

*Leave of Absence**Friday, December 11, 2009***HOUSE OF REPRESENTATIVES***Friday, December 11, 2009*

The House met at 1.30 p.m.

**PRAYERS**[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I have received one notice from the hon. Mrs. Kamla Persad-Bissessar, Member for Siparia, requesting leave of absence from today's sitting of the House. The leave which the hon. Member seeks is granted.

**PAPER LAID**

Report of the Eastern Regional Health Authority for the period October 01, 2008 to September 30, 2009. [*The Minister of Works and Transport (Hon. Colm Imbert)*]

**ORAL ANSWERS TO QUESTIONS**

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Speaker, notwithstanding the fact that the Member for Chaguanas West is not here, we do not have the answers. I am not sure that the Member for Oropouche West is deputized to do anything for the Member for Chaguanas West ever.

I ask for a deferral of two weeks, please.

*The following questions stood on the Order Paper in the name of Mr. Jack Warner (Chaguanas West):*

**Caribbean Games 2009  
(Budgetary Allocation)**

- 119.** Could the hon. Minister of Sport and Youth Affairs state:
- (a) the actual budgetary allocation that was set aside by his Ministry for the recently cancelled Caribbean Games 2009 which were scheduled to be held in Trinidad and Tobago from July 13—19;
  - (b) in light of the cancellation of the Caribbean Games 2009 because of the H1N1 outbreak, how much was actually spent in planning the event;
  - (c) if the excess budgetary allocation was utilized for other projects;
  - (d) if the answer to (c) is in the affirmative, provide a list of those projects and the amounts allocated to each; and
  - (e) if the answer is in the negative, indicate how such funds were utilized?

**Twenty-Twenty Champions League  
(Reward to Cricketers)**

- 120.** Could the hon. Minister of Sport and Youth Affairs state:
- (a) given the recent successful participation by Trinidad and Tobago in the Twenty-Twenty Champions League in India, whether his Ministry has proposed any financial or other reward to the cricketers and technical staff; and
  - (b) if the answer is in the affirmative, what is the reward and when would it be presented?

**Chief Magistrate Sherman Mc Nicholls  
(Legal Fees)**

- 121.** Could the hon. Minister of Sport and Youth Affairs confirm:
- (a) whether the State will pay or has paid the legal fees of the Chief Magistrate Sherman Mc Nicholls with respect to his appeal to the Privy Council on November 09; and
  - (b) whether the State paid the travel costs to London for local attorney Ian Benjamin relative to the appeal referred to at (a) above?

*Questions, by leave, deferred.*

**PROPERTY TAX BILL**

Bill to make provision for the assessment, rating and taxation of land and for matters incidental thereto [*Minister of Finance*]; read the first time.

**VALUATION OF LAND (AMDT.) BILL**

Bill to amend the Valuation of Land Act, Chap. 58:03 and to validate certain actions of the Commissioner of Valuations [*Minister of Finance*]; read the first time.

**PRISON (AMDT.) RULES**

**The Minister of State in the Ministry of National Security (Hon. Donna Cox):** Mr. Speaker, I beg to move the following Motion standing in the name of the Minister of National Security:

*Whereas* it is provided by section 17(1) of the Prisons Act, Chap. 13:01 that the Minister may, subject to affirmative resolution of Parliament, make Rules for the better carrying into effect of the provisions and purposes of the Act:

*And whereas* the Minister has on the 4th day of December, 2009 made the Prison (Amendment) Rules, 2009 (hereinafter referred to as "the Rules"):

*And whereas* the Rules have been laid before the House of Representatives and the Senate:

*And whereas* it is expedient that the Rules now be affirmed:

*Be it resolved* that the Prison (Amendment) Rules, 2009 be now affirmed.

Mr. Speaker, hon. Members, before you today is an amendment to the Prison Rules, Chap. 11 No. 7 published in the 1950 Laws of Trinidad and Tobago. These rules were made under the West Indian Prisons Act of 1838. More specifically, the Government is seeking to amend Rules 178 and 233(2) of these Prison Rules.

The Government is currently in the process of doing a total review of these Prison Rules and this process has been a long one. Some of the Rules are quite outdated, having been made originally under the 1838 West Indian Prisons Act and are therefore not in keeping with the Government's modern thrust from punitive to restorative justice. We wish to be thorough and wish to encapsulate this restorative penal philosophy and approach in the new Prison Rules which we propose to lay in Parliament sometime in the coming year.

The current climate, however, warrants that we take immediate action in two critical aspects of the Rules. While provision is made in the current draft rules for searching of officers, members of staff, members of the public as well for trafficking of prohibited articles, the Government has decided to take immediate action to deal with the problem concerning the issue of contraband in the nation's prisons. We are demonstrating this awareness today by the introduction of these amendments to tackle this issue head on.

It is proposed that Rule 178 be amended by providing for searches to be conducted by the Prison Supervisor or any other officer of a higher rank. What pertains now is that such searches can only be conducted by the Prison Superintendent and other officers of a higher rank. Only 14 officers currently have the authority to conduct such searches.

With the amendment, the Rule will now read as follows:

“Every officer or servant of the prison shall submit himself to be searched in prison if called upon to do so by a prison supervisor or any other officers of a higher rank.”

The amendment to Rule 178 will give the power to search to a larger body of officers, some 37 more, and will certainly go a long way in curbing the trafficking of prohibited and unauthorized articles in prison, as a wider net will be spread for those who are engaged in such nefarious activities. More officers being allowed to conduct such searches will undoubtedly mean a greater chance for detecting contraband items and identifying corrupt officers within the service.

A prison supervisor, unlike a prison superintendent, who works during the hours of 8.00 to 4.00 p.m., not including nightly visits, is directly in charge of supervising officers and inmates over any given 24-hour period and thus will be in the best position to know which of his officers will be involved in trafficking and what systems to put in place to best catch them in the act.

The Government also proposes to make amendments to the Prison Act and among these amendments will be an increase in the fines and penalties of a person caught in any prison, trafficking any prohibited items. This proposed imposition of stiffer penalties will mean nothing if the means of detecting infractions of prison rules are not improved.

Mr. Speaker, it is proposed that the present definition of prohibited articles that exists in Rule 233(2) of the Prison Rules be amended to include the words, "cellular phone" and "electronic devices", among the list of prohibited and unauthorized articles stated therein, thus facilitating the expressed prohibition of anyone entering a prison with such devices. The Rule will read as follows:

“No person shall, without authority, convey or throw into or deposit in a prison or convey or throw out of a prison or convey to any prisoner or deposit with a view to its coming into possession of any prisoner, any money, clothing, food, drink, tobacco, letter, paper, books, tools, cellphones and other electronic devices or other article whatever.

Anything so conveyed, deposited or thrown without authority shall be deemed to be a prohibited article and may be confiscated by the commissioner.”

The issue of contraband in prisons is a worldwide issue, particularly as it relates to cellphones. State prison officials in Sacramento, California, have confiscated 4,130 contraband cellphones this year, more than all those previous three years combined.

In the United Kingdom, for the 12 months prior to July this year, 255 phones were discovered at high security prisons, while jails with lower security reported finding 8,393. These figures reflect phones confiscated from visitors as well as those caught thrown over prison walls.

Regionally, statistics for this year so far show that, in Guyana, 80 cellphones were seized; in Turks and Caicos, 60 cellphones were confiscated; in the Bahamas, the figure was 80 and in Antigua and Barbuda, the number of cellphones intercepted was 150.

**Dr. Moonilal:** Will you repeat the figure for Trinidad and Tobago?

**Hon. D. Cox:** I am now going to Trinidad and Tobago. So I cannot repeat it. With respect to local statistics, between January 2008 and November 2009, 417 searches were conducted throughout seven prisons and the Youth Training Centre. A total of 1,143 cellphones were confiscated. This clearly shows that there is a serious security risk related to cellphones in the nation's prisons. There are instances whereby inmates smuggle the cellphones into the prisons. There are also cases where visitors and family members of inmates have attempted to smuggle cellphones into the prison and, in actual cases, have even sought to throw them over the walls of the prisons, some of which have been intercepted. Of course, there have been occasions where prison officers have been caught, while reporting for duty, attempting to smuggle cellphones and chargers and other items of contraband.

Gang leaders continue to run their organizations from within the prison walls, utilizing cellphones to manage their empires, to execute their rivals, to control and engage in money laundering and to orchestrate the commission of other reprehensible crimes such as kidnapping, extortion, coordination of smuggling contraband, planning escapes and witness intimidation.

Cellphones and other electronic devices present a legitimate danger to the lives of the officers and members of staff as well as the public, as threats have allegedly been made and carried out, sometimes with fatal consequences. Additionally, phones have been seized that possess camera, Internet, voice and video recording capabilities, which can be transmitted to other phones and electronic devices anywhere.

Such pursuits seriously compromise the safety and security of prison establishments. This criminal activity also serves to undermine national security and threaten the lives of the public as well as that of prison officers and members of staff.

More importantly, there is evidence to suggest that a few rogue officers are playing a major role in facilitating the trafficking of cellphones among the prison population, thereby endangering their colleagues and abdicating their duty to the State and citizens of Trinidad and Tobago.

These examples, therefore, serve to heighten the need to extend the power of searching of prison staff to prison supervisors and to make explicit reference to cellphones and electronic devices in the list of prohibited articles in the Prison

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Rules. This signifies the Government's determination and by extension the resolve of the prison service to expressly declare that these items will not be tolerated in the prisons under any circumstances.

I beg to move.

*Question proposed.*

**1.45 p.m.**

**Dr. Roodal Moonilal** (*Oropouche East*): Thank you very much, Mr. Speaker. This afternoon it is a pleasure to contribute on a Motion dealing with Rules to be affirmed; Rules laid in the House, regarding the prison; the Prison (Amdt.) Rules.

Maybe I should go back to the 1950 Trinidad and Tobago Regulations, which I had the opportunity to study, Chap 11:07, beginning with the Inspector of Prisons. I would not take you through that, but I would get to Rules 178 and 233, which are the subject of this Motion.

Mr. Speaker, I want to begin by placing on record, yet again, our concern about the knee-jerk reaction of the Government to dealing with very fundamental problems facing the national security sector. The prison sector constitutes an integral part of the Ministry of National Security, an integral aspect of our fight against crime and the criminal elements, particularly gang-related violence, murder, kidnapping, et cetera. Therefore, amending rules and amending legislation, particularly in the national security sector, should be something that we take very, very seriously and we approach in a very integral and comprehensive manner.

Our first issue with the Government today is really the piecemeal attempt to deal with problems facing the prison sector in national security. This Motion before us today, this one-page Motion, is pursuant to the responsibility of the Minister of National Security under the Prisons Act, Chap. 13:01 to provide and amend rules. The Minister is seeking to do two things, to amend Rule 178 and Rule 233. Our friend from Laventille East/Morvant, the Minister of State in the Ministry of National Security, spoke on these issues, but went further to flag and alert us to another piece of legislation, the amendment to the Prisons Act, that is also before us in the House, but not before us today.

Mr. Speaker, there can be no doubt that there exists a crisis in the prison system. Not one week will go by when we will not hear of some action taken by prison officers, either protesting their conditions of work or their terms of employment. We will read in the newspaper, as I did in preparation for today, an article from the *Trinidad Express* of November 08, 2009 which indicated that a prison officer was held with ganja and a cellphone.

A prison officer who was attached to the Maximum Security Prison remains in police custody as investigations continue into the reasons for him being in possession of a large quantity of marijuana, a cellphone, several cell phone chargers, packets of cigarettes and a number of razor blades. This is only one in a long list of incidents such as these, where prison officers are under suspicion for participating in that process of allowing prisoners the use of cellular phones.

The Minister alerted us to this when the Minister gave us some statistics. Unless I misread the statistics, which we got today, in Trinidad and Tobago for the period January 2008 to November 2009, after 417 searches, they found 1,143 cellular phones. That is 1,100 cellphones were found during these searches. That number is higher than the numbers the Minister called for Guyana, Turks and Caicos and some other place. It is higher. This suggests that there is something very, very serious taking place between visitors and officers or servants of the prison. I believe that is how they are referred to in some of the rules. There is trafficking of cellular phones and electronic devices.

I think the Motion before us also addresses the issue of electronic devices; although I do not think we got much of an explanation of what would be the electronic devices we are contemplating. Clearly, there is a need to look at the structure of the prison and at the Ministry of National Security, to see whether or not there are some systematic and structural features that permit this. By amending the rules, that may be one positive step. Really, there is not much positive steps that you can argue to say that you do not support it necessarily, but clearly there is a deeper issue of management that you can have a finding of 1,100 cellular phones that are illegal and should not be there between visitors and servants of the prison.

It would have been proper and useful for the Minister to indicate, whether or not, such an evaluation of the management of the prisons has been undertaken and whether or not the Government contemplates some new policy framework to revamping and restructuring the management of the prisons. Because those of us on this side will argue that is the key problem; restructuring the management of the Prison Service of Trinidad and Tobago. That, to us, is the problem and not just looking for cellphones or electronic devices, but revamping the management. When you find prison officers with ganja, cellphones and razor blades, it is not just the issue of search and the power to search, but there are deeper issues of discipline, policy and of putting in place systems to monitor and pick up rogue elements in the prison.

Mr. Speaker, it was the United States Department of State that did a report on March 06, 2007 entitled "Bureau of Democracy Human Rights and Labour on the National Security Sector of Trinidad and Tobago, as it relates to human rights and

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labour rights. I will draw your attention to one area in the report that dealt specifically with prisons and detention centre conditions. The report states that conditions in the prison system's eight facilities were somewhat upgraded but continue to be harsh and that the number of prisoners at the Port of Spain Prison, originally designed to accommodate 250 inmates, was reduced from 650 to 554 and also that the number of prisoners in each 10 by 10 foot cell remained at five. Staff shortages compelled the prison service to limit the "airing" time. I imagine that is the time the prisoners go out in the courtyard or whatever. They had to limit the time for airing of prisoner because of a staff shortage. This issue served as the basis of a complaint filed at the prison service by death row inmate Aladdin Mohammed, which was still pending.

According to authorities in Trinidad and Tobago, at year's end, they had brought charges against 23 prison officers for assault and battery for poor work conduct on the job, including possession of narcotics and provision of cellphones to inmates. This matter became the subject of an international report of the United States Department of State, which is also laid in the Congress in Washington, which highlighted this crisis in Trinidad and Tobago of staff shortage, the provision of cellphones and weapons and so on, to inmates at the country's jails and the possession of narcotics such as ganja and marijuana, which I quoted from a newspaper article earlier.

It went on to state that in August and September, inmates at the remand section at Golden Grove Prison rioted over poor prison conditions, including alleged beatings by prison officers, bad food, denial of visits by relatives and an order depriving inmates of their cellphones. This one is a bit curious. The cellphones were illegal, you should not have them in prison, but the prisoners took strike action to protest an order depriving inmates of their cellphones. What was the situation before this Motion? Is it that the prison authorities allowed, in certain circumstances, inmates to use cellphones in the first place and that caused them to riot when they were denied the use of their cellphones and chargers? That is why the Minister moved, albeit a couple years later, to amend the Rules that we are here today to affirm. Two or three years ago, we took note of the problem of cellphone use by prisoners.

Mr. Speaker, it went on to state also that in March, authorities charged a prison guard—this is a separate incident to the one I spoke of earlier—with intent to sell marijuana in the prison. We have now prison officers who might be in business, conducting some type of business in the prisons or selling "weed".

The Commissioner of Prisons told a parliamentary committee that a rogue element of prison guards regularly traffic in drugs, cellphones and weapons. The Minister is here today and she should give us an account on whether or not the Ministry has taken



action and if so, what action to deal with this rogue element of prison guards. What action has been taken to deal with this rogue element in the prison service?

In August and September, inmates in the remand section rioted over poor conditions. Faced with this situation of near anarchy, the Commissioner of Prisons entered into direct negotiations with the inmates. This is a fascinating matter. The Commissioner of Prisons entered into negotiations with the inmates. That is collective bargaining with prisoners. What happened to the Association of Prison Officers? Where were they? Could you have a valid and legally-binding agreement with inmates? If you would have with—what do you call them—community leaders, it was not binding. I imagine all the parties to that, except one, is dead; it is not that I wish that one should be dead. The parties to that agreement all died. Is this now a similar situation, where there is a policy directive from up high, that the Commissioner of Prisons could enter into negotiations with inmates? This is a frightening matter; the Prime Minister entering into negotiations with community leaders and the Commissioner of Prisons entering into negotiations with inmates. The Prison Officers Association, rightly, criticized this initiative and called for a prison guard sick out.

The long and short is that relations between the Association of Prison Officers and the prison hierarchy has more or less collapsed. We are reading so much press conference reports and newspaper articles about the poor relationship between the Association of Prison Officers and the Commissioner of Prisons who is in charge of the jails and the services. That is an issue that the Minister of National Security and the Minister of State should take note of and use their office to build a more workable and harmonious relationship between the staff association, the Association of Prison Officers and the hierarchy of management in the prison service. That is a fundamental challenge facing the Ministry of National Security.

Mr. Speaker, the Government permitted prison visits by independent human rights observers and they ended by indicating that the situation has reached almost near anarchy—[*Desk thumping as Mr. Ramnath enters Chamber*]

**2.00 p.m.**

Mr. Speaker, may I on behalf of Members of both sides of the House, welcome the very distinguished Member for Couva South who has returned to us in good health and raring to go. [*Desk thumping*] I will now indicate to my counterparts opposite, that we may have an additional speaker this afternoon.

I have read from a report of the US Department of State indicating the crisis that exists in the nation's prisons. I put it to you that this measure before us is

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really the tip of the iceberg. It is really a measure that will not deal with these deeply engrained crises we face as we read the United States Agency report.

**Miss Cox:** Can you tell us the year of that report?

**Dr. R. Moonilal:** The report is dated March 06, 2007. The report deals with the years before, 2002—2005, et cetera.

Mr. Speaker, again, in preparation for this matter, I took the opportunity to look at some of the information available to the public from the Ministry of National Security. Now, in April, 2006, I think that was before the time of my friend, the Member for Laventille East/Morvant, but there was another very colourful Minister of State in that ministry. That Minister of State addressed a conference on Prison Reform 2007 at the Hilton Hotel in April 2006. This is from an address delivered by the Minister of State in the Ministry of National Security by the then hon. Minister Fitzgerald Hinds. I just want to put on record a few items raised because it dealt with prison reform.

The Minister indicated that proposals were at an advanced stage for the development of a prison complex on 100 acres of former Caroni (1975) lands to house a remand centre and a prohibited immigrant detention centre—I think that was opened recently—an inmate reception assessment centre, forensic unit, psychiatric unit, protective custody unit, a low security unit for elderly inmates and female juvenile facility, et cetera. On that occasion, he also mentioned the Prison Training College, and that was proposed under the Prison Training Academy to be constructed.

I would like the Minister of State in the Ministry of National Security, to give us an update on the extent to which this prison complex has been completed. Incidentally, I am aware of the Prohibited Immigrant Detection Centre. I think it was opened recently. We would like to get some information on whether the prison complex has been completed, including all the items listed in early 2007. We are entering 2010. To what extent has the ministry fulfilled its mandate in accordance with the pronouncements of Ministers before in terms of the development of the Prison Complex?

This is another relevant matter I wish to raise. On that occasion, the Minister indicated that Cabinet approved the creation of an additional 2,073 posts through the ranks of the prison service, including deputy commissioner, et cetera. The one that caught my attention was 24 prison supervisors. There is a reason prison supervisors will be important to us, since the Motion provides that prison supervisors have some powers under the rules and, at that time, Cabinet approved the creation of the positions of 25 prison supervisors. The first question is: Has the Ministry and the prison authority filled those positions?

Mr. Speaker, time and time again, what happens is that we create positions on the establishment and time goes by and those posts are never filled so we have vacancies. The US report pointed earlier to the staff shortage. Have we been able to fill those positions of prison supervisors? The prison supervisors and the higher ranks are the ones who are entrusted under the new rules pursuant to Rule 178. Let me just read Rule 178. I know some people may not be following, because we are dealing with rules made in 1950. Rule 178 of the Prisons Rules, Chap: 11; No. 7 says:

“Every officer or servant of the prison shall submit himself to be searched in the prison if called upon to do so by the Superintendent, or Deputy Superintendent, or an Assistant Superintendent.”

What we are doing today is deleting the words "Superintendent, or Deputy Superintendent or an Assistant Superintendent" and putting "prison supervisor or a higher rank". Another question I want to raise here for clarification is: What are the ranks that are higher? There are prison supervisors and there are 24 new posts. I imagine there are old posts as well, but tell us how many prison supervisors we have. What are the ranks that are higher?

In outlining the ranks in this paper presented to the conference of prison reform in 2007, I am seeing welfare officers, assistant chief welfare officer, and I am wondering whether assistant chief welfare officer and a welfare officer I and welfare officer II are higher than a prison supervisor. What is the responsibility of a prison welfare officer? Is the prison welfare officer being provided with the authority under these amended rules to conduct these searches? Is it ranked higher? Are they to search every officer or servant of the prison who submits himself to be searched by a welfare officer? I am not sure whether a welfare officer's role would be the same as a superintendent of police. They may have different responsibility training. I am not suggesting that a welfare officer is a cook or a cleaner or something like that. It is not a superintendent of police, or a deputy superintendent or a commissioner and so on. Could you just clarify for us who exactly will be empowered under these amended rules to undertake a search of every officer or servant of the prison?

Mr. Speaker, the other related matter we are dealing with is the rule which deals with prohibited articles and, particularly, 233(2). I would just read 233(2) and then we would look at the amended rule. It says:

“No person shall without authority convey or throw into, or deposit in a prison, or convey or throw out of a prison, or convey to any prisoner, or deposit with a view to its coming into the possession of any prisoner, any

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money, clothing, food, drink, tobacco, letter, paper, books, tools or other article whatever. Anything so conveyed, deposited or thrown without authority shall be deemed to be a prohibited article and may be confiscated by the Superintendent.”

Now, in the amended rule, we are inserting after the words "paper book, tools" the words "cellphones and other electronic devices". Imagine nothing is changing again in that sub rule. So, you are leaving it to be confiscated by the superintendent. I am saying that since you have widened the number of persons—the ranks of officers who can search—should you not also widen the number of ranks who could confiscate? Generally, you would search and confiscate in one action. What is going to happen is that people will be searching and they can spot a prohibited article and say: "Hold up" and get on a cellphone which they may borrow from a prisoner and call the superintendent and then confiscate. Let him come down here now and confiscate this.

