Ministry of National Security's Response to the Joint Select Committee on National Security on an inquiry into the Criminal Justice System in Trinidad and Tobago to determine strategies to achieve greater efficiency and effectiveness

Question 1

In oral submissions, which acknowledged that monitoring and oversight is indeed a primary role of the Ministry of National Security, you committed to providing proposals on how the Ministry of National Security can contribute to improvement of the efficiency and effectiveness of the Criminal Justice System including:

a) How the monitoring and evaluation role of the Ministry is being improved;

b) How the law enforcement oversight role of the Ministry can be improved, including how performance can be measured; and

c) How the NGOs engaged by the Ministry can be expanded to capture vulnerable children between the ages of 6-13 years.

What is your proposed timeline for the completion of these proposals?

Response

The completion of these proposals would be September 2023, subject to necessary approvals.

Question 2

Additionally, you committed to providing a roadmap for engagement of all Chambers of Commerce in Trinidad and Tobago with the objective of establishing an incentivised Corporate Social Responsibility initiative that provides employment opportunities for:

a) Citizens who, due to various socio-economic factors, are identified as vulnerable to the attraction of criminality; and

b) Citizens who have recently exited the prison system.

What is your proposed timeline for the completion of this roadmap?

Response

The completion of these proposals would be September 2023, subject to necessary approvals.

Question 3:

The Committee is aware that following the recently held Crime Symposium a list of specific implementable actions was developed. In relation to this, what are the responsibilities of the Ministry of National Security?

Response:

Following the Caribbean Community (CARICOM) Regional Symposium addressing Crime and Violence as a Public Health Issues, hosted by Trinidad and Tobago, several declarations were made by the Heads of Government on Crime and Violence. Declarations pertaining to this Ministry, are as follows:

- to strengthen the development of security as a fourth pillar of the Community so that collectively the GORTT is better able to address the extra-territorial threats to citizen security; including strengthening the capacity of the Community's Security and Justice agencies to adopt and implement a public health approach;
- to undertake a comprehensive overhaul of the criminal justice system to address criminal terrorists with a focus on proactive management of prosecutions, sentencing and the diversion of young people at risk;
- to develop and implement targeted programmes and strategies to address young vulnerable youth at risk of becoming perpetrators and victims of crime; and
- To strengthen regional forensic capabilities and collaboration among national forensic agencies with a view to improving the quality of evidence and speed the conduct of trials

Discussions were also held pertaining to:

1. How the region related to external actors- Mexico (guns)- advocacy of Heads, engagement of US Government.

2. Shared capacities among the Caribbean Community such as;
    - Forensics
    - CARICOM arrest warrant

3. Proposed changes on a National Level-
    - Reform criminal justice system
    - Introduction of centres to treat with domestic violence
    - Upgrade of port security

ELECTRONIC MONITORING UNIT

Question 4:

Based on written submissions dated May 15, 2023, 69 (31%) of the 219 requests from the Courts for monitoring were recommended by the Electronic Monitoring Unit.

a) Is this statistic consistent with Electronic Monitoring programmes in other jurisdictions?
b) If not, what can be done to improve this statistic?
c) Please provide this Committee with a full list of the suitability requirements to qualify for an Electronic Monitoring device.

Response:

a) Is this statistic consistent with Electronic Monitoring programmes in other jurisdictions?

While there are comparative elements, there are many varying contributing factors, which would alter the statistic rate regarding the use of Electronic Monitoring (EM) in other jurisdictions. Given EMU is of recent vintage, data is not expansive to conduct a substantive comparison. Usage varies by jurisdictions for many reasons. Some of the contributing factors include but not limited to are:

1. Pace of Judicial decisions
2. Technology in use
3. Technical and administrative support
4. Familiarity in the use of the technology by stakeholders
5. Budgets
6. Stakeholder's support

In the case of Trinidad and Tobago, the use of electronic bracelets on offenders only began from April 2021 and considering it is May 2023 the rate cannot be aligned to EM programmes existent beyond a two-year period. Therefore, no immediate comparator exists.

b) If not, what can be done to improve this statistic?

