

SENATE*Tuesday, February 22, 2000*

The Senate met at 10.30 a.m.

PRAYERS[MR. PRESIDENT *in the Chair*]**NATIONAL CHUTNEY FOUNDATION (INC'N) BILL**

Bill to incorporate the National Chutney Foundation of Trinidad and Tobago and matters incidental thereto. [*Sen. Dr. The Hon. Daphne Phillips*]; *read the first time.*

Motion made, That the next stage be taken at the next sitting of the Senate. [*Sen. The Hon. W. Mark*]

Question put and agreed to.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the San Juan/Laventille Regional Corporation for the year ended December 31, 1997. [*The Minister of Finance (Sen. The Hon. Brian Kuei Tung)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the Accounts and Financial Statements of the Siparia Regional Corporation for the year ended December 31, 1996. [*Sen. The Hon. B. Kuei Tung*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the Accounts and Financial Statements of the Siparia Regional Corporation for the year ended December 31, 1997. [*Sen. The Hon. B. Kuei Tung*]

ORAL ANSWER TO QUESTION

**Nipdec Cold Storage Facilities
(Closure of)**

10. **Sen. Cynthia Alfred** asked the Minister of Agriculture, Land and Marine Resources.
 - A. Is the hon. Minister of Agriculture, Land and Marine Resources aware that the NIPDEC cold storage facilities in Tobago have closed down due to a lack of approximately two million dollars (\$2m) needed for the refurbishment of the facilities?

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- B. Is the hon. Minister also aware that due to the closure, the Flying Fish Industry in Tobago is virtually at a standstill leaving hundreds of Tobago fishermen, fish processors, other workers and their dependants severely disadvantaged?

If the answers to A and B are in the affirmative, will the hon. Minister inform this House:

- (a) if any measures are proposed by his Ministry to effect the necessary refurbishment to the Nipdec Cold Storage facilities to alleviate the unemployment problem created in the fishing industry;
- (b) how soon remedial action will be taken?

The Minister of Agriculture, Land and Marine Resources (Hon. Trevor Sudama): Mr. President, yes, I have become aware that Nipdec's cold storage facilities in Tobago have closed and that approximately \$2 million is required for refurbishment work. This information was obtained through the print and electronic media.

I am conscious of the fact that as a result of the closure there will be adverse consequences to fishermen, fish processors and other workers. However, it is necessary for me to give some background information on the subject which would clarify Government's role.

The National Insurance Property Development Company Limited (NIPDEC) is a privately owned and operated agency and is a subsidiary of the National Insurance Board. The Nipdec Warehouse Complex located on Old Government Farm Road in Tobago consists of dry storage facilities comprising 80,000 sq. ft. and cold storage facilities comprising 200,000 sq. ft. with a holding capacity of one million kilograms of frozen product. To date, the lease to the lands on which the warehouse stands has not been finalized by the Tobago House of Assembly. Also, financial support has not been provided by the Tobago House of Assembly to the facility and Nipdec has carried the financial burden of the facility. Nipdec has provided only minimum maintenance to the cold storage facilities because of its unprofitability.

The current situation is that a number of cold storage units are non-operational due to lack of maintenance. The technology currently utilized and equipment and other infrastructure require upgrading for greater cost-effectiveness. However, some areas of the facilities are still operational.

Under the Fifth Schedule of the Tobago House of Assembly Act, No. 40 of 1996 responsibility for fisheries rest with the Tobago House of Assembly as well as for infrastructure. I am advised that in August 1999, Nipdec met with stakeholders in Tobago including representatives of the Division of Agriculture, Forestry and Marine Affairs of the Tobago House of Assembly, the Tourism and Industrial Development Company of Trinidad and Tobago Limited and the fishing industry to review the situation. An outcome of this meeting was the preparation of a joint proposal that was forwarded to the Tobago House of Assembly for its consideration. In essence, the proposal recommended:

- (i) A capital injection by the Tobago House of Assembly of TT \$2.1 million to refurbish the facilities.

May I also mention that \$2.1 million is barely one-twentieth of the expenditure on Ringbang and one-sixth of the investment in ADDA.

- (ii) A scaling down of the size of the facilities taking into consideration the percentage utilization which fluctuated between 10 to 30 per cent.
- (iii) The lease of additional lands by the Tobago House of Assembly to Nipdec to expand the dry storage facility which was the profitable section of the venture. The intention was to place the complex on a more sound financial footing.

A comparison of the financial reports from the dry storage facilities and the cold storage facilities show that whereas a profit was made by the former, that is, the dry storage facilities, losses were incurred by the latter.

Since the proposals were put forward there has been no response from the Tobago House of Assembly. In these circumstances, Nipdec has taken a position to present the case to its board with the recommendation to either reinvest in the facility or to close it down. However, a private entity in Tobago related to the fishing industry has presented a proposal for a joint venture partnership with Nipdec, the terms and conditions of which have yet to be finalized. In the interim, discussions are ongoing between the Division of Agriculture, Forestry and Marine Affairs of the Tobago House of Assembly and the Tobago fishing industry. Thank you, Mr. President.

Sen. Prof. Spence: Mr. President, the hon. Minister seems to be putting the blame on the Tobago House of Assembly. Is he aware of the Tobago House of Assembly Act, section 25 No. 1 which, in effect, makes the Cabinet of Trinidad and Tobago have overall responsibility in spite of Schedule 5, because this is used in various ways including tourism by the Government of Trinidad and Tobago?

Hon. T. Sudama: Mr. President, the Government's actions are governed by the budget provisions. In the formulation of the budget, the Tobago House of Assembly has the opportunity to make an input either directly or through the Ministry of Tobago Affairs. Therefore, since no provision was requested with respect to the restoration of the cold storage facilities of Nipdec it only stands to reason that that was not considered a priority of the Tobago House of Assembly. Therefore, the Government had not taken that into consideration, did not make a provision for that in the budget. That being so, the question of whether this expenditure could be met has to be dealt with as a separate item and as a result of separate representation. May I add that the whole thrust of the Government is to allow the private sector to get more and more involved in the economic affairs of Trinidad and Tobago, and this is why the initiative was taken by Nipdec in order to see whether this service that was provided could have been put on a profitable basis.

10.40 a.m.

Sen. Alfred: Supplemental question, Mr. President. Is the hon. Minister saying, therefore, that if the Tobago House of Assembly is not in a position to make good on this whole question of the Nipdec cold storage facilities, the central government would not take a hand and do something, perhaps to advance the money to the Tobago House of Assembly, so that the facilities could be put in place?

Hon. T. Sudama: Mr. President, the Government has overall responsibility, that is true, but you all are aware of how jealously the Tobago House of Assembly guards its responsibilities under the Tobago House of Assembly Act.

Sen. Montano: I would like to ask, is the Minister saying that the \$3.5 million being spent on the savannah is more important than the repair of this facility?
[Desk thumping]

Hon. T. Sudama: Mr. President, I am saying no such thing. I am saying that the normal way in which budget provisions are made is such that a request is made during the course of the preparation of the budget for certain items of capital expenditure to be included in the budget.

Sen. Montano: Well, Mr. President, the Government has now spent approximately \$6 million paving the savannah. Is that in the budget to be passed in September?

Hon. T. Sudama: That is a question more usefully directed to the Minister of Finance. [*Laughter*]

Sen. Dr. Mc Kenzie: I have just two questions to ask the hon. Minister. Sir, I would like to find out from you, when were the proposals from the organizations trying to salvage the thing put forward to the THA? Secondly, I get the impression that Nipdec, as a private organization, could not be catered for in the budget. I do not know whether I am wrong. You are saying that there are no budgetary allocations, no requests, *et cetera*, but you started off by saying that Nipdec is a private organization. Am I getting you right?

Hon. T. Sudama: I am not quite clear as to what you are getting at in your second question. However, let me say that the information that I have with respect to the private entity, which is the All Tobago Fisher Folk Association, says that that organization has expressed an interest but I do not have the information as to the exact date on which that interest was expressed.

ARRANGEMENT OF BUSINESS

The Minister of Public Administration (Sen. The Hon Wade Mark): Mr. President, I beg to move that we proceed with “Bills Second Reading”, item No. 1, before “Government Business Motions”.

Agreed to.

REGIONAL HEALTH AUTHORITIES (AMDT.) BILL

[Second Day]

Order read for resuming adjourned debate on question [February 15, 2000]:

That the Bill be now read a second time.

Question again proposed.

Mr. President: May I point out that when we adjourned on the last occasion the hon. Minister had started his response and had utilized 14 minutes of his speaking time.

Dr. The Hon. H. Rafeeq: Mr. President, on the last occasion when the Senate was adjourned I was, in fact, responding to the comments and queries made by Members who participated in the debate. Today I intend to be very brief and just deal with the issues on the Bill itself.

The Regional Health Authorities Act makes provisions for public servants, that is the monthly-paid public servants, when they transfer from the public service to the regional health authorities, but the Act is very silent in terms of the

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daily-rated workers. This must have been an oversight or omission on the part of those who were drafting the Bill at that time. This Bill before us seeks to correct that oversight or that omission when this Bill was, in fact, drafted.

A concern has been expressed that this Bill seeks to entrench a particular union as the union that will represent the daily-rated workers when they transfer. There is no such intention in this Bill. What is happening here is that, just as the parent Act says that it does give the public servants some degree of comfort and confidence that when they are transferred across to the RHAs they will continue to be represented by the association that represents them at present, that is what this Bill seeks to do, that the daily-rated workers, when they transfer from the public service to the RHAs, will have the representative union that they have at present.

Mr. President, this is governed by two things; first of all, the Industrial Relations Act. Subsection (3) of the Bill says that this is subject to the Industrial Relations Act. It is governed by that. Secondly, Mr. President, in the parent Act itself, section 34 says:

“Employees may form an association which may be registered as a trade union or may join a trade union.”

We know that it does take some time getting things in place to have a union recognized and registered by the Recognition Board. As I said, the purpose of this Bill is to give that confidence, support and comfort to workers so that when they are transferred they will not be left alone but will be represented by the union that represents them at present, until they decide to take any further action as they may want to take. Mr. President, I had discussed the issues that have been raised with the office of the Chief Parliamentary Counsel and the office of the Chief Personnel Officer. They are comfortable with these provisions and I do not think that the daily-rated workers should be punished because their leader happens to be a government Senator.

Mr. President, I just intend to make one small amendment at the committee stage and that is where the words, “daily-rated workers” appear in the Bill, we will amend that to read, “hourly, daily and weekly rated employees”. They fall under one category. Mr. President, I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read the second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3.

Question proposed, That clause 3 stand part of the Bill.

Mr. Chairman: There is a proposed amendment by the hon. Minister. Has it been circulated?

Dr. Rafeeq: Yes, I think it has been circulated.

Mr. Chairman: Have you all received a copy of the proposed amendment by the hon. Minister? It has not been circulated.

Dr. Rafeeq: Mr. Chairman, the amendment says that where the words, “daily-rated workers” appear in two places in the Bill, they will be substituted by the words, “hourly, daily and weekly-rated employees”. I am sorry if it has not been circulated but that is the substance of the amendment. I beg to move that this clause be amended as stated.

Sen. Prof. Spence: Could you read it again?

Dr. Rafeeq: In the proposed section 34(a) delete the words, “daily-rated workers” in the two places where they occur and substitute the words, “hourly, daily and weekly-rated employees”.

Mr. Chairman: Any contributions?

Clause 3, as amended, ordered to stand part of the Bill.

Question put and agreed to, That the Bill, as amended, be reported to the Senate.

Senate resumed.

Bill reported, with amendment, read the third time and passed.

POLICE COMPLAINTS AUTHORITY (AMDT.) BILL

Order for second reading read.

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): [*Desk thumping*] Mr. President, I beg to move,

That a Bill to amend the Police Complaints Authority Act, No. 17 of 1993 and for matters connected therewith or incidental thereto be now read a second time.

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[HON. J. THEODORE]

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The Police Complaints Authority, Mr. President, was established by Act No. 17 of 1993 in recognition of the need for an organization, independent of the police service, to which members of the public could address complaints about the conduct of police officers. Indeed, the ultimate aim of the authority has been stated to be, and I quote, “to address concerns by aggrieved citizens in a manner which reduces the skepticism associated with closed investigations relying solely on the discretion of the police service”. This came about, Mr. President, because the general public complained that it was difficult to get any satisfaction when police investigated their fellow members. So this Complaints Authority was formed and it, in fact, took office and started functioning in 1996.

The Police Complaints Authority’s major objectives, Mr. President, are to receive complaints on the conduct of any police officer and to monitor the investigation of a complaint by the Complaints Division of the police service so as to ensure that the investigation is conducted impartially. Perhaps I ought to explain here, Mr. President, that the Police Complaints Authority does not itself investigate complaints or do so on its own. There is a Police Complaints Division within the police service. The Police Complaints Authority directs those complaints to the Police Complaints Division.

10.55 a.m.

Where they have the authority, Mr. President, is that they will monitor the investigation of the complaints sent to the Police Complaints Division and ensure that the investigation is conducted impartially. The Police Complaints Authority also reports to the Minister from time to time, or at his request.

Since the office of the authority opened on May 1, 1996, the authority has been able to inspire confidence on its monitoring and supervision of the investigation of the complaints. I will explain later how they go about doing that.

In its annual report for the period May 1, 1998 to April 30, 1999, the Police Complaints Authority received complaints from 769 complainants. This showed a significant decrease in the number of persons making complaints to the authority, there having been 1,223 complainants in 1996/1997 and 1,026 in the 1997/1998 period. I have used the term “complainants” because one complainant can make a complaint which will result in it being identified under different headings and the one complainant, if the complaints are taken as complaints, could actually end up making several complaints which fall under different headings. I will give you an example.

For instance, harassment is one of the headings; impolite behaviour is another heading, and a complaint could actually fall into both categories, so the number of complainants is more significant than the number of complaints, which are also stated in the report of the Complaints Authority.

The major objective of this Bill is to extend the jurisdiction of the Police Complaints Authority by enabling the authority to deal with complaints made against members of the police, special reserve police and the municipal police.

The Bill also seeks to ensure accountability on the part of the authority by imposing requirements as to the keeping of the authority's accounts and financial records. The reason for trying to extend the authority of the Police Complaints Authority is because complaints have been received from members of the public about members of the special reserve police and the municipal police.

The Police Complaints Authority Act gives the authority the power to receive and investigate complaints made against police officers who fall under the Police Service Act, for misconduct towards the public. There are a number of factors which now require the inclusion of the special reserve police and municipal police service within the ambit, "purview of the Police Complaints Authority".

The municipal police are now being established and developed at the various corporations and some of the powers that we hope the Police Complaints Authority will be given will allow them to investigate complaints made against both these groups.

Under section 18 of the Special Reserve Police Act, it states:

"Every member of the Special Reserve Police while on duty in the capacity of a member shall have, exercise and enjoy all the powers, authorities, privileges and immunities, and shall perform all duties and have all the responsibilities as a member of the Police Service constituted under the Police Service Act."

The Municipal Corporations Act, No. 21 of 1990, states at section 53 that:

"Every member of a Municipal Police Force, in addition to the special powers vested in him under this Act, has in respect of the whole of Trinidad and Tobago all the powers, privileges and immunities conferred on a constable by Common Law, and also all powers, privileges, immunities and liabilities conferred or imposed on a constable or on a First Division or Second Division police officer of corresponding rank by the Police Service Act..."

Therefore, it is felt that there should be some means of dealing with the conduct reported by members of the public of members of the special reserve

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police and the municipal police. Some of the complaints received by the Police Complaints Authority have been of a serious nature but, because of the authority's inability to handle these complaints, given the constraints of the present Act, these have had to be sent to the Commissioner of Police for his attention.

Members of the public do not readily appreciate the differentiation between the groups of officers, that is, members of the special reserve police and the municipal police and, should there be an abuse of power and infringement of the rights of citizens by SRPs or municipal police, the redress available to affected members of the public would be limited by the fact that the authority, at present, cannot investigate such complaints against the special reserve police or the municipal police officers.

So, this Bill, in effect, is seeking to extend the authority of the Police Complaints Authority to deal with all members of the police service, be they part-time or municipal, and to address complaints coming from the public about those members. At present, the authority and the Commissioner of Police are provided with reports from the Complaints Division after full investigation of a complaint.

