

*Leave of Absence**Tuesday, June 05, 2007***SENATE***Tuesday, June 05, 2007*

The Senate met at 1.30 p.m.

**PRAYERS**[MADAM PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

**Madam President:** Hon. Senators, I have granted leave of absence from today's sitting to Sen. The Hon. Arnold Piggott and Sen. Bro. Noble Khan, who are both out of the country.

I have also granted leave of absence to Sen. Basharat Ali, who is ill.

**SENATOR'S APPOINTMENT**

**Madam President:** Hon. Senators, I have received the following correspondence from His Excellency the President, Professor George Maxwell Richards, T.C., C.M.T., Ph.D.

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards  
President.

TO: MRS. MAGNA WILLIAMS-SMITH

WHEREAS Senator Arnold Piggott is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, MAGNA WILLIAMS-SMITH, to be temporarily a member of the Senate, with effect from 5<sup>th</sup> June, 2007 and continuing during the absence from Trinidad and Tobago of the said Senator Arnold Piggott.

*Senators' Appointment*  
[MADAM PRESIDENT]

*Tuesday, June 05, 2007*

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 29th day of May, 2007."

**OATH OF ALLEGIANCE**

*Senator Magna Williams-Smith took and subscribed the Oath of Allegiance as required by law.*

**MOTOR VEHICLES AND ROAD TRAFFIC (AMDT.) BILL**

Bill to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50 brought from the House of Representatives [*The Minister of Works and Transport*]; read the first time.

**PAPERS LAID**

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Couva/Tabaquite/Talparo Regional Corporation for the year ended September 30, 2001. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Mayaro/Rio Claro Regional Corporation for the year ended September 30, 2001. [*Sen. The Hon. C. Enill*]
3. Annual financial statements of the Business Development Company Limited for the year ended September 30, 2006. [*Sen. The Hon. C. Enill*]
4. Annual audited financial statements of Taurus Services Limited for the financial year ended September 30, 2006. [*Sen. The Hon. C. Enill*]
5. Annual audited financial statements of Point Lisas Industrial Port Development Corporations Limited for the year ended December 31, 2006. [*Sen. The Hon. C. Enill*]
6. Report of the Sangre Grande Regional Corporation for the period October 2005 to September 2006. [*The Minister of Local Government (Sen. The Hon. Rennie Dumas)*]
7. Report of the Commission of Enquiry into the operation and delivery of Public Health Care Services in Trinidad and Tobago. [*The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith)*]

**DEOXYRIBONUCLEIC ACID (DNA) BILL**  
**Joint Select Committee Report**  
**(Presentation)**

**The Minister of Legal Affairs (Sen. The Hon. Christine Kangaloo):** Thank you, Madam President. I have the honour to lay on the Table the following report as listed on the Supplemental Order Paper: The Fourth Interim Report of the Joint Select Committee appointed to consider and report on a Bill entitled, The Deoxyribonucleic Acid (DNA) Bill, 2006.

**ORAL ANSWER TO QUESTION**

**Attorney General**  
**(Role in Recent Matters)**

**68. Sen. Wade Mark** asked the hon. Attorney General:

Could the hon. Attorney General provide to the Senate the following:

- (a) a comprehensive breakdown or account of his role in the Anti-Corruption Investigation Bureau; and;
- (b) relevant information on his Office's role in the recent court matters involving Mr. Basdeo Panday and the Chief Justice Satnarine Sharma?

**The Attorney General (Sen. The Hon. John Jeremie SC):** Madam President, the work of the bureau with regard to corruption investigation was conducted by an ad hoc Anti-Corruption Squad in the police service commencing in/about 1999. The corruption investigation bureau, as it came to be called was required to coordinate and conduct investigations into infractions of established procurement procedures and into corrupt practices and was further required to report to the Commissioner of Police and the Director of Public Prosecutions.

The only requirement with respect to the Attorney General was that the Attorney General was to be kept informed by the bureau of the findings of its investigations. The newly created bureau was required to incorporate the functions of the Anti-Corruption Squad which had been charged with responsibility for investigating the Piarco Airport Development Project and the Innocogen and Desalination Plant Projects by the former Attorney General, Ramesh Lawrence Maharaj, SC. The bureau was also charged by the then Attorney General, that is Mr. Ramesh Lawrence Maharaj, with determining the ownership of a flat in Kensington, London and determining how TT \$10 million came to find itself into a Nat West account of Oma Mohammed, also known as

*Oral Answer to Question*  
[SEN. THE HON. J. JEREMIE S.C.]

*Tuesday, June 05, 2007*

Oma Panday. Charges were subsequently laid in respect of this matter on May 28, 2005.

Later on January 17, 2002 Cabinet agreed to the following:

1. The Corruption Investigation Bureau established by a decision of Cabinet on January 11, 2002 was to be renamed the Special Anti-Corruption Investigations Bureau;
2. That Mr. Ramesh Lawrence Maharaj SC be retained on a part-time basis—this is in 2002—as adviser to the bureau to assist it in carrying out its mandate to investigate misconduct and corruption in relation to the provision of goods and services to the State and state agencies; and
3. That Mr. Maharaj be paid a monthly fee of \$5,500 inclusive of transport cost. The retainer arrangement, to be terminable for cause, at anytime, or by one month's notice by either party—that was in 2002.

Cabinet noted that the work of the bureau would be to carry out investigations while the question of prosecutions would remain the sole responsibility of the Director of Public Prosecutions. It is to be noted that previously under the then Attorney General, Mr. Ramesh Lawrence Maharaj SC and prior to the establishment by Cabinet of the Special Anti-Corruption Bureau in 2002, Mrs. Lindquist and Associates were engaged in November of the year 2000 to carry out forensic investigations into the Piarco Airport Development Project, the Inncogen and Desalination Plant Projects, the Kensington Flat and bank account of Mr. Basdeo Panday.

These investigations had been commenced by the then ad hoc Anti-Corruption Squad of the police service established in/about the year 1999 and jointly managed by the Ministry of the Attorney General and the Ministry of National Security, as they then were, between November and December 2000 under the direction of then Attorney General, Ramesh Lawrence Maharaj SC. The then Government of Trinidad and Tobago spent an aggregate sum of \$1,596,158.44 for the services of Mrs. Lindquist and Associates with respect to its forensic work conducted in corruption investigations into the Piarco Airport Development Project and the Inncogen and Desalination Plant Projects.

In the establishment of the Corruption Investigation Bureau and later, the renamed Special Anti-Corruption Investigation Bureau there was no role created for the Attorney General save for the requirement that the bureau was mandated to keep the Attorney General informed of the findings of its investigations. This

continues today to be the role of the Attorney General with respect to the Special Anti-Corruption Investigation Bureau. The bureau continues to report as a unit in the police service to the Commissioner of Police and the Director of Public Prosecutions on the results of its investigations. It is the Director of Public Prosecutions and no other person who makes the required decisions as to the prosecution of offenders.

The Office of the Attorney General discharged its constitutional functions as set out in section 76 of the Constitution in relation to the court matters regarding Mr. Basdeo Panday and Chief Justice Satnarine Sharma. It should be noted that by letter dated May 11, 2006, more than a year ago an address to the Commissioner of Police, the Attorney General requested a police investigation into himself, into the so-called role of his office in respect of the so-called land matter. Specifically, the Attorney General requested that the Commissioner of Police should investigate the allegation by the Chief Justice that he, the Attorney General, might have acted so as to pervert the course of public justice or in consult with other named persons to do an unlawful act.

The police investigation was comprehensive in nature and was conducted by then Assistant Commissioner of Police, Mr. Wellington Virgil. It concluded that there was in fact no over-reaching of the responsibilities of the Attorney General in the matter relating to Mr. Basdeo Panday and no improper involvement in relation to the Satnarine Sharma matter.

Madam President, those are the responses to the questions posed by Sen. Mark.

**Sen. Mark:** Madam President, could the hon. Attorney General indicate to this Senate, in what year was the Anti-Corruption Bureau formalized by the Cabinet? He spoke about ad hoc, so we would like him to tell us in what year it was formalized.

**Sen. The Hon. J. Jeremie SC:** It maybe that my friend did not hear, but I did say that the ad hoc bureau was created as a joint Ministry of National Security, Ministry of the Attorney General constructed in/about the year 1999. By then Attorney General Ramesh Lawrence Maharaj and then Minister of National Security, Joseph Theodore—it was formalized by Cabinet Minute, I forget—in 2002 when the services of Mr. Ramesh Lawrence Maharaj were retained to assist the bureau.

**Sen. Mark:** Madam President, could the hon. Attorney General tell this Parliament what was his specific role in the matter involving Mr. Basdeo Panday and particularly, in the context of his role with the Chief Magistrate? Could he tell

*Oral Answer to Question*  
[SEN. MARK]

*Tuesday, June 05, 2007*

this Parliament what role he played in this matter involving Mr. Basdeo Panday and the Chief Magistrate; what was his role?

**Sen. The Hon. J. Jeremie SC:** Madam President, that was the subject of an extensive, as I said, investigation by the police on my request. It was the subject of an investigation by the Judicial and Legal Service Commission on their Motion and the result was that—I can say that I did nothing, but I can do no more than what the police have said, which is to say that I did nothing wrong.

**Sen. Mark:** Madam President—

**Madam President:** One last.

**Sen. Mark:** No.

**Madam President:** Three! Go ahead.

**Sen. Mark:** I have flexibility here until 2.15 p.m.

**Madam President:** No, I determine how many questions, Sen. Mark. All right! So you go ahead and I will determine. All right! Okay!

**Sen. Mark:** Madam President, could the Attorney General provide this Parliament, since he indicated that he has been cleared, with the report by the police into his role in the Basdeo Panday matter, as well as, his role in the Chief Justice's matter? Could he make a copy of that police investigation report available to the hon. Senate?

**Sen. The Hon. J. Jeremie SC:** Madam President, obviously, I have no conduct over the police investigations, and that will be a dangerous precedent for me to bring a police investigation here set for the king to deal with. [*Laughter*]

**Sen. Mark:** You have something to hide.

**Dr. Gopeesingh:** Could the hon. Minister indicate whether the findings in the court matters involving Mr. Panday and the Chief Justice, Satnarine Sharma, if the information was brought to him? He said that his role as the Attorney General is to be informed of its findings, whether he was informed of the findings and what did he do when he was informed of the findings?

**Sen. The Hon. J. Jeremie SC:** Madam President, I do not understand the question. I do not think it makes any sense.

**Sen. Mark:** You do not understand it or you do not want to answer it. [*Crosstalk*]

**Madam President:** Please!

**Sen. The Hon. J. Jeremie SC:** I have been forthright. I could have said this afternoon that these matters were engaging the attention of the courts—

**Madam President:** That is what I thought.

**Sen. The Hon. J. Jeremie SC:**—which they are and left it there. But I thought it best—because I know the king—to come here and make a full breast of it [*Interruption*] and that is what I have done and that is it. [*Crosstalk*]

**Madam President:** Could we move on please! [*Crosstalk*] Please, Members!

**Sen. Mark:** But the country knows that.

#### CARIBBEAN COURT OF JUSTICE (HEADQUARTERS) BILL

Bill to provide for the implementation by the Government of the Republic of Trinidad and Tobago of the agreement establishing the Seat of the Caribbean Court of Justice and the offices of the Regional Judicial and Legal Services Commission between the Government of Trinidad and Tobago and the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission [*The Minister of Foreign Affairs*]; read the first time.

#### POLICE SERVICE (AMDT.) BILL

*Order for second reading read.*

**The Minister of National Security (Sen. The Hon. Martin Joseph):** Thank you very much, Madam President. I beg to move,

That a Bill to amend the Police Service Act, 2006 be now read a second time.

Madam President, you will recall that last Tuesday we had discussed the first part of the related Bills and I am here this afternoon to deal with the Act to amend the Police Service Act, 2006.

In doing so, I must start by indicating what I consider to be some level of inconsistency coming from my colleague on the other side. Last Tuesday my colleague took me and the Government to task for the length of time that it took for when these pieces of legislation were passed and enacted, and for the delay in which we are now debating them; making some amendments to ensure that the Bills can be operationalized. What I find inconsistent is that when we first presented these Bills we were accused of presenting these as anticrime legislation,

*Police Service (Amdt.) Bill*  
[SEN. THE HON. M. JOSEPH]

*Tuesday, June 05, 2007*

and we were told that they were not anticrime legislation, that we were misleading the public by giving that indication. Yet last week Tuesday—

**Sen. Mark:** Why are you opening the debate? [*Crosstalk*] Madam President, on a point of order. The matter has been closed, and we should not re-enter a matter that has been settled until a year later. So let him deal with the matter that is before us.

**Madam President:** All right, Senator! [*Crosstalk*] He is referring—he is not opening the matter, because we are going to be debating the matter again, anyway. So that he is referring to something that was said.

**Dr. Gopeesingh:** Reopen the Constitution (Amdt.) Bill.

**Sen. The Hon. M. Joseph:** No, I am not reopening the Constitution (Amdt.) Bill, Madam President—[*Interruption*]

**Madam President:** If I do not have quiet—

**Sen. The Hon. M. Joseph:**—I was indicating the inconsistency in the arguments being put forward. An impression was given, because it took us so long to have these Bills that we were responsible for the deaths of certain key and prominent members of the society. All I am saying is that one necessity that we highlight is the inconsistency that has been demonstrated. That is all. And what we are saying is that the amendments that are before us, these amendments are designed to, I do not want to say dot the i's and cross the t's, but to make sure that the legislation can now be operationalized in the shortest time possible.

Madam President, I have also indicated, and let me repeat again, that in the interim, the Government had established through the Ministry of National Security a senior planning group designed to make sure that the police service, because now we are ensuring that the police service and by extension the Commissioner of Police and deputies, they both have complete autonomy and authority over the management of the police service. We had indicated that the Police Service Commission in its new role must also be made certain that it is now staffed and organized in a particular way so that it can discharge its new responsibilities.

Let me start off, because those persons, who participated in the debate last time, remember we had to stop them from dealing with the Police Service Bill, but they started to indicate the extent to which the police organization is now in a position to deal with its new role. Remember we are now talking about the Commissioner of Police who now has this whole 7,000 and whether or not the appropriate structures, et cetera, are in place. And I said that we will deal with that



at the appropriate time. Let me start off by dealing with the support being provided to the police organization, so that the police organization can in fact discharge its new responsibilities.

I had indicated, Madam President, that the senior planning group was charged with the responsibility of looking at the Constitution (Amdt.) Act, the Police Complaints Authority Act and the Police Service Act, 2006, and I had indicated that the senior planning groups focused on the Constitution (Amdt.) Act, and the Police Service Act. They were unable to deal with the Police Complaints Authority Act and we have put some things in place to rectify that. Let me just indicate that based on the findings the following broad recommendations were made:

- (a) to afford the Commissioner full control over all of his staff;
- (b) to transfer public officers, civilians to the wider public service and recruit contract officers to fill all necessary posts in the police service;
- (c) to establish a single refocused and restructured human resource department staffed by specialists, trained contract officers charged with the responsibility for implementing modern human resource management policies and practices;
- (d) to make the Commissioner of Police the accounting officer for the police service;
- (e) to complete restructuring and redesign of the accounting finance and administration functions to provide for proper and efficient discharge of activities in the areas of financial accounting, pensions, administration, property management, fleet management, procurement and office services;
- (f) to the establishment of a strong internal audit staffed by professionals to enable the Commissioner to discharge his responsibility to monitor organizational compliance with financial operation and other policies and regulations;
- (g) to the establishment of a legal unit appropriately staffed to provide comprehensive legal support to all activities of the service;
- (h) to the development of an articulation by the Commissioner of a clear statement of the preferred management philosophy and objectives for the service together with the implementation of a comprehensive and

*Police Service (Amdt.) Bill*  
[SEN. THE HON. M. JOSEPH]

*Tuesday, June 05, 2007*

multifaceted communications programme targeting all levels of the organization;

- (i) to institutionalize the practice of strategic planning and management which will be made possible by the recruitment/appointment of the heads for the new revamped organizational units.

Madam President, let me also indicate that Cabinet accepted the recommendations of the senior planning group, and as a result of that Cabinet has agreed to the coming on board of the following eight contract positions in the Trinidad and Tobago Police Service as set out on terms and conditions to be negotiated with the Chief Personnel Officer and approved by the Minister of National Security:

One Head of Executive Management Services—

And under Executive Management Services, and for the information of hon. Senators are the following:

- Communications
- Secretariat
- Executive Reports
- Diplomatic relations
- External relations.

**2.00 p.m.**

One Head of Finance and Accounts and under finance and accounts, Financial Accountant Capital, Financial Accountant Recurrent Expenditure, Pensions' Administrator; one Head Director of Administration and under administration are the following:

- Property management,
- Fleet management,
- procurement management,
- office services management.

One head of Human Resource Management; one—*[Interruption]*

**Sen. Mark:** *[Inaudible]*

**Sen. The Hon. M. Joseph:** Yes, one head of Human Resource Management. And of course, under Human Resource Management will be training and development manager; manpower planning and implementation manager; industrial relations; compensations and benefits and employee's services. One internal auditor, and of course, management audit; enforcement of legislation; HR system compliance; inventory; operational deficiency; cost control; a head of planning, policy development; project execution; a head of the police legal unit, a senior legal officer; an information system and technology network management; and management technical support services.

Madam President, just to inform hon. Senators that the appropriate personnel to help in ensuring that the police organization is able to discharge its new and improved requirements are in fact being put in place, so, I just thought that I should address that issue. The essential purpose of the amendment is to effect certain consequential amendments and to clarify certain matters dealing with the issue of promotions within the police service and other matters. Let me address the key areas of the amendment. One of the major areas amended is that which deals with promotion of officers.

Madam President we all know that the role of promotions is primarily to select people who are best able to perform the jobs defined. A corollary to this, is that it ought to motivate employees by linking compensation packages to high levels of the performance, while at the same time, developing employees to enhance their current performance at work with promotion comes not only monetary satisfaction, but a sense of achievement. Promotion not only should motivate our police officers, but create and sustain in them the continued desire to do their jobs in the interest of the citizens of this country. Our officers must feel appreciated and valued; they must be rewarded for their efforts. In this regard, the Bill attempts to create an improved system of promotion which I am positive will contribute to a reformed law enforcement agency.

Clauses 4 and 5 seek to improve the system of promotion as set out in the Police Service Act, 2006. Clause 4 treats with promotion of officers to and within the First Division; applicable ranks are Inspector, Assistant Superintendent, Superintendent and Senior Superintendent. Promotion will be based on a point system based on an officer's performance appraisal report together with the results of the promotional assessment process which comprises a written examination and an oral assessment.

*Police Service (Amdt.) Bill*  
[SEN. THE HON. M. JOSEPH]

*Tuesday, June 05, 2007*

Madam President, the details of this system are set out in the Police Service Regulations, 2007, which I am proud to say have been approved in the other place as they were subject to affirmative resolution in that House. This clause 5 deletes and substitutes sections 17, 18, 19 and 20 of the Police Service Act, 2006. Sections 17, 18, 19 and 20 come under Part 4 of the Police Service Act, 2006 which deals with appointment and promotion of police officers.

Firstly, the amendment addresses in detail the nature of the promotional assessment process which will be used to determine an officer's suitability for promotion to and within the First Division. The Commissioner of Police is given the power to hire on contract a person to conduct the promotional assessment process which will determine suitability for promotion. The person is defined as including a corporation whether aggregate or sole, an unincorporated body of persons, but it does not include an individual. As mentioned earlier, the details of this system are set out in the Police Service Regulations, 2007. Notwithstanding—and since I made a commitment to Sen. Prof. Kenneth Ramchand, I recalled when we were dealing with Sen. Prof. Deosaran's motion, I indicated then that the assessment process was going to be introduced. I recalled the Professor asking me to give some details and I told him in the interest of time I would not do it then, but when the Bill was brought that I would unfold that in detail. In keeping with my promise, I am going to do that subsequently, Professor. For an officer to be eligible to take part in the promotional assessment process, he must first score 60 or more points on his performance appraisal report. And now let me get in some details of the promotional assessment.

Madam President, promotional assessment is a two-stage process consisting of examination and an oral assessment which may include role plays and stimulation exercises and only the top performers in the examination will move to the oral assessment. What are the goals of the assessment process? It is to select the most qualified personnel based on past performance, current capabilities and potential. It is to be fair to all candidates for promotion; it is designed to improve the performance appraisal system; professional assessment processes administered scrupulously by unbiased outside firms. As I said, it is a two step process, written assessment and oral assessment.

The written assessment will be composed of objective multiple choice questions that are drawn from selected source documents, I will identify them again later on. Each candidate's result will be scored and a rank ordered listing of assessment scores to be established and reported.

The Oral Assessment Process:

Those individuals at the upper level of the written rank [*Inaudible*] will move on the oral assessment process.

The oral assessment process consists of structured exercises and questions presented by a panel of three trained assessors.

Candidates are scored based on their performance in the oral assessment process.

Written scores and oral assessment scores are then combined to create an overall assessment score.

These scores are again ranked, ordered by Division rank.

Who is eligible to take the written assessment? Inspectors and members of the First Division through the rank of Senior Superintendent who are in good standing are eligible to take the test. Are the written and oral assessment processes appropriate to Trinidad and Tobago Police Service? On-site structured interviews were conducted with members of the First Division as part of a job study. The information from those interviews and other information were used to ensure that the written and oral assessment processes are compatible with the duties of the position tested.

What sources are used to create the written assessment questions? The source documents used to create the questions are manuals from training delivered to the Trinidad and Tobago Police Service and contemporary police management books. At least eight weeks prior to test administration, all eligible First Division personnel were advised as to precisely which sources are being used and where they may be sourced—not where there may be sourced, because they were in fact provided to them—and all eligible personnel received all of the sources document at the same time as far as possible. I will come to that schedule later on.

How will candidates prepare for the assessment process? Candidates are individually responsible for preparation. Several of the source documents were also used in the high impact supervision course offered by Penn State to the Trinidad and Tobago Police Service personnel over the last year. Familiarization and coaching sessions will be held covering how to study the course materials; describing examples of assessment questions and exercises with strategies for responding; coaches will respond to candidate's specific questions about course content, but no lectures on general review.

*Police Service (Amdt.) Bill*  
[SEN. THE HON. M. JOSEPH]

*Tuesday, June 05, 2007*

Who scores the written assessment? Assessment scores will be compiled by the Pennsylvania State University and reported back to the Trinidad and Tobago government body. The scores will be reported and listed in rank order with the highest scores on top. The reported scores and rank orders are also separated by rank.

Will everyone who takes the written assessment advance to the oral assessment process stage? No. The number of candidates going forward to the assessment process will be weighed according to the number of projected openings in the position that the candidate is aspiring towards.

Why is there an oral assessment process stage in addition to the written? It is recognized that effective police leadership requires knowledge and an ability to effectively apply that knowledge. The written assessment is used to provide a measure of job knowledge, while the oral assessment process is used to provide a measure of how well the individual can demonstrate his/her ability to apply the knowledge.

Who will serve on the assessment panels? Members of the assessment panels will be accomplished managers from the policing profession. For this first application of the process, the panel members will be drawn from outside of Trinidad and Tobago, later applications of the process will involve T&T nationals.

Who will ensure that panel members are appropriately trained in the process? The Pennsylvania State University will ensure that all panel members are appropriately trained.

Will the panels be observed during the assessment process? A Penn State University representative will be assigned to each panel to ensure that the panel adheres to the established measures and processes. TTPS may elect to have other observers present.

Is it possible that one panel may score harder than another? Each question or exercise has behavioural anchors. Candidates are scored based on how well they display or express these anchors.

Madam President, hon. Members, just to remind you of the source documents which I had indicated: One Minute Manager; Supervising Police Personnel, or the 15 responsibilities and let me just identify them:

- Decision;
- Values;

- Ethics;
- Vision;
- Communications;
- Time Management;
- Team Building;
- Anticipation;
- Empowerment;
- Team Training;
- Vitality;
- Organizing;
- Performance;
- Conflict;
- Community-Oriented; and
- Problem-Oriented policing.

**Hon. Senator:** [*Inaudible*]

**Sen. The Hon. M. Joseph:** Those are the texts. No, no, this text, Supervising Personnel—15 responsibilities and those are the various areas within that Supervising Personnel. International Perspectives and Community Policing; Value Based Planning and Change Management; Incident Command System Training; High Impact Supervision; Stabilization Card; and Policing for People.

How is the order of merit computed? Points awarded are based on the following: 25 per cent for the performance appraisal; 75 per cent for the assessment process.

Madam President, on April 23, source documents were identified; were distributed and the process outlined. Between May 16 to 22, test familiarization sessions were held; 10 sessions were held. Between May 23 to June 06, individual coaching sessions were held, one on one. To date, 102 such individual coaching sessions have been held. Between July 17 to 18, the written assessment.

Madam President, I must indicate to this honourable House on the basis of recommendations made by the Police Welfare Division, they had asked for the time frame to be pushed back somewhat, and in fact, we have agreed to the

*Police Service (Amdt.) Bill*  
[SEN. THE HON. M. JOSEPH]

*Tuesday, June 05, 2007*

request and as a result, while the written assessment was originally due to have taken place between July 17 and 18, we have now pushed back the written assessment to August 07 and 08. The oral assessment was scheduled to have taken place between August 20 and 29; we have now pushed that back to September 10 and 18, and as a result, whereas the merit list was supposed to have been ready by the end of August, that merit list will now be ready by the first week in October. So that the next batch of promotions within the police service will be based on this assessment process.

Let me just indicate one additional—let me also indicate that the current Chairman of the Police Service Commission had suggested that there may be police officers who may not want to subject themselves to this process, and whether or not in those circumstances we cannot find ways and means of ensuring a smooth exit, and it is something that is being seriously considered. But in order to—*[Interruption]*

**Sen. Dr. Gopeesingh:** *[Inaudible]*

**Sen. The Hon. M. Joseph:** Yes, there are some people who, for example, may only have two or three more years and who may not want to subject themselves to that. And as a result, whether or not we can find a means of making a smooth exit and the answer to that question we had indicated is yes. There are some other pieces of work that must be done—I do not want to provide the details,—the organization is going through some transformation. There are some people who may say, "Listen, you see me, I really do not want to be part of all of this at this stage of my career". I mean in those circumstances, some—I mean, we do not have to reinvent the wheel, there are all kinds—*[Interruption]*

**Sen. Anmolsingh-Mahabir:** VSEP?

**Sen. The Hon. M. Joseph:** No, we do not want to call it VSEP; it could be some enhance—*[Interruption]*

**Sen. Dr. Gopeesingh:** Just a matter of clarification. Hon. Minister, are these things going to be put down as a schedule to the Bill? If so, you are giving us certain things now in terms of the assessment and promotion which I am not sure whether they are in the regulations, and if they are not in the regulations, are you going to put that as a schedule to the Bill?

**Sen. The Hon. M. Joseph:** They are in the regulations and not only that—*[Interruption]*



**Sen. Dr. Gopeesingh:** [*Inaudible*]

**Sen. The Hon. M. Joseph:** I beg your pardon?

**Sen. Dr. Gopeesingh:** Details as you mentioned.

**Sen. The Hon. M. Joseph:** Some of the details of it are in the regulations.

**Sen. Dr. Gopeesingh:** Is it possible to have it as a schedule to the Bill?

**Hon. Senators:** No, no.

**Sen. The Hon. M. Joseph:** Madam President, the extent to which the details of this are made available to the persons who need to know, they are going to be made available and they are being made available. [*Crosstalk*]

Madam President, some more details as I indicated. What is a multiple-choice test?

**Sen. Dr. Gopeesingh:** [*Inaudible*]

**Sen. The Hon. M. Joseph:** Well— [*Crosstalk*] Madam President, the last time we were accused of oh, coming and using these nice platitudes, and all these nice sounding human resource and management talk and—[*steups*].

Madam President, just to also indicate that the details as to the nature of the testing in terms of the multiple-choice testing, those details have been made available in the absolute detail to the persons who are going to participate because you are going to hear, Madam President, that this is new and the answer yes, it is new and the extent to which we have to make sure that persons who are participating are aware as to the absolute details of how the process is going to be used, that in fact is done. Okay? So that all the details about the question about the multiple choices, the testing, the oral assessment et cetera, all those details are provided.

So that is the first major amendment that is before us, to ensure that the assessment process—and not only that, in the initial Bill we had an assessment centre and it was felt that the centre may be felt as a unit or something like that. So, in the interest of clarity, we have made the amendments to talk about a process. Okay?

Madam President, let me also deal with the other mechanisms for promotions—[*Interruption*]

**Sen. Mark:** May I address the Chair, please? Madam President, could the hon. Minister indicate to us how many officers in the police service would have to take these exams as you have mentioned and submit themselves to that process?

And secondly, whether the Minister could tell us persons within the service who may have obtained a PhD, an MBA, a first or second degree in some other area, would these people be exempted from these exams or are all subject to those examinations as you have mentioned?

