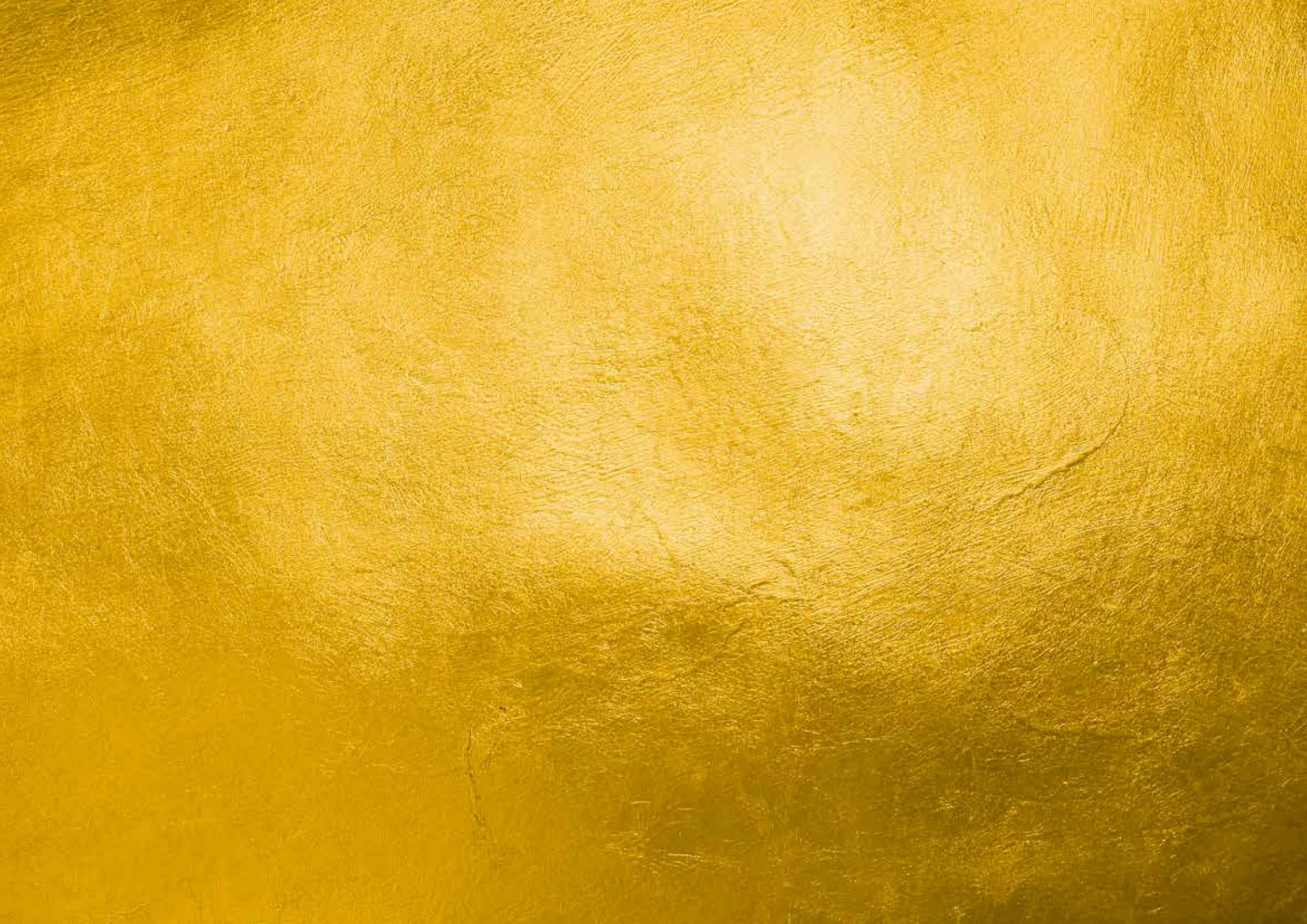




The Police Complaints Authority

FINDING TRUTH • ENSURING JUSTICE

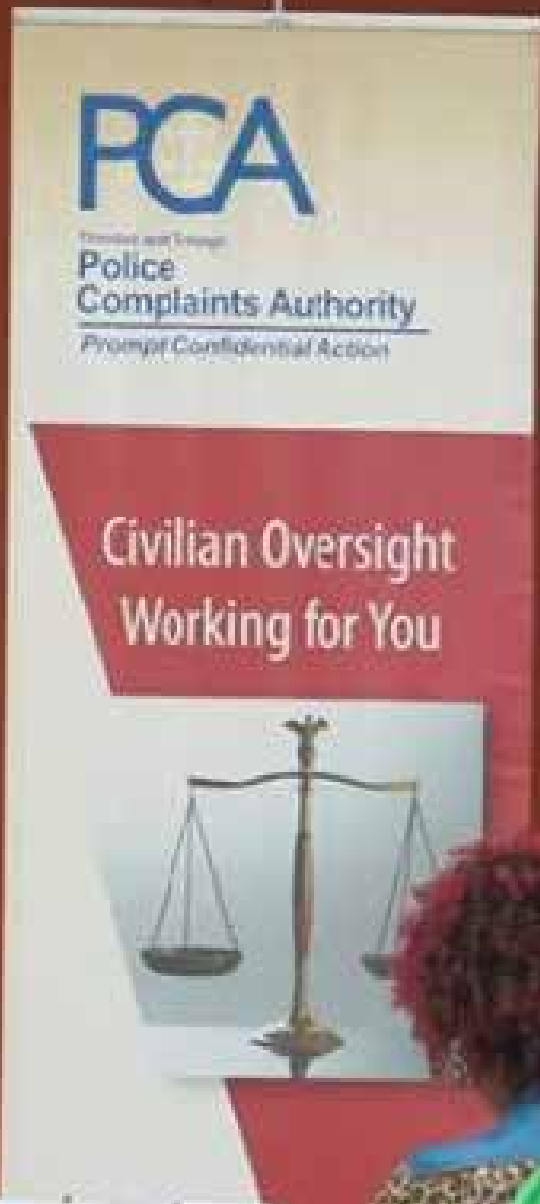
2017
2016 ANNUAL REPORT





SEVENTH ANNUAL REPORT 2016|2017

FINDING TRUTH ◦ ENSURING JUSTICE



December 22nd, 2017

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 Minister,

Re: The Seventh Annual Report of the Police Complaints Authority

On behalf of the Police Complaints Authority (PCA) I have the honour to present the Seventh Annual Report of the Authority for the financial period October 1, 2016 to September 30, 2017.

No. 8 of 2006.

Respectfully



David West
Director
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



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DIRECTOR'S REMARKS

It is axiomatic that the work of civilian oversight of law enforcement requires those at the helm to have a genuine and relentless commitment to what the organization holds as paramount.

By and large, oversight bodies operate in an environment in which the interests of stakeholders often conflict: Police may wish to retain their historic ability to determine complaints made against their own and may fail to provide the requisite cooperation to the civilian oversight body; Police associations may be openly hostile; Politicians may like the appearance of accountability but may be hesitant to truly support civilian oversight through funding and legislative authority; and the Public may not fully understand the constraints under which the civilian oversight body operates. Due to the fact that there will be challenges of magnanimous proportions, those who lead independent civilian oversight bodies must take a stand for what they truly believe.

As Director, I state unreservedly, that the Police Complaints Authority ("PCA") is committed to finding the truth and ensuring justice in all matters within its jurisdiction. The Deputy Director, Ms. Michelle Solomon-Baksh, (*who joined me at the helm on June 29, 2017 following the departure of Mr. Andrew Stroude on May 8, 2017*), and I share a common vision for the organization.



David West

Director, Police Complaints Authority

Together, we have been working assiduously to continue to motivate and inspire our Staff to produce extraordinary results in the face of constraints and adverse commentary.

We envision a PCA which takes full control over the ultimate direction of all of its matters and delivers justice in a timely manner. To make this a reality, we believe that we must inspire the political will to truly support all legislative amendments the PCA requires. We must build a better relationship with the Office of the Commissioner of Police who must in turn cause all officers under his purview to recognize the authority of the PCA and to cooperate with our investigative officers. We must engage the public effectively so that they may understand the role of oversight and in so doing manage their expectations. We must continue to have the courage and audacity to enforce breaches of our Act. We must take bold steps to assert ourselves in the public interest and allow our voice to be heard by all including those who have the power to revise archaic guidelines under which the subjects of oversight operate.

In networking with other leaders in oversight, it is clear that the PCA's problems are not unique but are experienced by those who walk a similar path both regionally and internationally. It is for this reason that we are committed to partnering with them to

find solutions which may positively impact the service we offer. So great is our commitment that the PCA was a driving force in unifying oversight leaders at our Oversight of Law Enforcement Conference in March, 2016. Our hopes then, were realized at the Caribbean Use of Force in Law Enforcement Conference hosted by the Independent Commission of Investigations at the Jamaica Conference Centre in Jamaica in May 2017, after which the Caribbean Association for Oversight of Law Enforcement agreement ("CAFOLE") was executed. In this connection, it is with great pride that I report that the PCA was responsible for the first draft of this landmark agreement which is nothing shy of a beacon of hope for collaboration in oversight. [See Appendix-page 72].

The Deputy Director and I know that retaining the Public's confidence requires more than rhetoric. Our commitment to delivering effective oversight is evident in the progress the PCA has made in the closure of a record number of complaints in the financial period under review. The PCA closed eight hundred and twenty-nine (**829**) matters during the period. Of these seventeen (**17**) were forwarded to the Director of Public Prosecutions and eighty (**80**) were forwarded to the Commissioner of Police. Included among these was our investigation into what is colloquially known as "the Day of Total Policing"- a matter which attracted great public interest and attention. Emerging out of this investigation were

recommendations to the Director of Public Prosecutions, the Office of the Commissioner of Police and the Police Service Commission. Pursuant to the Authority's function under Section 21 (1) (d) of the PCA Act, advice was provided on 21 ways in which police corruption and misconduct may be eliminated. The Authority believes that these achievements were due to the implementation of a new case management system and to the herculean efforts of our dedicated investigative, legal and supporting operational staff who have come together in an unprecedented way to deliver to the Public for whom we have the honour to serve.

It is with the Public at the forefront that the Authority took a decision to create a mobile application ("app") which launched on September 30, 2017. This app allows us greater accessibility not only to incident reports in real time but also facilitates feedback on our service. In a further effort to service the Public the PCA opened its door in Tobago in 2014 and is currently located at Caribana Building, Bacolet Street in Scarborough. Section 15 (1) of the PCA Act provides, "The Authority shall be located in the place provided for it by the Government...". During the period under review, the Property and Real Estate Services Division (PRES D) officially assigned this location to the PCA on August 1, 2017.

The PCA recognizes that the advent of social media has completely revolutionized the way people communicate, the speed at which content is shared and consumed, and the way businesses work. Embracing these truths, the PCA upgraded its Facebook page which now includes a "Know Your Rights" segment which is released weekly.

The Authority has high hopes for this pioneering organization which we lead and in recognition of this, continued its recruitment efforts which culminated in the appointment of eight (8) new members of staff, leaving our total staff complement at fifty six (56) as at September 30, 2017. Included among the recruits is a statistician and investigators with expertise in crime scene investigation.

Undoubtedly, the PCA is in a much-needed transformational phase which the Authority is confident will result in effective oversight and value to the society as a whole. We trust and hope that all stakeholders will support us in our quest to deliver on what we have been mandated to do.



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.



Second Deputy Director
Mr. Andrew Stroude

Departures

During the period under review, the Authority's second Deputy Director, (Mr. Andrew Stroude) tendered his resignation to His Excellency Anthony Thomas Aquinas Carmona, O.R.T.T., S.C. on May 8, 2017.



Third Deputy Director
Ms. Michelle Solomon-Baksh

Appointments

Section 6 (1) of the Act provides for the PCA 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. By Section 7 of the Act, the Director or Deputy Director shall have at least ten (10) years' experience as an Attorney-at-Law.

During the period under review, the Authority's third Deputy Director, (Ms. Michelle Solomon-Baksh) was appointed by His Excellency Anthony Thomas Aquinas Carmona, O.R.T.T., S.C. on June 29, 2017.

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 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) 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 Minister¹ 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, 2016 to September 30, 2017.

Audited Accounts

Financial Statements 2017

Section 18 (2) of the PCA 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 Financial Statements of the Authority for the financial year ended September 30, 2017 were forwarded to the Auditor General for audit in compliance with the Act.

A Financial Report on the receipts and expenditure of the PCA for the period October 1, 2016 to September 30, 2017 is published on page 11 of this Annual Report.

Audited Financial Statements 2015 and 2016

The Financial Statements for 2015 and 2016, referred to in the PCA's Annual Reports for those years respectively, have been audited and forwarded with the Auditor General's Reports to the Honourable Attorney General and Minister of Legal Affairs for laying in Parliament in accordance with Section 20 (2) of the Act.

¹ 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;"

FINANCIAL REPORT FOR THE PERIOD OCTOBER 1, 2016 TO SEPTEMBER 30, 2017

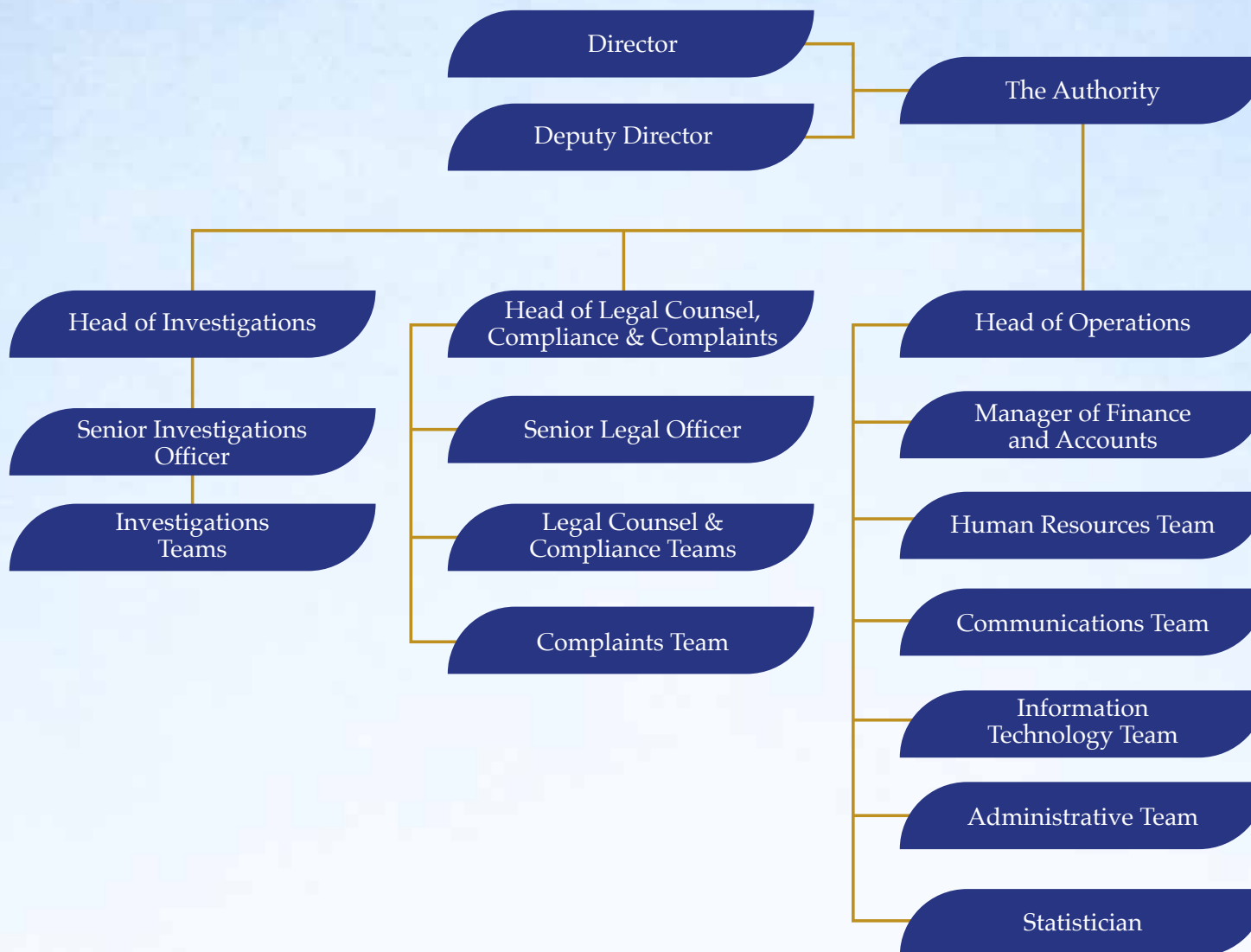
The PCA was **allocated** funding in the sum of Seventeen Million dollars (\$17,000,000.00) to facilitate capital and recurrent expenditure for the financial year 2016/2017. The Authority was also allocated an amount of One Million, Seven Hundred and Thirty Thousand dollars (\$1,730,000.00) to meet the payment of direct charges on the Consolidated Fund.

