

**MINUTES OF THE 2<sup>ND</sup> MEETING  
OF THE  
SPECIAL SELECT COMMITTEE  
ESTABLISHED TO CONSIDER AND REPORT ON THE PROCESS FOLLOWED IN  
RELATION TO THE NOTIFICATIONS PURSUANT TO SECTION 123 OF THE  
CONSTITUTION  
HELD (IN CAMERA) AND (IN PUBLIC) IN THE A.N.R. ROBINSON MEETING ROOM  
(EAST), LEVEL 9, OFFICE OF THE PARLIAMENT, TOWER D, IWFC, #1A WRIGHTSON  
ROAD, PORT OF SPAIN  
ON  
ON FRIDAY FEBRUARY 23, 2018.**

**Committee Members**

Mr. Fitzgerald Hinds, MP	Member
Mr. Terrence Deyalsingh, MP	Member
Ms. Nicole Olivierre, MP	Member
Dr. Roodal Moonilal, MP	Member
Mr. Ganga Singh, MP	Member
Mr. Randall Mitchell, MP	Member

**Secretariat**

Mrs. Jacqui Sampson-Meiguel	Secretary
Ms. Keiba Jacob	Assistant Secretary
Ms. Kimberly Mitchell	Assistant Secretary
Mrs. Delrene Liverpool-Young	Legal Officer I
Ms. Krystle Gittens	Graduate Research Assistant
Ms. Candice Ramkissoon	Legal Research Officer

**COMMENCEMENT**

- 1.1 The meeting was called to order by the Chairman at 9:09 a.m.

**CONFIRMATION OF MINUTES**

- 2.1 The Committee considered the Minutes of the First (1<sup>st</sup>) meeting held on February 16, 2018.
- 2.2 The following amendment was made to the Minutes:

Insert as a new paragraph No. 6.7 the following -  
*“The Committee agreed that in the event that it is needed, appropriate legal advice would be sought.”*

- 2.3 The motion for the confirmation of the Minutes, as amended, was moved by Mr. Terrence Deyalsingh and seconded by Mr. Ganga Singh.
- 2.4 The Minutes of the First Meeting, as amended, were approved.

## **MATTERS ARISING FROM THE MINUTES**

### **Correspondence**

- 3.1 The Chairman informed Members that the following submissions were received from the Director of Personnel Administration (DPA) (Ag.) on Tuesday February 20, 2018, in response to the Committee's call for papers and records dated Friday February 16, 2018:
  - a. documentation regarding the firm contracted (paragraph 3 of LN 218/2015) -
    - name of the Firm;
    - mandate given to the Firm by the Commission; and
    - terms of the contract entered into between the Firm and the Commission
  - b. benchmark/guidelines used by the Firm in relation to the best practice security vetting and recent professional vetting;
  - c. results of the Firm's assessment process as mandated and contracted by the Commission;
  - d. the Firm's report on the assessment of the entire process;
  - e. list of all applicants received by the Firm;
  - f. assessor's scores on the applicants;
  - g. assessor's feedback on the applicants;
  - h. security and professional vetting report on the applicants; and
  - i. Order of Merit list established by the Commission.
- 3.2 The Chairman confirmed that the above submissions were circulated to Members via a link to the Committee's Dropbox on February 21, 2018.
- 3.3 The Committee was informed that the following additional documents were received by the Committee on Thursday February 22, 2018 in response to the Committee's request for additional information dated Wednesday February 21, 2018, and were being circulated. He pointed out that this submission was marked strictly confidential –

- a. information used by the Commission in accordance with Section 3(d) of LN 218/2015 to arrive at the Order of Merit List; and
- b. grades awarded to each applicant on the Order of Merit List.

**HEARING WITH THE DIRECTOR OF PERSONNEL ADMINISTRATION (DPA) (AG.), MEMBERS OF THE POLICE SERVICE COMMISSION (PSC) AND THE FORMER CHAIRMAN OF THE POLICE SERVICE COMMISSION (PSC):**

**PRE-HEARING DISCUSSION**

- 4.1 The Chairman referred to the letter February 20, 2018 that accompanied submissions of the DPA (Ag.) at paragraph 3.1 above. The Committee took special note of a request by the DPA that –

*“the following evidence requested by letters dated 16th February, 2018 be considered secret or classified as confidential...”*

- 4.2 Discussion ensued on the contents of the correspondence from the DPA (Ag.) and the approach that the Committee should take, considering the sensitive nature of the contents of the package.
- 4.3 Members agreed that the details related to candidates particularly to the Order of Merit List was to be treated as confidential. The Committee further agreed that as far as possible candidates for the post of Commissioner or Deputy Commissioner of Police were not to be referred to by name and adopted a code to be utilized when referring to such candidates.
- 4.4 Members were reminded that the focus of the inquiry was the process of selection for the post of the Commissioner and Deputy Commissioner of Police, not the individual or individuals selected.
- 4.5 Members were informed that an Issues Paper was prepared, based on submissions received and circulated to Members by email on February 22, 2018.
- 4.6 A discussion ensued on the main issues.
- 4.7 The meeting was suspended at 9:51 a.m.