**Sen. The Hon. M. Joseph:** All would be subjected to the assessment process; 276 persons are eligible to be assessed. The number of participants to date is 204. Okay?

With respect to the Second Division, of course the applicable ranks for the Second Division are constable, corporals and sergeants. A Promotion Advisory Board will be established with responsibility for considering and recommending promotions within the Second Division. The board shall comprise five members who are:

- (1) A Deputy Commissioner of Police who shall be Chairman;
- (2) An Assistant Commissioner of Police;
- (3) A Director of Human Resource of the police service;
- (4) A senior officer from the Ministry of National Security who is not a police officer, selected by the Minister; and an independent management consultant appointed by the Commissioner of Police.

Officers eligible for promotion will first be required to pass a qualifying examination before being interviewed by the Promotion Advisory Board which will sit as often as it thinks fit to consider promotions.

Madam President, a Promotion Advisory Board is not new to the police service. Previously, there was a Promotion Advisory Board established under the Police Service Commission Regulations, Chap. 101. Among other functions, the board's role was to determine whether a police officer in the Second Division who applies to take a promotion examination is a suitable candidate. Where the officer was successful in the exam, he was interviewed jointly by the Police Service Commission and the Chairman of the Promotion Advisory Board. This board was revoked in 1995. It was then the responsibility of the Commissioner of Police to make recommendations to the Commission on officers whom he considered suitable for promotion. The Commission would then endorse or otherwise the recommendations of the Commissioner.

Madam President, the details as to the procedure for promotions within the Second Division are set out in Regulation 20 of the Police Service Regulations, 2007. However, for completeness, let me indicate at this juncture that every

officer considered for promotion shall be rated according to the criteria specified and each officer who is allocated 60 or more points shall be placed on an order of merit list. The criteria for promotion in the Second Division are as follows, and this I must say is based on discussions with the other side in the other place, and as a result, we have now come up with these numbers that are acceptable:

- Performance appraisal report—40 points;
- Interview—25 points;
- Examination results—35 points.

Madam President, coming out of the debate on this Bill in the other place—I am now going to clauses 8, 9 and 11—there was a proposal that a national fingerprint database be created. This was to ensure that the police service is equipped with much needed information that will assist in the fight against crime. This Government accepted this proposal, and as a result, the law will provide that any data arising from the analysis of a fingerprint impression taken from a person will be kept in a national database created by law.

As a result of that, it was necessary for this Bill to have a special majority because it was inconsistent with sections 4 and 5, and for which we had the complete support of all Members of the Lower House. Any requirement under the Police Service Act, 2006 that mandated that these analyses be destroyed will now be null and void. In particular, section 50(1) of the Police Service Act, 2006 which deals with the power of a police officer to take and record for the purpose of identification of a person, the person's measurement, photograph or fingerprint impression is amended to delete any reference to the destruction of such information.

Clause 8(c); this clause is not new to the police service; it originally existed under the Police Service Act, Chap. 15:01 which has since been repealed and replaced by the Police Service Act, 2006. Madam President, it had been inadvertently left out in the Police Service Act, 2006. This clause provides that:

“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 a person is in lawful custody, shall make an order as he thinks fit authorizing the officer to take the measurement, photograph or fingerprint impression...”

*Police Service (Amdt.) Bill*  
[SEN. THE HON. M. JOSEPH]

*Tuesday, June 05, 2007*

What is new is the provision that states that the data derived from the analysis of the fingerprint impression will not be destroyed and the Commissioner of Police shall transfer that data to a national database.

Madam President, it was recognized that a special majority in this case not less than two-thirds of all the Members of each House is needed to pass such a proposal, as it is clearly, as I said earlier on inconsistent with sections 4 and 5 of the Constitution which deal with the protection of rights and freedoms guaranteed under the Constitution. This addresses those particular instances where a person who would have consented to their fingerprints being taken for the purpose other than being stored in a national database.

Clause 11, in keeping with the proposal as advanced by those on the other side in the other place, speaks specifically to establishing a fingerprint database for police officers. It provides that and I quote:

“The Commissioner of Police shall cause the fingerprint impression of every member of the police service to be taken and analyzed, and the data derived from the analysis shall be kept in a data base...maintained by the Commissioner.”

The criteria for recruitment into the police service is that officers be fingerprinted and the reason is obvious. However, such information has never been stored in a database and by so doing this will facilitate the removal of the criminal elements from the police service. This provision applies to all officers of the police service.

Clause 9, also coming out of the debate of this Bill, in the other place, was the recommendation by our friends on the other side that section 64 of the Police Service Act, 2006 be amended. Under that Act, only officers of or above the rank of sergeant may appear as prosecutor before a magistrate. The amendment as proposed will allow any officer who has a Bachelor of Law degree, whether or not above the rank of sergeant, to prosecute. It was argued that this will not only assist in the quality of prosecutions done by police officers, but more so, give officers below the rank of sergeant who may have more legal acumen than those who are of or above the rank of sergeant, an opportunity to use their skills for the benefit of the police service. That was clause 10.

Another major amendment is introducing clause 10 of the Bill. It provides for the President to make Regulations, exempting a constable under the Special Reserve Police Act from the qualification requirement for appointment as an officer in the Second Division under the Police Service Act, 2006.

**2.30 p.m.**

Let me advise hon. Senators that this amendment is designed to take care of a specific situation that currently exists. We know that entry to the police service requires five ordinary level subjects; however, as part of the SRP 1,000 exercise that took place—let me just remind hon. Senators, you would recall that back in 2003 under the Ken Gordon Committee, of which my hon. friend on the other side was a member, a proposal was made for SRP 1,000. It was felt that we needed to recruit police officers as quickly as possible and put them on the streets. As a result, we commenced this exercise.

At 495 persons, or something like that, we paused on the exercise, because we realized that it was not just a question of putting persons in uniform out there. First of all, it was a four-week training programme. One of the first things I did was to try to extend that to six weeks, so that, at least, we could have extended the level of training; that took some doing. It was recognized that it was not the most efficient and effective way of increasing the manpower requirements of the police organization and, as a result, we halted at 490 plus. Some of these officers are now into their fifth year. At first, we gave them three-year contracts on the basis of representation and also because of the manpower challenge that the police service faced; we extended that to five years.

The question was asked: What happens at the end of the five years? We said that it was possible to incorporate them into the regular police service, because they would have also had some in-service training, et cetera. If we were going to do that, it meant that we were going to be waiving the educational and some of the other requirements in order to absorb them. It was felt that the less messy way was to put that in the Bill; so it is a one-off. I want to make it abundantly clear that it is a one-off matter to treat specifically with the Special Reserve Police (SRP). It was felt that this was the best way to do it and, as a result, this is before us.

I just want to make it clear that this is a one-off situation as it relates to those police officers. Again, it is not automatic. They would have to be subjected to their performance, how they discharge their responsibilities, et cetera, but we are going to be waiving the academic requirement which says they need to have five O levels. I remember Sen. Mark in a motion on the adjournment had raised the question about some other officers. This is designed to treat with that.

Let me just again make sure in the completeness of the records—Cabinet on May 11, 2006, approved the absorption of these SRPs into the police service, as established under the Police Service Act, 2006. However, it was recognized that

*Police Service (Amdt.) Bill*  
[SEN. THE HON. M. JOSEPH]

*Tuesday, June 05, 2007*

some of these officers would not be able to satisfy a number of qualification criteria for recruitment into the Second Division. For example, under the Police Service Regulations, 2007, a candidate for the Second Division must now possess five O levels instead of three. Under the Special Reserve Police Act there was no academic requirement to be satisfied for entry into the Special Reserve Police Service.

In addition to waiving the academic requirements, Cabinet agreed to the waiving of physical and age requirements for entry of these SRPs into the Trinidad and Tobago Police Service. Notwithstanding these waivers, the officers must still satisfy certain requirements: satisfactory evaluation of their performance and conduct over the entire period; successful drug tests and fitness for service as determined by a medical examination, including a psychological examination.

In order to give effect to Cabinet's decision, in this regard, we had to empower the President to make regulations to deal with this matter. The qualification criteria for appointment as a trainee into the Trinidad and Tobago Police Service, according to the Police Service Act, 2006, are prescribed in the Police Service Regulations, 2007. This Government has improved the qualification criteria for appointment as a trainee into the police service. Candidates will now be required, among other things, to undergo a polygraph and a psychological test. As indicated earlier, candidates must now also possess five O levels, instead of three. The Government believes that by improving the qualification criteria, there will be an improvement in the quality of recruits and, by extension, the quality of service provided by police officers. [*Interruption*]

**Madam President:** You have 15 minutes.

**Sen. The Hon. M. Joseph:** Madam President, that speaks specifically to the Bill before us. [*Interruption*]

**Sen. Mark:** The SRP officers who are already absorbed in the police service without five O levels, according to Cabinet directives in 2000, I recall, what is going to happen to them, given the new dispensation? Are they going to be called upon to pursue their five O levels? What is going to happen to those officers who are in the service without the requisite new qualifications? The second area I would like you to clarify for us is: Where are the regulations in terms of the Senate?

**Sen. The Hon. M. Joseph:** Let me deal with the first one. Concerning those already in the service who have already been absorbed, for their promotions it is not going to be a requirement that that they have O levels. They are going to have to do all the other things related to the Promotion Advisory Board. They may have to write exams and be interviewed, et cetera. In the case of those persons

who have not been absorbed, and the intention is to absorb them, and I am glad that Sen. Mark raised that—based on discussions with the Police Service Welfare Association and the Ministry of Education, special programmes were put in special institutions where they could go and write their O levels. It was done because of the nature of the individuals we were dealing with.

I want to put on record the appreciation of the Ministry of National Security for the support which came from the Ministry of Education, in that, arrangements were put in place. Those persons are now ensuring that they meet the necessary requirements, even though it is not necessary, because we are going to be waiving them, but it is in their best interest. If you are putting in place an organization where competence, capabilities and so forth are important, it would be in the individual's best interest to make sure he or she has the capacity to absorb the new learning and information, et cetera, that they are going to be exposed to.

In terms of your second question, for some reason—and I am not in a position to say why—those regulations are subject to affirmative resolution in the other place. They were debated in the other place and, as a result, all we are waiting on is to make those necessary changes that occurred. Remember those regulations were circulated to us about four weeks ago. [*Crosstalk*] When they are passed, then we would circulate them. [*Interruption*]

**Sen. Mark:** Wait, wait, wait.

**Sen. Dr. Gopeesingh:** So we are going to come back and debate them? [*Crosstalk*]

**Sen. Mark:** Those regulations are not going to come to the Senate? [*Crosstalk*] Whether for debate or not—

**Sen. The Hon. M. Joseph:** But they came already. [*Crosstalk*] Let me just remind hon. Members, and I hope I am not out of place, those regulations were already circulated to Senators for noting.

**Sen. Dr. Gopeesingh:** But he said there were changes.

**Sen. The Hon. M. Joseph:** They came on April 27:

"The Police Service Regulations, 2007

Dear Senator,

Please find enclosed a copy of the Police Service Regulations, 2007 which was laid in the House of Representatives on Friday April 20, 2007.

*Police Service (Amdt.) Bill*  
[SEN. THE HON. M. JOSEPH]

*Tuesday, June 05, 2007*

According to section 78 of the Police Service Act No. 7 of 2006.

'The President may make regulations, subject to the affirmative resolution of the House of Representatives, to give effect to the purpose of this Act.'

In the circumstances, these regulations are being circulated for your attention and information only.

Please be guided accordingly.

Yours respectfully,

Clerk of the Senate (Ag.)"

Given the fact that the Regulations were subjected to affirmative resolution in the other place, they were debated and changes were made. When those changes have been finalized, they will be circulated for the information of hon. Members of this Senate. [*Crosstalk*]

Madam President, let me just say something for the information of hon. Senators, and I am doing this very reluctantly; I will tell you why I am doing this reluctantly. I know that what I do in moving a bill could determine the extent of the debate that is going to take place. However, I am constrained to bring to hon. Members information that would have been in the public domain over the weekend. Arising out of developments that took place over the weekend, it was necessary for our Commissioner of Police, Mr. Trevor Paul, to have a press conference. That was held on June 02, 2007 where he indicated to the national population developments that were taking place, coming out of this JFK incident; that is one.

Commissioner Paul subsequently had a press conference on June 04 for which he provided some more details as related to this particular matter. The Office of the Prime Minister also put out a release on June 03:

"Trinidad and Tobago Government strongly condemns JFK conspiracy plot."

Then as late as yesterday, following a high level meeting held with the US Ambassador, the chargé d'affaires, the Attorney General, the Minister of National Security, the Commissioner of Police and the head of Special Branch, a release was also put out by the Office of the Prime Minister.

The US Embassy also put out a release on June 04. Forgive me for reading the US release, but the reason I am using it is because I want to use an independent one. If I read the others they would say that they are kind of biased, so I am just putting this on the record. Not only that, in the fullness of time, I will make copies available, if that is necessary, so Members would have the full extent of the various releases.



The American release:

"Statement from U.S. Embassy on weekend arrests."

Four individuals have been charged in New York with conspiring to attack JFK Airport by planting explosives to blow up the airport's major jet-fuel supply tanks and pipelines. The plot was halted before execution thanks to an outstanding joint law enforcement effort between authorities in the U.S., Trinidad and Tobago, and Guyana.

Dr. Roy L. Austin, U.S. Ambassador to Trinidad and Tobago, said: 'Trinidad and Tobago law enforcement authorities were full partners in this lengthy and complicated investigation. Their continued cooperation with American authorities, their quick action, and their vigilance undoubtedly saved thousands of lives. They are still working hard to apprehend the one suspect who remains at large. We are grateful to the Government of Trinidad and Tobago, with whom we maintain a strong and mutually beneficial relationship. We deeply appreciate their continued support as we try to make this hemisphere a safer place.'

As alleged in the complaint, the plot tapped into an international network of violent extremists from the United States, Guyana, and Trinidad and Tobago. United States Attorney Roslynn R. Mauskopf stated: 'The defendants are charged with conspiring to bomb one of the busiest airports in the United States, located in one of the most densely populated areas in the northeast—had the plot been carried out, it could have resulted in unfathomable damage, deaths, and destruction. But thanks to the extraordinary efforts of law enforcement, the defendants' plan never reached the operational state, and the public was never at risk.'

I read this because of some uninformed comments being made all over the place. [*Interruption*]

**Madam President:** You have five more minutes.

**Sen. The Hon. M. Joseph:** I end by stating that I was told just before I came in here at 11.30 a.m. that Abdel Nur surrendered himself at the West End Police Station and he is now in custody. We are embarking on an exercise that is designed to ensure, at the end of the day, that we provide Trinidad and Tobago with the law enforcement it requires, as we move into the 21<sup>st</sup> Century.

I can say "we" because what is before us is as result of collaboration that took place in the other place, designed to make sure that we provide legislation. Strangely enough, and it is interesting, a year ago the Bill that was before us was

*Police Service (Amdt.) Bill*  
[SEN. THE HON. M. JOSEPH]

*Tuesday, June 05, 2007*

compromised. It was all that was willing to be agreed to at that particular time. I think it is important that we have progressed nicely to another level and we are here because of the support of those on the other side. That support has manifested itself in terms of the Police Service (Amdt.) Bill; we have now put measures in place to strengthen law enforcement.

We will be the first to admit, and I see smiles on the other side, that we have gotten the support; we are here because we are committed to building an organization that will last. I am confident that this legislation and the other things that are going to be put in place will ensure that Trinidad and Tobago will be able to boast, in the not too distant future, of a police organization in step with law enforcement anywhere in the world.

Madam President, with those few words, I beg to move.

*Question proposed.*

**Sen. Wade Mark:** Madam President, I am very happy to make a contribution on this Bill that, as the hon. Minister said, was the subject of discussions at the level of Government or Opposition, as we had the previous talks. Even though we have not received, in return, any clear commitment, to date, from this Government which promises but never delivers, we have still decided to lend some critical support to the legislation.

I just want to remind the hon. Minister of National Security that there is some unfinished business. Whilst we have passed the police reform package and it has been assented to and proclaimed and is now on the last leg of its journey to being operationalized, I remind the hon. Minister that the Government still has, to date, been unable to bring to this Parliament a number of important pieces of legislation which it promised faithfully so to do when the Prime Minister addressed the Parliament on November 18, 2005.

Notwithstanding the failure of the Government to bring to fruition the equal opportunity legislation, which is now stuck at the level of some Joint Select Committee, with six months to go before a national election, we maintain that the Government has outstanding matters still to address. I want to remind the Minister of National Security that the strengthening of money laundering legislation, which is still outstanding, was promised back in 2005. The protective services compensation legislation, which is designed to improve the level of compensation to members of the protective services, was promised on November 18, 2005; it remains outstanding legislation.

I would also indicate to the hon. Minister of National Security that because of the high violent crime rate in our country, the Government of Trinidad and Tobago promised that they would establish a gun court to deal with the high usage of firearms, particularly among young people in this country, but, to date, it remains simply a promise on the part of this Government.

I remind the hon. Minister of National Security that they promised, in short order, to introduce the Financial Intelligence Unit Bill; that remains outstanding, and the Financial Obligations Regulations which would assist the investigative unit of the Counter Drug Crime Task Force. [*Crosstalk*] I am dealing with what he has just said, Madam President. I have an hour; I have a lot of time. I am responding to him.

**Madam President:** I do not care how much time you have, talk about the Bill.

**Sen. W. Mark:** Madam President, I am responding to him. Probably you were not listening, Madam. He made reference to the cooperation between the parties and he was complimenting us. You did not hear that, Madam President? Arising out of that, I am making reference to outstanding matters. [*Crosstalk*]

**Sen. Dr. Gopeesingh:** Why are we not allowed to speak?

**Sen. W. Mark:** No, no, no, no; you must bear with us.

**Madam President:** Sen. Dr. Gopeesingh, I did not like that comment.

**Sen. Dr. Gopeesingh:** It was not meant for you. They do not want us to speak.

**Madam President:** It does not matter; I do not like it. Everybody gets their full time to speak on both sides, but everyone must speak about what is before us

**Sen. Dr. Gopeesingh:** I hope that is so. He was heckling Sen. Mark.

**Sen. W. Mark:** Sen. Dr. Saith is on his way out; do not worry.

**Sen. Dr. Saith:** We all are. [*Laughter*]

**Sen. W. Mark:** Madam President, I want to remind you and this honourable Senate that there are several pieces of legislation that remain outstanding. They did, in fact, indicate that they would meet with the Law Association and the Judiciary. Instead they are trying to topple the Judiciary, at the moment. They are not meeting with the Chief Justice; they want to overthrow him. [*Desk thumping*]

*Police Service (Amdt.) Bill*  
[SEN. MARK]

*Tuesday, June 05, 2007*

I just wanted to bring to your attention these outstanding matters that the Government still needs to address. The most important matter that we had agreed to, in order to give our support to the anticrime package or the police service reform package, was the Equal Opportunity Bill.

**Sen. Dr. Gopeesingh:** That was put in cold storage.

**Sen. W. Mark:** The Government has reneged on its promise, as far as we are concerned, to deal with this matter expeditiously.

On this particular Bill before us, I ask the hon. Minister of National Security whether there was any consultation with the Trinidad and Tobago Police Social and Welfare Association. Was there any serious collaboration, any serious level of consultation? I am told that there was a lack of consultation in this regard. In fact, the Bill that is currently before us, I do not believe the association had access to it prior to two days ago, although this matter was before this Parliament for some time, not to mention it having been passed in the other place already.

When we come to this Police Service (Amdt.) Bill the issue of confidence is very critical for this organization and for the legislation to really work. There is a lack of confidence, a lack of trust. Legislation is one thing, but if the population remains of the view that the police service, and especially its hierarchy, seems to be headed in a direction that is not in the interest of the national community, given its behavioural patterns of late, people are concerned. There is a culture that needs to be altered in that particular service. It cannot be business as usual.

I raised with you last week the danger that police officers face in this country when they allowed themselves to be used by the political administration in public relations exercises that are not designed to really deal with crime, but designed to promote the Government's political agenda. [*Desk thumping*] I bring this to your attention, because we are dealing with the Police Service (Amdt.) Bill, and you are seeing in this legislation where the police commissioner is being given a lot of power in order to control or manage the police service and the men and women under his charge; yet still we read in the *Newsday* of Friday, May 25 in its editorial headline:

"Talk is not cheap

Under the headline, 'Laventille concurs', the Government takes out a double-spread full-colour ad to promote its 'crime consultations'. This removes any doubt, if doubt existed, that these consultations are exercises in PR rather than crime control." [*Desk thumping*]

So the police have a very critical role to play in promoting and establishing confidence in this society.

What do we have? As this editorial goes on to say:

"The ad featured photos of Prime Minister Patrick Manning, National Security Minister Martin Joseph, and some more photos of Mr. Manning and Mr. Joseph talking to members of the audience one on one, as well as pictures of individuals who made contributions. There is no information in the ads which can justify this kind of spending of taxpayers' dollars." [*Desk thumping*]

We are talking about the police here and the role of the police. These consultations came complete with food and drink afterwards. It was a PNM fete. You had the Commissioner of Police and high ranking officers of the police service taking part in a PNM public relations gimmickry; that is dangerous. The police are supposed to be above the party.

**Sen. Dr. Saith:** What clause are you on?

**Sen. W. Mark:** And above the politics. [*Crosstalk*] I want to let you know that we are very concerned. This is why we advise police officers, "Do not allow yourselves to be used by this Government in an election year." That is what they are doing to you. [*Crosstalk*]

**Sen. W. Mark:** You have to deal with *Newsday*. I am referring to an editorial in the *Newsday* which said that this whole thing was gimmickry; it was a public relations exercise and that you were not serious about crime. You were using the senior police officers.

**Sen. Dr. Gopeesingh:** What reform could take place?

**Sen. W. Mark:** I want to deal with the issue of promotion. We are talking about promotion in the police service. [*Crosstalk*] The hon. Minister spent considerable time telling us of the processes involved in this whole assessment exercise; this new promotion exercise for both the First and Second Division officers. I thought that was supposed to be the role of the police commissioner. If you go to clause 5 of the Bill it says:

"...the Commissioner..."

In accordance with the procedure prescribed:

"cause to be contracted..."

From time to time:

"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."

So we are being asked to approve a measure, yet the Minister of National Security has already overtaken the role of the Commissioner of Police by contracting Mastrofski and his team from America to establish the whole assessment process. This is mockery we are involved in here. We were told by the Minister that an exam is supposed to take place some time in July and that the exam is now going to take place in August. So is the Commissioner of Police a phantom? Is the Commissioner of Police some kind of stooge? He has no power; his is like the former Commissioner of Police—may his soul rest in peace—Jules Bernard, who said that he was a toothless bulldog. What is the relevance of clause 5, section (17A)? They are fooling the country.

The Ministry of National Security, the Minister and the Government, by extension, have unilaterally contracted a firm, a group of consultants, without any public tendering. So corruption has already started in this exercise. I would like the Minister of National Security to provide this Parliament with the relevant information concerning the contract that was issued to this group of foreigners, who have already given to him a blue print, a road map virtually, as it relates to promotional opportunities within the Police Service of Trinidad and Tobago. But we are being told, "Listen Police Commissioner, you have the power." Who really has the power here, the Police Commissioner or the Minister of National Security? I find it amazing how they could take parliamentarians and try to fool and mamaguy us, when they have already taken a decision and they know exactly how they are going to deal with the matter of promotion for police officers. Where is the power of this Police Commissioner?

I want to draw this to your attention. [*Crosstalk*] Dr. Saith, I know you are a bit tired; I would like some protection from you, Madam President.

**Madam President:** I do not think you need protection; you are well able to take care of yourself.

**Sen. W. Mark:** I do not need it? Okay; thank you; I am so happy that you have so much confidence in me, because I am able.

We would like the hon. Minister to clear the air for us on this matter of promotion. I want to ask this question: This Police Commissioner, who is going out very shortly—and they are going to put some friend of theirs to replace him,

the only problem is that they have to come to Parliament to deal with it—we want to know, this person who as you know under clause 5(6) (section 17A) is defined:

"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."

We would like to get from the Minister of National Security the name of this body, corporated or unincorporated, that has been contracted by the Commissioner of Police to carry out this exercise that he outlined earlier today.

When these contracts are being issued, are they going to be done like what was done with the Prime Minister's residence, give it to the Shanghai Corporation without any tendering? The corruption that is taking place there and several other matters involving billions of dollars, they are just giving it out to their friends from China, the number one bribe-paying country in the world, China. We would like to know if the Minister of National Security could tell us when this contract was issued to the Mastrofski group, because they are the ones who have fashioned this new scheme, because they have ripped this country off. They raped us; they ripped us off; they plundered the Treasury to the tune of \$80 million, calling what they said was an exercise of transformation. Where is the transformation after four and a half years of Mastrofski? Where are the results? There are more murders in the country.

We are now a hot bed for terrorism; that is how the United States newspapers and international networks are now describing Trinidad and Tobago. And we have a Prime Minister saying, "Our image has now been enhanced." [*Laughter*] I think this man is getting too much "ol" talk from the prophetess. "Everybody telling you dis country image has been sullied and de Prime Minister is saying it has been enhanced." How? "De spin doctor tell him to say dat." [*Laughter*]

This Mastrofski group has been given the power to design, implement and conduct this assessment exercise, consistent with internationally acceptable promotional assessment standards. We want the Minister to tell us more on this; he has not been fair to us on this matter at all.

Poor Commissioner; whenever they tell him, "Come, crime talks, crime discussion and consultation", he runs. The commissioner is weak. They want a strong commissioner to tell the Attorney General of this country where he must get off in terms of the Anti-Corruption Investigation Bureau.

**Hon. Senators:** Like Ramesh.

**Sen. W. Mark:** We asked about him; he told us about Ramesh. "You in love with Ramesh?" "We eh want to talk about Ramesh." We want to know what your role was in the Chief Justice matter and the Basdeo Panday matter; that is why we asked. You should be in jail as the Attorney General right now.

**Madam President:** Get back to the Motion.

**Sen. W. Mark:** Madam President, you told me that I could take care of myself; I am taking care of myself.

**Madam President:** Sen. Mark, you cannot cast aspersions on a Member of this Senate. Please take back what you just said.

**Sen. W. Mark:** That he should be in jail?

**Madam President:** Yes.

**Sen. W. Mark:** I withdraw "he should be in jail", but when we get into Government he will serve time. When the UNC takes government very shortly, the Attorney General would serve time. [*Crosstalk*]

**Sen. Montano:** Is the hon. Member threatening the Attorney General?

**Sen. W. Mark:** No, we are not threatening him at all.

**Sen. Montano:** Is he issuing a threat? That is completely out of order and he must withdraw that.

**Madam President:** I do not think the threat can be a reality until whatever occurs, so I think until that time we cannot really consider it a threat.

**Sen. W. Mark:** Madam President, thank you very much.

I want you to follow clause 5 section 17A(3). [*Crosstalk*] The Minister of National Security told us earlier that we were going to have a system that would be almost perfect, professional and efficient; that we were going to have a smooth level of development in terms of promotion in the police service. Given the systems they were putting in place and the components of that system. But here we are told that having gone through that system:

"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."

Tell me, you have a system of promotion; I have sat the written exam, the multiple choice; I have sat the oral exams; I have made more than 60 per cent; I



am entitled to be on the merit list; I am entitled to be promoted given the vacancies available; I passed all the necessary barriers, only to be promoted and appointed. Do you know what this clause is saying?

"A police officer shall not be appointed to an office in the First Division if the Commissioner objects..."

Who is the commissioner, in this instance, having hired Mastrofski and Mr. Mastrofski giving him his professional opinion based on a set of objective criteria and standards that Minister Martin Joseph should be promoted as the Commissioner of Police? Not Sen. Martin Joseph, someone called Martin Joseph outside of this Parliament. He is promoted and the Commissioner of Police objects and you cannot be appointed? Tell us, Madam President, if this is not cronyism; if this is not political victimization; if this is not discrimination; if this is not a highly discretionary power that is being given to the Commissioner of Police, what else is? [*Desk thumping*] We are back to square one.

We are not in favour of this provision. This provision has to be deleted. The Police Commissioner should not be given that power.

**Sen. Dr. Saith:** You, the UNC?

**Sen. W. Mark:** Yes, we the Opposition UNC; the alternative government. The police commissioner should not be given that power to object to an officer who has gone through all the processes, has reached the point for promotion and the Police Commissioner says, "I object." On what grounds? There are no grounds.

**Sen. Montano:** But you voted for it in the other place.

**Sen. W. Mark:** This is a highly discriminatory and dangerous provision in this piece of legislation. A political commissioner of police can deny hardworking officers of promotion in the police service. This is wrong. How can you have a provision like this in legislation, giving the police commissioner that kind of power? No, no, no.

This is dangerous legislation. It reminds me of the Prime Minister's veto power. The Prime Minister does not like X, he just keeps vetoing X until he gets who he wants. Why must the Commissioner of Police have that power?

