

VERBATIM NOTES OF THE SECOND MEETING OF THE SPECIAL SELECT COMMITTEE APPOINTED TO ENQUIRE INTO AND REPORT ON THE PROCESS FOLLOWED IN RELATION TO THE NOTIFICATION SUBMITTED PURSUANT TO SECTION 123(4) OF THE CONSTITUTION, HELD IN THE A.N.R. ROBINSON MEETING ROOM (EAST), LEVEL 9, OFFICE OF THE PARLIAMENT, TOWER D, PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF SPAIN, ON FRIDAY, FEBRUARY 23, 2018 AT 9.09 A.M.

PRESENT

Mr. Fitzgerald Hinds	Chairman
Mr. Randall Mitchell	Member
Mr. Terrence Deyalsingh	Member
Miss Nicole Olivierre	Member
Mr. Ganga Singh	Member
Dr. Roodal Moonilal	Member
Mrs. Jacqui Sampson-Meiguel	Secretary
Miss Keiba Jacob	Assistant Secretary
Miss Kimberly Mitchell	Assistant Secretary
Mrs. Delrene Liverpool-Young	Legal Officer I
Miss Candice Ramkissoon	Legal Officer I
Miss Krystle Gittens	Graduate Research Assistant

FORMER CHAIRMAN POLICE SERVICE COMMISSION (PSC)

Dr. Maria-Therese Gomes	Former Chairman
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POLICE SERVICE COMMISSION (PSC)

Mr. Dinanath Ramkissoon	Member
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UNREVISED

Commodore Anthony Stafford Franklin	Member
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Mr. Martin Anthony George	Member
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SERVICE COMMISSIONS DEPARTMENT

Ms. Prabhawatie Maraj	Director of Personnel Administration (Ag)
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Mrs. Marcia Pile-O'Brady	Deputy Director of Personnel Administration
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Ms. Natash Seecharan	Legal Adviser
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Ms. Kavita Jodhan	Senior State Counsel
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Mr. Chairman: A very good morning to one and all as we, this Special Select Committee of the Parliament, reconvene our meeting and, in particular, this public hearing for, and in keeping with our mandate. Might I advise that this meeting is being held in public and is being broadcast live on the Parliament's Channel 11, Radio 105.5 FM and the Parliament's Youtube Channel *ParlView*. Might I mention as well that members of the media are also very present with us in this house.

Let me restate the mandate of this Committee as so directed by the Parliament of the Republic of Trinidad and Tobago for the information of all present and listening. This Committee is mandated to obtain information, documentation, and or evidence relevant to and or touching and concerning the method, process, criterion and considerations utilized 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 secondly, we are mandated to report to the House by

the 31st March, 2018.

Let me therefore invite those of you who have kindly accepted our invitation, particularly in recognition of the fact that you are not officially on duty, but you were at the relevant times. We are really appreciative of your presence, and I would therefore like to invite all of you who have been invited to introduce yourselves to us for the record, and subsequently, we will introduce ourselves to you. Might I begin with the Chairman, well the former chairman, and then we proceed.

Dr. Gomes: Good morning everyone, I am Dr. Maria-Therese Gomes and I would also like to give some remarks, some opening remarks, is that fine?

Mr. Chairman: Not at this juncture, please, this is merely for introductions.

[Introductions made]

10.05 a.m.

Mr. Chairman: By way of procedure all questions and all comments will be directly through the Chair. For the benefit of those who are looking and listening, the Police Service Commission is an independent constitutionally appointed body with powers to appoint persons to hold and act in the office of Commissioner of Police and Deputy Commissioner of Police, among many other functions. I mentioned those because those are what are before us today. The Director of Personnel Administration and the administration of the Service Commissions actually act as the secretariat to, the support to that institution that is the Police Service Commission. It holds the records, the files, and it really supports the work of the Commission from an administration and legal standpoint, hence the presence of the Director of Personnel Administration and members of the Service Commission here this morning.

Madam Dr. Gomes, I would now invite you to make some opening remarks in relation to the mandate and the reasons why we are here. Thank you.

Dr. Therese-Gomes: Thank you very much, Sir. Good morning, again, to the Chairman and distinguished members of the Special Select Committee. As the former chairman of the Police Service Commission I wish to note that at my last appearance before the Joint Select Committee, of which you Mr. Hinds was also the Chairman, the first question that you asked about was the independence of the Commission. I know today that I come before you as a citizen who is doing my duty as the former chairman of the Police Service Commission. I headed a commission which conducted the recruitment and selection process with the highest levels of professionalism, integrity and confidentiality, being fair and free from favour. I want to take this opportunity to publicly thank those involved, the DPA, the Service Commissions Department, the firm KPMG, Commission members and secretariat for their support and diligence in undertaking this selection and recruitment exercise.

We chartered new ground with courage, patience and fortitude. And I am proud as a woman to have been the chair in this recruitment exercise and to have brought it to the point where we have reached the nomination stage and submitted that to the President. Today is also designated as a day of prayer for world peace, and as we know only too well, our world and our sweet T&T needs peace at this time. The violence and the crime levels for the two months are so significant. So today I ask all of us to pray for peace in our beloved land, Trinidad and Tobago, and I wish each of you the peace of God that surpasses all understanding today and always. Thank you very much.

Mr. Chairman: Thank you very much. Might I, on behalf of the Committee,

attempt to set the tone. I would like to say as well, we thank you and your Commission members for your service to Trinidad and Tobago. We recognize your independent constitutional status as a commission. We recognize your work, and we as a Committee, based on our mandate, we are to assist the Parliament with whatever we gather from this interaction. We will proceed in the spirit of peace and in the spirit of an understanding of the need for respect. For my own part, very quickly, I would say that many of the institutions and many of the circumstances that we have to deal with in our country today are troublesome and troubling, and we do require some settlement and some peace, and this Committee well understands that and we are proceeding with those firmly in mind.

You are and were required to act in accordance with Legal Notice No. 218 of 2015, as amended by Mr. Justice—as he then was—Rajkumar, in a matter that led to that amendment, and we are all familiar with it, and it is before us. Section 123(3) of the Constitution provides, and under which you were required to submit to the President, a list of persons nominated for the appointment to the office of Commissioner and/or Deputy Commissioner of Police. By section 123(4) of the said Constitution, the President was then required to issue a notification to the House of Representatives of the persons so nominated by you, and this notification is subject to the affirmative resolution to the House of Representatives. That was indeed done, and those notifications are currently before the House of Representatives. The House of Representatives is well aware of its role in this process, and it is for this reason that it is the duty of this Committee to understand the procedure and the process followed by the Commission in order to provide information to the House of Representatives, information that such House has deemed relevant to its decision in terms of whether or not it could confirm the

nominees in that notification that is now before the House.

This Committee, very importantly, is very, very little or unconcerned as to who the individuals or the candidates are, and when any arguments for or against any candidate, that is not the role of this Committee. We appreciate that is exclusively the role of the Commission which you have thus far carried out. It is for this reason that this Committee will not identify by name any applicant or engage in any discussion with you on the issue of the merits of any applicant, or any matter related to any applicant in particular. We received a letter, a covering letter to the documents that we requested from you in writing, which you quite properly provided, and that letter at the hand of the acting DPA raised your concerns about issues of confidentiality and issues of potential impact on other persons on those lists who are not immediately for the consideration of the House of Representatives. We found that letter useful, we found it persuasive, and we assure you that our remit is limited to the process issues for the benefit of the House of Representatives to whom it falls to affirm or to negative, that which is now before us for our consideration.

The fact that matters related to candidates have been reported, factual or not, in the print and electronic media has not escaped the attention of this Committee. Members of the media are present here today, these proceedings are going live. And we assure you that this Committee is going to be and remain acutely sensitive to the issues, as I have just described them so much so that if and when it becomes necessary to make reference to any particular candidate, or any particular score, we have developed, among us as a Committee, which I trust we have shared with you—have we?

Mrs. Sampson-Meiguel: Yes.

Mr. Chairman: The Secretariat has shared with you a bit of a code, a bit of a coded guide. So to the extent that it becomes practical to make reference to something in documents that you now have, we will use that code so as not to identify a name or so. Madam Dr. Gomes, are you with me?

Dr. Therese-Gomes: Yes, I am with you

Mr. Chairman: And members of the, you know, the Commission, this is the way we intend to proceed. So I will now make the floor available to my colleagues to begin this process of examination of the procedures adopted by you. I start with Mr. Deyalsingh, please.

Mr. Deyalsingh: Thank you very much, and good morning all. In keeping with the Chairman's advice, we are only here to examine process. So, Chairman, I just have about four short questions on process. Question number one, what procurement process was used to find the firm, was it open tender, selective, and what fee was paid to the firm?

Dr. Therese-Gomes: Okay. I thought you were going to ask four questions.

Mr. Deyalsingh: No, I will ask them one at a time.

Dr. Therese-Gomes: Yes, we had an open tender and it cost approximately \$3.2 million. It came in for less actually.

Mr. Deyalsingh: Thank you. Question number two, in accordance with the Constitution the firm is to do the recruitment and selection, am I correct? Because what concerns me was a former chairman's opening statement that the PSC did the actual recruitment and selection. Did the PSC do it or did the firm do it?

Dr. Therese-Gomes: The firm assisted the PSC. The PSC was involved in every aspect of this because the judgment allowed for that.

Mr. Deyalsingh: Okay. With that, did people apply separately for the posts of

Commissioner of Police and Deputy Commissioner of Police? Were there separate applications?

Dr. Therese-Gomes: Some people applied for Deputy, some people applied for Commissioner of Police, some people applied for both posts.

Mr. Deyalsingh: Some people applied for both posts, okay. How many people applied for the post of Commissioner of Police?

Dr. Therese-Gomes: I will have to check that now.

Mr. Deyalsingh: And how many people applied for the post of Deputy Commissioner of Police? And how many people applied for both?

Dr. Therese-Gomes: Unfortunately, because I do not have those documents in my possession, they are in the keeper of records' possession, Ms. Maraj, I cannot say accurately. So we will have to get back to you on that maybe later.

Mr. Chairman: No, no, I think Ms. Maraj can tell us, she is in front of us.

Dr. Therese-Gomes: Okay, fine.

Ms. Maraj: Thank you very much, Chairman. So what I have in front of me, a list of applicants for advertised positions. There were 54 applicants. I know the question is how many, the way how this list is developed I will have to count that at the moment in both.

Dr. Therese-Gomes: Disaggregate it, yeah.

Ms. Maraj: Yes. But there were 50 that were deemed eligible, that is those meeting all the requirements, and four that were ineligible, meaning they did not meet the requirements of the office.

Mr. Deyalsingh: Was there any distinction made in the applicants for Commissioner of Police and Deputy Commissioner of Police? So, in other words, would somebody who applied for Commissioner be considered for Deputy, and

vice-versa?

Ms. Maraj: I think the former chairman might best be able to answer that.

Mr. Deyalsingh: Sure. Because when you look at the Constitution for the post, the two posts—no, not the Constitution, the job summaries for Commissioner of Police and Deputy Commissioner of Police, they are like night and day, one is in charge of strategic direction and one is in charge of assisting in the implementation of strategic direction.

Dr. Therese-Gomes: Okay, thank you very much, Mr. Deyalsingh. So according to the Legal Notice 219 of 2015, it outlines the qualifications for the positions or posts of Commissioner of Police and Deputy Commissioner of Police. They are the same qualifications of a degree in law, public service management, criminal justice, or any relevant degrees. The only difference is the years of experience, 10 or 15 years of experience.

Mr. Chairman: Let me just for the benefit of those who are listening, 10 in relation to Deputy Commission and 15 in relation to Commissioner.

Dr. Therese-Gomes: Yes.

Mr. Chairman: Yes, please.

Dr. Therese-Gomes: Okay. So in terms of looking at recruitment practices, the way it was done, all candidates had an equal opportunity to be either selected for Commissioner of Police or Deputy Commissioner of Police.

Mr. Deyalsingh: Even though they would have applied for a specific post? When was this merging done and on what authority was this merging done so that people who applied for one position you commingled the applicants?

Dr. Therese-Gomes: This was done by the prerogative of the Commission when we deliberated and looked at the pool of applicants who applied, because,

unfortunately, I do not have the number as we will get it—“oh”, they have it now. Okay, so 26 persons applied for Deputy Commissioner of Police, three applicants applied for Commissioner of Police only, and 20 applicants applied for both.

Mr. Deyalsingh: So this determination by the PSC to commingle the applicants was a unanimous decision of all four members of the Police Service Commission, is that correct?

Dr. Therese-Gomes: Yes, and it was not done without consultation of the recruitment firm, and that is why we hired a firm because that is not our forte. So it was done in conjunction with discussions with them and looking at best practice. Because if we are going to spend the kind of money in terms of the socio-economic hard times, if we are going to spend this kind of money it means that we have a responsibility to be accountable for this selection process, and so we thought it best then to go this route.

Mr. Deyalsingh: So you are saying, just for clarity, it was a joint decision between the firm KPMG and a unanimous decision with all four members of the Police Service Commission to commingle the applicants for Commissioner of Police and Deputy Commissioner of Police to throw up a Commissioner of Police?

Dr. Therese-Gomes: Yes. I am not sure if I am comfortable with the word “commingle”, but, yes.

Mr. Deyalsingh: Thank you.

Dr. Moonilal: Could I just take that issue one step further for absolute clarification, at least on my part. You have indicated, I think, the acting DPA, that 20 persons would have applied for both positions. So 20 persons, by definition, had an interest in both, and you are saying that outside of—if you quickly remove 20 from 50 you have 30, or thereabout, you are saying that the opportunity was given

for all other persons, although they may not have applied for both to be considered for Commissioner of Police or Deputy Commissioner of Police? Apart from the 20 who clearly were interested in both, the Commission by this action gave the opportunity to the others to be considered as well?

Dr. Therese-Gomes: Yes. And one of the mechanisms we used was that when the Commission—could you hold for one second. Okay, sorry about that. When the Commission held its interview, because we held the final interview, we asked the question to every candidate, you have applied for the position of so and so, if the Commission considers you for another position, what is your opinion? That was asked of everybody, and the people who applied for both, we asked that same question and asked them to now clarify which position they are really interested in. Okay, there is an error, it is four for Commissioner of Police.

Dr. Moonilal: Originally you said three.

Dr. Therese-Gomes: In terms of the tallying there was an error, so it is four for the Commissioner of Police, 26 for the DCP, and 20 applied for both.

Dr. Moonilal: Thank you very much, Madam. The point I am really driving at to have the clarity is that the applicants, all for these two positions, had an opportunity to be considered for either one, although they themselves initially may not have applied for both.

Dr. Therese-Gomes: That is correct.

Mr. Chairman: Yes, Member Olivierre.

Ms. Olivierre: If I may ask just to further clarify the point, so if candidates applied for the position of Commissioner of Police only, did you also make that offer to them that they may be considered for the Deputy Commissioner, did you? And at what stage would you have asked that, that the candidates would have been made

aware that they were being considered for both positions? So I am not looking at the ones who applied for Deputy that were considered for Commissioner, but the ones who applied for Commissioner, if they were asked if they would also, may perhaps, be interested in the Deputy position as well.

Dr. Therese-Gomes: As I said earlier, the question was asked when the Commission held its interview, which was the last stage. So when the Commission held its interview each applicant, whether they applied for Commissioner of Police or they applied for Deputy Commissioner of Police, I asked the question, you have applied for Commissioner of Police, the position of Commissioner of Police, if the Commission considers you for another position, what is your opinion?

Mr. Deyalsingh: Dr. Gomes, I understand what you are saying but look at the process. The contract or the mandate given to the firm, in this case KPMG, can you tell this Committee whether that mandate specifically stated that KPMG should look at one process for Deputy, one process for Commissioner, or one process for both? What was the mandate to KPMG which under the order speaks about the firm, the Commission shall contract a firm to conduct the recruitment process and afterwards do the assessment? When does the mandate of the firm allow for the firm to conduct a separate recruitment and selection for a Commissioner, a separate one for Deputy, or does it allow for the firm to merge both?

Dr. Therese-Gomes: As I said earlier, at every stage of this exercise the firm consulted with the Commission. We had to sign off on every aspect, and so the firm came up. In looking at the legal notices, in looking at all the various documents that they were provided with, the firm came up with a set of questions that were asked to everybody. The same set of questions.

Mr. Deyalsingh: No, no, no, pardon me, that is not what I am asking, with all due

respect. What I am asking, does the mandate given to the firm, either contractually or otherwise, stipulate that the firm conduct a separate process to recruit a Commissioner of Police, a separate process to recruit a Deputy Commissioner of Police, or does the mandate allow for the firm to merge both?

Mr. Chairman: Let me just, to clarify this matter for your ease and reference, and then I will give way after Mr. Deyalsingh to Madam Olivierre and then to Mr. Ganga Singh. Now, in respect of the order made under section 123(2) of the Constitution, which is Legal Notice No. 218 of 2015 at paragraph three, and this is largely for the benefit of those who are watching and listening, because you are very intimately familiar with this, I quote—and this is to clarify Mr. Deyalsingh’s line of question:

The selection process for the appointment to the offices of Commissioner of Police and Deputy Commissioner of Police shall be conducted in the following manner:

- (a) The Commission shall contract an appropriate local firm, hereinafter referred to as “the firm”, to conduct a recruitment process including inviting applications for the positions;
- (b) The firm shall ensure that the candidates are subjected to the best practice security vetting and recent professional vetting; and

—and this is the crux of Mr. Deyalsingh’s question. The notice continues:

- (c) The firm shall submit to the Commission:
 - (i) the results of its assessment process as mandated and contracted by the Commission.
 - (ii) a report on its assessment of the entire assessment process, and

(iii) in respect of the candidates referred to in subparagraph (1) above, the following documents, application of the candidate, biography or resume of the candidate, assessors' scores, assessors' feedback, medical examination report, security and professional vetting report; and

(d) the Commission shall then take into account all information on candidates and thereafter establish an order of merit list.

Mr. Deyalsingh is asking you, the writing here tells us both offices, Commissioner and Deputy, and it outlines one process for both, he wants to know, in practical terms, whether the firm conducted one assessment process or whether it did something separate for Commissioner and separate for Deputy Commissioner and reported to you in terms. That is what he wants to know. Am I am correct, Mr. Deyalsingh?

Mr. Deyalsingh: Correct.

Mr. Chairman: Could you answer that specifically, please?

Mr. Deyalsingh: No, the firm did not conduct one for Deputy Commissioner of Police and one for Commissioner of Police.

Mr. Deyalsingh: This gets interesting. You are saying the firm did not conduct a separate for Commissioner and a separate for Deputy Commissioner? Am I clear on that? It conducted just one for both?

Dr. Therese-Gomes: Maybe I am not understanding what you are saying and I do not see the confusion. Yes, it is one assessment centre.

Mr. Chairman: Not the centre, we are talking about the process, and he wants to know—and he can say it for himself, but just for clarification so we could move on, he wants to know whether the firm assessed persons for the office of Deputy

Commissioner separately and reported to you in terms, and whether the firm assessed people for the office of Commissioner of Police separately and reported to you in terms, and where persons fell in both categories did they report to you in terms. That is all he is asking from a practical standpoint, before I go on to Madam Olivierre.

Mr. Singh: Chairman—

Mr. Chairman: One second, please, Mr. Singh. Please.

Dr. Therese-Gomes: No, it was the same process conducted for all.

Mr. Chairman: For all, right, great. Let me, Mr. Singh, allow Madam Olivierre to intervene and then we come to Mr. Singh. Please.

Ms. Olivierre: Thank you very much. I mean, I have to go back again to where the distinction was made where you were asking persons if they are interested in both positions or just the one in which they applied for. Now you indicated that would have been done when the PSC did the second interview, that is when the question would have been asked, but, correct me if I am wrong, the PSC second interview, was that on all 50 candidates or just on the 12 candidates that you all were carrying forward?

Dr. Therese-Gomes: The PSC did not conduct 50 interviews, it was on the last 12 candidates.

10.35 a.m.

Miss Olivierre: So then it was only the last 12 candidates who were given that opportunity to be assessed for both positions?

Dr. Gomes: Yes.

Mr. Singh: Chair, I think that it is necessary for the Commission to give us the stages in the recruitment and selection process, because we seem to be moving in a

direction in which there is no sequence. But before I do so I think it is necessary for the viewing public to understand what the Commission requested the firm to do. In the request for proposals at page 4 it says and I read at paragraph 1:0 the introduction:

The firm will be required to have a good knowledge of the process to select a Commissioner of Police and Deputy Commissioners of Police in Trinidad and Tobago and must also be intricately familiar with the legal challenges that may arise in the selection process, and execute the services in such a manner that should any challenge arise it can be properly defended in our judicial system. The firm so contracted shall be required to undertake activities in accordance with provisions section 3(b) to (d), the Commissioner of Police and Deputy Commissioner of Police Selection Process Order 2015, Legal Notice No. 218 of 2015 as amended by High Court judgment—and so on—and any other legislative requirements. As such the firm is required to carry out its own research to ascertain all legal requirements for the selection of a Commissioner of Police and Deputy Commissioner of Police.

So that therefore in the request for proposal, at that stage, there was no distinction in the process. That therefore what you had, to use the word I think member Deyalsingh used, there was a co-mingling at the request for proposal. So that is part of the agenda of the firm when they bid for the necessary documentation.

But coming back to my original point—that was just for clarification, Mr. Chairman—I think that they should give us the whole process, having recruited this firm, how did you go about recruiting and selecting a commissioner of police and the deputy commissioner of police? Because you have outlined it well in your

letter to the President, but I do not think the public is aware of that.

Dr. Gomes: Thank you, Mr. Ganga Singh. So you are asking for the process from after we contracted the firm?

Mr. Singh: Yes. [*Interruption*]

Mr. Chairman: It appears as though—did you have an answer for Mr. Singh? You want to respond to what Mr. Singh said before I give way to Mr. Mitchell?

Dr. Gomes: It is just that as I am the former Chair I do not have any documents. So I have to recall everything, and I am looking at what she has. So maybe we could go ahead with that question, and then I could answer.

Mr. Chairman: Before I give way to Mr. Mitchell, this Committee must reasonably assume that you are familiar with all of these matters, intimately familiar.

Dr. Gomes: Yes.

Mr. Chairman: And we have the DPA here sitting next to you with her support staff at the back. So that we do not reasonably expect you to have trouble providing us with information to these questions, because you are familiar. You lived it, and as well she is here to support you with these documents, most of which we had requested in advance, so we have that. Mr. Mitchell.

Mr. Mitchell: Thank you very much, Mr. Chairman. I just wanted the opportunity to piggyback on the previous question posed by member Singh. I think the whole thing turns on—and I am referring to the Legal Notice 218 of 2015, section 3(a), the words “a recruitment process”. It appears from that that the Police Service Commission would have contracted a firm to conduct a recruitment process.

It does not specify what the recruitment process is, and we accept that a recruitment process may vary from firm to firm, organization to organization

according to the job one wants to recruit someone for. But there appears to be a gap, because in your terms of reference attached to your RFP it appears as though the firm was contracted to design the entire recruitment process, and the Police Service Commission to accept the design of the recruitment process.

I will go further to say that from the legal notice it appears as though the firm was responsible for the entire recruitment process up until the submission of certain names to the Police Service Commission.

In the documents submitted, and I refer to the KPMG proposal, it appears as though they have outlined very broadly the stages of the recruitment and selection process. The gap I think that we are missing, I would expect that the firm would have identified a scope of works, a standard operating procedure, a flowchart, describing how you they intended to go about the recruitment process. Can that be provided to this Committee, whether it is available? Because I am listening to some of your previous answers and it seems has though it was a rolling development of a process by the firm. Because you said you consulted with the firm at every stage, et cetera. But I would expect that at the very beginning the firm would have identified standard operating procedures, and a flowchart identifying every stage of the recruitment process for your acceptance.

So if that is not available now, if you cannot describe it now, can that be made available? Because that is the gap I see missing.

Dr. Gomes: That can be made available because when they submitted their proposal they outlined exactly how they conceived the project to be done. And so when we met with them at the various stages, this is before we actually started, from the kick off time we consulted with them with things where we needed clarification, et cetera. So that is available, Mr. Mitchell, in terms of the flowchart.

To answer the other question—can I go ahead?

Mr. Chairman: Please.

Dr. Gomes: In terms of the stages of the recruitment and selection process, we agreed with the firm in terms of the timeframes. There was an implementation schedule and time frames for the application forms to come in. Before the applications, the advertisements. We reviewed all of those things. The time frame for that was four weeks where the advertisement of positions locally, regionally and internationally were done. Application forms were made available online and then the complete application form and resume was submitted by the particular closing date.

The second stage was the screening, and the time frame was three weeks. Application forms, resumes, were reviewed for eligibility based on legislative requirements and suitability based on approved competency model. So that there was a competency model that they had submitted with the RFP, with their proposal, and we as a Commission went through that for clarity, adding in our own pieces into that.

Mr. Chairman: This takes me to the core of this matter. Permit me a question.

Mr. Singh: Perhaps if she completes the process and then the question.

Dr. Gomes: Shall I continue?

Mr. Chairman: Yes, please.

Dr. Gomes: So this was not done at the procurement level—that is Ms. Maraj. This was some of the deliverables. So in terms of the screening, after the application forms and resumes were reviewed for eligibility and ineligibility, the Commission then selected a short list of candidates to undergo the assessment for the two positions. All applicants were notified of the status of their applications at

that point.

Next was the assessment centre. The time frame here was four weeks. This first short list of candidates were invited to attend the assessment centre, which was in Port of Spain. Candidates underwent a comprehensive assessment. They did their own psychometric testing, then there were interviews, case studies and role play. Based on the results of that assessment process, the Police Service Commission then selected the best fit candidates for further scrutiny and professional vetting.

So we go now to security and professional vetting—time frame, three weeks. Best fit candidates were contacted to provide additional information and authorization to undergo further checks. Candidates underwent comprehensive checks, financial security, reference, background and medical examination.

Mr. Chairman: We do understand the process, but the core issue we are trying to address here in particular is this: members of the public, who the Parliament represents, raised issues when it became public that some persons were invited by the Commission to change lanes from lane one to lane two and from lane two to lane one, if I may use a metaphor. That created some consternation on the part of the public, and all things public affect politicians, representatives. The question to really be answered here is: were separate assessment processes conducted?

If you look, as Mr. Ganga Singh directed us, at the terms of reference which you designed for the firm KPMG, which was hired by you to conduct that aspect of the process, if you look at item three—and I am speaking slowly so you can have it before you—under the rubric, “Scope of Services”—Mr. Mitchell called it scope of works—you will see:

The specific task which the firm will be required to perform are as follows:

1. Establish guidelines in writing for the various steps to execute the scope of services—and very importantly at—
2. Develop a job competency model.

My question to you is: we were talking about two different jobs were we not? Am I correct?

Dr. Gomes: Yes.

Mr. Chairman: And therefore a job competency model will necessarily mean one for commissioner and one for deputy commissioner, will you agree with that? Since it is two different jobs and we accepted earlier that there are two different jobs, one 15 years, one 10 years, apart from other things?

Dr. Gomes: And that is the major difference, and that the deputy commissioner of Police can be acting as commissioner any time, and that is how we came up with that one job competency.

Mr. Chairman: No, no, no; that was not my question. My question was, do you accept, Madam Gomes, that when we talk the language of job competency model, we of necessity are talking about one for the post of commissioner and one for the post of deputy commissioner. That is the question.

Mr. Deyalsingh: Chair, that is what I was asking initially.

Dr. Gomes: Yes, it is one job competency model that we had.

Mr. Chairman: For both posts?

Dr. Gomes: Yes.

Mr. Chairman: Right; so you used one job competency model for both positions?

Dr. Gomes: Yes.

Mr. Chairman: Good, now that we have an answer for that let us continue. When

you look at (iv) of the terms of reference that you have before you, you will see it says:

The specific task included that the firm design an assessment.

At (a) it says:

Design assessment centre exercises, procedures and scoring protocols for the Offices of Commissioner of Police and Deputy Commissioner of Police.

The word “and” there tells me they are two separate issues, will you accept that?

Dr. Gomes: I will accept that “and” means two different things.

Mr. Chairman: Great. So we know now that you used one job competency model for both posts, and here they were required to “design assessment centres, procedures and protocols separately”, since you agree with me, for commissioner and deputy. Right. Now that we have that behind us, I am asking you now, did they design separate assessments for both offices or did they do the same procedure for both? Because we now agreed that they were required to do for separate offices. I am asking in practical and real terms, did they or did they not?

Dr. Gomes: It was the same assessment centre.

Mr. Chairman: Great. And finally for me, before I give way to Dr. Moonilal. You said, Madam Gomes, that the Commission was involved with the firm all the way through the process. Did you say that?

Dr. Gomes: Yes I did.

Mr. Chairman: From a very practical stand point I would like to know—because you did as well say you signed off at all stages, and I understand what that meant—I wanted to know, were members of the Commission or your support in the DPA, actually seated with and were part of the elements of the assessment as conducted by KPMG? I mean, in the room following through, listening to the responses,

grading, that is the question I am asking. Were members, elements of the Commission involved in that or was that exclusive to KPMG who then passed it on to you?

Dr. Gomes: Thank you very much. As I indicated earlier, members of the Commission were involved in every aspect of the assessment centre. The first interview the Commodore was representing the Commission.

Mr. Chairman: That is fine. So members of the Commission were actually involved with the firm as this process was being undertaken?

Dr. Gomes: Yes.

Mr. Chairman: And assisting with the grading and scoring and what have you?

Dr. Gomes: Yes.

Mr. Chairman: Great; Dr. Moonilal.

Dr. Moonilal: For absolute clarification—I want to say it in a layman way because I think we could all understand what I mean. Is it that the firm you worked with closely at all material times, in their set up and in their framework, used one particular set of testing of exercises, of interactions and so on, for all applicants, be that applicants of deputy commissioner of police or commissioner of police? Because I could also see the benefit of doing that, because it may well be that that is the best way to get people at the very top and second and third and fourth.

In a layman way I want to put it this way: If you are interviewing for a vice-chairman of a committee or a vice-president or a vice-something or a deputy something, the person in any event holds on, sometimes for a substantive period, for the main office holder. So that it may well be that the firm used one particular testing, where the qualification difference was only, to what you have said earlier, a question of the length of years of experience.

So I am asking that, because we are now saying that there were now two sets of separate assessment and exercise and interventions and so on, what would have been the thinking of the firm, that all persons—so that for example if I apply to be a deputy commissioner of police, for my own reason. I have my reason why I am not interested in being commissioner of police, I am put through the same process as someone who applies for a commissioner of police. And at the end of the day, depending on my score, you then invite me to consider any other office. Is this what took place? Because I think members are sensing, and members of the national community have raised this issue of persons who may have applied for one job being considered for a second job and vice versa.

While you told us earlier that only 20 persons expressed an interest in either/or, but you said earlier that all persons—I mean all the 12, not the 50, as the case may be—the 12 were given an opportunity to consider any one of the positions. Because I can see where in a practical sense what separates a chairman from a vice-chairman, essentially a captain from the vice-captain, apart from the length of service. You may want the same competencies, so I wanted you to reflect on that.

Dr. Gomes: May I ask Commodore to answer this question please?

Mr. Chairman: Sure. Any member of your team is free to intervene on your say so.

Commodore Franklin: Much of what you said is the thing. It was only at the very last interview that the Commission conducted, that we asked the candidates the question about considering the alternative appointment. Prior to that all the interviews were done, it is the same questions asked to everyone and they were scored. I was part of the very first interview, and we were all aware what people

applied for, so the markings were done accordingly.

Mr. Deyalsingh: Chair, I am beginning to get deeply troubled because best practice in HR will tell you that you cannot have one competency model for a commissioner and a deputy commissioner, especially when you read the job summaries. They are different. So that to me points to a basic flaw.

Question: did you have any legal advice that says you could have one competency model for two separate positions, one the substantive position as commissioner and which—if you read the job summary:

The incumbent in this office plans, organizes, directs and controls all strategic activities in the police service. Whereas for the deputy Commissioner:

The incumbent in this office assists the commissioner in charting direction. They are two completely different positions.

Mr. Chairman: What is your response to that, that they are two completely different positions, that it is troubling you took the approach that you took? What is your reaction to that?

Dr. Gomes: My reaction is just as I said before, because somebody has to act at certain points in time for the commissioner.

Mr. Chairman: No, that is fine. We got the answer.

Dr. Gomes: And as well, in terms of best practices and HR practice, we have done the research in terms of—there is no public sector policy that prohibits this.

Mr. Deyalsingh: Therefore I have a follow-up, if I may. Let us just take a different tack for now. It is in the public domain that the votes went either three/one or two/two. Could you tell us what was the actual vote on the appointment of a commissioner of police? One newspaper says the Commission came down three/one on one particular person, there was a casting vote. Could you tell us what

actually transpired in terms of the number of votes?

Dr. Gomes: With all respect, Mr. Deyalsingh, you should not be listening to the newspaper or just relying on the newspaper.

Mr. Deyalsingh: That is why I am asking for clarification.

Dr. Gomes: I sent a document that you all have that says it was three/one.

Mr. Deyalsingh: Great.

Mr. Chairman: Now let me revert to the matter that Mr. Deyalsingh had raised prior to that.

Mr. George: Mr. Chairman, respectfully I have been very quiet, but it may be that there is need for further elucidation in regards to the question raised by hon. member Deyalsingh.

Mr. Chairman: Which is what I was coming to, but please.

Mr. George: I am sorry, I anticipated you.

Mr. Chairman: No, no, no, you anticipated me, but please let us hear your submission.

Mr. George: The thing is there were different issues for consideration. The first issue as it relates to the question of a two/two vote, related to the question as to whether a candidate ought to be the subject of further investigation. That was a two/two vote; two for, two against. And that is where the issue of—

Dr. Gomes: Excuse me, Mr. George, I think this should be in camera.

Mr. Chairman: Just hold on everyone, please, please, please. Let me just say this. Firstly, when someone has the floor the person has it. I understand all of our concerns and enthusiasms and so on, that is one. But I want to urge us all in this troubled land to be very sensitive to the matters we have opened here with and your letter to us, because this is a forum of truth. It cannot be anything else. This is

a Select Committee of the House so it is a forum of truth, and every one of us in this room is permitted to make our submissions. So let us hear Mr. George. If you have a view about what he is saying you can communicate it to him in any other way you see fit, but we are hearing Mr. George, please.

We have reminded ourselves that we will call no names, and we will identify applicants if we had to by letters, which you have a code in front of you, for the reasons that you stated in your letter to us which we accepted. That apart, everyone is free to express themselves in this forum of truth, and everything we say will be taken down in writing. It is being recorded, so let us have our say. Mr. George.

Mr. George: Thank you, Mr. Chairman; I appreciate that.

Mr. Chairman and hon. members and the media also, what thereafter transpired after the two/two deadlock was the exercise of the casting vote. Two members raised queries as to the appropriateness of the use of the casting vote. Internal legal counsel indicated that the legislation does allow for the use of a casting vote, and the casting vote prevailed.