It would have made more sense if the Minister and the Ministry had widened the number of officers who have the power to confiscate, since they are already widening the number of officers with the power to search. That was a proposal in our deliberations on this side. I thought we would make the proposal here to the Government and to the Minister of State in the Ministry of National Security, because to us that seems to be the logical extension of widening the powers of these officers having clarified who is a welfare officer and what these welfare officers will be doing at the prisons.

Mr. Speaker, these matters in the Motion, as the Minister quite rightly said, when you look at the 1950 regulations there are about 50 other provisions there that require amending like reference to the Colonial Secretary; reference to reports to London and the Queen and so on. [*Crosstalk*]

**Mr. B. Panday:** The Queen was here recently.

**Dr. R. Moonilal:** We could have asked the Member for Caroni East to make that representation on our behalf. Mr. Speaker, let me not be distracted. They provided a section here for food, clothing, bedding and so on, and when you read these rules and regulations you have the sense that these things from 1950 need to be amended. Amend all in one shot rather than come piecemeal with two little rules and bring us out on a Friday afternoon to debate them when the entire rules of 1950 must be amended. [*Desk thumping*] You could not see the wisdom of that. Let me indicate to you some of these rules that should be amended, because you did not see the wisdom left by yourself. For example, there is the rule which says that the hair and beard of a Mohammedan shall not be cut except on written order from a medical officer and so on.

**Hon. Members:** What is a Mohammedan?

**Dr. R. Moonilal:** Now, the distinguished Member for Caroni Central, being delayed by research on this matter, would address us on these issues. I am leading to another matter, but I want to use that to lead me. In the United States of America they have introduced regulations pertaining to the non-discrimination of inmates and that is what the Government of Trinidad and Tobago should address; a comprehensive revision of the rules to ensure non-discrimination of inmates regardless of race, religion, nationality, political belief, et cetera.

Mr. Speaker, I am not sure if those concepts and terms used in 1950 are still relevant today. They may not be relevant, not even the definitions and so on. It has every prisoner shall keep his cells and utensils, et cetera, but I just pointed out that we are already in violation of these prisons rules. When you hear of a 10 x 10 cell with five prisoners, you are already violating the rules. You must come with a comprehensive amendment, new rules. Repeal and replace the 1950 Prisons Rules, not only Nos. 178 and 233(2). I have already told you that even when you amend one of the rules, you did not amend it fully.

Mr. Speaker, I want to move on to another matter. These prisons regulations must also address new issues. Apart from the old issue of airing out time—now that is a next matter. They said that there is a staff shortage and they cannot air out prisoners and so on, because of that staff shortage. We do not know the nature of the shortage, but the prisons regulations must also guarantee prison officers security of their welfare, and this is a hot topic in Trinidad and Tobago.

**2.15 p.m.**

We are at a stage where prison officers are being killed, are being shot and are being assassinated. The Minister told us that criminal gang leaders in prison have now secluded themselves in VIP offices in the jail making cellular phone calls, using Internet services and electronic devices—and prison officers when they come outside they are not being provided with their weapon, firearm and so on, and they are now the subject of contract killing in Trinidad and Tobago. Prison officers have been gunned down in this country and what is the Government doing?

Two prison officers were killed recently and it was brought to the attention of the public that this may be related to matters inside the prison. When you have officers doing their best at the jail under very difficult working conditions and they finish their shift and go outside to be shot and killed, and the Government, apart from the normal attitudes of we are very sorry and we regret and the senior Minister well—not the senior Minister, I do not want to offend the Minister of

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State—the Minister of National Security will issue a statement to indicate that we feel so sorry and this will not be accepted. You know, every time a policeman is killed or a prison officer is killed, they say, "We will not accept that". How does that really work? It already happened and you accepted it. You cannot say you are not accepting it. You accepted it. Then somebody else is killed and the Government come and say, "We will not accept this, this cannot happen".

I think WPC Elizabeth Sunderland, I believe, was shot in Laventille a couple of years ago and the Minister of National Security said "We will not accept that", but we accepted it. Nothing happened! So, the prison officers are asking for the Ministry of National Security to provide guarantees for their safety. In some cases if they are officers who are in the line of fire and their security is at risk, they should be provided with firearms under certain conditions and circumstances, of course, so that they can protect themselves if the police service cannot protect them.

Prison officers should be provided with firearms when they leave the prison in a certain circumstance surrounding—not every single one, but clearly, you would have high risk prison officers or prison officers who have received threats from inmates. You all know the inmates. They know them; behind closed doors they know who is who. They know who is a gang leader and who is not a gang leader, who is responsible for so much X, Y and Z homicide and so on. So when a prison officer is threatened you know how serious you should take that and provide them with the requisite tools to defend themselves—firearm or whatever—because we have a manpower shortage, clearly, so I do not imagine that you could send guard by their houses to protect their families but give them the tools to protect themselves. That is what we are calling for.

Mr. Speaker, the other matter that prison officers are complaining about, and rules and regulations must address, is the amendments and stronger rules and regulations to protect prison officers from contagious diseases and from health hazards. We all know at the prison you have inmates there, who themselves are carriers of dangerous diseases, viruses and so on, and prison officers sometimes are exposed to such diseases. The prison officers have complained time and time again for better equipment, clothing, gloves, protective equipment and what have you. There are now new devices to be used in handling prisoners that will protect them from direct contact with prisoners where they can get contagious diseases and then the Ministry of National Security has a duty to protect the nation's prison officers.

When people do not apply to become prison officers you wonder why. How come nobody wants to be a prison officer? Do you think they want to leave their job at Golden Grove and go outside in the road and get shot and killed? Nobody

wants that. There is a spiralling downward effect of this poor governance, because when we do not get prison officers, you know what we do? We contract out services so you have contract officers coming into the prisons.

In this country a decision was taken a long time ago—I think it was in the first incarnation of the Member for San Fernando East—when they provided for prisoners transport. It was 1994, I believe, we were faced then with a crisis, the scale of what we see today, they went for the privatization of the prison transport system. Mr. Speaker, recently, did you see the figure that was in the newspaper? Ninety eight million dollars went to transporting prisoners. Now that is a very expensive taxi service, eh, to get \$98 million and people cannot get water to drink in this country. Ninety eight million dollars for private provision to transport prisoners.

We have called time and time again on this side for the Government to consider the establishment of a Magistrates' Court in the prison facility itself so you do not have to transport people anywhere. You do not have to get on the highway—you are driving on the highway it is very common—and suddenly a police car pull up behind you, you pull aside, dashing in the bush somewhere because 12 security vans—justice on wheels—passing and they nearly "lik" you down, they are going there with these prisoners and so on. [*Interruption*] Yes, because they cannot be late to go back. On the bus route is the same thing.

You are doing that and spending \$98 million when you can take that money—maybe less, maybe \$20 million, \$25 million, I do not know—and build on the compound or nearby a Magistrates' Court where these prisoners can go. You get up in the morning and in 15 minutes you get them into that court system, all you do is put the protection for the magistrates, court reporters, officers of the court and so on, and you conduct the business there. Ninety eight million dollars and that is an ongoing expense. When you build the Magistrates' Court in the jail you would just have the recurrent expense every year of maintenance and so on, it will not be \$98 million like this.

So we call upon the Government to address this as a fundamental reform of the prison service, the construction of courts within the precincts of the compound or adjacent to the compound of the prison facilities itself.

Mr. Speaker, these are some of issues that we would like to put on the Table. They deal with the deeper crisis that we are facing and they deal with it in a more comprehensive manner as opposed to just putting in the rules that we "go" ban cellphone.

It was last year or the year before, I think 2007, there was a most fascinating development—at lunchtime on one of these one million talk show that is has in Trinidad—you know these talk shows now they dominate—

**Mr. Manning:** That is the news not talk show.

**Dr. R. Moonilal:** You are very familiar with that, you usually walk in yourself to talk. That day when I saw you with that "zug" up haircut, I know that there was some offending material on a talk show [*Laughter*] and that prevented you from getting a good finishing touch on that afro, you know. [*Laughter*] I think you should time those haircuts so that they are outside of the range.

But, anyway, Mr. Speaker, I will not allow the Member to distract me. [*Interruption*] I am saying that on a talk show in 2007, they interrupted the normal discussion to say, "We have an inmate on the line, there is a riot taking place at the prison, hold, we now have an inmate calling." The inmate was there calling and giving us a report on what is happening inside and which officers are there and so on. Now, it was most remarkable.

**Dr. Rafeeq:** On a cellphone?

**Dr. R. Moonilal:** On a cellular phone. It was most remarkable that in a time when we have technology available that, as you say, you can jam the cellular phones and so on, you can actually get technology in place with a radius that distracts and shut down frequency at a certain level for transmission on cellular phones.

You know in the United States Congress building—incidentally, 10 years ago when I visited the United States Congress they had that technology in place. You cannot use a cellular phone in the Congress. You are telling me with all of this money that you spent, that you threw away, you could not purchase the technology to go by the prison and say, "Look, these cellular phones are being used on a certain frequency, we will now put some mechanism in place so that cellular phones cannot be used" and the prison officers and the hierarchies of the prison can also use their radio system, because their radio system will operate on a different frequency.

If you have that technology available—let us assume that you have that technology available, why are inmates going with 1,700 cellular phones for? What are they going with 1,700 cellular phones for? What are they running, Digicel chaos inside there? Are they running a Bmobile booth? What are they doing with cellular phones inside there? Are they doing a promotion or something inside there? That is the technology that you need to put there so that that solves the problem once and for all, and there is a related technological problem that I want to raise with you.

I was very happy the Minister included in the amendment "electronic devices" and I also asked the Minister, what do you mean by electronic devices? Because those electronic devices are not the cellular phones, they are operating now with



modern palm devices, palm pilot and other small pieces of equipment that operate almost like pocket PCs—

**Dr. Rafeeq:** Pens.

**Dr. R. Moonilal:**—and their pen. In fact, they operate with small devices now that has Internet capability and you can be sending Internet messages outside without the use of a phone through a wireless process. A wireless process is linked to no local provider. A wireless process may be linked to America Online or some other provider.

There is a point at which these devices are so sophisticated that unless you get the equipment to track their frequency level and short-circuit them there, they will continue to bring in all types of devices that they can use.

I was following some news recently and in the United States they had arrested over there—I think it was in Manchester or Birmingham, one out of the two—persons who were in possession of equipment which is used, allegedly, for getting bombs and manufacturing bombs and they intercepted Internet email transmission between the persons who they arrested and another location, you know what? They had to decode messages. Persons were sending emails and in the emails they were talking about basic products that they buy at the supermarket, that they buy at the pharmacy at the corner, and it became obvious that why would people be sending Internet messages, talking about toothpaste and talking about shaving cream. But those products also have certain chemicals compositions and they were actually using a language to understand very sophisticated formula for the composition of certain equipment, bomb and so on.

[MADAM DEPUTY SPEAKER *in the Chair*]

**Mr. Imbert:** In that context, since you have been helpful in bringing us all up-to-date—[*Laughter*] No, it is a serious thing, are you supporting the banning of electronic devices and cellphones in the prison, in fact, exactly what we are seeking to do today?

**Dr. R. Moonilal:** Thank you very much, Madam Deputy Speaker. I said earlier, my position and our positions are as follows: While we understand the devices that are used and what they are used for, this is not the end. It is not even the beginning.

This is why before you ask that question—in fact you should direct that question to the Member for Princes Town North. The Member for Princes Town North will speak later in the proceedings and will indicate the amendments that we are suggesting and be in a position to tell you, what, and if we get—[*Laughter and crosstalk*] I do not want to take the wind out of his sails, but when he indicates

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to you the provisions, if you are willing to amend the Prison Rules 1950 to provide for the amendments being proposed by the Member for Princes Town North, I am sure the Opposition will be supporting you, so let us proceed. [*Interruption*]

Madam Deputy Speaker, the Government should understand what these electronic devices are and how they can be used, because today you do not have to take a cellphone and call somebody and say "Go and kill person A or B". You can send coded messages on the Internet. You can send them on all types of small devices that you can actually hook to or jump to other devices in a building.

**2.30 p.m.**

Madam Deputy Speaker, you know I am an amateur "tech buff" and in reading some of these PC magazines, you will understand that with small devices which themselves do not have the capacity for wireless transmission, you can sort of hook them onto other devices in a building and use somebody else's device to send messages. You can use somebody else's device to send messages, and I will give one example when we are through.

**Madam Deputy Speaker:** Hon. Members, the speaking time of the hon. Member has expired.

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. [*Dr. H. Rafeeq*]

*Question put and agreed to.*

**Dr. R. Moonilal:** Madam Deputy Speaker, I do not expect my friends opposite to understand what we are talking about here. I do not expect them to understand because you see—okay, I will come back to telephone booth which you might understand a little better. The telephone booth! Let us go back to the telephone booth—[*Interruption*]

**Mr. Bharath:** Start with the pigeon.

**Dr. R. Moonilal:**—where you take 25 cents and push it inside there and bring it down, because that is where you are. You are there, where you load up 25 cents in a telephone booth and talk. I am saying today, if you put a device here in this House and you enable Bluetooth, you can find every electronic device in this House which are also Bluetooth enabled, and if one person makes a mistake, it may not be a mistake for the prison, but here, if one person makes a mistake to accept a message, you will be transmitting messages among persons in the same compound, Bluetooth enabled devices.

So, do you know what you have to do now? One inmate gets his hands on a device, Bluetooth enabled, sends it to a prison officer or to someone near that compound where that device is enabled, but outside the compound, and a message goes easy. That is not cellphone, because the wall is not stopping the messages. But what I am saying, is that if you have a person nearby with one device and you have a device in the hand, it is better to think of breaking down the frequency being used for that, than to go and search in everybody's pockets, in their rooms, in their cells to see if you could find the device. That is just one example. I do not want to say much more about that because they may discover a way to get information from other people around the Parliament with Bluetooth-enabled devices, and I do not want to say more about that. But that is the danger posed by some of these electronic devices.

So the Government needs to really look at obtaining equipment to distort frequency, rather than just looking at the long time way of going and searching and confiscating because these cellphone devices, some of them are \$100. You cannot search enough, they will always have. I mean, when you tell me in Parliament today, 1,100 cellular phones you seized— I mean eleven hundred.

**Hon. Member:** That is what they found.

**Dr. R. Moonilal:** That is what you found. That is not how many they had. That is how many you found. So they may have about 3,000 cellular phones. Just breakdown the frequency, distort it, and that is the end of cellular use. You can continue to search because there are other things. You do not want them to have a cellular phone for other reasons, but you can continue to search. Use the technology that is today's old technology, not new technology. That is old. That technology is 10 years, 15 years old. Use it to deal with your problem, rather than come and tell us that we are amending so that we could take away a cellphone, we could take away a palm pilot or something like that in possession.

You see, Madam Deputy Speaker, the criminal elements always appear to be one step ahead. The Government has already admitted that in another place, that every time you try to do A, they are already one step ahead, they are doing B. At one time they were bothered about witness not testifying, so they say, "Well, these people looking to kill witness". The criminal elements say, "Nah, we ain't killing witness now, we are killing dey family". "So witness alive, but dey ain't testifying." They will recant in the court because their life is not at stake, it is their loved ones. You cannot provide a witness protection programme for everybody related to a witness. It is not feasible, it is not sustainable. So the criminal mind is generally ahead of the game and the Government needs to be ahead of the game,

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and amending 178 and 233(2) is not enough as simply put. In a way, you are stumbling in the right direction. You are stumbling in the right direction in fairness to you, but we need to go many, many steps further and that really is the position of the Opposition in this matter.

There are a few related matters I will just raise in my brief of 30 pages. The matter I wanted to ask concerns drug testing. Given that there have been several arrests in the past of officers engaged in providing drugs and so on, I read at the beginning, I wanted to ask the Minister to indicate to us where those illicit items, drugs and so on, would be taken for testing? I have raised the issue of the diseases and so on, so I will not detain the House with that. The Minister alerted us to a matter in the beginning, so there is no need to. I think on a later occasion, we will meet to discuss the amendment to the Prisons Act, Chap. 13:01. The legislation, safety of prison officers, prison conditions and so on, and the related matter—the other issue.

The Government today and the Government since 2002 has spoken at length about rehabilitation, about a philosophical movement between punishment and rehabilitation, and the Minister may also take a couple minutes to tell us what happened to this rehabilitation programme, what has been the success? The former Minister in the Ministry of National Security gave us a lot of speech about rehabilitation programmes and so on, and we would like the Government to update us, tell us what has been the status of these programmes, and what has been the status of programmes designed to prevent repeat offenders. That is an issue that we are very concerned with, repeat offenders. Because it is our information that a lot of persons when they are released from the jail, they go out into the society and two, three weeks later, they appear in the court again. Charged for what? A similar offence for which they have been released, whether they were convicted before or whether their case was thrown out. And what programmes are there in place to assist those persons, to keep in touch with them. We do not have here in this country a parole system. That is also a policy issue that we have been talking about for years, a system of parole where persons can come out, who do not need to be in jail necessarily, but in touch with authority through different levels of authority—

**Dr. Rafeeq:** Community service.

**Dr. R. Moonilal:**—and community service and so on. They can be in touch, so we can monitor them.

In fact, Madam Deputy Speaker, I do not know if it is in effect now, because I myself do not hang out too much with persons in this sector, but they have these devices now for ankle bracelet and so on that you keep on people when they are

released. You monitor their movement, you know where they are because they are on a parole system, or they are released into the custody of someone, whether it is community institutions, not only institutions, but persons, they are released into their custody and so on. Do we have those devices in the country? Is the Government considering that type of system as well? Because sometimes you have persons in the jail, who themselves are there for different offences and when they get in the jail they get "badder". That is when they get bad, because they meet seasoned criminals, murderers and so on, kidnappers, and they go in there for some fraud. They changed a signature on a cheque for \$20,000, so they go in there for three months, and when they go in there for three months, they come outside now and kidnap and somebody by the ATM machine. So they stay in the bank, but from changing the signature on a cheque to kidnapping somebody by the ATM machine—because they learn that in jail.

So those persons should be given some sentence to do community service. Put an ankle bracelet or something on them. I do not know the level of technology available and so on, but there was this television show recently, I think it was White Collar, in which a criminal element who was involved in fraud and so on, was released into the custody of the FBI and would actually do some good. So sometimes when persons are released as well, they could do community service. They can help with churches, with social projects on the ground, with certain youth institutions and so on, schools. But once they have not been in jail for any kind of youth offending, they can help with that type of service. So community service is a very important area, and the Government can also tell us whether or not they have policies in place to deal with that.

Madam Deputy Speaker, the issue of social justice, the prison system is overburdened as we know. The Government announced quite in 2007, three years ago, the construction of this prison complex. We do not know where it is and when is it coming into being, all we know is that the Government continues to tell us the nature of that project, but like the Brian Lara Sports Complex, we have no clue of that.

There are several other areas to go in, but I want to wind up my contribution because I am sure my colleagues on this side will have much more to say, to indicate that one of the key problems facing us is that matter of industrial relations in the prison sector, between the prison association, staff association, prison officers association and the hierarchy of the service. The Government should use its authority through the Ministry to bring some peace, some harmony, some stability in that relationship. It does not augur well, when we hear that prison officers gone on strike. It does not augur well when we hear that because of this,

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inmates have cellphones, drugs and so on available to them, so that they can conduct illegal activities, unlawful activities while still in jail. That is not the condition that we would like to see continue.

The final issue, Madam Deputy Speaker, again, to call on the Government to make a policy statement on what efforts they are taking for prison officers to be provided with greater protection in the conduct of their duty, but also when they are off duty, when they go back to their homes, their communities and their villages and so on. And the Minister will tell us when we will hear of a complete revamping of this law from 1950, the 1950 rules and ordinance and provide us with modern rules and regulations to govern the prison service.

Madam Deputy Speaker, I thank you. [*Desk thumping*]

**The Parliamentary Secretary in the Ministry of Works and Transport (Mr. Nileung Hypolite):** Thank you kindly, Madam Deputy Speaker, and may I say on the onset, that I wholly and heartedly support the amendments to these proposed Rules.

This is a piece of legislation that will directly impact on the workings of the prison service, and it is only fair that I share with this honourable House, and the citizens of this country, very briefly the current information on Government's ongoing initiatives within the Trinidad and Tobago Prison Service.

**2.45 p.m.**

Madam Deputy Speaker, my colleague from Oropouche East spoke about piecemeal dealings within the Ministry of National Security. He spoke about prison reform. He spoke about policy directives with respect to negotiations with the inmates. He spoke about ranks and appointments within the prison service. He spoke about electronic devices. He spoke about a lot of things that we are quite aware of.

We on this side of the House are quite aware that there is something called prison reform and we are looking at it from a Government point of view. Maybe what the Member from Oropouche East was saying was that he either wanted to be on this side with us, as we continue to look at prison reform, or maybe he actually had his hands on our document and probably wanted to pre-empt exactly what we have to say. [*Crosstalk*]

Madam Deputy Speaker, we all know that a government's first duty is to provide security and safety for all its citizens. It is a duty that this Government holds firmly to and will not shirk, even though the challenges are many. We know of many challenges, but if it is one thing we are not about is to shift our responsibility on anybody or any other circumstance.

Government is very mindful of its responsibility to the nation. In this regard, it has crafted a strategic direction for national security from key policy statements articulated in the Vision 2020 Operational Plan and we have our 2007/2010 documents which clearly identify things like law, order and public safety, the importance of the features of a civilized society. In their absence, there is a general sense of fear and insecurity which acts as a barrier to development and enjoyment of life and property.

Under 2007/2010, we also speak about crime and antisocial behaviour having no place in the vision for Trinidad and Tobago, and giving all citizens the right to live without fear for their own safety and the safety of their families, their neighbours and others in their community. We also speak about the goal, as it is, to make Trinidad and Tobago a safe place to live, raise families, go to school, go to work, visit and do business. All citizens, especially our children, must be granted the freedom to enjoy life and achieve their full potential without fear and anxiety.

