

**HOUSE OF REPRESENTATIVES***Friday, November 08, 2019*

The House met at 1.30 p.m.

**PRAYERS**[MADAM SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

**Madam Speaker:** Hon. Members, I have received communication from the following Members who have requested leave of absence from today's sitting of the House: the hon. Camille Robinson-Regis, MP, Member for Arouca/Maloney; the hon. Kamla Persad-Bissessar SC, MP, Member for Siparia; Mr. Esmond Forde, MP, Member for Tunapuna; and Dr. Fuad Khan, MP, Member for Barataria/San Juan. Additionally, Mr. Rushton Paray, MP, Member for Mayaro, has requested leave of absence for the period November 08—17, 2019. The leave which the Members seek is granted.

**PREMATURE PUBLICATION OF EVIDENCE  
(STANDING ORDER 113)**

**Madam Speaker:** Hon. Members, I wish to briefly address you on the matter of Standing Order 113 which states as follows:

“The proceedings of and the evidence taken at a meeting of a Select Committee or Sub-Committee, and any documents presented to, and decisions of, such a Committee shall not be published by any Member thereof or by any other person before the Committee has presented its report to the House.”

I have noted with great concern that in camera deliberations and decisions of, as well as documents presented to parliamentary committees have been making their way into the media long before these committees have the opportunity to report to the House. Most recently, the deliberations of the Joint Select Committee

on Energy Affairs, held on Wednesday, October 30, 2019, were divulged to the media without the Committee's consent and almost immediately after the Committee met.

The reporting journalist, one who is experienced and who is a senior parliamentary reporter, gave not only a detailed account of the Committee's in camera deliberations but also reproduced the contents of a letter addressed by a member of the Committee to its Chairman. In one instance, the matter was the front-page story of a newspaper.

Erskine May on *Parliamentary Practice* instructs, and it is recognized in virtually every legislature, that premature disclosure of the deliberations and decisions of a committee or of any documents which a committee has under consideration may be treated as contempt.

Hon. Members, I wish to state at the outset that I view this issue very seriously and I expect all Members to do the same. The work of our parliamentary committees is very important and can only be successful if Members can function knowing that their deliberations which are conducted outside of the glare of the public can be kept confidential until they choose to report to the House.

This confidentiality provides committee members with the atmosphere necessary for free, open and constructive analysis on the issues before them, particularly procedural issues. The unauthorized disclosure of committee evidence, documents and decisions is unacceptable and will only serve to undermine and stymie the bipartisan work of our committees. Indeed, committee proceedings, reports and all documents, including evidence, which were not the subject of a public hearing of the Committee must remain confidential until tabled and therefore to break this confidentiality is a breach of privilege. A select committee on procedure of the United Kingdom House of Commons of 1989/1990 said the

following, and I quote:

“All leaks are a breach of the trust amongst the Members and staff of a Committee which is essential to its smooth functioning.

If leaking becomes the common practice then there can be a cumulative effect and a general slippage from the standards of responsibility in maintaining committee confidences that the rules require. This could damage the standing of select committees in the public eye.”

Veteran Members are reminded and less experienced Members are advised that during the Ninth Parliament a similar occurrence was deemed to be a contempt of this House by a previous Committee of Privileges. There are also several other precedents, both here and in other commonwealth parliaments, of the unauthorized release of committee work being treated as contempt.

I therefore wish to denounce, in the strongest possible terms, this breach of the Standing Orders and lack of respect for the privileges of the House. The undermining of confidence which will ensue due to unauthorized releases of the committee's in camera deliberations and confidential documents could be extensive and extremely counterproductive.

I therefore wish to take this opportunity to caution all Members of this House, it may be accidental or due to inadvertence, it may be the result of negligence or it may be deliberate release of information, the growing trend of disclosing, leaking, discussing or sharing committee deliberations, decisions and documents must be discontinued.

This newly developing practice is wholly inconsistent with the dignity of this House and as guardian of the privileges of this House, I will continue to ensure that there is no obstruction or interference placed on Members in the exercise of their duties, whether collectively or individually. I so rule.

**PETITION****Request for Hansard for Use in Court Proceedings**

**The Attorney General (Hon. Faris Al-Rawi):** Madam Speaker, I beg to present a petition on behalf of Mrs. Donna Denbow, attorney-at-law, of the Law Offices of Dr. Claude Denbow SC, of No. 113 Oxford Street, Altus Court, Third Floor, Port of Spain.

I move that the Clerk be allowed to read the petition.

*Petition read.*

*Question put and agreed to:* That the petitioner be allowed to proceed.

**PAPERS LAID**

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Princes Town Regional Corporation Chairman's Fund for the year ended September 30, 2018. [*The Minister of Finance (Hon. Colm Imbert)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Mayor's Project Fund Account of the San Fernando City Corporation for the year ended September 30, 2017. [*Hon. C. Imbert*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the Statement of Recovery of Expenses of the Ministry of Energy and Energy Industries for the year ended December 31, 2018. [*Hon. C. Imbert*]
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Public Transport Service Corporation for the year ended September 30, 2015. [*Hon. C. Imbert*]

*Papers 1 to 4 to be referred to the Public Accounts Committee.*

5. Audited Financial Statements of Trinidad and Tobago Free Zones Company Limited for the financial year ended December 31, 2018. [*Hon. C. Imbert*]
6. Consolidated Financial Statements of Petroleum Company of Trinidad and Tobago Limited for the year ended September 30, 2018. [*Hon. C. Imbert*]  
*Papers 5 and 6 to be referred to the Public Accounts (Enterprises) Committee.*
7. Sector Wide Approach Programme Loan Agreement between the Government of the Republic of Trinidad and Tobago and Corporación Andina De Fomento in the amount of US \$200 million. [*Hon. C. Imbert*]
8. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Tobago House of Assembly for the year ended September 30, 2009. [*Hon. C. Imbert*]
9. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the San Juan/Laventille Regional Corporation for the year ended September 30, 2014. [*Hon. C. Imbert*]
10. Report of the Auditor General of the Republic of Trinidad and Tobago on Financial Statements of the San Juan/Laventille Regional Corporation for the year ended September 30, 2015. [*Hon. C. Imbert*]
11. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Public Transport Service Corporation for the year ended September 30, 2016. [*Hon. C. Imbert*]  
*Papers 8 to 11 to be referred to the Public Accounts Committee.*
12. Audited Financial Statements of Caroni (1975) Limited for the financial year ended June 30, 2019. [*Hon. C. Imbert*]  
*To be referred to the Public Accounts (Enterprises) Committee.*

**Madam Speaker:** Just before we move on, may I remind all Members to ensure that their devices are either in silent mode or switched off.

13. Administrative Report of the Ministry of Community Development, Culture and the Arts for the fiscal year 2016/2017. [*The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly)*]
14. White Paper on the National Policy on Sustainable Community Development for Trinidad and Tobago 2019 to 2024. [*Hon. Dr. N. Gadsby-Dolly*]
15. Administrative Report of the University of the West Indies for the fiscal year 2016 to 2017. [*The Minister of Education (Hon. Anthony Garcia)*]
16. Administrative Report of the Board of Governors of the Cipriani College of Labour and Co-operative Studies for the period October 2015 to September 2016. [*The Minister of Health (Hon. Terrence Deyalsingh)*]
17. Minimum Wages (Amendment) Order, 2019. [*Hon. T. Deyalsingh*]
18. Administrative Report of the Arima Borough Corporation for the period October 01, 2017 to September 30, 2018. [*Hon. T. Deyalsingh*]
19. Administrative Report of the Point Fortin Borough Corporation for the period October 01, 2014 to September 30, 2015. [*Hon. T. Deyalsingh*]
20. Administrative Report of the Point Fortin Borough Corporation for the period October 01, 2015 to September 30, 2016. [*Hon. T. Deyalsingh*]
21. Administrative Report of the San Fernando City Corporation for the period October 01, 2016 to September 30, 2017. [*Hon. T. Deyalsingh*]
22. Administrative Report of the San Fernando City Corporation for the period October 01, 2017 to September 30, 2018. [*Hon. T. Deyalsingh*]
23. Administrative Report of the Point Lisas Industrial Port Development Corporation Limited for the year 2016. [*Hon. T. Deyalsingh*]

24. Administrative Report of the Statutory Authorities Service Commission for the year ended September 30, 2018. [*Hon. T. Deyalsingh*]
25. Ministerial Response of the Ministry of Finance to the Seventeenth Report of the Public Administration and Appropriations Committee on an Examination into the Expenditure and Internal Controls of the East Port of Spain Development Company Limited. [*Hon. T. Deyalsingh*]
26. Ministerial Response of the Ministry of National Security to the Seventeenth Report of the Public Administration and Appropriations Committee on an Examination into the Expenditure and Internal Controls of the East Port of Spain Development Company Limited. [*Hon. T. Deyalsingh*]
27. Ministerial Response of the Ministry of National Security to the Eleventh Report of the Joint Select Committee on Human Rights, Equality and Diversity on the Status of the Implementation of the Recommendations of the Third Report of the Joint Select Committee on Human Rights, Equality and Diversity into the Treatment of Child Offenders. [*Hon. T. Deyalsingh*]
28. Ministerial Response of the Office of the Prime Minister to the Twelfth Report of the Joint Select Committee on Human Rights, Equality and Diversity on the Sexual Exploitation of Children in Trinidad and Tobago with specific focus on Child Prostitution and Child Pornography. [*Hon. T. Deyalsingh*]
29. Annual Report of the Police Complaints Authority for the period October 01, 2017 to September 30, 2018. [*The Attorney General (Hon. Faris Al-Rawi)*]
30. Family Proceedings (Amendment) Rules, 2019. [*Hon. F. Al-Rawi*]
31. Trinidad and Tobago Trade Policy 2019 to 2023. [*Hon. T. Deyalsingh*]
32. Water Pollution Rules, 2019. [*Hon. T. Deyalsingh*]

33. Trinidad and Tobago Housing Development Corporation (Vesting) (Amendment to the First Schedule) (No. 2) Order, 2019. [*The Minister of Housing and Urban Development (Hon. Maj. Gen. Edmund Dillon)*]

## **JOINT SELECT COMMITTEE REPORT**

### **(Presentation)**

#### **Public Administration and Appropriations Committee Statements of Expenditure 2018/2019**

**Dr. Lackram Bodoë** (*Fyzabad*): Madam Speaker, I have the honour to present the following report:

Eighteenth Report of the Public Administration and Appropriations Committee on the Examination of the Statements of Expenditure for the first, second and third quarters as well as the month ending July 31 of the financial year 2018/2019, with respect to Recurrent Expenditure, Development Programme, Consolidated Fund and Infrastructure and Development Fund.

## **PUBLIC ACCOUNTS COMMITTEE REPORTS**

### **(Presentation)**

**Dr. Bhoendradatt Tewarie** (*Caroni Central*): Madam Speaker, I have the honour to present the following reports:

#### **National Lotteries Control Board**

Twenty-Fifth Report of the Public Accounts Committee on the Examination of the Audited Financial Statements of the National Lotteries Control Board (NLCB) for the years 2008 to 2012 and the NLCB's expenditure and internal controls during this period.

#### **National Carnival Commission of Trinidad and Tobago**

Twenty-Seventh Report of the Public Accounts Committee on the Examination of the Expenditure and Internal Controls of the National Carnival Commission of Trinidad and Tobago for the years 2010 to 2018.

## **JOINT SELECT COMMITTEE REPORTS**

### **(Presentation)**

#### **Human Rights, Equality and Diversity**

**The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly):** Thank you, Madam Speaker. Madam Speaker, I have the honour to present the following two reports:

#### **Sexual Harassment in the Work Place**

Thirteenth Report of the Joint Select Committee on Human Rights, Equality and Diversity on Sexual Harassment in the Work Place.

#### **Sexual Harassment in the Education Sector**

Fourteenth Report of the Joint Select Committee on Human Rights, Equality and Diversity on Sexual Harassment in the Education Sector.

#### **Finance and Legal Affairs**

#### **Application of Non-Custodial Penalties in the Criminal Justice System in Trinidad and Tobago**

**Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*):** Thank you, Madam Speaker. Madam Speaker, I have the honour to present the following report:

Seventh Report of the Joint Select Committee on Finance and Legal Affairs on an Inquiry into the Wider Application of Non-Custodial Penalties in the Criminal Justice System in Trinidad and Tobago.

#### **Social Services and Public Administration**

**Mrs. Christine Newallo-Hosein (*Cumuto/Manzanilla*):** Thank you, Madam Speaker. Madam Speaker, I have the honour to present the following reports:

**Effectiveness of the State's Interventions  
(Socially Displaced Persons)**

Eleventh Report of the Joint Select Committee on Social Services and Public Administration on a Follow-Up Inquiry into the Effectiveness of the State's Interventions directed at Socially Displaced Persons.

**Level of Childhood Obesity  
(State's Interventions re Healthy Lifestyle among Children)**

Twelfth Report of the Joint Select Committee on Social Services and Public Administration on an Examination of the Current Level of Childhood Obesity and the State's Interventions to Promote a Healthy Lifestyle among Children.

**Private Security Industry Bill, 2019**

**The Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds):** Thank you, Madam Speaker. Madam Speaker, I have the distinct honour to present the following report:

Report of the Joint Select Committee appointed to consider and report on the Private Security Industry Bill, 2019 in the Fifth Session, Eleventh Parliament.

**URGENT QUESTIONS**

**Trinidad and Tobago Cadet Force  
(Allegations by Lt. Carla Camejo-Weaver)**

**Mr. Rudranath Indarsingh** (*Couva South*): Thank you very much, Madam Speaker. To the Minister of National Security: Could the Minister inform this House whether an official investigation has been launched into allegations by Lt. Carla Camejo-Weaver of a massive cover-up of rampant and uncontrolled sexual abuse in the Trinidad and Tobago Cadet Force?

**The Minister of National Security and Minister in the Office of the Prime**

**Minister (Hon. Stuart Young):** Thank you very much, Madam Speaker. Madam Speaker, at the outset I think I would like to take the opportunity at this stage to recognize the young officers, the young boys and girls [*Desk thumping*] from our Cadet Force who are sitting here in Parliament to observe today's proceedings. Welcome and good afternoon.

Madam Speaker, immediately upon seeing in the newspaper, reported by the media, that there were some allegations being made by a former lieutenant, Carla Camejo-Weaver, I made enquiries at the Ministry of National Security of the Permanent Secretary, and I also asked for a report. I am glad to advise that when these allegations were made, there was an investigation by our Cadet Force Board of Enquiry, also with respect to certain specific allegations and it is not rampant and uncontrolled abuse. Those matters were immediately reported to the Trinidad and Tobago Police Service for investigations by the Trinidad and Tobago Police Service to be carried out and it is my understanding that those investigations are afoot.

Madam Speaker, I have also asked the Chief of Defence Staff to look at the whole Cadet Force operation and to come back to me with suggestions as to how the Cadet Force can be reinvigorated and also ramped up as per the conversations we have been having in the Parliament over a course of time.

**Madam Speaker:** Supplemental, Member for Couva South.

**Mr. Indarsingh:** Minister, are you telling the House that the investigations which have been launched, that has not been completed in terms of a formal report that has been handed in to you or the Chief of Defence Staff?

**2.00 p.m.**

**Hon. S. Young:** Madam Speaker, as I said, a board of enquiry was done. That was an internal matter in the Cadet Force. I have asked the Permanent Secretary in

the Ministry of National Security to follow up on this, and to also get a report with respect to all of these allegations that I have now seen published in the newspaper.

**San Fernando Boy's RC School  
(Investigation into Slashing Incident)**

**Mr. Rodney Charles** (*Naparima*): Given the recent incident involving a five-year-old pupil of the San Fernando Boys' RC School slashing another pupil's head, could the Minister indicate whether he has requested an investigation into the matter?

**The Minister of Education (Hon. Anthony Garcia)**: Thank you very much, Madam Speaker. An investigation has been requested and a formal report is expected shortly. Thank you.

**Mr. Charles**: To the Minister of Education. Given that San Fernando Boys RC is considered a prestige school, attended by the Member for San Fernando East, and also three of my four children, could the Minister tell us what has happened to that school that such an incident could occur?

**Madam Speaker**: I am not going to permit that as a supplemental question.

**Princes Town Residents  
(Water Supply for)**

**Mr. Rodney Charles** (*Naparima*): To the Minister of Public Utilities. Given that residents of Sahai Trace, St. Croix Road, Iere Village Branch Road, Lengua Village and Cunjal Road have been without water within the past month, could the Minister state when the residents will receive their water supply?

**The Minister of Public Utilities (Sen. The Hon. Robert Le Hunte)**: Thank you very much, Madam Speaker. Thank you for the question because it allows me the opportunity to come to this House to almost appraise—to bring the population a little bit up-to-date on the matters.

The areas of concern as was described or as asked, they are serviced by the

Navet Water Treatment Plant. The Navet Water Treatment Plant is presently below its long-term average, which is about 38.5 per cent now, versus its long-term average of 81.8 per cent. It is interesting to note that the rainfall in the month of October, as much as we are seeing rain, rain in that particular area is actually 32.6 per cent lower than it was last year. And for the period January to October it is 294 millilitres below what it was supposed to be last year. So we have been experiencing issues.

As a result of that, the Navet Dam, we have cut production by half to 10 million gallons of water a day and, as such, those areas that you raised are experiencing difficulty, including a lot of other areas that are serviced by Navet and the Hollis Dam in particular. That being said, we are looking within the next 48 to 96 hours to try to see if we could get some more water there in that particular area, and augment it by truck borne water supply.

**Mr. Charles:** Thank you. Given that we are now in the rainy season and residents are, as you indicated, getting a—well, they are not getting a regular supply, what comfort could you provide for adequate supplies during the dry season?

**Sen. The Hon. R. Le Hunte:** Madam Speaker, part of the reasons why we have cut back the production in Navet, in Hollis, in some of our dams and we are experiencing the problem now is because we are forward-thinking and planning for the dry season next year. So the reason why we are down to 10 is because we want to ensure that we will be able to have water next year to supply the areas. So that is part of the reason. We are also in the process of refurbishing all of our wells. We are in the process of drilling new wells. We are in an extensive programme in also fixing some of the leaks and also changing out some of the pipes, all geared towards preparing ourselves for the dry season next year.

**Mr. Charles:** Could the Minister give us some measurable indication of the wells

that are being drilled, how many gallons or millions of gallons of water incrementally would be brought into the system to satisfy the residents of Naparima?

**Sen. The Hon. R. Le Hunte:** We are hoping from our well programme to at least get about five million gallons of water additional from the groundwater supply of water. So with that we hope to get about five million gallons of water. Again, if you also notice, we have also been on an extensive programme in trying to get people to conserve water. [*Desk thumping*]

The reality is that 240 million gallons of water, if we add another five that is 245 million gallons of water, that is sufficient water for us for a population of 1.3 million people. We have also been doing a lot of work in also being able to increase our boosters, to be able to push the water from central Trinidad and other areas out to the extremities.

So there are a number of things we have put in place. We are suffering now because of reductions in our dams, and we are working, as I said, to augment that by groundwater and drilling for some new wells, and encouraging the population to practise some degree of conservation, because if we do this we will be in a position to be able to ride through this period and the dry period next year.

### ORAL ANSWERS TO QUESTIONS

**The Minister of Health (Hon. Terrence Deyalsingh):** Madam Speaker, there are three questions for oral answers and the Government will be answering all three. Thank you very much.

#### **Trinidad and Tobago Unified Teachers Association (Commencement of Salary Negotiations)**

1. **Mr. Rudranath Indarsingh** (*Couva South*) asked the hon. Minister of Education:

Could the Minister inform this House when will salary negotiations

commence with the Trinidad and Tobago Unified Teachers Association?

**The Minister of Finance (Hon. Colm Imbert):** Madam Speaker, the Chief Personnel Officer will be authorized in the near future to make an offer to public sector bargaining agents, including the Trinidad and Tobago Unified Teachers' Association, with respect to outstanding collective agreements.

**Mr. Indarsingh:** Madam Speaker, guide me here because what I am going to ask, I do not know if the Minister of Finance—

**Hon. C. Imbert:** Oh gosh, just ask the question, nah?

**Mr. Indarsingh:**—he not being the line Minister, could I direct it to the Minister or the Minister of Education?

**Madam Speaker:** First your question must be asked and allowed.

**Mr. Indarsingh:** Thank you, Madam Speaker. Taking into consideration that there have already been two disruptions since the academic year has begun as a result of the current state of negotiations, could the Minister inform this House what plans are being put in place as it relates to the completion of school-based assignments in terms of their being marked and handed in, and also preparing students in Forms 5 and 6 for CSEC and CAPE examinations?

**Madam Speaker:** Okay, so that is out of order as a supplemental question.

**Hon. C. Imbert:** Totally out of order.

**Madam Speaker:** Member for Couva South.

**Hon. C. Imbert:** And you very well know that too.

### **BBC's Report on Venezuelan Migrants (Filing of Formal Complaint)**

2. **Mr. Rudranath Indarsingh** (*Couva South*) asked the hon. Minister of Communications:

With regard to the recent British Broadcasting Corporation's (BBC) report on Venezuelan migrants in Trinidad and Tobago, could the Minister inform

this House whether a formal complaint was filed with the BBC or with the appropriate regulator in the United Kingdom?

**The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young):** Thank you very much, Madam Speaker. The hon. Prime Minister made and registered a public complaint about the BBC's intentionally erroneous report on Trinidad and Tobago and Venezuelan migrants on September 2019. The hon. Prime Minister's public complaint was carried extensively in the local and foreign press.

**Mr. Indarsingh:** Thank you, Madam Speaker. So could the Minister simply advise this House that there has been no formal correspondence between the Office of the Prime Minister and the BBC or the regulator in the United Kingdom?

**Madam Speaker:** I believe that question was the original question which was asked and answered. Do you have another supplemental question?

**Mr. Indarsingh:** Yes. Since the pronouncement of the Prime Minister and the formal closure of the registration process, is the Minister in a position to inform this House how many Venezuelan nationals continue to come ashore to Trinidad and Tobago?

**Madam Speaker:** Once again I have to rule that supplemental question as out of order.

**Industrial Court  
(Allocation for Fiscal 2020)**

**3. Mr. Rudranath Indarsingh** (*Couva South*) asked the hon. Minister of Finance:

With regard to the Industrial Court's request for \$65 million in fiscal year 2019, could the Minister inform this House why the Court was allocated \$40 million?

**Mr. Indarsingh:** Madam Speaker, I advise you, in keeping with Standing Order

29(14), that I am no longer pursuing this question.

**Hon. Member:** Oooh!

**Madam Speaker:** Thank you; so leave is granted. [*Crosstalk*]

*Question, by leave, withdrawn.*

**DEFINITE URGENT MATTERS  
(LEAVE)**

**H1N1 Virus in Trinidad and Tobago  
(Management of)**

**Dr. Tim Gopeesingh** (*Caroni East*): Thank you, Madam Speaker. In accordance with Standing Order 17 of the House of Representatives, I hereby seek your leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely the incidence of the H1N1 virus in Trinidad and Tobago and its management by the Ministry of Health.

