

REPORT

THE COMMISSION OF INQUIRY-
**CAMP STREET PRISON DISTURBANCES
AND RESULTANT DEATHS**

March 2-4, 2016

PROLOGUE

May it please Your Excellency, it is our pleasure to present for your scrutiny and action the Final Report of the Inquiry which Your Excellency commissioned.

We tender our collective thanks for giving us the opportunity to serve our country in this adventure. To you Sir, our gratitude is unbounded. Our collective hope is that our Report vindicates its existence and that posterity would so confirm. It would be a matter of even greater satisfaction for us should posterity impress its imprimatur on the essence of our findings. We would be even more satisfied should our findings be acted upon with deliberate haste where possible. We would recommend the service on all interested parties copies of this Report. While time did not allow our research to be as exhaustive as we would have liked yet we submit that, for Historians and others, this report may well be best exordium in their academic or professional endeavours.

Our gratitude is extended to the Permanent Secretary of the Ministry of the Presidency, Department of Public Service. His choice of personnel was superb. He facilitated us with personnel who also deserve our encomiums.

TABLE OF CONTENTS

Prologue		1
Table of Contents		2
Executive Summary		3
Terms of Reference		5
Inquiry Process		8
Introduction		12
Part 1:	What Happened and How Did it Happen	15
	Events: March 2, 2016- March 4, 2016	
Part 2:	What happened that Ought Not to Have Happened	23
Part 3:	What did not Happen that Ought	
	to Have Happened	
Recommendations		
Epilogue		
Appendices		
	Annex A: Matrix of Previous Recommendations	
	Annex B: Contingency Plans: GDF, GPS, GFS	

EXECUTIVE SUMMARY

The Commission of Inquiry (COI) was established with broad terms of reference and a short time-frame in which to address them. Despite our best intentions a number of areas which require more detailed enquiry have only been noted, hopefully to be addressed subsequently by the relevant organizations and people.

Satisfying all shades of opinion was not the goal the COI set for itself. Rather we would prefer to think that the expectations of all of the different sets of people affected by the tragedy have been met in some measure. That in itself is a tall order entailing a Report that was truthful and assuring; that identified causes; that proposed preventative measures; that contained guidance for policy-makers; that proposed reforms to make prisons in Guyana safer and healthy places for inmates to serve out their sentences, and conducive for the Guyana Prison Service (GPS) officers to maintain professional standards.

The Report of the Commission sets out to the best of our ability the events and their consequences that led to the deaths of seventeen inmates of the Camp Street Prison. This involved piecing together conflicting evidence, sifting facts from conjecture, speculating on gaps in the evidence of witnesses drawn from the two main protagonists in this tragedy - the inmates of Camp Street prison and members of the Joint Services - but also encompassing, the Guyana Prison Service, the Guyana Fire Service and the Guyana Police Force.

Establishing the sequence of events was generally achievable more readily than assessing responsibility and assigning blame for the tragedy. With regard to the sequence of events, the COI is confident it can piece together what occurred with a reasonable degree of confidence. The exception to this general statement would be with respect to efforts to open the jammed lock on the door of the cell-block, where assigning responsibility for what went wrong is more complex.

To the extent that the prisoners set the fires and robustly resisted efforts by the GPS to put them out, created the conditions in which it was not possible to unlock the cell door. Unpalatable as it is to assign blame to the dead, some of them at least, along with a number of survivors, must be assigned the immediate responsibility for the deaths that occurred. Whether the decision of refusing to come out of the cell block in reaction to the man-handling of Collis Collison was justified; whether it was forced on the majority by ring-leaders; whether it was a justified fear or a pretext to prolong the disturbance, are issues the Commission could not resolve. Although the COI began taking evidence promptly, sufficient time had elapsed for settled versions of events to be agreed on by both sides.

While responsibility for the tragedy must be shared, 'though not equally, between prisoners and staff involved in the immediate events, the COI examined the larger context in which it occurred. Moreover, in assigning blame, insufficient attention has

been paid to the valiant attempts by prisoners in the nearby block to save the trapped prisoners. Camp Street is not populated only by hardened criminals. Unrest amongst prisoners tends to generate fear of other inmates more than fear of the staff.

The COI received credible account that daily life in Camp Street prison is indescribably harsh. Prisoners spend most of their day in spaces which are occupied by three, four and five times more people than they intended to accommodate. Roaches, centipedes, lice and rats flourish. Blocked toilet areas in cells overflow. The Commission heard of men trying in the night to get to the toilet areas, stepping on sleeping prisoners, falling over others, causing fights. As the prison population increases, internal mobility in the prison decreases. A chronically under-strength staff, the majority of whom are female, are outnumbered, rehabilitation activities are suspended and inmates remain locked down. Almost on a daily basis a group leaves the prison early in the morning to search for firewood for the prison kitchens!

Information provided to the COI by the GPS shows some sixty percent of prisoners living in these conditions have not been found guilty of any crime, who in theory, enjoy a presumption of innocence. They are remand prisoners, the responsibility of the Judiciary, not the GPS, who has no discretion to refuse to take them.

In addition to the Judiciary, the Commission learnt of other Agencies with statutory responsibilities to support the prison system failing in their supporting role. Attorneys-at-law are rarely seen in the prison assisting remand prisoners to get to trial. Over the past ten years, an average of only seven prisoners per year have been released by the Parole Board. The Ministry of Health, which has the power to demand the release of prisoners on health grounds offer minimal services to the prison despite a sizeable component of mentally ill, HIV positive and drug substance-addicted prisoners.

Even a cursory exposure to this context is sufficient to dismiss the notion that the responsibility for the tragic events can be restricted to the actions of prisoners and prison staff at the time they occurred.

Despite their contributory role in creating and sustaining these appalling conditions as both a workplace and a place of detention, in their inter-actions with the Commission the associated Agencies displayed no sense of shared accountability or responsibility. Members of the Guyana Bar Association utilized the COI for media self-promotion at every opportunity. Their efforts to demean the COI in the public mind, however, is of less consequence than that they did nothing to either enhance the image of the profession or the work of the Commission.

The COI is recommending creation of a High Level Committee focused solely on reducing the cancer of over-crowding, along with a range of ancillary recommendations to improve the engagement of key agencies and to strengthen the professional capacity of the GPS to respond to its diverse challenges. The Commission is calling on His Excellency President Granger to ensure that sufficient momentum and political authority is vested in implementing our Recommendations and in a year's time to order a review of their effectiveness.

Terms of Reference

Commission of Inquiry

The President of Guyana has commissioned an inquiry to probe into the disturbances and resultant deaths of 18 prisoners at the Camp Street Prisons, Georgetown on the morning of the 3rd of March, 2016 and any other subsequent disturbances.

WHEREAS, it is the opinion of HIS EXCELLENCY, The President that such an inquiry into the disturbances would be for public welfare.

The Commission has been constituted for the following purpose:

“to enquire into all the circumstances surrounding the death of eighteen (18) Prisoners from the Camp Street Prison, Georgetown on the morning of Thursday 3rd of March, 2016, to report the findings and conclusions to the Ministry of Public Security and to make recommendations on any action that should be taken to avoid a recurrence”

Terms of Reference

(1) The Inquiry will investigate, examine and report on:

- The causes, circumstances and conditions that led to the disturbance on the morning of the 3rd of March, 2016 that resulted in the death of 18 Prisoners and any other subsequent disturbances at the Camp Street Prisons, Georgetown.
- Inquire into the nature of all injuries sustained by the Prisoners during the disturbances on the morning of the 3rd of March, 2016 and any other subsequent disturbances.
- Determine whether the conduct of the staff of the Guyana Prisons Service who were on duty on the morning of the 3rd of March, 2016 and thereafter was in conformity with the Standard Operating Procedures of the Guyana Prison Service.
- Determine whether the deaths of the 18 prisoners was a result of the negligence, abandonment of duty, disregard of instructions, inaction of the Prison Officers who were on duty on the night of the 2nd of March, 2016 and the morning of the 3rd of March, 2016.

(2) Recommendations

The Commission shall make comprehensive recommendations to ensure the safety of the prisons.

- (i) Examine and make findings and recommendations to improve the physical infrastructure of the prisons;
- (ii) The existing security arrangements in respect of the custody, management and control of prisoners.
- (iii) The appropriate treatment of prisoners in compliance with legal and other requirements.
- (iv) To prevent a recurrence of any such disturbances.

(3) Rules of Procedure

- (i) The Inquiry must consider the views of stakeholders including:
 - Staff of the Prisons and their Unions;
 - Members of the Judiciary;
 - Prisoners accommodated within the Camp Street Prisons
 - Staff of the Ministry of Public Health and the Ministry of Social Protection;
 - Any other stakeholders the Inquiry deem appropriate.
- (ii) This commission shall render its report, findings and recommendations to the Minister of Public Security by the 28th of March, 2016 or such other date as the Minister of Public Security shall determine.
- (iii) This Inquiry shall be conducted continually at the Conference Room of the Department of Public Service, Ministry of the Presidency, 164 Waterloo Street, South Cummingsburg and in such other places as the Chairman may determine.
- (iv) The Inquiry shall be held in public, with reservation nevertheless to the Commissioners to exclude and person/ persons if they deem fit for the due conduct of the Inquiry, the preservation of Order or for any other reason.
- (v) The Commission shall commence work on the 7th day of March, 2016 and the Chairman shall take appropriate steps to ensure that the Commission complete its work and submit its report within the aforesaid time.

- (vi) The Chairman and one other Commissioner shall constitute a quorum.
 - (vii) Subject to the above, this Commission shall establish and regulate its own procedures for the conduct of the Inquiry and shall be governed by the aforesaid provisions of the Constitution of Guyana, the Commissions of Inquiry Act , Chapter 19:03 , the High Court Act , Chapter 3:01 and any other Laws enabling.
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GIVEN under my hand as the
President of the Cooperative Republic
of Guyana, at Georgetown, Guyana,
this 7th day of March, 2016.

.....
The President

THE INQUIRY PROCESS

On March 7th, 2016, after receiving the Instrument appointing the Commissioners of the Commission of Inquiry into the Disturbances and Resultant Deaths of seventeen (17) Prisoners at the Camp Street Prison, Georgetown, on March 3rd, 2016, the Commission of Inquiry held its first meeting (March 8th., 2016) to discuss its scope of operations and working method as summarised below.

PHASE ONE - What Happened and How Did It Happen

The focus of the first phase was on the perceived cause of events leading up to the fires, the deaths of the inmates and the actions taken to assist the victims. Commissioners began listening to and examining testimonies of prisoners from Thursday, March 10th. and continued doing so with assistance of the COI Counsel from March 14th, notwithstanding the number of interventions and applications by the Guyana Bar Association for standing with "full participation" and calls for adjournment of sittings of the Commission.

The sequencing of testimony following on the grouping of inmates was interrupted due to the departure of the Counsel of the Joint Services on an overseas commitment. Hearings of members of the Fire Service and Police Force in attendance during the disturbances followed. It was considered important for this phase to begin as soon as possible to avoid the submergence of personal recall into a common narrative.

PHASE TWO - What Happened That Ought Not To Have Happened

Prison preparedness was the chief focus of this phase with a forensic scrutiny upon the protocols of prison preparedness with strict observance of the Standing Operating Procedures. This was deemed necessary to test the information from the attesting prisoners. This phase required access to Log Books, Incidents Books, Complaints Registers, General Sanitation Occurrence Book, Staff Attendance Book, Front Gate Occurrence Book, Dietary Occurrence Book, Inspection of Meals Journal and other similar evidence. It was envisaged that this documentary evidence would enable a better comprehension of any build-up of grievances or complaints about searches for illegal items, use of force, transfer of prisoners to different wings and segregation and suchlike in order to identify any patterns.

PHASE THREE - What Did Not Happen Which Ought To Have Happened

The focus of the third area of inquiry related to the adequacy of support services crucial to the prison service performance of its duties. These services involve primarily:

- The Judiciary & Magistracy;
- Ministry of Health
- Probation Services
- Parole Board

- Visiting Committees

AWARENESS

The Official Gazette 8th. March, 2016 Legal Supplement B announced the aim of the Commission of Inquiry, ~~stating the Terms of Reference, Recommendations and Rules of Procedure.~~ (Annex 1) The Commission was empowered to establish and regulate its own procedures for the conduct of the Inquiry, governed by the provisions of the Constitution of Guyana the Commissions of Inquiry Act Chapter 19:03, the High Court Act, Chapter 3:01 and any other Laws enabling.

The Commission placed a Notice of Invitation, in all newspapers of general circulation, on two occasions over a two-week period, inviting interested parties to submit written and verbal testimony and evidence which would assist in the examination of the issues referred to. A public call was also made in this regard at the first Press Conference of the Commission. A public 'drop-box' was also placed from March 8th. at the administrative office of the Commission.

APPEARANCES

The Commission requested written statements from all surviving inmates from the specific division of the Prison as well as from a sample of other affected inmates from other divisions who were in a position to witness the disturbances.

Willing members of the Joint Services, affected by and involved in preventative exercises in protecting lives and further damage to the Prison's property and infrastructure, were also requested to give written statements. A number of relevant reports and visual materials which the Commission requested at the outset from the Prison Service and Joint Services were received.

The Commission requested of the Director of Prisons that measures be put in place to minimize or prevent any perceived or real threats or victimization of inmates who were called to testify or indicated willingness to testify.

Four independent co-counsel applied for and were granted standing to attend the interest of inmates in the Georgetown Prisons, namely Mr. Dexter Todd, Mr. Melvin Duke and Ms. Mitra All with him, and Ms. Joan Mars on behalf of named clients and Mr. Christopher Ram and Mr. Glenn Hanoman, representing the Guyana Bar Association.

One independent counsel had standing with an Associate to attend the interest of the Joint Services. They were Mr. Selwyn Pieters and Mr. Eusi Anderson respectively.

The Commissioners made a visit to the *locus in quo* on Tuesday the 8th day of March, 2016 from 17.00 hrs to approximately 19.00 hrs. There was a return visit to the *locus in quo* by the Commission, staff, counsel and journalists on Tuesday, the 13th day of March, 2016. These provided a purposeful context by interested stakeholders as to the area and magnitude of the tragedy.

By week ending March 11, 2016, support staff – COI Secretary Research/IT/Audio/General and transcribers were in place.

The Secretary organised the register of all written testimonies and materials being received by the Commission, as well as arrangements for safe storage of these materials, in addition to 'Confidentiality Undertaking' Statements for the return of materials, including videos, made available to Counsel.

Two research assistants were tasked with compiling all the major reviews and strategic plans on the Prison Service as well as articles, letters, cartoons, and other relevant information surrounding the recent prison disturbances and public hearings from the four local press as well as news articles from three internet services. In addition, they completed a Matrix on initiatives taken by the GPS and the Ministry of Public Security (Home Affairs) based on the various recommendations made over the years with respect to alleviating problems at the Camp Street and other prisons. They also assisted in researching what other policy and or legislation exist with respect to witness protection, apart from its reference in the COI Act.

The Commissioners encouraged a programme in place of grief counsellors to help address the psychosocial needs arising from the trauma as a result of this tragic incident. The likelihood of psychosomatic injury to the inmates, their families and officers of the prison service needed to be explored. Counsellors were drawn from medical practitioners from the Ministry of Health and the private sector on a voluntary and pro-bono basis.

The Commissioners conducted their first press briefing on the 9th. of March, 2016 at the venue of the public hearings - the Conference Room of the Department of Public Service (formerly Public Service Ministry), 146 Waterloo Street, Georgetown. The times of daily Hearings were announced as between the hours of 10.00 hours and 14.00 hours.

The Commission, at the time with assistance from the Liaison Officer from the Office of the President, ensured that fifty (50) copies of the Press Statement were duplicated and distributed to members of the media and public in attendance.

The key messages of the Commission's Statement focused on the areas of the Inquiry, the structure of the intended report and the conduct of the inquiry. It was emphasised that the purpose of a public inquiry is to establish the facts of a particular event and make recommendations to the government. It cannot make a legal finding of guilt or liability, nor can it force the government to act according to its advice. Public inquiries are not courts of law. They have no determinative nor sanctional jurisdiction. In addition, the Commission stated its wish to conduct as much as possible of the inquiry in a public manner. However, it noted the Commission's duty to protect persons who appear before the Commission who may, by virtue of their circumstances, be vulnerable either to stigma, retaliation or vindictiveness as a result of their appearance. and indicated that the Commission would take whatever measures, including *in camera* testimony, to ensure all witnesses may confidently tell their story in as full a measure as they wish.

The Commission was guided by the *Procedural Rules of the Commission of Inquiry to Inquire into and Report on the Circumstances Surrounding the Death in an Explosion of the Late Dr. Walter Rodney on the Thirteenth Day of June One Thousand Nine Hundred and Eighty at Georgetown*, issued in April 2014.

The need was recognized for the appointment of a Press Officer as vital to the Commissioners' interface with the Public but no such appointment was made.

EXTENSION OF TIME

The Commission of Inquiry was gazetted to conclude on the 28th day of March, 2016, and later extended to May 31st., 2016.

In its Preliminary Report to the President at the end of March, 2016, the Commission stated: "*It is the view of the Commissioners that this public inquiry should display a degree of fairness that would inspire confidence in the outcome. Consequently, while counsel is afforded some latitude in their cross-examination, the result is that longitude infiltrates and brevity is at a premium. It follows that the prognosis of a speedy end of the inquiry, all things being equal, cannot at the moment properly be assessed.*"

The Commission completed fifty-three (53) individual Hearings and rounds of consultations on May 13, 2016. It also received five (5) written submissions.

INTRODUCTION

The belief that incarceration protects the society and deters crime is so well established in Guyana, as in most countries, that nowhere in Guyanese statutes has it been felt necessary to state the purpose that prisons are intended to serve. An equally strong conviction sees crime as a deliberate choice of persons who indulge their criminal tendencies and therefore deserve to be punished. The notion that choice and responsibility might be socially induced holds much less sway in this society, thereby marginalizing the idea that socially rehabilitating offenders should be the central purpose of the prison experience. People with this mind-set are less likely to be disturbed by the idea that de-humanizing conditions of prison should be a source of public concern.

Societal disinterest in any approach to crime other than to isolate and punish offenders permeates all dimensions of the penal system, generating widespread public apathy towards the conditions of prisons. An extension of popular disinterest in the welfare of prisoners is the status accorded the Guyana Prison Service (GPS) as the least prestigious of the Disciplined Services. This is reflected in low levels of remuneration and conditions of service, less rigorous training programmes, poorer quality housing and benefits for officers, less opportunities to further their education, significantly less technical resources to carry out the work of the GPS and working conditions that suffer from all the ills associated with over-crowding in prison. Rather than create conditions which would attract a more ambitious range of applicants to the GPF, thereby raising levels of professionalism from within, the practice is becoming institutionalized of seconding members of the Guyana Police Force (GPF) and the Guyana Defence Force (GDF) to senior positions within the Guyana Prison Service.

The relationship of other agencies to the prison system further reflects the low prestige in which this service is held. The judiciary and magistracy, specifically, given its direct responsibility for the indefensible levels of over-crowding must bear particular responsibility for the events under examination. Prisoners on remand constitute two-thirds of the inmates of Camp Street prison i.e. two-thirds of the persons who have a claim on the presumption of innocence spend years in intolerable conditions. Both arms of the Administration of Justice, the Bench and the Bar, have failed those detained in prison.

Creating a Commission of Inquiry into the deaths and destruction in Camp Street was the foreseeable reaction to an event of this nature. The intention, as with Inquiries into jail breaks or other unusually disruptive events in prison, is to identify and correct weaknesses in the system and aim for higher levels of delivery of prison services in the future. Over the past two decades, however, a virtually continuous stream of Reports have emerged from Inquiries, Commission, Committees and expert consultants all making remarkably similar recommendations. The major challenge, therefore, is not only identifying the steps that should be taken to avoid repetition of the tragic events in the Georgetown Prison which occurred in early March resulting in the deaths of seventeen prisoners, but also to recommend how to ensure that political support for

implementation of recommendations does not wane when the issue disappears from the front page of newspapers.

The State spends an estimated G\$334,617. per prisoner each year, that is G\$920. per day on each prisoner, according to the *Strategic Plan 2010-2015*. Per capita cost is arrived at by dividing the total Operating Cost (including overheads) by the total Prisoner Population for the relevant year. This figure should only be regarded as indicative since facilities as well as basic prisoners' needs are not adequately met (*SP, Sept. 2010*). A more inclusive and up-to-date calculation (based on government calculation including costs of transporting prisoners) submitted to the COI in a written submission by prisoners provided a figure of G\$485,000. per prisoner per year or G\$1,329. (*General Issues & Concerns Affecting Inmate Population at the Georgetown Prison, March 31, 2016*)

On the other hand, recidivism has apparently increased by over 100% (*SP, 2010*), indicating not only a waste of taxpayer dollars but also the need for a more comprehensive and structured partnership within the wider justice system.

The over-riding theme emerging at all stages of this Inquiry is the pervasive manner in which over-crowding in prison undermines all facets of prison life.

The submission to the COI of the Officer-in-Charge of Camp Street prison contained statistical information on over-crowding as measured by international construction standards (ICS) for security areas in prisons. According to these standards Camp Street prison, given that the 'Brick' prison is under construction and the two landings of the Woods are out of order, ought to house a maximum of 531 prisoners. As at 2016/02/29 the Georgetown Prison housed 979 inmates which is estimated to be 448/ 84% over the maximum accommodation capacity.

When the prison population is distributed over the twenty-one separate divisions that house prisoners, the reality of over-crowding is more readily appreciated. Of the 979 detainees, 55 are living in dormitories five times smaller than the recommended ICS prescribed for that number; 61 are living in areas four times smaller than the respective ICS; 123 are living in areas three times smaller than the recommended standard; 311 are living in spaces two and a half times smaller than the recommended areas and 205 are living in areas half the recommended size. In over-all terms, only 79 of the 979 inmates live in areas that meet international standards with respect to space. Almost half of inmates (47%) are living in enclosed spaces with three times as many people as is recommended for minimum standards of physical and mental health, to say nothing of human dignity.

In addition to the above calculations, which refer only to the physical dimensions of the confined spaces, considerations of air, light, absence of regular running water and inadequate waste disposal facilities need to be taken into account. Food quality deteriorates as the prison budget stretches to cover more meals than originally calculated; personal hygiene of prisoners deteriorates. As the problem get worse, inmates spend more and more time locked down in these harsh conditions, unable to move to work stations, recreational facilities, educational classes and other activities

because such activities are sacrificed to the need of overworked prison officers to complete the basic tasks of supervising meals and ablution schedules.

The combination of over-crowded, uncomfortable and unhygienic confinement are ideal conditions for epidemics, for gangs to prosper and to propagate discontent.

Reducing numbers in prison to manageable levels is the single most important priority for establishing safe, humane and purposeful prisons. For this reason, despite the array of ancillary issues to be addressed the Recommendations of the Commission's Report focus on the problem of overcrowding and its perverse effects throughout the prison system. As Guyana celebrates its 50th. Independence Anniversary, a more radical shift away from the plantation mentality of control and contain is imperative.

PART 1:

WHAT HAPPENED AND HOW DID IT HAPPEN BETWEEN MARCH 2ND TO 4TH, 2016

March 2nd

As a part of the Joint Services' posture for enhancing the security of the Georgetown Prison and by extension public safety, a Joint Services' search was conducted at the Prison on Tuesday, March 2rd 2016 during the hours of 13:45 hrs -17:00 hrs. Members of the Guyana Police Force and Prison Officers were responsible for carrying out the searches on the prisoners and their accommodation. The buildings searched were: Capital A, Capital B, Capital C, Old Capital Strong Cell 1 and 2 and Chalet. Prisoners were extracted from their various divisions with their belongings and searched before entering an enclosed meshed holding area called the 'cage' in the western section of the compound. The exercise concluded about 17:00 without any major incident. See Appendix 1 for list of items found and confiscated during the search on that day.

According to evidence led by the Officer-in-Charge of the Georgetown Prison, Mr. Kevin Pilgrim, Senior Superintendent of Prisons (ag), he went to the New Capital Block A which housed sixty-eight (68) untried prisoners early in the evening after the search. This was in response to complaints made by a number of prisoners that their properties left in the Division were mishandled during the search. A number of them also began to complain in relation to their trial delays and police investigations among other concerns. He spoke with the prisoners indicating that the next day he will address the issues of concern raised by them.

At approximately 21:25 hrs on the said night Prison Officer Tucker testified that he saw fire behind the Capital A Division and raised an alarm. Duty Officer, Chief Officer O. Romulus responded. The Operation Room was informed and the Joint Services Standard Operational Procedures for Fires were activated. The Fire Department, Senior Prison Officials, Guyana Police Force and Guyana Defence Force were informed accordingly. Duty Officer Romulus on investigating from the prisoners why the fire was lit, the prisoners responded 'we want back we weed and we mattic' (cellphone). He further stated that he heard the prisoners communicating with some persons on the road and heard them saying 'deh treating us bad in hay and we in hay and aint getting justice, we deh hay long years and cant get trials and the prison authorities say de cant do anything for us, de giving us hog wash for eat in hay'.

The lights were taken off from the Capital A and Capital B divisions. However the prisoners in Capital B Division were not aggressive as those in Capital A.

The Fire Service arrived at approximately 21:35 hrs and began extinguishing the several small fires lit by the prisoners outside of the division as well as inside of the Division. Members of the Guyana Police arrived and manned the inner cordon while members of

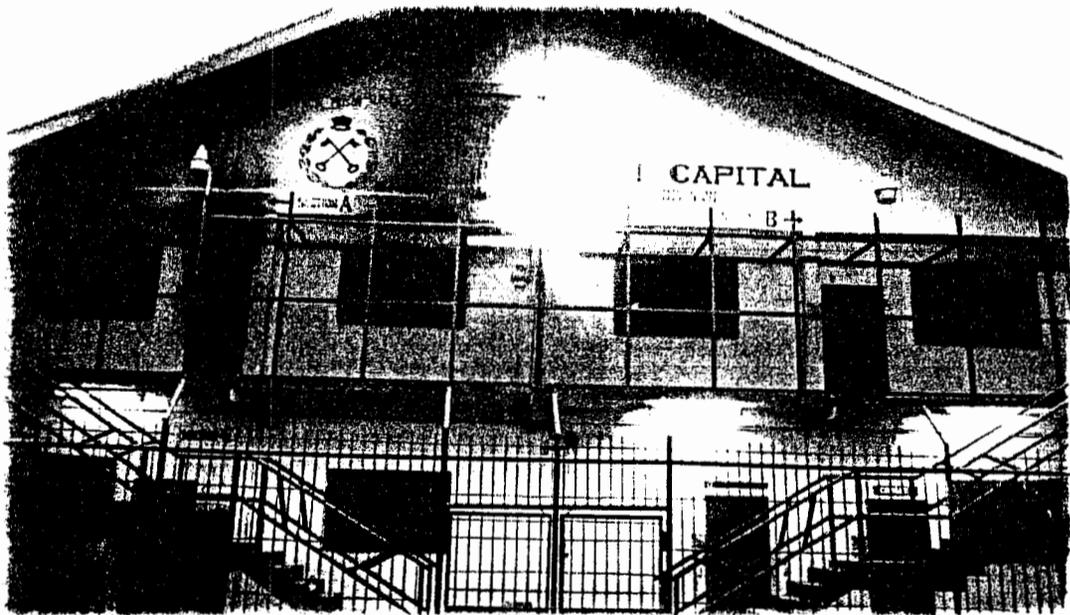
the Guyana Defence Force manned the outer cordons of the Georgetown Prison. The arrival time was confirmed by inspections of the fire service log books/Journal. The quick response by the Fire Service can be attributed to the time the emergency call was made and having less traffic on the Road.

Members of the Prison and Fire Services testified that the prisoners did not only protest in the form of lighting fires but also provokingly abused, threatened, assaulted and threw substances (liquidified faeces mixed with urine, hot sauce) on them. Firemen testified that the prisoners abused them for putting out the fires. The Officer-in-Charge Mr. Pilgrim came back to the division and spoke with the prisoners but they were unresponsive. Assistant Superintendent of Prison, Mr. Kelvin Hudson, who was trying to calm the prisoners during their disruptive behaviour was wounded when a prisoner pushed a sharpened instrument through the ventilation bars of the dormitory and wounded him on his hand. The prevailing situation was highly toxic and threatening to the members of the Joint Services.

Six prisoners residing in the Capital A Division were identified as ringleaders.

The situation returned to some level of normalcy at approximately 01:30hrs. on March 3rd, 2016.

Below is a photograph of the New Capital Block which has the following divisions: Capital A, Capital B on the first floor, and Capital C, Strong Cells 2 and Chalet on the ground floor. The Chalet houses prisoners displaying unusual behavior.



Consequent to disturbances that occurred on the night of the 2nd March, the Commission learnt that the Director of Prisons (ag) Mr. Carl Grahame briefed ranks some of whom came from other Prison locations at a meeting held at the Georgetown Prison Officers' Sports Club at approximately 08:30 hrs. He directed that prisoners located in Capital A must be taken from the division and searched, and checks made to verify any structural damage to the building. The Prisons Task Force was also directed to extract identified ring leaders from the search lines.

According to Chief Officer, Peter Barker, who was the Duty Officer on the day in question, all divisions were fed breakfast except the New Capital A Block as it was expected to feed them in the Dining Hall. Chief Officer testified that he went to the Capital A Division accompanied by other ranks at approximately 10:35 hrs. He told the prisoners to pack up their belongings for a search. Trade Instructor Owen Charles who was detailed to work the division tried to open the door of Capital A Block but it was futile as something locked the door from the inside. The Officer-in-Charge, Mr. Kevin Pilgrim, was informed and he came to the Division. He spoke with the prisoners in the Capital A Block. He advised them to release the door. Mr. Pilgrim indicated that a prisoner came up to door and did something to it. He then moved back and told Mr. Pilgrim he can try the key now. The key was used again and the door was easily opened.