**Sen. Joseph:** Do you want me to answer that question?

**Sen. W. Mark:** No, you will answer when I am through; unless I am getting back my time.

**Madam President:** No, Senator; you know that.

**Sen. W. Mark:** The politicization of the police service is the danger we are faced with here. I do not believe that this matter was raised with the Police Social and Welfare Association; it would not have supported this.

**Sen. Joseph:** Who supported it in the Lower House? [*Laughter*]

**Sen. W. Mark:** This is a dangerous provision and we are saying to the Minister of National Security, "You must tell this country why you are giving this Police Commissioner so much power." [*Crosstalk*]

**Hon. Senators:** He can tell you now.

**Sen. W. Mark:** Why did you not tell me earlier?

**Hon. Senators:** He could tell you now.

**Sen. Montano:** "Yuh fraid de answer or what?"

**Sen. W. Mark:** You had the power to do that; you had the floor.

This is dangerous. We would like the Minister, when he is winding up, to let this country know why he is seeking to give this particular power to the Commissioner of Police. [*Crosstalk*]

I know you like Mr. Panday. He was in court today. You used the Parliament today. He knew that both Oma Panday and Basdeo Panday were in court today. He postponed this question for about six weeks and used the opportunity today to colour justice in this country. That is how he operates. It is a good thing we have the Privy Council and we do not have the Caribbean Court of Justice (CCJ). We have the Privy Council in this country. [*Crosstalk*]

We would like to get some clarification from the hon. Minister on this particular question. There are pitfalls and there are dangers and we need to avoid them. No government should be able to politically control a police commissioner; no government. [*Desk thumping*] This Government is attempting to control the Commissioner of Police and the hierarchical structure within that body. [*Crosstalk*] We want to make sure that the confidence required in the police service is, in fact, established. This subsection (3) does not promote confidence.

**Sen. Abdul-Hamid:** You extended Mohammed's contract.

**Sen. W. Mark:** This question of suitability, again the Bill states:

"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."

The Minister went on to outline the procedures involved. All the persons who are going to take this exam have been given a black briefcase with six books in it. They are given, first of all, a written exam which we are told is multiple choice; very easy for Mr. Mastrofski. There is no challenge there. I understand the exam is going to be made up of 100 questions and they have two hours to deal with those 100 questions. [*Crosstalk*]

I want the hon. Minister to take consideration of the fact that you are going to have exams between August 17 and 18. Do you know what is going to happen one month before those exams? The police officers all want to pass, because they want to be promoted. What is going to happen to the police service? Has the hon. Minister taken that into account? Persons have to prepare for exams; so persons who have vacation leave inside will go on vacation leave in order to prepare for exams. What I do not understand with this hon. Minister, he is telling us on the one hand—and if we go to the Police Service Act, 2006—was it the high priestess who spoke just now? [*Laughter*] That is the lady who has denied Abu Bakr. She denied Christ and Bakr. [*Crosstalk*]

Let us go to clause 22. Here the Minister is agreeing, and we have agreed in legislation, to bring a person from outside of the police service and to appoint that person on contract as a police officer to the rank of Commissioner or Deputy Commissioner, for any specified period. What is going to determine that?

"The Commission may, having regard to the person's qualifications, experience, skills and merit of a person appoint...on contract...a person as a police officer to the rank of Commissioner or Deputy Commissioner..."

So you could take some British officer, you could take some person outside the police service, bring a bobby, somebody from Britain who said that he was a member of Scotland Yard, never worked for Scotland Yard, and you know what? Promote that person on contract, after performing some police duties, to the position of Commissioner or even Deputy Commissioner. [*Crosstalk*] I am looking at the Police Service Act, 2006, section 22. Section 22 specifies how a person on contract is to be promoted in the service. [*Crosstalk*] Is the hon. Minister saying that this is wrong? Is the hon. Minister saying that this section should be deleted? I would be glad to delete that this afternoon. In fact, there is an amendment to this section and we have it before us, where we are told:

"in accordance with the procedure prescribed under 123(2) to (5) of the Constitution."

*Police Service (Amdt.) Bill*  
[SEN. MARK]

*Tuesday, June 05, 2007*

We are asking the hon. Minister: What exactly would differentiate a citizen who is a police officer, who has worked his way through the ranks of the police service, has reached the point where he has to take an exam, he takes the exam, he is successful, and you know what? The Police Commissioner says, "No". But still somebody could come outside the police service, with the requisite qualifications, experience, skills and merit and be promoted to the rank of Commissioner of Police. [*Crosstalk*]

**Sen. Montano:** Madam President, on a point of order. The Senator is misleading the Senate. The Regulations and the Act clearly set out the requirements for the qualification for someone to be a commissioner. It cannot be a bobby who is on the street; it could be a foreigner, but it cannot be just someone who does not know what he is doing.

**Madam President:** Minister, as you know that is not a point of order, misleading the House, but I get the point you are trying to raise. Most probably, I do not know if you are misreading or if you are not going by the amendments before us, Senator, could you just come back to the amendments.

**Sen. W. Mark:** I am dealing with the amendments. Madam President, we have some reservations about this particular provision in the legislation and we are going to call on the hon. Minister of National Security to explain to this Parliament exactly why the Commissioner is being given that kind of power. The Commissioner is given the power to contract persons to conduct his assessment for promotional purposes. We hope that does not become a CEPEP arrangement for the Commissioner of Police.

Then we go to the Promotion Advisory Board. We are told that the composition of the board is outlined in section 18(1). I would like the hon. Minister to consider subsection (3):

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

I think modern human resource management practices permit the participation and involvement of the trade union in decision making. Rather than have this representative sit as an observer, I would like to ask the hon. Minister of National Security, why not make this representative a full time member of the board so that he could participate in a much more meaningful way, than just being an observer?

As a person who did management studies in the United States, that is the Minister of National Security, he would understand the significance of this particular proposal. Where is the transparency going to come? There is going to

be an absence of transparency in this entire exercise. I suggest that the Minister of National Security consider having the representative of the Trinidad and Tobago Police Service Social and Welfare Association on the board.

When we examine these amendments that are being proposed today, there are some areas that we do have concerns about and we would like the hon. Minister to revisit those concerns.

**3.30 p.m.**

Madam President, when we look at the legislation, we see here in clause 3 of the Bill:

“Section 4 of the Act is amended by deleting subsection (1) and substituting the following:”

It says:

“(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.”

Madam President, when you go to section 16 of the Bill and you see what is happening, we ask the question: Why the offices of the Commissioner and Deputy Commissioner of Police were not included in the original amendment or the original Act? Could the hon. Minister explain to this Parliament what the basis was, and what was the rationale?

**Madam President:** Hon. Members, the speaking time of the hon. Senator has expired.

*Motion made*, that the hon. Senator’s speaking time be extended by 15 minutes. [*Sen. Dr. T. Gopeesingh*]

*Question put and agreed to.*

**Sen. W. Mark:** Madam President, there are some areas that we serve notice on the Government that there is need for some serious clarification and we are proposing changes. We will await the Minister’s intervention so that he would be able to tell us.

Madam President, I want to deal with this question of terrorism seeing that the Minister spent 15 minutes of his time on this. [*Interruption*] Madam President, you seem always to be on a high state of alert whenever I raise matters, but the Minister of National Security spent his last 15 minutes dealing with terrorism and the alleged attack. [*Interruption*]

**Madam President:** You are not on the floor.

**Sen. W. Mark:** I want the hon. Minister to know—the Minister spent time reading some release from the US Embassy boasting about the local authorities and how the law enforcement agencies performed.

Madam President, the time has come when the CIA, FBI and all these American institutions must take some time and investigate who are the real terrorists in this country. We know that this Government has been in bed with terrorists in this country for the last so many years. It is amazing that this Government could be talking about condemning terrorism when this Government openly embraced terrorism in 2002.

**Sen. Montano:** Madam President, on a point of order. With the greatest of respect, I was a Member of the Government in 2002—[*Crosstalk*] The Senator cannot impute that kind of motive to me. I had nothing to do—none of us had anything to do—that is just nonsense and he should not be allowed to make statements like that.

**Madam President:** Senator, you cannot just impute improper motives to a whole bunch of people, to a whole bench of Senators within the Senate. Although, the Minister did refer to the whole matter, it was really, I think, to ensure in the debate that irrelevant matters were not raised. That was what I gathered when—maybe, the word “irrelevant” is wrong but—that these statements do not become part of the debate so he tried to clarify it.

I am allowing you some leeway, but I do not want you to be imputing improper motives to anybody.

**Sen. W. Mark:** Madam President, am I not free to respond?

**Madam President:** Senator, I said, with the backup you have, I am allowing you the leeway. I said so, go ahead. Just be careful of what you are saying.

**Sen. W. Mark:** Madam President, we have a right to speak in this Parliament.

**Sen. Montano:** Within the boundaries of the Standing Orders.

**Sen. W. Mark:** Madam President, you know and I know and Trinidad and Tobago is aware that this Government, in 2002, openly embraced—the Prime Minister is on public record as telling this country even though we had brought to his attention what the Government of the United States was saying—in fact, there is a Minister in this Parliament, when we talked about terrorist, she said in this Parliament, “where you see terrorists, we see people”. That is on public record in this Parliament.

So when there is a situation where a Government is boasting today that they were almost praised to the heavens by the Americans because of law enforcement efforts on their part and they foiled a plot to blow up JFK airport and they are condemning terrorism in this country, Madam President, I have no problem and the UNC has no problem. If the Government has now seen the light, and they are trying to repent—the Minister of National Security who was then and still is the general secretary of the PNM—Abu Bakr was on the radio saying that he was part and parcel of the plot.

**Sen. Joseph:** Madam President, on a point of order. Sen. Mark raised this in the Senate already and I have responded accordingly, and he is again trying to put it on record. Madam President, I object and ask that he withdraw that statement.

**Madam President:** Sen. Mark, you are imputing improper motives to the Minister. Please continue without doing so.

**Sen. W. Mark:** Madam President, why it is when the PNM is under attack—they condemn terrorism and I am saying yes, go a step further. Get terrorism out of the Cabinet.

**Sen. Joseph:** Madam President, on a point of order. Again, I am saying the Senator continues to impute improper motives and he is now saying that we are terrorists in the Cabinet.

**Madam President:** Senator, you have to withdraw that. You cannot get up in the Senate and say there is terrorism within the Cabinet of the Government of Trinidad and Tobago regardless of who comprise the Government. You have to withdraw it.

**Sen. W. Mark:** Madam President, this Government is talking about condemning terrorists and they are not in support of terrorism, but this Government has been doing everything through its social programmes and they have been using social programmes in this country to promote criminality.

**Sen. Montano:** Madam President, again that implies an intent on the part of the Government to do something which is clearly improper and wrong.

**Madam President:** Sen. Mark, if you continue in that vein I would have to stop you from speaking. You were going very well on the Bill.

**Sen. W. Mark:** Madam President, I was just responding to the Minister of National Security saying and praising himself and this Government for foiling what they call an attempted plot to blow up the JFK airport. This Government should look at itself.

**Madam President:** You are going back there, Senator.

**Sen. W. Mark:** As I am on this matter of looking at oneself I would like the hon. Minister, the Leader of Government Business in particular, to tell us seeing that the police are crying out for resources—they claim they do not have vehicles, the manpower, the kind of equipment to carry out their duties. I read with astonishment in the daily *Express*, Monday, 04 June, 2007 where we are told by some writer, Eugene Renald, and I want the Government to tell us if that is so, whether the Government has taken a decision—the Cabinet, to subsidize the extension of the golf course at Chaguaramas to the tune of some \$125 million to deal with maintenance? [*Interruption*]

**Madam President:** That is irrelevant Senator.

**Sen. W. Mark:** Madam President, I am dealing with the police.

**Madam President:** Senator, do not try to mamaguy me.

**Sen. W. Mark:** I am not trying to mamaguy you.

**Madam President:** Senator, we are dealing here with amendments to the Bill. You are trying to bring in something that is completely irrelevant and then tell me that you are talking about the police. Please Senator, we have all been here too long for this. Get back to the Bill.

**Sen. W. Mark:** Madam President, there are policemen at Chaguaramas.

**Madam President:** That is all right.

**Sen. W. Mark:** There are policemen operating in Chaguaramas. They work in and around the golf course, and we are told \$125 million is allocated for its extension and \$8 million for maintenance. All I am asking is: Could that money not be used to help the police in Chaguaramas to get more vehicles? That is all I am asking and, maybe, some Minister of Government would be in a position to tell us at the end of the debate the position on this.

We ask these questions so that the hon. Minister could tell us in his winding up about the resources—

**Sen. Montano:** That Minister does not “wine up”, he “winds up”.

**Sen. W. Mark:** That is the sheriff from Maraval speaking. We have some concerns and we have recorded our concerns. We want the Government to give this country answers. While we are prepared to give support to the legislation, we are also prepared to ensure that there is equity, justice, transparency and



accountability. And from what we have seen in some provisions in the legislation, there is an absence of transparency, accountability and fairness and that is why we have called on the hon. Minister to explain why the Commissioner of Police is being given so much power. We also would like to record our reservations about the system.

I asked the Minister earlier if an individual is in the rank, or he is moving from the Second Division in the police service and he or she has an MBA, whether that person is going to be subjected to the same kind of rules and he said yes.

Madam President, I want the hon. Minister to know that in modern organizations there are also exemptions as well, and if someone has gone to the university to study and that person has graduated—I am saying whether it is an MBA or some other management degree, to look at the kinds of exams that are being set for these police officers. They have to do a multiple choice of 100 questions in two hours and then there is an oral examination to perform. I am asking whether the Minister could not give consideration to the question of how does one treat with people who have graduated with the requisite qualifications to be at certain levels of the police service. I am not for a moment saying that you have to necessarily grant them exemption, but I am just asking the hon. Minister, could not those qualifications be considered by the authorities in this instance, the Commissioner of Police?

Madam President, we have looked at this piece of legislation. We have our concerns about it and we hope that the hon. Minister would be in a position later this evening to give some clarification on these matters, so that at the end of the process there will be good and sound legislation that would really be able to transform the police service of Trinidad and Tobago into the modern institution that we are all striving towards achieving in the 21<sup>st</sup> Century.

I expressly thank you, Madam President, for protecting me because whether I was in that chair, and you were here, I would have given you all the authority to speak. I would like to indicate to the honourable Senate and the Minister of National Security that there are some issues we would like him to clarify and at the end of the debate, we hope we will be able to get the clarification that we require.

Thank you very much.

**Sen. Prof. Kenneth Ramchand:** Madam President, this is an important Bill because it could have an influence on the way the Government handles crime.

*Police Service (Amdt.) Bill*  
[SEN. PROF. RAMCHAND]

*Tuesday, June 05, 2007*

The Bill purports to settle the relationship between the Police Service Commission and the Commissioner of Police. I am not myself sure whether there has been a delegation of power or a transfer of power, but I am not going to discuss that matter. This has been agreed to by our united politicians and if it comes back to cause trouble, I expect they will know how to deal with it.

I am just happy that no commissioner of police can henceforth claim to be a “toothless bulldog”. I am also happy that the Police Service Commission is still being appointed by the President. That is what I take out of that part of the amendments.

Madam President, I want to deal with only three elements in the amendments. The first of them is the training side, and as the Minister noticed, I have a great interest in the training.

The Police Service Act of 2006 deals with training in quite a restricted way. All that it says on the subject is to be found in Part III of the Bill which is entitled ‘Appointment of Trainees’. There are six clauses, 10 to 15 and there the entry requirements are referred to as “the requirements prescribed”; and an application form is suggested in the phrase, “form and manner prescribed”. So I note with great satisfaction that in the Police Service Regulations, 2007 there is an entry form and that the entry requirements are spelt out in detail.

I am quite happy with what is happening with respect to entry requirements and qualifications, but I do not think that merely setting out the entry qualifications is enough. When I look at the amendments and the regulations I find that they are both silent on what constitutes training. The Act of 2006 uses the phrase, “a course of training approved by the Commissioner” and later on there is reference to “the approved course of training”; and when we look at the 2007 regulations, we read: the applicants found to be most suitable are to “undergo a polygraph test,” and “a psychological test.”

Nowhere in the proposed amendments or in the 2007 regulations do we get any information about what the trainees will be taught and for how long. I know that I could be told “Yes, but we have it worked out and we do not have to put it in here.” I am not satisfied with that. I am not even satisfied with the argument that a Bill is not the place to put it. If you tell me the amendment is not the place to put it I will ask by whose edict? And if you tell me that God came down and gave it in tablets of stone that you cannot include this kind of thing in the Bill, I would say no. Man was not made for Sabbath, the Sabbath was made for man, and we as a legislative body have a perfect right to give details about the course of training in this Bill. I am not accepting the argument that there is no precedent for it, or that we do not usually do it so.

I know—[*Interruption*] I take it back. I have never thought of her as the “rara” lady.

**Sen. Kangaloo:** Thank you very much.

**Sen. Prof. K. Ramchand:** The Minister himself, in at least two speeches in Sen. Deosaran’s motion on crime was very careful to insist on the importance of training, and in one of those sessions he gave us the syllabus. I know he thinks it is very important and, therefore, if he thinks it is very important and I think it is very important, maybe, we should have given some inkling of what the training programme was going to be like.

The Minister, in 2006, in his contribution to Sen. Prof. Deosaran’s motion on the Government’s handling of crime said that if you want good law enforcement and good policing, you have to get good police officers. I will go further and extend his statement and say that the recruitment, education and training of policemen and policewomen is, perhaps, the most important single weapon in the fight against crime and it is the measure that is most likely to transform the police service. We need to show the population that we are not playing politics with crime by just talking about training, but we must lay out for them what it is we are going to do.

In introducing what he had to say about the new curriculum, he said that in terms of the transformation, the Government was focusing on a new curriculum and training for recruits. So I know that the Minister is committed to the proper training of recruits.

I only want to suggest that, perhaps, he does not fully realize the implications of what he has said because in that same speech on Sen. Prof. Deosaran’s motion he used an interesting phrase. He said that the police service was out of alignment with the environment. He spoke in such a way that I gave him credit for understanding the deepest implications of what he was saying because he went on and suggested that he knew what he was talking about. He said:

“...successful organizations not only understand their relationship between the organization and the environment, but some of them are good enough, the real good ones, to shape the environment; to determine the environment.”

I think he is saying that if we have good police officers and good police service, they would have the power to change not just the police service, but to change the whole environment and, therefore, it is very necessary that something should be done to ensure that police officers are not out of alignment with their environment.

*Police Service (Amdt.) Bill*  
[SEN. PROF. RAMCHAND]

*Tuesday, June 05, 2007*

Madam President, “out of alignment” really worries me. Genocide, enslavement, indenture, colonialism. They put our ancestors out of alignment with the environment and in the last 50 years the economics of independence, the developmental models we have followed, the education system, the political system, the imported values, the capitulation to foreign direct investments, the commitment to showpiece building projects and the abject and self-contemptuous philosophy of outsourcing have compounded our plight. It is not just the police service that is out of alignment with the environment; the whole country is out of alignment with the environment.

We are out of alignment with ourselves. That is why we talk about constitution reform; that is why we talk about recreating the education system; that is why we call for an environmental management authority with powers to manage and curb the appetite for industrialization policies that only taste “sweet in goat mouth”. We are out of alignment in many other places and in many other ways, but I have only one hour, and I think you take my point, Madam President, and I would not strain you any further. [*Interruption*] [*Laughter*] There is an art in being “out of alignment” and still being in alignment and if one thinks hard about it, my digression is really in alignment.

I want to talk to the House and to the Minister about the implications of “out of alignment.”

**4.00 p.m.**

The new training curriculum and training programmes contain technical components and they are linked to critical job tasks as the Minister rightly said. That is good. Nobody can quarrel with that. But there is nothing new in that. We always knew it should be so. What is new is this thing of being “out of alignment.” The training programme has to address being “out of alignment.” But, Madam President, if I may refer to what the Minister says in that curriculum, the only clause that seems to suggest an interest in dealing with “out of alignment” is clause C:

“Recruits are exposed to different academic disciplines: criminal justice, social sciences, humanities, public health, et cetera.”

But we do not know exposed for how long; exposed to all of these in one course or several courses; and we do not know how all these academic disciplines are going to be shaped to the needs of the police.

Madam President, many people in this country, including the police do not know this country from the inside. They do not know the geography. They do not know who is living where, why and for how long. They do not know about the different people who came and who live here. They do not know the old civics

and they do not have an inkling of the new necessary civics that would make us contributing citizens to our country. [*Interruption*] It is not only the police, but we are talking about the police today.

That is why many police do not know how to relate to people; how to talk to people; and that is why, profoundly, Madam President, they do not understand the revolutionary thing it is for ordinary people to have discretionary power to apply the laws of this country. That is what they are doing. The creation of a good police service is one which helps the police to understand that they do not come from the privileged class; they do not come from the propertied class. We are not serving law as the protector of the privileged and propertied; they are serving law as something for the people. We need a training of the police and an education of the police to make them understand that the police force, drawn from ordinary people, is our most important guarantee and our greatest hope for the democratization of law and justice. That is why I am so concerned about training and education.

There is a course to which we hope to expose the science and technology students and the education students of the UTT. Every year, every student will do two courses built out of the sociology, the history, the cultures, the religions, the arts and crafts, the geography; all the self-expression, the deep thought and the science of the region. Obviously, we cannot do it subject by subject. We have to create modules where all these things come together and people understand how all these academic disciplines which we teach in silos, should not really be taught in silos. They should all be focused on certain topics, issues and ideas.

We know that at the end of the four years, those engineering and science students and those teachers will know who they are, where they came from and what they can do. They will know and honour those who went before them and they will understand what it is to belong to an environment and to own an environment. We call this course Cultural Literacy. I am saying, in short, that the training of our police requires at this juncture an immersion in Cultural Literacy. I would really have liked to see some details, either in the amendments or Regulations 2007, about the kind of education to which the police trainees will be subjected.

The hon. Minister did go into great detail about the exams and the process for promotion, but I want to notice that that is dealing with people who are already in the service. To give them a bunch of books and tell them that the exam would be based on that and then to tell them that the exam is a multiple-choice exam does not seem to me to be sound educational practice in itself and does not seem to me to have any connection with what has gone before in the training of the recruits.

Madam President, I have a further misgiving. I know that there are people in Trinidad and Tobago who could have created that examination, supervised it, done the grading; who would have come from the inside of our country and would have been spot on with the kinds of questions that need to be asked. I know for sure, with all due respect to the intellectual and degree qualifications of the people from Penn State University, they do not have enough literacy about our culture and our people and these very important people called the police to set the exam. I sincerely hope that the Minister would give us some kind of assurance that, even if it is being done in this humiliating way called outsourcing, that there will be a local group who will take over the whole process within three years or so. Since we are already committed—

**Sen. Joseph:** Thank you very much, Sen. Prof. Ramchand, for giving way. I took pains to indicate that, in terms of preparing for the process, considerable dialogue and work was done to make sure that the local environment was taken into consideration. Let me just also indicate—we are in a bind, the bind being—and Sen. Mark raised it—that we are accused of taking so long in advancing the process. In advancing the process, it was necessary for certain decisions to be taken and the decision with respect to the identification of who will conduct the process had to take place. However, that was only for the initial. Rest assured, with respect to the future assessment processes, then it would be competitive, and there are some other things. Do you follow what I am saying? We made every effort to ensure that the local environment and other things were taken into consideration.

**Sen. Prof. K. Ramchand:** Thank you very much. I am glad I gave way.

**Sen. Joseph:** Sometimes it is good to give way.

**Sen. Prof. K. Ramchand:** There is a real discrepancy here. As an educator concerned with the long-term and the long haul, it is anathema to me to say we must do it quickly. I understand the differences in temperament and the differences in necessities, but I am still trying to explain where I feel we should be going and, if the present process can take some steps in that direction, I would be very happy. I am not really trying to denigrate the efforts. I think we have an outline there. I feel that all of us have a part to play in filling out the outline and shaping the direction in which we should go.

The second topic I want to deal with—this one is all praise—is fingerprint impressions. I welcome those amendments to sections 50, 51, 52 and 72, which significantly allow the Commissioner of Police to keep fingerprint records of persons in legal custody, whether they have been charged or acquitted. I am glad

about the legislation that provides for getting an Order from a magistrate if a person in legal custody refuses to be fingerprinted. I am glad that fingerprint records of all police officers will be taken. I am glad that the fingerprints of persons who apply for police certificates of character will be taken.

Let me encourage the Minister. I want to know why we do not take the fingerprints of those who are applying for passports, ID cards and drivers' licences. Why do we not go the whole hog with the national fingerprint database and, without bias or prejudice, tell every citizen that we need his or her fingerprints in the databank? I feel that the majority of citizens would agree to that. If the Government says that today, I would be the first to give my fingerprints tomorrow.

I am intrigued by the references to "the national fingerprint database created by law." [*Interruption*] It has not been created by law yet. Is that a project or plan? Is that due to happen soon—a national fingerprint database created by law? [*Minister nods*] I urge that we hurry up and do that because I would like to know really what objection any citizen can have to giving his or her fingerprints.

I expect that there would be protests about possible abuse of the data, but I do not think it would be impossible to restrict access to the information. Madam President, I know we will have a fight to establish this database, but while we are struggling to establish a simple fingerprint database that everybody should contribute to, other countries are rushing ahead into DNA databases.

The UK experience is very interesting. The DNA database in the UK was established in 1995. At the end of 2005, 3.4 million persons were on it. At this point, in 2007, 7 million persons are on it. There has been some debate and discussion on whether it is a good thing or a bad thing. There was a very significant complaint from the Black Police Association that 37 per cent of the black men in the country are in the database, but only 10 per cent of the whites are.

So various groups would feel that they are being targeted and put in the database, on the assumption that they are more likely to be criminals and so on. There will be that kind of discussion. The answer is to put everybody in, so that nobody can say: "They take me and they didn't take them." The inventor of genetic fingerprinting, Alec Jeffreys, entered the debate by saying that he could not understand why the database could not be put under the control of an independent authority and access be granted to it only for the purposes of specific crime solving. The same can be done with the fingerprint database.

*Police Service (Amdt.) Bill*  
[SEN. PROF. RAMCHAND]

*Tuesday, June 05, 2007*

Just for a little fun and to show some very interesting things about what the DNA database did: in 1994, they successfully tested hair from a cat known as Snowball and used the hair to link a man to the murder of his wife, thus making, for the first time in forensic history, the use of non-human DNA to identify a criminal. The hair of the cat led them to the murderer.

In 2002, DNA testing was used to exonerate Douglas Echolls, a man wrongfully convicted in a 1986 rape case. In 2003, a Welshman was convicted of the 1988 murder of a woman called Lynette White. Twelve years earlier, the crime scene evidence was collected, twelve years earlier but, it was re-examined using STR techniques and they made a match between the DNA there and the DNA of his nephew. It was the first time that the DNA of an innocent, yet related individual was used to identify the actual criminal. And there are all kinds of wonderful ways, Madam President, in which the DNA bank has helped to catch criminals.

I think, in our small way, we can begin with our national fingerprint database that is compulsory for everybody. I know that many people would be scared to do wrong, because their fingerprint is in storage already. When you go to the crime scene and pick up fingerprints, you just go to your computer and you say: "This person was there!" It is, in its limited way, a wonderful device in the fight against crime. I urge the Government to go the whole way and establish this databank.

My last point is made out of a couple of the Minister's, by now, favourite phrases: "geographical accountability" and "model police stations". I think he has taken up the notion of geographical accountability and he has spoken to us about model police stations.

There is a very important question here and that question was, in a way, prejudiced because the arrangement we have made about the relationship between the Police Service Commission and the Commissioner of Police is in the direction of centralization. But there are differences between local policing and centralized policing and there is a problem of how you combine local policing with centralized policing.

In his response to Sen. Prof. Deosaran's Motion in 2006, the Minister seemed to suggest that local policing would be effective in dealing with domestic crimes, but that drug-related and gang-related crimes call for different measures. I would say they call for additional measures and special measures, but local policing can help very well in drug-related and gang-related crimes. This is what he said, and what I like very much:



“...because of the level of law enforcement that would be in place...where there is geographical accountability about which Sen. Dr. Eastlyn Mc Kenzie talked in her contribution, “when it gets to that—if you have a divisional commander who has a particular area and he or she knows his area, he or she would be responsible for making sure that crime in that particular area is at a certain level.”

More recently the Minister spoke about model police stations and while he was talking, I envisaged a network of police stations throughout the country, each of which would, in effect, have its divisional commander controlling that region.