As I said, I would speak a bit about how the Police Complaints Authority supervises and monitors the activities of the Police Complaints Division. Once there is no request for review of the findings, the Commissioner is empowered by section 27 of the Act to take such actions as he thinks fit with regard to police officers acting in accordance with the Police Service Commission Regulations or the Police Service Regulations.

When a complaint goes to the Police Complaints Authority, it is passed on to the Police Complaints Division. They, in turn, are required to conduct an investigation. The investigation may have one of three results. It may be found that there are no grounds for the investigation to be conducted and that will be reported to the Complaints Authority which would look at the evidence and the manner in which the decision was taken, and either agree or disagree with the findings of the Police Complaints Division.

Secondly, there could be a decision that there are grounds for action to be taken against the officer in question. That goes back to the Police Complaints Authority which will then be required to confirm that decision and take steps to ensure that the action recommended, is taken by the Commissioner of Police.

Sen. Montano: Thank you for giving way. Minister, you said that there are about a thousand and something complaints made against the police. How many of those were actually made against the SRPs and the others?

Sen. Brig. The Hon. J. Theodore: I cannot say, but what I do know is that complaints started coming against the SRPs unsolicited. But, as I said, people see a police officer and they do not bother to figure out whether he is an SRP. They wear the same uniform and, as I pointed out earlier, they have the same power and authority as a regular police officer. So, we had to find some means to bring them under the umbrella so that they, too, would be investigated. I do not know if that—

Sen. Montano: Thank you.

Sen. Brig. The Hon. J. Theodore: So, with the inclusion of the special reserve police in this proposed amendment Bill, it will allow the Commissioner to take action in respect of special reserve police officers in accordance with the Special Reserve Police Act. With regard to municipal police, these officers are to be disciplined in accordance with section 60 of the Municipal Corporations Act, No. 21 of 1990.

What is interesting here is that the three organizations are all governed by different regulations and they do not all fall under the Police Service Act. There is the regular police with their Act, the special reserve police with their own Act and the municipal police with their Act as well. So, it does impose restrictions on the Commissioner of Police who is, in fact, the commandant of all these police officers. He is the one who grants them their precepts, determines the training they do and assists with the establishment of the municipal corporations police. So, he is at a disadvantage to deal with these people.

I will give an example. Recently, there was an incident which occurred at City Hall when a person was being chased by two people who had attacked him. He reported to the city police and they told him to go two blocks away to the police at the Criminal Investigation Division at the corner of Duke and St. Vincent Streets.

Now, I am aware that the Mayor is investigating so, again, it appears that because of this deficiency in the Act, the Mayor has to take it upon himself now to conduct some sort of investigation. But, then again, the Commissioner of Police is really the rightful authority to conduct an investigation and either terminate their services or deal with them under the conditions that exist in the appropriate Act.

On the matter of accounts, which is one of the amendments, if we look at the Bill, we would see under clause 3, by amending the description of a police officer, we have included municipal police and special reserve police.

Under clause 4, we are saying that:

“The Authority shall keep accurate and proper accounts...”

Now, the authority is an autonomous body as contemplated by the Act and should be responsible for the management of its financial affairs, but the authority does not report to Parliament; it does not have its accounts audited. What we are seeking to do here is to ensure that the authority would follow the correct procedures and this amendment requires that all accounts and records are to be kept:

“...in accordance with internationally and locally recognized accounting standards, principles and practices...”

The authority must submit its annual report to the Minister on its financial activities for each year and the Minister may also require the production of a copy of its audited accounts. This report and audited statement is to be laid in Parliament by the Minister.

Another area that has been neglected, which through practice has revealed itself, has to do with the manner of making reports. Under clause 5 of the amendment which deals with section 21 of the Act, we are dealing with:

“...a person makes a complaint in writing to the Authority...”

What happens, in effect, I myself receive complaints from the public, written in hand, complaining against a police officer. I pass that complaint on to the Police Authority, but what we find under the Act is that no action could be taken because the Act itself says a person wishing to make a complaint shall do so in writing to the police officer in charge of a police station or to the authority on the form contained in the schedule. So, unless it is put on this form, the complaint will not be addressed. This means more “toing” and “froing” and the person having to come in now and get a form on which to put the complaint.

11.10 a.m.

This could lead to a certain amount of frustration. A number of complainants, we have found, simply never bother to pursue the issue. They cannot be bothered because it seems to be a waste of time, and they would have already drawn the conclusion that very little will come of it. This clause is seeking to clear up that omission which would allow a normally written complaint to be addressed.

The Bill amends section 21 of the Act to allow the authority, in its discretion, to deal with the complaints which were not on the said form as contained in the Schedule, but simply in writing to the authority. It will make it much easier,

because I am not quite sure anybody knows where to find these forms—unless they go to the authority and they are given one.

The other area of concern in this Bill deals with the disposition of complaints. When a complaint is made to the Police Complaints Authority, this complaint, as I said, is submitted to the Police Complaints Division for investigation. After full investigation, the division submits a report on its investigation, findings and recommendations, to the Commissioner of Police and to the authority. The authority in its direct supervisory capacity then scrutinizes this report. This may result in a further investigation, if they are not satisfied with the manner of disposition suggested, or the authority may notify the complainant of its findings if it is satisfied with its disposition. This is where it becomes a bit difficult. It appears as though the authority has the right to notify the complainant, where the disposition is in favour of the complainant but not otherwise.

The Act actually provides for complainants, who are dissatisfied with the authority's decision on the matter, to apply for a review of that decision. Then the Police Complaints Authority does this either independently or with the assistance of the Police Complaints Division, or by the holding of an independent hearing. Simply telling a complainant that the matter has been disposed of, is not sufficient. The person may not agree with the decision and appeal, and the whole matter has to go back to the Police Complaints Division for further investigations. The Police Complaints Authority, itself, will take a part to ensure that the investigation is carried out to the satisfaction of the complainant.

Briefly, from May 01, 1998—April 30, 1999 there were no applications for review in 983 cases. In the other 51 cases there were applications for review and the authority has now satisfactorily concluded these applications. What I am trying to show here is that the authority is up-to-date with the complaints it has been dealing with. There have been applications for review in 51 cases and the authority has reported that these matters have been resolved.

Section 30 of the Act is amended to allow the authority to inform a person who has made a complaint of the circumstances when the authority is not satisfied with the manner of the disposition of such complaint. I need to explain this, Mr. President. When the authority is satisfied with how the matter has been resolved by the Police Complaints Division, it has the right to notify the complainant. The converse does not apply. Where the authority is not satisfied, and where the further investigation or inquiry has to take place, nobody tells the complainant, because the Police Complaints Division does not have the right to contact the complainant to tell that person: "We are continuing the inquiry, or we are not

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satisfied with the results and the Police Complaints Authority has asked us to continue the investigation.” What we do, we get letters from complainants saying: “I reported this matter X months ago and I have heard nothing. I came to the hearing and nobody has contacted me since.” What we are trying to do is to ensure that the complainant is told, in both cases, what is the state of affairs as far as his or her complaint is concerned. This amendment will deal with that because previously, the authority was not expressly given the power under the Act. It is allowed to inform the complainant where it is satisfied with the manner of disposition, but this omission will now allow it to notify the complainant when it is dissatisfied with the decision and to inform that person that the matter is being further investigated.

All these issues came about from experience and matters brought to the attention of the authority. It is the Police Complaints Authority, itself, which brought this to the ministry’s attention—to point out that they do have a problem as far as the complainant goes, because they were wondering whether they should tell the minister that they were not satisfied and maybe the minister would tell the complainant, or maybe they should ask the Commissioner to tell the complainant, or whether it is the Police Complaints Division. This amendment will make it quite clear that the authority which receives the complaint and is responsible for overseeing its investigation, will tell the complainant either way: “Yes they are satisfied, and the matter has been resolved. The action has been taken against the officer in question, or it has been found that there is no case to answer and no further action will be taken.” Or, on the other hand, where they are not satisfied with the investigations conducted by the Police Complaints Division, they will also see it fit and have the authority to notify the complainant.

In effect, these amendments, Mr. President, are simply expanding on the provisions that are within the existing Act. In no way does it change the meaning or the role of the Police Complaints Authority. From the point of view of accountability, the authority will be required to provide its accounts which will be laid in Parliament. From the point of view of expanding its responsibility, the amendments will include the special reserve police and the municipal police. From the point of view of investigating the complaints, the issue of the complainants being advised on the status of the complaints means these amendments will certainly satisfy the Police Complaints Authority, who would welcome such amendments, which will permit them to get on with their job of dealing with complaints against police. Police now, we trust, will include special reserve police and police of the municipal corporations.

Mr. President, this, in effect, is the purpose of the amendments. I beg to move.
[Desk thumping]

Mr. President: Hon. Senators, certain Members of the Senate, including myself, are required to perform some official duties between 12 noon and 2.00 p.m. I would therefore, at this stage, wish to suspend the sitting until 2.30 p.m.

11.20 a.m.: *Sitting suspended.*

2.30 p.m.: *Sitting resumed.*

Mr. President: Hon. Senators, when the sitting was suspended this morning, the hon. Minister of National Security had just completed the presentation of the Bill. I shall now propose the question for debate.

Question proposed.

Sen. Muhammad Shabazz: Mr. President, at the outset, what this Bill seeks to do, seems, indeed, to be a very good thing. We on this side will have no objections at all to policemen and people in the services who have great responsibility thrust upon them, being disciplined and being brought in line to do the proper thing because, indeed, they must be exemplars. People will look at what they are doing and expect the best examples from them.

As a matter of fact:

“The Bill seeks to amend the Police Complaints Authority Act, No. 17 of 1993, *inter alia*, to extend the jurisdiction of the Police Complaints Authority (hereinafter referred to as “the Authority”) by conferring on the Authority the power to deal with complaints made against members of the Special Reserve Police and Municipal Police.”

We say that, indeed, that is a good thing. When we look at what is happening with the Special Reserve Police in this country and knowing that in this Parliament we have already had much dialogue with the Minister as to how the SRPs in this country are being treated, I feel that when the Minister brings a Bill like this to the Parliament, somehow, we on this side find it difficult to support it.

The reason we find it difficult to support this Bill is not because the intent is not good, but you cannot treat people in the way that the SRPs are being treated. They are not being rewarded for things they do and for the type of work they do, but yet you are seeking ways to punish them. Is this Minister only a disciplinarian?

The question came up to this Minister before about payments for the SRPs. He promised that he will look into it and do something, but these promises have been

going on for over the last four years. He may say that it was happening before, but this Minister who gives his word—somebody I respected who would stand by his word—the way he is treating the SRPs is—the words I want to use could become unparliamentary—he is treating them with total disrespect, and I will make that case and show you, Mr. President, but he wants to bring the SRPs to be disciplined. I do not know what it is.

I stood and fought with this Minister, and I am clear on that, to pay the SRPs. I had to fight with him to pay the soldiers and, today, the soldiers are not even paid all the money that they are owed. They are still being owed and all this Minister is saying in his good, happy, jolly way is that they are going to be paid, “I will look into it”.

The last time I asked the Minister a question about the SRPs, he said, “If the information is brought to me, I will look into it and deal with it.” The information was brought to him, but it has not been dealt with. As a matter of fact, one of these SRPs who resigned has since died and no money has been forthcoming to him or his family. My point is: if you want to discipline the SRPs, treat them as though they are people, give them what is due to them and then let us talk discipline. Do not start to talk discipline first. Do not start to talk putting them over the coals. Do not start to talk “licks” to them and you are not giving them what is due to them.

This is a scenario with this Government all the time, at all levels. Let me just make this case a little better. Special reserve police are on duty at all police stations in this country, and the Minister is aware of that. They work at all police posts and in all areas of the police service. Special reserve police work in the Immigration Department, Government Printery, the Red House. We see them here in the Red House daily, working and protecting us, all over. They work at the Ministry of Works and Transport, the Hall of Justice, Whitehall and the Forensic laboratory. They do the same duties as the regular police.

Some are drivers at all police stations in Trinidad and Tobago. The bulk of policemen who serve summons and execute warrants for the Court and Process Department, are the SRPs; they outnumber the regular police in this department. The Minister is not doing anything about regularizing them. This Minister sought to make a big joke about regularizing them the last time. He said, “Regularizing does not mean that we would make them regular, but we will put them in the same situation and take them back to their regular position,” which was nothing for them. He made a joke and he laughed and had fun and nothing has been happening with these special reserve police again.

Mr. President, regarding remuneration, SRPs who serve full-time are entitled to the same pay, salary, meal allowance and COLA. They do not get a house allowance or any medical benefits. The hon. Minister would get up and tell us that it was the PNM who started that. For four years they have had this matter to deal with; four years this hon. Minister who is a military person—as a matter of fact, he may be, if my recollection is correct, the first military person who is an Attorney General in Trinidad and Tobago who should be caring for the service people in this country and doing absolutely nothing about it. [*Interruption*] Mr. President, I am sorry, he is a Brigadier; sorry Brigadier. He is the Minister of National Security. I am sorry for promoting you. He was the first member of the Defence Service who is a military person and who is, indeed, the Minister of National Security.

We thought that we would see care and love for the men who worked around him, that he was someone who understood. I do not want to say that he is like the rest of them, that may be out of order, but he seems not to be different from everybody who was there before him. Because of his training, where he came from and because of the care he should have, I think that he is worse. He is appearing to be worse.

No house allowance, no medical or dental benefits, no gratuity and pension. Officers killed in the line of duty only get compassion lump sum on the advice of the Cabinet. So when a man is killed in the line of duty, the Cabinet determines how much money is going to be paid and we know that they could pay how they want depending on how it is. I do not want to be joking about that, I think that this is a serious thing. No injury benefits for the SRPs, but this goodly Minister brings a Bill to this Senate to tell us that he wants to discipline them. When people complain on them, he wants the authority to do something with them. I wish that it was the other way around, where they would be disciplining him, then he would understand that what he is doing here, all how I look at it, could never go down as a good thing.

There is a clause in the Trinidad and Tobago Police Service regulations that says when an SRP is called for full-time duty he is entitled to all amenities and benefits as the regular service. However, this was never given to SRPs. Volunteers of the fire service, the prison service and defence force were regularized in their respective services, this never happened to the SRPs. Some of the SRPs feel that they are being victimized by being absorbed into the regular police service.

You have to take the whole thing into question. The SRPs are working like everybody else; they are working next to the policemen. They are armed with

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their revolvers and working with guns just like everybody else, doing the same work, and yet when you are ready to take them into the services you start to tell them that they are over-aged and they have flat feet. All of a sudden you realize that they have flat feet, “their belly too big”, they not fit, all that nonsense just not to bring them into the regular service, yet you have them doing regular police work.

After the 1990 coup, the then government promised to absorb the SRPs into the regular service, two batches of SRPs were absorbed and then the idea was aborted. This Government may want to put the blame on the other government. When the Minister gets up to talk, we will then hear how much past regime talk he would talk, and what the People's National Movement did. They will just get up and talk that and they would not tell us that in four years they have failed, but, again, the failure is compounded. I want to make this point clear because the hon. Minister of National Security—and I am certain I got it right this time—is a military person, a trained person, a person who should have a heart and be caring for military and quasi military people, but he is not showing that at all where these SRPs and other people in the services are concerned.

I want to say it again, to date, the soldiers have not gotten their money. A note was passed to me today—I do not want to say from where because the Minister might know—saying that he has not paid the people all their money. Since last year he promised to do that. When it is time to pay anybody, it seems that all he wants to hear is a big noise or a threat before he pays, because he is not paying. When you think of the SRPs, it is a sad thing to think that this hon. Minister who should be so caring is not even making an attempt. He sits next to the Minister of Finance and he is not even whispering in his ears that these SRPs are people he should take care of.

Do you know what he wants to do, Mr. President, he wants to bring them before a complaints authority. He wants anybody to say anything about them and he would say, “Okay, discipline them!” But the money to take care of their families and homes, which he should be really caring about, he is not. That is the Bill I would have liked to see this hon. Minister bring to this Senate.

The first person who was killed in the 1990 coup was an SRP by the name of Solomon Mc Cloud, who was shot underneath the steps of the Police Headquarters by the gate. He was the sentry at the police headquarters. He was the first officer at the old Police Headquarters to face the bullet; up to now no one is sure whether his relatives were ever compensated. If they were compensated, it

was the compensation that the Cabinet said to give to him. Nobody knows what it was. There are no further benefits; nobody cared whether he had children, whether they are getting anything more, nothing at all. Everywhere we see that when anything happens to an SRP there are no benefits at all to be paid to them. There is a set who have performed up to 30 years full-time service, but receive no pension and gratuity upon retirement.

