The Joint Select Committee on National Security (JSCNS)

"An Inquiry into the Criminal Justice System in Trinidad and Tobago to determine strategies to achieve greater efficiency and effectiveness"

GENERAL

1. **As Commissioner of Police, please explain what you perceive as the components of an effective Criminal Justice System and how they are interrelated.**

As Commissioner of Police, I perceive the components of an effective Criminal Justice System to be as follows:

1. An efficient and effective police service
2. An efficient and effective prosecution department
3. An efficient, impartial and effective court system
4. An efficient and effective prison system
5. Timely and appropriate defence

An Efficient and Effective Police Service

The Trinidad and Tobago Police Service (TTPS) is a national police service which is assigned the responsibility under the laws of Trinidad and Tobago to investigate crime and arrest and charge criminal offenders. In fulfilling these responsibilities, the TTPS is guided by the rule of law, rules of investigations and criminal procedure.

The police service contributes to an effective Criminal Justice System by skilfully investigating criminal offences to the extent of obtaining sufficient evidence to prosecute the persons who would have committed those criminal offences. This is reflected in a high detection rate.

The police service contributes to an effective Criminal Justice System by supporting the cases before the courts. This is done by police officers attending court, giving evidence and producing exhibits when they are so required to do. Police officers must never allow cases to fail due to officers being absent from court. In an effective Criminal Justice System, persons charged for criminal offences are brought before the courts and are given a fair trial to determine whether they are guilty or not guilty of the offences for which they have been charged. Prosecutors are responsible for presenting the cases before the courts.

An Efficient and Effective Prosecution Department

Under the Constitution of Trinidad and Tobago, the Director of Public Prosecutions (DPP) is responsible for the prosecution of criminal cases within our Criminal Justice System. Notwithstanding, the constitutional role of the DPP, the majority of criminal cases that are prosecuted in the Magistrates' Courts, are undertaken by police prosecutors. This practice has

been followed throughout the years of Independent Trinidad and Tobago. However, the extremely long period of this practice does not make it right. Fairness dictate that the investigative role and the prosecutorial role be distinct and undertaken by separate bodies. Therefore, an effective Criminal Justice System requires that public prosecutions be conducted by an efficient and effective Public Prosecution Department and not the police service.

An Efficient, Impartial and Effective Court System

The criminal court (in its various forms and levels of jurisdiction) is responsible for adjudicating in an impartial manner on cases brought before it. The court in an effective Criminal Justice System will ensure that cases are completed within a reasonable period of time balancing the rights of accused/defendants and the rights of the victims and witnesses. It will operate on the old adage of justice delayed is justice denied. Therefore, the timely dispensation of justice is required.

In an effective Criminal Justice System, there is access to justice for all as the court system will be efficient, impartial and effective.

An Efficient and Effective Prison System

The prison is a key component of the Criminal Justice System. When persons appear before the courts and are remanded in custody, they are kept by the prison service in remand facilities until the date they are next required to appear before the court. An effective Criminal Justice System ensures that the prison service treat those persons as persons in custody on remand and not as convicted prisoners. On the other hand, persons who are sentenced by the courts to terms of imprisonment are to be kept in distinct prisons and must serve the penalty imposed by the court. An effective Criminal Justice System recognizes that whether persons are in custody on remand or are convicted prisoners, they are required to be kept in humane conditions and not inhumane conditions. They must be treated as human beings and afforded all the basic necessities that are required to be provided to them based on their distinct status. Therefore, the prison rules must be complied with by both prisoners and prison officers. An efficient and effective prison system is a key component of an effective Criminal Justice System.

Timely and Appropriate Defence

Every person who appears before the court on a criminal charge is entitled to defend that charge. He is presumed to be innocent until the court finds on the basis of the evidence presented to it

that the person is guilty of the offence or not guilty. Therefore, the defendant/accused must decide whether he will personally represent himself in the court or will require an Attorney at law to represent him. An effective Criminal Justice System ensures that whatever choice the defendant/accused makes he is not unfairly treated. Therefore, where the person before the court is unable to retain an Attorney at law, one is provided to him through the legal aid system. An effective Criminal Justice System ensures that all defendants/accused receive timely and appropriate support to defend criminal charges.