I am sorry to say what I am about to say because I think he is listening to me properly, but I have to ride my hobby horses, too. At the time, he said they could only do a few of the model stations because of the capacity constraints. I thought Minister Enill would have jumped at him because the minister has said that we do not suffer from capacity constraints. There are many of us who believe that capacity constraints have been created by a number of projects, which have a good international profile, to make us look like a 21<sup>st</sup> Century nation and which would make us modern in all kinds of things. But those projects are not as essential for the daily living, safety, security and well-being of our people as the projects which now suffer because of capacity constraints. Projects like—

**Sen. Joseph:** I think this is important. I think the Senator is going down a road saying that when we talk about capacity constraints, the priority of the Government is wrong. I think that is what I am hearing. The capacity constraint of which we speak is not the financial capacity constraint. It is human resource capacity constraint. That is the challenge. It has nothing to do with the fact that the priorities are wrong.

**Sen. Prof. K. Ramchand:** He is right. I am going on to say that money is being spent on a lot of building projects and that the capacity constraints do not only have to do with the money, but the labour and the skills required—the human resources required to build the schools, the hospitals, the roads linking the different regions, regional economic development, industrialization based upon agricultural products and preparedness for the life to come after the calamities of climate change. Money that should be spent on these priorities is being spent on the projects. *[Interruption]* I am not really straying, but I do not want to continue in that vein because I am really trying to reason—*[Interruption]*

It is not money. Resources are being used up. For the last year, I have been trying to get a man to fix some windows and none of them would come because they all work with the Government or with the contractors: all of them.

*Police Service (Amdt.) Bill*  
[SEN. PROF. RAMCHAND]

*Tuesday, June 05, 2007*

[*Crosstalk*] I am sending for *Carpentry for Dummies* and *Joinery for Dummies* because I feel I would have to do it myself.

The Minister was speaking about the model police stations in about five areas and I feel it is a very good idea, but it might well defeat itself if we do not do all at the same time. If you have the five model police stations, the bachacs will run away from there and go to the other areas unless you are playing a little smart thing and you have a little tunnel, so that when they run out of those five areas, they run straight into the bag. I am not sure we can do that.

So I applaud the notion of the model police stations with the divisional commanders and the network of police stations because that is part and parcel of the development of regions and, hopefully, it would not only be a model police station, but it would also be a model hospital, a model fire brigade, model government offices, model schools. So every region would become very largely self-sufficient and, of course, we have to develop them economically. Then nobody will travel on the monorail because people would be employed and happy and living in their region and not rushing to Port of Spain twice a day. Be that as it may, I applaud the notion of the model police stations because it fits the larger picture of developing the regions of our country.

Madam President, I have about 10 minutes to go, do you want me stop now?

**Madam President:** We still have five minutes.

**Sen. Prof. K. Ramchand:** I will try to fit it into the five.

I wanted to support what I was saying about the importance of local policing by referring to what happened in England. Everybody knows that in 1829, Sir Robert Peel established the Metropolitan Police and this was centralization. Since then, everybody was saying centralization was wonderful. However, recent studies of local policing in England in the century before 1829 have shown that Robert Peel's reform of the police service was built upon initiatives that have been developed out of local policing; and secondly, those studies have revealed an intimacy between local police and their environment that we have lost in the period of centralization.

Some of the things that turned up are connection between people and police; new legislation to respond quickly to changing situations; quickness of response to crime situations from day to day; the preventive capacity since people in the local area know that the police know who they were, which made it possible to do a very modern thing. If you know he is a thief, do not wait for him to do something. You can check up on him and find something that he has stolen, even though it has not been reported as yet. You target the known criminal as well as targeting the crimes committed. This happened a lot in local policing.

Also, local policing had its own kind of blimp because they had informers and spies within the community, who would alert the constables very quickly that something was going to happen. Now, there was a lot of misinformation and lies, so the police had to check the information received, but it is like reports of commissions of enquiry—you have to check the information you get. It is a start.

So, I feel that our handling of crime would benefit greatly from our being able to get all the advantages of local policing and networking of the local centres, while we still think in terms of a certain degree of centralization. We need to find a healthy balance between the centralizing tendency and local policing.

Madam President, I spoke about the education of the police. I urge the fingerprint database for all and I have tried to suggest that local or regional policing and a network of model police stations would all work to a more successful handling of crime in our country.

Thank you.

**Madam President:** Hon. Senators, we shall now suspend for tea. We return at 5.00 p.m.

**4.30 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

**Sen. Dr. Glenn Ramadhar-Singh:** Thank you, Madam President, for the opportunity to speak on this very important Bill. The main purpose of this amendment is to effect consequential amendments and clarify certain matters concerning promotions, composition of the Police Service of Trinidad and Tobago, the Advisory Board and promotions in the First Division.

This is being done against the background of this Government's inability to manage security in this country and having the reputation for being one of the worst governments to manage the safety of our citizens.

It happens to us at times when it personally affects us. I want to concur with the sentiments of Sen. Mark, on the last day, about the death of Dr. Russell John. This is a young man who entered UWI at the same time with me. We were in the same Chemistry classes and the same laboratories. I remember his desire—he was in the Faculty of Natural Sciences at the time—to become a dentist. I believe his passion was either medicine or dentistry. Having read of his fortune and his practice with his wife and seeing his children in the newspaper, it is heart wrenching. He was exactly 35 years old, as I am.

*Police Service (Amdt.) Bill*  
[SEN. DR. RAMADHAR-SINGH]

*Tuesday, June 05, 2007*

Before I came here I was out there at the mercies of the kidnappers, the criminals and the bandits. A “20-something” year-old shot him to death. This is the legacy we find ourselves in, trying to pass this Bill today. Crime is out of control. They are bungling with billions of dollars. The sum of \$13.6 billion was spent and the police service is in a state, where they have to pass on books: *The One Minute Manager*. That is probably how long some of them stay on the job. Maybe that is why that book was chosen and that is why we are where we are. In their first year they spent \$1.46 billion. Today, they are spending \$23.926 billion and nothing has changed.

Today they apprehended the additional suspect in the terrorism case. If, before lunch time, they did not find that person, I was expecting one of the Ministers to seek the advice of the prophetess as to exactly where that person was. That is where the Government relies on information to fight crime, while every citizen lives with the literal sword of Damocles hanging over their head, not knowing when it will be their last breath. Every living—in fact under this PNM, every dying hour of the day.

They bought some horses for the police force which, I hope, will help them to fight crime. I believe they bought those horses just for Carnival time so that they could walk stoutly among the crowd to show that they are bosses during Carnival. Outside of Carnival, it is a crime spree in this country. There are killings, murders and no police—[*Interruption*]

**Madam President:** I am giving leeway. Come back go the Bill.

**Sen. Dr. G. Ramadhar-Singh:**—presence. Crime is in fact the runaway horse of the Government. With each dark and wicked galloping stride it, ironically, cripples the Government and makes them unable to manage.

This piece of legislation deals with promotions, discipline and assessment. It deals with those issues in the police service, but security is not addressed in this Government's agenda. We do not hear anything about the security guards who are shot and are working for money, but cannot buy food. We are not hearing anything about the prison service, Madam President.

**Madam President:** Senator, the amendments please. Come back to the Bill.

**Sen. Dr. G. Ramadhar-Singh:** If the amendments work and the police service is functioning well and they put people in the prisons then, when they go to prison we want them to come out reformed and back into the society. The amendments impact on the prison and the prison impacts on the amendments as well.

If you think about the boroughs and the city corporations, for example, when you do a national security plan you tend to assume that the municipalities are looked after by the strength that should be in the municipal police force. In Chaguanas they need 50 municipal police, but there are approximately five. The Government has dwindled that number. Instead of expanding local government, where they talk about the Vision 2020 document, they are taking away the powers. They are removing the police from the streets of the boroughs and the cities and crime is running away. While they are trying to fix the police with Yankee Doodle management, the crime situation is totally out of control.

Madam President, I want to bring to your attention clause 4.

“Section 16(1) of the Act is amended—

(a) in subsection (1) by deleting paragraph(a) 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’;”

This will be taken into consideration. The former Bill spoke about an assessment centre. It is very much like the Criminal Injuries Compensation Bill. There was a piece of legislation that spoke about a board. We will get to that Bill and I will speak more about it. The centre was in the Bill. This legislation has been on the Table for quite a while. Why were there no steps taken to set up an assessment centre; a clearly defined institution that would have spoken to the exams that the Minister so glibly spoke about today? Why an assessment process? Is it that the legislation has to match a contract that has already been given? Does the contractual arrangement resemble a process or is it that the consultants who will be hired or promised to be hired are engineered in such a way that only they can be hired and it needs to be called a process? This is a serious question for the Government. Why not a centre and why a process?

Madam President, with all the shenanigans that are taking place and all the exercise in public relations and taxpayers' money being dished out, literally like food at these crime symposiums, the Director of Public Prosecutions—despite all the gerrymandering of the statistics and the mathematical gymnastics and the colourful ads where the Prime Minister is beaming with a smile and the Minister of National Security looks a bit sad—said that the crime rate was going up and that there had been a fall in crime detection. Against everything that the Government is trying to tell the citizens of this country, the DPP has gone on record.

*Police Service (Amdt.) Bill*  
[SEN. DR. RAMADHAR-SINGH]

*Tuesday, June 05, 2007*

Further to that, the reasons for the fall in detection are the unsuccessful conviction of cases due to harassment, intimidation and contract killing of state witnesses.

A couple of days ago we would have been very saddened in Tunapuna mere metres from the police station, a Justice of the Peace, a brother of a very revered father in this country, was the object of bullets again. They took his life because he simply took statements from people who were reporting these matters. This man got \$300 a month in the service of his country and he was shot dead under the watch of this Government. What a shame. What has our criminal justice system come to? It is definitely a crying shame.

*The Hood Report* also haunts this Government, because we blame them for trying to apprehend the criminals and we blame them for surveillance. The citizens of this country have given up on calling the police. By and large, when you look at the newspaper, people do not talk about calling the police. People go to the police if their car is involved in an accident. They have to go to the police. That is the reality. *The Hood Report* says that even if you catch them—that is hardly likely under this PNM administration—out of every 1,000, because of the failure of the Government to give resources to the criminal justice system. There is a serious backlog in the cases.

Madam President, are you aware of the backlog of cases in the Magistrates' Courts and the Judiciary? The figure is close to 400,000 cases, which are backed up. In other countries, in order to deal expeditiously with matters and separate crime from a traffic violation, they created other sub-courts that will deal with that. Not this Government.

Also they went on a policy and said: "Let us admit that we are failing. Let us admit that we have too many cases that we cannot deal with. Let us forgive some of the citizens of the country who have minor offences." Forgive them and get rid of a whole set of nuisance cases in the courts and deal with the criminals and crime. That is what will solve crime, not giving Pennsylvania State University, the person described in this legislation, a contract to continue spending million of dollars—Mastrofski and all his Yankee Doodle management people coming to Trinidad and Tobago.

Even in proclaiming the legislation, they move at snails pace, almost begrudgingly and protesting, as if they do not want to do it. One wonders if they have a vested interest in not bringing some of these criminals to justice. What we are learning internationally makes us wonder if there is a conspiracy not to bring

people to justice, community leaders and those who are engaged in criminal activities. I wonder if the Government does not want to bring them to justice. Why take so long to proclaim all the crime legislation? What is simply happening is that it seems as if they are now coming because of an impending election to get this legislation passed so that they will wave it in a manifesto.

When we look at section 17A(1), we see:

“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...”

The person I was referring to is described in the legislation. This includes a corporation, whether aggregate or sole and an unincorporated body of persons contracted by the CoP in furtherance of this section, but does not include an individual.

I found that the Minister was very unclear and vague when he spoke about the assessment process. I felt that he knows in his mind exactly what the process will be and who will manage the process.

Madam President, the reality is that in the police service there are many talented, brilliant and knowledgeable police officers. They just do not have the leadership at the political level to drive the organization and deal with crime at the highest level.

There are persons in the police force who have law degrees, are pursuing management degrees and security management degrees. These persons go to the courts and help in the prosecution of criminals. But, you know what? Having had the degrees, they are paid \$1,000 extra to do all the work that is not being done in the system.

If, for example, a constable earns \$3,500, that \$1,000 does not take him very far. Whereas you have a state attorney earning approximately \$9,000 basic, we have a situation where a police officer volunteers to assist, because of his qualifications, experience and expertise, but gets \$1,000. Something is intrinsically wrong with that. What happens when you have a police officer who is prosecuting a case and does not have the legal knowledge? He has to stop the case, go back to the Office of the Director of Public Prosecutions, get on the phone, call the lawyers, see the lawyers and the case gets in a quagmire. It goes nowhere. It keeps going on and on. Criminals use the Hall of Justice and the

*Police Service (Amdt.) Bill*  
[SEN. DR. RAMADHAR-SINGH]

*Tuesday, June 05, 2007*

Magistrates' Courts as a revolving door. They go in with handcuffs and they come out with a champagne glass in their hand; celebrating their victory over the failure of this Government to deal with the criminal justice system.

I would like to recommend to the Minister that something be looked at where these officers—between their income which is approximately \$3,500 and that of a state attorney, that difference should be something more tangible, reasonable and fair—be given something, so that they can expedite matters in the criminal justice system, otherwise we will continually have good policemen with skills, moving out of the police service and leaving the dregs; those that are not as qualified, as experienced and as knowledgeable. We will continue to have the kind of police that we have to train and retrain. We want to keep the quality in the police force because policing is a noble attribute. Sometimes for the lost child or a woman in trouble in a desperate part of a bazaar or fete, a policeman is their only hope. We need good police. Let us keep the good police.

Where is the human element in the Bill? Where is the touching part of this legislation? This legislation is centered on paving the way for consultants coming to advise the Ministry—I was going to say Yankee Doodle—from abroad. They come to our country but they do not know much about our country. The reason we sometimes hire them as consultants is because of how they look, sound and talk and we neglect the skills and expertise that we have invested in every year in the budget, to build universities. We neglect that and go for the KFC and Mc Donald's. We go for the foreign thing and we do not support our local, bright people who run away from this country; not only because of crime, but because of under-appreciation.

Another point I wish to make is that in the Second Division, the officers are compulsorily asked to leave at age 55. This means that an officer goes home and with all the NIS contributions that he made, he has to sit in his hammock and rock for five long years before he can reap the benefit of NIS. Why was that not looked at in the legislation? Whereas, in the First Division, the big boys go home at age 60 and get all their NIS contributions. This cannot be fair; while a superintendent with a cushy pension goes home and gets his NIS, the numbers in the First Division are not as high as in the Second Division. The base of the pyramid of the police force is in the Second Division and we should look at these people. Why would they work hard for you or the Minister of National Security, when they know that they are going home at 55? They would withdraw their enthusiasm. They will save their strength for the days when they have to go out there and face being a watchman and a construction worker, if a Chinese worker does not kick



them out of their spot. They have to save their strength for that day when they have to go back and use their muscles and make money, because they have nowhere else to turn. Therefore, I am asking the Government to take a humane look at these Second Division officers and put something in place for them, so that they can leave with the benefits they have worked so hard for. Some of them have gone after the criminals. They have helped people. They deserve it.

Police are not Robocops. They are not built in a facility like VMCOTT. Nothing much really happens at VMCOTT. My other Senators will speak about that. They come from homes and families. They are not UNC police or PNM police. They are human beings and they should be treated as such.

If we talk about the police service, we are not talking about the buildings and the jeeps. We are talking about the eyes, the ears and the heart of the police force, which are the officers.

We are certainly not talking about the La Brea Police Station which looks like an abandoned dilapidated building with a shaky galvanized shed at the front; complete with Jack Spaniard nests, cobweb and rotting boards. We are certainly not talking about the Moruga Police Station, which is abandoned like all the other rural communities in this country, where there is no empowerment in local government not even for the local councillor to help fix the police station. There is no empowerment under this Government.

There is centralization and the skyline is rising in Port of Spain, while the poor people in South cannot get water. Leadership is lacking; leadership to manage the country and to govern. Leadership is lacking and that is why every citizen in this country is under house arrest. After 6.00 p.m. they are under house arrest in this country. They fear to go outside of their gate or to look at the ground outside their gate because there are people who have been threatened, robbed and raped. That is the leadership that is missing in this country.

That is why the editorial that Sen. Mark spoke of on Friday—the misuse of Government funds for political purposes; it spoke about the rum and roti politics and food after the meeting. It spoke about all those things.

It reminds us of the smelter symposium. I was a Local Government representative at age 23 years for the district Otaheite, Roussillac and a smelter plant is promised to be built there. Those people lived off the sea. All the money they make—they are not the recipients of CEPEP and URP jobs. They go to the sea and take a boat at 4.00 o'clock in the morning and come back at 6.00 p.m. They do not see their children for the day. When they took a placard to say no smelter,

*Police Service (Amdt.) Bill*  
[SEN. DR. RAMADHAR-SINGH]

*Tuesday, June 05, 2007*

on the direct route to the Vessigny Antilles Government School, the Prime Minister and his entourage diverted from those people. They wanted to see their Prime Minister so that he would have seen them protest. It is the same thing with the crime symposium.

I want to quote from that article:

“No matter what part of the country the Prime Minister and the National Security Minister go, they manage to avoid the actual high crime areas. When they go to Diego Martin, they gathered at the Maple Leaf School, while even in Laventille, they made sure to visit Success Village, a neighbourhood that has largely escaped the bandit plague of that traditional PNM constituency.”

The article ends by saying:

“The lack of leadership is the real reason that the PNM cannot govern effectively.”

Clause 5, section 17A(3) of the Bill—[*Interruption*]

**Madam President:** Thank you very much, you have come back to the Bill at last.

**Sen. Dr. G. Ramadhar-Singh:**—goes on to say:

“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.”

The organization is set up to do appraisals, interviews and examinations. This would mean putting these officers through a rigorous programme. They would also be given points for their past service, which they would have worked tirelessly at. Those who are deserving would have turned night into day and day into night. They would have sacrificed time from their family, their hobbies, their entertainment and so many different things, to work longer hours and hold on when officers do not go to work or if there are delinquent police. They would recheck those communities. When there are events they would stay later. Is it fair for the Commissioner of Police or this Government to put a sword in its hand to cut off the head of a deserving police officer? I do not think so. That reeks of the ability to discriminate against officers in the police service and it should be removed.

For the officers in the Second Division, there is a different form of assessment. It says under the heading: 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...;
  - (e) an independent management consultant, appointed by the Commissioner.”

This certainly seems to be a more definite, tangible and transparent board, than in the First Division where the most powerful officers operate and are assessed. Why is it that there is a contradiction in terms? Why is it that where there is power you are saying: assessment process and where the poor “fellas” are struggling to get a couple hundred dollars promotion, you have human resource officer, independent management consultant? It shows clearly that you want to control the ice-cream, but you give the milk and the sugar freely. Take that, we will take the cream for ourselves. We want all the power to put you through a process which seems to have already been in place.

Why could not the First Division been guided by a well defined and modified structure like that? Why must we have it like this? This seems to be a strategy orchestrated to control the majority of power in the police service and give the crumbs to the Second Division officers.

All this crime did not come from nowhere. It came from the young people. The person who shot Dr. Russell John was not an old experienced, seasoned bandit, who was going around looking for dentists, doctors and lawyers; it was a young man who was misled. It is a well-known fact that instead of fighting crime, the PNM institutionalizes it from a lack of management to the crumbling, criminal justice system to destroying the hopes and ambition of our youth.

They have failed at all levels but do not fail to deliver platitudes on the political platform.

The *Guardian* of Monday May 28, 2007, stated that the Prime Minister promised the youths whose votes would be counted when the bell rings, not too long from now—He said that the PNM was alerting the youths to both their opportunity and responsibility. He said:

*Police Service (Amdt.) Bill*  
[SEN. DR. RAMADHAR-SINGH]

*Tuesday, June 05, 2007*

"Yes, my young friend, this country now being transformed into a developed nation, is all for you. It is part of the great legacy that we will bequeath to you."

I have said this before. Our youths in this country have been denigrated to wearing blue coveralls for the last five years, with a salary that is effectively under the poverty line. They are the victims of the biggest political crime. Those blue coveralls, with a magic wave by the prophetess or a magician, turns into red at election on the Eddie Hart Recreation Ground.

That programme has no training element, no education element—  
[*Interruption*]

**Madam President:** You are on CEPEP now, Senator? Come back to the Bill.

**Sen. Dr. G. Ramadhar-Singh:** I am coming back to the Bill. I wanted to say that these youths were asked to dance in red jumpsuits, mimicking workers with rakes, hoes, "cocoyea" brooms, garbage bags and even a whacker. [*Interruption*] I read it in the *Guardian*.

Robert F. Kennedy said that in a society of plenty, poverty is evil. When we look at the Bill, it is related to the Justice Protection Act, which was just proclaimed. It finally made it after six years of tumbling and bumbling right after our brother was shot in Tunapuna. That is the JP from Tunapuna whom I spoke about.

The President of the Assembly of Southern Lawyers, Hendrickson Seunath SC did not spare any words. The article says:

"Unless public confidence is restored in the protective services, the proclamation of the Justice Protection Act will not inspire potential witnesses to come forward to the trial of criminal and civil cases."

Mr. Seunath said that a large percentage of the population did not trust the police and might not come forward. He said that the criminal justice system has completely fallen apart with a Justice of the Peace being executed mere hours before he was about to testify.

I want you to listen to what the Ministry said:

"The Act was proclaimed. These regulations came into effect and is a tool of law enforcement to combat crime and restore confidence in the justice system. It demonstrates the Government's continued commitment to protect and assist participants of the programme."

I do not think so. As a matter of fact, the justices met. It is a sad day for Trinidad and Tobago; a red letter day. They have said that they are unwilling for \$300 per month, to take statements from victims of crime. Persons, to whom crimes have been perpetrated against, would have to go to the JP and get it signed. They are refusing. That is a sad day for Trinidad and Tobago.

Madam President, I was going to make the point about those officers who do not want to write exams. After studying for 12 years I too do not feel to write many exams. I could only imagine these persons giving their entire life and at age 50 plus, they are now concerned about their children's education and that their children do not become victims of URP and CEPEP. They want them to have a life, empowerment and a future. They will spend their time and energy building their children's future. They want to go home and assist their children.

I would like to advocate, in the same vein, maybe a modified VSEP; one that will truly deliver what it promises and not be hypocritical and untruthful to employees; one that will work for the people and one that will deliver exactly what it said it would do. That golden handshake, I think, will be deserving to those police officers who have protected and served all of us.

Madam President, legislation alone will not solve anything. You cannot legislate and expect results for an organization that is lacking basic fundamentals. The UNC government went after crime like a Bengal tiger after ruminant prey, leaving little or no criminals in their wake, and turning the ill-gotten palaces of drug lord millionaires into rehabilitation homes for drug abusers, whilst implementing the death penalty, which is the law, for persons who wiped out entire families and were prepared to kill children, if they were found. Whilst the UNC boosted the morale of the force, provided vehicles, equipment and technology, community-oriented policing and empowered the youths through education and skills development, the PNM has left these police stations and policemen wanting and deprived.

The stations are bereft of vehicles and equipment. The outfits are poorly staffed and morale is low. It is not a problem of money. They spent \$150 billion so far, and they cannot fix crime. They cannot deal with health or provide water. This Government inherited a windfall in its coffers and like any regime, they sit on a cozy cushion of wealth, ballooned by the fiscal discipline and financial sacrifice of the UNC administration; a consequence of the wise economic imperative we stringently pursued.

*Police Service (Amdt.) Bill*  
[SEN. DR. RAMADHAR-SINGH]

*Tuesday, June 05, 2007*

While they cannot perform, they are not concerned about it. It seems as if they do not care. They are preoccupied with hypnotizing the population into believing that all is well. They are preoccupied with PR deceit. Madam President—  
[*Interruption*]

**Madam President:** Senator, wait just a moment. You are a young Senator, and I did not want to interrupt you all the time, but please come back to the amendment. You have been astray throughout your contribution. You brought in all kinds of red herrings and irrelevant matters. Please, stick to the Bill.

**Sen. Dr. G. Ramadhar-Singh:** Thank you, very much, Madam President. I was trying to wind up. I was trying to tell you that the population should not be deceived by public relations gimmicks that are being funded by their taxpayers' money that they have worked so hard for. When we look at millions of dollars of advertisements, who is paying for them? It is the poor citizens of this country who cannot afford to buy food. This Government is not only soft, weak and ineffective with crime but they are cold, immune and nonchalant to the victims of crime.

It is time to bring back the UNC government. Bring back some hope to this country.

**Sen. Prof. Ramesh Deosaran:** Madam President, I wish to underline the point made by previous speakers that this Bill, a few pages, is a very important Bill and those of us who do not recognize its signal importance today will, in the years ahead reflect on it and perhaps sing its praises or condemn its creators. It will help shape the destiny, configuration and more precisely, the performance of the police service in the years ahead.

The hon. Minister, I must admit, in my view, appears to be extremely hard-working Minister. I also believe that he is prepared—by the documentation he has prepared for us and the references to the work that he has contracted; he and his Government—to leave no stone unturned to deal with this matter of crime.

But, those of us who know a little about this matter, sense the need for some better direction into where we are going, not only with this Bill, but to several areas of public policy and crime.

Of course, we have heard nothing. Perhaps, on another occasion we will. I will welcome hearing another speaker on the Government's side, elaborate on the crucial issue of what really is policing. What really is policing? What distinguishes policing so critically from all other professions? Why is a police officer, a

constable, and why does he have so much constitutional and operational power, with a gun around his waist and the power to arrest? These are powers that we should clearly understand and enunciate to help show that this Bill will not only empower the officer, but also help him recognize his obligation to the civil community in having the restraint necessary in exercising those very important powers.

I say so because the Minister's message and the Government's message is transformation of the Police service. This Bill fits quite critically into that expected transformation. But, to my humble mind, when I heard about transformation, I consider at least two points: you are moving something to somewhere else. That is why I would have liked to hear something about what is the current situation and about policing in this country that requires such exhaustive treatment in terms of contracting out services and in terms of having all the legislation coming.

I want just a summary, with some empirical evidence, to justify the transformation process. Even so, you are transforming it into what direction? What do you expect now from your police service, in terms of efficiency, a reduced number of public complaints, an increased number of convictions because of more efficient investigations? At least if you tell us five criteria, that you are making the transformation from these five criteria and five comparisons, it will bring greater comfort to those of us who wish to support the Government's initiative.

What I find missing from the legislation—I have to ask myself as my distinguished colleague, Sen. Prof. Ramchand implied—is where are the people in all of this? Where are the people in helping the police officers and indirectly the Government too, to be accountable? It is not a matter that the police must be accountable to the Parliament or the Government, fundamentally the motto “To Protect and Serve” implies accountability to the public, the population.

I wish to suggest to the Minister, as I will in several other cases, I hope, perhaps, he can spend some time in reflecting on these things, that if, for example, you look at the probation report in Appendix B in the Regulations, you will see a list of criteria to judge the performance of an officer—Probationer's Assessment. There are 12 criteria: “Has he or she shown sustained interest in his or her duties, appearance, punctuality?” That is good. Those are bureaucratic measures; measures you witness in an office. I am talking about one of the most, if not the most, critical element in policing; the relationship between an officer and his or her public. Where is that measure, so that the officer, in anticipation of his duties,

will know not only am I being watched over by my inspector, senior superintendent or commissioner, but I am also watched over and necessarily so, by members of the public whom I am entrusted to protect and serve?

I would, therefore, suggest one or two criteria in that respect so that the officer will be humble enough to know that he is a servant of the people, with all the powers that he or she might have. Sometimes, as we know, it happens to all of us with authority, power sometimes go to the head. As I have said many times, power, the fumes of it invade the brain and make men giddy, proud and vain. Officers get that way. The psychology of the uniform transforms men into beasts. There was the My Lai massacre and all these killings in Iraq. The uniform, backed up with heavy ammunition, makes men leave reason behind. That is why we have something called police brutality and unlawful executions. That is why I say that the need for power and autonomy to the commissioner—all those things are necessary. But, the question of restraint must also be embedded in the area of policing.

One way to do that is to give the police a higher notion of responsibility to the general public. You cannot do those things by merely talking. It is helpful to structure what I am talking about. One way this can be structured is to put in the Appendix B of the Police Service Regulations two or three other elements, which would reflect accountability to the public and have the public provide some input to the administration on the police officer. There are ways to do it. Other countries have done it. Australia has done it by having citizens' advisory councils attached to each police station.

When you do these things, whether they operate or not, a police officer will think, not only am I watching over my people, but my people are also watching over me. That is the point Sen. Dr. McKenzie was making when she spoke about the proximity that the officer must have with the people that he or she serves. It is no sense pelting away to make a report because the police station tells you this is not the district to do so.

It is extremely unfortunate and unfair to the national community. This is not a point of blaming. If I go to trace the genesis of how and why the police service got so indisciplined, it will take us too far away. But it is very unfortunate that the agency, the constitutionally empowered agency, required to bring discipline to a society is itself suffering from such serious indiscipline. That is the truth; you only have to read the Police Service Commission Reports year after year and the reports from the Police Complaints Authority. The greatest sin we can commit as legislators is to hide from such truths and worse yet to try and extricate ourselves from responsibility.



