



Police Service Commission Cayman Islands

Terms of Reference

1. Introduction

- 1.1. The Cayman Islands Constitution (Amendment) Order 2020¹ (“the Order”) section 58A establishes a Police Service Commission (“the Police Commission”), section 58B defines the Power to appoint, etc, to offices in the Police Force.
- 1.2. In exercising its regulatory responsibilities, the Police Commission will contribute to making the Royal Cayman Islands Police Service (RCIPS) an effective and efficient modern police service.

2. The Police Commission

2.1. The Police Commission will consist of six members, namely:

- a) the Governor as Chair
- b) three members, experienced in matters of the police, law enforcement, the criminal law or other matters related to national security, two of whom shall be appointed in writing by the Governor acting in accordance with the advice of the Premier and the other in accordance with the advice of the Leader of the Opposition
- c) two members appointed in writing by the Governor acting after consultation with the Premier and the Leader of the Opposition

¹ [The Cayman Islands Constitution \(Amendment\) Order 2020](#)

3. Core functions

3.1. The core functions of the Police Commission are summarised as follows:

- a) To make recommendations to the Governor on appointments to senior offices in the police service; and
- b) To make recommendations to the Governor on the removal and disciplinary control over persons holding or acting in such offices.

Both functions shall vest in the Governor.

3.2. The establishment of the Police Commission will strengthen the accountability of the RCIPS to ensure public confidence is maintained. It will also provide an overview of the effectiveness, efficiency and legitimacy of the Police Service

4. Officer appointment

4.1. The Order gives provision for appointments of RCIPS officers to be delegated. Appointments of Chief Inspector and below are routinely assigned to the responsibility of the Commissioner of Police. For junior rank appointments the Commissioner may delegate further the responsibility of selection but actual appointment of those delegated ranks remains the responsibility of the Commissioner.

4.2. The Commission may scrutinise the effectiveness of the appointment process and intervene where required.

4.3. To ensure appointments are based on capability and performance the Commissioner of Police will provide detail of a values and performance-based appointment process. This will include promotion processes and criteria for lateral postings between departments and roles.

4.4. Senior appointments above the rank of Chief Inspector will be the responsibility of the Commission. A performance framework shall be established for staff appraisals and promotion processes. The framework will be tiered to reflect rank and responsibilities.

5. Code of conduct

5.1. The Commission will exhibit the highest standards of professionalism and values-based judgement and abide by a Code of Conduct. The Code will mirror the Seven Principles of Public Life², also known as the Nolan Principles.

5.2. The Code of Conduct is published at Annex B.

5.3. The Commission should consider adopting public facing declarations of gifts and hospitality registers.

6. Police conduct and performance regulations

6.1. The regulatory framework governing conduct and performance of RCIPS officers must reflect the standards demanded of a modern high performing police service.

6.2. The core values of the RCIPS reflect those in British Policing. The Police (Conduct) Regulations 2020³ and Police (Performance) Regulations 2020⁴ in England and Wales reflect modern professional regulatory frameworks. The effectiveness of RCIPS conduct and performance regulations will remain under review to ensure a robust and effective framework is in place.

7. Meeting structure

7.1. The Commission will meet a minimum of twice per year. Additional meetings will be called by the Governor where it is considered necessary to allow the effective discharge of the Commission's responsibilities.

8. Public messaging and confidentiality

8.1. The Commission's membership, constitution and minutes shall be placed on a public facing platform. Confidential or sensitive information shall be redacted.

8.2. Clearly defined processes shall be established to ensure no confidential or operationally sensitive information is incorrectly disclosed. The Commission will not be directly involved with operational matters but there is a risk in the course of their duties sensitive information will be disclosed to the Board. In such instances procedures will be made available to allow appropriate protection of information and integrity of the Commission.

² [The Severn Principles of Public Life](#)

³ [Police \(Conduct\) Regulations 2020](#)

⁴ [Police \(Performance\) Regulations 2020](#)

9. Police Complaints

- 9.1. Investigation and handling of police complaints will be the responsibility of RCIPS, complying with the Public Complaints Law 2017.
- 9.2. The Commission would benefit from management information about RCIPS complaints data. Serious cases and trends in complaints would inform their decisions around appointments and disciplinary processes.
- 9.3. In the event of serious or complex cases a mechanism will be established to ensure the Commission is notified of the matter and has the chance to participate in proceedings. This will include allegations against the Commissioner and Deputy Commissioner, incidents of death or serious injury following police contact and incidents that significantly affect public confidence in the RCIPS.

10. RCIPS Performance and Standards

- 10.1 For the Commission to oversee disciplinary measures and appointment in RCIPS officer performance criteria will be established. Conduct relating to criminal or gross misconduct is often clearly defined. However, where adverse conduct is linked to poor performance there can be ambiguity if there are no clearly defined standards. RCIPS should be supported in ensuring modern and effective staff development and performance measures are in place.

[The Cayman Islands Constitution \(Amendment\) Order 2020](#)

The Cayman Islands Constitution (Amendment) Order 2020

Statutory Instruments

2020 No. 1283

Caribbean And North Atlantic Territories

“Police Service Commission

58A.—(1) There shall be in and for the Cayman Islands a Police Service Commission, which shall consist of—

(a) the Governor as Chair;

(b) three members, experienced in matters of the police, law enforcement, the criminal law or other matters related to national security, two of whom shall be appointed in writing by the Governor acting in accordance with the advice of the Premier and the other in accordance with the advice of the Leader of the Opposition; and

(c) two members with qualifications described in paragraph (b), appointed in writing by the Governor acting after consultation with the Premier and the Leader of the Opposition.

