

OH, WHAT A TANGLED MESS THEY WEAVED!!

In 2006, the leaders of both sides of the political monopoly joined in unanimous bipartisan action to amend the Constitution allegedly to remove the PM's veto power in the appointment of the top Police Offices.

The Amendments supposedly gave the CoP full power to manage the Police Service.

What the 2006 Constitution Amendments did achieve is the sidelining of the PolSC by:

- 1) giving politicians full power to decide who is appointed as CoP and DCoP, and
- 2) giving the CoP the same powers and authorities as the PolSC to the CoP over the thousands of Police Officers making the CoP more than equivalent to the SC given the span of his control compared to the 9 officers that remained under its control.

Together the PM and the OL succeeded in creating the biggest mess of the management of the Police Service for the sake of increasing politicians' role in the appointment of the top officers and diminishing the role of the Service Commission.

In 2006, at a conference at UWI discussing the proposed amendments (and otherwise publicly) Mr. Kenneth Lalla (a former member of both the PubSC and PolSC) and I warned of the mess that was being created in the management of the Police Service.

Every single politician in the Parliament voted in favour and the die was cast and so it began.

Since then, the Parliament has changed the Orders for the appointment of the CoP and DCoPs it passed in 2007, at least 3 times.

Here is a list of the Legal Notices: 165 and 166 of 2007, 56, 101, 102 and 103 of 2009, 218 and 219 of 2015 and 183 of 2021.

The last change was made in 2021 (this year) to allow a person not holding a substantive post in the Police Service to be appointed to act as CoP (clause 4 of **Legal Notice 183 of 2021**). Clause 4 which was passed apparently when the Cabinet discovered, after 3 years, that there was a CoP on contract and his contract was coming to an end.

Under the rubric, **Submission of list of qualified persons to act**, it now says: 4. *“Where either the post of Commissioner of Police or Deputy Commissioner of Police is vacant or is about to become vacant, the Commission may submit to the President a list of suitably qualified persons from amongst the ranks of the Police Service, including those on contract or previously on contract, as nominees to act in the offices of Commissioner of Police or Deputy Commissioner of Police, pending the conclusion of the procedure prescribed in paragraph 3”*.

LN 103 of 2009, previously stated in relation to acting appointments to CoP, *“The Commission may, as it thinks fit, appoint to act in the office of the Commissioner of Police, a person holding or acting in the office of the Deputy Commissioner of Police”*.

The present brouhaha in which politicians, the Executive (Cabinet), the PolSC and the CoP are now entangled in the sordid total mess that threatens not only the management of the Police

Service, but, the insulation of the Police Service from Political interference that the Privy Council warned of in the landmark case of **Endel Thomas v the AG of TT**, Privy Council Appeal No. 47 of 1980 (http://www.oas.org/.../docs/mesicic4_tto_thomas_ag.pdf).

Politicians, particularly those in power, have for a long time, desired to wield the power to hire and fire those who serve in the Public Service. They have considered the existence of independent Service Commissions the hindrance to that desire.

The current is a lot more than incompetence or errors by the PoISC.

It is a lot more than being about any individual or who one thinks is a good performer in any office.

It is a lot more than an investigator appointed by a Service Commission answering questions about who or what are subjects of his investigation to an officeholder suspended by the same Commission. He was acting on behalf of the Commission and should have referred that question to the body that appointed him.

We are dealing with the law enforcement agency of the country – the Police Service.

This is about the state of our governance, about the state of our public institutions, our governance and the democracy which we cherish and desire.

It is that serious.

Clyde Weatherhead

A Citizen Fighting for
Democratic Renewal of the
Electoral and Political Processes of
Our society

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