The matter is definite because it concerns the increasing occurrence of the H1N1 infection nationally which requires urgent measures to be undertaken by the Ministry of Health.

The matter is urgent because the H1N1 virus is highly contagious, dangerous and if left unchecked could result in a major national epidemic.

The matter is of public importance because this highly infectious and contagious virus can cause serious health effects to citizens in their homes, private spaces and institutions, workplaces, public places and to children in our schools. Thank you, Madam Speaker.

**Madam Speaker:** Hon. Member, I am not satisfied that this matter qualifies under this Standing Order.

**Ministry of Sport and Youth Affairs  
(Report on Termination of Employee)**

**Mr. Barry Padarath** (*Princes Town*): Thank you, Madam Speaker. Madam

Speaker, in accordance with Standing Order 17 of the House of Representatives, I hereby seek your leave to move the adjournment of House at today's sitting for the purpose of discussing a definite matter of urgent public importance, namely, the need for the Government to make public the Jacqueline Wilson-led committee report into the termination of an employee at the Ministry of Sport and Youth Affairs.

The matter is definite because it pertains to the refusal by the Government to openly and transparently account for the use of state funds in the settlement of a private matter involving a Government official.

The matter is urgent because new information has found its way into the public domain that contradicts the Government's utterances and assurances, creating public distrust in the holders of high office.

The matter is of public importance because it creates a strong perception that public funds have been abused in the handling of this matter, and public trust and confidence can be eroded in the Cabinet and the Government as a result.

Thank you, Madam Speaker.

**Madam Speaker:** Hon. Members, I am not satisfied that this matter qualifies under this Standing Order.

### **STATEMENT BY MINISTER**

#### **Trinidad and Tobago's Trade Policy 2019—2023**

**The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):**

Thank you, Madam Speaker. I am authorized by the Cabinet to make the following statement.

Trinidad and Tobago's Trade Policy 2019—2023 was officially launched on September 25<sup>th</sup> of this year. Implementation has already begun and in the medium to long term this trade policy will set Trinidad and Tobago on a course for

delivering broad-based export growth, particularly in high value exports.

The Ministry of Trade and Industry collaborated with the United Nations Economic Commission for Latin America and the Caribbean on this exercise. The involvement of UNECLAC is as a result of the visit of the Prime Minister, Dr. The Hon. Keith Rowley, to Chile in May 2017, and the outcome of discussions there with UNECLAC's Executive Secretary, Alicia Bárcena. And, Madam Speaker, when our Prime Minister travels, he delivers.

The policy is also the result of an extensive consultative process including 23 consultation sessions with approximately 33 stakeholders from the public and private sectors and the Tobago House of Assembly. This process was further complemented by robust, empirical and econometric analysis provided by UNECLAC, including the use of analytical tools such as the Grubel-Lloyd intra-industry and trade complementarity indices. Our stakeholders have been working alongside us providing feedback and input when called upon, which we sincerely appreciate.

We know that the country's exports are far too specialized in a few products when compared to the world average, or even when compared with other similarly sized economies. Transforming Trinidad and Tobago's economy to one that increasingly exports high-value goods and services is a crucial first step. To achieve this, the policy promotes comparative advantage-based production and continuous upward movement along the value chain.

The Government will therefore pursue specific trade-related policies geared towards enhancing competitiveness, accelerating economic and export expansion, and increasing the country's foreign exchange earning potential. To that end five main goals have been identified which will be pursued over the next five years:

- The establishment of a more facilitative and enabling business and trade

environment in Trinidad and Tobago;

- Increased exports of non-energy goods and services;
- Increased production and exports of high value-added goods and services;
- To secure a larger share of Caricom trade, inclusive of trading services; and also
- To expand Trinidad and Tobago's market share within the country's traditional and non-traditional markets.

The policy contains a series of firsts for Trinidad and Tobago. For the first time in any national trade or related policy, recommendations have been made to include the development and production of the green industry, including green products and services. Measures to promote environmentally friendly practices and production methods within the export sectors are also included in the policy.

Additionally, Tobago is explicitly treated with, particularly in relation to the development of the services export. The Ministry is cognizant of the nascent trade potential which exists in Tobago, and will collaborate with the THA to develop capacity to formulate supporting trade policy initiatives for the development of business competitiveness.

Another first is the development of measures to promote the inclusion of women, youth, and persons with disabilities in trade. This signals the Government's commitment to identifying, understanding, and removing obstacles to the full participation of all citizens in trade and development.

With regard to target markets, our exports of goods and services would be focused on the following markets: the wider Caribbean, South and Central America, Asia and Europe, and our diaspora in the USA.

In relation to goods, the policy has targeted the production and export of high value-added products such as electronic assembly items, textiles and garments

for the fashion industry, pharmaceutical products, cosmetics, downstream aluminium products, downstream petrochemical products, wood and wood products, to name a few. Of note, products from the agricultural and agro-processing industry are also targeted, and among these are vegetables and fruit, cocoa and spices, animal feed, miscellaneous food products and beverages, fish and fish processing products as well.

In relation to services, several strategic sectors for development and export expansion have been identified. These include tourism, education, medical and health and wellness, creative industries and entertainment, professional services, ICTs and financial services. For many years a major challenge for this country has been identifying and then taking the appropriate steps necessary to increase the scope, the quality, and the efficiency of targeted services sectors. This policy outlines the steps to upgrade business services infrastructure, improve capacity for e-commerce and develop human capital with the aim of attracting foreign investment and making business services more competitive and viable as an export sector.

In addition to answering the questions of what should Trinidad and Tobago export and to which markets, the policy identifies a series of cost cutting measures that will support the efforts to increase trade, diversify markets and achieve the goals and objectives. These measures include: innovation, efficient management utilization and enforcement of intellectual property rights, modernizing key economic infrastructure, particularly in the areas of energy and transport and ICTs to facilitate economic activity, and also improving trade financing to address challenges faced by traders, particularly micro, small and medium-sized enterprises, and those in the services and other emerging sectors.

The new trade policy also identifies private sector development as key to

export diversification. Measures to ensure that active engagement of the private sector and civil society in determining the country's trade agenda are included. Mechanisms are identified to ensure that exporters and trade negotiators are aware of non-tariff barriers applied by the country's trading partners and ways to effectively reduce or eliminate them. This includes the establishment of a national non-tariff barrier committee with public and private sector participation. Also, the development of export platforms and guidelines and buyer profiles in countries of interest will also support market intelligence activities.

Based on lessons learnt it was determined that secular successful implementation hinges on a robust monitoring and evaluation framework, both at the policy and projects levels. The M&E framework that accompanies the policy maps its implementation throughout its lifespan. Several institutional measures will be pursued, including the establishment of a cross-agency implementation committee and trade policy technical working group. The latter in particular will be comprised of officials of the Ministry of Trade and Industry and focal points selected from the private and public sectors, civil society, academia and key development partners. The functions of these committees are laid out in the policy and their reports will be made public through various means, including the transparency and predictability that were among our key guiding principles.

I urge my colleagues to read the trade policy. It illustrates that the way in which we think about trade and doing business must evolve, if we want to keep pace with global developments and put Trinidad and Tobago and its export products and services in the frame of global trade.

The policy is for the people of Trinidad and Tobago. It is reflective of where Trinidad and Tobago is and where it must go. The practical and feasible steps prescribed have been deliberately crafted based on the contributions of our

stakeholders. With this policy, a national trade policy for Trinidad and Tobago aligned to the National Development Goals, this country's trade outlook is on a progressive footing.

Madam Speaker, I thank you. [*Desk thumping*]

**Dr. Tewarie:** Madam Speaker, one question to the hon. Minister. Based on your policy and policy outlook, what sector or industry do you anticipate that you are likely to see the highest level of export growth during the fiscal year in which we have entered?

**Sen. The Hon. P. Gopee-Scoon:** Thank you. I just named these in my short discourse. I named the types of industries; I named several. But if I am to name any at all, it is certainly the manufacturing of goods and the expansion of the manufacturing industry as it is, and certainly the growth in the agro-processing sector as well. But particular focus will be placed on the services sector, in particular the tourism sector and also we are looking at the education sector as well. But I named all of these, and I would encourage you to read the trade policy for the details. Thank you.

**Dr. Tewarie:** I will read the policy.

**MISCELLANEOUS PROVISIONS (LAW ENFORCEMENT OFFICERS)  
BILL, 2019**

*Order for second reading read.*

**The Minister of National Security and Minister in the Office of the Prime**

**Minister (Hon. Stuart Young):** Madam Speaker, I beg to move:

That a Bill to amend the Criminal Law Act, Chap.10:04, the Prisons Act, Chap. 13:01, the Police Service, Act, Chap. 15:01, the Immigration Act, Chap. 18:01, the Fire Service Act, Chap. 35:50 and the Customs Act, Chap. 78:01, be now read a second time.

It is indeed a pleasure and a privilege to have the opportunity here today to

pilot what we believe is a significant and an important piece of legislation. We see today—and as I say “we”, I hope that I can speak collectively on behalf of all of the Members of Parliament present, as this Bill being a significant step which directly affects the lives of prison officers, fire officers, immigration officers, police officers and customs officers collectively under this piece of legislation, or law enforcement officers.

At the outset, Madam Speaker, through you, I would like to thank all of those who worked diligently and assiduously on producing this piece of legislation. [*Desk thumping*] In particular, I single out for thanks the Prison Officers Association, led by Mr. Ceron Richards, him and his officers, sitting side by side with the Attorney General, the hon. Member for San Fernando West, and the former Minister of National Security, the hon. Member for Point Fortin. At the outset, just over a year and a bit ago, sitting and working with them, along with the staff in the Ministry of National Security and the Attorney General’s office to produce what we have come here to debate today.

This Bill captures, via a wide and useful net, many issues that currently confront us in national security, and particularly the safety and security of the people of Trinidad and Tobago.

Madam Speaker, to go straight to the Bill and then to take it through point by point via a number of live examples to illustrate the need for this particular piece of legislation, and how wide ranging its effects are meant to be, and I believe are—I would start off by just laying out for the public the policy and the philosophy behind this important piece of legislation.

This piece of legislation is meant to protect all of the officers that I have just called, prison officers, our police officers, our fire officers, customs and immigration officers, to protect them from a number of offences that may be

committed against them and their families and family members. But also importantly, on the other spectrum, whilst we here as legislators here this afternoon will offer them an increased level of protection by increasing the penalties, the fines and sentences applicable to those who abuse them, threaten them, and do worse than that, we are on the other spectrum holding them to a different level of accountability, and a higher level of accountability.

This particular piece of legislation here today is meant to also tell all of those officers that whilst we are committed to their protection, we are also holding them to a higher level and a standard, and should they commit any offences, we will also be increasing the penalties associated with breaches of their duties.

The Bill starts off with a most important amendment to section 6(2) of the Criminal Law Act, Chap. 10:04, and this quite simply is that what we are doing is increasing the penalty for false reporting. You see, Madam Speaker, over the period of time there has developed this phenomenon, and we are facing it especially with our E99 service, where persons believe it is appropriate or it is acceptable for them to call in and make false reports to our Trinidad and Tobago Police Service. So immediately one of the first ills in our society that we are seeking to address by this piece of legislation is to increase the penalties where a person causes the wasteful employment of the police time by knowingly making a false report.

We have had a number of instances, not only to the police but to other areas of our national security apparatus, where persons are calling in false reports. So the first ill we address is that.

The Bill then moves to deal with prison officers. At the outset I would like to say that coming into the substantive Chair of National Security just over a year ago, it was a very difficult period as the Minister as well as being a citizen of

Trinidad and Tobago because unfortunately, within the first month, month and a half of being the Minister, we suffered the murders of two of our prison officers. Over the past decade there have been a number of unfortunate incidents where some of our prison officers have lost their lives. This is something that always hurts me to see being used as a political football, but I stand here today and tell the Prison Officers Association, as well as the families of all prison officers, that today this Government has seen it fit—we have heard their cries and their pleas—to find yet another method, another methodology of offering protection to prison officers, by increasing the fines, the penalties, for anyone who assaults or takes any retaliatory action against prison officers.

**2.30 p.m.**

And what we say by this piece of legislation, I start off with this specific clause, Madam Speaker, in dealing with prison officers, because this is to be coupled with or married with the other actions that we are taking at National Security to protect prison officers, by providing them with stab vests, by providing them with an increased number of handguns and firearms, by using a multi-agency task force. The police service and defence force, and I thank them for it, are now working with our prison services.

And the amendments we are making under the Prisons Act, as I will get into, are all targeted at protecting prison officers, even where we have increased the penalties for breaches of duty by prison officers. Because you see, Madam Speaker, in the prisons sphere, there is a special phenomenon. It is such a limited area and also a limited number of officers that any prison officer—it is the typical case of one bad apple spoiling it for the whole barrel, because any prison officer who commits or breaches the law, enters into smuggling or trafficking within the prisons banned substances, even bringing in cell phones and these types of devices,

now makes it dangerous for other prison officers, and I will get into some of that.

So what we start off by doing is offering specific protection or additional protection for prison officers where we say that:

“A person who—

- (a) assaults, threatens, obstructs or resists; or
- (b) aids or incites any other person to assault, threaten or obstruct or resist,

a prison officer in the execution of his duty...”

—and where they take action and retaliatory action against prison officers, what we have done, Madam Speaker, is we are seeking here today to increase the fines on summary conviction and on indictment to protect prison officers.

So in other words, the strong message that we are sending today to those who may have this awful intention of harming prison officers, what we are asking all legislators here today is to join with us in passing this legislation to offer that additional layer of protection by increasing the penalties with respect to anyone who thinks that they can harm our prison officers.

What we are also looking at doing at clause 3 of this Bill, which deals with the amendments to the Prisons Act, Madam Speaker, is dealing specifically with this unfortunate phenomenon that has grown in the prison system of smuggling contraband into prisons.

And when you go to the Bill, I will like to start by telling the population what we are now defining as “prohibited articles”, and prohibited articles are the articles that we are saying are contraband and should not be brought into the prisons: dangerous drugs, explosives, firearms, ammunition, artillery, weapons, mobile telephones, and I stick a pin here, Madam Speaker.

We are facing in the prison system for all too long now the use of smuggled

and contraband mobile phones by prisoners, and despite the use of technology, because unfortunately and fortunately, technology evolves very quickly, there is still too much. One phone inside is one too much, but there are still too many mobile telephones being used by those who are incarcerated, so we are now tackling that frontally with this legislation. So:

“...cameras, sound recording devices, electronic devices, information technology equipment, alcohol, tobacco, money, clothing, food, drink, letters, paper, books, tools or any article likely to be prejudicial to the safety, security, good order and discipline of prisons;”—

—for example, knives and other makeshift weapons.

Madam Speaker, I would like to thank the prison service, well not thank, congratulate the prison service, I would also like to thank the US embassy who has donated some dogs to our prison service. We have been doing a much better job at preventing contraband from entering the prison system, and we are also now going to be introducing the use of a multi-agency task force, the addition of the police service and the defence force, to offer an extra layer of protection for our prison officers when we search persons coming and going from certain prisons in the prison service.

So, we are also saying that this now covers, and we list out the prisons, the Port of Spain Prison and others, the Golden Grove Prison, Maximum Security Prison at Golden Grove, Remand Prison, the Women’s Prison at Golden Grove, the Eastern Correctional Rehabilitation Centre, the Carrera Convict Prison, the Tobago Convict Prison, and other convict depots and prisons that may be declared by the Minister of National Security.

And what we are saying now is, anyone who brings prohibited articles into the prison environment, what we call smuggling contraband into prisons, we are

increasing the fines, we are now making that an offence and saying you are committing an offence and you can be liable either on summary or indictable conviction for smuggling contraband into the prisons. This in of itself also adds another layer of protection for prison officers because we will now be able to increase the levels of penalties for persons who bring, throw, convey or cause prohibited articles to be supplied to a prisoner. And we have sought through clause 3(c), which is to be a new section 8 in the Prison Service Act to capture as best as we see it, the smuggling of contraband into prisons and increasing the penalties.

We are also, Madam Speaker, as I said at the outset, we are also targeting errant and corrupt prison officers here because you will see that we are now also saying that where a prison officer commits this offence, he or she shall be liable, and we have actually put higher penalties on prison officers than we are putting on other persons who may breach this particular clause, this relevant provision. And the message that we are sending to prison officers is, whilst we are prepared to protect you and to help you in the line of your duty, we are also holding you to a higher standard and a higher level in that if you breach this and you engage in smuggling contraband into the prisons, you will be subject to a higher penalty.

We then go on to deal with trafficking in prisons by prison officers. Because you see unfortunately, Madam Speaker, over time there has been a phenomenon that has been developed where we have prison officers who are assisting or who may be assisting the criminal elements who are incarcerated in prisons in carrying out their business transactions on the outside. So, again, we are sending a strong signal, we believe, to prison officers that, if you engage in this type of behaviour, and you are going to be part of criminality, we are increasing the penalties that you will be subject to.

I will be asking the Attorney General in future legislation for us also to look

at specific provisions in law that anyone who is found to be assisting any criminal element in conducting or carrying out business transactions which are involved in criminality that we target them specifically. Because you see, Madam Speaker, within recent times there have been certain utterances over a year ago by myself and recently by the Commissioner of Police where the Law Association of Trinidad and Tobago has had the audacity to challenge what is being said and also, rather simply in my mind, to ask that the evidence be provided to them, but it is the Commissioner of Police and the Commissioner of Police is the one who has the evidence and would lead the charge with the conviction and prosecution of any lawyer who engages in criminal activity. So I will be asking the Attorney General to bring legislation to deal with not only lawyers, but other persons who may be assisting criminals in carrying out their criminal empires on the outside.

But today this specific legislation, Madam Speaker, at the new section 8A of Prisons Act is dealing with any prison officer who accepts presents or consideration from prisoners who bring into prison or attempt to bring into prison or to carry into prison any article for prisoners, or either directly or indirectly have any pecuniary interest or derive any benefits from prisoners on the outside or where they are assisting them with dealings. We are making it an offence and we are saying to the prison officers, when you do this, what you are doing is making it a more dangerous environment, not only for your fellow officers, but also for society as a whole.

The next clause, Madam Speaker, and I was telling the hon. Attorney General this afternoon, this in my view is one of the most significant clauses in dealing with what is taking place in our nation's prisons today, and that is the new section 8B which is titled "Other offences related to prison security".

This new section 8B is specifically to deal with persons on the inside or on

the outside, persons on the inside of prison, incarcerated persons who are communicating with persons on the outside. So we are saying, those who take prison officers or prisoners who:

“...takes a photograph, or makes a sound-recording, inside a prison, or transmits or causes to be transmitted, any image or any sound from inside prison by electronic communications for simultaneous reception outside the prison;”

—and these types of behaviours are now going to be committing a specific offence.

So, for example, Madam Speaker, first of all we are saying, you should not have cell phones and other devices that can transmit social media to the outside world.

Secondly, we are saying that if you use these devices to so transmit what is taking place in the prisons to the outside world, it is now a specific offence. But most importantly what I believe this specific clause captures, and it will help us by great leaps and bounds in the fight against the criminality in the prisons, if persons have devices and they are making WhatsApp calls, what we call Voice over Internet Protocol-type calls, they are using calls and using these devices to communicate with persons on the outside, it is now a specific offence, and it shows that we are targeting this area of criminality that is going on in the prisons.

Because you see, for too long, Madam Speaker, those who are incarcerated and are supposed to be facing a loss of their liberty and their rights are continuing to conduct their criminal empires from within the prisons. And this particular clause—and also to call nefarious acts and call for criminality and attacks on persons outside of the prisons. So what we are saying here now is that act in of itself will be constituted as a specific crime. And we are also saying that any

prison officers who engage in this type of activity, they will also now for the first time be subject to particular penalties. [*Desk thumping*]

We have caught it by also saying—defining—what “device” means, and a:

“(b) ‘device’ means any electronic programmable device used, whether by itself or part of a computer network, an electronic communications network or any other device or equipment, or any part thereof to perform pre-determined arithmetic, logical, routing or storage operations...”

—using scientific and technical language to capture the use of cell phones, the use of the hot spots, so persons then on other devices like tablets, et cetera, to communicate with outside world. We are targeting that, we have been targeting it via more searches in the prisons, via trying to search persons going in and outside of prisons through the use of our K9 division and these types of things, and we are now making it a specific crime. It also does capture what we have seen by persons transmitting photographs or other documents, and we have defined what “documents” are via electronic means to the outside world from within the prisons.

Madam Speaker, these what may seem to be simple amendments will go a long way in fighting the criminality and protecting our prison officers in the prison system of Trinidad and Tobago.

Madam Speaker, this Bill also seeks to target with respect to prisons at new clause 10, we are now dealing with prison officers—sorry. At section 8C, new 8C, prison officers who accept bribes. Once again, we are saying to prison officers, whilst we are prepared to protect you, we will also deal with prison officers that we find to be accepting bribes for rewards, perks, and these other things to help persons carry out their criminal acts.

Tipping off: Throughout the whole of this piece of legislation with the

prisons officers, police officers, customs officers, immigration officers, and fire officers, we have introduced, and we are dealing with, for the first time, an offence of tipping-off. So, for example, a sting operation is set up or we are about to conduct some operation, any prison officer, any police officer, any fire officer, immigration officer, customs officer who then decides to tip-off the criminal element or those who we are targeting, we are making this a crime. That is for the obvious reasons of [*Desk thumping*] protecting the operation, as well as protecting those and ensuring a better chance of success of those who are conducting the operation.

What we have done here however is we have protected attorneys throughout, professional legal advisers, that if they are getting—if they are in conversation with their clients, that they cannot be charged but, of course, if it is engaging in criminal activity, that will fall foul of the law.

Madam Speaker, this Bill also then goes on, as I said, with the introduction of a new section 11 to protect against assaults or retaliatory actions against prison officers. And what we are saying to persons on the outside, and this is specifically drafted and intends to deal with the threatening of prison officers in the worst-case scenario, the taking of a life or the attempting of lives of prison officers. We are saying here today as legislators that we will not tolerate this type of behaviour.

We then move, Madam Speaker, to deal with the police service. And similarly, when dealing with the police service, Madam Speaker, under this piece of legislation, what we have done is, we are saying, anyone now—we are increasing the penalties that is both on the sentencing side, as well as the fines side, anyone who is assaulting, restricting or obstructing an office in the exercise of their specified functions.

This type of legislation is found throughout the world. I looked at the

legislation in places like the United Kingdom, Canada, and Australia, two other Commonwealth jurisdictions, and this was used and utilized in drafting and coming up with these amendments to the legislation.