Madam Deputy Speaker, the Trinidad and Tobago Prison Service is responsible for the safe custody and rehabilitation of prisoners. Its function is to hold and treat persons in our institutions during their sentences. These inmates undergo major rehabilitative programmes which assist in their transformation. When they are released, after successful completion from the custodial care of the prisons, we expect them to have a brand new face as they enter a new life. We expect a stable life with no relapse into the negative criminal behaviour, which is known as recidivism.

The prison service operates under the Prisons Act, Chap. 13:01, the amendments of which I stand here today and fully support. While that is so, there are a number of achievements coming out of the prison service that one must identify with. There is the redress to the challenges in the system which manages that of the inmates. We have the effective system of treating inmates with a comprehensive environment which would facilitate transformation. We also have to look effectively at rehabilitating the inmates back to a law-abiding life, as they come back out facing this new life.

We also need to look at the effective rehabilitation that inmates will undergo through that of transformation. When I speak about transformation, we speak of the key treatment in the system which will see freedom of individuals. I also speak of the focus to bring about the psychological, mental, emotional and spiritual transformation of these inmates. Let us remember that there is negative behaviour and there are also positive modes of conduct. We need to transform these prisoners while inside there.

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These prison programmes that we have in place will see the reinforced laws that govern the behaviour within those institutions. For instance, the Member for Oropouche talked about a talk show programme which was cut short when someone reported that he was calling from within the prison. I have listened to a number of those morning programmes and you would hear people calling in and indicating that they are calling from within the prison walls. We are saying that must stop; that is exactly what we are about today. That is the start of putting an end to electronic devices entering our prisons and not being detected.

We have to look at our human beings as creatures of habit. We have to identify that there are good and bad habits. What is taking place right now within our prisons are not good habits, and they must come to an end.

There are negative patterns which tend to change during the holding and treating of those persons in prison. Those patterns must also come to an end. The only way of doing so is by way of transformation, which is an ongoing process by this Government in stopping some of those negatives issues.

Madam Deputy Speaker, any interruptions in positive action tends to disrupt the process. Again, we are about putting an end to that. Inmates tend to be setback and the rate of transformation tends to go at a particular rate. Therefore, the prison programme that we are looking at on this side is very comprehensive and not, as the Member for Oropouche indicated, a piecemeal deal, or however he classified it. It is a comprehensive programme that we are looking at. It is a well integrated, fundamental behaviour modification programme that would see the restorative justice model, which is key to the process of treating with the inmates.

When we look at the restorative justice model, one could speak about crime and the reducing crime rate. An article written by Julien Nieves on Wednesday, December 02, indicated that the police service had been reaping the rewards of community policing and that there had been a reduction of violence in crime hot spots. This was indicated by the Acting Commissioner of Police, while speaking at a joint select committee meeting at the Red House, about that rate. He also said that together with the citizen security programme, the police were able to do some work where gang members became involved in sports.

While the Commissioner of Police indicated the kind of interventions taking place within these crime hot spot areas, you also realized that there has been a reduction in crime. If you look at murders, you would realize that in 2008, in Port of Spain murders recorded were 152, whereby in North Eastern you have 82 and in Central, 47. That was in 2008. If I am to do a comparison to 2009, whereby in 2008 the murder figure recorded was 152, in 2009 it is 122.



**Hon. Member:** What is the point?

**Mr. N. Hypolite:** The point is, my dear friend, that you indicated that nothing was taking place by the Commissioner of Police and by the Ministry of National Security. What is taking place is a reduction in crime, which means that this Government, the Ministry of National Security and its agents, the police service, are doing their work.

**Mr. Sharma:** One hundred and twenty-two murders is good?

**Mr. N. Hypolite:** Of course, there are other agencies that support what is taking place right now. [*Crosstalk*]

When we look at clause 4 of the Bill, it ensures that there is a disincentive. This means that there is an increase in the fines for individuals who go outside there and try to get a number of these devices into our prisons. Anyone within, whether an inmate or visitor, is fined, once found guilty of trafficking any prohibited articles in any of our prisons. This is a way forward as a preventative cure or preventative measure towards bringing back some kind of order in our prisons.

**3.00 p.m.**

Madam Deputy Speaker, these prohibited articles will not allow transformation if we continue to allow these items to enter our prisons and, as such, we must put a stop to it. These articles will allow a continuation of the life of crime while within the prison and that must also stop.

Permit me to share that just about two days ago, speaking with someone within the constituency who indicated that he received a phone call around 7 o'clock a night asking him to try to get some people employed because in two months time he will be coming out of jail. So here it is at 7 o'clock one can get a telephone call from someone in prison indicating that in two months time he will be coming out of jail.

For him to get that cellphone in prison, it means someone must have carried it in for him, whether it be an officer or probably some visitor. We are saying that these persons must be searched and if found guilty be dealt with and as such put an end to that.

These prohibited items must be kept out of the prison community for the treatment of the individuals to be successful. That is why we are here today looking at these amendments as we move forward and look at the total reform of the prison service.

Madam Deputy Speaker, these items that enter the prison service are linked to elements of crime outside the prison. Why would someone inside the prison, one of the inmates, want to have a cellphone? It is to be linked with criminal activities on the outside and that must come to a stop. When the process of rehabilitation is interrupted, the risk of those cycles of crime continuing within the prison tend to increase and that must stop.

While we look at clause 5 of the Bill whereby it allows the Minister to make additional rules in these areas, conducting searches of officers, servants of the prison and the visitors to prisons, as well as compulsory drug testing of prisoners, are all measures to put an end to the question of having electronic devices and other items entering our prisons.

Madam Deputy Speaker, we are a responsible Government and we take our jobs seriously. We know that we have to hold and treat with our citizens who are offenders of our laws. We have to deal with them, we have to treat with them and do a bit of transformation. We know that we must effectively remove these unwarranted interventions and as such, have the process of change take place.

Madam Deputy Speaker, we, as a responsible Government will make sure and continue to work and see the laws in the whole transformation of inmates and the responsibility of citizens come to reality. The Minister of National Security has looked at all these interventions to continue to make sure that the transformation of our prison service takes place, and when we speak about transformation, some of the major initiatives undertaken to facilitate the transformation are as follows.

- We have the prison service established the penal reform and transformation unit dedicated to implementing the recommendations in the report;
- We also have a Prison's Training College established at Arima to facilitate the prison service training needs;
- We relocated the prison administration to a more suitable accommodation;
- A legal services unit was established to provide advice on all legal matters;
- We acquired a 100-acre plot at Caroni (1975) Limited for the construction of a new prison complex;
- We also conducted a number of vocational workshops and developed and implemented a correctional educational programme for all convicted inmates;
- We also, in partnership with the Ministry of Science, Technology and Tertiary Education, created the rehabilitating of inmates through training and retraining programmes.

These are some of the major initiatives undertaken by this PNM administration.  
[*Desk thumping*]

Madam Deputy Speaker, our prison system treats the offenders, the behaviour pattern and the negative choices and there is a fundamental change that must be made within this transformation. To effectively create the environment, we have a programme that uses a psychological intervention within the whole scope of prison transform. There is also a physical movement that is taking place so as to manage the whole system of transformation.

These are used to initiate change in the mind and in the decision making of the individual from negative to positive change. There must be no access to negative forces outside and within the institution and we are saying that we must act now and amend this Act.

Madam Deputy Speaker, we must secure the prisons and remove the negative forces from within and outside. The only way of doing that is in a controlled environment whereby we can remove those negative persons from having those devices enter our prisons.

The temptation of access to the inmates and links to them with any antisocial elements must be considered a breach in the law and the consequence must follow. One must commend the Minister of National Security for amending the Prisons Act to strengthen enforcement of persons who are complicit in taking the offender back to a life of crime. These amendments will go a long way in the transformation of the offenders so that on release, they can move on to productive activity.

Madam Deputy Speaker, the recent review of the crime statistics reveal that overall there has been a reduction in crime as I identified earlier on, and my colleague, the Member for Fyzabad, who for some reason does not ever like to hear the truth that there is a reduction, and just sharing through you, that maybe he is looking at what he himself faces on a daily basis when he has to face the courts. But my dear friend, there has been a reduction and we can see it, we can feel it in some of the hot spot areas and I speak specifically about Laventille West.  
[*Desk thumping*] There is a trend of calm that is blowing through that area at this point in time and we must give kudos where they are due.

Our police service is doing a lot of work; the Ministry of Sport and Youth Affairs, the Ministry of Community Development, Culture and Gender Affairs; the Ministry of Social Development are all doing much work and, as such, you are seeing a nice calm blowing through these hot spot areas.

Madam Deputy Speaker, I also want to add that the preventative measures of the People's National Movement administration are quite evident when one reviews the many programmes designed to prevent negative behaviour from developing in communities. I would like to say that a person does not have to find himself/herself in a prison. Why that is so, is because the Government of today has put in place a number of programmes and may I share with you, Madam Deputy Speaker, that from the age of five years to that of 11, one can join one of our paramilitary service organizations: the Girl Guides, Boy Scouts, Brownies, Red Cross, and Cub Scouts that can keep an individual active rather than sitting on the block liming.

Madam Deputy Speaker, the Member for Fyzabad seems like he has a lot to say, but there is an organization for you also, the Rangers, that he can also join.

**3.15 p.m.**

From age 11 to 25 there are other organizations that can keep an individual active. We have things like the Civilian Conservation Corps, the Military-Led Academic Training Programme (MILAT), the Military-Led Youth Programme for Apprenticeship and Reorientation Training (MYPART), the Trinidad and Tobago Cadet Force and the Sea Scouts. These are organizations that they can join to be active and not find themselves in prison where they have to get officers or other servants to bring in devices for them to use that should not be so.

Beyond the age of 25, there are the MuST Programme, the Youth Apprenticeship Programme in Agriculture (YAPA), YTEPP and a host of other programmes that can keep our young people active so as to not find themselves in prison. The Ministry of Sport and Youth Affairs has a lot of programmes in place. The Ministry of Community Development, Culture and Gender Affairs and the Ministry of Social Development are doing much work and putting in place a number of programmes to assist our young people so as to prevent them from that lifestyle of crime and finding themselves in our prisons.

There is also the Community Safety and Enhancement Programme (CSEP) under the Ministry of National Security that works with groups within various communities. They do mentorship programmes with them. They hold their hands and walk them through a number of sporting and mentorship programmes.

This Government has put a lot of things in place for young people as a preventive measure, so that those young girls and boys who decide to be on the block would not find themselves in prisons and having to find people to walk in with all kinds of devices to get themselves in more trouble.

We have to look at our anti-social behaviour. The anti-social behaviour of those persons can be short-circuited if only they partake in those programmes. The Ministry of Science, Technology and Tertiary Education has a lot of programmes in place that can keep our young people active. There is no reason for them to be on the streets, but many a reason to be on our football fields or in a classroom setting.

I say so because the Ministry of Sport and Youth Affairs is doing much work with our young people in terms of sports, football and cricket. [*Desk thumping*]

**Mr. Warner:** Thank you for giving way. You said football fields. Can you identify some of the fields to which you refer?

**Mr. N. Hypolite:** Madam Deputy Speaker, Laventille West has a number of football fields. Right now in an area called Pelican Extension there is a very comprehensive football competition taking place that goes on to February next year. In addition to that, we have the Erica Street Field in which a competition is taking place. [*Desk thumping*] The Ministry of Sport and Youth Affairs and its agency, the Sports Company, are heavily involved in assisting in ensuring that these programmes take place. These are considered challenged areas in which, believe it or not, take for instance in Pelican Extension you have competition starting or kicking off at 7 o'clock in the night and at 10 or 11 o'clock people leave to go home. That is something that never used to take place before, but it is now taking place in that same environment. Why? Because we have our young people who are engaged in these different programmes because they said to themselves, "We tired; we fed up; we no longer want to see the gates of a prison anymore." As such, they fall into these disciplines, sports and other programmes. [*Desk thumping*]

We can see a plan by this administration and Government for the reform of our prison service. We can see how we manage the prison; reform the service; hold and treat with our inmates; release the former inmate who is now a transformed individual; rehabilitate and continue to work at transforming the total person to be a productive citizen. That is what we want. We want these amendments to be accepted today, so that when someone comes out of the prison, he or she is a totally transformed person and in so doing prevent these articles as cellphones and electronic devices from entering our prisons.

As such, I wish to congratulate the Trinidad and Tobago Prison Service for the strides it has taken and being fully engaged in assisting the Government in achieving its goal of developed nation status by 2020. I also wish to congratulate

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the Member for Laventille East/Morvant for bringing this amendment to the House today and indicate to her that I stand here to support her with this amendment, as I also urge my colleagues on the other side to so do.

Thank you.

**Mr. Subhas Panday** (*Princes Town North*): Madam Deputy Speaker, what we are doing here today is something which we are taking steps which would not solve a problem. What we are speaking about today is amending two rules, 178 and 233.

Let us talk about rule 233 which says under the rubric of Prohibited Articles:

“No person shall have in his possession any unauthorised article and any such article found in possession of a prisoner shall be deemed to be a prohibited article and may be confiscated by the superintendent.”

Rule 233(2) says and this is where the amendment takes place:

“No person shall without authority convey or throw into, or deposit in a prison, or convey or throw out of a prison or convey to any prisoner, or deposit with a view to his coming into the possession of any prisoner, any money, clothing, food, drink, tobacco, letter, paper, books, tools or other article whatever.”

Are we trying to fool the population that we are doing something? Madam Deputy Speaker, as you know, in law when we speak about prisoner, any money, clothing, food, drink, tobacco, letter, paper and books, we probably apply the generis rule. We say we had to introduce cellphone because it does not fall within the legal concept of the generis rule. The regulation is as such which says "or any article whatsoever". It cuts away from the generis rule in statutory interpretation and opens it and says "any article whatsoever". In those circumstances any article whatsoever would have included cellphone or electronic equipment.

Are we mamaguying the population that we are doing something? You came Wednesday and laid this in the House. This was such an urgent matter that it must be debated on Friday. I am showing here that the regulations, as they stand, take into consideration the question of cellphone and electronic equipment. Since it adds nothing to the regulation, there is nothing to which to object. Our position is that there is nothing to object to because we feel that it is there already and you are merely putting this for "pappyshow". Hear what it says:

“Anything so conveyed, deposited or thrown without authority shall be deemed to be a prohibited article and may be confiscated by the Superintendent.”

When one looks at the law here, it does not go back into the first section of the regulation, but it says "anything so conveyed, deposited or thrown without authority can be confiscated." What are we doing here today? We should be debating the other Bill, the Prisons (Amdt.) Bill.

When the hon. Member for Laventille East/Morvant, the Minister of State in the Ministry of National Security spoke, she gave the impression that this is the panacea to deal with the problem. Who advised the hon. Minister on this, does not know what happens. The question is that this old archaic law has been abused and the whole section should have been redrafted.

**3.30 p.m.**

The hon. Minister spoke about someone coming to visit the prisoner or the prison officer. The question is: What is the practice in visiting a prisoner at any jail? The practice is that a prison officer stands there; the prisoner is behind a wire mesh or glass barrier; the relatives or persons come on the other side and speak to the prisoner. There is no opportunity for a visitor to pass underhand any cellphone because the inmate is brought from the prison in the company of prison officers and are kept there. This old archaic nonsense may have been under a different system, but we have a new system now and we are merely adding to old regulations.

Let us take the other one. I am certain that Members would have heard about vaulting. Vaulting is when persons insert into their rectum cellphones and all these prohibitive articles and come into the jail with them. We are trying to pinpoint prison officers—yes, there are prison officers who do it—but there are certain prisoners who, when their cases are on remand, every week they want to go into the court. When they go into the court, they are no longer under the authority of the prison officers, but the police officers at the holding cells.

One asks the question: Are we trying to dry up a tributary when we are leaving the river to flood? We have to look at this in a holistic way. You cannot tell where they get these things. I am not making any accusations, but I am saying that not only prison officers are guilty of the transgressions with which we are trying to deal here. When they come to the prison, they make them squat. These men are so adept in their activity that nothing takes place and they go into the cells and continue as usual.

[MR. SPEAKER *in the Chair*]

We come here today to pass this Motion as though it will deal with everything. You will observe that very often police officers, who are attached to cell blocks at various courts, are charged with possession of marijuana, but there

is no offence in these regulations for police officers at holding cells to walk with five cellphones or whatever they want to walk with.

I humbly suggest that we take a holistic approach to deal with these problems and prevent them from going into the system. Therefore, this Motion, amending the 1838 West Indian Prisons Regulations, is really drafted for the West Indian Prisons Act, 1838. That is old time. Now prisoners have moved forward and we need modern systems to deal with it. We have to find a way immediately to buttress Regulation 233 to ensure that the objective is obtained.

The hon. Member for Oropouche indicated that we should have remand courts in the prisons. It is nice to put forward that brilliant idea, but one must look at the logistics of that, in that we have 42 courts in Trinidad. How will the remand system work between 8.00 and 9.00 in the morning? It may not be possible to deal with it.

**Mr. Parsanlal:** Are you disagreeing with that?

**Mr. S. Panday:** I am not disagreeing with it; it is a brilliant idea, but I am saying—[*Interruption*] I would not say totally impractical, but trying to put an additional view on the table. [*Interruption*] May or may not. I am not casting any aspersions or condemnation on any contribution made in the House on this issue because it is so serious. When one reads the articles, one sees that hit jobs have been ordered from inside the cell walls. We need to look at these problems as a nation; all of us coming together to deal with the problem. Hence the Motion and the debate should not be acrimonious, but all of us doing our part to solve crime.

**Mr. Parsanlal:** It was not meant to be acrimonious. I was saying that the suggestion that we have one court at the remand yard, while it may be a good idea, in principle, is a little impractical. I was not being acrimonious at all.

**Mr. S. Panday:** There may be a system where there are a number of rooms at the remand yard, each room for a special court—San Fernando First Court for all the courts in San Fernando, all in Arima and so forth, and have video conferencing. The way we set it up, between 9.00 to 3.00, or 9.00 to 4.00, there is professional time when magistrates should sit and work.

You have to devise a system that does not prevent the court from working. Therefore, the Magistracy starts say about 8.00 or 8.15, maybe the Clerk of the Peace and the attorney-at-law for the defence could come together and video conference, so that you can determine what date you want and the prisoner brought on the date on which the case is tried. We need a number of rooms to have it done properly. This is merely a suggestion.



Sometimes you hear that when a prisoner is remanded, he asks for a date. Usually, for an indictable matter, the statutory period is nine or 10 days and seven days for summary. He will say he does not want that date and ask to be given one week after. The court asks why and there is no answer, but we as people should know why.

There was a gentleman in the Princes Town Magistrates' Courts who was charged with murder and obscene language. He has been committed to stand trial at the Assizes for murder and the magistrate only gave him bail in the case for obscene language. He said he did not want bail; he wanted to come back every week. So every week he is coming down. The magistrate has found himself in a quandary.

They use the system; they beat the system, and we need to deal with this. For example, you may be getting cellphones out, but a prisoner in this position wants to come down every week. He can send a message with a man who is going down next week and who can demand that he go down every week and send a message out.

When we are trying to plug sending things over, I humbly submit—I would not say it is simplistic, but it is insufficient. We need to take a holistic view of dealing with these problems. Maybe if you have such a system in place then we could break the statutory requirement that once you are in custody, you must face the court every seven or nine days by giving him an opportunity to face the court without having to come to the court.

Another issue is that "no person shall, without authority, convey or throw...or deposit...of any prisoner". In this debate, we say nobody shall throw or convey over the prison wall. This Motion is only dealing with activities that take place in the prison and not the same activities that could take place outside the prison walls. That is the reason for that argument.

Since the focus of the hon. Minister was targeting prison officers, there are good prison offices and you may find a few bad ones. Why are these prison officers doing this? Has it been happening before and it has now become blatant? Have we analyzed it or done any research? I would have thought that the hon. Member for Laventille West would have told this honourable House what he thinks causes the prison officers to do what they do. Everybody will say greed, trying to make a quick buck or a ready market, but that is superficial to the issue.

We need to review the whole prison system and that includes the recruitment of officers, the salaries paid and the promotion of officers. That is a very important aspect. For a prison officer, for example, we should ensure, like in the police service, there is a lie detector test, a psychological analysis, checking family backgrounds, getting the village to give recommendations. Maybe that is the way to go.

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When we recruit these officers, we must give them the respect they deserve. We must put them on a pedestal and lift their status, so that they will feel proud about their jobs. We have passed a lot of legislation dealing with the police trying to detect, solve and prosecute crime, and we have brought to this House legislation dealing with the police. The police have been given a reasonable salary. Although we feel it is not good enough, police officers who have to put their lives on the line should be paid more. We must pay them sufficient so that they will be able to pay their rents, purchase their food and live a comfortable life. We say the same thing must be done with prison officers.

**3.45 p.m.**

Mr. Speaker, we believe that dealing with crime was the control, detection and prosecution of crime and that was the only angle. What we have found out is that after the persons have been charged and are placed in custody, crimes take place. We feel, as I have said, that we should be looking, not only at Chap. 13:01, but at the Prison Service Act, Chap. 13:02.

In 2006, we passed the Police Service (Amdt.) Bill, the Constitution (Amdt.) Bill and the Police Complaints Authority Bill; all to put the police service on a sound footing. What have we done to the prisons? We have left the prison officers to languish and they themselves probably feel after a period of time: "The Government does not care about us, the society does not care about us, nobody is looking out for us and maybe nobody is looking at us." Hence, they find the opportunity to do what they are doing.

Mr. Speaker, when one compares the Police Service Act, Chap. 15:01, to the Prison Service Act, Chap. 13:02, one would see that there is a great disparity. We need to revise the Prison Service Act. We need to give the Commissioner of Prisons the same powers which we have given the Commissioner of Police. The Act has given wide powers to the Police Service Commissioner to deal with the management of the police service. I humbly suggest that we should revise the Prison Service Act, so that we may give the Commissioner of Prisons the power to deal with the prison service as he sees fit.

It may be necessary to also consider wages for prison officers. Are prison officers forced to do what they are doing because of the low salaries? For example, a Prison Officer I is in range 21. I think that is less than a primary school teacher. He is in range 21 and he has to stay there for five years before he can move up into the other range. When he moves up to the other range, after five years as a Prison Officer I, he goes to range 24. The salary structure of the prison

service should be reviewed, so that prison officers would be so well compensated that they will not have the need to do what they are doing. If, after we compensate them to that extent, they still persist in that way, then they are really rotten and we should then pass laws to deal with them severely.

