



**REPUBLIC OF  
TRINIDAD AND TOBAGO**

**FINAL  
REPORT**

**OF**

**THE CABINET APPOINTED TASK FORCE  
ON PRISON REFORM  
AND TRANSFORMATION**

**2002**

*“Secure prisons are essential to making our Justice System an effective weapon in the fight against crime. When prisoners convicted or awaiting trial are entrusted to your care, they must know and the public must know that they will remain there until they are legally discharged....*

*The full contribution, which our prisons can make toward a permanent reduction in the country's crime-rate, lies also in the way in which they treat prisoners. We cannot emphasize enough the importance of both professionalism and respect for human rights.”*

**President Nelson Mandela (1998)**  
Speaking to prison staff of South Africa

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## **PROJECT IDENTIFICATION:**

**Project Name:** Prison Reform and Transformation Task Force Report 2002.

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Trinidad and Tobago Prison Service  
Probation Department.  
Mediation Services.  
Ministry of the Attorney General  
Tobago House of Assembly  
Prison Service 1<sup>st</sup> Division Association of Trinidad and Tobago  
Prison Officers Association of Trinidad and Tobago  
2<sup>nd</sup> Division  
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Trinidad and Tobago Prison Service Staff and  
Inmates.

Government of Trinidad and Tobago.

Ministry of National Security.

Ministry of Social Development.

Volunteers of the Trinidad and Tobago Prison  
Service.

Probation Department.

Mediation Services.

Ministry of Health.

Ministry of Education.

Chamber of Commerce and Industry.

Businessmen Associations.

University of West Indies.

Trinidad and Tobago Police Service  
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## **ACKNOWLEDGEMENTS**

The Task Forces extends special thanks and appreciation to the following people who contributed both directly and indirectly to the successful completion of this proposal they are:

**The Honourable Senator Mr. Howard Chin Lee Minister of National Security and Rehabilitation**

**Mr. Anthony Roberts, Parliamentary Secretary Ministry of National Security.**

**Mr. Trevor Percival, Permanent Secretary of Ministry of National Security.**

**Mrs. Arlene Mc Comie, Deputy Permanent Secretary Ministry of National Security.**

**Mr. Leo Abraham, Commissioner of Prisons.**

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**The Mediation Center.**

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**Mr. Graeme Potter of the Trinidad and Tobago Prison Service**

**Mrs. Dularie Ramkissoon of the Trinidad and Tobago Prison Service**

**Police Welfare Association**

**Mrs. Hazel Brown and the Network of Non Governmental Organization**

**Mr. Trevor “Burn Boots” Smith Journalist**

**Council of Prison Chaplains and Ministers (COPCAM)**

**Reverend Brian Skinner Biblical Social Psychologist**

All of the above have contributed invaluable services towards the completion of this Report. However the committee notes that many contributors may not have been recognized in this acknowledgement but would nevertheless like to thank and acknowledge their contributions.

## **CHAIRMAN FOREWORD**

The Task Force members despite having their regular duties as public servants, performed with diligence and dedication, and went beyond the call of duty in ensuring that the report was compiled in a most efficient and professional manner.

Further I want to express my sincere appreciation to all the Non Governmental Organizations, the University of The West Indies, and all individuals who made contributions to the Task Force.

I would be failing in my duties if I did not express my gratitude to the Computer Aided Transmission Team (CATT) from the Parliament who periodically assisted in the recording of the proceedings. Additionally, mention must be made of the administration of the Mediation Center for allowing the committee the use of their facilities at Cunupia to conduct some of our sessions. The hospitality extended was beyond expectations

We were somewhat handicapped in carrying out our functions due mainly to the lack of a budget to facilitate visits to external criminal justice institutions, resourcing of materials, and a secretariat. In addition members were called upon to arrange and utilized their personal equipment, materials, and, in some instances, their line staff to ensure continuity and completion of this task within the required time frame.

This report is expected to assist in guiding the government's crime management policy with specific emphasis on the penal system and as such it is hoped that serious consideration would be given to have the recommendations made implemented in the

interest of the penal system in particular and the nation as a whole, with a view to ameliorating the present penal conditions as well as arresting the spiraling crime situation

Finally as Chairman of the Task Force I wish to recommend that public recognition be given to members of the Task Force for their sterling contributions and unflinching support.

Cipriani Baptiste  
Chairman

## **EXECUTIVE SUMMARY**

**This report serves as a review of the Prison System inclusive of all departments and institution under the penal system. This review is completed in compliance with and in accordance to instructions and the scope of the terms of reference handed down from the Cabinet and aimed towards analyzing the penal system's strengths, weaknesses and resource needs, then recommending solutions to adequately address those needs and inadequacies.**

The review began with an initial meeting of the Task Force which comprised representatives of some key stakeholders of the system namely the Trinidad and Tobago Prison Service, The Ministry of National Security, Office Of Attorney General, the First and Second Division Prison Associations, Member of the clergy an IRO representative, Probation and Mediation Services where the terms of reference was outlined and the format and methodology for the review was agreed to. The Tobago House of Assembly representative joined the Task Force in a later meeting.

The committee then agreed to the adaptation of the Restorative Justice Philosophy as the ideal concept to guide penal policy and practice in Trinidad and Tobago. This model hinges on the principle that the offender as well as the society is in some way responsible for offending behaviours however the offender is held accountable for their actions. This approach is considered ideal as it actively incorporates and integrates all stakeholders including the community, victims of crime, corporate society, penal agencies in the fight against crime and in the various strategies and initiatives implemented for the effective management of offender within and without the prison population. It cannot be over emphasized that the philosophy is a highly integrated, proactive, participative and flexible approach to crime management.

Subsequently, sub committees were then formed to look at specific areas of the terms of reference. The committees were as follows the Legal, Administration and Management of the Prison System, Women in Prison and Youth Justice, Infrastructure, Programmes and Treatment, Revenue Earnings and Prison Industries, Restorative Justice and Community Mediation Services.

Each committee began their task by gathering and analysing information and reporting on their respective assignments. Institutional visits, focus groups, and interviews of staff and inmates were among the strategies used for the collection of data. The committees then assessed the current capacity of the various departments to deliver or effectively fulfill their mission, vision, objectives, roles and responsibilities with respect to the penal system. The committee then considered the findings of the assessment using our varied levels of experience and competence in Corrections, Counselling, Mediation, Law, Religious Instructions, Industrial Relations, Human Resource Management and Organization development comparing the current state of departments against our envisioned state, and contemporary penal policy and practice thereby determining the needs of the various departments and penal policy.

On completion of the initial review the committee compiled its first report, which was submitted on 24<sup>th</sup> April 2002 within which we initially recommended the adaptation of the restorative justice philosophy. This report provided an overview of the following:

- Ø Public Policy on Crime
- Ø The Restorative Justice Philosophy
- Ø The Reintegrative Penal Policy
- Ø The Shared responsibility Model of Rehabilitation
- Ø Introduction of Parole
- Ø Community Mediation
- Ø Youth Justice
- Ø Women in Prison
- Ø Constructive Regimes
- Ø Services
- Ø Classification and Risk Assessment Programme
- Ø Revenue Earning Activities (Prison Industries)
- Ø Management and Administration of the Prison System
- Ø Human Resource Management
- Ø Infrastructure Needs
- Ø Training and Development of Employees
- Ø Progress Monitoring of offenders
- Ø Probation Services.
- Ø Diversion and Possible Alternatives to custody
- Ø Legal Changes required

**This Final Report of the Task Force addresses the micro processes of the transformation strategy recommended in the First Report and emphasizes the how to do approach. In essence it provides a framework for the adaptation of a Restorative Justice philosophy and highlights the various points of interaction between the departments of the penal system and offenders for system-phased implementation of the transformation strategy.**

**The committee wishes to place on record that Community Corrections and Youth Justice, Penal Management and Administration are areas of serious concern. The strategies outlined for these areas builds on existing restorative measures and international practice, such as Community Mediation, Community Service and other diversionary measures.**

**The Task Force proposes that the Prison Service of Trinidad and Tobago should commit itself to the effective rehabilitation and reintegration services by adopting a Reintegrative Penal Policy and utilizing a shared responsibility model of rehabilitation. These approaches features a correctional intervention process that ensures that inmates are methodically assessed in relation to their needs, personality, competences and risks, and assigned to habilitative activities in a planned and coherent manner. This intervention strategy maps out a direction for the Trinidad and Tobago Prison Service development and transformation.**

**The Committee noted that Women in Prison have gender specific needs and attempted to outline strategies that would ensure that the relationship between mothers and children are maintained, women's health needs especially when pregnant in prison, and revenue earning, are addressed.**

**In summary, the report examined all of the departments of the penal system and identified and recommended a systematic several risk management strategy for the management of offenders guided by the Restorative Justice Philosophy, the Reintegrative Penal Policy, Community Corrections and the Shared Responsibility Model. The transformation strategy for the prison system in our view requires a new, more dynamic integrative structure of penal management. The report also outlines the administrative, human resource and infrastructure needs of the various departments that would increase the likelihood of effective and efficient implementation of the strategies.**

## **INTRODUCTION**

The Cabinet appointed Task Force on Prison Reform and Transformation submitted its First Report at the end of April 2002 in accordance with the timeline given by the Cabinet of the Government of Trinidad and Tobago.

The First Report involved a macro exploration of the principles, practice and relevance of the application of the Restorative Justice Model to Trinidad and Tobago. Twenty-nine (29) recommendations were embodied in the First Report. The Social Sector Sub Committee of Cabinet tabled these recommendations for perusal.

This Committee was established to identify enabling mechanisms, which will integrate the various relevant agencies of the public sector so as to initiate programmes to meet the social needs of the dispossessed in the society.

The Social Sector Sub Committee, subsequent to three presentations by the Task Force Committee, accepted the recommendations. The consequential status report on the acceptance of the recommendations of the Task Force includes the following:

- Ø Governmental acceptance of the Restorative Justice System.
- Ø Establishment of Division of Rehabilitation with a Parliamentary Secretary, and the renaming of its assigned Ministry to the Ministry of National Security and Rehabilitation.
- Ø Formation of a Committee to establish a Parole System in Trinidad and Tobago.
- Ø Agreement on the construction of the Correctional Complex in Tobago.
- Ø Commencement on the refurbishment of existing Prison Facilities.

- Ø Pilot project involving post release supervision and after care was instituted relevant to the needs of the eight (8) inmates who received Presidential Pardon.
- Ø Establishment of an inter Ministerial Committee, involving the Ministry of Social Development and Ministry of National Security and Rehabilitation, to address a standard aftercare programme.

In its exploration of micro details involving the transition of the operation of the Penal System from a retributive to a restorative model, this Final Report embraces the productive implementation of the above-cited initiatives and proceeds to spell out the future imperatives in the realization of this transformation process.

It is to be anticipated that given the government's national policy emphasis on social sector delivery and consequential empowerment, together with its recognition for the need to integrate the functioning of the Criminal Justice System of which Correction Administration is an integral part, this Report will form a framework of reference for a modernized Penal System in Trinidad and Tobago. The Task Force members submit this Report with the clear knowledge that no air of finality will be applied to their role. In this regard there is a readiness on the part of said members to further the implementation thrust of this restorative model of correction upliftment in the interest of genuine national development.

## **METHODOLOGY**

The Task Force utilized various systematic methods to conduct a comprehensive study of the incarcerated population, the myriad of programmes, the infrastructural details, the capacity of the personnel and their working conditions, stakeholders' involvement, learning opportunities and educational institutions available. This report also presents information obtained from international, national and local studies on conditions of inmates.

The report focuses on the nation's correctional system for offenders. The Task Force interviewed officials from the relevant state agencies, professional bodies and Unions within the Prison and Police services, the University of the West Indies (U.W.I.) and Non-Governmental Organizations, and reviewed documentation they provided us. In addition, the prisons were visited; tours of the facilities were made and prison officers (correctional officials) and inmates were interviewed. In some instances, comparisons of trends and characteristics data of female inmates against the data collected on male inmates were made. Ex-inmates were also interviewed during this process.

This report provides an overview of the major issues related to the Criminal Justice System with emphasis on the Penal System, and as such the Task Force utilized all of the following methods to assure the reliability of its findings: - surveys; consultations; focus group discussions; interviews, and collection and assessment of secondary data.

The following activities were completed in order to finalize the work of the Task Force as guided by its mandate:

- Ø The establishment of Sub-Committees to conduct qualitative participatory meetings with various Sections and Associations of the Prison Service, and report on practical details involving transition of the operation of the Penal System from a macro level to a micro level.
- Ø Meeting with Non Governmental (NGO's) and Community Based Organizations (CBO's);
- Ø Additional Town Meetings to achieve the participatory imperatives of the Task Force's mission

- Ø A thorough review of the Juvenile Justice System;
- Ø Completion of Prison visits by the Task Force;
- Ø The establishment of a Sub-Committee to meet with the University of the West Indies in order to design programmes geared towards professionalizing the Prison Service;
- Ø Consultations to involve concerned citizens and encourage them to submit recommendations with regards prison transformation;
- Ø Formulation of action plans to operationalize the recommendations in the final report;

### **Activities Of The Task Force Over The Period May To October, 2002**

#### **– Visit To Port of Spain Prison**

#### **Survey Of Inmates And Staff**

Interview schedule and observation, were methods designed to ascertain information on the following areas:

- Ø The area of the prison where inmates under the sentence of death are housed;
- Ø The existing visit system in Port of Spain;
- Ø Infrastructure, trade, food preparation area;
- Ø Space for physical exercise for inmates;
- Ø Transportation – methods and types of transportation to Court;
- Ø Office accommodation for staff;
- Ø Ergonomics and Hygiene factors;
- Ø Living conditions for staff;
- Ø The method of sanitary disposal;
- Ø Health related issues:
  - The infirmary conditions
  - Health and safety practices
  - Risk factors
- Ø Administration:

- Executive space (Levels of comfort and suitability)
- Ø Security
  - Risk factors;
  - Proximity of prisons to other buildings.

## **Non-Governmental Organization (NGO)**

### **The Network of NGOs – Ms. Hazel Brown**

#### **Focus Group Discussion**

- Ø Discussions on promotional opportunities for officers;
- Ø Lack of motivation in the Prison Services
- Ø Low employees morale;
- Ø Youth Training Centre for lads and the need for a similar facility for girls;
- Ø Training needs for female officers, to merge them into the mainstream without gender bias, and the provision of equal opportunities for females.
- Ø Visitation of children into prison;
- Ø The urgent need to address issues related to babies born while the mothers are incarcerated.
- Ø The need for a nursery in Women's prison;
- Ø The need to maintain family relationship.

### **July – Visit To Carrera**

The Task Force members accompanied the Honourable Minister of National Security to a visit to Carrera island prison. A survey was conducted among inmates and staff to ascertain a situation analysis on the following areas:

- Ø Tour facilities on the islands;
- Ø The supply of water to the island prison and how the water is pumped from the water barge to the island;
- Ø Transportation and accommodation issues for officers and inmates from Harts Cut to the Carrera island prison;
- Ø Access to a launch for transportation of inmates and officers;
- Ø Accommodation for officers and inmates;
- Ø Exploration of the nature of overcrowding on the island prison;

- Ø Recreational facilities on the island;
- Ø Food preparation and the level of service;
- Ø Security issues with regards to the close proximity of fishing boats;
- Ø Communication problems including telephone;

### **Focus Group Discussions On Transportation:**

- Ø Officials of Coast Guard
- Ø July 11, 2002 – meeting with the principal- University of The West Indies. Dr. Bhoe Tewarie.
- Ø Focus group discussions on the role of the University of The West Indies in formulating academic programmes for officers in the prison service.

### **Issues:**

Establishment of a sub-committee from the University of the West Indies and members of the Task Force to address the following issues:

- a. Department of Restorative Justice at the University of the West Indies;
- b. Specific training for personnel of the proposed correctional department;
- c. Development of programmes to link awareness to the public;
- d. The sustainability of the project and the University's role especially as advisor;
- e. Research in the area of Restorative Justice philosophy to be undertaken by the University;
- f. Conference for key stakeholders;
- g. Establishment of Restorative Justice regionally – Trinidad and Tobago taking the lead;
- h. The University of the West Indies made a commitment to work with the Task Force and the Ministry of National Security and Rehabilitation with regards to implementation and sustainability;
- i. The proposal for the establishment of academic programmes and inmate programmes;
- j. Students academic programmes;
- k. Continued research into Corrections/Rehabilitations;

1. University of The West Indies (U.W.I.) members and Task Force representatives comprising the sub-committee indicated a commitment to link programmes with policy, planning and development directives.

Focus group discussions with sub-committee, led by Dr. Deosaran as chairman

Members:

Dr. Hamid Ghany  
Dr. Derek Chadee  
Dr. Althea La Foucade, Economic and Social Department.

Areas addressed:

- Ø Role of the Task Force;
- Ø Proposal of the Task Force;
- Ø Overview of the 1<sup>st</sup> report;
- Ø Identification of the role U.W.I. could play in the Restorative Justice philosophy becoming a reality;
- Ø The recommendation for the establishment of a Department within the University of the West Indies, for the training of correctional officers;
- Ø The identification of existing programmes catering to the training needs of the Criminal Justice System – e.g. Social Sciences Department – Criminology.

Establishment of a sub-committee comprising members from the University of The West Indies and the Task Force, and chaired by Task Force member, Mr. John Rougier, to plan conference with key government stakeholders in early January 2003.

Focus group discussions with National Association for the Empowerment of African People (NEAP):

Professor Selwyn Cudjoe,  
Mr. Lennox Benjamin,  
Mr. Brian Moore

Focus group discussions with the Council of Prison Chaplains and Ministers (COPCAM):  
led by David Chase:

Members:

Reverend Brian Skinner

This team submitted proposals with regards the prison inmates and staff programmes.

- Ø The need for programmes to be designed to suit the needs of individual inmate;
- Ø Cultural diversity;
- Ø Build foundation on traditional values;
- Ø Recommendation for a National Conference on Crime to pursue the development of public policy on crime;
- Ø The need for spiritual and social counselling within the Prison Service pastoral work for Prison Service inmates and officers.

Focus group discussions with the Trinidad and Tobago Police 1<sup>st</sup> and 2<sup>nd</sup> Division.

- Ø Restorative Justice approach fully endorsed;
- Ø Distinctive role by police identified in this approach;
- Ø Police made commitment to support the approach to address the crime situation;
- Ø To strengthen the programmes in Youth Justice
- Ø To enhance prison conditions;
- Ø Increase motivation for inmates;
- Ø Strengthen all arms of the Criminal Justice System;
- Ø Improve the health conditions including safety and security;
- Ø Reduce cross infection within prison and at court (e.g. inmate with pox, infecting officer at the court);
- Ø Increase education programmes in prison;
- Ø Increase space and expand all educational programmes, from literacy to CXC, on all stations.

Focus group discussions with Prison Association led by the president, Mr. Claudius Gulston and Goslyn La Borde, Industrial Relations Officer.

- Ø Prison Association endorsed the programmes identified on health, safety and security;
- Ø Issues on present infrastructure, transportation (sea and land),
- Ø Staff motivation – emphasis on staffing and promotion;
- Ø Concerns: strengthening of relations between executive and junior staff association;
- Ø Communication and dissemination of information to the public.

Participated in conference organized by the Judiciary of Trinidad and Tobago and community mediation at the Hall of Justice for two (2) days.

Issues addressed:

- Ø Alternative to sentencing;
- Ø Diversion from court;
- Ø Restorative Justice;
- Ø Reform of Mediation Act;
- Ø Views of the Director of Public Prosecution (D.P.P.) and The Judiciary:
  - The policies and the reform of the Mediation Act were discussed with a view to formulating a National Mediation Policy;

Focus group discussions with the chief secretary and members of the social sector committee and conducted visits in Tobago:

The Task Force visited Tobago for three (3) days:

Major issues:

- Ø The site for the construction of the prison facility;
- Ø The medium term security for the prison facility;
- Ø The needs with respect to programmes that would be suitable.

## **PUBLIC POLICY ON TREATMENT OF CRIME:**

The Task Force is of the view that there must be a public policy on the treatment of crime. This refers to the policy of government with regards to action having a direct impact on the welfare of offenders, by providing them with services, income and programmes. The central core should consist of; health, housing, education, employment and other social support e.g. social assistance and other community oriented projects. This act of government, should be undertaken for a variety of political reasons, to provide for a range of needs, material and social, and predominantly dependent needs, which the market does not satisfy for the designated section (offenders) of the population.

It is the core principle or guiding ideology behind the series of separate social welfare measures to deal with crime. It is the standing plan for the social sector or the several plans for inter-related sector (social policies to attack/treat crime – short, medium and long term strategic plan). Such a policy will definitely support the proposed Restorative Justice Model of the Criminal Justice System of Trinidad and Tobago, articulated by the Task Force in their First Report.

## **PRINCIPLES OF RESTORATIVE JUSTICE AS IT INFORMS THE CRIMINAL:**

### **Justice Process:**

The First Report introduced the concept of Restorative Justice and recommended comprehensive system transformation. Restorative Justice is a vision; a public policy and a criminal justice model that links social justice and criminal justice. Restorative Justice philosophy is rapidly replacing fragmented, unproductive ways of doing justice. This Final Report outlines the micro processes of how that paradigm shift will be implemented to deliver transformation.

Restorative Justice is growing so rapidly and in so many directions that an outline of its current status would locate the movement and Trinidad and Tobago's place in it. Trinidad and Tobago has several existing restorative measures both in use and in train. Expanding the existing Community Mediation and Community Service programmes and outlining the new restorative programmes (parole, diversions, youth justice, community corrections) is what this Report set out as the basis of system transformation. The programmes and other developments are phased. The major projects that already have proposals documented are presented in the appendix.

## **Status Of Restorative Justice:**

The words Restorative Justice have been appearing more frequently in the speeches of Ministers, Mediation Center staff, the Commissioner of Prisons and prison officers. The Task Force acknowledges the Government's recognition of our work and the promotion of the recommendations made six months ago. The ultimate Restorative Justice goal is to keep people out of prison by dealing with them in the community without compromising public safety. All Restorative Justice measures heal torn relationships to restore justice. This means promoting responsibility, safety and peace, so that offenders become stakeholders in society.

There are many applications of Restorative Justice for example; Restorative Justice in mediation is an alternative to litigation; Restorative Justice promotes community based sentencing to allow sentences to be served in communities; Restorative Justice in prisons has much to do with victim offender mediation to facilitate taking responsibility, healing the wounds of crime, reintegrating offenders; Restorative Justice in communities has to do with strengthening families, violence prevention programmes in schools, community corrections programmes, youth justice, and police interventions to build capacities that empower. The introduction of a Division/ Department of Rehabilitation in the new Ministry of National Security and Rehabilitation is a way to bring coherence to the many applications of Restorative Justice in the transformation of the Criminal Justice System of Trinidad and Tobago.

Most welcome is the Government's placing of Restorative Justice in the social sector relating to social development, community involvement and public policy. It is very helpful that it is understood that the underlying principles of Restorative Justice means it lies squarely with the community. Guiding principles for building community involvement, indicators for distinguishing restorative justice programmes and basic principles for

Restorative Justice programmes in criminal matters are detailed and recommended in this section of the Final Report.

## **Justice:**

The main justice concerns of the public, the judiciary and politicians can be addressed comprehensively through Restorative Justice<sup>1</sup>.

- Ø For “just deserts”, victim and community have a say in what should happen as a result of a crime.
- Ø For deterrence and social protection, offenders report the process as more demanding than the court process but also more respectful.
- Ø For rehabilitation, the community and the victim are involved with the offender often taking part in the treatment plan.
- Ø For restitution, the emphasis in restoring practice is to seek to make good the damage brought about by the crime.

## **Crime:**

What makes restorative justice different is how crime is defined. The definition provides a basis for the paradigm shift.

Crime is primarily an offence against human relationships and secondarily a violation of the law (since laws are written to protect safety and fairness in relationships).<sup>2</sup>

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<sup>1</sup> Tom Newall’s Report on Restorative Justice in Prisons Project. 2002.

<sup>2</sup> Ron Classen, ‘Restorative Justice’ primary focus on people, not procedures. 1996.

Prisons are full of people who are the most damaged and the most damaging. No matter what the personal development and educational programmes that may be introduced to prisons, the unresolved conflicts in their relationships with victims and communities remain with them. Addressing relationships facilitates reintegration. These opportunities are the core of Restorative Justice. The opportunity to address reintegration drives transformation; the reintegration policy and an opportunities model were outlined in the first report. It is because restoring disturbed relationships is primary that a reduction in recidivism and crime is possible.

## **Framework:**

If we were to be asked whether there is a commonly accepted framework for understanding Restorative Justice with clearly articulated core beliefs, principles, values, practices and standards drawn from all Restorative Justice programmes to provide a minimum accepted understanding of Restorative Justice internationally, we would have to answer that the restorative framework (or *acquis*) is in the making. Three major framework components are presented here for Cabinet and they will be put forward for dialogue in an ‘Issues Paper’ when the national conversation is launched.

First we have general Restorative Justice principles and values. A detailed examination of the elements of the values gives us the criteria for distinguishing a Restorative Justice system from all other systems. These indicators for measuring whether a system is fully restorative or not are then available to us to set standards. These criteria apply generally to the whole system and to any sub-system and to programmes straddling social and criminal justice.

Secondly we have the guiding principles for mobilizing community commitment, participation and ownership, of Restorative Justice programmes.

Special provision has to be made for court related criminal matters. The United Nations Basic Principles for Restorative Justice programmes in criminal matters provides a good starting point.

Each of the three components is an instrument that helps transformation by guiding and building development. Each is discussed below.

### **A simple summary of three general Restorative Justice principles:**

- Ø Justice requires that we work to restore victims, offenders and communities who have been injured by crime.
- Ø Those most directly involved and affected by the crime should have the opportunity to participate fully in the response if they wish.
- Ø Government's role is to preserve A Just Social Order, and the community's is to build and maintain a just peace.

### **Values**

The values derived logically from the principles are encounter, amends, reintegration and inclusion. Part of the reason that the Restorative Justice movement is spreading so rapidly is because the values are not new or unique. Though different from the criminal justice values, the values have much in common with many traditional religious values, indigenous cultures and diverse fields of inquiry including conflict transformation, feminist social ethics, qualitative research, the environment movement, the empowerment process and development. The restorative principles determine the restorative processes and deliver restorative outcomes to restorative programmes.

## **Dangers**

There are three main dangers that subvert restorative programmes, ‘... the danger that the programmes that are initially restorative in outlook recreate the courtroom process and, in turn, undermine rather than cultivate restoration. There is also the danger that the legal basis for initiating the process can get lost. And there is a third danger, that the etiological factors producing crime- poverty, cultural/social values, individualism will not be addressed as they are uncovered in the process’.<sup>3</sup>

A trend in this direction was apparent at The National Consultation on Mediation in July this year while simultaneously there was a trend in the opposite direction towards restoration.<sup>4</sup> Divergence and conflicting approaches are typical of initial phases of most transitions. Examining the elements of the four values will show the characteristics that distinguish restorative programmes from other similar programmes. This provides clarity and direction for implementation to avoid dangers as far as possible.

The elements of the values.<sup>5</sup>

## **Encounter**

Restorative justice grew out of encounter programmes for victims and offenders, first victim offender mediation then conferencing and circles, and these programmes influenced restorative programmes. The key elements of these encounter meetings are:

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<sup>3</sup> Prof. Paul Friday, An Overview of Restorative Justice Programmes and Issues, ISPAC cited in The need for Basic Principles by Van Ness, 2001.

<sup>4</sup> See Unpublished Papers presented at National Mediation Consultation, organized jointly by Judiciary of Trinidad and Tobago and Ministry Of Social Development (Community Mediation Centres). Port of Spain July, 2002.

<sup>5</sup> Daniel Van Ness, The Shape of Things to Come: A Framework for thinking about A Restorative Justice System. Paper of the Fourth International Conference of Restorative Justice for Juveniles, Germany. October 1-4, 2002.

- Ø Meeting -the parties impacted by a crime meet in person or through a third party or surrogate.
- Ø Narrative -the people talk about what happened, the harm or injury caused and how to address it.
- Ø Emotion -in encounters emotions contribute to understanding, in court rationality is emphasized
- Ø Understanding -those involved gain a better understanding of the crime, the harm and how to make it right.
- Ø Agreement -crafting a workable agreement.

## **Amends**

The distinct restorative outcome is amends, paying back. There are four elements.

- Ø Apology -a genuine apology
- Ø Changed behaviour -agreeing not to do it again, doing whatever is required to avoid repetition
- Ø Restitution -the obvious way to make amends; paying the victim, returning property, and providing in-kind services
- Ø Generosity -the offender may agree to go beyond a strictly proportionate response by offering more, like volunteering to work at a non-profit or rehabilitative agency of the victim's choice.

## **Reintegration**

Both victim and offender are stigmatized. They need to integrate the personal experience and settle back into the community. A sense of security and peace flows from reintegration when dissonance is removed through three key elements.

- Ø Respect -the victim and offender return to the community as members in full standing.
- Ø Material assistance -clearing up the injuries of crime, for example repairing the victim's damaged property, or assisting a released prisoner in finding a place to live.
- Ø Moral-spiritual direction -the emotional, moral and spiritual loss or crisis needs ameliorating. Victim recovery and 'getting back to oneself' requires emotional repair.
- Ø Offenders are often more afraid of meeting the victim and being confronted. Studies show that religion and faith based interventions positively help this process.

## **Inclusion**

This is the most important restorative value because it allows participation. It has three elements.

- Ø Invitation - whoever is responsible for the justice process issues invitations to the parties.
- Ø Acknowledgement of interests - the victim's interests and the offender's interests each have to be pursued.
- Ø Acceptance of alternative approaches - for example, mediation, conferencing, circles and other forms of encounter, restitution, reparation, apology and other amends.

This basket of elements constitutes the values of an encounter to distinguish it as restorative. Our need is for a fully restorative system. There will be programmes that are partially restorative, highly restorative and minimally restorative. The options can be matrixed to show the extent and depth of restoration.

<b>Encounter</b>	<b>Amends</b>	<b>Reintegration</b>	<b>Inclusion</b>
Meeting, Communication & Agreement	Restitution, Apology & Change	Respect & Assistance	Invitation, Interests & Alternatives
Meeting & Agreement	Restitution & Apology	Respect	Invitation
Meeting & Communication	Restitution & Change	Assistance	Interests & Alternatives
Agreement & Communication	Apology & Change	Indifference to either victim/offender	Permission
Agreement	Restitution	Indifference to both	Disinterest
Communication	Apology	Stigmatization of either victim/ offender	Participating not allowed
No Encounter	Change	Stigmatization of both	Observing not allowed
Separation	No Amends	Separation	Coerced to serve another's interests

### **Using The Matrix:**

There could be a meeting or encounter where the parties communicate but do not agree, or agree and communicate but do not meet or meet and agree but there is no meaningful dialogue.

Where all three exist the meeting is restorative. The first cell under the heading Encounter lists all three elements and the first row of cells of the matrix describes a fully restorative system. Other segments aspire to something else; they may be transition modes, or the best possible arrangements within the constraints of the situation. The matrix allows us to track the processes and the quality of the transformation. In a restorative justice system the restorative principles, values, and their components predominate sufficiently and competing values and principles are sufficiently subordinate to ensure that the systems processes and outcomes are highly restorative.

Returning now to the framework: the three general principles, the values and elements derived from them at the outset. The first and second principle deals with the relationship of the victim and the offender. The values and their elements explicate the encounter.

The third principle states that it is the government's responsibility to oversea the system, ensure order within communities and maintaining an orderly system. Effective co-ordination of the system in collaboration with the stakeholder network and its funding is the Government's responsibility. The Minister's Advisory Body presents policy and that policy is researched and developed by the center for Restorative Justice, together with programmes, modules for training, best practice, what works etc.

The community's role is also part of the third principle. The relationship with the community and the implications for implementation in the context of social sector planning now need to be detailed.

## **Restorative Justice System, Community Input And Social Sector Support.**

From the outset the Task Force was clear that RESTORATIVE JUSTICE (R.J.) is participatory. Although the RESTORATIVE JUSTICE (R.J.) Centre will be the lead agency it is the stakeholders who are consulted and collaborate in developing detailed plans. A restorative response to crime is a community-building response. Without a broad community base it is not possible to implement comprehensive programmes.

### **Justification**

The shift to restorative justice is part of a larger shift from power-based institutions and practices to relationship-based structures and practices. It fits with the governments plan for de-centralization; client centered agencies, total-quality management, capacity building and empowerment. Any society with an oppressive violent history, developing a more democratic political order, is assisted by the restorative justice movement because justice underpins democracy and restorative justice is participatory. Efforts to building community commitment should be guided by the following principles.

Guiding principles for community involvement<sup>6</sup>

- Ø Restorative justice should not be mandated in a top-down authoritarian process. The work of implementing the principles of restorative justice must be done at the local level and must involve all stakeholders. The Center for Restorative Justice is the coordination independent stakeholder agency.

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<sup>6</sup> Adapted from Article by Kay Pranis, Director of the Restorative Justice Program of Minnesota DOC Guiding Principles 'Building Community Support for Restorative Justice. 2000.

- Ø There is no single road map or blueprint for building a restorative system. The process of searching for answers should involve dialogue with all who have an interest in the question. The National Conversation launches this effort.
- Ø The appropriate role of the Government is to articulate the vision, disseminate information, and provide support and technical assistance to implementing bodies.
- Ø Special outreach efforts to victims groups are important because victims have historically been left out of the criminal justice process. Victims' groups have had to fight the system for nearly every gain they have achieved. Consequently, many are skeptical that an initiative of an agency-serving offender can genuinely have victim interests at its center. An unwavering commitment to involve victims despite obstacles that may be encountered is critical to insure that the outcomes are genuinely restorative.
- Ø A clear understanding by practitioners and stakeholders, including the community, of the philosophical underpinnings of the approach is essential to ensure that changes are substantive and not merely cosmetic. Program implementation without an explicit understanding of underlying values often leads to undesirable results. All groups and individuals must be trained.
- Ø The process of implementing restorative approaches must model the principles themselves, for example victims must have a voice, the community must be involved. In fact, every citizen should be given opportunities to contribute to their community's vision of restorative justice.
- Ø The community contains natural allies in fields outside criminal justice who can bring depth and credibility to advocacy for a restorative system; religions and faith communities, NGO's CBO's and civil society groups.

- Ø Energy is most effectively expended working with those who are actively interested in restorative programmes. Seeds sown in fertile soil produce the most impressive results, which, by example, will convince skeptics more readily than direct persuasion.
- Ø A feedback loop between stakeholders and leadership is very important.
- Ø All persons involved must be prepared to take risks and may make mistakes.
- Ø Education about restorative justice is the primary strategy. Building community support requires building the capacity among all peoples at all levels to think about criminal justice issues from a restorative perspective.

In keeping with the above guidelines, the Task Force notes that the politicians have begun the education process. The Task Force has developed education plans to sensitize Government Ministers and senior staff, and the public in harmony with the proposed guidelines for public education. The Task Force further underlines the critical importance of the community dimension for two reasons, which are best, expressed by their authors.

- i. “To the extent that the community genuinely comes to believe that the ‘experts’ can scientifically prescribe solutions to the crime, there is a risk that citizens can cease to look to the preventative obligations which are fundamentally in their own hands. Thus if I observe an offense, or if I come to know that my next door neighbour is breaking the law, I should mind my own business because there are professionals called police officers to deal with this problem....Low crime societies are societies where people do not mind their own business”.<sup>7</sup> This occurs automatically when drivers alert other drivers of police presence ahead by flashing headlights. A technique for transferring that type of

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<sup>7</sup> John Braithwaite 1989. Cited in Restorative Justice Discussion Paper, Ministry of Justice New Zealand. John Belgrave Secretary for Justice. 1995

cooperation into building safe communities would strengthen restorative policing.

- ii. The need for social justice and a sense of community in advancing social cohesion and reducing crime is addressed by Marshall<sup>8</sup>: “People who feel unfairly devalued and lacking respect, who feel cut off from mainstream society, are likely to have little respect for society, its laws and values. If community does not extend to such people, then informal control does not affect them, and restorative outcomes will not be possible. The introduction of restorative practices can only take place if there is, at the same time, a real effort to combat institutional injustice. Without this, new initiatives are doomed to having only a marginal effect on the overall problem of crime”.
- iii. Methodology for developing a restorative justice system
- iv. The Task Force recommends the acceptance of the general principles, their values elements and the guiding principles for community involvement because they support the praxis of transformation. They guide the framework for implementing programmes for experimentation, pilot projects, practice and evaluation. The practice of restorative justice them informs theory and both evolve together through grounded participatory dialogue. The same Action Research approach generates success stories to interest more practitioners, academic research, community and NGO involvement. The Task force recommends a phased approach to system transformation over a five-year period.

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<sup>8</sup> Tony Marshall, 1999. Restorative Justice, An Overview, London Home Office Research Development and Statistical Directorate.

## **First Steps And Phases Of Implementation.**

### **Phase 1: The steps of phase 1 (within the first six months) are:**

- Ø The first step of phase 1 is the establishment of these Restorative Justice Centre
- Ø The first activity of the Centre is a Workshop for Ministers, Permanent Secretaries and Chief Technical Officers
- Ø The second activity of the Centre is the National Conversation Project
  - § It presents the concepts, basic principles and programmes for comment
  - § Among the project outcomes are; a Policy Review Panel<sup>9</sup>
- Ø The third activity of the Centre is training in restorative justice<sup>10</sup>
- Ø Developing a strategic plan and an action plan for Centre is another priority
- Ø The Advisory Body presents policy to Government for decisions.
- Ø The Restorative Justice Implementation Unit of the Ministry Of National Security and rehabilitation procures resources to operationalise plan with stakeholders.
- Ø The Restorative Justice Center with The Ministry of National Security and Rehabilitation implements researches and develops.

Restorative programmes for the criminal justice system also move into social justice agencies that work with families, schools and communities and into other programmes that address social problems seeking sustainable just solutions. At this point public policy has to articulate and

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<sup>9</sup> Terms of Reference to be developed. This Panel deals mainly with court processes and sentencing.

<sup>10</sup> A proposal is attached for training in Restorative Justice and Mediation.

integrate Restorative Justice principles and values. Prison communities have to become safe healthy environments / facilities that manifest restoration / places of healing. A public policy on crime informs the Government's legislative agenda. Drafting legislation operationalises policy. The implementation of legislation is the responsibility of the Judiciary. The involvement of the Judiciary in the national conversation project is important for collaborative outcomes. They should be represented on the Policy review Panel and wherever they are best placed to negotiate entry points for Restorative Justice in court procedures.

## **Phase 2 (Year 1-2):**

- Ø Prevention programmes
- Ø Schools, families, groups, communities, prisons,
- Ø Problem solving, mediation, communication and other life-skills education.
- Ø Intervention programmes for 'at risk groups'
  - Ø To pre-empt crime, minimize its effects, promote opportunities for responsibility, accountability, healing, security, reintegration, wholeness through restorative case management. Many of these groups are victims who experience injustice and crime. Many victims become perpetrators. The State has a responsibility to help them and not allow their drift into prisons. This goes beyond places of safety into opportunities for human development, restoration and integration.

### Ø Offenders programmes

At the level of the police; restorative warnings and cautions, restorative justice panels, boards, Youth Justice Systems.

At the level of the courts; restorative diversions, alternatives, and reintegration through community corrections programmes.

Drafting and enacting legislation for diversions, community sanctions, alternatives and parole.

- Ø Penal system, providing opportunities for healing, responsibility, re-integration through the three phase prison funnel from induction to pre-release, parole and aftercare.
- Ø Continue stakeholder dialogues, public education and training.
- Ø Set up mediation unit in prison communities.
- Ø Expand number of Community Mediation Centres to include community corrections unit and youth justice unit

### **Phase Three:**

Working through the action plan as developed by stakeholders in phases 1 and 2.

The National Conservation Project of phase 1 has as one of its objectives the circulation of a pre-conference discussion paper, which will include the framework discussed above. In addition, a framework document that deals specifically with restorative justice programmes in criminal matters is available to guide development in that area. An outcome of the National Consultation is a Policy Review Panel. The purpose of the Panel is to review policy with particular reference to court processes and sentencing in criminal matters.

### **The relationship between Restorative Justice and Criminal Justice Programmes**

The Task Force is cognizant of the need to collaborate with the major court related criminal justice stakeholders; the Superintendent of Police, the Director of Public Prosecutions and the Chief Magistrate and Chief Justice.<sup>12</sup> Bearing in mind that restorative justice invites those who are directly involved to take responsibility for the resolution of offences we seek the experience of others, which may inform us.

Norwegian Nils Christie has described how the state ‘stole’ conflict depriving those involved of all possibilities to reach resolutions independently.<sup>13</sup> In Nordic countries, Public Prosecutors have largely incorporated this body of thought and now encourage non-judicial forms of dispute resolution. The idea of giving back the conflict to communities as much as possible and professionalising as little as possible has progressed. In Europe, non-legal procedures are now accepted even for criminal cases particularly when it meets victim needs and lightens caseloads.

In Trinidad and Tobago, the Director of Public Prosecutions’ willingness to consider diversions, once the legal framework is in place, in order to allow the explosive power of mediation to work for people was placed on record at the recent National Mediation Consultation. The Consultation in itself was an historic collaborative effort of the Executive and Judiciary. Both the Prime Minister and Chief Justice welcomed the opportunity to embrace mediation and restorative justice was introduced. The infusion of the community policing approach throughout the police force is another window of opportunity. In light of these favourable developments the Basic Principles provide the major criminal justice stakeholders with a new instrument for further discussions.

Since the submission of our First Report a new international instrument for facilitating restorative justice programmes in criminal matters has been presented for comment. Trinidad and Tobago, through the Community Mediation Centers then part of the Ministry of the Attorney General, and through NGO’s has been contributing to the international dialogue

conducted by the United Nations on Mediation and Restorative Justice. The second draft is now available.

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## **Basic principles on the use of restorative justice programmes in criminal matters**

The Basic Principles document was compiled following a call for comments and contributions from UN Member States including Trinidad and Tobago. At the latest meeting (11th) of the UN Commission on Criminal Justice and Crime Prevention, held in Vienna in April 2002, a resolution was passed that officially strengthens restorative justice international. Canada sponsored the final resolution and 10 other countries joined in: Austria, Belgium, Bulgaria, Czech Republic, Mexico, Netherlands, Peru, Saudi Arabia, South Africa and Zimbabwe. A remarkable number of countries, 40 in all, chose to sponsored the resolution. Trinidad and Tobago is the country to the fore in their implementation.

## **Introducing Restorative Justice**

The Task Force identifies that, worldwide, there has been a significant growth of restorative justice initiatives. Recognizing that these initiatives often draw from traditional and indigenous forms of justice, which fundamentally view crime as harmful to people and the society.

The approach Emphasizes that restorative justice is an evolving response to crime that respects the dignity and equality of each person, builds understanding, and promotes social harmony

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12 See unpublished Papers presented at the National Consultation on Mediation, organized jointly by Judiciary of Trinidad and Tobago and the Minister of Social Development (Community Mediation Centers). Port of Spain. July, 2002.

13 Nils Christie, 'Conflicts as Property', British Journal of Criminology, 1997. 1-5

through the healing of relationships between victims, offenders and communities. It cannot be overemphasized that this approach enables those affected by crime to share openly their feelings and experiences, and aims at addressing the needs of all stakeholder including the victim.

Application of this approach would provide a real opportunity for victims to obtain reparation, feel safer and seek closure; allows offenders to gain insight into the causes and effects of their behaviour and to take responsibility in a meaningful way; and, enables communities to understand and address the underlying or root causes of crime, promoting community well-being and effective crime prevention and management.

The Task Force wishes to note that restorative justice gives rise to a range of measures which are flexible in their adaptation to established Criminal Justice Systems and which complement those systems, taking into account legal social and cultural circumstances.

Additionally, Recognizing that the use of restorative justice does not prejudice the right of States to prosecute alleged offenders.

## **USE OF RESTORATIVE JUSTICE PROGRAMMES**

Restorative justice programmes may be used at any stage of the criminal justice system, subject to national law.

Restorative processes should be used only where there is sufficient evidence to charge the offender and with the free and voluntary consent of the victim and the offender. The victim and the offender should be able to withdraw such consent at any time during the process.

Agreements should be arrived at voluntarily and contain only reasonable and proportionate

obligations.

The victim and the offender should agree on the basic facts of a case as the basis for their participation in a restorative process. Participation of the offender shall not be used as evidence of admission of guilt in subsequent legal proceedings.

Disparities leading to power imbalances, as well as cultural differences among the parties, should be taken into consideration in referring a case to, and in conducting, a restorative process.

The safety of the parties shall be considered in referring any case to, and in conducting, a restorative process.

Where restorative processes are not suitable or possible, the case should be referred to the criminal justice authorities and a decision should be taken as to how to proceed without delay. In such cases, criminal justice officials should endeavour to encourage the offender to take responsibility vis-à-vis the victim and affected communities, and support the reintegration of the victim and the offender into the community.

## **Operation of restorative justice programmes**

Member States should consider establishing guidelines and standards, with legislative authority when necessary, that govern the use of restorative justice programmes. Such guidelines and standards should respect the basic principles contained in this document and should address, *inter alia*:

- Ø The conditions for the referral of cases to restorative justice programmes;

- Ø The handling of cases following a restorative process;
- Ø The qualifications, training and assessment of facilitators;
- Ø The administration of restorative justice programmes; and,
- Ø Standards of competence and rules of conduct governing the operation of restorative justice programmes;

Fundamental procedural safeguards guaranteeing fairness to the offender and the victim should be applied to restorative justice programmes and in particular to restorative processes:

- Ø Subject to national law, the victim and the offender should have the right to consult with legal counsel concerning the restorative process and, where necessary, to translation and/or interpretation. Minors should, in addition, have the right to the assistance of a parent or guardian;
- Ø Before agreeing to participate in restorative processes, the parties should be fully informed of their rights, the nature of the process and the possible consequences of their decision; and,
- Ø Neither the victim nor the offender should be coerced, or induced by unfair means, to participate in restorative processes or to accept restorative outcomes.

Discussions in restorative processes, which are not conducted in public, should be confidential, and should not be disclosed subsequently, except with the agreement of the Parties or as required by national law

The results of agreements arising out of restorative justice programmes should, where appropriate, be judicially supervised or incorporated into judicial decisions or judgments. Where this occurs, the outcome should have the same status as any other judicial decision or judgment and should preclude prosecution in respect of the same facts.

Where no agreement is reached among the parties, the case should be referred back to the established criminal justice process and a decision as to how to proceed should be taken without delay. Failure to reach an agreement alone shall not be used in subsequent criminal Justice proceedings.

Failure to implement an agreement made in the course of a restorative process should be referred back to the restorative programme or, where required by national law, to the established criminal justice process and a decision as to how to proceed should be taken without delay. Failure to implement an agreement, other than a judicial decision or judgment, should not be used as justification for a more severe sentence in subsequent criminal justice proceedings.

Facilitators should perform their duties in an impartial manner, with due respect to the dignity of the parties. In this capacity, facilitators should ensure that the parties act with respect towards each other and enable the parties to find a relevant solution among themselves.

Facilitators shall possess a good understanding of local cultures and communities and, where appropriate, receive initial training before taking up facilitation duties.

### Continuing Development Of Restorative Justice Programmes

Member States should consider the formulation of national strategies and policies aimed at the development of restorative justice and at the promotion of a culture favourable to the use of restorative justice among law enforcement, judicial and social authorities, as well as local communities.

There should be regular consultation between criminal justice authorities and administrators of

restorative justice programmes to develop a common understanding of, and enhance the effectiveness of restorative processes and outcomes, to increase the extent to which restorative programmes are used, and to explore ways in which restorative approaches might be incorporated into criminal justice practices.

22. Member States, in cooperation with civil society where appropriate, should promote research on and evaluation of restorative justice programmes to assess the extent to which they result in restorative outcomes, serve as a complement or alternative to the criminal justice process and provide positive outcomes for all parties. Restorative justice processes may need to undergo change in concrete form over time. Member States should therefore encourage regular evaluation and modification of such programmes. The results of research and evaluation should guide further policy and programme development.

## **Saving clause**

23. Nothing in these basic principles shall affect any rights of an offender or a victim which are established in national law or applicable international law.

The National Conversation Project of phase1 has as one of its objectives the circulation of a pre-conference discussion paper which will include the basic principles. An outcome is a Policy Review Panel and a project designed to gain an understanding of the applicability of the Basic Principles for practice in Trinidad and Tobago. The Task Force recommends that this exercise be undertaken in collaboration with any other Caribbean Country who shares an interest in this project, and continuing the international dialogue.

Following dialogue, the application of the principles and values in designing programmes is the responsibility of the Restorative Justice Center.

## **Restorative Justice Centres**

There are several Centres for Restorative Justice in the world. They are independent bodies with linkages to universities and governments and non-government groups and are housed in communities where the programmes are based. There are well recognized Centres in Minnesota, Canada, New Zealand and a few in Europe. Centres are about to be established in Africa, Indonesia and Trinidad and Tobago. The Task Force proposes exchange visits be organized between the Trinidad and Tobago Centre and the existing Centers to exchange information and build collaboration.

A Centre for Restorative Justice was started in England in 2001 to provide a number of services and initiatives related to the field of restorative and transformative justice. The Center conducts research on restorative justice programs and practices and acts as a research clearing house. The Centre also organizes and conducts training courses in aspects of restorative and transformative justice, as well as credit courses at the introductory and advanced levels. The Centre organizes conferences, lectures and dialogue on restorative justice. Several established Centre worldwide network and coordinate the development of policy and projects.

In Trinidad and Tobago, the Community Mediation Centres are the standard bearer of restorative justice. The Ministries of the Attorney General, National Security and Rehabilitation, Social Development and the Ministry of Education recognize RESTORATIVE JUSTICE (R.J.) and are proposing its extension into criminal justice, the social sector, schools, communities, prisons and aftercare. The Task Force recommends that Community Mediation continue to be the main advocate and broker of restorative justice and a key stakeholder of the Restorative Justice Centre.

A key feature of restorative work is the use of conferencing - in some places referred to as family group conferencing or community conferencing. Police using conferences to deliver police cautions to adults as well as formal reprimands and final warnings to young people aged 10 to 17. These are called restorative conferences.

## **Restorative Conferences**

A restorative conference has a key role within restorative justice, allowing all those who have been affected by an incident to meet in a safe environment. Conferences are chaired, or "facilitated", by a trained individual who invites those present to talk about what has happened. Typically those present would include victim and offender and their respective families and friends, together, if appropriate, with members of the local community affected by the crime.

Each person is given the opportunity to explain what has happened and how they have been affected. Offenders are obliged to hear the details of the harm they have caused.

Usually there is an opportunity at the end of the conference to come to an agreement about reparation. This may include a verbal apology, a subsequent written apology and some form of financial compensation or work in kind. The similarity with victim offender mediation is apparent.

## **Police And Restorative Justice**

Restorative justice fits with a problem-solving style of policing. Involving others in seeking solutions, particularly via community based initiatives, is a key feature of this approach. For example, young people, who have been caught shoplifting, are brought face-to-face with shop managers or businessmen to hear how shop theft affects others.

A Restorative Justice Consultancy should be set up at Police Headquarters to co-ordinate training of conference facilitators and disseminate best practice, both within the police service and amongst partner agencies once the Restorative Justice Centre has completed the Train the Trainers programmes providing expertise and resources.

From a broader perspective police can start using restorative justice as a highly effective response to incidents of non-criminal or semi-criminal behaviour arising out of community disputes. Another key area where the approach is extremely valuable is in resolving issues surrounding bullying, truancy and disruptive behaviour within schools. They may also hold restorative conferences to resolve police complaints, and internal grievances in the workplace. Cooperation between Community Mediation and restorative police programmes in communities is recommended.

## **Warnings**

With reprimands these were introduced under the Crime and Disorder Act 1998 to replace police cautions for young people between 10 and 17 in UK. They are the second stage of the new "two strikes and you are out" laws. A second offence will result in a warning, (a third offence, no matter how minor leads to a criminal charge and an appearance in court). Warnings are more serious than reprimands and mean the young person is referred to the Youth Offending Team. This is a highly retributive police that sends hundreds of young people to prison. In considering all programmes, especially Youth Justice programmes, restorative criteria have to be applied.

The YOT has 10 days to conduct an assessment; it will visit the offender, their family and often the victim and decide if the young person is likely to engage with a rehabilitation programme. It can consider the nature and content of the rehabilitation programme and explore with the victim and offender the possibility of setting up a restorative conference. A final warning as part of a conference must take place within 28 days.

## **Youth Justice Board**

Set up to oversee the implementation of the youth justice reforms, and advise on the prevention

of re-offending. It may also embark on research. The procedure affects those young people who plead guilty and are in front of the court for the first time. The court will refer the young person to a youth offender panel. This is mandatory from April 2002, unless the offence warrants either a discharge or custodial sentence. This process is known as a referral order. The aim of referral to the YOP is to consider what can be done to prevent reoffending. The young person agrees to a contract. If agreement is not reached or the contract is broken the case is sent back to court.

## **Youth Offender Contract**

These are drawn up between youth offending panels and the young person subject to a referral order. Breach of such contract means a return to court and a possible fine or custodial sentence.

### **Youth Offender Panels**

They comprise one member of the youth offending panel and two non-members, drawn from the local community. The panel agrees a contract of behaviour with the young offender. Panels will be guided by three main principles: making reparation to the victim, achieving reintegration into the community and taking responsibility for offending behaviour.

