



THE REPUBLIC OF TRINIDAD AND TOBAGO
ATTORNEY GENERAL & MINISTER OF LEGAL AFFAIRS
THE HONOURABLE FARIS AL- RAWI, LL.B, LL.M.

14th December, 2020

The Honourable Brigid Mary Annisette-George, MP
Speaker of the House
Office of the Parliament
Parliamentary Complex
The Red House
St. Vincent Street
Port of Spain

Dear Honourable Speaker of the House,

Re: Eight Report of the Joint Select Committee on Finance and Legal Affairs on an Inquiry into the Adequacy of Magistrates' Court Facilities

I write with reference to the matter at caption and your letter dated May 26th 2020 wherein you sought responses to the recommendations/comments contained in the *"Eight Report of the Joint Select Committee on Finance and Legal Affairs on an Inquiry into the Adequacy of Magistrates' Court Facilities"* which were outlined on pages forty-two to forty-six (42-46), fifty-three to fifty-five (53-55) and fifty-nine to sixty-one (59-61) of the said report.

I hereby attach the responses as requested and inform that an electronic copy has been sent to coth@tpparliament.org.

I remain
Yours sincerely,

Faris Al-Rawi M.P.,
Attorney General & Minister of Legal Affairs

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

RESPONSE TO THE JOINT SELECT COMMITTEE (JSC) ON FINANCE AND LEGAL AFFAIRS ON AN INQUIRY INTO THE ADEQUACY OF MAGISTRATES' COURTS FACILITIES

1. The Office of the Attorney General and Ministry of Legal Affairs (AGLA) welcomes the opportunity to provide responses to an inquiry into the adequacy of Magistrates' Courts Facilities. The AGLA notes that responses were sought on specific recommendations emanating from pages 42-46, 53-55 and 59-61, which are reproduced hereunder for ease of reference. Given the changes in the law occasioned by the *Criminal Division and District Criminal and Traffic Courts Act, 2018*, references to "Magistrates' Courts" will hereafter be replaced by "District Courts".
2. The AGLA notes the findings of the Joint Select Committee (JSC) that urgent and immediate steps need to be taken to ameliorate the inadequacies in the District Courts system. The AGLA takes the opportunity to inform the JSC of the significant steps that have been taken, in collaboration with the Judiciary, to address several issues which affect the Court system.
3. In 2015, there were several systemic problems which plagued the criminal justice system. The AGLA sought to strategically address these problems through targeted improvements to four (4) major components of each agency within the justice system: Plant and Machinery, People, Process and Law.
4. The criminal justice system requires several elements to be in place and working in order to achieve justice. The Judiciary, as the umbrella agency with responsibility for the District Courts, is one of those constituent justice sector elements for which several improvements were made to the four (4) components highlighted above.
5. In 2020, the statistics demonstrated a significant reduction in the District Court caseload. One essential contributing factor was the conversion of charges for motor vehicle offences to the U-Turn system. According to statistics provided by the Judiciary, traffic matters, which took

up 60% of the caseload in the District Courts were essentially halved (from 64,272 to 33,007). This vast reduction is underscored when compared to the average annual number of traffic matters filed in the District Courts was 126,163 for the previous 10 years. The Judiciary estimates that further and substantial reductions in the caseload will continue by the removal of all traffic ticket payments to TT-Post with only contested tickets being brought before the courts.

6. With the decriminalisation of marijuana the estimated annual reduction in caseload is 8,500 and further reductions in the District Courts caseload is anticipated with the impending removal of an estimated 5,000 - 6,000 indictable matters through the abolition of preliminary enquiries with the proclamation of the *Administration of Justice (Indictable Proceedings) (Amendment) Acts*.
7. Further efforts to reduce the caseload in the District Courts are being made as the Judiciary is currently in the process of removing family and children matters from the District Courts. This is being facilitated through the construction of the Family Court in San Fernando, for which the award of contract is imminent, and the development of the Family and Children Court in Princes Town, to be finished by January 2021.
8. It must be noted that these various achievements are part of a strategic, overarching policy aimed at reducing the District Court caseload by increments. The other components of this policy are related to process re-engineering by the Judiciary with a view to eradicating non-value added activity. A reduced caseload and reduced engineered processes will result in reduced foot traffic and thus less wear and tear on court buildings and greater ability of maintenance services to cope with the needs of the courts.
9. As it relates to plant and machinery, significant resources were allocated towards the creation of over one hundred (100) new courtrooms. In addition to increased courtrooms for District Courts, High Courts, dedicated Family and Children Courts and Virtual Courts at the Prisons, the impending move of the civil courts to the Waterfront Complex and the approval of the Government for additional accommodation to be outfitted specifically for jury trials, will vastly substantiate the number of courtrooms for the hearing of cases.

