

EXPLANATORY NOTE

SUPPRESSION OF ESCALATED CRIME (POLICE POWERS) BILL

1. The Bill for consideration is the Suppression of Escalated Crime (Police Powers) Bill (the Bill).
2. The main purpose of the Bill is to provide police officers with additional powers for the suppression of escalated crime.
3. In the Preliminary part of the Bill, clause 1 of the Bill provides for the short title and in clause 2 of the Bill various terms are defined for the purposes of the Bill. The clause therefore contains definitions for the phrases “escalated crime”, “escalated crime area” and “serious offence”. Clause 3 of the Bill (Application of this Act) provides that the Bill applies to a police officer in the execution of his or her functions for the suppression of crime in an escalated crime area designated under the Bill. Additionally, clause 4 of the Bill (Purpose) provides that the purposes of the Bill are to: establish a framework to protect the public order, public safety and economic stability of Saint Lucia; suppress or otherwise deal effectively with escalated crime within an area in Saint Lucia; and strengthen the capacity of the Royal Saint Lucia Police Force to deal with escalated crime in Saint Lucia.
4. Part I of the Bill (Designation of an Escalated Crime Area), provides for the designation of an escalated crime area by an Order made by the Minister responsible for national security in clause 5 of the Bill and for the contents of an Order for designation of an escalated crime in clause 6 of the Bill.
5. Part II of the Bill (Police Powers for Suppression of Escalated Crime) consists of clauses 7 to 14. The power to stop a person is provided to a police officer under

clause 7 of the Bill, the power to block a road and set up a cordon is provided under clause 8 of the Bill and the power to require removal of a vehicle or other article is provided under clause 9 of the Bill. Other powers provided to a police officer in the Bill are: the power to access land or a building in clause 10 of the Bill; the power to close premises in clause 11 of the Bill; the power to give directions for control of firearms, ammunition and explosives in clause 12 of the Bill and the power to control places of public resort and entertainment in clause 13 of the Bill. A police officer is protected from an action, suit, prosecution or other proceedings under clause 14 of the Bill.

6. Part III of the Bill (Offences for the Suppression of Escalated Crime and Detention) provides in clause 15 for offences relating to public property; in clause 16 for the offence of trespass of public property; in clause 17 for offences with respect to roads and in clause 18 for an offence with respect to assault. The detention of a person who commits an offence under the Bill is provided for in clause 19 of the Bill.
7. Part IV of the Bill (Miscellaneous) provides in clause 20 of the Bill for the Minister responsible for national security to make arrangements with an outside security force. The penalty for offences committed under the Bill is provided for in clause 21 of the Bill. The Minister has the power to make Regulations under clause 22 of the Bill.

SAINT LUCIA

No. of 2023

ARRANGEMENT OF SECTIONS

Section

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SAINT LUCIA

No. of 2023

AN ACT to provide police officers with additional powers for the suppression of escalated crime and for related matters.

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BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the Suppression of Escalated Crime (Police Powers) Act, 2023.

Interpretation

2. In this Act —

“ammunition” has the meaning assigned under section 2 of the Firearms Act, Cap. 14.12;

“Chairperson” means the Chairperson of the Tribunal under section 22;

“escalated crime” means an action or omission that constitutes an offence and is punishable by law that —

(a) causes substantial deaths, widespread fear and panic and interrupts business activity in a particular area;

(b) constitutes a serious offence in a particular area;
and

(c) disrupts the peace, protection of life and property of individuals;

“escalated crime area” mean an area designated under section 5;

“firearm” has the meaning assigned under section 2 of the Firearms Act, Cap. 14.12;

“Force” has the meaning assigned under the Police Act, Cap. 14.01;

“Minister” means the Minister responsible for national security;

“police officer” has the meaning assigned under the Police Act, Cap. 14.01;

“serious offence” means —

(a) an offence under the Anti-Gang Act, Cap. 3.18;

(b) an offence under the Drugs (Prevention of Misuse) Act, Cap. 3.02;

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- (c) an offence under the Firearms Act, Cap.14.12;
 - (d) an offence against the person under Chapter 2 of the Criminal Code, Cap. 3.01;
 - (e) an offence under the Public Order Act, Cap. 14.05;
- “vehicle” includes any description of carriage or other artificial contrivance used, or capable of being used, as transportation on land or sea.

