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**deemed to be made under section 129 of the Constitution*

CHAPTER I

PRELIMINARY

Citation.

1. These Regulations may be cited as the Police Service Commission Regulations.

Interpretation.

2. In these Regulations—

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“Act” means the Police Service Act;

“acting appointment” means the temporary appointment of a police officer whether on promotion to a higher office or otherwise whether that office is vacant or not;

“appointment” means the appointment of a person in an office in the Police Service;

“the Chairman” means the Chairman of the Commission;

“the Commission” means the Police Service Commission constituted under section 122 of the Constitution;

“the Commissioner” means the Commissioner of Police;

“the Constitution” means the Constitution of the Republic of Trinidad and Tobago;

“Director” means the Director of Personnel Administration;

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

“police officer in the First Division” means a police officer who holds an office specified in the First Schedule of the Police Service Act;

“police officer in the Second Division” means a police officer who holds an office specified in the Second Schedule of the Police Service Act;

† These Regulations are amended by LNs 106/1968; 7/1969; 80/1969; 47 of 1980; 99/1987; 214/1990; 25/1993; 175/1993; 41/1995; 79/1995; 43/2001.

* These Regulations were made under section 102 of the former Constitution, and continue in force by virtue of section 29(3) of the Interpretation Act (Ch. 3:01).

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“promotion” means the appointment of a police officer to an office in the Police Service in a range carrying a higher remuneration;

“Police Service” or “Service” means the Police Service established under the Police Service Act;

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“public service” means the public service as defined in section 3 of the Constitution.

CHAPTER II

THE POLICE SERVICE COMMISSION

3. (1) The Chairman and other members of the Commission shall, as soon as practicable after appointment, take the oath or make the affirmation in the form set out as Form 1 of the First Schedule.

Oath of office.

Form 1.
First Schedule.

(2) Every person appointed a member of the staff of the Commission shall, as soon as possible after appointment, take the oath or make the affirmation set out as Form 2 of the First Schedule.

Form 2.
First Schedule.

4. (1) The Commission shall meet as often as may be necessary for the purpose of performing its functions and such meetings shall be held on such days and at such times and places as the Chairman shall determine.

Meetings.

(2) Where a member fails to attend at least one meeting in any one month over a period of three months without reasonable excuse, the Commission shall make a report to the President.

5. (1) The Chairman shall preside at meetings of the Commission, and in the absence of the Chairman from any meeting, the members present shall elect one of their number to preside at that meeting.

Procedure,
quorum and
voting.

(2) At any meeting of the Commission three members shall constitute a quorum.

(3) All questions for discussion at a meeting of the Commission shall be decided by a majority of the votes of the members present and voting.

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(4) The Chairman or other member presiding at a meeting shall have an original vote, and in the event of an equality of votes, he shall have as well a second or casting vote.

Decisions other than at meetings.

6. (1) Notwithstanding regulation 5 but subject to subregulation (2), questions may also be decided by the Commission without a meeting by circulation of the relevant papers among the members and the expression of their views in writing and in such case the decision shall be the view of the majority of members expressing a view.

(2) If any member requires that a matter or question being dealt with by circulation of the relevant papers shall be reserved for consideration at the next following meeting of the Commission, no decision shall be made on that matter or question except at a meeting of the Commission.

Record of meetings and decisions.

7. (1) The Director shall ensure that Minutes of all meetings of the Commission and of all decisions arrived at under regulation 6 shall be duly recorded and kept and that the same be presented for confirmation by the Commission as soon as practicable at a subsequent meeting or by individual members on circulation thereof.

Dissents.

(2) Any member of the Commission who dissents from a decision may require that his dissent and reasons for dissenting be recorded in the Minutes.

Consultation with other persons.

8. (1) The Commission in considering any matter or question may consult with any police officer or public officer or other person as the Commission may consider proper and desirable and may require any police officer to attend for the purpose of assisting the Commission in its deliberations and producing any official documents relating to such matter or question.

(2) Where a public officer other than a police officer fails to comply with the provisions of this regulation, the Commission shall report the public officer to the appropriate Service Commission for consideration by that Service Commission.

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9. (1) A police officer who, without reasonable cause or excuse, fails to appear before the Commission when required to do so, or fails to comply with any request made by the Commission, or with any requirement of these Regulations, is guilty of an offence.

Non-compliance.

(2) A police officer who is guilty of an offence under this regulation shall be liable to be dismissed from the Service.

10. (1) Whenever the Commission delegates any of its powers in accordance with section 127(1) of the Constitution, the Director shall publish such delegation by notice in the *Gazette*.

Instrument of delegation to be published.

(2) A notice published under subregulation (1) shall contain the following information:

- (a) the powers delegated;
- (b) the person or persons to whom such delegation is made;
- (c) the extent of such delegation;
- (d) the terms and conditions of such delegation and the manner in which matters dealt with under such delegated authority may reach the Commission.

(3) Any power so delegated shall be exercised in such manner as the Commission shall direct.

(4) Every delegation under this regulation shall be revocable.

11. Where in the performance of his duties the Chairman or a member of the Commission is required to sign any document, the Chairman or a member of the Commission, as the case may be, may sign such document by impressing thereon a facsimile of his signature.

Commission may sign by impression of signature.

CHAPTER III

APPOINTMENTS, PROMOTIONS AND TRANSFERS

12. The Commission may prescribe from time to time the form and manner in which—

Commission to determine form of application.

- (a) applications are to be made for appointment to the Police Service;

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(b) examinations and interviews are to be conducted for entry into the Police Service.

Application for appointment of constable. [25/1993].

13. (1) Every application for appointment to the office of constable shall be made in writing to the Director or by personal appearance in response to any advertisement issued by the Director through the press and radio, stating the place, date and time at which a candidate may present himself for selection.

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Sub. Leg.

(2) The Superintendent in charge of a Division shall make a preliminary selection of candidates who have the qualifications prescribed in regulation 4(1)(a) to (d) of the Police Service Regulations.

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(3) A candidate selected shall be required to take an education test prescribed by regulation 4(1)(e) of the Police Service Regulations, and if the candidate is successful he shall be required to pass a medical test.