How Are the Components Inter-Related?

All the components of the Criminal Justice System are inter-related as they all connect to a central point which is the court. The first component is the police service. It is responsible for investigating and bringing persons before the court on criminal charges.

The second component is the prosecution. It is responsible for presenting the available evidence to the court. In order to perform that role, there is connection between the prosecutor and the court; and the prosecutor and the police.

The third component is the court which sits in a central position with all other components inter-relating with it.

The fourth component is the prison. It is responsible for keeping safely and securely defendants/accused who are in custody on remand from the courts. There is a connection between the police and the prison as persons who are remanded in custody by the courts are conveyed to and from the courts by the police from and to the prison. In these circumstances, the only connection between the court and the prison is the compliance of the directions of the court through remand warrants. However, an effective Criminal Justice System will feature virtual hearings where the prisons will be obligated to make persons in custody available within the prison for such hearings.

The fifth component of an effective Criminal Justice System is the defence. The Defendant/accused is connected to the courts by way of a criminal charge. He is responsible for mounting a defence and is usually supported by a defence attorney.

Therefore, the Criminal Justice System can be considered as a networked system where all the other components are centrally connected to one component, the court.

Law enforcement needs to conduct competent investigation in its gathering evidence so as to satisfy the standard of proof in criminal matters. The prosecution needs to be able to competently prosecute the matters in accordance with the rules of evidence with the quality of

the investigation being able to withstand cross-examination of its conduct and evidence gathering.

a. **What collaboration is required between the TTPS and other stakeholders in order to facilitate the efficient and effective operation of the Criminal Justice System?**

   Effective collaboration is required between the TTPS and other stakeholders in order to facilitate the efficient and effective operations of the Criminal Justice System. Each stakeholder must professionally perform his role and responsibility. He must ensure that the Criminal Justice System operate efficiently and effectively. This can only be achieved with cooperation, respect and the appreciation that justice is not limited to all persons who are exposed to the criminal justice system being found guilty.

b. **What is the nature of collaboration between the TTPS and each agency identified?**

   The nature of the collaboration between the TTPS and each agency identified is usually good. There is always room to work towards excellence. It is important in this regard, to have effective communication channels so that responses can be timely. For instance, the virtual court system and its impact on police prosecutions. Surely, prison service must have been affected by that transition.

2. **From your vantage point as Commissioner of Police, what are the most common challenges that affect the efficiency and effectiveness of the Criminal Justice System?**

   - Some of the laws are archaic with maximum penalties of small fines. Sanctions imposed should be in many cases, a deterrent to regulate behaviour. This is observed to be the rare exception in practice. For example, the offence of Impersonating a Police Officer and committing serious crimes should be deemed a more serious offence attracting a more severe penalty than is provided at present. Section 20. (1) of the Special Reserve Police Act Chapter 15:03. "Any person not being a member of the Special Reserve Police who in any way pretends to be a member thereof for the purpose of doing any act which such person would not be entitled to do, if not a member of the Special Reserve Police, called out for service, is liable on summary conviction **to a fine of seven hundred and fifty**

dollars or to **imprisonment for three months**". That penalty does not match the danger of such a practice and its prevalence.

- There are no laws governing social media. This area has experienced exponential growth with the resultant negative impact on society and crime. There seems to be no boundaries. The Parliament must address this area by setting boundaries such as in terms of infringement of privacy. This could be matched against the need for information captured through electronic devices be shared with law enforcement to aid solving of crimes.
- The lack of speed in dealing with criminal cases especially firearm related matters.
- Porous borders (points of entry). Other agencies responsible for border control needs to be onboard.
- Porous prison system where mobile devices to enable communication to commit crimes are happening to frequently.

