



POLICE SERVICE COMMISSION

ANNUAL REPORT

2019



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PREFACE

This report is produced in compliance with Section 66B of the Constitution of the Republic of Trinidad and Tobago as amended by Act No. 29 of 1999, which states that:

Each Service Commission shall submit to the President before 1st October in each year, a report on its administration, the manner of the exercise of its powers, its methods of functioning and any criteria adopted by it in the exercise of its powers and functions in the previous year and the President shall cause the report to be laid within sixty days thereafter in each House.

For further information on the activities of the Police Service Commission, please contact:

Executive Director, Human Resource Management
Service Commissions Department
Police Service Commission Secretariat
99A Pasea Main Road
Tunapuna 330839
Tel.: (868) 612-0062
Fax: (868) 663-0741

VISION, MISSION, CORE VALUES

Vision

To effect our constitutional mandate in a holistic, transparent and efficient manner that contributes to safety and security in Trinidad and Tobago.

Mission

In pursuance of greater safety and security in Trinidad and Tobago, the Commission, with the Secretariat's support, appoint, promote, discipline, monitor, and evaluate the TTPS Executive, and determine appeals against decisions of the Commissioner of Police.

Core Values

Efficiency—we adopt a pro-active, solutions-based and results-oriented approach that allows us to remain open and have contextual flexibility, while acting with the requisite urgency, addressing each situation in a professional, courteous and purposeful manner.

Transparency—we adhere to protocol and procedure with accurate documentation and record keeping. We monitor and evaluate, using feedback for continuous assessment and the revision of our policies and procedures. We are accountable for, and able to withstand scrutiny of, our processes and end products.

Collaboration—to achieve the overall objectives of the Commission, we think critically and communicate effectively. We observe, listen, consult and share information, operating as a team. We give and accept constructive criticism.

CHAIRMAN'S REPORT

The Police Service Commission continued the work mandated by the Constitution of Trinidad and Tobago and the regulations of the Commission. As an integral part of this, the Commission continued its efforts to review and amend its regulations to keep pace with the substantial changes to the legal framework which guides its functioning. The Commission made substantial progress with this exercise and expects to complete it during 2020.

In keeping with the need for greater efficiency, the Commission undertook a review of the Performance Management Appraisal System used in the assessment of the Commissioner and Deputy Commissioners of Police. As a first step, a manual was developed as a reference tool. Additionally, given the limited financial and human resources available to it, the Commission made use of electronic survey methods as part of the appraisal system.

It was also necessary to establish targets and standards based on the revised Strategic Plan for the Trinidad and Tobago Police Service and the TTPS Operational Plan 2020. The Commission discussed and negotiated these targets and standards with the Commissioner and Deputy Commissioners of Police. The outcome of these discussions formed the basis of the appraisal system used in the assessment of the executives of the Trinidad and Tobago Police Service.

The Commission also sought to begin preparations to undertake the recruitment and selection process for the offices of Deputy Commissioners of Police. The process was somewhat delayed as the Commission awaited the preparation of the necessary Legal Notice which amended the qualification and selection criteria for the offices of Commissioner and Deputy Commissioners of Police. The critical amendment was made via Legal Notice No. 339 dated 4 November 2019.

The hearing of Appeals resumed on 7 May 2019 as the Commission began to tackle the backlog of Appeals dating back to 2011. It is expected that the Commission will be able to continue development of a plan to handle the appeals to bring them up to date.



Bliss Seepersad
Chairman

ABBREVIATIONS

ASP	Assistant Superintendent of Police
CoP	Commissioner of Police
DCoP	Deputy Commissioner of Police
M&E	Monitoring and Evaluation Unit
PAF	Performance Appraisal Framework
PolSC	Police Service Commission
PolSCSec	Police Service Commission Secretariat
R&E	Research and Evaluation Unit
SCD	Service Commissions Department
TTPS	Trinidad and Tobago Police Service
TTPSSWA	Trinidad and Tobago Police Service Social and Welfare Association



1. THE POLICE SERVICE COMMISSION

The Police Service Commission is an independent body established in accordance with Section 122 of the Constitution of the Republic of Trinidad and Tobago. It is one of four Commissions established under the Constitution.

1.1 The Mandate

Section 123 (1) of the Constitution gives the Police Service Commission the power to:

- (a) appoint persons to hold or act in the office of Commissioner and Deputy Commissioner of Police;
- (b) make appointments on promotion and to confirm appointments;
- (c) remove from office and exercise disciplinary control over persons holding or acting in the offices specified in paragraph (a);
- (d) monitor the efficiency and effectiveness of the discharge of their functions;
- (e) prepare an annual performance appraisal report in such form as may be prescribed by the Police Service Commission respecting and for the information of the Commissioner or Deputy Commissioner of Police; and
- (f) hear and determine appeals from decisions of the Commissioner of Police, or of any person to whom the powers of the Commissioner of Police have been delegated, in relation to appointments on promotions or as a result of disciplinary proceedings brought against a police officer appointed by the Commissioner of Police.

For the purpose of subsection 1 (d):

- (a) the Commissioner of Police shall, every six months, submit a report in writing to the Police Service Commission on the management of the Police Service; and
- (b) the Police Service Commission shall have the power to call on the Commissioner of Police to produce documents pertaining to financial, legal and personnel matters in relation to the Police Service.

1.2 Chairman and Members



From left to right—Commodore Anthony Franklin, Member; Mr Roger Kawalsingh, Member; Miss Bliss Seepersad, Chairman; Dr Susan Craig-James, Member; and Mr Martin George, Member.

Miss Bliss Seepersad, Chairman

Miss Seepersad was appointed Chairman of the Police Service Commission on 28 March 2018. She is a graduate of The University of the West Indies, and holds a Master's degree in Urban Geography and Planning from Michigan State University. She is also the holder of a postgraduate diploma in Business Administration from Henley Brunel Management College.

Miss Seepersad brings to the Commission more than thirty years' experience in the public and financial sectors, providing services to individuals and to local and regional companies.

She is a member of the Chaguaramas Development Authority Board, and President of the Trinidad Building and Loan Association. She is also a member of the Trinidad and Tobago Chamber of Industry and Commerce, the Trinidad and Tobago Transparency Institute, The Art Society of Trinidad and Tobago, and the Queen's Park Cricket Club.

Mr Martin George, Member

Mr Martin George was re-appointed to the Police Service Commission on 1 February 2017, and currently is its longest-serving member, having first been appointed in 2010. He has been re-appointed continuously since then.

He is the principal attorney of his law firm Martin A. George and Company, with branches in both Trinidad and Tobago. He has a strong sense of social service, and is a founding member and former Chairman of Crime Stoppers Trinidad and Tobago.

Called to the Trinidad and Tobago Bar in 1992, Mr George has over 26 years' experience in the areas of Civil Litigation, Estate and Property Matters, Wills and Probate, Divorce and Family Law, Commercial Litigation, and Debt Recovery.

Chairman and Members cont'd

Commodore Anthony Franklin, Member

Commodore Franklin, a former Chief of Defence Staff, was sworn in on 27 April 2017 as the fourth member of the Police Service Commission. He is the holder of a Bachelor of Science Degree in Maritime Geography from the University of Wales, and a Master's Degree in Marine Affairs Management from Dalhousie University in Canada. He is also a graduate of the United States Naval Staff College, and holds a Diploma in International Humanitarian Law from the Institute of International Humanitarian Law in Sanremo, Italy.

He served as the Military Adviser to the International Committee of the Red Cross for relations with the Security Forces in the Caribbean Community (CARICOM), as well as on diplomatic missions on International Humanitarian Law. He has extensive experience at the regional, international and diplomatic level.

He has served as the Chief Executive Officer of the Institute of Marine Affairs, Deputy Chairman of the Estate Management Development Company, and Chairman of the Board of the Institute of Marine Affairs. He was also an Adviser to The University of Trinidad and Tobago.

Commodore Franklin has received a number of decorations including the Humming Bird Medal, Gold, which he was awarded in 1979.

Dr Susan Craig-James, Member

Dr Susan Craig-James was appointed to the Police Service Commission on 8 June 2018. She is the holder of a Master's Degree in Sociology and Politics from the University of Edinburgh, Scotland, and a Doctor of Philosophy Degree from the Department of Sociology of the London School of Economics and Political Science.

She was a senior lecturer in the Department of Sociology at The University of the West Indies, St. Augustine, where she designed, taught, and examined several courses. She also supervised numerous undergraduate and postgraduate theses over her 22-year career there.

She has provided consultancy services to local, regional and international agencies, including the United Nations Development Programme.

She is the founder and Managing Director of Cornerstone Press Limited, and has written extensively on Caribbean history and sociology. She has considerable experience in copy-editing and publishing.

Dr Craig-James was awarded the Chaconia Medal (Silver) in 2011 for long and meritorious service in the field of education, and in 2015 the Susan Craig-James Heritage Library in the Scarborough Library, Tobago, was named in her honour.

Mr Roger Kawalsingh, Member

Mr Kawalsingh was appointed as a member of the Commission with effect from 11 June 2019.

He holds a Bachelor of Laws degree from the Faculty of Law, The University of the West Indies, and a Legal Certificate of Education from the Sir Hugh Wooding Law School. He was admitted to the Bar of Trinidad and Tobago in 1993.