(4) A candidate who qualifies for appointment to the office of constable shall be interviewed by a Selection Board consisting of the Deputy Commissioner, an Assistant Commissioner, the Superintendent in charge of the Police Training School and the Director of Personnel Administration or a public officer representing the Director of Personnel Administration.

(5) The candidates shall be placed in order of merit on the basis of the education test and the interview.

Appointment to an office in the First Division. [99/1987].

14. Every application for appointment to an office in the First Division shall be made in writing to the Director on the prescribed form.

Appointment to an office in the Second Division. [79/1995].

14A. (1) An officer in the Second Division may apply to the Commission to be allowed to take any promotion examination for an office in the Second Division when he has been in the Service for at least three years except where that period is waived by virtue of the officer's possessing educational qualifications that are equivalent, or superior, to those prescribed in Regulation 8(3) of the Police Service Regulations.

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(2) A police officer who is successful in the promotion examination may be considered for promotion in accordance with regulation 15.

15. (1) The Commissioner shall, after taking into account the criteria specified in regulation 20, submit to the Commission a list of the officers in the Second Division—

Promotion to an office in the Second Division. [79/1995].

- (a) whom he considers suitable for promotion to an office; and
- (b) who are not being considered for promotion yet but who have served in the Service for a longer period in an office, or who have more experience in performing the duties of that office, than the officers being recommended.

(2) The Commissioner shall also advise those officers referred to in subregulation (1)(b) of their omission from the list for promotion, together with the reasons for such omission.

(3) An officer who is advised under subregulation (2) may make representations on his own behalf to the Commission within fourteen days of being so advised and the Commission may invite him for interview on the basis of his representations.

(4) The Commission shall advise those officers making representations under this regulation of the outcome of their representations.

(5) The Commission may, after considering the representations made, endorse, or otherwise, the recommendations of the Commissioner when promoting an officer.

16. (1) If a police officer has been successful in a promotion examination held after the coming into operation of these Regulations and that police officer is not appointed on promotion within three years of his passing of that examination, he shall in order to qualify for promotion resit and pass such an examination.

Resitting of examination. [7/1969].

(2) A police officer who has passed an examination for promotion to a particular office prior to the coming into operation

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of these Regulations shall not be required to resit such an examination in order to qualify for promotion to that office.

Appointments
to be by
competition
within the
Police Service.

17. Whenever in the opinion of the Commission it is possible to do so and it is in the best interests of the Service, appointments shall be made from within the Service in accordance with Regulations.

Advertisement
of vacancies.

18. Where the Commission considers either that there is no suitable candidate already in the Police Service available for the filling of any vacancy or that having regard to qualifications, experience and merit it would be advantageous and in the best interests of the Service that the services of a person not already in the Service be secured, the Commission may authorise the advertisement of such vacancy.

Examination
Boards.

19. (1) All examinations in the Police Service shall be set and the papers marked by such Examination Board as may be appointed for the purpose.

(2) The Director shall be responsible for the conduct of examinations set under subregulation (1).

Principles of
selection for
promotion.
[79/1995].

20. (1) When considering officers for promotion, the Commission shall take into account the experience, the merit and ability, the educational qualifications and the relative efficiency of such officers.

(2) In the performance of its functions under subregulation (1), the Commission shall in respect of each police officer take into account—

- (a) his general fitness;
- (b) any special qualification that he possesses;
- (c) any special courses of training that he may have undergone, whether at the expense of Government or otherwise;
- (d) the evaluation of his overall performance as reflected in his performance appraisal reports;

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- (e) any letters of commendation or special reports in respect of any special work done by him;
- (f) the duties of which he has had knowledge;
- (g) any specific recommendation of the Commissioner for filling the particular office;
- (h) any previous employment of his in the Service or otherwise;
- (i) any special reports for which the Commission may call;
- (j) his devotion to duty;
- (k) the date of his entry into the Service;
- (l) the date of his appointment in his present office.

21. }
22. } (Revoked by LN 79/1995).

23. (1) The Commissioner shall ensure that any recommendation made in relation to an acting appointment as a prelude to a substantive appointment shall be based on the principles prescribed in regulation 20.

Principles of selection for acting appointment.

(2) Where in the exigencies of the Service, it has not been practicable to apply the principles prescribed in regulation 20, a police officer selected for an acting appointment in consequence of a recommendation made under subregulation (1) shall not thereby have any special claim to the substantive appointment.

(3) In considering the claims of eligible candidates for a substantive appointment, the Commission shall take into account the claims of all eligible officers.

24. (1) Where an acting appointment falls to be made otherwise than as a prelude to a substantive appointment, the police officer appointed shall—

Principles of selection for acting appointment not as prelude to appointment.

- (a) as a general rule be the senior police officer eligible for such acting appointment;

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(b) assume and discharge the duties and responsibilities of the office to which he is appointed to act.

(2) In making an acting appointment under subregulation (1), the Commission shall examine whether the exigencies of the Service would best be served by appointing a police officer next in line of seniority from another division to act when there is a police officer in the same division who is capable of performing the duties of the higher grade, and in such examination the question of additional Government expenditure for travelling and subsistence allowances and any other expenditure shall be borne in mind.

Commissioner to notify eligible police officers of vacancy.

25. (1) Where an acting appointment falls to be made whether as a prelude to a substantive appointment or not the Commissioner shall notify the police officers who are eligible for consideration.

(2) The Commissioner shall, after notification as required by subregulation (1), allow a period of seven days to elapse before forwarding any recommendations for the filling of such vacancy, for the purpose of allowing the police officers to make representations on the filling of such vacancy.

(3) Where representations have been made by or on behalf of any police officer, the Commissioner shall forward such representations in their original form to the Director.

Commissioner to submit recommendations to Commission in advance.

26. The Commissioner shall submit, well in advance, recommendations for acting appointments to permit of their consideration by the Commission before the date on which the acting appointment is intended to become effective, but the Commission may waive the provisions of this regulation where the necessity to submit recommendations has been occasioned by sudden illness or very special circumstances or in any other circumstances which the Commission may consider appropriate.

Commissioner to state reasons for passing over officer.

27. In submitting recommendations for acting appointments in any office, the Commissioner shall state the reasons why police officers, if any, are being passed over.