We have SRPs serving right now for over 15 years. Mr. President, do you know that not a policewoman who is serving as a special reserve officer has been promoted over the last 15 years? What is this goodly Minister doing? He is bringing a Bill to punish them when people bring complaints against them. Again, this point must be made: he is a Minister who has military training. He is a minister who was one of the highest officers in our army and who, for the first time, has been put here. We were hoping that he would be caring and loving but, to us on this side, he shows absolutely no care at all for the people in his command.

Fight to get better conditions; fight to get better positions. The way to motivate these men, if you want to help solve crime, is to help these men to get better positions. When a man is outside working he could go into a criminal situation with bandits more easily if he knows that if something happens to him, his family would be taken care of. He knows that if he goes into a bandit situation though and something happens, this Minister is saying that if somebody complains, "Boy, this man push me and he should not have pushed me," he or she should go to the Police Complaints Authority. That is where you want to bring them, but you do not want to make sure that their families would get proper food and benefits if something happens to them. Mr. President, I do not want to go unparliamentary, but talking here is hurting my heart. Standing here, watching him and talking is really a hurtful thing. He should be more caring!

The SRPs are the ones who started the Community Police section on motor bikes, riding from village to village throughout Trinidad and Tobago; they still do. They are the people you want to interface with the communities to tell the people to be nice and good. What is happening with their benefits? You want to bring them in front of the Complaints Authority. Go ahead.

Some of the SRPs are not paid a full-time monthly salary. They are paid on four-hour tour of duty when they work. When they are sick, there is no pay. The regular police who are working in the community police department get sick leave benefits and get paid. If they fall down on their motor bikes and are injured, they

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get paid. Nothing happens for the SRP—no pay, no money for him. If he stays home sick, no money.

2.45 p.m.

Mr. President, do you know long ago the SRPs used to have some other tour of duty? It is not like that again. The SRPs are really nearly permanent officers doing the same work. Under the hon. Minister's tenure something should happen so that, at least, when he leaves, we would say yes, he was the person who had a military background, who understood, came and took care of the policemen. It is the same men who are being called out in the line of duty. It is the same men—from your party—people say the time for war is here, and when the war starts it is the hon. Minister who would have to call the men to stop the war and bring peace. How many lines of duties? How many times has the hon. Minister called the SRPs out to do work that would help solve problems and their benefits are not being taken care of?

Mr. President, the hon. Minister is now putting the regular police officers among the SRPs although they laid the foundation in the community policing unit. They are getting benefits; the other set is not getting but he wants all of them to perform the same duty. The hon. Minister would have to keep scratching his head throughout here—and I know that he is thinking about it. I am speaking to him so that he would really get up and not feel that this contribution was just to go against him or a PNM political thing but will understand that it is made to him so that he will reach out and do something to touch the minds and the lives of these SRPs and their families. [*Desk thumping*]

The perception among senior officers of the regular police service—this is what they believe—is that give them a bunch of SRPs, let them carry out the policing function because SRPs do not give problems. They cannot give problems because if they give problems they have nobody to complain to; there is no authority that protects them, but the hon. Minister wants people to come and complain on them. They cannot complain when they have problems, you know, because they are just SRPs. They are just being stopped from being given more duties; they are being ruled out and phased out. So they cannot complain when they have a problem but the hon. Minister wants people to complain on them when they give a problem. Unfair. Balance the thing. Be fair. Be good. Be nice. That is what we are asking this hon. Minister to do. It will go down on the records that he is the hon. Minister who came with a military background and military training with the best hope of understanding the needs of these SRPs.

As a matter of fact, some SRPs did tell me that when the hon. Minister became the Minister of National Security they felt that there was a chance and hope for them, and today, they seem to be worse off, because instead of this hon. Minister marching forward, he is only marking time on the SRP issue. That is all he is doing—marking time. They feel that they are being victimized.

Senior regular police officers get problems in working, as they do all the time. Mr. President, do you know the SRPs are the drivers for senior officers in the police service? The hon. Minister may even be driven by an SRP. I guess when he gets up you may hear that his driver is an SRP, and if the car crashes his security and everybody else have some compensation to get except his SRP driver. The SRP driver just has to go home and they might send him a card and say, “get well quick” with no compensation to his family. It is a shameful situation.

Mr. President: Hon. Senator, I had told you on a previous occasion that you ought not to so personalize your contribution. I think I have given you enough latitude in that direction.

Sen. M. Shabazz: Thank you, Mr. President. All I am asking, Sir, is that the playing field be levelled. There may be a number of SRPs working in those ministries. If you walk you would see them keeping guard duties in the ministries. Mr. President, could you please ask these hon. Ministers to be a little more compassionate towards the special reserve police officers of the police service in Trinidad and Tobago?

They are escorts for high-ranking members of Government. A number of patrol cars are being driven by the SRPs, and they are being paid four hours for their tour of duty. If they perform more than 55 tours of four hours each, they are only paid for 55 tours, they are not paid for the 20 tours of four hours. If they do perform on a monthly basis they will receive more money. I am saying, Sir, and the point that I want to keep making is that we must take care. It is so unfair to the members of the special reserve police section that they are not being promoted; they are not being given better conditions; they are not being given benefits; they have nobody to complain to and the hon. Minister is asking us to pass a Bill here so that people could complain on them. I think that is very, very unfair.

I think that if it is just out of a moral position; a position of ethics that we should not even pass this Bill. I wish, after my contribution, the hon. Minister gets up, pull back the Bill, go and work and give these people what is due to them. Put the young members in the regular service and make sure that they are being given

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their benefits and then bring this Bill back to this honourable Senate. If he does that, I would be very happy to have him pass this Bill. I think the intent of the Bill, really, is a good one.

Sir, do you know the story about the road to hell? It was paved with good intentions, but this one is only taking the SRPs down into the hell fire. It is not doing anything to help them, and we have asked him here, time and time again, to do something to help the SRPs. I asked the hon. Minister a question since July 05, 1999—and we were asking long before that, and all you are hearing from this hon. Minister—maybe he needs help from public administration, and somebody should help him to reach out to the SRPs.

Mr. President—this is just for the record—do you know this morning I picked up the People’s National Movement Charter from since 1956 and I read something and made a note of it. They were told that in 1950, they voted for a Government, which was then a labour Government. And I quote:

“Instead, you allowed yourself to be decided by leaders or to be directed by leaders of labour who have now become the leaders against labour.”

Do you know from 1956 to now that seems to apply again. So many labour people there and you could see things coming up—it might be by chance and I hope I am not getting personal—that certain unions are asked for certain conditions, but what about these people who are not unionized? Can these same labour people who are fighting for benefits and conditions for those around them—although it may seem as though they are very innocent about it—why are they not putting their heads together saying, this is an ideal situation to deal with the SRPs? Why? They keep coming here and boasting about how they have paid this one and they have settled all disputes; and they have settled all this—and it is not true, Sir. They have not settled the army fully as yet. I can stand here and say with surety that the army is still to be paid their money. They still owe them. *[Interruption]*

Sen. Brig. Theodore: Mr. President, just on a point of correction, the hon. Senator has been repeating this phrase for some time. I have checked and my information is that all the army personnel who were entitled to any payment based on backpay, increments or whatsoever have been paid. The hon. Senator said almost, but my Permanent Secretary has informed me and the Chief of Defence Staff that the only people who, from December last year when the question was raised, may not have gotten their cheque would have been people who were either on leave or away from the barracks. The money has been provided and I wish to inform the hon. Senator that the money has been paid. Whoever is giving him notes and informing him that this has not been done,

tell them go to their Chief of Defence Staff and collect their cheque, the money is there.
[Desk thumping]

Sen. M. Shabazz: Mr. President, he says “according to his information”. I hope his is correct and mine is wrong, but I think mine is correct. According to my information, there are people who are still to be paid in the army. We will hear about it because it will continue and we will know for sure within this week, whether that is so.

I was making the point about these labour people inside there; they must reach out; they must make sure that the money is paid; they must fight to ensure after they are saying how much good they have done, and how they have dealt with all the other payments, deal with the SRPs.

2.55 p.m.

Really and truly, Mr. President, all I want to say is this. I am not saying this to get anybody on that side vexed or annoyed, you know, even though it sometimes takes less than that to get them annoyed. My intent, Sir, is not to get them annoyed. My intent is to bring the reality of the situation to them because there are a number of SRPs around who believe that their condition should and must be better. That is my main reason for dealing with it from that angle. Promote the people, regularize them in the proper way, make sure that there are benefits and such things brought forward to them, then we can come back here and talk about having them taken to the Police Complaints Authority.

In ending, Mr. President, I again call on this hon. Minister, the first Minister of National Security who, and that is historical, came from the services, to take care of the men around him far better than he is doing. Rather than ensure that complaints are brought against them, protect them in such a way that they will continue to go out there and be inspired to do their duty in a much better way than it is being done. Give them the encouragement. It is in your hands, Mr. Minister of National Security. Mr. President, I ask him, in a time when we are seeing so much crime, when we are seeing so many things happening, so many things going wrong, the types of crimes we are seeing in the country and the way that this country is falling apart, to reach out and try to do something for them.

There was an SRP who committed a suicide/murder—we remember that—who was one of the hard-working SRPs who was doing his job. It ended in a tragic way but we know the ability SRPs have in this country and the kind of work that they can do. One of the officers I respect is Mr. Cordner, who has since left the service, but was an SRP who went into the regular service and proved to be a very good

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police officer. He left maybe as a sergeant or an inspector. Luckily for him when he was injured he was a member of the regular police. I do not remember whether in that crash in Mayaro there was an SRP involved.

The point is, though, we on this side believe that that is what must be done. We could get up and hear them talk about what the PNM did not do. I hope that the Minister's contribution would be one apologizing for what he has not yet done, one saying that, "I have taken what you have said and I intend to do so, so, so now". I wish I would hear him talking in that light and in that spirit and not just making the SRP feel, "PNM did not do it, NAR did not do it, so if we ain't do it, do not come and tell we nothing".

This is people's lives we are playing with and it is up to you. It is in your hands, now, Sir. When it comes back to our hands we will handle it in a better way and in a serious way. [*Interruption*] With the little time that you still have, Sir, try to reach out to them. Because of the respect that I have for you I would like to know that, being the kind-hearted person I have always seen or thought you to be, you have done something to make these SRPs who guard you in the Parliament and others really feel proud and happy that you have touched their and their families' lives in a significant way. Thank you, Mr. President. [*Desk thumping*]

Sen. Prof. John Spence: Mr. President, it seems to me that the Bill is straightforward and I have nothing to criticize in the provisions that are being made, save that we are really, if you like, correcting some errors or omissions that were made earlier on. Since the hon. Minister, in making his presentation, chose to give a little background to the Police Complaints Authority, I would like to ask for my own information and, perhaps, others as well, about procedures to do, not with specific officers but, with the force as a whole. I want to give two specific examples to illustrate what I mean by this and get guidance as to what action one might take.

The first point I am going to make is with respect to a frequent breaking of the law in Trinidad and Tobago with respect to the crossing of red traffic lights. Now, this undoubtedly poses a danger to many citizens, certainly those who drive cars, and I count myself among those persons who are so endangered. It seems to me that it would not be difficult to clamp down on this practice by placing some police officers at appropriate lights, because the practice is so frequent now that any red traffic light would do for apprehending persons who flout the law in this way.

So the question I would ask is, is it feasible within the provisions of this Act? If not, perhaps we should be looking at the Act again to make some amendments enabling one to make a general complaint, not about a specific action of a specific police officer, but an act of omission when a glaring flouting of the law has taken place and no action is taken. That is one example that I would like to give.

The other example is more opportune in the sense that it is in the news at the moment, and that is the paving of the savannah. Now, I have here the original Act that governs the Queen's Park Savannah and the regulations that accompany that Act. Amongst the regulations is one that says that one may not:

“Dig any earth, cut any grass, or remove any turf, manure or grass without permission from the Superintendent of Public Gardens, Grounds and Pastures.”

Now, when a specific office like that is named in the law, Mr. President, not even the Prime Minister has the authority to give permission. Permission could only be given by the officer named.

I used to be in charge of plant quarantine services in Trinidad and Tobago and, in the plant quarantine services, as the law then applied, there were certain officers named who could give permission for the importation of plants. Not even the Director of Agriculture, as he was then or as it is now the Chief Technical Officer, could instruct that officer to give permission, if the officer decided that permission was not to be given.

I remember when I first joined the Ministry there was quite a bit of talk about importation of gamecocks from Venezuela because one Minister of government was particularly active in the area of gamecock fighting. Even he could not get permission because the officer on duty, in spite of any representations that may have been made by the other Minister, the Minister of Agriculture at that time, could not get permission to import them. So he had to import them illegally and, of course, even then we had the situation where the authorities looked the other way.

I would like to know, is it possible for me to make a general complaint with respect to the police service in regard to the paving of the savannah? Here is an illegal action taking place, it is quite public in the sense that it is very well publicized and even the persons who are carrying out the act admit that they have not got permission to do what they are doing. Therefore, I would be very grateful if the hon. Minister could inform me whether, within the terms of the Police Complaints Authority, I may go to that authority and complain that no action has been taken against the National Carnival Commission and those other persons who have committed this illegal act. Thank you very much. [*Desk thumping*]

Sen. Nafeesa Mohammed: Mr. President, I do apologize as, when I came in, my colleague was on his feet speaking. I have listened to the very passionate plea with respect to our particular concerns with regard to this Bill before us and that is as it relates to the tenure and the terms and conditions of work for the SRPs and, indeed, the municipal police. I heard my colleague making mention of the fact that, to use his words, “The hon. Minister does not care”. I wish to just qualify that by saying that it is not that this Minister does not care, because deep down I think he cares, but it is his colleagues with whom he is associated who seem not to care about these people. [*Desk thumping*]

I make specific reference, Mr. President, to this Government’s position as it relates to the plight of the SRPs and it relates, as well, to their position when they were on this side of the Chamber a couple years ago. That was also a time when my good friend, the hon. Leader of Government Business, the Minister of Public Administration, used to stand right where I am standing now. A bit later in my contribution I would make some references to his comments when the Police Complaints Authority Act was being debated in this Chamber. You would see the hypocrisy of this Government [*Desk thumping*] as they seek to conduct the business of government in this country.

Mr. President, we know that the Bill before us is seeking to extend the jurisdiction of the Police Complaints Authority Act to cover SRPs and municipal police. However, as my colleague pointed out, whilst the intent and purpose of the legislation seem to be very good—because we recognize that there is a need to cater or cover for them with respect to the Police Complaints Authority—we also recognize that there exists a very big problem that needs to be addressed. One would have thought that after all the “ramajaying” the UNC has done in the past that at this point, in bringing legislation like this, government would have seen it fit to take these concerns on board and certainly to attempt to legislate for them. This is our problem and our concern with this Bill.

I think it is important for us to have a little more information, in terms of the background that would have led up to this Bill and, indeed, to go back to the setting up of the Police Complaints Authority. As the hon. Minister pointed out, the authority was established by Act No. 17 of 1993. The Act was, in fact, proclaimed, I think it was, in October of 1995 and, from the reports that I have seen, I think the actual operations of the authority would have commenced around May of 1996.

Now, we need to remember the main purpose of the Police Complaints Authority. I think it was the former Sen. Surendranath Capildeo who made certain

statements when that Police Complaints Authority was being set up in 1993. In the debate he said that:

“...the institution of the Police Service has become one of fear, mistrust, suspicion and demoralization.”

He also said that:

“History will recall that we in this country...have permitted the destruction of our Police Service by successive administration of bungling, incompetent, inept and in some cases, dangerous, downright political interference by blinkered myopic, selfish administrators.”

How I wish Suren Capildeo was standing on this side of the Chamber and looking at his colleagues on that side today to see the hypocrisy with them, Mr. President. You see, what is very clear to us is the fact that we recognize there are deep-rooted problems affecting the police service. There are problems with which past administrations had been trying to grapple. We have found that this UNC administration, which my colleague, the hon. Sen. Wade Mark referred to last week as the “UNC Government of National Unity”—we no longer hear talk about coalition—has just politicized the whole thing.

3.10 p.m.

They came into Government on a platform dealing with crime and talking about what steps they would take to tackle the problem of crime in our country and, under their watch, we have seen an escalation in the crime situation in our country.

