

**Input of the Ministry of National Security**  
**8<sup>th</sup> Intersessional Meeting of the Working Group on Prevention**  
**United Nations Convention Against Corruption**

**Integrity in Criminal Justice Institutions**

- A. *With reference to Article 7 – Public Sector (UNCAC), cite and summarise any measures that:*
- i. *Establish and strengthen systems to ensure transparency and accountability in the recruitment, hiring, retention, promotion and retirement of public officials in criminal justice institutions, including where specific procedures exist for the recruitment and hiring of senior officials in criminal justice institutions, if they are different from other civil servants.*

In Trinidad and Tobago, the Public Service Commission is largely responsible for the recruitment, hiring, retention, promotion and retirement of public officials in the prison service. The ***Public Service Commission Regulations***, and the ***Prison Service Act, Chap 13:02*** (and subsidiary legislation, the ***Prison Service (Code of Conduct) Regulations***), have conferred on the Commissioner of Prisons for the Trinidad and Tobago Prisons Service (TTPrS), authority to, inter alia, recruit and promote officers, up to a certain rank. Vacancies for the position of Prison Officer I are advertised nationally, with the Superintendent of Prisons making an initial selection of candidates who have satisfied the legal qualifications listed in the vacancy announcement. Background checks are usually carried out at this stage. Candidates are required to attend an interview with a panel of senior prison officers, and may also be required to take a written test.

The Public Service Commission is directly responsible for the recruitment and promotion of senior officials in the Prison Service, from the rank of Assistant Superintendent of Prison to Commissioner of Prisons. Promotional examinations are available for senior officers in the Service, and consideration is given to the results of these examinations, as well as seniority, educational qualifications, merit and ability.

In the case of the Trinidad and Tobago Police Service (TTPS), the Commissioner of Police (COP) is empowered to manage the Police Service, and to ensure that the human, financial and material resources available to the Service are used in an efficient and effective manner. This power is guided by the provisions of the Constitution of the Republic of Trinidad and Tobago Chap 1:01, the ***Police Service Act, Chap. 15:01*** and the ***Police Service Regulations Chap 15:01***. These offer strict procedures and guidelines related to the recruitment, hiring, retention, promotion and retirement of officers.

In the TTPS, recruits are required to submit a non-intimate DNA sample and a police certificate of character upon application. Once shortlisted by the Recruiting Officer, candidates are required to attend an interview with a panel of senior officers. If successful, candidates must then submit to a polygraph test, a psychological test and a test for dangerous drugs. Additional background checks and vetting may be required, depending on the unit to which they are assigned. Performance assessments, examinations and a probationary period, are tools used in the promotion of officers.

In the case of the TTPS, the Police Service Commission (PSC) was established to oversee the recruitment of senior officials, namely, the posts of Commissioner of Police and Deputy Commissioner of Police. The Commission functions as an independent body with a constitutional mandate to execute the following core responsibilities:

- (i) Appoint persons to hold or act in the office of Commissioner of Police and Deputy Commissioner of Police.
- (ii) Make appointments on promotions and confirm appointments.
- (iii) Remove from office and exercise disciplinary control over the Commissioner and Deputy Commissioner of Police.
- (iv) Monitor the efficiency and effectiveness of the discharge of their functions.
- (v) Prepare an annual performance appraisal report in such form as may be prescribed by the Commission respecting and for the information of the Commissioner and Deputy Commissioner of Police.
- (vi) Hear and determine appeals from decisions of the Commissioner of Police, or any person to whom the powers of the Commissioner of Police have been delegated, as a result of disciplinary proceedings brought against a police officer appointed by the Commissioner of Police.

Additionally, the Police Complaints Authority (PCA), an independent, civilian oversight body, primarily established to investigate criminal offences involving police officers, police corruption and serious police misconduct, advises and recommends to the TTPS, ways and means of strengthening systems for transparency and accountability.

