



# 8<sup>th</sup> Report

JOINT SELECT COMMITTEE ON

**FINANCE AND LEGAL AFFAIRS**

on

An Inquiry into the

**Adequacy of Magistrates' Courts Facilities**

Fifth Session (2019/2020) of the 11<sup>th</sup> Parliament

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The Joint Select Committee on Finance and Legal Affairs

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# 8<sup>th</sup> REPORT

OF THE

JOINT SELECT COMMITTEE ON  
FINANCE AND LEGAL AFFAIRS

ON

AN INQUIRY INTO THE ADEQUACY OF  
MAGISTRATES' COURTS FACILITIES

**Date Laid: HoR: 08.05.2020**

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## TABLE OF CONTENTS

|   |           |
|---|-----------|
| TABLE OF CONTENTS .....   | 4         |
| ACRONYMS AND ABBREVIATIONS.....   | 6         |
| LIST OF TABLES.....   | 6         |
| LIST OF FIGURES.....  | 6         |
| LIST OF APPENDICES .....  | 7         |
| <b>THE COMMITTEE .....</b>  | <b>9</b>  |
| <b>COMMITTEE MANDATE AND ESTABLISHMENT .....</b>  | <b>9</b>  |
| <b>SPECIFIC AREAS OF RESPONSIBILITY .....</b>   | <b>10</b> |
| <b>POWERS OF THE COMMITTEE .....</b>  | <b>10</b> |
| <b>MEMBERSHIP .....</b>   | <b>10</b> |
| <b>SECRETARIAT SUPPORT .....</b>  | <b>11</b> |
| <b>EXECUTIVE SUMMARY .....</b>  | <b>12</b> |
| <b>SUMMARY OF RECOMMENDATIONS.....</b>  | <b>14</b> |
| <b>INTRODUCTION.....</b>  | <b>19</b> |
| <b>MODERN STANDARDS FOR COURT DESIGN .....</b>  | <b>19</b> |
| Security .....  | 19        |
| Accessibility.....  | 20        |
| Functionality .....   | 21        |
| Technology.....   | 21        |
| <b>A HISTORICAL PERSPECTIVE OF MAGISTRATES' COURTS.....</b>   | <b>22</b> |
| <b>OBJECTIVES .....</b>   | <b>23</b> |
| <b>CONDUCT OF THE INQUIRY.....</b>  | <b>23</b> |
| <b>WRITTEN SUBMISSIONS.....</b>   | <b>24</b> |
| <b>OBJECTIVE 1: TO EVALUATE THE CONDITIONS OF EXISTING MAGISTRATES' COURTS FACILITIES IN TRINIDAD AND TOBAGO.....</b> | <b>25</b> |
| An Overview of Magistrates Courts .....   | 25        |
| Occupational Safety and Health.....   | 32        |
| Role of the OSH Agency .....  | 32        |
| Role of the TTFS .....  | 36        |
| Assessment of Magistrates' Courts by stakeholder entities.....  | 37        |
| Magistrates' Courts-Areas in need of attention .....  | 41        |

|  |            |
|--|------------|
| FINDINGS.....  | 42         |
| RECOMMENDATIONS.....   | 44         |
| <b>OBJECTIVE 2: TO IDENTIFY THE PROGRESS MADE BY THE JUDICIARY IN IMPROVING THE FACILITIES OF MAGISTRATES' COURTS .....</b>                              | <b>47</b>  |
| Upgrades to Magistrates' Courts facilities for the period 2003- 2018 .....   | 47         |
| Role of the Property and Real Estate Management Division (PRESD).....  | 48         |
| Relocation of Court buildings.....   | 49         |
| The Implementation of the Judiciary/Inter-Ministerial Standing Committee .....   | 50         |
| Technological Progress of Magistrates' Courts.....   | 52         |
| FINDINGS.....  | 53         |
| RECOMMENDATIONS.....   | 54         |
| <b>OBJECTIVE 3: TO EXAMINE THE EXTENT TO WHICH LOCAL MAGISTRATES' COURTS ARE IN KEEPING WITH THE INTERNATIONAL STANDARDS FOR LAYOUT AND DESIGN .....</b> | <b>56</b>  |
| Deficient areas in meeting standards .....   | 56         |
| FINDINGS.....  | 59         |
| RECOMMENDATIONS.....   | 59         |
| <b>APPENDICES .....</b>  | <b>63</b>  |
| <b>APPENDIX I.....</b>   | <b>64</b>  |
| Minutes of Proceedings .....   | 64         |
| <b>APPENDIX II .....</b>   | <b>83</b>  |
| Verbatim Notes.....  | 83         |
| <b>APPENDIX III.....</b>   | <b>165</b> |
| Witnesses Appearing and Providing Evidence .....   | 165        |
| <b>APPENDIX IV .....</b>   | <b>167</b> |
| Inspections and Drills carried out by the TTFS at the Courts 2008-2016 .....   | 167        |
| <b>APPENDIX V .....</b>  | <b>174</b> |
| Stakeholder Recommendations .....  | 174        |
| <b>APPENDIX VI.....</b>  | <b>177</b> |
| OSHA Inspections carried out at Judiciary facilities from 2011-2019.....   | 177        |

## ACRONYMS AND ABBREVIATIONS

| <b>Abbreviation</b> | <b>Term</b>   |
|---------------------|---|
| <b>BEPU</b>         | Building Plant and Equipment Unit                                     |
| <b>CCTV</b>         | Closed Circuit Television   |
| <b>DPP</b>          | Director of Public Prosecutions                                       |
| <b>ICT</b>          | Information and Communications Technology                             |
| <b>LATT</b>         | Law Association of Trinidad and Tobago                                |
| <b>MoAGLA</b>       | Ministry of the Attorney General and Legal Affairs                    |
| <b>OSH</b>          | Occupational Safety and Health  |
| <b>OSHA</b>         | Occupational Safety and Health Agency                                 |
| <b>PRESA</b>        | Property and Real Estate Division (Ministry of Public Administration) |
| <b>TTFS</b>         | Trinidad and Tobago Fire Service                                      |
| <b>TTPS</b>         | Trinidad and Tobago Police Service                                    |

## LIST OF TABLES

|   |            |
|---|------------|
| <b>Table 1: Approximate Age and Status of Court Buildings .....</b>                 | <b>25</b>  |
| <b>Table 2: Allocations for Repairs and Maintenance - .....</b>                     | <b>26</b>  |
| <b>Table 3: Summary of Conditions at Magistrates' Courts as at April 2019 .....</b> | <b>28</b>  |
| <b>Table 4: OSHA Findings and Recommendations from Inspections of Courts.....</b>   | <b>33</b>  |
| <b>Table 5: Inspections of Courts carried out by the TTFS.....</b>                  | <b>37</b>  |
| <b>Table 6: Assessment of Magistrates' Courts by the.....</b>                       | <b>38</b>  |
| <b>Table 7: List of Witnesses Appearing and Providing Oral Evidence .....</b>       | <b>165</b> |

## LIST OF FIGURES

|  |           |
|--|-----------|
| <b>Figure 1: Development of Public Buildings 2014-2020 .....</b> | <b>27</b> |
|--|-----------|

## LIST OF APPENDICES

| <b>Appendix</b>   | <b>Page</b> |
|---|-------------|
| Appendix I:<br><ul style="list-style-type: none"> <li>• Minutes of Proceedings</li> </ul>   | 64          |
| Appendix II:<br><ul style="list-style-type: none"> <li>• Verbatim Notes</li> </ul>  | 83          |
| Appendix III :<br><ul style="list-style-type: none"> <li>• Stakeholders who appeared as witnesses and provided oral evidence</li> </ul> | 163         |
| Appendix IV<br><ul style="list-style-type: none"> <li>• Inspections and Drills conducted by the TTFS at the Courts</li> </ul>           | 165         |
| Appendix V<br><ul style="list-style-type: none"> <li>• Stakeholder Recommendations</li> </ul>   | 172         |
| Appendix VI<br><ul style="list-style-type: none"> <li>• OSHA Inspections conducted at Judiciary facilities from 2011-2019</li> </ul>    | 175         |

## MEMBERS OF THE COMMITTEE



**Ms. Sophia Chote, SC**  
**Chairman**



**Mr. Clarence Rambharat**  
**Vice-Chairman**



**Dr. Lovell Francis, MP**



**Mrs. Vidia Gayadeen-Gopeesingh, MP**



**Mr. Taharqa Obika**



**Dr. Lester Henry**



**Mr. Terrence Deyalsingh, MP**



**Mrs. Cherrie-Ann Crichlow-Cockburn, MP**

## THE COMMITTEE

### COMMITTEE MANDATE AND ESTABLISHMENT

1. Section 66A of the Constitution of the Republic of Trinidad and Tobago declares, that not later than three months after the first meeting of the House of Representatives, the Parliament shall appoint Joint Select Committees to inquire into and report to both Houses in respect of Government Ministries, Municipal Corporations, Statutory Authorities, State Enterprises and Service Commissions, in relation to their administration, the manner of exercise of their powers, their methods of functioning and any criteria adopted by them in the exercise of their powers and functions.
2. Pursuant to the foregoing provision, motions approved in the House of Representatives and Senate on November 13, 2015 and November 17, 2015, respectively, the **Joint Select Committee on Finance and Legal Affairs** was established.
3. Standing Order 91 of the Senate and 101 of the House of Representatives outline the general functions of a Committee of this nature. They are as follows:
  - a. to examine Bills and review all legislation relating to the relevant Ministries, Departments or Bodies or as may be referred to it by the House;
  - b. to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration and operations of the assigned Ministries, Departments or Bodies;
  - c. to study the programme and policy objectives of Ministries, departments or bodies and the effectiveness of the implementation;
  - d. to assess and monitor the performance of Ministries, Departments and Bodies and the manner of the exercise of their powers;

- e. to investigate and inquire into all matters relating to the assigned Ministries, Departments and Bodies as they may deem necessary, or as may be referred to them by the House or a Minister; and
- f. to make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.

#### SPECIFIC AREAS OF RESPONSIBILITY

4. The Joint Select Committee on Finance and Legal Affairs is mandated to inquire into areas related to Finance, Planning, Trade, Tobago Affairs, Office of the Prime Minister, Attorney General, Justice and Legal Affairs as listed in Appendix IV and V of the Standing Orders of the House of Representatives and Senate respectively.

#### POWERS OF THE COMMITTEE

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

#### MEMBERSHIP

6. The Committee comprises the following members:
  - i. Ms. Sophia Chote, SC - Chairman
  - ii. Mr. Clarence Rambharat - Vice-Chairman
  - iii. Dr. Lovell Francis, MP
  - iv. Mrs. Vidya Gayadeen-Gopeesingh, MP
  - v. Mrs. Cherrie-Ann Crichlow-Cockburn, MP

- vi. Mr. Terrence Deyalsingh, MP
- vii. Dr. Lester Henry
- viii. Mr. Taharqa Obika

### SECRETARIAT SUPPORT

- 7. The following officers were assigned to assist the Committee:
  - i. Mr. Julien Ogilvie - Secretary
  - ii. Mr. Brian Lucio - Assistant Secretary
  - iii. Ms. Terriann Baker- Research Assistant
  - iv. Ms. Ria Rampersad – Parliamentary Intern

## EXECUTIVE SUMMARY

1. At its 27<sup>th</sup> Meeting held on March 07<sup>th</sup>, 2019, the Committee resolved to pursue an inquiry into the *adequacy of Magistrates' Courts Facilities*. The Committee's decision to examine this issue was propelled by several factors, principally – the shift system under which several of the Magistrates' Courts operate and the closure of the Princes Town and San Fernando Magistrates' Courts. The Committee also decided to re-evaluate some of the recommendations that were made in its first report on Criminal Case Flow Management<sup>1</sup>.
2. The inquiry process involved gathering and collating oral and written evidence from primary and secondary stakeholders as well as from the public. As far as possible, the Committee ensured that oral and written evidence received were relevant to the terms of reference of the inquiry. In this regard, the Committee received evidence from several stakeholders, listed as follows:
  - i. Office of the Director of Public Prosecutions (DPP);
  - ii. Trinidad and Tobago Police Service (TTPS);
  - iii. The Judiciary;
  - iv. The Occupational Safety and Health Agency (OSHA);
  - v. The Trinidad and Tobago Fire Service (TTFS);
  - vi. Ministry of Public Administration- Property and Real Estate Management Division (PRESD); and
  - vii. The Ministry of National Security- Probation Services Division.
3. Based on the evidence received from the stakeholders listed above, the Committee was able to acquire useful insight into the adequacy of Magistrates' Courts.

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<sup>1</sup> Joint Select Committee on Finance and Legal Affairs. "First Report on Criminal Case Flow Management in the Judicial System." 2016. Accessed: December 19, 2019. Available: <http://www.ttparliament.org/reports/p11-s2-j-20161109-FLA-R1.pdf>

4. The issues which the Committee took into account included:
  - i. The misalignment of the current layout of Magistrates' Courts with that of international standards with respect to secure entry, exit and circulation routes;
  - ii. The inadequate seating, storage and washroom facilities in a number of Magistrates' Courts;
  - iii. The lack of accessible facilities to accommodate persons with disabilities;
  - iv. The need to ensure that facilities for prisoners are adequate and fit for purpose, specifically the holding cells, washroom facilities and reception area;
  - v. The limited maintenance capability of the Judiciary Facilities Management Unit to service the complete portfolio of buildings overseen by the Judiciary;
  - vi. The space and capacity constraints to accommodate the volume of cases and clients falling under the purview of Magistrates' Courts;
  - vii. The need to ensure that the facilities for TTPS personnel who utilise and access the Magistrates' Courts are suitable and fit for purpose;
  - viii. The urgent need to ensure that Magistrates' Courts are secure for all users and to minimise the possibility of security breaches; and
  - ix. The urgent need to find adequate accommodation for the Arima, Princes Town and San Fernando Magistrates' Courts.

## SUMMARY OF RECOMMENDATIONS

The following are key recommendations proffered by the Committee:

**“Woefully inadequate” was the term used to describe the state of the Magistrates’ Courts in Trinidad and Tobago. Immediate and urgent steps need to be taken to ameliorate the situation, particularly because of the pivotal role played by the courts in the fight against crime.**

- A. The Judiciary assesses the feasibility of the decentralisation of the Buildings, Plant and Equipment Unit/Facilities Management Unit or that consideration be given to outsourcing maintenance works within each magisterial district;**
- B. The OSH Agency enrol the Judiciary in its schedule of inspections subject to its risk evaluation procedures and with a view to assisting the Judiciary in achieving a higher level of OSHA compliance;**
- C. The OSH agency should take the initiative and inspect all courts for compliance with the Act. They should work in tandem with the TTFS to ensure minimum disruption. These inspections should be completed by end of 2020 OR by the end of fiscal 2019/2020;**
- D. The Judiciary forge and sustain a collaborative approach when engaging the OSH Agency. The Committee expects that the Agency’s requests will be facilitated by the Judiciary and any other entity as it seeks to execute its statutory mandate;**
- E. State and Police Prosecutors, as well as Probation Officers and attorneys-at-law access private washroom facilities as soon as practicable;**
- F. There should be separate and sanitary toilet facilities for probation officers and attorneys-at-law. If these facilities cannot be accommodated in the existing plant**

then portable facilities may be set up in an area away from the facilities accessible to members of the public until such facilities are built;

- G. The Port of Spain Magistrates' Courts should be given immediate attention. The police officers of the Court and Process Branch should be accommodated in a safe working environment;
- H. The holding cells must be expanded. It is unacceptable that 14-15 prisoners are cramped in a cell when the international standard is 4 to 5 prisoners per cell;
- I. Since the current size of the area for the accommodation of prisoner transport, cannot fit the vehicles used, either the area should be expanded to allow for the entry of the vehicles or the security firm be asked to bring prisoners to this particular court using a vehicle or vehicles which can be accommodated in the allotted space;
- J. In the construction of any new or renovated building intended to house Magistrates' Courts, consideration is given to the:
  - i. Construction of additional holding cells, with a minimum of one cell designated for use as a quarantine area for ailing or contagious prisoners; and
  - ii. Secure and separate circulation routes for various persons accessing the confines of the court including judicial officers, prisoners and the public.
- K. Security concerns in cell blocks are immediately rectified;
- L. Since no court is certified by the Trinidad and Tobago Fire Services, immediate steps should be taken by the TTFS to inspect all Magistrates' Courts and advise as



to what is required for certification with a timeline being given for compliance.

**Public safety is non-negotiable;**

**M. The Arima Magistrates' Court be relocated to a more suitable building specifically identified by the Judiciary and that the acquisition of provisional premises for the San Fernando Magistrates' Court be completed;**

**N. The Ministerial Response to this report should include an update on the status of the land and building acquisitions related to the Siparia and Sangre Grande Magistrates' Courts;**

**O. The Ministerial Response to this report includes an overview of the objectives and deliverables of the Inter-Ministerial Building Committee for fiscal 2019/2020;**

**P. The Judiciary and/or the Inter-ministerial Building Committee undertake a comprehensive evaluation of the network of Magistrates' Courts with a view to:**

- i. Prioritising remedial works to be executed at courts with critical infrastructural challenges,**
- ii. Identifying risk factors which may potentially contribute to Occupational Health and safety shortcomings;**
- iii. Developing solutions to avoid clients physically visiting the courts for routine procedures; and**
- iv. Implementing modifications which will make interaction with the court system more user-friendly and less intimidating or daunting.**

**Q. The Judiciary expand the use of functioning technological solutions within the court system. In this regard, information and communication technology can be applied in the following areas of operation:**

- i. Providing stakeholders with advance notice of unavoidable adjournments, changes in hearing times and the relocation of hearings; and**
  - ii. Tracking the progression of cases.**
  
- R. In the absence of separate entries and exits, that judicial officers, State Prosecutors and Probation Officers be routinely escorted into and out of court buildings by security personnel;**
  
- S. Every effort should be made to ensure that each courthouse has three entrances. Prosecutors should be allowed to share the entrance used by the administrative staff instead of using public entrances;**
  
- T. Since it appears that the country may not be able to afford state of the art courthouses built to international standards in the short-term, an audit should be done of each court house to determine what are the infrastructural weaknesses, the cost of repair, and a three month timeline for implementation of remedies;**
  
- U. The Ministry of Finance should ensure that monies allocated to the judiciary are paid out in a timely manner to facilitate these works;**
  
- V. Future designs and or renovations for Magistrates' Courts consider implementing paid access to centralised administrative services within Magistrates' Courts including:**
  - Photocopying and printing services;**
  - Telephone services; and**
  - Computer access.**



- W. Courthouses should be adapted for use by the differently-abled. This includes differently abled attorneys-at-law who currently have no suitable facilities at the Bar table;**
  
- X. Installation of a CCTV surveillance system and scanners within all Magistrates' Courts by the end of fiscal 2020;**
  
- Y. That the Judiciary consider establishing a system to solicit the views of stakeholders (including members of the public) regarding the opportunities and strategies for improving service delivery at Magistrates' Courts;**
  
- Z. Courthouses should be kept in a sanitary state so that they do not pose a risk to the health and safety of users; and**
  
- AA. In light of the centralisation of the technical staff assigned to the judiciary, those responsible for issuing funds for hiring suitably qualified technical staff should do so as soon as possible.**

## INTRODUCTION

### MODERN STANDARDS FOR COURT DESIGN

1.1. In accordance with the international standard for courtroom layout and design, Courts in general must be equipped with unique features that enable them to function effectively. These features include but are not limited to: security, accessibility, functionality (space, lighting and acoustics) and technology.

#### **Security**

1.2. Optimal courthouse security is a fine balance between architectural solutions, allocation of security personnel, and installation of security systems and equipment. Given the nature of their functions, Court houses should not share premises with other non-related activities and should be outfitted with the following<sup>2</sup>:

- Separate circulation routes (a minimum of three) for judicial officers and others requiring additional security (such as prisoners), and these routes should not intersect public circulation. Judicial officers and others requiring additional security should be able to enter through a restricted area from secured parking<sup>3</sup>.  
Trial participants should meet only within the confines of the courtroom.
- Separate entrances and exits for judicial officers and the public which should flow from separate circulations onto the perimeter of the facilities. Prisoners must also be received apart from the aforementioned groups according to Rule 73 (1) of the Nelson Mandela Rules *'When prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form'*.

<sup>2</sup> Judicial Conference of the United States. 'US Courts Design.' 2007. Available: [https://www.gsa.gov/cdnstatic/Courts\\_Design\\_Guide\\_07.pdf](https://www.gsa.gov/cdnstatic/Courts_Design_Guide_07.pdf)

<sup>3</sup> Judicial Conference of the United States. 'US Courts Design.' 2007. Available: [https://www.gsa.gov/cdnstatic/Courts\\_Design\\_Guide\\_07.pdf](https://www.gsa.gov/cdnstatic/Courts_Design_Guide_07.pdf)

- Basic architectural solutions to security problems are an integral part of planning and design for the courthouse<sup>4</sup>. Fundamental aspects of security should cover exterior and building security incorporating emergency exits, security alarms, scanners and CCTV cameras.

## Accessibility

1.3. All public areas must be accessible to the general public; inclusive of differently-abled persons and persons suffering other vulnerabilities including the aged and infirmed. Differently-abled persons in this context includes those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.<sup>5</sup> Features which would facilitate this broad category of stakeholders at the Magistrates' Courts include:

- Signage- Magistrates' courts should institute systems that employ identification/informational directional, regulatory/security as well as emergency evacuation signage<sup>6</sup>.
- Column spans- The building should be constructed to ensure access and mobility for differently-abled and vulnerable persons.
- Seating- The total seating capacity of any courtroom including the area for attorneys-at-law, the police and the spectator areas should be sufficient to prevent standing. The area for the public should be clearly set away from the litigation zone<sup>7</sup>.
- Corridors-Should be adequate to provide a waiting area of appropriate size.

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<sup>4</sup> Judicial Conference of the United States. 'US Courts Design.' 2007. Available: [https://www.gsa.gov/cdnstatic/Courts\\_Design\\_Guide\\_07.pdf](https://www.gsa.gov/cdnstatic/Courts_Design_Guide_07.pdf)

<sup>5</sup> 'Article 1 of The Convention on the Rights of Persons with Disabilities' 2006. <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-1-purpose.html> accessed on 25<sup>th</sup> November 2019.

<sup>6</sup> GSA.gov. 'Design Standards for US Court Facilities.' March 2003. Available: [https://www.gsa.gov/cdnstatic/P100\\_-\\_2003\\_Part\\_4.pdf](https://www.gsa.gov/cdnstatic/P100_-_2003_Part_4.pdf)

<sup>7</sup> Supreme Court of Illinois, "Minimum Courtroom Standards in the State of Illinois," Updated September 2018. [http://www.illinoiscourts.gov/supremecourt/Policies/Pdf/Courtroom\\_Standards.pdf](http://www.illinoiscourts.gov/supremecourt/Policies/Pdf/Courtroom_Standards.pdf)

- Personal assistance- staff should be trained and be in place to assist Court-users in getting information or physical access to where they to go.

## Functionality

1.4. The operations conducted at the magistrates' courts require the courtrooms to be specially equipped with features that would enhance their functionality. These include:

- Lighting levels which facilitate visibility so that documents may be easily read.
- Sound systems should provide consistent, reliable and acceptable sound levels<sup>8</sup>.
- Utilities inclusive of HVAC (heating, ventilation and air conditioning systems), water, electrical, sanitary and disposal installations should be installed and properly maintained.
- Seating that is comfortable and suitable for the particular purpose with adequate desk space and storage facilities within close reach.

## Technology

1.5. Modern courts should also be outfitted with technological implements designed to advance the work of the judicial process such as video conferencing facilities<sup>9</sup>, projectors, computers and internet access.

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<sup>8</sup> GSA.gov. 'Design Standards for US Court Facilities.' March 2003. Available: [https://www.gsa.gov/cdnstatic/P100\\_2003\\_Part\\_4.pdf](https://www.gsa.gov/cdnstatic/P100_2003_Part_4.pdf)

<sup>9</sup> Government of Western Australia. "Design Brief for Courthouses in Western Australian." July 2017. Accessed: March 08, 2019: [https://courts.justice.wa.gov.au/files/courts\\_design\\_brief.pdf](https://courts.justice.wa.gov.au/files/courts_design_brief.pdf)



## A HISTORICAL PERSPECTIVE OF MAGISTRATES' COURTS

1.6. Magistrates' Court buildings initially were positioned close to Police Stations, Wardens' Offices and Post Offices and many rural court houses were originally constructed using lumber as the main building material. Almost all court buildings erected before 1980 were not constructed with modern design standards in mind. These buildings were often built on small tracts of land, were structurally attached to other buildings, or located within a common area. As the demand for court services increased, difficulties arose in expanding and renovating these buildings.

1.7 Some of the Magistrates Courts still remain in old buildings which are ill-suited for its purpose.

1.8. Due to the unique architectural needs of courts; purpose built structures are the gold standard because of the specificity of the design and building requirements.

1.9. The Judiciary is of the view that increased demand for judicial services, the passage of time and increasing maintenance costs have rendered conditions at present Magistrates' Courts unsatisfactory and not in keeping with many of the standards of modern court design.

## OBJECTIVES

1.10. In view of the above, the Committee agreed that its inquiry will be guided by the following objectives:

- 1. To evaluate the conditions of existing Magistrates' Courts facilities in Trinidad and Tobago;**
- 2. To identify the progress that has been made by the Judiciary in improving the facilities of Magistrates' Courts; and**
- 3. To examine the extent to which local Magistrates' Courts are in keeping with the international standard for layout and design.**

## CONDUCT OF THE INQUIRY

1.11. The Committee commenced the inquiry as follows:

1.12. At its Meeting held on April 26, 2019, the Committee convened its first Public Hearing with the following entities:

- The Judiciary;
- The Trinidad and Tobago Police Service; and
- The Office of the Director of Public Prosecutions.

1.13. At its Meeting held on June 28, 2019, the Committee convened its second Public Hearing with the following entities:

- Ministry of National Security (Chief Probation Officer);
- Ministry of Public Administration (Property and Real Estate Services Division-PRESA);
- Trinidad and Tobago Fire Service (TTFS); and
- Occupational Safety and Health Agency (OSHA).

## WRITTEN SUBMISSIONS

1.14. The Committee received written submissions from the following entities/stakeholders:

- The Judiciary of Trinidad and Tobago;
- The Occupational Safety and Health Authority and Agency (OSHA);
- The Property and Real Estate Services Division (PRESD);
- The Probation Services Department;
- The Trinidad and Tobago Police Service (TTPS);
- The Trinidad and Tobago Fire Service (TTFS);
- The Ministry of Attorney General and Legal Affairs (MoAGLA);
- The Law Association of Trinidad and Tobago (LATT); and
- The Office of the Director of Public Prosecutions.

## SUMMARY OF EVIDENCE, FINDINGS AND RECOMMENDATIONS

### OBJECTIVE 1: TO EVALUATE THE CONDITIONS OF EXISTING MAGISTRATES' COURTS FACILITIES IN TRINIDAD AND TOBAGO

#### An Overview of Magistrates Courts

1. According to the written submission received by the Judiciary<sup>10</sup>, the buildings that accommodate the Magistrates' Courts in Trinidad and Tobago fall along an age continuum ranging from between twenty (20) to one hundred (100) years old. The approximate age and status of Magistrates' courts are provided in **Table 1**.

**Table 1: Approximate Age and Status of Court Buildings**

| MAGISTERIAL DISTRICT | COURT BUILDING       | APPROXIMATE BUILDING AGE   | STATUS                                   |
|----------------------|----------------------|----------------------------|--|
| Arima                | Arima                | 26                         | Leased/rented                            |
| Caroni               | Chaguanas            | 50                         | Owned <sup>11</sup>                      |
| Couva                | Couva                | 30                         | Owned                                    |
| South Eastern        | Rio Claro            | 100                        | Owned                                    |
|                      | Mayaro               | 50                         | Shared with Government office            |
| Victoria East        | Princes Town         | 23                         | Closed                                   |
|                      | Moruga               | 85                         | Closed                                   |
| Victoria West        | San Fernando         | 28                         | Leased/rented                            |
|                      | San Fernando (old)   | 50                         | Closed                                   |
| North Eastern        | Sangre Grande        | 30                         | Leased/rented                            |
|                      | Toco court           | 100                        | Owned                                    |
| St. Patrick West     | Point Fortin         | 30                         | Owned                                    |
| St Patrick East      | Siparia              | 60                         | Owned                                    |
| St. George West      | Port of Spain        | 95 old wing<br>15 new wing |  |
| St. George East      | Tunapuna             | 25                         | Part of Government administrative campus |
| Tobago<br>Tobago     | Scarborough          | 25                         | Owned                                    |
|                      | Charlotteville court | 35                         | Owned                                    |
|                      | Roxborough court     | 100                        | Closed                                   |

<sup>10</sup> Judiciary written submission dated April 24<sup>th</sup>, 2019.

<sup>11</sup> Renovated in 2015



2. The Trinidad and Tobago Magistrates' Courts are challenged by security concerns, inadequacy of infrastructural facilities, space constraints, insufficient use of Information Communication Technology (ICT) and poor building maintenance.
3. The Judiciary advised that the Moruga and Roxborough Courts were closed due to the state of disrepair, high cost of maintenance and low workload/demand for services at these locations. The San Fernando (old) and Princes Town courts were also closed as a result of the structural damage caused by the seismic events of August 2018.

**Repairs and Maintenance**

4. The Judiciary receives funding for recurrent expenditure regarding repairs and maintenance to buildings. Funding covers fourteen (14) Magistrates' Courts in addition to twenty (20) other buildings under the control of the Judiciary<sup>12</sup>. Allocations for Repairs and Maintenance - Buildings for the period 2013-2020 are outlined in **Table 2**.

