



# LAW ASSOCIATION OF TRINIDAD AND TOBAGO

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## MEDIA RELEASE

The Commissioner of Police is right to launch an investigation into the return of the cash seized in the raid on the Drugs Sou Sou premises. His investigation should also include whether there was a legal requirement to obtain a warrant before the search was initiated since a warrant obtained after a search has started does not legalise what has already occurred.

The privacy of a citizen's premises is protected by the Constitution and ought only to be violated when carried out strictly in accordance with the law. The failure to obtain a warrant when required, and the failure to disclose it when obtained, violates the Constitution, on the one hand, and engenders distrust, on the other. As things stand, it remains unclear what offence the officers leading this raid on private premises suspected was being or had been committed and what were the considerations that led to the return of cash seized.

The Commissioner is also right to investigate the individual caught on tape, seemingly stuffing cash into his apparel. The Commissioner has made the statement that the individual is a member of the Defence Force and not the Police Service. Whether that is or is not the case, the Commissioner ought not to belabour the point lest it appear that he is shirking responsibility for the conduct of an individual carrying out a search as part of a unit under his command. Which service the individual belongs to will determine which body could launch disciplinary proceedings, on the assumption that there is evidence to support a disciplinary charge. But whatever the individual's true designation, he is equally subject to the criminal law.

The Law Association further encourages the Commissioner to pay equal attention to reports, apparently backed by video footage, of members of the search squad physically abusing occupants of the premises being searched. There is also a report that a woman who was on the premises when the search was being carried out has now miscarried.

Except in necessary self-defence or to impede escape or where the police are being obstructed in the performance of their duties, there is no justification for physical abuse on the part of any member of the protective services. The Law Association therefore trusts that the Commissioner will include this among the matters he intends to investigate.

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