The reality is that the problems that have been complained about over the years continue to exist and persist, and there is no real attempt by this Government to tackle these problems in a more decisive and holistic manner. Instead, it is a case of adhococracy that is being practised at all levels with this UNC administration in Government because when something arises, it is just like putting a plaster on a sore. They are not really trying to get to the root of the problem to deal with things in a manner as though they have some real plan, or programme, or some real policy to take this country forward, especially as it relates to crime in the country and, indeed, as it relates to the problems that we have been hearing about in the police service.

We know that in the police service there are very many honest and hard-working officers who are employed in our country. We recognize that. But, as in everything else, if you have a few rotten apples you will have some problems, but

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we have to examine and ask ourselves: What are the causes of some of these problems?

So that when in 1993, the Police Complaints Authority Act was being debated here, the impetus for that piece of legislation was based on the fact that around that time, there were numerous complaints coming from the public in terms of the police service and so forth. The setting up of the authority was an attempt to set up an independent body of, if I may say so, I think I can use the word “civilians”, that would be free from political interference and what have you, that would be able to receive complaints and, certainly, investigate and process the complaints. Hand-in-hand with the Police Complaints Authority that was being established, it was envisaged that this authority would liaise closely with what is known as the Complaints Division, which is a special division that exists within the police service of Trinidad and Tobago. Those two arms would work together in an effort to investigate complaints and take action so that at the end of the day, we would have a greater measure of confidence on the part of the public in terms of our police service, because the operation of an efficient police service is premised on support from the public and that level of confidence that would come from the public. Hence the reason for the setting up of the Police Complaints Authority.

It is not just in Trinidad and Tobago that there is such a body existing, it is throughout the world. Many other countries have, in fact, established institutions like that because, from time to time, you read of reports and see it on the news. But problems have been known to exist over time, because, I suppose, of the nature of the work that is involved, and whatever the circumstances are, there have been many situations where members of the public have had genuine concerns and complaints. Hence the reason for this authority to deal with these complaints in an independent and impartial manner.

We have to ask the question which is: Since the setting up of the Police Complaints Authority—in 1993 the legislation was passed but it actually opened in 1996—we have to examine the situation now and ask whether it is, in fact, fulfilling its mandate in an efficient way. I know the hon. Minister took time off to give us some statistics in terms of the number of complaints that have been received; how many have been dealt with; how many were determined; what number of reviews, if any, were had; *et cetera*.

I must confess that I have not had the privilege of seeing the more recent reports of the Police Complaints Authority because, as I look at the Act, I see it is a requirement that an annual report must, in fact, be prepared and laid in

Parliament and although the report that I have in my possession may be a couple years old, it still has a lot of relevance because I am sure that many of the matters mentioned in this report are still very much existing.

I refer to *The 1996/1997 First Annual Report of the Police Complaints Authority*. I am hoping that since then, some of these concerns would have been addressed. From what I gather, there are real problems that continue to exist and need to be attended to in terms of the operations of this Police Complaints Authority. In this report, for example, on page 6, one of the main concerns has been the level of staffing as it relates to the authority. Now, initially, there were real problems and I gather that steps had been taken and they were able, eventually, I think around 1997 or thereabouts, to get some more staff by the end of the second year of the operations of the authority.

On page 7 of the report that I have in my possession, I think the bigger problem lies in the Complaints Division where there is an acute shortage of staff and this, of course, would affect the manner in which complaints are received and, in fact, investigated. I think we need to know a bit more about the Complaints Division. The shortage of staff has been a problem, especially in terms of the available staff and their investigative duties. They have been lagging behind and it is a fact that there is a shortage of investigators in that particular division.

As I said, if it is that things have changed from the time of this report to now, we will be happy to know that the situation has improved, but my gleaning of the matter suggests that is not necessarily so.

On page 12 of the report, of course, funding is a problem. This authority, when it was being set up, was intended to be an independent body, but I believe that all matters pertaining to the financing of the authority are, in fact, determined by the Ministry of National Security. Of course, this will have its own constraints and I gather that one of the amendments here in this Bill today is an attempt to tackle some of the concerns that have been expressed with respect to the funding arrangements of the authority.

In this report, there is an analysis, at page 14, of the complaints that have been received and it is very interesting to note the types of complaints. In this particular year, I think it was 1,405 complaints and of these complaints, the largest numbers were in respect of harassment, battery and complaints that officers had been impolite. At page 17, it also points out, at that time:

“The highest number of complaints was made against officers from the Besson Street Police Station...and the Chaguanas Police Station...”

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Mr. President, at page 24, the report went on to deal with some areas of complaint and this is where, in this report, specific reference had been made to the need to include special reserve and municipal police officers to bring them within the definition of police officers, so that at the end of the day, the Police Complaints Authority would have some jurisdiction over these persons.

What is very interesting is in relation to the operations of the Complaints Division. In Appendix IV of this report, there is a report submitted by the senior superintendent of the Complaints Division and it says:

“It should be noted that given the advent of the Police Complaints Authority (PCA) it is envisaged that the work load of the C.D. is likely to increase, and as such proactive measures should be put in place to meet this anticipated increase. Support staff, additional equipment (computer, printer, vehicles) are urgently required if this C.D. is to meet its mandate.”

In this appendix, too, there is a very interesting background that led to the creation of the Complaints Division. Reference is made here to the Service Inspection and Complaints Unit which existed within the police service and its predecessor, the Internal Investigations Unit. The Internal Investigations Unit was established in 1981 within the administrative branch of the service and I think it was in 1992 or thereabouts, the scope of the unit was enlarged and a new mandate given, so you had the Service Inspection and Complaints Unit. So that when, in 1993, this Police Complaints Authority was being set up, it was envisaged that the authority would work hand-in-hand with this unit, which is now called the Complaints Division.

As I pointed out, Mr. President, the fact of the matter is there are real problems that affect this particular division, and I trust that the hon. Minister of Public Administration and, indeed, the Minister of National Security, would be taking note of these problems in terms of the level of staffing. In this report, it talks about the number of additional officers required to make this division more efficient, especially where it now has an increased workload because this division deals not just with complaints coming from the Police Complaints Authority; it also deals with matters that involve, I think the Police Service Commission, and disciplinary procedures. They have a lot of work to deal with and they are suffering from lack of some basic amenities. They need more staff and equipment, Mr. President.

As my colleague had pointed out earlier in this debate, the real problem has been in terms of the fact that special reserve and municipal police officers do not

fall within the definition as is provided, so that the Police Complaints Authority—if there are complaints against special reserve police and municipal police—has no real jurisdiction over them. Hence the need for this amendment.

I must refer to Sen. Wade Mark's contribution in 1993 when the Police Complaints Authority was, in fact, being set up. If I may be permitted, Mr. President, just a very, very brief quote from the contribution of the hon. Senator. It was around this time, in February of 1993. I just enjoy reading his past contributions—

Sen. Mark: I telling you. You love to read me.

Sen. N. Mohammed:—because it reeks of political hypocrisy and as he talks about political gimmickry and as the Police Complaints Authority Act was then being debated, he said we should not be wasting time debating that, we should be debating the Pegasus scandal. Well, we today should be talking about the airports scandal, where the costs have now gone up again. They have escalated the cost again. They are going to build a whole new floor, so you can imagine how many more millions are going to be thrown away just before the election. Such political gimmickry and hypocrisy! It is only a matter of time.

3.25 p.m.

In Sen. Wade Mark's contribution he talked about the plight of the special reserve police (SRP), just as my colleague Sen. Shabazz did a while ago, and he went to town—*[Interruption]* just as long, even longer perhaps—in terms of the plight of these SRPs. He referred to what he called the “inertia” of the then government in acting on what is known as the O'Dowd Report. He talked about our failure to deal with the plight of these SRPs. He, in his contribution, called for the regularization of the status of the SRPs. It is rather unfortunate that the hon. Minister of Public Administration who, today, sits in Government and is in charge of public administration and who is a labour leader himself, would sit here and listen to the hon. Minister of National Security as though he has lost his tongue. He has not done—*[Interruption]* I know he is now being encouraged to speak. I know he is going to stand here, just as he did last week, and go to town about how the PNM did nothing for 34 years, and they did not do this and they did not do that, and misleading and *mamaguying* the population, when in truth and in fact he as a labour leader—as indeed many others—sits as though they have sold out; in the sense that in that struggle to improve the terms and conditions of workers, one has to wonder about where that struggle is at present.

Sen. Mark: Continuing.

Sen. N. Mohammed: This situation with the SRPs—this was a beautiful, a golden opportunity to take on board the plight of the SRPs. [*Desk thumping*]

In Sen. Mark's contribution, he said:

“The O’Dowd Report recommended that the Government move swiftly to regularize the status of these SRPs, who seem to be permanently temporary in the Service, and they need to give them full-time status, with all the attendant benefits that the officers receive, because they do the same work, yet they do not get the same pay or enjoy the kind of benefits the other officers are entitled to.”

Senator Mark has a golden opportunity to fix it, to put this one right before judgment day is here. It is just a matter of time, Mr. President. The Government will hold this Bill and go to the public and say: “You see what we are doing for crime, how we are tackling the crime problem.” When in truth and in fact, it really is just political gimmickry.

I know the hon. Minister of National Security does not have to go to that level, but it is those around him who seem to be missing the boat, missing the point and totally oblivious to the real problems and trying to get at the core of the problems in an effort to deal with the problems that are existing.

Mr. President, I think I ought to quote a bit from this report known as the O’Dowd Report which Sen. Mark, in 1993 said the then government was hiding. I got this report in the library here in Parliament; it is a public document. It has been made available for all to see. It is a very interesting report. At page 17, it actually starts off dealing with the special reserve police. This report was prepared in May 1991. It is a review of the Trinidad and Tobago Police Service. I think it is the sixth report that has been done in the history of our country in terms of the operations of our police service in Trinidad and Tobago.

At page 17, paragraph 3.19 reference is made to a previous report known as the Bruce Report which says:

“...addressed a number of anomalies concerning the terms and conditions of service for the SRP in comparison with regular officers. The relevant extract is reproduced at Appendix 3(m).”

It goes on into the background of the SRP. I quote:

“3.19.2 The SRP are established under the Special Reserve Act Chapter 15:03. Any regular police officer within the First Division may use the SRP:

- (i) in cases of external aggression or internal disturbances, actual or threatened;
- (ii) when additional police are required for the preservation of order, the protection of persons or property or for any other duty performed by members of the police service;
- (iii) on full-time, part-time or temporary service.

3.19.3 In summary Bruce highlighted the following:

- (i) the original concept of the SRP was to provide a reserve force of citizens who are otherwise employed to supplement the service in times of need;
- (ii) SRP has been employed on a whole time temporary basis since 1969 and the numbers had gradually increased with personnel employed as policemen, drivers and artisans;
- (iii) SRP are designated as police officers to bring them within the disciplinary code. Full-time SRP receive the same rates of pay as regular officers. However, those employed full-time do not enjoy the same conditions of service as regulars, e.g. no entitlement to overtime payments, pensions, gratuity, housing allowance, medical or dental benefits, etc.;
- (iv) SRP may have their services terminated at any time by the Commissioner of Police;
- (v) no provision for staff association representation as full-time workers.

3.19.4 Bruce recommended:

- (i) Whole-time SRP should pay a pension contribution and receive benefits in line with regular officers (as recommended by a Pensions Review Committee);
- (ii) The practice of employing SRP on a temporary whole-time basis should be stopped. Those at present so employed should either be absorbed into the regular police service or employed where their functions do not require the training or authority of the police;
- (iii) Urgent steps should be taken to revitalise the part-time SRP as a supplement to the regular police service.”

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Mr. President, the report goes on. The fact of the matter is just as Sen. Mark did when he was on this side some years ago, so too we are reminding them, we are urging them, we are asking them to, please, implement the recommendations that have been made in this report.

Mr. President, this brings me to a very, how should I put it, sad, unfortunate and—if I may describe it too as—even dangerous development in our country. I am referring to an incident that recently took place in our country. I am making reference to this incident because it has direct bearing in terms of the debate that is taking place. In fact, I am on my feet now and making a formal complaint to the hon. Minister of National Security, because under this Bill, it is in fact—the Police Complaints Authority—an institution that has been set up where complaints can be made. One of the amendments in this Bill today is actually seeking to give some discretion to the authority in dealing with the complaints and the manner in which the complaint is coming in.

The complaint I wish to make, Mr. President, is the fact that to this date, we have not heard anything substantive about the investigations that have been going on into the recent political assassination that took place in our country when Mr. Sumairsingh was murdered just before the new year started.

Only last week, in the *Express* of Tuesday, February 15, at page 3, there was an article, the headline of which says:

“No arrest yet in Sumairsingh killing

Pregnant widow moves out

Just two weeks before his wife Sandra Sumairsingh is due to give birth, no arrests have yet been made in the shooting death of Mayaro-Rio Claro Regional Corporation chairman...

In the 46 days since the killing seven members of the Jamaat al Muslimeen have been questioned by investigators and more than 90 people interviewed. But police have not charged anyone.”

Mr. President, we know the police have their work to do but what we are asking is for some update on the status of this very dangerous development in the history of our country and for the Minister of National Security to certainly give us some information, because it will be a sad day in our country if this is yet another cover-up that is taking place. We do not want to feel that there is cover-up. This is one of the main impetus for the Police Complaints Authority. One wants independent, impartial investigations and one does not want to know that it is a case of any cover-up taking place.

I am calling on the hon. Minister of National Security to please clear the air. We know that several people have been quizzed and questioned, Ministers' names have been called too, and people detained, but released the day after. We want to know, the country wants to know what is happening. Is the Government going to leave it in limbo because it is moving into an election and it wants to cover-up? Is there any political interference? We hope not, Mr. President. *[Desk thumping]* We sincerely hope not. That is why I empathize with the hon. Minister of National Security because I know, as an individual deep down, as a professional person in this country, he would not stand by or would not want to see this kind of situation existing.

3.35 p.m.

Certainly, Mr. President, people must have the courage and fortitude to be able to stand and do what is right and stop covering up and fooling people, because "Judgment Day" is not too far from now.

Sen. Shabazz: The writing is on the wall.

Sen. N. Mohammed: When we look at clause 4 of the Bill that is before us we would see that the Police Complaints Authority Act is being amended to insert after section 17 a new section that deals with the auditing of accounts. I recall reading in one of the reports, I think it was *The 1996/1997 First Annual Report of the Police Complaints Authority* that this was one of the problems that had, in fact, been pointed out in terms of the operations of the authority and the need for there to be proper accounting procedures set up. This amendment seems to be an attempt to do so.

When I look in greater detail at the report and the recommendations that have been made, I believe that something is missing with this amendment in terms of the new section 17B. Section 17B states:

"17B. (1) The Authority shall, within three months of the end of each financial year submit to the Minister...

- (a) an annual report dealing with the activities of the Authority during the financial year;
- (b) a copy of the audited statement of accounts and such information relating to the operations of the Authority as the Minister may require.

Then section 17B.(2) talks about the annual report and audited statement again. I believe that we need to tighten this clause up a bit and we should actually

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stipulate or spell out by whom the accounts should be audited. One would expect that in a situation like that it would, in fact, be the Auditor General that would be the agency responsible for the auditing of these accounts. I feel that is a matter we could look at and seek to tighten up a bit.

Mr. President, when I referred to the O'Dowd Report, I think that for the record I should make mention of the fact that there were several other reports that had been done on the police service in our country over the years. For the record, at page one in the introduction of this 1991 O'Dowd Report it refers to the past reviews. It said:

“1.1 Over the past thirty-three years there have been five reviews of various aspects of the Trinidad and Tobago Police Service (TTPS);

Lee Committee [1]

Set up in November 1958 to examine the whole of the public service.

Darby Commission [2]

Appointed in August 1964 to enquire into the organisation, administration and discipline of the police and procedures on the investigation of crime and allied matters.

Carr Committee [3]

Established by the government in November 1971 to make recommendations to ensure the achievement of the efficient operation and maintenance of the esprit de corps of the police service.

Bruce Committee [4]

Commissioned by the Cabinet in November 1978 to make recommendations on the restructuring of the police service.

The Police Executive Research Forum Study [5]

Sponsored by the United States Department of State.”

This would have been around 1990 and then, of course, there was this O'Dowd Report which was prepared in May of 1991.

