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Legal Unit

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18th December, 2019

Mrs. Jaqui Sampson-Meiguel,
Clerk of The House
Parliament
Level G-9, Tower D
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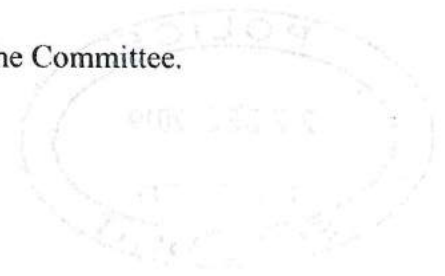
Dear Mrs Sampson-Meiguel,

RE: Seventh Report of the Joint Select Committee on Finance and Legal Affairs on an Inquiry into the wider application of non-custodial penalties in the criminal justice system of Trinidad and Tobago

Reference is made to the matter at caption, and to your letter dated November 22nd, 2019 wherein you requested the response of the Minister of National Security ("MNS") regarding the findings and recommendations of the matter at caption relevant to the Trinidad and Tobago Police Service (TTPS).

A non-custodial penalty is a punishment given by a court of law that does not involve a prison term, such as a fine or a restriction order. *Human Rights in the Administration of Justice: A manual and facilitator's guide on human rights for judges, prosecutors and lawyers, 2003* has stated that "while imprisonment is necessary in many cases involving violent offenders, it does not constitute a cure-all with regard either to crime prevention or to the social reintegration of offenders." "Moreover, in many countries the prison system faces major challenges because of overcrowded and outdated facilities, with the result that prisoners often find themselves in deplorable conditions of detention that can have adverse effects on their physical and mental health and impede their educational and vocational training, thereby also affecting their chances of future adjustment to an ordinary life in the community". Most of which are encountered in Trinidad and Tobago. The impact of long-term imprisonment on a person's family and work life is also considerable. The most commonly applied penal sanctions are of a non-custodial nature.

Below, I have provided feedback on the findings and recommendations of the Committee.



A. Expansion in the cadre and training of probation officers specifically in the areas of report writing, conflict resolution and mediation;

Probation officers monitor offenders who get sentences of supervision instead of or in addition to jail time. They meet with offenders regularly to check their activities and to evaluate their progress. They make regular reports to the courts about the offenders' behaviour. Sometimes they may arrange substance-abuse rehabilitation or job training for their clients. They generally work in the adult, juvenile, or family divisions of probation departments.

Extracted from the *Ministry of National Security, Government of Trinidad and Tobago's* website: The Probation Officer has always been described as the Social Worker of the Courts and maintains a presence in every Magisterial Court throughout Trinidad and Tobago. Probation Officers are tasked with the responsibility of preparing reports in criminal, matrimonial, domestic violence and legal custody and civil matters for the purpose of assisting the Court in judicious decision making.

Their objectives are:

1. To promote the rehabilitation of probationers, offenders, victims and dysfunctional families
2. To develop understanding and skills in social work values;
3. To re-integrate offenders into communities and family; and
4. To prevent re-offending and to the protection of the public.

They provide the following services:

1. Supervision of Probationers
2. Preparation of Reports which includes Criminal Matters, Family Matters, Civil Matters and Domestic Violence Matters
3. Community Service Supervision
4. Bail Supervision
5. Counselling Matrimonial Matters
6. Family Sessions
7. Walk-in Clients (not referred to by the Court.)

Serving in field of probation and parole supervision is a challenging and can be a long and involved process, therefore training and education is necessary in order to achieve the aforementioned objectives and services offered. Training will assist Probation officers with conducting pre-trial investigations, probe the character, background, and previous criminal records of people who have been tried and convicted, interviewing those who have been accused of crimes, their families, and their co-workers. They should be educated in being able to recommend a form of punishment to the court: prison sentence, probation, or a combination of the two. In making their recommendations, they must consider the possible harmful effects to society if certain people are not imprisoned.

Most jurisdictions usually require candidates possess at least a bachelor's degree and more than a few mandate or grant preference to candidates that have a master's degree or higher. It may be beneficial to recruit a probation officer who holds a degree or certification in for example Social work, Psychology, Sociology, Criminology, Law enforcement studies and so on as the legal aspects of

probation activities can be quite challenging for those without an extensive knowledge of the law or the judicial system.

