

**PCA**

INDEPENDENT  
POLICE COMPLAINTS AUTHORITY

**ANNUAL REPORT**





PCA

INDEPENDENT  
POLICE COMPLAINTS AUTHORITY

ELEVENTH ANNUAL REPORT  
2020|2021



# INDEPENDENT POLICE COMPLAINTS AUTHORITY

## OUR VISION



"The Reliable Authority  
Leading the Way to  
JUSTICE"

## OUR MISSION



"To pursue justice through  
independent civilian  
oversight of serious police  
misconduct and  
criminality."

## OUR CORE VALUES



Confidentiality  
Integrity  
Professionalism  
Fairness

December 23, 2021

The Honourable Faris Al-Rawi, M.P.,  
Attorney General & Minister of Legal Affairs,  
Ministry of Attorney General and Legal Affairs,  
Level 21, AGLA Tower,  
Government Campus Plaza,  
Cor. London & Richmond Streets,  
Port-of-Spain.

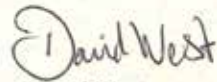
Dear Honourable Attorney General,

**Re: The Eleventh Annual Report of the Police Complaints Authority**

On behalf of the Police Complaints Authority (PCA) I have the honour to present the Eleventh Annual Report of the Authority for the financial period October 1, 2020 to September 30, 2021.

The report is submitted pursuant to Section 20 (1) (a) of the Police Complaints Authority Act No. 8 of 2006.

Respectfully



David West  
Director  
Police Complaints Authority



**PCA**  
INDEPENDENT  
POLICE COMPLAINTS AUTHORITY

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## FOREWORD FROM THE DIRECTOR OF THE POLICE COMPLAINTS AUTHORITY

"The secret of change is to focus all your energy not on fighting the old, but on building the new." *Socrates*

The year 2020 was a milestone for the Police Complaints Authority (hereinafter referred to as the "PCA") as we commemorated our ten years of existence as an independent civilian oversight body on December 29, 2020.

In January, 2021 the Authority was pleased to receive a congratulatory statement from the Office of the Honourable Attorney General by virtue of which that Office recognized the PCA's "stellar contribution, through service and the operationalisation of the law in its independent police oversight..." Similar sentiments were shared by the British High Commission which recognized the PCA's "tireless commitment" and former Director of the Independent Police Review Director, Ontario, recognized the PCA as a "leader and inspiration to other oversight bodies worldwide". For the full content of all commendations received, please refer to page...of this Report.



David West

Director, Police Complaints Authority



It is encouraging that these well respected office holders have unanimously recognized the PCA's invaluable contribution which is due, in part, to our ability to safeguard our independence and to distinguish ourselves from seemingly, similar-purposed branches of law enforcement. These are continuing obligations which we believe are germane to our ability to retain the Public's trust and confidence.

In this connection, throughout the reporting period the PCA embarked on several ventures to bolster its independence, enhance its ability to effectively execute its statutory mandate and maintain its record of excellence:

### **Rebranding**

In December, 2020, the PCA launched a new visual brand identity which redefines our independence from other bodies.

### **The passage of legislation**

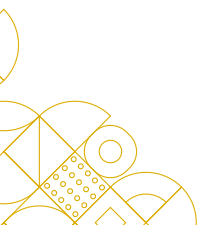
For no less than seven (7) years the PCA had been lobbying for amendments to its governing legislation and those consequential

thereto. In December 2020 and July 2021 the passage of three pieces of legislation collectively remedied lacunae in the laws impacting the PCA's operations and bolstered its ability to deliver on its mandate.

On December 18, 2020, **The Miscellaneous Provisions (FATF Compliance) Act, 2020** was assented. This Act amended **The Financial Intelligence Unit of Trinidad and Tobago Act, Chapter 72:01, the Central Bank Act, Chap. 79:02, The Financial Institutions Act, Chapter 79:09 and The Securities Act, Chap. 83:02** allowing the PCA to obtain specific reports from the FIU and witness statements from the other bodies mentioned.

On December 23, 2020, **The Miscellaneous Provisions (Administration of Justice) Act, 2020** was assented. This Act amended **the Coroners Act, Chap. 6:04** allowing for the PCA to be listed as an interested party where a preliminary investigation concerns the death of a person which is, or has been, the subject of an investigation monitored, audited or carried out by the PCA and to be notified of inquests concerning such matters.

On July 19, 2021 **The Miscellaneous Provisions (Special Reserve Police and Municipal Police Complaints Authority) Act, 2021** was assented. This Act amended **the Special Reserve Police**



**Act, Chap. 15:03 (hereinafter referred to as the “SRP Act”) and the PCA Act.** These amendments have, inter alia, (a) widened the definition of “serious police misconduct” to include the commission of a disciplinary offence under the Municipal Police Service Regulations, 2014; (b) ensured that Regulation 150 of the Police Service Regulations apply to the Special Reserve Police Service until the making of Regulations pursuant to the SRP Act so as to remove encumbrances faced by the PCA in investigating allegations of “serious police misconduct” in relation to such officers; and (c) imposed a duty on the Commissioner of Police to furnish to the PCA a written update or decision within three months of the making of a recommendation by the PCA. This is intended to achieve greater transparency and accountability of the Police Service and its disciplinary outcomes.

### **Improved access through the use of technology and improving internal systems**

In February, 2021 the PCA launched a new website and an information campaign aimed at promoting the PCA's services to the Public. This was, in part, an evolution of the PCA's original Mobile Application. User's access to the PCA's website and Mobile Application is now simplified as persons can interact with both media simultaneously. The website is now

more interactive than its predecessor; is accessible to Spanish language speakers; provides access to statistical data and contains summaries of the PCA's matters which were referred to the Offices of the Director of Public Prosecutions and the Commissioner of Police.

Additionally, the PCA completed the first phase in the improvements to its records management system. This initiative was embarked upon to enhance the PCA's record keeping and to streamline internal processes for reliability and as a time and cost savings measure. On completion of this endeavour, we expect to roll out a new policy and workflow for the documenting, handling, processing and storage of evidence.

### **Education and outreach**

The PCA conducted two Outreach sessions virtually with the Living Waters Community educating non-nationals on the workings of the PCA and how they may access our services. Additionally, the Authority participated in four (4) radio talk shows geared towards educating the Public about the PCA.



### **Maintaining/ exceeding its record of productivity despite Covid-19 challenges**

Businesses across the Globe, whether revenue earning or not, required one thing to survive and thrive during the Covid-19 pandemic- resilience in leadership. In an ever changing landscape, leadership had to swiftly adapt plans as fast as novel circumstances and factors presented themselves. The PCA did not escape this apparent shared reality.

By virtue of Legal notice No. 138, Regulation 3(2) (f) (iv) of the Public Health [2019- Novel Coronavirus (2019-n-Cov) (No. 14) Regulation, 2021, the PCA was permitted to be at its workplace and to continue to conduct its operations. However, the Authority still needed to do so in a manner which also fulfilled our obligations of providing a safe work environment to our employees. To do this and to preserve the safety of complainants, operations had to be re-engineered. Despite these modifications, Staff continued to perform, displaying exceptional abilities to produce under pressure and to find creative ways to deliver the best outcomes. The data speaks volumes about the professionalism and commitment of the Staff.

The data for the reporting period shows an increase in incident reports (hereinafter referred to as "IRs") and complaints as compared to the previous reporting period.

The PCA received nine hundred and seventy-one (971) IRs. Of those IRs, four hundred and sixty six (466) fell within the remit of the PCA. These were re-categorised as complaints for investigation. Thirty-three (33) of the complaints received during the reporting period are before the Court and the PCA is actively monitoring the progress of each of these matters. For a more complete statistical report please refer to pages..... to.....

The Authority's collective vision is that the PCA is perceived as an important arm in the Justice System and has a non-transferable role to play in an aggrieved party's access to the resolution of complaints involving police officers.

The PCA renews its commitment to improved efficiency in the delivery of our services which impact victims, their families, and police officers alike. In our quest to do this we intend to introduce and/or refine policies for timely and thorough investigations; explore newer ways to make the PCA's complaint processes more accessible; and keep abreast of best practice in independent civilian oversight of law enforcement and to implement mechanisms consistent with same.



**David West**  
**Director - Police Complaints Authority**

# OUR PURPOSE AND OUR OPERATIONS

The Police Complaints Authority Act 2006 ("the Act"), proclaimed on January 1, 2007, repealed the Police Complaints Authority Act, 1993 ("the former Act"), which provided for complaints against police officers to be sent by the (then) Police Complaints Authority to the Trinidad and Tobago Police Service, (TTPS) for investigation.

The Act of 2006 distinctively established the Police Complaints Authority (PCA) as an **independent** corporate body mandated, among other things, to **investigate** complaints within its remit **without** the involvement of the police.

## FUNCTIONS

The PCA is given extensive functions by virtue of Section 21(1) of the Act, namely:-

- (a) To investigate criminal offences involving police officers, police corruption and serious police misconduct;
- (b) To undertake enquires into, or audits of, any aspect of police activities for the purpose of ascertaining whether there is police corruption or serious police misconduct or circumstances that may be conducive to both;
- (c) To monitor an investigation conducted by any person or authority in relation to any matter mentioned in paragraph (a) and to undertake audits of those investigations;



- (d) To advise the Police Service and other public authorities on ways in which police corruption and serious police conduct may be eliminated;
- (e) To gather evidence that may be admissible in the prosecution of a person who is not a police officer for a criminal offence in relation to the Police Service and to furnish that evidence to the Director of Public Prosecutions, or where an authority outside the State is concerned, the Attorney General;
- (f) To gather evidence that may be used in the investigation of serious police misconduct and furnish such evidence to the Commissioner of Police or the Police Service Commission for appropriate action;
- (g) To gather evidence that can be used in the prosecution of a police officer involved in a criminal offence and furnish such evidence to the Director of Public Prosecutions; or
- (h) To perform any other functions that may be conferred on it by any other written law.

## INDEPENDENCE

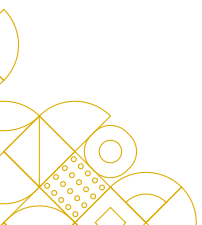
By Section 19 of the Act, the Authority is not subject to the direction or control of any other person in the performance of its functions or the exercise of its power.

## POWERS

For the purpose of the performance of its functions, Section 22 (1) of the Act vests the Authority with the powers of a Commission of Enquiry as provided for under the Commissions of Enquiry Act.

By Section 24 of the Act the powers and functions of the Authority are exercisable by:

- (a) the Director or Deputy Director personally;
- (b) any person not being a police officer appointed by the Authority to conduct an investigation; or
- (c) any other person acting under and in accordance with the general or special instructions of either the Director or Deputy Director.



The Act also provides for the Authority to conduct investigations on its own initiative or on the basis of complaints from the public, a police officer, a public body or authority or an appropriate unit or disciplinary tribunal of the Police Service.

## ANNUAL REPORT

Section 20 (1) of the Act imposes a statutory obligation on the Authority to submit to the Minister<sup>1</sup> an annual report of its activities in the preceding financial year and a copy of the audited statement of accounts for that period for laying in Parliament.

The Trinidad and Tobago Gazette (Extraordinary) Vol. 54 No. 97 published on Wednesday September 23, 2015, provides that the Minister to whom responsibility for the Police Complaints Authority is assigned is the Attorney General.

This Report features the activities of the Authority for the period October 1, 2019 to September 30, 2020.

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<sup>1</sup> By section 6 of the Miscellaneous Provisions (Ministry of Justice) Act, 2011 – "Minister" means the Minister to whom responsibility for the Police Complaints Authority is assigned;"

## AUDITED ACCOUNTS

### Financial Statements

Section 18(2) of the Police Complaints Authority Act requires that the accounts of the Authority be audited annually by the Auditor General or by an auditor authorised by him for such purpose.

The preparation of the Financial Statements of the Authority for the financial year ended 30 September 2020 is in progress and will be forwarded to the Auditor General upon completion in accordance with the Act.

The Report of the Auditor General on the Financial Statements for the financial year ended 30 September 2019 was completed and laid in Parliament by the Attorney General and Minister of Legal Affairs in accordance to Section 20(2) of the PCA Act.

A Financial Report on the receipts and expenditure of the PCA for the period October 01, 2019 to September 30, 2020 is published on page 106 of this Annual Report.



## FINANCIAL REPORT FOR THE PERIOD OCTOBER 1, 2020 TO SEPTEMBER 30, 2021

The Police Complaints Authority was allocated funding under Head 23 – Ministry of the Attorney General and Legal Affairs for the financial year 2020/2021. An approved allocation in the sum of Nineteen Million and Seventeen Thousand dollars (\$19,017,000.00) was provided to facilitate capital and recurrent expenditure and an amount of One Million, Four Hundred and Forty-Three Thousand Eight Hundred and Forty dollars (\$1,443,840.00) was allocated to meet direct charges on the Consolidated Fund.

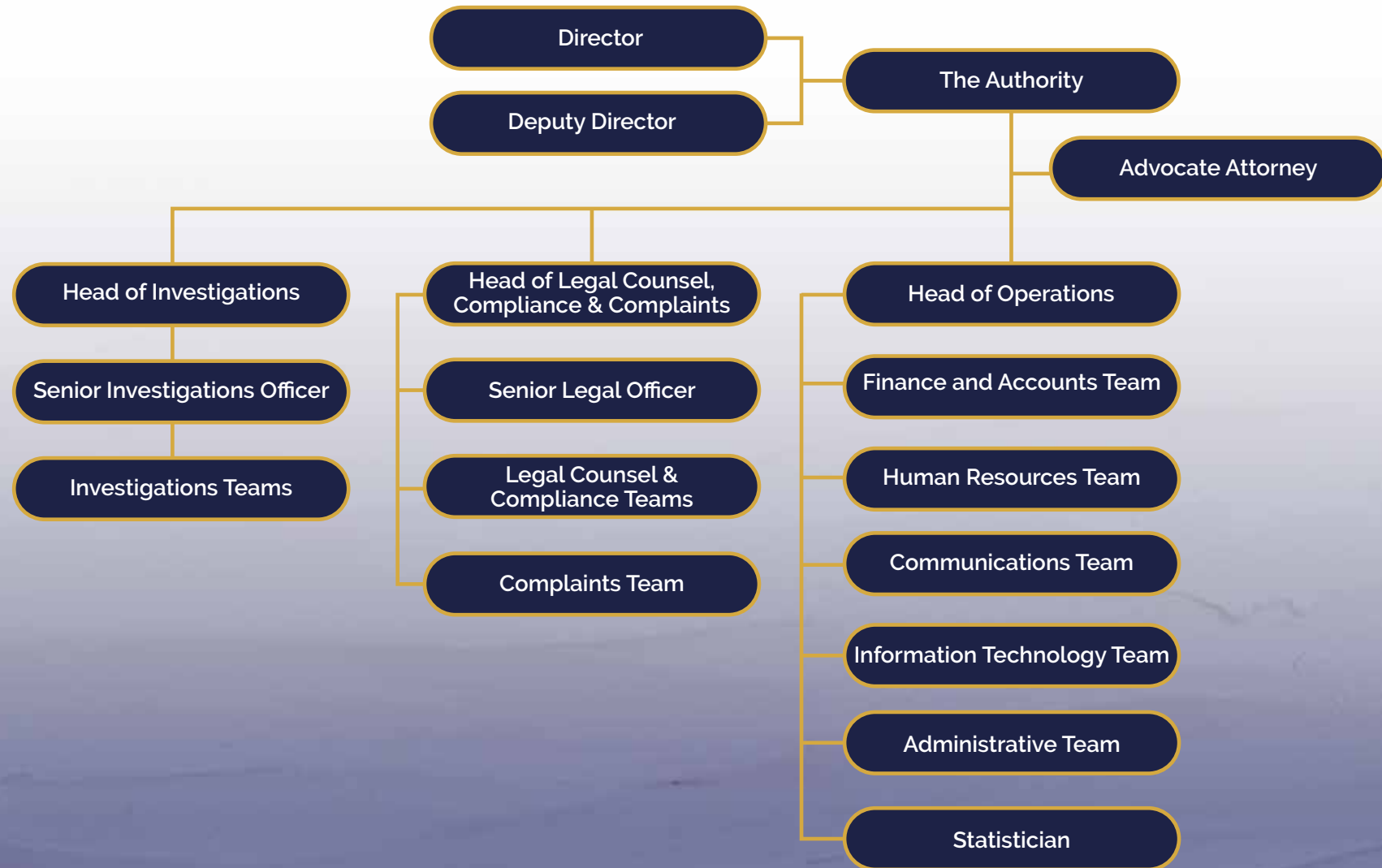
During the reporting period, capital and recurrent expenditure totaled Eighteen Million, Four Hundred and Ninety-Five Thousand, Eight Hundred and Forty dollars and Fifty-five cents (\$18,495,840.55) and the amount expended in respect of direct charges on the Consolidated Fund totaled One Million, Four Hundred and Forty-three Thousand, Eight Hundred and Forty Dollars (\$1,443,840.00).

The Table below shows the actual unaudited Receipts and Expenditure of the Authority during the reporting period.

Head /Sub-Head Item/Sub-Item	APPROVED ALLOCATION	REVISED ALLOCATION	TOTAL EXPENDITURE
23: Ministry of the Attorney General and Legal Affairs			
04: Current Transfers and Subsidies			
009: Other Transfers			
01: Police Complaints Authority	\$19,017,000.00	\$19,017,000.00	\$18,495,840.55
04: Police Complaints Authority -Direct Charges	\$ 1,443,840.00	\$ 1,443,840.00	\$ 1,443,840.00
<b>TOTAL</b>	<b>\$20,460,840.00</b>	<b>\$20,460,840.00</b>	<b>\$19,939,680.55</b>



# FUNCTIONAL ORGANIZATIONAL CHART OF THE PCA



## THE HUMAN RESOURCES DEPARTMENT

Human Resources (HR) is responsible for attracting, developing, and retaining a high-performing and diverse staff. In order to optimize individual and organizational potential and position the PCA as an employer of choice, the HR Department promotes a safe and fulfilling work environment for employees.

The Authority and its employees are supported by the HR Department which provides direction, assistance and HR expertise. It provides a range of services to all employees as well as advice in a myriad of circumstances.

### RECRUITMENT AND PROMOTIONS

During the reporting period, to ensure that sufficient staffing needs were satisfied throughout the organization, the PCA hired one (1) new employee in the Legal Counsel, Compliance, and Complaints Unit. Furthermore, in keeping with the Authority's philosophy of professional advancement, three individuals in the Investigations and Legal Units were promoted to maintain alignment with the operational demands of the PCA.

### TRAINING AND DEVELOPMENT

The PCA provided a variety of training and development opportunities during the reporting period under consideration, in keeping with its concept of continuous learning. Training was obtained from both domestic and international sources. During this time, employees had access to a variety of training possibilities. These included:

- Investigative Interviewing and Report Writing
- Canadian Association for Civilian Oversight of Law Enforcement(CACOLE) Professional Development Virtual Conference
- Police Accountability in England and Wales: The Role of Oversight Bodies
- Coaching Skills for Leaders

# THE INFORMATION TECHNOLOGY DEPARTMENT

During the reporting period, the Information Technology (IT) Department implemented a virtual access policy which created a safe virtual workspace to facilitate continued operations of the PCA despite the restrictions imposed by the Public Health [2019 Novel Coronavirus (2019-nCoV)] (No.14) Regulations, 2021. Key features of this policy are outlined hereunder.

## WEBSITE / MOBILE APPLICATION

- Creation of a Progressive Web App (PWA) with integration between the Mobile App and the PCA website was completed to allow the PCA to better manage complaints. This interface simplified and streamlined the process of submitting electronic incident reports to the PCA by enhancing the application's capacity to more securely receive content without restrictions on size, type and quantity.

## MULTI-FUNCTION PRINTERS

- The Multi-Function printers were upgraded to provide secure integrated scanning which permitted a simple and effective one-touch experience allowing employees to have virtual access to files. Integrated Scanning allows the PCA to effortlessly regulate, monitor and record all scan operations.

## ANTI-VIRUS SYSTEM

- The Anti-Virus System was upgraded to enhance security and protection of devices while being used remotely.

## COMPUTERS

- Laptops were acquired to facilitate secure remote working.

## PBX

- The PBX System was improved to facilitate the use of PBX Softphones, which are available as an application that can be used on any device remotely as it imitates the capabilities and fundamental characteristics of a PCA business phone.



## THE COMMUNICATIONS DEPARTMENT

The Communications Department (CD) is responsible for managing, overseeing and evaluating the PCA's internal and external communication strategy. This reporting period will be long remembered as a singularly transformative year. The CD was required to adapt to the ongoing crisis. Communicating effectively with complainants and employees became the top priority of the PCA.

The CD is entrusted with the responsibility of preserving good working relationships with primary stakeholders and elevating the PCA's brand. The CD also engages in communications planning, public relations, advertising, publications; issues media releases and coordinates community engagement programs as well as other external events.

By fostering public involvement with the PCA and educating the public about the PCA's role and activities, the CD increased its focus on the PCA's digital media presence.

### REBRANDING

The PCA launched its new visual brand identity redefining our independence from other arms of the justice sector. The revised logo is the central expression of the PCA's brand identity and highlights the unique attributes of the PCA. The integrity of the PCA's brand identity is safeguarded, improved, and exhibited through consistent application of brand assets.



**FORMER LOGO**



**INDEPENDENT  
POLICE COMPLAINTS AUTHORITY**

**CURRENT LOGO**

## SOCIAL MEDIA

The PCA has always placed significant value on the impact of social media in today's society. In keeping with this, the Authority led by the CD, took a decision to develop a series of videos which were posted on social media platforms geared towards educating the public on the PCA's role and functions. These videos garnered widespread attention and provoked progressive dialogue between the public and the PCA.

## COMMUNITY OUTREACH

The Community Outreach Programme aims to educate the public by providing members of the public with a forum to pose questions and seek clarification on the parameters of the PCA.

During the reporting period, the PCA was able to conduct two (2) virtual community outreach sessions with the Living Water Community - Ministry for Migrants and Refugees. Additionally, the Authority participated in four (4) virtual radio talk shows/ interviews that served to educate the Public about the PCA.



**Call On-Air 622-3937, WhatsApp or Text 774-4955**



**Garth St Clair**

**Natasha Nunez**

**EYE ON DEPENDENCY**



David West



Rhoda Bharath



## THE PCA'S TRIPLE R, ECO-TEAM


The PCA's Triple R, Eco-Team, continues its efforts to incorporate sustainability practices in the office environment, improving and maintaining an environmentally friendly culture in the workplace.

Recycling initiatives previously started continue to be successful, as the use of the recycling bins and the reverse osmosis water-filtration system, are now part of a proud routine for staff members.

Following the replacement of physical newspapers with online subscriptions, the Eco-Team expanded its initiatives to reduce paper consumption. Staff members have been asked to print documents as double sided whenever possible. Further, whenever documents have to be printed on a single side, the staff members are encouraged to reuse the blank side as scrap paper, for notes whenever possible. More significantly, with the Covid 19 pandemic precipitating the increase in virtual meetings, the opportunity was taken to encourage the staff to disseminate and use the documents necessary for these meetings digitally.

Additionally, where possible, documents and newspaper articles needed for work are shared digitally on mobile telephones, in secured chat groups. Pay slips are no longer printed routinely and passed out to staff members. Alternatively, they are now sent electronically and printed only when a hard copy is required. E-cards and greetings are now also sent electronically to staff members for holidays and special events. These initiatives have resulted in a notable decrease in the consumption of not only paper, but also ink, as printing has been reduced.

The PCA's Eco-Team is also cognizant of the positive impact that the work from home, arrangements have had on the environment. The PCA recognizes that this has allowed for the reduction of our carbon footprint from the use of vehicles as transport to and from work. As such, the PCA recently installed software on work laptops, which now allows staff to securely access electronic files, outside of the office, which further reduces the need for travel to and from the office.





This year, the PCA has been effective in making the best use of opportunities presented, to expand our green initiatives. Moreover, we remain steadfast in our commitment to the intent to do all that we can, to respect and preserve our environment.

**“The greatest threat to our planet is the belief that someone else will save it.”**

*Robert Swan –  
Environmental Advocate*

**Michelle Solomon-Baksh**

Deputy Director,  
Police Complaints Authority



istockphotos

F A C T  
K E



F A C T  
K E

istockphotos

# THE COMPLAINTS PROCESS

## IN PERSON / HAND DELIVERED INCIDENT REPORT FORM

- (a) A Complaints Officer electronically records the report of a Complainant
- (b) Where Legal Counsel determines that the matter is not within remit this assessment is forwarded to the Authority for review.
- (c) Legal Counsel issues correspondence to the complainant outlining whether the matter is/is not within the PCA's remit

### (c) (i) Within remit

- The complaint is classified by Legal Counsel and all original material is transmitted to the Administrative Assistant to the Legal Counsel, Compliance and Complaints Unit (AA LCCCU) for the generation of one (1) copy of the complaint and each document related thereto. All original material is lodged with the Registry Unit and the copies are forwarded to the Investigations Unit.
- The complaint is assigned to an Investigations Officer for the function(s) of the PCA under section 21(1) of the PCA Act to be executed. Each Investigations Officer belongs to a team to which a specific Legal Counsel is designated. The designated Legal Counsel is also automatically assigned responsibility for the complaint.
- The complaint may be listed for a case management conference at which instructions are disseminated by a representative of the Authority to all legal and investigative staff assigned responsibility for the complaint.
- The Investigations Officer once satisfied that he/she has completed all instructions/ assignments, submits the file to his/her direct supervisor for review and thereafter to the Head of Investigations for endorsement and transmission to the LCCCU.

### (d) Assessment of Investigative work

- Legal Counsel assigned responsibility for the complaint examines the file and all related evidence.
- No Further Work Required/Satisfactory**  
Legal Counsel prepares a memorandum outlining a recommended course of action (pursuant to section 21(2) or section 30 or section 44 of the PCA Act) and forwards same to the Head of Legal or to the Advocate Attorney for endorsement and onward transmission the Authority for consideration.

### (e) Consideration of recommended course of action

#### (e) (i) Approval by Authority

- Where the Authority approves the recommended course of action, the file can either be closed with no further action OR forwarded to the Commissioner of Police, Police Service Commission or the Director of Public Prosecutions or the Attorney General and thereafter both the Complainant and the police officer(s) are informed of the action taken and the accompanying reasons. **(END)**

#### (e) (ii) Rejection by the Authority

- Where the Authority rejects the recommended course of action, it will give directions to the respective Unit for further action or an alternative course of action is prescribed. **(END)**

## MAILED REPORTS

- (a) Correspondence is received by the PCA and logged by the Registry Unit.
- (b) The Registry Unit generates one (1) copy of the correspondence which is transmitted to the AA LCCCU.
- (c) The AA LCCCU forwards the copy correspondence to the Legal Counsel who conducts a search of the Authority's records to determine the nature of the correspondence.
- (c) (i) Same complaint  
Same complaint - Where the correspondence has already been received in another form/fashion, the duplicate is acknowledged and once it concerns an ongoing investigation the material is forwarded to the Investigations Unit for placement on the investigative/copy file;
- (c) (ii) Further information to existing complaint  
Further information to existing complaint - The correspondence is acknowledged and treated as supplemental to an existing complaint and is forwarded to the Investigations Unit for placement on the investigative/copy file;
- (c) (iii) New Report and within remit  
New report and within remit - The correspondence is sent to the Complaints Unit to be uploaded electronically. The Complaints Officer will then forward the electronic report to the Legal Counsel and resubmit the hard copy of all material to the AA LCCCU.
- (c) (iv) Thereafter, steps c, d and e of the "walk in" procedure will apply. **(END)**

## MOBILE APPLICATION / PCA WEBSITE

- (a) Upon completion of an electronic complaint form accessed on the PCA's website, or, upon sending an email to info@pca.org.tt an email is automatically generated acknowledging receipt of same.
- (b) A complaints officer places the emailed report on the electronic case management system and forwards to the Legal Counsel assigned to assess the report.
- (c) Steps b, c, d and e of the "walk in reports" procedure are followed. **(END)**

## MOBILE APPLICATION ("MOBILE APP") REPORTS

- (a) An electronic notification is received by the PCA when a report is submitted through the PCA Mobile App. The PCA mobile app user receives an electronic confirmation of receipt of their report.
- (b) The Legal Counsel forwards the report to the AA LCCCU for onward transmission to a Complaints Officer to upload electronically.
- (c) Steps b, c, d and e of the "walk in" process are followed. **(END)**

# PCA INITIATED PROCESS

Pursuant to Section 26 of the Police Complaints Authority Act, Chapter 15:05, "the Authority may conduct an investigation on its own initiative...". Such initiations may sometimes be triggered by articles of interest in newspapers or reports from a division of the Trinidad and Tobago Police Service.

For the purposes of clarity, "articles of interest" include newspaper articles containing content which suggests that the matter may fall within the remit of the PCA/should be investigated by the PCA.

Newspaper articles of interest are identified and submitted to the Legal Counsel assigned responsibility for assessing the content to determine whether the matter falls within the remit of the PCA.

Where counsel is of the view that the Authority should "initiate" an investigation

Legal Counsel generates a Memorandum recommending /justifying the initiation of an investigation pursuant to section 26 of the PCA Act and submits same to the Authority

The Director/Deputy Director sanctions same by affixing a signature and the word "approved" on the Memorandum

The LCCCU generates a complaint number and forwards the physical and electronic file to the Investigations unit for action

Steps c (i) and d of the "walk in" complaint procedure are followed

(END)

Where counsel is of the view that the Authority should not "initiate" an investigation

Legal Counsel generates a Memorandum classifying the article as "general information"

All material is returned to the Administrative Assistant to the LCCCU for filing and storage

(END)

## THE OFFICE OF THE ADVOCATE ATTORNEY

The Advocate Attorney (AA) performs an array of roles and responsibilities for the benefit of the Authority included but not limited to the activities detailed hereunder.

1. Tracking the status of complaints that are the subject of court proceedings.
2. Appearing before the Court, at the Authority's request, in relation to matters referenced in paragraph 1 herein. The passage of the Miscellaneous Provisions (Administration of Justice) Act, 2020 expanded the AA's role as it relates to attendance at judicial proceedings which continues to be held virtually.
3. Critically evaluating the recommendations of Legal Counsel in relation to investigative files submitted for assessment.
4. Undertaking legal research and providing advice to the Authority on changes to the legislative landscape in which the PCA operates.



## THE LEGAL COUNSEL, COMPLIANCE AND COMPLAINTS UNIT

### -Achievement in a time of adversity-

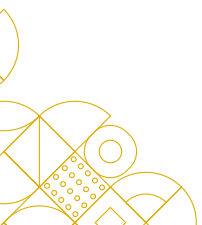
With the objective of exceeding the performance metrics of previous reporting periods, whilst mitigating against the inherent risks of operating in a time of Covid-19, the LCCCU collectively honed its skills of coordination, organization, adaptability and flexibility.

Although the working environment and the manner in which the LCCCU operated had to be altered frequently, it never lost sight of its objectives.

Having the unwavering commitment of all, as a unit the LCCCU delivered extraordinary outcomes for the benefit of the Authority and, most importantly, to the Public which it serves.

The outcomes delivered during the reporting period are presented hereunder and are a testament to the steadfastness and dedication of every member of the LCCCU.

- Number of Incident reports received by the LCCCU for the purposes of assessing remit - 971
- Number of matters which were assessed as complaints and which were forwarded to the Investigations Department - 466
- Number of matters which were closed with no further action to be taken by the Authority- 367
- Number of matters which were referred to both the Offices of the Commissioner of Police and the Director of Public Prosecutions with recommendations for the institution of disciplinary and prosecutorial proceedings respectively- 7



- Number of matters which were referred to the Office of the Commissioner of Police with recommendations for the institution of disciplinary proceedings or the taking of further action- 45
- Number of matters which were referred to the Office of the Commissioner of Police with advice on ways in which to eliminate serious police misconduct and police corruption- 37
- Number of matters which were referred to the Office of the Director of Public Prosecutions with recommendations for the institution of prosecutorial proceedings- 19
- Number of matters in which information and or evidence was referred to the Office of the Special Reserve Police Adjutant- 9

In addition to assisting with the core functions and substantive work of the Police Complaints Authority, the LCCCU was instrumental in lending support to the Office of the Attorney General and Legal Affairs in the process of amending the governing legislation of the Police Complaints Authority and other Acts consequential thereto. For further details on the Amendments see Page X.