A former tutor at the Sir Hugh Wooding Law School, Mr Kawalsingh also served as a member on the National Insurance Appeals Tribunal and the National Appeals Tribunal of the Trinidad and Tobago Cricket Board. He is a former Director of The National Commission for Self Help Limited and the South West Regional Health Authority, and is currently a committee member of the Disciplinary Committee of the Law Association of Trinidad and Tobago.

1.3 Police Service Commission Secretariat

The Police Service Commission Secretariat (PoISCSec)

- i. provides logistical, administrative, and technical support to ensure the efficient operationalizing of decisions taken by the Commission;
- ii. supports the Commission in its examination of the performance of the Commissioner of Police (CoP) and Deputy Commissioners of Police (DCoPs), through monitoring and evaluating the effectiveness and efficiency of police systems, functions, work force use, and operations, using predetermined and agreed indicators and targets;
- iii. provides administrative and clerical services to the Commission's Appeal Tribunal; and
- iv. assists in the dissemination of information, and the conduct of the Commission's public education programmes.

The Secretariat comprises the following Units.

Administration Unit

The Administration Unit provides internal support services that include office management, records management, registry services, and facilities management, which contribute to the effective operations of the Commission.

Monitoring and Evaluation Unit

The Monitoring and Evaluation Unit (M&E) periodically reviews programmes, projects, initiatives, and processes undertaken by the Trinidad and Tobago Police Service (TTPS). The resulting findings generated from these reviews are significant factors in the preparation of annual performance appraisal reports on the Commissioner of Police and Deputy Commissioners of Police.

Research and Evaluation Unit

The Research and Evaluation Unit (R&E) is responsible for developing and implementing the performance framework and criteria, used by the Commission for the appraisal of the CoP and DCoPs. Implementing the framework involves data collection, research, and analysis, which the Unit undertakes in order to prepare the annual appraisal reports on the performance of the CoP and DCoPs. The Unit conducts surveys of the public to determine their levels of trust and confidence in the police, and of members of the TTPS to determine their job satisfaction, well-being, and conditions of work. The Unit also organizes focus groups and meetings with stakeholders, to determine the quality of service they receive from the TTPS.

Appeals Unit

The Appeals Unit provides support to the Commission, in the form of case management and transcriptional evidence, in accordance with the Commission's responsibility to hear and determine appeals, in respect of disciplinary and promotional decisions of the Commissioner of Police.

Public Education Unit

The Public Education Unit is responsible for developing and guiding the Commission's public education strategy. Its activities include providing communication advice, proactive media relations, media monitoring, managing internal communications activities, public relations, and outreach.

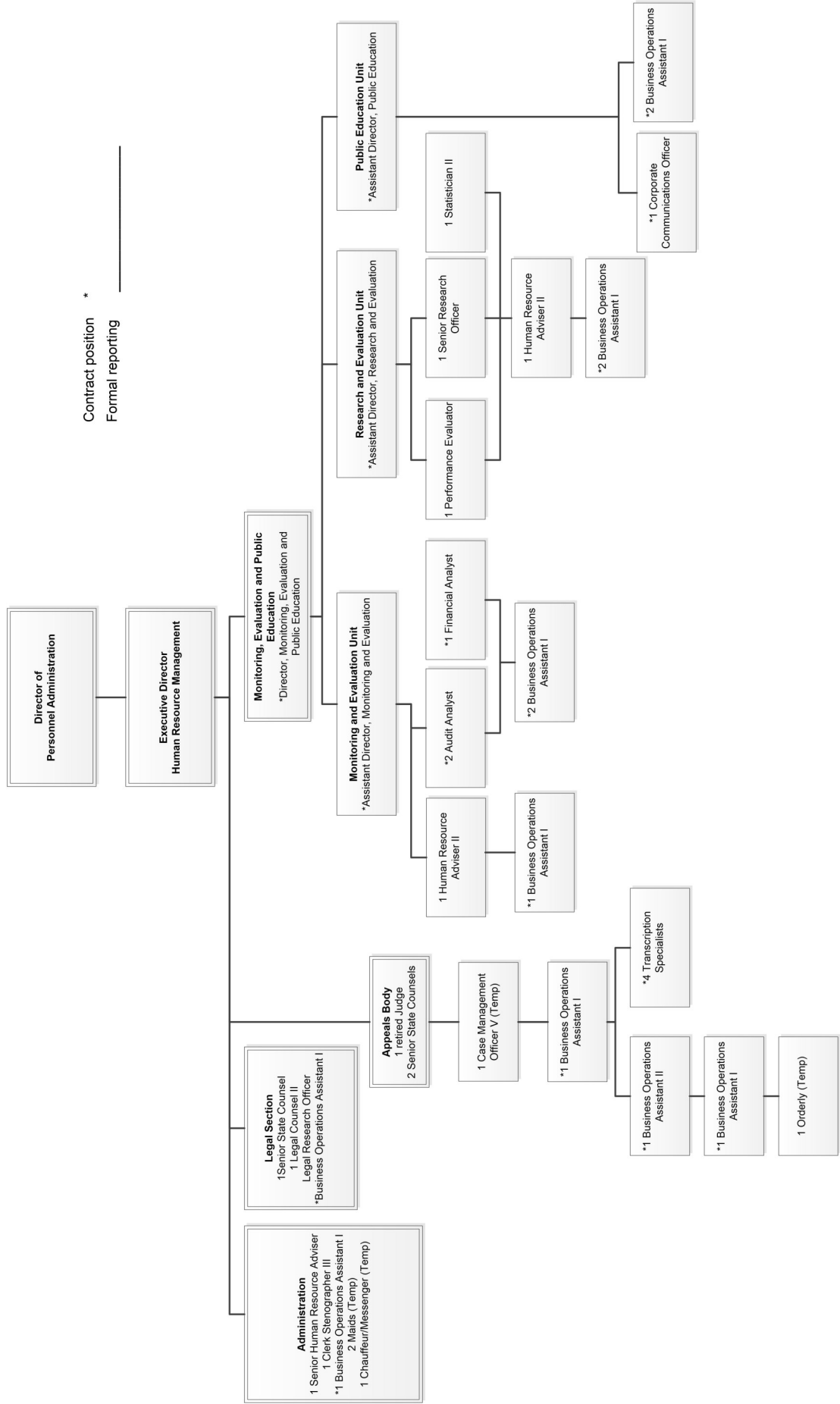
Legal Unit

The Legal Unit of the Service Commissions Department (SCD) provides legal services to the Commission. These services include providing legal advice, legal interpretation of relevant Acts and Regulations, reviewing documents, and assisting the Commission through extensive legal research on issues relevant to its constitutional functions.

POLICE SERVICE COMMISSION SECRETARIAT ORGANIZATIONAL CHART

as of 31 December 2016

FIGURE 1



2. PERFORMANCE HIGHLIGHTS

2.1 Meetings— statutory, special and stakeholder

2.1.1 Statutory meetings

The Commission held eleven (11) statutory meetings during the year under review.

2.1.1.1 New member of the Police Service Commission

The term of office of Mr Dinanath Ramkissoon as a member of the Commission ended on 22 February 2019. Mr Roger Kawalsingh was appointed as a member of the Commission on 11 June 2019.

2.1.2 Special meetings

Four (4) special meetings were held during the period under review, which are detailed in **Table 1**.

Table 1: List of Special Meetings

Date	Meetings
21 February 2019	Meeting with Mr Gary Griffith, Commissioner of Police, to discuss a. the Trinidad and Tobago Police Service's (TTPS) Strategic Plan for the period 2019 to 2021; and b. the methodology for performance appraisal assessment of the Commissioner of Police (CoP) and Deputy Commissioner of Police (DCoP).
25 April 2019	Meeting with the Trinidad and Tobago Police Service Social and Welfare Association (TTPSSWA) to discuss a. status of appeal matters; b. recommendation that the position of Assistant Commissioner of Police be considered as part of the TTPS Executive staff and therefore fall under the remit of the Commission; and c. concern of the TTPSSWA that officers who, by virtue of seniority, are eligible to act as DCoP do not meet the educational requirements.
07 June 2019	Meeting with Mr Gary Griffith, CoP, and with Messrs Harold Phillip, Harrikrishen Baldeo and Mrs Sharon Blake-Clarke, DCoPs, to discuss the Proposed Revised Performance Appraisal Framework.
15 November 2019	Meeting with Mr Gary Griffith, CoP, to discuss the revision of performance targets.

2.1.3 Stakeholder meetings and engagements

As part of its efforts to collaborate with its major stakeholders, the Commission met with the Minister of National Security on 1 April 2019. The meeting focused on ways to increase the effectiveness and efficiency of the Police Service.

2.2 Appointment of persons to act in the offices of Commissioner and Deputy Commissioners of Police

The Commission made thirty-one (31) acting appointments to the offices of Commissioner and Deputy Commissioners of Police during the period under review. These were made in accordance with Section 123(1)(a) of the Constitution, the Constitution (Amendment) Act, No. 6 of 2006, and the Commissioner of Police and Deputy Commissioner of Police (Acting Appointments) (Selection Process) (No. 2) Order, 2009, as published by Legal Notice 103 of 15 May 2009.