**PUBLIC HEARING WITH THE (DPA) (AG.), MEMBERS OF THE (PSC) AND THE FORMER CHAIRMAN OF THE (PSC):**

***An Inquiry into the Process Followed In Relation To the Notifications Pursuant To Section 123 of the Constitution***

5.1 The meeting resumed in public at 10:00 a.m.

5.2 The following persons joined the meeting:

**Representatives of the Police Service Commission (PSC):**

- Mr. Martin Anthony George – Member
- Mr. Dinanath Ramkissoon – Member
- Commodore Anthony Stafford Franklin – Member

**Former Chairman of the Police Service Commission (PSC):**

- Dr. Maria Therese-Gomes

**Representatives of the Service Commissions Department (SCD):**

- Ms. Prabhawatie Maraj – Director of Personnel Administration (Ag.)
- Mrs. Marcia Pile-O’Brady – Deputy Director of Personnel Administration
- Ms. Natasha Seecharan – Legal Advisor
- Ms. Kavita Jodhan – Senior State Counsel

5.3 The Chairman indicated that the hearing was being held in public and broadcast live on the Parliament’s Channel 11, Radio 105.5 FM and the Parliament’s YouTube Channel Parlview.

5.4 The Chairman stated the mandate of the Committee for the information of all present and listening:

- i. to obtain information, documentation and/or evidence relevant to and/or touching and concerning the method, process, criterion and considerations utilised by the Police Service Commission and/or the Firm employed by the Police Service Commission in the selection of candidates for the position of Commissioner of Police and Deputy Commissioner of Police to enable the House of Representatives to consider the Notifications submitted to it by His Excellency, the President pursuant to Section 123 of the Constitution; and
- ii. to report by March 31, 2018.

5.5 Introductions were made.

**Commencement of questioning by the Committee**

5.6 During the hearing a number of issues emerged, including:

- i. The procurement process utilised to contract a Firm was undertaken by way of open tender. The contract cost was approximately \$3.2 million;

- ii. The different stages of the recruitment and selection process included an implementation schedule with timelines for applications, the advertisement of the positions locally, regionally and internationally, a screening process, the selection of a short-list of candidates to undergo assessment followed by the selection of the best fit candidates to undergo further scrutiny and professional vetting;
- iii. The DPA's role in the process was limited to signing the contract with the Firm on the PSC's behalf;
- iv. Fifty-four (54) persons applied for the advertised positions of Commissioner of Police (CoP) and Deputy Commissioner of Police (DCoP), four (4) were deemed ineligible and fifty (50) were deemed eligible;
- v. Out of the fifty (50) eligible applicants, four (4) applied for the position of CoP, twenty-six (26) for DCoP, and twenty (20) applied for both positions;
- vi. The qualifications for each post are the same with the exception of the years of experience required. The post of CoP requires fifteen (15) years while the post of DCoP requires ten (10) years;
- vii. One job competency model was used for both positions;
- viii. One assessment process was used for both the posts of CoP and DCoP;
- ix. The PSC actively participated in the assessment process. It did so based on legal advice on the judgement by the Court in the case of *Harridath Maharai v The Attorney General* delivered on July 14, 2016.
- x. Members of the PSC were trained by the firm, KPMG, to participate in stage one of the Assessment Centre;

- xi. At the PSC's final interview, the final twelve (12) candidates were asked whether they wished to be considered for both positions;
- xii. It was a joint decision of the PSC and the recruitment Firm to commingle the applicants for the posts of CoP and DCoP;
- xiii. The PSC had before it a recommendation from the Police Complaints Authority that a certain candidate should be investigated;
- xiv. A question arose before the PSC whether a certain candidate ought to be included on the Order of Merit list in light of a pending investigation;
- xv. Internal Counsel had advised that a pending investigation could not debar candidates from participating in the recruitment and selection process;
- xvi. Therefore the question before the PSC was whether the Commission considered the pending investigation grounds for disqualification of a candidate. The initial vote was divided 2/2 and the Chairman exercised her casting vote in favour of the inclusion of the candidate; and
- xvii. A second question arose concerning the proposed order of the Order of Merit list. The vote was divided 3/1 in favour of the proposed Order of Merit list.

*(See Verbatim Notes attached)*

5.7 The Committee requested the following information from the Former Members of the PSC by written submission:

*“Did the Commission receive any legal advice including external legal advice on the following procedural questions -*

- a) whether the receipt of a “Professional and Security Vetting Summary” Report which confirmed that a candidate had been referred to the Police Service Commission for*

- consideration of disciplinary action, should debar such candidate from inclusion on the Order of Merit List pending an investigation?*
- b) *whether the Police Service Commission, represented by one or more members, should form part of the panel of assessors engaged by KPMG to conduct the assessment of candidates pursuant to paragraph 3(c)(i) of LN 218 of 215?”*

5.8 The Witnesses were informed that they will be requested to appear before the Committee again at a date to be determined.

### **Closing Statements**

5.9 The Chairman thanked all officials for attending and gave closing comments.

5.10 The meeting was suspended at 12:12 p.m.

### **POST-HEARING DISCUSSIONS**

6.1 The Committee reconvened at 12:14 p.m. and engaged in brief post-hearing discussions in relation to the issues raised during the public hearing.

6.2 During the discussions, Members expressed their concerns with aspects of the process followed by the PSC in arriving at the nominations for Commissioner and Deputy Commissioner. There was general consensus that there appeared to be uncertainty with respect to roles and functions of the PSC in the recruitment process as well as the use of one assessment process and one competency model for the selection of nominees for the two positions.