Probation officers do have considerable influence over certain judicial decisions, therefore they must understand the parlance and concepts essential to the profession. Legal instruction is a large component and should be included in the training programs.

Some examples of courses that should be included in the training programs to fully prepare probation officers for the field of work are:

- Probation law
- Parole law, parole supervision,
- Introduction to the legal system
- Searches and seizures
- Constitutional law
- Developmental psychology
- Executive leadership and organizational management.
- Community Service, Youth
- Conflict resolution (mediation).
- Offender behaviour analysis
- Crisis intervention
- Drug counselling
- Interpersonal communication/communication skills
- Community resource management

In addition to a robust educational background, probation officers are also expected to possess strong physical attributes. Candidates with superior strength, stamina, dexterity and flexibility must have a greater chance of obtaining a probation officer job and completing the requisite training program.

In order to facilitate this, probation officers should also be proficient in:

Report Writing – Some of the most essential responsibilities of probation officers involve reporting duties. It is important to possess a variety of administrative skills like report writing and data entry. Monitoring offenders must be corroborated by clear, detailed reports ensuring that they are abiding by the terms of the probation. Most probation officers are expected to handle many cases at a time, so time management and organization are skills must be covered in most training systems.

Caseload Management – Probation officers can have great influence upon the activities of their clients and helping probationers regain a productive place in the community should be a priority for its officers.

Most jurisdictions require probation officers to engage in professional training, often at a state police academy. Probation officers must meet certain physical and professional standards before they are permitted to serve. These standards are usually developed by a state agency or licensing board that then directs the training agencies throughout the state to tailor their curriculums accordingly. A strong

and efficient system such as those mentioned above should also be considered and implemented in Trinidad and Tobago.

In general, we agree with this recommendation as training and educating probation officers is necessary for the overall functioning of the probation service. There should also be a follow-up training taking place perhaps every few months that would provide further specialization of probation officers and assistants. Moreover, probation procedures must be periodically reviewed and updated to reflect new monitoring and supervising techniques, as well as changes in laws. In order to disseminate these skills and knowledge, we must require probation officers to periodically receive advanced training through their department or external educational portals. In some jurisdictions, this may require completion of recertification classes.

B. A standardised approach be adopted in the probation management process inclusive of mechanisms instituted to prepare reports, assess, supervise, intervene and review cases;

As evidenced above, Probation officers need to complete loads of paperwork. It is essential for them to write reports about offenders, do sentencing recommendations, and write background reports. Consequently, a standardised approach will need to be adopted. This approach could either be a written policy or a set of standard practices; it is about making sure there is consistency, reliability and uniformity in how probation officers approach a particular task.

Additionally, how the probation officer acts and interacts with the populace becomes a benchmark by which people will trust them, involve them, and validate their integrity and authenticity. They should be mindful and exercise great self-control and self-restraint techniques.

Initiating mechanisms to manage the performance of probation officers is critical to supporting a well-established operating cadre of Probation Officers. It is important because underperforming probation officers can negatively impact efficiency, productivity and morale.

Furthermore, there is significant room for improvement in the underperformance of these officers. Hence, if a standardised approach is adopted in the probation management process inclusive of mechanisms instituted to prepare reports, assess, supervise, intervene and review cases there would be an increase in efficiency, productivity reliability, time management, better quality reports, improvement in the assessment and supervision of probationers.

