



TRINIDAD & TOBAGO POLICE SERVICE Office of the Commissioner of Police

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January 18th, 2022

The Honourable Fitzgerald Hinds
Minister of National Security
Ministry of National Security
Temple Court 1
31-33 Abercromby Street
Port of Spain


Dear Honourable Minister,

Re: The First Report of the Public Accounts Committee of the Follow-up on the Implementation of the Recommendation made in the Twenty-Fifth Report of the Public Accounts Committee on an examination of the Audited Financial Statements and Internal Controls of the National Lotteries Control Board (NLCB) for the year 2008 to 2021.

Reference is made to memorandum with reference No. **Parl.: 5/2/10** dated November 24th 2021, on the subject.

Please find attached the written submission from the Trinidad and Tobago Police Service.

Yours Respectfully,


Commissioner of Police

Cc: Mr. Brian Caesar- Clerk of the Senate (Ag.)



TTPS Response – The First Report of the Public Accounts Committee of the Follow-up on the Implementation of the Recommendation made in the Twenty-Fifth Report of the Public Accounts Committee on an examination of the Audited Financial Statements and Internal Controls of the National Lotteries Control Board (NLCB) for the year 2008 to 2021.

TRINIDAD AND TOBAGO POLICE SERVICE

Response to Request to

The First Report of the Public Accounts Committee of the Follow-up on the Implementation of the Recommendation made in the Twenty-Fifth Report of the Public Accounts Committee on an examination of the Audited Financial Statements and Internal Controls of the National Lotteries Control Board (NLCB) for the year 2008 to 2021.

HISTORICAL CONTEXT

The National Lotteries Control Board (NLCB) game known as Play Whe, was introduced in Trinidad and Tobago by Chinese immigrants in the mid-nineteenth (19th) century. The Chinese called the game “Chinapoo”. It was a numbers game played by people who were influenced by intuition, superstition, dreams and caprice.

The “Chinapoo” or “China-man jumbie” is the basis of the original Play Whe marks.

Play Whe is based on the original Chinapoo game but it has been modified to include much of Trinidad and Tobago’s culture, adding words such as “Jamette”, “Crapaud” and “Corbeau”.

