

The Police Complaints Authority



2018 ANNUAL REPORT

A pair of ornate silver scales of justice is the central focus of the image. The scales are positioned on a reflective surface, and the background is a vibrant, textured blue. The scales are balanced, with both pans hanging at the same level. The text "FINDING TRUTH ◦ ENSURING JUSTICE" is overlaid in the center of the image in a white, serif font.

FINDING TRUTH ◦ ENSURING JUSTICE



EIGHTH ANNUAL REPORT 2017|2018

PCA Police Complaints Authority

Finding Truth - Ensuring Justice

REPORT FORM

Your Details (Please complete this section in BLOCK letters)

Title (Mr/ Mrs/ Ms): _____

Middle Name: _____

Date of Birth: _____

Address: _____
Day / Month / Year

First Name: _____

Surname: _____

IO/CP No: _____

Report # _____

Complaint # _____

PCA Official Use Only

(PLEASE NOTIFY THE POLICE COMPLAINTS AUTHORITY WHEN YOU HAVE A CHANGE OF ADDRESS)

Mailing Address (if different from above): _____

Home Telephone: _____

Email: _____

Close Friend/Alternative Contact: _____

Contact Address/Telephone: _____

Work Telephone: _____

Mobile: _____

Do you have any matters currently before any Court of Law?
if the answer above is yes, give details: _____

Have you ever made a complaint to the Police Complaints Authority before?
if the answer above is yes, give approximate date/s when complaint/s was/were made: _____

Yes No

Yes No

Details of Complaint

Date of Incident: _____

Location of Incident: _____
Day / Month / Year

Time of Incident: _____

Name of Officer(s) involved (where you do not know name, give rank, number and/or description):
(1) _____
(2) _____



January 10, 2019

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 Eighth Annual Report of the Police Complaints Authority

On behalf of the Police Complaints Authority (PCA) I have the honour to present the Eighth Annual Report of the Authority for the financial period October 1, 2017 to September 30, 2018.

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

Respectfully



David West
Director
Police Complaints Authority



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

I am pleased to present this Report concerning the period under review, October 1st 2017 to September 30th, 2018.

This Report is a testament to the productivity, efficiency and accessibility of the Police Complaints Authority ("PCA"), which continues in its commitment to educate the Public, foster relationships with stakeholders and subscribing to best practice.

Productivity

During the period under review, the PCA received seven hundred and twenty-five (725) Initial Reports (IRs). This represents a 35% increase from the last reporting period.

IRs must be filtered by the Legal Unit which has responsibility for determining whether the PCA has the jurisdiction to deal with the matters complained about. As the PCA is a creature of statute, its governing legislation, the Police Complaints Authority Act Chapter 15:05 ("the PCA Act"), specifies the types of matters which fall within its remit, namely criminal offences involving police officers, police corruption and serious police misconduct. Once a matter falls within the remit, it is designated a "complaint" which the PCA may investigate or, in the alternative, exercise one or more of its



David West

Director, Police Complaints Authority

other functions as outlined in Section 21 (1) of the PCA Act. Any investigation undertaken by the PCA outside of its statutory remit will be ultra vires.

Of the 725 IRs received, four hundred and twenty (420) matters were assessed as complaints. This represents an increase of 9% (2016 – 2017 and 2017 – 2018).

This has been a productive year for the PCA as evidenced by its completion of five hundred and seventy nine (579) matters. This includes matters received during previous reporting periods. Of these, five hundred and thirty five (535) matters were closed with no further action to be taken by the PCA, thirty four (34) matters were forwarded to the Office of the Commissioner of Police (CoP), two (2) matters were forwarded to the Office of the Director of Public Prosecutions (DPP) with recommendations, seven (7) were forwarded to both the CoP and DPP. Additionally, one (1) matter was forwarded to the Police Service Commission (PSC).

Improving efficiency through a modified approach to Case Management

The Deputy Director and I, (the Authority), recognised that there was a need to modify the existing Case Management System for the purposes of efficiency in handling existing matters and new complaints. Under the current system, there are teams comprising investigators and attorneys which either report to the Director or

to the Deputy Director. The matters completed by the teams which report to the Director are case managed by the Head of Legal. On the other hand, teams which report to the Deputy Director are case managed by the Advocate Attorney- a newly created position within the PCA's Organizational Chart. This change was engineered out of a recognition that the PCA was facing an increase in the influx of complaints whilst its staff complement remained almost unchanged.

In employing this approach, the PCA is able to more effectively streamline its approach to matters, tackling existing and new matters, simultaneously, for optimum efficiency. At the time of writing this report, there were approximately seven hundred (700) matters yet to be completed through the joint efforts of the Advocate Attorney, Legal and Investigative Staff. Approximately one (1) year ago this figure was approximately one thousand one hundred and fifty (1, 150).

Increasing accessibility through the PCA Mobile Application (“the APP”) and Social Media platforms

During the period under review, the PCA received thirty-one (31) complaints via the APP. In addition, there were one thousand, two hundred and eighty three (1,283) installs of the APP by persons using Andriod mobile phones and one hundred and twenty three (123) installs by persons using the IOS II. Social Media has become an ubiquitous medium of communication in Trinidad and Tobago.

The PCA's Facebook page has over five thousand (5000) followers and every Friday, we produce a "Did you Know" segment, through which we educate the public on the legislative and regulatory requirements placed on police officers. We have had publications on the Trinidad and Tobago Police Service (TTPS) Use of Force Policy, Power to Arrest Without Warrant, Domestic Violence and Use of Police Wrecker to name a few. The PCA's Facebook page can be accessed at www.facebook.com/PoliceComplaintsAuthority/

Educational Initiatives

The more conventional approach to our public education efforts is the Outreach sessions which the PCA continues to host. During the period under review, the PCA conducted outreach sessions in the areas of Arima, Gasparillo and Chaguanas. We received excellent feedback and questions from the attendees. The PCA also visited the TTPS Academy twice, where we educated the police trainees on the roles and functions of the PCA. Again, we received insightful comments and thought-provoking questions from the TTPS officers involved in the training and also from the trainees in attendance. These are some of the initiatives which we intend to continue.

Fostering positive working relationships with critical Stakeholders

On August 6th, 2018, Mr. Gary Griffith assumed duty as Commissioner of Police. The Authority and representatives of the PCA met with the Commissioner and his team to discuss issues relevant to both our operations and to chart a way forward. The Commissioner's commitment to police discipline and recognition of the critical role the PCA plays therein, inspires great confidence. We are reassured that true, effective oversight shall not be hindered with this Commissioner at the helm.

In March 2018, the PCA provided the Honourable Attorney General with a comprehensive policy document on our proposed legislative amendments. I trust that the amendments are engaging the attention of Cabinet for a favourable review. It is our hope to have the legislative amendments placed on the Order Paper early in 2019.

Best Practice

The PCA invested in an accounting software which brings us up to best practise standards in the industry. The new software will increase efficiency in payments of salaries, vendors and all other goods and services encountered by the PCA. It will also reduce the time which is spent on our yearly Audit. Special mention must be paid to the Manager, Finance and Accounts, Head of Legal and

the Information Technology Administrator for the role that they all played in the acquisition and implementation of this software. Additionally, the Information Technology and Legal departments must be mentioned for improving our Case Management software so as to easily capture and easily search for all cases dealing with criminal incidents which allegedly occurred during the detention of persons.

Exemplary Staff

During the period under review, the PCA added seven (7) employees to its fold. Four (4) Investigations Officers, one (1) Advocate Attorney, one (1) Legal Counsel II and one (1) Accounting Assistant to strengthen its complement and fill vacancies. This brings the staff complement to sixty (60) persons.

I wish to pay tribute to all PCA Staff. Without their collective dedication and hard work, the Authority would not have accomplished all that they did during this year under review. The Authority remains confident that together with its Staff, it can truly be the 'Reliable Authority Leading the way to Justice.'

Moving Forward

No Civilian Oversight body can fulfil its mandate on its own. There must be cooperation from all stakeholders to achieve organizational goals. To this end, the PCA is fortified in its view that its main stakeholders, the Honourable Attorney General, the Director of Public Prosecutions and the Commissioner of Police would agree that there is a need to eliminate the rogue elements from the Trinidad and Tobago Police Service. The PCA will continue to make recommendations under Sec. 44 of the PCA Act, Chap. 15:05 and it is hoped that the office holders to whom referrals are made will take the necessary action in a timely manner. The PCA stands ready to fulfil its remit and has employed creative means to do so while we await much-needed amendments to the PCA Act and other pieces of legislation which touch and concern our operations.



David West
Director, Police Complaints Authority

OUR PURPOSE AND OUR OPERATIONS

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

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

FUNCTIONS

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

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

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

INDEPENDENCE

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

POWERS

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

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

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

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

ANNUAL REPORT

Section 20 (1) of the Act imposes a statutory obligation on the Authority to submit to the 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, 2017 to September 30, 2018.

AUDITED ACCOUNTS

Financial Statements

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

The Financial Statements of the Authority for the financial year ended 30 September 2018 were forwarded to the Auditor General for audit in compliance with the Act.

The Financial Statements for the financial year ended 30 September 2017 were completed and forwarded to the Attorney General and Minister of Legal Affairs for laying in Parliament in accordance to Section 20(2) of the PCA Act.

A Financial Report on the income and expenditure of the PCA for the period October 01, 2015 to September 30, 2016 is to be found on page 12 of this Annual Report.

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, 2017 TO SEPTEMBER 30, 2018

The Police Complaints Authority was allocated funding under Head 23 – Ministry of the Attorney General and Legal Affairs for the financial year 2017/2018. The sum of Seventeen Million dollars (\$17,000,000.00) was allocated under Sub-Item 01 to facilitate capital and recurrent expenditure and an amount of One Million, Seven Hundred and Thirty Thousand dollars (\$1,730,000.00) under Sub-Item 04 to meet the payment of direct charges on the Consolidated Fund. The revised allocations for the financial year in respect of both sub-items totalled Eighteen Million, Four Hundred and Fifty-Three Thousand dollars (\$18,453,000.00).

The sum of Eighteen Million, Thirty Four Thousand, Three Hundred and Ninety-Four dollars (\$18,034,394.00) was expended under Sub-

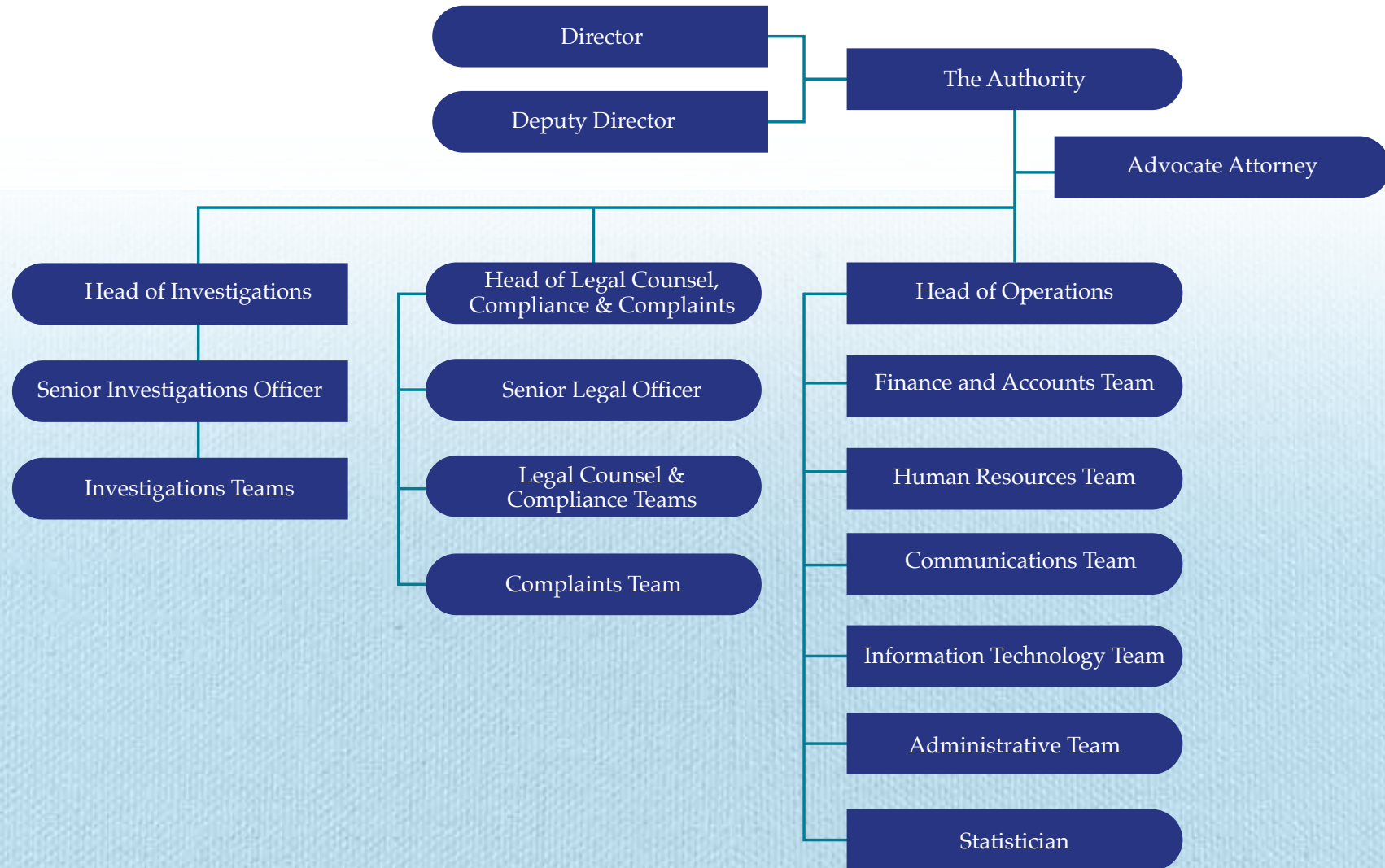
Item 01. Expenditure in excess of the allocation in the amount of One Million, Three Hundred and Four Thousand, Three Hundred and Ninety-Four dollars (\$1,304,394.00) was financed from unutilized funds from previous years.

In respect of Sub-Item 04 the sum of One Million, Four Hundred and Forty-Three Thousand, Eight Hundred and Forty Dollars (\$1,443,840.00) was expended during the financial year.