C. Consideration should be given to a trial use of a pre-charge system of cautions that is similarly employed in Australia and the United Kingdom for minor offences. Such alternatives will be subject to the level of trust between police and communities requiring effective training for the former and sensitisation of the latter in the implementation of this programme. It is not recommended that this be considered a “criminal record”;

Birdmans 2018, Everything you need to know about police cautions: Cautions (“simple cautions”) are used by police in the United Kingdom (UK) to deal with low-level criminal offending, usually by first-time offenders. The caution is an ‘out of court disposal’. Use of a caution avoids the need to charge a person and initiate a prosecution, which is the route to a conviction. A simple caution (once known as a formal or police caution) is a formal warning that may be given by the police to persons aged 18 or over who admit to committing an offence (“offenders”). The simple caution scheme is designed to provide a means of dealing with low-level, mainly first-time, offending without a prosecution. Whether an offender is suitable for a simple caution is an operational decision for the police and/or the Crown Prosecution Service (CPS) based on the specific circumstances of the individual case. A simple caution must not be offered to a person who has not admitted to committing the offence, and must not be given to an offender who does not agree to accept the simple caution. Offenders retain the right to decline the offer of a simple caution – even where guilt has been admitted and their refusal may result in prosecution. A simple caution should not be confused with a conditional caution (a caution with conditions attached). Conditional cautions were introduced by the Criminal Justice Act 2003, UK.

In addition, a simple caution may only be given if the decision-maker is satisfied that there is sufficient evidence to provide a realistic prospect of conviction if the offender were to be prosecuted. Furthermore, a simple caution must not be given if the decision-maker considers that it is in the public interest for the offender to be prosecuted. In the UK, simple cautions form part of an offender’s criminal record and may be referred to in future legal proceedings and, in certain circumstances, may be revealed as part of a criminal record check (please note that we agree with the above recommendation in that this should not be considered a ‘criminal record’ in Trinidad and Tobago). Offenders must be made aware of this before agreeing to accept a simple caution. There is no formal right of appeal against the administration of a simple caution once it has been accepted by the offender and administered by the police. However, it may be challenged by way of a complaint.

Whilst cautions are considered to be ‘less serious’ than convictions, a caution can have potentially serious implications for the person who accepts it. In the UK, the police are required to follow a series of steps before a caution is issued. These include (but are not limited to) explaining the implications of accepting a caution, such as:

- that accepting a caution is an admission of guilt and that it will form part of the recipient’s criminal record;
- that the record of a caution will be retained by the police for future use and might be referred to in future legal proceedings and might be revealed as part of a criminal record check; and

- ask that the caution might have implications for travel abroad, in particular where countries require entry visas and asked that simple cautions be declared.

If a person decides that they do wish to accept the caution the administering police officer must:

- ensure that they understand that they do not need to make an immediate decision (they could go away and think about it);
- ensure that they have had the opportunity of receiving free and independent legal advice;
- confirm they consent to receiving the caution in which case they must sign a form confirming so, a copy of which they can take away with them.

Any failure to comply with these steps could render the caution subject to a legal challenge. It is extremely important that such legal challenges are instigated as soon as possible after the caution was issued (and no later than three months after the caution was issued). Once issued, cautions are recorded on the Police National Computer (PNC) which is a national database that can be accessed by police forces around the country.

Cautions become “spent” (under the Rehabilitation of Offenders Act 1974, UK) immediately, so the recipient can answer “no” in a job interview if asked whether they have any cautions.

A caution will usually be “filtered” from an adult’s criminal record after six years. Before then, it will be automatically disclosed on criminal record certificates (also known as a Disclosure and Barring certificates or DBS certificates). However, some offences are never eligible for filtering from criminal record certificate since they are considered to be so serious. This is surprising to many people, since it could be asked, if the offence was sufficiently minor that a caution was considered appropriate, how can it also be so serious that it is never filtered?

Ministry of Justice, UK 2015, Simple Cautions for Adult Offenders:

Overview of factors for considering whether a simple caution is appropriate	
Simple caution may be appropriate	<ul style="list-style-type: none"> • For low-level offending. • For first time offenders.
Simple caution may not be appropriate	<ul style="list-style-type: none"> • Where the offence is very minor; In these cases consideration should be given to a community resolution or other action short of a formal sanction. • Where the offence is serious, in particular where, if convicted, the offender is likely to receive a custodial sentence (whether immediate or suspended) or a high-level community order. • Where the offender was on police or court bail or subject to a court order at the time of the commission of the offence. • For offences involving domestic violence or abuse, stalking or harassment. • Where the offender has a previous criminal history.