**Table 2: Allocations for Repairs and Maintenance -  
Buildings received by the Judiciary 2013-2020**

| Vote                              | Allocations |           |           |           |           |           |           |
|-----------------------------------|-------------|-----------|-----------|-----------|-----------|-----------|-----------|
|                                   | 2014        | 2015      | 2016      | 2017      | 2018      | 2019      | 2020      |
| Repairs and Maintenance buildings | 3,914,400   | 6,250,000 | 5,975,000 | 1,860,000 | 3,040,267 | 2,281,000 | 2,200,000 |

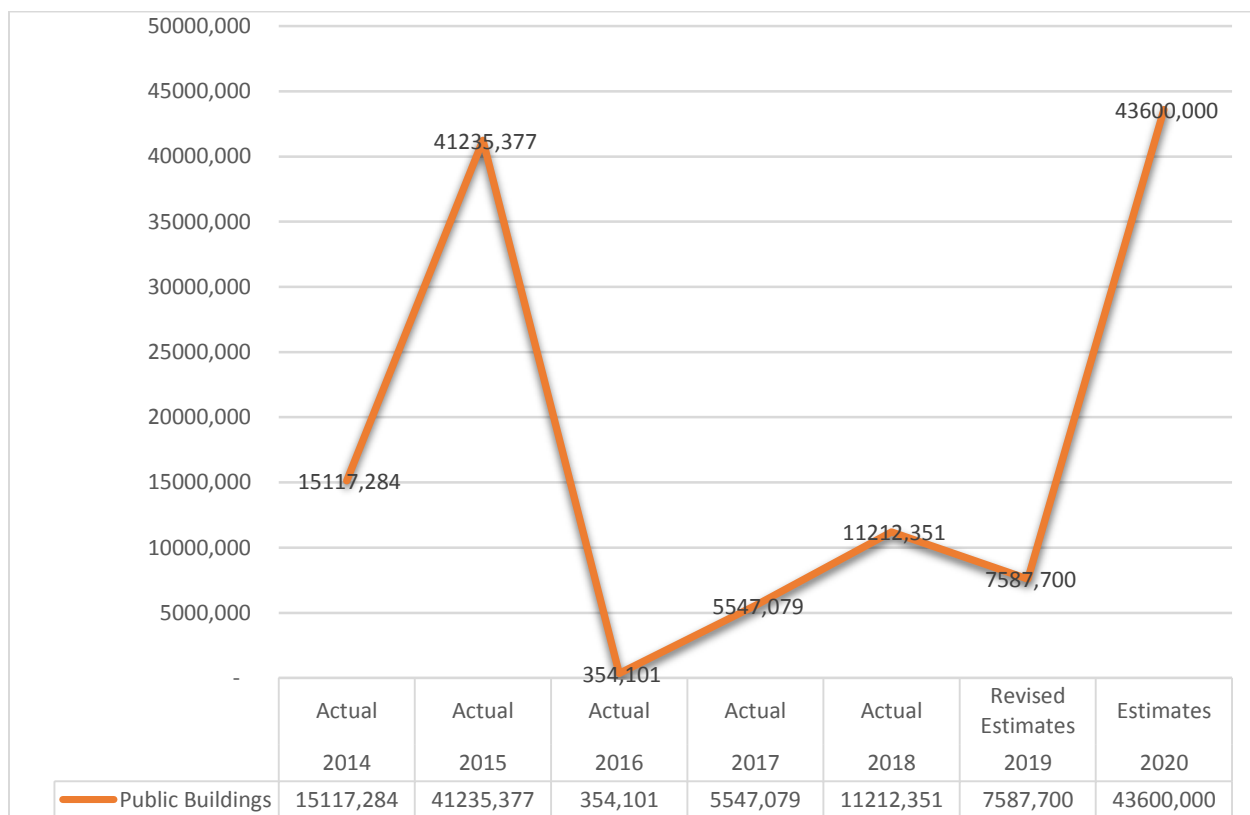
5. Notwithstanding the above allocations, the Judiciary also receives allocations for Public Buildings under its Development Programme<sup>13</sup>. Development of Public Buildings refers to works done on the Hall of Justice, Magistrates' Courts, Supreme Courts, Family Courts as well as the provision of accommodations for Court

<sup>12</sup> To meet expenditure for repairs and maintenance for buildings inclusive of three Supreme Courts, three Family and Children Division buildings and various other Court Administration buildings.

<sup>13</sup> The Development Programme is comprised of capital expenditure aimed at improving and enhancing development in different areas of Trinidad and Tobago which includes; human resources, economic and social development.

Administration, Judges, Magistrates and the Chief Justice. **Figure 1** below illustrates the money expended on the development of Public Buildings during 2014 – 2020.

**Figure 1: Development of Public Buildings 2014-2020**



***Breakdown Maintenance Approach***

6. Given the number of buildings under their purview, the Judiciary cited capacity constraints in effecting the relevant facilities’ management functions. The Judiciary surmised that a breakdown maintenance approach; a system whereby preventative maintenance could not take place on a scheduled basis, had to be adopted by default. This was attributed to the following reasons:

- The standardisation of positions by the Public Management Consulting Division (PMCD) and Chief Personnel Officer (CPO) constrained the Judiciary’s options to further augment its staff to effect the respective facilities management functions;



- The impact of the geographical spread of court buildings nationwide serviced by remotely located personnel on the rate of its response to maintenance issues;
  - The lack of consideration given to the Judiciary's request for a modified organisational structure which may facilitate improvements in repairs and maintenance;
  - Lack of human resource capacity for maintenance planning; and
  - Inadequate funding.
7. The Judiciary has concluded that many Magistrates' Court buildings are ill-designed and not fit for purpose. As such, several of these courts have failed to meet the standard requirement of modern court systems and are in need of attention. The Judiciary's assessment of its building stock is detailed in **Table 3**.

**Table 3: Summary of Conditions at Magistrates' Courts as at April 2019**

| MAGISTRATE'S COURT |           | GENERAL BUILDING CONDITION   | NUMBER OF COURTROOMS |
|--------------------|-----------|--|----------------------|
| 1.                 | Arima     | <ul style="list-style-type: none"> <li>• Small spaces for staff and public</li> <li>• Internal circulation zones present</li> <li>• Prisoners are brought to court in the public view</li> <li>• Improvements in security measures required</li> <li>• Generally unsatisfactory location and building</li> <li>• Poor access for persons with disabilities</li> <li>• Not well maintained by the landlord. Poor infrastructure</li> <li>• Additional space needed for storage</li> <li>• No back- up generator due to space constraints</li> </ul> | 3                    |
| 2.                 | Chaguanas | <ul style="list-style-type: none"> <li>• Refurbished in 2015</li> <li>• Inadequate circulation zones for prisoners</li> <li>• Confined spaces for public</li> <li>• Roof leaks in some areas of the building</li> <li>• Fair infrastructure</li> </ul>   | 3                    |

| MAGISTRATE'S COURT |   | GENERAL BUILDING CONDITION  | NUMBER OF COURTROOMS |
|--------------------|---|---|----------------------|
| 3.                 | Couva   | <ul style="list-style-type: none"> <li>• Small space for staff and public</li> <li>• Additional courtrooms needed</li> <li>• Inadequate circulation zones</li> <li>• Poor access for persons with disabilities</li> <li>• Poor infrastructure</li> <li>• Additional space needed for storage</li> </ul>   | 1                    |
| 4.                 | Rio Claro                                     | <ul style="list-style-type: none"> <li>• Small spaces for staff and public</li> <li>• Additional courtrooms needed</li> <li>• Improvements in security measures required</li> <li>• Prisoners are brought to court in the public view</li> <li>• Improvements in security measures required</li> <li>• Poor access for persons with disabilities</li> <li>• Poor infrastructure</li> <li>• Additional space needed for storage</li> </ul>                           | 1                    |
| 5.                 | Mayaro  | <ul style="list-style-type: none"> <li>• Small spaces for staff and the public</li> <li>• Additional courtrooms needed</li> <li>• Improvements in security measures required</li> <li>• Prisoners are brought to court in the public view</li> <li>• Improvements in security measures required</li> <li>• Poor access for persons with disabilities</li> <li>• Additional space needed for storage</li> <li>• Roof was re-done by the Judiciary in 2018</li> </ul> | 1                    |
| 6.                 | Princes Town                                  | CLOSED- This building was closed to the public after the earthquakes in August 2018.  | 2                    |
| 7.                 | Moruga  | CLOSED- This building was closed due to low demand for its court services at this location.   | 1                    |
| 8.                 | San Fernando (1-3 Court Street)               | <ul style="list-style-type: none"> <li>• Small spaces for staff and public</li> <li>• Poor access for persons with disabilities</li> <li>• Fair infrastructure</li> <li>• Additional space needed for storage</li> </ul>  | 3                    |
| 9.                 | San Fernando (Corner Knox and Harris Streets) | CLOSED- This building was closed to the public after the earthquakes in August 2018.  | 5                    |

| MAGISTRATE'S COURT |                                     | GENERAL BUILDING CONDITION  | NUMBER OF COURTROOMS |
|--------------------|-------------------------------------|---|----------------------|
| 10.                | San Fernando (1-3 Independence Ave) | This building is under construction   | NA                   |
| 11.                | Sangre Grande                       | <ul style="list-style-type: none"> <li>• Small spaces for staff and the public</li> <li>• Additional courtrooms needed</li> <li>• Improvements in security measures required</li> <li>• Prisoners are brought to court in public view</li> <li>• Improvements in security measures required</li> <li>• Poor access for persons with disabilities</li> <li>• Poor infrastructure</li> <li>• Additional space needed for storage</li> </ul>   | 2                    |
| 12.                | Toco out court                      | <ul style="list-style-type: none"> <li>• Small spaces for staff and public</li> <li>• Improvements in security measures required</li> <li>• Improvements in security measures required</li> <li>• Poor access for persons with disabilities</li> <li>• Poor infrastructure</li> </ul>   | 1                    |
| 13.                | Point Fortin                        | <ul style="list-style-type: none"> <li>• Secure circulation zones</li> <li>• Secure access and egress</li> <li>• Fair infrastructure</li> <li>• Additional space and storage needed</li> </ul>  | 2                    |
| 14.                | Siparia                             | <ul style="list-style-type: none"> <li>• Small spaces for staff and public</li> <li>• Improvements in security measures required</li> <li>• Prisoners are brought to court in the public view</li> <li>• Improvements in security measures required</li> <li>• Poor access for persons with disabilities</li> <li>• Poor infrastructure</li> <li>• Additional space and storage needed</li> <li>• No back-up generator</li> <li>• Public bathrooms damaged during the earthquakes of August 2018</li> </ul> | 2                    |
| 15.                | Siparia                             | <ul style="list-style-type: none"> <li>• This building which was acquired for use as a Magistrates' Court has been deemed unusable by the Ministry of Works and Transport since it does not meet the new building codes.</li> </ul>   | NA                   |

| MAGISTRATE'S COURT |                      | GENERAL BUILDING CONDITION  | NUMBER OF COURTROOMS |
|--------------------|----------------------|---|----------------------|
| 16.                | Port of Spain        | <ul style="list-style-type: none"> <li>• Improvements in security measures required</li> <li>• Prisoners are brought to court in the public view hence the need to block off streets when high risk prisoners are brought to court</li> <li>• Poor building design has also resulted in the inefficient use of space, and poor selection of materials has resulted in higher maintenance costs</li> <li>• Poor access for persons with disabilities</li> <li>• Poor building conditions</li> <li>• Additional space needed for storage for records and bailiff pound</li> <li>• Basement of building suffers from flooding due to poor drainage design</li> </ul> | 14                   |
| 17.                | Tunapuna             | <ul style="list-style-type: none"> <li>• Fair infrastructure, however, continuous issues with sewer system. Building maintenance is in the hands of the Ministry of Public Administration and does not meet the Judiciary's needs or schedule.</li> <li>• Secure internal circulation zones exist</li> <li>• Improvements in security measures required</li> <li>• Poor access for persons with disabilities</li> <li>• Additional space needed for storage</li> </ul>  | 4                    |
| 18.                | Scarborough          | <ul style="list-style-type: none"> <li>• Secure internal circulation zones exist</li> <li>• Fair access for persons with disabilities</li> <li>• Fair infrastructure</li> <li>• Additional space needed for storage</li> <li>• Additional space needed for staff and courts</li> </ul>  | 3                    |
| 19.                | Charlotteville court | <ul style="list-style-type: none"> <li>• Fair infrastructure</li> <li>• Building shared with a Government office</li> <li>• Improvements in security measures required</li> <li>• Poor access for persons with disabilities</li> <li>• No back-up generator</li> </ul>  | 1                    |
| 20.                | Roxborough out court | CLOSED- This building was closed due to lack of funding to upkeep and renovate  | 1                    |

## Occupational Safety and Health

8. The Judiciary submitted that despite annual risk assessments and quarterly reports being conducted in accordance with the Occupational Safety and Health Act (2004) (hereinafter referred to as the “OSH Act”), issues of occupational safety and health (hereinafter referred to as “OSH”) were not promptly addressed to avoid disruption to court services. This was primarily due to funding and capacity constraints.
9. The Committee noted that a Judiciary Executive Health and Safety Committee was established in 2010 but was not functional pending the appointment of a new Chairman. The last meeting was held in January 2019. In this regard, any activities concerning risk and non-compliance were directed to the Judiciary’s programme for planning, budgeting and execution.

## Role of the OSH Agency

10. The OSH Agency has assisted the Judiciary in improving its level of compliance with the provisions of the OSH Act through enforcement action **via the issuance of improvement notices, the investigation of complaints, planned inspections and reinspections and via the dissemination of information brochures**. The Judiciary is one of the proposed beneficiaries of the OSH compliance programme within the Public Sector scheduled for 2019.
11. In its submission<sup>14</sup> the OSH Agency noted that not all improvement notices were complied with (for which the Judiciary cited financial constraints). As at July 09, 2019, a meeting between the two entities resulted in the creation of a **Judiciary improvement plan** and a timeline of prospective inspection dates by the OSHA during the period July 23<sup>rd</sup>-30<sup>th</sup>, 2019.

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<sup>14</sup> OSHA written submission dated April 23<sup>rd</sup>, 2019.

12. In response to a request for additional information<sup>15</sup>, the OSH Agency also indicated that twenty-seven (27) facilities under the purview of the Judiciary were inspected by OSHA during the period 2011-2019. An excerpt<sup>16</sup> of those inspections related to Magistrates' courts is provided in **Table 4** and the full submission at **Appendix VI**.

**Table 4: OSHA Findings and Recommendations from Inspections of Courts**

| NUMBER | DATE OF INSPECTION | SITE/LOCATION                         | FINDINGS AND RECOMMENDATIONS OF INSPECTIONS   |
|--------|--------------------|---------------------------------------|---|
| 5      | 02.02.2011         | San Fernando Magistrates' Court (old) | Security and safety concerns were raised by the Police. The renovation works were completed but as of August 2017 the building is no longer in use.   |
|        | 19.01.2012         |                                       | Re-inspection- Judiciary reported that renovation works were completed in cell block (the building is no longer in use since August 2017).  |
|        | 26.05.2014         |                                       | Non-functional A/C system on 1 <sup>st</sup> floor due to electrical system challenges (Section 36). Natural ventilation employed. Building no longer in use as the Court relocated to new premises.  |
|        | 03.11.2014         |                                       | Re-inspection-issue of poor ventilation; improvement notice served. Building no longer in use as the Court relocated to new premises.   |
|        | 16.03.2015         |                                       | Inspection of demolition works for the removal of roof sheets containing asbestos at the old Court Section 6 (2) Management plan requested for abatement. Building no longer in use as the Court temporarily relocated to new premises.                       |
| 2      | 16.01.2012         | Siparia Magistrate's Court            | No fire certificate and requirements (Sections 26 & 27), compromised ventilation (Section 36), unsafe internal structures (Section 8 (4)). Upon re-inspection in 2019, these compliance issues were addressed only the Fire Certificate is still outstanding. |
|        | 04.04.2014         |                                       | Refusal to work (RTW)- the matter was investigated and the RTW was not justified  |

<sup>15</sup> OSHA submission re: additional information dated July 31<sup>st</sup> 2019

<sup>16</sup> Excerpt includes inspections of Magistrates' Courts only.

| NUMBER | DATE OF INSPECTION | SITE/LOCATION                     | FINDINGS AND RECOMMENDATIONS OF INSPECTIONS  |
|--------|--------------------|-----------------------------------|--|
| 3      | 28.01.2013         | Port of Spain Magistrates' Court  | Poor air quality as a result of inadequate ventilation (Section 36). Unsafe internal structures (Section 6(2) (a), insufficient lighting (Section 33 (1)). Inspection in July 2019 revealed that these issues have not been rectified.   |
| 4      | 23.04.2013         | Chaguanas Magistrates' Courts     | Inspection on behalf of PRES D- premises were found to be satisfactory, approval given in accordance with Section 57 (1).  |
| 5      | 24.02.2016         | Tunapuna Magistrates' Courts      | Complaint received from another occupier of the building regarding sewerage issue at the facility housing court. Matter was addressed. At the time of inspection in July 2019 there was no evidence of the issue re-surfacing.   |
| 6      | 19.04.2016         | Madinah building                  | Inspection- report indicated that there was limited ventilation due to non-functional A/C unit (Section 36), leaks (Section 6 (2) (a), fire and life safety (Section 26). Issues were rectified by the landlord.   |
|        |                    |                                   | Re-inspection: limited ventilation due to non-functional A/C unit (Section 36), leaks which can contribute to mould growth (Sections 6 (2) (a) and 31 (b).<br>Three improvement notices issued:<br>Ventilation- notice lifted<br>Leaks- notice lifted<br>Fire certification- notice not lifted, issue not rectified to date. |
| 7      | 25.10.2019         | Arima Magistrates' Courts         | Inspection conducted on behalf of PRES D. Findings reported in <b>Appendix VI</b> .  |
| 8      | 27.10.2017         | Sangre Grande Magistrates' Courts | Inspection conducted on behalf of PRES D- the report indicated that there was no Fire or Electrical Certification with related provisions (Section 6 (2) and Section 26). Housekeeping (Section 6 (2) (a). Approval was not given by OSHA as these issues have not been rectified to date.                                   |

| NUMBER | DATE OF INSPECTION | SITE/LOCATION   | FINDINGS AND RECOMMENDATIONS OF INSPECTIONS   |
|--------|--------------------|---|---|
| 9      | 13.02.2019         | San Fernando Supreme Court(which currently houses some Magistrates' Courts) | Inspection findings- There was no documentary evidence of the following: risk assessments conducted, emergency response plan, health surveillance, safety committee, electrical inspectorate certification, fire certification, emergency drills conducted. Documentation was subsequently received, except for the fire certification which is still outstanding to date.<br>Blocked exits were identified and there was evidence of rodents at the site the Judiciary has since addressed the rodent issue by implementing a pest control plan. |
| 10     | 19.09.2017         | Calder Hall, Scarborough Magistrates' Court                                 | Inspection of behalf of PRESD- report indicated that there were unsecured electrical wiring (Section 6 (2). Construction work was still in progress.  |
|        | 16.04.2018         |   | Re-inspection- Construction work was still in progress.   |
|        | 5.02.2019          |   | Re-inspection- Traffic management action required for vehicular and pedestrian traffic (Section 6 (2).  |
|        | 16.04.2019         |   | Re-inspection on behalf of PRESD- approval granted under Section 57 (1).  |

13. Additionally, the OSH Agency reported that there were three recorded complaints within the last five (5) years arising out of breaches of the OSH Act. Two were recorded at the San Fernando Magistrates' Court<sup>17</sup> and one recorded at Chaguanas Magistrates' Court<sup>18</sup>. The latter two cases have been rectified whilst the first case

<sup>17</sup> Assault by a prisoner and poor ventilation due to non-functional air conditioning.

<sup>18</sup> Mould like substance on walls.



remains under investigation. Within the same five (5) year period; one (1) accident report<sup>19</sup> was also received originating at the Chaguanas Magistrates' Court.

14. While the OSHA posited that it wished to adopt a proactive approach that would involve engagement with the Judiciary with respect to the inspection of judiciary buildings to prevent any hindrance to the administration of justice, the Agency is unable to do so due to staff shortages. The Committee takes note of the Agency's thrust to increase its capacity via the establishment of additional positions including forty-eight (48) Inspectors (I). However, only sixteen (16) such positions were filled when the OSHA made its submission. This number has now increased to twenty-nine (29) and both Inspectors (II) and Senior Inspector positions have been filled. OSHA will endeavour to fill the remaining vacancies by the beginning of the next financial year (2019/2020).

15. It must be noted that although OSHA is an independent body that is empowered to enter judicial buildings to carry out an inspection under Section 72 (1) of the OSH Act, there has been at least one instance in the past where an inspector was denied entry into a court.

### **Role of the TTFS**

16. The TTFS communicated in its written response<sup>20</sup> that Magistrates' Courts are categorised as industrial establishments and according to the Fire Service Act, Chapter 35:50 must be certified every twenty-four (24) months by the TTFS. The amended Act also gives the Chief Fire Officer the authority to set the standards and requirements inclusive of the period of re-certification. The TTFS noted that as at May 23, 2019, not all Magistrates' Courts were in possession of fire certification. Full certification encompasses multiple requirements related to egress, suppression

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<sup>19</sup> Employee struck against an open drawer within the workplace.

<sup>20</sup> TTFS written submission dated May 23<sup>rd</sup>, 2019.

systems, extinguishment and signage. **To date none of the Magistrates' Courts has fully met the criteria as stipulated in the OSH Act.**

17. The TTFS also plays an instrumental role in advising the Judiciary of the requisite safety measures to be taken in accordance with Section 3A (b) of the Fire Service Act chapter 35:50 via a written report which is generated post-inspection outlining the shortcomings, areas of recommendation and stipulated timeframes to bring the premises to the appropriate standard.
18. Currently, TTFS inspection reports are forwarded to the OSH Agency and the feasibility of collaboration for inspections by the TTFS and OSH personnel was being discussed.
19. By correspondence dated July 29, 2018 the TTFS informed the Committee that a total of four (4) inspections; three (3) scheduled and one (1) un-scheduled were conducted at Magistrates' Courts facilities within the last three (3) years and a total of three (3) notices were issued. These are highlighted in **Table 5**. A complete list of inspections and drills carried out by the TTFS can be found in **Appendix IV**. However, the rationale for selecting these courts was not provided.

**Table 5: Inspections of Courts carried out by the TTFS**

| No | Magistrates' Court Buildings | Date of Inspection | Scheduled or Un-scheduled | Notices Issued |
|----|------------------------------|--------------------|---------------------------|----------------|
| 1  | Chaguanas                    | 01/05/2016         | Scheduled                 | No             |
| 2  | Couva                        | 07/05/2019         | Un-scheduled              | Yes            |
| 3  | Juvenile Court, Fyzabad      | 08/12/2016         | Scheduled                 | Yes            |

### **Assessment of Magistrates' Courts by stakeholder entities**

20. The views of stakeholders that utilise the Magistrates' Court system were also considered by the Committee.

21. The **Office of the Director of Public Prosecutions (DPP)** does not have a role in the determination of design/selection of Magistrates' Courts facilities but had taken the initiative to bring to the attention of the Judiciary any issues that would impact negatively on the delivery of justice. At a public hearing dated April 26, 2019 the entity expressed concerns on the:

- lack of security for State Prosecutors even in accessing washroom facilities;
- absence of secure entry, passage and access for State Prosecutors within court buildings; and
- close proximity of State Prosecutors and prisoners in the dock area of the Court.

22. These concerns were also shared by the<sup>21</sup> **Probation Services Division** and the **Law Association of Trinidad and Tobago**<sup>22</sup>. In their submissions these entities gave a general overview of the conditions of various Magistrates' Courts which are collectively presented in Table 6.

**Table 6: Assessment of Magistrates' Courts by the Probation Division and Law Association**

| ENTITY             | ASSESSMENT OF MAGISTRATES' COURTS   |
|--------------------|---|
| Probation Division | <p><b>General Concerns</b></p> <ul style="list-style-type: none"> <li>• Inadequate office space for Probation officers which impact on officer/client confidentiality, create physical and environmental health and safety issues, negatively affect the security of officers and clients, deter counselling sessions, affect parent/child interactions due to a lack of child friendly spaces, affect the confidential storage of material and create scheduling conflicts;</li> <li>• Inadequate parking facilities.</li> </ul> |
| Probation Division | <p><b>POS Magistrates' Court</b></p> <ul style="list-style-type: none"> <li>• Small office with no internal telephone line;</li> <li>• Lack of dedicated staff to provide information regarding Court matters;</li> </ul>   |

<sup>21</sup> Ministry of National Security, Probation Services Division written submission dated May 24<sup>th</sup>, 2019.

<sup>22</sup> Law Association of Trinidad and Tobago written submission dated June 03<sup>rd</sup>, 2019.

- Lack of confidentiality in retrieving documents from the counter; and
- Lack of separate washroom facilities for Officers who must utilise public bathrooms

#### **Tunapuna Magistrates' Court**

- Inadequate office space for Probation officers;
- Faulty air conditioning and sewer systems; and
- No system for the transfer of information from the Court to the Probation services and restricted access in the Court for Probation Officers to retrieve information in a timely manner.

#### **Chaguanas Magistrates' Court**

- Inadequate system for the transfer of information from the court to the Probation services and restricted access in the Court for Probation Officers to retrieve information in a timely manner.

#### **Couva and San Fernando Magistrates' Courts**

- Lack of office space for Probation Officers and staff.

#### **Rio Claro Magistrate's Court**

- Currently accommodates the closed Princes Town Courts which impacts on work flow and efficiency of Probation Officers; and
- There is no office accommodation for Probation Officers at the Rio Claro Magistrate's Court

#### **Siparia Magistrate's Court**

- Office space no longer provided and Probation officers now operate from the San Fernando Magistrates' Court which results in time delays due to the impact of location change.

#### **Point Fortin Magistrates' Court**

- Two small offices which are cramped;
- Poor air conditioning and ventilation;
- No storage space to secure confidential files;
- No kitchen area assigned to Probation staff; and
- Remote bathroom facilities accessible via keys that must be obtained by Judiciary security officer.

#### **Sangre Grande Magistrates' Court**

|  |   |
|--|---|
|  | <ul style="list-style-type: none"> <li>• No office at this court which results in an inability to obtain pertinent information regarding court matters which may affect work flow.</li> </ul> <p><b>Arima Magistrates' Court</b></p> <ul style="list-style-type: none"> <li>• Two small and cramped offices to accommodate five (5) officers create conflict in scheduling of clients and both offices are now required for use by Judiciary to house staff;</li> <li>• Inadequate space for the storage of confidential files;</li> <li>• Inadequate bathroom facilities; and</li> <li>• Inadequate parking facilities.</li> </ul> <p><b>Mayaro Magistrate's Court</b></p> <ul style="list-style-type: none"> <li>• Office space assigned in disrepair and now required by the Judiciary for use; and</li> <li>• Lack of storage space for confidential documents (due to disrepair of office space).</li> </ul> |
| <p><b>Law Association of Trinidad and Tobago</b></p> | <ul style="list-style-type: none"> <li>• Some Magistrates' courts do not have any or clearly marked fire escapes;</li> <li>• Lack of signage to notify the public;</li> <li>• Need for separate bathroom facilities for attorneys at law; and</li> <li>• The need for upgrades to existing courts.</li> </ul> <p><b>POS Magistrates' Courts</b></p> <ul style="list-style-type: none"> <li>• Lack of functioning air conditioning systems; and</li> <li>• Un-hygienic washroom facilities.</li> </ul> <p><b>Arima Magistrates' Court</b></p> <ul style="list-style-type: none"> <li>• Lack of attorney/client meeting rooms; and</li> <li>• Building layout does not facilitate a proper flow of persons and services within the building.</li> </ul>   |

23. The **Trinidad and Tobago Police Service**<sup>23</sup> highlighted their concerns with respect to the status of the **Port of Spain, San Fernando, Tunapuna and Arima Courts**. These were categorised accordingly: **infrastructural issues/poor building conditions,**

<sup>23</sup> TTPS written submission dated April 18<sup>th</sup>, 2019.

**inadequate amenities for prisoners, police officers, staff and the general public security and OSH improvements required.**

## **Magistrates' Courts-Areas in need of attention**

### *Functionality*

24. The Judiciary has recognised that several of the Magistrates' Courts are of insufficient capacity to accommodate the full range of court processes that are carried out on a daily basis. For example, at the April 26, 2019 public hearing, the Judiciary indicated that delays in the issuance of remand warrants owing to the inability of the Presiding officer to simultaneously sign off on same, may result in prisoners' agitation due to the lengthy waiting process. However, it is hoped that the creation of the post of Magistracy Registrar will alleviate this problem.
  
25. Similarly, there is a lack of sufficient seating as well as overcrowding. This is especially so at the Arima and Sangre Grande Magistrates' Courts. Moreover, three courts currently operate on a shift system which hinders the progression of cases being heard at the Princes Town, Rio Claro and San Fernando (old) courts. Furthermore, the Office of the D.P.P. has indicated that the shift system has effectively stymied the Office from carrying out their duties in certain instances due to the fact that paper work must be filed with personnel assigned to particular courts.
  
26. Functionality issues also extend to access for persons with disabilities and general maintenance concerns pertaining to leaks, poor hygiene and sanitation of kitchen and/or washroom facilities, equipment breakdowns and storage insufficiencies.

### *Security*

27. As a result of poor building design and infrastructure, the various Magistrates' Courts are deficient in more than one area regarding the security of court buildings. These discrepancies may potentially pose a real threat to the lives of stakeholders; these views were expressed by the DPP and TTPS during the April 26, 2019 public hearing. Some of the concerns raised were as follows:

- Lack of secure and sufficient entry points, circulation and exit points to facilitate judicial staff, litigants, the public and prisoners;
- Lack of proper screening tools such as scanners and CCTV cameras upon entry into court;
- Lack of security for the public at large owing to prisoners' drop off and passage through the main court building; and
- Lack of security measures for State Prosecutors having regard to the close proximity of prosecutor and prisoner in the dock area of the court.

### *Confidentiality*

28. Probation Officers pinpointed issues of confidentiality as an area of deficiency, particularly as there was inadequate office space to conduct client interviews. Moreover, Probation Officers indicated that private documents had to be obtained at the counter in the presence of members of the public. There was also no system in place for the transfer of information from the Court to Probation Officers in a timely manner.

## **FINDINGS**

- i. **The Committee took particular note of the following:** The Judiciary was of the view that in some instances inadequate consultation on the selection and design of court buildings had resulted in a number of inadequacies in the day-to-day operations of Magistrates' Courts;

- ii. Notwithstanding the prevailing financial constraints confronting the State, it must be underscored that the amount of funds allocated for “Repairs and Maintenance of Buildings” appeared to be grossly inadequate; averaging approximately TTD three million six hundred and forty-five thousand (\$3,645,000 TTD) per annum. However, it was promising to observe a significant increase in the allocation to the Judiciary under the Development Programme for fiscal 2019/2020 (sub item “Public Buildings”) of TTD forty-three million (\$43 000,000.00 TTD). The Committee trusts that the Ministry of Finance will strive to ensure that the disparity between the allocation and release is minimal.
- iii. There are twenty (20) persons in the Judiciary’s centralised Facilities Management Unit who are responsible for thirty-six (36) court buildings nationwide. It was evident that additional resources are required to allow the Judiciary to effectively implement preventative maintenance;
- iv. Previously, OSHA assessments of Judiciary buildings were conducted only upon receipt of an invitation or complaint, however, discussions are ongoing between the agencies to arrange scheduled inspections. Generally, there appeared to be some reluctance on the part of the OSH Agency to exercise its powers granted under section 72 of the OSH Act as there was one recorded incident of a refusal of entry of an OSH Inspector to a Court. Notwithstanding, the Committee commends the OSH on its decision to include the Judiciary in its 2019 Public Sector schedule;
- v. There are delays in the issuance of remand warrants owing to the need for Presiding Officers to complete their duties before signing off on these warrants;



- vi. In several Magistrates' Courts, there is uninhibited interaction between the public, accused, Probation Officers, State and Police Prosecutors and other stakeholders. The Judiciary underscored that such an arrangement was contrary to internationally accepted standards;
- vii. There are four cells at the POS Magistrates' Court holding fourteen-fifteen (14-15) prisoners when the recommended number was five (5) prisoners;
- viii. There is no quarantine area for prisoners who are ill or presented with a contagious disease at the POS Magistrates' Court;
- ix. Lack of secure prisoner drop off facilities is a reality for several Magistrates' Courts;
- x. Full certification encompasses multiple requirements related to egress, fire suppression systems and signage. To date none of the Magistrates' Courts has met the full requirements as stipulated in the OSH Act.