Thereafter the question arose as to the order of merit list and the approval which then would have hinged on the previous issue of whether there ought to be an investigation in relation to a certain candidate. At that point that vote went three/one with one member still insisting that since this is something that ought to be investigated, that member could not approve the order of merit list. So that is how the three/one thereafter arose.

But the fundamental issue which is at the heart of the analysis, was the question of whether there ought to have been that investigation and that was deadlocked two/two among the four commissioners.

11.05 a.m.

Mr. Chairman: And just for the purposes of an enhanced clarification, Mr. George, just for that purpose alone, the votes on which you just spoke had to do with?

Mr. George: Whether there ought to have been an investigation based on certain information that had been brought before the Commission.

Mr. Chairman: That was the 2/2 vote?

Mr. George: Yes, and that was in relation to a candidate.

Mr. Chairman: Right. And the other vote that was 3/1 had to do with?

Mr. George: Well, after that vote was then decided by the casting vote—
[*Interruption*]

Mr. Chairman: Yes.

Mr. George: Then the casting vote was that there shall be no investigation. So, therefore, that candidate's name remained. So, therefore, it would now be to finalize what would have then been the order of merit list.

Mr. Chairman: Thank you very kindly.

Mr. George: And that is where the 3/1 occurred.

Mr. Chairman: Mr. Deyalsingh and then Dr. Moonilal.

Mr. Deyalsingh: Thank you. So that actually—[*Interruption*]

Mr. Singh: Chair, cast your eye on this side.

Mr. Chairman: Gentlemen, gentlemen, wait. Just hold on.

Mr. Deyalsingh: Let me just finish my comment.

Mr. Chairman: One second, one second please. Members, let us huddle for one second please. Please excuse us for a moment. Please, let us join very quietly, permit me, please. This is very unusual but just let me do this. Please excuse us for a moment. Mr. Deyalsingh.

Mr. Deyalsingh: Thank you, Chair. To Dr. Gomes, on the issue of due diligence and the professional and security checks, did the Commission write the Police Complaints Authority for background checks on any candidate or all candidates?

Dr. Gomes: Yes.

Mr. Deyalsingh: Thank you. Were these reports that came back from the Police Complaints Authority shared with each member of the Commission? And I will ask first Commodore Franklin if they were shared with you?

Commodore Franklin: Yes.

Mr. Deyalsingh: Thank you.

Mr. Ramkissoon: Yes.

Mr. Deyalsingh: Mr. George.

Mr. George: Yes.

Mr. Deyalsingh: So every single report that came back from the Police Complaints Authority was shared candidly with all members of the Police Service Commission?

Mr. George: Well—

Mr. Deyalsingh: Yes, thank you.

Dr. Moonilal: Yes, thank you. Just to go back to the earlier issues raised by Mr. George. Mr. George—*[Interruption]*

Mr. George: I did not raise an issue. I was answering to the issue raised by—*[Interruption]*

Dr. Moonilal: But yes, a piece of information came out from what you were saying, that came as a different station to what we were discussing before because you, in clarifying, brought a piece of information and that piece of information had to do with a 2/2 vote and a casting vote and you said that the legal advice was that

the casting vote was proper but it concerned an investigation into a candidate. I just wanted to clarify, investigation by whom? Not the candidate. I am not concerned about who the candidate is. An investigation by whom, or by what agency?

Mr. George: By PSC. In other words, whether we ought to enquire further into the information we had received.

Dr. Moonilal: So, the issue really was to ask for an investigation by the Police Complaints Authority.

Mr. George: No, sorry. By the PSC for us to enquire further.

Dr. Moonilal: What do you mean by PSC?

Mr. George: Police Service Commission.

Dr. Moonilal: So you wanted a further, or you wanted an investigation?

Mr. George: You just said PCA. We are not PCA. We are PSC.

Dr. Moonilal: I know. Just clarify, because I was just looking at a piece of paper as well. So the 2/2 vote had to do with a request by members of the Police Service Commission for your Commission to undertake an investigation into one candidate.

Mr. George: Well, it was not a request. It was to decide whether it ought properly to be further investigated by way of an enquiry.

Dr. Moonilal: An enquiry. I am concerned by an enquiry. By whom? The Police Service Commission?

Mr. George: Yes.

Dr. Moonilal: Okay.

Mr. Chairman: And that is because as the law stands, it is for the Police Service Commission to conduct any disciplinary proceedings and to decide upon them in relation to the offices of Deputy Commissioner and Commissioner.

Mr. George: That is correct. The law does provide that.

Mr. Chairman: That is correct. Now let me recognize for question Mr. Ganga Singh, and then Madam Olivierre.

Mr. Singh: You are now leaning to the—[*Interruption*]

Mr. Chairman: Yes, I cast my eyes on your side.

Mr. Singh: Thank you very much. I just want to, for purposes of my own thought process, how many members, the four members of the Commission and only members of the Commission, were present at the time that you had the split vote or were there others present, other members of the public, the DPA or members of the firm?

Mr. George: The project manager was present and to the best of recollection, I think the Legal Advisor to the Police Service Commission. One of them was present.

Mr. Singh: You see, Mr. Chairman, throughout the process and my review of the documentation you had the requirement of the strictest confidentiality and secrecy in the process. And that is why I wanted to find out who were present because you had a significant leak that you have in the newspapers and I would read from the *Newsday* of February 01, 2018:

“The media reports implied that the people involved in the selection process were the four commissioners and the contracted company. Initially, this appeared to be a confidential process. So where did the leaks come from?”

So immediately, in a sense, whereas we contracted the firm to secrecy and confidentiality, it appears that in the very Commission itself there was a lack of confidentiality.

Mr. Chairman: Well, I do not think we can deduce that because we have just

heard that there were other persons in the room. So that is fine. But the question, Mr. Singh, what is it?

Mr. Singh: The question I have is that that is my finding on the matter, Mr. Chairman, in terms of the lack of confidentiality in the bosom of the institution.

In the requirements of the firm, one of the things they required was the details of security and professional vetting. They had to conduct that. They had to do reference checks, credit checks, financial checks, security checks, education verification, work performance verification, performance appraisal. And it was provided to us—*[Interruption]* Mr. Chairman, as you are aware, there was the whole question of job performance, and so on and whether they were existing or closed complaints.

I see that the former Chairman indicated that in her summary report to the President, that additional security checks were conducted and Senior Counsel's advice was sought. Could the former chairman indicate to us, what was the advice sought from Senior Counsel, with respect to the security checks?

Mr. Chairman: Not content, nature.

Dr. Gomes: The nature of the advice sought was if it debarred candidates from the recruitment and selection process.

Mr. Chairman: You mean crossing lines, as I put it? Or do you mean participating at all?

Dr. Gomes: Participating.

Mr. Chairman: At all?

Dr. Gomes: "Um-hmm".

Mr. Chairman: But by that time, you were dealing with 12 persons.

Dr. Gomes: Yes.

Mr. Chairman: Coming out of a start of about 54?

Dr. Gomes: "Uh-huh".

Mr. Chairman: You started with 54, four were deemed to be ineligible.

Dr. Gomes: Yes.

Mr. Chairman: Because they did not meet the legal requirements on the face of it. So you then went down to 50. By the time you are seeking the advice of which you just spoke, you were dealing with a small group of 12? Am I correct?

Dr. Gomes: Yes.

Mr. Chairman: Good. Mr. Singh, continue.

Mr. Singh: So that is what I was going to ask. You seek Senior Counsel's advice with respect a specific instance?

Dr. Gomes: Yes.

Mr. Singh: And the nature of that advice said that the person A or B is not precluded from being considered.

Dr. Gomes: Yes.

Mr. Chairman: And that advice can be made available to members of this Committee?

Dr. Gomes: I suppose so.

Mr. Chairman: Yes, indeed. You will send it to us as promptly as you may.

Now, before I give way to Madam Olivierre and then to Mr. Mitchell, let me, on the question of the number 12, raise another matter with you. First of all, Madam DPA my question to you is: in respect of the issue of crossing lines, and you know what I mean by that, crossing lines, one being amenable to winning the office of Commissioner and/or Deputy. That is what I mean by crossing lanes. Was your advice sought on that matter?

Mrs. Maraj: No, Mr. Chairman.

Mr. Chairman: Good. Let me ask you another question, in respect of whether there should be one procedure when we had two job competency models working with, for two separate offices, my question to you is: was your advice sought as to whether it should be one or whether it should have been separate?

Mrs. Maraj: No, Mr. Chairman.

Mr. Chairman: Your advice was not sought. One further question before I give way to Madam Olivierre. Madam Gomes.

Dr. Gomes: Yes, Sir.

Mr. Chairman: If 50 people were assessed by the firm and it is only 12 who were invited to cross lanes, do you now consider that that fact could have been prejudicial to those others?

Dr. Gomes: No, I do not consider that.

Mr. Chairman: You do not consider that.

Dr. Gomes: No.

Mr. Chairman: Okay, Madam Olivierre, then Mr. Mitchell.

Ms. Olivierre: Thank you, very much. We are going back to the issue of there being one competency model against which all candidates were assessed.

What is troubling me is that, from the assessment report, I see one table where five candidates were deemed suitable for CoP. There is a table where 16 candidates were deemed suitable for Deputy CoP. However, the entire five that were deemed suitable for Commissioner do not all appear on the suitability list for Deputy Commissioner. So that has me a little confused then that some candidates would have been deemed eligible for the superior position but not eligible for the inferior position.

Dr. Gomes: I do not think you should use inferior position.

Ms. Olivierre: Okay, fine. Given that you said that the Deputy Commissioner will have to act for the Commissioner at times, then it stands to reason that someone deemed suitable for Commissioner should, by default, also be suitable for Deputy Commissioner as well. So I am confused that the entire list then of persons deemed suitable for Commissioner were not also in Deputy.

Mr. Chairman: Your confusion will now be clarified. Could you answer the question?

Dr. Gomes: Could you just tell me the page, please, that you are referring to?

Mr. Chairman: Which page? It is the assessment. Right up at the top.

Ms. Olivierre: It is the assessment report.

Mr. Chairman: The one with the scores.

Ms. Olivierre: The Selection Process Assessment Report. It is page 34. We are looking at tables 2 and 3.

Mr. Chairman: The one with the scores, which is strictly confidential. So we must be careful in managing that. Use your codes if need be.

Ms. Olivierre: It is Appendix C. Given that you said that persons who are applying for Deputy would have to act for Commissioner, and if you are presenting two lists, then, a list of merit for Commissioner and a list of merit for Deputy Commissioner, then all the persons who are eligible to be Commissioner ought then to be eligible for Deputy Commissioner. Because it seems you have comingled the process and you are looking for a person who can perform in the Commissioner role. So then they should also be eligible for Deputy Commissioner role on that basis.

11.20 a.m.

Dr. Gomes: One of the things that we looked at was role fit. All right, so that people then differentiated themselves in terms of the vision that they may have had, and delivery in terms of the role play, et cetera. So, we were looking at the role fit there and, for instance, there was—I just want to refer to the candidate.

Ms. Olivierre: I do not think we need to go into the specific candidate, but now you are providing a distinction then between the two positions?

Dr. Gomes: Yes.

Ms. Olivierre: But, initially you were saying that you used one competency model. So how do we now have a difference in the assessments for the role fit? Earlier on, if the firm did one set of assessments based on which you would have then selected persons to go forward, sitting in the mind of the interviewer, now that decision to offer persons both positions was done at the final interview stage, in the 12 stage? Prior to that persons would have been assessed on one competency model, but they would have been assessed either for deputy or for commissioner.

So, if you are sitting in the mind of the interviewer when you are asking, if it is the same questions you are asking, you are going to mark those answers differently, based on which position the person is being assessed for? So, when you go through that process, so a person comes for deputy they are asked the same questions, but they will be graded on a particular mindset. They come for Commissioner, the same question, you are graded on a different mindset. But then later on you decide to commingle that, so I am saying there would be some disadvantage then in tabulating those scores to determine which persons you

will then at a later stage now going to ask, “would you be interested in both positions?”

Dr. Gomes: Could you just give me a minute, let me consult here?

[Dr. Gomes consults with Cmdre Franklin]

Mr. Chairman: Could you repeat in a terse way what your question is, before we get the answer?

Ms. Olivierre: Given that one competency model was used, then it stands to reason the persons deemed suitable for the Commissioner position, should then also be deemed suitable for the Deputy Commissioner position, since the reverse has proven itself to be true.

Mr. Chairman: Correct, thank you. And the documents you sent us show that there are persons who are deemed suitable for Commissioner, but whose names do not appear among those suitable for Deputy Commissioner an explanation is being sought.

Dr. Gomes: Okay, so to clarify where, you would have had a candidate being on the list for COP and not being on the list for DCOP--

Mr. Chairman: Since you used one process.

Dr. Gomes: What I could say about that is that there was a candidate who was already a DCP, a substantive DCP, so he would not appear on the DCP list.

Mr. Chairman: And the others?

Dr. Gomes: And in terms of the other candidates—so you are talking about the table on page 34? That is what you are saying, right?

Mr. Chairman: Which page you are talking about, Ma'am? Page 34 or 37?

Ms. Olivierre: Page 34, I am seeing two candidates, so I believe who are in the substantive position of DCP.

Mr. Chairman: Call the number then. Which table are you looking at? Are you looking at table 4? Look at the top in the dark—

Ms. Olivierre: Page 34, table 3.

Mr. Chairman: Page 34, yes. Table 3? Just now I think we are looking at the wrong document.

Ms. Olivierre: Look at appendix C, the selection process, assessment report, the confidential file. Table 3: Deemed suitable for DCOP.

Mr. Chairman: Yes, listen what we are trying to do is to be all on the same page, literally. We have two documents, one of which you are given this morning. Is that the document you are talking about?

Ms. Olivierre: Correct.

Mr. Chairman: Could you tell us which page, it is written at the bottom, which page.

Ms. Olivierre: Well it is page 34, but it is the fourth leaf in the file. Document titled Appendix C. The Assessment Centre Results.

Mr. Chairman: Right, good, proceed.

Mrs. Sampson-Meiguel: He got it.

Ms. Olivierre: A list of 16 names?

Mr. Chairman: Yes, it says Table 3: Deem Suitable for DCP.

Ms. Olivierre: So you just said that there was one candidate whose name did not appear there, because they are already in that substantive position but I think

I am seeing two.

Dr. Gomes: There is only one substantive holder at this point in time.

Mr. Chairman: All right, she is saying that no. 3 in table 2, is the one she is speaking about. Do you see any other in table 3?

Ms. Olivierre: No. One is not substantive?

Mr. Chairman: No.

Ms. Olivierre: Okay, all right, I stand corrected.

Mr. Chairman: All right, good.

Ms. Olivierre: So for that reason that—what I was looking at were the ones deemed suitable for COP, not appearing on table 3. So, the persons in table 2 are not appearing in table 3 that was my concern.

Mr. Chairman: Right, so could you answer that. How do you explain, apart from the one we just clarified, how do you explain that there are names that appear as suitable in table 2 among the five names there and those names do not appear in table 3, apart from that substantive—

Dr. Moonilal: Where.

Mr. Chairman: No. 3 on the top list— as being suitable? How do you explain that?

Dr. Gomes: Well one of the things that you all would not have are the scores, sorry.

Mr. Chairman: I thought we had that.

Dr. Gomes: All right, okay, that is what Ms. Maraj is now telling me. I thought you did not have it. I am sorry. So, 4 of the 20 candidates were deemed suitable

for the position of Commissioner of Police only. Fifteen of them were deemed suitable for the role of Deputy Commissioner of Police only and one candidate was deemed equally suitable for both positions.

And that came about given all the first stage assessment centre tests and the process.

Mr. Chairman: Which you were always a part of, having told us so earlier.

Dr. Gomes: Yes, Commission members attended.

Mr. Chairman: Let me ask another question on this matter, since these this page is in front of you. Explain at no. 4, in table 2. Everybody is on the same page with me? Mr. George, at no. 4 in table 2, for example, at the top of the page, right, you see a certain weighted score and then when you look in table 3, at no. 5, just by way of example, you see a weighted score which is higher than the one at no. 4 in table 2. Are you with me?

Just provide me an explanation for that please. How could one with less marks, be suitable for the higher office than someone who is only suitable for the lower office with higher marks than the person in group one, using the same assessment?

Dr. Gomes: Because the candidates in table 2, from nos. 2, 3, 4 and 5, they applied for the position of COP.

Mr. Chairman: Let me—I have ingested it, let me digest it now. Now, you are not speaking only to me unlearned as I might be and easily confused. You are speaking to the country, important organization and institution as you are, so we need an explanation. Could you venture one again just for my understanding.

Because we thought we heard—

Cmdre Franklin: Perhaps I can assist here.

Mr. Chairman: Please.

Cmdre Franklin: In assessing the candidates, we found that they were— although someone had applied for Commissioner of Police and we questioned, and we assessed accordingly, and we marked accordingly. But when we assessed others who applied for the COP only and/or both, we found that in assessing them for the COP, their marks were suitable and therefore, of course, the COP and they were marked in that category. So they would end up with some of them higher. Right, now, you will observe that one particular candidate, appears in both and if you have the scores, you will see how high the scores are, and the scores—

Mr. Chairman: Yes, I am seeing.

Cmdre Franklin: And it is for that reason we considered— there were people who applied for the COP who had the potential and so on, based on their answers and the quality of their answers, and the quality of their vision and so on, they have the potential—but there was only one that stood out and that is why his name appears on both.

Mr. Deyalsingh: Chair, if I may, you see this goes back to my very first line of questioning and I want to ask Ms. Maraj. I am just asking you in your capacity. You did not provide advice to the Commission, I think you said, you were not asked for advice.

Ms. Maraj: No.

Mr. Deyalsingh: Good. With hindsight, is it proper HR practice to have one competency model for both Commissioner of Police and Deputy Commissioner of Police in your opinion?

Ms. Maraj: In my opinion, you can have one competency model, but in that model there must be a factor separating both.

Mr. Deyalsingh: Was there a factor separating both in this particular singular competency model?

Ms. Maraj: I cannot answer that.

Mr. Deyalsingh: Okay. That is it for now.

Mr. Mitchell: Thank you very much, Mr. Chair. I want to go back to the assessment centre and the assessments conducted. Now in your Terms of Reference, it is suggested that the firm conduct the assessments and the results of those assessments be passed on to the Police Service Commission. But from the information provided to us, it appears as though the Police Service Commission, participated in the assessment, conducted panel interviews.

Two questions; who decided on the participation of the Police Service Commission in the assessment process? And do you believe in hindsight that that was a correct decision, given the specific competencies, the specialized role that the assessment function required? Do you believe that you all were competent to conduct that part of the recruitment process?

11.35 p.m.

Mr. Mitchell: Because I am looking at résumés and I am not seeing any HR competencies. So do you believe that you all were competent to form part of the assessment process in conducting interviews at the assessment centre?

Dr. Gomes: Mr. Mitchell to answer the first part of the question, who decided on the participation in the assessment centre in terms of the participation of the PSC? I know that—I am assuming that you are referring to Legal Notice 218, when you were talking earlier.

Mr. Mitchell: I am referring to information provided to us that the PSC conducted a panel interview at stage two comprising primarily members of the PSC in interviewing candidates.

Dr. Gomes: Okay. So based the judgment that came out after that Legal Notice, the Commission is of the view that we needed to actively participate in the process rather than the firm doing everything and just handing us which apparently was how it was done in the previous time where the justice institute re: Penn State, alright.

So in terms of the participation of the PSC we were confident that we should participate in it so that we could be here today to be able to even answer questions, otherwise it would maybe have to be the firm. So, in terms of if we believe that it was appropriate for us in terms of our competencies, we come from different backgrounds, the firm—it was not just the Commission there, there were members of the firm there and the firm, in terms of the consultants with the firm, coached the Commission members so that we could be adequately prepared to be on the panel.

Mr. Mitchell: One follow-up. I am seeing that the firm in your terms of reference and in their proposal they were supposed to have recruited assessors and trained assessors. Were you all trained by the firm to conduct the assessment or any assessment?

Dr. Gomes: In terms of the stage one of the assessment centre, yes, the members

who participated in stage one were trained and I could ask Mr. Ramkissoon who is also a member of the Commission to clarify that please.

Mr. Ramkissoon: Mr. Chairman, member, yes, we were trained. We were given some training by the firm's consultant.

Mr. Singh: Just for clarification. Member Mitchell indicated, was this a decision, a unanimous decision—this is what I think he is trying to get at—of the PSC to engage in this process?

Dr. Gomes: Yes, it was.

Dr. Moonilal: Thank you very much. I just want to go back to one matter because two of my colleagues asked a question and I just needed some further clarification. On this matter of the role of the DPA and maybe Ms. Maraj you could assist us, what is the role of the DPA in this process, because I am hearing that you were not consulted. Is that a legal requirement to consult you? Are you required at all to be consulted?

Ms. Maraj: Well first of all Chairman, through you, we have to go back, if I may, to the previous Legal Notice, prior to Legal Notice 218, where it specifically says the DPA shall contract with a firm. Subsequent to that, when the Legal Notice changed it said, the Commission, "the Commission shall contract". So it threw a different light on the entire matter in terms of interpretation. So where it is you had before the role of the DPA was specific now the DPA was or is not in that new Legal Notice.

The Commission and the Office of the DPA, we also had to go to various sources to get some interpretation of that. What is the role of the DPA in this current process? And subsequent to the judgment, which you all have a copy of, it specifically said and even legal counsel, senior counsel, that it is the Commission.

The DPA is only there to sign the contract because as the accounting officer and through procurement, the Commission cannot sign as a collective body on the law. So the DPA, that was the end of the role of the DPA at that point in time.

Mr. Chairman: This question is directed to Mr. George, a very distinguished attorney-at-law and I ask specifically, could you direct us to what in the judgment—we have copies with us, specifically was used by the Commission to engage in the process more intimately as described by Mr. Mitchell. What in particular in the judgment, would you direct us, this Committee, to the part, because the law as we understand it now consists of Legal Notice No. 218 as amended and the amendment came out of the decision of Mr. Rajkumar. Am I correct, Mr. George?

Mr. George: That is correct.

Mr. Chairman: Could you direct this Committee for our help, as a member of the then Commission, to what in particular in the judgment led the Commission to forming the view that it should be sufficiently intimately involved in the assessment and scoring as Madam Gomes has just told us.

Mr. George: Well, being a responsible commission we did not at all seek to guide or direct ourselves on a legal matter such as that. So what we did, subsequent to the delivery of the judgment, we engaged the services of senior counsel, we met with him at his office, we had about three or four different meetings going through the ramifications of the judgment and based upon what he distilled, so it was really his advice and guidance out of the judgment. Based on what he distilled out of it he suggested that we must be clear at all times, that the Commission it must always be the final decisions of the Commission and not just the firm. And in that regard he made it clear that the firm was there to assist us, not to lead us.

Mr. Chairman: Okay. And insofar as best practice and technical competence to lead the firm, we heard a submission from Mr. Ramkissoon that you enjoyed training by the very firm, their consultant.

Mr. George: Yes.

Mr. Chairman: Tell us a little bit about the extent of that training. This is important to us.

Mr. George: Well, Mr. Ramkissoon will have to tell you it.

Mr. Chairman: Mr. Ramkissoon. What, you Mr. George were not the beneficiary of such—

Mr. George: That part, that part.

Mr. Chairman: No, no, just now, my question, you were not the beneficiary of that training?

Mr. George: That part because referred to the first stage. Mr. Ramkissoon was the one who did that, yes.

Mr. Chairman: Right. So let me ask, was every member of the Commission, four of you, the beneficiary of the training of which Mr. Ramkissoon spoke a moment ago?

Mr. Franklin: No, there were two of us, both myself and Mr. Ramkissoon who were involved in that stage.

Mr. Chairman: Good, next question. So only Mr. Ramkissoon and your good self, Commodore Franklin, were involved in that stage of the assessment.

Mr. Franklin: We were involved in the training, we were trained for that first stage.

Mr. Chairman: And only you both participated in it.

Mr. Franklin: Well I participated every day.

Mr. Chairman: You participated in all stages?

Mr. Franklin: Everyday of that first stage.

Mr. Chairman: Every day, I am sorry. But Mr. Ramkissoon could you tell this Committee what was the extent of that training.

Mr. Ramkissoon: Well the training comprised—*[Interruption]*

Mr. Chairman: By KPMG's Consultant you said.

Mr. Ramkissoon: Yes, Mr. Chairman. The training comprised the method, the manner of which you would ask questions, some suggestive questions, the process by which you would assess. As far as I could remember those are the training.

Mr. Chairman: And finally, before I give way, to Mr. Deyalsingh, the opinion of which you spoke, Mr. George, from senior, we would like to have access to that at the earliest, please. Mr. Deyalsingh.

Mr. Deyalsingh: Thank you, Chair. Chair the issue of role clarity and HR expertise seems to be lacking in this. According to the order the firm shall submit to the Commission the result of its assessment process as mandated and contracted by the Commission. Am I now to understand that the firm trained members of the Commission in assessment?

Dr. Gomes: They participated in the particular stage of the assessment, yes.

Mr. Deyalsingh: So the firm's recommendation was a joint recommendation between the firm and members of the Commission? Because you see, when I read the Order I get the impression on the Order that the firm has certain responsibilities from section 3 right up to 3(f) and then it hands over its work and then the Commission takes into account all the information on the candidates and then establishes the order of merit list.

Mr. Singh: Let us go back to basic documentation. When you look at the contract

document it says in, at page 17 of the contract document, clause 20.4, it is understood and agreed that all decisions shall be the Commission's responsibility and made by the Commission. In the firm carrying out its work, the firm will maintain independence, in particular, with regard to decision making and objectivity. In this regard, (a) the firm will not act in the capacity equivalent to a member of the Commission or an employee when providing the services. And the firm will not form part of the Commission's internal control structure and so on.

So what is clear, that the Commission took the responsibility based on senior counsel advice to participate in every stage of the screening process. They then, but that did not preclude or taint or contaminate in anyway the objectivity and the independence of the firm.

Dr. Moonilal: Sure. So that, Madam Chair, that we are making this distinction between the participation and the full participation of the Commission pursuant both the judgment and legal advice and the independent work of the firm. I think that is a distinction that made.

Mr. Deyalsingh: So the firm and the Commission worked hand in hand throughout the entire process? So there was a cross fertilization of ideas, input, along the entire process? Is that correct?

Dr. Moonilal: Could we just ask Mr. Franklin to clarify?

Mr. Franklin: Yeah. Not really. The firm conducted the early part of the assessment. They came back to us and said, these are the scores and so on. The Commission decided we will take people above a certain percentage and send that back—you following?

Dr. Moonilal: Mr. Franklin, I think I just want to clarify what we are driving at. Again, in layman terms, did the members of the Commission participate with this

firm and tell them what to do?

Mr. Franklin: No, they did not tell them what to do.

Dr. Moonilal: Or influence in anywhere what—[*Interruption*]

Mr. Franklin: No, we—

Dr. Moonilal:—what the outcome would have been.

Mr. Franklin: In terms of the interview stage, did the interview, submitted my score.

Mr. Deyalsingh: But by admission you said you were trained by the firm in assessment and you sat down during the assessment phase.

Mr. Franklin: Yeah. There were several other people.

Mr. Deyalsingh: But that assessment was that the—according to the Order, I am not talking about your terms of reference, according to the Order is that allowed—maybe Mr. George can answer this. Is that allowed under the order?

Mr. George: Which assessment are you speaking of?

Mr. Deyalsingh: Sorry.

Mr. George: Which assessment are we speaking of?

Mr. Deyalsingh: Under the Order section 3, the selection process, et cetera, et cetera, the firm shall submit to the Commission the results of its assessment, meaning the firm's assessment process as mandated and contracted by the Commission. I am hearing, I am being made to understand, being a lay person, that the firm would have conducted training with Mr. Ramkissoon, Commodore Franklin in assessment. So my question is, was this assessment the sole prerogative of the firm or was it a joint venture between the firm and the Commission and is that consistent with the order?

Mr. George: That assessment is an assessment that the firm was contracted to

carry out by the Commission, but we had a duty to ensure that the tail does not wag the dog. So in other words we, although we have contracted you to do the job we have to ensure some level of participation and oversight so that we make sure that we are consistent with our constitutional mandate.

Mr. Deyalsingh: Now, there is a difference between participation and oversight. I can see oversight.

Mr. George: And we carried out both roles. So in other words some members actually sat in and participated and then when those results came back all of us would sit and carry out the oversight function.

Mr. Deyalsingh: But therefore that cause into the whole question of our objectivity, when you received your package of documents from the firm. If you had sat in during the assessment phase. Would you be totally objective now?

Mr. George: In what sense?

Mr. Deyalsingh: When you have to construct your order of merit list.

Mr. George: Well I think those who sat in could answer that for themselves.

Mr. Deyalsingh: Because you were part of the assessment, an integral part because you were trained and you sat in.

Mr. Franklin: Yeah, this is when we had 20 candidates, “eh”, that is when we sat in.

Mr. Deyalsingh: But one of those candidates became—was recommended.

Mr. Franklin: No, at that time based on the results of the interviews we boiled that down to 12, and then that went into another phase of the process.

Mr. Mitchell: So Commodore Franklin just to quickly piggyback, more than being a part of the panel interview, members of the Police Service Commission at the assessment stage was also involved in scoring the candidates.

Mr. Franklin: Indeed. In that first phase, yes. I scored and submitted the scored. Now they joined the other representatives of the firm because there were about five others.

Mr. Deyalsingh: Ms. Maraj is that good practice? I am just asking your opinion.

Ms. Maraj: Chairman, through you, Mr. Deyalsingh, first of all as I mentioned before you had two separate Legal Notices and where it changed—it changed substantially and then you had a legal judgment. And with the legal judgment both the Commission and the Office of the DPA you had to go and unravel. What does this mean for implementation? And as I said before the Commission went to senior counsel for advice and based on senior counsel advise and the contents of the judgment, because as you go through the judgment it points to the Commission and the interpretation of that, because I think many meetings were held, from the Office of the DPA we also had to seek advice for even the procurement aspect. But from the Commission point of view, how far can we get involved in this? And the responsibility was left up to the Commission.

So how do you interpret the judgment and how do you implement what the judgment is saying, what are you going to do next? So the confusion was there, it is still not clear and it is not going to be clear until something happens, but the Commission had to work with what they had and what they that had was not clear. I think they did the best they could because on one hand the Commission is responsible, the Commission has to ensure at each stage it is approved, they agree. So that is how it went and I think the decision was theirs in terms of how far or how deeply involved they got.

Mr. Chairman: All right. Just for some further clarity, could you explain for our benefit what was involved in stage one and stage two? A thorough explanation as

to what stage one of the assessment, what that was about and then what was stage two. So we can understand what they were and what the differences were as you would expect there would be.

Dr. Gomes: I had been reading from this before so I will just go through really quickly again from the top. So the stages of the recruitment and the selection process, the application and that included the advertisement, the application form being online and the completed application form and résumé submitted by closing date. In terms of—this is stage one here.

The screening time frame for the next stage was three weeks where the firm then gave us who was eligible and ineligible and then the Commission selected a shortlist to undergo the assessment. The assessment centre time, the four weeks, where shortlisted candidates were invited to attend the assessment centre. They did psychometric testing. A first panel interview, case studies—of which they had to write a case study as well and role plays. And based on the results of this assessment process the PSC then selected the best fit candidate for further security and professional vetting.

The security and professional vetting that took three weeks and then from there, there were recommendations after the candidates underwent comprehensive checks, financial security and so and then we went in to phase two which was from the Police Service Commission interview.

Mr. Chairman: So the list of 12 that would have been developed after both stages were completed? I am asking.

Dr. Gomes: A list of 12—

Mr. Chairman: When was the list of 12 consummated, finalized?

Dr. Gomes: The list of 12 came up when we then had to do the final interviews.

Mr. Chairman: Good. In other words, after the stage one and stage two, thereafter you had of the assessment and thereafter you had your final interviews. And it is during that final interview that these 12 persons were given the opportunity to cross tracks, cross lanes as I keep describing it.

Dr. Gomes: It was at that stage when we did the interviews that I asked the question.

Mr. Chairman: Good. So that stage one was done, stage two was done and then you the Commission had final interviews and it is during those final interviews that the question was asked of some of all of the 12 whether you were interested in both offices effectively.

Dr. Gomes: Yeah, yes.

Mr. Chairman: Good. The question I have for you then is finally this: were there persons—at the end of stage two you had only 12 people?

Dr. Gomes: At the beginning of stage two. Stage two was when we did our interview.

Miss Olivierre: Prior to that, following the initial screening process there was a shortlist of 20 candidates selected.

Dr. Gomes: Yes.

Miss Olivierre: And these 20 candidates were selected by the Commission.

Dr. Gomes: Yes.

Miss Olivierre: Would you have—was there any differentiation then in these 20 candidates as to persons being looked at for Commissioner and a separate list of persons being looked at for Deputy Commissioner which was then further comingled at the final stage or what did that 20 candidate comprise?

Dr. Gomes: In terms to the 20 candidates we had a cut off of 60 per cent and that

is how we got down to the 12.

Miss Olivierre: So this would have been persons being assessed according to the singular job competencies, but in conducting that first assessment—so this would have been—let me just get it clear. One set of questions would have been done at that stage and based on just straight results those who get over 60 were moved on to the second stage.

Dr. Gomes: Yes, and there was a role fit. There was a category of 15 per cent—

Miss Olivierre: So the number 20 was not decided previously. Twenty was just the number who matched the target that you set. So there was not a number that you were looking for of candidates to move forward to the second stage?

Dr. Gomes: No.

Miss Olivierre: But the question of role fit would have factored into the scores that would have added up to get that 60 per cent? So for candidate (a), was assessed using the single competency profile, but if candidate (a) had applied for Deputy Commissioner they would have been scored on a Deputy Commissioner weighting on that singular competency profile.

Mr. Franklin: Perhaps we need some clarity here in the question because you started off from applications. Applications came in and the firm did a screening. Then they went through, certain marks were applied and we cut off below 60 per cent.

Miss Olivierre: But that screening would have been based on what they applied for?

Mr. Franklin: Yes.

Miss Olivierre: So was there—

Mr. Franklin: There was no question of as you say, crossing over at that time. All

right. Then we went into the interviews session with the 20 candidates.

Miss Olivierre: So the 20 was selected strictly based on—

Mr. Franklin: Percentage.

Miss Olivierre: You applied for this position and we score you against what is required for this position. And that is how you got—and if you scored over 60 you were eligible?

Mr. Franklin: Yeah.

Miss Olivierre: The four who were not eligible they would not have gone through that process because they did not meet the minimum requirement.

Mr. Franklin: They did not meet the minimum requirement.

Mr. Deyalsingh: If it is—*[Interruption]*

Miss Olivierre: No wait. So there was a scoring system then based on what the candidate—

Mr. Franklin: That was one given by the firm. That was done by the firm and we just got the results.

Miss Olivierre: Yeah. So based on what the candidate submitted. So was there a different scoring system for deputy as opposed to Commissioner?