	<ul style="list-style-type: none"> • Where a conditional caution may be more appropriate; for example, where has been financial loss or loss of private property to an individual or where rehabilitation may be appropriate. • Where the offender is a foreign offender with no permission to be in the UK. For such cases police officers should consider whether a conditional caution with foreign offender conditions ought to be offered. • Where the offence is committed by a serving prisoner or someone subject to prison recall.
<p>Simple caution must not be given</p>	<ul style="list-style-type: none"> • Where the person does not admit to committing the offence. • Where there is insufficient evidence to provide a realistic prospect of conviction. • Where the public interest requires a prosecution. • For an indictable-only offence, where a police officer of at least the rank of Superintendent has not determined that there are exceptional circumstances relating to the offender or the offence and/or where the CPS have not agreed that a caution should be given. • For an either-way offence specified by the Secretary of State, where a police officer of at least the rank of Inspector has not determined that there are exceptional circumstances relating to the offender or the offence. • If in the two years before the offence was committed the offender has been convicted of, or cautioned for, a similar offence, for a summary offence or an either-way offence that has not been specified by the Secretary of State, where a police officer of at least the rank of Inspector has not determined that there are exceptional circumstances relating to the offender, the offence or the previous offence. • Where the offender does not agree to accept the simple caution.

In Australia, a young person can be given an on-the-spot warning if they have committed, or are believed to have committed, a minor offence. For example, a warning may be given for drinking or swearing in public. They will most likely receive a warning if they have not committed a crime before.

A caution is a formal warning. It is more serious than a warning. In deciding whether to issue a formal caution or to charge someone with an offence, the police officer will consider any relevant matters which will probably include:

- the interests of the community and any victims; and
- age and maturity of the offender.

Police have the freedom to decide when to give formal cautions. This means they can choose to give an immediate caution or perhaps in an interview with the parents or guardian at a later time. If a formal caution is given, the police officer must record it. This should not become part of the person's criminal history. But it may become part of their police record.

Based on the above, we are of the view that implementing and considering a system of cautions in Trinidad and Tobago as similarly engaged in Australia and the United Kingdom for minor offences will benefit our Country as the use of cautions will:

- deliver swift, simple and effective justice that carries a deterrent effect;
- reduce the likelihood of re-offending;
- offer a proportionate response to low-level offending where the offender has admitted to the offence;
- increase the amount of time police officers spend dealing with more serious crime
- reduce the amount of time officers spend completing paperwork and attending court, whilst simultaneously reducing the burden on the courts.
- reduce overcrowding in prisons

The TTPS will need to be highly trained in order to be efficient and effective when using such a system. The public will also need to be made aware of how such a system of cautions works, how it will benefit them, and as a result they will know how to react if approached by a Police officer issuing a caution.

D. In a bid to manage the movement of prisoner populations (inclusive of any future parole implementation system); that consideration be given to a system that is similar to the twenty-three (23) module PRISMS project currently utilised by the Goa State Department in India which records prisoners' personal identification information inclusive of registration number, age, height, nationality, biometric identification, marks of identity, photographs and employment. The Committee notes that the TTPrS does keep records but a standardised process will ensure that these records are constantly updated up to the time of release.

Prison Management System (PRISMS) An e-Governance Project of the Govt. of Goa Osama Manzar:
“The Prisons Management Systems (PRISMS), a landmark e-governance initiative of Goa government has not only been pioneering but also influential in many such initiatives in other states as far as automation and efficiency of Prisons management is concerned.”

PRISMS are an effective information and communications technology (ICT-enabled) prison administration and management system with the objective of providing an easy effective and efficient mechanism benefiting the prisoners and the concerned prison department.

The period prior to implementation of PRISMS in India was marked by multiple complexities and hurdles including manual based time consuming process, human errors, insufficient security due to time consuming record keeping, difficulty in managing visitors, faulty calculation of correct remission and release dates, delay in application process, negligence of records to name a few, all of which are similarly experienced in Trinidad and Tobago. The shortcomings fostered corrupt and inefficient administration and compromised constitutional rights of prisoners and the rule of law.