Firstly, it must be understood that the process of identifying, requesting (through suitability assessment/Director's report) and the final instructions of placement of an electronic monitoring bracelet on an offender is solely dependent on the Judiciary. The Electronic Monitoring Unit (EMU) contributes in the process of identifying that the applicant/accused meets the recommended standards for the safe and effective use of wearing an electronic monitoring device.

Consequently, with the question what can be done to improve this statistic? This can only be achieved through continued and greater collaboration between stakeholders in the process of having persons electronically monitored

c) Please provide this Committee with a full list of the suitability requirements to qualify for an Electronic Monitoring device.

Requirements for the consideration of Electronic Monitoring:

1. Receipt of request or recommendation based on the factors of the case, from the Judiciary. This application is issued through the Judiciary either by applicant/accused or applicant/accused attorney.

2. For the process to begin, the applicant/accused must agree to electronic monitoring. Except where a person has been arrested and charged with a domestic violence offence, under Section 20 of the Domestic Violence Act (breach of a protection order), the Court may grant bail with or without electronic monitoring. In making its decision, the Court does not need the consent of the person (Section 10 (4)).

3. On agreement for EM, and being advised by a Judicial Officer, a request for suitability assessment on the applicant/accused is despatched to the Manager, Electronic Monitoring, requesting suitability assessment/Director's report in the form of a Court Order request.

4. On receipt of the request for suitability assessment/Director report, the Manager, EM, assigns an investigator from the Unit to conduct the assessment.

5. The applicant/accused or attorney/representative is then contacted and provided with the relevant process forms for completion and return to the Unit. Once the requisite forms are completed and submitted to the EMU, a case file is opened and a site visit initiated. Forms utilized by the EM are as follows:

    - Form 1- Permission to install and maintain Electronic Monitoring Equipment
    - Form 2- Protection Device (victim where necessary)
    - Form 3- Request for Electronic Monitoring Application
    - Form 4- Means Test
    - Form 5- Statutory Declaration Pursuant to Electronic Monitoring Placement (Child)
    - Form 6- Notice of Address Change
    - Form 7 -Medical Information
    - Form 8- Internal Use only
    - Form 9- Corrective Action Request

6. On completion of the investigation the requested Director's report is submitted to the Judicial Officer for their consideration in the placement of EM of the applicant/accused.

7. Once the Judicial Officer has considered the Director's report and wishes to proceed with EM of the applicant/accused, a Court Order is issued for EM. The Order of the Court shall