I would suggest, having at these police stations—of course, I have done so before but that is another story—having citizens advisory councils attached to each station. It will put the legislation on the Police Service Bill on wheels, rather than having it appear, as it appears with all its bureaucratic forms of assessment and regulations as an in-house operation. It will be especially useful for young recruits. They will know their place and their role is to serve and not just to execute their powers, which they should also rightfully do.

The parent Bill has a very powerful intention. It says:

“This Bill...”

of course, the amendment;

“is to ensure efficient and transparent management of the service and to provide that the principles of equity and meritocracy shall be applied at all times and for all related matters.”

I wish to refer to the question of equity and meritocracy. My distinguished colleague, Sen. Mark, made reference, which really struck my attention. I believe here again, I am not going to move any formal amendment. I prefer to let it float to Government quarters and let them reflect on it and they will decide.

On the question of a veto—it is not so much the principle of the veto, but, in my view, how it is contextualized in the process, coming after the fact. After you have this distinguished board of such capable people, making a decision after, I imagine, some evidence, some assessment documents and some thought, here you come like a thunder from the sky, like lightening out of nowhere almost virtually, with a high-handed intervention to say: No. Now, that could very well demoralize the entire Promotion Advisory Board because it does not say whether—there is something here that is ambiguous—the commissioner should give full reasons, which takes us back to the Oswyn Allard/Prime Minister issue from the Police Service Commission dilemma. We should learn from experience. Should we not? From experience, apart from the principle of the thing, we should think more strategically about where to put that veto and how to apply it.

If the Government does not want to withdraw the whole veto concept, because the way it is applied, really offends the notion of equity and transparency, and more so meritocracy, a “fella” will get kicked out without knowing why. That is the greatest injustice you can do to anybody. A rejection without a reason is a hurtful injustice to anyone.

*Police Service (Amdt.) Bill*  
[SEN. PROF. DEOSARAN]

*Tuesday, June 05, 2007*

I would suggest to the Minister and his helpful technocrat that they pay some attention to this, perhaps by letting the commissioner provide his reasoning beforehand to the board, so the board can have his view and his insight or evidence beforehand, as part of the deliberations. I think that is really a more transparent, efficient and equitable process, when compared to what we have now in the Bill. Of course, you have judicial review and you end up on a stream of litigation. I am quite sure a judge would note this matter of veto can very well be unjustly applied.

I was listening to the previous speaker, Dr. G. Ramadhar-Singh, with great interest. There is another point about equity and transparency; more so equity. I am sympathetic to the view that he has expressed, perhaps, quite persuasively, in describing the plight of the 55 year-old person who retires and has to wait until age 60 for his due pension benefits. To my Government colleagues and the Minister, I think this is another matter that should be reflected upon in the interest of equity and fairness.

By the way, if you might allow me, I think he is a born politician. He has far to go. I do not know where he will go, but he started from 23 years old. I think that is something. [*Interruption*] I did not put it in those precise terms, but you might see him over there one of these days. He has made a useful point and I am lodging this concern in the context of the intention of the Bill, principles of equity.

In fact, telling you the truth, I do not understand how somebody could retire at 55 years old. If that were the case, we would have no Parliament, perhaps, where much of the hard work takes place, but that is another story.

The story of retiring age is an issue, Mr. Minister of Labour, Small and Micro Enterprise Development. We covered a serious issue, in terms of—if you are talking about institutional capacity and you are losing human resource. You cannot have it both ways, especially in matters of judicial administration, Parliament and Government as a whole and in places and persons where skill, is not only rare in terms of knowledge, but it is rare in terms of the wisdom from the experience that you get. I think this is a matter that needs more general concern.

Dr. G. Ramadhar-Singh made another point, about using a different process for those in First Division, as compared to those in Second Division. I think you will agree with me that he was relevant on that point.

**6.00 p.m.**

You have a free-floating system for First Division, where subjectivity and possibly the manipulation of the system can be easily undertaken at that senior level, but at Second division, you have a more rigorous, transparent and well-disciplined set of procedures for assessment. It just does not look good. It jeopardizes the principles of equity that we are talking about.

So, on several counts, I think the message or the intention of the Bill is not faithfully maintained. So, we need to reflect. If you have a mission statement on intention, the things that you do hereafter should really be reflective of what you say unless, in terms of the First Division, it can be so structured or managed that you really do not want to tie down your assessment to strict procedures and deny the rule of discretion at the senior level, but a case has to be made. Until a case is made out or a response is given, people like myself remain skeptical, especially in terms of the promise of equity. It is good, and I commend the Government, at last, for opening up the higher rank, at least, to take in people from even outside of the police service.

We all know the downside to that. People might feel that those who are inside are denied an opportunity but sometimes those inside a service deserve to be denied an opportunity, because of their performance; measurable performance. You are not leaving out those inside. All the Bill is saying is that you will consider both. It goes further to say that if there is none inside, then you will go outside.

In the case of the Commissioner of Police coming from outside, I think it is a good move. Once you have that alternative, those inside at the senior level, you will not necessarily find them indispensable, and the reciprocity of favours and favouritism and so on might not arise as it could arise.

It says a bachelor's degree, but a bachelor's degree in what? Is it engineering or a bachelor in anything or does it mean an unmarried person? I think you need to elaborate on that degree of bachelor; whether it is a bachelor's degree in criminal justice, police science or something like that. Management does help. I think Sen. Mark and Sen. Prof. Ramchand made the point about the compatibility of the qualification, but that could be an administrative matter, because the Minister has some prerogatives with regulations.

It is a sad omission—whoever that commissioner will be or the nomination for commissioner will have to go through the Lower House for debate—and I do not know where the heads who put this thing together went at that moment when they

left out the Upper House from that deliberation. Of course, it is not that I want to be part of it. I do not think that is the point and it should not be taken in that unfortunate line. Really, the Upper House is to me a more accommodating place to interpret people's qualifications, and to make a comment on their suitability, if a comparison has to be made. Even so, I think the Upper House should be engaged in this exercise. Perhaps, more precisely, it should not be an open debate in any House, but it should be subjected to a committee system where even an in-chamber hearing could be conducted over the applicants whose names would be coming forward, not only for Commissioner and Deputy Commissioner, but also as members of a Police Service Commission.

I think, again, Sen. Mark made a practical point. Last year, I taught a graduate course in criminology called Crime, Policing and Society. In that course, there were many police officers of different ranks, probation officers and teachers. We were discussing why police take so much time-off and, at the same time, why is the overtime rate so high. I have never seen a puzzling scenario like that. There is a very high rate of absenteeism—sick leave, vacation leave and study leave—but, at the same time, there is overtime like peas. So, you do not know if they are overworked; if they are overpaid; or if they are just a sickly bunch. You really do not know what inference to make in fairness to them.

Sen. Mark, quite practically, as an old union man himself—when I say old, I mean a veteran. He might know all the little loopholes in the system—said with all these examinations, listen, this is plenty examinations going on here: oral, multiple choice, role playing and so forth, and when they are finished they are going to be so tired, he does not know if they would be able to do any kind of effective policing. But putting joke aside, they would have to take a lot of time off to prepare for this examination, unless some arrangements can be made. As Sen. Mark implied, truthfully, they all want to pass. Anytime you have the same group of people competing for the same resource, in the same place and at the same time, you have a serious management issue on your hands.

**Sen. Joseph:** Thank you very much. The practical experience that we are having, first of all, the period of time is eight or nine weeks. All that would be taking place would be outside of working hours. You would be amazed at the response by police officers as it relates to the exercise. We are having practical experience, because some of the concerns expressed here were raised, and that is not manifesting itself, in terms of what is actually taking place. That is all.

**Sen. Prof. R. Deosaran:** Thank you. I think I have no alternative, but to accept the Minister's response.

**Sen. Joseph:** I thank my hon. colleague for being so gracious this afternoon. We ourselves did not understand, but you have to remember the genesis of this was compromised. I want to respond to Sen. Mark, because it was those on his side who felt that the regulations should be confined to an affirmative resolution in the House of Representatives; the elected. At the same token, we cannot for life understand, but those were the requirements we adhered to then.

**Sen. Prof. R. Deosaran:** As I said, initially, and I would repeat, the Minister has a peculiar task on his hand. I am aware of that. I still cannot ignore my own responsibility here to see how best I can help the process along in the way that I am trying to do.

So, when you are making the assessment and you have the oral examination, role playing and multiple choice and so forth—I do not think that I would like to get into the appropriateness of these examinations, because my intervention will be quite lengthy as to the appropriateness of these examinations and knowing what is policing work; you are treating this as if it is just another interview on assessment for any other job.

Policing work requires a kind of cognitive versatility to make judgments now; to size-up people there and then; and not get easily drawn into racial profiling. Because you see a man with a Rasta, you feel he is the fellow who would break into the house. You see, the police officer has to be trained—to put it bluntly and quite relevantly—to deal with a multicultural society. They might rightly feel if not properly trained and sensitized to the cultural nuances of the country to which they belong that every person with a Muslim name is a potential terrorist, quite easily. They must have the intellectual understanding of things that they will not easily generalized, and they have to be trained in that way by persons who know about the country. This is not something that you import like a tin of sardines and give it to them, but this has to do with what Lance Selman and I some years ago—Mr. Selman is now in charge of some Caricom co-coordinating agency—were trying to develop what is called a Caribbean police officer. It was not that we were going to be parochial and ignore the international trends in globalization and so forth.

We recognized that in places like St. Kitts, St. Vincent and even in Jamaica where you have all these ghettos and different places which require different kind of policing and even in Trinidad. We were trying to shape up something called the Caribbean police officer. Through those eyes, I began looking at this legislation and realized that we will still be some distance away from that realization. We are moving, but I do not think that we are firmly on that correct direction.

*Police Service (Amdt.) Bill*  
[SEN. PROF. DEOSARAN]

*Tuesday, June 05, 2007*

You see, I think the Minister knows this, and that is you have to bring in the public more fully into this picture. As it is, the public feels quite alienated from the police service. To be equally frank about it, this is not a narrow criticism; it is a reflection of the state of affairs which all of us as legislators must seek to correct. The national community; the ordinary citizen, feels quite alienated from the criminal justice system also, and the repercussions are serious. Fewer of them will be going as witnesses; fewer of them will be providing information to improve police investigations; fewer of them will be inclined to go as jurors and so on. So, it is a breach that we must pay very serious attention to, and use this Bill as far as possible to make the connection of which I speak.

Another way, apart from a citizen's advisory council to each station; it is advisory. There is nothing statutory about it. Of course, the mechanics could be easily worked out in terms of functions and so on. I think the police officer should also know that in every district there is what you might call a victimization service, and people would begin to record the number of times they have been victimized and what kind of criminal victimization has taken place. That report should be given to the police station so that they would become more aware of what is happening, beyond just the official police reports. Sen. Dr. Ramadar-Singh made the point that people are reporting burglaries and house break-ins less and less. I have made that point and it is quite true.

If you have a victimization survey by a rather independent group, you should gather the information and give it to the authorities. They are not going to hide it. At least, the police must have the intelligence to a fuller extent than just depending on official police reports. [*Desk thumping*]

If you look at this Bill—you have assessment, promotion process—one can see that it took a long time to address and redress the provisions. But, if you ask the question: How would this help police officers to be more vigilant and present on our roadways? If the transformation has started some years ago, I ask myself: Where are these police officers on the road? [*Desk thumping*]

Recently, I went to Mayaro and there was not a police officer. There was none in Sangre Grande and in Guanapo and there is a police station three feet away. In Sangre Grande, by that roundabout, is the most congested and disorderly place; utterly chaotic, and then you see two police officers liming by the gateway to the police station; indifferent to public congestion. Are you telling me that you do not have a crisis of public confidence in the police?

I went to Princes Town and people are saying: Where are the officers? People are speeding on the highway; cutting in and cutting out. At least, let a police officer stand in the road and speed track or something. So, we begin to ask legitimate questions. As the money is spent, we are speaking about transformation and the transformation cannot come suddenly. It would have to be incremental and seen to be incremental. Those are just some of the measures that I am pointing out and which concern all of us.

We have a point in the Croisee and Curepe Junction. In the Croisee by that intersection they would block the light whether it is on red or green. The cars just go and wait there, and if you have the green light you just have to wait there and when you are ready to go it is on red, and then you really do not know if the light is green or red anymore. It is complete chaos. When I was there facing the red, the green and the red again, I saw a police officer who was caught in the traffic, squeezing his way toward everybody else with the police car. There were two officers. I asked them: "Could you come and help?" Because they say that citizens must take part in crime prevention. So, as a law-abiding citizen, I say, let me try and help a situation here. So, I beckon them to come and give a little help. He said: "What the so and so wrong with you." [*Laughter*] This is a serious issue. You could make a joke about it, but it is a serious issue.

I wrote the head of Traffic Branch at the time Mr. Nazamul Hosein, and I copied it to the Commissioner of Police and I cited this example, because Commissioner Paul says and, more so, Deputy Commissioner, Glenroy Roach, that citizens must bring their complaints because we intend to have a new beginning now, and we will no longer tolerate indiscipline. This is one of the omissions of the Bill. I did my duty, and it is a long story, but nothing has really changed. Things are so structured and the officers feel that nothing will happen to them in terms of accountability.

So, what I am saying is let us get some action moving; let us get some things done in the police service to help demonstrate to the national community that this Government is now serious. Having said so, I noticed that there are serious actions being taken in certain cases with police officers who accept bribery. I get the feeling that the police hierarchy and maybe the Executive are beginning to take this matter of police indiscipline very seriously, because I have seen an increase in the number of actions taken against indiscipline in the police service in recent times. I hope this response continues.

Madam President, the implications are very serious. Of all the reasons given to help improve police detection and to solve crime—technology, lawyers, seniority of the officer, training—and my friend is quite correct in emphasizing

*Police Service (Amdt.) Bill*  
[SEN. PROF. DEOSARAN]

*Tuesday, June 05, 2007*

training—do you know what is the single most important element? It is demonstrated all over the world and that is information from the public, especially in matters of national security. You have the technology, the surveillance, but information from your people; a neighbour or even a family member. I think the Government knows that, but you would not have that manifested by magic. You have to let the public get confidence in the police service and confident that the Government is increasingly serious about taking action.

I am impressed to some extent by actions taken recently against certain officers who are not only indiscipline, but allegedly corrupt—you see, talking about information and preparing the officer to make him a modernized officer and having the capacity to get appropriate information, the question of wiretapping and telephone tapping is an important ingredient. I think people are concerned about telephone tapping.

#### PROCEDURAL MOTION

**The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith):** Madam President, in accordance with Standing Order 9(8), I beg to move that the Senate continue sitting until we have completed this Bill.

*Question put and agreed to.*

#### POLICE SERVICE (AMDT.) BILL

**Sen. Prof. R. Deosaran:** Without telephone tapping, as part of your surveillance machinery, you cannot be very efficient or effective in dealing with such crimes as kidnapping and terrorism. The concern that people have is not whether or not to give the authorities, the police, the power for telephone tapping or intervention, but the control over that power. Who would control that power? I think that is the concern.

If the Government can configure an appropriate mechanism for having that control over wiretapping and to be used when justifiable to prevent crime and in the national interest, I think the public would support such a policy. Of course, the police, in my view, could already get people's telephone records through a process, so the next step is to actually listen to the conversation, not only to solve a crime that has been committed, but to prevent a serious crime from being committed.

I am really going this far like my friend on fingerprinting and DNA. We, too, are genuinely interested in reducing this menace that is frightening all of us. We are really exploring all possibilities and crossing lines that we would not have ordinarily crossed if the circumstances were ordinary.



In fact, in section 24 of the Anti-Terrorism Act, there is some inroad to tap people's telephones there with certain prescribed permission, and sections 50 and 73 in the Telecommunications Act, in the interest of national security or jeopardization of public safety, I think there is some possibility of wiretapping with justification. So, intelligence is a critical issue. It does not have just to be an IQ test. Intelligence means the strategic gathering of information that will prevent and solve criminal conduct.

I am a little put out by the sensationalism in the international media about alleged terrorists being arrested here, and calling the country a hotbed of terrorism, and with quick condemnation making us feel as if hundreds of people are terrorists in the country. That is not so, and for whatever it is worth, I think the media is a bit unfair with this country.

**Madam President:** Hon. Senators, the speaking time of the hon. Senator has expired.

*Motion made,* That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. Dr. E. Mc Kenzie*]

*Question put and agreed to.*

**Sen. Prof. R. Deosaran:** On another occasion, I would elaborate on this matter, but suffice it to say that we should now seriously consider a policy of tapping telephones where justifiable, in the national interest and with proper controls. I do not think that we should remain timid over the issue. I think the time has come for us to go headlong into such mechanisms to deal with a criminal element that apparently has and shows no mercy on innocent citizens. Do not wait until it happens to you.

I used to hear Canon Clarke talking about forgiveness and restorative justice and to leave it to the Lord, but when it happens to you, you recognize how brutal and unthinking the criminals are. Sometimes when we are talking about forgiveness and that it is the system to blame, we really forget that there is something called evil, and it strikes at the innocent, especially, if you play foolish to keep on believing that everybody around you is holy and saintly. You lose your guard, and this country is losing its guard against crime and criminals, because it seems as if very prominent sections of the community feel that it is just love and forgiveness.

We continue, seemingly basing policies in that route forgetting that you must have a parallel set of policies to punish those who do wrong. [*Desk thumping*] I am not talking about hanging them in the square and taking out their fingernails

*Police Service (Amdt.) Bill*  
[SEN. PROF. DEOSARAN]

*Tuesday, June 05, 2007*

and so forth, but they must know that they would be punished according to the crime. I get the feeling that this is lost on the minds of criminals, so that they could go in broad daylight and rob a gas station. A lady left her home to put her garbage out by the roadside and they snatched her and raped her in broad daylight.

Madam President, when you hear these stories you want to know: Do we have courts? Do we have a police service? Yes, but these criminals no longer fear the law. We have to correct that; we really have to correct that. The longer we stay in correcting and trying to “pamper” to the lowest denominators in the society, perhaps because of votes, we are hanging our own selves by “pampering” to those miscreants, delinquents and criminals. Let them have a respect for the law. Once you “pamper” to them, you lose that vital virtue of respect. They will take what you give them, but they will not respect you. Once those in Government lose the respect of their citizens, it reduces their moral legitimacy to govern. They might have the legal right to govern, but they lose a more potent durable force; the moral authority to have their citizens listen to them. For those who play games with crime and criminals and “pampering” to such miscreants, they lose their credibility. So, if you lose respect and credibility, as if you are naked—speaking about nakedness, the word I really mean is you “pander” not “pamper”. You pander to these people not pamper. These are two different things.

Madam President, finally, I am not seeing the Minister here, but he raised an issue with respect to the 1000 officers which the Ken Gordon Committee proposed. I have given my say on that matter and I want to keep the record on that clear. I was a member of the committee and, as I said before, I was not comfortable because I do not think that was the right group to deal with such a very serious matter. You do not take an engineer and tell him to go and do agriculture. It just does not work. This matter is too serious to put in the hands, as I said in the meeting, into the hands of a publisher and some other persons who have the correct sympathies, but the expertise I was not sure about.

I told the committee that I want you to know—we did not take any oath—that I will continue to speak on these issues when I am outside because I am a Senator. So, that was understood. One of the objections I had was exactly what the Minister said, and he is right. You could not take a group of young persons and make them police officers overnight just to put them in the road for showing sake. They have to be trained. I made that point. I think it was a mistake for the committee to recommend such and impose it on the Government, and then remind the Government about its proposals.

The Government should be very careful about what proposals they accept. They must have a more studied approach and do not bow to the heat of the moment. That was a mistake. I told the committee so; I told Mr. Gordon that and I made that clear in Parliament, but whatever responsibility I have to bear for being a member of the committee, in that respect, I guess I will have to bear it. But I want to set the record right in saying that the Minister is correct in terms of how hasty that recommendation was and whether or not the Government applied it—I understand the Government did not put out 1,000 but they reduced it to 400 or 500, but the same principle is one to which I object. Does the Attorney General want to say something?

**Sen. Jeremie S.C.:** Thank you for giving way. I just wanted to note an anecdotal situation which would underline how correct the Minister was. He might not have wished to disclose it, but of those persons whom we got into the police force by that means—quite a number of them—I know of two for a fact, who then went on to other activities which involved the full wrath of the police service. They were involved in kidnapping.

**Sen. Prof. R. Deosaran:** That is why I say the Minister is correct. I, myself, anticipated that and that is not the route I would suggest for a serious approach to policing. That is why I started off first with what is policing; what do you expect of the new creation. Let us have some criteria publicized so that people would know that the new police officer, through the transformation process, and which the Minister is seemingly working so hard at will bear the fruits that we all expect.

Madam President and my colleagues, thank you very much for listening to me. [*Desk thumping*]

**Sen. Dr. Tim Gopeesingh:** Madam President, we are debating this evening the Police Service (Amdt.) Bill, 2007 which amends the Police Service Act of 2006. If we go back a little to the history of this Bill, it seems as though this issue started in 2002 with respect to police reform, and the whole issue of crime Bills related to preventing crime. Certain crime Bills were put before Parliament in 2002. They were allowed to lapse in 2002. They were brought in 2003 and then allowed to lapse in 2004 and then reintroduced in 2005.

When these Bills were reintroduced in 2005, as an alternative government, we believed that there were serious issues in that Bill which we were not comfortable with, because it violated certain basic human fundamental rights, and we decided not to support it at that time. Then came the discussions between the Government

*Police Service (Amdt.) Bill*  
[SEN. DR. GOPEESINGH]

*Tuesday, June 05, 2007*

and the Opposition and a number of meetings were held when it was decided that the whole crime package would be discussed, and that involved the Constitution (Amdt.) Bill, the Police Service Reform Bill and the Police Complaints Authority Bill.

Madam President, during those discussions, we came about with the view that we would support the crime package Bills, but we needed a number of other Bills brought to Parliament as quickly as possible. It is unfortunate that we have now passed the Police Reform Act of 2006, and today we are debating the Police Service (Amdt.) Bill, 2007, and significant pieces of legislation which were promised in 2006 when we had the discussion in early 2005 have not been brought to Parliament. These Bills are really the crux of the prevention of criminal activities, and these Bills should have been brought to Parliament.

**Sen. Dumas:** You are five years late.

**Sen. Dr. T. Gopeesingh:** The hon. Minister of National Security and the hon. Minister of Public Administration and Information and Minister of Energy and Energy Industries who heads the agenda on the Government's side for the introduction of Bills here—the crime legislation package were basically the Police Service Reform legislation which we are discussing a second time; the amendment to the Bail Act which was recently passed; and the introduction of a Bill to establish a gun and kidnapping court. That was part of the package that we agreed to.

**Madam President:** You are repeating.

**Sen. Dr. T. Gopeesingh:** We also had the revision of the DNA legislation. *[Interruption]* I want to make the point. This was all part of the crime legislation package which we were supposed to bring together. Madam President, it needs to be said, because even though we may pass this Bill and give support to the Police Reform (Amdt.) Bill, we know that it will not solve the entire crime problem and, therefore, we are asking the Government to ensure that these pieces of legislation are brought to Parliament as quickly as possible.

**Sen. Dumas:** You are five years late.

**Sen. Dr. T. Gopeesingh:** You are asking us to support something where the population will believe that the Opposition is supporting the Government on the crime package, so they expect that crime and criminal activities would be reduced but, in effect, we know that it would not be reduced, so they would look at us and laugh at us, because they feel that we are supporting something which really does not affect them because they still feel insecure and unsafe in their homes.

Madam President, that is my first point on the nine pieces of legislation which were important and they have not been passed. Most of all, they have reneged, even though it is worse—their reputation on the Equal Opportunity Bill which is now in cold storage in a joint select committee.

Madam President, there are also a number of other pieces of legislation which impact on crime. During the last six years there were also 20 pieces of legislation which were supposed to be proclaimed and have not been proclaimed. Today, we are debating another piece of legislation and we do not know when it is going to be proclaimed, and we may not see the impact of this piece of legislation on preventing crime.

We have a summary of all this. The secretary of Cabinet was asked to seek information on 27 pieces of legislation which have not been proclaimed. So, is this piece of legislation going to be put with the other 27 pieces of legislation that—

**Hon. Senator:** No.

**Sen. Dr. T. Gopeesingh:**—have not been proclaimed. I can read the 27 pieces of legislation, but I will not go into that. I just wanted to make the point that it is important for them to understand that we may stay here and debate ad infinitum, and week after week, when the legislation is passed they do not proclaim it. Again, would it not be wasting our time? We hope that they do not.

**Sen. Jeremie:** They agreed to it downstairs.

**Sen. Dr. T. Gopeesingh:** We will agree with it here as well, but we need to make certain points for your consideration. We are not disagreeing with our colleagues. We have to make certain points for clarification, and we need to get certain answers for clarification.

Madam President, with respect to the Police Service (Amdt.) Bill it says:

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

Madam President, do you think that the drafters of this piece of legislation would have really omitted the Commissioner of Police and Deputy Commissioner of Police in the original composition of the police service? If you look at the Third Schedule, it went on to Assistant Commissioner of Police. Even at that time, they did not understand that the police service really incorporates the Commissioner and the Assistant Commissioner? So, they have to come now and ask for an amendment because they did not do their homework properly. *[Interruption]* I have made my point on that. *[Interruption]* It means then that

*Police Service (Amdt.) Bill*  
[SEN. DR. GOPEESINGH]

*Tuesday, June 05, 2007*

even the Attorney General is slipshod. If all of us allowed it to pass, he is responsible for the legislative agenda for the Government in the Upper House as well. So, do not try to pass the buck on to us or anyone else. You are responsible for that. The Bill states:

“Clause 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.”

When we look at clause 4 of the Bill it says:

“(a) in the case of promotion to and within the First Division...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.’”

I do not think that you have caused us to understand what is meant by the prescribed points. How is that obtained and by what method? There are two areas which will define the promotional process; one is “the results of the promotional assessment process”. That is all the examinations that you are talking about and the studies on *One-Minute Manager* and the other books and all the things you have enunciated there. What about the other part “attained prescribed points”? How do you get points? This is on what basis? Is it your competence or your assessment by your peers?

The Minister said that the 100 percentage to be looked at involves different areas. I think you mentioned 40 per cent based on the performance appraisal; 50 per cent based on the exam process or 55 per cent, and I was asking where the other 5 per cent is. You have to tell us what you mean by the points. It says:

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

Now, if he wants to clarify that, I am going to give him some time to clarify that. If he cannot clarify it at this moment—

**Sen. Joseph:** The details are contained in the regulations. When I was presenting the Bill, I indicated how the marks were going to be allocated, but the details are provided in the regulations.

**Sen. Dr. T. Gopeesingh:** We understood that. I understood when he said that 40 per cent would be based on assessment and 50 per cent would be based on the assessment process which is the examination. If he says that it is in the regulations, then I would have to go and look in the regulations to find it. If, at the end of it, I have not found it, when you are winding up, we would ask you to come back to that.

Madam President, they have repealed sections 17, 18, 19 and 20 of the Act. It says:

“17 Subject to section 16(2), promotions to and within the First Division shall be made by the Commissioner...”

Only on the basis of the results of a promotional assessment process. Now, you said that carries 50 per cent of the point system. So, is the commissioner going to promote somebody to the First Division with 50 per cent? Should that not be something else? It should read: “...made by the Commissioner on the basis of the results of a promotional assessment process in addition to the points attained in subclause (4).” So, there is need for clarification on this part of the Bill.

The next area is section 17A (1) and it says:

“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...”

There are three issues there which we need some answers and clarification on, even though my colleagues in the Lower House may not have asked for it. We are supporting the Bill, but we need some clarification here. *[Interruption]* I read the contribution of the Leader of the Opposition in the Lower House, and I read the Minister’s contribution in the Lower House and, unfortunately, I did not see where this was explained.

Madam President, let me just go to the first point on this matter. The Commissioner shall in accordance with the procedure prescribed cause to be contracted from time to time a person. I think that person was defined somewhere,

*Police Service (Amdt.) Bill*  
[SEN. DR. GOPEESINGH]

*Tuesday, June 05, 2007*

and that person includes a corporation, whether aggregate or sole and an unincorporated body of persons contracted by the Commissioner in furtherance of this section does not include an individual.

So, we get the understanding that it is not a one-man team. It could be more than one person. So, a person does not really mean an individual; it could be a corporation. It says here that the Commissioner shall in accordance with the procedure prescribed do that, but here this afternoon we heard the hon. Minister speak about a promotional assessment process which has already been defined and structured, by whom? Did the Commissioner of Police take part in this arrangement? Are you asking us to accept something now and to give you the okay to do it when it has already been decided? The point is the Commissioner shall do this.