We are seeing all too often now that when police officers are carrying out and conducting their lawful duties in particular, for example, when they go into the communities or they go into areas to deal with the criminal element or to go and conduct enquiries, unfortunately, there has grown this phenomenon of attacking, assaulting, blocking and obstructing police officers in the course of their duties, and that is something that this Government is not prepared tolerate. [*Desk thumping*]

Also, on an operational level, in our conversations with the Trinidad and Tobago Police Service we have made suggestions to them as to how they should conduct these types of operations, but the message that we can send here today, Madam Speaker, as legislators, is a specific message, that we in here, all 41 of us, will not tolerate persons who decide to assault or obstruct our police officers in the carrying out of their lawful duties, and I ask that we all give consideration to that here today. What we are doing is seeking to introduce a new 53A to do with police service. And, again, we are introducing the crime of tipping-off.

Madam Speaker, we have had incidents for time immemorial where, unfortunately, there are elements in the police service who are less than honourable, I will put it that way, and we have had incidents where we have planned operations, we have launched operations, for example, some of the recent operations where we are going after houses of ill-repute. We have planned these operations, we have known, we have monitored these houses, we know the types of activities that are taking place, and on the nights or the days that we launch the operation, lo and behold, when the police service arrives at the place of ill repute,

no one is there, no activity going on there. Of course, there is a lot of anecdotal talk as to the tipping off that may have gone on.

We have had a not too recent incident where actually we ran a sting operation to see whether we could catch who it was tipping-off. So we went from outside of the police district, did what needed to be done, and then when we are on the ground, let the specific police station know, okay, we have gone now to raid this house. And lo and behold a call comes to the phone in the house from an officer at the station to say, "Watch it, they coming". But of course, fortunately in that incident it was answered by the police officers who carried out the operation.

**Hon. Member:** [*Desk thumping*] Well done. Well done.

**Hon. S. Young:** I take the opportunity to say that the strong message that we are sending and the signal that we are sending here today is that this will not be tolerated. We are creating a specific offence to deal with this type of activity. I hasten to add, Madam Speaker, that it is only a few bad apples in the barrel, and I have found that many, many police officers, and I take the opportunity to thank them, on a daily basis put their lives on the line to protect us as citizens of Trinidad and Tobago [*Desk thumping*] and we thank them for that.

What we are also seeking to do under this piece of legislation in particular with the police is, we are increasing the penalty where persons refuse to give measurements, photographs or fingerprint impressions, so those who are obstructing via that methodology, we are making it, we are increasing the penalties.

What we have also sought to do by clause 53, Madam Speaker, is increase the penalties for serious offences committed by police officers including:

"...pawning, selling, transferring, loaning or making available his arms..."

Again, we have heard all too often the anecdotal stories of police officers renting

their firearms to the criminal element. So today, we have the opportunity to tackle that type of behaviour, and to make it a specific offence—well, not make it a specific offence, but rather to increase the penalties for doing. So when you transfer, loan, make available your firearm or other clothing— Just yesterday, Madam Speaker, in the last 24 hours we have had a most disturbing incident where it is seen that three persons, fortunately, were caught and arrested by the police whilst committing a robbery. Two of the persons were found wearing what appeared to be police issued uniforms. One of them, again, with this AR-15 type of firearm, another one with a Glock handgun. So we are saying now—and right now those investigations are taking place—but we are saying that if any police officer engages in loaning his or her uniform, we also had it in a kidnapping, a high-profile kidnapping in September or October of last year where the kidnapped victim was stopped by persons in police uniform. So we are making it now—we are increasing the penalties by persons who in police service may see it fit to rent their uniforms and their firearms out.

**Dr. Gopeesingh:** Or the blue lights.

**Hon. S. Young:** The blue lights are something that is also being looked at, and we actually have a Cabinet policy dealing with that that we intend to put into place.

Madam Speaker, what we are also doing is, where a police officer keeps for his own use or private benefit any article which has been supplied to him at the public expense, we are dealing with that via an offence. We are also increasing the penalty where police officers who are dismissed from the police service refuse or resign their office or otherwise leave the police service, they fail to deliver up every article which was supplied to him or her. So we are making it a specific offence, when you leave the police service, regardless of the circumstances, you must return all of the equipment, all of the uniforms, everything provided to you.

Again, this is being specifically done, smartly done and to target what we see going on outside of there.

Unauthorized use or possession of police equipment: We are also increasing the penalties where persons have been found and have no express authorization to keep or to use for their private benefit any article which was supplied to a police officer. This, again, deals with the renting of police guns and uniforms on the other side. So we are making it, we are increasing the penalties on the police officers, as well as those who might be the end users.

We are also seeking, as we are doing for the prison officers, we are also seeking by a new section 59 to address instances where persons assault, threaten, or obstruct or resist police officers while acting in the execution of their duties or take retaliatory action against a police officer or their relatives.

So this phenomenon, this behaviour of threatening police officers and their families, prison officers and their families, fire officers, customs, immigration officers, we are not tolerating that.

We are also, and by section 60, we are increasing the penalty for refusal to assist a police officer who is, while in the execution of his duties, assaulted or resisted. This is an interesting concept and one that exists in the common law, and what we are doing now is we are putting it into statute and seeking to capture it via legislation that, when a police officer is carrying out his or her duties, if you see him or her being assaulted by people, et cetera, we are saying you too have a duty to try and assist the police officer. Obviously, it would not be to put life at peril, but it would be to provide that assistance where you can, and we just ask that people be very safe when doing so.

This is an interesting one, Madam Speaker, a new section 61(1). We are increasing the penalty:

“...where a person knowingly harbours or entertains a police officer while he is on duty, sells or gives intoxicating liquor to a police officer while he is on duty, or induces a police officer to commit a breach of his duty;”

All too often, Madam Speaker, we have had persons report to us, we have had photographs provided to us of police service vehicles parked outside of establishments that are selling intoxicating liquor. I have had persons send me photographs of officers taking a sip whilst on duty and driving. So what we are seeking to do here is make it safer for both police officers, as well as the public and we are increasing penalties for both the person who may supply intoxicating liquor to a police officer who is on duty, as well as to the police officers who may be using it.

Section 61A is now to provide for instances in which:

“A police officer accepts a bribe, gratuity, perquisite or reward...for the neglect or non-performance of the duty....”

This is an area that I know the Commissioner of Police is specifically targeting now in his effort to weed out of the police service those officers who may be engaged in corruption. So we are saying look, if you are accepting bribes or anything from any criminal element or anyone trying to encourage you not to do your duty, that is now going to be a criminal offence, or we are increasing the penalties associated with it.

We are also increasing the penalty where a person other than a police officer wears a police uniform or impersonates a police officer without the written authority of the Commissioner. So, again, we are targeting this phenomenon that we are seeing happening all too often that I mentioned a short while ago; one incident is one too many. When we are seeing persons who are dressing as police officers, persons who are even impersonating police officers, what we are doing is,

we are seeking to increase the penalties to deal with them. Madam Speaker, may I enquire how much more time?

**Madam Speaker:** Your full time ends at 3.07:54.

**Hon. S. Young:** Thank you very much, Madam Speaker. Madam Speaker, the next part of the Bill is dealing with immigration officers; similar provisions. We have had our immigration officers playing an increasing role within the last couple years in carrying out law enforcement-type activities. For example, as I mentioned a short while ago, when raids are done on houses of ill repute, if there are persons who are found there not to be citizens of Trinidad and Tobago, it becomes an immigration matter.

We all know what is happening in our neighbour's land seven miles off of the coast. Interestingly this week, I went with the coast guard and members of the media and showed them exactly what the seven miles look like, and all of the media was quite shocked to see how small that miniscule expanse of water is between Trinidad and Venezuela.

Our immigration officers are called upon more and more these days to assist with other law enforcement officers, including our coast guard, our Trinidad and Tobago Police Service, other arms of the Trinidad and Tobago Defence Force, to assist us in tackling all types of criminality including those who are entering our country's borders illegally. I am happy to say and I will use this opportunity to congratulate the Trinidad and Tobago Coast Guard for the work that they have been doing. [*Desk thumping*] All too often it is not carried and it is not—

**Hon. Member:** So true.

**Hon. S. Young:**—sent amongst the population, so now is an appropriate time to thank them. In the past few weeks they have turned back a number of vessels, even when the vessels land here, after we have processed them through

Immigration, done what needs to be done, they are then escorted by the Trinidad and Tobago Coast Guard back out of our territorial waters.

So for the immigration officers, because this happened when Minister Dillon and myself had visited Point Fortin not too long ago, we were told by the immigration officers there that there were persons who were trying to intimidate, threaten, immigration officers.

So, again, the Attorney General immediately upon hearing that, decided to capture immigration officers under this specific piece of legislation to, again, offer them another layer of protection. So it is very similar to what I have said exists or what we are looking to bring for prison officers and police officers when they are carrying out their duties, do not obstruct them, do not assault them, threaten them. We are increasing the penalties for that type of thing, but on the other hand, if we find that you are taking bribes, you are engaging in any corrupt activities, we are increasing the penalties and offences.

**3.00 p.m.**

Similarly, under clause 6 we are making amendments to the Fire Service Act, and what we are doing is again protecting officers by increasing the penalty where a person wilfully assaults, threatens, obstructs, resists or interferes with a fire officer while he is on duty for firefighting or any other purpose of the Fire Service Act. We are also increasing the penalties for any person who obstructs, resists, interferes when they are exercising their duties in respect of public premises, and also when they are carrying out or assisting in the preservation of peace. So in other words, do not obstruct our fire officers when they are carrying out their duties, we are increasing the penalties to anyone who does that. Anyone who is threatening, assaulting, threatening or obstructing fire officers or their families, their relatives, friends or property, in other words, threatening their

families, we are also providing an offence there.

We are also dealing with tipping-off with the fire service. Again, if we are carrying out any exercises and any member of the fire service decides to tip-off the elements, we are increasing the penalties there. Interestingly, once again, and I thank the Attorney General for this foresight, in section 54 we are increasing the penalty where a person knowingly harbours or entertains a fire officer while he or she is on duty and sells or gives intoxicating liquor to a fire officer while he or she is on duty, and we assure the fire officers this is for their own protection. Again, we deal with any bribes being paid to fire officers increasing the penalties to both those who are offering or paying the bribes as well as those who may be accepting it. And, we are increasing the penalty where a person not being a fire officer impersonates a member of the fire service. As we know, very often fire officers are called upon to carry out inspections of properties, et cetera, so lest it be any persons impersonating a fire officer to get into a person's premises, we have increased the penalty there.

Madam Speaker, the legislation then goes on to do similar amendments to the Customs Act at clause 7 of the Bill, and once again we are looking to increase the penalties for specified offences of persons obstructing and assaulting customs officers in the carrying out of their duty, any retaliatory action taken against customs officers and their families, we have provided for the offence of tipping-off, we are increasing the penalties for offences including maliciously shooting or wounding an officer in the execution of his duties. These are the customs officers, especially those in the enforcement division, it is not often known, are also the ones charged with the responsibility from a law enforcement perspective of on our borders preventing prohibited goods from coming in our borders, very often when there are busts to take place of illegal firearms, drugs, narcotics, even animals, et

cetera, our customs officers are called upon as the ones to carry out the duties and to charge people for breach of the Customs Act, amongst other things. We are dealing with the increasing of the penalties to bribe a customs officer, and we are increasing the penalties both against the person who is offering the bribe as well the customs officers.

So, Madam Speaker, in short those are the categories of amendments being carried out by this piece of legislation to protect our law enforcement officers, and our law enforcement officers on this instance are our prison officers, our police officers, our immigration officers, our fire officers, and our customs officers. Madam Speaker, we have seen too much, from my humble opinion, too many incidents within the last decade or so, of those charged with the responsibility of law enforcement, and only a few finding themselves slip down that slippery slope of corruption. So the message we are sending to them today as the legislators, is that will not be tolerated. One of the ways to do that is by increasing the penalties, the sentences, and the fines on these officers if they are found guilty.

Today we are introducing a tipping-off offence, but on the other hand as well, we recognized that for the law enforcement officers who are intent on fulfilling their oath and fulfilling their duty to protect and serve the people of Trinidad and Tobago, we need as parliamentarians to offer them an increased level of protection, an increased layer of protection, and that is the strong signal that I am asking all legislators here today to support this piece of legislation which will achieve those two, in my view, noble, but more importantly, necessary, necessary amendments as our society continues to evolve to provide protection both to the officers, their families, as well as the public of Trinidad and Tobago.

Madam Speaker, I beg to move. [*Desk thumping*]

*Question proposed.*

**Mr. Rodney Charles** (*Naparima*): Thank you very much, Madam Speaker. Madam Speaker, they are no longer with us but I wish to place on record that we welcome the presence, the members of the Cadet Force, an institution critical to our need [*Desk thumping*] to provide positive, pro-social alternatives for the next generation of leaders. We look forward to today when every secondary school in Trinidad and Tobago will have a fully functional and well-resourced Cadet Force.

Madam Speaker, we are here to debate another, in a suite of legislation brought to the House, and purported by those opposite to reduce crime. In similar vein, we had the Anti-Gang Act, we had also the amendments to the Mutual Assistance in Criminal Matters, we also had the Proceeds of Crime Act, the Financial Intelligence Unit of Trinidad and Tobago, we also had the Customs and Exchange Control Act, the Anti-Terrorism Act also, the Bail (Amdt.) and the Cybercrime Bill, and we are here today to discuss the Miscellaneous Provisions (Law Enforcement Officers) Bill, 2019.

Madam Speaker, the UNC wishes to indicate from the onset that we will support this Bill. [*Desk thumping*] We note that it increases dramatically, penalties for prohibited articles being brought into and out of prisons, trafficking in prisons for prison officers, and, Madam Speaker, I would be dealing with the prison service and the police service, my colleagues will deal with the immigration aspect, the amendments to the Fire Service Act, and the amendments to the Customs Act.

As I indicated, I would be paying attention mostly to the prison and police service. So we note that it increases dramatically, penalties for accepting bribes, gratuities or rewards for non-performance of duties. We note also the new crime of tipping-off, the aiding prisoners to escape and threatening or assaulting a prison officer or his family. But, Madam Speaker, this legislation is once again based on

the premise that increasing the fines dramatically will serve as a deterrent and it will reduce crime, whether it is instances of officers engaging in activities that are lawful.

And while on the surface, this may appear to have some merit, the UNC wishes to inform the Government that they may not get the desired results that they anticipate. We have said it time again, over and over, ad nauseam, that legislation alone will not solve the crime problem in Trinidad. And while we acknowledge this, we remind them that equal attention has to be paid to other aspects of the criminal justice system to ensure that legislation dovetails, and we are not passing additional legislation and increasing fines and bottlenecking a system and therefore making it less able to be effective. So, we have law after law, it has been brought, but we do not hear in the parallel, the equivalent, significant, well-resourced and targeted programmes put in place to guide impressionable young people and women away from crime.

And I wish to make the point, and we are dealing here with legislation again to increase the fines, and I am saying, Madam Speaker, if you look at the 2020 budget, \$8 billion—and I want to make the point, that \$8 billion was allocated for police and prison services, and I am dealing with the police and prison services. But less than 2 per cent of the budget has been allocated for the development and redirection of at-risk youth programmes like MiLAT, MYPART, the scouting movement and the cadets who we had with us earlier today. So, it shows the skewed focus that we have in terms of 98 per cent of the budget being spent on the back end of crime, and 2 per cent being spent on reducing the pipeline of young people into the prisons. And our prisons are populated by and large by young males.

Madam Speaker, but let us get specifically—look at the legislation before us.

Section 8A states that:

- “(1) A prison officer who—
- (a) carries out any...business transaction with...a prisoner;
  - (b) accepts any present...from a prisoner; or
  - (e) has any dealing, whereby he obtains”—a—“benefit”—from—  
“a prisoner,”

—will be—

- “(2) ...liable—
- (a) on summary conviction to a fine of five hundred thousand dollars and imprisonment for fifteen years; or
  - (b) on conviction on indictment to a fine of seven hundred and fifty thousand dollars and...imprisonment for twenty years.”

We have 8C—and Madam Speaker, when you look at this new legislation it is based not on empirical data but on anecdotal evidence. We heard the Minister of National Security saying today that we know there are reports of a sting operation and a phone call, et cetera. What we would have preferred on this side, that this new offence should be based on actual precise data. We should not be relying on anecdotal evidence and hearsay statements. Further, there must be disciplinary mechanisms in place to deal with instances of accepting bribes. If a police officer or a prison officer accepts a bribe, there must be internal mechanisms, whether it be internal disciplinary procedures or whether it be in the case of a prison officer the Public Service Commission, or in the case of a police officer, the Police Service Commission.

So we would have expected today to hear that there are 20, 30, 40 disciplinary charges of bribery or accepting gifts in the prison services, and the legislation is premised on that and it is a precise, targeted attempt to deal with that

situation. Madam Speaker, we have passed the stage where the instance of tipping-off. We heard again that somebody tipped-off, and people tipped-off and what not, we are saying on this side that we have reached a stage of maturity that legislation must be based on empirical data. But, Madam Speaker, there are reasons, and I will give reasons why, even though we support this legislation, and we will support, I will give reasons why we think that it may not achieve the desired effect. Madam Speaker, the suite of legislation which those opposite have brought thus far has produced no convictions. And I remind the Government that arrests do not equate to convictions. We have seen—if somebody is presumed innocent until he is convicted then all the legislation that we have passed to date, the suite of legislation to which I have, have resulted in no convictions, and the Attorney General in his response today, or in his contribution, may wish to give us instances of convictions that are taking place.

Madam Speaker, and the second reason: While legislation may be good, you have to actually catch and convict persons for it to be effective, and I refer to a study that was conducted by the University of the West Indies, the Faculty of Law, and the Centre for Criminology, Faculty of Law, and it is entitled “A Rare and Arbitrary Fate: Conviction for Murder, the Mandatory Death Penalty and the Reality of Homicide in Trinidad and Tobago”, and it states, and I quote:

“It is a well-established axiom of penal policy, that penal sanctions can only be effective in deterring those who contemplate crime if they are applied with the high degree of certainty, and without too long a delay.”

And this research, which was one of the seminal studies in this area, states that:

“Certainty is a prerequisite, rather than severity.”

In other words, if we want to deter crime, the research, the empirical research is telling us that if we want to deter crime, there must be certainty of

conviction rather than severity of punishment. All I am saying is that this legislation, which we support, is premised on information that is not consistent with the data that is available from the University of the West Indies and elsewhere. The same study goes on to say:

“And delays of several years between crime and the punishment of an offender, as occurs in Trinidad and Tobago, blunts the perceived connection between the two, let alone producing problems of memory, loss of interest, and, it appears, possibility of suborning witnesses. Severity only occasionally inflicted will fail to have an impact on those who are willing to take risks.”

That is the research, Madam Speaker.

So we come today, and we have heard that we have increased the penalties because we want to send a message to criminals that if they do the crime they will face serious sanctions, that is inconsistent with the research. Madam Speaker, with the research through the crime detection rate is abysmally low, we note, or non-existent. According to TTPS statistics, a prison officer is intent on committing crime or a prisoner who is intent on getting a prison officer to commit a crime, to tempt him to commit a crime, he is not going to be so concerned with the severity of the crime, and I will talk about that a little later. According to the Trinidad and Tobago Police Service statistics, up to September 2019, burglaries and break-ins, 161 detected but 1,478 committed. So, we are dealing here with the question of the criminal having, in his view, the certainty of being caught rather than the severity of the crime. General larceny, 137 detected, not convicted, detected, but 1,255 reported. I am told by my friend, 10 per cent. Murders, 31 detected out of 405 reported. The problem in Trinidad is not laws, there are not sanctions, there are catching the criminals.

Madam Speaker, our time will be better spent if we deal with legislation and whatnot that deals precisely with making it is easier for the system, the judicial system, the criminal justice system to function effectively rather than us looking mostly at passing a punitive legislation. Madam Speaker, the same UWI research showed with respect to murders that nearly 70 per cent of those who were indicted for crimes outside of domestic and interpersonal disputes were not convicted. Madam Speaker, we are in crisis in Trinidad, and we will not solve the problems significantly by the exercise under which we are here today. The last bit of data I will give in this area, I am advised that even when persons are arrested and imprisoned for crimes, it is my understanding that the number of murder cases concluded annually bear not relation whatsoever to the 470-plus murders actually recorded—recorded annually. So we have murders and we have very few convictions, or determination of the cases. So, arrest alone and legislation alone with no convictions will not lead to the desired results. We need to ensure and continue to reiterate that the Judiciary needs to work on a timely basis, lengthy criminal trials, limited courts continue to be major problems plaguing the criminal justice system. There needs to be more courts available, et cetera.

Madam Speaker, there are numerous examples in Trinidad where cases are thrown out because of the fact that the evidence is not up to scratch, to use layman's terms, that would lead to a conviction or there are the delays in the system. Reported on TV6 Morning Edition show on July 25, 2019, one of the prison officers who was suspended after the 2015 prison break, broke his silence on what transpired. They are concerned for the prison officers? But the prison officer who was accused and suspended, he broke his silence. Prison Officer II, Lancelot Duntin said four years later no investigation and no enquiry has taken place and he is calling on his name to be cleared. Madam Speaker, you see the

problem? We have concern for the prison officers, but the system works in such a way to deny them justice on a timely basis. Officer Duntin still remains on suspension four years later.

Why, the question we ask? Why after four years has there been no investigation? Is the system incapable of coming up with timely adjudication of issues and challenges in the prison system? And if we pass more and more legislation would we not bottleneck the system more? So why is it that all three officers, and it is not only Officer Duntin, three officers still remain on suspension with no answers given because of the lack of investigations and enquiry updates? I read in today's *Newsday* an article by Sean Douglas, in which he states:

“The bill restates the little-known fact that any member of the public is under a legal duty to help a police officer in need. It increases the penalty “for refusal to assist the police officer who is, while in the execution of his duty, assaulted or resisted.”

And it says:

“...the penalty is increased to \$50,000 and three years' jail, up from \$10,000 and one year...”—in jail.

Madam Speaker, what does this mean to the layman? We could be fined and imprisoned if we refuse to help a police officer who is being assaulted or somebody is interfering with him in the performance of his duty. Madam Speaker, this needs explanation and it needs education of the citizenry. I am, as I say very strong, I like to fight, as I say I am a descendant of the Merikins, and we dealt in 1812 with the US empire, but I would think twice in these days, in these troubled times, to intervene, to assist a police officer and pain of recognizing that if I do not do so I could face imprisonment for one year and 50,000 and three years in jail. So, it needs explaining, because we would like to obey the law but at the same

time, self-preservation is the first law of nature.