Table 2: Persons appointed to act as Commissioner of Police

Name	Start date	End Date
Mr Harold Phillip	15 January 2019	23 January 2019
	30 April 2019	6 May 2019
	18 July 2019	21 July 2019
	2 August 2019	15 August 2019
	25 October 2019	29 October 2019

Table 3: Persons appointed to act as Deputy Commissioners of Police

Name	Start date	End Date
Mr Harold Phillip	1 April 2019	30 September,2019
	1 October 2019	4 February 2020
	22 November 2019	1 December 2019
Mr Harrikrishen Baldeo	15 April 2019	29 April 2019
	30 April 2019	6 May 2019
	17 May 2019	26 May 2019
	1 June 2019	16 October 2019
	17 October 2019	10 December 2019
Mrs Sharon Blake-Clarke	15 January 2019	23 January 2019
	8 February, 2019	15 February 2019
	12 March 2019	27 March 2019
Mr Deodat Dulalchan	1 April 2019	30 September 2019
Mr Ainsley Garrick	18 July 2019	21 July 2019
	2 August 2019	15 August 2019
	16 August 2019	26 August 2019
Mr Jayson Forde	18 September 2019	14 October 2019
	15 October 2019	3 November 2019
	4 November 2019	1 December 2019
Mr Anthony James	14 October 2019	19 October 2019
	20 October 2019	25 October 2019
	27 October 2019	29 October 2019
	30 October 2019	31 October 2019
	22 November 2019	1 December 2019
Ms Beverly Lewis	18 October 2019	19 October 2019
	25 October 2019	26 October 2019
	26 October 2019	29 October 2019

2.3 Performance appraisals of Commissioner of Police and Deputy Commissioners of Police

2.3.1 2018 Performance Appraisals for the CoP and DCoPs

In accordance with the Constitution Amendment Act, No. 6 of 2006, Section 123 (1) (e), the Police Service Commission is required to prepare an annual performance appraisal report for the Commissioner of Police and Deputy Commissioners of Police.

In April 2019, the Commission completed the 2018 performance appraisal reports for two (2) Deputy Commissioners of Police.

2.3.2 2019 Performance Appraisal Framework for the offices of CoP and DCoPs

At its meeting of 23 May 2019, the Commission approved a new Performance Appraisal Framework (PAF) for monitoring the efficiency and effectiveness of the Commissioner and Deputy Commissioners of Police. The three (3) components to the new PAF are detailed in **Table 4** below.

A Performance Management Appraisal System Manual was developed which provides an overview of the framework. In developing the new Performance Appraisal Framework the Commission sought to

- make use of electronic survey methods that are cost-effective and efficiently provide the information needed;
- reduce the inordinate amount of time to provide the CoP and DCoPs with feedback; and
- establish targets/standards and utilise clear criteria to evaluate the performance of the CoP and DCoPs.

Table 4: Components of the new Performance Appraisal Framework

Component 1 -	Component 2 -	Component 3 -
<p>Performance standards are developed and aligned to each duty in the approved job description grouped in five (5) areas of performance, namely:</p> <ul style="list-style-type: none"> · Maintenance of Law and Order · Public Trust and Confidence · Human Resource Management · Financial Management · Strategic Leadership, Management and Communication. <p>This component represents 50% of the overall weighting of the annual performance appraisal.</p>	<p>Objectively verifiable corporate and compliance indicators related to the mandate and management of the Police Service are established.</p> <p>Targets are aligned to each performance category and this component is weighted 40% of the annual performance appraisal.</p>	<p>This component comprises eleven (11) competencies derived from the TTPS Leadership Competency Model developed for the roles of Commissioner of Police and Deputy Commissioner of Police, based on an analysis of the job description. These competencies are the same as those used in the recruitment process for the Commissioner of Police. These competencies will be used for the 2019/2020 performance assessment period.</p> <p>This section is 10% of the performance appraisal, and is assessed by way of rating forms from internal and external stakeholders.</p>

The Commission met with the Commissioner of Police on 7 June 2019 to discuss the standards, targets and competencies before finalising the Performance Management Appraisal Framework.

2.4 Recruitment and Selection process for the office of Deputy Commissioner of Police

During the year under review the Commission sought to begin preparations to undertake the recruitment and selection process for the office of Deputy Commissioner of Police Trinidad and Tobago Police Service, Ministry of National Security.

The process was delayed as the Commission awaited the preparation of the necessary Legal Notice which amended the qualification and selection criteria for the offices of Commissioner of Police and Deputy Commissioner of Police from a Bachelor's degree to a Master's degree. The amendment was made via Legal Notice No. 339 dated 4 November 2019.

2.5 Monitoring the performance of the Trinidad and Tobago Police Service

2.5.1 Monitoring of TTPS processes, systems and initiatives

In accordance with the 2019 Performance Appraisal Framework, the Commission, through the Monitoring and Evaluation Unit of the Police Service Commission Secretariat, undertook several data collection activities to monitor the performance of the TTPS. These included the inspection of records and resources in the Police Service, and analysis of data requested from the Police Service which were monitored against the relevant standards and targets for the period under review. Refer to **Table 5**.

This monitoring exercise assists the Commission in determining whether the TTPS is acquiring, protecting and using its resources efficiently, and whether there is compliance with laws and regulations.

The resulting data and analysis provides evidence of performance, flags any changes that may be needed in the management of resources, and is used as baseline data.

Table 5: TTPS processes, systems and initiatives monitored

Performance Categories	Processes, systems and initiatives of the TTPS
Maintenance of Law and Order	Development and implementation of strategies to reduce crime and to improve vehicular traffic and pedestrian safety
Human Resource	<p>Compliance with legislations and policies for:</p> <ul style="list-style-type: none"> • Recruitment • Promotion • Assessment Centre • Promotion Advisory Board • Examination Board • Performance Appraisal of officers <p>Development and implementation of:</p> <ul style="list-style-type: none"> • Internal Audit Plan • Code of Conduct and Code of Ethics for all personnel • Policy and criteria for appointment of retired police officers on contract • Training <p>Utilization of sick leave by officers</p>
Financial Management	<ul style="list-style-type: none"> • Overtime reduction • Finalization and implementation of an Extra Duty Policy • Releases for funds for critical goods and services

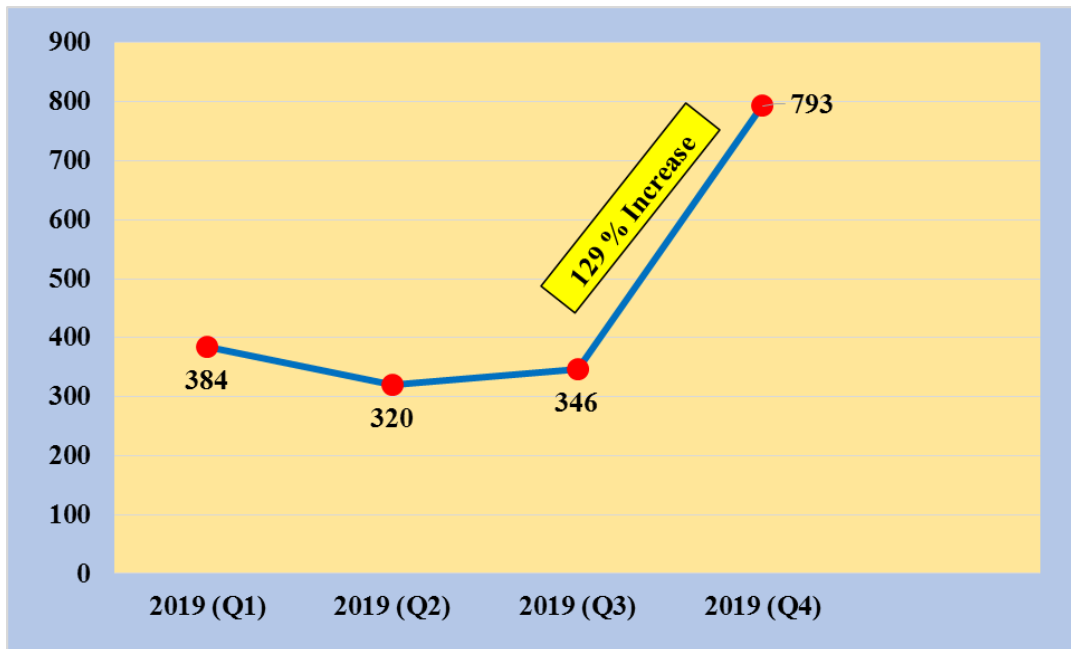
Table 5: TTPS processes, systems and initiatives monitored cont'd

Performance Categories	Processes, systems and initiatives of the TTPS
<p>Strategic Leadership, Management and Communication</p>	<p>Implementation of:</p> <ul style="list-style-type: none"> • New structure of the TTPS • Manpower Audit recommendations • National Strategic Plan of the TTPS <p>Establishment of Units:</p> <ul style="list-style-type: none"> • Covert and Counter Terrorism Intelligence • Gender-Based Violence Unit • Transnational Crime and Human Trafficking <p>Development, review, implementation and communication of policies and amendment of policies</p> <p>Development, implementation and communication of critical incidents plan and policies</p> <hr/> <p>Compliance with standard operating procedures pertaining to:</p> <ul style="list-style-type: none"> • Police vehicles • Firearms and ammunition • Speed guns • Breathalysers • Live Scan (Fingerprint) systems <p>Development of Policies/Strategies/Plan for:</p> <ul style="list-style-type: none"> • New technologies • Public Relations • Media • Electronic Stakeholders Listing • Stakeholder Communication and Engagement <p>Establishment of Standard Operating Procedures/Memoranda of Agreement with regional and international agencies on crime</p> <p>Responses to requests for information under the Freedom of Information Act</p> <p>Presentation of:</p> <ul style="list-style-type: none"> • New structure of the TTPS • Manpower Audit recommendations • National Strategic Plan of the TTPS

