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June 15, 2023

The Secretary to the Committee
Joint Select Committee on National Security
Office of the Parliament
Parliament Complex
Cabildo Building
St. Vincent Street, Port of Spain

Dear Mr. Caesar,

Re: Request for Comments on the Criminal Justice System in Trinidad and Tobago to determine strategies to achieve greater efficiency and effectiveness

The following comments represent the position of Vision on Mission on the four areas identified in your letter dated April 03, 2023.

i. The components of an effective Criminal Justice System and how they are interrelated:

To understand what constitutes an effective Criminal Justice System- one must conceptualize a complex organization consisting of several subsystems operating under one philosophy to achieve stated goals and objectives. Vision on Mission understands this from a systems analysis; and asks if the entities under consideration in this jurisdiction really constitute a system, or under what conditions they might be a system, or what type of system they happen to be.

In Criminal Justice, an effective criminal justice system is characterized by the collection of agencies, namely Police Service, Courts, Corrections and Probation that administer the criminal process, in a strategic and well-coordinated manner to accomplish clearly articulated and stated goals. If we accept this definition, we must examine the bigger picture and not just its parts. We must observe and measure accomplished goals, notice the coordination, and only then become interested in the parts themselves.

Then, it becomes necessary to ask certain relevant questions. How much accomplishment of the agencies is necessary? How much coordination is required before we say that the agencies are interconnected; as well as interrelated and together produced the observed achievement?

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Unfortunately, systems analysis gives a rather complicated "it depends," answer to these questions.

Vision on Mission is of the view, what we consider to be a criminal justice system is to some extent dependent on our purposes, and procedures for identifying these elements. Nevertheless, criminal justice system must satisfy some important issues to be kept in mind when systems are discussed, especially on effectiveness; namely, but not limited to the following areas:

- Determining goals and objectives
- Measures of systems performance rather than statement of them
- Systems Boundaries
- Determining Resources
- Managing systems
- Clear directions for leaders and their responsibilities
- Both internal and external environments' designs to be considered to ensure efficiency
- Ability to adapt to challenges and changes through adaptive strategies.

The major agencies that form the criminal justice system are not informal processes run by amateurs. The fundamental components of criminal justice are required by legislation to solve the many conflicting or competing interests of citizens in ways to serve the wider public interest. They are interrelated by legislation and have a legal obligation to cooperate with one another, and they often do. Unfortunately, at times they do not cooperate effectively in some situations. The main thing they have in common is the fact that they all deal with the same clientele at various and different stages in the process. This is how they are integrally interrelated. As a system they operate to ensure law and order and protection of citizens; and ensure public safety.

ii. The primary challenges faced at each stage in the Criminal Justice process;

Vision on Mission has not conducted any formal research on criminal justice per se. However, the comments are based on newspaper reports, radio talk show programmes and complaints from citizens; and anecdotal stories from clients the organization supports in their reintegration via our re-entry programme.

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Criminal Procedure and Police:

The police are the gatekeepers of the criminal justice system in this jurisdiction. The rule of law establishes the relationships between the rights of private citizens and the interests of the government in catching crime suspects. Therefore, the community's perception of police and their attitude are extremely important.

The major concerns are as follows but not limited to the following:

- Police attitude and personality towards their duties and jobs
- Their style of policing in modern society
- How police officers make decisions that affect the liberty of citizens
- How police deal with deadly force
- Police face the issue of corruption and brutality
- Lack of trust in the police
- Police stress,danger and stereotype
- Police attitudes towards the public they serve
- Police discretion and officers' use of same
- Perspective on profiling
- Lawful search and and seizure
- The miranda warning
- Interrogation and confessions methods
- Police pursuits
- Arrests and conviction rates
- Non-crime work and community service
- Police integrity
- Police subculture

Organization of the Courts:

Adjudicating offenders and the structure and process by which to determine whether suspects are offenders and what should be done with them are the functions of the courts in this jurisdiction. The majority of cases are heard in magistrates' courts; then there are the high-courts, appellate courts and Privy council. The court subsystem lies at the heart of the administration of justice in Trinidad and Tobago. It is through the judicial process and the courts that police, prosecutors, victims square off against defendants and defense counsels to determine liabilities for crimes.

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The roles of these participants and their interactions determine the nature and quality of justice that results from the adjudication process. It is important, therefore, to understand how these participants can and should deliver fair, accurate and speedy justice.