## COMPLAINTS CLASSIFICATION AND RATING GUIDELINES

The Complaints Classification and Rating Guidelines utilized by the PCA for criminal offences, police corruption and serious police misconduct by and/ or involving a police officer.

### DEFINITION OF A COMPLAINT:

In accordance with Section 4 of the Police Complaints Authority Act, a Complaint includes an allegation of:-

- Police corruption;
- Serious police misconduct;
- The commission of a criminal offence by a police officer; or
- The commission of a criminal offence by any other person but involving a police officer;

### PURPOSE:

The Authority classifies complaints by the level of seriousness and/or urgency in order to:-

- Allocate resources more effectively;
- Optimize data collection and record-keeping to provide useful information and comparable data; and
- Identify significant trends through proactive approach;

### CLASSIFICATION OF A COMPLAINT:

The Authority classifies a complaint on a scale of 1-5 with:-

- The least serious complaint placed in Classification 1 and;
- The most serious complaint placed in Classification 5;
- Where there is more than one alleged infraction in a complaint, the most serious allegation is utilized in the overall classification of the complaint;

### AUTOMATIC CLASSIFICATION 5:

A complaint can automatically be classified as 5 in two ways:-

- Based on the serious nature of the complaint as defined below; or
- Based on the urgent nature of the complaint as defined below, notwithstanding the level of seriousness of the complaint;



**Automatic Classification 5: Serious Nature of Complaint**

A Complaint as defined below is automatically classified as 5, namely:-

- Fatal Shooting;
- Non-Fatal Shooting;
- Road Traffic Accident involving Police Officers resulting in serious injury and/or death;
- Death in Police Custody (including instances of hanging etc.);
- Murder/ Attempted Murder;
- Sexual Offences/Domestic Violence Allegation (with violence); and
- Any Incident with a Fatality;

**Automatic Classification 5: Urgent Nature of Complaint**

- A complaint in which the Statutory Limitation Period demands urgency;
- A complaint which is identified as Urgent by the Authority; and
- A complaint of high national, regional or international importance;

**DEFINITION OF POLICE CORRUPTION –**

**By Section 4 of the Police Complaints Authority Act-**

"Police Corruption" means an act done with an intent that is illegal, dishonest or fraudulent or failing to act in order to receive an advantage or reward, whether financial or otherwise, personally or for another person, group or organisation, or exercising a legitimate discretion for improper reasons, or employing illegal means to achieve approved goals;

**AUTOMATIC CLASSIFICATION 4:**

- Police Corruption;
- Police Officers involved in an indictable offence e.g. under the Dangerous Drug Act;

**DEFINITION OF SERIOUS POLICE MISCONDUCT-**

**Under Section 4 of the Police Complaints Authority Act-**

"Serious Police Misconduct" means the commission of a disciplinary offence under the Police Service Regulations which the Authority considers to be so serious as to bring the Police Service into disrepute.



## INVESTIGATIONS DEPARTMENT

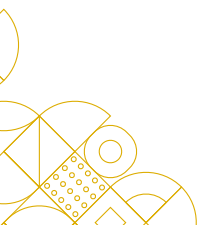
The Investigations Department (ID) comprises twenty-three (23) investigators with collective experience in intelligence, homicide, crime scene investigations and other areas of expertise.

During the reporting period, the Authority created a sixth investigative team and revised the team compositions to ensure that each team possessed persons with varied skill sets and experience for optimal productivity and knowledge transfer.

Due to the ongoing pandemic and its related restrictions, the PCA investigators utilized electronic communication platforms to facilitate virtual interaction amongst staff and stakeholders.

Four Hundred and Thirty-Seven (437) matters were completed during the reporting period which represents an increase of 7% when compared to the 2019/2020 reporting period.

The ID maintained its guiding philosophy of incremental achievement on the path towards excellence whilst demonstrating the PCA's core values of confidentiality, integrity, professionalism and fairness.



# A STATISTICAL REPORT FOR THE PERIOD 2020-2021

## INITIAL REPORTS

During the reporting period October 1, 2020 to September 30, 2021, the PCA received nine hundred and sixty-nine (969) Initial Reports (IRs). Of these 969 IRs, four hundred and fifty-two (452) were under the PCA's purview and classified as "complaints" or matters within remit in accordance with Section 4 of the Act.

In addition, fifteen (15) IRs, reported during the previous (2019/2020) reporting period, were subsequently classified as complaints during this reporting period.

Therefore, the total number of IRs assessed for the reporting period was nine hundred and eighty-four (984) as highlighted in the table below:

	Initial Reports assessed for the year:			
	October 1, 2020 to September 30, 2021		October 1, 2019 to September 30, 2020	
	#	%	#	%
Reports Within Remit	467	47%	396	54%
Reports Not Within Remit	517	53%	341	46%
<b>Total</b>	<b>984</b>	<b>100%</b>	<b>737</b>	<b>100%</b>

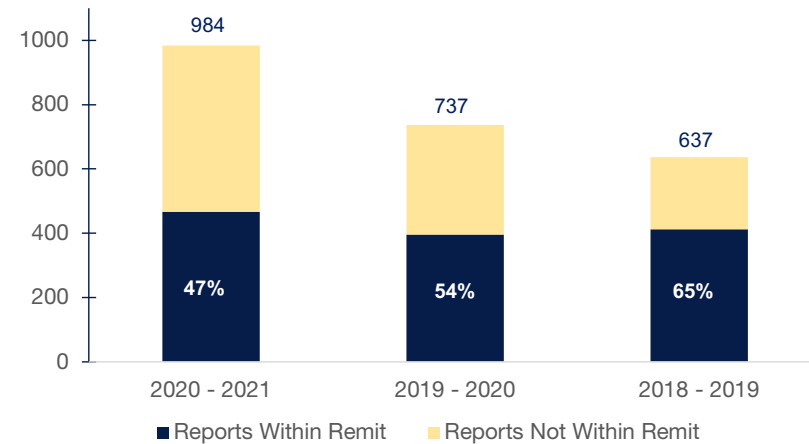


For every 100 IRs assessed over the reporting period, forty-seven (47) fell under the ambit of the PCA while fifty-three (53) did not.

There were two hundred and forty-seven (247) more IRs assessed during this reporting period when compared to the previous reporting period. This represents a 34% rise in the number of IRs assessed. In the previous reporting period, most of the IRs (approximately 54%) were deemed complaints.

The chart above depicts the upward trend in the number of IRs assessed over a three-year period, from six hundred and thirty-seven (637) in the 2018/2019 reporting period to nine hundred and eighty-four (984), two (2) years later.

While there was an uptick in IRs, the number characterized as complaints declined. Three (3) years ago, in the 2018/2019 reporting period, 65% of the IRs were classified as complaints however, in this reporting period, the number of IRs classified as complaints fell to fewer than half representing 47% of IRs received.



# COMPLAINTS

This section explores the complaints submitted to the Authority, their classifications, the frequency of complaints over the reporting period and the mode in which the complaints were submitted to the Authority.

## COMPLAINTS - CLASSIFICATION

Of the four hundred and sixty-seven (467) complaints submitted to the Authority during the reporting period, thirty-four (34) complaints were classified as "least serious" and one hundred and seventy-nine (179) complaints were deemed "most serious" as shown in the table below:

There was an overall 18% growth in the total number of complaints from the 2019/2020 reporting period to this reporting period. In fact, there was an increase in all categories of complaints except for those deemed "most serious" as shown in the table below:

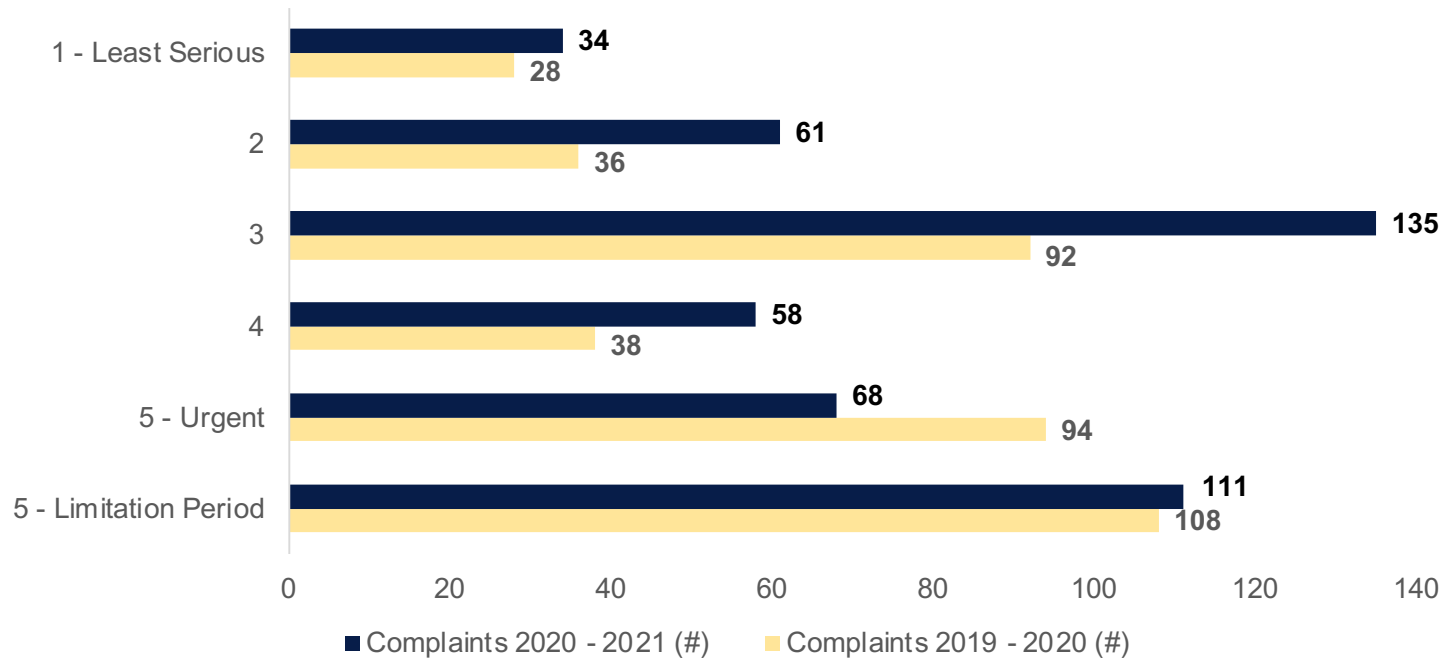
Complaints classified for the year:		
October 1, 2020 to September 30, 2021		
Complaint Classification	#	%
1 – Least Serious	34	7%
2	61	13%
3	135	29%
4	58	13%
5 – Most Serious	179	38%
<b>Total</b>	<b>467</b>	<b>100%</b>

Complaints classified for the year:			
Classification	October 1, 2020 to September 30, 2021	October 1, 2019 to September 30, 2020	Delta
	#	#	%
1 – Least Serious	34	28	21%
2	61	36	69%
3	135	92	47%
4	58	38	53%
5 – Most Serious	179	202	-11%
<b>Total</b>	<b>467</b>	<b>396</b>	<b>18%</b>



For this reporting period, there was an almost even split of 51% to 49% between the complaints classified as 4 and 5 (237 complaints) and complaints classified as 1 – 3 (230 complaints). This contrasts to the previous reporting period when 61% of complaints were classified as 4 and 5 while 31% were classified as 1-3.

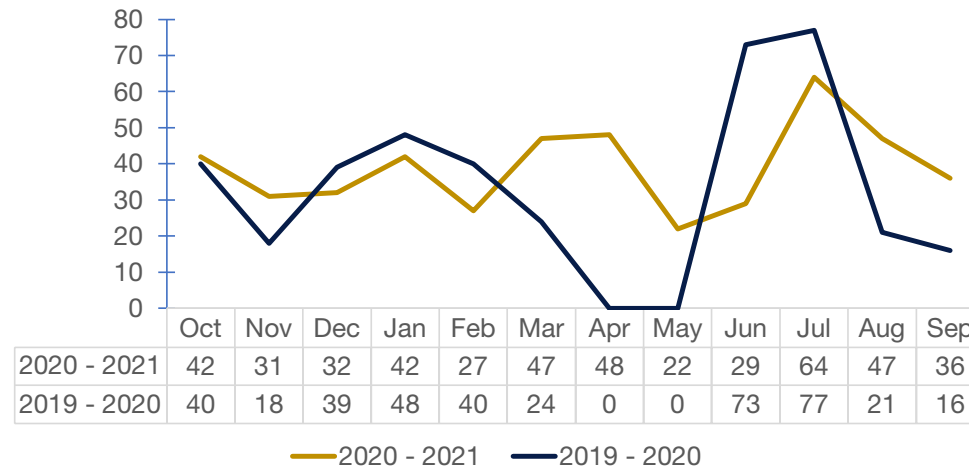
Of the most serious complaints i.e. complaints classified as "5", one hundred and eleven (111) were subject to a statutory limitation in the reporting period. Therefore, three out of every five matters of a very serious nature were due to the Statutory Limitation Period.



### COMPLAINTS – MONTHLY FREQUENCY

The chart and table below show the trend in the number of complaints forwarded from the LCCCU to the Investigations Department each month for this reporting period and the one immediately preceding it.

The month of July showed the highest number of complaints being submitted to the Investigations Department while the month of May showed the lowest. Comparing this with the data from the previous reporting period, July was again the month in which the highest number of complaints were submitted to the Investigations Department while April and May saw the lowest numbers being submitted.



The number of complaints investigated on a month-to-month basis from October 2020 to September 2021 are shown in the table below. For comparison purposes, the number of monthly complaints from October 2019 to September 2020 were also included.

On average, thirty-nine (39) complaints were submitted to the Investigations Department each month for the reporting period. This represents an increase of 18% when compared to the previous reporting period.

	Complaints submitted to the Investigations Department by Month			
	October 1, 2020 to September 30, 2021		October 1, 2019 to September 30, 2020	
	#	%	#	%
Oct	42	9%	40	10%
Nov	31	6%	18	5%
Dec	32	7%	39	10%
Jan	42	9%	48	12%
Feb	27	6%	40	10%
Mar	47	10%	24	6%
Apr	48	10%	0	0%
May	22	5%	0	0%
Jun	29	6%	73	18%
Jul	64	14%	77	20%
Aug	47	10%	21	5%
Sep	36	8%	16	4%
<b>Total</b>	<b>467</b>	<b>100%</b>	<b>396</b>	<b>100%</b>



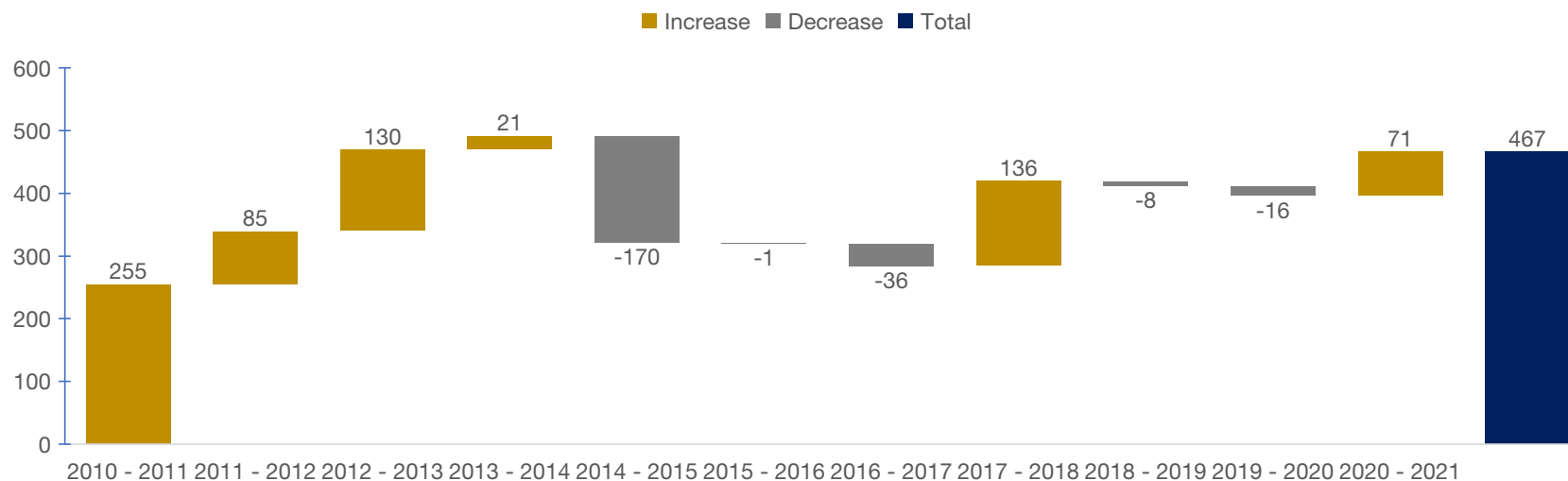
### COMPLAINTS – TREND

The number of complaints received during each reporting period from the PCA's inception in 2010 to this reporting period is shown in the table below:

The chart above shows the fluctuations in the number of complaints received over the last decade. 255 complaints were received in the 2010 – 2011 reporting period. The following year, the PCA received 340 complaints, an additional 85 complaints compared

to the previous year. Subsequently, complaints increased year-on-year until 2014 – 2015 when there was a significant decline of 170 complaints compared to the prior year. The year-on-year decline continued for two (2) further years until 2017 – 2018 when there was an uptick in complaints received. There were further declines in the subsequent two (2) years culminating with an increase of 71 complaints elevating the total complaints to 467 in this reporting period.

Reporting Years	2010 - 2011	2011 - 2012	2012 - 2013	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2019	2019 - 2020	2020 - 2021
Number of Complaints	255	340	470	491	321	320	284	420	412	396	467



## COMPLAINTS – METHOD OF RECEIPT

There are several media through which the PCA receives complaints namely, in-person, email, website, mobile application, hand-delivered or mailed-in. Furthermore, pursuant to Section 26 of the PCA Act, the Authority, on its own initiative, could conduct investigations and these matters are referred to as PCA Initiated complaints. During this reporting period, the number of complaints, from the most frequent to the least frequent method of receipt is tabulated below:

The majority of complaints (107) were received In-person while the least number of complaints (23) were received via mail. For every 100 complaints received, 23 were lodged in-person while 5 were mailed-in.

Method of Receipt	October 1, 2020 to September 30, 2021	
	#	%
In Person	107	23%
PCA Initiated	97	21%
Email	84	18%
Website	74	16%
Mobile Application	49	10%
Hand Delivered Incident Report Form	33	7%
Mailed-in	23	5%
<b>Total</b>	<b>467</b>	<b>100%</b>

There was a significant increase in the number of complaints received via the PCA website when comparing this reporting period with the previous one. The number of complaints received via this mode ballooned from four (4) to seventy-four (74). Complaints which were received by hand quadrupled while complaints received via email increased by 56%.

Even though there was a decrease in the number of PCA Initiated complaints and those made in person, these remained the most utilized options for receiving complaints.

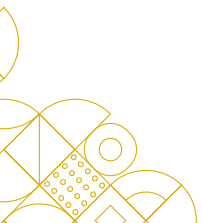
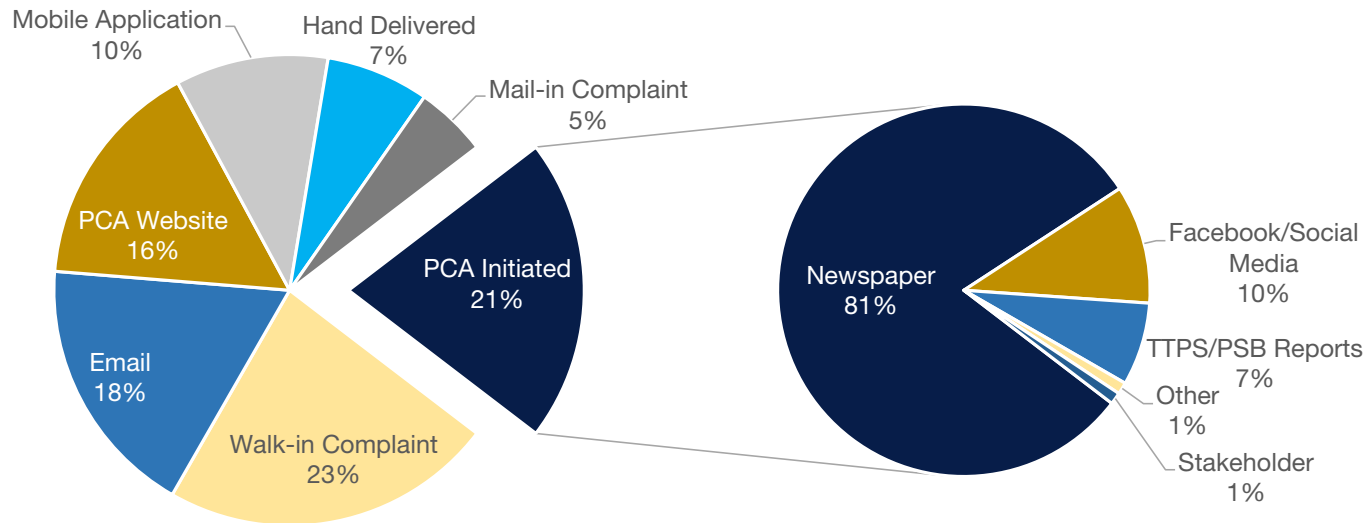
Method of Receipt	October 1, 2020 to September 30, 2021		October 1, 2019 to September 30, 2020		Delta %
	#	%	#	%	
Website	74	16%	4	1%	1750%
Hand Delivered Incident Report Form	33	7%	8	2%	313%
Email	84	18%	54	14%	56%
In Person	107	23%	121	31%	-12%
Mobile Application	49	10%	56	14%	-13%
PCA Initiated	97	21%	122	31%	-20%
Mailed - In	23	5%	31	8%	-26%
<b>Total</b>	<b>467</b>	<b>100%</b>	<b>396</b>	<b>100%</b>	<b>18%</b>



**COMPLAINTS – PCA INITIATED**

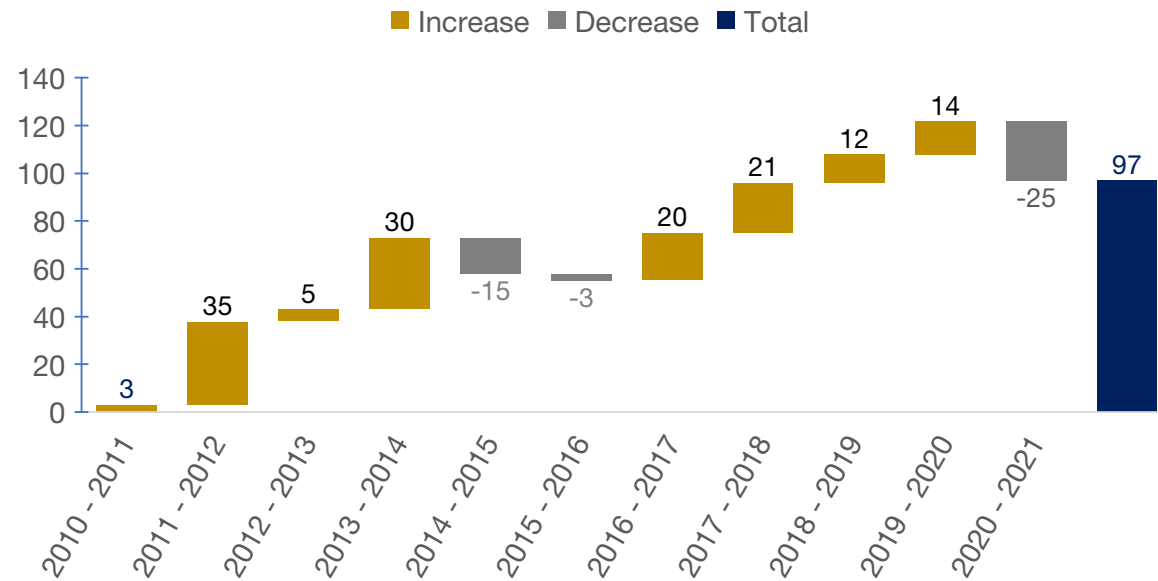
Hereunder is a graphical display of the various methods of receiving of complaints over the reporting period and a further sub-division illustrating the source of PCA Initiated complaints.

Of ninety-seven (97) complaints initiated by the PCA during the reporting period, 81% (78) originated from newspaper articles; 10% (10) of the complaints originated from social media including the Facebook application; and the remaining nine (9) complaints were initiated after receiving reports from the Trinidad and Tobago Police Service (TTPS), the Professional Standards Bureau (PSB), Stakeholders, television and radio.

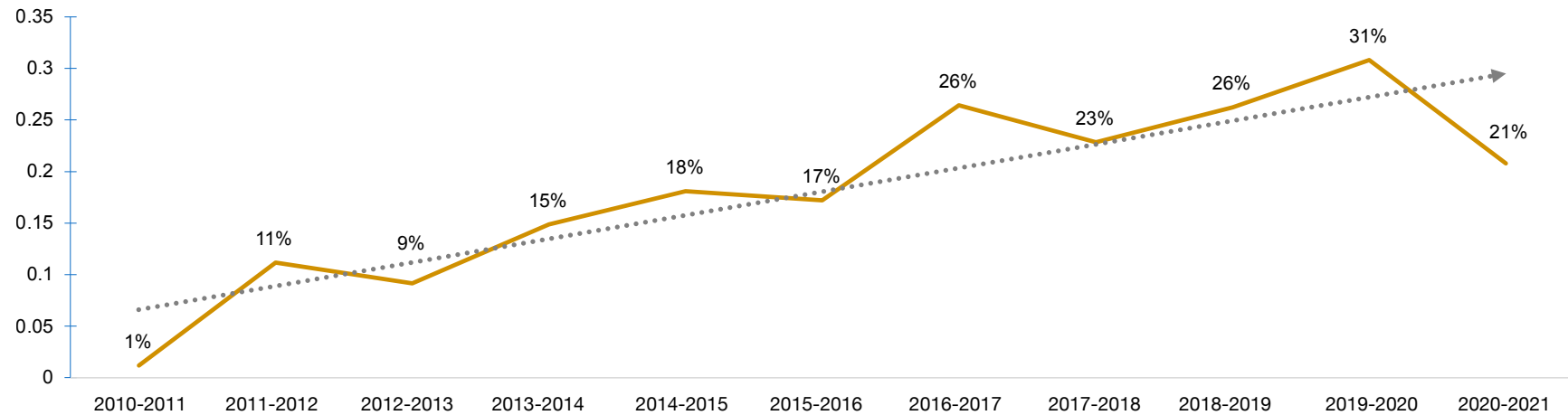


The number of PCA Initiated complaints has steadily increased over the reporting history from three (3) in the year ended September 30, 2011 to ninety-seven (97) in the year ended September 30, 2021 as highlighted by the chart below:

Over the reporting history, there were seven (7) increases and three (3) declines in the number of matters initiated by the Authority.



Additionally, there was an upward trend in the number of PCA Initiated complaints as a percentage of the total number of complaints for the year as displayed in the figure above. For example, in the 2010/2011 reporting period, only 1% of total complaints were initiated by the PCA, while in this reporting period that percentage elevates to 21%.



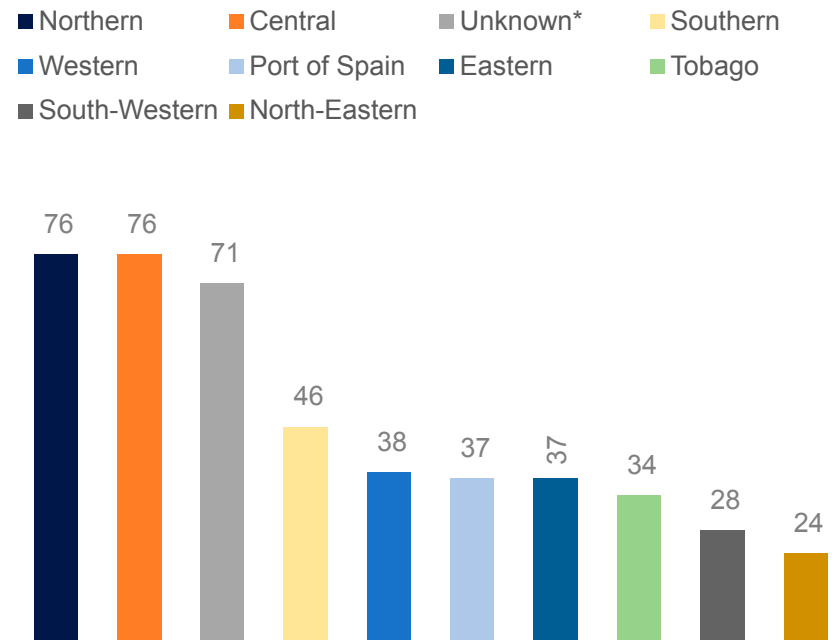
### COMPLAINTS – POLICE DIVISIONS

During the reporting period, the number of complaints involving police officers from the the nine (9) Divisions across Trinidad and Tobago, varied significantly as demonstrated by the figure below.

\* . Please refer to items 1, 2, 4, 6 and 9 appearing on Page X entitled "Unknown".

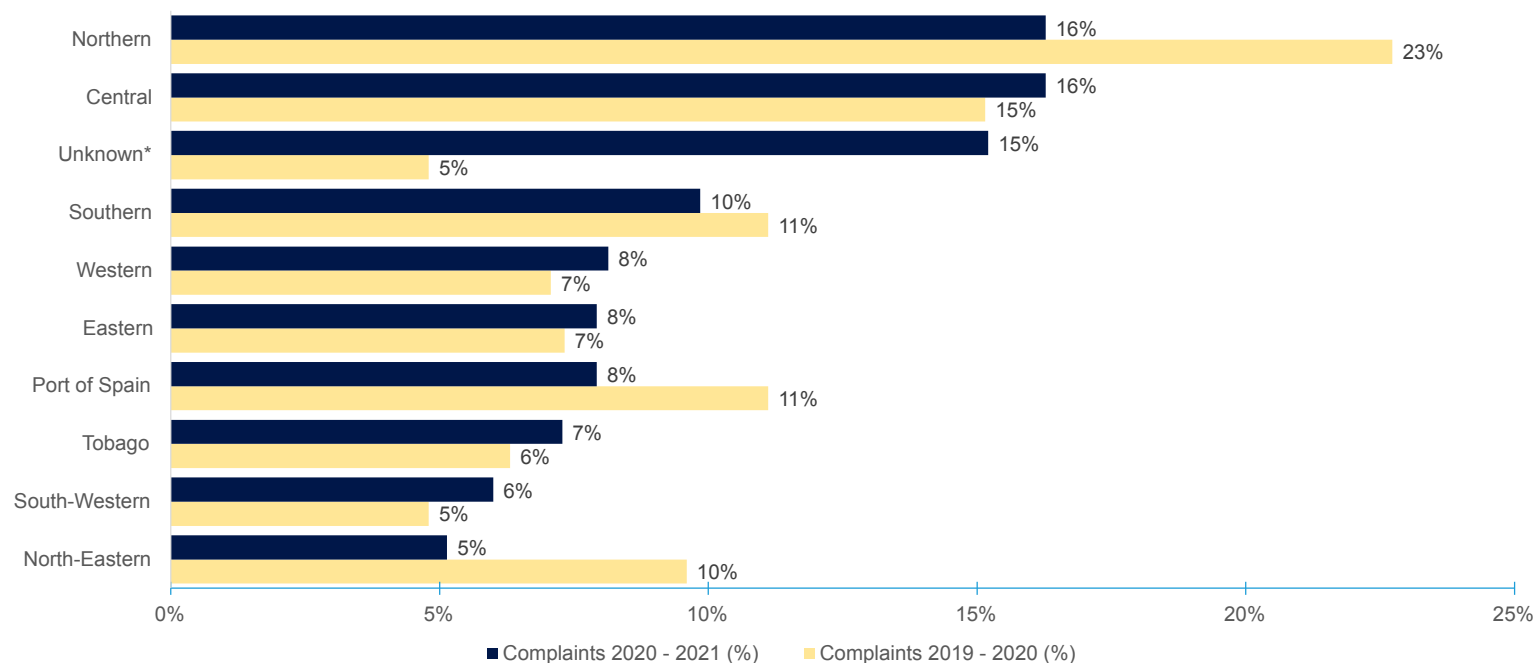
The most complaints were split evenly between the Northern and Central divisions. There were seventy-six (76) complaints involving police officers attached to each of these Divisions. This represents one-third of the total number of complaints. Additionally, there were seventy-one (71) complaints where the division was unknown. In fact, nearly half of all complaints were recorded in these three (3) categories.