POLICE PROSECUTION

3. **Currently, how many matters are being actively prosecuted by Police prosecutors? Please group matters by age:**

    a. Less than 1 year

    b. Between 2-5 years

    c. Between 5-10 years

    d. Over 10 years

Court & Process Sections	Less than 1 year	Between 2-5 years	Between 5-10 years	Over 10 years
Port of Spain	11960	63874	-	-
San Fernando	28189	33168	94236	554
Princes Town	3045	3530	1635	410
Sangre Grande	783	2962	1120	107
Mayaro	137	157	-	
Rio Claro	74	733	-	
Arima	19203	65337	-	-
Siparia	520	600	200	-
Tobago	5493	16641	27837	-
Chaguanas	651	1327	309	245
Total	**70055**	**188329**	**125753**	**1316**

NB. **(-)** indicates this information was not captured by the relevant Court & Process Section

4. **For each year of the last 10 years, please provide relevant data for the following:**

a. **number of cases prosecuted by Police prosecutors**

Court & Process Sections	2017	2018	2019	2020	2021	2022	2023
Port of Spain	-	-	-	-	23788	40086	11960
San Fernando	14698	18543	16287	28004	15059	30711	-
Princes Town	-	25500	20300	15100	14800	35000	-
Sangre Grande	903	965	641	690	1302	907	-
Mayaro	-	-	-	111	114	32	-
Rio Claro	-	-	-	236	193	304	-
Arima	-	-	-	-	-	-	-
Siparia	-	-	-	-	-	-	-
Tobago	-	-	-	-	8418	12157	3206
Chaguanas	-	-	-	-	-	-	-
Total	**15601**	**45008**	**37228**	**44141**	**63674**	**119197**	**15166**

NB. **(**-) indicates this information was not captured by the relevant Court & Process Section

b. **conviction rate**

Court & Process Sections	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Port of Spain	782	366	822	1517	1163	1131	901	364	609	545	117
San Fernando	-	-	-	-	-	-	-	-	-	-	-
Princes Town	-	-	-	-	-	-	-	-	-	-	-
Sangre Grande	47	66	63	125	166	210	126	104	145	58	-
Mayaro	-	-	-	-	-	-	-	-	-	-	-
Rio Claro	-	-	-	-	-	-	-	-	-	-	-
Arima	-	-	-	-	-	-	-	-	-	-	-

Siparia	**-**	-	-	-	-	-	-	-	-	-	-
Tobago	**-**	-	-	-	-	-	-	-	96	67	31
Chaguanas	14	18	19	47	281	422	173	117			
Total	**843**	**450**	**904**	**1689**	**1610**	**1763**	**1200**	**585**	**850**	**670**	**148**

NB. **(**-) indicates this information was not captured by the relevant Court & Process Section

However, Court and Process Section San Fernando submitted a conviction rate of 40% and Princes Town submitted a conviction rate of 25%. Court and Process Section Siparia submitted an average conviction rate of 25 per month.

c. acquittal rate

Court and Process Section San Fernando submitted an acquittal rate of 10% and Princes Town submitted an acquittal rate of 1%. The other Court and Process Sections were unable to ascertain the acquittal rate.

d. number of cases dismissed due to absent Police prosecutors

Court & Process Sections	Number Of Cases Dismissed Due To Absent Police Prosecutors
Port of Spain	0
San Fernando	0
Princes Town	0
Sangre Grande	0
Mayaro	0
Rio Claro	0
Arima	0
Siparia	0
Tobago	0
Chaguanas	0
Total	0