2.5.2 Non-appearance of Police Complainants in court

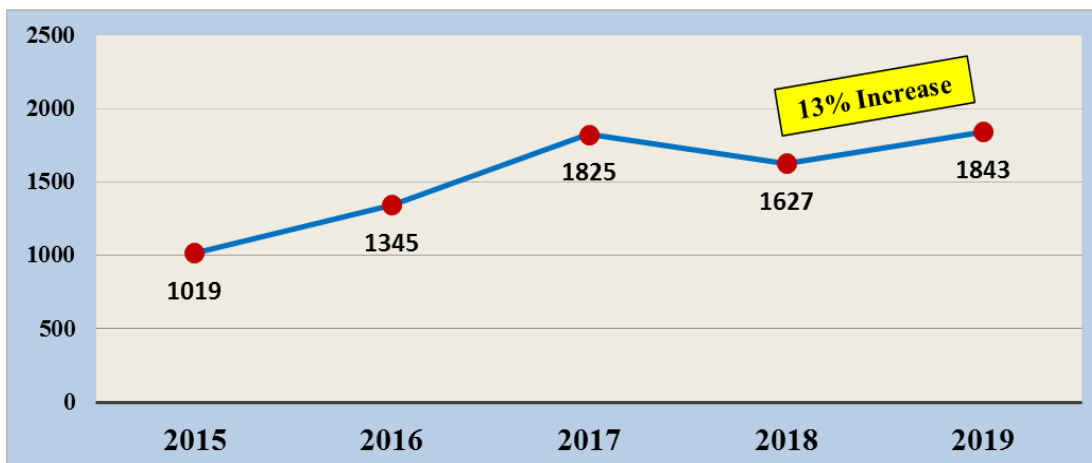
In 2019 the Commission requested that the Monitoring and Evaluation Unit of the Police Service Commission Secretariat continue to monitor the non-appearance of Police Complainants in court, and report on the systems implemented by the Commissioner of Police and the progress in this matter. For the period under review, the courts dismissed eighteen hundred and forty-three (1,843) cases due to the non-appearance of Police Complainants in court. **Table 6** refers.

Table 6: Number of cases dismissed due the non-appearance of Police Complainants in court



A comparison of the number of cases dismissed for the period 2015 to 2019 is provided in **Table 7**.

Table 7: Number of cases dismissed due to non-appearance of Police Complainants in court by year



There was no improvement during 2019 in the number of cases dismissed due to the non-appearance of Police Complainants in court .

In keeping with the request from the Commission, the CoP was required to provide a report on a quarterly basis which indicates the number of cases dismissed, the types of cases dismissed, and the disciplinary action taken to impact on the reduction of non-appearance of Police Complainants in courts. This is detailed in **Table 8** below. The information provided assisted the Commission to determine:

- whether there were any improvements in police attendance in court hearings; and
- whether disciplinary action was taken against officers who failed to appear in court without plausible excuse.

Table 8: Classification of offences of cases dismissed for 2019

Offence classification	Number of offences	Examples of offences
Traffic Offence	384	Using mobile device whilst driving; Vehicle has no I.D Lights; Failing to wear seat belt whilst driving; Breach of Road Traffic Sign; Drove with defective tyres.
Minor Offence	320	Obscene language; Annoying language; Resisting arrest; Disorderly behaviour; Loitering; Obstructing an Officer in the execution of his duty; Assaulting a Police Officer.
Minor Crime	346	Possession of marijuana; Possession of Cocaine; Larceny; Assault by Beating; Possession of Ammunition; Possession of a weapon; Assault occurring bodily harm.
Serious Crime	793	Possession of firearm; Robbery with aggravation; Possession of marijuana for the purpose of trafficking; Larceny Servant; Robbery; Shop-breaking and Larceny.
TOTAL	1843	

Table 9 below details the disciplinary action taken in 2019 by the CoP against officers who failed to appear in court without a plausible excuse.

Table 9: Disciplinary Action taken by the Commissioner of Police for 2019

Action taken against Complainants	Number
Notices prepared/to be served	611
Disciplinary action pending	926
Notices served	260
Reports sent to ASP Discipline	8
Officer on suspension/leave/or retired	38
TOTAL	1843

The Commission expressed its concern to the CoP about the upward trending of non-appearance of Police Complainants in court, the number of cases related to serious crimes which were dismissed, and about the vast number of notices that are prepared and not served.

The Commission was advised by the CoP that a number of measures and initiatives are being pursued by the Trinidad and Tobago Police Service in an effort to arrest the trend. These include:

1. revamping of the disciplinary process;
2. introduction of a Complainant Unit;
3. establishment of a Compliance and Monitoring Unit;
4. making the non-appearance at court a matter which can lead to dismissal of police officers; and
5. requesting a summons from the Court under the Summary Courts Act chapter 4:20, for the attendance of Police Complainants after they failed to appear within stipulated number of times. This action is to be supported by a Departmental Order.

The Commission will continue to monitor this issue in an effort to ensure that the attendance in court by Police Complainants is improved.

2.5.3 2019 Public Trust, Confidence and Satisfaction Survey of the TTPS

The Commission undertook the 2019 edition of the Public Trust, Confidence and Satisfaction Survey of the Trinidad and Tobago Police Service during the period 16 October to 8 November 2019. The survey aimed to provide members of the public with an opportunity to share their views on a wide range of critical issues related to public perception of the Police Service. These included citizens' satisfaction with policing services, trust and confidence in the police, police legitimacy, and fear of crime.

The survey is an important tool used by the Commission, to fulfil its mandate of monitoring the efficiency and effectiveness with which the Commissioner of Police and Deputy Commissioners of Police discharge their function. This year's online survey builds upon previous ones carried out by the Commission since 2011.

In keeping with its decision to use Survey Monkey as a tool to facilitate electronic surveys, a 56-item questionnaire was administered electronically, through emails to stakeholder organizations, and posted on the websites and social media network sites of Government Ministries.

Eighteen hundred and seventy-five (1,875) persons accessed the survey web link. However, only the responses of fourteen hundred and ninety-four (1,494) were analysed, since some were repeat entries and others were incomplete questionnaires. The Commission considered the response to the external survey to be very low and unacceptable.

It is important to note that given the financial constraints of the Service Commissions Department, the study was promoted extensively using zero-cost strategies as guided by a Communication Plan approved by the Commission. For the future, the Commission suggested that there should be more advertisements of the surveys, and that the results should be shared with the Trinidad and Tobago Police Service.

2.5.4 Employee Satisfaction Survey of the TTPS

The Commission conducted an Employee Satisfaction Survey for members of the TTPS to give their feedback to the Commission on issues such as job satisfaction, leadership, communication, and overall performance of the organization. The survey was conducted electronically via the TTPS intranet over the period 14 October to 11 November 2019.

Participation in the survey was voluntary, and TTPS employees were encouraged to take part through several promotional initiatives managed by the PoISCSec. The target population for this survey comprised all employees of the Trinidad and Tobago Police Service, except the CoP and DCoPs. This included all sworn police officers, civilians, public officers, and contract and short-term employees.

The survey was administered electronically using a 65-item questionnaire. Participants were allowed entry to complete the survey via a link posted on the TTPS intranet/portal. This web link directed participants to the survey page that was developed using the Survey Monkey online resource.

Of the approximately 9,000 employees of the TTPS eligible to participate in this survey, 501 completed individual responses were received. This gives a response rate of $\approx 5.5\%$.

The Commission was not satisfied with the response rate of five percent (5%) of the members of staff of the Trinidad and Tobago Police Service. To address this concern, the Commission has recommended that the Information Technology Department of the TTPS be requested to provide additional resources for the 2020 surveys, since access to computers appeared to be a challenge to some police officers.

The results from both the Public Trust, Confidence and Satisfaction Survey and the TTPS Employee Satisfaction Survey form part of the annual performance appraisal of the CoP and DCoPs.

Although the response rate was low, the findings provide the Commission and the TTPS with a picture of some of the public's concerns, and will help to identify opportunities for improving the performance of the Police Service, in ensuring the safety and security of the people of Trinidad and Tobago.

2.6 Hearing and determination of appeals in promotion and disciplinary matters

2.6.1 Status of appeals

In accordance with Section 123 (1) (f) of the Constitution, the Police Service Commission is empowered to

hear and determine appeals from decisions of the Commissioner of Police, or of any person to whom the powers of the Commissioner of Police have been delegated, in relation to appointments on promotion or as a result of disciplinary proceedings brought against a police officer appointed by the Commissioner of Police.

The Police Service Commission (Appeal) Regulations, published in Legal Notice No. 270 of 2009, outline the procedure for the hearing and determination of appeals.