10. The plant and machinery of the Judiciary is further improved with the completion of the Princess Town District Court expected in January 2021. This court will serve Rio Claro and all criminal matters from Mayaro. The San Fernando District Court is also under construction and a contract has been awarded for works to be undertaken at the Port of Spain District Court.
11. It should also be noted that despite the onset of the Covid-19 Pandemic and the need to balance public safety against access to justice, the Judiciary has been able to conduct virtual hearings by all courts, including District Courts, throughout Trinidad and Tobago. As a result, there has been a successful gravitation from attending physical courts to attending virtual courts.
12. Virtual hearing rooms were also introduced at the Golden Grove Remand Prison, Maximum Security Prison and Eastern Regional Correctional Facility. These, in addition to previously existing systems at the Youth Transformation and Rehabilitation Centre (formerly YTC), Frederick Street prison, Scarborough prison and the female prison at Arouca brought the total number of virtual hearing rooms at prison/correctional facilities to fourteen (14).
13. The introduction of virtual courts at the prisons by-passes the risks, difficulties and expense of transporting prisoners and reduces the immediate need for the expansion of prisoner holding cells within the District Courts, as was recommended in the JSC report.
14. In order to assist in this transition from physical attendance to virtual attendance at courts, resources have been allocated to the Judiciary to support the development of the Judiciary's Information and Communication Technology (ICT) processes. The digitization of the Judiciary allowed for the migration from document to content management and initiated customer relations management to improve the quality of justice, access to justice, and public trust and confidence in courts as an institution.
15. With the introduction of electronic court management, various IT platforms were created to improve efficiency and document processing such as *TT.jim* (an automated case management information system which facilitates speedy and efficient means of dealing with routine operations such as filing, processing and retrieving case information), *CourtPay* (an online system for making and receiving court-ordered payments into and out of Court), *CourtMail*

(a secure medium for the electronic creation, certification, signing and transmission of orders, judgments and notices between courts and attorneys, police and prisons), *E-Probate* (an initiative towards the further modernisation of the new E-Probate registry) and improved Audio-Digital Voice Transcription (software for making the recordings of Court proceedings more efficient).

16. As highlighted in the 2020 Opening Speech of the Hon. Chief Justice, Mr. Ivor Archie (ORTT), with these solutions in place, the court is able to successfully address all matters scheduled for hearing at the Family and Children courts, Civil and Criminal High Courts and District Courts through virtual hearings. These included:

- 5735 charge cases;
- 9447 other hearings in criminal matters which included District Court hearings, trials, preliminary enquiries, bail applications, MSI's and Sentencing; and
- High Court Judge alone Trials, Jury trials, case Management Conferences and three appeals.

In addition, there were 237 virtual hearings from the Youth Training and Rehabilitation Centre; for a total of 15,419 virtual hearings with persons in custody.

17. There has also been the simplification of magisterial districts through the *Magisterial Districts (Amendment) Order, 2020* which allows for the merger of districts and therefore matters can be heard in any District Court in that wider geographic area of North, South and Tobago, as opposed to being restricted to the previous smaller thirteen (13) districts and limited to where the charge was laid.

18. In essence, there are demonstrably vast improvements to the magistracy, now called District Courts, which evinces a commitment by the AGLA to ensuring resources are adequately devoted to its improvements.

19. The specific recommendations of the Committee are addressed hereunder.

RESPONSES TO QUESTIONS/ENQUIRIES

- A. To evaluate the conditions of existing Magistrates' Courts facilities in Trinidad and Tobago.

The Committee recommended that:

- i. The Judiciary assesses the feasibility of the decentralisation of the Buildings, Plant and Equipment Unit/Facilities Management Unit or that consideration be given to outsourcing maintenance works within each magisterial district;

Response: The AGLA was informed that since the Judiciary's growth to facilitate the increasing needs of the public, the Building, Plant and Equipment Unit (BPEU) has not simultaneously expanded to facilitate such growth. The BPEU has responsibility to address maintenance issues for thirty-six (36) buildings in the Judiciary with only one (1) Facilities Manager. The Judiciary proposed that the Facilities staff in the Criminal Division will support the BPEU to perform preventative maintenance. To allow for the proper functioning of the BPEU, the Judiciary proposed to the Cabinet that the position of Maintenance Planner be re-established in the Unit.