Panels can allow the victim or anyone affected by the offence to attend, as well as anyone who might have a positive influence. The possible terms of agreements are wide. They include: Victim Offender mediation, and financial and other reparation to the victim or community. Contracts must be clearly explained and understood and a written record signed by the young person and a member of the panel.

## **Youth Offending Team**

Youth Offending Teams are multi-agency teams, who draw their members from probation, social services, local education authorities, health authorities and the police. The multi-agency approach is designed to ensure consistency and sharing of information between statutory and other agencies involved in preventing crime and rehabilitating young offenders.

Youth Offending Teams oversee the outcomes of the criminal justice process in each young offender's case. This includes: deciding on appropriate rehabilitation programmes and accommodation, overseeing reparation orders and community sentences, writing court reports and supervising bail and supporting the young person during and after custodial sentences, setting up panels.

## **How Restorative Justice Programmes Work**

Restorative Justice has to be voluntary with the parties agreeing to participate. The parties may never actually meet except through a third party. When they do it is referred to as a conference and it proceeds something like this:

The offender explains the circumstances surrounding the crime, the victim explains how it has affected him or her, supporters of both parties explain the effect the crime has had on them and a decision is reached as to how the offender can make some recompense for the crime.

Apologies and forgiveness often occur. Agreements can be reached as to what action the offender can take to repair the crime, and how they can avoid offending in the future.

## **In Schools**

Breaking school rules is seen as an offence against the school not the person

Pupils involved in disputes are not required to accept responsibility for their behaviour

Punishments don't provide a way forward in resolving disputes Restorative justice in schools however Accepts conflict as part of life Allows a young person to take responsibility for their

feelings and behaviour Empowers young people, teachers and parents to handle conflict in positive ways

Restorative Justice (R.J.) in schools is part of a process that involves the commitment of the whole school-‘A Whole School Approach’. This means that teachers, parents, staff and pupils all take part and work with guidance officers and community mediation to provide teacher and pupil satisfaction, improved communication and co-operation and often increased progress in less academically able pupils. Restorative Justice (R.J.) in schools generally comprises:

Whole school conflict resolution programmes

Peer mediation for pupils and teachers

## **In Prisons**

Prisoners who have not been through a restorative justice conference are not required to face up to the effect their crime has on others.

Breaking rules is punished but prisoners are not required to take responsibility for their actions

Staff and prisoner disputes often leave conflict unresolved and tensions simmering

Restorative Justice in prisons

Encourages the use of victim awareness and restorative justice measures such victim-offender mediation and conferences to be used in prisons.

Allows prisoners to take responsibility for their behaviour and provides opportunities for improving self-esteem

Uses mediation as a way of resolving complaints and restoring calm

Restorative Justice in prisons looks at the three parts of the restorative justice triangle, victims, offenders and communities. It carefully enables the use of conferencing to give victims and offenders the opportunity to meet in prisons.

It encourages good internal relationships in prisons through the use of mediation. It enables the prison to function as a healthy active participative community in itself. It allows communities outside prison walls the opportunities to help in the rehabilitation of offenders. It is a key tool for reintegration upon release and with parole programmes.

### **Sentencing Circles: Circles Of Support And Accountability For Prisoners**

Circles of Support and Accountability works with released sex offenders to help them not to re-offend. The idea was developed in 1994 in Ontario and is spreading in Canada and parts of the USA and is now being introduced into UK through religions (mainly the Mennonite church), faith communities and NGO's. The Task Force recommends its implementation in Trinidad and Tobago through Chaplaincy's and interested groups, with the Ministry of National Security and Rehabilitation funding the project.

Prisoners who were considered too dangerous to release before the end of their sentence are given no support or supervision after release. There was also a sense of powerlessness within the community when dangerous prisoners were released.

Volunteers are recruited, many of them from church congregations. The volunteers must be willing to befriend an ex-offender, but do not need to be experts. They need to be responsible people with their feet on the ground. Volunteers are screened, trained and supported by the scheme. Typically, four to six volunteers form a Circle.

The offender is identified while in prison - a high-risk sex offender, with high levels of need and little or no support from family or friends. He becomes the core member of a Circle.

When the Circle first meets, they make a contract, including commitments to openness within the Circle, confidentiality beyond it and consensus decision-making. The core member promises that there will be no more victims at his hands and commits himself to following his release plan. Close contact is maintained between the Circle and police and probation. The Circle is not taking away their responsibility, but is a structured way for the community to take its share of responsibility.

After release, the Circle meets weekly and a member will contact the core member most days. These could be informal contacts such as going shopping, or just a phone call. Over time, the meetings and individual contacts become less frequent. Milestones such as birthdays are celebrated. If the Circle is concerned about the core member's behaviour, they will challenge him and meet more intensively for a while. It is crucial that the Circle knows at what point to inform police or probation about a problem.

## **In Courts**

Most restorative justice practice is associated with pre-prosecution diversion, and lately with youth justice. Restorative Justice is often perceived as an approach to diversion from prosecution. Keeping in mind that the legal framework must be put in place so that powers of the Director of Public Prosecutions are not trespassed, RESTORATIVE JUSTICE (R.J.) is also a per-caution diversion.

The Task Force recommends the exploration of the following points of entry for restorative justice into court processes and procedures and the assessment of their viability in Trinidad and

Tobago. Legally, it is may be possible to institute restorative measures either through the mechanism of deferred sentence, through a special condition of a probation order, or informally as part of a probation order. It may require no primary legislation to implement a full range of restorative measures through existing disposals.

## **Linking Restorative Justice To Criminal Sentencing**

The agreements reached at Restorative Justice (R.J.) conferences will be linked to criminal sentences in three ways, each of which will be tested separately:

- Ø For consideration of the courts prior to sentencing.
- Ø For the Probation Service's design of a community supervision plan after an appropriate sentence.
- Ø For the design of a plan for an imprisoned offender's transition from custody back to the community.

## **Allocation Of Community Penalties**

In principle, The Task force holds that the scope for restorative measures is great, and that therefore, many who might benefit from them, both victims and offenders, are being denied valuable opportunities. All victims should be offered the opportunity for reparation and those who have not had the opportunity to obtain compensation or amends in other forms, are being let down by the court system.

The Scottish judiciary noted that the implementation of restorative justice measures in the court setting, whilst requiring considerable prior thought, 'is by no means troublesome to the operations of the court and the principles on which court business is based'. The example of the

long-standing informal practice of mediation by probation demonstrates that accommodation may be reached on the implementation of restorative justice. Areas for consideration are:

- Ø A diversion from formal criminal justice procedures.
- Ø If an agreement is reached a dismissal follows
- Ø Mediation running parallel to prosecution with judiciary taking the final result into consideration.
- Ø Post-sentence mediation.

This section of the Final Report describes the Restorative Justice framework for transformation. The application of these principles to the criminal justice in several sub-systems follows under the headings; Community Corrections, Youth Justice, Women, Adult facilities/prisons and Parole.

The recommendations of this section on Restorative Justice can be summarized in this way:

- i. The acceptance of the Restorative Justice framework in principle.
- ii. The acceptance of the phased implementation of transformation
- iii. The expansion of Community Mediation and design of three new units.

# **CRIMINAL JUSTICE SYSTEM**

## **Introduction To The Criminal Justice System.**

In keeping with the recommendations, the criminal justice system must be transformed to reflect the restorative justice framework presented. The chart outlines the key processes and points of transformation at all levels of the sub-systems. Such a system would build on the existing restorative sanctions (community mediation and community service) and provide for community corrections, youth justice, a restorative sentencing policy, restorative adult facilities, parole and aftercare.

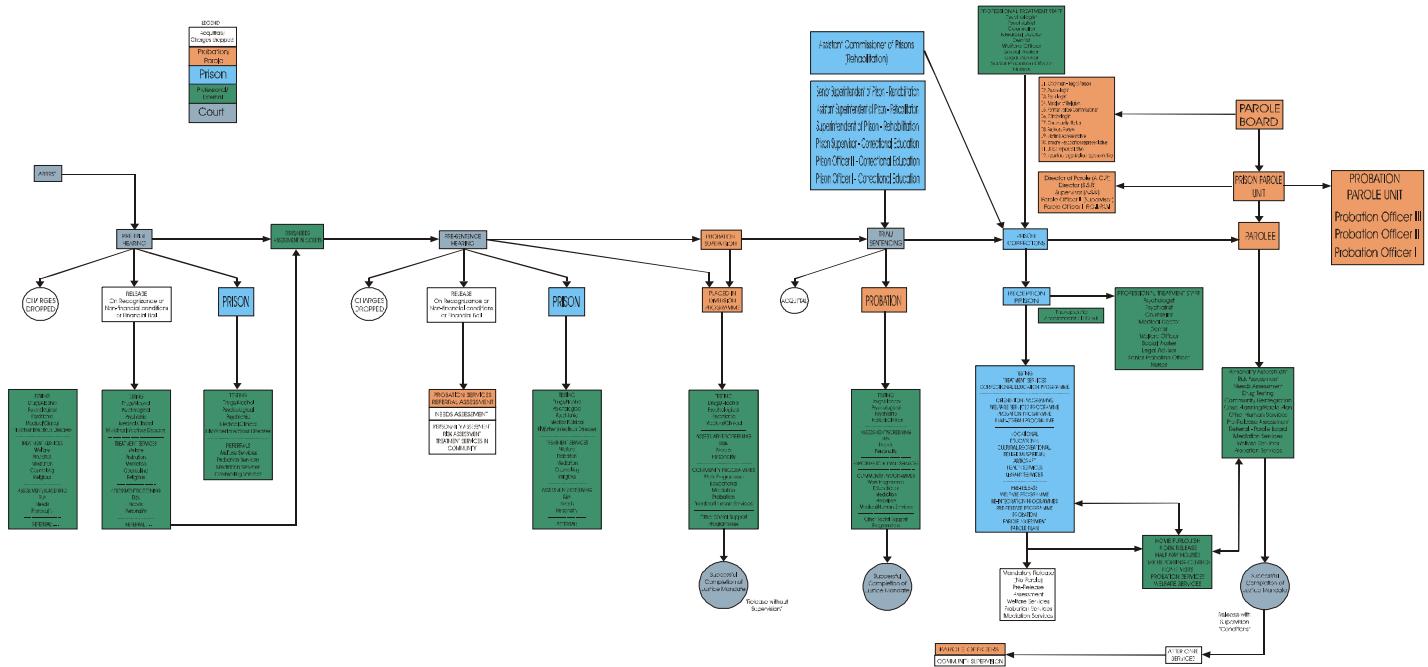
### **The main sub-systems are:**

- Ø The infusion of the community policing approach throughout the police service.
- Ø Police intervention at pre-arrest and post-arrest contributes to the stability of communities in restoring relationships as far as possible outside court.
- Ø Therapeutic jurisprudence introduces a dimension of treatment healing and reconciliation to the dispensation of justice.
- Ø Community corrections formalizes the diversions approach to prison sentencing through community-based sanctions.
- Ø There is a greater need for the use of probation in justice delivery in the following areas:
  - i. Pre trial and pre sentence reports,
  - ii. Designing and supervision of sentencing plan,
  - iii. Participating in parole programmes and aftercare,

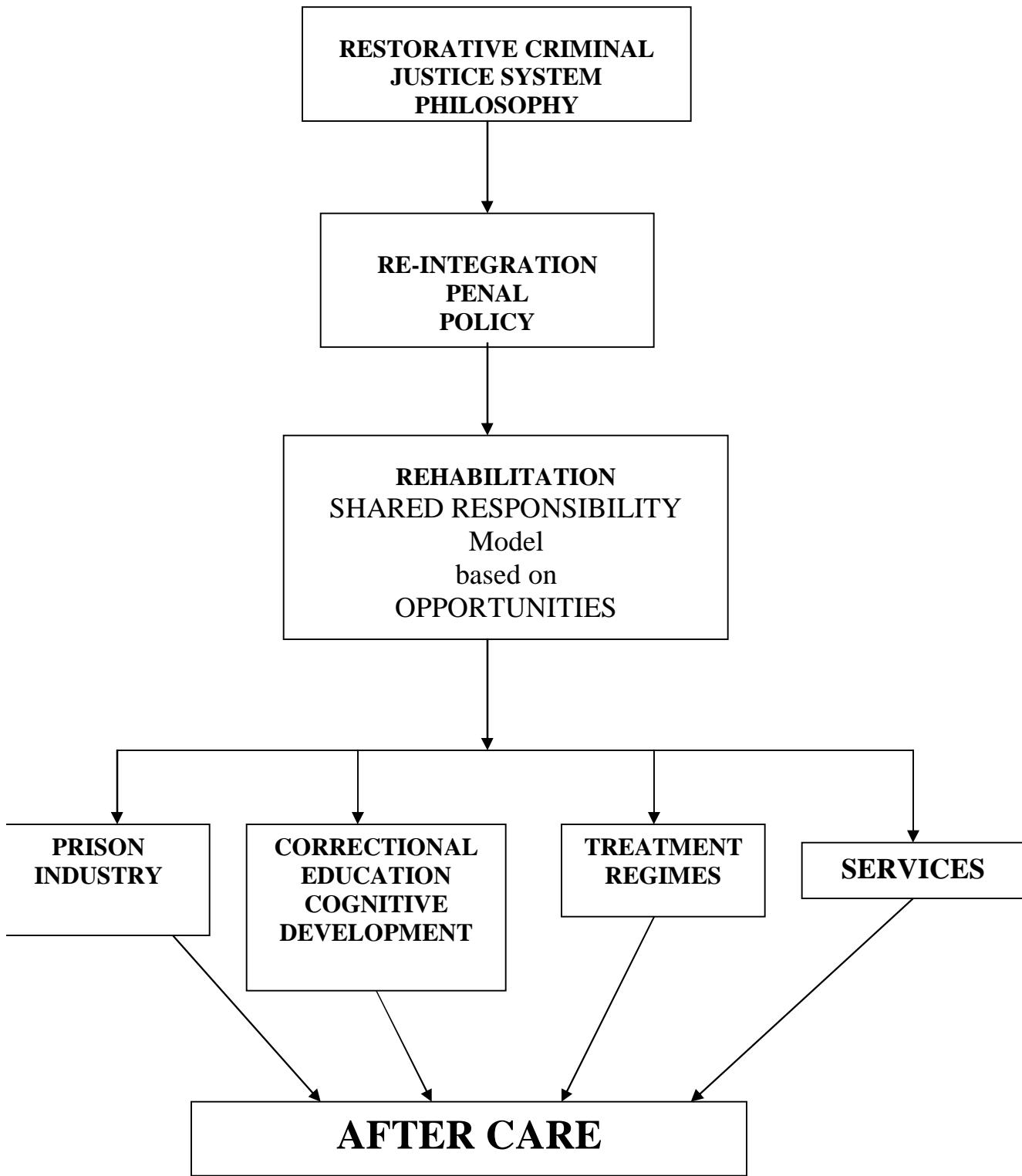
- iv. Working closely with community mediation,
- v. Community service,
- vi. Youth justice and community corrections.

- Ø The new criminal justice system compels the system to focus directly on restorative youth justice.

## CRIMINAL JUSTICE FLOWCHART (Sample Chart) See Appendix: A



## FLOWCHART OF REINTEGRATION PENAL POLICY AS IT RELATES TO THE RESTORATIVE CRIMINAL JUSTICE SYSTEM PHILOSOPHY



## **REINTEGRATION PENAL POLICY**

In view of the above, the Task Force recommended the adoption of the **REINTEGRATION PENAL POLICY**. Such a policy should include the following components:

### **Change Philosophy: -**

This is based on the view that the offender has learned crime as a solution to problems. Therefore more effective solutions must be made possible and available that is congruent with offender's value system. The offender needs to be changed internally so that he can adapt in suitable ways.

### **Change Strategy: -**

The change strategy is one of internalization. Crime must be perceived as ineffectual problem solving behaviour. Therefore we need to rectify such behaviour, which leads to crime. Also officials need to encourage processes that allow prisoners' (offenders) to engage in activities in the community before their release.

### **Goal: -**

The goal of Correctional decisions and programmes is to link offenders with skills and resources that will enable them to accomplish their goals legitimately.

### **Rationale: -**

It is believed that if the new behaviour is effective, it will be internalized. Therefore sentencing policy should stress community settings rather than institutions because offenders must ultimately learn behaviour that work in community settings. Imprisonment when used should

occur close to the offender's home community, so that positive links can be preserved or developed.

Team work among staff and between staff and inmates, between staff and community volunteers must be stressed because no single staff type is likely to be effective with all offenders. In such a model (Parole and Probation) departments must be made integral parts of the penal system and the officers would be expected to act as advocates for offenders and as mediators of community resources. In return for supplementation of skills and brokerage of resources, offenders are expected to conform to community standards and expectations. In the final analysis if re-entry to that community is facilitated, the new entrants are required to behave in accordance with the rules and norms of membership of the society.

### **Sentencing Policy: -**

Light sentences for certain offences should become a realistic aspect of the reintegration policy. There must be some emphasis on controlling offenders and supervising offenders in community. While Rehabilitation, Reform and Restraint strategies based on Correctional Policy are important and necessary; they are not adequate and effective since they lack the reintegration philosophy and change strategy. Therefore we need to add this aspect to our sentencing policy. Indeterminate sentences in which the sentencer passes on decisions to therapeutic experts in correctional system, civil commitments of addicts or offenders with special needs must form part of sentencing.

### **Pre-Sentence Investigation:**

This intervention policy requires the concentration on offenders' social relationships in community, employment history and desires for other opportunities. In addition, offenders with good work records and social ties can be identified and should not be disrupted, once considered good risk. Concentration on past records, diagnosis of internal problems,

motivations for crime, identification of offenders for probation, diversion programmes, who are deserving is core in this model.

### **Probation Supervision:**

The Probation department should develop as a matter of policy a programme of advocacy of offenders to help with employment, relocating residences, education, continued rehabilitation programmes, therapeutic counselling of offenders, and diagnostic support. It should also provide meaningful intervention in community relationships to promote offenders accomplishing goals legally, counselling of offenders on pressures of social demands, and concerns for developing offenders' insight into problem. Concentration on protecting community by policing probationers, enforcing probation requirements such as demand visitation are necessary.

### **Probation Revocation**

On full hearing about facts and circumstances of the case, the Probationers with their lawyers should be allowed to challenge the legality of revocation and its efficacy as a correctional strategy.

### **Probation Officer Type**

As a matter of policy the Probation Officers must be a community organizer skilled in advocacy techniques. Further they must be able to make use of offenders and mobilize volunteers whose skills should be integrated to maximize goal attainment. Additionally, Skilled therapist must combine report with individual case planning, and establish procedures for supporting emotional growth. There should also be skilled investigators who are able to deter law or rule breaking through firm and fair imposition of rewards or sanctions or threats of them as is necessary.

## **Graduated Release Facilities**

These facilities are to be used as Community Centres for work release, study release, dialogue with community leaders, recruitment and coordination of volunteers. The facilities could also be used as out patient clinics for offenders in need of institutional stay before or during probation or parole period.

## **Reception Centres**

There should be heavy dependence on coordination with probation staff reports and assessments. There could be reception directly to community facilities wherever possible. At this center there should be the gathering of necessary information on medical and psychological testing for diagnosis of need, psychological type and suggestion of therapeutic programmes.

## **Prison Type**

The reintegration policy advocated by the committee encourages infrequent use of traditional custodial prisons for low risk inmates; and the frequent use of small residential units based in or close to communities. If minimum, medium or maximum facilities are available only, they should not be isolated from community to protect, the visible symbol of regimentation. Rather outside interests should be encouraged to work along with prison staff.

## **Prison Staffing Patterns**

Such staffing patterns require the use of small staff teams with diverse backgrounds and complementary skills; this would promote the use of ex-offenders, volunteers, and the active participation by inmates in their own programmes and in aiding other inmates. There should be bifurcation of custody and treatment functions. Security officers must be less militaristic but

responsible for maintaining order. There should be professional treaters in management position and in charge of inmate activities, and clinical arrangements.

## **Prison Programmes**

Programmes offered in prison should be varied, with emphasis on education, vocational training, academic, cognitive development, correctional education, religious restoration etc. Officials should encourage offenders to actively seek out new opportunities before going to prerelease. There also should be concentration on practical matters of reintegration, with emphasis on services, counselling in groups, casework, emotional support, self-esteem, gaining self-insight and self-expression. There should be a Restoration Maintenance Programme, which must include family visits, children visits and other such reintegrative activities.

## **Preparation For Release**

Preparation for release should include activities such as Day Parole, Work Release, Study Release, Releases to Half Way Houses and Probation Hostels, Home Furlough and other means of actually introducing offenders to community roles before parole. Institutional pre-release should concentrate on discussions on stigmatization; dealing with emotional problems, restitution, victim/offender mediation, repentance, citizenship, legal issues, resettlement issues, family issues, relationships, restorative justice and social justice.

## **Parole Board Decisions**

There must be a review of institutional decisions and outcomes, to reintegrate as many men and women as possible with an emphasis on community parole plans and supervised release. This is to be backed by clinical staffing to evaluate offenders progress and an attention to change in attitudes and an ability to relate and adjust to free society. There should also be a review of

inmate's institutional records, community and victim's pressures before the offender is given the privilege of parole.

## **Parole Board Members**

Such a Board should consist of persons who bring mixed skills and background and should include inmate participation and or legal counsel. The composition of such a team should include among others a Lawyer, Professional therapist, Religious Representative, Chaplain or Priest, medical doctor, psychologist, psychiatrist, and community leaders able to recognize productive citizens.

## **Parole Supervision**

The supervision of an offender should involve the advocacy of offender's needs, and the official should act as counsel to offender and help them to review goal accomplishment. These therapists must be skilled in investigating emotional trouble and regression to former attitudes and must have the ability to investigate and to ensure surveillance of the offender to maintain viability of negative sanctions and to protect the community.

## **Use Of Volunteers**

Volunteers should act as aides to professional and also seek outside professionals support. This will provide the integration of skills, materials and interests necessary to achieve offender's development. They are integral in seeking community business leaders' support, financial contribution and job placement assistance for offenders.

## **Attitude Towards Legal Intervention**

Offender's rights must be upheld and not seen as lost on conviction, as such counsel should be allowed to aid the offenders in the protection of their rights all in the process of Natural Justice.

## **Attitude To Universities And Other Tertiary Institution**

The university should be encouraged to engage in applied inter-disciplinary research. This would increase skill and competency range, certification, accreditation and opportunities for offenders. Emphasis should be placed on clinical resources and consultancy services to do research on the offender personality type, aggression, violence and other variables associated with criminal behaviour.

## **Evaluation**

There should be a Database that is democratic, and allows a transparent feedback system. This should be set up based on inside and outside evaluation, for constant programme modification, which should be clinically based, with emphasis on offender personality change and creation of effective therapy situations. The assessment should be done at the various stages of the correctional intervention process, which should be belief-based, or action based geared towards lowering the crime rate and the satisfaction of community norms.

## **Development Of Graduated Release**

There are different approaches to running pre-release Centres. Such approaches can help in understanding the many forms of release from prison, not just halfway houses. By far the most important and largest, form of gradual release from prison is through the discretionary parole decision and supervision by parole officers. Work Release centres, Mandatory Release and other transitional programmes are also common release procedures from prison.

## **The Indenturing of Prisoners**

The indenturing of prisoners is another creative approach that can be used to gradually reunite inmates with their families. This would entail releasing them in the care of their families after serving a portion of their sentence. The families who receive the prisoners do so on a voluntary basis and are responsible for supervising their behaviour. This should be done after proper assessment of inmate personality and behaviour.

## **Good Time:**

In order to help solve the problem of overcrowding in our nation's prisons, prisoners who work hard are well behaved, are non-violent and have earned least one thousand dollars or more can be permitted to return to the community before expiration of sentence. The statute can permit a reduction in sentence of up to 25 or 50% for non-repeaters. A good time law for non-repeaters that focuses on the prisoner behaviour has to be enacted.

The law could permit a prisoner one day off per month for the first six months of the sentence and two days off per month thereafter, in addition to normal remission. This is based on the premise that he shall work diligently the required number of hours prescribed by the rules of the prison and if he shall well obey the rules and quietly conform to the discipline of the prison.

## **Reintegration And Prerelease Programmes:**

Most, if not all inmates face many specific difficulties in the transition or re-entry to society. Therefore well before release, prisoners should be engaging in activities that: -

- Ø Focus on the development of skills which will improve their chances of obtaining legitimate employment,
- Ø Would increase legitimate opportunities once they are released,

- Ø Allow correctional staff and volunteers to help inmates to test new skills; and
- Ø Provide opportunities in the prison and in communities through advocacy, referral and joint ventures. This kind of approach is known in corrections as reintegration.

Proponents of reintegration suggest that what happens during the reduction in custody is very important. Incremental reduction in custody by itself could be a means of rewarding inmates for good behaviour in prison, and could be used as a security strategy rather than a means of influencing post-release behaviour. Other prison programmes are needed. These programmes must focus on change within the inmate rather than changes between the inmate and the social environment. Programmes should stress attitude change and behavior modification, and motivation in addition to skills and opportunity. But the emphasis must be on addressing the practical realities of prisoner's post release situations. While graduated release has been the most frequently adopted aspect of reintegration policy, our approach must be to couple skill development with increased opportunity for testing these skills under controlled conditions. The task force shares the view that increasing the offender's contact with the community is itself the required change in opportunity. But this contact must begin at the orientation phase, continued in the mid-stream phase, and intensified at the pre-release phase.

At the final phase of the inmate's prison sentence, known as the pre-release, the inmate's contact with community and personnel should be increased as he or she nears parole or expiration of sentence. This can be done via work release and educational release. Other programmes could include pre-release programmes occurring in the institution, transfer to a pre-release residence if available, and home furlough programmes.

## **Home Furlough:**

Legislation permitting inmates to leave prison for short periods of time have been passed in many jurisdictions. Furloughs can be used for a variety of purposes, such as attending family functions, searching for post-release employment, visiting a pre-release residential Centre, or making preparations for parole. Legislation can permit any prisoner leave for up to 1-14 days per year, usually in one to three days' intervals. Administrative regulations can limit the issuance of furlough to inmates who have served at least 20-25% of their minimum sentence or (three years) which ever is less.

## **In Prison Release Preparation:**

Pre-release programmes in prison can take various forms. Almost all prisons provide for some form of planning during this period. Pre-release planning should include attempts to increase the link between inmate and free world or to forge new ones. These preparations should entail preparation of resumes, classes on job hunting, resettlement issues, i.e. housing or apartment hunting, establishing bank accounts and keeping budgets. Preparation should also include group or individual sessions in which inmates explore their anxieties about release. Guest lectures on various aspects of community life should be encouraged, and counselling or psychological preparation for release.

## **Educational Release:**

Study release could be one solution for some problems associated with prison educational programmes. Legislation could allow inmates to leave the institution during the day for education in the community. Study leaves may increase the variety of educational programmes available to young offenders, and it may make higher quality education available. Most importantly, it may provide inmates who are continuing the programme after prison with a gradual introduction to education in the free world.

However, those who are to benefit from such a programme must meet certain criteria. In making study release decisions, the following should be taken into consideration:

- i. The need for education, which is not available in the institution;
- ii. Custody grade;
- iii. Time served; and
- iv. Nature and Severity of Offence.

The committee believes that study release should be limited to minimum-security inmates, and that the sentence be near completion.

## **Work Release:**

Work release can serve a number of purposes. Namely:

- Ø It may ease the transition to the community by enabling offenders to be employed before parole or other release.
- Ø It may help participants gain skill and experience.
- Ø It may help offenders save money for post release expenses.
- Ø It would assist release inmates in securing prevailing wage in the community, rather than the lower prison rates.

In addition, to the economic objectives, positive attitude change could be expected of work release inmates, since participants would have more contact with community members than other inmates and less contact with other prisoners. Also the level of self-esteem for the participants during work release could rise. Legislation should reserve work release, for inmates nearing release from prison, and those who are serving long sentences and who behave well in prison.

## **Community Pre-Release Centres**

These are separate residential units for offenders nearing release from the Prison authority. Some of these centres could be on prison grounds, but the typical pre-release centre is a non-institutional residence in the community. The resident can begin employment or a school programme that can be continued upon parole. The capacity of these centres varies considerably. The typical centre holds about 24 residents at a time. In some jurisdictions, these centres are owned and operated by the correction department and are legally classified as prisons, in others, they are a distinct class of facility. Such distinctions can be critical in determining whether absconders are charged with prison escape and whether the residents who are being sent back to prison require a hearing. These centres could have very different programme objectives and technologies. The objective could be to release as many inmates as possible to parole through the pre-release centres. It could be used as a means of testing which inmates are ready for parole and used as a ‘screen’, rather than as a change device. It can also be run as a change-oriented programme center rather than a screening programme.

The committee is convinced that pre-release and reintegration could make a difference. The inmates who will go through all components, graduated release, home furlough and pre-release programme should do better than those who do not.

## **Current Forms Of Conditional Release:**

Although parole is still the primary means of conditional release, there are a growing number of other options. Conditional release has two components:

- i. The selection process for release, or the time-setting functions,
- ii. The means for enforcing the conditions of release.

The major distinction among the selection mechanisms is between those, which are discretionary like the parole board, and those that permit no discretion. The non-discretionary release services are often labeled mandatory release, implying that the prisoners must be released when some condition is met. The most common form of mandatory release is awarding ‘good time’ – ‘remission’.

## **Good Time**

Good Time is the reduction in time served for adjustment to prison rules, work performance, programme involvement and specific behaviours considered to be meritorious by authorities. There are two major issues in the awarding of good time:

- i. The question of how it is credited to the sentence,
- ii. The question of how it is awarded.

In jurisdictions where good time is subtracted from minimum sentence, it does not result in automatic release, but instead reduces the minimum term. The parole board can consider the inmate who earns good time earlier. In jurisdictions where good time is taken off the maximum, the award reduces the length of time to be served. Those releases via good time should be held to conditions, and the most common condition enforcers are parole officers. Supervision of mandatory release inmates and paroled inmates should not differ in any significant way.

## **Emergency Release Statutes:**

Emergency release is another type of early release provision. This conditional release is operated with the sole aim of reducing the prison population. The objective of emergency release laws is to remove from the prisons before their regular departure date those who are considered good risks. Increased prison populations during the past decades trigger the need for

emergency release. Statutes should provide that where the population is over a certain limit, usually some percent over capacity, a 'State Of Emergency' should be declared which would provide an avenue for the early release of certain inmates.

In jurisdictions with parole, emergency release is used to accelerate the date of parole eligibility – in effect, it reduces the minimum sentences often by 90 days. When the emergency is declared, the parole board can review a number of prisoners earlier than normal. The board can also select for release those it considers good risks, but could also select enough inmates to reduce the prison population and end the emergency. Where the law requires flat/mandatory sentences, emergency release provisions would operate on the bases of good time awards. Additional good time may be granted to inmates who are considered good risks and are within so many days of release.

# **PAROLE**

## **The Parole Release Decision:**

Parole involves the discretionary selection of inmates by an executive body for release from incarceration, followed by supervision of the paroled persons. Parole can be revoked if the conditions of that license are violated. The authority for selection typically should be vested in a group of officials appointed by the President, or Chief Executive, and organized independently of the corrections department. The group should be called the '*Parole Board*'. The modern trend is towards full-time boards of professional personnel, such as lawyers, psychologists, and other behavioural scientists but may also include ex inmate representatives and other interest groups. In addition members who symbolize '*upstanding citizens*' are to be included. However, many boards consist of part time board members with full-time support staff.

Traditionally, the parole board, follows a regular schedule, and would travel to the various institutions and review files and interview inmates being considered. A number of boards still perform in this way, but others have changed the consideration process and the role of the board. In this approach Hearing Examiners can be employed to travel to the various institutions, review records, conduct interviews, and make recommendations. The full board remains in a central office and make decisions in a less hasty and more informed manner. The board would accept the recommendations of the examiners in routine cases and will save its full attention for unusual cases. Such a model turns the board into an appellate review panel and policymaking body rather than the maker of case-level decisions.

## **Parole Guidelines:**

Two types of guidelines seem to exist in corrections.

- Ø In the matrix form, time served is determined on the basis of offence and criminal history.
- Ø In non-matrix guidelines, the rules indicate to board members what factors they should consider, but do not directly control time served.

## **Predictive Accuracy:**

It should be noted, behaviour in prison is not predictive of behaviour after prison. The indeterminate sentence is built on the premise that officials observing prison behaviours are in the best position to determine when an inmate is ready for release. However, those who argue against or reject the indeterminacy do so in part, on the assertion that coerced rehabilitation is ineffectual. They believe that inmates can manipulate appearances in order to impress the decision-makers. Therefore behaviour in prison may not be predictive, because it could be invalid information. While prison discipline is not as powerful as predictive as criminal history, adding it to that information would improve predictive accuracy. It may be wise to move term setting up in the process to sentencing itself, or earlier in the prison stay.

## **Parole Board Response To Overcrowding:**

A common justification for the introduction of parole decision is that parole boards are able to control prison population by serving as a safety valve. This is accomplished by ensuring that only those inmates who have demonstrated the right attitude and behavior are paroled under proper supervision.

Parole boards can make a number of responses to overcrowding. They can:

- Ø Increase the frequency of hearings;
- Ø Revise the criteria for parole eligibility;
- Ø Change the standards for revocation; and
- Ø Find alternatives to re-incarceration following revocation.

This can take the form of instituting the use of stricter conditions, assignments to intensive supervision, or placement in a halfway house as a consequence of a revocation hearing. Boards can change the frequency of granting parole.

## **Parole Right:**

### **The Grant Of Parole:**

The parole selection decision must be highly scrutinized in the criminal process and shall be guided or constrained by legal requirements. The Parole Board must have concern for the appearance of justice and fairness, if it is to retain its reputation. The parole granting procedures must ensure that the board informs the inmate of the decision or the reasons for it. Counsel must not be prohibited; prisoner must be permitted to present witnesses on his behalf; written records of the reasons for their decision must be kept.

There should be no constitutional right to parole. However, there must be an orderly process of decision-making, imposed by the board. There must be some constitutional limitations in granting parole. Boards shall not deny release on the basis of race, religion, or national origin.

The most practiced approach is contract parole that is based on the concept of Mutual Agreement Programming (M.A.P.) – which allows greater certainty into the parole process and to give the inmate some control over release date by negotiating an agreement between the inmate, the prison authority and the board about what the inmate must accomplish during the

prison stay to be released early. The contract shall specify that release will occur when all the steps have been accomplished. Our parole board must rely on guidelines that stress more on pre-incarceration behaviour than on in-prison behaviour. Parole dates shall be set on the basis of crime and criminal history, because the date can be pushed back if serious misconduct occurs.

### **Revocation:**

Once parole has been granted, constitutional rights shall apply. Its loss must be protected from arbitrary action. However, parole must not be operated as unfettered freedom. The conditions of parole must provide the parole officer and the board with rather broad control, and with authority for many specific interventions. There must be specific procedural requirements imposed by the constitution to regulate the process.

### **Parole Supervision:**

Conditional release supervision does not differ significantly from probation supervision. There is the same conflict between service and surveillance appear, and the same criticism about lack of contact with clients. Parole officers would be required to spend more direct contact time with parolees providing counselling and case work, referral and material assistance, risk assessment and active surveillance.

## **The Parolee's Perspective:**

Parolees suffer adjustment problems. Most immediately felt upon release from prison, are the problems caused by the initial shock of reentry. These problems are common to any person going through a sudden and significant change in environment.

Another set of problems is associated with 'doing good'. For most parolees, making it on the street will include more than surviving. They will want a job, acceptable relationship with (man/women), and a network of relationships and activities that will provide a sense of meaningfulness. Finally, the problems of dealing with the parole agency itself and stigmatization, especially by persons who had never adopted a criminal lifestyle, and by parolees who will try to change their identity.

Parolee's adjustments problems can be categorized as follows: -

- Ø Economic support, money for maintenances and reestablishment
- Ø Status clearance (such as a driving licence)
- Ø Emergency service (the need for 24 hours availability)
- Ø Employment assistance and support
- Ø Advocacy with law enforcement agencies
- Ø Rights in decision making
- Ø Reduction in surveillance emphasis
- Ø Restoration of civil rights

## **Parole Out Comes:**

Parole has emerged from a number of different focuses, such as continual prison overcrowding, the search for ways to sanction good conduct in prison, and the desire to support release prisoners.

The current justification for parole in our jurisdiction includes these objectives. Consequently, evaluation of the introduction will require measures on multiple dimensions. However, many

of these parole objectives are more salient to the issue of the conditional release decision than they are to the issue of supervision. Control of prison population, reduction of prison expenses, and control prisoner behaviour would be accomplished, if at all, through the selection process. Enforcement of conditions and support for released prisoner should rest on a narrower range of objectives. Supervision is necessary to reduce the likelihood of the return to crime.

In the final analysis the task force is convinced that parole will be more effective than unconditional release, also supervised release will be an advantage for some types of untried offenders, and finally the effects of parole supervision should provide a 5-20% decreased in re-offending.

## **COMMUNITY CORRECTIONS**

The programme of Community Corrections supports the Restorative Justice Model approach, since it focuses on early intervention strategies, diversion, restitution and treatment of victims and offenders outside of the court system.

Community Corrections may also be used as an alternative to litigation and includes community mediation. The programme aims at diverting the low risk, non-violent offender from incarceration, addressing the concerns of the victim and ultimately reducing the growing prison population.

Community Corrections can be understood in the broad sense as a range of options from pre-trial diversions to the resolution of school and community disputes. It also includes the provision of support systems for the treatment of drug offenders, substance abusers and other vulnerable groups.

Community Corrections is a range of alternative treatments for non-violent offenders and is presented as a viable alternative to incarceration in many jurisdictions throughout the world. A growing prison population, serious overcrowding, an unsatisfactory rate of recidivism and the ultimate goals of restoration and reintegration of offenders all serve as a catalyst for the development of new options for the sentencing of criminal offenders.

Community Corrections programs have been described as integrated sanctioning strategies, which seek to achieve the following goals:

- Ø Punishing the offender and holding him accountable.

- Ø Protecting public safety.
- Ø Providing restitution to victims and local communities from offenders who work in their present jobs and/or in restitution programmes.
- Ø Increasing community service work.
- Ø Increasing the collection of court costs and fees due to contractual agreements with offenders who remain in their present jobs.

While a Community based correctional programme does not serve to replace the need for prisons, it does provide a suitable alternative. However, successful programmes involve the following key elements:

- i. Public awareness and education.
- ii. Collaborative long range planning by law enforcement officials to reduce the use of prisons for incarcerating offenders.
- iii. A state funding mechanism to ensure the operation of these programmes within the community.
- iv. Ensuring public safety in community corrections.

Additionally, careful consideration should be given to sentencing. Suitable guidelines must be provided. They include the following:

- i. Offenders who might benefit from prevention services and are “at risk” of criminal activity in the future: school dropouts, urban youth gang, members and juvenile offenders with learning disabilities. Prevention services could include night basketball leagues, big brother programmes, special education programmes and other activities.
- ii. First time offenders who might benefit from early intervention services. Early intervention may reduce their chances of committing future crimes. These

offenders generally require education-related services, work-skill development and substance abuse and alcohol counselling.

iii. Offenders who might be eligible for diversion programmes such as those in prison who may safely be diverted to alternative programmes and services. They may be second or third time offenders who have failed on probation and have been convicted of a number of non-violent offences.

The United States has experimented with two basic community corrections models. One is the integrated community corrections programmes which combine sentencing guidelines and judicial discretion with a variety of alternative sanctions, parole and probation options. This is commonly referred to as the “front end” model, since this programme is initiated at the time of sentencing. The other is a programme in which correctional officials may direct already sentenced offenders into alternative sanctioned programmes and parole and probation options. This is known as the “back-end” model since it comes into effect after sentencing.

Community corrections programmes are recommended in order to reduce the acute overcrowding in our prisons. The introduction of “front-end” community corrections programmes as an alternative form of punishment is recommended. Sentencing non-violent offenders to community-based punishment rather than to prison must also be seen as a lower cost alternative to the construction of new prisons.

## **The Elements Of Community Corrections Programmes**

A successful community corrections programme requires an integrated criminal justice system that supports a network of centralized correctional programmes for specific types of offenders. In Minnesota for example a local Advisory Board comprised of County Sheriffs, Chiefs of Police, prosecutors, judges, defence lawyers, probation agents and other local officials, create

comprehensive correction plans to improve the administration of justice at the local level. The plans outline the various punishment options in the community, which are available to judges and other criminal justice officials when sentencing offenders. In our jurisdiction the Advisory Board should include prosecutors, judges, magistrates, the police, defence lawyers and probation officers.

The integrated systems referred to above include restitution programmes for non-violent offenders. Portions of the wages earned by these offenders are applied directly to restitution, to the payment of court-ordered fines and fees, and room and board. Offenders should be placed in programmes, which would last from three to six months. The programmes may be administered by local government or non-governmental agencies and funded by the State, and can be extended as necessary.

There should be a uniform sentencing structure that provides for a variety of punishment options for offenders. These options must include alternative punishment for the non-violent offender population.

Some uniformity in sentencing guidelines should be observed so that punishment is generally tailored for the crime and would apply to all offenders who commit similar offences. A rating system should be based on the severity of the offender's crime, the frequency of violation and the nature of the crime. Non-violent crimes would attract the lowest rating, and allow the judges the broadest range of sentencing options. On the contrary, specific sentences must be imposed for serious or violent crimes and those committing them should receive very little if any good time credit and serve a specified term while in prison.

A community corrections treatment programme must include a post-prison release programme operated through a parole or probation system.

## **Community Corrections Sanctions**

These may include:

A twenty-four hour residential programme, which provides a structured living environment for non-violent offenders, who require supervision when not working or looking for employment. Occupants of a residential or restitution center must surrender a portion of the paycheck and all other earnings directly to the centres to pay restitution. Offenders may remain in restitution centres for a period of three to twelve months, but it is possible for them to be sentenced for as long as twenty-four months. These centers may provide employment, training, educational opportunities, substance abuse treatment and job skills training. Offenders may also be required to do community service. The goal of such a programme is to reintegrate the offenders back into their local environments and to provide them with skills so as to avoid future criminality.

## **Residential Treatment Centres:**

These are facilities for persons who require long periods of structured supervision and supportive therapy for substance abuse or alcohol-related problems. An examination of the current prison population reveals that substance abuse contributes to many offenders' criminal record. The use of illicit drugs has reached alarming proportions in our society and there seems to be a co-relation to the crime rate. Supportive therapy for substance abusers supports the underlying philosophy of therapeutic jurisprudence advocated in this report. Offenders with alcohol and drug dependencies, mental impairments and or emotional problems can be successfully treated in these residential treatment centres. Offenders' behaviour, attitude and progress should be regularly evaluated, and the results filed with the sentencing official.

Offenders may be sentenced to residential treatment programmes for periods of one to twenty-four months. Sentencing officials may also place offenders in treatment centres as a condition of pretrial release. Drug and alcohol treatments should be a major component of community corrections sanctions.

In the case of first time offenders, comprehensive risk assessment needs to be done prior to sentencing, to determine the required level of supervision and the intensity of drug or alcohol treatment. Repeat offenders who are sentenced to prison must also be assessed and could be eligible for further treatment inside the prison system.

Studies have indicated that the longer an offender remains in and completes a treatment programme, the less likelihood of recidivism, and a reduction in future criminal arrests and convictions.

### **Non-Residential Drug And Alcohol Treatment Programmes**

These programmes will be conducted with the assistance of trained personnel in the field. Such non-residential facilities are already in existence and are run by government and Non-Governmental Organizations with funding from the State. They need, however, to be expanded.

### **Electronic Monitoring**

This is a form of surveillance in which an electronic device is attached to an offender's body and serves to warn the offender that someone is watching. This device allows for long distance surveillance of offenders by either passive or active devices. Passive devices operate via radio transmissions in a bracelet worn either on the wrist or ankle. Active devices employ the use of telephone robotics and computerized random calls to an

offender's residence. Electronic monitoring is a feature of house arrest programmes. The sanction of electronic monitoring may be applied as a condition of a sentence, and this sanction may also be applied where there is overcrowding in the prisons. The device may also be placed on offenders who have violated a previous probation sanction.

According to the National Institute of Justice in the United States the number of states using electronic monitoring devices as a sanction grew from twenty-one in 1987 to all fifty states in 1995. According to statistics, an estimated 50,000 offenders have been sentenced to the sanction of electronic monitoring. These include pre-sentence and sentenced offenders. Offences include traffic violations, especially driving under the influence of alcohol or while intoxicated, property crimes, sex and spousal abuse offences and drug violations

## **Diagnostic Evaluation And Counselling**

The therapeutic jurisprudence model requires this as part of the pre-sentence process. The use of this ensures that offenders are ordered to be evaluated and counselled even before they are sentenced. This method can reduce overcrowding in the prisons and ultimately reduce the prison population. The approach is also consistent with the goal of a restorative justice approach and the need for pre-sentencing diversions.

## **Pre-Trial Intervention**

This provides for close supervision and support services to selected offenders prior to trial. Community Corrections Officers working closely with probation officers would liaise with Magistrates trained in Community Corrections so that the appropriate diversion may be ordered.

## **Community Service Programmes**

These programmes are designed to help offenders and to medically treat parole violators in supportive rehabilitation programmes. They are usually followed by intensive parole or electronic monitoring supervision. The distinguishing feature of these programmes is that they are centralized under the administration of state correctional or parole officials. The programmes do not include sentencing guidelines. In the majority of cases the funding for these programmes come from the State, which is also responsible for the administration of the programme. The responsible administrative agencies are the departments of parole and probation. Some judges seem to prefer intermediate community corrections alternative such as drug or alcohol treatment, day reporting or counselling and restitution programmes rather than probation. The problem arises where offenders who fail these programmes end up in prison. On the other hand where alternative punishment decisions are made, offenders are already bound and theoretically their time in prison will be reduced if they complete the programme.

## **Day Reporting Centres**

At these centers, offenders are required to discuss the progress of their job-search and daily activities with parole officials. These centers are highly structured, non-residential facilities in which supervision, sanctions and services are all coordinated from a central location. They provide a closely supervised transition for offenders returning to the community.

Although these programmes vary in their details, generally there is a requirement for offenders to physically attend daily, provide a schedule of their planned activities, and participate in designated programmes, services and activities. They must report by phone to the centre throughout the day and random phone checks can be made at home following curfew.

For the success of the Day Reporting programme participants should be required to make contact with the center six times per week and also be subjected to random drug testing. A very useful practice is to make participation a condition of probation. In some instances, Day Reporting Centres may be imposed as a sanction for probation violators, rather than returning them to prison. In some jurisdictions Day Reporting Centres are a step down from a parole half-way house, or required as a form of supervised pre-trial release. Many Day Reporting Centres serve a mixed population consisting of probationers, parolees, and other individuals who are under some kind of criminal justice supervision.

In the local context day reporting centres could be the local police station, the probation department or even the courts.

It is envisaged that a network of non-governmental agencies and other service organizations would support these centres.

## **House Arrest And Home Confinement**

This approach is aimed at restricting individuals to their residences for specific periods of time. This condition may form part of a sentence for example, the curfew conditions of Intensive Supervision Programmes, or it may constitute an independent sanction popularly known as “house arrest”. These programmes permit offenders to leave their homes only for employment, medical needs or such mandated assignments as community service.

In this form of sanction the emphasis is on confinement and the supervising officer’s role is to ensure that the offender stays confined at home. Three distinct versions of house confinement are identified and each offers a different degree of restricted freedom. These include the following:

### **Curfew**

This requires offenders to be in their residence during limited, specified hours, generally at night. The offender’s movements outside of the curfew hours are unregulated. This sanction may be imposed along with other treatment or service conditions.

### **Home Detention**

This sanction requires that offenders remain at home at all times except for employment, education, treatment or other pre-approved activities. Although it is not necessary always for

offenders to spend all their time at home, their movements through the day is completely structured. Probation officials approve schedules before hand, and other treatment programmes or conditions may be included. Electronic monitoring can be used to assist in supervision.

## **Home Incarceration**

This sanction requires offenders to remain at home at all times, but these restrictions may be lifted for religious or medical purposes. In order to verify compliance with the stated conditions, random contacts may be made with offenders at varying times.

In this programme three categories of offenders are eligible:

- i. Offenders convicted of non-violent crimes;
- ii. Probationers and parolees charged with technical violations; and
- iii. A flexible category of “others deemed appropriate” by the sentencing official.

The programme requires that the community parolees support themselves and their families, perform community service, pay restitution, maintain a daily log of their activities and comply with restrictions on their movement. Specially trained probation officers should conduct surveillance.

The back-end approach features an early prison release programme, which deals with higher risk offenders. Legislation should be enacted to allow the Prisons to grant early release into house arrest. Before being eligible, prisoners must serve 50% of their sentence and must be within twelve months of discharge for a non-violent offence and twenty-four months to

discharge for a violent offence. Those who have been denied parole within the last six months are ineligible.

A correctional case manager and a community corrections officer should also supervise persons placed under house arrest. Those participating in the programmes have up to three random field contacts per week, regular meetings with their corrections officer and drug testing

It is anticipated that home detention in conjunction with electronic monitoring can save the country thousands of dollars in prison costs. It is reported that offenders sentenced to home detention have lower rates of recidivism, cost much less than incarcerated offenders and are better prospects for rehabilitation.

Urgent consideration needs to be given to the plight of those inmates currently languishing in the Remand Section of the Prison. Because of the length of time taken to have their matters determined, for example appellants who remain in prison sometimes spend a longer time incarcerated than the original sentence imposed.

These include:

- Ø Inmates awaiting trial in the High Court.
- Ø Those whose cases have been adjourned at the Magistrates' Court.
- Ø Inmates who have appealed their sentences and are awaiting the determination of their appeals.
- Ø Prohibited immigrants and deportees.

In order to ease the serious problem of overcrowding which exists at the Remand Section of the Prison, Community Corrections in the form of supervised release should be made available for first time non-violent offenders. Options for these persons should include the grant of bail on

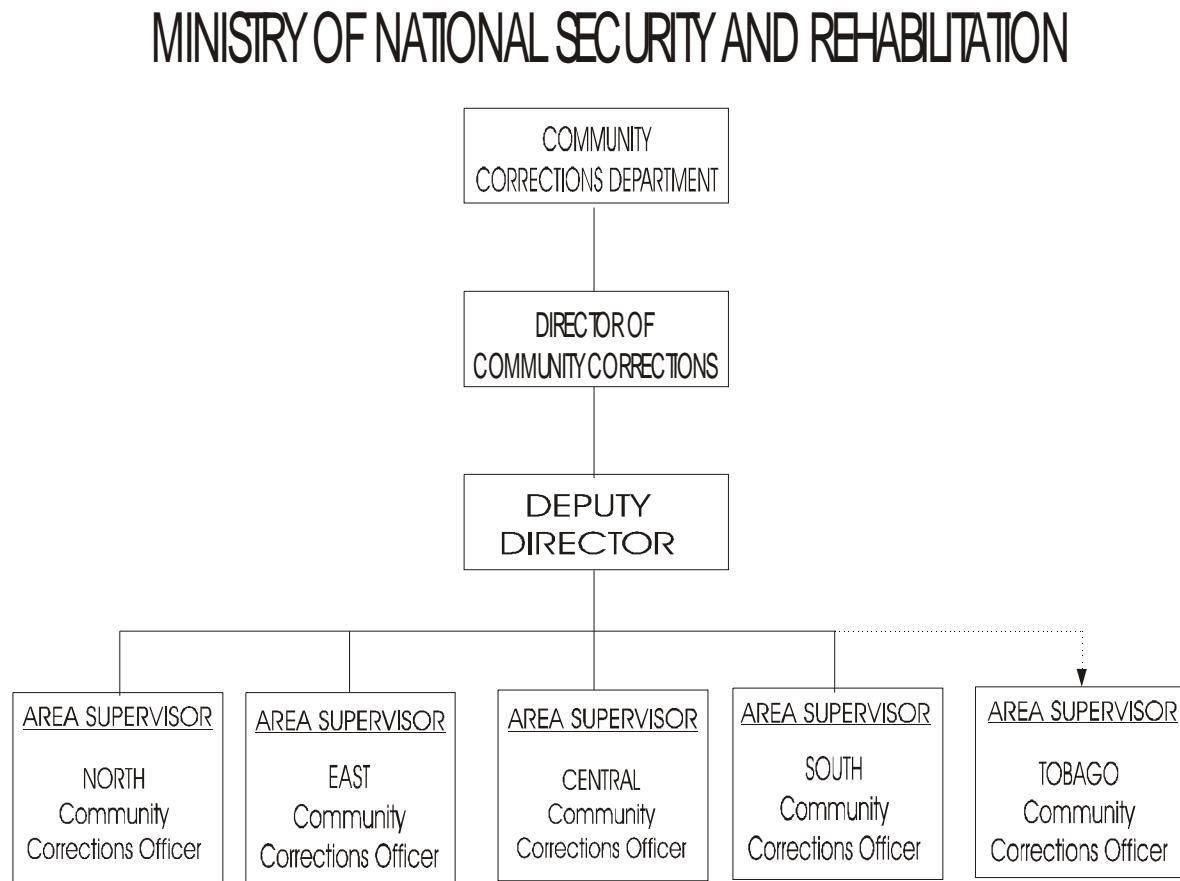
their own recognizance, supervised release into the care of responsible Non-Governmental Organizations, religious groups or to their employers who may be willing to serve as guarantors.

In the case of young offenders they may be released into the care of their parents who must give an undertaking that they would provide the required supervision. Other safeguards, such as the requirement for the surrendering of passports should also be put in place. Illegal immigrants may be placed on a bond, and they may be ordered to surrender their passports.