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	REVISED ALLOCATION	TOTAL EXPENDITURE	EXCESS FUNDS/ SHORTFALL
23: Ministry of Legal Affairs				
04: Current Transfers and Subsidies	\$17,000,000.00	\$16,730,000.00	\$18,034,394.00	(\$1,304,394.00)
009: Other Transfers				
01: Police Complaints Authority	\$17,000,000.00	\$16,730,000.00	\$18,034,394.00	(\$1,304,394.00)
04: Police Complaints Authority -Direct Charges	\$ 1,730,000.00	\$ 1,723,000.00	\$ 1,443,840.00	\$279,160.00
TOTAL	\$18,730,000.00	\$18,453,000.00	\$19,478,234.00	\$1,025,234.00

FUNCTIONAL ORGANIZATIONAL CHART OF THE PCA



OVERVIEW OF THE HUMAN RESOURCES DEPARTMENT

The purpose of the PCA's Human Resources Department is to create an environment that allows its dedicated workforce to perform at its best in service of the organization's mission by:

- Attracting and retaining the best qualified people who are skilled and committed to making the PCA's vision and strategic plan a reality
- Providing staff with the leadership, guidance, tools and support that they need to excel and continuously develop their capabilities
- Nurturing a culture where all levels of staff are accountable and recognised for using their strengths to achieve results and demonstrate behaviours that are consistent with the PCA's values.

RECRUITMENT AND SELECTION

During the period under review, the PCA recruited seven (7) new employees to ensure appropriate staffing needs were met throughout the organization. The positions filled included Advocate Attorney, Investigations Officer, Legal Counsel II and Accounting Assistant.

Additionally, three (3) employees were promoted within the Legal and Investigations Departments to ensure alignment with the operational needs of the Authority.

TRAINING AND DEVELOPMENT

In keeping with its philosophy of continuous learning, the PCA offered a variety of training and development opportunities during the period under review.

In September 2018, Team Leaders from Legal and Investigations Departments attended the National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference in St. Petersburg, Florida. This conference featured four tracks that contain information that touches on all of the core competencies for Civilian Oversight Practitioners:

- Training for Oversight
- Correctional Oversight
- Building Public Trust
- Sustainable Reform Efforts

Within these four tracks conference attendees were able to choose from 31 different plenary and concurrent sessions covering topics such as less lethal policies and tactics; sexual harassment; assessing institutional culture; best practices for volunteer review boards and the anatomy of police-community relations.

These employees also had the opportunity to network with hundreds of others in the ever-growing community of civilian oversight practitioners, community members, law enforcement officials and others working for greater accountability, transparency, and trust.

Members of staff benefitted from various training opportunities throughout the year. These include:

- Public Procurement
- Criminal Procedure Rules
- Leadership Excellence
- Supervisory Management
- Managerial Skills for Executive Assistants
- Practical Mediation Skills
- Critical Thinking Skills
- Advanced Microsoft Excel
- Effective Skills for the Administrative Professional

In the next fiscal year, the Human Resource Department will involve reviewing the existing procedures and exploring technology options that can help create efficiencies and streamline processes.

THE INFORMATION TECHNOLOGY DEPARTMENT

During the period under review, the PCA's Information Technology (IT) Department provided IT support to all employees at both the Trinidad and Tobago offices. The IT Department enhanced the security of information and increased its ease of accessibility to the Authority and staff. The IT Department continues to stay abreast of evolving IT systems and standards.

Security

The IT Department has redesigned its firewall to be stronger and more resistant to cyber assaults to the system and to instantly react to potential system security breaches. After intense testing, the IT Department confirmed that the reinforced firewall enabled the operation of faster system speeds and accommodated significant increases in activity on the system.

The IT Department also reconfigured all employee computers to include a reliable anti-virus and a robust management tool which guaranteed that these computers are updated automatically. The IT Department also ensured secure encoding of data through the utilization of a high level of encryption within the database.

Upgrades

The IT Department continues to keep up with the latest releases in programming software and has revamped the network computers with the most advanced Operating System and Microsoft Office Suite. Additionally, the IT Department has updated its PBX telephone system to ensure a reliable communication network.

Accounting Software

The IT Department has implemented an electronic accounting software to streamline its financial function to meet the operational needs of the organization. Access within the system is controlled to ensure the protection of confidential financial information. The implementation of this software has bolstered information security and resulted in faster processing of accounting transactions.

Hardware

During the last fiscal period, the IT Department upgraded all printing devices to ensure that this service is always fully functional. This upgrade resulted in significant cost savings, increased reliability and reduced wastage.

THE COMMUNICATIONS DEPARTMENT

Communications Department

The role of the Communications Department is to manage, monitor and review the communications strategy of the PCA. The Department is responsible for the management of the Authority's relationships with key stakeholders and the promotion of the organization's image. The Department also undertakes communications planning, media relations, advertising, publications, press releases, community outreach programmes and external corporate events for the Authority.

During the period under review the Communications Department continued its focus on maintaining the PCA's 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.

Social Media

The Communications Department monitors and maintains the PCA's Facebook Page and facilitates dialogue between the public and the PCA.

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 community outreach meetings in the following areas:

- **Arima** - At the Arima Town Hall on March 1, 2018;
- **Chaguanas** – At the Montrose Government Primary School on May 15, 2018; and
- **Gasparillo** - At the Gasparillo East Indian Friendly Society Hall on June 28, 2018.

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



ARIMA OUTREACH



ARIMA OUTREACH



ARIMA OUTREACH



CHAGUANAS OUTREACH



CHAGUANAS OUTREACH



CHAGUANAS OUTREACH



Police Outreach

The Director was invited to speak to trainees at the Trinidad and Tobago Police Service (TTPS) Training Academy on two occasions during the period under review as follows:

- November 2, 2017
- September 4, 2018

At these Outreach meetings the Director sensitized the trainees on a number of topics including:-

- A brief history of the PCA;
- The role and functions of the PCA;
- The powers of the PCA;
- The remit of the PCA;

- The independence of the Authority;
- How to make a complaint;
- The Complaint Process and conclusion of Investigations;
- The difference between the PCA and the Police Complaints Division;
- Confidentiality at the PCA.

During these sessions, the Director emphasized to the trainees that the PCA and the TTPS are two independent bodies which seek to ensure that police officers maintain professionalism and efficiency in the execution of their duties to maintain a positive image and to garner the public's respect. The Director informed the trainees that all investigations by the PCA are carried out fairly and impartially in keeping with its motto of finding truth and ensuring justice. The Director confirmed that police officers can also make reports to the PCA and assured that all complaints receive the strictest level of confidentiality.



GASPARILLO OUTREACH

PCA IS GOING GREEN

"We are official recyclers, we help to take care of the environment we live in ...what we do is for the future."

Gregoria Cruz
Arequipa, Peru

In October, 2017, we launched our, "Going Green," campaign by dedicating zones and bins throughout the floor to recycle our glass, plastic and paper waste.

At the PCA we have been able to enjoy the benefits of an electronic database and other electronic and digital portals to receive complaints and communicate with each other, citizens and our stakeholders.

We dream of one day working in an environment that is "paper free" but with transparency and accountability as our watchwords, we maintain hard copies of our records. The consumption of paper continues to be our bugbear but we are dedicated to being innovative in this area by implementing viable alternatives.

Unto then, we REDUCE and REUSE at every opportunity.

In this way we give our trash a second life as advocated by the UNDP on 8th August, 2017.



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.

(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 or to the Advocate Attorney 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 or to the Advocate Attorney 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

Same complaint – Where the correspondence has already been received in another form/fashion, the duplicate is acknowledged and once it concerns an ongoing investigation the material is forwarded to the Investigations Unit for placement on the investigative/copy file;

(c)(ii) Further information to existing complaint

Further information to existing complaint – The correspondence is acknowledged and treated as supplemental to an existing complaint and is forwarded to the Investigations Unit for placement on the investigative/copy file;

(c)(iii) New Report and within remit

New report and within remit – The correspondence is sent to the Complaints Unit to be uploaded electronically. The Complaints Officer will then forward the electronic report to the Legal Counsel and resubmit the hard copy of all material to the AA LCCCU.

(c)(iv)

Thereafter, steps c, d and e of the "walk in" procedure will apply. (END)

MOBILE APPLICATION ("MOBILE APP") REPORTS

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

EMAILED REPORTS/ ELECTRONIC COMPLAINT FORM

- (a) Upon completion of an electronic complaint form accessed on the PCA's website, or, upon sending an email to info@pca.org.tt an email is automatically generated acknowledging receipt of same.
- (b) Step c of the "mailed in" procedure is followed.
- (c) Steps c, d and e of the "walk in" procedure 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)



ADVOCATE ATTORNEY

The Advocate Attorney appears on behalf of the Police Complaints Authority (PCA) in matters which are being monitored by the PCA before the Magistracy and Supreme Court of Trinidad and Tobago.

Additionally, complaints made to the PCA which are assessed by the Legal Section of the Legal Counsel, Compliance and Complaints Unit (LCCCU) as a summary criminal offence (offences triable in the Magistracy wherein the limitation period for instituting charges against someone is stipulated by statute) under remit it and assigned to a team that reports to the Deputy Director, are case managed by the Advocate Attorney

ensuring the investigation is completed within the statutory limitation period. As a result, any referral to the Director of Public Prosecutions recommending that charges be instituted are made prior to the expiry of the said limitation period.

The Advocate Attorney also assesses the recommendations made by the Legal Section prior to same being forwarded to the Authority and provides support to the LCCCU by way of research on relevant legal issues and current changes in the law and regulations and the application of same in the Courts of Trinidad and Tobago ensuring the PCA is up to date with current practice.

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.

This cohesive and vibrant Unit is involved in every aspect of the complaint process from receipt and assessment of complaints, to assisting in the case management of investigations, to proffering legal advice to the Authority and its investigators, during and upon conclusion, of all investigations of the Authority.

The Unit subscribes to three (3) fundamental pillars of service namely professionalism, efficiency and the provision of legally-sound solutions and advice.

The Authority benefits from the multi-disciplined nature of this Unit, which boasts experience in effective leadership, social work, complaint/statement taking, criminal/civil litigation, legal research and contract law.

The Unit:-

1. Received seven hundred and twenty-five (725) initial reports;
2. Assessed four hundred and nineteen (419) initial reports (see page 30) as complaints within the meaning ascribed under

Section 4 of the Police Complaints Authority Act, Chapter 15:05 ("the PCA Act");

3. Worked effectively with the Authority's investigative teams to draft correspondence and provide legal advice;
4. Assisted the Authority in case management of ongoing investigations;
5. Referred two (2) investigative files to the Office of the DPP recommending that consideration be given to the prosecution of defaulting police officers.
6. Referred thirty-four (34) investigative files to the Office of the CoP recommending that consideration be given to the initiation of disciplinary proceedings against defaulting police officers.
7. Referred seven (7) investigative files to both the Offices of the DPP and CoP recommending that consideration be given to prosecution and the initiation of disciplinary proceedings against defaulting police officers.
8. Referred one (1) investigative file to the Office of the PSC recommending that consideration be given to the initiation of disciplinary proceedings against the defaulting police officer.

9. Proffered six (6) pieces of advice to the Office of the CoP pursuant to section 21 (1) (d) of the PCA Act.
10. Attended and actively participated in meetings regarding the revision of amendments to the PCA Act and necessary consequential amendments.
11. Attended and provided support to the Authority at five (5) outreach and educational sessions.
12. Vetted and/ or drafted several legal documents including a disclaimer notice, a Memorandum of Understanding and several agreements.
13. Assisted in drafting statements and releases to the media.
14. Facilitated the check and balance process in support of the PCA's statistical records.

The Unit's goal is to continue to work assiduously and consistently in maintaining the reputation of the PCA in the execution of its statutory mandate.

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

INTRODUCTION

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.

INVESTIGATIVE PROCESS

The Investigative Process is an element of Civilian Oversight of Law Enforcement.

The investigative strategy will depend on whether the Authority decides to monitor, audit or investigate a complaint.

The investigative tactic employed in the enquiry into a particular complaint may vary depending on the facts of the complaint.

The methodology employed to investigate complaints is the same regardless of the type of allegation.

The Process of Enquiry

An allegation that a member of the public suffered some hurt, loss or injury as a result of an interaction with a member of the TTPS may be the subject of a complaint. From an investigative standpoint, the complaint is probed in order to determine whether the assertions made can be substantiated. A preliminary investigation may reveal that an allegation has merit warranting a further investigation or that an allegation was malicious, frivolous or without any foundation to warrant further enquiry.

The first investigative step therefore is to assess the facts comprising the complaint to determine whether such facts potentially establish a case of misconduct on the part of the Police.

When a complaint file is received by the Investigations Unit it is assigned to a Team Lead who determines the initial actions to be executed (tactic) in order to explore the allegation(s) comprising the

complaint. This involves the gathering of all documentary, physical and electronic information and evidence.

Once these actions are completed, all the facts are analyzed and a recommendation is made to the Authority for its consideration, following a three-tiered review process comprising the Team Lead, Head Investigations and assigned Legal Counsel.

Each complaint is also case managed. The assigned Investigator works closely with a Legal Counsel at every stage of the investigation. Deadlines/extensions are set/given so that there is an efficient use of resources, this minimizes the opportunity for any possible delay.

At the end of the process, whether the facts support the allegation, exonerate the officers against whom the allegation is made or otherwise, the Authority will approve the action to be taken in relation to the enquiry.

A STATISTICAL REPORT FOR THE PERIOD 2017-2018

CONVERSION OF INITIAL REPORTS TO COMPLAINTS

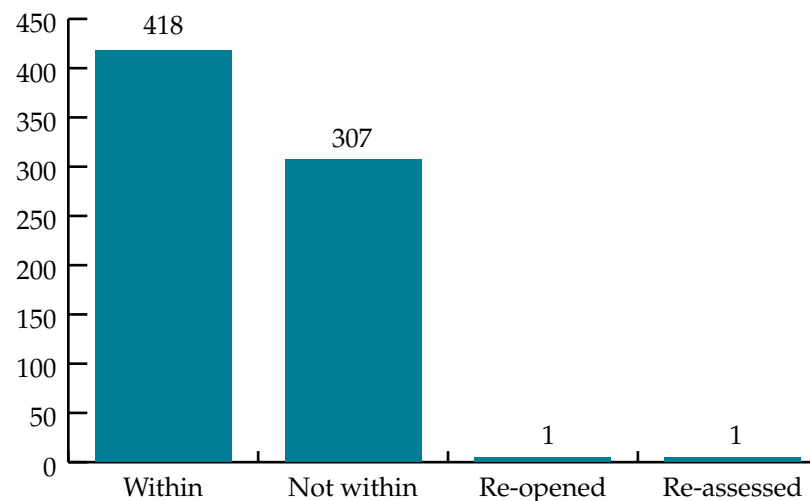
Seven hundred and twenty-five (**725**) initial reports (IRs) were received for the period October 1, 2017 to September 30, 2018. Of those initial reports, four hundred and eighteen (**418**) were categorized as within the remit as per Section 4 of the PCA Act and converted to complaints as shown in **Figure 1**.