The amount of Eighteen Million and Thirty Thousand dollars (\$18,030,000.00) was **released** to the Authority during the financial year 2016/2017. The sum of Fifteen Million, Ninety One Thousand, Three Hundred and Eighty-Six dollars (\$15,091,386.00) was expended under Sub-Item 01 and the sum of One Million, Three Hundred and Fifty-Two Thousand, Two Hundred and Fourteen Dollars (\$1,352,214.00) was expended in respect of Sub-Item 04 - Direct Charges.

The Table below shows the actual unaudited Receipts and Expenditure of the Authority during the year under review.

Head /Sub-Head Item/Sub-Item	APPROVED ALLOCATION	TOTAL RELEASES	TOTAL EXPENDITURE
23: Ministry of Legal Affairs			
04: Current Transfers and Subsidies			
009: Other Transfers			
01: Police Complaints Authority	\$17,000,000.00	\$16,300,000.00	\$15,091,386.00
04: Police Complaints Authority -Direct Charges	\$ 1,730,000.00	\$ 1,730,000.00	\$ 1,352,214.00
TOTAL	\$18,730,000.00	\$18,030,000.00	\$16,443,600.00

FUNCTIONAL ORGANIZATIONAL CHART OF THE PCA



THE HUMAN RESOURCES DEPARTMENT

The goal of the Human Resources (HR) Unit is to assist the PCA to achieve its strategic mission, while ensuring employees are engaged and motivated to help the Authority succeed.

The HR Unit provides human resource management programs and services, aligned with the PCA's values of integrity, confidentiality, professionalism and fairness to enable the PCA to meet its business and service goals by:

- Promoting excellence in human resource management and providing leadership in the implementation of the recruitment and selection strategy.
- Providing a proactive human resource advisory, information and service function to the units of the PCA.
- Providing information to the Authority and the organization to support human resource decision making.

Recruitment And Selection

The HR Unit coordinated the recruitment of eight (8) new employees to improve staffing in deficient areas throughout the organization. The positions filled included Head of Investigations, Investigations Officers, Statistician and Administrative Assistant.

In keeping with the PCA's culture of internal career advancement, two (2) employees were promoted within the Information Technology and Legal Counsel, Compliance and Complaints Units.

Training And Development

In line with its goal to strengthen technical and leadership capabilities, the PCA provided a range of training to employees during the period under review.

Throughout the year, training and development activities were recalibrated and focused on enabling managers to deliver a more active and more rounded approach to performance management to ensure they are well-equipped to lead the PCA to future success.

In February 2017, the Head of Legal and Head of Investigations attended the National Association for Civilian Oversight of Law Enforcement (NACOLE) Regional Meeting held in Miami, Florida. This meeting targeted those working in and around civilian oversight of law enforcement to discuss civilian oversight and its role in ensuring sustainable police reforms. In addition to the networking opportunities, these PCA employees had the opportunity to learn and discuss the following topics:

- Overview of civilian oversight of law enforcement
- Use of force investigations and the importance of policy, practice and oversight
- Sustainable reform during and after federal oversight of the police
- Legal and implementation issues regarding body-worn cameras

This Regional Meeting allowed those working in, for, and around civilian oversight to gain knowledge and the opportunity to establish additional connections with those doing similar work in the area of police accountability.

During the period April 17 – May 5 2017, one of PCA's Investigations Officer participated in the United States of America's International Visitor Leadership Program (IVLP). The IVLP is the United States (U.S.) Department of State's premier professional exchange program. Participants are nominated and selected annually by the staff at U.S. Embassies around the world. The IVLP Program for 2017 was entitled "*Toward a More Safe and Secure World- International Crime Issues*". Through this short-term visit to the United States, the Investigations Officer cultivated lasting relationships with professional counterparts and visited U.S. public and private sector organizations related to the Investigations Officer's field of interest.

In May 2017, the Director and Team Lead- Legal Counsel attended the Caribbean Use of Force in Law Enforcement Conference hosted by the Independent Commission of Investigations (INDECOM) at the Jamaica Conference Centre in Kingston, Jamaica. This Conference brought together Commonwealth Caribbean law enforcement, security officials, policy makers and technical officers in the Ministries of National Security and Justice, Oversight bodies as well as international experts in the field. The Conference facilitated discussions on improving training and operations as well as drafting a Model Use of Force Policy for Caribbean security forces.

In September 2017, the Director attended the National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference in Spokane, Washington. The theme of the conference - "**Civilian Oversight in a Changing Landscape**" examined the challenges and opportunities faced by oversight bodies and focused on strengthening skills, knowledge and determination to create real and sustainable reform. The Director participated in training sessions, innovative workshops, and had the opportunity to share best practices and compare notes from the field with people from across the United States of America and many other nations.

Thirty-Seven (37) members of staff benefitted from various training opportunities throughout the year. These include:

- ICATT Annual International Finance and Accounting Conference
- Registry Procedures
- Freedom of Information
- Introduction to Restorative Practices
- Public Procurement
- Critical Thinking Skills
- Delivering Citizen Centered Service
- INDECOM Conference
- Introduction to Facilities Management
- Report Writing Skills
- Strategic Fleet Management
- Data Analysis and Management Reporting using Microsoft Excel
- Coaching and Mentoring
- Business Writing Skills
- Building Emotionally Intelligent Leaders
- Advanced Excel

THE INFORMATION TECHNOLOGY DEPARTMENT

The Information Technology (IT) Unit maintains the IT infrastructure and provides end user support to the Authority and staff of the PCA. During the period under review, the PCA's IT Unit focused on increasing security measures to protect the PCA's data by utilizing a combination of hardware and software updates.

Security

The IT Unit upgraded its firewall and antivirus resulting in a more robust network to strengthen protection against threats and security breaches. This upgrade accommodates heavier network traffic and allows faster network speeds.

Software

The IT Unit conducted an organization-wide software upgrade of computer operating systems providing employees with the most up-to-date technology to promote productivity.

Telecommunications System

The IT Unit upgraded the telecommunications system resulting in advanced usability by employees and increased reliability of the system.

Digital Platforms

An Electronic Complaint Form was created and added to the PCA's website to allow members of the public to submit a complaint to the PCA using the website.

The IT Unit was instrumental in the development and launch of the PCA Mobile Application. This Application allows members of the public to be the eyes and ears of the PCA using a mobile device with an Android and iOS operating system. The PCA app is available for Android Kit-Kat (4.4) and above and IOS 9 and above. All information provided via the Application is secured and treated with the utmost confidentiality.

This Application provides users with the ability to:

- Submit a report in real-time directly to the PCA
- Take photos, record videos and audio and upload directly to the PCA
- View their submitted reports
- Receive the latest PCA news updates and publications
- Provide feedback to the PCA

ADMINISTRATION DEPARTMENT

The Administration Unit provides operational support to the PCA and is responsible for all administrative services. The unit plays a pivotal role in the day to day operations of the PCA by optimising the available resources to ensure that the PCA delivers the highest standard of performance.

During the period under review the Unit was responsible for the following activity:

Tobago Office Accommodation

The PCA relocated its Tobago Office in January 2016 to 1st Floor, Caribana Building, Bacolet Street, Scarborough, to facilitate easier access to the PCA's services to its key stakeholders in Tobago. Section 15 (1) of the PCA Act provides, "*The Authority shall be located in the place provided for it by the Government...*". Accordingly, the Property and Real Estate Services Division (PRESD) officially assigned this space to the PCA on August 1, 2017.



THE COMMUNICATIONS DEPARTMENT

Communications Unit

The Communications Unit is responsible for managing, monitoring and reevaluating the communications strategy of the PCA. The role of the Unit is to manage and sustain the Authority's relationship with key stakeholders, promote the organization's image and foster positive public relations through communications planning, media relations, advertising, publications, press releases, community outreach programmes and external corporate events.

During the period under review the Communications Unit focused on enhancing its digital media presence to encourage interaction between the public and the PCA and to educate the public on the role and functions of the PCA. The Communications Unit was also instrumental in the creation and implementation of an additional method of making a complaint.

Social Media

The Communications Unit monitors the PCA's Facebook Page and facilitates dialogue between the public and the PCA. During the period under review, particular focus was placed on boosting the activity of the PCA's Facebook Page in an effort to increase the presence of the PCA to the public.

Public Education Programme

In May 2017, the Communications Unit launched its electronic public education series entitled 'Did You Know' on its Facebook Page. An installment is posted weekly giving insight into police procedures and policies in Trinidad and Tobago regarding common encounters between the police and members of the public and informing the public about the PCA. During the period under review, the Communications Unit has posted twenty-four (24) installments of this series.



Community Outreach

The Community Outreach Programme is designed to educate the public through face to face interaction between community members and the PCA. The purpose of this programme is to allow the PCA to be better informed about the specific needs of a community based on the feedback provided by its members and to provide clarity on the unique role of the PCA.

For the period under review, the PCA conducted two such meetings in the following areas:

- **East** - At the North Eastern Community Centre in Sangre Grande on April 7, 2017; and
- **Central** - At the Three Roads Development Facility in Freeport on July 4, 2017.

These meetings provided instructive feedback from members of the public and the media.



PCA Mobile Application

The PCA launched its mobile application on September 29, 2017. This application which is the first of its kind regionally was developed to provide a digital alternative to the PCA's existing complaint reporting methods and also to allow members of the public to receive real-time news updates from the PCA, view its publications and give feedback.

THE COMPLAINTS PROCESS

WALK IN REPORTS

- (a) A Complaints Officer electronically records the report of a Complainant
- (b) Legal Counsel assesses the report to determine whether the Authority can exercise its functions
- (c)(i) Legal Counsel issues correspondence to the Complainant outlining whether the matter is/is not within the PCA's remit

(c)(ii) 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.

EMAILED REPORTS

- (a) Electronic correspondence is received on info@pca.org.tt and an email is automatically generated acknowledging receipt of same.
- (b) Step c of the "mailed in" procedure is followed.
- (c) Steps c, d and e of the "walk in" procedure are followed. (END)

(d) Assessment of Investigative work

Legal Counsel assigned responsibility for the complaint examines the file and all related evidence.

(d)(i) 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 for endorsement and onward transmission the Authority for consideration.

(d)(ii) Further work required/Unsatisfactory

Where further work is required or investigative work is considered unsatisfactory, the file may be returned to the Investigations Unit or, in the alternative, may be forwarded to the Head of Legal for endorsement and onward transmission to the Authority for consideration of further action recommended.

(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 IN 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

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

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 ("MOBILE APP") REPORTS

- (a) 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 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 LEGAL COUNSEL, COMPLIANCE AND COMPLAINTS UNIT

The Legal Counsel, Compliance and Complaints Unit (LCCCU) is a dual capacity unit comprising a Complaints and Legal Section, the former consisting of three (3) Complaints Officers and the latter consisting of six (6) Attorneys-at-Law.

The Complaints Section receives all reports made to the PCA. During the period under review, the PCA received Five Hundred and Thirty-eight (**538**) reports.

Each report received by a Complaints Officer is transmitted to the Legal Section for an assessment to be made on whether the incident complained about falls within the remit of the PCA ("criminal offences involving police officers, police corruption and serious police misconduct").

Only reports which fall within the remit of the PCA are classified as complaints and are forwarded to the Investigations Department where an Investigations Officer is assigned. During the period under review, the PCA classified Two Hundred and Eighty-Four (**284**) reports as complaints.

During the course of the Investigations Officer's exercise, the Investigations Officer may need assistance from the Legal Section in the form of advice or written correspondence requesting documentation or information from external sources. To facilitate this, and to ensure that both departments work efficiently in tandem, each investigative team is currently assigned

a specific Attorney-at-law with whom they can liaise and direct any requests which may arise during the course of their exercise. Such requests may include those for letters to be drafted to external entities from which documentation or information is required. During the period under review, the Legal Section satisfied Two Thousand and Two (**2002**) requests made by members of the Investigative staff.

Additionally, during the period under review, the Authority implemented a case management procedure which involves the development of action plans by all attendees including Legal and Investigative staff and a member of the Authority. This procedure has allowed for greater cohesion amongst the involved staff and has reduced the time within which the PCA can bring a matter to conclusion.

At the conclusion of the Investigations Officer's exercise, the completed file is submitted to the Legal Section which assesses the evidence and forms an opinion on behalf of the Authority as to whether or not the subject matter of the complaint—

- (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.

Thereafter, the Legal Section drafts a recommendation which is forwarded to the Authority for approval.

Where the evidence suggests that a criminal offence has or may have been committed, the Legal Section recommends that the Director of Public Prosecutions considers the institution of criminal proceedings against the relevant person(s). During the period under review, the Legal Section made seventeen (**17**) recommendations for prosecution which were approved by the Authority.

Where the evidence suggests that a disciplinary offence has or may have been committed, the Legal Section recommends that the Office of the Commissioner of Police considers the invocation of disciplinary proceedings against the defaulting police officer(s). During the period under review, the Legal Section made eighty (**80**) recommendations for disciplinary action which were approved by the Authority.

Where the evidence does not substantiate the allegations made within the complaint or where the complainant no longer wishes that the PCA pursues the matter, a recommendation that no further action be taken by the PCA, is made. During the period under review, the Legal Section made seven hundred and thirty-two (**732**) recommendations for no further action which were approved by the Authority.

In addition to the aforementioned responsibilities, the Legal Section is also responsible for:-

- Preparing memoranda to justify “own initiative” investigations pursuant to Section 26 of the Police Complaints Authority Act, Chapter 15:05;
- Drafting/ Vetting of contracts/agreements/ leases;
- Assisting the Authority with the preparation of content for outreach sessions (including sessions with police recruits);
- Preparing responses to requests made under the Freedom of Information Act;
- Conducting legal research and drafting opinions;
- Conducting presentations to external bodies;
- Preparing draft versions of advice pursuant to Section 21 (1) (d) of the Police Complaints Authority Act, Chapter 15:05;
- Assisting with the preparation of press releases;
- Assisting with responses to social media posts and other content; and
- Assisting the Authority or any external Counsel with Court matters initiated by the Authority.

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.

1. 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;

2. 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;

3. 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;

3.1.1 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;

3.1.2 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;

3.1.3 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;

3.1.4 Automatic Classification 4:

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

3.2 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.

THE INVESTIGATIONS UNIT

The PCA Act, Chapter 15:05, provides for the investigation by the Authority of criminal offences involving police officers, police corruption and serious police misconduct and other related matters. The Authority may conduct an investigation on its own initiative or on the basis of complaints made to the Authority.

A complaint may be 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.

The Investigations Unit of the PCA comprises twenty-three **(23)** investigators divided into five teams. All investigators received specialized training in investigative procedures and techniques both locally and internationally.

The Investigative Process

The investigative process is a science, the aim and purpose of which is to discover the truth of an event that has occurred, is occurring or about to occur. The Investigators objectively gather the body of facts about the event in question, analyse the facts obtained and make inferences on the findings.

The Head of Investigations receives a file containing the complaint and other relevant documents from the Head of Legal and assigns the

file to a particular team. The assigned Investigator develops an action plan which may include undertaking inquiries, gathering evidence and exercising any other function under the PCA Act as authorised by the Authority. The assigned Investigator is also responsible for providing feedback to the Complainant during the course of the investigation.

Upon the completion of the preliminary investigation, the file containing the Investigator's findings is forwarded to the LCCCU for onward transmission to the Director or Deputy Director.

