

THE POLICE SERVICE (AMENDMENT) BILL, 2007

Arrangement of Clauses

Clauses

1. Short title
2. Interpretation
3. Section 4 amended
4. Section 16 amended
5. Sections 17, 18, 19 and 20 deleted and substituted
6. Section 21 amended
7. Section 22 amended
8. Section 50 amended
9. Section 52 amended
10. Section 78 amended

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Explanatory Note

(These notes form no part of the Bill but are intended to indicate its general purport)

The main purpose of the Bill is to amend the Police Service Act, 2006, (Act No. 7 of 2006) ("the Act") to effect certain consequential amendments and to clarify certain matters, including the composition of the Police Service of Trinidad and Tobago, the Promotions Advisory Board, promotions in the First Division, etc. The Bill requires a simple majority vote.

Clause 1 seeks to provide the short title of this Act, for which this is the Bill.

Clause 2 seeks to provide the interpretation provision.

Clauses 3 seeks to amend section 4 of the Act to clarify the composition of the Police Service of Trinidad and Tobago.

Clauses 4 seeks to amend section 16 of the Act to provide that promotions to and within the First Division would be based on the points awarded to a police officer on his performance appraisal report together with the results of the promotional assessment process.

Clauses 5 seeks to repeal sections 17, 18, 19 and 20 of the Act and to substitute five new sections (sections 17, 17A, 18, 19 and 20) to clarify the procedure to be followed in promoting officers to and in the First and Second Divisions.

Clauses 6 seeks to amend section 21 of the Act to provide that the power of summarily dismissal given to the Commissioner of Police would be exercised in accordance with the prescribed procedure.

Clauses 7 seeks to amend section 22 of the Act to clarify that an appointment would be subject to the prescribed constitutional procedure.

Clause 8 seeks to amend section 50 of the Act to provide for the taking of the measurement, photograph or fingerprint impression of a person when he refuses to consent to the taking.

Clauses 9 seeks to amend section 52 of the Act to provide that the Police Service is not liable for an analysis of a fingerprint impression where the applicant fails to collect the analysis within three months of his application for the analysis.

Clause 10 seeks to amend section 78 to give the President the power to make special regulations to provide for the appointment of Special Reserve Police officers as officers in the Second Division of the Police Service.

BILL

AN ACT to amend the Police Service Act, 2006

- Enactment** ENACTED by the Parliament of Trinidad and Tobago as follows:
- Short title** 1. This Act may be cited as the Police Service (Amendment) Act, 2007.
- Interpretation Act No. 7 of 2006** 2. In this Act, “the Act” means the Police Service Act, 2006.
- Section 4 amended** 3. Section 4 of the Act is amended by deleting subsection (1) and substituting the following subsection :
- “(1) The Trinidad and Tobago Police Service is hereby established and is constituted of the public offices set out in the Third Schedule, together with the offices of the Commissioner and Deputy Commissioner of Police mentioned in section 123(1) of the Constitution.”.
- Section 16 amended** 4. Section 16(1) of the Act is amended -
- (a) in subsection (1) by deleting paragraph (a0) and substituting the following:
- “(a) in the case of promotion to and within the First Division, the points awarded to an officer based on his performance appraisal report and the results of the promotional assessment process”; and
- (b) by inserting after subsection (1) the following subsections:
- “(2) A police officer shall not be considered

for promotion to and within the First Division unless he has attained the prescribed points.

(3) The Commissioner shall ensure that the points mentioned in subsection (2) is sent to the person mentioned in section 17A(1) prior to the commencement of the promotional assessment process.”.

Sections 17, 18, 19 and 20 deleted and substituted

5. Sections 17, 18, 19 and 20 of the Act are deleted and the following sections are substituted

“Promotions to and within the First Division

17. Subject to section 16(2), promotions to and within the First Division shall be made by the Commissioner in accordance with a promotional assessment process.

Promotional assessment process

17A.(1) Where there is a vacancy in the First Division, the Commissioner may cause to be contracted a person to design and implement a promotional assessment process in accordance with internationally accepted promotional assessment standards to determine the suitability for promotion of a police officer to and within the First Division.

(2) The person shall conduct the promotional assessment process to determine the suitability for promotion to and within the First Division to the next higher rank of a police officer from the rank of Inspector through to Senior Superintendent and shall submit its results, taking into account the points attained by the officer under section 16(2), in the form of an Order of Merit List to the Commissioner in relation to his functions

under section 123A (2) (a) of the Constitution.