The prisoners in Capital A were then ordered to leave the division in batches of five with all their belongings so that they can be searched downstairs. The orderliness of this operation was put into disorder when two prisoners identified as ring-leaders were extracted from the line of prisoners being searched. Prisoner Steve Allicock was the first prisoner extracted after being searched by the Prisons Task Force. According to witnesses, there was little resistance from Allicock as he was escorted to the Reception Office in the administrative building. The situation did not provoke any prolonged hostility by prisoners. However, when Collis Collison aka 'Juvenile' was extracted from the line after being searched, he resisted and he had to be subdued to the ground and bodily lifted to the Reception Office. See Appendix 2 for Reference List: Disc A. showing prisoner Collison being subdued. The prisoner indicated that as he was being taken to the Reception Office he spoke with Mr. Gladwin Samuels, the Deputy Director of Prisons (ag) who had just entered the prison compound requesting to see him. Mr. Samuels indicated that he will speak with him later. Mr. Samuels had just returned from an official visit to the Mazaruni Prison on the instructions of the Director of Prison.

During the time Allicock and Collison were extracted, prisoner Shaka McKenzie who is located in the Capital A alerted the prisoners in the Capital A Block as to what was going on with the prisoners. He began to act uncontrollably, threatening to shoot the officers. Other prisoners in the block also became enraged by his inciting remarks. They then began throwing liquid substances on officers on the landing of the division some of which burned officers' faces and other body parts. ASP Hudson who was supervising that operation at the Division began speaking to the prisoners trying to calm them. But prisoner McKenzie was unresponsive, most vocal, abusive and threatening. From

evidence led, a number of prisoners in the dormitory began to charge the door with what appeared to be sharpened instruments. ASP Hudson immediately ordered Mr. Holligan to lock the door of the Capital A Division before the prisoners rush out as noted in his testimony 'I instructed Cadet Officer Holligan to lock the door being that he and I were closest to the entrance and I fear of both of us and along the other ranks in close proximity under my command meeting their demise at the hands of these inmates'. Cadet Officer Holligan who was one of additional officers from the Timehri Prison pulled in the door but was unable to lock same door due to unfamiliarity with the keys. Prison Officer Lyken who is familiar with keys then took the keys and locked the door. A total of twenty-five (25) prisoners remained in the dormitory.

At this juncture prisoners from Capital A began to poke at the officers with long sharpened instruments made from the frames of the metal beds through the ventilation bars. They continued to throw substances on them. Sounds were also heard emanating from the Division as if the dividing wall of the A and B Block was being broken through by force. The violent nature demonstrated by the prisoners caused the Officer-in-Charge Mr. Kevin Pilgrim to order the evacuation of prisoners in located Capital B Block which totaled about sixty-four (64) inmates.

The prisoners in Capital B were reluctant to come out even after being advised and encouraged to do so by the Officer-in Charge. Mr. Pilgrim reported to Mr. Samuels who was in the yard that the prisoners were unresponsive and the prisoners in Capital B were indicating that they were threatened by some prisoners from Capital Division who came through a hole which was created in the wall dividing the two divisions. Mr. Samuels and Mr. Pilgrim then proceeded to the corridor of the New Capital Block. Bricks from within the Capital B Division were hurled at Mr. Samuels. Fortunately he was able to avoid them. While at the entrance of the Capital B Division, Mr. Samuels saw Jermaine Otto, one of the prisoners residing in the Capital A Division. He ordered the prisoner out of the Division but he (Otto) did not respond to the order and went back through the hole created in the wall. Evidence was led that prisoner Otto advised the prisoners in Capital B Block for them to 'hold one head' and not to come out of the division.

Mr. Samuels and Mr. Pilgrim then ordered the prisoners to exit the Capital B Block. They drew their service weapons (pistols) for security reasons as the prisoners began to exit the division.

From evidence led, it was revealed that there were few more prisoners to exit the B Block, when a huge fire was seen in the hole created in the wall dividing the two divisions. It appeared to be a mattress that was set ablaze. Mr. Samuels shouted 'Fire! Fire!' and officers responded with chemical fire extinguishers. The fire was extinguished and all the prisoners were evacuated from the Capital B Division.

From testimonies given, there were no evidence to indicate that the fire was reported to the Georgetown Prison Operations Room in keeping with the SOPs and importantly, the Fire Service was alerted of the fire.

At this time, prisoners in Capital A Block Division were still hurling abuse and threats at the officers. Then suddenly smoke was seen now coming through the western part or front of the Capital A Block. A number of prisoners who survived the fire and were in the division gave testimonies that they saw that officers threw two tins of tear smoke through the hole in the wall into the Capital A division. Thereafter, they saw thick black smoke that had taken over the entire division and fire was crawling on the walls of the Division.

On observing the smoke and fire blazing in the Division another alarm was raised. The siren was sounded and the Fire department was allegedly contacted. From evidence taken from the Fire Service Operations Journal, Inspector Black from the Police Force Operation Room alerted the Fire Service of the Fire at the Georgetown Prison at 11:18hrs.

During this time, prisoners who were trapped in the division were now screaming for the door of the dormitory to be opened as the fire raged. Prison Officers were making several attempts to open the door with the key but to no avail. Evidence was led by both prisoners and officers that Mr. Michael Cozier, the civilian mechanic contracted by the Prison Service, was trying to cut open the door of the division but the blade of the metal cutter got broken while doing so. See Appendix 2: Reference List: Disc C. showing Mr. Cozier attempts to cut open the door.

Attempts were also made to open the northern entrance/exit door by cutting it the latch, but this was unsuccessful.

The Police arrived and began supporting the Prison Officers in keeping with the Joint Services Standard Operational Procedures. The Director of Prisons, Commander A Division and other Senior Prisons and Police Officers were in the Prison Yard. Members of the Guyana Police Force and Guyana Defence Force performed their respective duties on the perimeter of the Prisons in keeping with the Joint Services' SOPs.

The Fire Service arrived at 11:26 in keeping with SOPs with the requisite resources and immediately began running the hose through the recesses (pigeon holes) made in the Prison southern and eastern fences. Two jets of water were activated. One hose joint slipped and was subsequently reattached. It was stated by Division Commander Sparman that this slippage had no negative effect on the firefighting.

In the meantime, as it was stated by Officers and other members of the Joint Services that the agony of the prisoners trapped in Capital Block enraged prisoners in the nearby buildings Capital C, Wood Prison and the Old Capital division and prisoners from Capital who were placed in the Holding Area. They began hurling abuse and threats to the Prison Officers and firemen for not doing enough to open the door.

Evacuation was ordered for the prisoners located in wood prison which was affected by the smoke of the fire. These prisoners were placed in the holding area.

It was also observed that during this time approximately six prisoners led by convicted prisoner Clive Bacchus residing in the Old Capital Division broke out of that Division in an attempt to assist in the rescue of the inmates. This caused the Fire Commander on the ground to direct that his ranks withdraw from the area since the intentions of the prisoners were unknown. As prisoners demonstrated actions consistent with helping their fellow inmates who were trapped, the firemen returned to the scene and took back command of the fire hoses to out the fire which was still blazing.

Mr. Michael Cozier went back to the door of Capital Block A and tried to open it. Along with prison officer Ron Lyken, he continually hit the door with a fire extinguisher while officer Lyken turned the key in the lock. Eventually, the door opened. See Appendix 2: Reference List: Disc C.

As the door was opened and the fire was being extinguished; prisoners, officers, firemen Prison Medex Anderson and her staff entered the building. Six (06) prisoners were alive and assisted out of the building. One prisoner Michael Lewis came through the hole within the Capital B Division and exited from that division. A total of sixteen (16) inmates appeared to be dead and later confirmed dead. One prisoner, Rayon Paddy, who was taken out alive from the Division later died at the Georgetown Public Hospital. See Appendix 3: List of the prisoners who were rescued from Capital A and those who were confirmed dead.

The inmates who were pronounced dead were taken to the morgue for postmortem examinations and reports.

During this ordeal, prisoners in other divisions in the vicinity of incident continued to abuse and threaten members of the Joint Services. Some were accusing Mr. Samuels of ordering the door locked to let the prisoners burn. Evidence was led in this regard by a number of prisoner witnesses. In a video voice-over comments were made by someone to lock the door and let them burn. But it was not readily discernable whose voice was recorded.

The Chief Fire Officer Marlon Gentle said that as he was entering the Prison Yard, he was spat on, abused and threatened by prisoners located in the Holding area.

Eleven (11) injured prisoners were triage at the Prison by the Prison Medex and her team of officers, medical personnel from the GPHC and Guyana Defence Force. They were subsequently escorted to the hospital via ambulances for treatment.

The Police and Fire Service investigators visited the scene of the tragedy to commence their investigation of the horrible incident. See photograph of the burnt Capital A Buildings below.

The COI heard evidence that Family members of the deceased were contacted and they were able to identify the bodies of their relatives.

The post mortems were subsequently done to facilitate burial of dead inmates. Government Pathologist Dr. Nehaul Singh in his evidence indicated that he had no evidence that the bodies were subjected to inference or tampered. He attributed the

causes of death of all the prisoners to burns and/or smoke inhalation. He was also able to dispel testimonies during the Inquiry that two prisoners died from blunt trauma during the ordeal and one was decapitated. He also attested that one inmate who apparently had his entrails protruding out of his body giving the impression that he was wounded or stabbed, died from burns. Reference was also made to the two prisoners who were found with blunt traumas to their heads during the Post Mortems. Evidence was led that the injuries could have been made by direct blow or falls. However he indicated that the primary cause of death was burns. He was totally independent in making those conclusions from his knowledge and experience. The pathologist also testified that at no time during the process of conducting the post mortems was there any interference nor with the recording of results. See Appendix 4 for Summary of the Post Mortem reports submitted.

March 4th 2016

On Thursday, 4th March 2016 at approximately 06:00 hrs. The inmates in the New Capital B Division started a full-scale riot at the prison. Prisoners in all divisions of the prison began to break out of their respective areas of accommodation, including the Old Capital Division, Wood Prison, Star Ward Division Condemned Division, Tailor Shop, Infirmary and North Dormitory 1&2. Only the inmates in the New Wing, Young Offenders and Strong Cells 1 did not break out of their Divisions.

The Prison Siren was sounded and all Joint Services entities were alerted. The prisoners ran amok in the prison yard breaking into the Mechanic Shop, taking tools and setting the place on fire. The infirmary was ransacked and drugs, equipment, documents including prisoners' medical cards were destroyed. Prisoners were also trying to get the 500lbs gas cylinder bottles removed from the kitchen and attempts made to ignite it. Others were using long heavy logs to break down the door of the Wood Prison that housed the condemned and other prisoners respectively.

During this entire time, the prisoners were demanding that President Granger come to speak with them in the Prison Yard.

The Commission of Inquiry was informed that members of the Guyana Prison Service and Police Force attempted to control the situation but were unable to do so in the face of the mass number of angry and violent inmates. Tear smoke was used by the Police to disperse the mob but same was picked up by the prisoners and thrown back to the riot unit. This dazed the ranks and they began to retreat causing the defence to be weak. Asst. Superintendent of Police, Mr. Frank Thompson, in his testimony stated 'During this time the level of threat escalated and the prisoners were about to breach the inner fence which would allow them to breach the main gate. Immediately Superintendent of Police Pareshran instructed the riot unit to use the shot guns as we advanced maintaining the defensive line formation, several rounds were discharged causing prisoners to be subdued and the three-days standoff came to an end'.

The Police and Prison Officers then began taking control of the situation and started to lock the prisoners down back in the divisions and Holding Area. A physical check was made of all prisoners and the tally was found correct.

During the incident a number of inmates were injured as well as officers and efforts were made to render medical assistance to them.

The Minister of Public Security Hon. Khemraj Ramjattan and Hon. Minister of State, Joseph Harmon, came to the Georgetown Prison Sports Club and a select group of prisoners was taken over the Club to have dialogue with the Ministers. The Director of Prisons and Deputy Director were present at the Meeting.

Post 4th 2016 of March

Evidence was led by Duty Officers Oldfield Romulus, Peter Barker, Roddy Denhart among other ranks that since the incident prisoners discipline had gone out of control. They literally took over the Prison Yard. A number of them were accused of walking with long sharpened instruments threatening officers, smoking marijuana openly and using their cell phones in officers' presence. Prisoner Carl Browne in his testimony to the Commission indicated that he owns a cellphone in Prison which he uses to update his face-book account regularly. There were several reported incidents of prohibited articles being thrown over the prison walls for prisoners. Prison Officers were prevented from retrieving them as prisoners with sharpened instruments threatened them and retrieved the parcels. Many officers reported sick, making the prison vulnerable to major security breaches. An emergency Joint Services meeting was held by his Excellency, President Granger who directed that order must be maintained within the Georgetown Prison. We understand that normalcy was restored when a Joint Services Operation Restore Order was done to search the entire prison and transfer ringleaders on May 14, 2016.

The Commission recognizing the serious psycho-social trauma that can arise from the incident advertised for volunteer counsellors to counsel staff, inmates and their families. Members from the Georgetown Public Hospital Psychiatric Unit as well as qualified civilians provided this critical service of grief counselling to those seeking assistance. From evidence from both prisoners and officers many were observed to be highly traumatized by the events of both March 3&4 March, 2016.

The COI heard evidence that the Prison Service provided monetary assistance to those relatives requesting assistance to bury their deceased relatives.

PART 2: WHAT HAPPENED THAT OUGHT NOT TO HAVE HAPPENED

As we recalled what happened and how it happened on March 2nd 3rd and 4th, 2016, we can now address what happened that ought not to have happened.

This section will focus on the level of prison preparedness, whether protocols and Standing Operating Procedures were followed. Equally it will address the conduct of staff in relation to their professional responsibility, negligence, abandonment of duty, disregard of instructions and inaction that could have individually or collectively led to the incidents occurring.

Evidence gleaned during the Commission of Inquiry was used to test the manifestation or non-manifestation of these conditions as they relate to examining possible causes, circumstances and conditions that resulted into the death of the seventeen inmates on March 3rd 2016 and other subsequent disturbances at the Camp Street prison.

This section was contextualized from the major allegation by a number of prisoners that Prison officers were negligent in responding to the fire lit by them and that Deputy Director of Prisons (ag) Gladwin Samuels acted recklessly (criminally) in ordering officers to lock the door of the Capital A Division and to let the prisoners burn.

In addressing what happened that ought not to have happened, it is important that we examine the state of readiness of the Guyana Prison Service (GPS) and by extension other Joint Services entities to respond to fire and major disturbances within the Georgetown Prison vis-a-vis the actual response to the incidents which unfolded on the March 2nd, 3rd and 4th, 2016.

PRISONS PREPAREDNESS

The Georgetown Prison

Historically, the Guyana Prison Service experienced major incidents of Prisons Disturbances in term of riotous behavior, mass escapes, fires and roof top protests respectively, dating as far back as the riots at the Georgetown Prison in 1964. In recent times, reference is drawn particularly to the mass escapes in 1989, riots and mass escape at the Lusignan Prison (1995 and 1996), riots and fires at the Mazaruni Prison 1997, major escapes at the Georgetown Prison in 1999 and 2002, riots at the Georgetown Prison in 2006 and 2007, mass escapes at the New Amsterdam in 2007, and riot at the Georgetown Prison in Nov 2013. Several Boards of Inquiry were conducted and numerous recommendations made to improve the conditions and management of the prison. The Discipline Services Report was also done in which recommendations were also made to improve the recommendations. See Annex A showing all recommendations made from previous BOIs.

The vulnerability of the Prisons to major security breaches and their effects on national security has always being a major concern to the Prison Administration, Guyana Police Force and other Joint Services entities, the Executive, Politicians, non-governmental

organizations and citizens respectively. These threats to a stable security environment resulted in the GPS developing Standard Operational Procedures (SOPs) titled "Fire Threat & Evacuation Procedures Georgetown Prison –A Joint Services' Response June 2001".

In 2005, the continuous threats to the general safety and security of the prison community (Officers, inmates), infrastructure and importantly the society at large particularly by Georgetown Prison resulted in the Chairman of the Joint Services Coordinating Council (JSCC) Brigadier Edward Collins, directing the development of the Joint Services Contingency Plans to major Prison Disturbances at the Georgetown Prison. The major challenges at the Georgetown Prison driving this process at that time were as follows:

- 1) Its location in the centre of the city in close proximity to business and civilian communities.
- 2) High number of special watch /High profile inmates.
- 3) Incarceration of an increasingly violent population.
- 4) Inadequate facilities to segregate and separate various classes of inmates.
- 5) Inadequate staff and gender imbalance in staffing.

The COI noted that the development of this plan was initiated under the Chairmanship of Colonel L. Paul and later completed by Colonel L.V Ross. The document 'Contingency Plan for Riots, Jailbreak and Hostage Taking at the Georgetown Prison was approved by the JSCC.

The basic Concept of Operations which guided the Joint Services' contingency plans were embodied under the four phases mentioned below:

- 1) Phase 1 Deployment: Immediate deployment of available staff to deal with the emergency arising within the prison to minimize /prevent its escalation
- 2) Phase 2 Containment and Control: An immediate coordinated response by the Joint Services with the requisite resources to respond to the particular threat arising within the prison.
- 3) Phase 3 Domination of Area: To dominate area with personnel and resources thereby assisting the Guyana Prison Service to restore order within the facility.
- 4) Phase 4 Stabilisation Ops: To take corrective actions, make recommendations to stabilize facility and reduce/suppress the threat to security.

From the information, it appears that the JSCC, over the ensuing years, have directed that the emergency response plans for all Prison locations be developed utilizing this 'Concept of Operations'. The Guyana Fire Service had also documented their own SOPS in keeping with the Joint Services SOPs, titled 'Guyana Fire Service Standard Operating Procedures Contingency Plans Response to Prison Locations 2015'. See Annex B for the established SOPS for the Joint Services' entities.

It is also important to note that this plan was supported by funds provided by the JSCC to have a strong box located at a strategic point at the Georgetown Prison containing equipment such as cutters, axe and other breaking implements. A water reservoir was

constructed and a small fire pump loaned from the Guyana Fire Service was attached as a part of the fire-fighting capability. The cutting of recesses (pigeon holes) in various part of the Prison Fences were also done to expedite the accessing of fire hoses from fire tenders to respond to fire in any part of the prison. These actions by the Joint Services were taken in consideration of the various scenarios that could occur in a fire/riotous situation at the Georgetown Prison.

It was noted that there were several TEWTs (Tactical Exercises Without Troops) rehearsing the plans over the years ensuring each stakeholder become familiar with their respective roles and having an appreciation for the ground (Georgetown Prison), Rehearsals were especially prior to major public events to enhance institutional and more importantly, public security. The Prison ranks were generally rehearsed through internal drills so that ranks became familiar with their roles and responsibilities. The last Joint Services' fire drill rehearsal was done at Georgetown Prison on February 26, 2016.

It is necessary to point out that these drills do not generally involve the evacuation /or removal of prisoners from their divisions due to the security nature of Prison Environment.

On review what happened that ought not to have happened, below is a list of major issues that ought not to have happened during the three days' tragedy.

PRISONERS' CULTURE

Indiscipline

The act of prisoners lighting fires as means of drawing attention to their causes are grossly irresponsible, notwithstanding their grievances of long trial delays have merit, and we address some of the concerns raised by prisoners in other parts of this report. It was a security threat that endangered the lives of other prisoners and the security of the Prison. There are several legitimate institutional avenues for addressing grievances. It is strongly believed that the timing of highlighting their grievances was directly related to the contraband items which were confiscated during the Joint Services' search on March 02nd, 2016. A prisoner while leading his evidence actually stated that the officers should at least leave back one or two phones for the prisoners. Another inmate testified that the phones "cool them down" and with the absence of drugs and phone inmates become irritable and conflict arise in the division.

Abuse and attack by prisoners on firemen and prison officers attempting to extinguish the fires lit by them and bring order to the riotous situation were dangerous and one that could have resulted to the injury and even death of inmates had the fire gotten out of control.

The prisoners tampering with the lock of entrance door should not have occurred. It jeopardizes security and officers' control of the division. The tampering of the door did impact negatively on the easy opening of the door during the rescue attempt by officers.

Prisoners led by prisoner Shaka Mckenize created an unnecessary hostile environment in the Capital A Division by reacting to the officers operational procedure of extracting ring leaders.

Prisoners acted recklessly in lighting fires to highly combustible material –mattresses- which give off toxins and act as accelerants. The burning of mattresses in such an enclosed environment was dangerous. According to evidence led by expert witnesses from the Guyana Fire Service Mr. Marlon Gentle, Chief Fire Officer and Mr, Andrew Holder, Fire Prevention Officer, the burning of mattresses in such an enclosed area would create a situation that would cause a 'Flash Over' to occur. This would escalate the heat in that division up to 700-1000 degrees in a few minutes. They indicated by the time the Fire Service arrived the 'Flash Over' had already occurred. This could account for the surviving prisoners giving testimonies of fire crawling over the entire division and the thick black smoke seen in the Division. This situation allowed the fire to get out of control in the shortest possible time. See Appendix 5 for Mr. Holder's report on the cause of the fire.

Subcultures

One of most impacting manifestation of staff shortage is the emergence of negative prisoners' sub-cultures, where prisoners respect for authority, exhibiting violent behaviors without fear of punishment; trafficking and use of contraband with impunity, increased criminality among first offenders affect the overall management and security of the Prison. Theses cultures become entrenched and transcends over the prison fence engendering criminality in the society.

INTERNAL INSTITUTIONAL DEFICIENCIES

SOPs Adherence

There is evidence that strongly suggests that when the first fire was lit in the hole of the Capital A Block, the SOPs were not followed in terms of notifying the Fire Department on the observation of a fire. It is believed if the Fire Service was called they would have been on the scene earlier. It can be argued equally also that the 'Flash Over' caused the fire to escalate in a matter of minutes and, importantly, since the lock of the door was tampered with by the prisoners, the Fire Service would still would have been prevented from saving the inmates' lives.

The institutional failure by the administration to have the emergency fire pump operational since it provides access to 5000 gallons of water and about five minutes of fire-fighting before the Fire Service would have arrived was disastrous. Evidence was given that the pump was not in the Operation since last year. Attempts made to repair the pump were futile. A new pump was reportedly ordered from overseas through budgetary funds. To date no pump is available to enhance the firefighting capability of the prison.

Having regards to the deadly fire on the March 3rd the Joint Services did not focus

specifically on phases three and four of the SOPs, that is, the domination of the ground and stabilizing the environment. The tragedy of the day before should have caused such responses in keeping with the SOPs.

The response by the Joint Services' members to the mass destruction by the prisoners to the prison properties on March 4th, including accommodation, trade shops and infirmary were tardy. This was openly admitted by the Commander A Division, Mr. Hicken, who indicated that they acted with too much caution to quell the riotous prisoners.

Administrative Capacity

Custodial staff ratio to the inmate population was (38/ 996). This is a recipe for institutional deficiencies and has manifested in so many forms that has rendered the Guyana Prison Service as lacking the capabilities to address its institutional challenges. Importantly, it creates staff fatigue and non-responsiveness as prisoners' subcultures are stronger than the officers' culture of unity and professionalism. Limited staffing contributes to lack of training as ranks and officers cannot be adequately trained due to constant staff shortage. This develops a culture of incompetence and lack of professionalism. Inadequate staffing over the years contributed to the current state of crisis management and custodial responsiveness within the service. See Appendix 6 showing Staff Establishment and Strength at the Georgetown Prison.

There appears to be an apparent lack of negotiating skills by senior administrators to quell prisoners' aggressive behavior. The argument can also be made that the prisoners were very enraged and reasoning seemed impossible and that things happened so fast that negotiation became impossible. However, the ability to engage and negotiate with prisoners under such circumstances is critical.

There is limited qualified staff and training facilities to have prisoners adequately engaged in rehabilitative training opportunities. This shortage allows for boredom and the manifestation of illegal and disruptive behaviour among them. A number of prisoners exhibit a limited sense of lawful goal-oriented behavior on their discharge from prison. This has a strong correlation to higher incidents of recidivism rate, and is discussed elsewhere in this Report.

Infrastructure Limitations

The non-completion of the new Brick Prison has placed unnecessary burden on the overcrowded Georgetown Prison. This prison has the capacity to house an additional two hundred and fifty (250) prisoners.

The infrastructure for cooking quality food is grossly unsatisfactorily and notwithstanding the food may be palatable, the manner in which it is prepared with fire wood will always be a recipe for protests by prisoners. It is in an archaic state.

External Institutional Deficiencies

The prison was overcrowded by over 34% with a current official capacity of 630 against 950 inmates locked in on March 03rd, 2016. The population consists of high number of remanded prisoners many of whom are charged for violent offences (300 capital offenders) living in cramp spaces. Segregation becomes virtually impossible and there could have been no systematic way of segregating prisoners in limited facilities. Space is considered to be physio-psycho-social need that has given rise to numerous conflict within the prison environment. See Appendix 7: List of Dormitories, there sizes, present capacity and capacity required by International Standards as at 29th Feb, 2016 showing statistics submitted by the Officer-in-Charge.

High percentage of prisoners with small sentences in which a number could have been addressed through non-custodial means. This adds yet another unnecessary burden to an overcrowded prison. See Appendix 8 showing the sentence range of prisoners.

Lack of institutional support by the Probation and Social Welfare Services added to the inability to handle the myriad of social issues affecting inmates. This reduced legitimate avenues for prisoners to communicate and address their grievances.

The absence of certain protective gears made officers at the scene very vulnerable to physical harm from the prisoners.

ANALYSIS

Whether the death of the seventeen 17 prisoners was as a result of the negligence, abandonment of duty, disregard of instructions, inaction of the Prison Officers who were on duty on the night of the 2nd of March, 2016 and the morning of the 3rd of March, 2016.

On March 2nd

From the testimonies given the conclusion can be drawn that the SOPS were followed scrupulously on the night of March 2nd 2016.

The members of the Joint Services should be commended for their professional tolerance and tenacity in the face of such a toxic and threatening environment, created and perpetuated by the prisoners. No neglect or abandonment of duties were observed.

On March 3rd

The allegation was made by some prisoners that Mr. Samuels ordered the door to be locked and let the prisoners burn. This is an extremely serious allegation and the Commission of Inquiry considered it very carefully. However, it was clear on the basis

of evidence advanced that there was no basis for this claim or indeed that any other officer was guilty of such an heinous act. Assistant Superintendent of Prisons K. Hudson admitted that he ordered Cadet Officer Holligan to lock the door after observing the prisoners charging towards it with sharpened instruments. Video evidence, journal entries and oral evidence show Mr. Samuels was not in the prison yard at the time the door of the Capital A Block was ordered locked. Evidence led by a number of prisoners seems to be concocted in the accusation against Mr. Samuels. Testimonies were given that he acted responsibly when he assisted in the evacuation of the prisoners from Capital B Block, ordered ranks to out (extinguish) the fire. He was also heard telling prisoners in Capital A to exit the burning building from Capital B Division. In this regard, a prisoner did exit Capital A through the hole created in the dividing wall of that division. He did suffer burns on his body while going through that hole.

Institutionally

Apparent failure to follow the SOPs by not alerting the Fire Service may have contributed to the Fire Service not being on the ground earlier. This can however be debated since the first fire was quickly extinguished by the Officers.

Failure of not having the fire pump in operation in conjunction with reservoir can be considered a neglect by the Prison Administration, a responsibility that can be equally shared with the Ministry of Public Security and the Guyana Fire Service to have a functioning pump at all times to enhance the fire-fighting capability at the Georgetown Prison.

No evidence was led to show that tear smoke was used by prison officers on March 03rd 2016. Evidence of senior officers of the Prison Service indicated that tear smoke has not been on the Arms and Ammunition Inventory of the Guyana Prison Service for a number of years. Hence no rank could have been in possession of tear smoke as mentioned by some prisoners to accelerate the fire in the Capital Division. See Appendix for the Arms and Ammunition Monthly return for the month ending February 29, 2016.

It can be summarized from evidence led that the institutional neglects were not sufficient to cause the death of the seventeen inmates. The causes of the death of the prisoners can be summarized as their own negligence, recklessness and violent behavior on the morning of the March 3rd, 2016 Lighting fires with highly combustible materials in an enclosed area that caused a 'flash-over' to the extent that the fire got out of control in a matter of minutes, tampering with an entrance lock and failure to exit the building when

ordered to do so,, can be considered as the main contributory factors that led to the deaths of the prisoners.

. This most regrettable tragedy points to a myriad of institutional deficiencies which contributed significantly to the state of affairs, exacerbating riotous situations with limited capabilities to quell and suppress them most effective and professional manner.

Below is a picture of what remained of the New Capital A Block after the Fire



PART 3: WHAT DID NOT HAPPEN THAT OUGHT TO HAVE HAPPENED

INFLUENCE OF SUPPORTING AGENCIES ON EFFECTIVE IMPLEMENTATION OF PENAL POLICY

The systemic causes of the tragedy - the excessive numbers of prisoners in the facility, delays in trials, defective equipment - are almost entirely out of the hands of the Guyana Prison Service, representing failures on the part of what ought to be supporting agencies of the State. The crucial role played by these Agencies rarely attracts the attention it deserves. For that reason the COI Report addresses in some detail their contribution to the events which unfolded in Camp Street. The Agencies in question are the Judiciary and Magistracy, the Probation Service, the Parole Board, Prison Visiting Committees and with a lesser degree of responsibility, the Ministry of Health.

The Judiciary/Magistracy

The judiciary/magistracy is responsible for the safety and well-being of remand prisoners. Application of this principle to Camp Street prison signifies that the judiciary/magistracy are responsible for the well-being of more inmates than the Guyana Prison Service (604 of 1014). To this extent, this Commission of Inquiry cannot overlook the irony that Camp Street prison administration is now under investigation for having performing a service thrust upon them over the years to off-set the limitations and negligence of the Judiciary/Magistracy.

This situation continues to prevail because the average citizen is not encouraged either by popular or judicial culture to pay much attention to the presumption of innocence. 'where there is smoke there must be fire' is more the operative principle, undermining the seriousness of lumping together convicted and non-convicted persons for years on end. Taken in this context, the disturbances and deaths in Camp street rather than unforeseen were predictable.

Over-crowding is the result of weakness in the administration of justice which remains unaddressed by the Judiciary and Magistracy. It is evident that this group of Judicial personae have adopted an overly-restrictive and even punitive approach to granting bail, and an unwillingness to apply alternative sentences to imprisonment has ensued. The consequent back-log of cases in the High Court has reached astronomic proportions and there is no sign of a downward trend anytime soon.

