

**Law Association
of Trinidad and Tobago**
established by the
Legal Profession Act 1986



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May 26, 2008

Senator, The Honourable Martin R. Joseph
Minister of National Security
Temple Court
31-33 Abercromby Street
PORT OF SPAIN

Dear Minister,

I refer to previous correspondence comprising my predecessor's letter of November 10, 2005 and your reply of February 21, 2006.

We regret to say, that the deep concern of the Council of the Law Association with the unacceptable levels of crime in our country, compels us to write you again.

Notwithstanding your statement that the Ministry was already engaged in action relating to the number of proposals of the Association, the Council sees little progress in crime reduction. With respect, we are bound to say that the tide of violent crime has risen and we do not consider that the table of information that you provided to be a satisfactory response to our proposals.

We have prepared a table identifying the shortcomings of your response and the same is enclosed for your urgent attention.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Martin G. Daly', written over a horizontal line.

Martin G. Daly S.C.
President

Encl.

President - Martin G. Daly S.C. • Vice President - Hendrickson Seunath S.C.
Treasurer - Gregory Armorer • Honorary Secretary - Patricia Dindyal

**COUNCIL OF THE LAW ASSOCIATION'S RESPONSE
TO ACTION BEING PURSUED BY THE MINISTRY OF NATIONAL SECURITY IN RELATION TO PROPOSALS**

	COMMENTS ON THE ACTION BEING PURSUED BY THE MINISTRY OF NATIONAL SECURITY		
PROPOSAL	ADDRESSED	NOT ADDRESSED	RESPONSE NOT SATISFACTORY
<p style="text-align: center;">LEGISLATION</p> <p>DNA Legislation must be enacted and put into effect by January 1, 2006. We are aware that steps have been belatedly taken to have appropriate legislation drafted but the process must be expedited.</p>			This legislation is urgent and plays a vital role in solving and preventing crime. The Ministry needs to put pressure on key stakeholders to implement same fully.
Enact laws to provide for electronic monitoring of persons convicted of certain crimes.			The Ministry should consider pursuing this proposal. This monitoring will eventually facilitate a preventative approach to dealing with crime.
Enact laws providing for adequate sentencing options to Magistrates and Judges to give effect to restorative justice principles and thereby reduce prison overcrowding.			The Ministry should consider pursuing this proposal. This will allow for offenders to repair the harm that is caused by the crimes they commit.
Enact modern Rules dealing with Prison conditions.	Addressed		No evidence of implementation.

Enact legislation to provide for treatment of addicts and alternatives to prison sentences.			The plans for the development of a more structured and sustained treatment programme for addicts <u>must</u> be implemented as soon as possible.
Enact laws to provide for the introduction of the breathalyzer and speed guns.	Addressed		No evidence of implementation.
Enact laws to provide for adequate support for victims of crime.			There is an increasing number of victims of crime on a daily basis therefore the need for such legislation is urgent.
Amend the existing laws to provide for an increase in the number of judges so that more courts will be available to deal with criminal prosecutions.			Action needs to be taken in this area in light of the fact that the Ministry says that discussions have been ongoing.
POLICE Qualification for entry into the Police Service must be made higher than at present.	Addressed		
There should be extensive training programmes to improve investigative techniques of police and their competence in taking witness statements, case analysis, preparation of case dockets and to improve their forensic skills.			There needs to be ongoing and extensive training throughout the Police Service.
There is need for an increase in the			The problem of too few police

number of police officers. We have received reports of times when there have been no more than 2 police officers on night duty at police stations in "hot spots".			officers at police stations still exists today.
Introduce measures for quicker response time to reports e.g. within 5-10 minutes of a report police officers should be on the crime scene.			There no noticeable improvement in response times by the Police Service.
There is need for an increase in police patrols of all types including helicopter and mobile patrols.			There has been no noticeable increase in the number of patrols. More attention should be focused in this area.
Computerization of all police records so that they are easily available to police officers wherever stationed.			This area is in urgent need of attention.
Replace Police Prosecutors with Attorneys-at-Law in Courts. This is a measure which was approved by Parliament more than 25 years ago. It will ensure the preliminary enquiries are better conducted.			This is still outstanding.
There is need for police officers to make greater use of forensic crime scene investigation techniques. This will assist in the preservation of the integrity of crime scenes and retention of evidence.			There needs to be ongoing training in this area.

All police stations must be in a satisfactory state of repair and provide accommodation conducive to police officers performing at a high level.			There still exists today many police stations that are in a state of disrepair.
PRISON Implementation of the recommendation in the Report on prison reform to provide for restorative justice programmes, training and education of inmates and the immediate improvement of prison conditions.			This area needs the Ministry's continuous attention.
Encourage prisoners to learn to read by literacy training, provision of proper library facilities and expansion of the prison school system.	Addressed		
Utilize fully the Maximum Security Prison at Golden Grove which was constructed about a decade ago.			This facility is still underutilised to date.
Reduce overcrowding and inhumane conditions in prisons. It is no use talking about refusal to grant bail to persons not yet convicted if there are no proper prisons in which to keep them.			The strategies identified by the Ministry need to be implemented.
Construct a proper prison in Tobago. The facilities there are merely of a holding bay.			The construction of this facility is long overdue and should be given urgent attention.

<p>The Inspector of Prisons must be made to report to Parliament on matters relating to prison conditions so that the public will be made aware of them.</p>			<p>The public should be made aware of all matters relating to prison conditions.</p>
<p>The DPP The number of attorneys-at-law in the Department must be increased to cope with the growing incidence of serious crime. This is particularly so at the higher levels.</p>		<p>Not addressed</p>	
<p>Attorneys-at-law should be assigned to each Magistrate's Court to prosecute cases thus replacing police prosecutors with attorneys. Urgent steps should be taken to accomplish this.</p>		<p>Not addressed</p>	
<p>State attorneys should be assigned to all police districts to guide police officers on procedural matters and investigations.</p>		<p>Not addressed</p>	
<p>There is urgent need for proper accommodation for the Office of the Director of Public Prosecutions. Accommodation which was given to that office was recently made available to another body. The Office of the DPP is not treated with the priority which it deserves.</p>		<p>Not addressed</p>	
<p>JUDICIARY Increase complement of</p>		<p>Not addressed</p>	

Magistrates and Judges with a view to all trials being completed within 3 years of the commission of the offence.			
The CAT system of reporting should be introduced in all courts to improve court efficiency and reduce the length of trials.		Not addressed	
Immediately repair all Magistrates Courts that are in a state of disrepair.		Not addressed	
MISCELLANEOUS MATTERS There should be an adequate witnesses protection programme.			The implementation of these Regulations is awaited.
Measures should be taken to protect children who are or risk being abused.			More attention needs to be focused in this area.
The State should train and increase the number of forensic science officers.			More attention needs to be focused in this area so as to complete recruitment activities for suitable persons.
There is a need to establish forensic science centres in San Fernando and Tobago.	Addressed		
The Police Complaints Authority must be strengthened in an effort to reduce the number of errant police officers.			More attention needs to be focused in this area so that the backlog can be reduced.

Closed Circuit Television Cameras should be used in cities, towns and busy places to detect crimes and provide evidence in criminal cases.	Addressed		
EDUCATION AND SCHOOLS There is a need for proper mentoring programmes in schools.	Addressed		
Emphasis should be placed on the teaching of reading and writing to achieve literacy among students.		Not addressed	
Proper library facilities should be provided in all schools (persons who read are shown to be less likely to commit violent crimes).		Not addressed	
Educational and training programmes should be introduced in all vulnerable communities to reduce the impact of "gangs" in communities.	Addressed		