- ii. *Implement adequate procedures for the selection and training of individuals for public positions considered especially vulnerable to corruption in criminal justice institutions and the rotation, where appropriate, of such individuals to other positions.*

With regard to training in general, the Research and Developmental Training Department of the Prison Service is responsible for identifying and meeting the training needs of the Service. In the case of Second Division Officers, the Superintendent of the respective stations, are responsible for nominating candidates for the training courses offered by the Service. In the case of First Division Officers, in determining nominees

for training opportunities, consideration is given for those requiring relevant training in order to be eligible for promotion or lateral movement.

In the case of the TTPS, performance appraisals, requests of certain units and divisions, and the TTPS strategic plan, guide the general work plans of the Police Training Academy and the Human Resource Department. As is the case with the TTPrS, heads of the various stations, units and branches are responsible for nominating officers and civilians for training opportunities.

Within the TTPS, the rotation of officers across the various units and divisions, is employed in order to, inter alia, safeguard against corrupt practices or behaviour.

- iii. *Prescribe criteria concerning candidature for and election to public office for members of criminal justice institutions, if applicable, as well as measures to enhance transparency in the funding of candidatures and of contributions to political parties, where applicable.*

As per the ***Police Service Act, Chap 15:01***, regarding political activities, a police officer is disqualified from membership of the Senate, the House of Representatives, the Tobago House of Assembly, or a Municipal Corporation. The ***Prison Service (Code of Conduct) Regulations, Chap 13:02***, similarly disqualifies members of the TTPrS from membership in the Senate, House of Representatives, Tobago House of Assembly, or a Municipal Corporation.

- B. *With reference to Article 8 – Codes of Conduct for Public Officials (UNCAC), please cite and summarise measures that:*

- i. *Establish or improve procedures, rules and regulations for the reporting, including by members of the criminal justice institutions, of acts of corruption to appropriate authorities and the mechanisms for the protection of reporting persons.*

With regard to the TTPS, reporting on acts of corruption may be made by members of the public or an officer of the Service, and depending on the nature of the act, the report is forwarded to the following agencies within the TTPS:

- Professional Standards Bureau (criminal cases)
- Complaints Division (disciplinary matters)
- Anti-Corruption Investigative Bureau (government and other state owned organizations)

Outside of the TTPS, the independent PCA, is authorised, by law, to receive complaints from members of the public, police officer, public body or authority, or the appropriate unit or disciplinary tribunal of the TTPS.

With regard to the TTPrS, information and intelligence on acts of corruption in the Service is managed through established links with the other protective services and security agencies of the state.

The *Justice Protection Act, Chap 5:33*, generally guides the protection of reporting persons for a prescribed list of offences. Additionally, the Whistle Blower Protection Bill (2015),<sup>1</sup> once proclaimed and enacted, will also provide protection to those who disclose or report on improper conduct.

- ii. *Establish or strengthen existing disciplinary procedures and mechanisms to enforce codes of conduct or ethics, standards of professional conduct and conflict of interest legislation.*

Codes of conduct are established in law, for both the TTPS (*Police Service Regulations 2007*) and TTPrS (*Prison Service (Code of Conduct) Regulations, Chap 13:02*), and outline the standards of conduct that officers are required to adopt in the execution of their duties. Failure to adhere to these codes of conduct may result in disciplinary proceedings being instituted against the offending officer.

For example, the *Police Service Regulations* state, inter alia, that an officer:

- shall not engage in any activity, occupation or undertaking which would impair his usefulness as an officer or in any way conflict with the interest of the Service;
- shall not without the consent of the Commissioner, accept any paid employment or engage in any trade or any professional, commercial, agricultural or industrial undertaking, or undertake private work for remuneration, whether in or outside of Trinidad and Tobago;
- who invests in or acquires shares in any company carrying on business in or outside of Trinidad and Tobago or who acquires any interest in any professional, commercial, agricultural or industrial undertaking in or outside of Trinidad and Tobago shall, within thirty days after his investment or acquisition, inform the Commissioner of the fact in writing;
- shall not make any public expression of political and sectarian opinions, and shall bear himself with strict impartiality in all matters; and
- shall not incur a debt that he knows or ought to know he is unable to discharge or which is likely to impair his efficiency or to bring the Service into disrepute.