5. **For each year within the last 10 years, please provide statistics on the following:**

   a. **ratio of junior and senior Police prosecutors on staff**

Court & Process Sections	Current Ratio Of Junior And Senior Police Prosecutors On Staff
Port of Spain	Five (5) full time prosecutors and two (2) prosecutors with other administrative and supervisory duties
San Fernando	Five (5) Junior prosecutors and Two (2) Senior prosecutors
Princes Town	Two (2) Junior prosecutors and One (1) Senior prosecutor
Sangre Grande	Two (2) Senior prosecutors
Mayaro	One (1) Senior prosecutor
Rio Claro	One (1) Senior prosecutor
Arima	One (1) Junior prosecutor and Two (2) Senior prosecutors
Siparia	One (1) Junior prosecutor and One (1) Senior prosecutor
Tobago	Two (2) Senior prosecutors
Chaguanas	Five (5) Junior prosecutors and One (1) Senior prosecutor

   b. **number of senior prosecutors who left the TTPS**

Court & Process Sections	Number Of Senior Prosecutors Who Left The TTPS
Port of Spain	18
San Fernando	8
Princes Town	6
Sangre Grande	5
Mayaro	-
Rio Claro	1
Arima	-

Siparia	-
Tobago	2
Chaguanas	3
Total	**37**

NB. **(**-) indicates that no information was submitted

c. number of prosecutors hired by the TTPS categorised according to junior and senior prosecutors

The TTPS does not hire external prosecutors

d. attrition rate of attorneys employed by the TTPS

Year	Employed	Resigned	Remarks
2019	1		
2020	16	3	2 Legal Officers were no longer interested in the offer
2021	10		11 Legal Officers renewed
	7		7 Legal Officers hired
	1		1 Legal Officer hired
2022	17		17 Legal Officers hired
	1	3	1 Legal Officer hired

6. Does the TTPS have sufficient senior prosecutors to, among other things:

- **manage the overall case load**

  No, the TTPS does not have sufficient senior prosecutors to manage the overall case load.

- **train younger officers; and**

  No, the TTPS presently do not have enough senior prosecutors to train the younger officers.

- **fill human resource gaps that may emerge from time to time due to vacation leave, sickness, maternity, etc.?**

No, the TTPS does not have sufficient senior prosecutors to fill human resource gaps that may emerge from time to time due to vacation leave, sickness, maternity, etc**.**

- **If not, please indicate what would be considered sufficient: -**

  The volume of cases before the Courts on a daily basis is enormous. Alongside the resident prosecutor, there should be an assistant prosecutor along with a case progression officer to assist in each sitting, as prescribed by the Criminal Procedure Rules.

CRIMINAL INVESTIGATIONS

7. **Of the total number of officers within the TTPS establishment, what proportion are engaged in investigative duties?**

   In relation to the CID/CRO, this department has a total of 270 Officers varying in ranks. Thirteen (13) different departments make up this total figure. Out of this figure a total of 40% is engaged in active investigations.

   a. **Do you believe that this figure is adequate?**

      No, this figure is not adequate.

   b. **Do you believe investigators are sufficiently trained to prepare investigation files that meet the robust requirements of the Courts for a charged case?**

      No.

8. **What are the primary challenges faced when preparing investigation files for submission to the Office of the DPP?**

   Some of the challenges faced include:

   - Non submission or untimely submission of Case Files by investigators, in contravention of the requirements stated in Standing Order No. 10 "***Criminal Prosecution and Process***".
   - Obtaining statements from witnesses or difficulties with obtaining information in a timely manner from entities, e.g. Forensic Science Centre or the Special Evidence Recovery Unit (S.E.R.U) and therefore sometimes files are too significantly deficient to send forward.

   a. ***Is there a backlog in this regard?***

      There is a general backlog as it relates to completed investigation files being submitted and lodged with the Court and Process Section. Consequently, these would include those file in relation to cases to be prosecuted by the Office of the DPP.

b. ***If yes, what year have you reached in clearing this backlog?***

The approach to clear the backlog has not been on a vintage basis but rather on a holistic approach based on priorities and prospects of being completed.

c. Please share your experience as regard collaboration between prosecutors at the Officer of the DPP and the TTPS investigator in the preparation of investigation files?