The Judiciary has not taken steps, or has not publicized steps it may have taken, with respect to addressing the severity of the back-log of remand cases. Of the 60% of inmates of Camp Street prison on remand (604/1014), 149 are charged with murder, 50% of whom have been awaiting trial for more than 3 years and a further 30% for more than 4 years. For those not yet committed to trial in the High Court Preliminary Inquiries still have to be held. For those already committed, depositions have to be prepared

before the cases can be called. These figures and the lack of effective – or even ineffective action – to remedy them, points to serious dysfunction in the administration of justice.

As noted elsewhere in the Report, steps are still to be undertaken to monitor or encourage implementation of modern approaches to sentencing, both in practice and in law. The continued use of Preliminary Inquiries (PI) rather than paper-based processes further encourages delays in the judicial process, prolonging the time persons spend on remand. Retention of PI should be a thing of the past and their retention represents resistance to modernizing of court procedures. The PI has survived an entire era of some five hundred years, moving from the oral to the digital, by-passing entirely the era of the printed word. Its survival has been championed by the private Bar for whose members it constitutes a reliable source of fees. In addition, the length of time required to complete PIs leads, by a process of attrition, to eventual dismissal of cases due to disappearance of witnesses, lost files, and frustrated plaintiffs.

Over a decade ago, the Criminal Law Review Committee called in 2004 for more efficient processing of depositions, especially if paper-based committals were to come into effect, to ensure that eliminating PIs did not lead to delays in the magistrates' courts simply being transferred to the higher courts. This point illustrates a more fundamental problem, namely that reform of the administration of justice has to be approached in an integrated rather than piecemeal manner.

Due to time constraints, any influence the office of the Director of Public Prosecutions (DPP) may be able to exercise in accelerating the judicial process was not examined by this COI, but merits attention.

Despite the contribution of the Judiciary to the crisis in prisons, culpability for the limitations of the administration of justice has been deflected largely elsewhere onto other agencies and sectors of the society. Diverting attention from the Judiciary is encouraged by the habit of invariably appointing active or retired judges to Chair Commissions of Inquiry into deficiencies in the administration of Justice.

The Guyana Bar

The link between the judiciary and those in detention are the attorneys-at-law in private practice. Bringing the situation of their clients to the attention of the courts is the traditional manner to get action on delayed cases. Moreover, attorneys have a corporate responsibility under the Code of Conduct contained in the *Legal Practitioners Act* to protect the rights of detainees. Indeed the Application for the Guyana Bar Association (GBA) to be granted 'direct' standing in the COI (March 2016) was argued in precisely these terms. However, the hollowness of this claim was exposed when the Chairman of the Commission in granting the application stipulated the proviso that representation be provided *pro bono*. Two representatives of the Bar made themselves available.

The administration of justice in Guyana appears to have ring-fenced itself against modernizing and rights-based influences. Resistance to paper-based committals, the slow pace of mediation-based resolution of matters, the enormous back-log of cases,

disappearance of the Guyana Law Review, all point to a lowering of professional energy and intellectual ambition which have no doubt contributed to a lowering of professional standards in the private Bar.

The Legal Practitioners Act - Code of Conduct

In the context of the current COI, the role of the Bar Association is of central interest in light of the Code of Conduct under the Fourth Schedule to the *Legal Practitioners Act (2012)* to which attorneys-at-law are required to adhere. Rule XVIII, of the Code states:

1. (i) *A defence attorney-at-law representing a person who alleges that he has been subject to torture or a cruel, inhuman or degrading treatment or punishment while detained by any authority and for any cause should be prepared to raise such allegations before the competent authorities, unless instructed to the contrary by his client.*

(ii) *If the client wishes to have such allegations raised, the attorney-at-law must do so fully and fearlessly. He should take a detailed statement from his client and present to the Court of competent authority all the evidence or information to substantiate the allegations and the pursuit of all procedures available to obtain protection and an appropriate remedy for his or her client.*

Further explicit encouragement to all attorneys to concern themselves with the conditions of detention are to be found in Rule XVIII, (4, i to iii) as below:

(i) *All attorneys-at-law, both individually and through their professional associations, should give their full support to attorneys-at-law carrying out the obligation of this Code.*

(ii) *They should insist before the competent authorities that this rule be respected and observed and especially at the highest level of their professional organisations, they should come to the aid of any attorneys-at-law victimised or penalised for adhering to the principles of this rule.*

(iii) *Those affected by this rule have an obligation to inform the proper national and international bodies of those activities, which are indirect contravention of the provisions of this rule, and in gross violation of human rights, as described in the United Nations Declaration on the Protection of All Persons From Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. If necessary as a last resort, they should make such information publicly known.*

Attorneys are encouraged to go beyond the formal legal procedures to employ “*all procedures available to obtain protection and appropriate remedy for his client*” such as to “*inform the proper national and international bodies of those activities, which are indirect contravention of the provisions of this rule, and in gross violation of human rights.*”

Moreover, attorneys-at-law in government service are under the additional obligation to “*do all they can in their official capacity to promote the incorporation of the Standard Minimum Rules for the Treatment of Prisoners into the law of the jurisdiction and to see*

to that the rules and all standards relating to the treatment of detained persons are observed and enforced and that the violations thereof are subject to disciplinary action or criminal prosecution.” (Rule XVIII, 3)

Taken together, the authors of the Code of Conduct clearly intended that individual members of the Guyana Bar Association and the GBA as a corporate body, acknowledge and embrace an obligation to care for the protection of those detained in the penal system. To effectively activate this responsibility, the purview of the GBA must encompass both the actual conditions that clients experience as well as the causes that create those conditions: in other words, both the prisons and other supporting institutions (Judiciary, Probation, Parole etcetera).

An obvious implication of the responsibility to protect is the preventative dimension which attorneys could exercise by challenging in the courts every remand or detention on the grounds that the overcrowded condition of the prisons *per se* (without reference to specific treatment metered out to individual prisoners or the particulars of the case)) violate both Guyana Constitutional guarantees as well as the *International Conventions against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* and *Civil and Political Rights*, ratified by the Government of Guyana. Both sources provide ample authority for such actions by all attorneys. Unlike allegations of torture which require the intention to inflict cruel treatment on specific persons, cruel, inhuman and degrading treatment can arise either from specific action directed against specific individuals, or by conditions which apply to a class of persons indiscriminately.

Legal Practitioners Committee

It is pertinent in light of the above for this COI to comment on whether there are likely to be consequences were the profession to be found remiss in not confronting and publicizing the gravity of abuses generated by the inexorable over-crowding at Camp Street prison, or to provide early warnings of the impending disaster.

The mechanism envisaged in the *Legal Practitioners Act*, for upholding professional standards, namely the Legal Practitioners Committee (22.1), is empowered to receive applications alleging professional misconduct. The Act sets out in great detail the procedure by which complaints may be brought against attorneys. On examining the complaint, the Committee may dismiss the application, impose a fine, reprimand the attorney and make an order with respect to costs, as well as suspension from practicing law. The Committee may, should it determine that a case for more severe punishment has been made, refer the case to the courts via the Chancellor and the Attorney General. A court comprising three judges will then examine the merits of the case and, if the complaint has merit, is empowered to suspend or strike off the name of the attorney from the Court Roll, disbaring him or her from the practice of the law. A fine and imprisonment may also be imposed if the Court so decides.

This process suggests that the Committee and its powers provide an effective deterrent to attorneys inclined to cut corners or to more serious infractions. However, a more considered reading reveals an obstacle course of cumbersome and ponderous procedures involving the highest levels of the Judiciary. An accused attorney is permitted

representation by another attorney, whereas the plaintiff appears in person. Moreover, should the Committee find in favour of the complainant he or she (along with the general public) has limited satisfaction since proceedings of the Committee are held *in camera*.

Suspicious about the self-serving features of the LPC procedures are reinforced by comparison with the equivalent *Legal Profession Act of Jamaica (LPAJ)*. The LPAJ on which the Guyana Act relies heavily, speaks to publishing findings of the Committee in a manner freely available to the public (s.14, 15.4 (a) (b), 15.5). The Guyana Act by contrast is contradictory with respect to whether the Committee's orders/reports should be available to the public or not, having three clauses (s.37.2) and (41.4, 41.5), addressing the same issue; the one stating they shall not be available and the latter alluding to inspection being available for a fee. In light of the self-serving features of this complaints mechanism it is not surprising that any Guyanese lawyers has been suspended or disbarred for decades, nor that the procedure is ineffective as a deterrent to wayward lawyers. These defects contrast sharply with practice around the Caribbean where suspensions and debarment are published annually, prompting a professor at a regional Law School to comment that the Guyana Bar appears to be peopled by saints.

The changing character of private practice may be due to several causes: competition for business has intensified, rendering the financial bottom line a potent competitor to public service, conditions of detention or other concerns that do not directly enhance the lawyers' marketplace advantage. The de-emphasis on *pro bono* work seems a natural result of increasing concerns about billable hours. The business dimension is extended by the number of law firms with connection to services for word processing, copying, faxing and so on. While some justification for the growth of financial pressures may be advanced, these considerations inevitably erode the concept of providing the kind of legal services which are the hallmark of professionalism, to persons of limited financial means or substantially reducing their fees. Similar pressures take their toll on attorneys or the GBA participating in activities to improve the law or the legal profession – commenting on draft bills, for example, or producing legal articles.

One step in the direction of regaining the standards, which in an earlier era earned the Guyana Bar the envy and respect of the rest of the English-speaking Caribbean, would be introduction of compulsory programmes of continuing education for judicial and legal officers. This may contribute to achieving greater consistency and reducing the disparities which cause so much public discontent with the administration of justice.

In addition to better delivery of judicial and legal services, such courses would oblige the legal community to keep themselves abreast of developments in the law and to read more. Continuing professional education is taken for granted in the medical profession, for example, with annual re-accreditation tied to accumulation of various credits earned by attendance at a minimum number of seminars and lectures during the previous year. The availability of high quality free internet courses both render requirements of this nature user-friendly to acquire and the obligation to acquire them more pressing.

BAIL

Figures released by the GPS demonstrate that 258 prisoners were remanded by magistrates at the end of February 2016. This figure divides between persons refused bail (148) and persons who cannot afford bail (110). That close to 50% of the persons bailed cannot afford the sum set is unacceptable. More disturbing, is the distribution of these figures over magisterial districts. The West Coast Magisterial District accounts for almost 50% of those who cannot afford bail (51 of 110) and one-third of all those refused bail (49 of 148). In other words there are more remand prisoners from WCD than from Georgetown. These figures serve to illustrate the fact that practice is influenced to an inordinate degree by the views and inclinations of individual magistrates. (cf. Appendix 10: Breakdown of Remanded Population at Georgetown Prison as at Feb 29, 2016, Guyana Prison Service)

Bail is a constitutional right except in cases where the likelihood of the accused not appearing for the trial has been demonstrated (*Compton English v The Attorney General of Guyana, No. 1304 of 1994*). Since there is no known evidence that any accused person placed on bail by the High Court has absconded¹ the presumption of bail being granted must be the rule rather than the exception. In practice, however, magistrates, in particular, are extending the discretionary powers they enjoy in indictable matters to routinely denying bail in summary offences. Murder and treason are the only charges for which bail is expressly denied.

Rather than evidence that a person will not appear for trial, remand figures suggest that magistrates are substituting a presumption of guilt for a presumption of innocence. As a result two-thirds of all prisoners in Camp Street are on remand (604/1014). Of the 604 remand prisoners in Camp Street, 193 (32%) are charged with murder, the other 68%, over-two thirds, are eligible for bail.

When the ratio of remand to convicted prisoners was only 30/70 in 2004, the Criminal Justice Review Committee (CJRC) recommended that the disparity, inequity and inconsistency of magistrates' discretion could only be addressed by a Bail Act "in order to achieve some degree of uniformity in the grant of bail".² In addition to legislation, a further recommendation from the same Report called for specific guidelines to be crafted for the guidance of magistrates and judges.

In light of the failure of this and a plethora of similar recommendations from all quarters to penetrate magisterial practice, the Commission of Inquiry is calling for more effective enforcement of such recommendations. While the immediate cause of the abuse of bail procedures is most evident at the magisterial level, the major obstacle remains a judicial culture in which bail is viewed as a judicial gift.

As with sentencing, the very notion of a bail 'policy' or 'guidelines' is considered by the more conservative as an offensive 'executive' intrusion into judicial autonomy. Such attitudes are consistent with bygone ages, in which notions such as democracy, human

¹ Letter of Guyana Bar Association to Chancellor Kennard, August 1998

² Final Report: Chancellor of the Judiciary, Desiree Bernard, Criminal Justice Review Committee 2004

dignity and constitutional rights were foreign to the judicial culture. It has been patently clear to both magistrates and defense lawyers for some years that the back-log of cases in the Guyana courts is such that the constitutional rights of the accused to a trial within a reasonable time is routinely violated. In addition to violating this constitutional right, refusal of bail violates all the rights associated with committal to over-crowded prisons. However, avoidance of unconstitutionality as a 'special reason' for bail in narcotics cases has not, to our knowledge, ever been advanced in narcotics cases.

Illustration of the lack of professional energy and standards in the administration of justice in both the Bar and Bench in Guyana is well illustrated by reference to bail in narcotics cases. Refusal of bail in narcotics cases has become virtually axiomatic in Guyana despite the obvious injustice involved and its significant contribution to over-crowding of prisons. Section 73 of the *Narcotics Drugs and Psychotropic Substances (Control) (Amendment) Act 1999 Act* precludes granting of bail in all cases unless 'special reasons' can be advanced. 'Special reasons' has been reduced in practice by both the Bar and Bench to issues related to the substance i.e. quantity, circumstances etc. without reference to the person of the accused, as pointed out in the CJRC Report referred to earlier.

SENTENCING POLICY

1. Sentencing Principles

Fifty percent of the convicted inhabitants of Camp Street prison are there for sentences of 24 months or less. How many of them would have spent this period (or longer) on remand prior to sentencing is not known.

From information provided by the Guyana Prison Service, the Commission noted that one judge has adopted a seemingly personalized approach to sentencing which makes a mockery of the concept of sentencing policy. He is responsible over recent years for sentencing thirteen (13) offenders to a total of 1038 years in prison, an average sentence of 80 years. The laws of Guyana do not support this irresponsible approach to crime and punishment. Since all of the recipients of these unlawful sentences were found guilty of murder, the sentences appear to be a personal protest against the suspension of the death penalty in Guyana. Were the Judiciary rather than the Prison Service to bear the cost of this behavior, it would no doubt have been swiftly terminated.

This Section of the Commission's Report has drawn heavily on a detailed *Report on the Development of Sentencing Guidelines for Judges and Magistrates*, produced in 2010 under the Modernization of the Justice Administration System, along with addenda: *Overarching Principles in Sentences* and *Reduction in Sentence for A Guilty Plea*. The Report sets out a comprehensive case for flexibility in sentencing policy in Guyana. Adoption of the recommendations contained in the Report should be treated as a matter of considerable urgency. This is particularly appropriate since the major thrust of the Report is to highlight the range of sentencing options already available to the Guyanese courts.

The fact that the consultation process around the Report reportedly only started earlier this year with its distribution to Judges and Magistrates is a matter of concern to the Commission. Why more concerted efforts to ensure its incorporation into everyday judicial culture have not been encouraged and monitored more vigorously could be a profitable source of reflection.

A particularly illuminating feature of the Report points out that a number of key sentencing statutes removal of discretion in favour of mandatory sentences, at both summary and indictable levels, is not absolute. All the statutes contain a provision to the effect that “in the interests of justice” mandatory sentences may be modified by the judge or magistrate. While not a satisfactory method of varying a statute, the concept goes to the heart of what all statutes intend, namely to do justice. In circumstances in which routine application of the statute would work unusual hardship, not to mention cruel, inhuman and degrading treatment, this concept provides a remedy. Even in cases in which incarceration is mandatory existing Statutes provide for substantial discretion on the part of both judges and magistrates to impose alternative sentencing to imprisonment. Invoking such a concept to avoid adding to the generalized misery of over-crowding should see a rise in favour of non-custodial sentences such as fines, community services, suspension, and his or her own surety.

In lieu of formal Guidelines, judges and magistrates inevitably adopt an approach determined by their view of the seriousness of the offence. Seriousness in turn should be determined by two criteria, culpability and the harm caused. In the interests of consistency, the assessment of culpability and harm must themselves be subjected by the sentence to a list of ‘aggravating’ and ‘mitigating’ features set out in the *Overarching Principles in Sentencing* section of the Report. For the purposes of this Report these factors are summarized as follows:

Aggravating Factors	Mitigating factors
<ul style="list-style-type: none"> • The offence itself • Use or threatened use of violence • The vulnerable victim • Breach of trust • Premeditation • Involvement of another person • Offence committed while on bail in respect of another offence • Racially aggravated • Under influence of alcohol or drugs 	<ul style="list-style-type: none"> • Guilty plea • Provocation • Cooperation with police • Good character • Age • Effect of sentence (on children, job, etc) • Time on remand • Voluntary reparation

The court must first make an initial assessment of the seriousness of the offence, then go on to consider mitigating factors. 'Prevalence of the offence' in itself, is not to be considered separately but as a factor in the 'seriousness' assessment to avoid doubly penalizing the culprit. The Report goes on to emphasize that "enhanced sentences should be exceptional and in response to exceptional circumstances".

2. *Reduction of Sentencing which do not require legislative interventions*

As emphasised in the *Report on the Development of Sentencing Guidelines*, substantial discretion is confided to judges and magistrates under statute at the sentencing stage. Section 19 of the *Criminal Law (Offences) Act Cap.8:01* sets out that with the exception of offences punishable by death, custodial penalties prescribed for all indictable convictions may be set aside by the discretion of the Court according to the circumstances of the case. Similarly, the *Summary Jurisdiction (Procedure) Act Cap.10:02* provides similar powers for magistrates in cases of summary conviction to set aside imprisonment, even 'though "notwithstanding any such Act or other enactment, the court may, if it thinks that the justice of the case will be better met by a fine rather than imprisonment, impose on the offender a fine"

Similarly the *Law Reform Act of 1988* introduced provisions for suspending sentences of not more than two years imposed by the courts. Further options are available under the *Extra-Mural Work Act* and the *Probation of Offenders Act, Cap. 11:02*. Magistrates are encouraged before sentencing the offender to any period of imprisonment to consider whether he/she may be suitably dealt with under any of the aforesaid provisions.

Moreover, under the provisions of the *Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Act 1999* a court may make an order of community service for up to nine months in lieu of imprisonment if a person was convicted for being in possession of cannabis, not exceeding five grammes which the court was satisfied was in possession only for personal consumption.

In the absence of comprehensive statutory provisions relating to the approach to be taken by the courts in Guyana when determining sentence it is considered necessary for guidelines to be issued. The intention of the guidelines is to promote consistency in sentencing, providing clarity for courts and for victims.

A widespread but deplorable practice in magistrates courts is for prosecutors to attempt to persuade the courts to impose a heavy sentence. All allegations made by prosecutors must be based on admissible evidence and magistrates should insist on having it admitted.

Recommended Steps in Application of the Reduction Principle

As laid out in the Report, in calculating sentence the court should follow a clear pathway:

Step 1 The court decides the sentence taking into account aggravating and mitigating factors and any other offences which the defendant admits and ask that they be taken into account.

Step 2 Calculating the reduction

- i. The level of reduction should be proportionate to the total sentence imposed.
- ii. The proportion is calculated by reference to the guilty plea in the following manner:
 - a. one-third of the total when the guilty plea was entered at the first opportunity
 - b. one-sixth when the plea is entered after commencement of the trial.
- iii. The court applies the reduction and pronounces sentence. The court should state what would have been the sentence if there had been no reduction.

Despite the recommendation above, where the prosecution case is overwhelming without relying on a guilty plea, the full reduction may not be appropriate.

3. *Acceptance of Sentencing Guidelines*

The aim of sentencing policy is consistency. The non-custodial options allow possibilities for raising public confidence that justice is being done in circumstances in which the mechanical application of custodial penalties would be seen as unfair or discriminatory.

For many years judiciaries around the world resisted the creation and imposition of sentencing guidelines as an unjustified intervention of the political executive in the judicial sphere. Over the past two or three decades resistance has weakened and guidelines are in place in many countries of the world. With regard to the success of introducing Guidelines, according to a Study undertaken by the US National Center for State Courts (2008) it was found that States which employ sentencing guidelines enjoyed higher levels of predictability, reduced discrimination and increased transparency in sentencing. The key findings included that guidelines:

- i. Make sentences more predictable in determining who goes to prison.
- ii. Reduce sentencing disparity by limiting influence of race and economic status.
- iii. Make sentencing patterns more transparent by reducing how the factors are scored that contribute to length of sentence.
- iv. Allow policies to be designed to shape judicial discretion.

The Study noted that participation by an active Sentencing Commission is an essential element of effective guidelines.

In some jurisdictions predictability of sentencing has been facilitated by internet-based databases of all sentencing decisions, which is updated on a weekly basis.

4. *Impact of Victims Representation*

According to the *Report on the Development of Sentencing Guidelines*, under section 11 (1) of the *Criminal Procedure (Plea Bargaining and Plea Agreement) Act 2008* in Guyana, the judge or magistrate is fixed with a mandatory duty to seek in open court the

views of the victim or a relative of the victim before recording the terms of the agreement and passing sentence. Commentators are divided over this practice due to its propensity to influence sentencing when this is not its intention. Grounds advanced for opposing such statements are:

- Representation cannot provide a sound basis for sentencing.
- Cases with identical features would be dealt with in widely different ways.

The victim is hardly likely to bring the necessary degree of detachment required to reach a proper sentencing decision. An approach to sentencing that fails to keep prisoners healthy, safe or to maintain their wellbeing are indefensible in any society which aspires to be modern and civilized.

Comprehensive prison censuses should be undertaken periodically to upgrade and expand criminal justice data systems and ensure timely access to criminal justice information for policy makers and the public.

Short Sentences

Short sentences (under 12 months) have little prospect of impacting on the convict's offending habits. The notion that three to six months' sentences serve to shock offenders into reforming themselves has not proven to be the case. The opposite effect is equally common, namely, that the short sentence removes the deterrent effect by familiarizing the offender with prison without being long enough to serve any reformatory purpose.

The long-term cost of short sentences was spelt out in one prisoner's submission to the COI in the following terms:

"There are many prisoners serving sentences for minor offences. Some very petty offences such as stealing a cell-phone or items to eat. Having sentenced prisoners with these small offences to prison will surely open them to get involve with more criminal activities. Most males share their views and skills to commit crimes. As such many males go out of prison more dangerous than how they come in...Very few inmates take heed to correct themselves for a better life."

Short sentences only make sense if they are applied flexibly. Some sentences could be served at week-ends, others at periods which do not inevitably lead to loss of employment or work hardship on the rest of the family. Too many prison sentences disrupt the life of the entire family. This is true even of remand prisoners, where 'self support' meals are provided by the family under conditions which virtually require the full-time involvement of a family member.

Community Sentencing

Community sentences have proven in one study to be 7% more effective at reducing re-offending rates than short sentences. This result, while isolated, is encouraging.

The evidence between use of custody and reduction in crime has not been proven. In terms of effective alternatives greater attention should be placed on community-based sentencing. The societal inclination towards harsh sentences, and unavailability of an adequate Probation Service to supervise such programmes have discouraged adoption of community sentencing beyond the occasional magistrate ordering an offender to clean the court compound.

In societies more concerned with reform than sustaining large prison populations community-based sentencing is a rigorous option in which offenders serve sentences in setting where they are known and where a variety of conditions can be attached such as attendance at classes or remedial education, curfews, restriction orders with respect to access to liquor. The effectiveness of such programmes is rooted in a well-resourced Probation Service in which Probation Services are linked to Neighbourhood Democratic Councils or similar community-based arrangement.

Community sentencing is a much more productive option for female offenders and young offenders, which is one reason they do not attract the attention they merit. As with all aspects of the penal system, solutions are designed to apply to male criminals and then, simply by extension, applied to women and young people. However, a successful piloting of community sentencing with women and youth would be the most effective form of publicity for its wider application to adult males.

Integrating offender rehabilitation into community-level governance will not attract the human nor financial resources required for success unless the society in general adopts a more constructive attitude towards offenders. Attitudes to crime and punishment are shaped more by horror at violent crimes than by petty offences, despite the fact that petty offending is frequently the route to more serious criminal habits. To this extent community sentencing must also be seen to constrain the lifestyle of prisoners in ways the community perceive as effective if reactionary public attitudes to criminality are to change. Alternatives to prison must be credible, effective and reduce offending to get public support. Robust non-custodial sentences would make it eminently possible to improve offenders' reading, writing and problem-solving skills in the very communities in which they encounter life's problems. Community sentence orders may restrict offender's freedom of movement both by night and day.

Penalties for Drug-related Offences

Harsh legal regimes promoted around the world in response to the widespread health and legal problems created by narcotic and psychotropic substance are ubiquitous. Scepticism over their effectiveness is almost equally widespread. Implementation of harsh drug laws has fueled rising incarceration rates and has contributed to severe prison overcrowding. Certain reforms to drug laws and how they are implemented could help alleviate prison overcrowding while protecting public safety and respecting human rights. (cf: *Recommendations*)

PAROLE BOARD

The Parole Board Report for 2009 states that the operational cost for the Parole Board (excluding any costs of monitoring of parolees) was G\$3,789,600, 000. The number of parole cases recommended for parole in that year (taking this stage as the point when the Board input is concluded) was 11 (cf. Table: Parole Board General Performance Information, in this section). It is reasonable, therefore, to say that the per capita cost of releasing a prisoner on parole for that year was the budget sum \$3,290,000. divided by 11, namely G\$344,509.

In comparison, the Guyana Prison Service *Strategic Plan 2010-2013* notes that the average per capita figure for maintenance of a prisoner in 2009 was G\$359,301. The difference between maintaining a person in prison and the process of recommending parole is less than G\$15,000. per year, prompting serious questions with respect to the parole programme. Unfortunately no similar information for other years was available with which to compare the 2009 figure.

The concern of the COI is not with the dedication or efforts of the members of the Parole Board but with the institutional mechanism and its fitness for purpose. As a stimulus towards good behavior on the part of offenders and an encouragement for rehabilitation, the numbers released on parole are ineffective.

The above conclusion is reinforced by a breakdown by gender of parole figures provided by the Board. Of the twelve persons granted parole in 2013, eleven were female and one was male. Annual breakdown by gender for earlier years were not available. Figures for 2013 also suggest that a high percentage of the women recommended for parole were serving sentences for narcotics-related offences (9 of the 11 granted parole). Only one male of the sixty-nine applications received in 2013 was paroled.

The last statistic suggests the influence of a policy decision to give priority to narcotics offenders rather than granting parole solely on the merits of each individual case. In this respect, parole is employed as a counter-balance to the injustice flowing from mandatory custodial sentences attracted by narcotics offences. This conclusion is reinforced by the contrast with the high number of manslaughter offenders (29) attracting only one positive recommendation for parole, eight being denied and twenty unresolved. In 2013, manslaughter (29), murder (13) and narcotics (20) comprised the overwhelming number (62) of the sixty-nine applications received.

The numbers of cases which take longer than a year to process point to deficiencies in either the parole procedures or in the support system available to the Parole Board. Of the sixty-nine applications received in 2013, only twenty-seven were completed.

Figures over the past ten years show an average of seven offenders per year granted parole, approximately one quarter of the average number of applications received per year. However, more encouraging statistics show higher numbers both of applications for parole and numbers granted parole in the past three years. As the Table below indicates, the over-all average for the decade is seven granted parole of an average of twenty-four applications, whereas in the last three years for which Reports are available,

the figures are ten granted parole of thirty-one applications. Despite this encouraging trend, however, over-all annual numbers released are too low to support the idea that the parole system is an effective incentive towards good behavior.

PERFORMANCE INDICATOR NAME	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	TOTAL	Average p.a.
Parole Petitions examined	33	38	22	29	29	29	40	57	70	69	416	42
Parole Petitions from previous years examined	N/A	24	22	11	21	14	23	29	37	38	219	22
New Parole Petitions Submitted	N/A	38	4	25	19	32	23	28	33	34	236	24
New Parole Petitions Examined	N/A	14	0	18	8	15	17	28	33	31	164	16
Number of Parole Hearings Completed	9	18	8	4	18	13	15	16	33	27	151	15
No. Parole Hearings deferred	24	31	14	25	11	14	29	44	37	42	271	27
Parole Recommended	9	10	8	3	18	11	15	10	19	15	118	12
Parole Not Recommended	0	8	4	3	1	5	2	6	14	12	55	6
Parole Granted	9	9	8	2	14	8	14	6	14	11	95	10
Parole Rejected	0	1	0	0	4	3	1	4	5	4	22	2
Parole Completed	3	12	7	5	6	3	8	15	8	5	72	7
Parolees Being Supervised and Monitored	11	7	8	4	8	6	12	3	7	6	72	7
Applicants Who Withdrew Their Applications	0	0	0	3	1	4	0	9	1	3	21	2
License Revoked	0	0	0	0	1	0	0	0	0	0	1	0

Parole Board - General Performance Information:

Source: Parole Board Annual Reports 2009 -2013

Two approaches to parole can be discerned in penal policies adopted in various countries: one in which judicial considerations predominate and another view of parole that stresses rehabilitation focusing more on the person of the offender. In the latter approach parole recommendations are linked to the offender's behavior during detention. In contrast to the 'judicial' approach, decisions to revoke or to parole, are made largely by those involved in day-to-day management of the correctional system.

Here in Guyana the Parole Act incorporates elements of both approaches. While the Act inclines the Board to a judicial approach, the *de facto* dependence on the prison staff in arriving at its decisions appears to be much greater than the Act envisaged. The lack of Parole Board staff also increases the dependency on other agencies, particularly the Prison service itself, both for investigation and in determination of cases. Historically the Parole Board has depended on the Probation Service, but the re-orientation of Probation to welfare tasks in recent years has severely restricted the availability of this option.

The Reports of the Board make clear that it views itself as "quasi-judicial" with "public safety" as the guiding principle determining its deliberations. This approach appears to be reinforced by the severity of the offence (none of the thirteen murder applications were considered in 2013) and the need to control the offender (influencing the more positive approach to female than male offenders).