The AGLA is also informed that due to the increase in building stock and expansion of existing facilities, an Assistant Maintenance Planner is also required. The Maintenance and Assistant Maintenance Planners will perform the maintenance function for the entire Judiciary once hired. A Facilities Team will consist of (6) Facilities Managers and thirteen (13) Facilities Technicians.

To engage in prudent resource planning and allocation, these services will be provided by clustering the District Courts except the largest locations resulting in a staff complement of twenty-one (21) persons in the Criminal Division Facilities Unit.

- ii. The OSH Agency enrol the Judiciary in its schedule of inspections subject to its risk evaluation procedures and with a view to assisting the Judiciary in achieving a higher level of OSHA compliance;

Response: The AGLA is informed there is currently one (1) OSH Officer at the Judiciary. However, the Judiciary has required an additional five (5) OSH related positions. The Judiciary proposed one (1) Judiciary Senior Occupational Safety and Health Specialist, one (1) Judiciary Occupational Safety and Health Officer, two (2) Judiciary Occupational Safety and Health Assistants and one (1) Business Operations Assistant I. As at December 3rd 2020, this matter is before the Cabinet.

- iii. The OSH agency should take the initiative and inspect all courts for compliance with the Act. They should work in tandem with the TTFS to ensure minimum disruption. These inspections should be completed by end of 2020 OR by the end of fiscal 2019/2020;

Response: The Judiciary, as the responsible entity, can provide the necessary response to this recommendation.

- iv. The Judiciary forge and sustain a collaborative approach when engaging the OSH Agency. The Committee expects that the Agency's requests will be facilitated by the Judiciary and any other entity as it seeks to execute its statutory mandate;

Response: The Judiciary, as the responsible entity, can provide the necessary response to this recommendation.

- v. State and Police Prosecutors, as well as Probation Officers and attorneys-at-law access private washroom facilities as soon as practicable

Response: The Judiciary, as the responsible entity, can provide the necessary response to this recommendation. However, it should be noted that Cabinet has granted funding approval for the upgrade, refurbishment and renovation of the Port of Spain Magistrates' Court.

- vi. There should be separate and sanitary toilet facilities for probation officers and attorneys-at-law. If these facilities cannot be accommodated in the existing plant then portable facilities may be set up in an area away from the facilities accessible to members of the public until such facilities are built

Response: The Judiciary, as the responsible entity, can provide the necessary response to this recommendation. However, it should be noted that Cabinet has granted funding approval for the upgrade, refurbishment and renovation of the Port of Spain Magistrates' Court.

- vii. The Port of Spain Magistrates' Courts should be given immediate attention. The police officers of the Court and Process Branch should be accommodated in a safe working environment.

Response: The Judiciary, as the responsible entity, can provide the necessary response to this recommendation. However, it should be noted that Cabinet has granted funding approval for the upgrade, refurbishment and renovation of the Port of Spain Magistrates' Court.

- viii. The holding cells must be expanded. It is unacceptable that 14-15 prisoners are cramped in a cell when the international standard is 4 to 5 prisoners per cell;

Response: The Judiciary, as the responsible entity, can provide the necessary response to this recommendation. However, it should be noted that Cabinet has granted funding approval for the upgrade, refurbishment and renovation of the Port of Spain Magistrates' Court.

- ix. Since the current size of the area for the accommodation of prisoner transport, cannot fit the vehicles used, either the area should be expanded to allow for the entry of the vehicles or the security firm be asked to bring prisoners to this particular court using a vehicle or vehicles which can be accommodated in the allotted space;

Response: Cabinet has granted funding approval for the upgrade, refurbishment and renovation of the Port of Spain Magistrates' Court.

The Judiciary has stated that the inadequacy of space and the unusable prisoner cells and holding area, cannot be immediately addressed since ensuring that the court building meets the required occupational safety and health standards, and have the necessary electrical certifications, a reliable power supply, and an efficient cooling system takes precedence. Not only are these basic requirements for operating a public building but they also lend to the maintenance of basic building services so that the court's electronic case management system, court records, as well as the staff and judicial officers, among others are protected and can function without unnecessary interruptions.

It should be noted that with the COVID-19 pandemic, the need to transport prisoners to the courts has been eliminated and as mentioned above significant measures have been put in place to ensure virtual hearings can be facilitated by those in custody. The AGLA is also in the process of supplying laptops to the prisons to ensure that the Public Defenders Department are able to communicate with prisoners.