Similarly, the *Prison Service (Code of Conduct) Regulations* state, inter alia, that an officer:

- shall conduct himself at all times in such a manner that he does not bring discredit on the reputation of the Prison Service or of the public service;

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<sup>1</sup> As of June 2016, this Bill is before a Joint Select Committee of Parliament.

- may not at any time engage in any activity which would in any way tend to impair his usefulness as an officer, nor may he engage in any occupation or undertaking which might in any way conflict with the interests of the Prison Service or be inconsistent with his position as an officer;
- shall not engage in any trade or any professional, commercial, agricultural or industrial undertaking or undertake private work for remuneration without the prior approval of the Commissioner;
- within a period of thirty days after his first appointment to the Prison Service, shall disclose in writing to the Commissioner particulars of any investment or shareholding which he possesses in any company carrying on business inside or outside of Trinidad and Tobago and also of any interest which he has in any professional, commercial, agricultural or industrial undertaking in or outside Trinidad and Tobago;
- who invests in or acquires shares in any company carrying on business in or outside of Trinidad and Tobago or who acquires any interest in any professional, commercial, agricultural or industrial undertaking in or outside of Trinidad and Tobago, shall within a period of thirty days thereafter inform the Commissioner; and
- whenever the Commissioner is of the opinion that an officer's performance of his duties may be influenced by the fact that he owns shares or investments in any company, or he has interest in any professional commercial, agricultural or industrial undertaking, the Commissioner may require the officer to dispose of such shares, investment, or interest within such period as the Commissioner may specify or to be transferred to other duties; and if the officer, on being required by the Commissioner to dispose of his shares, investments or interest, fails to do so within the specified period, he is guilty of an offence.

In the case of the TTPS, disciplinary proceedings, outlined in Part XIII of the *Police Service Regulations*, are initiated, by the authority of the COP, for any officer who fails to comply with these Regulations. This section details how and under what circumstances disciplinary proceedings are instituted, including how and if the offending officer is to be remunerated and engaged within the Service. If found in contravention of the Regulations, by tribunal or admission, the COP may effect penalties such as, dismissal, demotion, deferral or stoppage of increments.

In the case of the TTPrS, disciplinary procedures are set out in the *Public Service Commission Regulations*, in response to an officer who has been alleged to be guilty of misconduct or indiscipline by failing to comply with the regulations associated with the Service. *Regulations 85 and 90* of the *Public Service Commission Regulations* would apply in these instances, and outline the initiation of disciplinary proceedings and the investigation of the charges. The *Prison Service (Code of Conduct) Regulations, Chap 13:02* outline additional procedures which apply in the event that an officer acts in a manner that:

- (a) amounts to failure to perform in a proper manner any duty imposed upon him as an officer;
  - (b) contravenes any of the Prison Service Regulations;
  - (c) contravenes any written law relating to the Service; or
  - (d) is otherwise prejudicial to the efficient conduct of the Service or tends to bring discredit on the reputation of the Service or of the Public Service.
- iii. *Detect and prevent possible conflicts of interest, such as systems requiring members of criminal justice institutions to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, income, assets, and substantial gifts or benefits from which a conflict of interest may result, including as they take office and regularly during the performance of their public functions.*

The ***Prison Service (Code of Conduct) Regulations*** guide, in detail, the activities of Prison Officers, with a requirement to make declarations to the Commissioner of Prisons, in respect of investments, income other than that earned as a member of the TTPrS, and the acquisition of shares and assets. In respect of gifts, unless permitted by the Commissioner, an officer is not allowed to accept any gift or reward from any member of the public from any organisation for services rendered in the course of his official duties; any present which is likely to influence him in the performance of duties; or any gift from a subordinate officer. Exceptions to this rule include, if the gift is from a representative of a foreign government on the occasion of an official visit to that country; a community organisation, on a social occasion where the gift represents the work or achievement of that organisation; other officers in the Service on the occasion of marriage, retirement, transfer, or celebratory occasion to which the Commissioner signals approval.