Madam Speaker, reason three, why we think— even though we support the legislation, why it would not achieve its desired result. The Bill seeks to— and in this, I spoke to a lot of prison officers, and may I tell the Minister that our prison officers are hard-working and dedicated, but they feel that they are the stepchild of the Ministry of National Security. And, Madam Speaker, when you think of it, prison officers, there are about 20 of them killed in the past couple of years, more than in the other services, but yet they do not get the—they feel that they do not get the requisite attention, and they spoke to me. So some of the things that I will be talking about today comes from the bowels of prison officers. Madam Speaker, the Bill seeks to increase existing penalties—*[Crosstalk]*

**Madam Speaker:** Order! Order!

**Mr. R. Charles:** Little children. The Bill seeks to introduce existing penalties and introduce new provisions—*[Interruption]*

**Madam Speaker:** Member for Naparima, continue please.

**Mr. R. Charles:** I will continue. I would not do like people in—

**Madam Speaker:** Continue!

**Mr. R. Charles:** Yeah. The Bill seeks to increase existing penalties and introduce new provisions with respect to offences committed by and against law enforcement officers in the execution of their duties.

Under clause 3 of the Bill, the Prisons Act will be amended by increasing penalties and prison times in hopes that this will be a deterrent. We have a host of penalties, fines as high as \$750,000 and prison time as long as 20 years. While we understand the need for deterrence, and we on this side clearly understand that, these penalties may appear too draconian. We ask the question and prison officers ask the question, what will become of prison officers' wives and children if a

prison officer is found guilty and now must pay the sum? And it does not say “or” 750,000 “or” 20 years in prison, it says “and”. So, let us take the salary of a police officer or a prison officer, under \$10,000; let us assume he is married to a teacher; let us assume he committed the crime and he ought to pay, and he faces the maximum penalty. In the first place—so, he takes the 20 years prison. That is okay, he did wrong and he pays it. But where is the State going to recoup the \$750,000? Are they going to go for the house? And if they do that, the wives and children, how will they be affected? And all I am saying, if we love the prison officers, and if we want to care for their welfare, and if we want at the same time to punish them if they do the crime it must not, in the terms of the unintended consequences, redound to the children and the wife who was not a party to the crime.

Madam Speaker, with such high fines and a lengthy prison sentence, this may lead to bigger problems in future concerning the affected families of the police and prison officers. We are not saying get rid of the fines. You know they will jump up afterwards and say, “Charles say get rid of the fines, geh dem nutten, let dem walk free.” I am not saying that. I am saying that we should not get rid of the fines and imprisonment, but rather think about the holistic impact on the people who you want to say that you care about. And the other question arises, Madam Speaker, what is the justification for a 750,000 fine as in the case of a prison officer who breaches section 8B? Why not 2 million? Why not 300,000 or 1 million? What is the empirical data showing the differential deterrent effect of each figure quoted? And please do not say this figure has to be aligned with other penalties in other legislation which you have brought to Parliament, because the basis for the penalties may not have made sense in the legislation which you are using to align these penalties with.

What we need on this side, is somebody to tell us that we have done our studies, we have found that for this kind of offence the fine of 300,000 or 750,000, or 1 million, or 6 million is adequate deterrent for the crime that we are looking at. We understand more punishment is needed. We must also see about the welfare of prison officers. Madam Speaker, on August 19, 2019, *Newsday*, a prison officer's home was shot in Pleasantville. Prison Officer Okang Harris, 43, was not at home. At around 1.00 a.m. he was shot at whilst his daughter Makita was asleep when she was awakened by sounds of gunshot. This is the reality they face. Will this law return a sense of security to poor prison officers and their families, and allow them to feel safer outside of their jobs in their homes?

**3.30 p.m.**

Of necessity we might ask, where is the balance between concern for the welfare of police and prison officers on the one hand, as opposed to the need to deal frontally with rogue police officers and rogue prison officers? We have many cases in the past where prison officers have been brutally murdered from hits called from inside the prison walls, where prisoners have access to prohibited articles like cell phones. In the last 28 years, 22 prison officers have been murdered. So we welcome this legislation which says that if you bring in cell phones and prohibited weapons, that you will be fined.

But there are questions that the prison officers are concerned about and they have expressed this to me. They say in—the *Trinidad Guardian* reported on August 19<sup>th</sup> this year—that is a couple weeks ago—that in the last two decades some 19 prison officers have been murdered from hits called in from behind the walls. Many of the killings were reprisals from inmates who use their fellow gang members outside to conduct the attacks. Many of the slain prison guards had no connection with the inmates' grievances but their killings were used to send a

warning to prison guards that they could be harmed for merely enforcing prison rules, such as restrictions on cigarettes, cell phones and narcotics.

How will increasing fines stop hardened criminals from revenge killings against prison officers? If somebody is in prison—because most of the attacks they get is from prisoners. You have someone in a prison for 20 years or for life in prison, and you are saying putting it at \$750,000 and 20 more years, that is going to have a deterrent effect? And we are saying maybe consideration needs to be given to the state of penalties that have been put in place.

Madam Speaker, clause 3 of the Bill, by repealing section 2 of the Prisons Act and substituting the following—and it says:

“A person who—

- (a) assaults, threatens, obstructs or resists; or
- (b) aids or incites any other person to assault, threaten, obstruct or resist,

a prison officer in the execution of his duty, or any person aiding or assisting a prison officer in the execution of his duty, with intent to impede, intimidate...”—et cetera.

“(4) A person who commits an offence under this section is liable—

- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or
- (b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.”

In terms of the person being referred in the clause, does this apply to prisoners as well? If so—and I ask the question: Can a fine of \$250,000 and a prison term of 10 years be considered as sufficient deterrent to a prisoner who is already convicted for 20 years and facing life imprisonment?

Clause 3(c):

“by repealing section 8”—of the Prisons Act—“and substituting the following...:

8(1) Subject to subsection (2), a person who—

- (a) brings, throws, conveys or causes a prohibited article to be supplied to a prisoner...
- (b) brings, throws or conveys a prohibited article from a prison”—  
et cetera.

And it goes on:

“(d) causes another person to bring, throw or convey a prohibited article into or out of a prison”

—commits an offence, again \$250,000 and \$500,000.

But “prohibited article” includes—the prison officers are asking—it includes, they say, dangerous—I think the Minister enumerated them: dangerous drugs, explosives. No problem with that:

“...firearms, ammunition, artillery, weapons, mobile telephones, cameras, sound recording devices...”

But it also includes:

“...tobacco, money, clothing, food, drink, letters...books.”

And while we understand the seriousness of trafficking in contraband goods, does this take into account prison officers’ belongings within the dormitory which is located within the prison? In other words, they are asking for the letter of the law to protect them. I understand in six of the eight prisons there is a dormitory behind the gates. If you are in the dormitory, you walk in with your clothes; you walk in with—if you smoke you walk in with money; you walk in with clothing. You may walk in with food, particularly if you are on special medical diet. So all they are

asking is that where there are dormitories it must not be an internal regulation because they want to operate on the letter of the law. They say the law must exempt the dormitories from the actual prison, so that it must not be subjective and left to the goodwill of the Commissioner of Prisons or whoever. So we are saying, or they are asking—and I am saying we are supporting the legislation—but they are asking to do away with the ambiguity. The dormitories must be sufficiently secluded from the actual prison cells so that there are no uncertainties if a prisoner walks through the gate, goes into the dormitory with all the tobacco, money, clothing, food, et cetera.

Madam Speaker, combating the prevalence of prohibited articles within prisons is an ongoing struggle. There are reports of increase in alleged hits being called from the prisons, and we have examples of that. The prison officers are asking where is the—they note in the *Express*, January 24<sup>th</sup> this year, the Commissioner of Prisons, Gerald Wilson said last week seven bags containing cell phones and other items were thrown over the fence at Golden Grove Prison and collected by inmates working in the garden. And they are just saying, it would help them if there are CCTV cameras in the cells. We look on TV in an American—Prison MSNBC—and there is one officer and he could monitor everything that is going on in the prison from one place and then call for backup to deal with a fight in cell B, or somebody filming or taking drugs in another cell. The prison officers are saying that they do not have—

**Madam Speaker:** Member for Naparima, your original speaking time is now spent. You are entitled to 15 more minutes to wind up your contribution.

**Mr. R. Charles:** I will take it. Madam Speaker, all we are saying is there is need for balance in the administration of justice for the police and prison officers. If they are increasing the penalties, they should also facilitate the detection of prohibited

items within the prison. Make their life easier. And this speaks to detection. Because if you cannot, you could pass all the legislation in the world, we will have a 2 per cent detection rate and a 1 per cent conviction rate. There should be an operational CCTV system within the prison to monitor the use of contraband items. Over the years, numerous videos have emerged and the prison officers are saying they cannot monitor all the prisoners by walking around because their systems, when you turn the corner, they call their friend, and things happen. We need to have the CCTV system.

Madam Speaker, there are reports of poor lighting in prison cells. *Trinidad Guardian*, June 22, 2019, Prison Officer I, Christopher Cozier said that there is:

“...‘a lack of priority where dynamic security is concerned’...”

—at the Golden Grove Remand Yard Prison.

“He raised issues of lack of patrols, static security, poor lighting and unmanned security towers.”

**Mr. Lee:** They will get LED bulbs just now.

**Mr. R. Charles:** I suspect that they will be getting LED bulbs shortly, Madam Speaker, and that may assist our Prison Officer Cozier in his concerns. Madam Speaker, right now, we are doing this to protect the prison officers, but do you know that the majority of senior prison officers are in acting appointments right now—only the Commissioner of Police and the two Deputy Commissioners of Police? And we are saying that “this legislation good” and we support it but we are saying more needs to be done, Madam Speaker. [*Desk thumping*] More needs to be done.

Madam Speaker, I spoke about the prison officers feeling that they are second class citizens. And no offence, we must help the police officers to do their job. Yes, yes, yes. But a good mother cannot discriminate among her children. All

should be treated equally, Madam Speaker. The prison fleet of vehicles is in tatters. The *Trinidad Guardian*—this is not Rodney Charles speaking—

**Madam Speaker:** Yes. But, you know, while I do not want to get in the arena, I still have to ensure you comply with relevance, and I have understood what you are trying to say about the legislation not being all to protect them, but, you know, going outside into the administrative aspects, in my view, is not relevant to the Bill before us. So I will ask you, Member for Naparima, to come back on track.

**Mr. R. Charles:** Madam Speaker, the point I was making was that there must be a little balance on both sides and you cannot be coming here and punishing and what not, but at the same time not equally paying attention to the concerns of the prisons. Because we are all here—this legislation purports to reduce crime, and if we are to reduce crime, we must have satisfied protection officers in the protective services.

**Madam Speaker:** Yes, but the point I am making—

**Mr. R. Charles:** I will be closing shortly.

**Madam Speaker:** Yes, please. The point I was making is not to reduce crime generally, it is within a particular kind of context. Okay? So as I said, I understood before what you are showing that legislation is not all. Okay? And your point about detection, and so on, but going into the things about the cars and so on, I am not going to allow. Okay? So continue.

**Mr. R. Charles:** Okay. Thank you. I am closing, Madam Speaker, and I am closing by—because my central point is, we support the Bill. There is no need for me to go in clause by clause to say we support this comma and this full-stop. We have to say we support, but we have concerns, and these are our concerns. That is what we are elected to do.

Madam Speaker, I close by saying on April 06, 2016, hon. Attorney General

presented a report on the Prison Service Reform and this is in the context—these clauses are in the context of prison service reform. He listed a number of initiatives: better operationalization of the prisons; improved prison conditions through prisoner allocation and backlog management; capacities of the Judiciary—and he went on. I would not go there. Operationalization of existing law, such as the system of electronic monitoring; reduction in delays to determine criminal matters, three-and-a-half years later none of these items have been adequately addressed. So we come here today to pass another law to increase fines. And it is clear that the Government's approach is to pass law and hope that the real issues are forgotten. PNM is a Government that talks. They talk and they talk and they pass legislation but nothing happens. So they produce no concrete measurable results.

I wish to reiterate, Madam Speaker, in closing, that we support the Bill, notwithstanding some of our concerns which I have outlined in this debate, and I close with a quote used by a learned legal luminary of high “dispute”.

**Hon. Member:** High dispute?

**Mr. R. Charles:** Justice delayed—I quote, Madam Speaker:

Justice delayed is justice denied. But justice delayed is very expensive in every sense of the word.

The words of the hon. Attorney General during the prison reform public consultation forum dated April 06, 2016. Madam Speaker, I thank you. [*Desk thumping*]

**The Attorney General (Hon. Faris Al-Rawi):** Madam Speaker, I rise to support the legislation before us and I specifically rise to address the most astounding contribution from the Member for Naparima. He always runs out of the Chamber the minute I stand up because he cannot take the licks and I could promise him he

is about to be intellectually flogged—

**Hon. Members:** Whooooo!

**Hon. F. Al-Rawi:**—for the contribution that he just gave. And let us start off immediately. The hon. Member ends by saying that the PNM passes legislation and nothing happens. His contribution goes on in a rambling sort of way to say that we must attend to the criminal justice system. Do not do legislation such as this. The Member goes on to say that—and this is the one that I want to start off on. He said a good mother should not discriminate against her children. That is what the hon. Member said. The hon. Member said that in finding proportionality we must listen to the Prison Officers Association, and that he, as a representative of the UNC, has met with the Prison Officers Association to treat with their concerns, so concerned was the hon. Member with the Prison Officers Association, or even members who are just simply police officers/prisons officers, et cetera.

Madam Speaker, let me deal with the facts. First of all, the Bill before us originated in a specialist committee which the then Minister of National Security, Minister Dillon, and I, sat down and created specifically to address the concerns of the Prison Officers Association. We started this work as a matter of fact, as the record will demonstrate, in 2017. We did that because we went into the prison system, we engaged in a litmus test as to the reform that was necessary there and we introduced to this country the statistics and empirical evidence for the first time, put in the way that we did. Never before had the country been told what the state of remand looked like in terms of numbers, years on remand, category of offences and more particularly, what the cost to the taxpayers looked like. And when we invited the Prison Officers Association to come to talk to us, to say, “Listen, we have discovered records which demonstrate that you have been effectively ignored for years. Come and sit on the table of the office of the

Attorney General and let us draft policy, prescription, and law together”, they said to me, they said to Minister Dillon, they said to Minister Hinds who was then present, that we should have a careful regard for the fact that this is the first time this was happening.

So let us deal with a mother, as the hon. Member said a little while ago—Naparima said—that a good mother should not discriminate against her children. I read from Prison Officers Association of Trinidad and Tobago, letter dated August 23, 2010, to the hon. Kamla Persad-Bissessar, Prime Minister, and head of Security Council of the Republic of Trinidad and Tobago:

Request for an urgent meeting. Matters in need of urgent attention with the prisons. The Commissioner...

And the matters included in the letter: The Commissioner of Prisons’ failure to implement a walk-through and baggage scanners; failure to implement use of camera systems throughout the prison system to monitor; minimize security breaches. The Commissioner of Prisons failure to effectively implement and maintain use of cell phone frequency jammers; failure to have regular searches conducted to rid the environment of—et cetera—difficult positions.

It went on to say: Failure to reconfigure the entrance to the prisons to allow for control of vehicles, et cetera; failure to ensure safe, secure and appropriate conditions; failure to allow approach for issuing service firearms; casual handling of murder of prisons officers.

Let me then go on. In another letter to Mrs. Kamla-Persad Bissessar, sometimes labelled as the mother of the nation by members of the UNC—letter dated August 23, 2010. There is another letter, June 05, 2013. Madam Speaker, what the letters demonstrate is a simple truth. Notwithstanding all the bravado and

boldfacedness of the Member for Naparima today to say that you must proverbially, as the Government acting through the Minister of National Security, have regard for the concerns of the Prison Officers Association, the record shows that Mrs. Kamla Persad-Bissessar, the Member for Siparia, received umpteen communications from the Prison Officers Association on issues which the Member for Naparima stands today to say we should do. And what was the response? Absolutely nothing.

So today we hear the Member for Naparima say, “You must act with propriety. You must ensure that these things are done.” He says he has deep concerns about the efficacy of the legislation. And what the Member failed to tell us is that whilst in government the UNC took absolute pride in doing absolutely nothing. [*Desk thumping*] What can we say today, Madam Speaker? We can say today the mischief that this Bill attempts to treat with is quite simple. A prison must be a prison. A prison in today’s world, a prison in Trinidad and Tobago, is a place where criminal empires flourish. Why? Madam Speaker, in Trinidad and Tobago we had the expression in reference to prisons officers. Many years ago our local colloquial reference to a prison officer was what? A “tunkey”. A “turnkey”. The prisons officers’ job was quite simple: go to work, turn the key to let somebody in or out of a prison cell. They were not treated with great respect. It was viewed to be a fairly secure environment. There was the risk, of course, to prisoner uprising, et cetera, but there was no real regard paid to the men in khaki uniforms who served as prisons officers.

Today, on the other hand, those men and women, noble men and women of the Prison Officers Association, can speak to the fact that, certainly in the period 2010 to 2014, we witnessed something in the prison system. Madam Speaker, there have been—and I will take you from the period 2009 to 2015, and I will tell you

what the Member for Siparia and the Member for Naparima sat on whilst doing nothing—14 murders, 14 assaults, 81 death threats to prisons officers, no grabbers and jammers in operation, no new prisons built. We did a fence for \$80 million. We spent \$80 million to conduct a fence exercise around the prisons. But the Members say to us today, “We will support the legislation but it cannot work.” They say it cannot work because we are not listening to the Prison Officers Association. The Prison Officers Association are on record three times in writing, umpteen agitation attempts, 14 murders, 14 assaults, 81 death threats, criminal empires growing. But let us deal with the major one.

Madam Speaker, then Minister of National Security, Gary Griffith, sat where the Member for Arouca/Maloney’s seat is today, at position number 19, sitting in the Senate in those days. I know because I sat opposite him at number six position where the Member for Caroni Central is in the Senate.

**Mr. Deyalsingh:** I was sixth.

**Hon. F. Al-Rawi:** And I was at five. Minister Deyalsingh was at six. Madam Speaker, I can tell you what Minister Griffith, as National Security, encountered. He encountered the following expression: “Long live LifeSport”. And “Long live LifeSport” evidenced the UNC’s refrain when a Motion to condemn the LifeSport Programme was brought to treat with the prisons situation; to treat with criminality; to treaty with corruption; to treat with murder; to treat with tipping-off, all of the things that we put into this legislation today, the answer coming from the UNC was: “Long live LifeSport”. We know that “Long live LifeSport” is truly the refrain of the UNC, because we see the personification of LifeSport now returned to work the corridor to bring the UNC back into glory. [*Desk thumping*]

So let us treat with this right now. We know that this Bill proposes a very significant reform. Madam Speaker, there are seven clauses in the legislation. The

seven clauses, contrary to the submissions made by the Member for Naparima, are not to tweak a fine. They are not to raise the penalties. The hon. Member, clearly, does not appreciate or know the difference between a new offence and an increase in fine. Madam Speaker, it is savagery to intellect to listen to the Member for Naparima refer to the new offences of tipping-off, the new offences of retaliatory action and call them a tweak in raising fines. That is obscene to anyone who pays attention to the difference between a new offence which these provisions introduce, as opposed to a tweaking of fines.

The hon. Member asked for an explanation on section 60 of the Prisons Act—sorry, the Police Act—and says that the population needs to know why it is that they are going to be exposed to actually having an offence happen if they do not aid the police in enforcement. Madam Speaker, that has been the law since that law was put into effect. That is not new law, Madam Speaker, as the Member for Naparima ought to know had he bothered to consider the origin of the amendment. No, Madam Speaker.

Madam Speaker, the architectural overlay of introducing tipping-off and of introducing retaliatory action to protect not only law enforcement officers, but their family members, it is the first time that we are doing that. [*Desk thumping*] Had the Member for Siparia been here, we may have heard a response to how tipping-off should be managed. The Member is regrettably not here. Learned Senior Counsel, the Member for Siparia, obviously cannot assist us on what a defence to tipping-off looks like, because the hon. Member surely well knows what it looks like in her interactions with the law.

Madam Speaker, it is for that reason that we propose the amendments to the Prisons Act, the Police Service Act, the Immigration Act, the Fire Services Act and the Customs Act, and we introduce specifically a harmonization from the Proceeds

of Crime Act, section 51, where the offence of tipping-off is located. And in terms of retaliatory action and protecting the members of families of law enforcement officers, we are equating section 15 of the Anti-Gang Act and section 8 of the Anti-Gang Act when we deal with section 15 of the Anti-Gang Act, treating with tipping-off, and section 8 of the Anti-Gang Act, Act. No. 1 of 2018, introducing the retaliatory offence for prisons officers, police officers, fire officers, immigration officers, customs officers and their family members in an extended sense. Madam Speaker, the Member for Naparima went further in his contribution. And the Member said, boldfacedly and incorrectly, that we were going to create absolutely nothing of worth because we have not been focusing on the criminal justice system. Madam Speaker, where was the Member for Naparima for the last four years?

**Mr. Imbert:** In a bowel. [*Laughter*]

**Hon. Member:** In a bowel?

**Hon. F. Al-Rawi:** Madam Speaker, the hon. Member for Naparima says that he is in the bowels, and in the course of his movement on this Parliament floor this evening, Madam Speaker, the hon. Member made the submission that we were not paying attention to the criminal justice system. So let me put it on the record, because the hon. Member went further to say nothing has happened. Madam Speaker, let us deal with the allegation that nothing has happened as we deal firstly with what the criminal justice system is.

Madam Speaker, this law is being put to the Parliament now because this Government, in its getting it done, philosophy says, you cannot have successful outcome of laws unless you have plant and machinery, people, processes, and law. You must have all four. In dealing with the plant and machinery, Madam Speaker, people and processes, it is a matter of record that we have caused a quickening by

creating the Family and Children Division, the Criminal Division, the Civil Division now standing on its own. We are coming with the Probate Division and the Small Claims Division. The hon. Member obviously was absent in action when the hon. Prime Minister said to the country that this Tower D where this Parliament is located, will be the home of the civil courts effectively yielding 60 new courts by the end of our term to have criminal matters dealt with. This Member was absent when we passed the Motor Vehicles and Road Traffic Act amendments to cause the conversion of offences to violations, allowing us to move 104,000 cases per year from the 146,000 cases per year, out of the criminal justice system. This Member, Naparima, clearly was absent in action when we passed the amendments to abolish the preliminary inquiries legislation which will remove 26,000 cases per year from the magisterial system, leaving roughly 30,000 cases for 43 magistrates to deal with, as opposed to 146,000 cases for 43 magistrates to deal with.

The Member for Naparima was clearly absent, sleeping, or in the middle of a movement when the hon. Member failed to recognize that we have had 400 maximum sentence indications where we have had a quickening of matters before the court. The Member was again missing in action when five judge-only trials came to completion for murder, for money-laundering, for offences under the Proceeds of Crime Act—absent in action. The Member was clearly absent when gang members were brought for prosecution before our courts. The Member was clearly absent when the implementation of the bail amendments recently passed have caused the denial of bail for persons who are facing serious charges in the court. So, Madam Speaker, in dealing with the processes of the court, we take absolutely no advice from the Member for Naparima [*Desk thumping*] because the Member for Naparima is clearly on a frolic of fantasy in the middle of a movement

whilst he sits in the position of offering recommendations.