Madam President, it seems as though this administration now has cause to contract this person. It is not the Commissioner. The Minister read out here this afternoon in minute detail, the whole question of how this organization is going to look at it. My colleagues asked why do we have to remove this whole Advisory Board and Promotion Centre and so on to give it to incorporation. I think we are really not very happy with that. The fact is: What is going to happen if you have a new commissioner coming in? A new commissioner can come in by virtue of a contract, because if you do not get citizens in the police service who do not want to take up a commissioner's position, because they would have to withstand the scrutiny of Parliament, they may elect not to do so, and you may end up with no commissioner from within the ranks. You may have a commissioner coming from outside on contract, but this would be a rare situation. Who will determine that aspect of that person and that promotional assessment process? Is the new Commissioner going to do that? Does he have to abide by what you have already done? [*Interruption*] Why did you put in the Bill that the Commissioner will do that? Is it subject to change?

**Sen. Joseph:** Madam President, when this legislation went into the Lower House, the Lower House understood that the Government had already started to put measures in place to deal with the timeliness of the process, because by November there will be a number of vacancies in the police service to be filled. It is expected that it will be filled with this legislation.

When it was there, it was felt that the question about in the future—the assessment process—would be subject to competitive bidding et cetera. That was introduced having already put something in place. So, there is an understanding that the process that we now have in place will continue. I responded to Sen. Prof.



Ramchand by indicating that the future process will be now subjected to a much more competitive bidding et cetera. If we did not put the measures in place, then we will find ourselves unable to meet certain types of timely requirements that needs to be met.

**Sen. Dr. T. Gopeesingh:** I think he has explained it.

**Sen. Joseph:** Madam President, it was accepted.

**Sen. Dr. T. Gopeesingh:** He has now explained that he has put this process in place to meet the requirements for the present situation and, in the future, if there is need for a new commissioner that process would have started with this, but you still have to explain to this House whether this is the process that would be carried over into the future or a new promotional assessment process will be done by the new commissioner. That is still very hazy. I heard the hon. Minister say that he needed to do something at this stage to facilitate the process for a commissioner to be appointed, but is this same promotional assessment process going to be continued into the future or is it going to be finished and a new commissioner will have a new promotional process?

Madam President, the third point on this section 17A (1) has to do with internationally accepted promotional assessment standards to determine the suitability for promotion of a police officer to the First Division. How are we guaranteed that all that he has described in his presentation to us this afternoon is acceptable as internationally accepted standards?

I am not convinced that the Mastrofski Plan or the Mastrofski Promotional Assessment Process—I believe he is the person responsible because you mentioned Pennsylvania State University as being the movers of this. They will be marking the papers and doing the MCQs and so forth. Madam President, is this really meeting international standards? In other words, will the Mastrofski Promotional Assessment Process be meeting international standards?

**Sen. Montano:** Yes.

**Sen. Dr. T. Gopeesingh:** You just cannot answer yes. They will have to justify in some scientific way and on empirical evidential basis that these are internationally accepted standards. Any member from any university—Sen. Prof. Deosaran is a criminologist in the University of the West Indies and he could put forward a plan for promotional assessment process. Prof. Mastrofski put forward a plan for the Pennsylvanian State University, and then you will have British people like—I do not know if Hood might probably put forward a plan, because he seems to be a world authority on criminology as well. Is the Mastrofski Plan parallel to international standards that anyone else can set up? This needs to be answered.

Section 17A (3) states:

“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.”

Madam President, this is similar and akin to the situation where the Prime Minister had to approve the position of Commissioner of Police. Now, the ranks below the commissioner—if the Prime Minister did not want the Commissioner to be appointed, he vetoed that appointment. What was happening before this new Police Service Act was presented was that the Prime Minister could have said at any time, “I do not want A; I do not want B”, until he gets the person he wants. This is the same situation that we are creating here.

“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.”

Madam President, all the positions below commissioner level—Deputy Commissioner, and we have three; we have a number of Assistant Commissioners, Senior Superintendents, Assistant Superintendent and so forth. So, anybody above the rank of Superintendent, the Police Commissioner has to agree that this is the person he wants. We are saying that this is not a nice situation, because the First Division could be filled with the Commissioner’s people whom he likes and whom he prefers. This is a real possibility from the position of Superintendent up to the position of Deputy Commissioner of Police can be filled with just with the Commissioner’s men and women. So, whoever he feels and whomever he likes will fill those positions, because it says here—and we have to pass this piece of legislation—that “A police officer shall not be appointed to the office in the First Division if the Commissioner objects to the appointment of that officer...”. This is not a nice and tenable situation. It is not nice.

We have so many people. This needs to be repeated because repetition is good for the soul. In fact, in learning, the Minister of Education will tell you that the more you repeat something the easier you will remember. I tell my medical students that.

**Madam President:** That is not in the Standing Orders. [*Laughter*]

**Sen. Dr. T. Gopeesingh:** I take your guidance. Section 17A (2) says:

“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 Commission in relation to his functions under section 123A(2)(a)...”

Madam President, again, this is vague; it is not clear; and it is rather confusing in terms of what points can be accrued in the whole process of promotion of this officer in the First Division.

**7.00 p.m.**

The next subsection(5), under section 17, brings into play:

“...the person shall take into account the criteria and procedure prescribed.”

And may I read this part:

“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...”

Which is the corporation soon or the body that is looking after the promotional assessment process.

“shall take into account the criteria and procedure prescribed.”

I am not aware of what are the criteria and procedures prescribed. Where they are spelt out? If they are spelt out in the Regulations; we want to know what part of the Regulations spells out the criteria. I am not seeing the Police Service Regulations about the criteria that are written about here in subsection (5); the criteria and procedures prescribed. I think the hon. Minister has to give to us some information on that, because there is nothing here that I can see under any of the parts in the Regulations that deals with it.

I have looked through all 16 parts in the Regulations: Gratuities and Pensions, Recognition of Police Service Association, Uniform, Disciplinary Procedure, Government building, Vacation Leave, Custody and Care of Prisoners and so on, nothing speaks about the procedures in these Regulations. So I do not know what is being prescribed. Section 18:

“For the purpose of conducting promotion in the Second Division, there is established a Promotion Advisory Board which shall comprise...”

It gives the composition of the Promotion Advisory Board. Why is it that for promotion into the Second Division this administration wants a Promotion Advisory Board, and for promotion in the First Division they have decided to eliminate sections 17 to 20 and remove a board for promotions in the First Division.

Is this double standard? Why do you want to have a Promotion Advisory Board for the Second Division and you do not want to have it for the First Division? Is it that you want to control the First Division? It leaves us dumbfounded as to why you want that in the Second Division of the police service and you are removing it for promotion in the First Division. We cannot understand this; we want to know whether it is double standard and it is unclear to us what is the real rationale for it. I think we need an explanation and we are owed an explanation on this whole aspect of it.

Even though the Promotion Advisory Board for the Second Division promotion, subsection (3) says:

"The appropriate recognized association may nominate a representative to be present as an observer at sittings of the Board."

Why can this nominee or representative from the appropriate recognized association not be a full Member of that board? We have five other people, a Deputy Commissioner of Police, Assistant Commissioner, Director of HR, a senior officer who is not a police officer and an independent management consultant. It says:

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

But why is the association not represented on the board and must be an observer? I think there is some need for that to be looked at. I think it is fair to the police welfare, not to the Police Welfare Association because they look after the First Division area, but the association that is looking after Second Division officers should not be an observer but should be a member of that Promotion Advisory Board; one person should be on that.

Madam President, section 20 speaks about promotion in the Second Division. Section 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."

Where is that qualifying examination? I have not seen it in the Regulations. I am getting some dissent on the other side when we are bringing up important aspects of this piece of legislation. *[Interruption]* Section 20. Yes, section 20 in the Amendment Bill. You want me to repeat it? "Promotion in Second Division". Section 20(1); the end of it "is required to pass a qualifying examination". What is

that qualifying examination? Who sets it and where is it marked? By whom? Because this is where we have a lot of police officers speaking about adverse problems in terms of promotion and we know that police officers have gone to court seeking redress on why they have not been promoted.

So we have to find: Who is really dealing with this whole question of this qualifying examination? Where is it set? Who sets it? Who marks it and on what criteria is it done? They seem to be frustrated when we bring these things to them, but they ought not to be. These are worthwhile and important considerations for you to look at. I am not moving out of the context this evening. I am not straying at all whatsoever; I am on the point bringing up important information; therefore we need some clarification on it.

The subsection (20)(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."

Here again we have those words being put into the Bill "criteria prescribed" and we are seeing nowhere or evidential basis on what this criteria is about in terms of criteria prescribed. So could the hon. Minister draw our attention to it so we can understand what it is about. Clause 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.'"

I am looking under section 21 in the old Police Service Act, I do not see anything about that whatsoever. What is section 21 in the old Act?

"A police officer on first appointment shall serve the prescribed period of probation."

I am yet to see that. If we go back to clause 7 (section 22):

"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.'"

Under the Police Service Act, 2006, section 22(1), says:

"The Commission may, having regard to the qualifications, experience, skills and merit of a person who is not in the Service, appoint on contract such a person as a police officer to the rank of Commissioner or Deputy Commissioner for any specified period."

We want to ask the hon. Minister; within the service there is a promotional assessment process in place that he is setting so that somebody from Assistant Superintendent, Superintendent or Deputy Commissioner could undergo this and become the Commissioner, what happens to the contract person; the person coming from outside? He said:

"...having regard to the qualifications, experience, skills and merit of a person who is not in the Service..."

So here in the service we have the officers who have to sit an examination; they have to satisfy the criteria for promotion; go through the process of the examination; the promotional assessment process and so on and the points that he spoke about, but someone is coming from outside; what is going to happen to that contract person who is going to be put forward as a candidate for the Commissioner's post? Does he have to go through—He has no system for that. How are you going to judge that person? Because I said there is a real situation; there might be nobody applying for it within the police service and you may be forced to bring someone from outside.

So how would you be bringing that person in? How would that person be judged, besides having come for the scrutiny of Parliament? Parliament has to scrutinize that person. How is that person going to be judged to become a Commissioner of Police? We do not see anything here that we can objectively and empirically say, well, these are the criteria that are necessary for a commissioner to be appointed.

We know what are the criteria within the police service for the promotion to Commissioner, because based on the point system and based on the promotion assessment process—What is the criteria for bringing someone from outside to be a commissioner? That is not vague; it is not there for you us to understand; it is absent and we are left in a quagmire as to what will really be the skills necessary and so on for someone to come from outside as a contract officer to be a commissioner. To add to the confusion, to add to more problems, section 22(2), according to old Act, which has not been changed:

"The Commission may, having regard to the qualifications, experience, skills and merit of a person who is not in the Service, appoint on contract such a person as a police officer...for any specified period."

So that means the Commissioner could appoint contract officers to the posts of Deputy Commissioners of Police, Superintendents or Assistant Commissioners of Police. What criteria would that Commissioner use in appointing those people

to those positions, as opposed, or is it in contrast, to what is happening within the service where there are defined criteria and a point system upon which the candidate has to satisfy to become an assistant commissioner or deputy commissioner?

Here it is on one hand, we have the system operating as it is at the moment, where the whole process to be promoted—you have a process to be promoted. On the other hand, you have people who can come from outside as contract officers and we have no specific or defined criteria for that person coming in either as a commissioner, and then the commissioner has nothing there for him or her to determine how he is going to bring contract officers to the other positions beneath him.

These are some of the areas which we needed to have some clarification on. My colleagues agreed to it in the Lower House; but I think it is important for the hon. Minister of National Security to indicate to us and to clarify certain problems we may have in our mind, which we have not been able elucidate by reading the contributions in the Lower House. We are supporting the Bill, there is no question about it, but we need certain answers on this.

The last one as far as the Bill is concerned, the amendment Bill, clause 8, is the question of the Commissioner keeping the data on a national database and anybody who has gone through the court process and deleting in section—Now, we have no problem with the fingerprinting aspect of it being kept on a database; anybody who has been through the court system; that is important. So that anybody who has been through the court system, all police officers, they are on a fingerprinting base. Those who apply for firearms and so on, there is a fingerprinting base, so that base could be enlarged. I think the hon. Minister would have to indicate to us why, in the whole question of photographs and measurements that has taken place with somebody who have been through the court system, the Commissioner has to keep that record.

We keep the record of the fingerprinting aspect of it; that is important; we agree with that. But the question is, the question of photographs or measurements, which the courts will have and the Police Commissioner will have at their disposal. The question is, why is it necessary for the Commissioner to keep those records? We could see that it is necessary for the fingerprinting aspect of it to be on record on a database.

Section 64 of the 2006 Act states:

"Where a police officer lays an information or makes a complaint against a person, any police officer of or above the rank of sergeant may appear before the Magistrate or Justice who is trying or enquiring into the matter of the information or complaint, and shall have the same privileges as to addressing the Magistrate or Justice..."

In other words—

**Madam President:** Hon. Senators, the speaking time of the hon. Senator has expired.

*Motion made,* That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. Dr. J. Kernahan*]

*Question put and agreed to.*

**Sen. Dr. T. Gopeesingh:** Madam President, I would not be long on this second part of my contribution; we just want some clarification. In other words, this part where any police officer above the rank of sergeant can prosecute in a court before a magistrate or a judge. Now they have introduced a question, who has obtained a Bachelor of Laws degree from an institution recognized by the Accreditation Council? That is worthwhile; it is noble that police officers seek to get their Bachelor of Laws degree (LLB), but you may have a constable who has a Bachelor of Laws degree, who is new in the system. Would that constable be able to prosecute in a magistrates' court or the High Court, because he has a Bachelor of Laws degree? We know a Bachelor of Laws degree is a theoretical thing, you really only know the theory of law. But a sergeant who has been there for a while; who had followed cases in the court for a long time; AG you know that.

**Sen. Jeremie SC:** You want me to stand up and—

**Sen. Dr. T. Gopeesingh:** No, both of you will answer that in a while. The point I am making is that you can have a constable below the rank of sergeant, who holds a LLB degree and now be given the opportunity to be somebody who can address the magistrate or who can address the judge.

**Sen. Jeremie SC:** Sen. Dr. Gopeesingh, would you give me—

**Sen. Dr. T. Gopeesingh:** Yes, certainly.

**Sen. Jeremie SC:** This is a particular contribution which emanated from your side and what we have done is to include it because we thought it was a worthwhile suggestion. What you have is a marriage of the academic—that is the Bachelor of Laws degree—with the practical experience which these police



prosecutors will have on a day-to-day basis with knowing how the courts function, which is all that you get at the law schools. In reference to my friend, Sen. Seetahal SC, the law schools teach you about the profession; what you do in court; how you address the judges. Of course, there are some academic courses, procedure evidence and so on and so forth. But really, to suggest that this is something which has come from this side; it is a proposal which came from your side, which we saw merit in and which we have included in the Bill.

**Sen. Dr. T. Gopeesingh:** We see merit in it as well, that is why we have supported it; that is why we are supporting it. But the question that you have to ask yourself, perhaps it may be necessary not to allow a junior officer because he has an LLB to prosecute. *[Interruption]*

**Sen. Jeremie SC:** At the present time it is a police prosecution alone, it is nothing—

**Sen. Dr. T. Gopeesingh:** But above the rank of Sergeant.

**Sen. Jeremie SC:** Yes.

**Sen. Dr. T. Gopeesingh:** That means there is experience in it. You know that Trinidad and Tobago has been calling for the abandonment of police officers to be prosecutors in any case, so I hope that we move—*[Interruption]* Do not quarrel because it is a point that we are trying to establish; that you have a little problem in terms of people below the rank of Sergeant would be doing prosecution like constables. Well, you will solve that problem in the courts.

**Sen. Jeremie SC:** We have solved that problem.

**Sen. Dr. T. Gopeesingh:** The last point I want to raise—

**Hon. Senator:** The last point?

**Sen. Dr. T. Gopeesingh:** Yes, it is the last point—is the question of training. What we have found is that there are a number of international organizations that have written about the question of police officers within the system and terms of police reform; not being able to meet the requirements in their training on the question of human rights. Amnesty International on April 26, 2006 asked the Attorney General and the Minister of National Security what they are doing in terms of looking after the training for officers in expectation of the police reform process as far as human rights abuse is concerned. They said:

"In January 2006, Amnesty International wrote to the authorities in Trinidad and Tobago setting out its concerns about allegations of human rights violations involving police officers and requesting information about some of the cases included in the report."

*Police Service (Amdt.) Bill*  
[SEN. DR. GOPEESINGH]

*Tuesday, June 05, 2007*

They had raised:

“In the context of police reform we want to see some educational aspect in terms of training in accordance with the international conventions on human rights and abuse of human rights and so on.”

[*Interruption*] Hold on you would get a chance to answer that. In 2005, police report—there were 22 people killed by police bullets in 2004, and in 2005 there were 15 killed by police bullets according to Amnesty International. They said:

"To date it has not received any substantive response to the questions raised. Amnesty International recognizes that policing is frequently a difficult and dangerous task requiring expert training and skills. However the pattern of immunity that has been the hallmark of investigations into allegations of human rights, violations committed by police officers has further served to undermine public faith in the institution and it has really undermined the ability of the police service to a significant extent, because a number of people in the wider community have been questioning police brutality to some extent."

**Sen. Jeremie SC:** Sen. Dr. Gopeesingh, would you give way, please?

**Sen. Dr. T. Gopeesingh:** I have minimal time.

**Sen. Jeremie SC:** I would not be more than a minute.

**Sen. Dr. Gopeesingh:** Okay, answer that.

**Sen. Jeremie SC:** In terms of the Amnesty Report, all I want to tell you—through you, Madam President—is I have responded to it, not holistically but on an individual basis. So every single instance of police brutality which they identified, I wrote to them indicating what action had been taken by local law enforcements. That is all I want to say.

**Sen. Dr. T. Gopeesingh:** Okay, because I was going to ask the hon. Minister and I wanted the Minister of National Security and the Attorney General to tell us in this Senate why has there been no response to these queries by the international organization because they said, the State's alleged violation of international treaties and what the police had to hide. So I am very happy to hear that you have responded, but it is significant because you have at least 40 extrajudicial killings.

**Sen. Jeremie SC:** “Twenty-eight”.

**Sen. Dr. T. Gopeesingh:** “28”; which have been reported in the media. So we hope that Amnesty International would get the answers to what they have been asking. They said in a few instances where allegations of human rights violations

by police officers are being investigated by the authorities, progress has been so slow as to have seriously impeded any chance of a successful prosecution.

Amnesty International had identified a serious problem of police killings and lack of proper investigations, which it believed it required an immediate and urgent attention by the authorities. So we are happy that you have addressed the issue and it would be nice for the population to have an idea of what you have given them as an international organization.

You as a Government must send a clear message to society that within your police service reform your training must be adequate so as to ensure that human rights violations by police officers will not be tolerated and you must act now to ensure that all cases of deaths in suspicious circumstances involving police officers are immediately, fully and impartially investigated and that those responsible are brought to justice.

Madam President, in concluding, I have gone through the Bill clause by clause and we have indicated that there is need for a lot of clarification in a number of these clauses and subclauses. We have indicated the long drawn-out process from since 2002 to 2007, that we are debating over five years now; the whole aspect of the Police Service Act and the Police Service (Amdt.) Bill and obviously it has not made an impact on the crime situation and the criminal activities that are going through Trinidad.

There is a lot of confusion as to how police officers in the First Division would be promoted from the rank of Assistant Superintendent to possibly Commissioner. There is confusion as to what will happen to contract officers coming from outside; what will be the criteria that they have to meet. We want to see not only this piece of legislation enacted and proclaimed, but we want to see that the other nine pieces of legislation, which we had agreed to in the discussions in 2005 between the former Prime Minister, the present Prime Minister, Sen. Wade Mark, Mrs. Kamla Persad-Bissessar and the Ministers on the other side, be enacted because this piece of legislation by itself would not be able to solve the crime problem, it has to be done in conjunction with a number of other activities.

The whole psychological aspect of crime prevention, crime detection and the whole aspect of ensuring that people are brought to justice leaves a lot to be desired at this moment, because the crime detection rate is low and people are going and at the end of it we say that only one person out of a thousand is convicted. This is untenable at the moment.

*Police Service (Amdt.) Bill*  
[SEN. DR. GOPEESINGH]

*Tuesday, June 05, 2007*

All that we have discussed here this evening in terms of the Police Service (Amdt.) Bill will come to naught if the other things are not put into place. And this is just one area out of so many that could really significantly impact upon the reduction in crime.

Madam President, thank you very much.

**7.30 p.m.**

**Sen. Angela Cropper:** Madam President, thank you. Sen. Prof. Deosaran and Sen. Prof. Ramchand have spoken before and said that they consider this to be a very important Bill, I wish to join my opinion to that in terms of how far reaching and significant this Bill could be for the performance of the police service.

In general, I welcome this Bill. I welcome it because it seeks to put in place structures to clarify and enhance the authority of the Commissioner of Police to institute mechanisms for management, administration and so on, all of which could operate to upgrade the threshold of performance and operation of the police service. If all of these measures here help to improve the morale of the police service, and insofar as this is one dimension that explains performance; bad performance, poor performance or good performance, then I think if the morale is improved, as a result of some of these measures, then hopefully, we could see to that extent some improvement in the performance that we are looking for, in order to help to address the crime situation in the country. Not just the crime situation but the whole regulation of the society, especially, because we seem to be incapable of doing that for ourselves, without the policeman looking over our shoulders.

I am a little taken aback that many of the measures that this Bill introduces either have not existed or have existed at a very rudimentary level, and it really causes one to wonder about the systems that have been put in place over time for the operation of the police service; but be that as it may, better late than never. I think the whole package is to be welcomed. I have just four points that I would like to raise. As I say, I support the Bill, I welcome it in general, but there are four aspects of it that give me concern and I am going to try not to go into the nitty-gritty of those aspects that have been dealt with before by others but see if I can add a new dimension to the debate.

The first one relates to the operation of clause 4 and clause 5. We have heard from the Minister in introducing the Bill that the whole package of measures is to modernize, if you wish, our system here and to place the promotions within the police service on the basis of merit. We heard him explain in great detail the

operation of the promotional assessment process. Clause 4 stipulates that an officer may be considered for promotion to and within the First Division if he has satisfied two tests: successfully passing the promotional assessment process and also obtaining the prescribed number of points that are distributed in different ways throughout the procedure.

Having established that, however, clause 5 then gives the Commissioner of Police what seems to be a veto power over the recommendations that might be made out of that process. When we debated the Bill last week to amend the Constitution consequent upon this Bill; I believe in clause 5 of that Bill we had made provision for the Police Service Commission to now be able to receive appeals on the basis of promotional matters. So at least the officer in the First Division whose promotional recommendation has been vetoed by the Commissioner of Police will have that opportunity to appeal, since it is no longer going to be limited to just disciplinary matters.

I think that is a good thing because at least there can now be recourse to another authority to question the veto of the Commissioner of Police. But I do wonder about the psychology behind that, given that in the First Division there are relatively few officers. There are so few at the top in the First Division that officers who may have to go through that process of appeal, if they did succeed in the appeal, will then have to take up their position within that small and closed circle at the top of the police service. I am concerned about the effect that that whole procedure might have in terms of relationships and performance of those officers. So I think while on the face of it, it seems fair and just that there should be that process of appeal, one wonders why it is necessary to create such a situation in the first place by giving a veto power to the Commissioner of Police to be able to override the outcome of the performance assessment process and the promotional assessment process. So that is the first point that I wished to raise.

The second one relates again to the details which have been given to us by Minister in explaining the way in which the whole examination procedure is going to work and so on. I must say I was a little taken aback to hear that a good percentage of the points to be earned in that process will take place on the basis of a multiple-choice examination. I was of the opinion that multiple choice as a method of examination had gone out the window sometime ago, and I was surprised to see that coming back and being inscribed in a system that we are now trying to upgrade and to modernize. And what concerns me more is whether the multiple-choice method is a method that is appropriate for assessing the kind of skills that we need to inculcate in the police service. I am thinking that we need to

*Police Service (Amdt.) Bill*  
[SEN. CROPPER]

*Tuesday, June 05, 2007*

inculcate skills of critical thinking, deductive skills, lateral thinking and so on because that is the nature of the function that a police officer is required to carry out at whatever level of the service, whether as a new recruit as constable or as Commissioner of Police. The multiple-choice method does not cater to assessment of acquisition of those kinds of skills.

I believe we have been seeing in all of the analysis that is being done from our own university and of universities elsewhere where the lower levels of the educational system have employed that multiple-choice method, that we have seen over time a product coming out of our universities—graduates—are not really given to creative thinking, innovative thinking and critical thinking as might have been the case in the past. Many educational analysts have ascribed that to the multiple-choice method used at early stages of their training and education. I question why are we now thinking of instituting that as one part of the method of assessment within our police service, when the opposite kind of skills are what we want the police officer to have at the end of the training and examination process. So that is my second point. And I would also like to say here in passing that I am not of the view that an assessment method such as this designed for us abroad would necessarily be better than something we could do for ourselves, taking into account the points that have been extensively made by Sen. Prof. Ramchand earlier this evening, about the need to prepare the police officer for functioning, not only within the society but also according to the psyche, that particular psyche that makes up the Trinidad and Tobago citizen.

The third point, Madam President, relates to procedure. There are two instances, it seems to me in the proposed amendments in the Bill, which I think would affect the ordinary citizen who is not a member of the police service; these are clause 8 and clause 8(a). Clause 8 of the Bill proposes an amendment by virtue of which the details of a person who has been in lawful custody, who has not previously been convicted of a criminal offence and who is discharged or acquitted by the court for that particular matter, will now be required to be kept by the Commissioner of Police and entered into the police database and then eventually into a national database.

Madam President, I question the appropriateness of that, because it seems to me that the concept of being innocent until proven guilty goes out the window with that, and secondly it seems to me that if the person has been in lawful custody and has been subjected to those procedures, but the judicial process has found the person to be not guilty as charged then that is enough to exonerate the person; and it should not be required that the details of that person be retained within the

police records. Similarly clause 8(a) of the Bill proposes a new subsection to section 51 of the 2006 Act. This requires an amendment to section 51 of that Act. Section 51 of the Act relates to a person who goes to a police authority to ask for his good character to be certified. Having applied for a certificate of good character, probably for a job, a bank reference, a loan or something of the kind, at the end of that procedure the details of that person also are required to be retained by the Commissioner of Police, entered into a police database and retained there, and eventually transferred to a national database.

The thing that concerns me about these two provisions in the Bill is that they may introduce a requirement that would affect citizens who are not members of the police service, but through a back door kind of way. We live in a very modern society and world, and a very complex one at that and I think it is reasonable to expect that our provisions for upgrading and making more precise identification procedures would be required to be done from time to time and that it is reasonable to do so as technology permits. To take the point made very explicitly by Sen. Prof. Ramchand earlier: he is of the view that we should bite this bullet, and take the decision to create a national database for the fingerprint records of all citizens. While I have no problem with that in principle, I do think there is a proper procedure by which that should be done. Perhaps we should face that frontally and take it as a separate issue; introduce it as a separate measure in a separate Bill and debate it on its merits rather than introducing it in this way. I think if we require a citizen's details to be stored, we should require it for all, and therefore approach it in that way. So procedurally I am questioning the appropriateness of the procedure proposed through clauses 8 and 8(a).

**Sen. Joseph:** Thank you very much. Hon. Senator I think if you note the amendment, we are saying that this national database is going to be created by written law, so that we have to come back with the appropriate law to establish this database. So it is not being done by any kind of a back door, we have to come back, but in the circumstances all we have to do, as they say to be a national database created by written law, and as a result, as I said that written law has to come back for debate and approval by these Houses.

**Sen. A. Cropper:** Madam President, I thank the Minister for that clarification but it would lead me to ask: would the written law that he is contemplating be a law that provides for the obverse of what is provided here? That is to say, to provide for these two classes of people only, or will the written law he has in mind actually address the requirement to the whole society?

*Police Service (Amdt.) Bill*  
[SEN. CROPPER]

*Tuesday, June 05, 2007*

That is the point that I am making here: that according to these clauses 8 and 8(a) two classes of citizens, not members of the police service, will be caught within these provisions; and to take the point of equity made by Sen. Prof. Deosaran earlier on, it would seem to me that that is not an equitable way to proceed. And as I say, I think it is somewhat of a back-door way in which to introduce this provision that affects citizens who are not members of the police force and that it might be better to have left it for the Act that would deal substantively with that issue. That is the point I am making.

So that was my third point. I entirely agree that a better procedure for obtaining details of citizens would be to require that those details be obtained in the context of applying for a national ID card, passport or some official documentation of that kind. I want to make myself very clear here that in principle I do not have a problem with the requirement for the whole society, given the context and the times in which we live, but I do feel that we need to introduce it in an appropriate way.

The fourth point I have relates to clause 11 of the Bill which introduces the requirement for a fingerprint impression for every member of the police service to be kept by the Commissioner and also eventually transferred to the national database. We have had a similar issue like this within the context of the DNA Bill—the Minister would recall—where the provision require that the DNA samples for every member of the police service is obtained, and also stored in a national database. Within that Joint Select Committee on the DNA Bill we have examined this provision and looked at it in terms of its constitutional appropriateness. Now the Minister in his introduction this evening pointed out that even if a provision contravenes or is likely to contravene sections 4 and 5 of the Constitution, section 13 provides that that can be done providing that the required majority is obtained. On that basis, this clause is likely to be passed. But the point that was raised in the DNA Select Committee on this analogous clause was whether it would satisfy or meet the test of reasonably required or justifiable in a democratic society.