PRISMS, implementation has weeded out key limitations of prisons management in Goa resulting in drastic improvements in prison administration and in the lives of the prisoners. Whereas PRISMS has emerged as a source of tremendous positive change among the stakeholders, it has also established its sustainability on the basis of being cost-effective.

However, PRISMS has had its own share of challenges and limitations; for example, difficulty in motivating the staff in the new system, system design and deployment with 23 diverse modules, network building, and ensuring system fool proof and monitoring.

Prison management is a daunting task and especially when the numbers are too high to handle, resources are minimal to manage and there is lack of trained manpower to manage pressures and crisis situations. In case of Goa, two major set of challenges were identified in relation to prison affairs management. One challenge was from the prison administration perspective. The manual prison administration was plagued by ills of a traditional administrative and management structure. These included time consumption process, human errors in administering records and registers of prison inmates, and management hurdles in compilation and analysis of data due to lack of data and information accuracy.

The bigger challenge was in record management of no less than twenty-three (23) activity functions related to prison and prisoners. These included areas like prisoner's information, court related information, remission management, prisoner admission and release, detention of undertrials, prisoners work allotment and monitoring, prisoners medical management, victim compensation, parole and furlough management, prison reforms, and so on. The manual system had failed to keep timely, updated records of all these activities. There was negligence, worn out and casual attitude in managing records in all these critical areas. The other set of challenge was from the prisoners' perspective. This has to do with uneasiness and insecurity in the minds of the prisoners related to appropriate justice by the system in various aspects including parole, remission, release, emoluments etc. The old structure and functions led prisoners to view strongly that the system was all about fraud and malpractices.

The problem was also related to parole. There was delay in parole which was due to lack of efficient record management and an alert system that failed to keep dates with court hearing and resultant release of prisoners. One pathological impact was applications would be kept pending for more than a year. The parole surrender days were often forgotten within the manual system. There had been situations wherein the administration "only after month realized that the guy has run away". The poor management and operational system under the traditional framework also had problems in managing court cases, health status, under trial detention, prisoner work allotment and monitoring, prisoners' movement, and so on. All these happened due to the acute absence of a transparent information and communication system that connects the front end with the backend processes of prison management.

Objectives- The overall objective of PRISMS was to scale up prison governance by ensuring a transparent, user friendly, problem solving, and friendly and trustworthy prison management system across Goa. Otherwise, the PRISMS practice was initiated with the following key objectives:

- 1) To deliver a fully functional system that delivers close to 100% efficiency in prisons management in Goa using ICTs; that delivers holistic functionalities in covering all aspects of prison management from the admission to the release of the prisoner and connectivity across jails; brings in administrative efficiency and security; leads to prisoner empowerment and victim compensation; increases efficiency of prison management process and administrative staff; improves administrative functionality of Inspector General of Prison's Department;
- 2) To bring in transparency and efficiency in an otherwise secrecy driven system; the use of technology is supposed to bring about transparency in the system and foster the process of precise implementation of rules and laws, make data easily available to the authorities concerned, and to facilitate efficient and accurate decision making through improvised information and communication flow;
- 3) To bring in maximum accuracy in the prison management in all key functional and operational areas; to overcome the manual system in the process of remission that revolves around numbers, figures, mathematics, and calculations that have to be very accurate; to an application which supports the jail staff working in the prisons with efficient record keeping and make the work profile of staff much easier and smooth in day-to-day administrative work.

Outcome & Benefit of PRISMS - The PRISMS practice has entailed the following desirable outcome & benefits:

- 1) The system has facilitated to provide and receive factually correct, accurate, and timely data and information and got rid of time consuming and errors prone records and registers of prison related activities. It has been providing an easy-to-use and timely delivery of information through real time operation of the system for as many as 23 prison functions or activities. The system has supported the work of the police department by providing access to all information related to prisoners as well as their visitors and relatives. It is guaranteeing timely administration due to the option of the Fast-track Module as well as through the advantage of making use of the tightly integrated system with auto data posting between modules. This is avoiding redundant data entry and management and facilitating natural data flow without unnecessary repetition. It has resulted into reduction of paper work, fostering speedy and efficient work processes with accuracy, and error free release of data calculation.
- 2) Overall, PRISMS "it's not just computerization but complete automation and an intelligent system which calculates the sentences, remission, release dates automatically and without human errors". The system is actively providing support to the transformation of the state prison system towards modern administration. It has helped in taking right decisions at the right time.