A similar requirement for declarations as well for the receipt of gifts is contained in the ***Police Service Regulations***.

When acts of corruption have been alleged against a police officer, the PCA Act authorises the PCA to request of a police officer, a written declaration enumerating all real or personal property, the date which same was acquired, the consideration paid and whether it was acquired by way of purchase, gift, inheritance or otherwise or specifying any monies or other property acquired in Trinidad and Tobago or elsewhere or sent out of Trinidad and Tobago by him or on his behalf during a specified period. The PCA also has the authority to require the manager of any financial institution to furnish any information or certified copies of accounts or the statement of accounts at the financial institution of the person being investigated.

C. *Please outline actions required to ensure or improve the implementation of the measures described above and any specific challenges you might be facing, such as:*

i. *Challenges in developing the proper legislative or regulatory framework for performance evaluations, the protection of persons reporting corruption cases within the criminal justice system or preventing conflicts of interest.*

Though the Justice Protection Programme is operational in Trinidad and Tobago, the absence of whistle blower legislation has been flagged as a challenge, as has the timely conduct of threat assessments on persons reporting acts of corruption.

ii. *Challenges in administering asset declaration and conflict of interest systems.*

In the case of the TTPrS, notwithstanding the existing regulations as mentioned in B *iii.* above, members of the Prison Service have not consistently filed such declarations related to indebtedness or involvement in external business investments. The current system for the collection of data on assets and conflicts of interest has been viewed as an inadequate measure.

In the case of the TTPS, although officers were previously mandated to make a declaration of assets to the COP on an annual basis, this is not currently the practice. In an effort to promote continued transparency in the conduct of their duties, views have been expressed that this requirement be implemented for all officers. However, this has been a challenge for management, as associations and unions have prevented senior management from resuming this practice by indicating that it is an infringement on the rights of the officers. Additionally, with regard to the receipt of gifts and job rotation, although Police Service Regulations provide clear guidelines on these matters, these regulations are not uniformly adhered to or enforced.

iii. *Challenges in relation to specific recruitment, selection or training requirements for categories of positions considered especially vulnerable to corruption, including possible early identification of potential conflicts of interest.*

In the case of the TTPS, it has been noted that the dependence on the use of the polygraph test to vet new recruits, prevents the full employment of the other methods of identifying potential conflicts of interest at this early stage. General standards for the vetting of persons, as well as the introduction of more training on corruption upon entry into the force are areas that warrant improvement. Regarding selection for training, the Performance Management Appraisal Systems (PMAS) is currently used to identify the training needs for the Service, but is not entirely suited for this purpose, as it allows for management to influence who can access training opportunities, based on the content of the reports generated, and not necessarily connected to the needs of the service or the officers.

- iv. *Challenges in assessing risks of corruption or evaluating effectiveness shortcomings in the criminal justice system and in developing measures to eliminate or manage them.*

In the case of the TTPrS, one of the major issues identified, relates to the exposure of officers to trafficking.<sup>2</sup> This is primarily achieved through the coercion and intimidation of officers by inmates and their families. Although security measures have been implemented to stem this practice, it continues to affect the work of the officers. A recommendation has been made for the development of legislation aimed at the protection of prison officers from this type of threat or influence.

In the TTPS, one of the main shortcomings identified, relates to the pace at which the criminal justice system operates. Additionally, improvements in legislation aimed at preventing and detecting money laundering, and training of officers in this area, have also been identified as areas that require additional attention.

- v. *Challenges in implementing adequate accountability and disciplinary procedures, investigating violations and collecting statistics and other information on such procedures.*

One of the main challenges identified in the context of the TTPrS, relates to the lengthy period in which disciplinary procedures are instituted and conducted. Additionally, weaknesses in the prosecutions of these cases is common, and usually results in cases related to corruption being thrown out. Cognisant of this, the TTPrS has recently commenced prosecutor training sessions for officers in the service, so that they are adequately equipped for their roles.