Madam Speaker, let us get on to the Member now saying that the Government can have the benefit of the Opposition support. Madam Speaker, the first draft of legislation that we prepared at the AG's office involved a three-fifths majority concern.

**4.00 p.m.**

We promptly removed that three-fifths majority issue because we were confident that Naparima would lead the charge on saying no to legislation. We sat down with the Prison Officers Association over the period of two full years. We dealt with circulated draft legislation across the police service, fire officers, prison officers obviously, immigration officers, customs officers, and we sought to harmonize improvements into the law that would redound to the benefit. What does the Bill do? The Bill does two things. The Bill, firstly, heavily criminalizes action against law enforcement officers. The Bill in allowing that heavy criminalization against law enforcement officers in the five categories that they stand including immigration, allows their family members to be protected. On the other hand, the Bill also heavily penalizes offences committed by law enforcement officers, and why is that the case, Madam Speaker?

Going back to the concept of the proportionate need for law to sit in balance, ensuring that there is a dissuasion against law enforcement officers who enjoy the privilege and fiduciary position that they have of having certain powers, we had to criminalize action, but clearly, Naparima does not listen to Commissioner Griffith. Commissioner Griffith and the Minister of National Security have both publicly stated the improvements to surveillance, the improvements to law enforcement intelligence, and, Commissioner Griffith, up to yesterday, indicated the introduction of specialist law enforcement attorneys to be brought into the Trinidad

and Tobago Police Service. Naparima obviously was asleep when we dealt with the amendments to the SSA legislation in 2015, and by that legislation brought in intelligence services. But I can tell you, Madam Speaker, this Bill is intended to be met with a very important Bill that we will bring to Parliament shortly and, that is, a Bill to cause amendments to the Interception of Communications Act, and that effectively, Madam Speaker, is to allow for securing of traffic data—that is triangulation of positions—that is to allow for non-warranted interception of communication coming out of or into prisons, because there is no reason whatsoever that a prisoner in a prison ought to have communications. A prison must be a prison.

And, Madam Speaker, when we propose the amendments here in section 8 of the Prisons Act by defining all of the prisons under which the prohibitions must operate, we will, at committee stage, propose the inclusion of child rehabilitation centres because those are now a feature of our prison system as it relates to children. But when we deal with the insertion of new section 8A and section 8D in clause 3 of the Bill, we are treating with using a definition coming from the Cybercrime Bill, 2018 and 2017, to capture electronic devices all in nature. We have a lacuna in our law. Interception of communication is technically, and under this law, in need of support, because it is only on a communications network, a telecommunications network. It does include, and prior to these amendments that we propose now, communication devices beyond a communications network. In other words then, device to device. This law in defining what prohibited devices are includes the ability to use devices which are ahead of the curve. Prisoners today, Madam Speaker, do not communicate only via telephones. They use hotspots, and they use devices.

Madam Speaker, it is a matter of record that in 2016, I, in fact, came to this

Parliament, and in April 2016 I informed the country that as a result of a raid conducted at the prisons, at which the Member for Point Fortin and I were in attendance at a safe distance and without interference in law enforcement having received a telephone call, I myself having received a telephone call from a prisoner on death row, as a result of searches conducted that day, devices were found including a flat screen TV, ammunition, drugs, telephone devices, marijuana, cocaine, other forms of ammunition and offensive weapons, and those things did not arrive there by themselves. So, Madam Speaker, the cross-cutting provision for trafficking; the cross-cutting provision for tipping-off; the cross-cutting provision for offences in assault across the Prisons Act, the Customs Act, the Immigration Act, the Police Service Act, and the Fire Service Act, they are meant to harmonize the position for all law enforcement officers.

Madam Speaker, with that particular structure in mind, we heard the Member for Naparima make a few other observations. The Member went on to reflect upon certain pieces of law which, I agree with him, are driven in reflected terms by this proposal for amendment. He referenced the Anti-Gang Act, the Mutual Assistance in Criminal Matters Act, the Proceeds of Crime Act, the FIU, Customs and Exchange, Anti-Terrorism Act, Bail amendments and Cybercrime. I would like to put on the record, except for the 2011 Anti-Gang Act, all of these pieces of law originated from a PNM Government [*Desk thumping*] and all of these pieces of law have been amended by this Government.

Madam Speaker, the Member then went on to make a boldface statement to say that the law enforcement money allocation to Ministry of National Security under this Government has been roughly about \$8 million per year, and failed to realize that the last Government spent over \$50 billion on the same point. He sought to draw a distinction between the movement away from crime and

criminality by making reference to things like the cadets, and the scouts, et cetera, and then he sought to give a comparative ratio to say that the expenditure on law enforcement was disproportionate to the dissuasion.

Madam Speaker, what I would like to say is that under the operationalized systems that we have put into law, we in getting it done, have opened two children's courts with eight courts between them; [*Desk thumping*] we, Madam Speaker, in getting it done have had over 400 MSI matters completed; [*Desk thumping*] we in getting it done have increased the judicial complement in legislation by 76 per cent; [*Desk thumping*] we, Madam Speaker, have taken the complement of Masters up from two to case manage criminal matters up to 15. [*Desk thumping*] We got it done. They did not even dare to legislate it.

Madam Speaker, we operationalized in getting it done, the child rehabilitation centres. What they did is to pass a law, proclaim it, and have no child rehabilitation centres. Let me make this one clear. Anand Ramlogan, then Attorney General for the UNC, saw the law for the creation of child rehabilitation centres; the Cabinet of the UNC proclaimed the law and then we were sued by Anand Ramlogan for not having child rehabilitation centres when the law was proclaimed. In other words then, left office and then went to sue for something that he should not have proclaimed. But, Madam Speaker, it is worse than that and I will tell why the amendment to section 8 in clause 3 of the law to include child rehabilitation centres is critical. Nobody in this country is reflecting upon the fact that there is an escapee from the child rehabilitation centre, otherwise call YTC, running in Trinidad and Tobago right now who is the client of Gerald Ramdeen and Anand Ramlogan in their very applications to sue for failure to have child rehabilitation centres.

We had to spend taxpaying dollars to the tune of millions of dollars to hear

Mr. Ramlogan and Mr. Ramdeen say, “This particular child was not at risk of escape.” But nobody pays attention to that. So number one, proclaim the law and do not have it; number two, sue for not having it; number three, takes millions of dollars to spare; and then in fact the child escapes. This is classic UNC behaviour. Anything goes. Anything goes Naparima style.

Madam Speaker, the fact is the child escaped by way of assistance, and this Bill proposes in clause 3 in treating with prison officers to criminalize the action of prison officers involved in that. Madam Speaker, I am very pleased, and very warmed, to say that the Prison Officers Association, under Mr. Ceron Richards in particular, and the members of his association, those men have been fighting for reform, a lot of which is found in these Bills. I would like to compliment the past Minister of National Security, the Minister then Member for Point Fortin [*Desk thumping*] and the current Minister of National Security, for the first time with the coordination of the Commissioner of Police in granting firearms to prison officers. Something that they had cried for, for years, contained in the three letters to Mrs. Persad-Bissessar, it was this Government that got it done. [*Desk thumping*]

Madam Speaker, the questions that are raised by Naparima saying prison officers somehow have questions right now about the dormitories and their inclusion. Madam Speaker, the law is intended to capture the prisons as they are declared in law, and is intended to do that because the empirical evidence demonstrates that with the finding of contraband, marijuana for the purposes of trafficking, et cetera, they were found in the dormitory section of the prison officers’ accommodation. And we are confident that whilst there is a move to build dormitories away from the prisons so that we can eventually separate out the officers from the prisoners, at present out of necessity they must be rolled up in treatment.

Madam Speaker, I would like to say that under the offender management legislation in England, prison officers are not even allowed to take their phones into a prison. There is no cell phone walking into a prison from a prison officer in the United Kingdom. Those are left outside the prison and you are confined to landline utilization with all calls being monitored.

**Madam Speaker:** Attorney General, your original time is now spent. You are entitled to 15 more minutes to wind up if you wish.

**Hon. F. Al-Rawi:** Yes please, Madam Speaker.

**Madam Speaker:** Continue.

**Hon. F. Al-Rawi:** Madam Speaker, there are a few clauses that I would just like to treat with apart from the concept of prisoners because this is much more. I have already put out the cross application of tipping-off, retaliation against family members, et cetera. Across the five categories that we treat, customs, immigration, police, prisons, et cetera, fire, we have dealt with that. We have dealt with the increase in penalties, but as a cross-cutting reference to all five sections, Naparima obviously could not catch this point. I do not mean to be pejorative on this—he is not an attorney-at-law—but the point is that we have converted some of these offences from summary alone instead to now to either-way, and we created either-way offences because you can have a faster management of offences in the Summary Court, in the Magistrates' Court. And, Madam Speaker, I would like to say by way of evidence of the implementation of amendments that we made to the Proceeds of Crime Act, it was the movement to either-way offences that we actually have convictions for money laundering.

Madam Speaker, those convictions are evidence empirically, they have been reported to our international agencies, the Financial Investigation Branch has treated with that, so I do not know where Naparima says that there is no evidence

of law working. If I were to demonstrate any truth in what Naparima says, I think the only thing that he said that made sense was that it is certainty of conviction as opposed to extent of offence exposure that is useful. And that is why, Madam Speaker, we, in getting it done, sought to catalyse the criminal justice system, not only by the creation of divisions of court, but also by the merger of jurisdictions of court. In merging the Summary Court, the Magistrates' Court with the High Court, we have now caused a quickening of justice. The abolition of preliminary enquiries, quickening of justice.

Madam Speaker, very importantly, the introduction of Criminal Procedure Rules, it is our Government that got it done in 2016 in laying Criminal Procedure Rules. It is our Government that got it done in birthing a public defender system. That building is being built out right now on Stanmore Avenue. We are aiming at January to have that opening so that defence counsel are available to treat with it.

Madam Speaker, when we treat with the Criminal Law Act, it is very important when we are looking at clause 2. When we are amending section 6 of the Criminal Proceedings Act, I would like to simply put that section 6 of the Criminal Proceedings Act is where you make a false report or you are wasting police time. I have not taken a jab at Oropouche East for a while, but I would just like to say that it is interesting that when we have—and yes—false reports being made and the police coming out to clear the hon. Prime Minister as they have, it might fall into this category. So I will tell my learned friend be a little bit careful. This law is not designed to be ad hominem, it is not the Oropouche East clause. It is intended to make sure people do not waste the time of the police. [*Desk thumping*] And in wasting the time of the police, I would just like to say I am very warmed that the Financial Investigation Branch of the police, in an independent investigation, cleared the nonsensical allegations of our Prime Minister supposedly

having some foreign bank account in Miami. [*Desk thumping*]

Madam Speaker, let us just remind that Trinidad and Tobago is fighting a serious scourge. The certainty of conviction is to be drawn from more resources. You need more courts; you need more judges; you need rules of court; you need to merge jurisdictions; you need to remove bottlenecks like road traffic offences, like preliminary enquiries; you need to have defence counsel available; you need to have other aids to enforcement such as having, if you cannot catch hard crimes, go after the money; and all of these matters have been done by this Government.

Madam Speaker, one example—because Naparima asked for it—of getting it done, usually a tax amnesty will yield over a two-to-four month period approximately \$400 million in revenue. The tax amnesty which was recently concluded in two and a half months netted \$2.4 billion. [*Desk thumping*] One point three billion of those dollars came from the oil and gas sector, and the rest of it was largely warmed by the fact that we introduced into law the unexplained wealth order laws and the civil asset forfeiture laws, and I genuinely believe that those follow-the-money laws are the trick to transforming our society. Unexplained wealth orders apply in the context of this Bill because if we have prison officers, police officers, customs, fire, immigration, in the course of their duty found in circumstances where they have not return state property, or are the subject of bribery allegations, these laws can work in tandem with the unexplained wealth laws.

Madam Speaker, you have to have a law. You need to operationalize to law at the same time. What was missing in the UNC's management of our process is the application of a sensible rule, plant and machinery, people, processes, and then law. I think that the hon. Minister of National Security did yeoman service in taking us through the provisions of the law itself. Even though the Office of the

Attorney General had the pleasure of drafting this law, it is national security that implements it, and that is why the hon. Minister ought to have the right of implementation and passage of this law. I am very pleased, as a member of a Government that works in tandem with each other, to be part of teamwork. A lot of getting it done requires teamwork, and in the continuum of exercise, Member for Point Fortin, Member for Port of Spain North/St. Ann's West, Member for Laventille West, I as the Member for San Fernando West, Member for Tobago East in her discharge of the children's regime which in part includes the management of child offenders, I am very pleased that we have the ability to bring positive law for the peace, order, and good governance of our society.

I add to that, Madam Speaker, the work which the Minister of Sport and Youth Affairs is managing, as well as the work which education and social development are doing because they are driving together with national security the other work products. But it was the Member for San Fernando East—and I would like to pay him public tribute today—who observed the need for the amendments to section 60 of the Police Service Act and, that is, where you call for civil aid in law enforcement. It was San Fernando East in our legislative reform committees that pointed out what the United Kingdom had done when there would be a garrison sort of behaviour and the need for the police to be able to push back by calling aid to enforcement.

If you have not noticed, Madam Speaker, there is a tendency particularly in WhatsApp communications of videos to show a sort of a garrison approach of communities when law enforcement turns up, and San Fernando East in his contribution allowed us, at the Attorney General's Office, to find proper location for a cross-cutting measure across the five laws that we seek to amend. So I thank the hon. Member for his contribution in that regard. [*Desk thumping*]

Madam Speaker, I think that I have covered the response to the Member for Naparima. As nonsensical intellectually as that contribution was, there being evidence that they sat and did nothing for a full five years and three months, and I also believe that it is with the support of the law enforcement officers themselves that this law stands as proportionate. I thank you. [*Desk thumping*]

**Madam Speaker:** Member for Couva South.

**Mr. Rudranath Indarsingh** (*Couva South*): Thank you very much, Madam Speaker, as I join this debate at this juncture, and having listened to the Attorney General you would have felt that you need to sing “Oh, how great thou Art” [*Desk thumping and laughter*] because the Attorney General attempted to paint a picture that they are the saviours as it relates to the Prison Officers Association and the law enforcement officers in Trinidad and Tobago.

This is a very important debate because on both sides, and especially on the part of the Opposition, we understand our duties and responsibilities to the law enforcement officers in Trinidad and Tobago [*Desk thumping*] and this is why my colleague, the Member for Naparima, during his contribution, said that he had dialogue with the Prison Officers Association. That is the responsibility of the Opposition under any democratic framework [*Desk thumping*] and we have stated in his response to the Minister of National Security that we will support the Bill. We want to see the Bill work. We want to see its successes. At no point in time did my colleague say that he wants this Bill to fail. [*Desk thumping*]

We have that responsibility as an Opposition to point out issues that come to the fore as it relates to the operationalization [*Desk thumping*] of any piece of legislation that is brought to the Parliament of Trinidad and Tobago, and when we speak we speak because we feel that there is a government that might listen to the concerns of the Opposition, which is voicing the concerns of stakeholders in

Trinidad and Tobago. [*Desk thumping*] But you know stick break in their ears so they will not listen because they have been a very arrogant, contemptuous, and disdainful Government in the last four years. [*Desk thumping*] So that is why anything that comes from stakeholders, and in particular the Opposition in discharging our responsibility to Trinidad and Tobago, they feel it has a political slant to it.

There is no political slant when you listen to the Prison Officers Association and, more importantly, I want to because—you know the Attorney General in attempting to be the saviour for the Prison Officers Association attempted to paint a picture that nothing was done under the Partnership government to attempt to listen to the concerns of the Prison Officers Association, and I want to just highlight some of the work that was done in responding to the Attorney General. I do not want to get into intellectually flogging the Attorney General, [*Laughter*] but I will put the issues to him and I hope that after I put the issues to him he will understand his role and function. [*Desk thumping*]

And, Madam Speaker, under the watch of Prime Minister Kamla Persad-Bissessar, my colleague, the Member for St. Augustine, served as the Minister of Justice in one of his incarnation at the Cabinet level, and I want the Attorney General to tell me today if I am not speaking the truth. Because the head of the Prison Officers Association, who was Ceron Richards at the time and still is Ceron Richards, was appointed on a committee in tandem with the Deputy Permanent Secretary in the Ministry of Justice at the time, with the instruction to provide all available resources to start work and address the concerns of the Prison Officers Association [*Desk thumping*] namely to address the issues of ventilation and lighting in keeping with the Occupational Safety and Health Act. And in this dramatic form and fashion, he attempted to tell this House and the population that

there were no grabbers, and there were no jammers, and there were prisons and so on, but I want to tell the Attorney General, Attorney General you must tell me if I am deceiving you, or I am deceiving this House, or I am deceiving the population of Trinidad and Tobago, when you met—and you are aware, I am putting it to you—you are aware that there was a portable grabber and jammer system under Minister of Justice at the time, the Member for St. Augustine. [*Desk thumping*] I am putting it to you.

And in addition to that, when you became the Attorney General in tandem with the then Minister of National Security, that there was an acceleration in terms of the delivery and the installation of the grabbers and jammers. So you are merely piggybacking on the visionary work of the Partnership government led by Kamla Persad-Bissessar. [*Desk thumping*] Madam Speaker, I do not why I am attracting all this attention at this point in time. [*Desk thumping*]

**Mr. Hinds:** Will the Member give way?

**Mr. R. Indarsingh:** Madam Speaker, the important thing is their deception and their deceit that they attempt to foster—[*Desk thumping*—they attempt to foster and perpetuate on the people of Trinidad and Tobago, by not admitting that government is a continuum and they met projects when they came into office. [*Desk thumping*]

**Madam Speaker:** Member for Couva South. Hon. Members, it is now 4.30, we will take the suspension now. We will return—in half an hour we will be back here at five o'clock.

**4.30 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

**Mr. R. Indarsingh:** Thank you, Madam Speaker, and I hope that Members of the Opposition, not the Opposition, but the Government, having nourished themselves,

can withstand this onslaught this evening.

Madam Speaker, again, to put some clarity to what the Attorney General said during his contribution, the Attorney General indicated, and he provided the data, correctly so, that, in terms of the murders, the death threats and the assaults and so on, that is fine, and he eloquently put it across between 2010 and 2015. But has the murders in relation to prison officers, the assaults, the death threats and so on, have they stopped? And he failed to provide the statistics for '15, '16, '17, '18 and '19 and so on, and I really hope that in winding-up, the Minister of National Security probably could get the statistics, the data, from his colleague and provide us, so that we could probably see the comparison and whether the work that they are piggybacking on is bearing fruit as it relates to the concerns of the prison officers.

And also, they attempted, or he attempted, the Attorney General, in his contribution, to present to Trinidad and Tobago as if prison officers did not get guns and stab vests, and so on, under the watch of the Partnership Government. And my colleague again, the Member for St. Augustine, can bear me out on what I am saying during his tenure as the Minister of Justice under the Partnership Government.

So Madam Speaker, there are some fundamental issues that we have to look at, and in addressing these issues, I hope that the Minister of National Security and by extension his colleagues, at the level of the Cabinet and the implementation stage, and so on, can seek to address, as we go forward, in relation to the well-being of the law enforcement officers, Madam Speaker. Because when he introduced the Bill, that is, the National Security Minister, we appreciate the fact on this side that it seeks to give more powers to law enforcement officers, and so on, in the execution of their duties and also to protect these law enforcement officers from

reprisal, members of their families and so on. And it also inflicts penalties on citizens who are prepared to break the law, who are prepared probably to collude with gangs, and so on, to destabilize the operations of our law enforcement fraternity in Trinidad and Tobago, Madam Speaker.

Madam Speaker, I hope that in going forward and again in the winding-up, because I did not hear the Minister of National Security. In piloting this Bill, he spoke about errant officers and people become, or persons become errant probably prior to the recruitment into the service or the divisions, whether it is at prisons, immigration, police and so on, or during their state of employment or their period of employment in performing their respective responsibilities. But I did not hear the Minister tell us what the Government is doing in attempting to strengthen what we would call, through the recruitment process, the vetting of persons who have applied to become prison officers or police officers, and so on, as the case may be. *[Desk thumping]* Because it is a known fact that gangs in Trinidad and Tobago have very long tentacles and they can seek to infiltrate different arms of the law enforcement agencies by attempting to get persons employed, and I hope that probably in your winding-up you will address this very important issue—*[Interruption]*

**Mr. Young:** Of tentacles, absolutely.

**Mr. R. Indarsingh:**—the issue of vetting persons who have applied to become part of the law enforcement fraternity in Trinidad and Tobago, Madam Speaker.

Madam Speaker, I want to turn to the issue of clause 2 of the legislation, which seeks to, where:

“Section 6(2) of the Criminal Law Act is amended...”

—as it relates to the whole issue, or to address the issue of wasteful employment of police time, Madam Speaker. And the Minister said that there has been an increase

of false reports through the calling in of the 999 system, and so on. And in amending the Criminal Law Act, the fine or the penalty moves from one thousand dollars and imprisonment for six months to one hundred and fifty thousand dollars and imprisonment for five years.

And Madam Speaker, this clause of the Bill must not be seen or must not be used as a deterrent or citizens must not become fearful because of the penalty in this particular clause, and become so intimidated that they do not want to go to police stations to make reports—[*Desk thumping*]—and they may become fearful or just intimidated over the fact that the size of the penalty. I want to say this because I too, and all Members of the Opposition, we do not like to see police officers being employed for—in terms of utilizing their time—wasteful reports, and so on. We like them to be fighting crime. We want to see them out in the field, tackling the situations that have us as prisoners in our homes, and so on.

I want to use a real situation that occurred yesterday, unfortunately, in the constituency of Couva South, and I hope the Minister of National Security is listening or listening attentively to what I have to say. A person who was brutally murdered yesterday by the name of Ravi Ramkisson from Basta Hall went to the Couva Police Station approximately one week ago. And in his attempt to lodge a report that he was intimidated, he was threatened by someone, police officers at the Couva Police Station requested of him to provide a name of the alleged person who made the threat, and he said to them that this person allegedly moved into the area just a couple of months, and so on, and he is in possession of an alias of the individual, he does not know the real name of the person on the birth paper, as we would say in Trinidad, a nickname. And they said to him that they cannot take his report based on an alias or a nickname, and he left the police station, and yesterday he was the recipient of five bullets. And today—

**Mr. Young:** Driving into his yard?

**Mr. R. Indarsingh:** Driving into his yard in Basta Hall, and today, as a result of that tragic situation, two children have lost their father, a wife has lost her husband, she is now a widow, and the stability of an entire law-abiding family and the peaceful community of Basta Hall has been totally destroyed. And I am saying to you, Mr. Minister, that equally you are asking citizens not to waste the police time. I am asking of you too, and we all have that responsibility to continue to plead and direct too. We speak about recruitment. We speak about vetting, and also we need to address the issue of training these officers across the board: police, fire, immigration, customs, and so on, to have that sense of empathy, duty and care to understand their role and responsibilities, Madam Speaker. [*Desk thumping*]

And Madam Speaker, the Minister, again in piloting the amendment that dealt with prohibited, what is called “a prohibited article”, or he alluded it to be contraband, and so on, he indicated to us, that, and he thanked, I think, the US Government for its donation of dogs and also he pointed in the direction of the establishment of a multiagency task force to address the issue of contraband going into the prisons, and so on, or the areas that have been demarcated as prisons in Trinidad and Tobago, Madam Speaker.

