HRED

PARLIAMENT
REPUBLIC OF TRINIDAD AND TOBAGO

NINTH 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 Treatment of Detainees and Conditions at Holdings Cells in Trinidad and Tobago Police Stations

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. Kazim Hosein	Member
Mr. Esmond Forde, MP	Member
Mrs. Glenda Jennings-Smith, MP	Member
Mr. Barry Padarath[1], MP	Member
Mr. Dennis Moses	Member
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Date Presented in HOR: September 26, 2018 **Date Presented in Senate:** September 21, 2018

[1] Mr. Barry Padarath, MP was appointed to the Committee in lieu of Mrs. Vidia Gayadeen-Gopeesingh with effect from April 09, 2018.

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LIST OF ABBREVIATIONS

CCTV	Closed Circuit Television
DCP	Deputy Commissioner of Police
DMO	District Medical Officer
DPP	Department of Public Prosecutions
EOC	Equal Opportunity Commission
LAAA	Legal Aid Advisory Authority
OOTT	Office of the Ombudsman of Trinidad and Tobago
JP	Justice of the Peace
PCA	Police Complaints Authority
TTPS	Trinidad and Tobago Police Service

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EXECUTIVE SUMMARY

1.1. The Committee resolved at its Eighteenth Meeting held on February 02, 2018, to examine the treatment of detainees and conditions at holdings cells in Trinidad and Tobago Police Stations and agreed that the following two (2) objectives would guide the inquiry:

i. **To determine the Trinidad and Tobago Police Service's legislative compliance with respect to the detainees at Police Stations in Trinidad and Tobago; and**
ii. **To examine the physical conditions of the holding cells at the Police Stations.**

1.2. The Committee agreed that the Trinidad and Tobago Police Service (TTPS) and the Police Complaints Authority (PCA) were to be invited to a public hearing on March 02, 2018.

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 absence of a standard timeframe for the detention of persons, however, detainees are usually charged or released within 24 to 48 hours by the TTPS;

- Detainees may be held for more than 48 hours due to an ongoing investigation or if awaiting evidence from another institution, however, detention beyond 48 hours requires the approval of the Senior Officers at the station;

- Persons who believe that they were wrongfully arrested can submit a complaint to the senior officers at the station and if the person is not satisfied, a legal representative may submit a writ of *habeas corpus* to the High Court for matters of unlawful detention on the behalf of the detainee;

- The need for the introduction of general standards on the length of time a person can be detained;

- The Maracas, St. Joseph Police Station and the Gasparillo Police Station are currently equipped with juvenile suites and the Maraval and Belmont Police

Stations are scheduled to be renovated to include juvenile suites upon the release of funds by the Ministry of National Security;

- There are supervising officers at each police station to provide in-service training and guidance at stations on regulations and guidelines for the custody and care of prisoners;

- Detainees have access to shower facilities and family members are allowed to bring a change of clothes for detainees who in rare cases, are detained for more than 24 to 48 hours;

- The need for an independent body to inspect holding cells at the police stations in order to become compliant with Article 29 of the Body of Principles for the Protection of All Persons Under Any Form of Detention;

- The positioning of CCTVs at police stations are not ideal to facilitate optimum supervision of detainees in holding cells;

- The need for the refurbishing of holding cell doors in new police stations and the retrofitting of holding cells at old police stations in order to prevent incidents of detainee suicide by hanging; and

- The PCA indicated that they are below the ideal complement of staff required to ensure optimal functionality, which is 26 investigators and 11 Attorneys-at-Law.

1.5. The Committee agreed to conduct site visits to the Chaguanas Police Station, the Maracas, St. Joseph Police Station and the Besson Street Police Station on May 04, 2018.

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

- Ventilation – At the Chaguanas Police Station the ventilation holes in the holding cells were blocked with cement and there was limited natural light and air. However, in the Maracas, St. Joseph and the Besson Street Police Stations the ventilation system for the holding cells was separate from the ventilation for the remainder of the police stations;

- Visitation – At all three (3) stations, detainees were allowed visits by family members with the consent of the officers;

- Meals – A caterer provides the detainee with meals at the three (3) police stations, however, under special circumstances, family members may be permitted to provide food for a detainee;

- Holding Cells – A maximum of four (4) detainees are placed in each cell at the three (3) police stations. At the Chaguanas Police Station, in order to prevent overcrowding, excess detainees are sent to the nearest police station located in Brasso;

- Toilets – The detainees often sabotage and clog the holding cell toilets by flushing large items at the three (3) police stations;

- Mattresses – Mattresses or beds are not routinely provided in the holding cells at the police stations since they are used by the detainees as weapons against the police officers and the material could be used to harm themselves. In special cases, for example, if a pregnant woman was detained, or by request of a detainee a mattress could be provided. Mattresses were available at all three (3) police stations for this purpose;

- Monitoring- CCTV cameras are located in the corridor outside the holding cells positioned to face the cell doors in the Maracas St. Joseph and Besson Street police stations while in the Chaguanas Police Station it faces only the corridor of the holding cell area. It must be noted however, that holding cells in all three police stations are patrolled by TTPS officers every half hour;

- Light Fixtures – There were no light fixtures inside the holding cells at the three (3) police stations. The Committee was informed that detainees could use the light fixture as a form of weapon against the TTPS officers or try to commit suicide. For these reasons, light fixtures are stationed outside the cells;

- Station Bail – Station bail at the police stations can only be granted by a TTPS officer, at the rank of Corporal or above; and

- Lockers – Lockers are used to store the personal belongings of the detainees outside of the holding cells at the Maracas, St. Joseph and Besson Street Police Stations. At the Chaguanas Police Station, the lockers for the personal belongings of the detainees were not located in the holding cell area.

1.7. The Committee submits its findings and recommendations with respect to the treatment of detainees and conditions at holdings cells in Trinidad and Tobago Police Stations in Chapter 4.

1.8. The Committee's recommendations are that:

I. The TTPS review the recommendations submitted by the TTPS Social and Welfare Association in Appendix VI.

II. The TTPS refer to Rule 46 (3) of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and seek the advice of health-care personnel when deciding the separation of persons who have mental illnesses.

III. The PCA include a search category in the electronic database to retrieve data on incidents occurring at holding cells in police stations.

IV. The PCA promote its complaints process/system so that persons who are unable to afford a writ of *habeas corpus* can have their complaints against TTPS Officers regarding treatment in holding cells heard and investigated at no cost.

V. The relevant statute be amended to include provisions to permit the use of CCTV cameras to monitor detainees inside the holding cells under special circumstances with the approval of the Commissioner of Police.

VI. The current use of CCTV cameras (along the corridor outside of the holding cell) in all police stations be monitored for a two (2) year period (2017 to 2019) in order to determine whether the introduction of CCTV surveillance will:
   - mitigate the number of complaints received on allegations of abuse by TTPS officers and conditions of holding cells; or
   - expose additional allegations of abuse by TTPS officers; or
   - assist with disproving false allegations made against TTPS officers.

VII. The TTPS engage independent and qualified persons from an independent agency/organisation as stated in Article 29 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment to conduct investigations of the holding cells at police station to ensure compliance with international benchmarks and legislation.

VIII. The TTPS upon the release of funds by the Ministry of National Security, include in its refurbishment plans, juvenile holding cells in police stations in key locations in Tobago during fiscal 2019.

INTRODUCTION

Detainee/Detained Person

2.1. According to the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment of the United Nations a detained person is defined as, *"any person deprived of personal liberty except as a result of conviction for an offence"*[2]. Locally, Section 3 of the Police Service Act, Chap. 15:01 defined a detainee as, *"a person who has been arrested by the police in connection with a criminal offence"*[3].

International Detention Legislation

2.2. According to Article 5 of the United Nations Declaration on Human Rights, *"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment"*.

2.3. The United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules), was revised by the UN General Assembly and adopted in December 2015. The standards provide guidelines for the management of prison facilities and the treatment of prisoners, in the development of prison laws, policies and practices in Member States all over the world.[4]

2.4. The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment was adopted by the United Nations General Assembly on December 09, 1988. These principles apply for the protection of all persons under any form of detention or imprisonment[5]. Principles 1, 6, 8, 15 and 29 state:

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[2] Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 1988, United Nations. https://www.un.org/ruleoflaw/files/Body%20of%20Principles%20Detention.%20pdf.pdf

[3] Section 3 of the Police Service Act, Chapter 15:01, http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/15.01.pdf

[4] The United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules) http://www.un.org/en/events/mandeladay/rules.shtml

[5] UN Human Rights Office of the High Commissioner, "Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment", https://www.globaldetentionproject.org/wp-content/uploads/2016/06/The-Body-of-Principles-for-the-Protection-of-All-Persons-under-Any-Form-of-Detention-or-Imprisonment.pdf

"1. All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person.
6. No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment.
8. Persons in detention shall be subject to treatment appropriate to their unconvicted status. Accordingly, they shall, whenever possible, be kept separate from imprisoned persons.
15. Notwithstanding the exceptions…communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days.
29. (1). …. places of detention shall be visited regularly by qualified and experienced persons appointed by, and responsible to, a competent authority distinct from the authority directly in charge of the administration of the place of detention or imprisonment; and
(2) a detained or imprisoned person shall have the right to communicate freely and in full confidentiality with the persons who visit the places of detention or imprisonment … subject to reasonable conditions to ensure security and good order in such places."

Detention Legislation in Trinidad and Tobago

2.5. Section 5(2) of the Constitution of Trinidad and Tobago states, *"Without prejudice to subsection (1), but subject to this Chapter and to section 54, Parliament may not –*

(a) authorize or effect the arbitrary detention, imprisonment or exile of any person;
(b) impose or authorise the imposition of cruel and unusual treatment or punishment;
(c) deprive a person who has been arrested or detained –
(i) of the right to be informed promptly and with sufficient particularity of the reason for his arrest or detention;
(ii) of the right to retain and instruct without delay a legal adviser of his own choice and to hold communication with him;
(iii) of the right to be brought promptly before an appropriate judicial authority;
(iv) of the remedy by way of habeas corpus for the determination of the validity of his detention and for his release if the detention is not lawful;
(d) authorise a Court, tribunal, commission, board or other authority to compel a person to give evidence unless he is afforded protection against self-incrimination and, …, the right to legal representation;
(e) deprive a person of the right to a fair hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations;
(f) deprive a person charged with a criminal offence of the right –
(i) to be presumed innocent until proved guilty according to law, …;
(ii) to a fair and public hearing by an independent and impartial tribunal; or (iii) to reasonable bail without just cause;
(g) deprive a person of the right to the assistance of an interpreter in any proceedings in which he is involved or in which he is a party or a witness…; or

(h) deprive a person of the right to such procedural provisions as are necessary for the purpose of giving effect and protection to the aforesaid rights and freedoms.[6]*"*

2.6. Section 17 of the Anti-Gang Act, 2018 provides for prolonged detention under the following circumstances:

> *"17. (1) Notwithstanding any law to the contrary, a police officer may, without a warrant, detain for a period not exceeding seventy-two hours, a person whom he has reasonable cause to believe – (a) has committed; or (b) has interfered with an investigation of, an offence under this Act without charging him for the offence…*
> *(5) A Judge may grant a detention order … for the further detention of the person named in the application if he is satisfied that there are reasonable grounds to believe that – (a) the further detention of the person to whom the application relates is justified; and (b) the investigation is being."*

2.7. Sections 4A and 15B (1) and (2) of the Legal Aid and Advice Act, Chap. 7:07 indicate the requirements for legal representation through the Duty Counsel,

> *"4A. (1) The Director shall prepare and maintain panels of Attorneys-at-law to be known as Duty Counsel who are willing to –*
> *(a) provide legal representation for a minor as soon as possible after the minor is detained on suspicion of having committed an offence; or*
> *(b) provide legal representation for persons detained on suspicion of having committed a capital offence or such other indictable offence as the Minister may, by Order, subject to negative resolution of Parliament, specify.*
>
> *15B. (1) Where a suspect is detained, the senior officer in charge of the police station or other place of detention shall, as soon as possible inform the authority of –*
> *(a) the name of the suspect and, where the suspect is a minor, the age of the suspect;*
> *(b) the nature of the offence; and*
> *(c) the location where the suspect is being detained.*
> *(2) Immediately upon being informed under subsection (1), the Director shall, without reference to the Court or the Authority, make arrangements for an Attorney-at-law referred to in section 4A ("the Duty Counsel") to provide legal representation for the suspect until such time as –*
> *(a) the suspect, or his parent or guardian, has appointed an Attorney-at-law and has signed in the appropriate place the Duty Counsel Certificate in Form 3 of the Third Schedule to signify that he has discharged the Duty Counsel;*
> *(b) the Duty Counsel, with the leave of the Director, discontinues his services to the suspect;*
> *(c) the suspect is released without being charged; or*
> *(d) the suspect is charged with an offence and, where applicable, legal aid is granted to him under this Act."*

[6] Constitution of Trinidad and Tobago, p18. http://rgd.legalaffairs.gov.tt/Laws2/Constitution.pdf

Trinidad and Tobago Police Service (TTPS)

2.8. The TTPS was established under the Police Service Act of Trinidad and Tobago, Chap. 15:01. The TTPS is serviced by over 6500 officers and is organized into nine Divisions which covers Trinidad and Tobago as well as 18 Branches, Squads and Units[7].

Police Service Regulation, 2007

2.9. Part IX [Sections 99-113] of the Police Service Regulations 2007, refers to the *Custody and Care of Prisoners*. These Regulations instruct the Officers on the required conduct when dealing with prisoners in the following situations[8]:

- Key for female cell
- Opening of cell
- Searching of prisoner
- Record to be kept of prisoner's property
- Prisoner's property handed over
- Prisoner in cell to be visited
- Children of prisoner in custody
- Feeding of prisoner
- Legal adviser to prisoner
- Sick prisoner
- Numerical strength of escort
- Prison van
- Dangerous prisoner
- Handcuffs

Standing Orders of the TTPS

2.10. The TTPS Standing Orders serve as "*blueprints for police operations and functions*" and seek to "*provide a manual of general directions geared for the training and re-training of police officers in keeping with the changes attending society as a whole*[9]."

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[7] The Ministry of National Security website, http://www.nationalsecurity.gov.tt/Divisions/Trinidad-and-Tobago-Police-Service-TTPS

[8] The Police Service Regulation 2007, Part IX, Sections 99-113, pages 1237-1239. http://www.ttlawcourts.org/index.php/component/attachments/download/1004

[9] Judgement Haynes vs the Attorney of Trinidad and Tobago, CV 2008-01274, dated March 16, 2014, Page 18. http://webopac.ttlawcourts.org/LibraryJud/Judgments/HC/rampersad/2008/cv_08_01274DD06mar2014.pdf

Budgetary Allocation

2.11. The budgetary allocation for the TTPS for the fiscal years 2014 to 2018 under Recurrent Expenditure and Development Programme Expenditure is provided in Table 1.

Table 1
Budgetary Allocation, TTPS

Budget Allocation	2014 (Actual)	2015 Actual)	2016 (Actual)	2017 (Revised Estimates)	2018 (Estimates)
Estimates for Recurrent Expenditure	$1,932,761,508[10]	$2,101,711,872[11]	$1,143,707,200[12]	$914,313,400[13]	$2,343,065,876
Estimates for Development Programme	$101,537,524[14]	$ 53,274,718[15]	$45,078,716[16]	$33,600,000[17]	$37,243,000

Police Complaints Authority (PCA)

2.12. The Police Complaints Authority (the Authority/the PCA) was established by the Police Complaints Authority (PCA), Act Chap. 15:05 as an independent corporate body to investigate criminal offences involving police officers, police corruption and serious police misconduct and for other related matters.

4.1. The term "serious police misconduct" was defined under Section 4 of the Police Complaints Authority Act, Chap. 15:05 as , "*…the commission of a disciplinary offence under the Police Service Regulations…which the Authority considers to be so serious as to bring the Police Service into disrepute;*" [18].

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[10] Estimates, Details of Estimates of Recurrent Expenditure for the Financial Year 2016.
[11] Estimates, Details of Estimates of Recurrent Expenditure for the Financial Year 2017.
[12] Draft Estimates, Details of Estimates of Recurrent Expenditure for the Financial Year 2018.
[13] Ibid.
[14] Estimates of Development Programme for the Financial Year 2016.
[15] Estimates of Development Programme for the Financial Year 2017.
[16] Draft Estimates of Development Programme for the Financial Year 2018.
[17] Ibid.
[18] Section 4 of the Police Complaints Act, Chap. 15:05. http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/15.05.pdf

4.2. The Police Complaints Authority (PCA) classifies a complaint from one to five with five representing the most serious complaints requiring immediate attention and one representing complaints which are less serious. A complaint can be classified as five based on:

- The serious nature of the complaint i.e. fatal and non-fatal shootings, murder/attempted murder or any incident with fatality;
- The urgent nature of the complaint i.e. those identified as urgent by the Authority, where the statutory limitation period requires urgency,

2.13. Table 2 provides the "Number of Complaints" received by the PCA over the period 2010 to 2017[19].

Table 2
Number of PCA Complaints from 2010 to 2017

Year	Dec 2010 to Sept 2011	Oct 2011 to Sept 2012	Oct 2012 to Sept 2013	Oct 2013 to Sept 2014	Oct 2014 to Sept 2015	Oct 2015 to Sept 2016	Oct 2016 to Sept 2017
Number of Complaints	255	340	470	491	321	320	284

United States Country Report on Human Rights Practices for Trinidad and Tobago for 2016

2.14. The 2016 United States Country Report for Trinidad and Tobago indicated that the mistreatment of suspects and detainees is one of the most serious human rights problems in Trinidad and Tobago.

> *"A police officer may arrest a person based on a warrant issued or authorized by a magistrate, or without a warrant if the officer witnesses the commission of an alleged offense. Detainees, as well as those summoned to appear before a magistrate, must appear in court within 48 hours[20] (after being charged). In cases of more serious offenses, the magistrate either commits the accused to prison on remand or allows the accused to post bail, pending a preliminary inquiry. Authorities granted detainees immediate access to a lawyer and to family members.*

[19] 2016/2017 Annual Report of the Police Complaints Authority. Page 31. http://www.pca.org.tt/wp-content/uploads/2018/05/PCA-2016-Annual-Report.pdf

[20] Section 105 of the Summary Courts Act, Chap. 4:20 states, the person must be brought before the Magistrate or JP within 24 hours, the police has power to grant bail if they are unable to take the detainee before the Court.

Persons charged with murder, treason, piracy, kidnapping for ransom, and hijacking[21]*, as well as persons convicted twice of violent crimes, are ineligible for bail for a period of up to 120 days*[22] *following the charge, but a judge may grant bail to such persons under exceptional circumstances. When authorities denied bail, magistrates advised the accused of their right to an attorney and, with few exceptions, allowed them access to an attorney once they were in custody and prior to interrogation. The Minister of National Security may authorize preventive detention to preclude actions prejudicial to public safety, public order, or national defense, in which case the minister must state the grounds for the detention.*

Arbitrary Arrest: *False arrest, although infrequent, occurred. Victims may pursue legal redress and the right to a fair trial through an independent judiciary.*

Detainee's Ability to Challenge Lawfulness of Detention before a Court: *Persons who believe they have been arrested or detained in unfair circumstances may bring an action for malicious prosecution, which offers persons a legal basis to challenge the arbitrary nature of their detention and obtain prompt release and compensation if found to have been unlawfully detained.*[23]*"*

Conduct of the Inquiry

2.15. The public hearing was held on Friday March 02, 2018. During this time, the Committee questioned the officials on the various matters based on the inquiry objectives.

2.16. 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 following stakeholders;

- Trinidad and Tobago Police Service (TTPS);
- Police Complaints Authority (PCA);
- The Office of the Ombudsman of Trinidad and Tobago (OOTT);
- Equal Opportunity Commission (EOC);
- Trinidad and Tobago Police Service Social and Welfare Association; and
- Legal Aid Advisory Authority (LAAA).

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[21] Section 5 and the First Schedule of the Bail Act, Chap. 4:60 states, any person charged with these offences are ineligible for bail.
[22] This is no longer applicable since the Bail (Amendment) Act, 2015 expired on the August 15, 2016.
[23] 2016 United States Country Report on Human Rights Practices for Trinidad and Tobago, Pages 1, 5 and 6. https://www.state.gov/documents/organization/265830.pdf

2.17. The Committee did not receive responses from the public call for submissions issued on February 09, 2018.

2.18. Table 3 below provides a list of the officials that were invited to the public hearing.

Table 3
Officials Attendance List

Name	Position
Police Complaints Authority (PCA)	
Mr. David West	Director
Ms. Michelle Solomon-Baksh	Deputy Director
Mr. Allan Meiguel	Head of Investigations
Ms. Anita Mangra	Team Lead/Legal Counsel II
Trinidad and Tobago Police Services (TTPS)	
Mr. Stephen Williams	Commissioner of Police (Ag.)
Mr. Deodat Dulachan	Deputy Commissioner of Police (Ag.), Operations
Mr. Garfield Moore	Asst. Commissioner of Police (Ag.), Tobago
Mr. Mc Donald Jacob	Asst. Commissioner of Police (Ag.), North-East
Mr. Harrikrishen Baldeo	Asst. Commissioner of Police (Ag.), South
Mrs. Patsy Joseph	Asst. Commissioner of Police (Ag.), Central
Mrs. Beverly Lewis	Asst. Commissioner of Police (Ag.), North-West
Mr. Irwin Hackshaw	Asst. Commissioner of Police (Ag.), Anti-Crime

2.19. The Committee conducted site visits to the Chaguanas Police Station, the Maracas, St. Joseph Police Station and the Besson Street Police Station on May 04, 2018. The site visit report is attached in **Appendix III**.

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

2.21. The Ninth Report was approved on September 19, 2018.

EVIDENCE

Statistics

3.1. Table 4 shows the number of suicides committed in holding cell at police stations during the years 2010 to 2017. The table also includes the offence committed by the detainee and the method of suicide used.

Table 4
Number of Suicides in TTPS Holding cells from 2010 to 2017

No.	Year	Offense	Cause of Death
1	2010	1. Kidnapping 2. Murder	Hanging
2	2010	Murder	Hanging
3	2010	Possession of Cocaine	Hanging
4	2010	Breach of Protection Order	Hanging
5	2011	Fighting	Hanging
6	2011	Larceny	Hanging
7	2011	Larceny from the person	Hanging
8	2012	Malicious Wounding	Hanging
9	2013	Larceny Motor Vehicle	Bang head against bars
10	2014	Possession of Cocaine	Hanging
11	2015	Attempted Robbery	Hanging
12	2017	Housebreaking and Larceny	Hanging
13	2017	Murder	Hanging

3.2. Table 5 shows the total number of police brutality cases under investigation by the TTPS Professional Standard Bureau as at February 28, 2018.

Table 5
Number of Police Brutality Cases under Investigation as at February 28, 2018

Year	Number of Cases
2015	8
2016	13
2017	20
Total	41

3.3. Table 6 shows the monthly number of detainees in holding cells in police stations for the period 2015 to January 31, 2018.