Similar issues exist within the TTPS. In the case of accountability, issues highlighted were the requirement for on duty officers to wear body cameras, to improve the availability of evidence in the event of any charges being levelled against an officer, and also as a measure of accountability for on-duty conduct.

- vi. *Challenges in providing ethical guidance or advice to officials of criminal justice institutions.*

The respective Codes of Conduct for the TTPS and TTPrS should be translated into a handbook, which is made available to recruits upon entry into the system.

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<sup>2</sup>According to the Prison Service Regulations, an officer is deemed to have carried out the act of **trafficking** if he knowingly and without proper authority— (i) carries out any pecuniary or business transaction with, or on behalf of any prisoner or ex-prisoner or with a friend or relative of any prisoner or ex-prisoner; (ii) brings into the prison or carries out of the prison or attempts to bring in or carry out, or allows to be brought in or carried out, to or for any prisoner, any article whatever; or (iii) accepts any present or consideration from any prisoner or ex-prisoner or from a friend or relative of any prisoner or ex-prisoner.

- vii. *Communication challenges in raising awareness and disseminating information about new standards of ethics and conduct or in developing training manuals, courses, curricula or other related material, including online initiatives, used in training programmes for officials of criminal justice institutions.*

With regard to the TTPS, the following communication challenges regarding awareness and knowledge-building on the issue of corruption and ethics have been identified within the service:

- Literature on new standards of ethics and conduct is not uniformly developed, and different information is disseminated to the various units and divisions.
- Related to this, various pieces of domestic legislation deal with standards of ethics and codes of conduct for police officers. Consideration should be given to compile the relevant sections in and have it accessible to all officers, including recruits.
- An inadequate intergovernmental ICT distribution platform prevents the seamless dissemination or housing of information.

- D. *Do you consider that any technical assistance is required in order to allow you to fully implement the provision of integrity in criminal justice institutions? If so, what specific forms of technical assistance would you require, what has already been conducted, and by which donor countries or international organisations?*

In the context of the TTPRS, officers have participated in training courses on ethics and integrity in the workplace, offered by the Ministry of Public Administration's Public Service Training Academy, the National Security Training Academy. Although there has been engagement with partner countries for technical assistance in the area of prisons, none have specifically targeted integrity and the prevention of corruption.

With regard to the TTPS, the following have been identified as areas related to integrity in the Police Service, for which technical assistance is needed:

- Vetting of persons at all stages of recruitment
- Improved protection of reporting persons
- External auditing to identify any corrupt practices or discrepancies
- Widespread implementation and utilisation of monitors at stations, dash board cameras, GPS tracking, recording systems in interview rooms and ID Parade rooms

The following details technical assistance in the area of integrity in criminal justice institutions, that have already been conducted with the TTPS:

<b>Technical Assistance to fully Implement the Provisions of Integrity in Criminal Justice Institutions</b>			
<b>No.</b>	<b>Required</b>	<b>Already Conducted</b>	<b>Donor Country/ Organization</b>
1	Ethics and Code of Conduct, Integrative Training Model	Joint ethics and conduct sensitization	Trinidad and Tobago (TTPS/ Complaints Division and Professional Standards Bureau)
2	Online ethics and conduct training	Interrogation to investigation training	United States
3	Financial Investigations Integrative Training Model	Limited Joint Financial Investigations Training	Financial Investigations Bureau/ Financial Investigation Unit
4	In house training to set up and maintain online equipment	Online equipment installed (at the Police Training Academy)	United States/ Caribbean Basin Security Initiative
5	Developing online training manuals, courses and curricula	Anti-Corruption Investigation and Enquiries Training, Fraudulent Document Recognition Training	UK (Procured by TTPS) United States
6	Institutional Strengthening	Build Anti-Corruption Investigation Capacity	Deloitte & Touche Trinidad Ltd
7	Institutional Strengthening	Building Anti-Corruption Investigation capacity	Franklin University/ Roytec, UWI (for ACIB/ FIB ongoing)
8	Additional trained personnel: -Curriculum Development Specialists -Instructional designers -Editors	No	Not applicable