In practice, the parole system appears capricious. Whether applications reach the Board promptly is unpredictable; being considered in a timely fashion or becoming part of a back-log is determined by availability of staff, whether and how interviews are conducted is also at the mercy of unpredictable factors. If an application survives all the hoops for which the Board is responsible, the application is sent to the Minister for a final decision. The Annual Reports suggest that the Minister accepts the advice of the Parole Board in the great majority of cases. Again, there appears to be no formal guidance to enable the Minister to ensure his recommendations are consistent and fair. Finally, whether and how the prisoner in questions learns his fate appears also to be unpredictable.

A notable casualty of lack of support staff is the unpredictable manner in which the offender's views are obtained by the Committee. A recommendation in the last Report of the Board (2013) submitted to the COI is to the effect that oral hearings from applicants should be introduced to the process, with representation from legal counsel if desired. Making a recommendation rather than simply implementing the practice reflects yet again the dependency of the Board on other actors.

The amount of the Committee Budget invested in investigating the community background of applicants appears excessive. What weight would those predominantly negative opinions carry in comparison to reports and assessments from within the prison institution which is in daily contact with the applicant?

The COI feels compelled to draw parallels between the Parole Act in Guyana and that of Jamaica. Under the Jamaica Parole Act, the functions of the Board are spelt out in matter-of-fact language, thorny issues, such as applications from convicted murders are

addressed in detail. In the Guyana Report all murder applications appear to be remain in a form of limbo. Similarly, the functions of parole officers and the Minister might make suggest a degree of autonomy in the Jamaican process which the Guyana Board does not enjoy, with respect, for example to life sentences and commutations from an original death penalty to life; and in the form of certificate parolees received at the end of their parole. The Guyana parole process projects an impression of rigid adherence to rules, rather than the sense of purpose and energy reflected in the Jamaica Parole Act.

Also noteworthy is the fact that the Cayman Islands no longer have a Parole Board but a Conditional Release Board which allows every prisoner, after completing 60% of his or her sentence, to be considered for conditional release depending on good behaviour.

A modern parole system would develop and make widely available a clear set of criteria by which parole decisions would be guided. Applications for parole would trigger the evaluation of the prisoner's performance in detention against this set of criteria. A point system would be awarded. Those prisoners who scored sufficient points would be eligible for parole. Prisoners would be informed of the results of the assessment. Prisoners who score high but insufficient would have an incentive to work on the defective areas and apply the next year. The Board responsible for applying this system could operate under the authority of a Prison Inspectorate. The COI is not concerning itself with the details of such a system, so much as suggesting the level of reform required to produce the required degree of modernization.

Prison Visiting Committees

The powers of the Prison Visiting Committees (PVC) set out in the relevant section of the Prisons Act Cap 11:01 are extensive. Members of the Committee may bring to the notice of the Prison Director or Minister any circumstances connected with the administration of prisons. They have "free access to all parts of the prison and to all prisoners they may inspect the diets of prisoners and report unsatisfactory food standards to the Director of prisons. Members of the PVC may "inspect any of the books of the prison,...enquire into the state of prison buildings" and "if repairs and additions appear to them to be necessary shall report thereon with their advice and suggestions to the Director." In light of such far-ranging powers of PVCs, the question must be asked how such perilous conditions could have developed at Camp Street prison without alarm bells having been sounded much earlier.

The fundamental assumption underpinning the PVC is that prisons are reasonably well-administered, reasonably-well-resourced and adequately staffed. The monitoring role of Visiting Committees in the colonial era and for some decades later was more clearly defined, the prison administration was fully staffed, numbers of inmates were more in accord with the capacity of the prison facilities and the prison regime had the resources for rehabilitative activities.

Over the past two decades, at least, these assumptions no longer hold valid for prisons in Guyana. As the short-comings of the GPS multiplied in terms of staff shortages and the intake of less qualified recruits, the role and function of PVCs imperceptibly changed.

An under-staffed, under-resourced and less qualified prison administration saw the steady deterioration of a penal system, confronted with larger numbers of hardened prisoners. A partial response to this situation was to invite a range of civilians, businessmen and religious leaders to play leading roles in all areas of prison life – sentence management, training programmes, prison chaplaincies and the like – many without known qualifications, other than being politically trustworthy. PVCs were also permeated by political appointments, even reaching the extreme of the wife of the Minister of Home Affairs being appointed to the Camp Street PVC, with the inevitable chilling effect on the frankness of communications, between the Prison Director and the PVCs. In such circumstances, the extensive powers noted above, were not exercised in the best interest of the prison system or they were set aside.

Appointments to Prison Visiting Committees are at the pleasure of the Minister of Public Security (formerly Ministry of Home Affairs). No formal eligibility criteria exist.

In order to achieve a number of related goals, namely more efficient oversight, greater impact, transparency and fairness, the system of civic oversight function needs to be overhauled to render the selection process more transparent and to bridge the powers of the Committee and the competencies of the Committee in a more realistic manner.

Some consideration should be given to relocating a number of the powers of the PVCs in a Prisons Inspectorate system along the lines employed in Trinidad and Tobago. Recommendations of an authoritative Prisons Inspectorate would then provide the agenda of activities for the PVC to monitor in its monthly visits.

REHABILITATION

A distinguished retired Governor of large prisons and who has advised on prison policy in many parts of the world recently commented that:

“The expectation that prisons will rehabilitate people, whilst being desirable, is divorced from reality. It leads to accusations that prisons have failed to rehabilitate. The truth is that no empirical evidence exists that prisons can “do” things to a prisoner that will make that person lead a life free of crime on release; there is no empirical evidence that a prisoner can be coerced into being rehabilitated. That is not to suggest that “nothing works”; we do know that some things work with some offenders, at various times, in certain circumstances and in different settings but we do not know what works with whom. We do not have the ability to “diagnose” why a person commits a crime and as a consequence cannot propose an appropriate course of “treatment”; the medical analogy does not work. We do know that old age prevents many people from reoffending or taking up crime that is other than sex offenders and some white collar workers, for age is no barrier to their activities, but that is all we can be reasonably sure of.

We should move away from the rhetoric of “prisons have failed to rehabilitate” to the acceptance that only prisoners can rehabilitate themselves and that the task of the prison is to present opportunities to them to make that possible. If a prison offers opportunities and the prisoner refuses to avail of them then it is the prisoner who has

failed and not the prison. However, if opportunities have not been provided or if a prisoner is unable to access then only then can it be said that the prison has failed.

Secondly, if a prison has any hope of being a being a positive influence on a prisoner then that can only be achieved if there are decent conditions, by treating prisoners decently, to make prisons places where there is dignity, an absence of fear, where there is a sense of self-worth and a well ordered community life; that also applies to all who work or visit a prison."

This approach to prisons contrasts sharply with the philosophy dominating Guyana's approach to prisons. The much quoted slogan coined by Prime Minister Blair of being "tough on crime and on the causes of crime" became a mantra across the globe, along with President Clinton's "three strikes and you're out" leading to two explosions: one of prison populations around the world and the other of middle-class complacency over finding a better solution to address crime. Two decades later, both of the societies whose social and penal policies most influence ours in Guyana are in serious retreat from unmanageable prison populations amid a growing recognition that "smart on crime and smart on the causes of crime" is the only solution. (Ref: Fair Sentencing Act 2010, Smarter Sentencing Bill (Dec. 2015) proposed by President Obama.)

Smart on crime approaches seek to make our communities safer by adopting a menu of measures which hold offenders accountable for their actions. These measures are tailored to place responsibility largely on detainees for how long they remain in correctional facilities. This Report identifies in a summary manner, a series of possible measures which would move the penal system in the direction of being more fair, effective and affordable. The fundamental challenge is not one of identifying what those measures should be, but one of ensuring the institutions responsible for supporting their implementation are fit for purpose.

Rehabilitation aims to ensure that after leaving prison inmates have a better than average chance of leading a productive and fulfilling life, rather than falling into recidivism, the cycle of re-offending and returning to prison. In the context of Guyana's prison system, rehabilitation is a major challenge. Space and resources are not available; qualified personnel to conduct training are in short supply; educational levels of inmates range from functionally illiterate to basic, providing a less than adequate background for skills training. Earlier commentators on rehabilitation in Guyana's prisons have noted that rehabilitation, if it is to impact on recidivism, must be more than skills training. Skills are an important component of post-prison re-integration into society, but they are not the most critical. What landed inmates in prison in the first instance was not lack of skills, but an inclination to criminal activity, i.e. incorrect values.³ Unless rehabilitation addresses that dimension of the problem, it is unlikely, no matter how skillful an inmate becomes to overcome recidivism. The prison experience, as noted elsewhere, tends to produce people with a more criminal outlook when they leave than when they entered. It is that process which rehabilitation must crucially address.

³ cf Nickram L Report. Ministry of Home Affairs 2009

While recognising the importance of skills training, the most intensive rehabilitation focus must be on improving basic education, as the re-conditions for changing the value orientation of prisoners.

A recent British study recommends putting education at the heart of the prison system. ~~Prisoners should have an initial educational assessment when they enter prison and then be provided with a personal learning plan.~~ When asked what was missing from existing prison education programmes, the author of the study responded "*Any kind of pace. In a school or a college there's a pace, an energy, an outcome. There's enthusiasm. But in the prison classrooms, it didn't seem to matter.*"

The COI is recommending a more purposeful approach to education in prison and to rehabilitation. Progress on both fronts should be compulsory linked to incentives, privileges and early release. Piloting initiatives and evaluations should be linked to consequences both for inmates, prison officers and staff involved in delivery of education and rehabilitation services.

VULNERABLE SECTORS WITHIN THE PRISON POPULATION

VULNERABLE POPULATIONS

Indigenous People in the Prison System

Indigenous people constitute the population group whose rights are most violated by the prison system. In addition to the generalized inhumane conditions of prison to which all detainees are exposed, indigenous people suffer a range of additional hardships. In the first instance they are separated completely from their families and communities. Prison diet never includes food to which they are accustomed. Indigenous people by nature are less assertive or aggressive than other population groups. They endure far longer delays in trials due to the unreliability of interior courts. In many cases a poor command of English isolates indigenous prisoners almost completely from life around them.

Whereas the harshness of incarceration of females and young people compared to males receives at least token acknowledgement, the application of this harsh system to Amerindians is almost totally ignored – by the administration of justice, the Parole Board and the political administration.

Women in Prison

The great majority of female offenders do not constitute a threat to society, the primary justification for incarceration. However, the way society deals with women is simply an extension of what is considered appropriate for men. When a policy turns out to be inappropriate for men, it is usually disastrous for women, which is clearly the case with the current penal policy.

Women in prison in Guyana constitute 4% of the total number of incarcerated persons. Security arrangements at the Women's Prison in New Amsterdam, Berbice, are extensions for what is in place for the men's section within the same compound: an

unnecessarily depressing multiplicity of locks, bars, barbed wire and electronic devices in overcrowded spaces.

Women are usually incarcerated because they are the victims of men either by being used as 'drug mules', or for stealing so as to feed children for whom child-fathers are not providing, or they are on murder charges for having turned violently on a brutal male partner. Most of the women in prison have themselves have either been physically and/or sexually abused since childhood and in need of help not punishment.

Prison is a much harsher experience for women than men. On the outside women are usually the ones responsible for looking after the family and children. An extended stay in prison usually means women emerge to find their children dispersed, their partner no longer around and their home taken over by others. A revolution in attitudes to women's imprisonment is needed.

Rather than imprisonment, women in trouble with the law need the safety of half-way houses in which they can get their life together, develop the self-confidence and the skills to care for themselves and their children and eventually re-start life. A different system of very small, self-sufficient units with active programmes of training with considerable involvement from outside agencies is urgently needed.

It is evident that imprisonment of a parent or guardian may work considerable hardship on innocent children who are forced to relocate to live with others, change schools and suffer hardship. The impact on children of various forms of sentencing of adult relatives is not taken into account in sentencing decisions in Guyana.

Recommendations

- a) Women, except in very exceptional circumstances, should not be sent to prison at all.
- b) Women's role as care-givers should attract much higher priority in determining whether to imprison women at all. Long-delayed trials, venal lawyers and poorly-trained magistrates prolong and aggravate a basically unsound method of dealing with women involved in crime, creating over-crowding.
- c) In view of the high level of sexual abuse and exploitation to which detained women are vulnerable prompt and thorough investigation should be carried out of all complaints of sexual harassment by any officers of state agencies.

Mentally Ill Prisoners

The Guyana Prison Service is the major casualty of the inexcusably primitive approach to mental health in Guyana. Mentally ill persons, in significant numbers, who find themselves in trouble with the law are passed through the prisons and magistracy into Guyana's prisons. The GPS has no resources, human or financial, for integrating them into an over-crowded prison. Although the Ministry of Health should provide statutorily a full-time medical doctor, the delivery of routine medical services is a constant problem. Services for the mentally ill are even less reliable. This situation works systematic hardship on all aspects of prison life. Even less concern is devoted to the

stressful effect on other prisoners of living with mentally-ill inmates in over-crowded spaces. An intervention led by the Ministry of Health involving the magistracy, the police and the GPS is needed urgently.

Substance Abusers

The provision in the Narcotics Act for persons convicted of narcotics offences to be directed by the magistrate to attend recovery courses at a specialized Unit has never been made viable due to the Ministry of Health never having created the Unit. Once again the Prison Service is forced to address this problem as best it can with no dedicated or professional resources being made available.

HIV+ Persons

The constant regular access to medication and testing required by this category of prisoners once again diverts over-used human resources into catering for specialized needs.

Aging Prisoners

Consideration should be given to early release of aging prisoners in the interests of lowering over-crowding. This category of prisoners is likely to expand in view of the sentencing eccentricity which the Judiciary urgently needs to correct.

Children

We restrict our comments to noting that in jurisdictions which take the rights of the children seriously, the manner in which prison sentences are served and structured is influenced by their impact on children. The concept of detention as a last resort as a principle of penal policy takes on central importance, as noted above, in the sentencing of women who are mothers, especially if they are the sole providers of children.

With respect to detention of children, the arrangements at the New Opportunity Corps and the Holding Centre in Sophia are far from satisfactory. Neither of these institutions is structured in the best interests of children and are insulated from effective civic oversight. 'Wandering' charges against young girls should be scrapped and replaced by legal remedies which, for example, can focus more on making older males aware that encouraging young girls into leaving home (the basis of most 'wandering') attract charges of 'grooming' under the *Sexual Offences Act* (which carries a custodial penalty). Laying 'grooming' charges against serial offenders should have a sobering effect on others.

INITIATIVE FOR MORE DYNAMIC GOVERNANCE OF THE PENAL SYSTEM

In rendering its Recommendations the Commission is conscious that a number of previous Reports have addressed similar issues, but to no avail. While financial considerations are frequently invoked to explain inaction in the area of penal reform systemic reasons other than finance should not be overlooked.

We have noted elsewhere in the Report the widespread public apathy towards the conditions of prisons that no doubt contributes to sluggish political responses to the problem associated with prisons. Reform of the GPS alone will not guarantee creation of a dynamic, efficient and fair penal system. As this Report has noted other institutions, particularly the other arms of the administration of Justice, the Judiciary, Guyana Bar Association, the Guyana Police Force, Probation Service and Visiting Committee, all undermine the efforts of the Guyana Prison Service when they fail to fulfill their own obligations to the penal system.

While none of this is new, the failure to create more effective coordination between these services is striking. Each institution struggles in isolation to make piecemeal improvements in its own delivery system without systematic consultation or cooperation among the group as a whole. Nor do existing statutory bodies such as the Police Service Commission and the Judicial Service Commission, operating in isolation, have a track record of effective cross-discipline cooperation.

Countering the institutional weaknesses of Guyana's penal system requires a mechanism to mobilize the political and technical co-operation in a collaborative manner, to provide Guyana with a modern, fair and efficient correctional programme.

For this reason this COI is making a special recommendation for creation of a mechanism charged with the sole responsibility of creating a plan to reduce prison overcrowding and to maintain a sustainable intake in the future. The Prison directorate in Guyana does not enjoy the powers of their counterparts in some parts of the United States where overcrowding is addressed by empowering the Prison Director to commence a process of release of prisoners starting with those closest to their release dates. These powers are linked to budgetary allocations for food and maintenance of decent standards as required by the *UN Standard Minimum Rules for the Treatment of Prisoners*. These are the most authoritative international standards governing the quality of life in prison.

The COI is recommending creation of a High Level Committee comprising the Guyana Prison Service and representatives of the agencies referred to above, under the chairperson of a dynamic individual capable of generating the institutional momentum, support and resources required to resolve over-crowding in prisons.

As a mechanism geared to encourage institutional cooperation with a clear focused mandate, the proposed High Level Committee would be a contribution to evolving governance in Guyana. Underlying all of the current ills of the penal system is a sense of no one exercising ownership of the process. Success in this limited mandate would lay the foundation for determining the shape and mandate of a more permanent Prisons Inspectorate Unit as a component of a modern principled approach to penal policy. In this respect the Trinidad & Tobago Prison Inspectorate merits careful examination with a view to emulating its major feature.

High Level Committee Recommendation

- The COI recommends creation of a High Level Committee representing all of the agencies with responsibilities to the prison system with the purpose of creating and overseeing implementation of a coordinated strategy for reducing and sustaining the prison population to levels compatible with the UN Minimum Standard Rules for the Treatment of Offenders.

Administrative

- Custodial Staffing to be increased immediately to match the operational and management readiness of the Guyana Prison Service. The ratio of female to male custodial staff to be reviewed in the increase. The current staffing is a recipe for continuous disturbances and security threats to the community at large.
- The Prison Service to adopt a management philosophy that encompasses modern principles of justice, management, training, humane conditions, discipline and use of force. The Restorative Justice philosophy can be explored in this regard.
- Training of ranks must be structured in keeping with promoting management efficiency and a career development path in the Guyana Prison Service. Special courses that must be included in training are correctional leadership, modern correctional philosophy, control and restraints, developmental psychology, intelligence gathering, ethics in Corrections and managing security threats groups (STGS).
- The Strategic Plan (2010-2020) is a vehicle/platform to develop the Guyana Prison Service and must be pursued intentionally and strategically. The eight pillars of development stated in the plan are structured and detailed approaches to the development of the Guyana Prison Service.
- To increase the capability of custodial supervisory staff in the short term by recruiting retired senior Non Commission Officers from the Guyana Defence Force. They must be carefully selected and appropriately trained to perform their new duties in keeping with modern prison philosophy.

Operational

- The administration must make locks tamper-proof by installing them in such a manner that there is no space for insertion of any material to prevent lock from opening.
- Prison beds and other equipment in dormitories must be constructed in manner to make them tamper-proof reducing opportunities to convert them into improvised weapons
- There is need for installation of an effective jamming system for cell phones even if not in the entire compound it can be at high security blocks.
- Protective equipment to protect officers from physical harm.
- Establish an effective surveillance system in the prison yard to monitor and record both prisoners and officers' conduct.
- An effective intelligence system must be created within the Guyana Prison Service to manage crime and prisoners' subcultures of gangs, prisoners of high security interest, contraband trade and violence/intimidation within the Prison. This must be supported integrally by the Guyana Police Force and Guyana Defence Force Intelligence Units.
- High Profile prisoners and prisoners with very long sentences must be strategically separated from the general population.
- The Joint Services Contingency Plans for Fire, Riots and Hostage-taking needs to be reviewed having regard to the actual circumstances occurring from March 2nd-4th 2016.

Welfare

- The emoluments of prison staff to be increased commensurately with the daily risk they face in the execution of their duties in a highly stressful and dangerous environment.
- A Special Insurance Scheme can be established and supported by Government to compensate officers in case of injuries or death while executing their daily duties.
- Threats of physical and psychological harm to officers and families must be dealt with swiftly and effective manner within the legal framework.

- The Prison Officers Association must operate more effectively to advocate for better working conditions for officers.
- The heroic acts of prison officers, prisoners and other Joint Services members ought to be recognised in appropriate ways.
- Prisoners' living conditions to be improved to reflect states of humanity and dignity.
- The training programmes of prisoners and their training facilities must match the concepts of modern penal philosophy to reduce recidivism and criminality among incarcerated offenders.
- The Probation and Social Services Department must play its institutional role in the Prisons more effectively
- Improve the capability of the medical facility within Prison so the healthcare of prisoners can be expeditiously addressed with no need to be taken to the hospital for routine tests.
- Prison Kitchens must cease using fire wood as a fuel and modern kitchens be developed at all locations to prepare inmates food.
- The Prison Administration to develop a system to honour outstanding officers and ranks for their long and meritorious services.

Infrastructure

- The Capital A Block be renovated and be named 'Centre of Learning and Reconciliation' for prisoners. It should have a good library with appropriate technology and other supporting material to aid inmates to develop themselves.
- Complete the construction of the new prison at Lusignan and upgrading Mazaruni Prison facilities to improve the prison holding capacity of prisoners under humane conditions.
- Enhance the structure and equipment at the Cecil Kilkenny Prison Officers' Training School at Lusignan to create a receptive learning environment for prison officers.
- To review the internal walls of high security blocks to avoid prisoners breaking through them.

- A more effective system of lighting in dormitories to be introduced to avoid tampering and turning off of lights by prisoners in divisions.
- Consider the removal of the Georgetown Prison from the centre of the City.

Judiciary/Magistracy/Legal

- Recognition by magistrates of the Constitutional right to the presumption of innocence of accused persons must be enforced when considering bail applications.
- Abolish mandatory minimum sentences.
- De-criminalize possession of minimum amounts of marijuana for personal use.
- Establish and expand alternatives to incarceration for those charged with low-level drug offenses.
- Ensure proportionality in sentencing, distinguishing between:
 - a. drug trafficking and other types of crime;
 - b. low, medium and high-level drug offenses;
 - c. rank or position of the accused in drug-trafficking networks;
 - d. violent and non-violent offenses.
- Avoid preventive detention (remand) in the case of low-level, non-violent offenders. Employ non-custodial sentences in all cases of possession – such as treatment, educational opportunities or community service – that are available to those involved in other types of offences.
- Re-orient law enforcement efforts to target high-level drug-trafficking networks, rather than those at the bottom rung of the drug-trafficking ladder, such as consumers, small-scale farmers, low-level dealers and mules.
- Comprehensive prison censuses should be undertaken periodically to upgrade and expand criminal justice data systems and ensure timely access to criminal justice information for policy makers and the public.

Standing Law Revision Commission

- The work of the Commission in a number of instances revealed a need for the constant updating of our legislation. Formerly this problem was addressed by a Law Commission whose job it was to look at the body of legislation that is current and tailor it for the exigencies of the future. Piecemeal patching up of the Statutes of the State is to be discouraged. The Commission is, therefore, recommending resuscitation of a standing Law Revision Commission.

- Sentencing guidelines must be formally approved, publicized, disseminated and enforced.
 - Judges and Magistrates must be trained in application of sentencing Guidelines.
-
- Visits to prisons by the judges and magistrates must be viewed as a constitutive and obligatory aspect of their duties. Minimum numbers of visits per year should be established, implemented and monitored by the Chancellor and Chief Justice.
 - Release of prisoners on remand should be released automatically under the authority of the Prison Director once the time served equals the sentence the offence would attract. Maximum limits for time on remand should be considered.
 - Resolutions of legal issues required to abolish PIs should be an urgent priority of the Judiciary.
 - A robust programme of community-based sentencing alternatives should be produced in corporation with all relevant agencies.
 - A piloting of alternative and community based sentences should be undertaken with women and juvenile offenders.
 - Incarceration must be a last resort for female offenders and exceptional for mothers and care-givers.

The Guyana Bar/Judiciary

- The Legal Practitioners Act (LPC) should be amended to promote transparency and accountability in the workings of the Legal Practitioners Committee.
- The Chancellor must take steps to ensure the workings of the LPC afford effective protection to clients rather than the protection of wayward attorneys.
- Defense attorneys are encouraged to raise the issue of remand as a Constitutional violation until minimum acceptable standards of detention are established.
- The findings of the LPC should be published annually.
- The Guyana Bar Association is recommended to pay greater attention to the obligation set out in the LPC Code of Conduct to advocate for implementation

Parole Board

- An assessment of the Statutes, procedures and operations of the Parole Board is required to render the Board more purposeful.
- Automatic appointment to the Parole Board of Chairs of PVCs should be reviewed.
- Guidance Manuals should be developed within the framework of the SMRTP and introduced through orientation workshops to all members of PVCs and the Parole Board.

Rehabilitation Programmes

- A major publicity campaign is needed promoting acceptance of rehabilitation as the purpose of prisons.
- Rehabilitation programmes in the penal system should be compulsory, subject to measurement and evaluation, linked to external qualifying processes and provide the basis and momentum for enjoyment of a range of incentives and privileges.
- Access to cell phones, computers, etc. and other privileges should be incentive-based.

Vulnerable Populations

Women

- A women's remand prison should be established in Demerara within the Lusignan Prison Environment.
- A half-way house for non-violent women offenders must be established.
- A half-way house should provide rehabilitation in the form of a process of re-establishing self-confidence and problem-solving skills with regular access to their children.
- Judges and magistrates must respect incarceration of women as a last resort measure.

Juveniles

- Incarceration of juveniles must be stricted according to the principle of last resort.
- ~~Police, magistrates and judges must charge men for grooming rather than charges girls for wandering.~~
- The Holding Centre in Sophia should be replaced by arrangements which are conducive to restoring good conduct health and safety of children in accordance with the rights of the child.

Indigenous

- Summary matters in hinterland communities should be resolved in one session as originally intended by this category of offences.
- In indictable matters indigenous people should be remanded in regional facilities rather than in Georgetown prison.

Medical

- The Ministry of Health needs to adopt a more pro-active responsibility to the health of the prison population in general and, in particular, with respect to HIV positive inmates, diabetic inmates and to mentally ill-inmates.

EPILOGUE

In the specified time within which the Commission was tasked to present its findings the Commission had many challenges. Time did not permit the Commissioners to visit all the prisons as was intended. The Timehri and Mazaruni Prisons have been the two casualties in this regard. The New Amsterdam Prison is well organised but it does not have the challenges that beset the Georgetown Prison and the Lusignan prison. As regards the latter there needs to be an immediate upgrading of the access road. It is in a parlous state and virtually inaccessible. Nightmare fantasies abound in the event of ingress and egress should a startling emergency situation arise.

It is the hope of the Commission that the laissez faire approach to prison reform should be replaced by a period of explosive liberation and positive reform activism in every sense of the word. Transformation of the belief that the prisoner is from the rump of established society and is therefore unworthy of reform is the way to go. The proper functioning of our corrective institutions could make an astounding difference to the country's economy. While there is currently the celebration of the golden jubilee of the country's Independence we are still too young a nation to exist on a moribund and archaic system. That will soon expire. Guyana is too young to die.

We expect the Guyana Prison Service to fulfil its Vision Statement, year 2020 as stated below:

"The Guyana Prison Service is a highly efficient correctional institution with modern technological facilities and competent staff who empower and rehabilitate inmates through structured programmes thereby contributing to reduced recidivism and increased public safety." (The Guyana Prison Service Strategic Plan 2010-2015.)

APPENDICES



The Official Gazette

(EXTRAORDINARY)

OF GUYANA

Published by the Authority of the Government

GEORGETOWN, TUESDAY 8TH MARCH, 2016

	TABLE OF CONTENTS	PAGE
	FIRST SUPPLEMENT	
	LEGAL SUPPLEMENT	
A.	ACTS — NIL	
B.	SUBSIDIARY LEGISLATION —	
	Seal No. 15 of 2016 – The Commission of Inquiry into the	
	disturbances and resultant at the Camp Street Prison ..	515
C.	BILLS —NIL	

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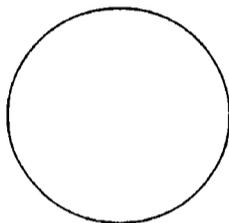
GUYANA



Seal No. 15 of 2016

COMMISSION OF INQUIRY

TO EXAMINE, ADVISE, REPORT AND TO PROBE into the disturbances and resultant deaths of 18 prisoners at the Camp Street Prisons, Georgetown on the morning of the 3rd of March, 2016 and the subsequent disturbances.



By the President of the Co-operative
Republic of Guyana.

A handwritten signature in black ink.

PRESIDENT.

WHEREAS it is provided by section 2 of the Commission of Inquiry Act, Cap. 19:03, that the President may issue a Commission appointing one or more Commissioners and authorising such Commissioner or Commissioners to inquire into any matter in which an inquiry would, in the opinion of the President, be for Public Welfare.

AND WHEREAS, it is the opinion of the President that such an inquiry into the disturbances and resultant deaths of 18 prisoners at the Camp Street Prisons, Georgetown on the morning of the 3rd of March, 2016 and subsequent disturbances would be for Public welfare.

NOW THEREFORE, acting under the provisions of the Commission of Inquiry Act, Cap. 19:03, and by virtue and in exercise of all powers enabling me in that behalf, I do hereby issue this Commission and appoint —

- a) ~~Mr. James Patterson as a Commissioner and Chairman of the Commission of Inquiry;~~
- b) Ms. Merle Mendonca as a Commissioner of the Commission of Inquiry;
and
- c) Mr. Dale Erskine as a Commissioner of the Commission of Inquiry.

“to enquire into all the circumstances surrounding the death of eighteen (18) Prisoners from the Camp Street Prison, Georgetown on the morning of Thursday 3rd of March, 2016, to report the findings and conclusions to the Minister of Public Security and make recommendations on any action that should be taken to avoid a recurrence”.

The Terms of Reference

1. The Inquiry will investigate, examine and report on:

- The causes, circumstances and conditions that led to the disturbances on the morning of

the 3rd of March, 2016 that resulted in the death of 18 Prisoners and any other subsequent disturbances at the Camp Street Prisons, Georgetown.

- Inquire into the nature of all injuries sustained by the Prisoners during the disturbances on the morning of the 3rd of March, 2016 and any other subsequent disturbances.

- Determine whether the conduct of the staff of the Guyana Prisons Service who were on duty

on the morning of the 3rd of March, 2016 and thereafter was in conformity with the Standard Operating Procedures of the Guyana Prisons Service.

Appendix A

- Determine whether the deaths of the 18 prisoners was as a result of the negligence, abandonment of duty, disregard of instructions, inaction of the Prison Officers who were on duty on the night of the 2nd of March, 2016 and the morning of the 3rd of March, 2016.
-

(2) Recommendations

The Commission shall make comprehensive recommendations to ensure the safety of the prisons.