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28. (1) Where the Commission proposes to transfer a police officer, the Commission shall, except where the exigencies of the Service do not permit, make an order of transfer in writing and shall give not less than fourteen days notice to the officer who is to be transferred.

Transfers.
[79/1995].

(2) In considering the transfer of a police officer, the Commission shall take into account any hardship that such transfer may occasion to the officer.

(3) *(Deleted by LN 79/1995).*

29. (1) A police officer's date of appointment shall normally be the date on which he assumes the duties of the office to which he has been appointed.

Date of
appointment.

(2) If a police officer is selected for appointment from outside Trinidad and Tobago, the date of appointment shall be the date specified in the letter of appointment.

30. (1) A candidate selected for first appointment to the Police Service shall undergo a medical examination by a Government Medical Officer and shall not be confirmed in his appointment unless and until he has been passed as medically fit.

Medical
examination.

(2) The Commissioner shall make appropriate arrangements for the new appointee to be medically examined as soon as practicable after his selection for first appointment.

(3) The Medical Officer who examines the new appointee shall submit his medical report on the prescribed form to the Director as soon as practicable after the examination.

(4) The Director shall inform the new appointee whether the medical report is favourable or unfavourable.

(5) All communications relating to the medical report on a new appointee shall be strictly confidential and any officer who communicates the details of any such medical report to any other person, except for the purpose of, and as provided for, in this regulation, is guilty of an offence and liable to dismissal from the Police Service.

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(6) Where the officer who commits a breach of subregulation (5) is not a police officer, the Commission shall report the officer to the appropriate Service Commission for consideration by that Service Commission.

CHAPTER IV

STAFF REPORTS

Staff reports.

31. (1) The Commissioner shall forward to the Director in each year—

- (a) in respect of all police officers who are within the scale of pay, a staff report not later than sixty days before an increment is due to an officer; and
- (b) in respect of all police officers who are at the maximum in the scale of pay or who receive a fixed pay, a staff report not later than the anniversary of the date of appointment of an officer to the office.

(2) A staff report shall relate to the period of service during the immediately preceding twelve months.

(3) In the preparation of a staff report, the Commissioner shall be guided by his own deliberate judgment and shall in such report—

- (a) make an unbiased assessment of the police officer's performance and conduct over the past twelve months; and
- (b) give an indication of the future prospects of the police officer.

(4) A staff report shall be in such form as may from time to time be prescribed by the Commission and shall be made in respect of every police officer whether he holds an acting appointment, a temporary appointment or is employed for a specified period.

Officer to be informed of adverse report.

32. In order that a police officer may be given every opportunity to correct any shortcomings which he might evince

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during the course of the twelve months' period of service to be reported on, the Commissioner shall—

- (a) as and when such shortcomings are noticed, cause the police officer to be informed in writing thereof;
- (b) when adverse markings are included in the staff report, cause the police officer to be informed in writing thereof before he submits the report to the Director.

33. (1) A staff report made in respect of an officer under regulation 31 shall be the basis for determining the eligibility of an officer for—

Annual increments.

- (a) an increment; and
- (b) promotion.

(2) Where the Commissioner, in a report made under regulation 31, recommends that an increment ought not to be granted, he shall notify the police officer in writing, not later than sixty days before the increment is due, of the reasons for which he considers that the increment ought not to be granted, and the police officer may, within seven days of the receipt of such notification, make representations in writing through the Commissioner to the Commission.

(3) An annual increment shall not be suspended except on the authority of the Commission.

(4) Where the Commission, after considering any representation by a police officer made under subregulation (2), supports the recommendation of the Commissioner referred to in subregulation (2), or where in the opinion of the Commission a report made under regulation 31 does not justify the payment of an increment to the police officer, the Commission shall notify the police officer in writing of its decision to suspend the payment of the increment.

(5) The Commission may suspend under subregulation (4) the payment of an increment subject to subregulation (6) for a period not exceeding six months.

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(6) Where the Commission suspends an increment under subregulation (4) for a specified period, the Commissioner shall, not less than thirty days before the expiration of the specified period, make a report on such police officer and if in the opinion of the Commission—

- (a) the report justifies the payment of the increment, the Commission shall grant the increment which shall be payable from the date from which it is granted;
- (b) the report does not justify the payment of the increment, the Commission may suspend the payment of the increment for a further period not exceeding six months.

(7) Where the Commission suspends the payment of an increment to a police officer under this regulation, the suspension shall not affect the police officer's incremental date.

CHAPTER V

PROBATIONARY APPOINTMENTS

Period of probation on first appointment.

34. Except as otherwise provided in this Chapter, a police officer on first appointment to the Police Service shall be required to serve on probation for a period of two years.

Probation not required or may be offset in certain cases.

35. (1) Where a police officer is to be appointed to an office in which he has performed the duties, whether in an acting or temporary capacity, for periods of equal or longer duration than the period of probation prescribed in regulation 34, the police officer shall not be required to serve on probation.

(2) Where a police officer is appointed on promotion to an office in which he has acted satisfactorily for periods of less duration than the period of probation prescribed in regulation 36, not more than one year and not less than six months acting service may be offset against the period of probation.

Probation on promotion.

36. (1) Subject to regulation 35, a police officer who is appointed on promotion to an office may be required to serve on probation for one year in the office to which he is promoted.

(2) Subject to subregulation (3), where within two years immediately preceding his promotion a police officer has served in an acting appointment in the office to which he is promoted, the period of probation shall be abated by the extent of the aggregate of service in such acting appointment unless the Commission otherwise directs.

(3) In calculating the aggregate of service in an acting appointment for the purpose of subregulation (2), only continuous service of three months or more shall count.

37. Where a police officer is promoted before he has completed the full period of probation in his former office, the unserved portion of that period of probation shall be deemed to be waived and the police officer deemed to be confirmed in that appointment.

Waiver of portion of period of probation.

38. The following principles shall be observed for the treatment of a police officer during his period of probation:

Principles to be observed while officer on probation.