CURRENT SITUATION

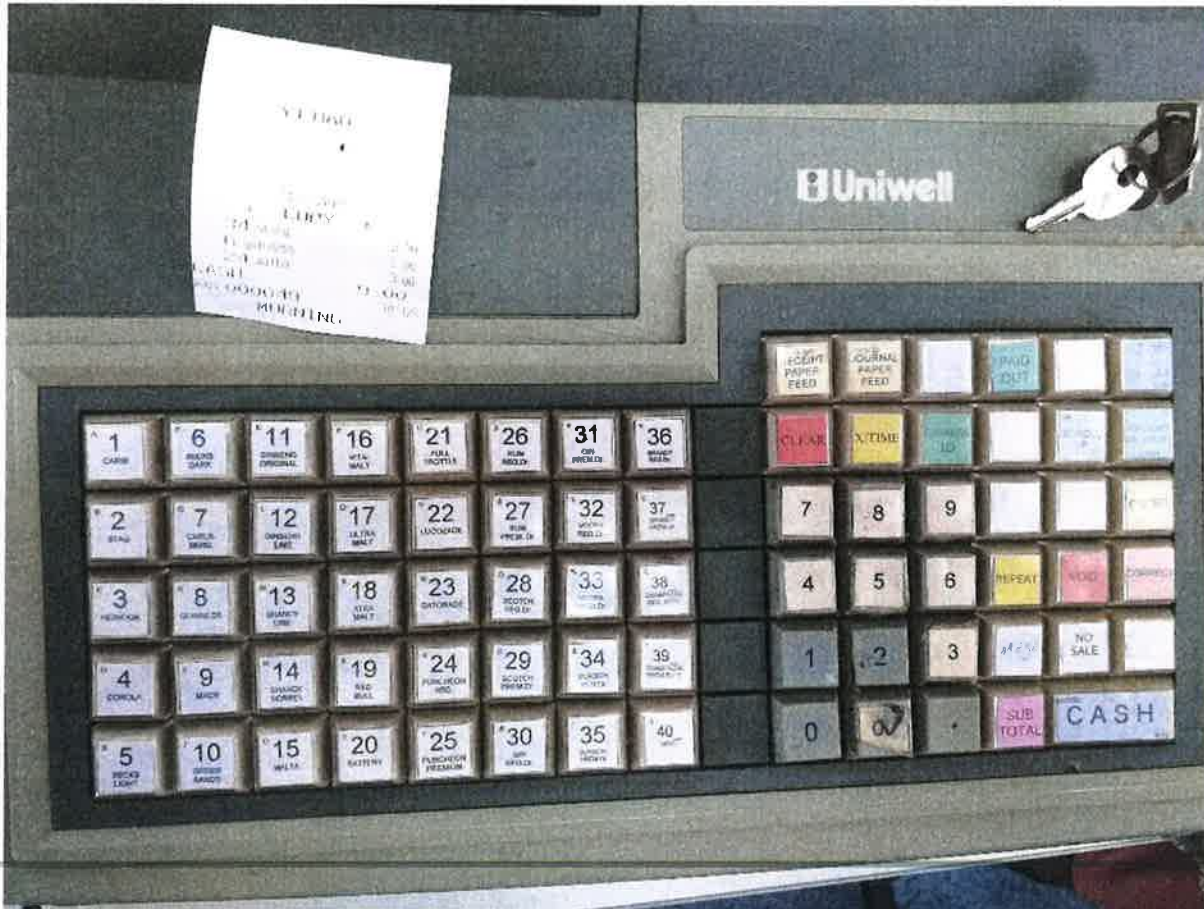
NLCB PLAY WHE	ILLEGAL PLAY WHE
<ul style="list-style-type: none"> -The play slip has three play panels. The Player may play 1, 2 or 3 panels. Each panel contains numbers 1 through 36. -The Player must select one number per panel by blocking it out in pen or pencil. -For each panel, the Player may select the desired amount to wager. -The Player may play their numbers for more than one draw at a time, mark the appropriate box on the left side of the play slip under "DAYS", up to six days (Monday through Saturday). The Player may select the desired draw(s) by choosing multiple draws provided on the playslip. -The draws selected will apply to all days selected. 	<ul style="list-style-type: none"> -Signage is visible to the public, which indicates previous marks played. -Players approach an illegal Playwhe site and inform the ‘cashier’ of the mark to be played and the amount they intend to pay. -The player hands over the cash to the ‘cashier’. -The ‘cashier’ uses a modified cash register programmed to issue receipts. -The receipts are made out indicating the date, time and in some instances the Draw number – 1st 2nd 3rd or draw#1, draw #2 etc. -Receipts do not bear Playwhe mark names like ‘ #16 - Jamette’ but would instead use a generic product: eg. ‘16 – SOFT DRINK’



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<p>-The Player will receive a ticket from the On-line Terminal Agent that lists their chosen game, draw date(s) and numbers.</p> <p>-Winning tickets can be redeemed at NLCB authorized Agents or from the NLCB Offices</p>	<p>22 – ‘STAG’ or ‘FLOUR’ and the amount paid.</p> <p>-This receipt is issued to the Player.</p> <p>-After the NLCB makes the official Draw, a Player with a corresponding number will return to the Illegal Playsite with their receipt and exchange this receipt for cash.</p>
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ILLEGAL PLAYWHE MACHINE AND PLAYSILIP



UNIWELL MACHINE ADAPTED FOR USE IN ILLEGAL PLAYWHE OPERATION – EASTERN DIVISION (MATF14102019)



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LAWS

Liquor Licence Act Ch.84:10
Gambling and Betting Act Ch.11:19
National Lotteries Act (NLCB) Ch.21:04
Proceeds of Crime Act Ch.11:27

LIQUOR LICENCE ACT - CH. 84:10

Section 35 of This Act stipulates the Licences applied to a premises which serves or sells alcoholic beverages. There is no provision for gambling. Many of the Illegal site operators carry out this activity on premises which are licenced to sell alcohol- Supermarkets, Restaurants and Bars.