- (i) Examine and make findings and recommendations to improve the physical infrastructure of the prison;
- (ii) The existing security arrangements in respect of the custody, management and control of prisoners.
- (iii) The appropriate treatment of prisoners in compliance with legal and other requirements.
- (iv) To prevent a recurrence of any such disturbance.

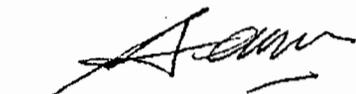
(3) Rules of Procedure

- (i) The Inquiry must consider the views of stakeholders including:
 - Staff of the Prisons and their Unions;
 - Members of the Judiciary;
 - Prisoners accommodated within the Camp Street Prisons
 - Staff of the Ministry of Public Health and the Ministry of Social Protection;
 - Any other stakeholders the Inquiry deems appropriate.
- (ii) This commission shall render its report, findings and recommendations to the Minister of Public Security by the 28th of March, 2016 or such other date as the Minister of State shall determine.
- (iii) This Inquiry shall be conducted continually at the Conference Room of the Department of Public Service, Ministry of the Presidency, 164 Waterloo Street, South Cummingsburg and in such other places as the Chairman may determine.
- (iv) The Inquiry shall be held in public, with reservation nevertheless to the Commissioners to exclude any persons/persons if they deem fit for the due conduct of the Inquiry, the preservation of Order or for any other reason.
- (v) The Commission shall commence work on the 7th day of March, 2016 and the Chairman shall take appropriate steps to ensure that the Commission complete its work and submit its report within the aforesaid time.
- (vi) The Chairman and one other Commissioner shall constitute a quorum.
- (vii) Subject to the above, this Commission shall establish and regulate its own procedures for the conduct of the Inquiry and shall be governed by the aforesaid provisions of the Constitution of Guyana, the Commissions of Inquiry Act,

Appendix A

Chapter 19:03, the High Court Act, Chapter 3:01 and any other Laws enabling.

By the President's Command



Minister of State

GIVEN under my hand
and the seal of the

President of the
Cooperative Republic of
Guyana, at Georgetown,
Guyana, this 7th day of
March, 2016.

CHAPTER 19:03

COMMISSIONS OF INQUIRY ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Power to issue commission.
3. Powers to appoint fresh commissioners, and to alter and revoke commissions.
4. Commission not affected by any change of President.
5. Commissioners to take oath of office, how and before whom.
6. Power to appoint secretary; his duties.
7. Duties of commissioners defined.
8. Division of opinion of commissioners.
9. Commissioners' powers for regulating their proceedings.
10. Commissioners' powers to summon and examine witnesses, and privileges from suit.
11. False evidence, how punishable.
12. (1) Duty of witnesses summoned.
(2) Penalty for contumacy or insult, or interruption of proceedings.
13. Appearance of counsel.
14. Constables detailed to attend upon commissioners; their duties.
15. Remuneration to commissioners and others, how ascertained and paid.
16. Commissions, etc., to be published in *Gazette*.
17. Proceedings for penalties, how to be commenced and prosecuted. SCHEDULE—
Summons to witnesses.

CHAPTER 19:03

COMMISSIONS OF INQUIRY ACT

1953 Ed.
C. 59

5 of 1933

An Act to enable the President to issue Commissions of Inquiry with special powers.

[15TH APRIL, 1933]

Short title.

1. This Act may be cited as the Commissions of Inquiry Act.

Power to issue
commission.
[4 of 1972]

2. (1) The President may issue a commission appointing one or more commissioners and authorising such commissioner or commissioners to inquire into any matter in which an inquiry would, in the opinion of the President, be for the public welfare.

(2) Every such Commission shall specify the subject, nature and extent of the inquiry, and may contain directions in the following matters:

- (a) in what manner the Commission shall be executed;
- (b) if there be more Commissioners than one, which of them shall act as chairman;
- (c) what number of them shall constitute a quorum;
- (d) the place and time where and within which the inquiry shall be made and the report thereof rendered;
- (e) whether or not the inquiry shall be held in public, with reservation nevertheless to the Commissioners to exclude any person or persons if they deem fit for the due conduct of the inquiry, the preservation of order or for any other reason;
- (f) and generally for the better giving effect to the purpose of the inquiry.

Powers to
appoint fresh
commission-
ers, and to
alter and
revoke
commissions.

3. In case any commissioner shall be or become unable or unwilling to act, or shall die, the President may appoint another commissioner in his place; and any commission issued under this Act.

LAWS OF GUYANA

Commissions of Inquiry

Cap. 19:03

5

may be altered as the President may deem fit by any subsequent commission issued by the President or may be revoked altogether by a notification to that effect published in the *Gazette*.

4. No commission issued under this Act shall lapse by reason of, or be otherwise affected by the death, absence, or removal of the President issuing the same.

Commission not affected by any change of President.

5. It shall be the duty of each commissioner appointed under this Act to make and subscribe an oath or affirmation that he will faithfully, fully, impartially, and to the best of his ability discharge the trust, and perform the duties devolving upon him by virtue of such commission, which oath or affirmation may be taken before any magistrate or justice of the peace, and shall be deposited by the commissioner with the Secretary to the Office of the President.

Commissioners to take oath of office, how and before whom.

6. The President may appoint a secretary to attend the sittings of the commission to record their proceedings, to keep their papers, summon and minute the testimony of witnesses, and generally to perform such duties connected with such inquiry as the commissioners shall prescribe, subject to the directions, if any, of the President.

Power to appoint secretary: his duties.

7. It shall be the duty of the commissioners, after taking such oath or affirmation, to make a full, faithful, and impartial inquiry into the matter specified in such commission, and to conduct such inquiry in accordance with the directions (if any) in the commission; and, in due course, to report to the President in writing, the result of such inquiry; and also, when required, to furnish to the President a full statement of the proceedings of such commission, and of the reasons leading to the conclusions arrived at or reported.

Duties of commissioners defined.

8. If the commissioners shall, in any case, be equally divided on any question that arises during the proceedings of the commission, the chairman of the commission shall have a second or casting vote.

Division of opinion of commissioners.

9. The commissioners acting under this Act may make such rules for their own guidance, and the conduct and management of proceedings before them, and the hours and times and places for their sittings, not inconsistent with their commission, as they may from time to time think fit.

Commissioners' powers for regulating their proceedings.

to time think fit, and may from time to time adjourn for such time and to such place as they may think fit, subject only to the terms of their commission.

Commissioners' powers to summon and examine witnesses, and privileges from suit.

10. Commissioners acting under this Act shall have the powers of a judge of the High Court to summon witnesses, and to call for the production of books, plans, and documents, and to examine witnesses and parties concerned on oath, and no commissioner shall be liable to any action or suit for any matter or thing done by him as such commissioner. All summonses for the attendance of witnesses, or other persons, or the production of documents, may be in the form given in the Schedule and shall be signed by one of the commissioners, and oaths may be administered by one of the commissioners, or by the secretary.

False evidence, how punishable.

11. Any witness who shall wilfully give false evidence in any such inquiry concerning the subject matter of such inquiry, shall be guilty of perjury, and be liable to be prosecuted and punished accordingly.

Duty of witnesses summoned.
[4 of 1972
6 of 1997]

12. (1) All persons summoned to attend and give evidence, or to produce books, plans, or documents, at any sitting of any such commission, shall be bound to obey the summons served upon them as fully in all respects as witnesses are bound to obey subpoenas issued from the High Court, and shall be entitled to the like expenses as if they had been summoned to attend the High Court on a criminal trial, if the same shall be allowed by the commissioners but the commissioners may disallow the whole or any part of such expenses in any case, if they think fit. The procedure for the payment of such witnesses shall be the same as nearly as may be for the payment of witnesses in the High Court, and they shall be paid at such time and in such manner as the Minister responsible for finance may direct.

Penalty for contumacy or insult, or interruption of proceedings.

(2) Every person refusing or omitting, without sufficient cause, to attend at the time and place mentioned in the summons served on him, and every person attending, but leaving the commission without the permission of the commissioners, or refusing without sufficient cause to answer, or to answer fully and satisfactorily to the best of his knowledge and belief, all questions put to him by or with the concurrence of the commissioners, or refusing or omitting without

sufficient cause to produce any books, plans, or documents in his possession, or under his control, and mentioned or referred to in the summons served on him, and every person who shall at any sitting of the commission wilfully insult any commissioner, or the secretary, or wilfully interrupt the proceedings of the commission, shall be liable on summary conviction to a fine of thirty-two thousand five hundred dollars and to imprisonment for six months.

(3) A person giving evidence before the commission shall not be compellable to criminate himself, and every such person shall, in respect of any evidence given by him before the commission, be entitled to all privileges to which a witness giving evidence before the High Court is entitled in respect of evidence given by him before such court.

13. Any person whose conduct is the subject of inquiry under this Act, or who is in any way implicated or concerned in the matter under inquiry, shall be entitled to be represented by counsel or solicitor at the whole of the inquiry, and any other person who may consider it desirable that he should be so represented may, by leave of the commission, be represented in manner aforesaid.

Appearance of counsel.

14. The Commissioner of Police shall detail constables to attend upon any commissioners, to preserve order during the proceedings of the commission, and to perform such other duties as usually pertain to their office when in attendance upon the High Court, and to serve summonses on witnesses, and to perform such ministerial duties as the commissioners shall direct.

Constables detailed to attend upon commissioners: their duties. [4 of 1972]

15. The President may direct what remuneration, if any, shall be paid to any commissioners acting under this Act, and to their secretary, and to any other persons employed in or about any such commission, and may direct payment of any other expenses attendant upon the carrying out of any such commission, or upon any proceedings for any penalty under this Act. Such sums so directed to be paid shall be paid out of moneys provided by Parliament.

Remuneration to commissioners and others, how ascertained and paid.

Commissions, etc., to be published in *Gazette*.

Proceedings for penalties, how to be commenced and prosecuted. [O. 80/1980] c. 1:01

s. 10

Summons to witness.

16. All commissions under this Act and all revocations of any such commissions, shall be published in the *Gazette*, and shall take effect from the date of such publication.

17. Subject to article 187 of the Constitution, no proceedings shall be commenced for any penalty under this Act, except by the direction of the commissioners. The commissioners may direct their secretary, or such other person as they may think fit, to commence and prosecute the proceedings for such penalty.

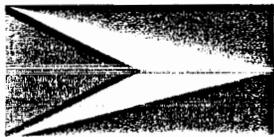
SCHEDULE

SUMMONS TO WITNESSES

To A.B. (name of person summoned, and his calling and residence if known).

You are hereby summoned to appear before (here name the commissioners), appointed by the President to inquire (state briefly the subject of inquiry) at (place), upon the _____ day of 19____, at _____ o'clock, and to give evidence respecting such inquiry. (If the person summoned is to produce any documents add), and you are required to bring with you (specify the books, plans, and documents required). Therefore fail not at your peril.

Given under the hand of _____ commissioner, this day of 19____.



Prison Disturbances and Subsequent Deaths

COMMISSION OF INQUIRY

Justice (ret'd.) James Patterson- Chairman
Mr Dale Erskine- Commissioner
Ms Merle Mendonca- Commissioner

Secretariat Building
Ministry of the Presidency
164 Waterloo Street,
Georgetown.
Email: comsprison@gmail.com
Tele: 641-0546

March 11, 2016.

Notice of Invitation to appear before the Commission of Inquiry into the disturbances/riots at the Camp Street Prisons, Georgetown.

The Commission of Inquiry into the disturbances/riots at the Camp Street Prisons, Georgetown comprising Retired Justice James Patterson as Chairman, Mr. Dale Erksine and Ms. Merle Mendonca was issued on the 7th March, 2016 to-

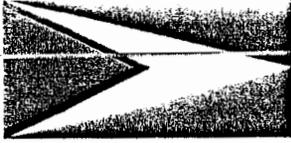
(I) Enquire into all the circumstances surrounding the death of seventeen (17) Prisoners from the Camp Street Prison, Georgetown on the morning of Thursday, 3rd of March, 2016, to report the findings and conclusions to the Minister of Public Security and to make recommendations on any action that should be taken to avoid a recurrence.

The Commission is receiving written and verbal testimony and evidence from interested parties to assist in the examination of the issues referred, and much of that testimony may be made public.

You are invited to contact the Commission's Secretariat situated at the Department of Public Service (Formerly Public Service Ministry), 146 Waterloo Street, Georgetown. Tel: 641-0546. Email: comsprison@gmail.com

A letter box is also available in front of the Registry Department at the Commission's Secretariat in Waterloo Street for any correspondence from members of the public.

We look forward to your participation at the hearings of the Commission of Inquiry.



COMMISSION OF INQUIRY

Justice (ret'd.) James Patterson- Chairman
Mr Dale Erskine- Commissioner
Ms Merle Mendonca- Commissioner

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COMMISSION OF ENQUIRY INTO THE DISTURBANCES/RIOTS THAT LED TO DEATHS IN THE CAMP STREET PRISON

FOR PUBLICATION

INITIAL ISSUES & SCOPE OF ENQUIRY

The inaugural meeting of the COI took place yesterday morning at the Ministry of the Presidency, Waterloo Street, Georgetown at which the Commissioners agreed on an initial approach to their task and to the structure of its Report. They also agreed to share this information with the public, particularly people who believe they have information to share with the COI, in order both to inform the public and to re-assure them that the Commission is sensitive to a range of stakeholder expectations.

1. AREAS OF INQUIRY

The Commission's approach to its task will attempt to respond to three questions:

i. What Happened and How did it Happen?

The focus of this first phase will be on the events leading up to the fires, the deaths and the actions taken to assist the victims. Testimony of prisoners, officers involved in the event and possibly family members will be the main source of this information. It is important this phase begin as soon as possible to avoid personal recollection being submerged into a common narrative.

ii. What Happened that Ought Not to have Happened ?

The focus of this phase is the level of prison preparedness, whether protocols and Standing Operating Procedures were followed and information which can be used to test the information gleaned from prisoners about the incident. This phase will require access to Prison

APPENDIX D1
Records, Incident Reports, Incident Books, complaints Registers or other similar written evidence which build-up of grievances or complaints about e.g. use of force, transfers to different wings, segregation etc. in order to identify possible pattern

iii. What Did not Happen Which Ought To Have Happened?

The focus of this third area of inquiry relates to the adequacy of the support services crucial to the Prison Service performing its duties adequately. These services involve primarily: the courts, Ministry of Health, Probation Services, Parole Board, Visiting Committees and the Ministry of Home Affairs.

2. STRUCTURE OF REPORT

Members of the Commission recognize and will seek to ensure that their Report responds to all reasonable expectations of the various stakeholders in this tragedy. At this point in time we recognize the following:

- i. The victims and their families need to be assured they have received a full and truthful account of how and why the incident came about and the deaths occurred.
- ii. All detainees in Guyanese prisons and their families need to be assured that measures are put in place to ensure this tragedy is not repeated.
- iii. Members of the Guyana Prison Service need to be assured about health, safety and working conditions.
- iv. The Guyanese society at large needs similar assurances that prisons in Guyana are safe places and that the causes of the tragedy are being adequately addressed.
- v. The Coalition Government of Guyana is seeking guidance to strengthen laws and policies and practices to ensure no repetition of this tragedy .
- vi. Finally, all stakeholders need assurance that any evidence of criminal negligence or activity that may be discovered in the course of the COI will be directed to the appropriate agencies for further action.

3. CONDUCT OF ENQUIRY

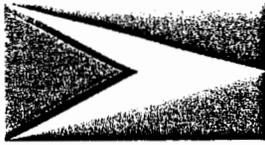
It is the wish of the COI to conduct as much as possible of the enquiry in a public manner. However, it is also the duty of the Commission to protect persons who appear before the Commission who may, by virtue of their circumstances be vulnerable either to stigma, retaliation or vindictiveness as a result of their appearance. Prisoners and Prison officers, by virtue of their status, are such categories of persons and the Commission will take whatever measures, including in camera testimony, to ensure all witnesses may confidently tell their story in as full a measure as they wish.

The Commissioners visited the site of the tragedy yesterday afternoon. They are seeking that arrangements be in place for grief counselling for the affected inmates, officers and their families.

COMMISSIONERS OF INQUIRY

Justice (Ret'd) James Patterson – Chairman
Mr. Dale Erskine – Commissioner
Ms. Merle Mendonca - Commissioner

March 9th 2016.



COMMISSION OF INQUIRY

Justice (ret'd.) James Patterson Chairman
Mr Dale Erskine- Commissioner
Ms Merle Mendonca- Commissioner

Secretariat Building
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164 Waterloo Street,
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Guyana Bar Association's Withdrawal from the COI

The Commissioners of the Commission of Inquiry into the catastrophic events at the Georgetown prisons on the 2nd and 3rd March, 2016 last feel perforce and for the record to issue what follows as a corrective to any imbalance that may have ensued as a result of press reports concerning events at the hearing on 20th April, 2016 last.

The Commission has been hamstrung, understandably, by time constraints for reasons which are well publicized, for the conclusion of its mandate in a matter of weeks from henceforth. Unfortunately, counsel on both sides of the Bar table ostensibly in pursuit of the interests of their respective clients have rebelled against the imposition of time constraints imposed by the Commission. This guillotine on the time given to counsel to conclude cross examination, especially where irrelevance infiltrates, is necessary for otherwise counsel would proceed inexorably on.

These proceedings unfortunately have given rise for what we know in the vernacular as "grandstanding". Liberties were taken. Mr. Selwyn Pieters, Counsel for the Joint services and Fire Service, was ferried away by his enthusiasm and made statements which, by any objective view, constitute a breach in civility and an affront to the Commission. In very short order Mr. Pieters approached the Chairman and was profuse in his apologies for his delict. The apology was unconditional and was well received.

Mr. Christopher Ram, on the other hand, who appeared for the Bar Association as an interested party obtained "good standing" from the Commission to conduct his brief. Mr. Christopher Ram was equally fierce on behalf of his clients, an amorphous lot though they be. The Commission has been unusually charitable to Mr. Christopher Ram whose forte clearly is not the art of the advocate. His appearance has been *pro bono*, for the public good, and such appearances are clearly to be commended. The Commission applauds Mr. Christopher Ram for his initiatives.

The Chairman of the Commission, caught in the cross fire of the fiercely contending parties, has on a regular basis incurred the wrath of both counsel that is to say, Mr.

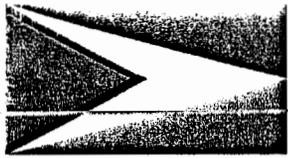
Christopher Ram and Mr. Selwyn Pieters, as each pressed their clients' case with understanding vigour, Mr. Christopher Ram, however routinely displayed a degree of petulance when his extravagant demands were disallowed. His routine unwillingness to abide by the rulings of the Chairman has been outrageous. Mr. Christopher Ram automatically reflects his displeasure by displaying the tantrums of a five-year-old who cannot get his own way on the ball field. This he did on the 20th April, 2016 ultima by throwing tantrums and slamming the door to the COI Hearings Room and made off with his bat and ball because he was not allowed to bat first. That degree of petulance and disrespect I have not seen in nearly fifty-five years of practice since call to the English Bar.

Mr. Christopher Ram's conduct, widely reported in the press reflects the very nadir of ethical display in the practice of what has always been known as 'the noble profession', a Barrister/Attorney-at-law. I have deliberately juxtaposed Mr. Christopher Ram's response to that of Mr. Selwyn Pieters for ease of reference and consideration. On being called to the Bar in London each quondam student was presented with a copy of "A guide to conduct and etiquette at the Bar of England and Wales". I still have my 1961 edition for onward transition to my progeny. We, members of the local Bar, have inherited those traditions as part of our DNA.

It is unfortunate that practitioners like Mr. Christopher Ram have traduced this glorious heritage and lofty in exchange for the standards and mores of a cad and bounder. The linguistic and behavioural glory that once prevailed, yes, right here in Guyana, have yielded to the conduct and manners of the gutter even in, as I am told, in our Courts of law and certainly in our Courts of Inquiry. Yes, we can disagree without being disagreeable while submitting with grace to lawful and established authority.

Contrary to what counsel for the bereaved may think the constant mantra of "Seventeen people have died" emanating from their side of the Bar table does not give them a patent or corner on care and compassion. This is a national tragedy and it affects us all in varying degrees of grief. The wounds run deep. We have a commission to conclude. It is a canticle of Courts of Inquiry, of which this is such that justice must be done "though the heavens fall."

Justice (ret'd) James Patterson
Commission Chairman
22nd April, 2016.



Prison Disturbances and Subsequent Deaths

COMMISSION OF INQUIRY

Justice James Patterson (ret'd.)- Chairman
Mr Dale Erskine- Commissioner
Ms Merle Mendonca- Commissioner

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ATTENTION: For Publication

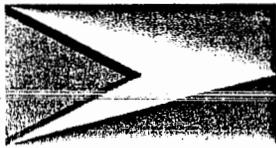
The Extended Deadline for the Submission of Prison COI's Report is the 31st May, 2016

The Commission of Inquiry into the Camp Street Disturbances and Subsequent Deaths authorised by his Excellency, The President Brigadier David Arthur Granger commenced on the 8th March, 2016 and was gazetted to conclude on the 28th March, 2016. The extent of the tragedy on March 3 necessitated an extension. That extension was applied for by the Commission and a two-month extension was granted. Closing arguments will be heard on the 9th May, 2016 which shall conclude proceedings.

The Commission of Inquiry has noted an article "Prison COI expected to end next Monday" published in the Guyana Chronicle on 2nd May, 2016. The Commission of Inquiry has until the 31st May 2016 to submit its findings.

COMMISSIONERS OF INQUIRY
Justice (ret'd) James Patterson– Chairman
Mr. Dale Erskine –Commissioner
Ms. Merle Mendonca - Commissioner

3rd May 2016.



Prison Disturbances and Subsequent Deaths

COMMISSION OF INQUIRY

Justice (ret'd) James Patterson- Chairman
 Mr Dale Erskine- Commissioner
 Ms Merle Mendonca- Commissioner

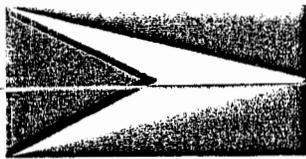
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List of Persons who appeared before the Commission and their respective dates

No.	Names	Appearance Dates	AM/PM
1	Mr. Dwayne Lewis (Inmate)	10 th March, 2016	AM
2	Mr. Errol Kesney (Inmate)	10 th March, 2016	PM
3	Mr. Basil Morgan (Inmate)	14 th March, 2016	AM-PM
4	Mr. Michael Lewis (Inmate)	15 th March, 2016 16 th March, 2016	AM- PM; Visit to Prisons AM
5	Mr. Desmond James (Inmate)	17 th March, 2016	AM-PM
6	Mr. Owen Belfield (Inmate)	18 th March, 2016	AM-PM
7	Mr. Steve Bacchus (Inmate)	22 nd March, 2016	AM-PM
8	Mr. Collis Collinson (Inmate)	24 th March, 2016 4 th April, 2016	AM-PM AM
9	Mr. Trevor Williams (Inmate)	4 th April, 2016	AM
10	Mr. Kenneth Griffith (Inmate)	4 th April, 2016 5 th April, 2016	PM AM
11	Mr. Carl Brown (Inmate)	5 th April, 2016	PM
12	Mr. Roy Jacobs (Inmate)	5 th April, 2016	PM
13	Mr. Patrick Narine (Ex-inmate)	6 th April, 2016	AM
14	Inmate- (In Chambers)	7 th April, 2016	PM
15	Mr. Anthony Sparman (GFS)	7 th April, 2016	AM

16	Mr. Christopher La Rose (GFS)	11 th April, 2016 12 th April, 2016	AM-PM AM
17	Mr. Garfield Benjamin (GFS)	13th April, 2016	AM
18	Ms. Sophia Boucher (GFS)	13 th April, 2016	PM
19	Mr. Marlon Gentle (Fire Chief) (GFS)	13 th April, 2016 14 th April, 2016	PM AM
20	Mr. Clifton Hicken (Assistant Commander) (GPF)	14 th April 2016 15 th April, 2016	PM AM
21	Mr. Andrew Holder- Station Officer (GFS)	15 th April, 2016	AM-PM
22	Mr. Khali Paresram- Superintendent (GPF)	15 th April, 2016	PM
23	Prison Official (GPS) - In Camera	18 th April, 2016	AM PM
24	Prison Official (GPS)- In camera	19 th April, 2016	PM
25	Mr. Gladwin Samuels- Deputy Director of Prisons- (GPS)	20 th April, 2016	AM-PM
26	Mr. Kevin Pilgrim- Office in Charge- Georgetown Prisons- (GPS)	21 st April, 2016	AM-PM
27	Mr. Udistair Holligan- Task Force Commander, Timehri-(GPS)	22 nd April, 2016	AM
28	Mr. Patrick Crawford- Task Force Commander- Georgetown Prisons-(GPS)	22 nd April, 2016	PM
29	Mr. Oldfield Romulus- Chief Admin Officer- (GPS)	25 th April, 2016	AM
30	Mr. Carl Grahame- DSM. Director of Prisons (GPS)	25 th April, 2016	PM
31	Ms. Dekanna Benjamin-Ops Room Staff – (GPS)	26 th April, 2016	AM
32	Ms. Esther Charles- Ops Room Staff– (GPS)		AM
33	Mr. Lamon Tucker- Custodial Officer- (GPS)		PM
34	Mr. Nicklon Elliot- 2 i/c Georgetown Prisons- (GPS)	27 th April, 2016	
35	Prison Official- (In Camera)		
36	Ms. June Lewis Charles- Supervisor/ Scribe- (GPS)		
37	Mr. Roddy Denhart- Chief Custodial Officer- (GPS)	28 th April, 2016	AM
38	Ms. Patricia Anderson- Medex (GPS)		PM
39	Mr. Owen Charles- Trade Shop Officer (GPS)	29 th April, 2016	AM
40	Mr. Peter Barker- Custodial Officer (GPS)		PM
41	Mr. Gordon Daniels- Kitchen Supervisor- (GPS)		PM
42	Ms. Dianna Khan- Prison Welfare Officer- (GPS)- (In Chambers)		PM
43	Mr. Albeid De Cunha- Prison Welfare Officer- (GPS)- (In Chambers)		PM
44	Mr. Kirk Joseph- Trade Shop Officer(GPS)- (In Chambers)		
45	Dr. Nehal Singh- Forensic Pathologist	3 rd May, 2016	AM
46	Mr. Frank Thompson- Assistant Superintendent- (GPF)	4 th May, 2016	AM
47	Dr. Shamdeo Persaud (Chief Medical Officer)		AM
48	Mr. Gavin Munro (Chief Welfare & Probation Officer)		PM

49	Justice Oslen Small (Parole Board- Chairman) (In Camera)	6 th May, 2016	AM
50	Reverend Faye Clarke (Ex- Prison Welfare Officer) (In Camera)		PM
51	Honourable Chancellor, Carl Singh, CCH- (In Chambers)		PM
52	Consultation with the OC/s of All Prisons, Director of Prisons and Deputy Director of Prisons. Mr. Carl Grahame- DSM- DOP Mr. Gladwin Samuels- Deputy Director of Prisons- Mr. Kevin Pilgrim- O/C Georgetown Prisons Mr. Alexander Hopkinson- O/C- Mazaruni Prisons Mr. Deoraj Guyandat- O/C Timehri Prisons Mr. Paul James- O/C- New Amsterdam Prisons Ms. Evelyn Crandon- O/C- Lusignan Prison	9 th May, 2016	AM-PM
53	Mr. Gladwin Tait (Consultant) - Strategic Management Review Plan 2011-2015	13 th May, 2016	AM-PM



COMMISSION OF INQUIRY

Justice James Patterson (ret'd.) Chairman
 Mr Dale Erskine- Commissioner
 Ms Merle Mendonca- Commissioner

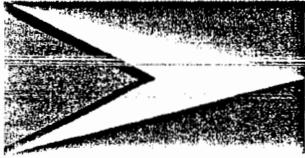
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List of Books/ Materials Received and Inspected by the Commission

No.	Subject
1	Annual Report- Visiting Committee 2011, 2013, 2014, 2015 Annual Report Jan, March, Aug, Sept, Oct, Nov 2014 Jan, Feb, March, June, April, July 2015 Letter to the Minister- May 2014- No Meeting Visit to Georgetown Prison- Oct 2014
2	Arms and Ammunition Return- Guyana Prison Service
3	Arms and Ammunition Return- Guyana Police Force
4	Attrition Reports- Guyana Prison Service
5	Breakdown of Duties/ Custodial Staff- Guyana Prison Service
6	Death Certificates
7	Dietary Occurrence Book
8	Evidence of Mr. Samuel's Whereabouts- Guyana Prison Service
9	Facebook Pictures of Inmates- Guyana Prison Service
10	Fire Protection Reports (2005, 208, 2009, '10 '11, '12, 2014, 2015)- Guyana Fire Service
11	Front Gate Occurrence Book- Guyana Prison Service
12	General Issues & Concerns of Prison Population at the Georgetown Prison- Guyana Prison Service
13	General Sanitation Occurrence Book- Guyana Prison Service
14	General Staffing Composition and Staff Details on March 3- Guyana Prison Service
15	Guyana Fire Service: SOP- Contingency Plan
16	Guyana Defence Force- Contingency Plan
17	Incident Report Book- Guyana Prison Service
18	Injuries for the Month of March, April, 2016- Guyana Prison Service
19	Intervention by the Officer-in-Charge as it related to inmates legal matters- Guyana Prison Service
20	Investigative Report by Superintendent Kevin Das
21	Investigative Report by Station Officer Holder
22	Jail Delivery- List of Persons Committed to Supreme Court before 2012- Guyana Prison Service