Additionally the PCA;

- Re-opened one (**1**) complaint.
- Re-assessed one (**1**) Initial Report made during the previous reporting period (2016-2017). This report was classified to be within remit and converted to a complaint during the 2017-2018 reporting period.

Therefore, the total number of complaints sent to the investigation department for the reporting period October 1, 2017 to September 30, 2018, was four hundred and twenty (**420**).

Figure 1: Number of reports and remit status for the reporting period October 1, 2017- September 30, 2018.



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

These allegations comprise the PCA's remit and are used to assess initial reports. More than one allegation may be identified in a single complaint. Additionally, more than one offence may arise out of one allegation. Of the four hundred and twenty (**420**) complaints for the period under review, six hundred and seventy-three (**673**) classifications of allegations were identified as within the PCA's remit as shown in **Table 1**.

Table 1: Number of complaints classified by allegations for the period October 1, 2017- September 30, 2018.

Allegation	Number
Police corruption	29
Serious police misconduct	389
The commission of a criminal offence by a police officer	255
The commission of a criminal offence by any other person but involving a police officer	0
Total	673

CLASSIFICATION OF COMPLAINTS

The four hundred and twenty (420) complaints received by the Investigations Department fell into the classifications described on page 26 of this report and are shown below by numbers and percentages in **Table 2**. For the period under review, thirty-two percent (32%) of these complaints were assigned a Classification of 5 - matters subject to a statutory limitation period.

Table 2: Classification of complaints by number and percentage for the period October 1, 2017- September 30, 2018.		
Classification	Number	Percentage
1	37	9%
2	43	10%
3	59	14%
4	51	12%
5	97	23%
5- matters subject to a statutory limitation period	133	32%
Total	420	100%

CLASSIFICATION OF COMPLAINTS RECEIVED BY MONTH

During the period under review, the highest number of complaints - forty-five (45) - was received in the month of September.

Table 3: Classification of complaints received by month for the period October 1, 2017- September 30, 2018.							
Month	Classification of Complaints						Total
	1	2	3	4	5	5*	
October	1	2	3	8	11	10	35
November	2	1	4	6	4	12	29
December	1	3	5	2	4	6	21
January	2	5	2	3	11	11	34
February	0	0	4	2	5	5	16
March	3	2	5	4	8	19	41
April	0	5	2	7	5	10	29
May	4	4	6	8	9	12	43
June	8	6	7	0	6	16	43
July	2	3	8	2	16	11	42
August	11	3	3	5	5	15	42
September	3	9	10	4	13	6	45
Total	37	43	59	51	97	133	420

* matters subject to a statutory limitation period

Four hundred and twenty (**420**) complaints were received for the period October 1, 2017 to September 30, 2018. In the preceding reporting periods, the following numbers of complaints were received:-

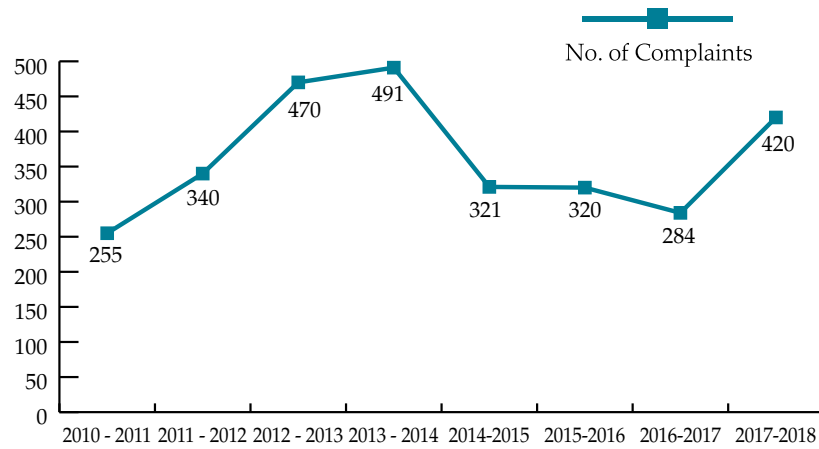
- December 29, 2010 to September 30, 2011 - 255 complaints
- October 1, 2011 to September 30, 2012 - 340 complaints
- October 1, 2012 to September 30, 2013 - 470 complaints
- October 1, 2013 to September 30, 2014 - 491 complaints
- October 1, 2014 to September 30, 2015 - 321 complaints
- October 1, 2015 to September 30, 2016 - 320 complaints
- October 1, 2016 to September 30, 2017 - 284 complaints

Table 4 shows the number of complaints received over the reporting periods December 29, 2010 - September 30, 2018 and the respective increases/ decreases in the number of complaints received. **Figure 2** shows the numerical increases/decreases in the number of complaints received over the reporting periods December 29, 2010 – September 30, 2018.

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 ↓
2017 - 2018	420	136 ↑

Source: Data for reporting periods December 29, 2010- September 30, 2018 from PCA Annual Report 2016-2017.

Figure 2: Represents the numerical increase/decrease in complaints received over the reporting periods December 29, 2010 – September 30, 2018.



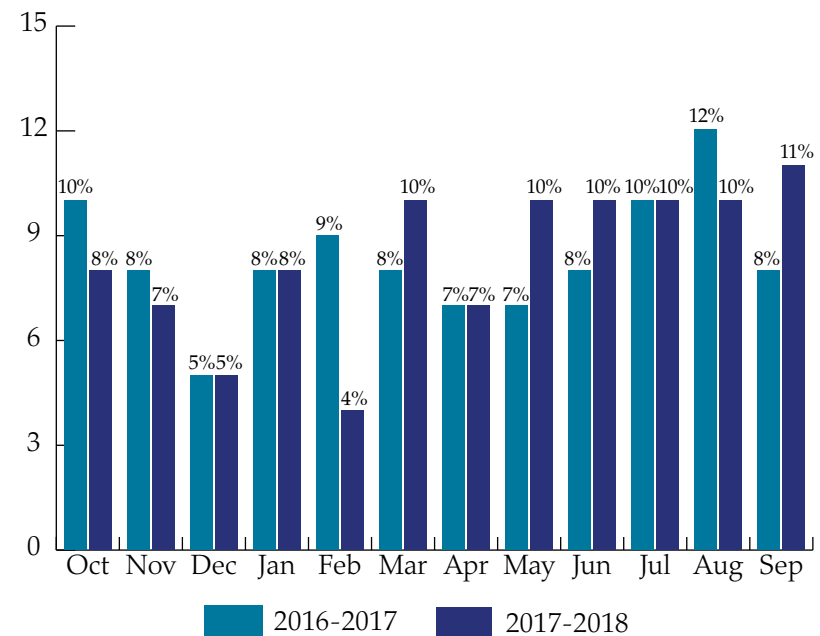
ANALYSIS OF FREQUENCY OF COMPLAINTS

For the period under review, the largest number of complaints - forty-five (45) - accounted for eleven percent (11%) of complaints forwarded to the Investigations Department in the month of September. This differs from the previous reporting period where the largest number of complaints - thirty-six (36) - accounted for twelve percent (12%) of complaints forwarded to the Investigations Department in the month of August. This is depicted in **Table 5** below.

Table 5: Frequency of complaints by month for the periods October 1, 2016 - September 30, 2017 and October 1, 2017 - September 30, 2018.				
Month	2016 - 2017		2017 - 2018	
	Number	Percentage	Number	Percentage
Oct	28	10%	35	8%
Nov	23	8%	29	7%
Dec	15	5%	21	5%
Jan	22	8%	34	8%
Feb	26	9%	16	4%
Mar	22	8%	41	10%
Apr	20	7%	29	7%
May	20	7%	43	10%
Jun	22	8%	43	10%
Jul	28	10%	42	10%
Aug	36	12%	42	10%
Sep	22	8%	45	11%
Total	284	100%	420	100%

A graphical representation comparing the frequency of complaints reported for the periods October 1, 2016 - September 30, 2017 and October 1, 2017 - September 30, 2018 is displayed in **Figure 3**.

Figure 3: Percentage of complaints received by month for the periods October 1, 2016 - September 30, 2017 and October 1, 2017 - September 30, 2018



METHOD OF COMPLAINT RECEIVED

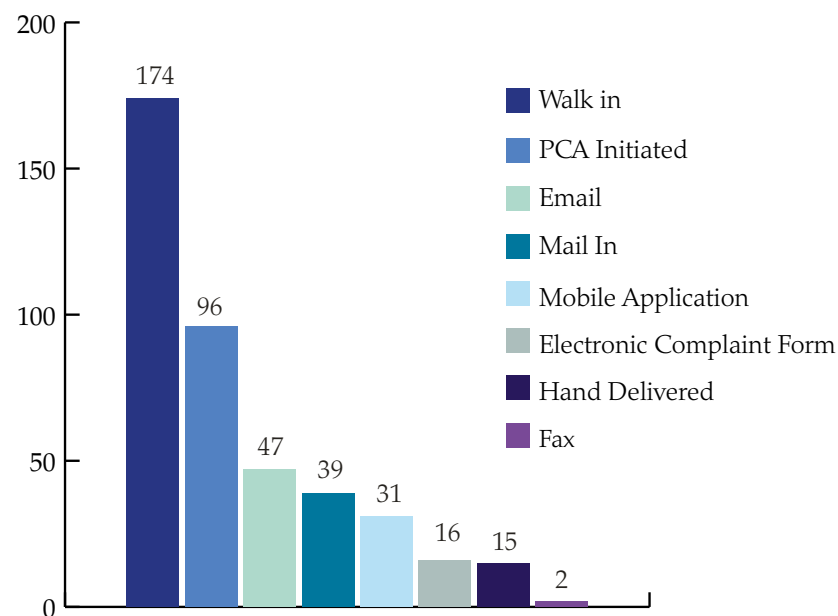
A complaint can be made by way of several methods. These include Walk In, PCA Initiated, Mail In, Email, Hand Delivered, Mobile Application, Electronic Complaint Form and Fax.

Table 6: Method of Receipt of complaints by number for the period October 1, 2017 - September 30, 2018.	
Method of Receipt	Number
Walk In	174
PCA Initiated	96
Email	47
Mail In	39
Mobile Application	31
Electronic Complaint Form	16
Hand Delivered	15
Fax	2
Total	420

The largest number of complaints - one hundred and seventy-four (174) - were received via the 'Walk In' method and accounted for the largest number of complaints received during the reporting period.

Table 6 and Figure 4 provides a summary of the various methods used to make a complaint during the reporting period.

Figure 4: Method of receipt of complaints for the period October 1, 2017 - September 30, 2018 by number.



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 ninety-six (**96**) complaints. Eighty-two percent (**82%**) of initiated complaints were generated from newspaper articles, while Facebook and other social media accounted for twelve percent (**12%**). This is shown in **Table 7** and **Figure 5**.

Table 7: Method used to Initiate Complaints for the period October 1, 2017 - September 30, 2018.

Method	Number	Percentage
Newspaper	79	82%
Facebook and other Social Media	11	12%
TTPS/PSB	5	5%
Television/Radio	1	1%
Total	96	100%

Figure 5: Method used to Initiate Complaints by percentages for the period October 1, 2017 - September 30, 2018.