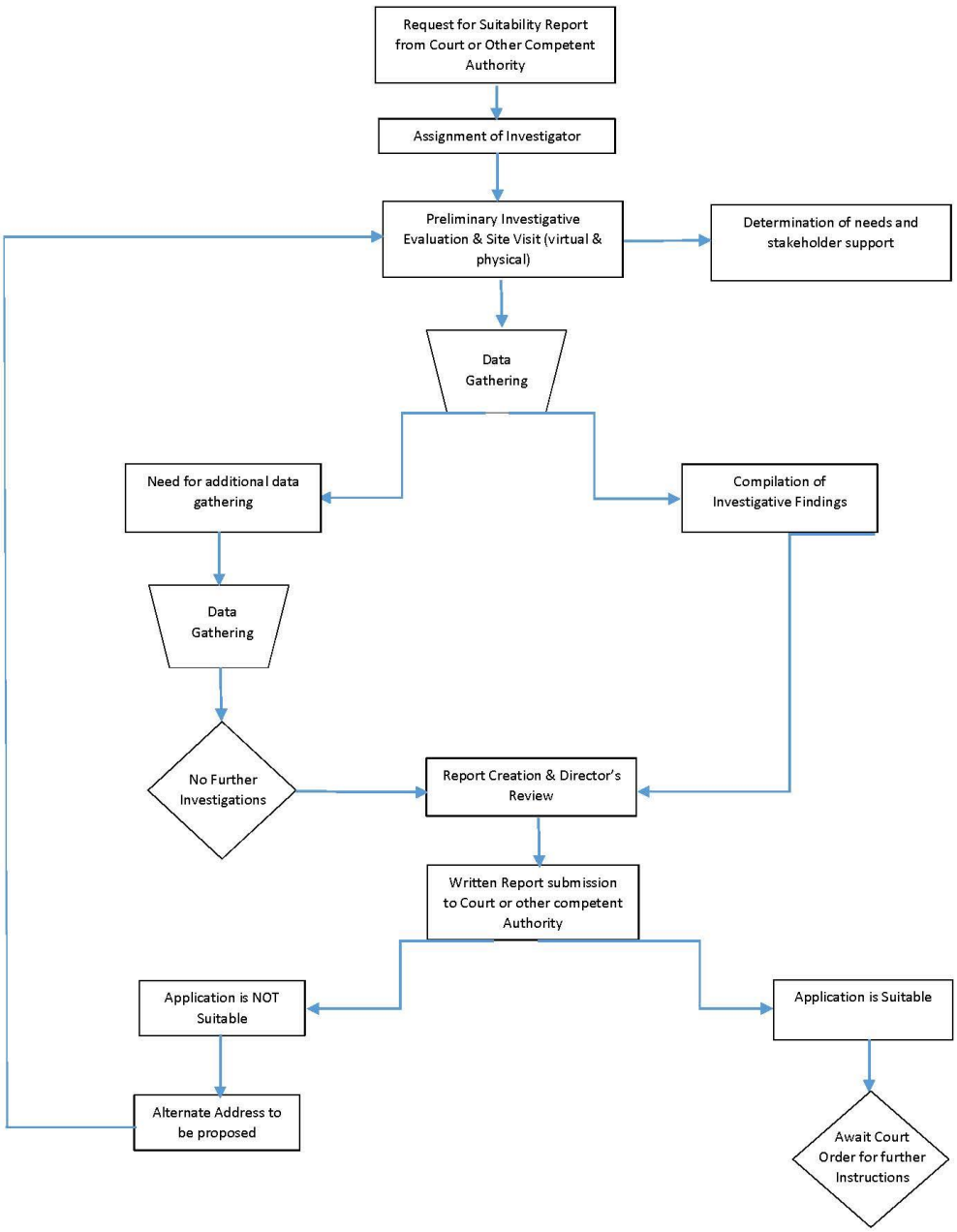
contain a directive on the period of time the device is to be worn and all other relevant instructions to the applicant/accused regarding the condition of the Electronic Monitoring Unit (some of the contents for example are):

- The Order shall state that the person must be in a particular place for such period in each day or week as specified; or
- That the person shall not be in a particular place at such time or during such period as is specified in the order. (section 16)
- The Court may also impose any other terms as it deems fit etc.

8. Once the Court Order is finalised, copies are issued to the relevant parties. On receipt of the Order, the Electronic Monitoring Unit liaises with the Prison Service and the applicant/accused or attorney/ representative to schedule the date for the fitting of the device. Once bail is accessed by the prescribed appointment date, the orientation and fitting of the EM device is initiated in keeping with the instructions of the Court Order.

9. The following process map captures the Electronic Monitoring Unit procedure on receipt of the request or suitability assessment to the delivery of the Director's report to the Judicial Officer:

Flowchart outlining the Procedure for Investigating and Determining the Suitability of a Person for Electronic Monitoring



PROBATION SERVICES

Question 5:

Are there waiting lists/backlogs for any of the services provided by the Probation Services Unit? If yes, please provide details on the:

a) size of the waiting list/backlog;
b) reasons for existence of the waiting list/backlog;
c) requirements for clearing; and
d) timelines for clearing.