## RECOMMENDATIONS

Based on the foregoing the Committee recommends that:

- A. The Judiciary assesses the feasibility of the decentralisation of the Buildings, Plant and Equipment Unit/Facilities Management Unit or that consideration be given to outsourcing maintenance works within each magisterial district;**
- B. The OSH Agency enrol the Judiciary in its schedule of inspections subject to its risk evaluation procedures and with a view to assisting the Judiciary in achieving a higher level of OSHA compliance;**

- C. The OSH agency should take the initiative and inspect all courts for compliance with the Act. They should work in tandem with the TTFS to ensure minimum disruption. These inspections should be completed by end of 2020 OR by the end of fiscal 2019/2020;**
  
- D. The Judiciary forge and sustain a collaborative approach when engaging the OSH Agency. The Committee expects that the Agency's requests will be facilitated by the Judiciary and any other entity as it seeks to execute its statutory mandate;**
  
- E. State and Police Prosecutors, as well as Probation Officers and attorneys-at-law access private washroom facilities as soon as practicable;**
  
- F. There should be separate and sanitary toilet facilities for probation officers and attorneys-at-law. If these facilities cannot be accommodated in the existing plant then portable facilities may be set up in an area away from the facilities accessible to members of the public until such facilities are built;**
  
- G. The Port of Spain Magistrates' Courts should be given immediate attention. The police officers of the Court and Process Branch should be accommodated in a safe working environment;**
  
- H. The holding cells must be expanded. It is unacceptable that 14-15 prisoners are cramped in a cell when the international standard is 4 to 5 prisoners per cell;**
  
- I. Since the current size of the area for the accommodation of prisoner transport, cannot fit the vehicles used, either the area should be expanded to allow for the entry of the vehicles or the security firm be asked to bring prisoners to this**



**particular court using a vehicle or vehicles which can be accommodated in the allotted space;**

- J. In the construction of any new or renovated building intended to house Magistrates' Courts, consideration is given to the:**
- i. Construction of additional holding cells, with a minimum of one cell designated for use as a quarantine area for ailing or contagious prisoners; and**
  - ii. Secure and separate circulation routes for various persons accessing the confines of the court including judicial officers, prisoners and the public;**
- K. Security concerns in cell blocks are immediately rectified; and**
- L. Since no court is certified by the Trinidad and Tobago Fire Services, immediate steps should be taken by the TTFS to inspect all Magistrates' Courts and advice as to what is required for certification with a timeline being given for compliance. Public safety is non-negotiable.**

## **OBJECTIVE 2: TO IDENTIFY THE PROGRESS MADE BY THE JUDICIARY IN IMPROVING THE FACILITIES OF MAGISTRATES' COURTS**

### **Upgrades to Magistrates' Courts facilities for the period 2003- 2018**

#### *Building, Plant and Equipment Unit (BPEU)*

29. Prior to 1998, capital and operational funding for buildings under the Magistracy was the responsibility of a Government Ministry and the Judiciary was not adequately consulted. This led to poor and unsuitable building designs and choices for leases.
30. The Building Plant and Equipment Unit (BPEU) was accordingly created in 2001 and headed by a BPEU Manager and guided by its maintenance plan. Staffing was further strengthened in 2002 and 2003 with the addition of maintenance planning, supervisory and various technical maintenance positions.
31. The Ministry of the Attorney General and Legal Affairs ("MoAGLA") advised that the BPEU was responsible for the management, maintenance and refurbishment of all judiciary facilities. In 2003 the Judiciary assumed responsibility for the maintenance of all court buildings. Over the period 2003-2018 the Judiciary completed renovation and refurbishment projects at the Point Fortin, Couva, Chaguanas and San Fernando (old) Magistrates' Courts. A building, located at 1-3 Court Street<sup>24</sup>, San Fernando, was also adapted for use by the Judiciary. In this regard, the BPEU is an extension of the Judiciary's authority to manage its internal affairs.

#### *Works completed by the Judiciary 2003-2018*

32. The Judiciary noted that in 2006, adaptation works also began on another proposed Magistrate's Court building located at 1-3 Independence Avenue in San Fernando.

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<sup>24</sup> Now stands part of the San Fernando Magistrate's Court

Following Cabinet approval work progressed since 2011 but was put on hold pending delays in the receipt of approvals for structural designs from the Ministry of Works and Transport (MOWT). Proposed renovation and expansion works continued on the Rio Claro, Siparia, Couva, Sangre Grande, Chaguanas, and Arima Magistrates' Courts.

33. In 2013, the proposed construction of judicial complexes at Arima, Sangre Grande, Chaguanas and Penal/Siparia was discontinued. Monies expended were irrecoverable and may have constrained funding for alternative projects within that same time period. Subsequent refurbishment and upgrade works were eventually completed on a number of Magistrates' court buildings inclusive of the Chaguanas Magistrates' court.
34. In 2018 seismic activity and resultant damage to the Princes Town and San Fernando Courts (old) resulted in these courts being closed. They currently operate on a shift system with the Rio Claro and San Fernando Supreme Court respectively.

### **Role of the Property and Real Estate Management Division (PRESD)**

35. The Property and Real Estate Management Division (PRESD) noted in its written response<sup>25</sup> that the original mandate of the organisation was to procure leases and rentals for Judiciary buildings and that they had previously engaged OSHA, the TTFS, the MOWT and the Town and Country Planning Division (TCPD) to obtain the requisite approvals. These were obtained after meeting the quality and suitability requirements of the Judiciary (based on needs and financial position).
36. Expressions of Interest to procure or lease a property were conveyed to PRESD on behalf of the Judiciary. PRESD did express difficulty in identifying properties that met

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<sup>25</sup> PRESD written submission dated May 23<sup>rd</sup>, 2019.

both statutory requirements and those of the Magistrates' Courts; as such as part of property management the Judiciary would confirm occupancy or vacancy of properties where applicable.

## **Relocation of Court buildings**

### *Arima Magistrate's Court*

37. Prior to the creation of the **Inter-Ministerial Building Committee**, PRES D had received correspondence from the Judiciary dated February 06, 2018 stating that the Arima Magistrate's court was experiencing a growing number of occupational safety, health and security risks. These sentiments were echoed by the Law Association of Trinidad and Tobago (LATT) which indicated that the Arima Magistrates' court was inadequately sized for its catchment area which resulted in lengthy court lists, inordinate delays and an increasing burden on administrative resources and personnel.
38. A property located at Lot 14 O'Meara Road, O'Meara Industrial Estate was identified by the Judiciary as a suitable site for the relocation of the Arima Magistrates' court. PRES D had requested the scope of works from both the Judiciary and Commissioner of Valuations but at May 14, 2019 had not received a response from either entity.
39. By letter dated July 04, 2017 the PRES D was subsequently advised by the Deputy Court Executive Administrator of steps taken by Cabinet which allowed the Judiciary to procure, outfit and lease buildings for use as Courts thereby relieving PRES D of these duties.
40. The MoAGLA<sup>26</sup> highlighted that the recognition of critical courthouse needs arose out of the first meeting of the Judiciary Inter-Ministerial Building Committee on July 27, 2018. Of those highlighted was the Arima Magistrates' Court for which a 'new site and

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<sup>26</sup> Ministry of the Attorney General and Legal Affairs written submission dated May 13<sup>th</sup>, 2019.

existing building' had been identified. The MoAGLA further noted that the building was being examined to determine its suitability for use by the MOWT and TCPD.

41. Formal communication was subsequently issued by Cabinet Minute No.880 dated June 07, 2018 which agreed to the establishment of a Standing Committee for the acquisition of lands for the Judiciary buildings and acquisition of new court premises for the Judiciary.
42. The Sangre Grande Magistrates' Court was earmarked for re-location and formal approval was also granted for the construction of a San Fernando Magistrates' Court located at Irving Street in San Fernando.

## **The Implementation of the Judiciary/Inter-Ministerial Standing Committee**

### *Inter- Ministerial Building Committee*

43. In 2018, Cabinet approved an Inter-Ministerial Standing Building Committee which was tasked with the acquisition of lands for judiciary buildings and construction of new court premises for the Judiciary. This Committee is comprised of:
  - the Honourable Chief Justice (or alternate),
  - the Honourable Attorney General and Minister of Legal Affairs (or alternate),
  - the Honourable Minister of Finance (or alternate),
  - the Honourable Minister of Planning and Development (or alternate),
  - the Honourable Minister of Works and Transport (or alternate),
  - the Deputy Commissioner of State Lands,
  - the Director Town and Country Planning Division, Ministry of Planning and Development, and
  - the Court Executive Administrator.

44. The terms of reference for the Standing Committee includes:
- Assessing buildings for rental and recommending same to Cabinet;
  - Assisting the Judiciary in identifying State lands it may use and lands for purchase and acquisition;
  - Assessing lands and buildings for acquisition or purchase and recommending same to Cabinet;
  - Making recommendations to Cabinet on methods of payment for capital works for major refurbishment and new construction;
  - Retaining where necessary specialists to conduct specialist works including valuations, structural, site and other assessments, design and advisory works; and
  - Co-opting other persons to the Committee as and when necessary.

#### *Judiciary Construction Philosophy*

45. The Judiciary's construction philosophy is that the refurbishment of outdated buildings is impractical; rental accommodation is a temporary measure; and basic court design standards and statutory requirements must be achieved in the construction of new courts.
46. The Judiciary's approach to new infrastructure is one that seeks to achieve low cost per square foot without compromising basic court design standards as well as statutory requirements (as dictated by the TCPD, Chief Designs Engineer, Fire Services and OSHA). The objective of this approach is to achieve low maintenance and operational costs whilst maintaining a reasonably long life span without capital renewal for a ten to fifteen (10-15) year period.

### *Infrastructural Plans*

47. The Judiciary has identified the following categories of works for action:

- Repairs and maintenance of existing buildings (Mayaro Magistrate's Court)
- Renovation/refurbishment/expansion of existing buildings- (Couva, Point Fortin and Rio Claro Magistrates' Courts);
- Conversion/adaptation of existing buildings for use as a court building-(Arima, Sangre Grande and Princes Town Magistrates' Court)
- Construction of new court buildings- (San Fernando Magistrates' Court and a Special Criminal Court).

### **Technological Progress of Magistrates' Courts**

48. The Judiciary proffered that audio digital recording was already available in Magistrates' Courts and that systems to implement the use of a video link system connecting video conference facilities under the TTPS were being introduced. The TTPS video conferencing facility was currently operational in Tobago whilst construction was under way for the introduction of services at Golden Grove in Arouca.

49. The Judiciary also advised of the rollout of the **Trinidad and Tobago Judicial Information Management System (TT.Jim)**. Launched in 2018<sup>27</sup> the system was envisioned to assist with the timely disposition of cases and will soon be applied to the Criminal and Traffic courts.

50. The Judiciary is also introducing measures to improve the efficiency of service provision at the Courts. Court Pay, for example, allows for electronic payments into and out of the courts. Court Mail facilitates the transmission and receipt of documents electronically.

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<sup>27</sup> Judiciary of Trinidad and Tobago Annual Report 2017-2018. Pg. 15. Available: [http://www.ttlawcourts.org/annualreport2017/2017-2018%20Annual%20Report%20-%20Judiciary%20of%20Trinidad%20and%20Tobago\\_1.pdf](http://www.ttlawcourts.org/annualreport2017/2017-2018%20Annual%20Report%20-%20Judiciary%20of%20Trinidad%20and%20Tobago_1.pdf)

## FINDINGS

The Committee took particular note of the following:

- i. In 2003 the Judiciary assumed responsibility for the maintenance of all court buildings however 16 years later the institution is confronted with acute resource constraints which have stymied its ability to execute the extensive overhaul of Magistrates' Court Facilities that is evidently needed. However, the Committee endorses measures to allow the Judiciary to play a more direct/active role in determining the development of court facilities through the establishment and functioning of the Inter-Ministerial Building Committee.
- ii. Temporary accommodation was being sought for the San Fernando Magistrate's Court whilst a new building was constructed;
- iii. Approval to acquire land adjacent to the Siparia Magistrate's Court was being sought;
- iv. An interim building had been identified for the Sangre Grande Magistrates' Court and the process of identifying the outstanding requirements initiated;
- v. The greater application of technological tools such as the electronic court pay system and TT. Jim is commendable and has the potential to pre-empt the number of stakeholders/clients who are required to visit Magistrates' Courts on a daily basis.
- vi. The appendix to the Judiciary's submission entitled "*General Design Issues for Magistrates Court Buildings in Trinidad and Tobago*"<sup>28</sup> provides a useful framework of standards and expectations for Magistrates' Court Buildings in Trinidad and Tobago.

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<sup>28</sup> Submission dated April 24 2019

## **RECOMMENDATIONS**

The Committee recommends that:

- A. The Arima Magistrates' Court be relocated to a more suitable building specifically identified by the Judiciary and that the acquisition of provisional premises for the San Fernando Magistrates' Court be completed;**
- B. The Ministerial Response to this report should include an update on the status of the land and building acquisitions related to the Siparia and Sangre Grande Magistrates' Courts;**
- C. The Ministerial Response to this report includes an overview of the objectives and deliverables of the Inter-Ministerial Building Committee for fiscal 2019/2020;**
- D. The Judiciary and/or the Inter-ministerial Building Committee undertake a comprehensive evaluation of the network of Magistrates' Courts with a view to:
  - i. Prioritising remedial works to be executed at courts with critical infrastructural challenges,**
  - ii. Identifying risk factors which may potentially contribute to Occupational Health and safety shortcomings;**
  - iii. Developing solutions to avoid clients physically visiting the courts for routine procedures;**
  - iv. Implementing modifications which will make interaction with the court system more user-friendly and less intimidating or daunting.****
- E. The Judiciary expand the use of functioning technological solutions within the court system. In this regard, information and communication technology can be applied in the following areas of operation:**

- iii. **Providing stakeholders with advance notice of unavoidable adjournments, changes in hearing times and the relocation of hearings; and**
- iv. **Tracking the progression of cases<sup>29</sup>.**

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<sup>29</sup> Reform Update (May 2018) HM Courts and Tribunal Service  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/711535/HMCTS\\_Reform\\_Update\\_May\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/711535/HMCTS_Reform_Update_May_2018.pdf)

### OBJECTIVE 3: TO EXAMINE THE EXTENT TO WHICH LOCAL MAGISTRATES' COURTS ARE IN KEEPING WITH THE INTERNATIONAL STANDARDS FOR LAYOUT AND DESIGN

#### **Deficient areas in meeting standards**

51. Apart from the security measures discussed prior, the Judiciary posited that a **clustered magisterial suite design** is most appropriate to enhance security and facilitate the pooling of resources. Courtrooms should be designed to afford the Magistrate full view of the courtroom and also be situated as closely as possible to chambers.

#### *Prisoners' Cells*

52. In view of the shortcomings of prisoners' holding cells the Judiciary also noted that there should be separate detention cells for male and female prisoners and for juveniles. A distinct area should also be provided for convicted prisoners in custody. Police Officers should have access to appropriate amenities and should maintain oversight of the holding areas inclusive of the entrances and exits.
53. The cells must be so designed to ensure that they are structurally sound and are appropriately fitted with reliable security measures; central or remote locking may thus be considered.
54. With respect to prisoner drop off, there should be sufficient space for the prison vans to enter the building in order to secure the arrival and departure of prisoners.

### *General Facility Security*

55. Walk through magnetometers (metal detectors) and x-ray baggage scanners were some of the generally accepted means of prohibiting the introduction of weapons and contraband into the courthouse. Magistrates' Courts should be properly secured including being outfitted with functional security cameras.

### *Functionality*

56. The efficient functioning of the court would include appropriate lighting, acoustics, adequate seating and signage that is clear and helpful to all users including persons with disabilities. The Law Association<sup>30</sup> has pointed out that a deficit of distinct signage often results in confusion among members of the public in locating essential services and court rooms in limited time. Waiting rooms should also ideally be decentralised with areas servicing clusters of no more than three or four courts.
57. Magistracy Registrars and Clerks of the Court should have private offices outfitted with separate staff and public entrances; the latter originating from the public waiting area.
58. Washrooms should be available on each floor of the court and should not directly adjoin or be situated above courtrooms.
59. An open plan Registry located near the major public entrance with sectionalised areas would be most suited to Magistrates' courts. Cashiers' services should be separated from but adjacent to general Registry services. Counter areas should also be sectionalised for greater public satisfaction.

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<sup>30</sup> Law Association submission dated June 03, 2019.

60. Storage for active court records should be situated near to members of staff that use them and records overall should be stored in a secure environment, using an appropriate shelving or drawer filing system with white lighting.

### *Technology*

61. Technology and telecommunications systems should be integrated into the overall design. This includes the necessary telecommunication requirements; inclusive of telephone services and Wi-Fi. Further comments from the LATT suggested that Magistrates' Courts could be improved by an increase in personnel, the provision of administrative services (photocopying, scanning, printing and faxing) public Wi-Fi and upgrades to the air-conditioning systems (primarily in the POS Magistrates' Court). The LATT's complete list of recommendations concerning Magistrates' Courts facilities is outlined in **Appendix V**.
62. A separate room for central transcription with a server for digital court recording should also be arranged whilst video-conferencing should be facilitated in as many courtrooms as possible.

## FINDINGS

- i. When measured against international established norms and standards it is reasonable to conclude that there are numerous elements within the operations of Magistrates Courts to be improved.
- ii. The absence of basic administrative services was ubiquitous in many Courts (access to photocopiers, printers, internet connectivity and telephones) stymies the work of the various stakeholders utilising the Courts;
- iii. There was inadequate security and surveillance measures to screen and observe persons entering Magistrates' Courts;
- iv. The inadequate security measures for the passage of prisoners through open spaces and in close proximity to members of the public posed safety concerns;
- v. It was not evident that there have been attempts by the Judiciary to engage non-governmental stakeholders and by extension, the public for the purpose of soliciting feedback on plans and strategies for improving the standard of service dispensed at Magistrates Court Facilities.

## RECOMMENDATIONS

The Committee recommends that:

- A. In the absence of separate entries and exits, that judicial officers, State Prosecutors and Probation Officers be routinely escorted into and out of court buildings by security personnel;**



- B. Every effort should be made to ensure that each courthouse has three entrances. Prosecutors should be allowed to share the entrance used by the administrative staff instead of using public entrances;**
- C. Since it appears that the country may not be able to afford state of the art courthouses built to international standards in the short-term, an audit should be done of each court house to determine what are the infrastructural weaknesses, the cost of repair, and a three month timeline for implementation of remedies;**
- D. The Ministry of Finance should ensure that monies allocated to the judiciary are paid out in a timely manner to facilitate these works;**
- E. Future designs and or renovations for Magistrates' Courts consider implementing paid access to centralised administrative services within Magistrates' Courts including:**
- Photocopying and printing services;
  - Telephone services; and
  - Computer access.
- F. Courthouses should be adapted for use by the differently-abled. This includes differently abled attorneys-at-law who currently have no suitable facilities at the Bar table;**
- G. Installation of a CCTV surveillance system and scanners within all Magistrates' Courts by the end of fiscal 2020;**

- H. That the Judiciary consider establishing a system to solicit the views of stakeholders (including members of the public) regarding the opportunities and strategies for improving service delivery at Magistrates' Courts;**
- I. Courthouses should be kept in a sanitary state so that they do not pose a risk to the health and safety of users; and**
- J. In light of the centralisation of the technical staff assigned to the judiciary, those responsible for issuing funds for hiring suitably qualified technical staff should do so as soon as possible.**

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

Ms. Sophia Chote, SC  
**Chairman**

Mr. Clarence Rambharat  
**Vice-Chairman**

Mrs. Vidya Gayadeen-Gopeesingh, MP  
**Member**

Dr. Lovell Francis, MP  
**Member**

Mr. Taharqa Obika  
**Member**

Mr. Terrence Deyalsingh, MP  
**Member**

Dr. Lester Henry  
**Member**

Mrs. Cherrie- Ann Crichlow-Cockburn, MP  
**Member**

**March 24 2020**

# APPENDICES

# APPENDIX I

## Minutes of Proceedings

**MINUTES OF THE THIRTIETH MEETING OF THE JOINT SELECT COMMITTEE ON FINANCE AND LEGAL AFFAIRS, HELD (IN CAMERA) IN THE ARNOLD THOMASOS MEETING ROOM (EAST), LEVEL 6 AND (IN PUBLIC) IN THE J. HAMILTON MAURICE ROOM, MEZZANINE FLOOR, OFFICE OF THE PARLIAMENT, TOWER D, THE PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, 1A WRIGHTSON ROAD PORT OF SPAIN ON APRIL 26, 2019**

### **PRESENT**

|                                    |          |
|------------------------------------|----------|
| Ms. Sophia Chote, S.C.             | Chairman |
| Mrs. Vidia Gayadeen-Gopeesingh, MP | Member   |
| Dr. Lester Henry                   | Member   |
| Mr. Taharqa Obika                  | Member   |

### **Secretariat**

|                    |                     |
|--------------------|---------------------|
| Mr. Julien Ogilvie | Secretary           |
| Mr. Brian Lucio    | Assistant Secretary |
| Ms. Terriann Baker | Research Assistant  |
| Ms. Ria Rampersad  | Research Assistant  |
| Ms. Sharla Elcock  | Legal Officer       |
| Mr. Kaleem Hosein  | Legal Intern        |

### **ABSENT**

|  |               |
|--|---------------|
| Mr. Clarence Rambharat                 | Vice-Chairman |
| Mrs. Cherrie-Ann Crichlow-Cockburn, MP | Member        |
| Dr. Lovell Francis, MP                 | Member        |
| Mr. Terrence Deyalsingh, MP            | Member        |

### **COMMENCEMENT**

1.1 The Chairman called the meeting to order at 9: 33 a.m.

### **CONFIRMATION OF MINUTES OF THE TWENTY-NINTH MEETING HELD ON MARCH 29, 2019**

- 2.1 The Chairman invited Members to consider the Minutes of the 29th Meeting held on March 29, 2019 and enquired whether there were any amendments.
- 2.2 **Item 3.1, second bullet** – after the words “inclusion of”, delete the letter “o”.
- 2.3 There being no amendments, a motion for the confirmation of the Minutes was moved by Mr. Obika and seconded by Mrs. Gayadeen-Gopeesingh.

### **MATTERS ARISING FROM THE MINUTES OF THE TWENTY-SEVENTH MEETING**

- 3.1 The Chairman enquired whether there were any matters arising from the Minutes:
  - **Page 2, item 4.3** – The Chairman reminded Members that the Committee’s Fifth Report on a critical assessment of the Waste Management Policies and initiatives of the State was presented in the Senate on April 11, 2019 and will be laid at the next sitting of the House of Representatives. Members agreed that Mrs. Gayadeen-Gopeesingh would present the Report in the HOR.
  - **Page 2, Item 5.3** – The Chairman advised Members that by letter dated April 05, 2019, the Secretariat wrote to the Procurement Regulator seeking a further update on the progress made by the Procurement Regulator. The OPR’s response was incorporated in an updated draft of the Committee’s 6<sup>th</sup> Report and circulated to Members via email dated April 15, 2019. The Chairman instructed the Secretariat to seek a further update from the OPR re: advice rendered by the Attorney General and Senior Counsel.
  - **Page 2, Item 6.1** – The Chairman advised Members that the Secretariat wrote to the following stakeholders requesting a written submission:
    - **Judiciary** (received and circulated to Members on April 24, 2019)
    - **Director of Public Prosecutions** (received at 8:04 a.m. on April 26, 2019)
    - **Trinidad and Tobago Police Service** (circulated to Members on April 23, 2019)
    - **Occupational Safety and Health Agency** (for written response only – circulated to Members on April 23, 2019)
    - **Ministry of the Attorney General and Legal Affairs** (for written response only – deadline of April 19, 2019 – remains outstanding)

- **Law Association of Trinidad and Tobago** (for written response only – deadline of May 09, 2019).
- The Chairman proposed that the Secretariat write to the following stakeholders:
  - Property and Real Estate Services Division (written and invitation);
  - Occupational Safety and Health Agency (invitation);
  - Chief Probation Officer (written and invitation); and
  - Legal Aid and Advisory Authority (for written only).

### **PRE-HEARING DISCUSSION RE: INQUIRY INTO THE ADEQUACY OF MAGISTRATES' COURT FACILITIES**

- 4.1 The Chairman indicated that representatives from the following entities would be appearing before the Committee:
- i. Judiciary;
  - ii. Office of the Director of Public Prosecutions; and
  - iii. Trinidad and Tobago Police Service.
- 4.2 A discussion ensued on the approach to be adopted for the public hearing.
- 4.3 Members agreed to first meet *in-camera* with the Chief officials prior to the commencement of its public hearing.

### **OTHER BUSINESS**

#### **Date and Agenda of next meeting**

- 5.1 The Chairman informed members that the next meeting of the Committee was scheduled for Friday May 17, 2019 at 9:30am.

### **SUSPENSION**

- 8.1 The meeting was suspended at 9:53 a.m.

*[Members proceeded to the J. Hamilton Maurice Room, Mezzanine Floor]*

### **PRE-HEARING DISCUSSIONS WITH CHIEF OFFICIALS RE INQUIRY INTO THE ADEQUACY OF MAGISTRATES' COURT FACILITIES**

- 7.1 The meeting resumed (*in camera*) at 10:05 a.m. in the J. Hamilton Maurice Room.
- 7.2 The following officials were invited to joined the meeting:

### **JUDICIARY OF TRINIDAD AND TOBAGO**

|                                     |  |
|-------------------------------------|--|
| Master Christie-Anne Morris-Alleyne | Court Executive Administrator                              |
| Ms. Vanessa Garcia                  | Deputy Court Executive<br>Administrator, Criminal Division |

### **OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS**

|                           |                                       |
|---------------------------|---------------------------------------|
| Mrs. Tricia Hudlin-Cooper | Director of Public Prosecutions (Ag.) |
|---------------------------|---------------------------------------|

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

|                    |                                  |
|--------------------|----------------------------------|
| Mr. Wayne Mohammed | Superintendent Southern Division |
|--------------------|----------------------------------|

- 7.3 The Chairman welcomed the officials and a discussion ensued regarding the scope of matters to be discussed during the hearing.
- 7.4 After some discussion, it was agreed that the Committee would firstly meet with officials from the Judiciary and subsequently, with officials from the Office of the Director of Public Prosecutions and the Trinidad and Tobago Police Service.

### **SUSPENSION**

- 8.1 The meeting was suspended at 10:15 a.m.

### **PUBLIC HEARING WITH STAKEHOLDERS RE INQUIRY INTO THE ADEQUACY OF MAGISTRATES' COURT FACILITIES**

- 9.1 The meeting resumed (*in public*) at 10:29 a.m.
- 9.2 The following officials joined the meeting:

### **JUDICIARY OF TRINIDAD AND TOBAGO**

|                                     |   |
|-------------------------------------|---|
| Master Christie-Anne Morris-Alleyne | Court Executive Administrator   |
| Mr. Jerome Mark                     | Deputy Court Executive<br>Administrator                                   |
| Mr. Recarb Ali                      | Deputy Court Executive<br>Administrator                                   |
| Ms. Vanessa Garcia                  | Deputy Court Executive<br>Administrator, Criminal and Traffic<br>Division |
| Mr. Anderson Gordon                 | Court Planning Director   |
| Ms. Carol Herbert                   | ICT Director  |
| Mr. Christopher Hosein              | Court OSH Officer   |
| Mr. Akil Nurse                      | Project Manager   |
| Mr. Roy De Sormeaux                 | Facilities Manager  |

- 9.3 The following were the key subject areas/issues discussed during the hearing (*for further details, please see the Verbatim Notes*):
- i. Magistrates' Court buildings country wide were inadequate. The only buildings belonging to that stock that had some degree of utility were those that incorporated the input of the Judiciary in construction and design;
  - ii. Examples of these buildings were the Port of Spain Hall of Justice and San Fernando Supreme Court;
  - iii. The Ministry of the Attorney General and Legal Affairs had taken the lead to build the Princes Town Magistrates' Court without input from the Judiciary;
  - iv. The building posed many problems from the onset and was damaged by seismic activity and rendered unsuitable for further use;
  - v. Court Administrators interact with all the spaces of a Court, are more aware of how the confluence of cross-circulations intertwine and are therefore better poised to advise on its maintenance and design;
  - vi. The preservation of Magistrates' Courts falls under the Judiciary who must in turn, engage the Ministry of Finance and the Personnel Department. These relationships also present their own issues;
  - vii. There have been delays in the issuance of remand warrants owing to the need for the same Judicial Officers to conclude their duties before signing off on these warrants;
  - viii. The Judiciary has sought to remedy this by creating the post of Magistrate Registrar to assist in executing these duties and also via the implementation of 'TTJim', a case management system;
  - ix. Whilst the Judiciary has been hampered by the age of some of the buildings, all of the Magistrates' Courts have facilities to enable access for persons with disabilities;
  - x. The POS Hall of Justice was also in keeping with a previous mandate to provide disabled access via the imposition of a hydraulic lift and ramp;
  - xi. OSHA has not conducted any routine appraisals of Judiciary buildings having only previously done so by way of invitation or receipt of a complaint;
  - xii. The Judiciary has only been issued with improvement notices from the OSHA but are constrained in its implementation by the age of the buildings and lack of funding;
  - xiii. Generally, there is collaboration between OSHA, the Judiciary and fire services especially concerning advice on renovations and/or the construct of new projects/buildings undertaken by the Judiciary;
  - xiv. The Judiciary also has in place an internal OSH unit which maps out the areas in need of improvement;
  - xv. The Judiciary acknowledges that there are many issues with some of the existing Magistrates' Courts. One of the reasons why commercial buildings cannot be used as a replacement is because there are certain key provisions that must be provided in a court. These include: spans between columns, three separate circulation routes, three

- separate entrances and egresses, sufficient ceiling height and three distinct elevator locations;
- xvi. Retrofitting of an existing building therefore often results in some aspect of the building/design being compromised;
  - xvii. The small size of the Sangre Grande Magistrates' Court is noted by the Judiciary; an interim building has been identified and the process of acquiring same is under way. In the case of the Siparia Magistrates' Court, approval to acquire the land adjacent to the building is being sought to develop the facilities;
  - xviii. One of the additional challenges facing the Magistrates' Courts is the breakdown of air conditioning units;
  - xix. The re-occurrence of this problem has been due to the limited staff in the Judiciary's Facilities Management Unit, the geographic distances they must traverse and the restricted time periods they are allotted for maintenance which are outside of regular working hours;
  - xx. The provision of back-up generators was also a challenge owing to a lack of space to house this machinery;
  - xxi. The Judiciary had envisioned a Building Plant and Equipment Unit but was unable to effect this implementation due to the standardisation of contracts falling within the Public Service;
  - xxii. The Judiciary noted that it was extremely difficult for one centralised Facilities Management Unit comprising of twenty (20) persons or less to be responsible for the thirty-six (36) buildings falling under the Judiciary's portfolio;
  - xxiii. The Judiciary was in need of decentralised services for maintenance of its court buildings, this cannot be achieved by a single standardised post with standardised terms and conditions;
  - xxiv. Generally, financial, human and equipment resources were inadequate to meet the maintenance needs of court buildings;
  - xxv. Magistrates' Courts receive the highest numbers of foot traffic but are impeded by small spaces. The introduction of the Court Pay system would help to alleviate this concern;
  - xxvi. Court pay was available for maintenance payments at the Family Court. The maintenance aspect was being extended to all the Magistrates' Courts. Also scheduled to come on stream were the fines and fees module;
  - xxvii. Scheduling and calendaring of cases was being utilised to streamline disposition. It was being used in the Family and Civil Courts and will soon be applied to the Criminal and Traffic Courts;
  - xxviii. A custodial bank account was also being finalised with the Comptroller of Accounts and it is anticipated that the system will be ready by the end of 2019;

- xxix. With respect to the San Fernando Magistrates' Court, a new building is to be constructed whilst an interim building is actively being sought;
  - xxx. Prisoners arriving in full view of the public negatively affected the dignity of the prisoners, the security of the public, the delivery of justice and also impeded traffic flow;
  - xxxii. The cell areas in the Magistrates' Courts fall under the responsibility of the Trinidad and Tobago Police Service (TTPS) and the Trinidad and Tobago Prisons Service (TTPrS); and
  - xxxiii. The Judiciary was chairing a cabinet appointed Standing Committee that was tasked with the oversight of the Judiciary's Court Facility and Development drive.
- 9.4 Closing remarks were made by the Court Executive Administrator.
- 9.5 The Chairman thanked the officials for their attendance.
- 9.6 At 11:36 a.m. the Chairman suspended the proceedings to facilitate the entrance of officials from the Office of the DPP and the TTPS.
- 9.7 The meeting resumed (*in public*) at 11:42 a.m.
- 9.8 The following officials joined the meeting:

#### **OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS**

|                           |                                       |
|---------------------------|---------------------------------------|
| Mrs. Tricia Hudlin-Cooper | Director of Public Prosecutions (Ag.) |
| Ms. Ambay Ramkelawan      | State Counsel I                       |
| Ms. Valene Guerra         | State Counsel I                       |

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

|                    |  |
|--------------------|--|
| Mr. Wayne Mohammed | Superintendent Southern Division                 |
| Mr. John Frederick | Senior Superintendent, Court and Process,<br>POS |
| Mr. Keston Bain    | Corporal (Ag.)                                   |

- 9.9 The following were the key subject areas/issues discussed during the hearing (*for further details, please see the Verbatim Notes*):

#### **(a) Office of the Director of Public Prosecutions**

- i. The DPP has encouraged the Courts to seek the services of interpreters independently to improve the confidence levels that individuals have in the delivery of justice;
- ii. However, the DPP has assisted the Judiciary in sourcing foreign language interpreters. There is a list of such service providers available in the High Court;
- iii. Mandarin and Cantonese interpreters have now been identified thereby reducing the period of delay experienced by foreign nationals;
- iv. Traditionally, the DPP has never had a role in the building design of Court houses but were invited to collaborate on the construct of the Children's Court;
- v. The DPP has taken the initiative however, to bring to the Judiciary's attention any issues within the Courts which would have a negative effect on the delivery of justice;
- vi. A standing committee that is internal to the DPP's office would discuss the issue, communicate same and suggest recommendations to the Judiciary;
- vii. One of the areas that the DPP has expressed concern over is the issue of security for State Prosecutors;
- viii. In one of the Magistrates' Courts, the public, accused and State Prosecutors all utilise the same washroom facility;
- ix. In other circumstances, there is an absence of secure entry, passage and access for State Prosecutors within court buildings;
- x. Courts are mandated to have separate entry and egress points for Judicial Officers, conditions that do not meet these requirements therefore pose a measure of risk to their well-being;
- xi. State Prosecutors had previously been in receipt of threats to their lives and as such had long advocated but failed to receive a risk allowance to be incorporated into their salaries. The reason given being that job evaluations had not yet been conducted;
- xii. In some instances, requests to mitigate risk, for example for State Prosecutors to utilise a separate entry way, are sometimes accommodated and at times denied;
- xiii. This is partly because the administration of Courts is not standardised. Furthermore, in some instances no amount of advocacy can change a situation; for example in Courts where there is but a single entry-way;
- xiv. Notwithstanding there is some measure of protection against persons who make threatening allegations under Sections twenty-five (25) and forty-nine (49) of the Summary Offences Act, Chapter 11:02;
- xv. In instances where a Police Officer is engaged, charges may be laid and the necessary safety and security measures implemented;

- xvi. The DPP's office is also stymied from effectively carrying out their duties due to the shift system operating in some courts which posed delays, due to staff changeovers, in filing paper work with the relevant staff;
- xvii. Another area of security breach may be the close proximity of State Prosecutor and prisoner in the dock area of the Court;
- xviii. On one occasion, it was the experience of the DPP that a legal submission had to be filed in order to request that the accused be seated at the bar rather than in the dock area despite the apparent existence of a security concern; and
- xix. The Witness Protection Programme is also currently being assessed to ascertain the areas in which the programme may be improved via the Evidence (Amendment) Bill.