It may be necessary also to look at the system of recruitment and promotion. Do you know, while we are arguing for promotion in the police service, there was a prison officer who served the prison service for 33 years and was never promoted? I am certain that there are many prison officers who are in that same position. [*Interruption*]

**Hon. Member:** Is that the case with Anand Ramlogan?

**Mr. S. Panday:** Yes, that is a case they took up. When he was promoted, he had reached retirement age.

We cannot place heavy responsibilities on prison officers, while not giving them proper remuneration and also promotion. I humbly submit to the hon. Minister of National Security that what we need to do is to immediately review the Prison Service Act, Chap. 13:02, with immediate effect, so that we will make rules and regulations and modernize the laws of the prison service to bring it in line with the police service. The hon. Minister of National Security, on every occasion, has come before this House and all he has been concentrating on is the police, the police, the police and no emphasis or thought, it would appear, has been given to the prison service.

Can you imagine a prison officer worked his whole life in the prison service, had good commendations and was never promoted? That person must feel a sense of dejection, frustration and could be driven to perform these activities. We feel that needs to be done.

In addition to that, when one looks at this regulation, one really feels to laugh. Hon. Minister, in 2009, going to 2010, you have come before this honourable House to make rules made by the Governor and the Executive Council, under the West Indian Prison Act of 1838 R&2 Victoria G67, made in the days of, not Queen Elizabeth, not King George, but Queen Victoria. Queen Victoria legislation! You have come here today with this. We should be ashamed of ourselves to come to tinker with the regulations of Queen Victoria and with just two rules. These regulations need to be revamped. The Minister has not thought this out really good.

It speaks here about the Superintendent reporting to the Colonial Secretary, et cetera. It speaks of a case in Rule 26 where the Superintendent shall, without

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delay, report to the Colonial Secretary any case of insanity or upon insanity occurring, remove among prisoners or any case. It also speaks of if the medical officer is of the opinion that the mental state of any prisoner is becoming impaired. This is the nonsense we are still labouring under.

It speaks about another situation, where if a prisoner has to complain about— what I am speaking about is why we have found ourselves in this situation— prison brutality. What does he do? An officer of the prison will come and he will speak to that superintendent and the superintendent shall take whatever action necessary after investigation. How could a prisoner complain to a prison officer and hope to get proper redress?

We humbly submit that we need a prison complaints authority. [*Interruption*]

**Mr. Imbert:** I thank the Member for giving way. [*Interruption*] Anytime you all give way to me I am happy. It is the intention of the Government to debate amendments to the parent Act early in the next session which will begin around January 10. [*Interruption*] I am just telling you that it is the intention of the Government to debate amendments to the present Act when we resume in the next session, which would be sometime after January 10. At that time, we hope to deal with all these issues that you are raising.

In addition, we could also take on board amendments to the Rules that you are proposing. I do not think it is practical or possible to do it now. For example, the creation of a prison complaints authority, I do not think that is something that should go in the Rules; it is something that should go in the parent Act.

**Mr. S. Panday:** It seems to me that as you try to be the master of everything, it really shows your ignorance of what we are talking about. What is happening here, Sir, is that it is saying here that the Superintendent of Prisons acts as a complaints authority. It says it here. [*Interruption*] There are other people here who can make good contributions. Let them make contributions. The Member for Princes Town South is a brilliant man. You wanted to speak because you have a mouth; nothing more than that. Did you read the Prison Regulations that we are considering? Did you observe, Sir, that the superintendent in these Regulations— [*Interruption*]

**Mr. Imbert:** That is an old format. We are going to change it.

**Mr. S. Panday:** Listen to a joke; the Government is complaining that they are labouring on an old format. Why did you not bring comprehensive review? [*Interruption*]

**Mr. Imbert:** We will.

**Mr. S. Panday:** Why then did you bring this half-baked amendment? I have already shown you this is really redundant. The Regulations, as it stands could deal with that issue. Therefore, if we are really interested in dealing with the issues we would have brought new and comprehensive regulations. We are merely tinkering with the Regulations and I have proven to you that it will not solve the problem in its entirety.

That hon. and distinguished Minister spoke about the intent to bring a prison complaints authority. Why is it that hits are being put out from prison? The cellphone is really a mechanism to carry out the *raison d'être* of the act.

I humbly submit, it seems to me that it is war in the prison. When you go to the prison it is enclosed and the prison officer says: "It is my place. You are under me now" and starts beating from "ah side without any rationale. Without rhyme or reason, men get licks. When men get licks like dat dey want to complain." When they want to complain and they feel that they are beaten for nothing, they become pent up and say: "I cyah take dis. I rather die than to be beaten in the prison by prison officers for nothing." We know that there are instances where prisoners are taken to the Royal Goal because they did something wrong. "When dey put him in de cell, next morning dey find him dead in de cell with his eyes out of his head, beaten all over his body to death." I would not call his name because I do not want to hold brief for him. When these things happen in prison and the prisoner cannot get any satisfaction he would say: "Look, you cyah hit me so."

We must realize the kind of people we are dealing with. That is how they send the message out. The cellphone is only a mechanism to take it out and without the cellphone you could still send the message.

**4.00 p.m.**

Mr. Speaker, that is why I am arguing that we need a prison complaints authority which is independent to deal with the issues of prisoners. The law imposes sentences on prisoners, and nobody can be annoyed or vexed when the court imposes sentences; nobody can be annoyed when the court imposes corporal punishment, but when the court does not impose corporal punishment, when they go to the prisons and they get corporal punishment, you have this thing taking place. We must deal with the root problem.

I am humbly submitting that prison officers often work in the prison, and they do not work outside. Their activities are only in the prisons, so they communicate

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with prisoners only in the prison. If an investigator reveals that it is an inside job, then it had to be from something which occurred in the prison. I do not know what has occurred in the prison. Prisoners have complained about being beaten and maltreated by prison officers. If we deal with that problem, then the cellphone issue might not come into play. That is the reason for raising this matter.

We have passed the Police Complaints Authority Act since 2006 and, to date, the director and assistant director for the Police Complaints Authority have not been appointed. Do you know that all the complaints that people have lodged with the Police Complaints Authority cannot be acted upon, because there is no functioning Police Complaints Authority?

Mr. Speaker, one wonders, is the Government, by its inactivity, creating a situation that creates crime? If a police officer beats you up and there is a Police Complaints Authority that is not functioning, when you make the complaint to the Police Complaints Authority, then nothing could happen. I do not know, perhaps, people take the law in their own hands and deal with the officers. We in the Parliament must ensure that all the legislation that we have passed to deal with crime and the criminal justice system are implemented. I want to ask the distinguished Member for Diego Martin North/East, why the director and the deputy director of the Police Complaints Authority have not been appointed? Member for Diego Martin North/East, do you want to answer?

**Mr. Imbert:** What was the question?

**Mr. S. Panday:** Why have the director and deputy director of the Police Complaints Authority have not been appointed?

**Mr. Imbert:** File a question.

**Mr. S. Panday:** He thinks it is a joke. Why people are killing police officers? They feel that the police are brutalizing them. Why do police have to be watching behind their backs all the time? There are no systems in place, and you are saying to file a question. You are talking about dealing with crime, and you brought this "sore foot" piece of regulation for us to support, to give the population the impression that we are dealing with the issue. Sorry, I withdraw "sore foot"; half-baked regulation. Mr. Speaker, until we deal with the prison service in a holistic view, I humbly submit that what we are doing here will not make any great difference.

Mr. Speaker, the hon. Member for Laventille West opened the debate, and I really do not want to come out of the ring to deal with any other issue, because I thought we need to deal with the Prison Rules issue. Mr. Speaker, just like the

Deputy Commissioner of Police when he was in a bow tie with a glass of wine in his hand, he repeated that the murder rate had been reduced from 500 and something to 400 and something. They are boasting about it. He came here today and boasted about the reduction in crime, but do not use statistics in that way to give the impression that you are doing something. We must look at the nature of the crime that is taking place.

Do you know that we have gone further down? Although the number may have decreased, you have children killing children in school. Look where the murder rate is going now! Children are murdering children in school! Mr. Speaker, the murder of one child is too much. The murder of one child is like the murder of one hundred other persons. We said that the future of our children is in their schoolbags, but it seems to me now that the lives of students are dependent upon the weapons that are in their school bags. So, you are boasting and saying that crime will go down next year, but we are saying to look at the type of crimes.

Mr. Speaker, the situation has become so bad that in Rio Claro in broad daylight—half past 10—the court is 35 to 40 feet from the police station—two police officers were escorting a prisoner in handcuff. When he came out of the court, two men were standing there with submachine guns and they gunned him down. That is the level crime has reached. That is the fright that is in the minds of people. So, when they come here today and say that the numbers have been reduced that is what they must look at. That is what the society and all of us must look at and try to deal with it. This nonsense that we have this group here and that group here, that is a superficial view of crime.

The detection rate is 20 per cent and they are boasting that they are dealing with crime. We must deal with crime in a holistic way. I want to suggest that we must deal with crime from the cradle to the grave.

**Hon Member:** How?

**Mr. S. Panday:** I am going to tell you how. I want to make a suggestion to the Government. The moment a birth is registered and you see on that birth certificate no father but an informant—the moment you see that—you must put a red flag on it. That is a child that needs to be taken care of. That is an illegitimate child—

**Hon Member:** Ohooooo!

**Mr. S. Panday:**—and we must monitor that child and see if that child is from a single parent, and then the society must start to care for that child. [*Interruption*] We must nurture that baby and the society must ensure that if the child does not

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have support from his or her immediate family, we must create a situation in the society where the society takes care of that child. It is said that it takes a village to bring up a good child.

Mr. Speaker, when one looks at the number of persons who are in prison, one sees that 90 per cent of the persons came from single-parent homes and broken homes. We need to deal with the issue before it escalates so that we can protect the society.

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member has expired.

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. [*Dr. H. Rafeeq*]

*Question put and agreed to.*

**Mr. S. Panday:** Mr. Speaker, thank you and my learned friends on both sides of the House for this opportunity. As a people, we must pass legislation to give incentives to corporate bodies to adopt villages or families.

Mr. Speaker, I do not usually attend banquets, but I did for the Queen, and I met a certain person who was in law school with me. He is the managing director of a multi-national corporation and they have a group in Laventille. I do not know if the Member knows the group "From Boys to Men". They identify persons who are deviant and they put them in that group and move them from boys to men. Mr. Speaker, he said that they have adopted the operation and one of the boys said: "Doc, I cannot thank you for this, because if you come, I might shoot you in the alley." So, they are trying to work with these boys from a certain area. Somebody went and hugged one of the boys and the boy said: "Hug me, because I have never been hugged in my life." Persons who have committed crimes and who they are trying to help have said that they have never been hugged in their lives.

Mr. Speaker, when we are passing laws, we should look at that. We should get multinational corporations to go into these areas and adopt small families or boys and help to guide them along. Mr. Speaker, do you know what he said? He said the boys who are there now—the people are from the upper strata of society and they are showing some regard to them so they are now moving up—feel that people in high society are looking after them and they are moving away from crime.

Mr. Speaker, crime is not only shooting down people; crime is not only locking up people, but we need to deal with crime from a holistic point of view. As I said before, we should give corporate companies tax incentives, just as we do with the hoteliers and for sports—give them the full amount they spend on families in these depressed communities. Give them that tax rebate. What we will



be doing is changing the whole paradigm and the whole situation. I humbly suggest that we must not only look at the short-term view of dealing with crime, but we must also look at the long-term and medium-term view.

In schools, we probably need to deal with crime like how my honourable friend has said. Yesterday I saw where El Dorado East and El Dorado West came together and the students will determine how to deal with crime. It is nice for the children to be involved because they can give us direction. We should have this all over the country. Let the children tell us how to deal with crime. By so doing, we will not have to build more jails and pass these draconian legislation not only like this regulation that came here today, but we will be dealing with a situation where we are preventing crime and making the society a safer society. For example, the syllabus that are in schools, might be over ambitious for certain students. The teacher has to teach 14 units in natural sciences.

#### **4.15 p.m.**

They do not have enough time to deal with the children, the children cannot pick up and they become deviant, behave badly, end up in bad company and then end up in crime. We need to deal with this issue from a holistic point of view. When we come to a debate on crime we will make these suggestions to the Government. Crime is everybody's business, crime affects all of us, and therefore, we on this side of the House will give a commitment to the Government and give a commitment to the society that we shall do all that is reasonably possible on our part to deal with the issue of crime.

Mr. Speaker, coming back to this issue here of section 178, tell me really, what we have come here to amend? It says in 178:

“Every officer or servant of the prison shall submit himself to be searched in the prison if called upon to do so by the Superintendent, or Deputy Superintendent or an Assistant Superintendent.”

Mr. Speaker, do you know what the amendment we have here is? It says here: "By the prison". It changes superintendent, deputy superintendent, assistant superintendent to prison supervisor. I thought we would have dealt with a situation as to the type of searches; the type of searches they will do and to go into detail as to how we will deal with this issue. I really think that these amendments are insignificant and we need to review it in greater detail.

Instead of dealing with the issue of just brutalizing or giving the prisoners the impression that you are trying to clamp down on cellphones—because sometimes prisoners want to speak with their attorneys. If an attorney goes to the prison to

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see a prisoner, he takes about three hours waiting there and by the time he gets to see him it is after 4.00 p.m. and you cannot deal with the prisoner. I would not doubt that there are clandestine motives in using cellphones; maybe there are legitimate reasons for wanting to use a phone.

**Dr. Browne:** Are you smart, a legitimate reason for using a phone?

**Mr. S. Panday:** Yes, for example trying to give your attorney instructions. [Interruption] You may want to give your attorney instructions in a matter.

**Mr. Imbert:** "But wha wrong with this man?"

**Mr. Speaker:** Order!

**Mr. S. Panday:** It may be necessary that you have phones in designated areas and if somebody wants to use a phone they ask the prison officer, "I want to use the phone? I want to call my attorney-at-law? I want to give him certain further instructions which I forgot to give him"—and the case might be Monday—"and he is from South or Point Fortin and he may not be able to meet me."

Therefore, the Government has designated booths. [Interruption] I did not say give him a cellphone, you know—when the prisoner wants to speak he asks the prison officer, "I want to contact my lawyer", they treat him humanely, you bring him to the phone, you stand up here, you listen to what he is saying, because when a lawyer goes to visit a prisoner the prison officer stands up there and he listens to the conversation and you allow him to communicate with his attorney.

Although we are trying to deal with an issue where you are trying to prevent hits from in jail, we could be humane and we could give them that opportunity to converse with their attorney.

**Dr. Browne:** How would they charge a cellphone?

**Mr. S. Panday:** No, I did not say "cellphones", I said the State put up the designated booths—

**Mr. Sharma:** He just wants to get a TV shot.

**Mr. S. Panday:**—in jail and have supervised communications.

When my friend, the Member for Oropouche East, was speaking and he said I would make amendments, these are the kinds of innovative amendments that I would have brought instead of this. [Desk thumping and laughter]

Mr. Speaker, another thing is, the Member for Oropouche East spoke about setting up systems—you know if you go to a court and you have a phone and it

rings the court system picks it up. Why we cannot put those electronic devices in the prison, not only to cut out the communication, but also to cut out, identify, to have an alarm system where the moment somebody uses a cellphone that they pick it up immediately.

Look at this, in 233 it says, to show how we are really backward:

“No person shall without authority convey or throw into, or deposit in a prison, or convey or throw out of a prison—” these prohibited articles.

How will you know this is happening? If there are prisoners coming out of the prisons at Golden Grove and going over the road in an open place to do gardening or anything and you hide the phone by a fig root and he picks it up. These are things that happened in that we are dealing with this colonial, Queen Victoria—Do you know what she was speaking about? She was speaking of a situation where the prisoners were confined within the prison walls.

As it stands now with the increase in the prisoner size in Golden Grove they do gardening opposite the prison. Agree, hon. Minister? And the prisoners are brought out of the prison walls, go into an open yard. People could put things there.

**Mr. Imbert:** They do not go by themselves; they are supervised.

**Mr. S. Panday:** Okay, but if they have put it by a root, they simply put it in their pocket and nobody sees. You must have a system at the prison to ensure that whenever a prisoner goes and comes he is checked, and that does not take place at this time.

Also, assuming that the prisoner is within the walls of the prison, how would you know when this phone is thrown over? Somebody has to see it? What is the size of the perimeter of Golden Grove Prison, about two, three miles? Do we have surveillance there? The answer is no, we do not have any cameras there. If that was the case then the policeman who was shot in front of the prison, if they had cameras around the prison, indeed, that person would have been picked up.

Therefore, we are passing legislation of bringing phones and what and we have not put infrastructure in place. I want to ask the hon. Minister, in Golden Grove, do they have CCTV?

**Miss Cox:** I do not know.

**Mr. S. Panday:** They do not have it. That should have been done all the time and if you had that, you probably did not need this piece of legislation.

Finally, we want to make certain proposals on the issue of rehabilitation. If you have him/her busy in prison and occupied, there might be no need to engage

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in mischief. We probably think there should be adequate number of educational, vocational and work programmes provided to rehabilitate prisoners.

We feel that prisoners who are on short remand should be made wardens and assist the other prisoners. We believe that we should develop a system in prison where, although he is serving time because he has committed an offence, make his life there profitable and we prepare him for re-socialization into the society. We need to develop a principle of normalization, because many times a prisoner leaves there after he makes 10 years or 15 years, they bring him out of the jail and give him a bus ticket and he goes to nowhere. That is why Mr. Chance has put up that safe house to receive them.

In order to prevent such a system it may be necessary to prepare them for normalization, contacting family and contacting workers so when they go out they would not have—how you call it?—recidivism; we would not have that—and we deal with that issue.

Mr. Speaker, I do not know if you have psychoanalysis of every prisoner so you can analyze the needs and deal with them. Maybe, that is necessary for us to deal with that. At the same time, the courts must be cognizant of not sending people to prison for minor offences, obscene language, resisting arrest and things like that, because as the distinguished Member for Oropouche East has said, they go in there, they meet hard core prisoners and when they come out, they come out specialized criminals or they tend to be couriers in that they take news from outside, go outside and commit a minor offence again and come back inside to bring back the message.

These are the things that happen. Prisoners have innovative ways to deal with it. In those circumstances, we should use more community service orders where there are minor offences, so we reduce the size of the prison population. For example, maintenance warrants, instead of putting him there for six weeks on a maintenance warrant, we have to mind him for six weeks for him not minding his child, put him outside, give him community work to do, let him work on the outside so that we may not crowd the prison and we may not create a situation for more criminals.

Mr. Speaker, as I say, on another occasion when we are dealing with a full crime debate, we will deal with those other matters. In those circumstances I say, hon. Minister, let me congratulate you on your first major introduction.

Thank you.

**The Minister of Information (Hon. Neil Parsanlal):** Mr. Speaker, I thank you very much for the three minutes that I have left until 4.30 p.m.

**Mr. Sharma:** Is that a new suit you are wearing?

**Hon. N. Parsanlal:** If you want some lessons on proper dressing I am sure I can offer it, including how to match your ties with your jacket. [*Desk thumping*]

Mr. Speaker, this is a very important debate for us and I want to thank you for the opportunity for a brief intervention, and I want to thank my colleagues, the Member for Laventille East/Morvant and the Member for Laventille West [*Desk thumping*] for the contributions they have made on an amendment that might appear to be very simple but would have very profound effects and impact on the administration of justice in this great country of ours.

This is a debate, therefore it is important for us to respond to some of the things that have been said, and clearly, listening to the Member for Oropouche East, and indeed my good friend, the Member for Princes Town North—perhaps, I need as Minister of Information to take the blame for that, that they have not been sufficiently informed about what the Government is doing in the area of prison service reform.

Clearly from the contributions we have heard this afternoon there seems to be a deficit in terms of what they are aware of in the prison. The suggestion that has been made by the Member for Oropouche East about the one court in the prison, the remand court, is something that has already been talked about. We have talked about the gun court and we have talked about the establishment of those courts in very close proximity to the main prison. It is not a new suggestion, but that is for a very specific offence—the gun court—and not necessarily a court that would hear all the summary cases.

Certainly, the Member for Princes Town North alluded to that, and it might be just a little impractical to be able to manage your list between 8.00 and 9.00 in the morning from one single location. Therefore, while the suggestion from the Member for Oropouche East has a degree of merit in it, it is really impractical in terms of its implementation.

The question of more community service sentencing that the Member for Princes Town North just alluded to, which would severely diminish the numbers of persons going into the prison system—community service sentencing is already on the books. It is something that is already on the books and it is something that is already practised. In fact, in my own constituency, Lopinot/Bon Air West, we have facilitated the court on a number of occasions to ensure that persons who have been so sentenced are allowed to work in different areas in the constituency—

**Mr. Speaker:** Hon. Members, the sitting of the House is suspended for tea, we will resume at 5.00 p.m.

**4.30 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

**Mr. Speaker:** Well, I can understand the absence of those to my left, but those to my right have no reason to be absent. Minister of Information!

**Hon. N. Parsanlal:** Mr. Speaker, I thank you again, and note with great dismay that no Member of the Opposition is present as we resume this very, very important debate, symptomatic perhaps of their own interest in this kind of legislation, or any Bill that would ensure that the country's development is advanced. We welcome the two members who just came in.

Mr. Speaker, I was saying before we took the tea break, that the contributions from the two Members opposite, the Member for Oropouche East and the Member for Princes Town North, were really demonstrative of their own lack of information and lack of knowledge of the matter before us. They simply read the amendment, and then proceeded in their own way to try to pin all kinds of things on this administration. The legislation was described as a knee-jerk reaction by the Member for Oropouche East; a piecemeal approach to something that ought to be taken seriously and it tells me that the Member for Oropouche East continues to look at legislation brought before this House completely in isolation, and in isolation from all the other pieces of legislation that would have gone before, or even legislation that is already on the Order Paper. But I will get to those in a short while.