The key to the success of community corrections programmes is to target the appropriate offenders, sentence them to surveillance and treatment, and quickly remove failures from the programme so that public confidence in the system can be maintained.

In order to adequately administer community corrections, it is recommended that a Division of Community Corrections be established within the Ministry of National Security and Rehabilitation. The department would be managed as shown in the chart below.

## Community Corrections Chart



## **THE YOUTH JUSTICE SYSTEM**

There are diverse opinions about youth violence and what to do about it. Surveys of public opinions about this type of violence suggest that those youths who commit violent acts should be tried as adults and should be subject to adult punishments, even the death penalty. If they commit an adult crime, they should do adult time (Stalans and Henry 1994). Other observers say that youth ought to be treated rather than punished. According to this view, every child, regardless of the offence, is capable of becoming rehabilitated. Juveniles are not fully formed adults emotionally and, therefore, should not be held accountable to the same punitive standards that are applied to adult offenders.

The Restorative Justice System advocated by this Task Force includes several mechanisms for dealing with both violent and non-violent youth offenders. It specifies a youth justice framework of operation, which consist of an integrated network of agencies, institutions, organizations, and personnel that process youth offenders. This network is made up of law enforcement agencies, prosecutors, and courts, corrections, probation and public and private community-based treatment programmes that provide youth with diverse services. This in effect is a *YOUTH JUSTICE SYSTEM*.

The Youth Justice System interfaces in several significant ways with the Criminal Justice System. Taking into consideration that in Trinidad and Tobago a major portion of the youths who are arrested by the Police will eventually fall within the jurisdiction of the Criminal Justice System, it is important to understand the basic elements, the interrelation and the modernisation of both systems.

Subsequent to arrest, youths eighteen (18) years and under must be identified and classified. A clear position must be taken whether to release certain youths to the custody of their parents or legal guardian, release them to juvenile or youth authorities, or detain them for future reformative action, or include them in community sentencing programmes.

The Criminal Justice System (C.J.S) process, being an interrelated set of agencies and organisations, is designed to control criminal behaviour, to detect crime, and to apprehend, process, prosecute, punish or rehabilitate criminal offenders. Traditional elements of the C.J.S include law enforcement agencies, prosecutions and the Courts, and connections.

The C.J.S in Trinidad and Tobago is a fragmented one. For instance law enforcement officers seldom ask prosecutors and the Court if they have arrested too many offenders for the system to handle. Also, prosecutors and the Court seldom ask Detention Centres and correction officials whether there is sufficient space to accommodate persons who are to be incarcerated for short or long periods. One discretionary action to be exercised by the Courts is diverting certain offenders directly to the Youth Justice System. In order for this process to be effectively expedited, three major juridical processes must be established:

- Ø Structuring and operation of a Youth Court,**
- Ø Establishment of a Youth Justice Board,**
- Ø Specialized training for the magistrates or judges in matters of youth jurisprudence.**

## **YOUTH AND CRIMINAL COURTS: OPERATIONAL DISTINCTIONS**

Youth or Juvenile Courts conduct *civil proceedings*, which are designed exclusively for youths, whereas criminal courts conduct *criminal proceedings* designed to try adults charged with crimes. The civil-criminal distinctions are important because a civil adjudication of a case does not result in a criminal record. In criminal courts, either a judge or jury finds a defendant guilty or not guilty. In the case of guilty verdicts, offenders are convicted and acquire criminal records. These convictions follow adult offenders for the rest of their lives. When youths are tried in youth courts, however, their court adjudications are sealed or expunged. This is a major tenet of the restorative justice principle.

- i. Youth court proceedings are more informal, whereas criminal proceedings are more formal. Formal rules of criminal procedure are not followed concerning the admissibility of evidence and testimony in Youth Courts, and hearsay evidence from various witnesses is considered together with factual information and evidence.
- ii. The range of penalties youth court judges may impose is limited as far as severity in sentencing is concern, whereas in most criminal courts, the range of penalties is maximal with life-without-parole sentences or the death penalty. The jurisdiction of youth court judges over youthful offenders usually ends whenever these juveniles reach adulthood. This comparison of youth and criminal courts shows that criminal or adult court actions are more serious and have graver long-term consequences for offenders compared with youth court proceedings. The Youth Court should always be guided by a strong restorative orientation.

The second imperative will incorporate a comprehensive training programme for judges or magistrates who are to adjudicate on various matters of youth offending. Pre- trial review, appropriate sentencing, behavioural therapeutic science, correction administration, mediation philosophy, criminology, and an intense knowledge of the operations of the restorative justice principle must form parts of the components of this type of legal training.

An integral aspect of this youth justice dispensation will also be the establishment of a Youth Justice Management structure which will address both the administrative and process functions of the youth justice system as outlined in diagram 1 hereunder.

## **Youth Offending Unit (YOU)**

The formation of Youth Offending Units is absolute if the therapeutic jurisprudence aspect of the Restorative Justice principle is to be observed. This unit will comprise specialists in the areas of counselling, psychology, psychiatry, correction administration, social work, youth development, police duties, legal education, resettlement operation, community development, and a medical practitioner.

Its areas of responsibility will include:

- Ø Preventing young people from offending through the coordination of a range of targeted programmes.
- Ø Carving out a standard assessment using a professional therapeutic team, for all young people coming into the Youth Justice System (YJS). This will determine why the young person has offended, what their family and lifestyle circumstances are, whether they have specific mental health or drug and alcohol-related problem, if they engaged

in learning, their level of educational attainment and what level of risk they pose to themselves and others.

- Ø Timely delivery of intervention programmes for young people who have received warnings from the police. In the majority of warning cases a programme of intervention will be delivered. This will aim to tackle the causes of the young persons offending and carry out some form of reparation.
- Ø Providing a treatment-supervising officer for every young person who is made subject to the range of court –ordered disposals and community penalties. This officer must develop a supervision plan to address offending behaviour and the associated factors. A supervision plan should address education, training or employment, any substance misuse and health-care needs, parental or primary care involvement, work to address distasteful experiences and plans to reduce risk of harm to themselves or others where a significant risk has been assessed. Intervention can also include anger management, or indirect reparation to the victims of their crime.
- Ø These supervisors must also have a clear and precise understanding of the aims, objectives and performance indicators of the entire Youth Justice System and the restorative framework of operation for the system

## **Aims, Objectives And Performance Indicators Of The Youth Justice System**

The fundamental aim of the Youth Justice System is to prevent offending by young people. Realizing this aim will depend on three (3) principal objectives:

- Ø Preventing crime in all its manifestations by ensuring services are effectively targeted at young people at high risk of offending and, at the same time, meeting the needs of victims and communities;
- Ø Identifying and expeditiously addressing young offenders by ensuring that young people who do offend are identified and dealt with without delay with treatment proportionate to the seriousness and frequency of offending.
- Ø Minimise re-offending by promoting interventions with young offenders that reduce the risk factors associated with offending, as well as increasing the protective factors and reinforcing the responsibilities of parents.

## **Key Performance Indicators**

The key performance indicators are as follows:

- Ø Reducing the percentage of young people who offend
- Ø Reducing crime in targeted areas
- Ø Maximising the use of the restorative processes
- Ø Increasing the percentage of people expressing confidence in the youth justice system
- Ø Reducing the time from arrest to sentencing
- Ø Ensuring that as many youth offenders as possible are intensively supervised in the community
- Ø Increasing the proportion of young offenders participating in education or training.

## **Restorative Framework Of Operation For The Youth Justice System**

The restorative framework of operation for the establishment of a functional youth justice system must include a process in which:

- Ø Young people feel a personal responsibility not to offend and harm victims, and be prepared to be accountable for their deeds;
- Ø Young people who offend have the right to expect help to change their behaviour and to contribute to society as part of any appropriate treatment;
- Ø The needs of young people are carefully assessed to reduce the risk factors in a young person's life and promote protective factors to deter offending;
- Ø Wherever they live, young people are dealt with expeditiously, fairly and consistently and with respect regardless of race, gender, religion, sexual orientation or any disability;
- Ø Parents, families and individual communities are involved in the process of changing offending behaviour;
- Ø The needs and wishes of victims are appropriately respected;
- Ø Professional staff work with offenders on a multi-agency basis to tackle all the problems of a young offender comprehensively;
- Ø The court procedures are so formulated to prevent offending behaviour;

- Ø Evidence based best practice is rigorously promoted;
- Ø People working in the youth justice system feel proud to be working in it and enjoy job satisfaction and high status;
- Ø The public awareness and confidence in youth justice is increased;
- Ø The placement of youth while in the facility should be closely monitored so as to prevent any kind of abuse;
- Ø There should be enabling facilities and programmes to meet the particular needs of all youths in detention centres;
- Ø Youths detained for status or minor offences should be separated from those on serious charges;
- Ø Young female offenders (under 18) should not be sent to the adult women's prison under any circumstances;

To achieve these tenets of process a comprehensive exploration of the risk elements need to be undertaken. This will assist in guiding an understanding of the risk theories, the risk factors, risk targets and the management of risk.

## **Behavioural Risk Theories**

**ECOLOGICAL THEORY** of Shaw and Mc Kay - This reveals a relationship between the social geography of a city and the situation of the youth offender's house. They theorists found an underlying pattern of deviant behaviour associated with each of the main sub urban zones of the city. They established that there was a clear increase in frequency of offence the closer the

movement to the city centre. They used the records of delinquents, court cases, and police files to confirm their hypothesis.

**THE STATUS FRUSTRATION THEORY** of Albert Cohen – This indicates that some forms of offending can be explained in terms of the failure of certain sections of young people, particularly the lower working class youth, to attain the goals and values which are dominant in the society. These categories of young people become acutely frustrated to find that the attainment of such goals is beyond their reach. The result is a sense of rejection of conventional values and morality.

**THE DELINQUENCY SUB-CULTURE THEORY OF MILLER** – It argues that offending and deviant behaviour result not so much from a sense of frustration at a failure to attain the goals of society, but much more by chance. It suggests that the life styles and patterns of values which govern the behaviour of the lower class section of youth cause them to fall into trouble as a natural part of day-to-day life which any one living in that section of social life is likely to encounter, since life is full of unavoidable hazards.

**THE VACUUM THEORY OF SHORT AND STRODBECK** – This view holds that offending arises as a result of a kind of vacuum in the lives of young people who lack any structured way of attaining the values considered essential by those in the higher social strata. It further states that the less privileged section of youth fill their time with activities which have no significance or connection with the world of work and citizenship. These pursuits may include search for entertainment, dances, fights and delinquent acts, the kind of behaviour which causes them to be labelled delinquent and most prone to offending.

**THE DEFECTIVE PERSONALITY THEORY OF YABLONSKY** – This analysis shows that in conditions of poverty and congested urban life, it is often those youths with defective personalities, which make most use of gangs. They form its central core and they may often be

severely disturbed and lack the ability to show any emotional response to their victim. The psychology of identity will be guiding these youths to find a place of belonging within the confines of these anti-social and disruptive groupings.

These macro theoretical causal origins for offending should guide the Criminal Justice System into the realisation that not only a separate court for dealing with youth must be established, but the principle of restorative justice must be applied to ensure a therapeutic behavioural approach in solving the dilemma of offending. Rather than incarceration or prosecution of all young offenders, it should be possible to substitute a “care order” where it can be shown that the young person is in need of care and guidance, has been neglected, and is guilty of an offence other than homicide.

The restorative justice system, with its emphasis on restoring justice to the offender, the victim and the community, also highlights its mission of keeping offenders out of incarceration. In this regard the youth justice component of this system concentrates on not only the risk factors, and the risk targets, but also the wholesale management of risk.

**RISK FACTORS** – The establishment of the main risk factors that lead to youth offending and the protective factors that can prevent it is a complex area, and no one factor alone is significant. Risk factors cluster around the lives of the most disadvantaged youths. The chances that they will become anti-social and criminally active increases exponentially as the number of risk factors increase. The major risk factors are:

- Ø Aggressive behaviour, including bullying
- Ø Low achievement beginning in primary school
- Ø Family history of problem behaviour
- Ø Alienation and lack of social commitment
- Ø Peer acceptance of problem behaviour

- Ø Family conflict or breakdown
- Ø Lack of commitment to school, including truancy
- Ø Peer involvement in problem behaviour – the legitimisation of the collective.
- Ø Availability of drugs.

The research shows that the three common denominators in most cases of young people being arrested are low achievement in school, family problem behaviour and peer involvement in problem behaviour. If as a society we want to reduce offending by young people, we have to tackle these risk factors in our most disadvantaged communities. This means targeting our resources and effort.

## **Risk Targets**

- i. Labour and skills shortages – economic circumstances and a wide range of social policy initiative impact on recruitment and retention of suitable staff across the youth justice system.
- ii. Failure to influence the different services in the youth justice system to deliver efficient and effective practice.
- iii. The limited range of providers and regimes for young people requiring secure accommodation.
- iv. Economic growth at below trend rates, which is associated with an increase in property crime.
- v. Failure to organise court services to emphasise diversion or alternatives rather than confinement or incarceration.
- vi. Failure to provide effective treatment for substance abuse by youths and a shortage of adolescent mental health services.
- vii. Failure to provide accommodation and treatment for displaced youths.

## **Risk Minimisation Management**

To minimise these risks the following should be undertaken:

- Ø Formulation of a learning and development strategy to develop staff and managers in the youth justice system.
- Ø Focusing on clear consistent targets, linking the youth justice system electronically and improving the management of services.
- Ø Developing robust performance monitoring and management arrangements for secure facilities.
- Ø Developing better ways of measuring re-offending than re-convictions.
- Ø Sustained engagement with court services to ensure that the system is re-organised in keeping with the modern principles of a restorative youth justice system.
- Ø Establishment of a comprehensive national mediation policy consistent with the objective of preventative intervention and minimal youth incarceration. This of course will entail the erection of more mediation centres and an accelerated professional training programme at the tertiary level for mediation personnel.
- Ø Develop a Co-ordinated national policy, which will secure the establishment of strategic therapeutic teams to function both at the level of pre-sentencing and custodial rehabilitation.
- Ø Both probation and parole policies must embrace a cadre of youth development specialist officers trained in all facets of restorative youth justice practice.

- Ø Networking with the National Drug Council, NADAPP, the Ministry of Health, and other Non-Governmental Organizations on substance abuse, to promote drugs and mental health services for young people.
- Ø A comprehensive and sustained national education programme designed to enlighten the national community on all aspects of the theory and practice of Restorative Justice. Given the unprecedented nature of this highly justified exercise, one month should be earmarked for “Restorative Justice Month”. Subsequent to this, monthly updates through the various areas of the print and electronic media can be put in place.
- Ø A specific programme should be undertaken involving Correction Officers and the Ministry of Education to realise the following objectives:
  - i. Productive numerical and literacy training in keeping with the result of diagnostic testing in the secure facilities;
  - ii. Formulation and execution of a type of civic education programme to instil the virtues of nationhood and civic pride into the minds and hearts of young people whether offenders or non-offenders
  - iii. To ensure that the residential offenders are offered every opportunity to remain within the mainstream of academic development in accordance with the rights enjoyed by non-offenders.
  - iv. The establishment of a special education unit of the Ministry of Education within the secure facility to ensure that the respective syllabus is delivered in accordance with the professional format and examination standards of the Ministry.

## **Community Sentencing**

A review of the statistics of the inmates at Youth Training Centre as at 20<sup>th</sup> November 2002 reveals the following:

- Population of Inmates	- 158
- Young Offenders	- 91
- Young Offenders Awaiting approval	- 67

## **DETAILS OF OFFENCES**

Breaking School Rules	7
Trespassing	3
Beyond Control	3
Robbery	7
Receiving	1
Possession of Marijuana	16
Possession of Cocaine	6
Possession of Weapon	1
Driving without permit	1
Malicious Damage	1
Armed Assault	1
Absconding	7
Breaking Probation Orders	3
Murder	3
Possession of Device	1
Breaking and Entering	25
Fraud	1
Assault	8
Armed Robbery	1
Loitering	1
Possession of House Breaking Implements	2
Possession of Ammunition	1
Kidnapping	3
Larceny	42
Attempting to Break and Enter	1

A closer analysis of the nature of the offences committed by these one hundred and fifty-eight young people will reveal that almost sixty-two per cent of them should be diverted to community sentencing.

Community Sentencing can be instituted in the following categories:

- Ø Community Punishment Orders
- Ø Community Rehabilitation Orders
- Ø Community Punishment and Rehabilitation Orders
- Ø Attendance Centre Orders
- Ø Curfew Orders
- Ø Drug treatment and Testing Orders

This diversion is an integral part of the shared responsibility aspect of the restorative criminal justice system, and falls in line with the integrative youth correctional process. Until there is a clear recognition of the “Majority Probability Tendency” (MPT) that young offenders are easily capable of behavioural reduction, the issue of court sentencing will remain enwrapped in the retributive model package. The reconfiguration of the criminal justice system, which will assign the stimulus of immediacy to the judicial process, can address the structuring of the appropriate court system to accommodate that caring philosophy of youth restoration.

## **Custodial Sentencing And Support Programmes**

When a young offender receives a custodial sentence, the assigned Restorative Supervising Officer has to make sure that information about the young person is passed to the secure facility the following day, which will include sentence or care plans, pre sentence reports, previous convictions, health and education plans, ability levels, and the Post-court report form. Within two weeks of said confinement of the young offender, a planning meeting should be convened

with the secure facility staff and the Restorative Supervising Officer. The offender's parents/carers, and, for young people in public care, their social worker should also be invited.

Based on the planning meeting, the secure facility staff and the supervising officer should draw up an initial treatment plan. It must be understood that every individual requires specific and specialised professional attention if the restorative process is to be successful. The training plan should cover the work to be carried out by each agency involved with the young person during the custodial phase and post-transfer to the community, including how the factors contributing to offending will be addressed. The education, health, spiritual and accommodation needs of the young person on transfer to the community must be addressed from the beginning of the term of commitment and specific plans for appropriate post release placement should be developed from this point. Secure facility staff will deliver the treatment plan within the establishment.

Review meetings should be held once monthly after the initial meeting and, thereafter every three months. Offenders subject to a Detention and Training Order of one year should be visited at least monthly by a member of Youth Offending Unit (YOU). For those on longer detention and training orders, at least every two months. The Youth Offending Unit (YOU) will be empowered to facilitate increased integration of services operating in the secure facility to help develop cohesive advice, guidance, support and resettlement services. Two main roles will be identified here:

- i. Specialist input into the young offender's treatment plan, under the co-ordination of a personal officer (facility staff) and the YOU worker
- ii. Managing the delivery of the young person's treatment plan as part of a multi-disciplinary team (bringing specialists to the team as appropriate).

It is envisaged that role (i) will include support on careers and learning opportunities. Activities connected with this will be agreed upon by the facility establishment and summarised in a service level agreement. Key secure staff who should be involved in this agreement should include representatives from the Ministries of Social Development, Education and the Division of Rehabilitation of the Ministry of National Security. This level of Youth development support should cover:

- Ø Impartial advice and guidance to help young people identify their learning and career goals and raise their aspirations.
- Ø Guidance and support to help them maximise the opportunities available in the secure facility to move towards these goals.
- Ø Seeking of additional settlement support
- Ø Securing of personal advisers with additional specialist skills/knowledge as appropriate.
- Ø Requisite family visits to ensure a functional and sustained family support base, in keeping with the overall inputs of significant stakeholders.

Although the above rehabilitative process and programmes centre around custodial confinement, a custodial sentence is to be served both in a secure facility and in the community. The portion of a custodial sentence which is to be spent in the secure facility depends on the length of the sentence, and whether there is a high risk of the youth offender committing more crimes.

The quality of the response by the offender to the treatment plan will determine the eligibility for community readiness. With the appropriate application of the mechanism to facilitate a restorative youth justice programme, the following specific objectives will be realised:

- Ø Young offenders will be able to understand the consequences of their actions, and the impact on their own families by getting them to accept responsibility for their offending

behaviour. They can be helped to see the victim as a person, which can have a profound effect on their motivation to change their behaviour.

- Ø Victims may become less fearful and be reassured that they were not singled out.
- Ø This restorative youth justice process can also facilitate separation that is appropriate to the crime and satisfies the wishes of the victims. The separation can be direct, to the victim, or indirect, to the community and should be seen as purposeful by those involved.
- Ø It can reinforce the role of parents and families of young offenders, helping to resolve family conflicts, and also involve other relevant members of the community.
- Ø Young offenders can be encouraged to consider the pressures that contributed to their offending, along with other significant people in their lives.
- Ø The shared responsibility roles involving the offenders, the community, the family and to a specific extent the victim, will be realized and the humanitarian traditional philosophy of the community raising a child will become more apparent.
- Ø The young offender will be carried through a restorative process whereby he or she will be engaged in a soul searching introspection which will result in not only the recognition of having done wrong, but also the will to compensate and correct ones behaviour.

What we are confronting here is not just simply a task; it is not merely a mechanism. It is a process. It is an undertaking to transform a system, which has been operating in its retributive mode for over a hundred and fifty years. Yes there have been piecemeal adjustment; yes there have been situational micro reformatory acts. But the underlying philosophical base of the youth justice system remained seeped in the retributive process.

The mandate given to the Task Force was to undertake a comprehensive review of the Correction System and to offer detailed information so as to accommodate a transformatory change. This will include, *inter alia*, a resolute determination to implement that initial gear adjustment where the vehicle of transformation needs to be immediately activated. The public must be also in tuned with the details of this imperative.

Walter Bagehot once stated that the most difficult move for any society to make is an unprecedented one. He claims that the comfort zone of the society will be shattered if a fundamental paradigm shift is attempted in the process of governance. This line of analytical reasoning by the departed Mr. Bagehot, while deserving of merit, must be taken in situational perspective. For the purpose of redirecting the course of the Criminal Justice System in Trinidad and Tobago so as to modernise its application to meet the tenets of a proper youth justice framework, a refocusing of emphasis and policy projection is mandatory.

## PROBATION

The Probation Department was established in Trinidad in 1946. The Probation of Offenders Act 13:51 is the legal authority in Trinidad.

During the ensuing years the Department was reactive to the social environment and thereby acquire many functions, which provide a wide range of social services. Since in 1951 the Probation of Offenders Act No. 13:51 became the Legal Authority under which the department operated. Further to this provision, several other acts created legal obligations, which were assigned to the Probation Department. These Acts are as follows:

- The Children's Act 46.01
- The Matrimonial Property and Proceedings Act 45:51
- The Domestic Violence Act (1992) as Amended (1999)
- Community Services Order Act (1997)
- Community Mediations Act (1998)

The Task Force suggests the main functions of the Probation Department in keeping with Restorative Justice philosophy should be:

- Ø To provide pre-trial/pre--sentencing investigative reports for the Court;
- Ø To engage in rehabilitative work with those who were placed under statutory supervision by the Courts;
- Ø To engage in matrimonial Conciliation both at “official”(referred by the Courts) and unofficial (self referral) levels;
- Ø To assist families whose children are displaying behavioural problems;
- Ø To provide counseling and social support to young persons;

- Ø To provide supervision and support for parolees;
- Ø To be part of a “Supervise Release Programme” for untried offenders;
- Ø To provide supervision for Young offenders who are released from Juvenile Facilities on license;
- Ø To provide supervision for Young offenders who are placed by the courts on probation and community service orders;
- Ø To supervise restitution orders, mediation orders and victim/offender mediation;
- Ø To engage in “Pre- conviction diversion programmes”;
- Ø To provide Supervision of difficult cases referred by schools;
- Ø To provide Supervision of Access Orders made by the High Court
- Ø To provide Family Remedial Therapy Sessions;
- Ø To provide Supervision of releasees on Presidential Pardons; and
- Ø To provide other functions that were not court centered but community oriented.

The Task force is of the view that because of the rapid and fundamental changes in the values and value system of our people and the increase in crime and violence requires that the Probation Department becomes a generic social work service. The present staff compliment is twenty-seven (27). These officers serve fourteen (14) magisterial districts and two (2) High Courts. In addition ten (10) Community Service Workers were hired under one (1) year contracts to form a Community Service Unit to service the same Magisterial districts. The overall present staffing of the Probation Department is grossly inadequate to deliver social justice as recommended in the Restorative Justice Philosophy. Therefore to meet the increasing demands made on the department the Task force recommends an increase in staff and the

expansion of the Probation Department to include a Probation Parole Unit, to satisfy the goals of Restorative Justice<sup>1</sup> and re-integration penal policy.

The Task Force is of the view that the Probation Department, needs to update its services to administer best practices in corrections. This is necessary since in all international jurisdictions the Probation Service plays a key role in corrections and in establishing a “what works” strategy for the Criminal Justice System. Parole is another key area involving Probation.

It is in this new thrust that the Task Force recommended in the First Report the introduction of a parole System, which should fall under the control of the Probation Department. This unit would be responsible for the supervision of persons released on Parole. While probation will retain its role and functions a Parole unit headed by an Assistant Chief Probation Officer with support staff must be established to administer the parole operations both within the penal institution and in the community. **The Task Force is of the view that for the effective correctional intervention process the Probation Department should be placed under the Ministry of National Security and Rehabilitation.**

In keeping with the Probation Department’s mission which is:

*“to function within the Judicial System, communicating effectively and accurately in assisting in the dispensation of justice. To promote the rehabilitation of probationers, offenders, victims and dysfunctional families through education, research and advocacy. To plan and implement projects and programmes which would prevent or at least to minimize those at risk of offending”.*

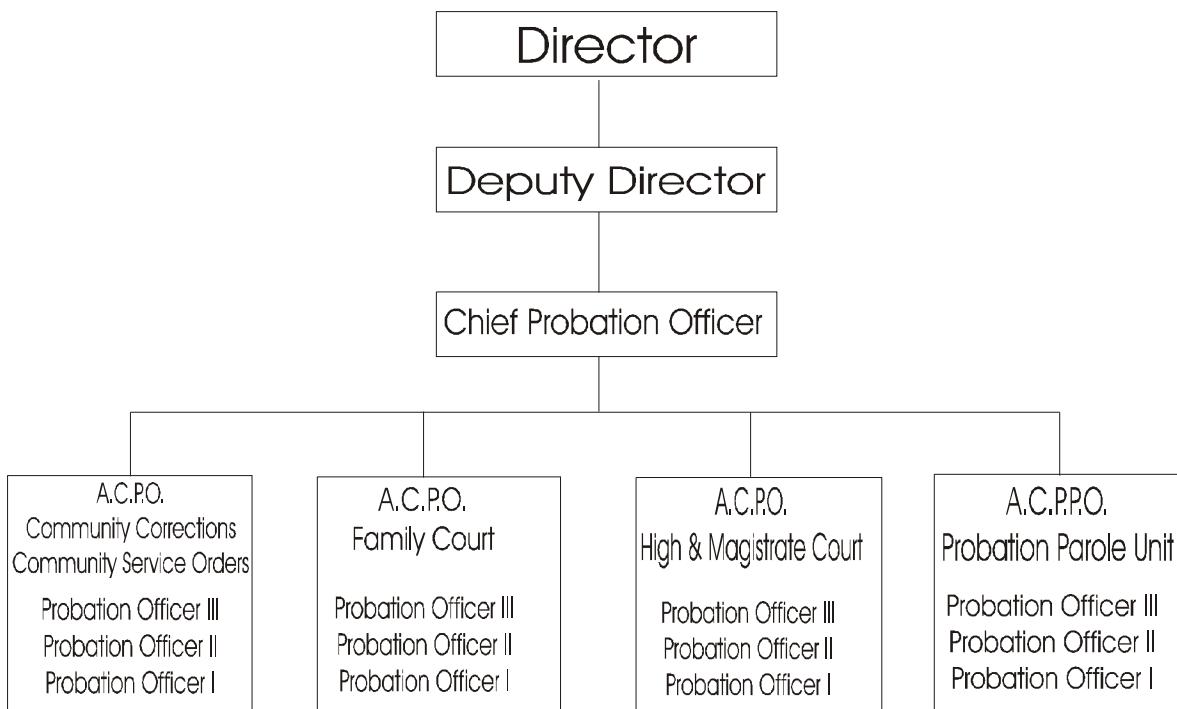
The Task Force is of the view that this strengthens our recommendations to have the Department form an integral arm of the Ministry of National and Rehabilitation.

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<sup>1</sup> See: Chart No:

# PROBATION

## Probation Department



## **MEDIATION**

Restorative Justice grew out of victim offender mediation practice that began in Canada in the 1970's. The mediation process of participation, negotiation, generating options and a mutual agreement are the fundamentals of both mediation and Restorative Justice. This is why the general principles of one apply to the other. The mediation model is also of use in system transformation exercises. The preferred method of negotiating change is "mediating social change" with stakeholders through consultation, dialogue and consensus building.

So that Cabinet may have before it the range of programmes that are possible in restorative justice generally and those relevant to prisons in particular, two diagrams below present the information at a glance.

The Task Force recommends that all programmes must be scrutinized, restorative criteria applied and that the programmes be reconstructed appropriately to reflect the stated goals of the Government with regard to restorative justice. The Task Force is of the view that observation of this recommendation is of sufficient importance that all contracts and training documents should state that restorative principles and values permeate the content and be able to show where and how.

The categories of Restorative Justice programmes are:

**Fully restorative** - programmes addressing the need of the three key stakeholders- victims, offenders and communities, with clear standards of practice (conferences and circles).

**Mostly restorative** - programmes address two or three of the sets (one-to-one Victim/ offender mediation).

**Partly restorative** - address one set (victim support, offender support). These can be developed into fully restorative programmes; they may be the initial stages.

**Pseudo restorative** - programmes are largely determined by professionals with no connection to the crime (boot camps, zero tolerance, three stripes).

Diagrams here

<sup>12</sup>

### **How Would Mediation In Adult Correctional Facilities / Prisons, Work?**

Mediation in prisons falls under Programmes. The Welfare Department refers clients to mediation following assessment at intake. Case management and treatment programmes throughout the three phases of prison life (induction, mainstream and prerelease) require extensive mediation and facilitation. Several sectors of mediation are embraced:

They deal with victim offender mediation for inmates and parolees. Mediation is extended to staff as part of the Employee Assistance Programme. Mediation is available for staff work-related complaints. Mediation for disputes between inmates and staff. In addition to victim offender mediation, family mediation and community reintegration mediation will be available to the staff and officers.

A new Community Mediation Unit is required to deliver these sectors of mediation in adult prison communities. Each of the seven adult facilities needs offices in those facilities. It is recommended that the main office be located at the Prison Administration Head Quarters where the secretariat and director will be accommodated.

The Task Force makes the recommendation that this new unit be brought on stream as soon as possible.

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<sup>12</sup> Diagrams taken from Van Ness.

Community corrections, and youth justice, will also offer similar programmes. The Community Corrections Mediation Officers and Youth Justice Mediation Officers and their units have to be designed and developed.

With these developments in mind the infrastructural needs of Community Mediation and provision for training and standards for community mediators are now presented.

## **Community Mediation Department**

**The First Report proposed doubling the number of Community Mediation Centres (from 4 to 8) and that they be considered permanent Community Mediation Centers. It also proposed integrating the operation and supervision of the eight Temporary Mediation Centers into the proposed eight permanent Centers.**

**The four existing Community Mediation centers are located at San Juan, MTS Plaza, Cunupia, #19 Southern Main Road, Couva, Family Services Complex, Scarborough, Ansa Mc Al Centre, and Tobago. The Task Force recommends that the location of the new Centres be in Port of Spain, San Fernando, Tobago and Arima because it makes it easier for court referred clients when Mediation Centers are placed near the courts. There is a need for Centres in the South, possibly Point Fortin and Siparia. Some of the existing centers need more space. The expansion of the present offices, refurbishment and procuring new offices, staffing and furnishing them will double the expenditure over a three year expansion period beginning in 2003 totaling TT \$15 Million.**

**At present the temporary Centres do not exist. The designated temporary centers are at the Community Centres in Carnage, Arima, Mayaro, Siparia, the Civic Centres in Point Fortin and Sangre Grande and Ste Madeline Regional Centre. The absorption of the designated temporary centers and the location of all Centers should be reviewed as part of the evaluation of the mediation pilot project. The supervision of these sub-units under the nearest permanent center provides a better service to the public. The needs of**

**communities and of the 33 magistrates' courts in the thirteen magisterial districts should be taken into consideration in determining the location of the Community Mediation Centers.**

**In the first two years of existence the cases handled by the Community Mediation Centres in Trinidad and Tobago can be seen at a glance below. The classifications of civil/family, and criminal are listed in the Community Mediation Act under Schedules 1 and 1A.**

Summary Of Cases: October 2000- September 2002

Categories of Mediation	Total Clients Processed	Successful Mediations	Unsuccessful Mediations	Pending	Referred
Family/Civil	330	140	82	26	14
Criminal	208	70	22	10	2
Matters not specifically indicated in schedules	158	122	21	21	41

**Community Mediation at present handles community disputes both self-referrals and referrals by schools, NGO's and police; family disputes both self referrals and referrals from agencies working with families; some court referrals, and prison referrals.**

**With the development of Community Corrections Department within the Ministry of National Security and Rehabilitation and Youth Justice, community based sanctions will be new departments requiring mediation and facilitation services from Community Mediation. There may be court-annexed mediation for criminal matters going to trial. Restorative corrections, however, are community based and could use the existing**

**Community Mediation Service while having their own staff in the proposed eight permanent centers and eight sub-units of Community Mediation. The facilitators for restorative conferencing and circles should also be drawn from trained staff within Community Mediation.**

**Special provision for the needs of parole, reintegration, victim/offender mediation and work place disputes will only be possible with a dedicated unit guided by the Centre for Restorative Justice in collaboration with the Community Mediation Centres. The Infrastructure needs are similar to those of the initial pilot project in Community Mediation and should be called Community Mediation Unit for Prison Communities. Mediation offices are required in all seven adult prisons/ facilities: Men's Prison, Women's Prison, Remand Prison, Maximum Security, Port of Spain Prison, Carrera and Tobago. The youth facilities, industrial schools and children's homes also require Mediation offices and Youth Justice Mediators. Mediation offered at these offices would be victim offender mediation as well as in-house staff conflict management, family and community conflicts of staff and inmates.**

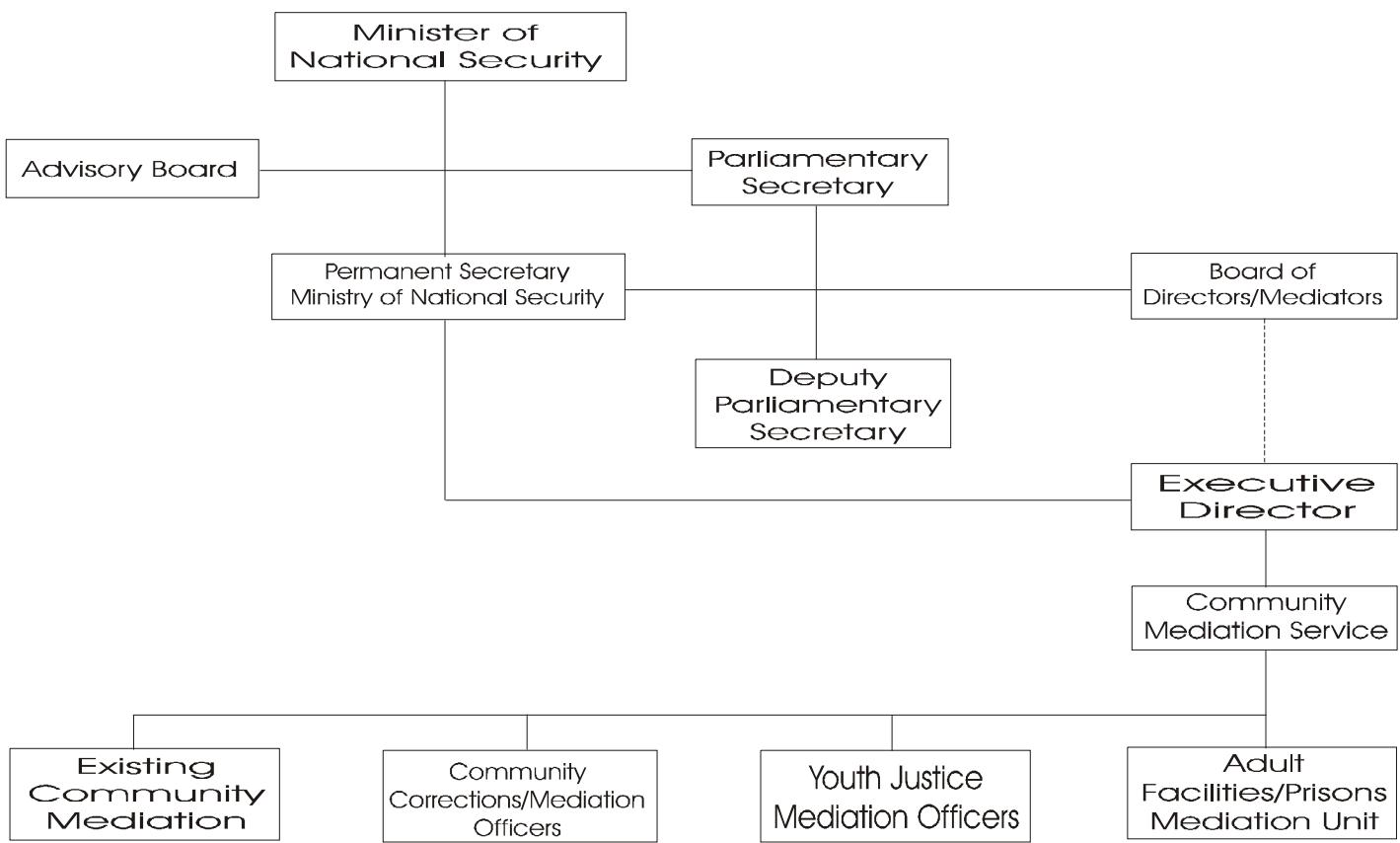
**The Task Force Recommends that a new Mediation Unit be established to meet the needs of the adult prison population, both staff and inmate, as they seek opportunities to solve their problems and restore their relationships. This new Mediation Unit is placed within Community Mediation while having staff and offices located in the youth and adult facilities- Youth Training Centre, (YTC), St. Michaels, St. Jude's, and St. Mary's. New Children's Residences in communities and half-way houses will also have mediation needs which may be taken up by the Youth Justice Mediators mentioned above.**

**The Task Force recommends that the Prison Welfare Department and Community Mediation manage the operations of the Mediation Offices in adult facilities. The human resource requirements will be similar to that of the existing Community Mediation service. The staff may be professional community mediators or suitably qualified prison officers whose sole task is mediation, similar to prison officers whose sole task is welfare.**

**Expenditure for Community Mediation for Prison Communities/Adult Facilities and Youth Justice 3 year pilot project \$15million**

**Total Mediation infrastructure \$30Million**

### **Community Mediation Department Chart**



## **Developing an education and training programme for professional mediators**

The proposed Diploma is meant to respond to the demand for rigorous standards, training and certification in mediation. At the present time, family, community and victim-offender mediation are three critical areas, which would need to be addressed. The development and inception of a training programme in mediation at UWI, would take place concurrently with the building up of a resource network of experts in mediation who would function as trainers, teachers, and supervisors in establishing the conflict resolution field and education/training services in Trinidad and Tobago. The in-depth knowledge of this group would be a resource to the proposed programme during initial formulation stages and in on-going development and quality control processes. Longer term objectives include programme accreditation and the provision of mediation education at the Masters level.

A number of very relevant existing courses will be integrated into the proposed programme. New courses will address the core and specialized areas of mediation; the legislative framework; structure and administration of the courts; the role of mediation in the system; and most importantly restorative justice.

In building new modules for the proposed Diploma, input and expertise is being utilized from the University of the West Indies and the University of Denver. The Ministry of Social Development, which has sponsored the Community Mediation pilot project during 2000-2003 is in close contact. Professor Parsons has carried out mediation training modules in Trinidad in 2000, 2001 and 2002. She has considerable experience in teaching Conflict Resolution for Social Workers at the Graduate School of Social Work, at the University of Denver, and has also been involved in developing their Masters Programme in Conflict Resolution. Consultation services to the project will be very beneficial, in particular, for building quality into the curriculum and for developing evaluation mechanisms.

## **Recommendation**

The Task Force Recommends ten scholarships be made available to the Centre of Restorative Justice for participants who will use the training in prisons in keeping with the implementation of transformation as outlined by the Task Force.

The Task Force Recommends that a proposal for the introduction of a programme for Restorative Justice Officers be developed by the Restorative Justice Centre and the University. Restorative Justice grew out of victim offender mediation practice that began in Canada in the 1970's. The mediation process of participation, negotiation, generating options and a mutual agreement are the fundamentals of both mediation and Restorative Justice. This is why the general principles of one apply to the other. The mediation model is also of use in system transformation exercises. The preferred method of negotiating change is "mediating social change" with stakeholders through consultation, dialogue and consensus building.

The Task Force recommends that all programmes must be scrutinized, restorative criteria applied and that the programmes be reconstructed appropriately to reflect the stated goals of the Government with regard to restorative justice. The Task Force is of the view that observation of this recommendation is of sufficient importance that all contracts and training documents should state that restorative principles and values permeate the content and be able to show where and how.

# **MANAGEMENT AND ADMINISTRATION OF THE PRISON SERVICE**

## **Management Issues Articulated Throughout The Report**

In the first report of the task force several major issues relating directly to the improvement of management and administration of the Prison Service were identified. These issues were:

### **Organizational Structure**

Prison Service Structure  
Tobago Prison Structure  
Organizational Culture  
Work Environment  
Employee Values and Relationships  
Employee Welfare  
Shared Values and Assumptions of staff  
Leadership Style

### **Organizational Management**

Policy and Procedure Development  
Defining Performance Standards  
Procedural Changes  
The Development of Prison Industries  
Services/Visiting  
Classification of Management of Inmates  
Classification/Zoning of Institutions  
Employee Empowerment

### **Management And Administration Of The Correctional Department With Regards To**

Organizational Strategy  
Organizational Structure  
Strategic Planning and setting corporate objectives  
Assessing and reviewing organization effectiveness

Organizational Design  
Employee development and training  
Fostering employee commitment

## **Organizational Effectiveness**

Organizational Culture

Political Environment

- Ø Public Policy
- Ø Goals

Fiscal Environment

- Ø Reduction of Inmate Population

Review Budgetary Policies

Development of Prison Industries

- Ø Reduction of daily cost of

Ø Controlling Prison Cost: - Refurbishment/New Building

- Ø -Strategic Revenue Enhancement

## **Special Interest Groups**

Ministry of National Security

Inmates of the prison system with emphasis on the young offender, elderly, mentally ill, and other special inmate classes

Quasi Judicial and the Government Regulatory Agencies

Employee Unions

Victims of Crime

## **The Legal Environment Of Prisons**

Power relationships

Management and Leadership

Decision making and Planning

Shaping employee behaviour through communication and motivation

Internal Communication

External Communication

Empowerment of employees

Employee Recognition

Professionalization of Prison Employees through the Process of Selection, Training and Evaluation

Sound Responsibility of Ethical Behaviour

Managing the Organizational Change

## **Philosophy And Concept Of The Trinidad And Tobago Prison Service:**

The Trinidad and Tobago Prison Service is an Arm of the Criminal Justice System, which contributes to the goals of protecting Society through the prevention and Control of Crime. It is the Prison Service's belief that the best way to protect society is that of reintegrating successfully the offenders so that they become law-abiding citizens. In order to achieve this, the service must operate by certain guiding principles, namely: -

- Ø Respecting the dignity of individuals, the rights of all members of society and the potential for human growth and development;
- Ø Recognizing the fact that the offender has potential to live as a law-abiding citizen;
- Ø Involving staff and other stakeholders in the strategic process;
- Ø Maintaining effective interpersonal and human relationship in the execution of its services
- Ø That the sharing of ideas, knowledge, values and experience nationally, regionally and internationally is essential to the achievement of its mission;
- Ø Managing the service with openness and integrity;
  
- Ø The service is accountable to the Minister of National Security.
- Ø Observance of minimum standards in the Treatment of Offenders.
- Ø Involvement of the Community in the delivery of intervention strategies.

The Trinidad and Tobago Prison Service in its effort to meet the reality of today's prison environment should adopt a more pragmatic approach. Such an approach will be one that: -- 1

Will be fair and humane to the offender;

Recognize the respective responsibility of the Prison Service to the Community and the offender.

## **Objectives Of The Trinidad and Tobago Prison Service:**

### **(1) Corporate Objectives:**

With its mandate of secure custody, treatment and training the Trinidad and Tobago Prison Service must aim to:

- Ø Properly administer and manage the sentences imposed by the court on offenders
- Ø Prepare offenders for their return as useful law-abiding and productive citizens to the wider society.

### **(2) Sub Objectives: -**

#### **Group A**

- a. Make efforts to ensure that offenders are informed participants in the correctional process.
- b. Communicate to offenders, the policies and procedures that affect them in such a way that they can be understood.
- c. Ensure that offenders are provided with relevant information with respect to any significant decisions, which may affect them. However, where security considerations clearly make this impossible, this will not be adhered to.
- d. Provision of a safe, secure, humane and healthy environment that promotes health and well being and encourages positive interaction between staff and offenders.
- e. Placement in general population will be the norm and adequate protection, control and programmes for offenders who cannot be maintained in the general population will be provided.
- f. Provision of opportunities for offenders to contribute to the well being of the community.
- g. Respecting the social, cultural and religious differences of individual offenders.

- h. Provision of systems to ensure that decision-makers not directly involved in the matters arbitrate in serious disciplinary matters and offender grievances.
- i. To ensure that concerns of victims are taken into account in discharging our responsibilities.

## **Group B**

- i. Ensuring that the needs of individual offenders are identified at admission and that special attention is given to addressing their general health and well-being with emphasis on mental health and other special health issues.
- ii. Ensuring that the special needs of female offenders are properly addressed.
- iii. Provision of programme to assist offenders in meeting their individual needs, in order to enhance their potential for re-integration as law-abiding citizens.
- iv. Ensuring that offenders are productively occupied, having access to work and educational opportunities to meet their needs for growth and personal development.
- v. Making available a range of recreational, leisure and cultural activities so as to encourage offenders to use their free time to assist them on release.
- vi. To ensure that programme needs are considered when making placement and transfers.
- vii. To ensure that the risks presented by offenders are taken into account when making decisions, particularly in matters relating to the reduction of security, etc.
- viii. Ensuring that the offender, while in the community, is adequately supervised and that any increase in risk is addressed promptly through the use of appropriate means of intervention and or assistance.
- ix. Ensure that volunteers form an integral part of our offenders programme delivery in institutions and the community.

- x. Mobilization of community resources to ensure that offenders upon release, are provided with support and assistance.

## **Group C**

- I. Clearly communicate our mission, values and guiding principles to staff so as to ensure that each individual can fully contribute to the realization of our objectives.
- II. Development of an environment characterized by relationships among staff that are based on openness, trust and mutual respect.
- III. Encouragement of initiative, self-direction and acceptance of personal responsibility on the part of all staff for high quality work.
- IV. Encouraging direct contact by staff with offenders.
- V. Ensuring that staffs that are unable to deal with offenders are properly assisted.
- VI. Encouraging operational experience in corrections among managers at all levels.
- VII. Staffing practices will be based on the merit principle and reflect the importance of hiring and promoting individuals who possess values and abilities consistent with our objectives, and who demonstrate attitudes and skills, with emphasis on maturity, good judgment, effective communication and team work.
- VIII. Providing staff training and development opportunities that are based on achievement of our mission, vision and corporate objectives.
- IX. Develop the full potential of staff members through an effective career management and training programme, which, emphasizes interpersonal skills, leadership and respect for unique differences, and needs of all offenders.
- X. Promoting from within the service whenever appropriate.
- XI. Develop and maintain of an effective human resource succession planning system.

- XII. Recognizing that line officers have a critical role to play in achieving our mission and objectives, and thus ensuring that they receive the appropriate training and development.
- XIII. To delegate authority and to strive to resolve problems at the lowest level possible.

#### **Group D**

- i. Seek out and maintain membership and participation in relevant local, national, regional and international professional organizations.
- ii. Implement international treaties and agreements that will respect the rights of Trinidad and Tobago and foreign offenders.
- iii. Establish and maintain of mechanisms for staff exchanges and the **sharing** of methods, standards and services.
- iv. Identify and encourage individual staff members with ability, to contribute to our national, regional and international roles and responsibilities.
- v. Encourage and support research and evaluation activities, which will contribute to the continued development of our knowledge and information base.
- vi. Dedicate the necessary resources to the creation of opportunities for discussion and information exchange.
- vii. Improving the responsiveness of the Prisons Service to change and implement new offender treatment and assistance programmes according to the needs of offenders.

## **Group E**

- i. Development of open policies with recognition of the need to demonstrate accountability.
- ii. Linking our values, objectives, programme delivery, organizational structure and resource management with a framework of strategic policy and accountability.
- iii. Being partners with agencies within the ministry in the development of common and consistent policies, and plans for the management of offenders.
  
- iv. Foster and maintain good relationships with other components of the Criminal Justice System, which includes the police, judiciary, probation and mediation services to ensure that they are consulted in the development of key policies.
- v. Enhance public understanding and support of the service.
- vi. Ensure that the service is open and responsive in all its dealings with correctional /prison investigators.
- xi. Developing and maintaining positive relations with the media and ensuring that they are provided with timely, accurate and meaningful information on all aspects of our operations.
  
- xii. Secure and utilize resources efficiently and effectively in achieving our objectives.
- xiii. Making appropriate use of available technology.
  
- xiv. Ensure that our actions- clearly reflect our responsibility to contribute to a healthy environment.
- xv. Pursuance of our mission in a manner that exemplifies at all times our values and guiding principles so that our integrity is never compromised.

## **Adult Prison Institutions**

The Task Force agrees that major concern in any Prison System is that of security for:-

- i. The society /community
- ii. Institutional Staff
- iii. The inmates / prisoners

Therefore the committee maintains that there is a need to provide a secure environment so that other aspects of modern prison life can be conducted to the best benefit for all, viz: -

- i. The Basic support operations
- ii. Effective Correctional' programming.

The recommended classification programme incorporates and caters for both security and treatment goals of the institution.

## **Classification Programme**

### **Security Classification:**

The Task Force recognized that inmates in prison have a variety of risk and needs making contemporary prison management a complex task. Classification is the key to effective management of inmates as it has direct implications on both the security level and the treatment they may receive.

The approach, which the task force recommends, relies on a set of well-defined factors (such as severity of offence, prior convictions, prior sentence/s) and personal characteristics (such as age, residence and employment and other socio economic factors) to guide decision-making process.

The classification system is based on a framework that would assist the Trinidad and Tobago Prison Service

- Ø To defend decisions in litigation pertaining to operations.
- Ø To identify appropriate levels of supervision for divergent inmate risk.
- Ø To Use personnel effectively based on understanding of divergent custody and program needs of inmates.
- Ø By providing data and research material which is useful to facilitate strategic planning
- Ø To generate information that can be used in monitoring and evaluating corporate goals and objectives.

This new classification system features the following elements, which are all necessary for effective prison management. It involves:

- Ø Using classification instruments that been validated for inmate population.
- Ø Using the same classification approach for all inmates.
- Ø Assigning inmates to custody levels consistent with background.
- Ø Having staff treat similar offenders the same way.

It should be noted that all inmates do not require and should not be placed in living areas of the same security level. Assignments to the various security levels should be made on the basis of:

- i. Security risk
- ii. Necessary resident management.

## **Security Model: With special emphasis on Zoning**

### **Medium Security Unit:-**

- Ø Use for first offenders
- Ø Less criminalized individuals (inmates)

### **Maximum Security:-**

- Ø Criminally experienced residents
- Ø Close custody residents

### **Approach / Plan:**

The approach advocated is based on separating inmates according to Criminalization with the view to: -

- Ø Reduce the effects of incarcerations
- Ø Improve the environment for corrections, for inmates who will best benefit by the rehabilitative process.
- Ø Improve Institutional Security.
- Ø Be cost effective and cost efficient in programme design and administration for inmates.

### **Proposed Approach / Facility:**

Institutional setting will be divided into three (3) complexes: -

- i. Diagnosis and Evaluation Unit (Facility)
- ii. Medium Security / Minimum Security (Facility)
- iii. Maximum Security/Medium Security Units (Facility)

## **Diagnosis And Evaluation Unit:**

This unit would be established to house and process new arrivals to institution for;

- Ø Initial classification
- Ø Special classification analysis
- Ø Special psychiatric and medical residents from general population.

## **Initial Classification:**

### **Reception, Diagnostic And Evaluation Centre:**

New arrivals to the Prison should be housed separately from regular residents during their initial classification process. This should occur at the Reception, Diagnostic and Evaluation Unit/Centre. Initial recommendation should be made on the basis of an approximate thirty to ninety days (30 - 90 days) evaluation at this centre. Initial classification should be made separate from the Diagnostic and Evaluation process, but with full information resources available. Placement should be made on the basis of both Diagnostic and Evaluation analysis and the initial classification process.

## **Objectives Of Diagnostic And Evaluation Analysis:**

### **Analysis Of Inmates Needs:**

Development of a programme prescription, with approval/consent of the inmate, designed to provide the best treatment milieu. Such an evaluation must be made with, but secondary to, the custody evaluations necessary to estimate the inmates required environment. The programme

prescriptive package must be followed carefully by inmate counselors and amended, by the programme team, as necessary. Inmate approval and co-operation is essential to programme success and may be necessary from a legal point of view.

Upon an inmate receiving his initial custody and facility assignment, he should be transported to the appropriate Unit/Centre. A sub-classification Review Board at each institution will re-examine the status of each inmate at regular intervals, that is: -

- i. After six (6) months for first review
- ii. Every nine (9) months, or on request, thereafter.