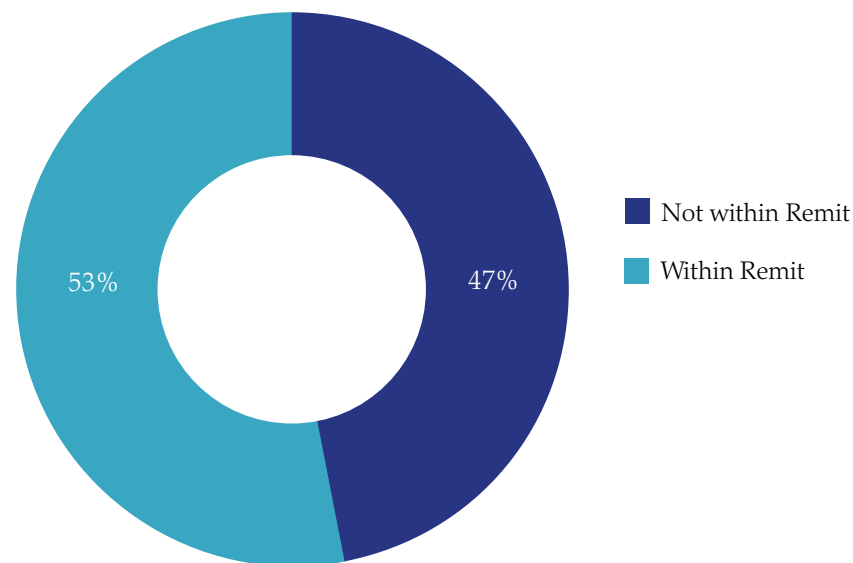
The Investigator's findings can consist of the following:

- Insufficient evidence to support the allegation/s. In such a case, the Investigator makes a suggestion to the Authority for closure of the file.
- Sufficient evidence to support the commission of or involvement in the commission of a criminal and/or disciplinary offence. In such a case, the Investigator makes a suggestion to the Authority for the file to be transmitted to the Director of Public Prosecution and/or the Commissioner of Police and/or the Police Service Commission for consideration.

A STATISTICAL REPORT FOR THE PERIOD OCTOBER 1, 2016 TO SEPTEMBER 30, 2017

Five hundred and thirty-eight (**538**) initial reports (IRs) were received for the period October 1, 2016 to September 30, 2017. Of these initial reports, two hundred and eighty-four (**284**) fell within the definition of complaint under Section 4 of the PCA Act and were therefore within the remit of the PCA.

Figure 1: Percentage of reports categorized as within the remit for the reporting period October 1, 2016- September 30, 2017.



REMIT ASSESSMENT AND CATEGORIZATION OF REPORTS

Section 4 of the PCA Act states that a “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

More than one allegation may be identified in a single complaint. Additionally, more than one offence may arise out of one allegation. Of the two hundred and eighty-four (284) complaints received during the period under review, four hundred and fifty-one (451) classifications of allegations were identified as shown in **Table 1**.

Table 1: Number of allegations classified for the complaints received for the period October 1, 2016- September 30, 2017.	
Allegation	Number
Police corruption	13
Serious police misconduct	241
The commission of a criminal offence by a police officer	197
The commission of a criminal offence by any other person but involving a police officer	0
Total	451

CLASSIFICATION OF COMPLAINTS

The two hundred and eighty-four (284) complaints received by the Investigations Department fell into the classifications described on page 25 of this report and are shown below by numbers and percentages in **Table 2**. For the period under review, fifty-one percent (51%) of these complaints were assigned a Classification of 5.

Table 2: Classification of complaints by number and percentage for the period October 1, 2016- September 30, 2017.		
Classification	Number	Percentage
1	18	6%
2	62	22%
3	32	11%
4	24	9%
5	146	51%
No classification	2	1%
Total	284	100%

No classification was assigned to a complaint which was determined to be a matter subject to judicial proceedings under Section 37 of the PCA Act.

CLASSIFICATION OF COMPLAINTS RECEIVED BY MONTH

During the period under review, the highest number of complaints was received by the PCA in the month of August. Similarly, the highest number of Classification 5 complaints was received in the month of August as shown in **Table 3**.

Month	Classification of Complaints					No classification	Total
	1	2	3	4	5		
October	2	9	5	5	7	0	28
November	0	2	5	3	12	1	23
December	3	5	2	0	4	1	15
January	1	10	1	2	8	0	22
February	0	5	5	2	14	0	26
March	0	4	5	1	12	0	22
April	2	4	1	1	12	0	20
May	2	11	0	3	4	0	20
June	3	3	1	2	13	0	22
July	2	4	3	3	16	0	28
August	3	3	1	0	29	0	36
September	0	2	3	2	15	0	22
Total	18	62	32	24	146	2	284

Two hundred and eighty-four (**284**) complaints were received for the period October 1, 2016 to September 30, 2017. In the preceding reporting periods, the following numbers of complaints were received:-

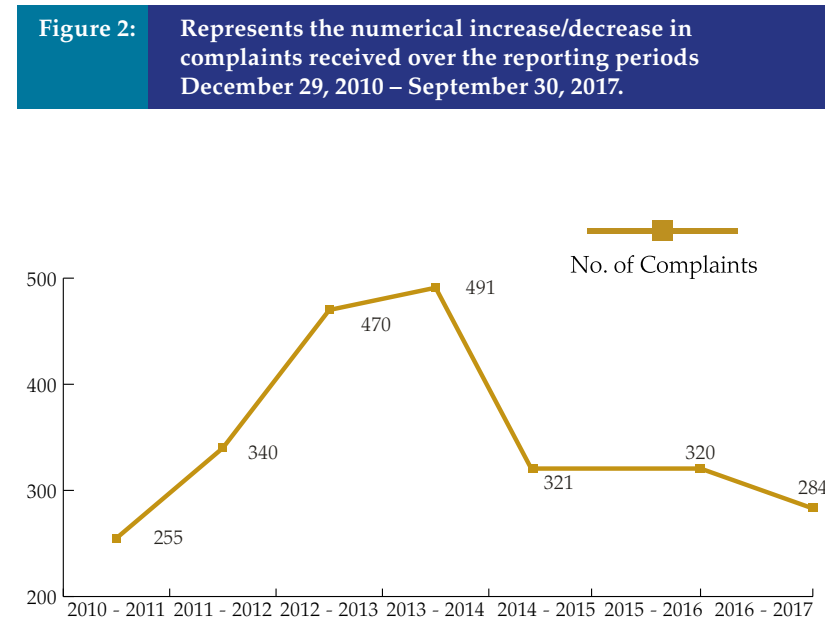
- December 29, 2010 to September 30, 2011 - 255 complaints
- October 1, 2011 to September 30, 2012 - 340 complaints
- October 1, 2012 to September 30, 2013 - 470 complaints
- October 1, 2013 to September 30, 2014 - 491 complaints
- October 1, 2014 to September 30, 2015 - 321 complaints
- October 1, 2015 to September 30, 2016 – 320 complaints

Table 4 shows the number of complaints received over the reporting periods December 29, 2010 - September 30, 2017 and the respective increases/ decreases in the number of complaints received.

Reporting Periods	Number Of Complaints	Increased/ Decrease in Number Over Previous Year
2010 - 2011	255	0
2011 - 2012	340	85 ↑
2012 - 2013	470	130 ↑
2013 - 2014	491	21 ↑
2014 - 2015	321	170 ↓
2015 - 2016	320	1 ↓
2016 - 2017	284	36 ↓

Source: Data for reporting periods December 29, 2010- September 30, 2017 from PCA Annual Report 2015-2016.

Figure 2 shows the numerical increases/decreases in the number of complaints received over the reporting periods December 29, 2010 – September 30, 2017.



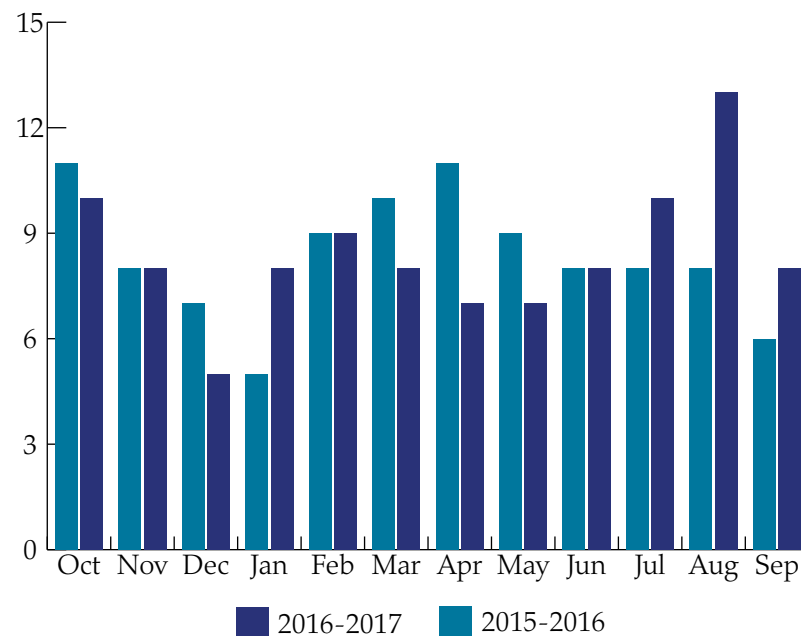
ANALYSIS OF FREQUENCY OF COMPLAINTS

For the period under review, the largest percentage of complaints - twelve percent (12%) - were received in the month of August. This differs from the previous reporting period where the largest percentage of complaints - eleven percent (11%) were received in October. This is depicted in **Table 5** below.

Table 5: Frequency of complaints by month for the periods October 1, 2015 - September 30, 2016 and October 1, 2016 - September 30, 2017.				
Month	2015 - 2016		2016 - 2017	
	Number	Percentage	Number	Percentage
Oct	36	11%	28	10%
Nov	26	8%	23	8%
Dec	23	7%	15	5%
Jan	15	5%	22	8%
Feb	29	9%	26	9%
Mar	32	10%	22	8%
Apr	34	11%	20	7%
May	30	9%	20	7%
Jun	24	8%	22	8%
Jul	27	8%	28	10%
Aug	25	8%	36	12%
Sep	19	6%	22	8%
Total	320	100%	284	100%

A graphical representation comparing the frequency of complaints reported for the periods October 1, 2015 - September 30, 2016 and October 1, 2016 - September 30, 2017 is displayed in **Figure 3**.

Figure 3: Percentage of complaints received by month for the periods October 1, 2015 - September 30, 2016 and October 1, 2016 - September 30, 2017.



METHOD OF COMPLAINT RECEIVED

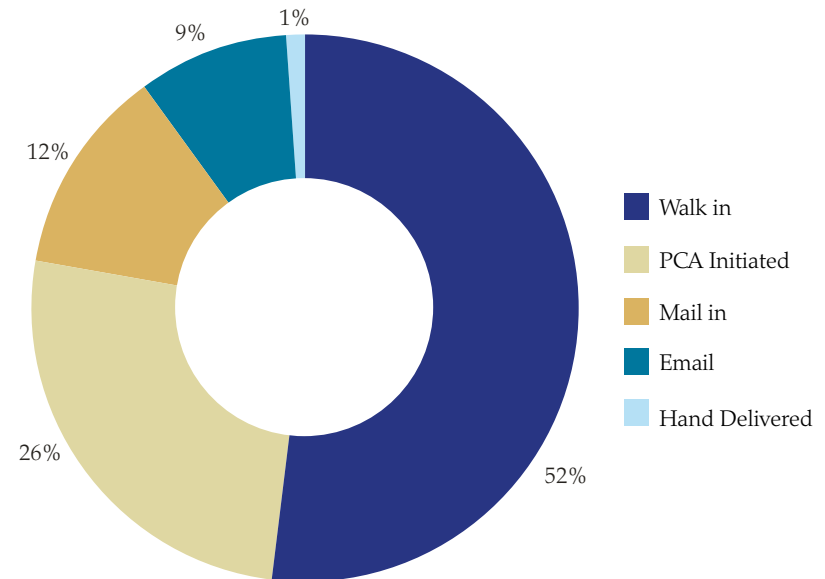
A complaint can be made by way of several methods. These include Walk In, Mail In, Email, Mobile Application and By Hand.

The Walk In method accounted for fifty-two percent (52%) of the total number of complaints received during the reporting period.

Table 6 provides a summary of the various methods used to make a complaint during the reporting period.

Table 6: Numbers and Percentages of the method of receipt of complaints for the period October 1, 2016 - September 30, 2017.		
Method of Receipt	Number	Percentage
Walk In	146	52%
PCA Initiated	75	26%
Mail In	35	12%
Email	25	9%
Hand Delivered	3	1%
Mobile Application	0	0%
Total	284	100%

Figure 4: Method of receipt of complaints received for the period October 1, 2016 - September 30, 2017 in percentages.



PCA Initiated Complaints

Under section 26 of the PCA Act 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.”

Complaints can be initiated from newspaper articles, Trinidad and Tobago Police Service (TTPS)/ Professional Standards Bureau (PSB) Reports, social media reports and television and radio reports.

During the period under review, the PCA initiated seventy-five (75) complaints. Seventy-two percent (72%) of initiated complaints were generated from newspaper articles, while TTPS/PSB reports accounted for twenty-four percent (24%). This is shown in **Table 7** and **Figure 5**.

Table 7: Method used to Initiate Complaints for the period October 1, 2016 - September 30, 2017

Method	Number	Percentage
Newspaper	54	72%
TTPS/PSB	18	24%
Social Media	2	3%
Television/Radio	1	1%
Total	75	100%

Figure 5: Method used to Initiate Complaints by percentages for the period October 1, 2016 - September 30, 2017.

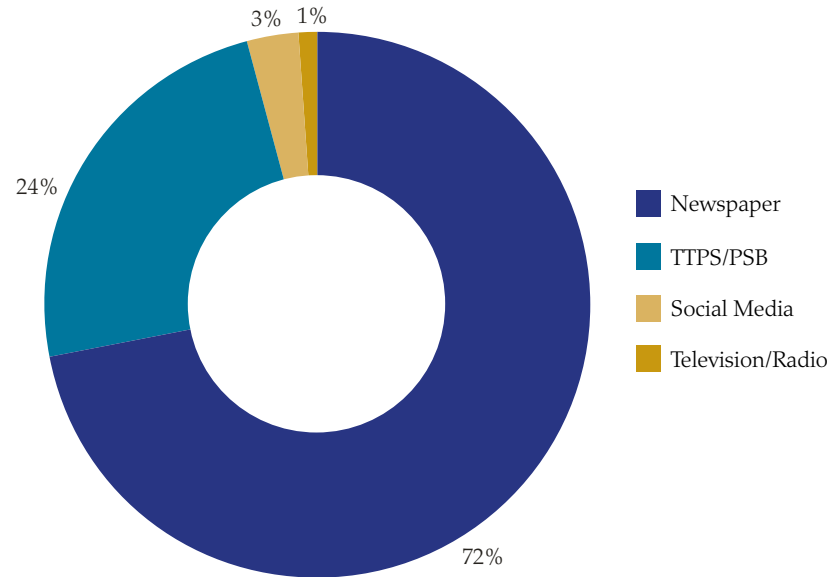


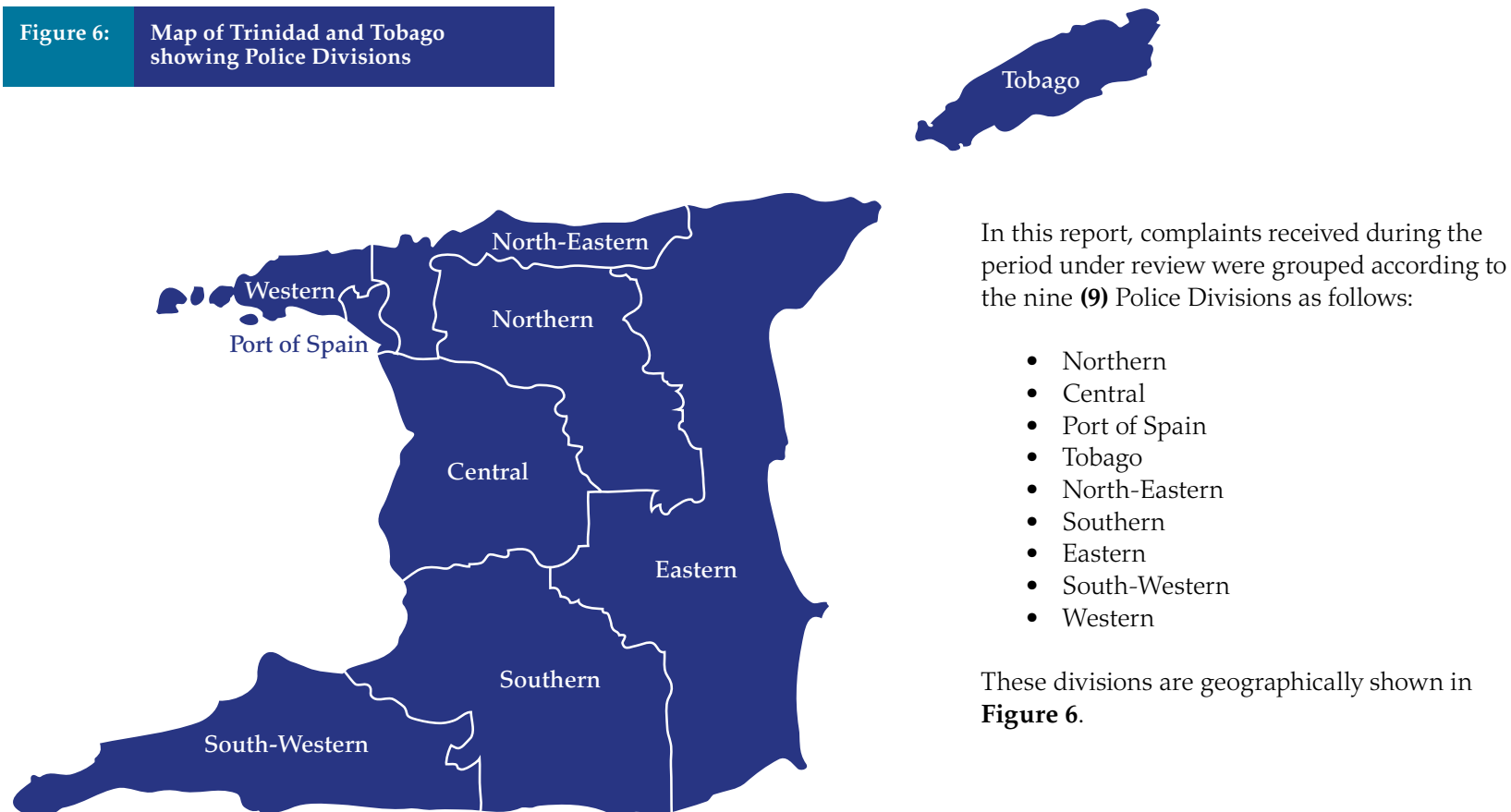
Table 8 shows a comparison of the number of complaints initiated by the PCA per year for the period December 29, 2010 to September 30, 2017.