Mr. Franklin: Yes, they gave us a list of who scored what and we just drew the line.

Miss Olivierre: Now in terms of the marking scheme then, so there were two marking schemes at this stage?

Mr. Franklin: We were not privy to that. The firm did that. We were not privy to that.

Miss Olivierre: Because what confusion that would bring in then is if you later comingled persons at the end of that process, but at this stage when you chose your

20 they would have been marked against two different scoring grades. But then you later comingled it.

Mr. Franklin: When the 20 was chosen and we graded them we were still looking at the two jobs, but we identified some people who had the potential to move to the other level. We did not ask them whether they were interested in that at that time. When we got down to 12—*[Interruption]*

Miss Olivierre: No, you said to move to the other level—*[Interruption]*

Mr. Franklin: To consider.

Miss Olivierre: So I am really wondering did persons who applied for Commissioner alone, did you consider them? They would not have been marked for Deputy Commissioner on that rating.

Mr. Franklin: No, they were not marked for Commissioner alone.

Miss Olivierre: But persons who applied for Deputy Commissioner were marked for Commissioner. So I am just looking at the one-sided advantage here on how—in what would have resulted when the comingling was later done.

Dr. Moonilal: Could I just ask the question that leads from what the MP is saying, Miss Olivierre. I could ask it in this way, I do not know if it is the exact question but, in that process that you described could there have been a candidate who did so badly as Commissioner of Police but could have been considered for a Deputy Commissioner and by that process—is that what you are trying to—

Mr. Deyalsingh: And vice versa.

Dr. Moonilal: Yeah. Vice versa we look at it before because it was clear from all that we have been through this morning that someone could have been outstanding as an applicant for Deputy Commissioner of Police and get into the pool for Commissioner. But could it have worked the other way where someone may have

been average, moderate or not that good for Commissioner but he or she could have fit in to be a Deputy Commissioner and they were disadvantaged—

Mr. Franklin: It could have, but it did not happen.

12.05 p.m.

Mr. Deyalsingh: Commodore Franklin, I think we have established there was one job competency model. You just said—and correct me if I am wrong—there were then two marking schemes.

Mr. Franklin: Yes.

Mr. Deyalsingh: So one job competency model, two marking schemes. When did it enter the contemplation of the Commission when you came to stage two to pose the question whether persons who had applied for the post of Deputy, if they wanted to apply for the post of Commissioner and why was it not done for the other eight persons?

Mr. Franklin: All right, just let me go back to something. There is one competency model and there was one set of questions. The same set of questions to everybody.

Mr. Deyalsingh: But two marking schemes?

Mr. Franklin: Yeah, we marked everybody as we saw them. You applied for the COP, we asked you as the COP, what would you do, et cetera, in the circumstance and so on and we marked you. At the end of which—

Mr. Deyalsingh: Wait, wait, so there was one marking scheme or two marking—

Mr. Franklin: Yeah, one marking scheme.

Mr. Deyalsingh: But that is not what is in—

Mr. Franklin: But in the contemplation of how we mark, they asked you the question: as you apply for the COP, so and so, what will you do if blah, blah, blah,

according to the questions we had. Yeah? And we graded you.

Mr. Deyalsingh: With the greatest of respect, Commodore, I am having trouble understanding where we are going with this.

Mr. Chairman: And therefore, as we keep our eyes on 12.15 when this session will come to an end because we have another engagement at 1.30, I will just give way to Mr. Ganga Singh before we take the adjournment.

Mr. Singh: Thank you, Mr. Chairman. Mr. Chairman, having read a lot of the material, notwithstanding we got it late, yeah, Wednesday evening, I am of the view that this has been a very robust process. The whole process from what I see: the engagement of the firm, the procurement of the firm, the deliverables of the firm, it is a very robust process. It seems to me that you start with a list of 54 candidates and then through a process of elimination by a marking system that you went down to 20 and then subsequently to 12, and in that 12, then you had the PSC having its own interview panel with the firm doing the markings, the collation of the markings subsequently. That is my understanding.

Mr. Chairman: No, no, the PSC, they told us they were involved in all the way through.

Mr. Franklin: No, no, the final 12, the PSC did the marking.

Mr. Singh: Did the marking alone? Right. But the collation was done—

Mr. Franklin: But we had advice from the firm and we had the participation of one person from the firm—two persons from the firm.

Mr. Singh: Two persons from the firm. Okay. So that therefore, in the scenario, did you give approval for the work of the firm, because under the contractual obligation, you had to give approval?

Dr. Therese-Gomes: Yes, we gave approval to the firm.

Mr. Singh: So you were satisfied with the work of the firm, KPMG?

Dr. Therese-Gomes: Very much so. They were very professional, very confidential and very robust, so yes, we are satisfied with the work of the firm.

Mr. Singh: So you were satisfied with the rigour?

Mr. Chairman: You see you have to be—Mr. Singh, you just obtained a submission how professional and confidential KPMG was. Earlier, you had spoken about a leak.

Mr. Singh: No, the leak was in the PSC, not with KPMG.

Mr. Chairman: Well, this is the point and I then broadened the thing and I said but other people were in the room and now you are taking a submission—you must be careful—that KPMG was utterly professional which brings me back to submission that you made that the leak was in the PSC.

Mr. Singh: You distracted me a bit there, Mr. Chairman. I wanted to deal—so that therefore, throughout the whole process, the PSC, as a Commission, was satisfied with the rigour and robustness of the work of the firm.

Dr. Therese-Gomes: Yes, we were.

Mr. Chairman: All right, before we break, I want you, members, to keep your promises, you promised that you would submit two legal opinions. The opinions of two senior counsels. One having to do with—

Dr. Therese-Gomes: If anybody could be debarred.

Mr. Chairman: Yes, that was one and then the other point—

Dr. Therese-Gomes: From Mr. George.

Mr. Chairman: Yeah, raised by Mr. George. We expect those opinions for our benefit.

Dr. Therese-Gomes: Yes.

Mr. Chairman: So we expect that when we meet again, which would be very soon, we should spend very little time. By then, we would have read these opinions and we should be able to bring an end to our interface with you. Mr. George.

Mr. George: Just to clarify, the opinions that I spoke of were in discussion. As to whether it was reduced to writing, the Chair would have to confirm if it is in writing; that one.

Mr. Chairman: Well she promised it so one assumes that it was. One is expecting that it was.

Just before we close, I want you to apply your minds to something that is gaining the attention of this Committee as to whether all the candidates were treated fairly, given some special attention and opportunity that was given to a group of 12 and at what stage. So when we resume, these are matters we will be focusing on. We are unable now to tell you precisely when, based on your schedule and ours, but we will collaborate with you very promptly by tomorrow to see whether we can find a common thread in our schedules to permit us to interface for a very short and effective while on the other occasion. Yeah, by Monday, we will touch base with you on that. On that occasion, I would like to invite the Secretariat to invite the firm, KPMG, who will also join us on that occasion. So we spend a little time with you and then we will go on to them and then to some other critical people.

So I would like, on behalf of the Committee, to thank you all very much for your service, for your coming and we look forward to your presence on the next occasion when we should be able to bring an end to our interface with you. Unless if there is anything useful else to be said, we will now suspend this public hearing and we thank you very much. Travel safely to your work place.

SSC Notification Submitted Pursuant to
Section 123 (4) of the Constitution (cont'd)

2018.02.23

Dr. Therese-Gomes: Thank you very much, Sir.

Mr. Chairman: Thank you very kindly. Media, you are excused. We thank the media for being here.

12:12 p.m.: *Meeting suspended.*

[Officials depart the meeting room]

VERBATIM NOTES OF THE THIRD MEETING OF THE SPECIAL SELECT COMMITTEE APPOINTED TO ENQUIRE INTO AND REPORT ON THE PROCESS FOLLOWED IN RELATION TO THE NOTIFICATION SUBMITTED PURSUANT TO SECTION 123(4) OF THE CONSTITUTION, HELD IN THE ANR ROBINSON MEETING ROOM (EAST), LEVEL 9, OFFICE OF THE PARLIAMENT, TOWER D, PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF SPAIN, ON TUESDAY, MARCH 06, 2018 AT 1.52 P.M.

FORMER CHAIRMAN, POLICE SERVICE COMMISSION (PSC)

Dr. Maria Therese Gomes Former Chairman

POLICE SERVICE COMMISSION (PSC)

Mr. Dinanath Ramkissoon Member

Commodore Anthony Stafford Franklin Member

Mr. Martin Anthony George Member

SERVICE COMMISSIONS DEPARTMENT

Ms. Prabhawatie Maraj Director of Personnel Administration (Ag.)

Mrs. Marcia Pile-O’Brady Deputy Director of Personnel
Administration (Ag.)

Ms. Natasha Seecharan Legal Adviser

Ms. Kavita Jodhan Senior State Counsel

REPRESENTATIVES OF KPMG

Mr. Duhsyant Sookram Managing Partner, KPMG

Ms. Abigail De Freitas Partner, Advisory Services – KPMG

Mr. Chairman: All right, thank you all very much, as I call this public hearing to order. I welcome all present in this room. This meeting is being held in public and

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is being broadcast live on Parliament Channel 11, Radio 105.5 FM, and the Parliament's YouTube Channel *ParlView*.

I would like to remind members of the viewing, listening public and those present in this room that this Special Select Committee of the Parliament was mandated by the Parliament to obtain information, documentation and/or evidence relevant to and/or touching and concerning the method, criterion and considerations utilized 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 to report to the House of Representatives by the 31st of March, 2018.

For the record and in the spirit of good human conduct, I would like to invite, beginning with the Former Chairman of the Commission, those who are present and, of course, we invited today the members of the Commission, as it then was and, of course, the firm. So we now invite you, beginning with the Chairman, to introduce yourselves for the record. Thank you very much.

[Introductions made by entities]

[Introductions made by Committee members]

Mr. Chairman: Madam Chairman, we did receive your request to have with us in this room other members of staff of the Commission/DPA and we conceded that, so we welcome all who have joined us in this room in that regard.

We are familiar with each other. We have met before. This is our second hearing. And, therefore, there is no need for any introductory remarks, per se. I would like to, on behalf of this Committee and more importantly on behalf of the

public who may not have gotten it very clear. I do not know if you want the firm who was tasked with the responsibility and we have Mr. Sookram, or whether we would have the Commission.

I would like the public to understand very succinctly and very clearly, with as much detail as is necessary for clarity and understanding, the stages of this process and what each entailed. So we were hearing about stages. I would first like to know from your perspective how many stages there were in this process and a bit of a description of each, because we need to know from you, how you saw it. We have a good idea of what the law says. So Madam Chair, or Mr. Sookram, who actually was engaged by the service commission to carry out this process, could you for our benefit and for the benefit of the public understand this process in stages, please?

Dr. Gomes: I would like to invite the Commodore to start off by sharing the process in the stages, as we have come a little more prepared this time with some of the questions and issues that the public would need to know.

Mr. Chairman: Are you suggesting that you were not thoroughly prepared on the last occasion?

Dr. Gomes: Well, we were prepared but we did not know exactly where you all—what questions you would ask, so.

Mr. Chairman: Okay, suffice that to be so. Commodore Franklin, how many stages would you say you recognized in this process?

Cmdr. Franklin: Chairman, can I answer that in the context of what I was about to say to clear up some of the misconceptions we had the last time?

Mr. Chairman: I would be happy to learn from you how many stages and then you can proceed; just so that I can have a blueprint to run with. How many stages

did you all consider this process consisted of?

Cmdr. Franklin: Right, so the screening process; after the applications were received, screening and then we had the assessment centre, which comprised two stages in the assessment centre, and then we had the Commission preparing its Order of Merit List.

So, within the assessment centre it is a multipart assessment centre. So there are several parts within that: panel interview, role play, media, interview and all that. You can read them, psychometric evaluation, panel interview, scenario testing and the—*[Interruption]*

Mr. Chairman: So, just for my own basic understanding, applications invited and received, first thing.

Cmdr. Franklin: Yes.

Mr. Chairman: Then you had screening.

Cmdr. Franklin: Correct.

Mr. Chairman: Then you had assessment, which you just said consisted of two stages.

Cmdr. Franklin: Correct.

Mr. Chairman: And thereafter?

Cmdr. Franklin: Thereafter, the Commission—*[Interruption]*

Mr. Chairman: Thereafter, a process undertaken by the Commission, as opposed to the firm?

Cmdr. Franklin: Correct.

Mr. Chairman: Okay. Could you just, by way of further clarity, so the application, that is clear, and there were 54 of them.

Cmdr. Franklin: Yes.

Mr. Chairman: You told us the other day. And then you went on to the screening. What does this screening process consist of?

Cmdr. Franklin: Mr. Chairman, I would defer to KPMG to deal with that.

Dr. Moonilal: Thank you very warmly.

Mr. Sookram: Thank you, Commodore. Thank you, Mr. Chairman. The screening process really entailed the initiation of the leadership competency model and the applicants were assessed based on that leadership competency model. The leadership competency model really spoke about four elements of leadership.

So the candidates were fully aware, when they made the application, that they will be assessed on that leadership competency model and the people who assessed the applicants, they were all trained and fully aware of the model that was being used to assess the applicants.

2.50 p.m.

Mr. Singh: The leadership competency model that was decided upon in collaboration with KPMG and the PSC?

Mr. Sookram: Yes, the leadership competency model was agreed to at the inception of the engagement by the firm, KPMG, and the members of the Police Service Commission.

Mr. Singh: Did it incorporate in that competency model both the position of Commissioner of Police and Deputy Commissioner of Police, in the leadership competency model?

Mr. Sookram: That is a good question, and the answer to it is yes. It is yes because the strategy that we used at the inception of the project was a talent pool strategy. It was meant to find the best talent and then decide which positions they are most suitable to. So it was agreed at the beginning of the engagement.

Mr. Singh: So, what were the elements of this leadership competency model, the design elements?

Mr. Sookram: So, it had to deal with the leadership skills. So the competencies tested under leadership skills were executive policing skills; the ability to lead strategic change; leading the work force; and decision making. That was under the leadership skills.

The other element tested was the people skills, which really relates to working with others, serving the public and managing performance. The other element had to deal with technical skills, which was professional policing skills and operational management. And the fourth element in that leadership competency model had to deal with business policing skills. So those were the elements that were tested, and all encompassing, we looked at the professionalism element of the individuals in front of us.

Mr. Singh: Through you, Chair, how do you deal with the notion that there ought to have been separate streams in the context of the leadership competency model for the DCOP and for the COP?

Mr. Sookram: So, if you look at the job descriptions between the DCOP and the COP, it is not night and day. It is integral to the support of the leadership of the police service. It is a competency model to test skills that are required to function effectively at that level. One, the DCOP was merely to support the COP, so it was not vastly different, so the competencies required from both positions were equally important.

Miss Olivierre: If I could just ask for clarity. Is it that all 50 eligible candidates would have gone through that screening process?

Mr. Sookram: The answer is yes.

Mr. Deyalsingh: Thank you, Chair. I want to ask specifically to KPMG about the contractual terms. In reading the contract, it says here the Police Service Commission would contract you to recruit for the offices of COP and, two, you are being paid \$3.1 million to come up with two positions. Correct? That is in your contract.

Mr. Sookram: Correct.

Mr. Deyalsingh: When I go to paragraph 20.4 of the contract where it says that the firm will remain independent with regard to decision making, objectivity—I am putting in my words here, I interpret that as no bias, et cetera. Section 21 of the contract speaks about duties of the Commission. I interpret duties of the Commission and 20.4, the firm, to be separate.

I then go to the Order under the Constitution from section 3 right down to 4, where I interpret it as a layman that the firm, KPMG, will carry out, one, two, three, which includes recruitment and assessment, and then you give to the Commission the results of your work. Am I correct?

Mr. Sookram: In your understanding?

Mr. Deyalsingh: Yes.

Mr. Sookram: Yes.

Mr. Deyalsingh: The question therefore that flows is this: What legal authority did KPMG use, in my own legal, to vary the contract by including members of the Police Service Commission in the assessment process which you were engaged to provide?

Mr. Sookram: So section 20.4 of the engagement contract, and I will read it so that we will be clear as to what you are implying:

It is understood and agreed that all decisions shall be the Commission's

responsibility and made by the Commission. In the firm carrying out its work, the firm will maintain independence in particular with regard to decision making and objectivity.

And with regard to decision making and objectivity, we remain independent in every aspect of our work—every aspect.

Mr. Deyalsingh: But Mr. Sookram, we heard on the last occasion that two members of the Commission—was it two or three?

Mr. Sookram: It was one for each panel.

Mr. Deyalsingh: That Cdre. Franklin and Mr. Ramkissoon were trained by KPMG as members of the Commission to sit in the assessment process for which you were contracted to provide.

Mr. Sookram: And that information is correct. And I just want to clarify one thing with regard to the High Court judgment. It is CV 201601218 which says, and I quote from this judgment—and this judgment takes precedence over Legal Notice 218 which describes the process, and I will go on to say, and I quote:

Any such firm can only be a tool of the Commission and cannot exercise any independent discretion to the exclusion of the Commission except as expressly authorized, mandated and contracted by the Commission. This engagement is the PSC's engagement. They engaged KPMG to help the PSC with the recruitment process. It was not KPMG's engagement. We maintained objectivity and independence throughout the process, and I will say that time and time again. One of five panel members was invited to the panel, and if we take one in five, that is 20 per cent; 20 per cent cannot skew or deter the independence for KPMG.

Mr. Chairman: That is another matter.

Mr. Deyalsingh: I am still looking for the answer. On what basis did you vary the contract to include members of the PSC in your assessment process, and can that decision to include members of the PSC in the assessment process stand legal challenge, in your opinion?

Mr. Sookram: The contract was not varied in any way to include the members of the PSC. The legal notices do not speak to the composition of the assessment panel, nor does the engagement contract.

Mr. Deyalsingh: So you are confident that the decision to train members of the PSC to be assessors can stand legal scrutiny?

Mr. Sookram: Is it the decision to train the members or is it the decision to include them in the panel?

Mr. Deyalsingh: Both.

Mr. Sookram: So yes.

Mr. Deyalsingh: Tell me something. In looking at the stage one for the assessment, under role fit, I think which Cdre. Franklin spoke about when you went through the different, it says here:

This was described as the panel's professional judgment of the candidate's probability of success in the designated role. It is based on past experience of performing executive recruitment.

Did any members of the PSC who were engaged by KPMG have the necessary past experience in executive recruitment to conduct role play?

Mr. Sookram: I think that would be a question that the members in the PSC should say.

Mr. Deyalsingh: So Cdre. Franklin, what is your past experience in executive recruitment?

Cdre. Franklin: I have been Chairman of at least one board and Vice-Chairman of two, and I have done executive recruitment.

Mr. Deyalsingh: Are you HR trained in executive recruitment?

Cdre. Franklin: After thirty-something years in the military, we got a lot of HR training. That is what you are dealing with—people, whether people to use weapons or people to handle ships.

Mr. Deyalsingh: Are you trained, are you qualified, do you have qualifications and certification?

Cdre. Franklin: No, I have no degree in HR.

Mr. Deyalsingh: Thank you. Mr. Ramkissoon, what are your qualifications in executive recruitment?

Mr. Ramkissoon: Might I just preface that—the decision of the Commission—

Mr. Chairman: Before you answer that, just answer the question of the member, please.

Mr. Ramkissoon: I am about to answer.

Mr. Chairman: Mr. Ramkissoon, the member has asked a specific question. What was the question, Mr. Deyalsingh?

Mr. Deyalsingh: What is your training and/or certification in executive recruitment?

Mr. Ramkissoon: Mr. Deyalsingh, I have 42 years in public service. I have had numerous occasions of dealing with recruitment and recruitment processes, I have no certification in it.

Mr. Deyalsingh: So just for clarity, you have no experience/qualifications in executive recruitment?

Mr. Ramkissoon: I have no formal qualification.

Mr. Deyalsingh: Thank you.

Mr. Ramkissoon: I have experience in HR, but more than that, with your leave, Mr. Chair—

Mr. Chairman: One second please, Mr. Ramkissoon. Mr. Deyalsingh, any further questions?

Mr. Deyalsingh: Not right now.

Dr. Moonilal: Just to follow up on that. So between Mr. Ramkissoon and Mr. Franklin, you all had 86 years' experience in leadership?

Cdre. Franklin: Definitely; and please note I said I have had significant experience in executive recruitment.

Dr. Moonilal: Yes. At the very beginning, I just want to take you back, because this is a continuation of a process that started; you indicated that there were some items—I think the Chairman indicated initially—you wished to raise to assist the Committee. Could I ask you to just indicate what are those items and what you could say to assist us, bearing in mind not only what has happened so far, but on the last occasion?

Cdre. Franklin: Thank you very much. Some of it would have been mentioned by Mr. Sookram already, but I would like to invite the Committee to recognize certain things.

The leadership of the TTPS at the positions of Commissioner and Deputy Commissioner form a job group, as Mr. Sookram mentioned that you cannot really distinguish between them in terms of their responsibilities. Therefore, they should have the same skill sets, and that was an important understanding. That is an important understanding that set up how we got to the competency model that we had used.

I also invite you to consider that unlike the corporate environment, there are no specializations between the Deputy Commissioner and the Commissioner. Whereas in the corporate world you would have a VP HR, VP IT and finance and so on, at the leadership level of the police service, there are no specializations. They all must be competent in police management, police leadership, dealing with people and so on.

So we considered that a job group, the Commissioner and the Deputy Commissioners. Thus, we ended up using a single competency model, and of the four competency models around, whether it is job or functional or organizational, we chose a leadership competency model, and this was designed by KPMG. The Commission is satisfied that that leadership competency model is best practice.

Dr. Moonilal: Are you finished?

Cdre. Franklin: No, I am not. So we are satisfied that KPMG designed a competency model, and looking at the premier leaders in law enforcement agencies around the world, and also reviewing various practices as well as information from surveys from local stakeholders. So I can refer to the United Kingdom College for Policing and the Association of Police Commissioners, and they identified a leadership competency model as was practised.

Mr. Chairman: So essentially you are saying that the Commission formed the view that the two positions, Commissioner and Deputy, were of one job group, and therefore there was not sufficient difference between the two positions such that it led you to using one single competency model for both. That is your submission?

Cdre. Franklin: That is correct.

Mr. Chairman: Good. Now, you are mandated to comply with Legal Notice, which is an Order of the President, Legal Notice No. 218. Am I correct?

Cdre. Franklin: Correct.

Mr. Chairman: It is in that Legal Notice that we see that the Commission was mandated in that Order, section 3(a):

“the Commission...shall...contract an appropriate local firm (hereinafter referred to as ‘The Firm’) to conduct a recruitment process including inviting applications for the positions;”

So notwithstanding the human resource experience and capacity of which you boast—and I did not say “boast” with a capital “B”, with a common “b”, both you and Mr. Ramkissoon, and no doubt Mr. George, Madam Gomes, Madam Chairman and others who may have had equal or more HR competencies, the President’s Order told you by way of law that you should hire a firm to carry out that process. Is that correct?

Cdre. Franklin: The words there, but you just heard—

Mr. Chairman: No, no, just a second.

Cdre. Franklin: But you just heard—

Mr. Chairman: No, no, Mr. Franklin, I just want clarity for those members of this Committee and those who are listening.

Cdre. Franklin: The words you read are accurate.

Mr. Chairman: The words are accurate.

Cdre. Franklin: But you just heard Mr. Ramkissoon say—

Mr. Chairman: I am coming to that; I am coming to that. So the law mandated you to hire a firm to conduct this selection process. Let me use the exact words, the recruitment process.

Now, we were told by you then on the last occasion and today, through your lips and that of Mr. Sookram, that having read those words, this matter of this

Order was the subject of a pronouncement by a judge of the High Court, Mr. Justice Rajkumar as he then was. We all in this Committee have copies of that judgment which some of us have read, but let me say which I have not read, but I have studied. And your submission is that the judge's pronouncements are what led you as a Commission to being as intimately involved in the selection process that the words of this suggested, should have been left to the firm.

So while you agreed with me, put simply as I move on, that the words say the firm should do it, it is your interpretation of the judgment of Mr. Rajkumar and it is the opinion that you would have obtained, copies of which have come to us, an internal opinion—well, no—and legal advice on three or four occasions, as Mr. George told us, that taught you or told you that you should be intimately involved in the recruitment process along with KPMG. Am I correct?

Cdre. Franklin: You are correct. Perhaps you should ask Mr. George.

Mr. Chairman: I am correct. No, no, that is okay. Once I am correct, I am good enough for the time being.

Now, do you consider, Mr. Franklin, Mr. Sookram, that there is any difference between the word “selection” as opposed to “recruitment”, based on your reading of the Order, your understanding of it, your reading and understanding of the judgment of Mr. Justice Rajkumar as he then was? Do you consider that there may be a difference between the word “selection” and the word “recruitment”? Your answer please.

Cdre. Franklin: I would not think there is much of a difference in this project that we are doing.

Mr. Chairman: Not much, but do you consider that there is any difference?

Cdre. Franklin: Perhaps, seeing that this has some legal connotations, I would

like to invite my legal colleague here to answer.

Mr. Chairman: No, this is not strictly speaking a matter of law. This is a matter of your understanding of the judgment which led you to a certain course of action. This is a matter of your understanding of the Order, both taken together, which led you to being intimately involved in the recruitment process. So this is not a matter of law. We could easily get a legal opinion, this Committee, and you too. We are talking about your understanding of it. And you are now saying to this Committee that you see no difference between the meaning of the word in this context—“recruitment”—as distinct from “selection”. Okay?

Mr. Deyalsingh: Chairman, if I may—

Mr. Chairman: Just a moment. Well, once we get that I will give way now to Mr. Mitchell and then you Mr. Deyalsingh, and then Dr. Moonilal.

Mr. Mitchell: Thank you very much, Mr. Chairman. Through you, just staying on that same point. If we are to take your evidence at its highest, and it is your evidence today that the judgment allowed for the Police Service Commission to be integral at all parts of the assessment process, and I am going as precursors to your contract. Your terms of reference at Scope of Services 9 and 10, you indicate:

Develop and submit to the Commission the competency framework to be utilized for the assessment of candidates.

And at 10:

The Firm shall submit to the Commission the results of its assessment process—of its assessment process—and a report on its assessment of the entire assessment process.

So nowhere in your terms of reference, which I believe, I assume now to have been developed subsequent to the judgment, and to go further, in KPMG’s proposal at

phase 2 and 3, but more particularly phase 3, there is no evidence here that the Police Service Commission was to be a part or was to be specifically trained to be a part of the assessment.

So my question to you is, if your understanding from the judgment that the Police Service Commission was to be a part of, and integral to the assessment process, why was that not in your terms of reference, why was it not in the proposal by KPMG, why was it not specifically laid out in the contract? And after you answer that, if you can tell me when did it change; when did you make the decision for the Police Service Commission to be a part of the assessment process?

Mr. Chairman: Who will answer that, Dr. Gomes or Mr. George? Who will answer that?

Dr. Gomes: I will answer. Before we actually started the process, we met on several occasions with senior counsel who—

Mr. Mitchell: Which process?

Dr. Gomes: In terms of the selection process, the entire process.

Mr. Chairman: Before you invited applications?

Mr. Mitchell: At the tender stage?

Mr. Chairman: Just now, Mr. Mitchell. When you consulted with senior counsel, was that consultation before you invited applications?

Dr. Gomes: Yes, we met with senior counsel before. We met in April.

Mr. Chairman: All right, thank you, proceed.

Dr. Gomes: So in terms of the opinion of senior counsel, we were advised that the Commission in accordance with the Constitution—which supersedes everything—has the power and authority to decide as it will, whether we participate, whether we give the firm completely to do the exercise. It was the decision and the

prerogative of the Commission to do so.

Mr. Chairman: Right. Just let me as a subsidiary question, before I give way again. It meant, based on what you just said, if the Commission chose to, which is how I understand Mr. Rajkumar to have spoken, if the Commission had chosen to rely exclusively on the work of KPMG, it had to power to do that. Would that be correct?

Dr. Gomes: Yes.

Mr. Chairman: And according to you, if the Commission chose to participate in the recruitment process and the scoring, it had the power to do that. Is that your position?

Dr. Gomes: Yes it is.

Mr. Chairman: Good. In other words, the Commission under the Constitution had the power to do that which it will, but at all times the final selection, and at all material times the responsibility for the process would always be that of the Commission. Am I correct?

Dr. Gomes: Yes, you are correct.

Mr. Chairman: Great. Now, only because it comes smoothly after, I will not give way, because this is not my forum, this is the people's forum.

Do you consider that since the mandate of the Police Service Commission includes recruitment of a Commissioner and Deputy Commissioners, for precision, and it also includes your constitutional mandate to oversee their work on an ongoing basis, and to evaluate their work and to determine whether they should remain in office or whether they should be terminated or fired, all of that constituted your duty. Would that be correct to say?

Dr. Gomes: Yes, that is correct.

Mr. Chairman: And that you were doing that role long before you started this selection process. Would that be correct to say?

Dr. Gomes: Yes, that is correct.

Mr. Chairman: And therefore, you would have had direct dealings with the files of—communication with, consultation with, assessment of, those persons, at least some of the persons, who were engaged in this recruitment process. Would that be correct to say?

Dr. Gomes: Yes, that is correct.

Mr. Chairman: And therefore, the members of the Commission who would have been performing those duties, who would now be participating in this particular process, would have had previous contact with, previous knowledge of, previous records and files of, some of the persons who had made application in this process. Would that be correct?

Dr. Gomes: Yes, that would be correct.

Mr. Chairman: And therefore, would you agree on that basis that it is very possible that members of the Commission who would have been involved in that, working with these men and women, and now involved intimately in a scoring and assessing—and this is a technical assessment, technical competencies we are looking at, technical skills—would you agree with me, Madam Chair, that it is possible—hear my word, “possible”—that going into this particular recruitment process, there could have been some predispositions on the basis of pre-knowledge of some of the people who are now before you in this process. Would you accept that?

Dr. Gomes: Let me answer exactly what you are asking.

Mr. Chairman: Hear the question I am exactly asking, would you accept that it is

possible that going into this process on some of those persons, members of the Commission would have had, or could, could, could have had pre-knowledge—well pre-knowledge is clear—but pre-dispositions as to the technical competencies, because that is the stage we are at now, of some of these applicants? Would you accept that?

Dr. Gomes: In order to avoid what you are saying—

Mr. Chairman: Just now, before we come to the avoidance, I would like to know, Madam Chair, would you accept that that was possible?

Dr. Gomes: No, because we were trained and we were very cognizant of exactly what you are talking about, and so all members collectively took decisions, and with the assistance of the firm, went into this process compartmentalizing the performance appraisal exercise that we do, because if we did not, then we would convolute everything. So clearly we did not go into the process as you suggested.

Mr. Chairman: I did not ask, in fairness to you and in fairness to me, whether you did that. I asked whether you accepted that it was possible.

Dr. Gomes: It is possible but it did not happen.

Mr. Chairman: Good. Now, having heard that it did not happen, for the moment I will give way to my colleague, but it is a matter to which we shall return.

Dr. Moonilal: Thank you very much, Mr. Chairman, and I will be equally brief as you have been.

Could I just ask Mr. Franklin or Mr. George or any other person who cares, what is your interpretation, not specifically of the judgment that you read earlier, that part, but your interpretation of Legal Notice 218, in terms of the removal, the excising of certain parts? What is your interpretation of that? How taking off those parts, and specifically, as you know, 3(a) and 3(b) completely and (d)(i)

amended—your interpretation of that in the context of that entire process you undertook? That is one. And secondly—well, could I ask that, and then I will come to the other issue because it is not related.

Mr. George: If I could, in relation to that, what was clear is that the judgment made a dramatic difference to the entire process. Because if we remember historically what had happened is that the process had then begun by the Minister issuing the request for the recruitment exercise to begin. The legal action was filed basically saying that, look, even by the simple act of the Minister requesting, that is an infringement on the constitutional independence of the Police Service Commission. The judge agreed with that and then went on to excise other parts of the Order to say, well, look, it must at all times be a circumstance where the Police Service Commission is free to act independently of any other interference or any other dictate.

In that regard, what I would say also, as far as the actions of the firm are concerned, the Police Service Commission, based upon the advice we received from senior counsel, it was always very clear to us that we must own the actions of the firm. So whether it meant that, you know, some members would sit with people in the firm and go through the scenarios and ensure that they understood the process, whether it meant that we then dissected the results, went back to the firm and said, hey listen, we are not happy with this, we think that, you know, you did not do enough in this area, we must own the process. And that is what we understood to be the fundamental changes that were wrought as a result of the judgment of Justice Rajkumar.

Dr. Moonilal: Mr. George, if I could continue. So in your opinion and the opinion of Police Service Commission, if you had a weight to place you felt that the change

in law would have fallen on the side of the complete, even over-involvement of the Police Service Commission, rather than their partial or minimal withdrawal from any process?

Mr. George: Well hon. Member, you have a gift for simplicity that I do not possess, but I would say that from our understanding of it, the court made it clear that we must take full responsibility. So even though you are allowed to engage a firm, it must not at all be a scenario where the firm dictates to you. If you would recall on the last sitting before this honourable Chamber, I indicated that, you know, I particularly was very concerned to ensure that the tail does not wag the dog. So in terms of even things that the firm suggested, you know, some members were very critical, very sceptical, they questioned things, to ensure that we at the end of the day felt satisfied that we can answer in terms of what we felt was the process and what we felt was done in terms of the selection.

As regards one other thing, I will just say, if you permit me—sorry, that is the problem when you give an attorney the chance to speak—but in terms of the understanding of the initial module, in terms of the competency model, I am not sure that I am entirely happy with the way it has been expressed, because as I understood it, and of course I may be totally subject to correction and I could be absolutely wrong, but as I understood it the single competency model was used as basically your entry level qualification.

In other words, as I understood it, and my appreciation of it, and I think this, you know, goes to some of the questions that have come from hon. member Deyalsingh and hon. member Olivierre, I understood it as an entry level. In other words, even if you are Deputy Commissioner, then you must at least have some basic competencies. So in other words, a single competency model can be applied

in that way at the start, *ab initio*. But then, you of course would do your disaggregation in relation to, as hon. member Deyalsingh quite correctly pointed out, to show the different skill sets required for Commissioner and Deputy Commissioner.

Mr. Chairman: So Mr. George, what you have just said in respect of the single competency model, in my estimation is markedly different from what I heard earlier here today.

Mr. George: And as I said, I could be absolutely wrong, but it seems to be the only common-sense, practical way that I could understand, using a single competency model for two positions which the Constitution defines differently.

Mr. Chairman: Your simple common-sense approach is markedly different from what we had heard earlier, very different.

Mr. George: I accept that.

Mr. Chairman: But all it says to us—we will come back to that. Madam Olivierre, please let us continue.

Miss Olivierre: Chair, thank you. Given the Commission's intimate involvement with all stages of the assessment process, let me just confirm that at any point did the Commission have any cause to disagree with the results of any of the stages of the assessment, or are you, as you said, were fully satisfied with how it was conducted? Was there any area of disagreement with the results of any of the stages of the assessment?