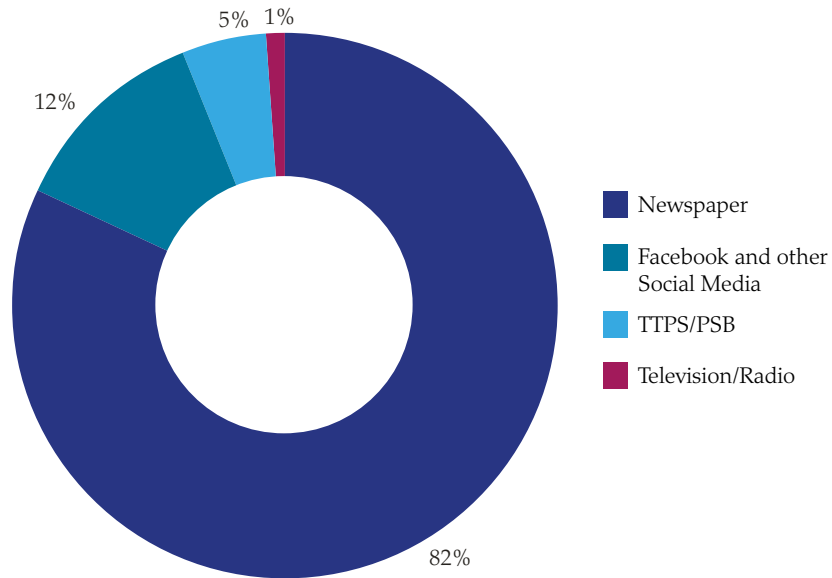


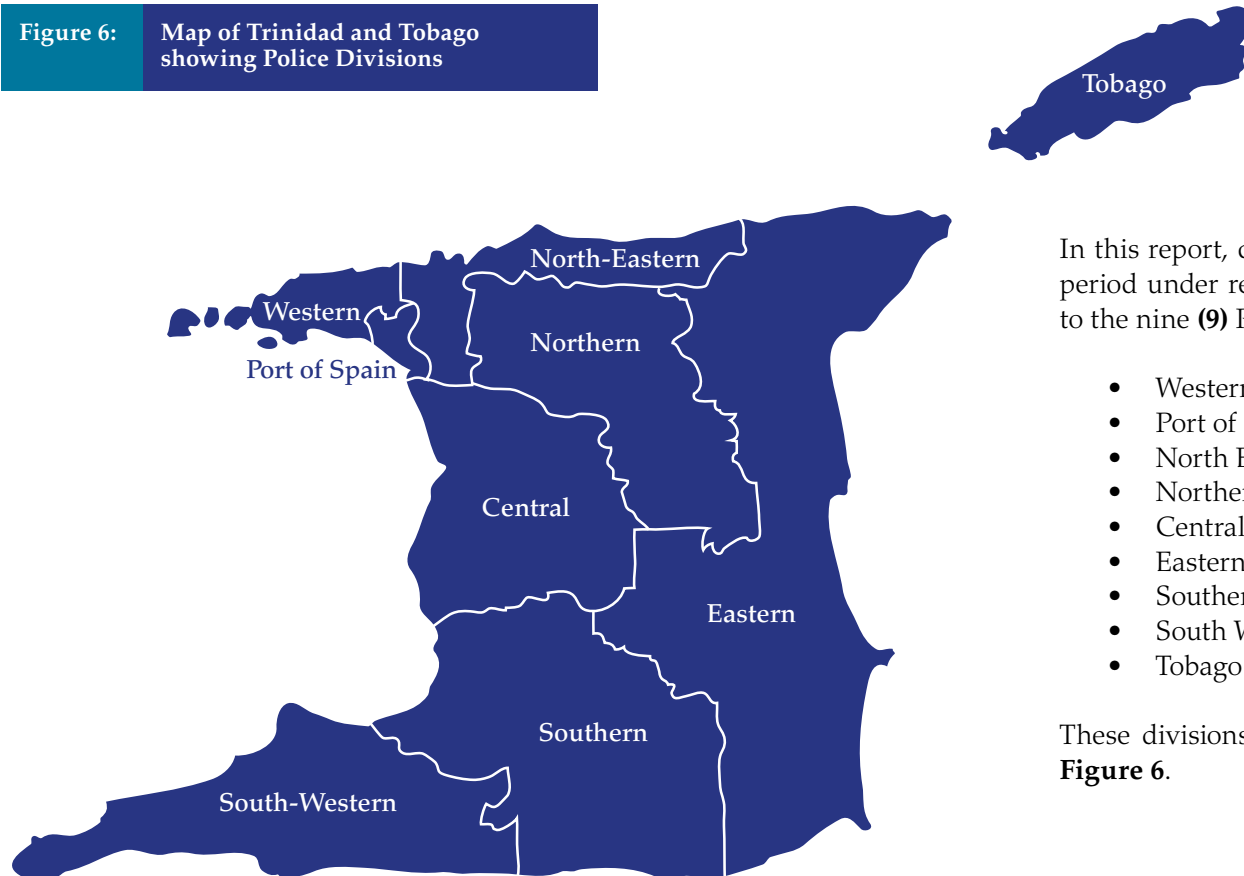
Table 8 shows a comparison of the number of complaints initiated by the PCA per year for the period December 29, 2010 to September 30, 2018.

Table 8: Complaints initiated by the PCA for the period December 29, 2010 to September 30, 2018

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
Oct 1, 2017 – Sept 30, 2018	96
Total	441

TRINIDAD AND TOBAGO POLICE DIVISIONS

Figure 6: Map of Trinidad and Tobago showing Police Divisions



In this report, complaints received during the period under review were grouped according to the nine **(9)** Police Divisions as follows:

- Western
- Port of Spain
- North Eastern
- Northern
- Central
- Eastern
- Southern
- South Western
- Tobago

These divisions are geographically shown in **Figure 6**.

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 – seventy-eight (78) - was received from the Central Division, followed by seventy-five (75) complaints from the Northern Division. The lowest number of complaints - nineteen (19) – was received from the South-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, 2017 - September 30, 2018

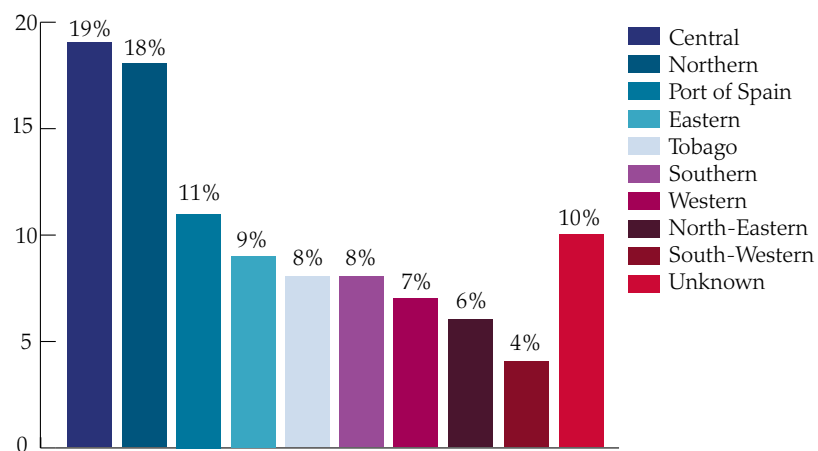


Table 9: Numbers and percentages of complaints by Police Divisions for the period October 1, 2017 - September 30, 2018.

Divisions	Number	Percentage
Central	78	19%
Northern	75	18%
Port of Spain	45	11%
Eastern	37	9%
Tobago	34	8%
Southern	33	8%
Western	29	7%
North-Eastern	27	6%
South-Western	19	4%
Unknown	43	10%
Total	420	100%

* Please refer to page 77 and 78 of this document to account for the 'unknown'.

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, 2017 - September 30, 2018.

* Please refer to page 77 and 78 of this document to account for the 'unknown'.

CENTRAL DIVISION

	Number	Percentage
Chaguanas	31	40%
Cunupia	11	14%
Couva	7	9%
Freeport	5	7%
Las Lomas	5	7%
Caroni	3	4%
Brasso	1	1%
Central Division Task Force	1	1%
Criminal Investigations Department (CID) Chaguanas	1	1%
Longdenville Police Post	1	1%
Lions Gate Police Post	1	1%
Unknown	11	14%
Total	78	100%

NORTHERN DIVISION

	Number	Percentage
Arima	18	24%
Arouca	15	20%
St. Joseph	12	16%
La Horquetta	11	15%
Tunapuna	10	14%
Maloney Police Station	3	4%
Cumuto	2	3%
Malabar Police Post	1	1%
Maracas St. Joseph	1	1%
San Raphael	1	1%
Unknown	1	1%
Total	75	100%

PORT OF SPAIN DIVISION

	Number	Percentage
Besson Street	12	27%
Central Police Station	11	25%
Belmont	4	9%
Port of Spain Task Force	1	2%
St. Clair	1	2%
Woodbrook	1	2%
Unknown	15	33%
Total	45	100%

EASTERN DIVISION

	Number	Percentage
Sangre Grande	23	63%
Rio Claro	4	11%
Mayaro	3	8%
Valencia Police Post	2	5%
Matura	2	5%
Matelot	2	5%
Unknown	1	3%
Total	37	100%

TOBAGO DIVISION

	Number	Percentage
Crown Point	12	35%
Scarborough	12	35%
Roxborough	3	9%
Old Grange	2	6%
Charlotteville	1	3%
Unknown	4	12%
Total	34	100%

SOUTHERN DIVISION

	Number	Percentage
Princes Town	12	37%
San Fernando	5	15%
Marabella	4	12%
Gasparillo	3	9%
Barrackpore	2	6%
Mon Repos	2	6%
St. Margaret's	2	6%
Debe Police Post	1	3%
Unknown	2	6%
Total	33	100%

WESTERN DIVISION

	Number	Percentage
West End	8	28%
St. James	7	24%
Four Roads	5	17%
Carenage	3	10%
Western Division Task Force	2	7%
Maraval	1	4%
Unknown	3	10%
Total	29	100%

NORTH-EASTERN DIVISION

	Number	Percentage
Morvant	11	41%
San Juan	5	19%
Santa Cruz	4	15%
Barataria	2	7%
North East Division Task Force	2	7%
Maracas Bay	1	4%
Unknown	2	7%
Total	27	100%

SOUTH-WESTERN DIVISION

	Number	Percentage
Point Fortin	8	41%
Cedros	2	11%
La Brea	2	11%
Penal	2	11%
Siparia	2	11%
Oropouche	1	5%
Fyzabad	1	5%
Unknown	1	5%
Total	19	100%

There are a number of 'Specialist Sections' that operate within the TTPS. The table below reflects complaints received by the PCA with regard to these sections.

SPECIALIST SECTIONS

Section	Number
Child Protection Unit	3
Criminal Investigations Department/ Criminal Records Office (CID/CRO)	2
Fraud Squad	2
Homicide Bureau of Investigations	2
Inter-Agency Task Force	2
Special Branch	2
Mounted & Canine Branch	2
Anti-Corruption Investigations Bureau	1
Central Operations Unit	1
Criminal Investigations Department (CID)	1
Guard & Emergency Branch	1
Rapid Response Unit	1
Traffic Branch	1
Grand Total	21

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.”

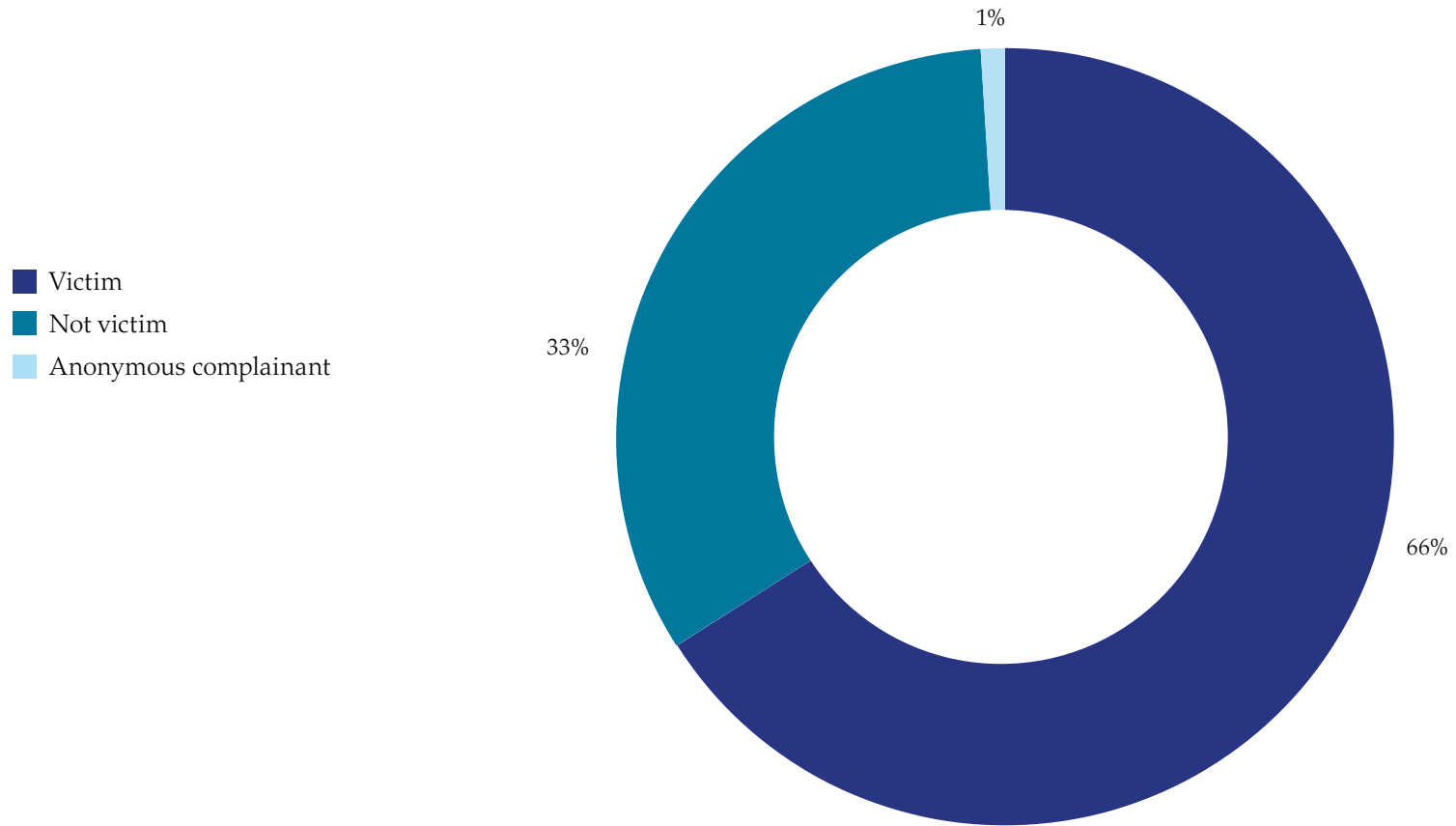
Of the four hundred and twenty (**420**) complaints received for the period under review, two hundred and seventy-six (**276**), which represents sixty-six percent (**66%**) were reported by the alleged victim, one hundred and forty-one (**141**), which represents thirty-three percent (**33%**) were 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, 2017- September 30, 2018.

Status of complainant	Number	Percentages
Victim	276	66%
Not victim	141	33%
*Anonymous complainant	3	1%
Total	420	100%

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

Figure 8: Status of complainant by percentages for the period October 1, 2017- September 30, 2018.



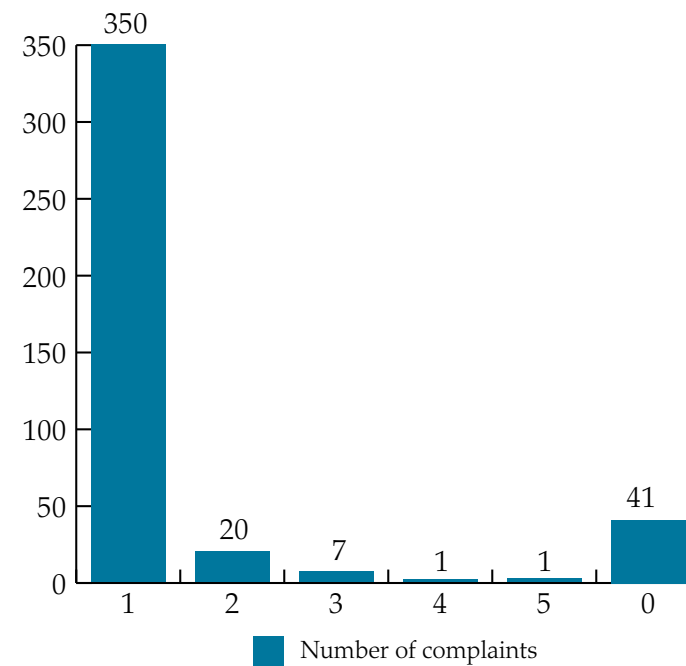
INCIDENT REPORTS

It should be noted that of the four hundred and twenty (420) 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 of complaints in relation to the total number of alleged victims involved in an incident. There was one (1) alleged victim in three hundred and fifty (350) complaints, two (2) alleged victims in twenty (20) complaints, three (3) alleged victims in seven (7) complaints, four (4) alleged victims in one (1) complaint and five (5) alleged victims in one (1) complaint.