This is of paramount importance in order to facilitate movement to less secure custody. Avenues by which review is initiated should be carefully identified and developed to include inmate, programme, custody and administrative input.

Inmate classification is a dynamic process, which opens a range of specific options and considerations to the Review Board. All Re-classification, however, will be co-ordinated through Central Diagnostic and Evaluation processes, and the programme and Rehabilitation prescription for the inmate will be consistently amended.

### **Facility Placement After Initial Classification:**

Facilities should be classified along Maximum and Medium custody levels. The Maximum custody level should include close and medium custody, while the medium custody should also include minimum custody level. It must be noted, that the chief distinction between the two (2) medium custody levels is to be the degree of sophistication of 'Criminal maturity' of the inmates. Thus, the medium /minimum custody level facility should be used by inmates identified as less sophisticated, while the maximum / medium security unit facilities should be used by more sophisticated, recidivistic, experienced or institutionalized inmates. Close /

Maximum custody areas may also house certain inmates who are less sophisticated, due to aggressive behaviour or nature of offence.

## **Maximum Security / Medium Security Facility**

- Ø This is defined by a common maximum-security perimeter.
- Ø Accommodation area is divided into three (3) distinct custody areas: --
  - i. Maximum Custody environment
  - ii. Close Custody environment
  - iii. Medium Custody environment
- iv. The Facility should utilize the living Unit Management Concept.

### **Maximum Custody Environment:**

This is designed for inmates assigned to close custody who in addition to displaying the characteristics of the Close Custody environment also: -

- i) Pose an immediate threat to others within the institution if not isolated.

Such inmates should be assigned to a separate accommodation area where the utmost staff supervision can be afforded. These inmates should be assigned to maximum custody condition for as short a period as necessary.

## **Programmes For Maximum Custody Environment:**

- Ø Religious
- Ø Educational – Internal tutorial programmes only
- Ø Recreational
- Ø Psychological
- Ø Sociological
- Ø Cultural
- Ø Art and craft
- Ø Correctional Education Programmes

## **Close Custody Environment:**

Inmates- assigned to close custody: -

- Ø Considered not to be responsible and to require constant staff supervision;
- Ø Pose a threat to:
  - i. Other inmates and staff in the institution
  - ii. Others in society
  - iii. To themselves
- Ø Their background would show acts of violence or instabilities, which tends to suggest a propensity for violence.
- Ø They are likely to be serving a lengthy sentence, or have a term to follow, which enhance the risk of escape,
- Ø They are Considered to be:-
  - i. Sophisticated criminal
  - ii. Dominating

The sophisticated criminal is likely to be a multiple offender who shows no effort to change behaviour. He is therefore the least receptive to treatment and motivation of the close custody residents and might negatively impact on the efforts of others.

### **Programmes For Close Custody Environment:**

- Ø Educational
- Ø Vocational
- Ø Recreational
- Ø Psychological Sociological

### **Institutional Setting For Close / Maximum:**

#### **Close Custody:**

- Ø Isolate from the remainder of the inmate population through incarceration in a more secure setting with emphasis on single cells and separate day areas;
- Ø Must remain within the institution with loss of some rights;
- Ø Can participate in work programmes, including industries; may participate in counseling; vocational rehabilitation or education programmes
- Ø Reliance on staff control as well as on physical control. Perimeter site security required restricted movement inside building.

#### **Maximum Custody:**

- Ø Segregation from general resident population for protection of population or the inmate himself.
- Ø Limited programme participation
- Ø Loss of some privileges, utilizing restrictions to discourage undesirable behaviour within

the institution.

- Ø Recreational and exercise activities closely supervised, and most likely isolated from others.

### **Medium Custody Environment:**

Such an inmate is considered to be: -

- Ø Benign or stable but is still not responsible.
- Ø A treat to society if he escapes.
- Ø Of minimal treat to others in the institution.
- Ø Needing constant staff supervision although direct control is not necessary.

A sophisticated criminal tends to be least receptive to treatment and motivation, and might negatively impact on the advancement of others. Most of these inmates would not be released to minimum custody but might have much to gain from community work-release programmes.

On the other hand unsophisticated medium custody inmates are receptive to treatment and motivation but some would also need to be separated because of their dominating character. Among other inmates they tend to have a negative impact on the rehabilitative process, since they are likely to “walk away” in a minimum-security setting.

## **Institutional Settings For Medium Custody Environment:**

The characteristics of the medium security environment includes:

- Ø Separation from Society through incarceration; maintenance of direct supervision;
- Ø Generally restricted to inside of institution but could work on outside details under direct supervision,
- Ø Participation in programmes within the institution including industries, counseling, educational and vocational programmes.
- Ø Reliance on staff control through observation and response.
- Ø Perimeter site security required, free movement inside building.
  
- Ø Major institutional rehabilitation programme emphasis aimed at this group generally because of the longer sentence involved as well as the necessary limitation on off-site or unsupervised programme involvement.

## **Programmes For Medium Custody Environment:**

- Ø Educational
- Ø Vocational
- Ø Recreational Psychological
- Ø Sociological
- Ø Religious/Spiritual
- Ø Preparation for work release.
- Ø Psychological
- Ø Cultural
- Ø Art and craft

Correctional Education Programme

## **Maximum - Medium Custody Inmates:**

These inmates are likely to be older and tougher due to criminal experience, they would however be less violent and easier going than close custody inmates. Age should not be a factor in the Maximum - Medium custody assignment. The most important consideration should be whether or not the individual will function properly in this level of custody or whether they would adversely affect other inmates at this level.

Maximum - Medium custody inmates are therefore a sophisticated group and few inmates from this group will get the chance to be placed among less sophisticated inmates at the medium - minimum security level facility. Such a facility would also accommodate certain inmates who pose a medium -minimum security risk and cannot be placed elsewhere. Most inmates at this level will be recidivists or others with strong criminal behaviour, which suggests that there is little interest on their part in the process. The burden of proof and effort must rest on these inmates to show their seriousness in and regard for a rehabilitation experience.

## **Medium - Minimum Custody Facility:**

- Ø This would be identified by a medium security perimeter
- Ø Accommodation Area is divided into two (2) distinct Custody Areas:
  - i. Medium Custody Environment
  - ii. Minimum Custody Environment
- Ø Special small capacity accommodation areas for: -
  - i. Medical Patients
  - ii. Administrative or Disciplinary Segregation,
- Ø The task force recommends that these facilities should be operated along the Living Unit Management Concept.

## **Medium Custody Environment:**

Ø Inmates assigned to this level of custody are drawn from those that: -

- i. Are considered to be criminally unsophisticated
- ii. Cannot be considered as being (totally) responsible
- iii. Require constant staff supervision although direct control is prudent.
- iv. Do not pose a threat to others in the institution
- v. Would pose a medium threat to society if they escape.
- vi. May include inmates who tend to be aggressive, likely to walk away in a minimum custody setting.
- vii. Are receptive to treatment and motivation.

## **Institutional Settings For Medium Custody Environment**

The medium custody environment should include the following:

- Ø Separation from society through incarceration, and maintenance of direct supervision;
- Ø General restriction to inside the institution but can work on outside details under direct supervision.
- Ø Allow visit in open area.
- Ø Participation in programmes within the institution
- Ø Perimeter Site Security, which would allow free movement inside building.
- Ø Reliance on staff control through observation and response. (Dynamic Security)

## **Programmes For Medium Custody Environment**

- Ø Educational
- Ø Vocational
- Ø Psychological

- Ø Sociological
- Ø Religious/Spiritual
- Ø Cultural
- Ø Arts and Craft
- Ø Music
- Ø Public Work
- Ø Work In Prison
- Ø Preparation for work release.
- Ø All Correctional Education Programmes

### **Minimum Custody Environment:**

Inmates assigned to this level of custody

- i. Are considered to be responsible
- ii. Will not be considered as escape risks
- iii. Do not display any propensity for violence
- iv. Are not sophisticated criminals
- v. Do not present any direct threat to society.
- vi. May be unsupervised for approved periods of time within the prison
- vii. Are most receptive to treatment and motivation.
- viii. Those, nearing completion of their sentence, will qualify for community work release and education-release program.

### **Institutional Setting For Minimum Custody Environment:**

Inmates assigned to such an environment

- Ø Should remain under institutional control except when participating in an approved work or educational programme outside the institution. They can work under indirect supervision.
- Ø Should spend all time, not required by outside programme schedule, within the institutional confines.
- Ø Privileges are restricted by programme constraints.
- Ø Emphasizes skill development and vocational rehabilitation;
- Ø Periodic contact is permitted with society as a strategy towards re-integration.

- Ø Minimum perimeter site security is required.
- Ø Intermittent staff control.
- Ø Open visiting area.

### **Programmes For The Minimum Custody Environment:**

- Ø Educational Vocational
- Ø Recreational
- Ø Psychological
- Ø Sociological
- Ø Religious / Spiritual
- Ø Correctional Education Programmes
- Ø Prison Industry
- Ø Vocational training
- Ø Arts and Craft
- Ø Liberal Arts
- Ø Counseling programmes
- Ø All institutional reintegration programmes

Medium – Minimum Security Facility is intended for inmates who can and wish to achieve some betterment from the rehabilitative process. Inmates in these facilities are those most receptive to Treatment Programmes and the initiatives implemented at this facility should encourage all inmates to capitalize on this condition. Inmates at this level of security/custody who exhibit the most responsibility and self-reliance, would be placed in minimum custody through a sub-classification process. Most inmates must earn this classification (minimal custody level) in the course of their stay at this facility. It is possible, however, that certain inmates may be classified minimum custody on admission. Assignment to minimum custody should not be offered as a reward for involvement in correctional programmes. Such assignment must be based on a number of factors, including the ability to perform in reduced custody setting.

The practice of reducing the security level of inmates through a system of transfers to lesser degrees of security should be done after proper risk evaluation and assessment. Such a practice will be done as quickly as practicable without compromising public safety or institutional security. Inmates must earn their way down the custody gradient by exhibiting more self-responsible action. Inmates in the same way can be placed in higher custody when this given level of trust is violated.

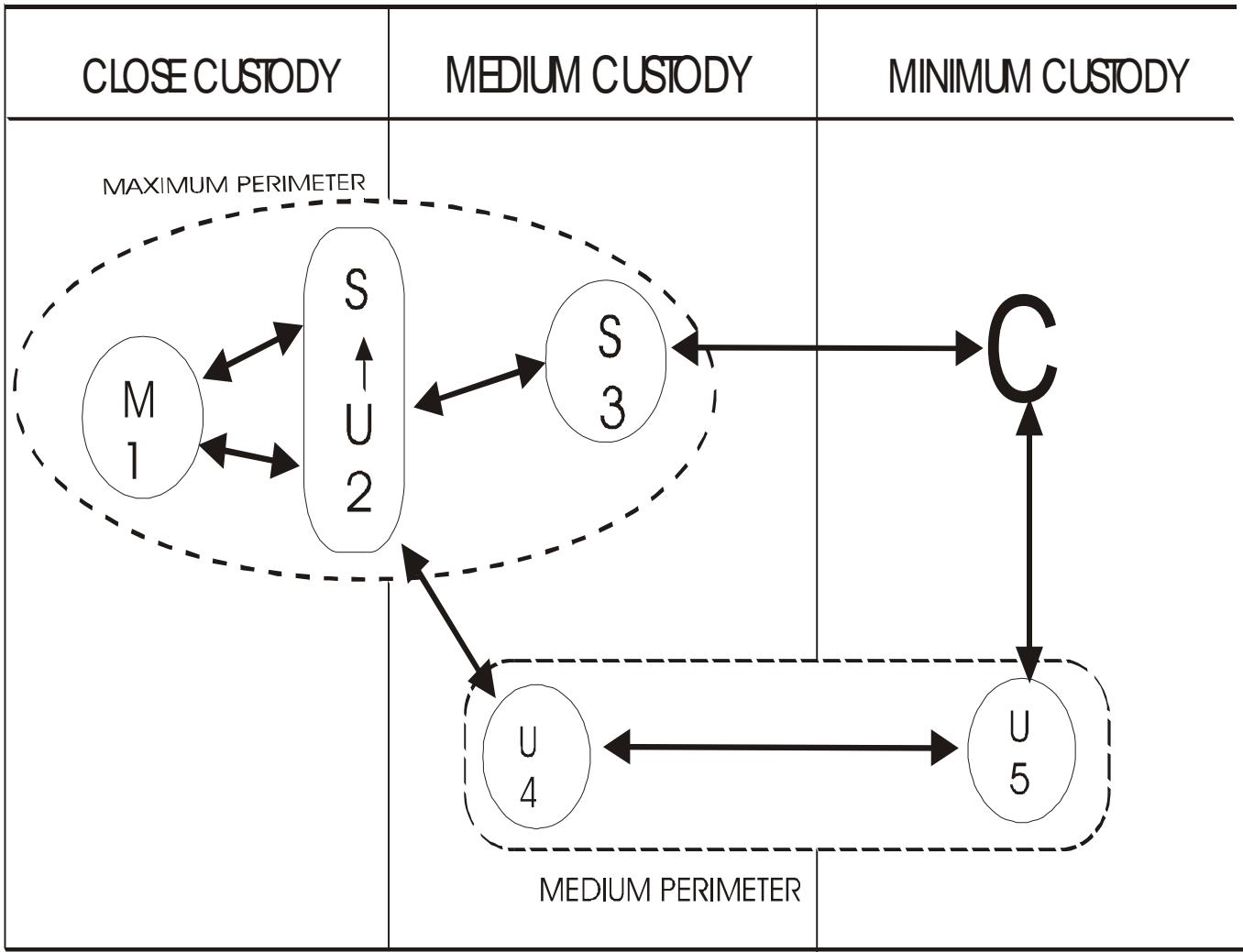
Maximum custody should be the most closely controlled of these security levels and will essentially be isolated living, with recreation and other programmes done in the housing unit or on a tutorial basis. Medium custody will offer intermediate security controls whereas minimum custody will be characterized by flexible controls from external sources. Therefore inmates must be self-motivated to demonstrate responsibility over their actions. Because of the need for temporary discipline and isolation even among minimum-security populations, it is necessary that this minimum facility be provided with segregation/ dissociation units. Additionally, such population groups would contain inmates who will require administrative segregation.

Despite the fact that security is a major concern of the Prison operation, the quality of the System's Correctional Plan is characterized by further classification distinctions. Such an approach is required in an attempt to eradicate the stigmatization effect of incarceration, particularly for: -

- I. First time offenders
- II. Inmates who are otherwise criminally naive.

An important aspect of the initial classification process would be to identify and distinguish between inmates who are sophisticated from those who are unsophisticated which would justify the need for separate institutional housing for each group/ category. This is done on the premise that by limiting or preventing contact, the unsophisticated group will not be unduly influenced and will remain more highly receptive to correctional programmes.

## Correctional facilities and major lines of inmates movement



### INMATE KEY:

M - Maximum  
 S - Sophisticated  
 U - Unsophisticated  
 C - Community based

### FACILITY KEY:

1. :Max
2. :Close
3. :Med
4. :Med./Min. SJ-MED
5. :Med./Min. SJ-MED

## **Programme Allocation / Classification Scheme:**

Offender classification for correctional programming typologies will be made. Such schemes will also further catalogue inmates according to: --

- i. Treatment needs
- ii. Programme responsiveness
- iii. Resource allocation.

The development of a prescriptive approach to assigning inmates to corrections programmes will be used /explored.

Programme staff will be brought into close co-ordination at each institution, with the prescribed programme goals for each inmate carefully monitored. It must be noted that inmates' co-operation is essential, both from a constitutional point of view and for programme effectiveness. A contract between institution and each inmate, written or unwritten will therefore be necessary. Prescriptive goals for each inmate will also include post release activity and a feedback information system will be developed to monitor programme success.

## **Typologies For Correctional Programming:**

- Ø Female inmates
- Ø The “dangerous” inmate
- Ø Long term inmates
- Ø Inmates requiring protection
- Ø Mentally disabled inmates
- Ø Sex offenders
- Ø Drug addicts
- Ø Aged inmates

## **A. Female Inmate:**

There is one prison for women located at Golden Grove, Arouca. This is a multi-level security institution.

Its population consists of: -

- i. Remanded Inmates
- ii. Convicted Inmates
  - Ø Condemned
  - Ø Serving Sentences

## **Consideration For Special Needs Of Women:**

- i. Children and visits
- ii. Health/ medical needs
- iii. Effects of incarceration on offender and the family
- iv. Foreigners on drug charges serving long sentences
- v. Women Prisoners on Remand

## **More Programmes And Services:**

- Ø Academic and vocational programme
- Ø Marketable skills training
- Ø Child care services
- Ø Maintenance of family ties should be emphasized
- Ø Special events
- Ø Life skills (Social Development)
- Ø Self-help groups

Ø Volunteer programme

Ø Recreation and entertainment

(N.B. See section on Women in Prison)

## **B.Particularly Dangerous Inmates**

Particularly Dangerous Inmates falls into two (2) Categories: -

- i. *The "Particularly Dangerous" such as the psychopathic types, violent in nature, terrorists.*
- ii. Those requiring protection from the general population and who should be the object of specific policies. e.g. Inmates involved in organized crime, political detainees.

The increase in particularly dangerous inmates is a direct result of the changing composition of the inmate population: --

- Ø The number of long sentences for violence, i.e. Crimes against the person has increased.
- Ø The number of offenders incarcerated for drug offences has increased.
- Ø There is an increase in the number of young inmates convicted of crimes of violence serving first sentences.

This has brought about a change in the inmate profile from which has emerged a "more difficult to manage" prison population and a breakdown in the traditional inmate code. These changing attitudes of inmates, the prevalence of the drug culture in the prison community, the freedom of movement inside institutions and transfers between institutions have weakened the stability of the prison environment. As a result, both the incidence and seriousness of violence in the institutions are increasing, e.g. Assaults on staff have increased and assaults on inmates have also increased.

The increase in institutional violence will also lead to changes in the classification and

management of dangerous inmates, in order to reduce the level of serious violence in institutions, as well as an anticipated increase in the number of inmates requesting protection.

### **“Particularly Dangerous Inmates”:**

This is a group of inmates that constitutes a serious threat to staff, inmates are believed to have psychopathic personalities, are refractory to treatment and also require dissociation.

### **Organizational Response To: Particularly Dangerous Inmates:**

- Ø Such inmates should be accommodated in Administrative Segregation Units
- Ø Special Programmes should be developed and implemented
- Ø Non-cell time should be limited to one-hour per day
- Ø Cases (individual) should be reviewed by the institution every sixty (60) days and by Headquarters every ninety (90} days,
- Ø A special committee from Headquarters will have the authority to transfer “Particularly Dangerous “ inmates into an out of Administrative Segregation and review each case at least twice per year.

### **C.Inmates Requiring Protection – (Protective Custody):**

This refers to the separation of inmates from the general institution population for their own safety. This has become necessary because it is perceived that "violence or the perceived threat of violence in institutions has increased.

## **Factors Identified As Having Contributed To The Perceived Threat To Inmates' Life:**

- Ø Increased freedom of movements within the institution providing inmates with greater access to one another;
- Ø Changing nature of institutional discipline, which has lessened the consequences of rule-breaking behaviour;
- Ø Diversification of institution resulting in a greater concentration of hard-core inmates in maximum-security institutions;
- Ø Shift in the major offence profile of inmates resulting in a greater concentration of hard-core inmates in maximum-security institutions;
- Ø Increase in the number of first time offenders with no previous institutional experience and less able to "do time".
- Ø Inmates' increased access to the media providing inmates with a knowledge of "undesirables" prior to their arrival in the institution.
- Ø Inmates who work outside the institution being pressured to "do favors" and introduce contraband;
- Ø General humanitarian concerns about the rights of inmates;
- Ø The attraction of protective custody (relative security);

## **Organizational Responses:**

- i. Provision of Special Unit to accommodate this group;
- ii. Same range of programmes as available to the normal population should be available to this group;
- iii. Removal into Protective Custody should be an administrative action, which should be determined by a number of factors;
- iv. These inmates do not require maximum level security.

## **D.Mentally Disabled Inmates**

This refers to persons who are mentally ill or in need of psychiatric treatment, some of whom may also be "violent" and sexual offenders. The Task Force recognizes that there has been a significant increase in inmates suffering from some type of mental illness, and recommends the development of contingencies to address this phenomenon.

### **Organizational Response:**

This group would fall into the Medical and Health Care Services inmate programme. The programme will be responsible for provision of Health Care to all inmates, the mentally disabled included, would be treated as a special group. The "Medical and Health Care Programme", would be responsible for organizing medical-surgical, psychiatric, dental, rehabilitation and therapy services. This responsibility however will be split between the institution's medical Health Care Services and the Ministry of Health.

## **E.Long Term Inmate:**

These are serving sentences of six (6) years or more, including life. Consideration for this group of offenders is necessary because of the impact of long sentences on the inmates as well as the impact of long-term inmates on the system.

### **Organizational Response:**

- Ø The programmes should address the following issues as they relate to long-term inmates:
  - i. Physical deterioration
  - ii. Low motivation
  - iii. Increasing introversion
  - iv. Lack of sustained interest in programmes

- v. Prisonization i.e. dependence on routine.
- vi. Sense of hopelessness
- vii. Difficulty in maintaining outside personal relationships
- viii. Incorporation into the institution's programme
- ix. Introduction of parole system
- x. Review of sentence - Judicial consideration being given to this
- xi. Re-socialization programmes/re-integration

## **F. Sexual Offenders**

This relates to those offenders sentenced for such crimes committed under the Sexual Offences Act. There has also been an increase in the commitment to prison of sexual offenders that can be attributed to strategies, which have encouraged victims to come out and report the offences. The Task Force notes that sexual offenders require special treatment, as there are diverse reasons for their offending.

## **Organizational Response**

- Ø Protection of such offenders for their own safety
- Ø Development and implementation of treatment programmes in conjunction with the Ministry of Health to address this specific problem.
- Ø Involvement in institutional programmes specifically those of a psychological nature such as:
  - i. Counselling
  - ii. Social Development
  - iii. Group and individual psycho-therapy
  - iv. Behavior therapy
  - v. Sex Offender Programme
  - vi. Gender sensitivity programme
  - vii. Restorative maintenance programme
  - viii. Other correctional programmes

## **G. Drug Addicts:**

It can be stated that some inmates are in prison because of their drug habit. As such, breaking that habit may be fundamental to the rehabilitative process. It should be noted, however, that these inmates must be considered as patients first and criminals second in terms of a treatment ideology.

### **Organizational Response:**

#### **Development and implementation of a treatment programme for criminal addicts.**

Institutional treatment programmes would include:

- Ø Orientation module
- Ø Assessment, Testing and Education module
- Ø Detoxification module
- Ø Prevention/Relapse module
- Ø Religious module
- Ø Physical Education module
- Ø Minimization of harm module
- Ø Narcotics Anonymous module

## **H. Aged Inmates:**

The Task Force projects significant increases in the number of aged inmates in prison as current sentencing practices have increased the utilization of long sentences and a number of inmates have been sentenced to seventy five years to life. These are expected to grow old in the institution and would pose problems for the prison system and staff. The Inmates at the age of fifty-five (55) years and over are those who should be classified as aged inmates;

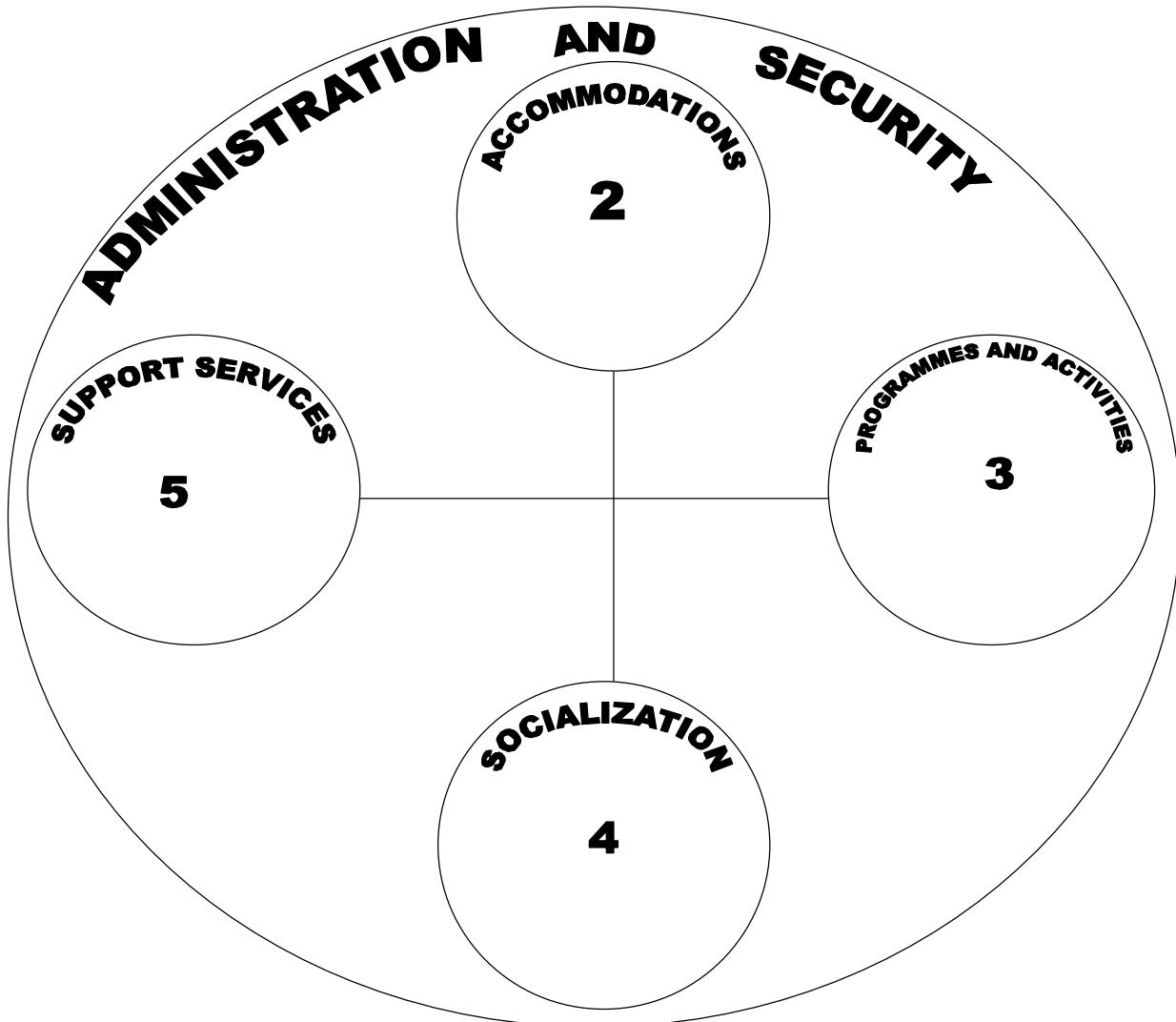
- i. They should be allocated to a medium-minimum custody facility;
- ii. They should participate in all institutional programmes.

Institutional programmes for the aged would include but not limited to:

- i. Increased leisure activities such as chess clubs, car clubs, dance class,
- ii. Geriatric health care including palliative care and other treatment programmes
- iii. Inmate Mentoring Programme
- iv. Involvement in the community intervention strategies.
- v. Increased social participation e.g. clubs, groups,
- vi. Participation in the resettlement programme

# **OPERATIONAL FRAMEWORK OF THE PRISON SYSTEM.**

OPERATIONAL FRAMEWORK DIAGRAM: APPENDIX



Within the operational framework diagram the following operational units should be identified:

**Administration And Security:**

- i. Executive Administration
- ii. Personnel Administration
- iii. Information Technology
- iv. Accounts
- v. Training
- vi. Institutional Reception
- vii. Reception
- viii. Warrants
- ix. Records
- x. Diagnostic and Evaluation
- xi. Classification and Placement
- xii. Internal Control
- xiii. External Control
- xiv. Hearings
- xv. Custody
- xvi. Letters and Visits

**Accommodation**

- i. Inmate Reception
- ii. General Accommodation, Tried and untried
- iii. High Risk – Special Classification
- iv. Condemn
- v. Dissociation
- vi. Pre- release

**Programme And Activity:**

- i. Administration
- ii. Psychological/ Social Service
- iii. Psychiatric Services
- iv. Media/Library Services

- v. Legal Services
- vi. Educational Services
- vii. Welfare Services
- viii. Vocational Trades
- ix. Religious Services
- x. Auxiliary Services

**Socialization;**

- i. Recreation
- ii. Hobbies
- iii. Culture
- iv. Visits

**Support Services;**

- i. Medical Services
- ii. Food Services
- iii. Stores - Central and Institutional
- iv. Maintenance
- v. Laundry

# **Staffing Policy:**

## **Issues And Concerns Relating To Staff In The Prison Service**

The Committee wishes to place on record its concern for the following staff issues, which were outlined in the report of the Ministerial Staffing Plan, which indicates that:

**Ø The present staffing does not currently satisfy the established staffing requirements** - In furtherance the expansion of the service has led to officers being extracted from “security / main-pool duties to function in new departments causing further disproportion in the ratio between staff posted in the main prison area and inmate housed there.

The departments are

The Emergency Response Unit (E.R.U.)

The Canine Unit

The Training, Research and Development / Correctional Educational Program staff

Remand Prison

Discipline

Maximum Security Prison

Condemn Divisions

**Ø Security of the institution** - The recommended staffing should be sufficient too properly / effectively address the security needs and concerns of the institution especially the various standards for supervision and control of inmates.

- Ø **Conformance to standards** - The staffing proposal should be adequate to facilitate The Trinidad and Tobago Prison Service conforming to international standards for the treatment of offenders e.g. Acts of Trinidad and Tobago, Station Orders of Trinidad and Tobago Prison Service, United Nations Standard Minimum Rules, Juvenile Offenders Acts, United Nations Standards for Child Abuse etc.
- Ø **Improvement and Upgrade of C.E.P., Technical Vocational and Labour** - The staffing proposed be adequate to ensure the improvement and expansion of the C.E.P., Tech-Vocational and Labour opportunities for inmates. The staffing allocated should be adequate to ensure effective planning, implementation, and coordinating activities, monitoring and evaluating the program's effectiveness as based on the population of inmates at the institution. The staffing plan should also cater for the staff in the C.E.P. undertaking case management activities, which includes the record keeping on each inmate's development in all areas of re-integration programming including their involvement in Prison Industry.
- Ø **Emergency and Disaster Preparedness** - The staffing proposed should be adequate enough to address the needs of the T.T.P.S. both in times of normalcy and in times of emergency. The Prison environment is one in which there is constant risk of emergencies.
- Ø **Technology Availability** - The availability of technology at the station in question increases in some cases or decreases in other cases the need

for staff. E.g. Monitors, Firearms, Computer, Electronically Operated Gates,

**Ø Superannuating Plan** - The implementation of the superannuation has significantly contributed to the further depletion of staff to crisis proportions. This staff plan should consider the continued exodus of officers expected in the next five years and attempt to satisfy the staff needs as a result.

**Ø Need To Increases In The Number Of Inmates Involved In Productive Activity Be It Education, Labour etc.** -The increases in staff should afford for increases in the labour pool as well as increases in C.E.P. programming whilst not adversely affecting the security of the institution.

**Ø Reduction in Staff Stress / Better Utilization of Staff Resources:** - The staff plan should afford for effective divisions of Labour and better allotment of roles and responsibilities.

**Ø Alignment With Mission, Vision And Envisioned Policies And Procedures:** - The proposed staff requirements efficiently and effectively meeting the objectives of the T.T.P.S. mission, vision and our envisioned policies and procedures.

**Ø Proper Management of Leave:** - The staff plan should incorporate allotments for vacation leave, sick leave and other forms of leave to which officers are entitled or may avail themselves to, as all of these affect staff numbers at institutions and inadvertently adversely affect the

security of the institution. Currently at least twenty officers had to be denied vacation leave request despite having over 90 days leave inside.

**Ø Security Level Of Institutions:** - The staff plan must consider the security classification of the institution as different ratios of staff to inmates are stipulated for each type. The committee must align staff needs based upon the security level and strategic intention of the institution.

**Ø Design And Layout Of The Institution:** - Based on the physical design of the institution staff should be adequate to address the general safety and sanitation needs of the station.

**Ø Safety / General Maintenance Of Institution:** - The staff allocated to the institution should be adequate to address the general safety and sanitation needs of the station.

**Ø Capacity of T.T.P.S. Training College** - The strategy for the intake of officers must give consideration to the amount of officers that can be trained at one time at the college and how many courses the Training College undertake in one year.

**Ø Increase in Staff Involvement in Sport and Cultural Activity** -The Prison's Officers Band, Basketball, Football, Cricket team assist in developing effective employee-to-employee relations in addition to promoting the service to the public. The Staff Plan should cater for staff that represents the T.T.P.S. in sporting and cultural activity during the

respective season the allocation of officers to these activities negatively affects batches.

**Ø Reduction In Employee Stress** -Increasing amount of officers suffering mental breakdowns, sick leave due to stress related illnesses.

**Ø Planning For Inmates With Special Needs:** - Women, the mentally ill and the elderly etc.

**Ø Increases In Amounts Of Sentry Duties And Patrols Both Mobile And Foot** - There is an expectation to increase the number of patrols in and around prison facilities, this increase, increases the need for staff.

**Ø Canine Section:** - the Task Force Visited the canine section and was startled by the findings there is a radical need for upgrade of the facilities, Increases in the number of dogs and staff.

**Ø Promotional Opportunities** –For the past thirteen years there has been a failure to have promotion examinations. This phenomenon has created tremendous frustration and anxiety amongst officers and has been cited as the chief reason for low employee morale and poor image of the administration. The staff plan should address issues of creating opportunity for promotions, Career Planning, Job enhancement and Job Enrichment.

**Ø On Going Training Of Staff.** - Training is identified as one of the most important items in developing the Trinidad and Tobago Prison Service. We recognize that without training the objectives of the

staffing plan would never be achieved. There is need for greater commitment and investment of time and money to ensure that officers are able to competently carry out primary and specialized duties in an efficient and effective manner.

**Ø Equality of Opportunity** - The Trinidad and Tobago Prison Service as a public service organization subscribes to the policy of equality of opportunities for all races and genders. This staff plan shall provide adequate opportunities for all parties to propel to the pinnacle.

**Ø Low Employee Morale**- recent surveys completed on staff has concluded that there is generally low employee morale. This is seen as a critical issue if improvement initiatives are to be effective this plan should address strategies for employee morale focusing on improving the work environment, infrastructure and work policies.

The Staffing Plan: -

The staffing policy will be influenced by the following factors: -

- i. The new approach and organizational structure, which would be adopted by the Prison Service.
- ii. Operational consideration based on (i) above of the various facilities.
- iii. Past experience with respect to previous staffing plans
- iv. Organization and methods of the Ministry of Finance inputs.

## **Staff Ratio Assumption**

The ratio formula used for this project is an objective estimation based on a mixture on the U.S. & Can professional experience as submitted to via a request of DSA Inc. i.e. Don Stoughton & Associates in corporate who is the correctional consultant who assisted in stream lining activities at the M.S.P. DSA was originally hired by MARITIME financial ad later retained by the Ministry of National Security.

The ratio formula is the number of prisoners divided by 100, multiplied by low or high assumption by security level. The following formulas are used for Maximum Security Organization.

For a low number of staff (no. of inmates /100) x 40 = Staff minimum security

For a high number of staff (no. of inmates /100) x 50 = Staff maximum security.

\*The assumptions regarding juveniles are that they get significant treatment and program services. Assuming they are heavily programmed and significant treatment services are provided, a ratio of three staff to one juvenile (3:1) is not uncommon.

**Hereunder is the Chart of the Staff to inmate Ratio based on Above Formulae**

Station	Inmate Capacity/Population	High Staffing	Low Staffing	Proposed
MSP	2100	1050	840	974
POSP	885	443	354	374
YTC	250	125	100	160*
REMAND	796	398	319	265
W P	120	60	48	101
GGP	980	490	392	516
TOBAGO	70	37	29	36
CCP	507	254	203	187

**Benefits**

The benefits of implementing the new staff policy include: -

- Ø Improved security and the supervision at institutions.
- Ø Increased likelihood of achieving strategic objectives.
- Ø Improved efficiency of the Trinidad and Tobago Prison Service
- Ø Improved capabilities for conducting on going service training without adversely affecting security of the institutions.
- Ø Reduced stress and anxiety in the prison environment.
- Ø Accommodate the implementation of Units for Case management, C.E.P., Planning and Monitoring, Classification of Inmates.
- Ø Modernization of the Trinidad and Tobago Prison Service
- Ø Establishment of a proper structure for programs and treatment of offenders.
- Ø Increase the number of inmates involved in Prison labour and Correctional Programming with an improved quality of CEP programming.

- Ø Improve capacity for the service to gather and Analyze Data on Inmates.
- Ø Improve capability to properly manage leave.
- Ø Increase security awareness by inmates encourages by the continual presence of Prison Staff.
- Ø Improve sanitation of the institutions.
- Ø Improved Public Image of the Service.
  - Ø Greater Community and Public Involvement under secure conditions.
  - Ø Improve visit policy and practice
  - Ø Improve staff utilization policy.
- Ø Reduced risk currently associated with supervising and managing inmates in congregate system .

Post	Establishment	Actual	Vacancies Present	Proposed Established	Vacancies Projected
<b>Commissioners of Prisons</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>Deputy Commissioners of Prisons</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>0</b>
<b>Assistant Commissioners of Prisons</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>6</b>	<b>1</b>
<b>Senior Superintendent of Prisons</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>6</b>	<b>1</b>
<b>Superintendent of Prisons</b>	<b>8</b>	<b>8</b>	<b>0</b>	<b>12</b>	<b>4</b>
<b>Cadet Officer</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>2</b>
<b>Assistant Superintendent of Prisons</b>	<b>8</b>	<b>8</b>	<b>0</b>	<b>12</b>	<b>4</b>
<b>Prison Supervisors</b>	<b>29</b>	<b>28</b>	<b>1</b>	<b>45</b>	<b>17</b>
<b>Chief Prison Welfare Officer</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>Prison Welfare Officer II</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>9</b>	<b>6</b>
<b>Prison Welfare Officer I</b>	<b>12</b>	<b>12</b>	<b>0</b>	<b>42</b>	<b>30</b>
<b>Prison Officer II</b>	<b>200</b>	<b>200</b>	<b>0</b>	<b>322</b>	<b>122</b>
<b>Prison Officer I</b>	<b>1799</b>	<b>1692</b>	<b>107</b>	<b>3224</b>	<b>1552</b>
<b>Prison Service Driver</b>	<b>80</b>	<b>79</b>	<b>1</b>	<b>112</b>	<b>33</b>
<b>Total</b>	<b>2148</b>	<b>2037</b>	<b>110</b>	<b>3811</b>	<b>1772</b>

N.B. The proposal reflected for staff in the above is exclusive of staff for the proposed new medium security prisons for Tobago.

The Task Force agrees that, as a matter of policy the Trinidad and Tobago Prison Service must: -

- Ø Determine the necessary competence levels required for all personnel performing work affecting the service's output of the various units.
- Ø Provide training
- Ø Evaluate effectiveness of action taken
- Ø Ensure that personnel are aware of the relevance and importance of their activities and how they contribute to the achievement of objectives
- Ø Maintain appropriate records of education, training, skills and experience
- Ø Provide training for all volunteers in penal practices
- Ø The Training College and the established committee shall establish and supervise programs for the education and training all staff including the Administration in the recognition, avoidance and prevention of unsafe conditions.
- Ø As such the Commissioner of Prisons and his executive shall avail themselves to safety and health training.
- Ø Increase vote allocated to training from \$350,000 to \$3,117,882.00 per annum.

Ø Increase developmental training at institutions

Ø Incumbents filling administrative positions i.e. positions that require individuals to develop policies, to provide expert advice areas of correctional administration or to provide guidance, direction, supervision, advise or evaluate a program or programs in correctional facilities. We recommend that the education requirements for these positions should be a first degree or equivalent combination of knowledge and experience which include but not limited to areas of expertise in:

**1. Correctional Management and Administration**

**2. Security Management**

**3. Human Resource Management**

**4. Financial Management**

**5. Facilities operations**

**6. Employee Development/Training**

**7. Fleet Management**

**8. Computer services**

**9. Safety Administration and Management**

**10. Psychological Services**

**11. Crisis Management**

**12. Technical services**

**13.Food services**

**14.Health services**

**15.Customer Services**

**16.Legal Administration**

**17.Research/Policy Development**

**18. Project Management**

**19.Mental Health**

**20.Religious Services**

**21.Auditing**

**22.Emergency Planning**

**23.Social Services**

**24.Community Corrections**

The Commissioner of Prison should have assigned to his office a research and advisory team. This team of officer or civilians should comprise specialist in Law, Penology, Management, Industrial Relations, Programming and Treatment Specialist, Human Resource Management Health and Safety, Research And Statistical Techniques, Information Technology, Psychology and Counseling.

The committee recommends that the Prison Service administration consider the possibilities of integrating women throughout the system.

- Ø Develop a desk manual for each post based upon standard of the Position Result Description.
- Ø Review procedures for the provision and solicitation of medical and other services provided for employees.
- Ø Have the Prison Service affiliated to regional and international professional associations in corrections and other related fields. This facility should include provisions for membership of officers and employees attending external training conferences, seminars and courses held by these bodies.
- Ø Provide ongoing in service training for staff and volunteers.
- Ø All Officers should receive mandatory training in human service training.
- Ø Consideration should be given to stipends to volunteer workers of the service.

## **Recommended Programme Staffing:**

### Programme Administration:

- i. Deputy Commissioner of Prisons – (Programme Director)
- ii. Assistant Commissioner of Prisons– (Assistant Programme Director)
- iii. Community Service Coordinator
- iv. Secretary
- v. Administrative Assistant
- vi. Counselors
- vii. Clerks

### Psychological and Psychiatric Services:

- i. Psychiatrist
- ii. Psychologist
- iii. Medical doctor
- iv. Chief Prison Welfare Officer
- v. Chemical Dependency Counselor
- vi. Psychiatric Social Worker
- vii. Secretary / Clerk
- viii. Medical Social Worker
- ix. Infirmary officers
- x. Psychiatric nurses
- xi. Mediators
- xii. Parole officers
- xiii. Probation officers
- xiv. Volunteers

### Media Centre / Library Services

- i. Librarian
- ii. Librarian Assistant
- iii. Media Librarian Clerk
- iv. Media officers

### Religious Services

- i. Council of Chaplains and ministers
- ii. Chaplains and ministers
- iii. Assistant to chaplains
- iv. Team members
- v. Clerk

### Recreation / Sports / Culture;

- i. Supervisor – Recreation, Sport and culture
- ii. Recreation / sports specialist
- iii. Culture Specialist
- iv. Music specialist

### Auxiliary Services;

- i. Store / Canteen Clerk
- ii. Barbering Supervisor

### Academic School;

- i. Principal / Coordinator / Director
- ii. Teachers (Part Time)

### Vocational Services:

- i. Manager / Coordinator
- ii. Vocational Trades
- iii. Secretary
- iv. Administrative Assistant
- v. Counselors
- vi. Clerks

### Agricultural Services:

- i. Coordinator
- ii. Agricultural Instructors
- iii. Administrative Assistant
- iv. Clerk

# **WOMEN IN PRISON**

## **Introduction**

Any reform or transformation of the Prison Service must address the burning issue of women in prison. This section takes a comprehensive look at women in prisons in Trinidad and Tobago covering the history of women's prisons, crime rates, sentencing practices, programmes, management and staff issues, legal issues of female prisoners, and other issues important to managing female inmate populations. More specifically, it provides information on the following questions about women in prison:

- Ø What do statistics or trends show about female inmate characteristics, including age, most serious offenses committed, drug use, prior physical or sexual abuse, and number of children affected?
- Ø To what extent do correctional policies, classification systems, and education/job-training programmes consider the needs of female inmates?
- Ø What types of parenting programs are provided for female inmates (i.e. visitation, mother-infant/child residential programs, and parent education programs)?
- Ø What types of reviews are performed to assess female-specific health care (e.g., gynecological care), particularly regarding access to care and quality of care?
- Ø To what extent are substance abuse treatment services provided to female inmates?

## **History and Current Reality**

The Task Force is of the view that prisons serve the same purpose for women as they do for men. However, the imprisonment of women, as well other aspects of their lives, takes place against a backdrop of patriarchal relationships. We refer here to Gerda Lerner's definition of patriarchy:

*"...the manifestation and institutionalization of male dominance over women and children in the family and the extension of male dominance over women in society in general. It implies that men hold power in all the important institutions of society and that women are deprived of access to such power."*

As a consequence, the imprisonment of women in Trinidad and Tobago has always been a different phenomenon than that for men; the proportion of women in prison has always differed from that of men; women have traditionally been sent to, or kept away from prison for different reasons; and once in prison, they endure different conditions of incarceration. Women's "crimes" have often had a sexual definition and been rooted in the patriarchal double standard. Furthermore, the nature of women's imprisonment reflects the position of women in society.

Why the rates are rising quickly for women remains an unanswered question. It is possible that deteriorating economic conditions are now pushing women to the brink faster than men. As the primary caretakers of children, women may be driven by poverty to engage in more "crimes" for survival. Changes in sentencing laws and practices, are commonly referred to as a main factor in rising imprisonment rates for women. Many commentators have indicated

that judges are less hesitant than ever to send women to prison. Offenses, which were referred to probation, are now drawing prison sentences and in instances where sentences were lenient, they are now harsher.

## **Who Are The Women In Prison?**

The profile that emerges from the research is that of a young, single mother with few marketable job skills and a school dropout, who lives below the poverty level. Most are between the ages of twenty-five and thirty.

Women's offenses were rarely vicious, and dangerous. However, the present trend suggests a shift from this position. Their crimes arise from difficult circumstances within society at large. Most women are in prison for relatively minor offenses; property crimes, sometimes referred to as poverty crimes, are the most frequent due to social exclusion.

Another important factor is that when women do engage in violent crime, it is often a fundamentally different sort of act. Women are much more likely to kill a male partner than to kill anyone else. Men are much more likely to perpetrate homicides against individuals outside the partner relationship, although the rate of male-perpetrated homicide against intimate partners is still nearly double the rate for female perpetrated homicides of male partners. Women are much more likely to kill in self-defense in response to their male partners' physical aggression and threats, and the recidivism rates for such crimes are extraordinarily low. That is, it is unlikely for a woman to repeat a homicide. This "female use of lethal counter-force" has been documented in numerous studies. Researchers have pointed out that besides the provocation that immediately triggers an act of homicide committed by the female, it is often a self- defense response to preceding years of male abuse.

Incarceration has severe and peculiar ramifications for women. A high percentage of women entering prisons are mothers, while, it is the same for men, fewer of them are fathers with custodial responsibility. These mothers have to undergo the intense pain of the lawful forced separation from their children. They are often the sole caregivers of their children and are the primary source of financial and emotional support. Their children are twice as likely to end up as secondary victims. Whereas when a man goes to prison, his wife, lover, or mother, most often assumes or continues to assume responsibility for the children, the reverse is not true. Women often have no one else to turn to and are in danger of permanently losing custody of their children. For some imprisoned mothers the separation from their children is one of the greatest concern and anxiety about their children's welfare yet they are required to request child visits.

In Trinidad and Tobago reproductive rights are inadequate for pregnant women who are in prison. Most of the essentials for a healthy pregnancy are inadequate in prison: proper nutrition, fresh air, exercise and pre-natal care. For those women who have their babies while incarcerated, forced separation from the infant usually comes within twenty-four to seventy-two hours after birth. The system therefore, breaks families, deprives the innocent and may create more victims of crime. It is therefore incumbent that the general health care and mental health policy within the Prison Service must satisfy the sexual and reproductive rights of these women and women in general..

Programmes that can improve the situation of the women inside must be based on accredited and best practice, which should be available through out the period of sentence. Such Programmes should include Psychological Counseling, Welfare Services, Psychiatric and other Mental Health Services, as well as other correctional educational programmes. Of particular importance, there is the issue of resettlement, particularly for inmates nearing their

release or discharge. This would provide adequate housing arrangements, job opportunities and other social support necessary to complete smooth integration.<sup>1</sup>.

The Task Force is of the view that the recommended Restorative Justice philosophy the Reintegration policy and the Shared Responsibility rehabilitation model would certainly address these issues.

## **Situational Analysis**

Statistics has shown that the female population in Prison at the end of October 2002 totaled 99:

• Convicted Inmates	60
• Remand Inmates	33
• Condemned Inmates	06

Of the 99 Convicted Inmates, 11 are Foreigners

### **Foreign Offenders:**

<b><u>Country</u></b>	<b><u>No. Of Inmates</u></b>
U.S.A.	05
Guyana	05
England	01

### **Ages of Convicted Inmates:**

<b><u>Age:</u></b>	<b><u>No. Of Inmates</u></b>
15- 20	10
21-25	23

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<sup>1</sup> dealt with under section on Correctional Intervention Process

36-49	23
over 50	04

<u>Classification Of Inmates</u>	<u>No.</u>
First Time Offenders	49
Twice Convicted	04
Recidivists	07

### Sentences

Under 3 months	06
3 months – 9 months	06
9 months- 1 Year	05
1 Year – 3 Years	18
3 Years – 6 Years	21
Over 6 Years	04

### Types of Offences for which Convicted:

Item	Type of Offences	Number of Persons
1.	Unlawful Killing	03
2.	Possession of Firearms/ Ammunition	02
3.	Possession of Cocaine	06
4	Trafficking Cocaine	14

5	Possession of Marijuana	02
6	Trafficking Marijuana	07
7	Breaking and Entering/Larceny	12
8	Conspiracy to Murder	01
9	Break Of Motor Vehicle Regulations	01
10	Fraud	02
11	Child Neglect/Willful Ill-treatment of Child	02
12	Assault	02
14	Armed Robbery	01
15	Breach of Immigration Regulations	03
16	Manslaughter	01
17	Wounding with Intent	01

## **Remanded Inmates :33**

<b><u>Classification of Inmates</u></b>	<b><u>No.</u></b>
Prohibited Immigrants	02
Awaiting Trial	06
Awaiting Appeal	01
Adjourned Cases	24

## **Ages Of Remanded Inmates**

15 - 20 years	03
21 - 35 years	16
36 - 49 years	12
Over 50 years	02

## **Various Offences**

<b>Murder</b>	<b>08</b>
<b>Trafficking Marijuana</b>	<b>04</b>
<b>Trafficking Cocaine</b>	<b>06</b>
<b>Possession of Marijuana</b>	<b>03</b>
<b>Possession of Cocaine</b>	<b>04</b>

<b>Larceny</b>	<b>02</b>
<b>Arson</b>	<b>01</b>
<b>Robbery</b>	<b>01</b>
<b>Possession of Illegal Device</b>	<b>01</b>
<b>Breach of Immigration Regulations</b>	<b>02</b>
<b>Possession of forged U. S. currency</b>	<b>01</b>
 <b>First Time Offenders</b>	 <b>25</b>
<b>Re-offenders</b>	<b>08</b>

The above Figures from Women's Prison, Golden Grove reveal that around 2.5% of offenders of the total inmate population are women. Over 50% of the inmate's population at the Women Prison is incarcerated for charges involving possession or trafficking of drugs exclusive of other drug related charges.

The Committee's research on Women incarcerated at the Women Prison found that most of the female inmate population surveyed had a history of drug use in the 'abuse range' before their imprisonment. A large majority of them are unmarried, and have mothered at least one minor child (under age 18) prior to imprisonment; the vast majority of minor children live with their grandparents, other relative/friend, or father. Although this situation is noteworthy, however, the ideal situation is to develop preventative strategies to minimize the number of women incarcerated

### **Correctional Policies, Classification Systems, and Education/Job-Training Programmes**

Historically, most policies, programmes, services, and facility designs did not account for the different needs of female inmates. It was noted that programmes and services (e.g., work, education, recreation, rehabilitative, and psychological) for female and male inmates are based on the different characteristics and needs of the two populations. Therefore this requires Management approaches and programming tailored to their special characteristics and situations.

The Task Force recommends that correctional policies should reflect programmes and services to address and consider the gender-specific needs of female offenders; these policies should also focus on quality assurance as articulated in the Reintegration Penal Policy and Correctional Intervention Process.

## **Multi Level Security System**

The Women's Prison is a multi-level facility, which utilizes a universal security classification system.<sup>1</sup> Although it is an adult institution there are instances where young offenders are committed to the institution since there is no existing facility to house young female offenders similar to those that exist for young male offenders. The Task Force is of the view that urgent consideration should therefore be given for the construction of a facility for Young female offenders, equivalent to that of the Youth Training Centre, St Michaels Industrial School, and the proposed Heights of Aripo Remand Detention Centre for Young male offenders, to alleviate the problem where young females are housed with the Adult Females.