He spoke about the management of the prison service, the overcrowding, the parole, the issue of parole. He spoke about what action was being taken against the rogue element in the prison service, and on this note, I want to suggest to him that even a basic understanding of the amendment before us, would have led him to conclude that we are, in fact, doing something about the rogue elements in the prison service. What has obtained before or what currently obtains, is that a member of the prison service is apprehended and is taken before the courts, and we have a number of cases like that where prison officers have been taken before the courts. We have a situation now with this amendment to the legislation, where the prison supervisors themselves, can now search their own officers, can engage in that kind of activity once they would have detected, or once they have reasonable suspicion that there is something that requires investigation.

So I have not heard anything really coming from the Members opposite. In fact, the most ludicrous of the suggestions that came before us this afternoon, was that we should tag babies supposedly born out of wedlock, whose fathers' names do not appear on the birth certificates. Now, what would be the purpose? What is the objective? As far as I am aware, our laws no longer say anything about who is legitimate and who is illegitimate. We have gone past that stage already. Here it is, the Member for Princes Town North is suggesting to this honourable House, and to the country at large, that we should tag these babies because certainly if they are born out of wedlock, if they are born to single parents, they are destined for doom and they are destined in fact, for the prisons. How ridiculous a suggestion can that be? But one gets accustomed to this kind of posturing by the Members of the Opposition who in the face of legislation that really they just ought to support, that really they just ought to give the recognition that this is good legislation, and therefore, we should support it and move on with the business of the House.

Mr. Speaker, in examining the history of prisons and prison systems in this country, one can go back to Nelson Island, when Nelson Island was a prison. We can go back to the construction of the Royal Gaol on Frederick Street, we can go back to the construction of Golden Grove and Chacachacare, and the latest addition would be the Maximum Security Prison, so that over time, you have had an evolution of prisons in this country. What has not happened is the evolution of the rules and regulations that have governed the prison system. What we are in fact trying to do through these amendments, simple as they may be, is to cure something that has reared its head, and to continue the evolution process.

Certainly in 1838, four years after the emancipation of slaves, the legislators could not have contemplated, not even in their wildest dreams, that cellphones and the ability to transmit messages in a narrow second would have been possible. They could not have contemplated it, and therefore, it could not have been envisaged in these rules. That is why we have come to this House today, to cure something, and to continue the evolution of the process. That is why as I begin, I want to congratulate in a very real way, the vast majority of our prison officers, [*Desk thumping*] and I want say to them this afternoon, that on behalf of the Government we recognize all of you who are hard working, who are conscientious, who are dedicated to your task, and we will continue to support you in whatever way we can.

I want to congratulate as well, not just the rank and file of the prison service, but certainly the high command, the hierarchy of the prison service, and one can go back to names like: Michael Hercules [*Desk thumping*] who suffered a rather

untimely death; one can go to Cipriani Baptiste; Herman Rougier; John Rougier; and even the incumbent now, John Martinez, acting Prison Commissioner. All of them, who have given their time and their service, and have moved the philosophy from one of retribution, one of sentencing, one of punishment and containment, to one now of restorative justice. It is because of the vision of these men, accompanied by a resolve from this Government, that we have come to the point where we are today.

Mr. Speaker, hon. Members, I grew up hearing my grandparents warning that, "The jail ain't make to ripe fig". And I am sure most of us would have heard that at some point in our lives, "The jail ain't make to ripe fig", and that admonition was a dire warning from our grandparents, from the elders in the community, that if you engaged in a particular behaviour, then certainly, you were destined to go to jail and the jail was not made to ripe figs. [*Interruption*]

The legislation before us today—I am not going to be tempted by the Member for Fyzabad, who is engaging in his usual bad behaviour—is very simple. There are two items before us: the expansion of the search powers of the prison service, so that prison supervisors can search their juniors; and the imposition of a ban now on electronic devices, such as telephones and whatever the other electronic devices are. But as with every piece of legislation, Mr. Speaker, that comes before this House, we must ask the question, in fact, we are entitled to ask the question, what is the malady, what is the problem that this prescription before us is seeking to remedy?

Perhaps the first one is that criminal empires are being run from behind prison walls—[*Interruption*]

**Hon. Member:** Correct.

**Hon. N. Parsanlal:**—and if we are to cure that, if we are to make a dent where that is concerned, then certainly, we need to disarm the members of the criminal empire who are behind the prison walls. [*Desk thumping*] The way we go about disarming them from behind the walls, no longer are they operating with guns, no longer are they operating with knives and cutlasses, but their weapon of choice even behind the prison walls is now a cellular phone. Therefore, in the same way that the police service has gone out to disarm them on the streets, we need to disarm the criminals from even behind the prison walls, and the way to do that is to be able to ban entirely all electronic devices inclusive of cellular phones.

Mr. Speaker, the reports are there. The newspaper reports are there. We have seen it and we have heard from the hon. Member for Laventille West, how many cellphones have been confiscated, not just in Trinidad and Tobago, not just



locally, but certainly throughout the Caribbean and indeed in the wider world. This is not a Trinidad and Tobago problem alone. This is a problem throughout and we have heard the numbers, and therefore, it is incumbent on us to do whatever is within our power, to ensure that this menace is in fact removed from our prison system.

The second part that we are trying to amend, the rule 178, is to ensure that prison supervisors can now search their junior or any other officer of a higher rank. Mr. Speaker, what troubles me every time I listen to a debate in this House, is that Members opposite—and there are repeat offenders—would get up and in their contributions give half of the story. They would only say what, in their opinion, would either make the headlines or would ensure that the country is given just a piece of the story.

Mr. Speaker, I am advised that there are currently 34 prison supervisors in the system. The Member for Oropouche East made heavy weather of whether there had been any appointments of prison supervisors; whether there had been any prison supervisors appointed. The legislation is clear. It is prison supervisors or any other officer of a higher rank. So it is not just the prison supervisors who can engage in this search and seizure, but certainly prison supervisors and anyone above that rank. So that cohort is by no means limited to the 34 prison supervisors. He dwelt at length on the prison supervisors alone as if, they were the only ones who were being empowered to search the junior officers.

Mr. Speaker, the reports are there, that there are prison officers who are actively involved in the enterprise, who are actively involved by using their own position to bring contraband items into the prison system, and therefore, when we bring this simple amendment, or these two simple amendments to the House, one can look at it very simplistically like this, or one can look at it as I choose to do and this side chooses to do, by looking at it as part of a compendium of legislation. This legislation before us today, is part of a wider net that is designed to take away the upper hand from criminals, whether white collar, blue collar no collar, at all, because one gets the impression listening to them on the other side, that is only the small people, the small man, the blue collar criminals we are going after, and that is not so at all. That is not so at all.

### **5.15 p.m.**

Within recent times we have brought before the House the Evidence (Amdt.) Act, which means that even if you use your cellphone to order a hit on a witness, it no longer guarantees that you as a criminal are going to get away. [*Desk*

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*thumping*] It no longer guarantees that. The Evidence (Amdt.) Act has taken that away. We now have the ability to enter into evidence audio and video recordings, statements previously made. When you put the legislation before us today, the ability of prison officers, or prison supervisors and any rank above, to search their juniors and the ban on all electronic devices, it adds to what we are doing. It adds to the Evidence (Amdt.) Act.

You and I know, and the attorneys in this House are very much aware, that they have the option of drastically reducing the time spent on preliminary enquiries by using paper committals. In fact, in a case just recently where a pastor who had been charged with multimillion dollar fraud, they accepted paper committals through the preliminary enquiry stage. That serves the purpose of reducing the amount of time between arrest, charge and the conviction; it is a compendium of legislation. That is what we do when we look at legislation holistically.

More than that, we have successfully passed through both Houses of Parliament, amending legislation which strengthens the Proceeds of Crime Act, as well as establishing a Financial Intelligence Unit. On the Order Paper in the other place you have an amendment to the Judicature Act which expands the number of judges on the Bench. You have on the Order Paper in this House an Act to amend the Prisons Act and an Act to amend the Criminal Procedures Act. Immediately, on the resumption of sittings in the New Year, this Government will bring to this House the antiterrorism legislation to be followed closely by legislation that would criminalize gangs.

When you look at all this legislation put together, what we are, in fact, seeing here are the efforts by the Government to legislatively impact on the criminal justice system. [*Desk thumping*] That is what we are doing by bringing all this legislation together.

I want to suggest however that all this will come to naught if we do not get our sentencing correct; if we do not fix the prison system, and that is the legislation before us today. Fixing the prison system is not only about empowering prison supervisors to search their junior officers; it is not only about criminalizing the possession of communication devices within the prison confines. It is a lot more than that.

Fixing the prison system is about the Ministry of National Security continuing to pursue the integration of the information communication network within the Trinidad and Tobago Prison Service that would allow for connectivity among all our prisons. At the moment you have a situation where the various prisons are not

interconnected. That is what fixing the prison system is about and that is what the Ministry of National Security is continuing to pursue. It is not just about empowering supervisors to search.

Sometimes I wonder whether the Members do any research at all before coming to this House to engage in debate, because some of the key elements of this project—and they have been widely publicized—is the establishment of a court video conferencing structure within the Trinidad and Tobago Prison Service. Only recently my colleague, the Member for St. Joseph, the Minister of Public Administration, was part of a project where the Chief Justice journeyed to Tobago and engaged in that kind of video conferencing activity with Port of Spain. So you are able now to conduct these courts via video conferencing; that has been widely publicized.

Mr. Speaker, additionally, the prison service is currently holding discussions with the Telecommunication Services of Trinidad and Tobago (TSTT) on the introduction of a remote location visitation via video conferencing, so you can have visits via video conferencing as well. That is what we speak about when we talk about the modernization of the prison service.

Fixing the prison system means the Ministry of National Security will continue to pursue the introduction of a parole system in the Trinidad and Tobago Prison Service. My friend, the Member for Oropouche East, spoke at some length about the absence of a parole system or the need to introduce one, as if it was a novel idea.

**Mr. Sharma:** Only your idea is novel?

**Hon. N. Parsanlal:** I never said that, my brother. The point I am making, Member for Fyzabad, is that the idea of a parole system has been on the cards, and we have actually engaged in it.

**Mr. Sharma:** And the Member must not talk about it?

**Hon. N. Parsanlal:** If you would listen—I never said that.

In fiscal 2007—we know the strategy well—the prison service completed the Parole Introduction Committee's Report and engaged a consultant to develop the implementation plan. This plan is entitled, "Design and Implementation of a Parole System in Trinidad and Tobago". Arising out of this parole system, the action plan, a Conditional Release Act has already been drafted and is currently being reviewed by the Legal Unit of the Ministry of National Security. So we have taken steps.

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We have moved to the point where there is a Conditional Release Act, in other words, a new parole system, if you would understand that.

**Mr. Sharma:** I do not.

**Hon. N. Parsanlal:** Well, perhaps given your recent travails, you might need to make use of it. [*Laughter*] That Act is currently being reviewed by the Ministry of National Security.

Mr. Speaker, to show the extent to which we have gone with this proposal, the parole system, approximately 130 persons comprising personnel from the prison service, the Probation Department, the police service, the Repeat Offenders Unit and other staff from the non-governmental organizations involved in the re-integration of ex-offenders, have already received training to give effect to this kind of legislation; 130 persons from diverse groups, already being trained in how to give effect to a parole system.

Some of the areas of training include: policy and procedure development; fundamentals of parole practice; case management inventory training and training in community corrections for probation staff in the area of proactive community supervision. All of this to ensure that we continue the evolution of our prison service, from 1838 through 1938, through 2008, into 2020 where we will take this country to First-World status. [*Desk thumping*]

Mr. Speaker, it is precisely in that context, in that evolution, that we have moved the process to currently a philosophy of restorative and reintegrated justice. We have gotten the support. I heard members of the prison service and even members of the Prison Officers' Association speak very, very highly of commissioners, past and present, who have given their support to the idea of restorative justice. Even the prison officers themselves have bought into the idea that this is no longer a situation of punishment or containment, but rather now a system of restorative and reintegrative justice. That is why this philosophy has been allowed to flourish as the preferred strategy for the rehabilitation of prisoners.

I heard the Member speak of Vision on Mission, that is precisely what this is about. The Government of Trinidad and Tobago has in the past, has today and will continue to support all the efforts of Vision on Mission. In fact, we have come to this House with it already; the Government has purchased the building which currently houses Vision on Mission. The Government has purchased that building at a cost of about \$1 million or more. [*Interruption*]

**Mr. Peters:** "Wayne Chance quarreling about all yuh not giving him money; everyday de boy quarreling."

**Hon. N. Parsanlal:** Well, my brother. The building has already been bought. The building that they now occupy has been bought by the Government of Trinidad and Tobago. [*Interruption*]

**Mr. Peters:** Mr. Minister, recently I heard Wayne Chance complaining on the radio that all you do is promise that you buy and you have not turned it over to them yet, and they are undergoing a lot of hardship. Could you tell me if the building has been turned over to Vision on Mission already?

**Hon. N. Parsanlal:** They are already in occupation of the building.

**Mr. Peters:** They are in occupation, but not ownership.

**Hon. N. Parsanlal:** I fail to understand the argument. If they are already in the building, they no longer have to pay the exorbitant rent they were paying before; the Government has purchased the building. What is the hardship? The Government also provides them with a hefty annual subvention. You can check with Mr. Chance.

**Mr. Peters:** I will, Sir.

**Hon. N. Parsanlal:** Mr. Speaker, that is part of the whole idea of the rehabilitation of prisoners. I know that over the next couple weeks, as we approach the end of the year, there will be a flood and flurry of deportees coming into Trinidad. What we have at the moment in Champ Fleurs, the Vision on Mission, is certainly not going to be sufficient and we need to do a lot more. We understand that. As the opportunities present themselves, we will do more as we go along. But I do not think anyone could say that the Government has not facilitated Vision on Mission, without any degree of truth.

The whole question of the rehabilitation of prisoners—as Minister of Information I have responsibility for libraries. Over the last two years, we have opened libraries at the Youth Training Centre and in the women's prison, fully computerized, fully air-conditioned, with the world at their finger tips. That is how we are making our contribution to ensuring that the rate of recidivism continues to go down.

In fact, at the last count I am told, it was down by about 65 per cent. It must be that the efforts that we are putting into the prison system in terms of restorative justice, in terms of various rehabilitation programmes, some of these programmes are bearing fruit. [*Desk thumping*]

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Fixing the prison system means providing opportunities for inmates to educate themselves. Even as we provided the libraries, we are also providing them with the educational opportunities to so change their lives that they could become industrious contributors to society. Once they do that, then the potential for them becoming repeat offenders is severely reduced.

In this regard, this House and I am sure hon. Members and, indeed, the country, will be happy to know that between 2004 and 2009 in our prison system we had 106 of our inmates pass the CXC English exam; 36 of them have secured passes in math; 34 in office procedures; 29 in accounts; 68 in principles of business; 29 in religious education; 92 in social studies; 50 in electronic management; 41 in information technology; six in Spanish and 10 in human and social biology. This is happening in our prison system and that is how we are able to make the change.

**5.30 p.m.**

Mr. Speaker, when I went to open the library in the women's prison, I met some young ladies and there was one in particular, a Trinidadian sentenced for 10 years, came into the prison with absolutely nothing; no pass to her name and now has six O' level passes, speaks Spanish fluently, all from within the prison walls. [*Desk thumping*]

So when we say to this country that we are going to do something about the legislation to ensure that we fix the prison system, this is what we are talking about. There are many women at the Women's Prison who have excelled and are just waiting for the opportunity to re-enter society and reintegrate themselves so they can now make a contribution.

Not only in the CXC examination, but we have had 13 of our inmates who have gotten full certificates in the CAPE exam, the advanced level examination. We have had 53 inmates who have passed their Primary School Leaving Examination; 273 who have gone through the rehabilitating inmates through training and retraining programmes and another 32 who have excelled at the Royal Trinity Guild Hall School of London.

Mr. Speaker, we are ensuring or attempting to ensure as best as we can that those persons do not return to our prison system and we can do that when we fix the system, and we are attempting to do precisely that with the legislation today; fix the prison system one block at a time.

Mr. Speaker, the Government, through the Ministry of National Security will continue to advance the upgrade of the police service and during the course of the coming year in 2010, we intend to do that by advancing the integration of the

Information Communications Network of which I spoke earlier. We intend to implement an Offender Management System that will enable an inmate database system to treat with the important issue of tracking, reoffending and recidivism within the prison system.

The Member for Princes Town North spoke about tracking and putting bracelets on ankles; it is in the works. We intend as well to construct a nursery at the Women's Prison Golden Grove because we understand that there are women who come into the prison system pregnant. What do we do with those children? Do we tag them because we cannot put their father's name on the birth certificate? We cannot do that, we now provide a nursery at the women's prison so they are not separated violently from their children and cause the attendant trauma on the child. I am sure the Member for Caroni East will agree with us, and perhaps as his continuing community service he might want to be the person engaged in the delivery at the women's prison.

**Mr. S. Panday:** Thank you very much, hon. Minister. When I said tag them, I really meant to identify them for assistance, not to punish them.

**Hon. N. Parsanlal:** I understand that; it is not a matter of punishing them, but I am saying even the act of tagging them, red flagging, there is an identification on them already and a stigma that has already been attached to them, and I am not sure Member for Princes Town North if we want to send our children through the system with that red flag over their heads.

**Mr. S. Panday:** When I say red flagging them, I mean identifying them to help them. You must have a mechanism to identify to assist, not really identify to put them at a disadvantage. I meant identify them, locate them and nurture them through.

**Hon. N. Parsanlal:** I hear you, but I have a fundamental difference with that approach and we could agree to disagree on this one. We also continue the development of an emergency response unit in Golden Grove.

Mr. Speaker, I said at the beginning this is a debate on two simple issues so, therefore, I did not plan to speak at great length on this Bill, but there can be no doubt that the Government of Trinidad and Tobago is deeply concerned with the high incidents of crime and is continuing to do all that is possible and available to us within the law to ensure that there is a reduction, and the figures are already speaking for themselves.

Even the *Newsday* which curiously is no longer attendant in the Parliament; in fact, I cannot recall seeing them at the post Cabinet press conferences either. I do

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not know if there is a lack of staff at the *Newsday* now, but certainly I am not seeing them around anymore. Even the *Newsday* commented favourably on the fact that there has been a reduction in the crime statistics and the evidence is out there.

In the comparative data from January to November 2008 to January to November, 2009 in terms of murders, at the end of November in 2008 there were 504 murders; at the end of November in 2009, there were 463 and this is not a boast, 463 murders are more than we want, it is not a boast. But you cannot on one hand say to the Government that you are not doing anything about crime and threaten us in all kinds of ways and when the results are indicative of the programmes we put in place, you tell us we cannot use it because we are boasting.

In terms of the numbers of murders, it has gone down from 504 to 463; in terms of wounding and shootings in November 2008, the number was 652; at the end of November 2009, the number was 595. So any way you turn it; murders, wounding and shootings those are the things that have really galvanized the national community. In both cases, through the initiatives of the police service, and all of us involved in the justice system, we managed to effect these reductions and I want to congratulate the Ag. Commissioner of Police, Mr. Philbert, [*Desk thumping*] all the other police officers in all the various departments; the prison service; the coast guard, the air guard; the soldiers; all of them who day after day go out and protect and serve with pride.

Yes, there are those who falter, they are the rogue elements and we will deal with them one by one. As they are caught, they are going to be taken before the courts. So there is no doubt that we are concerned and doing what we can to ensure that this works well. We understand there is a general need to unify the criminal justice system in order to improve its efficiency and that of the prison service.

The legislation before the House today which we commend to our colleagues on the other side for their unqualified support will do precisely that. In fact, it will add to the compendium already in existence and will support this Government's quest to do three things: to protect the innocent, to deter the criminals and to rehabilitate the offenders.

Mr. Speaker, I commend this legislation to the rest of the House.

**Mr. Chandresh Sharma** (*Fyzabad*): Thank you very much, Mr. Speaker. On the eve of Christmas, when thousands of our citizens are unable to feed themselves, today is the last day of school, many of our school children in previous times were able to be treated where they would get gifts, many were unable to get that today.



So many of our homes are without pipe borne water and cannot pay their electricity bill and here is a Government during the Christmas saying it is passing very important legislation—last week was legislation to lock up people for smoking cigarettes; today it is about prisoners.

Imagine the prison population according to the Government's statistics is about 3,800 prisoners. This Government spending \$300 billion over the last few years cannot take care of 3,800 prisoners. What a shame! Is this a Government of anything? It has spent \$100 million on some crime plan; \$98 million recently for the transport of prisoners and today they cannot manage 3,800 prisoners in a controlled environment?

Mr. Speaker, when you look at the prison population under the PNM, what do the statistics say? It shows that once the PNM is in office, lawlessness increases. I think the Member for St. Joseph said we cannot catch them; he is correct and the reason we cannot catch them is because the Government involves criminals in its campaigning.

In fact, there was a matter raised at the Privy Council where there were criminal activities, and there is a sworn affidavit that says that the Government leaders met. Mr. Speaker, you will recall that State funds were used to meet with criminal gangs at some top hotels in Port of Spain, so the Government is in partnership with criminals and it is not interested in treating with real issues.

Mr. Speaker, how in the recently concluded CHOGM here we were able to knock down the use of cellphones in the prison? How are they getting into the prisons? This is a controlled environment and the Government is saying today that people throw them over the fence. It cannot be that, it has to be much more than that.

Just as revolvers and shotguns are getting here, it is the Government's involvement with the criminal community and persons independent of any political party have demonstrated that time and time again. So for the Government to pretend and engage the national community that it is so concerned and talking prison reform.

The mover of this Motion spoke about two things; the Member for Laventille West spoke about 125 things and the Member for Lopinot/Bon Air was all over the place. We cannot bring legislation like this, it must be focused and we must identify what we are about.

We had asked some time ago that the Government indicates to both Houses the legislative agenda and share the information available so in debates like this there can be a common approach. The Government wants to come—and we have heard from the Member for Lopinot/Bon Air pretending to be an authority; we are

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doing this, we are doing that. The national community is aware when a Minister is speaking, he has his research staff of about 100 persons who are paid large sums of money to produce any documents they want. So when the Member for Oropouche or Princes Town or whichever Opposition Member, we are not privy to that.

Earlier today we heard the use of the word "privy", the national community is not privy to that. We are asking questions and we are concerned. We are talking about prison reform and prisoners cannot get basic necessities; they are denied reaching to court on time, their matters are continuously adjourned. We were told on a previous occasion there are close to 400,000 cases and they cannot be dealt with.