RECOMMENDATION

Police Officers who visit the premises in accordance with Standing Order 22, are to pay attention to signage and other visible indicators of this illegal activity. This activity is a definite breach of the licence provisions. Notes are to be made in the Stock Book and the conduct be made known to the Licence Committee.

GAMBLING and BETTING ACT - CH.11:19

Section 18 of the Gambling and Betting Act states that-
ALL LOTTERIES UNLAWFUL
Except those approved by the NLCB and by the Commissioner of Police

Section 19 of the Act provides the offences in connection with the with illegal lottery operation (e.g.- Illegal PlayWhe).

- (a) Prints any tickets for use in the lottery; or
- (b) Sells or distributes, or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution, any ticket or chance in the lottery;
- (c) Prints, publishes or distributes, or has in his possession for the purpose of publication or distribution—
 - (i) any advertisement of the lottery;
 - (ii) any list (whether complete or not) of prize winners or winning tickets in the lottery; or
 - (iii) any such matter descriptive of the drawing or intended drawing of the lottery, or otherwise relating to the lottery, as is calculated to act as an inducement to persons to participate in that lottery or in other lotteries;
- (f) Uses any premises, or causes or knowingly permits any premises over which he has care or control to be used, for purposes connected with the promotion or conduct of the lottery;
- (h) Has in his possession or under his control any paper or other record whatsoever having thereon any mark or marks commonly known as “whéwhé” marks or similar to such marks; or
- (i) Causes, procures or attempts to procure any person to do any of the above-mentioned acts,
Is liable on summary conviction to a fine of three thousand dollars or to imprisonment for twelve months.



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RECOMMENDATIONS

- (1) The NLCB should issue a listing of Authorized (Licenced) Lottery Agents
- (2) This listing should be made available to the public as well as the Trinidad and Tobago Police Service. This may act as a deterrent.
- (3) Any sites conducting similar activity, that are not listed on the Authorized Agents, would be identified for investigation.

Investigators are to conduct enquiries and obtain evidence to answer the following issues –

- (i) How the operation works
- (ii) Evidence of game being played
- (iii) Who owns it/location
- (iv) Gaming machines used

NATIONAL LOTTERIES ACT (NLCB) CH.21:04

The NLCB is authorized under this Act to licence agents to provide on-line lottery services to the public. Definition- The Online Lottery- means any games which a person selects a combination of numbers, the type of game and amount of plays for a pre-determined drawing date by the use of an on-line terminal and in return for paying the appropriate fee, the player receives a computer generated ticket with the player's selection printed on it, eg. PLAYWHE, PICK FOUR, LOTTO.

RECOMMENDATION

Certain Changes be made to the National Lotteries Act:-

- (1) The NLCB may appoint Authorized Officers to carry out inspections and investigations
- (2) It is recommended that the authorised officers shall have the power to—
 - (i) examine, open, and cause to be tested any equipment, tools, documents, anything the authorised officer reasonably believes is used or is capable of being used for Illegal/Imitation Online Gambling operation
 - (ii) examine and make copies of, or from, any books, documents, notes, files, including electronic files, or other records that the authorised officer reasonably believes might contain information relevant to determining compliance with this Act
 - (iii) interview any person the authorised officer believes may have information relevant to making a compliance determination