(2) No person shall be qualified to be appointed as a member of the Police Service Commission if he or she is a member of, or a candidate for election to, the Parliament.

(3) The office of a member of the Police Service Commission (other than the Governor) shall become vacant—

(a) at the expiration of five years from the date of his or her appointment or such earlier time as may be specified in the instrument by which he or she was appointed;

(b) if he or she resigns office by writing under his or her hand addressed to and received by the Governor;

(c) if he or she becomes a member of, or a candidate for election to, the Parliament; or

(d) if the Governor, acting in his or her discretion, directs that he or she shall be removed from office for inability to discharge the functions of that office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(4) If the office of a member of the Police Service Commission (other than the Governor) is vacant or a member is for any reason unable to perform the functions of

his or her office, the Governor, acting in the manner prescribed by subsection (1) for the appointment of that member, may appoint a person who is qualified for appointment as a member of the Commission to act as a member of the Commission, and any person so appointed shall, subject to subsection (3), continue so to act until he or she is notified by the Governor, acting in his or her discretion, that the circumstances giving rise to the appointment have ceased to exist.

(5) No business shall be transacted at any meeting of the Police Service Commission if there are less than four members of the Commission (in addition to the Governor) present.

(6) Any question proposed for decision at any meeting of the Police Service Commission shall be determined by a majority of the votes of the members present and voting; and if on any question the votes are equally divided the Chair shall have and exercise a casting vote.

(7) The Police Service Commission shall be served by a secretariat, the members of which shall be public officers.

(8) Subject to this Constitution, in the exercise of its functions the Police Service Commission shall not be subject to the direction or control of any other person or authority.

Power to appoint, etc, to offices in the Police Force

58B.—(1) Power to make appointments to offices in the Police Force and to remove and to exercise disciplinary control over persons holding or acting in such offices shall vest in the Governor, acting in accordance with the advice of the Police Service Commission; but the Governor, acting in his or her discretion, may act otherwise than in accordance with that advice if he or she determines that compliance with that advice would prejudice Her Majesty's service.

(2) Where the Police Service Commission advises that any person should be appointed to an office in the Police Force of a rank superior to Chief Inspector, that advice shall require the approval of the National Security Council before being submitted to the Governor; but the Governor, acting in his or her discretion, may act without the approval of the National Security Council if he or she determines that to do otherwise would prejudice Her Majesty's service.

(3) Before exercising the powers vested in the Governor by subsection (1), the Governor may, acting in his or her discretion, refer the advice of the Police Service Commission back to the Commission for reconsideration by it.

(4) The Governor may make the referral described in subsection (3) only once.

(5) If the Police Service Commission, having reconsidered its original advice under subsection (3), substitutes for it different advice, subsection (3) shall apply to that different advice as it applies to the original advice.

(6) The Governor, acting after consultation with the Police Service Commission, may, by regulations published in a Government Notice, delegate to any member of the Commission or any public officer or class of public officer, to such extent and subject to such conditions as may be prescribed in the regulations, any of the powers vested in the Governor to make appointments to offices in the Police Force and to remove or exercise disciplinary control over persons holding or acting in such offices; and except in so far as regulations made under this subsection otherwise provide, any power delegated by such regulations may be exercised by any person to whom it is delegated without reference to the Police Service Commission.

(7) No member of the Police Service Commission shall participate in any proceedings of the Commission which affect him or her personally.”

Code of Conduct

1. Members shall not interfere with the operational decisions and responsibilities of the Service or with the day-to-day operation of the Service except in accordance with the Police Service Commission Regulations and the Cayman Islands Constitution, including the recruitment and promotion of police officers.
2. Members shall keep confidential any information disclosed or discussed at a meeting of the Commission, or part of a meeting of the Commission, that was closed to the public.
3. A member shall not purport to speak on behalf of the Commission unless he or she is authorised by the Commission to do so. Members shall be truthful.
4. A member who expresses disagreement with a decision of the Commission shall make it clear that he or she is expressing a personal opinion.
5. Members shall discharge their duties loyally, faithfully, impartially and according to the Constitution, and any Act and regulation under which they exercise functions. Members should act solely in terms of the public interest.
6. Members shall uphold the letter and spirit of this Code of Conduct in their own behaviour in a manner that will inspire public confidence in the abilities and integrity of the Commission. They should actively promote and robustly support the Code of Conduct and be willing to challenge poor behaviour wherever it occurs.
7. Members shall not use their office to advance their interests or the interests of any person or organisation with whom or with which they are associated.
8. (1) Members shall not use their office to obtain employment with the Commission or the police force for themselves or their family member.
For the purpose of subparagraph (1) "family member" means the parent, spouse, civil partner or child of the person.
9. A member who applies for employment with the Service, including employment on contract or on fee for service, shall immediately resign from the Commission.
10. Members shall refrain from engaging in conduct that would discredit or compromise the integrity of the Commission or the Service.
11. If the Commission determines that a member has breached this Code of Conduct, the Commission shall record that determination in its minutes and may request that the Governor conduct an investigation into the member's conduct.