Table 6
Monthly Number of Detainees in Holding Cells from 2015 to January 31, 2018

Month	2015	2016	2017	Jan 31,2018	Total
January	3905	3452	4144	3952	15453
February	3632	3893	4000	0	11525
March	3644	3800	4187	0	11631

April	3625	4005	3851	0	11481
May	3850	4002	3955	0	11807
June	3878	3866	3830	0	11574
July	3791	3742	3707	0	11240
August	3303	3314	3540	0	10157
September	3449	3869	3864	0	11182
October	4158	3558	4127	0	11843
November	3927	3626	4127	0	11680
December	3476	3363	4122	0	10961
Total	44638	44490	47454	3952	140534

3.4. Table 7 shows the number of complaints submitted to the PCA with regard to prolonged detention as at March 26, 2018.

Table 7
PCA Complaints of Prolonged Detention as at March 26, 2018

No.	Length of Detention	Status of Investigation	Decision Taken
1	A weekend	Closed	No further action/ victim died and the spouse was not interested in continuing the matter.
2	2 days	Closed	No further action/ insufficient evidence to support the allegations raised in the complaint
3	3 days	Closed	No further action/ insufficient evidence to support the allegations raised in the complaint
4	3 days	Closed	Complaint withdrawn
5	3 days	Open	Investigations ongoing
6	9 days	Closed	No further action was taken with respect to this complaint however complainant was advised to seek independent legal advice into the matter as the detention may have given rise to a civil claim against the state.
7	A weekend	Closed	File forwarded to the Commissioner of Police for further enquiries.
8	10 days	Open	Investigations ongoing
9	3 hours	Open	Investigations ongoing
10	Complainant alleged that the remained in the cell for 5 hours after bail was granted	Closed	File closed with no further action
11	A weekend	Closed	File closed with no further action

3.5. Table 8 shows the number of cases of unlawful detention according to the TTPS were submitted to the Court/PCA for the period 2013 to 2017.

Table 8
Cases of Unlawful Detention for 2013 to 2017

Year	Unlawful Detention
2013	0
2014	1
2015	1
2016	2
2017	2
Total	6

Objective 1: To Determine the Trinidad and Tobago Police Service's Legislative Compliance with respect to the Detainees at Police Stations in Trinidad and Tobago

Legislation/Regulations for Treatment of Detainees

3.7. The Police Service Regulations (Part 1X – 100-113) provides the guidelines for the Custody and Care of Prisoners while held in cells at police stations. A list of the Regulations and the TTPS' compliance with the Regulations is provided in **Appendix IV**.

3.8. The TTPS indicated that they are also guided by Section 5(2)(c) of the Constitution (see Item 2.5) for detainee treatment at the holding cells in police stations.

3.9. The TTPS submission indicated that the international standards currently used as a benchmark for holding cells are the Standard Minimum Rules for the Treatment of Prisoners which prescribes that *"all accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation"*.

Access to Legal Aid

3.10. Rule 119 (2) of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) states, "*2. If an untried prisoner does not have a legal adviser of his or her own choice, he or she shall be entitled to have a legal adviser assigned to him or her by a judicial or other authority in all cases where the interests of justice so require and without payment by the untried prisoner if he or she does not have sufficient means to pay. Denial of access to a legal adviser shall be subject to independent review without delay.*"

3.11. The Legal Aid Advisory Authority (LAAA), indicated that Section 15B of the Legal Aid and Advice Act, Chap. 7:07, mandates that the TTPS call the LAAA's 24 hour Duty

Counsel Telephone line in cases where a minor was detained for any offence and adult suspects detained pursuant to a matter involving a capital offence[24]

3.12. According to the LAAA, in the majority of instances, the legislation is followed and citizens who fall into the category of detained persons as envisioned by the legislation are provided with the Duty Counsel who advises as to their constitutional rights and their well-being.

3.13. However, there are some instances where police officers do not contact the Duty Counsel Call Centre and proceed to process the suspect without Duty Counsel Representation. Examples of these reasons include:

- The suspect did not provide their correct age to the Investigating Officer, TTPS;
- The police officer was not aware of the existence of the Duty Counsel System which resulted in the child detainee being processed without Duty Counsel Representation; and
- The police officer lacked a sense of urgency. This means that they arrested a suspect and either did not bother to contact the Duty Counsel Call Centre or they did not contact the Call Centre until many hours later.

Length of Time in Detention in Holding Cells

3.14. Detention at a police station is dependent on the nature and circumstances of the investigation. The TTPS must justify the detention of an individual on a minute by minute basis and the continuous detention of the detainee on reasonable grounds.

3.15. The reasons a detainee may be held for longer than 24 hours are:

- The nature of the offence may warrant extended detention time e.g. homicide matters, suspects in ID parade and extensive enquiries;
- The need for consultation with the DPP; and
- Awaiting the results from expert reports in order to proceed with investigations.

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[24] Section 15B of the Legal Aid and Advice Act, Chap. 7:07.
http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/7.07.pdf

3.16. In addition, there is an exception to the period of detention for persons detained for an offence under the Section 23(4) of the Anti-Terrorism Act, Chap. 12:07 as, "*An Order under subsection (3) shall be for a period not exceeding forty-eight hours in the first instance and may be extended for a further period provided that the maximum period of detention under the Order does not exceed fourteen days*".

Complaints of Unlawful Detention

3.17. According to Section 4 of the Police Complaint Authority Act, Chap. 15:05, "a complaint" includes "*an allegation of police corruption, serious police misconduct, the commission of a criminal offence by a police officer or the commission of a criminal offence by any other person but involving a police officer, which is submitted to the Authority.*"

3.18. The timeframe for the completion of a PCA investigation is dependent on the nature of the offence being investigated, the complexity of the matter, the timeframe that documentation from external entities was received, the availability of persons for interviews and other factors. Therefore, a standard timeframe for each PCA investigation is not applicable. However, complaints which contain allegations of criminal offences of a summary nature are generally investigated before the expiration of the six month limitation period.

3.19. Over the past five (5) years there were one hundred and seventy-four (174) PCA complaints of a breach of Section 150 (2)(h)(i) of the Police Service Regulations which states, " *an officer is liable to be with a disciplinary offence if he commits…Unlawful or unnecessary exercise of authority, that is to say, if the officer – without good and sufficient cause makes an unlawful and unnecessary arrest*".

3.20. According to the EOC, any complaints of negative treatment of a detainee and/or the poor physical conditions of the holding cells at the police stations could be a sustainable claim of discrimination in the provision of goods and service or the provision of accommodation in accordance with Sections 17 and 18 of the Equal Opportunity Act,

Chap. 22:03. However, the detainee discriminatory act would need to have occurred as a result of his 'status'[25] or actions taken under 'victimization[26]' or 'offensive behavior[27]'.

Medical Treatment of Detainees

3.21. Principle 24 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states, "*A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge.*"

3.22. According to the submission from the TTPS, the District Medical Officer (DMO) is contacted to assess the physical illness of the detainee. If the DMO is unavailable, the detainee taken to a public health institution where an assessment of the detainee will be conducted.

3.23. In the case of a detainee who may have a mental illness, if the detainee is charged, the detainee will be taken to the Court where the Magistrate would determine the fitness of the detainee and refer him to a mental health institution for further evaluation. It should be noted that all TTPS officers are trained on the operating procedures provided in TTPS Standing Order 33 on Mentally Ill Persons.

Suicide Prevention

3.24. The TTPS indicated the following methods are used to prevent incidences of suicides in the holding cells.

- Removal of items such as shoelaces, belts and other items which the defendant may use to harm himself or others;
- Prisoners are visited every half hour to ensure that they are in good health and there are no complaints;

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[25] According to Section 3 of the Equal Opportunity Act, Chap. 22:03, 'status' refers to a person's sex; race; ethnicity; the origin, including geographical origin; the religion; the marital status; or any disability of that person. http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/22.03.pdf
[26] Discrimination by Victimisation. Section 6 of the Equal Opportunity Act, Chap. 22:03.
[27] Offensive behaviour. Section 7 of the Equal Opportunity Act, Chap. 22:03.

- Detainees are monitored by CCTV cameras installed in the corridors of the holding cells; and
- Holding cell infrastructure has been re-designed to eliminate incidents of hanging.

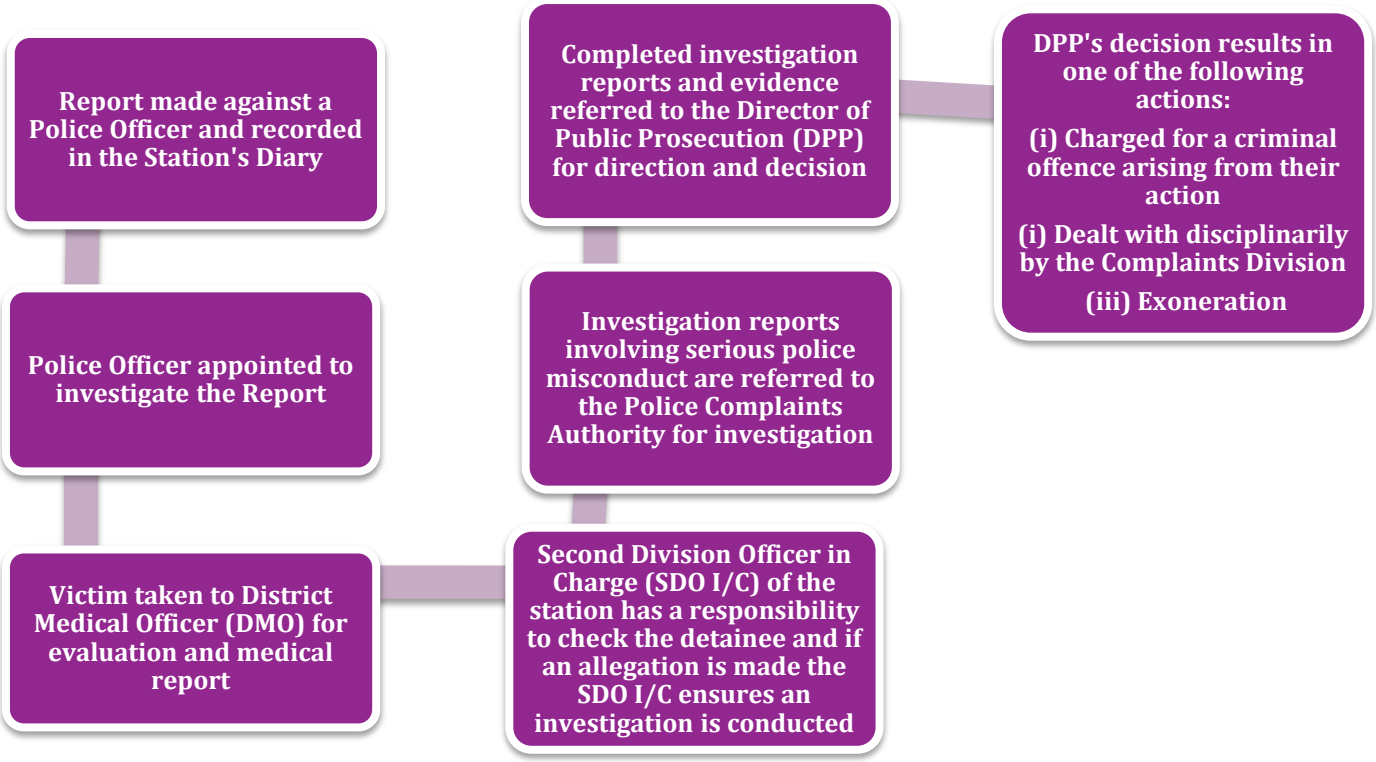
3.25. Additionally, if a detainee is known to have suicidal tendencies, the detainee is given special attention by the officers at the police station.

Excessive Force

3.26. The use of force by a police officer is governed by the TTPS Use of Force Policy which is premised on the Criminal Law Act, Chap. 10:04 and guided by the principles of reasonableness, proportionality and necessity. Additionally, the determination of the excessive use of force will vary depending on the situation.

3.27. Figure 1 shows the disciplinary procedure for police officials in cases of reports of the excessive use of force by the police official on the detainee. According to Table 5, there were 41 police brutality cases under investigation by the TTPS Professional Standard Bureau as at February 28, 2018.

Figure 1
Process Map for Disciplinary Process of Police Officers (Excessive Use of Force)



3.28. The submission from the TTPS indicated that when conducting an interrogation of a suspect the actions of the officers are guided by:

- TTPS Standing Orders;
- The Constitution of the Republic of Trinidad and Tobago;
- the Judges Rules;
- The Police Service Act, Chap. 15:01;
- The Evidence Act, Chap. 7:02;
- The Children Act, Chap. 46:01; and
- Case Law.

3.29. The PCA's challenges to conduct an investigation into a complaint include:

- The rate of receipt of new complaints versus rate of turnover;
- Insufficient investigative and legal staff ;
- Insufficient funding; and
- Issues beyond the control of the PCA.

Meals for Detainees

3.30. Rules 22 and 114 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) state, "*22 1. Every prisoner shall be provided by the prison administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served. 2. Drinking water shall be available to every prisoner whenever he or she needs it. 114. Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, have their food procured at their own expense from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food.*"

3.31. According to TTPS, the detainees are fed in accordance with Police Regulations IX 106 (2) and (3) which states, "*(2) A prisoner shall be fed three times daily at 7.30 a.m.,12.30 p.m. and 5.30 p.m. or as near as possible to these hours. (3) A prisoner may be supplied with food from outside, but the officer in charge of the Reception Area shall examine all such food.*[28]"

[28] http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/15.01.pdf p108

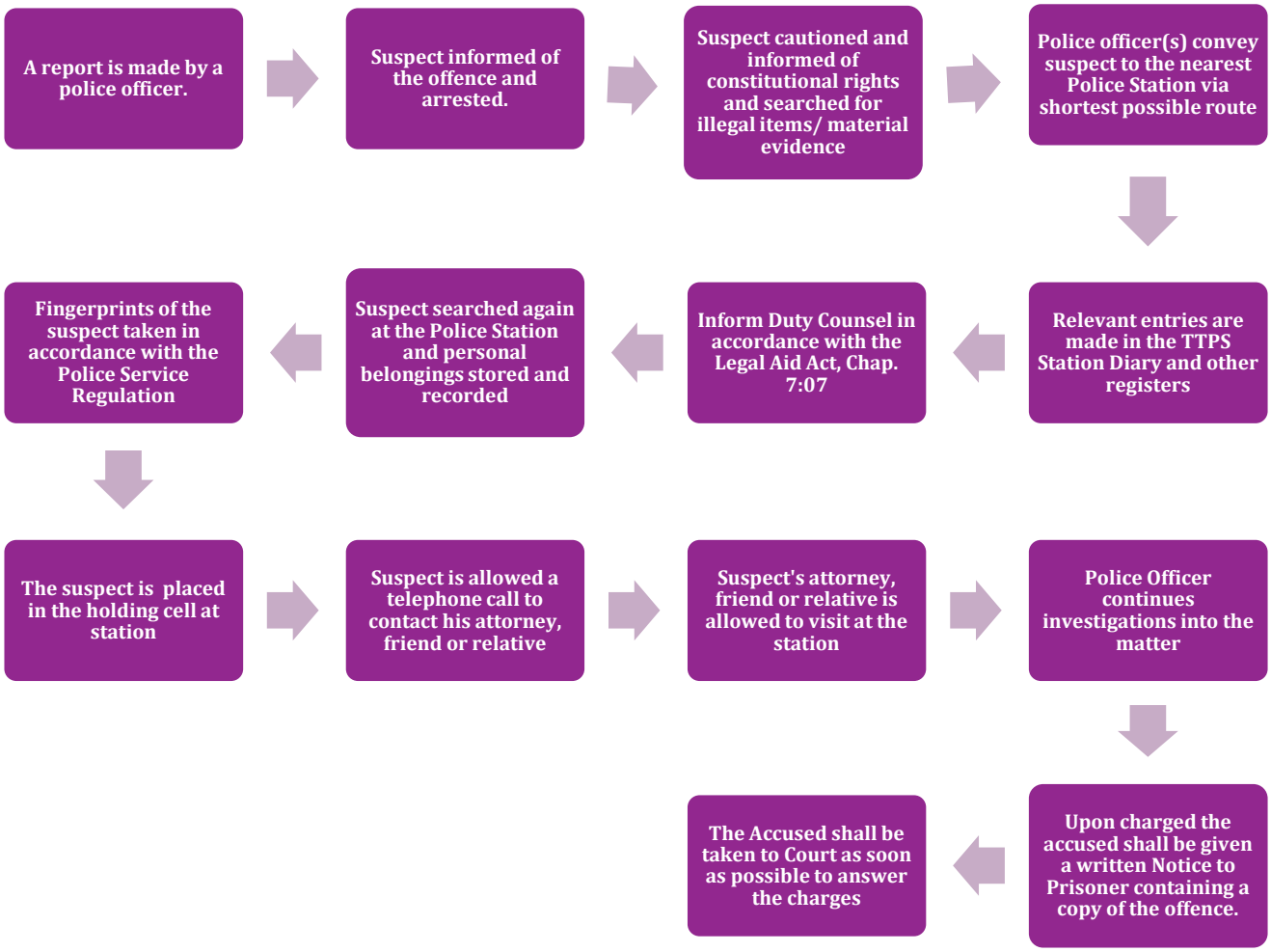
3.32. The Second Division Officer in charge (SDO I/C) of the station is responsible to ensure detainees receive three meals and informs the caterer of special dietary restrictions. Catered meals are provided at an estimated annual expenditure of $4.5M as follows:

- Vegetarian;
- Special dietary restrictions (with proper documentation e.g. diabetic prisoners, hindu or muslim detainees); and
- Non-vegetarian.

Procedure for a New Detainee

3.33. Figure 2 shows a process map of the procedure for processing a new detainee at a police station.

Figure 2
Process Map for a New Detainee



Studies Conducted

3.34. According to the TTPS Social and Welfare Association an ethnographic study[29] was conducted by Mr. Anand Ramesar, Secretary of the Trinidad and Tobago Police Service Social and Welfare Association, entitled *'Police Interrogation of Suspects in Trinidad and Tobago[30]'*. The study highlighted various issues in the TTPS with regard to the interrogation procedure for suspects.

[29] Ethnography is a qualitative method for collecting data often used in the social and behavioral sciences. Data are collected through observations and interviews, which are then used to draw conclusions about how societies and individuals function. Ethnographers observe life as it happens instead of trying to manipulate it in a lab. http://www.virginia.edu/vpr/irb/sbs/resources_guide_ethn.html

[30] This ethnographic study of 25 interrogations of criminal suspects in police stations was conducted over a five year period where the research had liberal and unhindered access. There was no formal or informal arrangement between the researcher and the police officers being observed.

Objective 2: To Examine the Physical Conditions of the Holding Cells at the Police Stations

Accommodation

3.35. The TTPS indicated that according to the Police Service Regulation 119, "*There shall be at least two prisoners cells provided at each Police Station – one for adult male prisoners and the other for adult female prisoners.*"

3.36. According to the TTPS, the Planning, Research and Project Implementation Unit in developing new facilities is charged with the responsibility of ensuring that specifications for new facilities are in compliance with the requirements of existing legislations. The holding cells are inspected on a regular basis to ensure compliance with the law. However, no independent body conducts routine inspection of the cells.

3.37. The dimensions of the police stations at Gasparillo, Brasso and Maracas, St. Joseph are provided in Table 9.

Table 9
Dimensions of a Holding Cell

Typical Police Stations	Gasparillo	Brasso	Maracas, St. Joseph Child Detainees ONLY
Adult/Juvenile Suites/ Suites Dimensions	12'x9'	14'x9'	10'x10'
Area (ft^2)	108	126	100

Overcrowding

3.38. The TTPS indicated that overcrowding may occur in holding cells due to any of the following reasons:

- Multiple arrests made on raids and searches;
- Road blocks;
- Carnival celebrations; and

- Special exercises or emergency situations, where multiple arrests take place and persons are placed at station cells in the closest proximity of the exercises.

Complaints on the Physical Conditions of a Holding Cell

3.39. The Legal Aid Advisory Authority highlighted the following complaints from detained persons and personal observations based on permitted access:

i. The uncomfortable and unbearable smell emitting from the toilet facilities suggest that the toilets are either not maintained/cleaned or broken;
ii. The uncomfortable sleeping and bedding facilities for persons being detained overnight;
iii. The presentation and quality of the food provided to the prisoners and reluctance to eat related to the smell emanating from the toilet facilities;
iv. The absence of beds or chairs in the cells therefore detainees have to sit on concrete floors often wet with urine or human faeces;
v. In some instances, there is an absence of a toilet in the cell and buckets are placed for use as a toilet by several men ;
vi. Detainees not being allowed to receive medication or food from family members;
vii. Not being able to communicate with family who are there to enquire as to their well-being;
viii. Frequent complaints by female prisoners about the lack of sanitary pads;
ix. Detainees who have allegedly committed heinous offences are placed in the same cell as others who have allegedly committed less severe offences; and
x. Detainees with mentally disabilities are placed in the same cell with other detainees.