The remaining seven (7) divisions recorded just over half of the number of complaints when combined. The North-Eastern division registered the least number of complaints at twenty-four (24).



The figure below compares the percentage of complaints involving police officers from each Division over the reporting periods – October 1, 2020 to September 30, 2021 and October 1, 2019 to September 30, 2020:

For two (2) consecutive years, the Northern and Central divisions retained the highest numbers of complaints involving police officers amongst the nine (9) Divisions. Complaints in all other divisions were consistent except for the Port of Spain and North-Eastern divisions where the percentage of complaints declined in this reporting period as compared to the 2019/2020 reporting period.

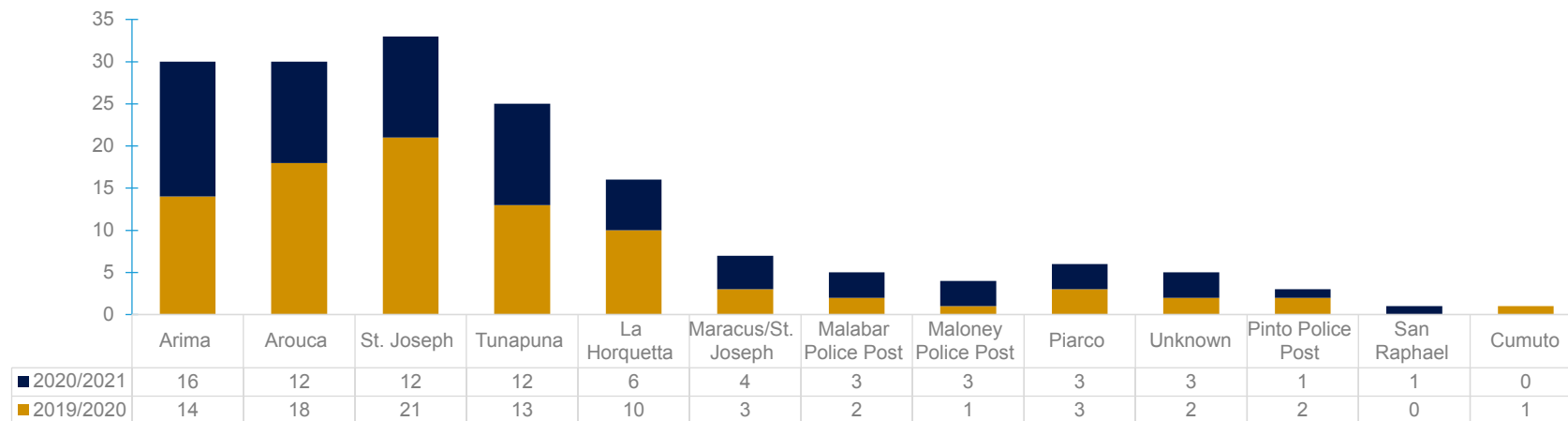




### COMPLAINTS – POLICE DIVISIONS – NORTHERN & CENTRAL DIVISIONS

The figure below exhibits the number of complaints involving police officers attached to the police stations or posts within the Northern Division over this reporting period and the 2019/2020 reporting period.

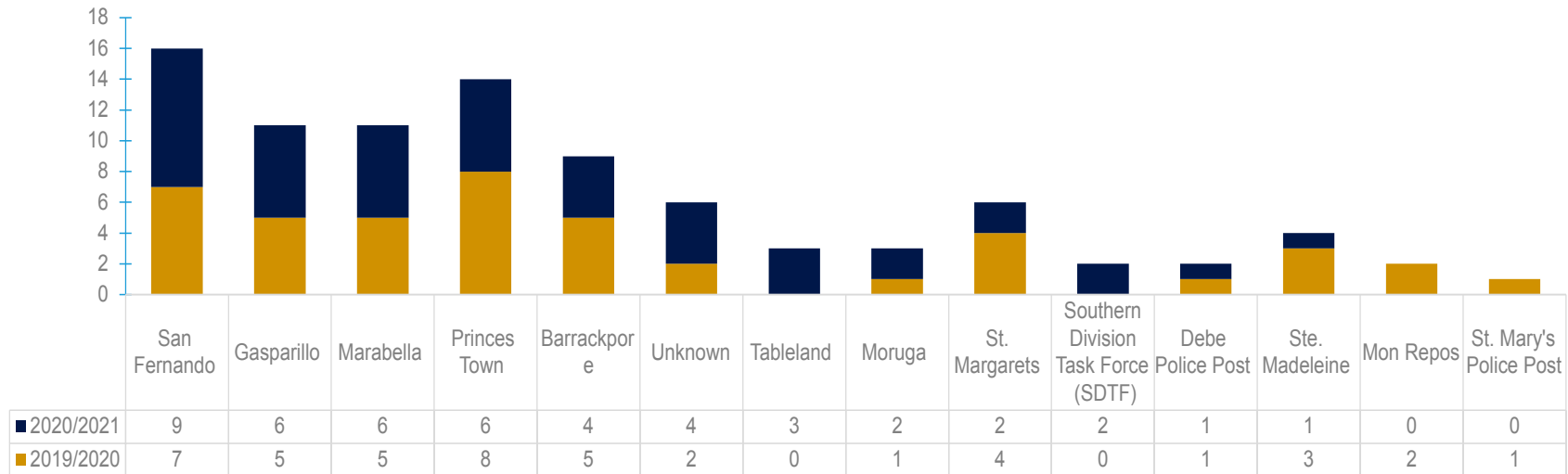
Police officers attached to the Arima, Arouca, St. Joseph and Tunapuna police stations were the subject of 52 complaints. This accounted for more than half of the seventy-six (76) total complaints for this reporting period. In the 2019/2020 reporting period the same four (4) police stations accounted for more than half of the ninety (90) complaints as sixty-six (66) of these complaints involved police officers attached to the aforementioned stations.



**COMPLAINTS – POLICE DIVISIONS – SOUTHERN & WESTERN DIVISIONS**

Complaints involving police officers from the police stations/ posts in the Southern Division for the 2020/2021 and 2019/2020 reporting periods are exhibited below:

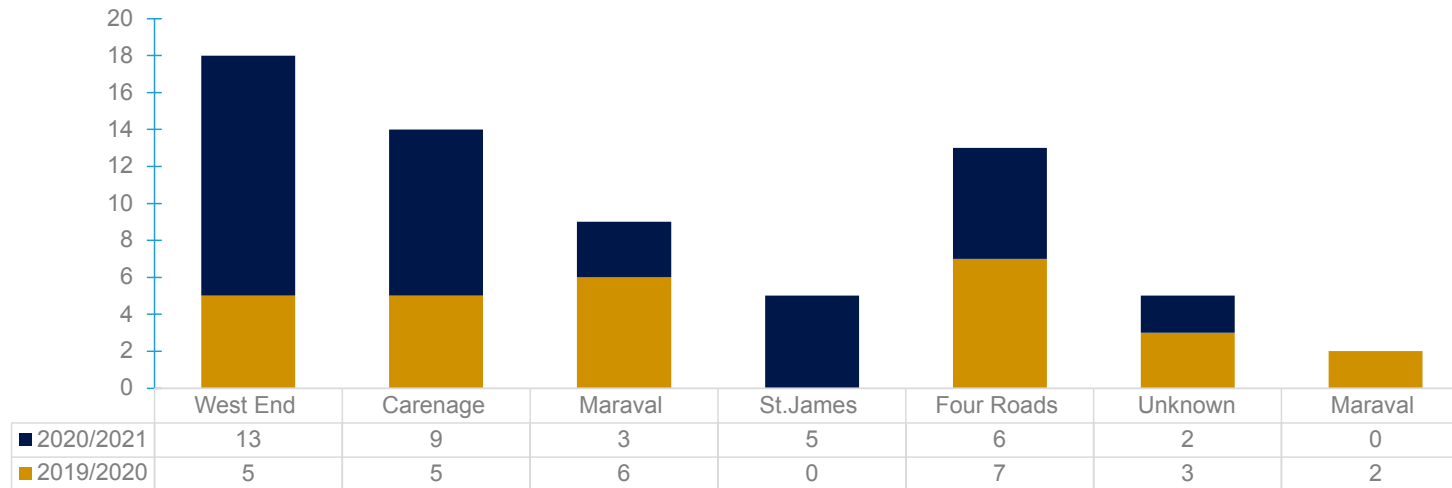
The number of complaints involving police officers attached to each police station or post was comparably similar with only minute differences when comparing complaints each reporting period. Moreover, the total number of complaints involving police officers attached to the stations or posts within this division in the reporting periods shown was forty-six (46) in this reporting period versus forty-four (44) in the 2019/2020 reporting period.



Similarly, complaints involving police officers attached to the police stations/posts in the Western Division for the 2020/2021 and 2019/2020 reporting periods are exhibited below:

within the Western division over the two (2) reporting periods - 2020/2021 and 2019/2020. All other stations or posts recorded nine (9) or less complaints in those reporting periods.

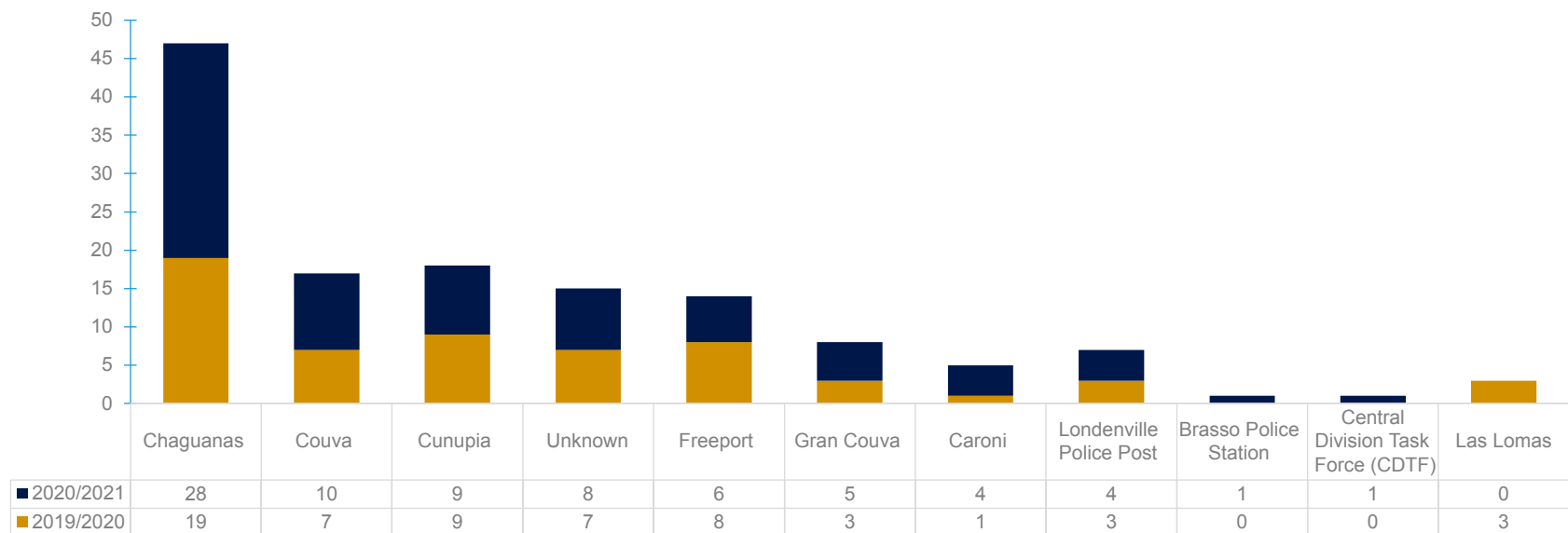
The West End police station recorded thirteen (13) complaints in this reporting period. This was the largest number of complaints involving police officers attached to any police station or post



The corresponding figure for complaints involving police officers attached to the stations or posts within the Central Division for this reporting period and the 2019/2020 reporting period appears below:

and ten (10) respectively. In the 2019/2020 reporting period, complaints involving police officers attached to the stations/post within the Central Division all fell below ten (10), with the exception of the Chaguanas Police station which stood at nineteen (19).

In this reporting period, only the Chaguanas and Couva police stations recorded double-digit complaints of twenty-eight (28)

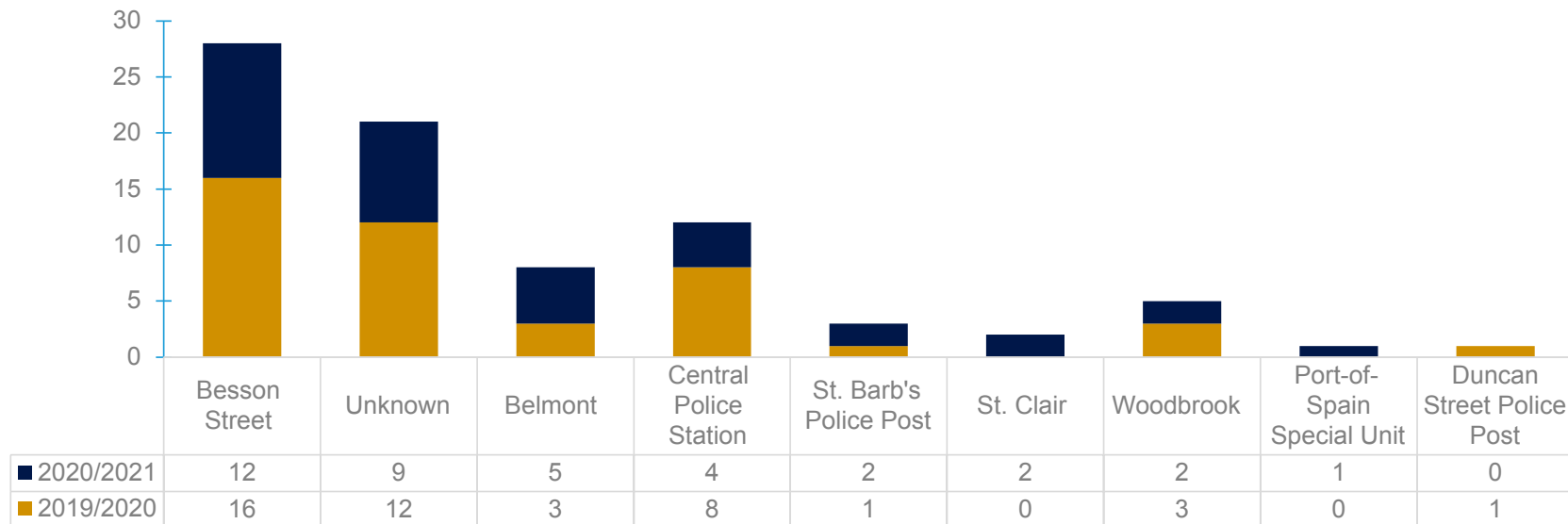


**COMPLAINTS – POLICE DIVISIONS –  
PORT OF SPAIN & EASTERN DIVISIONS**

The figure below displays the number of complaints involving police officers attached to the police stations or posts within the Port of Spain Division over the 2020/2021 and 2019/2020 reporting periods.

The Besson Street police station recorded the largest number of complaints across all stations/posts within the Port of Spain Division in both reporting periods, registering twelve (12) and sixteen (16) complaints respectively.

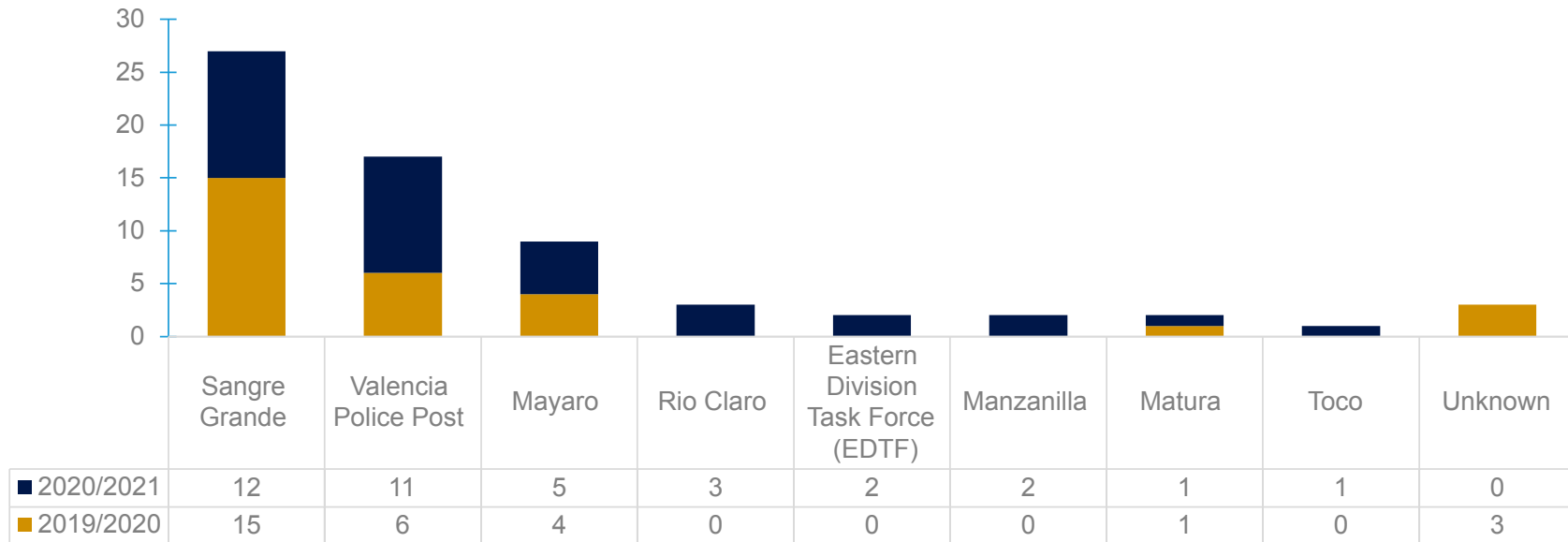
Uncharacteristically, complaints where the station/post was unknown recorded the second-highest number of complaints at nine (9) and twelve (12) respectively in the two (2) reporting periods.



Correspondingly, the figure below displays the number of complaints involving police officers attached to the police stations or posts within the Eastern Division over the 2020/2021 and 2019/2020 reporting periods.

Police Officers attached to the Sangre Grande police station, Valencia police post and Mayaro police station were the subjects

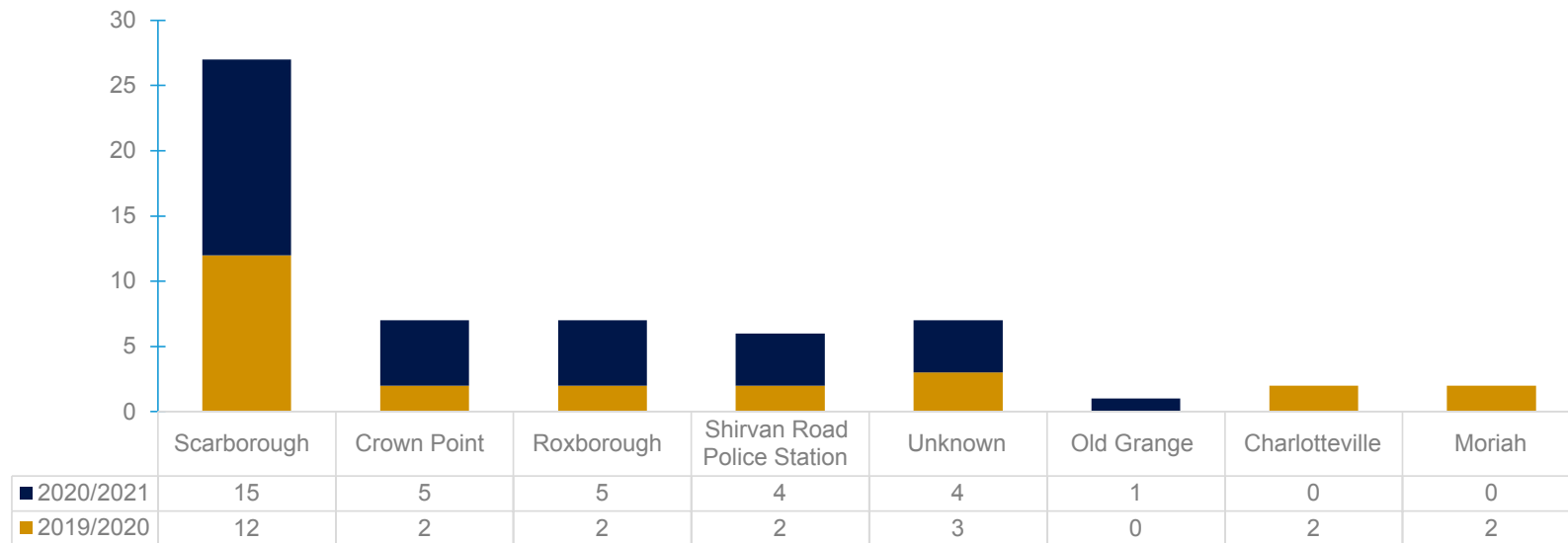
of the highest number of complaints the Eastern Division for this reporting period and the 2019/2020 reporting period. In this reporting period, the number of complaints involving police officers attached to those stations/posts were twelve (12), eleven (11) and five (5) respectively while the previous reporting period the complaints recorded were fifteen (15), six (6) and four (4).



### COMPLAINTS – POLICE DIVISIONS – TOBAGO & SOUTH-WESTERN DIVISIONS

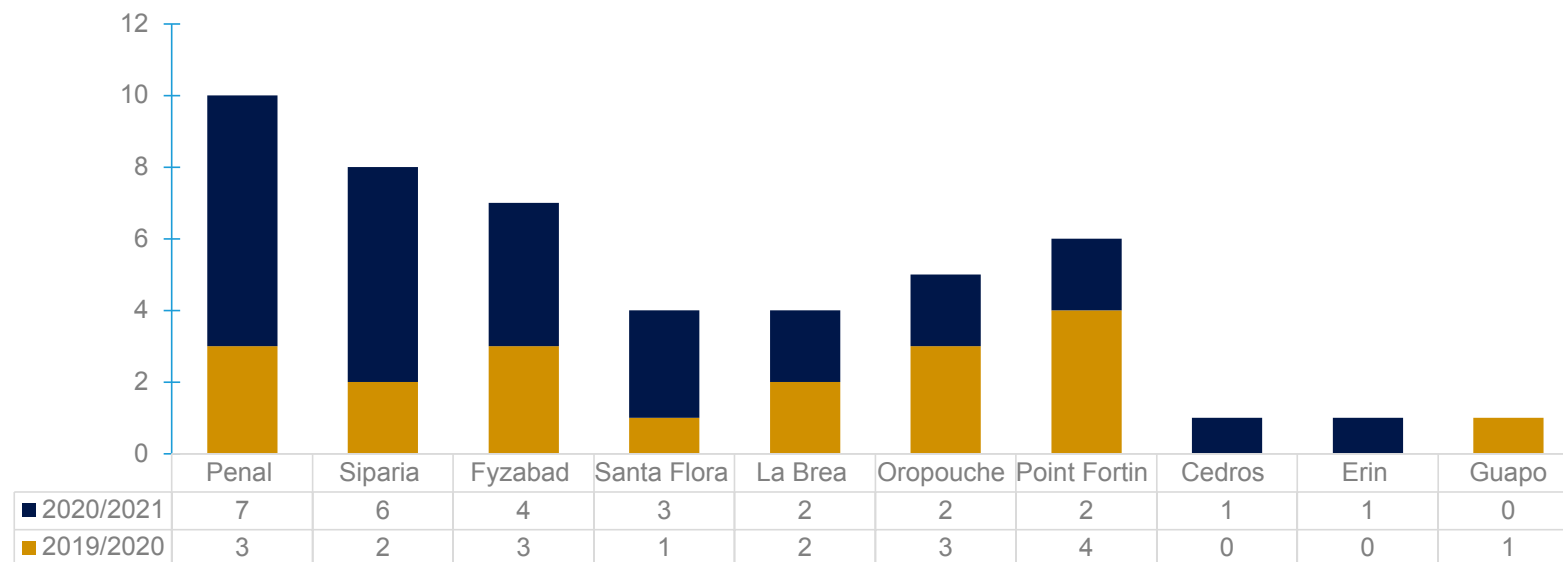
The number of complaints involving police officers attached to police stations and/or posts in the Tobago Division for the 2020/2021 and 2019/2020 reporting periods are exhibited below:

Police officers attached to the Scarborough police station were the subjects of the largest number of complaints for two (2) consecutive reporting periods. In the 2020/2021 and 2019/2020 reporting periods, the Scarborough police station was the only station where there were double-digits complaints involving police officers. In respect of all other police stations or posts, the number of complaints involving police officers remained relatively consistent.



Likewise, the number of complaints involving police officers attached to police stations and/or posts in the South-Western Division for the 2020/2021 and 2019/2020 reporting periods are exhibited below:

For two consecutive reporting periods, there were single-digit complaints involving police officers in respect of all police stations or posts within this Division. This was the only Division in which this occurred. The maximum number of complaints involving police officers from this Division was seven (7), recorded in respect of the Penal Police Station during this reporting period.



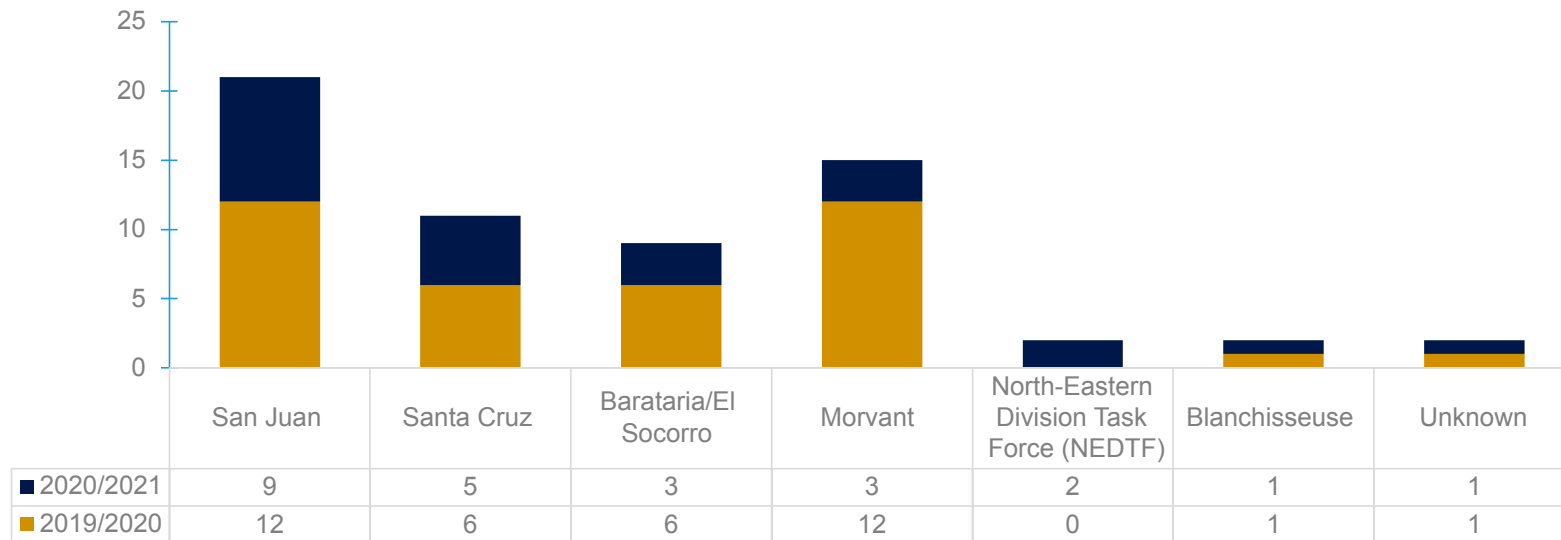


### COMPLAINTS – POLICE DIVISIONS – NORTH-EASTERN DIVISION

The figure below illustrates the number of complaints involving police officers attached to the North-Eastern Division over the 2020/2021 and 2019/2020 reporting periods:

In this reporting period, the police officers attached to the San Juan police station were the subjects of nine (9) complaints – the most by any station or post within the North-Eastern Division.

In the 2019/2020 reporting period, there was an even split between the San Juan and Morvant police stations for the most number of complaints involving police officers and this amounted to twelve (12).



## VICTIMS

This section concerns the alleged victims; whether they or their representatives submitted complaints with the Authority; the number of alleged victims involved in complaints during the reporting period and the demographic characteristics of the alleged victims.

### COMPLAINANTS

During the reporting period, complaints were made by the alleged victims or their legal, familial or other suitable representatives.

Additionally, complaints were received from persons who elected to remain anonymous.

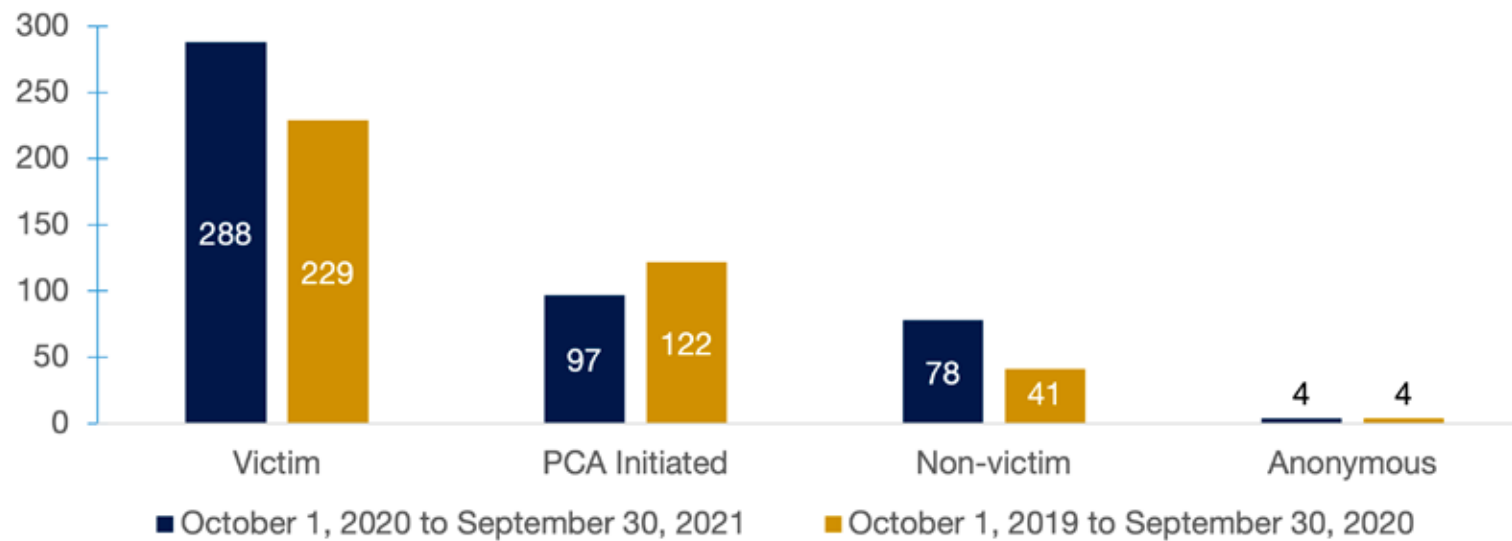
The complainants were as follows:

Two hundred and ninety (290) complaints were received from the alleged victims, seventy-six (76) were received from representatives of the victims, four (4) were anonymous and ninety-seven (97) were initiated by the PCA.

Complaints over the reporting period		
October 1, 2020 to September 30, 2021		
Complainant	#	%
Victim	290	62%
PCA Initiated	97	21%
Non-victim	76	16%
Anonymous	4	1%
<b>Total</b>	<b>467</b>	<b>100%</b>

On average, three (3) out of every five (5) complaints were reported by the alleged victims over the two (2) consecutive reporting periods - October 1, 2020 to September 30, 2021 and October 1, 2019 to September 30, 2020.

The figure below compares the complaints reported by the complainants over 2020/2021 and 2019/2020 reporting periods: Complaints received from persons other than the victims nearly doubled from forty-one (41) complaints in the 2019/2020 reporting period to seventy-six (76) in this reporting period.



## COMPLAINTS - VICTIMS

Each complaint may involve multiple alleged victims. The table below reveals the number of victims in each complaint for the reporting period.

Please refer to items 1, 4, and 9 appearing on Page X entitled "Unknown".

For this reporting period, the majority of the complaints involved only one (1) victim this amounted to three hundred and eighty (380) such complaints. Essentially, four out of every five complaints involved one (1) victim.