Table 8: Breakdown of files forwarded from the Investigations Department to LCCCU during the period October 1, 2015 to September 30, 2016.

Reporting Period	No. of Initiated Complaints
Dec 29, 2010 – Sept 30, 2011	3
Oct 1, 2011 – Sept 30, 2012	38
Oct 1, 2012 – Sept 30, 2013	43
Oct 1, 2013 – Sept 30, 2014	73
Oct 1, 2014 – Sept 30, 2015	58
Oct 1, 2015 – Sept 30, 2016	55
Oct 1, 2016 – Sept 30, 2017	75
Total	345

TRINIDAD AND TOBAGO POLICE DIVISIONS

Figure 6: Map of Trinidad and Tobago showing Police Divisions



LOCATION OF COMPLAINTS BY DIVISIONS

During the period under review, the PCA received complaints of incidents which occurred throughout the nine (9) Police Divisions.

The highest number of complaints - fifty-two (52) - was received from the Northern Division, followed by forty-five (45) complaints from the Central Division. The lowest number of complaints - fifteen (15) – was received from the Western Division. **Figure 7** and **Table 9** presents the frequency of complaints based on the division in which the incident occurred.

Figure 7: Percentages of complaints by Police Divisions for the period October 1, 2016 - September 30, 2017

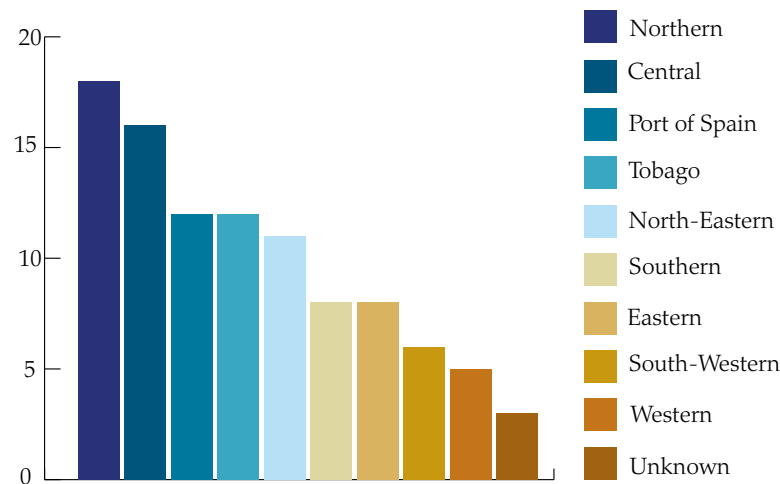


Table 9: Frequency of complaints by number and percentages for Police Divisions for the period October 1, 2016 - September 30, 2017.

Divisions	Number	Percentage
Northern	52	18%
Central	45	16%
Port of Spain	35	12%
Tobago	35	12%
North-Eastern	30	11%
Southern	23	8%
Eastern	22	8%
South-Western	17	6%
Western	15	5%
Unknown	10	4%
Total	284	100%

“Unknown” represents the number of complaints where the location of the incident was not known as at September 30, 2017

The following tables provide the number and percentage of complaints received concerning a station or post within each police division for the period October 1, 2016 - September 30, 2017.

“Unknown” represents the police division where an incident occurred was not known as at September 30, 2017.

NORTHERN DIVISION

	Number	Percentage
Tunapuna	16	30%
Arouca	10	19%
St. Joseph	9	17%
Arima	5	10%
La Horquetta	3	6%
Malabar Police Post	3	6%
Maloney Police Post	2	4%
Cumuto	1	2%
Maracas/ St Joseph	1	2%
Piarco	1	2%
San Raphael	0	0%
Pinto Police Post	0	0%
Unknown	1	2%
Total	52	100%

PORT OF SPAIN DIVISION

	Number	Percentage
Central Police Station	11	31%
Besson Street	9	26%
Belmont	3	8%
Woodbrook	2	6%
St. Clair	1	3%
St. Barbs Police Post	0	0%
Unknown	9	26%
Total	35	100%

CENTRAL DIVISION

	Number	Percentage
Chaguanas	16	36%
Cunupia	8	18%
Freeport	7	16%
Caroni	4	9%
Couva	2	4%
Brasso	1	2%
Las Lomas	1	2%
Longdenville Police Post	1	2%
Gran Couva	0	0%
Unknown	5	11%
Total	45	100%

TOBAGO DIVISION

	Number	Percentage
Scarborough	13	37%
Old Grange	5	14%
Crown Point	4	12%
Roxborough	4	11%
Charlotteville	3	9%
Moriah	2	6%
Unknown	4	11%
Total	35	100%

SOUTHERN DIVISION

	Number	Percentage
Princes Town	6	26%
San Fernando	5	22%
Barrackpore	2	8%
Marabella	2	9%
St. Margarets	2	9%
St. Madeleine	2	9%
Moruga	1	4%
Gasparillo	0	0%
Mon Repos	0	0%
St. Mary's Police Post	0	0%
Tableland	0	0%
Unknown	3	13%
Total	23	100%

NORTH-EASTERN DIVISION

	Number	Percentage
Morvant	14	47%
San Juan	9	30%
Blanchisseuse	2	7%
Barataria	1	3%
Maracas Bay	1	3%
Santa Cruz	1	3%
San Juan Sub-station	0	0%
Unknown	2	7%
Total	30	100%

EASTERN DIVISION

	Number	Percentage
Mayaro	6	27%
Sangre Grande	6	27%
Rio Claro	3	13%
Valencia Police Post	3	13%
Matelot	1	5%
Matura	1	5%
Toco	1	5%
Biche	0	0%
Manzanilla	0	0%
Unknown	1	5%
Total	22	100%

SOUTH-WESTERN DIVISION

	Number	Percentage
Penal	5	29%
Oropouche	3	18%
Point Fortin	2	12%
Siparia	2	12%
Cedros	1	6%
Santa Flora	1	6%
Cap-De-Ville Police Post	0	0%
Erin	0	0%
Guapo	0	0%
La Brea	0	0%
Fyzabad	0	0%
Unknown	3	17%
Total	17	100%

WESTERN DIVISION

	Number	Percentage
West End	8	53%
St. James	4	27%
Four Roads	1	7%
Carenage	0	0%
Maraval	0	0%
Unknown	2	13%
Total	15	100%

VICTIM DEMOGRAPHICS

ALLEGED VICTIM (COMPLAINANT IN PERSON) AS COMPARED TO REPRESENTATIVE OF COMPLAINANT

Section 28 of the PCA Act provides that –

“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.”

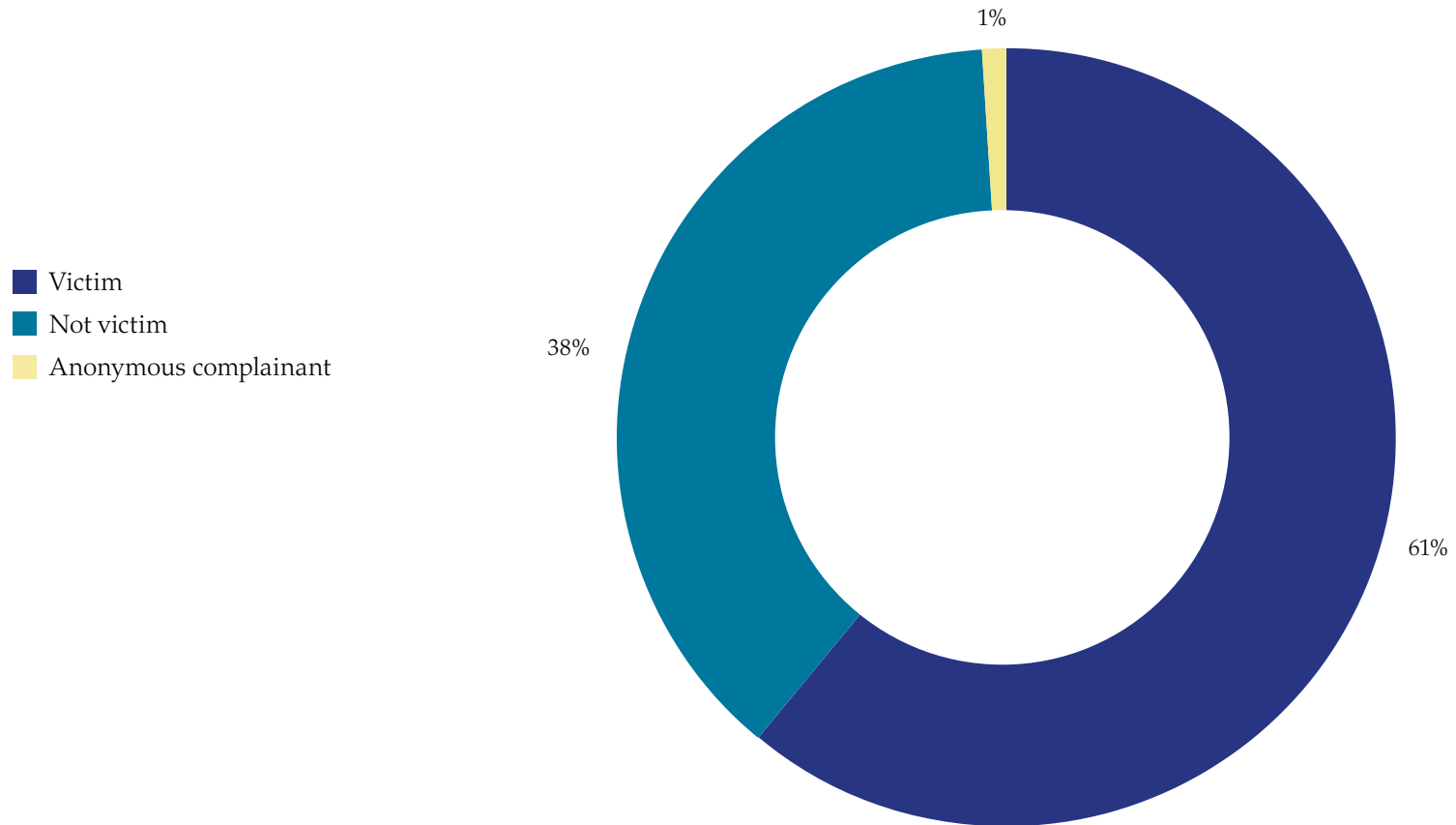
Of the two hundred and eighty-four (**284**) complaints received, one hundred and seventy-three (**173**), which represents sixty-one percent (**61%**) were reported by the alleged victim, one hundred and eight (**108**), which represents thirty-eight percent (**38%**) were reported by a party who was not the alleged victim, and three (**3**), which represents one percent (**1%**) preferred to remain anonymous. This is detailed at **Table 10** and **Figure 8**.

Table 10: Status of complainant by numbers and percentages for the period October 1, 2016- September 30, 2017.

Status of complainant	Number	Percentages
Victim	173	61%
Not victim	108	38%
*Anonymous complainant	3	1%
Total	284	100%

***Anonymous complainants may or may not be the alleged victim.**

Figure 8: Status of complainant by percentages for the period October 1, 2016- September 30, 2017.



INCIDENT REPORTS

It should be noted that for the two hundred and eighty-four (284) complaints received, more than one alleged victim may be involved in a single complaint and more than one police officer may be involved in a single complaint.

Table 11 and Figure 9 shows the number and percentage of complaints compared to the number of alleged victims involved in an incident. Two hundred and sixty (262) complaints involved one (1) alleged victim, seventeen (17) complaints involved two (2) alleged victims, four (4) complaints involved three (3) alleged victims and one (1) complaint involved four (4) alleged victims.

Table 11: Number and percentage of complaints compared to the number of alleged victims involved in an incident for the period October 1, 2016- September 30, 2017.		
Alleged Victims involved	Number	Percentages
1 victim	262	92%
2 victims	17	6%
3 victims	4	1%
4 victims	1	1%
Total	284	100%

Figure 9: Total number of victims involved in an incident for the period October 1, 2016- September 30, 2017

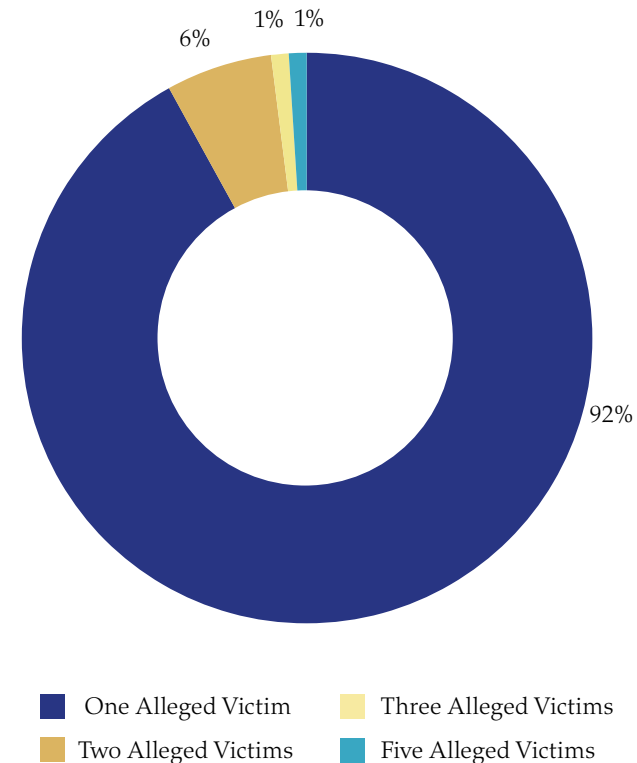
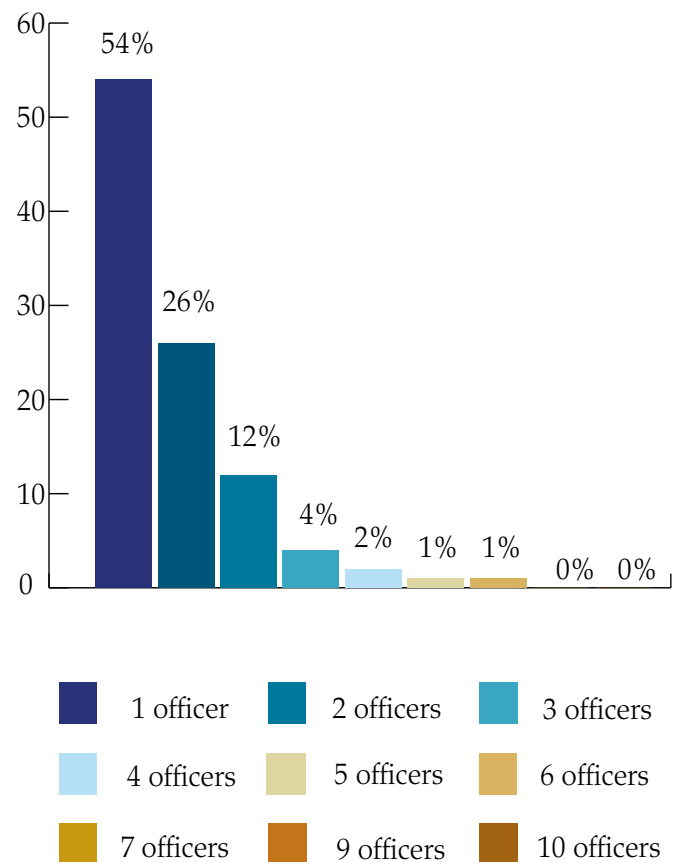


Table 12 and **Figure 10** shows the number and percentage of complaints compared to the number of police officers involved in an incident. One hundred and fifty-two (**152**) involved one (**1**) police officer. The maximum number of officers involved in any one incident was ten (**10**).