- 3) Records management became easier now after the introduction of PRISMS. The 23 prison activity-functions based modules developed under PRISMS have helped to streamline and manage efficiently all these major activities. For instance, the prisoners' reforms module has helped to generate a complete history sheet of all reform activities undergone by the prisoner including creative activities such as painting, singing and work activities like furniture, candle and bag making. The prisoners' medical management module is helping to keep records of the medical history of the prisoner, history of medication, health status and so on.
- 4) The new system has provided much relief to the prisoners. The touch screen kiosk is providing information outlet for prisoners including information on remission earned, prisoners' property and cash details, parole/furlough application status, transfer application Status and other benefits. The new system has provided benefits to the prisoners through a "transparent and humane approach to prisoner empowerment" which is safeguarded through the accurate and fast calculation of Prisoner Data Report (PDR), instant information on wages earned and prisoners personal cash (PPC) as well as the accurate information of status of parole, furlough, bail and transfer applications.
- 5) The high value of the system was confirmed by feedback collected from jail staff, prisoners and victims during the study. The prison authorities confirmed the "relief from tedious paperwork" saving a "great deal of work". It is further pointed out that "some prisoners have been released on bail who has been found eligible for bail. Victims interviewed stated that compensation has been granted to them through the victim compensation fund.

Issues and challenges faced during implementation- The deployment and implementation of PRISMS had its own share of challenges and issues. The following highlights the implementation strategy as well as challenges during project implementation:

Implementation strategy / methodology: The challenge for PRISMS was in gap areas assessment, e-readiness assessment, technology infrastructure requirements, and risk assessments in implementation. The task was clearly identified in terms of setting a strategic vision and direction to the new project. The vision was critical as it gave the necessary direction for the prisons authority to leverage ICTs for prison reforms and prisoners empowerment. The overall implementation strategy for PRISMS included the following:

A. Developing and finalizing the services ecosystem under PRISMS:

This involved mainly the informational services both from prison administration perspective as well as prisoner perspective. The former required information related to prisoners records on no less than two dozen activities including prison reforms, health, remissions, revenue earnings, parole, court related, admission and release, and so on. All total 23 such major activities were to decide the services ecosystem under PRISMS. This was of equal importance. From the perspective of the prisoner. The resultant analysis of services requirement and development of 23 modules based on 23 activities was no less stupendous tasks. These modules included – prisoner information management module, court information system, remission management, under trial detection alarm system, prisoners work allotment and monitoring, prisoners medical management and others.

B. Delivery and Access channels:

It was equally critical to focus on how the information and data will be shared, exchanged, displayed at a given time, speed and relevance. For the administration the intranet and internet based information sourcing within the system was to be made possible under PRISMS for quick, updated and error free data. It also included information related to records and information related to prison office and prisoners. The dedicated server facilities were to serve this purpose. From the prisoners standpoint, it was necessary to have information access points or outlets as primary channel to access all sorts of relevant and 'must be' information. The touch screen based kiosks facility has come in handy for this that has been providing necessary information sought by the prisoners.

C. Implementation / Roll-out strategy:

The entire PRISMS project was decided to be completed within 1 year and should cover as many activities and beneficiaries as possible.

D. Making the system inclusive was a holistic challenge along with training of the jail staff to use the system. Even with the best technology in the world, the success of projects like this always depend on people, their mindset, attitude and way of thinking which finally make the difference. It was a challenge with regard to switching from using the manual system to the newly inducted ICT system. The manual system was in place for 40 years and the officers over time had got used to a certain way of working and thinking, so there was initial resistance in connection with changeover to PRISMS.