Concerns and challenges:

- Popular prosecution decisions in many cases run counter to justice
- Caseload pressures often force prosecutors to make decisions based on expediency rather than justice
- Inadequate staffing
- Clients have limited trust and confidence in many of the court officials
- Many of the counsels are not criminal lawyers representing accused persons
- Many defense lawyers dislike visiting police stations and prisons.
- Public opinion polls show little confidence in our court officials
- Many defendants in prison are represented by court appointed attorneys claim poor representation
- Judges are criticized for disparity in sentencing and allowing their penal values to affect their judgements
- Court officials are not respecting and responding to victim rights; and are not provided adequate support services.
- Long and inordinate wait for trials and results from forensic science center
- Slow pace of justice is the major challenge for our courts; as well as inconsistency in sentencing; and proportionality raises questions of possible malfeasance and misfeasance.
- The perceived lack of fairness and accuracy, as well as disparity in sentencing.

Challenges faced in Prison:

Prisons officers in this jurisdiction are charged with enforcing prison rules and managing facilities, habilitating, and rehabilitating, as well as reforming inmates. This is done with a small batch of officers to run a prison that sometimes holds hundreds of inmates.

- The job is stressful and low job satisfaction has led to demotivated staff
- Negative media attention towards prison
- Overcrowding is the major challenge and poor outdated facilities with limited modern amenities
- Contraband trade militates against good order, and challenges the security and good management of facilities

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- Gang management stretches the service to maintain order
- Lack of business investment in prison industries and prison rehabilitation
- Drug use is endemic despite prohibited, continues to spread
- Cell phone use poses a challenge to its security
- Officers are tasked with providing palliative care for lifers in prison
- Rogue officers are increasing in numbers
- Humanitarian reform is slow and piece-meal
- Rehabilitation programmes are not adequately resourced in budget allocations
- Pardons are no longer utilized by the committee of the power of pardon
- The probation department continues to resist joint What Works services with the prison service to reduce reoffending and recidivism
- High rates of reoffending remain a major challenge for TTPS.
- Social reintegration of offenders is given lip-service at functions but not in structure and substance
- Restorative justice remains at best a potential goal
- Rehabilitation programmes are still focused on Constructive regimes. While necessary it is not sufficient and effective in reducing reoffending.
- The role of the inspector of prisons is never discussed and accounted for, to the public.
- The probation department is not claiming and managing the sub field of corrections; known as community corrections. The service is responsible for the intensive supervision of offenders in the community and operations of probation hostels at minimum. It has abdicated its role in criminal justice.

iii. Strategies to improve the efficiency and effectiveness of the criminal justice system:

This requires adaptive strategies and learning that involve organizational learning, a process by which every level of the criminal justice agencies obtain new knowledge, tools, values, and behaviours, which are to be translated into new goals, procedures, expectations, role structures and measures of success.

For long term effectiveness, innovative learning is required. This is to encourage managers to look at problems in a different way; a way that is likely to bring about change, renewal, and restructuring. It is a process that requires the anticipation of future issues to be confronted without the luxury of a long period of trial and error. This type of learning relies on training, education, and unlearning.

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Secondly, the implementation and adopting of an authentic restorative justice philosophy to guide all agencies of the criminal justice system. A restorative justice process that focuses on sanctions directed at not only punishing offenders, but also repairing the injury to victims and resettlement of offenders.

Thirdly, Vision on Mission is of the view that the ministry of legal affairs and the attorney general office must adopt the function of a Justice Ministry. The purpose of this ministry is to ensure that the criminal justice system is fair, accessible, efficient, and effective- and the taxpayers' dollars expended on CJS get value for money. The ministry will work to protect the public and reduce reoffending and ensure a more transparent and responsive penal system, as well as a more responsive criminal justice system for victims, perpetrators, and underserved communities.

The Ministry will have the responsibility for different parts of the justice system, the courts, prisons, offender management system, resettlement of offenders, and probation service, as well as community corrections. Also ensure that the police adapt the Ideal of Community Justice to guide their problem solving and community orientation approach. This approach is proactive policing rather than focused only on criminal events. To achieve that aim, the community partners with the justice system to share responsibility for social control. It focuses on crime, communities, and criminal justice. Under community justice, offender accountability for crime remains, but it is set in the context of repairing the damage to both victims and the community. Embracing the idea of community is a profound shift because it changes the focus of justice from what is to be done about people (offenders) to what is to be done about the places in which people live and work, inclusive of the perpetrators.