**(b) Trinidad and Tobago Police Service (TTPS)**

- i. The conditions at the POS Magistrates' Court were not optimal, this was acknowledged by the Chief Magistrate approximately two years ago;
- ii. The downstairs portion of the POS Magistrates' Court was designated as an area to be used temporarily to accommodate TTPS staff but is at present still in use and subject to a number of challenges, including leaks;
- iii. These leaks flood the downstairs portion of the Court area and hinders TTPS officers from carrying out their duties;
- iv. There are also issues with insufficient toilet facilities, breakdowns in air condition units and a kitchenette area that is made unhygienic due to the presence of pigeon droppings within close proximity;
- v. TTPS officers are of the view that these facilities are in need of being revamped;
- vi. These concerns have been submitted to the Judiciary facilities manager however , there are constraints in funding the constant re-occurrence of these issues;
- vii. There were four cells at the POS Magistrates' Court and each of these cells should under normal circumstances occupy five (5) prisoners, however due to limited space, fourteen-fifteen (14-15) prisoners were accommodated;
- viii. When the holding areas are at capacity, this must be communicated to the Prisons department to facilitate remand warrants to release prisoners back into the care of the Prisons Service;
- ix. The officers located in the downstairs portion of the POS Magistrates' Court also do not have access to internet connectivity and this is within the purview of the Judiciary to provide;
- x. Police prosecutors are also exposed to some of the same threats as State Prosecutors as they must also utilise the same washroom facilities but also have the option to

- use the police washroom facilities in the basement section of the POS Magistrates' Court;
- xi. With respect to the privacy of prisoners' identity, in the POS Court, the original design had incorporated an underground area for offloading and receipt of prisoners from the prisons' bus. However, due to flaws in design, the buses were unable to fit into this area. Consequently and prisoners arrive at the Court in full view of the public;
  - xii. This problem cannot be averted unless the Court is re-located;
  - xiii. In the San Fernando Magistrates' Court, the situation is much the same. However a temporary barrier is erected to offer some degree of privacy and to limit access of family members and members of the public.
  - xiv. The TTPS is also not opposed to considering screens to improve this barrier measure;
  - xv. The San Fernando Magistrates' Court is still being temporarily housed at the San Fernando Hall of Justice on a shift basis;
  - xvi. There is also insufficiency in the provisions for prisoners who present with contagious diseases. The lack of a designated quarantine area means that such a prisoner must occupy his own cell, which means that the remaining prisoners must adjust to suit in the remaining three cells (at the POS Courts);
  - xvii. Police Officers are not always forewarned of these cases but do seek medical input under these circumstances;
  - xviii. Regarding remand warrants; when they are received the TTPS generally had a good relationship with the TTPrS in terms of transporting prisoners back to the Prisons;
  - xix. The issue had in fact to do with instances where warrants were not received in a timely manner which resulted in prisoners reacting violently, demanding skillful use of negotiation on the part of police officers to quell the agitation;
  - xx. Whilst the acting DPP expressed worry over the close proximity between State Prosecutor and prisoner in the dock area, the TTPS did not view this as a major challenge;
  - xxi. According to the Firearm's Act, Chapter 16:01 Police officers are entitled to carry concealed firearms on their person in a Courtroom, save and except in the case of the Children's Court where an agreement was made not to do so;
  - xxii. For the TTPS, of greater security concern was the cell block area of the Arima and Tunapuna Magistrates' Court;
  - xxiii. The challenge with the lock system had been brought to the attention of the Area Manager of the Arima Magistracy since September 2018 but the situation had not been rectified;
  - xxiv. The locks were specially made in the United Kingdom and thus, faults arising cannot be addressed locally;



- xxv. Space was also cited as a limiting factor in the Arima Magistrates' Court. As much as two-three hundred (200-330) persons may access the Court on a busy day. The domestic violence court can also only accommodate fifteen (15) persons standing;
- xxvi. Due to the fact that this building was a commercial building that had been retrofitted into a courtroom, space is so constrained that prisoners must traverse through members of the public awaiting matters in order to access the various courts; and
- xxvii. The TTPS was also unaware if OSHA had appraised either the POS, San Fernando or Tunapuna/Arima Magistrates' Courts. If these assessments had been completed, these courts were liable to have been shut down.

9.10 Closing remarks were made by the Chief officials.

9.11 The Chairman thanked the officials for their attendance.

### **ADJOURNMENT**

10.1 The meeting was adjourned at 1:01 p.m.

I certify that these Minutes are true and correct.

Chairman

**MINUTES OF THE THIRTY-FIRST MEETING OF THE JOINT SELECT COMMITTEE ON FINANCE AND LEGAL AFFAIRS, HELD (IN CAMERA) IN THE ANR ROBINSON MEETING ROOM (WEST), LEVEL 9 AND (IN PUBLIC) IN THE ANR ROBINSON MEETING ROOM (EAST), LEVEL 9, OFFICE OF THE PARLIAMENT, TOWER D, THE PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, 1A WRIGHTSON ROAD PORT OF SPAIN ON JUNE 28, 2019**

**PRESENT**

|                                    |               |
|------------------------------------|---------------|
| Mr. Clarence Rambharat             | Vice-Chairman |
| Mrs. Vidia Gayadeen-Gopeesingh, MP | Member        |
| Mr. Taharqa Obika                  | Member        |

**Secretariat**

|                    |                     |
|--------------------|---------------------|
| Mr. Julien Ogilvie | Secretary           |
| Mr. Brian Lucio    | Assistant Secretary |
| Ms. Terriann Baker | Research Assistant  |
| Ms. Ria Rampersad  | Research Assistant  |

**ABSENT**

|  |          |
|--|----------|
| Ms. Sophia Chote, S.C.                 | Chairman |
| Mrs. Cherrie-Ann Crichlow-Cockburn, MP | Member   |
| Dr. Lovell Francis, MP                 | Member   |
| Mr. Terrence Deyalsingh, MP            | Member   |
| Dr. Lester Henry                       | Member   |

**COMMENCEMENT**

1.2 The Vice-Chairman called the meeting to order at 10: 02 a.m.

**CONFIRMATION OF MINUTES OF THE THIRTIETH MEETING HELD ON APRIL 26, 2019**

- 2.4 The Vice-Chairman invited Members to consider the Minutes of the 30th Meeting held on April 26, 2019 and enquired whether there were any amendments.
- 2.5 There being no amendments, a motion for the confirmation of the Minutes was moved by Mr. Obika and seconded by Mrs. Gayadeen-Gopeesingh.

### **MATTERS ARISING FROM THE MINUTES OF THE THIRTIETH MEETING**

3.2 The Vice-Chairman enquired whether there were any matters arising from the Minutes:

- **Page 2, item 3.1, first bullet** – The Vice-Chairman reminded Members that the Committee's Fifth Report on a critical assessment of the Waste Management Policies and initiatives of the State was presented in the House of Representatives on May 06, 2019. Members were also reminded that a Ministerial Response to this Report was submitted by the Ministry of Public Utilities on June 13, 2018 and was circulated to Members via email dated June 27, 2019.
- **Page 2, item 3.1, second bullet** – The Vice-Chairman reminded Members that the Committee's Sixth Report on an Inquiry into the implementation of the new Public Procurement System was presented in the House of Representatives and Senate on May 13, 2019 and May 15, 2019 respectively. Members were also reminded that the Ministerial Response to this Report was due by July 15, 2019.

### **PRE-HEARING DISCUSSION RE: INQUIRY INTO THE ADEQUACY OF MAGISTRATES' COURT FACILITIES**

4.4 The Vice-Chairman indicated that representatives from the following entities would be appearing before the Committee:

- i. Office of Probation Services (Ministry of National Security);
- ii. Property and Real Estate Services Division (Ministry of Public Administration);
- iii. Trinidad and Tobago Fire Service; and
- iv. Occupational Safety and Health Agency

4.5 A discussion ensued on the approach to be adopted for the public hearing.

### **SUSPENSION**

8.2 The meeting was suspended at 10:07 a.m.

*[Members proceeded to the ANR Robinson Meeting Room (East).]*

### **PRE-HEARING DISCUSSIONS WITH CHIEF OFFICIALS RE INQUIRY INTO THE ADEQUACY OF MAGISTRATES' COURT FACILITIES**

7.5 The meeting resumed (in camera) at 10:30 a.m. in the ANR Robinson Meeting Room (East).

7.6 The following officials were invited to joined the meeting:

**PROPERTY AND REAL ESTATE SERVICES DIVISION (MINISTRY OF PUBLIC ADMINISTRATION)**

|                             |                                   |
|-----------------------------|-----------------------------------|
| Mrs. Angela Lum-Joseph      | Director Ag.                      |
| Mrs. Susette Mclean-Maxwell | Public Management Consultant (II) |

**OFFICE OF PROBATION SERVICES (MINISTRY OF NATIONAL SECURITY)**

|                           |   |
|---------------------------|---|
| Ms. Deokie Sintra Maharaj | Chief Probation Officer                                       |
| Mr. Jason Chattergoon     | Probation Officer III- San Fernando, Siparia and Point Fortin |

**OCCUPATIONAL SAFETY AND HEALTH AGENCY**

|                                 |  |
|---------------------------------|--|
| Mrs. Carolyn Sancho             | Executive Director                         |
| Mrs. Arlene John-Seow           | Chief Inspector                            |
| Mrs. Anastasia Marchan-Lecointe | Research, Planning and Development Manager |

**TRINIDAD AND TOBAGO FIRE SERVICE**

|                    |  |
|--------------------|--|
| Mr. Daron Dasent   | Assistant Divisional Fire Officer, Ag. Northern Division |
| Mr. Lalchan Arjoon | Assistant Divisional Fire Officer, Ag. Southern Division |

7.7 The following were the key subject areas/issues discussed during the hearing (*for further details, please see the Verbatim Notes*):

**(c) Property and Real Estate Services Division (PRESD)**

- xx. PRESD was previously responsible for acquiring the Sangre Grande (in 2004), Arima (prior to 2013) and San Fernando (prior to 2008) Magistrates' Courts. PRESD is no longer tasked with this responsibility which has passed to the Judiciary Standing Building Committee;
- xxi. Prior to receiving the Cabinet decision regarding the transfer of responsibility for leases and rentals to the Judiciary Standing Building Committee, PRESD would have engaged the landlords of the buildings occupied by the Judiciary as well as OSHA, the TTFS and Town and Country Planning Division to acquire the requisite approvals;

- xxii. Upon receipt of the reports from these agencies (TTFS and OSHA), the reports were transmitted to the landlords of the respective buildings and the Court Executive Administrator for their follow up;
- xxiii. Thus, matters pertaining to the acquisition of a property for the new Arima Magistrates' Court is no longer within PRES'D's remit; and
- xxiv. This reduction in PRES'D's work portfolio has not had an effect on its internal staffing.

**(d) Office of Probation Services**

- xxviii. The Probation Services started in 1947 under the guidance of the Magistracy and as such, was provided with office space in several of the Magistrates' Courts;
- xxix. Any environmental concerns held by Probation Services would, according to protocol, usually be brought to the attention of the Clerk of the Peace;
- xxx. However, the Chief Probation Officer has also written to the requisite Permanent Secretaries requesting the provision of autonomous space for the Office of Probation Services since 2015;
- xxxi. Some of these environmental concerns related to space constraints, for example, Probation Officers, Community Service Officers and support staff occupied one or two rooms at the Arima Magistrates' court;
- xxxii. This was further impacted by the presence of photocopy machines, microwaves and fridges being housed in the same staff seating area. Additionally, the close proximity between Probation Officers and their potentially aggressive clients was sighted as a serious security concern. Security personnel is normally stationed outside of offices;
- xxxiii. The Chief Probation Officer had not engaged with the OSHA but through the Permanent Secretary, engaged PRES'D to acquire the requisite approvals for accommodation;
- xxxiv. Ten (10) ministerial re-alignments over the period 1947 to 2019 has affected the delivery of a response whereby each transition of the responsibility of the Office to a new Ministry would initiate a re-commencement of requests;
- xxxv. Since communication sent in 2015, the Chief Probation Officer has followed up with telephone conversations, emails and meetings with PRES'D, who is also challenged with staffing issues;
- xxxvi. Recently, PRES'D had directed the Probation Division to the services of two real estate agents but the process was stymied by the real estate agents' lack of willingness to conduct transactions with governmental organisations.

- These real estate agents cited issues with payment and approval delays as reasons for this decision;
- xxxvii. Notwithstanding, some progress has been achieved through the Probation Services' Facilities Manager as an office in Point Fortin is scheduled to be retained;
  - xxxviii. Another issue cited by the Probation Services is the lack of an independent (not shared with the Public) washroom facility for use by Probation Officers;
  - xxxix. This has resulted in safety concerns as officers have experienced verbal assaults in washroom facilities in the past;
  - xl. Spacing constraints within existing court buildings would prevent the addition of washroom facilities but a suggestion was proffered for an existing space to be designated for sole use by Probation Officers.

**(e) Occupational Safety and Health Agency (OSHA)**

- i. OSHA has conducted risk inspections on the twenty-six (26) facilities under the purview of the Judiciary inclusive of the Magistrates' Courts;
- ii. These inspections have arisen primarily due to reports of accidents, complaints and requests from PRESID;
- iii. Improvement notices have been issued to various facilities managed by the Judiciary due to areas of non-compliance with the OSHA Act;
- iv. There is usually follow up subsequent to the issuance of these improvement notices;
- v. The OSH Agency has not found any sources of risk that is significant enough to incur the imposition of prohibition notices on any of the Judiciary's buildings;
- vi. OSHA has corresponded with the Master of the Court to facilitate scheduled visits and have been in contact with the Judiciary's OSH Unit to commence this programme of scheduled inspections;
- vii. The OSH Agency proposes to work with the Judiciary to help them achieve compliance, bearing in mind that some of the buildings are very old which may affect implementation;
- viii. OSHA wishes to adopt a proactive approach that would involve engagement with the Judiciary with respect to the inspection of Judiciary buildings to prevent any hindrance to the administration of justice;
- ix. The lack of regularity in the delivery of inspections of Judiciary facilities has arisen due to staff shortages within the OSH Agency;
- x. The precedence assumed by industries in the oil and gas as well as construction sectors has resulted in less staff being dedicated to sectors (the Judiciary included) that are deemed to be of a lower risk;

- x. OSHA has an approved organisational structure for forty-eight (48) Inspectors (I) but had just sixteen (16) such positions. This number has now increased to twenty-nine (29) and both Inspectors (II) and Senior Inspectors positions have been filled. The remaining vacancies are scheduled to be filled by the beginning of the next financial year;
- xii. Also affecting the number of inspections conducted in relation to Judiciary buildings was permission sought by OSHA to conduct inspections according to a schedule that was accommodating to the work load of the Judiciary;
- xiii. Though OSHA is an independent body that is empowered to enter judicial buildings to carry out an inspection; there has been at least one instance in the past where an inspector was denied entry into a court;
- xiv. A building would only be shut down if it posed an immediate risk to the well-being of its occupants;
- xv. With respect to inspection of washroom facilities, OSHA factors in the number of people utilising the facilities and also considers the WASA regulation that stipulates that twenty (20) persons should utilise one washroom;
- xvi. Though a washroom facility in a poor state can warrant closure of a building, this has not been the case with any of the Magistrates' Courts;
- xvii. The absence of a washroom facility or lack of water also receives a high ranking in the issuance of improvement notices;
- xviii. OSHA was also aware of one report of asbestos at the San Fernando Magistrate's Court which has since been shut. Only buildings constructed prior to the 1970s would warrant checks for asbestos, as this was prohibited as a building material subsequent to that period;
- xix. OSHA also welcomes the collaboration of the various agencies and underscores its necessity to facilitate progress.

**(f) Trinidad and Tobago Fire Services (TTFS)**

- i. None of the buildings occupied by the Magistrates' Courts are in receipt of fire certification;
- ii. Full certification encompasses multiple requirements related to egress, suppression systems, extinguishment and signage. To date none of the Magistrates' Courts have fully met the criteria as stipulated in the OSH Act;
- iii. In terms of the follow up for requirements, each is given a timeframe of (30, 60 or 90) days. During this time frame communication is maintained with the Judiciary's Health and Safety Unit to ascertain completed and outstanding requirements;
- iv. In terms of the regularity of inspections, stipulations under the OSH Act requires that industrial establishments are inspected every two years;

- v. A risk assessment to estimate the compatibility of code requirements related to adequate means of escape, fire protection systems and training to the staff would determine the level of compliance. The TTFS liaises with the Court OSH Manager to get feedback on the level of compliance and outstanding areas in need of improvement;
- vi. Currently, six (6) buildings in the southern division and nine (9) in the northern division are inspected by the TTFS;
- vii. The Judiciary court buildings are equipped with what is termed by the TTFS as minimum requirements. In terms of the buildings inspected this entailed for example, primary and alternate means of escape, the presence of fire extinguishers and signage;
- viii. An improvement notice would be issued for example in the case where a fire alarm system was in place but was inoperable. The TTFS would also alert the Judiciary to any fire hazards that could be immediately rectified, such as improper storage practices;
- ix. The TTFS endeavours to take a proactive approach and would assist in conducting emergency training for the staff and the development of evacuation plans. The TTFS is therefore of the opinion that the Judiciary has a degree of responsiveness and safety training and that there are no immediate dangers posed by buildings occupied by the Judiciary;
- x. This is supplemented by training done by the Judiciary internal OSH Unit and from previous fire drills conducted by the TTFS;
- xi. The TTFS understands that resources are a major constraint to the implementation of some of the requirements but hold that the buildings' occupants are properly trained in the course of action to be taken in the event of an emergency; and
- xii. The TTFS plans to conduct more spot inspections.

7.8 Closing remarks were made by the Chief officials.

7.9 The Vice-Chairman announced that the following inquiry reports were recently presented to the House of Representatives and the Senate and available on the Parliament's website:

- i. The Fifth Report on a Critical Assessment of the Waste Management Policies and Initiatives of the State (with specific focus on solid waste); and
- ii. The Sixth Report on an Inquiry into the Implementation of the new Public Procurement System.

7.10 The Vice-Chairman thanked the officials for their attendance.

**ADJOURNMENT**

10.2 The meeting was adjourned at 11:14 a.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

August 08, 2019

# APPENDIX II

## Verbatim Notes

**VERBATIM NOTES OF THE TWENTY-NINTH MEETING OF THE JOINT SELECT COMMITTEE ON FINANCE AND LEGAL AFFAIRS HELD IN THE J. HAMILTON MAURICE MEETING ROOM, MEZZANINE FLOOR, (IN PUBLIC), OFFICE OF THE PARLIAMENT, PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF SPAIN, ON FRIDAY, APRIL 26, 2019, AT 10.28 A.M.**

### **PRESENT**

|                                |                    |
|--------------------------------|--------------------|
| Ms. Sophia Chote SC            | Chairman           |
| Dr. Lester Henry               | Member             |
| Mrs. Vidia Gayadeen-Gopeesingh | Member             |
| Mr. Taharqa Obika              | Member             |
| Mr. Julien Ogilvie             | Secretary          |
| Ms. Terriann Baker             | Research Assistant |
| Mr. Brian Lucio                | Research Assistant |
| Ms. Sharla Elcock              | Legal Officer      |
| Mr. Kaleem Hosein              | Legal Officer      |

### **ABSENT**

|                                    |               |
|------------------------------------|---------------|
| Mr. Clarence Rambharat             | Vice-Chairman |
| Mrs. Cherrie-Ann Crichlow-Cockburn | Member        |
| Mr. Terrence Deyalsingh            | Member        |
| Dr. Lovell Francis                 | Member        |

## JUDICIARY OF TRINIDAD AND TOBAGO

|                                     |   |
|-------------------------------------|---|
| Master Christie-Anne Morris-Alleyne | Court Executive Administrator                           |
| Mr. Recarb Ali                      | Deputy Court Executive Administrator                    |
| Mr. Jerome Mark                     | Deputy Court Executive Administrator                    |
| Ms. Vanessa Garcia                  | Deputy Court Executive Administrator, Criminal Division |
| Mr. Anderson Gordon                 | Court Planning Director                                 |
| Mr. Akil Nurse                      | Project Manager   |
| Ms. Carol Herbert                   | ICT Director  |
| Mr. Christopher Hosein              | Court OSH Officer                                       |
| Mr. Roy De Sormeaux                 | Facilities Manager                                      |

**Madam Chairman:** Good morning, all. The 30<sup>th</sup> meeting of the Joint Select Committee on Finance and Legal Affairs is hereby reconvened. Today, we are having our first public hearing into our enquiry into the adequacy of Magistrates' Courts facilities in Trinidad and Tobago. Members of the public listening in or looking on may send comments or questions via Parliament's various social media platforms. This morning we welcome, or we will be having input from the Judiciary, the Office of the Director of Public Prosecutions and the Trinidad and Tobago Police Service.

We are beginning with the Judiciary, and then further on in the proceedings we will move to the other two parties. So, I will invite those members representing the Judiciary to introduce themselves beginning from Ms. Herbert.

*[Introductions made]*

**Madam Chairman:** Thank you. I will now ask members of the Committee to introduce themselves. Dr. Henry.

*[Introductions made]*

**Madam Chairman:** And I am Sophia Chote and I chair this Committee. Now, just as a reminder for those listening and looking on, the enquiry objectives are as follows: one, to evaluate the conditions of existing Magistrates' Court facilities in Trinidad and Tobago; two, to identify the progress that has been made by the Judiciary in improving the facilities of Magistrates' Courts; and three, to examine the extent to which local Magistrates' Courts are in keeping with the international standards for layout and design.

Now, normally in these enquiries what I do is I begin by asking parties to do opening statements, but that is usually the case where we have various parties and that allows us to identify the interests represented by each group for members of the public, but I do not think that will be necessary since it is only the Judiciary we will be hearing from at this part of the enquiry. So, Master Alleyne, I think we can go straight to the questions. I do not think there would be need for an opening statement. I will certainly ask you to give a closing statement at the end of it all. So perhaps, members, we can go straight to the questions.

**Mrs. Gayadeen-Gopeesingh:** Good morning. I will just give like a general statement and then I will ask my question. One of the concerns with the public is— the general perception of the public is that the criminal justice system is nothing short of mayhem and chaos; that is the general consensus.

We have a backlog of cases like, take for example the traffic matters, we have over 100,000 traffic matters. We have hundreds of assault, sexual cases, assault, we have larceny, just to name a few. We have brought legislation to Parliament and we

know legislation itself cannot deal with the backlog of cases, but more importantly we have to look at the courts' layout, the Magistrates' Courts layout which is a major problem.

San Fernando Magistrates' Court, my legal practice is next to it. It is not that I am advertising myself, but I would see—entering my office you would see many persons standing in the staircase heading to get into the entrance. It is my understanding, you will have witnesses standing there, you will have complainants standing there, you will have defendants standing, and you have plaintiffs because you have petty civil matters also there.

So what is it that we need to do with the Judiciary with respect to the Magistrates' Court to see how we can deal with this mammoth problem and to, at least, bring some solace to the public? That is my first question and then I will ask the second one.

**Mrs. Morris-Alleyne:** Thank you very much. One of the things that is a reality and it is a reality for us, is that Magistrates' Courts buildings across the country are woefully inadequate, and the question as you have put it as well is: What do we do about it and how do we do what we have to do about it?

One of the issues through the years is that the only buildings which can really profess some sort of adequacy and sound design are the ones in which the Judiciary has played a lead role in design and construction. I can cite, for example, the Hall of Justice Port of Spain which although it was initially created for 16 judges, has been able to extend to the number that we have now, because basically, it was well planned. And that is, by the way, although the initial design called for two additional floors, it is cramped now, there are issues of parking, but the building has worked. The Judiciary was heavily involved in both the design and the construction phases of that building.

The San Fernando Supreme Court building was really an amalgam of three, in that it was a refurbishment of the old building, then there had been a building in between that had been constructed sometime before and that too was refurbished with some changes, and then a third new portion was added. It was not the best, but the fact that the Judiciary was involved in design and construction and played a lead role has meant that the building has been able to work.

This unfortunately, has not been the case with the Magistrates' Court buildings. As you can see, for example again, two additional examples of the Judiciary playing a lead role in design and construction, the two Children Court buildings which have been done, and those as well work.

Now, I am not saying this to beat our drum, but to point out that court buildings are unique and complex, and respectfully they are not understood by users really, who visit them even on a daily basis or in the main, not even by many who reside in them daily, but do so within a limited periphery.

The design of court buildings and what is necessary are things which are understood by those who must administer them, who must cross circulations and manage them, and also in some great measure by those who must manage their maintenance across disciplines.

So what has to happen is that the Judiciary must be allowed to play the lead role in the design and construction and maintenance of the court buildings. At present, the—

**Madam Chairman:** Sorry, Master Alleyne.

**Mrs. Morris-Alleyne:** Yes.

**Madam Chairman:**—just so that it is a lot of information you are giving us and remember we have people looking on, members of the public and so on, so let us

focus on the Magistrates' Court facilities. Could you let members of the public and the Committee know whether the Judiciary is responsible for all of the Magistrates' Courts or is there another agency that you have to go to?

**Mrs. Morris-Alleyne:** In terms of design and construction or in terms of maintenance?

**Madam Chairman:** Maintenance.

**Mrs. Morris-Alleyne:** In terms of maintenance. In terms of maintenance the Judiciary is responsible. Are there other agencies we have to go to? Yes. The two agencies, of course, are finance, and the other agency is that agency which addresses the staffing requirements for our maintenance and these are two areas in which we have had great issues.

**Madam Chairman:** And out of what you said, could you just explain why you think that users of the court, even if they use them on an everyday basis, may not have sufficient—is it that you are saying that they may not have sufficient knowledge to speak about the adequacy of the premises? Is it that or is it management language that perhaps you can break down for us?

**Mrs. Morris-Alleyne:** Users of the court touch and use the court in the area in which they touch and use the court and so therefore, they see that part of the court. Court buildings, for example, and a key thing about court buildings is that they have separate circulations which must interface at certain key areas. That creates great complexity in the design, great complexity in construction and also interestingly, great complexity in maintenance.

If I am a user, I am an attorney, I enter the building, I may go to the court office counter, I go to court and I go to court at the Bar table, that is my interface and interaction with the court.

If I am a member of the public, I go to the court building, I go to a public

waiting space which in most of our court buildings are ridiculously inadequate, and I may have to go to the counter or the cashier, also areas which are grossly inadequate, and I may have to go to court. Depending on my role, I may go into the witness box and have to interface in one way, or I am only sitting in the public gallery, depending on my role. All of the other parts of court buildings they do not see.

If I am, for example, a police officer or a prisons officer and I am bringing prisoners, I am coming into the building at different entrances and I am dealing only in that circulation and I am retreating. Even within the building, if I am a judicial officer I do not interact with certain parts of the building.

So therefore, what I would like the Committee to understand is that, when I talk about cross-circulations it is about how all of these circulations intertwine, and different issues and elements are of maintenance and security in all of these elements.

**Madam Chairman:** Thank you. Mrs. Gayadeen-Gopeesingh.

**Mrs. Gayadeen-Gopeesingh:** I believe you just spoke about prisoners. Those Magistrates' Courts, how many main cells do you have to house these prisoners? And on a daily basis, I am not sure if you would know, but how many prisoners go to an average—a Magistrates' Court on average? How many prisoners? And is there a fixed number of prisoners being assigned to a cell? Like, what is the best practice? How many prisoners should be assigned to a cell? So first, how many cells do we have in these Magistrates' Courts? And how many prisoners ought to be housed?

**Madam Chairman:** Well, member, I think perhaps that would be a question better posed or better answered by the representatives from the TTPS, because they are the

ones on a daily basis who will have the experience of knowing how many will be coming in. Do we have a question, Dr. Henry?

**Dr. Henry:** Good morning, again, everyone. I focused in on something that the police service had raised in terms of the Magistrates' Court. The item of interest that I want to raise is the prisoners—one item they pointed out—are brought to court for 9.00 a.m. and their matters may be completed by 11.00 a.m., and they say often at times they are still in the cell after 4.00 p.m. because the remand warrants to take them back to jail have not been issued, and they say that the prisoners become agitated, sometimes attack police officers and so on. I was wondering, this seems like a relatively low—something easy to fix, you know, but what is the real issue with that?

**Mrs. Morris-Alleyne:** Well, actually the real issue is systems, and this is exactly why the Judiciary is embarking on some of the reengineering, reprocessing, et cetera, which it is embarking on at present.