6.3 There was also consensus with a suggestion that Members should avoid making conclusive statements, during hearings, based on interpretation of evidence received.

6.4 The next meeting was confirmed for Tuesday March 06, 2018, at 1:30 p.m.

### **ADJOURNMENT**

7.1 There being no other business, the Chairman thanked all Members and adjourned the meeting.

7.2 The meeting was adjourned at 12:25 p.m.

I certify that the Minutes are true and correct.

Chairman

Secretary

*March 5, 2018*



**MINUTES OF THE 3<sup>RD</sup> MEETING  
OF THE  
SPECIAL SELECT COMMITTEE  
ESTABLISHED TO CONSIDER AND REPORT ON THE PROCESS FOLLOWED IN  
RELATION TO THE NOTIFICATIONS PURSUANT TO SECTION 123 OF THE  
CONSTITUTION  
HELD (IN CAMERA) AND (IN PUBLIC) IN THE A.N.R. ROBINSON MEETING ROOM  
(EAST), LEVEL 9, OFFICE OF THE PARLIAMENT, TOWER D, IWFC, #1A WRIGHTSON  
ROAD, PORT OF SPAIN  
ON  
ON TUESDAY MARCH 6, 2018.**

**Committee Members**

Mr. Fitzgerald Hinds, MP	Member
Mr. Terrence Deyalsingh, MP	Member
Ms. Nicole Olivierre, MP	Member
Dr. Roodal Moonilal, MP	Member
Mr. Ganga Singh, MP	Member
Mr. Randall Mitchell, MP	Member

**Secretariat**

Mrs. Jacqui Sampson-Meiguel	Secretary
Ms. Kimberly Mitchell	Assistant Secretary
Mrs. Delrene Liverpool-Young	Legal Officer I
Ms. Krystle Gittens	Graduate Research Assistant
Ms. Candice Ramkissoon	Legal Research Officer

**COMMENCEMENT**

- 1.1 The meeting was called to order by the Chairman at 1:52 p.m.

**CONFIRMATION OF MINUTES**

- 2.1 The Committee considered the Minutes of the Second (2<sup>nd</sup>) meeting held on February 23, 2018.
- 2.2 The following amendments were made to the Minutes:
- i. **Paragraph 5.6, subparagraph iv:** Add the word “/or” immediately after “and” where it occurs;

- ii. **Paragraph 5.6, subparagraphs xiii – xvi:** Delete the word “disciplinary” wherever it occurs.
- 2.3 The motion for the confirmation of the Minutes, as amended, was moved by Mr. Ganga Singh and seconded by Mr. Terrence Deyalsingh.
- 2.4 The Minutes of the Second Meeting, as amended, were approved.

## **MATTERS ARISING FROM THE MINUTES**

- 3.1 The Chairman informed Members that the following submissions were received from the Director of Personnel Administration (DPA) (Ag.) on Thursday March 01, 2018, in response to the Committee’s call for papers and records dated Monday February 26, 2018:

*Letter dated March 1, 2018 from the Ag. DPA containing the following attachments –*

- (a) legal advice on the question of whether a candidate can be debarred from the selection process for Commissioner of Police and Deputy Commissioner of Police in particular circumstances; and*
- (b) legal opinion on the Judgement in Harridath Maharai v The Attorney General in relation to the role of the PSC in the recruitment process.*

### **Correspondence**

- 3.2 The Chairman drew to the attention of members an email dated February 25, 2018 containing an unsolicited submission from Candidate E following the Committee’s first public hearing held on February 23, 2018. The submission was circulated.

## **HEARING WITH THE DIRECTOR OF PERSONNEL ADMINISTRATION (DPA) (AG.), MEMBERS OF THE POLICE SERVICE COMMISSION (PSC), THE FORMER CHAIRMAN OF THE POLICE SERVICE COMMISSION (PSC) AND OFFICIALS FROM KPMG:**

### **PRE-HEARING DISCUSSION**

- 4.1 Members were informed that a *Summary of the Stages of the Recruitment and Selection Process for Commissioner of Police and Deputy Commissioner of Police, with Issues Identified* arising out of oral evidence obtained at the public hearing of February 23, 2018 and the written submissions received to date, was prepared by the Secretariat. It was circulated to Members by email on March 05, 2018.
- 4.2 A discussion ensued.
- 4.3 The meeting was suspended at 2:27 p.m.

**PUBLIC HEARING WITH THE (DPA) (AG.), MEMBERS OF THE (PSC) AND THE FORMER CHAIRMAN OF THE (PSC):**

**An Inquiry into the Process Followed In Relation To the Notifications Pursuant To Section 123 of the Constitution**

5.1 The meeting resumed in public at 2:39 p.m.

5.2 The following persons joined the meeting:

**Representatives of the Police Service Commission (PSC):**

- Mr. Martin Anthony George – Member
- Mr. Dinanath Ramkissoon – Member
- Commodore Anthony Stafford Franklin – Member

**Former Chairman of the Police Service Commission (PSC):**

- Dr. Maria Therese-Gomes

**Representatives of the Service Commissions Department (SCD):**

- Ms. Prabhawatie Maraj – Director of Personnel Administration (Ag.)
- Mrs. Marcia Pile-O’Brady – Deputy Director of Personnel Administration
- Ms. Natasha Seecharan – Legal Advisor
- Ms. Kavita Jodhan – Senior State Counsel

**Representatives of (KPMG):**

- Mr. Dushyant Sookram - Managing Partner, KPMG
- Ms. Abigail De Freitas - Partner, KPMG – Advisory Services Department

5.3 The Chairman indicated that the hearing was being held in public and will be broadcast on the Parliament’s Channel 11, Radio 105.5 FM and the Parliament’s YouTube Channel Parlview.