- (a) the police officer on probation shall be given an opportunity to learn his work and be tested as to his suitability for it;
- (b) he shall be accorded all possible facilities for acquiring experience in his duties;
- (c) he shall be subject to continual and sympathetic supervision;
- (d) so far as the exigencies of the Service permit, he shall be assigned to duty only where such observation is possible; and
- (e) if at any time during his period of probation he shall exhibit tendencies which render it in any way doubtful that he is likely to become fit for confirmation in his appointment, these shall at once be drawn to his attention in writing by the Commissioner and he shall be given such assistance as may be possible to enable him to correct his faults.

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Confidential
reports.

39. (1) In the case of a police officer serving a two-year period of probation, the Commissioner shall furnish to the Director three confidential reports as follows:

- (a) a first report after the police officer has completed one year's service;
- (b) an interim report six months before the period of probation expires; and
- (c) a final report one month before the period of probation expires.

(2) In the case of a police officer serving a one-year period of probation, the Commissioner shall furnish to the Director two confidential reports as follows:

- (a) a first report six months before the period of probation expires;
- (b) a final report one month before the period of probation expires.

(3) The Director shall report to the Commission whenever the Commissioner fails to submit a confidential report on an officer on probation within the terms specified in this regulation.

(4) In submitting the final report, the Commissioner shall make a firm recommendation—

- (a) that the police officer be confirmed in the appointment; or
- (b) that the period of probation be extended; or
- (c) that the police officer's appointment on probation be terminated; or
- (d) that the police officer return to his former office.

(5) The report of the Commissioner under this regulation shall not be seen by the police officer on probation, but any adverse comments on his work shall be in specific terms; the officer shall be notified in writing in duplicate as early as possible, so that he should have sufficient time in which to make an effort to correct his shortcomings before his period of probation expires. The police officer shall retain the original notification and shall sign the duplicate and return it to the Commissioner for the record.

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40. (1) Before any recommendation is made to the Commission for the extension of a police officer's period of probation or for the termination of his appointment, the Commissioner shall inform the police officer of this recommendation and of the specific reasons therefor and he shall invite the police officer to submit any representations he may wish to make.

Extension of probation.

(2) Subject to the provisions of these Regulations, the first appointment on probation of a police officer may, at any time during the period of probation, be terminated by the Commission.

41. (1) If, after consideration of the final report of the Commissioner, the Commission is satisfied that the police officer's probationary service has been satisfactory, he shall be confirmed in his appointment with effect from the date of appointment.

Confirmation of appointment.

(2) If the Commission is not satisfied that the police officer's probationary service has been satisfactory, the period of probation may be extended for a further period.

42. Where a police officer's period of probation has been extended and he is subsequently confirmed in his appointment, the Commission may direct that the police officer's increment be paid—

Incremental date where period of probation extended.

- (a) with effect from the date following that on which the extended period of probation expired without change in the incremental date; or
- (b) with effect from the date following that on which the extended period of probation expired which would then become his incremental date.

43. The Commissioner shall keep a record of every police officer who has been appointed on probation in the Service.

Commissioner to keep record.

CHAPTER VI

**RESIGNATIONS, RETIREMENTS AND
TERMINATION OF APPOINTMENTS**

44. (1) A police officer who wishes to resign shall give to the Commission notice in writing of his intention at least one month

Resignation.

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before the date on which he wishes to relinquish his appointment, but the Commission may waive the requirement of notice in whole or in part if it thinks fit.

(2) Notwithstanding any regulation respecting the non-forfeiture of leave, a police officer who fails without reasonable cause to comply with subregulation (1) may forfeit all leave and the benefits and privileges accruing to him in respect of leave.

(3) An officer is not entitled to withdraw his notice of resignation before such resignation becomes effective, but the Commission may accept such withdrawal if tendered in writing at any time before the effective date of the resignation.

Abandonment.

45. A police officer who is absent from duty without leave for a period of one month may be declared by the Commission to have resigned his office and thereupon the office becomes vacant and the police officer ceases to be a police officer.

Reasons for termination of appointment.

46. The services of a police officer may be terminated only for the reasons stated below:

(a) Where the police officer holds a permanent appointment—

- (i) on dismissal or removal in consequence of disciplinary proceedings;
- (ii) on compulsory retirement;
- (iii) on voluntary retirement;
- (iv) on retirement for medical reasons;
- (v) on being retired in the public interest;
- (vi) on resignation without benefits payable under any written law providing for the grant of pensions, gratuities or compensation;
- (vii) on the abolition of office.

(b) Where the police officer holds a temporary appointment—

- (i) on the expiry or other termination of an appointment for a specified period;

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- (ii) where the office itself is of a temporary nature and is no longer necessary;
 - (iii) on the termination of appointment in the case of a police officer on probation;
 - (iv) on the termination of appointment in the case of an officer holding a non-pensionable office with no service in a pensionable office;
 - (v) on dismissal or removal in consequence of disciplinary proceedings;
 - (vi) ill health.
- (c) Where the police officer is on contract, his services shall be terminated in accordance with the terms of the contract.

47. (1) A police officer in the First Division—

Compulsory and
voluntary
retirement.

- (i) shall be required to retire on attaining the age of sixty years;
- (ii) may, with the approval of the Commission, retire on attaining the age of fifty-five years;
- (iii) may, with the permission of the President, retire on attaining the age of fifty years, if he has had not less than thirty years continuous service.

(2) A police officer in the Second Division—

- (i) shall be required to retire on attaining the age of fifty-five years;
- (ii) may, with the approval of the Commission, retire on attaining the age of fifty years.

48. The Commissioner shall inform the Director of all officers in the Service who are within one year of the compulsory retirement age.

Commissioner
to notify
Director of
officers to retire
compulsorily.

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Premature
retirement.
[175/1993].

49. (1) If it appears to the Commission that a police officer in the First Division who has attained the age of fifty years ought to be called upon to retire from the Service, the Commission shall advise the police officer accordingly.

(2) Any such police officer shall be afforded an opportunity of submitting to the Commission any representations he may wish to make regarding his proposed retirement.

(3) If the Commission, after considering the representations, if any, made by the police officer, is of the opinion that, having regard to all the circumstances of the case, the police officer should be retired in the public interest, the Commission shall require the police officer to retire on such date as the Commission shall determine, and the police officer shall be retired accordingly.