And today, I want to ask the Minister of National Security, because in relation to his developmental or the Ministry's developmental programme as it relates to—and I want to ask him about whether the surveillance systems, or the CCTV systems, are adequate to cover what we would call, or are they functioning in an effective manner at the Port of Spain Prison, the Golden Grove Prison, the Maximum Security Prison, the Remand Prison, the Women's Prison, the Eastern Correctional Facility, the Carrera Convict Prison, the Tobago Convict Prison and so on? Because I ask this question, Madam Speaker, in the context of, in 2020,

from a developmental programme expenditure point of view, \$6 million had been allocated for the close circuit television system within the prison service of the country. And I am saying, I am asking whether this \$6 million would be adequate in providing the surveillance that would be required as it relates to contraband going into the prisons that I just pointed out or I just named. I ask the further question whether because, as I said whether \$6 million, which has been allocated, if it is adequate? Because in 2019, Madam Speaker, \$8 million was allocated for this particular project and only \$674,000 was spent, Madam Speaker.

In addition to that, Madam Speaker, whether, in these areas, we have the adequate manpower of prison officers manning the three shifts in the prisons? And in addition to that, I have heard nothing about scanners or the use of scanners at these designated areas in relation to the prisons in Trinidad and Tobago. And if we are to really deal with the issue of contrabands, and especially the cell phones and the other items that are related to Mr. Minister, I hope that the issue of the CCTV and also the scanners, and so on, will be addressed by you. In addition to that, Madam Speaker, we on this side, we do not want prison officers, customs officers, police, and the list, to become errant, delinquent or corrupt during their tenure of employment.

I have heard you Minister of National Security, and the Attorney General too, in his contribution, attempted to tell us that the Government has been listening to the concerns of the law enforcement officers in Trinidad and Tobago. And I want to ask you, and probably again, in your winding-up, you will tell us whether you have been dialoguing with the office of the Chief Personnel Officer, not in terms of directly interfering with the collective bargaining process but at least pleading upon her or making her to understand the urgency of settling outstanding negotiations for law enforcement officers. Because law enforcement officers in

Trinidad and Tobago, we are in 2019, and they are existing on 2013 salaries.

**Mr. Deyalsingh:** Madam Speaker, Standing Order 48(1), please.

**Madam Speaker:** Member for Couva South, I have to uphold the objection. This is not, as I cautioned the Member for Naparima, a widespread debate about the prison service or the police service. It is about a specific piece of legislation. So, unless you can tie what you are saying into the legislation, I ask you to desist from that line and continue with, embark on another line that is consistent with the piece of legislation that is before us.

**Mr. R. Indarsingh:** Madam Speaker, I am guided, but just to develop what I was saying, or if you give me the latitude, as we would say—

**Madam Speaker:** I have given you so much breadth that I myself am now breathless. Okay? So that I would ask you, if you cannot make the connection now, to go on to another point.

**Mr. R. Indarsingh:** Thank you, Madam Speaker. As I was saying, the issue of the—as I said, we on this side do not want officers who are in the service to become delinquent, to become errant, and we are of the opinion that if compensation packages are properly addressed—*[Interruption]*

**Mr. Deyalsingh:** Madam Speaker, Standing Order 48(1), please.  
**Madam Speaker:** Member for Couva South, could you please move on to your next point, please?

**Mr. R. Indarsingh:** Thank you, Madam Speaker. As it relates to the development of the prison service, or the well-being of the prison service, I want to ask the Minister of National Security: What has become of the development of a prison management policy? Because in the—

**Madam Speaker:** Again, this is not about the prison service. Okay, Member for Couva South? I allowed you to talk about scanners. Okay? Even though I think

you were stretching the limit, I allowed you to talk about that, because it is more or less within the point that legislation alone cannot, okay, prevent these things from occurring. So I allowed that. But I am not going to allow you to talk about remuneration, management policies, and that sort of thing. Next point.

**Mr. R. Indarsingh:** Madam Speaker, I am guided, and I want to go to—because there is a current trend in a number of the clauses in the Bill which defines what is a relative. For example, I am at 11(a), as it relates to the repealing and substituting of the following section, as it relates to prison officers; and 11(2):

“A person shall not intentionally take any retaliatory action against—

- (a) a prison officer;
  - (b) the relatives, friends, associates or property of a prison officer,
- on the account of that officer's execution of his duties.”

And then it goes on to say:

“(3) For the purposes of subsection (2), ‘relative’ means, in relation to a prison officer...”

—and it defines what a relative is, Madam Speaker. And I hope probably the Government may consider, in terms of what is a relative, aunts or uncles, in terms of that definition of what a relative is, because it is applicable. In the entire legislation you would see it in terms of immigration, fire, prisons, and so on. And also I am a bit, not confused, but searching for how “friends” will be defined and I hope that we could get some clarity, in relation to how “friends” will be defined; friends, associates or property of a prison officer, as it relates to friends, associates or property of a police officer, immigration officer, and so on, Madam Speaker.

In addition to this, Madam Speaker, as I go on in my contribution, I am at section 57(3). This amendment provides for the return of an article supplied to a deceased police officer. And in the amendment, it is amended:

“(h) in section 57(3)—

- (i) by deleting the words ‘five thousand dollars’ and substituting the words “fifty thousand dollars”; and
- (ii) deleting the words ‘one year’ and substituting the words ‘three years’”

A deceased police officer, if he or she does not effectively communicate with his relatives or dependents the importance of returning his gears or his uniforms or the tools of his trade that he was supplied with via the Police Service of Trinidad and Tobago, they may not know, they may not understand the timelines, and so on.

**Madam Speaker:** Member for Couva South, your original speaking time is now spent. You are entitled to 15 more minutes to wind up. You may proceed.

**Mr. R. Indarsingh:** Thank you, Madam Speaker. [*Desk thumping*]

**Mr. Mitchell:** Fifteen minutes to redeem yourself.

**Mr. R. Indarsingh:** My colleague, San Fernando East, is a nonentity in the politics right now, so I would not even engage him at this point in time.

**Madam Speaker:** In fact, the only person you are engaging here is the Chair. [*Laughter*] So I would ask you, Member for Couva South, not to be led astray and continue your conversation with me. You are wasting some of your precious minutes.

**Mr. R. Indarsingh:** Thank you, Madam Speaker. The PNM will never mislead me. But more importantly, as I said during—and I would hope that from a communication point of view, through the Public Affairs Unit of the police service, and so on, that there would be this effective communication between the police service and the relatives and dependents of deceased officers so that they would not fall victim to this clause in the legislation. Because, we need to display a sense

of empathy, care, duty and responsibility at a time. And sometimes I think that placing the responsibility on the relatives is probably an onerous one. And I see Toco/Sangre Grande is listening attentively, probably that will also be considered from an education point of view.

Madam Speaker, section 60, the amendment deals with also the refusal to assist a police officer in the execution of his duties. I remember the Attorney General, in his contribution, said or attempted to point my colleague, the Member for Naparima, about the history and not understanding that it is in the law. And we accept the fact, Attorney General, that it is in the law in terms of a citizen's responsibility to assist a police officer in the execution of his or her duty. But how many really know of that responsibility and the implications? If someone does not assist, what is the penalty? All I am saying is that it is moving from \$10,000 to \$50,000 and it is moving from one year to three years, possibly imprisonment, if you are convicted.

At the end of the day, I think that we need to look at a strong public education campaign so that, again, citizens will be reminded of their duties and responsibilities. Because in this “guava season”, Madam Speaker, to be subjected to a fine of \$50,000 or for three years imprisonment, at a time when there is a number of job losses, income is hard to come by, and so on. And there is kind of apprehension in the society. Sometimes a legitimate police officer may come knocking at your door, and because of the state of the country, the state of crime, you are afraid to go out to engage that officer. [*Desk thumping*] You may not even—an officer may be, again very lawfully, from a lawful point of view, driving his vehicle, using his siren, instruct you to pull over and you refuse because you do not—there are cases where—numerous cases and examples in this country—where persons have robbed, they have kidnapped, they have held up law-abiding citizens

using police uniforms, and so on. All I am saying to the Minister of National Security, we must properly educate. We must properly reinforce this particular area of the legislation, so that persons could understand their duties and responsibilities, Madam Speaker.

And again, I want to—because for me, again, it is ambiguous. It is a bit contradictory, and so on, as it relates to section 61(1). For example, again the penalty is increased from \$15,000 to \$150,000 and from one year to five years imprisonment, and a penalty:

“...where a person knowingly harbours or entertains a police officer while he is on duty, sells or gives intoxicating liquor to a police officer while on duty, or induces a police officer to commit a breach...”

Now, this may be clear in an establishment, for example, if an officer is in his uniform. But what about plain clothes police officers? A plain clothes police officer, because of attempting to gain from an intelligence point of view, and so on, uncover work, he or she may go, rightfully so, into an establishment and the unsuspecting barman, barwoman, whoever is running the establishment, will not ask for an ID card, or “I want to see if you are a police officer”, and so on. Because the police officer too, if he or she is undercover, in terms of carrying out his or her responsibility, they will not want to blow their identity.

And I am saying that to say we have to look at it and treat with it from a plain clothes point of view and how this particular issue must be addressed, Madam Speaker.

**5.30 p.m.**

And, Madam Speaker, also from the point of view of the fire services, because again, clause 6 of the Bill focuses on the amendment to the Fire Service Act, Chap. 35:05 and we all understand that firefighting is a very serious

responsibility. It is a dangerous one, and it is a very onerous one, Madam Speaker. And the Bill attempts, or clause 6 of the Bill attempts to repeal section 41(2):

“...to increase the penalty where a person wilfully assaults, threatens, obstructs, resists or interferes with a fire officer while he is on duty for firefighting...”

And also, subsection 43(4):

“...in order to increase the penalty where a person wilfully assaults, threatens, obstructs, resists or interferers with a fire officer in the exercise of his duties in respect of public premises;”—and so on.

And I can go on and on in terms of what the amendments attempt to achieve here, Madam Speaker.

And I do not know, based on the penalties that are being proposed, Minister of National Security, if you could provide some data where persons actually attempted to obstruct and so on as it relates to firefighters in the operations of their duties, or in the fulfillment of their duties and that would have guided you in terms of drafting the increase in penalties as it relates to the operation of fire officers, Madam Speaker.

So I am moving now—I broadly dealt with the issue of the fire officers and quickly, Madam Speaker, how much time do I have again?

**Mr. Ramadhar:** Six minutes.

**Mr. R. Indarsingh:** Six minutes?

**Madam Speaker:** You are up at 5.38.

**Mr. R. Indarsingh:** Thank you, Madam Speaker. I want to briefly spend a little time on a couple of the amendments as it relates to custom officers. Because clause 7(d) increases the penalties for interfering with customs gear. And the amendment deals with section 203 of the Customs Act. And again, like police

officers, if persons are interfering with customs uniforms and customs gears, and impersonating, or attempting to impersonate customs officers in the clearance of containers, and containers may have guns, arms and ammunition, equipment that could be used in the pursuit of terrorist activities and so on. All these things are laudable and we on this side understand our role and responsibility in supporting the legislation.

But, Madam Speaker, as it relates to clause 7(e), which deals with the power of customs officers to stop carriage and this amendment deals with section 207 of the Customs Act. The penalty has increased, however, officers have sufficient equipment to stop the carriage on via sea and so on. In addition to that, Madam Speaker, clause 7(f) deals with increased penalties for officers taking unauthorized fees. I do not know if the Minister, again, is in possession of data which will guide us to say, or indicate how many customs officers have been charged for fraud over the last 10 years. And are these new suggested penalties consistent with the general laws of the land in keeping with fraud and is there a code of conduct in customs which provides guidelines and so on for the acceptance of gifts?

And I am saying to the Government, they have brought this piece of legislation, fine, but officers across the board, Madam Speaker, from a law enforcement point of view in the pursuit of their duties must have the full support of the Executive and the Judiciary. Because if errant officers are brought before the law they must also have that confidence that they will get an opportunity to be heard from under the judicial system of the country, Madam Speaker. And the Government needs to be prepared, in addition, to address the issues of training and manpower and vacancies also in each of these divisions.

**Madam Speaker:** You have gone back to a point from which we had departed, we had agreed to depart from that point. So you have a few—maybe one more

minute left, let us do not waste it with my jumping up to pull you back on the right track. Continue Member for Couva South.

**Mr. R. Indarsingh:** Thank you, Madam Speaker. So, at the end of the day, we on this side, we are of the opinion that laws and penalties cannot win the war on crime alone. There is the need for support systems, there is need for mechanisms that must provide the opportunity for officers at all levels to understand that they have fulfilled their duties with a sense of pride, passion and commitment to Trinidad and Tobago, so that we could all exist in a society that we do not have to live with fear and apprehension at the hands of criminals and prisoners in our very own homes and communities. I thank you, Madam Speaker. [*Desk thumping*]

**Brig. Gen. Ancil Antoine (D'Abadie/O'Meara):** [*Desk thumping*] Good afternoon, Madam Speaker. Thank you for this opportunity to make my contribution to this Miscellaneous Provisions (Law Enforcement Officers) Bill, 2019. Madam Speaker, law enforcement is a dangerous business, many times law enforcement officers face more dangerous situations than military officers in operations. The military uses the principle of overwhelming force. They use a 3:1 ratio and whenever the ratio drops below that, the military retreats and goes into the defence. It is not so with law enforcement officers.

Military would send against a section or platoon, against a platoon, a company and it goes up the line, against a company, a battalion, battalion, brigade, brigade, division. But once the odds drop the military retreats and goes to the defence. Military when they are engaging other militaries, they have different uniforms. There are distances between units and there are rules of engagement there is the Geneva Convention. Law enforcement unfortunately does not have these principles in which to deal by. Many times it is just two policemen against criminals, they can call for backup but a lot of times backup takes a while to come

to the assistance of the policemen on the ground.

They are in close quarters with the criminals. Sometimes it is difficult to identify who the criminals are or who from the normal citizens. Sometimes women and children are involved. Sometimes they may have hidden weapons, sometimes they may have snipers and may put ambushes against the law enforcement officers.

Sometimes crowds gather, we live in a society now where you can get a “flash mob” by simply sending messages on WhatsApp and other social media using the cell phone technology. And as I listened to the Member for Couva South, I realized that he was stretching a lot of things, you know, a lot of concepts. He dealt with, for instance, refusing to assist a police officer. But the law that the Minister of National Security is introducing is one where increased fines and increased imprisonment can act as a deterrent against people—[*Desk thumping*]—who would seek to endanger, threaten law enforcement officers in the carrying out of their duties. And a lot of that is involved when you have flash mobs and crowds. You know, there is a video going around on social media where they say, “de police wicked”. Police going to arrest somebody and you are hearing in the background “de police wicked”. This one getting involved that one getting involved, et cetera. But if they know that there are sizeable fines and increased imprisonment for this type of behaviour it will act as a deterrent to those who want to interfere with police officers in the execution of their duties.

Madam Speaker, this Bill addresses basically in three different areas. Address the criminals as the law breakers, it address the various officers in law enforcement and it address certain aspects of the reality that we are in today in terms of technology dealing with law enforcement.

Clause 2, Madam Speaker, the Criminal Law Act. There is an increase in

the fines and imprisonment and we are introduced to the wasteful employment of police time. Again, the Member for Couva South in his contribution tried to blur what the Minister of National Security is trying to achieve. But what the Minister in terms of wasting police time is speaking about fake kidnappings. You have people who for money, a young man recently, I believe was arrested in Guyana where he faked his kidnapping to get money from his own family, wasting police time. Police time that can be—that can be used by police investigators for a more meaningful task has to go after him and deal with investigating his fake kidnapping.

And, of course, fake robbery, fake assault. All these areas where you waste police time is what this piece of legislation is seeking to deal with and again a deterrent of increased fines, increased imprisonment will let somebody think twice rather than going after your family's money and faking your own kidnapping as the case may be.

The Member for Couva South went in all different areas. He included training of law enforcement officers and he was rambling on and on, closed circuit TVs, he talked about scanners, manpower, he reached down to outstanding negotiations, prison management policy, remuneration and vacancies. He went all around, and around, and round.

But the Minister of National Security, seeking to deal with law enforcement officers, singled out different law enforcement officers. For instance, prison officers. A prison is a closed system and we have a difficulty in dealing with close systems. Our body is a closed system. The only thing that gets into our body is what we put into it. I know the Member for Laventille West has a thing going with me in terms of what we eat in terms of meat and so forth, but what you put into your system determines what happens in your system. And if you follow the, you

know, good eating habits and so forth your body, although it will get old with time will remain healthy. Same too the prison system, it is a closed system.

**Hon. Member:** No pork.

**Brig Gen. A. Antoine:** It is a closed system. And if certain things are allowed in by prison officers then you get problems within the prison system. There was a major prison break a few years ago where a policemen was killed and the guys came out with a grenade and guns and so forth from within the prison. Somebody had to bring it in, and I am sure it was not the legit prison officers, so some rogue prison officer would have been involved in bringing in these contraband and getting it to the prisoners to carry out a prison break.

So if you interfere with the closed system then you get problems. And this legislation not only addresses the criminals, but it addresses the law enforcement officers. And the term that the Minister of National Security used was expecting these officers to move to a “higher standard” whether it is a prison officer, fire officer, immigration officer, custom officer, police officer, we expect them to operate at a higher standard. [*Desk thumping*] So trafficking, accepting a bribe and this new concept that we are using tipping-off, and the Minister of National Security explains, tipping-off as interfering with an investigation by disclosing to any other person information which is likely to prejudice the investigation.

Now we know that the police service depend on informers, informers in terms of giving them information that they can used in terms of to bring into intelligence, to nab criminals as the case may be. But on the converse we do not want prison officers, police officers, anyone doing an investigation and somebody getting wind of what he is doing and passing on the information to somebody else which and jeopardize the investigation. So then, once again the Minister of National Security is increasing the fines, increasing the imprisonment so that it will

act as a deterrent. So rather than tip-off someone as to what is going on with the law enforcement officer you realize that look I am not going to spend that time in prison by giving out this information, so it acts as a deterrent.

In clause 4, the Police Service Act comes into play and again for the criminals and for the police officers we see an increase in fines and imprisonment. Anyone who assaults, obstructs, resists, impersonates or threaten a police officer is liable, once arrested and tried, to increased fines and imprisonment. And, of course, we are expecting like the prison officers the police officers would operate at a higher standard. So we are telling them you cannot sell, transfer, loan your arms—outside you hear police, soldiers renting out their weapons. So a “man would go and put down ah wok”, because the police rent his weapon to him and “he go and put down de wok and afterwards the police collect back the weapon” or the prison officer or the soldier as the case may be.

So we are increasing the fines courtesy of the Minister of National Security for and imprisonment if you are found guilty of doing any type of this activity. It also goes for clothing—just last night or yesterday the Commissioner of Police in a press interview show some men who were caught in the act of impersonating police officers with the intention of doing some kind of criminal act as the case may be. And I hope that by the time their trial comes about that this law enforced with the help of my friends on the other side so that they will get full brunt of the law for the activity that they are involved in.

And, of course, it includes improper possession. Now again, the Member for Couva South was stretching a lot of things, because he seemed to not understand when they say, “improper possession” that given our society as it is; policemen, prison officers, soldiers or law enforcement people have a lot of relationships that in a sense is not above board. They may have their family, but

then they may have “something de outside” that they may spend time by, sleep with, as the case may be and something might happen to him. And this person end up in possession of police uniform, or prison uniform, or soldier’s uniform as the case may be, right. And they may tend to want to use it some way or the other. I agree with him when he said that there should be some type of education for the population that if you are in possession of a serviceman’s equipment or his uniform that you have the responsibility to turn it into the nearest police station as the case may be rather than try to seek to use it some way or the other.

So this is what the law is dealing with and treading on rather than, you know, the Member for Couva South trying to stretch it not to understand what the law meant by “friend”, remember by friend it might mean that somebody he has a relationship with. I was even going to say “common-law”, but he has a relationship with and that person might be in possession of his—

**Hon. Member:** Associate.

**Brig. Gen. A. Antoine:** Associate, yeah— equipment or his uniform. And, of course, for the police officer when we are seeking to let them rise to a higher standard we are dealing with bribery that they are not supposed to take bribes as the case may be.

And the different clauses, clause 5 deals with the immigration officers and the law again with the fine and imprisonment deals with, you know, people who are assaulting, obstructing as the case may be. And, of course, tipping-off in terms of the immigration officer. But also in terms of the immigration officer we look at making or issuing false documents. And, you know, there is a market out there for false documents, false IDs and all sorts of other kinds of methods of making you legitimate and operating within the—

**Hon. Member:** False qualifications.

**Brig. Gen. A. Antoine:** Well, false qualifications as well, but that is above the pay grade of the immigration officer.

And clause 6, deals with the Fire Service Act. Again this law enforcement Bill follows a pattern that the Minister of National Security put in place dealing with increased fines and imprisonment, assault, threat, obstructing the fire service officer and false fire alarm. One time, thankfully good sense prevailed, I was in the Arima Corporation office which is above the FCB and a young man whose father brought him into the office, saw the fire alarm when the father was passing and pulled it. Of course, the fire alarm went off and everybody had to vacate the building; not only upstairs, but FCB had to vacate the building downstairs. It caused a whole lot of problems for people who went to do their legitimate banking and forth.

But good sense prevailed and we understood that it was an accident by a young man. But I also know that a politician at that same venue also set off the fire alarm; who is now putting himself up as a candidate in Tobago, deliberately, set off the alarm in that same building and caused a whole lot of problems—

**Hon. Member:** Pandemonium.

**Brig. Gen. A. Antoine:** “Eh?”

**Hon. Member:** Watson.

**Brig. Gen. A. Antoine:** Watson Duke, was that gentleman who set off the fire alarm—[*Crosstalk*]—and with this increase fines and imprisonment it just means to say he would have just add another charge to what he is—

**Mr. Hinds:** His long list.

**Brig. Gen. A. Antoine:** His long list of charges.

**Mr. Hinds:** His rap sheet. But he getting a big pension, eh.

**Brig. Gen. A. Antoine:** Setting off a fire alarm. So we know that that is also

against the law. [*Crosstalk*] Of course, we deal with tipping-off anybody who is in an investigation by a fire officer you are not allowed to tip-off and fire officers are not allowed to accept bribes as well.