5.4 The Chairman stated the mandate of the Committee for the information of all present and listening:

- i. to obtain information, documentation and/or evidence relevant to and/or touching and concerning the method, process, criterion and considerations utilised by the Police Service Commission and/or the Firm employed by the Police Service Commission in the selection of candidates for the position of Commissioner of Police and Deputy Commissioner of Police to enable the

House of Representatives to consider the Notifications submitted to it by His Excellency, the President pursuant to Section 123 of the Constitution; and

- ii. to report by March 31, 2018.

5.5 Introductions were made.

**Commencement of questioning by the Committee**

5.6 During the hearing the Committee obtained information , including the following:

- i. The recruitment strategy used for selection of a Commissioner and Deputy Commissioner of Police was the “*Talent Pool Strategy*”;
- ii. Based on this strategy, at the inception of the engagement of KPMG by the PSC, a decision was made to assess candidates based on a single Leadership Competency Model (LCM), as it was determined that both posts are from the same “*job group*” and therefore require the same skill sets;
- iii. The design elements of the LCM used assessed the following competencies:
  - i. Leadership Skills;
  - ii. People Skills;
  - iii. Technical Skills; and
  - iv. Business Policy Skills.
- iv. The PSC was satisfied that the LCM was suitable for its intended purpose;
- v. One Commissioner expressed that it was his understanding that “...*the single competency model was used as basically your entry level qualification.*”;
- vi. The former Chairman of the PSC submitted that based on the opinion of Senior Council on the Judgment in the case of *Harridath Maharai v The Attorney General*, the PSC decided that it was required to be involved in all stages of the assessment process;
- vii. The primary impetus behind the involvement of the PSC was the desire to abide by the interpretation of the judgement that the PSC “*own*” the process;
- viii. PSC members held the view that they had sufficient experience in executive recruitment to have participated in the assessment process. Additionally, two (2) Members received training received from KPMG;
- ix. The assessment tools used did not require those administering them to have experience in executive recruitment;

- x. The PSC denied that they held predispositions going into the process, based on the knowledge of candidates gained through the administration of the PSC's oversight function;
- xi. Two (2) of the PSC members had prior knowledge of certain candidates and this was disclosed at the material time. In regard to such disclosure, KPMG was satisfied that *"It was declared and there was no impact."*;
- xii. The KPMG representative gave the assurance that:
  - i. The LCM method of assessment did not leave room for the infiltration of bias; and
  - ii. The ratio of PSC members to KPMG officials on the assessment panels would have diminished the likelihood of any bias skewing the results.
- xiii. The fact that Candidate J appears on the Order of Merit list for Commissioner of Police despite being deemed suitable for the position of Deputy Commissioner of Police only, was a decision taken by the PSC based on additional factors after the assessment stage;
- xiv. When determining the Order of Merit list, the PSC considered the following factors:
  - i. command ability,
  - ii. police service experience,
  - iii. security vetting,
  - iv. background
  - v. integrity,
  - vi. risk i.e. *"whether the individual or selecting an individual in a particular position had posed a risk to the management of the police service"*,
  - vii. vision/future strategic planning and
  - viii. seven suitability criteria which were:
    - skills and ability,
    - qualification training and competence,
    - work performance,
    - personal qualities,
    - potential for future development and
    - contributing to team performance.
- xv. A mathematical formula to create scores for each candidate was developed and applied to determine the order for the Order of Merits list; and
- xvi. At the point of determining the Order of Merit list, a second, more detailed round of security vetting was conducted.

*(See Verbatim Notes attached)*

5.7 The Committee requested the following additional information from the former members of the PSC by written submission:

- i. *Details related to the mathematical formula utilised by the Police Service Commission (PSC) to grade candidates for the purpose of the establishment of the Order of Merit List, namely –*
  - a. *The precise equation/formula used to arrive at the grades;*
  - b. *The origin of this formula; and*
  - c. *The rationale for the use of this formula.*
- ii. *The specific Legal Opinion of Senior Counsel that conveyed advice, upon which the Commission acted, that the PSC had a responsibility or a duty to play a direct role in the assessment stage of the recruitment process; and*
- iii. *The standard operating procedures followed by the PSC in treating with recommendations of the Police Complaints Authority to institute disciplinary proceedings against an office holder.*

### **Closing Statements**

5.8 The Chairman thanked all officials for attending and gave closing comments.

5.9 The meeting was suspended at 5:41 p.m.

### **POST-HEARING DISCUSSIONS**

6.1 The Committee reconvened at 5:44 p.m. and engaged in brief post-hearing discussions in relation to the issues raised during the public hearing.

6.2 The reminder was given that Members should avoid making conclusive statements, during hearings, based on the interpretation of evidence received.

6.3 Members agreed to review the Hansard of the meeting in preparation for the next meeting of the Committee on Wednesday March 14, 2018 at 2:00 p.m. (*in camera*), when the Committee would determine:

- a. Whether the PSC should be invited for a third hearing; and
- b. the way forward for the Inquiry.