What this tells us is that there have been so many studies and we can go into these documents and we would be able to get a realistic picture of some of the problems that are affecting our police service and, yes, there are recommendations. The police service is almost like a battered institution in our

country. Really and truly what we need is to make that commitment to get in and look at the real problems existing inside and let us see how we can deal with them, if we want to bring about meaningful change in our country, society and, indeed, if we want to deal with the crime situation in an effective manner.

We recognize that there are many hardworking and honest officers. On a personal note, I can testify to the fact that in my little experiences I have had in the past that the kind of support and response from the police has really been phenomenal. But the reality is that there are real problems in the system that need to be addressed and we need to get to the root of them.

All we are yearning for, and I am sure that I speak on behalf of thousands of people in this country, we want to know that we have a functioning, efficient and competent police service in our country, [*Desk thumping*] but we have to get to the root of the problems in a more holistic way, not in this kind of *ad hoc* or “vaps” way. This is a “vaps” Government; they only do things by “vaps” just like paving the savannah, no plan or iota of thought as to the drainage situation or anything like that. They got a “vaps” and some people who seem to have more powers than even ministers, have done things that history will have well-documented; so for generations to come we would see what damage this UNC administration has done to our country.

Mr. President, if anything, this UNC administration has created more suspicion and lack of confidence in our police service by their political interference and their inability to grapple with crime in the country in a more holistic and decisive manner. They are just about political expediency and doing things for public relations only, not about good governance. I am once more calling on the hon. Minister of National Security to please give this country an update on the status of the investigations into the political assassination of Mr. Sumairsingh.

Sen. Tota-Maharaj: How do you know that it was political?

Sen. N. Mohammed: I could go on a bit more on this issue, but there has been so much tension in our society. I am hoping that the hon. Minister of National Security who is a man I know is willing, at times, to listen and to try his best, but I gather that he is circumscribed in his own way.

Before I take my seat, I want to make one more request of the hon. Minister of National Security. A couple years ago he stood in the Parliament and at that time we were talking about the construction of a police post in the Barataria/San Juan area. Today, there is, in fact, a police station that has been built, the work was started under the People's National Movement. I know that people in the

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community of Barataria/San Juan are very grateful, indeed, for the construction of that police station in the area, but it is regrettable that at times when you need quick and decisive action from the police they are unable to discharge their duties properly because of a basic lack of equipment and facilities.

I am making mention of this because just about a week ago I had the unfortunate experience to have to call in the police in a situation that, at the time, seemed very urgent, where a gentleman seemed to have been on a rampage demolishing someone's home. After putting through a call to the police at the brand new Barataria Police Station asking for help, I was informed that while there are officers there they have no vehicles to respond to the call. They had to make arrangements to get officers to come from quite St. Clair, by which time, you can imagine the amount of destruction that had taken place. In fact, lives could have been lost in that kind of scenario.

Hon. Minister, I am asking you—I know that you have been trying; some attempts are being made, but although vehicles have been obtained in that station, through the kind cooperation of some corporate citizens from the area, the vehicles that were donated have been parked up, they are not working, they are in need of repairs. We need some proper working vehicles. We do not need Cherokee jeeps, hon. Minister. In Barataria/San Juan we need some vehicles that would work properly and would serve the community, so that we can have more patrols and a safer environment in the area.

Mr. President, I thank you sincerely for the opportunity to speak.

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. President, I wish to join this debate and give support to the hon. Minister of National Security on this very important Bill that is before us to amend the Police Complaints Authority Act of 1993 and to extend the jurisdiction of the Police Complaints Authority by conferring on the Authority the power to deal with complaints made against members of the special reserve police and the municipal police, in particular, because as was pointed out, these two categories were not captured when this Bill was first passed in Parliament in 1993. In addition to this particular measure, the Bill seeks to put in place measures to facilitate the effective and efficient functioning of the Police Complaints Authority.

Mr. President, the Police Complaints Authority receives complaints on the conduct of any police officer. It also monitors the investigation of a complaint by the Police Complaints Division so as to ensure that the investigation is conducted

impartially. It reports to the Minister from time to time or at his request and, of course, it reviews reports from the division in accordance with Part 4 of the Act.

The Authority was established, as you recall, in response to the urgent need for appropriate machinery set up to address numerous complaints that were coming in from the public about the conduct of police officers in the exercise of their duties and responsibilities. It was in 1993, as Sen. Mohammed recalled, the then Minister of National Security introduced this measure in support of this proposal to establish the Police Complaints Authority. At that time, I recall him expressing the view that citizens were justified in being aggrieved by any situation wherein complaints against the police were being investigated, singularly and solely, by the policemen themselves and where the conclusions and recommendations being made, fell exclusively within the discretion of the police service.

It was against this background that the Minister of National Security then proposed and the Cabinet agreed that appropriate legislation be enacted in Trinidad and Tobago for the establishment of an independent, impartial body vested with the authority to address complaints made by members of the public against police officers. It was only on May 1, 1996, May Day, that the office of the Authority was opened to the public and started to receive complaints from the general public. At that time, the operations of the office were carried out by the Chairman, as you recall, with the assistance of two officers temporarily assigned from the Minister of National Security.

Well, Mr. President, things have changed since, and there is now, for instance, a more permanent establishment core available to the Police Complaints Authority. The Police Complaints Authority carries out its mandate by receiving, processing and monitoring the investigation of complaints. They also correspond with the complainants. They deal with the training of staff to carry out the Authority's functions and they review and resolve the complaints from the public.

These activities are currently being carried out within the constraints of the Act which allowed the Authority to monitor the initial complaints following investigation and report by the Police Complaints Division and to deal directly with applications from those citizens who request reviews. Of course, the ultimate aim and goal of the complaints authorities is the question of performance and the enhancement of the image of the police service and to increase the public confidence in members of the police service.

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3.50 p.m.

I feel confident when I say that the public image of the police service and the public service in general has improved under the present administration. Not to the extent that we would like but I think it is now public knowledge that the police service, in spite of all its limitations and constraints, is trying extremely hard to build, project and promote a very positive image in terms of their establishment.

Whilst, for instance, this Government of the United National Congress has been criticized for bringing a lot of legislation in this Parliament, I think that a number of the pieces of legislation that we have brought here have been brought to this honourable House given the need for those Bills and the alertness, responsiveness and shortfall that we have discovered and we have sought to fill in terms of bringing these pieces of legislation to Parliament.

It is against the background of the report that Sen. Mohammed quoted from, the 1996/1997 report, that a number of these recommendations and amendments contained in the Bill before this honourable Senate have, in fact, developed. The report of 1996/1997 recommended that the definition of “police officer” be widened to include, not only special reserve police but also municipal police officers, and it is this recommendation that came out of the 1996/1997 report that is contained in clause 3 of this Bill that is now before this honourable Senate.

There is also an amendment which we have circulated to Members of this honourable Senate which seeks to capture, that is on page 2 of the amendments— We have captured the members of the municipal police force which was not really contained in the original Bill but which is part of the whole process that we are dealing with. So the amendments that we have circulated to hon. Senators seek to reflect the intent of the Bill by incorporating the municipal police force in accordance with the regulations that have been identified in this particular section of the amendment.

Another recommendation that came out of this 1996/1997 report was the whole question of the authority keeping proper accounts and records of the transactions and affairs of the authority, and the authority should do all things that are necessary to ensure that all payments of moneys or payments out of the moneys of the authority are made and properly authorized and that adequate control is maintained over the assets of this particular body.

Therefore, it is against this background that the Bill is seeking as well, to ensure that the financial statements and accounts are submitted to the hon.

Minister. In addition, the accounts of the authority would be audited by the Auditor General on an annual basis and those accounts would now be brought to the Parliament through the Minister of National Security as identified, I think, in clause 4(2). In fact, clause 4(2) of the amendment says:

“The Minister shall cause a copy of the annual report and audited statement to be laid in Parliament and if Parliament is not then in session, within twenty-eight days of the commencement of its next session.”

Mr. President, it is against the background of recommendations coming out of the 1996/1997 report that we are seeking to address a lacuna that the Police Complaints Authority recognized and this is why we are addressing this particular matter here today.

As I said, this Police Complaints Authority is carrying out a very important role and responsibility in improving the image of the police and increasing public confidence in its members. Therefore, the reports that have come forward over the last period have sought to address some of the complaints and the Minister of National Security has in fact attempted, in many ways, to have these recommendations implemented in accordance with the wishes of the Police Complaints Authority. Therefore, as the Minister with responsibility for public administration, I think that the whole question of improving the image of the police service and the public service generally, is something that we are struggling very hard to achieve in the public service of Trinidad and Tobago.

You will find that in the police service today, there is the concept of looking at the persons who complain and approach the police for support and assistance. There is an entirely new orientation. They are now speaking about “clients” and “customers”, making sure the police officers recognize that they are there to serve and help, and they are there to facilitate and not to be brutal, and, like in the past, take advantage of people. It is a new image that is being promoted in the police service. It is consistent with the Government’s overall thrust to have a new policy approach, and a new agenda to deal with public administration, focussing on the people and the citizens as our customers, as our clients and giving them first priority and full preference in this regard. Mr. President, I believe that the whole question of seeking to promote a better image of the public service and the police service is very important.

In Sen. Shabazz’s contribution he spoke about the last time he asked the hon. Minister of National Security a question about the SRPs, and he said that the hon. Minister said that if the information is brought to him he would look into it and

[HON. W. MARK]

deal with it. Mr. President, I want to tell Sen. Shabazz that the information that was brought to the hon. Minister was dealt with at an earlier stage, but the particular individuals' names that were submitted, for some reason, were not addressed at the time when he submitted his particular complaint or grievance.

I want to give Sen. Shabazz the assurance that the matter has now been brought to my attention just a couple days ago. We know that it is dealing with the payment of compassionate gratuities to about 12 police officers who were formerly SRPs. A number of them have since died whilst they were in office, and that matter is, in fact, being addressed by my ministry at this particular time.

4.00 p.m.

So I am sure that the next time you speak in this Parliament on this particular matter, the Minister of National Security will be able to let you know that this matter has been completely addressed, finally.

Sen. Shabazz: I ask just one question of the hon. Minister. In view of the fact that it was passed on so long ago, how come it only reached you a few days ago?

Sen. The Hon. W. Mark: No, no, no. What I am saying is that the matter—I think for the last couple of years we have used Regulation 14 of the Pensions Regulations to compensate those SRPs who are not entitled to pensions, given the present circumstances that you made mention of earlier. We have, in fact, been able to facilitate, under Regulation 12 of the Pensions Regulations, scores of SRP officers in terms of providing them with what has been called compassionate gratuities. What I am saying is that some other names went forward and those people have been paid but the names that you have submitted have now reached me. In other words, the Minister passed them on to me and I am taking action to have that matter addressed.

I have the names of the people, the sums of moneys involved and I am sure that my Ministry will deal with that expeditiously. The sad thing about it, Mr. President, is that out of the 12 names Sen. Muhammad Shabazz submitted, and these are people who were called out to serve this country between 1973 and 1983, eight of them have died and their legal representatives are the ones who will make the claim and so on. I think two of them are still alive and two are still in the force, as the case may be, or one is still in the force. The important thing is, however, that the whole question of terms and conditions for SRPs is something that is now being addressed by the Parliamentary Legislative Committee of Cabinet of which Minister Theodore is a member, I am a member and the Attorney General chairs that particular committee.

I want to deal with this question a little because I agree with Sen. Nafeesa Mohammed—I stand firmly by my position. One thing with me is that I am consistent. You cannot deny consistency and we are trying very hard to bring this thing to closure. It is not an easy matter because, as you know, the Special Reserve Police Act has been in existence since 1906. The Special Reserve Police Act has been around for a couple of decades now. We are now seeking to revise that particular Act and, when that Act is revised and/or amended, we will put appropriate terms and conditions attached to that Act as regulations so that a police officer who is an SRP, when he joins the police service or he is called out, he would know what his entitlements are, whether it is gratuity, compassionate leave, sick leave or vacation leave.

The sad thing about it is that these people have been working for years and decades but I think that, for instance, in the years gone by, Mr. President, the Supplemental Police Act was implemented the way it was supposed to be implemented. If people were needed for four hours, they were called out for four hours and they went back home. What happened is over the last 10, 20 years, people were called out and they became part of the regular police service and that is where this problem arose.

We are trying to grapple with it because it is not something that started yesterday. It has been in existence for almost two to three decades in Trinidad and Tobago and the Special Reserve Police officers obviously are concerned. When I was in a position to help they raised it with me. I am very concerned about their matter. We are grappling with that matter very seriously. We have to find a solution one way or the other to bring closure to this matter involving the SRPs in Trinidad and Tobago.

You know, it reminds me also of the temporary officers in the public service who would have worked for 10, 15, 20 or 30 years and, when they left the service, Mr. President, they had to approach some parliamentarian or Cabinet Minister to go to Cabinet to get, under the same Regulation 14 of the Pension Regulations, 12 days' pay for each year of effective service. That was the sort of situation where, because of who you knew, people used to get through and those people who did not know anyone and did not have access to a politician could not enjoy, for instance, some kind of gratuity at the end of their process.

I am happy to know that in 1997 we were able to introduce the Law Reform Pensions Act which, for the first time, has brought an end to that uncertainty involving temporary officers, be they in the teaching service, the police service,

the civil service, where, once you are temporary in different areas of the public service and you would have worked, for instance, for 10 continuous years in the public service you are now entitled to a full pension as if you were a permanently employed worker in the public service whether you are a Clerk I, a messenger or a chauffeur as the case may be. That has given the public officer, the civil servants and public officers generally a certain sense of ease. The tension is reduced and we are trying, Mr. President, to address the question affecting the SRPs. I am hopeful that before the end of this year, maybe by August or before, we would be able to find a resolution to this problem.

One of the things that we intend to do is to introduce new terms and conditions of employment that would govern the engagement of SRPs in the police service. You need to have that, just as how we want to introduce what is called "Terms and conditions of appointment for unorganized labour in Trinidad and Tobago". Just like you have the minimum wage of \$7, we want to have terms and conditions of employment for unorganized labour in Trinidad and Tobago. So for any transnational corporation that comes into Trinidad and Tobago, the employer would know that these are some of the basic terms and conditions that must be adhered to when employing citizens of Trinidad and Tobago to work in their establishment as the case may be.

Sen. Jagmohan: Mr. President, I am grateful that the Minister has given way. A question has come to mind immediately. Can the Minister advise that if such a measure to compensate unorganized labour in a particular way is put in place, does this mean that trade unions would now be replaced by that Act when it comes into being?

Sen. The Hon. W. Mark: Not at all. I think, for instance, that the trade unions would love that because they only represent 30 per cent of the workforce. Organized labour is only 30 per cent and there are almost 600,000 people in the workforce in Trinidad and Tobago. There might be close to about 520,000 to 540,000 employed. The unemployment rate is now 11.7 per cent, the last figure we had. We want to bring it down to zilch, nada, zero. The important thing here is, however, that just as the minimum wage was brought on the scene, it is a minimum, you could go above it.

Some employers as you know, Sen. Jagmohan, use that \$7 almost like the floor price for labour and that is totally unacceptable in many cases. The important thing, Mr. President, is that this question of the SRP about which Sen. Shabazz and Sen. Nafeesa Mohammed spoke, and even if Sen. Mahabir-Wyatt was here today she would have been speaking to that issue as well, is something

with which we are seeking to grapple and I am sure we will find a resolution to that matter very shortly.

Mr. President, I want to indicate, on this matter of the Police Complaints Authority, we are hoping that with this amendment citizens of Trinidad and Tobago and the Police Complaints Authority as a whole would be able to expand its network to capture, for instance, complaints from those particular officers who, for some reason or the other, as I said, are not properly covered in the original Act. This is what the purpose of this measure is all about.

We have done much over the last few years to improve the image of the police. Even though crime is something that, for instance, we always want under control—and nobody could argue with the fact that over the last four years this Government has not done extremely well in trying to address the question. Now, we are not gods; we are not perfect. We were able to provide, whether you like it or not, close to 100 Cherokee Jeeps—E999—throughout the country. We have, for instance, one of the most modern communications networks at police headquarters in terms of new technology in dealing with, for instance, rapid response. We have also been able to provide the police service with hundreds of new vehicles. Of course some have been cannibalized and the Minister of National Security is working on that particular matter right now to bring more vehicles on the road at a cheaper price because it was a bit expensive at one time.