Application of this Act

3. Without prejudice to the Police Act, Cap. 14.01 and the Criminal Code Cap. 3.01, this Act applies to a police officer in the execution of his or her functions for the suppression of escalated crime in an escalated crime area.

Purpose

4. The purposes of this Act are to —
- (a) establish a framework to protect the public order, public safety and economic stability of Saint Lucia;
 - (b) suppress or otherwise deal effectively with escalated crime within an area in Saint Lucia;
 - (c) strengthen the capacity of the Force to deal with escalated crime in Saint Lucia.

PART I
DESIGNATION OF AN ESCALATED CRIME AREA

Designation of an escalated crime area

5. The Minister may, by Order published in the *Gazette*, designate an area as an escalated crime area if there is escalated crime in that area.

Order for designation of an escalated crime area

6. An Order under section 5 must contain —

- (a) a description of the boundaries of the area to be designated an escalated crime area;
- (b) the police powers specified under Part II that may be exercised by a police officer in the escalated crime area;
- (c) the applicable period for which a police officer may exercise the police powers specified in the Order.

PART II
POLICE POWERS FOR SUPPRESSION
OF ESCALATED CRIME

Power to stop a person

7.—(1) A person, whether within or outside an escalated crime area, shall stop if required to stop by a police officer.

(2) A person who contravenes subsection (1) commits an offence.

Power to block road and set up cordon

8.—(1) A police officer may, within an escalated crime area —

- (a) divert a user of the road or stop up any road, pathway or cause a cordon to be set up to surround an area, place or premises to prohibit or regulate access to or egress from the area, place or premises;
- (b) for a period, not exceeding three days —
 - (i) prohibit the use of any road or pathway by persons or vehicles in general, or
 - (ii) cause a cordon to be set up to surround any area, place or premises so as to prohibit or regulate access to or egress from the area, place or premises.

(2) Where a police officer takes action under subsection (1), he or she shall —

- (a) inform the public, in the best manner possible, of the action taken;

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- (b) immediately take steps, by the posting up of a notice or by the stationing of guards at appropriate points, to notify members of the public of the effect of the action taken and of the time when any prohibition or regulation implicit in such action expire;
- (c) if a road or pathway is stopped up by means of a physical obstruction, cause lights, sufficient for warning the users of the road, to be set up every night while the road or pathway is so stopped up.

(3) Where the use of any road or pathway is prohibited to any particular person or vehicle under subsection (1)(b)(i), the police officer by whom the prohibition is issued, shall take such steps as may be necessary to inform the persons or the driver of the vehicle of the prohibition.

(4) Where the use of a road or pathway is prohibited or a cordon is set up around an area, place or premises under this section, a person who, without the permission, whether oral or written, of a police officer, after being challenged commits an offence if he or she —

- (a) enters or departs from that area, place or premises or attempts to enter or depart from that area, place or premises;
- (b) removes any sign, instrument light or other object to inform another person of the prohibition or cordon.

Power to require removal of vehicle or other article

9.—(1) A police officer shall, if he or she considers it necessary or expedient so to do within an escalated crime area, immediately have removed, any vehicle or article of any description within any area to some point outside that area.

(2) Where a police officer is satisfied that it is necessary or expedient to take action under subsection (1), he or she may direct, orally or in writing, a person having or appearing to have control of any craft, vehicle, firearm, ammunition, explosive or inflammable substance, liquid or gas, detonator, petroleum product, dangerous drug or intoxicating liquor, immediately, to remove the vehicle or other articles to a place, being a place within a radius of ten miles of

the place at which such thing is at the time of the direction, as may be specified by the person by whom the direction is given.

Power to access land or building

10.—(1) A police officer who has reason to believe that a criminal offence was committed, is likely to be committed or is being committed on land or in a building within an escalated crime area, shall have the right of access to the land or building.

(2) In accessing land or a building under subsection (1), a police officer may enter into and remain in occupation of the land or building for a period as he or she thinks fit.

Power to close premises

11.—(1) Where it appears to a police officer above the rank of inspector, that any premises within an escalated crime area are being used, have been used or are intended to be used for a purpose or in any manner prejudicial to the interest of public safety or public order, the police officer may, by notice, in writing, require the premises to be closed and remain closed until further notice or for a period, not in excess of forty-eight hours.

(2) Where premises are required to be closed for a period in excess of forty-eight hours, such action may only be taken and a notice to this effect issued by a police officer above the rank of inspector.