A simple thing, for example, one of the things that happens is that the person who has to give that information in the present system, and the person who has to sign off on that order, is actually the same person who is sitting. And this has been so because of the fact that hitherto we have not had any legal persons in the Magistrates' Courts other than the magistrates. So therefore, while the magistrates are sitting, there has been no lawyer who can sign off on something of this nature. This is being changed by the creation of the post of Magistracy Registrars and Clerks of the Court, and then aside from that, some of the other changes in which we are embarking in the Magistracy including things like the inclusion of or the rollout of the new case management system, TT.jim. So these two elements will assist, and this is why things are being reprocessed, reworked, reengineered; the process.

**Dr. Henry:** Just to be clear, you are saying that they have to wait until the Magistrate

finishes his or her duties and then to sign off on it otherwise they just have to stay there?

**Mrs. Morris-Alleyne:** This is the difficulty; these are the challenges, Chair.

**Mrs. Gayadeen-Gopeesingh:** Initially, Master Alleyne, you said that the Judiciary is involved in the design and construction. Is there any new initiative that these buildings could be constructed—if perhaps we have new buildings to be constructed—to take into account differently abled persons, because I believe about seven years ago there was a judgment for the Hall of Justice to design an area for differently abled persons. I think up to today that has not been done. So do you think that also should come into play so that differently abled persons could easily access the courts?

**Mrs. Morris-Alleyne:** There are two things in that, specifically with the Hall of Justice. Number one, yes, it has been done, there is a hydraulic lift and now there is a ramp, but interestingly when the building was designed it was designed with a solution for the differently abled. Unfortunately, that solution did not take into account where we would be in the '90s and in the 2000s in terms of security, and would have brought differently abled right into the belly of certain parts of the court and so therefore, it could no longer be used. But as I said, there is now a hydraulic lift for persons with wheelchairs and there is a ramp as well.

In all of the court buildings that we work with, provision is made for the differently abled. Some of our buildings are 100 years old. Take, for example, Siparia, it is that kind of age, and Rio Claro building, et cetera, Mayaro. Well, Mayaro has had some work done, but it is also a challenge for the differently abled. So this is part of what we do in everything going forward, but we are hampered by old buildings that we have not gotten rebuilt. So—

**Madam Chairman:** Okay. Thank you. I know I inadvertently stopped Dr. Henry's flow of questions, so perhaps we can continue, Dr. Henry.

**Dr. Henry:** It was okay; no problem. But let me just ask the court Master as well, when the Judiciary is not involved, like in the successful cases that you pointed out, who else is?—if you are not involved.

**Mrs. Morris-Alleyne:** Well, we have had situations in which the Office of the Attorney General and Ministry of Legal Affairs has built court buildings without the Judiciary's involvement. I recall on one occasion the then Chief Justice—and I think I may have been Supreme Court Registrar at the time—we knew that a court building was being built in Princes Town when we got the invitation to the opening, so that has been an example with all due respect. It looks pretty on the outside, people may say oh, it is a nice clean building and it is two stories high. It has been an absolute nightmare to use as a court building, and at this stage, by the way, we also cannot use it because it was negatively affected by the earthquake and so we can no longer use the building.

**Mr. Obika:** Thanks, Chair, and good day, again, to the panel. The question I have is: Where is the Occupational Safety and Health Authority in this whole dispensation of treating with the issues that the buildings—this differently abled access as well, but in general the safety of the buildings—where is the OSH Agency and the OSH capacity at the Judiciary?

**Madam Chairman:** I will ask Mr. Hosein to take that question.

**Mr. Hosein:** So the OSH agency has been involved to some extent in relation to doing inspections of the facility. They have visited a number of our facilities and made several recommendations, and the Judiciary has been working actively in terms of resolving some of the issues, but we have never been issued any sort of provision notices. We have been issued improvement notices, so that is where we

stand in terms of the OSH Agency's involvement.

**Mr. Obika:** So, if I were to get it correct, they have never issued any improvement notices?—meaning that—

**Mr. Hosein:** Prohibition notices.

**Mr. Obika:** Prohibition.

**Mr. Hosein:** Yes.

**Mr. Obika:** But I mean, prohibition should be at the end of the line—

**Mr. Hosein:** Yes.

**Mr. Obika:** But do they provide you with sufficient and adequate recommendations? And is it on your request or do they regularly do so?

**10.55 a.m.**

**Mr. Hosein:** Well, they regularly do so, maybe because of a complaint, maybe because of an issue—an arrangement with the landlord. But when they do come we facilitate them, they do the inspections, they submit a list of requirements and we provide them with updates on those requirements.

**Mr. Obika:** I think what I am really trying to get is, there is one way to view the OSH Agency, as the guys with the big stick coming to close down your operation, and there is another way to view the OSH Agency as an external consultant that can provide guidance on a regular basis, as a handmaiden to your operations. Which one do you think they are providing, in terms of which one do you—?

**Mr. Hosein:** Well, in terms of both, because when there is a new project or there is a new facility being constructed or whatnot, the OSH Agency is invited to come in and do an inspection before occupation and they will give their—in fact, not only the OSH Agency but the fire services as well. So, they come in and they give their recommendations and we would basically implement what they recommend.

**Mr. Obika:** So you are happy with their work?

**Mr. Hosein:** Well, I would not say I am totally happy, but I can say that there is collaboration with the agencies, all statutory agencies, in fact.

**Mr. Obika:** And so let me ask this question: What ways—this is the last question on this issue—do you think the OSH Agency can improve the quality of interaction with the Judiciary? If you can give at least three recommendations.

**Mr. Hosein:** Well, I think I should defer that question to Mr. Ali.

**Mr. Ali:** Just quickly, our interactions have always been productive. We have taken all of the reports on the improvement notices very seriously, and as of to date we have still been working on a few of them, and most of our constraints have really been either the way the building has been initially constructed, together with the funding that we have received to make the improvements.

**Madam Chairman:** I do not know if Mr. Ali or Mr. Hosein will take this, but it arises out of something raised by member Obika. I am trying to understand the process in terms of your relationship with OSH. Is it that they come to you at the start of the year and they say, all right, we have a schedule and we would like to go to each Magistrates' Court and do our appraisals and so on? How does that work? What is the process then that they operate under in relation to the Judiciary?

**Mr. Mark:** Thank you, Chair. The OSH Agency would come into the Judiciary if there is a complaint made by a member of staff or maybe at times by a member of the public. But as we go about with our buildings, if there is a major renovation or improvement project planned, we invite the OSH Agency, as we do other agencies to come in, to look at the work that we are doing, and to certify or to make recommendations so that we can appropriately move in and operate in the building. And those are the two ways that we interact with the OSH Agency.

**Madam Chairman:** So, essentially, they do not, unless there is a complaint or an

invitation, they do not initiate an appraisal of any of the buildings?

**Mr. Mark:** No.

**Madam Chairman:** No? Interesting.

**Mr. Obika:** To me that is the issue I have, having looked at all the submissions, I am of the view that—and from the responses given—the OSH Agency is deficient in that regard, in that given the severity of the concerns by the Judiciary, which have to do with movement of persons which is under the purview of OSH, then really and truly, a more proactive approach should be taken by that agency. But I am saying, because of the nature of many agencies in dealing with OSH in that these people have a big stick approach to things, persons may not wish that they are in their affairs as regularly as they should be. But if a different approach is promoted by telling them, here is what, you come to us and do not simply—you see something wrong—close us down because you are reacting, but you come to us in a proactive approach and you can suggest these are the issues that would cause us to close building X or Y, you have this window of time that we can agree on to fix those issues, then it may be more helpful, so I am just saying that is the consultant approach. Other than that, what happens is they go to a default approach, which is, “we coming to close you down”, I think that they are deficient, and I am just saying that that is the opportunity you all have to really let them know this is the way you all wish they operate, but I could be biased in my view.

**Madam Chairman:** Well, perhaps you could ask the question of the officials dealing or liaising with the OSH Agency. Is it that the court administration would be better served by having a scheduled visit, site visit scheme set up with the OSH Agency for all of the Magistrates' Courts? So you know, at the start of every year you could say okay, this month these two courts would be visited and OSH would

tell us everything is all right, or we need to fix this, or we need to fix that to be compliant and so on. Would that assist the Judiciary if OSH were to be more proactive?

**Mr. Mark:** We established within the Judiciary an OSH unit, and what we do is that we conduct assessments on our facilities, and working with our facilities unit we look at the planned improvement work that we need to undertake over a period of time. Sometimes we are able to achieve the agenda that we put forward, but that is subject to time, funding, resources, capacity, and so on, that based on our in-house resources. And our OSH officer is certified, and therefore, based on the assessment we develop these particular plans. We take note, I think, of the recommendation being made by the Committee, and it may be that in addition to our assessments, that we have some sort of overview or we invite an overview by OSH with regard to the buildings.

**Madam Chairman:** It actually was not a recommendation, it was a question as to whether the Judiciary would be assisted. Now, the way I see it is as if you have an internal auditor and then you have an external auditor, essentially what you are doing is you are trying to make yourself OSH compliant. It is just like accreditation, you try to meet the criteria for accreditation but you are not accredited until the ACTT says so. So, what I was wondering was whether you may be assisted by having OSH coming on a more regular basis, particularly if part of your problem is funding, and it may assist you—I do not know, I am just asking, whether it would assist in having the extra weight of OSH to say to the powers that be that control the finances, is that, listen, OSH has said we are non-compliant for three reasons, and we would like to have the money to become compliant. It is just a suggestion, I do not know if it makes sense within the context of how you operate. It is just a suggestion.

**Mr. Mark:** Chair, we will look at it.

**Mrs. Gayadeen-Gopeesingh:** I would follow again with the same trend of questioning here, because you said that the Judiciary has set up its own OSH unit and you do assessment. Have you gone and done any assessment with Sangre Grande Magistrates' Court or Siparia Magistrates' Court? Because I know there are issues with ventilation, with pigeon droppings and so, and the conditions under which attorneys have to practise, Magistrates have to practise, and even the public sitting in the gallery, AC units, whatever. Have you done anything at all with respect to at least two or even one? Because I know the San Fernando Magistrates' Court has closed down. The old existing one, that has been—and we had the Mayor of San Fernando wanted to bring some action against the Judiciary. So, what is your response?

**Mrs. Morris-Alleyne:** You have called two of the—well, I do not know if to say “worst”, because there is worse than worse and then there is “worserer”. I really do not know, but the Sangre Grande Magistrates' Court building is a rented building. It is ridiculously small, and for that reason we have identified now a building and we are going through all of the things that we have to go through. Because there is a lot you have to go through when you are trying to rent a building. And so we are going through all of that in order to first get approval to rent a building, and then also to get approval to refurbish that building and turn it into a court building, approval and funds.

One thing I want to point out about that, about why did we not just get a rented building before, it is really hard to get a building that has already been constructed to use it as a court building, for several reasons. There are certain things that court buildings must have. One of the greatest challenges is the span between columns. Most commercial buildings that you find now are built with 10- to 12-foot spans

between columns. You cannot have a column in the middle of a courtroom, and therefore most of the buildings we cannot use. Aside from that, you must also have separate entrances and egresses.

Three, most buildings, do not—commercially built buildings do not afford the opportunity to create three distinct entrances that can lead to three, at least three distinct circulations, ceiling heights. So many commercially constructed buildings now, the ceiling heights are too low to be able to be used as court buildings. These are three of our greatest challenges. The other is that, you also need at least three distinct elevator locations. At least three. Most commercial buildings will provide one, and then when you try to retrofit to put two other elevators in two other parts of the building, it either compromises the integrity of the building, or it is outside the permissible footprint of the building, or it encroaches on the driveways, et cetera. So, finding an existing building to rent and turn into a court building is exceedingly difficult. It is also why we really would prefer purpose-built buildings, because every time we have to use a rented building we have to compromise, and this is one of the challenges. I note you point out Sangre Grande, perfect example. Siparia, Siparia as you know is really a house. It was built when—how old is the Siparia building?

**Mr. Mark:** Over 60 years.

**Mrs. Morris-Alleyne:** Over 60 years old, the Siparia building. It was built at a time when your court buildings were sort of attached to or adjacent to a police station. Siparia building, if you notice, half of it was the courthouse and the other half was the post office. The post office has now gone. It is derelict. We are in the process of seeking approval to get the other portion of it, and to get the land so that we can proceed with building for Siparia what Siparia needs. Same with Sangre Grande. As I said, we found an interim building in Sangre Grande, a rental building, and we

are seeing what is required there.

**Madam Chairman:** Thank you. Arising out of your question member, perhaps we could have some input from Mr. De Sormeaux. Mr. De Sormeaux, I am sorry we do not have a seat for you upfront, but we can certainly hear you. One of the things referred to by the member in one of her earlier questions was the issue of things like air conditioning systems breaking down in the Magistrates' Courts and the apparent length of time it takes to have these fixed. Could you tell us from your facilities manager perspective what processes are in place for these problems to be brought to your attention and what is responsible for the delays?

**Mr. De Sormeaux:** Good day, Chair. What it is, as Master had said earlier, because of the condition of the courts, and they were not custom built, sometimes we have AC systems which are split units and those units, you know, they pose problems with, sometimes it is because of the location of those units for some time, and it is difficult to do repairs to these units during normal working hours, because, you know, the challenges would—the registry, and let us say the court have to function while we do the repairs. So we have the only window of opportunity is either to do it before normal working hours or after working hours on weekends. We also face the problem because the distance some of the courts are located, and we are operating with a centralized location with our technicians, that traffic and whatnot. It takes so long to reach some of these units, to reach some of these areas to effect repairs. Also we have the issue with funding and the process of accessing funds and whatnot to carry out those repairs.

**Madam Chairman:** You have a facility management unit?

**Mr. De Sormeaux:** Yes.

**Madam Chairman:** Okay, and how many people are in your unit?

**Mr. De Sormeaux:** Well, we have approximately about 20 technicians, and that would be included not only for AC but would be for plumbing and electrical and whatnot. And I am saying most of them are allocated in Port of Spain, and some of these problem buildings that you were speaking about are like Sangre Grande. So the time it would take for us to travel to Sangre Grande sometimes it would be while court is in process, so that poses a problem. So we really—to do a proper preventative maintenance we need to be decentralized.

**Madam Chairman:** So, do you think then that the court facilities would be better served by having smaller units, let us say, one in the north, one in the south, one in the east?

**Mr. De Sormeaux:** Yes.

**Madam Chairman:** Would you think the units would be better served by that?

**Mrs. Morris-Alleyne:** Madam Chair, I am asking if I can just address on this because it is most timely, actually. We created a building plant and equipment unit in, I think the late '90s, I think about 1998, and within it we also developed a maintenance planning arm, and we structured it in a particular way. Unfortunately, sometime later—[*Interruption*—]but, anyway, at some point in time, I think somewhere around 2014/2015, the standardization of contract positions across the public service, and the insistence that the Judiciary, which has 36 buildings, many of which as I said are unique court buildings, so we treat it like any Ministry with one or two buildings, has really caused us a problem. We have actually developed a plan for a restructured unit, because although you hear of that number, and you hear that it is centralized, the point of the matter is that you need the same services in the decentralized portions, you need a repeat of the services.

I will also be very frank and state that—I will be frank and I will state that we cannot have a facilities manager who is responsible for 36 buildings across Trinidad

and Tobago and have that person as a standardized post with standardized terms and conditions, the same as someone who is responsible for one building or two buildings, and this is really a challenge, so the standardization has hurt us. What it also did is that it removed our maintenance planning wing. It took away the position of maintenance planning, and while we had maintenance planning in place, we had reached 0 per cent downtime for air conditioning problems and 3 per cent downtime in courts for plumbing problems. I am sure judicial notice can be taken of the fact that there is a lot more downtime now for AC and plumbing issues.

**Madam Chairman:** So, just to flow from that while I consider something here, has consideration been given to outsourcing your facilities management and having your team liaise with an outside service?

**Mrs. Morris-Alleyne:** It is not a good idea for several aspects of it. There are certain things that we manage contracts, but for certain areas—well, for security reasons it is a bad idea. The cost is also very high, especially because of the fact that these works have to be done heavily on weekends and outside of regular working hours. So, often times these can cost us three times, as much as three times as much as it would anybody else.

**Madam Chairman:** Well, as you stand do you think that the Judiciary has been allocated enough funds for the adequate maintenance of its Magistrates' Court facilities?

**Mrs. Morris-Alleyne:** Allocated or received?

**Mr. Mark:** Allocated?

**Mrs. Morris-Alleyne:** Actually no, it has not been. But further to that, the resources are not only financial resources, they are also human resources, equipment resources, et cetera. So, all of those resources are inadequate.

**Madam Chairman:** Could you give us then an idea of the disparity between need and allocation, and then I will ask you the follow up question of the disparity between receipt and need.

**Mrs. Morris-Alleyne:** I am afraid at this point in time—I am afraid we cannot answer that. We do not have that information with us, in terms of the disparity between need and allocation. Of course, one of the things that you always should remember, and it was taken into account in 1985 when the prestigious building's worth was done with the creation of the Hall of Justice, is that maintenance cost really should start out for a regular building at 10 to 15 per cent of the value of the building, and when it comes to court buildings it should actually be a little higher, because of certain unique elements. So that is one thing to be taken into account.

**Madam Chairman:** Would you be able to give us, write to us and give us that information, because I think it might be useful for us to have for our report?

**Mrs. Morris-Alleyne:** Yes, very well.

**Madam Chairman:** Thank you. Member Obika.

**Mr. Obika:** Thank you, Chair. Could the Judiciary indicate for the public's benefit, how would the following affect the work of the Judiciary, taking care not to indicate which Magistrates' Court is affected by the following issues: one is small spaces for the public, and the other is prisoners arriving in court in view of the public? And the supplementary to that would be, in the Children Court, without naming any, does it suffer—the new courts, that is—the issue of prisoners or offenders arriving in view of the public?

**Mrs. Morris-Alleyne:** I will answer the last question first. So the Children Courts do not suffer that problem. Please remind me of the chapeau of your question.

**Mr. Obika:** So in essence, without—I tried to prevent the indication as to court X or Y so that the issue of safety is not—does not arise, so in terms of the general

impact of small spaces for members of the public, how does it affect the work of the Judiciary, as well as prisoners arriving in full view of the public, how does that affect, (a), the work of the Judiciary, and (b), the administration of justice?

**Mrs. Morris-Alleyne:** Thank you. Small spaces: Chair, if I may, for some reason I think in our country, I do not know, we seem to believe that because Magistrates' Courts are "lower Judiciary" or a "lower jurisdiction", that somehow the spaces should be smaller, as opposed to the fact that more people come to Magistrates' Court buildings than to other court buildings. Our Magistrates' Court buildings need to be larger. Because of small spaces we have had—we are in the process of looking at several things. One of those things, for example, had been what our foot traffic is. A lot of the foot traffic in Magistrates' Courts are people coming to pay tickets, people coming to pay fines, and still maintenance as we are moving out into Family Courts.

So therefore, very important to us has been the development of our CourtPay system, and this is one of the things we have in our front burner so that we can reduce that foot traffic. Insofar as the tickets part is concerned, with the amendments to the legislation and us working with the other agencies, and preparing for the new ticketing system, we also anticipate that when we have managed to clear the existing matters, and we are only going forward with new matters, the foot traffic would be greatly reduced. That having been said, you are still always going to have a lot of people at Magistrates' Courts. One of the other elements and one of the other systems that we look at, is the scheduling of cases, so everybody does not come for nine o'clock and just have to sit around and wait, because that is one of the problems. It is something that we started off by eradicating in the Family Court, and in the civil courts, civil High Courts, and we are now moving to eradicate in the criminal courts,

so that—and the traffic courts, of course—the scheduling and calendaring is a big part of that.

**Madam Chairman:** Thank you. Master Alleyne, could you just—*[Interruption]*—sorry, could you just tell us, CourtPay, I know the legislation was passed and so on, has it begun? Has it been implemented as yet? And, following from that, is it likely that it is going to be implemented throughout Trinidad and Tobago? The main centres; that is what I mean.

**Mrs. Morris-Alleyne:** One little part of it which had been implemented first was maintenance in the Family Court. That has been implemented, and we are in the process of implementing the maintenance module throughout, then there is also the fines and fees modules, so we are also in the process of implementing those modules. We are working together with Comptroller of Accounts to deal with the setting up of the custodial bank accounts and all of the other elements. So, yes, work in progress.

**Madam Chairman:** So what time frame— *[Laughs]*—that sounds like something we often hear on the floor of the Senate, but what time frame are we looking at in terms of having that system up and ready?

**Mrs. Morris-Alleyne:** There are certain elements of it that are not in our hands, and so therefore, that is what causes the challenge in answering the question. What should the time frame be? The time frame should really be a month, but, as I said there are certain elements which are not in our hands.

**11.25 a.m.**

**Madam Chairman:** I am wondering if Ms. Herbert as your ICT director might be able to give us some additional information on that.

**Ms. Herbert:** Chair, thank you. Are you referring to the time frame for court pay?

**Madam Chairman:** Yes.

**Ms. Herbert:** The maintenance aspect of court pay can be rolled out and we are actually working on rolling it out currently to all the Magistrates' Courts, in addition to all the other locations that we have with regard to the Judiciary. The additional development that was just referred to, I also would not be able to give you an answer because some of the things that impact on this are out of my hands, but it is being dealt with. I would like to say that probably by the end of the year we should have things in place and that is as much as I could say about that.

**Mrs. Gayadeen-Gopeesingh:** Master Alleyne I would like to piggyback on your words that you use, "scheduling of cases". And right now there exist a shift basis system with the courts. For example, Magistrates' Court San Fernando you have the Second and Fourth Courts, the Fifth and Sixth Courts heading to the Supreme Court. You may have the judge doing a trial, you have cross-examination taking place and it has to stop midway. The judge has to wrap up to make room for the Magistrate. How effective is this and when and how and for long this thing is going to last so we could have these matters be expedited, because it is my understanding that many of the attorneys they just go and adjourn matters. So the backlog keeps getting bigger and bigger.

**Mrs. Morris-Alleyne:** Thank you. Yes, we are painfully aware of that. What we are doing is actually—well first of all a new San Fernando Magistrates' Court is to be built because the existing building was badly damaged by the seismic activity, and so there we are. We have gotten approval for a new Magistrates' Court building and we are working with NIDCO in that regard. We are also looking for an interim building to use, that is, a commercial building that we can use temporarily to house the Magistrates' Court while we deal with the new construction. Well needless to say, as I explained earlier, that is a hard find. So we having great difficulties but we

are actively looking for something. This situation is not ideal. It does not work for us; it does not work for attorneys; it does not work for the litigants; it does not work for our staff. But unfortunately it is the best that we can do at present.

**Mr. Obika:** Thanks Chair. If I can get Master Alleyne to the second part of the question, because I know you got supplementary in-between. In terms of the impact of prisoners arriving in court in full view of the public, how does it affect the administration of justice and the work of the Judiciary?

**Mrs. Morris-Alleyne:** It affects all of them quite negatively. It should not happen. It affects traffic in Port-of-Spain. For example, it affects traffic wherever it happens. It affects dignity, it affects the security of the Judiciary and the security of the public. But it is one of the things that when we design court buildings we do not allow it to happen.

**Mr. Obika:** So is it that we are saying, are there any courts that this does not happen in terms of the Magistrates' Court where it is designed not to happen but it still happens. So, for example, because the Judiciary—I would imagine is not in control of this, that may be for another department, whether it be the prison service or the police service. So is it—are there instances where the building is so designed but it still happens?

**Mrs. Morris-Alleyne:** Port-of-Spain Magistrates' Court was supposedly designed for it not to happen. But apparently in the design the measuring of the aperture and the failure to use Pythagoras' theory has resulted in the inability of the prison services to use what was supposed to be used for that purpose.

**Mr. Obika:** Another question that I have, to me I would think it is a very simple thing, because the absence of backup generators seem as a critical issue and I would think that that is something that should be easy to resolve in terms of financially. Can you indicate how many, without saying which court, how many courts are

affected by this in terms of Magistrates' Court and hopefully not Supreme Courts, but if so, how many and what would be an estimated cost to rectify that problem?

**Mrs. Morris-Alleyne:** If I may, for certain reasons we really would not like to say that publicly. I would just say that it is a challenge in some courts and it is being addressed.

**Mr. Obika:** Could we say, what would be the estimated cost to rectify the problem and which agency is responsible for rectifying this or assisting you to rectify it?

**Mrs. Morris-Alleyne:** Well, there are two elements, eh. One is buying a generator and the electrical connections. Some locations, however, it is not having the place to put a generator. And so these are the issues.

**Dr. Henry:** Okay. In one particular jurisdiction a certain Magistrates' Court was mentioned in the police's submission where the locks at the cell blocks are dysfunctional.

**Mrs. Morris-Alleyne:** Madam Chair, please. May I ask?

**Madam Chairman:** Well I know it is considered sensitive but it was actually public knowledge around the court rooms. I think it appeared in one of the newspapers as well. So what I think we perhaps would need to know is, is it the court administration that is responsible for that, the general body or is it the—somebody at the Magistrates' Court like the Clerk of the Peace for example who will be seeing to that or will it be the police service or the prison service? Who would be responsible for that?

**Mrs. Morris-Alleyne:** I just wanted to point out that the cell areas, you have two agencies depending on where the persons are coming from and one is police and one is prisons. And the agencies always need to communicate with the court's administration.

**Madam Chairman:** I think I read from your response what you are saying, so I fully appreciate what you are saying. [*Interruption*] Now we—sorry Dr. Henry?

**Dr. Henry:** I understand the sensitivity in that. That is why I did not raise—say which area I was referring to, but that is a serious matter of public interest.

**Madam Chairman:** Understood and agreed. Master Alleyne, because we have two other groups that we have to take what I am going to do at this point is I am going to invite you to make a very brief closing statement. Then we will suspend for about five minutes to allow the Judiciary to leave and for the other persons, representatives to come forward and take their seats and then we will reconvene on air. So would you make your closing statements, please?

**Mrs. Morris-Alleyne:** Thank you, Madam Chair. The Judiciary is on a court facility development drive at present. Towards this end the Judiciary has recently approach the Executive and is working with the Executive at Cabinet appointed Committee and we have formed a Standing Committee on court buildings which is chaired by the Judiciary and has within its membership, Ministers of Finance, works, planning, the Attorney General with senior representatives of each Ministry as their alternates.

Also included the director of Town and Country Planning and the Deputy Commissioner of State Lands. So the Judiciary is actively working on the issue of court buildings. I want it to be known please that it is important to state that construction costs money and maintenance also costs money. However, the failure to construct and weak maintenance also cost dearly. And in those circumstances I would like to thank the Committee, on behalf of the Judiciary for having invited us to speak to an issue that is central to what we do and is very near and dear to our hearts. I thank you.

**Madam Chairman:** Thank you Master Alleyne and all the members of your team

for their input and we look forward to receiving whatever information may have been requested during the course of the hearing and any other information which we may see fit to write to you about. So what I will do at this point is I will suspend the hearing, we will go off air so that parties can leave and the remaining parties can take their places. So we will suspend for five minutes.

**11.37 a.m.:** *Meeting suspended.*

**11.41 a.m.:** *Meeting resumed.*

### OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

|                           |  |
|---------------------------|--|
| Mrs. Tricia Hudlin-Cooper | Assistant Director of<br>Public Prosecutions |
| Ms. Valene Guerra         | State Counsel I                              |
| Ms. Ambay Ramkellawan     | State Counsel I                              |

### TRINIDAD AND TOBAGO POLICE SERVICE

|                    |   |
|--------------------|---|
| Mr. John Frederick | Senior Superintendent,<br>Court and Process,<br>Port of Spain |
| Mr. Wayne Mohammed | Superintendent,<br>Southern Division                          |
| Mr. Keston Bain    | Corporal Acting   |

**Madam Chairman:** Okay, we should be back on air. Thank you all for taking that break while we dealt with the judicial officers and I would like to welcome the representatives of the Office of the Director of Public Prosecutions led by the Acting DPP, Mrs. Tricia Hudlin-Cooper. I would also like to welcome Senior Superintendent, Court and Process, Mr. John Frederick, Superintendent, Mr. Wayne Mohammed who is in charge of the Southern Division and acting Corporal Bain who is in charge of Arima or the Eastern Division. So welcome to all of you. Thank you for your patience. We have received your written submissions. We think they are

excellent, they provided us with some extremely useful material and we have quite a few questions for you and we hope that you will be able to assist us.

Now, once again because we are running short of time, I will not ask you to do an opening but I will ask you to do a closing. So if we can get straight into the questions. Members.

**Mrs. Gayadeen-Gopeesingh:** What I have observed is that many persons who are coming now before the court, we have, like, perhaps an increase in foreign nationals coming before the courts. So have an increase in the number of crimes prosecuted against foreign nationals. So my simple question is: How do you deal with these foreign nationals with respect to when you have to do cross-examination and so? Do you need to have interpreters? How do you deal with these defendants and the court system?

**Mrs. Hudlin-Cooper:** Thank you hon. member and Madam Chair, through you. The situation that we have at present is no different from what we would have had in circumstances where persons do not speak the Queen's English as we have it. It has always been a scenario where any one coming before the court ought to be able to understand what the charges and what the proceedings are against him. So in those circumstances we always would have solicited the aid of the interpreters.

The challenge that we are having at present is that at the Magistrates' Court whereas of the High Court there is this fixed list of interpreters. We have at the Magistrates' Court quite a preponderance of persons coming before the court, who, although they may speak Chinese they speak what we may call a sub-vernacular. So you have the Cantonese, you have the Mandarin and we do not have the trained professionals in those categories; insufficient number to be able to populate the courts as we would like.

So in a scenario like that we would have to wait to get such a person and what

has been happening sometimes, the courts have been asking the prosecution if we are able to assist. While we are willing to do so and we gladly on occasions we do render assistance there is the concern that we do not want the entire process to be seemed to be a lopsided one. So that we prefer in circumstances where the court wishes the aid of an interpreter and to allow the person to be able to follow the proceedings that the court source that person independently so that the persons who already are coming into a foreign system they do not get the feeling that the system is stacked against them with the prosecution and the court seeming to be in league against them. So, whilst we assist and we will give the numbers, we will perhaps try to contact the various embassies, we always try to ask the court just for the appearance of transparency in the administration of justice if that sourcing can be done from that independent body.

**Mrs. Gayadeen-Gopeesingh:** So in the meanwhile the interpreter is not found, that person is remanded? And how long then it takes for interpreter to be found for this matter to continue?

**Mrs. Hudlin-Cooper:** The challenge has been really the Mandarin and then the Cantonese. We did get someone who is able to assist us. So now at the Magistrates' Court in Port-of-Spain we do have interpreters who would attend the other courts and were able to use them quite easily. So that we do not have a lag as it were or a wide berth in terms of waiting for those persons to come anymore. And those persons are able to access their bail once everything is before the court if bail is something that they can be admitted to given the conditions under the act.

**Madam Chairman:** Mrs. Hudlin-Cooper, one thing that stuck me when we were hearing from the Judiciary is that there does not seem to be a channel of communication between the office of the director and the court executive

administration with respect, whether it is retro-fitting or finding court houses and that kind of thing. Is that the case?

**Mrs. Hudlin-Cooper:** I do not know respectfully, hon. Chair, I do not know that there has been any real attempt at that kind of communication, because from what it appears, from the Judiciary and from the court executive, is that the Judiciary, through the Court Executive Administrator, they take control or prefer to have the command, if I can use that word, or to have the control in terms of how those buildings, how they go forward with any courtroom or court housing. But the DPP's office, we have never been part of that. It has always been the remit of the Judiciary. So that in a scenario where—and I know that sometimes as has been said, the Judiciary is of the opinion that sometimes their input in buildings that have been built has been the better and those buildings have been the more—the buildings that have worked better in terms of the utility of the building. The DPP's office, our role has never been by way of sourcing architecture or contributing to the architectural design. We have just been users.

