



PARLIAMENT
REPUBLIC OF TRINIDAD AND TOBAGO

**TENTH PARLIAMENT
[2011/2012 SESSION]**

FOURTH REPORT

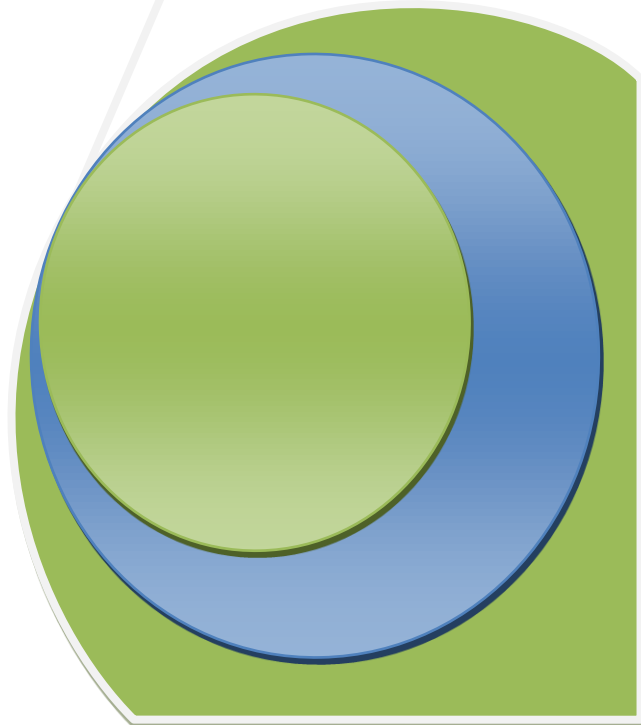
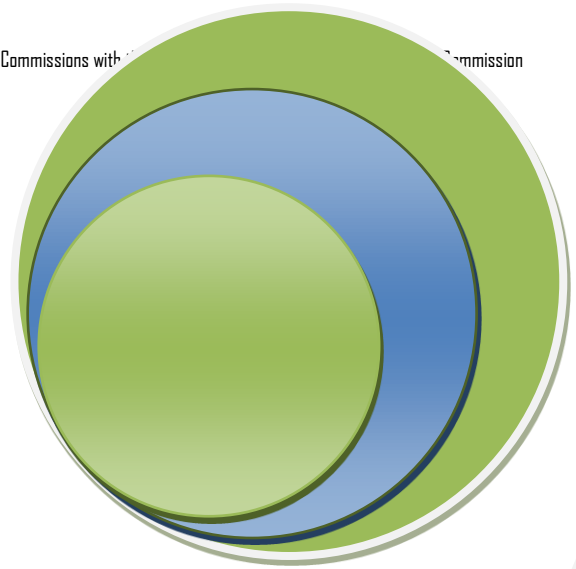
of the

JOINT SELECT COMMITTEE APPOINTED TO
INQUIRE AND REPORT ON MUNICIPAL
CORPORATIONS AND SERVICE COMMISSIONS
WITH THE EXCEPTION OF THE JUDICIAL AND
LEGAL SERVICE COMMISSION

**RE-EVALUATION OF THE EFFICIENCY
AND EFFECTIVENESS OF THE POLICE
SERVICE COMMISSION WITH SPECIFIC
FOCUS ON THE PERFORMANCE OF
THE COMMISSIONER OF POLICE AND
DEPUTY COMMISSIONERS OF POLICE**

*Together with the Minutes of Proceedings
and Notes of Evidence*

Ordered to be printed by the Houses



**JOINT SELECT COMMITTEE APPOINTED TO INQUIRE INTO AND
REPORT TO PARLIAMENT ON MUNICIPAL CORPORATIONS AND
SERVICE COMMISSIONS WITH THE EXCEPTION OF THE JUDICIAL AND
LEGAL SERVICE COMMISSION**

Fourth Report

Re-evaluation of the Efficiency and Effectiveness of the Police Service Commission with specific focus on the performance of the Commissioner of Police and the Deputy Commissioners of Police

DATE LAID: H.o.R.: _____

Senate: _____

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Executive Summary

The Fourth Report of the Joint Select Committee of Parliament appointed to inquire into and report on Municipal Corporations and Service Commissions with the exception of the Judicial and Legal Service Commission based on a re-evaluation the Police Service Commission with specific focus on the Commissioner of Police.

Chapter 1 of the Report details the mandate and powers of the Committee in accordance with section 66A of the Constitution of the Republic of Trinidad and Tobago and the mode of operations

Chapter 2 of the Report gives an overview of the Police Service Commission, reason for the reevaluation, major areas of focus, the inquiry objectives, the conduct of the inquiry and list the officials who appeared before the Committee to give oral evidence.

Chapter 3 of the Report gives the evidence garnered by the Committee

Chapter 4 of the Report outlines the recommendations proposed by the Committee and gives the conclusion of the evaluation.

Chapter 1

1.1 The Committee

(a) Mandate

Section 66 of the Constitution of Trinidad and Tobago declares, that not later than three months after the first meeting of the House of Representatives, the Parliament shall appoint Joint Select Committees to inquire into and report to both Houses in respect of Government Ministries, Municipal Corporations, Statutory Authorities, State Enterprises and Service Commissions, in relation to their administration, the manner of exercise of their powers, their methods of functioning and any criteria adopted by them in the exercise of their powers and functions.

Motions related to this purpose were passed in the House of Representatives and Senate on September 17, 2010 and October 12, 2010, respectively, and thereby established, inter alia, the *Joint Select Committee to inquire into and report to Parliament on Ministries with responsibility for the business set out in the Schedule as Group 2, and on the Statutory Authorities and State Enterprises falling under their purview with regard to their administration, the manner of exercise of their powers, their methods of functioning and any criteria adopted by them in the exercise of their powers and functions.*

The entities which fall under the purview of your Committee are attached as **Appendix I**.

(b) Powers

Standing Orders 71B of the Senate and 79B of the House of Representatives delineate the core powers of the Committee which include *inter alia*:

- to send for persons, papers and records;
- to adjourn from place to place;
- to appoint specialist advisers either to supply information which is not otherwise readily available or to elucidate matters of complexity within the Committee's order of reference; and
- to communicate with any other Committee of Parliament on matters of common interest.

(c) Membership

The following are the Members of the Committee:

- Mr. Subhas Ramkhelawan - Chairman
- Mr. Elton Prescott, SC - Vice Chairman
- Brig. John Sandy
- Mr. David Abdulah
- Ms. Shamfa Cudjoe
- Mrs. Vernella Alleyne-Toppin, MP
- Mr. Chandresh Sharma, MP
- Mr. Rodger Samuel, MP
- Mr. Prakash Ramadhar, MP
- Ms. Marlene McDonald, MP
- Mrs. Joanne Thomas, MP
- Mr. Devant Maharaj

(d) Staffing and Support

Secretarial assistance was provided by the following officers:

- Mrs. Jacqueline Phillip-Stoute - Secretary
- Ms. Candice Skerrette - Assistant Secretary
- Ms. Indira Binda - Graduate Research Assistant

1.2 Minister's Response

This Report is subject to Standing Orders 71(B)(13) of the Senate and 79(B) (13) of the House of Representatives which state:

“(13) The Minister responsible for the Ministry/Body under review shall, not later than sixty days after a report from a Joint Select Committee, relating to the Ministry/Body, has been laid upon the Table, present a paper to the House responding to any recommendations/comments contained in the report which are addressed to it.”

The sixty-day period commences on the date of tabling.

Chapter 2

Background

In the First Session of the Tenth Parliament the Committee examined the efficiency and effectiveness of the Police Service Commission at a public hearing held on March 25, 2011 with Officials from the Commission. As a result of the hearing, the Committee requested additional information from the Commission. The following submissions were made to the Committee:

- Response to the Joint Select Committee questions
- Summary of Resources required by the Police Service Commission
- Parameters for monitoring the efficiency and effectiveness of the Commissioner of Police and the Deputy Commissioners of Police of Trinidad and Tobago

In 2012 in accordance with its mandate and powers established in section 123 of the Constitution of Trinidad and Tobago, the Police Service Commission undertook for the first time an appraisal for the Commissioner of Police, the results of which received widespread media publicity.

In accordance with the amended section 123 of the Constitution, the Police Service Commission is mandated for the following:

- (a) the appointment of persons to hold or act in the office of Commissioner and Deputy Commissioner of Police;*
- (b) appointments on promotion and confirmation of appointments;*
- (c) the removal from office and exercise of disciplinary control over persons holding or acting in the offices specified in paragraph (a);*
- (d) monitoring the efficiency and effectiveness of the discharge of their functions of those mentioned at sub-paragraph (a) above;*
- (e) the preparation of an annual performance appraisal report on those mentioned at sub-paragraph (a) above*

Subsequently, the Annual Report of the Police Service Commission for 2009-2010 was laid in the House of Representatives on November 09, 2011 and the Senate on November 15, 2011. This prompted the reexamination of the Police Service Commission.

As such the Committee agreed that the re-evaluation of the Commission should be undertaken and a public inquiry hearing was scheduled for February 24, 2012 to examine the Police Service Commission and its performance appraisal of the Commissioner of Police and Deputy Commissioners of Police.

Major area of focus

The Committee again focused on the Police Service Commission however, specific attention was placed on the efficiency and effectiveness of the performance of the Commissioner of Police and Deputy Commissioners of Police.

Inquiry Objectives

Your Committee identified the following as the objectives of the examination: -

- The processes for monitoring the efficiency and effectiveness of the Commissioner of Police and the Deputy Commissioners of Police;
- The procedures to monitor the performance of the Commissioner of Police and the Deputy Commissioners of Police;
- The parameters for monitoring the efficiency and effectiveness of the Commissioner of Police and the Deputy Commissioners of Police;
- Measureable guidelines for the conduct of the Commissioner of Police ;
- The evaluation parameters for the Commissioner of Police and the Deputy Commissioners of Police; and
- Mechanics of the appraisal process

Conduct of the Inquiry

A public hearing was conducted with representatives of the Police Service Commission on Friday February 24, 2012.

Prior to the meeting, written responses were requested from the Commission, in keeping with the inquiry objectives. These responses were received and thus provided the source for questions asked during the hearing.

The Police Service Commission was represented by:

Professor Ramesh Deosaran	-	Chairman
Mr. Addison Khan	-	Member
Mr. Kenneth Parker	-	Member
Mrs. Jacqueline Cheesman	-	Member
Mr. Martin George	-	Member
Dr. Kerry Sumesar-Rai	-	Director, Monitoring, Evaluation and Education
Mr. Alfred Gray	-	Assistant Director Research and Evaluation
Mrs. Dawn Harding	-	Director of Personnel Administration (Ag.) Service Commissions Department
Ms. Anastacius Veronica Creed	-	Deputy Director, Personnel Administration
Mr. Anthony Samuel	-	Assistant Director Public Education
Mrs. Satie Maniram	-	Assistant Director Audit
Mr. Martin Samuel	-	Junior Legal Officer
Mrs. Ann Marie Andrews	-	Senior Human Resource Advisor (Secretary)

The Minutes of the Meeting of this inquiry are attached as **Appendix 2**. The Notes of Evidence are at **Appendix 3**.

The draft of this Report was considered and approved at the meeting held on Friday November 23, 2012.

Chapter 3

Evidence

The efficiency and effectiveness of the Commissioner of Police and the Deputy Commissioners of Police are essentially informed by the performance of the Police Service as a whole. The Monitoring function must therefore involve assessment and appraisal of policy compliance, evaluation of the use of required resources and ultimately provide recommendations/suggestions.

Preparation of an Annual Performance Appraisal Report

The parameters for benchmarking were developed and approved by the former Commission in collaboration with the then Acting Commissioner of Police. A first draft of the Annual Performance Appraisal Report was also considered by the former Commission and certain revisions were recommended before the document could be forwarded to the then Acting Commissioner of Police for his input.

However, the new Commission after reviewing the revised report felt that some work was still needed to complete it. It therefore established a three (3) member team to produce a revised version. This exercise was expected to be completed in 2011.

Programmatic Content of the bi-annual and special report

The formats of the Periodic/Semi-annual and Special Report which the CoP is required to submit to the Commission were approved by the former Commission in collaboration with the then Acting CoP.

Appraisal Format

The major categories of appraisal for the CoP were weighted as follows:

- Law enforcement (weighted 40%);
- Human resource management (weighted 20%);
- New strategic initiatives (weighted 15%); and
- The extent of public confidence in the police service (weighted 25%).

The weights for each of the above-mentioned categories were different for the Deputy CoPs as this was dependent on areas of responsibilities. For instance, a Deputy CoP with the responsibility for administration versus another with the responsibility for operations would have different weights.

The grading scale utilized was ‘excellent’, ‘very good’, ‘good’, ‘satisfactory’, ‘fair’, ‘unsatisfactory’ and ‘poor’.