### **ADJOURNMENT**

7.1 There being no other business, the Chairman thanked all Members and adjourned the meeting.

7.2 The meeting was adjourned at 5:56 p.m.

I certify that the Minutes are true and correct.

Chairman

Secretary

*March 13, 2018*

**MINUTES OF THE 5<sup>TH</sup> MEETING  
OF THE  
SPECIAL SELECT COMMITTEE  
ESTABLISHED TO CONSIDER AND REPORT ON THE PROCESS FOLLOWED IN RELATION TO  
THE NOTIFICATIONS PURSUANT TO SECTION 123 OF THE CONSTITUTION  
HELD (IN CAMERA) AND (IN PUBLIC) IN THE A.N.R. ROBINSON MEETING ROOM (EAST),  
LEVEL 9, OFFICE OF THE PARLIAMENT, TOWER D, IWFC, #1A WRIGHTSON ROAD, PORT OF  
SPAIN  
ON  
ON MONDAY APRIL 9, 2018.**

**PRESENT**

**Committee Members**

Mr. Fitzgerald Hinds, MP	Member
Mr. Terrence Deyalsingh, MP	Member
Ms. Nicole Olivierre, MP	Member
Dr. Roodal Moonilal, MP	Member
Mr. Randall Mitchell, MP	Member

**Secretariat**

Mrs. Jacqui Sampson-Meiguel	Secretary
Ms. Kimberly Mitchell	Assistant Secretary
Mrs. Delrene Liverpool-Young	Legal Officer I
Ms. Candice Ramkissoon	Legal Research Officer

**ABSENT/EXCUSED**

Mr. Ganga Singh, MP	Member [ <i>Excused</i> ]
---------------------	---------------------------

**COMMENCEMENT**

- 1.1 The meeting was called to order by the Chairman at 10:19 a.m.

**CONFIRMATION OF MINUTES**

- 2.1 The Committee considered the Minutes of the Fourth (4th) meeting held on March 15, 2018.



- 2.2 The motion for the confirmation of the Minutes, was moved by Mr. Terrence Deyalsingh and seconded by Dr. Roodal Moonilal.
- 2.3 The Minutes of the Fourth Meeting were approved.

### **MATTERS ARISING FROM THE MINUTES**

- 3.1 The Chairman informed Members that the following submission was received from the Director of Personnel Administration (DPA) (Ag.) on Monday March 26, 2018, in response to the Committee's call for papers and records dated Thursday March 22, 2018:

*Letter dated March 26, 2018 from the Ag. DPA in response to the following questions –*

- i. What specific deficiencies were identified by the Police Service Commission (hereinafter referred to as "the Commission") in the security and professional vetting process undertaken by KPMG, which resulted in the Commission conducting further security and professional vetting of candidates?*
  - ii. The list of agencies from which information was sought/received by the Commission pursuant to its decision to obtain further security and professional vetting of candidates.*
  - iii. Did the Commission conduct further security and professional vetting on all candidates?*
  - iv. If no, kindly identify:
    - a. The candidates who were subjected to further security and professional vetting; and*
    - b. Please advise why these specific candidates were identified as requiring further security and professional vetting.**
  - v. Did polygraph testing form part of KPMG's Assessment Centre activities?*
  - vi. The name of the Attorney at Law who provided legal advice to the Commission on the issue of "The Recruitment and Selection of Offices of the Commissioner of Police and Deputy Commissioner of Police," dated January 22, 2018 and submitted to this Committee via letter dated March 1, 2018 and whether this Attorney has attained the designation of Senior Counsel.*
- 3.2 The Chairman informed members that through the Manager Procurement Services of the Office of the Parliament the Secretariat engaged Ms. Catherine Hughes as HR Consultant to provide responses to questions regarding best practice HR procedures for executive recruitment using assessment centre processes. Ms. Hughes' report dated April 8, 2018 together with her resume were circulated.

## **HEARING WITH THE POLICE COMPLAINTS AUTHORITY (PCA):**

### **PRE-HEARING DISCUSSION**

- 4.1 During the pre-hearing discussions, Members were reminded by the Chairman that the Committee had earlier agreed to seek clarification from the PCA on the following issues:
- i. when the Authority's investigation into the alleged misconduct of Candidate F commenced;
  - ii. when the Authority completed its investigation into the alleged misconduct;
  - iii. when the Authority submitted its recommendations on this matter to the Commission; and
  - iv. whether the PCA makes enquiries of such persons to whom it submitted recommendations to determine whether action was taken on the recommendations.
- 4.2 Members agreed that the substance and nature of the alleged misconduct was not to be inquired into, consistent with the Committee's decision to limit its focus to the fact of the disciplinary allegation, the outcome and the way it was handled by the PCA.
- 4.3 The meeting was suspended at 10:45 a.m.