Table 12: Number of complaints compared to the number of officers involved in an incident for the period October 1, 2016- September 30, 2017.		
Number of Officers involved	Number of Complaints	Total Number of Officers Involved
1	152	152
2	73	146
3	35	105
4	11	44
5	6	30
6	2	12
7	3	21
9	1	9
10	1	10
Total	284	529

Figure 10: Percentages of complaints compared to the number of police officers involved in an incident for the period October 1, 2016 - September 30, 2017.



DEMOGRAPHICS OF ALLEGED VICTIM

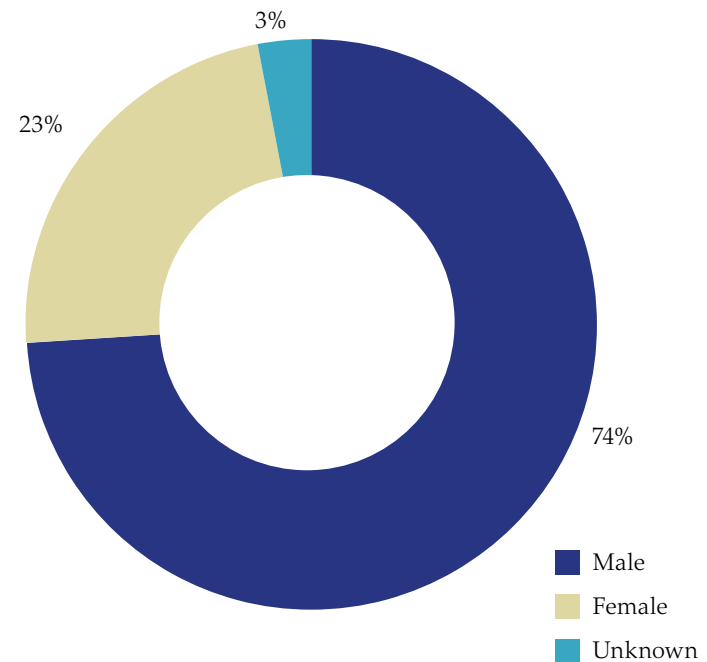
This section provides a description on the demographics of alleged victims involved in the reported incidents by gender, age and ethnicity. Of the two hundred and eighty- four (284) complaints, three hundred and twelve (312) alleged victims were identified.

GENDER OF ALLEGED VICTIMS

Of the three hundred and twelve (312) alleged victims, two hundred and thirty (230) which represents seventy-four percent (74%) were made by male victims, seventy-two (72) which represents twenty-three percent (23%) were made by female victims. Ten (10) complaints were made where the gender was unknown. **Table 13** and **Figure 11** shows a summary of the number and percentage of the gender of the alleged victims.

Table 13: Complainants by gender, number and percentages for the period October 1, 2015 to September 30, 2016.		
Gender	Number	Percentages
Male	230	74%
Female	72	23%
*Unknown	10	3%
Total	312	100%

Figure 11: Gender of Alleged victims by percentages for the period October 1, 2016 to September 30, 2017.



*The category “unknown” includes complaints which were emailed or mailed in or where the matter was initiated by the PCA and the gender of the alleged victim was not known as at September 30, 2017.

AGE OF ALLEGED VICTIMS

Of the three hundred and twelve (**312**) alleged victims the ages were known in one hundred and fifty-three (**153**) complaints which represents forty-nine percent (**49%**), while one hundred and fifty-nine (**159**) complaints which represents fifty-one percent (**51%**) were “unknown” as shown in **Table 14**.

Table 14: Numbers and percentages of alleged victims by age for the period October 1, 2016 to September 30, 2017.		
Age	Number	Percentage
Known	153	49%
Unknown	159	51%
Total	312	100%

*The category “unknown” includes complaints which were emailed, mailed in or where the matter was initiated by the PCA and the age is not known as at September 30, 2017..

The known ages were recorded in years and range from the youngest alleged victim at age 15 to the oldest at age 79. The mean age of the known ages for the period under review is 38 years. The age most commonly reported was 30 years and the median age was 36 years.

Table 15: Age groups of the alleged victims with corresponding numbers and percentages for the period October 1, 2016 to September 30, 2017.

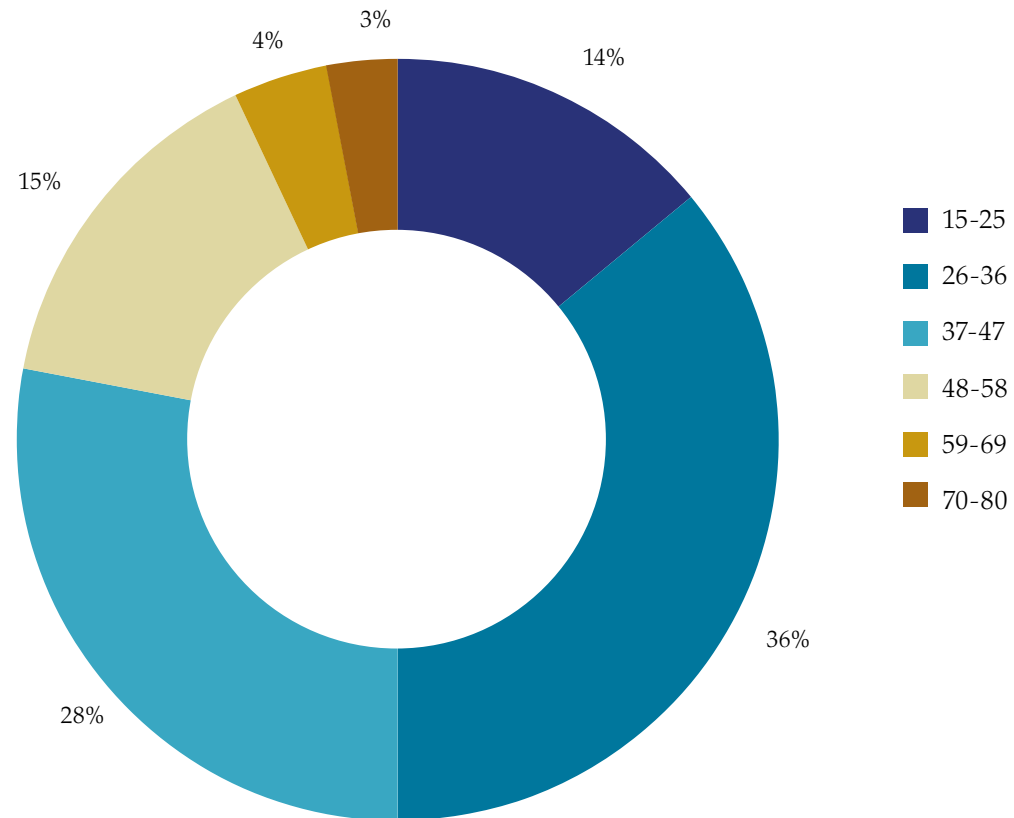
Age Groups	Number	Percentage
15-25	22	14%
26-36	55	36%
37-47	43	28%
48-58	23	15%
59-69	6	4%
70-80	4	3%
Total	153	100%

The largest number of complaints was recorded in the following age groups:-

- 26 - 36 with fifty-five (**55**) complaints; and
- 37 - 47 with forty-three (**43**) complaints.

These complaints represented **36%** and **28%** respectively of the total number of complaints recorded.

Figure 12: Age groups of the alleged victims with corresponding percentages for the period October 1, 2016 to September 30, 2017.



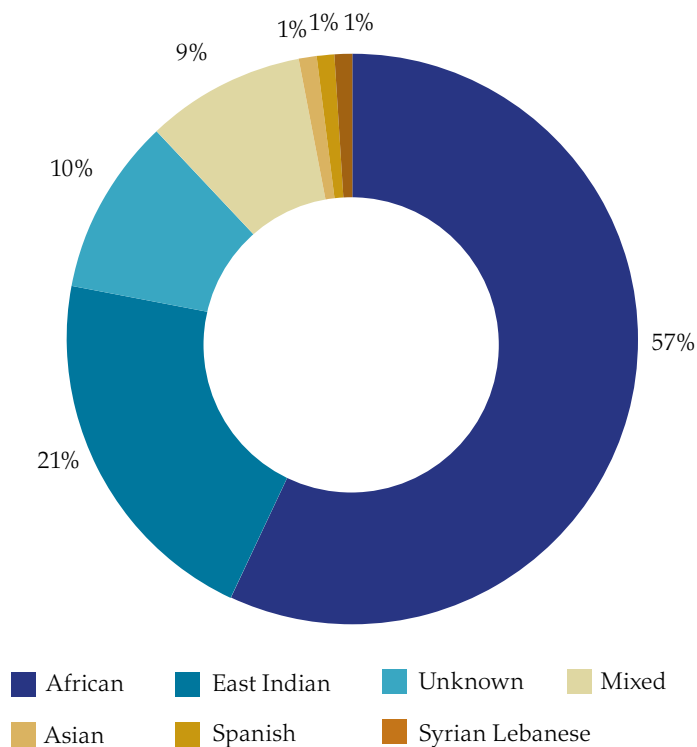
ETHNICITY OF ALLEGED VICTIMS

Of the two hundred and eighty-four (284) complaints received during the period under review, fifty-seven percent (57%) of complaints were reported by persons of African descent.

A breakdown of the ethnicities is reflected in **Table 16** and **Figure 13**.

Table 16: Number and percentages of alleged victims by ethnicity for the period October 1, 2016 to September 30, 2017.		
Ethnicity	Number	Percentages
African	177	57%
East Indian	70	21%
Unknown	32	10%
Mixed	28	9%
Asian	2	1%
Spanish	2	1%
Syrian Lebanese	1	1%
Total	312	100%

Figure 13: Percentages of alleged victims by ethnicity for the period October 1, 2016 to September 30, 2017.

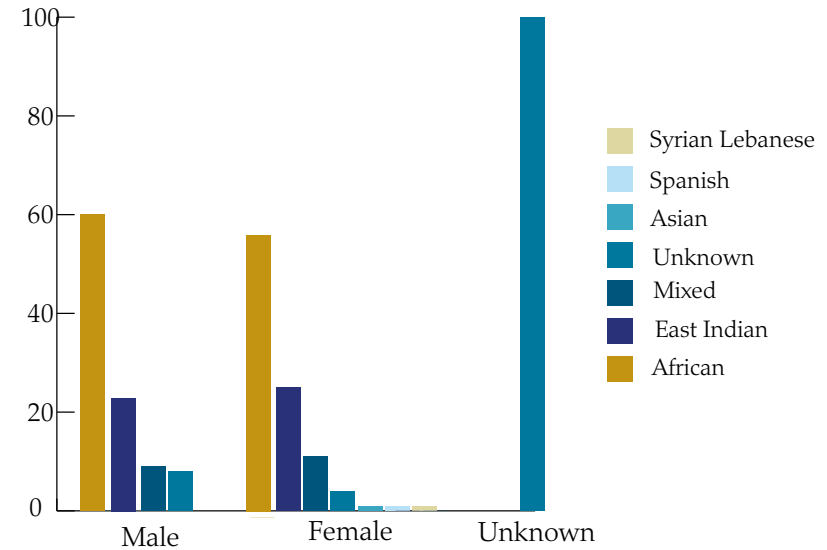


ALLEGED VICTIMS BY ETHNICITY AND GENDER

Of the two hundred and eighty-four (284) complaints received during the period under review, one hundred and seventy-seven (177) alleged victims were of African descent regardless of gender. Of these, one hundred and thirty-seven (137) were male while forty (40) were female. A summary of the analysis is presented in **Table 17** and **Figure 14**.

Table 17: Alleged victims by ethnicity and gender for the period October 1, 2016 to September 30, 2017.				
Ethnicity	Male	Female	Unknown	Total
African	137	40	0	177
East Indian	52	18	0	70
Unknown	19	3	10	32
Mixed	20	8	0	28
Asian	1	1	0	2
Spanish	1	1	0	2
Syrian Lebanese	0	1	0	1
Total	230	72	10	312

Figure 14: Percentages of alleged victims by ethnicity and gender for the period October 1, 2016 to September 30, 2017.



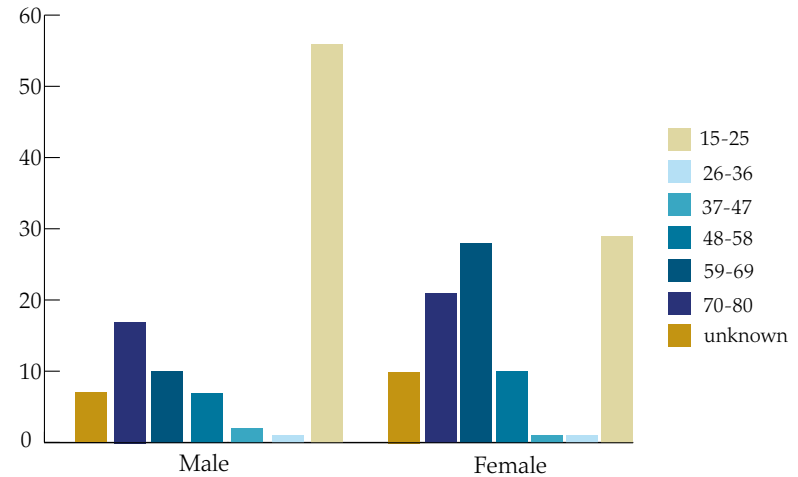
*The category “unknown” includes complaints which were emailed or mailed in or where the matter was initiated by the PCA and the ethnicity and gender of the alleged victim was not known as at September 30, 2017.

ALLEGED VICTIMS BY GENDER AND AGE

Table 18: Alleged Victims by Gender and Age for the period October 1, 2016 to September 30, 2017.				
Age Groups	Male	Female	Unknown	Total
15-25	15	7	0	22
26-36	40	15	0	55
37-47	23	20	0	43
48-58	16	7	0	23
59-69	5	1	0	6
70-80	3	1	0	4
Unknown	128	21	10	159
Total	230	72	10	312

*The category “unknown” includes complaints which were emailed or mailed in or where the matter was initiated by the PCA and the age and gender of the alleged victim was not known as at September 30, 2017.

Figure 15: Alleged Victims by Gender and Age represented in percentages for the period October 1, 2016 to September 30, 2017.



RANK OF ALLEGED DEFAULTING POLICE OFFICERS

Of the two hundred and eighty-four (284) complaints, five hundred and twenty-nine (529) alleged defaulting police officers were identified by rank as shown in **Table 19 and Figure 17**.

Below is an analysis of the demographics of the alleged defaulting police officers involved in the reported incidents.

Three hundred and seventy-eight (378) - seventy-two percent (72%) - of the alleged defaulting police officers were assigned allegations related to criminal or disciplinary offences and the remaining one hundred and fifty-one (151) - twenty nine percent (29%) – were not assigned an allegation. A graphical representation of the information is displayed at **Figure 16**.

Figure 16: Percentage of allegations assigned to alleged defaulting police officers for the period October 1, 2016 to September 30, 2017.