Table 11: Number of complaints in relation to the total number of alleged victims involved in an incident for the period October 1, 2017- September 30, 2018.		
Number of Alleged Victims involved per complaint	Number of complaints	Total Number of Alleged Victims
1	350	350
2	20	40
3	7	21
4	1	4
5	1	5
*No victim	41	0
Total	420	420

Figure 9: Number of alleged victims involved in a complaint for the period October 1, 2017- September 30, 2018.

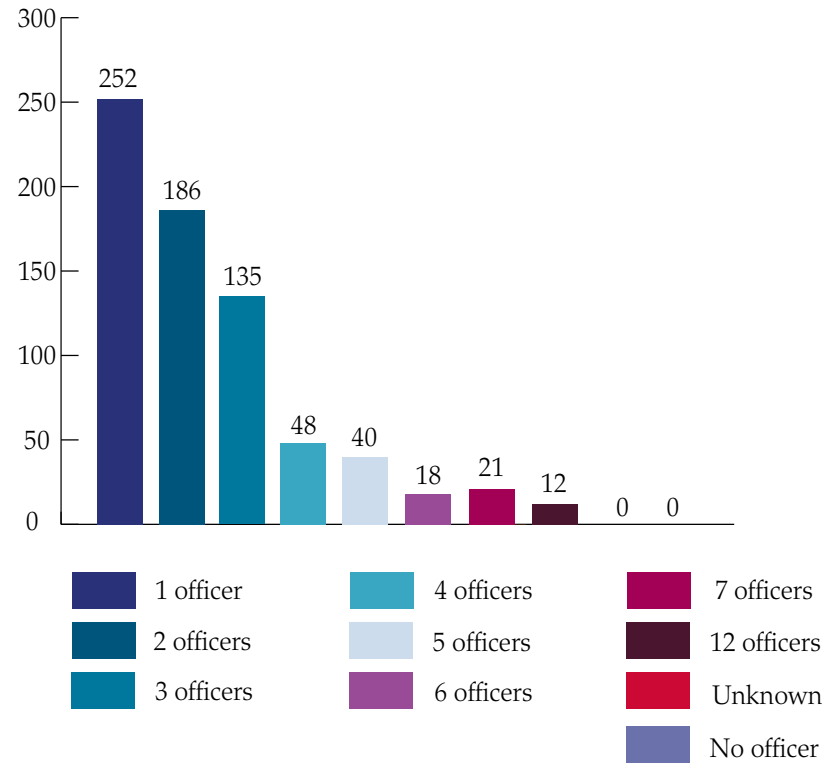


*Matters involving police officers which may amount to general misconduct and not misconduct directed at any individual. These matters may include matters of high national/public importance.

Table 12 and **Figure 10** show the number of complaints in relation to the total number of police officers involved in an incident. There was one (1) alleged officer in two hundred and fifty-two (252) complaints, two (2) alleged officers in ninety-three (93) complaints, three (3) alleged officers in forty-five (45) complaints, four (4) alleged officers in twelve (12) complaints, five (5) alleged officers in eight (8) complaints, six (6) alleged officers in three (3) complaints, seven (7) alleged officers in three (3) complaints and twelve (12) alleged officers in one (1) complaint. There were two (2) complaints in which the number of officers was unknown and there was one (1) complaint in which there was no officer.

Table 12: Number of complaints in relation to the total number of alleged officers involved in an incident for the period October 1, 2017 - September 30, 2018.		
Number of Officers involved	Number of Complaints	Total Number of Officers Involved
1	252	252
2	93	186
3	45	135
4	12	48
5	8	40
6	3	18
7	3	21
12	1	12
Unknown	2	0
*No Officer	1	0
Total	420	712

Figure 10: Total number of alleged officers involved in an incident for the period October 1, 2017 - September 30, 2018.



* In this one matter, an allegation of Neglect of Duty was made. After preliminary investigations were concluded, no officer was identifiable since the alleged victim did not make a report at any police station.

* Please refer to page 77 and 78 of this document to account for the 'unknown'.

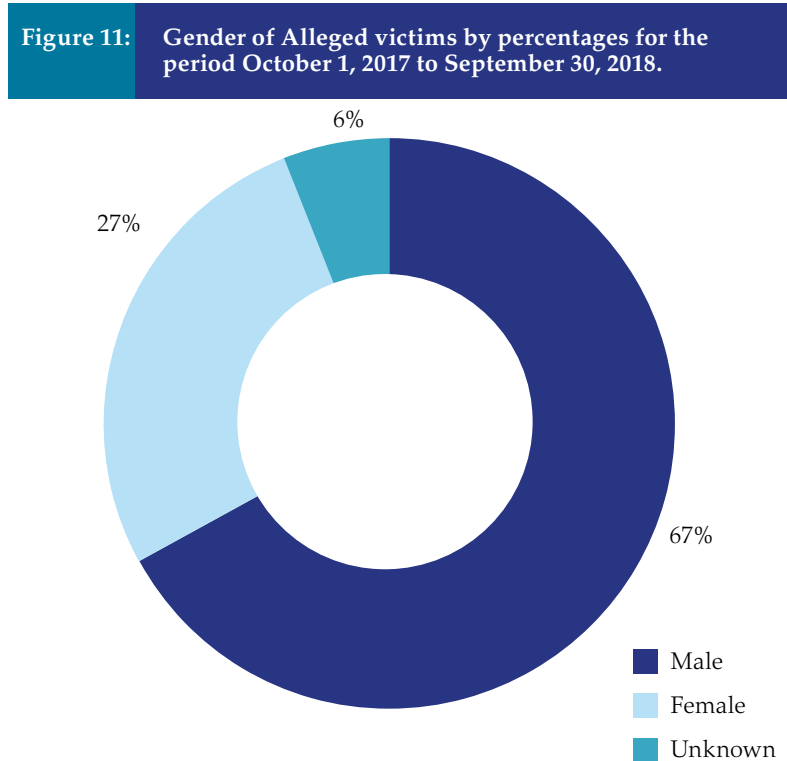
DEMOGRAPHICS OF ALLEGED VICTIM

This section provides a description on the demographics of alleged victims involved in the reported incidents by gender, age and ethnicity. Of the four hundred and twenty (420) complaints, four hundred and twenty (420) alleged victims were identified.

GENDER OF ALLEGED VICTIMS

Of the four hundred and twenty (420) alleged victims, two hundred and eighty-one (281) which represents sixty-seven percent (67%) were made by male victims, one hundred and fifteen (115) which represents twenty-seven percent (27%) were made by female victims. Twenty-four (24) 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: Gender of Alleged victims by number and percentages for the period October 1, 2017 to September 30, 2018.		
Gender	Number	Percentages
Male	281	67%
Female	115	27%
*Unknown	24	6%
Total	420	100%



* Please refer to page 77 and 78 of this document to account for the 'unknown'.

AGE OF ALLEGED VICTIMS

Of the four hundred and twenty (**420**) alleged victims, the ages of two hundred and ninety-four (**294**) or seventy percent (**70%**), were known, while one hundred and twenty-six (**126**) or thirty percent (**30%**) were “unknown” as shown in **Table 14**.

Age	Number	Percentage
Known	294	70%
Unknown	126	30%
Total	420	100%

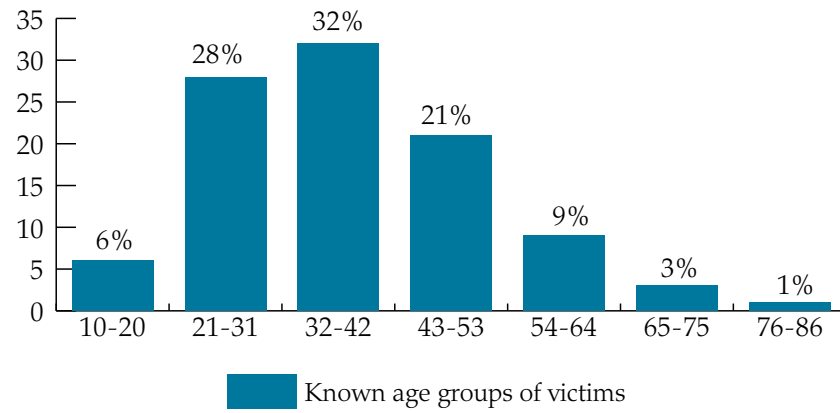
*Please refer to page 77 and 78 of this document to account for the ‘unknown’.

The recorded ages of alleged victims range from age ten (**10**) to eighty-six (**86**).

Age Groups	Number of Alleged Victims	Percentage
10-20	19	6%
21-31	82	28%
32-42	94	32%
43-53	63	21%
54-64	26	9%
65-75	8	3%
76-86	2	1%
Total	294	100%

The age group reflecting the highest number of alleged victims is 32-42 with ninety-four (**94**) alleged victims which represented thirty-two percent (**32%**) of the total number of alleged victims.

Figure 12: Age groups of the alleged victims with corresponding percentages for the period October 1, 2017 to September 30, 2018.



ETHNICITY OF ALLEGED VICTIMS

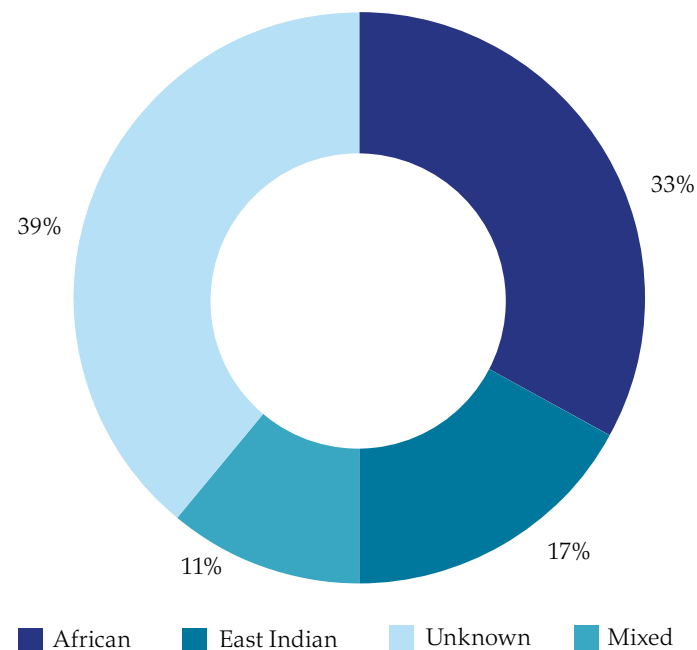
Of the four hundred and twenty (420) alleged victims, one hundred and thirty-nine (139) or thirty-three percent (33%) were of African descent; seventy-one (71) or seventeen percent (17%) were of East Indian descent and forty-four (44) or eleven percent (11%) were Mixed.

A breakdown of the ethnicities is reflected in **Table 15** and **Figure 13**.

Table 16: Number and percentages of alleged victims by ethnicity for the period October 1, 2017 to September 30, 2018.		
Ethnicity	Number	Percentages
African	139	33%
East Indian	71	17%
Mixed	44	11%
Unknown	166	39%
Total	420	100%

* Please refer to page 77 and 78 of this document to account for the 'unknown'.

Figure 13: Percentages of alleged victims by ethnicity for the period October 1, 2017 to September 30, 2018.



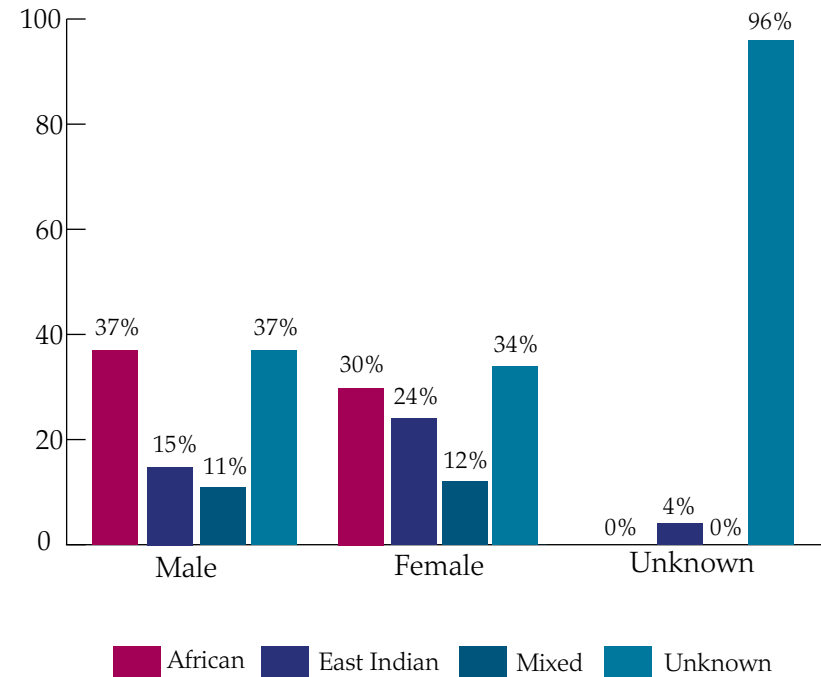
ETHNICITY AND GENDER OF ALLEGED VICTIMS

Of the four hundred and twenty (420) complaints received during the period under review, the largest number of alleged victims - one hundred and thirty-nine (139) were of African descent. Of these, one hundred and four (104) were male while thirty-five (35) were female. A summary of the analysis is presented in **Table 16** and **Figure 14**.

Table 17: Alleged victims by ethnicity and gender for the period October 1, 2017 to September 30, 2018.				
Ethnicity	Male	Female	Unknown	Total
African	104	35	0	139
East Indian	43	27	1	71
Mixed	30	14	0	44
Unknown	104	39	23	166
Total	281	115	24	420

* Please refer to page 77 and 78 of this document to account for the 'unknown'.

Figure 14: Percentages of alleged victims by ethnicity and gender for the period October 1, 2017 to September 30, 2018.



ALLEGED VICTIMS BY GENDER AND AGE

The largest group of alleged victims by gender and age, where known, were males within the age group of 32-42. This age group accounted for twenty-four percent (**24%**) of the total male victims. The largest group of female victims were those within the age group of 32-42 which accounted for twenty-two percent (**22%**) of the total female victims.

Age Groups	Male	Female	Unknown	Total
10-20	16	3	0	19
21-31	58	23	1	82
32-42	68	25	1	94
43-53	41	20	2	63
54-64	15	11	0	26
65-75	7	1	0	8
76-86	1	1	0	2
Unknown	75	31	20	126
Total	281	115	24	420

ALLEGED VICTIMS BY ETHNICITY, AGE AND GENDER

(ALLEGED MALE VICTIMS)

Of the two hundred and eighty-one (**281**) male victims, the highest number of male victims - sixty-eight (**68**) - fell within the 32-42 age group. Of these, twenty-nine (**29**) were of African descent, eleven (**11**) were Mixed and ten (**10**) were of East Indian descent.