Figure 4 Picture of a typical cell submitted by the TTPS

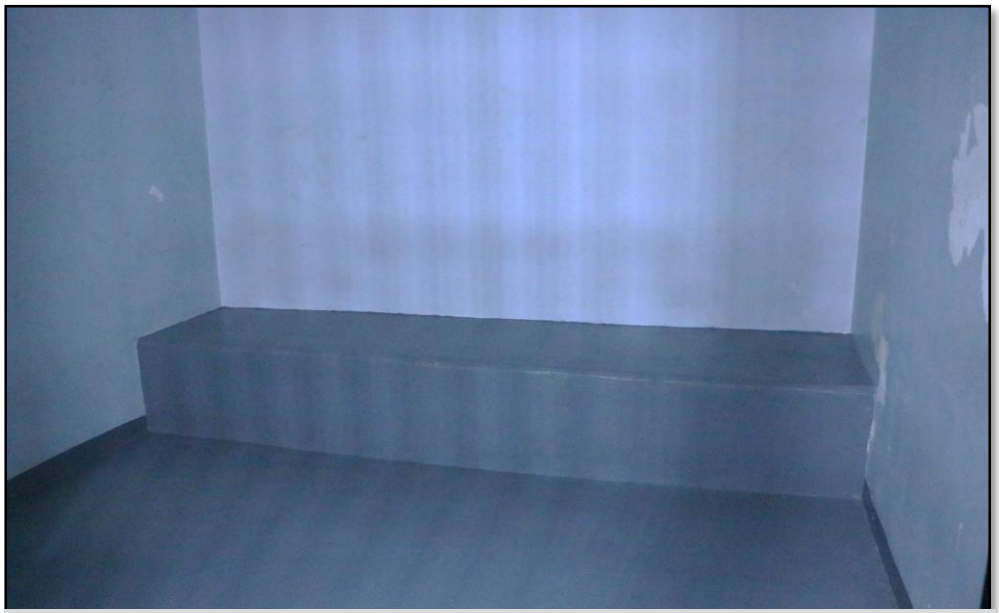


Figure 3 Holding cell at the Besson Street Police Station taken during the site visit

Figure 6 Juvenile suite at the Maracas, St. Joseph Police Station

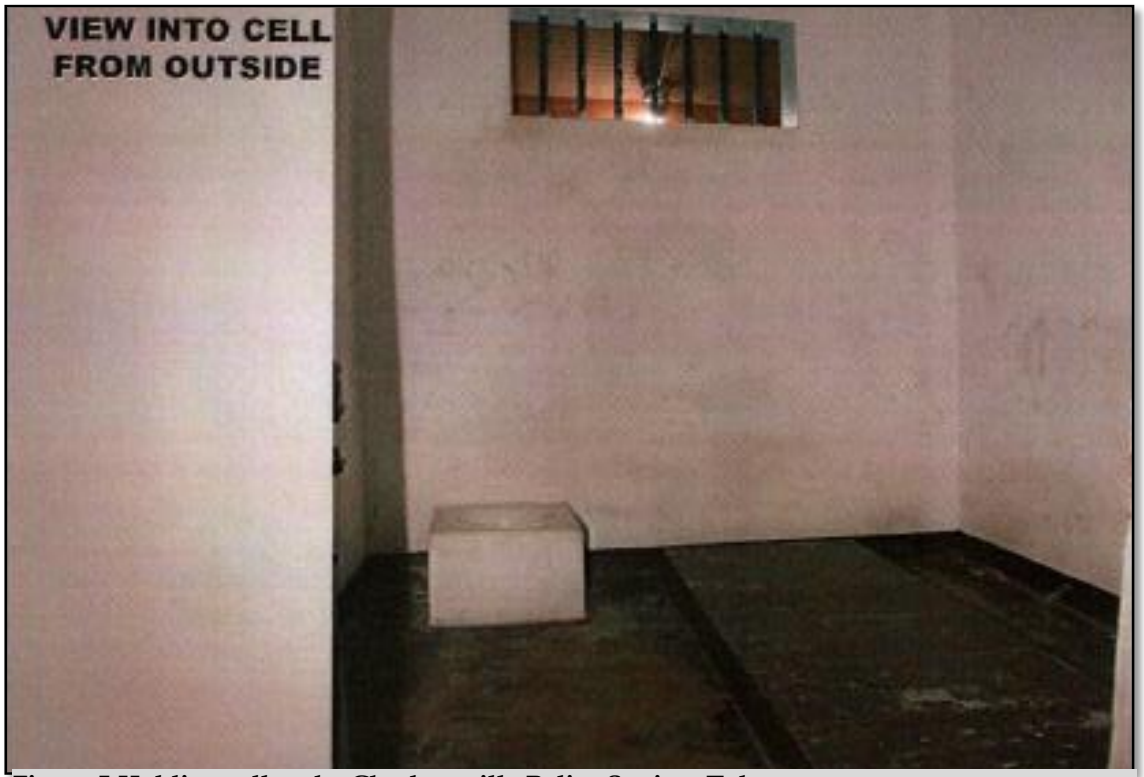


Figure 5 Holding cell at the Charlotteville Police Station, Tobago

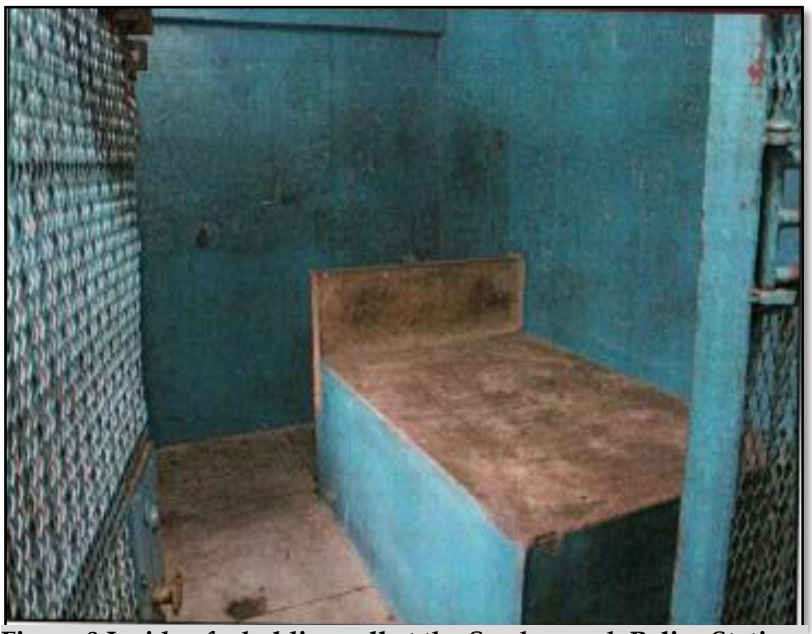


Figure 8 Inside of a holding cell at the Scarborough Police Station

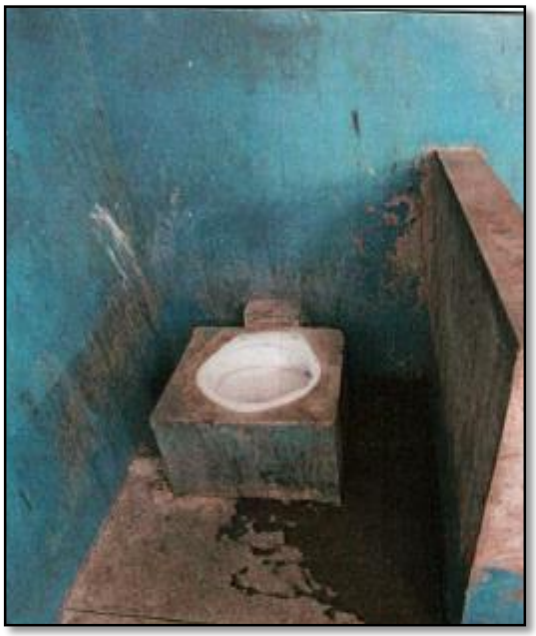


Figure 7 Toilet inside the holding cell at the Scarborough Police Station

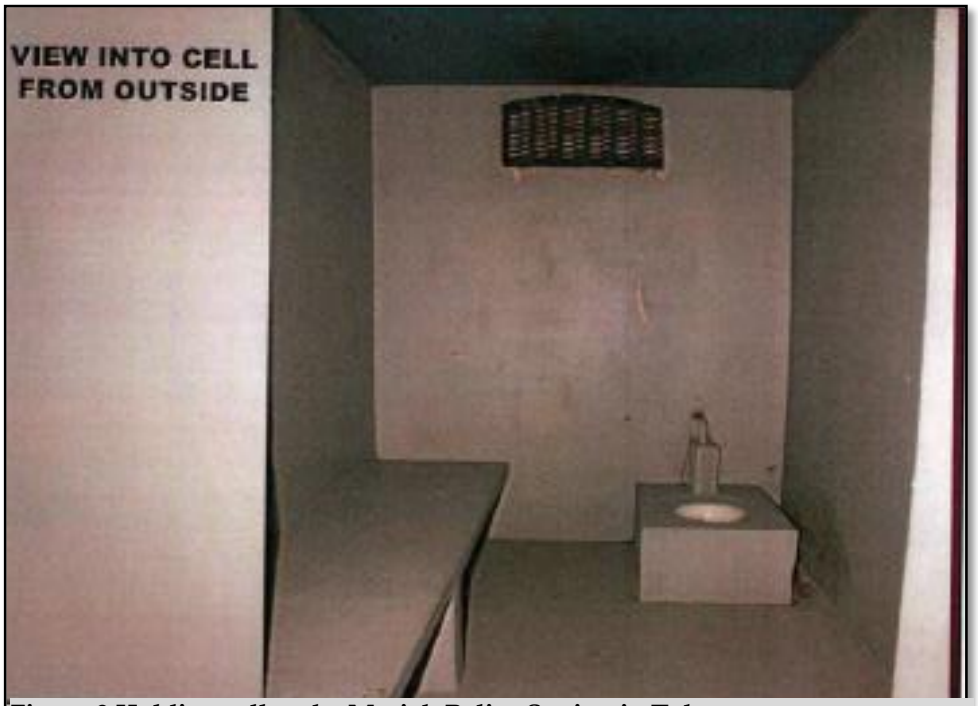


Figure 9 Holding cell at the Moriah Police Station in Tobago

Objective 1: To Determine the Trinidad and Tobago Police Service's Legislative Compliance with Respect to the Detainees at Police Stations in Trinidad and Tobago.

Length of Time in Detention in Holding Cells

3.40. The Committee was informed that there is no statute in Trinidad and Tobago which provides a stipulated time limit for the detention of a person in police custody and the law on detention is derived from common law, that is, custom and judicial precedent as such the issue for police officers is to process the detainee in a prompt matter and in the least amount of time possible prior to being sent to the Court. Further, TTPS officers are guided by their own reasonable discretion in fulfilment of their functions.

3.41. The Committee noted that in typical cases the detainee can expect to go to Court within 24 hours, however, in unusual cases persons may be detained for more than 24 hours, pending the investigation process and the nature of each individual case/offence. Additionally, persons detained during the weekend would to be sent to Court on Monday morning. **(See Table 6 for the monthly number of detainees in holding cells in police stations from 2015 to January 31, 2018)**

3.42. However, the recent proclamation of the Anti-Gang Act, 2018 on May 28, 2018 provides for the detention of a person not exceeding 72 hours *whom he has reasonable cause to believe has committed or has interfered with an investigation of an offence under the Anti-Gang Act, 2018 without charging him for the offence*.

3.43. The Committee noted that the TTPS is currently satisfied with the absence of an upper or lower limit for the length of time a person can be detained, however, the PCA's view was that the inclusion of upper and lower detention time limits in holding cells can be beneficial from the perspective of the detainee.

3.44. With regard to the length of time a person can be detained in holding cells, Principle 38 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states, "*A person detained on a criminal charge shall be entitled to trial within a reasonable time or to release pending trial*[31]." The TTPS' current detention time period and procedure is in adherence to international guidelines.

3.45. The Committee was informed that on the occasion a detainee is held for longer than 24 to 48 hours, the TTPS allows the detainee to have a bath and receive an additional change of clothes from a family member which is in accordance with Rule 16 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) which states that, "*Adequate bathing and shower installations shall be provided so that every prisoner can, and may be required to, have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.* "

Figure 11 Shower Facilities at the Besson Street Police Station

[31] http://www.ohchr.org/Documents/ProfessionalInterest/bodyprinciples.pdf

Complaints of Unlawful Detention

3.46. During the public hearing TTPS officials expressed that detention for longer than 24 to 48 hours is done only on rare occasions. The Committee noted that this was consistent with TTPS written submission which indicated that during the years 2013 to 2017, there were six (6) cases of unlawful detention by the TTPS.**(See Table 8)**

3.47. The Committee was informed that there is an accountability structure consisting of supervisors at each level in the police station/division who can decide to release the individual if they are not satisfied that the detention was lawful. **(See Figure 2 for the Process Map of a New Detainee)** Additionally, the DPP is consulted on a consistent basis on a number of matters of unlawful detention and in cases that the detention period extends for a number of days the DPP will dictate that the detainee be released during ongoing investigations or that the detainee be charged.

3.48. The Committee was pleased that between December 2010 and March 26, 2018, eleven (11) complaints were submitted to the PCA with regard to prolonged detention **(See Table 7)** and that the TTPS has initiated methods to reduce the number of instances of prolonged detention including:

- in case of summary matters, stricter enforcement of the requirements in the police stations related to the granting of bail by the Second Division Officer in charge of officers;
- when persons are charged and the bail depends on the intervention of the Justice of the Peace (JP), ensure the listing of the JP be contacted with dispatch; and
- ensure that all prisoners are processed and taken to court promptly after they are charged.

3.49. The Committee was informed that EOC and the Ombudsman have not received any complaints on the treatment of detainees at police stations and the physical conditions of holding cells at the Police Stations in Trinidad and Tobago.

3.50. The Committee noted that persons who believe that they were wrongfully arrested can submit a complaint to the senior officers at the station and if the person is not satisfied, a legal representative may submit a writ of *habeas corpus* to the High Court for

matters of unlawful detention on the behalf of the detainee. However, the PCA advised the Committee that the writ of *habeas corpus* is a costly alternative especially for persons seeking redress. This is not in accordance with Principle 32 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

3.51. The availability of a writ of *habeas corpus* is in accordance with Principle 32 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states, "*(1) A detained person or his counsel shall be entitled at any time to take proceedings according to domestic law before a judicial or other authority to challenge the lawfulness of his detention in order to obtain his release without delay, if it is unlawful*. (*2). The proceedings referred to in paragraph 1 … shall be simple and expeditious and at no cost for detained persons without adequate means. The detaining authority shall produce without unreasonable delay the detained person before the reviewing authority*[32]*.*"

3.52. The Committee was informed that new TTPS recruits are trained on the Part IX [Sections 99-113] of the Police Service Regulations, 2007 related to the custody and care of prisoners and TTPS Officers are trained on a continuous basis via in-service training programmes in order to ensure that the individual discretion of a police officer in not exercised in an unlawful manner, to mitigate abuse of police powers and to ensure that a detainee is sent to Court once there is sufficient evidence. In addition there is a disciplinary procedure for police officials in cases of reports of the excessive use of force **(See figure 1)**.

3.53. During the public hearing the Committee noted the extreme examples of alleged abuses of police power outlined by the PCA such as beatings with a blunt object, wrapping the detainee in plastic, slapping/threatening the detainee and placing detainee in a holding cell with a rival gang member. Indeed, there were forty-one cases of police brutality under Investigation as at February 28, 2018 **(See Table 5)**.

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[32] Ibid.

3.54. The Committee noted the electronic database of the Police Complaints Authority (PCA) does not contain a search category for the efficient identification of the location of such alleged incidents, but records only the type of offence and the police division. However, the Committee has acknowledged that the PCA is seeking to include a search category for identifying holding cell incidents easily from the Authority's electronic database.

Medical Treatment of Detainees

3.55. The Committee is satisfied that the TTPS acts in accordance with Principle 24 of the of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, with regard to the access to medical care whilst in detention.

3.56. Rule 46 (3) of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) also states, "*Health-care personnel shall have the authority to review and recommend changes to the involuntary separation of a prisoner in order to ensure that such separation does not exacerbate the medical condition or mental or physical disability of the prisoner.*"

3.57. The Committee was informed that detainees who exhibit extreme behavior synonymous with persons with a mental illness are placed in a separate holding cell apart from other detainees.

Access to Legal Aid

3.58. The Committee was pleased that the TTPS is in compliance with Rule 119 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) which requires that all persons detained be provided with or have access to legal representation.

Meals for Detainees

3.59. The Committee noted that the detainees are provided catered meals three times daily while at the police stations and family members and friends are allowed to bring food for the detainees which is in accordance with Rules 22 and 114 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

Recommendations

3.60. The Committee recommends that the TTPS review the recommendations submitted by the TTPS Social and Welfare Association in Appendix VI.

3.61. The Committee recommends that the TTPS refer to Rule 46 (3) of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and seek the advice of health-care personnel when deciding the separation of persons who have mental illnesses.

3.62. The Committee recommends that the PCA includes a search category in the electronic database to retrieve data on incidents occurring at holding cells in police stations.

3.63. The Committee recommends that the PCA promote its complaints process/system so that persons who are unable to afford a writ of *habeas corpus* can have their complaints against TTPS Officers regarding treatment in holding cells heard and investigated at no cost.

Objective 2: To examine the Physical Conditions of the Holding Cells at the Police Stations

Accommodation

3.64. Rule 13 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) states, "*All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.*"

3.65. The Committee was informed that as at March 02, 2018, juvenile suites were only available at the Maracas, St. Joseph, Brasso and the Gasparillo Police Stations. In cases where a juvenile suite is not available, such as Tobago, a child detainee is placed in a separate holding cell apart from adult detainees. Pictures of holding cells at the police stations at Moriah, Charlotteville, Scarborough and Crown Point in Tobago are provided in **Appendix V**.

3.66. The Committee found that the Belmont and Maraval Police Stations police stations were selected for pending renovation and refurbishment with juvenile suites in accordance with Section 60 (5) of the Children's Act Chap. 48:01 which states, "*(5) Where a child is detained in any facility he shall not be allowed to associate with adult prisoners except with the express permission of the Court in respect of the adult prisoner named in such order..*" in order to facilitate the establishment of the Children Court which was opened in March 6, 2018[33] in accordance with Section 4 (1) of the Family and Children Division Act, Act No. 6 of 2016.

[33] Feature address of the Honorable Chief Justice, Mr. Justice Ivor Archie, "Opening Of The Children Court Of The Family And Children Division Of The High Court" March 6, 2018 http://www.ttlawcourts.org/index.php/component/attachments/download/5510

3.67. During the site visit to the Maracas, St. Joseph Police, the Committee observed that the steel stool in the juvenile suite was uprooted. It is unclear whether this was done by a detainee.

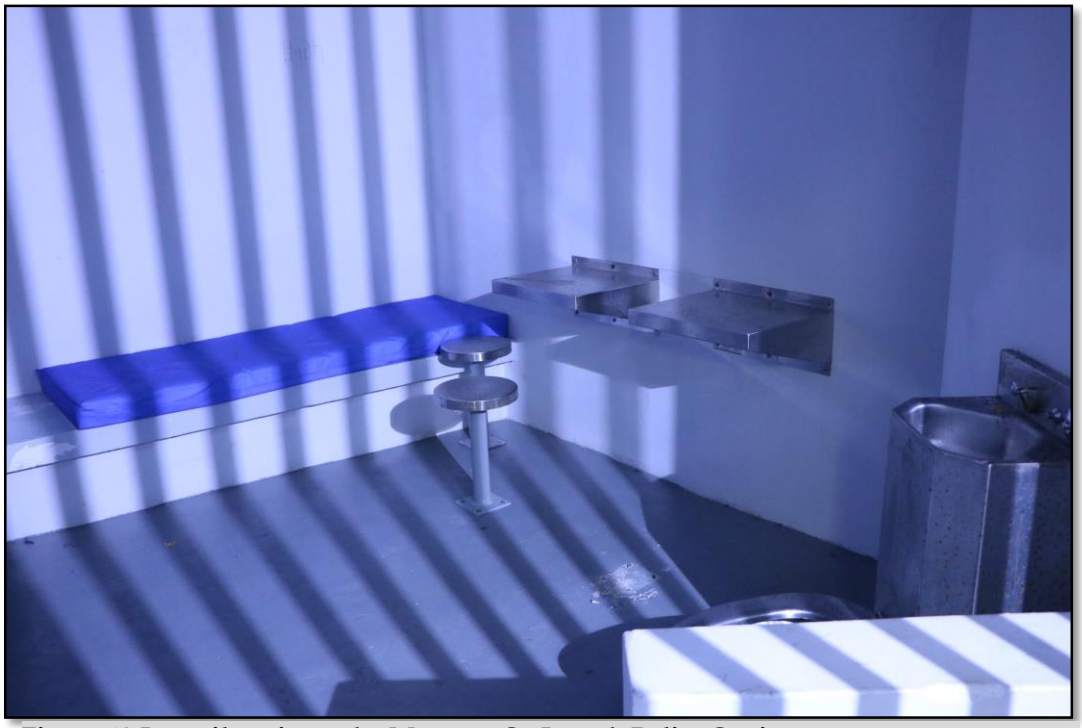


Figure 12 Juvenile suite at the Maracas, St. Joseph Police Station

3.68. There were thirteen (13) suicides in TTPS holding cells from 2010 to 2017 and twelve (12) of these suicide cases were by hanging. **(See Table 4)** The Committee was informed that the model of the doors of holding cells at new police stations would be re-designed to prevent detainees from utilising the hinges of the doors to commit suicide via hanging.

3.69. The Committee was pleased that as at 2017 all police stations were outfitted with CCTV cameras. However, some of the cameras are positioned to view the corridor outside of the holding cell rather than the inside of the holding cell. The Committee noted the primary benefit of having the CCTV's inside of the holding cell is the provision of video evidence in alleged cases of police brutality and primary disadvantage was that it would not provide privacy to the detainee.

3.70. The Committee noted that upon review of guidelines for the use of CCTV surveillance in holding cells in the United States, United Kingdom and Australia **(Appendix VII)** that there was an absence of a single international guideline for CCTV surveillance; each country followed a different guideline.

Figure 13 Positioning of cameras at the Chaguanas Police Station

Figure 14 Positioning of cameras at the Besson Street Police Station

3.71. The Committee noted that buckets/pails were no longer used in the holding cells, as all cells are now equipped with fully functioning toilets which is in accordance with Rule 15 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) 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*". Although the LAAA had submitted a complaint on the continued use of buckets/pails **(See item 3.37.)**, during the site visit to the police stations the Committee observed toilets in every holding cell and was informed that toilets are now situated in every holding cell in the police stations of Trinidad and Tobago.

Figure 16 Toilet in holding cell at the Chaguanas Police Station

Figure 15 Toilet in Juvenile Suite at the Maracas, St. Joseph

Figure 17 Toilet in the holding cell at the Besson Street Police Station

3.72. The Committee noted that the complaints on the physical conditions of the holding cells submitted by the LAAA in item **3.37.** were not observed at time of the planned the site visits to the selected police stations in Chaguanas, Maracas, St. Joseph and Besson Street, however, the observations of the physical conditions at these holding cells were not expected to be fully indicative of all holding cells in police stations nation-wide.

3.73. The Committee noted that detainees were permitted to practice their religion in the holding cell. Detainees are not moved to another area to perform religious practices or religious prayer.

Overcrowding

3.74. The Committee recognises that in accordance with Rule 12 (1) of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) states, "*1. Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself or herself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room,*" the TTPS is taking measures to avoid overcrowding at stations by re-directing detainees across various police stations within a police division. Additionally, there are provisions to accommodate more detainees in the design of the new facilities.

Inspection of the Physical Conditions

3.75. The Committee was informed that the holding cells were inspected and cleaned daily and an inspection was conducted by the officer in charge of the shift at the police station.

3.76. The Committee was informed that the TTPS had a longstanding practice of visits and inspections facilitated by the external persons from another police station, assigned by the Deputy Commissioner of Police (DCP) Operations and the divisional command. This absence of independent inspections is not in accordance with Article 29 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the United Nations General Assembly, which states, "*Places of detention shall be visited regularly by qualified and experienced persons appointed by and responsible to a competent authority distinct from the authority directly in charge of the administration of the place of detention or imprisonment.*"

Recommendations

3.77. The Committee recommends that the relevant statute be amended to include provisions to permit the use of CCTV cameras to monitor detainees inside the holding cells under special circumstances with the approval of the Commissioner of Police.

3.78. The Committee recommends that the current use of CCTV cameras (along the corridor outside of the holding cell) in all police stations be monitored for a two (2) year period (2017 to 2019) in order to determine whether the introduction of CCTV surveillance will:

- **mitigate the number of complaints received on allegations of abuse by TTPS officers and conditions of holding cells; or**
- **expose additional allegations of abuse by TTPS officers; or**
- **assist with disproving false allegations made against TTPS officers.**

3.79. The Committee recommends that the TTPS engage independent and qualified persons from an independent agency/organisation as stated in Article 29 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment to conduct investigations of the holding cells at police station to ensure compliance with international benchmarks and legislation.