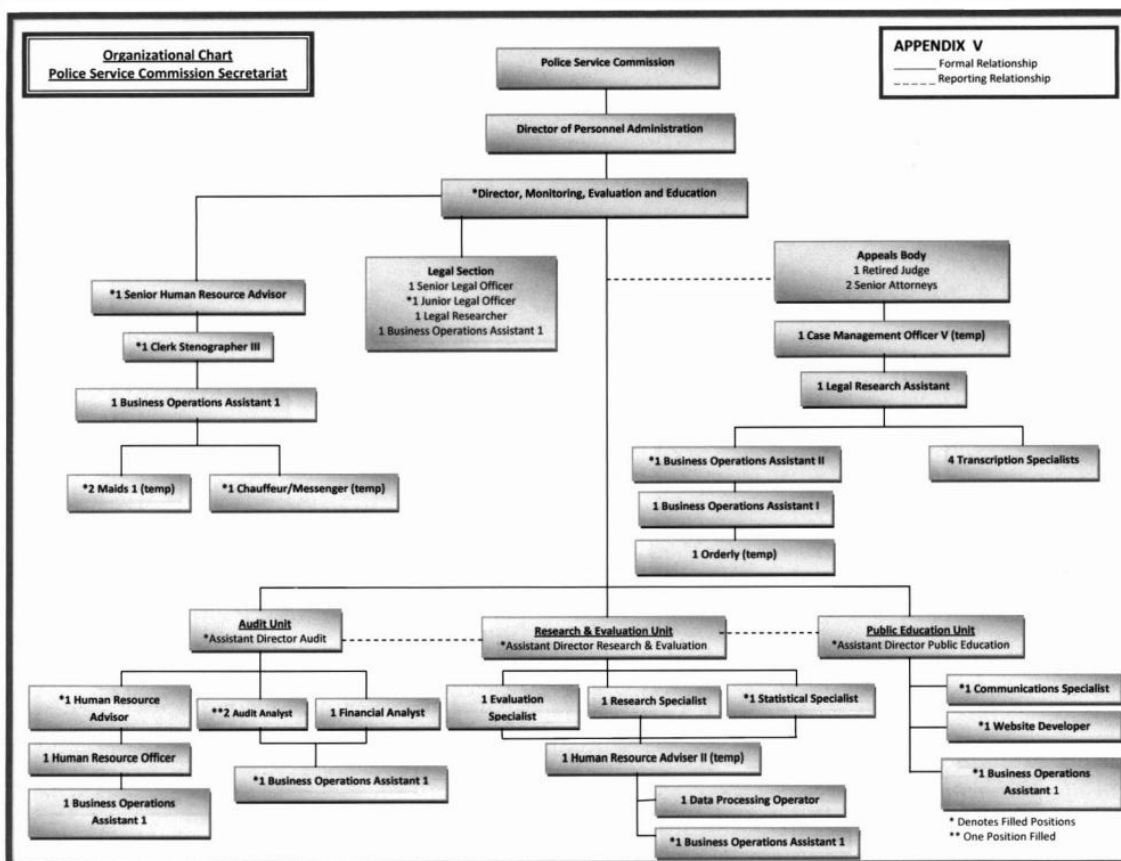
The areas, format of the appraisal process and the expected targets for each performance indicator were discussed with the CoP in a meeting during the month of July 2011.

Monitoring, Evaluation and Education

The Director of Monitoring, Evaluation and Education has the responsibility of carrying out ongoing enquiries, monitoring and evaluation. Submissions and inquiry reports are periodically made to the PSC. The technical officers are the Assistant Director of Audit who inspects the physical resources of the TTPS and the Director of Evaluation

Organizational Chart

See overleaf



The PSC continues to function to keep the balance between the executive requirements for proper governance and ensuring the executed duties of the CoP and Deputy CoPs are held accountable. As well, it acts as an oversight body to ensure management of the police service is done within constitutional parameters. In 2012 they held over thirty (30) formal meetings and other informal meetings. Although, the members of the PSC are part-time, the effective fulfillment of their mandate requires full-time working commitment.

The appraisal of the CoP and the Deputy CoPs are conducted on an ongoing basis. Evidence is also examined from letters and media editorials and this knowledge is put through an investigative validity process. In addition, scientific surveys were conducted within the police service on the level of satisfaction, enthusiasm and passion for the job.

The data gleaned for the first year (up to September 2011) of “provisional” appraisal revealed a “Fair” performance rating for the CoP. The term “passing grade” was a phraseology used by the press. The Deputy CoP with the responsibility for administration was rated as “Satisfactory” and

the Deputy CoP with the responsibility for operations was rated as “Fair.” The PSC agreed there would be not be any disciplinary actions taken as a result of the performance grades.

Evaluation in the area of leadership skills were assessed on the basis of interviews with the CoP as well as through a scientific survey with junior officers. The results of this evaluation revealed leadership skills that are “less than satisfactory.”

The hiring of a foreign CoP requires an incubation period to allow familiarization with the culture of the police service, the demography of Trinidad and Tobago and the legislative foundation that guide the operations of the TTPS. This was the reason proffered by the PSC for conducting a “provisional” appraisal of the CoP and Deputy CoP only on key areas rather than all areas of responsibility during the first year of employment.

The evaluation in the second year of office is expected to be a deeper analysis, inclusive of quarterly assessments and other areas such as budget management and fleet management. Thirteen (13) recommendations were communicated by the PSC in order to improve individual performance and the performance of the Police Service. In addition, benchmarks were given for the next appraisal cycle and the grades received now serve as a performance baseline for set targets.

An assessment report on the State of Emergency (SOE) is being compiled by the Director of Monitoring, Evaluation and Education. During the SOE intelligence was gathered in the area of crime statistics. The PSC did not request information from the CoP on the issue of arresting persons under the Anti-Gang Act, 2011 when it had not been proclaimed. Further, in terms of the appraisal process the SOE was not considered as it constituted only two (2) weeks of the appraisal period under consideration.

Enquiries were also made into the status of the 21st Century pilot project conducted in the Western Division. It was revealed that an evaluation report was not conducted on this project before it was expanded nationally.

The PSC has collaborated with the Police Complaints Authority in terms of supplying information for further investigation.

Challenges/Shortcomings/Constraints

Submission of documents in relation to the Police Service

The Commission indicated that requested submissions from the CoP have been unsatisfactory with respect to the waiting period for submission, the quality and quantity. For instance, information was requested on five (5) new strategic initiatives and information was only received on two (2) initiatives. In another instance, requested information of the SOE as well as information of the status of the investigation into Mr. Calder Hart is outstanding.

Requests for special reports

The special report received on the light sport aircraft by the PSC was unsatisfactory. Additional information was requested for the Commission's consideration.

Monitoring, Evaluation and Audit

These Units do not have the full complement of staff and this has resulted in focus being placed on a small volume of assignments. The PSC lacks an investigative unit and is constrained by the limited submission of documents from police stations for forensic audits.

Chapter 4

Recommendations & Conclusion

4.1 Recommendations

1. Increased resources should be allocated to the PSC in order to effectively monitor the management of resources at the disposal of the CoP;
2. Vacancies that have arisen in the Audit Unit and Research & Evaluation Unit should be considered as high priority as they are critical to the effective monitoring of the CoP and Deputy CoPs;
3. Legislative arrangements should be put in place in the event of the failure of the CoP to produce documents pertaining to financial, legal and personal matters in relation to the Police Service in a timely manner as well as the format of submission;
4. Legislation should be provided in the event of the failure of the CoP to submit a special report on any matter relating to the management of the Police Service in a timely manner as well as the format of submission;
5. Legislation should be provided to make members of the PSC full-time rather than part-time;
6. Strengthen legislation that empowers the PSC to request documents related to the management of the police service.

4.2 Conclusion

The challenges faced by the PSC would require legislative support to strengthen the effectiveness of the Commission in relation to responsiveness of the Commissioner of Police.

In addition, resource constraints of the PSC need to be addressed.

The Committee therefore respectfully submits its report for consideration.

sgd.
Mr. Subhas Ramkhelawan
Chairman

sgd.
Mr. Elton Prescott, S.C.
Vice-Chairman

sgd.
Mr. Devant Maharaj
Member

sgd.
Mr. Chandresh Sharma
Member

sgd.
Mrs. Vernella Alleyne-Toppin
Member

sgd.
Mrs. Joanne Thomas
Member

sgd.
Mr. Rodger Samuel
Member

sgd.
Ms. Shamfa Cudjoe
Member

sgd.
Mr. Prakash Ramadhar
Member

Ms. Marlene McDonald
Member

Brigadier John Sandy
Member

Mr. David Abdulah
Member

APPENDICES

**THE JOINT SELECT COMMITTEE APPOINTED TO INQUIRE INTO AND REPORT
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Appendix 1

Areas of Responsibility

Areas of responsibility:

- ✚ Police Service Commission
- ✚ Public Service Commission
- ✚ Statutory Authorities' Service Commission
- ✚ Teaching Service Commission
- ✚ Arima Borough Corporation
- ✚ Chaguanas Borough Corporation
- ✚ Couva/Tabaquite/Talparo Regional Corporation
- ✚ Diego Martin Regional Corporation
- ✚ Mayaro/Rio Claro Regional Corporation
- ✚ Penal/Debe Regional Corporation
- ✚ Point Fortin Borough Corporation
- ✚ Port of Spain City Corporation
- ✚ Princes Town Regional Corporation
- ✚ San Fernando City Corporation
- ✚ Sangre Grande Regional Corporation
- ✚ San Juan/Laventille Regional Corporation
- ✚ Siparia Regional Corporation
- ✚ Tunapuna/Piarco Regional Corporation

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Appendix 2

Minutes

MINUTES OF THE TWELFTH MEETING HELD IN THE ARNOLD THOMASOS ROOM WEST, LEVEL 6 AND THEREAFTER IN THE J. HAMILTON MAURICE ROOM, MEZZANINE FLOOR, OFFICE OF THE PARLIAMENT, TOWER D, THE PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF SPAIN ON FRIDAY FEBRUARY 24, 2012 AT 9:30 A.M.

Present were:

Mr. Subhas Ramkhelawan	-	Chairman
Mr. Elton Prescott, S.C.	-	Vice-Chairman
Mr. David Abdulah	-	Member
Mr. Devant Maharaj	-	Member
Ms. Shamfa Cudjoe	-	Member
Mr. Rodger Samuel	-	Member
Brig. John Sandy	-	Member
Mr. Chandresh Sharma	-	Member
Mrs. Vernella Alleyne-Toppin	-	Member
Mrs. Joanne Thomas	-	Member
Mr. Prakash Ramadhar	-	Member
Mrs. Jacqueline Phillip Stoute	-	Secretary
Ms. Candice Skerrette	-	Assistant Secretary
Ms. Indira Binda	-	Graduate Research Assistant

The following Officials from Police Service Commission were also available:

Professor Ramesh Deosaran	-	Chairman
Mr. Addison Khan	-	Member
Mr. Kenneth Parker	-	Member
Mrs. Jacqueline Cheesman	-	Member
Mr. Martin George	-	Member
Dr. Kerry Sumesar-Rai	-	Director, Monitoring, Evaluation and Education
Mr. Alfred Gray	-	Assistant Director Research and Evaluation
Mrs. Dawn Harding	-	Director of Personnel Administration (Ag.) Service Commissions Department
Ms. Anastacius Veronica Creed	-	Deputy Director, Personnel Administration
Mr. Anthony Samuel	-	Assistant Director Public Education
Mrs. Satie Maniram	-	Assistant Director Audit
Mr. Martin Samuel	-	Junior Legal Officer
Mrs. AnnMarie Andrews	-	Senior Human Resource Advisor (Secretary)

Absent/Excused were:

Ms. Marlene McDonald	-	Absent
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INTRODUCTION

- 1.1 The Chairman called the meeting to order at 9:45 a.m. and welcomed all present.
- 1.2 The Chairman reminded Members that Officials of the Police Service Commission would appear before the Committee to be re-evaluated at the day's meeting.

SUSPENSION/RESUMPTION

- 2.1 The meeting was suspended at 9:46 a.m.
(Members proceeded to the J. Hamilton Maurice Room on the Mezzanine Floor)

DISCUSSIONS WITH OFFICIALS OF THE POLICE SERVICE COMMISSION

- 3.1 The meeting resumed in J. Hamilton Maurice Room at 10:00 a.m.
- 3.2 The Chairman welcomed officials of the Police Service Commission (PSC). Introductions were exchanged.
- 3.3 On request of the Committee the PSC Chairman gave an update on the changes of responsibilities and accountabilities of the PSC and included as well the changed accountabilities of the Commissioner of Police arising from changes in the Constitution over time since 2006/2007, as follows:
 - (i) the PSC is responsible for holding those under whose purview public safety and national security falls accountable;
 - (ii) prior to 2004/2005, the PSC was responsible for appointments, promotion and discipline of the entire police service;
 - (iii) by two (2) amendments to the Police Service Act, (Act No. 6 of 2006 and Act No. 12 of 2007) the mandate of the Police Service Commission was amended to that of evaluation and appraisal of the Commissioner of Police and Deputy Commissioners of Police;
 - (iv) in accordance with the amended section 123 of the Constitution, the PSC is responsible for the following:
 - “(a) the appointment of persons to hold or act in the office of Commissioner and Deputy Commissioner of Police;
 - (b) appointments on promotion and confirmation of appointments;
 - (c) the removal from office and exercise of disciplinary control over persons holding or acting in the offices specified in paragraph (a);
 - (d) monitoring the efficiency and effectiveness of the discharge of their functions of those mentioned at sub-paragraph (a) above;
 - (e) the preparation of an annual performance appraisal report on those mentioned at sub-paragraph (a) above”

- (v) to hear and determine appeals from decisions of the Commissioner of Police (CoP) or any person so delegated;
- (vi) some of the duties of the Commissioner of Police entail:
 - (a) managing all officers below the Deputy Commissioner level;
 - (b) provide a written report every six months to the PSC;
 - (c) accede to the request of the PSC with respect to any document that is pertinent to the management of the Police Service.

3.4 Issues and responses which emanated from discussions with the Officials of the PSC are given hereunder:

(a) Areas of focus during performance appraisal of the Commissioner of Police and his Deputies:

The Committee was told that there were four (4) major areas of focus upon which the Commissioner was appraised. These areas were:

- (i) *law enforcement (crime statistics);*
- (ii) *human resource management of the police service;*
- (iii) *new strategic initiatives which have been implemented to take the organization forward and aid with challenges faced with respect to public safety; and*
- (iv) *the extent of public confidence in the Police Service as a whole and on the Commissioner and his deputies.*

Officials added that the area of law enforcement received the most publicity and created the most controversy. The PSC noted that the Commissioner of Police cannot be evaluated on crime statistics only as there are many contributors to the rate of crime.

With respect to the issue of management, the Committee heard that this is critical. Several issues pertaining to this area were raised with the CoP to which responses have not been swiftly forthcoming.

The CoP has also been asked to explain some matters concerning the rate of investigations and the status that should merit the reputation of a Police Service.