Cdre. Franklin: During the stages of the assessment the panel had discussions after each interview, and we came to agreement on marks. Well, individuals submitted their marks, but we had discussions. Right? Sometimes we disagreed with the mark another person put, but so be it.

Miss Olivierre: So at the end of each stage, what is detailed in the selection process assessment report, all the results for the various stages, this was something that the Commission would have agreed with and abided by?

Cdre. Franklin: Yes, we had consensus.

Miss Olivierre: Okay. So I am looking at the actual wording, and at each stage that we go you indicated that both jobs are from the same job family, so you are looking at similar roles. Yet when you report at the end of each stage—so at the end of stage one, the summary of results, you indicated that four of the 20 candidates were deemed suitable for the position of Commissioner of Police only; 15 were deemed suitable for the role of Deputy Commissioner of Police only, and one candidate was deemed equally suitable for both.

Now, I am placing a lot of emphasis on the use of the word “only” in this case, at the end of stage one of the assessment. Then we move on to stage two of the assessment where it is a smaller number of candidates, and again the wording at the end of it is:

Four candidates maintained their suitability for the position of Commissioner of Police only. Seven candidates were found suitable for the role of Deputy Commissioner of Police only, and one candidate remains suitable for both.

Now, this was the end of the firm’s involvement in determining the process. And, when you go to the end of it, the Order of Merit List that was provided by the Commission, there were four names put forward for the position of Commissioner of Police. There were seven names put forward for the position of Deputy Commissioner. There is some overlap in both lists.

Now, what is concerning me is that one candidate in particular was

previously identified as being suitable for the position of Deputy Commissioner of Police only, but that candidate now appears on the Order of Merit List for Commissioner of Police. So what I am trying to understand is, was there—

Mr. Chairman: Could you direct the Commission using the key we have—what you are talking about. Looking at your tabling with your final assessments.

Miss Olivierre: Using the key, I am speaking about Candidate J who in the first two stages was deemed suitable for the position of Deputy Commissioner of Police only, yet Candidate J appears on the Order of Merit List for Commissioner of Police in the final order. So I am enquiring what would have changed to make this candidate now eligible for the position of Commissioner of Police, when on all indications they were just Deputy Commissioner only?

Mr. Chairman: Who would answer that? Since your interpretation talks of the law, that the responsibility is always yours, you can answer, Madam Gomes; save Mr. Sookram.

Dr. Gomes: You know what, I really should not ask Mr. Sookram because this was our portion of it. I am sorry.

Mr. Chairman: Yes, yes. No, well, all is your portion.

Dr. Gomes: I was looking at it. You said Candidate J? Thank you very much.

Mr. Chairman: No, just a second. Let us, for clarity, not for me, for those who are listening, based on your interpretation the whole thing is your portion. Right?

Dr. Gomes: Yes.

Mr. Singh: But Chair, whilst the whole thing is theirs—

Mr. Chairman: There are some technical issues that we might see.

Mr. Singh:—the firm completed the exercise. The Order of Merit is determined by the Commission in its sole prerogative.

Mr. Chairman: Correct, correct. But no, we were told earlier, this Committee was told that the understanding that the Commission proceeded with, even before they invited applications, they consulted with senior counsel on the basis of Mr. Rajkumar's judgment and on the basis of their reading of Legal Notice 218, we were told that they were made to understand, and the Commission accepted, that the entire process constitutionally would be theirs. In other words, you could not be heard to say KPMG is to blame for nothing or did that or did that. That is our own; we just used KPMG as a resource to do this and their decisions become ours. That is the understanding they approached it with. Madam Gomes, please proceed.

Dr. Gomes: Okay. Miss Olivierre, I am not sure if I understand your question completely.

Mr. Chairman: Let me help just for clarity. She wants to know by way of example on the key that we have, Candidate J was identified at the end of the second stage—at the first and second stage—to have been assessed by you, since it was all your responsibility, to have been fit for the position of Deputy Commissioner of Police only. She stressed on that word, “only”. And at the end of the process, Candidate J emerged among those who were considered for the position of Commissioner of Police. The member wants to know when did it change, on what basis it changed? In other words put colloquially, permit me, I know this is formal writing: “How comes?” She wants to know how did that happen and when?

Dr. Gomes: This was changed at the discussion of the Commission, and at the Commission only.

Mr. Chairman: Before I give way to Mr. Deyalsingh. You mean—because I had begun this session by asking for you to outline the different stages and what they

entailed. We did not get very far along that road. We got side-tracked with other issues, but I am keeping focused on that. The first thing was inviting applications. The second thing was a screening process, which I understood Cdre. Franklin to have said involved a screening process, which involved reviewing the application forms and suitability on the approved competency model—which Mr. George is now telling us in contradistinction to what we heard earlier—was an entry requirement. This is the way he saw it as a member; only an entry requirement because other things were to come. This screening the list of the applicants, their eligibility status and so on, and out of which you selected 20 persons.

So you had applications invited and received, and then you had a screening process. At the end of the screening process, 20 persons would have gone on for assessment, and that assessment consisted of two stages. Am I correct Commodore?

Cdre. Franklin: Yes.

Mr. Chairman: Right. And then after those two assessment stages, the Commission alone did a further interview process and a further assessment. *[Interruption]* Just now, just now. Well, explain then, I might be wrong; I want you to explain, after the two stages—so you had applications, you had screening, you had assessment in two stages. After that, the Commission acted on its own. Am I correct?

Cdre. Franklin: The two stages had two panel interviews.

Mr. Chairman: Technical assessment.

Cdre. Franklin: One, the first panel interview involved one member of the Commission and five from KPMG. The second panel interview—

Mr. Chairman: No, Mr. Franklin—

Cdre. Franklin: I am clarifying for you.

Mr. Chairman: Mr. Franklin, I hate to trouble you. I hate to trouble you. I hate to trouble you. Those are not the details we are looking for. Those are not the details we are looking for here, for the time being. I want to understand what Dr. Gomes said. Dr. Gomes in answer to the question put by member Olivierre, she said when member Olivierre asked, if you had a man only for only DCOP, how did you end up with him as COP, and she wanted to know how and when. And I was trying to clarify, because Dr. Gomes then said the Commission decided that. So I understood that to mean the Commission now, after the assessment with KPMG, acting on its own. Am I correct or wrong?

Cdre. Franklin: You are only partly correct, because the second interview is the one that involved the Commission, and after that the Commission met on its own, no interview.

Mr. Chairman: Yes, I understand that.

Cdre. Franklin: That is the difference.

Mr. Chairman: What I wanted to know, having understood that, is whether the change that Miss Olivierre identified took place in the last phase with the Commission acting on its own.

Cdre. Franklin: Correct.

Mr. Chairman: That is correct?

Cdre. Franklin: That is correct.

Dr. Moonilal: Could I?

Mr. Chairman: Just now, just now, just now. So it now tells Miss Olivierre when it happened, and it happened after the two stages of assessment and it happened while the Commission was now acting on its own?

Cdre. Franklin: That is correct.

Mr. Chairman: Good. Miss Olivierre also wanted to know on what basis that happened, without calling names, we have a key. [*Interruption*] Please, Miss Olivierre.

Cdre. Franklin: The basis is that—

Mr. Chairman: And then she would be permitted any follow-up comment.

Cdre. Franklin:—the Commission can take all information into consideration.

Miss Olivierre: I am confused, because you took part in the previous assessment, you agreed with the results. The results were clear, this candidate is only suitable for one position. How then do you go against the results of two previous stages of assessment in which you were involved, if you did not have cause to query the integrity of those two previous assessment processes in which you participated?

Cdre. Franklin: I was going to say that is simple, because the Commission on its own, now looking at a number of other factors which were not considered during the assessment. So when you weigh these factors, bring it into account, you would find that there was reason to consider that particular individual.

Miss Olivierre: No, allow me please. I really have to get to the bottom of this because we started off with the leadership competency model. So I am trying to understand what new information suddenly makes a candidate suitable for position that the leadership competency model initially said they were not suitable for.

Cdre. Franklin: So, in our consideration of all the information available, we looked at things like command experience, et cetera. I could tell you that one in particular because I particularly discussed that. And there was consensus among the Commission, based on the particular experience of that individual and his command ability, he should be considered. This is now beyond the leadership

competency model. This is the Commission in its own discretion, its own consideration.

Miss Olivierre: I have to question then the timing of that type of additional information being now put into the picture and why that level of assessment was not applied at an earlier stage, and was that even—command experience, was that even factored into other applicants as well?

Cdre. Franklin: Simply because at the assessment stage we had a fairly fixed framework—there was a framework that was designed and we had a fairly fixed set of questions to assess.

Miss Olivierre: Final question. You indicated before, you indicated initially that you were perfectly satisfied where the competency profile defined by the firm that you hired because of their expertise in this manner, yet at the final stage, the Commission on its own comes up with something that they feel is superior. So I am a bit concerned and frankly I am confused.

Dr. Moonilal: Thank you very much. I want to go back to the initial line of questioning that the Chairman raised and I want to take it a little further, but it also has a relevance to this. Let me begin, unlike my colleagues, in saying I am not confused and I would ask you a simple question. It relates to the Chairman earlier.

The Chairman raised an issue and these are my words, not the Chairman's words, whether or not members of the Commission, participating in the first level, because I do not want to get into stage one, two, three. There is a level with the KPMG, whether or not members of the Commission, albeit one I think, participating in that, could have, my words, "coloured" or "prejudiced" any discussion because of prior knowledge of a candidate or a set of candidates. That was the question earlier. There was an answer.

In light of this recent discussion now from the Member for La Brea where you have the constitutional right to consider all information, you can consider all information at your “final stage”—the Commission it is, without the KPMG. There is still the possibility, if that is open, of some type of prejudice or bias by definition because the Commission would have been involved with sitting officers of a certain level at least in matters of discipline, appointment, transfers and would have had the files, to use that term. So the bias could be at the first level given the involvement with KPMG. It could be at the last level, for which you are, in a way, clothed by the law for any bias there.

So, to me, it is not the issue of the prejudice in the second part, apparent as it may be, but in that first part whether or not the one person, and let me put it now in simple words, if you have a panel of five people, or an interviewing panel, whatever, KPMG and PSC, would one person be placed there, create a problem that they would have influenced, prejudiced, bring a bias towards any candidate or set of candidates, for or against? And simply that.

Mr. Sookram: I would be happy to take that question. The answer is no because the PSC members were involved in two aspects of stage one. The first aspect was a panel interview where it was one of five people which, even if there was a perception of bias, it could have only contributed to 20 per cent of the entire marks for the panel assessment. And in the role play analysis, it was seven members of which one member was a PSC member who was invited. One in seven is about 14 per cent of the entire marks that would have contributed if that person would have been totally and completely biased.

Mr. Chairman: In the real world, things are not as clean as that, but, we heard your submission. Dr. Moonilal.

Dr. Moonilal: Mr. Sookram, again without really trying to get into any of the details and candidates and so on, it appears from the data that one candidate topped this list at both the KPMG level and the PSC level. Would that involvement have made any fundamental difference in your opinion?

Mr. Sookram: It would have been no fundamental difference to the entire process.

Mr. Chairman: Thank you. Mr. Deyalsingh.

Mr. Deyalsingh: Thank you. I am concerned. Let me deal with the last issue first; 20.4 of the contract between KPMG and the firm speaks about independence, objectivity. With all due respect, Mr. Sookram, I have a totally different view that a firm that is being paid \$3.1 million to maintain independence and objectivity in a process will seek to involve its client, the Public Service Commission. It has nothing to do with weighting of percentages. It has to do with what Mr. George will tell you, what would the man on the Clapham bus think, the reasonable, ordinary man on the Clapham bus; or the Trinidad context, what will the ordinary, reasonable man in the maxi-taxi from Arima to Port of Spain think about objectivity and independence of the firm being paid \$3.1 million on the terms of its contract to be independent and objective, engaging its client in the process? So I have a different view. That is one.

Two, I have no doubt that this country owes a debt of gratitude to Cdre. Franklin for his military service and to Mr. Ramkissoon for his police service. My first question had to deal with their HR competency and qualifications. Regardless of your 80 years' experience, 86, it was then shocking to hear Cdre. Franklin say to this Committee that he saw no real difference between recruitment and selection. Cdre. Franklin, with all due respect, in the world to you as a military man that this country owes a debt of gratitude to, there is a world of difference in HR between

recruitment and selection.

Recruitment is when you advertise to the world for this thing and then you start a screening process eliminating as you come down. And this is the fruit of the poisoned tree, to use a legal term, that if the process is not managed by professionals from day one, because I would put it to you Mr. Franklin—

Mr. Chairman: Ask the question please.

Mr. Deyalsingh:—why did two persons who this country owes a debt of gratitude to, who have little or no executive recruitment training, who do not understand the difference between recruitment and selection, are now inserted into the process by KPMG?

Mr. Chairman: Good, that is the question. Who will answer that?

Cdre. Franklin: I will first try to clarify because I interpreted the question about the difference between recruitment and selection in a particular context. According to member Deyalsingh, I will accept what he said that there is a significant difference there, but the context in which I was interpreting when it was asked first, you are quite right. And, I can tell you, apart from the vast military experience and training which we get tremendous HR training; we do not walk out with a degree in HR, but in the military it is all about HR and I am sure the Chairman can tell you because he has police experience. I have also served on several boards—

Mr. Deyalsingh: Mr. Franklin, just bear with me one second. With all due respect, if you had a prescription to fill for your granddaughter who was terminally ill and you took it to a pharmacy and it was dispensed by somebody who has 40 years' experience, but was not a pharmacist—

Cdre. Franklin: I would be concerned.

Mr. Deyalsingh: Exactly. Thank you.

Mr. Chairman: Now, let me give way to Mr. Singh.

Mr. Deyalsingh: I was not finished.

Mr. Chairman: Oh sorry. Mr. Singh, just bear with us. Mr. Deyalsingh is not yet done.

Mr. Singh: I am waiting for the 40-year-old.

Mr. Deyalsingh: No. Let us not make light of the difference between experience and qualifications. Mr. George, in accepting responsibility for the process, responsibility means, and to use your own words, oversight, in my view it does not mean insertion into the nitty-gritty of the process and that is where the roles became clouded between stage one and stage two where you cannot eliminate bias and all of that.

Secondly, and the question is now, persons who were assessed for DCOP and were then upgraded to COP, were persons who applied for COP considered for the post of DCOP? Were persons who applied for the position of DCOP and were considered for COP, were persons who applied for COP also considered, vice versa, for DCOP?

Cdre. Franklin: Perhaps I will answer that. Part of the process was role fit. At stage one of the assessment there was a role fit and I think you have the marks, you would see a score for role fit.

3.50 p.m.

And stage two, there was also role fit. At each stage they determined, this person, and was read out a while ago. So the answer to your question is yes, we asked every one, every one of them, those who applied for COP and those who applied for DCOP: "Should the Commission in its own judgment consider you

better suited in another position what were your views?" We did that for the Commission's information. When we come now—*[Interruption]*

Mr. Deyalsingh: And you are saying all the 12 were offered that option?

Cdre. Franklin: We did not offer them an option. We asked a question to get their response. That is all. We made no promises. We did not make an offer, neither did we solicit them to change an application.

Mr. Chairman: Why then did you ask that question? Let me ask it again, the mike was off, just for the record: Why then did you ask the question?

Cdre. Franklin: Because in doing the role fit we saw some individuals showed the propensity or the ability to be in another role. Yes?

Mr. Chairman: So, okay.

Cdre. Franklin: I do not know if Mr.—*[Interruption]*

Mr. Chairman: Let me ask you before I give way to Mr. Singh. On this matter, let me just ask before I give way promptly to Mr. Singh. Were there, in stage one and two of the assessment process, interviews?

Cdre. Franklin: Yes.

Mr. Chairman: So, in stage one of the assessment process there were interviews.

Cdre. Franklin: The assessment centre, stage one, there was a panel interview, as well as in stage two of the assessment centre, the stage one panel interview was with 20 individuals.

Mr. Chairman: And in those interviews members of the Commission sat in.

Cdre. Franklin: One.

Mr. Chairman: One member of the Commission sat in. And in the second—

Cdre. Franklin: In stage one?

Mr. Chairman: In stage one.

Cdre. Franklin: One member and in stage two, that was the PSC's panel.

Mr. Chairman: Just now, just now. I am talking about the assessment.

Cdre. Franklin: Yes.

Mr. Chairman: There were two stages of it.

Cdre. Franklin: Yes.

Mr. Chairman: And after that the Commission met on its own to consider the wider questions—

Cdre. Franklin: Yes.

Mr. Chairman: —that you addressed to Miss Olivierre a while ago, right?

Cdre. Franklin: Yes.

Mr. Chairman: I am asking, in stage one of the assessment process there were interviews.

Cdre. Franklin: Yes, one interview.

Mr. Chairman: One interview, each candidate.

Cdre. Franklin: Yes.

Mr. Chairman: Twenty of them.

Cdre. Franklin: Yes.

Mr. Chairman: And one member of the Commission sat.

Cdre. Franklin: Correct.

Mr. Chairman: In stage two of that assessment process, were there interviews?

Cdre. Franklin: Yes, one.

Mr. Chairman: One interview. And another member of the Commission sat.

Cdre. Franklin: Three members of the Commission sat.

Mr. Chairman: Three members. Who were those? Three members of the Commission sat in the second stage of the assessment. And then after that, the

entire Commission sat to consider the larger questions.

Cdre. Franklin: Not an interview though.

Mr. Chairman: Not an interview.

Cdre. Franklin: No.

Mr. Chairman: Right. Just before I give way, would you say that the assessment, stage one and two, as distinct from the final wider consideration, which is your constitutional remit, in the view of this Committee, would you say that stage one and two assessment were, would you describe it as being technical, assessing technical competencies?

Cdre. Franklin: In police when you say technical, what do you mean?

Mr. Chairman: I mean, where you are looking at certain skill sets that are necessary for the competency model in a technical way. The kind of thing along the lines of the HR concepts, the kind of thing that KPMG was hired to do. Would you describe that Mr. Franklin for our benefit as being an assessment of technical competencies, role fit and all of that, role fit for DCOP, role fit for Commissioner? Would you describe that? Would you describe the assessment process as assessing technical competencies?

Cdre. Franklin: Right. The competencies identified, and this was everybody reassess everybody on these competencies: executive policing skills, leading strategic change, leading the workforce, decision making, working with others, serving the public, managing performance, professional policing skills, operational management, business policing skills and professionalism.

Mr. Chairman: Now that you have identified the elements by list, would you agree that those are technical skills?

Cdre. Franklin: If you want to call them that.

Mr. Chairman: Would you call them that? I want your—*[Interruption]*

Cdre. Franklin: No, I would not. I would not.

Mr. Chairman: What would you call it?

Cdre. Franklin: I would call it policing matters. Policing skills are technical.

Mr. Chairman: All right. Okay then, let me ask the gentleman from KPMG the same question, just before I give way to Mr. Singh. Would you consider, given your firm's expertise, that that assessment, based on the identifiable elements that we just heard from the Commodore, would you say those were an assessment of technical skills or competencies?

Mr. Sookram: No.

Mr. Chairman: What would you say?

Mr. Sookram: I would say it would be competencies, not technical competencies. Technical competencies have a different connotation.

Mr. Chairman: Would you say that technical assessment.

Mr. Sookram: I would not say that because leadership and soft skills are not technical.

Dr. Moonilal: So you mean IT skills, engineering—*[Interruption]*

Mr. Sookram: Policing skills, executive policing skills.

Dr. Moonilal: Geology and so on are more technical skills?

Mr. Sookram: Correct. So there is a difference.

Mr. Singh: Thank you, Mr. Chair. Thank you very much. I want to take up the point about whether or not, and it has not been asked before, any members of the Commission had any kind of working relationship, familial relationship, or any kind of relationship with any of the applicants, and if so, whether or not that was declared?

Mr. Sookram: I can answer that, because that would have taken place at stage one and two of the assessment centre. At stage one, one member of the PSC disclosed a relationship of around 20 years ago of having worked with that particular candidate and there was no objection from the panel to recuse that person, having understood that it was 20 years ago.

Secondly, one of the other members in the PSC who participated in the interviews role play also had a working relationship with one of the candidates, and that was about 10 or 15 years ago. He disclosed it and there was no objection from the panel to ask him to recuse himself.

Mr. Singh: So that therefore it was open; the open declaration of these interests and it did not impact, as far as you are concerned, with respect to the working of the assessment centre?

Mr. Sookram: It was declared and there was no impact.

Mr. Singh: Chairman, I want to piggyback on the point raised by member Nicole Olivierre. The question for me is that you have completed the exercise. The firm has completed its report. There is an assessment. There is a listing in ascending order of the various candidates. So the Commission now sits to create the Order of Merit. The question I have, as reflected by my colleague, is that how can a candidate who was not shortlisted in the superior category but was shortlisted in a subordinate category jump from the subordinate category into the superior category? You indicated that certain factors were taken into consideration and we had, previously that KPMG did an empirical base, a database, role play-base, scenario planning and so on; a series of clearly scientific assessments. What were the factors that allowed for this quantum leap, for one to jump from one category into the next category?

Dr. Gomes: I would like to ask Commissioner George if he can eloquently answer this question. Thank you.

Mr. George: I always answer questions eloquently. That is not an issue at all. The point is, in relation to what we have as the Order as redacted per the judgment of Justice Rajkumar, it says:

The firm shall ensure that the candidates are subject to best practice security and professional vetting. The firm shall submit to the Commission the results of its assessment process. A report on the assessment of the entire assessment process in respect of the candidate referred to in subparagraph (1), the following documents:

- (a) application of the candidate;
- (b) biography or resume of the candidate;
- (c) assessors' scores;
- (d) assessors' feedback;
- (e) medical examination report; and
- (f) security and professional vetting report.

So I will give you an example. Let us look at item (f). In terms of the security and professional vetting report, when that came to us from the results of the KPMG assessment—and here I would respectfully beg to differ with something Commodore said earlier, when he said that we accepted what the firm presented to us, in terms of their results. It was not always accepted. One commissioner felt that the security and professional vetting report from KPMG appeared to be woefully lacking and inadequate. So in those circumstances, it was raised amongst ourselves as commissioners that look, there ought to be a proper and more detailed security and professional vetting. And we then took the decision, as a commission, to send

out letters requesting from certain bodies, additional information in relation to the candidates, so that way we could have a better perspective.

When those reports came back, certain things excited the imagination of some of the commissioners whereby we felt that look, these things could be, you know, points that ought to determine whether someone ought to remain in a certain position or not. So I am just using that as an example to show that when we sat in our own mature deliberations, we had to still own the process and take responsibility. So, therefore, if we felt that we were not satisfied, and as I said, because one member raised that issue we were able as a commission to come to a decision that, look we ought to have a further enquiry into the professional and security vetting, and then based on that result, we were then able to make a change.

Mr. Singh: No, no. I want to follow through. I do not want to be like coitus interruptus. Mr. George, I need a level of specificity with respect to this particular candidate J. This candidate was in the DCOP category. The candidate now, in the Order of Merit and when we contemplate that the Order of Merit, the recommendation of the Commission, was that this person jumped from this category into the second location in the Order of Merit, number two. Now, what were the factors that influenced that?

Mr. George: Well, we are guided by the legislation as always. If you look into the legislation, under subsection (e), it says:

The Commission shall then take into account all information on the candidate and thereafter establish an Order of Merit List.

So, notwithstanding the fact that you may have been presented with a list or two separate lists from the firm, we were never at all to be guided or dictated by what the firm has put.

Mr. Singh: I agree with all of that.

Mr. George: I must be clear on this. I must be clear on this because it goes also and dovetails to the question that was raised earlier by the Chairman of those proceedings in relation to the aspect of bias.

When one considers the question bias, because he wanted to ask about our previous knowledge of candidates and previous interactions with candidates, and I think it is important for the national community not to leave that issue unanswered for it to ferment, you know, into all different connotations.

We are again guided by the law when we look at what you consider, in terms of how you assess bias, and you look at how the courts have treated the question of bias.

In the case of *Nankissoon Boodram v the Attorney General of Trinidad and Tobago*—[*Interruption*]

Mr. Singh: No, no, no.

Mr. George: No, I will just tell you this. It is a Privy Council decision and it says:

It is not just the question that bias may be possible, but if there is an actual and real prejudice that can occur.

So I just wanted just to say that. In answer to your question, yes it was possible. So when you ask, it is possible.

Mr. Singh: But you are answering every question but not with the specificity required of my question Commissioner George. What are the unique factors, when you take all into consideration that allowed for this leap to take place?

Mr. George: Well, as I said we relied on what the legislation provides. And the thing is, if you wish to go into all the elements of the results, then I think the reports are before you. So we looked at everything.

Dr. Moonilal: Could I ask a follow-up question. Could I ask Mr. George, just for the record, the candidate J, I just want to be 100 per cent sure that we are making a reference to. When that matter came into the Commission, you had as part of your law, you would have considered as well that on this particular candidate, there was a judgment and made some adverse comments and/or findings.

Mr. George: Thank you.

Dr. Moonilal: Did you consider it?

Mr. George: Thank you. I am glad the hon. member has mentioned that. We did and it was recommended by one member that we ought to get a legal opinion in relation to that. And the legal opinion which we received from Senior Counsel indicated that it is a factor that can be taken into consideration, but it does not ab initio debar that candidate from being considered for selection.

Mr. Chairman: Just a second. Mr. George, based on what you submitted and found the need to request further professional and security vetting, and when I say you, I mean the pluralistic application—*[Interruption]*

Mr. George: Indeed, indeed. We understand that.

Mr. Chairman: I am not identifying anybody. The Commission found it necessary to seek an amplification further security and professional vetting. Is that correct?

Mr. George: That is correct.

Mr. Chairman: And it received additional information that it did not have in the first blush. Am I correct?

Mr. George: That is correct.

Mr. Chairman: It is therefore correct for this Committee to accept that KPMG's submission on professional and security vetting was inadequate. It was not thorough. Would that be a correct submission?

Mr. George: Well, that was certainly the view of one commissioner—

Mr. Chairman: No, no, no. Just a second.

Mr. George: —and when it was discussed the rest of the commissioners accepted that and then we sent out for—*[Interruption]*

Mr. Chairman: So now, I am talking about today, with hindsight, that we are clear that the additional information made a lot of difference and required legal advice, it would be correct, would the Commission agree, to say that the initial submission from KPMG was inadequate? It did not tell the whole story about your candidate and pertinent information only came after.

Mr. George: Well, maybe it may have told the truth but not the whole truth.

Mr. Chairman: I thank you very kindly.

Mr. George: And nothing but the truth.

Mr. Chairman: I thank you very much. There is one other question I must ask before I give way to Mr. Deyalsingh. I am so sorry, Mr. Mitchell. My, Mr. Mitchell. He is such a quiet and dignified man I almost forgot him. He is not noisy like some of my other colleagues.

Madam Chair, I want to ask another question here. In the second interview, Mr. Franklin, I think since you mentioned it, you should take the question, of which you spoke, which took place in the last stage, or the second stage of the assessment. Am I correct?

Cdre. Franklin: Correct.

Mr. Chairman: There were three members of the Commission sitting in that panel. Am I correct?

Cdre. Franklin: Correct.

Mr. Chairman: Three, eh. Am I correct?

Cdre. Franklin: You are correct.

Mr. Chairman: How many KPMG personnel sat in that panel with three police commission members?

Cdre. Franklin: Two.

Mr. Chairman: In other words, it would be correct to discern and to state that the preponderance of power or brain or thought or interview and the 16 per cent or how much per cent, the preponderance of members on that interview panel in that second stage of the assessment was members of the Police Service Commission. Would that be correct to say?

Cdre. Franklin: That is correct.

Mr. Chairman: Let me give way to Mr. Mitchell.

Mr. Mitchell: Thank you very much, Mr. Chairman. On that point, and I am staying on the question of bias. I am not getting into quantification of bias, whether it be 20 per cent, 40 per cent or 50 per cent. You have accepted that the police—or you have given evidence that the Police Service Commission, as constituted then, was involved in the appraisal of certain acting officers who became candidates.

You have also said that you were a part of the assessment process. You were a part of the process all throughout, an integral part. We are talking about real or apparent bias. Do you accept, to the fair-minded observer, that there may be an instance of real bias, where the persons who made it on to the Order List were the incumbents and, therefore, the reason why they may have made it on to the Order List was because the Police Service Commission would have been acting to justify its previous good appraisal reports, when it appraised the incumbents?

Cdre. Franklin: Far from it. The question of bias would hardly have entered into or not have entered into the assessment process. Because we had very specific

questions.

Mr. Mitchell: Okay, how about the appearance of bias?

Cdre. Franklin: Not even that, I would think. In my opinion, not even that. We had very specific questions that did not leave room for subjectivity. It was about—and we had parts of the answers that we expected to hear from the candidate and expect them to elaborate on.

Perhaps KPMG could—*[Interruption]*

Mr. Mitchell: Could you just amplify that answer? You had questions that you expected the candidates to—*[Interruption]*

Cdre. Franklin: Let me defer to KPMG to outline how the questions were framed up and the answers.

Mr. Sookram: Thanks Commodore. The questions were standard questions designed to test every candidate's ability under the same leadership competency models. It was different questions. It was geared towards—the second stage of the process was geared towards real issues in the TTPS and how these candidates, if they were to be successful, would deal with these issues. They were given weightings like the first stage and also in the first stage there were key questions and there were elements sought in the answer. There was no right or wrong answer, but there were elements that we were looking for when it comes to the candidates answering the question.

Stage one of the panel interview was no different from stage two. So when Commodore said the issue of bias or apparent bias would not arise, it is because all of the panelists sitting down on the other side of the table would score fairly, based on the elements that we are looking to see. If candidates provided a different picture out of the box thinking, that was taken into consideration in determining

the score.

After that scoring process happened all the panelists sat together and had a discussion about how this interview went. There was commonality in thinking with regard to where there was consistency in answers. So the whole process itself went through a rigour that could have been tried and tested anywhere in the world.

Mr. Mitchell: But when I am looking at the scores, the final scores, there are persons who scored one point more than the other. And when you take into consideration that persons in the Police Service Commission who had contact, previous contact, in terms of appraisals of these individuals, I am asking again whether, in your opinion, to the fair-minded observer whether there could be apparent bias.

Mr. Sookram: Let me take you to the extreme, member Mitchell. If there were to be bias at the Order of Merit stage, there could be 100 per cent bias. This is where the commissioners decide on their own, with all information, who would be there to pick for these positions. So to say that there would be bias to get to point B, where they would have an Order of Merit List where they themselves are the ones to make a judgment, is chalk and cheese.

Mr. Mitchell: But certainly we cannot be justifying bias. That is point number one and, secondly, that is another question because the Order of Merit List does not exactly mirror the scores, the final scores as submitted by KPMG. So, can I ask: What other considerations might the Commission have taken to come up with the Order of Merit List?

Dr. Gomes: In coming up with the Order of Merit List several things were taken into consideration, contextual factors, apart from how they would have scored at the first stage and the second stage, because there was a combined score at first

stage and second stage. And as the Commodore said command, control and respect and so, there was experience taken into account and there was also the security vetting piece taken into account. So that we had to look at all the information then that we possibly had at that point, in terms of deciding on the Order of Merit List.

In terms of candidate J that has been referred to—*[Interruption]*

Mr. Chairman: Before you get into the specific case, I would like a thorough answer. I want your full answer for this record, as to what matters would you have taken into account to design the Merit List? You have identified experience. You have identified security vetting. Are there any other factors? Because the order says after the assessment by the firm, the information or their findings are passed to you, the files, the assessors' report and all of that, and the law says: and then—I stress on the word, then—taking into account all other factors, you the Commission will design an Order of Merit List agreeing Mr. Mitchell and all of us here that KPMG or the firm never design the Order of Merit List. Whatever they say to you or give to you, it is for you to design the Order of Merit List. That is what I understand Mr. Rajkumar to have said.

Dr. Gomes: Yes.

Mr. Chairman: That that is the Police Service Commission work.

Dr. Gomes: Yes.

Mr. Chairman: Not KPMG or anybody, not Minister, nobody else.

Now, we therefore want to know what are the factors you took into account in that final assessment? I call it assessment, with a small “a” after they then—after you heard from KPMG and they gave you their scores you had to design a Merit List. What are the factors, clearly for us: experience, security vetting, what else?

Dr. Gomes: Okay, there were three broad areas: command ability, police service

experience, security vetting, integrity, risk, vision/future strategic planning, and, of course, the 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.

4.20 p.m.

Mr. Chairman: That is one of the seven?

Dr. Gomes: Yes.

Mr. Chairman: Anything else after that seven?

Dr. Gomes: And background.

Mr. Chairman: Background. Now just before I give way to Mr. Mitchell for his follow-up question, and then Dr. Moonilal, when you say “risk”, what did you mean by that, “risk”, that category? What did you mean by that? I am not sure.

Dr. Gomes: I would like to pass to the Commodore to answer that question.

Mr. Chairman: Why do you not?

Dr. Gomes: Because he will be able to do it more eloquently than me.

Mr. Chairman: But you were all trained by KPMG.

Dr. Gomes: This has to do with his military training.

Mr. Chairman: No, no, no; let us be serious.

Mr. Deyalsingh: This has nothing to do with military training.

Mr. Chairman: Gentlemen, ladies; just a second. This Committee was told that all the persons—and Madam Gomes we know you were one of them in this final stage. In fact, you took part in the second interview in the assessment stage. You were a member of the panel, three members. But we were told as a submission on the record here that you all were all trained, and we heard about 86 years’ experience—yours might make it 200. But the point is, we would like to know

what did you understand—you were part of this. You must tell us, what did you understand by the meaning of the word “risk”? Unless if the Commodore has a different interpretation than you.

Cdre. Franklin: Yes, we had—

Mr. Chairman: Mr. Commodore, hold on please. I am asking a member of the Police Service Commission, the former Chairman, who led the team and who was part of this.

Mr. Singh: I think we are entering into the realm, Mr. Chairman, of badgering now.

Mr. Chairman: No, I am sorry.

Mr. Singh: So you do not—I mean, you are entering into this realm.

Mr. Chairman: I do not know how you arrived at that.

Mr. Singh: If the panel says the answer to this Committee is better suited from a member of the Police Service Commission, then we should allow that, and then you can return.

Mr. Chairman: I appreciate what your point is, I appreciate your point; however, the public is aware that all members of the Police Service Commission participated in this, and every member should be able to tell me what was meant by one of the criteria taken into account. Therefore, I would hear the Commodore, but I would like to hear the Chairman of the Commission say what did she understand by the term “risk”? Madam Gomes.

Dr. Gomes: I have no answer for you.

Mr. Chairman: Thank you; Commodore.

Cdre. Franklin: “Risk” was part of a subgroup that read: security vetting, risk and integrity, and whether the individual or selecting an individual in a particular

position had posed a risk—

Mr. Chairman: Okay, Mr. Mitchell.

Cdre. Franklin:—to the management of the police service.