The Commission resumed the hearing of appeals matters on 7 May 2019, beginning with the longest-outstanding matters. A Coram of the Commission composed of Chairman Miss Bliss Seepersad, members, Commodore Anthony Franklin and Dr Susan Craig-James, together with the Case Management Officer V of the Police Service Commission Secretariat, successfully held three Case Management Conferences. Dates were fixed for the hearing of these appeals.

The first of these hearings was held on 12 July 2019, and Judgment was delivered on 22 November 2019. The other two (2) appeals were fixed for 16 July 2019. Both were re-scheduled due to circumstances beyond the control of the Commission.

There are thirty (30) appeals outstanding before the Police Service Commission as at 31 December 2019. Twenty-one (21) of these are Disciplinary Appeals and nine (9) are Promotional Appeals. Two (2) Disciplinary Appeals were filed before the Commission during the year 2019. **Tables 10 and 11** provide the status of these appeals.

Table 10: Status of Promotional and Disciplinary Appeals

Appeals carried forward to 2019	Matters filed		Matters heard		Matters adjourned	Matters determined	Matters outstanding
	Promotional	Disciplinary	Promotional	Disciplinary			
29	0	2	0	3	2	1	30

Table 11: Status of outstanding promotional and disciplinary matters

MATTERS OUTSTANDING		
Year	Promotional matters	Disciplinary matters
2011	Nil	2
2012	2	6
2013	7	1
2014	Nil	1
2015	Nil	2
2016	Nil	Nil
2017	Nil	3
2018	Nil	4
2019	Nil	2
	9	21

2.6.2 Outreach for Appeals Procedure

The Commission approved an Outreach Plan for Appeals Procedure as part of its thrust to increase awareness among Police Officers about the appeals process and procedures. The communication initiatives include:

- i. publication of a brochure which outlines the procedures involved in the appeals process;
- ii. online access to appeals forms used in the appeals process.

The appeals forms together with the brochure are available on the Service Commissions Department website at <https://www.scd.org.tt/>.

2.6.3 Disciplinary matters against police officers

Prior to the Constitution (Amendment) Act, No. 6 of 2006, the Commission had the authority to discipline all police officers.

Table 12 provides an overview of the disciplinary matters against police officers which were not finalised prior to the proclamation of the Constitution (Amendment) Act, No. 6 of 2006, and are still pending before the courts.

Table 12: Disciplinary/court matters pending at 31 December 2019

Matters Pending	Court	Total
Court charges pending at High Court	14	14
Court charges pending before the Presiding Magistrate at the Magistrates' Court	0	0
Matters committed to stand trial at the Assizes which have not been forwarded to the Director of Public Prosecutions	2	2

2.7 Institutional Strengthening

2.7.1 Police Service Commission Regulations

The Commission continued its efforts to review and amend the Police Service Commission Regulations with the assistance of the Legal Services Unit of the Service Commissions Department. This will enable the Commission to keep pace with the substantial changes to the legal framework which guides how the Commission undertakes its mandate.

2.7.2 Staffing

During the period under review, the Service Commissions Department conducted interviews for the contract positions of Director, Monitoring and Evaluation, Financial Analyst, and Transcription Specialist for the Police Service Commission Secretariat.

Two candidates were successful at the interviews for the position of Transcription Specialist; however, both persons declined the offer of employment by the Service Commissions Department and therefore, the position will be re-advertised.

2.7.3 Staff training and development

For the period under review, staff of the Police Service Commission Secretariat participated in a number of training and development programmes facilitated by the Public Service Academy and the Service Commissions Department. These programmes included:

- Effective Presentation Skills
- Ethics, Accountability and Good Governance
- Emotional Intelligence.

2.7.4 Cabinet-approved Project Team

The appropriate staffing of the Secretariat is receiving the attention of the Public Management Consulting Division, Ministry of Public Administration, as part of the deliverables of the Project Team established by Cabinet on 29 September 2016.

The mandate of the Team is to make recommendations on governance, policy, process, and procedural arrangements related to the functioning of the Police Service Commission Secretariat. These recommendations are to guide the development of appropriate structure and staffing arrangements for the Police Service Commission Secretariat.

During the period under review several meetings were held with the staff from the Public Management Consulting Division and the PoLSCSec in preparation for a Note to be submitted to the Minister of Public Administration on the restructuring of the Police Service Commission Secretariat. The matter is now before the Minister of Public Administration.

3. APPENDICES

The Constitution (Amendment) Act, No. 6 of 2006

The Commissioner of Police and Deputy Commissioner of Police (Acting Appointments) (Selection Process) (No. 2) Order, 2009

Police Service Commission (Appeal) Regulations – Legal Notice No. 270 of 3rd December 2009

The Commissioner of Police and Deputy Commissioner of Police (Selection Process) Order, 2015 as published by Legal Notice No. 218 of 16th December 2015

The Commissioner of Police and Deputy Commissioner of Police (Qualification and Selection Criteria) Order, 2015 as published by Legal Notice No. 219 of 16th December 2015

The Commissioner of Police and Deputy Commissioner of Police (Qualification and Selection Criteria) (amendment) Order, 2019 as published by Legal Notice No. 339 of 4th November 2019

THE CONSTITUTION (AMENDMENT) ACT, 2006

Arrangement of Sections*Section*

1. Short title
2. Commencement
3. Alteration of the Constitution
4. Section 122 amended
5. Section 122A inserted
6. Section 123 repealed and substituted
7. Section 123A inserted
8. Section 127 amended
9. Section 129 amended
10. Section 132 amended
11. Section 134 amended
12. Transitional and savings

*Legal Supplement Part A to the "Trinidad and Tobago Gazette", Vol. 45,
No. 61, 18th April, 2006*

Fourth Session Eighth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 6 of 2006

[L.S.]

AN ACT to amend the Constitution to reform the Police Service Commission, confer powers on the Commissioner of Police to control and manage the Police Service, and for other related matters.

[Assented to 13th April, 2006]

Preamble	<p>WHEREAS it is enacted by subsection (1) of section 54 of the Constitution that Parliament may alter any of the provisions thereof:</p> <p>And whereas it is provided in subsection (2) of the said section 54 that insofar as it alters certain provisions of the Constitution, a Bill for an Act of Parliament under the said section 54 shall not be passed by Parliament unless at the final vote thereon in each House it is supported by the votes of not less than two-thirds of all the members of each House:</p> <p>And whereas it is intended by this Act to alter the Constitution:</p>
Enactment	<p>ENACTED by the Parliament of Trinidad and Tobago as follows:—</p>
Short title	<p>1. This Act may be cited as the Constitution (Amendment) Act, 2006.</p>
Commencement	<p>2. This Act shall come into force on a date to be fixed by the President by Proclamation.</p>
Alteration of the Constitution	<p>3. The Act shall be construed as altering the Constitution.</p>
Section 122 amended	<p>4. The Constitution is amended in section 122 by repealing subsections (2), (3) and (4) and substituting the following subsections:</p> <p>“ (2) The members of the Police Service Commission shall be appointed by the President in accordance with this section.</p> <p>(3) The President shall, after consultation with the Prime Minister and Leader of the Opposition nominate persons, who are qualified and experienced in the disciplines of law, finance, sociology or management, to be appointed as members of the Police Service Commission.</p>

(4) The President shall issue a Notification in respect of each person nominated for appointment under subsection (3) and the Notification shall be subject to affirmative resolution of the House of Representatives.

(5) The President shall make an appointment under this section only after the House of Representatives has approved the Notification in respect of the relevant person.

(6) The President may in his own discretion appoint a Chairman of the Police Service Commission from among its members.

(7) The Members of the Police Service Commission shall hold office in accordance with section 126, other than subsections (4) and (5).”.

5. The Constitution is amended by inserting after section 122 the following section: Section 122A inserted

“Removal of members

122A. (1) The President shall, after consultation with the Prime Minister and the Leader of the Opposition, terminate the appointment of a member of the Police Service Commission, if the member—

- (a) fails to attend four consecutive meetings without reasonable cause;
- (b) is convicted of a criminal offence in any court;
- (c) becomes infirm in mind or body;
- (d) fails to perform his duties in a responsible or timely manner;
- (e) fails to absent himself from meetings of the Police Service Commission where there is a conflict of interest;

- (f) demonstrates a lack of competence to perform his duties; or
- (g) misbehaves in office.

(2) The President, in the exercise of his power under subsection (1)(d) to (g), may consider the report of a Joint Select Committee laid in Parliament in furtherance of sections 66A(1)(e) and 66B.

(3) A member of the Police Service Commission shall not be removed from office except in accordance with this section.”.

Section 123
repealed and
substituted

6. The Constitution is amended by repealing section 123 and substituting the following section:

“Powers of
the Police
Service
Commission

123. (1) The Police Service Commission shall have the power to—

- (a) appoint persons to hold or act in the office of Commissioner and Deputy Commissioner of Police;
- (b) make appointments on promotion and to confirm appointments;
- (c) remove from office and exercise disciplinary control over persons holding or acting in the offices specified in paragraph (a);
- (d) monitor the efficiency and effectiveness of the discharge of their functions;
- (e) prepare an annual performance appraisal report in such form as may be prescribed by the Police Service Commission respecting and for the information of the Commissioner or Deputy Commissioner of Police; and

(f) hear and determine appeals from decisions of the Commissioner of Police, or of any person to whom the powers of the Commissioner of Police have been delegated, as a result of disciplinary proceedings brought against a police officer appointed by the Commissioner of Police.