23	Joint Service Search Conducted at the G/T Prison March 2, 2016
24	Medical Reports- Medex Anderson- Jan, Feb, March 2016; Triage Report for March 3, 2016
25	Medical Receipts- Peter Barker- Guyana Prison Service
26	Medical Report for March 4, 2016- Guyana Prison Service
27	Names and Status, including offences & date of incarceration of all persons who perished together with their respective PM reports- Guyana Prison Service
28	Names and status, including the offences of which they were charged of those persons who survived the fire on March 3- Guyana Prison Service
29	Names of all persons injured in the fire on March 3- Guyana Prison Service
30	Names of Members of Sentence Management Board for the last 5 years- Guyana Prison Service
31	Names of Members of the G/Town Visiting Committee, 2013, 2014, 2015- Guyana Prison Service
32	Narcotics Act 1999
33	Nominal Roll of the Georgetown Prison as of February 2016- Guyana Prison Service
34	Official Post Mortem Reports (Rec'd from the Police Crime Chief)
35	Operations Room Extract (Guyana Police Force)
36	Organisational Layout of the Guyana Prison Service
37	Overcrowding Report of the Georgetown Prison- Guyana Prison Service
38	Photographs of Damages to Building during Rioting
39	Photographs of Damages to the New Capital Building caused by Fire and Rioting- Guyana Prison Service
40	Preliminary Incident Report (Guyana Prison Service)
41	Prison Population of the G/Town Prison & Lockdown Slip for March 3- Guyana Prison Service
42	Prison Unrest Reports to Minister (Preliminary)- Guyana Prison Service
43	Prison Yard Occurrence Book- Guyana Prison Service
44	Prisoners serving over 4 year sentences at the Georgetown Prisons- Guyana Prison Service
45	Recommendations to COI from Mr. Samuels- Guyana Prison Service- Guyana Prison Service
46	Records of Unconvicted Inmates- Guyana Prison Service
47	Remand Inmates with Bail at Camp Street Prison as of 2016-03-10- Guyana Prison Service
48	Sampling Journal- Guyana Prison Service
49	Sampling Journal (2) 2015, 2016; Condemned- Guyana Prison Service
50	Schedule of Activities for Inmates- Guyana Prison Service
51	Security Breaches- Reports from Mr Samuels (July 2015)- Guyana Prison Service
52	Security Manager's Report. Nov, 2015, Dec 2015, Jan 2016- Guyana Prison Service
53	Sentence Management Board Report- Visit to Lusignan Prison- April 2015- Guyana Prison Service
54	Sentence Management Annual Report 2011, 2012 & 2013- Guyana Prison Service
55	Sentence Management Board Minutes: Jan, March, 2015, Jan, Feb, March, April May June, Oct, Dec 2014; Feb, March, April, May, June, July, Sept, Oct, Dec 2013; Feb, May, June, Aug, Oct, 2012; Nov, Sept, 2011
56	Staff Attendance Book- Jan 2016- March 7, 2016- Guyana Prison Service
57	Standard Operational Procedures in relation to Riots and Disturbances- Guyana Prison Service
58	Standing Orders- Guyana Prison Service
59	Station Log Book (Feb 9- 2016- March 2, 2016)
60	Station Log Book (March 2 2016- March 20 2016)

61	Summary of Prison Offences and Ages of Offenders- Guyana Prison Service
62	Unconvicted Records of Inmates- Guyana Prison Service
63	Vehicle Log Book (March 2016)- Guyana Prison Service
64	Visiting Committee Reports 2015: Jan/Feb/March/Apr/May/June/July Aug
65	Welfare Issues and Concerns of Prison Officers
66	Yard Occurrence Book



Prison Disturbances and Subsequent Deaths

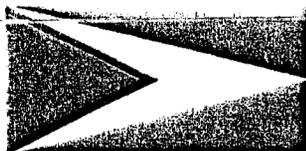
COMMISSION OF INQUIRY

Justice James Patterson (ret'd.) Chairman
Mr Dale Erskine- Commissioner
Ms Merle Mendonca- Commissioner

Secretariat Building
Ministry of the Presidency
164 Waterloo Street,
Georgetown.
Email: comsprison@gmail.com
Tele: 641-0546

List of Written Submissions to the Commission

No.	Subject	Sender
1	Issues of Concern	Queen Mother Aisha Seopaul
2	Statements and Submissions made by the GHRA for Penal Reform	Guyana Human Rights Association
3	Recommendation for Construction of a Women's Remand Centre	Guyana Association of Women Lawyers
4	Statement of Ex-Inmate	Mark Benschop
5	Concerns of a Relative of a Deceased Inmate	Caroline Wilson



Prison Disturbances and Subsequent Deaths

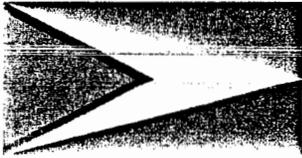
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Reference list 1

No.	Subject
1	Board of Inquiry into the circumstances under which four (4) prisoners were injured at the New Amsterdam Prison on Friday, May 23, 2014
2	Board of Inquiry into the incident involving the break out of 49 prisoners from Lusignan Prison, October 18 th , 1995
3	Board of Inquiry on the Breakout of 28 prisoners from the Lusignan Prison on November 21, 1996
4	Commission of Inquiry into Discharge of Cyanide and Other Noxious Substances into the Omai and Essequibo Rivers
5	Discipline Service Report Recommendations – Guyana Prison Service, April, 2004
6	Escorting of Prisoners to Suriname by Prison Officer – Recommendation by Board of Enquiry (Letters)
7	Guyana Prison Service – Strategic Development Plan 2001-2011
8	Guyana Prison Service Management Review – Nickram Report
9	Ministerial Investigation Committee – Report on the investigation into the escape of Five (5) prisoners from “The Sibley Hall Prison , Mazaruni on Friday 11 th November , 2005
10	Report of the Board of Enquiry into the Escape of Five Prisoners from Georgetown on February 23, 2002
11	Report of the Board of Enquiry into the Mazaruni Prison Escape, January 12 th , 2007
12	Report Recommendations of the Special Select Committee on the Conclusion of the Consideration of the 2004 Report of the Disciplined Forces Commission
13	Strategic Development Plan 2001-2011
14	Georgetown Visiting Committee Reports
15	Parole Board Reports
16	Sentence Management Board Reports
17	Legal Practitioners Act 2012



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Reference List 2

<i>Subject</i>
Commissions of Inquiry Act Cap. 19:03
Evidence Act Chapter 5:03
High Court Act
Mercy Committee Constitution
Parole Board Act Chapter 11:08
Prison Act. Chap 11:01. 22 of 1957
Extra-Mural Work Act
Probation of Offenders Act Cap 11:02
Sexual Offences Act 2010
Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Act 1999
GHRA Submission to the Disciplined Forces Commission of Enquiry on the Guyana Prison Service August 2003
GHRA (Press Releases, Selection)- 2006, 2008, 2012, 2013
Criminal Procedures (Plea bargaining and Plea Agreement) Act 2008
International Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment
Legal Profession Act of Jamaica
Compton English V. The Attorney General of Guyana, No 1304 of 1994.
Letter, GBA to Chancellor Kennard, August 1998
Final Report: Chancellor of the Judiciary, Desiree Bernard, Criminal Justice Review Committee 2004
Interim Report. Criminal Law Review Committee (Rex McKay, May 2002)
Report on the Development of Sentencing Guidelines for Judges and Magistrates (2010)
Overarching Principles in Sentences (2010)
Reduction in Sentencing for a Guilty Plea
Criminal Law (Offences) Act. Cap 8:01
Summary Jurisdiction (Procedures) Act. Cao 10:02
Law Reform Act 1998
International Convention on Civil and Political Rights

Appendix 1

Report on Items Confiscated at the Joint Services Search on March 2, 2016

Please be informed that on March 02, 2016 a Joint Service Search was conducted at the Georgetown Prison, where the following divisions were searched Capital 'A', 'B' 'C', Old Capital, Strong Cell 1 and 11 and Chalet.

A total of seventy-five (75) ranks participated in the exercise which included thirty (30) ranks from the Guyana Prison Service headed by Senior Superintendent of Prisons Mr. Nicklon Elliot, thirty (30) ranks from the Guyana Police Force supervised by Assistant Superintendent of Police Whitter.

Ranks were briefed before the commencement of the search by Superintendent of Prisons Nicklon Elliot to act professionally and not to provoke any unwanted situation. In addition, ranks were also briefed at the conclusion of the search on the items found.

The following items were found;

Capital "A"

Cell Phones	-	19
Cell phone Batteries	-	03
Cell Phone Boards	-	02
Improvised Weapon	-	03
Zip Lock Bags	-	A quantity of leaves, seeds and stems and fronto
Ear Piece	-	01m
Chargers	-	05
Cigarettes	-	04 ½
Lighters	-	03
Zip Lock Bags	-	A small quantity
Ear Piece and make shift Chargers		
Formulated Wine	-	06 gallon
Lighters	-	10
Improvised Weapon	-	05
Scissors	-	01
Razor Blades	-	10
Playing Cards	-	01

Capital "B"

Cell Phones	-	04
Lighters	-	19
Wine Bush	-	02

A quantity of zip lock bags containing leaves, seeds and stems

A quantity of zip locks bags		
A quantity of make shift chargers		
Metal Spoon	-	01
DVD	-	01
Improvised Weapon	-	07
Cell Phones Batteries	-	02
Bulb	-	01
Remote Control	-	01
Fluorescent Lamp Ballast	-	01
Quantity of razor blades		
Tattoo Machine (make shift)	-	01
Razor	-	01

Capital "C"

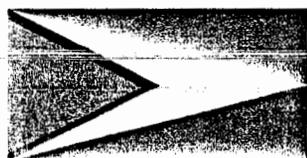
Bottle Formulated Wine	-	01
A quantity of make shift chargers		
A quantity of razor blades		
A quantity of bolts and nuts		
Cell Phone Batteries	-	01
A quantity of zip locks bags		
Cell Phone	-	01
A quantity of yeast		
Lighter	-	06
Improvised Weapons	-	10
Flash Light	-	01
A quantity of zip lock bags containing leaves, seeds and stems		
Pack razor blade	-	01
Scissor	-	01
Sim Cards	-	02
Guyana Dollars	-	\$40
Bottles containing leaves, seeds and Stems	-	02

Old Capital

A large quantity of leaves, seeds and stems		
Cell Phones	-	07
Cell Phone Batteries	-	03
Improvised Weapons	-	05
Lighters	-	20
Cell Phone Ear Pieces	-	04
Cell Phone Adopter	-	01

Please note that the cellular phones were tagged off and will be sent as fortnightly return, while the narcotics were handed over to the Police at Albertown Police Station while the other items would be disposed at the Eccles dumpsite Site.

The search commenced at 13:45 hours and concluded at 17:00 hours.



Prison Disturbances and Subsequent Deaths

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Video Reference List

No.	Video Received by the Commission
1	Disc A- Inmates being escorting out of Capital A; Restraint of Inmate Collis Collinson
2	Disc A (i)- Officers trying to establish Control of Capital B
3	Disc B- Capital B being removed
4	Disc C- Officers trying to open door of Capital A
5	Georgetown Unrest Meeting with Ministers
6	Georgetown Prison Unrest- 4 th March, 2015
7	Riot Surveillance Tapes- Day 1, Day 2 and Day 3 (3 Tapes)
8	Voice note of inmate recorded on cellphone

Appendix 3

List of Inmates Injured and Deceased List of inmates from Capital A

No.	Names of Inmates Injured in Capital 'A' Fire on March 03, 2016	Names of Deceased Inmates from the Capital 'A' Fire on March 03, 2016
1.	Marcellus Verbeke	Delroy Williams
2.	Ignatius France	Chaitram Dharamdat
3.	Dharmindra Persaud	Latchman Partap
4.	Samuel Allen	Clifton Joseph
5.	Samuel Baccus	Shaka Mc Kenzine
6.	Dwayne Lewis	Anthony Primo
7.	Anthony Joseph	Reyan Paddy
8.	Errol Williams / Errol Kesney	Arron Eastman
9.	Micheal Lewis	Kirk Clarke
10.	Andel Forde	Sherwin Trotman
11.	Owen Belfield	Randolph Marques
12.		Andrew Philander
13.		Jermain Otto
14.		Richard Hubbard
15.		Rohand Teekeram
16.		Astraf Ally
17.		Hilary Amos

Appendix 4

Summary of Post Mortem Reports of Deceased Prisoners

Ser #	Name	Age	Race	Date of Death	Opinion	Causes of Death
01	A	22	African	2016.03.03	40-45% of body surface. Presence of vital reaction. Presence of soot in bronchil indicates decease was alive when fire started.	Smoke Inhalation Burns
02	B	44	East Indian	2016.03.03	20-25 % of body surface burnt. Presence of vital reaction. Presence of soot in bronchil indicates decease was alive when fire started.	Smoke Inhalation
03	C	28	African	2016.03.03	90-95 % of body surface. Presence of vital reaction tissues and Presence of soot in bronchil. Indicates that decease was alive when fire started.	Burns
04	D	36	East Indian	2016.03.03	90-95 % of body surface. Tissues showing vital reaction. Presence of soot in bronchil suggests decease was alive while fire started. Evidence to blunt trauma to the top of head	Burns Blunt Trauma to Head
05	E	26	African	2016.03.03	80-85 % of body surface. Presence of vital reaction. Presence of soot in bronchil Indicates that decease was alive when fire started.	Burns
06	F	40	East Indian	2016.03.03	90-95 % of body surface burnt. Tissue showing vital reaction. Presence of soot in bronchil suggests decease was alive when fire started.	Burns
07	G	52	East Indian	2016.03.03	Evidence of Blunt Trauma to Head. Presence of vital reaction. Presence of soot	Burns Blunt Trauma to Head

					in bronchil suggests decease was alive while fire started.	
08	H	-	African	2016.03.03	80-85 % of body. Presence of vital reaction tissue. Presence of soot in bronchii indicates decease was alive when fire started.	Burns
09	I	22	African	2016.03.03	40-45% of body surface. Presence of vital reaction. Presence of soot in bronchii indicates decease was alive when fire started.	Smoke Inhalation Burns
10	J	35	African	2016.03.03	85-90% of burns. Presence of vital reaction. Presence of soot in bronchii indicates decease was alive when fire started.	Burns
11	K	34	Amerindian	2016.03.03	90-95 % of burns. Presence of vital reaction. Presence of soot in bronchii suggests decease was alive while fire started.	Burns
12	L	28	African	2016.03.03	90-95 % of body surface. Presence of vital reaction. Presence of soot in bronchii suggests decease was alive when fire started.	Burns
13	M	29	African	2016.03.03	90-95 % of body surface. Presence of vital reaction. Presence of soot in bronchii suggests decease was alive when fire started.	Burns
14	N	26	African	2016.03.03	70-75 % of body surface. Presence of vital reaction tissue and presence of soot in trachea and bronchii. Bronchii indicates that decease was alive when fire started.	Smoke Inhalation Burns
15	O	29	Mixed	2016.03.03	90-95 % of body surface. Presence of vital reaction. Presence of soot	Burns

					in bronchii suggests decease was alive when fire started.	
16	P	33	African	2016.03.03	90-95% of body surface. Tissues showing vital reaction. Presence of soot in bronchii suggests decease was alive when fire started.	Burns
17	Q	22	East Indian	2016.03.03	Totally carbonized. Presence of vital reaction. Presence of soot in bronchii suggests decease was alive while fire started.	Burns

Summary of Station Officer Holder's Investigation Report: Guyana Fire Service



**Guyana Fire Prevention Office
Fire Investigation Report**

Fire Investigation Findings on the cause of a fire which occurred at the Camp Street Prisons on Thursday March 3rd 2016.

After carefully and meticulously examining the fire scene, interviewing eight of the prisoners who were housed in the Capital 'A' block prior to and during the fire, scientifically corroborating witness's statements with the data from the physical assessment of the structure (internally), along with the dictates of fire engineering science, I have to conclude that this fire occurred as a result of prisoner (s) deliberately setting fire to mattresses within the structure.

This fire obviously enabled a natural flow pattern and quickly engulfed nearby combustibles in its path, (mattresses, bed sheets, clothing, etc.), thus bringing into play a phenomenon known as backover which was responsible for the rapid oxidization of the entire structure and its content.

Staff Establishment vs. Staff Strength

ATTACHMENT A

FIX ESTABLISH STAFF STRENGTH FOR GEORGETON PRISON

SER	RANK	AMOUNT REQUIRED
1	Senior Superintendent of Prisons	1
2	Superintendent of Prisons	2
3	Assistant Superintendent of Prison	2
4	Cadet Officer	1
5	Chief Prison Officer	7
6	Principal officer 11	14
7	Prison Trade Instructor	6
8	Principal Officer 1	14
9	Prison Officer	131
	TOTAL	178

ATTACHMENT B

STAFF STRENGTH AT GEORGETOWN PRISON

SER	RANK	TOTAL NUMBER
1	Superintendent of Prisons	2
2	Assistant Superintendent of Prison	2
3	Cadet Officer	1
4	Chief Prison Officer	11
5	Principal officer 11	10
6	Prison Trade Instructor	9
7	Principal Officer 1	14
8	Prison Officer	100
	TOTAL	149

Appendix 7

List of Dormitories, their sizes, present capacity and capacity required by International Standards as at 29th Feb, 2016.

DORMITORY	SIZE IN SQUARE FEET	CAPACITY AS AT 29TH FEB, 2016	INTERNATIONAL STANDARD CAPACITY	OVER CROWED
Star Ward 1	930	35	16	19
Star Ward 2	660	55	11	44
Star Ward 3	930	06	16	NIL
Capital A	2541	69	42	27
Capital B	2541	67	42	25
Capital C	2541	69	42	27
Chalet	1232	10	21	NIL
Old Capital	4752	191	79	112
North Dormitory 1	2160	123	36	87
North Dormitory 2	1920	50	32	18
North Dormitory 3	891	61	15	46
New Wing	1302	33	22	11
Tailor Shop	3300	120	55	65
Infirmary	1600	32	27	05
WOODS LANDING # 1				
Cell 11	90	04	02	02
Cell 12	90	01	02	NIL
Cell 13	90	NIL	02	NIL
Cell 14	90	NIL	02	NIL
Cell 15	90	NIL	02	NIL
Cell 16	90	04	02	02
Cell 17	90	01	02	NIL
Cell 18	90	04	02	02
Cell 19	90	03	02	01
Cell 20	90	04	02	02

Appendix 8: Sentence Range of Admission

Sentence Range of Admission		
Ser. #	Sentence ranges	As at February 29 th , 2016
1	Under One 1 Month	18
2	One 1 to 3 Months	99
3	Over 3 to 6 Months	19
4	Over 6 to 12 Months	25
5	Over 12 to 18 Months	8
6	Over 18 to 24 Months	40
7	Over 24 to 30 Months	49
8	Over 30 to 36 Months	6
9	Over 36 to 42 Months	3
10	Over 42 to 48 Months	39
11	Over 48 to 60 Months	1
12	Over 60 to 84 Months	2
13	Over 84 to 120 Months	2
14	Over 120 to 180 Months	32
15	Over 180 to 240 Months	11
16	Over 240	25
17	Presidents Pleasure	1
18	Condemn to Death	24
19	Life	9
Total		413

Appendix 9

Arms and Ammunition Returns- February 29, 2016

TO : Director of Prisons (ag)
Prison Headquarters

FROM : Officer-in-Charge
Georgetown Prison

REF NO : GP/1/1

DATED : February 09, 2016

SUBJECT : Arms and Ammunition for the Month of February, 2016

ARMS	AMOUNT	SERIAL NUMBER	STATE
.38 Special Revolver	02	CCP 6381	Cannot Repair (Police Armoury)
		CCP 4527	Serviceable (Operation Room)
.38 Revolver Taurus	02	VL 997203	Serviceable (Operation Room)
		VL 997218	To be repaired (Operation Room)
12 Gauge Pump Action	02	R 336008	Serviceable (Operation Room)
		L 3346595	Serviceable (Operation Room)
12 Gauge Micro Series Pump Action Shotgun	02	MV 91631-11	To be repaired (Operation Room)
		MV 91259-11	Serviceable (Operation Room)
12 Gauge	03	A 4045A	Serviceable (Armoury)
		A 4028A	Serviceable (Armoury)
		2190922	Serviceable (Armoury)
12 Gauge	03	CCP 494	Gladwin Samuels, DDOP (ag)
		CCP 498	Nicklon Elliot, SOP
		CCP 495	Serviceable (Armoury)
12 Gauge	03	111 11299	Task Force
		111 11298	(Operation Room)
		111 11300	Serviceable (Task Force)
12 Gauge	01	V 2576	Serviceable (Operation Room)
Shotgun	04	PX64126	(Operation Room)
		PX63863	(Operation Room)
		PX63778	(Operation Room)
		PX63639	(Operation Room)

17G611 Serviceable (Armoury)
 17G616 Serviceable (Armoury)
 17G617 Serviceable (Armoury)
 17G618 Serviceable (Armoury)
 17G619 Serviceable (Armoury)
 17G620 Serviceable (Armoury)
 17G681 Serviceable (Operation Room)
 17H631 Serviceable (Armoury)
 17G948 Serviceable (Armoury)

IN ARMOURY
TRAINING ROUNDS

SER NO.	AMMUNITION	AMOUNT
01.	Cartridges	2,546
02.	9MM Rounds	565
03.	7.62 Rounds	560
04.	FN 212 Rounds	150
05.	.38 Special Rounds	710

Appendix 10

BREAKDOWN OF REMANDED POPULATION AT GEORGETOWN PRISON

Persons granted bail at the Georgetown Prison

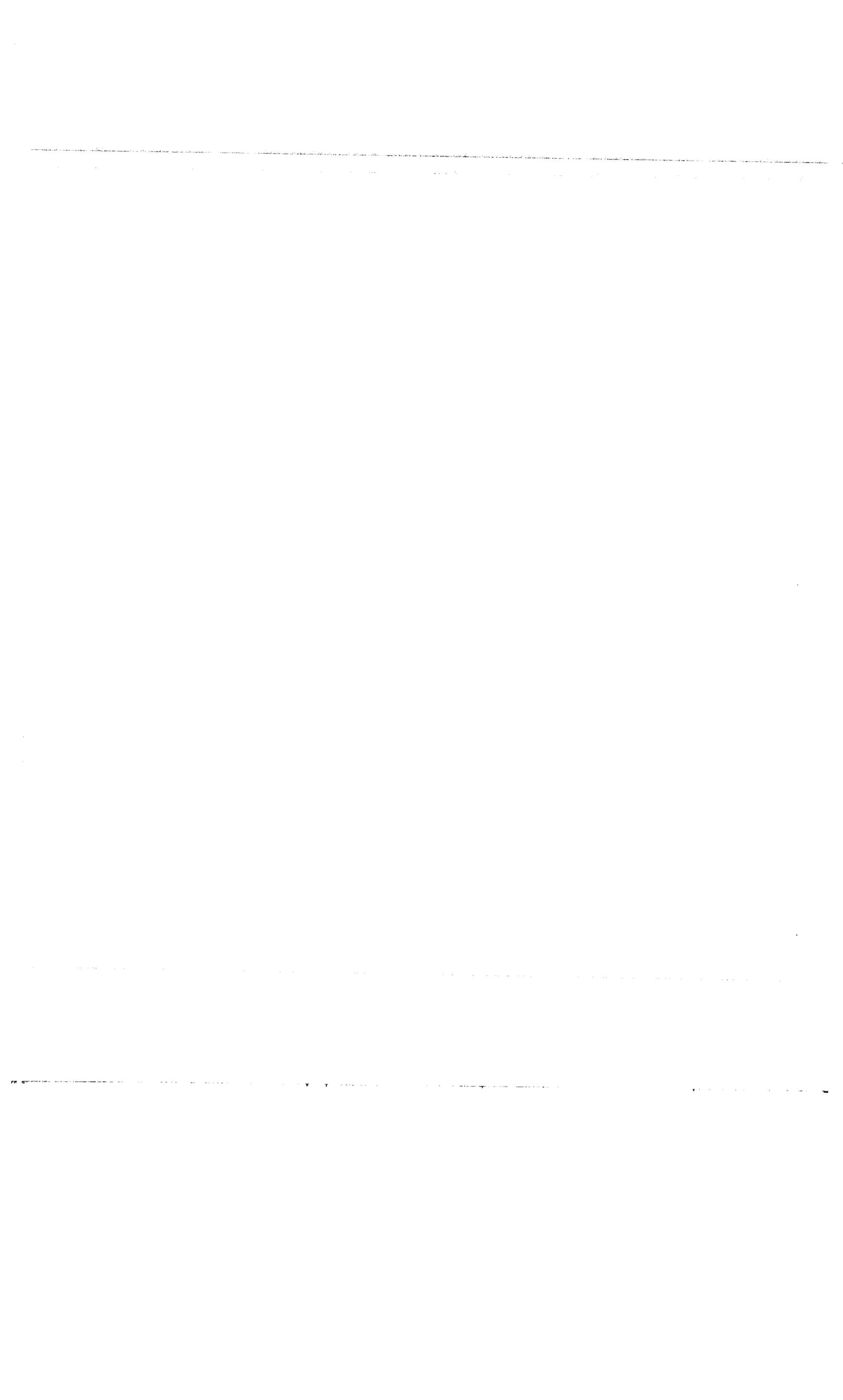
MAGISTRAL DISTRICT	NUM. OF PERSONS GRANTED BAIL
Georgetown	31
East Coast Demerara	12
West Coast Demerara	51
Essequibo	16
TOTAL	110

Person charged for various crimes and were remanded to Georgetown Prison

MAGISTRAL DISTRICT	NUM. OF PERSON REFUSEF BAIL
Georgetown	65
East Coast Demerara	13
West Coast Demerara	49
Essequibo	19
TOTAL	148

Persons charged for the offence of Murder and are remanded to the Georgetown Prison

MAGISTRAL DISTRICT	NUM. OF PERSON CHARGED FOR MURDER
Georgetown	33
East Coast Demerara	18
West Coast Demerara	26
Essequibo	26
Total	103





Headquarters
First Infantry Battalion Group
Base Camp Stephenson
Timehri
Email: 1bn@gdf_gy.org

See Distribution

2005-09-13

used as policy document now. no longer a draft

DRAFT: CONTINGENCY PLAN FOR RIOTS, JAILBREAK AND HOSTAGE TAKING AT THE GEORGETOWN PRISONS

References:

- A. Town plan of Georgetown
- B. Guyana Fire Service Predetermine plan for Fire fighting and rescue operations Georgetown Prisons.
- C. Information sheet –Georgetown prisons
- D. Guyana Prison Service –Immediate Action Drills

GENERAL

1. The Georgetown Prison continues to provide several security challenges to the Prison Administration and by extension the Joint Services as disruptions at the Georgetown Prison may have implications for public security and safety at a National Level.

CHALLENGES

2. The major challenges are as follows:
- a. Its location in the centre of the city in close proximity to business and civilian communities.
 - b. High number of Special Watch/High Profile inmates.
 - c. Incarceration of an increasingly violent population.
 - d. Inadequate facilities to segregate and separate various classes of inmates.
 - e. Inadequate staff and gender imbalance in staffing

c. Detailed tasks

(1) GUYANA PRISON SERVICE

(a) Phase 1

- i. Staff on shift - 10 persons
- ii. Standby force - 7 persons

(b) Phase 2

- i. Alarm raised by duty personnel
- ii. Siren to be sounded immediately by Operation Room Staff.
- iii. Operation's staff to contact:
 - aa. Officer-in-Charge of Prisons
 - bb. Director of Prisons
 - cc. ALPHA-DELTA (Police)
 - dd. Inform Operation Room (Guyana Fire Service)
 - ee. Duty Officer Camp Ayanganna
- iv. Officers will ensure that all other prisoners are locked into the nearest enclosures.
- v. The most senior officer on duty will immediately cause search party(s) of competent staff equipped with firearms and radio sets to be mounted. It is expected that the search party (s) will make regular radio contact with the Operation Room during the search.
- vi. Duty Officer will ensure breached/vulnerable areas are secured.
- vii. Physical muster of prisoners to be taken to identify the number of missing prisoner(s) when the Prison is secured.
- viii. Full description of prisoner(s) escaped and/or person(s) aiding and abetting their escape must be recorded, if known.

- (c) Phase 3 Prison officers accompany joint patrols to assist in identifying any escapees.

CONFIDENTIAL

- bb. John and Hadfield Streets
- cc. John and Norton Streets
- dd. Camp and Norton Streets
- ee. Lime and Bent Streets
- ff. Lime and Durban Streets
- gg. Norton and Bishop Streets
- hh. Norton and Green Streets
- ii. Camp and Norton Streets
- jj. George and Norton Streets
- kk. Durban and George Streets
- ll. Leopold and George Streets
- mm. George Streets and Hadfield Streets

- (c) **Phase 3** Joint patrols are mounted to recapture escapees.
- (d) **Phase 4** Stabilisation operations continue.

(4) **GUYANA FIRE SERVICE**

(a) **Phase 1**

- i. Central Fire Station - One Appliance
- ii. West Ruimveldt Fire Station - One Appliance
- iii. Campbellville Fire Station - One Appliance

(b) **Phase 2**

- i. **Central Fire Station (CFS)**. The appliance from this location on arriving at the scene will take up its position in Camp Street in the vicinity of the main gate. The crew will get to work from the tank and proceed with rescue and/or fire fighting as the situation demands. On exhaustion of tank supply relay system using portable pump at hydrant (Durban & Camp) to water tender must be established.
- ii. **West Ruimveldt Fire Station (WRFS)**. This appliance will set in at the ground hydrant at the corner of Durban and John Streets and the crew will enter compound through the gate at the south/eastern section of fence and proceed with rescue work or Fire Fighting, which is more expedient.
- iii. **Campbellville Fire Station (CVFS)**. This appliance on arrival will set in at the ground hydrant in Bent Street and the crew

will proceed with rescue work or Fire Fighting, which is more expedient. Hose lines will enter the compound through an opening (hole) in the fence at the northern side.

iv. **Contingency Operation.** Should appliance from West Ruimveldt Fire Station (WRFS) and Campbellville Fire Station (CVFS) fail to access adequate supply of water from respective hydrants, they will proceed to canals at Princes/Camp Streets and Croal/Camp Streets respectively, and get to work conducting the same procedures as outlined above.

- (c) **Phase 3** remain on standby.
- (d) **Phase 4** remain on standby
- d. **Materiel and Services.** As per individual services SOP
- e. **Command and Control.**
 - (a) JOC Main remains Police Eve Leary
 - (b) JOC tac to be established in the Prisons Sports Club.

