



# Bill Essentials

## The Strategic Services Agency (Amendment) Bill, 2016

An Act to amend the Strategic Services Agencies Act, Chap. 15:06 by expanding the functions of the Strategic Services Agency.

11th Parliament

Introduced in: the House of Representative  
Introduced on: March 11, 2016  
Introduced by: Attorney General Faris Al- Rawi

## BACKGROUND

The Strategic Services Agency (the Agency) was established by **Act No. 24 of 1995** (now Chap 15:06)<sup>1</sup>. Pursant to **Section 6 (1) (a)** of the **Strategic Services Agency Act, Chap 15:06**, the Agency was charged with the responsibility of *inter alia*, centralising information that could facilitate in the detection and prevention of illicit traffic in narcotic drugs, psychotropic<sup>2</sup> substances and precursor chemicals<sup>3</sup>.

**Section 6 (1)** of the Strategic Services Act states that the main functions of the Agency are to:

- a) *act as an office for centralising information that could facilitate the detection and prevention of illicit traffic in narcotic drugs, psychotropic substances and precursor chemicals, for co-ordinating operations for the suppression of illicit drug trafficking and drug-related matters and for co-operating with the Services or the corresponding Services of other countries;*
- b) *develop strategic intelligence and make recommendations to Government on the formation of policies in relation to counter narcotics matters;*
- c) *prepare drug interdiction strategy and stimulate action towards and monitor the implementation of the agreed strategy;*
- d) *on policy formation in respect of the development of human resources engaged in counter drug trafficking activities and maintain an inventory of all training undertaken and seek to identify opportunities for training;*
- e) *disseminate information and intelligence to the appropriate Services;*
- f) *provide intelligence and analytical support for the appropriate operational and intelligence arms of the appropriate Services;*
- g) *assist in identifying sophisticated drug-related criminal activity and those who engage in it;*
- h) *help the law enforcement effort by identifying links between individuals and organisations involved in the drug trade;*

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<sup>1</sup> [http://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/15.06.pdf](http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/15.06.pdf)

<sup>2</sup> Psychotropic substances or psychoactive drugs are drugs that such as amphetamine-type stimulants, barbiturates, benzodiazepines, and psychedelics. These drugs possess an agent that provides pleasure or ameliorates pain, and may cause physical dependence.

<sup>3</sup> Precursor chemicals are substances that are necessary inputs in the production of legitimate commercial products which can be used in the manufacture of illegal drugs. For example, acetic anhydride which is used in the manufacturing of perfume is also used as the acetylating agent in the production of heroin.

- i) provide strategic intelligence to assist and promote the efficient and effective use of operational resources so as to enable the development of law enforcement strategies;*
- j) identify new trends in, and patterns of drug-related criminal activity;*
- k) provide a nucleus of specialist intelligence personnel who are able to advise and assist investigating officers concerning operational priorities and deployment of resources;*
- l) establish channels of communication with domestic and overseas Services and provide a national focal point for the promotion and exchange of information and intelligence about organised drug-related crime and major criminals in the drug trade;*
- m) do all such things as are incidental or conducive to the attainment of the objectives of the Agency*

## Purpose of the Bill

The Strategic Services Agency (Amendment) Bill, 2016 seeks to expand the remit of the Strategic Services Agency by including broader law enforcement coordination and intelligence functions. Clause 3 of the Bill broadens the scope and functions of the Strategic Service Agency by including an expansive definition for serious crimes. The following areas are now under the remit of the Agency:

- Offences related to homicide;
- Treason;
- Terrorist acts;
- Terrorist financing;
- Cybercrime;
- Chemical, biological and nuclear weapons;
- Money laundering;
- Weapons of mass destruction;
- Trafficking in children & persons;
- Gangs;
- Illicit trafficking in narcotic drugs, psychotropic substances and precursor chemicals;
- Corruption;
- Offences which carry a penalty of not less than 5 year's imprisonment;
- Firearms and ammunition; and
- Smuggling.

## KEY FEATURES OF THE PROPOSED LEGISLATION

### Broadened definition of key terms

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- The Strategic Services Agency (Amendment) Bill, 2016 amends **Section 2** of the **Strategic Services Agency Act, Chap 15:06**, by deleting the definition of drug trafficking and including definitions for ammunition, firearms and prohibited weapons in accordance with **Section 2** of the **Firearms Act, Chap 16:01**<sup>4</sup>, definitions for trafficking of persons and children in accordance with **Section 3** of the **Trafficking of Persons Act, Chap 12:01**<sup>5</sup> and definitions for serious crime and crime prevention.
  
- **Section 2 of the Firearms Act (supra)**, defines ammunition as follows:
  - “Ammunition” means—*
  - (a) ammunition for any firearm of any kind;*
  - (b) every shell, cartridge case, bomb, hand grenade, bullet or like missile, whether containing any explosive or gas or chemical or not, and whether intended to be discharged from or by any gun or other propelling or releasing instrument or mechanism or not, except missiles which can be used only for the purpose of extinguishing fires;*
  - (c) every part of any such shell, cartridge case, bomb, hand grenade, bullet or missile, whether such shell, cartridge case, bomb, hand grenade, bullet or missile may have been completely formed at any time or not;*
  - (d) every fuse, percussion cap, or priming cap, adapted, or prepared for the purpose of causing the propulsion of or exploding any shell, bomb, hand grenade, bullet or other projectile;*
  - (e) every bullet clip or cartridge clip; any explosive when enclosed in any case or contrivance adapted or prepared so as to form a cartridge, charge or complete round for any firearm or any other weapon, or to form any tube for firing explosives, or to form a*