Mr. Chairman: Thank you. Mr. Mitchell and then Dr. Moonilal and then Mr. Deyalsingh, and then Mr. Singh. Thank you very kindly, in that order of merit.

Mr. Mitchell: Just two quick questions, Mr. Chairman.

So the three broad areas of command ability, police service experience, am I to assume, one, that someone who is not a member of the police service would have been significantly disadvantaged under this consideration? And secondly, I am reading a document here where it is stated that a mathematical formula was applied where each candidate was given a score based on his position, on a list generated by each Commissioner using the criteria just identified by you, Dr. Gomes.

I want to ask: What was the mathematical formula? Could we be provided with that? Who designed the mathematical formula, and who applied the mathematical formula? Please.

Mr. George: If I may be permitted, I could answer that. Because you are at the stage where you have your objective criteria from the firm, you have their assessment, their scores, their raw data, the empirical evidence that you have gotten in terms of your professional and security vetting, you now enter into the realm where the Commission members, based on our own individual experiences, our knowledge, our background, the reasons why we were chosen and placed on the Commission in the very first place, we now apply that using the guidelines as set out in the legislation to determine whether we think these persons should be on the Order of Merit List and in what particular order. Because at no time is the firm

to dictate to us what the Order of Merit should be.

So therefore what we did, using the criteria and using what the legislation sets out, we then created our rank and we had our list individually. How then do you determine in terms of who you should choose from one list as opposed to another? So what we did then we came up with an idea whereby you gave a grading of—for instance, if you had four lists and you had one name appearing twice at the top of the list, then that would give you a score of, we used five, four, three, two, one, in that basis. So in other words, you would get 10 points for that name appearing twice there.

If the name appeared once second place, then you would get four additional points, and that is how you worked it. So you worked a five, four, three, two, one coming down, and you used the lists that were generated by the Commissioners going across, and you came up with the raw scores which were then tabulated to give you your number one candidate, your number two candidate, your number three candidate, your number four candidate.

Having gotten that, we then now had discussions as to, okay, how do we formalize this Order of Merit List in terms of submission? And that is where further discussions took place, and at that point you had the issue of the security and professional vetting, which had come up in the recently acquired information. And, as I explained on the last day, there were two members who felt that in the interest of justice and in following our dictates and mandates as per the Constitution, we ought to have an investigation into the matter relating to that candidate, and we were not at all seeking to be dictated to by any third party who may have requested or suggested anything, in terms of what we should do. We were of the view, two members were of the view that we ought to have an

investigation. That vote went 2/2. There was a casting vote, and then for the finalization of the Order of Merit List, the vote ended up 3/1.

Mr. Mitchell: Thank you very much for your comprehensive answer. But I am focused really on the mathematical formula. I know you would have tried to explain it, but I think perhaps we need it in writing.

I am referring to a letter dated 22nd February to the Secretary of this Committee written by Ms. Maraj—

Mr. Chairman: What is her capacity, for the record?

Mr. Mitchell: Acting DPA. —where it is stated that a mathematical formula was applied. I want to know who developed the mathematical formula, who applied it, because we have the results. I will not mention the results, but we have the results subsequent to the application of the mathematical formula. We do not have the mathematical formula. We need that so that we can determine as a Committee whether it was skewed or logical and fair. Can we be provided with the mathematical formula?

Cdre. Franklin: Just for information, my understanding is that it is called the “border count” method. It was something Mr. George brought to the Commission, as he explained to you just now.

Mr. Mitchell: So we would be provided with that?

Dr. Moonilal: Members, I have just three or four brief questions. The first one is just for clarity and for the record. At that final stage of deliberations of the Police Service Commission, were there any interviews conducted with one or more of the candidates being considered? I think that is a simple enough question.

Dr. Gomes: No, there were no interviews conducted.

Dr. Moonilal: Could I ask another question? Now, part of my question, I am not

concerned with the grading, I am not a second examiner or an external examiner. I am concerned with a fundamental issue that seems to be troubling the Committee. And that second stage, when earlier the Chairman raised the matter and we were told there were three members of the Police Service Commission out of a five-member panel, could I ask, that stage was still within the domain of the KPMG? What would have accounted for that composition of that panel at that time?

Mr. Sookram: That is a very good question, and the answer to your first question is yes. It would have been part of the assessment centre, two stages. The answer to the second part of your question is that the PSC and KPMG agreed that it would be beneficial for the PSC to be more involved in this stage of the process because they have to make the ultimate decision in creating the order of Merit List. The PSC could have been easily disadvantaged, just like how Parliament and the House of Representatives was unclear about the process and just had a score sheet and an assessment score to make a decision. The PSC could have easily been in that position had they not been a part of the process.

And to clarify a point that was made earlier would seem to suggest that the PSC conducted the recruitment process. It is KPMG who conducted the recruitment process. It was not the PSC.

Dr. Moonilal: Could I ask again for the record—because we have heard so much about the qualifications of the members of the Police Service Commission—could you tell us just briefly, without calling any one name of course, the qualifications of the members of the KPMG who were involved in this matter?

Mr. Sookram: I am with KPMG since 1991. I have been recruiting people for over 20 years now. I recruit partners all over the region in the Caribbean at executive level. I recruited in CEO positions. In corporate we do quite a lot of

executive recruitment.

My qualifications: I am a certified accountant, ACCA qualified; a member of the Institute of Chartered Accounts of Trinidad and Tobago. I am also a certified general management accountant out of the UK and also a fellow of the Institute of Chartered Accountants of the UK, FCCA.

Abigail De Freitas has a BSc in strategic management; the partner for advisory, BSc with honours and years of experience in doing executive recruitment. Abigail runs our management consulting side of the practice in KPMG in Trinidad and Tobago.

We also had Ian McPherson who is an ex-chief of police of the UK. He actually commanded the UK Metropolitan Police Service with over 32 divisions and 36,000 police officers. Our police service is comprised of around 7,000; just about 7,000 police officers. Ian was a subject matter expert and a technical consultant to the team. He would have been one who also trained the members in the second stage of the interview process. We are the ones who basically ran the process in the assessment centre for the PSC.

Dr. Moonilal: Could I go back to an earlier issue for absolute clarity for us. The troubling matter has always been this involvement of the Police Service Commission, and you all have really explained several elements of that, both the legal issue, the operational issue, what you thought to be your duty, and so on.

Was it possible at any time for members of the Police Service Commission participating in the early stages with the KPMG, to have brought information into that discussion that would have in any way influenced a decision, one way or another, bearing in mind that the very Police Service Commission, the commissioners later would have their own domain? They would have their four

walls to themselves, and they could have brought any information they want for that matter into those discussions which are supported in the law. But would it have been possible at those stages early, for members of the Commission, or a member, to bring in files or to bring in something to influence one way or another?

Mr. Sookram: Sir, I would answer your question in two parts. One, yes it is possible, but two it did not happen. We maintained independence and objectivity with regard to the decision-making. We stand by every single score that went on that table, and can defend it based on the process that was undertaken, based on the methodology that was used in determining the scores. So that did not happen at any stage of the process.

Mr. Deyalsingh: A series of short questions. Mr. Sookram, you have muddied the waters now even more. All this expertise that you have in executive recruitment and subject matter experts, why then did KPMG feel it necessary to bring in members of the Police Service Commission into the process?

Mr. Sookram: It was the PSC's process. The law gives the PSC the power. There is no definition anywhere in any legislation or in the contract that says who should comprise the interview panel.

Mr. Deyalsingh: Good. So both parties were intimately involved, even though you have all this experience; fine. That is one, two. We heard that the interview panel at stage two comprised of five persons, three from the PSC and two from KPMG. Again, if you have all this experience, why was the panel skewed in terms of numbers to the PSC? Do you not think it is a dereliction of duty on the part of KPMG who is paid 3.1 million taxpayers' dollars to manage a process, to cede authority by having the greater number of persons from the Public Service Commission who did not have the necessary expertise and qualifications?

Mr. Sookram: So it is not the Public Service Commission, but the Police Service Commission.

Mr. Deyalsingh: Police Service Commission, I am sorry.

Mr. Sookram: But I will answer your question. No, it did not compromise the process in any way. It did not compromise the independence of the scoring. I went through lengths to explain how the process was, what were the questions, what were the elements sought in the answer, how we corroborated after in terms of all the panellists come together and let us talk about how this interview went, how this candidate performed, and then scored.

Mr. Deyalsingh: So you are happy?

Mr. Sookram: I am extremely happy that KPMG conducted this thing with—

Mr. Deyalsingh: And it can stand legal scrutiny?

Mr. Sookram: I am sure it will.

Mr. Deyalsingh: Question to Mr. George. You said certain vetting excited certain members of the Commission. Besides Applicant F, did the security and professional vetting of any other candidate so excite or titillate the Commission?

Mr. George: Yes.

Mr. Deyalsingh: Could you tell me by letter which one?

Mr. George: In relation to Candidate B there were certain things that appeared which showed that there had been certain decisions made.

Mr. Chairman: Just one moment before you continue. When we began these proceedings we put in a little caveat. It was that we recognized, particularly on the submission of the Acting DPA quite properly and wisely, she indicated to this Committee, just to remind members that we are here because the House of Representatives asked us to conduct this enquiry. But that enquiry had to do with a

very limited number of persons, not all the persons whose initials we are now identifying them by. I want us to be sensitive because it is only those that came to us that we are now contemplating. We want to do or say nothing to jeopardize or to give advantage to those who are not immediately before us.

In light of that, I do not know whether you might want to answer the question using the identification you have used, Mr. George. But you are a particular skilful cap, Sir. You will find a way.

Mr. George: The hon. member seemed to want—

Mr. Chairman: No he wants—the question is a legitimate one, but see if you can answer it without—

Dr. Moonilal: The specific name. You can say others.

Mr. Deyalsingh: There were others.

Mr. George: In the circumstances, yes.

Mr. Deyalsingh: Thank you. Last question to former Chairman, Dr. Gomes. In response to member Mitchell's question what motivational factors at the last stage did the Commission consider, and what was mentioned, command ability, vetting and so on. But according to the Order, vetting, professional and security vetting was supposed to have been done by the firm prior to any names coming to you. Why was that a factor at the very last stage? That is how you screen people out by best practice in HR. You do all that screening first, so when you have a short list you do not have to do at the end of the process what you did at the very first if you followed best HR practice. So the question is: Why was professional and security vetting left for last and not for first?

Dr. Gomes: The security vetting was not left for last.

Mr. Deyalsingh: But former Chairman Gomes, you said in response to member

Mitchell when he asked what factors were considered at the last stage, your reply was seven factors. You said command ability, vision, risk, whatever, and you said vetting. According to the order, vetting is supposed to be done very early by KPMG, and that is how HR works. That is how you recruit, select, screen. The question is: Why was vetting, professional and security vetting, left for last?

Dr. Gomes: Mr. Sookram wants to answer the question.

Mr. Deyalsingh: No, I am asking you, because you are the former Chairman who Mr. George said you all accept responsibility for the entire process, and you all inserted yourselves into the process.

Dr. Gomes: We did not insert ourselves into the process Sir, with all due respect. As dictated by the judgment or interpreted by the judgment, and senior counsel supported us on that and gave us that opinion, that is how we were so involved in the process.

Mr. Deyalsingh: Mr. George said last time, and I have his verbatim here:

“Now, there is a difference between participation and oversight.”

And I said I can see oversight.

“**Mr. George:** ...we carried out both roles.”—participation and oversight.

Your Commission, by Mr. George’s own words, participated in the process.

Dr. Gomes: Yes, I agree with that.

Mr. Deyalsingh: Good.

Mr. Chairman: I have—

Mr. Deyalsingh: No, I want an answer to my question. Why was the security vetting and professional vetting, according to your own submission, left for final consideration and not followed HR best practice and be done earlier in the process?

Dr. Gomes: The quick answer is that KPMG did security vetting earlier, and there

was a Commission member who was not satisfied and wanted every stone unturned, and that is why we went back at the end. That is the quick answer.

Mr. Deyalsingh: Thank you. So KPMG was deficient.

Mr. Chairman: It was a very good thing he wanted it unturned. I submit just in passing, it was a very good that that Commissioner wanted no stone unturned, because it revealed things that were not revealed before. It was significant.

I have a couple questions, but I am prepared to give way to Mr. Mitchell who swore that he had a quick one on this matter; please.

Mr. Mitchell: Two quick ones.

To Mr. Sookram. Earlier you indicated that during the process one or two members would have indicated to KPMG either a conflict of interest or a potential conflict of interest, where the member of the Police Service Commission would have worked or interacted with certain candidates some years back. Did KPMG accept that indication by the member of the Police Service Commission or did KPMG investigate further to determine whether that relationship was a continuing one or whether the relationship was closer than indicated by the Police Service Commission? And I ask this because, KPMG as you have said, you maintained your independence and you found that you had a responsibility to maintain integrity.

The second question is: Can you, Madam Gomes, please indicate in writing to this Committee which opinion and where in the opinion it is indicated to you that the Police Service Commission had a role and had the responsibility to play a direct role in the assessment process? I would like that in writing, and Mr. Sookram if you could just answer the question.

Mr. Sookram: With regard to the disclosure of the relationship, the answer to your

question is no. It was disclosed at the point in time of the interview, and based on the information disclosed, we did not see it fit to conduct investigations as to any current relationships with any potential candidate or candidates.

Mr. Singh: In accordance with your ruling that after Deyalsingh, it would have been me, but notwithstanding my colleague came before me.

The professional and security vetting, that was done by KPMG?

Mr. Sookram: Yes, the PSC engaged us to do eight specific background checks. And I want to go back, it is not woefully inadequate or insufficient. We were contracted and mandated by the PSC to do eight specific background checks, and that is what we did.

Mr. Singh: Could you, for purposes of the audience listening and for our own benefit, indicate what were those eight background checks?

Mr. Sookram: It was reference checks; job performance checks in terms of evaluations; credit checks; financial checks, good standing with financial institutions; security checks, certificate of character and all those things to determine if there is a conviction in line with Legal Notice 218; existing and closed complaints that would have been the PCA, who would have reported matters existing or closed; education verification in terms of their suitability, their qualifications, and whether they are in fact on paper, and medical checks. Those were the eight background checks that we were contracted and mandated to do, Mr. George.

Mr. Singh: Thank you. I think that, Chairman, through you again, the role of the Police Complaints Authority. I want to ask members of the Commission, was there any specific allegation made against any of the candidates by the Police Complaints Authority, and what did you do in response to that?

Dr. Gomes: Yes. In terms of the response from the Police Complaints Authority, we did get feedback from them and there were concerns, allegations on several candidates, one in particular that stood out. In terms of that we enquired. We needed to get the recommendation from them, because it was not in the initial document that we got. We clarified that and we got the recommendations as to what they thought that we should do in terms of taking disciplinary action on three particular areas. And then we had gotten a letter from that particular candidate, clarifying those allegations because the correspondence was also sent to him.

Mr. Singh: So for purposes, the Police Complaints Authority made certain findings or allegations?

Dr. Gomes: Yes.

Mr. Singh: And that was conveyed to the particular candidate?

Dr. Gomes: It was conveyed to the particular candidate by the Police Complaints Authority, because this was something that happened in 2011.

Mr. Singh: For purposes of your own looking at all the factors in order to create the Merit List, did you give that particular candidate the opportunity to be heard or the opportunity to respond?

Dr. Gomes: Yes, the candidate did respond in writing to a letter that was sent.

Mr. Singh: By whom?

Dr. Gomes: From me as Chairman.

Mr. Singh: And that completed your professional and security vetting for that candidate.

Dr. Gomes: Yes, it completed it.

Mr. Chairman: You are telling us that the Police Complaints Authority, and for those who do not know, this is a body established under law to investigate police

misconduct and serious misconduct generally.

4.50 p.m.

The Police Complaints Authority investigated a matter and then made a recommendation to the Police Service Commission in relation to a candidate. That is what you are saying?

Dr. Gomes: Yes.

Mr. Chairman: And the recommendation, based on the records we have read, was that the person be disciplined by you who is responsible for disciplining Commissioner and Deputy. Is that correct?

Dr. Gomes: Yes, that is correct.

Mr. Chairman: Having received that from the Police Complaints Authority while you are now engaged—first thing, would that have been the first time that you the Police Service Commission, would have been learning about that matter?

Dr. Gomes: If it was the first time, in terms of why we are doing the selection process, this recruitment and selection process?

Mr. Chairman: Would it have been, when the PCA intervened in this selection, the first time that the Commission had become aware of an investigation and a recommendation for disciplinary proceedings?

Dr. Gomes: Yes, this was the first time.

Mr. Chairman: So once it came to your knowledge you said a moment ago in answer to Mr. Ganga Singh, that you contacted the officer.

Dr. Gomes: The officer was initially contacted by the—[*Interruption*]

Mr. Chairman: I am not talking about him and the PCA. I am talking about you the Commission. Once it came to your knowledge, you contacted the officer who was part of your contemplation in a selection for two offices. Am I correct?

Dr. Gomes: Yes.

Mr. Chairman: And you raised the matter with him. Am I correct?

Dr. Gomes: Yes, we raised it in writing.

Mr. Chairman: Let me ask: Was the matter before your determination investigated by you as a commission and recommended by the PCA?

Dr. Gomes: No, in terms of the timing of everything, we got that information from the PCA in—I have the dates.

Mr. Chairman: But the answer is no.

Dr. Gomes: No.

Mr. Chairman: No. So as it stands today that officer, “doh call no name”, was one of the persons that you put on the shortlist. Is that correct?

Dr. Gomes: Yes.

Mr. Chairman: And as it stands today that matter has not yet been investigated by you, as recommended by the PCA. Is that correct?

Dr. Gomes: That is correct.

Mr. Chairman: Right. Let me ask another question.

Mr. Ramkissoon: Mr. Chairman, with your leave.

Mr. Chairman: Just a second please. Just a second, please.

Mr. Ramkissoon: I would like your permission.

Mr. Chairman: Mr. Ramkissoon, could you just allow this Committee to do its work unperturbed, please? We will seek your intervention at the appropriate moments.

Mr. Sookram, you told us boldly that there could have been bias in that last stage, if it had to be or if the Commission wanted to be biased. You told us that. Did you not, earlier today?

Mr. Sookram: I think anybody could be bias in everything.

Mr. Chairman: Yes, but Mr. Sookram, do you recall saying that?

Mr. Sookram: I recall saying that.

Mr. Chairman: In which case, do you, Madam Chair, Mr. George the lawyer on the Commission—oh, by the way members of the Commission are appointed having been possessed of certain skills. Am I correct?

Mr. George: Mr. Ramkissoon is also an attorney.

Mr. Chairman: I know that but I am speaking with you. Do you consider, all things considered now, taken into account, that because of the fact that the PSC could have been biased, especially in this last phase without KPMG, that that is precisely why the law was structured in the way it was structured for an assessment to be done by a firm independently, though the Commission maintaining responsibility under the Constitution.

Let me ask a subsidiary question here. Since we agreed that, based on your earlier submission, Mr. George, that the Commission was free to participate as well as exert oversight, oversight alone rather than intimate participation and scoring would not have been a breach of the law. Would it have been, once you continue to accept it as your own and define the Merit List, would it have been a breach of the law?

Mr. George: Certainly not, but the thing is, in regard to that oversight function it would be remiss of us if we simply tried to do exactly what Mr. Sookram suggested, the sterile analysis of data they have presented, without an appreciation for the personages who are appearing before you to see them, to hear them, to see how they react, to see if someone is being evasive. These are things you cannot capture in a score or a percentage or a mark. So that is the reason why the

Commission members, those who were trained as, I was not one of them, but those who were trained felt it necessary to be there so that we can own the process and that dovetailed with the advice that we received from Senior Counsel that we must always take responsibility for the entirety of the process.

Mr. Chairman: Will you agree with me that that question of responsibility is a constitutional construct?

Mr. George: Of course, it is.

Mr. Chairman: Meaning, it is only the Police Service Commission, under the Constitution, that has the right to select and to determine who should be Commissioner and who should not be, constitutional construct.

Mr. George: Subject to the parliamentary.

Mr. Chairman: Yes. Just a second, just a second. In which case, Mr. George, would you agree, as I am putting it to you now, that the Commission can have had oversight of all the interviews, watch and listen to everything and not participate in scoring and still would not have been in breach of the law. Would you accept that?

Mr. George: Certainly, that is possible. That is possible.

Mr. Chairman: And I am asking now the main question, on the basis of your answer of yes. Do you not think as a lawyer on the Commission, I would direct it to Mr. Ramkissoon after, that that is precisely why the Order was drawn in the way it was drawn. It would have allowed the Police Service Commission oversight, observation, all of that taking place under the PSC's gaze, the assessment done by the firm, and then—and I am using the word of the Order—the Police Service Commission taking all things into account, decides on the Order of Merit List.

Mr. George: With respect, Mr. Chairman, if we are to revert exactly to your words, the Order as was drawn, you would recall that the hon. Members of the

Parliament are the ones who sat and decided and that Order was prepared. That Legal Notice however was later struck down in certain material parts by the judge so, therefore, we have to look at the redacted Order.

Mr. Chairman: That is what I am talking about.

Mr. George: And if we look at the redacted Order that is when we had our consultations with Senior Counsel, which I detailed in the previous sitting. We had five or six sessions with Senior Counsel.

Mr. Chairman: Yeah, you said that. You said that.

Mr. George: And it was clear, from our understanding of what he advised us that we had to ensure that we owned the process, and it was entirely up to us whether we participated in the manner that you spoke of or whether we took the hands-off approach and did the oversight from a distance.

Mr. Chairman: Let me assure you that the question I have just put, I had in my own contemplation the redacted version and for the public who do not understand what you and I mean by redacted. The Parliament designed an Order. It became the subject of legal scrutiny. It went before Mr. Justice Rajkumar and on the basis of his observations on the constitutional power of the Police Service Commission and its power alone, he amended the Order to ensure that it read in terms that it is only the Police Service Commission who has that power. That is what we mean by redacted.

So the question I put a while ago to you took into full account as a lawyer myself, the redacted version. So let me ask it one more time. I am talking about the redacted version, the part redrafted by Mr. Rajkumar.

Mr. George: Yes.

Mr. Chairman: Would you say that you would not have been in breach of the law,

redacted, if you had had oversight without participating in scoring, be present, observe the nuances, observe the body language, observe all of that, and when finally you had to use the word of the Order, it is after all of that (d), I am just going to quote the Order, sections 1, 2 and 3, and I am talking about 3(d), which reads, after all of that your observation, you are listening to the interviews, you are assuming it as your own under the constitutional authority of which we just agreed, and all of that, without scoring, Mr. George, and (d) now reads:

The Commission—Police Service Commission—shall then take into account all information on candidates and thereafter establish an Order of Merit List.

If you had done it like that. This is my question. If you had done it like that, do you consider that the Commission would have been in breach of the law, Mr. George?

Mr. George: No, but it was entirely up to us, honourable Chairman, because—I can use a simple analogy. If you have, for instance, second markers at university who are in another jurisdiction, they are marking the scripts, the raw data, the scores. They are just assessing it from the empirical evidence there, as opposed to the lecturers who have spent time with the candidates, who have taught them, who have interacted with them, who have asked questions, saw the answers, saw the way they reacted to the questions, who would have a better appreciation of the merit and worth of a candidate more than just a raw score on paper. If it were just to be a raw score on paper then it is something a firm could conduct and there would be no need for a Police Service Commission.

Mr. Chairman: Right. I have one question before I give way to Dr. Moonilal and then Mr. Deyalsingh, one question.

Mr. Sookram—in fact, let me direct this to the Chairman. Madam Chair, Mr.

Mitchell asked a question and in an answer we got partly from Mr. Sookram, it established to this member that one member of the Commission had a personal and friendly contact and professional working relationship with one of the candidates who ended up on your Order of Merit List. Mr. Sookram, who you worked intimately with on this, told us that the Commission did not go further. It relied entirely on the declaration of friendship made by a member.

Mr. Mitchell specifically asked whether a further investigation was done to determine whether that relationship continued or whether it was in fact one that begun sometime before 10 years ago and ended 10 years ago. Mr. Mitchell asked whether an investigation was done to determine whether it continued, whether it was deeper, whether it was a business relationship, whether there were regular recent contacts, electronically and/or otherwise, but that no further investigation was done. Reliance was placed purely on the declaration of the member and the procedure continued apace. Do you consider, Madam Chair, that to be risky? Do you consider it to be in accordance it to be best practice, given the small pool that you were working with, the sensitivity of the issues? Your response, please.

Dr. Gomes: The Commission did not hold any investigation of any relationship or deepening relationship, as you would put it. We relied on the integrity of Commission members, in terms of how they proceeded and how they conducted themselves. We all took an oath of allegiance and I would think that each of us, I have to trust everybody on the Commission, just as everybody on the Commission has to trust each other.

Mr. Chairman: Thank you, and you did that. And finally, this Committee received a letter from a member of the public who, as well, was one of the participants in the process. We all have access to that correspondence and I would

ask on the basis of it simply. It suggested that at no time, and this would be someone whose name appears on the Merit List. In fact we received two letters from two applicants or participants, both of whom name appears on the Merit List, which means they were part of the 20 and part of the 12. Both are suggesting, let me just clarify this, I know for sure one. Let me clarify this. Sorry, one. Thank you very much. The Secretariat was just clarifying this. It was another letter I was talking about. Where that candidate whose name appears on the list has made it clear to this Committee that he was never asked whether he would give consideration to the other office. So, in other words, if he applied for DCOP he was never asked whether he would consider being Commissioner and if he applied for Commissioner he was never asked whether he would give consideration to being Deputy Commissioner of Police. How would you react to that letter, that suggestion from someone who appears on your Merit List? What is your reaction to that?

Dr. Gomes: Unfortunately, I have not seen the letter. But we asked everyone. I asked everyone. That was the last question that was asked and every candidate was asked that question, every one of the 12 candidates. I am very, very confident in saying in that.

Mr. Chairman: I thank you very kindly. Dr. Moonilal.

Dr. Moonilal: Thank you. Just about two or three matters again. Mr. George, given your explanation earlier concerning the workings of the law and the workings of the Commission as you saw it and your legal interpretation of it, I will ask, simply put, the other side of the coin, do you believe that the process you followed by the holding on to the bone, so to speak, of the Police Service Commission, do you believe that that was correct in the law that you followed, the

law?

Mr. George: As indicated from the opinion we received from Senior Counsel, it was clear that by owning the process we had the right, the ability and the responsibility to ensure that we did not just accept results from the firm but that we were able to own it and say: "Look, this is ours". So if it meant that we needed to be there to observe, to participate, then of course we were fully within our rights, as we understood the explanations from Senior Counsel in that regard, to be part of owning the results of the process.

Dr. Moonilal: Mr. George, my second part of this, before I get to the real issue I want to, the issue arose and I want clarification, that you could have participated but you did not have to score, but if you scored, you clearly participated. Would that have made a difference?

Mr. George: I could not see how that could make a difference at all. I mean, I was not one of those who participated. But in defence of them and in deference to their integrity and their adherence to the process, I do not think that that could ever have made a difference, because you had an empirical set of values that you would use as your marking criteria. You had your scores set out. You had your parameters defined, and that is part of the training that they received. Of course, Commodore and Mr. Ramkissoon could elaborate more on those aspects. But within those guidelines you had very narrow limits, in terms of your margins of error. And once your margins of error are within the acceptable limits, then of course look at a whole. The integrity of your process can be preserved and maintained.

Dr. Moonilal: Thank you. The second part of my three part questioning.

Mr. George: The second part of your three part question?

Dr. Moonilal: Not to you Mr. George, to members, all members, including you,

perhaps. We have heard of one incident where a member of the Police Service Commission as a fact had some prior relationship or acquaintance with a candidate. Is there any other member of this Commission that would have worked or enjoyed a working relationship, a relationship of friendship, of familiarity, of family even, with any other candidate on the list of 20, which you started off with? I am not concerned with the one or two to the end, but did the matter arise? Because this is a small society. Clearly persons like Mr. Franklin have been in public life and defence force life for a long time. Did the matter arise as to anyone having relationship and was that declared?

Cdre. Franklin: I, perhaps, have had no relation with anyone.

Dr. Moonilal: I want to go back to an issue that arose because I have some questions on it. It is clear from the knowledge we have before us, by way of letters. Yes.

Cdre. Franklin: I was just reminded that one of the candidates served with me.

Dr. Moonilal: One candidate served with you. Okay. Anybody reminded of anything again? I want to get back to that issue of a report from the Police Complaints Authority concerning one candidate. And we have the benefit of a document before us, an opinion and some other papers as well. I am speaking with that knowledge, not specifically from you, I have heard from you, that an incident that occurred in 2011 or 2012 or thereabout became the subject of a Police Complaints Authority investigation. Can anyone tell us when was that matter reported to the Police Service Commission? Because if you cannot, we can ask the relevant, because I know we do not have a representative here, when was that matter reported? Because we know as a fact it arose in 2011 or 2012 or thereabout. But we understand today from you, former Chairman, that the matter came to your

attention only recently when you were conducting this exercise. Is that correct?

Dr. Gomes: Yes. It came to us recently when we were conducting the exercise.

Dr. Moonilal: And that was as a result of you asking.

Dr. Gomes: Yes, it was as a result.

Dr. Moonilal: The PCA give us that information and so on.

Dr. Gomes: Yes.

Dr. Moonilal: But there is no information as to when that matter was reported to the Police Complaints Authority. When was the matter reported to the Police Complaints Authority? You would not know.

Dr. Gomes: In 2011, I mean—

Dr. Moonilal: No, that was when the incident is alleged to have occurred.

Dr. Gomes: Yes.

Dr. Moonilal: When was it reported? We do not know.

Dr. Gomes: No.

Dr. Moonilal: Okay, we will seek that clarification. Could you just, for the record, indicate the nature of the legal opinion on that matter? Because I understand that you also considered it. In fact, you considered the matter when it arose from the Police Complaints Authority. Did you get legal advice on the matter and if so, what was suggested? Should that person have been denied consideration?

Dr. Gomes: We got Senior Counsel advice and the advice indicated that it does not debar the candidate from the recruitment and selection process. It was not a criminal offence, but that we should take everything into consideration as the judgment has said.

Dr. Moonilal: Let me just clarify. Senior Counsel advised on this specific issue that that report, because it is a report from the Police Complaints Authority, we do

not know when the report or the complaint was made. We have no idea. But we know when it came to your attention during the process of your deliberations, your final deliberations and Senior Counsel advice was that it should not debar the candidate, although you should investigate or take action if you deem necessary. Is that correct?

Dr. Gomes: Yes, and I believe Mr. Ramkissoon would like to add something to that. Is that okay?

Dr. Moonilal: Sure, Mr. Ramkissoon.

Mr. Ramkissoon: Much obliged. We had opinions from Senior Counsel to the effect that it was in relation to two candidates that they should not be debarred but we should consider it and we also had further legal opinion in relation to the recommendation from the PCA, that we should not proceed, in that to prosecute for an offence that is a disciplinary offence for more than five years may constitute an abuse of process and we were given two judgments. And the Commission itself had given a written decision in a case called *Sheldon David v the Commissioner of Police*, to the effect, inter alia, that undue process, undue delay may constitute an abuse of process. So the Commission considered and we had a vote. We had a split vote as my colleague mentioned last week at the first hearing, a 2/2 division and then a casting vote.

Dr. Moonilal: So as it is now, just more clarification on this specific matter, does the Commission intend to proceed to investigate?

Dr. Gomes: At this point there is no Commission.

Dr. Moonilal: Okay, thank you.

Mr. George: Mr. Chairman, if I may just be allowed, just for clarity and I think for the sake of the public. The opinion indicated that the Commission should decide

whether it wishes to act on the recommendation and take certain steps prior to finalizing the Order of Merit List. That was the legal opinion we received from Senior Counsel. And that is when the vote took place that hon. member Moonilal was asking about.

Dr. Moonilal: But Mr. George, did Senior Counsel also give advice on the issue of delay and abuse of process?

Mr. George: No.

Dr. Moonilal: No, he did not?

Mr. George: In this opinion, no.

Dr. Moonilal: Was that the subject of any opinion?

Mr. George: There was an internal legal opinion that was procured, which gave views, but of course, at the end of the day, I think one would have regarded to what Senior Counsel indicates in the opinion.

Mr. Chairman: Right, let me on that matter, the reason why I was able to say in whispering tones to my colleague the answer was no, is because we requested, this Committee requested the opinions that you had received, in relation to this matter. And we all have copies of it. So I now hold a copy, which is dated the 22nd of January, 2018. It is directed to Dr. Maria Therese Gomes, Chairman Police Service Commission. And that had to do with the recruitment and selection of offices of Commissioner of Police and Deputy Commissioner. The question was, as stated here regarding two candidates, and so on, both of whom still appear on the Merit List.

And page 5 of five pages of that opinion, in the third-to-last paragraph, I will read, leaving out names for reasons that we have already agreed, that third-to-last paragraph at page 5. It says, and I quote:

While the recommendation of the Police Complaints Authority does not debar or disqualify the candidate for consideration to the positions of Commissioner of Police or Deputy Commissioner of Police—

This is the opinion of why you spoke Mr. George?

Mr. George: Indeed.

Dr. Moonilal: Is Senior Counsel?

Mr. Chairman: Yes, yes.

Mr. George: That is Senior Counsel's opinion, yes.

Mr. Chairman: While the recommendation of the Police Complaints Authority does not debar or disqualify the candidate for consideration to the positions of COP and Deputy COP, it is not reasonably to be expected that the Commission would nominate a person who, in the view of the Commission, is or is soon to be subject of disciplinary action by the Commission.

In my view the Commission should decide whether it wishes to act on the recommendation of the authority to institute disciplinary action against the candidate prior to finalizing the Order of Merit List.

5.20 p.m.

I have just heard Mr. Ramkissoon tell us, in the face of this, that the Commission had authorities about abuse more than five years and it may constitute an abuse. As a lawyer must know, and that includes Mr. Ramkissoon, that would be a matter for a court to pronounce upon. Even the use of the word “may” will trouble the ordinary man in the Arima maxi-taxi. As in the English law they say, “in the Clapham omnibus”. So that submission by Mr. Ramkissoon that the Commission took into account that the matter may at this stage, without dates, amount to an abuse as a reason for disregarding what the opinion just read, does

not settle me.

So I want to ask a question, Madam Chairman or Cdre. Franklin. This has nothing to do with KPMG; this is the Order of Merit List. If you, as you have submitted to the Parliament or to the President—which the President submitted to the Parliament, which is why we are here—have found that candidate X was best suited among all others, you named that candidate as No. 1 on the COP list, as a layman I would like to know, since you decided after KPMG and your work together, comingled and produce reports, and then you sat by yourself and considered all manner of things and came up with a Merit List. Your Merit Lists show the same candidate as recommended for the position of Commissioner at the top of that list, and then top of the list for Deputy.

I just want a simple explanation. Why did you block both? Well, I do not know if it is block, but if you are saying you asked persons—I am coming to it—whether you are willing to be considered to be COP and the answer was yes, and after all that you did, you decided that person should be your recommendation to this Parliament as Commissioner of Police, could you provide some explanation as to how you could also recommend that same person as top of the list for DCOP as well, please? I just would like a common sense explanation.