Attorneys-at-Law attached to the Police Legal Unit are available to investigators to peruse files and have oversight of the investigative processes as investigations proceed. In this regard, there is no extensive liaison between the Prosecutors at the DPP's Office and the investigators whilst the enquiries are still ongoing. In the more serious matters when consultation with the DPP office may be required, this consultation is usually with a Counsel who may not be directly involved with the presentation of the case. It is usual for the cases for presentation by personnel attached to the DPP Office, to be assigned to particular State Counsels only after the investigations are generally completed. In the instances when there is a stated need for consultation at the Office of the DPP relative to progressing ongoing investigations or the preparation of investigation files, there is always quick and easy facilitation to have an audience.

d. What improvements can be made to address challenges identified?

- A major improvement may be achieved by insuring a better level of supervision and work performance management by SDOs. The Case Management Unit has since identified the extent of the problem of the outstanding case files for example in relation to the CID Office, Port of Spain and has been identifying the particular outstanding files in relation to individual investigators and has engaged the input of the FDO i/c to have officers submit completed case files within specific time lines.
- A more robust investigative file progression management system is needed especially as it relates to the roles of the supervisors.
- The investigators ought to be constantly made aware and take advantage of the opportunity of having the officers of the Case Management Unit available to assist them in whatever way possible to have their files completed.
- Identified persistent defaulters ought to be subjected to consistent and effective sanctions for breach.

- A proper system of tracking investigative files and all the matters that are brought before the court.

9. **In oral submissions to this Committee by the Director of Public Prosecutions (DPP) on April 19, 2023, the statement was made that *"I might go a whole year and not see a file with fingerprint evidence. So you have many matters where you have, say, home invasions and so, and the police would come to the DPP's Office and there are no fingerprints...***

a. Do you agree with this statement?

A number of matters that are dealt with by the police may engage the attention of only the Magistrate Court. Most of these matters may not reach the DPP whilst these said matters may contain fingerprint evidence, therefore it is not impossible that the DPP may be confronted from time to time with the lack of fingerprint evidence. This lack may also exist in the realm of DNA evidence and other scientific evidence.

b. Are you able to provide an explanation for why this may be the case?

In some instances, where there are no workable prints developed on the crime scene this can be caused by perpetrators wearing gloves to conceal prints being found on scenes. If prints are found and identified by the fingerprint department this information is then sent to the Investigator assigned to act on, at times the lapse is solely the fault of the investigator. However, based on this revelation the CRO has held discussion with sub-offices in various division and are in the process of formulating a strategy/ operating procedures to address these lapses.

c. Aside from fingerprints, do police officers routinely collect forensic evidence from crime scenes e.g. DNA samples. etc.? If not, why not?

Yes. Crime Scene Investigators do routinely collect forensic evidence from Crime Scenes for example spent shells, hair /fibres, blood swabs, body fluids etc.

d. How often does forensic evidence collected by TTPS investigators not meet the required standard to be submitted and included as evidence in an investigation file?

Forensic evidence is collected based on the availability of the certificate of the analysis from the Forensic Science Centre (FSC) and the demand or urgency for such evidence which is determined by the court. Once a matter which requires forensic

evidence is scheduled for hearing, a request is made by the investigator via telephone to request a collection date prior to the hearing.

10. Are TTPS investigations (homicides and other serious crimes) aligned with a Critical Incident Management System (CIMS)?

a. If not, for each category of serious crime (homicide, serious fraud, human trafficking, robbery with violence, etc.) please outline the methodology followed?

Yes, the homicides and other serious crimes are aligned with a Critical Incident Management System. In the case of homicides, we are guided by the Critical Incident, Event and Disaster Management Plan and Policy, the Standard Operating Procedures and Homicide Bureau Branch Orders.

11. Are investigations usually undertaken by a single case officer or an investigation team?

Investigations are usually undertaken by a single case officer.

a. Are investigation teams led by an assigned case officer? What rank is such case officer?