Age Groups	African	East Indian	Mixed	Unknown	Total
10-20	10	3	0	3	16
21-31	32	6	10	10	58
32-42	29	10	11	18	68
43-53	15	13	3	10	41
54-64	6	3	4	2	15
65-75	4	1	2	0	7
76-86	1	0	0	0	1
Unknown	7	7	0	61	75
Total	104	43	30	104	281

ALLEGED VICTIMS BY ETHNICITY, AGE AND GENDER

(ALLEGED FEMALE VICTIMS)

Of the one hundred and fifteen (**115**) female victims, the highest number of female victims - twenty-five (**25**) - fell within the 32-42 age group. Of these, twelve (**12**) were of East Indian descent, six (**6**) were of African descent and two (**2**) were Mixed. The largest group of female victims were those within the age group of 32-42 which accounted for twenty-two percent (**22%**) of the total female victims.

Table 20: Female Victims by Ethnicity and Age for the period October 1, 2017 to September 30, 2018.

Age Groups	African	East Indian	Mixed	Unknown	Total
10-20	1	0	1	1	3
21-31	10	3	2	8	23
32-42	6	12	2	5	25
43-53	9	2	4	5	20
54-64	7	1	1	2	11
65-75	0	0	1	0	1
76-86	0	0	0	1	1
Unknown	2	9	3	17	31
Total	35	27	14	39	115

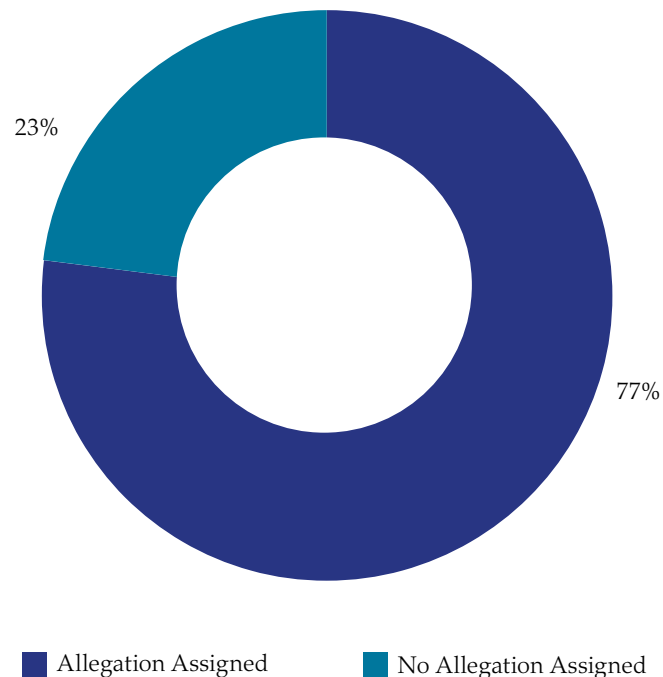
ALLEGED DEFAULTING POLICE OFFICERS

ALLEGED DEFAULTING POLICE OFFICERS

In the four hundred and twenty (420) complaints received, seven hundred and twelve (712) alleged defaulting officers were identified. Five hundred and fifty (550) or seventy-seven percent (77%) of the alleged defaulting police officers were assigned allegations related to criminal or disciplinary offences and the remaining one hundred and sixty-two (162) or twenty-three percent (23%) were not assigned an allegation. A graphical representation of the information is displayed at **Table 21** and **Figure 15**.

Table 21: Number and percentage of allegations assigned to alleged defaulting police officers for the period October 1, 2017 to September 30, 2018.		
	Number	Percentages
Allegation Assigned	550	77%
No Allegation Assigned	162	23%
Total	712	100%

Figure 15: Percentage of allegations assigned to alleged defaulting police officers for the period October 1, 2017 to September 30, 2018.



RANK OF ALLEGED DEFAULTING POLICE OFFICERS

In the four hundred and twenty (420) complaints received, seven hundred and twelve (712) alleged defaulting police officers were identified by rank as shown in **Table 22**. Below is an analysis of the demographics of the alleged defaulting police officers involved in the reported incidents.

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

** Please refer to page 77 and 78 of this document to account for the 'unknown'.

Of the seven hundred and twelve (712) alleged defaulting police officers, the rank "Constable" held the largest group of assigned allegations which amounted to two hundred and nineteen (219). Corporal, Sergeant and Inspector were assigned allegations as follows:

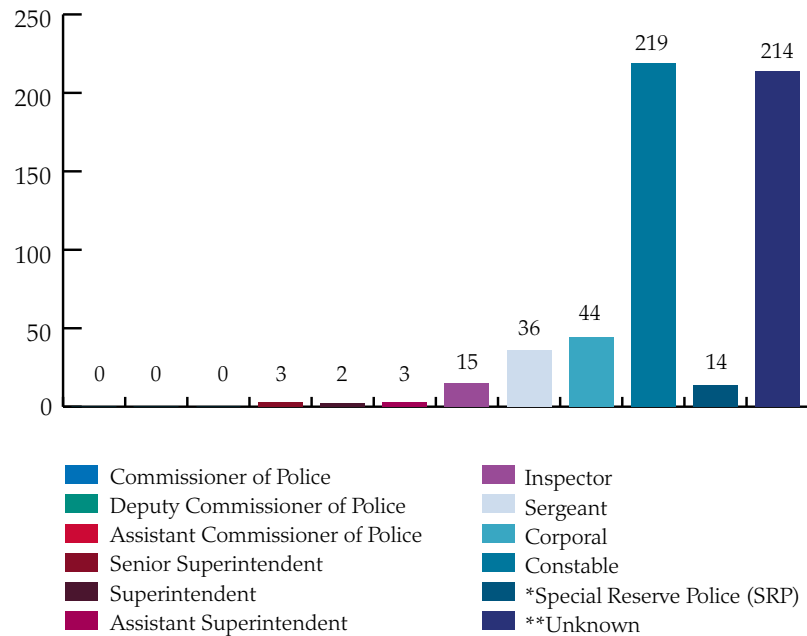
- Corporal – Forty-four (44)
- Sergeant - thirty-six (36)
- Inspector - fifteen (15)

These figures can be shown in **Figure 16**.

Table 22: Rank of alleged defaulting police officers and number of allegations assigned for the period October 1, 2017 to September 30, 2018.

Rank of alleged defaulting police officer	Allegation assigned	No allegation assigned	Total
Commissioner of Police	0	1	1
Deputy Commissioner of Police	0	1	1
Assistant Commissioner of Police	0	1	1
Senior Superintendent	3	2	5
Superintendent	2	3	5
Assistant Superintendent	3	1	4
Inspector	15	6	21
Sergeant	36	8	44
Corporal	44	14	58
Constable	219	93	312
*Special Reserve Police (SRP)	14	2	16
**Unknown	214	30	244
Total	550	162	712

Figure 16: Rank of alleged defaulting police officers by number of allegations assigned for the period October 1, 2017 to September 30, 2018.



* Please refer to page 77 and 78 of this document to account for the 'unknown'.

GENDER OF ALLEGED DEFAULTING POLICE OFFICER

Of the seven hundred and twelve (**712**) alleged defaulting police officers, the gender was known for five hundred and sixty-one (**561**). Of these, four hundred and eighty (**480**) were male and eighty-one (**81**) were female.

Of the four hundred and eighty (**480**) alleged defaulting male police officers, three hundred and fifty-five (**355**) were assigned allegations. Similarly, of the eighty-one (**81**) alleged defaulting female police officers, seventy (**70**) were assigned allegations. This is shown in **Tables 23** and **24** and **Figure 17**.

Table 23: Total number of alleged defaulting police officers by gender for the period October 1, 2017 to September 30, 2018.

Gender of alleged defaulting police officer	Total
Male	480
Female	81
Unknown	151
Total	712

* Please refer to page 77 and 78 of this document to account for the 'unknown'.

Figure 17: Total number of alleged defaulting police officers by gender for the period October 1, 2017 to September 30, 2018.

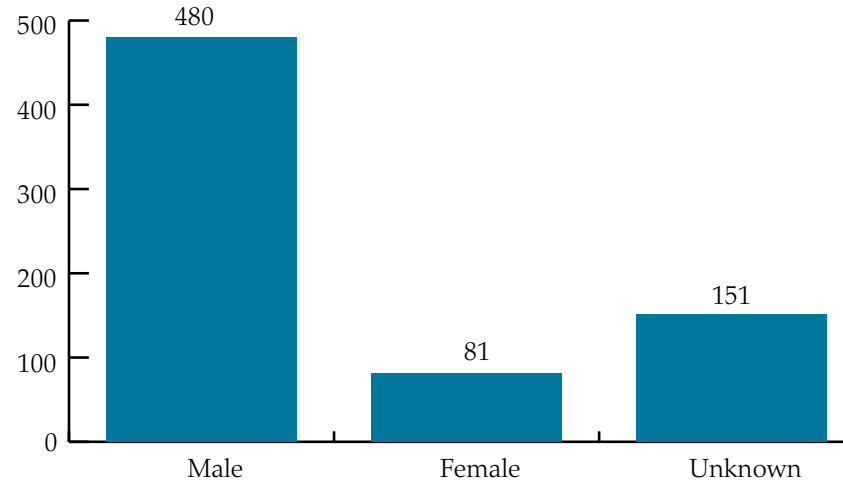


Table 24: Total number of allegations assigned to defaulting police officers by gender for the period October 1, 2017 to September 30, 2018.

Gender of alleged defaulting police officer	Total Allegation Assigned
Male	355
Female	70
Unknown	125
Total	550

DEMOGRAPHICS OF ALLEGED DEFAULTING POLICE OFFICERS

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

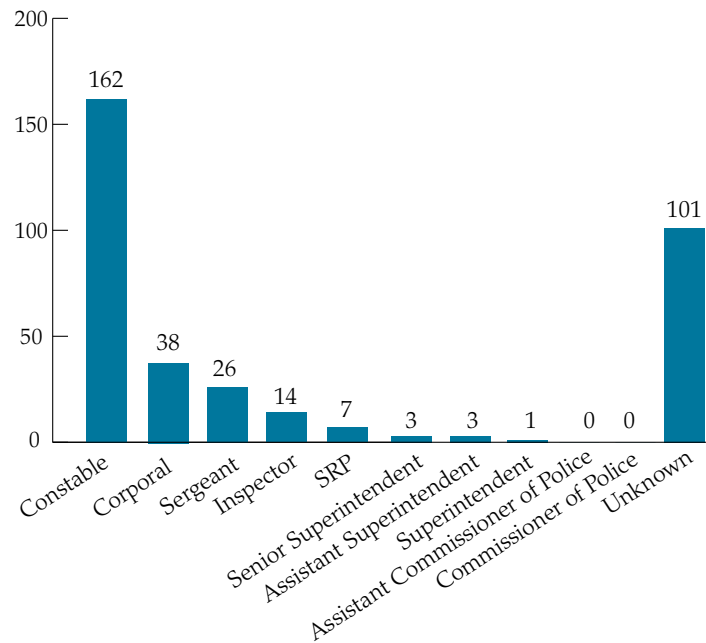
GENDER AND RANK OF ALLEGED DEFAULTING POLICE OFFICERS (MALE)

Of the four hundred and eighty (**480**) alleged defaulting male police officers, the largest number of allegations - one hundred and sixty-two (**162**) - was assigned to the rank of Constable. As shown in **Table 25** and **Figure 18**.

Table 25: Rank of alleged defaulting male police officers by allegation status for the period October 1, 2017 to September 30, 2018.			
Rank	Allegation assigned	No allegation assigned	Total
Constable	162	75	237
Corporal	38	14	52
Sergeant	26	7	33
Inspector	14	5	19
SRP	7	1	8
Senior Superintendent	3	0	3
Assistant Superintendent	3	0	3
Superintendent	1	3	4
Assistant Commissioner of Police	0	1	1
Commissioner of Police	0	1	1
Unknown	101	18	119
Total Males	355	125	480

* Please refer to page 77 and 78 of this document to account for the 'unknown'.

Figure 18: Rank of alleged defaulting male police officers by number of allegations assigned for the period October 1, 2017 to September 30, 2018.



* Please refer to page 77 and 78 of this document to account for the 'unknown'.

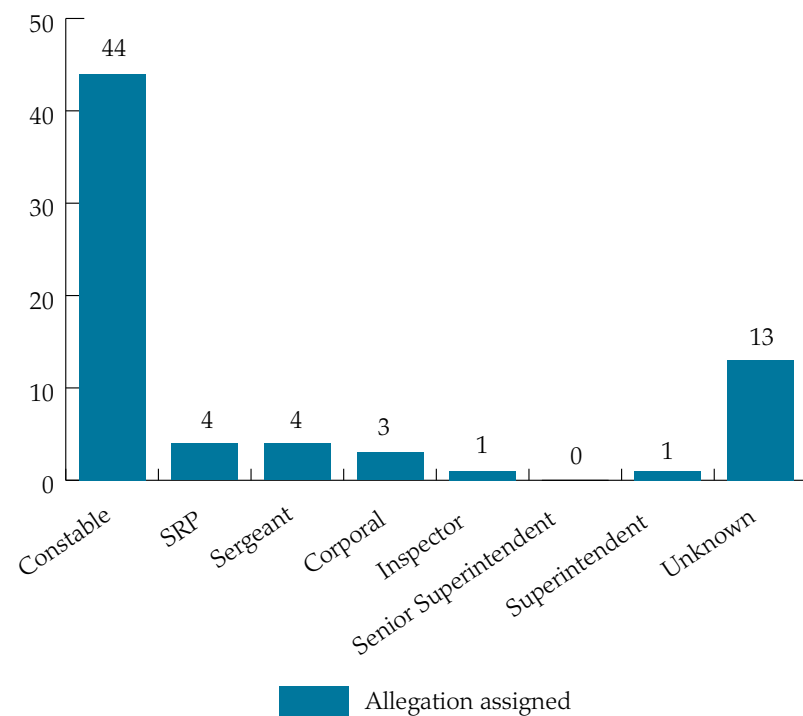
GENDER AND RANK OF ALLEGED DEFAULTING POLICE OFFICERS (FEMALE)

Of the eighty-one (81) alleged defaulting female police officers, the largest number of allegations – forty-four (44) - was assigned to the rank of Constable as shown in **Table 22** and **Figure 20**.