Act No. 7 of
2006

(2) The Police Service Commission shall nominate persons for appointment to the offices specified in subsection (1)(a) and section 22(1) of the Police Service Act, 2006 in accordance with the criteria and procedure prescribed by Order of the President, subject to negative resolution of Parliament.

(3) The Police Service Commission shall submit to the President a list of the names of the persons nominated for appointment to the offices of Commissioner or Deputy Commissioner of Police.

(4) The President shall issue a Notification in respect of each person nominated under subsection (3) and the Notification shall be subject to affirmative resolution of the House of Representatives.

(5) The Police Service Commission shall appoint the Commissioner or Deputy Commissioner of Police only after the House of Representatives approves the Notification in respect of the relevant office.

(6) For the purpose of subsection (1)(d), the Commissioner of Police shall, every six months, report to the Police Service Commission on the management of the Police Service.

(7) Notwithstanding subsection (6), the Police Service Commission may, on its own initiative, request a special report from the Commissioner of Police at any time on any matter relating to the management of the Police Service, to which the Commissioner of Police shall respond in a timely manner.

(8) The Police Service Commission may terminate the services of the Commissioner or a Deputy Commissioner of Police on any of the following grounds:

- (a) where the officer is absent from duty without leave for seven consecutive days, during which he has failed to notify the Police Service Commission of the cause of his absence, whether he holds a permanent, temporary, or contractual appointment;
- (b) breach of contract, where the officer is appointed on contract;
- (c) reported inefficiency based on his performance appraisal reports,

after giving him an opportunity to be heard;

- (d) where the officer holds a permanent appointment—
 - (i) on dismissal in consequence of disciplinary proceedings;
 - (ii) on being retired on medical grounds;
 - (iii) on being retired in the public interest; or
 - (iv) on the abolition of office.

(9) The procedure for the termination of the services of the Commissioner or a Deputy Commissioner of Police shall be prescribed by the Police Service Commission in accordance with section 129.

(10) Notwithstanding section 132, no appeal shall lie to the Public Service Appeal Board in respect of a decision made by the Police Service Commission under this section.”.

7. The Constitution is amended by inserting after section 123 the following section: Section 123A inserted

“Powers of the Commissioner of Police 123A. (1) Subject to section 123(1), the Commissioner of Police shall have the complete power to manage the Police Service and is required to ensure that the human, financial and material resources available to the Service are used in an efficient and effective manner.

(2) The Commissioner of Police shall have the power to—

- (a) appoint persons to hold or act in an office in the Police Service, other than an officer referred to in section 123(1)(a), including the power to make appointments on promotion and to confirm appointments;
- (b) transfer any police officer; and
- (c) remove from office and exercise disciplinary control over police officers, other than an officer referred to in section 123(1)(a).

(3) The functions of the Commissioner of Police under this section may be exercised by him in person or through any police officer of or above the rank of Superintendent acting under and in accordance with his general or special instructions.

(4) In the performance of his functions under this section the Commissioner of Police shall act in accordance with the Police Service Act, 2006 and the regulations made thereunder.”.

Section 127 amended

8. The Constitution is amended in section 127(1)—

- (a) in paragraph (b)(ii), by deleting the words “; and” and substituting a full stop; and
- (b) by deleting paragraph (c).

Section 129 amended

9. The Constitution is amended in section 129 by inserting after subsection (7) the following subsection:

“ (8) A reference in subsection (5) to a Service Commission also includes a reference to the Commissioner of Police, as the case may be.”.

Section 134 amended

10. The Constitution is amended in section 134 by—

- (a) deleting from subsection (1) the words “or subsection (3)” and inserting the words “, (3) or (3A)”;
- (b) deleting the words “Where a person” in the first line of subsections (2) and (3) and substituting the words “Subject to subsection (3A), where a person”; and

(c) inserting after subsection (3) the following subsection:

“ (3A) Where a person, who is eligible for benefits in respect of public service, was at the time he ceased to be a public officer subject to the jurisdiction of the Commissioner of Police, the power referred to in subsection (1) with respect to those benefits shall not be exercised without the approval of the Commissioner.”.

11.(1) Notwithstanding section 126 of the Constitution, all the members of the Police Service Commission, appointed under section 122, shall vacate their offices within six months after this Act comes into force, and in any event, the offices of the Commissioners are deemed to be vacant from the day following the expiry of the said six months. Transitional and savings

(2) Any matter which, immediately before the effective date specified in subsection (1), is pending before the Police Service Commission or before any person or authority to whom the power to deal with such matters has been delegated by the Police Service Commission, shall, from the effective date specified in subsection (1), be continued before the corresponding Police Service Commission after the commencement of this Act or the said person or authority, as the case may require.

(3) Any appeal filed by a police officer and pending before the Public Service Appeal Board, at the commencement of this Act, shall be heard and determined by the Board after the commencement of this Act, as though this Act had not been passed.

Passed in the House of Representatives this 27th day of March, 2006.

J. SAMPSON
Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than two-thirds of all the members of the House, that is to say by the votes of 30 members of the House.

J. SAMPSON
Clerk of the House

Passed in the Senate this 28th day of March, 2006.

J. SANDY
Acting Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than two-thirds of all the members of the Senate, that is to say by the votes of 26 members of the Senate.

J. SANDY
Acting Clerk of the Senate

LEGAL NOTICE NO. 103

REPUBLIC OF TRINIDAD AND TOBAGO

THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO,
CHAP. 1:01

ORDER

MADE BY THE PRESIDENT UNDER SECTION 123(2) OF THE CONSTITUTION

THE COMMISSIONER OF POLICE AND DEPUTY
COMMISSIONER OF POLICE (ACTING APPOINTMENTS)
(SELECTION PROCESS) (NO. 2) ORDER, 2009

1. This Order may be cited as the Commissioner of Police and Deputy Commissioner of Police (Acting Appointments) (Selection Process) (No. 2) Order, 2009. Citation

2. In this Order, “Commission” means the Police Service Commission established under section 122 of the Constitution. Interpretation Constitution

3. The Commission may, as it thinks fit, appoint to act in the office of the Commissioner of Police, a person holding or acting in the office of the Deputy Commissioner of Police where— Appointment of Acting Commissioner

- (a) the Commissioner is absent from Trinidad and Tobago or is on vacation leave or is unable by reason of illness or any other reason, to perform the functions of the Commissioner of Police; or
- (b) the office of the Commissioner of Police is vacant for whatever reason and the appointment of his successor is pending.

4. The Commission may, as it thinks fit, appoint to act in the office of the Deputy Commissioner of Police after consultation with the Commissioner of Police, a person holding or acting in the office of Assistant Commissioner of Police where— Appointment of Acting Deputy Commissioner

- (a) the Deputy Commissioner is absent from Trinidad and Tobago or is on vacation leave or is unable by reason of illness or any other reason, to perform the functions of the Deputy Commissioner of Police; or
- (b) the office of the Deputy Commissioner of Police is vacant for whatever reason and the appointment of his successor is pending.

508 *Commissioner of Police and Deputy Commissioner of Police (Acting Appointments) (Selection Process) (No. 2) Order, 2009*

Order to
apply to
acting
appointments
only

5. For the avoidance of doubt, this Order shall apply only to acting appointments in respect of the offices of the Commissioner of Police and Deputy Commissioner of Police notwithstanding the appointment of the Commissioner of Police and Deputy Commissioner of Police (Selection Process) Order, 2009.

L.N. No. 56 of
2009 revoked

6. The Commissioner of Police and Deputy Commissioner of Police (Acting Appointments) (Selection Process) Order, 2009 is hereby revoked.

Dated this 14th day of May, 2009.

A. LEUNG WOO-GABRIEL
Secretary to Cabinet

Laid in the House of Representatives this day of , 2009.

Clerk of the House

Laid in the Senate this day of , 2009.

Clerk of the Senate

LEGAL NOTICE No. 270

REPUBLIC OF TRINIDAD AND TOBAGO

CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO, CHAP. 1:01

REGULATIONS

MADE WITH THE CONSENT OF THE PRIME MINISTER UNDER
SECTION 129 OF THE CONSTITUTION

POLICE SERVICE COMMISSION (APPEAL) REGULATIONS

1. These Regulations may be cited as the Police Service Citation
Commission (Appeal) Regulations.

2. In these Regulations—

Interpretation

“appellant” means a police officer in respect of whom the
Commissioner of Police or any person to whom the
powers of the Commissioner of Police have been
delegated makes a decision as a result of disciplinary
proceedings brought against such officer or on
promotion who files an appeal;

“the Constitution” means the Constitution set out in the
Schedule to the Constitution of the Republic of Trinidad
and Tobago Act; Chap. 1:01

“exhibits” includes all papers, reports, records and other
documents, matters and things used or prepared in
connection with disciplinary proceedings or promotion;

“police officer” means a member of the Police Service;

“Police Service” means the Police Service established by
section 4 of the Police Service Act; Chap. 15:01

“respondent” means the Commissioner of Police;

“the Commission” means the Police Service Commission as
established by section 122(1) of the Constitution.