Investigations are usually undertaken by a single case officer of any rank unless otherwise instructed.

12. How often are cases debriefed, and by whom?

Cases are debriefed on completion and by the investigator's supervisor (s)

a. Who decides/reviews new lines of enquiry in any ongoing cases?

The investigator supervisor/s decides "reviews new lines on inquiry. However, a prosecutor can advise the investigator to probe new lines of inquiry.

b. Who decides on whether telephony, cell siting, subscriber details are relevant lines of enquiry in any particular case?

The investigator as well as his/her supervisor makes the determination on telephony cell siting, subscriber details being relevant in any particular case. In addition, the prosecutor can also advise that this evidence may be relevant to the case.

c. Who decides whether the facts of a case or series of cases suggest a pattern, series, signature or modus operandi?

The Investigator as well as the supervisor can decide whether the facts of a case or series of cases suggest a pattern, series, signature or modus operandi. In this instance the prosecutor based on the antecedents of the accused, can make an application to the court to adduce Bad Character evidence.

13. Is IBIS regularly interrogated for possible ballistic series and cross-references?

Every time a crime cartridge case is put on the IBIS system it is cross referenced against all the stored cartridge case images previously put on the IBIS database. Every two weeks a report is generated of these results whether negative or positive and sent to DCP Intelligence and Investigations. This far we have 771 hits on IBIS. The police may request a special comparison if they need it but TTFSC does it as above every time ahead of police requests.

14. In the cases of suspected shootings, are gun powder residue swabs done as a matter of course? If not, why not?

Yes, gun powder residue is done on request. Apart from the gun powder residue swabbing, gun powder mapping and analysis is done at the Forensic Science Centre**.**

15. Is canvassing locus in quo and posting flyers requesting information routinely done? If not, why not?

Canvassing locus in quo is done from time to time mostly used in areas of Criminal activities affecting residents. The area would also be cocooned by use of flyers and other means of communication to inform the public of the rise in that particular crime (breakings, robberies, home invasions) to exercise vigilance and communicate with the district police re: sightings of strange vehicles and persons who venture into the area.

16. Are blood splatter experts and crime scene reconstruction experts available to the TTPS? If not, why not?

Our Crime Scene personnel are trained to read crime scenes including blood splatter residual evidence. They are also trained in reconstructing crime scenes. In this case I think the term expert may conjure a more detailed explanation of a particular skill, training and

expertise. There are however qualified personnel at the Forensic Science Center who are expertise in both fields.

17. **Does the TTPS routinely take audio-video interview recordings with witnesses and/or suspects and are such audio-visual recordings routinely transcribed? If not, why not?**

Yes, the TTPS routinely take audio-video interview recordings with witnesses and/or suspects.

18. Are suspects' DNA profiles routinely taken and banked? If not, why not?

In accordance with the DNA Act, suspects DNA samples are taken. They are sent to Forensic Science Centre (FSC) then the National DNA Database, for profiling and storage.

19. Is the TTPS sufficiently resourced with personnel and equipment to handle the meticulous process of evidence collection?

To an extent, the TTPS is resourced with personnel and equipment to handle the meticulous process of evidence collection, however, additional personnel, training and development, updated equipment is needed to continue being current with the growing crime rate in the country and the fast paced world.

a. **If not, what is required?**

   Not Applicable

b. **Where the TTPS is without capacity, does the Commissioner of Police source external expertise and if so, within what time frame?**

   Yes, as soon as practicable.

20. Does the TTPS have a standardised procedure to decide on the priority given to investigations? *(e.g. investigations involving minors, the elderly etc.)*

a. **If so, please provide details on this procedure**.

   The TTPS have a departmental order re: missing persons who are minors, however no priority is placed on elderly persons but rather priority is given based on the nature of the report.