There were fifty (50) complaints where the number of victims was unknown. This category also captured complaints where no specific victim was identified in the alleged incident.

Complaints over the reporting period :

October 1, 2020 to September 30, 2021

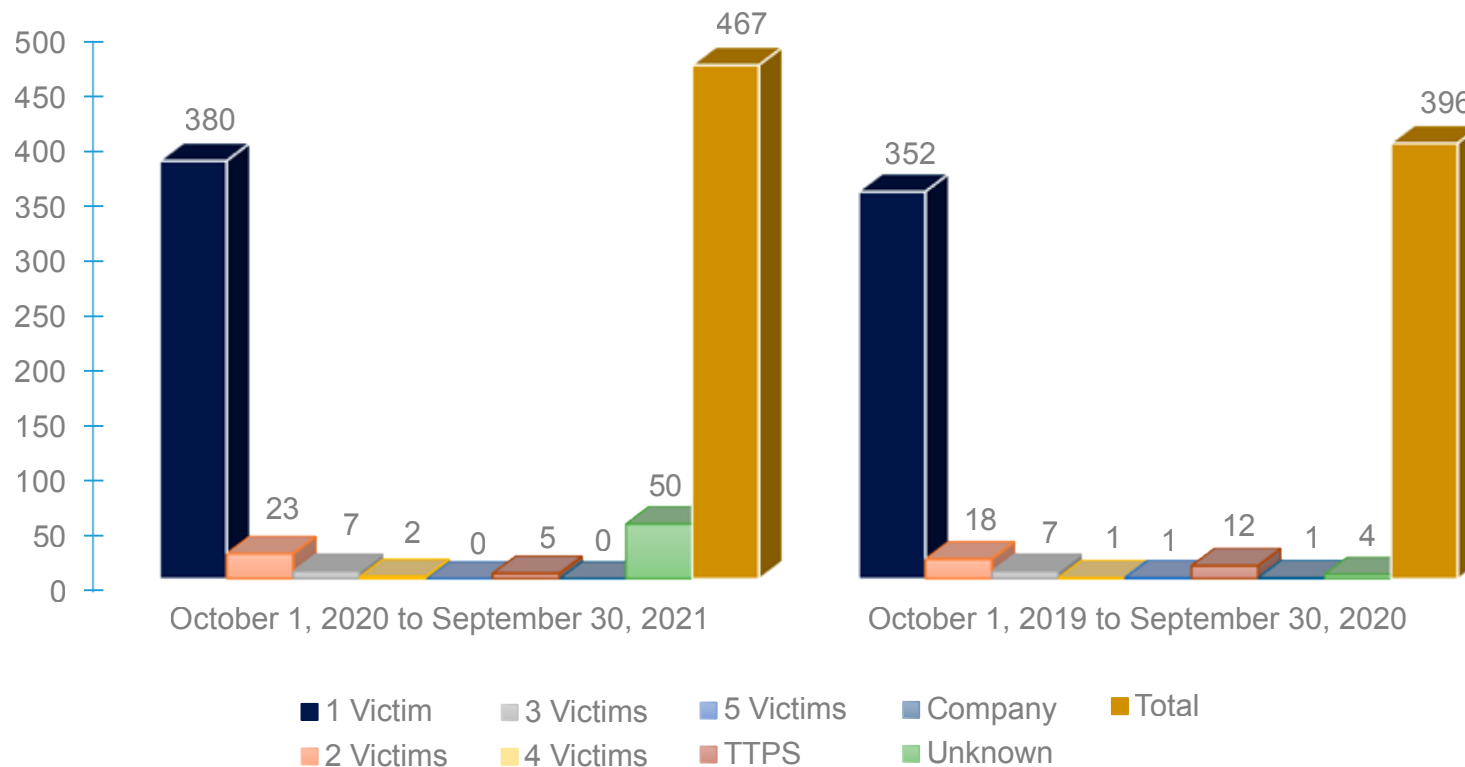
# Victims	#	%
1 Victim	380	81%
2 Victims	23	5%
3 Victims	7	1%
4 Victims	2	0%
TTPS	5	1%
Unknown	50	11%
<b>Total</b>	<b>467</b>	<b>100%</b> This total to 99%

Five (5) complaints involved incidents where one or more police officers allegedly engaged in conduct which may be considered as so serious to bring the entire service (TTPS) into disrepute.

The figure below compares the number of alleged victims in each complaint for the two (2) reporting periods - October 1,

2020 to September 30, 2021 and October 1, 2019 and September 30, 2020:

The table above confirms that most of the complaints in the two (2) consecutive reporting periods involved one (1) victim.



## VICTIMS - NUMBER

Comparing the number of victims over the reporting periods reflects the following results in the table below:

There were thirty-seven (37) more victims in this reporting period than the 2019/2020 reporting period. From the table, the number of complaints involving 1, 2 or 4 victims increased over the comparative years but decreased with respect to complaints involving 5 victims.

Each complaint may involve multiple alleged victims. Furthermore, victims could be involved in more than one (1) complaint.

Four hundred and fifty-five (455) alleged victims were involved in complaints during the reporting period. This total excluded the TTPS victims as well as the victims in the Unknown category.

Additionally, ten (10) alleged victims were involved in two (2) separate incidents. Therefore, the total number of distinct victims affected by incidents over the reporting period was four hundred and forty-five (445).

	Reporting periods:				
	October 1, 2020 to September 30, 2021		October 1, 2019 to September 30, 2020		Delta
# Victims per Complaint	# Complaints	# Victims	# Complaints	# Victims	# Victims
1 Victim	380	380	352	352	28
2 Victims	23	46	18	36	10
3 Victims	7	21	7	21	0
4 Victims	2	8	1	4	4
5 Victims	0	0	1	5	5
TTPS	5	-	12	-	-
Company	0	-	1	-	-
Unknown	50	-	4	-	-
<b>Total</b>	<b>467</b>	<b>455</b>	<b>396</b>	<b>418</b>	<b>37</b>

### VICTIMS - GENDER

The genders of these 445 victims in this reporting period are highlighted below:

There were three hundred and five (305) male victims, one hundred and thirty-one (131) female victims and there were nine (9) victims where the gender was unknown at the time of compiling this report.

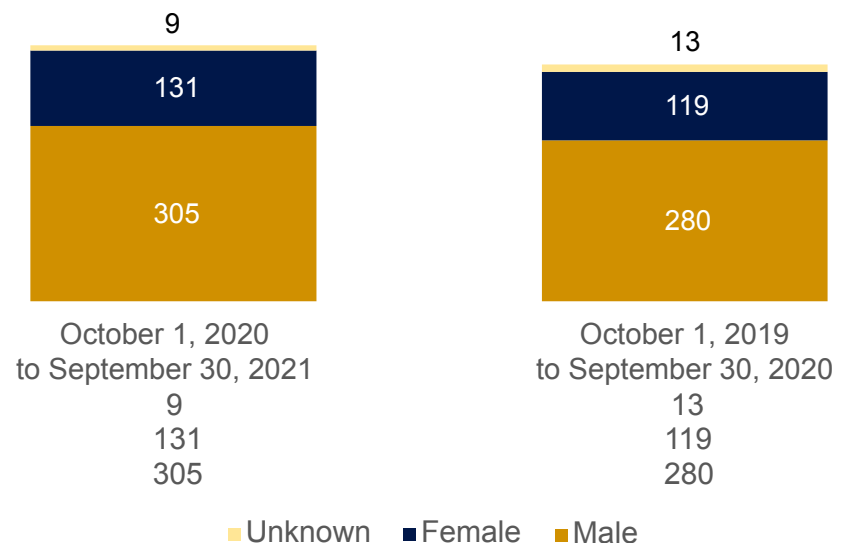
Overall, there was a 69:29:2 ratio among the male, female and unknown victims.

Males dominated the victim category as seven (7) out of ten (10) victims were male. In this reporting period, of the 445 victims, there were 305 males. In the 2019/2020 reporting period, of the four hundred and twelve (412) victims there were two hundred and eighty (280) males

The chart below shows the breakdown of the alleged victims by gender over the the 2020/2021 and 2019/2020 reporting periods.

The proportion of male victims to female victims to unknown victims was also consistent over the reporting periods, October 1, 2020 to September 30, 2021 and October 1, 2019 to September 30, 2020.

Reporting Period:		
October 1, 2020 to September 30, 2021		
Gender	#	%
Male	305	69%
Female	131	29%
Unknown	9	2%
<b>Total</b>	<b>445</b>	<b>100%</b>



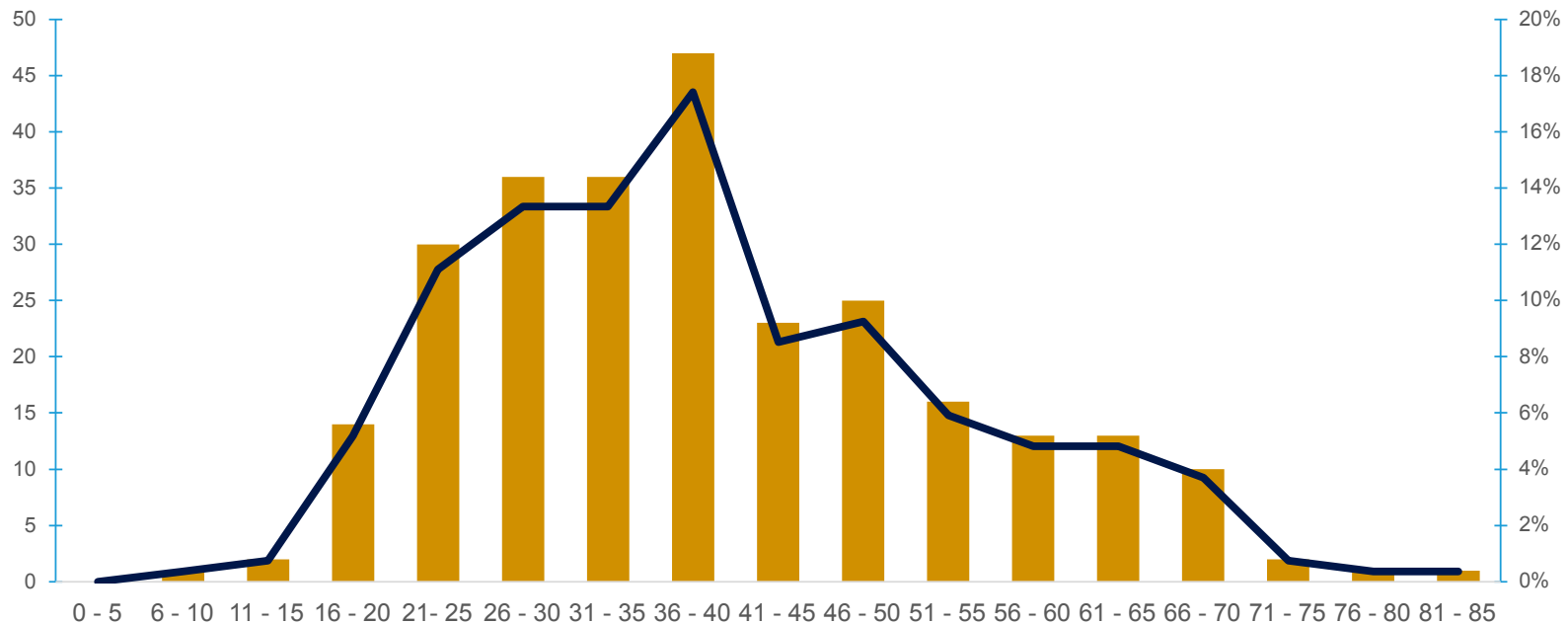
## VICTIMS - AGE

Of the 445 alleged victims, ages were specified for two hundred and seventy (270) and unspecified for one hundred and seventy-five. A graphical display of the numbers and percentages of the known victims' ages in the various age groups for this reporting period appears below:

The majority (47) of the victims were in the 36 – 40 age group. There were three (3) additional age groups (21 – 25, 26 – 30 and 31 – 35) where the number of victims equalled or exceeded thirty

(30). Altogether, these four age groups represented just over half of the victims.

The youngest victim was aged seven (7) years whereas the eldest victim was eighty-four (84) years. The average victim's age in the reporting period was thirty-nine (39) years and the mode (most frequent) victim's age was twenty-five (25) years.





### VICTIMS - ETHNICITY

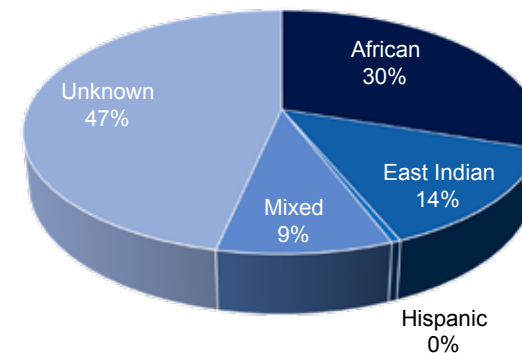
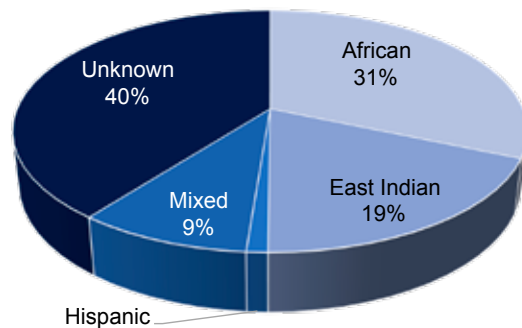
The the victims' ethnicities over the reporting period appears below:

The ethnicity of one hundred and seventy-six (176) victims was unspecified, therefore, the ethnicity of four (4) out of every ten (10) victims was unknown at the time of compiling this report.

Of the known ethnicities, the highest number of victims (140) were of African descent while the lowest number (5) were of Hispanic descent as shown in the table above.

Similarly, in the 2019/2020 reporting period , the "Unknown" and African categories were the predominant categories. The chart below confirms the ethnicity of the victims for the 2019/2020 reporting period :

Reporting period		
October 1, 2020 to September 30, 2021		
Ethnicity	#	%
Unknown	176	40%
African	140	31%
East Indian	83	19%
Mixed	41	9%
Hispanic	5	1%
<b>Total</b>	<b>445</b>	<b>100%</b>



## COMPLAINTS – POLICE OFFICERS

Each complaint may involve multiple Police Officers. The table below reveals the number of Officers in each complaint for the reporting period:

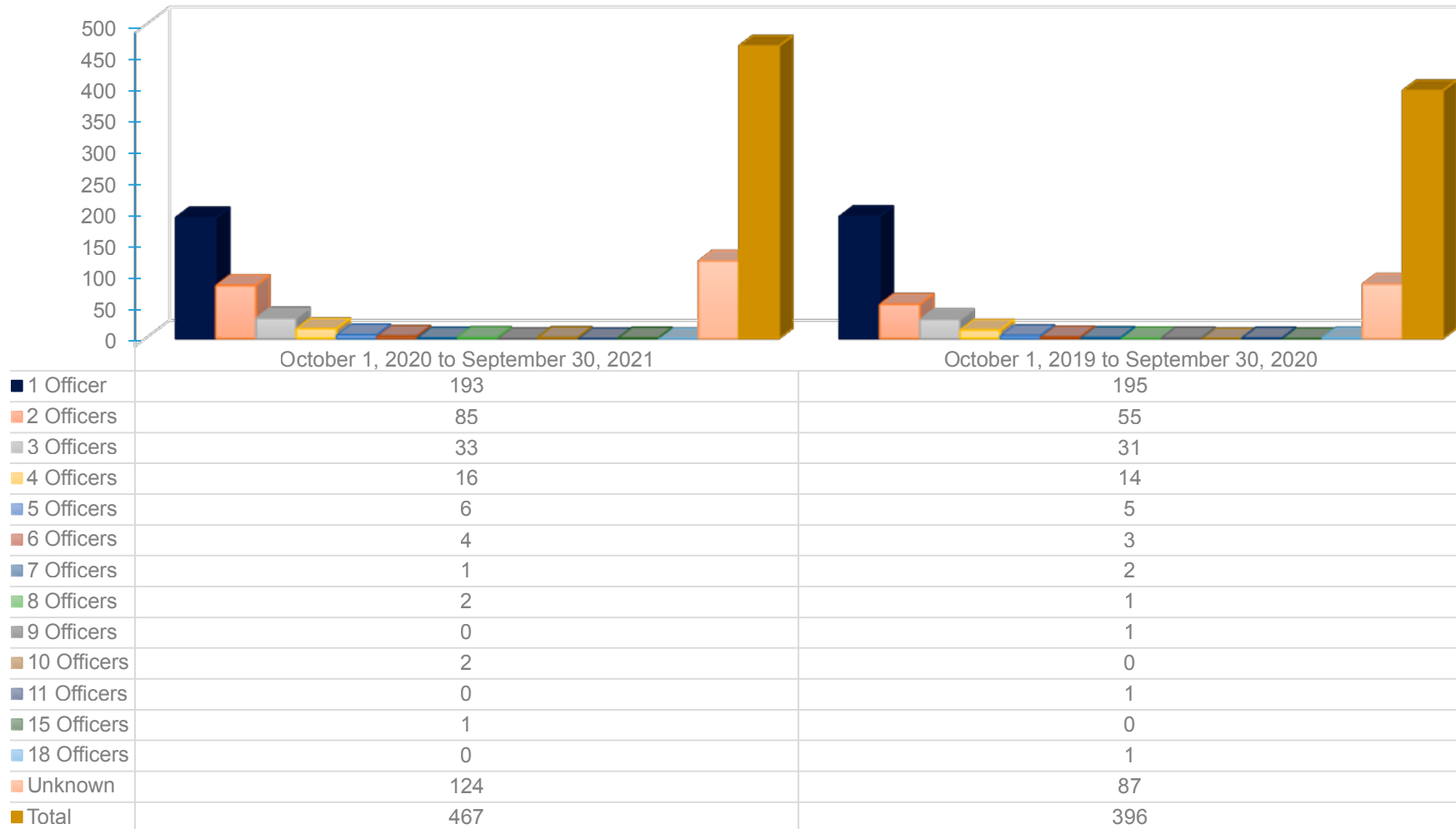
Please refer to items 1, 4, 5 and 9 appearing on Page X entitled "Unknown".

The majority of complaints involved no more than 4 Officers as these Officers were involved in 7 out of 10 incidents in the reporting period. There were one hundred and twenty-four (124) complaints in which the number of officers remained unknown at the time of compiling this report.

The figure below compares the number of Police Officers in each complaint for the two (2) reporting periods- October 1, 2020 to September 30, 2021 and October 1, 2019 to September 30, 2020:

The table above illustrates that the majority of complaints in the two (2) reporting periods involved one (1) Officer. In addition, complaints involving two (2) Officers increased from fifty-five (55) in the 2019/2020 reporting period to eighty-five (85) in 2020/2021 reporting period. In this reporting period, the Unknown category, had the largest increase as there were thirty-seven (37) more complaints where the number of officers were unknown when compared to the 2019/2020 reporting period.

# Officers	Complaints over the reporting period:	
	October 1, 2020 to September 30, 2021	October 1, 2019 to September 30, 2020
# Officers	#	%
1 Officer	193	41%
2 Officers	85	18%
3 Officers	33	7%
4 Offices	16	4%
5 Officers	6	1%
6 Officers	4	1%
7 Officers	1	0%
8 Officers	2	0%
10 Officers	2	0%
15 Officers	1	0%
Unknown	124	27%
<b>Total</b>	<b>467</b>	<b>100%</b>



## POLICE OFFICERS - NUMBER

Overall, there were eighty-one (81) more Officers involved in complaints in this reporting period when compared to the 2019/2020 reporting period.

Furthermore, there were 2 complaints involving ten (10) Officers and 1 complaint involving fifteen (15) Officers. In the 2019/2020 reporting period, there were 2 complaints involving eleven (11) and eighteen (18) Officers respectively.

With the exception of the Unknown category, there were six hundred and thirty-eight (638) Officers involved in complaints during the reporting period.

In addition, forty (40) Officers were allegedly involved in multiple complaints during the reporting period. Therefore, the total number of distinct Officers involved in complaints was five hundred and ninety-eight (598).

	Reporting periods:				
	October 1, 2020 to September 30, 2021		October 1, 2019 to September 30, 2020		Delta
# Police Officers per Complaint	# Complaints	# Officers	# Complaints	# Officers	# Officers
1 Police Officer	193	193	195	195	-2
2 Police Officers	85	170	55	110	60
3 Police Officers	33	99	31	93	6
4 Police Officers	16	64	14	56	8
5 Police Officers	6	30	5	25	5
6 Police Officers	4	24	3	18	6
7 Police Officers	1	7	2	14	-7
8 Police Officers	2	16	1	8	8
9 Police Officers	-	-	1	9	-9
10 Police Officers	2	20	-	-	20
11 Police Officers	-	-	1	11	-11
12 Police Officers	-	-	-	-	-
13 Police Officers	-	-	-	-	-
14 Police Officers	-	-	-	-	-
15 Police Officers	1	15	-	-	15
16 Police Officers	-	-	-	-	-
17 Police Officers	-	-	-	-	-
18 Police Officers	-	-	1	18	-18
Unknown	124	-	87	-	-
<b>Total</b>	<b>467</b>	<b>638</b>	<b>396</b>	<b>557</b>	<b>81</b>

### POLICE OFFICERS - RANK

The ranks of these 598 Police Officers involved in complaints for this reporting period are tabulated below:

Please refer to items 1, 2, 4, 5, 7, 8 and 9 appearing on Page X entitled "Unknown".

During the reporting period, two hundred and fifty-five (255) constables were allegedly involved in complaints. The majority of Officers involved in complaints held this Rank.

There were also two hundred and eighteen (218) Officers whose ranks were unknown at the time of compiling this report.

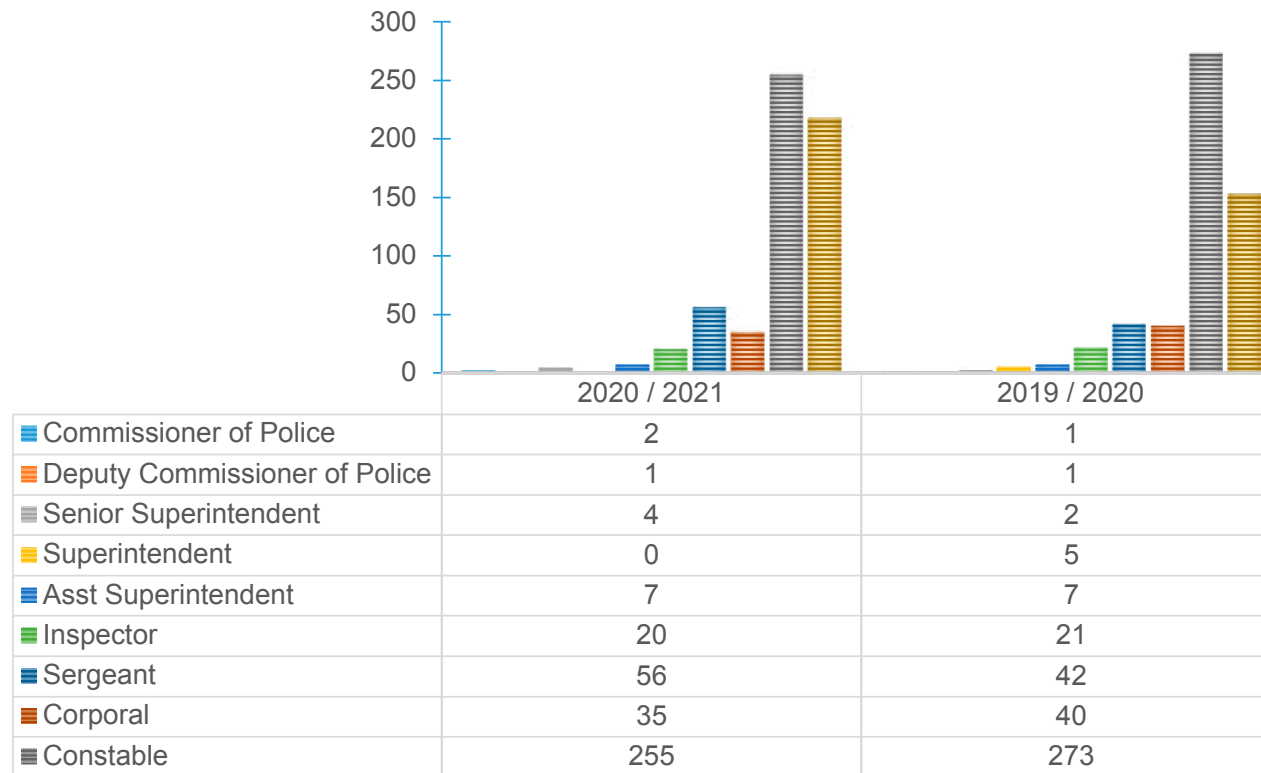
The categories of Constables and Unknown accounted for 8 out of 10 Officers involved in complaints during the reporting period.

	Reporting period:	
	October 1, 2020 to September 30, 2021	
Officers' Ranks	#	%
Constable	255	43%
Unknown	218	37%
Sergeant	56	9%
Corporal	35	6%
Inspector	20	3%
Assistant Superintendent	7	1%
Senior Superintendent	4	1%
Commissioner of Police	2	0%
Deputy Commissioner of Police	1	0%
<b>Total</b>	<b>598</b>	<b>100%</b>



The figure below compares the ranks of the Officers involved in complaints over the the two (2) reporting periods - October 1, 2020 to September 30, 2021 and October 1, 2019 to September 30, 2020:

In this reporting period and the one immediately preceding it, 8 out of 10 complaints involved Constables and Officers whose rank were Unknown. Despite there being fewer Constables involved in complaints during this reporting period, there were fourteen (14) more Sergeants involved in complaints when compared to the 2019/2020 reporting period.



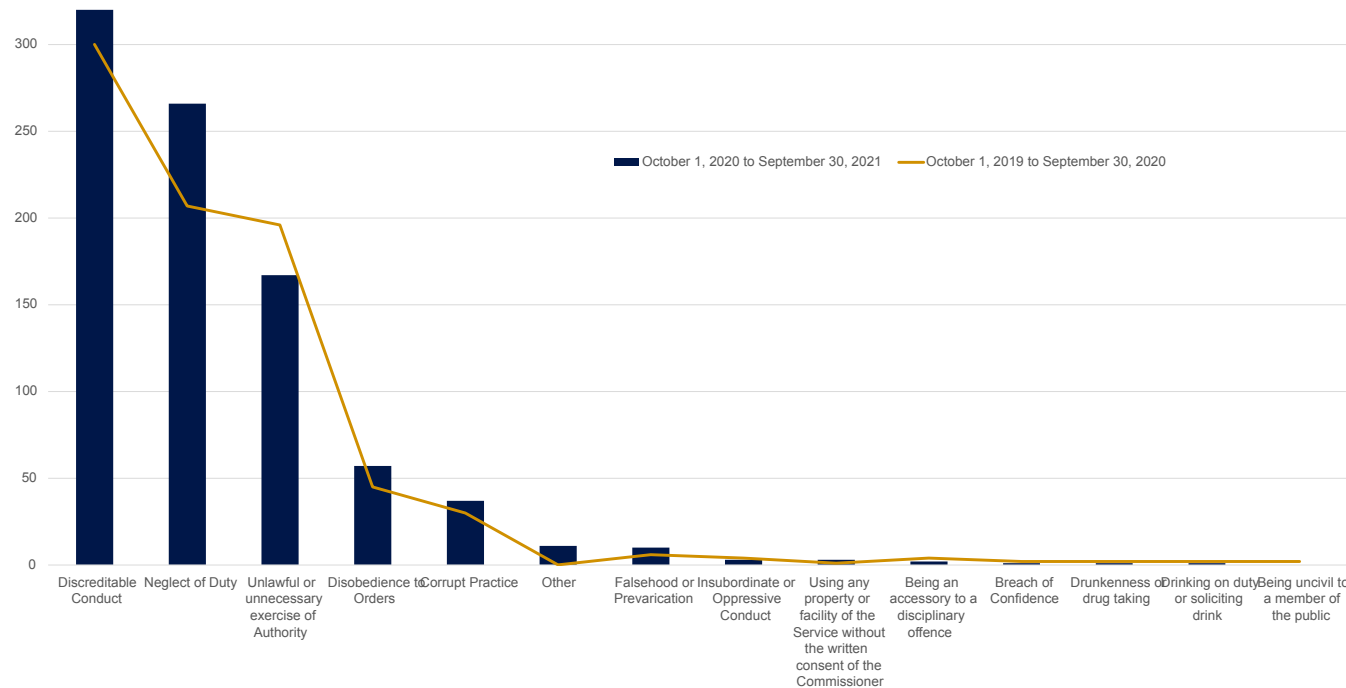
# ALLEGATIONS

This section covers the allegations made against Police Officers; the disciplinary and / or criminal offences allegedly committed by the Police Officers who were subjects of investigations in this reporting period.

## ALLEGATIONS – DISCIPLINARY OFFENCES

Five hundred and twenty-two (522) Police Officers were the subjects of allegations of disciplinary offences during this reporting period compared to four hundred and ninety-five (495) Police Officers in the 2019/2020 reporting period.

A graphical comparison of the number of allegations of disciplinary offences committed by Police Officers during the 2020/2021 and 2019/2020 reporting periods appears below:



The number of Officers involved in allegations of Discreditable Conduct, Neglect of Duty and Unlawful or unnecessary exercise of Authority crossed triple-digits in both reporting periods. In addition to these offences, the allegations of Disobedience to Orders and Corrupt Practice accounted for the five (5) foremost disciplinary offences for the two reporting periods as tabulated below:

Four (4) out of the five (5) aforementioned offences increased during this reporting period with Neglect of Duty showing the largest increase. Fifty-nine (59) more Officers allegedly committed this offence in the 2020/2021 reporting period when compared to the 2019/2020 reporting period. Only the Unlawful or unnecessary exercise of Authority offence decreased over the comparative period, as twenty-nine (29) fewer Officers were the subject of this offence during this reporting period.

	Reporting periods		
	October 1, 2020 to September 30, 2021	October 1, 2019 to September 30, 2020	Delta
Disciplinary Offences	# Officers	# Officers	#
Discreditable Conduct	320	300	20
Neglect of Duty	266	207	59
Unlawful or unnecessary exercise of Authority	167	196	-29
Disobedience to Orders	57	45	12
Corrupt Practice	37	30	7



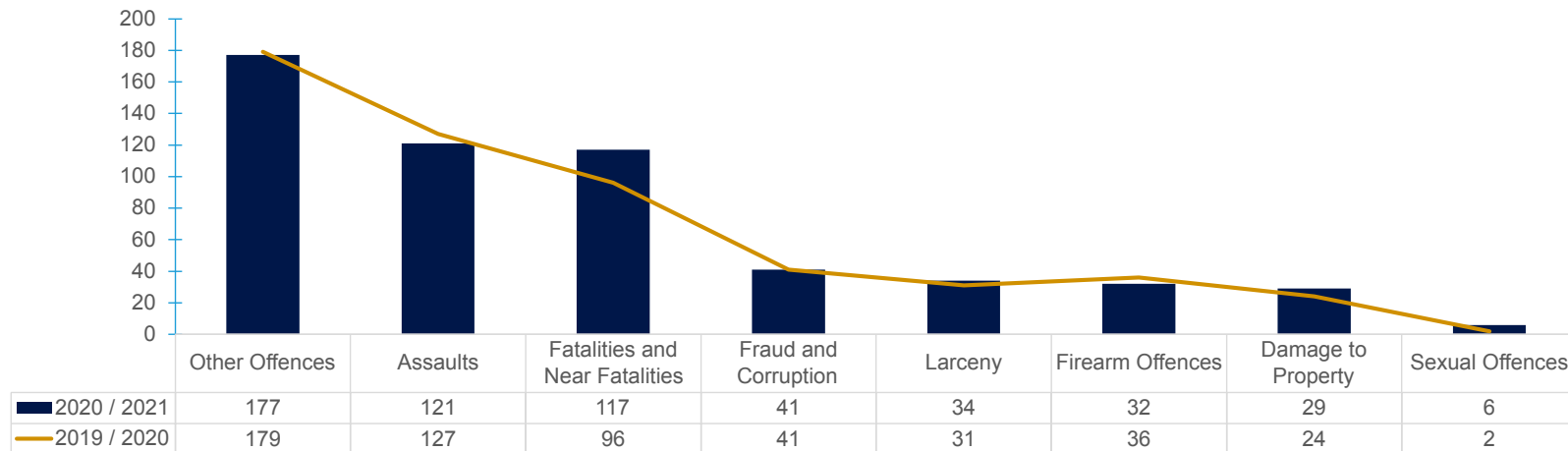
### ALLEGATIONS – CRIMINAL OFFENCES

Two hundred and ninety-two (292) Police Officers were the subjects of allegations of criminal offences during this reporting period whereas three hundred and ten (310) Police Officers were under investigation for similar criminal offences in the 2019/2020 reporting period.