## **PUBLIC HEARING WITH THE POLICE COMPLAINTS AUTHORITY (PCA):**

- 5.1 The meeting resumed in public at 10:46 a.m.
- 5.2 The following persons joined the meeting:
- Representatives of the Police Complaints Authority**
- Mr. David West – Director
  - Mrs. Michelle Solomon-Baksh – Deputy Director
- 5.3 The Chairman indicated that the hearing was being held in public and would be broadcast at a subsequent time on the Parliament's Channel 11, Radio 105.5 FM and the Parliament's YouTube Channel Parlview.
- 5.4 The Chairman stated the mandate of the Committee:
- i. to obtain information, documentation and/or evidence relevant to and/or touching and concerning the method, process, criterion and considerations utilised by the Police Service Commission and/or the Firm employed by the Police Service Commission in the selection of candidates for the position of Commissioner of Police and Deputy Commissioner of Police to enable the House of Representatives to consider the Notifications submitted to it by His Excellency, the President pursuant to Section 123 of the Constitution; and

- ii. to report by April 27, 2018 following an extension of time granted by the Parliament to the Committee to complete its work.

5.5 Introductions were made.

**Commencement of questioning by the Committee**

5.6 During the hearing, the following oral submissions were made:

- i. A complaint made to the PCA includes an allegation of *police corruption, serious police misconduct, the commission of a criminal offence by a police officer or the commission of a criminal offence by any other person, but involving a police officer*, as per the Police Complaints Authority Act Chap 15:05 (the PCA Act);
- ii. The complaint concerning Candidate F was received by the PCA on September 12, 2011 and investigations into the complaint commenced on November 16, 2011;
- iii. The conduct of Candidate F alleged in the complaint received by the PCA was categorised as “*serious police misconduct*”;
- iv. The investigation by the PCA into the complaint received concerning Candidate F was completed on October 24, 2017;
- v. The length of the investigation was attributed to:
  - the fact that the PCA had only been properly established eight months (8) prior to receipt of the complaint in 2011;
  - the backlog of cases at the time the complaint was received owing to an inadequate case management process; and
  - the high turnover of staff;
- vi. The PCA implemented a new case management process in 2017 which cleared the backlog of cases:
  - five hundred and fifty-nine matters (559) were closed;
  - thirty-six matters (36) were forwarded to the Commissioner of Police;
  - nine matters (9) were forwarded to the Director of Public Prosecutions; and
  - one matter (1) was forwarded to the Police Service Commission (PSC);
- vii. The length of a PCA investigation is dependent upon the circumstances of the complaint and the complexity of the matter. However, the average length of an investigation into a summary matter using the current case management system is six (6) months;
- viii. Upon conclusion of investigations into an allegation of serious police misconduct, should such investigations reveal that disciplinary action is merited, the PCA can

only recommend that “*consideration be given to the taking of*” disciplinary action pursuant to Section 44 (2) of the PCA Act;

- ix. When the PCA makes a recommendation to an organisation following an investigation, the PCA routinely requests feedback concerning its recommendations;
- x. The nature of the feedback generally received by the PCA concerning recommendations made pursuant to section 44(2) of the Act generally takes the form of an acknowledgement of receipt;
- xi. The PCA’s report, including recommendations, on the investigation into the complaint concerning Candidate F was submitted to the PSC pursuant to Section 44 of the PCA Act on November 30, 2017. The PCA received a request for clarification from the PSC on December 12, 2017 and re-submitted its report to the PSC on December 27, 2017;
  - the PSC was the only authority to which the PCA forwarded this report;
  - the PCA also included all evidence obtained during the investigation;
  - the recommendation made by the PCA in the report submitted to the PSC concerning the investigation into the complaint regarding Candidate F was that the PSC should consider the institution of disciplinary proceedings;
- xii. In accordance with section 44(3) of the PCA Act, the Authority wrote to the complainant and Candidate F on November 30, 2017;
- xiii. On November 13 and 14, 2017, the PCA received requests from the PSC regarding professional and security vetting for a total of eleven (11) persons, which included Candidate F;
  - The PCA submitted a report on Candidate D to the PSC;
  - The report on candidate F was submitted pursuant to section 44 of the PCA Act and not in response to the requests received from the PSC;
- xiv. The firm KPMG did not directly contact the PCA regarding professional and security vetting. All correspondence to the PCA was done through the PSC;
  - Generally, private companies cannot request confidential information from the PCA, such information is confidential under Section 21(4) of the Act. Notwithstanding, the Director of the PCA exercises a discretionary power to share such information with a private company such as KPMG that is mandated under law to acquire such information for best practice security and professional vetting.

*(See Verbatim Notes attached)*

**Closing Statements**

5.7 The Chairman thanked all officials for attending and gave closing comments.

5.8 The meeting was suspended at 11:49 a.m.

**POST-HEARING DISCUSSIONS**

6.1 The Committee reconvened at 11:51 a.m. and engaged in brief post-hearing discussions in relation to the issues raised during the public hearing.

6.2 Members expressed their satisfaction with the answers given by the PCA to all questions asked.

**DISCUSSION ON THE WAY FORWARD**

7.1 The Committee agreed to send for the following persons to appear before the Committee to assist with its deliberations at its next meeting to be held on Monday April 16, 2018:

- i. The Former Chairman of the Public Service Commission, at the material time;
- ii. Members of the Police Service Commission;
- iii. The Acting Director of Personnel Administration (DPA); and
- iv. Representatives of KPMG.

**ADJOURNMENT**

8.1 There being no other business, the Chairman thanked all Members and adjourned the meeting.

8.2 The meeting was adjourned at 12:00 p.m.

I certify that the Minutes are true and correct.