Dr. Gomes: It is a very simple answer. If it were the House of Representatives did not affirm that particular candidate that was nominated, then the person would be still eligible for DCOP being on that list.

Mr. Chairman: Okay. Just now. Madam Olivierre.

Mr. Ramkissoon: Mr. Chairman, with your leave—

Mr. Chairman: Just a moment, I have gotten an answer. We are happy with that.

Mr. Ramkissoon: On another issue in relation to the opinion you have just—

Mr. Chairman: Mr. Ramkissoon, just hold on. We are conducting our affairs in a certain manner around here. Madam Olivierre, you have a question? I had my question answered, I am fine.

Miss Olivierre: I would like to go back to when we dealt with the assessment centre. Mr. Sookram, when you spoke about the assessment process, you indicated that there were standard questions and there were certain elements that you were looking for in their response. In terms of the scoring, well then you could have objectively gauged how persons would score because in effect you had a model answer.

My question is: Would it be possible then for a candidate to have gotten a copy of this model answer and therefore prepare for the interview? Since they are standard questions they may be standard questions that could be obtained by research, so how possible would it have been for candidates to have gotten access to that information and thus be better prepared to score well in the interview?

Mr. Sookram: So that is a very good question. I spoke about the confidentiality of the process and who kept the questions. KPMG was in retention of the questions and the answer set at all times. It did not leave KPMG office, it was under lock and key, and nobody else. And it goes back to how this process unfolded.

You would have read in the newspaper time and time again that candidate A, B and C was up in the running and up in the ranking, and when January 25th came it was a different ball game. That is testament to the confidentiality of the process and how well KPMG guarded that mandate.

Miss Olivierre: My follow-up question is, given that all the interviewers then would have had to score the candidates against the model answer, is it that at the point of the interview, immediately before then, this model answer was revealed to

all members of the panel?

Mr. Sookram: So, let me make your question a little bit broader, in that, let us take the first day for example. All the members of the panel would have been privy to the questions because it was one question set and one answer set. So any member of the panel could have easily taken or remembered a question for day two and day three and day four and day five. But we had to rely on the integrity of the people. As the Chairman said initially, it is an oath of allegiance that I think anybody taking such an oath should take it with the seriousness that they are actually taking it. So we had to rely on the integrity of the people on the panel.

Dr. Moonilal: I had raised a matter earlier on. I asked a question which I have now subsequently read in an advice. The matter that we were referring to earlier, the authority began an investigation in 2012, because I had asked the question and I just put that on record. Could I just confirm, because I had some differing views earlier. There are two opinions before us, one is a senior counsel we clearly recognize. Is the second opinion that of Mr. Reginald Armour SC?

Mr. George: No, it is not.

Dr. Moonilal: Because there is no signature of the attorney-at-law on this opinion. Is there a reason why we cannot—

Mr. Chairman: It is not uncommon, especially in circumstances such as these, for it to be unsigned.

Dr. Moonilal: Could I know the identity or is that for some reason or another—we do not want to know?

Mr. Chairman: We do not want to reveal publicly the identity. We could leave it. Let us rely on the thing, on the what.

Dr. Moonilal: I could understand that as well, so I will not press.

Mr. Chairman: Not the who, the what.

Dr. Moonilal: I will not press on the identity of the senior counsel. But I just want to read it again for the record here.

In reference to the candidate for Commissioner of Police or Deputy:

It is not reasonable to be expected that the Commission would nominate a person who in the view of the Commission—this is the view of the Commission—is the subject of disciplinary action by the Commission.

Now, that is out because the person was not the subject of disciplinary action—or is soon to be the subject of disciplinary action.

Would the Commission have had any knowledge in your possession that this person is to be the subject of disciplinary action? Because what I am asking is that when a matter comes—I do not know, and I am sure members of the national community many would not know—from the Police Complaints Authority to you recommending disciplinary action for one thing or another, what happens next? Is it automatic that you take action? Do you investigate, do you enquire? I just want to clarify that process, because the letter to me is very clear.

It is not reasonable to expect—the opinion—that you would nominate a person who in your view is the subject of disciplinary action—that is out—or who in your view is to be the subject of disciplinary action.

Would you have had a view then that this person would automatically face disciplinary action? Just the process.

Mr. George: If I could answer, hon. member. From what we had from the PCA it was a recommendation that disciplinary charges be laid. It was very clear, very direct. There was no ambiguity there at all. However, what was suggested by one of the members would be that we ought to observe due process, give the candidate

the opportunity *ab initio* to respond to the allegations and the recommendations of the PCA—

Mr. Chairman: What do you mean by *ab initio*? Not all of the national community is familiar with Latin. [*Laughter*]

Mr. George: He is an attorney also.

Dr. Moonilal: Explain to the national community.

Mr. George: “At the start”. In those circumstances it was felt that in fairness there ought to be the question of whether this matter should be investigated. So it is not that the Commission just took on board what the PCA said and decided, well, look, you must institute disciplinary proceedings.

When it came to the vote on whether the question should be investigated, as to whether we should proceed to disciplinary proceedings or not, that is when the 2/2 vote took place and the casting vote was exercised.

Mr. Chairman: Mr. Mitchell, then Mr. Deyalsingh.

Mr. Mitchell: Very quickly, just one question to piggyback on Dr. Moonilal’s question.

Mr. Chairman: Let me say now, we had designed our programme for completion at this time, 5.30, but I am allowing two short questions and then we bring this hearing to an end; please.

Mr. Mitchell: Thank you very much, Mr. Chairman.

Where the Police Service Commission would have received such a report and such a recommendation, what is the standard operating procedure to be followed in such a situation? Because what you are describing is that you received a recommendation from the Police Complaints Authority, you allowed due process by allowing the candidate to respond. It appears that you would have dismissed the

recommendation. What is the standard operating procedure in such an instance?

Mr. Chairman: I would suggest that we do that one in writing. I would suggest that we take that one in writing. Or do you feel you can answer pretty quickly?

Mr. George: I could try to assist as best as I can with the limited knowledge I may have.

In the circumstances, and that is why I used the words “*ab initio*”—but I understand that I should clarify—by starting the process you invite the person to respond. So you say, look, this has come to our attention. You do not act on it without giving them the chance to see what has been said, what has been alleged.

We got a certain response. Inherent within that response certain members of the Commission raised further questions because there appeared to be internal conflicts within the bosom and belly of that response. At one point saying one thing, at another point saying another. In those circumstances, it was felt that there is need for further enquiry. We are still not just accepting *carte blanche* the recommendation of the PCA because we must still be fair to that person. So therefore, that is when the issue came up as to whether we should now investigate this further and the vote was taken.

Mr. Mitchell: Or stop the process.

Mr. George: Well, and the casting vote was to stop the process.

Mr. Chairman: In which case we will still want—because Mr. George you gave great information, but it did not give us an answer to the question—the standard operating procedure when a complaint of that nature comes to the attention of the Commission.

Mr. George: No, you said that would be in writing.

Mr. Chairman: We will take that one in writing. Mr. Deyalsingh and then Mr.

Singh.

Mr. Deyalsingh: Mr. Sookram, this question is for you. I have been concerned all along about the relationship between the firm and the client and having excellent people in their own right without the requisite executive recruitment qualifications and experience in the process.

Mr. George, if my life depended on a defence in court, “I coming to you”; you are an excellent lawyer, but you put something on the record which shows that the Commission does not understand HR practice, and that is my concern. Question is, when you said that if you are marking papers you want to know the name of the person to judge the nuances; that is wrong in HR.

Mr. Chairman: Do you agree?

Mr. Deyalsingh: At the first level you blind—you blind all of this to eliminate bias. So my question to Mr. Sookram, given the demonstrated capability of your persons in their fields of expertise, but not in executive recruitment, are you as the firm comfortable that these individuals who are excellent people but do not have the requisite HR qualifications, as demonstrated—are you comfortable that the firm did the correct thing in having them involved intimately in the process *ab initio*, to borrow a term from Mr. Martin George?

Mr. Sookram: So, we must remember that the process was owned by the PSC; it is their process, and I think that should take precedence and preface the answer to your question.

The legal judgment went on to say:

The Police Service Commission—and I could quote:

It is free to do or not to do.

Mr. Chairman: We have all read it.

Mr. Sookram: I have to do this so I can set the record—

Mr. Deyalsingh: But as the professional firm being engaged, is it not your duty to guide those persons, excellent as they are, but who are not versed in executive recruitment?

Mr. Sookram: And you basically answered the question. That is exactly what we are did, we guided these people. We gave them the tools and the techniques to be able to function at that level.

Mr. Deyalsingh: But you had them intimately involved.

Mr. Chairman: We have all read the judgment. Mr. Ganga Singh to close.

Mr. Singh: Former Chairman of the Police Service Commission, earlier on in answer to the Chairman of the Committee you indicated that when he asked the question, and I put it in my language, that one person emerged as the top gun in both the process for the Commissioner of Police assessment, and for the Deputy Commissioner of Police. One person emerged as the top gun in both areas. And in response to his question—so this is after all the assessment by KPMG, after you took all your factors into consideration for the Merit List, one person emerged top gun in both the DCOP and the Commissioner of Police, clear on that.

In your answer, which has me a bit puzzled, you said that in the event that the person is eliminated, that the Parliament does not agree with the top gun in the Commissioner of Police, then you fall back on the Deputy Commissioner of Police. I was a bit puzzled by that answer, because you established an Order of Merit and you expect the Order of Merit, based on your process, which you took ownership of, to withstand the integrity of the parliamentary process. I want an explanation as to why you made that comment.

Dr. Gomes: When we were preparing the Order of Merit List for the

Commissioner of Police, that one was prepared first and then we went to the Order of Merit List for Deputy Commissioners of Police. If that person who top scored overall was not the person chosen, unless you went to the second name on the list, which you could have gone to when we submitted that, then it simply means that on the other list, the other Order of Merit List for Deputy Commissioners of Police, two of the names that appeared on that first list would appear on the second list. I do not know how else to explain that. I do not see the difference in that.

Mr. Chairman: Mr. Singh, it is now 5.38.

Members of the former Police Service Commission, it was our intention, if I might reveal a little bit of our domesticity, it was our intention to finish our interrogation of the process through you today. I think that might stand, but members of the Committee are of the view that we should review the *Hansard* record of that which transpired today, and upon such review we will determine whether we want any further amplification on any issue.

I do not think there are any new issues that might arise, but it is also possible because this is a public forum and the public is constantly watching and keeping in touch with us as a Committee through the Secretariat.

So the idea is we would like to genuinely and sincerely thank you for your attendance today. We would like as well to thank you for your service to Trinidad and Tobago, and we appreciate the fact that you understand, even though you are no longer a member of the Commission, you held an important office under our Constitution, providing exquisite service, and you recognized that it should extend to hearings like these in the public interest. We really genuinely appreciate that.

As such, we would like as well to thank KPMG for its service under contract to you, and to the people of Trinidad and Tobago.

We would like to thank the media for being in attendance, and we would like to thank the Secretariat and the staff of the Parliament for its usual hospitality and professionalism in ensuring that this Committee carried out the mandate that the House of Representatives has put before us.

So in the spirit of thanks, we bid you farewell. We bid you safe travel to your respective homes and offices, and in the event upon review of what transpired today, we should ask you kindly to be with us, only for a short while, for amplification on a few things. I thank you very warmly.

This public hearing is now put at an end. Thank you.

Dr. Gomes: Thank you very much, Sir.

Mr. George: Thank you, Mr. Chairman. Mr. Chairman and members, just for clarification. At present Mr. Ramkissoon, Commodore and myself we are in the unique position of being neither fish nor fowl, because while there is no Commission, we still remain Commissioners.

Mr. Chairman: We thank you all very much for that, though I see neither feather nor scale. But we thank you very much for that.

5.42 p.m.: *Meeting adjourned.*

VERBATIM NOTES OF THE FIFTH MEETING OF THE SPECIAL SELECT COMMITTEE APPOINTED TO ENQUIRE INTO AND REPORT ON THE PROCESS FOLLOWED IN RELATION TO THE NOTIFICATION SUBMITTED PURSUANT TO SECTION 123(4) OF THE CONSTITUTION, HELD IN THE ANR ROBINSON MEETING ROOM (EAST), (IN PUBLIC), LEVEL 9, OFFICE OF THE PARLIAMENT, TOWER D, PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF SPAIN, ON MONDAY, APRIL 09, 2018 AT 10.18 A.M.

POLICE COMPLAINTS AUTHORITY

Mr. David West

Director

Mrs. Michelle Solomon-Baksh

Deputy Director

Mr. Chairman: A very good morning, one and all. As I, on behalf of our Committee, reconvene this Fifth Meeting of the Special Select Committee to consider the notifications from His Excellency the President in relation to section 123 of the Constitution. We have invited this morning the Police Complaints Authority, and I might advise that this meeting is being held in public and will be broadcast at a later time on the Parliament's Channel 11, radio 105 FM, and the Parliament's YouTube channel, *ParlView*.

Might I remind the listening and viewing public of the mandate of this Special Select Committee, which is to obtain information, documentation and/or evidence relevant to and/or touching and concerning the method, process, criterion, and considerations utilized 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 by His Excellency the President, pursuant to section 123 of the Constitution, and to report to the Parliament by March 31, 2018, which time has gone. And I might inform the public that we secured an extension of time from the Parliament and we must now report by the 27th of April, 2018.

In this regard, I would like to formally welcome officials of the Police Complaints Authority, which body has been before various committees of this House on divers occasions, and will be in the future, yet again no doubt. But I would like to invite you to introduce yourselves for the benefit of the record, the members of this Committee and the general public. A very good morning and welcome.

[Introductions made]

Mr. Chairman: Thank you very much. Equally, for the record and for those of the listening and viewing public, my name is Fitzgerald Ethelbert Hinds, Chairman of this Committee, and I will invite my colleagues to introduce themselves.

[Introductions made]

Mr. Chairman: We do have other members of the Committee, one is with us this morning, Mr. Randall Mitchell, but he has just responded to an emergency call given his ministerial capacity, and he will join us very, very shortly. Just to remind us that questions would be put to you through the Chair, and your answers, equally, will be through the Chair in order to maintain the order and minimize disruption as far as is practicable. I would like to remind myself and members that we put our phones on silent or take them off so as not to disturb these proceedings in any way, and I extend that reminder to all members or all persons in this room. This meeting is a continuation of the last public hearing that we would have had on Tuesday, March 06, 2018. I would therefore like to ask you, Mr. West, to make

any opening comments if you have them, because you would have received our invitation in writing. You know particularly well why you are here, if there are any opening remarks, we are very happy to have them before I invite my colleagues to raise particular matters with you. Thank you very much.

Mr. West: Thank you, Mr. Chairman, for that clarification. Hon. Chairman, members of the Special Select Committee, the Deputy Director and I comprised the Police Complaints Authority, a corporate body established pursuant to the Police Complaints Authority Act, Chap. 15:05. We are an independent civilian oversight body to which complaints on police conduct are made. We can also initiate investigations. In this case, a complaint has been made by a senior attorney-at-law against the police in a matter where station bail—

Mr. Chairman: Mr. West, I am so sorry to trouble you, but we proceeded, and I must bring to your attention, for the duration of our business so far, we, for very good reason, have not identified any of the persons who are mentioned in the notifications from His Excellency by name here so as not to prejudice them or anyone else who have been considered by the PSC. In that regard, I would like to ask you to join us in so doing, and we have identified a code, copies of which are in front of you. So you will see candidate A, a certain person, and you will see candidate F, a certain person. Yes? Any reference to any person you wish to make this morning you should check with your sheet and make sure we do it by letter. Thank you, proceed.

Mr. West: Mr. Chairman, I have noted your statements and we have a list in front of us, and I will take my guidance from the list.

Mr. Chairman: Thank you very kindly. And, as well, we took an in-house decision this morning that, for good reason as well, the largest of which is the question of, in our view, irrelevance, the actual nature or content of any complaint,

but rather the fact of the complaint and the outcome. You as attorney-at-law will understand, it is slightly akin to the hearsay principle. We will deal with the fact of the complaint. A complaint was made against candidate A, B, C, D, G or E, and the procedure that you followed and some timelines. Are we on the same page, Mr. West?

Mr. West: Yes, we are.

Mr. Chairman: I thank you very warmly, again. Thank you.

Mr. West: Well, Mr. Chairman, that having been said, we are here before the Special Select Committee to answer any questions that you may wish us to answer, and we are happy to be here before you all.

Mr. Chairman: Thank you. As Chairman I will begin. I want to refer to candidate F, in particular, on your code, and we would like to know, when did you receive and when did you commence investigation into any alleged misconduct on the part of candidate F? When did you receive and when did you begin the investigation in relation to candidate F? Candidate F, we are told, was the subject of your attention at some point in respect of an allegation. Yeah?

Mr. West: Yes.

Mr. Chairman: So we would like to know when did you receive notice of this issue and when did you commence your investigation.

Mr. West: We received the complaint on the 12th of September, 2011, and we commenced investigations on the 16th of November, 2011.

Mr. Chairman: Repeat those dates for me, please, Sir.

Mr. West: We received the complaint on the 12th of September, 2011, and we began now investigation on the 16th of November, 2011.

Mr. Chairman: Right. For the benefit of the listening public—[*Mr. West and Mrs. Solomon-Baksh confer*] Sorry.

Mr. West: Okay, let me just clarify, Mr. Chairman, we received the complaint on the 12th of September, 2011, and we began investigations on the 16th of November, 2011.

Mr. Chairman: Thank you very warmly. Now, the Act does say what a complaint is and you received the complaint on the 12th of September, 2011, for the benefit of the listeners could you tell us what a complaint is so that they can understand, we can understand what you received?

Mr. West: A complaint by law includes an allegation of police corruption, serious police misconduct, the commission of a criminal offence by a police officer of the commission of a criminal offence by any other person, but involving a police officer. That is what a complaint is.

Mr. Chairman: Thank you very much. Let me identify the first two categories you referred to, i.e., police corruption and serious police misconduct; obviously, those two concepts are different. I would like, for my own edification, for you to share with me, this Committee, what is the difference between those two as you have described them and what is the threshold between serious police misconduct and police corruption from the standpoint of a complaint? I just want some clarification so that we will understand where we are.

Mr. West: Mr. Chairman, the best way to clarify it is by, again, referring to the Act where it is defined.

Mr. Chairman: Yes. Thank you kindly.

Mr. West: Police corruption is defined as:

“an act done with an intent that is illegal, dishonest or fraudulent or failing to act in order to receive an advantage or reward whether financial or otherwise, personally or for another person, group or organisation, or exercising a legitimate discretion for improper reasons, or employing illegal

means to achieve approved goals;

‘serious police misconduct’ means the commission of a disciplinary offence under the Police Service Regulations”—2007, as amended—“which the Authority considers to be so serious as to bring the Police Service into disrepute;”

Mr. Chairman: Right. So in short it would be correct to say that “police corruption”—well, I do not need to rehash, the law says what it says, illegal, dishonest and fraudulent conduct, or taking action for one’s own advantage or for the advantage of someone, or failing to take action, and that sort of thing, and that reflects largely on the criminal law. Am I correct in thinking so?

Mr. West: That is correct.

Mr. Chairman: And in respect of “serious police misconduct”, you reflect on the police regulations as written in the Police Service Act, or supporting the Police Service Act.

Mr. West: That is correct.

Mr. Chairman: Now, there is no doubt that some action that might be a breach of police regulations can also amount to a criminal offence. Am I correct?

Mr. West: That is correct.

Mr. Chairman: Generally speaking, how do you view that threshold? What do you apply as an organization to decide which of those two fields you will lay your stock in, just for the benefit of this Committee and the viewers?

Mr. West: We would look at the circumstances of the case of the facts presented to us, and based on the circumstances of the case we would decide whether or not it fell within the category of “police corruption” or “serious police misconduct”.

Mr. Chairman: All right. Thank you very much. In respect of candidate F, having applied those considerations, which of those two fields did you fall in?

Mr. West: That would be “serious police misconduct”.

Mr. Chairman: I thank you very much. I will now give way to my colleagues on the Committee to put any questions that you may have in relation to this matter. Colleagues. Through the Chair, Dr. Moonilal. Thank you.

Dr. Moonilal: Thank you very much, Chairman. Mr. West, the question really in a nutshell is, having regard to the information you gave earlier, you received a complaint on the 12th of September, 2011, and speedily, one would think, began an investigation on the 16th of the eleventh, 2011, that investigation, when was it completed?

Mr. West: The investigation was completed on the 24th of October, 2017.

Dr. Moonilal: Sir, Mr. West, could I ask, therefore, just, you know, in a nutshell, what would have taken to so long, this length of time to conduct and complete this specific investigation?

Mr. West: The investigation did take a long time to complete, which is regrettable. I cannot speak for what happened between 2011 and November 2014, when I was appointed Director of the Police Complaints Authority. I can speak from what happened from 2014 to the present.

Dr. Moonilal: You cannot speak for 2011 to 2014 when you were appointed?

Mr. West: When I was not appointed.

Dr. Moonilal: Just clarify that for me.

Mr. West: Sure. I do apologize, I was not the Director at that time so I do not know what transpired with the former Authority between 2011 and 2014. I could speak to what happened from 2014 to 2017.

Mr. Chairman: Yes.

Mr. West: Yes.

Dr. Moonilal: But, please, I will follow.

Mr. West: Okay. In 2014 when I became Director of the Police Complaints Authority, we had over 1,556 complaints existing in the Authority. We had roughly 20 investigators in the Police Complaints Authority. These investigators are divided into different teams, okay. So we had a 2011 team, a 2012 team to look at different years for different cases. I tried to manage the cases and reduce the backlog as fast as possible, however, it was not really until 2017 when the current Deputy Director came on board that we had a new style of case management where we effectively had a hands-on approach in looking to reduce the backlog of cases. So the Deputy Director took some cases, some years, I should say, and I took certain years, and then we worked on that. That is when the matter with candidate F came on. Not until June that he was in the 2011 matters that we had to try to complete within a—well, a short as possible time as possible. So we were just doing investigations. There were issues with that file in terms of disagreements, in terms of how we should proceed. Instructions were given to do certain things and they were not carried out in a timely fashion. So when the Deputy Director, who actually had the lead on that file came on board, took over the progress of that file to its completion.

Mr. Chairman: Oh, I see. Just for some clarification here, when you both came on board you met a substantial backlog of matters for handling.

Mr. West: Mr. Chairman, I came on board in 2014, the Deputy came on in 2017.

Mr. Chairman: I know. Right. So when you came on board you met a substantial backlog of work.

Mr. West: That is correct.

Mr. Chairman: And, of course, in the course of the work of the PCA, it is happening, but when the Deputy Director came on it appears as though, commendably, she made a suggestion or introduced a system that you considered

to be more efficient.

Mr. West: That is correct. Yes.

Mr. Chairman: And it is in that drive all the old files that were sitting there unattended, candidate F's matter came up.

Mr. West: Yes.

Mr. Chairman: Right. Because it was among the pile.

Mr. West: Correct.

Mr. Chairman: Good. And from your reflection on that file you are telling this Committee, from your perusal of the file, since you cannot know exactly what transpired before 2014, your coming on board, and for the same reason the Deputy, from your perusal of the file, you found, and I am now directing this to the Deputy who took over that file, you found that the file did not make progress prior to your intervention because there were certain disagreements by persons who had any dealing with it. Is that correct?

Mrs. Solomon-Baksh: That is correct, Mr. Chairman.

Mr. Chairman: And, in addition to this, instructions were given in relation to its progress that were not carried out. Is that correct?

Mrs. Solomon-Baksh: That is correct, Mr. Chairman.

Mr. Chairman: And you took it upon yourself to rectify those encumbrances and get on with it.

Mrs. Solomon-Baksh: To the best of my ability, yes.

Mr. Chairman: And that is what explains, in answer to my colleague's question, the gap between the complaint being received and the investigation being completed. Is that the case?

Mrs. Solomon-Baksh: Thank you very much, Mr. Chairman. That is it.

Mr. Chairman: Yes. Well, I do not really, Madam Deputy, want you to thank

me, I just want you to tell me whether that is what the circumstances were.

Mrs. Solomon-Baksh: That is exactly what happened.

Mr. Chairman: Not that I do not appreciate your thanks, but, yes. Dr. Moonilal.

Dr. Moonilal: Well, I want to thank you for the clarity that came quickly. But I just want to go back to that issue, Mr. West, if I may. In preparing to appear before us, clearly you know the nature of the matters before us, and so on, did you undertake any enquiry at all as to why, prior to 2014 when you came on board, that matter, you know, was stuck between 2011 to 2014, or is it the same issue that we go back to that it was a conflict among persons, it was persons not carrying out instructions, and that type of thing? Is it the same reasoning?

Mr. West: Member, you see what happened was the Authority was only properly constituted on the 1st of January, 2011; this matter was in September, so the Authority at that time was new and they were more or less finding their feet. Now, they had different methods of dealing with complaints. Now, I do not want to go into details because I was not there. This is hearsay. This is what I was told what accounted for the backlog in the matters. So I do not really want to speak on it, but all I could say is that there was a turnover of staff. There was a change in authority. Unfortunate incidents happened that caused the delay in progressing this file.

Dr. Moonilal: You say unfortunate incidents, but we are hearing—by unfortunate incidents you mean internal conflict on taking the matter forward, talking about persons who were not conducting their business in a timely manner? Is that what you mean by unfortunate incidents? What do you mean by unfortunate incidents?

Mr. West: In that unfortunate meaning that the Authority was in its infancy at the time. They had a turnover of staff at the time and the Director had, I think, well, she became a Justice. We know who she is now. So, therefore, that is what I mean

by unfortunate and the turnover in the staff.

Mr. Chairman: Yes, Mr. Deyalsingh.

Mr. Deyalsingh: So, Mr. West, just for absolute clarity, there was no conflict within the body of the PCA as to any investigation into any person? It was simply due to newness of the Authority, probably lack of human resources and other administrative failings which have since been corrected. Just put on the record it was not due to any conflict.

Mr. West: That is correct. There was no conflict within the PCA in this matter.

Mr. Deyalsingh: Thank you.

Mr. Chairman: Yes, Madam Olivierre.

Ms. Olivierre: Mr. Director, if I may just ask by way of context, what has been the performance of the PCA in dealing with all investigations? So if you have the statistics as to what percentage of matters they dealt with on an annual basis just so we could understand how the Authority was operating during the entire period.

Mr. West: Sure. Well, since 2017 when the new case management system has come into being we have closed 559 matters, nine was sent to the DPP, 36 sent to the Commissioner of Police and one was sent to the Police Service Commission. So there has been a vast improvement in the disbursement of files.

Ms. Olivierre: If I can just get an idea of how it performed prior to that in terms of—because I think you indicated when you came in, was there over 1,000 cases still outstanding? So just to get an idea of whether the Authority has been functioning efficiently from since then.

Mr. West: Well, as I said, between December 2010, and September 30, 2014, there were 1,556 complaints within the Authority. Right now we are now down to seven—I think we are below 700 complaints now.

Mr. Mitchell: Just to piggyback on that question, what is your average turnaround

time now between complaint and recommendation, determination?

Mr. West: Well, again, that would all depend on the circumstances and the complexity of the matter. So I cannot give a two-month or three months' time frame, it all depends. What we have done now is we have instituted what we call summary matters. So we have isolated matters that for assault, by beating for example, that are summary matters, we have fast-tracked those matters so they can be completed within the six-month time frame to send over to the Director of Public Prosecutions for prosecutions if he sees fit.

11.15 a.m.

Mr. Chairman: What happens in the case where members of the public are alleging they are beaten or assaulted by officers, those would fall in the category of, not "serious police misconduct", but those would fall in the category of "police corruption"?

Mr. West: Criminal offences by police officers.

Mr. Chairman: Well yes, but we had two broad headings earlier, "police corruption", where we looked at matters that affected criminal law, and then we had "serious police misconduct" which affected breaches of regulations, those two broad categories. So anyway, allegations of assault by officers would not be treated as "serious police misconduct"; that is another category.

Mr. West: That is a criminal offence.

Mr. Chairman: Yes, I take that. Ms. Olivierre.

Ms. Olivierre: Thank you very much. So in an earlier answer you just indicated the outcome of the matters that you would have investigated; I think you said nine were forwarded to the DPP—

Mr. West: That is correct.

Ms. Olivierre:—and a larger number were forwarded to the Police Service

Commission or—

Mr. West: No, one matter was sent to the Police Service Commission, and 36 matters went to the Commissioner of Police.

Ms. Olivierre: Okay. So what I would like to get an indication of is what happens after you make your recommendations and you forward these matters to these various entities. Is there an obligation then on these entities to abide by your recommendations? What has been the practice with all the various entities, and how have they treated with your recommendations?

Mr. West: Under the law we make recommendations to these bodies, the Commissioner of Police, the DPP or any other state body. There is no obligation on them to respond to us, or legal requirement to respond to us or to let us know what has happened. What we do in our letters that we transmit to them is that we ask them for feedback, but they are not obliged in law to give us feedback.

Ms. Olivierre: Well, they are not obliged to give you feedback, but is there any obligation to pay attention or to take the action that you are recommending?

Mr. West: No, it is up to them to decide how they wish to proceed further. We only make a recommendation.

Mr. Chairman: The question I would like to ask at this juncture is, having made your recommendations under law to either the Police Commissioner and the Director of Public Prosecutions or any other state agency—in this case we are talking about the Police Service Commission you made recommendations to—does the PCA, notwithstanding the absence of an obligation on the part of the recipient of your recommendation, does the PCA follow up at all, does it get back to them six months later, three months later to find out, did you do anything Mr. Director of Public Prosecutions or Mr. Commissioner of Police, or in this case the Police Service Commission, with the recommendations that we worked so hard to put

together and to send to you? Does the PCA routinely seek feedback?

Mr. West: Yes we do. We normally send a list to the relative bodies that we have worked on these matters, can you tell us the outcome of these matters, because we would like to know for our files what is the eventual outcome. So that is what we do.

Mr. Chairman: So in relation to candidate F, you would have sent your recommendations—well, let me ask, to whom did you send recommendations after your investigation in relation to candidate F?

Mr. West: We sent it to the Chairman of the Police Service Commission.

Mr. Chairman: Only the Police Service Commission?

Mr. West: Yes.

Mr. Chairman: Was that sent as a matter of routine or was it in response to a request from the Police Service Commission to you for information in the case of candidate F? Yes, Madam Deputy, we would be happy to hear a view, since you were the one who handled that particular matter.

Mrs. Solomon-Baksh: I made the recommendation under section 44 of the Act, and I sent that recommendation pursuant to the power under section 44 of the Act.

Mr. Chairman: I am asking, at any stage in relation to candidate F, did you get any request from the Police Service Commission?

Mrs. Solomon-Baksh: On the 13th and 14th of November last year, we received requests from the Police Service Commission many in relation to candidate F.

Mr. Chairman: On what dates?

Mrs. Solomon-Baksh: The 14th is the precise date, but we also received correspondence on the 13th.

Mr. Deyalsingh: 13th of November?

Mrs. Solomon-Baksh: 13th and 14th November last year, 2017.

Mr. Chairman: So your recommendations went to the PSC as a result of the request of the 13th and 14th or was it sent prior to that in the routine functioning of the PCA?

Mrs. Solomon-Baksh: My recommendation was sent pursuant to the routine functioning of the PCA and the results of the investigation.

Mr. Chairman: And your recommendation was sent prior to the 13th and 14th request?

Mrs. Solomon-Baksh: No, the recommendation went on the 30th of November, 2017. There was a request for clarification on the 12th of December, 2017 and we resubmitted on the 27th of December, 2017.

Mr. Chairman: So finally from me on this matter. The first time you sent any recommendation in relation to candidate F would have been after the 13th and 14th requests from the PSC?

Mrs. Solomon-Baksh: Yes Sir; yes, Mr. Chairman.

Mr. Chairman: And you did so notwithstanding, in accordance with section 44 of the Act?

Mrs. Solomon-Baksh: Yes, Sir, Mr. Chairman.

Mr. Chairman: That is what you are saying?

Mrs. Solomon-Baksh: Yes, Sir.

Mr. Chairman: So it will not be unreasonable to assume that you sent it in accordance with section 44, but in response to the request?

Mrs. Solomon-Baksh: Respectfully no, Mr. Chairman. When I made the recommendation under section 44, it was as a result of the investigation, having received the complaint, completing the investigation and then making the recommendation under section 44.

Mr. Chairman: So their request and your sending it was just a coincidence?

Mrs. Solomon-Baksh: I will use your word if I am allowed. I beg your indulgence to use that word, but to be clear, in response to their request, their specific request, another piece of correspondence had been sent in relation to that. So my recommendation is in relation to my section 44 responsibilities.

Mr. Chairman: Yes.

Ms. Olivierre: If I may ask, under section 44(3), you are also required to inform the complainant and the officer concerned. So on what date were the complainant and the officer notified?

Mrs. Solomon-Baksh: The complainant and the officer concerned were notified on the 30th of November, 2017.

Mr. Chairman: Let me recognize Mr. Deyalsingh and then Dr. Moonilal.

Mr. Deyalsingh: Thank you. To whomsoever can answer, under Legal Notice No. 218 where the firm is engaged, under section 3(c):

“the Firm shall ensure that the candidates referred to in paragraph (b) are subjected to the best practice security vetting and recent professional vetting;”

Did KPMG, who is the firm, write to the Police Complaints Authority at any time under the power of this Order, to enquire as to professional and security vetting of any candidate?

Mr. West: Give us a second to—

Mr. Chairman: Take as much time as you would like to clarify that; peruse your notes; feel free.

Mr. West: Mr. Chairman, KPMG never wrote to us directly; it was through the Police Service Commission they wrote to us.

Mr. Deyalsingh: I am not putting you on the spot, but I keep saying in these hearings, to a layman’s reading of this Order it is clear to me what the duties of the

firm are, KPMG are, and it says here—and again:

“the Firm shall select...”—the applicants.

“the Firm shall ensure that the candidates referred to...are subjected to the best practice security and recent professional vetting:’

It is my contention all through these hearings that KPMG should have undertaken their duty and not the Police Service Commission alone; that KPMG should have written to the Police Complaints Authority to seek information as to the security and professional vetting of all these shortlisted candidates—at least the shortlisted ones. You are now saying, Director, that KPMG never wrote directly to the Police Complaints Authority. Is that correct?

Mr. West: That is correct.

Mr. Deyalsingh: Thank you very much.

Dr. Moonilal: Could I just follow up? Can a private company, auditing company, human resource management, consultancy firm and so on, write you and ask you for confidential information?

Mr. West: No, because under our Act we have a duty of confidentiality, so therefore a private company in isolation writing me for information, I would not give. If it is linked to for example this process then I have a discretion whether or not to give the information.

Mr. Chairman: Yes; in which case the firm is acting lawfully and on behalf of the Police Service Commission in the circumstances.