3.80. The Committee recommends that TTPS upon the release of funds by the Ministry of National Security, include in its refurbishment plans, juvenile holding cells in police stations in key locations in Tobago during fiscal 2019.

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

Sgd.

Dr. Nyan Gadsby Dolly, MP

Chairman

Sgd.

Mrs. Glenda Jennings-Smith, MP

Vice – Chairman

Sgd.

Mr. Esmond Forde, MP

Member

Sgd.

Mr. Kazim Hosein

Member

Sgd.

Mr. Barry Padarath, MP

Member

Sgd.

Mr. Dennis Moses

Member

Sgd.

Mr. Saddam Hosein

Member

Sgd.

Dr. Dhanayshar Mahabir

Member

September 19, 2018

APPENDIX I
MINUTES

EXCERPT OF THE MINUTES OF THE 19TH 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 FRIDAY MARCH 02, 2018

Present

Dr. Nyan Gadsby-Dolly, MP	Chairman
Mrs. Glenda Jennings-Smith, MP	Vice – Chairman
Mrs. Vidia Gayadeen-Gopeesingh, MP	Member
Mr. Esmond Forde	Member
Mr. Kazim Hosein	Member
Mr. Dennis Moses	Member
Mr. Saddam Hosein	Member

Secretariat

Ms. Candice Skerrette	Secretary
Ms. Khisha Peterkin	Assistant Secretary
Mrs. Angelique Massiah	Assistant Secretary
Ms. Aaneesa Baksh	Graduate Research Assistant
Mrs. Delrene Liverpool-Young	Legal Officer I

Absent

Dr. Dhanayshar Mahabir	Member (Excused)

Also Present were:

Officials from the Trinidad and Tobago Police Service

Mr. Stephen Williams	Commissioner of Police (Ag.)
Mr. Deodat Dulachan	Deputy Commissioner of Police (Ag.), Operations
Mr. Garfield Moore	Asst. Commissioner of Police (Ag.), Tobago
Mr. Mc Donald Jacob	Asst. Commissioner of Police (Ag.), North-East
Mr. Harrikrishen Baldeo	Asst. Commissioner of Police (Ag.), South
Mrs. Patsy Joseph	Asst. Commissioner of Police (Ag.), Central
Mrs. Beverly Lewis	Asst. Commissioner of Police (Ag.), North-West

Mr. Irwin Hackshaw	Asst. Commissioner of Police (Ag.), Anti-Crime

Officials from the Police Complaints Authority

Mr. David West	Director
Ms. Michelle Solomon-Baksh	Deputy Director
Mr. Allan Meiguel	Head of Investigations
Ms. Anita Mangra	Team Lead/Legal Counsel II

Public Hearing

9.1 The meeting reconvened at 10:40 a.m. in the J. Hamilton Maurice Room.

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

9.3 The Chairman invited opening statements from:

- Mr. Stephen Williams — Commissioner of Police (Ag.)
- M. David West — Director, Police Complaints Authority

Summary of Discussions

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

- Detainees are usually charged or released in a 'prompt' manner by the TTPS which is usually between 24 to 48 hours, but there is no standard time limit for detention of persons;

- Detainees may be held for more than 48 hours due to an ongoing investigation or awaiting evidence from another institution;

- Detainees held for more than 48 hours would require the approval of the Senior Officers at the station;

- A person who believes that they were wrongfully arrested can submit a complaint to the senior officers at the station and if the person is not satisfied, submit a writ of *habeas corpus* to the High Court for matters of unlawful imprisonment;

- The need for the introduction of general standards on the length of time a person can be detained;

- The Maracas/ St. Joseph Police Station and the Gasparillo Police Station are currently equipped with juvenile suites and the Maraval and Belmont Police Stations are scheduled to be renovated to include juvenile suites upon the release of funds by the Ministry of National Security;

- There are supervising officers at each police station to provide in-service training and guidance at stations on regulations and guidelines on the custody and care of prisoners;

- Detainees have access to shower facilities and family members are allowed to bring a change of clothes for detainees who in rare cases, are detained for more than one or two days;

- The need for an independent body to inspect holding cells at the police stations in order to become compliant with Article 29 of the Body of Principles for the Protection of All Persons Under Any Form of Detention;

- The position of CCTVs at police stations are not ideal to facilitate optimum supervision of detainees within holding cells;

- The need for the refurbishing of holding cell doors in new police stations and the retrofitting of holding cells at old police stations in order to prevent incidents of detainee suicide by hanging; and

- The PCA indicated that the ideal complement of staff required to ensure optimal functionality is 26 investigators and 11 Attorneys-at-Law.

Request for Written Submissions

11.1 During the public hearing, written submissions were requested on:

Police Complaints Authority

i. Provide the number of complaints received related to TTPS taking a long period of time to charge and/or release a detainee and the actions taken by the PCA for each complaint;
ii. Provide the number of investigations completed for the reporting period October 2016 to September 2017;
iii. Provide the number of investigations referred to the Director of Public Prosecutions for the reporting period October 2016 to September 2017; and

iv. Provide the number of complaints that were dismissed/closed without evidence for the reporting period October 2016 to September 2017.

11.2 During the public hearing, the Commissioner of Police indicated that amendments to the written responses to the following questions would be re-submitted:

i. Are the TTPS officers trained to detect whether a detainee is a person with a mental illness? *(Question 4)*
ii. Outline the various forms of suicide used by detainees whilst in a holding cell over the past ten (10) years. *(Question 6)*
iii. What is the maximum amount of time a person can be legally detained in a holding cell? *(Question 15)*
iv. Is the number of personnel employed sufficient to ensure the efficient operation of police stations as well as the management of detainees at police stations? *(Question 20)*

Adjournment

12.1 The meeting adjourned at 12:32 p.m.

I certify that the Minutes are true and correct.

Chairman

Secretary

March 15, 2018

APPENDIX II
VERBATIM

VERBATIM NOTES OF THE NINETEENTH MEETING OF THE JOINT SELECT COMMITTEE ON HUMAN RIGHTS, EQUALITY AND DIVERSITY HELD IN THE 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, MARCH 02, 2018 AT 10.40 A.M.

PRESENT

Dr. Nyan Gadsby-Dolly	Chairman
Mrs. Glenda Jennings-Smith	Vice-Chairman
Mr. Esmond Forde	Member
Mrs. Vidia Gayadeen-Gopeesingh	Member
Mr. Dennis Moses	Member
Mr. Kazim Hosein	Member
Mr. Saddam Hosein	Member
Miss Candice Skerrette	Secretary
Mrs. Angelique Massiah	Assistant Secretary
Miss Khisha Peterkin	Assistant Secretary
Miss Aaneesa Baksh	Graduate Research Assistant

ABSENT

Dr. Dhanayshar Mahabir	Member

TRINIDAD AND TOBAGO POLICE SERVICE

Mr. Stephen Williams	Commissioner of Police (Ag.)
Mr. Deodat Dulachan	Deputy Commissioner of Police (Ag.) Operations
Mr. Garfield Moore	Assistant Commissioner of Police (Ag.) Tobago
Mr. McDonald Jacob	Assistant Commissioner of Police (Ag.) North East
Mr. Harrikrishen Baldeo	Assistant Commissioner of Police (Ag.) South
Mrs. Patsy Joseph	Assistant Commissioner of Police (Ag.) Central
Mrs. Beverly Lewis	Assistant Commissioner of Police (Ag.) North West
Mr. Irwin Hackshaw	Assistant Commissioner of Police (Ag.) Anti-Crime Operations

POLICE COMPLAINTS AUTHORITY

Mr. David West	Director
Ms. Michelle Solomon-Baksh	Deputy Director
Mr. Allan Meiguel	Head Investigations
Ms. Anita Mangra	Team Lead/Legal Counsel II

Madam Chairman: Good morning everyone. It is my pleasure to reconvene the Nineteenth Meeting of the Joint Select Committee on Human Rights, Equality and Diversity. This public hearing is being broadcast on Parliament Channel 11, Parliament Radio, 105.5 FM and the Parliament's YouTube Channel, *ParlView*.

I would like to welcome with us the officials of the Trinidad and Tobago Police Service as well as the Police Complaints Authority. My name is Dr. Nyan Gadsby-Dolly and I am the Chairman of this Committee, and at this time I would like to invite the members of the Committee to introduce themselves, starting with our Vice-Chairman.

[*Introductions made*]

Madam Chairman: Thank you. Now that we have introduced ourselves, I would like to invite the officials from the police service as well as the Police Complaints Authority to introduce themselves starting with the police service.

[*Introductions made*]

Madam Chairman: Thank you, and it is a pleasure having all of you with us this morning. This Committee recently enquired into the human rights of remandees at our nation's prisons, regarding the fact that they are unconvicted and, therefore, deserving of certain amenities and considerations. However, recognizing that in order to arrive at the Remand Yard, the remandees and many others would have first been detained at various police stations, the Committee has set about to take one step back to determine the circumstances of detainees at police station holding cells.

In 2016, a US country report on Trinidad and Tobago, highlighted treatment of detainees as a serious human rights issue. In 2017, a Facebook live video from inside a holding cell showing less than ideal conditions went viral.

In 2017, a man hung himself in a police holding cell in St. Joseph. Also, as of 2017, only two stations were reportedly configured to be able to house juvenile detainees, separate from adults, according to the regulations of the Children Act.

In view of these incidents and our international obligations under the UN, the Committee set ourselves the following objectives:

1. to determine the Trinidad and Tobago Police Service's compliance to legislation with respect to detainees at police stations in Trinidad and Tobago; and

2. to examine the physical conditions of holding cells at police stations.

We received five written submissions—and we are grateful for that—from the Trinidad and Tobago Police Service, the Police Complaints Authority, the Office of the Ombudsman, the Trinidad and Tobago Police Service Social and Welfare Association and the Equal Opportunity Commission.

Viewers and listeners who are looking at the programme or listening today, can send the Committee questions relating to today's topic via email at parl101@ttparliament.org, on facebook@ttparliament and on twitter@ttparliament.

At this time, I would like to invite brief opening remarks from the Commissioner of Police, Acting, Mr. Stephen Williams as well as Mr. David West, Director of the Police Complaints Authority in that order.

Mr. Williams: Chairman and members, good morning. Thank you very much for the invitation. We would have submitted what we consider almost a comprehensive account of matters relating to detention at police stations. However, there are some minor corrections that we would want to advance during the course of the session for information which may be a bit erroneous or missing information but, just to say, we are available to furnish the Committee with all the relevant answers to the questions that may arise this morning. Thank you very much.

Madam Chairman: Thank you. Mr. West?

Mr. West: Good morning, again. Hon. Chair, members of the Joint Select Committee on Human Rights, Equality and Diversity, permit me to introduce the representatives of the Police Complaints Authority who have accompanied me to assist this Committee into its examination of the treatment of detainees and conditions at holding cells.

It is our collective view that these issues are of paramount importance, not only to this jurisdiction, but also internationally. I have said before, to my right is the Deputy Director, Ms. Michelle Solomon-Baksh, to her right is the Head of Investigations, Mr. Allan Meiguel and further to his right is Team Lead, Anita Mangra. We stand ready to clarify matters disclosed in our previously furnished written response to this Committee's questions and to further assist this Committee to the extent that our capacity and statutory obligations of confidentiality under section 21(4) of the Police Complaints Authority Act shall permit.

At this juncture, I crave your indulgence as I place in context the PCA's role as it relates to the issues of the treatment of detainees and the conditions of holding cells in Trinidad and Tobago. The PCA is an independent corporate body established pursuant to the Police Complaints Authority Act, Chap. 15:05, as the long title of which outlines the nature of matters over which the PCA has jurisdiction to exercise its functions under section 21(1) and powers under section 22(2) of the Police Complaints Authority Act, namely, criminal offences involving police officers, police corruption and serious police misconduct.

The term "serious police misconduct" has been designated under section 4 of the Police Complaints Authority Act and I quote:

> "…the commission of a disciplinary offence under the Police Service Regulations…which the Authority considers to be so serious as to bring the Police Service into disrepute;"

Over the past seven-odd years of operation, the PCA has received reports concerning, among other things, allegations of criminality and serious police misconduct originating from assaults, deaths whilst in police custody and other forms of violence, excessive use of force and abuse meted out to citizens by police officers.

While the PCA has consistently adhered to its obligation under section 29 of the Police Complaints Authority Act, to ensure the maintenance of a permanent record of every complaint, we have historically categorized our complaints according to the alleged offence committed. We have not, however, further sub-categorized them so as to capture specifics on whether the alleged offence occurred whilst the alleged victim was detained in a holding cell. By way of example, if a person reports to us that they were beaten by officer X while detained at, for example, the St. Joseph Police Station, our current record keeping system does not trigger us to input information regarding where the alleged beating occurred, save and except for the police station at which the incident took place.

Therefore, while the information concerning detention and the attending conditions may appear in individual complaints recorded by the PCA, the retrieval of such information is considerably time consuming as our electronic searches are limited to preordained categories which, at this time, do not include specifics on whether alleged acts of criminality or serious police misconduct occurred whilst the person was detained in a holding cell.

In this regard, we are grateful that the Committee's exercise has prompted us to reconsider our scope of recordkeeping categories particularly as we recognize that the PCA has a crucial, though arguably indirect role, to play in ensuring that the inalienable human rights of the citizenry are respected even in conditions of detention.

In this connection, it is useful to state that once we have concluded investigations into incidents of abuse, which allegedly occurred whilst a complainant was detained, we are in a position not only to recommend prosecution to the DPP where the evidence supports a criminal charge, but also to recommend to the institution of disciplinary proceedings in respect of the alleged defaulting officer.

If the receiving officeholder decides to act on the recommendation made, the alleged defaulting officer would be called upon to answer the charges laid against him in respect of treatment allegedly meted out to the complainant whilst in the officer's custody and care. While we understand that the police officer in the execution of his duties may have cause, perhaps, in unpredictable circumstances to make a judgment call on whether or not to use force to protect himself or others or to overcome resistance, or to effect some other lawful objective, we are equally cognizant of the fact that a detainee has rights which cannot be trampled, especially given the unconvicted status of such individuals who may simply be awaiting charge, detained on enquiries or have been charged or awaiting bail at the next available opportunity.

The PCA is also mindful of the fact that Trinidad and Tobago has been a member of the United Nations since September 18, 1962, and all member states are members of the General Assembly. On December 09, 1988, the General Assembly at its 43rd Session passed a resolution concerning and I quote:

> "Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment"

Principle 6 of the Act provides as follows, and I quote:

> "No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment…"

It further states, and I quote:

> The term cruel, inhumane or degrading treatment or punishment should be interpreted so as to extend the widest possible protection against abuses whether physical or mental.

I suspect that the thrust of the aforesaid principle was precisely what operated on the minds of the former authority which, during the period 2011 to 2012 recommended that consideration be given by the then Commissioner of Police to the installation of CCTV cameras in strategic positions in all police stations including holding cells. It is this Authority's view that the careful implementation of measures such as this would ensure transparency as to occurrences while citizens are detained and permit a review of conditions of holding cells which, to date, remains invisible to the public eye.

The installation of cameras would lift that proverbial veil of protection, revealing not only the conditions under which detainees are being kept, but may also expose acts of abuse by police officers against citizens or, alternatively, frivolous and spurious allegations made against innocent officers trying to execute their duty fairly and justly.

Recognizing the importance of this Committee's examination on the issues at hand, I now turn over to you, Madam Chair, to direct this meeting in any manner you deem fit. Thank you very much.

Madam Chairman: Thank you very much, Mr. West. At this time, I would like us to commence the questioning, reminding both Committee members as well as the officials who are here with us, to direct your questions and concerns through the chair.

I would like to, I guess, start the questioning by directing a question to the members of the police service. I refer to your submission on page 12, where the question was posed: "How long are persons held in cells before they are released or transferred?" And question 15—that is question 14 and question 15 which asks: "What is the maximum amount of time a person can be legally detained in a holding cell?" And your answer which dictated, that there being

no statute in Trinidad and Tobago dictating stipulated time, detention must be reasonable and depends on the nature of the investigation and the circumstances.

Given the fact that there have been some reports coming forward of people being kept longer than they should have or detained in the cells, I want to ask the police service to elaborate on this and what is the usual practice when people are held and detained. What is the usual practice that obtains and, on an average, how long are they kept in the cells depending on the circumstances?

Mr. Williams: Chairman and members, the usual practice adopted by the Trinidad and Tobago Police Service is to deal with detained persons in a prompt manner. All efforts are made to complete the processing of a detained person and facilitate the charging and taking that person before the courts within the shortest period of time. So that is the usual practice.

Madam Chairman: So for a general member of the public, if somebody is detained—a family member also a community member—if they are detained by the police, what should they expect to be happening to that person by the next day? Should they be going to court by the next day?

Mr. Williams: Usually, yes.

Madam Chairman: And what happens in the unusual cases?

Mr. Williams: Well, in the unusual cases, a person may be detained and investigations are being conducted, and dependent on the processing of those investigations, the detention can be longer than a day.

Madam Chairman: So is there a limit of time beyond which you can say that the person should not be detained? Is there an upper limit of time?

Mr. Williams: There is none stipulated because the main thrust is about promptness. We need to process detained persons in a prompt matter, so the issue is not about an upper limit; it is about that lower limit. As fast as you process, the intention which is driving the police service is about promptness.

Mrs. Gayadeen-Gopeesingh: Mr. Williams, you keep using the word "promptness" but can you explain to us what is meant by "promptness"? Is it one day, 48 hours or 72 hours? What does "promptness" really mean?

Mr. Williams: That is why in the explanation, each case turns on the circumstances of the case. Quite recently, we had a situation where persons would have been detained. They went before the court and the court made the determination on an application of a writ of habeas. Whether the police are not fulfilling their obligations quite consistent with the law, justifications are advanced as to the issues of detention.

What we are guided by is that when a person is detained, the intention is to detain that person, process them as quick as possible and have them before the courts. If that could be done same day, we move to do it same day. If it could be done within 24 hours, we move to do it within 24 hours. So the general practice—and when I used the term "promptness"—is as quick as possible that you can process a detained person to take them before the courts. That is what guides us.

Mrs. Gayadeen-Gopeesingh: And what reasons you may advance to say and to justify the reasons for the delay? What are some of the reasons you all advance?

Mr. Williams: I will give an example: somebody is suspected of committing a murder. We have a dead body, we have a suspect and we have gathered evidence which affords us the reasonable grounds to arrest that person. We have to ensure that we have a post-mortem done so that a determination, a legal determination is made—not a police determination is made—that that person was, in fact, killed by whatever cause we would have identified from an investigation. That is done through the post-mortem. If that takes three days to be done, we cannot proceed to charge that person without the completion of that post-mortem.

So those circumstances will dictate that that person, who you have reasonable grounds to facilitate that detention, is not necessarily charged before that process is completed, and it goes on and on. It turns on each individual case, but the general guidance to police officers is that they need to operate with the guidance of promptness. It means that if you detain somebody, all efforts should be made that that person should be charged within the shortest period of time.

Madam Chairman: So, if I may, just before the other members weigh in, what is the—if someone believes that they are being detained and the action is not prompt to be able to charge them, what is their recourse?

Mr. Williams: Their recourse is to the High Court, the application for a Writ of habeas corpus. The police are commanded to bring the body of that individual before the court and justify the circumstances of that detention. So there are clear provisions in the law to protect the individual from any abuse of the police.

Madam Chairman: Sen. Hosein.

Mr. Hosein: Thank you very much, Chair. Commissioner, I have an experience with regard to the police and the practice in which they charge. I do not know if you can bring some clarification to this point, but recently the police would have arrested certain individuals for possession of marijuana, and they would have taken these individuals to the police station, and you would expect that—it was around 8.00 p.m.—the next morning they would be brought to court, because it is a very simple charge. It is possession, you have the marijuana. It is possession. Yet the police took an entire day to charge them. They were not brought to court that morning, they were brought to court the other morning. The justification given is that the police officers were on continuing enquiries on an unrelated matter to what they detained these persons for. So that they did not have time to come back to the station to charge them so that they could be brought to court on the exact same day. Is that a practice in the police service?

Mr. Williams: I would say no. And I am not in a position to speak on the side of the police to justify that example that you have spoken about, but I would say no, that is not the practice. If somebody is detained, that person is not to be kept whenever the police complete whatever they are doing which is unrelated to the matter and then to charge them. That is not the practice.

Mr. Forde: Thanks, Madam Chair. Mr. Commissioner, promptness to me is relative. All right? How I see promptness would be totally different to how other individuals see promptness, and we are talking about the police service here, so we are talking about thousands of individuals—police officers who would be charged with ensuring that these individuals are processed when detained in a prompt manner in order to go to court as the case may be. What are the benchmarks regionally, let us say within the Caribbean? Does the Caribbean operate similar like Trinidad and Tobago and use promptness, or are there specific laws and guidelines in order to say an individual is charged or is detained? How do the other Caribbean countries deal with these matters?

Mr. Williams: Well, as a person who sits as the first Vice-President of the Association of Caribbean Commissioners, I would say the practice across the Caribbean is in a similar way to what happens in Trinidad and Tobago. Police officers across the region focus on dealing with offenders—if the word "prompt"—I am just using the word which is contained within the law—is not bringing the best impression—treat with prisoners, detainees in a swift manner. So the reason for that is that the law would send clearly across the police service to all officers, that a lackadaisical approach, such as the one described by the member—police going and continuing doing investigation which is unrelated to the individual—that is not promptness. You treat with the matter. You have the evidence, you charge, take the person before the court. If you can do that within a turnaround of 24 hours, great. If you can do it within a turnaround of a few hours, great. We generally try to have a person before the courts when detained within a 24-hour period.

Mr. Forde: And Mr. Commissioner, and you are satisfied as the Acting Commissioner with the promptness that your service deals with, with regard to particular individuals? Again, I would not like to bring specific cases, but as the Commissioner, you are satisfied in terms of how the police service is operating when they have detained individuals

and ensuring that they get speedy—taken to justice speedily?

Mr. Williams: And I would say yes. I am generally satisfied. There are always exceptions to the rule, and some instances you have detention and those detentions are challenged but, generally, persons detained are brought before the court swiftly.

Madam Chairman: Just one question. Do you believe that the time has come for some standards to be introduced that deal with what "prompt" means or what "swift" means? Do you think it is a time for us now to, as a country, address and define, maybe an upper limit of time beyond which a person should not be detained if they have not been charged? Is that something that should be looked at?

Mr. Williams: From a policing perspective, I would say no. I would say the shape of the law, as it exists, is proper with all the insulation and protection for individuals. Detention is generally clearly understood, that in many instances it requires additional investigation, and that is the basis on which our system works, and the court gives clear consideration to each individual case when the issues of detention by the police officers are considered not to be in keeping with that kind of promptness that I have spoken about. But if we just put into law a fixed number of hours, it may not necessarily be serving our country in the best way. So from my position, I would say no.

Madam Chairman: Could I ask the Police Complaints Authority maybe to weigh in on this? Is it—based on what you have seen coming out, the types of complaints coming out and so—I know that you do not necessarily disaggregate the data and look for if it is actually at a holding cell that the complaint may be coming from. However, on this issue of standards, the Police Commissioner has indicated he does not think at this point in time, it is necessary to introduce a standard for the length of time. Does the Police Complaints Authority have a view on this?