And it goes on to the Customs Act, clause 7, which deals with the Customs Act and the increase fines and imprisonment. But also in terms of Customs, they have added the fact that their families can be threatened so retaliatory action against family members is frowned upon. And the good Minister of National Security has covered that.

So this is a good piece of legislation, I am glad to hear that those on the other side will support this Bill. Their normal speakers, the Member for Naparima and the Member for Couva South just stretched out the debate and I hope who follows me will not stretch it out into the wee hours of this afternoon to tonight when you are going to support the legislation. For once give the congratulations to the Minister of National Security on a good piece of legislation that will benefit both, all the law enforcement officers, but will also send a fear into the criminals by the fact that they would be given stiffer fines and longer imprisonment if they continue in their life to make the citizens of Trinidad and Tobago unhappy and cause danger to become a norm in Trinidad and Tobago.

So, Madam Speaker, I thank you for this opportunity to make this short contribution to this magnificent piece of legislation by the Minister of National Security. [*Desk thumping*]

**6.00 p.m.**

**Dr. Bhoendradatt Tewarie** (*Caroni Central*): Thank you very much, Madam Speaker. I thank you for the opportunity to make a short contribution to this particular Bill. This Bill seeks to amend six pieces of legislation, and these six pieces of legislation set out the legal parameters for the functioning of police

officers, prison officers, immigration officers, fire service officers and customs officers. And the new law is very much a two-way street, Madam Speaker, because by the changes it makes, it introduces new rules and stronger penalties against officers in the breach, but it also seeks to protect them from citizen aggression in the execution of their duties. And that is why I said it was a two-way street, because the Bill does take into account the general lawlessness that has come to characterize the society in which we live and which seems to be a growing phenomenon, not just here but elsewhere, and the lawlessness comes, on the one hand, from rogue and undesirable elements that exist in institutions that are meant to be institutions for law enforcement—and the Member for D'Abadie/O'Meara mentioned it in passing—but it also has to do, this general lawlessness, with disrespect for law and for the enforcement of law by citizens of society who often indicate by their behaviour that they would rather not be circumscribed in any way whatsoever.

Now the Bill consists of seven clauses. It was first introduced in the House on June the 7<sup>th</sup> 2019, and we are debating it now five months or so later, so that there can be no legitimate claim of urgency for the Bill, but we in the Opposition do appreciate the value of the measures in the Bill. Now, I want to focus here, because it is an important part of the Bill—I want to focus on immigration and customs because we often deal with the police. I might mention something, but I would not really deal with it. My colleague for Naparima addressed the issue of prisons, the Minister addressed the issue of the connected currents of the Bill for all disciplines of law enforcement included in this Bill, and I want to deal with the amendments to the Immigration Act and also to the Customs Act, Madam Speaker.

This Bill increases the penalties for making or issuing any false documents, certificates or declarations—and in this particular case, I am talking here of

immigration officers—and it also addresses the issue of accepting any bribe or other remuneration or benefit. So, in the case of customs officers—sorry, in the case of immigration officers, as it does for the other categories in the Bill—fire officers, police, prisons, customs, et cetera—it addresses, very frontally, corruption issues. The fines and the jail terms are now much steeper, depending on whether it is a summary conviction or an indictable conviction, and these fines can range from a quarter million to a half a million dollars and on conviction a person can be jailed for 10 to 15 years.

So in this Bill, therefore, the immigration officer—and I am dealing with the immigration officer here—it is also true for the other categories of officers, but in this particular Bill, the immigration offices are being held to account, and this is in keeping with what the Minister of National Security said in his opening. I think he said that this Bill was to hold officers up to a higher standard as well as to protect officers of law enforcement. But the Bill also targets any citizen who will—and I quote from the Bill who:

“(e) wilfully assaults, threatens, obstructs, resists or interferes with an immigration officer”—and this is also so for the other officers—“in the performance of his duties under this Act or the Regulations,”

Now, here the immigration officer is protected from the citizen, or I suspect, an immigrant, who might have the opportunity to interface with him or her and who, in any way—that is to say the immigrant or the citizen—wishes to prevent him from doing his work, Madam Speaker.

In the instance of the immigration officer, but also for all other categories of officers covered by the Bill, the issue of tipping-off becomes a crime that is introduced in this Bill for the first time. And tipping-off, of course, I mean, I do not know what is the legal arrangement, but I understand it to be giving someone

information that might interfere with the process of investigation or the course of administration of justice.

So, we also have, in addition to that, we have the issue of resistance to immigration officers, that is to say, by the citizen or the immigrant, and the threat of violence to their families if you are dissatisfied or angry or whatever it is. Now these fines and jail terms for accepting a bribe—there are also fines and jail terms for accepting a bribe and for abusing office. We have no problems whatsoever, Madam Speaker, with keeping immigration officers honest, nor do we have a problem with increasing the penalties for dishonesty. The same fines and jail terms, pretty high, apply for impersonating an immigration officer.

Now, the way this is put in the legislation is a little awkward to my view, because this could not possibly be targeting immigration officers or police or firemen or prison officers. It would have to be targeting citizens who seek to impersonate an immigration officer, as I am dealing with that, or a policeman or whatever. So it is meant to protect the genuine immigration officer and, therefore, the genuine policeman or the genuine prison officer, against abuse of the use of the uniform either by being stolen and so on. Now the Minister, when he spoke, talked about the rental of uniforms as well as the rental of guns, and that might be a possibility, but I do think that what the target is in this is, is against a citizen who might choose to use a uniform in order to commit a crime of some kind.

Now, I want to also raise a couple of issues with the Customs Act which is amended here, similar to what is mentioned here in immigration. In amending the Customs Act, again, the issue addressed is how to protect the officer from assault or interference with his work or her work, protect him from action against relatives, by citizens who may feel aggrieved. Again, you are protecting the family as in the case of police, prison officers; the issue of tipping-off information that

you should not, and protecting the officer in the conduct of his or her duties.

Now, I am addressing the issue of immigration officers and customs officers, not only because they appear in the Bill, but because I want to make the case as the Bill actually does that they are not—make the case because including them in this way, I want to make the case that they are not just law enforcement officers, but they represent these two, customs and immigration, they represent, Madam Speaker, border security for our island country.

Now, while the police is involved in keeping the peace and maintaining law and order on land—and we thank them for their service to the country; while the fire service prevents and out fires across the land—and we also thank them for their service to the country—and while prison officers address the incarcerated population and seek to manage them—contain them, isolate them from the rest of the population and rehabilitate some of them—and we again thank them for their service to the country—the immigration officers protect Trinidad and Tobago from those coming from other countries who enter this country. They keep tabs on the entry and exit of our own citizens leaving and returning to the country. They manage the legitimate entry and exit of visiting travellers—tourists we might call them—while they are also responsible and accountable for illegal immigrants in our country, that is to say, they have the capacity to chase them, to find them, et cetera, as the case might be.

The immigration division also renews passports and they issue passports to citizens. Now, we take the issue of a passport for granted, but this is a very, very important document, not just only is it an identification and identity document, it is really—a passport is a freedom document. It gives you the opportunity to move in the world as a citizen of the world temporarily, knowing that you are rooted in a particular country and, therefore, this is a very, very serious responsibility and

obligation that should not be treated lightly.

And they also detain, that is to say immigration officers, illegal immigrants. Sometimes they legitimize their stay or make arrangements for deportation after a hearing as the case might be. They handle cases of asylum seekers and refugees, and with the recent and ongoing crisis in Venezuela and the large increase in the number of Venezuelans in our country, the jurisdictional reach and responsibilities of the Immigration Department have become clearer on our own country's reliance—heavy reliance—on immigration as a major source of border control has intensified. So immigration and immigration officers are very important and they are very critical to the sovereignty and the national security of the country, and I want to emphasize that fact, because they really do guard the borders. Customs officers have a correspondingly connected role and I want to emphasize that. They guard the borders, and they are very, very important, again, I want to emphasize.

Now, immigration and the immigration officers and the department, they are very important also for something else that we sometimes overlook, which is that they are important for statistical purposes. This is the agency, immigration officers and the Immigration Department that should provide statistical data on non-nationals residing in our country to the Central Statistical Office. Recently, and for a growing in importance, I think over the last decade, two decades, we have understood, not just the importance of statistics, but the Central Statistical Office and the national statistical system, but the Immigration Department is a collector and collator of statistics and the CSO or any national institution for statistics depends on them and would depend on them for accurate information, and this role in statistics, Madam Speaker, is critical for establishing the make-up of residents in our country and the number of citizens and non-citizens and their status residing in the country.

It is the most important basic information about a country: How many people you have? How many are citizens? How many are not and where do the non-citizens come from and what is their status in your country? It is one of the most critical pieces of information in the management of a nation. So accuracy of information is essential for managing any situation, and population data are very, very important and vital.

The Immigration Department, Madam Speaker, also collects and collate data on tourist arrivals and on tourist departures.

**Mr. Deyalsingh:** Madam Speaker, Standing Order 48(1) please.

**Mr. Deputy Speaker:** Member for Caroni Central.

**Dr. B. Tewarie:** Yes. **Madam Speaker:** I allowed you some leeway because I think you were trying to ground the importance of immigration into your discussion.

**Dr. B. Tewarie:** Yes.

**Madam Speaker:** But it is almost 20 minutes and, therefore, I think you need to quickly tie up what you are doing with the Bill. Okay? Because I have to uphold that objection on relevance. Okay? Please proceed.

**Mr. Hinds:** Find your centre. Find your centre.

**Dr. B. Tewarie:** I really have to find my centre—

**Mr. Hinds:** This is not the place right now.

**Dr. B. Tewarie:** I do not think so at all. I was making the point that this is an important institution that basically guards the boundaries of this country, and I was going to make the point, Madam Speaker, that with all of this critical role, I mean, how could we legislate for an institution if we do not acknowledge the critical role that it plays in the society and, therefore, the connectivity with other things? [*Desk thumping*] You know, so—

**Mr. Hinds:** We do. We acknowledged it. Go ahead. [*Crosstalk*]

**Madam Speaker:** Let us show a lil tolerance. Member for Caroni Central.

**Dr. B. Tewarie:** Yes.

**Madam Speaker:** What I did is acknowledge that you spent 20 minutes letting us appreciate the importance of immigration. What I am saying is, I think you have reached the point where you need to ground all or affix all that foundation you laid to what we do. Okay? That is all I have said. All right? So that if you could start tying it up now, I think we will appreciate even better what your contribution is. [*Desk thumping*]

**Mr. Hinds:** Go ahead. Put the strings together.

**Dr. B. Tewarie:** Madam Speaker, I mean, I could take the Bill and I could go through the clauses, but I was making, I hope, a coherent argument about the role of Immigration and consequently Customs in a certain role in the society and, therefore, the importance of this two-way street type of legislation which protects the institution as well as protects the institution from society. Madam Speaker, I will proceed.

There is a section here, 41B, Madam Speaker, which claims or which reads—41B (1), it is on page 26 of the legislation:

“41B. (1) A person who—

(a) assaults, threatens obstructs or resists; or

(b) aids or incites any other person to assault threaten, obstruct or resist

an immigration officer in the execution of his duty...”

And it goes on to mention not just the immigration officer himself, but also for purposes of subclause (2) “relative” means and it mentions:

“(a) his parent or stepparent;

- (b) his spouse, cohabitant or fiancé;
- (c) his child...”

And this is a clause that is repeated in the legislation for the protection of the officer and his family.

Now, this is something that has arisen in the context of what I said before, which is to say that we have gotten to a point where there is a kind of lawlessness which has engaged both the institutions that are meant to be law enforcement as well as the citizenry, at large, that conduct their business and go about their lives in the society. And I do not think we should have a situation in which the families of people who are applying the law and executing the law should be threatened in this way. So this is something that we on this side, the United National Congress, strongly support because we feel that this protection is necessary.

The Member for D’Abadie/O’Meara made two points of importance in his contribution. He said—first of all, he made a comparison between the police and the military and he mentioned that the military engaged according to certain rules of military combat and because of that and because of the fact that those rules do not apply for police officers, he said that because the police officers do not have the comfort of those protocols their profession is, in fact, a very dangerous profession, and I think we can say the same of customs—sorry—of prison officers and, perhaps, other officers as well. But he said something that was not correct, and I would not do anything about it except to say that a prison system, Madam Speaker, is not a closed system. A prison system is what is known as a total institution. A total institution applies not just to a prison system, but a hospital. It applies also to a mental institution. It applies to any institution in which you have a body of people who relate in a certain way and who are cut off from the rest of the society for a certain period of time.

So it is possible to think of a school, for instance, as a total institution and the reason I say that it is not a closed system—and he used the closed system to explain the body. The body is not a closed system because closed systems die, open systems thrive and the reason the body thrives is because you take in and breathe out oxygen, and the reason open systems thrive, whether they are institutions or not, and only open institutions can thrive, is because you have the flow of information in and out.

A total institution, Madam Speaker, which is a concept developed by the sociologist Goffman—I forget his name. I think it was—I cannot remember. I may have written it down when he was speaking. I cannot remember his first name. I know it was “E”—but Goffman did this, I think, in the late 60s/early 70s and he talked about a total institution, and the reason I am raising it is because a total institution allows you to control the flow of information in and out which is the critical point in the prison issue. And the Attorney General was correct when he said that a prison has to be a prison. It cannot be a place in which you have telephones and you are making calls outside and calling shots and so on and, therefore, those things in the Bill which seek to address those things, I find palatable and reasonable and things that are worthy of support.

**Mr. Deyalsingh:** Erving Goffman.

**Dr. B. Tewarie:** Erving Goffman. Erving Goffman was the name of the person. E-R-V-I-N-G. So, I was going on to the customs issue and the same things that applied there, applies to customs and applies to immigration and the similarity between customs and immigration is that they also control the borders, because when you come in whether you are bringing legitimate material or whether you are bringing guns or whether you are bringing drugs, the customs are the border patrol that allows you either to come in or to intervene to prevent you from coming in.

So while immigration deals with the people, customs deal with the things. And it is important, therefore, if we understand that police are important, prison officers are important, customs officers are important, immigration officers are important, that we would try to create the conditions in which we can have a better society by lifting the standards by which they operate by protecting them and also by creating the conditions in the society where people would be less prone to be aggressive towards them.

Now, I am still haunted, Madam Speaker, when I see a Bill having to do with issues such as these and matters involving crime and criminal behaviour by the fact that we had a situation in the country two years ago—I raised it in the Parliament here—in which a hand grenade was found on a beach in Carli Bay and since that time, and the coverage of that time, we have not found out whether the bag which had that hand grenade had other hand grenades in it. We did not find the person who had the bag of hand grenades and we have not been able to find any of the information related to—

**Madam Speaker:** Member for Caroni Central, your original time is now spent. You have 15 more minutes to wrap up.

**Dr. B. Tewarie:** Yes. And we have not been able to connect that to anything that is happening in this society, until one day something might happen or something might explode and we may then trace it to something like that particular event in Carli Bay. And we, of course, had another incident in that very same bay in which not just a bomb was shown, that is to say a hand grenade, but lives were actually lost.

So, Madam Speaker, I wish to express my unhappiness about the fact that I prepared properly to give a constructive contribution in this debate, and through various interventions I have been thwarted in that objective, and I make that

abundantly clear in my statement here today.

**6.30 p.m.**

I will ignore the comments on the other side and I will say that this Bill here is a reasonable Bill for what it seeks to achieve, that is to say to strengthen the institutions of law enforcement and to protect the institutions and the people in the institutions of law enforcement from harm, including their families. But I also want to say, like everything else, when you increase the power and authority of people with institutional power and people who have the power of law enforcement and you increase the obligations for good behaviour on the part of the citizens who must interface with these entities for law enforcement, you somehow alter the balance of the relations, and I simply want to mention that. It is an important concept because it is not like police officers—allegations have not been made against police officers for abuse or that they could not, in a circumstance in which an immigration officer or a customs officer is exercising his or her authority or power, not be abusive to the ordinary citizen who now finds himself in a situation where if he misbehaves, if he objects, if he quarrels he may very well find himself not only addressing the issue that he came for in the first place, but he or she may find themselves in a situation in which they now have to face a charge under this existing law.

I want to say that while it is good to increase the authority and the protection for the law enforcement entities, it is also important to understand the alteration of the balance of power between the powerful and the powerless, notwithstanding what I said about the society becoming lawless. And, Madam Speaker, I want to close by saying that throughout my entire contribution here on this floor, in this instance, there has been constant chattering on the other side and I have been subject to that abuse constantly without Speaker's intervention.

**Madam Speaker:** Member for Toco/Sangre Grande. [*Desk thumping*]

**The Parliamentary Secretary in the Ministry of National Security (Mrs. Glenda Jennings-Smith):** Thank you, Madam Speaker, for recognizing me to take part in this debate, an Act to amend the Criminal Law Act, Chap.10:04, the Prisons Act, Chap. 13:01, the Police Service Act, Chap. 15:01, the Immigration Act, Chap. 18:01, the Fire Service Act, Chap. 35:50 and the Customs Act, Chap. 78:01.

Madam Speaker, I am really delighted to stand here this afternoon because I have spent over 30 years in the police service [*Desk thumping*] and this Bill seeks to respond to many management issues that I would have faced in the police service from a constable to an Assistant Commissioner of Police. This Bill which was introduced by the Minister of National Security earlier this year seeks to increase existing penalties and introduce new provisions with respect to offences committed by and against law enforcement officers in the execution of their duties, and, Madam Speaker, the term “law enforcement officers” refers to police officers, prisons officers, fire officers, immigration officers and officers within the meaning of the Customs Act, Chap. 78:01.

Madam Speaker, during my service, you know, there were many things that we spoke about, we had our own languages, and one of the terms which I grew accustomed to is, “To whom much is given, much is expected”, and this legislation protects and it also holds, to a higher standard, all the officers I spoke about a while ago. Madam Speaker, the Ministry of National Security, led by the most efficient, illustrious and young energetic Minister, [*Desk thumping*] is charged with the primary responsibility for ensuring the security of the land and the people of Trinidad and Tobago, and this is done through the maintenance of law and order. And the law enforcement arm of the Ministry includes personnel of the Trinidad

and Tobago Police Service, prisons, immigration, fire service, in the promotion of National Security through law enforcement and they are in fact crucial arms of the justice system. So, Madam Speaker, any legislation, policy and guidelines intended to improve the operational effectiveness of our law enforcement agencies may subsequently lead to a relieving of the pressure placed on the justice system.

Madam Speaker, earlier this year, based in part on the concern and safety of our prison officers, there was a public outcry to the rise in the number of murders and attack of prison officers, an amendment to the Prisons Act, Chap. 13:01, was proposed. In the spirit of inclusion, Madam Speaker, and with the understanding that other members of the law enforcement officers were just as deserving of similar protection under the law, amendments were also proposed to the Police Service Act, Chap. 15:01, the Immigration Act, Customs Act and the Fire Service Act. And, Madam Speaker, it is expected that these amendments that we debated here today will eradicate major drawbacks identified and enhance the protection of all officers of the aforementioned law enforcement agencies that I spoke about a while ago.

Madam Speaker, the purpose of this Bill is twofold. It also addresses the need to deter corrupt officers in each of these agencies and it is the Government's opinion that the officers must always be held to a higher standard of conduct and trust, and failure to adhere to such standards ought to attract with it penalties that clearly demonstrates the nation's abhorrence of misconduct in police officers, public officers, especially when the misbehaviour has the detrimental potential of undermining the public's confidence in the nation's protective services.

Madam Speaker, earlier this afternoon we would have heard the Member for Naparima speaking about he had to think twice before, you know, he gave help to a police officer while in the execution of his duty and this legislation seeks to create

the opportunity where we would have police officers responding in a particular manner which gives rise to increase public confidence. And if we increase public confidence in the citizenry then no citizen should really stand and say that they have to think twice, especially, Madam Speaker, an hon. Member of this House whom we all seek to hold at higher standards. You know, just two weeks ago I heard somebody defined what is an honourable person, who is an honourable person. Are we worthy of calling ourselves honourable? We need to do certain things in a particular fashion and express ourselves in a particular fashion and motion when we speak about public issues, Madam Speaker.

So this afternoon I want to just remind this honourable House, I too as a police officer, Madam Speaker, I could remember as a former police officer; I remember as a young Inspector I was on duty and I saw a particular incident happening to an elderly lady and I stood my ground and I approached a young man and I started to tell him that he is under arrest, and the young man looked at me and said, “You could arrest me?” You know, gone are the days long ago people used to say, “Ah want ah woman police tuh hold meh tight, tight, tight”, [*Desk thumping and laughter*] but that no longer exists.

It would seem that that no longer exists because, you know, we see situations where, Madam Speaker, police officers being assaulted. We see, in May of this year, two police officers were assaulted by a group of persons in Santa Flora. The daily *Express*, May 05, 2019, refers:

The—“...police officers were kicked and cuffed by residents as they attempted to arrest a suspect in the chopping of three members of a Santa Flora family...”

So, Madam Speaker, gone are the days—and a women police was involved in that—gone are the days when we could really say—men used to say, “Ah want ah

woman police tuh hold meh tight, tight, tight”, no longer. So therefore, Madam Speaker, this legislation that we discussed here today, we debated here today, and I want to compliment every single speaker who went before me because all the clauses were discussed in totality. And I want to even compliment those on the other side for agreeing to support this piece of legislation because it is a worthy piece of legislation. And I can say, Madam Speaker, in all my service that I gave to this country as a police officer, all the points discussed here in these clauses here, they are very relevant and they are needed, especially the point with the tipping, the additional point.

I want to compliment the Minister of National Security for recognizing the need and the urgency of putting this into this clause and bringing it before his honourable House to be debated here today. And from listening to everyone this afternoon here, we all supported all the clauses put forward for this legislation. So, Madam Speaker, there is not really much more I can add to this debate but to just compliment the Member for Port of Spain North/St. Ann's West for his diligent work that he gave to, you know, ensuring that all these clauses would have been met. And, you know, Madam Speaker, these are things that did not happen yesterday, they have been there and these are clauses that were required to be placed before this House to bring into legislation, and I want to say that this Government is getting the job done. [*Desk thumping*] I want to compliment this Government for really standing and, you know, ensuring that the job is well done.

The Attorney General, you know that I am always in your corner recognizing you for your contributions and recognizing that we have so much issues in the court that, you know, matters in the court take a very long period of time to come to its finality, and the particular clause which deals with wasting of police time, you know too well that this could be of great help in the court, because

when we have these matters not coming to court, because it would act—the clause itself, we expect the clause to be brought about as a deterrent. If it acts as a deterrent it would mean that these matters would not come to court and the benefits would be that it would free up a lot of time in the court to have other serious matters being heard.