(3) A notice under this section must be published by posting a copy of the notice on the premises affected by the notice and after it is posted, the notice shall remain in full force and effect until revoked or until the period specified in the notice has expired, notwithstanding that the copy of the notice has been destroyed, obliterated or defaced.

(4) A certificate under the hand of a police officer to the effect that he or she is satisfied that a copy of the notice has been posted under subsection (3) shall be admitted in evidence as conclusive proof of the posting of the copy on those premises.

(5) When a notice has been made under this section, a police officer may, without prejudice to any proceedings which may be taken against any person for contravening the notice, take such steps and use such force as may be reasonably necessary to ensure compliance with the notice.

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(6) Any person, other than a police officer, who, while a notice under this section is in force, enters or attempts to enter or is found on any premises affected by the notice, commits an offence.

(7) For the purposes of this section, “premises” includes a dwelling house, provided that, in the case of a dwelling house, a notice shall not be made under this section —

- (a) except with the approval of the Commissioner of Police; and
- (b) unless an enquiry into the fact and circumstances giving rise to such notice has been held by the police officer who proposes to make the notice.

(8) In holding an enquiry under subsection (7), the police officer shall satisfy himself or herself that the persons living in the dwelling house are given adequate opportunity to understand the subject matter of the enquiry and of making representations, and subject, such enquiry shall be conducted in such manner as the police officer thinks fit.

(9) A written report of any enquiry under this section shall be submitted to the Minister as soon as possible after the completion of the report and shall contain a certificate by the police officer that the requirements of this section have been complied with.

Power to give directions for control of firearms, ammunition and explosives

12.—(1) A police officer above the rank of inspector may, by giving a direction, provide for prohibiting, absolutely or conditionally, the possession of any firearm or any ammunition or explosive, within the escalated crime area.

(2) A direction under subsection (1) may require the removal of the firearm, ammunition or explosive to a place as may be specified in the directions.

(3) A person who has in his or her possession or under his or her control any firearm or any ammunition or explosive shall comply with a direction for securing the safe custody of the firearm, ammunition or explosives under subsection (1).

(4) Where a direction given under subsection (1) is not complied with, then, without prejudice to any proceedings which may be taken

in respect of an escalated crime, the police officer above the rank of inspector may cause the firearm, ammunition or explosives to which the directions relate to be dealt with in such manner as may be necessary for securing compliance with the directions.

Power to control places of public resort and entertainment

13.—(1) A police officer above the rank of inspector may, by notice, in writing, require an establishment situated within the escalated crime area specified in the notice to be closed and remain closed, during specified hours, not exceeding forty-eight hours, and for a purpose as specified in the notice.

(2) Where an establishment is required to be closed for a period in excess of forty-eight hours, action may only be taken and a notice to this effect issued by a police officer under subsection (1).

(3) A notice under subsection (1) must be published by posting a copy of the notice on the establishment affected by the notice and after it is posted, the notice shall remain in full force and effect until revoked or until the period specified in the notice has expired, notwithstanding that the copy of the notice has been destroyed, obliterated or defaced.

(4) A person who contravenes subsection (1) commits an offence.

(5) Where the provisions of this section are contravened by any person in any establishment, that person and the manager or the person in charge of that establishment shall be deemed to have also contravened the provisions this section, unless that person proves to the satisfaction of the Court that he or she took all reasonable means and precaution to prevent such contravention.

(6) A contravention of this section, may, in addition to any other penalty provided by this Act, result in the cancellation of a licence issued in respect of the establishment concerned, under any enactment, including licenses relating to the sale of intoxicating liquor by retail.

(7) In this section, “establishment” means any bar whether within a hotel or not, a night club, a cinematograph theatre, a club, tea shop, confectioner’s shop, restaurant, theatre, or any other place of public resort or entertainment.

Protection of police officers

14. No action, suit, prosecution or other proceeding shall be brought or instituted against a police officer, in respect of any act done in good faith, in the exercise or purported exercise of his or her functions for the public safety, restoration of order, or the preservation of the peace in an escalated crime area, or otherwise in the public interest.