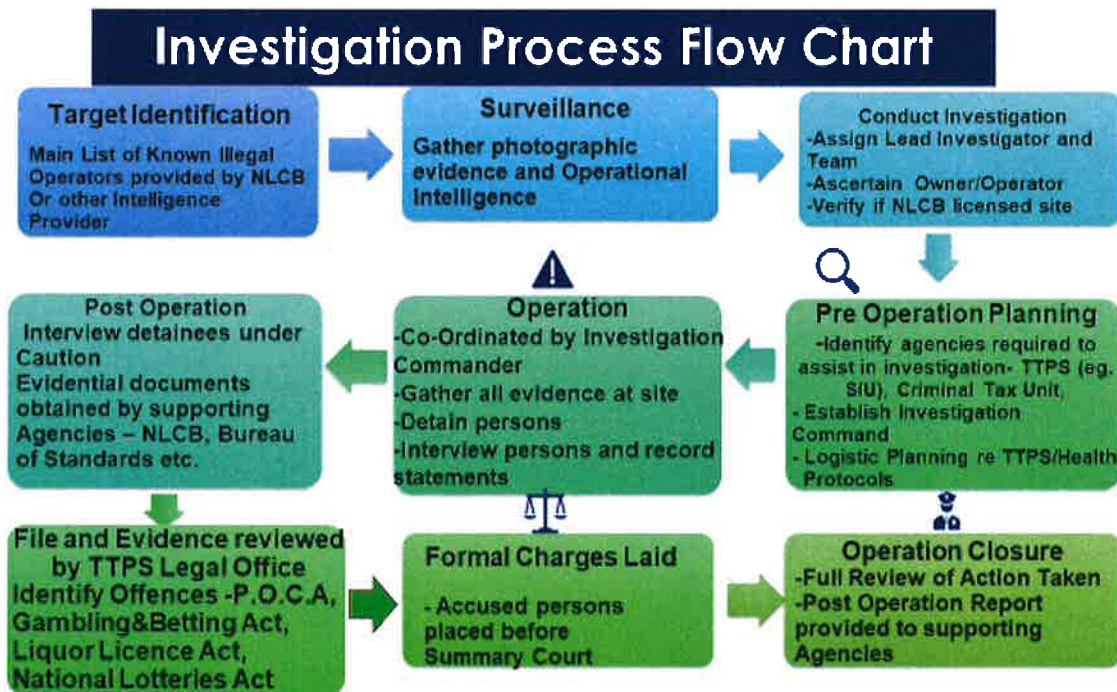
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PROCEEDS OF CRIME ACT CH.11:27

Section 38 (1) (A) of the Act states that a Police Officer may seize and detain cash only, where he has reason to believe that the cash directly or indirectly represents any person's proceeds of a specified offence, or is intended by any person for use in the commission of any such offence.

RECOMMENDATIONS

- (1) The Financial Investigation Bureau (FIB) is to be contact prior to any Cash Seizure.
- (2) Investigators are to note any cash sums found in the machine used or stored near to same.
- (3) CSI personnel to photograph all cash as is, for evidence purposes.
- (4) The amount may be less than \$20,000.00 and still be seized.
- (5) All evidence to support the seizure must be gathered- eg. Receipts, signage, logs/registers of previous draws (which coincide with NLCB draws)





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INVESTIGATION PROCESS

The Trinidad and Tobago Police Service as stated above, can use the various Laws such as the Liquor Licence Act. In this law, there is a requirement of the Police to Inspect the premises for Licence renewals. It is recommended that particular attention be paid to premises where there is suspicion of illegal gambling activity.

In addition, the Gambling and Betting Act Ch11:19 creates the offences of illegal gambling. The process chart attached, is a recommended outline for the investigative process.

The National Lotteries Act Ch21:04 gives the NLCB overall authority of lotteries, including PlayWhe. This Act can be strengthened by creating authorized officers to ensure compliance with the Act and also to inspect premises carrying out similar gambling activities without the authorization of the NLCB

The Proceeds of Crime Act Ch11:27 is critical in the prevention of illegal gambling as the penalties under the Gambling Act are minimal. The confiscation and forfeiture of the cash funds for money laundering is the greatest deterrent.