The appraisal of the Commissioner is seen as provisional. However, matters pertaining to the acquisition of light aircraft and uniforms are at present engaging the attention of the PSC and directly impinge upon the performance of the Commissioner.

These however are not all the areas that fall under the purview of the CoP.

(b) Commissioner of Police and Deputies given passing grade:

The officials of the PSC conveyed that data gleaned up to September 2011 showed an average level of performance in the areas mentioned above. However, the PSC met with

the Commissioner on several occasions and his explanation was that he is familiarizing himself with the culture of the Police Service, the demography of the country and the regulations under which he is operating. This, the Officials added, guided the PSC's decision at the first appraisal.

The Committee was informed that the CoP was rated as "fair", the lowest passing grade. The PSC has clearly postulated thirteen (13) recommendations to the Commissioner with respect to public safety, management, human resource management, road safety and public confidence, which should be used to improve his performance and the performance of the Police Service.

Appraisal of the CoP is an ongoing process. A further report will be made.

Additionally, the Committee was advised that two weeks ago the PSC met with the Commissioner to garner responses on any new issues that would have arisen recently. The PSC is still awaiting responses to these issues.

(c) Appointment of sub-committee of the Commission:

A sub-committee of the Commission was set up to peruse documents requested by the PSC and to pursue requests to the Commissioner for the supply of further information. The sub-committee is chaired by Mr. Addison Khan and is comprised of other members, Mrs. Jacqueline Cheesman and Mr. Kenneth Parker.

(d) Grade Scale:

Officials stated that the Commissioner did not meet the requirements of the appraisal. The Commissioner's performance was rated as "fair" the lowest passing grade on the scale.

The grade scale for the appraisal of the Commissioner of Police ranges from "excellent, very good, good, satisfactory, fair, unsatisfactory to poor".

(e) Financial management of the Police Service:

With regard to financial management, the PSC received a report from the Commissioner of Police on the light sport aircraft. The PSC found that the report was unsatisfactory and referred it to a Sub-committee. The Sub-committee found the report to be incomplete because of the submission of insufficient documentation with respect to the contract entered into for the light aircraft as was provided by the Commissioner.

The Sub-committee has submitted a report to the Chairman of the PSC, in which it recommended that the Commissioner be requested to submit additional information required for completion of the investigation into the acquisition of the light aircraft.

(f) Mechanisms to monitor the management of resources under the Commissioner:

The Committee was informed that this is a Commission which is comprised of five persons – a Chair and four members and a Secretariat composed of three senior technical officers, a Director of Monitoring, Evaluation of Public Education, who is responsible for

carrying out ongoing enquiries, monitoring and evaluation and to submit to the Commission periodical reports from such inquiries.

Other technical officers are the Assistant Director of Audit, who inspects the physical resources such as the condition of police stations. There is also the Director of Evaluation.

(g) Accountability of the Commissioner of Police:

The PSC indicated that Section 123A of the Constitution stipulates that the CoP has the complete power to manage the Police Service and is required to ensure that the human, financial and material resources available to the service are used in an efficient and effective manner.

Additionally, Act No. 12 of 2007 which amends section 123 of the Constitution gives the PSC power to call on the CoP to produce documents pertaining to financial, legal and personal matters in relation to the Police Service.

(h) Annual Appraisal:

The Officials indicated that the appraisal of the CoP was conducted for the period September 2010 to September 2011.

(i) Provisional Assessment:

The Constitution does not provide for a provisional appraisal. However, having regard to the matters that were outstanding at the time of the appraisal, the term ‘provisional’ was used and the complete assessment report is conditional upon the PSC obtaining the information required on the outstanding matters.

(j) Strategic Initiatives:

The Committee was told that the PSC sought to obtain information with respect to the five (5) initiatives, but was only provided with information relevant to two (2) strategic initiatives at the time of the appraisal.

(k) Leadership skills or abilities

It was conveyed that during the appraisal attention was paid to the leadership skills of the CoP. Additionally, in a report on policy execution received from the Ministry of National Security, the Permanent Secretary measured the performance of the Commissioner as satisfactory in terms of leadership.

Through a survey, senior as well as junior officers were questioned on the leadership capabilities of the Commissioner. The results from this survey together with appraisal interviews undertaken by the PSC, lead to the Commissioner being given a less than satisfactory rating.

(l) Non assessment of budgetary management during the appraisal:

The Committee was informed that no emphasis was placed on budgetary management during the appraisal period of the Commissioner of Police.

(m) Exercise of power by the Commission to request the Commissioner to provide special report during the period of the State of Emergency:

When asked about the Commission exercising its powers to request the provision of special reports on matters relating to the management of the Police Service by the Commissioner, the Officials of the PSC stated that crime statistics have been gathered over the period under review. However, the Commission is still in the process of gathering information with regard to intelligence.

(n) Guidelines for the conduct of the Commissioner of Police measurable:

There were two (2) levels of guidelines:

- (i) Laws and regulations; and
- (ii) Human resources.

Clear objectives/guidelines were established from the onset.

In July 2011, the PSC met with the Commissioner and his deputies to share with them the specific criteria for the performance appraisal in respect of the areas to be measured.

(o) Process for termination of a Commissioner of Police:

Officials conveyed that the Constitution stipulates that the Commission can terminate the services of the CoP. However, before the Commission can terminate the services of the Commissioner, the PSC must have information and/or evidence in order to take the ultimate step. Therefore the Commissioner must be given the opportunity to be heard. Subsequently, a decision is taken.

(p) Law Enforcement Failure during the state of emergency:

The Committee was told that the PSC has compiled an assessment report based on information available to date. While work was being undertaken on that report, the issue of the appraisal which required urgent attention arose. Focus was therefore placed on this exercise.

The Committee also heard that the PSC does not have its full complement of staff.

This matter, it was indicated, would be dealt with at the next meeting of the Commission.

(q) Deputy Commissioners:

The PSC has responsibility for the CoP and his Executive team. The two deputies were also evaluated. There are two Deputy Commissioners, one with responsibility for administration and the other in charge of operations. The same categories used to appraise the Commissioner were also used in the evaluation of the deputies. However, the weight assigned to each category was contingent on the areas of responsibility which fall under the purview of the respective Deputy Commissioner.

Officials added that this first appraisal cycle sets the tone for continuing transformation of the Police Service and will be built upon in the future.

(r) Assessments of the Deputy Commissioners:

On the issue of the ratings of the Deputies, the PSC indicated to the Committee that the Deputy CoP with responsibility for administration was assessed as ‘satisfactory’ and the Deputy CoP in charge of operations was appraised as ‘fair’.

(s) Support mechanism for efficiency and effectiveness of the Commissioner:

On this question of support mechanism for efficiency and effectiveness of the Commissioner, the PSC conveyed that the Ministry of National Security has been very helpful whenever it needed guidance or clarification on matters of pertinence, especially in terms of resource capability. It has also provided the support required by the Commissioner of Police and his office.

(t) Mechanics of the appraisal process:

Officials of the PSC elucidated that the appraisal process would have been outlined to the Commissioner subsequent to discussions on the Report. Although it is an annual appraisal, future quarterly assessments would be undertaken to ensure that there are improvements in areas that showed deficiency. However, ‘fair’ will be used as the baseline. The Commissioner was given thirteen (13) recommendations which he is expected to implement. The appraisal process is continuous. Targets set in the first appraisal cycle will be increased.

(u) Issue raised by letter from Mr. Lincoln Myers re: the UDeCOTT and Mr. Calder Hart:

On the question as to whether the status of the investigations into the Urban Development Corporation of Trinidad and Tobago and Mr. Calder Hart, its former Executive Chairman, is part of the deliberations with the CoP, the Officials responded in the affirmative. Further, there are several other investigations which form part of the deliberations. However, further information is required to be submitted in order to conclude the enquiries.

The Commission noticed that the Commissioner and his Deputy appear to rely on public relations and paid advertisements, thus this is a serious concern with respect to budgetary control.

(v) Natural progression if the Commissioner of Police is removed from office:

The Officials said that an acting appointment would be made subsequent to the deliberations of the PSC. However, it is preferred that consultations with stakeholder agencies should be undertaken.

(w) The Annual Report of the PSC for 2010 - Page 30: Outstanding matters:

One of the recommendations made by the PSC to the CoP has to do with the improvement in court attendance by officers required to be present. Therefore improvements should be seen with respect to this area.

(x) Raids on Media Houses

The issue of raids on media houses in pursuit of investigations was not discussed with the CoP at the appraisal. However, the PSC was of the opinion that when entering a media house greater care ought to be exercised because these agencies are protected under the Constitution – Freedom of the Press.

(y) Legislative and Regulatory:

The provision with respect to the Commissioner of Police possessing the authority to appoint persons to leadership positions in the Police Service needs to be reviewed and amended.

3.5 The Chairman of the Committee made closing remarks, thanked the Officials of the PSC for their attendance and suspended the meeting at 12:01 p.m.

(Officials leave the J. Hamilton Maurice Room)

3.6 Meeting reconvened at 12:05 p.m.

CONFIRMATION OF MINUTES

4.1 There were no amendments to the Minutes of the Eleventh meeting.

4.2 The Minutes of the eleventh meeting held on January 27, 2012 was confirmed by Miss Shamfa Cudjoe and seconded by Mr. David Abdulah.

MATTERS ARISING FROM THE MINUTES

5.1 Mr. David Abdulah confirmed his desire to fulfill his commitment to draft two (2) paragraphs for insertion into the Draft Report of the Committee.

OTHER BUSINESS

6.1 The Chairman informed the Committee that the Report will be ready in time for the next meeting of the Committee.

6.2 The Committee agreed to next meet on Friday March 23, 2012 with the Public Service Commission on a re-evaluation of the efficiency and effectiveness of that Commission.

ADJOURNMENT

7.1 There being no other business, the Chairman extended appreciation to Members for their attendance and adjourned the meeting to Friday March 23, 2012 at 9:00 a.m.

7.2 The adjournment was taken at 12:10 p.m.

I certify that these Minutes are true and correct.

Sgd.
Chairman

Sgd.
Secretary

February 27, 2012

**THE JOINT SELECT COMMITTEE APPOINTED TO INQUIRE INTO AND REPORT
TO PARLIAMENT ON MUNICIPAL CORPORATIONS AND SERVICE COMMISSIONS
WITH THE EXCEPTION OF THE JUDICIAL AND LEGAL SERVICE COMMISSION**

Appendix 3

Verbatim Notes

VERBATIM NOTES OF THE TWELFTH MEETING HELD IN THE ARNOLD THOMASOS ROOM WEST, LEVEL 6 AND THEREAFTER IN THE J. HAMILTON MAURICE ROOM, MEZZANINE FLOOR, OFFICE OF THE PARLIAMENT, TOWER D, THE PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF SPAIN ON FRIDAY FEBRUARY 24, 2012 AT 9:30 A.M.

POLICE SERVICE COMMISSION

Mrs. Dawn Harding	Dir. Personnel Administration (Ag.)
Ms. Anastasius Veronica Creed	Deputy Dir. Personnel Administration
Professor Ramesh Deosaran	Chairman
Mr. Addison Khan	Member
Mr. Kenneth Parker	Member
Mr. Martin George	Member
Mrs. Jacqueline Cheesman	Member
Dr. Kerry Sumesar-Rai	Dir. Monitoring, Evaluation and Education
Mr. Alfred Gray	Asst. Dir. Research and Evaluation
Mr. Anthony Samuel	Asst. Dir. Public Education
Mrs. Satie Maniram	Asst. Dir. Audit
Mr. Martin Samuel	Junior Legal Officer
Mrs. Ann Marie Andrews	Sen. HR Advisor (Secretary)

Mr. Chairman: Good morning ladies and gentlemen. Welcome to the Twelfth Meeting of the Joint Select Committee appointed to enquire into and report to Parliament on Municipal Corporations and Service Commissions, with the exception of the Judicial and Legal Service Commission.

Today, we are pleased to welcome the members of the Police Service Commission and the staff of the Commission to this, which would be the third hearing with the Police Service Commission in this Tenth Parliamentary Session. I do not believe that there is need for much reintroduction, seeing that the Chairman is here in that capacity for the second time, and has been here in other capacities with another service commission. So welcome again Chairman to you and your team.

I think that the only change that has been made with regards to our joint select committee is that of Mr. Devant Maharaj and we welcome him.

I want to get really into the heart of the matter today, and at this sitting I would just want to make a few remarks before I turn it over to you, Chairman, to respond. That is that the Police Service Commission has a critical role in the personal security of persons in this nation, by way of its monitoring, the effectiveness of the Police Commissioner and the Deputy Police Commissioners. You have been given certain changed powers since 2007, and your role had been adjusted from one where you had the function of appointment of all officers in the police service. Now, it is about the Commissioner of Police as well as the Deputy Commissioners. And this role as I understand it, involves not only the question of the effectiveness and efficiency of the Commissioner of Police, but it also deals with the question of annual appraisals for the Commissioner of Police. You now have the power as you did in a different way with regard to addressing matters relating to the discipline and the termination of the Commissioner of Police.

In the public domain of recent vintage were discussions and publications in the media about the assessment of the Police Service Commission. I believe that this is something that our citizens are very concerned about and as representatives of our citizens, this committee and the Parliament, we would want to address some of those matters. I believe, subject to correction, that this is the first appraisal of a fully installed Commissioner of Police since those powers were re-crafted in 2007, because prior to that we had a number of Acting Commissioners.

So, subject to correction, I would turn this over now to you, Chairman, to give us a quick overview as we wish to delve into some of these areas regarding their appraisal and other matters that would crop up as we go along in this hearing. Can I turn it over to you, Chairman Prof. Deosaran?

Prof. Deosaran: Mr. Chairman and distinguished Members of the joint select committee, may I on my behalf and my fellow commissioners and members of the secretariat express our great pleasure in being invited to speak to you, Members of Parliament and also to the country as a whole. I welcome your early remarks about the public responsibility that this particular service commission has for the country, after all it is a matter of, to some extent, national security and public safety, and more precisely, holding those who are responsible for those safety

responsibilities, to be also held accountable. So all in all, it is really democracy on wheels in that, whilst we are accountable to Parliament through you and your select committee, Mr. Chairman, there are others in our jurisdiction who also have to be accountable with the constitutional powers that this commission has, they have to be accountable to us.