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<sup>4</sup> [http://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/16.01.pdf](http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/16.01.pdf)

<sup>5</sup> [http://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/12.10.pdf](http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/12.10.pdf)

*detonator, or a projectile, which can be used (whether singly or in suitable combinations) as, or in connection with, a missile;*  
(f) *everything declared by Order of the President to be ammunition;*

- **Section 2 of the Firearms Act** (*supra*) defines “firearm” as follows:  
*“Firearm means any lethal barrelled weapon from which ammunition can be discharged or any prohibited weapon, and includes any component part of any such weapon and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon, but does not include any air rifle, air gun, or air pistol, of a type prescribed by Order made by the President and of a calibre so prescribed.”*
- **Section 3 of the Trafficking in Persons Act** (*supra*) defines “trafficking in children” as follows:  
*“Trafficking in children means the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation, irrespective of the means used so long as the purpose is the exploitation of the child.”*
- **Section 3 of the Trafficking in Persons Act** (*supra*), defines “trafficking in persons” as follows:  
*“Trafficking in persons means the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power, the abuse of a position of vulnerability or the giving or receiving of payment or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”*
- The Bill also proposes a wide definition of serious crime. “Serious crime” is now defined in Clause 3 as follows:  
*“Serious crime includes offences related to homicide, treason, terrorist acts, terrorist financing, hijacking, kidnapping, trafficking in persons, trafficking in children, gangs, illicit trafficking in narcotic drugs, psychotropic substances and precursor chemicals, dangerous drugs,*

*corruption, money laundering, smuggling, terrorist acts, terrorist financing, arms and ammunition, chemical, biological and nuclear weapons and weapons of mass destruction, cybercrime, transnational crime or any offence which carries a penalty of not less than five years' imprisonment."*

- The Bill defines crime prevention as follows:

*"Crime prevention means combating serious crime."*

## Maintenance of a database of persons involved in Serious Crime

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- Previously, the Agency was responsible for maintaining a database of manufacturers and suppliers of precursor chemicals and other substances and articles used in illegal production of drugs in Trinidad and Tobago and internationally. The Agency was also charged with maintaining a record of any import, export or intransit movement of such precursor chemicals or other substances or articles: **Section 6 (2) (h)** of the **Strategic Services Agency Act**.
- Pursuant to Clause 4 (b)(xiii) of the Bill, the Agency will now be charged with the responsibility for maintaining databases of persons involved in "serious crimes" as defined in Clause 3.

## Funding and resources of the Agency

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- At present, the Agency received its funding from:
  - i. monies allocated by Parliament;
  - ii. monies received by the Agency as a result of any contribution Trinidad and Tobago made to any international endeavours to forfeit assets of a drug trafficker; and
  - iii. donations or gifts to the Government of Trinidad and Tobago by other governments to assist in drug interdiction: **Section 9 of the Strategic Services Agency Act**.

- The Bill proposes the inclusion of another source of funding, namely, monies received from the Seized Assets Fund established under **Section 58** of the **Proceeds of Crime Act, Chap 11:27**. In accordance with **Section 58A** of the **Proceeds of Crime Act**, the Fund is comprised of the following:
  - i. any monies paid in satisfaction of a confiscation under this Act;
  - ii. cash forfeited under this Act;
  - iii. proceeds of the sale of forfeited real property under section 58B;
  - iv. proceeds of the sale of forfeited personal property under section 58C;
  - v. proceeds of the sale of forfeited property under section 58D to which Trinidad and Tobago is entitled pursuant to any reciprocal agreement;
  - vi. the proceeds of any charging order under this Act;
  - vii. cash or the proceeds of the sale of any property real or personal forfeited to the State under Part VIII of the Anti-Terrorism Act; and
  - viii. proceeds of the sale of any property or benefit forfeited to the State under section 24 of the Trafficking in Persons Act.
  
- The Bill expands the category of donors and the purpose of the donations or gifts given to the Government of Trinidad and Tobago under **Section 9 (c) of the Strategic Services Agency Act**. It now includes donations or gifts for assistance given by regional and international bodies for assisting in the prevention of crime. Under the Bill, prevention of crime means combating serious crime. Serious crime now includes a myriad of offences mentioned above.

## Legislation Mentioned in the Bill

- Firearms Act, Chap 16:01  
[http://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/16.01.pdf](http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/16.01.pdf)
- Trafficking in Persons Act, Chap 12:01  
[http://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/12.10.pdf](http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/12.10.pdf)
- Proceeds of Crime Act, Chap 11:07  
[http://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/11.27.pdf](http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/11.27.pdf)

## Reference Material

### Articles

- Project Document United Nations Development Programme- Detective Control and Monitoring of precursor chemicals in Trinidad and Tobago.  
<http://www.undp.org.tt/governance/Signed%20pre%20cursor%20project%20document%20and%20cost%20sharing%20agreement.pdf>

### Other Useful References

- More Powers for SSA-Newsday (March 11, 2016)  
<http://www.newsday.co.tt/news/0,225159.html>
- Serious Crimes Database Soon-Newsday (March 12, 2016)  
<http://www.newsday.co.tt/news/0,225207.html>
- Politicians court confusion over SSA, SIA-Newsday (December 12, 2010)  
[http://newsday.co.tt/sunday\\_special\\_report/0,132350.html](http://newsday.co.tt/sunday_special_report/0,132350.html)



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