- x. In the construction of any new or renovated building intended to house Magistrates' Courts, consideration is given to the:
 - a. Construction of additional holding cells, with a minimum of one cell designated for use as a quarantine area for ailing or contagious prisoners; and
 - b. Secure and separate circulation routes for various persons accessing the confines of the court including judicial officers, prisoners and the public;

Response: The Judiciary, as the responsible entity, can provide the necessary response to this recommendation.

- xi. Security concerns in cell blocks are immediately rectified;

Response: The Judiciary, as the responsible entity, can provide the necessary response to this recommendation.

- xii. Since no court is certified by the Trinidad and Tobago Fire Services, immediate steps should be taken by the TTFS to inspect all Magistrates' Courts and advise as to what is required for certification with a timeline being given for compliance. Public safety is non-negotiable.

Response: The Judiciary, as the responsible entity, can provide the necessary response to this recommendation.

B. To identify the progress made by the judiciary in improving the facilities of Magistrates' Courts.

The Committee recommends that:

- i. The Arima Magistrates' Court be relocated to a more suitable building specifically identified by the Judiciary and that the acquisition of provisional premises for the San Fernando Magistrates' Court be completed.

Several District Courts have been updated. The Hon. Chief Justice highlighted in his 2020 Opening Speech, that in July 2020 the sod was turned for the District Court in San Fernando which, when completed will provide approximately 74,000 square feet of gross floor space to replace the old Magistrates' Court on Harris street and that funding approval has also been granted for the construction of a Family Court at the St Joseph of Cluny convent site and construction will begin shortly. The Princes Town Building is complete and will be operational before the end of 2020. Approval for funding for repair work on the Supreme Court Building in San Fernando was also granted by the Cabinet and that work will commence shortly.

- ii. The Ministerial Response to this report should include an update on the status of the land and building acquisitions related to the Siparia and Sangre Grande Magistrates' Courts;

Response: The Judiciary, as the responsible entity, can provide the necessary response to this recommendation.

- iii. The Ministerial Response to this report should include an overview of the objectives and deliverables of the Inter-Ministerial Building Committee for fiscal 2019/2020;

Response: The Judiciary, as the responsible entity, can provide the necessary response to this query.

- iv. The Judiciary and/or the Inter-ministerial Building Committee undertake a comprehensive evaluation of the network of Magistrates' Courts with a view to:
 - a. Prioritising remedial works to be executed at courts with critical infrastructural challenges,
 - b. Identifying risk factors which may potentially contribute to Occupational Health and safety shortcomings;
 - c. Developing solutions to avoid clients physically visiting the courts for routine procedures;
 - d. Implementing modifications which will make interaction with the court system more user-friendly and less intimidating or daunting.

Response: The Judiciary, as the responsible entity, can provide the necessary response to this recommendation.

- v. The Judiciary expand the use of functioning technological solutions within the court system. In this regard, information and communication technology can be applied in the following areas of operation:
 - a. Providing stakeholders with advance notice of unavoidable adjournments, changes in hearing times and the relocation of hearings; and
 - b. Tracking the progression of cases.

Response: The technological solutions within the court system has been hereinbefore mentioned. The Government continues to support the technological advancements undertaken by the Judiciary.

C. To examine the extent to which local Magistrates' Courts are in keeping with international standards for layout and design.

The Committee recommends that:

- i. In the absence of separate entries and exits, that judicial officers, State Prosecutors and Probation Officers be routinely escorted into and out of court buildings by security personnel;

Response: The Judiciary, as the responsible entity, can provide the necessary response to this recommendation.

- ii. Every effort should be made to ensure that each courthouse has three entrances. Prosecutors should be allowed to share the entrance used by the administrative staff instead of using public entrances;

Response: The Judiciary, as the responsible entity, can provide the necessary response to this recommendation.

- iii. Since it appears that the country may not be able to afford state of the art courthouses built to international standards in the short-term, an audit should be done of each court house to determine what are the infrastructural weaknesses, the cost of repair, and a three-month timeline for implementation of remedies;

Response: The Judiciary, as the responsible entity, can provide the necessary response to this recommendation.

- iv. The Ministry of Finance should ensure that monies allocated to the judiciary are paid out in a timely manner to facilitate these works

Response: The Ministry of Finance, as the responsible entity, can provide the necessary response to this recommendation.

- v. Future designs and or renovations for Magistrates' Courts consider implementing paid access to centralised administrative services within Magistrates' Courts including:
 - a. Photocopying and printing services;
 - b. Telephone services; and
 - c. Computer access.