I wish that you would allow me a few minutes to give in proper context our mission for the benefit, of course, Mr. Maharaj a relatively new member, and also to refresh the memories of the present membership and also the country as a whole. It is very important to understand the framework in which we operate before we get into the specific set of appraisal and other operational issues. The body you see before you is a creature of a joint effort in Parliament after some years of what you might call, wrestling for common ground. This has been an unprecedented effort where both sides in Parliament created a commission such as ours. In previous years before 2004/2005, the Police Service Commission had responsibilities such as the ones you delineated, appointment, promotion and discipline of the entire police service. It also meant that the President had the authority to appoint members of the commission in his own discretion after consultation with the Leader of the Opposition and the Prime Minister.

So there were significant changes, Mr. Chairman, brought about by two significant Amendments, Amendments No. 6 of 2006 and Amendment No. 12 of 2007, which gave this particular police service significant space in the Constitution of the country, an unprecedented and significant presents in the Constitution. Our mandate has been expanded in that sense of oversight. The evaluation and appraisal, and we are as a body under the Constitution really is an experiment still in progress. We are relatively new and the pledge made in Parliament, by both sides—evidenced through the *Hansard* debates and the Cabinet Note—is that after two years a significant review of our operations and our constitutional mandate will be undertaken so as to see what can be improved.

It is our view as a Commission, Mr. Chairman, that that obligation should be partly shared by the Parliament itself, such as what we are doing here, to see where there are strengths, perhaps weaknesses, that could be quickly remedied to serve the purpose that you have enunciated.

Let me add as I close, Mr. Chairman, no democratic country in world could afford to have a Commissioner of Police with excessive powers. No democratic country in the world could

afford to have its political directorate or the Executive with very deep overreach into the operations of a police service. At the same time you need a Commissioner of Police with appropriate powers and to execute his responsibilities. At the same time you need a political executive to ensure that its policies are effectively implemented by the commissioner because they do represent the country in a sense of democracy. So how do you create that balance without having subversion on either side and mismanagement? It is the creation of a Police Service Commission like ours. In that sense, in that hybrid sense, we function trying to keep this balance between the executive requirements for proper governance and on the other hand, the duties of a commissioner properly executed through accountability at our hands.

So we have had two significant Amendments which I have mentioned and which I could elaborate, but let me in closing reiterate the powers of the Police Service Commission so we can frame our discussions within those parameters. The Police Service Commission is now under 123 as amended in the Constitution:

- “(a) appoint persons to hold or act in the office of Commissioner and Deputy Commissioner of Police;
- (b) make appointments on promotion and to confirm appointments;
- (c) remove from office and exercise disciplinary control over persons holding or acting in the offices specified in paragraph (a);
- (d) monitor the efficiency and effectiveness of the discharge of their functions;
- (e) prepare an annual performance appraisal report...”

10.10 a.m.

So those are briefly the powers, and one important addition: to hear and determine appeals from decisions of the Commissioner of Police or any person so delegated.

So at the same time, Mr. Chairman, if you would allow me—and I appreciate your graciousness, but it is necessary to provide the framework in which we operate—the Commissioner of Police also has some duties; in fact, he can manage all those officers below the Deputy Commissioner level, but in our sense, we are the ones responsible for the Commissioner

and his Deputy Commissioners. The Commissioner is also responsible to give us a written report every six months; he also has a responsibility to accede to our request for any document that is pertinent to his management of the police service, and we are now in the exercise of that second part, asking him for some very critical documents which pertain to the management of the police service. Having completed the appraisal for the last year, we are still with an ongoing appraisal process to see whether there are events or information that falls under our jurisdiction that needs some serious attention or perhaps some resolution.

Thank you, Mr. Chairman.

Mr. Chairman: Thank you, Prof. Deosaran. There used to be a time when Police Commissioners would say that they are a toothless bulldog. I think that powers that have now been invested in the Commissioner of Police make him the one with the teeth and probably make the Minister of National Security—put him on the other side. And on that note, I think Brig. Sandy wanted to raise a question.

Brig. Sandy: Mr. Chairman, having regard to the interest generated with the appraisal of the Commissioner of Police and the Deputy Commissioners, could you indicate for general information, what were the areas in that appraisal that you focussed on with respect to the Commissioner of Police?

Mr. Deosaran: Mr. Chairman, Brig. Sandy and Members. There are four major categories within which the Commissioner and his deputies are measured, as it were, and held accountable for. One is law enforcement, more precisely the crime statistics; the second one is the human resource management of the police service by the leadership, meaning the Commissioner and his deputies; the third one is what new strategic initiatives have been taken to put the organization forward in a more strategic position to deal with challenges of public safety, and the last one has to do with the extent of public confidence in the police service as a whole, and more precisely on the Commissioner and his deputies.

So within the category of law enforcement, Minister, Chairman, you find the crime statistics, and that is the one that gains the most publicity, whether it goes down. It also is the area which creates the most controversy. But we cannot evaluate the Commissioner merely on the crime statistics because there are many contributors to the rate of crime, whether it goes up or down.

Up to this morning I heard the Chairman of the Housing Development Corporation say that if crime went down it is because of the Orange project, hiring the young people in that project, and that has nothing to do with the Commissioner of Police. So we thought we would also look at the other three categories in addition to the crime statistics.

The management issue is very critical because that is not always seen or visible, in a sense, by the general public, but it is an area in which we enquire, quite gently, and collect documents from him. We have raised several issues with him in terms of getting his response. Those responses have not been as quickly forthcoming as we would like, neither in terms of quality nor in terms of quantity, and that is a matter that we are now pursuing very seriously in this current exercise.

There are some matters of investigations that he has been asked to explain the status of, not necessarily the content of the investigation, but for the public interest he should tell this Commission something about the rate of investigations and the status that should merit the reputation of a police service. So those are the issues in which we are involved, and there are four major categories. I could elaborate on the others, but I believe if you wish me to do so I could, but in the interest of time, perhaps I can pause a bit, Mr. Chairman.

Mr. Chairman: But in the public domain it has been reported that you have given him a passing grade, that is, the Commissioner of Police. So are you saying that the Commissioner of Police has been able to meet all of the criteria set, and if not, what are the areas of deficiencies that you have pointed out to the Commissioner of Police?

Mr. Deosaran: Well, the data gleaned as from last year showed an average level of performance in the respects to which I have mentioned. There are other circumstances in the sense that when we met with him—the several times we have met with him over the years—he explains that he is familiarizing himself with the culture of the police service, with the demography of the country and with the regulations under which he is operating, and that helped guide our decision in this first appraisal as well.

What we have indicated to him, quite clearly, is that there are new issues that have come up recently, that is, we met him about two weeks ago, for example, and we mentioned a list of these issues to which he has to respond. We have set up a subcommittee of the Commission headed by

Mr. Addison Khan. The members are Mrs. Jacqueline Cheesman and Mr. Kenneth Parker, who are now perusing very closely those documents and pursuing the requests of the Commissioner to supply us with further information.

So while we would have given him a passing grade in the circumstances and on the basis which I have explained for the last year, this year will be, I would say, a deeper analysis because we would have gotten much more information than we had for the first year of the appraisal. And he is aware and he has been told to be a little more expeditious. We have, in fact—even though you might, as you say, given him a passing grade, we have clearly provided to him 13 clear recommendations which he should use to improve his performance and the performance of the police service. Those have to do all with public safety, management, human resource management, road safety, helping to build public confidence. Right now we have a measure of 60 per cent of the public having low confidence in the police service. We have asked him to improve that. So we have given him some benchmarks for the very near future.

We want to emphasize “for the very near future”. Those conditions and additional criteria you have given him, having passed the first appraisal, he should now be in a position to execute his duties more proficiently and in a more accountable sense. And I want to emphasize the words, “in the very near future” he would be held accountable once again as a matter of ongoing appraisal.

Mr. Maharaj: Mr. Chairman, through you, without belabouring and repeating the points regarding section 6 of the Constitution amendment of section 7, save and except the recent mandate by the Commissioner to provide a report regarding the awarding of the contract in relation to the surveillance plane, have there been any other requests made to the Commissioner to provide reports on the financial management of the police service, in reference to, but not limited to, the award of contracts for uniforms and so on?

Mr. Deosaran: Could I ask Mr. Khan to assist in that respect, and maybe Mrs. Cheesman and Mr. Parker?

Mr. Khan: Mr. Chairman and Members of the Joint Select Committee, we have recently completed the report of the committee of which I was the chairman and of which Mrs. Cheesman and Mr. Parker were members. We received a report just recently from the Commissioner of

Police about the light sport aircraft, and we were not satisfied with it. So at the meeting of the Commission on the 13th of February, this committee was appointed and we have looked at the matter; we have looked at the reports and we have found them incomplete; that they were lacking in particulars, and we have submitted a report to the Chairman this morning in which the committee has recommended that we ask the Commissioner for certain additional information so that we can complete the matter of the investigation of the light sport aircraft.

In addition to that, we have observed in the public domain, and we understand that a complaint was made in Parliament about the uniform issue, so we are also asking him about information concerning the uniform issue. The Commission has made it clear that the assessment of the Commissioner is provisional, in the sense that the appraisal of the Commissioner was done on certain key work areas only, but there are very serious matters which are at present engaging the attention of the Commission, and which directly impinge upon his performance as Commissioner.

Mr. Chairman: Such as?

Mr. Khan: Such as the light aeroplane issue, the uniform issue, just to give two examples. But there are other matters that are engaging the attention of the Commission.

Mr. Maharaj: On a related point and a follow-up. These two issues, the light aircraft and the uniform, triggered an investigation after it came into the public domain. With regard to section 7 of the Constitution amendment which gives the Police Commissioner complete power to manage and ensure effective human and material resources management under his control, are there any mechanisms put in place by the Commission to monitor that efficient and effective management control of the resources under the Commissioner, or do we have to wait until something is discovered in the public domain before such a report is requested of the Commissioner?

Mrs. Cheesman: Perhaps I could answer that. Chairman and Members of the JSC, our Chairman would have shared with the committee the four key areas that we were measuring the Commissioner on during this last appraisal cycle. However, what we need to mention and make clear is that those are not the only areas that the Commissioner has responsibility for. So where you would have mentioned the budget, for example, where he manages the financial resources, that is one of his responsibilities, yes, but for this first appraisal we could not measure every

single thing on his job description, which did inform what we eventually decided these are the areas we will focus on. So while we did focus on four areas, in this first appraisal cycle budgetary management was not really one, and we did share with the Commissioner in July when we would have discussed the appraisal format, that we are not measuring everything in this first cycle, however, as we move forward into the next cycle it would be more robust and we would be looking at areas like budget management, fleet management and a lot of other things.

So whereas his performance appraisal—and that is why, you know, we have to say that it is not a finalized document; it is a continuous process. Based on what we shared we would have been measuring, is what we measured, but there are other things that will come to light as would have been the airplane and the uniforms and what have you, and they do fall under his area of responsibility. So even though we would not have been measuring that during this performance cycle, it is cause, you know, for concern among the PSC members that we will ask for reports, et cetera. So we were measuring certain things but the budget was not one that was getting that type of focus.

Mr. Deosaran: Mr. Chairman, I think what Minister Maharaj is asking, I think it might require a more precise response, because he is also asking about structure—the way the Commission is structured—and he asked the question of whether there is a system in place that will always be enquiring and monitoring. It is a system, I believe we ought to point out.

10.25 a.m.

Prof. Deosaran: There is a system, and I want to take the opportunity in reference to his question—which was a good question, because it is a fundamental mode of our operation.

You have a Commission of five persons chaired by myself— members—four others. But, you have a Secretariat so designed, with three or four senior technical officers and a Director of Monitoring, Evaluation of Public Education. That Director has the responsibility to carry out ongoing enquiries, ongoing monitoring and ongoing evaluation. And, submit to the Commission, periodically, as the situation warrants, reports from such inquiries.

His technical officers, are one; an Assistant Director of Audit, the person who goes around inspecting the physical resources, the police stations condition. In fact, I was at St. Joseph Police

Station and I had to tell the Commissioner of Police face to face that, “This is a horrible condition for police officers to be working in. What are you doing about it, if you are fully responsible of the physical resources under your management?” His answer was not satisfactory. So, that is another example of what we intend to go into to judge his management skills.

The other person who is responsible for the technical part is the Director of Evaluation. They are behind me and perhaps later on they can explain. They have a system in place, Mr. Maharaj, and they have to deliver to us periodic reports in the realm of which you have mentioned.

Mr. Chairman: Before I go to Mrs. Thomas—

Mr. Maharaj: Chair, it begs the question, the criteria used. Why was such a core component, the financial management of the Commissioner of Police that area that he is responsible for, why did the Police Service Commission not view that important enough? Especially, given the fact that the Chairman visited St. Joseph Police Station, saw the condition of the place, and had to raise it with the Commissioner of Police himself. Clearly, that would have indicated that the financial resource management component of his job description should have been one of the key markers the Commission used in the performance appraisal at this initial stage.

Mr. Chairman: Let me try and seek some clarification from Mr. Khan, who sought to address the question of accountability in the matter of the light airplane. You said that you are not satisfied. Not satisfied meaning what? That you were not satisfied with the level of accountability or you were not satisfied that sufficient information had been provided to you to make a proper decision.

Mr. Khan: Mr. Chair, Minister Devant Maharaj, referred to section 7 of the Constitution. That section provides that the Commissioner of Police has the complete power to manage the police service and is required to ensure that the human, financial and material resources available to the service are used in an efficient and effective manner.

Now, in my opinion the Commissioner of Police does not have the ability to use the financial and material resources in any way that he wants to use them. He must use them in an efficient and effective manner. In addition to that, we have a provision in the Constitution—which is

contained in the Act 12 of 2007—an amendment to section 123, which gives the Police Service Commission the power to call on the Commissioner of Police to produce documents pertaining to financial, legal and personal matters in relation to the police service.

