular Phones grabbers and Jabbers*
- *Utilisation of the ERF as a punishment division and move the inmates currently housed at the ERF to M.S.P.*
- *Utilisation of the current Lower Cell Block as an infirmary division.*
- *An overhaul of the lighting fixtures and install a tamper proof lighting fixtures.*
- *Advancement for the introduction of the Parole system and alternatives to imprisonment initiatives.*
- *Increase the number of staffing at the institution.*
- *Additional Vehicles and Security Arrangements including Emergency Response Unit (E.R.U.) personnel for Clinics.*
- *An overhaul of the Electrical of the establishment taking into consideration the statutory requirements which will enable a "Passed" Electrical Certification.*
- *Fire Safety Signage is one of the absent features at the Institution which is a requirement for the Fire Certification to be obtained.*
- *The institution requires a Health, Safety and Environmental Policy.*
- *It is recommended that each section of the prison be outfitted with individual pumps which should be monitored by an In-house plumber.*