Fourthly, the Ministry of Legal Affairs and the attorney general must establish a Sentencing Practices Committee, to ensure Evidence-based Practices: A framework for Sentencing Policy to address the disparity and lack of proportionality in sanctions.

Fifthly, the Ministry of National Security must embark on two interventions to improve the effectiveness of Criminal Justice. It must institute a plan of action to develop a Culture of Lawfulness and mandate all criminal justice agencies and other centers of moral authority, such as, schools, radio stations, businesses, churches, civil society to champion this cause in an effort to counter organized crime in T&T. This is to have lawfulness becomes the dominant culture, ethos and thought in the society and all organizations must become obligated and sympathetic to the rule of law. Under this rule of law, everyone irrespective of race, creed, colour, gender,

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family background, economic, social, and political circumstances is accountable to the rule of law. Without such a culture, there would certainly be more crime.

This is to help law enforcement in their policing efforts. On the other hand, without law enforcement, the culture of lawfulness is ineffective. The culture needs enforcement, but enforcers need the culture of lawfulness to support them. We need to infuse this culture of lawfulness in the education process at all levels in schools.

Sixthly, the prison must be given the resources to deliver more effective rehabilitation programmes. There must be a new mental model to run our prisons as schools, as education plays a central role in rehabilitation and resettlement of prisoners and contributes to reduction of relapse rates. Inmates gain the necessary knowledge and skills to secure employment upon release. But it must be delivered in the right environment, so we must develop a learning environment in prisons. This learning environment will build character, enhance self-confidence, help inmates acquire competencies and credentials needed for reintegration. In addition, it affords reflection, creates moral standards, improves social skills, and enlarges personal aspirations. It is all about reducing reoffending and recidivism to enhance public safety.

At the same time, alongside education we must have effective treatment services. We must invest in Cognitive Behavioural Treatment as we focus on community reentry. This will include the introduction of Prominent Cognitive- Behavioural Therapy Programme for offenders namely:

- Aggression Replacement Training (ART)
- Criminal Conduct and Substance Abuse Treatment: Strategies for Self-Improvement and Change (SSC).
- Moral Reconation Therapy (MRT).
- Reasoning and Rehabilitation (R&R and R&R2).
- Relapse Prevention Therapy (RPT)
- Thinking for a Change (T4C).
- Character First Champions for Character (C4C).

In addition, the Ministry must champion the TPC: Transition from Prison to Community Prisoner Reentry Model. This is the most contemporary prison reform initiative in corrections, while motivational interviewing training for programme staff and managing correctional programmes that work in corrections must be training requirements for all prison officers.

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There is the need to establish an inspectorate of prison staffed with inspectors with expertise in Corrections administration to help manage the penal system and provide oversight for proper treatment of offenders.

iv. The function legislation may fulfill to improve the Criminal Justice System

In system thinking all aspects of a system contribute to effectiveness of the criminal justice system. Legislation is therefore regarded as a most important source of law. It is the codified form of law to govern the operations of the system and the authoritative source to guide officials through the process. Legislation provides the source of law and the rules enshrined in the legislation.

The judicial legislation has been given authority to establish and apply its laws to protect the country's judicial system's transparency. Additionally, provides abrogative power to officials in the system. It also allows for a more efficient division of labour by separating the two functions of making and enforcing the law, to improve the efficiency of the system.

Further, legislation ensures that any legal concepts are declared and will be known before they are enacted. Justice requires that laws be known before they are implemented and enforced by the courts. It also interprets the statute so the layman can understand the intent and purpose of the legislation. And it makes provision for future cases- make rules for cases that may occur in the future.

In the final analysis, legislation is a very important source of law in this jurisdiction as it facilitates understanding and transparency and minimizes ambiguity and tries to create uniformity.

Vision on Mission's views on the current state of the Criminal Justice system:
At best our present Criminal Justice system is moderately effective, as it still operates as a non-system. In fact, many of the problems and challenges in the system are caused by the failure of the various agencies to act as a system. In addition, the system suffers from the perception of lack of fairness and effectiveness, and many citizens have lost confidence in the administration of justice to deliver justice on time.

