



The Ninth Report of the Joint Select Committee of Parliament
on Human Rights, Equality and Diversity
"Inquiry into the Treatment of Detainees and the Conditions at Holding Cells in
Trinidad and Tobago Police Stations"
Response to Recommendations
Date: November 27th, 2018

Trinidad and Tobago Police Service

Request for Information –Joint Select Committee of Parliament on Human Rights, Equality and Diversity, Inquiry into the Treatment of Detainees and the Conditions at Holding Cells in Trinidad and Tobago Police Stations – Response to Recommendations

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

Response:

In consideration of Clause 1 the Police and Criminal Evidence (P.A.C.E) Act governs the code of practice for Police Officers in the United Kingdom and would serve as a benchmark for our Policing procedures in Trinidad and Tobago, hence it would be the ideal source to replicate in dealing with the detention, interview and interrogation of suspects.

In relation to Clause 2 there must be some form of contingency arrangements in the event of malfunctions and inadequate staffing to keep the process flowing and avoid unnecessary delays. In the event of suspects or their representative agreeing to being interviewed but declining to be video recorded, would these video recording be done without the consent of the suspects?

Also Clause 3 the recommendations to foster training and development of custody officers should also include care of minors by the custody officers. The custody officer's functions are onerous and officers may opt to decline such positions, therefore would these positions be voluntary or mandatory.

Clause 4 states to seek the guidance of the home office of the United Kingdom for recommendations and training which would be totally beneficial to the implementation of these refined procedures.

Recommendation 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.

Response:

This would be beneficial to the present situation the Trinidad and Tobago Police Service faces when dealing with prisoners suffering from medical condition or mental or physical disability. Two major factors that must be considered in this regard though, the availability of cells to enable

such separations after recommendations have been made and how soon after arrest is the assessment expected to be done.

Recommendation 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.

Response:

The TTPS would advocate through the Minister of National Security, for the relevant legislation to be amended, to include provisions to permit the use of CCTV cameras to monitor detainees inside the holding cells.

Presently, we abide by "best practices" to include provisions to permit the use of CCTV cameras to monitor detainees inside holding cells. This, for example, would guide regarding placing cameras in areas that may infringe on personal rights like placement of cameras in a restroom.

To date, CCTV cameras are present and fully functional outside of every holding area/cell in Trinidad and Tobago, with a focused view inside of the cell to its occupants. Our impuissance to place cameras *inside* of cells has been due to the fact that despite our best efforts at concealment (pinhole, manipulation of the height and environment) the cameras are destroyed by individuals in the cells. It should be noted with much time on their hands to study the environment, the cameras are always found and destroyed, or view is obscured with fecal matter or anything that can be used for the lens.

Recommendation 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 offices

Response:

Captured footage shows exactly what happened, when and all parties involved. It may be used freely, as necessary, by the powers that be. This footage is readily available.

Once requested in a timely manner, the information is harvested, secured and available for use within 24 hours. If, however, there is negligence in placing the request - as in a request being

made for footage that was recorded three (3) months prior - this would be problematic since there are constraints relating to storage issues.

This information is recorded by quality cameras that is maintained and serviced religiously by the Information Technology Department of the TTPS, it is not monitored. Monitoring of these cameras continuously for the 24 hour period brings into the equation the requisite manpower and team re-assignments. This lies outside the purview of the Information Technology Department, as do questions of the "conditions of the cells". Pronouncements, judgements, comments or advice on environmental conditions in the cells will be left to industry experts on these topics based on viewed footage or visits.

Recommendation 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 Protection of All persons under Any Form of Detention or Imprisonment to conduct investigations of the holding cells at police stations to ensure compliance with international benchmarks and legislation.

Response:

This question seem to suggest an independent agency to ensure quality of the holding cells at a Police Station, their role may be the same as the custody officer which is suggested to ensure the proper procedures are followed with the care and procedures totally in relation to detained persons. It is suggested that these matters of security be dealt with internally rather than having an independent body conduct investigations of holding cells at Police Stations to ensure compliance. As such the custody officer will review the status and provide a report with recommendations to ensure that the quality of cells are in keeping with international best practice.

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

Response: The provision of these facilities has been catered for with their inclusion in the new Roxborough and Old Grange Police Stations in Tobago. These stations are due for completion during fiscal 2018/2019