Response:

a) size of the waiting list/backlog;

As at June 1st 2023, the pending matters before Probation Services are as follows:

- Family Matters (Legal Custody, Maintenance and Access Report): 140
- Domestic Violence reports: 10
- Adult Remand: 21
- High Court: Criminal Matters: 11
- Children criminal matters: 20
- DNA matters: 3

b) reasons for existence of the waiting list/backlog;

The reasons for the existing waitlist/backlog are as follows:

- Non-receipt of the Court orders in a timely manner from the Court Office. The non-provision or tardiness of the Court to provide adjourned dates, specific referral request, telephone contact numbers for clients, contribute to the delay or late submission of reports.
- Lack of technical staff to adequately deal with the high volume of referrals. For example, in the Children's Courts, at Fyzabad and Port of Spain, 4 officers are based at each location. To date, however, there has been one hundred and forty-four (144) referrals.
- Non-co-operation/non-availability of the Petitioner /Applicant - on many occasions, parties do not show up for interviews or home visit clients fail to co-operate, by not honouring scheduled appointments which delays the process.
- Lack of relevant information from Court referral to contact clientele for reports.

c) requirements for clearing; and

The following measures are proposed to address the backlog:

- More streamlined processes for the Services provided by Probations Services.
- Provision of improved accommodation and resources.

- Review of organization structure given the increasing demand placed on the Unit.

d) timelines for clearing.

Timelines are dependent on a number of factors including availability of adequate resources. Ideally, if all information is provided a report can be prepared in fourteen (14) days.

Question 6:

From oral submissions on May 17, 2023, the Committee understands that there are instances when the services of the Probation Services Unit must be outsourced because the Unit does not have capabilities in-house.

a) What specific services require outsourcing?
b) In the past 5 years, how much has been spent on outsourced services?

Response:

a) What specific services require outsourcing?

The following services currently require outsourcing as they are outside of the scope of the Unit:

- Psychiatric Services
- Psychological Services
- DNA testing

b) In the past 5 years, how much has been spent on outsourced services?

In cases where additional services are required, the Probations Unit will make referrals to external agencies such as Child Guidance Unit, Student Support Services, various vocational institutions including CCC, YTEPP, MIC and experts in specific fields to conduct social programmes with the Probation Unit. No cost has been incurred for the provision of these services.

TRINIDAD AND TOBAGO FORENSIC SCIENCE CENTRE

Question 7

The Committee and the general public are aware of the backlog in cases to be processed by the TTFSC. Please provide this Committee with a step-by-step proposal, inclusive of established timelines, to optimise the operations of the TTFSC. This proposal should include:

a. plans for the construction of a new forensic science laboratory;

b. plans to achieve a full staff complement; and
c. any other measures needed to be implemented to enhance operations of the TTFSC.

Plans for the Construction of a New Forensic Science Centre

As it pertains to the construction of a New Forensic Science Centre, on December 19, 2022, an exchange of letters was signed between Trinidad and Tobago (T&T) and China for the construction of a new FSC. Preliminary work is currently being undertaken re: designs, approvals by regulatory bodies, etc. Discussions are underway to finalise Chinese Aid Project Implementation Agreement. This Agreement spells out the responsibilities of the both parties for the implementation activities of the project. Upon signing the Agreement, the project will begin execution.

The obligations to be met by T&T are:

- All expenses related to feasibility study, land use ownership, safety and environmental assessment, project start-up procedures and permits, project implementation preparation, qualification verification, implementation and supervision; and
- T&T is also responsible for the supervision, organisation and execution of the project.

Plans to Achieve a Full Staff Complement

The arguments put forward at the Joint Select Committee emphasised the need to increase staff to reduce the backlog as done in public forensic laboratories in the United States. The Trinidad and Tobago Forensic Science Centre (TTFSC) has a similar experience as those foreign labs in the US.

There are 78 positions at the TTFSC of which 48 are vacant. Of the 48 vacancies, there are 21 persons acting in vacant positions and the remainder 27 positions are vacant. The Service Commissions Department (SCD) is the Agency responsible for filling the majority of these vacancies. Requests have been made to the SCD to fill these positions and the Ministry of Finance for funding.