Response: The Judiciary, as the responsible entity, can provide the necessary response to this recommendation.

- vi. Courthouses should be adapted for use by the differently-abled. This includes differently abled attorneys-at-law who currently have no suitable facilities at the Bar table;

Response: The Judiciary, as the responsible entity, can provide the necessary response to this recommendation.

- vii. Installation of a CCTV surveillance system and scanners within all Magistrates' Courts by the end of fiscal 2020;

Response: The Judiciary, as the responsible entity, can provide the necessary response to this recommendation.

- viii. That the Judiciary consider establishing a system to solicit the views of stakeholders (including members of the public) regarding the opportunities and strategies for improving service delivery at Magistrates' Courts;

Response: The Judiciary, as the responsible entity, can provide the necessary response to this recommendation.

- ix. Courthouses should be kept in a sanitary state so that they do not pose a risk to the health and safety of users; and

Response: The Judiciary, as the responsible entity, can provide the necessary response to this recommendation.

- x. In light of the centralisation of the technical staff assigned to the judiciary, those responsible for issuing funds for hiring suitably qualified technical staff should do so as soon as possible.

The Judiciary has been working on restructuring its ICT Unit to support all of its existing operations, e-platforms, virtual initiatives and to adapt to changes in the legislative landscape. Cabinet has approved the utilization of forty-three (43) contract positions as they become vacant for the following:

Thirteen-Nine (39) Vacant positions:

- Fourteen (12) Court Audio Records Officer
- Fourteen (14) Court Audio Records Assistant
- One (1) Judiciary Senior Programmer
- Two (2) Information Technology (IT) Analyst/Programmers
- One (1) Divisional Senior Multi-Media Information Technology Specialist
- Three (3) Children Court Multi Media Information Technology Officer Position
- Five (5) Divisional Multi-Media Information Technology Officers
- One (1) Court Video Technology Support Officer

Four (4) Filled positions:

- Two (2) Information Technology (IT) Analyst/Programmers - will transition to the position of Senior Judiciary Software Engineer, once approved by Cabinet
- Two (2) Court Audio Records Officer

There are key functional areas of the ICT Unit that must be strengthened to enable it to support the goals of the Judiciary, as follows:

Innovation and Quality Management

- One (1) Manager, Court Innovation and Quality Assurance
- One (1) Business Operations Assistant II.
- One (1) Court ICT Project Manager
- One (1) Project Support Officer
- One (1) Business Operations Assistant I

Infrastructure Management

In an effort to ensure that the Case Management Information System (CMIS) and other infrastructures remain reliable, secure and robust specialised technical focus is needed as follows:

- One (1) Court ICT Security Administrator
- One (1) Court Infrastructure Services Administrator
- One (1) Court ICT Systems Specialist
- One (1) Senior Network Specialist

Applications Development

The following staff is needed to develop the standards for business processes, system design and technical requirements, security standards and best practices and policies and procedures that balance privacy issues and the public's need to have ready access to court information:

- One (1) Manager, Solutions Development and Implementation
- One (1) Information Systems Specialist
- One (1) Business Operations Assistant I

It was also recommended that the Judiciary be enabled to establish design solutions to meet its complex litigation needs through the employment of the following:

- Three (3) Senior Judiciary Software Engineers
- Five (5) Judiciary Software Engineers
- Two (2) Court Applications Support Analyst

Service Delivery

The Judiciary requires the following staff to support their Service delivery and Help Desk:

- One (1) Manager, Service Delivery and Support
- One (1) Court ICT Service Desk Administrator
- Three (3) Information and Communications Technical Officer
- One (1) Business Operations Assistant I

After the establishment of fourteen (14) Video Conferencing Chambers (VC) at seven (7) prison location it has become necessary for the Judiciary to employ the following:

- One (1) Magistracy Registrar and Clerk of the Court (Group J6)
- One (1) Court Manager
- One (1) Assistant Court Manager
- One (1) Business Operations Assistant I
- Seven (7) Court Audio/Video Courtroom Technology Specialists

The following positions are needed generally for support to the ICT Director and other office support to enable its smooth operations:

- One (1) Executive Administrative Support Officer
- Two (2) Office Support Assistants
- Two (2) Driver/Couriers

E- Learning

The Judiciary requires the following for the establishment of an online platform to enable the Judiciary to develop e-learning strategies:

- One (1) Judiciary E-Learning Manager
- One (1) Judiciary E-Learning Specialist
- One (1) Business Operations Assistant II