**Madam Chairman:** I appreciate that but in a sense—I do not know if I am misspeaking, but users have rights and entitlements and in particular prosecutors whose security and lives are on the line when they prosecute very serious cases must be concerned about entering a facility to prosecute a high profile case which may involve multiple accused persons. Do you think that there would be a benefit to a link being created with the Court Executive Administrator's office with respect to a matter such as this?

**Mrs. Hudlin-Cooper:** What I can say respectfully in terms of the, trying to keep pure, the streams of the separation of powers, is that in the past and as happened when the Children Court was envisioned there had been collaborative talks between both parties and those that have gone well. The DPP's office has been invited to and

when we were invited we did, forcefully, vociferously and very much poignantly put forward our points in terms of the safety issues which affect not only us as the users but the witnesses for whom we must have regard in these circumstances. So probably not on an ongoing basis or link but most certainly whenever something like that is envisioned to be part of the stakeholder process in terms of the collaboration and round table, the DPP's office, things like this, there is always a benefit to be had in that.

**Madam Chairman:** Is there a department within the director's office, because the thing is the Director of Public Prosecutions, in a sense, also has a huge administrative burden. So does the director have the personnel to have a small unit created to address issues such as these, to address issues such as creating communication links with other Government or state agencies?

**Mrs. Hudlin-Cooper:** What I can say, hon. Chair, is that although we are stretched and we have always been stretched for staff, that I think is the globally known problem within the department, what we have tried to do is to continue to make representation at the highest level. So that within the office we have the steering committee which had been chaired by the Deputy Director and has on it the senior officials from the office and some of the middle and junior staff. So that we are able to look at whatever might be a proposal and make those recommendations going forward in terms of the safety, security, what we think may be a best fit and we have done that consistently.

Whilst we may not have a dedicated team in terms of those persons have nothing—well perhaps that is their main portfolio, we do not have the luxury of having that. All of our staff have to multi task so the seniors have taken the lead and we always do. So that we would form that committee and that is a standing

committee that looks at not only court buildings it looks at administration, it looks at proposed legislation, all of those things and make recommendations that we see not only fit for the office but for the administration of justice on a whole.

**Madam Chairman:** And is that, does that committee act only on invitation or do you, generally speaking, say we recognize that there is a problem across the board with security in Magistrates' Courts, let us say in a particular area, and do you then take the initiative and communicate with the court administrator with respect to that.

**Mrs. Hudlin-Cooper:** Yes, hon. Chair. What we have done and we had to do it with more frequency than we would like, when it came to the security of our attorneys who attend before the court, once there is an issue that is brought to our attention through whichever channel, either by observation or through the attorneys' engagement in the process, the director, we would sit at that committee, realize what the issue is, flesh it out, not only look at the problem but go so far as to propose solutions to them or how we see a more practical approach can be had or a more pragmatic approach can be had and those are submissions that the director would send to the relevant authorities without invitation, because sometimes the risk is ours and the onus is on us to act, not only to wait to act but to act to preserve sometimes life and limb for our attorneys and for witnesses and other users.

**Madam Chairman:** And is the office of the DPP satisfied with the response when these consideration are brought to the attention of the necessary authorities?

**Mrs. Hudlin-Cooper:** We are happy that they receive the concern. We are not always happy with the—what we consider to be the solution, the drive towards a solution. Because sometimes you may find within the agencies what we like to call sometimes a bit of “turfism”, that if you point out to someone something that they considered to be their pride and joy and you point out that they may be a flaw or a fault in your staff, persons are not always ready to accept that. But our goal has

never been to undermine, it has always been to raise awareness and also to bring to the awareness of persons sometimes that this may not be fitting as you would like it. So sometimes we would like a response in a different direction. If it does not go that way and the threat remains extent and our attorneys are still at threat or there is a risk to witnesses and other users we would continue the advocacy until we believe something more tangible is done in that regard.

**11.55 a.m.**

**Dr. Henry:** Good morning everyone. I would like to give the members from the police team the opportunity to ventilate some of their main infrastructure problems in terms of the Magistrates' Courts, and so on; what could be done to improve the conditions of the officers. You made a submission but I would like to hear directly from you.

**Mr. Frederick:** Thank you, hon. member. Madam Chairman, I am Senior Superintendent Frederick and I am in charge of the Court and Process Branch, Port of Spain. At the Court and Process Branch, Port of Spain, the court consists of about 10 courts there, and somewhere in the vicinity, probably about two-and-a-half years ago, I had a conversation, recognizing the challenge that we were facing in the Magistrates' Court, because the conditions were not of the best, and are not of the best, and it would have been recognized by the Chief Magistrate then, at that time. And what was mentioned, that there would have been—there is an existing court facility downstairs the Magistrates' Court that never really was activated because that in and of itself had some challenges. The staircase to go down to the court where the cells are located, they were built too narrowly, and where the bus—that is the Amalgamated bus—would reverse in order to dislodge the prisoners, there was a problem there also. So the bus could not fit in the space allocated in order to treat

with the prisoners. So it never really was used.

But what was mentioned and agreed upon, that that facility would be used temporarily by the police officers in terms of—because there are cells downstairs there and they would give sufficient time upstairs where we are now located, to revamp and refurnish that area. Well, based, I guess, on other reasons, one of which probably must be cost, it never really materialized. So we have been stuck in the area that we have been using there for many years. And as I have explained, some of the challenges that we face there, it is leaking badly, and that is downstairs. So there is a challenge even when, especially if it leaks from Friday afternoon and you come on Monday morning, the whole place downstairs is flooded. And there is a challenge in terms of therefore, having the police officers ready in order to collect prisoners and take them up to the court for nine o'clock to be dealt with. What we have asked—and there is a facility—if I recall, his name is Mr. Lewis, who is in charge of several of the courts—the Magistrates' Court is one of them—to see how best this challenge could be addressed. We have the air-conditioning unit that, at times, would break down. We have the toilet facilities that is used by the prisoners, it is not of the best. We have one toilet that is shared both for male and female—that is the police officers—that is used. We have the kitchenette that is located east of the Magistrates' Court. There is a corridor to the front which is—there is a large gate that blocks it off, and just to the back of that there are a lot of pigeons and there is a lot of the droppings that is in that particular area.

These complaints would have been articulated, but there is a challenge to have them corrected, and the building of itself is a very old building. Ideally, is to have, really, the police officers removed from that building together with the whole—I guess, it would have to be the whole court staff also, and have that whole area really revamped to make it more feasible, to make it more habitable, really, for the police

officers, prisoners and members of the Judiciary for the purpose of utilizing.

**Madam Chairman:** Thank you. Senior Superintendent Frederick, I am very glad that Dr. Henry pushed us in this direction because it is occurring to me that we were just told that there is a centralized facilities management unit within the court administrative office which is, perhaps, two streets away from the Port of Spain Magistrates' Court. So what I would like to enquire, and what the committee would like to find out, is to whom have you been bringing these matters? To whom have you been taking these complaints?

**Mr. Frederick:** There is a Mr. Lewis, I think is his name. I cannot remember. Mr. Lewis, a facilities manager, one of them, that once the challenges, as I just mentioned, are encountered, I would communicate with him and bring it to his attention. There would be times we would meet on the site and we would go upstairs. We would look at the issues that we are facing, and from time to time he would mention to me that he would try to treat with it. There is always the challenge of funds. There are times, with respect to the water leak, they would have brought in some plumbers to treat with it, but I guess because probably the lines—they are very old—the same problems recur. Just about three weeks ago the Sergeant at the Magistrates' Court took a video of water that has continuously been falling in the female dormitory. Now there is water falling also in the male section of the Magistrates' Court which they utilize and have their cabinets and their clothes, and where they also have a table where they have lunch—a video with water falling from upstairs. And what they have mentioned to me is it is water that is coming from the toilet areas upstairs.

**Madam Chairman:** So, has anybody from the OSH unit of the Court Executive Administrator's office—because I understand there is a unit there. Has anybody

from that unit ever come and inspected what you are describing to us here today?

**Mr. Frederick:** I have not been told that. I cannot say conclusively whether or not they would have brought in someone from the OSH in order to inspect the area to make any decisions as it relates to having it corrected or shutting it down. But it is something, certainly, I can look into.

**Dr. Henry:** Some of the other issues you raised in your submission were the expansion of cells in the area to accommodate prisoners; proper sanitation. I guess you touched on that already. But you also had proper toilet facilities and Internet connection. Could you expand on that?

**Mr. Frederick:** As it relates to the cells, we have four cells at the Magistrates' Court and there are times we have 70/80 prisoners. Well, when it reaches that amount, since I have been there and the Senior Superintendent there, I have taken a decision and I have been able to develop a relationship with the prison authorities—because of the cell areas which can house about 14/15 prisoners, which really is over-crowding, but because of the situation, a decision has been taken by me, with discussions, that we would have at least about 15 prisoners in one cell, which brings it to about 60. So once we have more than that prisoners coming into the system, I would communicate with the prison authorities in order to explain to them, we would not be able to accommodate more and they would facilitate us. We would, in the afternoon, ensure that we have the remand warrants to be taken back to the prison in order to treat with those prisoners who would not have been brought down.

So it is one of the issues, really, that needs to be addressed because of the amount of prisoners. Internationally, a cell the size of probably 10 by about 15, should only house probably about four or five prisoners. But as the situation is in Trinidad, we have to have about 14/15 prisoners in the cell. And as I mentioned, there are only cells we have down there, in the Port of Spain Magistrates' Court.

The Internet, well the court building in itself, it belongs to is Judiciary, so there is a challenge, because our cybercrime has attempted to, based on my request, go and facilitate the officers down there with Internet, but there has been a challenge which really, it is something needed to be followed up through the Judiciary in order to have Internet for the officers at the Magistrates' Court.

**Dr. Henry:** I have an issue again with the DPP in their submission, about the—they flagged the issue of the general public, accused persons and their family members and attorneys all use the same washroom space.

**Mrs. Hudlin-Cooper:** Yes.

**Dr. Henry:** And you noted that this was an extreme risk.

**Mrs. Hudlin-Cooper:** It is.

**Dr. Henry:** Could you elaborate on that, please?

**Mrs. Hudlin-Cooper:** What we must be very cognizant of is that as prosecutors, we are not the persons who are most liked in the court by the accused. It is no secret that we have had the very unfortunate circumstance of the actual assassination of Ms. Seetahal. It is no secret that prosecutors have been threatened and it is something that we have raised and we continue to raise, in terms of the safety and security of the prosecutor. Some accused persons, for reasons best known to themselves, are of the opinion that if they see the same prosecutor attend—perhaps, they may have one or two matters and that person may be assigned to prosecute—that it may be somehow a personal vendetta. Some of the accused persons are not able to differentiate the professional from the personal, and so now, regrettably, they take it upon themselves to do whatever they can to dissuade that prosecutor from coming.

When there is the circumstance where, perhaps, not only the accused person, but he is able to get other persons, or other persons on his behalf, unbeknown to him

sometimes, they determine that they are going to do whatever it takes to get this prosecutor off the matter. One of those things that they do is to threaten and to put very bold threats. They call the phones of the prosecutors. They have persons stand and point at them. They are berated from wherever they are parked, all the way to the court. Those things happen. And in the precincts of the court you are actually threatened, and that has happened to many of us. There have been instances, and it remains the scenario where prosecutors have had to be under unarmed guard.

So if you create a scenario where, with all of this happening almost like a powder keg of disaster, and you create a scenario where everyone, all of the actors, use the very same entrance; use the very same washroom, it does not take a magician to anticipate what that risk could be. And we have had scenarios where persons have—although they have been checked, and we have some courts, like in Tobago and so, we have itemized, depending on what area you come through, you are not checked. Persons have come into the courts with different makeshift weaponry that can do well for what they have intended it to do.

So that we are always very particular and very careful in terms of the safety and security of our attorneys. Not only that, they also have to traverse long distances. So we man all of the magisterial districts throughout Trinidad and Tobago. The prosecutors in Port of Spain sometimes have to go to Rio Claro, and all of those things, to prosecute the matters. Those are long distances. We do not have any risk allowance, which we have advocated for, for years. So that the ability of someone, if they are really that like-minded, that minded, to attack the prosecutor, is extremely real, and so we do not need a scenario to be created to facilitate that process, where we all are forced to use the same entryway, passageway, and washrooms.

**Madam Chairman:** Is that the case for police prosecutors as well?

**Mr. Frederick:** It is the same situation. The police prosecutors that operate in the

courts upstairs have the same facility that is utilized by both civilians, prosecutors, members from the State Attorney's department, as well as prisoners who may be on bail also have access to that same toilet facility. The prosecutor can also go downstairs and, as I mentioned, use the toilet downstairs that is used by both male and female in the cell area.

**Madam Chairman:** Well, perhaps, is there a possible resolution to this? Is there an option? Or have any suggestions been sent, or recommendations been sent, to the Court Executive Administrator's office with respect to this? Because, as you quite rightly say, Acting DPP, this is a powder keg. We cannot wait for an incident to occur. We have to try to prevent something from occurring.

**Mrs. Hudlin-Cooper:** And, respectfully, hon. Chair, it is not so much as waiting for something to occur, as to recur, because we have the very sad instance of the death of our very dear Ms. Seetahal in the circumstances that are quite tragic. And, we have advocated to the relevant authorities. A simple scenario, for instance, like the persons being allowed into the courtroom, let us take, for instance, the Arima courtroom. In Arima, all of the courts that our prosecutors are in, which have the most serious matters are on the third floor. The bathroom is regrettably on the first floor. The prosecutor, having gone up to the third floor and trying to make his or her way through the extremely crowded corridor, you do not know whom you are encountering; you do not know whom you have to pass through; you are trying to get to your matter. We do not have the luxury—I heard the Superintendent speak about going down to the cells to use the washroom. Well, that is automatically something that we are not able to do because we are not going to put ourselves in a scenario where you are now face to face with persons who really are not happy to see you, either in court or out of court, and we need to be in a place where we can

hear the matters being called. We cannot be so far from the matter that it is called and we cannot attend. At the end of the day, we need to appear to do the justice to the matter that it deserves.

So that where we have advocated, for instance, for, perhaps, even the use of a separate entryway, you have had court administrators who have found, “Well, yes, that can be allowed”, and others who have found, “Well, no. Why can they not use the same entrance with the others?” In some instances, for the safety of the prosecutor, depending on the persons against whom the prosecution has been engaged, we have had to ask to use a separate entryway. And there are times when it has been accommodated and there are times when it has been flatly denied, although all of the threats have been very, very, patently laid bare for all to understand. We have advocated in very clear terms, what the threat and the risk remains, and some persons have not been amenable to doing differently.

**Madam Chairman:** So what are you suggesting? I am going to let the members ask, but I do not want to lose the flow of what you are saying. So what you are basically saying is that it depends on an individual in the particular Magistrates’ Court? Or does it depend on the main office, then?

**Mrs. Hudlin-Cooper:** We hoped, and we would always hope, that it depends on a central unit, but, we have to be very pragmatic in these circumstances. When we go to these different courts, they are all administrated differently. There are persons and personages there who have the key, if I can use that term, and whomsoever has the key, they would know what is best in terms of the culture and the ethos of that court. And so sometimes they may tell you, “Well, no, we cannot allow you to pass there because of X, Y, Z”, which may be their own concerns by way of security, and others, once we make the relevant submissions before them, once we make the relevant application, I can say they have been quite accommodating in terms of

allowing our officers and our attorneys to come and use an alternative entrance, and that kind of thing. But it is not always readily available. So for instance, if we use Sangre Grande, there is no amount of advocacy that we can make to use really another entrance, because the entrance to the court building, the entrance to the courtroom, is that one glorious door, and we hope that it does not become inglorious in any way, to the very detriment of any of our attorneys and/or witnesses and/or members of the public.

**Dr. Henry:** I just wanted to comment that I understand the passion of this serious matter, and you see, we hear about the prison officers, and so on, but we have heard very little in terms of the challenges you face that you are describing today.

**Mrs. Hudlin-Cooper:** We have, on occasion, and I can speak to the risk allowance, because when we had to make the recommendations for salary allowances, and so on, before the SRC, because we fall under that bracket of employees who the salaries are dealt with by SRC. One of the key things that was proposed was the risk allowance. As a matter of fact, myself and the learned Mr. Gaspard, we had crafted those submissions, saying and trying to show SRC why there is the threat and why there is a real risk in terms of our attorneys and what we are called to do. The answer that we were met with was, “Well, we have not done a job evaluation exercise as yet, so we cannot evaluate your risk.” This, even in the face of showing them that in the Rio Claro court there was a shooting immediately outside the court and one of our prosecutors was in the court, and he and other officers had to duck for cover; that our officers have been threatened; they have been followed; that we have received messages, not only at the office, but on our phones, threatening. Officers have had to come to tell us, “Well, you need to be careful because we have X, Y, Z, Intel.” We have attorneys who have armed guards. So we were slightly perplexed

that anyone looking on, objectively, was unable to assess the risk. We have had persons in the face of the court threaten prosecutors very blatantly and remind you of the fact that you have children and “we know where they go to school and we know where you work.” So that those are things that we were thinking, commonsensically, could have been assessed, but we were told we needed a job evaluation exercise to do it. And so we await the conclusion of the job evaluation exercise while the risk continues.

**Mr. Obika:** Thank you, Chair. I believe I am more concerned now than I was this morning, with these issues raised. The question I have is for the police service regarding the fact that in some of the magisterial districts you have prisoners entering in full view of the public, for example, at the Port of Spain Magistrates' Court. And the question I have is: Is there any way, ad hoc or otherwise, that you can prevent these prisoners from being seen by members of the public at Port of Spain, for example, and at the other courts, and apart from the old rag on your face technique, so something in a more serious manner? And can this be done in a manner that eliminates risk of exposure of judicial officers and prosecutors? So in the Magistrates' Court, where the court is so designed that you cannot enter without the public seeing the person, is there any way the police service can remedy that situation?

**Mr. Frederick:** Thank you. I will treat with the question as it relates to Port of Spain Magistrates' Court and I will pass it on to Mr. Mohammed as it relates to San Fernando. In Port of Spain, it was mentioned before, and ideally, the cell area that was designed to house and to take prisoners, the area where the bus—so what would have happened, the bus would have reversed directly in from on St. Vincent Street straight into an area that is designed to accommodate the full area of the bus. So once the back door is opened, the prisoners would have been offloaded and go straight

down into the cell area. But there was a flaw in the design there. In fact, the back of the bus was unable to fit snugly into the area designed. So as it relates to that, that area was condemned. It never really has been in use. So there is no choice now that the bus, once the prisoners arrive, it reverses into the area and they are offloaded, which means the public, yes, can have access to seeing them, to some extent. And that really cannot be prevented unless, I guess, the court is relocated.

**Mr. Obika:** Let me just ask the question. Is it that they are now simply walking down that driveway?

**Mr. Frederick:** No.

**Mr. Obika:** Or they are going through a totally different entrance?

**Mr. Frederick:** As I mentioned, that area has been condemned, so we are using upstairs. When the court was built there was a place designed downstairs—that is in the basement area—to facilitate prisoners. The prisoners would have moved from that area and go upstairs to go up on the first floor or the second floor to the court itself. But that area, because of the stairway, they were built too narrowly, and that area outside to accommodate the bus to offload the prisoners, that was flawed also. It was too narrow and, therefore, it could not have been utilized. So what we are utilizing now is the area upstairs. So there are two areas, one downstairs in the basement with cells and one upstairs also with cells.

**Mr. Obika:** Not to cut you, I do not want you to go too far in. I just wanted to see—without giving too much information, I just wanted to get that part. So I understand. I am not trying to cut you but I really do not want you to say too much. So I am happy—well, I am not happy. I accept the response. You are saying that you can get something in south, whether it can be addressed in San Fernando as well?

**Mr. Mohammed:** Madam Chair, the simple answer to this is that the construct of the court does not allow it. However, what we do in south, we sort of form a barrier within a certain distance to sort of lend protection to the prisoners and to keep the family members and the public away from the prisoners.

**Mr. Obika:** The question is, in San Fernando, that is where they block the street and I am familiar with that one, especially. I was wondering if even a simple screen could not have sufficed, because I know you normally block it with the vehicles in addition to the regular rails. So I was just wondering if, as an ad hoc measure, that is just in my mind, if that is possible.

**Mr. Frederick:** You are referring to in Port of Spain or San Fernando?

**Mr. Obika:** San Fernando.

**Mr. Mohammed:** That idea has never been thought about, but now as it is raised we can probably give it some consideration.

**Mrs. Gayadeen-Gopeesingh:** With respect to prisoners who have contracted some, perhaps, contagious disease, is there is a separate quarantine area in the court that they could be allocated? One, and two, like you may have some prisoners who may come in with a stretcher or a wheelchair, is there a separate area to put these persons? Could you elucidate?

**Mr. Frederick:** Unfortunately, there is no separate area, and there is no area allocated to quarantine any prisoner. Once a prisoner comes in and let us say he has whatever disease, tuberculosis, or what, if we discover that, we would place him in a cell by himself. And if that happens, and let us say we have 40/50 prisoners, it means to say all the other prisoners will have to be fitted in three cells so that he alone could be in one cell. But there is no area that is—it is not designed, really, to facilitate that.

**Mrs. Gayadeen-Gopeesingh:** Are you always told if a prisoner being brought to

court is suffering from a contagious disease?

**Mr. Frederick:** No, Madam Chair. We are not always told.

**Mrs. Gayadeen-Gopeesingh:** So how do you find out? The prisoner would say, or other prisoners would say?

**Mr. Frederick:** There are times when the prisoner himself may tell us, as well as sometimes there may be further information furnished to the arresting officer and that may be passed on to us subsequently, in which we have to treat with it. So normally what we would do, we would take him to the hospital one time, because once it is known, and we have to take him back to the prison, they would not accept him unless they receive a medical from the doctors stating the condition of the patient—of the prisoner.

**Madam Chairman:** Superintendent Mohammed, what is happening with the San Fernando Magistrates' Court? Is it still essentially housed in the Hall of Justice in San Fernando?

**Mr. Mohammed:** Yes, Ma'am, because work on the Magistrates' Court itself has stopped, and both the Magistrates' Court and the High Court is existing out of the High Court building in San Fernando.

**Madam Chairman:** Could you tell us when? Can you tell us when it was stopped? And is there a reason for it?

**Mr. Mohammed:** That, I cannot answer, Ma'am. All I know it was to be temporary and it is over a year-plus now, temporary is still temporary.

**Madam Chairman:** And you have not been notified as to when work might resume or when you all will have proper premises to be accommodated in?

**Mr. Mohammed:** Not at this point in time, Ma'am.

**Dr. Henry:** Again, directed at Mr. Frederick. I raised this issue previously with the

Judiciary, but I would like to hear your take on it. In your submission, you talked about the matters of some prisoners being—they reach for nine; their matter is dealt with by 11.00 a.m. and then up to four o'clock, as late as four, they are still there because the warrants have not been issued to take them back to prison and they get agitated and in your submission you were quite vivid in terms of what it means for the officers, in terms of the prisoners becoming agitated, throwing food, urine and faeces at them. How do you see that issue being solved? We heard from the Judiciary. I want to hear your take on it.

**12.25 p.m.**

**Mr. Frederick:** Yes, that is a challenge we have and it is a serious challenge we have that has been going on for quite some time. It has been raised by the court administration and—well, the reason on their side most likely is the difficulty in the staff or sufficient staff in terms of having the warrants prepared.

Now, once a matter is completed, the documents normally should go downstairs for the purpose of having the remand warrants prepared. There is a challenge in having it prepared in a timely manner so we can get it to have the prisoner returned. And once we have it, if a matter is completed around 11.00/midday and we receive that remand warrant, we can take back the prisoner probably at one o'clock in the afternoon because as I mentioned, there is a fairly good arrangement with the prison authorities that we can take back prisoners once we have the warrant. But if we do not have the warrant, it means we have to wait until we obtain the warrant, sometimes around four o'clock, sometimes after 4.00, at times it may be before 4.00, but we have to wait until we receive all warrants around that time in order to take back the prisoners. And because of that having to wait, prisoners become very agitated at times and we have to do our best in terms of quelling the challenges we faced, in as I mentioned, what they are likely to do and

sometimes would do in order to—for the process to be speeded up so they can return to the prison facility.

**Mr. Obika:** Thank you, Chair. The question I have is for the DPP, Mrs. Hudlin-Cooper and it has to do with something that arose from your response to a question regarding the threats that your prosecutors have received. Are there any criminal proceedings that would follow when persons issue threats to prosecutors?

**Mrs. Hudlin-Cooper:** In circumstances when the persons can actually be traced and identified, yes, but most times because of the fluidity of the system and of course, the use of social media, the use of persons in court because sometimes the threats are hurled at you and so by the time you turn around because the prosecutor's back would normally be to those persons, you are unable to point out to whom, you know, exactly where the voice came from, who it was, but you know it is directed at you.

You have the situations, for instance, as you exit the High Court, persons, that is a very easy place to hide in plain sight in the Square and so they just shout out at you. You are not trying to engage the person, you are trying to get away so you are not standing to make an identification using Turnbull practices and procedures, you are trying to get away and get to help and so that the police can be engaged. Of course, once we have reported those, the officers have done what they can to see how far they can take that.

**Mr. Obika:** I am very concerned about this point, right and I want to find out—

**Mrs. Hudlin-Cooper:** As are we, as are we, Senator.

**Mr. Obika:** I would imagine so. The issue I have is, is there any history of these cases that you would wish to make public where persons would have been so prosecuted in terms of making accusation—sorry, for making challenges to the lives

of persons who are doing their duty? So if someone has to a challenge to their life by someone basically stating that we will end your life, for example, the remedy available to you, has it been used and how effective have these prosecutions followed?

**Mrs. Hudlin-Cooper:** What we have had is that in circumstances where persons have been threatened, the immediate response is the safety of the officers. So from the very highest to the lowest, it is the safety of the officers. So the police officers are immediately engaged, they come, they take their statements and whatever are the necessary safety and security measures, those have been implemented. They continue the investigations and once there are charges that we can bring, those have been brought. I am not and I would not like at this juncture, of course, to go into those matters and I think that it would be for obvious reasons. But I can say that persons at present have had to be under police guard and several matters have warranted that on account of the threats.

**Mr. Obika:** One last question just regarding that and I will be advised by the Chair if the question can fly. It is really if there is punishment for such challenges by individuals and what penalties follow. So if someone decides to tell someone that they will end their life, what can be the consequences of that statement for that person? The fullest extent of the law.

**Mrs. Hudlin-Cooper:** If you would allow me just to have one of my very, very able attorneys to just pull the law for me, I would be able to answer you momentarily.

**Madam Chairman:** Well, perhaps, while we wait for Ms. Guerra to research, we could take the question from member Gopeesingh.

**Mrs. Gayadeen-Gopeesingh:** Okay. I am concerned about the safety and accommodation for state witnesses who form part of the Witness Protection Programme. How are they protected?

**Mrs. Hudlin-Cooper:** The persons who come into Witness Protection Programme, that Witness Protection Programme is a separate—it is independent. There is a qualification exercise that one must go through and once that is done, those officers, having assessed your threat, they will see what will be the best accommodation for that witness and/or those concerning that witness. The concern that we have—so that is literally outside of our remit. What challenges us as prosecutors and what is our concern is when that person now has to actually come to give this evidence, to deliver the testimony that may have first caused the threat sometimes, there is no accommodation in the court for that person. So these are persons who the threat is very, very serious, very real, very patent, so sometimes they cannot even be seen by the persons whom they are testifying against.

There is only now the Bill that proposes to make law, the Evidence (Amdt.) Bill that allows for witness anonymity orders and so to be actually used as a medium but before you get to the witness box, you are in the precincts of the court and with no separate accommodation, no separate witness room—that is the prosecutors—that they can have with their witnesses or have witness conferences with the officers. The court room itself becomes a place that is second soil for a threat or for the execution of a threat, and so there is no designated room. The room that the prosecutors must use for the witnesses is also shared by the defence and their attorneys and the officers also try to use it for their matters. There is one room. In some places, the room does not even have a chair.

So that there is no place that we can say these witnesses who we know are a threat because the State has recognized it and the State is protecting you, this is the way we treat with you. So there is no formalization of that process. So these ad hoc processes that we have had to put in place, one, it puts an extra strain on the officers

who are actually protecting those witnesses because they must now formulate a procedure dependent upon the court you are going to. And two, in the court itself, you now have to be on heightened alert in terms of what are the realities that pervade in that court that may threaten the life of this witness.

So that there is no system where we can say witnesses who are in the system, they go this way. This is how we accommodate them, this is how we treat with them. There is not that at all. A lot of it is an engagement with the judicial officers, the prosecutor having to explain to the court sometimes in veiled language because without wanting to divulge too much and hoping that the judicial officer is with you that they are following what you are trying to say and you make arrangements to have that person perhaps taken in advance of the others, have the matters called in advance of, perhaps, other matters that were stood down ahead of this one. Those kinds of ad hoc arrangements. If we have a system that formalizes it, witnesses who are in fear, this is what you do—not in fear, sorry, witnesses who are part of the protection programme, this is the application you make to the court, this is the information we need to put, the court seeing this will make an adjudication. We are told date, time and we move according to that. We do not have that, we do not.

**Madam Chairman:** This sounds even more alarming as go on and this is why I am proposing—normally we would cut off at about 12.30 but if you all will allow us the indulgence, perhaps, we can carry on for another 15 minutes? Is that all right?

**Mrs. Hudlin-Cooper:** Yes, Chair. Not a problem.

**Madam Chairman:** Now, one of the things that struck me during the presentations was that the prosecutors and police have a common difficulty and that is to say the location of the dock area in many of the courts because the prosecutors are very close to the accused persons and obviously the court and process officers responsible for the security of the court room and for the prisoners coming up must be extremely

challenged in terms of ensuring that, you know, an accused person suddenly does not attempt to approach a prosecutor who might be sitting inches away from him or her. So has that particular issue been addressed either by the TTPS or the Office of the DPP or both to the Court Executive Administrator office and what has been the response been?

**Mrs. Hudlin-Cooper:** I know particularly when there was an issue in relation to the Children Court and we have had to make representation. The Director himself, Mr. Gaspard has had to make representation and it really involved that entire process as to where the child accused is to sit and it was thought that the child accused is to sit at the bar table really inches away from the prosecutor. This is a scenario where the child accused was charged for a very violent offence with weapons and firearms. And the prosecutor in that court, regrettably, in trying to advocate the position to the court was told that a legal submission had to be made to explain why a child accused charged with a violent offence with the use of weapons, plural, why that person should sit at the bar table and that person should not be placed back in the dock. And we were astonished by that. For the simple reason that in the Children Court, there is a place where the child accused are kept, and so, we were wondering why there was a need for a legal application when the court building and facility accommodated the child being placed not far from his representative and so legal submission had to be made for that. The director did make representation to the court administrators and those responsible and so and thankfully, with a little pulling, the situation did not repeat itself but that is something that we are ever mindful of. Even in terms of how the child accused are brought into the court because they use that entrance and we have had a situation where one ran through the door. So that you have those things happening and we wonder why sometimes it requires the engagement of legal

process for what ordinarily may be a commonsensical observation.

**Madam Chairman:** Senior Superintendent Frederick, may I have your views on that?

**Mr. Frederick:** Yes, there is some concern clearly on the part of the police because the prisoner who sits at the bar in the docks is pretty close to the prosecutor. But normally we have quite a lot of complainants in the court and while there is a challenge, we do not see it as significant sufficiently and we have not really reported it as such as it relates to the closeness of the prisoner in the dock to the prosecutor.