Table 1: Staff complement at the TTFSC

Total Positions	Filled (Substantive)	Vacant	With Bodies	Without Bodies
78	30	48	21	27

The professional staff at the TTFSC is limited to 20 scientific officers which are permanent established positions, and 4 contract positions of forensic pathologist. There are 3 vacancies for the Scientific Officers positions. The increase of professional staff will directly impact the reduction in casework backlogs. Unless the amount of positions is increase by SCD and CPO, TTFSC will remain constrained. The other options that have been used in limited ways are: -

1. Hiring Officers on contract.

2. Incrementally fill positions.
3. Training of Police Officers in ballistics.
4. New FSC and additional staff.
5. Moving qualified trained police officers to TTFSC to perform specialised analysis such as firearm and tool mark examinations.
6. Expanding the establishment of professional staff such as scientific officers.

Additional Measures undertaken by the TTFSC

The Director at TTFSC has trained 21 Police Officers and 5 TTFSC staff in firearm and tool marks examination. Of these 21 Police Officers, 19 Police Officers are currently working at TTFSC processing casework. Thus, there are a total of 4 scientific officers and 19 Police Officers processing ballistic casework. The contracts of the two remaining trained police officers has thus far not been renewed by the Commissioner of Police. The acquisition of 4 additional comparison microscopes will further advance the output of the ballistics section. The FSC has also outsourced the processing of submitted exhibits to other competent labs.

The TTFSC is currently preparing to train 7 persons (2 newly appointed scientific officers and 5 police officers) in processing DNA. This will increase the number of scientific personnel in biology processing evidence requiring DNA profiling to 13.

TRINIDAD AND TOBAGO PRISON SERVICE

Question 8:

In oral submissions, you committed to provide:

a) the number of released inmates who have found gainful employment following completion of the Vision on Mission programme; and
b) recommendations for further improvement of conditions at the locations where remanded inmates are housed.

What is your proposed timeline to provide this information to the Committee?

a) the number of released inmates who have found gainful employment following completion of the Vision on Mission programme; and

Table 2 below depicts the total number of inmates who participated in the Prison Pre-Release programme facilitated by Vision on Mission (VOM), as well as the number of persons who were subsequently employed and the areas of employment over the period 2019-2021.

Table 2: Number of Participants

YEAR	NUMBER OF PRE-RELEASE PARTICIPANTS	NO OF CLIENTS THAT GAINED EMPLOYMENT	AREA OF EMPLOYMENT
2019	317	138	Agriculture, Entrepreneurship, Security
2020	44	44	Entrepreneurship and Agriculture
2021	27	27	Agriculture

It should be noted that due to the Covid-19 pandemic the number of participants was less than that of 2019. Additionally, participants upon being released, identified preference for their freedom upon discharge rather than placement in a restrictive programme such as VOM's Reintegration and Resettlement Programme.

It is noted further that due to the Covid-19 Pandemic the VOM's 2020 instalment of the "Preparation for Release Programme" had to be cancelled after restrictive measures were enforced on gatherings. However, the 2023 Programme is about to commence in prison in the middle of June 2023. In this regard, VOM continued to offer support and resources to incarcerated persons for their reintegration and resettlement.

b) Recommendations for further improvement of conditions at the locations where remanded inmates are housed.

Challenges in the management of remanded inmates generally

With the exception of the Women's Prison, Eastern Correctional Rehabilitation Centre (ECRC) and the Youth Training and Rehabilitation Centre (YTRC) the largest issue facing the Prison Service has to do with overcrowding at the remand prison; the slow pace of the judiciary leading to persons being on remand for an average of 6 to 8 years awaiting trial; the limited physical amenities for remanded inmates (slop pails in use at the Extended Remanded Facility (ERF) and the POS Prison); and the challenges with the aged infrastructure. These create significant challenges to the proper management of remanded inmates.