Mr. West: Madam Chair, we have had many complaints similar to what member, Mr. Hosein, has just spoken about where police officers who arrest individuals—just last night we were in a meeting, outreach meeting in Arima, and there were many calls from the public that their children were being arrested and detained for three to four days. They were not allowed—they were allowed to just bring clothes to change. So, therefore, from where we sit, it would be beneficial if there were an upper and a lower limit of time where the police can detain persons before they charge, because that would give some sense of clarity to how long somebody can be kept, instead of this blurred answer of—we are doing enquiries, we are doing further enquiries. What does that mean? You understand? So, therefore, if it was that we had some set standard that would benefit—and everybody would know—the public in knowing what their rights are, which is very important.

11.10 a.m.

Madam Chairman: Mrs. Jennings-Smith.

Mrs. Jennings-Smith: I have a general question here, because listening to the submissions of the Commissioner, as well as the Police Complaints Authority, we are guided that policing is a whole multidimensional activity, and it is not solved, or a person cannot be taken to court just like that, police must engage with extensive enquiries to prove a matter or a case that they have before them to place before the court, and they are guided by Standing Orders, regulations, and they are guided by the court. Because as you said earlier, Mr. West, persons can bring their complaints to you during, and during it could be by their representative, maybe their solicitor or lawyer, and after. I want to clarify something—both by you, I want a response, and by the Commissioner—tell me, do you think a complainant or an officer in charge of a station has a discretion when dealing with matters of the law? Mr. West, I would like you to answer first, and I will ask the Commissioner to give an opinion on that—if, when a prisoner is in a station, if the SDO at the station, or the complainant himself has a discretion to keep a person at a holding bay for an overly long period of time.

Mr. West: There is a distinction there between a complainant and an SDO, because there is no discretion for a complainant that is the person who is being investigated. Correct?

Mrs. Jennings-Smith: The complainant would be the police officer who is laying the charge, if I may correct you.

Mr. West: Okay. The complainant is the officer and the SDO is the officer who is in charge of the—

Mrs. Jennings-Smith: That is right.

Mr. West: There would always be a discretion. There has to always be a discretion, you know, because if you do not use discretion and everything is in black and while, certain things would not be able to take place. So I think that there should be a discretion, in my view, but the discretion must be reasonable, and, of course, as the Commissioner says, it could always be taken to the court to determine whether or not that discretion was exercised reasonably or not.

Mrs. Jennings-Smith: I asked you the question because in your capacity you have to give directions or you have to give guidance to our public at large, and I would like you to give correct guidance with respect to dealing with matters when persons are held at stations. Because the general consensus out there is that a police officer can keep a person if they feel to keep them a long time, and much is not said about what guides a police officer to keep a prisoner at a station, for example, maybe enquiries, maybe the type of enquiry that the person is doing. We are in a society today where we have crime and criminality runaway, right—if I were to put it like that—and I believe that we need to guide people as to what happens and what that officer has before him. So I asked you, I want you to tell me if you really feel an officer has a level of discretion that he can use, or if that officer is bounded by law, by regulations, by Standing Orders, and even the court in determining how long a prisoner could be kept at a station. I want that clarified.

Mr. West: Well, you see, it is when the officer goes beyond his discretion and the Authority is of the view that they have exceeded their discretion, that is when a complaint becomes a valid complaint and either it becomes a criminal offence or a serious police misconduct. You understand? So that is where it comes in. That is how we could answer your question, and it is when the discretion is exercised in an unlawful manner that is the issue, but the police officer, they must have a discretion whether or not to keep somebody for further enquiries. It has to happen otherwise officers would not be bound and they would not be able to investigate the matter fully and completely, and they would either bring cases to court that would lack the evidence, or they would not bring cases to court, and we do not want that. We need to find a balance between the two.

Mrs. Jennings-Smith: Great. So, basically, I asked that question in determining the definition of promptness. I do not know if the Commissioner may wish to respond to that same question.

Mr. Williams: That question is almost like a difficult exam question because the way it is posed, it is difficult to answer yes and no. Police officers generally operate with discretion in fulfilling their functions, but they also operate with the guidance of the law, and the law is made up in different forms. You have the statute law, and you also have guidance from case law. So, therefore, the determinations by the courts actually dictate how the police officers are supposed to operate. They are also guided by the internal rules where we have Standing Orders guiding the behaviour of officers in relation to particular things, and in this instance we are speaking about detention, and we are looking at lawful detention. So it is all made up with all those factors in guiding you when somebody is detained, how long that person should be detained for. But officers are continually trained, retrained and advised that there should be no abuse of policing powers, and they need to focus on taking a person before the courts once they have sufficient evidence made out against that individual to prove a case, take them before the court in a very swift manner. And the usual practice is that there is a turnaround within 24 hours. If it is a weekend then they go to court at the first opportunity, which is the Monday morning, and that is the usual practice. And it is the usual practice that we have adopted in Trinidad and Tobago.

Mrs. Jennings-Smith: There is a concern by the public that officers arrest persons and then continue enquiries. Do you wish to comment on that?

Mr. Williams: Well, the law provides for it, so, yes. I would say, yes, officers arrest persons and continue enquiries.

Madam Chairman: There is also a view in the public domain that it is easy for a police officer to victimize persons

or victimize a community by continually picking them up and detaining them for a couple of days, and then picking them up, letting them go, and the cycle continues, what systems are any place to ensure—and you mentioned it about the abuse, and I think it was picked up here in the question asking about arrest first and then look for evidence after—how can we assure the public, and what systems are in place to ensure that that kind of cycle and that kind of abuse does not take place? What oversight is there to ensure that does not happen?

Mr. Williams: At the police station level, we have supervisors at every single police station, and we have first-level supervisors who are corporals and who are accountable and responsible, so it is not just the constable out there who will go and arrest a person. When that person is brought to the station, that supervisor has a responsibility, guided by the rules of the organization, to make an assessment of the circumstances, and if he is not satisfied that the detention is lawful, he is to make the necessary records and release the individual. That happens in times when he is not satisfied, he is the one, first-line supervisor, and beyond that first-line supervisor he has a supervisor of that supervisor, normally is the sergeant, and stations are generally manned by inspectors. So we have a whole system to ensure that persons are not abused by police officers in this loose manner where people say they just pick up and just bring in; that is not the way policing is done. There are a lot of perceptions out there, and those perceptions may not necessarily be guided by the truth.

Madam Chairman: And that is why it is so good to have you in here to put it out there so the public can understand how the system works, and therefore, they can have a better appreciation of when the police do their work, what it really means and how the systems operate. Sen. Hosein.

Mr. Hosein: Thank you very much, Madam Chair. Madam Chair, through you, this is a question to Mr. West. You said earlier on that you receive numerous complaints of police taking a very long time in order to charge or even to release the individuals who are detained. In your experience at the Authority so far, can you just give us a rough figure of maybe how many of those complaints were made and what actions, if any, were taken on any of these complaints?

Mr. West: Mr. Hosein, I do not want to speculate and give an answer in a vacuum, can I have it later on in writing to the Committee, if I could answer that question?

Mr. Hosein: Yes. But has any action ever been taken on any such complaints of this nature?

Mr. West: Well, what we do is we are limited in that once we do the investigation, we make the recommendation either to the DPP or the Commissioner of Police, as the case may be, and then they take it further as they see fit.

Mr. Hosein: Okay.

Madam Chairman: Mr. Forde.

Mr. Forde: To Mr. West, your PCA, do you all do proactive investigations? Is the Authority set up to do an investigation before they receive any complaints?

Mr. West: Can I ask Mr. Meiguel to answer that, Head of Investigations, member?

Mr. Forde: Yeah, no problem.

Mr. Meiguel: We do not, as a matter of course, do proactive investigations, however, we can imagine a situation in which allegation of corruption is made and we can foresee us having proactive measures in terms of proving or disproving such a complaint. But generally, no, we do not do proactive policing. You see, we are reactive by nature because people who have experienced injury, loss or hurt at the hands of the police, they come to us, you know, we do the investigation from the back end rather than forward. However, our annual report, it does paint a picture of the type of complaints that we receive on an annual basis, and it is instructive to the police service, the amount of complaints that we have in terms of, let us say, for example, assaults, so that they can adjust their training and their policies and so on, to deal with that in a proactive manner.

Mr. Forde: Are you all adequately staffed?

Ms. Solomon-Baksh: Right now we are dealing with a complement of 23 investigators, ideally we would like to have a team of 26. We have a complement of eight attorneys on board, and ideally we would like to have a complement of 11. I have to say with the team that we have so far, we are very proud of the turnover that we have had for the year. I believe it is a figure close to 800 for the year, and this has been a huge—it has been more than double, and we are very proud of our team of 23 and eight. Do we need more, we would be very grateful to accommodate more, because with more, as I said, we have more than doubled what we did over the previous two years. With more, I mean, we could try to move a mountain. So we would be very grateful if that consideration is taken on board, but we are doing very well with our 23 and eight. Thank you, Madam Chair.

Mr. Forde: That more is anticipating that the police will have more complaints against the body?

Ms. Solomon-Baksh: Well, the police so far have not had any complaints. I think they love us. I think it is the members of the public.

Mr. Forde: But why would you want more then?

Ms. Solomon-Baksh: Hon. Chairlady, and hon. members of the Committee, we would be happy if there are no complaints at all. We would be happy not to initiate under section 26 of our Act, which we can do. I think all of Trinidad and Tobago would love to welcome that day, but the sad reality is that the number of fatalities, fatal killings and shootings have increased—I am sorry to say that—and we are not looking at a decline in terms of what we have been looking at, we have been looking at an increase. So the view that the hon. Chairlady shared from members of the community who feel that they have been detained, and then they have to await the enquiry, that comes from very poor communities in Trinidad and Tobago, and it is not unique to one district of Trinidad and Tobago, you find that complaint and it is on the increase, and our 23 and our eight continue to look at that increase. And I would just say in passing, through you, Madam Chair, the hon. Member, Mr. Hosein had asked about it, the remedies available to these poor people are expensive, you are talking about hiring attorneys. You are talking about bringing a habeas corpus application which is not cheap, and you are talking about bringing a matter to court, so our 23 and our eight cannot assist with that. But I hope I have answered your question, hon. member.

Mr. Forde: Last question on this topic as I have her: in terms of your investigative team have policing background, and what is the background in terms of your investigation team, a compulsory data in terms of their necessary background?

Mr. Meiguel: At the start of the Authority in 2010, we started off with a cadre of officers from the Special Anti-Crime Unit, ex TTPS officers and so on, who had the investigative acumen necessary to do the job. However, I am advocating to actually build home-grown teams now. We have started with a couple of members so that we can sort of insulate ourselves from the law enforcement culture because after all, we are a civilian organization, and we intend to develop a civilian oversight culture within the PCA investigative unit.

Mr. West: Just to be clear, there are no serving police officers in the PCA. We have retired officers and officers who have resigned, but there is no serving Trinidad and Tobago member of the police service in the PCA.

Madam Chairman: Mrs. Gayadeen-Gopeesingh.

Mrs. Gayadeen-Gopeesingh: Mr. Williams, I would like to just revert to a statement you previously made with respect to the habeas corpus. We would understand and we are mindful that persons who are usually detained at these holding cells belong to the lowest rung in the social strata, to bring a habeas corpus to the High Court is relatively expensive, so if this person is detained at the holding cell for an inordinately long time, what happens to this person if he cannot procure the funds to bring a habeas corpus?

Mr. Williams: I think I spoke about habeas corpus in a particular context, and I also spoke in another context in

relation to the system that we have in the organization. We have a system, I just related, where we have supervisors, first-level supervisor is corporal, second-level supervisor is sergeant, third-level supervisor is the inspectors, and then we have all the other ranks, because a police station operates within a division, and within that division you have a head of a division, who is normally a senior superintendent. So it is a whole rank structure, and everybody is accountable for an individual who is detained. So it is not one person, the person who detained him, everybody else is accountable for that person who is detained, so they have a direct responsibility.

So we are not speaking about the only recourse, we are speaking about an organization with a system to ensure that there is no such abuse, however, sometimes when a person is detained, for which we consider justified—and we need to understand that according to the type of matter, we engage discussions with the Director of Public Prosecutions on a consistent basis. And the Director of Public Prosecutions, in many instances, once the detention is a matter of a few days, will either dictate that that person is released and you continue that investigation, or they will take it that that person is charged. So we also have that feature of the Director of Public Prosecutions playing a part in the length of time that a person is detained. But the police service does not focus on detaining persons at a lowest rung of society and say, well, we are picking out the lowest rung of society to detain and detain them for any length of time, investigations are done based on offences, and persons are not just plucked out without police officers having good reason to detain persons.

We have to understand, and sometimes we operate in a particular way in the society that we do not understand that within the realm of the society we have criminality, and there are different forms of criminality, but the normal offences which affect us on a daily basis, not by way of my choice, but a lot of the people who commit those offences are at the lowest rung of society. So you do in fact find that that engagement with the police will have many persons at the lowest rung of society within the hands of the police as being detained.

Mrs. Gayadeen-Gopeesingh: Mr. Williams, you have just agreed with what I am saying. The persons who are detained, they cannot afford to get the money to bring a habeas corpus, and then it takes you now to the next level, how many persons are in the upper echelons of society detained at the police station? How many you have had, thus far?

Mr. Williams: It is a question that you are now asking an answer for?

Mrs. Gayadeen-Gopeesingh: Yes, certainly.

Mr. Williams: Well it varies, and if it is a question that you require an answer for it varies, and we would have to tabulate that information for the Committee, if it is so required.

Madam Chairman: If I may, and not to cut across, but I think we are speaking in generalities here, and I think the general point that is being made, and it has been made by a couple of people is that the recourse is expensive, and therefore, if you cannot afford the recourse what is the situation. But I think you have said you have laid it out that there are systems in place with respect to the levels of supervision that should be able to weed out any unjustified detention. Right. So I think that is the general point we are making, and I think we have made it, and I feel as though now maybe we can move to another point. We would have Mrs. Jennings-Smith and then Sen. Moses.

Mrs. Jennings-Smith: I just want to, based on what we have been discussing this morning, I noted here from a document presented by the police service, in 2014 we had one report of false imprisonment, 2015 we had one, 2016 we had two, and 2017 we had two, and I want to focus really on what we are here this morning looking at. We are looking at really treatment of detainees and conditions at holding cells, and I suspect that these reports would have come about from false imprisonment. Mr. West, Director of the Complaints Authority, are you aware of these numbers?

Mr. West: Well, I would need to see the names, because to correlate with our data, so I do not know.

Mrs. Jennings-Smith: Because, I wanted—you see, I am still on the point to close off because I wanted to know to

what extent this particular issue is impacted on in terms of numbers, and when I look from 2014 to 2017, I see a total of six. So I want to know if that number is synchronized with your department, because I think this was presented by the TTPS. So are you in agreement this is the number of persons who had been at police stations and reported?

Ms. Solomon-Baksh: May I respond, hon. Chair, through you? I have to apologize that when we first did the first look through on the automated system, we did not immediately fine tune the search as it relates specifically to a cell. I have to also apologize that I have not had the benefit of looking at the data that was provided by the TTPS to the honourable Committee. However, when the hon. member refers to the figure six, having done the search and spent some time doing a second search, we have also found six. I do not know if they matched the TTPS's six, but I do not know if the Committee is interested in hearing about our six that we have clearly identified having gone through 1,890 complaints.

Mrs. Jennings-Smith: You see, we are looking at abuses, and I have to highlight the number of—

Madam Chairman: Sorry, member, we are looking at treatment.

Mrs. Jennings-Smith: Well, yes, treatment. So we are looking at treatment—

Madam Chairman: Let me just make an interjection—be very clear that what we are looking at is treatment. We are not trying to be pejorative, we are looking at the breadth of treatment and what systems are in place. So if we are identifying six cases that the police have said have come forward to make complaints to the Complaints Authority, based on their treatment as detainees, then that may correlate with what happens at the Police Complaints Authority. It may be the same, so I want to be very clear, we are not being pejorative, our role is to investigate, and so we are looking at what treatment is meted out and what systems are in place.

Mrs. Jennings-Smith: Right, so now that we have established those six—

Ms. Solomon-Baksh: With the greatest of respect, I am not too sure that my six matches the TTPS's.

Mrs. Jennings-Smith: Okay, so I will take back that. But now that we have established it is around six reports we have gotten so far, I want to know if you had completed enquiries and if you were satisfied upon the completion of the enquiries into those reports.

Ms. Solomon-Baksh: In order for me to do it properly, is the Committee minded to indulge me and go through the six?

Mrs. Jennings-Smith: I do not have names, I just have a number.

Ms. Solomon-Baksh: And, legally, I cannot reveal the names in any event. What I can assist the Committee with is, pursuant on in furtherance to the document that we provided, we can assist with the year, we could assist with the time the investigation took, we can assist you with the police station, the nature of the complaint or the allegation, and we could assist you with the division in which the complaint came to us.

Mrs. Jennings-Smith: I am really asking this question to clear up something, because in quantifying or in coming to a level of understanding of the amount of situations that happens at a police station, I looked at the numbers for the year and I wanted to know the extremity or the non-extremity where these matters happened.

Ms. Solomon-Baksh: So in terms of the most extreme we have had to deal with people who were found hanging in their cells, people who had been allegedly beaten to death, people who had been wrapped in plastic and beaten, people who had, at the lowest end of the scale, they had been slapped or threatened—and I am looking for another minor one—most of them, they had been beaten with a blunt object. They had been put into a cell with—let me be very diplomatic with my language—with a rival, an alleged rival gang member, and they were allegedly beaten by that person and stabbed with a surgical razor, which somehow found itself into the cell.

Madam Chairman: If I may, I believe that what is trying to be established is, is this a very pressing issue, is it an important issue, and I submit that it is important because what we may be seeing coming to the Complaints Authority would be people who actually come, but there would be many other people, and we see it in the papers all the time, complaining about police picking up people unlawfully, and they would use the term unlawful, meaning that they do not think it is justified detention. So the issue really is, and what you have called out there, speaks of course to the extremes where things have happened in the cell, you find dead bodies, and that kind of thing. So, member, I do not know if that answers your question or if you want to ask further.

Mrs. Jennings-Smith: It does not quite. I was really referring to the number of complaints because we are quantifying it, and I was really referring to six complaints over the period 2014 to 2017, six reports. Right. So I wanted to quantify it, I was not really looking to say, extreme of the action that took place, because then you would have to investigate those activities. I just wanted to bring to light here there were six reports over the period 2014 to 2017.

Ms. Solomon-Baksh: And, similarly, from the PCA's point of view, because I have not had the benefit of seeing what the honourable Committee has seen, for over the past five years, from 2017 come back, we have also considered, at the very least, before this is what we pulled from our second manual search, six complaints from 2013, come up straight until 2017, that we have investigated, and are still investigating.

Madam Chairman: Sen. Moses.

Mr. Moses: Thank you very much, Chair, with your permission, if I can change, I would like to know how many police stations, preferably the percentage, where facilities, holding areas exist for juveniles.

11.40 a.m.

Mr. Williams: Just to share, there have been two such stations specially outfitted to treat with juveniles, in keeping with the new laws. We have, as of this week, received a release of funds so that we can outfit two more stations.

Mr. Forde: Care to identify the two locations? Is it public knowledge?

Mr. Williams: Yes, Maracas St. Joseph and I think it is Gasparillo.

Madam Chairman: Just to interject, Maracas St. Joseph does not have the—

Mr. Williams: Has, has.

Madam Chairman: But what are the two new ones, if that is what he was asking? I am interested in asking.

Mr. Williams: Maraval and Belmont.

Madam Chairman: Can I ask on what basis the stations were chosen?

Mr. Williams: It really had to do with the police service having to meet with new requirements urgently. Maracas St. Joseph was being constructed, and we had an immediate opportunity to make an adjustment, and we made that adjustment with Maracas St. Joseph. We needed to identify that the children's court would be coming on stream. It was supposed to be coming on stream since late last year, and we focused on—there will be a court in the southern area, a court in the northern area, and we looked at how we can support that. So we focused on having an adjustment made in the southern area.

Port of Spain, being dominant by way of the number of cases to cover the broad area, we also then focused on—there being no additional new station for which we can provide, we focused on making some adjustments to existing police stations, and two existing police stations were identified. So it is a progressive consideration, but where the juveniles are to be treated, children detained, we sought to separate the detention activities from adults. So in Maracas St. Joseph the cells at that station are dedicated to the juveniles. It is not facilitating adult prisoners. Adult prisoners would be effectively housed at St. Joseph Police Station, which is reasonably near to Maracas St. Joseph.

So that is what helped guide us as we go forward in treating with matters. Over time, we expect as we get the kind of funding arrangement, we will be able to outfit many more stations.

Madam Chairman: So if I could just recap, the two are Maracas St. Joseph and?—that have existing facilities now?—and Gasparillo; and the two to be added would be Maraval and?—

Mr. Williams: Belmont.

Mr. Forde: So juveniles in the southern area, how will they be taken care of?

Mr. Williams: Gasparillo.

Mr. Forde: So therefore, you will bring all to Gasparillo and then on this side we will bring all to Maracas?

Mr. Williams: And that is just temporarily as we focus on treating with the demands of two courts to treat specifically with children.

Mr. Forde: Is there overcrowding at holding cells?

Mr. Williams: Generally no. If we have persons detained, like we have a major operation and we have persons detained, we then distribute the detained persons to other police stations. So if it is an operation out of one location and the number of persons detained are more than we can provide for at that location, we look at other police stations to distribute the detained persons.

Mr. Forde: How often are holding cells inspected?

Mr. Williams: There is a requirement for a daily inspection.

Mr. Forde: Daily, once a day?

Mr. Williams: Daily.

Madam Chairman: By whom if I may ask?

Mr. Williams: By the officer in charge of the shift at a police station. So they have to check the cells before you cell prisoners, so that nothing is available at a police cell.

Mr. Forde: How often are holding cells cleaned?

Mr. Williams: Daily too.

Madam Chairman: If I may ask, according to the body of principles that was adopted by the United Nations in 1998, and of course we are signatories, places of detention, Principle 29 states:

> Places of detention shall be visited regularly by qualified and experienced persons appointed by and responsible to a competent authority distinct from the authority directly in charge of the administration of the place of detention or imprisonment.

How do we in our present system comply with this principle?

Mr. Williams: We utilize a system of visits and inspections which is based on the management of the station. We have an additional facility of visits and inspections which is based on the assignment of external persons to visit and inspect stations, and that is basically done on a monthly basis. But the daily exercise is done by the officers attached to the station.

Madam Chairman: Who inspects on the monthly basis, who is the independent body?

Mr. Williams: Persons are assigned generally by the DCP Operations and the divisional command. So they would not be the officers assigned to the station; it would be persons other than those assigned to the station.

Madam Chairman: But this principle, if I am reading it correctly, speaks about a competent authority distinct from the authority directly in charge. If I am understanding you to say that it is police officers who are inspecting the cells, would that fall in line with the guidelines of this principle?

Mr. Williams: Well, we have been operating on that basis that the persons directly in charge of the station inspect on a daily basis—persons who are not directly in charge of the station, and we speak in the context of police officers, so we are not looking at any external agency other than the police service. So we speak to two different groupings of police officers.