Mr. West: That is correct, yes.

Dr. Moonilal: Mr. West, could I just clarify that the Police Service Commission wrote the PCA to seek the PCA’s assistance in support of the work of KPMG, of the consultancy firm? I want to ask, how did you know of KPMG? Where did they come from? How did you ever hear of them in this matter?

Mr. West: The Chairman of the Police Service Commission would have contacted me and told me that KPMG was assisting them in the hiring process.

Mr. Chairman: So however informally, the Police Service Commission confirmed the legitimacy of KPMG in the process to you.

Mr. West: Definitely, yes.

Mr. Chairman: I thank you very much.

Ms. Olivierre: I would just like to go back a bit on the last piece, the outcome of your investigation and what happened following your investigation. You said there is no obligation for persons to take the action that you recommend, and there is no obligation to provide feedback, but you do in fact, from time to time, seek feedback. Could you give me an indication then of the type of feedback that you have gotten from the various entities? If you have an idea of the number of matters in which they would have taken your recommendations?

Mr. West: Most of the feedback is that we note your letter dated so and so on, and your matter is being considered by the body, and that would be it. It would be no long expansion, it would just be an acknowledgment of our question.

Ms. Olivierre: So if you would just indulge me. While this question is not directly pertaining to the issues at hand, but certainly members of the general public would make complaints against officers, and once that is investigated by the Authority and you pass that on, I am wondering what confidence the members of the public would have that the Authority, having investigated something, it is passed on, that anything is done with their report. So have you done any work to at least see if persons do get satisfaction at the end of the process?

Mr. West: We have done that and I have spoken to different heads of the bodies informally about the matter, but while I here I could plug for—we have made recommendations for amendments to our Police Complaints Authority Act, and in

the recommendations we ask for in the statute that within a certain amount of time when we ask for feedback on the recommendations we are given it.

Mr. Chairman: Thank you.

Dr. Moonilal: Mr. West, just a few short questions to follow up on member Olivierre. This process is very important for public education as well because it will be televised in full.

What would a recommendation be? Because we have read in the law you recommend. For example, hypothetically, a police constable is accused of some serious police misconduct and so on. You have investigated, you believe that the allegations may have some truth in them. What would you recommend to the relevant authority, whether it is the police service, the Commissioner, the DPP or whatever? You would recommend charges, you would recommend suspension, dismissal; what would a recommendation be, if I can ask? Just as the first question.

Mr. West: A recommendation varies. For example if we are investigating an assault by a police constable, we will recommend to the DPP that charges be laid under the Summary Offences Act for assault. If we find a matter with “serious police misconduct”, we would identify the section within the Police Service Regulations and we would identify what the evidence was. It would be like a brief, and then he would decide whether or not to establish a tribunal to look into the matter. Sometimes we have made recommendations for example CCTV cameras in police stations. We would make recommendations that police officers wear their numbers at all times. So recommendations take different forms. I hope that answers it.

Dr. Moonilal: That is fantastic. I really wanted to sift out—it is helpful for members of the public as well to understand what recommendations could be and

what they might be. Just to confirm a matter raised earlier that the submission by the PCA to the PSC in relation to candidate F came after the PSC approached you for information on several persons. It came after, but it was coincidental because it fell into the normal course of your investigations being completed, and you would have in the course of your duty submitted that in any event. That is what we got earlier. Could I ask a question? In the case of candidate F, what was the substantive rank in 2011 when the complaint was made?

Mrs. Solomon-Baksh: Mr. Chairman, through you, if I have your leave. If I am to answer this question, am I going into the contents of the complaint?

Mr. Chairman: Madam PCA—because you constitute the PCA together—if in your professional assessment you will do that, I will urge you, for the reasons we have stated, not to. You can simply indicate that you will not answer that question and explain why.

Mrs. Solomon-Baksh: Hon. member, I do not think it is appropriate for me to identify the rank at this stage, because that was one of the matters that we took into consideration during the investigation of the matter.

Dr. Moonilal: But could I say without necessarily wanting a response, the rank of candidate F in 2011 should be a matter of public record. It should be a matter well-known, we can easily check on that. But are you saying the issue of rank was also the subject of an allegation?

Mrs. Solomon-Baksh: Because of what we had to look at in terms of who did what and where things came from, rank was a feature that we looked at. I know as we are constituted I am probably speaking like a lawyer, but rank was something that we looked at.

Dr. Moonilal: Well then you are suggesting that there may have been a dispute over that issue.

Mrs. Solomon-Baksh: No.

Mr. Chairman: No.

Dr. Moonilal: The point I am making is that when our Chairman, Fitzgerald Ethelbert Hinds, left the police service, we can easily find out his high rank when he left. It is a matter for the public. If it is you cannot divulge that information now because it may have been a matter of discussion or dispute, it is fine, because I can answer the question outside of the Committee, so I will not want you to say anything outside of that.

Mrs. Solomon-Baksh: Very grateful.

Mr. Chairman: Madam Deputy, the question was asked, we have recorded your answer, and I think my colleague understands the circumstances.

Mrs. Solomon-Baksh: Very grateful, Mr. Chairman.

Mr. Chairman: As we approach our close, because we must, I want to ask two questions of you, and Mr. Mitchell said he had a question.

Mr. Mitchell: Just quickly, just for my understanding. When you make a recommendation in the course of your work, do you also support that recommendation with any sort of evidence that would have caused you to come upon the recommendation?

Mr. West: Yes, when we submit our recommendation, we submit a file of the evidence as well.

Mr. Mitchell: So the PSC would have had sight of the evidence in support of your recommendation?

Mr. West: Yes, they would have had.

Mr. Chairman: Thank you very warmly. I have two short ones for you for clarification. Again, if you think that my question breaches the principle that we had established, you do not have to answer. In relation to candidate F you wrote to

the PSC, the Police Service Commission. Did you write to anyone else?

Mrs. Solomon-Baksh: In compliance with the law I wrote to the complainant and I wrote to the officer who was the subject matter of our deliberations.

Mr. Chairman: I was talking about anyone else in terms of the DPP, the Police Commissioner or the PSC in this case? You only wrote to the PSC, and under law you notified the person against whom the allegations were made, principles of natural justice and the outcome?

Mrs. Solomon-Baksh: Yes, Mr. Chairman.

Mr. Chairman: And as well the complainant, so he or she would know that the matter was heard and investigated? Am I correct?

Mrs. Solomon-Baksh: Yes, Mr. Chairman.

Mr. Chairman: But you did not have reason to write to the Commissioner nor the DPP?

Mrs. Solomon-Baksh: No, Mr. Chair.

Mr. Chairman: Good. So now the question, bearing in mind the principle, and you are not to answer if you think it would breach that principle. What were the recommendations in relation to candidate F, because Mr. West told us what recommendations would typically be in answer to Dr. Moonilal?

Mrs. Solomon-Baksh: The recommendations were for the consideration of disciplinary proceedings.

Mr. Chairman: Great, thank you very much. I have one other question.

Dr. Moonilal: Just on that issue before the Chairman continues. The recommendations were to institute disciplinary proceedings against the candidate or to—

Mrs. Solomon-Baksh: Under the Act the recommendations are for the consideration of the institution of criminal—well, in this case, disciplinary

proceedings.

Dr. Moonilal: Okay, sure, fine.

Mr. Chairman: Under the Act it will always be for consideration, because that now falls within the domain of the PSC or the DPP or the Commissioner. All you do is investigate and send it with recommendations.

Mrs. Solomon-Baksh: Yes, Mr. Chairman.

Mr. Chairman: So that is the point.

Mr. West: Just to clarify, sorry. Section 44(2) of the Act which we are bound by is specific, and it is:

“The Authority may, based on its assessment or opinion under subsection (1), recommend whether consideration should be given to prosecute any person for a criminal offence or invoke disciplinary proceedings...”

So it is a consideration.

Mr. Chairman: Fine, thank you. Madam Olivierre, I will give way before mine; go ahead.

Ms. Olivierre: If I may just ask, so consideration to invoke disciplinary proceedings, did you specify under which section of the regulations these proceedings should be invoked to them?

Mrs. Solomon-Baksh: I wish to seek the Chairman’s protection in relation to that. I do not think it is appropriate for me to go into the nitty-gritty as to which section we recommended, or which subsection we recommended.

Mr. Chairman: A quick one from Mr. Deyalsingh. [*Interruption*]

Dr. Moonilal: Mr. West or Mrs. Solomon-Baksh, just to confirm that the Police Service Commission requested your assistance in their process by way of looking, not at one, but of several named persons who they were considering. Is that so?

Mr. West: That is so yes, Sir.

Dr. Moonilal: The several would have included candidate F, but others.

Mr. West: That is correct.

Mr. Chairman: Just for further clarification, as we move to the close. When you say “several”, does that mean all of the persons who were being considered by the PCA? How many persons’ information was sought from you about, from the PSC?

Mr. West: Eleven persons.

Mr. Chairman: Good; eleven, okay. I have one more question. [*Interruption*]

Dr. Moonilal: Mr. West, so you are telling us that there were other persons as well, other candidates and you have, of course, the list with you.

Mr. West, I want to ask for myself and it is a very important question for me, on that list of candidates were also person or persons known to you, in that a candidate there, and I will call the number, candidate K—it is public knowledge—has been involved in a matter that you are involved in. At any time, did you seek to recuse yourself from this process, given that connection? I am just asking the question because it is a matter in the public as well.

Mr. Chairman: Let me as Chairman indicate that it is, Dr. Moonilal, I will allow Mr. West to answer. But as Chairman I think whether a candidate is known to you, being put to the Police Complaints Authority is as wide as it is broad, it is very difficult question but I suspect Mr. West might be able to answer.

Dr. Moonilal: But Mr. Chairman, just for the record, in the interest of not getting into a detail, I prefer to use that wide—it is not my function or intention to get to—and strictly I think Mr. West understands clearly what I am asking. I was really trying to be as broad as possible.

Mr. Chairman: It is so broad it has lost its root in what we are doing.

Dr. Moonilal: I can rephrase.

Mr. Chairman: Permit me members, I think the question is so broad and it is not I think—I can safely say I think it is not very relevant to what is in front of us.

Ms. Olivierre: I have a question that is narrower.

Mr. Chairman: Just a second. We are past the time that we had contemplated for bringing this to an end. I still have one question that I have not asked.

[Interruption]

Ms. Olivierre: Thank you very much. You asked for information on the 11 candidates, apart from candidate F, are there any other candidates that you would have sent a feedback to the Police Service Commission on?

Mr. West: Yes.

Ms. Olivierre: Which candidate?

Mr. West: Candidate D.

Mr. Chairman: Which brings me to what I think would be the final question today. Are you aware, in the context of your legislative authority, the law that guides the PCA, establishes and dictates the affairs of the PCA, of any statutory limitation that will affect your recommendations, whether that statutory limitation falls within your law or any judgment that you are aware of touching and concerning your work? In other words, and put more concisely, if you submitted your recommendations to, in this case the Police Service Commission, are you PCA, body corporate PCA, aware of any limitation, not on summary offences, but on action to be taken on your recommendation, by anybody you would submit a recommendation to? Is the question clear, sufficiently clear? A member wants me to just recast it.

I would like to know Mr. West, Madam Solomon-Baksh, when you complete an investigation and submit your recommendation, whether you are aware of any time bar that would invalidate, nullify the effect of your

recommendation, to whom you would have dispatched it? Is the question clear?
Yes.

11.45 a.m.

Mr. West: There is no statutory limitation that I am aware of that can time bar a recommendation made by the PCA.

Mr. Chairman: Thank you very much.

Dr. Moonilal: Can I just follow up on this? Are you aware of any judgment in which the court has—[*Crosstalk*] his response was statutory.

Mr. Chairman: No. No. I did ask whether he was aware of any—just hold a minute. I did ask whether there was any known statutory or time bar or any judgment known by you that affected the validity of your recommendation. That is the question?

Dr. Moonilal: Yeah. And get the response.

Mr. Chairman: Your answer?

Mr. West: The only judgment that I am aware of relates to the Police Service Commission and not the Police Complaints Authority.

Dr. Moonilal: Okay.

Mr. Chairman: Thank you very much. Well, we are now at 11.47 a.m. and there is, as members will know, a sitting of the Parliament to start very shortly, in which case it falls to me, Mr. West, in your capacity as Chairman of the PCA and Madam Michelle Solomon-Baksh in your capacity as Deputy together constituting the body corporate of the PCA, it falls to me on behalf of this Committee, on behalf of the Parliament, on behalf of the people of Trinidad and Tobago to thank you for your very, very valid and wonderful service to this country in those public offices. And we thank you specifically for breaking

stride and coming here this morning at our request. You have brought great help, great clarification to matters that are gaining the attention of this Committee, and we would like, again, to thank you very, very kindly, and to ask if you have any closing words before you depart us, apart from the fact that you will like to see your law amended.

Mr. West: That would be very good. So, Mr. Chairman, members of this Special Select Committee we, the Authority are very grateful that we were of assistance to you all. We remain available, amenable to be of further assistance if you so deem fit, and we are just happy to be here and give the evidence that we have given.

Mr. Chairman: And we are most grateful. Yet again, thank you very much, and we will now permit you your very—

Dr. Moonilal: Gracious departure.

Mr. Chairman:—gracious and dignified departure from this precinct. We thank you very much, again. Gracious is the word.

And we suspend this Fifth Meeting for the departure of our guests and then we will resume very, very promptly for close.

11.49 a.m.: *Meeting suspended.*

VERBATIM NOTES OF THE SIXTH MEETING OF THE SPECIAL SELECT COMMITTEE APPOINTED TO ENQUIRE INTO AND REPORT ON THE PROCESS FOLLOWED IN RELATION TO THE NOTIFICATION SUBMITTED PURSUANT TO SECTION 123(4) OF THE CONSTITUTION, HELD IN THE ANR ROBINSON MEETING ROOM (EAST) (IN CAMERA) AND (IN PUBLIC), LEVEL 9, OFFICE OF THE PARLIAMENT, TOWER D, PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF SPAIN, ON TUESDAY, APRIL 17, 2018, AT 10.26 A.M.

PRESENT

Mr. Fitzgerald Hinds	Chairman
Mr. Ganga Singh	Member
Dr. Roodal Moonilal	Member
Mr. Randall Mitchell	Member
Mr. Terrence Deyalsingh	Member
Mrs. Jacqui Sampson-Meiguel	Secretary
Ms. Kimberly Mitchell	Assistant Secretary
Mrs. Delrene Liverpool-Young	Legal Officer I
Ms. Candice Ramkissoon	Legal Research Officer
Mrs. Krystle Gittens	Graduate Research Assistant

ABSENT

Ms. Nicole Olivierre	Member [<i>Excused</i>]
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FORMER CHAIRMAN OF THE POLICE SERVICE COMMISSION

Dr. Maria Therese Gomes	Former Chairman
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UNREVISED

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

10.48 a.m.: *Meeting resumed.*

Mr. Chairman: A very good morning, and welcome one and all as I resume this our Sixth Meeting of this Special Select Committee of the Parliament. Might I advise in welcoming you that this meeting is being held in public, and will be broadcast at a later time on Parliament Channel 11, radio 105.5FM, and the Parliament's YouTube channel *ParlView*.

I would like as well to remind those present in these precincts, and our listeners and viewers, that this Committee is mandated by the Parliament to obtain information, documentation, and/or evidence relevant to and or touching and concerning the method, process, criterion and considerations utilized 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 notifications submitted to it by His Excellency the President pursuant to section 123 of the Constitution of the Republic of Trinidad and Tobago. And to report to the Parliament by the 27th of April, 2018. I would like therefore to ask those of you who we invited here today to introduce yourselves, after which we will introduce ourselves for your benefit and for the benefit of the listening and viewing public. So, might I invite you to introduce yourselves, starting with—

Ms. Seepersad: Good morning, Mr. Chair, I am Bliss Seepersad, Chairman of the Police Service Commission.

Mr. Chairman: Specially welcome you this morning.

Ms. Seepersad: Thank you.

Mr. Chairman: And thank you very much.

[Officials introduce themselves]

Mr. Chairman: Thank you very much. My name is Fitzgerald Ethelbert Hinds, I am the Chairman of the Special Select Committee of the Parliament.

[Members of the Committee introduce themselves]

Mr. Chairman: Thank you very much all. Might I remind us that at the last hearing with you, the Police Service Commission and KPMG on the 6th of March, we sought and obtained responses on certain aspects of the procedure followed in the recruitment process, being reviewed for the benefit of the House of Representatives. This is a continuation of that hearing. I would like to open the floor immediately. Or, by the way, let us say we continue to work with our code, our alphabetical code by which we will identify the persons' whose matters are

before us. So, we will all be guided by that. Yes. And I would therefore like to now open the floor to my colleagues to begin the discussions as we have them. Mr. Deyalsingh.

Ms. Seepersad: Mr. Chairman.

Mr. Chairman: I am sorry.

Ms. Seepersad: My apologies, could I be permitted to just make a very, very, very brief statement?

Mr. Chairman: Yes, you have one minute so to do, please, Madam Chair.

Ms. Seepersad: Okay, I will make sure I keep it to less than a minute. Thank you, Mr. Chairman, and other members of this Special Select Committee. On behalf of the Police Service Commission, I take this opportunity to thank you all for convening this session. I wish to assure this Committee that our representatives stand ready and willing to share with those present, and the country at large via the Parliament, the information requested of us, by your good selves, in an effort to ensure that the Special Select Committee is able to present its report to Parliament within the time set for it. We are fully aware of the outcome of this Committee's deliberation will point the way forward to move the process along regarding the ultimate selection of candidates for the positions of Commissioner of Police and Deputy Commissioner of Police. Permit me to convey the apologies of Commodore Franklin for his absence, as he is currently out of the jurisdiction. Commissioner George is also not present, as he is currently in Tobago and was unable to secure a flight back to allow him to be present this morning. Mr. Chairman, I thank you.

Mr. Chairman: I thank you very, very much. Mr. Deyalsingh.

Mr. Deyalsingh: Thank you. Thank you, Chair. Just a couple very brief questions,

to Mr. Sookram of KPMG. Could you tell the Committee what steps did you take in your professional and security vetting under the Order, section 3(c) where it states:

“the Firm shall ensure”—the Firm, that is KPMG—“that the candidates referred to in paragraph (b) are subjected to the best practice security vetting and recent professional vetting;”

What steps did you take, sir?

10.55 a.m.

Mr. Sookram: We performed the eight background checks. We did reference checks. You want me to go in certain level of details? The reference checks were—calls were placed to references listed on the candidates application form. A standard list of questions were asked to all references and the answers were documented. There were job performance checks. Calls were placed, questionnaires emailed to superior offices of all best fit candidates. A standard list of questions were used in all responses documented. Documented performance appraisals were obtained for the last three years.

Credit checks: Candidates were required to apply to an institution that performs credit check for documentary evidence of their credit position. This was then supplied to the firm as evidence of their credits score. Financial checks: Finance institutions were requested to issue a letter of good standing for the shortlisted candidates. These letters we have in our possession.

Security checks: Certificate of character. Police certificates of character were requested by candidates and the original document provided to KPMG as evidence of no criminal convictions. That is consistent with Legal Notice 219, sections 2 and 3, I think. Existing closed complaints from the PCA: Request was

made to the Director of Police Complaints Authority for any complaints levied against any candidate on the best fit list. This was done through the PCS as time was of the essence and KPMG writing to the PCA, we could not afford to risk the PCA saying they cannot respond to KPMG. So we did it through the PCS.

Mr. Deyalsingh: Could you just repeat that please.

Mr. Sookram: PSC sorry. This was done through the PSC because—this was around November 13th or 14th if I could remember correctly. We were mandated to complete this engagement by December 8th.

Mr. Deyalsingh: So if I may, did you write formally to the Police Complaints Authority?

Mr. Sookram: So I am saying that we this through PSC. PSC would have been the one who wrote PCA to be able to provide the information to KPMG.

Mr. Deyalsingh: So—

Mr. Sookram: If you would just give me one second.

Mr. Deyalsingh: Sure.

Mr. Sookram: A non-disclosure agreement was signed between KPMG and PCA. We were integral to the process. We just asked the PSC to do it in the essence of time to expedite it quickly.

Mr. Deyalsingh: Well you see that, that—

Mr. Sookram: So let me finish and you could ask me the other questions.

Mr. Deyalsingh: Okay, sure.

Mr. Sookram: There is an education verification. Authorization in writing was obtained from each candidate which was then used to acquire documentary evidence from the university attended by these candidates. This was used to verify that they, in fact, attended the university and obtained the qualification listed on

their application form. The university provided the verification directly to KPMG.

And the last one of the eight was the executive medical. A private hospital was selected to perform these medical checks on the 12 best fit candidates. This private institution also signed an NDA with KPMG. Each candidate underwent the same medical assessment reports and the results were supplied directly to KPMG.

Mr. Deyalsingh: So Mr. Sookram, is it that you are saying you wrote directly to universities?

Mr. Sookram: Yes.

Mr. Deyalsingh: Okay. Well then, that makes my question even more important. If it is you had the time and the wherewithal to write directly to a university, why did you not have the time to write directly to the Police Complaints Authority?

Mr. Sookram: We had the time, it is just that we foresee that a response could be negative and we did not have the time to falter on a response being negative.

Mr. Deyalsingh: Wait. So you are saying because you foresaw that a response could be negative, you did not write?

Mr. Sookram: We asked the PSC to write.

Mr. Deyalsingh: Thank you.

Mr. Sookram: The issue here is to get a response—

Mr. Deyalsingh: Thank you.

Mr. Sookram:—to be able to make a decision. No.

Mr. Mitchell: Just one quick question. This is to the PSC. According to the Order, the Commission shall take into account all the information. We have taken evidence here that the PCA would have written through KPMG, to you, making certain recommendations about a particular candidate. Did you take that into account? What was done subsequent to those recommendations having been made?

Did you conduct investigations of your own?

Dr. Gomes: The PSC considered the recommendations made by the Police Complaints Authority which were for our consideration as to if we would go any further. In perusing all the documents that they sent, it was actually missing some stuff and we wrote back to them and then they replied providing the stuff. And one of the documents that was sent in the seventh month, in July 2012, indicated that after investigation the matter was closed. This is at PCA's end. And there was no substantial information, new information then coming to us from what—all of the members went through the documents and we had our legal people do it as well. So we considered everything. We considered all the background checks and the PCA in particular.

Mr. Mitchell: Just for clarification. The PCA wrote to the Police Service Commission with certain recommendations for certain actions to be taken. That is the evidence that we took here, not too long ago. You are now saying, your evidence here today is that the PCA did not make any recommendation but rather the PCA indicated that the matter was closed.

Dr. Gomes: No, that is not what I am saying.

Mr. Ramkissoon: Can I help out?

Dr. Gomes: Yes, thank you.

Mr. Ramkissoon: What has happened is that the PCA, this matter was since 2011 and there is, I have seen a document on the file. I think it is dated the 2nd of July, 2012, in which the legal officer at the PCA recommended closure. And there was a closure of the matter.

Mr. Mitchell: What is “closure of the matter” mean?

Mr. Ramkissoon: Meaning that there is no evidence to proceed further. As my

understanding, Madam Chair.

Mr. Chairman: Well, no. In fairness to it you must content yourself with what you read, if you read it and do not interpret it.

Mr. Ramkissoon: Well, Chairman, the member has asked me what is closure and I give him my opinion of closure, Mr. Chairman, with your greatest of respect.

Mr. Chairman: I am sure he will reconsider that because we are not seeking your opinion on that.

Mr. Ramkissoon: I am guided. So from 2012 to the time I think sometime in 2017 we have not seen, there was a big gap. Subsequent to that when the PCA wrote to the Commission there was, in that file I think, there was no recommendation from the PCA and we thought, as the Commission, that a recommendation was missing and we asked for the recommendation and then came the recommendation and then with the legal advice, the PCA took a decision not to proceed any further with that.

Mr. Mitchell: What was the recommendation and what was the legal advice and from whom did you receive that legal advice?

Mr. Ramkissoon: The recommendation of the PCA was to institute disciplinary matters against the candidate. The legal opinion from that matters for more than five years constitute an abuse of process. We were provided with cases and then we took a decision not to proceed with the matter.

Mr. Chairman: Right. Mr. Mitchell, anything further on that matter?

Dr. Moonilal: Mr. Ramkissoon, if I could just continue on this line. It is the first time I am hearing this, unless I missed a meeting or so, which I never did. In 2012, I prefer if you would take the time to get the specific date and to be 100 per cent sure on the date. There is an internal correspondence at the PCA that recommended that this matter be closed in 2012. Is that what you have informed this Committee?

Mr. Ramkissoon: Yes.

Dr. Moonilal: And you have seen this?

Mr. Ramkissoon: Yes, I have seen the document.

Dr. Moonilal: From the nodding of the former Chairman, I believe you have seen it as well.

Dr. Gomes: Yes, we have all seen it.

Dr. Moonilal: Thank you. Do you have any information from the PCA as to what would have changed between 2012 to 2017, at the end of 2017, to merit reopening this matter, revisiting this matter or completing this matter, since there was on file information suggesting that the legal opinion was that the matter be closed?

Mr. Chairman: No. Just a second. Let me clarify this for the benefit of the public before you answer the question. What I heard the former Chairman to have just said is that the Commission members all saw a correspondence on that file where there was a view that the matter be discontinued. Am I correct?

Dr. Gomes: Yes.

Mr. Chairman: That was not a legal opinion. It was just a correspondence on the file. Am I correct?

Dr. Gomes: It did not say that it was a legal opinion—[*Interruption*]

Mr. Chairman: Great, great, great.

Dr. Gomes: But it is from their legal counsel—

Mr. Chairman: Great, great, great.

Dr. Gomes: From the PSC's legal counsel.

Mr. Chairman: Just let me clarify this. Now, subsequent to—so Dr. Moonilal's question is—what was the question, Dr. Moonilal? Just a second.

Dr. Moonilal: My question is simply this, and could I say Chairman that unless we

have been furnished with this correspondence before and I do not have it in my package, could the Police Service Commission undertake to furnish, at least myself and the Committee with a copy of this correspondence—information from the legal counsel or whatever legal person from the PCA that we are referring to. Because we are continually referring to this correspondence and we have not seen it.

So my question was simply, in the minds of the Police Service Commission, do you know, did you take steps to understand why a matter being recommended at the PCA should be, to use the term “discontinued” in 2012, was apparently reopened and completed at the end of 2017. That was the question.

Dr. Gomes: No, we did not take steps to find out why they reopened it. When we all looked at it and the recommendations were missing, we wrote and asked, at the end of November we wrote and asked for further information, because we are not seeing the recommendations there. All right. And subsequent to that, the Deputy Director wrote correspondence to us and indicated the particular areas that they wanted us to consider taking disciplinary action on.

Dr. Moonilal: Could I just follow-up here because I am not understanding something thoroughly. The PCA wrote to the Police Service Commission, indicate that there was a matter involving a particular candidate. But you are saying at first they told you there was a matter involving the candidate but made no recommendation as to what should be done, and you sought further clarification by way of asking for recommendations. Is that so?

Dr. Gomes: Yes, because it was an entire package that they sent to us with all the evidence then, in that sense, and we read everything and could not find it. So that is why we wrote.

Dr. Moonilal: Could I ask, just two smaller questions, but related to this matter, if

you do have your documents with you. At what date in 2017, it would have been the second half of 2017, did the Police Service Commission specifically ask the PCA to supply information on your shortlist of candidates? There must be a date at which you first did that, not the clarification that you sought and so on, the first date.

And at the end of 2017 when the particular information on this candidate came forward to you, when you sought clarification, did the PCA at that time also send files or information on any other person, any other persons that they would have been investigating outside of this matter?

Dr. Gomes: To answer the last question first, they did not send any information on anybody else as far as I can recall.

Dr. Moonilal: Whether related to this matter or not?

Dr. Gomes: Yes.

Dr. Moonilal: Thank you.

Dr. Gomes: In terms of the date, just pause for one second—November 14, 2017.

Dr. Moonilal: Thank you very much.

Mr. Mitchell: Just on the same matter, Mr. Chairman, thank you very much.

Dr. Gomes, when you received the package you said you received a file with evidence. The evidence would have supported some type of recommendation, but you are saying that you did not see any recommendation on the file. You are also saying that when you perused the file you saw some internal correspondence that recommended from a legal counsel to the head of the PCA that the matter be closed. Is that what you are saying?

Dr. Gomes: Yes, I am saying that and we have a copy here of the letter from the PCA.

Mr. Mitchell: But it is an internal correspondence is what you are saying.

Dr. Gomes: Yeah, yes.

Mr. Mitchell: It is internal correspondence.

Dr. Gomes: Yes, it was part of the package.

Mr. Mitchell: Okay. And in the package there was evidence and you are saying that, notwithstanding there being evidence to something, there was no recommendation and you had to seek clarification afterwards?

Dr. Gomes: Yes.

Dr. Moonilal: Thank you very much. Madam former Chair and Mr. Ramkissoon we can address directly on this matter as well. We were told in a session before, it was in the public, it was carried on public TV and radio and so on, so it is in the public domain. We were told by the PCA, specifically, that the information given to the Police Service Commission, was part of the run-of-the-mill operation that they would regularly send matters once it is in the remit of the Police Service Commission, they would send matters to you with recommendations and so on, on various officers.

We were told that it was just a coincidence that the information on the candidate appeared to you, came to you around the same time that you were undertaking this thing. Now, this is suggesting, the information, that there is some conspiracy of some kind here. That you are saying now to us, this morning, that you asked on the 14th for information, it was sent on the 30th and it involved a piece of information that we did not know before, that there was a correspondence in the package that suggested that the matter of 2011 be closed or discontinued in 2012. Did the PCA send the information on the candidate to you in your view as part of their regular sending of information to you and it was just a coincidence that the

candidate was at that time being considered by you? That is the information we received and I just ask for your view.

Dr. Gomes: In my opinion, it was not sent in due course of sending things to us.

Mr. Singh: Thank you, Chair. I just want to complete this. So it was this information was sent to you in response to your request for the security vetting of all the candidates.

Dr. Gomes: Yes, that is how it was sent in response to the security vetting.

Mr. Singh: And in that process you saw a document that pointed to the closure of that particular matter together with a bundle of other documents?

Dr. Gomes: Yes, that is correct. We saw a whole package.

Mr. Singh: And then subsequently from my clarification, you sought to get a recommendation from the PCA, subsequently, and in that recommendation they suggested disciplinary proceedings for the consideration of the PSC.

Dr. Gomes: Yes, that is what they saw.

Mr. Singh: Notwithstanding the document for closure previously.

Dr. Gomes: Exactly.

Mr. Singh: And all that informed your decision not to take disciplinary proceedings?

Dr. Gomes: Yes, all of that informed our decision not to take disciplinary action.

Mr. Singh: Chair, I want to continue. Not in that vein, but in another vein.

Mr. Chairman: I just want to, permit me in that vein. Now, you are aware former Chair, that the PCA is a body corporate, it is an entity under law. And you are aware that the view of any individual may not necessarily be the view of the body corporate. Do you agree with that?

Dr. Gomes: Yes, I understand and agree.

Mr. Chairman: And do you understand that if you saw a correspondence written by an individual, it may not have been the view of the body corporate. Do you understand that, accept that?

Dr. Gomes: That was provided as part of their package. I would therefore interpret it that it is coming from the PCA.

Mr. Chairman: Right. But you did receive subsequent to all of that, on your request, you did receive a response from the body corporate, ultimately, which recommended disciplinary action. Is that correct?

Dr. Gomes: It recommended that the PCA—

Mr. Chairman: Just a second. Let me get the question right. You did receive ultimately on your request a response from the PCA body corporate after the letter you read, recommending consideration of disciplinary action. Is that correct?

Dr. Gomes: Yes, consideration of disciplinary action.

Mr. Chairman: Thank you very much. Mr. Singh, proceed.

Mr. Singh: Thank you. I want to address this question through you, Chair, to the personnel or a member of the PSC and it deals with the creation of the Order of Merit List. So after the participation, the assessment process, KPMG provided its assessment process and scores and its report to the PSC. The PSC then created an Order of Merit List. Please remind us how you went about creating this Order of Merit List.

Dr. Gomes: In terms of the creation of the Order of Merit List, we looked at the assessment scores, the dossiers of all the candidates, all of the 12 candidates, all right, and based on the legal notice which said that the, indicated that the highest score be taken into consideration, we looked at all of that. While we perused that and took into consideration everything in the dossier, including the professional

vetting, the medicals, the academic verification, when we took all of that into consideration, we decided that we would then go in terms of the scores that the—the assessment scores, the highest scores and given the best fit, because we were looking at best fit.

Unfortunately, Commissioner George is not here, but Commissioner George then decided that he could make things simple for us in terms of deciding on the Order of Merit List because the Commission has the prerogative to decide how it is to be ordered, given contextual factors, okay, apart from the final scores. He therefore came up and I believe responded to questions that we submitted to you all and he responded to that particular question in terms of how the final scoring was done and how that order of merit list came about. For your information, it is called the Borda count approach. He did not put that in his response, but I researched it and that is what it is called. And that is how we came up with those final scores.

Mr. Singh: So this Borda count approach found itself at a meeting of the PSC, the Commission, to create the merit list?

Dr. Gomes: Yes, the final.

Mr. Singh: But is that Borda count, how can that Borda count explain the jump of candidate J? Because it appears to me it was without borders then, because he jumped from one category into the next category, into a superior category.

Dr. Gomes: Okay. When we looked at utilizing that mathematical formula that Commissioner George came up with, we looked at several criteria. I believe you all have those notes. And some of them were command ability, police experience, the security vetting, integrity, future strategic vision, future strategic planning and—I am sorry. Right. So those that I just gave, as well as suitability, criteria of skills

and ability, qualification, training competence, work performance, personal qualities, potential for future development and continuing team performance—contributing to team performance, sorry.

Mr. Singh: I just want to be clear, because you abandoned an empirical basis by KPMG in which there are clear assessment scores in every area including those that you just mentioned—

Dr. Gomes: Yes.

Mr. Singh:—and that is an empirically scientifically based assessment and then you went into this realm. So, how did the Commission arrive at this? Did they think that by owning the process they could arbitrarily determine an assessment process?

Dr. Gomes: I would not say it was arbitrarily doing this, right, and it was not that the KPMG's assessment process of which we were a part of, which was rigorous, which we agreed to in totality, because we signed off on every piece, every action that they did, we signed off on. When it came to this, we were deliberating this almost six weeks and we had put timelines on that Firm with the contract that we had. I think it was four months. All right. So here we are at the end and we cannot decide as a Commission how we are going to do this, which as former Chair I thought it would be very simple to do because we look at the dossiers, we take into consideration the contextual factors and we have the scores that are there. All right. When it was raised, when this Borda score issue came up, there are four Commission members. And in terms of, and I am being absolutely honest, blunt, frank.

Mr. Singh: Yeah, you have to be.

