

## **NINETY-THIRD REPORT OF THE SALARIES REVIEW COMMISSION**

### **Determination of the salary and other terms and conditions of service of the offices of Director and Deputy Director of the Police Complaints Authority**

By letter dated December 16, 2010, His Excellency, the President of the Republic of Trinidad and Tobago conveyed his approval for the Salaries Review Commission (SRC) to determine the salary and other terms and conditions of service of the offices of Director and Deputy Director, Police Complaints Authority (PCA). These offices were placed within the purview of the SRC by virtue of Legal Notice No. 283 dated November 22, 2010. Subsequently, by letter dated February 7, 2011, His Excellency requested that, in undertaking the exercise referred to in his previous letter, the Commission should consider equating said salary and the other terms and conditions of service of the aforementioned offices with the offices of Justice of Appeal and High Court Judge respectively, subject to the exclusion of the provision for tax exemption.

2. In undertaking this review, we held discussions with the Director and Deputy Director, PCA, in order to clarify the role and functions of the PCA and to gain some insights into the type of work performed by the incumbents.

3. We are advised that the PCA was established by section 5(1) of the Police Complaints Authority Act, Chapter 15:05 which came into operation on January 1, 2007. This Act replaced the former Police Complaints Authority Act, No.17 of 1993. The PCA is mandated to perform the following functions:

- a) investigate criminal offences involving police officers, police corruption and serious police misconduct;
- b) undertake inquiries into, or audits of, any aspect of police activities for the purpose of ascertaining whether there is police corruption or serious police misconduct or circumstances that may be conducive to both;
- c) monitor investigations conducted by any person or authority in relation to any matter mentioned in paragraph (a) and to undertake audits of those investigations;
- d) advise the Police Service and other public authorities on ways in which police corruption and serious police misconduct may be eliminated;
- e) gather evidence that may be admissible in the prosecution of a person who is not a police officer for a criminal offence in relation to the Police Service and to furnish that evidence to the Director of

Public Prosecutions, or where an authority outside the State is concerned, the Attorney General;

- f) gather evidence that may be used in the investigation of serious police misconduct and furnish such evidence to the Police Service Commission for appropriate action;
- g) gather evidence that can be used in the prosecution of a police officer involved in a criminal offence and furnish such evidence to the Director of Public Prosecutions; or
- h) perform any other functions that may be conferred on it by any other written law.

4. The PCA comprises a Director and Deputy Director, who are appointed by the President on the joint advice of the Prime Minister and Leader of the Opposition. Where there is disagreement on the joint advice of the Prime Minister and the Leader of the Opposition, the President appoints the office holders, after consultation with the Prime Minister and the Leader of the Opposition.

5. The Director or Deputy Director, PCA is appointed for a period of not less than three years, but not exceeding five years.

6. We note that, notwithstanding that the offices of Director and Deputy Director, PCA are given the same powers and functions under the Act, the former is ultimately responsible for providing leadership to the organization while the latter supports the Director in discharging his/her duties and responsibilities.

7. With regard to the educational qualifications and experience necessary for the offices, we are advised that each of the Director and Deputy Director, PCA is required to have at least ten (10) years experience as an attorney-at-law.

8. In our deliberations on appropriate compensation packages for the offices of Director and Deputy Director, PCA we took account of the remit given by His Excellency, the President that we should consider equating the salary and other terms and conditions of service with those of the offices of Justice of Appeal and High Court Judge, respectively. In recommending remuneration arrangements for offices within our purview, we customarily examine the duties and responsibilities of such offices in relation to the hierarchy of offices for which we are responsible. Specifically, we compared the scope of the jobs and the duties and responsibilities of the offices of Director and Deputy Director, PCA with those of Justice of Appeal and High Court Judge, as well as those of President and Vice President of the Industrial Court (IC), Chairman, Equal Opportunity Tribunal (EOT), Chairman and Deputy Chairman (full time), Environmental Commission (EC) and Ombudsman. Also, we examined the duties and responsibilities of the office of Chairman, Tax Appeal Board (TAB) even though this office does not fall within our purview.



- (iii) A maximum loan of \$20,000 at a rate of interest of 6% per annum to effect repairs to a motor vehicle.
- (iv) A Transportation Allowance of \$3,800 per month.

### **Service Allowance**

\$4,500 per month

### **Subsistence Allowance**

- (i) \$130 per day when travelling on official business beyond a radius of sixteen (16) kilometres from headquarters;
- (ii) For travel to Tobago on official business, the cost of airfare, ground transportation, accommodation and meals, as necessary, to be met by the Authority; and
- (ii) For travel abroad on official business, US\$100 per day, once not in receipt of other allowances for overseas travel, such as those payable under Minister of Finance Circular No 2 dated April 7, 2006.

### **Housing Allowance**

#### **Director**

\$10,300 per month.

#### **Deputy Director**

\$8,400 per month.

### **Vacation Leave**

Thirty (30) calendar days per annum.

### **Overseas Travel Facilities**

A Travel Grant of \$33,750 per annum payable in cash.

### **Telephone Facilities**

An allowance of \$400 per month.

### **Entertainment Allowance**

Actual expenses incurred for official entertainment to be met from an official Entertainment Vote under the control of Director, PCA.

### **Medical Benefits**

Entitlement to medical attention/treatment and prescribed drugs for self, spouse and children who are unmarried and under the age of eighteen, at any health care facility under the Regional Health Authorities, including the Eric Williams Medical Sciences Complex. Where such medical attention/treatment is not available at such health care facility, the office holder to be entitled to have the costs met at any other hospital, institution or nursing home in Trinidad and Tobago.

('Medical attention/treatment' excludes optical and dental treatment/services. 'Prescribed drugs' exclude drugs which are obtainable without a prescription.)

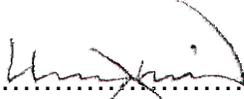
### **Pension/Gratuity**

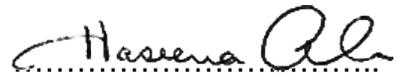
Entitlement to a gratuity equivalent to 20% of gross salary earned over the term of office.

### **Effective Date**

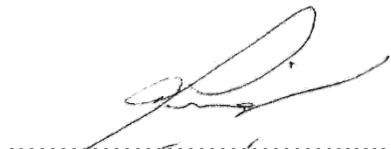
14. We recommend that the effective date of the implementation of the compensation packages for the offices of Director and Deputy Director, PCA be November 22, 2010, the date on which the offices were placed within the purview of the Commission.

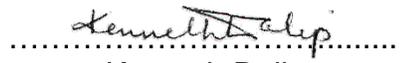
Dated this 6<sup>th</sup> day of July, 2011.

  
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Edward Collier  
(Chairman)

  
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Haseena Ali

  
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Marjorie Thorpe

  
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Gerard Pinard

  
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Kenneth Dalip