Retirement in
the public
interest.
[175/1993].

50. (1) Where it is represented to the Commission or the Commission considers it desirable in the public interest that any police officer should be required to retire from the Police Service on grounds which cannot suitably be dealt with under any of these Regulations, it shall call for a full report on the police officer from the Commissioner and may take into account the police officer's previous record during the last preceding five years or, where the police officer has less than five years service, the police officer's record during his period of service, and where the police officer is the Commissioner, the Commission shall call for a full report and such record from the Permanent Secretary.

(2) If, after considering such report and such record and giving the police officer an opportunity of submitting a reply to the grounds on which his retirement is contemplated and, having regard to the condition of the Police Service, the usefulness of the police officer thereto, and all the other circumstances of the case, the Commission is satisfied that it is desirable in the public interest to do so, it shall require the police officer to retire on such date as the Commission shall determine, and he shall be retired accordingly.

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51. (1) The Commission may terminate the appointment of a police officer on grounds of inefficiency as a result of a number of adverse reports.

Termination of appointment on grounds of inefficiency.

(2) Where the Commissioner makes a recommendation in writing that the appointment of a police officer should be terminated on grounds of inefficiency, the police officer shall be informed in writing of such recommendation and shall be given an opportunity to make representations thereon.

(3) Where a police officer makes representations under subregulation (2), the representations shall be forwarded in their original form to the Commission by the Commissioner together with such comments as the Commissioner thinks fit.

(4) The Commission may, upon application of the police officer or on its own motion, cause an investigation to be made before making a final decision.

52. The Commission may terminate the appointment of a female police officer who is married on the grounds that her family obligations are affecting the efficient performance of her duties and the procedure for the termination of such appointment shall be in accordance with regulation 51(2), (3) and (4).

Married female officers.

53. (1) A Medical Board shall be held whenever it is necessary for a police officer to be examined with a view to ascertaining whether or not the officer should be retired on grounds of ill health, or in any case or class of case in which the Commission directs.

Medical Boards.

(2) A police officer may be required by the Commission to undergo a medical examination at any time.

(3) A police officer who is required to undergo a medical examination shall submit himself to be examined by a Medical Board at such time and place as the Commissioner may direct on behalf of the Board.

(4) Where a police officer, through refusal or neglect to obtain specialist advice or to obtain treatment when so recommended by the Medical Board, falls sick and in consequence

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is unable to perform his duties, the Commission may direct that the period during which he is unable to perform his duties shall be counted as leave without pay.

(5) Whenever it is considered necessary for a police officer to be examined with a view to ascertaining whether or not he should be retired on grounds of ill health, the Commissioner shall make a recommendation to this effect to the Commission and where there is a medical record of the police officer, the record shall be made available to the Medical Board.

(6) Where a deterioration in the work of the police officer is the reason or one of the reasons for requesting that the police officer undergo a medical examination, the Commissioner shall submit, with his recommendation under subregulation (5), a detailed report on any change in the quality of the officer's work in order to assist the Medical Board in carrying out the medical examination of the police officer concerned.

Unfit officers.

54. A police officer who is medically boarded and found unfit for further service shall not be allowed to remain on duty after receipt of the Medical Board's report, and shall be granted such annual leave and accumulated annual leave for which he is eligible or two months' leave, whichever is the greater, as from the date on which he is notified of his unfitness for further duty.

CHAPTER VII

CONDUCT

55. }
to } *(Revoked by LN 214/1990).*
74. }

CHAPTER VIII

DISCIPLINARY PROCEDURE

Officer liable to disciplinary proceedings. [214/1990].

75. A police officer who fails to comply with any regulation, order or directive for the time being in force in the Police Service or with any of these Regulations, or commits an offence under

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these Regulations or the Police Service Regulations, shall be liable to disciplinary proceedings in accordance with the procedure prescribed in these Regulations.

76. (Revoked by LN 214/1990).

77. (1) Where a report or allegation is received from which it appears that a police officer may have committed an offence other than an offence referred to in regulation 81, the Commissioner shall forthwith report the matter to the Director for the information of the Commission. Commissioner to report officer. [214/1990].

(2) The Commission, after considering the report made under subregulation (1), may institute disciplinary proceedings against the police officer.

(3) }
(4) } **(Deleted by LN 214/1990).**

78. The Commissioner shall report any case not covered by these Regulations to the Director and the Commission may issue instructions as to how the case shall be dealt with, and the case shall be dealt with accordingly. Commission to issue instructions on how certain cases to be dealt with.

79. (1) When the Commission becomes aware of any offence and the Commission is of the opinion that the public interest or the repute of the Service requires it, the Commission may direct the police officer in writing to cease to report for duty until further notice from the Commission, and a police officer so directed shall cease to perform the functions of his office forthwith. Suspension by Commission.

(2) A police officer directed to cease to perform the duties of his office in accordance with subregulation (1) shall continue to draw full pay until such date as shall be specified in an order made by the Commission under regulation 80.

80. (1) Where there have been or are about to be instituted against any police officer— Interdiction. [214/1990].

- (a) disciplinary proceedings for his dismissal; or
- (b) criminal proceedings,

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and where the Commission is of opinion that the public interest requires that that police officer should forthwith cease to perform the functions of his office, the Commission shall interdict him from such performance.

(2) The effective date of interdiction shall be—

- (a) where a police officer has continued to perform the duties of his office, the date of receipt by him of the notification of his interdiction;
- (b) where, in accordance with regulation 79, a police officer has ceased to perform the duties of his office, such date as the Commission may direct.

(3) A police officer so interdicted shall, subject to the provisions of regulation 108, be permitted to receive such proportion of the pay of his office, not being less than one-half, as the Commission may determine after taking into consideration the amounts being deducted per month from the pay of the police officer.

(4) If disciplinary proceedings against any such police officer result in his exoneration, he shall be entitled to the full amount of the remuneration which he would have received if he had not been interdicted, but if the proceedings result in any punishment other than dismissal the police officer shall be allowed such pay as the Commission may in the circumstances determine.

(5) *(Deleted by LN 214/1990).*

Procedure on
alleged
commission of
offence.
[80/1969
214/1990].