Dr. Gomes: Yes. When it came up and the solution was proposed that we as a

Commission now have to take into consideration what KPMG has done, but we can also decide on how we want to shape this given these contextual factors. So that each person then decided that based on the criteria, which are very similar as you said to what KPMG did, so it is almost a duplication of effort, how we would want these candidates to be reordered if we had to reorder them. And therefore, there is a formula then, a multiplication factor. All right What you all were given was five, four, three, two, one. It was not five, four, three, two, one. It was four, three, two, one. And Commissioner George is very well aware of that. I am sorry he is not here today, because the correction was made to him. Commodore Franklin made that correction to him when it was being sent to you all. So that is how it was done. So it was four, three, two, one, you multiply it and you got some final scores which the DPA would have there in terms of how the scoring went.

In terms of the person who went from the number six to number two, that is how that ended up that way. All right.

Mr. Chairman: Madam former Chair, to follow up on Mr. Singh's questions. At the end of the assessment process based on the report that we have, candidate J was deemed by you, and by you I mean the PSC, to be suitable only for a particular office. Is that correct?

11.25 a.m.

Dr. Gomes: Yes, that is correct.

Mr. Chairman: Great. Following on Mr. Singh, notwithstanding that, you wound up with him being considered for another office. Is that correct?

Dr. Gomes: Based on the discussion among the members, we wound up doing that.

Mr. Chairman: Madam former Chair, just a second, I just want to be short. I

asked a simple question. It was and remains, whatever you did on your Order of Merit List, that candidate J, who by you was deemed suitable only for one office was elevated to consideration for the higher office. Is that correct?

Dr. Gomes: Yes, that is correct.

Mr. Chairman: Now, the question for you is, do you—this question that you told us that you put to all of the persons who you were considering after the assessment, either a question or a suggestion—well, a question, whether they would be willing to be considered for the other office. Because we are dealing with Commissioner and Deputy, and you told us that by the final process where the PSC is now handling this, you taking all things into account, you did tell those persons after the assessment that the other office was—well, you asked them whether they would be willing to be considered for the other office. Is that correct?

Dr. Gomes: Yes, that was the last question for each person.

Mr. Chairman: Yes. Now, my question, simple question is: Do you consider, even now with the benefit of hindsight, that that question as to whether you wanted to be considered for the other office, would have been more appropriate at the start of the process, or at some stage during the assessment process, as opposed to after all the assessment was done. You follow my question?

Dr. Gomes: Yes, I am following it.

Mr. Chairman: Let me repeat it just to ensure. The question is: You put that to them after the assessment. I am asking you now, very shortly, whether you consider, even with the benefit of hindsight, that that question would have been more appropriate at the beginning of, or sometime during the assessment, as distinct from after it all?

Dr. Gomes: Given the question you are asking, and in hindsight, I would still hold

to the fact, that because it is a process where you are funnelling down, you are general, you are doing 20 people and you are funnelling down because 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. We asked the 12 candidates—

Mr. Chairman: Thank you. Next question, and therefore, you do not consider it to have been appropriate—and when I say you, the PSC—you do not consider it to have been appropriate to have undergone an additional assessment before a person could have been considered for the other or alternate role? You did not consider that?

Dr. Gomes: I am not sure if I am understanding.

Mr. Chairman: Let me try it again then. Based on your last answer, you are suggesting to us that you, at the end of the day, you did not consider it appropriate to conduct some additional assessment for the person to be considered for the other office? In other words, you proceeded without the need for additional assessment to change names from one office to the next. Am I correct? You did not consider that to be appropriate?

Dr. Gomes: From the beginning, when we were looking at the competency model—

Mr. Chairman: Madam Chair.

Dr. Gomes: I cannot answer it in the way you would like.

Mr. Chairman: All right, then let us move on.

Dr. Gomes: Fine!

Dr. Moonilal: Mr. Chair—

Mr. Chairman: Just a second. Just a second, let us move on. You cannot answer it. I accept that.

Dr. Gomes: In the way you are asking.

Mr. Chairman: All right, and I asked it twice and you cannot answer it. It is not your fault, it is not mine.

Dr. Gomes: Not the way you are asking.

Dr. Moonilal: May I be able to ask it in another way?

Mr. Chairman: Just a second. One second, please. At what stage, if any, were the candidates—at what stage of the assessment, if any, were the candidates made aware that they would be considered to the alternate role, or assessed for the alternate role? Do you understand that question?

Dr. Gomes: Yes, I understand the question.

Mr. Chairman: Please, could you venture an answer?

Dr. Gomes: At the last stage of the process, which was our interview.

Mr. Chairman: Member, I just have one more and then—so, by way and to the benefit of those who listen and watch us, by way of hypothesis, let us say candidate T, not considered on our thing here, I gone to T, hypothesis, who applied for the post of Deputy Commissioner of Police, and assumed that she or he was being assessed for that post only during stage one processes, that candidate discovers that she was in fact being assessed for the Commissioner of Police at the end of stage two—this is my hypothesis—do you, the PSC, and I am asking you on behalf of the PSC, consider any HR troubles, or issues, or deep concerns here?

Dr. Gomes: No, we did not consider because—

Mr. Chairman: Thank you very much.

Dr. Gomes: Because— I cannot answer?

Mr. Chairman: You did not consider. That is enough for me, my questioning.

Dr. Gomes: I am trying to appease the public.

Dr. Moonilal: Could I ask the same question the Chairman asked and you can expand? I am prepared to hear you out, expand on the answer for the same question. Because? I am very interested in the “because” part.

Dr. Gomes: In terms of the job descriptions where it was not night and day because a Deputy can act as a Commissioner at any point, which candidate J was doing. And that was one of the reasons that candidate J jumped too. All right? Because it was said that he had acted in the position already. But anybody can act. So therefore, in terms of people being considered at the end there, there was no need to do it from the beginning, and we did not consider there would be any HR problem because it is best practice.

Dr. Moonilal: So, what you are saying is that, if someone could not qualify to be on a team, it makes no sense asking them if they are willing to serve as captain?

Dr. Gomes: Precisely.

Dr. Moonilal: Thank you. Now the question I want to ask you—

Mr. Chairman: Wanting to be—

Dr. Moonilal: Mr. Chairman, I left you alone.

Mr. Chairman: Sorry. Go ahead. Go ahead.

Dr. Moonilal: Now the question I want to ask; so, to wrap up this issue, in a nutshell, you are saying to us, yes or no, that when you came to the crunch and you had the candidates who made the cut, and you had to make a selection, it is at that point you put to all, whether you are willing to serve in another position. Because doing that at the beginning would have made little sense if someone was not going to make the cut in the first place. Is that so?

Dr. Gomes: Precisely, we are funnelling down.

Dr. Moonilal: Okay. Thank you.

Mr. Chairman: Just one more. Thank you very much. Based on the metaphor employed a moment ago about team captain, the way I see it, this is not so much about captain as it is position on the team, though leadership is an issue, it was about suitability for the position of Commissioner as opposed to the position of Deputy Commissioner, two distinct positions. Like a right-back and a goalkeeper on the football team in the metaphor. And therefore, in that metaphor it is not so much, Madam former Chair, about, I am asking, about being captain, because the captain has to play in a position too. It is not so much about being captain, and therefore if you are not suited for being on the team, no point asking you to be captain, alternatively, it could be about not being suitable for the team at all, and then been asked to play in a different position. So the question is: Do you hold the view that if someone was not aware of and was not assessed for one position, you simply could have changed them to play in another. Is that your view? You hold that view?

Dr. Gomes: That is why we asked the question.

Mr. Chairman: Thank you very much. Now let me ask, on page 9, and this is KPMG. In fact, you. On page 9 of your proposal it stated that KPMG, the firm:

...will develop—and I quoting—a job competency framework based on the requirements of the position—and I take note of singular, not positions—as specified in Legal Notice 219 and the job competency model.

At page 9 as well of the selection process assessment report, reference is made to, and I quote:

...leadership competency model designed for the leadership of the Trinidad

and Tobago Police Service.

The question is: Is the job competency framework referred to in that proposal the same as the leadership competency framework?

Mr. Sookram: Yes, absolutely.

Mr. Chairman: Would you agree that there is some ambiguity about the role and function of the various competency models and frameworks referred to?

Mr. Sookram: I am not clear as to the question you are asking.

Mr. Chairman: The question is, reference is made to job competency framework and leadership competency framework, and you are saying that they are one and the same?

Mr. Sookram: Yes, I answered that. Yes.

Mr. Chairman: Now, in respect of the leadership competency framework, is it not the case that a leadership competency framework represents the overall framework around which top leadership jobs are described within the Trinidad and Tobago Police Service?

Mr. Sookram: That is correct.

Mr. Chairman: Okay. Mr. Deyalsingh.

Mr. Deyalsingh: Thank you. I just have a series of short questions. The Borda count approach, and that Borda is B-O-R-D-A, is a first system first used at 4235 and then defined in 1770. Did KPMG sign off on that approach?

Mr. Sookram: That was done at the Order of Merit stage. We were not involved in that part.

Dr. Moonilal: Good.

Mr. Deyalsingh: You said Mr. George was an excellent attorney, brought the Borda count approach. Is that correct? And the rest of the Police Service

Commission accepted it. That is what you testified to this morning.

Dr. Gomes: I never said he was an excellent attorney. [*Laughter*] I said, yes, Mr. George, the Commissioner of the PSC brought that. Yes, I said that. The Borda count approach.

Mr. Deyalsingh: Did the Commission seek advice as to the relevance of the Borda count approach to the short listing process? Because I am saying he is an excellent attorney, but did you seek the advice of excellent executive, HR practitioner to determine whether this particular approach, the Borda count approach, was the appropriate tool?

Dr. Gomes: No, we did not seek any further advice.

11.40 a.m.

Mr. Deyalsingh: And that is the problem. Because, Chairman, the Borda count approach like many other approaches are prone and are capable of manipulation. It is capable of compromising positions, burying candidates, teaming up and cloning, and that is why I have always focused on the HR component of this process. So it seems to me the Commission took the word of an excellent lawyer who is not an executive HR practitioner to use an approach which may not be the best approach. That is one.

Two. To Mr. Sookram. I had asked whether you wrote to the Police Complaints Authority and you said no because you were afraid of a negative response.

Mr. Sookram: I said that we as the PSC—[*Interruption*]

Mr. Deyalsingh: You anticipated a negative response.

Mr. Sookram: Yeah.

Mr. Deyalsingh: Would it surprise you to learn that Mr. West, when he was here

yesterday giving testimony—

Mr. Chairman: Last week.

Mr. Deyalsingh: Last week, he said he had the discretion to give you information and if you had asked for it, he would have supplied it.

Mr. Sookram: And I agree with that completely. He had the discretion and that is the operative word. He could have made a choice not to do and that is the risk that we were trying to prevent.

Mr. Deyalsingh: But it was up to you to make the request under section 3(d) of the Order, to do the professional and security vetting. You should have taken all logical steps and written to all persons without fear of being rejected. You should have done your due diligence.

Mr. Sookram: Member Deyalsingh, we could have done 10 more background checks. We had to draw a line in the sand as to how much we are willing to do.

Mr. Chairman: Thank you. Mr. Mitchell.

Mr. Mitchell: Chairman, thank you. I want to go back to the recommendations from the PCA. I just want some further clarification. You are saying that the PCA sent a file with evidence and a recommendation and you are saying that you applied a lot of weight to an internal correspondence and you also applied weight to the legal opinion that you would have received and on the balance of the evidence, you decided that it was not worth pursuing. That is correct, Dr. Gomes?

Dr. Gomes: We also got additional information. The Commission requested additional information from the candidate himself.

Mr. Mitchell: The candidate himself?

Dr. Gomes: Yes. And as well in the PCA file, the candidate had written categorically denying the allegation. So we were going on an allegation then. It

would have been an allegation.

Mr. Mitchell: Okay. Did the PCA, the file that you would have received, did the PCA embark upon that sort of investigation, where they would have put allegations to the candidate?

Mr. Chairman: One second please.

[Off record discussion]

Mr. Mitchell: Sorry about that. So this decision, can you confirm that this decision—the making of this decision led to the 2:2 split vote?

Dr. Gomes: We took a decision and it was 3:1 that we were not going to take disciplinary action and we would give the candidate 24 hours to produce some more information. When the candidate produced the information in 24 hours, we then looked at that information to come to another decision to take a vote. And where the split vote, I took the casting vote—that is what you are talking about?

Mr. Mitchell: Yes.

Dr. Gomes: Right. I took the casting vote when we were looking at the point of, if we should investigate. So it was on the investigation, the casting vote was taken. The day before or two days before—*[Interruption]*

Mr. Mitchell: Investigate what? Investigate the recommendation?

Dr. Therese-Gomes: The same allegations that were made. If we should then mount an investigation. So the 3:1 was on the disciplinary, if we were going to take disciplinary action and we all agreed that we were not going to take, 3:1, that we were not taking disciplinary action.

The following day or the day after—*[Interruption]* Sorry.

Mr. Ramkissoon: Can I assist?

Dr. Therese-Gomes: Yes, go ahead.

Mr. Ramkissoon: When the information came to us with the file, the Commission took a decision and then we wrote to the—

Mr. Mitchell: What was the decision?

Mr. Ramkissoon: To hear the applicant's position.

Mr. Mitchell: So you took a decision to investigate further.

Mr. Ramkissoon: Yes, and we wrote him and he responded and then we wrote again and he responded again. Am I right? Then he responded and then came the time to make the decision of whether we would continue the investigation.

Mr. Mitchell: All right, and that ended in the split vote?

Mr. Ramkissoon: Yes.

Mr. Mitchell: Is that your usual process in terms of investigating recommendations from the PCA?

Mr. Ramkissoon: Well, the Service Commission, we have a discretion whether—remember the PCA is recommending and we have a decision to make. The decision rests solely with the Commission and we took a decision not to proceed having heard all sides.

Mr. Chairman: Thank you very much.

Dr. Moonilal: Could I just get back? Could I just quickly, Mr. Sookram, ask you a pointed question? Do you think it made in your view any material difference whether you would have approached the PCA directly at the risk of their using their discretion to assist you further or not, as opposed to going through the Police Service Commission to communicate with what would be another state institution to get the information? In your view, do you think that made any material difference at all?

Mr. Sookram: It made absolutely no difference.

Dr. Moonilal: Could I also ask the former chairperson, the question that just relates to member Mitchell earlier intervention. I am hearing, just for my clarification and members of the public, I am hearing the notion of the Police Service Commission investigating. Do you investigate and if you investigate, who really investigates? Is it, you are not an investigator, are you? What is the process and how often do you investigate?

Dr. Gomes: In my tenure, we never investigated anyone. What would have happened as in one of the candidates before when the matter of the judgment came up, we called in the candidate to answer questions about that. There has never been any investigation launched into anything while I was the Chair.

Dr. Moonilal: And since you tell us that, the matter involving a candidate here and you know the candidate, of course, where there was a judgment that had certain, you know, conclusions and so on. You all undertook to call that candidate and had a discussion with the candidate on that matter, but did you also seek legal advice as to whether that candidate ought to be considered or should be considered in this process given the judgment that was in the public domain?

Dr. Gomes: Okay. So first of all that candidate was called in at a point in time when he was being considered for acting as the COP. So that was when we called him in. The second part, in terms of the second part of the question we did get—we sought senior counsel's legal advice as to if these matters debarred candidates. They did not debar either of those particular candidates from participating.

Mr. Chairman: Debar from participating in the process?

Dr. Gomes: Yes.

Mr. Chairman: As opposed to your final recommendation on any Merit List. Now, Mr. Ganga Singh, you had a question?

Mr. Singh: Yes, Chair.

Mr. Chairman: Please.

Mr. Singh: Thank you, Mr. Chairman.

Mr. Chairman: Before you do, Mr. Ganga Singh, please bear with me one second. Madam Chair, former Chair, you told Dr. Moonilal a while ago that there is no history and you all do not investigate. Is that correct? That the PSC does not investigate anything.

Dr. Gomes: We can call in, but we have never done, we do not have an investigator as such. We can call in to enquire.

Mr. Chairman: And you have a disciplinary process if you had to undergo such a process.

Dr. Gomes: Yes, we would have had to develop one.

Mr. Chairman: Good. Do you consider, just before I give way to Mr. Singh, did you consider that this business of calling in and asking for an explanation, do you not consider that to be in a sense an investigation?

Dr. Gomes: Yes.

Mr. Chairman: Okay, good. Thank you very much. Mr. Singh.

Mr. Singh: Thank you, Chairman. I want to find out whether the Borda count, that process you engaged in, was it unanimous amongst the four Commissioners at the time?

Dr. Gomes: Yes, it was. Because when I am trying to get traction and moving things across the board, six weeks we are there and you come up with this miracle Borda count thing, yes, we are trying it, we are trying it.

Mr. Singh: Okay. That was your response to Commissioner George.

Dr. Gomes: No. I did not say it exactly like that.

Mr. Singh: Thank you. The question I want to address is to Mr. Sookram. In the process where you utilized the Commissioners to participate in the assessment exercise, do you believe that any conflict of interest arose because the members had previous knowledge of the applicants who had worked previously with them?

Mr. Sookram: The fact is that it was disclosed, we considered it and we did not see it to be a threat to the process.

Mr. Chairman: In follow-up to that question, did you KPMG have any documented process for the handling of potential bias in the assessment process?

Mr. Sookram: A documented process, yes, we have a documented process. It is integrated into our whole HR process.

Mr. Chairman: I ask specifically, did you have a documented process for handling of potential bias in light of what you have just replied? Did you have a documented process for dealing with this potential for bias, seeing that the Police Service Commission had been interfacing with officers of those ranks for a long time and this was a special process.

Mr. Sookram: And the answer is, yes.

Mr. Chairman: The answer is, yes?

Mr. Sookram: Yeah.

Mr. Chairman: Could you make that available to us in writing promptly.

Mr. Sookram: Sure. We will.

Mr. Chairman: Right, we will expect that. Thank you. Mr. Deyalsingh, go ahead.

Mr. Deyalsingh: Thank you. To Mr. Sookram. Mr. Sookram, did KPMG supply to the Commission the results of its own assessment process including professional and security vetting of all the short listed?

Mr. Sookram: Yes, we did.

Mr. Deyalsingh: Good. Did that include your own examination because you did not write to the Police Complaints Authority and that is the trouble I am having. From section 3(a), (b), (c) and (d), it is the responsibility of the Firm to do these things. Now, you just said there is no difference between whether you or the Police Complaints Authority wrote—Police Service Commission wrote to the Police Complaints Authority, but I am putting it to you that the Firm is supposed to give a report to the Commission but what has happened here is that the Commission, on your instruction I suppose, wrote to the Police Complaints Authority, saw all that beforehand and that is the problem I am having with the Firm taking this step back and allowing the Commission to do the Firm's work.

Mr. Sookram: I think it is the other way around, member Deyalsingh. I think it is the Commission asking KPMG to assist the PSC in doing their work. We were a tool, the High Court judgment said that. So it is not acceptable to say that we are asking the PSC to do our work. We are working for the PSC. We are a tool. The PSC is using us as a tool.

Mr. Deyalsingh: All right. Okay.

Mr. Chairman: Tell me something Mr. Sookram, in terms of the training, mandatory assessor training, what does KPMG considered to be mandatory assessor training in the process?

11.55 a.m.

Mr. Sookram: It is training that is required to be used in the interview or the assessment centre.

Mr. Chairman: Were written training processes and exercises undertaken with those who you trained?

Mr. Sookram: There were no tests, if that is what you are asking, but there was

training, interactive training; questions and answers.

Mr. Chairman: Could you describe what sort of guidance and practice exercises were undertaken?

Mr. Sookram: With the assessors?

Mr. Chairman: “Hmm.”

Mr. Sookram: Okay, so let me just go from memory, because that is here. We conducted training with the members who were going to be part of the interviewing panel.

Mr. Chairman: We know that. I just want you to describe what sort of training, and what sort of guidance and practices you were—

Mr. Sookram: And that is what I am trying to do, Mr. Chairman. So we basically went through the type of questions, body language, how you follow up on questions, the competency model that is being tested, and what we are basically looking for. So there were two elements to this. One was the first, stage one, which included the interview and the role players, the role play test; and then it was stage two, which included the majority of members of the PSC, and they were all trained in how to ask questions, structured questions. You are not looking for yes or no answers. You are looking for questions that could test the mettle of the candidate.

Mr. Chairman: How many persons you trained?

Mr. Sookram: We trained four members of the Commission.

Mr. Chairman: And no one else?

Mr. Sookram: Oh, we trained some of the role players that we used as well.

Mr. Chairman: In respect of the members of the PSC, I want an accurate, as far as practicable, an accurate assessment, as to how long did this training take?

Mr. Sookram: The training was probably about an hour and a half on specific

areas that would be used in the interview process, and probably about two hours for the role play aspect.

Dr. Moonilal: Mr. Sookram, somehow I feel I heard this before, but the question really, the root of this issue is really the propensity for bias and prejudice, and infiltrating, and polluting, and corrupting a process. Could you tell us the corridor that is available in that approach, notwithstanding your interpretation of the law and that you acted properly according to the law? The corridor of uncertainty that will bring risk, and the propensity to pollute that process by having members of the Police Service Commission involved in that way? To what extent? Was it a risk? Was it a 1 per cent risk? A 90 per cent risk? Was there no risk? Was there any propensity at that time given that approach that you embarked on that you could have skewed the process one way or another?

Mr. Sookram: Okay, I think there would always be a risk. So to say that there was no risk would really not be correct. In terms of if it go through the stages and look back at it and say what was the risk of bias in stage one of the interview? I would say, if I were to rate it at a percentage, it probably might be 1 per cent. If I go to the role play in terms of the bias, I will probably say there could be a 5 per cent, 5 maybe 10 per cent. If I were to say stage two, which is the PSC's process, I would say there would be a greater element of bias. But what I can say that could really be the umbrella over this whole thing, is that how can one be biased towards oneself. If I am conducting—if this is my process, if I am the CEO of an organization and I want to hire a CFO, am I sitting on this panel, would that bias my view of looking to get the best person? Would it not be in the interest of the members of the PSC to find the best person for the job? With our support and guidance—

Dr. Moonilal: The ethical issue is not really my issue at this minute. It is to what extent that approach allowed for bias, you have answered that, and would it have made a difference now? Could that involvement at the your level—I am not talking about the PSC final stages and so on—at your level, the involvement of members of the Police Service Commission, trained as they were by your people? Would that have made a difference in terms of the final list? The final quality? The people who emerged? Would that have changed that?

Mr. Sookram: I think the answer is categorically, no.

Mr. Deyalsingh: Mr. Sookram, would KPMG's internal HR processes allow for KPMG to take an excellent person in another field, train them for an hour and a half to interview someone to hire a CFO? As you just said, if you had to hire a CFO. Would KPMG train a novice in executive recruitment for an hour and a half and have them hire a CFO?

Mr. Sookram: You would have heard, member Deyalsingh—

Mr. Deyalsingh: No, no, just yes or no.

Mr. Sookram: I cannot give a yes or no answer.

Mr. Chairman: All right, in which case we would leave it like that.

Mr. Sookram: I really cannot.

Mr. Deyalsingh: Thank you.

Mr. Chairman: In which case we would leave it like that. We wanted to hear you say an answer to it. Mr. Singh, you have a question?

Mr. Singh: Just to follow up on that. You took members of the Commission with their own professional expertise and you trained them in being able to participate in the interviews. From your professional experience, how would you rate the members of the Service Commission in the context of recipients of that training?

Mr. Sookram: I saw them in action. I would rate them seven and a half, eight out of 10.

Dr. Moonilal: Could I just follow up on that? I think it is an interesting angle, Mr. Sookram, that the members of the Police Service Commission worked alongside you, pursuant to your understanding of the law and what was required, using the KPMG as a tool to further their duty, and you provided training. So you did not see those persons as just novice or as just people without absolutely no intelligence, or literacy, or educational background themselves. So you worked on that basis of the professional standing of those persons themselves?

Mr. Sookram: And that is correct, and that is what I was going to say to Mr. Deyalsingh's question, where the Commodore and Mr. Ramkissoon, both attested to the fact that they have over 18 years' experience in recruiting.

Mr. Deyalsingh: Mr. Sookram, would you take an excellent engineer with 18 years' experience and train them for an hour and a half to interview for the position of Chief Financial Officer in KPMG?

Mr. Sookram: If I would take an excellent engineer?

Mr. Deyalsingh: No former qualification. There is a difference between former qualifications and experience, and that is my problem from day one in this exercise. You had excellent people, excellent lawyer, excellent, excellent, but no former qualifications in executive recruitment. They may have had experience. Would you as a managing director rely only experience and not former qualifications, train somebody for an hour and a half to do executive recruitment?

Mr. Sookram: In my life and experience there is no greater teacher than experience.

Mr. Deyalsingh: Wow!

Mr. Chairman: How would you react to a suggestion from—we have had the benefit, this Committee, of expert advice. How would you react to a suggestion that was made to us that it would take at least two working days to properly train persons to be a part of that kind of technical assessment? How would you react to that?

Mr. Sookram: I would say that that is an excellent thing, but you have to look at the involvement of the persons and the weight that they are carrying. If it is that they were doing the interview themselves, I could understand that you take two days and give them lock, stock and barrel to be able to deliver on the day. But if they are being guided in the process with more experienced people on the panel, I see absolutely no problems with having an hour and a half, or two hour session period.

Mr. Chairman: Thank you.

Dr. Moonilal: Mr. Chair.

Mr. Chairman: Just a second. Just a second. This brings me to, perhaps, my final questions here. Madam former Chair, do you not consider that the unique set of behaviours that one would expect from the office holder of Commissioner of Police will be markedly different from the unique sets of behaviours to be reasonably expected from the office holder of Deputy Commissioner of Police? Let me put it more simply, you do not consider that there are any unique set of behaviours that are different between the two office holders?

Dr. Gomes: There are unique set of behaviours, but the Deputy can act at any point in time for the Commissioner. And it was clear in—

Mr. Chairman: You consider that there are unique sets of behaviours. Fine. Now, this brings me back to Mr. Sookram.

Mr. Singh: Chairman, I thought that was your last question?

Mr. Chairman: No, my last set of questions. This brings me back to Mr. Sookram. You said that had the persons who you trained, purportedly trained, been on their own, one hour and a half would not have been adequate. But because they were being guided, then in your view, one and a half hours, as distinct from the two days which you said would be more appropriate, would be fine. You told us that, am I correct?

Mr. Sookram: I said it would be more appropriate if they are doing it themselves. Right?

Mr. Chairman: Yes. This now is where the issue is. Those persons who were being guided, and had this experience to have required only an hour and a half, in your view, these are persons who would have been interacting, assessing, receiving complaints on, treating with the office holders that you were recruiting in their life as Police Service Commission members. So, while they were not rookie, while they were not brand new to require the two days, they carried the potential for bias because of those very offices, and I want you to react to the suggestion that therefore more training might have been the more proper thing to do in those unique circumstances. What is your reaction to that?

Mr. Sookram: My reaction is you are right, and just to let you know, and I was just reminded, that we had a one-day training session in addition to the hour and a half and the two hours, for all the members of the PSC.

Mr. Chairman: I had asked—

Mr. Sookram: So we had a day and a half training in equivalent for all the members.

Mr. Chairman: But I had asked you earlier to describe for us what were the

training measures that were undertaken, and you told us what you did.

Mr. Sookram: Yeah.

Mr. Chairman: So you are now saying, that it went on for a day and a half.

Mr. Sookram: Sorry. I just remembered that. And I could forget, Mr. Chairman.

Mr. Chairman: Yes.

Mr. Sookram: It happened.

Mr. Chairman: Yes.

Mr. Sookram: That is the reality.

Mr. Chairman: Yes. So I want to ask you finally then, do you have any documented, the training programme, the course component, what they did, and for how long, do you have any documented things to satisfy this Committee of what you have just said, that you could provide us tomorrow?

Mr. Sookram: Sir, it was training based on the questions that we were going to ask the day after.

Mr. Chairman: It appears as though I have not made myself clear, and I want to end now and give way to one of my colleagues. I am asking specifically, do you have any documented evidence of the course component? The training? And what you did? And for what time? And by whom? And who participated?

Mr. Sookram: Yes, we could provide that to you.

Mr. Chairman: Okay, thank you very much.

Mr. Sookram: Thank you.

Dr. Moonilal: Mr. Sookram, just to follow up on this matter. In your view, if someone comes into a process with a premeditated propensity to exert bias and prejudice, if you train them for one hour, and you train them for one year, would it make a difference fundamentally?

Mr. Sookram: It would not because bias is inherent.

Dr. Moonilal: Now, the former Chairman, I was really taken up on an answer you were giving, and you regrettably had to stop. We were asking about the skillset for the Commissioner of Police as opposed to the skillset for the Deputy Commissioner of Police, you were suggesting that while it may be different, the Deputy Commissioner of Police at any time could be asked to act, and in some cases maybe for a considerable period of time as a Commissioner of Police, and that influenced you as well?

Dr. Gomes: Yes, that is so. The person can be asked to act. So that in that final pool of 12, you are really looking to see who is the best fit for the COP and the DCOP, but you know they can step in at any point. And what I was also going to say, it was evident from the beginning of the assessment centre throughout, because people showed incrementally their growth development, if you want to call it that, when they had the role play, et cetera. Some people were better at that and shone. And, you know that is the feedback you were getting. That people then may have brushed up. If they thought, for instance, that the first interview was not going to be so challenging, then you know that they brushed up and did some homework so that they could come to the final interview then ready to answer anything. Because as I said we funnelled. So the first questions are broader and then you are funnelling down to specific questions.

12.10 p.m.

Mr. Chairman: Thank you. I have a follow on that. The list that you provided us with after the assessment, insofar as those deemed suitable for the position of Commissioner consisted of five persons. Is that correct? And the list deemed suitable for Deputy consisted of eight persons. That is at page 37 of the document

you gave us. Am I correct? Altogether, 12 people because one name appears on both. Am I correct?

Dr. Gomes: Yes, you are correct.

Mr. Chairman: Now you did say in answer to Dr. Moonilal, that you had the considerations that you do because a person can be asked to act and therefore for that reason there is a symbiotic, there is movement between the two offices. You did say that?

Dr. Gomes: Yes, I did

Mr. Chairman: But I have noticed on this list, in the first five suitable for COP, three of them have never had the opportunity and would never have had the opportunity to act as Commissioner.

And in the second list, six of those persons, six of eight would not have acted and would never have had an opportunity. In fact, one of the persons of the 12 names was never a police officer. And therefore, the question is, if your answer to Dr. Moonilal that they can easily be made to act and therefore it really did not make too much difference, where does that leave that view in light of the fact that one, two, three, four, five, six, seven, eight, nine of 12 people would never have acted or have had an opportunity to so act between the two roles? And then I will give way to Mr. Singh.

Dr. Gomes: In terms of the ability to act, you are saying to me that when you look at the lists, most of them have not acted and that one of them is not even, or two of them were not even in the police service, all right. From the beginning of the assessment centre, people in answering their questions in terms of the vision they may have for the TTPS, there were questions that they were asked that they showed up themselves as critical thinkers, as forward thinkers, as visionaries who

could inspire people, et cetera, all of the things on the competency model that we were looking for. There were people there who were shining and that is how those people came up because as you rightly said, there are some people here who are very young.

So one of the things that the Commission considered and I think this is very important for you all to understand, 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. And so they ended up here. And that is how, so you have to look at it in a holistic way. 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.

Mr. Chairman: You recognized that you did not answer my question.

Dr. Gomes: Go ahead and ask me again then. I am sorry.

Mr. Chairman: Mr. Singh.

Mr. Singh: Thank you, Mr. Chairman. I just want to go back to the leadership competency model and this question is directed to the KPMG. Did that model emerge as a result of an analysis of the job specification of both the Deputy Commissioner of Police and the Commissioner of Police having regard to the fact that those two offices fall within the remit of the PSC.

Mr. Sookram: Yes.

Mr. Singh: So in your analysis of those jobs definition, what they do determine the competency model, leadership competency model for both.

Mr. Sookram: Positions. Yes, that is correct.

Mr. Singh: Both positions. So you did that, you did that job analysis?

Mr. Sookram: Yes. So we basically designed the skills that would be required for

a person to function effectively at a highly effective level at both the Commissioner and Deputy Commissioner level. And that is how the skills came; those are the skills that are required to function at a highly effective level and then we basically assessed the candidates on these skills. It was not whether, and I say it again just for the record, so the people on the Clapham omnibus will understand, that these skills were designed to test the people who will be successful in the role. It was not geared towards who applied for what position, and again it goes back to whole talent pool strategy where we basically get the pool of talent and find the best person for the job.

What would really differentiate them would be things like vision, whether you could motivate people, whether you could inspire confidence in the TTPS. These are the things that will really differentiate now between a Deputy Commissioner and a Commissioner. Not a 10 years or a 15 years, you will have to meet that criteria anyhow. In fact, all the 12 candidates at the stage two level met the criteria of being—that would satisfy the criteria for being a Commissioner of Police.

Mr. Deyalsingh: Mr. Sookram, you were on record as saying this morning that bias is inherent and no amount of training would eliminate that. I am paraphrasing. Is that correct?

Mr. Sookram: That is correct.

Mr. Deyalsingh: But do you think that the strategy used by the training of persons excellent in their own rights, but not versed by qualification and experience in executive HR, could lead to error? Forget bias.

Mr. Sookram: No.

Mr. Deyalsingh: You do not think that could lead to error?

Mr. Sookram: Because we were, KPMG, from the assessment centre stage, we were responsible for this process, in terms of decision making, in terms of objectivity, in terms of leading the panelists into what is the best decision at the end of the day, we were integral in that process. So the whole idea of bias does not arise in my mind—

Mr. Deyalsingh: No, I am talking about error, not bias.

Mr. Sookram: The whole idea of error does not arise in my mind because we were in control of the assessment centre.

Mr. Deyalsingh: And the last question for the day, to Dr. Gomes, you said that you just gave this Borda control method a try. And again I want to ask, was any assessment, expert HR assessment done of the Borda control method?

Dr. Gomes: No, there was no assessment of Borda control method.

Mr. Deyalsingh: Thank you, thank you. I am done.

Mr. Chairman: All right. Well, I think we have covered the ground that we had proposed to cover today, except of course, I just heard an assertion from Mr. Sookram that we were in control. I thought we were told all along that it was the PSC. But I gather that he knows what he is saying. Yes.

So folks, I would like on behalf of this Committee to extend our very sincere thanks to you, the members of the Commission who sat at the relevant times. I would like to specially thank you, Dr. Gomes, having demitted office and having still presented yourself before this Committee to give the information that you shared. I would like to thank the Office of the DPA, in particular, Secretariat to the Police Service Commission and I would like to thank Madam Bliss Seepersad for your presence here today in your capacity, newly minted Chairman and your support staff. This Committee is really deeply appreciative of your presence and

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the information you have shared with us. It would assist us in no end to advising the Parliament accordingly and at 12.19 I would like to bring this public hearing to an end. Thank you, good luck and God bless. And we suspend this meeting pending your departure from this room. Travel safely. Thank you.

12.20 p.m.: *Meeting suspended.*