PROCEEDS OF CRIME ACT CHAPTER 11:27

Section 38 of this Act

- (1) A Customs and Excise Officer of the rank of Grade III or higher, or a Police Officer of the rank of sergeant or higher, may seize from any person and in accordance with this section, detain any cash in accordance with this section if its amount is more than the prescribed sum.
 - (1A) A Customs and Excise Officer or Police Officer referred to in subsection (1), may seize and detain cash only, where he has reason to believe that the cash directly or indirectly represents any person's proceeds of a specified offence, or is intended by any person for use in the commission of such an offence.
- (2) Cash seized by virtue of this section shall not be detained for more than ninety-six hours unless its continued detention is detention authorised by an order made by a Magistrate, and no such order shall be made unless the Magistrate is satisfied— (a) that there are reasonable grounds for the suspicion mentioned in subsection (1); and (b) that continued detention of the cash is justified while its origin or derivation is further investigated or consideration is given to the institution, whether in Trinidad and Tobago or elsewhere, of criminal proceedings against any person for an offence with which the cash is connected.
- (3) Any order under subsection (2) shall authorise the continued detention of the cash to which it relates for such period, not exceeding three months beginning with the date of the order as may be specified in the order, and a Magistrate, if satisfied as to the Seizure and detention of cash. matters mentioned in that subsection, may thereafter from time to time by order authorise the further detention of the



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cash but so that— (a) no period of detention specified in such an order shall exceed three months beginning with the date of the order; and (b) the total period of detention shall not exceed two years from the date of the order under subsection (2).

(4) Any application for an order under subsection (2) or (3) shall be made in the prescribed form before a Magistrate by the Customs and Excise Officer or a Police Officer of the grade or rank referred to in subsection (1).

(4A) An application for an order under subsection (2) shall be made *ex parte*.

(4B) Where an order has been granted under subsection (2) or (3), the order shall be served as soon as reasonably practicable on— (a) the person by, or on whose behalf the cash was being imported or exported, if known; or (b) the person from whom the cash was seized.

(4C) An order referred to in subsections (1) and (2) shall be in the prescribed form.

(5) Any cash subject to continued detention under subsection (3) shall, unless required as evidence of an offence, immediately upon an order for such detention being made, be delivered into the care of the Comptroller of Accounts who shall forthwith deposit it into an interest bearing account.

(6) An order made under subsection (2) shall provide for detention of cash seized for the period stated in the order until— (a) the expiration of the period; (b) the release of the cash by the Court; or (c) the release of the cash by the Comptroller of Accounts.

(7) At any time while cash is detained under this section— (a) a Magistrate may direct its release if satisfied— (i) on application made by the person from whom it was seized or a person by or on whose behalf it was being imported or exported, that there are no, or are no longer any grounds for its detention as are mentioned in subsection (2); or (ii) on an application made by any other person, that detention of the cash is not for that or any other reason justified; and (b) the Comptroller of Accounts may, upon the written application of the applicant for the order, release the cash together with any interest that may have accrued, if satisfied that the detention is no longer justified. (7A) An application for the release of cash detained under subsection (7) shall be made in the prescribed form.

(8) Where the cash is to be released under subsection (6)(b), the Comptroller of Accounts shall first notify the Magistrate under whose order it is being detained.

(9) If at a time when any cash is being detained under this section— (a) an application for its forfeiture is made under this Act; or (b) proceedings are instituted, whether in Trinidad and Tobago or elsewhere, against any person for an offence with which the cash is connected, the cash shall not be released until any proceedings pursuant to the application or, as the case may be, the proceedings for that offence have been concluded.