**5.45 p.m.**

We have made suggestions about how they can be approached. The Member for Princes Town North talked about community service. It seems as if any time the Opposition raises anything, the Government has no interest. The Government has answers for everything in this country and, as a result, nothing is working. There is a failure in every ministry. As I look across from where I am, hon. Speaker—

**Mr. Imbert:** Mr. Speaker, Standing Order 36(1). Point of order.

**Mr. Speaker:** You need to confine yourself to the rules and the Motion before us. I know it is a debate where one may be tempted to roam far and wide. See if you can confine yourself to the Motion before us which deals with the Prison (Amdt.) Rules.

**Mr. C. Sharma:** Mr. Speaker, by that, am I to understand that I must not respond to what the Member for Laventille West and the Member for Lopinot/Bon Air West said?

**Mr. Speaker:** No.

**Mr. C. Sharma:** Well, that is all I am doing, Sir. I was making the point that the Member for Lopinot/Bon Air West is pretending that the Government has all the answers for the matters that we raised. That cannot be the approach. There must be consideration. You are not better in presenting legislation. You are not more knowledgeable. We too, have ideas and they must be treated with. To pretend that when Member "X" raises this, it is novel, that is not the intention. The intention is that when you come to Parliament both sides speak with the hope of arriving at the best solutions.

The fact, before I was stopped by 36(1), that not a single minister can claim success in any area of their ministry is most unfortunate.

**Mr. Imbert:** Mr. Speaker, on a point of order, 36 (1). That is precisely what I raised the objection on.

**Mr. Speaker:** The Minister we are dealing with today is the Minister of National Security. If you want to criticize the Minister, I am not necessarily saying [*Interruption*] I am not encouraging it. All I am saying is that you need to focus on the Ministry of National Security as it pertains to the rules before you.

**Mr. C. Sharma:** Mr. Speaker, the Member for Laventille West was talking about all these programmes that come under other ministries. He said that these programmes were doing this and that. I am arguing that those programmes are not achieving the success he identified. I do not know how to divorce that and focus on the mover of the Motion. The Member for Laventille West spoke about YTEPP, YAPPA, PAPA and a whole lot of other things.

The national community must be certain that the Opposition Members of Parliament are treating with the issues. When the Minister was talking about part of the prison reform, he spoke about the scout movement and kids from five to 11 years. I am saying that the kids five to 11 years do not have pavements on which to walk.

**Mr. Imbert:** Mr. Speaker.

**Mr. Speaker:** Let me see if I can help you. The Member was speaking to the rehabilitation of prisoners. If you want to address that issue, that is permissible.

**Mr. C. Sharma:** In fairness, five years to 11 years is not rehab. When the Government comes unprepared and they are told, listen Member for Laventille West, the Parliament is coming to its conclusion, there may be one more sitting and you have not spoken for the whole year, you must get up and say something, say anything. He gets up and says anything and when the Opposition is treating with it—it is the same thing with the Member for Lopinot/Bon Air West. He has a ministry with a budget of \$2,000, nothing to do, he has to do the same thing. It cannot be. We have to be very serious.

There is enough track record to look at what obtained under the UNC administration, for instance. That is exactly the point. They are an authority on having nothing to say, so it seems as if everybody else does the same. It cannot be.

Let us come back. Let us look at what happened. During a particular period when we were looking at reducing the prison population, we went into the communities to find out what was leading to it. There were a number of issues. One of the things we found is that there were not enough training programmes for

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young people. We caused to be introduced, which still obtain today to a large extent, in fairness, a number of apprenticeship programmes, not only in Trinidad but also Tobago. We ensured that there were job placements.

The Member for Princes Town North indicated that when prisoners are released from prison they are given a bus ticket to go. In many of our constituency offices they show up because they have to be assisted and there is no programme. The Member for Lopinot/Bon Air West was saying that prisoners return. Why are they returning? Because there is no place to accommodate them. They are treated with contempt. A prisoner having committed an act and served his time must be treated as a human being. You cannot give him a bus ticket and \$20 and say go out there. There are many opportunities for jobs and they must be encouraged so to obtain.

**Mr. Imbert:** How much you used to give them? One dollar?

**Mr. C. Sharma:** I will like to meet you in prison. [*Loud Laughter*]

**Mr. Abdul-Hamid:** "Yuh have plans."

**Hon. Member:** "Yuh eh easy boy."

**Mr. C. Sharma:** We must all plan for the future.

**Mr. Imbert:** I thank the Member for giving way. That is only likely to happen if I am visiting you. [*Laughter and desk thumping*]

**Mr. C. Sharma:** If that happens, I hope that there is legislation that would allow you to spend the night. [*Laughter*]

I was on the point that prisoners must not be left to feel that they cannot be accommodated again in the community. [*Interruption*] You notice I have done it for six elections. I would have hoped the mover of the Motion, who looks very nice this evening, would have indicated—. The debate went all over the place with different Members saying different things with interventions and cross interventions and there was not a flowing picture of what is expected.

For instance when the Minister said that "prison not make to ripe fig" that is an old story. I will not repeat what I told you. What are we doing to prevent it? Your programmes are not working. The reason your programmes are not working is because there is no system that treats with them. We have argued that numerous times. Everything is affiliated to party politics. If you want to join programme A or B it has to be through your party groups. It cannot be that way. More than that, there must be some kind of arrangement where young people can have an opportunity to develop the skills they are interested in.

I looked at some research that was available. It is about a young prison population. It is very disturbing. It is about persons from age 15 to 24. We found that a large number of these young persons from age 15 to 24 came from single parents. We found that there was no counselling available to them. There was no opportunity where they can meet a big brother or big sister club where they can discuss their issues, outside of the NGOs and CBOs that do not get government's assistance in the way they should. Rather than spend \$100 million behind this plan that brings no results to us—.

This country is disturbed. We have spent \$3 million very recently to find a commissioner of police and we are nowhere there. This country does not have the intelligence to identify a commissioner of police. That is the kind of funding we see being thrown away all over the place. We are seeing consultants from everywhere. Every ministry is receiving large sums of money. Nobody knows what he or she is doing. The young man or woman who is trying to earn an income cannot get that assistance because the money is badly spent. There is no fair opportunity. If someone wants to become a teacher, police officer or prison officer in this country, the system is not a fair one that allows that person to access the training.

You would have thought that in 2009 going to 2010, any national of this country wanting to be in any area of the armed service there would be a system. We also found a number of persons who entered the prisons for whatever reason, there is very little training. Today, the Minister was boasting about a library. The library has been there for many years. He pretends and says that this is a brand new PNM idea that obtained about six months ago. I have donated books to the library on several occasions. The library is not something of yesteryear. When you give this report you are not impressing anyone. The national community is saying: "Are you being dishonest?" I know that you are not being dishonest. Do not give the impression that the library just came about. You may have refurbished it. What you do not ever say is how much money you spent. I am certain that when you declare the quantum of money spent, you would have realized that you overspent. A \$10 item under the PNM always cost \$200 for some reason. You are talking prison reform and even the prisoners must see.

On the use of phones, the telephone is for communication as some persons have identified. The Minister is saying that they are now talking to TSTT to introduce some kind of system. Phones are in prisons all over the world. That is more than 100 years old. He is now talking to TSTT as if this is something so novel: "This technology just came from the moon yesterday and the PNM under my ministership or leadership is going to get that facility." You are misleading the national community. If you call a

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pizza store to order pizza on line or on the telephone, it is recorded. Within a minute they take the information and it would be delivered. That information can be stored. In the same way, if you install the telephones it can be recorded. Mr. Speaker, you are aware that the PNM listens to our telephone calls.

**Mr. Speaker:** No. I am not aware of that.

**Mr. C. Sharma:** Okay. The PNM listens to some of our telephone calls.

**Mr. Imbert:** Why will anybody want to know what "you talking" about?  
[*Laughter*]

**Mr. C. Sharma:** That is how I found out. How do you think that I found out? How did they know that you were designing the fall of a former colleague? They listened to your telephone conversation.

Recently, we saw prisoners protesting. The Government having come today, this is the first opportunity because we are talking about prisoners and not a single word. Prisoners are protesting about all kinds of things at prison, as being late for court and reaching to court and there is no air condition at the courts. We have argued on numerous occasions that a number of these matters can be treated at the prison. Today, in many countries of the world they are establishing courts on the prison grounds as well. You cut off the transportation and also there would be a reduction in matters. There are prisoners sitting in prison for years. Recently, we saw a number of prisoners being compensated by the State for exceeding the periods for which they should be in prison

This is the kind of reform that you want. Minimize people going to prison. You have not impressed upon the national community how you are going to do it. Having gotten the prisoner in to the prison, you need to rehab and get him out of there as soon as he has served his time. Do not boast to us that you are running this and that programme because when many of them come out they are unable to find employment. Through the government agencies, that is the first place you should assist them in obtaining employment. You are being very, very unkind. Over the years this PNM has become a government of punishment. Every piece of legislation that you bring—you smoke a cigarette, \$100,000. The fact that people need to use telephone should simply tell you that it is not to ban cellphones, it is to install phones. Solve the problem. People need to communicate for whatever reason, whether they want to talk to their lawyer.

What prevents a person who is in prison for a year or two years waiting to attend court from having an opportunity to talk to his spouse? What prevents him

from picking up the phone and calling his 10-year old daughter and saying, "Daughter, I am in prison, but I want you to be focused. Happy birthday."

Even if he is there for a purpose, at the prison there is a canteen where you can purchase goods at three or four times the price. Why can they not have the same thing and pay for the phone call?

**6.00 p.m.**

**Dr. Browne:** One of your colleagues earlier referred to hits being called from behind prison walls. With your suggestion of providing phones, how would you treat with that?

**Mr. C. Sharma:** I think you just wanted a TV shot. Make the pay phones available and the prisoner pays to use the phone. In the United States, you can access a phone. The Member said that they can access computers; they can send emails, so it is available. Why pretend that prisoners should not have access to telephones? They should not have access. It can be policed; it can be controlled; it is not a free-for-all. You can say that for a month you are allowed three or four telephone calls. What is the difficulty with that?

You are trying to find a way to reduce the prisoners taking the cellphones and we are coming up with ways that work in the United States, Canada and New Zealand. Research will tell you that. The citizens pay money for you to go on the Internet. The Blackberry you use has Internet on it. Look at the research, you will see it. We are not impressed that the Government is serious about anything in this country. I am sure they did not mean it to be that way.

Lately, in talking with constituents and citizens across Trinidad and Tobago, the Government comes across as very weak. They do not know what they are about; they do not think; they lack intelligence. There is always legislation that is not adding value to the lives of people; no matter which Minister brings it. We need to revisit how we do things.

Also, the Government must not play mighty as if they know everything. We defeat the purpose of the debate. A debate is an exchange of ideas; some you accept; others you reject. Not every time someone speaks, what he or she say is wrong, irrelevant or not novel. You are defeating the purpose.

When you look at the history of Trinidad and Tobago, you might qualify to be the worst performing Government.

Thank you.

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Speaker, following on the theme introduced by the last speaker that a debate is an exchange of ideas, one must first be capable of having ideas in order to exchange them.

I find the Opposition UNC quite often trivializes very serious matters. The very idea of promoting telephones in prison, as we have heard from the Member for Fyzabad, is ludicrous. It tells me that Members opposite have not listened to a single thing that the hon. Member for Laventille East/Morvant said and even what the hon. Member for Oropouche said when he spoke about the developments in technology and the way that information can be transmitted and processed; the advances in telecommunication and what cellphones and electronic devices can be used for.

It is a matter of fact, not speculation, that prisoners use cellphones and other devices to put out hits, to assassinate witnesses, to call shots, as it is called in local parlance. When someone is in prison and a matter is coming up for trial, it is not uncommon for assassination hits to be put on witnesses using cellphones. Prison riots can be planned and drugs can be smuggled in and out of prison. There are so many things that can be done using that form of communication that are injurious, unproductive and could cause chaos, disorder and violence in the prison system.

I cannot imagine that any sensible, responsible Member of Parliament would promote and ask for prisoners to be given the use of telephone communication. All over the world we have evidence of how cellphones are used to commit crimes while in prison. There are many examples of documentaries, television programmes and movies about leaders of organized crime who run their criminal empires from inside prison using telephone transmission. This is common knowledge.

For a Member of the Opposition to ask that prisoners be given telephones and say what is wrong with it, shows me that he is not living in the real world.

**Mr. S. Panday:** Mr. Speaker, on a point of order. I never said to give prisoners phones.

**Hon. C. Imbert:** Is it the leadership struggle in the UNC? Are they "tootoolbay"; "bazoodee"? Is it that you are worried that your brother will lose the leadership of the UNC?

**Mr. S. Panday:** 36(1), Mr. Speaker.

**Hon. C. Imbert:** Hon. Member for Princes Town North, I was not talking about you. After you spoke, the Member for Fyzabad trivialized the idea of cellphones and asked that prisoners be given cellphones. He asked what is wrong with that. He said to give them cellphones and three calls per month so that they are able to call their spouses and children.



He was trivializing a clear and present danger where people are assassinated because prisoners will use telephones to run the drug trade from telephones in prison. Your colleagues trivialized this. It shows me that the hon. Member was not prepared.

As a result of the contribution by the hon. Member for Oropouche East, we are proposing an amendment to Prison (Amdt.) Rules, 2009, No. 4. I will move the amendment in due course, but I will explain them first. Instead of "cellphones and other devices", we will substitute the words "cellphones, electronic devices and any other equipment and components that facilitate the transmission and reception of data". We have done that because we accept the argument that there is continuous advance in technological development and that there are means of communication that are not necessarily electronic in nature.

We did a simple search during the debate and there is now communication using optical means which are not necessarily electronic in nature. There are other forms of communication using devices that are not necessarily electronic. We are going to delete the words "cellphones and other electronic devices" and add "cellphones, electronic devices and any other equipment and components that facilitate the transmission and reception of data."

That should do for now. As technology advances, it may be necessary further to amend this definition. I thank the Member for Oropouche East who had some seriousness in his contribution that allowed us to make an improvement to the Rules.

In addition, there was an error in drafting where the draftsman, unfortunately, was looking at the Prison Rules made in 1950, instead of those for 1961. Therefore, we are going to propose also an amendment to the amendment Rule No. 3 by taking out the terms "Superintendent, Deputy Superintendent, Assistant Superintendant", because those were removed way back in 1961 and replaced with the words, "Commissioner, Deputy Commissioner and Prison Superintendent". We are going to clean that up to make it clear that we are actually changing the current rules, that is the reference to "Commissioner, Deputy Commissioner, Prison Superintendent" with "Prison Supervisor or any other officer of higher rank". The reason for that is to expand the number of officers who would be able to activate Rule 178.

Let me just say what it is. Rule 3 deals with Rule 178. Rule 178 reads as follows at this time:

“Every officer or servant of the prison shall submit himself to be searched in the prison if called upon to do so by the Commissioner, Deputy Commissioner or Prison Superintendent.”

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That is the 1961 Rules, which are currently in effect and will now be changed to:

“Every officer or servant of the prison shall submit himself to be searched in the prison, if called upon to do so by the Prison Supervisor or any other officer of a higher rank.”

That is just to give the prison establishment some more flexibility.

Coming to the actual words, the matters we are dealing with, where, after the words, "paper, books, tools", we are inserting "cellphones, electronic devices", and, with the amendment which I will move in due course, "and any other equipment and component that facilitate the transmission and reception of data".

I am speaking primarily now to the Member for Princes Town/North, who is capable of making a good contribution but who finds himself straying. If you look at prison rules all over the world, they all follow a standard form, especially within the Commonwealth.

Prison rules that deal with prohibited articles have both generic words such as "any other article" and also expressly identify particular things. If you look at prison rules for Hong Kong, for example, you would see that they are referring to weapons, instruments, tools, firearms, food, clothing, money, very similar to what we have, and then "any other article".

That is in the Hong Kong prison rules, but they have listed particular things they want focus and attention paid to. I have asked why. Obviously the words "any other article", as a general term, cover anything. It appears that in the prison environment, you need to be very definite and precise about what you want prohibited. You need to spell it out. You can have a generic rule saying "any prohibited article" and then the Commissioner of Prisons could have a note on the prison door saying: "The following are prohibited articles", but that is not how it is done in prisons all around the world.

In prisons all around the world, the practice is specifically to identify certain things that you want everybody, not just the prisoner or the visitor to know, but the prison officer as well. You want them to be aware that these are prohibited articles. You spell out the items you want people to be certain about and then add "any other article".

**Mr. S. Panday:** For what purpose do you put "any other article"? That would be verbose or redundant.

**6.15 p.m.**

If you look at the development of prison rules all over the world, throughout the Commonwealth over the last 200 or 300 years, you will see that the list of prohibited articles continually expand in all jurisdictions, as you have development in technology, for example.

These Rules come from 1838. In 1838, prison authorities thought it prudent to expressly state that money, food, clothing, et cetera, were prohibited articles and then they added a generic catch-all, "or any other article". They named these things in 1838. Obviously, I do not have to tell you this. There were no cellphones in 1838. There was no practice, in 1838, of prisoners using electronic communication, wireless transmissions or other forms of electronic communication to plan a prison riot or jail break, or to trade in smuggling articles in and out of the prison. There was no practice, in 1838, of cellphones being used for that. At that time, 160 years or 170 years ago, it was not appropriate to put that as an expressly prohibited article. But, now in the modern age, where there is sufficient evidence, compelling evidence that prisoners use cellphones; that a cellphone is a tool of disorder within the prison system, it is the practise all over the world, as things develop, to expressly list articles that you want people to focus on.

As a person comes through the prison door, he will see: "The following articles are prohibited under the Prison Rules". We think it prudent to follow the worldwide practice and to draw people's attention to the fact that cellphones and electronic devices are now prohibited articles. That is the main functional reason why these Rules are being amended and why we do not think it is appropriate to have the generic term "or any other article". It is just a practice. If you want to be purely technical and purely legal, of course, the words "any other article" would cover all sorts of things; weapons and all that sort of things.

When you look in Hong Kong, for example, they thought it necessary to mention drugs. When you look at their list of prohibited articles, they say: "weapons, instruments, opium or any other drug". We do not mention drugs in our list of prohibited articles. I asked about that. The reason we do not do this is because we have a Dangerous Drugs Act. Trafficking in drugs or the possession of drugs would be covered under another law. It was not considered necessary to put on the prison wall: "If you are coming in here with drugs it is a prohibited article". In other words, it is obvious that drugs would be a prohibited article. They do not need to tell them that. It might not be obvious to a visitor or even a prison officer that a cellphone is a prohibited article. That is the purpose; to reinforce it in the minds of persons. It is a pre-emptive action in order to avoid having to deal with persons who would be bringing cellphones in the prison. We make it crystal clear that this is not to be allowed and this is not to be tolerated.

I want to deal with some of the other points that the Member made. I do not know if he made it in jest or in "picong", but surely the Member for Princes Town North must know—being a senior practitioner; a senior lawyer, not yet a senior

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counsel, but certainly senior in age, in terms of years of practice, that the Rules—  
[*Interruption*] Is that not true? Are you a Senior Counsel?

**Mr. S. Panday:** No.

**Hon. C. Imbert:** Exactly, but you are a senior practitioner. Am I allowed to call you that, Member for Princes Town North?

**Dr. Gopeesingh:** That is a better phrase, senior practitioner.

**Hon. C. Imbert:** I did not say that; I said senior in years at the bar. You all are just paranoid.

Let us go to section 17 of the Prisons Act, Chap. 13:01. The Rules flow from that section. Section 17(1) states:

“The Minister may, subject to affirmative resolution of Parliament, make Rules for the better carrying into effect of the provisions and purposes of this Act...”

It goes on to list the categories of Rules, namely:

- “(a) the admission and discharge of prisoners;
- (b) the classification, diet, clothing...(et cetera)...
- (c) medical examination”—[*Interruption*]

**Mr. S. Panday:** There is a Bill, which has been laid in the Parliament, which deals with this issue. My learned friend is arguing in anticipation of this Bill.

**Mr. Speaker:** No, you are not in order.

**Hon. C. Imbert:** When the Member for Princes Town North speaks, I wonder if he has been in possession of a close-to prohibited substance because—  
[*Interruption*]

**Mr. Speaker:** No, I think you need to move away from that.

**Hon. C. Imbert:** A prohibited substance could be anything. What is that? When I look at the matter before the Parliament today, I have to wonder what is wrong with him. Let us read it, Prisons Act, Chap. 13:01, I just read from that:

“...made by the Minister under section 17 of the Prisons Act”

I take that back, I apologize profusely. I wonder if the Member for Princes Town North has been imbibing a substance that might cause him to run afoul of the Breathalyzer Act.

**Mr. S. Panday:** Mr. Speaker—

**Mr. Speaker:** No, that is a little worse than the one before. I think you need to withdraw that.

**Hon. C. Imbert:** Okay, Mr. Speaker, I apologize and withdraw.

**Mr. S. Panday:** Mr. Speaker, I want to put it on record, I do not drink alcohol at all. I want to put that on record.

**Hon. C. Imbert:** What did he say; he does not drink anymore? "Yuh stop drinking?"

**Mr. S. Panday:** I do not drink alcohol.

**Hon. C. Imbert:** Mr. Speaker, let us get serious. The Rules are made by the Minister, under section 17 of the Prisons Act. Clearly, the Member for Princes Town North does not understand the operations of section 17 of the Prisons Act. I will, therefore, have to educate him. The concept of anticipation is an absurdity. That is why I wonder when he gets up to speak, what is wrong with him. *[Interruption]* He is in withdrawal? Okay, do not let me go there, I have run afoul of the Speaker twice already.

Let us go back to section 17 of the Prisons Act made pursuant to the powers of the Minister. Those Rules, such as the Rules we are amending today, allow for the admission and discharge of prisoners; the classification; diet; clothing; maintenance; medical examination; establishment, control and administration of welfare funds; payment of prisoners; remission of sentence; supply of money and food; duties of medical officers; duties of visiting justices; construction of wards and cells; classification of prisons; visits to communications with prisons and so on.

The point that must be made is contrary to the fulminations of the Member for Princes Town North, there is no provision in the Rules to deal with complaints from prisoners. Let me repeat that; the Minister is not empowered under the Act to make rules to deal with complaints from prisoners.