Overall it is necessary to reform Trinidad and Tobago's prison governance as it is a serious human right matter and its efficient management is possible with a right dose of ICT applications in right spirit. However, the desire to bring in reform has to come from within the system itself with integration of soul and mind and technology support system. A critical initiative like PRISMS shall always call for timely and supportive project leadership and enough motivation in the team. This would call for participative environment, collaborative spirit, effective coordination mechanism, exceptional support from officers concerned and support from technical team. This requires a rigid and efficient project planning, implementation, monitoring, and evaluation mechanism on continuous basis. Otherwise the whole purpose is defeated along with loss of time, energy and valuable resources.

E. That the Ministry of National Security examine the feasibility of establishing the Prison Transformation Unit to act as the primary oversight body with respect to prison reform;

We must consider reforming our prison system to be more rehabilitative in purpose as opposed to being a system for the punishment of lawbreakers. In order for a prison system to be managed in a fair and humane manner, national legislation, policies and practices must be guided by the international standards developed to protect the human rights of prisoners. Prison authorities have a responsibility to ensure that the supervision and treatment of prisoners is in line with the rule of law, with respect to individuals' human rights, and that the period of imprisonment is used to prepare individuals for life

outside prison following release. But often national legislation and rules relating to the management of prisons are outdated and in need of reform. In many countries the prison department is under the authority of police or military institutions and managers and staff have received no specific training regarding prison management. Staff morale is usually low and effective leadership to drive prison reform is lacking. Information collection and management systems are also very inadequate (or non-existent) in many prison systems worldwide, hindering the development of sound policies and strategies based on reliable, factual data. Establishing the Prison Transformation Unit in Trinidad and Tobago can provide much assistance in improving/reforming national legislation, developing training programmes for prison managers to improve their leadership role and staff to apply international standards and norms in their daily practice, and by contributing to the institutional capacity building of prison administrations. The practicality of how this Unit will be established will ultimately be examined and considered.

- F. Given that Vision on Mission (VoM) has emerged as the lead organisation engaged in prisoner re-integration, we recommend that formal discussions between VoM and the Probation Services Department be facilitated by the Permanent Secretary, Ministry of National Security. We believe that such collaborations may result in a higher degree of planning and resource allocation to assist prisoners demitting the system;

Vision on Mission(VOM) is a local non-governmental organization (NGO) which has been helping to rehabilitate and re-integrate into society ex-inmates, deportees and youth persons in conflict.

Probation Services Department's vision is to promote the rehabilitation of probationers, offenders, victims and dysfunctional families through research and advocacy.

We strongly agree that such closer collaboration between the Vision on Mission and the Probation Services Department and other crucial agencies such as TTPS, TTPrS will result in an increase in the effectiveness of planning and resource allocation to assist prisoners demitting the system.

- G. With a view to establishing data and/or statistics on the successes and failures of non-custodial options, we recommend the urgent implementation of monitoring and evaluation (M&E) arrangements with a view to objectively assessing the efficacy of non-custodial sentences. The application of M & E procedures can commence with structured and controlled initiatives aimed at adult offenders such as the Bail Support Programme and Drug Treatment Court.

Monitoring is the systematic and routine collection of information from projects and programmes for four main purposes:

- To learn from experiences to improve practices and activities in the future;
- To have internal and external accountability of the resources used and the results obtained;

- To take informed decisions on the future of the initiative;
- To promote empowerment of beneficiaries of the initiative.

Monitoring is a periodically recurring task already beginning in the planning stage of a project or programme. Monitoring allows results, processes and experiences to be documented and used as a basis to steer decision-making and learning processes. Monitoring is checking progress against plans. The data acquired through monitoring is used for evaluation.

Evaluation is assessing, as systematically and objectively as possible, a completed project or programme (or a phase of an ongoing project that has been completed.) Evaluations appraise data and information that inform strategic decisions, thus improving the project or programs in the future.

Evaluations should help to draw conclusions about five main aspects of the intervention:

- relevance
- effectiveness
- efficiency
- impact
- sustainability

Information gathered in relation to these aspects during the monitoring process provides the basis for the evaluative analysis.

Monitoring & Evaluation M&E is an embedded concept and constitutive part of every project or programme design. M&E is not an imposed control instrument by the donor or an optional accessory of any project or programme. M&E is ideally understood as dialogue on development and its progress between all stakeholders.