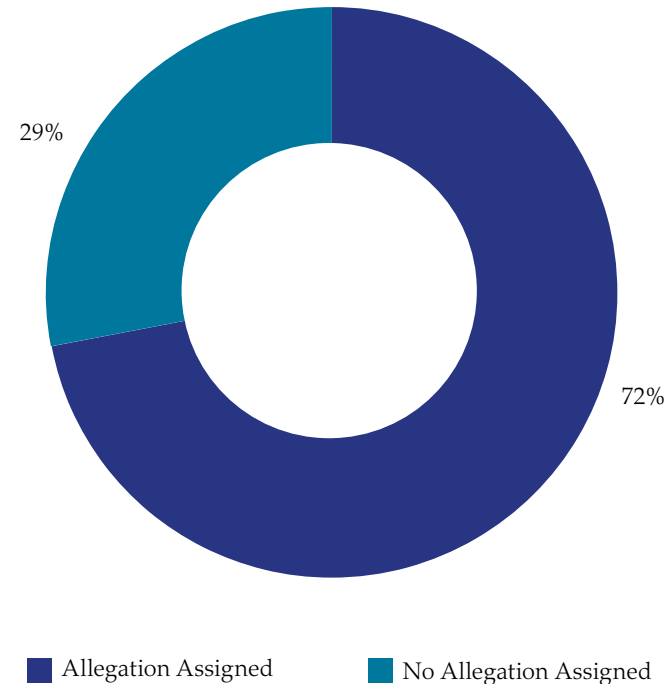


Table 19: *** Rank of alleged defaulting police officers and number of allegations assigned for the period October 1, 2016 to September 30, 2017.			
Rank of alleged defaulting police officer	Allegation assigned	No allegation assigned	Total
Commissioner of Police/ Deputy Commissioner of Police	1	0	1
Assistant Commissioner of Police (ACP)	3	0	3
Senior Superintendent	1	0	1
Superintendent	2	1	3
Assistant Superintendent	4	1	5
Inspector	8	6	14
Sergeant	25	10	35
Corporal	34	19	53
Constable	177	81	258
*Special Reserve Police (SRP)	21	0	21
**Unknown	102	33	135
Total	378	151	529

* Special Reserve Police may include the ranks of Superintendent Assistant Superintendent, Inspector, Sergeant, Corporal and Constable

**The category "unknown" includes complaints which were emailed or mailed in or where the matter was initiated by the PCA and the rank of the alleged defaulting police officer was not known as at September 30, 2017.

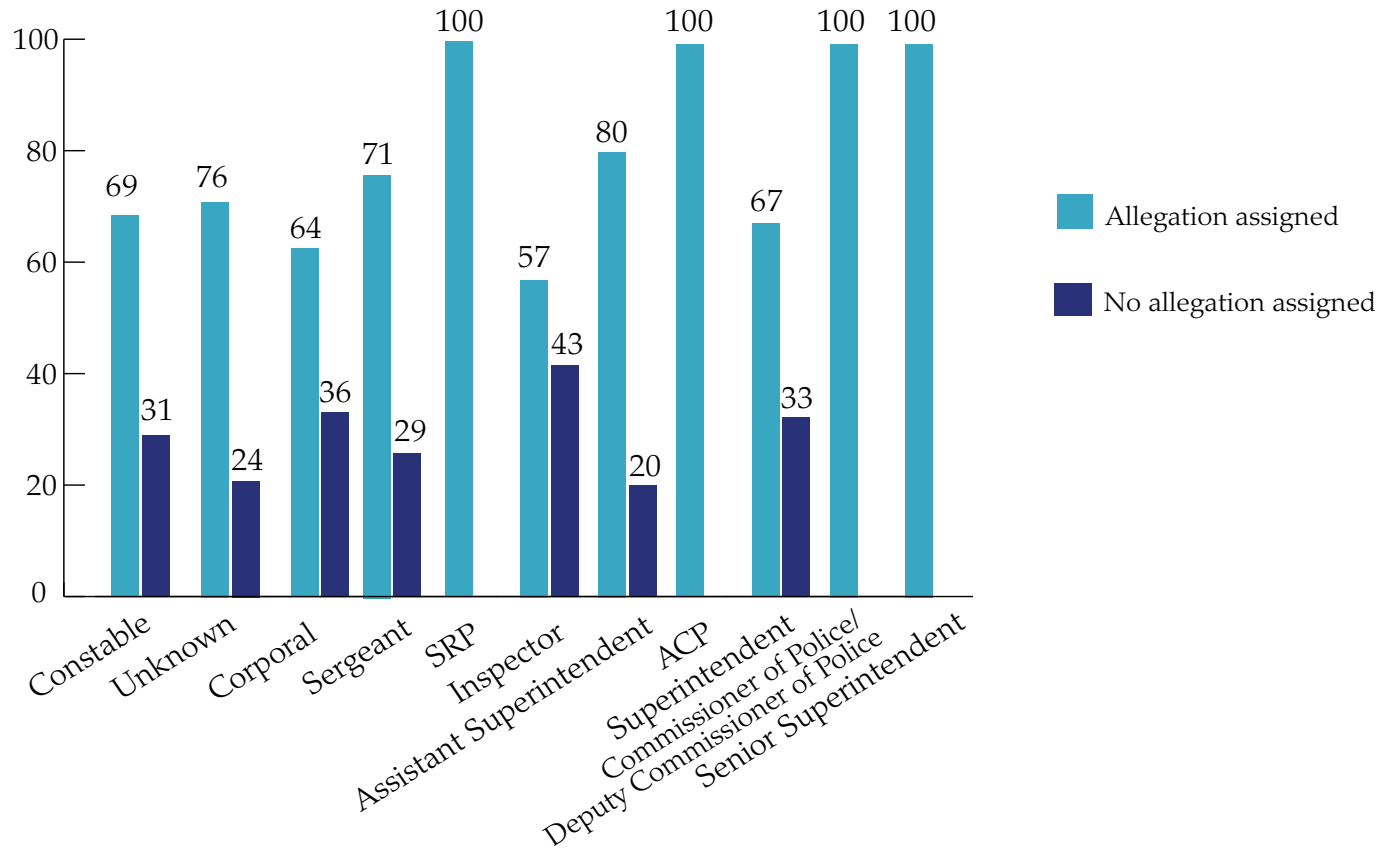
*** "Rank" may refer to the substantive and/or acting positions.

Of the five hundred and twenty-nine (**529**) alleged defaulting police officers the largest group assigned allegations held the rank of constable. This is shown in **Table 19 and Figure 17**.

Sergeant, Corporal and SRPs were assigned allegations as follows:

- Sergeant - twenty-five (**25**) allegations
- Corporal - thirty-four (**34**) allegations;
- SRP - twenty-one (**21**) allegations.

Figure 17: Rank of alleged defaulting police officer and percentage of allegations assigned for the period October 1, 2016 to September 30, 2017.



DEMOGRAPHICS OF ALLEGED DEFAULTING POLICE OFFICERS

This section provides a description of the demographics of the alleged defaulting officers involved in the reported incidents by gender and rank where known.

GENDER OF ALLEGED DEFAULTING POLICE OFFICER

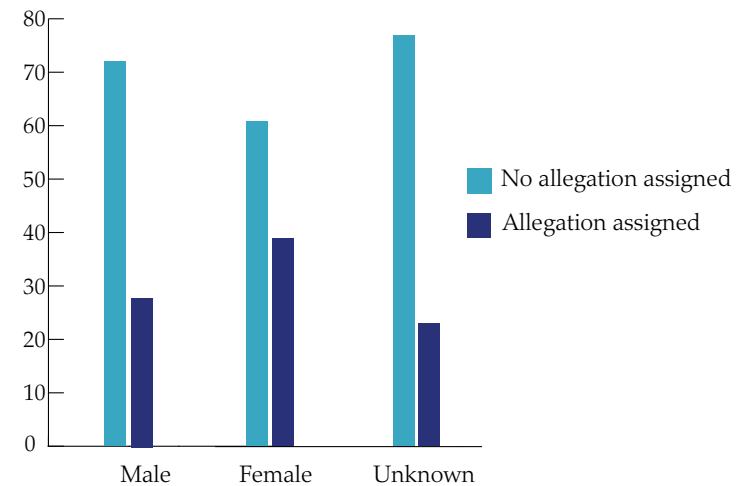
Of the five hundred and twenty-nine (529) alleged defaulting police officers, the gender was known for four hundred and seventy-three (473). Of these, four hundred and twenty-two (422) were male and fifty-one (51) were female.

Of the four hundred and twenty-two (422) alleged defaulting male police officers, three hundred and four (304) were assigned allegations. Similarly, of the fifty-one (51) alleged defaulting female police officers, thirty-one (31) were assigned allegations. This is shown in **Table 20** and **Figure 18**.

Table 20: Gender of alleged defaulting police officers by allegation status for the period October 1, 2016 to September 30, 2017.			
Gender of police officer	Allegation assigned	No allegation assigned	Total
Male	304	118	422
Female	31	20	51
Unknown	43	13	56
Total	378	151	529

*The category “unknown” includes complaints which were emailed or mailed in or where the matter was initiated by the PCA and the gender of the alleged defaulting police officer was not known as at September 30, 2017.

Figure 18: Rank of alleged defaulting female police officers and percentage of allegations assigned for the period October 1, 2016 to September 30, 2017.



*The category “unknown” includes complaints which were emailed or mailed in or where the matter was initiated by the PCA and the rank of the alleged defaulting female police officer was not known as at September 30, 2017.

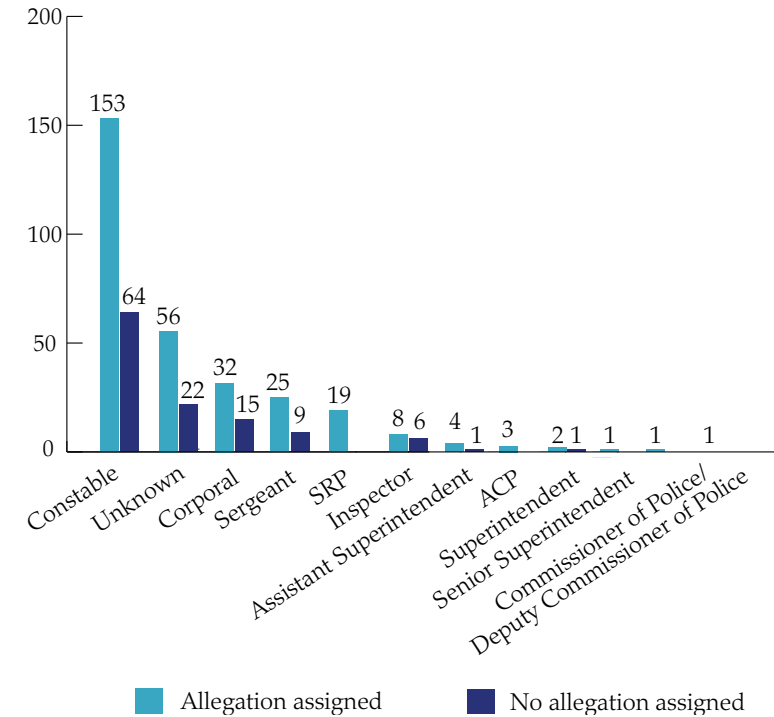
GENDER AND RANK OF ALLEGED DEFAULTING POLICE OFFICERS

MALE ALLEGED DEFAULTING POLICE OFFICERS

Of the three hundred and four (304) alleged defaulting male police officers, the largest number of allegations - one hundred and fifty-three (153) - was assigned to the rank of constable.

Table 21: Rank of alleged defaulting male police officers by allegation status for the period October 1, 2016 to September 30, 2017.			
Rank	Allegation assigned	No allegation assigned	Total
Constable	153	64	217
Unknown	56	22	78
Corporal	32	15	47
Sergeant	25	9	34
SRP	19	0	19
Inspector	8	6	14
Assistant Superintendent	4	1	5
ACP	3	0	3
Superintendent	2	1	3
Commissioner of Police/ Deputy Commissioner of Police	1	0	1
Senior Superintendent	1	0	1
Total males	304	118	422

Figure 19: Rank of alleged defaulting male police officers and percentage of allegations assigned for the period October 1, 2016 to September 30, 2017.



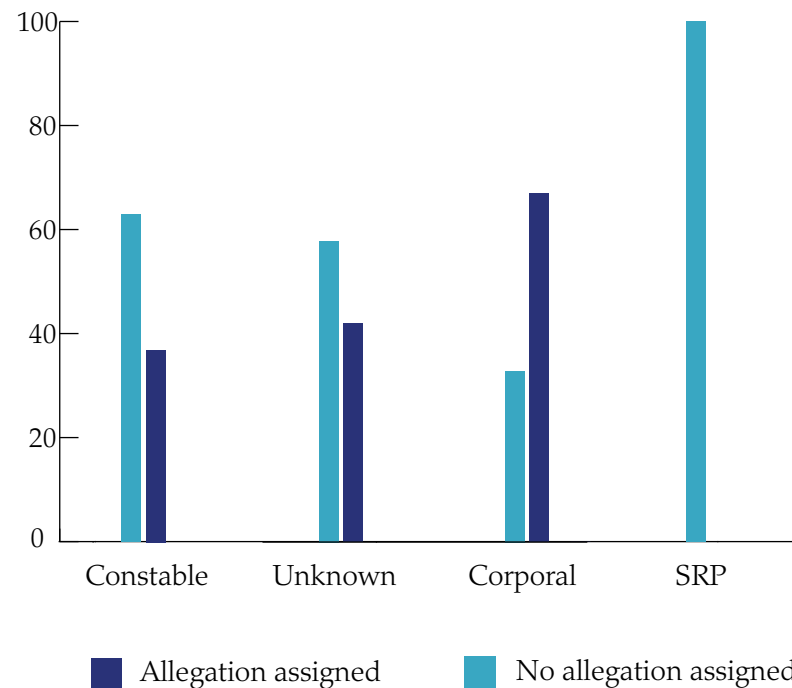
*The category “unknown” includes complaints which were emailed or mailed in or where the matter was initiated by the PCA and the rank of the alleged defaulting male police officer was not known as at September 30, 2017.

FEMALE ALLEGED DEFAULTING POLICE OFFICERS

Of the thirty-one (31) alleged defaulting female police officers, the largest number of allegations – twenty-two (22) - was assigned to the rank of constable.

Table 22: Rank of alleged defaulting female police officers by allegation status for the period October 1, 2016 to September 30, 2017.			
Officer's Rank	Allegation assigned	No allegation assigned	Total
Constable	22	13	35
Unknown	7	5	12
Corporal	1	2	3
SRP	1	0	1
Total	31	20	51

Figure 20: Gender of alleged defaulting police officer and percentage of allegations assigned for the period October 1, 2016 to September 30, 2017.

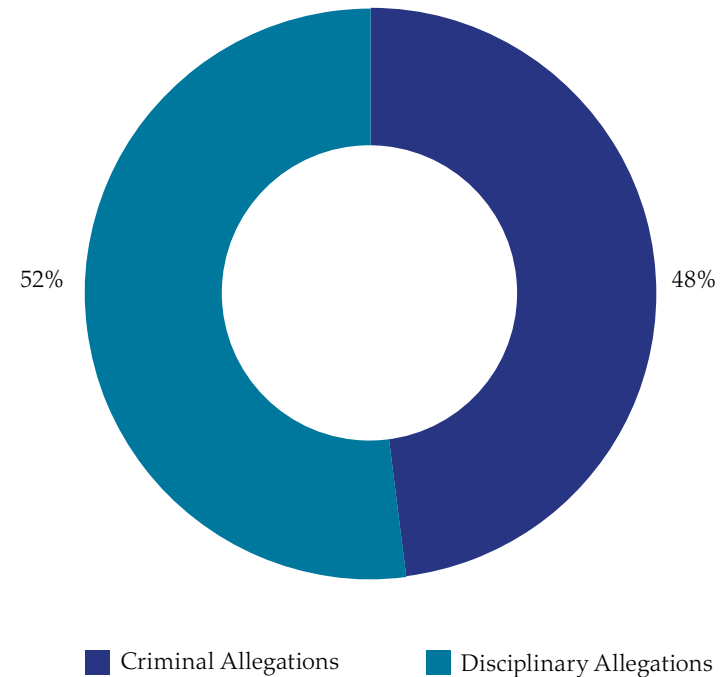


ALLEGATIONS OF CRIMINAL AND DISCIPLINARY OFFENCES

Of the two hundred and eighty-four (284) complaints there was a total of seven hundred and fifty-two (752) allegations assigned to alleged defaulting police officers. Three hundred and fifty-nine (359) - forty-eight percent - (48%) of the total allegations were criminal offences and three hundred and ninety-three (393) - fifty-two percent (52%) - were disciplinary offences.

A graphical representation of this information is presented in **Figure 21**.

Figure 21: Allegations of criminal and disciplinary offences by percentage for the period October 1, 2016 to September 30, 2017.