Chairman

Secretary

*April 13, 2018*

**MINUTES OF THE 6<sup>TH</sup> MEETING  
OF THE  
SPECIAL SELECT COMMITTEE  
ESTABLISHED TO CONSIDER AND REPORT ON THE PROCESS FOLLOWED IN RELATION TO  
THE NOTIFICATIONS PURSUANT TO SECTION 123 OF THE CONSTITUTION  
HELD (IN CAMERA) AND (IN PUBLIC) IN THE A.N.R. ROBINSON MEETING ROOM (EAST),  
LEVEL 9, OFFICE OF THE PARLIAMENT, TOWER D, IWFC, #1A WRIGHTSON ROAD, PORT OF  
SPAIN  
ON  
ON TUESDAY APRIL 17, 2018.**

**PRESENT**

**Committee Members**

Mr. Fitzgerald Hinds, MP	Member
Mr. Terrence Deyalsingh, MP	Member
Dr. Roodal Moonilal, MP	Member
Mr. Randall Mitchell, MP	Member
Mr. Ganga Singh, MP	Member

**Secretariat**

Mrs. Jacqui Sampson-Meiguel	Secretary
Ms. Kimberly Mitchell	Assistant Secretary
Mrs. Delrene Liverpool-Young	Legal Officer I
Ms. Candice Ramkissoon	Legal Research Officer

**ABSENT/EXCUSED**

Ms. Nicole Olivierre, MP	Member [ <i>Excused</i> ]
--------------------------	---------------------------

**COMMENCEMENT**

1.1 The meeting was called to order by the Chairman at 10:26 a.m.

**CONFIRMATION OF MINUTES**

2.1 The Committee considered the Minutes of the Fifth (5th) meeting held on April 9, 2018.

- 2.2 The following amendment was made to the Minutes:
- i. *Paragraph 7.1, subparagraph i:* Replace the word “Public” with “Police”.
- 2.3 The motion for the confirmation of the Minutes, as amended, was moved by Dr. Roodal Moonilal and seconded by Mr. Ganga Singh.
- 2.4 The Minutes of the Fifth Meeting were approved.

## **MATTERS ARISING FROM THE MINUTES**

- 3.1 Clarification was sought by Dr. Moonilal concerning whether the Parliament was formally informed of the identity of the new Chairman of the PSC. It was confirmed that the Ag. DPA informed the Clerk of the House that Ms. Bliss Seepersad had been appointed Chairman of the Police Service Commission.

## **HEARING WITH THE POLICE SERVICE COMMISSION (PSC), DIRECTOR OF PERSONNEL ADMINISTRATION (DPA) AND KPMG:**

### **PRE-HEARING DISCUSSION**

- 4.1 The Chairman informed Members that letters requesting the attendance of all Members of the PSC, the former Chairman of the PSC, and representatives of KPMG were dispatched on April 11, 2018.
- 4.2 The Chairman informed Members that an updated version of the table outlining the stages of the procedure followed in the recruitment process, including comments from the HRM Consultant, Ms. Hughes, was circulated.
- 4.3 The Committee discussed the approach for the Public Hearing.
- 4.4 The meeting was suspended at 10:45 a.m.

## **PUBLIC HEARING WITH THE POLICE SERVICE COMMISSION (PSC), DIRECTOR OF PERSONNEL ADMINISTRATION (DPA) AND KPMG:**

- 5.1 The meeting resumed in public at 10:48 a.m.
- 5.2 The following persons joined the meeting:

### **FORMER CHAIRMAN OF THE POLICE SERVICE COMMISSION**

Dr. Maria Therese Gomes          Former Chairman

## **POLICE SERVICE COMMISSION**

Ms. Bliss Seepersad	Chairman
Mr. Dinanath Ramkissoon	Member

## **SERVICE COMMISSIONS DEPARTMENT**

Ms. Prabhawatie Maraj	Director of Personnel Administration (Ag.)
Ms. Margaret Morales	Deputy Director of Personnel Administration (Ag.)
Ms. Natasha Seecharan	Legal Adviser
Ms. Kavita Jodhan	Senior State Counsel
Ms. Allyson Coryat	Executive Director, Human Resource Management

## **KPMG**

Mr. Dushyant Sookram	Managing Partner, MPMG
Ms. Abigail De Freitas	Partner, KPMG – Advisory Services Department

5.3 The Chairman indicated that the hearing was being held in public and would be broadcast at a subsequent time on the Parliament's Channel 11, Radio 105.5 FM and the Parliament's YouTube Channel Parlview.

5.4 The Chairman stated the mandate of the Committee:

- i. to obtain information, documentation and/or evidence relevant to and/or touching and concerning the method, process, criterion and considerations utilised by the Police Service Commission and/or the Firm employed by the Police Service Commission in the selection of candidates for the position of Commissioner of Police and Deputy Commissioner of Police to enable the House of Representatives to consider the Notifications submitted to it by His Excellency, the President pursuant to Section 123 of the Constitution; and
- ii. to report by April 27, 2018 following an extension of time granted by the Parliament to the Committee to complete its work.

