

## **IN THE TONGAN POLICE BOARD**

---

### **In the Matter of the Referral of Police Constable Siale Tavalu to the Police Board**

Mr Kefu appeared for the Committee  
Police Constable Tavalu in person

### **RULING OF THE BOARD**

This was a referral to the Board of a recommendation of the Police Employment Committee under section 63 (1) (c) (iv) of the Tongan Police Act, 2010 to terminate the employment of Police Constable Tavalu.

PC Tavalu informed us that he had been a serving police officer for about 4 years. Whilst off duty he had been involved on the 11<sup>th</sup> January 2013 in striking a woman after an exchange and altercation in the down town area of Tongatapu. PC Tavalu admitted before us that he had been drinking. The Magistrate after a guilty plea sentenced him to 3 months imprisonment suspended for three years.

Whilst the constable may well have acted under some provocation from the complainant, we consider that any conviction for violence especially, must be considered, as it was here, very carefully by the Employment Committee, before any action short of termination is considered appropriate. Police Officers, whether on duty or off duty, must be able to withstand provocation and not retaliate with violence, still less on a woman. In this case, we observe that the Magistrate considered the assault serious enough to justify a term of imprisonment, albeit fully suspended.

A favourable report had been presented to the Committee by a senior officer who had had overseen PC Tavalu's service since the commission of this offence. He reported that he had seen a change in his performance and he had committed to his work as "to courtesy, reliability, competence, integrity and responsiveness". PC Tavalu appeared contrite before us and asked for leniency. He said that his family was dependant on the money he earned.

We have taken all these factors into account, but we do not consider these are sufficient reasons to depart from the recommendation of the Committee that PC Tavalu's employment

as a police officer be terminated. Police officers must understand that, if they are convicted of criminal offences, they place their employment in the Tongan police in very serious jeopardy.

The Tongan public have a right to expect that police officers not only enforce the law professionally and with diligence, but also abide by the law in both their professional and private lives.

Here PC Tavalu had been convicted of assault in such circumstances that the Magistrate imposed a sentence of imprisonment. We consider that any recommendation short of termination in these circumstances would have been inappropriate. We add that Mr. Kefu did not suggest either that any lesser penalty would have been appropriate.

Our ruling accordingly is that the recommendation of the Committee for termination of employment is affirmed.

**Justice Cato**  
**Chairman**

**Lord Tupou**  
**Member**

**Mr. Niu**  
**Member**

**DATED: MAY 2013**