Madam Chairman: I want to ask the Police Complaints Authority maybe if they can weigh in on that, maybe their legal—should it be? Based on the principle I am relating, does the current system agree with what the principle really is stating? What is your opinion of it?

Mr. West: From reading what you have just read out, Madam Chair, and listening to the Commissioner, they are not in agreement with the recommendation. Because it is a different officer from a different station inspecting, which is the same body, which should not happen. I suspect it may be a matter of budgetary constraints that is why they do it in that way, but I do not know. But from where we stand it should be an independent body, outside of the TTPS inspecting the prison cells.

Madam Chairman: Commissioner, is it that this system operates because of budgetary constraints, or is it that your understanding of it and the understanding that has pervaded have been that it is sufficient for the police to investigate the police cells, or to inspect? If I put it that way.

Mr. Williams: Well, that is the longstanding practice that we have adopted, and the police service sought that practice to comply with what is provided. So that is our view. It was not based on budgetary constraints or anything like that.

Mr. Moses: In a somewhat linked fashion, I would just like to focus on cases where it is apparent that mental health issues might be involved with a detainee or detainees, if they are mixed in holding areas with other detainees.

Mr. Williams: The police service has some level of limitations in making some, what we are going to call "clear determinations" on mental health detainees. We have a standing order which guides how we treat with persons who are identified as mental health detainees, and we sought to also expose our officers to some level of training to deal with mental health detainees. But the determination of persons is not one which is easily made.

Where we have some level of suspicion, we seek the support of the court in addressing issues around mental health detainees, but if it is clear that somebody's behaviour at a police station is so extreme, a course of action is taken to separate that individual from other detained persons.

Mr. Hosein: Thank you, Madam Chairman. I just want to go back to the point on juveniles. Those juveniles who are detained in localities away from the Gasparillo or the Maracas St. Joseph stations, how do we deal with them?—and also in Tobago, because I did not hear whether or not a juvenile station is being outfitted in Tobago.

Mr. Williams: Detention of juveniles has been a longstanding issue with the police service, it is not a new thing. So we have detained persons at police stations, and once we are detaining juveniles we separate them from adults. That is the normal practice. What is being brought to bear is clear distinction of treatment, even the manner in which the cells are to be constructed and outfitted and that is the context in which we speak today in relation to special cells for juvenile offenders.

But in all locations where juveniles are detained, there are established clear rules, guidelines and practice that they are detained in cells separate and apart from adults. So we do not mix juveniles and adults. So it is common practice to detain juveniles and they are detained in cells according to our normal practice. There is a new demand on the police service to treat juvenile offenders in a special way with specially designed police cells, and that is where we speak about those areas such as St. Joseph where we are now meeting the demands of the specially designed cells.

But normally juveniles are detained across the country at police station cells, but we separate those juveniles from adults.

Mr. Hosein: And in Tobago, is Tobago going to get one of those stations?

Mr. Williams: It is our intention. You see, as we go forward it is our intention to outfit as many stations as possible in this special way, but everything is driven by money, and right now we have made some requests. We only received a release, as I said, a matter of days now, and we are moving at a pace to outfit two stations based on that release.

Mr. Hosein: Mr. West, has there been any complaints regarding mixing up adults and juveniles at any stations, to your Authority?

Ms. Solomon-Baksh: From the data that we had so far for the past five years, the answer is no.

Madam Chairman: If I may, with regard to the fact that there is no upper limit on how long a detainee may be kept at a station based on investigations, and it is of course at the discretion of the police officers and at the different levels of supervision to determine whether or not the person is being kept unfairly, what provisions are made for someone that is kept for a number of days at the station? Are there showers? What provision is made to ensure that that person retains their inherent dignity as is outlined in the body of principles, as Principle 1, which states:

> All persons under any form of detention shall be treated in a humane manner with respect to the inherent dignity of the human person.

How are they accommodated in this way?

Mr. Williams: On the rare occasion, and I need to put it that way because we may miss it, persons being detained at police stations for longer than a day or two is a rarity. It is not a normality. So it is not the normal thing for persons to be detained longer than a day or two. On the rare occasion that a person is detained for a longer period of time, the police service facilitates the person to be allowed the opportunity to have a bath and allow family to bring in additional change clothes if those things are necessary, but it is only on a rare occasion. Out of the thousands of persons detained by the police service, it is a matter of a few persons who are ever detained longer than a day or two. I just wanted to make that clear, because we have emphasized the detention of persons for long periods of time, but that is a rarity and it is not a normal thing.

Mr. Hosein: Thank you, Madam Chairman. The children of a prisoner who has no relatives or other persons to take charge of them may be taken charge by a female officer and then taken to a place of safety. If there are no female officers present, what takes place?

Mr. Williams: We will then get a female officer to the location where the child is to be identified. But the police service today has a large number of female officers, so we should not have any difficulty in having female officers available to treat with children.

Mr. Hosein: Thank you. I just wanted to make sure that you would find a female officer. I could tell you from in the municipal police we had interviews recently, and out of the 1,200 persons who came, about 900were female officers, so, but you still want to know because the public comes, and the case might come up.

Mr. Williams: Sure.

Mrs. Gayadeen-Gopeesingh: Thank you, Madam Chair.

Mr. Williams, I have been looking at the responses from some questions here and one particular question stated:

> Accommodation shall meet all requirements of health, due regard being paid to climatic conditions particularly to cubic content of air.

I was trying to figure out what is the required cubic content or air in a holding cell and who measures that and how often it is done. Perhaps too, I do not want Mr. Moore to feel that he is left out of all this, and if Mr. Moore perhaps would want to engage us.

Mr. Williams: The language is one which took me back with the cubic conditions of air. So as I said I needed to just make a few amendments. I highlighted that to the Chairman at the beginning, there are some areas for which I wanted to make some amendments because we have really no set way of measuring that at the stations.

Mrs. Gayadeen-Gopeesingh: Thank you.

Mr. Forde: Actually, I was contemplating the same policy in terms of hearing from another one of your officers. I want to go to the regulations. The Police Service Regulations Part 9, from 100 to 130 provides for the custody and care of prisoners while held in cells at police stations. And I want to go to Regulation No. 101, which reads.

> A prisoner shall be searched on arrest, on arrival at the police station and immediately before being placed in a cell and again on being taken from a cell.

I would presume the same thing would go taking him to the courthouse, bringing him back as the case may be.

A video clip hit my phone earlier this week—and I am sure it would have probably hit a couple individuals, where in one of the police trucks, or probably the service providers, some individuals were engaged, prisoners were speaking and everything and making comments and, you know, what they were doing and so on. How is that possible or in that particular instance, how was that possible? How could that have happened? I do not know if any of you all saw it, but it was a video clip that was circulated just earlier this week.

Mr. Williams: You indicated that you may want one of the others to answer, so you can pick any other one who you choose to answer.

Mr. Forde: I do not want to come across as delegating for you, Mr. Commissioner, that is your authority. But there is Operations, there is south, there is crime, there is North/East or Tobago. How Tobago would probably handle it, I do not know? It probably would be good to hear Mr. Dulachan.

Mr. Dulachan: If I may undertake, I had the privilege of seeing that video yesterday and I would have asked for some information so that we can pursue an investigation. In fact, just to mitigate a repetition of that, yesterday all of the divisional commanders we would have met with prison authorities as well as Amalgamated, the provider of that escort service, just to see how we can probably identify gaps and tighten the situation in relation to something like that not reoccurring. But if we go to the regulations and if the regulations were in fact complied with to the letter, that situation should not have happened.

Mr. Forde: Now added to that, is there a possibility that blame could be provided to the service provider, do you think that could come about in an instant like that? Again, I am just going by examples, you would see three service provider trucks going down the road with prisoners. Again, I would not know how many prisoners are in the van. You would see probably one outrider, there may be two vehicles with two police officers, a driver and so on. And again, I would not know what happens at the cell, we have some attorneys here. I do not know how it would work out. But in terms of it happening, could the service provider search these individuals? Do they have the authority to search these individuals as well or only the police officers?

Mr. Dulachan: The onus is really on the police officers to have these people searched and celled. Whether the cell be in the transport vehicle or at locality at a station or in the court cells, the onus is that of the police officer.

Madam Chairman: If I may, I want to return to an issue that dealt with the man hanging himself in the St. Joseph Police Station in 2017. Now, the Chairman of the PCA would have mentioned the CCTV system, and I saw in the police regulations that the cells are supposed to be—somebody is supposed to walk by every half an hour. So using

this as a test case, I want to understand, in instances where things obviously go wrong, how many police stations are outfitted with CCTV, or are they outfitted with CCTV, and in response to that kind of system failure that would have happened and resulted in someone losing their life, was an investigation launched? Has that been concluded? Have disciplinary measures been taken against anybody found culpable? What precautions have been taken now at the station?

I am using that one now as an example of what happens when the system fails. Because, Police Commissioner, I understand that there are systems in place, but I think we all have to agree that regardless of how many systems of supervision there are, there are officers who will do things wrong and who are doing things wrong, and that officers have faced the court and have come before the court and have been charged and convicted. So we understand that even though we put systems in place, there are failures. So using this, an example that happened last year February 8th, what happened out of this and how are we now to be reassured that when things happen like this, the systems work in order to mitigate against any further recurrence of that and what is really going on to make sure that these things do not happen?

Mr. Williams: I will ask the ACP North/East, ACP Jacob, to speak specifically about the St. Joseph Police Station incident. That falls within his jurisdiction. But to speak about the cameras, I will share with the Committee that we have outfitted all police stations with cameras to cover the area of the corridor to the cells and not to the cells, so we have not placed cameras in the cells. We have placed cameras to cover the corridor to the cells.

Madam Chairman: Could you give us an idea of how recently that outfitting would have happened?

Mr. Williams: It would have been over a period of time but, as of 2017 we would have completed outfitting all police stations.

As it relates to St. Joseph Police Station, that is a new police station and while on the face of it we thought we had designed that station cell to prevent a situation of somebody being able to hang themself at that station, we quickly responded to that and we have made adjustments to the design of the doors to the station cells, and also we have identified a model of how a station cell is supposed to be presented to eliminate persons being able to hang themselves at those station cells.

So all the new stations are now being redesigned to treat with preventing any individual from hanging themself at a police station cell. So St. Joseph has been redesigned, so we should not have recurrence at St. Joseph, Maracas St. Joseph, Besson Street which has just been completed, and all the other stations that are now being constructed are going to be consistent with a new design to eliminate any opportunity for someone to hang themself in a police station cell. We have to revisit all the other stations which are existing for the purposes over time to be in a position to give that assurance that they are so designed that a person will not be able to hang themself.

Sometimes it is kind of almost strange to see how a person intent on killing themselves, how a hanging takes place at a police station cell. It is not that they come in with a special rope or anything like that, they use items of clothing. Consistent with human rights we cannot strip the individual of their clothing at a police station just so, and that is why we now are designing—

Madam Chairman: I understand it was a pants that was used, so I do not expect that we will have all prisoners with no pants, so I agree with you.

Mr. Williams: Yeah, so we are now trying to ensure that the cell does not provide any facility within it which somebody can attach items of clothing or anything like that to hang themselves. But we are doing that now with all the new stations by way of a redesign and we will have to revisit the other older stations over time.

But I will ask ACP Jacob to speak specifically about that matter at St. Joseph, to share with you whether that matter has been fully investigated and any course of action by way of discipline.

Mr. Jacob: Yes please, Madam Chair. In relation to that particular investigation, you said earlier that sometimes persons may fail us. In this instance is where we had the situation where the technology had failed us. That incident happened just about two days after the St. Joseph Police Station was actually opened, and you had the CCTV placed there. It was recording everything but the officers at the reception area were unable to see what was happening in the cell. So after we saw what actually took place and it happened a few minutes after the person was placed in the cells. As you are aware, the regulations place the responsibility on the officers to check on the cell every hour, so in fact—

Madam Chairman: Sorry, is it hour or half hour? I believe your submission said half hour.

Mr. Williams: Now, the regulations speak about every hour, but we have advanced that to every half an hour.

Mr. Jacob: So we do it every half an hour. The regulations state an hour but for our purposes we do it every half an hour.

Madam Chairman: And just one more clarification before you continue. The Acting Commissioner indicated the CCTV cameras are placed in the corridors leading to the holding cells. You are indicating that they are actually on the holding cells and therefore you would have seen exactly what took place?

Mr. Jacob: All right. This incident happened actually on the gate of the cell, inside the cell but on the gate from where the CCTV is located you can see where the gate is located because it actually happened on the hinges of that gate, the hanging that took place. So the CCTV was able to pick up what took place from where it is located.

Madam Chairman: So it was a malfunction of the technology that would have allowed the monitoring officers not to see what was happening?

Mr. Job: Yes, and that was corrected and also the work was done in relation to the hinge and that was also corrected. The investigation was sent to the Professional Standards Bureau and it has reached at a stage now that we are waiting for an outcome from the Professional Standards Bureau in relation to that particular investigation.

Madam Chairman: One more quick question. Why are the CCTV cameras placed in the corridors where you cannot see into the cells? Is that the best placement for that?

12.10 p.m.

Mr. Williams: It really has to do with the issue of privacy. If you are placing the cameras inside of the cell, it has to do with the people's privacy, so that is part of the reason.

As ACP Jacob spoke about the St. Joseph situation, the camera would have covered and also you would have been able to pick up the cell. The incident there occurred right on the cell door, even though adjustments were made in the design, the hinge is what was used as against a bar. We have changed away from the bar because you can simply tie something on a bar, so that is where the design still did not allow us because he used the hinge of the cell door. But it is generally placed in such a way that it covers the cell, but not to view the inside of the cell, so we are not focusing on the inside of the cell because it has to do with privacy.

Madam Chairman: So therefore, even in instances where, and I am going back to some of the things that were cited by the Deputy Director of PCA, where stabbings may have happened inside of a cell, it means that regardless of whether or not there is CCTV, that is not going even to help in those types of circumstances.

Ms. Solomon-Baksh: I am very grateful, Madam Chair, because what had happened, this is one of the recommendations that we made in 2011 and 2012, and we understand and we agree with the philosophy behind not having the cameras trained directly inside of the cell. But what the research revealed is that in other jurisdictions the way they got around it is, well they did throw a lot of money at it. That is to say, when we are protecting the basic human rights and your right to privacy and a lot them relieve themselves in the bathroom in the cell as well, you do not want to have cameras– nobody will like to have a camera in the cell viewing that. But the way that the other

jurisdictions got around it is that they put the bathrooms in another area.

What they also did is, at least, one cell for certain types of inmates—and it is not inmates, sorry, the detainees, at least one cell will be outfitted, and the way they got around any breach of a human right will be that the area where the bathroom facility would be, whether it be a bucket, whether it be, I mean, I hate to use the primitive language, but that is what we may be talking about, it was pixelated.

So that little corner was pixelated, and is ideally the best case scenario from an investigative point of view. Because in our experiences, when we have had the benefit, at least, in one case that we can clearly speak about of an incident where a detainee had serious head injuries and died subsequently, the officers were exonerated because the footage on the corridor, and we only had the benefit of the corridor, it showed that he actually headbutt, he had headbutt himself, I cannot think of a more elegant way to put it, but he had hit himself so violently on the cell, on the metal bars that he ended up having a head injury. The officers were also not to blame, and I want to quickly add that part, because he did show movement.

So when they were monitoring him on the digital system and on their camera system, he continued to move. So, they did not immediately pick it up and unfortunately, they only picked it up after he had died. But one cannot escape the usefulness of cameras in the cell once we are able to protect the human rights.

And it is not only the, and I do not mean to belabour the point, but it is not only the cells that they recommend, they recommend other areas as well, and I am sure the Commissioner is already familiar with this and the Committee is familiar with this, but the footage has helped us. That footage has been of great value to the PCA.

Madam Chairman: Thank you. Sen. Hosein.

Mr. Hosein: Thank you, Madam Chair. With respect to a person when they are detained, the only right, basically, that they are deprived of at that point in time is their right to liberty, so all their other rights are still in effect.

And I say this to raise an issue that recently we saw that there was a certain number of Muslim persons being detained. My question is whether or not these persons are allowed to practise their religion while being detained? Because I am a Muslim and I would understand that the area in which you pray must be clean and the persons themselves, before they engage in religious activities, must clean themselves in a particular way. Does the police allow for these persons to practise their religion while being detained?

Mr. Williams: I would say, yes, as far as can be permitted.

Mr. Hosein: We have had many complaints of the cells being very filthy. How would we allow persons to be praying inside those cells?

Mr. Williams: Well, maybe for my clarity in order to respond, when you speak about their religion and their religious practice, are you saying that they should be taken out of the cell and permitted some special location in the station to pray?

Mr. Hosein: Well, that is what I am asking. Whether or not that is done? Or—

Mr. Williams: Well, I can answer that that is clear. Persons who are detained are detained in cells at the police stations. We seek to have those cells cleaned and maintained at a certain standard, but no person of any religious persuasion is taken out of the cell and placed in any other area of the police station to pray.

Mr. Hosein: Thank you.

Madam Chairman: I think too just to be fair, people have different impressions of what filthy is and what dirty is and so therefore, you would have some subjectivity there that may be difficult to accommodate on all the bases, so just to throw that into the mix as well. Mrs. Jennings-Smith.

Mrs. Jennings-Smith: Having listened to some of the answers given here this morning by the Commissioner, I want to ask you: What arrangement is there in place on a continuous basis to ensure that first responders– because when you go to a station you see a lot of first responders, they are the ones who are in the majority at the police stations. What can you tell us now is in place to ensure that they can answer to some of the questions we posed to you this morning in similar fashion, in that they are sensitised to the rights and privileges of persons in custody? Tell us what do you have in place at this present time to guide the young officers who are the first responders and the majority at a police charge room on a daily basis?

Mr. Williams: And just as we are sharing around the answering, I have the privilege of the ACP North West who just came out of the Police Academy as the head of the Police Academy to give you as a perfect answer that she can give in relation to the training programmes.

Mrs. Lewis: Good morning, Madam Chair. As part of the training programmes for the recruits at the academy, the trainees are all sensitized, at least, they are all trained with respect to the regulations which surround the regulation which provides for the custody and care of prisoners while at the police stations. So they are made well aware of all the rights and privileges that the prisoner should be afforded.

Mrs. Jennings-Smith: Now, being a police officer myself I can speak to what you have just said in the past, in the past [*Laughter*] and I want to point out that, what I want to ask you really, I know of that training. What do you have in place in-service training when you have officers in the field, officers at charge rooms out there, what programme do you have to ensure that these issues are brought to bear to them in updated fashion? What programme do you have at this point in time to deal with people, not training programmes that you have when persons are being trained. I am talking about police officers out there at charge rooms. What programme of activity you have for them at this present time to update them and to enlighten them about rights and privileges and things that are happening?

Because, for example, only last week we saw where somebody was arrested, and when the matter reached to court it was thrown out. So that what happened in that charge room there when that person brought in that individual? So I am talking about that. I am not really referring specifically to that matter, but I am speaking to the training afforded to officers, in-service training to give them that level of confidence and autonomy and authority and knowledge in dealing with persons brought into stations?

Mr. Williams: Just to share with you, I think the ACP started with the recruit training, preparing the individual for the outer world of policing. On an ongoing basis we continue to train officers, we have in-service training programmes and it is part of the mandate of the Police Academy to continue with an in-service training programme for serving officers as we develop them and reshape them.

And at the station level the officer in charge continues to remind officers about what is required in carrying out their, what we can call, station daily functions, and that is done also by way of lectures at station level. So at each station level, persons are reminded, they are guided by way of clear demonstrations of the supervisors of how things are supposed to work, they are effectively mentored by the supervisors at station level to function consistent with the rules and regulations, and they are encouraged to continuously refresh themselves with the regulations and the standing orders which guide the operations at station level.

Mrs. Jennings-Smith: That being so, Mr. Commissioner, why is it in your presentation here we have where you answered, to provide the number of investigation into police brutality cases at police stations. From 2015 to 2017, we see a rise, that in 2015 we had eight, and in 2017 we had 20. Are you satisfied that that training programme that you have for officers at station is working, bearing in mind that we see a rise in these matters?

Mr. Williams: Well, it is not only training. It is one thing to give training, it is about officers complying with rules, and when officers do not comply with rules there are sanctions and that is where the disciplinary process comes in, so those who do not comply with rules have to face the sanction that is imposed by way of the organization. So the numbers are not consistent with not training, it is about us imposing the necessary sanctions by way of discipline.

Mrs. Jennings-Smith: Are you saying that the sanctions are not carried out? Because clearly in 2015 we had five cases of police brutality at police stations, and in 2017 we had 20. Did you do a study to determine what exactly were the causes for this present situation?

Mr. Williams: Well, we have not launched a separate study to identify why we moved from five in 2015 to 20 in 2017. But what I want to share is that we have been imposing sanctions, and in cases of police brutality many officers have even faced the courts on criminal charges of police brutality. And in one instance in Sangre Grande, 12 officers have been linked to an incident, and all 12 are on suspension now and face the criminal charges. So, we do in fact follow up, and we do not take these things lightly. In Princes Town a similar situation, they faced the courts. Central Division, at Chaguanas, similar thing. So it is not about incidents occurring and the police are taking a lackadaisical approach towards it. Wherever there are incidents, breaches, we take action against the officers.

Madam Chairman: Mr. Forde.

Mr. Forde: Mr. Commissioner, I just want to go back, seeing that you brought it up, the St. Clair police station, what is the status of it? You brought it up, you made a comment about—remember in your last report it was up to June2017, it was suspended, construction, but what is the latest with regard to the St. Clair police station in terms of construction?

Mr. Williams: Well, the Government took a decision to relocate the site for the construction of St. Clair, and suspended the construction at one site, and mandated that the station be constructed at another site. We have since gotten the support of the Ministry of Education, and we have housed the St. Clair police station at an old Ministry's building at Alexandra Street, and they have demolished the facilities which were used for the St. Clair police station and we are now in the phase of seeking to construct a new station for St. Clair.

Mr. Forde: Thanks, Madam Chair.

Madam Chairman: I want to just direct, I think everybody is all right. There is one last question that I want to direct to the PCA with regard to their investigations. I am not sure if I clear when I heard you say that you have handled about 800 investigations. Is that in total or is that for the year? What period is that?

Ms. Solomon-Baksh: For the year. If I can just be allowed to give you the exact figure. For the reporting period October2016 to September 2017 we have completed 829 investigations.

Madam Chairman: Okay. And completed means that– and all of these would have been investigations against police officers by members of the public and various persons?

Ms. Solomon-Baksh: Yes please, Madam Chair.

Madam Chairman: Okay. And when you say completed you mean brought to conclusion and made a determination?

Ms. Solomon-Baksh: We would have either closed them, referred to the DPP or referred to the Commissioner of Police.

Madam Chairman: Okay. I just wanted to clarify.

Mr. Hosein: Just one question.

Madam Chairman: Go ahead.

Mr. Hosein: Eight—

Ms. Solomon-Baksh: Eight two nine.

Mr. Hosein: Eight two nine out of how many?