3. (1) The Commission shall meet at such times as may be
necessary for the purpose of performing its functions stipulated in
section 123(1)(f) of the Constitution. Meetings of
Commission

(2) Hearings shall be held on such days and at such times and
place as the Commission may determine.

(3) The Chairman or in his absence any member of the
Commission with the consent of the Commission shall preside at any
meeting of the Commission.

Composition
of the Com-
mission for
hearing of
appeals

4. In hearing and determining an appeal the Commission shall be comprised of no less than three members.

Procedure for
notice of
appeal

5. (1) Every disciplinary appeal to the Commission shall be by way of rehearing and shall be brought by a notice in the form set out as Form 1 in the First Schedule.

(2) Every promotion appeal shall be brought by notice in the form set out as Form 1 in the First Schedule.

(3) A notice under subregulation (1) or (2) shall—

(a) set forth the grounds of appeal;

(b) state whether the appeal is against the whole or part only of the decision of the respondent and where it is against part only, specify which part;

(c) state the nature of the relief sought; and

(d) be signed by the appellant or his legal representative.

(4) Where the grounds of appeal allege misdirection or error in law, particulars of the misdirection or error shall be clearly stated.

(5) The grounds of appeal upon which the appellant intends to rely at the hearing of the appeal shall be set out concisely and under distinct heads, without any argument or narrative and shall be numbered consecutively.

(6) No ground which is vague or general in terms or which discloses no reasonable grounds of appeal shall be permitted, save the general ground that the judgement is against the weight of the evidence, and any ground of appeal or any part thereof which is not permitted under this regulation may be struck out by the Commission of its own motion or on application by the respondent.

(7) No appellant may, without leave of the Commission, urge or be heard in support of any ground of objection not mentioned in the notice of appeal, but the Commission may in its discretion and upon conditions as it considers just, allow an appellant to amend the grounds of appeal specified in the notice.

(8) Notwithstanding the provisions of this regulation, the Commission in deciding the appeal—

(a) shall not be confined to the grounds set forth by the appellant;

(b) shall not rest its decision on any ground not set forth by the appellant unless the respondent has had sufficient opportunity of contesting the matter on that ground.

(9) Parties to an appeal shall be given notice of the date fixed for the hearing of an appeal in the Form set out as Form 2 of the First Schedule not less than seven days before the date fixed for hearing of an appeal.

6. (1) A notice of appeal shall be filed with the Commission within ^{Time for filing} fourteen days of the date of the receipt by the appellant of the decision ^{appeal} of the respondent.

(2) The Commission shall keep a record of and assign a number to each notice of appeal which is filed.

(3) Notwithstanding subregulation (1), the Commission may extend the period specified in that subregulation, in particular, in relation to matters decided prior to the coming into effect of these regulations.

(4) An application under subregulation (3) shall be made in the form set out as Form 3 in the First Schedule and shall be supported by an affidavit as to the facts contained in the application.

7. A true copy of the notice of appeal shall be served upon the ^{Service of} respondent by the Commission within seven days after the original ^{notice of appeal} notice has been filed.

8. (1) Where an appeal against the decision of the Respondent in a ^{Procedure on} disciplinary matter has been filed, the respondent shall, within three ^{notice of appeal} weeks of the service of notice of appeal or within such extended time as may be granted by the Commission, file with the Commission ten copies (or such greater number as the Commission may require) of the record of the disciplinary proceedings upon which the decision of the Respondent was based.

(2) After receiving the notice of appeal in a promotion matter the respondent shall within three weeks of the service of notice of appeal or within such extended time as may be granted by the Commission forward to the Commission ten copies of all documents relevant to the decision appealed.

(3) When the provisions of subregulations (1) and (2) have been complied with, the Commission shall—

(a) give to the appellant notice of the filing of the record in the form set out as Form 4 in the First Schedule together with a copy of that record; and

- (b) keep for the use of the Commission six copies (or such greater number as may be required) of the record and of any notice or other document received by it after the record has been filed.
- Procedure on withdrawal of appeal
9. An appellant who desires to withdraw his appeal shall—
- (a) file with the Commission a notice in the form set out as Form 5 in the First Schedule; and
- (b) serve on the respondent a copy of the notice of withdrawal.
- Entitlement to representation by Attorney-at-law
10. (1) A police officer is entitled on an appeal to be represented—
- (a) by an Attorney-at-law or an officer of the Police Service selected by him; or
- (b) by a member of his staff association.
- (2) On an appeal the respondent may appear in person or may be represented by a legal or other representative.
- Production of exhibits
Commission may require
11. On an appeal the Commission may at any time require the production of any exhibit which in its opinion is relevant to the proceedings before it.
- Power of Commission to dismiss appeals
12. (1) Where after filing a notice of appeal, an appellant—
- (a) fails to comply further with any other requirement of these Regulations; or
- (b) fails to appear on the date of the hearing, the Commission may dismiss the appeal.
- (2) An appellant whose appeal has been dismissed under subregulation (1) may apply for the restoration of his appeal in the form set out as Form 6 in the First Schedule, supporting such application by an affidavit as to the facts contained therein.
- (3) Where an application is made pursuant to subregulation (2), the Commission may, if it is satisfied that the justice of the case so demands, order that the appeal should be restored on such terms as it thinks fit.
- (4) No application may be made under this regulation after the expiration of twenty-one days from the date of the dismissal of the appeal.
- Non-appearance of respondent at hearing
13. (1) Where the respondent fails to appear on the date of the hearing of an appeal, the Commission may proceed to hear the matter *ex parte*.

(2) The respondent may, where an appeal is heard *ex parte*, apply by notice in the form set out as Form 7 in the First Schedule to set aside the decision.

(3) The Commission may, where an application is made pursuant to subregulation (2), and if it is satisfied that the justice of the case so demands, order a rehearing of the appeal.

(4) No application may be made under this regulation after the expiration of twenty-one days from the date when the appeal was heard *ex parte*.

14. (1) Where in any proceedings before the Commission a vacancy ^{Powers of Commission} occurs in the membership in relation to such proceedings by reason of the inability from any cause of any member to continue to function, the remaining members shall continue to hear and determine those proceedings notwithstanding such vacancy and no act, proceedings or determination of the Commission shall be called in question or invalidated by reason of such.

15. The Commission may require evidence or argument to be ^{Presentation of evidence} presented in writing and may decide the matters upon which it will hear oral evidence or argument.

16. In the hearing and determination of any matter before it, the Commission may act without regard to technicalities and legal form and shall not be bound to follow the rules of evidence stipulated in the Evidence Act, but the Commission may inform itself on any matter in such manner as it thinks just and may take into account opinion, evidence and such facts as it considers relevant and material, but in any such case the parties to the proceedings shall be given the opportunity, if they so desire, of adducing evidence in regard thereto. ^{Commission not bound by rules of evidence}

17. The Commission may generally give such directions and do ^{Functions of Commission} such things as are necessary or expedient for the expeditious and just hearing and determination of the appeal before it.

18. (1) Upon the conclusion of the hearing of an appeal in a disciplinary matter the Commission may dismiss, affirm or modify the ^{Powers of Commission on appeal} decision appealed against.

(2) Upon the conclusion of the hearing of an appeal in a promotion matter, the Commission may dismiss the appeal or set aside the decision taken and refer the matter back to the respondent for further consideration.

19. Every person whether or not a party to an appeal before the Commission shall upon payment of the prescribed fee be entitled to a ^{Copies of appeal documents Second Schedule} copy of any judgement order or other document in accordance with the Second Schedule.

[Regulations 1 and 2]

FIRST SCHEDULE

FORM 1

BEFORE THE POLICE SERVICE COMMISSION

NOTICE OF APPEAL

Appeal No. of 20.....

BETWEEN

..... *Appellant*

And

..... *Respondent*

TAKE NOTICE that the Appellant being dissatisfied with the decision or part thereof of the
..... Commissioner of Police given on the
..... day of, 20..... and more particularly
stated in paragraph 2 hereby appeals against such decision or part thereof to the Police
Service Commission on the grounds set forth in paragraph 3 and will at the hearing of the
appeal seek the relief set out in paragraph 4.

2.
.....

(Insert here the decision or the part thereof against which the notice of appeal is filed)

3. State grounds of appeal and particulars of the misdirection or error in law on which
the decision was based:

(a)

(b)

(c)

(d)

4.
.....

(Insert here the relief sought from the Police Service Commission)

Dated this day of, 20.....

..... *Appellant or his Legal Representative*

FORM 3

BEFORE THE POLICE SERVICE COMMISSION

APPLICATION FOR EXTENSION OF TIME TO FILE APPEAL

In the Matter of
(Name of Applicant)

And

The Respondent (Commissioner of Police)

In the Matter of an Application for an Extension of Time to File an Appeal

I, of
occupation hereby apply for an extension of
time to file an appeal against the decision of the
Commissioner of Police given on the day of, 20..... I was unable
to file the appeal within the period specified by the Police Service Commission Appeal
Regulations because
.....
(State reason why appeal was not filed within the specified period)

Dated this day of, 20.....

.....
Applicant

[Regulation 8(3)(a)]

FORM 4

BEFORE THE POLICE SERVICE COMMISSION
NOTICE THAT RECORD HAS BEEN FILED

Appeal No. of 20.....

