



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

January 13th, 2021

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: Response to the Joint Select Committee on Social Services and Public Administration on an Inquiry into the challenges on prisoner re-entry into society and prisoner reintegration services in Trinidad and Tobago

I write with reference to the matter at caption and your letter dated November 2nd 2020 wherein you sought responses to the recommendations/comments contained in the *“Fourteenth Report of the Joint Select Committee on Social Services and Public Administration on an Inquiry into the challenges on prisoner re-entry into society and prisoner reintegration services in Trinidad and Tobago”* which were outlined on pages fifty-eight to fifty-nine (58 – 59) of the said Report.

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

I remain
Yours sincerely,


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

OFFICE OF THE ATTORNEY GENERAL AND MINISTRY OF LEGAL AFFAIRS

RESPONSE TO THE JOINT SELECT COMMITTEE ON SOCIAL SERVICES AND PUBLIC ADMINISTRATION ON AN INQUIRY INTO THE CHALLENGES ON PRISONER RE-ENTRY INTO SOCIETY AND PRISONER REINTEGRATION SERVICES IN TRINIDAD AND TOBAGO

1. The Office of the Attorney General and Ministry of Legal Affairs (AGLA) welcomes the opportunity to provide responses to an inquiry into the challenges on prisoner re-entry into society and prisoner reintegration services in Trinidad and Tobago. The AGLA notes that responses were sought on specific recommendations emanating from pages 58-59, which are reproduced hereunder for ease of reference.
2. The AGLA notes the findings of the Joint Select Committee (JSC) and thanks the Committee for its several recommendations put forward on this matter. The AGLA is committed to working with key stakeholders towards the improvement of the prison system and prisoner reintegration.
3. The AGLA has undertaken significant projects aimed at improving the prisons and reducing the prison population. Several new facilities were introduced such as dedicated Child Rehabilitation Centres, installation of improved surveillance, implementation of video courts and the installation of jammers and grabbers. Significant training has also been offered by the Canadian authorities to senior management in best practices of corrections management. Electronic Monitoring has also been operationalised. Plea Bargaining legislation was introduced and further mechanisms to reduce the remand population were effected through the early release applications due to the COVID-19 Pandemic, the variation of bail applications and the decriminalisation of marijuana applications, all initiated by the Attorney General.

RESPONSES to QUESTIONS/ENQUIRIES

The Committee recommends the following:

- A. The MNS should conduct a performance evaluation of the Probation Department, MNS and develop within 3 months a programme to enhance the operations of the Department with regard to the supervision of ex-prisoners.

Response: The Ministry of National Security (MNS), as the responsible entity, can provide the necessary response to this recommendation.

B. As a part of the Ministerial Response to this report, the MNS should provide copies of any draft legislation with regard to prisoner rehabilitation and reintegration, including:

- The Community Corrections Act
- The Conditional Release and Rehabilitation Act

Response: By correspondence dated 14th December 2020 a representative from the Ministry of National Security (MNS) stated that while the MNS has reviewed the issues of community correction and conditional release, this has not reached the stage of draft legislation. The MNS therefore informed that it is not in a position to provide copies of such legislation to the AGLA.

C. Suitable Legislative amendments should be developed to facilitate the expunging of records of ex-prisoners for certain types of offences after an allotted period of time has elapsed. Exceptions can be made for offences for which bail is not usually granted.

Response: The Office of the Attorney General and Ministry of Legal Affairs (AGLA) is currently in the developmental stages of two (2) critical pieces of legislation in this regard:

- **The Criminal Records (Rehabilitation of Offenders) Bill**
- **The Parole Bill**

1. **The Criminal Records (Rehabilitation of Offenders) Bill**

The Criminal Justice Unit of AGLA, is currently engaging stakeholder consultation on a Bill entitled the Criminal Records (Rehabilitation of Offenders) Bill. To date the AGLA has received feedback from major stakeholders such as the Trinidad and Tobago Prison Service (TTPrS), the Ministry of National Security (MNS), the Trinidad and Tobago Police Service (TTPS), Vision on a Mission (VOM), the Judiciary of Trinidad and Tobago (“the Judiciary”) and The Children’s Authority of Trinidad and Tobago (CATT).

The Bill aims to provide for the rehabilitation of offenders by providing for the expungement of minor convictions from a person’s criminal record.

The Bill aims to give effect to the principle that if a person has not been re-convicted of a serious offence for a certain period of time, he is entitled to have his conviction expunged. The Bill seeks to provide that after a set rehabilitation period (which is dependent on the type of offence and sentence imposed), a conviction resulting in a non-custodial or a custodial sentence not more than thirty-six months must be treated in law as a spent conviction, and the person convicted must be treated as a rehabilitated person, provided that he has not been convicted of any other offence during the rehabilitation period.

The general aim of the Bill is to alleviate the problems faced by persons who have a criminal record and who are constrained to carry the damaging stigma of a criminal record, even though they maintain a clean record for several years afterward. Such a stigma has grave consequences on a person's ability to become gainfully employed and is prevented from being part of certain professional bodies. A person who has become a rehabilitated person is to be treated for all purposes in law as a person who has not committed or been charged with or prosecuted for or convicted of or sentenced for the offence or offences which were the subject of that conviction.