81. (1) Where a report or allegation that a police officer has committed an offence to which this regulation applies has been made, the officer making the report or allegation shall warn the police officer concerned in writing of the report or allegation.

(1A) The report or allegation referred to in subregulation (1) shall be referred to an officer senior to the officer against whom the report or allegation has been made including a Head of Division, other than a Head of Division who may be the disciplinary tribunal in respect of such report or allegation.

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(1B) Such officer may charge the officer and refer the matter to a Head of Division to hear the matter in his capacity as a disciplinary tribunal pursuant to regulation 82.

(2) The officer making the report or allegation shall hold an office higher than that of the officer against whom the report or allegation has been made, but may do so on the information of any other person.

(3) Nothing in regulations 84 to 87 shall apply to proceedings on a report or allegation of an offence to which this regulation applies, but, subject to these Regulations, so much of the other provisions of this Chapter (other than regulations 89 and 96 to 102) as are applicable shall apply, with such adaptations and modifications as are necessary, to a disciplinary tribunal constituted in accordance with regulation 82.

(4) This regulation applies to offences that are the subject of a delegation by the Commission to the Head of Division, and a reference to the Head of Division in this regulation or in regulation 82 shall be read as a reference to the Senior Police Officer (being an officer of the First Division of the Police Service set out in the First Schedule to the Police Service Act, other than an Assistant Superintendent of Police) who is in charge of the Division or Branch to which the officer, against whom the report or allegation is made, is attached, and the Commissioner of Police and the Deputy Commissioner of Police. Ch. 15:01.

82. (1) The Head of Division may be appointed by the Commission by notice in writing to be a standing or special disciplinary tribunal in respect of a matter referred to in regulation 81, and determine such charge and impose any one of the penalties prescribed in regulation 104(1)(f), (g), or (h). Powers of disciplinary tribunal. [214/1990].

(2) A fine imposed by the Head of Division pursuant to subregulation (1), shall not exceed—

(a) where the Head of Division imposing the fine is a Superintendent, an amount calculated on four days pay to be deducted from the salary of the officer in no more than two instalments;

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(b) where the Head of Division imposing the fine is an officer in the First Division other than a Superintendent, an amount calculated on four days pay per month to a maximum of three months to be deducted from the salary of the officer in no more than four instalments.

(3) A Head of Division appointed as a tribunal under this regulation shall not exercise any power as such in a matter where he is the person making the report or allegation.

Certain penalties to be imposed by Commissioner. [80/1969 214/1990].

83. (1) Where a disciplinary tribunal upon the determination of a charge against a police officer under regulation 82 finds that officer guilty and is of opinion that, owing to the special circumstances of the case (including the previous record of the offender), the penalty that could be imposed by it is inadequate, it may so certify and refer the matter to the Commissioner.

(2) The Commissioner may, on receipt of a certificate made under subregulation (1), impose a penalty prescribed in regulation 104(1)(c), (f), (g) or (h).

(3) Where a disciplinary tribunal during the course of hearing a charge against a police officer under regulation 82 is of the opinion that the matter is such that the officer has been inadequately charged with an offence to which regulation 82 applies, it may so certify and refer the matter to the Commissioner.

(4) The Commissioner shall on receipt of a certificate made under subregulation (3) refer the matter forthwith to an investigating officer to deal with under regulation 84 as if it were an allegation or an offence to which regulation 77 applies.

Investigation of charges. [214/1990 41/1995].

84. (1) Where a report or allegation is received from which it appears that a police officer may have committed an offence to which regulation 77 applies, the Commissioner shall, in addition to making a report as required by regulation 77, concurrently warn the police officer in writing of the report or allegation and shall forthwith refer the matter to an investigating officer appointed by him.

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(2) The investigating officer shall hold an office higher than that of the officer against whom the allegation has been made.

(3) The investigating officer shall, within three days of his appointment, give the police officer a written notice specifying the time, not exceeding seven days, within which he may, in writing, give an explanation concerning the report or allegation to the investigating officer. Personal explanation.

(4) The investigating officer shall request those persons who have direct knowledge of the alleged offence to make written statements within seven days of the receipt of the request for the information of the Commission.

(5) The investigating officer shall, with all possible dispatch, but not later than thirty days from the date of his appointment, forward to the Commission, for the information of the Commission, the original statements and all relevant documents, together with his own report on the particular act.

(5A) Where the Commission considers that the circumstances before it warrant an extension of time, the period referred to in subregulation (5) may be extended by a period not exceeding thirty days.

(6) The Commission, after considering the report of the investigating officer and any explanation given under subregulation (3), shall decide whether the police officer should be charged with an offence, and if the Commission decides that the police officer should be so charged, the Commission shall, as soon as possible, cause the police officer to be informed in writing of the offence with which such police officer is charged, together with such particulars as will leave the police officer under no misapprehension as to the precise nature of the alleged offence.

(7) Where, in the explanation given under regulation 86(2), the police officer makes an admission of guilt, the Commission may determine the penalty to be awarded without further enquiry.

(8) Where the Commission, under section 127 of the Constitution, has delegated to a police officer its duty of deciding

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under subregulation (6) whether a police officer shall be charged and of charging such police officer with an offence, the reference in subregulations (4), (5), (6) and (7) to the Commission shall be construed as a reference to that police officer.

Documents to be supplied to accused.

85. Where a police officer is charged with an offence, he shall as soon as possible be given a copy of any written explanation he may have made under regulation 84(3).

Officer to admit or deny charge in writing and may include explanation.

86. (1) Where a police officer is charged with an offence, the police officer shall be requested to state in writing within a specified period whether he admits or denies the charge and shall be allowed to give to the disciplinary tribunal or the Commission any explanation he may wish.

(2) Where a police officer admits the charge under subregulation (1), he shall be allowed to include in his explanation any extenuating circumstances in mitigation.

Hearing on failure to admit or deny charge.

87. Where a police officer—

- (a) fails to give an explanation under regulation 84(3);
- (b) fails to admit or deny the charge under regulation 86(1); or
- (c) gives an explanation under regulation 84(3) or under regulation 86(1), that—
 - (i) places the facts in dispute; or
 - (ii) does not exculpate him,

the hearing shall proceed as though the police officer denied the charge.