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Confidence in the courts for justice, fair judgements; confidence in police protection, and in corrections to rehabilitate and reform, as well as to reintegrate offenders is very low, as the fear of crime is increasing daily. The agencies of criminal justice in general have all dropped in efficiency and effectiveness. An examination of the reasons for the trend are many; the challenges speak volumes. We need to address this downward trend quickly. The costs are increasing to sustain the system, but the results are not commensurate with the capital invested in the system.

Proposals to improvement of its operations:

At the ministerial level, the Ministry of National Security must integrate the national security infrastructure to develop evidence-based professional competencies to improve public safety and reduce the fear of crime. It must develop and implement an integrated national approach to national security and public safety and reduce crime, as well as protect the citizens from its effects. However, to achieve this goal, the government must develop an efficient criminal justice system. Also, ensure that the root causes of crime and security threats are adequately addressed through a comprehensive National Security Crime Prevention Policy, to reduce the opportunities to commit crime and the public's fear of crime. The Ministry also has to ensure the efficient operations of Corrections administration, to improve the effectiveness of the Prisons service, and the rehabilitation and reintegration of offenders.

These are essential pre-conditions for a proper institutional framework to strengthen the criminal justice system. However, there are critical success factors to improve the criminal justice system, namely:

- Buy-in and cooperation from all national security agencies.
- Available funding for proposed recommendations
- Proper communications
- A non-corrupt national security system

In order to improve the operations of criminal justice, Vision on Mission is of the view that in addition to crime control efforts and due process, the government has to implement an authentic Restorative Justice Philosophy to be incorporated into each phase of contemporary criminal justice. Also consider possible models of how restorative justice might integrate with contemporary criminal justice, as well as identify strategic issues that must be considered in pursuing those models and propose a framework with which to assess the degree to which systems reflect a restorative character. Restorative justice processes can be used in virtually

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every phase of contemporary criminal justice; use by police, use by courts, use by probation officers, use by prosecutors, use in prison, use by parole officers, where applicable.

The hallmark of restorative justice use should be transformation. This can help us transform our perspectives using the four elements: creativity, openness to new learning, looking at familiar problems and challenges in new ways, and considering new alternatives to improve our criminal justice system. Then we can monitor our justice structures- even restorative structures- to identify problems that result in less justice for some, and then to remedy and even transform those structures. Finally, we use transformative processes to transform criminal justice officials, our values, attitudes, behaviour, mindset, and character.

Vision on Mission is convinced that this philosophy can be the intervention to improve criminal justice in this jurisdiction. However, for this to work we must identify needs and opportunities for interagency collaboration. To be successful, criminal justice requires participation of police, courts, and corrections to carry out their programme plans. Different kinds of support would be required: political support, shared information, exchange of services, joint client intake or assessment, and perhaps even cross-referrals of clients among different agencies. Such forms of cooperation, obviously, must be negotiated and agreed upon. Each agency must perceive tangible benefits from undertaking such cooperation in this restorative transformation programme and policy. In all this the outcome is an improved criminal justice system.

By thinking differently about justice and the development of policy sets to jump-start the conversation on the larger meaning of justice in Trinidad and Tobago. A just society is the promise of our constitution. Vision on Mission hopes this paper inspires the Ministry of National Security to take the country one step closer to that promise of a more efficient and effective criminal justice system.

The framework emerging from this committee could provide the mandate for the policy, to integrate the agencies of the criminal justice system into a National Crime and Justice Board to strengthen and coordinate processes and networking of the system. Those agencies will have multiple tasks at three levels: intra-agency, inter-sectoral and societal. Therefore, seeking broad agreement on the problem, the solution and some goals is how this document informally begins the task of causing policy making to guide the integration effort.

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My paper concludes with a demonstration project showing how the system could work differently. The Guide to developing a culture of Lawfulness to prevent organized crime and corruption, represents one model of the integration policy and is a concrete example of increasing cohesion in communities, increasing coordination of services, critical education and support programmes that build respect for law and justice and the rule of law.

The leaders in this project were all leaders of centers of moral authority. I reference two major cities who applied this intervention that worked well, namely, Sicily and Hong Kong. Maybe, it could work in this society as well.

Respectfully Submitted,

DocuSigned by:
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Giselle Chance
CEO, Vision on Mission

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