Now, the Police Service Commission received a report concerning the light sport aircraft or the light airplane, however it is called. When the Police Service Commission considered that report, they appointed our committee. Our committee looked into the documents that were provided by the Commissioner of Police, and we found first of all, that he provided to us insufficient documentation concerning the contract entered into for the light airplane. Secondly, we were not satisfied with the explanations that he gave in that report.

Mr. Chairman: So, did he receive in that regard, did he receive a passing grade or a failing grade?

Mr. Khan: Well, we did not rate him on that basis. Because, we must first of all, get all the possible information available to us. When we get that, then we would submit another report to the Police Service Commission, in which we will make a recommendation, as to whether he has passed or not. As far as that particular subject is concerned.

Mr. Chairman: Well, then it brings us to the wider question—because I do not want to leave this matter of appraisal. You have used the word, members of the Commission have used the word, provisional assessment. For which there is really no determination or explanation in the Constitution. The Constitution requires you to, among other things, provide an annual appraisal.

Now, the Commissioner of Police by my recollection was employed as at the September 20, 2010. Therefore, 17 months have passed if my calculations are correct. And, your first appraisal would have covered, what period? Was it the entire period, up to an inclusion of January, or was it up to September 2011. That is my first question.

But, the second question is, where does this matter of provisional assessment come in? The Constitution requires you to provide an annual assessment. It follows up on the question that Mr. Maharaj raised, why have you not covered all the various areas inclusive of the question of financial accountability? So, could you answer me as directly as you can on both those questions, the question for the annual appraisal and the question of the areas that were missing.

Mr. Khan: Yes, Mr. Chair, the appraisal was conducted up to September 2011. That is the answer to your first question. And, the second question is, it is correct, that the Constitution does not provide for a provisional appraisal. But, having regard to the matters that were outstanding at the time we did the appraisal, we used the term provisional. And, in any event, it is conditional upon our getting information on the matters that we are currently looking at.

Mr. Chairman: Okay. It is just that—

Mr. Khan: It is conditional in that sense.

Mr. Chairman: It is just that provisional does not really mean a hell of a lot to us. You have an annual appraisal, and you have given the Commissioner of Police a passing grade and you have to basically stand by that or fall by that. Mrs. Thomas, you wanted to raise a question on appraisal as well?

Mrs. Thomas: Thank you, Mr. Chairman. Prof. Deosaran, one of the criteria of assessment for the appraisal process is new initiatives. Can you tell me if the assessment gave a passing grade in this particular area? Because, we all know the public is crying out what new mechanisms are the Government coming up with, with to regard crime and security of our nationals. And, if so, are you at liberty to at least give us an idea of some of these new initiatives?

Prof. Deosaran: Thank you, Member. The Director of Evaluation and Monitoring would have the appropriate information and I would invite him, Dr. Sumesar-Rai, to join us at this time. Dr. Sumesar-Rai, can you explain for the member's benefit please?

Dr. Sumesar-Rai: Thank you, Mr. Chairman. Good Morning everyone. In terms of the strategic initiatives, we examined what was provided to us. And, we were provided with information relevant to two initiatives. We did not get information at the point in time when we were conducting the appraisal on three other initiatives. The information was fed into our system and an average rating was calculated. In terms of passing grade, I would not use that term.

Mr. Chairman: Meaning what? Meaning you would not use the term passing grade? Did he meet the requirements or not meet the requirements?

Dr. Sumesar-Rai: We sought to get information for five initiatives, we got information on two.

Mr. Chairman: I asked the question, did he meet the requirements or did he not meet the requirements? I think we are dancing around passing grade and provisional and all of those things.

Dr. Sumesar-Rai: I am sorry; I did not mean to vacillate. At the point in time of the appraisal the requirements were not met.

Mr. Chairman: Thank you. Brig. Sandy you had a question?

Brig. Sandy: Mr. Chairman, during the appraisal was there any attention paid to leadership skills or leadership abilities?

Prof. Deosaran: Yes, we did pay attention to that. The information we got, for example, in one case, in terms of policy execution which is an indication of leadership a report came from your Ministry signed by the Permanent Secretary stating that as far as that was concerned he was satisfactory. You might recall, I sent back that report because I found it was not well grounded. And, that is a matter that we did not take too seriously. That we did not find the conclusion of the Commissioner of Police performing satisfactory in terms of leadership was well grounded. We took it into account, but in our interviews with him, in speaking, for example, about the management of physical facilities, in speaking about the eight criteria on which he was hired. That when his position was advertised there were eight criteria: leadership, integrity, management of the police service and so on.

We also tried to do it from a scientific point of view, that is, we asked both his senior officers and his junior officers through a scientifically designed survey, as to how they felt about his leadership. In the case of the junior officers they said that the leadership was very much unsatisfactory. So, together with our interviews with him and the evidence from his ranks as it were, his leadership capabilities were less than satisfactory.

So, I do not want to create an unease, but, I thought I had to mention the report from your Ministry, which I think did not help us much. So, we went further and did our own inquiries, by interviews and by analysis of how his men felt about him because a manifestation of his leadership would be within the proper judgment of the men and women whom he leads. We

found by that measure, he is in our view terribly lacking. That is now coming up under the current appraisal that we are undertaking Minister.

Brig. Sandy: With the greatest respect, Mr. Chairman. I do not think that the report from the Ministry addressed his leadership, I think it dealt more with policy.

Mr. Chairman: Miss Cudjoe.

Miss Cudjoe: Thank you, Mr. Chairman. For the most part this morning, I have heard unsatisfactory, terribly lacking and words of that nature. Yet, the Commissioner of Police received a passing grade. But, anyway—I have a question having regard to the matters that are outstanding at this time, and considering that we would like to see the Commissioner of Police’s authority to manage his budget, sort of, like the jewel in the crown of the police service in our country. And, against the backdrop of so much disappointment that budgetary management was not assessed in the past appraisal, I want to know how soon can we expect an assessment looking at the budgetary management in the police service, please?

Prof. Deosaran: Thank you. I would refer this question, with your permission, Chair, to Mrs. Cheeseman.

10.40 a.m.

Mrs. Cheesman: Thank you, Chairman. Let me just comment, first of all, on the first point that you would have made on how you have been hearing unsatisfactory yet we have an overall passing grade as we calling it. When we would have designed this performance tool to measure the Commissioner of Police, we would have weighted the four areas that we would have mentioned earlier. So, for example, law enforcement got a weighting of 40 per cent; the area of public trust and confidence, 25 per cent; the HR management, 20 per cent; and the strategic initiative, 15 per cent.

Now, in this case where, in terms of the reduction in certain categories of crime, there would have been some outstanding ratings in some of those areas, you would find that when you did use the balanced approach, it ended up coming out overall like that. So whereas we may have been seeing some deficiencies in leadership, et cetera, falling in say the HR category, you find

that when we looked at the overall report, that is what the overall report would have come out to be.

Our investigations with respect to the uniforms and the aircraft are still ongoing. As Mr. Khan would have mentioned earlier, we would have submitted a report for the Chairman just this morning. We have agreed that there is some additional information that we need to get and that would help form our decisions, so it would be in the near future, we are working actively on it but we cannot commit ourselves to a date.

Ms. Cudjoe: So you are saying that no consideration was placed on public confidence in the management of public funds?

Mrs. Cheesman: Now, it is not that we were not paying attention because, for example, this particular incident with respect to the airplane came to our attention, and it is the same way, given our infrastructure, if our audit team, when they go out, they come up with anything unusual, certainly we would investigate according to the mandate that we have. But for this appraisal period, where the commissioner was new, we could not be measuring every single thing, it may not have been something that we had established upfront as “hey, we are measuring you on this”, but it is not that it is not happening. I mean the fact that we have conducted an investigation, or in the process of conducting an investigation on the aircraft, that in itself shows that we are going to be looking and monitoring areas like the budget. It is not that, you know, it is outside of it all together, it may not have been in this appraisal but it is not that it is not being done.

Mr. Chairman: Okay. Mr. Maharaj.

Mr. Maharaj: Without going into confidential issues, on how many occasions has the commission exercised its power as vested in it, by requesting the commissioner to provide special reports on matters relating to the management of the police service? One would have thought, following the state of emergency which is really the ultimate crime-fighting tool that the police would have available to it, that we would have asked the commissioner to say did he manage effectively within that period of time to take full advantage of it.

Prof. Deosaran: Thank you, Sir. Mr. Chairman, with your permission, may I refer this question to the person who has been instructed to make such enquiries, Dr. Rai, Director of the Secretariat. Dr. Rai, could you please assist?

Dr. Rai: Mr. Chairman, we have compiled a report in terms of an assessment of the SoE. We have looked at information in terms of what transpired during that period, and the performance of the police service as a whole.

Over the period, we did gather information in terms of crime statistics and so on. We are currently as well, still gathering some information with regard to intelligence. As you may be aware, not everything concerning intelligence can be shared with us, and therefore, we have been asking for information, we have been getting some, but what we have had to date, we have compiled an assessment report.

Mr. Maharaj: Mr. Chairman, my question was not completely answered, you know. While I focused on the SoE, I asked on how many other occasions have you exercised that power vested in the commission to demand such requests. And the follow-up would be: How do you rate the response to those requests?

Dr. Rai: Right—

Prof. Deosaran: Dr. Rai, let me because I think we need a number here—an estimated number to put the thing in a proper perspective. In fairness to the country and the Parliament, the responses by the Commissioner of Police on enquiries from us, for example, on—I mentioned this before Mr. Chairman—the status of investigations on certain critical matters affecting the public interest, that would have been about six or seven times and the responses have not been satisfactory as I indicated previously. They have been dilatory, they have been obscure and rather than he answering, he kept asking us questions as to when we wanted it for. We found that, if you would permit me, Mr. Chairman, sort of disrespectful, and that tendency seems to be growing on the part of the commissioner. From other information that I have gathered from proper authority, that tendency of disrespect seems to be increasing, and it is something, we, as a commission, I think we would have to tame that direction somewhat in the very near future.

In answer to Mr. Maharaj's question, the numbers are increasing. I have asked the director to compile a list of numbers and cases and with remarks. The last meeting that we had, I asked Mrs. Ann Marie Andrews, Secretary to the Commission, to get together with Mrs. Cheesman and Dr. Rai, to compile a list about, not only the status, but the quality of responses by the commissioner to the legitimate enquires made of him by the Police Service Commission. As of now, the situation is far from being satisfactory and growingly so.

Mr. Chairman: Prof. Deosaran, a number of words crop up—"dilatatory", "obscure", "terribly lacking", "unsatisfactory", "60 per cent of people lack public confidence", and yet still, all of those things equal a passing grade. Let me ask Mr. Samuel to field his question.

Mr. Samuel: Mr. Chairman, my question has to do with—in your assessment of the Commissioner of Police, did you, in any way, pick up, from those that you have interviewed, any kind of bias with regard to the fact that the Commissioner of Police is a foreigner; if there were any cultural or racial situations that took place, that you picked up in any way? Because if you have a foreign Commissioner of Police, the possibility exists that people may have not cooperated the way that they should have cooperated if it was a local commissioner, and if you picked up anything like that within the process of your assessment?

Prof. Deosaran: You mean whether his officers cooperated with him or not being a foreigner?

Mr. Samuel: Yes.

Prof. Deosaran: You are asking an anthropological question and that does not really fall precisely within our mandate, but it does, could be manifested in the outcome of the police service and his capability of managing the police service so the question does have some pertinence.

That has been a matter in the public air for a while as to whether a local commissioner could perform more effectively or a foreign commissioner in the circumstance that you have just mentioned. That matter was raised in the Parliament—I was in the Parliament during the particular debate—and it was discussed by the present Government exhaustively, but the decision was made to hire somebody from abroad, and you know there is divided opinion on that.

But to make a conclusive statement, Minister, on that particular point, I would say the jury is still out on that. I would rather look at the outcomes in this case rather than attributing to some ethic consideration, not at this stage. Maybe later on, something dramatic might happen from the Social and Welfare Association for example, but, so far they have not made a pronouncement on that yet, and I have no clear and firm evidence to respond to you in the way perhaps I may want to respond. But I understand the implication of what you are saying because it is a serious policy issue that the Government has entered into and will have to enter perhaps in the near future once again.

Mr. Chairman: Okay. Mrs. Alleyne-Toppin.

Mrs. Alleyne-Toppin: Thank you, Mr. Chairman. Can you say that there were clear and proper guidelines for the conduct of the business of the Commissioner of Police on the occasion of his appointment, and that in your evaluation criteria, that you are evaluating him according to the instructions that you had given him at the outset? Can you say that those two things line up so that he is either passing or failing depending on what you would have asked him to perform? And were there any hidden bits that he would have to assume for himself or presume for himself, things like: do I have the authority to buy a plane; do I have the authority to change uniforms?

Are your guidelines for—are his instruments of appointment clear so that the outcomes could be measurable by the instruments that you have given him? And now that you are evaluating him, are you confident that you had given him clear instructions upfront, and are you confident that he is not carrying out the instructions that he was given and that he has formed his own plan?

Prof. Deosaran: Well, I would ask Mrs. Cheesman to answer, but before I do, I think I ought to clarify the premise on which this issue is moving. There are two levels of guidelines I would submit with respect, Minister: one rests with the existing laws and regulations which he ought to know by himself and of himself. The second set of guidelines would have to come within the human resource context, that is, you set benchmarks, standards and so on. But, there are enough regulations and laws especially with respect to the example you used about procurement—whether it is a \$1 million or \$100,000; whether there should be a tender committee; whether there should be three submissions and so on—those things are pretty clear. Those do not have to come from us. But within the human resource component about, for example, human

management in the sense of personnel and so on, I would ask Mrs. Cheesman and perhaps Mr. Parker, and Dr. Rai if there is need for completeness to respond. Mrs. Cheesman.