ALLEGATIONS OF CRIMINAL OFFENCES

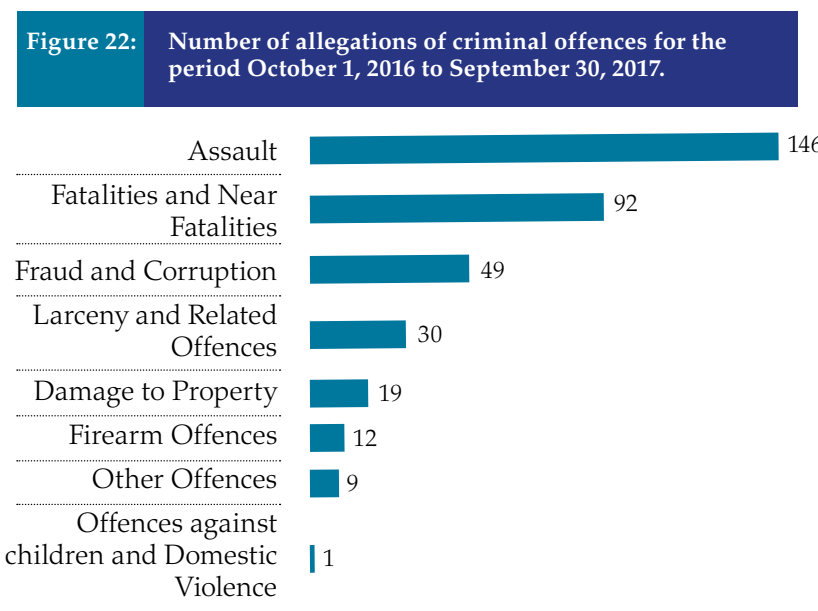
Of the three hundred and fifty-eight (**358**) allegations of criminal offences, the largest category was assault with one hundred and forty-six (**146**) allegations.

Table 23: Breakdown of files forwarded from the Investigations Department to LCCCU during the period October 1, 2015 to September 30, 2016.	
Offence	Number
Assault	146
Fatalities and Near Fatalities	92
Fraud and Corruption	49
Larceny and Related Offences	30
Damage to Property	19
Firearm Offences	12
Other Offences	9
Offences against children and Domestic Violence	1
Total	358

Other prevalent allegations of criminal offences are as follows:

- Fatalities and near fatalities - ninety-two (**92**) allegations
- Fraud and corruption - forty-nine (**49**) allegations
- Larceny and related offences - thirty (**30**) allegations

This is shown at **Table 23** and **Figure 22**.



Tables 24- 30 below represent a detailed analysis of the criminal offences listed in Table 23 for the period October 1, 2016 to September 30, 2017.

ASSAULT

Table 24: Classification of assault offences for the period October 1, 2016 to September 30, 2017.	
	Number
Assault by Beating	63
Harassment	29
Battery	22
Assault under the common law	9
Threats	9
Common Assault	6
Assault occasioning a wound	1
Total	139

FATALITY AND NEAR FATALITY

Table 25: Classification of fatality and near fatality offences for the period October 1, 2016 to September 30, 2017.	
	Number
Fatal Shooting	59
Non-Fatal Shooting	23
Manslaughter	4
Murder	3
Death in Police custody	1
Death by Dangerous Driving	1
Act causing and tending to cause danger to life and bodily harm	1
Total	92

FRAUD AND CORRUPTION

Table 26: Classification of fraud and corruption offences for the period October 1, 2016 to September 30, 2017.	
	Number
Misbehaviour in Public Office	44
Perverting the course of Justice	4
Uttering forged documents	1
Total	49

LARCENY AND RELATED OFFENCES

Table 27: Classification of larceny and related offences for the period October 1, 2016 to September 30, 2017.	
	Number
Larceny	28
Robbery with Aggravation	1
Total	29

DAMAGE TO PROPERTY OFFENCES

Table 28: Classification of property damage offences for the period October 1, 2016 to September 30, 2017.	
	Number
Malicious Damage	18
Arson	1
Total	19

FIREARM OFFENCES

Table 29: Classification of firearm offences for the period October 1, 2016 to September 30, 2017.

	Number
Shooting with intent	10
Selling or transferring a firearm or ammunition	8
Discharging a firearm within 40 meters of a road	1
Total	19

OTHER CRIMINAL OFFENCES

Table 30: Classification of other criminal offences for the period October 1, 2016 to September 30, 2017.

	Number
Use of Obscene language	2
Dangerous Driving	3
Trespass to property	3
S-53 Police Service Act Offences	1
Killing or wounding of animals	1
Total	10

ALLEGATIONS OF DISCIPLINARY OFFENCES

The most common alleged disciplinary offence recorded was unlawful or unnecessary exercise of authority, which accounted for one hundred and thirty-eight (**138**) allegations. This was followed by one hundred and twelve (**112**) allegations of discreditable conduct and ninety-six (**96**) allegations of neglect of duty. This is shown at **Table 31** and **Figure 23**.

Table 31: Number allegations of disciplinary offences for the period October 1, 2016 to September 30, 2017.	
	Total
Unlawful or unnecessary exercise of Authority	138
Discreditable Conduct	112
Neglect of Duty	96
Corrupt Practice	35
Disciplinary Offences under the SRP Act	5
Drinking on Duty or soliciting drink	3
Breach of Confidence	2
Falsehood or Prevarication	1
Being an accessory to a Disciplinary offence	1
Total	393

Figure 23: Number of allegations of criminal offences for the period October 1, 2016 to September 30, 2017.



STATUS OF COMPLAINTS OCTOBER 1, 2016 – SEPTEMBER 30, 2017

During the period under review, the Investigations Department forwarded to the LCCCU seven hundred and nineteen (**719**) matters as follows:-

- Fifty-six (**56**) were from the reporting period December 29, 2010 to September 30, 2011;
- Seventy-two (**72**) were from the reporting period October 1, 2011 to September 30, 2012;
- Ninety-two (**92**) were from the period October 1, 2012 to September 30, 2013;
- One hundred and eighteen (**118**) were from the period October 1, 2013 to September 30, 2014;
- One hundred and sixty-two (**162**) were from the period October 1, 2014 to September 30, 2015;
- One hundred and twenty-eight (**128**) were from the period October 1, 2015 to September 30, 2016; and
- Ninety-one (**91**) were from the period under review.

This is shown in **Table 32**.

Table 32: Breakdown of files forwarded from the Investigations Department to LCCCU during the period October 1, 2016 to September 30, 2017.	
Reporting Period	Number of Files forwarded during the period Oct 1, 2016 – Sept 30, 2017
Dec 29, 2010 – Sept 30, 2011	56
Oct 1, 2011 – Sept 30, 2012	72
Oct 1, 2012 – Sept 30, 2013	92
Oct 1, 2013 – Sept 30, 2014	118
Oct 1, 2014 – Sept 30, 2015	162
Oct 1, 2015 – Sept 30, 2016	128
Oct 1, 2016 – Sept 30, 2017	91
Total	719

Of the eight hundred and twenty-nine (**829**) completed investigations depicted in **Table 33**, seventeen (**17**) were sent to the DPP, eighty (**80**) were sent to the CoP and seven hundred and thirty-two (**732**) were closed with no further action. It should be noted that these completed investigations also include complaints from previous reporting periods.

Table 33: A breakdown of investigations completed during the period under review.	
Status of complaints	Number of Investigations Completed
Sent to DPP	17
Sent to CoP	80
No further action	732
Total	829

PCA MOBILE APPLICATION

On September 29, 2017 the PCA launched its Mobile Application called 'PCA Trinidad & Tobago'. This Mobile App was developed to provide a modern and more convenient method for members of the public to make a complaint to the PCA. Users of the Mobile App now have the opportunity to be the 'eyes and ears' of the PCA by submitting real-time reports and feedback from their mobile devices to the PCA.

The PCA mobile app is designed to enhance users' experience with the following features:

- Users will immediately receive the latest updates regarding PCA news and releases via push notifications.
- Users are able to access and download PCA publications.
- Users are able to take photos and record both audio and video to include in their reports to the PCA.
- Users are able to attach files stored on their mobile device to complement a report.

- Users are able to offer feedback and comments about the app or the PCA.
- The app will allow the user to view his/her list of all submitted reports with a report number, status and update.

All reports submitted via the app are secure and will be treated with the highest levels of confidentiality.

The PCA app is available for Android Kit-Kat (4.4) to current Nougat (7.1.1) and IOS 9 to current IOS 11. The PCA app is free to download and can be found on both the Apple and Google Play Stores.



RECOMMENDATIONS MADE TO THE OFFICE OF THE COMMISSIONER OF POLICE

The PCA has the authority under Section 21 (1) (d) of the PCA Act, Chapter 15:05, to “advise the Police Service and other public authorities on ways in which police corruption and serious police misconduct may be eliminated”.

In furtherance of the aforesaid advisory function, during the period under review, the PCA rendered advice to the Office of the

Commissioner of Police (CoP) in the form of recommendations communicated through the issuance of several pieces of correspondence. As at the date of this report, the PCA has not received responses relative to the several recommendations made.

Hereunder is a table containing each of the recommendations made by the PCA to the Office of the CoP.

Recommendation	Medium and Date of Recommendation
<p>To amend Trinidad and Tobago Police Service (TTPS) Standing Order 10(6) (2)(a) to include that on every occasion that a police complainant misses court, the reason(s) should be documented in the relevant police file.</p> <p>In the event that the non-appearance was due to medical reasons, a copy of the medical leave should be placed on the file.</p> <p>In the event that the police complainant is required to attend Court elsewhere then documentary evidence of this should be placed on the police file relative to the matter for which no appearance was entered.</p> <p>In the event that the non-appearance was due to the fact that the police complainant was on patrol, copies of the station diary extract, patrol register and duty roster should be submitted to the presiding magistrate.</p>	<p>Letter to the Commissioner of Police (Ag.) dated November 8, 2016.</p>

Recommendation	Medium and Date of Recommendation
<p>To train and sensitize all police officers regarding the investigation of crimes committed against children.</p>	<p>Letter to the Commissioner of Police (Ag.) dated November 8, 2016</p>
<p>To implement a reliable records management and file tracking system so as to address the issue of the misplacement of investigative files by members of the TTPS.</p>	<p>Letter to the Commissioner of Police (Ag.) dated November 8, 2016 and April 3, 2017</p>
<p>To implement a practice or procedure for treating with Non-Citizens who fail to produce their passports upon request by the police.</p>	<p>Letter to the Commissioner of Police (Ag.) dated January 20, 2017</p>
<p>To train all police officers on the proper and responsible handling of police dogs and to advise/ reiterate the criminal and/ or civil liabilities which may arise from deliberate or reckless handling of police dogs.</p>	<p>Letter to the Commissioner of Police (Ag.) dated March 20, 2017</p>
<p>To expand the variety of incidents and the prescribed actions to be taken by police officers who are expected to render assistance to the Marshal's Assistant in the service of court processes. The relevant TTPS Standing Order is no. 46 which is silent on the procedure to be followed by police officers if the intended task of the Marshal's Assistant goes beyond process service.</p>	<p>Letter to the Commissioner of Police (Ag.) dated April 20, 2017</p>
<p>To provide a clear procedure for the assignment of matters for investigation and/ or a clear channel of communication of assignments.</p>	<p>Letter to the Commissioner of Police (Ag.) dated April 20, 2017</p>
<p>To train all police officers on how best to communicate the powers of the police to enter and search one's premises so that the information, once relayed to the party whose home they intend to search, can be received in a manner that is respectful to and easily understood by a lay person.</p>	<p>Letter to the Commissioner of Police (Ag.) dated June 30, 2017</p>

FEEDBACK TO THE POLICE COMPLAINTS AUTHORITY AMENDMENTS

NEWS

West: No politics in PCA

COREY CONNELLY

Director of the Police Complaints Authority (PCA) David West says the body is not subjected to political interference.

Speaking on Friday during a community outreach meeting in Sangre Grande, West made it clear that the PCA was an independent, non-political organisation.

"We operate independently. It is only the President (Anthony Carmona) that can revoke my appointment and that of the other members. We feel very secure in our positions," he said in response to a question during the open forum.

West said since his appointment in November 2014, there has never been any political interference in the operations of the PCA.

Earlier, in opening remarks, West, an anti-money laundering specialist attorney, told the gathering at the North-Eastern Community Centre that there has been an increasing number of complaints against police officers in the Eastern Division between within the past few years.

He said between 2014 and 2016, there has been a three-fold increase in the number of fatal

shootings by police officers in the Eastern Division.

West added there also has been a three-fold increase in non-fatal shootings in the Division.

"So, as a PCA, we want to bring down the number of fatal shootings by police officers because at the end of the day that is what is important when dealing with the issue of serious crime," he said.

In the same breath, West also commended the work of Senior Superintendent Garth Nelson and the police officers in the division which is said to have recorded the highest criminal detection rate in the country.

Nelson said last week that out of the 37 murders in the division last year, 10 resulted in prosecutions. He attributed the division's success to the work of officers and citizens.

In an attempt to extend its reach to citizens, West also announced that the PCA will be going high-tech through the purchase of a new App within the next three months.

"Persons will be able to download the App for free and fill our complaints and send it to the PCA," he said.

West, who showed slides of alleged police brutality within recent months, said people also will be able to take videos of infrac-

tion involving police and send it as an attachment to the PCA.

West also said there were gaps in the existing PCA legislation, which, he feels, must be urgently amended to provide greater efficiency.

For example, he said there must be mechanisms in place to allow PCA investigators to be on the scene of an incident within two to three hours of it occurring.

West said PCA investigators also should be empowered to intercept firearms at a scene as well as recommend that victims who are likely to be threatened be placed in a witness protection programme.

Saying there was a backlog of more than 1,000 cases pending before the PCA, West said attempts were being made to reduce the case load.

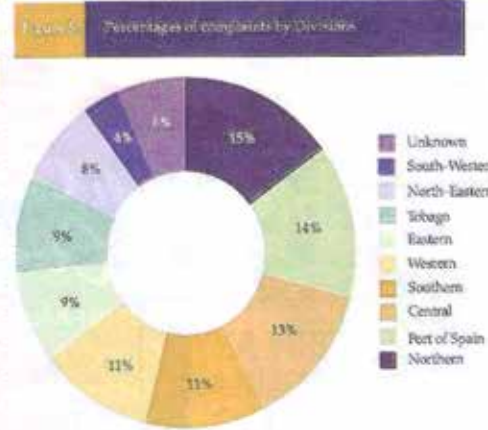
He said a new team has been established to deal with current matters.

"So, we have been trying in different ways to make it efficient without compromising our integrity," West added.

The PCA director revealed that between January and March, the PCA has received some 67 police-related complaints, from the various police divisions, 11 of which were fatal shootings and four, non-fatal.

Police Divisions	No. of Complaints	Complaint percentage
Northern	49	15%
Port of Spain	45	14%
Central	43	13%
Southern	36	11%
Western	35	11%
Eastern	28	9%
Tobago	28	9%
North-Eastern	25	8%
South-Western	12	4%
Unknown	20	6%
Total	321	100%

Complaints against officers according to divisions. IMAGE COURTESY POLICE COMPLAINTS AUTHORITY.



Percentages of complaints by division. IMAGE COURTESY PCA ANNUAL REPORT

PCA gets most complaints about Northern Division cops

KALIFA CLYNE
kalfaclyne@guardian.co.tt

Of the nine police divisions in T&T, Northern Division has topped the list three years running for complaints against officers lodged with the Police Complaints Authority (PCA). The division, which comprises 12 police stations and stretches from Cumuto to St Joseph, is also one of the most densely populated in the country.

For the last three years, two other police divisions also made it to the top of the list – Port-of-Spain and Central.

These three divisions have the highest numbers of complaints against officers and the highest numbers of recorded crime according to statistics from the T&T Police Service (TTPS).

In 2015, of the 321 complaints received by the PCA, Northern Division officers accounted for 49, Port-of-Spain Division accounted for 45, and Central Division accounted for 43. For that same period, Port-of-Spain had 2,117 reported crimes, Central Division recorded 1,545 and Northern Division recorded 1,401.

One year before, in 2014, there were 103 complaints against Northern Division officers, while there were 57

reports against officers of the Port-of-Spain Division, and 44 against Central.

In the 2013 annual report, Northern again topped the list of complaints with 83 reports, followed by Eastern with 70, Central with 64 and Port-of-Spain with 63. There were 235 complaints lodged against Northern for the past three years; 165 against Port-of-Spain; and 151 against Central.

Since the PCA was established on December 29 2010, the authority received a total of 2,139 complaints, of which 1,279 are being actively investigated and 254 are before the courts of law.