Ms. Solomon-Baksh: Out of, well some of them include– so we have a system where we deal with the backlog, and

then we have matters that come as the days go by. So the exact figure in totality, I am going to have to add it up. The entire amount of matters that we had on the backlog system before those was 1,800. Now remember that figure is also going to include all of your backlog cases, and as the months and days go by, we are going to add to it. So we have completed for the year 829.

Madam Chairman: Of those cases that have been completed, how many of them or what percentage, let me put, has been referred do the DPP? Do you have that at hand?

Ms. Solomon-Baksh: We can provide it. The figure that we have automatically coming to our minds, which is subject to correction, is 17 deferred to the DPP.

Madam Chairman: Seventeen per cent or 17?

Ms. Solomon-Baksh: No, one seven.

Madam Chairman: Seventeen out of the 829.

Ms. Solomon-Baksh: Yes, please. But I would like to be subject to correction. We would like to double check it and bring it back to the Committee, if we are allowed to do that. We will double check that figure.

Madam Chairman: Okay. That is fine, but will give us interesting information for our report. So, how many of them have been dismissed?

Ms. Solomon-Baksh: We would like to know that as well.

Madam Chairman: Okay. All right. And based on your investigations though and having concluded, there are some that you would report to the DPP, right and then there are some that you would dismiss?

Ms. Solomon-Baksh: Report it. So under our remit, we can either close them if there is no evidence, if we have evidence of a criminal offence by the police officers, we are going to refer it to the DPP. If we have evidence that requires disciplinary action by the TTPS, we refer it to the hon. Acting Commissioner of Police.

Madam Chairman: And in general terms, are most of the cases without evidence and therefore, are closed in that way?

Ms. Solomon-Baksh: The short answer, the majority of cases are closed in that way. Few have been referred to—well I would like the opportunity to provide the exact number, but a smaller percentage is referred to the DPP and to the Commissioner of Police.

Madam Chairman: Okay. Sure. That is just for general knowledge because it is not really part of our, relevant to our thing—

Ms. Solomon-Baksh: We apologise for not having it.

Madam Chairman:—but it was just interesting information. I would like to sincerely thank all the members of the delegations for being here, and I would like to invite them to just give us their brief closing comments, the Commissioner and the Director of the PCA, please.

Mr. Williams: Chairman and members, I indicated earlier that there are some amendments and adjustments that we would have liked to make to our previous submission, just to indicate that our responses to questions four, six, 15 and 20, if we can be permitted to submit some adjustments to those.

And just to say that we thank the Committee for accommodating us today. The Trinidad and Tobago Police Service continues to commit itself to serving this nation in a professional manner, and where there are any breaches of our rules, regulations or the substantive law, we intend to take swift action against officers. We want to give the

assurance that there is no intention to breach the law in any form or fashion by the police service, and we will continue to focus on treating with detainees in a swift manner.

Madam Chairman: Thank you. Mr. West.

Mr. West: Madam Chair, members of the Committee, we are indeed thankful for you all taking the time out on hearing what the PCA has to say on this very important subject. We are grateful for the opportunity, we are also grateful for the Commissioner for taking on the PCA's recommendation in 2011/2012 to install camera footage in the police stations. And we also have another recommendation which is that the officers display their regimental numbers at all times because, and at stations, because this gives us the opportunity to identify the officer who may be in breach of some disciplinary regulation.

Having said that, I will like to thank you, again, and any other questions we will be happy to answer in writing back to the Committee. Thank you very much.

Madam Chairman: Thank you so much. And in closing I would just like to summarize some of the findings and recommendations that we have discussed.

All efforts are made to charge detainees promptly however, there is no set time limit which dictates how long someone can be detained. Individuals who believe that police action is not prompt, can apply to the High Court for relief however, this is an expensive process which may be inaccessible to those without the means to do so.

There are levels of supervision in the police service which are designed to reduce, to its lowest level, abuse by police officers with respect to unjustified detention.

The PCA has 23 investigators and eight attorneys. They require 26 investigators and 11 attorneys, at least, to be able to operate optimally.

Two police stations presently have accommodation for juveniles, two more should be added soon which will bring the total to four, and they are, Maracas St. Joseph, Gasparillo that currently have accommodation, and they should soon be joined by Maraval and Belmont.

Suggestions were made to introduce standards with respect to the length of time a detainee could be kept at a holding cell without charge. This may be supported by the PCA, but is not necessarily supported by the police service at this time.

All efforts are made to keep cells clean and in a condition to allow all persons humane and dignified surroundings.

Regular in-service training is provided for police officers along with station level guidance. However, there may be need for more specific and targeted interventions in some cases.

Holding cells are inspected by police officers. No other authority is involved in the inspection process. This may be in contravention of principle 29 of the Body of Principles adopted by the UN in 1998, and requires further attention to ensure compliance.

Persons being detained for more than a day or two are facilitated with baths and change of clothes however, the TTPS has stated that this is a rarity.

All police stations are outfitted with CCTV cameras in the corridors leading to the holding cells. The holding cells themselves are not covered this way. Other jurisdictions have found solutions around this, and in Trinidad and Tobago we may do well to consider some of these to protect both detainees, as well as police officers from spurious allegations.

All new station holding cells have newly designed doors to eliminate the possibility of persons harming

themselves. Older stations have yet to be retrofitted to prevent these circumstances.

The PCA will seek to have data readily available where issues surrounding treatment of detainees at police stations can be clearly and easily identified.

Last recommendation is that, the display of regimental numbers by police officers may assist in investigative processes where there are issues concerning detainees.

I really want to thank everyone for being here and for their free and generous contributions to this issue which we see as an important issue in Trinidad and Tobago, an important human rights issue.

And at this time having spent a lot of your morning with us, I would like to thank our listeners, our viewers, members of the Committee, and declare this meeting now adjourned.

12.32 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
Chaguanas, Maracas, St. Joseph and Besson Street Police Station

Site Visit Report to the Chaguanas, Maracas, St. Joseph and Besson Street Police Station held on Friday 04 May, 2018 from 9:00 a.m. to 12:25 p.m.

Introduction

On Friday March 02, 2018, the Committee convened a public hearing into the Treatment of Detainees and Conditions at Police Stations in Trinidad and Tobago. The written and oral submissions provided by officials of the Ministry of National Security and Police Complaints Authority (PCA) were considered, and as a result, the Committee determined that 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 site visits to three police stations in Trinidad on May 05, 2018 at 9:00 a.m.

Report

1. The following persons attended the site visit:

Committee Members

i.	Dr. Nyan Gadsby-Dolly, MP	Chairman
ii.	Mr. Esmond Forde, MP	Member
iii.	Mr. Kazim Hosein	Member
iv.	Mr. Barry Padarath, MP	Member
v.	Mr. Saddam Hosein	Member

vi. Dr. Dhanayshar Mahabir Member

Secretariat Staff

i. Ms. Khisha Peterkin Assistant Secretary

ii. Mrs. Angelique Massiah Assistant Secretary

iii. Ms. Aaneesa Baksh Graduate Research Assistant

Chaguanas Police Station

1. On arrival at the Chaguanas Police Station, the contingent assembled and was greeted by the following officials:

• Ms. Patsy Joseph	Assistant Commissioner of Police, Central and North East Regions (Ag.)
• Mr. Inraj Balram	Senior Superintendent of Police (Ag.), Central Division
• Mr. Richard Smith	Assistant Superintendent of Police (Ag.), Central Division
• Mr. Richard Bertie	Inspector (Ag.), Chaguanas Police Station
• Mr. Felix Pearson	Head, Planning, Research and Project Implementation

2. The tour of the facility which commenced at approximately 9:08 a.m., was guided by Mr. Pearson and ACP Joseph who indicated that the Chaguanas Police Station is one of the older police stations in Trinidad and has been marked as a station to be renovated in the near future.

3. The Committee was guided to the holding cells of the detainees and was informed that there were no detainees at the time as they were sent to Court earlier that morning.

Figure 18 Committee Members briefed on the situation of the detainees at the Chaguanas Police Station

4. It was observed that there were four cells with a toilet bowl and a shower facility for the detainees in the event that they were kept for longer than 24 hours. The Members were allowed to enter the cells and observe the conditions.

5. The following issues were identified during the tour of the cells:
   - Ventilation – the majority of the holes for ventilation in the cells were blocked with cement and limited natural light and air was allowed. The Committee noted that of 9 ventilation blocks in each holding cell, 7 were blocked in cell 1; in cell 2, 6 were blocked; in cell 3, 7 were blocked and in cell 4 none were blocked.

Figure 19 Ventilation holes provided inside the cells

   - Visitation – detainees were allowed visits by family members with the consent of the officers at the station.

   - Meals – a caterer provides the meals for the detainees, however, under special circumstances, family members may be permitted to provide food for a detainee.

   - Holding Cells – a maximum of four (4) detainees are placed in each cell. To prevent overcrowding, detainees in excess of this number are sent to the nearest police station which is located in Brasso. The Committee was informed that the cells have a fast turnover as detained persons do not usually stay overnight in the cells.

   - Toilets – the Committee was informed that the detainees often sabotage the holding cell toilets by flushing large items to clog the toilet.

Figure 20 The tanks for the toilets in the cells located outside the Chaguanas Police Station

Figure 21 Toilet provided for use by detainees in the cells

- Mattresses – no mattresses or beds are provided in the holding cells since they are used by the detainees as weapons against the police officers and the material can be used to harm themselves. The Committee was informed however, that where a special need arises, for example, if a pregnant woman was detained, a mattress will be provided.

- Monitoring- CCTV cameras are located outside the holding cells just above the entry gate. Since they do not face the cells, TTPS officers are unable to view the inside of each cell. It must be noted however, that cells are patrolled by TTPS officers every half hour.

Figure 22 Positioning of the lights and cameras at holding cell area of the Chaguanas Police Station

- Light Fixtures – there were no light fixtures in the cells. The Committee was informed that detainees would use the light fixture as a form of weapon against the TTPS officers or try to commit suicide. For these reasons, light fixtures are stationed outside the cells.

- Station Bail – the Committee was informed that station bail can only be granted by a TTPS officer, the rank of Corporal or above. It is only accorded to persons who were arrested on summary offences as a Justice of the Peace needs to be present for cases of indictable offences.

6. The tour of the cells was concluded at 9:38 am.

Maracas, St. Joseph Police Station

7. On arrival at the Maracas, St. Joseph Police Station at 11:54 a.m., the Committee was greeted by the following officials of the facility, including:

• Ms. Patsy Joseph,	Assistant Commissioner of Police, Central and North East Regions (Ag.)
• Mr. Michael Daniel	Senior Superintendent of Police (Ag.), Northern Division
• Mr. Jacqueline Solomon	Sergeant, Child Protection Unit, Northern Division
• Mr. Larry David	Sergeant, Northern Division
• Mr. Felix Pearson	Head, Planning, Research and Project Implementation

8. The tour was guided by Mr. Pearson, ACP Daniel and ACP Joseph. The Committee was informed that this station housed only juvenile detainees and contained an office of the Child Protection Unit (CPU).

Figure 24 Driveway for vehicles to enter the reception area to drop off detainees

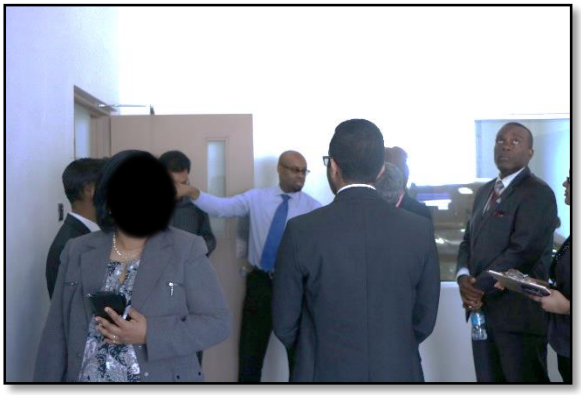


Figure 23 Members of the Committee directed by Mr. Pearson in the Vehicle Reception Area

9. The Committee was guided to the Vehicle Reception Area of the station where they were informed that the area was designed to allow officers to drive directly into the facility. This allows for the private transfer of the juvenile detainee from the vehicle.

10. The Committee was informed that the reception area for the juveniles is separate from the rest of the facility and at no time does a juvenile detainee interact with the daily operations of the station area.

11. It was noted that the Duty Counsel is always contacted as soon as the juvenile is brought into the facility.

Figure 26 Members of the Committee discussing the conditions of detainees while in a cell

Figure 25 Members of the Committee observing the conditions of a detainee

12. The Members were informed that juvenile cells are called 'suites'.

13. Members were guided to the suites where juvenile detainees are held. They were allowed to enter empty suites to observe the conditions and speak to the detainees about suite conditions.

14. The following issues were discussed:

- The hinges on the cell gates were redesigned to ensure that there are no opportunities for detainees to commit suicide via the hinges of the door.

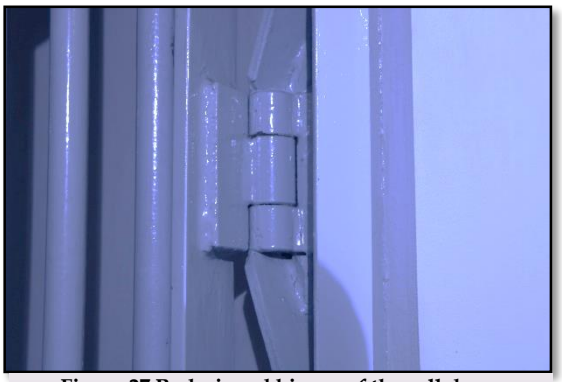


Figure 27 Redesigned hinges of the cell doors

- The ventilation installed for the holding cell area is separate from the ventilation used for remainder of the station.

- The custodian room is located in the same area so as to facilitate easy access and monitoring of the detainees.

- The showers were provided for the use of the detainees and graffiti was observed on the walls of the suites.

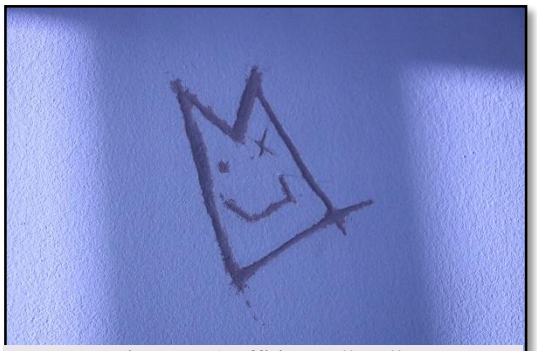


Figure 29 Graffiti on cell walls

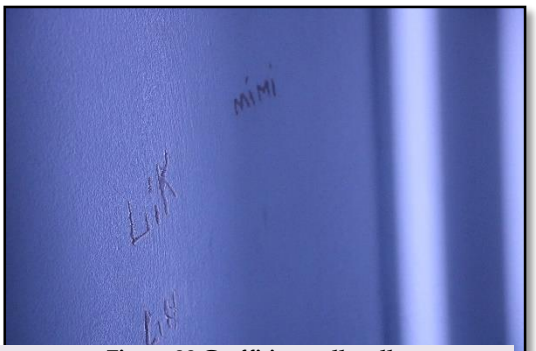


Figure 28 Graffiti on cell walls

- The detainees are allowed to speak to their attorneys at any time and visitors are allowed at any time.

- There were three suites for juveniles and the female juveniles are always held in a separate suite. In one of the juvenile suites, it was observed that the stainless steel stool was uprooted by the detainees.

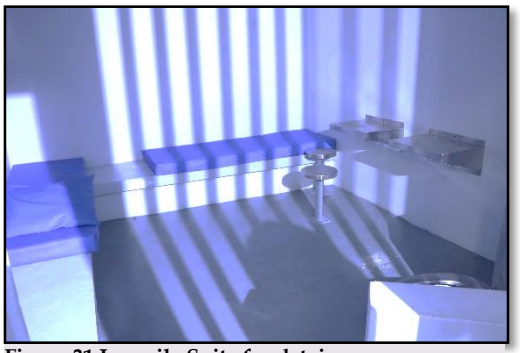


Figure 31 Juvenile Suite for detainees

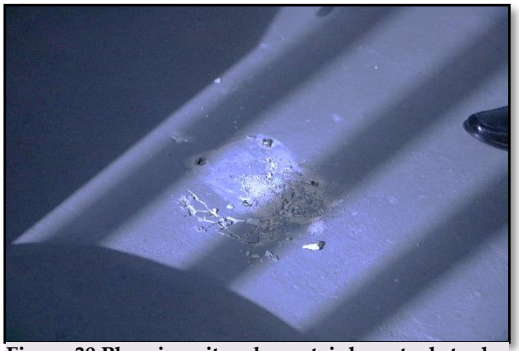


Figure 30 Place in suite where stainless steel stool was uprooted

- The CCTV were positioned outside the suites in areas where the TTPS officers could view inside the holding cell yet maintain the privacy of the detainees.

- There were no light fixtures in the suites, but the light fixtures were positioned outside gave sufficient illumination.

- The period of stay of the juveniles was dependent on the type of crime and the time period it took to process the detainee. However, the Committee was informed that the station places the utmost importance on processing juveniles as quickly as possible.

15. The tour then moved to the observation room in the building where the Members were allowed to view the process of juvenile detention at the facility. The Committee commended the officials on the type of equipment used by the facility for recording and transcribing during the interrogation process.

16. The tour was guided to the main station area where the Committee viewed the daily operations of the station.

17. The Committee was informed that the in-house Facilities Unit is responsible for ensuring the maintenance of the station and the vehicles.

18. One vehicle was assigned to the station to support the workings of the Unit, however, the Committee was assured that additional vehicles are available on stand-by should the station be in need of extra vehicles.

19. The Committee was informed that the juvenile detainees are usually identified by fingerprint and thumbprints and all information related to the detainee will be on an online computer system including medical information and previous detentions. The Committee was further informed that the system for the identification of the juveniles still needs to be linked to the Judiciary.

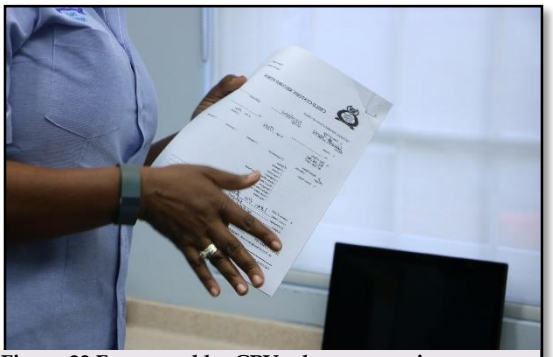


Figure 33 Form used by CPU when processing information from a juvenile detainee

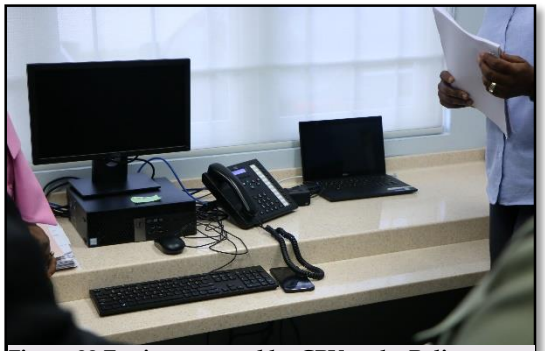


Figure 32 Equipment used by CPU at the Police Station

20. The Members noted that the station provides basic storage for DNA samples however, the CPU officers are not allowed to collect DNA evidence from juveniles.

21. The tour concluded and the Committee departed for the Besson Street Police Station at 10:55 am.

Besson Street Police Station, Port-of-Spain

22. The Committee arrived at the Besson Street Police Station at 11:36 a.m. with a contingent of the following Members:

i. Hon. Dr. Nyan Gadsby-Dolly, MP Chairman

ii.	Mr. Esmond Forde, MP	Member
iii.	Mr. Barry Padarath, MP	Member
iv.	Mr. Saddam Hosein,	Member
v.	Dr. Dhanayshar Mahabir	Member

23. The Members were met with the following persons from the Police Service:

• Ms. Patsy Joseph	Assistant Commissioner of Police, Central and North East Regions (Ag.)
• Mr. Edmund Cumberbatch	Assistant Superintendent of Police (Ag.), Area East
• Mr. Kassiram Lutchman	Inspector (Ag), Besson Street
• Mr. Charles Sooklalsingh	Sergeant, Besson Street
• Mr. Felix Pearson	Head, Planning, Research and Project Implementation

24. The tour commenced at the Vehicle Reception Area of the police station where the detainees would be received before they are moved to the holding area for processing.

Figure 34 Gateway for access into the Vehicle Reception Area

The tour moved to the holding room and the juvenile holding area where detained juveniles were kept before they were sent to the Maracas/ St. Joseph Police Station.

Figure 35 Inside of the juvenile holding bay

25. The Committee noticed that key access was required for officers to enter into the holding cell area of the detainees and were informed that officers usually enter the holding cell area in pairs.

26. The Members were informed that the lockers that lined the wall of the holding cell area were used to house the personal items of the detainees.

Figure 36 Lockers used to hold personal items of the detainees.

Figure 37 Lockers at the holding cells

27. There were no detainees in the holding cells as they were all at Court. The Members were allowed to enter the holding cells and observe the inside. Upon entry into the holding cell, the Committee noticed and that there were no mattresses on the concrete benches, however, they were informed that mattresses were provided as needed.

Figure 38 Walls inside the cells at the Besson Street Police Station

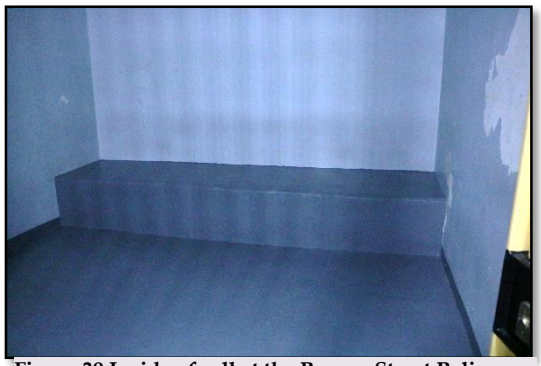


Figure 39 Inside of cell at the Besson Street Police Station

28. Two shower facilities were provided for the detainees and the plumbing for the holding cells were housed in separate facilities outside of the cells to prevent the tampering of the hardware.

Figure 40 Toilet inside cell at the Besson Street Police Station

Figure 41 Shower facilities provided for the detainees

29. The Committee was informed that TTPS officers visit the holding cells every half hour and the ventilation system was not turned on though it was working. Additionally, CCTV was positioned to enable the officers to monitor the corridor and partially monitor the inside of the cell.