Mrs. Cheesman: Thank you, Chairman. In July of last year, we would have met with the commissioner and his team, the other deputy commissioners, to share with them the specific criteria for the performance appraisal in terms of the areas that were being measured, in terms of what the performance indicators would have been. We shared with them the targets, our expectations, for each of the areas. We were kind of—I mean, July, he would have already been on board quite a number of months, but what we were pleased about then, is that the targets that we would have set were in keeping with a strategic document he had given. So for example, if we said that we wanted to see a reduction in serious crimes by 10 per cent, those were the targets the police service itself had set. So there was not any disagreement in terms of the targets set, and we did share with the team exactly how we were going to rate them. So the clear objectives were established upfront and there was clear understanding, as far as we know, on both sides.

Mr. Chairman: Mr. Prescott SC, you had a question.

Mr. Prescott SC: Thank you, Mr. Chairman. Prof. Deosaran, you have been speaking exclusively on the functioning of the Commissioner of Police, and on a matter which is clearly very important and of great interest to many stakeholders including the members of the public. The languaging tells us that the Commissioner of Police appears to be sailing perilously close to being in breach of his contract of employment. If it is that you do not wish that perception to continue, now might be a good opportunity to tell us what is meant by the passing grade when juxtaposed against what I have just said about his contract. You may wish to tell us also, if it has not yet been made public, where is this contract available so that we, too, can determine for ourselves whether the commissioner is at risk of being found guilty of a breach. Your more recent statement tells us that the commissioner is not even responding in the way that you would want him to respond.

May I just add something else? As a matter of contractual relations, I imagine that in an employment setting, he may need to be told what needs to be done to avoid his being removed from office for continuing to fail to measure up to the standards that you demand. So you could probably tell the population whether your provisional report was meant to give him that

opportunity, and if that was so, how soon or have you placed a time limit on his being brought up to scratch? Because I am very concerned that in a—if we were on a one-to-one basis, I would have asked you: Well, why have you not fired him yet? And I am sure you would tell me that you need to get your legal advice on it. But I trust that you get the drift of my question and you would probably deal with us this morning.

Prof. Deosaran: I do and it is, if you would pardon the expression, quite a sensible question because it invites me to indicate that our last meeting with him and his deputy commissioner, Mr. Ewatski, the commission forcefully indicated to him that he is close to the brink as it were.

But, in an exercise like ours, we prefer to ere on the side of caution, as I have said informally his morning, to construct an appraisal and the accompanying decision that could stand the level of highest scrutiny, especially in a matter of, for example, judicial review.

10.55 a.m.

We did tell him, on the last occasion we met, which was about a week ago, of certain conditionalities he has to satisfy, otherwise our decision will be of a different nature. In other words, to use a phrase, we want to bring him up to date of our concerns and the possibility of what kind of action we will take, so he cannot say he was not properly warned or advised. And, given the assistance—let me emphasize, Mr. Chairman, through you and members, the exercise we are in is not just to punish people and to make decisions of a kind that would be driven by public opinion only. The eventual outcome of our exercise is to help improve public safety in the country and if, at any time, we can help the Commissioner himself, whether this one or a next one, by the guideline that Mr. Prescott is referring to, we will do so but for a very short time.

We have not set and we could not set a deadline, Mr. Prescott, as to when we will decide. We are now, as Mr. Khan explained, sifting through the evidence, as it were, and any good lawyer would know that you have to sift the evidence and that knowledge is not evidence. We have a lot of knowledge. Letter writers have a lot of knowledge. Editorials have a lot of knowledge. The validity of that knowledge will have to be in the form of evidence and that is what the exercise we are in is all about. I will invite Mr. Khan, Mrs. Cheesman and Mr. Parker to explain further as to the conditionalities and the process in moving forward.

Mr. Khan: Mr. Chairman, and members of the Joint Select Committee, I would not like to disabuse Sen. Prescott of his view. The phraseology “passing grade” is not a phraseology that the Commission has used. That is a phraseology that has been used by the press. Mrs. Cheesman explained, just now, about the markings that were received by the Commissioner, under the various sub-headings of the appraiser.

We, at the moment, are not only concerned about his contract of employment. His contract of employment exists and it has certain terms upon which his appointment can be terminated. We are concerned about what our constitutional orders are, under the Constitution and we have the power, under the Constitution, to discipline the Commissioner or to terminate his appointment and we are concerned, at the moment, with certain reports, as I have said, that we have received. We are investigating the reports. We cannot make any statements about them more than we have said this morning, until the investigations are complete.

We have asked for certain information; a number of information on the light sport aircraft. We have not asked for it as yet. The report went to the Chairman this morning. We will ask for them very shortly and when we get the results from the Commissioner, then the committee will have to consider and make a second report to the Commission. We intend to act expeditiously on these matters. As the Chairman has quite correctly said, we cannot put a time frame for it, but we intend to act expeditiously.

Mr. Chairman: Mr. Chairman, before I go back to that follow-up, we have spoken about termination in this round of questioning. What is the process for the termination of a Commissioner of Police under the Constitution, for the benefit of the public?

Mr. Khan: Mr. Chairman, with leave of my Chairman, perhaps, I can deal with it briefly. The process is stated in the Constitution: that the Commission has the right to terminate. Before the Commission can terminate, we must have information and/or evidence in order to take ultimate step. Before we can do so, we must give the Commissioner an opportunity to be heard. The Commission must listen to the Commissioner; that is, we must comply with the rules of natural justice. Having complied with the rules of natural justice, then the Commission will have to make a decision whether to terminate or not terminate.

Mr. Chairman: Mr. Prescott, you had a follow-up question?

Mr. Prescott: Thank you, Mr. Chairman, it is a very short one. As between “passing grade”, which is not the Commission’s term and “unsatisfactory”, which I heard fall from the Chairman’s lips today, which better describes the performance of the Commissioner? Before I leave it, am to understand that we are not going to be speaking about the executive team in this discussion today? Thank you very much.

Mrs. Cheesman: Chairman and other members of the committee, our assessment of the Commissioner was rated as “fair”. That was the term that we used “fair” and that is what we would have communicated with him when we had our discussion.

Mr. Chairman: Did you say fair or fail?

Mrs. Cheesman: F-A-I-R. It was “fair”. In terms of our decision at that point in time, we took into consideration a lot of different things. One is that was somebody new to the country and that he would have needed a settling in time and there would have been some weak areas. We were there to provide the type of guidance that we should have. All in all, we accepted the “fair” in this first instance and did not seek to take any type of action against the Commissioner, considering what circumstances were. However—*[Interruption]*

Mr. Chairman: May I ask, in the pecking order of “fair”, what would have been higher grades: excellent, very good, good, fair? What would be the order?

Mrs. Cheesman: I think after “fair” was “good” then we went to—sorry, “fair, satisfactory, good, very good” and “excellen”t.

Mr. Chairman: Is it then that he got the lowest passing grade?

Mrs. Cheesman: No, no, no, sorry. Below there was unsatisfactory and poor.

Mr. Chairman: “Fair” then would suggest that is the lowest passing grade? Is that what you are saying?

Mrs. Cheesman: Yes, it is the lowest, just on the benchmark, yes.

Mr. Chairman: Mr. Ramadhar you had a longstanding question.

Mr. Ramadhar: Professor thank you for the opportunity. Forgive me, but the most stunning example of law enforcement failure, to me, has been the state of emergency where persons were arrested under a law which was not yet in existence; having yet received your report or evidence in relation to how that came about and whether steps have been taken to deal with that stunning shocking failure?

Prof. Deosaran: The Commission has asked Dr. Rai to enquire into that. Dr. Rai could bring us up to date as to how much information he has, but it is a matter that we will want to bring to a proper conclusion, because it is a serious public interest issue in arresting people without proper, not only evidence but a legal basis. That itself would have serious consequences, if that what we believe to be true actually turns out to be true. That will happen when you take action without proper evidence.

I will now ask Dr. Rai to explain further, to satisfy Mr. Ramadhar's proper question. That is a very serious issue. Dr. Rai, could I invite you to assist, please?

Dr. Rai: Thank you, Mr. Chairman. We have not, to answer the question directly, Sir, asked specifically for that information primarily because we have compiled an assessment report based on the information available to us to date. Whilst we were working on that report, we also had to address the issue of the appraisal exercise that was ongoing at the time.

I need to tell you that the secretariat at this point in time, and you may be wondering why are we so inefficient, still does not have its full complement of staff and with the resources we have and the amount of work that is required to be done, which includes auditing and evaluation, we can only focus on a narrow volume of assignments at a particular point in time. I am not making any excuse. I am telling you what the facts are.

Prof. Deosaran: Mr. Chairman, listen, Dr. Rai and his secretariat would be redirected and reinstructed again, at our very next meeting, to take a serious approach to this matter. That matter cannot be left as a lower priority than any other matter. I want to give the select committee, Mr. Ramadhar, the assurance that whatever limitations we have in staffing and so on, I am sure Dr. Rai will be able to handle it with higher priority and we would so instruct that at the next meeting of the Commission.

Mr. Chairman: Follow-up from Mr. Ramadhar. Sorry, Mrs. Cheesman do you want to add something?

Mrs. Cheesman: Thank you, Chairman. In addition to what the Chairman would have said I wanted to clarify that, yes, we consider that very urgent and we will give it the attention, but in terms of the appraisal process, just to put it into context, the state of emergency really—it was there only in about two weeks of the appraisal process, the period, so it did not factor in significantly in the report.

Mr. Ramadhar: Thank you very much.

Mr. Abdulah: Thank you, Mr. Chairman. To the members of the Commission, good morning. Two questions; one is really a follow-up from Sen. Prescott, which I do not think was answered and then I have another one. The follow-up question or the restatement of the question really is about the other members of the Executive Management of the Police Service for whom you have the responsibility of doing appraisals; the two or three Deputy Commissioners of Police. I think it is important that we hear about their performance as well. Sen. Prescott phrased it in terms of the executive team. I think that is necessary.

My other question is with respect to, perhaps, a slightly more subjective assessment of the Commissioner of Police, but one which I think is very important, with respect to the confidence which the leader of the police service must certainly engender in the public's mind and consciousness, in terms of the direction of the police service and its capability to ensure public safety. That question simply is this: Is the Commissioner, in your assessment, really enthusiastic about this job? Because, when you take on a challenge of responsibility at a major leadership level, if you are not really gung-ho about tackling it, especially if it is a difficult one to tackle and the police service, I think we all have to agree, is not an easy body to manage and to transform and to ensure that it delivers in terms of public safety. If you are not enthusiastic, if you do not have that energy and drive and communicate that throughout the ranks, as well as to the public, then really you are not going to get very far. That is my question.

Mr. Chairman: Before you answer, Prof. Deosaran, I just want to add a bit to what Mr. Abdulah raised. The core criteria for appointment, while it does not speak to the word “enthusiasm”, under Legal Notice 101 of 2009, one of the criteria is commitment to the cause of

the organization, apart from leadership, management skills, communication skills and requisite vision. I think, apart from enthusiasm, in the context of the criteria for appointment, which is commitment to the cause of the organization, can you answer within that context?

Prof. Deosaran: I refer to these criteria earlier on as the basis for hiring him and the Deputy Commissioners. There are six of them. You have enunciated them and I have them before me here. But Mr. Abdulah, who knows quite well how enthusiasm is infectious, looking at him in his other role, if you are a doctor, a nurse or a teacher or even a Member of Parliament, your enthusiasm is very paramount in demonstrating leadership and mobilization.

11.10 a.m.

You are asking me, if I should answer on my own, a subjective answer, and I do not know if this is the forum to give that answer because of the public consequences. What we tended to do, Mr. Chairman, is to take this criteria including enthusiasm, integrity, communication skills, commitment and so on, and framed them into questions to ask the men and women under his charge: how do you feel about these issues, because that is where it has to be manifested. If his enthusiasm must have positive consequences, it has to be seen through the men and women whom he leads; not only through my subjective opinion. I have an opinion from what I gathered when I met with him.

The results from the surveys which we did within the police service, and also from the public opinion surveys, not straw polls and TV polls, scientifically representative drawn samples, the level of satisfaction in these respects, including the question of enthusiasm and passion for the job, as I have said before, is far from satisfactory.

Mr. Chairman: Mrs. Alleyne-Toppin, you are next? No, I think Mr. Samuel.

Mr. Abdulah: Mr. Chairman, there was another question which both Mr. Prescott SC and myself asked—*[Interruption]*

Mr. Chairman: I think Mr. Prescott SC answered that.

Mr. Abdulah: No, no, with respect to the deputy commissioners, we need to get a response on that.

Mr. Chairman: Oh! Oh!

Prof. Deosaran: Yes, Mr. Parker will answer with respect to the deputies. Mr. Parker?

Mr. Parker: Thank you, Mr. Chairman, and Members of the JSC. That is a significant question because under our remit, we do have the responsibility not just for the Commissioner of Police, but his executive team. Yes, we did the evaluation on the Commissioner of Police and his two deputies at the time. Again, in looking at the appraisal, the responsibilities and duties of these persons making up the executive team was taken into consideration. Even though there were those four categories of which the Chairman and Mrs. Cheesman spoke, the weights for each of those categories were different depending on the deputy commissioner and what was under his responsible.

For instance, a deputy commissioner who would have been in charge of administration would have a slightly different weight within the four categories, as opposed to a deputy commissioner who would have been in charge of operations. We, the PSC took those things into consideration because at this first appraisal cycle—and this is something I think we ought to make very clear to the JSC and the public at large. This appraisal cycle is one which sets the tone for continuing transformation of the police service, it is not a cycle in isolation, it is a cycle that one expects to build on as we move on in time. It is critically important to explain that because we tend to focus on specific areas.

We, as the Police Service Commission want to look at these things through a very clear set of lenses, something that can stand the rigours of closer examination over time, and that is the reason we are trying as much as possible to be objective, clear, precise, not necessarily pushed by emotional responses at any given time, but setting criteria that will stand up to objective, measurable and precise examinations as we move forward. Hence the reason I was explaining to you that yes, it is an examination not just of the Commissioner of Police, but also his executive team.