MUTINY/RIOT AND MASS DESTRUCTION OF BUILDINGS

- 9. a. **Aim.** To re-establish control over the prison
- b. **Concept of OPs**
 - (1) This will be a 4 Phase Ops
 - (a) Phase 1 Deployment
 - (b) Phase 2 Containment and Control
 - (c) Phase 3 Domination of area
 - (d) Phase 4 Stabilisation Ops
- c. **Detailed tasks**
 - (1) **GUYANA PRISON SERVICE**
 - (a) **Phase 1**
 - i. Staff on shift - 10 persons
 - ii. Standby force - 7 persons

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(b) Phase 2

- i. Alarm raised.
- ii. Operations staff to sound siren immediately
- iii. Operation's staff to contact:
 - aa. Officer-in-Charge of Prison
 - bb. Director of Prisons
 - cc. ALPHA, DELTA
 - dd. Inform Operation Room (Guyana Fire Service).
 - ee. Duty Officer Camp Ayanganna
- iv. Duty Officer to identify staff to be issued with shields, truncheons, arms and ammunition and other equipment and be at the ready position.
- v. All available staff to be deployed to contain and secure the Prison.
- vi. Duty Officer to identify special staff to observe and record all information in relation to the incident.
- vii. Medevac to be established to treat injured officers immediately.
- viii. Injured inmates to be treated and isolated.
- ix. Physical muster of prisoners to be taken when Prison is secured.

(c) Phase 3. Domination of Prison Compound.

(d) Phase 4. Stabilisation operations continue.

(2) GUYANA POLICE FORCE

(a) Phase 1

- i. Brickdam - General Duties ranks
 - aa. Riot Unit
 - bb. Patrols
- ii. Eve Leary - Riot Unit

(b) **Phase 2**

- i. Cordon of Prison, (inner cordon) securing it from further escapes
 - aa. Camp and Bent Streets
 - bb. Camp and Durban Streets
 - cc. John and Durban Streets
 - dd. Bent and John Streets
- ii. Provide escorts to prison staff as they secure /mobilise prisoners.
- iii. Arrest persons aiding and abetting prisoners.
- iv. Assist in internal control by providing security for Prison staff as they mobilise and secure prisoners. (if necessary)
- v. Arrest person(s) aiding and abetting escapee(s) if known.

(c). **Phase 3.** Joint patrols are mounted to dominate the immediate vicinity of the Prisons.

(d) **Phase 4.** Stabilisation operations continue.

(3) **GUYANA DEFENCE FORCE**

- (a) **Phase 1.** Coy HQ and 1 x Platoon
- (b) **Phase 2.** Cordon of Prison (outer cordon).
 - aa. Camp and Hadfield Streets
 - bb. John and Hadfield Streets
 - cc. John and Norton Streets
 - dd. Camp and Norton Streets
 - ee. Lime and Bent Streets
 - ff. Lime and Durban Streets
 - gg. Norton and Bishop Streets
 - hh. Norton and Green Streets
 - ii. Camp and Norton Streets
 - jj. George and Norton Streets
 - kk. Durban and George Streets
 - ll. Leopold and George Streets

mm. George Streets and Hadfield Streets

(c). **Phase 3.** Joint patrols are mounted to dominate the immediate vicinity of the Prisons.

(d) **Phase 4.** Stabilisation operations continue

(4) **GUYANA FIRE SERVICE**

(a) **Phase 1**

- i. Central Fire Station - One Appliance
- ii. West Ruimveldt Fire Station - One Appliance
- ii. Campbellville Fire Station - One Appliance

(b) **Phase 2**

i. **Central Fire Station (CFS).** The appliance from this location on arriving at the scene will take up its position in Cam Street in the vicinity of the main gate. The crew will get to work from the tank and proceed with rescue and/or fire fighting as the situation demands. On exhaustion of tank supply relay system using portable pump at hydrant (Durban & Camp) to water tender must be established.

ii. **West Ruimveldt Fire Station (WRFS).** This appliance will set in at the ground hydrant at the corner of Durban and John Streets and the crew will enter compound through the gate at the south/eastern section of fence and proceed with rescue work or Fire Fighting, which is more expedient.

iii. **Campbellville Fire Station (CVFS).** This appliance on arrival will set in at the ground hydrant in Bent Street and the crew will proceed with rescue work or Fire Fighting, which is more expedient. Hose lines will enter the compound through an opening (hole) in the fence at the northern side.

iv. **Contingency Operation.** Should appliance from West Ruimveldt Fire Station (WRFS) and Campbellville Fire Station (CVFS) fail to access adequate supply of water from respective hydrants, they will proceed to canals at Princes/Camp Streets and Croal/Camp Streets respectively, and get to work conducting the same procedures as outlined above.

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- (c) **Phase 3.** remain on standby.
 - (d) **Phase 4.** remain on standby.
- d. **Materiel and Services.** As per individual services SOP
 - e. **Command and Control.**
 - (a) JOC Main remains Police Eve Leary
 - (b) JOC tac to be established in the Prisons Sports Club.

HOSTAGE TAKING

- 9. a. **Aim,** To free the hostages taken.
- b. **Concept of Ops.** This will be a 4 Phase Ops.
 - (1) **Phase 1** Deployment
 - (2) **Phase 2** Containment and Control
 - (3) **Phase 3** Rescue Ops
 - (4) **Phase 4** Stabilisation Ops
- c. **Detailed tasks**
 - (1) **GUYANA PRISON SERVICE**
 - (a) **Phase 1**
 - i. Staff on shift - 10 persons
 - iii. Standby force - 7 persons
 - (b) **Phase 2.**
 - i. Alarm raised.
 - ii. Operation's Room Staff sound siren immediately.
 - iii. Operation's Room Staff to contact
 - aa. Officer-in-Charge of Prison
 - bb. Director of Prisons
 - cc. Alpha Delta (Police)

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- dd. Guyana Fire Service
- ee. Duty Officer Camp Ayanganna
- iv. Duty Officer secures all prisoners in nearest enclosure.
- v. Isolate and contain area of incident.
- vi. The most senior personnel on the ground to make initial assessment/demand(s) of hostage takers.
- vii. Identify negotiator(s) to negotiate and secure release of hostage(s).
- viii. If all negotiation fails – joint rescue operation to be mounted to rescue hostage(s).
- (c). **Phase 3.** Prison officers accompany joint patrols to assist in identifying any escapees.
- (d) **Phase 4.** Stabilisation operations continue.

(2) **GUYANA POLICE FORCE**

- (a) **Phase 1**
 - i. Brickdam - General Duties ranks
 - aa. Riot Unit
 - bb. Patrols
 - ii. Eve Leary - Riot Unit
- (b) **Phase 2.**
 - i. Cordon of Prison, (inner cordon) securing it from further escapes
 - aa. Camp and Bent Streets
 - bb. Camp and Durban Streets
 - cc. John and Durban Streets
 - dd. Bent and John Streets
 - ii. Provide escorts to prison staff as they secure prisoners
 - iii. Assist in the location and apprehending of prisoners

iv. Arrest persons aiding and abetting prisoners

v. Assist in internal control by providing security for Prison staff as they mobilise and secure prisoners. (if necessary)

vi. Help with negotiations.

vii. Effect crowd control

viii. Assist in the rescue operation.

(c). **Phase 3.** Joint rescue ops.

(d). **Phase 4.** Stabilisation operations continue.

(3) **GUYANA DEFENCE FORCE**

(a) **Phase 1.** Coy HQ and 1 x Platoon

(b) **Phase 2** Cordon of Prison (outer cordon).

- aa.. Camp and Hadfield Streets
- bb. John and Hadfield Streets
- cc. John and Norton Streets
- dd. Camp and Norton Streets
- ee. Lime and Bent Streets
- ff. Lime and Durban Streets
- gg. Norton and Bishop Streets
- hh. Norton and Green Streets
- ii. Camp and Norton Streets
- jj. George and Norton Streets
- kk. Durban and George Streets
- ll. Leopold and George Streets
- mm. George Streets and Hadfield Streets

(c). **Phase 3.** Joint rescue ops.

(d). **Phase 4.** Stabilisation operations continue.

(4) **GUYANA FIRE SERVICE**

(a) Phase 1

- i. Central Fire Station - One Appliance
- ii. West Ruimveldt Fire Station - One Appliance
- iii. Campbellville Fire Station - One Appliance

(b) Phase 2

i. Central Fire Station (CFS). The appliance from this location on arriving at the scene will take up its position in Cam Street in the vicinity of the main gate. The crew will get to work from the tank and proceed with rescue and/or fire fighting as the situation demands. On exhaustion of tank supply relay system using portable pump at hydrant (Durban & Camp) to water tender must be established.

ii. West Ruimveldt Fire Station (WRFS). This appliance will set in at the ground hydrant at the corner of Durban and John Streets and the crew will enter compound through the gate at the south/eastern section of fence and proceed with rescue work or Fire Fighting, which is more expedient.

iii. Campbellville Fire Station (CVFS). This appliance on arrival will set in at the ground hydrant in Bent Street and the crew will proceed with rescue work or Fire Fighting, which is more expedient. Hose lines will enter the compound through an opening (hole) in the fence at the northern side.

iii. Contingency Operation. Should appliance from West Ruimveldt Fire Station (WRFS) and Campbellville Fire Station (CVFS) fail to access adequate supply of water from respective hydrants, they will proceed to canals at Princes/Camp Streets and Croal/Camp Streets respectively, and get to work conducting the same procedures as outlined above.

(c) Phase 3. remain on standby.

(d) Phase 4. remain on standby

d. Materiel and Services. As per individual services SOP

e. Command and Control.

(a) JOC Main remains Police Eve Leary

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(b) JOC tac to be established in the Prisons Sports Club.

CONCLUSION

10. These plans are not ^{cast} ~~cast~~ in stone, but will have to be tested, rehearsed and refined.

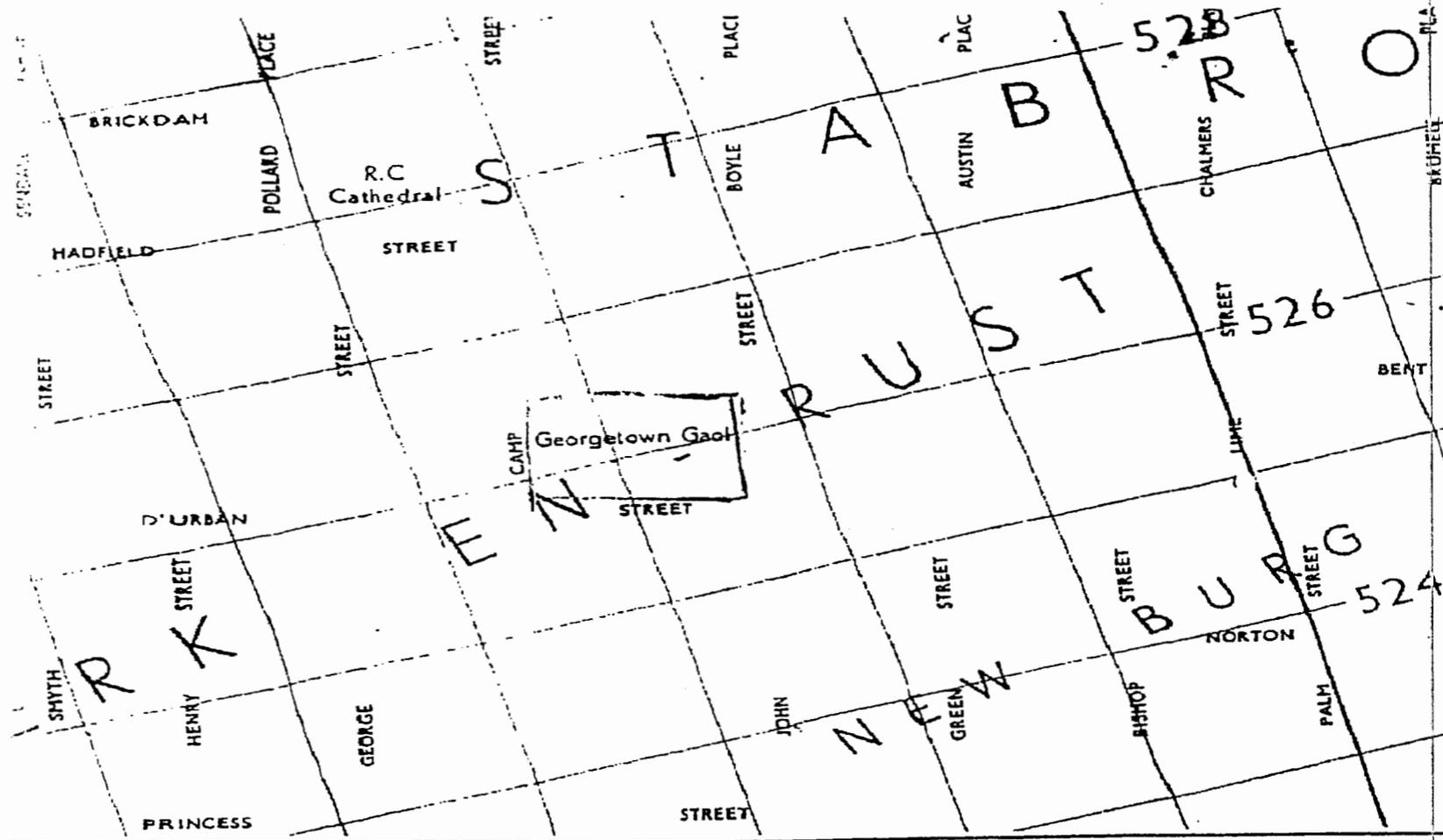

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Col
Comd 1 Inf Bn Gp

Distribution

COS
COP
Dir GPS
Dir GFS ✓
Secretary JSCC

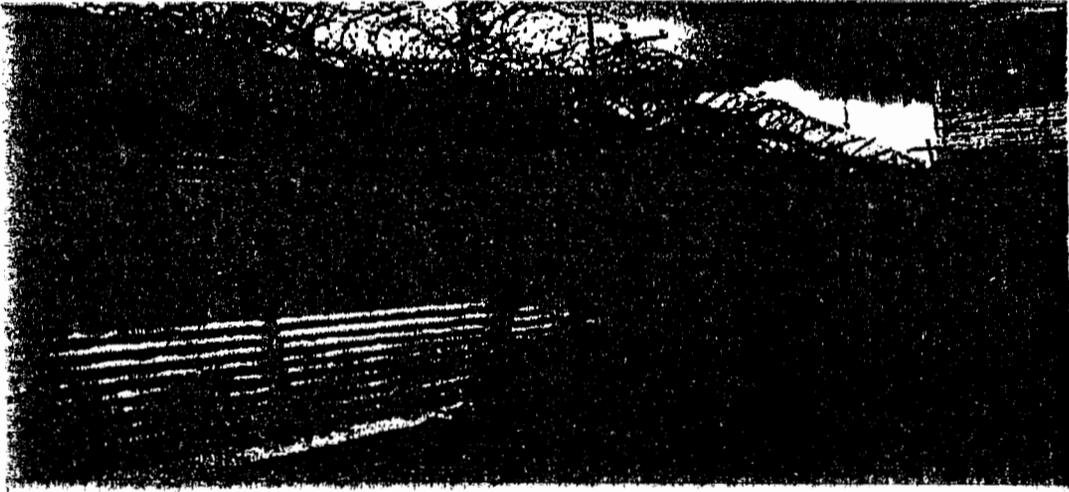
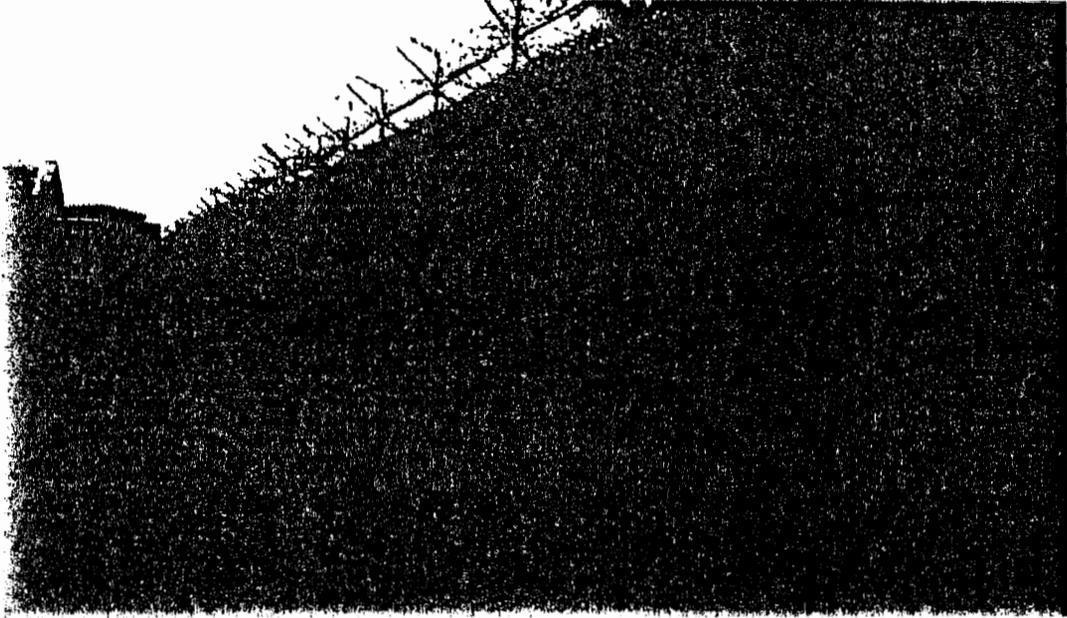
List of Annexes

- A. GROUND
- B. PICTURES OF PRISON ENVIRONS



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Inner Western Perimeter Fence

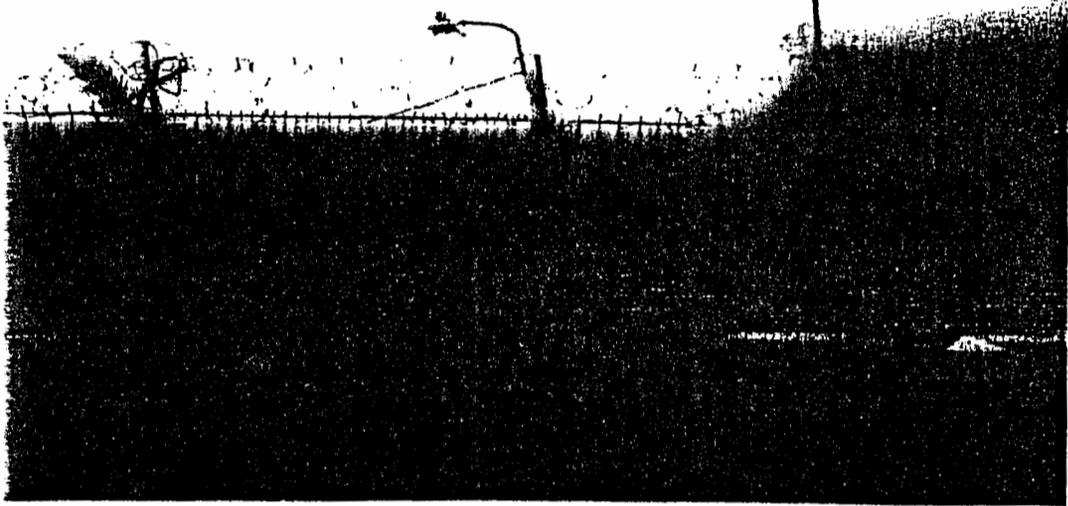


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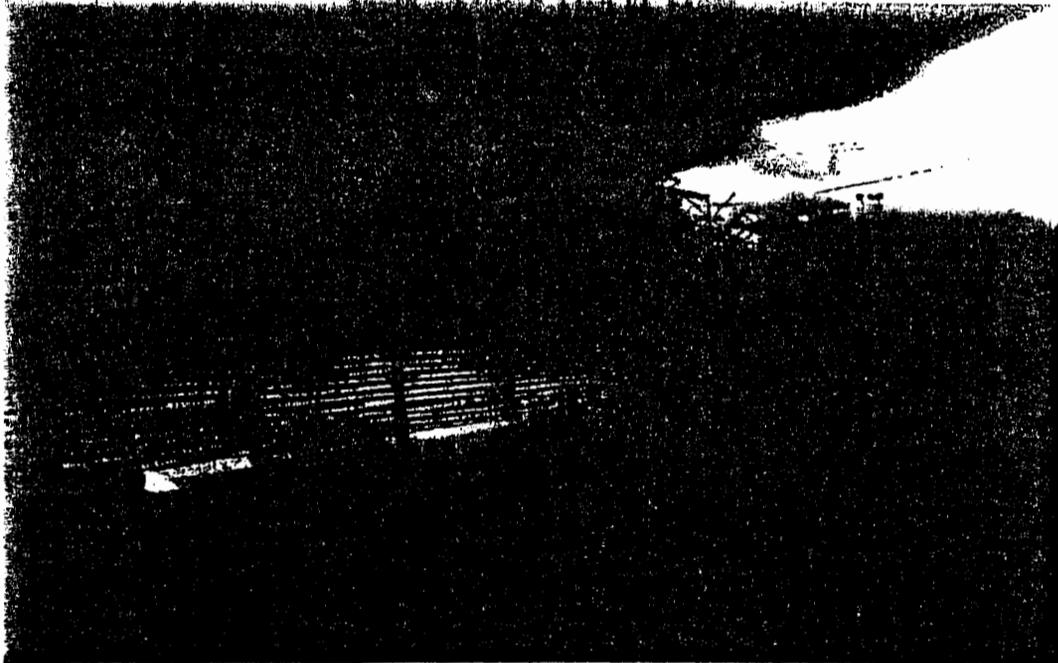
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Outside view of Front Gate – Georgetown Prison



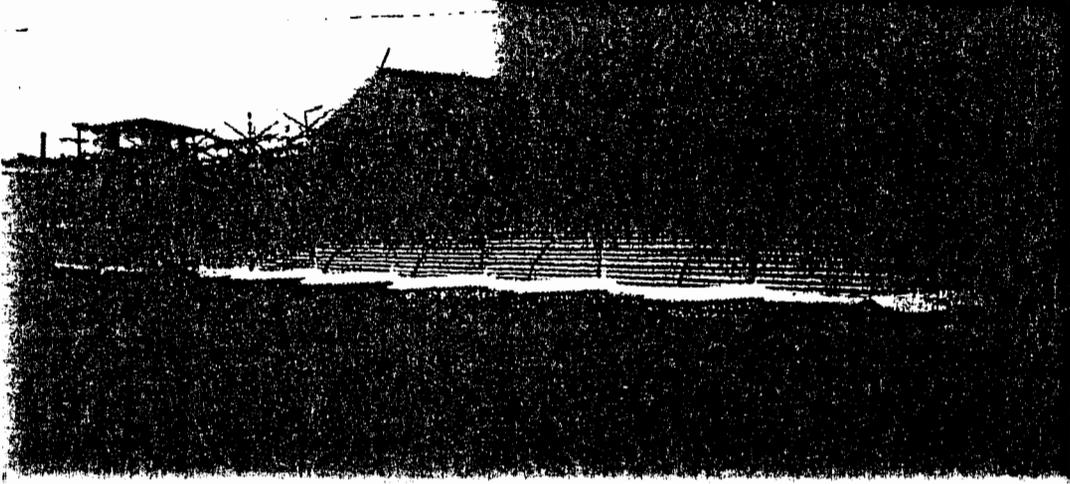
South-Western View of Fence



B-4

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North Western View of Fence

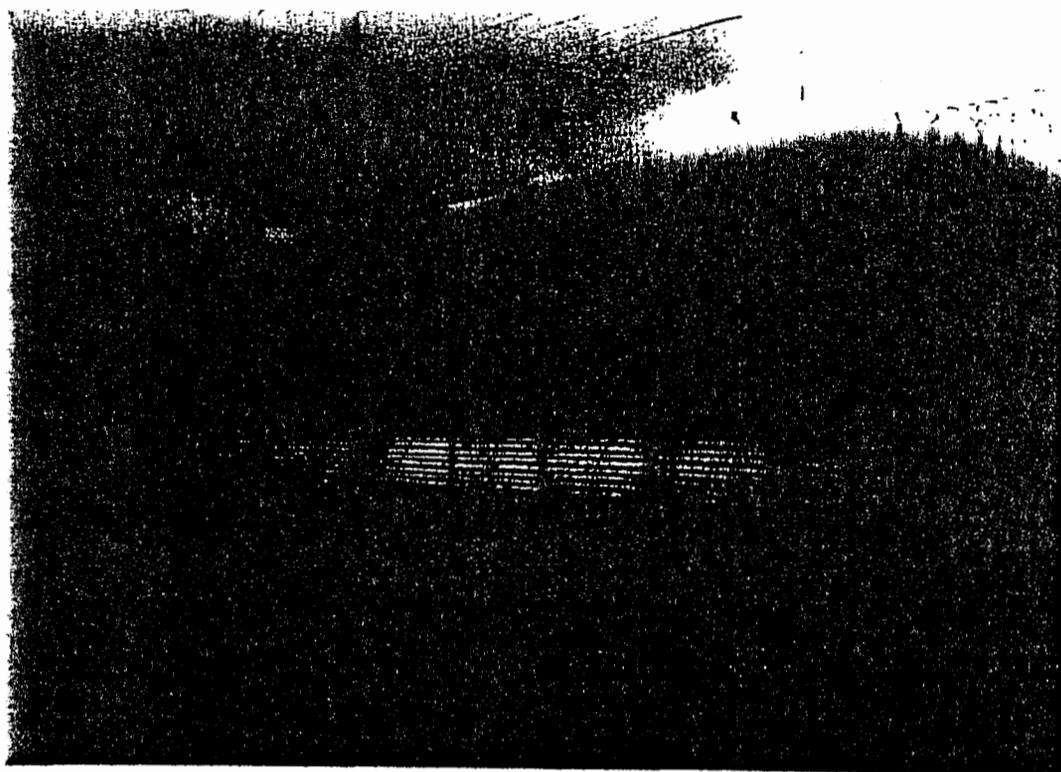


South-Eastern View of Fence

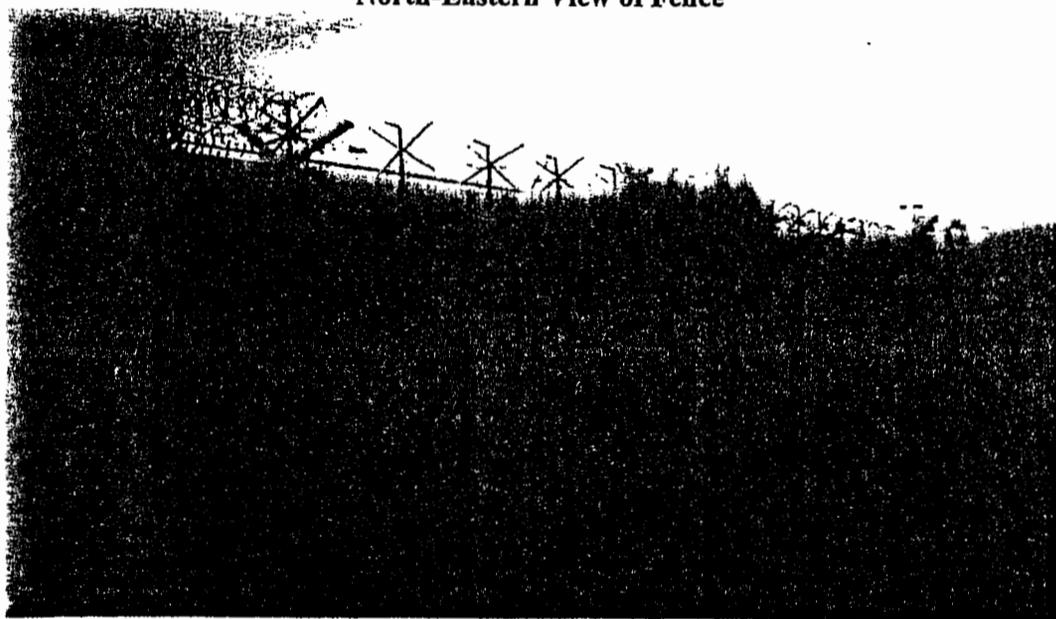


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South-Western View of Fence



North-Eastern View of Fence

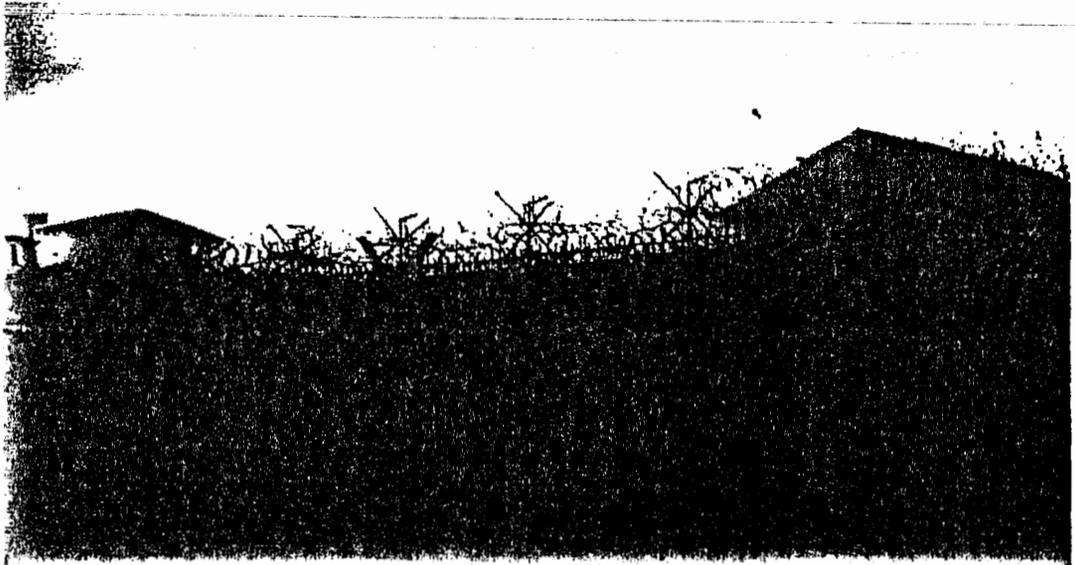


B-6

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South-Eastern View of Fence



North Western View of Fence

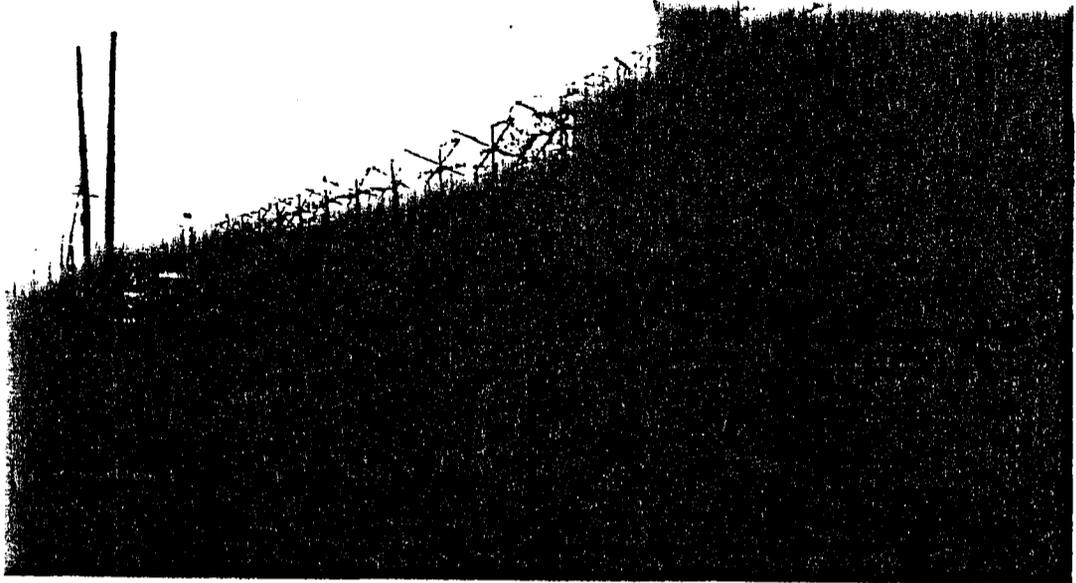


B-7

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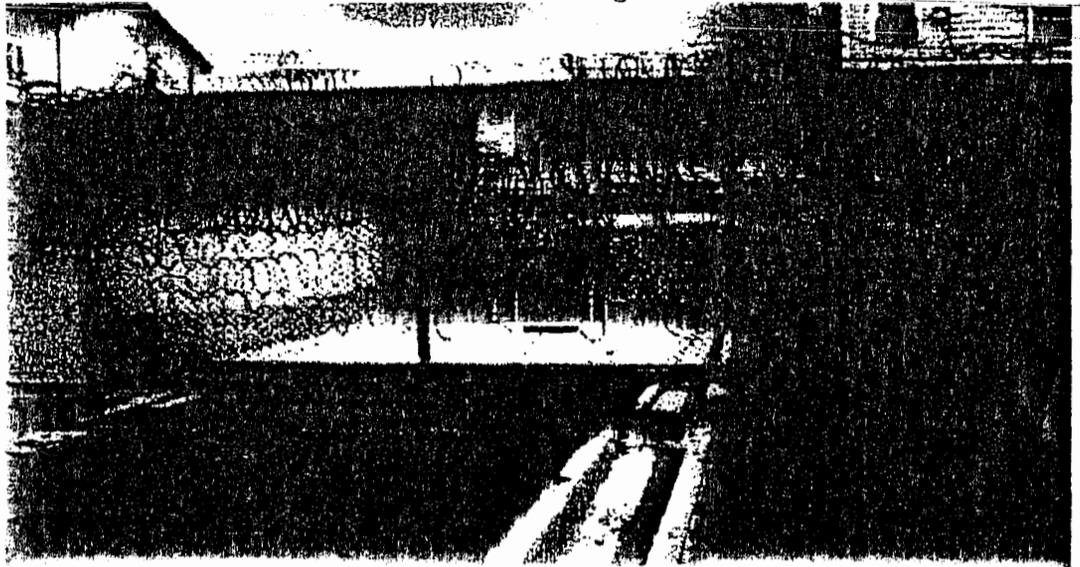
North Eastern View of Fence