What is happening is that the Minister of National Security is working feverishly to ensure that the citizens of this country at least have some degree of safety and security, both in terms of property and person. That is what we are concerned about. While, as I said, Mr. President, we would not be able to solve all the problems, I recall back in 1994 when I was on the Opposition Benches, it was a case of only gangland murders, mafia-style murders in this country and, of course, this Government came in here with a serious approach to crime.

We have not dealt with this situation as effectively as we would have liked but, Mr. President, nobody can argue that this Government has been the toughest Government on the drug lords in this country. We have dealt very severely with the drug people in this land. Some have been extradited, some have been executed and some are still in jail languishing. The fact of the matter is that this is one area whilst, I mean to say, it is a problem, it is one from which we cannot escape, Mr. President. The global drug trade is a problem. It is a trillion dollar industry. It is not an easy industry. It is a global network and all countries are grappling with the drug trade.

Somebody told me recently in Barbados, which was a very quiet and serene country, every three days somebody is found dead on the beach because the drug trade has infiltrated Barbados in a way that they probably never expected. Now, we are fortunate in Trinidad and Tobago, Mr. President, that we have a Government in power that has declared war on the drug trade [*Desk thumping*] and the drug lords in this country. That is why today in this country we have crimes of passion, other crimes of passion, and so on. There is a new dimension in terms of crime and we are trying to see how best we can resolve these matters.

So I do not think that, for instance, the Opposition can really seriously argue that this Government has not done much in terms of that matter. There are skirmishes here and there, we cannot escape from that. We have difficulties but the Government is very, very resolute on this particular question and everybody knows that. [*Desk thumping*] Everybody knows that the Government is resolutely against crime and wants to maintain law and order in Trinidad and Tobago. This is why, up to this time as we speak, there are joint patrols. The Minister brought out the army some time last year.

Sen. Prof. Spence: Mr. President, I wonder if the hon. Minister considers that by setting a bad example of breaking the law and not attending to it, this is probably doing more to encourage crime than all he can do to stop it. [*Desk thumping*]

Sen. The Hon. W. Mark: I know Sen. Prof. Spence has been trying all afternoon to provoke me in a particular direction. [*Laughter*] I promise him that there is a motion on the adjournment scheduled for the next sitting of Parliament and I know that he will have ample time, through Sen. Prof. Julian Kenny, to get an appropriate response from my colleague. At this time, Mr. President, all I would say to the honourable Senate is that no one can deny the fact that the Government of Trinidad and Tobago has really been doing a lot to address this question of crime and insecurity in terms of person and property.

4.15 p.m.

This is why sometimes when I hear the Opposition talk on the issue of the police and their concerns about the police—like Sen. Shabazz, who is concerned about the army, the police and, particularly, the special reserve police—it brings back chilling memories of when I was there on the side where Sen. Nafeesa Mohammed is right now, and I remember that the PNM, back then in 1995, brought a bill here to overthrow the police service.

Sen. Tota-Maharaj: That is a shame!

Sen. The Hon. W. Mark: They brought a bill here to fire the Commissioner of Police and to abolish the Police Service Commission.

Sen. Cuffy Dowlat: That is true!

Sen. The Hon. W. Mark: That is a fact! That is recorded in *Hansard*. They did that. We opposed that. It was a blistering attack. They had to withdraw the bill. We forced them to withdraw that bill, the Opposition and the Independents combined. They brought a bill to fire the Commissioner of Police, at that time Jules Bernard—I remember that—also, to get rid of the Police Service Commission and to establish this board. I remember that. So when they talk about hypocrisy, about whom are they talking?

Sen. Tota-Maharaj: Double scandal!

Sen. The Hon. W. Mark: Let us be serious, Mr. President. I think we have to be serious. I was here and contributed to that debate. That is the one she should go back to the record and quote for me.

So, Mr. President, this matter really is a very simple and straightforward one, but we know that we are in the particular season and everybody is heightened up, so we have to get what we got from the Opposition earlier.

But, the key thing is, I think the Opposition has recognized the importance of this matter. They have concerns and I want to say that their concerns are my concerns. They have concerns about the SRPs; we have concerns about the SRPs, too, and we want to work toward resolving those issues. But the principle of this Bill cannot be argued against. I think everybody in this Senate, including the Opposition, will support this Bill. It is a very straightforward measure. It addresses, for instance, a matter involving the SRPs and the municipal police. We want to get them into the net in order that the Police Complaints Authority may do its work better. I think all of us will support this Bill at the end of the day.

I thank you very much, Mr. President.

Sen. Mahadeo Jagmohan: Mr. President, I thank you very much for the recognition, Sir. Before I proceed, I want to compliment my colleague, Sen. Shabazz, in championing the cause of the special reserve policemen and the very spirited manner in which he made his contribution. Also, the Leader of this side of the Senate, Sen. Nafeesa Mohammed, has always done us proud by very good research, backed by facts that cannot be doubted, in making her contribution. So I put on record, Sir, the two brilliant contributions from my colleagues here.

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I intend not to be very long on this matter because my colleagues have spoken. I wish to get the attention of the hon. Minister of National Security—

Sen. Brig. Theodore: All the time.

Sen. M. Jagmohan:—when he is replying. He said one complainant can complain under several headings of the Police Complaints Authority, if I understood him well—and I can be corrected if I did not understand him well. I would like to have that part explained.

Mr. President, there is absolutely no argument that can be put forward in this country against the yeoman service that we get from the police in this country. [*Desk thumping*] The police are taking good care of everybody in this country. Senators would recall when electricity went off here, how caring the policemen were in this Chamber. Some people were scared but the policemen put everybody at ease. I compliment the police, but I want to remind those who have authority over the police that the police must be motivated at all times and be given the fullest support to execute their duties and responsibilities so they may strive for excellence to protect and serve.

Sen. Cuffy Dowlat: And we have equipped them well.

Sen. M. Jagmohan: I have a problem—anyway, he is still in the Chamber—when I raise some very pertinent points, the relevant Ministers are not in the Chamber, but I suppose they get it from the *Hansard*. It is the first time in my many years of industrial relations that I have heard about compassionate gratuity. I know gratuities of terminal benefits are paid on compassionate grounds, but I do not know of compassionate gratuity. Okay. Be that as it may.

The hon. Minister of Public Administration alluded to jeeps and police vehicles. I ask him, or perhaps the Minister of National Security, to give us some indication of how many of those vehicles are in working condition, or he might want to answer it in another way. How many of those vehicles are out of service?

I was alarmed when the Minister of Public Administration mentioned minutes ago that some of the police vehicles were cannibalized. Cannibalized by whom? Cannibalized where? That is a terrible statement to make in this Parliament. If they were cannibalized, then that is interfering with good order and the contribution of the taxpayers of this country. The Minister has to explain. If these police vehicles are not all in working order, perhaps that is the reason for the escalation of crime that has gone wild and is uncontrollable in this country.

I have been advised that in an important area like St. Clair, the police station there does not have a working vehicle. Can somebody explain why things have been allowed to deteriorate in this manner? How can they solve crime in the city of Port of Spain if a place like St. Clair does not have a working vehicle in the police station? This is something we have to address. The lack of a vehicle will determine the attitude of the officers with respect to solving crime.

Mr. President, sometime ago we heard that the Besson Street Police Station was not fit for human habitation, or was not a proper place for the police to carry out their duties and responsibilities. They were removed and we got some kind of indication that the place would either be refurbished or put in order. We are not hearing anything about that, but that is a focal point for the police service in the city of Port of Spain, and the lack of police activity in that location has left a number of people frightened in this country.

Sen. Mark: On a point of clarification. If the hon. Senator is not aware, I inform him that the Besson Street Police Station has been relocated to just behind the Besson Street Police Station. There is a construction process that is supposed to begin shortly for a new police station at Besson Street.

Sen. M. Jagmohan: That is nice. People in the country are bothered. Well, maybe the newspaper people are still here and the country will know about it.

Sen. Brig. Theodore: People like you bother them. You are spreading false talk.

Sen. M. Jagmohan: I beg your pardon, Minister.

Mr. President, I am not one of those fortunate persons who get press coverage adequately.

Sen. Brig. Theodore: And you are looking for them.

Sen. M. Jagmohan: I heard a while ago, and the newspaper is reporting this, reference to members of a particular religious organization and their being associated with all kinds of activities. I say it is very sad and unfortunate that reference is being made to people of a particular religious grouping, and all the other religious organizations in Trinidad and Tobago have all the people who are members, or associates, or adherents of a particular faith and nobody refers to them, but they refer to a particular group in this country. It is the people's right to follow or to be adherents of any religious organization, but it is terrible when people of that group alone are always referred to in a manner that is, to my mind, unacceptable.

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Mr. President, I want to make a small reference here to the Bill. On page 2, new clause 17A; the part that reads:

“The Authority shall keep accurate and proper accounts and records of all transactions in accordance with internationally and locally recognized accounting standards...”

Why is it worded like that? Accurate and proper. The word “accurate” was sufficient. Will the Minister take that into account and at the committee or some other stage do something. Remove one of the words there.

Then, when we go a little lower down, we would see a few things which, at this stage, I will not mention. But, when I go to page 3, a continuation of new clause 17B(1) which reads:

“(b) a copy of the audited statement of accounts and such information relating to the operations of the Authority as the Minister may require.”

I do not buy the point that only lawyers can talk about law, or only lawyers can talk about proper construction and grammar as far as the English language is concerned. I am saying that this should have another word:

“(b) a copy of the audited statement of accounts and such...”

—a word should be put in—

“...other information relating to the operations of the Authority as the Minister may require...”

—and you finish that line—

“...from time to time.”

Reading a statement in that way would be foolproof, or should I say, it would be complete and give details of what is required.

Mr. President, a great deal was said on this Bill by my colleagues. I associate with all that my colleagues said, but I wish to state that the timing of this amendment is sending the wrong signal to the country. It is sending a signal to state that people, or rather a galaxy of complaints are compiled daily and because of some deficiency in the Act, they are unable to deal with the Act and, as such, this Police Complaints Authority (Amdt.) Bill had to come. I am sorry. I beg to disagree. The timing of this Bill is wrong and this amendment is piecemeal. It could have been done differently.

Mr. President, you will recall in 1993—almost everybody here can recall—the parent Act was being considered by the then government and brought in order to

establish good order in the country, not necessarily in the police service. There were people who were complaining and making all kinds of unnecessary and unwarranted statements with respect to the operations of the police. Therefore, I state that the intent of this Bill is good but the timing is, to my mind, not right and it is not adequate for the present situation.

Mr. President, I thank you.

Mr. President: Hon. Members, even though it is tea time, I am advised that, by agreement, Members will have no problem in this Senate continuing and completing this Bill, so I call the Minister of National Security.

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): Mr. President, I would like to thank the hon. Senators who contributed. There have been some very useful comments. While I will be dealing with each group of comments separately, I would like to say that the two matters which were raised concerning the matter of the audit being done by the Auditor General and tightening it up to ensure that it is done, we will have a look at it at the committee stage. There was also another comment about the Bill which I will come to.

4.30 p.m

I would like to thank the Senators for being very understanding and appreciating the reason for the Bill, notwithstanding the fact that the matter of the special reserve police (SRPs) is presently undergoing review to be resolved. Sen. Shabazz started off in his usual way, seeking the interest of the SRPs. I know as a former policeman he does have some vested interest but—*[Interruption]* perhaps for a very short time. Nevertheless, I know he is interested. He was quite correct that my ministry, the Government and I are interested in what we found where the SRPs were concerned.

I am very disturbed. I read the O'Dowd Report and I am aware of the recommendations. What we had intended to do when we looked at the issue of the SRPs was to ensure two things: firstly that the SRP Regulations were observed. What seems to be a major problem—and I have tried to explain this before, Mr. President—is in speaking about SRPs, in a contribution such as Sen. Shabazz's, they mix up the two, and behave as though there is some concerted effort to make life difficult for the SRPs who are making a contribution.

If the hon. Senators would recall, Sen. N. Mohammed said it just now. One of the recommendations in the O'Dowd Report had to do with the “whole-time temporary” SRPs and that the matter of working “whole-time temporary” should be stopped and the SRPs should function under the Act as SRPs. An SRP is somebody who is called out to work. If the person stays at home and becomes ill, there is no

question of sick leave. If the person stays home and cannot come out, there is no question of his being absent and being penalized for not coming to work; because it is not a full-time job. What has happened over the years—I believe as many as 30 years, because when I came into office there were SRPs there for 15 years already, who had been working this sort of odd arrangement. Where the problem arose is, despite the fact that they were working “whole-time temporary”—which is a term coined by one of the administrations to cater for these people—at no time was the class of “whole-time temporary” addressed and regulations put in place to deal with the “whole-time temporary”. What happened, Mr. President, is that the part-time regulations were the only regulations under which SRPs were governed and were paid and could be called out for work. What we understand is that there are SRPs—part-timers—who are called out for four hours and they leave and go home when the four hours are finished.

As was said in the Act, these were for working people: members of the community who wished to make some contribution and came out in their spare time to assist the police. They were leave reliefs, reliefs when people fell ill; they could be called out if there is a need for additional police at certain state occasions. This whole thing got out of control. While there are SRPs now, working four hours, nobody can claim that they are being disadvantaged because they are only being called out for four hours and sent home, as Sen. Shabazz is claiming. One is mixing the two and apportioning blame for the way the SRP is meant to work, because this other category of SRP has come into being and is being virtually misused.

One of the things we attempted to do—before I go on let me have a look at some of the other remarks made by Sen. Shabazz. I must confess that he was quite flamboyant but, in essence, he said very little. This matter of payment for the SRPs; how they are being treated, they are not being rewarded. Well surely, they are not working for free. When an SRP comes and volunteers to come out and put on a uniform and perform functions, he obviously has to receive training. During the training, he becomes *au courant* with what his terms and conditions are. He is granted a precept and he goes to work. Suddenly, now, we are being told that they must get sick leave, they must get pension and they must get housing allowance. Certainly we seem to be continuing the charade and misleading the public and the SRPs themselves, because they are believing this talk that they are entitled to all of these things. What is happening now? *[Interruption]* Well, maybe, but based on what I am hearing—

Again, one of the things Sen. Shabazz claimed is that we are passing laws so people can complain on the SRPs. I have never heard anything so disjointed and

misconceived. The law is not being passed—*[Interruption]* I wrote it down here. Let me quote, Mr. President.

“We are passing the Bill so people can complain on them.”

No, we are passing the Bill because people have begun to complain on them. That is why we are passing the Bill. This is not a matter where we are passing a Bill to encourage people to complain on the SRPs. This is totally unfair and unjust. I would certainly hope that the hon. Senator would explain that remark.

Sen. Shabazz: Mr. President, just to correct the Minister. I was saying that the SRPs have nobody to complain to, but the Minister is asking that people complain on them. I am not saying that the Bill was passed so that people would complain on them. I never said that. I am saying that they have nobody to complain to, but the Minister is setting it up so that people would complain on them. I am saying that the Minister should balance it off and make the correction at the other end. I am not against that Bill.

Sen. Brig. The Hon. J. Theodore: Mr. President, we cannot encourage indiscipline. If an SRP is somehow or the other disrespectful or treats a member of the public in a bad way, he has every right to be disciplined and the complaint must come. If we are trying to set standards whereby the conditions of work are not suitable to the incumbent, are we saying that person is free to behave as he likes and nobody can complain on him? This is the indiscipline we are speaking about, that is plaguing this country today: people must do what they want! Why is this authority there, why are people complaining on the SRPs? Anybody who does something wrong should be complained against. We are putting measures in place for complaints to be heard and dealt with. If the Senator wants to call names, he should make the complaint against the person. *[Interruption]* The Senator is not an SRP. I am dealing only with the police today.

We talk of the community police; that they do roster duty. The Senator got it right. They are paid. They do roster duty. They are trained and are given work to do, that is in keeping with their training. Yes they are drivers. Yes, they are carpenters. Yes, they are mechanics, but indiscipline, certainly will not be tolerated and we are not passing the Bill so people could complain on them, but rather it is to allow the authority to get on with the work.

On the matter of promotion. A minister cannot interfere with promotion: there are procedures. When we talk about political interference—I learnt a lot from my predecessor: to avoid trying to be a commissioner of police and run the police force. There is a police commissioner and there are rules and regulations governing the

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conduct of police work, including investigations. The idea is this: to leave them, let them get on with the job. I will provide the administrative support and services for them to do their job. My job is, I go to Cabinet, I budget money for them, but I am not into the police. What is political interference is people trying to tell the police commissioner who to investigate and who he must go by and whether or not—if he carries out a search some place—that person should have been searched. Do you know a minister actually apologized to somebody because the police issued a warrant and carried out a search? I think that is definitely out of order. As far as political interference goes, I feel the police should be left alone.