21. There are instances when cases have been discontinued or failed at preliminary stages because of the absence of key witness evidence.

a. What measures does the TTPS have in place to ensure that witness evidence collected in the form of witness statements is robust enough to stand as evidence in the absence of said witness?

Standing Orders

The TTPS has an existing **Standing Order No. 32,** which sets out the general guidelines for the recording of statements. It outlines the three different types of statements which are recorded by police officers i.e; ***Witness Statements***, ***Dying Declarations*** and ***Statements under Caution (Judges' Rules).*** Under Section 4 of S.O. 32, the basic requirements for recording of each type of statement is set out including the special considerations for the recording of a witness statement from a **child**, a **mentally handicapped person** and a **person speaking a foreign language.** The procedure for recording a **dying declaration** is also briefly stated. These guidelines, however, focus mainly on the basic requirements which are important for legal admissibility but do not provide detailed guidance as to content or recommendations for ensuring the quality of the information being recorded for the statement.

Training

Guidance on what details of information must be included is a key factor in ensuring that the witness evidence in the form of witness statements is robust enough to stand as evidence in the absence of the said witness. In this regard, the Police Academy conducts training of officers at different levels in investigative duties. Firstly, all officers, through their basic Police Academy training, are exposed to the basic recording of statements where they are taught the general guidelines as it relates to recording statements.

Further, the Police Academy also provides developmental training for officers who are involved in the investigation of serious crimes and includes training on the taking of statements both witness and accused. These developmental courses for the investigation of serious crimes, entails more in-depth training which involve simulated scenarios that are specific to the type of crime or offence being investigated. As such, investigating officers are well trained in how to go about taking statements specific to the offence in question. This is important as the details needing to be proved for each offence or crime will differ and so will the details or facts needing to be proved through the witness evidence.

Structured Interviews

Further, officers have now been taught to utilize *structured interviews* in their procedure for taking statements, where pre-determined questions are created before an interview with a suspect and the answers recorded for each question. This planning as compared to a free-flowing interview process, ensures that officers obtain the necessary evidence from potential witnesses and or victims to meet the relevant *actus reas* and *mens rea* in question. This approach allows officers to not be misled during an interview and mandates that all important information is gathered and not missed during the interview. This type of training goes to the content and quality of the statement or evidence being recorded and is key to ensuring that such witness evidence in the form of statements can be robust enough to stand as evidence in the absence of the said witness.

Supervisory Process

Senior officers supervising an investigation would lend assistance and guidance to investigating officers during the recording of statements to ensure that the necessary information relative to the elements of the offence are included within the witness statements. This acts as a safeguard in ensuring that statements are of a certain quality before being submitted to the Case Management Unit for further vetting prior to submission to the Prosecutor for use in the court matter.

Case Management Unit

The Case Management Unit reviews investigative files, inclusive of witness statements, to identify any shortcomings and give any further guidance to help ensure that the elements of the offence have been properly established and that the case file is brought up the standard required for a prosecutor's use in court. Further, it is envisioned that this unit be utilized within divisions for the assistance of police officers in their conduct of investigations. Utilizing this unit within divisions allows officers better efficiency in investigating and also ensures quality documentation of evidence and statements during investigations. The TTPS **Standing Order No. 10 Part 1** outlines the guidelines for officers relative to the different aspects of Criminal Prosecution and this includes the requirement for the submission of case files under Section 5 for review and for use by the Prosecutors to aid in their prosecution of the case. This requirement to have a file submitted is to assist the court prosecutor in his presentation of his case and it further requires officers to submit information on all witnesses they desire for the prosecution to rely on and the process for submitting same. This is another

safeguard which ensures that the witness evidence in the form of statements are up to the standards and protocols required by the court.

b. What policy or legislative changes would you suggest to aid m challenges concerning witness evidence?