(3) A police officer shall not be appointed to an office in the First Division if the Commissioner objects to the appointment of that officer to that office.

(4) Subject to section 16(2), to be eligible for promotion to the rank of Assistant Superintendent through to Assistant Commissioner, a police officer from the rank of Inspector through to Senior Superintendent shall be subject to the promotional assessment process by the person.

(5) For the purpose of assessing the suitability for promotion of a police officer to the rank of Assistant Superintendent through to Assistant Commissioner, the person shall take into account the criteria and procedure prescribed.

(6) For the purpose of this section, "person" includes a corporation whether aggregate or sole, and an unincorporated body of persons contracted by the Commissioner in furtherance of this section, but does not include an individual.

**Promotion
Advisory
Board**

18.(1) For the purpose of conducting promotion in the Second Division, there is established a Promotion Advisory Board which shall comprise five members as follows:

- (a) a Deputy Commissioner of Police, who shall be the chairman;
- (b) an Assistant Commissioner of Police;
- (c) the Director Human Resources of the Police Service;
- (d) a senior officer, who is not a police

officer, from the Ministry of National Security, selected by the Minister; and
(e) an independent management consultant, appointed by the Commissioner.

(2) The Commissioner shall engage a person who is not a police officer as Secretary to the Board.

(3) The appropriate recognised association may nominate a representative to be present as an observer at sittings of the Board.

(4) The Secretary to the Board shall keep a record of the ratings given to every police officer who appears before the Board.

Functions of the Board

19.(1) The Board shall sit as often as it thinks necessary, but at least once every three months, to consider promotions and notice of each sitting shall be given in a timely manner to the representative referred to in section 18(3).

(2) The Board shall make recommendations to the Commissioner in relation to his functions under section 123A (2) (a) of the Constitution.

(3) At the conclusion of each sitting of the Board, the Chairman shall submit to the Commissioner the Board's recommendations in the form of an Order of Merit List.

(4) The Commissioner may discuss with the Board any recommendation made under subsection (3).

(5) A police officer is entitled to apply to the Board to be informed in writing of his ratings.

(6) A sitting is a session of the Board and shall

not be limited to one day.

**Promotion in
Second
Division**

20.(1) To be eligible for promotion to the rank of Corporal through to Inspector, a police officer from the rank of Constable through to Sergeant is required to pass a qualifying examination.

(2) In considering the suitability for promotion of a police officer from the rank of Constable through to Sergeant, the Board shall conduct an interview and take into account the criteria prescribed.

(3) In considering the suitability for promotion of a police officer from the rank of Constable through to Sergeant, the Commissioner shall take into account the criteria prescribed.”.

**Section 21
amended**

6. Section 21 of the Act is amended in subsection (2) by deleting the words “may summarily dismiss him” and substituting the words “may dismiss him in accordance with the procedure prescribed.”

**Section 22
amended**

7. Section 22 of the Act is amended in subsection (1) by inserting after the words “any specified period” the words “in accordance with the procedure prescribed under section 123(2) to (5) of the Constitution.”.

**Section 50
amended**

8. The Act is amended by –
(a) renumbering section 50 as section 50(1); and
(b) inserting after the renumbered subsection (1) the following subsection:

“(2) A person who refuses to submit to the taking and recording of his measurement, photograph or fingerprint impression shall be taken before a

Magistrate who, on being satisfied that such person is in lawful custody, shall make an order as he thinks fit authorising the officer to take the measurement, photograph or fingerprint impression of such person.”.

**Section 52
amended**

9. The Act is amended by –
- (a) renumbering section 52 as section 52(1); and
 - (b) inserting after the renumbered subsection (1) the following subsection:

“(2) The Police Service shall destroy the analysis of a fingerprint impression where the person, who made the application under subsection (1), fails to collect the analysis within three months of the application.”.

**Section 78
amended**

10. The Act is amended -
- (a) by renumbering section 78 as section 78(1); and
 - (b) by inserting after subsection (1) the following subsection:

“(2) The President may make regulations for the exemption of a constable appointed under the Special Reserve Police Act from the qualification requirement for appointment as an officer in the Second Division.”.

Chap. 15:03