## **Female Specific Needs**

The correctional education programme should address the following Female-specific needs:

- Ø A parenting program that addresses prenatal education and child rearing;
- Ø Female-specific health care
- Women as Primary Care givers - Mother-infant/child residential program (mothering from within);
- Ø Gender-specific programs at all facilities housing female inmates (e.g., anger management, battered women, domestic violence, adults molested as children, parenting, personal hygiene, self-development, self-help groups, and substance abuse programmes);
- Ø Mentoring programmes;
- Ø Inmate grooming standards, allowable personal property, and use of personal clothing.
- Ø Seminar/workshops in women's issues that addresses healthy nutrition for females, positive relationships with others, providing appropriate

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<sup>1</sup> see chap. On security classification and zoning system, pg.

child care, appropriate interactions with men, women's health issues, and parenting;

- Ø Mental Illness - women and depression.
- Ø Inmates 'at risk' of self harm or suicide
- Ø HIV /AIDS
- Ø Drug abuse

### **Female-Specific Health Care:**

While medical care for all prisoners is inadequate, the situation is more pronounced for women prisoners. Some actions have been taken to address this issue however breast exams and mammograms in addition to routine gynecological care, such as pap smears, are not routinely provided. The Prison Medical Officer (P.M.O.), based on observation, may make referrals, but the wait for such appointments can be very lengthy because of the bureaucracy. The Task Force review of this system has revealed that some families are prepared to meet the cost for such examinations at private institutions. However because of the high cost of such examinations only a few families can afford to have this done privately. The Task Force recommends, as a matter of policy that the health care services for women prisoners should include the above on a routine basis.

### **Primary Care Givers**

Women are in general the main caregivers for children or other dependants. Imprisonment should not curtail this responsibility. In a bid to continue her role as a caregiver, the Task Force recommends that initiatives be taken to assist the female inmates and should include but not limited to:

- Ø Introduction of a telephone system;
- Ø Improved visiting systems and facilities;
- Ø Routine visits for children and mother at the women's prison;
- Ø Temporary release arrangement.

## **Mental Illness**

It has been reported that 10% to 35% of all inmates in the United States have serious mental health problems (Severson, 1994). Grant (1992) reported that 20% of all inmates in correctional centres had some history of psychiatric hospitalization. In another United States survey 64% of women in correctional facilities showed symptoms of mental illness (Singer *et al.*, 1995). The study found the following mental health symptoms reported among the women surveyed: obsessive-compulsive disorder (37%), depression (59%), anxiety (40%), hostility (36%) and phobic anxiety (49%).

Based on observation the situation at the women's prison appears to be consistent with the international data. The Task Force therefore recommends that a therapeutic team be developed to assess and treat inmates who are afflicted with these disorders.

## **Inmates 'At Risk' Of Self Harm Or Suicide**

### **The Cause Of Self Injury**

Self-injury must be taken seriously. Working with women who injure themselves is difficult, especially when the behaviour is repeated. All prisoners who injure themselves deliberately need help to deal more effectively with the underlying problems that have led to their

behaviour. They should be offered help and support to enable them to deal with their emotional difficulties in an alternative way.

The Task Force therefore recommends that correctional administrators should establish and implement policies and procedures to minimize the risks of self inflicted injury and death in custody. These should include but not limited to.

- Ø Identification of 'at-risk' inmates
- Ø Management of 'at-risk' inmates
- Ø Minimizing the risks:

## **HIV-Aids**

The discovery of the Human Immunodeficiency Virus (HIV) and how it is transmitted has had major ramifications throughout the world. In particular it raises many challenges within a correctional environment. Whilst there can be no complacency regarding the possible spread of HIV-AIDS in correctional facilities, it is also important to separate fact from fiction. At the Asian and Pacific Conference of Correctional Administrators (A&PCCA) held in Tokyo in September 1995, an interesting conclusion was reported.

A decade after the recognition of this disease as one, which might potentially spread quickly through apparently vulnerable groups such as inmates living in close conditions, it was evident that no prison system within the region had in fact suffered an epidemic of such cases. On the contrary, the numbers found in most systems were exceedingly low. Even in those countries, where a substantial number of cases were found within the prison system, it was clear that offenders had come into the prison system already suffering from HIV-AIDS, and had not generally contracted that disease for the first time within the prison.<sup>13</sup>

At the same time, innovative approaches are required to prevent the spread of this disease and to assist those already infected. One such approach is Mandatory Testing and Counselling, to adequately monitor and evaluate the situation in Prison for treatment and other related services for the infected and the affected.

The Task Force therefore recommends the following Rehabilitative Aids Projects:

- I. Mandatory Testing and Counselling;
- II. Peer Education Programme for inmates;
- III. AIDS Committees;

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<sup>13</sup> A&PCCA, 1995, page 8

IV. Lifestyle Units,

V. AIDS Training Programme for staff, and

VI. Equipping staff with AIDS Packages.

Each component of this programme is described below.

## **Peer Education Programme**

The primary objective of this programme is to provide inmates with the opportunity to become peer educators within their correctional centres. The program includes a process of informing and educating inmates in such areas as prevention and harm minimization, risk assessment and strategies involved in becoming a peer educator. Inmate peer educators self nominate but are then selected by a committee who consider such factors as: the inmates' standing and position in the inmate population, their location, availability, along with the type and length of their sentence.

## **Aids Committees**

AIDS Committees should be established in the rehabilitation centre and should be based on the principles of peer education. These committees, involving inmates, should meet fortnightly or monthly and undertake activities for such occasions as World AIDS Day and are encouraged to develop innovative strategies regarding AIDS issues.

## **Lifestyle Programmes:**

Lifestyle Programmes should offer a course for HIV positive inmates. The programme should be staffed by voluntary custodial staff and should involve courses run by professionals and consultants to enable inmates to cope with their HIV status whilst optimizing health and well being.

## **Education For Staff:**

An AIDS Training Programme conducted as a Train the Trainer course is recommended for Staff. On successful completion, staff will be accredited to run programmes within their own institution.

The objectives of the programmes are to:

- Ø Provide accurate and current information on HIV-AIDS;
- Ø Provide information on Occupational Health and Safety Guidelines;
- Ø Promote a safe working environment;
- Ø Increase awareness and use of supportive programmes by staff, increase awareness of personal attitudes and behaviour among staff in relation to HIV-AIDS issues;
- Ø Provide staff with skills to safely manage HIV positive inmates within the correctional system; and
- Ø Increase awareness and proper use of the facilities provided by the Department to reduce HIV and other communicable diseases risk to staff

## **Understanding Hiv Risk Behaviours:**

There should be programmes to assist inmates to understand the effect of imprisonment on HIV risk behaviours such as unprotected sexual intercourse, intravenous drug use, body piercing and the use of tattoo guns.

## **Infection Control Guidelines:**

Clear infection control guidelines should be issued to staff, and appropriate equipment made available. AIDS packages should also be provided to staff to ensure that appropriate equipment is readily available when required.

## **Expected Outcome**

The expected outcome of the Prison HIV Peer Education Programme includes the following:

- Ø The Prison HIV Peer Education Programme should attract a relatively large number of prisoners who had not previously undertaken education courses in HIV/ Aids Awareness in a correctional institution;
- Ø Prisoners would have respect for the programme, since the course is non-threatening and is structured using adult learning principles, as opposed to traditional teaching methods;
- Ø The Peer Education Programme would significantly contribute to changes in attitudes of prisoners and a reduction in prejudices towards inmates affected with HIV.

### **Drugs And Rehabilitational Programmes – A Therapeutic Approach**

The committee recommends that drug rehabilitation programmes be implemented in the framework of a therapeutic approach, where programmes would be developed with the following guiding principles: -

- Ø Professionally developed;
- Ø Developed in consultation with all staff involved in their implementation;
- Ø Effectively evaluated including pre and post test measures and re-offending surveys;
- Ø Based on research not intuition;
- Ø Case managed, utilizing a multi-agency approach including assessment, classification, treatment and post release support stages.

## **Substance Abuse Treatment:**

As indicated above, many women inmates have histories of involvement with substance abuse. However, work in the selected jurisdiction, indicates that the correctional system may not be providing enough Substance Abuse Treatment Programmes for women inmates. In this regards, therapeutic interventions on problems and issues concerning the effective management and treatment of women offenders in prisons are recommended.

In examining and reviewing numerous reports, documents and legislation, The Task Force concluded that the problems currently existing in the women prison are not because of a lack of plans or recommendations but generally due to the lack of resources both financial and human for effective implementation of plans.

The treatment of addictive behaviours has been an exceptionally worrisome issue for society, in general, and corrections, in particular. This group of offenders is unusually problematic as a result of their tendency to re-offend and return to the Criminal Justice System. Many treatment models that address the substance abuser have been tried, but the therapeutic approach has gained favour in recent years.

The establishment of a Therapeutic Community is “a highly structured environment for the treatment of drug abusers and addicts as well as for behaviour modification. Conceptually, it can be described as a community of individuals who live together in a structured environment that includes a code of behaviour, peer-to-peer confrontation and discipline, and professional counseling. It is a programme that relies on interactions within the peer group to help members confront the reality of their addictions and to subsequently commit to a lifestyle change that will enable them to remain drug and crime-free.

In order to help correctional facilities obtain and maintain a viable treatment product, the Task Force recommends the development of measurable standards for the development of a therapeutic community and the programme should be developed along established performance-based standards.

### **Achieving Rehabilitative Outcomes:**

The Approach for Successful Intervention To Reduce Re-Offending would require the following

- Ø Risk, and Need Assessments And Follow Up
- Ø Matching Offenders With Interventions
- Ø Effective Rehabilitative Programmes which include Vocational, Educational and Correctional Education Programmes
- Ø Progress Monitoring of Offenders
- Ø Recreation
- Ø Cultural Activity
- Ø Work in Prison
- Ø Liberal Arts\
- Ø Case management;
- Ø The structured day;
- Ø Unit management.

With respect to staff the issues of concern in the delivery of effective rehabilitation and treatment requires the following: -

- Ø Defining Performance Standards for staff
- Ø Proper recruitment and selection of staff
- Ø Continual Training and Education in corrections and other related topics.
- Ø Staff Commitment to the rehabilitative and reintegration process.

## **Administration Of The Women's Rehabilitation Facility**

The committee wishes to place on record its concern for the administration and management of the Women's Prison. Considering the continuous increase in the population, its expansion of size, treatment initiatives and operation and security systems. The time has come to give institutional autonomy to the Administrator of the Women Prison to enable the incumbent to manage, monitor and coordinate all activities on the station. The Prison Task Force strongly recommends upgrading the administrative head of Women Prison from the current level of Prison Supervisor to that of Superintendent and to be assisted by an Assistant superintendent of Prisons.

This recommendation is consistent with the results and recommendations of the Job Evaluation Exercise conducted by the CPO Office in 1999 as well as the report submitted by the Ministerial Strategic Staffing Committee in 2002 on staffing needs of the Trinidad and Tobago Prison Service.

## **Female Youth Justice**

Risk Factors for Adolescent Girls with Co-Occurring Disorders in the Youth Justice System

**Ø Abuse/Victimization:** Research suggests that sexual, emotional, and physical abuse may be a significant underlying cause of high-risk behaviors leading to delinquency in girls.

**Ø Difficulty in School:** A study based on self-report revealed that a high percentage of girls in the youth justice system said they dropped out of school because they were pregnant or because they were parents and needed to take care of children. A

disproportionate number of these girls have undiagnosed learning disabilities that put them at risk for frustration, leaving school prematurely and engaging in other risky behaviors.

## **Characteristics Of Young Female Offenders**

The Committee notes that a number of girls come in contact with the youth justice system as status offenders and over time with excessive contact with the Criminal Justice System their crimes become more serious. Like their adult female counterparts, girls are often arrested for non-violent crimes that are drug related enter the system with serious social problems, with varying levels of mental health and medical issues associated with substance use, high-risk sexual behavior and violence.

Most studies show a substantial prevalence of co-occurring addiction and mental disorders among adolescents with approximately one-half of the adolescents receiving mental health services reported as having a dual disorder. The term co-occurring is consistently used to describe the existence of two or more disorders. One disorder always is substance use and the second always is a clinical syndrome or mental health disorder. Among adolescents with co-occurring addiction and mental disorders, conduct disorders and depression are the most frequently reported mental disorders.

Research suggests that the needs of girls and perhaps even the etiologies of their involvement in the justice system are drastically different from those of their male counterparts. Thus, assessment of risk factors influencing the onset of offenses, delinquency, and violent behavior in girls requires future attention. Gender-specific programming initiatives need to be developed that take into consideration all of the inter-related needs of girls and women in correctional settings.

## **Legislation**

The task Force recommends that Young female offenders (under 18) should not be sent to the adult women's prison under any circumstances; Legislation for the management of young female offenders should be introduced .

The Young Offenders Detention Act. Chap. 13:05 governs the detention of young male offenders to the exclusion of females. There is no corresponding legislation, which addresses the detention of young female offenders. This has resulted in the unsatisfactory practice of committing convicted young female offenders to the adult prison. It is recommended that the Young Offenders Detention Act be amended to include the detention of Young Female Offenders.

## **Screening And Assessing Co-Occurring Disorders and other Maladies**

There is an urgent need for proper guidelines, testing and interview instruments, and acceptable procedures for youth's treatment upon entering the youth justice system. Often, adolescent offenders are quickly shuffled through court proceedings and into the youth justice system, where others before them are either awaiting proper screening and assessment or receiving improper treatment.

Generally, screening and assessment instruments serve different purposes in diagnosis, treatment planning, risk, classification, remediation and referrals. Proper screening and assessment of youths should result in appropriate and effective treatment planning.

In addition to the need for guidelines and testing procedures, there is a lack of psychological tests for screening and assessing social factors, co-occurring mental health and other maladies.

Limited screening and assessment information may complicate treatment interventions, as youths with co-occurring disorders often have an elevated risk for impulsive and aggressive behaviour. These behaviours complicate treatment and rehabilitation: they negatively impact youth's ability to adjust and transition to adulthood.

Screening and assessment tests should measure emotional, behavioural, chemical and criminal characteristics linked to problems in an individual's or family's overall functioning.

Therefore the committee recommends an Early Intervention Assessment Programme, which includes the following: -

- Ø Initial Clinical Assessment,
- Ø Need Assessment
- Ø Innovative Programming
- Ø Cross-system collaboration
- Ø Psychometric Screening
- Ø Continuous Follow Up and Support
- Ø In-depth report on diagnosis, treatment, prognosis
- Ø Effective Profiling and Referrals

## **Future Challenges**

The Task Force recommends that practitioners should provide an integrated analysis of the critical elements necessary for Early Intervention and Assessment Programme that goes beyond using a singular instrument for screening and assessment. Future consideration should be given to the development of screening and assessment tests that consistently detect social problems, co-occurring mental health and substance abuse disorders in young girls who enter the youth justice system. By addressing normally overlooked areas, fewer young girls would slip through the cracks into situations in which they may be misdiagnosed, untreated or improperly treated.

Cooperative efforts are needed to reverse decades of neglect by bringing the needs and risk of adolescent girls involved in the youth justice system into focus across multiple systems.

Further, by generating new ideas through dialogue, identifying existing innovative models, and sharing knowledge regarding best practices, officials could create a new future for these girls and those who provide for them.

## **THE IMPLEMENTATION OF PRISON REFORM AND TRANSFORMATIONAL POLICY IN TOBAGO**

### **INTRODUCTION**

The Prison Task Force recommends that the process of Prison Reform and Transformation must address the physical and social infrastructural needs of the Rehabilitative/Correctional Facility in Tobago. It is noted from the budget presentation, 2002 that Tobago clearly needs to “catch up”. The Task Force proposes that the key to achieve this mandate for development in the Criminal Justice System is effective collaboration, coordination and consensus building in the country’s quest for a paradigm shift towards Restorative Justice. In this regard, the Task Force advocates that it is through the integration of the Tobago House of Assembly into the mainstream of the national planning and design of the Prison Reform and Transformation process, and the facilitation of the Assembly over time, that the Tobago House of Assembly will be able to contribute more fully, to preserve a just social order, and support civil society in building and maintaining justice, peace, and social cohesion, in Tobago.

Among the root causes of crime in Tobago, are factors such as the breakdown in family life, unemployment, poverty, drug abuse, hopelessness and failure of communities to perform their traditional roles. It is in this regard that the Task Force propounds a holistic approach, which is critical to fight and prevent criminal activities in Tobago. As such, it reiterates that any measure which is aimed at improving security on the island, and strengthening the Protective Services, must involve the coordination and cooperation of the Tobago House of Assembly, the Ministry for Tobago Affairs, Office of the Prime Minister (OPM) and the Ministry of National Security and Rehabilitation.

Based on security concerns linked to inadequate accommodation along with the deterioration of the present Tobago prison depot, the Task Force supports the construction of a new medium correctional facility in Tobago, which has already been approved as one element of a holistic approach to crime management.

The Task Force is guided by Cabinet Minute No. 77, dated January 31, 2001, where Cabinet agreed that: A medium security correctional facility be constructed in Tobago in accordance with the recommendation contained in the report on the feasibility study undertaken pursuant to Minute No. 1139 of May 7 1998 to determine the need for locating a new correctional facility in Tobago, as well as the type of facility to be established.

1. The Ministry of National Security enter into negotiations with Republic Finance and Merchant Limited (FINCOR), for a design finance/construct facility in the sum of \$200 million to construct the said correctional facility, the associated prison officers' dormitories, as well as to provide the required furniture and equipment, the terms and conditions of the financing facility to be agreed to by the Ministry of Finance.
2. The Project is monitored by the Ministry of Infrastructure Development and Local Government, the Tobago House of Assembly, the Commissioner of Prisons and the Project Implementation and Management Unit of the Ministry of National Security.

Accordingly, the Task Force has been advised that FINCOR would be required to submit a detailed cost estimate and a financing proposal within the financial facility of up to a maximum of \$200 million. Further, FINCOR will also submit the Scope of Works for the project which would include, construction and financing costs for the prison officers' dormitory, furniture, fixtures and security equipment for the facility, rehabilitative

programmes, prison industries and a supportive package of preventive socio economic programmes.

## **“MODEL” CORRECTIONAL FACILITY**

The principal goals of prisons (which are now usually referred to as correctional centres or correctional facilities) are to provide each prisoner with the knowledge and skills to reduce the likelihood of re-offending upon release and to protect the community during the custodial period. Available evidence suggests that the former objective cannot be achieved in the, punitive oriented systems of the past. The Task Force proposes the shift from Retribution to Restorative Justice, and aim to reintegrate rather than further isolate offenders from the community to which they will return when released.

In the context where crime management has evolved from the traditional approach based on law and law enforcement, to one that gives consideration to improving the standard of living of those groups most likely to be attracted to criminal activity, the construction of a new correctional facility in Tobago, is supported by consideration of wider issues related to the socio economic dynamics of crime management and crime reduction.

Without compromising security objectives, modern systems of correctional management attempt to model normal community regimes of work, education, recreation and human interaction. There is no point teaching someone how to be a good prisoner if the skills learnt are irrelevant when he or she is released into the community. In addition, active participation and effort on the part of a prisoner should be rewarded by more generous access to services, which make prison life less onerous and rehabilitation more achievable. However, the responsibility for rehabilitation must ultimately rest with the prisoner. If a prisoner chooses not to accept the rehabilitative opportunities offered, they should expect only the minimal

services and conditions required under International and National agreements, and to serve the maximum period of incarceration allowable under their sentence.

The Task Force posits that the Government has a unique opportunity to build a 'model' multilevel medium correctional facility in Tobago, which would afford the appropriate classification and management of inmates. In particular, the Task Force recommends that the Tobago House of Assembly in collaboration with Central Government should ensure that the building design is compatible with the model of rehabilitation recommended by the Task Force.

### **The Existing Prison Depot**

The existing Tobago Prison Depot, an annex of Police headquarters, has a capacity to accommodate approximately 25 inmates. The maximum prison population of adult males at any one time was seventy-three (73) in 1997. The Task Force has evaluated the prison population growth patterns, using empirical data from the 1996 Prison Services Annual Statistical Report, as well as information gathered from interviews and close consultations with stakeholders and inmates within the various prisons. The findings are summarized as follows:

A total of 175 persons committed to prisons were from Tobago. Since the daily average population for the last 5 years has been greater than the capacity of the prison depot, Trinidad prisons have had to be used to accommodate the overflow when necessary;

The Tobago facility is severely limited in its capacity to accommodate the number and diversity of inmates.

The prison's lack of facilities for prison officers and its precarious location are also cited as delimiting factors. There is no formal prison accommodation for females or youth offenders

in Tobago. All such offenders are usually detained on remand at Police Stations holding cells and transferred to Trinidad if convicted.

Tobago Prisoners are transferred to Trinidad for the following reasons:

- Ø Overcrowding;
- Ø Lack of maximum-security provisions in Tobago;
- Ø Lack of accommodation to house inmates serving long-term sentences
- Ø Insufficient accommodation for programmes that is (outdoor activities and rehabilitative services.
- Ø Health and medical conditions

#### THE PROJECTED CAPACITY FOR MEDIUM –SECURITY FACILITY (NIPDEC 1999)

Phase 1

- 130 Male adults
- 25 Female adults
- 40 Male youth offenders
- 15 Female youth offenders

**TOTAL 210**

A population capacity of 210 inmates was projected for a five years period on construction of Phase 1. A sum total of 300 inmates are projected for the completed project. The members of the Task Force visited the 1,075-acre, Hope Estate, to view a feasible 20-acre portion of land recommended to locate the Medium Security facility. The Task Force noted the close proximity to the Hope Farm, which could enable the rehabilitative activities such as animal husbandry utilizing the Farm's resources. In this respect, the Hope Estate was identified as the "ideal location" for construction of the Tobago Medium- Security Prison, since it would effectively facilitate the following: -

The Restorative Justice Approach, to prisoner rehabilitation

- Ø Improved prisoner management,
- Ø New facility designs for Tobago that would accommodate all categories of offenders.
- Ø Training and Development of staff on site Accommodation for staff
- Ø Accommodation for Ancillary services.

However, the committee wishes to place on the record its concerns for the following areas in the implementation of the Rehabilitation/Correction facility in Tobago:

- Ø Human Resource Development
- Ø Infrastructural Development
- Ø Health and Safety
- Ø Risk Assessment and Management of offenders
- Ø Programme Development

The Task Force identified that the first step in this process for Restorative Justice is the establishment of an Administrative and Coordinating Mechanism. This is necessary for the successful implementation of a Prison Reform and Transformation System, and help to strengthen the union of the two islands through effective cooperation, collaboration, dialogue, discussion and consensus building.

The Restorative Justice philosophy proposed by the Prison Task Force is a criminal justice system that links social justice goals with criminal justice goals. The ultimate goal is to keep people out of prison by dealing with them in the community without compromising public safety. It means promoting responsibility, safety and peace, so that offenders become stakeholders in society. The Task Force recommends that this approach would require a coordinated administrative mechanism in Tobago to transform the Criminal Justice System. The many applications for the successful implementation would require the establishment of a formal Operational and Management Structure with clearly defined linkages to effectively and efficiently deliver the following elements of applications:

## ELEMENTS OF SERVICES

Service	Accountability	Comments
Police Interventions	Ministry of National Security and Rehabilitation	Monitored by the Tobago House of Assembly and Ministry for Tobago Affairs, Office of the Prime Minister (OPM)
Mediation as an alternative to litigation, Peer Mediation	Ministry of Social Development	Monitored by the Ministry for Tobago Affairs (OPM)
Victim Offender Mediation Rehabilitation/Correction/ Parole Community Corrections Correctional Services Industry Educational Programmes	Ministry of National Security and Rehabilitation	Monitored by the Ministry for Tobago Affairs (OPM) and the Tobago House of Assembly
Social Services Probation Community Services Youth Justice; Ambulatory (Diversion from Court) Programme Probation Hostel Programme Social Services and Prison Integrated Network (SPINE) Reintegration / Resettlement of Offenders Violence Prevention Programmes in schools	Tobago House of Assembly Civil Society	Monitored by Stakeholders of the Division of Health and Social Services, Tobago House of Assembly. Monitored by Stakeholders of the Division of Health and Social Services, Tobago House of Assembly

## **Future Options For The Administrative Framework**

The establishment of a Division of Rehabilitation in the expanded Ministry of National Security and Rehabilitation has brought coherence in the Policy directives to transform the Criminal Justice System of Trinidad and Tobago. The Task Force recommends the promotion of discussions with the Tobago House of Assembly to link and network with the Ministry of National Security and Rehabilitation, Ministry of Social Development and Social Services Delivery (OPM) and the Ministry for Tobago Affairs in the Office of the Prime Minister, in the implementation of prison reform and transformation in Tobago.

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## **The Tobago House Of Assembly's Act 40 Of 1996**

In achieving the Assembly's vision of developing Tobagonians in a developing Tobago, set within the vision of making Trinidad and Tobago a developed country in the shortest possible time and certainly by the year 2020, the Tobago House of Assembly in relation to Tobago, is mandated to be responsible for the formulation and implementation of policy in respect of the matters set out in the Fifth Schedule without prejudice to section 75 (1) of the Constitution. (Act 40 of 1996).

The Ministry of National Security and Rehabilitation falls under the Sixth Schedule, matters for which the Assembly shall not be responsible. In this regard the Act 40 of 1996, calls for a Memorandum of Understanding, which will authorize the Assembly to act as agent of the Government, in respect of its responsibilities in Tobago.

The Task Force recommends the following, to give immediate effect to a Coordinating Mechanism:

The establishment of a Rehabilitative/Corrections Coordinating Committee, a body that will liaise and integrate the key linkages across Ministries, Divisions within the Tobago House of Assembly, (Division of Health and Social Services, Youth, Sports and Education and Community Development and Culture, the Policy Research and Development Institute, the Division of Infrastructure and Public Utilities), Judiciary and civil society, representing Prisons, Parole, Youth Justice, Probation, Mediation and Community Police:

To bridge the gap and ensure that work continues to develop the short term and medium term programmes and create structures for transformation. The establishment of a Secretariat from the Office of the Chief Secretary to service the Coordinating Committee and provide comprehensive networking arrangement for a seamless Criminal Justice System in Tobago.

### **Coordinating Committee/Activities**

Coordinating Committee would include membership from each of the stakeholders' agencies. The Committee would coordinate policy regarding Prison Reform and Transformation. The Committee would help to ensure that agencies responsible for regulatory and oversight activities, funding, technical assistance, and policy development, meet, deliberate, review and comment on pertinent Divisional/Agency/Departmental issues. The Committee would advise the Chief Secretary on the promotion of Division-wide Information Technology (IT) goals, strategic policies and initiatives, and enhance communications among the agencies.

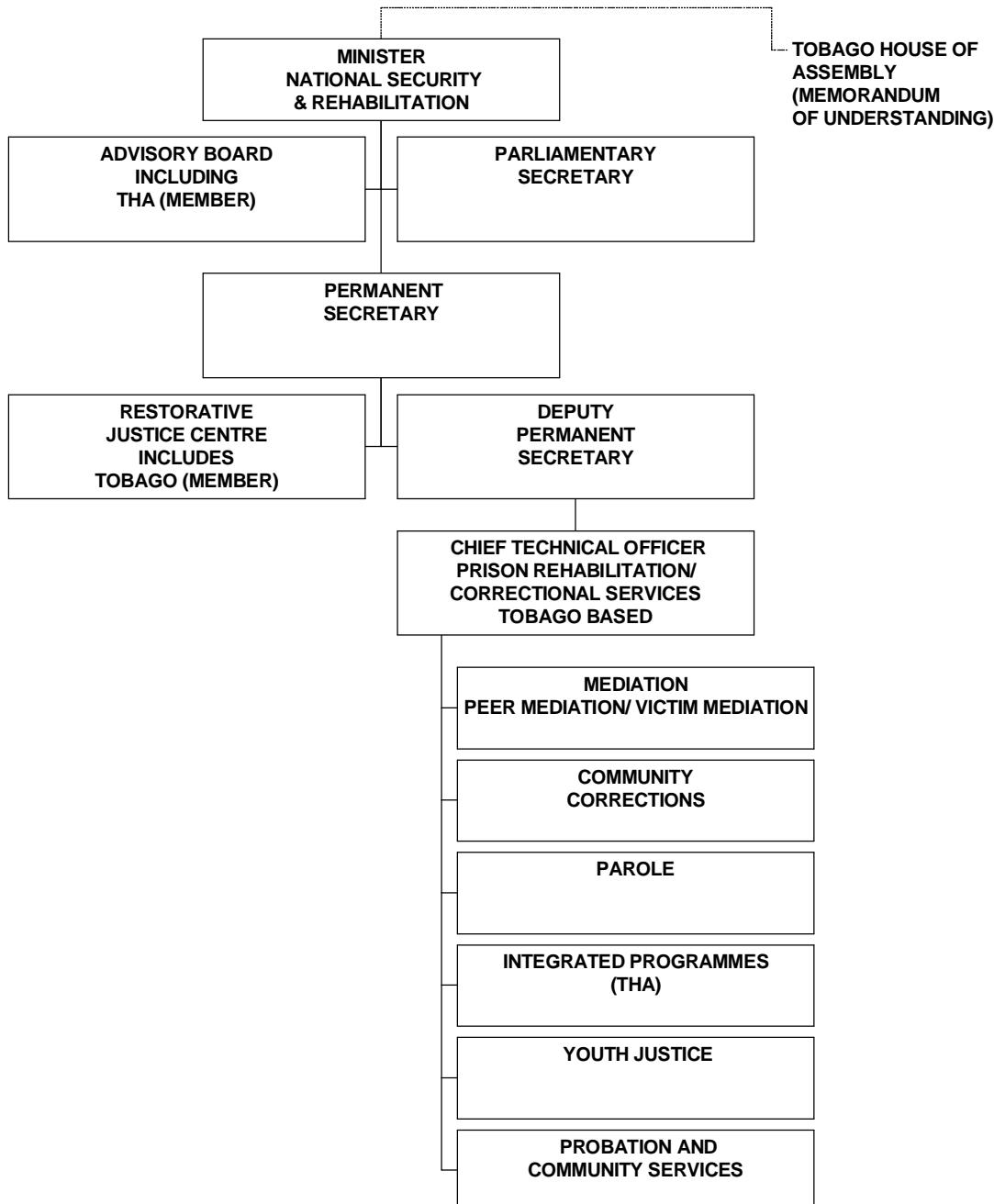
The National Advisory Body and the Restorative Justice Centre would serve to further advise the Department of Rehabilitation, through the Ministry of National Security and Division of Rehabilitation with regard to the development, monitoring, measurement, and implementation of Rehabilitation Programmes. The Centre would include all Operating Divisions/Agencies, and Research and Development sections to coordinate, advise, and plan

activities for monitoring, evaluation, measuring and implementing rehabilitation services throughout the Country.

In establishing a Coordinating Mechanism to provide Rehabilitation services, it is necessary to develop a chart that shows the functional allocation of responsibilities. The Task Force recommends this tool, which will be used to analyze and define clearly the responsibilities for the different components of Rehabilitation services delivery and policymaking. It will reduce the duplication of services, identify deficiencies in existing service delivery, and make more effective use of limited resources. The following is the recommendation for the Functional Structure to operationalise the prison Reform and Transformation delivery in Tobago:

## DEPARTMENT OF REHABILITATION (TOBAGO),

DIVISION OF NATIONAL SECURITY AND REHABILITATION, MEMORANDUM OF UNDERSTANDING WITH  
TOBAGO HOUSE OF ASSEMBLY, IN COLLABORATION WITH MINISTRY FOR TOBAGO AFFAIRS,  
{CENTRAL ADMINISTRATIVE SERVICES TOBAGO (CAST)}, (OFFICE OF THE PRIME MINISTER)



The Task Force proposes that programmes should complement each other by using a variety of internal and external coordination mechanisms, such as coordinating committees and joint programme planning.

The recommendations for implementation of Decisions are as follows:

Setting up of a Coordinating Committee and Sub – Committees;

Establishment of a Secretariat;

Recruitment and Training of Key personnel;

Tobago Representation on National Advisory Body, and Restorative Justice Centre;

The involvement of the Policy Research and Development Institute, in Research including Action Research;

Establishment of an Executing/Implementation and Management Unit, with the capacity to manage, monitor and evaluate the Project over five years;

The Construction and infrastructural development of the New Correctional Facility;

Human resource development and development of other resources;

Expansion and establishment of Correctional Education Programmes and Services;

Corrections programmes in communities.

### Planning Systems

The Task Force recommends that the Department of Rehabilitation (Tobago) should maintain a number of planning systems that enable coordination of programme operations across the operating divisions. In this respect, strategic planning, annual performance planning, and the annual budget process should be a primary tool for reviewing programme priorities and harmonizing programme activities. The budget process should give the Department's staff the chance to review resource allocations each year and eliminate overlap and duplication.

In addition to these major planning systems, the Department of Rehabilitation (Tobago) should manage a process for coordinating development of legislative proposals and regulation. More broadly, the Department should engage in an annual planning process for research, implementation, and evaluation activities. This planning should involve representatives from all of the stakeholders' agencies.

### Joint Initiatives

The Task Force recommends that in order to advance important areas of policy interest and to promote programme coordination, the Tobago House of Assembly should routinely designate special initiatives and assign management responsibility to the operating elements. Joint management could work well to combine programme activities and allocate resources in a way that promotes efficiency and coordination. These special initiatives should be subsequently incorporated into the strategic and performance plans.

### External Coordination

Almost all Prison Rehabilitative/Corrections services programmes entrusted to the Ministry of National Security and Rehabilitation intersect in some manner with programmes of other Government agencies, Tobago House of Assembly and the private sector. This diversity compounds the challenge of coordinating Rehabilitation programmes with those outside the Assembly. In addition, the Assembly's programmes are organized and delivered in a variety of ways, ranging from the direct provision of services where the Departments support most of the costs, to block grants, where the Department supports a fraction of the costs. This diversity means that the mechanisms for achieving coordination are necessarily as varied as the programmes. Coordinating mechanisms can be imbedded in service delivery partnerships. They can be formal mechanisms such as The Coordinating Committee, or ad hoc

mechanisms such as meetings or workgroups. Department staff is also directly responsible for coordination.

## **Tobago Social Sector Programmes**

The following are related existing programmes executed under the Tobago Coordinated Social Sector Committee:

- Ø Alcohol and Drug Abuse Prevention Programme (ADAPP)
- Ø Adolescent Mothers Programme
- Ø The Establishment of the Probation Hostel Programme
- Ø Life After School;

## **The Ambulatory Programme for Children and Youth at Risk**

The Ambulatory Programme for Children and Youth at Risk is a unique integration of various prevention/intervention strategies geared toward reducing violence against self, the family, the school and community, as well as a Truancy component that is a Safe and Drug free Community. A School Approach, would address the needs of youth who attend school irregularly, because they are afraid or intimidated, truant, suspended or expelled, school dropouts, or in need of help transitioning back into mainstream schools from juvenile detention and correctional settings.

This Diversion from Court Programme is an early identification and intervention programme that provides counselling for parents, elementary and secondary school students at risk of developing chronic truancy problems, juvenile delinquency and criminal activities. The Programme offers student and family counseling; peer and parent support groups; tutoring;

recreational and enrichment activities; and referrals to community resources to help families address issues contributing to deviant behaviour.

Truancy is a problem, not only for children, but also for families, schools and communities. In this regard, the Ambulatory Programme for Children and Youth at Risk targets the Elementary and Secondary Schools in Tobago, to provide intensive supervision and therapy for children, and support and education for parents.

### Social Services And Prison Integrated Network (Project SPINE)

#### Description Of The Programme

Social Services and Prison Integrated Network (Project Spine), is a Prison Reform, Rehabilitative and Social Reinsertion Programme led by a partnership with the Division of Health and Social Services, Tobago House of Assembly and the Prison Rehabilitation Programme, Tobago Division, Ministry of National Security.

This Partnership networks with NGOs, CBOs, Religious Organizations, the Private Sector, other governmental agencies and civil society, to assist the incarcerated in rehabilitation, and reintegration/reinsertion into society.

Project Spine serves the inmates who apply and demonstrate that they are serious about making changes in their lives in order to re integrate into free society. Work would be done with individuals prior to and following release, as a process of reintegration. Participation in the programme is on an entirely voluntary basis.

#### Programme Objectives: -

- Ø To assist the incarcerated men and women to make a successful transition from prison back to the free community;
- Ø To establish a crime free life for the incarcerated and their children;

- Ø To provide supportive transitional housing for inmates returning from prison;
- Ø To develop an effective system of referrals and communication for the target population.
- Ø To provide former prisoners with encouragement and emotional support.
- Ø To provide a comprehensive service to individuals on drugs or are HIV/AIDS positive.
- Ø To provide educational, training and development opportunities for continued education within the prison.

Other National Programmes Recommended for Rehabilitation are:

- Ø YTEPP;
- Ø Transformation and Development programme;
- Ø Civilian Conservation Corps;
- Ø On the Job Training;
- Ø Retraining Programme
- Ø Community Enhancement and Regeneration Programme; (CERP)
- Ø Information Made Easy Through Technology (ImaT)
- Ø Probation Officers And Parole Agents

The committee notes that Probation officers and parole agents have common goals—to carry out supervision. Both are responsible to assist ex-offenders to adjust to life in a free community and to prevent the further committing of criminal acts. These officers work towards returning offenders to useful, productive lives. The offenders may be on probation or parole depending on their legal status. An offender who is given a probationary sentence may or may not have served time in jail. Once released, the offender is put on probation or parole, depending on the offence and prior record. Some offenders who have served time in a correctional facility may be placed on parole when released. Both types of offenders are given conditional release under the supervision of a Probation Officer or Parole Agent for a specific length of time. Probation Officers are officers of the courts and in this capacity they perform pre-sentence investigations and prepare reports on their clients for the court. They develop plans to assist their clients' return to a free society.

Parole Agents with the Department of Rehabilitation, both the Youth Justice, and Probation, should report directly to their respective Parole Boards and have the main responsibility for the supervision of their clients. Parole Agents develop correctional plans for their clients before they are released. They arrange services for their clients such as employment, housing, medical care, counseling, education, and social activities. When a parole violation or criminal behavior is alleged, Parole Agents would conduct investigations that can include interviews, surveillance, and search and seizure. They could also arrange for drug testing.

### **Balance Of Social And Economic Programmes**

The Social Agenda of the Tobago House of Assembly is focused on ensuring that all citizens, the employed, the unemployed, the infirmed, the aged and the youth, are treated in a fair and equitable manner.

Accordingly, the Assembly is of the view that social intervention in the community is a prerequisite for ensuring that Tobago's developmental efforts are all inclusive and all embracing. In this regard, the Task Force supports the Assembly's priority, which is placed on the provision of effective social intervention programmes that protect the human dignity of these individuals and their families.

The Task Force proposes that the implementation of the mix of programmes and the intensification of same, where similar programmes exist, will serve to reduce the occurrence of criminal activity and anti-social behaviour and more importantly, will serve to ensure that the issue of crime management and restorative justice are being comprehensively addressed.

In conclusion, the Task Force recommends the establishment of a Tobago Corrections Coordinating Committee, with its Secretariat operating out of the Office of the Chief

Secretary, and providing for representations that would integrate and provide linkages among Ministries, and Divisions within the Assembly, including, the Policy Research and Development Institute, the Division of Infrastructure and Public Utilities, Prison, Police, Mediation, Division of Health and Social Services, Probation, Youth, Sports and Education and Community Development and Culture.

## **PAROLE INTRODUCTION**

The Cabinet appointed **Task Force on Prison Reform and Transformation (2001)** in keeping with the *Restorative Justice Philosophy and Reintegration Penal Policy* which they recommended in their First Report, advocated that the *Criminal Justice System* should consist of a comprehensive integrated Community Corrections Program, in which diversions (Mediations), alternatives (Community Sentencing) and Parole must be the main components.

Prisons have many objectives: punishment, retribution, deterrence, incapacitation and rehabilitation. Individuals who break the law must expect to pay the price for their crimes. Often, this price includes time within our nation's prison system. The Task Force considered parole to be one of the major strategies to reduce re-offending. The crime an offender commits has much to do with the severity of a sentence, and those with the power to sentence must consider public safety when deciding what to do with a convicted offender. The Task Force in its deliberations has concluded that prison sentencing objectives can often be met by using the least restrictive environment that is reasonably possible. Not all offenders need to be locked up behind bars. Finding alternative ways to punish some offender's help to relieve overcrowding, reduce costs and recidivism. *In the interest of public safety, dangerous*

*offenders should be incarcerated*, but as it relates to the many cases of nonviolent offenders, effective alternatives should be implemented.

However, in those instances where offenders have to be incarcerated, parole has been considered an important reintegration tool, which should be used when an offender has derived the maximum benefit from incarceration, and is at the point where reform and rehabilitation will be aided by his reintegration into the community. This release should not be an undue risk to society. Parole as a non-custodial community-based sanction is designed to replace the latter part of a sentence of imprisonment and would require not simply the preparation of public acceptance but also the active involvement of community agencies.

The committee was of the view that there was no need to reinvent the wheel and examined all past local reports and legislation on the discharge of inmates.

The existing parole systems of Canada and Britain were studied to determine ‘what works’ and ‘best practice’ in designing an indigenous proposal to fit the specific needs of Trinidad and Tobago.

### **Historic Prospective Of Early Release:**

#### **The British’s Experience.**

In the Eighteenth and Nineteenth centuries, the courts used transportation to lighten the burden of punishment imposed on offenders. After a certain number of years those who were transported were granted a ‘**ticket of leave**’ if they behaved themselves.

The ticket of leave enabled convicts to have a substantial measure of freedom within the colony to which they had been sent, though it did not enable them to go elsewhere until the end of their sentence.

The ending of the transportation system saw the introduction of a new sentence of ***Penal Servitude*** for those serious offenders who would previously have been sentenced to transportation.

The idea of the ticket of leave was carried into the new system of sentence to Penal Servitude, which entitled offenders to be eligible for release on license after serving a proportion of their sentence.

The proportion of sentence that could be served on license under penal servitude ranged from a sixth for shorter sentences to a third for longer sentences. In 1891, the figure was set at a quarter of sentence for male convicts and a third for female convicts. There was no remission for ordinary sentences of imprisonment. In 1895 the Gladstone Committee Recommended that remission and the marks system be extended to ordinary prisoners. This change was effected in 1898.

In 1948 penal servitude was abolished and all adult prisoners became eligible for their release at their remission date without being subject to any kind of license. The rules were amended in 1973 to make provision for time spent on remand to attract remission as well as sentence. The rules were further amended in 1987 to allow sentences of over 12 months or less to attract an increased remission of 50% on sentences.

Britain introduced a Parole Board with the Criminal justice Act of 1967 as part of a package of measures, which had the common theme of “keeping out of prison those who need not be there”.

The first releases of offenders under the parole system began in April of 1968. The Parole Board for that year noted that “Parole is not a sentimental gesture; it makes serious demands upon the parolee, and the sanction of recall for misbehavior is a realistic deterrent”.

### **The Canadian Experience**

In 1899 Canada introduced the Ticket of Leave Act. This legislation was based almost word for word on the British legislation.

In 1913 a Remission Branch was established in the Department of Justice to handle all matters of clemency including parole. During the period 1899 and 1922 only 2.2 % of offenders who were granted ticket of leave had actually committed an offence while on license. The Remission Branch became the Remission Service in the 1930s.

Royal Commission was appointed in 1936, headed by *Mr. Justice* Joseph Archambault whose recommendation in 1938 castigated the remission service for their operating methods, since it was found that decisions were based on the most meager information. There was no attempt to inquire into the Social background of the offenders or to complete a case history. However, the most important and far-reaching of the Archambault proposals was for a Prison Commission that would have full authority over the management of penitentiaries and act as an independent parole board.

In 1930 the Penitentiary Act was revised creating an Administrative Board, however, the proposal for an independent Parole board was ignored.

A committee was appointed in 1953 to enquire into the principles and procedures followed by the Remission Service. This Fauteux Committee reported that the concept of parole as an aid to rehabilitation had been frustrated and advanced that the prospect of parole should motivate the offender to take full advantage of the rehabilitative opportunities offered by institutional progress, so that the inmate could lead a better life after release. The report recommended that offenders be automatically considered for parole on the merits of their individual cases. Its most important recommendation was that a strong central parole board be created that should have exclusive jurisdiction over parole for all convicted offenders.

The old Ticket of Leave Act was repealed and the Remission Service abolished and the Parole act was created in 1959. The Parole Act established the National Parole Board as a completely independent parole decision – making authority.

In the early operations of the Board, parole was seen as the final stage of a treatment programme i.e. the point at which the offender was deemed to have reached '**maximum benefit**' from imprisonment. Innovative programmes, like the day parole was introduced. However, the prospect of getting a substantial chunk of '**good time**' tended to erode many offenders interest in applying for parole.

The revised Parole Act of 1969 declared that an offender who had accumulated more than 60 days remission and was therefore eligible for unconditional release, now had to be released under supervision in the community, subject to the same conditions as any parolee. This became known as mandatory supervision.

1976 saw amendments to the Criminal Code, which led to the abolishment of capital punishment. Before 1961, any person convicted of murder was automatically sentenced to death. The revision saw the previous categories of capital and non-capital murder replaced

with first and second-degree murder. The penalty for first-degree murder became life sentence with a minimum period of 25 years to be served before parole eligibility. However, the amendment provided for the death penalty only if the victim was a prison or police officer.

In 1977, the Parole Service and the Penitentiary Service were combined to become the Correctional Service of Canada.

In 1986 the Parole Act was amended to enhance the objective of keeping 'the most dangerous' offenders off the street by detaining them past their mandatory supervision eligibility date.

In 1990 the Parole Act of 1959 and the Penitentiary Act of 1961 was replaced with new legislation namely, *The Corrections and Conditional Release Act*. This Act reflected three major themes – Public Safety and Reintegration; Openness and Accountability; and Procedural Fairness.

### **The Local Experience:**

In Trinidad and Tobago the legal requirements for the early release of an offender is remission. Under this system an offender serving a sentence of over thirty days can earn 1/3 of his sentence off for good conduct and industry, this was established under the 1838 West Indian Prison Ordinance (revised 1950).

In 1959 Mr. O. V. Garret, the adviser on Prison Administration from the Colonial Office in London was invited to visit Trinidad to advise on Prison Organization and Expansion. In his 1960 report he proposed the introduction of a system of supervised release for offenders in Trinidad and Tobago.

In that report Mr. Garret recommended that such a system would have particularly valuable results in Trinidad and would certainly help reduce recidivism".<sup>1</sup>

In 1962, Trinidad and Tobago gained independence from the United Kingdom and created its own constitution. The Constitution made provision for the Advisory Committee on the Power of Pardon to make recommendations to the Minister, who may accept and recommend same to the President. The President may then authorize and command the Commissioner of Prisons to discharge the offender, with or without conditions.

<sup>2</sup>

The Abdullah report of 1980 made similar recommendations to the Garret report, it stated "This Commission recommends that a Parole Board be constituted as one of the agencies within the department of Correctional Services...<sup>2</sup>

In 1991, the Prison Rule # 285 was amended to provide for offenders serving sentences from thirty (30) days to twelve (12) months to be granted remission of ½ their sentences. This measure was to alleviate the chronic over crowding existing in the prisons at that time.

In 1992, A Ministerial Committee examined the feasibility of parole in Trinidad and Tobago; they recommended the urgent need for change, that is, from a Remission to a Parole System.

The Attorney General's office in 2000, submitted Proposals for the Reform of the Prison System of Trinidad and Tobago through three bills, namely The Community Service Offences (Amendment) Bill; The Summary Offences (Amendment) Bill; and The Criminal Records (Amendment) Bill. . They also recommended that the present early release mechanism of remission should be replaced by a parole system.

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<sup>1</sup> Garret Report, page 30, Paragraph 101.

<sup>2</sup> Abdullah Report page 66, paragraph 9.25.

Historically, offenders released from prisons in Trinidad and Tobago remained largely uneducated and unskilled with little or no family support. To add to this impediment their prison records presented a hindrance to their gaining employment. An estimated 60% of those released re-offended in a short period.

An examination of the system of early release in Trinidad and Tobago has found it to be ineffective as a remedy to crime reduction and offender reintegration. The remission system which was created to promote good conduct and industry in prison is not capable of achieving the larger goal, that of Public Safety.

### **Legislation: What Exists for Discharge of Prisoners**

The Trinidad and Tobago Prisons Act chap. 13:01 Section 17(1) provides that the Minister may, subject to the affirmative resolution of Parliament, make rules for the better implementation of the provisions and purposes of the Act. They include rules for amending or revoking the Prison rules, and state that, he may make rules providing for –

- (a) The admission and discharge of prisoners;
- (f) The remission of sentence to be allowed to prisoners and the manner and conditions under which the remissions are to be granted; and
- (g) The supply of money, food or clothing or the means of traveling, to prisoners on their discharge

The discharging of prisoners in Trinidad and Tobago is at present conducted in accordance with the West Indian Prison Rules (1838) as amended by the Prison Rules (Amendment) of 1950. Under those rules the regulations that govern the discharging of prisoners are reproduced as follows:

Rule 237. Subject to rules 304 and 307, prisoners shall, on the day of their discharge be handed over to the police for conveyance to police Headquarters for final discharge.

*304. First Division prisoners shall be discharged from the Royal Goal, and not from the Police Headquarters as required by rule 237.*

*307. On the expiry of their sentences, Second Division prisoners shall be discharged from the Royal Goal. and not from Police Headquarters as provided by rule 237.*

Rule 238. Every prisoner whose term of imprisonment expires on Sunday, Christmas Day, Good Friday or Corpus Christi, shall be entitled to his discharge on the previous day and the Commissioner of Prisons is hereby required to discharge such prisoner on the preceding day accordingly. Prisoners from Tobago whose sentence would expire on the day after the departure of the coastal or other convenient steamer shall be discharged on the day before.

Rule 239. No prisoner shall be discharged before the expiration of his sentence except on the order of the Minister.

### **Remission of sentence**

285. With a view to encouraging good conduct and industry and to facilitating the reformatory treatment of prisoners, arrangements shall be made by which a convicted prisoner serving imprisonment, whether under one sentence or consecutive sentences or under any such sentence or sentences and remnant of a previous sentence, for a period exceeding one month, may become eligible for discharge when a portion of his term of imprisonment, not exceeding one-third of the whole term of imprisonment, has yet to run: Provided that nothing in the said arrangements shall authorise the reduction of any period of imprisonment to be served to less than thirty days.

“285A. Notwithstanding rule 285, where a prisoner is sentenced to a term of imprisonment, whether under one sentence or consecutive sentences the aggregate of which does not exceed twelve months, he may become eligible for discharge when a portion of his term of imprisonment, not exceeding one-half of the whole term of imprisonment, has yet to run,

save that nothing in this rule shall authorise the reduction of any period of imprisonment to be served to less than thirty days."

*It also appears that there are provisions for discharge of prisoners under the rules for review of long sentences and medical considerations.*

### **Review of long sentences**

281. The case of every prisoner serving a life sentence shall be reviewed by the Minister at the 4<sup>th</sup>, 8<sup>th</sup>, 12<sup>th</sup>, 16<sup>th</sup> and 20<sup>th</sup> year of the sentence.

282. The case of every prisoner serving a term of imprisonment exceeding four (4) years shall be reviewed by the Minister at intervals of four years or at shorter periods if deemed advisable.

### **Medical Treatment**

83. Whenever the Medical Office is of the opinion that the life of any prisoner will not survive his sentence, or is totally or permanently unfit for prison discipline, he shall report his opinion and the grounds thereof, in writing, through the Commissioner, to the Minister.

### **Resettlement**

111. The Welfare Officer shall also be accessible to ex-prisoners at some office or place in Port-of Spain.

114. The Welfare Officer shall as far as possible keep in touch with all ex-prisoners and endeavour by all means in his power to keep them from returning to prison.

The Constitution of Trinidad and Tobago provides:

87.(1) The President may grant to any person a pardon, either free or subject to lawful conditions respecting any offences that he may have committed. The power of the President under this sub-section may be exercised by him, either before or after the person is charged with any offence and before he is convicted thereof.

(2) The President may –

- (a) Grant to any person convicted of any offence against the law of Trinidad and Tobago a pardon, either free or subject to lawful conditions;
- (b) Grant to any person a respite, either indefinite or for a specified period, from the execution of any punishment imposed on that person for such an offence;
- (c) Substitute a less severe form of punishment for that imposed by any sentence for such offence; or
- (d) Remit the whole or any part of any sentence passed for such an offence or any penalty or forfeiture otherwise due to the state on account of such an offence.

### **Legal Considerations: The discharge of inmates**

It is hereby proposed that parole should be introduced whilst maintaining the remission system provided by Prison Rule 285.

However, the committee is of the view that the remission procedures outlined in *prison rule* 286 should be reviewed to facilitate inmate's reintegration into the society and not just their good conduct and industry in prison.

Further, the rules (281,282) relating to the review of long sentences should be provided with clear operational guidelines, as well as a clear definition as to what constitutes a life sentence.

The provisions in rule 238, which provides for the early discharge of prisoners whose sentence expires on Christian holidays, should also be amended to include other significant religious holidays such as *Divali* and *Eid*.

The committee observed that the provisions of *prison rule 111* has not been implemented and suggest that efforts should be made to ensure that a Prison Welfare Office is located outside the prison to facilitate the easy access to relatives of offenders and ex- offenders in their attempts to resolve social support and other issues that result from incarceration.

The committee recommends that legislation should be created to establish the **Trinidad and Tobago Parole Board**. This board should be empowered to make risk assessments to inform decisions on the release and recall of offenders with the ultimate aim of protecting the society. The committee is of the view that while this Board could be established under the provisions of the Prisons Act chap. 13:01 sub-section 17. This should be established through independent legislation, namely – ***The Rehabilitation and Conditional Release Act***. The Parole Board’s purpose should be to promote and enhance safety and protection through quality decisions and the implementation of supervision and treatment plans for the safe reintegration of offenders in the community.

The Board should function as an independent administrative tribunal responsible for making decisions about the timing and conditions of release of offenders to the community on various forms of conditional release.