Some challenges which were identified in the taking of witness statements which later on can affect its ability to stand up in court are listed below together with recommendations for change:

1. Statements Lacking Information/ details – despite the aforementioned training officers receive, many times statements are taken and specific details which are required to prove or establish the elements of the particular offence are left out or not included within the statement. This can be as a result many factors including; poor drafting, an inexperienced officer, an oversight on the officer's behalf, lack of sufficient supervision or training. In this regard, it is suggested that a template guide with template sample questions can be formulated that provide a step by step guide or checklist for all requirements needed to be proved for a particular offence. This can be created for a list of the most prevalent offences and implemented through a policy document as a requirement in all interviews for the use by officers in conducting same. In this way, it can greatly reduce or even eliminate the issue of statements lacking the relevant information or details required to establish a particular offence.

2. Lack of proper training - Flowing from the above issue is the fact that some officers still lack the necessary training to successfully produce a witness statement that is robust enough to be used in court in the absence of a witness. As such, it is suggested that a policy be implemented where officers must receive mandatory and continuous training in this area on a yearly basis and it is also suggested that such training includes the use the latest technology that will be utilized within the service for taking statements. It was also suggested that there be a policy implemented which provides more collaboration with the DPP staff and possible training with them so that police officers are made aware of the issues that the DPP staff face with the witness statements provided and how police officers can ensure same is avoided or rectified so that such statements are not thrown out or inadmissible in court.

3. Lack of necessary resources – this is a challenge for the taking of accurate statements in a time efficient manner. Many times police stations or units lack the technology for statements to be typed out or recorded via an electronic device and this greatly slows down the process as well as affects the accuracy in the recording of information verbatim. One suggestion for change can be a policy implementation or legislative change that requires the use of video recordings in the taking of all witness statements. This will of course require monetary resources and investment in the necessary equipment, training and technology to facilitate same. In this modern era, the very least that can be ensured however is for all stations and divisions to have working computers dedicated for the use of taking witness statements and at least one officer trained in utilizing same.

4. Lack of available JP's - many times there is a long timeframe before a JP is available to have a witness statement sworn to and this affects the willingness of the witness to comply at a later date. As such sometimes statements are taken and cannot be used because the witness decides that they no longer wish to participate. It was suggested that there be more available JP's who are on call as well as senior officers who can act ex officio as a JP to at least have the declaration of truth done.

5. A final challenge identified was that many victims who were willing and may have given statements prior then become unwilling to provide the same information in court as a result of being paid off by the accused. As such it was suggested that the hostile witness approach be utilized more in the creating and submission of statements to avoid inadmissibility.

Summary:

It is suggested that in this modern era, the police utilize mandatory video recordings as the means to record interviews of witnesses and or victims in all criminal investigations. This will ensure fairness as well as accuracy as this evidence will directly show the voluntary statement provided by an individual. With this, both the investigator and the person vetting the statement after can ensure that the evidence provided by the witness was recorded properly and as accurately as possible.

Further, more resources and or continuous training should be mandated for officers in order that they appreciate the evidence required to facilitate the proving of the specific offences a well as recording the statements accurately. For example; the use of template guides and template sample interviews for different offences as well as the use of technology in taking statements. Further, more collaboration with DPP staff in identifying issues and eliminating them and the use of technology in the recording of statements.

The law changes at a rapid rate and over the years the police have been unable to keep abreast adequately with the said developments. Continuous training programs and information must therefore be disseminated to police officers to properly understand the legal landscape within which they are performing their investigations. In pursuance of this, a legislative team has been established to keep abreast of the changes in the laws as well as the modern approaches to investigations overtime so that such advances can be introduced an implemented without delays.

22. Does the TTPS have a Research and Development Department?

If so, has it prepared any reports with recommendations for improvements in the TTPS' investigative capabilities through the use of technology?

The TTPS has a Planning, Research and Project Implementation Unit. This unit is responsible for infrastructural and structural advice. The Commissioner of Police usually identifies what is needed for strategic development of the TTPS and may consult institution entities as she may see fit as well as what may exist within and even external to the TTPS.