2. The Parole Bill

The AGLA has developed a draft Parole Bill which is at an advanced stage of completion to introduce a parole system which will help to control institutional crowding in the prisons. The conditional release of offenders will greatly reduce the prison population and further minimise the financial burden upon the State as it is less expensive to supervise a parolee than to incarcerate an offender. In Trinidad and Tobago there is currently one early release mechanism available which is Remission. Remission is defined as the early release of an offender and is granted to an inmate who has been sentenced to a term of imprisonment exceeding one (1) month, with a view to encouraging industry and good conduct and to facilitate the reformatory treatment of the inmate. This grant of remission cannot exceed one-third of the inmate's sentence.

According to the theory of parole, an offender should be released at that point of a prison sentence when it can be said that, he has been appropriately punished for the offence; he is no longer a danger to the community and it is in the interest of his rehabilitation that he be released into the community.

The needs of the victim, offender and community are taken into account, by a process which aims to preserve the safety of all. The overarching issues to be addressed are the reform and rehabilitation of the parolee and public safety.

The draft Bill addresses matters such as:

- Application for partial parole;
- Partial parole hearings;
- Recommendation for the grant of partial parole;
- Conditions of release on partial parole;
- Full parole hearings;
- Recommendation for the grant of full parole;
- Conditions of release on full parole;
- Procedure for the conduct of hearings of the Board;
- Suspension of a parole order;
- Recommendation for the revocation of parole;
- Effect of revocation or suspension of parole and
- Reapplication for parole.

Key Points

1. Eligibility for Parole will be ordered by a Court.

A Judge will have the authority to receive and consider the recommendations of the Parole Board of Trinidad and Tobago for the grant of parole to an offender in accordance with the provisions of the proposed Act.

2. There will be established an independent Parole Board of Trinidad and Tobago.

This Board will be required to:

- a. identify offenders who are likely to be successful in being reintegrated into society as law abiding citizens;
- b. receive and consider applications for parole from an offender, and to make recommendations to a Judge for the grant of parole;
- c. make recommendations to a Judge in relation to the conditions on which parole is granted to an offender;

- d. recommend to a Judge the revocation or suspension of parole granted or recommend the variation of any of the conditions of any parole granted to an offender who is found to be in violation of a condition of parole; and
 - e. make such other recommendations to a Judge in relation to the granting of parole to offenders.
- 3. An offender who is eligible for parole under the proposed Act will not be eligible for remission under the Prison Rules or any other written law.
- 4. Varied types of parole
 - a. **Partial Parole - Temporary Absence:**

This refers to an escorted or unescorted absence from prison for a limited time granted for the specific purpose of attending a distinct personal development programme or performing community service.
 - b. **Partial Parole - Work Release:**

This is a structured programme of conditional release of a specified duration for work or community service outside of the prison, to be conducted under the supervision of a Prisons' Officer or other person or organisation approved and authorised to do so by the Ministry of National Security. The offender must return nightly to a community-based residence, which is to be a minimum security establishment.
 - c. **Full Parole**

Full Parole will allow an offender, to serve the balance of his sentence in the community under strict terms and conditions and under the supervision of a Parole Officer. Full Parole will be granted at the discretion of the Parole Board and only after the offender has successfully completed his time on Work Release, Temporary Absence or Day Parole and adhered to all of the relevant conditions therein.

It is anticipated that the provision of parole to an offender under specific terms and conditions and with the provision of the State sponsored support, will result in the following marked benefits:

- The benefit to society of the controlled release of serious, violent and repeat offenders under stringent terms and conditions after sufficient risk assessments have been conducted to determine their threat to society and their capacity for reintegration.
- Parole supervision can function as a surveillance tool by monitoring and sanctioning those who violate conditions of release, potentially averting more serious reoffending and consequently will have a deterrent role in preventing new crimes from occurring. Sanctions will be implemented for those offenders who violate their conditions of parole.
- The risk to the community is limited as parole seeks to promote the rehabilitation of offenders, thereby saving the community from the consequences of recidivism and the costs of punishing it.
- Parole provides offenders a chance to be in the "outside" world giving them an opportunity to get acclimatized to life outside of the confines of prison - particularly after serving lengthy sentences, while still under the supervision and guidance of the criminal justice system and subject to immediate incarceration if they do not comply with the conditions of release.
- A parole system will help to control institutional crowding as the conditional release of offenders will greatly reduce prison populations and further minimise the financial burden upon the State as it is less expensive to supervise a parolee than to incarcerate an offender.
- Parole provides a system that helps the offender find meaningful work or training and guides them towards being free citizens again and therefore able to contribute to society.
- It is a widely held view that offender discipline within prison will be improved as offenders behave better when they are working toward parole eligibility.

D. The Committee recommends that that the MNS and the MAGLA prioritise the completion of the package of draft legislation with regard to prisoner rehabilitation and reintegration and cause such legislation to be laid in Parliament within a year of this report.

Response: As indicated above, the MNS has indicated that its work has not advanced to the stage of draft legislation. However, the AGLA intends to introduce *the Criminal Records (Rehabilitation of Offenders) Bill* and *the Parole Bill* in the current Parliamentary session.

E. The MNS should review the current policy framework in relation to the implementation of programmes and facilities for the rehabilitation and reintegration of prisoners. The MNS should develop within 6 months of the presentation of this report, an implementation design for the improvement of same.

Response: The Ministry of National Security (MNS), as the responsible entity, can provide the necessary response to this recommendation.