The proposals of the Attorney General (2000) for the amendment of *prison rule 245* to provide for a maximum of three prisoners to one cell was debated and it was determined that its implementation may create situations for the *emergency release* of prisoners in times of chronic overcrowding. The Committee shared the view that in the event emergency situations arise due to infringement of offenders legal rights to specific conditions, the Parole Board should be empowered through legislation to select and release offenders on conditions following *the declaration of emergency*.

The committee examined the *Corrections and Conditional Release Act of Canada* and found that conditions for parole exists under that legislation. *The Transfer of Offenders Act* was also examined, Section #4 of the Act stated: *the finding of guilt and sentence imposed by Trinidad and Tobago will, upon transfer, be deemed to be a finding of guilt and sentence imposed by a court of competent sentence jurisdiction in Canada for a Criminal offence*. The committee shared the view that since similar conditions exist under the **Trinidad and Tobago Transfer of Prisoners Act 1993**, offenders sentence in other territories who choose to utilize the conditions under that act should not be denied the possibility of parole that they would have been eligible to, had they not been transferred to Trinidad and Tobago.

The committee also studied the *United Nations Standard Minimum Rules For Non-Custodial Measures*, and formed the position that sections relating to *fundamental aims, legal safeguards, post-sentencing dispositions, supervision, duration, conditions, and discipline and breach of conditions* should be adopted in the creation of legislation for the establishment of a system of parole.

The committee further recommends that the Government of Trinidad and Tobago should give consideration to ratifying the **United Nations standard minimum rules for non-Custodian measures**

## **Arguments For The Introduction Of Parole**

The implementation of a parole system would enable Trinidad and Tobago:

- Ø To meet the requirement of United Nations Rules on the treatment of prisoners.
- Ø To provide a gradual and controlled re-entry into the community.
- Ø To recognize that some offenders can and do change.
- Ø To reunite offenders with their families.
- Ø To provide employment opportunities and reduce the need for social assistance.
- Ø To release some offenders from prison who have gained the maximum benefits from their incarceration.
- Ø To give offenders an opportunity to contribute positively to society.
- Ø To ensure a post release community treatment programme and supervision for parolees.
- Ø To be used to mitigate disparities in prison sentences; and
- Ø To reduce cost by releasing some inmates early rather than maintain them in prison.

## **Issues To Guard Against**

Despite the obvious benefits of the parole system several risks with the system were identified. The parole strategy should appropriately cater for and guard against the following:

- 
- Ø That offenders do not make cynical use of the system.
- Ø That released offenders do not discredit the system by re-offending.
- Ø That supervision may at times be ineffective and costly.
- Ø That the prediction of future behaviour may be difficult.
- Ø That it may not deter all re-offending.
- Ø That it may not justify some offenders serving more time in custody than others who have received identical sentences.

- Ø That Public suspicious may perceive that if offenders are released on parole it will drive up the crime rate; and
- Ø That there may be a perceived lack of confidence in the discretion of the parole board, i.e. will they make correct decisions.

## **Parole Risk Assumptions**

The Committee examined the research done by the Department of Corrections, New Zealand (2002), where it was outlined that risk, and criminogenic needs and responsibility were the three main factors, which influence re-offending after intervention.

The Risk Principle suggested that successful interventions target high-risk offenders since interventions are actually more likely to succeed where offenders have a high risk of re-offending. Treating higher risk offenders also makes the best possible use of the scarce resources. There is no point in spending money on offenders who are not likely to re-offend.

The Criminogenic principle suggested that each offender has a range of needs and some of these will be linked to their offending. Criminogenic needs include those relating to alcohol and drug abuse, criminal associates and violent tendencies. Some may be of more significance to an offender's behavior than others.

The Responsivity Principle suggests that interventions that match the learning style of the individual tend to work best in reducing re-offending. Part of the assessment is trying to work out what is going to work for each offender. Interventions, which work best, revolve around the actual offence itself. They give offenders a clear understanding of what they did and the choices they made. Responsivity also refers to offender's ability to benefit from an intervention. This includes their motivation to change, and their ability to change. There is

no point in putting offenders through interventions when they would not or could not benefit from them.

The committee conducted an analysis of the Central Statistic Office data on the prison population of Trinidad and Tobago 1990-2000; the average amount of offenders released averaged 21269 annually during the period. This trend is a direct threat to Public Safety.

### **Number Of Prisoners Released (1990-2000)**

YEAR	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
NUMBER	33613	12656	17139	22782	17057	17148	18673	26706	33847	31538	2796

In a closer examination of the data relating to prisoners released during the period 1990-2000, the committee was concerned that the formula used prior to 2000 may have been flawed, in that some prisoners were most likely checked on release multiple times while being discharge to court.

The committee shared the view that the data covering the year 2000 would give a more realistic projection of the effects of recidivism on the crime rate. A total of 2796 offenders completed their sentences and were released during that year.

## **Composition of Prison Population (1990 – 2000)**

<b>Year</b>	<b>1990</b>	<b>1991</b>	<b>1992</b>	<b>1993</b>	<b>1994</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>
<b>% of re-offenders</b>	<b>53%</b>	<b>57%</b>	<b>58%</b>	<b>64%</b>	<b>53%</b>	<b>63%</b>	<b>60%</b>	<b>61%</b>	<b>60%</b>	<b>65%</b>	<b>65%</b>

An analysis of the composition of the daily average prison population for that period showed that both offending and imprisonment will continue to rise even if re-offending reduces. This is because of crime interventions example, (Anaconda), longer sentences, the Bail Act 1994 and an increased number of first time offenders committing serious offences.

In conducting its parole risk assumptions the committee felt it was necessary to address three basic questions:

- (1) Since public safety is Government responsibility, should the parole Board have unfettered authority over the release of high-risk offenders?
- (2) Should all inmates be granted the opportunity of parole? If not, what type of offender should be excluded? and
- (3) How would the support system be activated at times of breach of conditions?

The Committee considered whether the Parole Board should have the unfettered authority to deal with the release of high-risk offenders and was of the view it should since the Board would consist of persons with the expertise and training to weigh and make informed risk decisions on the release of offenders. However, for some categories of offences the legislation could direct the Board to refer them for the approval of the Minister.

In addressing the second issue as to whether all inmates should be granted the opportunity of parole the Task Force in its public consultations received submissions that sex offenders

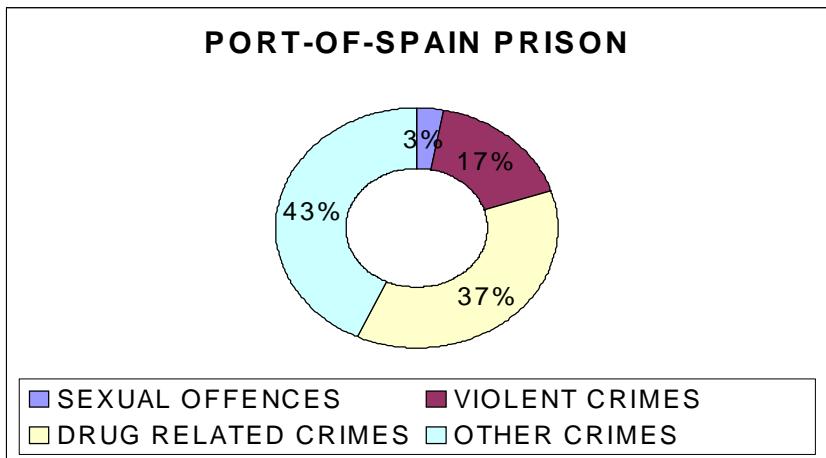
cannot be reformed. The weight of those submissions is yet to be confirmed. The public fear on this issue appears to be high. There were also concerns over the possible release of convicted killers many of the submissions advocated that they should be excluded from parole considerations. Some concern was also expressed over the possibility of drug traffickers being granted parole.

The committee is of the view that these three groups should not fall under the direct authority of the Parole Board. Legislation should provide for persons falling within this group to petition the Board for a review of their sentences. The Board after conducting the review may make recommendations to the Minister for pardon. If granted, conditions should be attached to their release. In the case of offenders serving life sentences, conditions may include, supervision for life.

To have an idea of the size of these groups in the prison population, the committee examined the composition of the Port- of Spain Prison in the month of October 2002. The total number of convicts located there was five hundred and twenty-two (522). One hundred and twenty-eight (128) of these convicted offenders were received within the week of the study and were not included in the sample.

The statistics revealed the following: violent crimes 17%, sexual offences 3%, drug related offences 37% and other less serious offences accounted for 43%.

A further analysis of the grouping under drug related offences found 33% of that group was incarcerated for the more serious offences of trafficking in marijuana and cocaine. With respect to the remaining 67% they were incarcerated for the less serious offences of possession of devices, marijuana and cocaine. The Committee is of the view that this latter group should be eligible for parole.



The third issue to be addressed is how the support system would be activated when conditions are breached. The committee is of the view that the Board in applying conditions must consider that simply placing an offender back on the block where he used to purchase drugs may create the urge him to go back on drugs. To prevent relapse, it is important to manage the offender's access to negative environments and motivate him to sever links between those environments and his actions.

However, minor violations should not be a reason to recall, but instead, should be an occasion for the support system to work harder to support the offender.

The Committee is of the view that evidence of bad risk should activate the suspension of the certificate of release, since the recall of the offender should not be at the expense of another victim if this can be avoided.

Whenever it becomes necessary to recall an offender, a report stating the reasons should be handed to the Board who may immediately suspend the offender's release certificate, and there upon he should be apprehended and be liable to be detained in prison.

The offender must be given a review hearing as soon as possible after detention and the Board could order that he be detained until the expiration of his sentence.

Immediately upon revocation of the certificate of release, once the offender is not in detention he should be deemed unlawfully at large. The Police Department must be informed immediately that the offender is at large.

The Probation Parole Unit officers should be empowered to apprehend the offender if his certificate of release has been revoked. The Committee also suggests that the prison rules be amended to incorporate the provision of the United Kingdom Prison Act (1952) where rule #8 provides that *every prison officer while acting as such, shall have all the powers, authority, protection and privileges of the police.* This would provide additional qualified manpower in cases where parole violators are to be recalled.

## **Operations Of The Parole System**

### **Treatment Of The Offender**

The Committee agrees that since the International Covenant on Civil and Political Rights makes it clear that the essential aim of the treatment of prisoners should be their social rehabilitation (Article 10.3) it follows that the custodial process should be designed so as to bring prisoners to the point of safe release into the community as early in the sentence as possible.

The Committee also agrees that the ideal solution to dealing with re-offending is that all offenders released from prison should be termed “at risk” and supervised and/or assisted until the end of their sentence. This however is a difficult proposition, in that the number of parole cases must be kept at manageable proportions and offenders must be assessed for a

sufficient period of time for new considerations to emerge which may not have been taken into account at the time the committing authority passed sentence.

In its First Report the Committee proposed a three-step approach to the treatment of offenders on committal to prison. Those three steps were: *orientation, midstream and pre-release*. However, these steps must be specific to assist in the determination of the assessment of risk for parole considerations.

## **Orientation**

(1) Assessment of risk factors and needs areas at the time of incarceration – case specific factors such as details of the offence, criminal history, substance abuse and mental health.

## **Midstream**

(2) Assessment of an offender's institutional behavior and the benefits of interventions which may have reduced the risk posed by the said offender; the benefit of treatment and programs while incarcerated; and the offender's understanding of the offence and criminal behavior.

## **Pre-Release**

(3) Assessment of the Correction Plan Progress Report (C.P.P.R.) and conducting risk evaluation – the offender's release plans, particularly in relation to community support, availability of programs and counseling, supervision controls and whether additional conditions are required to manage risk in the communities.

To facilitate the compilation of these reports, a new prison classification system should be introduced in addition to the present system of stars (1<sup>st</sup> *Time offender*), special and ordinary (*Repeat Offenders*). The Task Force recommended in its First Report the classification system of maximum, medium and minimum security will go a long way in ensuring the offenders risk to the society is identified, and treatment as to this risk is addressed in preparation for their reintegration review by the Parole Board. In the introduction of this new classification system the offender would:

- Ø Be assigned a security classification of maximum, medium and minimum;
- Ø Be notified of the reason for their particular security classification or for changing their classification; and
- .

The possibility of release on parole will act as an incentive for offenders to participate in prison programmes and interventions targeting the cause of his offending. Therefore, a significant purpose of their activities in prison should be preparation for their re-entry into the society.

It must also be reinforced that a rehabilitated offender is not one who learns to survive well in prison but one who succeeds in the world outside prison on release. Offenders must therefore be helped to get skills and capacity to earn a living and support a family, bearing in mind the discrimination that ex-offenders are likely to face when they try to find work.

## **The Parole Board**

Parole is a method of selectively releasing offenders from prison and providing them supervision in the form of control and guidance within the community. Informed risk release decisions and supervision are the two necessary components that distinguish a good parole system.

The Committee recommends that a Trinidad and Tobago Parole Board should be established as an Administrative Tribunal under legislation namely: ***The Rehabilitation and Conditional Release Act***

The Board should be an independent administrative tribunal with exclusive authority to grant, to deny, to cancel, to terminate or to revoke day-parole or full parole.

The Board should also be empowered to make recommendations to the Advisory Committee on the Power of Pardon, as outlined in Section 87(2) (a) of the Constitution of the Republic of Trinidad and Tobago.

In the initial stage of the introduction of parole, the Board should be cautious about affording early release to too many offenders too soon, since any Criminal Justice System that releases a significant proportion of its inmate population before their court-imposed sentence expires may have to face the inevitable result that some offenders completing their sentences in the community under supervision will re-offend.

## **Mission Of The Board**

The Parole Board should promote and enhance public safety and protection through the timely release and implementation of supervision, support and treatment for offenders returning to the community.

## **Reporting Relationship**

The Chairman should report to Parliament, through the Minister of National Security And Rehabilitation. However, the Minister should not have statutory authority to give directions to the Chairman in the exercise of the Board's decision-making powers under the Act establishing the conditional release of offenders.

## **Functions And Duties Of The Board**

- Ø To accurately identify those offenders who will succeed in the community.
- Ø Conduct quality, case specific risk assessment and risk management based on informed decisions within its legislative framework.
- Ø Enhance community supervision to ensure the timely and safe reintegration of the offenders.
- Ø To recognize the value of and apply a restorative justice approach, with the emphasis on inclusiveness for victims, offenders and their respective families, and the community.
- Ø Deal with all cases in a consistent and equitable manner within agreed time limits.
- Ø Ensure opportunities are taken to promote the role, purpose and achievements of the Parole Board.
- Ø Consider representations by prisoners who have been recalled to prison.

## **Membership Of The Board**

The Board should consist of twelve members inclusive of a Chairman and Vice Chairman. The Chairman should be a retired Judge or an attorney with at least ten year's experience. A panel of three Board members should make parole decisions, with the determination of appeals of the panel decisions being heard by a review committee comprising of the Chairman and four other board members. The Minister of National Security and Rehabilitation should appoint members for a period of three years. Board members should have experience and training in the areas of criminology, psychology, social work and law.

The two most valuable qualities in a Board Member are expertise in the field and responsiveness to the community. It must be emphasized that quality decisions require quality decision-makers.

## **Organization Of The Board**

The Board should be an agency within the Ministry of National Security and Rehabilitation, and be independent of outside control in the exercise of its legislative functions. The Board should meet once per month with the Chairman having the prerogative to summon members for a meeting whenever the need arises.

## **Operations Of The Board**

The Task Force in its First Report recommended a Shared Responsibility Model, which assumes:

- Ø That the offender exercises control over his/her actions
- Ø That crime is a product of interaction between the offender and the community/victim
- Ø That society is obligated to protect its members from the threat of criminal activity with due recognition of the rights of all citizens

- Ø That the individual citizen has the responsibility to prevent crime by taking action to protect himself/herself and property
- Ø That institutional programs are geared to assist the offender's preparation for return to society
- Ø A reliance on professional staff and volunteers drawn from the community, especially retired personnel and Non Governmental Organizations.

The Board must therefore continually forge partnerships beyond operational support and must pursue partnership arrangements with diverse groups, as a vehicle for sharing best practices, for identifying issues and concerns, and for stimulating change and improvements internally and across the Criminal Justice System. The success of parole outcomes will therefore be the result of the many players in the system, not the least of which is the offender.

In the process of the parole hearing, ***victims may submit information for consideration by the board in making its decisions.*** The Board should provide reasons for their decisions to offenders and in cases where parole is granted; release plans (conditions) may cover the entire sentence.

## **Board's Performance Report**

The Board must provide annual performance results and statistical information on its decisions for the information of the Minister responsible for National Security and Rehabilitation.

The Board will need to measure its performance through interaction with all stake-holders, and evaluation of the intensive programming efforts of the Prison Service, the quality of supervision provided by the Probation Department, the resettlement services provided by the Social Ministries, as well as the contributions of the many non-governmental agencies. Other major factors affecting performance will include the offender's own efforts to become

reintegrated into the community and the receptivity of the community itself, in providing employment opportunities, and the necessary support that is essential for successful reintegration.

The success of this reintegration strategy should result in a reduction in the re-offending rate with a subsequent reduction of crime. This would contribute to the achievement of the ultimate goal, namely the protection of the society.

## **Authority Of The Board**

The Board will derive its authority to grant parole from the *Rehabilitation and Conditional Release Act* and parole may be granted when:

- The prospective parolee has become eligible for parole, having served the time as required by the law.
- The reform and rehabilitation of the offender will be aided by the grant of parole.
- The release of the offender on parole would not constitute an undue risk to society.
- The inmate has derived the maximum benefit from imprisonment.

Under the Act, the Board should have the authority to impose the conditions under which the offender will live in the community as well as the authority to recall the offender if the conditions are not met.

## **Criteria For Parole**

The criteria for parole should be developed guided by the following factors

- Ø The nature of the original offence
- Ø The length of sentence
- Ø The offender's criminal and other history
- Ø The offender's behavior and response in prison
- Ø Medical considerations
- Ø Home circumstances

- Ø Employment prospects on release
- Ø Prospects for the offender's cooperation with parole supervision; and
- Ø The question of risk to the community.

## **Parole Board Panel**

The decision to grant or deny parole to an offender should be made by a sub- committee of the Board consisting of three members. This committee will be referred to as: *The Parole Board Panel*. This panel may or may not grant parole after reviewing all the information available on the offender's file and interviewing the offender at the parole hearing.

The decision to grant or deny parole should be based on a risk assessment, taking into account the following:

1. Is the offender likely to re-offend if released on parole?
2. Will the conditions placed on the offender by the Board, assist in preventing the offender from re-offending.
3. How has the prisoner behaved in prison?

However all cases should be considered on their own merits.

The Panel must decide whether the offender will not present an undue risk to society before the expiration of the sentence the offender is serving. Would his timely release contribute to the protection of society by facilitating the his reintegration into society as a law-abiding citizen? Is it better for the community and the victim(s) to release an offender on parole and try to change his behavior, or to wait until his sentence is over and let him return to the community with no supervision or controls? It is submitted that only the most deserving of offenders who show a sincere desire to change for the better should be released on parole.

The Parole Board Panel may therefore grant parole if:

- The offender will not pose an undue risk to society by re-offending before the expiration of his sentence according to the law.

- The release of the offender will contribute to the protection of society by facilitating his reintegration into society as a law-abiding citizen.

## **Review Of Parole Board Panel Decision**

An offender, who is dissatisfied with the Panel's decision, may request a review by writing to the Chair. The Chair will convene a review committee consisting of four other independent Board members who may uphold the decision, grant or order a new hearing. The decision of the Board in this instance should not be inquired into unless on a point of law.

## **Process Of Review**

Appeals should be directed to the Chair. Review of the decision of the Parole Board Panel, shall be conducted by a Parole Board Review Committee headed by the Chair and four independent Board members.

An offender who is dissatisfied with the decision rendered by the Parole Board panel may file for review within 14 days from the date he received notice of the decision.

When it is necessary to review the results of a Panel Board Hearing, the review should be based on facts of record, therefore, in the first instance, the offender should be guided to ensure he places on record all the necessary facts and circumstances concerning his case.

Decisions of the Parole Board Review Committee should be final.

## **Parole Eligibility**

Every eligible offender should have the right to be considered for parole, but should not have the right to be granted parole.

Parole should be introduced to prisoners who are serving sentences of over six years, after they have served at least 1/2 of their sentence.

*Prisoners who are serving sentences for drug trafficking offenses, sex related offenses, and violent crimes should not attract parole conditions, but should be allowed to apply to the Board for considerations of pardon under conditions of release subject to the approval of the Minister.*

The Board should not be required to review the case of an offender who applies for parole if the offender is serving a sentence of less than 6 years.

An offender sentenced to a term of life imprisonment should be eligible for parole review after serving 15 years.

## **Prison Service Responsibilities**

The prison service responsibilities for parole are major ones. Its main function is the job of preparing the offender for return to the community-to address the static and dynamic feelings and attitudes that brought the offender to commit crimes, and to affect changes that will help the offender to be law-abiding after release.

The Service must therefore develop programmes to redirect negative attitudes and to aid in the social re-education of offenders. Such treatment programmes should begin from the day the offender enters the institution with the goal of preparing him for his release.

## **Prison Parole Unit**

A Prison Parole Department headed by a Senior Administrative officer should be established. This Unit should be responsible for preparing the management case report on every inmate that is eligible for parole consideration. These reports are to be handed in to the parole-hearing officer in a timely manner to facilitate the Parole Board conducting its reviews on time. Reports should be based on some form of contact with the offender.

Some of the reports to be complied by this unit are:

- Ø Factual information about the prisoner's age, sentence, earliest possible release date and final release date.
- Ø Assessment of the offender by prison officers.
- Ø A detailed account of the offender's behavior in prison.
- Ø A detailed Medical report from the Prison Medical Officer.
- Ø Report on the offender by the Prison Welfare Department.
- Ø Correction Plan Progress Report (C.P.P.R.)

The staff of the Prison Parole Unit plays an important part in the pre-parole programme. These officers serve as liaison between the Parole Board and Probation Parole Unit staff. They also interpret the policies of the Parole Board to other prison personnel and the inmate population. They assist in the development of the pre-parole training programme and when the offender is ready for parole release the Prison Parole Officer aids in the developing a formal parole plan for consideration of the Parole Board directs the plan to the Probation Parole Unit for investigation and approval.

After parole has been granted, the Prison Parole Unit officer participates in the pre-release programme to interpret the parole programme and individually interpret the parole conditions to the new parolees.

## **Probation Parole Unit**

A Probation Parole Unit headed by an Assistant Chief Probation officer should be established. This unit would be responsible for the supervision of all offenders released on parole. The staff of this unit should be trained to supervise and counsel offenders assigned to them. Probation officers under this unit should not be responsible for the direct supervision of more than twenty-five parolees to one officer.

The supervision provided by the Probation Parole Unit must be comprised of elements of *treatment, service* and *surveillance*. The Probation Parole Unit officers should attempt to discover underlying social and emotional problems, to assist the parolees in gaining insight into problems, to guide them towards resolving these problems and to assist them to obtain specialize professional help for problems with which the assigned officer cannot handle. In rendering this service, officers in this unit must have a thorough knowledge of community and social services and assist the parolee to use them for the benefit of himself and his family.

The Probation Parole Unit must have close links with the prisons service before and after the parole grant decision and must provide surveillance in every assign case, to keep the Parole Board informed of the parolee's whereabouts, activities and conduct. The surveillance should be at a level that would enable the immediate return to custody those parolees whose behavior becomes threatening to the safety of society or to themselves.

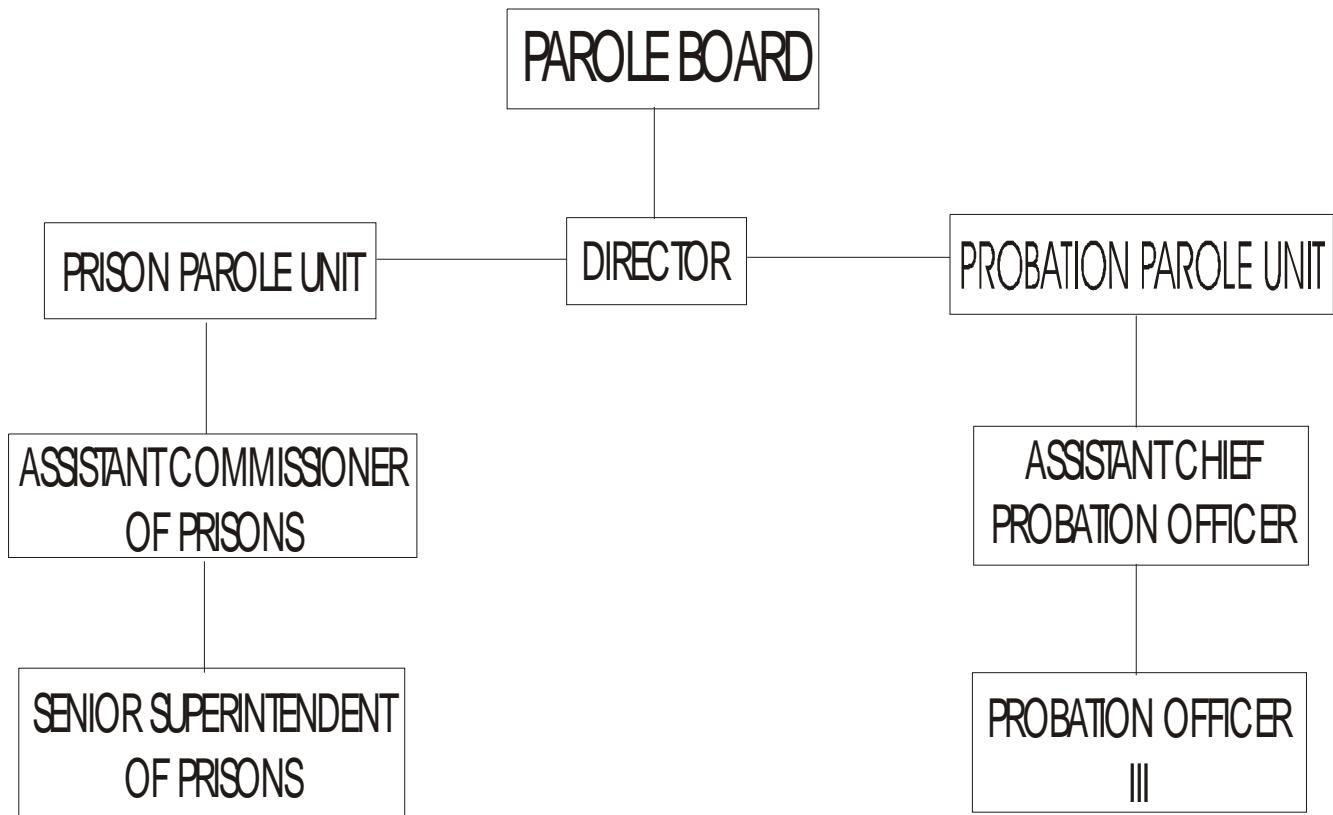
## **Types Of Supervision To Ensure Public Safety**

When parole is granted, the offender is required to abide by the conditions outlined in his parole certificate. These include such things as:

- Reporting in person to a Probation Parole Officer;
- Not leaving the designated address without the consent of the Probation Parole Officer.

- Enrolling in, and completing a drug rehabilitation programme.

Hereunder is the Proposed Structure for the introduction of the Parole System



## **Treatment Of Special Cases**

### **Remission Release**

The remission system is designed to promote good conduct and industry in the prison. The committee recommends that remission should be retained as a release mechanism for the early release of offenders.

In the year 2000, three thousand six hundred and thirty-four (3634) offenders were convicted to serve prison sentences. The application of remission to offenders committed to prison in Trinidad and Tobago for a term of imprisonment of less than one year are eligible to earn remission of  $\frac{1}{2}$  their sentence. Two thousand three hundred and twelve (2312) offenders comprised this group in 2000.

One thousand and seventy-six (1076) other offenders were committed to serve sentences of 1 year to 5 years. Two hundred and ten (210) offenders were committed to serve sentences from 5 years to 10 years and thirty-six (36) offenders were committed for sentences over ten years. These groups were eligible to earn remission of  $\frac{1}{3}$  of their sentences.

Sentences in the year 2000	Amount
Less than 3 months	1123
3-6 months	634
6-12 months	555
1-3 years	783
3-5 years	293
5-10 years	210
10-15 years	18
15 and over years	08
Condemned	10
Total	3491

## **Treatment Of Outstanding Warrants**

The committee received complaints that convicted offenders who have out-standing matters pending before the courts had great difficulty having their matters heard whilst they are incarcerated. They stated that as soon as their sentences were completed they were then served with those warrants and again committed to prison.

The Committee shared the view that to facilitate the granting of parole to an offender who has outstanding warrants would defeat the objective of the successful reintegration. ***It is therefore recommended that offenders with outstanding warrants should not be eligible for parole.*** It is suggested that during the case management process of offenders, attempts should be made to have their outstanding matters addressed. This is to ensure that offenders being assessed will not be affected by the possibility of their past actions hindering the prospects of a new start as a model citizen.

## **Treatment Of Remand Time**

The Committee examined the data on persons committed to prison for the years 1990-2000 and found that those committed on remand consisted of an average over 80% of the total committed per annum in the case of both females and males.

### **Number Of Females Committed To Prison (1990-2000)**

YEAR	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
TOTAL COMMITTED	298	1040	1143	1223	1977	416	384	446	477	572	469
Percentage REMANDED	69%	89%	92%	93%	95%	81%	68%	73%	75%	79%	70%

## **Number Of Males Committed To Prison (1990-2000)**

YEAR	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
<b>TOTAL COMMITTED</b>	<b>3638</b>	<b>1498</b>	<b>1921</b>	<b>2495</b>	<b>1910</b>	<b>2087</b>	<b>1852</b>	<b>2645</b>	<b>3367</b>	<b>3586</b>	<b>9433</b>
<b>Percentage REMANDED</b>	<b>91%</b>	<b>80%</b>	<b>79%</b>	<b>87%</b>	<b>83%</b>	<b>83%</b>	<b>80%</b>	<b>84%</b>	<b>87%</b>	<b>88%</b>	<b>63%</b>

The Committee shares the view that there exists a problem with the present situation with respect to time spent in prison before conviction and sentence. The committee observed that in the Canadian system, time spent on remand is considered by the Parole Board in the calculation of the eligibility of an offender. However, the committee is of the opinion that in this jurisdiction, the Parole Board should not consider remand time in calculating eligibility, but should rely on the sentence of the committing authority since they would have been guided by that fact in determining the sentence for the offender.

It is recommended that whilst the sentencing authority take the time spent on remand into consideration when sentencing an offender a statutory time limit should be set to have matters speedily determined for certain categories of remanded offenders. In instances where that time limit is not met, consideration should be given to having the offender released into the care of a guarantor.

## **Treatment Of Offenders Under A Sentence Of Death**

There were seventh-nine (79) condemned prisoners located at the Port-of Spain Prison in the month ending November 2002. These offenders were convicted for murder, the commission of which ranged from crimes of passion to pre-meditated murder.

The Committee is of the view that convictions for murder should not attract an automatic death sentence. There should be categories attached to this offence, for example 1<sup>st</sup> or 2<sup>nd</sup>

degree, with those found guilty of 2<sup>nd</sup> degree murder attracting a life or lesser sentence with the possibility of consideration for parole after serving a specific period of their sentence.

It is further recommended that following the implementation of classification of 1<sup>st</sup> and 2<sup>nd</sup> degree categories for the offence of murder, a review should be undertaken on the condemned prisoners at present incarcerated at the Port-of-Spain Prison.

This review should be done with an aim to commute the death sentences of those condemned prisoners who fit the 2<sup>nd</sup> degree category to that of a life sentence with the possibility of consideration for release under conditions on the recommendations of the parole board.

## **Initial Procedures**

1. Prepare legislation for the introduction of parole namely: **The Rehabilitation and Conditional Release Act;**
2. Ensure the prison authorities begin the important role of preparing comprehensive reports on prisoners who may be considered for conditional early release; and
3. Appoint a Parole Introduction Committee.

The Task Force is of the view that since the preparation of legislation may take some time it is vital that a Parole Introduction Committee be appointed to do the following:

Provide consultation on parole legislation;

- Ø Develop Policy on Parole;
- Ø Develop Public Relations strategy to reassure the public that the use of parole would not put their safety at risk. This can be achieved by using the media to explain the benefits of these measures;
- Ø Develop an Action Plan for the implementation of a system of parole;
- Ø Supervise the preparation of job specialization and job descriptions for officers in the Prison Parole Unit and Probation Parole Unit;
- Ø Prepare a staffing and recruitment plan to coincide with the timely passage of legislation to establish the Parole Board;

- Ø Assist, in conjunction with the Commissioner of Prisons, with the setting up of a Prison Parole Unit whose functions will be the preparation of dossiers on offenders;
- Ø Assist in guiding the recommendations made to the Advisory Committee on the Power of Pardon under section 87(1) of the Constitution of Trinidad and Tobago;
- Ø Assist in the designing of training programmes for Parole Board members.

The Task Force recommends that the Parole Introduction Committee be headed by an experienced Attorney at Law and should consist of senior Prison and Probation Officials, a Human Resource specialist and at least five (5) other persons with expertise in the area.

### ***United Nations Standard Minimum Rules For Non-Custodial Measures.***

#### **Fundamental Aims**

1.2 The Rules are intended to promote greater community involvement in the management of criminal justice, especially in the treatment of offenders, as well as to promote among offenders a sense of responsibility towards society.

1.3 The Rules shall be implemented taking into account the political, economic, social and cultural conditions of each country and the aims and objectives of its criminal justice system.

#### **Legal Safeguards**

3.1 The introduction, definition and application of non-custodial measures shall be prescribed by law.

3.2 The selection of a non-custodial measure shall be based on an assessment of established criteria in respect of both the nature and gravity of the offence and the personality, background of the offender, the purposes of sentencing and the rights of victims.

3.8 Non-custodial measures shall not involve medical or psychological experimentation on, or undue risk of physical or mental injury to, the offender.

3.9 The dignity of the offender subject to non-custodial measures shall be protected at all times.

3.10 In the implementation of non-custodial measures, the offender's rights shall not be restricted further than was authorized by the competent authority that rendered the original decision.

## **Post-Sentencing Dispositions**

9.1 The competent authority shall have at its disposal a wide range of post-sentencing alternatives in order to avoid institutionalization and to assist offenders in their early reintegration into society.

9.2 Post-sentencing dispositions may include:

- (a) Furlough and half-way houses;
- (b) Work or education release;
- (c) Various forms of parole;
- (d) Remission;
- (e) Pardon.

9.3 The decision on post-sentencing dispositions, except in the case of pardon, shall be subject to review by a judicial or other competent independent authority, upon application of the offender.

9.4 Any form of release from an institution to a non-custodial program shall be considered at the earliest possible stage.

### **1. Supervision**

10.1 The purpose of supervision is to reduce re-offending and to assist the offender's integration into society in a way, which minimizes the likelihood of a return to crime.

10.2 If a non-custodial measure entails supervision, the latter shall be carried out by a competent authority under the specific conditions prescribed by law.

10.3 Within the framework of a given non-custodial measure, the most suitable type of supervision and treatment should be determined for each individual case aimed at assisting the offender to work on his or her offending. Supervision and treatment should be periodically reviewed and adjusted as necessary.

10.4 Offenders should, when needed, be provided with psychological, social and material assistance and with opportunities to strengthen links with the community and facilitate their reintegration.

## **2. Duration**

11.1 The duration of a non-custodial measure shall not exceed the period established by the competent authority in accordance with the law.

11.2 Provision may be made for early termination of the measure if the offender has responded favorably to it.

## **3. Conditions**

12.1 If the competent authority shall determine the conditions to be observed by the offender, it should take into the account both the needs of society and the needs and rights of the offender and the victim.

12.2 The conditions to be observed shall be practical, precise and as few as possible, and be aimed at reducing the likelihood of an offender relapsing into criminal behavior and of increasing the offender's chances of social integration, taking into account the needs of the victim.

12.3 At the beginning of the application of a non-custodial measure, the offender shall receive an explanation, orally and in writing, of the conditions governing the application of the measure, including the offender's obligations and rights.

12.4 The conditions may be modified by the competent authority under the established statutory provisions, in accordance with the progress made by the offender.

## **14. Disciplines And Breach Of Conditions.**

14.1 A breach of the conditions to be observed by the offender may result in a modification or revocation of the non-custodial measure.

14.2 The modification or revocation of the non-custodial measure shall be made by the competent authority; this shall be done only after a careful examination of the facts adduced by the supervising officer and the offender.

14.3 The failure of a non-custodial measure should not automatically lead to the imposition of a custodial measure.

14.4 In the event of a modification or revocation of the non-custodial measure, the competent authority shall attempt to establish a suitable alternative non-custodial measure. A sentence of imprisonment may be imposed in the absence of other suitable alternatives.

14.5 The power to arrest and detain the offender under supervision in cases where there is a breach of the conditions shall be prescribed by law.

14.6 Upon modification or revocation of the non-custodial measure, the offender shall have the right to appeal to a judicial or other competent independent authority.

### **Reintegration Penal Policy As It Guide The Rehabilitative Initiatives In Prisons:**

The reintegration penal policy is a correctional policy that displays high concern for the community, and for the individual offender that places emphasis on the offender effectively integrating into the society upon release.

#### **Strategy**

The strategy of this re-integrative penal policy is one in which: -

- Ø The change strategy is one of internalization
- Ø Crime is perceived as ineffectual problem-solving behaviour
- Ø Encourages strategic processes that allow well before release, prisoners to engage in activities in the community
- Ø Continuous monitoring of the offender progress throughout the stay of incarceration.

## **Goal**

The goal of correctional decisions and programmes is to link offenders with skills and resources that will enable them to accomplish their goals legitimately.

## **Personnel**

Teamwork among staff and between staff and inmates is stressed because no single staff type is likely to be effective with all offenders.

- Ø Parole and Probation Officers are expected to act as advocates for offenders
- Ø Offenders are expected to conform to community standards and expectations.

## **Programme**

The reintegration programme developed for the prisons consists of the following: -

- Ø The development of graduated release
- Ø Pre-Release Programme
- Ø Home Furlough
- Ø Pre-Release Programmes in Prison
- Ø Educational Release
- Ø Work Release

## **Forms Of Release**

- Ø Conditional release
- Ø Emergency release
- Ø Parole release
- Ø Good Time
- Ø Remission

## **After Care**

- Ø Parole – Supervision

## **What Is Proposed For Rehabilitation Of Inmates:**

Proponents of reintegration recognize that a system of any rehabilitation model must focus on change within the inmate rather than changes between the inmate and social environment alone. Programmes stressing attitude and motivation, as well as skill and opportunity must be emphasized, and must be directed to the practical realities of the prisoners' post release situations. The strategy must couple skills development, with increased opportunities for testing those skills under controlled conditions. The system must allow inmates contact with community and its members.

As such the Shared Responsibility Rehabilitation Model based on an opportunities model is recommended as appropriate for the Trinidad and Tobago Prison Service.

## **Philosophy Of Shared Responsibility:**

The philosophy of the shared responsibility model of rehabilitation suggest that: -

- Ø The offender is regarded as accountable for his crime but,
- Ø Society shares responsibility for the causes and incidence of crime and has a resulting obligation to all its members, including the offender and his victim.
- Ø The prison staff is obligated to provide opportunities which the offender can access to develop himself, and to prepare him for return to society

## **Assumptions:**

The shared responsibility model assumes:

- Ø That the offender exercises control over his actions
- Ø That crime is a product of interaction between the offender and the community/victim
- Ø That society is obligated to protect its members from the threat of criminal activity with due recognition of the rights of all citizens
- Ø That the individual citizen has the responsibility to prevent crime by taking action to protect himself and property
- Ø Institutional programmes are geared to assist the offenders' preparation for return to society
- Ø A reliance on professional staff and volunteers from the community especially retired personnel and NGO's personnel

## **Aims:**

Programmes seek to provide inmates with opportunities to develop their skills and should provide following opportunities: -

- Ø Work in Prison
- Ø Correctional Education,
- Ø Cognitive Development
- Ø Treatment Programmes,
- Ø Constructive Regimes
- Ø Services
- Ø After Care Services

## **Work In Prison:**

The committee has identified that work and punishment have been intertwined for a long time. Toil in meaningless, endless work has long been a means of exacting retribution. Work itself has had an ambivalent image throughout history. The Task Force believes in a reintegration approach, which emphasizes and encourages a positive work ethic amongst inmates, is necessary, for prison reform. Therefore, work must be designed to be restorative rather than retributive. In our congregate plan, work must be meant to maintain security and order in the institution, in an effort to reduce the chances that prisoners would corrupt each other. The habit of industry, if retained upon release, could keep ex-prisoners from returning to crime.

Therefore, work should be geared towards making prisoners self-supporting or self-sustaining. Thus work by prisoners can be associated with at least four separate goals.

- i. To be used as a device to promote suffering and active retribution
- ii. To be used as a vehicle of rehabilitation
- iii. To promote and achieve order and security
- iv. To be a source of state income and a means of maintaining the institution

With increasing frequency, work in prison can be viewed as a means of preparing prisoners for release. The Committee suggests that the inmate work programme fall into at least four difference types.

- Ø Prison Industries
- Ø Maintenance Work
- Ø Public Works
- Ø Vocational Training
- Ø Work release – Out Gang Activities

All but the maintenance work generally promise the inmate some post release utility, such as additional training or experience that might enhance resumé.

## **Prison Industries:**

Prison Industries are distinguishable from other types of prison work. Industry programmes will employ prisoners to make a product or provide a service marketed outside the prison itself. Selection of prisoners would be based at least partially on skills or potential, and inmates would be rewarded, at least moderately, for their productivity. Prison Industries should be set up as separate corporations operating within or close to the prison grounds. The main goal is the profit motive.

As rehabilitation lost salience Prison Industries have become valued as a security measure, but more importantly, as a means of providing inmates with gate money at release, and as a means of reducing the overall cost of incarceration. Officials therefore need to provide inmates with a realistic work environment, including minimum market wages, and place successful inmate workers in exit jobs. From their salaries, inmates can reimburse the state for room and board, and can pay retribution to their victims.

Private employers can take advantage for these programmes. Officials can clamour to have the state place new laws to permit private business to establish factories in prison and employ prisoners.

The Goals of Prison Industries are to:

- Ø Make a profit for the industry and encourage the movement towards a self supporting programme.
- Ø Employ prisoners to make a product or provide a service marketed outside the prison itself
- Ø Inmates are moderately rewarded for their productivity
- Ø Have a free venture programme to provide inmates with a realistic work environment, including market wages

- Ø Place successful inmate workers in exit jobs
- Ø Have inmates reimburse the state for room and board from their salaries
- Ø Enable inmates to pay restitution to their victim
- Ø Assist their families

Private employers can take advantage of these programmes. We can clamour to have the state place new laws to permit private business to establish factories in prison and employ prisoners.

### **Maintenance Programme:**

All prisons require a number of maintenance and auxiliary services, and many of these are filled by inmates rather than paid staff. The arrangements are made and supervised directly by prison administration. Many of the jobs found in Trinidad and Tobago are done within the prison community. While paid employees would fill professional, skilled, and sensitive positions, most of these professional, skilled, and sensitive staff are assisted by one or more prisoners.

Inmates can perform clerical duties, building maintenance and repair tasks, janitorial work, kitchen duties, laundering, even fire department and emergency services. Within the complex inmate social system, the various prison arrangements can take on special significance, either for their prestige or for the access they may provide to information or special resources.

Work positions are valued also not for instrumental or symbolic gain, but because they provide ancillary benefits with special meaning to particular inmates. Assignment to the library, for example, can remove an inmate from the pressures of noise, competition and danger. Assignment to a work supervisor with the right personality might be essential to an inmate who acts out around anyone else. The most sensible approach would be to maximize

the legitimate potential of maintenance work and reduce the chances for misuse and corruption.

### **Public Works:**

Midway between prison maintenance and prison industry is the practice of assigning inmate work crew (Out Gang) to public projects, particularly road, landscape, tree cutting, cleaning vacant lots and building etc. The Task force recommends that Prison Labour both skilled and unskilled be utilized to perform community work in an effort to have inmates make restitution to the community and the victim.

### **Vocational Training:**

While some training occurs in prison industry, the committee feels that prison officials should develop a separate category of training and work experiences classified as vocational training. In contrast to general education, vocational training should be aimed at providing inmates with a specific marketable skill, such as data entry, refrigeration repair, computer repairs, welding, mechanics, upholstery, small engine repairs, art, leather craft and other revenue generating skills. At the moment the existing vocational training programmes are hamstrung by inferior, outdated equipment, poor installation, and legal restrictions on the type of jobs, which are available to inmates. Additionally, the vocational training lacks a curriculum and where there is one, it seems to have developed by accident, without regard of trends in the labour market. This has limited the range of jobs that ex-inmates can apply for upon release.

As a consequence of the above, the Task Force recommends the reform and modernization of the vocational training curriculum and programme, by developing a contemporary curriculum, upgrading equipment, better classification of inmates and introducing training

placements matched to the measurements of inmate's aptitude. We must recognize that skill acquisition is not sufficient, if the aim is employment. Many inmates leave prison with inflated ideas of how to be effective in a job interview or even of how to write a resume. Thus the vocational rehabilitation-training programme should also focus on job search techniques, work habits, and career planning in addition to skill acquisition. At the end of the training programme the inmates should be certified to an approve programme by the National Training Agency, National Examination Council or equivalent accreditation body.

### **Inmate Run Programmes**

The committee identifies that not all prison programmes are organized and supervised by staff and recommends this approach be expanded to formalize organized inmate run groups. These Inmates Run Groups should be classified under four broad categories:

- Ø Groups to advance ethnic and social group interest
- Ø Religious groups
- Ø Self help group
- Ø Special interest groups e.g. Car club, Chess clubs, Music Bands, Draughts, Football, Cricket etc

Long-term inmates should be encouraged to participate in these clubs for continuity and to ease the boredom and stress of incapacitation.

## **Correctional Education**

### **Philosophy:**

The Primary needs of offenders seem to be linked to their ability to make appropriate decisions about their behaviour and to make the decision in an appropriate social and ethical manner. Meeting their needs should be the first priority of offender programmes.

### **Strategy – Cognitive Development**

The basis of this programme is education, one which not only encourages offender to develop the powers of thought and analysis but which will also enable them to make moral distinctions among the kinds of basic premises upon which thought and actions are based.

### **Purpose:**

The Purpose is to rehabilitate and reform inmates. It provides

- Ø An antidote to prisonisation; and to
- Ø Instill a value for Justice.

### **Vision:**

The vision of the cognitive education programme is to promote the harmonious development of the offenders mental, physical, emotional, spiritual, psychological faculties, and providing them with coping strategies.

## **Objective:**

To Facilitate:

- Ø The personal development of inmates
- Ø The inculcation of social life skills and critical thinking skills, which can be used in society.
- Ø To ensure a reduction in prisonisation and recidivism

## **Correctional Education And Cognitive Development:**

### **Correctional Education:**

Correctional Administrators have advised that no treatment or programme by staff provides future immunity against crime. Correctional results have shown that “Primary Offenders” a great percentage of which if properly treated, will never return to Prison, since many of them “Go Straight” after release. The task force is of the view that society does not only wish to know if Correctional Programmes will result in a lower recidivism rate, but also it wants to know whether the programmes will reduce the overall crime rate. The task then is to reduce re-offending and reduce the crime rate. The task force feels that the Prison Service corporate objectives should be: -

- Ø To protect the public by holding those committed by the Courts in a safe, decent and healthy environment.
- Ø To reduce crime by providing constructive programmes, systems, which address re-offending behavior, improve educational and work skills and social life skills. And
- Ø To promote law-abiding behaviour in custody and after release.

The Task Force has recognized, that the Trinidad and Tobago Prison Service has adopted and implemented a shared responsibility model of Rehabilitation, and a Reform Strategy based on

Correctional Education, Cognitive Development and Spiritual/Religious Restoration, which it wishes to endorse as an acceptable and relevant model.

Inmates should be encouraged to participate in some type of educational programme. They would be encouraged to participate as part of a much broader programme strategy, focusing on their personal, holistic development. In addition, Specialized Programming, such as Substance Abuse, Anger Management, Conflict Resolution, and Inter-personal Problems Solving that may propel offenders towards criminal behaviour must be administered as accredited programmes.

The Task Force feels that inmates' learning must be given priority. It must be made the central attribute of the Rehabilitation, and Re-socialization Process. The programme must focus on inmates' many shortcoming that fall under the inter-personal cognitive problem-solving deficit category. Inmates must first learn to live as community members. The committee wishes to place on record that grammar skills, and trade should not be ignored, but these programmes must assist student/inmates to become more social, to help them stay out of Prison and acquire the skills that most socialized law-abiding citizens have already mastered.

The Committee is of the view that the Prison Administration must transform their institutions into schools. The major function of our Prison must be to help develop better citizens, not just better inmates, since well-behaved inmates may not necessarily become good citizens.

To accomplish this goal, the Correctional Education Programme should focus on the following dimensions: -

## **Social Education:**

This is known as social living skills or life skills. It is in a sense an “Ethics Class”, part of moral and religious instructions. It should address issues such as; personal sacrifice, the value of education and work, how to get and keep a job, how to access helpful agencies in the community, health and nutrition, the importance of sport and recreation and family-life and the purpose of life. The expected outcomes of this form of programming should be but not limited to effective socialization without coercion, knowledge of human intelligence, self-appreciation, improved relationship and acceptable patterns of behaviour.

## **Cultural Education:**

This is unrelated to vocational advancement, it is not aimed at increasing earnings. Rather it is for the intellectual or aesthetic satisfaction or for the enrichment of self. The content of the cultural education programme should consist of Music, Art, Dance, Poetry and the importance of National Festival and Holidays. As a matter of policy it must introduce the inmates to major fields of human thought, broad surveys, which indicate what is to be found in the field of the History, Science, Literature and other relevant fields of interest, which inmates wish to pursue. The Committee is convinced that cultural education should help student/inmates develop the desire to read books, acquire new information, understand life and appreciate their culture. The expected outcome is enrichment of self and enjoyment of leisure time activities.

## **Cultural Programme:**

The purpose of this programme is to expand the social awareness of prisoners, and to improve community relations. This should be voluntary and should attract a wide spectrum

of offenders. Relevant outcomes are cultural awareness and community involvement, which leads to an appreciation of cultural traditions and nationalism.

### **Community Organization:**

Community life requires that participants consider the meaning of everyday issues, instead of relying on authority figures to make all their choices. Democracy is not “coddling”. Living in a democratic community is hard work and commitment. It requires discipline, dedication, the ability to compromise and extra responsibilities e.g. protect society against crime, as well as, respecting prescribed rights. The community programme should be instituted in the school programme and in the class-room institution wide. Relevant outcomes are, improved citizenship and inter-social skills as well as improved cognitive skills.

### **Liberal Arts:**

Several issues should be discussed with Liberal Arts in Prison. This spans the humanities and social sciences. The liberal arts programme should include; Academic Freedom, Literature on Confinement, Law, History of the Prison, Penal Reform, Correctional Education, Probation, Parole, Community Corrections and related fields. The planning course should enhance written skills, promote reflection and introspection and help develop scholarly discipline. The relevant outcomes are; tolerance and cultivating a broader educational background.

### **Cognitive Development as A Strategy For Reform:**

The application of “Cognitive Psychology” will help cover the complex issue of mental activities such as languages use, critical thinking, problem solving, reasoning and imagining. As such, Correctional Officers must become interested to understand the mental activities of

inmates that refer to how they think. Cognitive Development would show officers and inmates how to handle perception, learning memory and motivation. Officers must understand what energizes, directs, activities and arouses inmates. Inmates must also understand these activities, which involve their drives, needs, wants, and wishes. Inmates must become interested in their cognitive development.

In addition the committee feels that the field of emotion is closely related to that of motivation. Emotions are usually characterized as intense, relatively uncontrollable feelings that affect behaviour. Emotions tend to be either positive, e.g. (joy, bliss, love) or negative e.g. (anger, hate, love) which would affect criminal behaviour significantly – in other words, emotions can act as motive.

Programmes then also must focus on the effects that people can have on one another. They should focus upon people as stimuli, as well as the aspects of the environment and on who they are. Programmes must also focus on attitude formation and change, conformity, persuasion, attraction, race prejudices, aggression, violence, inter-group conflict, public opinion, ‘Crime’, attribution especially Attribution Error that is tendency to under-estimate the impact a situation can have on ones behaviour.

This approach is intended to teach inmates to think critically and to understand their development, mental and emotional status – and how they can motivate themselves to change – The expected outcome is self-directed reformation. The motivated programme should address: -

## **Offending Behaviour And Factors Contributing To Re-offending.**

The Content Of Offending Behaviour Should Include: -

### **Personal Factors:**

- Ø Cognitive style  
Thinking and behaviour
- Ø Emotional well-being  
Inter-personal relationships
- Ø Attitudes
- Ø Enhance thinking skills
- Ø Reasoning and rehabilitation
- Ø Values clarification
- Ø Moral reasoning

### **Social Factors:**

- Ø Accommodation
- Ø Education and training
- Ø Employability
- Ø Financial management and income
- Ø Relationships
- Ø Life-style and associates
- Ø Drug misuse
- Ø Alcohol misuse

## **Reform Strategy:**

### **The Role Of Religious Programmes In Prison As A Means Of Reforming Inmates:**

As long as there have been prisons, religious education and training have been offered to prisoners. Religious programmes for inmates are not only among the oldest but also among the most common forms of reformative programmes found in correctional facilities today. Among all other types of personal enhancement programmes offered in prison, religious activities tend to attract the most participation. The Task Force is of the view that rehabilitation and reform are two different things: One can measure rehabilitation, but cannot measure reformation. Though officials could observe that some inmates unquestionably may have changed in positive ways, there is no way of observing whether they have “repented”. The former inmate still may be a “very bad” person “on the inside,” but as long as he does not commit illegal acts when he leaves prison, as he did previously, he is “rehabilitated”.