Witnesses.

88. (1) The police officer shall be allowed to state the names and addresses of any witnesses to relevant facts whom he may desire to give evidence at the hearing of the case.

(2) Any such witness who is a police officer shall be ordered to attend at the hearing of the case and any other witness

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shall be given due notice that his attendance is desired and of the time and place of the hearing.

89. (1) Where the Commission under regulation 84(6) charges a police officer with an offence, it may appoint a disciplinary tribunal to hear the evidence and find the facts.

Appointment of disciplinary tribunal. [43/2001].

(2) A disciplinary tribunal which the Commission appoints under subregulation (1) may be constituted of—

- (a) one officer or person;
- (b) an uneven number of officers or persons not being less than three.

(3) An officer selected under subregulation (2) shall be, or in the case of a retired officer shall have been, of a grade higher than that of the officer charged.

90. (1) It shall be the duty of every person or officer appointed under regulation 89 to hear the evidence, find the facts and make a report to the Commission in accordance with regulations 92 and 96 as soon as possible, and in the case of an officer, such officer may not be permitted any leave, other than sick leave or maternity leave, until the report is made to the Commission.

Duty of officers appointed to disciplinary tribunal. [43/2001].

(2) Where an officer is absent for whatever reason, including the grant of sick leave, the disciplinary tribunal of which he is a member may, notwithstanding regulation 89(2)(b), continue to hear the case and make a report in the absence of that officer, but such a tribunal shall not be constituted of less than two members.

91. A police officer who is charged with an offence shall not be permitted to take leave, other than sick leave or maternity leave, until the determination of the case.

Officer on charge not to be permitted leave.

92. (1) The following procedure shall apply to the hearing by a disciplinary tribunal of a case against a police officer charged with an offence:

Procedure at hearing. [214/1990].

- (a) The police officer shall be summoned to appear at the hearing of the case and shall be given full opportunity to defend himself.

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- (b) The case against the police officer may be presented by a police officer, but such police officer shall be the holder of an office higher than that of the police officer charged.
- (c) Before the case against the police officer is presented, the police officer may submit that the facts alleged in the charge are not such as to constitute the offence with which he is charged, and the disciplinary tribunal shall make a report of the submission to the Commission for its decision.
- (d) At the hearing before a disciplinary tribunal, the police officer may conduct his defence either in person or may be represented by a police officer of his choice or by his staff association or by an Attorney-at-law, but where the hearing is before a disciplinary tribunal constituted of one officer, the police officer charged shall not be represented by an Attorney-at-law; where the police officer is represented by such police officer or by his staff association or by an Attorney-at-law, the police officer or his representative may cross-examine the witnesses called in support of the case against him.
- (e) A true record of the proceedings at the hearing of the case shall be taken and a copy of the record shall be made available to the police officer if he desires to make application for an appeal to the Public Service Appeal Board.

(2) Nothing in this regulation shall be construed so as to deprive the police officer from making a submission at any time that the facts disclosed in the evidence do not support the charge.

Adjournment of
hearing.

93. The hearing of any case may be adjourned from time to time as may appear necessary for due hearing of the case.

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94. (1) If the police officer does not attend the hearing of the charge without good reason, the hearing may be proceeded with and concluded in his absence, but if good reason is given to the disciplinary tribunal by or on behalf of the police officer why the police officer is unable to attend the hearing, the hearing shall be postponed or adjourned, as the case may be.

Hearing in
absence of
accused officer.

(2) Where, owing to the absence of the police officer, it is impossible to comply with the procedure prescribed in regulation 84(3), regulations 85, 86 and 87 and subregulation (1) of this regulation, that procedure shall be dispensed with.

95. (1) The standard of proof in any proceedings under this Chapter shall be on the balance of probabilities.

Standard of
proof.
[214/1990].

(2) The rules governing the admissibility of evidence shall be observed but the rules relating to the proof of documents may be waived except where a particular document is an issue in the proceedings.

(3) No documentary evidence shall be used against the officer unless he has previously been supplied with a copy thereof or given access thereto.

(4) Any explanation in respect of an allegation or charge given by a police officer under regulation 84 shall be admissible at any hearing.

96. (1) The disciplinary tribunal shall make a report to the Commission and the report shall contain its findings of fact and an expression of its opinion as to the meaning and nature of the facts found, together with the record of the proceedings required by regulation 92(1)(e).

Tribunal to
report.
[214/1990].

(2) The disciplinary tribunal shall not disclose the contents of the report made under subregulation (1) to the police officer charged or to any other officer not authorised to receive such report.

Report
confidential.

(3) (*Revoked by LN 214/1990*).

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Disciplinary
tribunal may
adjourn and
report to
Commission.
[106/1968
80/1969
214/1990].

97. (1) Where, during the course of the hearing of a case and before the hearing is concluded, it appears to the disciplinary tribunal that there are grounds disclosed which could form the basis of a charge for which the penalty that could be imposed could be any one of the penalties specified in regulation 104(1), the disciplinary tribunal shall adjourn the hearing for a period not exceeding fourteen days and shall forthwith report its findings of fact with a report of the proceedings up to date to the Commission.

(2) Where in the opinion of the Commission—

(a) the police officer should be charged with other offences, the Commission shall cause the officer to be so charged and the proceedings before such disciplinary tribunal shall cease; or

(b) the police officer, on the findings of fact submitted, may be liable to any one of the penalties specified in regulation 104(1), the Commission may direct such disciplinary tribunal to continue the hearing of the evidence, find the facts and make a report to the Commission.

(3) On consideration of the report of the disciplinary tribunal under subregulation (2)(b), the Commission may impose any one of the penalties specified in regulation 104(1).

Disciplinary
tribunal to
report where
evidence
insufficient.
[106/1968].

98. (1) Where the disciplinary tribunal on hearing the evidence finds that the evidence is insufficient to support the charge or charges, the disciplinary tribunal shall submit to the Commission its findings of fact, together with the record of the proceedings as required in regulation 92(1)(e) without calling on the officer for his defence.

(2) If on receipt of the report and record of the proceedings under subregulation (1) the Commission is of the opinion that the report should be amplified in any respect or that further inquiry is desirable, it may refer the case back to the disciplinary tribunal for further enquiry or report accordingly.