(10) In this section— (a) “cash” includes coins, notes and negotiable instruments in any currency; and (b) “the prescribed sum” means such sum in Trinidad and Tobago currency as may be prescribed



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for the purposes of this section by an Order made by the Minister. (11) In determining under this section whether an amount of currency other than Trinidad and Tobago currency is less than the prescribed sum, that amount shall be converted at the prevailing rate of exchange. *(12) The Minister may for the purposes of subsection (1), make an Order prescribing the sum referred to therein. (13) An Order made under subsection (12), shall be subject to negative resolution of Parliament.

Section 39.

(1) A Magistrates' Court may order the forfeiture of any cash which has been seized under section 38 if satisfied, on an application made while the cash is detained under that section, that the cash directly or indirectly represents any person's proceeds of the commission of a specified offence or is intended by any person for use in the commission of a specified offence. (2) An application for an order under this section shall be made by the Director of Public Prosecutions or the Comptroller of Customs and shall be made in the prescribed form. (3) The standard of proof in proceedings on an application under this section shall be that applicable to civil proceedings. (4) **An order may be made under this section whether or not proceedings are brought against any person for an offence with which the cash in question is connected.** (5) Subsection (1) does not apply— (a) where an appeal is made under section 40 and has not yet been determined or otherwise disposed of; (b) in any other case where the forfeiture was ordered by a Magistrates' Court before the end of the period of thirty days mentioned in section 40(2). (6) An order made under this section shall be in the prescribed form.

RECOMMENDATION

Media Sensitization

The use of the media to bring public awareness is of paramount importance for two main reasons :-

- (1.) To make persons aware of the current offences that are being committed by use of this illegal play whe vendors.
- (2.) To subvert these well organised illegal gaming houses by publicising to citizens the offence and its penalty in an effort to dissuade the general public from engaging in these illegal acts.

The fear of crime module

Fear of Crime and the Media: from perceptions to reality Derek Chadee summarises research findings on how crime news affects the public's perception of crime. "Perceptions are the solid facts of reality." The media in both industrialised and many no industrialised countries is a potent force in influencing the public's perceptions on important issues: politics, culture, environment and social issues such as unemployment and crime. In the case of crime news reporting, the final news output is a result of a social process which involves the collection of information, the interpretation of that information, the writing



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of a news-worthy report, and the editing by news producers. After such refinements of the initial information gathered, which in itself is a subjective process, the final crime news report is quite often not reflective of the social reality from which it was constructed. Ferraro (1995) defined fear of crime as an emotional response of dread and anxiety to symbols associated with crime.

Though fear has a protective and adaptive element, fear of crime can lead to many negative social responses including excessive spending on protective devices (car alarms, guns, gates), suspicion of other social groups, decreased were 1040 crimes with the following break-down by crime type: six per cent fell within the murder category, two per cent wounding/assault, six per cent rape, 21 per cent robbery, 26 per cent larceny and 44 per cent burglary. The study found that front page articles on crime over-reported crimes against the person and under-reported crimes against property. For example, of all the front page crime items reported (59 per cent in the Express, 59 per cent in the Trinidad Guardian and 45 per cent in Newsday) were related to murders when this crime type constituted less than one per cent of all serious crimes reported for the month of January.

Wounding/assaults constituted two per cent of all serious crimes, however, 32 per cent of all front page crime reports in the Express, 15 per cent Guardian and 20 per cent Newsday reported crimes related to wounding and assaults. Where rapes constituted six per cent of all serious crimes committed, 35 per cent of front page crime reports in the Newsday, 15 per cent in the Guardian and 5 per cent in the Express were related to rapes. Burglaries constituted the largest proportion of all serious crimes yet in all three 75 per cent said "television was the main source of crime news most of the time", 45 per cent that "newspapers were the main source most of the time", 35 per cent that "radio was the main source most of the time" community interaction, people or communities taking criminal justice into their own hands and decreased interaction between the community and the police. The social, psychological, economic and political effects of fear are numerous. Hence the study of this phenomenon is justified. This short



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article presents a summary of some of the major findings from a number of research projects on fear of crime being conducted at the Ansa McAl Psychological Research Centre at the University of the West Indies, Trinidad.