Nevertheless the task force is convinced that religion and spirituality have benefits in controlling areas of impulse control or deviance, such as drug and alcohol abuse. Religion should be used to inhibit delinquent and criminal activity, and might facilitate this process as well as the outcomes of prison reformation and rehabilitation. The committee feels religion might effect behavioural and social change since it targets anti-social values, emphasis accountability and responsibility, changes cognitive approaches to conflict and provides social support and social skills through interaction with religious people and communities.

## **Therefore the Religious Programme Measures should include: -**

### **In Prison Seminars:**

The purpose of the in-prison seminar is to disciple inmates in their walk with Christ, Jehovah, Allah etc, so that they in turn, could have an impact on other inmates in the name of Christ, Jehovah, Allah etc. This is to introduce the unchurched inmate to the faith and then provide teaching or discipling and support.

### **Life Plan Seminar:**

Should be implemented to meet the needs of prisoners who are to leave prison soon. This should be designed to help those inmates develop realistic attitudes and plans for their lives and thus to enhance their success after release. Therefore the objective should be not only “spiritual growth” but should target the building of inmate mentor relationships, within their sentence before release.

### **Bible Studies:**

The original purpose should be to provide inmates with an ongoing opportunity to study God’s word and enjoy religious fellowship. The Bible studies should be seen as an opportunity to offer inmates a way to “grow in the Lord”. Overtime, Bible studies can be seen as an excellent way to follow-up on inmates who attend in-prison seminar. Bible studies should be available to the non-religious as well. The Committee is of the view that religious programmes should be encouraged to help inmates adjust to prison environment and to influence spiritual development and repentance.

## **Inter-Religious Programming**

Interreligious programming is seen as necessary and enabling entity to assist inmates to manage issues of diversity in the spiritual programming. The programme should offer counselling and support to the inmate population. The Council of Prison Chaplain would have responsibility over execution of Inter-Religious programme. Officials should encourage networking and joint venture amongst the Chaplaincy and all other religious bodies.

## **Treatment Programme And Services:**

The Trinidad and Tobago Prison service should be committed to the rehabilitation and reformation of offenders, and develop clear objectives of providing regimes which address offending behavior, improving educational and work skills, develop cultural and religious understanding and promote law abiding behaviour in custody and after release.

It must further commit itself to the development and expansion of accredited offending behaviour programmes, and invest in basic skills education and a drug treatment strategy. The service must institute a mechanism to assess offender's risk and needs, targeting the factors linked to offending and delivering effective programmes.

The Governments' Correctional Policy Framework should be to set the following aims for all parts of the Criminal Justice System with special emphasis on the Prison Service.

- Ø Reducing re-offending
- Ø Improving public protection
- Ø Seamless execution of the sentence of the Courts
- Ø Maximizing public confidence in community punishments
- Ø Improving the cost efficiency and effectiveness of service delivery

## **Objectives:**

- Ø Providing constructive regimes, which address offending behaviours, improve educational and work skills and promote law-abiding behaviour in custody and after release.
- Ø The Service must draw on the research about ‘what works’ in reducing re-offending to develop a more evidenced based approach to tackling offending behaviour and the factors which can contribute to re-offending

## **Strategy of Treatment and Service Delivery:**

A joint approach with the Probation Service underpins the strategy. These two services must work closely together in taking this approach forward.

## **Purpose:**

The purpose of the strategy is to provide clear direction for the Prison Service for the development of constructive regimes to reduce the risk of re-offending based on the ‘what works’ approach.

## **Vision –**

That prisoners are: -

- Ø Systematically assessed in relation to their risks and needs

- Ø Allocated to activities assigned to reduce re-offending according to risk and need, in a planned way, without unfair or irrelevant inequalities
- Ø Exposed to programmes and activities to address offending that: -
  - a. Are based on best available evidence of 'what works'
  - b. Are designed and delivered in ways which make them accessible and effective
  - c. Conform to agreed standards
  - d. Are planned, resourced and located on the basis of the risk needs profile of the population
  - e. Are delivered co-operatively in a coherent and planned way
  - f. Support a seamless approach as offenders move between custody and the community

The strategy outlined must be comprehensive and wide-ranging.

#### **Key Features of the Strategy Are: -**

- Ø Assessment – Joint Prison/Probation offender assessment system
- Ø Offender behaviour programmes - accredited
- Ø Drug Treatment – accredited
- Ø Therapeutic Communities - accredited
- Ø Education - accredited
- Ø Resettlement and custody to works - accredited
- Ø Sex offender programme – accredited
- Ø Parole programme

#### **The Contribution Of The Voluntary And Community Sector: -**

The Prison Service Administration needs to develop and implement as a matter of priority a strategy to maximize and manage the contribution of the voluntary and community sector.

In all jurisdictions, a wide range of voluntary and community organizations work in or with prison. Volunteers working along with prison staff can bring into the institution additional expertise, knowledge, and practical support. It is said that they can also bring continuity, since the services they could offer would be available after a prisoner is released. They can provide an important bridge between the prison and the community.

The Task Force wishes to encourage voluntary and community sectors to perform a significant role in our prisons. They can assist in the delivery of Drug Rehabilitation Programme, and provide services in areas such as employment and training, education, housing, health care, counselling and family support.

The strengthening of the relationship between the Prison Service and voluntary and community sector organizations and volunteers can provide tremendous resources and benefits to the Prison Service.

## **Benefits**

Benefits of this program includes but are not limited to:

- Ø Community Resources can be mobilized to help provide support to prisoners and their families during imprisonment and on release
- Ø Voluntary organization and volunteers can help in the delivery of constructive work in the institutions and the community.
- Ø A collaborative effort can be forged between these organization and prison staff to provide innovative programmes, which can be a bridge to the wider community.

## **Services:**

### **Visiting:**

Present visiting policies and practice are inadequate to effectively address the needs of inmates especially at the female facility. The institutional heads should review existing policies and establish new procedures for visit that would appropriately address the divergent needs and requirements of inmates with respect to maintaining contact with the external world.

### **Policy Objective:**

To provide the mechanisms by which inmates can be encouraged to develop and maintain positive community and family relationships that will assist them to prepare for reintegration as law-abiding citizen.

### **Responsibility – The Institutional Head Shall:**

- Ø Ensure that general visiting is available to all inmates
- Ø Specify the procedures to be followed and the conditions to be met with respect to visiting
- Ø Ensure that procedures and conditions pertaining to visiting are communicated to all inmates, visitors and staff
- Ø Notification to visitors
- Ø Visiting hours
- Ø Security during visits
- Ø Visits by legal counsel
- Ø Visits by counselor and diplomatic officials
- Ø Interviews with the service and private agency personnel
- Ø Visit to hospitals
- Ø Refusal or suspension of visit
- Ø Private family visiting
- Ø Conjugal visits

## **Temporary Absences:**

### **Policy Objectives:**

- Ø To encourage inmates to maintain family and community ties and avail themselves of rehabilitative activities, with the goal of safely reintegrating them into the community as law-abiding citizens through gradual and controlled release programme of temporary absences
- Ø To ensure the humane treatment of inmates by providing temporary absences for medical and compassionate reasons when necessary.

## **Residential Aftercare:**

### **Policy Objectives:**

- Ø To minimize the risk of offenders committing new offences and ease their transition into the community by providing a secure and supportive community living environment
- Ø Community Correctional Centres and Community Residential Centres be established to provide residential services to offenders who are re-entering the community
- Ø Assessment Centres

## **Health Services:**

Effective Health care is an essential element in ensuring the well being of prisoners. In planning account has to be taken of the fact that it is estimated that significant percentage of prisoners suffer from at least one of the main categories of mental disorders (psychosis, neurosis, personality disorders, anti social behaviors, tumors, situational reaction, intoxicants, Organic Disorders). In addition prison has a number of inmates suffering from infectious or contagious diseases namely (HIV/Aids and other sexually transmitted diseases, tuberculosis, chicken pox, hepatitis etc.)

The guiding principle for correctional administrators should be providing quality correctional health care in a cost effective and cost efficient manner.

## **Aims**

Health care in prison should promote the health of prisoners. This would ensure early identification and assessment of prisoners' health problems, and effective delivery of their health care treatment plan. It should continue to provide any care, which was started in the community, thereby contributing to a seamless service and facilitating through care upon release.

As such the Task Force recommends the implementation of a health care management programme for inmates based on a formal partnership between the Prison Service and the National Health System of the Ministry of Health and other relevant agencies with special emphasis in the following areas:

- Ø Initial/Primary health care
- Ø Mental Health Management Program/Forensic Psychiatry
- Ø Health Promotion and education
- Ø Substance Abuse, misuse;
- Ø Dentistry
- Ø Pharmacy
- Ø Nursing
- Ø Geriatric Nursing
- Ø Control and Management of blood born diseases.

Such an approach for the delivery of health care is to provide an opportunity for more coherent planning of services both nationally and at institutional level.

## **Policy Objective:**

- Ø To ensure that inmates have access to essential medical, dental and mental health services in keeping with generally accepted community practices.
- Ø Inmates shall have access to screening, referral and treatment services

## **Drug And Medical Supplies:**

## **Policy Objective:**

- Ø To ensure the safe and legal acquisition, management, storage, recording dispensing and administration of pharmaceutical and medical supplies

## **Management Of Inmates With Hiv And Other Infectious Diseases**

## **Policy Objective**

To facilitate the effective institutional and medical management of inmates with such diseases, while ensuring that all appropriate and necessary precautions are taken to prevent the transmission of the disease

## **Psychological Service:**

## **Policy Objective**

- Ø To ensure the provision of psychological services to offenders in order to assist them with the resolution of mental health problems and behavioural disorders
- Ø To help them learn to adopt socially acceptable behavioural patterns
- Ø To prevent or attenuate their relapse following intervention.

## **Prevention Of Suicide And Self-Inflicted Injuries:**

### **Policy Objective**

- Ø To provide programmes and services in institutions to identify offenders at risk for suicide or self-injury,
- Ø To prevent future incidents and assist them to cope with their difficulties

## **Mental Health Services:**

### **Policy Objective**

- Ø To ensure appropriate access to essential and non-essential professional mental health services. These services contribute to the improvement and maintenance of the inmate's mental health and adjustment to incarceration and assist them in becoming law-abiding.

## **Food Services:**

### **Policy Objective**

- Ø To provide nutritional food of adequate quality and cost for all inmates in the institutions of the service,
- Ø To provide employment and training to inmates in food services where possible and appropriate
- Ø To upgrade the food service to provide meals to staff at reasonable cost.

## **Religious Services And Programmes:**

### **Policy Objective**

- Ø To ensure recognition of the spiritual dimension of life by actively encouraging inmates to express their spirituality and exercise their religion when this does not affect the good order of the institution;

- Ø To provide ministry to inmates, staff and families.
- Ø To provide personnel, programmes and facilities for religious worship and spiritual growth and development.

To achieve the objectives of this programme there is need to review the existing legislation viz (The West Indian Prison Act of 1838 section relating to the Chaplains). The committee supports the recommendations submitted by the Council of Prison Chaplains (COPCAM). See Appendix

### **Leisure Activities – Arts/Crafts:**

#### **Policy Objective**

- Ø To encourage inmates to use their leisure time constructively, thereby helping them to become law-abiding citizens.
- Ø To utilize Arts, Crafts and Music as a form of therapy as well as revenue generating activity.

### **Welfare Service:**

Institutional treatment is the attention given to the offender by general and special staff as long as the offender resides in the institution. The institutional social worker (the welfare officer) forms part of the staff in charge of treatment. As such the work of the welfare department is coordinated with that of other treatment staff members and in some respects they interact with offenders' families and other institutions and resource persons particularly during the pre-release and after care period. Essentially the Welfare department is responsible for casework, group work, and assist in the management of inmates.

## **Functions**

Administratively, the institutional social worker (the welfare officer) should act in accordance to the direction of the head of the institution. The welfare officer would work in close corporation and collaboration with the medical officers, teachers, educators, case management workers, housemasters, nurses, doctors, probation officers, parole officers and other professionals and volunteers etc.

As part of this professional team the main function of the welfare officer is to help develop and engender in inmates the necessary attitude and commitment to lead a law abiding and self-supporting life, that is to say, the welfare officer is functionally responsible for the social rehabilitation or social adoption process. More specifically, the welfare function should be directed towards the following:

- Ø The offender with respect to character formation and development
- Ø Providing services for offenders, and offenders families
- Ø Collaborating and networking with Non Governmental organizations NGOs', Community Based Organizations CBOs', government agencies when necessary, interested persons and associations.

With respect to the offender the welfare officer must focus on the following:

- Ø Arrival of the inmate to the institution
- Ø Subsequently build rapport to get acquainted with the offender, their case, present situation, and identify their individual, social or family difficulties and problems.
- Ø Assess the attitudes and aptitudes of the offender viz -a -viz the offence, the victim, society, staff, their education work, training.
- Ø Identify the type and extent of assistance needed within the institution and after discharge.
- Ø Assist the offender in maintaining contacts with family, persons and institutions willing to assist the offender.
- Ø Follow up on cases and provide assistance required by special circumstances
- Ø Preparation for and assistance of inmates during prerelease period and when required after release.
- Ø Stimulating work and vocational training for the offender

- Ø Providing any other assistance required by special circumstances such as mental and physical health, inabilities or handicaps.

### **Policy Objective:**

- Ø To ensure the provision of casework and welfare services to offenders in order to assist them with the resolution of adjustment problems, and family problems, and to help them learn and adopt socially acceptable behaviour patterns.
- Ø To promote resettlement initiatives as the key to effective reintegration

The Committee views the welfare officer as important personnel in the professional support team in the system and must be properly trained and recognized in the delivery of treatment and rehabilitation programmes for offenders. However, the Committee recognizes that the welfare department is currently crippled in its capacity to deliver the quality of services desired for all inmates of the system largely because of the inadequate number of welfare staff. The Task Force therefore recommends that serious consideration be given to the implementation of the recommendations of Ministerial Appointed Staffing Committee, which addressed the staffing needs of the Prison service inclusive of the welfare department.

### **Access To Material/Library Services And Live Entertainment:**

- Ø To ensure appropriate access and presentation of all material including publications, videos, audio tapes, films and computer programmes and live entertainment within institutions

### **Policy Objectives:**

- Ø To ensure that material which could jeopardize the security of institutions or the safety of persons are not available in institutions and ensure that living conditions of offenders and working conditions of staff members are free from practices which undermine a person's sense of personal dignity.

## **Educational Services**

Generally Employers want employees with generic work skills. Unfortunately many offenders lack the skills that facilitate finding and retaining employment. On the other hand many have deficits relating to academic competencies and vocational work skills. These factors include but not limited to:

- Ø Unreliability of performance
- Ø Poor interpersonal skills at work
- Ø Poor beliefs and attitude towards work
- Ø The difficulty of teaching work related skills in the prison

In light of the above an education policy must be developed and implemented, which focuses on the need to ensure that inmates achieve requisite skills, certification and qualifications. This policy is viewed as a critical requirement to the policy of reintegration.

The Task Force views collaboration with the Ministry of Education and other agencies involved in the delivery of training and education as necessary in the policy formulation and curriculum development. The curriculum development process should address key skills, which include but not limited to:

- Ø Academic
- Ø Information Technology
- Ø Vocational Training
- Ø Business Skills
- Ø Art
- Ø Drama
- Ø Music
- Ø Application of Numbers/Mathematics
- Ø Adult Literacy
- Ø Communication
- Ø Time Management
- Ø Self Esteem
- Ø Team Building
- Ø Goal Setting

- Ø Social Life Skills
- Ø Problem Solving
- Ø Life Skills
- Ø Sex Education
- Ø Conflict Resolution
- Ø Interpersonal skills

All programmes should offer certification, which is accredited from a recognized awarding body.

## **After Care – Parole Supervision**

### **Policy Objective**

- Ø To help offenders on conditional release become law-abiding citizens by providing them with assistance and services, and by ensuring that the proper control is maintained, to minimize the risk of them committing new offences.
- Ø To ensure that offenders are assigned to the appropriate category of supervision as determined by effective assessment techniques

## **Victim Services**

In the promotion of the reparation initiative and the commitment of restoring relationships between victim and offenders. The committee recommends that the programme coordinator should also oversee the Victim Services Strategy of the Trinidad and Tobago Prison Service which should include, but not be limited to: -

- a. Prison tours for victims.
- b. Victim Offender mediation.
- c. Notification of victim inmate involvement in correctional plan/rehabilitation.
- d. Execution viewing
- e. Victim Training and education- child and victim conferences
- f. Victim assistance awareness

## **Constructive Regimes**

The Task Force identified that there are three main phases in prison life. Prisoners are inducted into the first phase of the prison system through a three-month orientation programme designed to help them adjust to prison life. This is followed by a mainstream phase corresponding to the length of time for which the prisoner was sentenced upon approaching the release phase the inmate is placed in a pre-release programme. Therefore, the committee recommends that all programmes should be redesigned to allow for effective correctional processing and progress monitoring of offenders. Major resources have to be identified to implement these changes.

The purpose of such a strategy is to provide clear directions for the Prison Service to reduce the risk of reoffending by applying constructive programmes based on best practice.

This strategy would better map out the direction for development. The task force is also of the view that continual monitoring and regular review of effectiveness is critical for the continued effectiveness of this strategy. Its key components should include but not be limited to:

- Ø Assessment and early identification of needs
- Ø Progress Monitoring of inmates
- Ø Offending behaviour programs
- Ø Drug treatment
- Ø Therapeutic communities
- Ø Education
- Ø Resettlement and custody to work

The Overall Process in Prison is Streamed Through  
Three (3) Phases As Follows: -

**FIRST PHASE: INDUCTION/ORIENTATION CONSISTS OF 3-6 MONTHS AS REQUIRED**

**1. Orientation:**

- Need proper classification
  - Orientation consists of 3-6 months
  - Needs Analysis including
    - Person, interpersonal, social needs, Security Risks
    - Individual case management
    - Correctional plan
    - Zoning. Matching needs of inmates with facility

**SECOND PHASE: LENGTH VARIES  
ACCORDING TO SENTENCE.**

**2. MidStream**

- Anger Management,
- Family Life & vocational skills
- Correctional education: perceptions, values, human development
- Cognitive aspect- restructuring mind, conscience, moral development
- Re-evaluation counselling, cognitive dissonance approach

**THIRD PHASE: PRE-RELEASE 9-12 MONTHS PRIOR TO RELEASE OR AS THE SPECIAL  
CIRCUMSTANCES THAT THE CASE MAY REQUIRE**

**3. Pre-Release Programmes**

- Graduation Centre
- Helping reintegration, parole, weekends – away, home furlough

## After Care – Community Reintegration

### Penultimate Phase of Pre Release

Responsibility – Restoration Maintenance Programme. Ability to produce good work => woodwork => Restitution to victim, NGO, Community. Some repay the debt to society by helping another in need.

Self-Development/ interpersonal skills/ Social Development/ Social Conscience  
Stress method inmates use to stay out of touch with their behaviour & stay unconnected  
/individual and self-empowerment – making a connection. Evaluation & Reporting procedures.  
Therapeutic Team – assessment – is person ready for parole, Transition Groups.

### Structure for Parole Board

Conditions of Release – who qualifies? Cooperation with Probation Parole Board  
At what stage of sentence is one eligible? Types of supervision to ensure public safety, those  
finishing school, drug school, drug rehabilitation, community corrections

### After Care & Community Corrections

Support services – psychological and social support,  
jobs, shelter, half way houses,  
Through NGO, religious groups –hand over to a community  
service group or community corrections.

### Streams of Rehabilitation/Operations/Classification/ Administration

HR department, new stream of officers.  
A Deputy Commissioner, senior Superintendent,  
Superintendent and Correction staff for Programmes

In house training, third level institutions. Faculty of Restorative  
Justice/Community Correction Education/Regional Training  
Institute, Chair.

A model is needed to encompass a Restorative Penal  
Philosophy. Name – Re-integrative Model

The Trinidad and Tobago Prison Service should be committed to the rehabilitation and reformation of offenders, and develop clear objectives for providing regime which address offending behaviour, improve educational and work skills, cultural and religious understanding and promote law abiding behaviour in custody and after release.

# **THE IMPLEMENTATION OF PRISON INDUSTRIES IN THE TRINIDAD AND TOBAGO PRISON SERVICE**

## **INTRODUCTION**

Prison Industries refers to a programme, which involves using the abundance of prison labour for **public sector projects** and **private sector**, which includes providing goods and services to, registered and or recognized NGO's and charitable organizations, public service organizations such as Ministries of Government and subsidiaries. It also involves using inmate labour for in house projects.

The concept recommended by the committee is identified as an integral part of the improvement initiatives of the Trinidad and Tobago Prison Service. The programme has the potential of offsetting the high cost of operations of the service by allowing inmates to contribute to their upkeep whilst at the institution. This would encourage and facilitate "self sufficiency" of both the inmates and the prison service, thereby increasing the likelihood of offenders' successful reintegration into the society. It is also a means of reducing prison idleness and increasing inmate job skills.

This industry would provide inmates with real world employment, which is expected to improve prospects of successful transition to the community upon release. The importance of inmate work has long been recognized and supported by the Trinidad and Tobago Prison Service Administration who had outlined this approach in their strategic plan for the period 1998-2002. Worsening national economic conditions, overcrowding, ineffective reintegration of offenders, increasing crime rates, need for restorative justice, reparation, and increased competition for the scarce resources of government are among the major forces driving the

need for Prison Industry. Prison administrators have been asked to do much more with less resources hence prison industry is seen as one of the critical solutions that addresses both humanitarian and economic concerns.

Prison Industries would also serve as a marketing tool, highlighting to the public the rehabilitative work done at the prison and the benefits of the technical, vocational, educational and other training initiatives. The value of public relations is not unknown and is of uttermost importance as community support is identified as imperative to the success of this programme. This may serve to provide additional confidence to the public of the inmates' reformation and development.

The policy on prison industries would ensure that a level playing field exists for all stakeholders to access the work force. Additionally, the programme coordinator would have to develop and maintain a quality assurance programme that responds to the specific needs of each institution and fulfillment of the product-design and realization process.

## **Vision And Objectives**

The Task Force's vision of prison industries is to assist offenders to develop good work habits, skills and attitudes through the production of saleable products and services in structured work environments comparable to the private sector.

Essentially this programme is intended to achieve the following objectives

1. To assist offenders to become self-supporting and to encourage participation in community programme by ensuring that when necessary the participant is provided with financial assistance with respect to satisfying basic needs.
2. To provide the inmate with the capacity to make reparation.
3. To restore the relationships between the "victim and offender," "community and offender."
4. To support a range of correction services and programme.

5. To provide a safe, secure and humane environment.
6. To manage the productive working time of inmates and by extension the entire organization more effectively.
7. To educate and work cooperatively with the public on common issues

## **Guiding Principles**

As a matter of policy the guiding principles of the Trinidad And Tobago Prison Service prison industry would be in keeping with the Restorative Justice philosophy that is:

- i. To restore the relationship between the victim, community and offender.
- ii. To consistently produce and deliver products and services that meet customers' requirements and expectations in a timely manner.
- iii. To operate in a safe, secure environment that is consistent with industry norms
- iv. To continuously review and improve its process, products and services
- v. To employ the use competent and qualified staff in the industry. Industry staff includes inmates
- vi. To manage the industry finances and other resources efficiently and effectively.
- vii. To plan and carry out production under controlled conditions.
- viii. To involve both employees and inmates in the product planning, decision making and production where practicable in the product realization process.
- ix. To encourage and facilitate effective communication between stakeholders.

## **Projected Benefits**

Prison Industries is expected to create a literal 'win-win' situation for all stakeholders. Firstly the industry would allow prison authorities to participate in joint venture projects with public agencies, to use inmate labour to produce good and services for entry into the community. This is expected to become a viable profit-making venture, which is expected to offset the high cost of government input. The benefits to be derived from networking are priceless and are in line with the philosophy of shared responsibility.

Secondly the participation of offenders in prison industries would encourage community spirit and build the self-esteem in inmates whilst encouraging conformity through the indication of acceptance of the inmate

Thirdly for business they are provided with a stable and reliable workforce. It is also expected that tax concessions should be provided to companies that employ the use of prison labour.

Fourthly for prison administration prison industry provides a cost effective way to occupy a certain proportion the offender/inmate population. The potential for improving the wage earning capacity and adequate gate money to help inmates with their resettlement is amplified and quite evident in the intent of the programme.

Fifthly for the prisoner would enjoy benefits that is fourfold for example

- a. It would provide the inmate with an opportunity to demonstrate learnt skills and improve chances of meeting financial obligations. Such as victim reparation, personal and family upkeep and child support where necessary.
- b. It would increase and improve his job skills by giving them the opportunity to demonstrate acquired competence.
- c. There is also an increased likelihood of securing employment upon release from incarceration.
- d. Improve chances of repairing relations with his family, his victim and community in addition to encouraging family support whilst in prison.

## **Critical Success Factors**

The Task force has identified the following areas as necessary for the success of the programme.

- i. Consultation with staff prior to implementation.
- ii. Employee empowerment.
- iii. Continual Training and Retraining of staff.
- iv. Stakeholder Involvement
- v. Effective marketing and sales
- vi. Continual delivery of quality products
- vii. Maintenance of an effective Health, Safety, Environment and Quality Management System
- viii. Retaining Competent and Qualified Staff
- ix. Teamwork and co-operation amongst stakeholders
- x. Collection of operational data when the industry is on stream
- xi. Continual review and evaluation of the effectiveness of industries.
- xii. Effective leadership and management of industries.
- xiii. Effective planning and implementation
- xiv. Adequate compensation of inmates.
- xv. Education of the public on the Prison Industry.
- xvi. Accredited and certified training programmes for inmates within the prison and external where applicable/practicable.

- xvii. Customer Satisfaction – the ability to continually produce and deliver goods and services that meet and exceed customer requirements.
- xviii. Specialization of Work areas within the Prison Industries.
- xix. Proper Record Keeping.
- xx. Reward and Recognition Programme.
- xxi. High Standard of discipline on inmates.
- xxii. Proper Financial Management and Accountability - utilizing Cost of Quality and Activity Based Costing as management decision-making tools.
- xxiii. Effective Management of Treatment and Security.

## **Prison Industries**

To implement the prison industries in an open commercial scale the Prison Service would have to construct a sales outlet for access to the general public. Internet marketing offers several advantages in regard to public accessibility and should also be employed as a sales strategy. In the sales department, inmates would also be involved in the sales activity in terms of customer service and providing information on products. These activities would be conducted under the supervision of the customer representative officer. This concept is consistent with practice of a professionally operated Prison Industry in developed countries. This experience is expected to simulate real life activities of a sales department and broaden offender's knowledge and experience in sales, thereby increasing his/her likelihood of successful reintegration into society upon release. Additionally the use of inmates in sales is expected to generate increased sales and revenue to the industry.

Hereunder are the major products and services, which would include but not be limited to: -

## **Internal Activities**

1. **Holiday Decorations and Accessories**- banners, wreaths, cards, etc.;
2. **Housekeeping and Laundry Products**- ornaments, bathroom towels, shelves, hangers, bedding, linings, pillow cases, laundry bags, suite bags, towels, coveralls, etc.;
3. **Printing Services**- photocopying, binding, laminating, flyers, business cards, logos, manuals;
4. **Wood Office Furniture**- desk, chairs, dormitory furniture, office partition, etc.;
5. **Furniture Construction and Restoration Services**- repairs to old furniture;
6. **Catering and Food Preparation**- cakes, pastries, lunches, breakfast plates, appetizers, Hor D'oeuvres, Soups;
7. **Sign Painting**- Street signs, business signs etc.;
8. **Metal Office Furniture** – Desk, and other Office Furniture;
9. **Fleet Management**-Auto Body Repairs, welding, paint body, work, tire rethreading, Decals –logos painting, Number plates

**10. Garment Construction**

**11. Computer Assembly and Services -**

**12. Welding and Fabrication**- Bar be cue grills, waste containers, custom fabrication, and post boxes.

**13. Graphic arts**- Art work, cards, Designs etc

**14. Maintenance and repair of Small Appliances -**

**15. Recreational products**- Park benches, picnic tables, receptacles

**16. Food Production and supply**- Meat- Ham, Beef, Lamb, Poultry, etc, bread, pastries, Jams and Jellies etc.

**17.Art and Craft** – Brooms, Brushes, mops, cocoyea, ornaments, macramé, straw baskets

**18.Construction** – Builders, welders, masons, carpenters etc

**19.Agri business-** ornamental plants, forestry products and services, shrubs, Foodstuff

20.Animal Husbandry

**21.Pottery** – Plant pots, Deyas, Vase

## **External Activities**

- 1. Joint ventures between private services and the Prison Service;**
- 2. Joint ventures between the public service and the Prison Service.**

## **Organization Structure And Criteria For Policy**

Prison Industries programme should operate as a business entity within the Prison Service with a Deputy Commissioner of Prisons/Correction, having overall responsibility for coordinating its activity, having direct responsibility for the management of the product realization processes including supplier management activity. The organization structure for the industries should represent an essential balance between technical, administrative and marketing expertise. This balance in the composition of the human resource is aimed at reducing cost of operations, ensuring product quality and maximizing the rehabilitation potential for inmates' work programme.

As a business strategy the overriding purpose is to excite the public, and industry with unique extraordinary products and services. To ensure this, prison industries would implement a

quality management system intended to meet customer needs, reduce waste and defects, and make the most of available resources. Industrial trends purport that industries take every effort to build quality into the product instead of inspecting it in after the product is produced. To ensure effectiveness of this approach as a minimum requirement the industry will be staffed with personnel allocated to marketing and sales, production planning, inspection, financial and inventory management as well as operation/production.

As a matter of policy inmate participation would be voluntary and extracted from inmates who have successfully completed the technical, vocational, academic programme outlined in their correctional plan and who have received positive evaluations on their correctional plan and are deemed suitable for participation in this programme. Consideration may also be given to the implementation of a programme that gives offenders the opportunity to earn time off their sentences for participation. This may produce another cost benefit considering the high cost of maintaining an offender in the system.

In the administration and evaluation of the programme's suitability, Non Governmental Organizations “NGOs”, religious and charitable organizations are to work in partnership with staff. This is in keeping with the intent to effectively reintegrate offenders through the creation of effective partnerships between the prison and Non Governmental and community based organization. However, All bodies would have to comply with the documented application procedure—no work should be done/started until the recommended requisition procedure is complete. As part of the application procedure organizations should be required to submit financial statements and/or organization's profile in the case of new customers. These documents should act as the basis of evaluation for approval. The time frame for approvals should not in any instance exceed two weeks. The policy should consider robust procedure for document and record control.

Opposition to prison industry is foreseen from some interest groups, as prison labour may be interpreted as giving offenders employment/contracts that should be given to law-abiding citizens. As a pro-active measure to address these concerns consultation should take place with relevant stakeholders such as organized labour and private industry if and when necessary. As a requirement private enterprise employers would have to give assurance that non-inmate workers would not be unduly displaced. In addition the Prison Administration should be debarred through legislation from accepting contracts that exceed One Hundred Thousand dollars \$100,000.00.

## **Financial Management**

Prices for products and services would have to be adjusted as frequently as required to reflect market situations. Standard costing methodology would be used for the costing of work orders, raw material, rework and finished goods inventories etc. Costing for custom work would be outlined in work order and should in all instances be consistent with input requirements. Provisions would be made for customer paying or depositing a portion of input to offset cost. Additionally as part of the financial management system the implementation of activity-based costing or cost of quality programme would be needed.

The budget used for the purchase and control of raw material should be controlled by the Deputy Commissioner of Prisons and shall be allocated according to the projected production plans.

## **Pay Administration**

The working hours for inmates would be established by institutional policy. However statutory holidays, Saturday and Sunday should not be considered working days, yet,

approval to work on these days may be approved by the coordinator with special considerations, for example, time off etc.

The inmates' wages may be distributed in the following way: -

1. Between 10-20% of total wages earned may go towards victim compensation
2. 20- 25% of wages go toward inmate of which 10 -15% may be available whilst in prison and the other 5-10% available upon release. Appropriate levels of payment may be assigned based on seniority and experience in the programme.
3. 55-70% of wages should go towards the programme.

## **Strategy For Implementation**

- i. Implementation of Legislation legitimizing Prison Industries and approving open market sale of prison made products
- ii. Implementation of the recommended Organization Structure. With specific reference to Appointment of the Task Force recommendation the Deputy Commissioner of Prison "Programmes and Treatment" and his subordinate staff as outlined in the appendix.
- iii. Implementation cross functional Team who would engage in policy and procedure development, conducting needs assessments; strategic planning for implementation, communicating the plan to the members of the prison service and the public, upgrade workshops and facilities, develop budget to achieve goals and objectives.
- iv. Plan, develop and implement a Quality Management System
- v. Based on identified criteria appoint the staff to production departments.
- vi. The Programme coordinator and his Team would plan and implement a communication strategy. This strategy should include a public launch of prison industries with the print and electronic media and all stakeholders.
- vii. Planning and Implementation Public Information and Awareness Campaign.

## **THE CORRECTIONAL REHABILITATION INTERVENTION PROCESS:**

### **Standard Operating Practices:**

The Task Force recommends an approach to the correctional rehabilitation intervention process similar to the one developed and implemented by the Correctional Services of Canada (C.S.C.).

The Prison Service of Trinidad and Tobago has to institute a set of activities and services designed to achieve its essential objective is: the efficient, effective, safe reintegration of the offenders at an appropriate time. The Correctional Rehabilitation Intervention Process must be designed to integrate all the activities and services and to orient all staff and stakeholders and volunteers towards achieving this objective.

The importance of this activity lies in its contribution to the overall process and to the achievement of the objective. Such a process requires that each activity should be based on foundations, which would have legal, professional, and theoretical, consequences and therefore should be based on research and accountability. In addition, in order to understand the meaning or intent of each of the activities, it is important to define the various frames of reference involved in developing the process.

### **Frameworks:**

- 1. Contextual Framework:** Mission, Legislation, Principles, Values, and Belief.
- 2. Procedural Framework:** Overview of the principles and processes of rehabilitation intervention.

### **3. Accountability Framework: Quality Assurance, Quality Control, and Compliance Audits.**

There are several key individuals in the implementation of this kind of process:

1. The Parole Officer (P.O.): As the principle manager of the intervention process, he/she would be called upon to design the management of the sentence, plan and orient services and methods in light of the intervention objectives, fine tune the intervention if necessary, measure the results and recommend decisions at the appropriate time.
2. The Correctional Officer (CO): As the first line worker, the Correctional Officer would be responsible for follow-up of the Rehabilitation Plan, by interacting directly with the offender, referring the offender to appropriate programmes and methods, gathering all pertinent information from other caseworkers and observing the offender's behaviour directly.

#### **The Primary Worker:**

As a first line worker, and, in some situations as the manager of the intervention process, the primary worker would be responsible for follow-up of the Rehabilitation Plan by interacting directly with the offender, referring the offender to appropriate programmes and methods, gathering all pertinent information from other caseworkers, observing the offender's behaviour directly, and, in some situations, responsible to design the management of the sentence, plan and orient services and methods in light of the intervention objectives, fine tune the intervention if necessary, measure the results and recommend decisions at the appropriate time.

#### **Programme Officer:**

As a specialist in one or some specific domain, the Programme Officer must be a member of the 'Case Management Team' and would have to participate in the implementation of the Rehabilitation Plan. His or her interventions would be based on specific objectives for the offender, and the officer must observe, evaluate and report on the acquired skills or changes

achieved by the offender and provide this information to the other members of the Case Management Team.

### **The Offender:**

As the architect of his or her own changes the offender would be responsible for his or her present situation, his involvement in the intervention activities, the changes which he or she must bring about and the risk which he or she presents.

### **Contextual Framework:**

### **Mission:**

The mission statement should include the key elements with regard to Rehabilitation/Reform Intervention:

- Ø Protecting society
- Ø Providing offenders with opportunities to Habilitate/Rehabilitation themselves.
- Ø Exercising reasonable, safe, secure and humane control.

### **Legislation And Principles Of Justice:**

Legislation must be enacted that respect the Rule of Law. This would justify and imply an overall respect for the Act and Regulations and the integration and application of the Principles of Natural Justice and Restorative Justice in our Rehabilitation practices. In addition, since the Prison Service is an arm of the Criminal Justice System, several other laws and related policies would apply to Rehabilitation practice.

The following laws should apply to the Prison Service of Trinidad and Tobago: -

- Ø Rehabilitation and Conditional Release Act and Regulations
- Ø Privacy Act and Regulations
- Ø Access to Information Act – Freedom of Information Act
- Ø Criminal Code of Trinidad and Tobago

- Ø Criminal Records Act – Expunging of conviction
- Ø Human Rights Act and Regulations that govern Trinidad and Tobago

### **Other Related Acts: -**

- Ø Immigration Acts
- Ø Prisons and Reformatories Act
- Ø Official Language Act and Regulations
- Ø Controlled Drugs and Substances Act
- Ø Transfer of Offenders Act
- Ø Mutual Legal Assistance in Criminal Matters Act
- Ø Identification of Criminal Act
- Ø Young Offenders Act – Youth Justice
- Ø Evidence Act
- Ø Criminal Fugitives Act

### **Other Policies Or Agreements: -**

- Ø International Agreements on the Transfer of Offenders
- Ø Agreements on the exchange of information
- Ø Minimum standard Rules for the Treatment of Offenders

In the Penal Rehabilitation practice, the principle of natural justice is referred primarily to the duty by all officials to act fairly. In this connection the following principles must apply at all times: -

- a. The right of the Offender to be heard: the implementation of this right would involve a set of obligations on the part of the Trinidad and Tobago Prison Service.
  - Ø The sharing of complete information,
  - Ø The right to proper representation,
  - Ø The right to attend decision-making hearings,
  - Ø Prior notification of decisions,
  - Ø Sharing of decisions and reasons,
  - Ø Right of recourse.
- b. *Impartiality of the decision authority:* the decision authority must have access to all the available information, including dissenting opinions, and have no personal interest or prejudice in the decision.

c. *Independence of the decision authority:* the decision authority must be free of all influence on the exercise of his/her judgment.

## **Values:**

The mission document should also enunciate a set of core values and strategic objectives, which should guide and structure the development of the Rehabilitation intervention.

**Core Value:** Officials should respect the dignity of individuals, the rights of all members of society and the potential for human growth and development.

**Objective:** To ensure that offenders are informed participants in the Penal Process, Officials must establish and maintain mechanisms for discussion and cooperation.

Methods to ensure that needs of individual offenders are identified at admission, and that special attention is given to addressing mental and other disorders are required:

- Ø When making significant decisions affecting individual offenders, officials must ensure that the offenders, unless security considerations clearly make it impossible, are given all the relevant information in a timely and meaningful manner and given an opportunity to be heard.
- Ø To provide programmes to assist offenders in meeting their individual needs, in order to enhance their potential for reintegration as law-abiding citizens
- Ø To ensure that programme needs are considered when making placement and transfer decisions.
- Ø To ensure that the risk presented by the offender is taken into account when making decisions, particularly in matters to reduction of security and conditional release.
- Ø To ensure the timely preparation of cases for submission to the Parole Board, consistent with criteria contained in the decision-making policies of the Board.
- Ø To ensure that the offender, while in the community, is adequately supervised and that any increase in risk is addressed promptly through the use of appropriate means of intervention and assistance.

Achieving the objectives should be the responsibility of staff. This combined with good human relationship are the cornerstones of any effective penal endeavour. In Addition, staff should spend as much time as possible in direct contact with offenders to ensure that quality service is delivered.

## **Core Values:**

1. Staff must believe that sharing of ideas, knowledge, values and experiences, nationally, regionally and internationally, is essential to the achievement of their mission.

*Objective:* To encourage and support research and evaluation which will contribute to the continued development of our knowledge and information base.

2. Staff must believe in managing the service with openness and integrity and must be accountable to the Minister and Parliamentary Secretary of Ministry of National Security and Rehabilitation.

## *Objectives:*

- Ø To develop policies with a recognition of the need to demonstrate accountability.
- Ø To link the values, objectives, programme delivery, organizational structure and method management within a framework of strategic policy and accountability.
- Ø To make appropriate use of available technology.

## **Beliefs:**

Beyond the mission and values, there must be a set of beliefs or convictions on which every day penal practice should be based. Beyond procedures, their beliefs must define the philosophies and intentions, which underlie the practice.

They may be defined as follows: -

- a. Trinidad and Tobago Prison Service must have at its disposal a range of people-oriented intervention techniques that will manage the risk posed by offenders, and the use of these techniques should be tailored to the risk of the individual offender. Since offenders are different, the same techniques should not be used for all offenders.

- b. Identification of static and dynamic factors must be developed and should occur at the beginning of sentence during the assessment phase.
- c. There should be a strong value on the professional dialogue between community and institutional staff during all phases of the correctional intervention process.
- d. Excellent care management should be based on the use of professional judgment and objective tools to justify, support and explain decisions or recommendations.
- e. All staff involved in the Rehabilitation intervention need qualified supervision, and the quality of their work and their professional development should receive close and continuous attention from their line supervisor.
- f. In the community, risk is to be managed by a number of intervention techniques, and the relative importance and use of these depends on the risk and needs of the offender. It is not only important that an offender is seen by staff at a certain frequency but the quality, content and purpose of these contacts is paramount.
- g. Parole officers should be individually responsible for excellence in their work on an individual offender's cases and should carryout the first step in the quality assurance process.
- h. Reasonable decisions related to safe reintegration must be based on pertinent and comprehensive information on offenders.

## **Procedural Framework: Approach And Overview Of The Process:**

### **Approach:**

The Penal Rehabilitation Intervention Process should be based on a variety of principles, which will orient the choices, and sequence of activities. These principles will also define the way in which the procedures would be used, and specifically the nature of the content of reports covering the various activities. They would also provide a reference framework for analysis, planning and intervention with the offender.

## **Differentiation:**

Staff must be cognizant that:

Offenders are different in terms of their needs, the risk they represent, their level of motivation and receptivity.

The following facts therefore should be considered: -

- i. The mission of the Trinidad and Tobago Prison Service.
- ii. The majority of offenders will sooner or later return to the community.
- iii. The best protection for society in the long term lies in the safe reintegration of offenders.
- iv. Appropriate interventions or decisions at the right time and in the right place will contribute to the safe reintegration of offenders.
- v. Some interventions would be demonstrably more effective in the community than in the institutions.
- vi. Effective risk management does not mean the complete elimination of risk, but rather its maintenance at a level acceptable to the society.
- vii. The offender should be kept in the least restrictive setting possible.

Taking into account these elements, the principle is to orient and organize intervention as a function of the risk presented by the offender and of the most suitable setting for intervention, without jeopardizing public safety. Essentially, differentiation should apply as follows: -

- a. *Offenders With High Reintegration Potential:* In such cases, intervention oriented towards release should be pursued. Low-intensity intervention should be planned in institutions (where necessary); if there is a need for core intervention (living skills, substance abuse, sex offender treatment, family violence or literacy), these should be addressed in the community.
- b. *Offenders With Medium Reintegration Potential:* In such cases institutional intervention must be combined with intervention in the community, the core programmes that are intended strictly to make the risk acceptable to public safety must be implemented in the institution, followed in the community by other core programmes or by lower-intensity programmes (relapse prevention, maintenance).
- c. *Offenders With Low Reintegration Potential:* High-intensity intervention, core interventions (living skills, substance abuse, sex offenders treatment, family violence or

literacy) must be applied in institutions prior to release and must continue in the community.

### **Planning:**

The planning principle applies to the management of the entire sentence. In order to be effective and fair, it must be based first on an accurate assessment of the offender. Differentiation must be applied here with regard to reintegration potential. Planning must in the first place target change or control of contributing dynamic factors (i.e. factors contributing to criminal behaviour), setting out the objectives of change, the main intervention programmes and activities, the place (institution or community) in terms of the critical dates affecting the sentence (eligibility dates, transfers, releases). This implies a sound knowledge of the range of programming and services available in the institution and in the community. It is thus essential that the programme and community personnel be involved in the planning process from the start of the sentence. Planning must provide a benchmark for all the caseworkers involved throughout the sentence and contribute to continuity in interventions.

### **Continuity:**

Interventions can be effective only if there is continuity between them. The authorities must accordingly avoid changing the assessment of the offender or the course of the intervention, unless there is a major change in the offender's behaviour linked to a contributing dynamic factor that was not previously detected. In order to ensure continuity, each stage in the management of the sentence must plan for the next one. The intervention strategy must accordingly be defined prior to every decision. In practice, this can mean that: -

- a. All programme referrals would take place prior to initial placement or transfer.
- b. All reviews for release (work release, escorted temporary absence, unescorted temporary absence, day parole, full parole) can be carried out in conjunction with the transfer.

- c. The review of the offender's progress should be compiled prior to every transfer or release.
- d. Community strategies should be developed before release and implemented at the moment of release.
- e. Planning for the return to a specific institution should be done at the time of a transfer to a higher security setting.
- f. Any other arrangements deemed necessary etc.

## **Information Management:**

In order to ensure effectiveness and continuity in the intervention with the offender, the quality of information management is the determining factor. Good information management refers to the capacity of the Offender Management System (OMS): -

- a. To store each piece of information in a single place (one single field for each)
- b. To generate useful information
- c. To link different reports with others to facilitate the analysis of information for decision-making.
- d. To update information at the moment of printing a report.
- e. To define the content of text blocks in terms of the requirements of decision policies and decision criteria.

The concept of information management refers to using OMS to the advantage of the user. Information management could work with two types of information:

- a. Data in OMS fields;
- b. Blocks of text.

As an example, the static field data can be: name, first prison sentence, current sentence, eligibility dates or different types of release, outstanding charges, immigration status, dynamic and static factor indicators, result of assessment tools, offences, serious term, etc. Such data should not be changed, unless new official information is received. Example of dynamic field data are: Level of intervention based on static and dynamic factors, reintegration potential, security classification etc. could be changed regularly by the on-going

assessment in the course of the sentence the dynamic field by the Parole Officer. The blocks of text refer to qualitative information. They can either feed the correctional intervention process or be generated by the process.

The information which feeds the process would be usually: outside information (Courts, Police, victim, other community information), Post-programme Performance Assessments, Community Assessments, Psychological or Specialized Assessments, Observation on behaviour (discipline, urinalysis, preventive security, etc). The information generated by the process should be more analytical and could serve the intervention and decision process. It should comprise the: Correctional Plan, Criminal Profile Report, Correctional Plan Progress Report, and Assessment for Decision.

The static field data should be entered only once and generated by the OMS as required. The dynamic field data should be more flexible in their use; they should allow amendments at any time. All data used for reporting or decision purposes should be generated automatically by the OMS.

The blocks of text should also be very flexible to use, by adapting the content to the specific need. On the other hand, the experts recommend, there should be minimum standards for content, so that the reports could be used for different purposes.

## **Process:**

The process refers to the sequence, combination and interaction between the main activities of assessment, planning, intervention and decision involving the offender. The procedure should define how each activity would evolve. The correctional intervention process is usually organized, or can be organized into three main components: -

- a. Intake assessment and correctional planning
- b. Intervention with the offender (Correctional Plan Progress Report)
- c. Decision process

## **Intake Assessment And Correctional Planning:**

Following the imposition of sentence, all the activities related to admission, information gathering and assessment should be designed to provide input into the planning of sentence management. To achieve this and produce a quality plan, complete, verified, high-quality information is required, combined with an assessment using objective and subjective tools, and institutional and community perspectives.

## **Information Gathering:**

Should start as soon as the offender has been sentenced. The Preliminary Assessment should be used to collect basic data on the offender, assess his or her immediate needs and initiate the collection of critical documents. The information that is essential to the completion of Intake Assessment and the production of the correctional plan are: Post-sentence community Assessment, official description of the offence (from Court information, or from Police report or Pre-sentence reports), Criminal records. It is important that the assessment of the offender not be completed based solely on information provided by the offenders themselves. The Prison Service must make every accountable and necessary effort to obtain all the critical documents stipulated in the Act prior to any decision regarding release.

The Assessment should occur on the basis of a variety of activities and tools: -

- a. Interview with the offender
- b. Objective tools: static and dynamic factors indicators.
- c. Specialist assessments as required: psychological, sexological, vocational counselling, substance abuse, and family violence.
- d. Analysis of the information.

- e. Writing of the Criminal Profile Report (description of the offence, criminal history, offence cycle).

The Planning should focus on the dynamic contributing factors; it should identify the various interventions required (programmes, intensity, other intervention activities), the sequence, the location (institution, security level, community), the appropriate moment as a function of the critical dates (eligibility dates). It should also stipulate the outward indicators, which would allow staff to conclude that change has occurred. Since planning covers the entire sentence, it is important that the Parole Officer in the community be involved in the process. The type of involvement would vary according to the level of reintegration potential. Sentence planning should be amended only when significant changes occur in the offender's situation, or a dynamic contributing factor appears that was not previously identified. The correctional plan is regarded as the road map for intervention.

## **Intervention:**

In institutions, the purpose of intervention is to control or neutralize the dynamic contributing factors, that is, those factors that contribute to criminal behaviour, through the strict implementation of the correctional plan. This implies that there should be a regular review of the offender's progress through analysis of observations, the casework record, programme report, specialists' assessments and discipline file in case conferences. As a result of this progress review, intervention activities could be adjusted in light of the results recorded (after care, interviews, new programme, etc.). The result of this review should be recorded in the Correctional Plan Progress Report.

The first phase of intervention in the community should be the development of the community strategy prior to release; its content should define the proposed supervision arrangements in the community. On conditional release, just as in the institution, the purpose of intervention is to control or neutralize the dynamic contribution factors through the strict

implementation of the correctional plan. Regular progress reviews are required based on observations, behaviour, programmes and assessments. These results must be recorded in the Correctional Plan Progress Report.

The Correctional Plan Progress Report (CPPR) – would allow officials to follow the evolution of the offender; to re-evaluate the level of intervention required, the Reintegration Potential (RP), the relevance of the security classification and to mark the progress accomplished by the offender. To evaluate progress, a set of indicators of change must be developed and examined. Change is the acquisition of new skills, knowledge, abilities and insight into behaviour. The following are some indicators of change: -

- a. Acquisition of cognitive abilities: better reflection, ability to generate alternatives and solutions.
- b. Acquisition of social abilities: communication skills, problem solving, managing anger and aggressiveness.
- c. Understanding of and ability to explain the offence cycle.
- d. Improved control of emotions, understanding of the source of emotional and affective disturbances.
- e. Ability to explain what has been learned.
- f. Ability to use what has been learned in future behaviour.

Once offenders have gained new skills or knowledge, they must integrate them into their behaviour. It is not always necessary to attain this level of change within the institution. If the risk is assessable, this integration can be done in the community. This phase is very important for the protection of society in the long term. The following are indicators of a more profound level of change that need to be demonstrated: -

- a. Use of acquired skills or knowledge in interactions and behaviour (in institution or in the community, expression of anger, emotions, or frustrations, etc.)
- b. Application of knowledge.
- c. Application of skills.
- d. Behavioural consistency.

- e. Ability to explain the causes of one's own criminal behaviour.
- f. Ability to perceive and change one's own offence cycle (recognition of risk situations, use of alternatives, implementation of solutions)

The Correctional Plan Progress Report will allow officials to respond to several of their responsibilities (corporate obligations and requirements of standards) using a single vehicle while maintaining a process that is simple as possible. The following is a list of responsibilities: -

- a. Implementation of the Correctional Plan
- b. Evaluation of offender progress and adjustment of intervention
- c. Programme referral
- d. View the Correctional Plan Time line, including eligibility dates, programmes, planned and implemented decisions
- e. Review of the offender's scores and levels of intervention
- f. Level of intervention based on static factors
- g. Level of intervention based on dynamic factors
- h. Reintegration Potential
- i. Security Classification
- j. Motivation Level
- k. Frequency of community contacts
- l. Request and establishment of the community strategy
- m. Documenting the basic information that supports all decisions related to the offender

The Correctional Plan Progress Report should be an integral part of the documentation submitted for decision-making.

## **Decisions:**

Decisions should constitute critical points in the sentence; this is the point at which the location of placement, transfer and all forms of release should be determined. Every decision should have a direct impact on the offender's residual rights. The process must accordingly be formally structured in order to ensure compliance, fairness and respect for rights. The

extent of the impact on the offender's rights would determine the importance of the legal measures (the principles of fairness defined above) and the complexity of the process. As an example, the rules surrounding detention are far harsher than those surrounding voluntary transfer.

All information to be used in developing the offender's profile, the correctional plan, and the Correctional Plan Progress Report should be placed on the file. The assessment for decision must focus on analyzing the information in light of the criteria specific to the impending decision. The criteria should originate in the Act, the Regulations or Prison Service or National Parole Board (NPB) policies. Another dimension of the decision process is the requirements for fairness, i.e. the sharing of information, the provisions regarding representation, information about rights and the recourse procedures. This is what officials in corrections call "Procedural Guarantees.