Other Offences, Assaults and Fatalities and Near Fatalities were the three (3) primary criminal offences committed by Police Officers for the two (2) reporting periods. In this reporting period these offences crossed triple digits.

Twenty-one (21) more Officers were allegedly implicated in the Fatalities and Near Fatalities category in this reporting period when compared to the 2019/2020 reporting period. This was the largest increase in any category of criminal offences over the two (2) reporting years. All other offences had minimal, single-digit fluctuations each year.

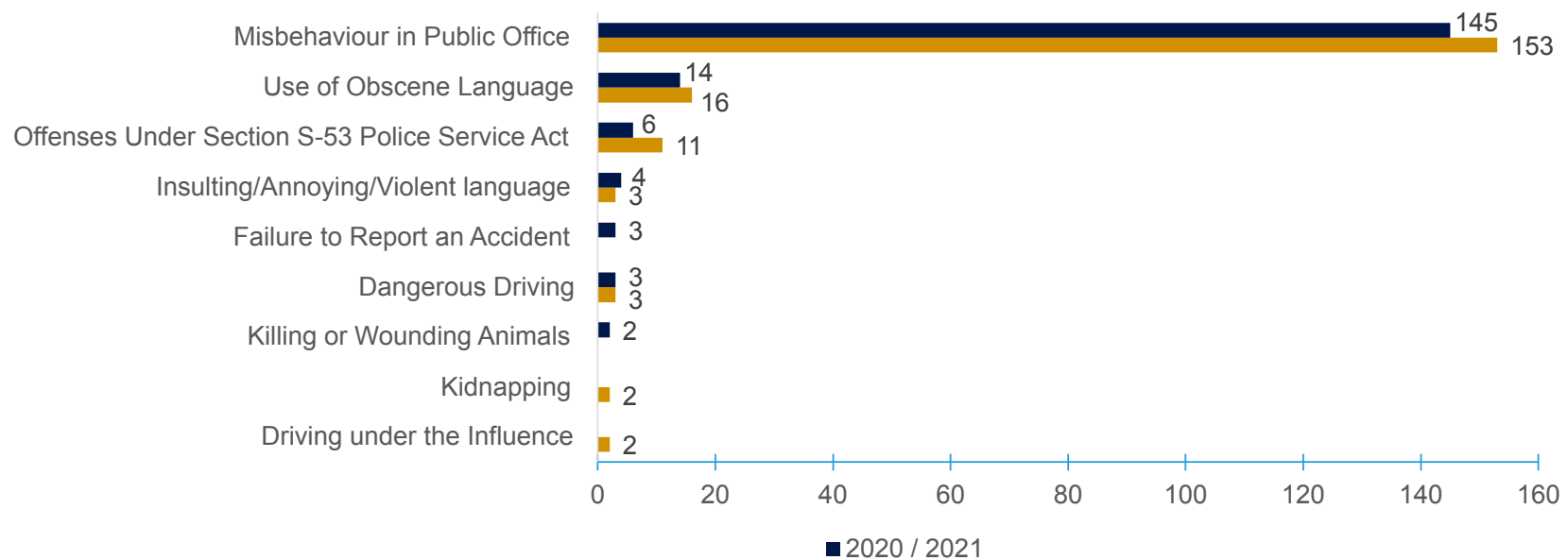
A graphical comparison of the number of allegations of criminal offences committed by Police Officers during the 2020/2021 and 2019/2020 reporting periods appears below:



## ALLEGATIONS – CRIMINAL OFFENCES – OTHER OFFENCES & ASSAULTS

Other Offences comprised criminal offences such as Use of Obscene Language, Dangerous Driving, Driving under the Influence and Kidnapping. The various sub-categories of Other Offences allegedly involving Officers for the the 2020/2021 and 2019/2020 reporting periods are graphically displayed below:

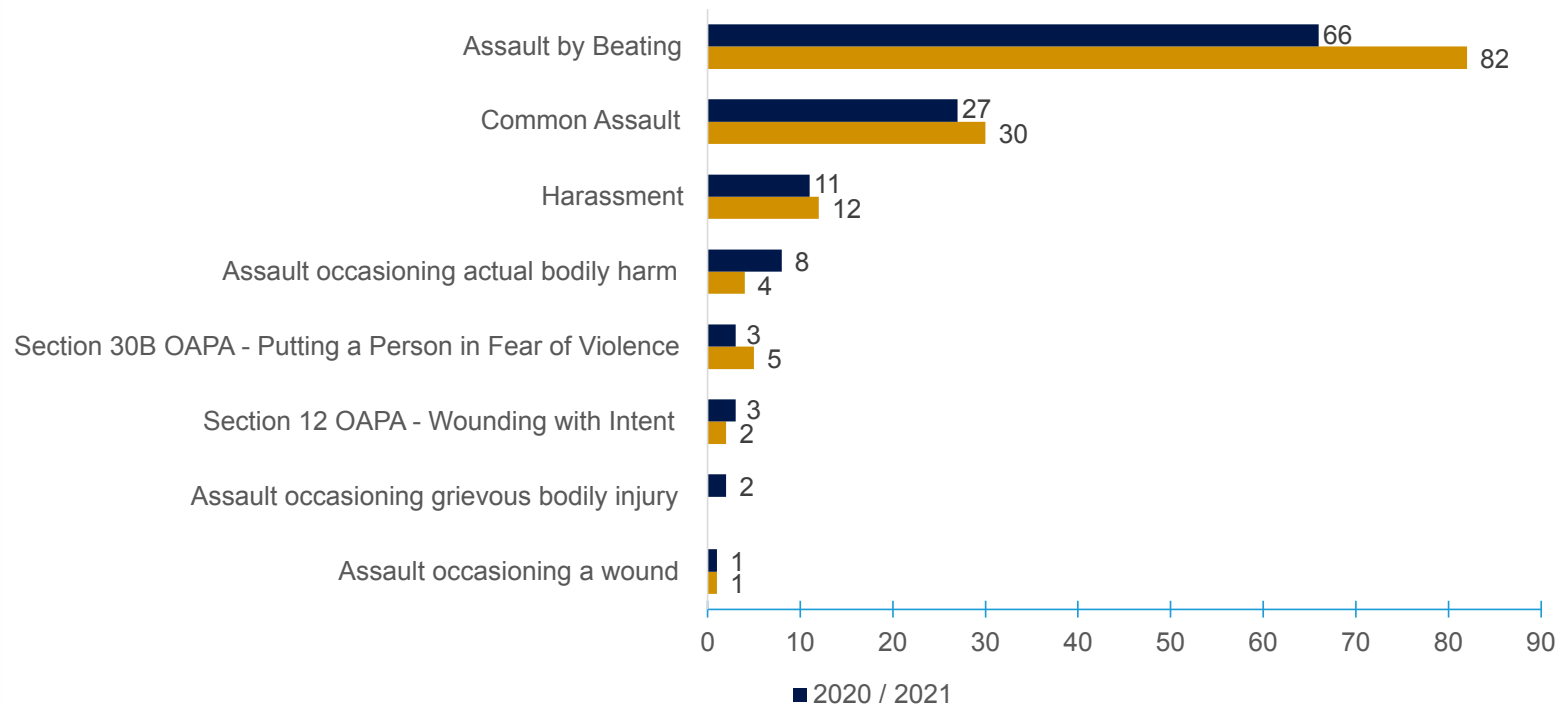
Misbehaviour in Public Office was the most notable offence as one hundred and forty-five (145) Officers committed this offence in this reporting period, albeit a reduction from the one hundred and fifty-three (153) Officers who were involved in this offence in the 2019/2020 reporting period.



The number of Officers committing Assaults for the reporting periods , October 1, 2020 to September 30, 2021 and October 1, 2019 to September 30, 2021 is also shown graphically below:

In the graph above, 'assault occasioning grievous bodily injury' should be changed to 'assault occasioning grievous bodily harm'

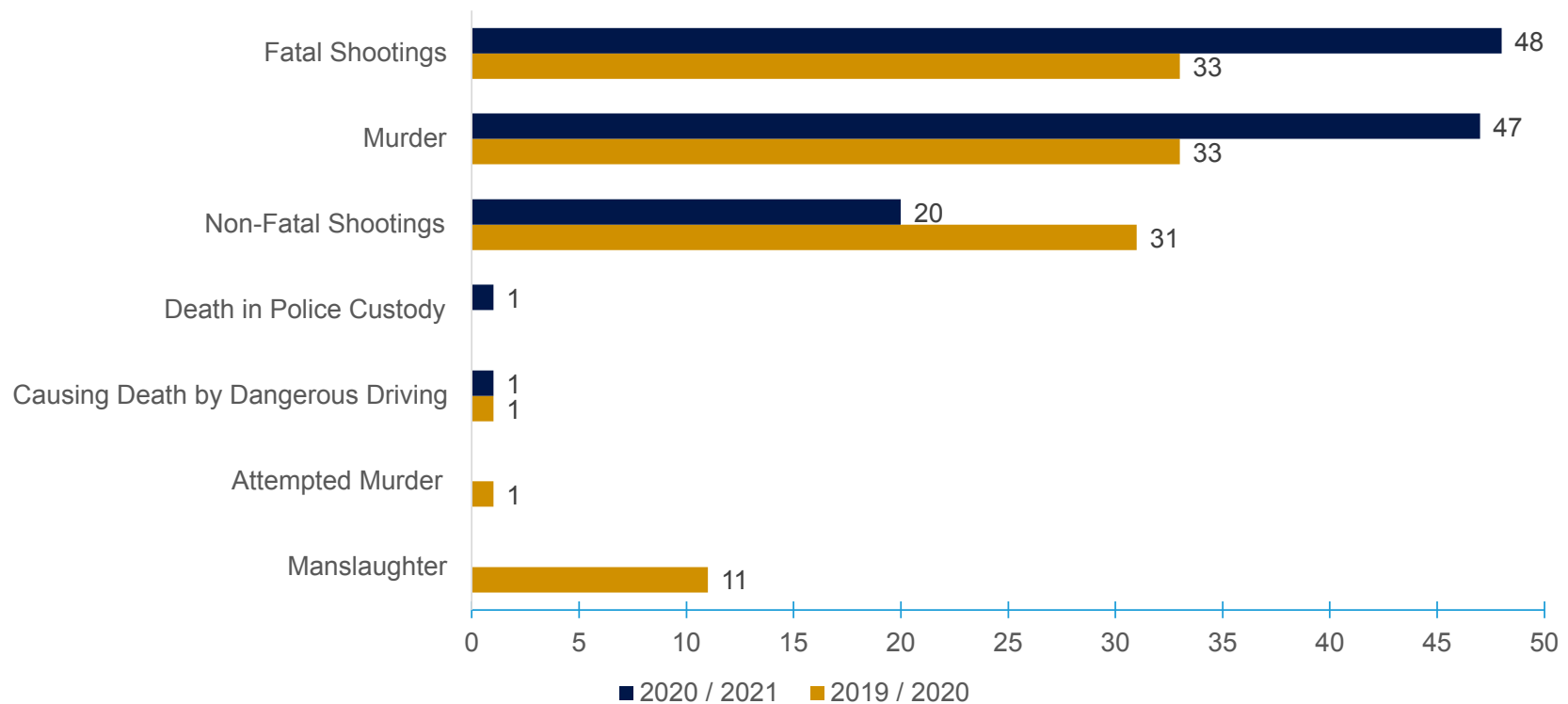
Assault by Beating, Common Assault and Harassment were the three (3) main sub-categories in both reporting years. Yet, in this reporting period, one hundred and four (104) Officers committed these types of Assaults, a decline from the one hundred and twenty-four (124) Officers in the 2019/2020 reporting period.



### ALLEGATIONS – CRIMINAL OFFENCES – FATALITIES AND NEAR FATALITIES & FRAUD AND CORRUPTION

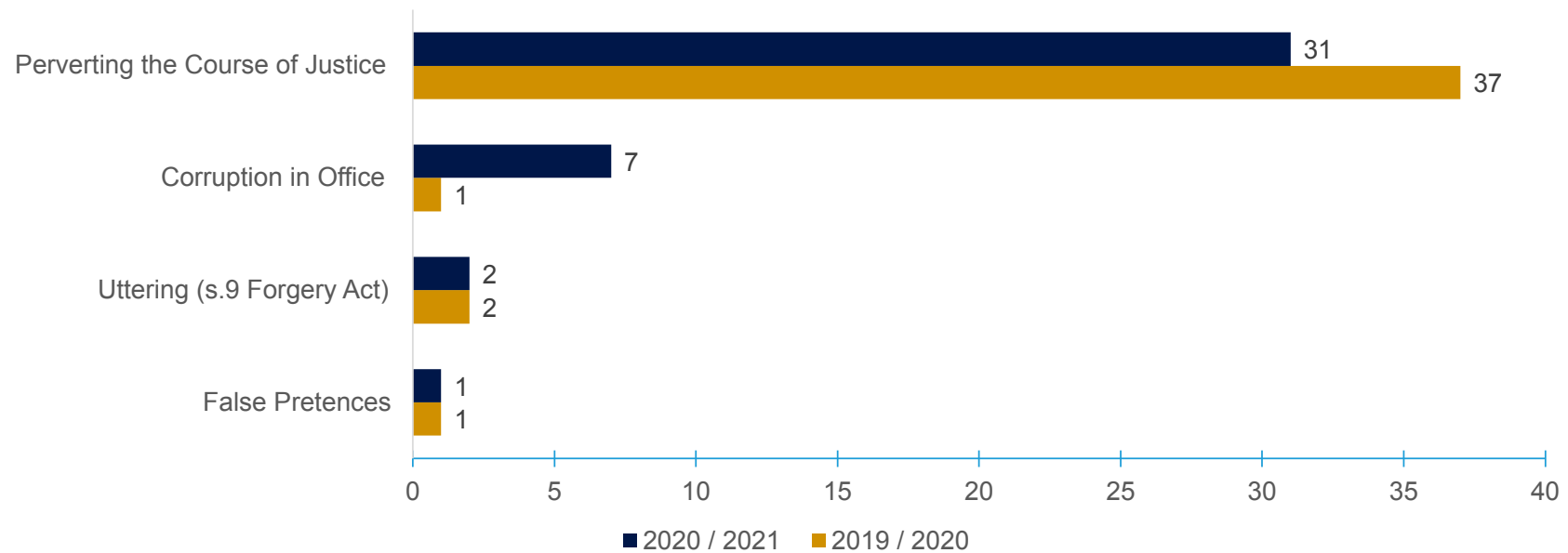
Officers involved in complaints of Fatalities and Near Fatalities for the 2020/2021 and 2019/2020 reporting periods are graphically displayed below:

Fatal Shootings, Murder and Non-Fatal Shootings were the three (3) topmost offences for both reporting periods as a total of one hundred and fifteen (115) Officers were allegedly implicated in these offences in the 2020/2021 reporting period versus ninety-seven (97) in 2019/2020 reporting period.



Forty-one (41) Officers were involved in Fraud and Corruption in this reporting period. This is the exact number of Officers involved in this offence for the 2019/2020 reporting period as graphically displayed below:

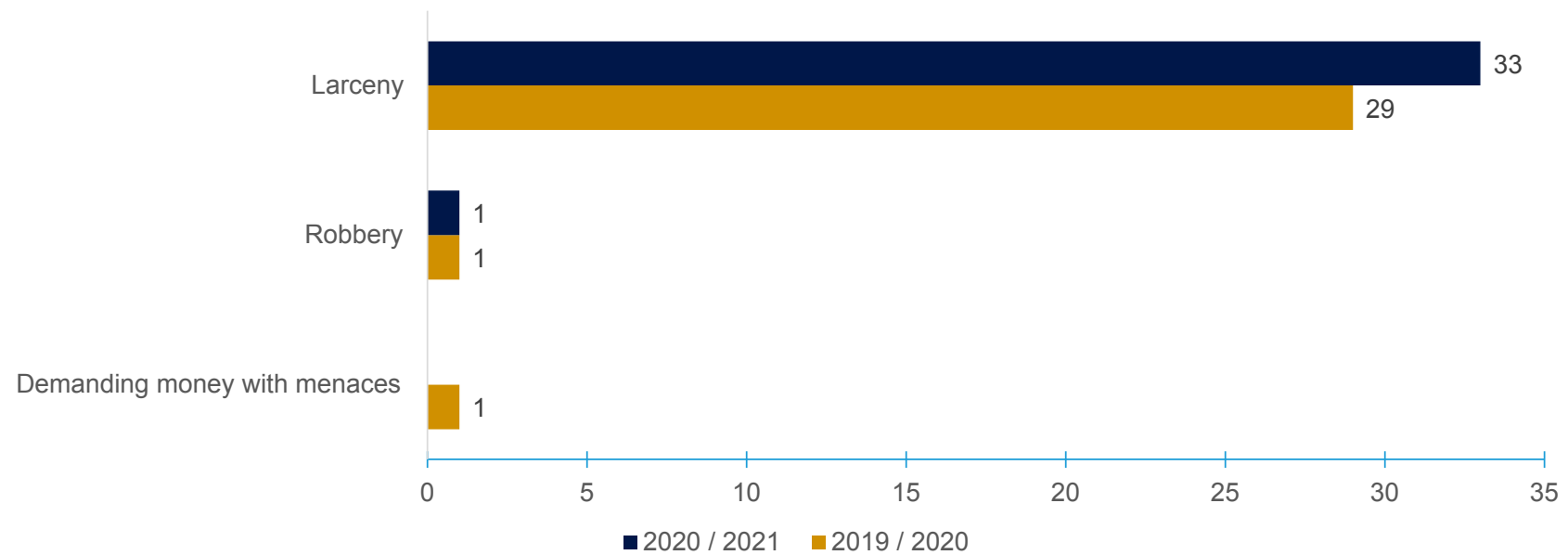
For both reporting periods, the main offence in which officers were involved was Perverting the Course of Justice - thirty-one (31) Officers in the 2020/2021 reporting period and thirty-seven (37) Officers in the 2019/2020 reporting period.



### Allegations – Criminal Offences – Larceny & Firearm Offences

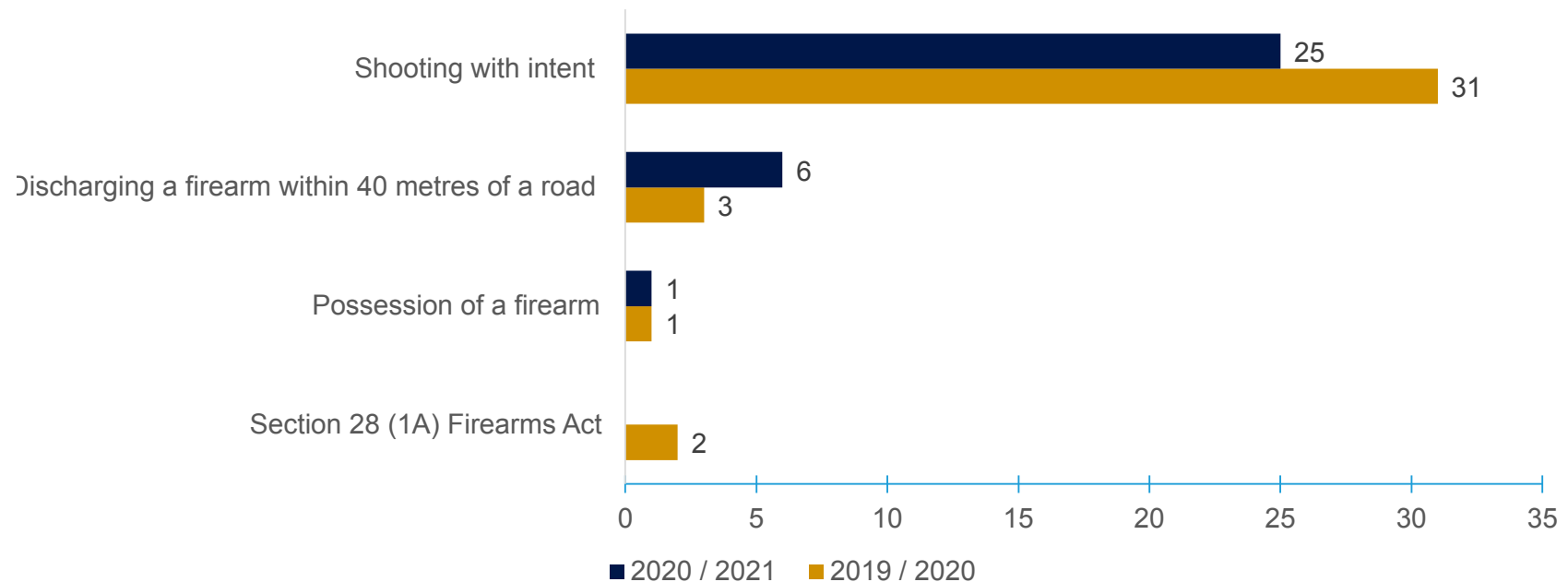
For the 2020/2021 and 2019/2020 reporting periods, the number of Officers allegedly involved in Larceny is depicted below:

Four (4) more Officers were allegedly involved in Larceny in this reporting period versus the 2019/2020 reporting period.



Similarly, for the reporting periods, October 1, 2020 to September 30, 2021 and October 1, 2019 to September 30, 2020, the number of Officers allegedly involved in Firearm offences is depicted below:

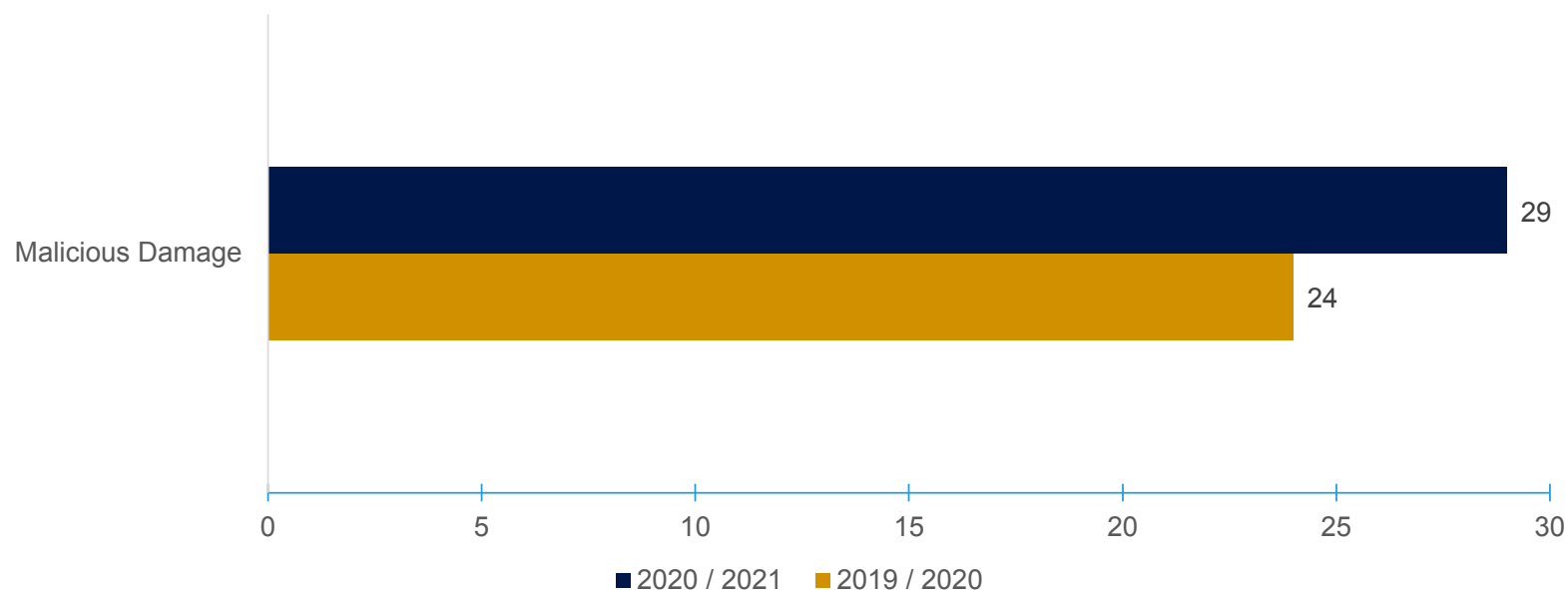
The main offence was Shooting with Intent as twenty-five (25) Officers were allegedly involved in this offence during this reporting period, six (6) fewer than the thirty-one (31) Officers involved in this offence in the 2019/2020 reporting period.



### ALLEGATIONS – CRIMINAL OFFENCES – DAMAGE TO PROPERTY & SEXUAL OFFENCES

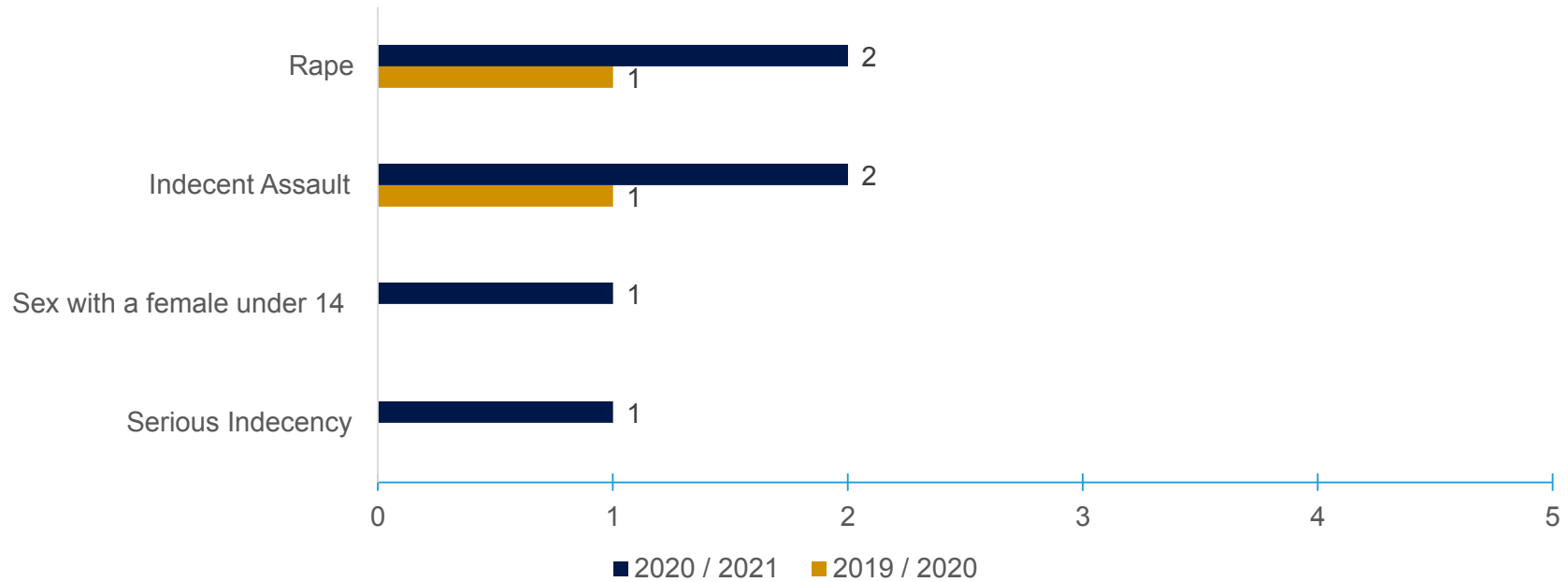
For the 2020/2021 and 2019/2020 reporting periods, the number of Officers allegedly involved in Damage to Property is depicted below:

Malicious Damage was the sole offence in this category as twenty-nine (29) Officers were investigated in 2020/2021, an increase of five (5) from the prior 2019/2020 year.





Similarly, for the 2020/2021 and 2019/2020 reporting periods, the number of Officers allegedly involved in Sexual offences is depicted below:



These sexual offences were allegedly committed by at most two (2) Officers in this reporting period.



## COMPLAINTS - STATUS UPDATE

This section concludes with the actions undertaken by the Authority during the reporting period and discloses the number of matters closed with no further action and the matters referred to the Director of Public Prosecutions (DPP) and/or Commissioner of Police (CoP)

### COMPLAINTS - STATUS UPDATE

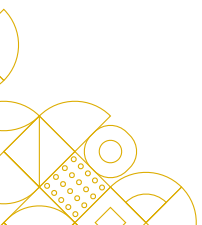
The Authority undertook the following actions with respect to the 437 investigations completed during this reporting period:

Of the four hundred and thirty-seven (437) investigations completed during this reporting period, three hundred and thirty-six (336) or 84% were closed. Forty-five (45) or 10% were forwarded to the CoP with recommendations for consideration

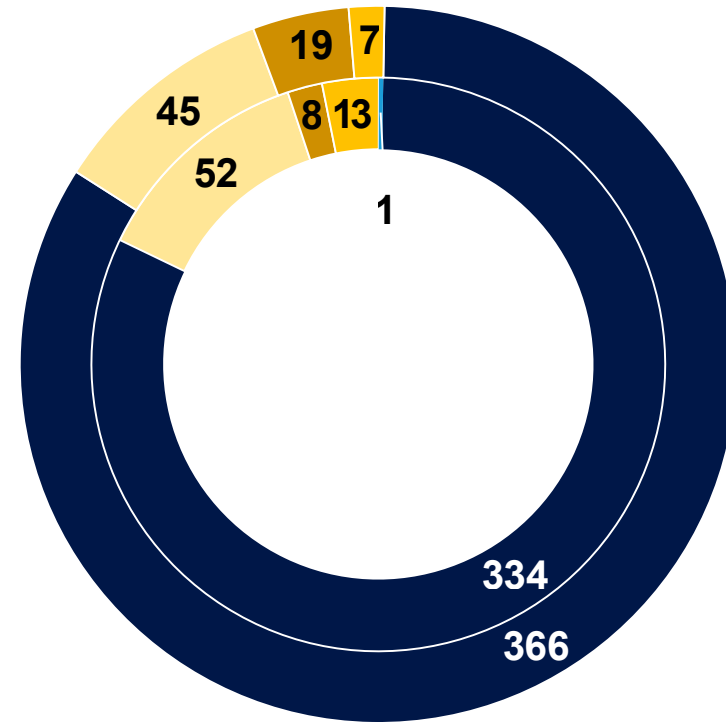
to be given to the institution of disciplinary proceedings or further action. Nineteen (19) or 4% were forwarded to the DPP with recommendations for consideration to be given to the institution of prosecutorial or coronial proceedings. Seven (7) or 2% were forwarded to both the CoP and DPP.

The actions undertaken for all investigations completed over the 2020/2021 and 2019/2020 reporting periods are depicted graphically below. The outer circle represents the 2020/2021 reporting period while the inner circle represents the 2019/2020 reporting period.

Overall, twenty-nine (29) more complaints were investigated in this reporting period as compared to the 2019/2020 reporting period. In fact, forty-three (43) additional matters were closed and/or sent to the DPP while fourteen (14) fewer matters were forwarded to the offices of the CoP, both CoP and DPP and PSC.



Actions	Reporting period:	
	#	%
Closed with no further action	366	84%
Forwarded to Commissioner of Police (CoP)	45	10%
Forwarded to Director of Public Prosecutions (DPP)	19	4%
Forwarded to both CoP and DPP	7	2%
<b>Total</b>	<b>437</b>	<b>100%</b>



- Closed with no further action
- Forwarded to Commissioner of Police (CoP)
- Forwarded to Director of Public Prosecutions (DPP)
- Forwarded to both CoP and DPP
- Forwarded to Police Service Commission (PSC)

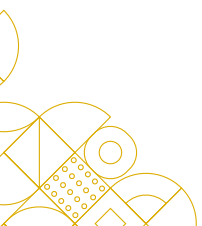


## COMENDATIONS

All modern democracies rely on policing to uphold the rule of law and protect the rights and freedoms of citizens. While the majority of our police officers work diligently in service to society, if the powers entrusted in them are abused, even through the actions of a small minority, public confidence can quickly be undermined, and law and order eroded. A comprehensive approach is therefore essential to ensure that police are held to account for their actions. Independent oversight plays an important element in this, complementing the efforts of the police themselves, and other government and non-governmental actors to ensure a system that can be trusted. When standards fall below expectations, independent investigations, delivered in a timely, transparent and fair manner, are vital in helping to rebuild public trust in the police and the wider justice system is restored.