Short term solutions

It is anticipated that the completion of the refurbishment of the Remand Prison at Golden Grove, to be handed over in June 2023, in which the cells have been retrofitted to include toilets and the improvement in the general physical amenities at the Remand Prison GGP, will go some way in improving the living and working conditions for inmates and staff at the Remand Prison. This project will assist also in reducing the overcrowding as inmates can be transferred accordingly. The fact that the Judiciary is using the online platform for court matters also means that inmates do not now have to be housed in close proximity to the Magistrate's Court which they are attending. This means that some of the remanded inmates presently housed at the POS Prison, can be transferred to the refurbished remand prison so that they can be spread across more institutions. It is envisaged that this initiative will further reduce overcrowding.

Long Term Solutions

In the long run, it is recommended that a new remand prison be constructed to accommodate at least 1000 remanded inmates on lands in proximity to the MSP, together with the construction of a dedicated Court in close proximity. A new prison facility would provide improved accommodation for inmates, whilst a dedicated Court will facilitate faster decisions with respect to cases involving persons in the Remand Prison, and a reduction of persons at the Remand Prison.

PENAL REFORM AND TRANSFORMATION SECRETARIAT

Question 9:

In your submission, you stated that "Legislation can be more supportive in the restorative/rehabilitation agenda", specific reference was made to Section 29(1)(c) of the Public Procurement and Disposal of Public Property Act, 2015 which requires that
A procuring entity shall ensure that suppliers and contractors—
....(c) have not, and their directors or officers have not, been convicted of any criminal offence;

a) Please submit recommendations for changes to the above and other specific existing legislation that will better support the restorative/rehabilitation agenda.
b) Has consultation been held with any of your colleague Permanent Secretaries to discuss challenges that your Ministry has identified, specifically in instances when legislation is counter to the restorative/rehabilitation agenda? If yes, what was the outcome of these discussions?

Response:

a) Please submit recommendations for changes to the above and other specific existing legislation that will better support the restorative/rehabilitation agenda.

It is noted that this section (Section 29 (1) Section 29(1)(c) of the Public Procurement and Disposal of Public Property Act, 2015 which requires that:
*"**A procuring entity shall ensure that suppliers and contractors -***
.... (c) have not, and their directors or officers have not, been convicted of any criminal offence;"

was amended by the Public Procurement and Disposal Act of 2020 {c} which states:
"Have not been convicted within the past ten years of corruption or fraud related offences locally or internationally -

(i) As individuals; or
(ii) As directors or officers of a company"

Therefore, the amendment should be seen as an improvement of the 2015 legislation. It should be noted however, that former inmates already have to deal with the stigma of having a criminal record. This is observed with government, the wider employment market and society as a whole, which presents a significant hurdle to getting gainful employment. This is why it is important that any additional hurdles that can be removed should be. It is the right of all individuals to have access to not just a job but good employment as this adds value and purpose to life.

It is also recommended that ***parole legislation*** be enabled to facilitate a conditional release of an incarcerated person before they complete their full term based on certain criteria. These criteria could involve rehabilitative initiatives, which would ensure that upon returning to society the former inmate would have undertaken a regime of rehabilitative work and be a rehabilitated and restored individual before re-entering into society. This would motivate inmates to take part in rehabilitative programmes for an earlier release.

Parole would also have the additional benefit of reducing overcrowding in the prisons and taking off the additional strain on the justice system since this would mean less inmates within the prison system.

b) Has consultation been held with any of your colleague Permanent Secretaries to discuss challenges that your Ministry has identified, specifically in instances when legislation is counter to the restorative/rehabilitation agenda? If yes, what was the outcome of these discussions?

As it relates to the recommendation for parole legislation, there have been discussions/exchanges between the Ministry of National Security and the Office of the Attorney General and Ministry of Legal Affairs on the matter of parole legislation and its contents. Regarding the specific issue of challenges where legislation is counter to the restorative/rehabilitation agenda, this will be reviewed and addressed accordingly in any proposed parole legislation.