5.5 Introductions were made.

### **Commencement of questioning by the Committee**

5.6 During the hearing, the following oral submissions were made:



- i. Mr. Sookram of KPMG indicated that KPMG is not of the opinion that any conflict arose due to the decision to utilise Members of the Commission in the assessment stage of the recruitment process;
  - Four (4) Members of the Commission were among persons trained to conduct the assessment. The entire training exercise spanned one and a half days approximately;
  - KPMG is of the opinion that the potential for bias affecting the results of the recruitment process was low;
  - KPMG possessed a documented process for the handling of bias in the assessment process;
- ii. With reference to pg. 9 of the KPMG proposal, Mr. Sookram indicated that the “*job competency framework*” and “*leadership competency model*” are the same; The “*model emerge(d) as a result of an analysis of the job specification of both the Deputy Commissioner of Police and the Commissioner of Police*”
- iii. Eight (8) checks were performed by KPMG during the security and professional vetting:
  - Reference checks;
  - Job performance checks;
  - Credit checks;
  - Financial checks;
  - Security checks;
  - University verification; and
  - Executive medical.
- iv. Mr. Sookram indicated that KPMG made the decision to request that the PSC write to the PCA for the purpose of security vetting premised on the understanding “*that a response could be negative*” and there was no “*time to falter on a response being negative*”;
- v. On November 14, 2017 the PSC requested from the PCA information on its shortlisted candidates for the purpose of security vetting;
- vi. A file was submitted to the PSC by the PCA in November, 2017 on a matter which commenced in 2011 concerning Candidate F. On perusing the file submitted by the PCA, the PSC noticed that -
  - The file contained a letter dated July 2, 2012 signed by a legal officer at the PCA recommending closure of the matter;
  - There was a gap on the file between 2012 and 2017;

- There were no recommendations from the PCA on the file;
- vii. A request was made by the PSC to the PCA for submission of recommendations;
  - viii. The PCA submitted the recommendation on December 27, 2017. Commissioner Ramkissoon indicated that the recommendation of the PCA was to “*institute disciplinary matters against the candidate*”;
  - ix. The PSC contacted Candidate F requesting his responses to the allegation of misconduct. Candidate F wrote categorically denying the allegation;
  - x. Commissioner Ramkissoon indicated that the PSC reviewed the evidence submitted by the PCA, the response of Candidate F and based on a Court judgement that essentially held “*that matters for more than five years constitute an abuse of process*”, the PSC made a decision not to institute disciplinary proceedings against Candidate F;
  - xi. It is the opinion of the former Chairman of the PSC that the submission by the PCA was not sent in the normal course of the PCA in its submission of documents to the PSC;
  - xii. The PSC has no investigators. The PSC would have to develop a disciplinary process if it were required to investigate a matter;
  - xiii. The PSC’s procedure of contacting the individual to provide responses to disciplinary matters submitted by the PCA is not new. There is precedent;
  - xiv. The PSC’s procedure of contacting the candidate to provide responses to disciplinary matters submitted by the PCA is considered by the PSC to be an investigation;
  - xv. The PSC determined that the most appropriate time to put the question to candidates concerning whether they would be willing to be considered for the other office was at the final interview. The former Chairman explained that “*it [was] a process where you are funneling down, you are general, you are doing 20 people and you are funneling down at the end of each state of the assessment process, with the final stage being our interview. Our interview was part of that process. This is the final piece now where the Commission is interviewing, it was appropriate to ask it at that point of the 12 candidates.*”;
  - xvi. The PSC did not consider that it was important to inform candidates from the onset that they were being assessed for both jobs as part of one assessment process;
  - xvii. The PSC used the following to create the Order of Merit List:
    - assessment scores
    - information in the dossiers of the twelve (12) candidates
    - the Borda count approach to calculate the final scores for each candidate.

- xviii. The decision to use the Borda count formula to determine the Order of Merit list arose after six (6) weeks of deliberation by the PSC without settling on an Order of Merit list. It was suggested by Commissioner George and the other Commissioners agreed to utilize the formula;
- xix. Based on the discussion among the PSC Members and their assessment of several criteria including *“command ability, police experience, the security vetting, integrity, future strategic vision, future strategic planning”* Candidate J, who previously was only considered for the position of DCoP was deemed suitable for the office of CoP. Additionally, since the job descriptions for the posts of DCoP and CoP are so similar, and the DCoP can act as the CoP, the former Chairman indicated that *“in terms of people being considered at the end..., (the PSC) did not consider there would be any HR problem in this regard.*
- xx. According to the former Chairman of the PSC *“one of the things that the Commission considered (is) that while this was one exercise, further to this, we have to look at succession planning. And so you have people here who we saw had potential to grow. .... It was not just about choosing a few people here. So that is how that Order of Merit List and everything came up. We considered a lot of other things.”*
- xxi. The former Chairman indicated that the PSC took into consideration what KPMG had done, but they held the view that they *“can also decide on how we want to shape this given these contextual factors.”*

*(See Verbatim Notes attached)*

5.7 The meeting was suspended at 12:20 p.m.

## **POST-HEARING DISCUSSIONS**

- 6.1 The Committee reconvened at 12:22 p.m. and engaged in brief post-hearing discussions in relation to the issues raised during the public hearing.
- 6.2 The next meeting was confirmed for **Friday April 20, 2018 at 2:00 p.m.** at which the Committee will review the working draft of the report.

## **ADJOURNMENT**

- 7.1 There being no other business, the Chairman thanked all Members and adjourned the meeting.
- 7.2 The meeting was adjourned at 12:25 p.m.

I certify that the Minutes are true and correct.

Chairman

Secretary

*April 20, 2018*