The hon. Minister of Public Administration mentioned it earlier; concerning the interest that politicians seek to show in the police service. He is right. Fortunately I have been in the service. I have already worn a uniform and I have reached the highest rank in the defence force, I do not need to be a commissioner of police. Let the Commissioner of Police get on with his job. The Senator is quite correct. I am concerned about the SRPs; I have been since I came into office, because I am one of the people who criticized how the SRPs were being misused. But, I come into office and what do I find? I find that we have an Act which deals only with part-time SRPs, but there is this other group of SRPs who have, over the years, developed some sort of permanence in the police service.

4.40 p.m.

Mr. President, in trying to deal with this we attempted to use the same Special Reserve Police Act and create regulations which deal with part-timers and alongside that create regulations which dealt with the whole-time/part-timers. That took over a year going back and forth. We found in the end that it was not workable because we would have to amend the Act to accommodate such regulations. We moved away from that. We asked ourselves, “How can we deal with this group of people who are working whole time—they call themselves, whole-time/part-time; whole-time temporary?” I found it a very strange term; it is contrary in itself. How can you be whole time and temporary at the same time?

Again, it was a device used by a previous administration. When they refused to give the police the additional manpower they required, what they had to do was to bring in these people, and the Commissioner has the authority to call out special reserve police, which he did, and where he was short they simply remained. We are now faced with the problem of following the recommendation made by the O'Dowd Report, where it was stated quite clearly that they should be absorbed into the regular force; that was done. There were two intakes in the previous administration that absorbed the SRPs.

Mr. President, do you know what happened? It continued; it did not stop. The instruction that the Commissioner of Police has today is that no new whole-time/part-time people are to be created, and special reserve police are to be part-time. So we have reached a point where the size of the whole-timers is not growing. We have consolidated the number.

We have completed the regulations for the part-time SRPs; that is done, but I cannot come here and lay those regulations only to be asked, "Well, here you are giving me regulations for part-timers, what about those who work whole time? So I have to wait until the regulations for the whole time people are completed. Let me tell you where these regulations are.

Mr. President, I do not know if we saw in the newspapers, about two weeks ago, a complaint from the Police Social and Welfare Club. In fact, they met with the Chief Personnel Officer and they complained that the SRPs who are working whole time were being sent home. I had to strongly deny that, because that was never the intention of the Ministry of National Security. But I found out that it was the subject of a discussion, that was one of the options, terminate, and let them go home and deal only with the part-timers. This is not the line that the Ministry proposes to take.

What the Ministry wants to do is to have whoever is serving whole time to continue serving whole time, but there will be a cut-off point and anybody joining beyond a certain date will no longer be whole time. That would be a wasting asset via attrition, as they disappear we will have only part time special reserve police which would be in keeping with the recommendation of the O'Dowd Report and the Special Reserve Police Act which deals with part timers. The regulations we are seeking to produce will do what does not exist today.

I must confess that these people who are working whole time have no idea of what are their terms and conditions. They assume that because they are working alongside full-time officers on a regular basis, that they are entitled to all the benefits that will accrue to a full-time officer, and that is where the problem lies. We cannot give these whole time people holidays, allowances and a pension based on the Act because the Act does not cater for that. It does not make sense creating a whole new category of policemen to deal with this group of people, so we are now negotiating with the Chief Personnel Officer. The last time we spoke with the CPO, which was just over a week ago, was to decide that the intent is not to send anybody home or to deny anybody employment, but to confirm those areas where people in this category are employed.

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What will happen in the end is that they would be replaced either by two part-time shifts, four hours apiece, or by regular police. Sen. Shabazz mentioned the Hall of Justice and here. Let us say that we have whole time SRPs working here, they will continue until such time as they are ready to move on or qualify to enter into the regular police service. Here again is a criticism that is being levelled at the Ministry as though somebody is spitefully trying to keep these people out of the regular police service.

There are qualifications that are required to enter the regular police service and we are not going to compromise those conditions. We accept that a few years ago special reserve police were accepted into the regular police service without the prerequisites simply because a decision was made that these two groups of SRPs would become regular police. We do not need to perpetuate that, the educational standards have been raised and the entry requirements are fixed. However, there are 58 SRPs who have been selected and approved to enter the police service and trained to become regular officers. The remainder will be part timers or part-time/full-time.

These full-time/temporary officers will not increase in size, but we simply cannot do away with them. They will work on and as their numbers decrease they will either be replaced by part timers or by regular police; it is as simple as that. One of the things that we are trying to do is that in these regulations we will have to make it clear to these officers that since they are working “temporary/whole time” what type of conditions we would apply to them that will equate with the nature of the work they are performing. We are talking about sick leave, because they are coming out full time as opposed to a part-time person who is at home. They are coming out full time, they are paid on a monthly basis, so we must consider putting into their regulations provision for sick leave, privilege leave, allowances and so forth.

Where the problem arises is with pension; they do not contribute to a pension scheme while the regular police do. So again, we have asked the Chief Personnel Officer to work out a formula which will allow them, at least, a gratuity on retirement, so this is where we are. They are going to come back to us with their proposals and we will negotiate in consultation with the police service and the Police Welfare Association.

As I mention the Police Welfare Association, another thing stated here today is that these SRPs have no representation, but surely it is a contradiction in itself that here is the Police Social and Welfare Association seeking the interest of the

special reserve police, attending conferences with the CPO and yet we are being told that they have no representation. They do have representation and as far as the Police Social and Welfare Association is concerned they represent all police. In fact, now it is going to be more difficult to tell them they do not, because they are part of the Act. As Sen. Shabazz said, if it is that they fall under the Act for discipline surely they have the right to be represented.

Mr. President, there is a lot of mis-information about the special reserve police and I acknowledge that that is because the SRPs themselves are not quite clear as to what they are entitled, so they listen to people and they have somebody like Sen. Shabazz who will come here and articulate their views and make it seem as though they are being disadvantaged deliberately while they are working so hard, but that is certainly not the position.

I am glad for his interest, because I too am as interested as he is in the welfare of the SRPs. [*Interruption*]

Sen. Yuille-Williams: Mr. President, I was listening intently to the hon. Minister. Just for my information, these full-time/temporary or whatever you call them, how are they paid, monthly or hourly? I am not too clear, so I want to find out.

Sen. Brig The Hon. J. Theodore: They are paid monthly by the police service. In fact, there is a column in the budget that recognizes them, which compounds matters because they are recognized on the one hand and they are under an Act which does not cover them; that is the problem. So the regulations we are making in consultation with the Chief Personnel Officer must be within the law, because we see no reason to amend the Act. We also see it as being unfair to revert wholesale to only part-time and disregard those who have been working, because they have accumulated years of service. When I came into office there were some with at least 15 years service.

The matter of soldiers not being paid will be resolved when the Senator comes with the names and the amount of money that the soldiers who are alleged to have complained to him, have been identified. I will deal with it. [*Sen. Shabazz laughs*]

Sen. Shabazz: “Yuh give me a challenge now: bring the names Shabazz. Yuh talking like Dhanraj, bring the names.”

Sen. Brig. The Hon. J. Theodore: I am as anxious as you are to see that they get it.

Sen. Mark: So you will shut your mouth from now on.

Sen. Brig. The Hon. J. Theodore: I know the Minister of Public Administration was trying to deal with a situation where certain names were brought to my attention by the Senator last year. It is strange, and I think I mentioned it to him, but he brought me 12 names, and he said that these people had served and their payments were not being addressed.

I went ahead and put those names into the system and about a month or two after the names came back to me to send them to the Minister to be processed. I checked the names and I must confess that I am not one to sign on the bottom line without reading what I sign. Somehow the names I saw did not ring a bell, so I said, "Show me the list that the Senator sent to me and let me read the names." None of the 12 names I got were of the 12 that were handed to me. That information went forward and those are the ones the Minister has dealt with to pay. Sen. Shabazz's 12 names were subsequently located.

I sent 12 names to the police and they sent me back a different 12, it is as simple as that; so I went a second time and we have names here that the Senator would recognize: Sgt. David John, Corporal Claude Brown, Carlton Thomas, Lucian St. Vincent, Gerald Lemo, Ramnarace Maharaj, Elvis Toppin and Jacob Quashie. These are the names that the Senator sent. I must confess that we had it checked by the legal people and under the Special Reserve Police Act. We had the names checked by the Comptroller of Accounts and everybody has checked it. The Chief Personnel Officer has also advised that the payment is in order and we are continuing the exercise, because there are others who have left whose compensations were not addressed. I thank Sen. Shabazz for that. By bringing it to our attention we are going through the entire list now and they are coming forward in bits and pieces.

I wish to assure you that there is no intent to neglect these payments and we are not waiting for them to die before we go ahead doing it. We hope we can get them done far more quickly. There is also another claim made that for special reserve police killed in the line of duty, their relatives need to go to Cabinet to get payment. Just about two years ago there was a Protective Services Compensation Act passed in this House and that is where they go. The reason for that is to deal with police officers—not only those who die in the line of duty but also those who are injured because they will get medical treatment, but those who are maimed or somehow suffer some permanent injury, to see that they get compensation.

There is a board and what I have found is that many people are not aware, so we are going to be advertising that this Compensation Act is in place, that a board

exists and where they sit, so that relatives or applicants can come in and make their claims. There are several things affecting the SRPs. The matter of discipline is the least of them all.

4.55 p.m.

Sen. Nafeesa Mohammed went into the background of the reason for the complaints authority and she did some research with the O'Dowd Report and dealt a lot with the past problems of the police service and so forth, that administrations have grappled with and perhaps she should have continued to say that this administration continues to grapple with, and that there is a politicization of the police service. I saw it before I came into office, and I must confess that it was rampant and definitely very damaging to the police service.

Sen. Mark: He was politicizing the police service. *[Laughter]*

Sen. Brig. The Hon. J. Theodore: Mr. President, it was very, very bad. It may be said that the commissioner, at the time, was difficult to deal with, but I suspect that the manner in which he was threatened, he refused to co-operate. Perhaps we cannot blame him. *[Interruption]* Yes, he was kicked upstairs on television and was told that he would be working in the Prime Minister's Office and so forth. Very little compensation for an efficient professional officer who was trying to do his work. Very, very bad. So I have learnt from my predecessor, not what to do but what to avoid and what I should not do. *[Laughter]* He has been very good at showing me that a lot of things he did I should avoid and perhaps do the opposite. *[Laughter]* So I am grateful to him. *[Interruption]* The hon. Senator does not have the privilege that he alone could say; he came very close to making a direct attack on—I would not say myself but certainly—the Minister of National Security. *[Laughter]* This is definitely not in this honourable Senate that is so well organized and works on professional levels. Very unkind. I would overlook that because I suspect that it is his one strong point and I do not want to deny him that opportunity. *[Laughter]*

With respect to the level of staffing, Mr. President, Sen. Nafeesa Mohammed, as I said, went into a report that is about three years old and she is quite correct. The level of staffing in the complaints division was a major problem. We have addressed it and one of the problems that she did not mention, but I think is contained in the report, is that the staff is not properly selected. They do not have professional investigators or properly trained people; people were simply transferred there. That matter has been addressed and I cannot say that all the

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people they want are there but a significant number of additional staff has been added to the department.

As a matter of fact, as I pointed out in dealing with the Bill, for the period May 01, 1998 to April 1999, of the complaints received by the authority, 983 reports came from the division and they were not challenged. There were 51 cases where applications were made for review and the authority has now satisfactorily concluded these. What we are seeing here is that there is a good working relationship between the authority and the division. If you want to look historically at the attitude of the police, you would appreciate that probably they did not think very kindly of this authority being put to oversee their investigations. It is happening even now as civilians are added to the strength of the police service, but it is understandable and we would work with it and get them to realize that all of this is being done to assist them, and certainly not to make life difficult for them.

The matter of support staff, computer equipment and so forth are being dealt with. We went through the various units and what the hon. Senator said is that there are real problems that affect the division. There is a struggle—I fully agree with that—and I feel that it is something that we are all aware of and should deal with. I agree with the hon. Senator that we must identify the problems and find ways and means of dealing with that.

One of the problems that was brought to my attention was something that was bandied about by the Opposition Bench, that simply buying vehicles and equipment for the police service would not solve the problem because they needed training. Mr. President, I would like to read a bit of the sort of training that we have been doing in the police service. In order to give the officers the skill, knowledge and the ability to better perform their duties, we have not only increased the strength of the police service, but a number of courses have been conducted.

For the period 1993 to 1995 for example, considering that the police service was below strength and this increasing need for the use of the SRPs became more prominent, we can see where, for that period 1993 to 1995, 368 new recruits were brought into the police service, leaving the police service sadly under strength.

For the period 1996 to 1998, we were able to train 1,240 police officers for the police service all within the strength of the police service. That is without increasing the strength of the police service. Even now the police service is still below strength by about 800 to 900, which we would be addressing during the course of this year.

We have constructed new police stations, we have refurbished police stations and there is one building I am glad to announce that would be restored shortly, that is the burnt-out police headquarters that stands at the corner of Sackville and St. Vincent Streets. Contracts have been awarded and work would start shortly to bring the building back to its former prominence and glory. [*Desk thumping*]

Increased opportunities for training, between 1998 and 1999, 29 officers of the service received training abroad in areas such as law enforcement, firearms, explosives training and management development, while 295 others received training locally in such areas as management of aggressive behaviour, performance appraisal management and professional development.

The Ministry of National Security also conducts professional development seminars at the Joint Services Staff College for middle managers including members of the Trinidad and Tobago Police Service, geared at improving, among other things, the communications and leadership skills of the officers. We acknowledge a problem existed—and I would like to assure this honourable Senate that steps are being taken to deal with these problems.

The computerization of the Trinidad and Tobago Police Service is an ongoing project that commenced in 1994. As part of this project, 151 members of staff of the Ministry of National Security, police and civilians, have received computer literacy training. Additionally, the police service has benefited from the installation of systems to facilitate more efficient processing of police records. During 1998 the Trinidad and Tobago Police Service completed installation of a wide area and network communication system which covers seven divisional headquarters, thereby allowing officers at various stations to have ready access to information on criminal records, warrants, personal records, and firearms.

5.05 p.m.

We have on order at this time, a system called AFIS. It is the Automated Fingerprint Identification System which is quite costly and which is being brought down to assist the police service in identifying fingerprints in a relatively short space of time. This system is so geared that it will be able to operate at the various divisions so one does not have to come to Port of Spain to get a match for a fingerprint. What this system also does is permit what they call the development of mug shots where a witness describing the suspect can have an image developed of the person, and that can be used in the media to get the public's assistance in reporting the presence of such a person in their area. So generally there is quite a lot of activity taking place in the police service.

The Minister of Public Administration talked about image enhancement. Now, to me, image enhancement means better behaviour of the police because, if policemen continue being disrespectful and terrorizing the civilian public, that does not enhance their image. The training is going towards that and, while I see extending the authority of the Police Complaints Authority as being useful, I do not see it as the be-all and end-all of improving the performance of the police service. So generally what we are looking at is, and again I go back to a phrase used by Sen. Mohammed, a better functioning, competent and efficient police service. That is what I think the entire country is looking for. That is what we are hoping to achieve.

The Senator mentioned the Barataria/San Juan area and I think I thanked her already for reminding me that the PNM was building that police station some five to seven years before, had gotten nowhere with it and this administration was able to have that station completed by the end of the next year. I see where it is serving a very useful purpose and I would like to assure the hon. Senator that we do have a programme in place to deal with providing the vehicles.

Somebody asked, I think it was Sen. Jagmohan, about just how many vehicles are off the road. Well, I am familiar with these figures because this is something that I have been looking at for the last month. The strength of the fleet of vehicles that should be in place to operate in the police service is 550 vehicles. There are 300 working right now. This will tell you straightaway, we have a problem. Of these vehicles, 103 have been selected for repairs and we are collecting estimates from the various garages in order to get the best deal to have them repaired. We are looking at having these vehicles repaired over the next three or four months. I have received permission from Cabinet to lease 50 vehicles and Nipdec is being approached to identify vehicles for lease. The National Insurance Property Development Company will identify the vehicles through the normal tenders procedure. Since we seem to be talking about matters that are not strictly lawful, I am hearing noises from the other side.