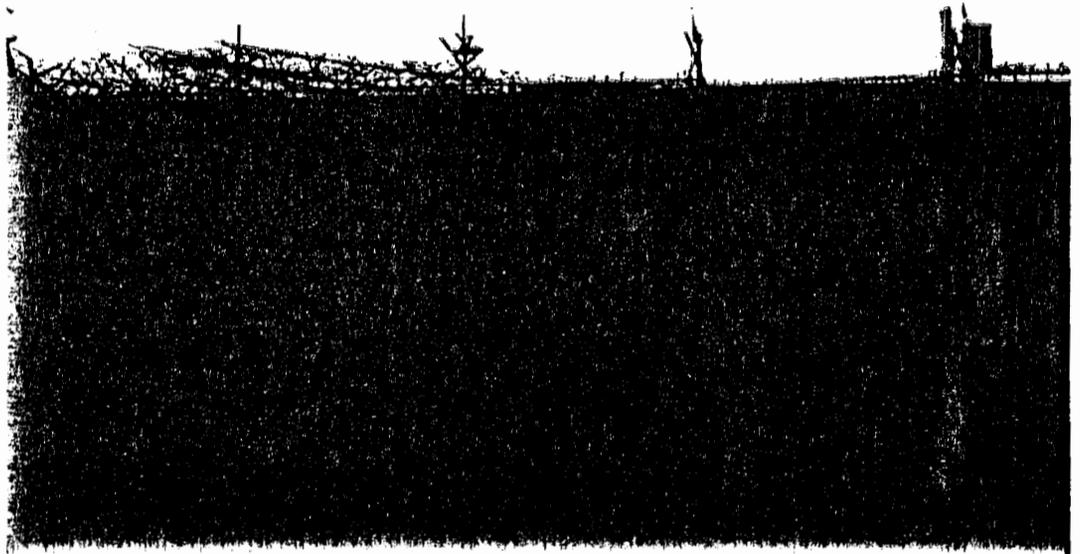
B-8

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Second Inner Gate - Georgetown Prison



Back Gate - Georgetown Prison



"RESTRICTED"

***FIRE THREAT & EVACUATION PROCEDURES,
GEORGETOWN PRISON, -
A JOINT SERVICES' RESPONSE***



PRISONS HEADQUARTERS
46, Brickdam
Stabroek
Georgetown

June 2001

"RESTRICTED"

PREFACE

Consequent to the mass threats to human life and limbs, destruction to property and security of prisoners, likely to be posed by fire(s) raging within the Georgetown Prison, the Joint Services comprising the Guyana Prison Service, Guyana Fire Service, Guyana Police Force and the Guyana Defence Force have decided to establish a set of pre-determined procedures in order to suppress and/or neutralize all threats posed by fire(s) within the Prison. The contents of this booklet therefore represent the role of the Joint Services in response to a Fire Threat and Evacuation of Prisoners from the Georgetown Prison resulting from fire(s).

The approach to this task was collaborative one, and the success of its execution will depend on the support given by Government, Private Sector, Voluntary Organisations and the Public at large.

* Needs to be more comprehensive

FIRE THREAT AND EVACUATION PROCEDURES - GEORGETOWN PRISON

The Role of the Guyana Prison Service

General

Fire at the Georgetown Prison whether it is caused deliberately (arson) or by accident is considered as its most critical and devastating threat that can affect the lives and security of prisoners and officers, as well as those civilians who reside within the immediate vicinity of the Georgetown Prison.

It is therefore of critical interest to the security, safety and stability of the Prison and the community at large, that all threats of fire within the Georgetown Prison must be prevented or immediately suppressed.

There are basically three (3) scenarios of fire that may occur within the Prison, which will necessitate that a number of actions/responses be taken to contain them. They are coded as follow:

Code Red:

- a) This represents a fire scenario that does not involve the removal/evacuation of prisoners from their cells, dormitories, divisions and others places of confinement.

Code Crimson:

- b) This represents a fire scenario in which one or two buildings are on fire and pose likely threats to life, limbs and destruction to property, hence will involve the partial evacuation or removal of prisoners from one section of the Prison to a safer area within the Prison.

Ultra Crimson:

This represents a fire scenario in which there are several fires raging in buildings simultaneously posing mass threats to lives, limbs and destruction to property hence will involve the total evacuation of prisoners from the Georgetown Prison.

is expected that more likely than not, the three scenarios will develop aggressively if not controlled quickly. That is, a small fire within the Prison can develop into one that will necessitate the partial evacuation of prisoners and if not controlled, to total evacuation.

The Prisons' Administration has found it necessary therefore to establish a predetermined set of procedures which ranks of the Guyana Prison Service in collaboration with other members of the Joint Services (GFS, GPF and GDF), will follow in order to suppress and/or neutralize the threats to each of the three (3) fire scenarios.

The aims of these predetermined procedures are to prevent panic and confusion among officers when confronted with fire(s) within the Prison and to make them operate orderly and rationally as they attempt to suppress and/or neutralize threat(s) posed by fire.

OBJECTIVES:

- i) To preserve life and limb of prisoners and staff *
- ii) To prevent the destruction of buildings, and other properties including records, warrants, ledgers and journals by fire
- iii) To prevent escape(s).

ROUTINE PROCEDURES:

The following represent the actions/responses to be taken in event of each of the three (3) fire scenarios respectively.

1) **Code Red:**

Fire within the Prison that does not involve the removal/evacuation of prisoners.

- a) In event any rank observing a fire within any section of the Georgetown Prison, it is directed that he/she raises an alarm immediately indicating where the fire is and its impending threats, if any. He/she will use all available means to his/her disposal to put out/minimize the spread of the fire.
- b) The Duty Officer and/or the most senior officer on duty must be informed immediately. He/she will immediately make a quick assessment of the fire and inform the staff on duty in the Operations Room (Ops Room) of the fire and its code.
- c) If it is a code "Red" fire; the staff in the Ops Room will immediately raise an alarm to garner the help of all available officers within the vicinity of the Prisons. Simultaneously, the Fire Department, the Officer-in-Charge of the Prison, the Director of Prisons and the Guyana Police Force are to be informed.
- d) The Duty Officer or the most senior officer on duty will ensure that all available equipment and/or resources inclusive of

emergency water pump and fire extinguishers are deployed and activated to extinguish fire.

- e) Duty Officer or the most senior officer on duty will ensure all available staff are strategically deployed in order to maintain the security of the Prison.
- f) Duty Officer or the most senior officer on duty is to ensure that available staff inclusive of the Task Force are issued with truncheons, batons, shields and other appropriate and approved equipment to control and keep prisoners secured.
- g) The staff in the Operations Room must ensure that there is diligent monitoring and precise recordings of the situation; actions and decisions taken.
- h) It is expected that the Fire Department take the following action(s):
 - i) Extinguish the fire(s)
 - ii) Investigate the cause of the fire(s) and make the necessary recommendation(s).
- i) It is expected that the Guyana Police Force (GPF) take the following action(s):
 - a) To investigate if the GFS identifies any act of criminal negligence as the cause for the fire(s).

2. **CODE CRIMSON:**

Fire(s) within the Prison that will involve the partial evacuation of prisoners from one section of the Prison to a safer area within the Prison.

- a) In event of the Duty Officer or most senior officer on duty when responding to a fire alarm within the Prison assesses that the building(s) on fire may necessitate the evacuation of prisoners from that section of the Prison to a safer area He/she must immediately inform the staff in the Operations Room that the fire is a Code Crimson.

Duty Officer

or

In event of the Duty Officer or most senior officer on duty in his/her assessment that a code Red fire is spreading and becoming uncontrollable resulting that the prisoners should be removed/evacuated from one (1) section to a safer area, he will inform the staff in the Ops Room that the fire is now Code Crimson.

- b) The Ops Room staff will immediately sound the siren with five (5) long blasts to raise an alarm to garner the help of all available officers within the vicinity of the Prison. The GFS GPF, DOP, O/C G/town Prison, and GDF to be informed immediately. The Ops Room to be manned by a rank not below a Principal Officer II who will be responsible for making visual assessments, recordings and monitoring the

Sound Siren

fire. The most senior Prison Officer on duty will ensure that the Permanent Secretary and the Honourable Minister of Home Affairs are informed.

- c) The Duty Officer or the most senior officer on duty will ensure that all available equipment and/or resources inclusive of emergency water pump, fire extinguishers are deployed and activated to extinguish the fire. Restraints such as handcuffs are to be made available to secure and control inmates who are likely to be unlocked.
- d) Duty Officer or the most senior officer on duty will ensure all available staff are strategically deployed in order to maintain the security of the Prison and prisoners. All Observation Posts should be manned by armed sentries. The Front Gate will be supervised by a rank not below that of a Principal Officer II.
- e) The Officer-in-Charge or most senior rank on duty will assess which section of the Prison the prisoners will be evacuated for their safety and security.
- f) Entrances, exits and fire escape points are to be unlocked in the affected area in order to facilitate controlled evacuation.
- g) The most senior officer on duty or Duty Officer will ensure that all available staff in collaboration with Police ranks are strategically deployed, so that inmates unlocked would be surrounded by staff/Police

equipment

Observation Posts

fire escape points

h) Prisoners are to be escorted to the safe area while positioned between two (2) rows of Prison Officers, in conjunction with Police ranks. The safe area/section where prisoners are re-located must be ~~4~~ manned by appropriate number of staff equipped with the necessary equipment/instrument in order to maintain security and control of prisoners.

i) **It is expected that the Fire Department should take the following actions.**

- i) Extinguish the fire(s)
- ii) Investigate the cause of the fire(s).
- iii) To advise on preventive and precautionary measures.

} Fire Dpt

j) **It is expected that the Guyana Police Force (GPF) take the following action(s):**

- a) Cordon off the Prison securing it from escape(s) and/or external interference.
- ~~*~~b) Assist in internal control by providing security for staff as they mobilize and secure prisoners.
- c) To investigate if GFS identifies any acts of criminal negligence for the cause of the fire(s).
- d) To perform any other task(s) assigned to them by their Commander.

k) **It is expected that the Guyana Defence Force (GDF) will take the following action(s):**

- i) Assist in cordoning off the Prison and support the other Service(s) if required to do so.
 - l) When the situation is under control, a physical check of all inmates to be made to verify the correctness of number.
- 3) **ULTRA CRIMSON:**
- a) In event of a code Crimson fire spreading to other buildings in the Prison compound posing mass threats to lives of inmates/officers and destruction to property. The Director of Prisons or Deputy Director of Prisons in consultation with the Chief-Of-Staff, Commissioner of Police and Chief Fire Officer must consider the total evacuation of prisoners from the Prison to safe and secured area(s) so designated.
 - b) The Honourable Minister of Home Affairs and Permanent Secretary to be informed by the Director of Prisons or the most senior Prison Officer, of the decision to evacuate prisoners, so that the Government may grant the necessary emergency powers to the Joint Services to take appropriate action(s).
 - c) The Director of Prisons to prepare and publish television and radio messages, directing all officers on off-duty, on vacation/annual leave to report immediately for duty.
 - d) Under the command of the Prison Service and with assistance from the Police, the inmates of the buildings, dormitories and cells will be released into the compound in an orderly manner as to permit a "Numbers Check" as they

leave. The "Numbers Check" will ensure that all inmates have been accounted for as leaving their cells, dormitories and other areas of confinement

- e) The effective cordon of the Prison area by members of the GDF and GPF. This operation will necessitate taking in some extended areas surrounding the Prison. The area to be cordoned will be determined by the GDF/GPF Commanders.
- f) Inmates will be assembled under Prison/Police escorts in the most advantageous area of the compound (where the fire is least threatening and where it would be possible in the circumstances to establish control).
- g) Lining of Camp Street by armed personnel, between the Prisons and the St. Mary's School, and taking control of the school buildings by armed Joint Services' personnel.
- h) Movement of prisoners by foot, under guard and manacled, north along Camp Street to the St. Mary's School building at the corner of Camp Street and Brickdam.
- i) The mobilization of transportation - enclosed trucks and buses - to take prisoners from the St. Mary's School to the Exhibition Auditorium at Sophia or the Georgetown Cricket Club Ground or any other designated area under armed escorts in convoys.

- Room to be operational.
- 3) It is expected that the supply of electricity at the Georgetown Prison be sectionalized, in order to control the flow of electricity to the various buildings, without total shut down of power supply, so that the fire(s) can be effectively controlled.
 - 4) Mobile Lighting equipment to be made available, for example: Generator, Million watts candles lamps, torch-lights, in event of darkness/power outages.
 - 5) A fire emergency box containing emergency lighting equipment, axes, handcuffs (1000) plastics, hacksaws and loudhailers must be strategically placed for easy access.
 - 6) A number of strategically located recesses are to be made on Prison fence to accommodate water hoses from fire engines.
 - 7) Procurement of an arc welding set to cut Prison fence, if necessary, in a total evacuation scenario.
 - 8) A response capability from the Police and Army that will allow them to execute roles of armed cordons, armed

escorts, crowd control, patrols, vehicular mobilization and guards.

9) Ministry of Education to be solicited to obtain the uses of St. Mary School Building.

10) Management of Georgetown Cricket Ground and of the Exhibition Auditorium at Sophia to be solicited to obtain the uses of those facilities to accommodate prisoners on a long-term basis.

11) Arrangements to be made for the provision of meals for inmates and their ablution needs. The following are possible venues for food preparation:-

- ❖ Lusignan Prison
- ❖ Police Training School Eve Leary
- ❖ Guyana Defence Force, Camp Ayanganna
- ❖ Public Hospital, Georgetown
- ❖ Palms
- ❖ Catering Services

12) To solicit a commitment from Voluntary Organisations such as the Guyana Red Cross Society and St. John Ambulance Brigade to respond to a call out in order to provide the following services:

- ❖ First Aid - On Site
- ❖ Auxiliary Nursing Care - In Hospital

- 13) The Chief Medical Officer through the Ministry of Health to be co-opted into the Joint Services' team to ensure that there is a medical personnel and facilities in place to render the required medical services.
- 14) The Defence Board to give emergency powers to the Joint Services' Team in event of total evacuation of prisoners from the Prison.

COMMAND:

All activities within the Prison will be commanded by the Prison Department since it is our mandate to ensure the security of all prisoners committed to Prison. This command will however be consultative with the commanders of GDF, GPF and GFS, in order to neutralize all threats of fire(s) within the Prison ensuring the security of inmates.

Dale Erskine, DSM,
DIRECTOR OF PRISONS

ROLE OF THE POLICE

It is the Standing Practice that whenever there is a report of fire, the Guyana Fire Service (GFS) and the Guyana Police Force, (GPF) operates in tandem, that is, whichever service gets the report, it is responsible for informing the other, as each has its respective roles to play. The Guyana Power and Light (GPL) are also informed.

However, if there is a report of fire at the Georgetown Prison, a number of issues arises, the major being, that the prisoners within, will have foremost in their minds, "a breakout". It is known that if this happens, the effects it will have on the community. With this view, the Police will have to quickly respond to the scene in force. Communication at the scene among the services needs to be instantaneous.

POLICE SECTORS TO BE INVOLVED

- General Duty Ranks from Stations in Georgetown.
- Impact Patrols
- Traffic
- Detectives
- Tactical Services Unit (TSU)
- Special Unit

COMMAND

In this situation there will be a Police Commander who will delegate responsibilities to other officers, etc. He will be required to communicate with representatives from the Prison Service, Fire Service and Guyana Defence Force

as well as, communicating to his immediate superiors as to the situation. Thus the setting up of a Command Centre close to the scene.

PLAN (EXTERIOR OF PRISON)

General Duties. Impact and Traffic will proceed to the scene, as they are closer. They will immediately form an outer cordon around the perimeter of the Prison until they are joined by ranks of TSU. With the erection of barriers, their responsibilities will be to prevent persons from getting in and out of the area.

TRAFFIC

Traffic ranks will be responsible for diverting traffic in areas including Camp Street and Brickdam; Durban and Lime Streets; Bent and Lime Streets, etc., so that the area cannot be congested and the Fire Service have easy access to and from the Operation Area.

SPECIAL UNIT

A section of this Unit will look at the inner cordon of the Prison, with the Prison security. At the said time other General Duties and Detectives, etc., will assist the Prison Service in maintaining the control of inmates to a safe section of the Prison to be counted of the inmates to a safe section to be counted and manacled before being evacuated to a safer place for confinement under armed escort and in convoy.

PATROL

Patrols will be done on the outer perimeter of the Operation Area by ranks drawn from Impact and/or Section of the Special Unit.

ROLE OF THE GUYANA FIRE SERVICE

This Plan addresses two (2) likely scenarios developing within the Georgetown Prisons.

SCENARIO (1)

A fire occurring within one or possibly two buildings

EVACUATION PLAN

This entails removing inmates from the immediate threat area and securing them in the open space within the compound.

SCENARIO (2)

Several fires occurring simultaneously, that will necessitate a total evacuation of the prisoners to an area outside of the Prison Walls. This plan will entail the deployment of other friendly forces, (Police and Guyana Defence Force), for security duties. The Fire Service's role will be fire suppression. It must be envisaged that the major tasks i. e., evacuation and fire fighting will have to be done simultaneously.

EVACUATION

The Georgetown Prisons at present has only two exits that lead out of the compound. To easily evacuate eight hundred (800) plus inmates, these exits

are not considered adequate. Further, consideration must be given to the likelihood of one of these exits becoming inoperable because of the development of the fire.

It is recommended that an additional exit be constructed on the northern side of the fence, between the Infirmary and the Dormitory Blocks.

MEANS OF ESCAPE (EXIT) FROM BUILDINGS

1. All the buildings that have one exit door should be provided with at least an additional one, to be used in the event of an emergency
2. The fire escapes in the wood and brick blocks should be maintained at all times.

FIRE FIGHTING

At present the Georgetown Prisons has in stock a number of water and Dry Chemical Fire Extinguishers supported by a 250 gallon per minute fire pump and hose lines. A recent inspection found that most of the Dry Chemical Fire Extinguishers are in need of recharging and servicing. The fire pump and other supporting equipment are in working order. However, the recent survey highlighted that fire fighting capabilities can be hampered by the physical limitations within the Prison compound.

To address these concerns, it is recommended that fixed installations i.e. Dry Pipe Systems consisting of a 4" diameter pipe with 2 1/2" dual male instantaneous couplings on the outside and 2-1/2" dual female instantaneous couplings, in the vicinity of the exits in the compound and close to the hydrants.

on the outside. Alternatively ports could be cut in the fence in proximity to the hydrants on the outside of the compound. These ports should not be less than 8" in diameter. These will aid the rapid deployment of fire fighting resources as well as supporting Prison Personnel on the inside, should the situation arise where entry into the compound by personnel from the outside is difficult

COMMUNICATIONS

Considerations must be given to means of alerting the Fire Service as well as on scene consultations for co-ordination.

CONCLUSION

With the combining of all the Services, GDF, GPF, the Prison Service and to a lesser extent, Private Security Agencies, the forming of a proper convoy will result in a successful evacuation and transporting of prisoners to a temporary confinement area.

Sgd L. Brummel
Superintendent of Police

GUYANA FIRE SERVICE



STANDARD OPERATING PROCEDURES

Contingency Plans

Response to Prison Locations

2015

GEORGETOWN PRISON
CAMP STREET, GEORGETOWN

PLAN "A"

Response (Turn Out)

Central Fire Station 1 Water Tender

1 Water Carrier

West Ruimveldt Fire Station 1 Water Tender

Alberttown 1 Water Tender

Central Fire Station

The appliances from this location on arrival at the scene will take up its position in Camp Street in the vicinity of the Main Gate. The crew will get to work from the tank supply and proceed with rescue and / or fire fighting as the situation demands.

On exhaustion of tank Supply, a relay system using water from Water Carrier with 2000 gallons of water will relay water to water tender No.37 for continuous fire fighting operations.

West Ruimveldt Fire Station

This appliance will set in at the ground hydrant at the corner of Durban and John Streets and the crew will enter the compound through the gate at the south eastern section of the fence and proceed with rescue work or fire fighting, which is more expedient.

Alberttown Fire Station

This appliance on arrival will set in at the ground hydrant in Bent Street and the crew will proceed with rescue work or fire fighting, which is more expedient.

Hose lines will enter the compound through openings (holes) in the fence on the northern side.

Contingency Operation

Should appliances from West Ruimveldt and Alberttown Fire Stations fail to access adequate supply of water from respective hydrants, they will proceed to the canal at Princess and Camp Streets and Croal and Camp Streets respectively and get to work conducting the same procedures as outlined above.

Additionally, water will be utilized from the reservoir inside the Georgetown Prison, to complement fire fighting operations. Senior Fire Officer will Liaison at Prison Operations Room, for coordination and liaison of fire fighting / rescue operations.

PLAN "B"

Response (Turn Out)

Siting of Appliances and getting to work

In the event of being unable to implement Plan 'A', Plan 'B' will immediately be executed.

Central Fire Station

The appliance from this location on arrival at the scene will take up its position in Durban and John Streets (Back Gate), working from tank supply and proceed with rescue and/ or fire fighting as the situation demands.

West Ruimveldt Fire Station

This appliance will set in at Princess and John on Princess Street, relaying water to the appliance from Central Fire station and proceed with rescue work or fire fighting as the situation demands.

Alberttown Fire Station

This appliance on arrival will be positioned at the corner of Bent and John Streets and the crew will proceed with rescue work or fire fighting, which is more expedient and access point will have to be made on the northern fence to gain entry into the compound.

Campbellville Fire Station

This appliance will set into Croal Street Canal and with a relay system, relay water to the appliance from Alberttown Fire Station.

NB: Fire Service personnel are to consider the security / custody of prisoners as being important. Hence, advice and guidance from the Prison Authorities must be considered before entering buildings and other structures within the Prison Complex.

TIMEHRI PRISON

ACTION BY THE CONTROL ROOM ATTENDANT (C.R.A)

The Control Room Attendant on receipt of the call shall

1. Activate the alarm continuously.
2. Dispatch the appliance/s and crew/s.
3. Inform the Station Officer / Sub. Officer.
4. Inform Headquarters (Control Room) Georgetown.
5. Maintain communication with officers, appliance /s and the Control Room at Headquarters.
6. Make necessary loggings of all information pertaining to the fire / emergency.

RESPONSE CREW/S ON RECEIPT OF MESSAGE

The Crew (s) shall

1. Don protective suits / Breathing Apparatus (B.A Set) and mount appliance /s.
2. Respond promptly to the scene and site appliance/s at the most convenient point in relation to the fire / emergency.
3. Crew/s will proceed with rescue work and if this is not found to be necessary will proceed with fire fighting operation working from appliance/s tank/s supply and hydrants

4. They will also use the reservoir in the compound.

**ACTION OF THE SENIOR SUBORDINATE OFFICER OF RESPONDING
CREW/S**

1. On arrival, do a proper, thorough 'Size up' and site appliance/s appropriately considering the prevailing conditions.
2. Deploy crew/s to engage in rescue/ evacuation and fire fighting as required.
3. Relay all information to the Control Room on the status of the fire / emergency.
4. Be in command of the operation, until relieved by a senior rank.
5. Ensure the safety of his crew members and equipment.
6. Liaise with senior members of the Service (Prison).
7. Must submit a report to the Chief Fire Officer through the Station Officer.

ACTION BY THE OFFICER IN CHARGE

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1. On receipt of message from the Control Room Attendant, will respond to the scene.
2. Take command from the Senior Subordinate Officer.
3. Establish a Temporary Command Post and assume the role of On Scene Commander.
4. Ensure all resources are effectively utilized to minimum loss of life and property.
5. Liaise with Control Room Attendant on the status of the operation and request further assistance if necessary.

NEW AMSTERDAM PRISON

PHASE 1

On receipt of any emergency call from the New Amsterdam Prison the control Room Attendant shall dispatch two (2) appliances to that location.

PHASE 2

On arrival at the address the first arriving appliance will be sited north of the main entrance (the only entrance) on Penitentiary Walk.

The second arriving appliance will either set into the hydrant on Vryheid road or use Republic (back dam) road trench, whichever is convenient at the time.

Once there is no fire, both appliance will standby with charged hose lines until further instructions are given.

ACTION OF THE SENIOR SUBORDINATE OFFICER OF RESPONDING CREW/S

1. On arrival, do a proper, thorough 'Size up' and site appliance/s appropriately considering the prevailing conditions.
2. Deploy crew/s to engage in rescue/ evacuation and fire fighting as required.
3. Relay all information to the Control Room on the status of the fire / emergency.

4. ~~Be in command of the operation, until relieved by a senior rank.~~

5. Ensure the safety of his crew members and equipment.

6. Liaise with senior members of the Service (Prison).

7. Must submit a report to the Chief Fire Officer through the Station Officer.

ACTION BY THE OFFICER IN CHARGE

1. On receipt of message from the Control Room Attendant, will respond to the scene.

2. Take command from the Senior Subordinate Officer.

3. Establish a Temporary Command Post and assume the role of On Scene Commander.

4. Ensure all resources are effectively utilized to minimum loss of life and property.

5. Liaise with Control Room Attendant on the status of the operation and request further assistance if necessary.

LUSIGNAN PRISON

Response (TurnOut)

Campbellville Fire Station

1 Appliance

Alberttown Fire Station

1 Appliance

Campbellville Fire Station

The appliance from this location on arrival at the scene will take up its position in the vicinity of the Main Gate. The crew will get to work from the tank supply and proceed with rescue and/ or fire fighting as the situation demands.

Alberttown Fire Station

This appliance will set in at the open water source which is located at the western side of the roadway and will work water relay system to the first appliance.

Contingency Operation

Should the appliance from Alberttown Fire Station be unavailable to respond, the appliance from Mahaica Fire Station will respond.

Mazaruni Prison

On discovering a Fire

1. The Fire Alarm should be sounded.
2. Prison Officials should be mobilized and take up responsibility with the new Emergency Plan. (evacuation, fire fighting)

Guyana Fire Service

The Officer in Charge of Bartica Fire Station will mobilize personnel and firefighting equipment (Light Pump/ Land Rover Tender etc) and proceed to Mazaruni Prison via a boat and take command with consultation with the Officer in Charge of the Prison and commence fire fighting from open water source (river).

In event additional resources are required, a team along with additional equipment will be mobilized from Central Fire Station to respond and with the assistance of the Guyana Defence Force Air Corps will be transported to the Location.