Table 26: Rank of alleged defaulting female police officers by allegation status for the period October 1, 2017 to September 30, 2018.

Rank	Allegation assigned	No allegation assigned	Total
Constable	44	8	52
SRP	4	1	5
Sergeant	4	0	4
Corporal	3	0	3
Inspector	1	0	1
Senior Superintendent	0	1	1
Superintendent	1	0	1
Unknown	13	1	14
Total	70	11	81

Figure 19: Rank of alleged defaulting female police officers by number of allegations assigned for the period October 1, 2017 to September 30, 2018.



* Please refer to page 77 and 78 of this document to account for the 'unknown'.

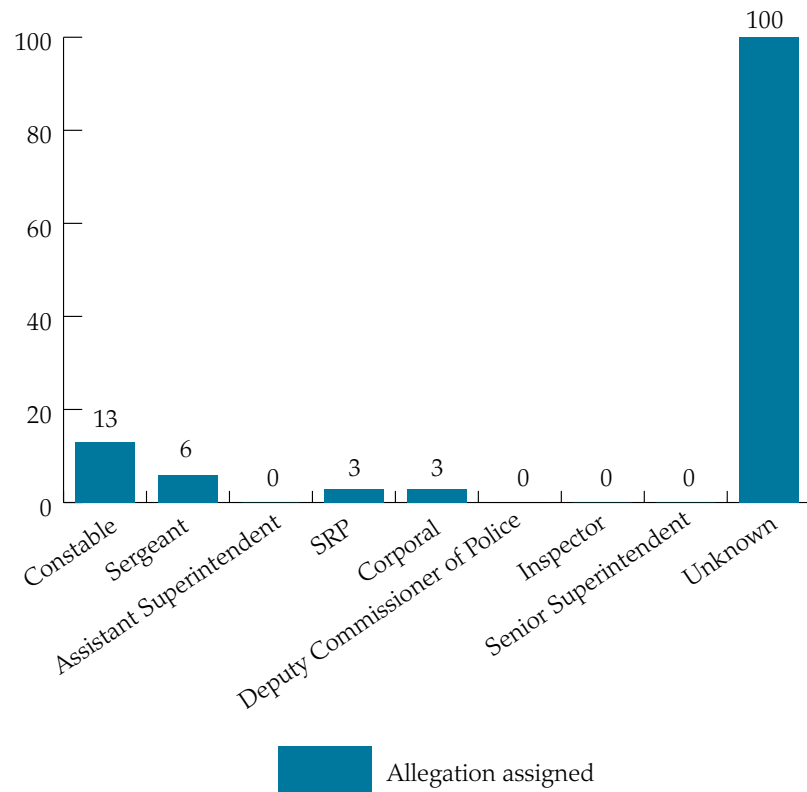
GENDER AND RANK OF ALLEGED DEFAULTING POLICE OFFICERS (UNKNOWN)

For one hundred and fifty-one (151) alleged defaulting police officers the gender was unknown. Of these, the largest number of allegations - thirteen (13) - was assigned to the rank of constable as shown in **Table 23** and **Figure 21**.

Table 27: Rank of alleged defaulting officers where gender was unknown by allegation status for the period October 1, 2017 to September 30, 2018.

Officer's Rank	Allegation assigned	No allegation assigned	Total
Constable	13	10	23
Sergeant	6	1	7
Assistant Superintendent	0	1	1
SRP	3	0	3
Corporal	3	0	3
Deputy Commissioner of Police	0	1	1
Inspector	0	1	1
Senior Superintendent	0	1	1
Unknown	100	11	111
Total	125	26	151

Figure 20: Rank of alleged defaulting police officers (gender unknown) by number of allegations assigned for the period October 1, 17 to September 30, 2018.



* Please refer to page 77 and 78 of this document to account for the 'unknown'.

ALLEGATIONS OF DISCIPLINARY AND CRIMINAL OFFENCES

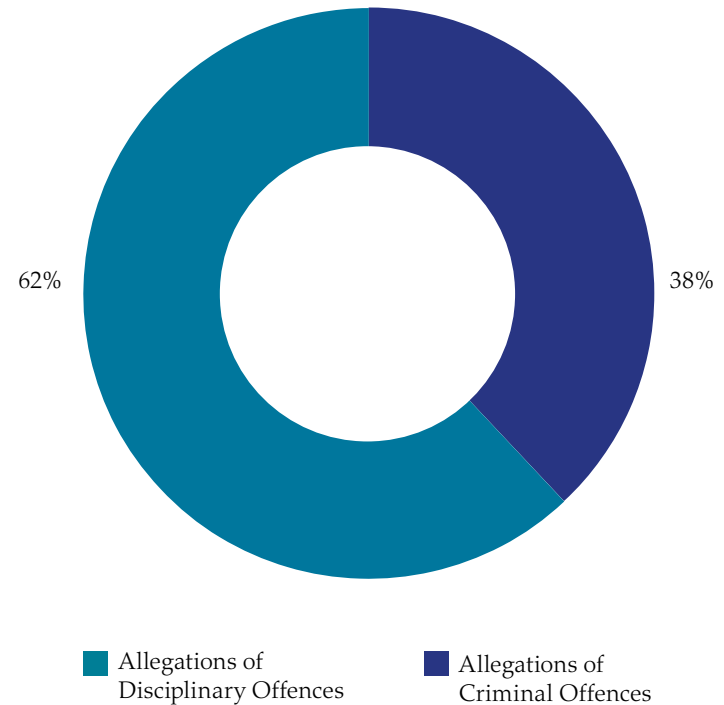
A single complaint may contain allegations of both disciplinary and criminal offences.

Of the four hundred and twenty (420) complaints there was a total of one thousand, one hundred and thirty-three (1,133) offences assigned to alleged defaulting police officers. Of the total allegations, seven hundred and two (702) or sixty-two percent (62%) were disciplinary offences and four hundred and thirty-one (431) or thirty-eight percent (38%) were criminal offences.

Table 28: Allegations of disciplinary and criminal offences by number and percentage for the period October 1, 2017 to September 30, 2018.

	Number	Percentages
Allegations of Disciplinary Offences	702	62%
Allegations of Criminal Offences	431	38%
Total	1133	100%

Figure 21: Allegations of disciplinary and criminal offences by percentage for the period October 1, 2017 to September 30, 2018.



ALLEGATIONS OF DISCIPLINARY OFFENCES

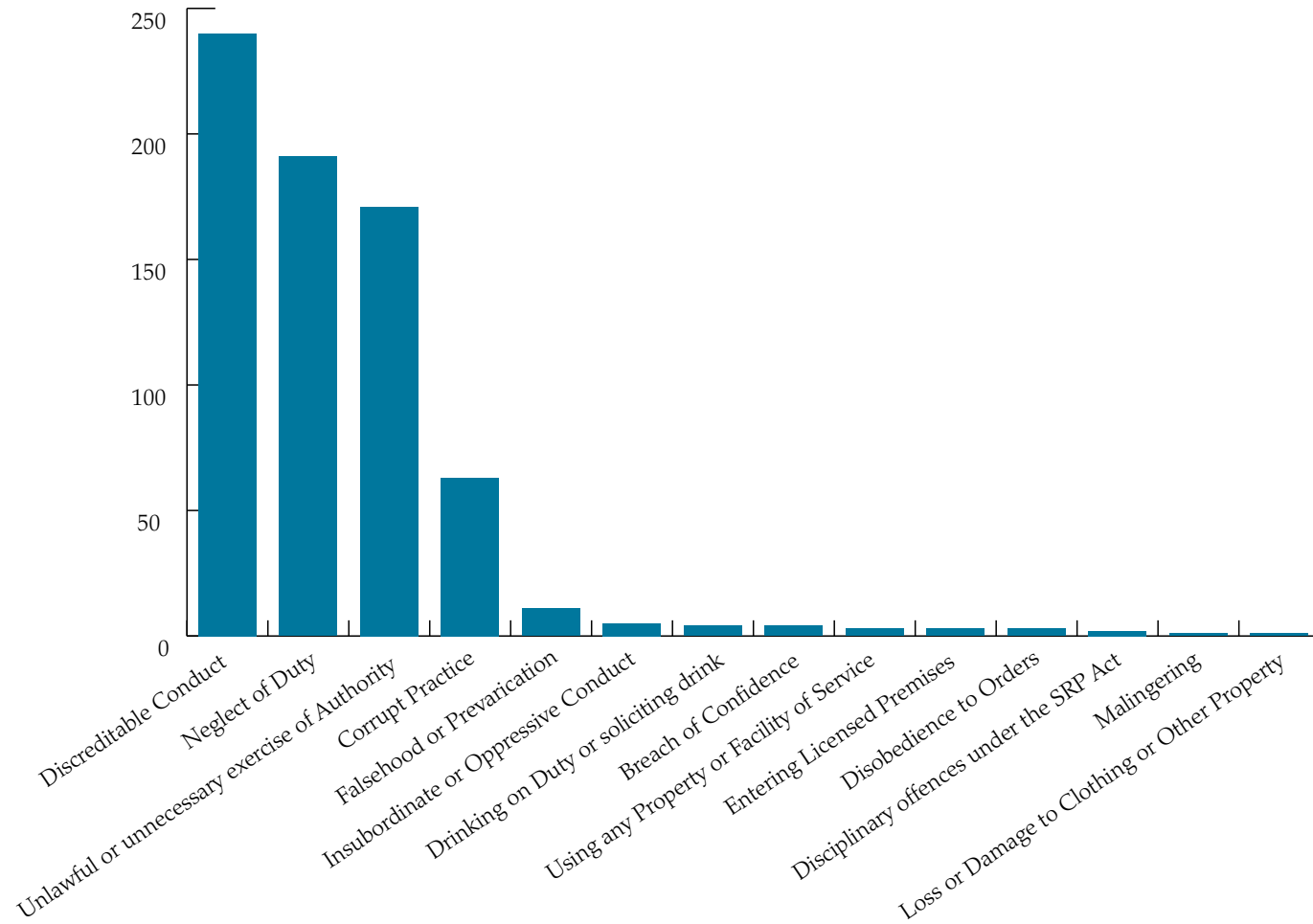
A single complaint may contain multiple allegations of disciplinary offences. Therefore, the total number of offences may exceed the total number of complaints.

The most common alleged disciplinary offence recorded was Discreditable Conduct, which accounted for two hundred and forty (**240**) allegations. This was followed by Neglect of Duty which accounted for one hundred and ninety-one (**191**) allegations and Unlawful or Unnecessary exercise of Authority which accounted for one hundred and seventy-one (**171**) allegations. This is shown at **Table 29** and **Figure 22**.

Table 29: Number of allegations of disciplinary offences for the period October 1, 2017 to September 30, 2018.

	Number
Discreditable Conduct	240
Neglect of Duty	191
Unlawful or unnecessary exercise of Authority	171
Corrupt Practice	63
Falsehood or Prevarication	11
Insubordinate or Oppressive Conduct	5
Drinking on Duty or soliciting drink	4
Breach of Confidence	4
Using any Property or Facility of Service	3
Entering Licensed Premises	3
Disobedience to Orders	3
Disciplinary offences under the SRP Act	2
Malingering	1
Loss or Damage to Clothing or Other Property	1
Total	702

Figure 23: Number of allegations of disciplinary offences for the period October 1, 2017 to September 30, 2018.



ALLEGATIONS OF CRIMINAL OFFENCES

A single complaint may contain multiple allegations of criminal offences. Therefore, the total number of offences may exceed the total number of complaints. For example, an officer involved shooting which results in the death of an individual, may be classified as a complaint of fatal shooting and/or misbehavior in public office and/or murder.

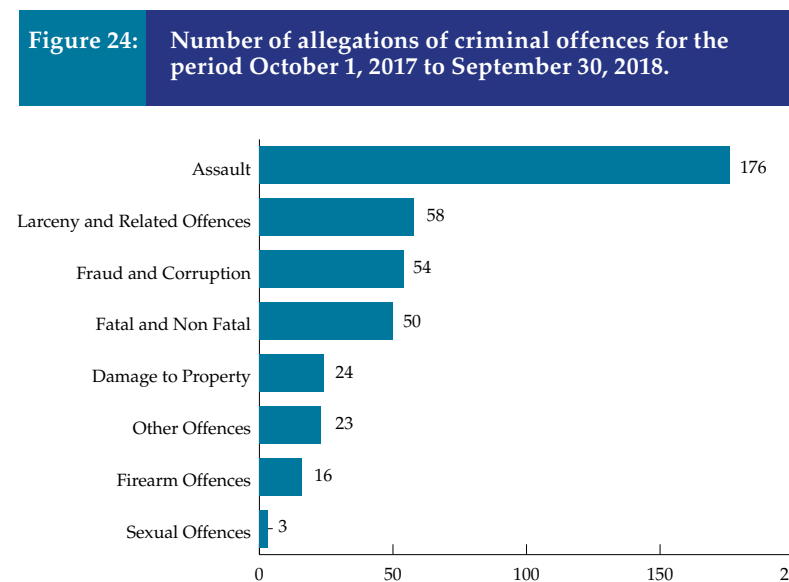
Of the four hundred and thirty-one (431) allegations of criminal offences, the largest category was Assault with one hundred and seventy-six (176) allegations.

Table 30: Number of allegations of criminal offences for the period October 1, 2017 to September 30, 2018.	
Offence	Number
Assault	176
Larceny and Related Offences	58
Fraud and Corruption	54
Fatal and Non-Fatal	50
Damage to Property	24
Other Offences	23
Firearm Offences	16
Sexual Offences	3
Total	431

Other prevalent allegations of criminal offences fell under the broad categories as follows:

- Larceny and related offences – fifty-eight (58)
- Fraud and corruption – fifty-four (54)
- Fatal and Non-Fatal offences – fifty (50)

This is shown at **Table 30** and **Figure 24**.



Tables 31- 38 below represent a detailed analysis of the criminal offences listed in **Table 31** for the period October 1, 2017 to September 30, 2018.

ASSAULT

Table 31: Classification of assault offences for the period October 1, 2017 to September 30, 2018.

	Number
Assault by Beating	90
Harassment	34
Common Assault	29
Battery	10
Assault occasioning actual bodily harm	6
Threats	4
Assault occasioning a wound	1
*Wounding with Intent (Section 12 OAPA)	1
*Putting a Person in Fear of Violence (Section 30B OAPA)	1
Total	176

*OAPA – Offences against the Persons Act, Chapter 11:08 of the Laws of Trinidad and Tobago

LARCENY AND RELATED OFFENCES

Table 35: Classification of larceny and related offences for the period October 1, 2017 to September 30, 2018.