Therefore, the very idea that the Member for Princes Town North would believe that you can create a prison complaints authority using the Rules, flies in the face of the expressed provisions of section 17 of the Act and it should be obvious to an experienced legal practitioner such as the Member for Princes Town North, that in order to create a prisons complaints authority, you will have to amend the parent Act. It is simply not possible under the Prison Rules. There is nothing in here that deals with a system of complaints by prisoners. *[Interruption]*

**Mr. S. Panday:** Mr. Speaker, on a point of order—

**Hon. C. Imbert:** What is the point of order?

**Mr. S. Panday:** What I said that we should have a—

**Hon. C. Imbert:** What is the Standing Order?

**Mr. S. Panday:** Mr. Speaker, I did not say that.

**Hon. C. Imbert:** What Standing Order?

**Mr. S. Panday:** I did not say—

**Mr. Speaker:** No, what you can do is, at the end of the Member's contribution, you can raise a Standing Order to clarify that, but not during his contribution.

**Hon. C. Imbert:** I distinctly remember when I got up to tell the Member that you cannot create a prison complaints authority under these Rules, he was very dismissive and said: "Of course you can, the prisoner complains to the prison officer. Of course you can create a prisons complaints authority under the Rules." That is what he said. I have proven now that is impossible and if you want to create a prisons complaints authority, you will have to amend the Act. I am really disappointed in the Member for Princes Town North. He should and does know better.

Mr. Speaker, let me move the amendment. In accordance with what I said earlier, I beg to move that the Motion under consideration be amended by adding the words:

“Subject to the following amendments” after the word “affirmed”:

In clause 3 of the Prison (Amdt.) Rules 2009, by deleting the words “Superintendent or Deputy Superintendent or an Assistance Superintendent” and substituting the words “Commissioner or the Deputy Commissioner or the Prison Superintendent.”

That is the amendment to clause 3.

With respect to clause 4:

By deleting the words “cellphones and other electronic devices” and substituting the words “cellphones, electronic devices and any other equipment and components that facilitate the transmission and reception of data.”

It is my understanding these amendments have been circulated to hon. Members. Therefore, I am really disappointed in the contributions of the hon. Members opposite, with the exception of the hon. Member for Oropouche East.

The Member for Fyzabad trivialized a very serious matter where people are being killed because of cellphone communication out of prison. The Member for Princes Town North, who knows better and probably knows more than any of us of the internal workings of the prison system—I do not mean that in a bad way. The Member for Princes Town North who, probably more than any of us here, has had exposure on the workings of the prison system, lost the opportunity to give an intellectual discourse and to educate us today on what should be done to reform the prison system. Therefore, having moved these proposed amendments, I wish to support my colleague, the Member for Laventille East/Morvant. I am in full support of these Rules as amended.

I thank you.

*Question, on amended Motion, proposed.*

**Mr. Speaker:** I think the hon. Member for Caroni East can speak on the original Motion and the Motion as amended.

**6.30 p.m.**

**Dr. Tim Gopeesingh** (*Caroni East*): Mr. Speaker, I think it is important for us to have some elucidation on one or two of the issues that we are debating this evening, and also some clarification by the Minister of State in the Ministry of National Security and her colleagues. The first might be a very simple one. This legal notice is signed by the Minister of National Security dated this 4th day of December, 2009, but I do not see the Minister of National Security, Sen. The Hon. Martin Joseph's signature, but I see another signature there. I wonder if this was signed by an Acting Minister of National Security. Was it Sen. The Hon. Conrad Enill?

**Hon Member:** Yes.

**Dr. T. Gopeesingh:** Okay. So, that clears up the first point. This Government is subject to making errors whether deliberate or not deliberate in not gazetting things properly, for instance, the Uff Commission of Enquiry. So, it is in that context I thought I would raise that matter. If we have to give support to this, we would not want to give support to something that is illegal.

**Mr. Imbert:** You are going good.

**Mr. Speaker:** When I proposed the amendment, I should have put it to the vote. Let me just repeat it.

“Subject to the following amendments” after the word “affirmed

In clause 3 of the Prison (Amdt.) Rules 2009, by deleting the words “Superintendent or Deputy Superintendent or an Assistant superintendent” and

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substituting the words “Commissioner or the Deputy Commissioner or the Prison Superintendent.”

With respect to Rule 4:

By deleting the words “cellphones and other electronic devices” and substituting the words “cellphones, electronic devices and any other equipment and components that facilitate the transmission and reception of data.”

*Question put and agreed to.*

**Mr. Speaker:** It is now agreed to, so you can continue and address the amendment.

**Dr. T Gopeesingh:** Mr. Speaker, it seems as though this amendment to the rules that we are debating this afternoon were made by the Governor and Executive Council under the West Indian Prisons Act, 1838, and the 318 rules took effect from August 1943 which is 66 years ago. We thought that it would have been better to do a more detailed analysis of the rules which are basically archaic.

The Member for Lopinot/Bon Air West talked about research, but I do not think that he can speak about research from the PNM’s team, because in the presentation of most Bills we do get that element of research coming forward. I am not blaming the Member for Laventille East/Morvant or the Minister of State in the Ministry of National Security. We need to see more research being done in these matters. When Bills are being presented, they should elucidate and educate the national community of the reasons for bringing the amendments and changes to the legislation.

Today, I want to draw reference to two rules that are being changed, but the entire thing needs to be changed. It took the Government eight years to do this. This new administration is two years old, but the previous PNM administration was in 2001. I believe this is in reference to a question that was asked in the other place which brought out the stark reality of the necessity for this change. The question said:

“Would the Minister inform this Senate as to the number of cellphones confiscated in the nation’s prisons for the years 2002—2007?”

The response to that question was given on December 02, 2008, and the answer is as follows:

“...hon. Senators are advised that between the years 2002—2007 a total of 1,184 cellphones were confiscated in the nation’s prisons.”



It goes on:

“In an effort to address this undesirable situation, the prison service has implemented a number of measures to prevent the entry of cellphones and their use by inmates...One of the major challenges faced by the prison service over the years is the practice of corrupt officers making cellphones available to inmates. To remedy this situation, the following actions have been taken:

Conduct of more robust search procedures on officers. Currently, the Prison Service Regulations are being re-drafted...”

That statement was made on December 02, 2008:

“...to allow more classes/ranks the powers to execute searches upon junior officers.”

[MADAM DEPUTY SPEAKER *in the Chair*]

Now, Madam Deputy Speaker, this was a year ago, December 02, 2008, and today is December 11, 2009. It has taken this Government one year to change two rules out of 318 rules, many of which are archaic, and this is totally unacceptable. This is a waste of parliamentary time and a waste of an entire debate—to change two rules out of 318 rules that had been published in the *Royal Gazette* since 1943. We have been dealing with 66 years of archaic rules. It is totally unacceptable for us, as an Opposition, to have to debate two rules. I want to draw some examples. [*Crosstalk*]

**Madam Deputy Speaker:** Hon Members, the Member is being disturbed.

**Dr. T. Gopeesingh:** Madam Deputy Speaker, thank you. I think it is important that Members heed some of the issues that I am going to raise on this matter. I just want to draw Members’ attention to one area that tells us how farcical and outdated these rules are. I will go to one area which deals with "The Medical Officer". This entire thing should be scrapped. The Minister who brought this piece of legislation ought to have considered doing the entire thing.

Rule No. 72 says:

“The Medical Officer shall report to the Colonial Secretary...”

Madam Deputy Speaker, we do not have a Colonial Secretary. That was in 1948. [*Laughter*] Who does the medical officer report to? Where are the rules governing this?

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Rule 73 says:

“The Medical Officer shall visit the Royal Gaol and the Female Prison daily not later than 8.00 a.m.; the Carrera Convict Prison three times a week...He shall visit these stations more frequently if necessary or if called in cases of emergency by the Superintendent.”

As far as I understand, I believe there is one medical officer at the Golden Grove Prison.

**Mr. Imbert:** Madam Deputy Speaker, regrettably, it appears that an outdated version of the Prisons Rules was sent for the assistance of the Opposition. The rules that you have are dated 1950, but the rules were amended in 1961. You do not have the most up-to-date version of the Prisons Rules. A few changes were made between 1950—1961.

**Dr. T. Gopeesingh:** Well, you see, that is a fault of the Government. Last week Wednesday, the Minister, in his haste to bring about these changes to the rules, he said that he had the old rules and the amendments that we are going to make. What he supplied to the Opposition Chief Whip were these rules of which I have a copy. Why do we have to be debating something when he knows that the subsequent rules were not given to us? How can we debate something now that you have in your possession and we do not have? When I draw an example of the archaic and outdated aspect of these rules, you strike me down. So, it is a fault on your part. You should have given us the proper rules. How are you going to clear that up?

**Mr. S. Panday:** He cannot clear that up.

**Dr. T. Gopeesingh:** Let us hear your answer to that.

**Mr. Imbert:** Madam Deputy Speaker, the fact of the matter is that the documents were supplied by the Ministry of National Security, and we all got a copy of them. We on this side also received a copy of the 1950 rules. We were none the wiser, regrettably, that there were the 1961 rules. We discovered that today, but the Opposition should have done its homework and it would have seen the 1961 rules. We were only doing a courtesy to you.

**Dr. T. Gopeesingh:** Madam Deputy Speaker, it is the Government that is piloting this piece of legislation. It is the responsibility of the Government to provide the right information for us. [*Interruption*] If you are providing the information, you cannot absolve yourself from this incompetence on your part. It is mere deep incompetence to provide us with the rules of 1948, and you are saying now that there are 1961 rules. Madam Deputy Speaker, this calls for a postponement of this debate for a week, so that

we can study the 1961 rules. It is unfair for us to look at the 1961 rules now and formulate a thought on them. It is morally wrong; it is reprehensible. We should not have to be debating something based on old rules and you have the 1961 rules hidden. I have made my point. This is very unfortunate.

I was drawing the analogy with respect to the whole question of the Colonial Secretary. Rule 78 states:

“The Medical Officer shall frequently examine the provisions made for the purpose of cleanliness and sanitation...”

How am I going to comment on the new rules when we do not have the 1961 rules? I can only comment on what I have here. This throws this whole matter into chaos. It is very sad. So, therefore, when we are making the statement or the comment that this whole matter is archaic, we have to compare the 1961 rules and see what was changed in the 1948 rules—possibly none. So, the statement I am making about the medical officer is just one area.

There is another rule which states that the medical officer shall be appointed by the Governor. We do not have a Governor in Trinidad and Tobago. Was that changed in the 1961 rules? We are dealing with the question that this was in the old rules. What I am showing you here is that the old rules also need to be changed, and not only the two rules that you are changing. This needs a comprehensive analysis. I would exhort the Government to look at particularly this matter or even the 1961 rules and make changes to them so that we could have something that is more relevant to today’s society.

Madam Deputy Speaker, I want to ask the Government a few questions from an address that was made by the then Minister of National Security in 2008. The first one deals with the disallowance of foodstuff from family and friends.

**6.45 p.m.**

Would the hon. Minister of National Security give us some information whether meals have been disallowed by visitors to the prisoners? Would you want to respond to that, I have two more to ask and whether you would be kind enough to respond to them?

**Miss Cox:** Could you repeat the question please?

**Dr. T. Gopeesingh:** One of the statements made by the Minister of National Security in Parliament on December 02, 2008 in the other place—amongst the measures to prevent an entry of cellphones and its use by inmates, these are as

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follows: "More robust search procedures", which I just discussed that the regulations are being redrafted and it took one year for you to redraft two rules. You talked about "Increased Patrols/Surveillance in the vicinity of Prisons"—that is your Minister of National Security—"Disallowance of foodstuff from family and friends", and he said inmate visitors have also been found to conceal phones in meals brought for inmates as well as in visit bags and clothing; this practice has therefore been disallowed. That is the first question.

General orders and staff circulars—these have been utilized to firmly discourage the use of cellphones by officers while on prison property. The question we are asking is, are prison officers allowed to have cellphones on prison property or not? Because if you really want to stamp out the illegality of it we know that some prison officers charge a high rental for allowing prisoners to use their cellphones; if it is on the property that can continue and if it is not on the property then it would not continue. I have two more to ask and then you will answer these four.

The third is, prison officers suspected to be engaged in the illicit trafficking and use of cellphones within the prison compound face disciplinary charges which are overseen by the Public Service Commission, so prison officers' misconduct can be looked at by the Public Service Commission.

Further, in instances where officers are found with cellphones in addition to illicit drugs the prison service regulation provides for the referral of such matters to the police, so in that context, if a prison officer is found with a cellphone on the prison compound that person can be prosecuted. Are they allowed cells on the prison compound or are they not? If they are allowed cellphones then this cannot be an offence.

**Miss Cox:** You want me to answer now?

**Dr. T. Gopeesingh:** Just one more. Additionally, relatives and friends who are caught attempting to or are determined to have given cellphones to inmates are prohibited from future entry into the prisons, the police are called in and where applicable criminal charges are laid?

So, these are the four points I want you—I can pass it on to—I will pass it along.

**Mr. Imbert:** We cannot get somebody to pass it.

**Dr. T. Gopeesingh:** Okay. So, these are some important considerations and the general population would want to know whether food has been disallowed—

**Mr. Imbert:** Do you want her to answer it now?

**Dr. T. Gopeesingh:** I think, probably in her winding up the Member might be able to—

Now, the Member for Diego Martin North/East brought some amendments and one of the amendments—we have no difficulty with the second amendment, but the first amendment—delete the words "Superintendent or Deputy Superintendent or Assistant Superintendent and substitute the words Commissioner or Deputy Commissioner or Prison Superintendent", but under the Prison Service Act, Chap. 13:02, in the interpretation there is no word of "Commissioner" or "Deputy Commissioner", what it has is the Commissioner of Prisons and Deputy Commissioner of Prisons.

[MR. SPEAKER *in the Chair*]

I do not know whether you would want to re-amend that and put it in as Commissioner of Prisons or the Deputy Commissioner of Prisons. [*Interruption*] Yes, answer that one.

**Mr. Imbert:** I thank the Member for allowing me to clarify and I want to reiterate again the circulation of the 1950 rules was an unfortunate error. My understanding is that the Opposition Chief Whip had asked for a copy and we on this side were facilitating, and regrettably, I do not think I was in the Chamber at the time, regrettably the wrong copy came from the Ministry, but these things do happen.

So, it was not intentional and on behalf of the Government, I apologize for that. I, myself, was not aware that it was the wrong rules, but the 1961 rules have the following words in them. This is where it comes from. Rule 178 from the 1961 amendment reads as follows:

“Every officer or servant of the prison shall submit himself to be searched in the prison if called upon to do so by the Commissioner or Deputy Commissioner or a Prison Superintendent.”

So we are actually taking those words out of the rules. It does not affect the operation of the Act. Okay?

**Dr. T. Gopeesingh:** Okay, so that is tidying up in those rules from 1961?

**Mr. Imbert:** That is very simple. It is confusing when you do not have the— [*Inaudible*]

**Dr. T. Gopeesingh:** Because I was going to raise some objections to the first one that you gave to the—of supervisors, because when you look at the Prison Rules of what you gave us—

**Mr. Imbert:** The old rules.

**Dr. T. Gopeesingh:** The old rules—there is at number two: "The staff of the prison department shall consist of a Superintendent, Deputy Superintendent, Assistant Superintendent, Medical Officer, Clerks, Teachers"—and so, but there never was supervisors, so that is where we were having some considerations on that aspect.

**Mr. Imbert:** I understand.

**Dr. T. Gopeesingh:** There was nothing in this to speak about supervisors, but it is important that you brought this piece to clarify that aspect.

There are a few other areas I want to raise. We believe that the fine for the trafficking of illicit drugs into prisons is very low, and the hon. Minister of State may be able to tell us—I am not able to see the fine, is it \$100 or what is the fine for trafficking illicit drugs or carrying illicit drugs into the prison?

**Mr. S. Panday:** Illicit drug is under a different Act—narcotic.

**Dr. T. Gopeesingh:** Right, Okay. My colleague is indicating that that might be covered under the Illicit Drugs Act, and therefore that might be caught there.

**Mr. S. Panday:** Act No. 38 of '91.

**Dr. T. Gopeesingh:** That would answer the question of penalty.

**Mr. Imbert:** All of those fall under the Dangerous Drugs Act, that already—  
[Inaudible]

**Mr. S. Panday:** Act 38 of '91.

**Dr. T. Gopeesingh:** So, the carrying of dangerous drugs into the prison—

**Mr. Imbert:** That is the same point I was making, I think you are talking about substances and narcotics, but trafficking and possession is an offence whether in prison or out of prison.

**Dr. T. Gopeesingh:** Well, was it dealt with in that law?

**Mr. Imbert:** [Inaudible]

**Dr. T. Gopeesingh:** Okay, fine. I want to raise another issue that was raised by the prison officers recently, and that is when one of their colleagues was murdered having come out of prison, they asked for protection by the use of their firearms at homes, carrying the firearms out of the workplace and the Minister of National Security and the Commissioner of Police, Mr. Philbert said, "Measures will be put in place to protect them".

I believe their fears and apprehensions are still there and over a period of more than six months nothing has been forthcoming except the question of prison officers wearing life jackets, and that seems to have been not implemented and therefore the question of the use of firearms for prison officers—their request—I think something definitive needs to be spoken as far as that is concerned. The Minister of National Security and the Commissioner of Police need to speak about that.

During the debate my colleagues on the other side, obviously, spoke about the necessity for reform of the prison service. They all agree that the prison service needs to be reformed. But we on this side have been asking—you know that the criminal element activity has been increasing over a period of time, but yet still PNM administrations have been there for eight years and we have not really seen any significant improvement in the prison conditions. I would just like to refer my colleagues on the other side to a few articles that strike home to the inhumane conditions existing in the prisons at the moment. It is indefensible that my parliamentary colleagues on the other side will speak about an improvement in the prison service and the conditions under which prisoners are housed, when international bodies and organizations have been berating the Government on the existing prison conditions.

One of the articles: "Amnesty slams T&T for rights abuses"

It says:

“Trinidad and Tobago has once again received poor marks from Amnesty International, a human rights watchdog agency, in the face of reports of police brutality and inhumane prison conditions.

‘Conditions in places of detention caused grave concern and in some cases amounted to cruel, inhumane and degrading treatment. Overcrowding in prisons, remand centres and court cell blocks were rife. Conditions were often’—unsatisfactory—“unsanitary and medical care was inadequate’, the report stated.”

It goes on to say:

“‘Incidents of sexual assault in prison were allegedly frequent’ and ‘young offenders and people convicted of petty offences were reportedly held in crowded cells with prisoners convicted of serious offences’, the report said.

In addition, death row inmates alleged that they are being denied necessary medicines...”

So, when my distinguished colleagues spoke about prison conditions, this is just one article that hits home about the squalid conditions under which prisoners

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are housed. There are many more and it would not be worthwhile at this time to speak too much about other articles except to just mention them and say like one of the articles, “Frederick St prison a ‘hell hole’:

“A High Court Judge has strongly condemned the Prison Service for exploiting the seclusion of the prison walls ‘to perpetrate unlawful acts against prisoners.’”

And there are many more. Justice Carol Gobin leaves the Port of Spain State Prison yesterday after touring the facility and was condemnatory about the conditions in the prison. So, I do not think the Government can really stand proud of its achievement at all within the last eight years as far as improving prison conditions. [*Interruption*]

In fact, it has worsened and deteriorated, and as my colleague from Fyzabad indicated, how is it that the Government is unable to take care of just 3,803 prisoners, according to the figures in 2009, “Prison population total 3,803, prison population rate of 293:100,000 of national population, pre-trial detainees, remand prisoners 41.9 per cent”. Let us round it off, 40 per cent; 40 per cent of the prison population is in the remand prison waiting for their pre-trial.

**7.00 p.m.**

So 40 per cent of 3,800 is 1,520, so about 1,520 prisoners are awaiting trial out of the prison population. What does that speak to? It speaks to a delay in the judicial process in terms of bringing these detainees who are just charged but awaiting trial, and sometimes awaiting trial for years, four and five years, before a decision could be made by the courts on their innocence or guilt. Sometimes, having waited for five or six years, they are found not guilty. What has that done to a particular alleged criminal who has been found innocent? What does that do to the psychologic behaviour and the whole psychologic state of well-being of such an individual?

It is unsatisfactory and unacceptable for our system to allow that to continue. Our colleagues on this side have repeatedly indicated that in the Magistrates' Court, we have been seeing more than 400,000 cases awaiting trial. Even though you bring that down to half, it is 200,000.

**Mr. Imbert:** You talking about your colleague? Who are you talking—  
[*Inaudible*]

**Dr. T. Gopeesingh:** Do not get into our business. He is trying to get into our business. We do not get into your business too much.



**Mr. Imbert:** What? Every day you all are in our business.

**Dr. T. Gopeesingh:** We are a fully democratic party which allows the democracy to flourish and to prevail, so that whatever comes out in the end will be through a democratic, free and fair election. I do not think you can boast about that on your side. You have a different system where you know that things go haywire.

So, Mr. Speaker, the point on that is that things need to be—*[Interruption]*

**Mr. Imbert:** You believe that?

**Dr. T. Gopeesingh:** You are the Leader of Government Business and you are a responsible person. The Minister of State in the Ministry of National Security has to impress upon Cabinet the necessity for outfitting the Judiciary with the human resource capacity and the infrastructure which will facilitate more expeditious resolution to these judicial cases before the courts. For long, the Judiciary has been asking for more puisne judges. Twenty-something puisne judges are not enough at this stage. I had a brother who was an Appeal Court Judge. He acted as Chief Justice on two occasions.