Of the total number of complaints, 15.38 per cent of the complaints came from the Northern Division.

There is no report yet for 2016.

The PCA report does not point to any specific factor for the disparity of complaints in each division.

In an interview last week, head of the Northern Division, Senior Superintendent McDonald Jacob, who inherited the post last November, said the main problem was that some officers did not know how to speak to members of the public, and some members of the public did not understand the powers granted to police officers.

Jacob also said urban areas usually

saw people more inclined to have a confrontation with the police. In rural areas you might find a better relationship with police and villagers.

Police need to be educated

Speaking about the division under his control, Jacob said Northern Division was the largest division in terms of population density.

Other than Southern Division, he said it was the only division with 12 police stations and there were about 978 police officers attached to the division.

"When you look at complaints in proportion to the size of division and the size of the police force, you will realise that the numbers may not be that high.

"There is more interaction with the people so the chances of complaints being more will be there."

He said even so, police were mindful of the need for a better relationship with the public.

In the past three months, officers from his division have been sent on customer service training at the Police Academy in St James to update their skills.

Instead of having one town meeting with residents in the division last year, Jacob said his division had four.

"The whole point is to escalate the interaction between the police and the people, letting the people have a better understanding of the police and what is required of them and the officers need to understand their role better."

"The police need to be educated about their powers and how to utilise it and how to use their discretion. Police label and stereotype. They profile people. They will stop someone and let them go and they might stop someone who they feel looks suspicious based on a hairstyle and people wonder why a certain type of person is always stopped.

"There needs to be education on both sides."

On Friday, PCA head David West said one way to improve the image of the Police Service was to encourage graduates of the University of the West Indies to enlist as members of the Police Service.

West said there should be some motivating programme to encourage these graduates to enrol for training as police officers by the Police Service Commission.

Police Commissioner Stephen Williams has repeatedly noted the need for a better relationship between police officers and public in order to better serve the public and better fight crime.

West: Let UWI students enlist in Police Service

RALPH BANWARIE

David West, Director Police Complaints Authority, (PCA) has called for graduates of the University of the West Indies to enlist as members of the Police Service.

West said this was one way to improve the image of the Police Service.

He said there should be some motivating programme to encourage these graduates to enroll for training as police officers by the Police Service Commission.

West made the call in response to questions from members of the public about the attitude of police officers toward the public.

The questions came from residents of Sangre Grande during a PCA Outreach Programme at the Sangre Grande Community Centre at Duranta Gardens, Sangre Grande.

West said the problems the Police Service was encountering presently with some police officers was lack of proper training.

He called for more training for both regular and Special Reserve Police officers.

He told the audience he had three years left in the PCA and promised that he would make a difference to the people, as every day members of the public made complaints about police behaviour.

West also sought to make it clear that the PCA never had any interference with politicians and was an independent body.

He recalled that when a former minister of national security wanted to absorb the SRPs into the regular service he raised a red flag.

West also commented on the issue of how police officers should treat with the mentally ill, adding that those situation needed to be handled by people with the necessary training.

APPENDIX: CAFOLE



AGREEMENT ESTABLISHING THE CARIBBEAN ASSOCIATION FOR OVERSIGHT OF LAW ENFORCEMENT BODIES

June 2017

The Parties to this Agreement,

Being Parties listed in the Schedule annexed hereto,

Recognizing that Oversight of law enforcement has become an administrative responsibility in many nations within the Caribbean Region and internationally,

Acknowledging that Oversight provides accountability, transparency and credibility in the investigation and determination of allegations of misconduct of law enforcement personnel,

Affirming the importance of education, training, public awareness, public participation, public access to information and cooperation at all levels on matters concerning oversight of law enforcement,

Hereby agree as follows:

Article 1

Establishment of Association

There is hereby established an Association to be called the Caribbean Association for Oversight of Law Enforcement ("CAFOLE").

Article 2

Location of Association

The Association shall be located at the Police Complaints Authority in Trinidad and Tobago, or such other place in the Caribbean region as the members of the Association may agree at the Annual General Meeting.

Article 3

Interpretation

In this Agreement –

“Association” means the Caribbean Association for Oversight of Law Enforcement (“CAFOLE”) established under Article 1;

“Member” includes the Chairperson, Vice Chairperson, Secretary any other person mentioned in Article 6;

“Caribbean Region” means the territories listed in the Schedule which may be amended by the Management Committee from time to time;

“Conference” as defined in Articles 8;

“Inaugural Conference” means the Conference of May 16 and 17th 2016.

Article 4

Objectives

The objectives of the Association shall be to –

- a) enhance the oversight of law enforcement throughout the Caribbean Region by encouraging and promoting the development of impartial, competent, efficient and effective oversight of law enforcement bodies;

- b) promote and protect independence and the highest standards of integrity and accountability among members and institutions that promote justice for the people of the Caribbean Region;
- c) undertake research into the administration of oversight of law enforcement with a view to improving the quality of such administration within the Caribbean Region;
- d) establish and maintain links with bodies regionally and internationally sharing similar aims and objectives;
- e) develop and establish a publication resource of educational information on oversight of law enforcement;
- f) educate the public and law enforcement bodies by developing mechanisms to enhance police and community relations;
- g) promote the establishment of external oversight and accountability of law enforcement bodies fostering a rights-based approach to law enforcement;
- h) encourage the highest ethical standards in organisations which provide oversight of law enforcement;
- i) facilitate the sharing of ideas and solutions to com-

- mon issues faced by oversight of law enforcement bodies;
- j) establish and promote networking opportunities and mentoring support for members;
 - k) organise discussions, conferences, seminars and workshops on various issues in oversight of law enforcement;
 - l) promote the establishment of external oversight of law enforcement bodies to fulfil the State's obligations to provide accountability to the public and the victims and their families of law enforcement violators; and
 - m) do all such other things as are incidental or conducive to the attainment of the above aims and objectives.

Article 5

The Management Committee

- (1) The Association shall be managed by a Committee to be called the Management Committee.
- (2) The Management Committee shall consist of not less than three nor more than seven persons elected by the Association and must include a Chairperson, Vice Chairperson and Secretary.

- (3) As far as practicable the Management Committee shall be reflective of –
 - (a) the Association's geographical membership; and
 - (b) the Membership's range of oversight of law enforcement bodies.
- (4) The Management Committee may from time to time allocate specific responsibilities to its members and establish sub-committees for such purposes as it considers appropriate.
- (5) The members of the Management Committee shall hold office until the next Conference of the Association but are eligible for re-appointment.
- (6) No member of the Management Committee shall hold office for more than two (2) consecutive terms.
- (7) The Management Committee shall regulate its own procedure subject to this agreement.
- (8) The Management Committee may, on such terms and conditions as it thinks fit, engage any suitably qualified person to provide it with services, information or advice.

Article 6

Membership

Membership in CAFOLE is subject to individuals meeting the criteria as described in Article 6.

Article 6 (a)

Full membership

Any person, agency, institution or organisation, both governmental and non- governmental appointed or serving or engaged in oversight of law enforcement within a Caribbean State or Territory approved by the Management Committee shall be eligible for full membership.

Article 6 (b)

Associate Membership

Associate membership shall be as approved by the Management Committee to–

- (i) Retired persons of oversight of law enforcement bodies of a State or territory listed in the Caribbean Region;

- (ii) Persons from the Caribbean states and territories listed in the Schedule annexed who are currently serving as persons of oversight of law enforcement bodies outside the Caribbean or who having so served have since retired; or
- (iii) Persons with expertise in civilian oversight who have not served as a law enforcement officer for the past two years.

Article 6 (c)

Honorary Membership

Honorary membership may be conferred upon such persons as may be recommended by the Management Committee and approved by vote.

Article 7

Termination and Suspension of Membership

- (1) Any member may resign membership at any time by submitting a resignation in writing to the Secretary of the Association's Management Committee

(2) The Management Committee, by a two-thirds vote, may order termination of membership of any member in the event that the action of the member, in the opinion of the Management Committee, is likely to bring the Association into disrepute.

Article 8

Conference

- (1) One of the principal activities of the Association shall be its Conference which shall be held so far as practicable at least once every two years and concerned, at least in part, with advancing the objectives of the Association.
- (2) The management of the Conference shall be vested in the Management Committee and the oversight of law enforcement body of the State in which the Conference is being held.
- (3) At the conclusion of a Conference, the Chairperson who presided over the Conference shall immediately cause to be prepared and published throughout the Caribbean a press release concerning the Conference.
- (4) The Chairperson shall cause to be prepared a report of the Conference and cause the same to be circulated among members of the Association as soon as possible after the conclusion of the Conference.

(5) At each Conference, the hosting territory or body in consultation with the Management Committee shall determine the precise date, time, place and duration of the following Conference.

Article 9

Funds

- (1) The funds of the Association shall comprise donations made to it and any other monies generated by the Association's operations as approved by the Management Committee.
- (2) The financial statements of the Association must be audited by an independent auditor and presented at the Annual General Meeting.

Article 10

Voting

- (1) A full member is eligible to attend, participate in and vote at the Conference of the Association.
- (2) Each full member or his/ her representative may vote in person or by proxy and shall be entitled to one vote. Save

and except in the case of an amendment to this agreement which shall be amended in accordance with article 12, a majority vote shall be necessary for passage and/ implementation of the matter being voted on.

- (3) Associate and Honorary members are eligible to attend and participate in the Conference of the Association but shall not have the right to vote.

Article 11

Power to make Rules

The Management committee may make rules for the proper conduct of its affairs and proceedings and discharge of its objectives, and may amend or revoke such rules.

Article 12

Amendment

- (1) This Agreement may be amended at a Conference if a copy of the proposed amendment is submitted to the Chairperson not less than three months prior to the date of the Conference.

- (2) The proposed amendment shall be communicated to all members of the Association by the Chairperson within one month of its receipt.
- (3) An amendment shall become effective after it is debated at a Conference and supported by a vote of two-thirds of the eligible members.

Article 13

Signature

This Agreement shall be open for signature by the authorized representatives of oversight bodies who are eligible for full membership on the final day of the Inaugural Conference.

Article 14

Entry into Force

This Agreement shall enter into force on the signing of form 1 by the authorized representatives of at least three (3) of the oversight bodies who are eligible for full membership and depositing same with the Police Complaints Authority in Trinidad and Tobago.

Article 15

Governing Law

In the event of any dispute in the interpretation of this Agreement the governing law shall be the national law of Trinidad and Tobago.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, has signed this Agreement.

"SCHEDULE"

Jamaica

Guyana

Trinidad and Tobago

"FORM 1"

I, [NAME OF SIGNATORY], being the duly authorised representative of [NAME OF (OVERSIGHT) BODY] and the affixation of my signature hereto is for the purpose of signing on to the Agreement of the Caribbean Association for Oversight of Law Enforcement Bodies.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Agreement.

SIGNED by

.....

[position] of the


[body for whom representative is signing

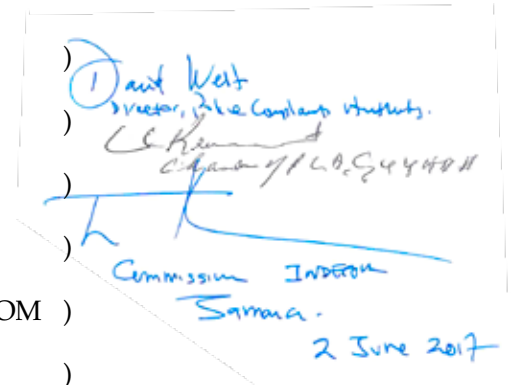
for and on behalf of the [BODY FOR WHOM

REPRESENTATIVE IS SIGNING]

This...^{2nd} day of JUNE..., 2017

In the presence of: -

NAME: NIGEL MORGAN
 ADDRESS: 121 MERRITT RD WEN/00
 OCCUPATION: JUDGE OF THE PEACE
 SIGNED: 



David West
 Director, Police Complaints Authority
 121 Merritt Rd
 Weymouth, Guyana
 Commission Interim
 Samana.
 2 June 2017

LAWS OF TRINIDAD AND TOBAGO
MINISTRY OF LEGAL AFFAIRS

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.

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POLICE COMPLAINTS AUTHORITY ACT

ARRANGEMENT OF SECTIONS

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SECTION

- 47. Offences.
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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.

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;

(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 Staff. for the discharge of its functions.

(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 Ch. 23:01. Regulations shall apply to an officer who is seconded to the Authority under subsection (5).

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

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

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;

Functions of the Authority.

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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.

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Powers of the Authority.

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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;

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(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.

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

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.

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.

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.

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

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.

(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—

- (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;

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- (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.

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- 47.** A person who—
- (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,

Offences.

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. }*

*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;”.

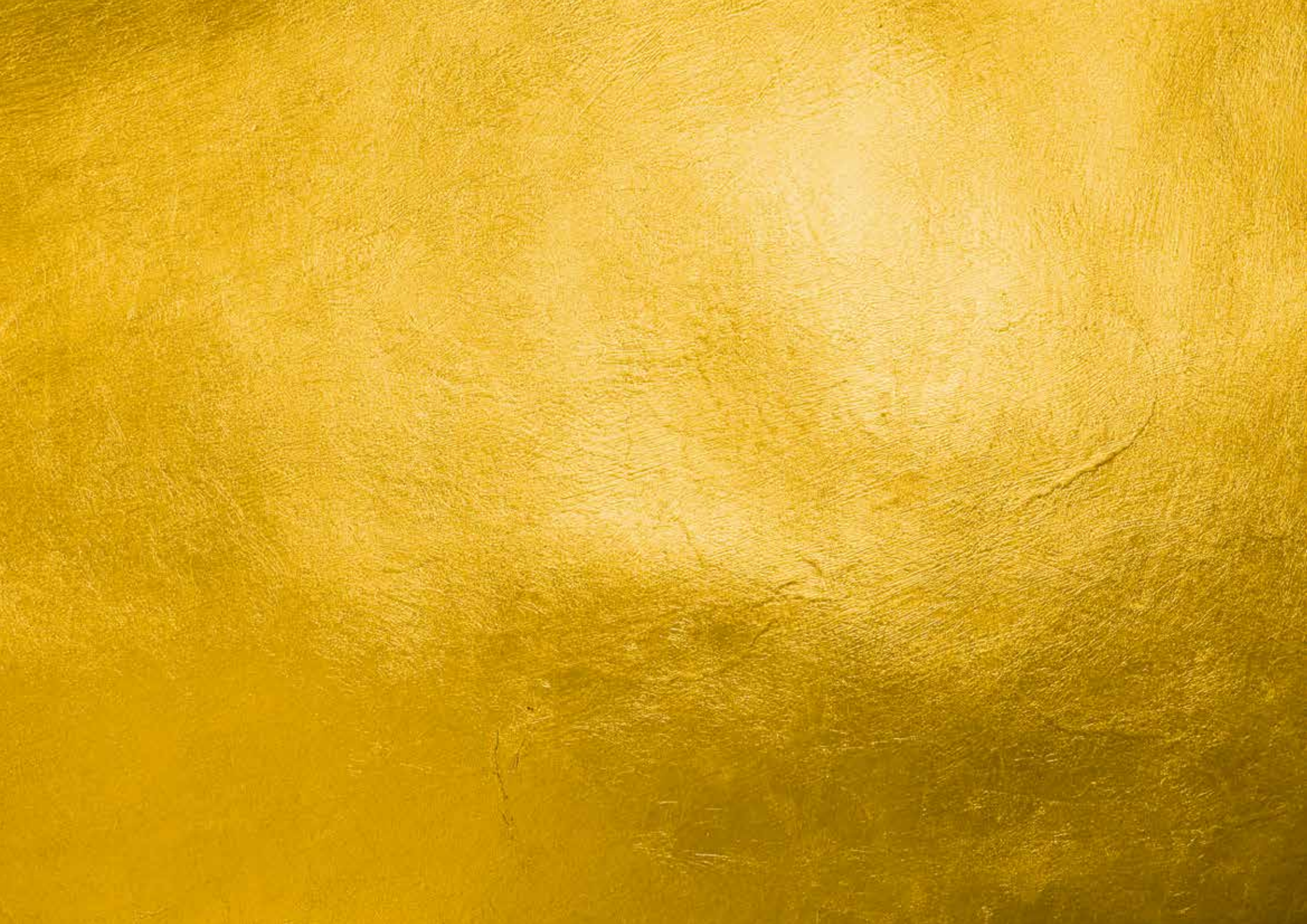
No. 12 *Miscellaneous Provisions (Ministry of Justice)* 2011 3

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





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For additional copies of this report, please write to:

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Port of Spain