**Madam Chairman:** Now, I recall reading some time ago about an incident where a complainant coming in for a case, complainant who had been a complainant in some sensitive matters had a personal firearm and he was told that he could not take it with him to the court room. Is there a procedure for that or does that depend on the individual court administrator? Should that not be allowed is what I am asking?

**Mr. Frederick:** Well, 16:01 caters for police to be in the precincts of the court with a concealed firearm. There is in the Children Court, I would say that that there would have been an agreement between the administration in the police service and the administrators of the Children Court that police officers would not go to the court with firearms, concealed or otherwise and there are some other agreements that would have been made as it relates to the children which, yes, we agree to it, that in the Children Court, the police would not be in police uniform. We have a uniform that is utilized by the police officers who work at the Children Court. And then we do not use also marked police vehicles in terms of escorting prisoners to and from the various penal institutions and that also was agreed upon.

As it relates to the other courts, I am not aware that there is a challenge as it relates to police officers having a concealed weapon in the court.

**Madam Chairman:** Thank you. Superintendent Mohammed, have you

encountered that in your jurisdiction, that kind of problem?

**Mr. Mohammed:** I think on one occasion it did happen and that was sorted out between the personnel of the court who was performing security there and the senior superintendent in charge of the division and that was sorted out because we drew their attention to 16:01 and “dey sort ah went through it and dey say okay, no problem”. But it is always concealed.

**Madam Chairman:** Yes, of course. So when you talk about security, you are talking not the MTS security, the court Judiciary security?

**Mr. Frederick:** Yes, Ma’am.

**Madam Chairman:** And Acting Corporal Bain, we have not heard your voice for the morning as yet—well it is no longer morning but I am going to press you on two jurisdictions because I know you will be familiar with both the Tunapuna court and the Arima court. What is this problem with equipment having to come from the UK?

**Mr. Bain:** Excuse me, Madam Chairman. Hon. Chair, can you explain?

**Madam Chairman:** Well there have been certain difficulties that officers bringing prisoners to court, certain difficulties which they have encountered at the Tunapuna court and the Arima court and in terms of having the prisoners brought in and so on, and I am reading the document sent to me here and I see that in both instances, there was a delay or some sort of problem resolving the issue because a certain piece of equipment had to be brought in from England. Why is that?

**Mr. Bain:** Madam Chair, if I may, that would have to deal with the security of the cell block and that was touched upon by the Master and that would, in fact, be the keys. So these keys are not crafted in this jurisdiction, the keys are crafted in the UK and in fact, Madam Chairman, that is still a hiccup.

**Madam Chairman:** I thought the TTPS had skeleton keys for every door in the

country and every car in the jurisdiction. *[Laughter]*

**Mr. Bain:** No, please, Madam Chairman.

**Madam Chairman:** All except the cell blocks.

**Mr. Bain:** From what I understand, those keys are specially made and the locks are specially made please. I do not even think the locksmiths here are equipped to handle them and that is why the problem we have with bringing up prisoners to both the Arima and the Tunapuna jurisdiction hinged upon those keys and they still do.

**Madam Chairman:** So it must mean—well I do not know how I can ask this but these people have to get to court, they have to appear before the courts. So has the TTPS or have you in those particular districts written and impressed upon the authorities that be that you need to have this resolved because it is a security risk for people bringing prisoners to and taking them from the court?

**Mr. Bain:** Yes, please, Madam Chairman. In fact, the previous Acting Inspector, Ms. Skerrett Marshal, she pushed that as hard as she could and in fact spoke to the Area Manager for the Arima Magistracy and impressed upon him the need for these keys, and from having spoken to her just day before yesterday, she indicated that that application would have made since around September and nothing had been forthcoming thus far. I can speak for the Arima Magistracy but I cannot speak for the Tunapuna but I believe they are in the same position.

**Madam Chairman:** Yes. Now the Arima court, we have got the picture of how the court appears and the conditions inside and so on. Can you give us an estimate, let us say on a busy day in Arima, about how many civilians would be coming into the building on a business day? Let us say a Monday when you have charge cases and so on.

**Mr. Bain:** Madam Chairman, if I am to assume it, I would say between 200 and 300 people in that small building and if the Chair is familiar with that court, the

Chair would realize that that court was initially Pizza Boys which they converted to a court, so it was initially a restaurant.

**Madam Chairman:** Can you give us an estimate of the size of the court that deals with domestic violence cases?

**Mr. Bain:** Madam Chairman, that might be about 20 by 20 if so much. It is very small. In fact, it can only seat about 15 persons and there is no—in fact, the court is so small that we have to allow people to stand in the corridors to deal with matters in the court because of the nature of these matters. So usually people are standing in the corridor from the ground floor sometimes to the top floor waiting for their matters to be called in that particular court.

**Madam Chairman:** And does that magistrate also hear criminal matters which may involve multiple accused persons and if so, how is that done?

**Mr. Bain:** Yes, please, Madam Chairman. At times, that court does in fact have to facilitate such matters. When that is done, the prisoners are brought through the court. They have to be passed either through First Court docks or Third Court docks because the Second Court has no dock of its own and they are then passed through the general public in that area to the court where they are then asked to be seated for the matters to be dealt with. It is very inadequate at this point in time, but I cannot foresee any changes. Because of the way how the building is structured, there is actually nowhere or how to get that additional space.

**Madam Chairman:** And has OSHA—and I am talking about the independent body, not the internal OSHA people within the administration. Has OSHA ever come to the Arima court facility to examine it?

**Mr. Bain:** Madam Chairman, if I speak on that, I would be speaking out of turn because I am not sure about it. But if they have, they would have shut down the

Arima court, please, Madam Chairman.

**Madam Chairman:** Perhaps I should ask the same question for the Southern Division. Superintendent Mohammed, do you know whether OSHA has examined any of the Magistrates' Courts under your jurisdiction?

**Mr. Mohammed:** Well, the answer to that will be no at this time.

**Madam Chairman:** You do not know or they have not?

**Mr. Mohammed:** They have not. Because again, if they would have, we would not have been operating there, Ma'am.

**Madam Chairman:** And Senior Superintendent Frederick, can you tell us about the—because OSHA is, again, just around the corner from the courthouse in the Port of Spain. Has OSHA ever come to the Port of Spain Magistrates' Courts to evaluate or to monitor the premises in anyway?

**Mr. Frederick:** Not to my knowledge Madam Chair. I am not aware that they have visited the court to make any assessment whatsoever, but it is something certainly I will look into.

**Mrs. Gayadeen-Gopeesingh:** This is for Mrs. Cooper. The shift system that the Judiciary has implemented, maybe over a year now, we have San Fernando Magistrates' Court using the High Court in San Fernando. We have Princes Town using Rio Claro. How has this impacted in the efficiency of the Office of the DPP in prosecuting cases and how many cases have you really prosecuted thus far? Because I know it would mean many matters would just be adjourning.

**Mrs. Hudlin-Cooper:** Well we continue to attend to prosecute our matters, it is where we are granted space so to do. So that in the Rio Claro court, as you so correctly mentioned, they have been on a shift system and actually what is happening is that the Rio Claro court, that court would sit first from 9.00 a.m. to 11.00 a.m. and then the Princes Town First Magistrates' Court would sit from 11.30 a.m. to 1.30

p.m. and then the Princes Town Second Magistrates' Court would sit from 2.00 p.m. to 4.00 p.m.

Now, all our prosecutors would attend to deal with their matters. The challenge that we are having there and the impact that that is having immediately on the administration of justice is that the administrative staff for the respective court only sits at the time of that court. So that a prosecutor attending from our office to the Rio Claro court who also has a matter in the Princes Town Second Court, if that attorney has her documents and exhibits and statements to file pursuant to the paper committal, the indictable proceedings that allows for paper committal, section 16C, that attorney cannot file those documents until 2.00 p.m. because the staff for Rio Claro, they are not the staff for the Princes Town Second Court and so you are not allowed to file. So that that immediately creates a choke point in the system and you have to wait, the attorneys have to wait to get to allow for the changeover to be done before those documents could properly be received. This is an attorney who would have matters in other jurisdictions apart from Rio Claro/Princes Town. And this particular situation, of course, has happened since the earthquake scenario so it is over a year and it has remained extant and this is the challenge that the attorneys have.

We are there, we are ready to prosecute, we have our paper committal documents ready for filing, and we have nowhere to file them. And I must absolutely commiserate with the court staff because one must understand in trying to allow this lottery system, as it were, for the court to work, they are also trying not to have the documents so modelled that at the time of the matters, you are unable to find anything so that the matter could go forward. So that we understand but one can see what is happening immediately.

**Madam Chairman:** So I take it, Mrs. Hudlin-Cooper, and there is also no space for prosecutors, no small room where prosecutors can go to and do other work while they wait?

**Mrs. Hudlin-Cooper:** Absolutely not. So that it is a matter of you go there, you go prepared. We try as best as possible. The attorneys are extremely competent and resourceful so that they would lean on the help of their brother or sister prosecutor in scenarios where that person may be going later, so they can get to another court to continue the work and the prosecution that needs to be done. Now, whilst one court may have this chokepoint scenario happening, the same is happening at the San Fernando court but in a different kind of scenario, the fact is that all of the other courts also need the presence and attendance and the presence of our attorneys ready to prosecute. So that there is all of that other work waiting to be done while in this jurisdiction, there is this chokepoint that is happening, for reasons that really no one, you know, you cannot really blame either of the parties, it is just a sad state of affairs.

**Madam Chairman:** Well we do not want to blame anyone but we certainly want to try to find a means by which we can make some recommendations which might be useful in our report. I was wondering whether Ms. Guerra had the information to answer Sen. Obika's question?

**Mrs. Hudlin-Cooper:** Yes, certainly. In relation to the offences, it would simply be pursuant to the Summary Offences Act, the section 49, use of violent or threatening language and that allows for the fine of \$200 or to imprisonment for 30 days. If it is done in the face of the court, the court has a little more teeth by dint of section 25 of the Act. To give a little more, the person can be committed to prison without bail for 14 days, that type of thing but it does not go beyond those kinds of sentences and/or punishments.

**Mr. Obika:** I just wanted it to be made clear to members of the public that they can

face jail time for challenging the life of someone in performance of their duty, in particular a prosecutor, a judicial officer, a police officer, et cetera. And if it is done in the face of the court, they can attach additional, I guess, contempt charges. So I cannot say I am happy with the length of the jail time but at least jail time in itself is a deterrent, and I hope that persons who are making those challenges to the lives of officers could be apprehended and used as examples. That is the point I was saying.

**Madam Chairman:** Thank you. Now, what I am going to do is—I really appreciate the fact that you have stayed on beyond the time that I am sure you anticipated you would be here, so I am going to invite closing remarks and if there is some burning issue which we have not addressed, either in written submissions or in our questions to you that you wish to touch on briefly in your closing remarks, I will permit that because we did not give you the opportunity to make your opening statements. So I will start from Acting Corporal Bain.

**12.55 p.m.**

**Mr. Bain:** Thank you, Madam Chairman. My concerns echo those of the Senior Supt, the Superintendent, as well as that of the Office of the DPP, in that the security of personnel in the court, in that persons who are charged or accused of crimes sit mere feet from those who are prosecuting and those who are sitting at the Bar, especially in courts like Arima where, if a person is six feet, two, they can practically just walk over the little dock area. Because, once again, Arima is not constructed to these facilities. So, my concern, please, is it echoes those of the Senior Supt, and the DPP, please Madam Chairman.

There are other issues which are pressing, but those, I do not think I can get into at this particular time. So in this instance I will just pass it on to the Superintendent.

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

**Mr. Mohammed:** Madam Chair, the TTPS will continue to make a significant contribution towards the administration of justice in this country. We are hard-pressed in some areas beyond our calling. The Judiciary has a part to play, and I believe once the Judiciary, together with the TTPS, work hand-in-hand, together with the Director of Public Prosecutions, we would be able to see an improvement in the system that is operating right now.

**Mr. Frederick:** Madam Chairman, and hon. Members, I do thank you for the opportunity to share the information that we have. Certainly, it is a challenge working in the Port of Spain Magistrates' Court and I am happy really, to be here to echo the sentiments that would have come from many of the officers who also work there. And I think if this body is able to do what it can, in terms of having some consideration extended to what was mentioned by me and what was mentioned to me by the past Chief Magistrate in having us probably work downstairs, certainly it is temporary because there are some risks, but we are prepared to take that risk, so that the upper part the of the Magistrates' Court, cells can be refurbished to accommodate us if we are unable to be relocated to another building.

Because there is certainly a challenge working in that area down there, as it relates to the sanitary conditions, the space, the air condition, the toilet facilities. It is not really conducive for us to work. But police, we do everything in our power to carry out our functions as best as we can under the conditions. But as I mentioned, I am happy for the body, hearing the conditions and the challenges that we face, that something can be done in order to treat with it. Thank you.

**Mrs. Hudlin-Cooper:** Hon. Chair, permit me to, at this juncture, express our heartfelt thanks for the invitation of this august body to be present today to give our submissions and, of course, to give all of these sentiments to the wider public, who

are sometimes left in the dark and ignorant as to the circumstances and conditions under which we are called to work.

Permit me to make it abundantly clear that the Office of the Director of Public Prosecutions and all of the attorneys who agree to and sign up for work in that office see the administration of justice not only as a job and a profession but as their vocation. And it is something for which, even though we operate under very, very dire circumstances and with all of the exigencies and threats, each of the officers of the Office of the Director of Public Prosecutions has continued and will continue to give their all to the administration of justice to ensure justice for everyone.

That being said, we as a collective whole, both as the persons, your good selves, those in power, those who have the authority and are able to do something, we must begin to look seriously at that first leg of justice that is meted out to everyone at the Magistrates' Court. What is there that is not working? What are the pragmatic changes we can make immediately to ameliorate the conditions under which the officers, the witnesses, the members of the public are dealt and receive this justice? And what are we called to do, solution-wise? What can we put our minds together to come up with, so that everyone, every stakeholder in that system, attends not only the Magistrates' Court to see justice, but to feel and to really believe that every worker within that system is passionate and cares enough to do what it takes to ensure justice is done. We thank you most graciously.

**Madam Chairman:** Thank you, Acting DPP, for your very stirring plea and I hope that everybody listening—well, I expect that everyone listening must have been moved by your plea and I hope that our report will have an impact on the situation and you will see the kind of amelioration that you have asked for.

Now, I want to thank you all again for staying back and giving us the extra

time. It is a lot of material to digest, so please expect that we may be writing to you for further comments, and so on. And we look forward to receipt of any additional information that you may wish to share with us. So thank you all.

Before I say that the meeting is adjourned, I have been asked to make an announcement for the public. The public is advised that this Committee's Fifth Report on a Critical Assessment of the Waste Management Policies and Initiatives of the State with Specific Focus on Solid Waste was presented in Parliament recently and is now available for review on Parliament's website, [www.ttparliament.org](http://www.ttparliament.org). This meeting is now adjourned.

**1.01 p.m.:** *Meeting adjourned.*

**VERBATIM NOTES OF THE THIRTY-FIRST MEETING OF THE JOINT SELECT COMMITTEE ON FINANCE AND LEGAL AFFAIRS HELD IN THE A.N.R. ROBINSON MEETING ROOM (EAST), LEVEL 9, (IN PUBLIC), OFFICE OF THE PARLIAMENT, PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF SPAIN, ON FRIDAY, JUNE 28, 2019, AT 10.30 A.M.**

**PRESENT**

|                                |                      |
|--------------------------------|----------------------|
| Mr. Clarence Rambharat         | Vice-Chairman        |
| Mrs. Vidya Gayadeen-Gopeesingh | Member               |
| Mr. Taharqa Obika              | Member               |
| Mr. Julien Ogilvie             | Secretary            |
| Ms. Terriann Baker             | Research Assistant   |
| Mr. Brian Lucio                | Research Assistant   |
| Ms. Ria Rampersad              | Parliamentary Intern |

**ABSENT**

|                                    |          |
|------------------------------------|----------|
| Ms. Sophia Chote SC                | Chairman |
| Dr. Lester Henry                   | Member   |
| Mrs. Cherrie-Ann Crichlow-Cockburn | Member   |
| Mr. Terrence Deyalsingh            | Member   |
| Dr. Lovell Francis                 | Member   |

**MINISTRY OF PUBLIC ADMINISTRATION  
– PROPERTY AND REAL ESTATE SERVICES DIVISION (PRESD)**

|                              |                                  |
|------------------------------|----------------------------------|
| Mrs. Susette Mc Lean-Maxwell | Public Management Consultant III |
| Mrs. Angela Lum-Joseph       | Director, Public Management Ag.  |

**MINISTRY OF NATIONAL SECURITY  
– PROBATION SERVICES DIVISION**

|                       |   |
|-----------------------|---|
| Mr. Jason Chattergoon | Probation Officer III Ag.<br>Supervisor – San Fernando, Princes<br>Town, Siparia and Point Fortin |
| Ms. Lisa Mohammed     | Probation Officer III Ag.<br>Supervisor – Port of Spain   |

**OCCUPATIONAL SAFETY AND HEALTH AUTHORITY AND AGENCY  
(OSHA)**

|                                |   |
|--------------------------------|---|
| Mrs. Carolyn Sancho            | Executive Director                            |
| Mrs. Arlene John-Seow          | Chief Inspector                               |
| Mrs. Anastasia Marchan-Lecoite | Research, Planning and Development<br>Manager |
| Mrs. Pettal John-Beerens       | Deputy Director, Legal Department             |

**TRINIDAD AND TOBAGO FIRE SERVICE**

|                    |                                       |
|--------------------|---------------------------------------|
| Mr. Daron Dasent   | Assistant Divisional Fire Officer Ag. |
| Mr. Lalchan Arjoon | Assistant Divisional Fire Officer Ag. |

**Mr. Chairman:** Good morning, again. We reconvene this meeting which is the 31<sup>st</sup> meeting of the Joint Select Committee on Finance and Legal Affairs. My name is Clarence Rambharat. I am the Vice-Chairman of the Committee and I will chair today's proceedings.

The Committee is convening its second public hearing pursuant to its enquiry into the adequacy of the Magistrates' Court facilities. Our first hearing was convened on April 26, 2019. We welcome the representatives from the Probation Services Division, Ministry of National Security; Property and Real Estate Services Division,

better known as PRES D, from the Ministry of Public Administration; representatives from the Trinidad and Tobago Fire Service; and representatives from the Occupational Safety and Health Authority and Agency.

I would now invite the other members of the Finance and Legal Affairs Committee to introduce themselves.

*[Introductions made]*

**Mr. Chairman:** Thank you. There are three objectives of this enquiry: the first objective is to evaluate the conditions of existing Magistrates' Court facilities in Trinidad and Tobago; two, to identify the progress that has been made by the Judiciary in improving the facilities at the Magistrates' Courts; and three, to examine the extent to which local Magistrates' Courts are in keeping with the international standards for layout and design.

I now invite the representatives who are here to introduce themselves starting with PRES D.

*[Introduction made]*

**Mr. Chairman:** Thank you very much. Now, the Committee has received written submissions from the different entities and on April 26, 2019, the Committee had extensive discussions with the representatives who were there on that occasion. And on the basis of both your written submissions and previous engagements on April 26<sup>th</sup> the Committee will conduct an examination. I want to invite Mrs. Gayadeen-Gopeesingh to open on behalf of the Committee.

**Mrs. Gayadeen-Gopeesingh:** Good morning, again. It is really no secret that the state of the Magistracy, the buildings are really dilapidated, for the want of a better word. We have issues with overcrowding, we have issues with the confluence of cross-circulation, we have issues with entrances and egresses, and basically persons,

really, their lives and limb are at stake going to these Magistrates' Courts. If you were to look at the Magistrates' Courts, Siparia or Sangre Grande or Arima, they are all wanting in one aspect or the other.

So my question to OSHA is that what is your relationship that you have with the Judiciary? Is it that you go and have like routine appraisals of these buildings and maybe give them some notices or so? Because we have these buildings that are in this state, and from my information, I do not believe anything has been done really by OSHA and perhaps you could clarify.

**Mrs. John-Seow:** Good morning and thank you. The Occupational Safety and Health Agency does risk profiling of the industrial establishment in Trinidad and Tobago. As such, we do visit various government agencies, government buildings. Currently, we have conducted inspections to the 26 facilities that are under the purview of the Magistrates' Courts; courts as well as the different facilities that they have under their charge, which are like the accounting departments and other areas that they actually occupy.

We have visited primarily because a reactive approach whereby we will get accidents, reports of accidents, reports of complaints, requests from property real estate in regard to lease and rental. We will also visit, based on requests on the works of engineering construction whereby we will go in. When we do our compliance exercise, we would identify non-conformance with the Act and we have issued improvement notices to the various facilities under the Judiciary.

As such, saying that, what we have started doing is looking at our various government agencies. We have just completed compliance programmes with the Government Ministries and as part of our programme we have also corresponded to the Master of the Court, Master Alleyne, whereby we have requested, because of the role, the function of the Magistrates' Courts, OSH, just actually arriving there

clearly, you know, it has to be structured. So they are in full agreeance with the agency doing those proactive visits and complying—giving them reports on the non-conformance as it relates to the Act.

**Mrs. Gayadeen-Gopeesingh:** So when you give—I heard you clearly. So when you give these notices of compliance, is there any follow through or follow-up or is it that it is just left in abeyance?

**Mrs. John-Seow:** Those notices, as it relates to improvement notices, are followed up.

**Mrs. Gayadeen-Gopeesingh:** The Judiciary also has that internal OSH unit. Do you interact with that internal OSH unit too and collaborate with them?

**Mrs. John-Seow:** Currently as I said the OSH team as the Judiciary we have been in contact with them and they are currently developing a schedule based on the operations of the Magistrates' Court and the sensitivity of the operations. So within the mid-July we are hoping to commence that programme.

**Mrs. Gayadeen-Gopeesingh:** And when you have visited these different judicial buildings, have you found any reason whatsoever not to shut down those buildings?

**Mrs. John-Seow:** Once again, the aspect of risk is what we do our profiling on. The level of risk posed to the workers, the patrons who visit the facility, is what will be identified in light of the hazards that we identify when we visit. Thus far we have not issued any prohibition notices, but we have given improvement notices for the rectification of the non-compliance found.

**Mrs. Gayadeen-Gopeesingh:** So all these buildings, again, that are currently accommodating the Magistrates' Courts, have you had these owners, like those buildings that have been leased, provide a fire certificate to say that this building is compliant with the fire regulations?

**Mrs. John-Seow:** There are particular items that I believe that fire services, this question is probably best deferred to, in light of that issue.

**Mrs. Gayadeen-Gopeesingh:** So perhaps I can ask the fire services personnel? Is it that all the buildings that are currently accommodating the Magistrates' Court are in receipt of a fire certificate?

**Mr. Dasent:** Good morning, again. All the buildings that occupy Magistrates' Courts, Hall of Justice come down, are not certified at this present time. We have done inspections under requests, give requirements, but to this date none of them have met the requirements to be certified.

**Mrs. Gayadeen-Gopeesingh:** And to be certified, what does that mean?

**Mr. Dasent:** To be certified as meeting all the standards that were set out by the fire service with reference to egress, suppression system, extinguishment, signage, those things they must meet their certain requirements that are given under the inspection, because of the occupancy that deals within the building.

**Mrs. Gayadeen-Gopeesingh:** So again, a similar question to what was posed to OSHA—is it then that you also do a follow-up to see if there is compliance?

**Mr. Dasent:** Every requirement given, there is a time frame: 30 days, 60 days, 90 days, up to. During this period we expect the client or the owner of the compound, whether it is a PRES D where they are occupying someone's private building, to do certain amendments and upgrades. During that period we will expect that we have communication with the HSE person who is there to give us what they have done; sometimes we give them extensions, all dependent on what they have done and what is outstanding. At present there has been no communication for the last couple of years on the way forward in these institutions.

**Mr. Chairman:** Thank you very much. PRES D is here, but from our understanding, PRES D has limited or no involvement in the buildings of the

Judiciary? Would you be able to tell us, what is the relationship between PRES D and the Judiciary? And the Judiciary's facilities at this time?

**Mrs. Lum-Joseph:** Good morning, again, all. PRES D right now—agreed we do not have any relationship. What has happened before, prior to receiving Cabinet approval, we would have engaged the landlords with respect to the buildings that they are currently in. In terms of lease rentals, we have been engaging with the landlord, we have engaged with OSH, fire services, Commissioner of Valuations, Town and Country and others to ensure that the buildings are compliant and Magistrates' Courts can occupy them.

However, once Fire or OSH has given their report to us we do transmit that to the landlord and to the Magistrates' Court Administrator so that they can follow up also. But, however, as present we are no longer involved in their processes.

**Mr. Chairman:** Okay. So where there were existing leases, that has transitioned to this new standing committee, the responsibility?

**Mrs. Lum-Joseph:** Yes.

**Mr. Chairman:** On the last occasion, the issue of proposed site or proposed building for the Arima Magistrates' Court was discussed. Is that still under your remit or that has passed to the standing committee?

**Mrs. Lum-Joseph:** That is no longer under our remit.

**Mr. Chairman:** Okay. Thank you.

**Mr. Obika:** Thanks, Chair. Good morning, again. A question for the Property and Real Estate Services Division, PRES D. How long has the relationship been with the Judiciary and the Property and Real Estate Services Division?

**Mrs. Lum-Joseph:** With respect to the Sangre Grande Magistrates' Court, we have been having relations with them since—as far back as 2004. With respect to Arima,

it could have been prior to 2013, and with respect to San Fernando, prior to 2008.

**Mr. Obika:** Not as long as—it is not that long in essence. And I thought it would have been in the '80s.

**Mrs. Lum-Joseph:** It may have been longer than that. I did not go that far back into the files, to be honest with you.

**Mr. Obika:** Okay. I would not ask you to go there in today's conversation. Well, then what—two questions would arise. If PRES D has relinquished its role, would it have been any issue regarding personnel shortages or shortcomings? What would have been communicated to PRES D as the reason for relinquishing?

**Mrs. Lum-Joseph:** Our receipt of the Cabinet decision with respect to Judiciary handling their own lease rentals, their own accommodation, would have relinquished us from our responsibility.

**Mr. Obika:** Okay. So it is not from you all. And then what happens now regarding—does it mean that you now have a bumper crop in terms of excess personnel to deploy, or—?

**Mrs. Lum-Joseph:** Sorry to say no. [*Laughter*]

**Mr. Obika:** We can put that one to rest. The question I have is really for fire services in terms of the reports, I mean, I was going through the fire services reports, going through the commentary from the Law Association and I had some concerns regarding the preparedness of the judicial buildings in the event of an emergency. All right? Can you give us a sense of the regularity within which these buildings are inspected, as well as, given like a percentage rate then, and in terms of how many buildings are covered with fire certificates?

**Mr. Arjoon:** Okay. From our records, there is about—well, I know for the southern division we have six buildings that we would normally visit with reference to the Judiciary buildings. The northern division, approximately nine. Based on the OSH

Act, Part V, they require those industrial establishments or those buildings to be inspected every two years. The inspection process, we do a risk assessment, we look at code requirements to see whether or not there are adequate means of escape, fire protection system, training to the staff, evacuation exercises are done so that the staff will know exactly what to do in the event of an emergency.

We would have done those inspections in the past and would have given requirements. We liaise at the moment with the OSH manager for the court who from time to time gives us feedback on the requirements and at what state they are at. From our observations on the inspection, they have, what we may call some of the minimum requirements in place. So, for example, the courts that we would have visited they had primary and alternate means of escape. They were signed, they had fire extinguishers in the building, those courts that require fire alarm systems, sometimes they will have that fire alarm system but it is inoperable, so we will give them an improvement notice to have it made operable.

We would have done in the fire department lecture, fire safety lecture to the staff at the court. So they are aware of what to do in the event of an emergency and we also work with them in creating what you call evacuation plans for the court. If we observe other fire hazards like improper storage practices and so forth, we will inform them immediately and those are some of the hazards that they could remove immediately. So from our experience with the court, they have a level of responsiveness, they have a level of safety training and with the coming onboard with their OSH unit internally they also do lectures and fire drills also. From my recollection we, about two years ago, we would have done all the buildings, the Judiciary buildings in the southern division in terms of supervising a fire drill.

So at times we know that the challenge for resources may affect the

implementation of some of the more costly requirements. But in my humble view the occupants of those buildings in the southern division and by extension probably the northern division, they have that minimum level of fire safety training to be able to identify hazards, remove those hazards and in the event of an emergency know what action to take.

**Mr. Chairman:** Thank you very much for that explanation. I want to invite the OSH Authority to join the discussion in relation to your experience with the Magistrates' Court and anything you wish to highlight to us.

**Mrs. Sancho:** Good morning, again. The OSHA has been around since 2007, and we have had a serious staffing issue in terms of how many inspectors we would have to then send to inspect certain places. We have a programme where as you say, I had mentioned as based on risk and the risk of the industry to life and limb of people who work within them. And in this country we have a large oil industry, we have construction so many times when we do our profiling those are the industries that would then get the attention of the minimal amount of inspectors that we do have.

Until recently we only had—we have an approved structure for 48 Inspector I's; until recently we only had 16. So we had to then try to get to deal with the higher-risk businesses rather than go to places like the Judiciary. And with the Judiciary though, we have had to seek permission to get into those areas, because of the nature of the business and unless we see that it is something that is imminently dangerous that is the only time that we would seek to shut down any building. I am responding to your first—your question earlier on. Because of the nature of the Judiciary's business and the domino effect it has, if we shut down a courthouse per se, then matters would not be able to be heard and then we would have a back-up within the court system. So we try our best to see how we could help to improve whatever the conditions are without shutting down the building.

Recently we have had—because of our last appearance at JSC we have had funding to get more inspectors. So now we are to, I believe, about 29 Inspector I's and we have filled our Inspector II positions and also our Senior Inspector positions as well. We still have vacancies and we put an ad out in May and we are looking to interview to fill up, to get to the full contingent between now and the beginning of the next fiscal year.

So with the programme we currently have, we would focus on the Judiciary some more and we would help them in terms of getting them to a place where they are compliant, bearing that in mind some of the buildings are very old. So there has to be some consideration also for maybe just moving buildings or and, you know, that is a bigger decision than us. But we would look at the buildings individually and say what we could do to help them improve and get to the point where they are safe for people to operate within.

**Mrs. Gayadeen-Gopeesingh:** Just to follow up with the response. If a building proves to be hazardous to the users of that building, why is it then that you may need permission from the internal OSH unit from the Judiciary if that building poses a risk? Why is it that—I think OSHA is an independent body? It is governed by some Act?

**Mrs. Sancho:** Yes, it is.

**Mrs. Gayadeen-Gopeesingh:** Right. So is it then that you could move in—as the want for a better word—or why it is that you need that permission to be granted before you can move in?

**Mrs. Sancho:** It is true we could move in. I think in the past there was one incident where inspectors went to a particular court and they were told they could not come. I think those inspectors probably were not aware or they did not try to enforce as

strongly as they should have. But according to the Act, we do not need permission. But in this situation here where we are trying to do proactive inspections and because we see no imminently dangerous conditions, we are trying to work with the court now so that we can schedule our visits so we would not disrupt the court. But if we do a risk assessment and we notice that a building is imminently dangerous for people to be inhabiting that building we will move to close that building once the risk assessment tells us that it is imminently dangerous.

**Mrs. Gayadeen-Gopeesingh:** Then I could ask and get the probation officer here involved. Because from your submission you have said that there is inadequate space at the Magistracy which has created physical and environmental health and safety issues in the work place. So perhaps you want to elaborate as to what are those environmental issues and if you had made any formal complaint to the Judiciary and the OSH Agency also?