**Mr. Imbert:** Who is that?

**Dr. T. Gopeesingh:** Justice Gopeesingh, deceased.

**Mr. Imbert:** When was that?

**Hon. Member:** You did not know that?

**Dr. T. Gopeesingh:** You did not know that?

**Mr. Imbert:** No.

**Dr. T. Gopeesingh:** Well, I will leave you to find that out. In 1997, he passed away with a heart attack.

**Mr. Imbert:** When he acted as Chief Justice?

**Dr. T. Gopeesingh:** Just before when Sat Sharma had acted. That is irrelevant. The fact is that judges work hard.

Mr. Speaker, you are in the legal profession and a senior member, I would not put it the way that the hon. Member for Diego Martin North/East tries to put down our colleagues, when he knows that my colleague is a very capable and competent attorney—

**Mr. Imbert:** Who? Member for Fyzabad?

**Dr. T. Gopeesingh:** No, my colleague, the Member for Princes Town North. He is one of the leading lawyers in the [*Desk thumping*] criminal courts in this country. Recently, the Chief Justice asked for a number of things to be improved, and it is incumbent upon the hon. Minister and all Cabinet Members here to impress upon each other and their colleagues, to allow the Judiciary to function with stronger human resource capacity and infrastructural development and improvement. You all know the home place for the Industrial Court is unsatisfactory at the moment; the San Fernando Magistrates' Court—and we do not need to tell you what needs to happen about the improvements that are necessary in all the courts in Trinidad and Tobago—the 42 courts that you have as Magistrates' Courts.

To conclude on that point, justice delayed is justice denied, so that anyone who has to wait that period of time will obviously know that they have been treated unfairly judicially. If your prison service vans that are transporting prison officers can have justice in time, the Amalgamated security vans, when you see justice in time—[*Interruption*]

**Dr. Rafeeq:** On time.

**Dr. T. Gopeesingh:** What?

**Dr. Rafeeq:** On time.

**Dr. T. Gopeesingh:** On time. Justice on time. You should ensure that, as a Government, justice is delivered on time.

Mr. Speaker, the Government expenditure on prison reform, including the correctional education programmes, is probably insufficient or has not yielded the desired result. If you try to do an empirical substantiation of what improvements have taken place as far as prison reform is concerned, you will see that you have failed miserably. The Member for Lopinot/Bon Air West alluded to the fact that there is a parole system, and he spoke about a Conditional Release Act that has been reviewed and a Restorative Justice Act which is going to come into place. That is too long in coming into place.

**Mr. Parsanlal:** The Act?

**Dr. T. Gopeesingh:** Or restorative justice—[*Interruption*]

**Mr. Parsanlal:** A Conditional Release Act.

**Dr. T. Gopeesingh:** Okay, whatever. But you obviously agree with the fact that you have not really been able to touch the whole issue of prison reform or prisoners' reform. You may have dealt with a little. There are a few people who have done relatively well, but you need to multiply this tenfold.

You see, it is a slow process. You have spoken about how many people who have done O levels, you should be able to multiply that tenfold. If 100 have done O levels, people should be able to come out of prison with probably university degrees. It is not far-fetched for that to occur because there are many prisoners who know that they have made mistakes in life, they are paying the penalty for it and they would like to improve themselves. So, that is an important consideration that you all have to take in terms of prison service reform and prisoners reform because you have been promising since 2003.

I want to quote an article, if I can find it, just to draw to your attention—I cannot find it at the moment—but there is a situation which you all spoke about in 2003; that there will be an improvement in the prison service in terms of rehabilitation. Yes, I think I have found it.

We want to ask the Minister to account for what he had said some time ago. He said that the government expenditure on prisoner reform, including the correctional education programme; because since 2003, the Government representatives have been pronouncing that prison rehabilitation has been getting top priority. So five years now you all have been talking about that. It was an article by Theron Boodan in the *Newsday* of Monday, April 14, 2003.

“Rehabilitation of Criminal Offenders is a serious priority for the Government with a commitment given by Prime Minister Patrick Manning, that the correctional services will embark on programmes aimed at preparing offenders to re-enter society and avoid crime, said Permanent Secretary in the Ministry of Legal Affairs, Phillipa Forde.”

That is 2003. Six years later, very little has been done for improvement.

“Forde made the point while speaking at the opening ceremony of the Legal Aid and Advisory Authority’s two-day retreat at Cascadia Hotel. Forde talked about Government's Recidivism project which will attempt to determine the causes of the high level of repeat offenders...”

For the Minister of Education, Member of Parliament for Tunapuna:

“...youth deviance project aims to provide data, as well as clarify the facts related to the genesis and solution of youth deviance and school violence.”

That was spoken about by the Permanent Secretary, Phillipa Forde, in 2003, in an address that was given in terms of the rehabilitation aspects of prisoners.

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Mr. Speaker, I would not go into some of the other areas. I have decided to express some sentiments as to what has been happening in the prison service. But just to raise the headlines, one of the headlines Members would remember—  
[*Interruption*] No, I am not—

"Jail Rage: Chaos as prisoners rip apart cells in court"

Prisoners crammed into the cells of the San Fernando Magistrates' Court rose up against their police guards.

"Camera caught prison beating"

Somebody has a camera in prison.

"Prison officers shortage"

And the prison service sought to put recruits to substitute for the prison officers and these recruits had only about five to six weeks experience, as opposed to a prisoner officer who has to undergo six months of training.

So you see where the system is falling apart. The system is short-staffed; the conditions are poor; the rehabilitation aspect is weak; the recidivism is high; Amnesty International has been slamming the prison service—the judge was upset when she visited the prison to determine the conditions there, quoting Frederick Street prison as a hellhole—and so on. So, Mr. Speaker, I think that dealt with the whole question of the prison service, and I just want for a short period of time to respond to some of the things that colleagues on the other side spoke about.

The Member for Lopinot/Bon Air West spoke about the reduction in crime, and he tried to give some figures in 2009 as compared to 2008, to indicate that there has been a reduction. But you cannot just draw that analysis and analogy between 2008 and 2009. It may be less than 2008, minimally so, and therefore, one cannot just boast to say that there has been a reduction in crime and criminal activity. One has to look over a period of time at what has been happening, and over a period of time the number of murders has been climbing.

Under the UNC in 1999, there were 94 murders, to 200, to 300, to 400, to 500, and last year it was 530. This year so far, it is about 470. So you cannot use an analysis or a comparator between 2008 and 2009 and say it is falling. You are really trying to fool the population, but you cannot fool the population. You know it is wrong. So do not bring those types of analogies and comparators to substantiate your arguments. That argument is flawed. There might be a decrease in 2009 from 2008, but there has been a steady increase from 2002 to 2009, and

accept that. That is empirically substantiated, and the national population knows that. I think the Government has to admit that they have failed this country as far as serious crimes and criminal matters are concerned.

The Member for Diego Martin North/East tried to make heavy weather about the fact that my colleagues have been talking about having telephones in prison and giving to prison officers. This was never the intent of my colleague from Princes Town North; not at all. The point we are making on this side is that there should be an ability of prisoners to be able to communicate by having a fixed telephone system, a fixed booth, which they can go to and be led by authority and supervision and make their telephone calls under supervision; not given telephones for them to use in prison. So I want to clarify that point.

Mr. Speaker, I think you wanted to say—

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member has expired.

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. [*Dr. H. Rafeeq*]

*Question put and agreed to.*

### **7.15 p.m.**

Mr. Speaker, I do not want to detain the House longer, except to just make one or two points.

The Member for Lopinot/Bon Air West admitted that even though we bring all this legislation together, it would come to naught if we do not fix the prison system. I hope you know your responsibility as a government and as a Cabinet to ensure that the prison service is—it is all right to talk, but we want to see action. The population wants to see action.

They mentioned the presence of the video conferencing system going on in Trinidad and Tobago already, but we asked for it in another Bill. Mr. Speaker, you may have to guide me, because I am not sure if I am on the right path in this—but in another Bill we asked for video conferencing to take place when we examined witnesses. Witnesses could have been examined by video conferencing in court. We tried to put over that point to them, but they said that was cutting edge technology for that Bill. They refused to accept it for that Bill, but they come today to say that video conferencing centres are already in the courts and, therefore, this is something we should not be talking too much about.

They avoided discussions on the necessity for it in the Evidence (Amdt.) Bill, where you could do video conferencing to interrogate or bring evidence from the convicted, the alleged criminals or from the defence. They poohed-poohed that idea saying that it was cutting edge technology, but today you are saying it is already going on. That is the type of double system that you have.

Mr. Speaker, I believe these are the comments I want to make in terms of my colleagues on the other side's response to some of the criticisms made. We see the necessity for the urgent analysis and changes, as far as these rules and regulations are concerned, defining the prison service, prisoners and prison officers. We want answers to the questions that I raised to the hon. Minister of State in the Ministry of National Security.

Let me indicate that we are not happy and comfortable with the whole situation, as far as the prison service is concerned, and the Government needs to work very diligently and efficiently to improve this service as fast as possible.

Thank you.

**The Minister of State in the Ministry of National Security (Hon. Donna Cox):** Mr. Speaker, I just want to start by thanking Members of this honourable House, my colleagues on this side and on the other side, for their contributions to this debate.

Some of the comments raised by Members on the opposite side were answered by the Member for Laventille West, the Member for Diego Martin North/East and the Member for Lopinot/Bon Air West. I will try to answer those that were not raised. I will start with the Member for Caroni East.

Concerning the use of cellphones by prison officers in the prisons, cellphones are not allowed, or the prison officer would face disciplinary charges. Actually we have about five prison officers before the court and 34 officers on suspension. This is for what you mentioned, cellphones and illicit drugs.

Concerning foodstuff, that is not allowed in the prison; that is a security measure. So relatives and friends cannot bring in foodstuff anymore.

The Member asked about patrols. I must say that the patrols around the prison have been increased considerably, so there are increased patrols. [*Interruption*]

**Dr. Gopeesingh:** Firearms for officers; the continuous use of firearms for officers. [*Interruption*]

**Hon. D. Cox:** Concerning firearms, of course, if an officer's life is threatened, the prison commissioner together with the police service does a threat assessment

and then they would make the decision on whether an officer would be issued a firearm. This is done, I must say.

I go on to the Member for Oropouche East, who asked a lot of questions and I am sorry he is not here to hear the answers. Concerning an update on the prison complex, 100 acres of land have already been acquired in Caroni and the prison service has already compiled a user brief of what the complex would comprise. This has been passed on to the consultant. The consultant is also working on Golden Grove dormitories for inmates. Additionally, the consultant is also moving ahead with plans to construct a training academy and the construction of a new prison in Tobago.

Concerning the programmes, I know there has been a lot of talk of our not having enough rehabilitation programmes. I do not know where that came from, but I know that the Members for Lopinot/Bon Air West and Laventille West spoke a lot about the rehabilitative programmes that were in the prison. Some of these are the orientation, midstream and pre-release programmes. They include education programmes, that I know the Member for Lopinot/Bon Air West spoke about, the O levels and so on, and the management, drug rehabilitation and life skills programmes, and technical/vocational courses. There is also a Walking Tall programme; this is a prerelease programme. There is also a Therapeutic Community programme. The prison service is also involved in a rehabilitative programme with the Ministry of Science, Technology and Tertiary Education. These programmes have been very successful I must say.

The Member for Oropouche asked for the ranks above supervisory level. This tells us that from supervisor up are allowed to search; they are Assistant Superintendent, Superintendent, Senior Superintendent, Assistant Commissioner and Deputy Commissioner of Prisons and Commissioner of Prisons.

The welfare officer's role is mainly to look after the welfare of the inmates, so the welfare officers liaise with the inmates and their families. They belong to a separate stream.

Concerning electronic devices, he asked for a definition; it includes cameras, laptops, pagers and personal hand held devices.

The Member for Princes Town North enquired about CCTV cameras. There are CCTV cameras in the Maximum Security Prison, at Golden Grove also. The upgrade is continuing in Arouca also, at Golden Grove.

Mr. Speaker, I want to point out that the support, the vision and leadership of this Government have made it possible for a climate of reform and restructuring

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to take place in the prison. The amendments to these prison rules are, indeed, very important and, of course, they will advance the upgrade of the prison service.

As I mentioned earlier in my presentation, we are currently reviewing the prison rules. They are from 1838 and there was an amendment in 1951. It is a lot. Early next year we propose to bring the amendments to the House; we are almost finished. I would like to let Members on the opposite side know that. I expect my friends to support these amendments.

With these few words, I beg to move.

*Question, on amended Motion, put and agreed to.*

*Resolved:*

That the Prison (Amdt.) Rules, 2009 be now affirmed:

Be it resolved:

That the Prison (Amdt.) Rules, 2009 be now affirmed subject to the following amendments:

Rule	Extent of Amendments
3	Delete the words "Superintendent, or Deputy Superintendent or an Assistant Superintendent" and substitute the words "Commissioner, or the Deputy Commissioner, or a Prison Superintendent".
4	Delete the words "cell phones and other electronic devices" and substitute the words "cell phones, electronic devices and any other equipment and components that facilitate the transmission and reception of data".

#### ADJOURNMENT

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Speaker, I beg to move that this House do now adjourn to Friday, December 18, at 1.30 p.m.

It is our intention on that day, as we have indicated, to debate to conclusion the Property Tax Bill, 2009, and the Valuation of Land (Amdt.) Bill, 2009, both of which were laid in this Parliament together.

I will also tell Members that the Government spent a long time looking at these two pieces of legislation and we feel that they are, more or less, in order.



*Adjournment*

*Friday, December 11, 2009*

We are going to take the week and look for lacunae, typos and so on; so it is quite possible that on Friday of next week there may be some amendments to deal with typographical errors and other lacunae that we did not pick up, but they should be substantial, they should not affect the policy of the Bill significantly, except maybe in a very positive way.

It is also our intention, barring unforeseen circumstances which always arise or sometimes arise, that December 18 will be the last sitting day for the month of December. I just want to let Members know that. It is unlikely, unless there is some emergency that the House will be called out again before January 2010. *[Interruption]*

I am adjourning to December 18, 2009 I am just saying that we will not set another sitting day in December, unless some emergency arises or some critical matter requires our attention.

I should also let hon. Members know, that Parliament will be prorogued at midnight on January 08, 2010 or before that day. The last possible day and time for this session is midnight on January 08, 2010 which happens to be a Friday. So Parliament will be prorogued either on that day, at that time or before that.

It may be necessary to have a sitting during the week that ends on January 08, 2010—I think that week starts on the 3rd or 4th; I am not sure what day it is—that would be, essentially, not to start any legislation, but to deal with any amendments that may come from the Senate on the Property Tax and the Valuation of Land (Amdt.) Bills, and any other legislation that may be before the Senate, at that time, having come from the House.

**7.30 p.m.**

At this time, the intention is that it would be to tidy up matters coming from the Senate. However, emergencies arise all the time so I just want to put Members on notice that if some critical matter comes up we may have to have a substantial sitting.

The Parliament is expected to resume shortly thereafter, however, probably the following week after January 08, 2010 unless some critical matter arises.

**Mr. Speaker:** Are we doing the Matter on the Adjournment?

**Dr. Rafeeq:** Mr. Speaker, the Member for Princes Town North is not sure whether he will be here next week and he wants to deal with his matter even though the Minister is not here to respond.

*Adjournment*

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**Hon. C. Imbert:** Mr. Speaker, as I indicated, the Government wishes to register its strongest objection to the Member for Princes Town North proceeding with this matter in the absence of the Minister of Health who is unavoidably absent. He is in fact involved in a medical procedure at this time. The Member knows that, and it is wrong for the Member to raise this matter in the absence of the Minister of Health.

**Mr. Speaker:** I hear you, but be that as it may, any Member is entitled to raise a Motion on the Adjournment and if the Member is not in a position to accede to the request of the Minister of Health, my hands are certainly tied.

So we will do that one Motion. You have 15 minutes and whoever is going to reply if there is anyone. So, in that case, the hon. Member for Princes Town North may begin.

**Hon. C. Imbert:** Mr. Speaker, we reserve our right to reply.

**Mr. Speaker:** If you are reserving, you have to reply now.

**Hon. C. Imbert:** We cannot reply now, the Member is not here.

**Mr. Speaker:** I know, but you cannot adjourn the reply.

**Hon. C. Imbert:** Mr. Speaker, this has been done before.

**Dr. Rafeeq:** We have no difficulty with that.

**Mr. Speaker:** If both parties agree—I will have to research that point. I do not recall.

**Dr. Rafeeq:** It has happened twice before.

**Mr. Speaker:** Perhaps that would have been very late at night.

So I call on the Member for Princes Town North, and the Government is reserving its reply.

### **Swine Flu Epidemic (Trinidad & Tobago)**

**Mr. Subhas Panday** (*Princes Town North*): Mr. Speaker, the Motion standing in my name is the issue of Swine flu Epidemic in Trinidad and Tobago.

Before I start, I extend my sympathies to the Minister of Health for his dental emergency. However, I also wish to extend my deepest condolences to the bereaved families of the number of persons who have died recently as a result of the swine flu.

Mr. Speaker, I also wish to express my interest in this matter because I too have experienced the death of a relative recently as a result of the swine flu.

Mr. Speaker, I have collected certain research data which I intend to lay before this House, but before I go to the data, when somebody is suspected with swine flu that person is not admitted in the general casualty, but is placed in a swine flu admission area.

After that, if you deteriorate, at the San Fernando General Hospital you are put in Ward 10D, which is an isolated section of the ward called the Swine Flu Ward. As you further deteriorate, you are put in the high dependency unit and then into the Intensive Care Unit (ICU) where most likely, you die.

Mr. Speaker, for the last month or so, no one has gone to the ICU in San Fernando and come out alive and that is frightening. Indeed, there is a pandemic in Trinidad and Tobago and when you ask the doctors for information, we have passed legislation banning doctors from speaking to the media, but the doctors do not speak to the press, they do not even speak to the families of the affected persons about their illness.

Mr. Speaker, I have some information which I would like to share with this honourable House and the public in general. Between October 12 to November 16, 2009 14 persons have died at the ICU at San Fernando, all had been admitted for swine flu. When one is admitted, one is treated for swine flu, but when one dies something else is put on the death certificate. Doctors do that.

Mr. Speaker, I am not going to call the names of the people because of my respect for the deceased, but the following appeared on their death certificates:

- on October 12, 2009, deceased from Princes Town, 52 years old, bronchopneumonia;
- October 13, 2009, Barrackpore, 29 years old, bronchopneumonia;
- October 14, 2009, Princes Town, bronchopneumonia, pulmonary embolism;
- October 15, 2009, Penal, bronchopneumonia, pulmonary embolism, age 28;
- October 25, 2009, Marabella, age 40, pulmonary embolism;
- October 26, 2009, Claxton Bay, pulmonary embolism;
- October 30, 2009, Fyzabad, bronchopneumonia;
- November 03, 2009, Penal, pulmonary embolism, age 27;

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- November 06, 2009, Mayo, age 26, pulmonary embolism;
- November 11, 2009, Avocat, age 42, pulmonary embolism;
- November 12, 2009, La Romaine, age 47, pulmonary embolism;
- November 16, 2009, San Fernando, bronchopneumonia;
- November 16, 2009, Diamond Village, age 22, bronchopneumonia, subarachnoid haemorrhage.

Mr. Speaker, I have consulted my learned friend, the Member for Caroni East, and he says that pulmonary embolism is a very rare position; it occurs following deep vein thrombosis of the legs and following surgical operations. These persons were admitted to the hospital for swine flu and they end up dying with this.

Mr. Speaker, the hon. Member for Caroni East says it is such a rare phenomenon that only one in 2,000 deaths occur from this ailment of pulmonary embolism. Therefore, something is wrong in Trinidad and Tobago. I have not received the data as yet and these were on the death certificates. Since then, the rate of death at the Intensive Care Unit of the San Fernando General Hospital is about five per week. That is a pandemic and it is frightening that so many people are dying.

Mr. Speaker, we have passed legislation in this House gagging doctors, they cannot speak about it, and we have information that the higher authorities have told the doctors to keep it down and put these causes of death. These doctors may find themselves in an embarrassing position.

The South/West Regional Authority is a political organization headed by politicians who are toeing the line of politicians and if doctors speak the truth, they are on contract, do not have security of tenure and, as such, are forced to compromise their professional integrity. It is a serious situation.

Mr. Speaker, it is said that the situation is similar to San Fernando as in Port of Spain, therefore, if so many persons are dying per month 14—15 are dying from this ailment, indeed it is an epidemic in this country and the Government is playing it down.

**Hon. Member:** Epidemic or pandemic?

**Mr. S. Panday:** Epidemic or pandemic, it does not matter, it is serious. People are dying like flies in Trinidad and Tobago because of the swine flu and the Government is playing it down.

Mr. Speaker, because the Government is playing it down, even doctors in certain areas have dropped their guards and are not alert to the symptoms of the swine flu. As a result of that, we have called upon the Minister to immediately sensitize the population of Trinidad and Tobago about the symptoms of swine flu.

Put it on the radio and television. In Mexico, they have gone so far advising people not to shake hands with others because the disease is contagious. It is also air borne and, therefore, we should teach people how to go about in hygienic ways. If this is not done, things will worsen. Too many young persons are dying.

Mr. Speaker, I humbly submit that the number of persons in Trinidad who are dying from swine flu and doctors are putting the symptoms and not the cause of swine flu is unfair and unjust to the population.

Mr. Speaker, I am asking this Government to import immediately sufficient vaccines to vaccinate the entire population, and if we cannot do that, there are groups who are high risk for example, the number of persons with diabetes which is a high risk group. It is said one in eight persons in Trinidad and Tobago has diabetes. Persons with asthma are also high risk; persons with respiratory problems and cancer are high risk groups.

So we are asking the Government to deal with this problem, bring it to the forefront, educate the population and get enough vaccines to vaccinate the people early. It is said that children between the ages of 2—5 are also high risk persons. We are begging the Government on behalf of all the people of Trinidad and Tobago to ensure that every one receives the vaccine.

Mr. Speaker, Carnival is coming, we have enough time and we are telling the Government if it allows this situation to continue as it is going; hiding and suppressing information, when this explodes, it will be a serious situation after Carnival. So take steps now.

Mr. Speaker, the doctors in the hospital are under pressure. I do not want to cast any aspersions on them, but they say when they send the samples to CAREC it can only determine if it is A or B type, and if it is A, it is sent abroad to be analyzed and we do not know if there is collusion between the authorities and CAREC.

I do not want to cast aspersions, but CAREC is late and recalcitrant in returning the results of the samples. Is there somebody, somewhere high up blocking this? So the doctors are forced to use the symptoms of swine flu and put as the cause of death. As some people say, if that logic is used, it could be said that nobody is

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dying from AIDS either. So it is a serious situation and we call upon the Government to take immediate steps to deal with the swine flu.

We probably would have had the vaccines, but we have many relatives who could succumb to this serious situation.

Thank you very much, Mr. Speaker.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 7.45 p.m.*