	Number
Larceny	58
Total	58

FRAUD AND CORRUPTION

Table 33: Classification of fraud and corruption offences for the period October 1, 2017 to September 30, 2018.	
	Number
Misbehaviour in Public Office	48
Perverting the Course of Justice	4
Extortion	1
Cheat or Defraud	1
Total	54

DAMAGE TO PROPERTY OFFENCES

Table 34: Classification of property damage offences for the period October 1, 2017 to September 30, 2018.	
	Number
Malicious Damage	24
Total	24

FATAL AND NON-FATAL

Table 32: Classification of fatal and non-fatal offences for the period October 1, 2017 to September 30, 2018.	
	Number
*Fatal Shooting	28
*Non-Fatal Shooting	20
Manslaughter	1
Death by Dangerous Driving	1
Total	50

*For the PCA's purposes, shootings involving police officers which result in deaths or severe injuries are referred to as fatal or non-fatal shootings, although these classifications are not criminal offences in law.

OTHER CRIMINAL OFFENCES

Table 36: Classification of other criminal offences for the period October 1, 2017 to September 30, 2018.	
	Number
Use of obscene language	15
Killing or wounding of animals	5
Kidnapping	2
Offences under Police Service Act (Section 53)	1
Total	23

SEXUAL OFFENCES

Table 38: Classification of sexual offences for the period October 1, 2017 to September 30, 2018.	
	Number
Sexual Offences	3
Total	3

FIREARM OFFENCES

Table 37: Classification of firearm offences for the period October 1, 2017 to September 30, 2018.	
	Number
Shooting with intent	9
Discharging a firearm within 40 meters of a road	5
Firearms Act (Section 28 (1A)	1
Possession of a Firearm	1
Total	16

STATUS OF COMPLAINTS OCTOBER 1, 2017 – SEPTEMBER 30, 2018

During the period under review, the Investigations Department forwarded to the LCCCU seven hundred and thirty **(730)** matters as follows:-

- Twenty-eight **(28)** were from the reporting period December 29, 2010 to September 30, 2011;
- Forty-two **(42)** 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 nineteen **(119)** were from the period October 1, 2013 to September 30, 2014;
- Seventy-three **(73)** were from the period October 1, 2014 to September 30, 2015;
- Ninety-Six **(96)** were from the period October 1, 2015 to September 30, 2016;
- One hundred and eleven **(111)** were from the period October 1, 2016 to September 30, 2017; and
- One hundred and sixty-nine **(169)** were from the period under review.

This is shown in **Table 39**.

Table 39: Breakdown of files forwarded from the Investigations Department to LCCCU during the period October 1, 2017 to September 30, 2018.	
Reporting Period	Number of Files forwarded during the period Oct 1, 2016 – Sept 30, 2017
Dec 29, 2010 – Sept 30, 2011	28
Oct 1, 2011 – Sept 30, 2012	42
Oct 1, 2012 – Sept 30, 2013	92
Oct 1, 2013 – Sept 30, 2014	119
Oct 1, 2014 – Sept 30, 2015	73
Oct 1, 2015 – Sept 30, 2016	96
Oct 1, 2016 – Sept 30, 2017	111
Oct 1, 2017 – Sept 30, 2018	169
Total	730

Of the five hundred and seventy-nine (579) completed investigations depicted in **Table 40**, two (2) were sent to the DPP, thirty-four (34) were sent to the CoP, seven (7) were sent to both the DPP and CoP, one (1) was sent to the PSC and five hundred and thirty-five (535) were closed with no further action. It should be noted that these completed investigations also include complaints from previous reporting periods.

Table 40: A breakdown of investigations completed during the period under review.

Status of complaints	Number of Investigations Completed
Sent to DPP	2
Sent to CoP	34
Sent to both DPP and CoP	7
Sent to PSC	1
Closed with no further action	535
Total	579

'UNKNOWN'

Data may be unknown by virtue of the following:

1. Where the complainant is anonymous or the medium of submission is by email, post, fax or mobile application, the ethnicity, gender and age of the Complainant as well as the officer's details may not necessarily be known.
2. The Officer was not identified or identifiable in the complaint as he/ she was not referred to by name, rank, regimental number and/or physical description.

If the responsible officer is referred to generically as "the officer" throughout the complaint, his/ her rank and gender would be unavailable to the PCA.

3. Additionally, the complaint may be limited to "corruption in southern division" or "fraudulent activities in Cumuto Police Station"; or multiple officers are allegedly involved in the incident and the complainant is unable to provide or to recall details of rank and gender for each individual officer.

In these instances, the details of the complaint are insufficient. If no further clarifying information presents during the investigation, demographic details for the alleged victim or the officer(s) allegedly responsible may remain unknown.

This may also diminish any realistic prospect of successful pursuit of an investigation to determine the age, rank, gender of both the officers responsible and the persons allegedly affected, particularly where the complainant elects to remain anonymous and cannot be probed for the requisite information.

4. Where the complaint was made on behalf of the alleged victim, the age, ethnicity and gender of the alleged victim is not readily available at the outset of the investigation, and may only be discernible if and when the complainant provides accurate contact information for the alleged victim, so that the PCA may make contact directly.
5. If the complaint was made close to the end of the financial year under review, it is possible that an interview with the Complainant or the alleged victim was yet to be conducted and therefore several pieces of information would be unavailable or unknown at the time of the publication of the Annual Report for the period under review.
6. If the complainant discontinues at an early stage of the complaint process, information on demographics of the alleged victim or the officer(s) may remain unknown.

7. Where the incident giving rise to the complaint occurred in a particular division, it does not necessarily follow that the officers in question are attached to that particular division. Therefore, unless information emerges to clarify this, it may remain unknown. In turn, the sourcing of information on the alleged defaulting officer(s) and documents from the station to which he/ she/ they belong could prove difficult. Thus, the information remains unknown and, in several instances, the progress of the investigation could be stymied.
8. Where an officer was not in uniform or was in the task force uniform or failed to display his or her regimental number, badge of rank or other identifiers, the rank of the responsible officer may be unknown.
9. Where a complaint is made against an alleged officer, but the investigation ascertains that the said defaulter is not a member of the TTPS or other entity over which the PCA has oversight, information on the alleged defaulter would not be available to the PCA.
10. Where the PCA commences an investigation on its own initiative as opposed to upon receipt of a complaint, the available information may be limited. In these instances, there may not be independent evidence to corroborate the identity of officers (name, rank, gender, division) in the early stages of investigation.

STATUS OF ADVICE RENDERED TO THE OFFICE OF THE COMMISSIONER OF POLICE

The Police Complaints Authority (“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) communicated through the issuance of several pieces of correspondence.

Hereunder is a table containing an update on each piece of advice rendered to the Office of the CoP.

Advice	Medium and Date of Advice
1. For the implementation of a policy to ensure effective and timely communication with citizens in relation to reports they make to police. (The PCA accepts that this will not be practical in all matters but for the most part it is)	Letter to the Commissioner of Police (Ag.) dated October 20, 2017.
2. For the revision of the procedure for investigation of matters by the Police Complaints Division to allow for more timely and effective investigations of reports made by citizens so as to prevent deserving citizens from being denied justice or some form of redress for their grievances.	Letter to the Commissioner of Police (Ag.) dated December 13, 2017
3. To ensure that the provisions of Standing Order 28 of the TTPS Standing Orders regarding the classification, investigation and recording of crimes be adhered to by all members of the TTPS.	Letter to the Commissioner of Police (Ag.) dated January 18, 2018



Advice	Medium and Date of Advice
<p>4. For the implementation of a Close Circuit Television (CCTV) policy that is consistent with international best practice. This policy should be designed to ensure the safety and security of prisoners at police stations and should include the following terms:-</p> <ul style="list-style-type: none"> (i) The prison cells must comply with local health, life and fire safety codes; (ii) An officer should be appointed at every station who has the authority to declare cells fit for occupation or to close them should they not meet health and safety requirements; (iii) Furnishings in the prison cells should be secured/fastened/bolted to the floor where operationally practicable and should also be well maintained and not have any sharp edges. Furniture should not be allowed to come loose in a way that would enable a detainee to wedge part of their body in or behind it in order to escape police custody; (iv) A surveillance system of prisoners (video monitoring, visual line-of-sight, etc.) should be put in place and regularly maintained and checked to ensure it is in good working order. (v) The video/audio monitoring should be used to ensure the safety and security of prisoners and not used to violate the personal privacy of prisoners; (vi) CCTV should be used to visually monitor holding cells in which persons are detained. This is an adjunct to, and not a substitute for, actual physical supervisory visits by police officers responsible for the detention of the prisoner. 	<p>Letter to the Commissioner of Police (Ag.) dated August 2, 2018</p>

Advice	Medium and Date of Advice
<p>5. The PCA endorses the implementation of a CCTV policy that is consistent with international best practice and recommends that such a policy should be structured to ensure, inter alia, that the care, welfare and security of prisoners at police stations are maintained to a high standard and include the following provisions:</p> <ul style="list-style-type: none"> (I) An officer properly trained in risk assessment should be appointed at each station to assess each detainee, including suicidal tendency risk and previous record of self harm, bearing in mind that the risks of self-harm and suicide are particularly high during early hours of detention and may increase, inter alia, after an interview or on being charged with an offence. According to the World Health Organization, pre-trial detainees have a suicide attempt rate of about 7.5 times the rate of males out of prison in the general population. (II) Police officers should be aware that certain items of clothing including forensic suits can be used as a ligature and officers should be authorized to remove any possible ligatures from the detainee's cell. Detainees deemed to be at high risk of suicide by using their own clothing must be under constant observation or within close proximity depending on the risk assessment. (III) Where the detainee's clothing is taken for the purpose of gathering evidence, appropriate alternative clothing ought to be provided. (IV) CCTV surveillance should be established both to monitor the welfare and security of detainees and for the prevention and detection of crime. In this regard, appropriate protocols should be put in place to protect the detainees' privacy and prevent an abuse of the system. 	<p>Letter to the Commissioner of Police (Ag.) dated October 20, 2017.</p>

Advice	Medium and Date of Advice
<p>A comprehensive system of ownership, administration and day-to-day operation of the CCTV surveillance should be implemented and should include clear lines of responsibility for integrity and any recorded footage.</p> <p>(V) Adequate arrangements should be made with contractors for regular checks to be conducted on the video system and recording functions of the CCTV surveillance.</p> <p>(VI) Non-digital systems should be fitted with an audible warning device that indicates when tapes are approaching the end. This is to ensure that recording is continuous and that errors do not arise in the storage of video footage.</p> <p>(VII) An audio recording system should also be implemented to provide additional, limited monitoring of detainees.</p> <p>(VIII) CCTV and audio recording systems ought to be used to complement, and not replace, physical supervision, monitoring and close proximity observation of detainees by police officers.</p>	
<p>6. For consideration to be given to the implementation of a Code of Conduct for officers on:</p> <p>(a) the use of firearms while on exercise and/ or when entering hot spot areas; and</p> <p>(b) the manner in which they should ideally respond to certain situations without the use of fatal force.</p>	<p>Letter to the Commissioner of Police dated September 28, 2018.</p>

AMENDMENTS TO THE POLICE COMPLAINTS AUTHORITY ACT, CHAPTER 15:05, AND THOSE CONSEQUENTIAL THERETO

- (i) Widen the definition of “serious police misconduct” to include the commission of a disciplinary offence under the Municipal Police Service Regulations which the Authority considers to be so serious as to bring the Municipal Police Service into disrepute. It would also define the terms Assistant Commissioner and Municipal Police Service;
- (ii) Deem the Authority constituted with one member for no more than three (3) months immediately following death, resignation or revocation of office of one of its members;
- (iii) Allow persons to be “selected” and not “appointed” as Director or Deputy Director from within the Commonwealth pursuant to Section 7 of the PCA Act;
- (iv) Insert a new section which sets out the procedure to be followed where a police officer shoots a civilian;
- (v) Impose a duty on the Commissioner of Police to provide a written decision, with reasons, to the Authority within three months of the Authority making a recommendation;
- (vi) Amend section 48 of the PCA Act to require the written report of the Police Service Commission, Commissioner of Police and/or Assistant Commissioner of the Municipal Police Service referred to therein, to be provided within three days of the date on which the information or complaint was received, with consequences to flow from failure to adhere;
- (vii) Amend the interpretation section and section 21 to remedy drafting errors or oversight;
- (viii) Amend section 50 of the Act to provide that Regulations made under section 50 are to be subject to the negative resolution of Parliament; and to
- (ix) Amend the following Acts which touch and concern the operations of the PCA:

- (a) The Coroner's Act, Chap. 6:04 to include the PCA under a new definition for the term "interested parties";
- (b) The Evidence Act, Chap. 7:02 to include the PCA under the definition of "law enforcement agency" to which the audio visual recording rules apply. In so doing, this addresses any potential issues of inadmissibility of evidence obtained by the PCA by audio visual means;
- (c) The Special Reserve Police Act, Chap. 15:03 to implement a temporary provision which makes the Police Service Regulations applicable to special reserve police officers until

the making of their own regulations thus ensuring that serious police misconduct allegations can be effectively dealt with by the PCA; and

- (d) The Financial Intelligence Unit of Trinidad and Tobago Act, Chap. 72:01 to ensure that the Director of the Financial Intelligence Unit can forward to the Authority for investigation any report of suspicious transactions by a police officer.

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POLICE COMPLAINTS AUTHORITY ACT

CHAPTER 15:05

Act
8 of 2006

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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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CHAPTER 15:05

POLICE COMPLAINTS AUTHORITY ACT

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

*[ASSENTED TO 13TH APRIL 2006]

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

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

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

**PART I
 PRELIMINARY**

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

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

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

*See section 2 for the date of commencement.

4. In this Act—

Interpretation.

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

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

“Commissioner” means the Commissioner of Police;

“complaint” includes an allegation of—

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

which is submitted to the Authority;

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

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

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

“police officer” means—

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



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

PART II

THE POLICE COMPLAINTS AUTHORITY

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

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

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

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

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

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



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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).

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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.

Ch. 19:01.

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

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

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

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

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

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

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

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

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

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



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

Liability for proceedings.

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

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

Regulations.

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

Transitional.

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

17 of 1993.

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

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

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

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

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

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

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

*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.

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

PCA



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For additional copies of this report, please write to:

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