Thank you.

Mr. Chairman: Just before you leave that question, what were the ratings of the deputy commissioners? Because you said the Commissioner of Police was fair. What were the ratings were there differences?

Mrs. Cheesman: Mr. Chairman, if I may.[*Inaudible*]The Deputy Commissioner of Police with responsibility for administration was rated as satisfactory, and the Deputy Commissioner of Police with responsibility for operations was rated fair.

Prof. Deosaran: Before you do that, I think it is important to make the point, Mr. Chairman, because it would be helpful for the next question. The level of dissatisfaction I mentioned in different areas, and in a response to Mr. Abdulah and Mr. Prescott SC's question, those levels of dissatisfaction have recently been brought to the attention of the commissioner and his executive. We have proposed ways to improve in a structured systematic sense, so whether they are there or not, we are putting systems in place for improvements as we move along, and that is why we have described our appraisal exercise on this first occasion, as a developmental tool as well in the interest of the whole police service, and in the interest of improving public safety as we move along towards our other appraisals.

Mr. Chairman: Okay, Mr. Sharma has not participated as yet, and I noticed that he wanted to ask a question. Mr. Sharma?

Mr. Sharma: Yes. I thought you were punishing me for something. [*Laughter*] Mr. Chairman, at 12 midnight on Tuesday last, carnival came to an end, and the bacchanal and confusion that are associated with it should have stopped, what we are hearing today seems as if it continues. You are telling us that the appraisal which you conducted was not within the industry standards, it is not what is prescribed to you by law. It seems that your finding of a fair appraisal has led to more fear, F-E-A-R; the national community is at a loss to what is happening. You have indicated that based on your own scientific studies conducted on the junior officers, and with the public opinion, it reflected a particular design. It seems as if your appraisal was to arrive at a particular result, and as a result you may have turned a blind eye to a number of shortcomings.

Nowhere in the provisions of the appraisal has there been any consideration for a new commissioner coming externally, and as a result newness will last for 17 months, or to become familiar with culture and other things would be given additional time. The work of the

Commissioner of Police in the police service is designed in the law to achieve certain results, and by you being perhaps over kind, may have caused us a tremendous loss. Assuming, but not admitting that Mr. Prescott SC has asked a sensible question, then it means that you have in your own submissions, are close to arriving at something, and you are delaying it perhaps, or seem to suggest to the national community you want to go there, “buh yuh fraid to go.” Senator Prakash Ramadhar also asked—[*Interruption*]

Mr. Ramadhar: Minister.

Mr. Sharma: Minister Prakash Ramadhar also asked—I thought everybody sitting opposite me are Senators—[*Laughter*—the question that something which does not obtain in law happened some months ago, and you are still finding out if that was so. And if that, in fact, did obtain, then, there is a breach for which the country has paid an enormous price, and is still paying an enormous price. I am not to measure your performance, but fear is in my mind, two fears, the one with the “E” and the one with the “A.”

I really hope that some higher level of indulgence and maturity can obtain now for whatever has to be, shall be. We cannot delay the protection of the citizens of Trinidad and Tobago and the execution of duty by officers so engaged to do, for any reason except what the law allows us to do.

Prof. Deosaran: May I?

Mr. Chairman: That was a statement by Mr. Sharma and not a question. Is it something you want to respond to?

Prof. Deosaran: Well, I will also want to make a statement in response to that statement. We have to consider public perception of what we are doing, and not for one moment would I want—knowing the work we had been doing. We have held over 30 meetings in the last year, and even more than that informally. We have met the commissioner several times, they call us a part-time commission, but I will tell you, Mr. Chairman, we are working full-time, and that is an amendment which needs to be looked at.

In all these circumstances it is not that we are unduly kind, I think we are dutifully helpful, because the question will have to be posed, if you fire the commissioner now, what will be the

consequence? To put another permanent commissioner in place will take between one and two years, and at a cost of \$5 million. We did not create those conditions, but we have to be aware as serious decision makers what the circumstances are in which we are operating in the country's interest. We are not delaying—I think the better word is cautious in the circumstances—we are dealing with laws. We are dealing with appeals. We are dealing with potential judicial review. We are dealing with potential embarrassment for moving hastily without proper evidence in making one of the most serious decisions that this country will ever face, disciplining/terminating the services of the Commissioner of Police. We want history to be on our side and even though in the present circumstances we seem to be overly cautious, we prefer to live with that than moving hastily into possible error.

Mr. Chairman: Okay. Mr. Samuel.

Mr. Samuel: Mr. Chairman, to the Chair of the PSC. In your appraisal and assessment, you answered a little while ago that you also appraised those just below the commissioner. What I am hearing is that even those appraisals were found lacking in some areas. Is it that from all that you have done, you believe that the total support mechanism or the effectiveness of the Commissioner of Police was in place, or could we say that from the inception the Commissioner of Police was hung out to dry? In other words, he was doomed to failure from the inception because of the lack of support, no mechanisms were put in place, because of the—and I go back to fact that he is a foreigner. In your appraisals and I really will like to find out, do you believe that the support mechanism for effectiveness and efficiency was put in place, or was he really hung out to dry and doomed to failure from the beginning?

Prof. Deosaran: Well, from my observations and I must say the Ministry of National Security has been very helpful whenever it needed guidance or clarification on matters of pertinence, especially in terms of resource capability. In my view, the Ministry of National Security has provided as much support that the Commissioner of Police and his office require. From the commission's point of view, I do not see the lack of such support Mr. Minister, as an excuse for whatever shortcomings the commissioner might show in his own performance. I think he has complete powers to manage physical, human and financial resources and I am satisfied that the Ministry of National Security has moved and is still moving to provide him with such. In fact,

he has so many resources that he can spend the amount of money which he seems to be spending with such facility, but that is another matter for Mr. Khan's committee.

Mr. Chairman: Mrs. Alleyne-Toppin, you had a question.

Mrs. Alleyne-Toppin: I want to ask what the impact of that assessment "fair" is, considering in your scheme of evaluation points, fair is third to last on the agenda and it has so much more above it.

11.25 a.m.

In your scheme, what is the impact of that "Fair" on the society? I want to agree in some ways with Minister Sharma. What is the impact of that on the society? What is the impact on governance in Trinidad and Tobago? What does it spell for the Government of Trinidad and Tobago? We have a three-year contract, I presume, for the Commissioner of Police. Are we saying then, when we contract somebody to work as a commissioner for three years, we can do nothing to improve his performance; we just ride it out with the impact on crime in the country considerable while we nurture this person from poor to satisfactory?

Remember there was a point at which we were not assessing at all because we were giving him time to settle in. So we take somebody; we help him to settle in; we bring him, like a good teacher, from "Poor" to "Satisfactory" to "Fair" and then we move him right up to "Excellent". That contract is far gone. Are we, as a Government and a people, now to sit and—at this moment I give us a "Fair" assessment—just as I give the Commissioner a "Fair" assessment—of the way we are treating and handling this matter. We would continue in that "Fair" assessment, then his contract would be over and we would start someone else. I think that we have a responsibility to understand the impact of "Fair".

In the scheme of things, as an old teacher, if I am teaching Math and Physical Education, traditionally Physical Education would not have the weighting Math has. So if I give you a "Fair" in Physical Education, nobody would take that on; but if I give you a "Fair" in Math, it means that you are really not going to make it. Therefore, crime, peace and security in this country, to me, are paramount. We cannot have a commissioner operating at "Fair" and we

sit back and say: “If we do that, we will have to go through all these things to get rid of that person.” That means that our system is flawed, our system of contracting. Let me get it clear.

Mr. Chairman: Mrs. Alleyne-Toppin, I think the question is clear.

Mrs. Alleyne-Toppin: A fair question?

Prof. Deosaran: That is a very fair question, but before I ask Mrs. Cheeseman, Mr. Khan, Mr. Parker and maybe Dr. Sumesar-Rai—because you are getting into the exercise itself—the technical parts of the exercise, let me assure members of the Joint Select Committee, that we are not resting on that decision we recently made. Mr. Khan would have told you we are quite busy in dealing with other matters before us and in a very short while—I am sorry I could not give you, Mr. Prescott, a specific date; but in a short time we will come up with another decision because of the new information, because of the deeper analysis we have done with the information we have. I do not want the national community to believe that we are resting until the end of the year. It is certainly far from that. I would ask Mrs. Cheeseman to explain some of the mechanics of the appraisal; Mr. Parker and Mr. Khan as well; maybe Dr. Sumesar-Rai could come in at the end.

Mrs. Cheeseman: Mr. Chairman, granted that the appraisal was rated as “Fair” and we as a Commission decided that at that point in time we would not be taking any disciplinary action for that level of performance, it does not mean that it will continue like that forever. Now, the process we would have explained to the commissioner, when we would have discussed the report as such, that even though this is the annual appraisal, as we move into the future, we will be doing quarterly assessments on the commissioner so that we can see whether this “Fair”, which we will use as the baseline now—we expect to see improvements in all the areas. We have given him certain recommendations that we expect to be implemented, so our appraisal process is a continuing one. It does not wait until the next annual cycle, at the end of it, for us to come now to say “Fair”. We will be measuring him as we go along, on a quarterly basis, to ensure that we are seeing some measure of improvement in the areas that would have been deficient. That is notwithstanding.

As we would have mentioned earlier, there are other investigations going on that need to come to some kind of conclusion. Notwithstanding that, in terms of the appraisal process, there will be

quarterly reviews to decide whether we are seeing signs of improvement because that is the expectation. Even all the targets, et cetera, that we would set in this first appraisal cycle, we will be increasing those targets as we go along. We would not want a 10 per cent decline forever, for the full three years of the term. As we move along, we will have greater expectations because the settling period would have been gone and that is what we will be using to measure going forward.

Mr. Chairman: We heard a lot about that area. Mr. Maharaj, you have another question?

Mr. Maharaj: I point to section 123 of the Constitution, subsections(1) to (3), which speaks to the issue of how the commissioner is removed from office, giving the Commission the authority to remove the commissioner; and section 8(b) and (c), which speaks to the issue of breaches of contract and reported inefficiencies based on performance appraisal. It really leads from Mr. Sharma's question that if your appraisal is not a comprehensive appraisal that you will never arrive at the conditions to terminate the contract because your appraisal is fundamentally flawed and it will be biased.

I continue to wonder aloud, at what price—you said \$5 million would be a high price we would have to pay? How many lives would have to be lost in violent criminal action? How many persons would have to be robbed before the Commission stands up to its constitutional mandate to look at the removal from office?

Prof. Deosaran: When I mentioned the words “about \$5 million, “it was not a prohibitive factor; it was a description of the circumstances in which we exist and that was for information of the select committee and the national community. That would in no way prohibit us from making the decision as required.

The other issue is that I do not think the appraisal, as you described it, is flawed at all. I do not know if that is the correct word to use. It might be incomplete, which is a more preferable term, given the nature and substance of what—

Mr. Maharaj: I say that because the appraisal—

Prof. Deosaran: Give me a chance to explain, please. It is not flawed. It is incomplete. It is ongoing in some respects, but we were committed to producing a report at the end of last year so

we had to fulfil that requirement. We kept emphasizing today that we are continuing the appraisal effort and whatever shortcomings and inadequacies that there might necessarily be for different reasons, we are striving to fill those gaps and provide a more complete report in a very short time, not only in general. We have the powers defined in the Constitution and Mr. Khan can perhaps add something to that; that if any single incident happens, if the Commissioner, for example, steals \$1 million or \$5 million and, on our enquiry and after proper adjudication and so on, he is found guilty, we do not have to wait on any appraisal report. We can take instant action on such matters.

So, the appraisal exercise has its own definition beyond an annual appraisal outcome and that is what we are entering into with the light aeroplane, the question of uniforms and delayed investigations into pertinent matters which have come to our desk. We would make decisions, Mr. Maharaj, as soon as we have finished those proper enquiries. It could be a very short time.

I understand your concerns. I must also say that all the statements made here today—the suggestions and the concerns especially—will be seriously considered by the Commission in its own deliberations. We certainly could not ignore what was said here. We have to take it very seriously—the comments made by everybody here—and the next meeting we are having here on the first Thursday of next month, we have collated all the concerns and we will take them very seriously. It will help us to move with greater alacrity for one thing. I think we can give you a better report on the next occasion. It will perhaps be more persuasive.

Mr. Chairman: In the remaining time we have, I would like to turn the conversation a bit. At the very beginning of your presentation, you made mention that the legislation was intended to be reviewed after a period of two years. We would like to hear some of your views going forward. Before I leave, the question of investigations by the Commissioner of Police, in the public domain there has been much questioning and concern about persons of interest who have not, in their view, been questioned on certain investigations and one such person is Mr. Calder Hart.

I have a letter here from Mr. Lincoln Myers, a former Member of Parliament as you would be aware Prof. Deosaran. I want to quote one paragraph. He is writing this to the Chairman of this Joint Select Committee. I believe that letter has been copied to you. It is the concern over what

appears to be gross tardiness on the part of the Commissioner of Police, Mr. Dwayne Gibbs, in completing the police investigation into the matter at caption. The matter at caption is “Questionable Progress with respect to Police Investigation into the Urban Development Corporation of Trinidad and Tobago and Mr. Calder Hart its Former Executive Chairman”. And there were some other famous names that were raised. My question is: is this a part of the deliberations with the Commissioner of Police as to where he is with certain investigations that are in the public domain?

Prof. Deosaran:The answer is yes. That and several others.

Mr. Chairman: Can you share with us whether this matter of Mr. Hart has been concluded in terms of the investigation?