So, Madam Speaker, I stood here this afternoon really to support and to lend my piece of [*Desk thumping*] experience in the field, and to also bring to this House the fact that it is a good management tool. This Government has provided all the law enforcement agencies with a piece of management tool which could make for greater effectiveness and greater efficiency in the police service, in the prison service, fire service, customs, immigration. And so, Madam Speaker, I wish to sit by reigniting the words, “To whom much is given, much is expected”, and I expect that our law enforcement agencies stand to this Bill when it is completed upon this debate today and become law, and I think that it would really open the doors to have a more effective and efficient law enforcement agency within Trinidad and Tobago and assists in bring down the amount of criminality and crime in our country, Trinidad and Tobago. Madam Speaker, I thank you. [*Desk thumping*]

**Madam Speaker:** Member for Tabaquite.

**Dr. Surujrattan Rambachan** (*Tabaquite*): Thank you, Madam Speaker. Madam Speaker, may I take the opportunity to thank you for recognizing me and to congratulate those who have spoken on the Bill on the Opposition side and again, reiterate our commitment to support this Bill. Madam Speaker, for the past couple of years, the legislation that has been brought before the Parliament with respect to crime fighting has always focused upon increasing fines or increasing penalties and despite that, we have an increase in the number of crimes being committed, we

have an increase in the number of murders committed, so I wonder sometimes whether there is any real connection between us increasing all these fines or increasing the penalties and getting the crime rate down. But having said that, I want to put on record our appreciation of the recent seizures by the police service, especially arms and ammunition across the country. And I would put it in the context like this, there is, in the legislation, this matter of tipping, and I think it is a very important aspect of this legislation because I feel that so many of police raids have failed because of the tipping that has gone on— tipping-off that has gone on. And, Madam Speaker, the situation about tipping-off is all over the country. In every police station you will find some errant policeman who is guilty of this particular kind of behaviour.

I think this Bill is not about the punishment of crime as much as it wants to focus on the prevention of crime, but, as I said, I do not know, I am not sure that laws, as we are passing them, are really dissuading people by increasing fines. Now, what I would like to suggest to the Government is this, very few people in this country remember what laws we pass, very few people take our law seriously, they just continue their way of life and their errant way of life, and I think that one of the things I would want to encourage the Minister of National Security to do is immediately, upon the passing of this law, to engage in a tremendous public relations exercise that brings to the notice of people what these laws are saying. In other words, as part of your programme of public education for the members of the public but also a part of your induction programmes for existing police officers, customs officers, immigration officers, as well as, hon. Minister, as well as in terms of where they work. So in the Immigration Department, for example, you can have a sign indicating that if you can bribe an immigration officer, or what have you, this is what you are subjected to. I think that we have to go the full

gamut of preventative action and I think that is one on the areas that we are failing in communicating what we are doing in this Parliament with respect to the public. I really think so.

I think on buses, for example, which are outfitted with videos, you can actually play videos showing what these fines are. You can do this. You can probably give PTSC some money and reduce their dependency on the Treasury by paying them to put on the side of their buses real advertisements about, you know, what kinds of things are subject. In the schools, you can introduce to the students in their homework period where they discuss some of these public issues, if they still do, you can introduce them to the legislation. You see, you do not wait until people become adults for them to become errant, you have to deal with them when they are very young and fashion their minds at that particular stage. I remember when we were students in school, and I guess my colleague, Mr. Ramadhar would remember this, we had a subject called Civics.

**Hon. Member:** Wilfred D. Best.

**Dr. S. Rambachan:** That is right, Wilfred D. Best. [*Crosstalk*] And in that we used to discuss all of these kinds of public issues and we knew about the law, and we knew who were the Ministers, and so on. So I think that is important. Madam Speaker, it bothers me therefore why so many persons who are charged with the responsibility to protect and serve or to monitor and ensure compliance, themselves are breaking the law. What it is that has gone wrong that is causing these people to break the law? Are they under economic pressure to do so? Are their lives being threatened and they are being forced to break the law? Are they living beyond their means? I do believe that there are many people who are living beyond their means in this country. I do not think people are really budgeting as they should budget and live within their means, you know.

Madam Speaker, you are probably going to have a laugh at this, but while I was growing up my father used to want me remember that we came from a very poor background and he used to tell me you must have only two pairs of shoes, a brown and a black, to suit the different clothes you wore, and that was an interesting guide. “I does” always remember that and I really do not own more than about three pairs of shoes simply because of that that he told me.

Madam Speaker, you see, I will tell you something, in the Hindu scriptures which, you know, I preach—I have been preaching for about 52 years—that is not known. There is a verse in the sacred scripture of the *Bhagavad Gita* which is used in the courts for people to swear upon and there is a verse there in Chapter 6 in which the Lord is asked a question as to what is that satanic force that drives a man to do that which he knows to be wrong but he still does it against his own best judgment, and the answer that comes from the Lord is very simple, it is greed. Greed is that satanic force, and a lot of what is happening in our country is due to greed. People are not content to work hard and to work honestly and therefore greed is what is corrupting this country, and what we are discussing here is important but at the end of the day, only self-control would lead to a higher standard of living.

You see, Madam Speaker, what we are discussing here in the Parliament today is about, not law per se, but about ethics; ethics. You have law which can be enforced but ethics cannot be enforced upon anyone. Ethics is the unenforceable and man has to enforce ethics upon himself, and we are failing to teach ethics in this society. We are failing to lift—

**Mr. Deyalsingh:** Madam Speaker, this is a wonderful discourse for another time and place, but Standing Order 48(1), please.

**Madam Speaker:** Member for Tabaquite—

**Dr. S. Rambachan:** Yes, Madam Speaker.

**Madam Speaker:** Member for Tabaquite—

**Dr. S. Rambachan:** Yes, yes.

**Madam Speaker:** Okay. So I would ask you— I like the foundation that you have laid and I will ask you to tie it back to what you are doing, please. Thank you.

**Dr. S. Rambachan:** So, Madam Speaker, the legislation is important because it was the Commissioner of Police who just, on March 28, 2019, revealed something that was so distressing to me as a citizen when he said that the State was footing a \$50 million bill for 300 suspended cops still being paid. Right? That this legislation attempts to probably prevent cops from breaking the law or takes bribes, or what have you, but to have a police service of about 6,500 and 300 of your policemen are still being paid, they are on suspension, tells you about the magnitude of the problem for whatever reason they are on suspension.

I am very happy, recently I am seeing the Professional Standards Bureau doing a very good piece of work in terms of the number of policemen who are being brought before the courts, but I think it is important. So what the Commissioner of Police is really saying is that over \$500 million had been paid in relation to suspended officers over a 10-year period. That is a lot of the money, a lot, a lot of money. And then the laws we are dealing with here today speak about customs and we had a case, on August 04, 2019, of a customs clerk being fined \$35,000 for \$0.5 million in cocaine, Madam Speaker. So whether it is customs, whether it is police or whether it is prisons—and then you have another situation where, Wednesday, 27 March, 2019, in the *Guardian*, “Venezuelans claim Immigration officers in racket, bribes to stay in T&T”. So if it is these are the things that the attempt is being made to stymie or to stop then I can understand

that.

But, Madam Speaker, in the legislation itself—but no, sorry—I am concerned about legislation versus prosecution; I am really concerned. So the customs officers did their jobs well and they found containers that contained goods that should not have been there. For example, recently somewhere up in the Trincity area a container was found with illicit drugs, and what have you, then in south Trinidad in a container, I think, containing chicken, marijuana was also found. What has happened to those cases? Have they been prosecuted? Have people been fined? So what is the sense of trying to get the customs officers to do their work when the follow through in order to support the work of the customs officers is not being there, Madam Speaker? So I think that that is very, very important.

The other thing that I did not see here in the legislation, but it is probably implied, is how customs officers deal and check about invoicing of goods. There is a lot of talk in this country about under-invoicing of goods that come to Trinidad and as a result of that, we are losing revenue in the country because of under-invoicing. And in fact, if you look at the *Draft Estimates of Revenue* for the financial year you would see that the amount of money collected under excise duties by the Comptroller of Customs and Excise fell by about \$100 million in 2019. So is that because people were buying less or it is under-invoicing? I think that that is something that has also to be looked at. Madam Speaker, in the legislation, in section 55(2), it says here:

“...by increasing the penalty where a police officer is dismissed from the Police Service, or resigns his service, his office, or otherwise leaves the Police Service, fails to deliver up every article which has been supplied to him at public expense and which he has not been expressly authorised to

keep or use for his private benefit.”

Of course, the fines have been increased.

Now, if a police officer, as the Member for Toco/Sangre Grande who could correct me, if a police officer is dismissed from the police service or resigns or otherwise leave, whose responsibility is it to ensure that all the paraphernalia, including the badge and the gun, and so on, all of this is returned to the service? If it is not being returned then the police service has to look at the administrative deficiency involved, and I feel it is an administrative deficiency that is causing this to happen. And is this the reason why some police—we have the acquisition in the country that police guns are being rented out or police uniforms are seen on people—we are talking about police uniforms—I did not see anything here in the legislation that speaks about fining people who might be found guilty of printing these particular police uniforms, you know, because it seems to me that somebody has to be printing these things, somebody has to have access to the equipment to do this in the way that it is done. And, as I say that, we have to make a distinction. The supplemental police, for example, how come sometimes you see they mark “Police”? And I am talking about, you know, security firms that “Police” is marked on their jersey when I do not think that they should have “Police” marked on their jersey, or there should be something that identifies them. [*Crosstalk*] So I think that is also to be looked at, but the administrative deficiency is, I think, something that has to be dealt with.

Now, in section 57(3) the penalty is increased:

“...for a failure to deliver up any article which was supplied to a police officer, who is now deceased, for the execution of his office.”

Now, the question in my mind is who is supposed to deliver up this article of the deceased police officer? So the wife probably does not know, the police officer

placed it somewhere in the house and, you know, it was not delivered up, and then the administrative, if they check and they have not found it, they go and they find it in the person's home, how are you going to deal with that? Are you going to charge the person in the home? Are you going to charge the deceased's wife or son or daughter, or what have you or the caretaker of the home for that? I think that, you know, that raises a couple of issues in my mind. And it has been spoken about before but the one about the penalty for refusal to assist a police officer, that to me is one that needs clarification. I know that the Minister said when he spoke that you will have to be careful that you do not put yourselves in the line of danger in assisting the police officer. But how does that jive with a penalty for a refusal to assist a police officer? Let us say a police officer is fighting a criminal and the police says, "Look, I want help", and calls upon, "Ay, you standing there, come and help me", and you are looking at a gun pointed at the police officer and you are unarmed and you do not know what to do. [*Crosstalk*]

**Hon. Member:** Then reasonableness will kick in.

**Dr. S. Rambachan:** Reasonableness. Okay, if you say reasonableness.

**7.00 p.m.**

Then there is the section here while a policeman is on duty, the penalty is increased where a person knowingly harbours or entertains a police officer while he is on duty. Now, it tells of giving intoxicating liquor to a police officer while he is on duty. What about a cup of coffee? What about a glass of juice? What about a bottle of water? No, it might sound facetious, but is it a good question? Can that be interpreted as entertaining a police while he is on duty? I understand the intoxicating liquor clearly, but I just raised it because what is this? Can a person be set up, and a policemen goes there and, you know, out of your good nature, the

community police, come and have a cup of coffee, come and have a cup of juice or what have you, how do you deal with that?

Then there is another one. A lot of police officers good naturedly go out and ask for charity. They ask for charity and during Christmas time they give out hampers and so on. Should police officers be doing that in the context of section 61—a new section 61 which will provide for instances in which, “a police officer accepts a bribe, gratuity, perquisite reward for the neglect or non-performance of his duty”? Does the police officer feel obligated, having gone out and collected something good naturedly, and then has to go back now and perform duty to arrest that “fella” or charge that “fella” or what have you? You know, there are nuances in the legislation that might end up before a judge, and then what will happen?

So, I just wanted to raise some of these kinds of issues that exist here in the legislation, Madam Speaker. You know, at the end of the day, I think that we ought not to ignore, while we deal with this law and increase the penalties, something that was said by the Director of Public Prosecutions when he complained about the lack of prosecutors to deal with matters, and how long these matters take. You see, in my view, the longer these matters take before the court, the more brave people get. This is why the speeding up of the administration of justice is something that ought to be supported.

Then the final thing I want to say is we had a judge recently, I believe, complaining about ineffective police prosecutors, and I think that that is something that we ought to also turn.

**Madam Speaker:** On that vein, I will stand.

**Dr. S. Rambachan:** But thank you, Madam Speaker, that is the end of my speech in any case.

**The Minister of National Security and Minister in the Office of the Prime**

**Minister (Hon. Stuart Young):** Thank you very much, Madam Speaker. I would like to start by thanking everyone who contributed sensibly to this debate over the course of the last few hours. [*Desk thumping*]

**Mr. Hinds:** Well said. You excluded a whole Bench.

**Hon. Member:** No, it is just Naparima; that is all.

**Hon. S. Young:** I certainly did not exclude a whole Bench, but I excluded some of the contributions.

**Madam Speaker:** All Members, lest I may be accused of not giving the protection when protection is not asked for, and I do appreciate the banter, and certainly across the floor I appreciate the banter. In fact, I enjoy when you all display playful camaraderie, but I would ask people to please observe the Standing Orders, lest I mistake camaraderie as something that needs my protection, even though not asked for. Minister of National Security.

**Hon. S. Young:** Thank you very much, Madam Speaker. I would like to start by just addressing some of the issues that were raised this afternoon, lest they be left on the record unanswered. There was a lot of submission with respect to the prison service. In fact, at one stage I started to wonder if the whole debate was going to turn into one with respect to the prison service.

First of all, to put immediately to rest the falsehood and this fake narrative that the prison service is a stepchild or some part of National Security that is being left behind, that certainly is not the case under this administration. In fact, the record, and the public record very clearly reflects, that the President, Mr. Ceron Richards of the Prison Officers Association, has said very expressly, explicitly and without any prompting whatsoever, on a number of occasions, that this is the most responsive Government he has dealt with ever, and the Prison Officers Association. [*Desk thumping*]

What I would also like to put on record is we have spent a lot of time, energy, resources and given a lot of commitment to the prison services, and that is not only with respect to the prison officers, but most certainly with respect to, as they call it, their clients, and trying to reform the rehabilitative side of prisons and work along with them with that.

It would be remiss of me, however, not to put on record, that in a time of little, when we are as a Government have been prioritizing the money we have and trying to spread it amongst the prison service and other areas, that the former administration spent over \$230 million in cash to buy a warehouse which they converted into a prison that is probably twice the size of this room, but less than one-tenth the size of the whole premises, that they paid over \$230 million for. That is the Eastern Correctional Rehabilitation Centre. I use that as one example, because if we had that \$230 million now, the amount of work that we would have been able to do.

For example, the reform that is currently taking place at the Remand Yard that was completely neglected over a period of time prior to this administration, we are getting that work done for less than \$60 million. It has taken us this long and to try and get it in that range when over \$80 million was spent on a double fence—and I want to place it on record again—a fence that covers nothing. There is nothing in the middle of this fence. The fence protects absolutely nothing, but the former administration spent \$80 million on that fence. And then to have the audacity of persons, such as Naparima, to come here and suggest that no work is being done at the prisons, is a complete falsehood.

Another issue that was raised by the Member for Naparima, who is not in the House, was about acting in positions, and this complaint that persons who are in the executive of the prison service are acting and they are not appointed. The

Commissioner of Prisons I am happy to say was appointed in a permanent post. With respect to the appointment of all officers, it is not within the purview of the Government. It is not within the purview of the Executive, unfortunately. It lies solely within the purview and the authority of the Public Service Commission. We have said that repeatedly in the House.

We are pleading with them, it is not only in the prisons, it is also in fire and other areas. I hope when we come to Parliament in the not too distant future to deal with amendments with respect to the police, the appointment of Deputy Commissioners of Police, the same messaging will ring out in this House, because that is within our power as legislators and we will get that done. So I place squarely on the record that we reject outright, and there is absolutely no evidence to support under this administration that the prison service is being left behind or treated as any stepchild, and that is not even a connotation that one should use.

Furthermore, to just replace on the record, I started off by saying when I was piloting at the outset, this Bill came about as a result of direct consultation between the then Minister of National Security, Minister Dillon, the Attorney General and the officers of National Security and the Attorney General's Office along with the assistance of Minister Hinds. So this Bill came about as a result of that direct consultation. So there is absolutely no side-lining of the Prison Officers Association. [*Desk thumping*]

The vetting of persons raised by the Member of Parliament for Couva South. The vetting of persons trying to enter the prison service, the police service, the Trinidad and Tobago Regiment, is something that more attention is being placed upon. It is something where we are asking that we begin introducing, for example, polygraph testing, because you are right, there are instances of the elements of criminality making their way into the system; also whilst in the system their long

tentacles are surrounding. As we talk about the tentacles and where the tentacles of criminality go and the conversations with the criminal element, I also take the opportunity to warn us in this Chamber that we should not allow ourselves, some of us who have left the precincts of the Chamber, to fall into that category as well. I will leave it to Couva South to make sure, you know, to have that conversation with your colleagues as I do with mine.

**Mr. Ramadhar:** “How he could do Marlene dat?”

**Hon. S. Young:** It was not Marlene I was referring to, it was someone over on that side.

With respect to the CCTV—as I have said throughout, with the CCTV we are upgrading it in the prison system. There is coverage—of course, from a national security perspective I will not get into all of these issues. There was apparently some banter whilst I was out of the Chamber a little earlier about grabbers and jammers—grabbers, jammers and rammers. I was told there was a lot of familiarity with grabbers, jammers and rammers.

**Hon. Member:** Three UNC.

**Mr. Hinds:** Sharma, Baker and Glenn Ramadharsingh.

**Hon. Member:** Ramadharsingh and Sharma and Baker were grabbers and jammers.

**Hon. S. Young:** Okay, thank you. Again, that is technology that is being utilized in the prison system, but it does not negate the need for the amendments we are making here today to deal directly with it, because as technology changes—

**Hon. Member:** Glenn Ramadharsingh and Delmon Baker, jammers and grabbers.

**Hon. S. Young:** A lot was said over and over repeatedly by a number of the speakers that laws and penalties cannot win the fight on crime or the war on crime. There is absolutely no one on this side in the Chamber who will dispute that. But

as I continuously think, and I am going to state it now whenever I hear that said in this Chamber, I often wonder if Members understand what is the purpose of us being in the Chamber; what is the purpose of us as legislators being here. Our purpose as Members of the House of Representatives, one of our main purposes, if not our priority purpose when we come to the House, is to pass law. So every time I hear the suggestion, “Well, yuh cyar pass law. Law not going to do,” I wonder, so what is it, that we must just sit and do nothing? We must not pass laws?

This is good law. I am happy to hear today that my friends on the opposite side are supporting it. I take that as a recognition on their behalf that this is good law and it is law that is necessary in Trinidad and Tobago. [*Desk thumping*] We have said over and over repeatedly in a number of debates on other pieces of legislation, a lot of the work that we are doing that complements the passage of law. So, for the Member for Naparima to say that he wants to see improvement in the criminal justice system, we also want improvement in the criminal justice system. That is why a lot of effort was spent by this administration through the Attorney General in bringing pieces of legislation that were directed to making a more efficient criminal justice system. On the other hand, we are also working with the Judiciary and other elements of the criminal justice system to improve the efficiency.

I also smile whenever I sit here and hear the criticisms about crime, and you are not doing this and you are not doing that. I am always reminded every time I hear praise for the Commissioner of Police, I wonder to myself by those on the other side as they give that type of praise if they forgot that over 12/13 months ago, not a single one of them on that side rose to support the current Commissioner of Police.

With respect to one of the last points made by the Member for Tabaquite,

and I suspect it was that it has been a long day, a long evening and maybe a bit of drifting at the end. Two points: the first is when the Member for Tabaquite referred to 61A of the legislation before us and he said that he did not say it facetiously, if a police officer is given a glass of water or some juice by someone if they could be charged. Lest any member of the public or any member of the media covering this falls for that, section 61A says:

“A police officer who accepts a bribe, gratuity, perquisite or reward, whether pecuniary or otherwise, for the neglect or non-performance of his duty...”

So it is qualified. Whether he wants to suggest someone can be bribed for a glass of water or orange juice, it is qualified by the second part, “for the neglect or non-performance of his duty”. So it is coupled. It must go hand in hand: “Take this glass of water. Turn your back whilst I rob this woman.” So the police officer has to accept the water and then neglect his duty of protecting the woman who is about to be robbed. So that is a completely—it is facetious. Let me just leave it at that. It is a facetious submission. [*Interruption*] Yes, I was struggling to find the right parliamentary language, Madam Speaker. Thank you very much.

**Mr. Hinds:** He understands now but if you had said a brown bag—

**Hon. S. Young:** He would understand better.

Madam Speaker, there was another point that I wanted to address that the Member for Tabaquite made, but it slips me right now. I have taken on board his suggestion that what we do—not necessarily engaging on a PR campaign, but making sure that persons are aware is his suggestions are well taken and we will look at that by putting up signs in the necessary places, warning persons if they bribe or obstruct officers about the new penalties that would apply.

Madam Speaker, as I come to a conclusion with respect to this Bill that has taken us a few hours, I would just like to give everyone notice that there is one

amendment I would like to propose—we will be proposing on this side in the committee stage—and it is a very simple amendment. It is really to add “rehabilitation centres”, which are specific entities that have come up under the suite of legislation dealing with children. We would like to add that at clause 3 where we have listed the various prisons and correctional facilities. We will be asking for the inclusion of a new (i), and we will be adding the “Rehabilitation Centres”.

I would like to thank everyone for their contributions today, the sensible and reasonable ones. For all those on this side who contributed. [*Interruption*] No, but that is an important qualification.

With those few words, Madam Speaker, I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

**Madam Chairman:** Do we have agreement that we should do 1 and 2 together, 3 alone and then 4 to 7?

**Hon. Members:** Yes.

*Clauses 1 and 2 ordered to stand part of the Bill.*

*Clause 3.*

*Question proposed:* That clause 3 stand part of the Bill.

**Mr. Young:** Thank you very much, Madam Chair. As I had previously indicated it is our proposal that we amend clause 3 to add a new clause (i) after (h) that reads:

“Rehabilitation Centres;”

**Madam Chairman:** Whip?

*Question put and agreed to.*

*Clause 3, as amended, ordered to stand part of the Bill.*

*Clauses 4 to 7 ordered to stand part of the Bill.*

*Question put and agreed to:* That the Bill, as amended, be reported to the House.

*House resumed.*

*Bill reported, with amendment, read the third time and passed.*

### **ADJOURNMENT**

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you very much, Madam Speaker. I beg to move that this House do now adjourn to Friday 15 November at 1.30 p.m.

*Question put and agreed to. [Interruption]*

**Madam Speaker:** I have put the question, so maybe you could ask the question after.

**Mr. Lee:** Madam Speaker, just for the Leader of Government Business, what would we be doing next Friday, please?

**Hon. T. Deyalsingh:** Madam Speaker, that would be communicated to the Chief Whip within the correct time to comply with the Standing Orders, and that would be done very early. Thank you very much.

*House adjourned accordingly.*

*Adjourned at 7.25 p.m.*