I believe it was the Attorney General himself who in that committee pointed out to us that—

**Sen. Dr. Mc Kenzie:** Madam President, if I may just intervene for a while, I am seeing that we have not yet discussed the DNA Joint Select Committee report, I do not think it is right that we should go into any details. I am not sure if I am right but I think so as a committee.



**Madam President:** I was listening to see whether you were actually bringing up anything that was discussed in the committee. If that is so then you should not because the report has not yet come here.

**Sen. A. Cropper:** Thank you, what I am bringing up here is the point in principle and that there is an analogous provision there which we have sought to examine, and so I raise the matter here again as to the appropriateness of this clause that singles out a class of people for whom a particular requirement is made, and whether that clause would not be discriminatory and whether it would stand the test. The same test that has already been applied in the Proceeds of Crime Act which is now before the Court of Appeal.

Madam President, that is the fourth point that I wanted to make. So in general and in conclusion I support the Bill, I welcome it. I think it has the potential here to upgrade our police service, and hopefully its morale and therefore, ultimately, its performance, but I do question the appropriateness of the multiple-choice method of testing officers. I have questioned the appropriateness of introducing the requirement for details of some citizens to be kept on a police record, and also, I have questioned whether the clause requiring the details for every member of the police service to be obtained and to be stored that is not likely to be discriminatory.

Thank you.

**Sen. Raziah Ahmed:** Thank you very much, Madam President. As I join this debate at the point of the discussion of the fingerprint database I want to use that as an opportunity to go back a little bit to earlier in the afternoon when the Minister presented his case for the amendments. He said that it is part of a senior planning group initiative from the Ministry of National Security that sought to give the Commissioner some autonomy, full control of his staff and the recruitment of his people to redo some of the HR policies and principles and went on to close his presentation with reference to developments over the weekend. I would just like to take one tiny moment to, in particular, condemn all conspiracy and all plots by persons that are designed to inflict terror and fear in the lives of innocent citizens. Such actions are contrary to the tenets of Islam and the perpetrators of such acts are woefully misguided if they seek to use Islam as a scapegoat for their deeds. I wish to state categorically that the proponents of terrorism in all its forms are indeed due for punishment.

With respect to the fingerprinting, Madam President, those of us who have travelled to North America recognized that upon entry fingerprinting and a shot of the eye is routine. We have put into our draft legislation a desire to create a

*Police Service (Amdt.) Bill*  
[SEN. AHMED]

*Tuesday, June 05, 2007*

database of fingerprints and my worthy Senators on the Independent Bench have on more than two occasions indicated a need to fingerprint the entire population, and that was also greeted with some response a few minutes ago with the Minister saying that they would have to come back to create written law to effect that. I would like to categorically object to any attempt on the part of the Government to fingerprint across the board or, as is recommended by some of the Senators in this debate, to fingerprint across the board all citizens.

Madam President, my bio-data is a confidential matter. If it is that I am suspected of some kind of offence and it is necessary to capture my DNA, or my fingerprint or the prints of my eyes, then so be it. But as an innocent, law-abiding, God-fearing citizen I object to any attempt and any recommendation to capture my fingerprints. After all, even though in the United States after September 11, they have sought to capture our fingerprints and it is the price we pay for wanting to visit that wonderful place, other developed and First World countries, France, United Kingdom and Italy, they have not sought to get this kind of data from people who cross their borders, and I cannot see why under the heavens we in Trinidad and Tobago want to capture everybody's fingerprints.

**Madam President:** But that is not in the Bill.

**Sen. Joseph:** Senator, would you give way? Madam President, let me just indicate again for this honourable Senate, that the recommendation for the establishment of the fingerprint database came from the UNC, and we accepted the recommendations. [*Desk thumping*]

**Hon. Senator:** Talk to your leader.

**Sen. R. Ahmed:** Okay, Madam President I stand corrected. It was my understanding that there was a recommendation across the board for everybody.

**Hon. Senator:** No.

**Sen. R. Ahmed:** However, I want to move on to say that the whole aspect of these amendments is to treat with governance in policing, and the challenges facing policing, and it speaks specifically to performance appraisals and promotional assessment as a process. Now all of that is very laudable, but I want to point out some of the irregularities we have. First of all in any kind of performance appraisal system and in particular with respect to the police, because we have situations where according to some reports as carried in the newspaper and in other places, there are two sides to the same story, I want to stand on record as complimenting the police service and the Commissioner of Police and

all those parties who work in the delivery of crime prevention and crime detection. However, it is a treason that in this country, for example, as reported on June 10, 2006 in the *Newsday* in an article by Nalinee Seelal, where in the first paragraph it said:

“Three bandits described by police as a menace to society were gunned down during a shoot-out with officers of the North Eastern Division Task Force on Thursday night...”

The article goes on to say:

“The officers involved in the shoot-out were called to the office of Acting Commissioner of Police Glen Roach yesterday and commended...”

It goes on the say:

“Relatives of the dead men who turned up at the Forensic Science Centre to witness the autopsies claimed police brutality in their relatives’ deaths.”

That may still be the subject of an enquiry and I will not go into that. However, my concern is, how do you assess officers that are due for promotion when there are cases like these; when in the eyes of the public, an injustice was committed and in the eyes of the police a commendation is warranted? There is another situation that presented itself only today in the news, where in the *Newsday* of Tuesday, June 05, 2007.

“Three construction workers ages 18, 25 and 27, remained in police custody yesterday after they allegedly stole four guns while assisting in the repair of the roof of the Morvant Police Station on Saturday.”

Madam President, in the same way that nurses were dismissed when a baby was burnt in an incubator, I am wondering what kind of action will be taken against police officers who allow four guns to be stolen from under their noses? What is there in the assessment process? What is there in the performance appraisal? What is there in the promotional assessment amendments before us that will speak to weaknesses in the system? I would have expected to see already an investigation launched, but instead what I got on the news was happiness that the guns have been recovered. Nothing more has been said I am waiting for the developments.

I raise these points, Madam President, because we have a peculiar situation in Trinidad and Tobago where we have the Police Complaints Authority and we have in an article June 09, 2006 where Assistant Commissioner of Police at the time, Dennis Graham is quoted in the newspaper as saying:

*Police Service (Amdt.) Bill*  
[SEN. AHMED]

*Tuesday, June 05, 2007*

“The PCA cannot charge officers, and the complaints receiving them are only given a minor examination...”

He also said that:

“Some 6,000 reported complaints against police officers were made and that they had in June 2006 sent additional officers to the Police Complaints Authority to assist in dealing with some 2,300 complaints.”

**8.00 p.m.**

So, we have a situation where I personally applaud the policemen and women of this country for the work that they do, risking life and limb for the love of the country every day. On the one hand, an amendment Bill before us in the middle, which does not speak to these kinds of the things with respect to failures in the system; a Police Complaints Authority that is not able to deal with the volume of cases before it and there is an admission on the part of the officer at the time that the complaints were only given minor examination.

So, Madam President, we have this peculiar situation where we are informed in the amendments about the process of appraisals and I will not repeat the points made earlier with respect to what appears to be an inequity between First Division and Second Division. But in the same way that we want to have processes that are transparent for everybody, we must get some indication, whether it is in the Regulations or otherwise, as to where exactly are these kinds of negative complaints and I am sure in the minority with respect to the entire service, how these things will relate with respect to what goes on.

The situation before us is that while we are interested and while we support the system of reform that is being put forward, we have questions. We have serious questions, for example, as was raised before, that subsection (c) about the Commissioner and I want to reference about the authority and autonomy of the Commissioner. I want to reference the country’s report on human rights for Trinidad and Tobago as issued by the US Department of State where it says in the report for 2002, released by the Bureau of Democracy, Human Rights, and Labor, March 2003 that with respect to Trinidad and Tobago, there were reports of police and guard abuse of prisoners, poor prison conditions and significant violence in the system.

**Sen. Dr. Saith:** That report was 2002?

**Sen. R. Ahmed:** Reported in 2003. It is an historical document and the conditions have not necessarily changed because nobody has brought evidence to prove otherwise. So, until you can bring the evidence, these facts are relevant.

Madam President, with respect to human rights, because this is about the rights of everybody, the police who administered justice; the victims, as well as the perpetrators; everybody has rights. The report says that—and this is important in assessing performance and that is why I am going to cite these cases because they all have to do with the difficulties involved in performance appraisals and performance evaluations, even in sophisticated organizations where the human resource management is down pat. In this report, it says that with respect to human rights, on August 27 of that year and I quote:

"Police arrested three prison guards in connection with the June 2001 death of prisoner Anton Cooper. The circumstances surrounding the death, and the slow pace of the investigation, provoked widespread criticism."

Slow pace, it is has to do with assessment; how do you assess.

**Sen. Dr. Saith:** [*Inaudible*]

**Sen. R. Ahmed:** Yes, performance appraisal. Yes, it says that investigation provoked criticism because of its slow pace. My point is, this is typical of the service that these kinds of investigation are slow-paced and provoke widespread criticism. How do you assess the officers involved, if it takes one, two, three years to pursue one matter?

Madam President, it goes on to say in this report that some of the problems that are peculiar to Trinidad were admitted by the Commissioner of Police himself who admitted there were frequent citizen allegations of police brutality. So, we need to recognize that in administering a performance appraisal system, we have to understand the kind of reports.

Now on page—while we are not debating the Regulations, some reference was made to the Regulations and the Minister, I believe, said that in the preparation of a performance appraisal report, the points awarded to a police officer based on his performance appraisal report shall represent 25 per cent and the results of the promotional assessment shall represent 75 per cent of his final grade. And I am asking with respect to that Regulation while I know we cannot debate it, whether it is a fact that 25 per cent is being allocated to the job evaluation assessment which is the performance appraisal.

Why it is that such a small percentage of the allocation is coming from your actual performance on the job and the largest 75 per cent is coming from the examinations that are textbook based? Should it not be the other way around where how you perform on the job and how you have creditably delivered in the workplace is more important than your ability to pass an exam? Is it that we are saying that our officers really need to be better educated and that is why we are enforcing these examinations as part of the promotional assessment process?

There is another troublesome matter in this report and a lot of people have chosen to stay very far from it, but there has been quite a bit of debate already about clause 3 where the Commissioner is given autonomy and I have a different slant on that same autonomy, that right to veto as it was called. Madam President, in this report issued by the creditable US Department of State, this is what it says and I am making this point because it is important that the Commissioner be absolutely unbiased if he is to be given that power. How do you determine that a Commissioner is absolutely unbiased if he is given the power in this thing that we are going to pass today to say even though this officer has passed everything and is at the top of the merit list, I do not want him? There is this little ugly thing that presents itself every now and then and that presented itself in sufficient significance to be carried in the report and I will read just that section of the report that refers to this sinister little problem.

**Sen. Dr. Saith:** I just want to be clear, you are still reading the 2002 report?

**Sen. R. Ahmed:** Yes.

**Sen. Dr. Saith:** So, you are in fact telling us what happened under the UNC administration? I just want to be clear on that. Okay.

**Sen. R. Ahmed:** Madam President, this is about building my country. This is about bringing the best value to the greatest number of people—[*Interruption*]

**Sen. Dr. Saith:** [*Inaudible*]

**Sen. R. Ahmed:** No, no, no. But the facts about the way we run our police service are referenced in the report and I am saying that if we are going to give the Commissioner in this amendment the right to veto, the right to say, no, I do not want that officer absolutely. Listen to what the report says and I am asking the question and I am raising it because I do not want any sense of inequity or imbalance or injustice. This is what the report says and I quote:

"Various ethnic and religious groups live together peacefully, generally respecting one another's beliefs and practices. However, at times racial tensions appeared between Afro-Trinidadians and Indo-Trinidadians, which each make up about 40 per cent of the population."

It goes on to say:

"The private sector was dominated by Indo-Trinidadians and persons of European, Middle Eastern, or Asian descent. Indo-Trinidadians predominated in agriculture. Afro-Trinidadians were employed in disproportionate numbers in the civil service, police and military. Some Indo-Trinidadians asserted that they were excluded from equal representation in the civil service due to racial discrimination."

Having read that, Madam President, I rest my case. [*Desk thumping*]

**Sen. Dr. Jennifer Kernahan:** Thank you, Madam President, for the opportunity to contribute to the Police Service (Amdt.) Bill, 2007.

Madam President, a lot of the points on this Bill have been made already this afternoon by my colleagues; a lot of the objections; a lot of the observations, so my contribution will be short.

We have a situation where we are debating this Bill in the context of high levels of crime where enormous quantities of guns are in the hands of criminal elements and they are being used to terrorize the population. In this context, the Government has asked for the support of the Opposition in bringing these Bills to Parliament and getting them passed because they have to amend the Constitution. They need the support of the Opposition and we have supported the Government in bringing these Bills and passing them through Parliament.

Madam President, this Government's back is against the wall, they are in an election year and the driving force behind them in bringing these Bills at this late hour, is that they want to assure the population that they are in control of the crime situation and they are passing legislation which will alleviate the trauma and the pain that our people are experiencing.

Madam President, we also support this Bill, but we support it for a different reason. We want a rapid reduction to the crime and the guns in the country and so on, but we want it because we have seen that between 2001 and 2006, the murders using firearms in this country have increased from 54 per cent to 74 per cent, a horrific increase in murders using firearms. Before 2000—I am quoting here a United Nations document, *Crime, Violence and Development Trends, Cost and Policy Options in the Caribbean*—only one-third of murders committed were murders using firearms.

We want a rapid decrease also in the crime situation because we understand that 59 per cent of the victims of crime and murders in this country are males between 15 and 34 years old, some relatively young men, the future of this

*Police Service (Amdt.) Bill*  
[SEN. DR. KERNAHAN]

*Tuesday, June 05, 2007*

country. We have come to this Parliament and we have seen that we have an ageing population and if we are looking at the ageing population and we are looking at the young population being wiped out, who is going to support the pensioners; who is going to do the work; who is going to be productive; who is going to create wealth to support this ageing population that we are facing in very near future?

So, Madam President, this is the reason why we would support this legislation because we understand the dire danger that we face in this society, losing our young to very violent crime.

[MR. VICE-PRESIDENT *in the Chair*]

But it is interesting that the Police Service Reform Bill that is before us today is defined as sector specific legislation and in the document that I quoted they said and I would like to quote, "That sector specific legislation is meant to generate rapid decreases in crime and violence". But they mention that although sector specific legislation such as dealing with police reform is meant to bring about a rapid decrease in violence and so on, there are very serious limitations to this approach. And some of the limitations that they have mentioned to this quick-fix approach is that one, to the extent that the police and judicial institutions are inefficient and are in need of reform, the injection of additional resources without reform may not produce the desired results. They also mentioned that—and this is mentioned here today—there is evidence that increasing the number of uniformed police officers does not necessarily reduce crime. Such officers must be in the right place and the right time which requires sophistication in detecting crime patterns and allocating police resources.

Mr. Vice-President, we know historically we have a dearth of data and investigation which would allow us to detect crime patterns in crime detection generally. This is important for us because this is something we have always said, the third point they are making here is that there is a risk of pursuing a piecemeal approach where individual institutions, police, judiciary, prosecutors, prisons are informed one at a time. The various institutions in the criminal justice system must be aligned with one another and systemic reform is generally more desirable than piecemeal reform. The last point, it says here that other types of investments which focus on preventing rather than control are generally more cost-effective in reducing crime.

So, Mr. Vice-President, it is acknowledged here in this document that this kind of piecemeal interventionist approach is not necessarily the best approach, but it is a quick-fix approach. Sen. Prof. Ramchand mentioned that you must have



local policing—I think this was also echoed by Sen. Prof. Deosaran—to deal with specific types of crime and the types of intervention would determine your objective and the type of violence or the type of crime that you are trying to address. That is exactly what the UN document outlined, in that we have all different types of crime in our country; we have issues of youth violence, gender-based violence; we have institutional violence; and human rights abuses and so on; we have robberies, youth gangs and so on.

So, therefore, the type of intervention that we would choose to make at any specific point in time would need to target the type of crime that we want to address and the kind of goals that we are pursuing. So this is why it is interesting when Sen. Prof. Ramchand made the point that we must have different types of policing and target different types of crimes, and this is exactly the type of approach that is advocated in this document, public policy approaches and intervention to address urban violence.

Mr. Vice-President, I would just give a couple of examples. We are talking about police reform in the context of criminal justice and in this document they advocated that in this type of intervention that we are making here this afternoon, we are looking at crimes, such as robbery, corruption and so on. But if you are looking to address another type of crime which is gender based violence and so on, you are looking at community policing, women police stations, crisis services for victims and so on and all of these interventions are necessary at this point in time because we have all of these problems facing us.

With respect to the Bill before us, we have had several interventions in the first case with respect to clause 5 of this Bill which I would like to address. I agree with my colleagues who have made the point that the whole question of section 17 of the Bill which purports to change the assessment centre to an assessment process, and it says here:

"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."

I totally agree with all the interventions made by my colleague and I want to add the point that in section 17A(1) and it says:

"Where there is a vacancy in the First Division, the Commissioner shall, in accordance with the procedure prescribed, cause to be contracted from time to time a person to design and implement a promotional assessment process

*Police Service (Amdt.) Bill*  
[SEN. DR. KERNAHAN]

*Tuesday, June 05, 2007*

in accordance with internationally accepted promotional assessment standards to determine the suitability for promotion of a police officer to and within the First Division."

My question here, is that particular wording suggests that the process is ad hoc and it suggests that where it says, "where there is a vacancy, the Commissioner shall ... cause to be contracted from time to time a person to design and implement a promotional assessment process", it does not suggest any standing committee, and the wording of the Bill suggests an ad hoc approach that from time to time the Commissioner may invite this "person" to design and implement a promotional assessment process. Given the wording of the Bill, the intent might be different, but the wording certainly suggests this ad hoc approach and "from time to time" that this would not be a standing committee.

Now the Minister elaborated here this afternoon the processes and so on of apparently the Penn State team which would have this whole assessment process. But we have to look at the Bill and how it is worded; what it says and what can be understood to mean in a court of law when these things come up for review. Therefore, the Bill is very clear, the wording is very clear on the ad hoc nature of this arrangement.

My colleague, Sen. Dr. Gopeesingh also asked about it if one Commissioner of Police is removed and another comes in if he would have that leeway to bring in, contract another organization, another "person" and bring another process and so on, this was asked because of the wording of this particular clause. Therefore, we would suggest that this is not so, if these standards and assessments and so on are to be constant, that the wording of this clause needs to be revised. I agree also that the change is a step backward from the assessment centre that was proposed in the 2006 Bill because there is a certain lack of transparency in the way that the First Division officers are now going to be treated with respect to their promotion within the Division.

I totally agree that the Promotion Advisory Board that was outlined in the 2006 Bill has a lot more transparency and it is very supportive of the Second Division officers in that you have a representative there. My colleagues have advised that the representative there should not just be an observer, but should be an active part of the board. But I am asking, why is there no similar provision for the First Division officers. In the Second Division, at least you have a representative of your association there looking after your interest, looking at the proceedings of the board or the process and so on but in the case of the First Division there is no similar provision for First Division officers.

So, I am asking that this be looked at because we really do not want a high degree of disenchantment among your First Division officers. These are the officers, these are the policy makers, these are the ones who carry the system, these are the ones who have to implement the policies and so on, that would be part of the implementation of crime strategies and you really need to have them on board with you. You really do not want them to feel that their interests are being bypassed.

This is the point that many Members of the Senate made this afternoon with respect to the lack of transparency with this new clause which establishes a process where we do not know—given the Bill before us—as we do in the advisory board because we do not know the composition, we do not know the qualifications, there is no representation of the association and these are the issues I believe that First Division officers would be concerned about.

Mr. Vice-President, with respect to clause 11, section 72 where members of the police service are required to submit fingerprints, this proposal was made by the United National Congress, precisely because we have to face reality that there are negative elements in the police service and it is necessary for all members of the police service to be part of this database so that investigations would include people who are part of the service. But, it is a reality that the fingerprinting of police officers and investigating methods into crime, or whatever investigation that may take place, is really after the fact, and therefore, what we really need to do is to involve in this Police Service Bill and the Regulations is to improve the training and what Sen. Prof. Ramchand called the “left-left” culture and education in the training of police officers. Because if we improve the cultural levels, we improve the educational levels; if we improve the training and the methods and standards of training, then you will have less of the incidence of police officers involved in illegal activities and so on.

**8.30 p.m.**

Sen. Prof. Ramchand spoke about the need for the police service to be aligned with the needs and aspirations of our population. I accept that concept. When we look at what is happening in Trinidad and Tobago we can see the need for that sort of education, that sort of alignment, that sort of understanding of the role of the police officer in modern society.

Mr. Vice-President, we were looking at the assessment of the police officers. Assessment of the top echelon of the police service must take into account the issues of human rights and the perception or reality of abuse by police officers.

*Police Service (Amdt.) Bill*  
[SEN. DR. KERNAHAN]

*Tuesday, June 05, 2007*

We are talking about exams and performance appraisals. I want to know to what extent these exams and performance appraisals would relate to what is actually happening on a day-to-day basis in the police service, with respect to the population. How do you take that into consideration?

My colleague spoke about the Amnesty International report and there were a number of cases of perceived extrajudicial killings which were not resolved. The Attorney General said he responded to Amnesty International; we were certainly not aware of that response. I think it is his duty to respond to the people of Trinidad and Tobago with respect to these reports, because it was our people who were killed and their lives snuffed out. His first duty, I expect, would be to the people of Trinidad and Tobago, to make available those reports and his answer to Amnesty International. [*Crosstalk*]

A number of issues have arisen with respect to the performance of the police in Trinidad and Tobago. I want to raise just two matters; one with respect to the media and one with respect to another incident. Mr. Vice-President, this report is from the *Trinidad Guardian* of Monday, May 14, Ethics and Force by Father Henry Charles. It said:

"A newspaper article on May 05 carried an extremely disturbing account of the use of police force. My remarks are dependent on this article. According to the report Dr. Robert Naidiki, a Nigerian doctor, was beaten unconscious, taunted and thrown into a cell laden with faeces, urine and rotten foodstuffs.

Judge Maureen Rajnauth-Lee in awarding Naidiki substantial compensation said that the award in part represented the public's outrage against the action taking by those sworn to protect and serve and should also act as a deterrent."

This is one incident, apart from the many others that we know about.

The other issue I would like to highlight has to do with the media, because as we know the role of the media in society is considered very important. There are always incidents between the police and media representatives.

This is from the *Guardian* of Tuesday, August 30, 2005, an editorial with the headline:

"Pleading for help from hostile cops

Journalists have come under increasing attack as officers either intervene in the recording of events or simply stand aside as members of the public attack without fear of restraint. Policemen stood by while the videographer Phil

Briton was attacked outside the Siparia courts and had his camera thrown to the ground. At the Chaguanas courts, Krishna Maharaj was threatened by...with unconcerned police officers nearby."

In another incident:

"Lens man Stephen Dubai was asked to take photographs of flood damage at the Caroni Police Station as the waters rushed through the building and for his trouble was attacked by a senior officer who flung his digital media card into the muddy water and dumped his camera rendering it useless."

Mr. Vice-President, we have cause for concern with respect to their code of conduct and the perception that police officers have of their role in this society, their role in law enforcement and their role in maintenance of public order.

If we are talking about organizing the police service, bringing a new culture, bringing a new way of doing business in the police service and giving the Commissioner of Police more powers to control the police service, checked in this Bill or in the regulations must be recognition of issues of human rights abuses, arbitrary detention and institutional violence. That is why we must insist: Where is the basis? I ask the Minister: If we are talking about appraisal reports, what is the basis for these reports and what is the code of conduct on which you will appraise the conduct of police officers?

I looked at the Regulations and it spoke to a form that the Police Commissioner will have:

"A performance appraisal shall be in such form as may be prescribed by the Commissioner and will be made in respect of each officer whether he holds a permanent or temporary or acting appointment."

It goes on to give a number of administrative things, but nothing that speaks to a code of conduct for police officers and the basis on which you could judge their performance to either elevate or demote them in the service.

Sen. Prof. Deosaran spoke to the criteria for transformation. Certainly, some of the criteria for transformation of the police service must speak to the issues of conduct; it must speak to the issues of human rights abuses, how you deal with that, how you evaluate that. Police officers must have the understanding that international human rights standards apply to all police officers and all organs in Trinidad and Tobago, because Trinidad and Tobago has signed a number of legally binding international human rights treaties under which policing, in the context of the right to life and liberty, would be included.

*Police Service (Amdt.) Bill*  
[SEN. DR. KERNAHAN]

*Tuesday, June 05, 2007*

We are here to debate this Police Bill and we are looking at Regulations, but we are not seeing within the Bill—and I have asked—any supervisory mechanism within the service to deal with infractions. We talked about the code of conduct; infractions of the rules, criminal prosecution of police misconduct, unlawful behaviour and patterns of conduct. Where are the mechanisms to deal with those within the Bill or the Regulations? Nothing deals with that. There is no internal intelligence unit within the police service. I have seen nothing in the regulations to deal with internal intelligence.

You bring a police officer, you give him an exam and so on, but what about his day-to-day activities? We see police officers who clearly live beyond their means and beyond their salaries. What kind of internal intelligence unit will you be putting in place in these regulations and in this Bill to deal with that sort of malfeasance; what sort of supervisory mechanism? One of the elements that is recognized internationally is that you must have criminal prosecution of police misconduct by independent organisms.

In the absence of an internal mechanism, an internal intelligence unit, a supervisory mechanism within the police service or a code of conduct which makes it clear what constitutes abuse and what does not, first of all, how are you going to appraise these officers? Will it be based on what they say, how they present themselves at any particular moment? It cannot be. It has to be on a continual assessment basis and on very clear grounds that the police officers and their supervisors know, so that everybody would be very clear what the rules are, what constitutes abuse and what does not. In the absence of these safeguards, you have what we have today.

We are trying to move forward from a situation where you have a lot of cases of miscarriage of justice and punishment of the innocent and yet, ideally, from the Bill and the regulations we have not yet gotten to the heart of the matter. There were all these reports by Amnesty International, and local authorities have spoken to that. We have a deterioration of the relationship between the police and the communities.

The UNC instituted the whole concept of community policing, whereby we hoped to foster better relationships, community by community, between the community and the police service. The United Nations (UN) document spoke to that, that if you want to reduce gender-based violence, youth gangs and so on, you have to look at intervention with respect to community policing; it is in that document before us. However, the whole concept of community policing has been dismantled by this administration and that is a very important part of the process.

You have miscarriages of justice, you have a breakdown of the relationship between the police and the community and then you have a loss of the support that you need to fight crime; the support of the population and the information that the population would give to the police. So many times we have seen that we have police officers go out to a district or community and they are met with hostility and intransigence on the part of the villagers. [*Interruption*]

**Sen. Dr. Saith:** Mr. Vice-President, point of order, Standing Order 35(1):

"...a Senator shall confine his observations to the subject under discussion."

We have not only been irrelevant, but there is repetition now of all the points. It is no good saying, "I agree with my senatorial colleagues who said A, B, C, D, E, F." That is repetition.

**Mr. Vice-President:** Sen. Dr. Kernahan, I have to agree. I just took up the Bill and I asked myself whether I should not ask you to return to the Bill. I am asking you now to return and remain within the context of the Bill, please.

**Sen. Dr. J. Kernahan:** Mr. Vice-President, I am speaking to the omissions I am concerned about in the Bill. I am speaking to the fact that unless this Bill and the regulations before us can speak to the issues I have raised—nobody else raised these issues. It is not repetition, because I am raising specific issues with respect to supervisory mechanisms, to the question of what criteria we are going to have in the Regulations or in the Bill for abuse and supervision of the abuse documented before us in the articles that I have read. Nobody raised that, so that is not repetition.

With respect to clause 11, it is an important advancement on what we have had before, but we must go further; we must be serious about what we want to do. We must put the institutions that would really advance the intent of this Bill. We have an intent, but if the Minister does not take into consideration some of the points we have made on this side with respect to putting teeth into the Bill and the regulations, that would hold members of the police service to certain standards of conduct, to certain codes of conduct, we will not get the required results that we are looking for this afternoon. That is a very serious point. We would just go back to square one.

We have a clause where the Commissioner of Police is empowered to deny promotion of police officers in the First Division without any reason. Sen. Prof. Deosaran made certain recommendations to ameliorate that. This Bill has good intent. We took part in the deliberations to produce this document, but we must go further, because if we do not have internal mechanisms to deal with control of

*Police Service (Amdt.) Bill*  
[SEN. DR. KERNAHAN]

*Tuesday, June 05, 2007*

members of the police service, to have clear guidelines for their behaviour and for what is acceptable and not acceptable, the public will suffer. At the end of the day, we will have a situation with all these abuses documented internally and externally by international organizations and there will be no recourse, if there is no legislation, if there is no procedure, if there is no impartial body that would take these processes forward.