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99. Where the disciplinary tribunal on hearing the evidence is of the opinion that such evidence discloses other offences, the disciplinary tribunal shall report the matter to the Commission and if the Commission thinks fit to proceed against the police officer in support of such offences, it shall cause the police officer to be informed in writing of any further charges made and the procedure prescribed in these Regulations in respect of the original charge shall apply in respect of such charges.

Disciplinary tribunal to report further grounds disclosed at hearing. [106/1968 80/1969].

100. The Commission may, on its own initiative, hear, determine and impose a penalty in respect of an allegation of an act of misconduct by the Commissioner or Deputy Commissioner.

Commission to exercise disciplinary control on Commissioners. [214/1990].

101. (1) Where on consideration or the report of the findings of fact by a disciplinary tribunal under regulation 96 the Commission is of the opinion that—

Commission to inform officer of penalty imposed and of his right of review. [214/1990].

- (a) the police officer should be exonerated, the Commission shall exonerate the police officer;
- (b) the police officer should be dismissed, the Commission shall dismiss the police officer; or
- (c) a penalty should be imposed, the Commission may impose any of the penalties specified in regulation 104.

(1A) The penalty of dismissal from office as a consequence of disciplinary proceedings shall be imposed only by the Commission.

(2) The Commission shall, as soon as possible after the hearing of the charge, inform the police officer in writing of its findings, the penalty imposed on him and of his right to appeal to the Public Service Appeal Board.

(3) Where the police officer—

- (a) makes an application for an appeal in accordance with the Public Service Appeal Board Regulations, the penalty shall not take effect

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pending the determination of the matter by the Public Service Appeal Board; or

(b) does not make an application for an appeal to the Public Service Appeal Board, the penalty shall take effect at the expiration of the said time.

(4) Where the Commission under subregulation (1) informs the police officer that the penalty imposed on him is dismissal, the police officer, notwithstanding that he makes application for an appeal to the Public Service Appeal Board in accordance with the Public Service Appeal Board Regulations, shall not receive any pay or allowances from the date specified by the Commission.

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(5) The failure to inform a police officer of his right to make application for an appeal and of the specified time for making such application shall not invalidate the decision of the Commission.

Commission may remove officer in public interest.

102. Where on a consideration of the report of the disciplinary tribunal, the Commission is of the opinion that the police officer does not deserve to be dismissed by reason of the charges alleged, but that the proceedings disclose other grounds for removing him from the Police Service in the public interest, the Commission may make an order for the removal of such police officer without recourse to the procedure prescribed by regulation 49.

Proceedings in private.

103. The proceedings before a disciplinary tribunal shall be held in private.

Penalties.

104. (1) The following are the penalties that may be imposed by the Commission by disciplinary proceedings brought against a police officer in respect of an offence:

- (a) dismissal, that is, termination of appointment;
- (b) reduction in an office, that is, removal to another grade with an immediate reduction in pay;
- (c) reduction of remuneration, that is, an immediate adjustment of remuneration to a lower point on

the scale of remuneration attached to the particular office;

- (d) deferment of increment, that is, a postponement of the date on which the next increment is due, with corresponding postponements in subsequent years;
- (e) stoppage of increment, that is, no payment for a specified period of an increment otherwise due;
- (f) transfer;
- (g) fine;
- (h) reprimand.

(2) Where a fine is imposed, the amount of such fine shall be deducted from the pay of the police officer in such manner as may be specified at the time the penalty is imposed.

105. }
to } *(Revoked by L N 214/1990).*
107. }

108. (1) A police officer convicted of a criminal charge and sentenced to imprisonment without the option of a fine or convicted of a criminal charge involving—

Non-payment of remuneration on conviction on a criminal charge.

- (a) dishonesty;
- (b) fraud; or
- (c) moral turpitude,

shall not receive any pay or allowance after the date of conviction pending consideration of his case by the Commission.

(2) The Commission may direct that a police officer convicted of a charge described in subregulation (1) shall cease to perform the duties of his office forthwith.

(3) Notwithstanding that a police officer convicted of a charge described in subregulation (1) has appealed against the conviction, such police officer shall not receive any pay or allowance after the date of conviction.

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CHAPTER IX

REVIEWS

109. }
to }
116. }

(Revoked by LN 214/1990).

CHAPTER X

APPLICATION OF REGULATIONS

Application of
Regulations to
all officers.

117. These Regulations apply to every police officer whether the police officer is appointed to an office in the Service for an indeterminate period or on probation.

Regulation 3(1).

FIRST SCHEDULE

FORM 1

OATH (OR AFFIRMATION) OF OFFICE

I, do swear/solemnly declare and affirm, that I will without fear, favour, affection or ill-will, well and truly perform my duties in the office of Chairman/ Member of the Police Service Commission in the exercise of the powers vested in the Police Service Commission under the Constitution and that I will not directly or indirectly reveal any information to any unauthorised person or otherwise than in the course of duty.

So help me God.

Sworn/Declared before me this day of20.....

.....
Judge of the High Court

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FORM 2

Regulation 3(2).

**OATH (OR AFFIRMATION) OF OFFICER OF
THE COMMISSION**

I, do swear/solemnly
declare and affirm, that I will not directly or indirectly reveal to any unauthorised person or persons
or otherwise than in the course of duty any information in connection with the business of the
Commission which may come to my knowledge in the course of my duties as Secretary/
...../...../.....) to the said Commission.

So help me God.

Sworn/Declared before me this day of, 20.....

.....
Judge of the High Court

NOTE ON SECOND SCHEDULE

**Regulation 65 which dealt with the incurring of debts by a Police Officer has been revoked
by LN 214/1990.**

Regulation 65(2).

SECOND SCHEDULE

RETURN OF INDEBTEDNESS

Name As at 20.....
 Office head Married/Single.....
 Ministry/Department..... Number of dependants
 Salary
 Salary after deductions

TO WHOM INDEBTED		Reason for which debt was incurred	How secured	Terms of repayment	Amount now outstanding
Name	Date incurred				
.....
.....
.....
.....

Date20 Signature

*(N.B. — See Note on Second Schedule at page 181).