In this the 10th year of the Police Complaints Authority, the British High Commission has the honour to commend the PCA for its tireless commitment to accountability, transparency and influencing police reform for the future. This year has seen policing continue to adapt to new challenges. Enforcement powers have been strengthened to implement new policies and laws to prevent the spread of the global pandemic. We have seen an acceleration in the move to digital platforms. Criminality continues to evolve and there is an expectation to both oversee and harness new technology to combat crime. These new policing approaches will demand ever greater levels of public trust. It is with the right level of investigatory powers and increased cooperation from both government and the public that the work of the PCA will continue to be a critical safeguard to protect the integrity of the Trinidad and Tobago Police Service. We wish you continued success and congratulate you on your 10th anniversary."

*British High Commission*



### Congratulations Police Complaint Authority on your 10th Anniversary

The Independent Commission of Investigations (INDECOM), Jamaica, extends heartiest congratulations to the Police Complaints Authority of Trinidad and Tobago on the 10th Anniversary of providing independent law enforcement oversight and oversight services to the people of Trinidad & Tobago.

You have launched several probes into actions by law enforcement officers guided by your mantra, 'Finding truth, ensuring justice'. The preservation of the principles of human rights, dignity and equality are enhanced by your work.

Notwithstanding the valuable/indispensable role of law enforcement in the preservation of order, there are times when deviation from the noble task have raised the spectra of, corruption, misconduct and criminal behaviours. It is the job of the PCA to enquire and pursue the thread of justice, a thankless task at times.

Your mandate given by statute, by implication, highlight the value of accountability and transparency in the review of police conduct and a necessary safeguard for the people of Trinidad and Tobago, against law enforcement excesses and indiscretion.

*Hugh B. Faulkner*  
*Commissioner*  
*INDECOM, Jamaica*



## The Importance of Independent Police Oversight Agencies

In commemorating the 10th Anniversary of the establishment of the Police Complaints Authority (PCA) in Trinidad and Tobago, it is prudent to take into consideration the multi-faceted roles of the PCA in the creation and maintenance of just and equitable societies, especially in plural societies, such as Trinidad and Tobago, where laypersons often view principles of justice and equity as salacious ideals. At best, independent Police Oversight agencies have a moral and ethical responsibility to ensure that there is an unbiased, thorough, objective, robust and non-police based mechanism in place for the efficacious and efficient investigation and resolution of civilian complaints against police officers.

In 2020, a slew of unsavoury activities conducted by members of the Trinidad and Tobago Police Service (TTPS) as well as events within the organization point conclusively to the fact that police investigation into allegations of police wrongdoing and police corruption is an expensive exercise in predetermined futility and failure. Quite notably, the legal aphorism that "justice must not only be done, but must also appear to be done" sets the tone for the independent oversight of police departments as 'one cannot be a judge in his own court'. It is therefore no

coincidence that jurisdictions globally have removed the power to investigate police malfeasance and/or allegations of such malfeasance from the hands of police investigators and have placed them into the hands of independent oversight agencies. In 1963, Martin Luther King Jr., in a letter from the Birmingham Jail wrote, "Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly." Instructively, the statement by Martin Luther King Jr. (1963) resonates with the author of this brief as injustice meted out to residents of Trinidad and Tobago by police officers cannot be left unchecked, uninvestigated, and unresolved as this inaction will only serve to facilitate police impropriety in an unbridled manner.

Importantly, an underlying principle for the peaceful and prosperous coexistence of a nation's citizenry is the creation of a society that is just and where there is 'justice for all'. In light of the foregoing, independent oversight of policing should be a pillar on which contemporary policing is built upon and this importance cannot be understated in the quest for social justice and the creation and maintenance of just and equitable societies

in the face of increasing atrocities committed by police officers. Without a doubt, independent Police Oversight agencies, such as the PCA, remain the last bastion of hope for some citizens in democracies around the world where unjust police action and/or inaction are rife.

The creation (and maintenance) of just and equitable societies must not simply be words espoused to placate aggrieved individuals. These words MUST be the pillars on which societies are built upon. Indeed, independent police oversight agencies, such as the PCA, have a tremendous responsibility and are of much importance in ensuring that social justice is available for persons who are on the receiving end of discriminatory, biased, and unjust police action or when impropriety is imputed against police officers. In light of the foregoing, similar research to that conducted by Wallace (2019) and Mugari (2020) is needed on regional and international independent police oversight agencies.

In closing, there must be a firm commitment to strengthening the roles, functions, and capacities of independent police oversight agencies and this necessitates increased resource allocation to these entities as a priority. Simply put, independent Police

Oversight agencies are of much utility in the creation of equitable societies in Trinidad and Tobago as well as in other jurisdictions globally and this is premised on the dual notions of minimizing police malfeasance and the creation and maintenance of just and equitable societies.

### References

Mugari, I. (2020). Evaluations of selected civilian oversight institutions for police accountability

in the Republic of Zimbabwe. *Police Practice and Research*, 1-17. <https://doi.org/10.1080/15614263.2020.1831921>

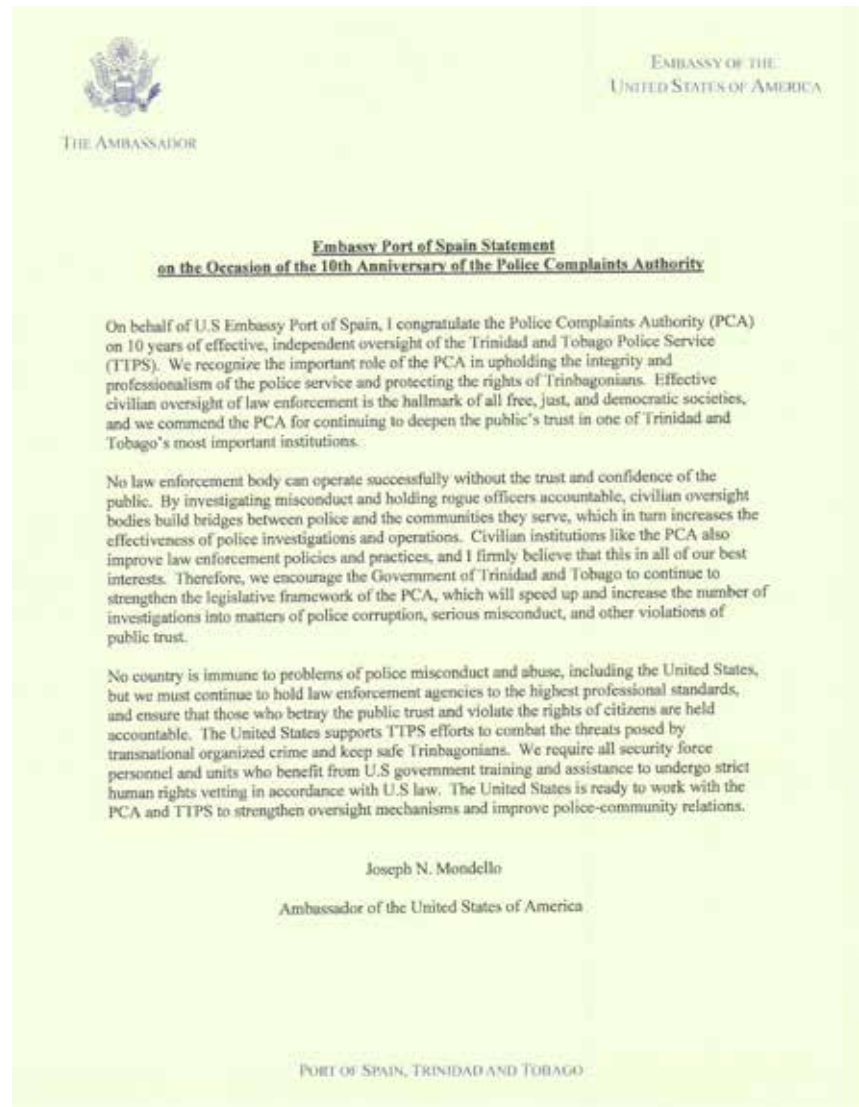
Wallace, W. C. (2019). An Analysis of Civilian Oversight of Police Agencies in Small Island Developing States: Evidence from Three Caribbean Countries. *Journal of Behavioral and Social Sciences*, 6(4), 231-245.

***Dr. Wendell C. Wallace***

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***The University of the West Indies, St. Augustine***





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December 29, 2020

Mr. David V. W. West, Director  
Police Complaints Authority  
Level 24, Tower D, International Waterfront Centre  
1A Wrightson Road, Port of Spain, Trinidad and Tobago, West Indies

Dear Mr. West,

Congratulations to the Police Complaints Authority of Trinidad and Tobago on your 10<sup>th</sup> Anniversary of "Finding Truth and Ensuring Justice" through your exceptional and effective work in civilian oversight of police.

The purpose of independent police oversight by civilians is the promotion and maintenance of community (public) confidence in police and policing, and enhancing the trust and confidence of police and the public complaints and review system.

In any democracy, police oversight is critical and necessary because if we do not hold police accountable, if we do not insist that policing be done fairly and with transparency, we lose or weaken our ability of ensure that those to whom we have given the most coercive and extraordinary power can operate outside the rule of law without oversight.

From my interactions with the Police Complaints Authority, I can clearly state that in my opinion, the purpose of your organization's role has been highly effective and commendable in the work you have carried out these past 10 years, and I am sure this will continue in the years to come. As an organization, you continue to build inroads, trust, and confidence in the work you do. Your organization is a leader and inspiration for other police oversight agencies worldwide.

Again, congratulations on this momentous occasion and all the best in the years ahead. Continue to be vigilant and strong as you provide leadership in the area of civilian oversight.

Sincerely,

*Gerry McNeilly*

Gerry McNeilly, Barrister and Solicitor  
Former Director, Office of the Independent Police Review Director for Ontario





Government of the Republic of Trinidad and Tobago  
Office of the Attorney General and Ministry of Legal Affairs

*Congratulations from the Office of the Attorney General and Minister of Legal Affairs,  
the Honourable Faris Al-Rawi.*

On this 10th Anniversary of the Police Complaints Authority (PCA), the Attorney General and Minister of Legal Affairs, the Honourable Faris Al-Rawi and the Office of the Attorney General and Ministry of Legal Affairs extend its fullest congratulations to the Director and Staff of the Police Complaints Authority for their stellar contribution, through service and operationalisation of the law in its independent police oversight and the maintenance of public trust.

Over the last five years it has indeed been a pleasure to be the last Ministry for the Police Complaints Authority and acting in the country's best interest, a supportive pillar in allocating resources and drafting and legislating laws that aim to strengthen the PCA's remit and its structures in Trinidad and Tobago.

As an independent corporate body, it is worthy to mention that the Police Complaints Authority continues to serve Trinidad and Tobago diligently and in accordance with its mandate as outlined in the Police Complaints Authority Act, 2006, which allows the Authority to investigate, inquire, monitor and gather evidence related to criminal offences involving police officers, police corruption and serious police misconduct, on the basis of complaints from the public, police officers, public bodies or authorities or an appropriate suit or disciplinary tribunal of the Trinidad and Tobago Police Service.

Central to the Police Complaints Authority's integrity, is its independent police oversight in building a more just society. This is important because every individual, every family, every community in Trinidad and Tobago has a reasonable expectation that the police will exercise their powers and discretion to the highest standards of competence, fairness and leniency. The PCA thus represents, symbolically that police are subject to the same laws and legal processes they are given the responsibility to enforce.

Over the last three (3) years we saw a collective approach in institutional strengthening that sprang from the Government's relocation of the Police Complaints Authority's Head Office to Tower D, International Watersport Centre in 2017 to the operational arms of the PCA being further fortified through the simultaneous strengthening of the Office of the Director of Public Prosecutions and on the Parliament's floor, the appointment of a Commissioner of Police, in accordance with Section 123 (1) of the Constitution of the Republic of Trinidad and Tobago in 2018. This approach allowed for a stronger, unified and proactive presence in tackling crime and criminality within the walls of the Trinidad and Tobago Police Service, as well as the safeguarding of the citizenry from corruption's external reach into the public domain. From 2016-2019 the Authority recorded approximately 1,116 new complaints against police officers with more than 1,408 matters, comprising the backlog and current complaints, being resolved... a stellar achievement by the PCA towards delivering justice in a timely manner.

In 2020 the PCA welcomed the passage of The Miscellaneous Provisions (Administration of Justice) Act, 2020 which provides at section 3 for the PCA to be listed as an interested party where a preliminary investigation concerns the death of a person which is, or has been, the subject of an investigation monitored, audited or carried out by the PCA and its section 10A, allows the PCA to be given written notice where an inquest is to be held in respect of the death of a person which is, or has been, the subject of an investigation monitored, audited or carried out by the PCA.

In like manner The Miscellaneous Provisions (FATT Compliance) Act, 2020 was also proclaimed and in Section 15 Subsection 2, for the first time in history, allows the FLUTT to also transmit a copy of the report to the Police Complaints Authority for investigation where a report submitted under subsection (1) is in respect of a police officer.

In December 2020 we also saw the introduction of The Miscellaneous Provisions (Special Reserve Police and Police Complaints Authority) Bill, 2020 to amend the Special Reserve Police Act, Chap. 15:03 and the Police Complaints Authority Act, Chap. 15:05 so as to strengthen the operations of the Police Complaints Authority and its relationship with the Special Reserve Police and matters related thereto which will be up for debate in the first quarter of 2021.

Currently, the Attorney General and Minister of Legal Affairs, the Honourable Faris Al-Rawi is pursuing proposed amendments to the Audio Visual Recording Rules as appended to the Evidence Act Chapter 7:02, which will allow the PCA to be included as a law enforcement agency whose agent can make a visual recording with sound of the statement of a witness.

The AGLA's dedication and Government's commitment to promote the rule of law and operationalisation of same has been unwavering in the fight against crime and criminality within Trinidad and Tobago and through the Police Complaints Authority within the walls of the Trinidad and Tobago Police Service.

To provide the support required to fulfil the PCA's mandate to the people of Trinidad and Tobago is indeed an honor and privilege, and with the numerous accomplishments of the Authority amidst every challenge inclusive of the Covid-19 storm, the AGLA will continue to be that supportive arm that continues to promote, strengthen and advance the frameworks and valuable structures of the critical pillars of Plant & Machinery, People, Processes and Law.

Again it is truly an honor to congratulate the Police Complaints Authority on this, its 10 Year Anniversary as we look forward to its continuing stellar contributions to the justice system.

*Faris Al-Rawi*  
The Honourable Attorney General  
and Minister of Legal Affairs



AGLA...BRINGING THE PIECES TOGETHER



**“We look ahead to the PCA's next decade with optimism and confidence”**

Today, December 29, 2020, the Police Complaints Authority (PCA) proudly marks the 10th Anniversary since its establishment as Trinidad and Tobago's only independent police oversight body.

The PCA is improving public access to our justice services by expanding the digital complaints system and upgrading the case management system.

On this important milestone, we are also launching our new visual brand identity which redefines our independence from other arms of the justice sector. A new website and an information campaign aimed at promoting PCA services to the public will be launched in the coming weeks.

We look ahead to the PCA's next decade with optimism and confidence, further strengthened by new amendments to our governing legislation. The PCA investigators will benefit from broader evidence gathering capabilities and will also be included as interested parties in Coroner's Inquests.

The Police Complaints Authority has a role to play in the pursuit of justice. In recognition of this, we renew our commitment to speeding up the delivery of our services which impact victims, their families, and police officers alike. We wish you a happy and prosperous New Year.

**David West**  
Director

**Michelle Solomon-Baksh**  
Deputy Director



**10<sup>th</sup>**  
**ANNIVERSARY**

Hotline - 800-2722 (2PCA)  
Tobago - 639-5722 (5PCA)  
[www.pca.org.tt](http://www.pca.org.tt)

# CELEBRATING MS. COLLEEN GREAVES-ST. AUDE

## TEN QUESTIONS ON OUR TEN YEAR ANNIVERSARY

On December 16, 2021, Ms. Colleen Greaves-St. Aude, affectionately referred to as, "Colleen", retired from the Police Complaints Authority ("PCA") after eighteen (18) years of service at not only the current organization but after nine (9) years at the original PCA office at Park Street, Port of Spain.

Colleen was a member of the first Police Complaints Authority which was created under the Police Complaints Authority Act, No. 17 of 1993. Colleen stayed with the PCA through the passage of the Police Complaints Authority Act, No. 6 of 2008 which was the legislation that created the Police Complaints Authority which exists today. Colleen then remained under the employ of this new body for another nine (9) years. Colleen has therefore worked in both incarnations of the PCA and has borne witness to the growth of the authority over the past two (2) decades.

In this interview, Janelle Ramsaroop, the PCA's newest member of staff, explores the insights from the most senior as we celebrate Colleen.



**Q1:** In your time at the PCA, what did you enjoy the most about working here?

A: There was always a good camaraderie at the PCA and it was always a pleasant place to work. I always say, if I laughed six (6) times a day, five (5) times would be from the PCA. There was always an easy work flow for me.

**Q2:** In your time here, what was your greatest achievement? What are you most proud of?

A: I am most proud of being able to work and get along with many different types of people and personalities.

**Q3:** What are your greatest personal and/or professional strengths today? Did the PCA help to foster these strengths?

A: My greatest personal strength is getting along with everyone by learning to understand others. My greatest professional strength was being able to perform my duties in every department of the PCA, from the Director to Registry.

**Q4:** What was your most memorable moment at the PCA?

A: There were many memorable moments. One that stood out to me was when I had an unfortunate incident where my son was in an accident in 2014. Many co-workers reached out and even visited him at the hospital. I was also given time off without even having to ask. I felt loved and valued.

**Q5:** What is your opinion on the work environment at the PCA?

A: It was enjoyable and very pleasant for me. I never had any issues with anyone.

**Q6:** Describe the characteristics of the co-worker with whom you enjoyed working with most.

A: There was no one person I enjoyed working with the most. I enjoyed working with everyone and everyone had their own individual characteristics.

**Q7:** What were your greatest challenges faced at the PCA and how did this help you to grow?

A: The only challenge I can recall was accepting the transition from the old PCA to the present PCA.

**Q8:** What will you miss the most about the PCA after your retirement?

A: I will miss the whole atmosphere and the easy and light-hearted environment.

**Q9:** What do you think that you will be remembered for?

A: I hope I will be remembered for being a kind, pleasant, friendly and trustworthy individual. I also hope I will be remembered for my work ethics.

**Q10:** What advice would you give to a new member of the PCA?

A: Accept people for who they are, try to get along with them and if this is difficult, perhaps just avoid them. Always be pleasant, show your warm and friendly personality, and always be willing to assist others. Lastly always put your best foot forward and do your job to the best of your ability.

# IMPROVED OVERSIGHT OF THE POLICE COMPLAINTS AUTHORITY

## [AMENDMENTS OF 2020 & 2021]

NO.	AMENDMENT	ACT
1.	Regulations 136 and 150 (2) of the Police Service Regulations now apply to members of the Special Reserve Police Service.	Section 2 of the Miscellaneous Provisions (Special Reserve Police and Police Complaints Authority Act) No. 11 of 2021 amended the Special Reserve Police Act, Chap. 15:03, by inserting a new section 23 which would provide that Regulations 136 and 150 (2) made under the Police Service Act, Chap. 15:01, are deemed to be applicable to any matter involving serious police misconduct by a member of the Special Reserve Police.

NO.	AMENDMENT	ACT
2.	<p>If a Special Reserve Police Officer commits a breach of Regulations 136 and/ or 150 (2) of the Police Service Regulations and the Authority considers such breach to be "so serious" as to bring the Special Reserve Police Service into disrepute, that now constitutes "serious police misconduct" under the Police Complaints Authority Act.</p>	<p>Section 2 of the Miscellaneous Provisions (Special Reserve Police and Police Complaints Authority Act) No. 11 of 2021 amended the Special Reserve Police Act, Chap. 15:03, by inserting a new section 23 which would provide that Regulations 136 and 150 (2) made under the Police Service Act, Chap. 15:01, are deemed to be applicable to any matter involving serious police misconduct by a member of the Special Reserve Police.</p>
3.	<p>If a Municipal Police Officer commits a breach of the Municipal Police Regulations and the Authority considers such breach to be "so serious" as to bring the Special Reserve Police Service into disrepute, that now constitutes "serious police misconduct" under the Police Complaints Authority Act.</p>	<p>Section 3 (a) (iii) (a) of the Miscellaneous Provisions (Special Reserve Police and Police Complaints Authority Act) No. 11 of 2021 Act amended section 4 of the Police Complaints Authority Act, Chap. 15:05 by expanding the definition of the term "serious police misconduct" to include disciplinary offences committed by Municipal Police Officers.</p>

NO.	AMENDMENT	ACT
4.	The Authority may refer a preliminary investigation conducted under Section 30 (1) of the Police Complaints Authority Act to, inter alia, the Assistant Commissioner of the Municipal Police Service (in relation to Municipal Police Officers) and to the Commissioner of Police (in relation to officers of the Trinidad and Tobago Police Service and Special Reserve Police Service.)	Section 3 (f) of the Miscellaneous Provisions (Special Reserve Police and Police Complaints Authority Act) No. 11 of 2021 Act amended sections 30 (1) of the Police Complaints Authority Act by, inter alia, by inserting after the word "Commissioner", the word "Assistant Commissioner". In accordance with Section 3 (a) (i) of the Miscellaneous Provisions (Special Reserve Police and Police Complaints Authority Act) No. 11 of 2021 "Assistant Commissioner" refers to the Director or Assistant Commissioner of the Municipal Police Service who has authority under Regulation 151 of the Municipal Regulations 2014 to appoint a disciplinary tribunal.
5.	On conclusion of an investigation, in accordance with Section 44 (a) of the Police Complaints Authority Act, the Authority always had the power to make and assessment and form an opinion on the subject matter of a complaint. With the recognition and inclusion of Special Reserve Police and Municipal Police Officers under sections 4 (in the definitions of police officer and "serious police misconduct"), section 21(1), 26, 30(1) and 48 of the Police Complaints Authority Act, recommendations and referrals for discipline can now include members of the Special Reserve Police and Municipal Police Services.	Cumulative effect of Sections 2 and 3 of the Miscellaneous Provisions (Special Reserve Police and Police Complaints Authority Act) No. 11 of 2021.

NO.	AMENDMENT	ACT
6.	The Authority can proffer advice on ways in which to eliminate police corruption and serious police misconduct in relation to the Special Reserve Police Service and Municipal Police Service.	Section 3 (d) (i) of the Miscellaneous Provisions (Special Reserve Police and Police Complaints Authority Act) No. 11 of 2021 Act amended section 21(1), in— (i) paragraph (d), by inserting after the words "Police Service" the words ", the Special Reserve Police, the Municipal Police Service".
7.	The PCA can gather and refer evidence that may be admissible in the prosecution of a person who is not a police officer for a criminal offence in relation to the Special Reserve Police Service and Municipal Police Service.	Section 3 (d) (ii) of the Miscellaneous Provisions (Special Reserve Police and Police Complaints Authority Act) No. 11 of 2021 Act amended section 21(1), in— paragraph (e), by inserting after the words "Police Service" the words ", the Special Reserve Police or the Municipal Police Service".
8.	The PCA can gather evidence that may be used in the investigation of serious police misconduct and furnish such evidence to, inter alia, the Assistant Commissioner of the Municipal Police Service.	Section 3 (d) (iii) of the Miscellaneous Provisions (Special Reserve Police and Police Complaints Authority Act) No. 11 of 2021 Act amended section 21(1), in— paragraph (f), by inserting after the word "Commissioner" the words ", the Assistant Commissioner".

NO.	AMENDMENT	ACT
9.	The PCA is entitled to immediately receive information from the Director/ Assistant Commissioner of Municipal Police on criminal offences, police corruption and serious police misconduct involving Municipal Police Officers.	<p>Section 3 (h) (ii) and (ii) of the Miscellaneous Provisions (Special Reserve Police and Police Complaints Authority Act) No. 11 of 2021 Act amended section 48 of the Police Complaints Authority Act in (i) subsection (1), by deleting the words "and the Commissioner" and substituting the words ", the Commissioner or the Assistant Commissioner";</p> <p>(ii) subsection (2), by deleting the words "or the Commissioner" wherever they occur and substituting in each place, the words ", the Commissioner or the Assistant Commissioner".</p> <p>These amendments now impose a duty on the Assistant Commissioner of Municipal Police to inform the Police Complaints Authority where information or a complaint is received in relation to criminal offences involving police officers, police corruption and serious police misconduct.</p>



NO.	AMENDMENT	ACT
10.	<p>Within three months of the making of a recommendation, the PCA is entitled to receive written feedback from the Commissioner of Police, the Police Service Commission, the Assistant Commissioner of the Municipal Police and Director of Public Prosecutions in relation to matters referred and can continue to require information thereafter.</p>	<p>Section 3 (g) of the Miscellaneous Provisions (Special Reserve Police and Police Complaints Authority Act) No. 11 of 2021 Act is amended                      Inserting after section 44, a new section 44A which would provide that where the Police Complaints Authority makes a recommendation upon the conclusion of an investigation, within three months of making such recommendation, the Commissioner of Police or the Assistant Commissioner of Municipal Police or the Director of Public Prosecutions, as the case may be, is required to provide a written statement, with reasons, or provide a written update, to the Police Complaints Authority on, inter alia, any action which has been taken or is proposed to be taken.</p>

NO.	AMENDMENT	ACT
11.	For a period of three months from the date that a member of the authority vacates office, the PCA can continue to function with the remaining member.	Section 3 (c) of the Miscellaneous Provisions (Special Reserve Police and Police Complaints Authority Act) No. 11 of 2021 Act amends the Police Complaints Authority Act by inserting after section 13 a new section which allows the Authority to remain functional rather than un-constituted where one member vacates office. "13A. Where the Director or Deputy Director dies, resigns, is removed from or otherwise vacates his office prior to the expiry of the term for which he has been appointed, the Authority is deemed to be properly constituted with the remaining member for a period not exceeding three months from the date immediately following the death, resignation or revocation of appointment of the Director or Deputy Director."

NO.	AMENDMENT	ACT
12.	The Authority is entitled to obtain reports from the FIU and witness statements under the Income Tax Act, Financial Institutions Act, Central Bank Act and Securities Act.	<p>THE MISCELLANEOUS PROVISIONS (FATF COMPLIANCE) ACT, [No. 25 of 2020] amended numerous Acts which affect the PCA. Section 7 of the Act amended section 15 of the Financial Intelligence Unit of Trinidad and Tobago Act, Chapter 72:01: At Paragraph (e) by providing that where the FIUTT submits a report pursuant to section 15(1) of the Act, the FIUTT shall also transmit a copy of the report to the Police Complaints Authority for investigation, where the report is in respect of a police officer. Section 9 of the Act amended Section 56(2) of the Central Bank Act, Chap. 79:02 by deleting Paragraph (c) and replacing it with a new paragraph (c) which would require that the Police Complaints Authority be provided with witness statements for the purpose of an investigation of criminal offences involving police officers, police corruption and serious police misconduct being conducted by it. Section 10 of the Act amended section 55(4) of the Financial Institutions Act, Chapter 79:09 to require the Police Complaints Authority be provided with witness statements for the purpose of an investigation of criminal offences involving police officers, police corruption and serious police misconduct being conducted by it. Section 12 of the Act amended Sections 14 (2) (b) and 14 (6) (c) of the Securities Act, Chap. 83:02 to require that the Police Complaints Authority be provided with witness statements for the purposes of an investigation of criminal offences involving police officers, police corruption and serious police misconduct being conducted by it.</p>

NO.	AMENDMENT	ACT
13.	The PCA can be actively involved in preliminary investigations and Coroner's Inquests under the Coroners Act, Chapter 6:04.	<p>Section 5 of THE MISCELLANEOUS PROVISIONS (ADMINISTRATION OF JUSTICE) ACT [No. 29 of 2020] amended section 10 of the Coroners Act: (a) by inserting a new subsection (1A), which would provide that the Police Complaints Authority (PCA) is to be listed as an interested party where a preliminary investigation concerns the death of a person which is, or has been, the subject of an investigation monitored, audited or carried out by the PCA;</p> <p>(b) in section 10A, by inserting a new subsection (2) which would provide that the PCA shall be given written notice where an inquest is to be held in respect of the death of a person which is, or has been, the subject of an investigation monitored, audited or carried out by the Police Complaints Authority.</p>

# ALL MATTERS SENT TO COP FOR ADVICE DURING THE 1ST OCTOBER 2020 – 30TH SEPTEMBER 2021

NO.	DATES ON WHICH ADVICE WAS COMMUNICATED	ADVICE GIVEN PURSUANT TO SECT 21 (1) (D) OF THE PCA ACT, CHAPTER 15:05
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1.	15/10/20 07/01/21 01/02/21	To implement a proper file management systems and record keeping processes which guarantee an efficient and effective records function. The implementation of such a system will assist in rebutting allegations of serious police misconduct, to wit, neglect of duty, as investigative files can then be readily produced to evidence the conduct of an investigation.
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NO.	DATES ON WHICH ADVICE WAS COMMUNICATED	ADVICE GIVEN PURSUANT TO SECT 21 (1) (D) OF THE PCA ACT, CHAPTER 15:05
2	15/10/20	To ensure that police officers promptly investigate reports that involve threats to cause serious injury and/or murder.
3	24/11/20	To ensure all Second Division Officers in charge ("SDO i/c") of stations/charge rooms/traffic sections comply with the requirements set out in the TTPS standing order no.44 paragraph 37(e) which states, inter alia, that upon receipt of information of an accident, the SDO i/c shall "submit within twenty four (24) hours of the occurrence, the details of all serious or fatal accidents to the Assistant Commissioner "Traffic" and Senior Superintendent "Traffic" through the Officer in Charge of his Division."

NO.	DATES ON WHICH ADVICE WAS COMMUNICATED	ADVICE GIVEN PURSUANT TO SECT 21 (1) (D) OF THE PCA ACT, CHAPTER 15:05
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In each case when a LEO [Law Enforcement Official] uses a firearm or other deadly force, the Superior Officer must take measures to ensure that the LEOs involved are kept separate and apart from each other so that they have no opportunity to collude and give a false or inaccurate account of what transpired during the incident.

Having too many or inappropriate people involved in the crime scene also runs the risk of compromising or destroying relevant evidence.

4      17/11/20

All personnel attending the crime scene have a responsibility to ensure their actions do not compromise the recovery of forensic evidence. Scene preservation measures should include, as a minimum, the removal of non-essential personnel from the scene and subsequent controlled entry by means of a scene log. Control/reference materials must be kept strictly separate from any surfaces, items, clothing or people with whom it might subsequently be significant to establish contact.

To reduce the possibility of cross contamination, minimum preventative measures should include the use of the correct protective clothing.

NO.	DATES ON WHICH ADVICE WAS COMMUNICATED	ADVICE GIVEN PURSUANT TO SECT 21 (1) (D) OF THE PCA ACT, CHAPTER 15:05
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No or unsystematic use of protective clothing by the personnel working at the scene will lead to irrevocable contamination of the scene (e.g. hairs, finger marks, shoe marks, etc). Those contaminations may ultimately prevent the solution of the case. It will also expose personnel to unnecessary health and safety hazards.

Once delineated, the area is clearly cordoned off using any kind of physical barrier. Any non-essential people who entered the scene before the cordon was established are removed (and this information is recorded) and any non-essential people are prevented from entering the scene during the entire scene investigation.

To reduce the possibility of cross contamination prior to the safe packaging of the materials at the crime scene, the minimum preventative measures include having checks in place to ensure that recovered items or materials obtained from them, cannot be mixed up with or transposed with other items or materials.

Precautions must be taken to ensure the integrity of evidence, reduce the risk of contamination and minimize degradation. These include checking items at all stages of transfer throughout the chain of custody to ensure that their integrity has not been compromised.

5	27/10/20	
	29/3/21	
	19/04/21	
	7/05/21	To ensure all police officers understand the importance of thorough and proper investigations, the need for proper preservation of crime scenes and for adherence to the requirements of the TTPS Standing Orders.
	16/06/21	
	28/06/21	



NO.	DATES ON WHICH ADVICE WAS COMMUNICATED	ADVICE GIVEN PURSUANT TO SECT 21 (1) (D) OF THE PCA ACT, CHAPTER 15:05
6	08/12/20	To consider issuing a departmental order which places an obligation on police officers to disclose conflicts of interest, in the event that such a requirement does not exist. In the event that this exists, strict enforcement of same; and even where a conflict of interest is not declared by an officer, the implementation of a screening process should be considered to ensure that no familial or other relationship exists between the police investigator and the subject and/or victim of the investigation.
7	14/12/20	To remind police officers that they are not to discharge their firearms in the air as a warning shot or as a method of dispersing a crowd.
8	26/01/21	To remind police officers of the need for the proper handling of all exhibits and the importance of timely submission to the relevant institutions to minimise and eliminate the possibility of contamination of items of potential evidential value.

