



## TRINIDAD AND TOBAGO POLICE SERVICE CORPORATE COMMUNICATIONS UNIT

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August 21<sup>st</sup>, 2020

### **MEDIA RELEASE**

#### **CoP: I will act on the Hackshaw matter, but with due process**

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The TTPS notes the media release sent out by the Police Complaints Authority (PCA) today. It is important that we not allow this matter and its narrative, as it relates to Mr Irwin Hackshaw, to develop into an attack on the integrity of the TTPS. It is equally important to remind all that this matter was based on an allegation of criminal conduct on the part of the Assistant Commissioner of Police.

The public is reminded by way of chronology that Mr Hackshaw was accused by the Express Newspaper and its reporter Denyse Renne, and subsequently by other political commentators, of firstly being a person of interest in two investigations. Namely an investigation by the Financial Intelligence Unit (FIU) and another by the Financial Investigation Bureau (FIB). Mr Hackshaw was also accused of abuse of power. The TTPS itself and the Commissioner of Police, were then accused of covering up this matter and protecting Mr Hackshaw.

The summary of events are as follows:

The Express Newspaper published an article in which Mr Hackshaw was alleged to have some eighteen (18) accounts and two (2) million dollars passing through those accounts. That accusation turned out to be patently false.

The Express Newspaper was later served with a search warrant as part of an investigation, ironically triggered by the newspaper, as it is unlawful to be in possession of information alleged to have come from the FIU.

Dual investigations were launched as a result of the newspaper article. One by the TTPS, and another by the PCA.

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The TTPS and in particular Mr Hackshaw, was then accused of abuse of power for serving the said warrant. This too, was easily disproven since the warrant was not signed off by any member of the TTPS.

The TTPS having launched and conducted a thorough investigation under the authority of ACP Nurse, an experienced and highly competent investigator, determined that there was no criminal case for Mr Hackshaw to answer.

The Commissioner announced that he was willing to send the file to the Director of Public Prosecutions (DPP) in the interest of transparency once the investigation of the PCA yielded a different conclusion to that of the TTPS.

The DPP then requested the file on Mr Hackshaw stating he was doing so in the public's interest, even though this request is rarely initiated.

After those series of events took place and the PCA concluded its investigation, they too (the PCA) found that Mr Hackshaw had no criminal case to answer. The PCA in its investigation conducted their affairs with a wider scope than that of the TTPS and looked at all actions involving ACP Hackshaw for a period of approximately five years prior to the assumption of duties of Commissioner Gary Griffith.

The police investigation focused on the alleged criminal conduct outlined in the newspaper report and involved speaking with the companies through which ACP Hackshaw received payments.

The PCA investigation on the other hand, involved speaking with the Board of Inland Revenue, identified companies from which cheques were received and past Commissioners of Police. As a result of the widened scope, the PCA unearthed what they believe to be a prima facie case for disciplinary action against Mr Hackshaw involving conducting private business while in the employ of the TTPS without the permission of the Commissioner of Police. This is not a criminal offense and will therefore be handled internally.

As Commissioner of Police, I consider this matter to be very serious and have accepted the findings in total. In fact, I consider the recommendations of the PCA to be reasonable and cogent.

It is my intention to act upon these recommendations as soon as reasonably possible. There is a conundrum before me, however. The Police Service

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Regulations, Section 156(4) clearly states that a disciplinary hearing MUST be conducted by an officer senior in rank to the officer before the tribunal.

- 156(4) The investigating officer shall hold an office higher than that of the officer concerned. Police Service Regulations.

As a result of the lack of appointed DCPs and bearing in mind that Mr Hackshaw is the only one of two substantive Assistant Commissioners of Police, the only officer in a senior substantive rank to Mr Hackshaw at this time is the Commissioner of Police. It therefore creates a problem as the Commissioner of Police will also have to decide Mr Hackshaw's fate and act upon any punishment (if necessary) deemed to be appropriate.

The matter is further complicated by the fact that ALL officers either at Mr Hackshaw's rank or senior to Mr Hackshaw are witnesses in the matter. This includes myself as Commissioner of Police.

It means therefore, as Commissioner, I will be literally the judge, the jury and the executioner. This I cannot do, as it will both be in complete violation of Mr Hackshaw's rights as well as being patently illegal.

I have been in communication on this matter with the Police Service Commission, where I explained my dilemma and I have also been urging that the appointment of substantive DCPs be made urgently as this is only but one issue that is impeded by the non-appointment of substantive DCPs.

As Commissioner it is my intention and desire to treat with every act of misconduct frontally and once able, I will so do in this matter.

The TTPS has openly and willingly accepted the recommendation to proceed with disciplinary proceedings against Mr Hackshaw, however, such proceedings are also subject to due process.

A tribunal will be set up if possible, and the process will unfold consistent with every other tribunal undertaken within the police service.

The TTPS continues to seek Senior Counsel's advice on how and if we may be able to proceed. This matter is therefore engaging our active attention.

Whilst we appreciate that the PCA, as a public independent body, has its job to do and that they are well within their rights to report to the national community through the media, we also must be clear that the PCA

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recommendation in and of itself, is NOT an assumption of guilt on the part of Mr Hackshaw. The TTPS cannot therefore simply move to discipline Mr Hackshaw in an arbitrary manner. There is a process spelt out in the Police Service Regulations which must be followed.

The PCA's press release cannot, will not and, I hope, is not intended to pressure the TTPS to act in contravention of the law. I must express though, my concern with an independent confidential organization apparently either feeling pressured or deciding that it is in its best interest to publish the matter in the media. Especially when it failed to unearth anything criminal, and is in fact recommending an internal resolution of the matter at hand.

It forces me as the current Commissioner of Police to wonder aloud, "What precisely is the objective of such a release?"

**Corporate Communications Unit**

August 21<sup>st</sup>, 2020

**END**

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