Sen. Jagmohan, I think, mentioned cannibalization of vehicles. I think that was misspeak because the hon. Minister certainly cannot believe that the police need to do such a thing. These vehicles are going out. I was, therefore, a little surprised but I can assure you that there is no such thing going on. It is against the regulations to cannibalize a vehicle. There is really no need to do that. The other vehicles are going before a condemnation board and they will be auctioned in the normal course of events. So what we are looking at is an improvement in the

situation through purchase and repairs and a very aggressive preventative maintenance programme.

Now, notice I have said preventative maintenance, not maintenance, not fix when it is damaged but look at it during the course of its service to ensure that any deterioration will be dealt with before it causes damage. The police garage is geared for that now. I am satisfied that they have the wherewithal to handle inspections and minor repairs and what we will be doing is outsourcing the repairs to these selected prequalified garages and this will be an ongoing process. I think you know as well as I, the maintenance of police vehicles was virtually non-existent and vehicles could not be spared, they were not taken in for regular inspections and they only saw the inside of the workshop when they were towed in after breaking down on the road or getting into an accident. So these matters are being dealt with.

Mr. President, I thank the hon. Minister of Public Administration for his support and pointing out the various actions that are being taken to improve the police service. The matter of gaining public confidence in members of the police service is paramount and this will be parallel with the improved behaviour of the police.

Now, I would just like to read into the record, Mr. President, the percentage decrease in some of the more serious complaints that have occurred over the years. Sen. Nafeesa Mohammed mentioned battery, harassment and impolite behaviour. There has been a decrease in complaints of battery by 75 per cent, harassment by 9 per cent, impolite behaviour by 9 per cent, not going to an arrest with a warrant reduced by 29 per cent, failure to take a report, by 43 per cent and failure to read a warrant by 64 per cent.

On the charge of failure to investigate, there are many complaints of people saying they have lodged a complaint and nothing has happened. "It seems as though the police is in cahoots with the person and they do not plan to take action". Those complaints of failure to investigate have been decreased by 70 per cent and failure to perform a duty has been decreased by 35 per cent. All in all, I think we can all be encouraged that we are on an upward path towards the virtual reform of the police service.

Now, a question was also raised concerning the discrepancy between the number of complaints. "How is it that one complainant, in making a complaint, can end up having it classified as two or three complaints?" Because of the way the form is made out, there are charges of harassment, failure to perform and battery. I will give you an example.

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Let us assume that a complainant alleges that an officer struck him, pointed his weapon at him and forced him into signing a statement. That is one person making a complaint coming out of one incident. The complaint form will now show charges of “Battery”, “Gun Drawn” and “Forced Statement”. So there will be three complaints which will have to be investigated. There would, therefore, appear to be what we would call a discrepancy between the number of complainants and the number of complaints. That is why earlier on I made it my business to point out that there were so many complainants as opposed to complaints because the complaints, as you would see in the report, do create a much different impression. There has been a reduction.

There has been good co-operation and the Minister of Public Administration did point out that the Besson Street Police Station, which was not fit for occupation, has been relocated to much larger and better accommodation. The problem with the Besson Street Police Station did not come out of the condition of the Besson Street Police Station. We knew all along that these officers had to be removed from their former location. What caused the problem was acquiring the present property to move the police and this was since May last year.

Mr. President: The speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator’s speaking time be extended by 15 minutes. [*Sen. The Hon. W. Mark*]

Question put and agreed to.

Sen. Brig. The Hon. J. Theodore: Mr. President, I thank the Senators for allowing me this time. It is not often that I speak for so long or even speak at all so I think I will make the best use of the time.

With regard to the Besson Street Police Station, since May last year the Police Social and Welfare Club and everybody who was interested identified their present location as where they would go and there was some dragging of the feet with the landlord in getting the premises ready. We rent the place. It does not belong to the Ministry. I was a little disturbed that the delay created a situation where the police refused to remain in the Besson Street Police Station and took to the streets. We are trying to discourage that sort of behaviour and it is incumbent on the Ministry to take preemptive action and deal with things before they get out of hand.

That place certainly caught me by surprise because I knew it was there, I knew they were moving and it is only when they went outside and complained

that the work was done and they were able to move in before the end of last year. Most people are made to believe that they moved because of the condition of the Besson Street Station. They were really complaining because repairs were being delayed on the place to which they wanted to go. They knew they were moving. They said, "Well, it is high time we get out of here", but we all had accepted that the condition of the Besson Street Police Station warranted its being rebuilt and that matter is being looked at. I cannot say it will happen this year.

There are several other projects we have in hand, with which we are now dealing, to upgrade police stations throughout Trinidad and Tobago for the police service. It is costly but it is absolutely necessary that we do that because part of the improved conditions would be living conditions for the police service. So, generally, I trust I have dealt with the queries that have been raised.

Sen. Prof. Spence: Mr. President, the hon. Minister has not helped me with my request of knowing to whom I could complain about lack of attention to crossing at red lights or illegal actions in the savannah.

Sen. Mohammed: The hon. Minister has not really responded to my complaint that I had formally lodged in terms of the political assassination.

Sen. Brig. The Hon. J. Theodore. Mr. President, I am not going to direct the police about any investigation. I have no knowledge that I could give this honourable House as to the state of the investigations. *[Interruption]* You see, when the police are conducting an investigation they keep in touch with the families, they keep in touch with the people who can assist them in their investigation. I am reluctant to go to the ACP Crime and ask him, "Give me confidential information as to where you are", "Who are your suspects?" and, "When will you make an arrest?"

Sorry, Mr. President, but I do not hold myself as being competent to do that. This could also be classified as political interference because I will not seek to influence the police in carrying out their investigations. There is a procedure to be followed. All I can do, like the rest of us here, is hope that the investigations will come to a close soon and that somebody will be identified, the arrest made and the matter taken to court.

5.20 p.m.

Sen. Mohammed: Thank you very much, hon. Minister. I wonder if the hon. Minister can give us the assurance then, that certainly there is no political attempt to cover up anything that is going on. I am not talking about the police. I am talking about political.

Sen. Brig. The Hon. J. Theodore: What I can say is, Mr. President, this is the first request of its kind that I have received from anyone to appear to interfere with the police and their investigation. All I can say is that, to date, I have only received one such request and, if the hon. Senator wishes to regard that as no political interference to date, I think hers is the first effort.

Sen. Mohammed: I asked for an assurance, not a request.

Sen. Brig. The Hon. J. Theodore: I cannot give any assurance. I can speak for myself. I will say that I have no intention of interfering with the police service and I have no intention, even if I am asked, to seek to influence the police in their investigation. I feel they have a right to get on with the job for which they have been trained and I will allow them that. Okay?

Sen. Mohammed: Thank you very much.

Sen. Brig. The Hon. J. Theodore: Sen. Prof. Spence—I had a note here—is concerned about the actions of police because he sees a lot of—

Sen. Mohammed: Breaking of the law.

Sen. Brig. The Hon. J. Theodore:—irresponsible driving by people on the roads. One of the examples he brought was breaking traffic lights. I can refer him to a programme we have on the TV called “Eye On You”. What that does is shows you the vehicle committing the offence. Now, I have spoken with the people who do the show and I have asked the Commissioner of Police to ensure that policemen accompany the camera crew, because what I would like to see and I think what you would like to see, is that when the fellow does something illegal, there is a policeman at the other end to give him a ticket. That is one thing we can do.

We know in more advanced societies they are now using cameras at traffic lights which are monitored and can be used in court. Another thing we can do, Senator—well, quite frankly, barring the “Eye On You”, where we will have policemen, I think it is really a matter for the traffic police.

Now, one of the bills that will be coming to this Parliament has to do with traffic wardens and revising the ticket system. Now, that is where we will be able to have most police officers, not just traffic police. You see, the police are in various divisions and it is not often that a policeman on his way to court, is going to want to concern himself with somebody driving badly to issue a ticket. I trust that the new ticket system which will be more manageable—I think we will get it down to this size, [*Shows small writing pad*] as opposed to the large billboards you see the police officers with—and will provide some relief, because officers on point duty, as they call it, will be able to deal with that.

One of the things the Commissioner of Police is doing, which he has referred to as smart policing, is a study of where things occur and putting people there, albeit of a temporary nature, to deal with those who break the law. They cannot stay there all the time but at least the word will get around that police are normally at this intersection. It is an on-going battle with the public.

Sen. Prof. Spence: Mr. President, that is precisely the point I made. If, breaking of traffic lights is becoming so frequent that anywhere that one puts a policeman on duty at traffic lights, they are bound to get some people breaking the traffic lights, they can be apprehended. I was asking if I, as a citizen, could go to the Police Complaints Authority and say that, "Look, the police are not functioning as I think they should to apprehend." That is one example. The other example was a glaring public flouting of the law and no action on the part of the police. So, can I complain?

Sen. Brig. The Hon. J. Theodore: Senator, the Police Complaints Authority is not the place for that. The Commissioner of Police is the person because he is the one who supervises the deployment of the police. It is not that the police are doing something wrong by not being there, what you are telling the commissioner is, there is no policeman there. I am a member of the driving public; I pass this intersection every day and there are people breaking the lights all the time; maybe you need to put a patrol car there or put a policeman there. So, it is the police to deal with that. From the experience I have had, there is normally a positive response when a member of the public makes a complaint.

So, yes, Senator, you can make a complaint and bring it to the attention of the commissioner. Why I say the commissioner is because the district police station may not be the place at which to direct your complaint. The commissioner would then tell the station in the district to post officers at that intersection at such and such a time. That is how it would be done.

Sen. Prof. Spence: And the second example, the savannah, can I also go to the commissioner for that? I gave the example where the law was broken by the paving of the savannah and no action was taken. Can I also go to the commissioner to ask him to act?

Sen. Brig. The Hon. J. Theodore: I guess so. Of course, you can go to the commissioner. What will become of it, I cannot give you any assurance. But, by all means, if there is something that displeases you and you are of the opinion that the law has been broken, yes, the Commissioner of Police is the person, by all means. Do not ask me what he will do about it.

Sen. Prof. Spence: Not displeases me, but where the law has been broken.

Sen. Brig. The Hon. J. Theodore: Yes. You are quite correct.

Sen. Prof. Spence: I am somewhat worried, Mr. President, that the hon. Minister cannot give me the assurance that when the law is broken, the Commissioner of Police will act. That does not help me really.

Sen. Brig. The Hon. J. Theodore: Well, we can make it a test case. Let us do it, then you can tell us how it worked out. But I would say, yes, if there is any law enforcement agency that you should approach, it is the police service. Yes, by all means.

Well, I think we have ventilated this amendment sufficiently and I am grateful for the contributions made. It gave us all an opportunity to talk about many things other than the Police Complaints Authority.

Mr. President, I beg to move,

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 to 3 ordered to stand part of the Bill.

Clause 4.

Question proposed, That clause 4 stand part of the Bill.

Sen. Mohammed: I was wondering whether the hon. Minister would consider a minor amendment to clause 4, that is, as it relates to new clause 17B(1)(b). I am suggesting that we insert in line 2 of new clause 17B(1)(b):

“a copy of the statement of accounts audited by the Auditor General of Trinidad and Tobago...”

Because nowhere in this amendment do they state who—

Sen. Brig. Theodore: We did take into account the Senator’s comment. The amendment the Government would like to propose is as follows:

Re-number section “17A” as “17A(1)” and insert a 17A(2) to read as follows:

“17A(2) The Accounts of the authority shall be audited annually by the Auditor General or by an auditor authorised by him for such purpose.”

Will that suffice?

Sen. Mohammed: Certainly.

Mr. Chairman: There is a proposed amendment by the hon. Minister as follows:

Re-number section “17A” as “17A(1)” and insert a 17A(2) to read as follows:

“17A(2) The Accounts of the authority shall be audited annually by the Auditor General or by an auditor authorised by him for such purpose.”

Sen. Mohammed: Can you say instead:

“The annual accounts of the Authority shall be audited by the Auditor General or such person designated...”

Sen. Brig. Theodore: But new clause 17B already suggests that the accounts will be submitted annually.

Sen. Mohammed: Yes. My point is to ensure that we stipulate who shall do the auditing and we are doing that.

Sen. Brig. Theodore: Yes.

Sen. Mohammed: But you were saying that we need to put an annual audit?

Sen. Brig. Theodore: Yes. We were saying:

“...audited by the Auditor General annually...”

Sen. Mohammed: Annually.

Sen. Brig. Theodore: Which means they have to produce it.

5.35 p.m.

Mr. Chairman: Are there any further discussions?

Sen. Dr. Mc Kenzie: Mr. Chairman, I was wondering why we have to, again, state “for that purpose” having stated the purpose at the beginning. Why do we not cut it off by that and finish—by the Auditor General or somebody designated by him or her, and finish?

Sen. Brig. Theodore: Do you mean for that purpose?

Sen. Mohammed: If you look at clause 17(2) it talks about an annual report and audited statement of account. If you leave it just to be audited by the Auditor General or such other person designated—you know it is the audited statement of account you are referring to.

Sen. Brig. Theodore: What the drafters are telling us is that if we simply say: “or by an auditor authorized by him”—in drafting for such purpose means to audit that particular account. I think it is purely a matter of the drafting, it does not change the sense of it. What we are seeking to do here is to ensure that there is—*[Interruption]*

Sen. Mohammed: An audited statement. So we can refer to it as the audited statement from henceforth.

Sen. Brig Theodore: Right. We do have “audited statement” in section 17B(2). Is that okay?

Sen. Mohammed: Yes, Fine.

Mr. Chairman: It remains as proposed.

Question put and agreed.

Clause 4, as amended, ordered to stand part of the Bill.

Clauses 5 and 6 ordered to stand part of the Bill.

Clause 7.

Question proposed, That clause 7 stand part of the Bill.

Mr. Chairman: There is a proposed amendment circulated by the hon. Minister.

Sen. Brig. Theodore: Mr. Chairman, I beg to move that clause 7 be amended as follows:

Delete and substitute the following:

“Section 27
repealed and
substituted

7. Section 27 of the Act is repealed and substituted as follows:

“Reviewed by
Commissioner

27. (1) The Commissioner shall review all reports submitted by the Division under this Part, and unless notice of an application for a review of the findings is served on the authority in accordance with section 30, the Commissioner may immediately—

- (a) refer the matter to the Director of Public Prosecutions where the report recommends this course of action;
- (b) take such action as he thinks fit—

- Act. No. 21 of 1990
- (i) with respect to members of the Police Service, in accordance with the Police Service Regulations or the Police Service Commission Regulations as the case may be;
 - (ii) with respect to members of the Special Reserve Police in accordance with the Special Reserve Police Act; and
 - (iii) with respect to members of the Municipal Police Force in accordance with such Regulations as are made by the Service Commission pursuant to section 60 of the Municipal Corporations Act, or such Regulations made under the Police Service Act as the Commission deems applicable.
- (2) The Commissioner shall also give notice in writing to the Authority, the complainant and the police officer concerned of the action taken under subsection (1), giving the reasons for such action.
- Chap. 24:01
- (3) In this section, ‘Service Commission’ means the Statutory Authorities’ Service Commission established under the Statutory Authorities Act.”

What we are attempting to do here, Mr. Chairman, is instead of starting at 27B, if we look at the original Act you will see where we are simply repeating 27(1) that is contained in the Act. Rather than do it piecemeal, we thought we would repeal the whole section and put a whole new section. The purpose of doing this is to cater for the municipal police who were inadvertently left out, because you will see special reserve police. What we have done is added a section III which states:

“with respect to members of the Municipal Police Force in accordance with such Regulations as are made by the Service Commission pursuant to section 60 of the Municipal Corporations Act, or such Regulations made under the Police Service Act as the Commission deems applicable.”

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The balance is straight from the original Act.

Mr. Chairman: Are there any contributions?

Question put and agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

Clause 8 ordered to stand part of the Bill.

Question put and agreed to, That the Bill, as amended, be reported to the Senate.

Senate resumed.

Bill reported, with amendments, read the third time and passed.

ADJOURNMENT

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. President, before moving the adjournment, next week is Private Members' Day, that is Tuesday, February 29 and we shall continue with Sen. Prof. J. Kenny's Private Motion.

I beg to move, that this Senate do now adjourn to Tuesday, February 29, 2000 at 1.30 p.m.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.42 p.m.