NO.	DATES ON WHICH ADVICE WAS COMMUNICATED	ADVICE GIVEN PURSUANT TO SECT 21 (1) (D) OF THE PCA ACT, CHAPTER 15:05
9	26/01/21	To reiterate the need for proper communication and records of investigation assignments and proper follow up by superior officers; and to advise that matters involving the discharge of firearms be treated with more urgency so as to retrieve and safeguard items of evidential value and to ensure that there is accountability where fatal force is used whether or not there is an injury or fatality as a result.
10	01/02/21	To reiterate the importance of the Standing Order which directs that an officer in charge of the division/branch/section upon receipt of a report that a police officer has discharged his firearm shall detail an officer senior in rank to the officer discharging the firearm to investigate the circumstances surrounding the discharge of the firearm.
11	04/03/21 24/05/21 26/05/21 9/08/21	To recommend that substitute investigators should be appointed to complete investigations when the circumstances require same. To reiterate the need for the TTPS to adopt more efficient and robust case management systems whereby the progression matters can be closely monitored so as to avoid matters being left in abeyance.

NO.	DATES ON WHICH ADVICE WAS COMMUNICATED	ADVICE GIVEN PURSUANT TO SECT 21 (1) (D) OF THE PCA ACT, CHAPTER 15:05
12	11/03/21	<p>To consider urging police officers of the need to desist from actively participating in and aiding bailiffs, in the enforcement of court orders that involve the ejection of persons from lands. Moreover, that police officers are only present during such activity to ensure that the peace is maintained.</p> <p>To recommend the issuance of clear directives to police officers that they should desist from taking extra duty assignments to supervise demolitions and/or the taking of possession of lands especially if no court order has been produced.</p>
13	19/03/21	<p>To recommend that steps ought to be taken to ensure that the lodging, storage and movement of property are properly documented in the general property register and general property movement register, in accordance with TTPS standing order 26. This is crucial in providing accountability for property which may become lost, damaged or tampered with while in police custody.</p>
14	17/03/21	<p>To consider the taking of steps to improve the communication of information between sections and departments, particularly at the Scarborough police station, in order to further the TTPS' core values of dignity, integrity and excellence.</p> <p>To consider the institution of or enforcement of the use of a comprehensive record showing the movement/location of station diaries and other station records in order to facilitate the perusal/copying of such records by the PCA.</p>

<b>NO.</b>	<b>DATES ON WHICH ADVICE WAS COMMUNICATED</b>	<b>ADVICE GIVEN PURSUANT TO SECT 21 (1) (D) OF THE PCA ACT, CHAPTER 15:05</b>
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15	23/03/21	To remind police officers of the need to comply with the TTPS standing order and to keep proper records of all activities related to the TTPS.
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16	29/03/21	To consider the implementation of a case management system to assist in effectively and efficiently monitoring the case load of police investigators, particularly senior officers, and to ensure that police investigations are not frustrated by lengthy periods of leave or retirement.
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17	29/03/21	To advise that a more thorough approach may be needed in the investigation of serious offences.
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NO.	DATES ON WHICH ADVICE WAS COMMUNICATED	ADVICE GIVEN PURSUANT TO SECT 21 (1) (D) OF THE PCA ACT, CHAPTER 15:05
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18	22/03/21	To remind police officers of the need to prevent, as far as practicable, the contamination of crime scenes and premature removal of items of potential evidential value.
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19	21/04/21	To implement proper procedures to safeguard investigative documents when dealing with matters.
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20	19/04/21	To ensure that due care and diligence be afforded to each investigation and proper and thorough investigations are conducted at all times, more so where a police officer is the subject of same.
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NO.	DATES ON WHICH ADVICE WAS COMMUNICATED	ADVICE GIVEN PURSUANT TO SECT 21 (1) (D) OF THE PCA ACT, CHAPTER 15:05
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21	10/06/21	To remind officers that they play a critical role in guiding investigators and as such, they ought to provide prompt advice when same is requested of them and recommend/request assistance from the various units of TTPS, where appropriate, to thoroughly investigate a matter and advance same.
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22	08/07/21	To consider placing greater emphasis on domestic violence reports, especially breaches of protection orders and to remind all police officers to exercise the requisite alacrity when investigating domestic violence matters given its prevalence and sensitive nature.
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NO.	DATES ON WHICH ADVICE WAS COMMUNICATED	ADVICE GIVEN PURSUANT TO SECT 21 (1) (D) OF THE PCA ACT, CHAPTER 15:05
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23	13/07/21	<p>To advise of the following:</p> <p>A. Police officers should be appropriately trained to treat with reports made by victims of domestic violence. More specifically, victims may be fearful of the repercussions of making a report to the police concerning an instance of domestic violence and may request that the officers merely warn their abuser, as was the case with Ms. Tobias-Busby in her report of December 19th, 2015. According to the Handbook on Effective police responses to violence against women published by United Nations Office on Drugs and Crime ("UNDOC") "in such cases, police will need to pay special attention to addressing and relieving the fears of the victim and to take specific steps to protect the victim. This can include taking the victim to a shelter, seeking a legal restraining order against the offender where the law permits and working with the victim to create a personal safety plan. All this is in addition to the need for a thorough police investigation, including detailed interviews of victims and witnesses, offender interrogation and the collection of evidence." Additionally, officers should be reminded of their obligation to respond to every report alleging domestic violence pursuant to the Domestic Violence Act, Ch. 45:56.</p>
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NO.	DATES ON WHICH ADVICE WAS COMMUNICATED	ADVICE GIVEN PURSUANT TO SECT 21 (1) (D) OF THE PCA ACT, CHAPTER 15:05
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|  |  | <p data-bbox="573 427 2089 624">B. The supervising officer must provide the necessary guidance and assistance to an assigned police investigator into a report of domestic violence, especially where the matter may be of a particularly volatile and serious nature and the officer assigned does not have the requisite training to deal with such a report. The International Association of Chiefs of Police Domestic Violence Model Policy (updated April, 2019) states that the role of a police supervisor in a report of domestic violence is as follows:</p> <ol data-bbox="573 671 2089 1307" style="list-style-type: none"><li data-bbox="573 671 2089 743">1. Respond to assist officers investigating incidents of domestic violence when requested by an officer or whenever the incident appears to involve a law enforcement officer, prominent community member, or public official.</li><li data-bbox="573 791 2089 826">2. Supervise the on-scene investigation, if not already completed, to ensure that appropriate action is taken.</li><li data-bbox="573 874 2089 986">3. Review all domestic violence reports for accuracy and consistency and conduct after-action reviews and domestic violence case audits to ensure officers and investigators are conducting comprehensive, victim-centred, perpetrator-focused investigations.</li><li data-bbox="573 1034 2089 1145">4. Assess for co-occurring and interconnected crimes when responding to domestic violence, to include but not be limited to stalking, sexual violence, strangulation, firearms prohibitions, protection order violations, intimidation and threats, and abuse of children, elders, and animals.</li><li data-bbox="573 1193 2089 1228">5. When making arrest decisions, officers shall consider which individual appears to be the predominant aggressor.</li><li data-bbox="573 1276 2089 1307">6. If an arrest is not made, the officer must provide an explanation in the report as to the reason why.</li></ol> |
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NO. DATES ON WHICH  
ADVICE WAS  
COMMUNICATED

ADVICE GIVEN PURSUANT TO SECT 21 (1) (D) OF THE PCA ACT, CHAPTER 15:05

- 7. When an arrest cannot be made due to lack of probable cause, the officer should a. explain to the victim the reasons that an arrest is not being made, and b. facilitate contact with a local domestic violence service provider for information regarding counselling and other services.
- 8. Dual arrests are strongly discouraged. If an officer has probable cause to believe that two or more persons committed a crime and probable cause exists to arrest both parties, the arresting officer shall contact their supervisor before proceeding with the arrests. In the event of a dual arrest, a separate report for each arrest should be written and filed and should include a detailed explanation indicating the probable cause for each arrest."

C. Police officers who are attached to specific agencies and/or units, similar to PC Isaacs who was assigned to the Environmental Management Authority, should not be assigned to investigate matters outside the scope of such postings, unless they have received specialized training which renders them competent to carry out another specialized duty. All officers should be reminded of their overarching responsibilities in conducting an investigation, to wit,

"An effective investigation, generally, is one where the investigator:

- Acted in a professional, impartial, and objective manner,
- Was diligent in the collection of physical evidence and statements,
- At all times treated all parties involved with respect and dignity,
- If there was an offence, identified the person(s) responsible and collected sufficient evidence to prove the case in court,
- Took steps to address the safety needs of all involved.

A good police investigator will:

- Have a sense of process and understand its importance in an investigation
- Thoroughly document all facets of the investigation
- Have respect for evidence (what it is, its value and how to collect, preserve and document it),
- Take an analytical and creative approach to problem-solving,
- Effectively use all investigative tools and resources available."

NO.	DATES ON WHICH ADVICE WAS COMMUNICATED	ADVICE GIVEN PURSUANT TO SECT 21 (1) (D) OF THE PCA ACT, CHAPTER 15:05
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24	10/08/21	<p>To re-iterate the need for adequate and appropriate supervision of officers who are undergoing their probationary period, as this is a frequently recurring issue. All police officers should be reminded that the manner in which they treat reports made to them and how they interact with victims of crimes is intrinsically linked to the public's impression of the Trinidad and Tobago Police Service.</p> <p>When a senior officer shirks his responsibility to provide adequate guidance to an officer, especially where the officer has only three months of experience, this creates a situation where a report is not properly investigated or not investigated at all, which ultimately lowers the esteem of the police service in the eyes of citizens.</p> <p>It cannot be overstated that police who are ineffective, or illegitimate or unfair, in protecting the public against crime will lose the public's confidence<sup>1</sup>. Moreover, officers must be reminded that trust is built when citizens feel that the police department listens and appropriately responds to their valid concerns and opinions<sup>2</sup>. In this vein, I wish to draw your attention to the Code of Conduct for Law Enforcement Officials adopted by the United Nations General Assembly in its resolution 34/169, more specifically, Article 1, which states:</p> <p>"Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession."</p>
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1. Handbook on Police Accountability, Oversight and Integrity published by the United Nations Office on Drugs and Crime, 2011.

2. Handbook on Police Accountability, Oversight and Integrity (supra)

NO.	DATES ON WHICH ADVICE WAS COMMUNICATED	ADVICE GIVEN PURSUANT TO SECT 21 (1) (D) OF THE PCA ACT, CHAPTER 15:05
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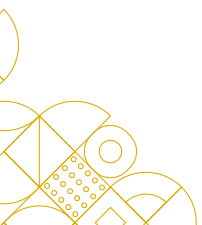
25	28/09/21	<p>To consider reminding police officers of the following:</p> <ol style="list-style-type: none"> <li>1. To personally lodge general property/exhibits with the property manager as soon as possible so that same can be properly secured and accounted for;</li> <li>2. In the event that general property/exhibits are handed over to the SDO i/c or any other police officer or lodged in the strong room to later be handled over to property manager a record of same ought to be made in the station diary.</li> <li>3. In the event that general property/exhibits are not handed over to the property manager during the tour of duty of the SDO i/c of the charge room, such general property/exhibits ought to be included in the station "handover" when handing over duties.</li> <li>4. The need for police officers to inform the SDO i/c of the station of general property/exhibits that are unaccounted for in a timely manner so that an investigation into these missing items can be promptly and properly done ; and</li> <li>5. The need for officers investigating any matter that involved obtaining CCTV footage captured by cameras to do so as soon as possible as same is stored for limited periods of time.</li> </ol>
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## PROPOSED AMENDMENTS TO THE POLICE COMPLAINTS AUTHORITY ACT, CHAPTER 15:05

- (i) Widen the definition of "serious police misconduct" to include the commission of a disciplinary offence under the Municipal Police Service Regulations which the Authority considers to be so serious as to bring the Municipal Police Service into disrepute. Municipal Police fall within the definition of "police" under the PCA Act. These officers fell within the definition of "serious police misconduct" when they were subject to the police service regulations. Since the passage of their own regulations in 2014 they no longer fall within the definition of "serious police misconduct" under the PCA Act. This amendment will bring them back into same so that disciplinary investigations and recommendations (where necessary) can be made in relation to Municipal Police Officers.
- (ii) Deem the Authority constituted with one member for no more than three (3) months immediately following death, resignation or revocation of office of one of its members.
- (iii) Impose a duty on the Commissioner to provide a written decision with reasons to the Authority within three months of the Authority making a recommendation.

### PROPOSED AMENDMENTS TO ACTS WHICH AFFECT THE PCA'S MANDATE

- (i) The Coroner's Act, Chap. 6:04 to include the PCA under a new definition for the term "interested parties" so that the PCA can submit its investigative materials to this Court which currently receives documents and evidence from the Police only. Police are notoriously tardy in submitting files thus causing delays in the commencement of inquests and other matters.



- (ii) The Evidence Act, Chap. 7:02 to include the PCA under the definition of "law enforcement agency" to which the audio visual recording rules apply. In so doing this addresses any potential issues of inadmissibility of evidence obtained by the PCA by audio visual means;
- (iii) The Special Reserve Police Act, Chap. 15:03 to implement a temporary provision which makes the Police Service Regulations applicable to special reserve police officers until the making of their own regulations thus ensuring that serious police misconduct allegations can be effectively dealt with by the PCA.
- (iv) The Financial Intelligence Unit of Trinidad and Tobago Act, Chap. 72:01 to ensure that the Director of the Financial Intelligence Unit can forward to the Authority for investigation any report of suspicious transactions by a police officer.
- (v) The Income tax Act, Chap. 75:01, particularly section 4(2) thereof, so that the Authority can be listed among the parties to whom the Board of Inland Revenue can disclose income tax returns and other financial documents which may be relevant to investigations of the PCA.
- (vi) The Miscellaneous Amendments Act No. 10 of 2020 which amended, inter alia, section 55 of the Financial Institutions Act Chap 79:09 so that the Authority may be listed among the persons in Section 16 (c) who are permitted to receive witness statements from parties who were required to disclose financial information under compulsion of law.



**THE POLICE COMPLAINTS  
AUTHORITY**

**FINANCIAL STATEMENTS**



**REPUBLIC OF TRINIDAD AND TOBAGO  
AUDITOR GENERAL'S DEPARTMENT**

**REPORT  
OF THE  
AUDITOR GENERAL**

**ON THE FINANCIAL STATEMENTS OF THE  
POLICE COMPLAINTS AUTHORITY  
FOR THE YEAR ENDED**

**SEPTEMBER 30, 2020**



**REPORT OF THE AUDITOR GENERAL OF THE REPUBLIC OF TRINIDAD AND TOBAGO ON THE FINANCIAL STATEMENTS OF THE POLICE COMPLAINTS AUTHORITY FOR THE YEAR ENDED SEPTEMBER 30, 2020**

**OPINION**

The financial statements of the Police Complaints Authority for the year ended September 30, 2020 have been audited. The statements as set out on pages 1 to 13 comprise a Statement of Financial Position as at September 30, 2020, a Statement of Comprehensive Income, a Statement of Changes in Equity and a Statement of Cash Flows for the year ended September 30, 2020 and Notes to the Financial Statements referenced A to M, including a summary of significant accounting policies.

2. In my opinion, the financial statements present fairly, in all material respects, the financial position of the Police Complaints Authority as at September 30, 2020 and its financial performance and its cash flows for the year then ended in accordance with general accounting principles and practices.

**BASIS FOR OPINION**

3. The audit was conducted in accordance with generally accepted auditing standards. The Auditor General's responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of this report. The Auditor General is independent of the Police Complaints Authority in accordance with the ethical requirements that are relevant to the audit of the financial statements and other ethical responsibilities have been fulfilled in accordance with these requirements. It is my view that the audit evidence obtained is sufficient and appropriate to provide a basis for the above audit opinion.

**RESPONSIBILITIES OF MANAGEMENT AND THOSE CHARGED WITH GOVERNANCE FOR THE FINANCIAL STATEMENTS**

4. Management of the Police Complaints Authority is responsible for the preparation and fair presentation of these financial statements in accordance with general accounting principles and practices and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

5. In preparing the financial statements, management is responsible for assessing the ability of the Police Complaints Authority to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Police Complaints Authority or to cease operations, or has no realistic alternative but to do so.

6. Those charged with governance are responsible for overseeing the financial reporting process of the Police Complaints Authority.

**AUDITOR'S RESPONSIBILITIES FOR THE AUDIT OF THE FINANCIAL STATEMENTS**

7. The Auditor General's responsibility is to express an opinion on these financial statements based on the audit and to report thereon in accordance with section 116 of the Constitution of the Republic of Trinidad and Tobago and section 18 (2) of the Police Complaints Authority Act, Chapter 15:05.

8. The Auditor General's objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an audit report that includes his opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions or users taken on the basis of these financial statements.

9. As part of an audit in accordance with accepted auditing standards, the Auditor General exercises professional judgment and maintains professional skepticism throughout the audit. The Auditor General also:

- Identifies and assesses the risks of material misstatement of the financial statements, whether due to fraud or error, designs and performs audit procedures responsive to those risks, and obtains audit evidence that is sufficient and appropriate to provide a basis for an opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtains an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the internal control of the Police Complaints Authority.
- Evaluates the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.



10. The Auditor General communicates with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that were identified during the audit.



12<sup>TH</sup> JULY, 2021  
PORT OF SPAIN

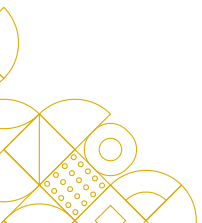
*[Signature]*  
LOREELY PUJADAS  
AUDITOR GENERAL

**POLICE COMPLAINTS AUTHORITY**

**Financial Statements**  
(Expressed in Trinidad and Tobago Dollars)

**September 30, 2020**

<b>Financial Statements</b>	<b>Page</b>
Statement of Financial Position .....	1
Statement of Comprehensive Income .....	2
Statement of Changes in Equity .....	3
Statement of Cash Flows .....	4
Notes to Financial Statements .....	5-13





POLICE COMPLAINTS AUTHORITY

STATEMENT OF FINANCIAL POSITION AS AT SEPTEMBER 30, 2020  
(Expressed in Trinidad and Tobago Dollars)

		2020	2019
ASSETS	Notes	\$	\$
<b>CURRENT ASSETS</b>			
Cash in hand and at bank	C	3,968,307	3,458,927
Receivables and prepayments	D	165,366	1,097,199
<b>TOTAL CURRENT ASSETS</b>		<u>4,133,673</u>	<u>4,556,126</u>
<b>NON-CURRENT ASSETS</b>			
Property, plant and equipment	E	1,517,460	1,004,811
Intangible assets	F	164,769	168,320
<b>TOTAL NON-CURRENT ASSETS</b>		<u>1,682,229</u>	<u>1,173,131</u>
<b>TOTAL ASSETS</b>		<u>5,815,903</u>	<u>5,729,257</u>
<b>LIABILITIES AND RESERVES</b>			
<b>CURRENT LIABILITIES</b>			
Payables and accruals	G	1,483,178	266,885
<b>TOTAL CURRENT LIABILITIES</b>		<u>1,483,178</u>	<u>266,885</u>
<b>RESERVES</b>			
Accumulated fund		4,332,725	5,462,372
<b>TOTAL RESERVES AND LIABILITIES</b>		<u>5,815,903</u>	<u>5,729,257</u>

These financial statements were authorised for issue by the Police Complaints Authority on January 25, 2021.

 Director

 Deputy Director



The accompanying notes form an integral part of these financial statements.

POLICE COMPLAINTS AUTHORITY

STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED SEPTEMBER 30, 2020  
(Expressed in Trinidad and Tobago Dollars)

		2020	2019
	Notes	\$	\$
Parliamentary funding	H	18,513,000	18,811,500
Other income	I	7,363	423
Operating expenses	J	(19,058,120)	(16,676,973)
Depreciation	E	(540,910)	(245,435)
Amortisation	F	(53,046)	(45,580)
Loss on disposal of asset		(2,115)	(46)
Finance cost		(3,319)	(3,374)
<b>SURPLUS/(DEFICIT) FOR THE YEAR</b>		<u>(1,137,147)</u>	<u>1,840,515</u>

The accompanying notes form an integral part of these financial statements.

## POLICE COMPLAINTS AUTHORITY

STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED SEPTEMBER 30, 2020  
(Expressed in Trinidad and Tobago Dollars)

	Accumulated Fund
	\$
<b>Year Ended September 30, 2020</b>	
Balance as at September 30, 2019	5,462,372
Adjustment	7,500
Deficit for the year	<u>(1,137,147)</u>
<b>Balance as at September 30, 2020</b>	<u>4,332,725</u>

	Accumulated Fund
	\$
<b>Year Ended September 30, 2019</b>	
Balance as at September 30, 2018	3,621,857
Adjustment	-
Surplus for the year	<u>1,840,515</u>
<b>Balance as at September 30, 2019</b>	<u>5,462,372</u>

The accompanying notes form an integral part of these financial statements.

## POLICE COMPLAINTS AUTHORITY

STATEMENT OF CASH FLOWS FOR THE YEAR ENDED  
SEPTEMBER 30, 2020  
(Expressed in Trinidad and Tobago Dollars)

	2020	2019
	\$	\$
<b>OPERATING ACTIVITIES</b>		
SURPLUS/(DEFICIT) for the year	(1,137,147)	1,840,515
Adjustments to reconcile net income to net cash provided by operating activities:		
Depreciation	540,910	245,435
Amortisation	53,046	45,580
Loss on disposal of property, plant and equipment	2,115	46
Adjustment to Accumulated Fund	7,500	-
Changes to operating assets and liabilities:		
(Increase)/decrease in receivables and prepayments	931,833	(834,926)
(Decrease)/increase in accruals	<u>1,216,293</u>	<u>(194,965)</u>
<b>NET CASH PROVIDED BY OPERATING ACTIVITIES</b>	1,614,550	1,101,685
<b>INVESTING ACTIVITIES</b>		
Purchase of property, plant and equipment	(1,060,287)	(758,224)
Proceeds from sale of property, plant and equipment	4,612	888
Purchase of intangible assets	<u>(49,495)</u>	<u>(24,610)</u>
<b>NET CASH USED IN INVESTING ACTIVITIES</b>	(1,105,171)	(781,946)
<b>NET (DECREASE)/ INCREASE IN CASH</b>	509,380	319,739
Cash and cash equivalents at beginning of year	3,458,927	3,139,188
<b>CASH AND CASH EQUIVALENTS AT END OF YEAR</b>	<u>3,968,307</u>	<u>3,458,927</u>
<b>Represented by:</b>		
Cash in hand and at bank	<u>3,968,307</u>	<u>3,458,927</u>

The accompanying notes form an integral part of these financial statements.

**POLICE COMPLAINTS AUTHORITY**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED SEPTEMBER 30, 2019**  
(Expressed in Trinidad and Tobago Dollars)

**NOTE A – ESTABLISHMENT AND OBJECTIVES**

The Police Complaints Authority Act No.8 of 2006, Chap. 15:05 ("the Act") came into operation on January 1, 2007 and repealed the Police Complaints Authority Act, 1993 ("the former Act") which had provided for complaints against police officers to be sent by the then Police Complaints Authority ("the former Authority") to the Trinidad and Tobago Police Service for investigation.

The Act distinctively established the Police Complaints Authority (PCA/the Authority) as an independent corporate body mandated, among other things, to investigate complaints within its remit without the involvement of the police.

Section 6. (1) of the Act provides for the Authority to be comprised of a Director and Deputy Director to be appointed by the President of Trinidad and Tobago on the joint advice of the Prime Minister and the Leader of the Opposition. The Authority was duly constituted on December 29, 2010 on the appointment of the first Director and Deputy Director.

**NOTE B – SIGNIFICANT ACCOUNTING POLICIES**

- (i) The principal accounting policies applied in the preparation of these financial statements are set out below. These policies have been consistently applied to all years presented, unless otherwise stated.

**Basis of Preparation** – The financial statements of the Authority have been prepared in accordance with Section 18. (1) of the Act which states that the Authority shall keep an account of all its financial transactions in accordance with General Accounting Principles and Practices (GAPP). The financial statements have been prepared under the historical cost convention.

The preparation of the financial statements in conformity with GAPP requires management to make judgments, estimates and assumptions that affect the application of accounting policies and the reported amounts of assets, liabilities, income and expenses. Actual results may differ from these estimates.

Estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimates are revised and in any future periods affected.

- (ii) **Changes in Accounting Policy and Disclosures**

A number of new standards, amendments to standards and interpretations are effective for annual periods beginning January 2016, however, none of these amendments has any material impact on these financial statements.

**POLICE COMPLAINTS AUTHORITY**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED SEPTEMBER 30, 2020 – (Continued)**  
(Expressed in Trinidad and Tobago Dollars)

**NOTE B – SIGNIFICANT ACCOUNTING POLICIES – (Continued)**

- (iii) **Functional and Presentation Currency**

Items included in the financial statements are measured using the currency of the primary economic environment in which the Authority operates ("the functional currency"). The financial statements are presented in Trinidad and Tobago dollars which is the Authority's presentation currency.

- (iv) **Property, Plant and Equipment**

Property, plant and equipment are stated at cost less accumulated depreciation. Historical cost includes expenditure that is directly attributable to the acquisition of the items.

Subsequent costs are included in an asset's carrying amount or are recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to the Authority and the cost of the item can be measured reliably. All other costs for repairs and maintenance are charged to the statement of comprehensive income during the financial period in which they are incurred.

Depreciation is charged so as to allocate the cost of assets less their residual value over their estimated useful lives using the straight-line method. Depreciation is calculated in year of purchase from the date of acquisition. The following annual rates are used for the depreciation of property, plant and equipment.

Minor Equipment	- 25%
Furniture and fixtures	- 10 % & 20%
Office equipment	- 25%
Motor vehicles	- 25%

The assets' residual value and useful lives are reviewed and adjusted, if appropriate, at each statement of financial position date.

Assets are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than the estimated recoverable amount. The amount recoverable is the higher of the asset's fair value less cost to sell and value in use.

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These are included in the statement of comprehensive income.



## POLICE COMPLAINTS AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED SEPTEMBER 30, 2020 – (Continued)  
(Expressed in Trinidad and Tobago Dollars)

## NOTE B – SIGNIFICANT ACCOUNTING POLICIES – (Continued)

## (v) Intangible Assets

Intangible Assets are stated at cost less accumulated amortisation. Historical cost includes expenditure that is directly attributable to preparing the assets for their intended use.

Subsequent costs are included in an asset's carrying amount or are recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to the Authority and the cost of the asset can be measured reliably. All other costs are associated with the maintenance of the software programmes are charged to the statement of comprehensive income during the financial period in which they are incurred.

Amortisation is charged so as to allocate the cost of an asset less the residual value over its estimated useful life using the straight-line method from the date on which the asset is ready for use. The intangible assets have been estimated to have finite useful lives of five-years.

## (vi) Financial Assets

The Authority classifies its financial assets into receivables and available-for-sale. The classification is determined by management at the initial recognition and depends on the purpose for which the assets were acquired.

## Classification

## (i) Receivables and Available-for-sale

Receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. These are included in current assets, except for maturities greater than 12 months after the statement of financial position date. These are classified as non-current assets and are carried at amortised cost using the effective interest method.

## (vii) Cash and Cash Equivalents

In the statement of cash flows, cash and cash equivalents include cash in hand and amounts held at bank.

## POLICE COMPLAINTS AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED SEPTEMBER 30, 2020 – (Continued)  
(Expressed in Trinidad and Tobago Dollars)

## NOTE B – SIGNIFICANT ACCOUNTING POLICIES – (Continued)

## (viii) Provisions

Provisions are recognised when the Authority has a present legal or constructive obligation as a result of past events; it is more likely than not that an outflow of resources will be required to settle the obligation and the amount has been reliably estimated. Where there are a number of similar obligations as a whole, a provision is recognised even if the likelihood of an outflow with respect to any one item included in the service class of obligations may be small.

## (ix) Trade and other payables

Trade payables are obligations to pay for services that have been acquired in the ordinary course of operations from suppliers. Accounts payables are classified as current liabilities if payment is due within one year or less (or in the normal operating cycle if longer). If not, they are presented as non-current liabilities.

Trade payables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method.

## (x) Revenue Recognition

## Parliamentary Funding

Funds are appropriated by Parliament to cover recurrent and capital expenditure of the Authority. These Funds are credited to the statement of comprehensive income in the accounting period for which the provision was made by Parliament.

Revenue is measured at the fair value of the consideration received or receivable and represents amounts appropriated by Parliament. The Authority recognises revenue in the accounting period for which the provision was made by Parliament when the amount of revenue can be reliably measured.

## NOTE C – CASH IN HAND AND AT BANK

	2020	2019
	\$	\$
Bank	3,964,807	3,455,427
Petty cash – Trinidad	2,500	2,500
Petty Cash – Tobago	1,000	1,000
	<u>3,968,307</u>	<u>3,458,927</u>

POLICE COMPLAINTS AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED SEPTEMBER 30, 2020 – (Continued)  
(Expressed in Trinidad and Tobago Dollars)

NOTE D – RECEIVABLES AND PREPAYMENTS

	2020	2019
	\$	\$
Sundry receivables	-	13,229
Security deposits	8,000	8,000
Prepayments	157,366	241,044
	<u>165,366</u>	<u>262,273</u>

NOTE E – PROPERTY, PLANT AND EQUIPMENT

	Minor Equipment	Furniture & Fixtures	Office Equipment	Motor Vehicles	Total 2020	Total 2019
<b>Cost</b>	\$	\$	\$	\$	\$	\$
At beginning of year	643,034	449,156	2,524,042	2,261,453	5,877,685	5,128,341
Adjustments	-	-	-	-	-	-
Disposals	(15,098)	-	(15,240)	-	(30,338)	(8,880)
Additions	38,640	-	227,646	794,000	1,060,286	758,224
At end of year	<u>666,576</u>	<u>449,156</u>	<u>2,736,448</u>	<u>3,055,453</u>	<u>6,907,633</u>	<u>5,877,685</u>
<b>Accumulated depreciation</b>						
At beginning of year	615,073	334,126	1,662,231	2,261,444	4,872,874	4,635,385
Adjustments	-	-	-	-	-	-
Disposals	(8,370)	-	(15,240)	-	(23,610)	(7,946)
Current year charge	17,326	35,723	289,361	198,500	540,910	245,435
At end of year	<u>624,029</u>	<u>369,849</u>	<u>1,936,352</u>	<u>2,459,944</u>	<u>5,390,174</u>	<u>4,872,874</u>
<b>Net book value</b>	<u>42,547</u>	<u>79,307</u>	<u>800,096</u>	<u>595,509</u>	<u>1,517,459</u>	<u>1,004,811</u>

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POLICE COMPLAINTS AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED SEPTEMBER 30, 2020 – (Continued)  
(Expressed in Trinidad and Tobago Dollars)

NOTE F – INTANGIBLE ASSETS (Computer Software)

	2020	2019
<b>Cost</b>	\$	\$
At beginning of year	245,195	220,585
Adjustments	-	-
Disposals	-	-
Additions	49,496	24,610
At end of year	<u>294,691</u>	<u>245,195</u>
<b>Accumulated amortisation</b>		
At beginning of year	76,875	31,295
Adjustments	-	-
Disposals	-	-
Current year charge	53,046	45,580
At end of year	<u>129,921</u>	<u>76,875</u>
<b>Net book value</b>	<u>164,769</u>	<u>168,320</u>

NOTE G – PAYABLES AND ACCRUALS

	2020	2019
	\$	\$
Sundry payables	1,443,178	221,885
Accruals	40,000	45,000
	<u>1,483,178</u>	<u>266,885</u>

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## POLICE COMPLAINTS AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED SEPTEMBER 30, 2020 – (Continued)  
(Expressed in Trinidad and Tobago Dollars)

## NOTE H – PARLIAMENTARY FUNDING

	2020	2019
	<b>\$</b>	<b>\$</b>
Recurrent expenditure	17,000,000	17,100,000
Direct charges	1,513,000	1,711,500
	<u>18,513,000</u>	<u>18,811,500</u>

## NOTE I – OTHER INCOME

	2020	2019
	<b>\$</b>	<b>\$</b>
Miscellaneous	7,363	423
	<u>7,363</u>	<u>423</u>

## NOTE J – OPERATING EXPENSES

Operating expenses include the following:

	2020	2019
	<b>\$</b>	<b>\$</b>
Salaries	8,872,949	8,428,525
Directors' Emoluments	1,939,970	1,443,840
Gratuities	2,084,355	520,997
Consulting and contracting services	1,299,172	1,241,852
Rent	419,425	425,795
Other Expenses	4,442,249	4,615,964
	<u>19,058,120</u>	<u>16,676,973</u>
Number of employees	63	63

## POLICE COMPLAINTS AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED SEPTEMBER 30, 2020 – (Continued)  
(Expressed in Trinidad and Tobago Dollars)

## NOTE K – RELATED PARTY TRANSACTIONS

A related party is a person or entity that is related to the entity that is preparing the financial statements, that is, the reporting entity. A person is related to a reporting entity if that person is a member of the key management personnel of the reporting entity or has significant influence over the entity.