PART III
OFFENCES FOR THE SUPPRESSION OF
ESCALATED CRIME AND DETENTION

Offence relating to public property

15.—(1) A person shall not, within an escalated crime area without lawful authority, destroy, damage, remove, tamper with, interfere with, or in any way, impair the utility or efficiency of, any building, structure, works, plant, machinery, equipment, apparatus, appliance, stores, vehicle, craft, animal or article, vested in, belonging to, or vested in any person in trust for, or used or occupied by or on behalf of Government or any Government Agency.

(2) A person who contravenes subsection (1) commits an offence.

Offence of trespass to public property

16.—(1) A person shall not, within an escalated crime area without lawful authority, enter, remain or be on or obstruct or impede access to or egress from any building, structure or works to which section 15 applies.

(2) A person who contravenes subsection (1) commits an offence.

Offence with respect to roads

17.—(1) A person shall not, within an escalated crime area without lawful authority, damage or obstruct or do any act which is likely to prevent or interfere with the use of any road or path.

(2) A person who contravenes subsection (1) commits an offence.

Offence with respect to assault

18.—(1) A person shall not within an escalated crime area assault, obstruct, hinder, resist or use any threatening, abusive or calumnious language or aid or incite any other person to assault, obstruct, hinder or resist a police officer in the execution of his or her duty under this Act.

(2) A person who contravenes subsection (1) commits an offence.

Detention of persons

19.—(1) A police officer may detain a person if he or she reasonably suspects that the person is committing, has committed or is about to commit, or has been involved in the preparation, instigation or facilitation of an escalated crime or an offence under this Act.

(2) A person detained under subsection (1) shall be detained in such place, whether within or outside of the escalated crime area and for a period not exceeding seventy-two hours, as authorized by the Commissioner of Police.

(3) An ex parte application may be made to a judge to detain the person and extend the period of detention authorized by the Commissioner of Police under subsection (2).

(4) A judge may, on an ex parte application made under subsection (3), order the Commissioner of Police to release the person from detention, subject to any of the following conditions, as the judge thinks fit, being conditions issued in written directions to that person —

- (a) imposing on such person such restrictions as may be specified in respect of —
 - (i) his or her place of residence, and
 - (ii) his or her association or communication with other persons;
- (b) prohibiting such person from being out of doors between such hours as may be so specified except with the authority of a written permit granted by the Commissioner of Police;
- (c) prohibiting or restricting the possession or use by such person of any articles so specified;
- (d) requiring such person to notify of his or her movements

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in such manner, at such times and to the Commissioner of Police;

- (e) prohibiting such person from proceeding beyond such distance from his place of residence as may be so specified, except with the authority of a written permit granted by the Commissioner of Police,

and the Commissioner of Police may, in writing, issued to the person revoke or vary any such direction.

(5) A person who fails to comply with a condition attached to or restriction imposed by a direction given under subsection (4), whether or not the direction is revoked in consequence of the failure, commits an offence.

(6) For the avoidance of doubt, the powers exercisable under this Act are exercisable in respect of a person detained at a place outside of the escalated crime area, and while being transported to or from any such place, under subsection (4), as if the person were located in the escalated crime area.

(7) In selecting a place of detention for the purposes of subsection (4), the matters to which the Commissioner of Police, may have regard include —

- (a) the physical accommodations, for the detention, available in the escalated crime area; and
- (b) the likelihood of further prejudice to public safety or public order if the person is detained in the escalated crime area.

PART IV MISCELLANEOUS

Arrangement with outside security force

20.—(1) For the suppression of escalated crime, the Minister may make an arrangement with security forces outside Saint Lucia.

(2) A security force engaged under subsection (1) is deemed to have the requisite powers under this Act.

Penalty

- 21.** A person who commits an offence under this Act is liable —
- (a) on summary conviction, to a fine not exceeding fifty thousand dollars or to imprisonment for a term of imprisonment not exceeding fifteen years or to both; or
 - (b) on conviction on indictment for a term not exceeding twenty-five years.

Regulations

22.—(1) The Minister may make Regulations for giving effect to this Act.

(2) Regulations made under subsection (1) may provide in respect of a breach of the Regulations for the imposition of a penalty —

- (a) on summary conviction, to a fine not exceeding fifty thousand dollars or to imprisonment for a term of imprisonment not exceeding fifteen years or to both; or
- (b) on conviction on indictment for a term not exceeding twenty-five years.

Passed in the House of Assembly this day of , 2023.

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Speaker of the House of Assembly.

Passed in the Senate this day of , 2023.

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President of the Senate.