Figure 42 Lighting facilities at the Besson Street Police Station

Figure 43 CCTV at the holding area of the station

30. The Committee was informed that the station had not received any visits from any Human Rights groups.

31. The tour ended at 12:25 p.m.

<u>May 18, 2018</u>

APPENDIX IV
REGULATIONS

Table 10
Compliance to the Police Service Regulations (Part 1X - 100-113)

Regulation No.	Regulation	Compliance/Non-Compliance (Yes/No)	Current Treatment of Detainees
100	A cell in which prisoners are confined shall be opened by not less than two officers.	Yes	As per Regulation
101	**1)** A prisoner shall be searched on arrest, on arrival at the Police Station and immediately before being placed in a cell and again on being taken from the cell.	Yes	As per Regulation
	(2) At a Police Station a male prisoner shall be searched by two male officers and a female prisoner by a female officer.	Yes	As per Regulation
102	(1) All property found on a prisoner when he is searched shall be taken from him and a record shall be made in the charge book, and this entry shall be read over to the prisoner who shall be asked to verify and to sign it as being correct.	Yes	As per Regulation
	(2) If the prisoner claims that the entry is incorrect, a note to this effect shall be made immediately against the entry by the most senior officer present and he shall report the matter to the officer in charge of the Division for immediate investigation.	Yes	As per Regulation
	(3) Property required as a Court exhibit shall be retained and handed over to the General Property Keeper.	Yes	As per Regulation
	(4) A prisoner's property shall be returned to him on his release from custody and he shall be required to sign for receipt of it in the Charge Book.	Yes	As per Regulation
	(5) A prisoner's property in the possession of the Police for more than forty-eight hours shall be handed over to the General	Yes	As per Regulation

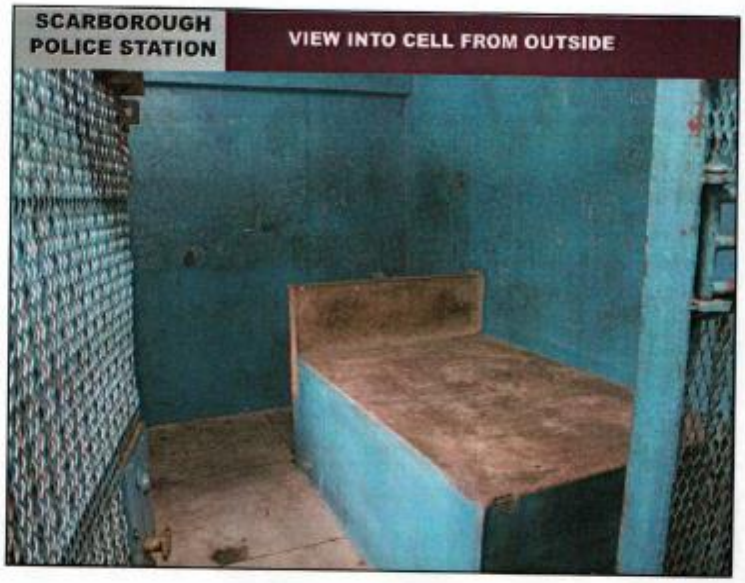
	Property Keeper and transferred to the General Property Register.		
	(6) If a prisoner is handed over gaoler, the prisoner's property shall also be handed over to the gaoler, who shall give a receipt to the Police for it.	Yes	As per Regulation
103	Subject to regulation 102(3), the property taken from a prisoner may be handed over to any person as directed by the prisoner, on such person giving a receipt for having received the property and the prisoner certifying that this has been done by signing the Charge Book or the General Property Register	Yes	As per Regulation
104	Unless as otherwise directed, the officer in charge of the Reception Area shall visit a prisoner in a police cell at least once every hour.	Yes	As per Regulation
105	**1)** The children of a prisoner, who have no relatives or other persons to take charge of them, may be taken charge of by a female officer and taken to a place of safety until other arrangements for their care can be made.	Yes	As per Regulation
	(2) The female officer shall be paid at such rate for each child cared for under sub regulation (1) as the Commissioner may direct.	No	Function forms part of the normal duty of officers. No additional cost incurred.
106	**(1)** The Commissioner shall fix the daily ration for a prisoner in police custody.	Yes	As per Regulation
	(2) A prisoner shall be fed three times daily at 7.30 a.m., 12.30 p.m. and 5.30 p.m. or as near as possible to these hours.	Yes	As per Regulation
	(3) A prisoner may be supplied with food from outside, but the	Yes	As per Regulation

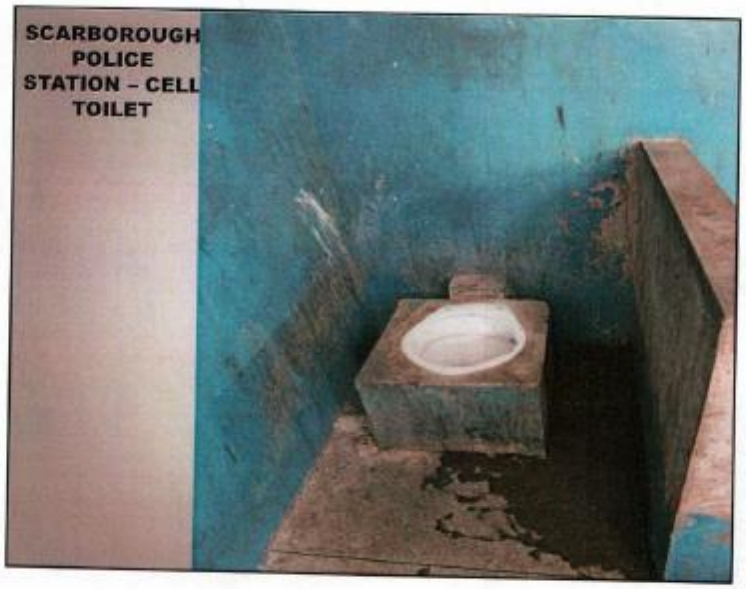
	officer in charge of the Reception Area shall examine all such food.		
107	The legal adviser of a prisoner shall be allowed to communicate with the prisoner in private at a Police Station but the prisoner must be kept in sight by an officer during such communication.	Yes	As per Regulation
108	**(1)** When a prisoner reports sick, the senior officer at the Police Station shall immediately notify the appropriate Government Medical Officer or take the prisoner to a duly qualified medical practitioner or medical institution.	Yes	As per Regulation
	(2) Upon notice under sub regulation (1), the Government Medical Officer, duly qualified medical practitioner or medical institution may order the prisoner be taken to a public hospital and he shall be escorted to such hospital in custody.	Yes	As per Regulation
109	The strength of an escort to be provided for the removal of prisoners, except those conveyed in a prison van, shall be regulated as follows: (a) one prisoner shall be accompanied by at least one officer; (b) two to five prisoners shall be accompanied by at least two officers; (c) six to ten prisoners shall be accompanied by at least three officers.	Yes	As per Regulation
110	In the case of prisoners being conveyed in a prison van, there shall be at least two officers in addition to the driver.	No	Current mode of operations involves the use of a private security firm to provide transportation which are escorted by the police.
111	In the case of a prisoner considered to be dangerous and	Yes	As per Regulation

	unruly additional officers shall be sent as may be necessary.		
112	An officer on escort duty shall be provided with handcuffs that shall be used when necessary.	Yes	As per Regulation
113	An officer escorting prisoners may be armed if the circumstances so warrant.	Yes	As per Regulation

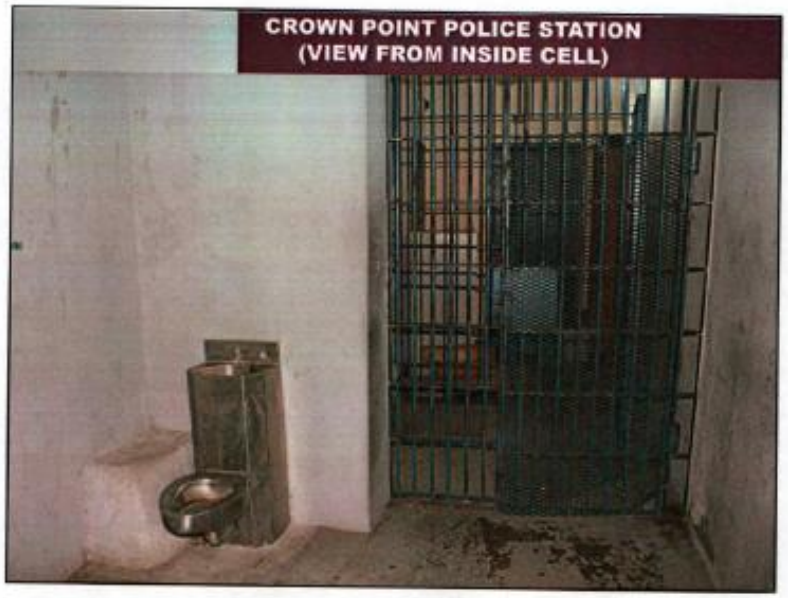
APPENDIX V PICTURES FROM POLICE STATIONS IN TOBAGO

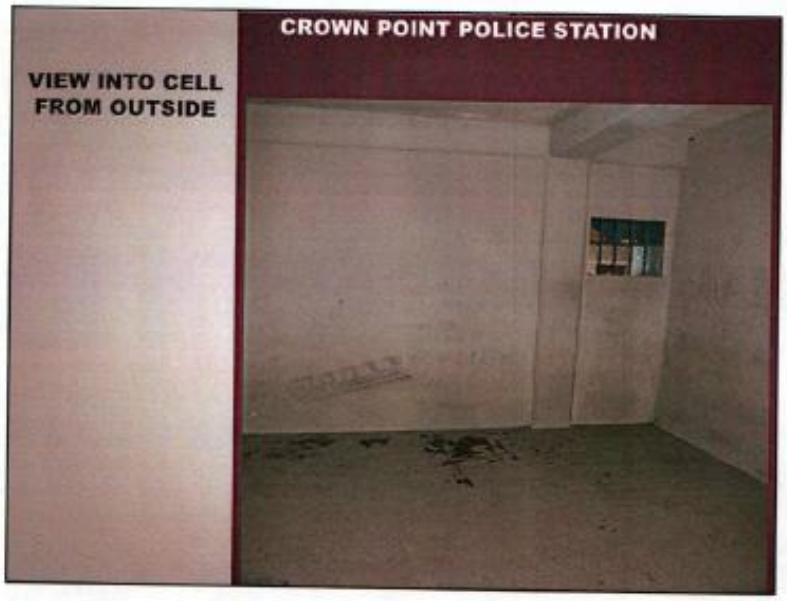
20/04/2018


SCARBOROUGH POLICE STATION
VIEW INTO CELL FROM OUTSIDE

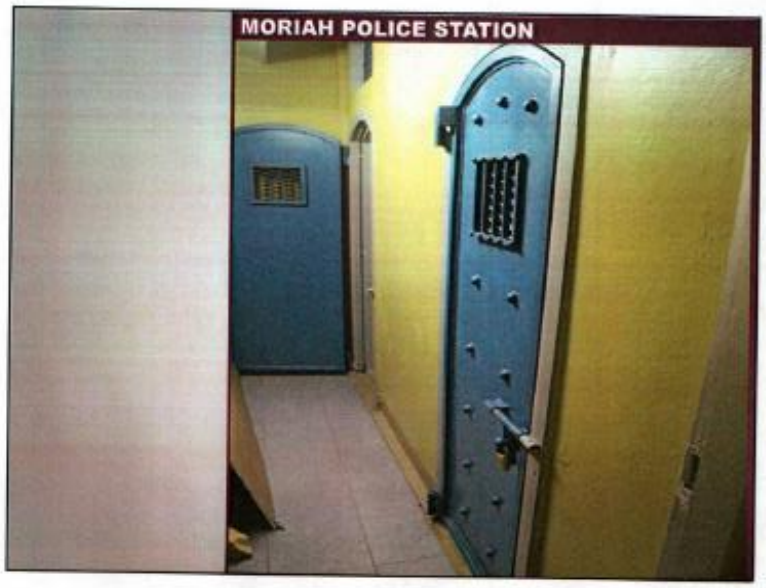

SCARBOROUGH POLICE STATION – CELL TOILET

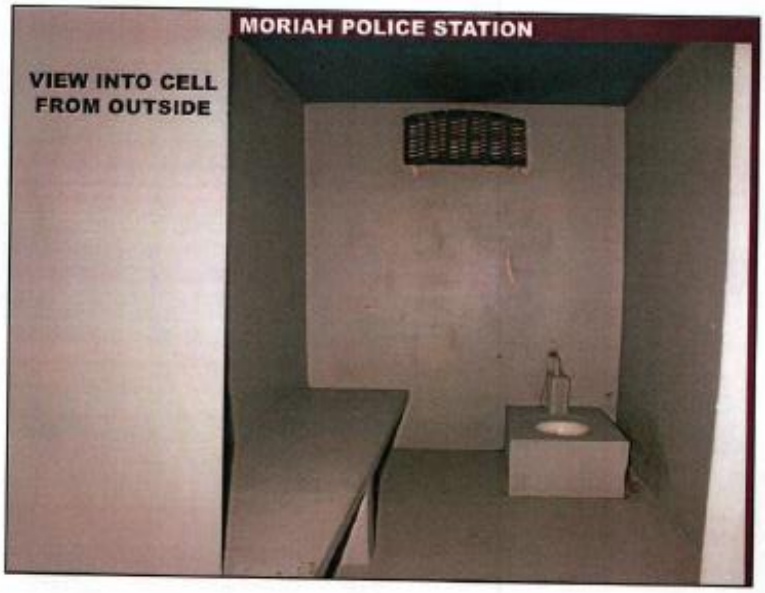
20/04/2018


CROWN POINT POLICE STATION
(VIEW FROM INSIDE CELL)

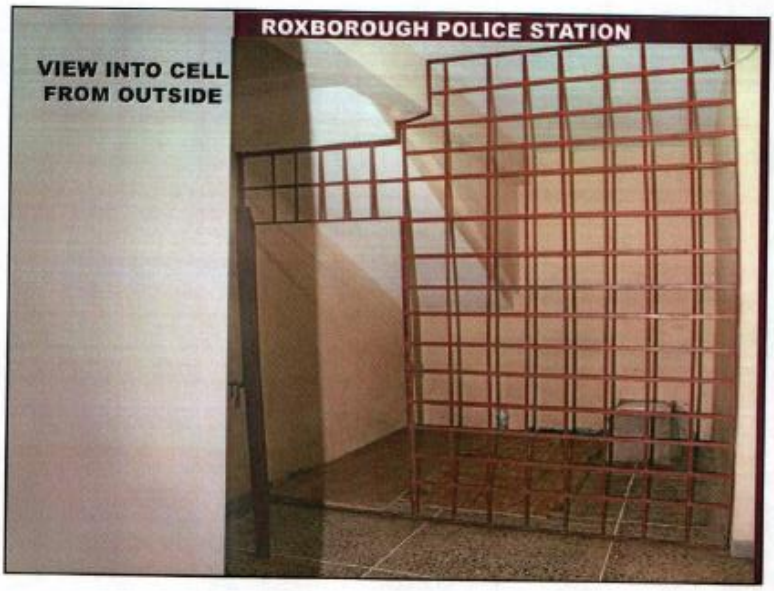

CROWN POINT POLICE STATION
VIEW INTO CELL
FROM OUTSIDE

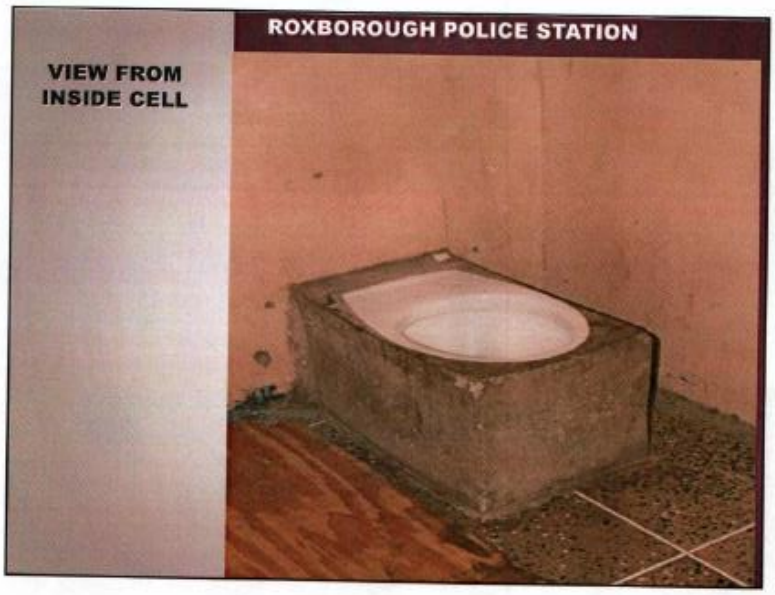
20/04/2018


MORIAH POLICE STATION

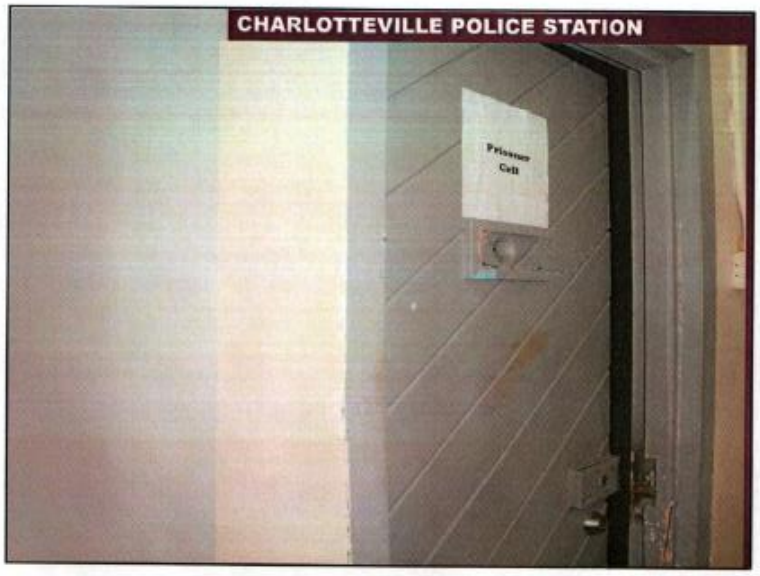

MORIAH POLICE STATION
VIEW INTO CELL
FROM OUTSIDE

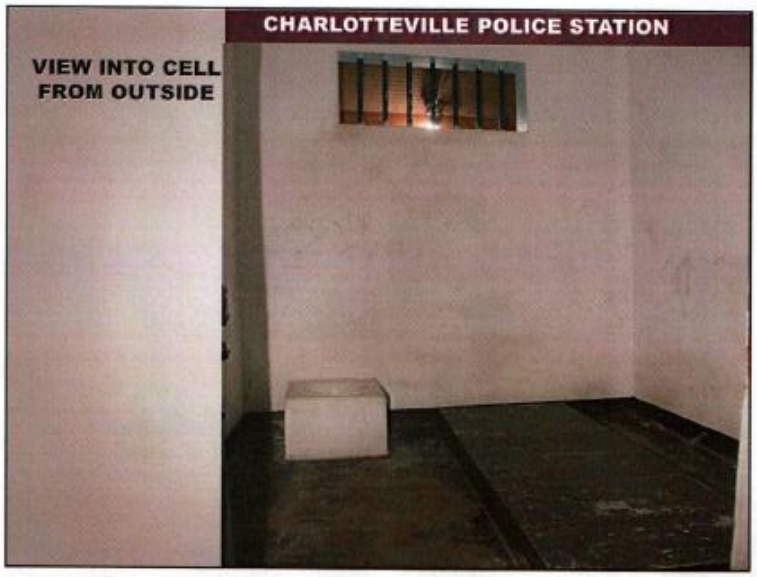
20/04/2018


ROXBOROUGH POLICE STATION
VIEW INTO CELL
FROM OUTSIDE


ROXBOROUGH POLICE STATION
VIEW FROM
INSIDE CELL

20/04/2018


CHARLOTTEVILLE POLICE STATION
Prisoner
Cell


CHARLOTTEVILLE POLICE STATION
VIEW INTO CELL
FROM OUTSIDE

APPENDIX VI RECOMMENDATIONS FROM THE TTPS SOCIAL AND WELFARE ASSOCIATION

Association Recommendations	
1.	Police and Criminal Evidence (P.A.C.E) Act code of practice of the United Kingdom be adopted or parts thereof, on detention, interview and interrogation of its suspects.
2.	That all interactions with a suspect or detainees be video recorded
3.	Training and development of dedicated custody officers to execute the codes of P.A.C.E. and that such custody officers be trained in the areas of: i. Custody Management Planning ii. Response, arrest and detention iii. Risk Assessment iv. Risk of a person detained ordinarily or in connection with terrorism v. Control, restraints and searches vi. Detainee care vii. Detention of the LGBT community viii. Death in custody ix. Building and facilities requirements
4.	The home office of the United Kingdom be contacted to assist in the provision and support of its recommendations and that the requisite training be the source of recommendation from the home office.

APPENDIX VII
CCTV SURVEILLANCE LEGISLATION IN OTHER COUNTRIES

Country	Legislation
United Kingdom	The Prison (Amendment) (No. 2) Rules 2000 **6.** After rule 50 there shall be inserted the following rule: "**Observation of prisoners by means of an overt closed circuit television system** 50A.—(1) Without prejudice to his other powers to supervise the prison, prisoners and other persons in the prison, whether by use of an overt closed circuit television system or otherwise, the governor may make arrangements for any prisoner to be placed under constant observation by means of an overt closed circuit television system while the prisoner is in a cell or other place in the prison if he considers that— (a)such supervision is necessary for— (i)the health and safety of the prisoner or any other person; (ii)the prevention, detection, investigation or prosecution of crime; or (iii)securing or maintaining prison security or good order and discipline in the prison; and (b) it is proportionate to what is sought to be achieved. (2) If an overt closed circuit television system is used for the purposes of this rule, the provisions of rules 35C and 35D shall apply to any material obtained[34].".
Australia	Office of Police Integrity, "Policing and Human Rights: Standards for police cells" "Digital Closed Circuit Television (CCTV) equipment is fitted in the sally port, reception area, each cell and all internal and external communal facilities in the cell complex. Equipment is subject to regular maintenance and checked to ensure it is in good working order with correct positioning[35]."
New York State	Minimum Standards and Regulations for the Management of City Jails – Town and Village Lockups Part 7504- Supervision of Detention Areas (g) the use of closed circuit television to visually monitor an area in which prisoners are detained is approved only as an adjunct to actual physical supervisory visits by police department personnel and shall not be considered as a substitute for such visits.[36]
New Zealand	Cameras are used in accordance with the Section 5 (1) (a) of the Corrections Act 2004 and Corrections Regulations 2005, which state that sentences must be administered in a "safe, secure, humane, and effective manner." *Purpose of corrections system* *(1)The purpose of the corrections system is to improve public safety and contribute to the maintenance of a just society by –* *(a)ensuring that the community-based sentences, sentences of home detention, and custodial sentences and related orders that are imposed by the courts and the New Zealand Parole Board are administered in a safe, secure, humane, and effective manner;…[37]"*

[34] http://www.legislation.gov.uk/uksi/2000/2641/made
[35] http://www.ibac.vic.gov.au/docs/default-source/toolkit/policing-and-human-rights---standards-for-police-cells.pdf?sfvrsn=2
[36] http://www.scoc.ny.gov/pdfdocs/lockupmanual_2013.pdf
[37] http://www.legislation.govt.nz/act/public/2004/0050/latest/DLM295298.html?search=sw_096be8ed8167de75_safe%2c+secure%2c+humane%2c+and+effective_25_se&p=1&sr=2