Key management personnel are those persons having the authority and responsibility for planning, directing and controlling the activities of the Authority and means the Director and Deputy Director.

Any transaction entered into with a related party in the normal course of operations is considered a related party transaction.

The related party transaction herein refers to the remuneration paid to the Director and Deputy Director in accordance with the terms and conditions of service recommended by the Salaries Review Commission and approved by Cabinet. The amounts paid for the years ended 30 September 2020 and 2019 are detailed hereunder:

	2020	2019
	<b>\$</b>	<b>\$</b>
Salary and Allowances	1,467,353	1,443,840
Gratuity	472,616	-
	<u>1,939,969</u>	<u>1,443,840</u>

## NOTE L – FINANCIAL INSTRUMENTS

- (i) Fair Values – The carrying amounts of short-term financial assets and liabilities comprising cash in hand and at bank, receivables and prepayments and payables and accruals are a reasonable estimate of their fair values because of the short maturity of these instruments.
- (ii) Credit Risk – The Authority has no significant concentration of credit risk.

POLICE COMPLAINTS AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED SEPTEMBER 30, 2020 – (Continued)  
(Expressed in Trinidad and Tobago Dollars)

NOTE M – COMMITMENTS UNDER OPERATING LEASES

The Police Complaints Authority entered into a lease agreement with Kathrynne Armstrong-Hollingsworth for the occupation of premises at 5B Kilgwyn Bon Accord, Tobago. The lease commenced on May 1<sup>st</sup>, 2016 at a monthly rental of \$8,000.00. The lease was renewed for a period of one year with effect from November 1<sup>st</sup>, 2019 to October 31<sup>st</sup>, 2020 and upon expiration, the Authority is expected to renew same with the landlord.

An agreement was executed between the Government of Trinidad and Tobago and Cariben Limited for the rental of office space on the First Floor of premises located at Lot B Bacolet Trace, Tobago for the Police Complaints Authority for a period of three years with effect from August 1<sup>st</sup>, 2020 to July 31<sup>st</sup>, 2023 at a monthly rental \$10,833.75 V.A.T. inclusive.

	2020	2019
Minimum lease payments under operating lease recognised as an expense during the year	\$ 226,005	\$ 226,005

At the year's end the Authority has outstanding commitments under non-cancellable operating leases that fall due as follows:

	2020	2019
	\$	\$
Commitments due within one (1) year	226,005	204,338
Commitments due later than one (1) year but within five (5) years	<u>116,338</u>	<u>8,000</u>
	<u>342,343</u>	<u>212,338</u>



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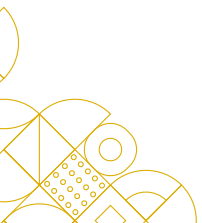
# POLICE COMPLAINTS AUTHORITY ACT

## CHAPTER 15:05

Act  
8 of 2006

### Current Authorised Pages

Pages	
Authorised	
(inclusive)	by L.R.O.
1-25	.. 1/2009





**Note on Subsidiary Legislation**

This Chapter contains no subsidiary legislation.

**Note on Section 53**

Section 53 amends section 23(6) of the Domestic Violence Act, Chap. 45:56.

See Act No. 8 of 2006.

**CHAPTER 15:05**

**POLICE COMPLAINTS AUTHORITY ACT**

ARRANGEMENT OF SECTIONS

**SECTION**

**PART I**

**PRELIMINARY**

1. Short title.
2. Commencement.
3. Act inconsistent with Constitution.
4. Interpretation.

**PART II**

**THE POLICE COMPLAINTS AUTHORITY**

5. Establishment of the Authority.
6. Membership of the Authority.
7. Qualification of Director and Deputy Director.
8. Disqualification of Director and Deputy Director.
9. Tenure of office.
10. Gazetting of membership.
11. Acting appointment.
12. Revocation of appointment.
13. Resignation.
14. Remuneration.
15. Location.
16. Staff.
17. Funding.
18. Auditing of accounts.
19. Independence of the Authority.
20. Annual report.

**PART III**

**POWERS AND FUNCTIONS OF THE AUTHORITY**

21. Functions of the Authority.
22. Powers of the Authority.



ARRANGEMENT OF SECTIONS—*Continued*

**SECTION**

23. Co-operation with any person or body.
24. Exercise of the functions of the Authority.
25. Power to appoint specialists.

**PART IV**  
**INVESTIGATIONS**

26. Investigation on receipt of complaint.
27. Limitation to make complaint.
28. Making or continuing of complaint on behalf of complainant.
29. Recording of complaint.
30. Preliminary investigation.
31. Entry to public premises.
32. Entry to private premises.
33. Application to High Court.

**PART V**  
**HEARINGS**

34. Hearings.
35. Public and private hearings.
36. Evidence and procedure.
37. Hearings in relation to judicial proceedings.
38. Right of appearance of interested person.
39. Legal representation.
40. Power to summon witnesses.
41. Examination and cross-examination of witness.
42. Legal assistance for witnesses.
43. Financial assistance for witnesses.
44. Conclusion of investigation.

**PART VI**  
**MISCELLANEOUS PROVISIONS**

45. Contempt of the Authority.
46. Punishment of contempt.

**SECTION**

47. Offences.
48. Effect of Act on the powers of the Commission and the Commissioner.
49. Liability for proceedings.
50. Regulations.
51. Transitional.
52. Repeal.
53. Amendment to written law.

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**CHAPTER 15:05**

**POLICE COMPLAINTS AUTHORITY ACT**

8 of 2006. **An Act to establish an independent body to investigate criminal offences involving police officers, police corruption and serious police misconduct and for other related matters.**

\*[ASSENTED TO 13TH APRIL 2006]

Preamble. WHEREAS it is enacted *inter alia* by subsection (1) of section 13 of the Constitution that an Act to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any such Act so declare, it shall have effect accordingly:

And whereas it is provided by subsection (2) of the said section 13 of the Constitution that an Act to which this section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

**PART I  
PRELIMINARY**

Short title. **1.** This Act may be cited as the Police Complaints Authority Act.

Commencement. **2.** This Act came into operation on 1st January 2007.  
[329/2006].

Act inconsistent with Constitution. **3.** This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

\*See section 2 for the date of commencement.

**4.** In this Act— Interpretation.

“Authority” means the Police Complaints Authority established under section 5;

“Commission” means the Police Service Commission established under section 122(1) of the Constitution;

“Commissioner” means the Commissioner of Police;

“complaint” includes an allegation of—

- (a) police corruption;
- (b) serious police misconduct;
- (c) the commission of a criminal offence by a police officer; or
- (d) the commission of a criminal offence by any other person but involving a police officer,

which is submitted to the Authority;

“financial institution” means a company which carries on or used to carry on all or any aspect of banking business or business of a financial nature as defined in the Financial Institutions Act; Ch. 79:09.

“Minister” means the Minister to whom responsibility for national security is assigned;

“police corruption” means an act done with an intent that is illegal, dishonest or fraudulent or failing to act in order to receive an advantage or reward whether financial or otherwise, personally or for another person, group or organisation, or exercising a legitimate discretion for improper reasons, or employing illegal means to achieve approved goals;

“police officer” means—

- (a) a member of the Police Service;
- (b) a member of the Municipal Police Force, established under the Municipal Corporations Act, and Ch. 25:04.

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- Ch. 15:03. (c) a member of the Special Reserve Police, established under the Special Reserve Police Act,  
at the material time;
- Ch. 15:01. "Police Service" means the Police Service established under section 4 of the Police Service Act;
- Sub. Leg. "serious police misconduct" means the commission of a disciplinary offence under the Police Service Regulations which the Authority considers to be so serious as to bring the Police Service into disrepute;
- "Service Commission" means a Service Commission established under the Constitution.

## PART II

## THE POLICE COMPLAINTS AUTHORITY

- Establishment of the Authority. **5.** (1) There is established a body to be known as the Police Complaints Authority.  
(2) The Authority shall be a corporate body.
- Membership of the Authority. **6.** (1) The Authority shall comprise a Director and a Deputy Director to be appointed by the President on the joint advice of the Prime Minister and the Leader of the Opposition.  
(2) In the event the Prime Minister and the Leader of the Opposition cannot agree on the joint advice, the President shall appoint the Director and the Deputy Director, after consultation with the Prime Minister and the Leader of the Opposition.
- Qualification of Director and Deputy Director. **7.** A person appointed by the President as Director or Deputy Director shall have at least ten years experience as an Attorney-at-law, and may be appointed from within the Commonwealth.
- Disqualification of Director and Deputy Director. **8.** No person is qualified to be appointed as Director or Deputy Director if that person—  
(a) is a member of—  
(i) the Senate;  
(ii) the House of Representatives;

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- (iii) the Tobago House of Assembly;  
(iv) a Municipal Corporation; or  
(b) was at any time during the three years preceding appointment—  
(i) a member of the Senate;  
(ii) a member of the House of Representatives;  
(iii) a member of the Tobago House of Assembly;  
(iv) a member of a Municipal Corporation; or  
(v) a candidate for election to membership of the House of Representatives, the Tobago House of Assembly or a Municipal Corporation; or  
(c) is or was a police officer;  
(d) is an undischarged bankrupt;  
(e) has at any time had a record of a criminal conviction for any indictable or summary offence which carries a term of imprisonment of three or more months; or  
(f) has been dismissed from the Public Service.

**9.** (1) The appointment of a person as the Director or Deputy Director shall, subject to this Act, be for a period not less than three years, but not exceeding five years. Tenure of office.

(2) A person mentioned in subsection (1) is eligible for reappointment.

**10.** The first appointment of the Director and Deputy Director and every subsequent appointment shall be published by the Authority in the *Gazette*. Gazetting of membership.

**11.** Where the Director or Deputy Director is absent or unable to perform his duties, the President may, in accordance with sections 6 and 7 appoint another person to act in the place of the Director or Deputy Director. Acting appointment.

Revocation of appointment. **12.** The President, acting in his discretion, may revoke the appointment of a person as Director or Deputy Director where he is satisfied that the person—

- (a) has, without reasonable excuse, failed to carry out his prescribed duties for a continuous period of three months;
- (b) is unable to discharge the functions of his office, whether arising from infirmity of mind or body or any other cause, or for misbehaviour; or
- (c) has become a person who would be disqualified for appointment pursuant to section 8.

Resignation. **13.** (1) The Director or Deputy Director may resign from his office, by instrument in writing addressed to the President.

(2) A resignation under this section takes effect from the date of receipt of the instrument of resignation by the President.

Remuneration. **14.** (1) The President shall determine the salary and allowances to be paid to the Director and Deputy Director.

(2) The salary and allowances of the Director and Deputy Director shall be a charge on the Consolidated Fund.

(3) The salary and allowances payable to the holder of an office to which subsection (1) applies and his other terms of service shall not be altered to his disadvantage after his appointment.

Location. **15.** (1) The Authority shall be located in the place provided for it by the Government and its address shall be immediately published in the *Gazette* and in two daily newspapers in circulation in Trinidad and Tobago and thereafter such publication shall be made annually.

(2) Where the address of the Authority is changed, the new address shall be published in accordance with subsection (1).

**16.** (1) The Authority shall be provided with adequate staff for the discharge of its functions. Staff.

(2) The Authority shall employ such members of staff as it requires for the performance of its functions on such terms and conditions as are agreed upon between the employee and the Authority.

(3) An officer in the Public Service may, with the approval of the Authority and the appropriate Service Commission, consent to be appointed on transfer to the service of the Authority upon terms and conditions no less favourable than those enjoyed by him in the Public Service.

(4) For the purpose of superannuation and pension rights, an officer shall, upon transfer, be treated as continuing in the Public Service.

(5) An officer in the Public Service may, with the approval of the Authority and the appropriate Service Commission, consent to be seconded to the service of the Authority.

(6) Part III of Chapter III of the Civil Service Regulations shall apply to an officer who is seconded to the Authority under subsection (5). Ch. 23:01.

**17.** The funds of the Authority shall consist of such monies as are appropriated to it by Parliament from time to time. Funding.

**18.** (1) The Authority shall keep an account of all its financial transactions in accordance with General Accounting Principles and Practices, and ensure that all payments out of the funds of the Authority are duly authorised. Auditing of accounts.

(2) The accounts of the Authority shall be audited annually by the Auditor General or by an auditor authorised by him for such purpose.

**19.** The Authority is not subject to the direction or control of any other person in the performance of its functions under section 21 and the exercise of its powers under section 22. Independence of the Authority.



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Annual report.

**20.** (1) The Authority shall, within three months of the end of each financial year, submit to the Minister in respect of the preceding financial year—

- (a) an annual report of its activities in the preceding financial year; and
- (b) a copy of the audited statement of accounts and such information relating to the operation of the Authority as the Minister may require.

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

(3) The Authority may on its own initiative or at the request of the Minister conduct an investigation and submit a special report to the Minister who shall cause it to be laid in Parliament in accordance with subsection (2).

## PART III

## POWERS AND FUNCTIONS OF THE AUTHORITY

Functions of the Authority.

**21.** (1) The functions of the Authority are to—

- (a) investigate criminal offences involving police officers, police corruption and serious police misconduct;
- (b) undertake inquiries into, or audits of, any aspect of police activities for the purpose of ascertaining whether there is police corruption or serious police misconduct or circumstances that may be conducive to both;
- (c) monitor an investigation conducted by any person or authority in relation to any matter mentioned in paragraph (a) and to undertake audits of those investigations;
- (d) advise the Police Service and other public authorities on ways in which police corruption and serious police misconduct may be eliminated;

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- (e) gather evidence that may be admissible in the prosecution of a person who is not a police officer for a criminal offence in relation to the Police Service and to furnish that evidence to the Director of Public Prosecutions, or where an authority outside the State is concerned, the Attorney General;
- (f) gather evidence that may be used in the investigation of serious police misconduct and furnish such evidence to the Commissioner or the Commission for appropriate action;
- (g) gather evidence that can be used in the prosecution of a police officer involved in a criminal offence and furnish such evidence to the Director of Public Prosecutions; or
- (h) perform any other functions that may be conferred on it by any other written law.

(2) Evidence referred to in subsection (1)(e) and (f) may be accompanied by any observation that the Authority thinks appropriate together with recommendations as to what action the Authority considers should be taken in relation to the evidence.

(3) If the Authority obtains any information in the course of an investigation under subsection (1) relating to the exercise of the function of a public body or authority, other than the Integrity Commission or Ombudsman, the Authority may furnish the information to the Minister responsible for the body or authority together with such recommendations relating to the exercise of the function of that body or authority as the Authority thinks appropriate.

(4) Notwithstanding any written law to the contrary, information and evidence obtained by the Authority in the performance of its function under this Act is confidential.

(5) Subsection (4) shall not apply if the information and evidence is required for proceedings under the Official Secrets Act, 1911, for perjury or contempt of the Authority.

Powers of the Authority.  
 Ch. 19:01. **22.** (1) For the purpose of the performance of its functions and subject to this Act, the Authority has the powers of a commission of enquiry established under the Commissions of Enquiry Act as if it were a commission of enquiry for the purpose of that Act.

(2) Notwithstanding subsection (1), the Authority shall also have the power to require—

- (a) any person to produce, within a specified time, all books, records, accounts, reports, data, stored electronically or otherwise, or any other documents relating to the functions of any public body or authority;
- (b) any person, within a specified time and in writing, to provide any information or to answer any question which the Authority considers necessary in connection with any investigation which the Authority is empowered to conduct under this Act; and
- (c) that any facts, matters or documents relating to a complaint, be verified or otherwise ascertained by oral examination of the person making the complaint.

(3) Notwithstanding subsection (1), where, in the course of an investigation, the Authority is satisfied that there is a need to expand its investigations, it may exercise the following powers:

- (a) require any person to furnish a statement in writing—
  - (i) enumerating all real or personal property belonging to or possessed by that person in Trinidad and Tobago or elsewhere, or held in trust for him, and specifying the date on which each property was acquired, the consideration paid and whether it was acquired by way of purchase, gift, inheritance or otherwise;

- (ii) specifying any monies or other property acquired in Trinidad and Tobago or elsewhere or sent out of Trinidad and Tobago by him or on his behalf during a specified period;
- (b) require any person to furnish, notwithstanding any other law to the contrary, all information in his possession relating to the affairs of any person being investigated and to produce or furnish any document or copy of any document relating to the person under investigation and which is in the possession or under the control of the person required to furnish the information;
- (c) require the manager of any financial institution, in addition to furnishing information specified in paragraph (b), to furnish any information or certified copies of the accounts or the statement of accounts at the financial institution of the person being investigated.

(4) A person who fails or refuses to disclose any information or to produce any document under this section commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for five years.

**23.** In the performance of its functions, the Authority may, as it thinks appropriate—

- (a) work in co-operation or in consultation with; or
- (b) disseminate intelligence and information to,

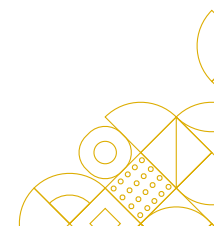
any person or body, whether public or private.

**24.** The powers and functions of the Authority are exercisable by—

- (a) the Director or Deputy Director personally;
- (b) any person not being a police officer appointed by the Authority to conduct an investigation; or

Co-operation with any person or body.

Exercise of the functions of the Authority.



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(c) any other person acting under and in accordance with the general or special instructions of either the Director or Deputy Director.

Power to appoint specialists.

**25.** The Authority may, on such terms and conditions as it thinks fit, engage any suitably qualified person to provide it with services and assistance in the exercise of its functions.

## PART IV

## INVESTIGATIONS

Investigation on receipt of complaint.

**26.** The Authority may conduct an investigation on its own initiative or on the basis of a complaint made by a member of the public, a police officer, a public body or authority, or the appropriate unit or a disciplinary tribunal of the Police Service.

Limitation to make complaint.

**27.** (1) A complaint shall not be entertained under this Act unless it is made to the Authority not later than one year from the day on which the person making the complaint first had notice of the matter alleged in the complaint.

(2) The Authority may conduct an investigation pursuant to a complaint not made within the period prescribed in subsection (1) if it considers that there are special circumstances which make it proper to do so.

Making or continuing of complaint on behalf of complainant.

**28.** Where a person—

- (a) makes a complaint under this Act and dies;
- (b) makes a complaint and for any reason is unable to act for himself after making the complaint; or
- (c) could have made a complaint but died before doing so or is for any reason unable to act for himself,

the complaint may be made or continued by his personal representative, a member of his family or other individual suitable to represent him.

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**29.** The Authority shall ensure that a permanent record of every complaint, the proceedings and the result of the investigation are maintained.

Recording of complaint.

**30.** (1) The Authority may conduct a preliminary investigation to assist it to identify whether or not there is conduct to justify a more complete investigation under the Act, or refer it to the Director of Public Prosecutions, Commissioner or the Commission for further action.

Preliminary investigation.

(2) The Authority may, in considering whether or not to conduct, continue or discontinue an investigation have regard to such matters as it thinks fit including whether or not in its view—

- (a) the subject matter of the investigation is trivial;
- (b) the conduct or matter concerned occurred at too remote a time to justify an investigation; or
- (c) the complaint is frivolous, vexatious or not made in good faith.

(3) Where the Authority has decided to refer a matter under subsection (1) or to discontinue a matter under subsection (2), the Authority shall, in writing, immediately inform the person who made the complaint of the decision taken and the reason for that decision.

**31.** (1) For the purpose of an investigation, the Authority may—

Entry to public premises.

- (a) enter and inspect any premises occupied or used by a public body or authority in that capacity;
- (b) inspect any document or other thing in the premises; and
- (c) take copies of any document in the premises.

(2) A public body or authority shall make available to the Authority such facilities as are necessary to enable the powers conferred by this section to be exercised.

(3) Subsection (1) shall not apply where—

- (a) under any law an objection to production of the document or other thing may be upheld;



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- (b) public interest may justify an objection to an inspection of the premises;
- (c) a public or local authority or public official acting in such capacity enjoys a privilege under any law; or
- (d) under any law, any duty of secrecy or other restriction on disclosure applies to a public authority or public official.

Entry to private premises.

**32.** (1) Where the Authority wishes to enter private premises in furtherance of an investigation it shall first get a search warrant from a Court.

(2) For the purpose of an investigation, the Authority may—

- (a) enter and inspect any premises occupied or used by a person;
- (b) inspect any document or other thing in the premises; and
- (c) take copies of any document in the premises.

(3) A person shall make available to the Authority such facilities as are necessary to enable the powers conferred by this section to be exercised.

Application to High Court.

**33.** The High Court may, on an application made by the Authority, make any order, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing this Act.

PART V  
HEARINGS

Hearings.

**34.** The Authority may hold hearings for the purpose of conducting an investigation.

Public and private hearings.

**35.** The Authority may hold its hearings in public or in private, or partly in public and partly in private as it considers appropriate.

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**36.** (1) When conducting a hearing the Authority is not bound by the rules or practice of evidence and can inform itself on any matter in such manner as it considers appropriate. Evidence and procedure.

(2) The Authority is required to exercise its functions with as little formality and technicality as is possible.

(3) The Authority may require hearings to be conducted with as little emphasis on an adversarial approach as is possible and wherever possible, written submissions may be presented.

**37.** Where the subject matter of a complaint or an investigation is the subject matter of judicial proceedings, the Authority shall not commence or continue an investigation pending the final outcome of those proceedings. Hearings in relation to judicial proceedings.

**38.** Where a person satisfies the Authority that he has a substantial or direct interest in the subject matter of a hearing, the Authority may authorise him to appear at the hearing or a specified part of the hearing. Right of appearance of interested person.

**39.** (1) The Authority may allow a person giving evidence at a hearing to be represented by an Attorney-at-law. Legal representation.

(2) The Authority may appoint an Attorney-at-law to assist it at a hearing.

**40.** (1) The Authority may summon a person to appear at a hearing at a time and place named in the summons— Power to summon witnesses.

- (a) to give evidence; or
- (b) to produce such documents or other things as are referred to in the summons.

(2) The Authority may require a person appearing at a hearing to give evidence on oath or affirmation.

(3) A witness who has been summoned to attend before the Authority shall appear and report from day to day unless he is excused from attendance or until he is released from further attendance.



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(4) No person shall be compelled for the purpose of an investigation under this Act to give any evidence or produce any document which he could not be compelled to give or produce in judicial proceedings.

Examination and cross-examination of witness.

**41.** (1) A person authorised or required to appear at a hearing or his Attorney-at-law may, with the leave of the Authority, examine or cross-examine any witness on any matter that the Authority considers relevant.

(2) An Attorney-at-law appointed by the Authority to assist it may examine or cross-examine any witness on any matter that the Authority considers relevant.

(3) A witness examined or cross-examined under this section has the same protection and is subject to the same liabilities as a witness in judicial proceedings.

Legal assistance for witnesses.

**42.** (1) A witness who appears or is about to appear before the Authority may apply for legal assistance.

(2) The Authority may approve the grant of legal assistance to the applicant if it is satisfied that this is appropriate, having regard to—

- (a) any injustice to the witness if assistance is declined;
- (b) the significance of the evidence that the witness is giving or appears likely to give; and
- (c) any other relevant matter.

Financial assistance for witnesses.

**43.** (1) Subject to subsection (2), a witness who appears before the Authority may be paid such reasonable expenses as may be determined by the Authority.

(2) The Authority may pay such reasonable expenses to a witness if it is satisfied that this is appropriate, having regard to—

- (a) the prospect of hardship to the witness if assistance is declined; and
- (b) any other relevant matter.

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**44.** (1) Upon the conclusion of an investigation, the Authority shall make an assessment and form an opinion as to whether or not the subject matter of a complaint—

Conclusion of investigation.

- (a) has or may have occurred;
- (b) is or may be occurring;
- (c) is or may be about to occur; or
- (d) is likely to occur.

(2) The Authority may, based on its assessment or opinion under subsection (1), recommend whether consideration should be given to prosecute any person for a criminal offence or invoke disciplinary proceedings against any person, and make recommendations for the taking of any other action that the Authority considers appropriate.

(3) The Authority shall, in writing, immediately inform the person who made the complaint and the police officer concerned of the action taken and the reasons for such action.

## PART VI

## MISCELLANEOUS PROVISIONS

**45.** (1) A person who—

Contempt of the Authority.

- (a) having been served with a summons to attend before the Authority as a witness, fails to attend;
- (b) is a witness and who departs from a hearing without the authority of the person holding the hearing;
- (c) having been served with a summons to produce any document or other thing in his custody or control, fails to do so;
- (d) being called or examined as a witness before the Authority, refuses to be sworn or to make an affirmation or refuses or otherwise fails to answer any question put to him;
- (e) misbehaves before the Authority;
- (f) interrupts the proceedings of the Authority;

- (g) obstructs or attempts to obstruct the Director, a Deputy Director or a person acting with the authority of the Authority in the exercise of any lawful function;
- (h) publishes or discloses, or permits or allows to be published or disclosed, any evidence given before the Authority or any of the contents of a document produced at a hearing which the Authority has ordered not to be published or disclosed; or
- (i) does any other thing that, if the Authority were a Court, would be contempt of Court,

commits a contempt of the Authority.

(2) Subsection (1)(h) does not apply to an officer of the Authority in the lawful performance of his functions.

Punishment of contempt.

**46.** (1) A contempt of the Authority may be dealt with in accordance with this section.

(2) The Director may present to the High Court, a certificate setting out the details which the Director considers constitute the contempt.

(3) Where an offence is certified under subsection (2), the Court may inquire into the matter and after hearing any witness who may be produced against or on behalf of the person charged for the offence, and after hearing any statement that may be offered in defence, deal with him in any manner in which the Court could deal with him if he had committed the like offence in relation to the Court.

(4) Where a person is punished under this section, he is not relieved from complying with a summons issued by the Authority, and the Authority may enforce his attendance by a warrant.

(5) A person is not liable to be punished for contempt of the Authority if he establishes that there was a reasonable excuse for the act or omission concerned.

**47.** A person who— Offences.

- (a) obstructs an officer or member of staff of the Authority in the exercise of the functions or powers of the Authority;
- (b) procures false testimony of a witness;
- (c) knowingly gives false or misleading evidence at a hearing;
- (d) bribes a witness;
- (e) in any way causes a disadvantage to a person because that person appeared as a witness before the Authority;
- (f) impersonates an officer or member of staff of the Authority;
- (g) assaults an officer or member of staff of the Authority in the performance of his functions;
- (h) without lawful justification or excuse—
  - (i) hinders or resists the Authority or any other person in the discharge of functions under this Act;
  - (ii) fails to comply with any lawful requirement of the Authority or any other person under this Act; or
  - (iii) discloses confidential information;
- (i) knowingly misleads the Authority or an officer of the Authority by giving false information; or
- (j) knowingly makes or causes to be made, a false complaint,

commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for five years.

**48.** (1) Subject to subsection (2), nothing in this Act prevents or affects the exercise of the functions and powers of the Commission and the Commissioner under any law.

Effect of Act on the powers of the Commission and the Commissioner.

(2) Where the Commission or the Commissioner receives information or a complaint in relation to any of the



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matters mentioned in section 21(1)(a), the Commission or the Commissioner shall immediately inform the Authority of the investigation in writing and the Authority shall have the sole responsibility for dealing with those matters.

Liability for proceedings.

**49.** (1) Subject to subsection (2), no matter or thing done by the Authority or any member of or any person acting under the authority of the Authority shall, if the matter or thing was done in good faith for the purpose of giving effect to the purpose of this Act or any other written law, subject the member or person so acting personally to any action, liability, claim or demand.

(2) In proceedings for defamation in relation to any hearing or other matter connected with the exercise of the functions of the Authority under this Act, there is a defence of absolute privilege for a publication to or by the Authority or an officer of the Authority as such officer.

Regulations.

**50.** The Minister may make Regulations to give effect to the purpose of this Act.

Transitional.

**51.** (1) Where before the date of commencement of this Act any complaint has been received or matter commenced by or under the authority of the Police Complaints Authority or the Police Service under the Police Complaints Authority Act, (repealed by this Act and hereinafter referred to as "the former Authority"), that complaint, matter or thing shall be dealt with and completed by the Authority as if it were received or commenced under this Act.

17 of 1993.

(2) Members of the Police Complaints Authority appointed under the former Authority shall continue in office in accordance with their respective instruments of appointment subject to the provisions of termination and removal under this Act.

(3) Any arrangement, contract, or document prepared, made or executed by or on behalf of the former Authority shall continue and is deemed to have been prepared, made or executed by the Authority pursuant to this Act.

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(4) All rights, obligations and liabilities of the former Authority immediately before the date of commencement of this Act are, from that date, deemed to be the rights, obligations and liabilities of the Authority.

(5) In any written law and in any document, unless the context otherwise requires, any reference to the former Authority shall be construed as a reference to the Authority.

(6) Any monies standing to the account of the former Authority in any financial institution shall vest in and belong to the Authority from the date of commencement of this Act.

**52.** The Police Complaints Authority Act, 1993 is repealed. Repeal. 17 of 1993.

**\*53.** *{ This section has been omitted as it applies to an amendment to another Act which has been included therein. }*

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\*See Note on page 2.

First Session Tenth Parliament Republic of  
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

**Act No. 12 of 2011**

[L.S.]

AN ACT to amend certain enactments to provide for the vesting of functions and powers in the Minister of Justice

*[Assented to 7th June, 2011]*

ENACTED by the Parliament of Trinidad and Tobago as Enactment follows:

1. This Act may be cited as the Short title Miscellaneous Provisions (Ministry of Justice) Act, 2011.

2 No. 12 *Miscellaneous Provisions (Ministry of Justice)* 2011

Chap. 5:31 amended 2. The Criminal Injuries Compensation Act is amended in section 3, by deleting the definition of “Minister” and substituting the following definition:

“ “Minister” means the Minister to whom responsibility for the Criminal Injuries Compensation Board is assigned and “Ministry” has the corresponding meaning;”.

Chap. 5:33 amended 3. The Justice Protection Act is amended in section 3, by deleting the definition of “Minister” and substituting the following definition:

“ “Minister” means the Minister to whom responsibility for the Justice Protection Programme is assigned;”.

Chap. 5:34 amended 4. The Deoxyribonucleic Acid (DNA) Act is amended in section 4, by deleting the definition of “Minister” and substituting the following definition:

“ “Minister” means the Minister to whom responsibility for DNA services under this Act is assigned;”.

Chap. 13:06 amended 5. The Community Service Orders Act is amended in section 2, by deleting the definition of “Minister” and substituting the following definition:

“ “Minister” means the Minister to whom responsibility for administering community service under this Act is assigned;”.

Chap. 15:05 amended 6. The Police Complaints Authority Act is amended in section 4, by deleting the definition of “Minister” and substituting the following definition:

“ “Minister” means the Minister to whom responsibility for the Police Complaints Authority is assigned;”.



No. 12 *Miscellaneous Provisions (Ministry of Justice)* 2011 3

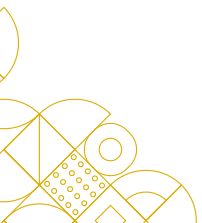
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Passed in the House of Representatives this 4th day of February, 2011.

*Clerk of the House*

Passed in the Senate this 31st day of May, 2011.

*Clerk of the Senate*





# PCA

INDEPENDENT  
POLICE COMPLAINTS AUTHORITY

For additional copies of this report, please write to:

The Communications Unit  
The Police Complaints Authority  
Level 24, Tower D  
The International Waterfront Centre  
1A Wrightson Road  
Port of Spain