The need for an impartial body to oversee this process outside the police service is an important amendment. It is an important addition to the Bill and should be seriously considered by the Minister. This is not something that we are inventing; it is found in UK legislation. In the year 2002, the need for impartial bodies to impose and ensure that all the legislation and regulations were followed, was accepted by the United Kingdom (UK) Cabinet. We support the Bill. We want to go forward with the provisions, but there are certain basic elements that are missing and they are necessary if we are to get the results we are looking for, that the population is looking for, in order to find some relief from this scourge of crime that we face at present.

I thank you. [*Crosstalk*]

**Sen. Ronald Phillip:** Mr. Vice-President, as a West Indian, we always bring in the last batsman to close up the team, so this is basically what I am doing. I will put aside my one hour prepared speech and deal directly with some of the concerns that the Minister raised, mainly because we want to continue in the same vein.

On November 18, 2005, we had decided to have mutual talks with the PNM. The UNC is very concerned about the crime that is plaguing the country. We brought nine pieces of legislation. I definitely have some points and some advice for the hon. Senator that I want taken into consideration.

I start by congratulating him. I think he is hardworking, as the Professor said, but persons tend to be busy under Satan's yoke and be ineffective and inefficient. You see a lot of efficiency, meaning that he is working hard, but probably he is not doing the right thing. He is not being effective in stopping the spate of crime affecting us.

If you just bear with me, I am reading from Friday 11, May *Express* newspaper:

"Anti-crime \$\$ but no strategic plan.

National security exhausted over \$10 billion during the PNM latest stint in government—a lot of security stuff, secret and otherwise. Now the Government tells us that a further \$80 million is needed to reform the police



service. Certainly given the right form of management and a little pre-planning and strategic expenditure on focused policing outcomes, the billions already spent would have reformed the police service a hundredfold."

The point of the article was the amount of money being spent. The Minister said that he was looking at anti-crime legislation and, more importantly, he wanted to modernize the police service. That is a very commendable deed. In fact, we recognize on this side the need to have a very modernized police service.

In looking at some of the suggestions and stuff that he mentioned, I want to deal specifically with the fact that he was looking at the recruitment strategies to ensure that the criminal element was no longer in the police service. I know we are not debating the regulations, but, of concern, he did mention Regulation 3(1)(c) that police officers:

"be required to undergo a polygraph test, psychological test and be tested for dangerous drugs at the cost of the Service."

I am making mention of this because there is 3(1)(f) which reads:

"in the case of—

- (i) a male, be of good physique and at least one hundred and sixty-seven centimetres."

I would have expected a thorough review of the Regulations and the Bill to ensure that persons are not discriminated against. It was a sentiment echoed by all my colleagues and other hon. Senators, that we have to be careful that we are not taking out parts. To some extent, what does good physique mean? We need to ask these things to help us to add value. So when you talk about modernizing the police service, what do we mean by good physique and then putting a height requirement?

I spent time on the Internet looking at legislation in the other Commonwealth countries, India, Australia and so forth and none of them had a height requirement. If you are really modernizing it, we really need to move on to look at those elements of the Bill and the regulations. I just wanted to help with that.

The other issue is that we are looking at management practices. When we look at this system—and I did look at the Regulations—they are within an old bureaucratic system, the Max Weberian system of structure and function. My heart goes out to the Minister, who is a management consultant and knows about these things. He is using this old system and then comes pandering and telling us

*Police Service (Amdt.) Bill*  
[SEN. PHILLIP]

*Tuesday, June 05, 2007*

about modernizing the police service. You cannot have that kind of reform and let it be cosmetic. The money that we spent in terms of the other areas, in terms of spy equipment, \$100 million, blimp and so on, is not adding the value. This is why I keep telling them that in doing these things the PNM is just soft on crime; they are not up to the job.

I am giving advice in terms of what they need to do. Just look at the simple things within our society, like the community policing. "In and out the dusty blue bell"—is a term a colleague of mine at the university used to describe how people drive on the roads. I am just asking the administration to be a bit concerned about the people and to be out there. Let the police officers do their job. Empower them to do their job and we would have a society that is disciplined, and people would follow the law.

To some extent, crime follows the PNM like a shadow. If I look at this object in terms of the light, there is a shadow, [*Sen. Phillip holds up glass*] the shadow gives an outline basically; that is what has happened. They have, more or less, engaged the criminal element as community leaders. This weekend on the Fox News, every hour we were being bombarded by the news that Trinidad was a hot bed for terrorism and those types of things. What we have done was to give contracts; we buy millions of dollars of aggregate from these people doing illegal quarrying. I would rightly say that they have no right to be in terror right now, because they are business people.

**Mr. Vice-President:** Would you return to the Bill, please.

**Sen. R. Phillip:** This is the scenario in which we have to look at it. When we talk about management of the police service, I am looking at how we could expand it in terms of getting new recruits. I am also looking at the complementary services that could help the police do their work. We have established the roles and functions of the police officers to give them responsibility: arrest persons, even without a warrant, but then the criminals have become very sophisticated; that is the point. If we do not equip the police service in terms of training and ensuring that they have equipment and expertise, where it is not resident within the service at this time, they could bring in the foreign consultants.

We have agreed to the foreign consultants, but they have taken their watch and are telling the police the time, because they have paid \$18 million in consultancy fees for little or no value in terms of the services. That is what is so disturbing about this whole situation. If they had made a dent in crime and we could be considered to be moving out of the terror and fear that has gripped our society, then we would be going somewhere.

I move now to the United Nations (UN) report which was published in March 2007; very relevant: *Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean*. It outlined that in 2005 Trinidad and Tobago was number one for murder. These are crimes that bother us. Recently, while in Mayaro, we heard that 11 persons had died over one weekend, including persons who got murdered. The whole society, the whole community, mourns over it. This is the sadness that we are bringing to our country when we do not deal with the criminal elements in a swift and just manner.

This old bureaucratic system of structure and function with which we are trying to resolve and modernize the public service just cannot work. We have to look at some of the modern thinking. I would support any legislation—and we have agreed to support this Bill because we are really serious about crime—that will allow persons to be developed, to be trained.

The Bill points out that the Prime Minister could veto the appointment of the Commissioner—I am not repeating here—then the Commissioner could veto the appointment of an officer who would have gone through the due process. *[Interruption]*

**Sen. Joseph:** The Prime Minister cannot veto the Commissioner of Police; that has long been removed.

**Mr. Vice-President:** That has been removed.

**Sen. R. Phillip:** We are talking about the dangerous trend if we set up the systems and the equity is not there, because somebody could come in a very high-handed manner and deal with it.

I listened to my colleagues today and what was really confusing and what the Minister should pay some attention to, was really the whole idea of training and the assessment process. When we look at the training, there is a mixture here of the hiring requirements. We talked about recruiting persons into the police service and we said that we should establish very clear requirements for hiring. In doing that, since someone cannot walk off the street and be a police officer, because there are specific things he would have to do, the training should engage some kind of readiness to work.

When the Minister described the eight-week training, he should have explained, to some extent, that it was a readiness-to-work kind of training, to put somebody into the service. It does not mean he is now a competent police officer, because we did speak about the skills and competencies that police officers would have. After that, the training should be geared to performance on the job. You

should have senior persons who supervise the day-to-day activities. So if a person comes into the service, when he has to go on the beat and issue a ticket for someone parked illegally, somebody would be there to guide him in terms of the right documentation, how to deal with the person and customer relations. That is the kind of training that would make sense. So the Minister should not have to come here to defend 100 multiple-choice questions. I sympathize with the Minister when he has to come and talk about requirements for the police service, but they are not well thought out, and that is the point.

Not everybody in the police service is equal. You have constables who would have just joined the service and then you have persons at the higher ranks, the superintendents. I know that if you have three years working experience in an organization, it is considered equivalent to a degree. If you work five years there, it is equivalent to the masters level; you work 10 years there, it is equivalent to a PhD. That is a rule of thumb that we use in management. These persons would have, obviously, developed a lot of expertise in terms of bringing matters to the court and so on.

We talk about formal assessment, summative and formative assessment. Everybody is asking about the criteria and type of training. The training should be structured in such a manner that value is added to get the results we want. We want persons of high morals in the police service and we want the morale, in terms of persons doing their job, to be transferred to the morale of the people in society. We want citizens looking after each other; we want people to be caring and to have community spirit.

That is why we have always advocated the community police and the whole idea of recruitment being from the localized communities. If there is a community or a district from which the police service is recruiting, they should give preference to persons who live in that community and build sub police stations in the different areas.

What is also missing in terms of this whole training issue, is that persons are given a job and they are not catered for in the thereafter, in terms of when they retire; there is no provision in terms of skills. In addition to those skills, there should be some kind of complementary training that would allow them to be engaged in some meaningful way. We could look at private detective work or counseling; those psychological areas which would help in terms of reforming the police service to bring it to the level we want.

In dealing with the criminal justice system, we are looking at the types of crimes being committed and we want the police to treat with individuals based on that. It is a different situation if a person commits murder, as opposed to a person who commits a petty crime. The training should be structured in that way and the assessment process should have those kinds of competencies.

When I look at Appendix B of the Regulations, it talks about assessing the performance of police officers. Look at the criteria, for instance, in Regulation No. 10 that talk about punctuality. Rather than put this kind of information in terms of legislation, what we want is really for them to establish it. If a police officer is supposed to report for duty 6 o'clock in the morning, what time that he should be there for, 5:45?

You should establish a 15-minute period before and document this process, so that when somebody is assessing this person in the range "unsatisfactory to outstanding", you have quantifiable data to do that, otherwise it would be just what happens in the Government service, where it is just a ticking, ticking, ticking, which is the norm; everybody is lumped together. So there would be no differentiation between the good performing police officers and the bad performing ones; everybody gets a bad name because of somebody who is involved in crime and those things.

In terms of my contribution, we do support the legislation, because this is the kind of social legislation that we want on our part. We are definitely all in support of fighting the crime situation in Trinidad and Tobago. I thank you.

**The Minister of National Security (Sen. The Hon. Martin Joseph):** Let me start off by thanking all nine Members on the other side who participated in the debate: Sen. Mark, Sen. Prof. Deosaran, Sen. Prof. Ramchand, Sen. Dr. Ramadhar-Singh, Sen. Cropper, Sen. Ahmed, Sen. Dr. Kernahan, Sen. Dr. Gopeesingh and what he called the "night watchman", the final batsman, Sen. Phillip.

Since we did not take notes on these last two, let me deal quickly with Sen. Phillip who raised the question about the criteria for joining and the question of height. In the other place, the question of a height requirement was also raised. It was felt that in the circumstances you needed a certain height requirement. You did not want to discriminate yet, at the same time, given the nature of police work, it was necessary for us to have a height requirement. We did undertake to do a more comprehensive review of the height of citizens of Trinidad and Tobago and to determine whether or not the whole question about the height requirement as given was something we needed to maintain; again, that was in the Regulations. So in response, that could change.

*Police Service (Amdt.) Bill*  
[SEN. THE HON. M. JOSEPH]

*Tuesday, June 05, 2007*

Sen. Dr. Kernahan spent a lot of time talking about an independent entity, but we passed the Police Complaints Authority Act, where we have established an independent authority. We have given the Police Complaints Authority a whole lot more power as it relates to the question of how they deal with police misconduct. There is also a group looking at ensuring that now that the Police Complaints Authority Act is implemented, there are certain measures that need to be put in place.

For example, the members of the Police Complaints Authority must conduct investigations. They are saying that it must not be police officers who conduct the investigations. It means that you have to hire a whole new breed of persons who must be competent to investigate police behaviour. So the issues you raised with respect to the independent authority to investigate major police complaints is, in fact, being addressed.

Mr. Vice-President, let me repeat: It was as a result of a consensus reached between the Opposition and Government at the crime talks that the police Regulations were to be debated only in the other place. I say that again, because I want to make sure it is repeated and recorded.

The Regulations were amended in the other place based on proposals coming out of a committee. A parliamentary committee of the Lower House, comprising the Government and Opposition Members, was established to go through the Regulations in detail. The other side was given every opportunity to review the Regulations and most of their proposals were accepted.

In relation to outstanding legislation, the point raised by Sen. Mark, the gun court legislation is currently being dealt with by the Law Reform Commission. The Gun Court and Kidnapping Bill, 2007, has been prepared and is being reviewed by the Law Review Commission and will, in due course, be introduced.

In reference to section 20(1) of the Police Service Act, 2006, Sen. Mark said that this would allow the Government to appoint their friend or any unsuitable person to be the commissioner of police or deputy commissioner of police, but it is not an appointment by the Government; it is by the Police Service Commission, an independent constitutional body. The recommended appointments also come again for the Lower House to agree upon.

Why were the Commissioner of Police and Deputy Commissioner of Police left out of the police service? When the parent Act was passed last year, we inadvertently left out these two officers. This occurred because originally these two officers were part of the Police Act, but were removed and placed under the

purview of the Salaries Review Commission, hence the Third Schedule did not thereafter contain these two officers. The amendment in clause 3 seeks to ensure that the two officers are properly part of the Police Service Commission.

Concerning the MBA degree, et cetera, the officer will have to still take an examination, because some degrees will have no direct bearing on policing. Sen. Prof. Ramchand asked what constituted the training course. He said that neither the Act nor the Regulations had any details, except to say that it would be an approved course. Perhaps we can consider putting some general details in the Regulations, such as length of course, subjects, nature of training, et cetera. We can get more details from the Police Academy. General details would allow for future changes; to put specific details would be too restrictive.

Sen. Prof. Deosaran said that the Bill should specify the degree qualifications. This may not be possible because the needs of the police service are not the same each year. Society itself changes, as the need today for technological experts. A lot of persons spoke to section 17(3), about the veto power exercised by the Commissioner. I think Sen. Cropper rightfully recognized that in amending the Constitution to give the commission the right to review or to serve as an appellate body, as it related to discipline and promotion, was to ensure that there was an appeal body able to check on any actions taken by the Commissioner that could not stand scrutiny.

It is important that the Commissioner has available to him that review power. He may know of instances or matters for which somebody ought not to be promoted, notwithstanding their performance in the performance assessment, et cetera, but he would have to exercise that very, very judiciously, because he will be under a microscope. One does not expect that he would arbitrarily decide, notwithstanding the fact the merit list has been prepared and submitted to him, to bypass somebody without sufficient reason. The person will be able to take that matter to the Police Service Commission and also other levels higher. We do not expect that the Commissioner will exercise this particular responsibility given to him in an unprofessional manner. A note here says that the Commissioner will be under the telescope of the Police Service Commission and he will know that he should not act in bad faith or without proper grounds.

It was suggested that there is a lack of confidence by the public in the police service; for example, there are no police patrols on the highways and the use of telephone wiretapping. We have made note of these comments and we will look at them.

*Police Service (Amdt.) Bill*  
[SEN. THE HON. M. JOSEPH]

*Tuesday, June 05, 2007*

Sen. Dr. Gopeesingh said that the Government failed to introduce bills that were agreed to between the parties. We have enacted the police reform package, introduced amendments; introduced the Breathalyzer Bill; the DNA Bill; the Equal Opportunity Bill; the Bail (Amdt.) Bill and the Criminal Injuries Compensation (Amdt.) Bill. These Bills and other are on current debate at different stages in the Parliament.

Someone asked: Under clause 4 section 16(b), what are the prescribed points referred to? The answer is seen on page 19 of the Police Service Regulations. In clause 5, promotion is based not on the promotion assessment process, ignoring the points. Note that section 17A(2) states that the promotion will be based on the points awarded and the results of the promotional assessment process. The Commissioner of Police must send the attained points to the person prior to the start of the promotional assessment process and the person sends an order of merit list to the Commissioner of Police.

The question was asked: Where is the prescribed procedure mentioned in section 17A(5)? Page 19 of the Police Service Regulations, 2007. Where is the provision for the qualifying exams mentioned in section 20(1)? Regulations 15 and 16 of the Police Service Regulations, 2007.

[MADAM PRESIDENT *in the Chair*]

In clause 7, on what basis will the Commissioner of Police be appointed on contract? By section 123 of the constitutional orders which already specifies the qualifications for appointment and the procedure for appointment. That is set out under section 123 of the Constitution.

Under section 20(2), can the Commissioner of Police appoint a Deputy Commissioner of Police? No; the Commissioner of Police and Deputy Commissioner of Police are appointed by the Police Service Commission. So the Commissioner of Police can only appoint police officers under the rank of Deputy Commissioner of Police. This is a power given to the Commissioner of Police under the Constitution as amended. Any such appointed officer who seeks a promotion, will have to go through the same process as any other officer seeking promotion.

In relation to clause 9(a), will a new constable with an LLB be able to prosecute in the Magistrates' Court and High Court? Only a qualified lawyer can prosecute in the High Court. In the Magistrates' Court whether such a new officer prosecutes would depend on the discretion of the divisional head. Common sense would dictate that the head would take into account the total available resources and the experience of that officer.



A lot of weather was made about promotion and the difference between the First and Second Divisions. I want hon. Members to understand that promotion in the Second Division was always there with respect to an exam and a promotion appointment board. We have made some adjustments in the First Division. Invariably, promotion in the First Division was based on seniority. At some point in time, an attempt was made to put a performance management system in place, but notwithstanding that, it was still based on seniority. That is why in this transitional period, where we are now talking about shifting the basis for which we are going to be able to ensure that the most suitable persons are promoted, that is the reason for the heavy weight in terms of the assessment process and some weight on the performance management.

Let me make the point with respect to whether or not there should be a multiple-choice exam. Again, the written assessment is to serve as an ability to sift out people. Remember I said that was also going to be followed by an assessment. Let me repeat what I said earlier on. It is recognized that police leadership requires knowledge and an ability to effectively apply that knowledge. The written assessment is used to provide a measure of job knowledge, while the oral assessment process is used to provide a measure of how well the individual can demonstrate his or her ability to apply the knowledge. The assessment process we are now using is not fixed in concrete. This is the first one we are using. Subsequently, we will be reassessing and as a result coming up with a different mechanism in terms of the assessment process.

Under the old Act, promotion in the First Division was merely based on seniority. We are now introducing a promotional assessment process which will follow specified and prescribed procedure; it will include points awarded to an officer on his performance appraisal report. The intent is to provide an objective system of promotion in the First Division.

Promotion in the Second Division will be based on a qualifying examination and use of the Promotion Advisory Board. So in each case, a qualifying exam is used to shift competent officers. Then the First Division, a promotional assessment process is used. In the Second Division, it is the Promotion Advisory Board. The means to assess the two divisions should be different, because the skills and competencies are not the same for both divisions. For example, greater management skills are demanded in the First Division. There is no great difference between the two promotion systems; both use the performance appraisal report and a qualifying exam; then an objective entity, the assessment process or the Promotion Advisory Board completes the promotional process by sending an order of merit list to the Commissioner of Police.

*Police Service (Amdt.) Bill*  
[SEN. THE HON. M. JOSEPH]

*Tuesday, June 05, 2007*

Notwithstanding all the various criticisms levied by persons, it represents in a way a quantum leap. There is one matter that I did not indicate. I guess the reason it was not indicated here, was because of the fact that the regulations were not being debated. When we held these talks it was suggested by the other side that what we needed to do—and I remember distinctly the Member for Couva North, then Opposition Leader, indicating to us that if we were serious about changing the regulations, buy out the hours of work; remove the 40-hour work week.

It was the only area we could not address, because hours of work are terms and conditions of employment. It is going to be necessary and we have already alerted the police organization that during the next round of discussions, the question about hours of work is something that we are going to have to consider, because the introduction of the 40-hour work week has, in some instances, I do not want to say crippled, but created problems.

Again, let me end by thanking Members on the other side for their contributions. Those who I have not responded to, the *Hansard* is available and I give you the assurance that you can read *Hansard*, look at the things that can be implemented and we will be implementing.

With those few words, I beg to move. [*Interruption*]

**Sen. Dr. Gopeesingh:** We thank you for answering a number of the questions we had; we appreciate that. There is just one last one we want to ask you. You might answer very quickly. [*Crosstalk*]

**Sen. The Hon. M. Joseph:** That would be discussed in committee.

**Sen. Dr. Gopeesingh:** That will not be discussed in committee; this is in the Regulations—appointment to the First Division.

"A candidate for appointment to the First Division may be selected from among..."

But it says:

"A person who is appointed under sub regulation (1)(b) is required to undergo an appropriate course of training in police duties."

Which is the contracted officer who comes in as commissioner. [*Interruption*]  
Okay; that is right; I have now gotten the point. Thank you; it is below the rank of Deputy Commissioner.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole Senate.*

*Senate in committee. [Crosstalk]*

*Clauses 1 to 9 ordered to stand part of the Bill.*

**Sen. Mark:** Before you go, may I ask the hon. Minister: We had a code of conduct for police officers as well as other members of the public service, is that still in existence for police officers?

**Sen. Joseph:** It is incorporated in the police Regulations.

**Sen. Mark:** When the question of abuse of power by the police officer comes up, how would we be able to determine that? Is there any direction we can get?

**Sen. Joseph:** Anybody could complain.

**Sen. Mark:** You make a formal complaint to the Police Complaint Authority and they would take it from there?

**Sen. Joseph:** Yes.

*Clause 10 ordered to stand part of the Bill.*

*Clause 11.*

*Question proposed, That clause 11 stand part of the Bill.*

**Sen. Phillip:** Madam Chairman, in clause 11, midway, after the word "database," I would take that as a typo. The word "establish" is spelt wrong.

**Sen. Joseph:** Yes, it is a typo.

*Question put and agreed to.*

*Clause 11 ordered to stand part of the Bill.*

*Preamble approved.*

**Sen. Jeremie SC:** Madam Chairman, there is just a difficulty with the special certificate at the back.

"It is hereby certified that this Bill is—

i. The Bill which has been passed by the House of Representatives."

There is a typo; if you look at the front, the Preamble, this is a three-fifths Bill. It should really be three-fifths. [Crosstalk]

**Sen. Mark:** Also I do not know if the Attorney General has observed, but the Bill that we have before us, on page 2 in the Explanatory Note, if you look under paragraph one, the main purpose, in the last sentence, I do not know if you have the same that I have here. Is that a typo?

**Sen. Joseph:** What I understand is that you do not amend the Explanatory Note. When the Bill was laid it was just a simple majority, then given the amendments, the requirements.

*Question put and agreed to, That the Bill be reported to the Senate.*

**9.30 p.m.**

*Senate resumed.*

*Bill reported, without amendment,*

*Question put, That the Bill be now read the third time.*

*The Senate voted:*

*Ayes 26:*

AYES

Saith, Hon. Dr. L.

Yuille-Williams, Hon. J.

Jeremie, Hon. J.

Martin, Hon. J.

Montano, Hon. D.

Enil, Hon. C.

Manning, Hon. H.

Chin Lee, Hon. H.

Dumas, Hon. R.

Abdul-Hamid, Hon. M.

Titus, R.

Kangaloo, Hon. C.

Sahadeo, Hon. C.

Ramroop, Hon. S.

Williams-Smith, Mrs. M.

Mark, W.

*Police Service (Amdt.) Bill*

*Tuesday, June 05, 2007*

Gopeesingh, Dr. T.  
 Kernahan, Dr. J.  
 Ahmed, Mrs. R.  
 Ramadhar-Singh, Dr. G.  
 Phillip, R.  
 Mc Kenzie, Dr. E.  
 Deosaran, Prof. R.  
 King, Mrs. M.  
 Anmolsingh-Mahabir, Mrs. P.  
 Cropper, Mrs. A.

*Question agreed to.*

*Bill accordingly read the third time and passed.*

**DEOXYRIBONUCLEIC ACID (DNA) BILL 2006**  
**Joint Select Committee Report**  
**(Adoption)**

**The Minister of Legal Affairs (Sen. The Hon. Christine Kangaloo):**  
 Madam President, I beg to move the following Motion standing in my name.

*Be it resolved* that the Senate adopt the Fourth Interim Report of the Joint Select Committee appointed to consider and report on a Bill entitled the Deoxyribonucleic Acid (DNA) Bill 2006.

Madam President, you may recall that there were three previous interim reports of the Joint Select Committee that were appointed to look at the particular Bill. The last extension sought by the third interim report expired on Wednesday, May 23, 2007.

May I inform Senators of this House that the Committee has completed a clause by clause examination of the Bill, and is now awaiting a redrafted Bill to incorporate the proposed amendments.

Madam President, in light of all of that, the Committee is seeking your permission to submit its final report to the Parliament upon completion of the work of the Bill.

Madam President, I beg to move that the report be accepted. Thank you.

*Question proposed.*

**Sen. Mark:** I have not seen a copy of that report on my desk. All I am asking is: What is that report asking?

**Madam President:** According to what the Minister said, they were finished with the examination of the Bill. They are in the process of compiling the final report with whatever amendments that were made, and that is why she is asking for an extension. So that final report will come.

**Sen. The Hon. C. Kangaloo:** Madam President, what we are asking for in this report is that upon completion of the Bill. So we are not asking for a particular time frame, to a particular date. We are now saying we will report upon completion of the Bill.

*Question put and agreed to.*

*Report adopted.*

#### ADJOURNMENT

**The Minister of Public Information and Administration and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith):** Madam President, I beg to move that the Senate do now adjourn to Tuesday, June 12, 2007 at 1:30 p.m. at which time, we propose to debate the Finance Supplementary Appropriation Bill 2007. That Bill will be circulated tomorrow to all Senators.

#### **Miss Jeanette Angela Peters (Condolences)**

**Sen. Wade Mark:** Madam President, I want to engage the Senate for a few more minutes, if I may.

I know, Madam President, that it is not a normal practice, but I learnt today with some degree of sadness of the passing of a member, a worker, a janitorial staff of this honourable Parliament, and I thought it would have been remiss of me and every Member of this Parliament not to at least say just a few words on the occasion of very sad news.

Madam President, as I said, I learnt only today of the tragic passing of one of the members of the janitorial staff who has given some 22 years of her life to this Parliament, and by extension, our country. Yesterday, June 04 would have been Jeanette Peters' 58th birthday. She did not live to experience her birthday. Spanning several administrations over her 22 years of service to this Parliament, Jeanette represented the Parliament as a janitor. She did so with humility and simplicity. It is

truly tragic and indeed, virtually bizarre how she met her final moments of her earthly existence. I understand that her funeral service will take place tomorrow at the Trinity Cathedral, Port of Spain.

On behalf of the UNC Bench, I record our profound sadness to the family of the late, Jeanette Peters on her untimely, sudden and most unfortunate tragic passing. May her goodly soul rest in peace.

I just thought it was appropriate to record our sadness on this occasion.

**The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith):** Madam President, I am just aware of it, and I take the opportunity in the spirit that we have demonstrated in the Bill to join in the sentiments expressed by Sen. Mark. We on this side would want to be part of that. As I say, all the sentiments expressed are the sentiments of this side.

**Sen. Dr. Eastlyn Mc Kenzie:** Madam President, on behalf of those of us on the Independent Bench, I would like to also offer my condolences to the family, the granddaughter of Miss Peters and to the parliamentary staff, especially members of staff in the pantry. Of course, I know they have been grieving.

For those of us who come early and walk around the place, we knew Miss Peters, very well, the short lady with the fat breasts and always smiling.

Just last Tuesday, when we were in the lounge, she and I had a nice chat. We were laughing because she had cleaned up nicely and somebody brought me a sandwich and little crumbs were on the carpet and I said, "Look how ah giving you work" and she said, "That is what I am here for," and she was smiling. We talked about the weather and we never knew that this was it.

I would like on behalf of all of us to say how much we would miss her because she was always very willing and very nice, and a very pleasant person. She would engage you if you engaged her in conversation, but she really was never a talkative person, and she was always very helpful.

On behalf of all of us here, I extend to the staff who I know grew very close to her, the Marshal especially. I understand, probably he used to feel a little "sonny" to a motherly person. I extend our condolences to the staff and to the granddaughter because I know that her daughter died some time ago, her only child really, and to say to them, may her soul rest in peace.

**Madam President:** First of all, let me apologise for not informing the leaders of the three Benches of the death of Miss Peters. I learnt about it on Sunday when I returned. I was out of town. I must say I was very upset because every morning when I got here I always met up with her in the corridor. She would be walking down the corridor holding on to the banister.

She is well known for her very hearty laugh. You would hear everybody talking about her hearty laugh. The fact is that she was a very conscientious worker. She was a very pleasant person and she would greet you with a smile and a good morning. But most unfortunate was the kind of death that she had, and I certainly join with the others in extending to her granddaughter sympathies on behalf of myself and on behalf of the staff. I know the staff was hit very badly. I think they were really traumatized on Friday, and I think tomorrow would be a very hard day for them. Tomorrow is the funeral service.

I will ask the Clerk to write a note on behalf of the Parliament to her granddaughter.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 9.45 p.m.*