In general, monitoring is integral to evaluation. During an evaluation, information from previous monitoring processes is used to understand the ways in which the project or programme developed and stimulated change. Monitoring focuses on the measurement of the following aspects of an intervention:

- On quantity and quality of the implemented activities (outputs: What do we do? How do we manage our activities?)
- On processes inherent to a project or programme (outcomes: What were the effects /changes that occurred as a result of your intervention?)
- On processes external to an intervention (impact: Which broader, long-term effects were triggered by the implemented activities in combination with other environmental factors?)

The evaluation process is an analysis or interpretation of the collected data which delves deeper into the relationships between the results of the project/programme, the effects produced by the project/programme and the overall impact of the project/programme.

Monitoring and evaluation is important because:

- it provides the only consolidated source of information showcasing project progress;
- it allows actors to learn from each other's experiences, building on expertise and knowledge;
- it often generates (written) reports that contribute to transparency and accountability, and allows for lessons to be shared more easily;
- it reveals mistakes and offers paths for learning and improvements;
- it provides a basis for questioning and testing assumptions;
- it provides a means for agencies seeking to learn from their experiences and to incorporate them into policy and practice;
- it provides a way to assess the crucial link between implementers and beneficiaries on the ground and decision-makers;
- it adds to the retention and development of institutional memory;
- it provides a more robust basis for raising funds and influencing policy.
- incorporate best practices into annual workplans and to integrate them into updated guidelines;
- streamline procedures and achieve more effective coordination between organizational units;
- improve the content and format presentation of publications;
- enhance the quality of seminars and workshops;
- obtain lessons learned for future planning and deployment of peacekeeping missions;
- highlight required changes in the format and content of print and electronic elements to better serve target audiences;
- assess the tangible impact and effectiveness of technical assistance programmes;
- reorganize staffing levels;
- improve programme delivery and management;
- strengthen resource mobilization;
- highlight positive results of evaluations and/or the implementation of recommendations for improvements, which often lead to enhanced donor confidence and subsequently to continued or increased extra budgetary funding;
- assess progress in the implementation of gender mainstreaming strategies.

Costs of M&E- The opportunity costs of not doing M&E can be directly deducted from the previous section. In the event where M&E does not inform decision-making, an Organization faces an important risk of:

- continuing implementation of projects and programmes in a cost-inefficient way (waste of scarce resources);
- implementing projects and programmes that do not achieve their expected results (no ultimate value-for-money); and
- implement activities which are of little relevance to its stakeholders and beneficiaries.

Resources required for M&E should not divert programme resources to the extent that operational activities are impaired and the cost of collecting data should not exceed the management utility of the data collected. At the same time, the M&E budget should not be so small as to compromise the reliability and credibility of the information generated by the M&E system. A healthy balance must be found between the two extremes.

The costs of engaging in M&E comprise both staff resources and non-staff resources as follows:

- time spent by programme managers on M&E, including on-going monitoring and collection and analysis of performance data (staff resources);
- independent evaluations (non-staff resources);
- institutional M&E support to programme managers for the establishment of adequate performance measurement metrics and monitoring and evaluation of their programmes, development of M&E policies, guidelines and procedures, promotion of a results-based performance culture and M&E capacity building (both staff and non-staff resources);
- setting up an effective management information system to store, analyse and share performance information

In light of the above, we are of the view that the development of new non-custodial measures should be encouraged and closely monitored and their use systematically evaluated. The need for regular monitoring and systematic evaluation is particularly important given the flexibility inherent in non-custodial measures. Using M&E information is key to an iterative management process in which implementation decisions are based on real-time monitoring information and learning from past experience (evaluative information). M&E furthermore becomes a critical tool for demonstrating results as part of accountability to stakeholders. M&E, when used to inform decision-making, therefore has the potential to contribute to more cost-efficient and effective results and ensure that future projects and programmes, from the on-set, adequately take into account lessons learned from the implementation of past activities. The value of M&E does not come from conducting M&E or having such information available; rather the value comes from using the information to monitor, guide and control implementation for enhanced performance and better results.

Respectfully,



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Gary Griffith
Commissioner of Police

Commissioner of Police