BETWEEN

..... *Appellant*

And

Commissioner of Police

Respondent

TAKE NOTICE that the Respondent has filed the record of the Proceedings (a copy of which is enclosed) pursuant to Regulation 8 of the Police Service Commission (Appeal) Regulations.

Dated this day of, 20.....

.....
Police Service Commission

To the Appellant

.....
.....
.....

[Regulation 9(a)]

FORM 5

BEFORE THE POLICE SERVICE COMMISSION

NOTICE OF WITHDRAWAL OF APPEAL

Appeal No. of 20.....

BETWEEN

..... *Appellant*

And

Commissioner of Police

Respondent

TAKE NOTICE that the Appellant hereby withdraws his appeal against the Respondent in the above-named appeal.

Dated this day of, 20.....

.....
Appellant

[Regulations 12(2)]

FORM 6

BEFORE THE POLICE SERVICE COMMISSION

NOTICE OF APPLICATION FOR RESTORATION OF APPEAL

Appeal No. of 20.....

BETWEEN

..... *Appellant*

And

Commissioner of Police

Respondent

TAKE NOTICE that Ithe Appellant in the above-named Appeal which was dismissed on the..... day of, 20..... hereby apply for the restoration of the said appeal on the grounds that—

(a)

(b)

(c)

(d)

(e)

(State grounds on which application is based)

Dated this day of, 20.....

.....
Applicant/Appellant

FORM 7

BEFORE THE POLICE SERVICE COMMISSION

NOTICE OF APPLICATION FOR SETTING ASIDE DECISION
IN APPEAL TAKEN *EX PARTE*

Appeal No. of 20.....

BETWEEN

..... *Appellant*

And

Commissioner of Police

Respondent

TAKE NOTICE that the Commissioner of Police the Respondent in the above-named appeal which was decided *ex parte* on the day of, 20..... hereby applies for a setting aside of that decision on the grounds that—

(a)

(b)

(c)

(d)

(e)

(State grounds on which application is based)

Dated this day of, 20.....

.....
Applicant/Respondent

SECOND SCHEDULE

<i>Documents</i>	<i>Fees</i>
	\$ c.
1. For a copy of judgement after trial	25.00
2. For a copy of a judgement by default of appearance or defence ...	25.00
3. For a copy of reasons for judgement of a Court per each page or part thereof	5.00
but not to exceed	75.00
4. For a photographic copy of all or any part of any document whether or not issued as an office copy—for each photographic sheet ...	5.00
5. For a typewritten copy of any document per folio of 100 words or part thereof	5.00
6. For each folio of 100 words or part thereof of any additional carbon copy, be spoken	5.00

Dated this day of , 2009

C. R. THOMAS
*Chairman of the
Police Service Commission*

S. JAIRAM
*Member of the
Police Service Commission*

J. CHEESMAN
*Member of the
Police Service Commission*

C. DOTTIN
*Member of the
Police Service Commission*

J. SINGH
*Member of the
Police Service Commission*

Consented.

P. MANNING
Prime Minister

Dated this 7th day of October, 2009.

LEGAL NOTICE NO. 218

REPUBLIC OF TRINIDAD AND TOBAGO

THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO, CHAP. 1:01

ORDER

MADE BY THE PRESIDENT UNDER SECTION 123(2) OF THE
CONSTITUTION AND SUBJECT TO NEGATIVE RESOLUTION OF PARLIAMENT

THE COMMISSIONER OF POLICE AND DEPUTY COMMISSIONER
OF POLICE (SELECTION PROCESS) ORDER, 2015

1. This Order may be cited as the Commissioner of Police and ^{Citation}
Deputy Commissioner of Police (Selection Process) Order, 2015.

2. In this Order, “Commission” means the Police Service ^{Interpretation}
Commission established under section 122 of the Constitution. ^{Constitution}

3. The selection process for appointment to the offices of ^{of Selection process}
Commissioner of Police and Deputy Commissioner of Police shall be
conducted in the following manner:

- (a) the Commission on request of the Minister of National Security shall, in accordance with section 20A(1)(c) of the Central Tenders Board Act, 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 select, from the applications received, the most suitable candidates for the assessment process;
- (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;
- (d) the Firm shall submit to the Commission—
 - (i) the results of its assessment process in the form of a short list of candidates;
 - (ii) a report on its assessment of the entire assessment process; and

(iii) in respect of the candidates referred to in subparagraph (i), the following documents:

- (A) application of the candidate;
- (B) biography or résumé of the candidate;
- (C) assessor's scores;
- (D) assessor's feedback;
- (E) medical examination report; and
- (F) Security and Professional Vetting Report;

(e) the Commission shall then take into account all information on the candidates and thereafter establish an Order of Merit List; and

(f) the Commission shall select the highest graded candidate on the Order of Merit List and submit that candidate's name to the President in accordance with the procedure set out in section 123 of the Constitution.

Use of Order of Merit List in certain circumstances

4. (1) Where, in relation to clause 3(f), the House of Representatives does not approve of the highest graded candidate on the Order of Merit List pursuant to section 123 of the Constitution, subsequent nominations in order of merit may be submitted to the House of Representatives from the Order of Merit List only in accordance with the procedure set out in the Constitution.

(2) Where the Order of Merit List is exhausted, the process set out in this Order shall be recommenced.

(3) With respect to the nominations submitted in accordance with the procedure set out in section 123 of the Constitution, the Commission shall also submit a dossier in respect of each candidate so nominated.

(4) The dossier referred to in subclause (3) shall contain the following:

- (a) application of the candidate; and
- (b) the biography or résumé of the candidate.

Validity of Order of Merit List

5. For the purposes of this Order, the Order of Merit List shall be valid for a period of one year.

6. Notwithstanding this Order, if, for whatever reason, the office of Commissioner of Police or Deputy Commissioner of Police becomes vacant, the Commission may nominate a candidate who was previously assessed in accordance with clause 3, if the Order of Merit List is still valid.

7. The Commissioner of Police and Deputy Commissioner of Police (Selection Process) Order, 2009 is revoked.

Nomination of
candidate in
particular
circumstances
L.N. No. 102 of
2009 revoked

Dated this 14th day of December, 2015.

L. RODRIGUEZ
Secretary to Cabinet

LEGAL NOTICE NO. 219

REPUBLIC OF TRINIDAD AND TOBAGO

THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO, CHAP. 1:01

ORDER

MADE BY THE PRESIDENT UNDER SECTION 123(2) OF THE
CONSTITUTION AND SUBJECT TO NEGATIVE RESOLUTION OF PARLIAMENT

THE APPOINTMENT OF THE COMMISSIONER OF POLICE AND
DEPUTY COMMISSIONER OF POLICE (QUALIFICATION AND
SELECTION CRITERIA) ORDER, 2015

1. This Order may be cited as the Appointment of the ^{Citation}
Commissioner of Police and Deputy Commissioner of Police
(Qualification and Selection Criteria) Order, 2015.

2. (1) A candidate for the office of Commissioner of Police shall be a <sup>Qualification
and experience</sup>
national of Trinidad and Tobago and shall have—

(a) a degree from a University recognized by the Ministry
responsible for higher education in any of the following:

- (i) law;
- (ii) criminal justice;
- (iii) criminology;
- (iv) police service management; or
- (v) any other relevant degree; and

(b) no less than fifteen years' experience of increasing
responsibility in law enforcement.

(2) A candidate for the office of Deputy Commissioner of Police
shall be a national of Trinidad and Tobago and have—

(a) the qualifications stipulated in subclause (1)(a); and

(b) no less than ten years' experience of increasing
responsibility in law enforcement.

*Appointment of the Commissioner of Police and Deputy Commissioner of
Police (Qualification and Selection Criteria, Order, 2015*

Candidate
not to be a
bankrupt or
convicted of
a criminal
offence

3. A candidate for the post of Commissioner of Police or Deputy Commissioner of Police shall not be a bankrupt and shall not have a conviction for a criminal offence.

L.N. No. 101
of 2009
revoked

4. The Appointment of the Commissioner of Police and Deputy Commissioner of Police (Qualification and Selection Criteria) Order, 2009 is revoked.

Dated this 14th day of December, 2015.

L. RODRIGUEZ
Secretary to Cabinet

LEGAL NOTICE NO. 339

REPUBLIC OF TRINIDAD AND TOBAGO

THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO, CHAP. 1:01

ORDER

MADE BY THE PRESIDENT UNDER SECTION 123(2) OF THE
CONSTITUTION AND SUBJECT TO NEGATIVE RESOLUTION OF PARLIAMENT

THE APPOINTMENT OF THE COMMISSIONER OF POLICE AND
DEPUTY COMMISSIONER OF POLICE (QUALIFICATION AND
SELECTION CRITERIA) (AMENDMENT) ORDER, 2019

1. This Order may be cited as the Appointment of the ^{Citation}
Commissioner of Police and Deputy Commissioner of Police
(Qualification and Selection Criteria) (Amendment) Order, 2019.

2. The Appointment of the Commissioner of Police and Deputy ^{L.N.No. 219 of}
Commissioner of Police (Qualification and Selection Criteria) Order, 2015 ^{2015 amended}
is amended in clause 2(1)(a) by inserting the word “Master’s” before the
word “degree”.

Dated this 4th day of November, 2019.

C. HEMLEE
Acting Secretary to Cabinet