Prof. Deosaran:No, no. He is still to give us further information. He kept responding as to why you want this and other matters. We had asked him about two other enquiries more recently and he was telling us he cannot provide that. All he tells us generally is to say which officer is continuing investigations and we have to write him back and say, “No, we need something further than that.” We will conclude those enquiries and exchange of letters in a very short time and make a decision. My answer is that it is a matter that will be bringing closure in a very short while. We do share Mr. Myers’ concern. We do share the public’s concern. We do share the Government’s concern. What we have noticed is that the police commissioner and his deputy, Mr. Ewatski, seem to rely very heavily on public relations and paid advertisements and maybe the time will come when we will have to ask them about the amount of money being spent on these paid advertisements. They seem to convey an impression, through media releases and paid advertisements, that all is well; everything is hunky-dory and, as Mr. Samuel and Mr. Sharma pointed out, you hear stronger evidence of crime, stabbings and other incidents that, perhaps, give rise to serious concern in spite of all those advertisements.

It is worrisome because the 21st Century project for example, when we ask him about the status of the project and where is the evaluation report from the pilot study, he claimed that that was a pilot study in the Western Division. He said there was no such completed evaluation. We were also disturbed to know, as he claimed, and he apparently felt very confident about it when we enquired, he implied: “Why are you worried about it because Cabinet has already approved it, to

be spread all over the country and Tobago?” Our concerns, in terms of the management perspective, are: how can you roll out a plan that is not properly evaluated if you claim that initially it was a pilot study? So the public relations aspect seems to be driving the police service performance much more than substantive achievements at present.

Mr. Ramadhar: Thank you, once again. Let me first of all congratulate your efforts in terms of improving as you proceed. I cannot imagine anybody wanting to fail at this level with the Commissioner of Police and so. As you know, the Congress of the People has taken a very strident view of the failure to have brought the investigation into Calder Hart to a completion. There must come a time, and the time must come soon, otherwise it will be dereliction of duty to say that matters are ongoing for years and a matter of great simplicity. So I am grateful to hear that from you.

I am also concerned that I am hearing grades of the deputy commissioners. If a Commissioner of Police is to be removed, what would be the natural progression? As you say, if a commissioner is found guilty of an offence and he is to be summarily removed, who will replace him in the pecking order? I am not hearing the most wonderful grades for those who occupy those places. What would be your suggestion then?

11.40 a.m.

Mr. Ramadhar: You know, I am not hearing the most wonderful grades for those who now occupy those spaces. So what would be your suggestion then?

Prof. Deosaran: Well, we will have to put an acting appointment as the first—after we do deliberations. We will, of course, like to have appropriate consultations with other stakeholder agencies. I do not have to call their names, but we will have to make an acting appointment as to the name of the person. It will be really remiss of me to disclose whom I believe should be the next person. I think that would be a matter for the commission’s deliberation. Although things might be obvious, Mr. Ramadhar, I cannot venture too far out there, you know, but we will make that decision quite quickly and put things in order because we need to maintain public confidence.

We do not need the public to feel that the whole state apparatus—we are one part of the state apparatus, so we have to preserve the integrity of the State as well as our own reputation and that is why we are moving carefully. I understand the concerns of the country. Do not think that I would not know it. It is a business I have spent a lot of time on but it is an issue that has to be dealt with quickly but cautiously and on the basis of evidence that could stand historical scrutiny. That is why, you know, you have lost very few cases, because you took your evidence very seriously.

Mr. Chairman: Okay, Prof. Deosaran, there is a question from Mrs. Thomas.

Mrs. Thomas: I thank you, Mr. Chairman. You will have a very short response from me. I looked in the report on page 30 as regards outstanding matters, and under the category, “non-appearance of police complainants at court”, there were 41. I just want to find out if this figure was reduced or if it was increased, and the reason given was “awaiting report from the Commissioner of Police”? I just wanted to know where we were regarding this, because you are looking at wasting of the court’s time, et cetera. Because of this report not being submitted we are unable to, as regards appearances of police complainants. Thank you.

Prof. Deosaran: Member, we have raised that with him as well. It is a very disturbing issue across all commissions. The Teaching Service Commission suffers from the same challenge, officers who were involved, or, having laid charges do not appear in court six, seven times; the cases get dismissed, and that is why you have this very low conviction rate, because of the police officers themselves. So it is an area we have raised with the commissioner, but I would ask Mr. Khan to elucidate. Mr. Khan is chairman of the appeals tribunal, and who would have some further experience on this particular matter. May I now invite Mr. Khan to, perhaps, add to what I have just said.

Mr. Khan: Mr. Chairman and members of the Joint Select Committee, one of the recommendations—the 13 recommendations made by the commission to the commissioner recently—was that there must be improvement in court attendance for officers required to be present. This was in connection with the recent appraisal. Now, in my opinion the receipt of a fair appraisal by the commissioner is a matter of great concern to us and it is something that we are giving further consideration to.

Mr. Chairman: Mr. Abdulah, a quick question.

Mr. Abdulah: Yes. Thank you, Mr. Chairman. One of the issues that has raised a great deal of disquiet recently in the country and, regrettably, because of it, throughout the world, was the two raids by the police; at least in one case, by a large number of heavily armed police officers on media houses in pursuit of “investigations”. It raised, therefore, the whole issue of: how does the police service manage investigations with respect to the media and the constitutional right of the media to freedom of the press? Has your commission, Chairman Prof. Deosaran, addressed this issue with the Commissioner of Police? And what has been the response? Because it is a matter of great disquiet not only here, but internationally.

Prof. Deosaran: We did not discuss that with the Commissioner of Police at our last meeting. What we discussed was the appraisal report and the way forward on the information and evidence before us. But I know that members of the commission, individually and myself, have very serious concerns about not merely entering the premises but the manner in which it was done. And I can assure you, Mr. Abdulah and Members, at our next meeting, once again, that will be another item on our agenda.

My own view is that, when you are entering a media house in the circumstances in which it was done on two occasions, especially on the latter occasion with the *Newsday* premises, I think greater care ought to be exercised because you are interfering with another agency that is protected under the Constitution; freedom of the press. That is why, if you have to prosecute a media house you need the permission of the DPP before that can be done; as far as I remember. So it tells you the level at which a commissioner of police, foreign or local, must operate when entering the premises of a media house, especially when the charge is what it was. The nature of the charge, the level of the charge, is not such where you require that extent of muscle—
[*Interruption*]

Mr. Abdulah: That is correct. I do not know if anybody was charged, which makes it worse.

Prof. Deosaran: Well that is what I was saying. Mr. Prescott would agree with me, and Mr. Ramadhar, that in these matters, you know, you do not get into the specifics prematurely. But the general picture is that they used an unnecessary level of muscle given the nature of the charge and the level—not the charge—sorry, I think I made a mistake. Sorry, very sorry.

Given the issue involved, the complaint involved, I think that was an unnecessary load of muscle and it really disturbed the public. It disturbed a lot of us who have always cherished and supported freedom of the press, even when we ourselves have been criticized and sometimes treated unfairly. But a balance—it is better to have a free press in all those circumstances. I share your concern, Mr. Abdulah, and the matter will be raised at our next meeting.

Mr. Chairman: Okay, Mr. Prescott, you had a question?

Mr. Prescott SC: Briefly, through you. Chairman, is the Police Service Commission able and willing at this time to address public anxiety and disquiet about the levels of efficiency and effectiveness of the police service? To make any statement that might assure us that all our concerns and anxieties will be tempered in the shortest time? Are you seeing that this is happening?

Prof. Deosaran: Well, I would preface my remarks, and on this occasion I would invite other commissioners to speak. We are not there to manage the police service. We are an oversight body to help ensure that the management of the service is properly done within the constitutional perimeters. And if the persons responsible for managing the police service are not doing their job properly then we have to act as we are acting now. But the question of whether you will have a better police service, improved efficiency, improved effectiveness that really lies in the hands in the first instance of the Commissioner of Police and his deputies. And our job was an oversight body, we are not managers, we are an oversight body, we now have to ensure that he carries out that responsibility. To be more precise, we feel that if you need improved efficiency and improved effectiveness, we ourselves as a commission need to be properly reformed, and improved in our own resource capability. And that is reference which Dr. Sumesar- Rai briefly made when he was speaking.

I do not want to make that an enlarged issue about shortage of resources. I do not want us to appear that we are complaining. We are still going to do our duty within the restrictive environment. But we have set up, as the Chairman referenced just now, a review team which, I believe, through the consultation we had with the hon. Prime Minister and the distinguished Minister of National Security, and the distinguished Attorney General, we held a meeting and I think the matter was taken to Cabinet and it was agreed, jointly, between the commission and

Prime Minister that a review team be set up to strengthen the capability of the Police Service Commission to deal with the issues you have raised more precisely and exhaustively.

Right now, for example we have no investigative unit. The unit we have is more for technical team than an investigative unit. It is very unfortunate, Mr. Chairman, that we have to depend so much on information, documents and reports supplied by the commissioner himself. So if he does not send them we are almost helpless. The audit function we have is quite limited, just visits to station but in terms of getting the document in a forensic manner, we are quite limited. So all those things that we need to put as we ourselves move along as a commission and then, perhaps, we will see a greater level of accomplishment in the police service. So it is parallel endeavour, one, to strengthen the leadership in the police service and at the same time to strengthen the capability of the oversight body, both of which are in train now.

So as the Minister of National Security would tell us some of these things do not happen overnight, but be assured that the process is in place. Yes?

Mr. Chairman: Well, I wanted to turn to the question of some of your thoughts on adjustments that might be needed in law in going forward. I think you raised the question of time and cost with regard to replacement. But I do not see that necessarily as the stumbling block for if it is necessary moving to the next stage in the identification of a new commissioner and so on. I am saying if it is necessary.

But one issue I would like to get your thought on with regard to the current arrangement is that the Commissioner of Police, a lot of power has now been concentrated in his hand without the power of shall we say appeal. The executive management of the police should include other levels beyond that of the commissioner and the deputy commissioners, certainly, the assistant commissioners right down to the level of senior superintendents. Yet still, the determination of promotion and appointment in those areas lie solely with the Commissioner of Police. The only thing that the police commission can do is adjudicate when there is an appeal.

Now, if we take the analogy of other institutions, such as the private sector and so on—the top executive, all of them, would have to come before for a decision of the board. It might be a recommendation of the CEO. And I am using the analogy in the case of the Commissioner of

Police. What are your thoughts in terms of the review by the Police Service Commission to other levels which ought to include the leadership? Do you understand my question?

Prof. Deosaran: Mr. Khan?

Mr. Chairman: I take it you understand my question and you passed it to Mr. Khan.
[Laughter]

Mr. Khan: No, no. I am afraid I was going to ask for clarification. Are you talking about the lower levels—[Crosstalk]

Mr. Chairman: Up to superintendent—

Mr. Khan:—of the police service being included in the executive management of the police service?

Mr. Chairman: Yes. I am saying that I have a concern that the Commissioner of Police has, basically, the sole right to appoint these persons who are really in leadership positions in the police service, and you only have the capacity and the right to deal with the Commissioner of Police and the Deputy Commissioner; that is the question. Do you understand that question?

Mr. Khan: Yes, certain Sir.

Mr. Chairman: Okay. What are your thoughts?

Mr. Khan: Mr. Chairman and Members of the committee, my thoughts are that that provision needs to be amended and some better provision should be made for review by the Police Service Commission of such appointments by the commissioner.

11.55 a.m.

Mr. Chairman: Mr. Ramadhar, you have the last question.

Mr. Ramadhar: Thank you very much. I shall try to make it useful. Is there any relationship between your Commission and the Police Complaints Authority and if there is, do you see a need to strengthen it? I could see a great symbiotic relationship developing there. As you indicated,

you do not have an investigative unit. Could we hear, first of all, if there is any relationship and what would be your suggestion as we move forward?

Mr. Deosaran: When I first assumed office, Mr. Chairman, one of the early things I did was to invite the Police Complaints Authority—the Assistant Director and I believe one or two of the officers—to pursue that same line of collaboration. When I read the Police Complaints Authority Act, especially I think section 21 or somewhere there—what the authority is and the level of investigations that they can undertake—I thought we should have a kind of supplementary basis to operate.

We can give them information as to issues to investigate, and on their investigation they can supply us with information. Right now, I think, we are collaborating on this light airplane issue. They are gathering some information, and we are prepared to share the information with them and they will help us along the way. So, in principle, the suggestion is not only welcomed, but it is being acted upon and it is necessary. I do not think it would be duplicating, but it will be quite a collaborative effort. I am glad you raised the point. It just reaffirms what we are doing. The collaboration between the Police Complaints Authority and the Police Service Commission is a very vital and useful one on both sides. Thank you, Mr. Ramadhar.

Mr. Chairman: I want to wind up this part of our proceedings for this meeting, and just make a few concluding comments. One is that your passing grade as determined by the media, and your fair grade as determined by you is not strongly supported, in my view, by some of the discussions that we had today and, certainly, from what I have heard outside, there is deep concern. What you have said today does not give the kind of assurances that the public would want about the effectiveness and the efficiency of the leadership of the police service. I was heartened to hear that you are going to take progressive measures in order to deal with a number of outstanding matters.

Secondly, this notion of a provisional grade is something that is really not catered for in the Constitution. An annual appraisal is an annual appraisal. While we heard the notion of continuing assessment, I think that the next time around we would certainly want to hear an annual appraisal from some sort of provisional grade.

We heard the comments about the question of resources at the level of the secretariat and I think that this is a recurring matter. This is something that the Committee will want to place before the Executive, and that has already been done—some attention to the question of accommodation and resources, and as we saw in your 2010 report to which we have not referred much in these deliberations like the question of compensation for some of the contracted positions. I think the core of our discussions today had to do with the appraisal of the Commissioner of Police.

I want to commend the Police Service Commission and the members of the Police Service Commission for being very open and frank in detailing the concerns and the issues which would have led to that grade, which you have now put as fair. I hope that the press would change from a passing grade to a fair assessment as we go along.

There are a lot of other things that we can discuss but I think we are out of time today. So, what is left for me is to thank you the members of the Commission for the work that you are doing, and we would hope to hear from you some of your recommendations with regard to adjustments that may be required in the legislation and the regulations to assist you in your work which is the assessment of the Commissioner of Police, but to assist the Commissioner of Police and the police service in terms of efficiency. So, again, I want to thank you for your time. This meeting is now suspended.

12.01 p.m.: *Meeting suspended.*