**Ms. Maharaj:** Okay. Probation started in 1947 under the guidance of the Magistracy. So at that time we were actually given office space in most Magistrates' Courts across the country. That has not significantly improved over time and what we have done if we have environmental concerns is that we will talk to the Clerk of the Peace in the court, because of protocol, we will not supersede how we are supposed to operate. So what happens is that through the Clerk of the Peace, if we do not get the requisite response then we can take it to—I have actually been moving up higher, which I do not really like to do without permission, but through our PSs I have written to indicate that we need our own autonomous space, since 2015.

So the environmental concerns really is if we have officers, we have community service officers and probation officers and support staff sometime crouched in maybe one or two little offices, which is at the Arima court; that is significant example. The photocopying machines and all those things, I know those

things are, they are health hazards especially if you have to sit in a room with the microwave and the fridge and that kind of thing. So those are the kind of things that we deal with as far as the infrastructure is concerned.

Apart from that we have issues with clients, because we have a significant amount of fairly volatile situations that we deal with in terms of domestic violence situation, in terms of just aggressive clients. So we have to always be very careful. We do not have the type of sitting arrangement that is for our safety. So sometimes you are in this room with—you might have a—the security is outside. So it is very difficult to try to manoeuvre. So I guess out of our professionalism we have to be able to deal with our clients for our own safety. So we have a lot of those kind of things to deal with.

**Mrs. Gayadeen-Gopeesingh:** When you had written to the OSH unit, you got any response?

**Ms. Maharaj:** I did not write to the OSH unit; through my Permanent Secretary, we would have written to PRES D and I think what PRES D does, from my understanding, is that they would have all the requisite approvals before we could get the accommodation. But one of the challenges that we face is that Probation Services has—we have had like over 10 Ministerial realignments from 1947 to now. So, when you try to get something done in one Ministry and then you move to another Ministry, you have to start it over. So that has happened.

In 2015 I wrote through the PS and I would have been following up via emails and telephone conversations and I even went into meetings with PRES D, but I realize they have significant staff issues too. So, on the last occasion we were given two real estate agents that we should try to access; we spoke to them and I think they were having—what we were told is that there are some issues regarding the renting

for government offices, because of payment and the approvals and that kind of thing.

So right now we are still waiting, apart from Point Fortin, which seems to be pushing through, we are in the process of obtaining one office in Point Fortin. So that has gone pretty recently through our facilities manager, Ministry of National Security. So I am hoping for something positive, at least with Point Fortin so far.

**11.00 a.m.**

**Mr. Obika:** Thanks Chair. The question I have is for I would guess all takers, but in particular the OSH agency. What weight is given to in an inspection the state of the washrooms facilities? Because the Law Association complained about the Port of Spain Magistrates' Court, the second floor, and because of the unsafe condition of the washrooms facility, causes persons to use facilities elsewhere, which again could cause issues with compromising the whole process of the court because persons have to leave and so on. But besides that, the persons who cannot leave they have no choice but to use those facilities. What weight is given to washroom facilities in an inspection?

**Mrs. John-Seow:** As it relates to the washroom facilities what we would look at is the amount of personnel that will be required and whatever level to utilize that facility. What we look at also is—there a WASA regulation that speaks to 20 people per washroom facility, which in itself— But that is one of the pieces of document we also look at. Saying so, however, if the facility as it stands is insufficient, it is a poor state, we will include that as part of the improvement notice procedure and issue a notice to the Magistrates' Court and give them that timeline, so that all notices, the improvement notices are timed, so we can vary based on that timeline for action.

**Mr. Obika:** I would imagine but you can clarify if I am wrong, that there would be instances where buildings would be closed because the air condition unit is not

working if it is centralized air conditioning, if there is no water in the building. Would there have ever been instances where a building is closed because of the state of the toilet and washroom facilities?

**Mrs. John-Seow:** We have not had such report but it can be until that is rectified.

**Mr. Obika:** And the last question what would be the—if of course this metric is available, what would be the ranking of the washroom facilities in terms of buildings with acceptable, and buildings without acceptable washroom facilities apparently in the magisterial district?

**Mrs. John-Seow:** Clearly welfare is one of the items as established within the Act, and it is one of those must have/shall responsibilities of the employer as well as the occupier. Clearly if there are no washroom facilities, no water, you will rank that as a higher level in your inspection program and action must be taken.

**Mr. Obika:** I have a question for Probation Department. Because you are users of these buildings, occupiers then, the washroom facilities would impact heavily, I can imagine on worker morale and so on. But can you give me indication as to what is the sense amongst the staff of the washroom facilities?

**Ms. Maharaj:** Well, I think generally there is the feeling that we should have own washroom facilities because of safety issues and I could agree with them. I definitely agree with them in this case. Because sometimes it is difficult, you do not want to go to a public washroom with your client who might be upset with you for whatever reason, especially like in custody matters and that kind of thing. So we always have to be very particular and I think it makes sense that we have our own washroom facilities.

**Mr. Obika:** Has there been any instances in the past where persons have been, if not physically assaulted, verbally assaulted by members of the public?

**Ms. Maharaj:** I could recall verbally assaulted and I think that is where a number of officers would have had certain issues but not physically as I am aware.

**Mr. Obika:** And then it begs the question then, because to me if I have to go to work and I have to feel safe, I do not want to be in an enclosed environment where I am threatened. Is there anything that can be done regarding this in the short or medium term, if you have to stay in the same building, so probably the addition of an external toilet for public users and a separate one given the current buildings that you are in for occupiers?

**Ms. Maharaj:** I think given the current buildings it would be difficult to do that, because I know space is a major issue because even in terms of dealing with car parks, it is a problem. So it might be very difficult to put an annex or something to that effect. But what they could probably do is designate one particular washroom facility to probably like probation services and probably the legal officers, something like that. I cannot think about adding anything anywhere.

**Mrs. Gayadeen-Gopeesingh:** Just one question to OSHA. Do you have any vacancy for a Chief Inspector or that substantive post has been filled?

**Mrs. Sancho:** There is a vacancy. The current Chief Inspector is performing duties until we fill that vacancy. That was one of the vacancies that was advertised in May. So we are currently shortlisting for interviewing soon.

**Mr. Obika:** The question I have has to do with something that came up in the past. Asbestos in the ceilings of public buildings, is that a problem? And this is for both Fire Services and OSHA. Is that a problem in the Judiciary buildings?

**Mrs. John-Seow:** We were aware of one report of asbestos that was reported at the San Fernando Court. That facility has since, as far as I am aware, been shut, and when the reports of asbestos has not been brought to our attention. Now, we may be aware of the time frame of the erection of new facilities that would have actually

been built thus far, and is being occupied by the Magistrates' Court. As far as I recall anything after the 1970s the use of asbestos was prohibited for installation, for roofing material. So anything prior to that is a concern that needs to be looked into.

**Mr. Rambharat:** Okay, thank you very much. In terms of the objectives of the Committee, the second objective is to identify the progress that has been made, and my assessment of this morning's proceedings is that some progress has been made. In closing, in inviting you to make your closing remarks, I just want you to focus on this issue of progress and to give us your feedback on the—your opinion on the progress that is being made in relation to the Magistrates' Court. Can we start with Fire Services?

**Mr. Arjoon:** Yes, well the Fire Service is always willing and ready to respond to any request from the Judiciary, or any occupancy, or any owners, any premises in Trinidad and Tobago. From my dealings with the OSHA team at the Judiciary we schedule, as I said we schedule inspections. In our opinion there are no imminent—we have not observe any imminent danger at the facilities that I would have inspected or my team would have inspected. We are seeing where they are complying with the requirements that we would have issue. However, on certain occasion they may have some engineering works to do. They may have some remodelling to do at the particular premises that they would require additional time. And they would invite us also to give further requirements. When we issue those requirements it will take a little time for them to implement those requirements based on cost constraints, budgetary allocations or so forth.

However, what we do, we try to be proactive with them and give some of our institutional intelligence, in terms of if a particular fire protection system is not working what are some of the measures that you could have in place as a back up to

ensure that there is an adequate level of safety in the building still. So we continue to work with them, we continue to be ready to give whatever advice. As I said, we have planned to do some spot inspections also. In the fire department we have stations, and the FSO in charge of those stations also are required to visit those public premises to gather the necessary fire safety intelligence to develop what we call emergency response plans for those facilities. So at times we may not—the fire prevention section may not go on the inspections but they will do their familiarization tours to ensure that they could also give advice where possible and to create that emergency response plan for that facility.

**Mr. Rambharat:** Thank you very much. OSHA.

**Mrs. Sancho:** In terms of progress over the last two years we have made significant progress with regard to how we inspect. We made significant progress in terms of the amount of inspectors that we have now hired. We have also made some progress with regard to our collaboration with other type agencies who do similar regulatory type functions as we do. We have a MoU that we have established with the fire service now, so that we could so that we do joint inspections, and we could access information. So that we could—not doubling up on the work rather than doing one approach.

We have developed over the last year or two programmes where we could identify the risks within buildings and the industries as to how risky they are. So now we can plan our programmes better and be more proactive rather than reactive. We have formed some communication with the court. So with this situation with the Magistracy and their buildings we can now plan proactive programmes. There are some things that are outside of our purview in terms of the building itself and whether or not it probably needs to be totally abandoned or not. But we have more communication between us, so that we could then give them some of our expertise.

Give them some guidelines and also protect the workers. So there is more cohesiveness now over the last two years or so. We have also got more inspectors so we have a wider reach now. So I think there has been progress in terms of the agencies not working in silos but they are working together so that we could have better outcomes all around. So we are looking forward to see how that would in the coming months. Thank you.

**Mr. Rambharat:** Thank you very much. Probation services.

**Ms. Maharaj:** Well progress for probation is as far as accommodation goes is really for us to get our own accommodation and be autonomous. However, we have to look at the—one of our basic needs though is to be within the precincts of the court or in close proximity to the court because we could lose a lot of clients that way if we are not close by because we are dealing with a vulnerable population. So in the interim I am happy that I was here to be part of this forum because some of the major people who I need to be in constant communication with are actually sitting around the table. But we have gotten approval for additional staffing. So to ensure that we are effective we need to make sure that we have—our security is a paramount importance, because the risk of our clients has also increased over the years, and with gangs and bail supervision, et cetera. So all these things must be taken into consideration when we are being housed in any jurisdiction. Thank you.

**Mr. Rambharat:** Thank you very much. In closing, we want to advise the public that the following enquiry reports that we recently presented to the House of Representatives and the Senate and are now available on the Parliament's website. The first is the "5<sup>th</sup> Report on a critical assessment of the Waste Management policies and initiatives of the State (with specific focus on solid waste)". The Second Report is the "6<sup>th</sup> Report on an Inquiry into the Implementation of the New Public



Procurement System”.

I want to thank the Committee members who are here with us today, the support staff, the media, anybody who is in the public gallery, and of course, I want to thank the Secretariat who is always here with us to support us. I want to now adjourn this meeting to a date to be fixed. Thank you.

**11.14 a.m.:** *Meeting adjourned.*

# APPENDIX III

## Witnesses Appearing and Providing Evidence

Table 7: List of Witnesses Appearing and Providing Oral Evidence

| NAME OF OFFICIAL   | PORTFOLIO   | ORGANISATION                                  |
|--|---|---|
| <b>Public Hearing held on April 26<sup>th</sup> 2019</b> |   |   |
| Master Christie-Anne Morris-Alleyne                      | Court Executive Administrator                                       | Judiciary                                     |
| Mr. Jerome Mark  | Deputy Court Executive Administrator                                | Judiciary                                     |
| Mr. Recarb Ali   | Deputy Court Executive Administrator                                | Judiciary                                     |
| Ms. Vanessa Garcia                                       | Deputy Court Executive Administrator, Criminal and Traffic Division | Judiciary                                     |
| Mr. Anderson Gordon                                      | Court Planning Director   | Judiciary                                     |
| Ms. Carol Herbert  | ICT Director  | Judiciary                                     |
| Mr. Christopher Hosein                                   | Court OSH Officer   | Judiciary                                     |
| Mr. Akil Nurse   | Project Manager   | Judiciary                                     |
| Mr. Roy De Sormeaux                                      | Facilities Manager  | Judiciary                                     |
| Mrs. Tricia Hudlin-Cooper                                | Assistant Director of Public Prosecutions                           | Office of the Director of Public Prosecutions |
| Ms. Ambay Ramkelawan                                     | State Counsel I   | Office of the Director of Public Prosecutions |

| NAME OF OFFICIAL   | PORTFOLIO   | ORGANISATION   |
|--|---|--|
| <b>Public Hearing held on April 26<sup>th</sup> 2019</b> |   |  |
| Ms. Valene Guerra  | State Counsel I   | Office of the Director of Public Prosecutions                                  |
| Mr. Wayne Mohammed                                       | Superintendent Southern Division                              | Trinidad and Tobago Police Service   |
| Mr. John Frederick                                       | Senior Superintendent, Court and Process, POS                 | Trinidad and Tobago Police Service   |
| Mr. Keston Bain  | Corporal (Ag.)  | Trinidad and Tobago Police Service   |
| <b>Public Hearing held on June 28<sup>th</sup> 2019</b>  |   |  |
| Mrs. Angela Lum-Joseph                                   | Director (Ag.)  | Ministry of Public Administration-Property and Real Estate Management Division |
| Mrs. Susette Mclean-Maxwell                              | Public Management Consultant (III)                            | Ministry of Public Administration-Property and Real Estate Management Division |
| Ms. Deokie Sintra Maharaj                                | Chief Probation Officer                                       | Ministry of National Security-Probations Services Division                     |
| Mr. Jason Chattergoon                                    | Probation Officer III- San Fernando, Siparia and Point Fortin | Ministry of National Security-Probations Services Division                     |
| Mrs. Carolyn Sancho                                      | Executive Director  | Occupational Safety and Health Agency and Authority                            |
| Mrs. Arlene John-Seow                                    | Chief Inspector   | Occupational Safety and Health Agency and Authority                            |
| Mrs. Anastasia Marchan-Lecointe                          | Research, Planning and Development Manager                    | Occupational Safety and Health Agency and Authority                            |
| Mr. Daron Dasent   | Assistant Divisional Fire Officer, Ag. Northern Division      | Trinidad and Tobago Fire Service   |
| Mr. Lalchan Arjoon                                       | Assistant Divisional Fire Officer, Ag. Southern Division      | Trinidad and Tobago Fire Service   |

# APPENDIX IV

## Inspections and Drills carried out by the TTFS at the Courts 2008-2016



# APPENDIX I

## INSPECTIONS

| Name of Court   | Date of Request for Inspection   | Person Assigned                   | Date of External Report/Inspection                               |
|---|--|-----------------------------------|--|
| Hall of Justice   | 12/08/16<br>Requirements given-<br>No Certificate issued<br>to date              | #3880 FF Crichlow                 | 15/12/16   |
| Port-of-Spain<br>Magistrate Court   | 22/12/14<br>Requirements given-<br>No Certificate issued<br>to date              | #2625FF Quamina                   | 22/12/14   |
| Family Court  | 03/07/08   | #1778 FSSO King                   | 21/10/14-Inspection  |
| Industrial Court  |  | #3324 FF Arthur                   | 26/9/14-Inspection   |
| Arima Magistrate<br>Court   | No Request or<br>application received  |                                   |  |
| Tunapuna Magistrate<br>Court  | No Request or<br>application received  |                                   |  |
| Sangre Grande<br>Magistrate Court   | No Request or<br>application received  |                                   |  |
| Chaguanas<br>Magistrate Court   | Only a completion<br>Certificate was issued<br>-2016<br>May 4 <sup>th</sup> 2016 | Fire Prevention<br>Administration |  |
| Couva Magistrate<br>Court   | No Request or<br>application received  |                                   |  |
| San Fernando<br>Magistrate Court<br>Harris Street, San<br>Fernando (Former<br>Location) | Certification issued<br>22/01/15- Building no<br>longer in use.                  |                                   |  |
| San Fernando<br>Magistrate Court<br>Irving Street, San<br>Fernando (New<br>Location)    | Requirements issued –<br>Re-inspection<br>outstanding                            |                                   |  |
| Supreme Court<br>San Fernando   | Requirements given-<br>No Certificate issued<br>to date                          |                                   | 18/02/02-Inspected<br>29/03/02-Date of Letter of<br>Requirements |
| Rio Claro<br>Magistrate Court   | Requirements given-<br>No Certificate issued<br>to date                          |                                   | 30/04/07-Inspected   |
| Princess Town<br>Magistrate Court   | Requirements given-<br>No Certificate issued<br>to date                          |                                   | 16/01/07-Inspected   |
| Siparia<br>Magistrate Court   | Requirements given-<br>No Certificate issued<br>to date                          |                                   | 21/12/07-Inspected   |
| Point Fortin<br>Magistrate Court  | Requirements given-<br>No Certificate issued<br>to date                          |                                   | 26/01/07-Inspected   |



|                              |  |  |                    |
|------------------------------|--|--|--------------------|
| Mayaro Magistrate Court      | Requirements given-<br>No Certificate issued to date |  | 27/04/07-Inspected |
| Scarborough Magistrate Court | No Request or application received                   |  |                    |



## APPENDIX II

### DRILLS



| Name of Court  | Date of Request for Drill   | Person conducted Drill   | Date Drill was conducted                                |
|--|---|--|---|
| Hall of Justice  | 20/07/15  |  | 28/07/15  |
| Port-of-Spain Magistrate Court   | 20/07/15  |  | 25/08/15  |
| Family Court   | 20/07/15  |  | 26/08/15  |
| Industrial Court   |   |  |   |
| Arima Magistrate Court   | 20/07/15  | 2022 FF Grayson<br>2524 FF Moreau<br>2739 FF Francis<br>3557 FF Bovell-Nurse   | 04/08/15  |
| Tunapuna Magistrate Court  | 20/07/15  | 2022 FF Grayson<br>2492 FF Grant<br>2739 FF Francis<br>2913 FF Khillawan<br>3483 FF Wilson-Ali<br>3557 FF Bovell-Nurse | 05/08/15  |
| Sangre Grande Magistrate Court   | 20/07/15  | 2022 FF Grayson<br>2739 FF Francis<br>2913 FF Khillawan<br>3561 FF Bissoon   | 06/08/15  |
| Chaguanas Magistrate Court   | After completion certificate was issued, no further involvement by Fire Service |  |   |
| Couva Magistrate Court   | 20/07/15  |  | 18/08/15 – not confirmed if Fire Service observed Drill |
| Scarborough Magistrate Court   | No Request or application received  |  |   |
| San Fernando Magistrate Court<br>Harris Street, San Fernando (Former Location) | No Request or application received  |  |   |
| San Fernando Magistrate Court<br>Irving Street, San Fernando (New Location)    | No Request or application received  |  |   |
| Supreme Court<br>San Fernando  | No Request or application received  |  | 09/08/16  |
| Rio Claro Magistrate Court   | No Request or application received  |  |   |

|                                |                                    |  |  |
|--------------------------------|------------------------------------|--|--|
| Princess Town Magistrate Court | No Request or application received |  |  |
| Siparia Magistrate Court       | No Request or application received |  |  |
| Point Fortin Magistrate Court  | No Request or application received |  |  |
| Scarborough Magistrate Court   |                                    |  |  |

# APPENDIX V

## Stakeholder Recommendations

| RECOMMENDATIONS FROM THE LAW ASSOCIATION OF TRINIDAD AND TOBAGO |  |
|---|--|
| Area  | Improvement  |
| Reading/library spaces for Attorneys                            | <ul style="list-style-type: none"> <li>▪ This is fundamental so that cases can be dispensed with in accordance with well-researched arguments and law in the minimum down time.</li> </ul>   |
| Parking for Attorneys- at- law                                  | <ul style="list-style-type: none"> <li>▪ To ensure that there are no delays due to parking issues and to manage Attorney-public interactions.</li> </ul>   |
| Functioning and fully stocked cafeteria                         | <ul style="list-style-type: none"> <li>▪ Lack of facilities often results in members of the public going in and out of court buildings to purchase items which places a burden on security and access to and from the court building. This also results in less time being wasted by Attorneys leaving the court.</li> </ul> |
| On-site access to Automated Transaction Machines (ATMs)         | <ul style="list-style-type: none"> <li>▪ To allow Attorneys and members of the public to pay for administrative services and patronise court facilities.</li> </ul>  |
| Child supervision services                                      | <ul style="list-style-type: none"> <li>▪ This would reduce the burden on litigants to find alternative arrangements and makes justice more accessible.</li> </ul>  |
| Signage   | <ul style="list-style-type: none"> <li>▪ Sufficient signage would prevent confusion by members of the public in locating key services and court rooms in time.</li> </ul>  |
| Access to telephone facilities                                  | <ul style="list-style-type: none"> <li>▪ To facilitate communication directly with Attorneys and members of the public not before the courts and aid in the dispensation of matters.</li> </ul>  |

| <b>RECOMMENDATIONS FROM THE LAW ASSOCIATION OF TRINIDAD AND TOBAGO</b>    |   |
|---|---|
| <b>Area</b>   | <b>Improvement</b>  |
| Access to Alternative Dispute Resolution (ADR) rooms                      | <ul style="list-style-type: none"> <li>▪ Purpose built ADR rooms to facilitate meaningful discussions between Attorneys and litigants which may narrow issues and reduce caseloads.</li> </ul>                      |
| Proper Administrative facilities for TTPS Officers and Police Prosecutors | <ul style="list-style-type: none"> <li>▪ To better prepare personnel and to prevent delays.</li> </ul>  |
| Holding facilities in courtrooms  | <ul style="list-style-type: none"> <li>▪ Should be better outfitted and designed to prevent Court disruptions, treat with prisoners more humanely and to ensure the safety of participants in the Court.</li> </ul> |
| Accessible facilities for Persons with Disabilities                       | <ul style="list-style-type: none"> <li>▪ Inclusive of wheelchair access.</li> </ul>   |
| Improved restroom facilities  | <ul style="list-style-type: none"> <li>▪ Separate washroom facilities for Attorneys and members of the public and an improvement in the washroom facilities.</li> </ul>   |
| Public waiting areas  | <ul style="list-style-type: none"> <li>▪ Separate waiting areas should be introduced for Attorneys and members of the public.</li> </ul>  |
| Proper facilities for state witnesses and accused persons                 | <ul style="list-style-type: none"> <li>▪ To ensure separation and confidentiality and to ensure that there is a minimised risk to witness tampering and witness intimidation.</li> </ul>                            |

| <b>RECOMMENDATIONS FROM TRINIDAD AND TOBAGO POLICE SERVICE</b>  |   |
|---|---|
| <b>Area</b>   | <b>Improvement</b>  |
| <p>Infrastructural improvements that can be prioritised in the short to medium term for the POS Magistrate's Court</p>                | <ul style="list-style-type: none"> <li>▪ Proper ventilation systems;</li> <li>▪ More space allotted to police personnel;</li> <li>▪ Expansion of cells to accommodate prisoners;</li> <li>▪ Proper sanitation of the building;</li> <li>▪ Internet connection for the Police area;</li> <li>▪ Proper toilet facilities.</li> </ul>  |
| <p>Infrastructural improvements that can be prioritised in the short to medium term for the San Fernando Magistrate's Court</p>       | <ul style="list-style-type: none"> <li>▪ Relocation of the Princes Town Magistrate's Court to a suitable location closer to the Southern Division;</li> <li>▪ Proper scanners required to assist in the searching of prisoners and packages being brought to court;</li> <li>▪ Proper furniture and equipment for Police Officers (such as tables and chairs);</li> <li>▪ Shelving for prisoners' property;</li> <li>▪ Installation of extraction fans in the cell block area of the San Fernando High Court.</li> </ul>  |
| <p>Infrastructural improvements that can be prioritised in the short to medium term for the Arima and Tunapuna Magistrates' Court</p> | <ul style="list-style-type: none"> <li>▪ The (Arima) court needs to be re-located to a suitable or appropriate building;</li> <li>▪ The relevant authority needs to treat with security issues in relation to the keys to the cells of the Arima and Tunapuna courts;</li> <li>▪ Relevant authority must address the seating accommodation for the public at the Arima Magistrate's Court;</li> <li>▪ Installation of security camera monitors in the cell block area of the Arima Magistrate's Court;</li> <li>▪ Ensure that the officers' lunch room in the Tunapuna court is repaired;</li> <li>▪ Ensure that the keys to the front gate of the Arima Magistrate's Court is replaced.</li> </ul> |

# APPENDIX VI

## OSHA Inspections carried out at Judiciary facilities from 2011- 2019

| No. | Date of Inspection | Site/Location                         | Findings and Recommendations of Inspection  |
|-----|--------------------|---------------------------------------|---|
| 1   | 18.01.2011         | HR/Accounts Building                  | Inspection conducted on behalf of the Property Real Estate Services Division (PRESD). Premises were found to be satisfactory – approval granted under Section 57(1)   |
| 2   | 02.08.2011         | San Fernando Magistrate's Court (old) | Safety concerns were raised by Police as to the unsafe condition/structure of the prisoner cell block area. Section 8(4). We were informed by the Judiciary that renovation works were completed. (Building no longer in use as at August 2017)                 |
| 3   | 16.01.2012         | Siparia Magistrate's Court            | No Fire Certificate and requirements (Sections 26 & 27), compromised Ventilation (Section 36), unsafe internal structures (Section 8(4)). Upon re-inspection in 2019, these compliance issues were addressed, only the Fire Certification is still outstanding. |
| 4   | 19.01.2012         | San Fernando Magistrate's Court (old) | Re-Inspection- Judiciary reported that renovation works were completed in cell block (The building is no longer in use since August 2017).  |
| 5   | 25.06.2012         | 102 St. Vincent Street – IT           | Inspection on behalf of PRESD – Building found to be satisfactory – approval granted under Section 57(1).   |
| 6   | 28.01.2013         | St George West Magistrate's Court     | Poor air quality as a result of Ventilation (Section 36). Unsafe Internal Structures (Section 6(2)(a)), Insufficient lighting (Section 33(1)).  |

| No. | Date of Inspection | Site/Location                         | Findings and Recommendations of Inspection  |
|-----|--------------------|---------------------------------------|---|
|     |                    |                                       | Inspection in July 2019 revealed that to date these issues have not been rectified.   |
| 7   | 23.04.2013         | Chaguanas Magistrate's Court          | Inspection on behalf of PRES D – Premises were found to be satisfactory, approval given in accordance with Section 57(1).   |
| 8   | 30.07.2013         | Kings Court Administration            | Limited ventilation due to A/C unit malfunction (Section 36). Judiciary has reported that the matter was addressed, OSHA will conduct re-inspection.  |
| 9   | 04.04.2014         | Siparia Magistrate's Court            | Refusal to Work (RTW) – The matter was investigated and the RTW was not justified (Section 15).   |
| 10  | 26.05.2014         | San Fernando Magistrate's Court (old) | Non-functional A/C system on 1 <sup>st</sup> Floor due to electrical system challenges (Section 36). Natural ventilation employed (Building no longer in use, as the Court relocated to new premises.)                        |
| 11  | 03.11.2014         | San Fernando Magistrate's Court (old) | Re-Inspection- Issue of poor Ventilation - Improvement Notice served. (Building no longer in use, as the Court relocated to new premises.)  |
| 12  | 16.03.2015         | San Fernando Magistrate's Court (old) | Inspection of demolition works for the removal of roof sheets containing asbestos at the old Court Section 6(2) Management plan requested for abatement. (Building no longer in use, as the Court relocated to new premises.) |
| 13  | 02.12.2015         | Pembroke Court – CPIU                 | Inspection on behalf of PRES D- report indicated that there was no Fire Certificate and related fire safety equipment (Section 26).   |

| <b>No.</b> | <b>Date of Inspection</b> | <b>Site/Location</b>  | <b>Findings and Recommendations of Inspection</b>   |
|------------|---------------------------|---|---|
| <b>14</b>  | 24.02.2016                | Tunapuna Magistrate's Court                                     | Complaint received from another occupier of the building, regarding sewerage issue at the facility housing Court. Matter was addressed. At time of inspection in July 2019 there was no evidence of the issue resurfacing.  |
| <b>15</b>  | 19.04.2016                | Madinah Building  | Inspection - report indicated that there was limited ventilation due to non-functional A/C unit - (Section 36), Leaks (Section 6(2)(a), Fire & Life Safety (Section 26). Issues were rectified by the Landlord.   |
| <b>16</b>  | 07.11.2016                | Family Court  | Inspection on behalf of PRES D – report indicated that there was a lack of a Fire Certificate (Section 26) and need for updated Electrical certification and Emergency response plan (Section 8(2)).  |
| <b>17</b>  | 09.08.2017                | HR/Accounts   | Inspection findings revealed that there was an issue of ventilation and contaminant on wall from A/C malfunction and condensation (Section 36). Issues were rectified.  |
| <b>18</b>  | 25.10.2017                | Arima Magistrate's Court  | Inspection conducted on behalf of PRES D- Findings reported as at Item 3, below.  |
| <b>19</b>  | 27.10.2017                | Sangre Grande Magistrate's Court For Continued Lease and Rental | Inspection conducted on behalf of PRES D- the report indicated that there was no Fire or Electrical Certification with related provisions (Section 6(2) and Section 26) Housekeeping (Section 6(2)(a)). Approval was not given by OSHA as these issues have not been rectified to date. |
| <b>20</b>  | 08.05.2018                | Thomas and Sons Building  | Inspection conducted on behalf of PRES D- the reported indicated that   |

| No. | Date of Inspection | Site/Location                            | Findings and Recommendations of Inspection   |
|-----|--------------------|--|--|
|     |                    | Administrative                           | there was no Electrical Certification. Re-Inspection to be conducted by OSHA.  |
| 21  | 06.06.2018         | Hall of Justice – Knox St. Port of Spain | Inspection revealed that there was a hole in the ceiling in the Records Management room (Section 6(2)) Wooden railing in Family Court was in disrepair (Section 6(2)(a)). Ventilation was inadequate in areas (Section 36) No fire certificate (Section 26) and there is a need for servicing of fire equipment.   |
| 22  | 07.09.2018         | Madinah Building                         | Re- Inspection: Limited ventilation due to non-functional A/C unit (S 36) Leaks – which can contribute to mold growth (Sections 6(2)(a) & 31(b).<br><br>3 Improvements Notices Issued:<br><br>Ventilation – Notice lifted<br><br>Leaks – Notice lifted<br><br>Fire Certification – Notice not lifted, issue not rectified to date.   |
| 23  | 13.02.2019         | San Fernando Supreme Court               | Inspection Findings - here was no documentary evidence of the following: Risk Assessments conducted, Emergency Response Plan, Health Surveillance, Safety Committee, Electrical Inspectorate certification, Fire Certification, Emergency drills conducted. Documentation was subsequently received, except for the Fire certification which is still outstanding to date.<br><br>Blocked exits were identified and there was evidence of rodents at the site. The Judiciary has since |

| <b>No.</b> | <b>Date of Inspection</b>        | <b>Site/Location</b>                   | <b>Findings and Recommendations of Inspection</b>   |
|------------|----------------------------------|--|---|
|            |                                  |  | addressed the rodent issue by implementing a pest control plan.   |
| <b>24</b>  | September 19 <sup>th</sup> 2017. | Calder Hall Scarborough Tobago - Court | Inspection on behalf of PRESD – report indicated that there were unsecured electrical wiring (Section 6(2)). Construction work was still in progress. |
| <b>25</b>  | April 16 <sup>th</sup> 2018.     | Calder Hall Scarborough Tobago         | Re-Inspection – Construction work still in progress.  |
| <b>26</b>  | February 15 2019                 | Calder Hall Scarborough Tobago         | Re-inspection – Traffic Management Action required for vehicular and pedestrian traffic (section 6 (2))   |
| <b>27</b>  | April 16 <sup>th</sup> 2019      | Calder Hall Scarborough Tobago         | Re-Inspection on behalf of PRESD – Approval granted under Section 57(1)   |