The findings from this research have cross-cultural relevance to other fear of crime and media researchers. A research project supervised by the author and conducted by Khan, Ramlogan and Hardy (1999) assessed the reporting of front page crime news in the three daily newspapers (Guardian, Express and Newsday) in Trinidad during the period January 1- 31, 1999. The actual number of serious crimes reported to the police during these same time period newspapers there were no front page reports related to burglary. The study also found similar results when the crime news lead items in television prime time news reports in January 1999 for the two major television stations were assessed. A crime news lead item is the very first news item reported on prime time news. On average, 69 per cent of all crime news lead items reported for January 1999 on the two television stations were murder related, 11 per cent wounding, eight per cent rape, eight per cent robbery, three per cent larceny and zero per cent burglary.

In a fear of crime study on high and low crime areas, randomly selected, conducted by the Ansa McAl Psychological Research Centre in February 1999, the findings showed that 51 per cent of the sample indicated that they were fearful of being a victim of crime (Chadee & Ditton, 1999). More specifically, 43 per cent indicated they were fearful of being a victim of rape, 48 per cent murder, 47 per cent wounding, 47 per cent robbery, and 59 per cent burglary. Similar findings of fear were found in both high and low crime areas (these areas being determined from official police statistics of serious crimes). Further, victimisation questions showed that residents in the low crime area experienced less victimisation yet displayed similar fear levels to residents living in the high crime area.



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In another study using the same methodology as the February 1999 study and conducted by the Centre in August 2000, 728 respondents were asked to rate each of the following media as the main source of crime news. The results showed that 75 per cent said "television was the main source of crime news most of the time", 45 per cent that "newspapers were the main source most of the time", 35 per cent that "radio was the main source most of the time". On an average, 16 per cent of respondents said they read the newspapers seven days a week compared to 60 per cent who said they view prime time news seven days a week. Further, the survey also consistently found that television, followed by the newspapers, was the main source of crime news for the last three crimes respondents heard/read.

The findings from these three studies are very suggestive that the media is a major source in influencing perceptions of crime. Clearly crime news reports, especially front page and lead news items on television, place heavy emphasis on sensational stories such as murder, wounding and rape and less emphasis on crimes against property which constitute over 80 per cent of all serious crimes committed in any one year. The findings clearly show that over forty percent of respondents were afraid of being victims of both property and personal crimes. At present, the Ansa McAl Psychological Research Centre is undertaking a content analysis of crime reporting in the three major newspapers in Trinidad for the period January-December, 2000. The next stage of the fear of crime research programme will be to undertake experimental studies to assist in clearing up some of the questions about causality between the media and fear of crime. Both social psychologists and criminologists idealistically hope, through their research findings, to give the public a more accurate picture of social reality. However, we should remember that such information finds its way to the masses through the media.

Dr Derek Chadee is Unit Coordinator of Psychology at the Ansa McAl Psychological Research Centre, University of the West Indies, Trinidad. References: Chadee, D. andDitton, J. (1999). 'Fear of Crime in Trinidad: A Preliminary Empirical Research Note', Caribbean Journal of Criminology and Social



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Psychology, Vol 4, (1/2), 112- 129. Ferraro, K. (1995). Fear of Crime: Interpreting Victimization Risk. New York: State University of New York, Albany. Khan, K., Ramlogan, K. and Hardy, R. (1999). Is Crime Realistic? Trinidad: University of the West Indies, St. Augustine. (Unpublished)

It is by this estimation that if used in a similar way this method would reduce the number of public participation in this illegal gambling trade.

RECOMMENDATION

Arrest and Seizure

This aspect of the onslaught against these illegal betting houses requires the use of surveillance and a team of well organised members (educated in the proper evidence gathering techniques) it will require adequate staffing and the retention of specially qualified persons to undertake this type of assignment.