## **Accountability Framework:**

### **Overview:**

Accountability refers to the concept of commitment and responsibility for results. All Trinidad and Tobago Prison Service employees, from executive management to the front-line workers, must respect the 'principle of service to the client'. Since if one staff member does not offer good service, this will be felt throughout the organization. Quality control is therefore the means of ensuring that all clients receive the quality of service they have a right to expect. The Trinidad and Tobago Prison Service's clients should be among others: -

- Ø Society
- Ø Offenders
- Ø Parliament
- Ø Ministry of National Security/Rehabilitation

- Ø Parliamentary Secretary
- Ø The National Parole Board
- Ø Victims
- Ø Private Sector Organizations
- Ø Volunteers
- Ø Criminal Justice System Partners

The management and control of quality should be the responsibility of all. No employee should be solely responsible for quality: all staff members are responsible. Further, quality control should apply to all aspects of the Service's activities: -

- Ø Report preparation
- Ø Interactions with clients or partners
- Ø Interactions with members of the workplace team
- Ø Regular performance evaluations
- Ø Transmittal of feed back to employees
- Ø Managing work schedules
- Ø Budget control
- Ø Overseeing inventory

To carry out its mission, Trinidad and Tobago Prison Service should be mandated to offer the highest service to its clients. As a service-provider, and consequently an important link in the chain of quality control, each employee is essential to the delivery of the best possible service to Trinidad and Tobago Prison Service's clients. The employee must ensure the quality of his or her work respects the Service's standards, in every step, which they are involved. For example, when employees prepare a correctional plan or document the progress of an offender, they are not only serving the offender (and ultimately the society), they are also carrying out an important and essential task for their colleagues, and for other Prison Service Clients, who will eventually read and use their reports.

Clear, complete, concise and accurate reports therefore should benefit all who have any type of link with Trinidad and Tobago Prison Service, such as National Parole Board Members,

Private Sector Organizations, Volunteers, etc. Officials need well-prepared reports to help them make appropriate decisions in the management of offenders. Conditional release decisions would be based on the reports officials produce. This is why the quality standards for the various reports must be exacting, and clearly defined in documents such as standard operating practices. Everyone who has to use reports produced by the penal organization must be assured that those reports meet the highest standard of professional quality.

There is need for the following type standards: -

- i. **Static Standard:** Which define explicitly the rules and regulations that apply within the Trinidad and Tobago Prison Service, for example, the laws and regulations, Commissioner's Directive, standard operating practices, national parole board, decision policies etc.
- ii. **Dynamic Standard:** Which could vary according to the work performed, such as excellence in the interactions with offenders, decision-making or report preparation;
- iii. **Professional and Ethical Standard:** Should be mandatory for all staff. These standards should be inspired by the law and policy, such as Freedom of Information Act, the Privacy Act, or by Professional Conduct Standards that employees must meet.

The management of quality should be the responsibility of all employees. Each employee must know the quality criteria and the standards supporting them, and be committed to offer quality service to the organization's clients. Each employee should be specifically responsible to supervise and direct the overall quality control system. Senior management should be responsible for defining the goals and motivating staff to attain them. Management must place ownership for quality strategies in the hands of line staff. In this process, quality work is essential to case management, since this activity would be closely and directly linked to Trinidad and Tobago Prison Service mission. A mistake can have serious consequences. If, for example, an offender re-offends on conditional release.

The following key staff members should be responsible to ensure quality control in case management: -

- Ø Unit Manager/Area Manager, who would be responsible for quality control within their unit
- Ø Case Management coordinators, who would monitor the process within a unit and would provide assurance that quality control is done effectively
- Ø Correctional supervisors, who shall be supervisors of correctional officers II, would be concerned with the quality of their reports and interaction with offenders
- Ø Parole officers, who would assist Correctional Officers in case preparation for different types of conditional release
- Ø Team leaders
- Ø Correctional Officers who would be working with offenders and completing reports on offenders
- Ø Primary workers, who would be working with offenders and completing reports on offenders

These staff members must evaluate their own work to ensure they meet the established standards and expectations. A line or functional supervisor must perform quality control, but the line supervisor should be the one who remains accountable.

## **Measurement:**

In order to be able to account for the work performed at Trinidad and Tobago Prison Service, the capability of measuring the following elements should be required:

- Ø Compliance with legislation and policies
- Ø The quality of work, and
- Ø Performance in term of reintegration

The purpose of the process and quality standards should be to achieve the performance objectives set out in the mission statement and strategic objectives.

## **Audit:**

This can measure both compliance and quality and identify the element in the process, which may contribute to or hamper quality. Once this is related to performance measurement, it can question the process and the standards as contributing or not to performance.

To summarize it is said that: -

- Ø The management indicator would measure compliance to the process
- Ø The performance indicators would measure the result
- Ø Quality control measures compliance with standard
- Ø Audit would measure the level of compliance and the overall quality by casting a critical eye on the integrity of the process and its contribution to the achievement of corporate objectives.

## **Justification For A Department Of Corrections:**

Any Criminal Justice System requires a Correctional Process and Correctional Systems to manage its Correctional Networks. Is there really a unified Correctional System in Trinidad and Tobago, or is it just a collection of Agencies that administer the Criminal Justice process as a Non-Networked System, as none of the agencies collaborate to accomplish specific goals. However, if this country is to operate an effective Criminal Justice System, the administrators must adopt a Networked Systems approach. Such a system should comprise of a set of parts (Sub-Systems), coordinating to accomplish a pre-determined set of goals. As an arm of the Criminal Justice System, the Penal System must adopt an Integration Policy and a systems approach to achieve its goals. To realize these goals it becomes imperative that a *Department of Corrections* be established to manage such a system.

## **The Elements Of System Analysis:**

A system analysis would help in this exercise:

There must be:

- i) Total systems objectives as measured by performance
- ii) The system environment, or the fixed constraints which affect the system
- iii) System resource allocation, or the supply of Material and Personnel the system can use to meet its objectives
- iv) The components or parts of the system, as indicated by their activities and goals
- v) The Managerial arm of the system, or the means by which resources are deployed and its parts coordinated to meet system objectives

An examination of how the process operates at present revealed that the procedures for identifying these elements were ignored. However, a transformation of the Criminal Justice System would require the establishment of a Correctional Department which must design, develop, describe and implement the Correctional process and systems.

The Role of such a Department in modern Correctional Administration:

### **1. Determining Objectives:**

One major problem with defining Correctional Systems is that of determining Total System Objectives. Can the present administrators identify our objectives on the basis of purposes such as Retribution, Deterrence, Incapacitation and Rehabilitation? How then can these objectives be measured in terms of actual performance, and which agency is responsible for evaluating the system?

In a systems analysis in Corrections, the Department of Corrections usually determines and regulates the sub-systems. It is also responsible for measuring the effectiveness of the system and its performance. As a matter of policy the Chief Executive Officer of this department

will have the responsibility for creating Strategic Plans, developing a Mission Statement/Vision and designing Corporate Objectives for the Department of Corrections.

## **2. Defining System Boundaries:**

Beyond the difficulty of measuring performance, another critical problem in describing Correctional systems in our jurisdiction is determining system boundaries. “Bounding the System” is often considered a critical step in a Networked Systems approach. The boundaries of Human systems such as Correctional systems are very vague in our process.

A correctional department will normally set the boundaries; regulate personnel and the system, such as Releasing inmates, Resident care, Community Programmes, Diversion Programmes and the like. It should be noted, that the functioning of correctional systems as political systems is particularly dependant upon the power of influence of stakeholders and the limits of their imagination. A correctional department will not only define the boundaries of the correctional process, but shall attempt to influence Judicial Sentencing Policy and the Criminal Justice Philosophy. In other words, in corrections, system boundaries are partly a matter of will and intent, and not merely of Legal Authority or Location of Facilities.

## **3. Determining Resources:**

Resources are things the system must be able to influence to its own advantage. The most visible resources in correctional systems are *Man* and *Material* (Personnel and Facilities). However, estimating the resource potential of facilities and personnel can be problematic. A resource must be something the correctional system can convert to achieve its objectives.

Unfortunately, a crucial resource in such a process is not an easily measured item. How much legitimacy or perceived credibility does the present Penal Organization have? Very little from the task forces' observation, but the committee is of the view that officials must treat legitimacy or perceived credibility of the system in the environment as having equal importance to financial resources. Once again the committee recognizes that the penal system receives little financial resources when compared to other agencies in the Criminal Justice System e.g. The Courts, the Police Service and strongly recommends that situation needs to be redressed.

It is hoped that establishing a Department of Corrections would ensure that the organization creates the legitimacy and credibility of the system in the environment. Since, the most important criteria in distinguishing system components are the activities or functions of the parts rather than the stratum. Therefore the Correctional Planners must portray accurately, the Treatment, Reform, Rehabilitation, Restoration, and Re-Integration components, in addition to the security functions of the system.

#### **4. Managing the Process and System:**

A major element in the analysis is the management component. A Corrections Department will establish the goals of its components, allocate resources and monitor performance. At this moment the Criminal Justice System does not qualify as a Networked System, since there is no identifiable management component. The Criminal Justice agencies do not share a central managerial control, but act independently of each other and are therefore not integrated sub-systems and there is no identifiable signs of the parts being coordinated towards defined sets of objectives. The same criticism can be leveled at the non-correctional

systems. Like the management of other public organizations in the criminal justice system, the management of the correctional agencies is fragmented.

It is imperative that a department of corrections be established. The Chief Executive Officer who heads this organization would be able to present a budget to an independent legislature at every Governmental level. Key decisions about programmes, determined by appropriation, are determined by the legislative branch. The Chief Executive Officer can influence those decisions.

But there are other aspects of managerial fragmentation, where the judicial branch of government plays an important managerial role in two (2) aspects in the system.

Firstly, Sentencing Judges and Magistrates retain considerable control over the input to correctional systems. Unfortunately, their goals for punishment often contradict those of the officials operating the correctional departments. The judge's determination of an appropriate punishment and in particular the decision to use Probation or other Community sentencing or incarceration plays a significant role in setting the objectives of the correctional agencies.

Secondly, Appellate Courts have taken an increasingly active role in the administration of corrections. As a result, the heads of correctional agencies often lack the authority to determine system components, to distribute resources, or to monitor and control system performance. This leads to frustration, low morale and continued fragmentation.

The committee is of the view that these two (2) aspects as they relate to the fragmentation of the system in order to have a more efficient and effective correctional system.

## **5. Managing Correctional Networks:**

The term Correctional System refers to the activity of a *Correctional Network*. Any correctional network would include a collection of agencies and decision-makers who Legislates, Sources and Allocates Funds, Manages and Regulates Pre-Trial Releases, Detention, Diversion, Sentencing and Punishment; Youth Justice, Parole and Probation. The Committee is of the opinion that if the correctional agencies are to become more systematic, change must occur at the Network (Organizational) level since a correctional department, together with consistent correctional policies, is achievable only if the same policies are implemented throughout the network.

Therefore, in order to effectively integrate the correctional system, and avoid fragmentation, there must be a centralized authority since a number of autonomous agencies participate in networks, the flow of offenders, the allocation of resources and attempts to structure network-wide programmes often lead to compromise and conflict. As it operates today, in Trinidad and Tobago, management of correctional agencies, is fragmented, inefficient and ineffectual, and is the product of intra-agency give and take, protection of position, turf and status, rather than being driven by a unified policy direction.

At this juncture of correctional development, officials must view the management of correctional networks and the establishment of a correctional department to administer the system as a high priority. It is time an attempt is made to restructure the network of our correctional agencies to make the correctional process more coherent and goal-oriented. The aim is to systematize the correctional process. Such an approach will bring the Prison, Probation, Mediation, Parole Police and Court sub system systems under a centralized

authority – "***The Correctional Department of Trinidad and Tobago***", to deliver the Correctional Services of the State.

This department would network cooperative arrangements between social agencies, both Governmental, Private and Voluntary organizations. This concept is based on the fact that Punishment does not limit an inmates' right to safe, humane treatment, but requires greater interaction between different social control industries, so that persons with multiple problems are not isolated in one control industry.

In Summary, The portion of the Criminal Justice Process, which occurs after conviction, is commonly called the *Correctional Process*. It encompasses the sequence of decision points through which convicted offenders and unconvicted inmates may pass. Successful implementation of the goals of Detention and of Punishment is contingent on whether those interactions are coordinated. The mutual interdependence in the correctional process must prompt our administration of Justice to use a Systems approach to address correctional problems. Understanding and managing contemporary correctional practice requires extensive knowledge of what unification means and why its achievement is necessary. This could only be effectively managed and coordinated by the establishment of a Department of Corrections. The chart below depicts the proposed structure for the Department of Corrections/Rehabilitation.

Chart depicting the relationship between the Ministry of National Security and the new division of rehabilitation.

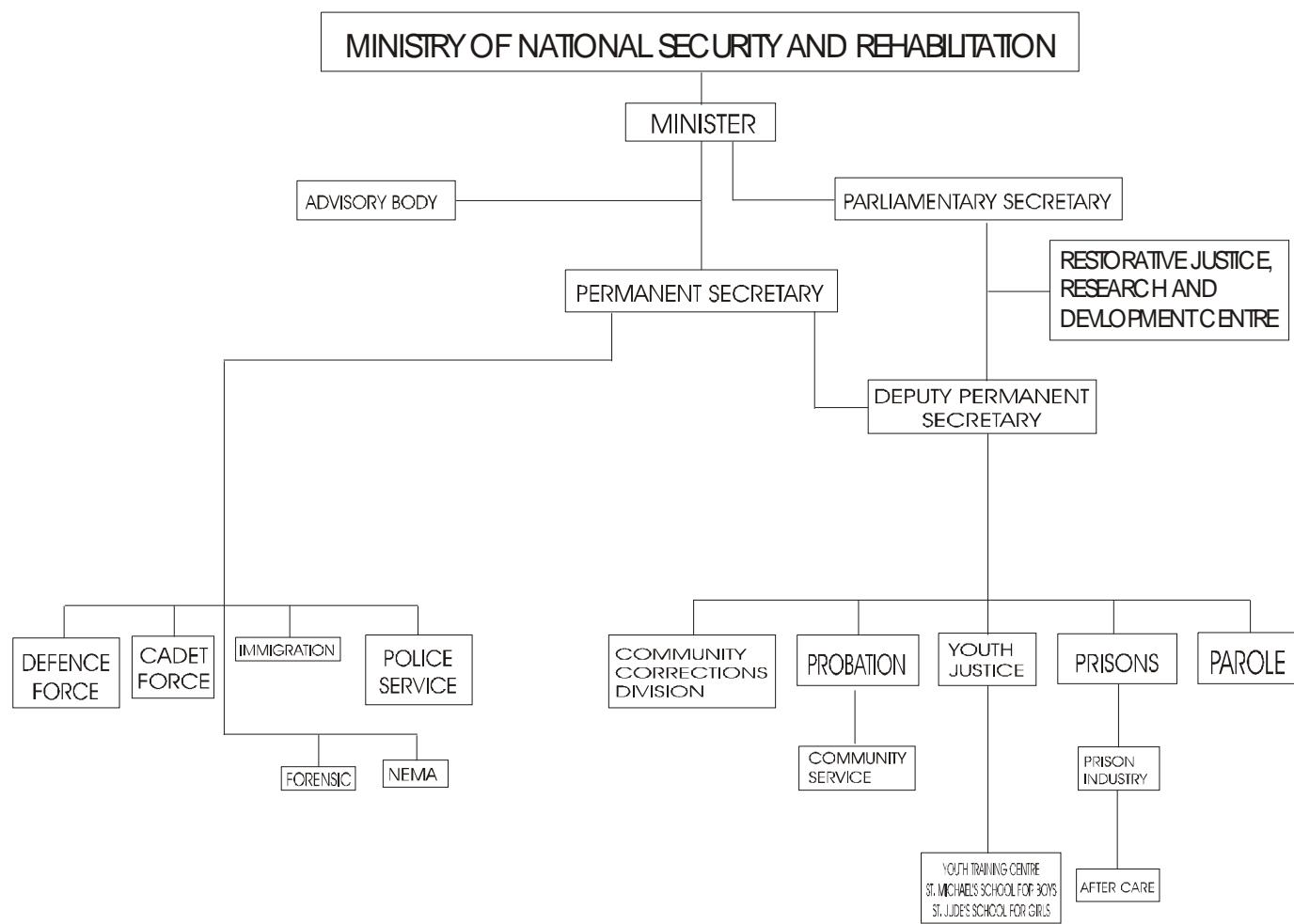


Chart depicting the relationship between the Ministry of National Security and Rehabilitation and the proposed Rehabilitation Boards.

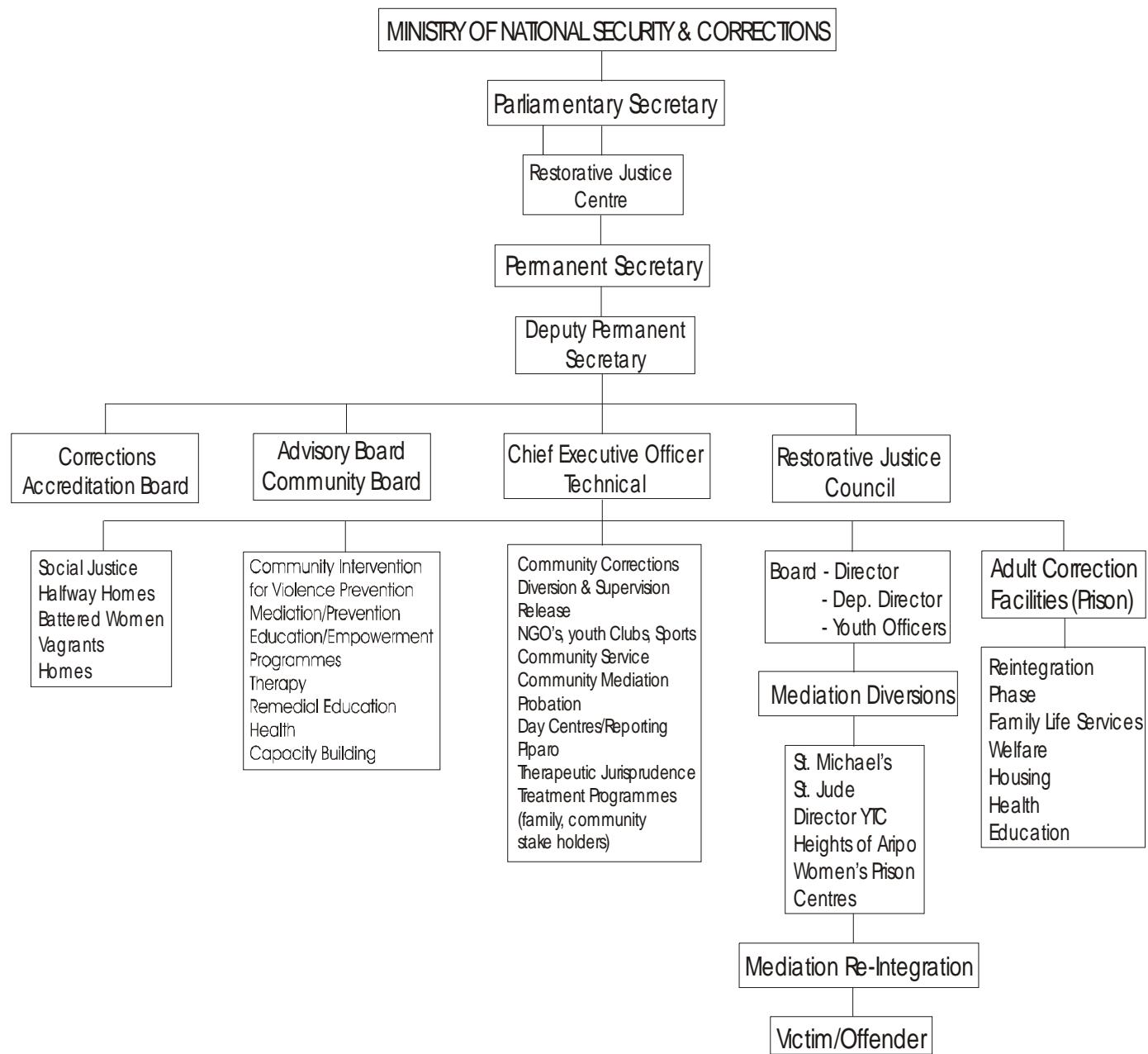
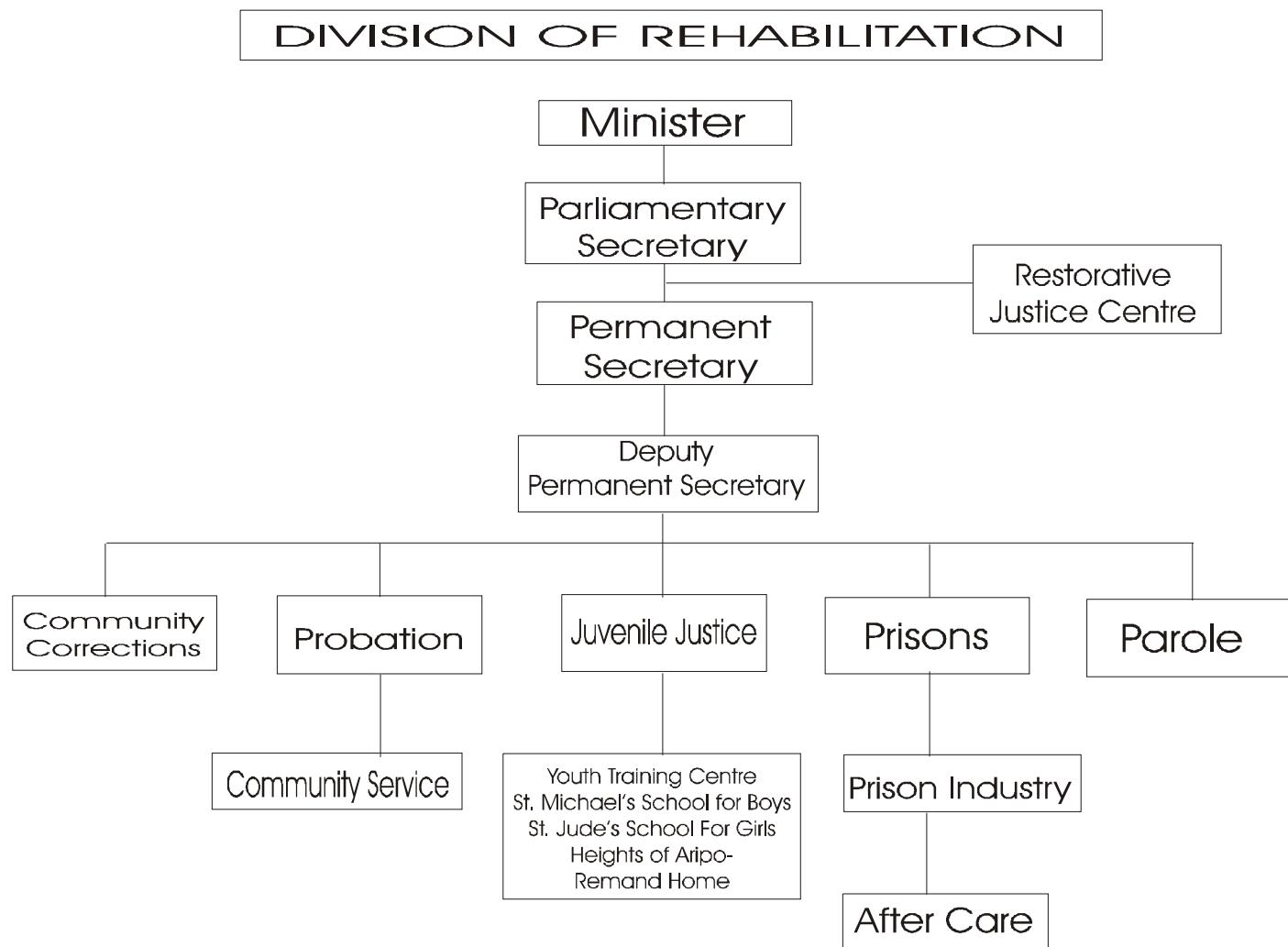


Chart depicting functional divisions of the Division of Rehabilitation



# MANAGING THE TRANSFORMATION PROCESS

A transformation of the Prison System relates to the implementation of a customer driven change effort in the organization. As an intervention mechanism/ tool it encompasses three major dimensions, namely: -

- (a) Strategic re-design
- (b) Process re-designs
- (c) Learning and behavioral change

The Restorative Justice Model drives such a transformation/ change. Fundamental to the success of this transformation is involvement by all key actors and stakeholders of the organization, that is, all agencies within the Ministry of National Security and Rehabilitation, and the society, in an effort to realize the recommendation of the Task Force.

The Ministry of National Security and Rehabilitation will be expected to direct the philosophy, policies and guidelines for the effective and efficient administration of all subsystems, which are recommended by the Task Force for the new division of this ministry.

The subsystems referred to are as follows: -

- a. The Correctional Department (Prisons Service)
- b. Youth Justice Department
- c. Probation Department
- d. Probation Parole Unit
- e. Restorative Justice Centre
- f. Community Corrections
- g. Mediation Department
- h. Parole Board
- i. Advisory Boards
- j. Inspection Boards

Managing such a complex division compounded by the ever-increasing population of inmates and the emergence of a rapidly changing information and knowledge based society, makes correctional management a difficult task. This coupled with a fragmented Criminal Justice System, where there is an absence of interrelated processes and an overall cohesive system which has contributed in no small way to the task of managing corrections services, suggests that the new Division of the Ministry of National Security and Rehabilitation must play its role and take on its responsibility for ultimately shaping the dispensation of Justice in Trinidad and Tobago.

To create that usable and functional division, requires strategic alignment of its sub systems and their processes, and the adoption of a systems approach to management, which is innovative and encourages organization wide participation.

The Task Force therefore recommends that the Rehabilitation Division of the Ministry implements an integrated change management programme which would augment the knowledge and skills of its managers of the various subsystems of this Division, thereby providing the tools to best facilitate and respond to the challenges faced by this new Division in moulding its various subsystems into one cohesive system.

The demands on the Ministry of National Security and Rehabilitation continue to increase as criminal activities in the country rise and the attendant growth in the prison population in the last two decades. Within this scenario managers of all the sub systems are expected to assume more responsibilities, meet shorter deadlines and work with tighter budgets. Therefore strategies impacting the decision making and problem solving process to achieve the desired outcome with respect to this new philosophy of Restorative Justice must be synergized, streamlined, effectively deployed, managed and controlled.

Existing methods of management and administration in the Prison Service and other subsystems have become archaic, with managers finding themselves in a reactive mode. The emphasis being placed on quick fixes rather than on creating new systems and processes results in little public confidence and a sense of cynicism in the ability of these sub systems to discharge their duties.

The system is therefore seen as one of retribution and containment rather than one of restoration and reintegration. This also brings to light the demand for performance, legitimacy and accountability of the correctional and security systems and also raises a number of legal issues.

The new approach as recommended by the Task Force is one that calls for re-engineering the system of Justice. Sub systems must therefore set about to personalize public functions and develop decentralized and innovative management systems using customer choice and less bureaucratic mechanisms to achieve their objectives. They must adopt a learning model to create an entrepreneurial and competent work force.

This process must begin with a change management concept, which will ensure heightened abilities, develop creativity and liberate the enormous energies encumbered by bureaucracy and traditional methods of management. There must be the established systems approach to management and a team with the requisite cutting edge information, knowledge and skills. This team must be flexible, adaptable, and quick to respond to conditions of change creatively, efficiently and effectively. This is the only way this new thrust can achieve the desired outcome and contribute to the wider needs of the community which relates to the collective and coordinated management of the Criminal Justice System in its quest to bring about a reduction of crime in society.

## **Transformation Of The Prison System**

As a subsystem of the Ministry of National Security and Rehabilitation, prison transformation has become necessary so as to: -

- (a) Avoid the adverse effects brought on by a failure to change as needed.
- (b) To sustain the organizational life cycle.
- (c) To improve the status quo.
- (d) To achieve it's corporative objectives.
- (e) Set trends in the region in the field of corrections.

The type of change strategy recommended is that of: -

- (a) A Normative – Re-educative approach that relates to: -

Ø Changes in old patterns of behavior being replaced by new ones.

The change process will require a review of: -

- (a) Corporate Objectives
- (b) Strategic Plans
- (c) Rules and Regulations
- (d) Performance standards
- (e) Directives, Policies, procedures and work instructions in all existing structures, functions and by extension job description.

This demand for the transformation of the system has been brought about by changes in the following structures, which the Task Force in its deliberations have identified: -

- (a) Social trends
- (b) Environmental trends
- (c) Political and legal trends
- (d) Technological trends
- (e) Internal Organizational pressures.

The transformation required straddles the boundaries of: -

- (a) Culture within the organization
- (b) The structure of the organization
- (c) The Processes of the organization
- (d) The Management and leadership styles of the organization, which should be focused on among other issues, the empowerment of employees.
- (e) The Security Programme, Administrative and Operational Functions, which will require review of rules, regulation, policies, procedures and job descriptions.

Such transformation must therefore start at the following levels: -

- (a) Individual
- (b) Group
- (c) Organizational
- (d) Environmental – i.e. a strategic change which relates to the adoption of the Restorative Justice Philosophy.

Essential to the management of the change process will be the following: -

- (a) Establishment of a change management team headed by a leader internal to the organization.
- (b) Hiring of a consultant with the required training and experience in the correctional field among other abilities. Such an individual would be required to mentor, guide and advise the change management team through the following phases of the change process: -

- Ø Review of the Task Force Reports and development of a plan of action for implementation.
- Ø Implementation/execution of the project
- Ø Monitoring and controlling the project implementation and the evaluation of the project.
- Ø Closing off the project.

- (c) Preparing the organization for change through: -

- Ø The promotion of a training and learning culture which relates to: -

- The development of competencies in employees to plan, initiate and hold gains of such change.
- The development of a long-term commitment to new learning and new philosophy regarding training. This is required of any management that seeks transformation. Managers of the Prison service as well as those of the other sub systems of the Ministry of National Security and Rehabilitation must develop competencies through training in the following areas: -
  - Visioning
  - Strategic Planning
  - Process Mapping
  - Process Improvement
  - Strategic Management
  - Organizational Development
  - Public Financial Management
  - Public Service reform
  - Auditing Skills
  - Communication / PR
  - Information, Communication and Technology
  - Legal
  - Human Relation and Interpersonal Skills
  - Staff and manpower Planning and utilization
  - Project Management
  - Conflict Resolution, Mediation and Counseling
  - Problem Solving
  - Team Building
  - Systems Thinking
  - Use of survey methods

(d) Political will of the Government.

(f) Acquisition of the required funds.

## **Critical Success Factors**

The Task Force is of the view the following items as necessary for the effective implementation of the Programme outlined.

- a. Adaptation of the restorative justice philosophy
- b. Management Commitment and involvement, which includes the participation of the department of corrections and the executive of the Trinidad and Tobago Prison Service.
- c. Upgrade of Performance Management System.
- d. Leadership Development and Training
- e. Organization wide Training and Retraining.
- f. Implementation of the Human Resource Department with more autonomy over the recruitment, promotion, employee relations and career path planning process etc.
- g. Staff Awareness and involvement in Plan: Staff involvement in the planning process is expected to lead to the compliance of officers' envisioning of the Shared Responsibility Model.
- h. Continual review and evaluation of plan effectiveness in relation to stated objectives.
- i. Effective data collection, analysis, usage, and fact based decision-making.
- j. Encourage research activities that are intended to investigate crime.
- k. Prison Officers' Associations involvement in the planning, Implementation, evaluation and review.
- l. Integrate proposals outlined into overall strategy of the Service.
- m. Improving the infrastructure in the service.
- n. Using research activities to encourage fact Based decision making

- o. Training of staff in areas necessary to effect goals and objectives.
- p. Reduce cycle time of the recruitment and selection process.
- q. Continual and effective communication between, the Ministry of National Security/Department of Rehabilitation, the Trinidad and Tobago Prison Service Administration, and other Stakeholders.
- r. Promotion of officers to fill vacancies in higher post.
- s. Provision of accredited training programmes at the Training College
- t. Introducing acceptances of National Examinational Council (NEC) and other technical certificates to improve and develop the artisan core.

## **STRATEGY FOR TRANSFORMATION**

The strategy is based on the Deming's Plan, Do, Check, and Act Cycle.

### Phase I

- i. Identify Policy and administrative needs of all departments.
- ii. Form Multi Disciplinary Teams/Task Force.
- iii. Assign Responsibilities/Distribute Term of Reference.
- iv. Training of Task Force Chairmen and multi disciplinary team members.
- v. Collection and review of all operational procedures and research materials.
- vi. Conduct Hazard and Need Assessments and Analysis of all stations. Staff Consultations is necessary.
- vii. Inform relevant departments of the exercise being undertaken.
- viii. Define operational goals.
- ix. Scenario Development, policy statements, detailed procedures and forms-first Draft.

- x. Review by steering committee and executive staff.
- xi. Review by attorney.
- xii. Development of second draft. Review if OK.
- xiii. Development of strategic plan of implementation.

## Phase II

- i. Prioritize policies for systematic implementation
- ii. Identify needs to implement policies
- iii. Identify all Training issues; set training objectives and development of lesson plans.
- iv. Publish and Distribute
- v. Development of desk manuals.

## Phase III

- i. Ensure that all policies and operational plans are in compliance with the philosophy of the prison service's strategic plan.
- ii. That the Trinidad and Tobago Prison Service will operate at a standard that is required for compliance with modern penological practice.
- iii. Operating the Prison Service in accordance with the new policies, procedures and post orders developed.
- iv. All policies must be written and communicated throughout the Organization.
- v. Annual evaluation of policies and procedures
- vi. Staffing able to fulfill requirements of duties and responsibilities.

Necessary For The Development Of Effective Policy Directives And Operation Procedures is: -

- Ø Establish Need for Policy. Policy would be introduced only as required to set or give direction on issues relating to compliance with the law, application of the Prison Service Strategy and the need for consistency in operations. The need for policy may arise from several sources, including, but not limited to:
  - a. Amendment to the Prison Service Act
  - b. Amendments in the mission, vision, strategic direction, corporate priorities and objectives of the service.
  - c. Results of commissions of inquiry, court decisions, investigations,
  - d. Audits and operational reviews.
  - e. Concerns raised by staff.
  - f. Opportunities to improve the Service's performance with respect to
  - g. The fulfillment of its mission and objectives.

## **Roles And Responsibilities For Policy Development**

The committee is of the view that successful policy development is the result of effective teamwork, planning and co-ordination between functional and policy specialists and operational staff. Functional specialists provide a comprehensive knowledge of an issue and its related aspects. Policy specialists provide a broad overview of the organization, its plans and priorities as well as the Trinidad and Tobago Prison Service (T.T.P.S.) relationships with other members of the criminal justice community, including other government departments.

Operational staff is essentially responsible for policy implementation, which is key in achieving the desired objectives. Consultation is a critical area of the process and must be carried out with great care and professionalism.

## **Prison Executive**

The Trinidad and Tobago Prison Service Executive is responsible for ensuring that all policy development maintains a strategic thrust. The Executive should:

- Define corporate policy priorities;
- Ensure a balance between corporate and operational needs;
- Manage the resources that will be expended on policy development and implementation;

## **Change Management / Steering Committee**

The steering committee would be responsible for coordinating the Multi Disciplinary Task Forces. This committee is responsible for the review of the policy proposal before the transference to the Executive.

## **Policy Owners**

A Prison Executive member (One of the Commissioners) should sponsor policy issues that are national in scope. Typically, the policy owner will be Institution or department head that has functional responsibility for the area under consideration. The policy owner would take the lead in performing the functions and producing the key outputs required by the policy development process.

## **Administrative Unit**

The Deputy Commissioner of Prisons, Administration should have functional authority for Trinidad And Tobago Prison Service policy framework. All national policies must be submitted to the Deputy Commissioner of Prisons for review prior to authorization (signature).

### **Corporate Development Unit:**

This unit falls under the responsibilities for the ACOP A and is responsible for: -

- Ø Providing advice and administrative tools to facilitate the policy
- Ø Development process;
- Ø Providing a comprehensive overview of all policy development within the service; and,
- Ø Represents the Service on policy issues generated from outside the service including legislation, regulations, inter-departmental initiatives, treaties and agreements.

### **Performance Assurance Department/Quality**

This unit also falls under the responsibilities of the Deputy Commissioner of Prisons. The Performance Assurance Sector would play a critical role throughout the policy development process, particularly in:

- Ø Identifying potential policy issues;
- Ø Advising on the measurement of policy objectives and accountabilities; and
- Ø Obtaining information to evaluate the efficiency and effectiveness of policy implementations

### **The Legal Services Unit:**

This section is responsible to the Commissioner of Prisons. They should be responsible for: -

- Ø Reviewing and Approving all policy instruments prior to signature
- Ø Providing legal advice, upon consultation and, on a case by case basis, for responding to questions relating to Policy directives and Station Orders etc;
- Ø Alerting the Service to changes introduced by law, court decisions or other legal proceedings that affect the Service's policy framework.
- Ø Drafting legal correspondence and policy instruments for the Service.

## **Directives And Linguistic Services**

This section is the responsibility of the Deputy Commissioner of Prison. The Directives and Linguistic Services provides editorial and translation services and is responsible for disseminating all national policy documents.

## **Research Unit**

The research unit would be responsible for collecting, analyzing, appropriate data to ensure that institutional decision-making are based upon fact and demonstrate the suitability of the management systems and evaluate where continual improvement of the effectiveness of the management system and processes could be made. Research is a critical element of the policy development process.

Their responsibility would involve determination of applicable measurements, including statistics, and the extent of their use.

## **Analysis of Data**

The Task Force recognizes that Analysis of data collected is even more important than the data collection itself. The committee holds the view that analysis of data collected would provide administrators with information relating to: -

- i. Programme effectiveness
- ii. Stakeholders satisfaction
- iii. Conformity to Service, Local and International requirements
- iv. Characteristics of trends of process, service and products including opportunities for preventative action. For example, trends of incident rates, “loss time incidents”, Progress reports etc.
- v. Suppliers

## **Control of Documents**

The Task Force wishes to place on records its concern for the processes of documents and records. Effective document and record control is a necessary and important part of change process since records provide evidence of conformity to requirements. As such as a matter of policy officials should upgrade the present systems for the control of documentation and records to systems that ensure that documents and records are kept in a manner that would

enable them to remain legible, readily available and easily retrievable. Therefore, the committee recommends that officials provide adequate facilities for storage and control of documents and records

## **Documentation System**

The Task Force has identified the need for the development of policies for:

1. General Administration and Management
2. Fiscal Management
3. Personnel Management
4. Classification
5. Treatment and Programme Services
6. Juvenile Institutions and Services
7. Industry and Work Program
8. Revenue Earning Industries
9. Community Services
10. Contract Services
11. Maintenance
12. Receiving, processing and release
13. Sewage Treatment Plant
14. Investigation
15. Security equipment
16. Use of Force
17. Housing Unit Operations
18. Work Crews
19. Health Care
20. Prison Records Management
21. Contraband Control
22. Search Procedures
23. Search Policy for Staff
24. Discipline
25. Waste Disposal
26. Chemical Agents
27. Unusual Incidence and Incident Reporting
28. Protective Custody
29. Landry
30. Firearms and Ammunition
31. Punitive Segregation
32. Food Service

- 33. Flammable, Toxic and Caustic Material
- 34. Communications
- 35. Internal Affairs
- 36. Public Relations
- 37. Crime Scene Management
- 38. Security Systems
- 39. Occupational Health and Safety
- 40. Quality Control and Assurance
- 41. Policy Development
- 42. Pest Control
- 43. Emergency Power
- 44. Stores and Warehouse
- 45. Inspections
- 46. Fleet Management
- 47. Emergency Management
- 48. Tactical Response Team
- 49. Audits
- 50. Research
- 51. Corporate Policy
- 52. Stores and Warehouse
- 53. Purchasing
- 54. Pest Control
- 55. Correspondence and Mail
- 56. Prisoner Property
- 57. Training
- 58. Equal Opportunity
- 59. Supervision and Management of Inmates
- 60. Gatekeeper Duties
- 61. Reception Duties
- 62. Visitation
- 63. Prisoner ID, Counting and Movement
- 64. Chapel, Religion and Clergy Institutional Planning and Design
- 65. Facilitates Maintenance Management
- 66. Electronic Systems
- 67. Fire Safety
- 68. Asset management
- 69. Employment equity
- 70. Employee Assistance Program
- 71. Management of inmates affected by HIV
- 72. Death Row Management

- 73. Execution Management
- 74. Trinidad and Tobago Prison Service Award and Recognition Programme
- 75. Assistance to staff in relation to HIV/Aids
- 76. Staff Training
- 77. The Trinidad And Tobago Prison Service Correctional officer Career Management Programme
- 78. Employee Transfers
- 79. Education leave
- 80. Vacation Leave
- 81. Security Policy Contracting
- 82. Purchasing
- 83. Assistance to staff following Acts of violence
- 84. Occupational Health and Safety
- 85. Employee Grievance
- 86. Human Resource Management
- 87. Technical Services.

This list is by no means an exhaustive one.

### **Emergency Contingency**

The Task Force has identified the need to develop contingencies for:

- 1. Fires
- 2. Riots
- 3. Cell extractions
- 4. Explosion
- 5. Civil Disturbance (riot or labor strife)
- 6. Hazardous chemical and gas leaks or spills
- 7. Earthquake
- 8. Building collapse
- 9. Hurricane
- 10. Tornado
- 11. Flood
- 12. Nuclear holocaust, radiation accident etc.
- 13. Terrorist Act
- 14. Hostage Situations
- 15. Bomb Threats
- 16. External Aggression
- 17. Escapes

18. Work Accidents
19. Transport and Logistic
20. Self Harm and Suicide Prevention
21. Infectious Diseases and Epidemics

## **Plans**

Plans in the Prison Service should include:

- i. Strategic Plan
- ii. Policy and work group plans
- iii. Charter for Task Force
- iv. Action Item Plan
- v. Documentation System Plan
- vi. Major Daily Activity distribution Plan
- vii. Classification Plan
- viii. Daily Routine and Roster Management Plan
- ix. Emergency Response Plan
- x. Maintenance Plan
- xi. Movement and Logistic Plan
- xii. Training Plan
- xiii. Staffing Plan
- xiv. Staff Development Plans
- xv. Human Resource Plan
- xvi. Staff Plans

## **Policy Implementation**

Policy implementation is the directed change that follows approval. It is a process of rearranging patterns of behavior so as to respect the direction set out in the policy decision. Policy implementation should normally occur once all supporting elements are in place, including modifications to the related policy, training delivery, computer systems and forms.

The committee recommends that Policy implementation should be monitored periodically as determined in the implementation plan.

## **Reviewing Effectiveness**

The Task Force opines that policy evaluation is a necessary part of the policy implementation cycle and recommends that at a specified time of the implementation plan or policy that it should be reviewed to determine its effectiveness. The measures and instruments used to review the policy would vary depending upon its context in which the policy is developed. Policy and policy compliance should be evaluated during the course of

- i. Mandatory periodic review
- ii. Audits and operational review
- iii. Investigations and inquiries
- iv. Analysis of outcomes from inmate grievances
- v. Consultations with the public, staff and or other stakeholders

Ø Develop a policy bulletin that introduces the policy.

## **PROPOSALS FOR THE DEVELOPMENT OF A HUMAN RESOURCE DEPARTMENT IN THE PRISON SERVICE**

Successive Governments have made public sector reform and institutional strengthening their prime focus. This reformation thrust necessitated that the Task Force conduct an evaluation and review of the existing personnel department and strategic plans of the Prison service and subsequent moves towards modernization of its structures. Government's initiatives to improve the public sector are characterized by:

- (a) Devolution of responsibility from central bodies to line Departments, agencies and line managers.
- (b) The development of more flexible policies and practices in areas such as pay, conditions of employment, job classification, staffing and working arrangements.
- (c) An increased emphasis on Performance Based Management System and Continual Training and Development.

These Public Sector Management Reforms have had minimal success in the Trinidad and Tobago Prison Service despite its noble objectives as effectiveness of the program is dependent on employees having greater levels of knowledge, skills and competence.

This phenomenon highlights the need for greater emphasis to be placed on Strategic Human Resource Planning, Training and Development and Employee Relations so that the Trinidad and Tobago Prison Service can effectively fulfill its corporate mandate and realize the benefit of Government's Public Sector Management Reform Programme.

As such, the Committee concurs with the Human Resource Plans developed by the Trinidad and Tobago Prison Service (T.T.P.S.) to improve the management of employees in the service. These plans have highlighted the needs of the service in relation to employee

requirements such as training, occupational health and safety, career planning, critical incident stress management, employee well being and welfare, succession planning performance appraisals, and industrial relations etc.

The Trinidad and Tobago Prison Service must therefore take advantage of this opportunity of Public Sector Reform and implement the Human resource Management plan that it has developed. The task force opines that failure to implement this strategic mechanism would result in the Trinidad and Tobago Prison Service's continually experiencing the adverse effects of “ **high employee turnover**”, **loss of man hours as a result of high levels of absenteeism and tardiness**”, “ **low employee morale**”, “ **poor performance**”, “ **high levels of indiscipline**” and “ **alienation**”, accompanied by other undesirable behaviors and attitudes of staff that currently render the service's most valuable resource ineffectual thereby retarding the achievement of the corporate mandate.

Contributing to this continuum of negative trends is the lack of an effective and efficient Reward And Recognition Schemes (other than monetary). Employees are not duly appreciated for their work leading to high levels of dissatisfaction, low employee morale and high levels of indiscipline. The task force recommends that this situation be addressed by the implementation of the reward and recognition scheme

It should be noted that the Prison Service is in a process of transformation. Local and International bodies, Staff, and Inmates, are now making demands that have traditionally

escaped the service. Increased public scrutiny and the need to implement the guidelines laid down by the United Nations for the treatment of Prisoners, as well as the ILO Convention on Employee rights and conditions of service have contributed to an increase need for a systematic human resource organizational response.

Additionally, there is a creeping incidence of litigation brought by inmates against Prison staff. This development amongst other things could be attributed to the Lack of Knowledge on the part of officers and the Stressful Environment in which they are made to function. Further, it is necessary that the problems faced by prison staff be identified and programs developed and implemented to assist them to function in the interest of the Service. This phenomenon further necessitates that officers must now be Trained, Retrained and Developed to meet these challenges.

It is also observed that recently quite a number of staff has brought actions against the Prison Administration for failure to promote them to higher ranks. In all instances the common thread relied upon was the lack of Staff Reports on the individual officers. The Task Force advocates that the development of an efficient and effective Performance Management System is inevitable if the service is to avoid future actions. The problems identified throughout could be attributed to the lack of a formal structure to which the responsibility for Staff Planning, Staff Development and Staff Maintenance should be assigned to the Human Resource Function.

The Task Force wishes to place on the record its concern for the present system of training, which is incapable of meeting the above and envisioned demands. Therefore the task force recommends a formal training and development unit within a Human Resource structure, so that functional attention would be placed on staff development and planned training programs consistent with the overall corporate policy and philosophy of the Prison Service.

The Task Force therefore agrees with the Human Resource Plan presented by Service, which indicated that the failure to introduce a Human Resource Department into the Trinidad and Tobago Prison Service would result in the following: -

- Ø Continued Low Productivity.
- Ø Demotivated and Demoralized Staff.
- Ø Shortage of well-trained staff.
- Ø Lack of career path planning.
- Ø Lack of succession planning hence the future of the organization leadership will be subject to chance.
- Ø Continued improper and unfair staff performance evaluation.
- Ø An unhealthy Industrial Relations Climate.
- Ø An Alienated Staff.
- Ø High employee turnover
- Ø High Attrition

## **The Concept Of Human Resource Function In The Prison Service:**

The Task Force is of the firm opinion that Human resource management would contribute effectively towards: -

- Ø Achieving the Mission and objectives of the Prison Service.
- Ø The fulfillment of the service's social responsibility

This would be achieved through: -

- Ø Designing and developing an effective organization that responds appropriately to change.
- Ø Obtaining and developing the Human Resources required by the Prison Service and motivating and utilizing this resource effectively and efficiently.
- Ø Creating and maintaining a co-operative climate of relationship within the Prison Service.
- Ø Meeting the Service's social and legal responsibilities

The efficient and effective performance of the Human Resource Management function would require a total restructuring of Human Resource (Personnel) Functions in order to effect developments in the areas of: -

- (i) Human Resource Planning
- (ii) Human Resource Development and
- (iii) Employee Relations

## **Responsibilities of the Prison Service Executive:**

a) The Prison Service should adopt a Human Resource Management strategy, which recognizes the need for: -

1. Developing and maintaining a positive employee relation's climate.
2. Establishing and maintaining optimum levels of employee productivity.
3. Linking the Management of the Prison Service's Human Resource and its organizational health and growth.

b) Recognize the role of the Human Resource Management at all levels of Management and supervision as being paramount to the success of the Prison service's Role in Society.

c) Recognize that they (Senior Executive) would of necessity have to rely on the advice of the Human Resource Department and its Head on a number of problems, issues and opportunities.

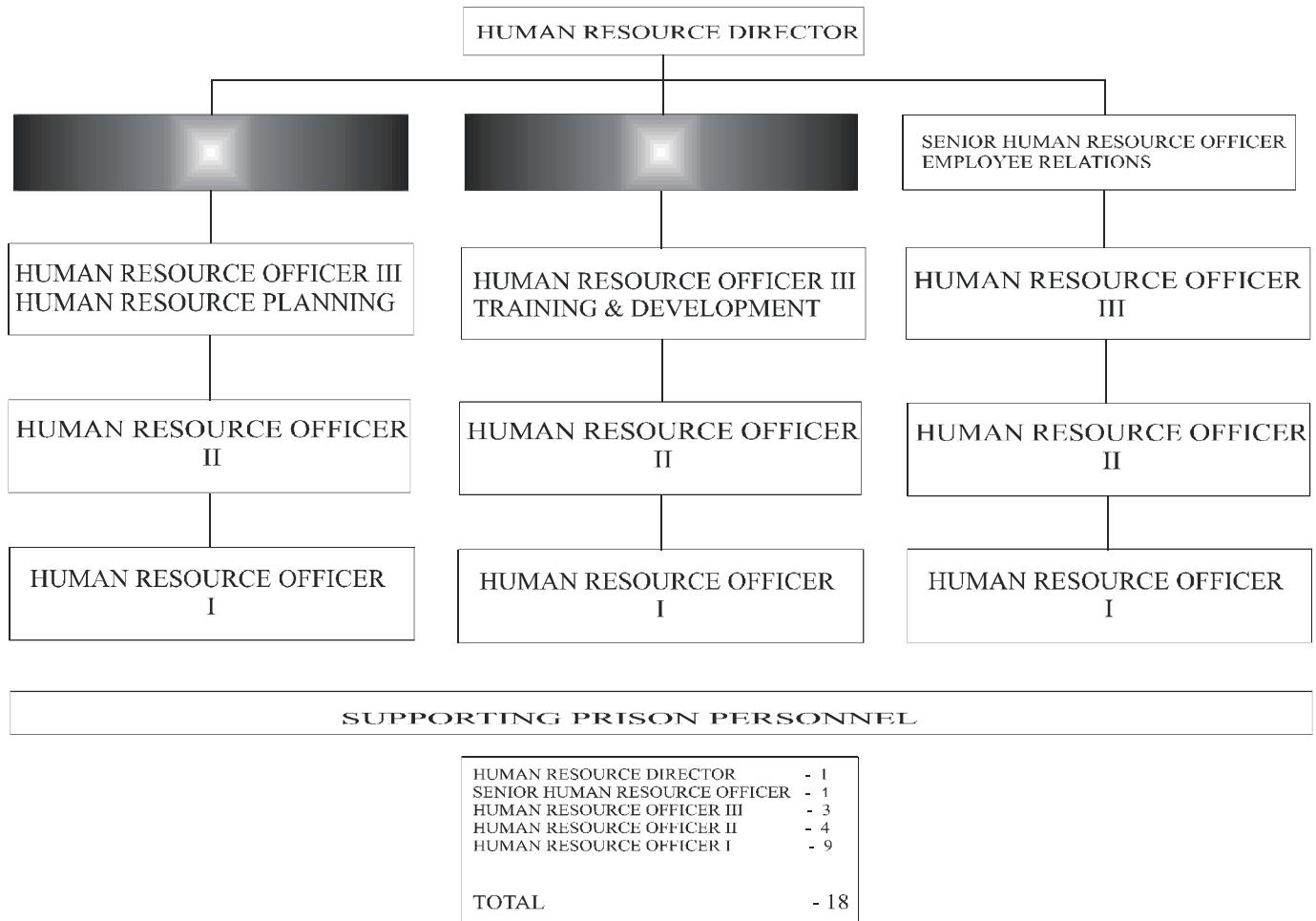
## **Structure of the Human Resource Department**

The Task Force therefore agrees with the Prison Service Human Resource Management Plan, which recommends that it would require Eighteen (18) Human Resource Professionals to be deployed at various levels for effective Management.

Such a department will consist of: -

- Ø Human Resource Director
- Ø One (1) Senior Human Resource Officer,
- Ø Three (3) Human Resource Officers III,
- Ø Four (4) Human Resource Officers II
- Ø Nine (9) Human Resource Officers I.

## STRUCTURE OF HUMAN RESOURCE DEPARTMENT TRINIDAD AND TOBAGO PRISON SERVICE



The breakdown of the three (3) individual Human Resource subsets is listed in each of those sectors.

## **The Human Resource Planning Unit**

Planning as an integral part of Human Resource Management process will encompass the following spheres: -

- i. Strategic Human Resource planning;
- ii. Strategic review process;
- iii. Organizational diagnosis;
- iv. Organizational design;
- v. Policy development;
- vi. Policy interpretation;
- vii. Conducting Human Resource audits;
- viii. Development of Human Resource Information System (H.R.I.S.);
- ix. Conducting strategic reviews of the Prison Service;
- x. Defining Performance Standards
- xi. Preparation of job descriptions and Desk manuals;
- xii. Job evaluations; recruitment and selection.

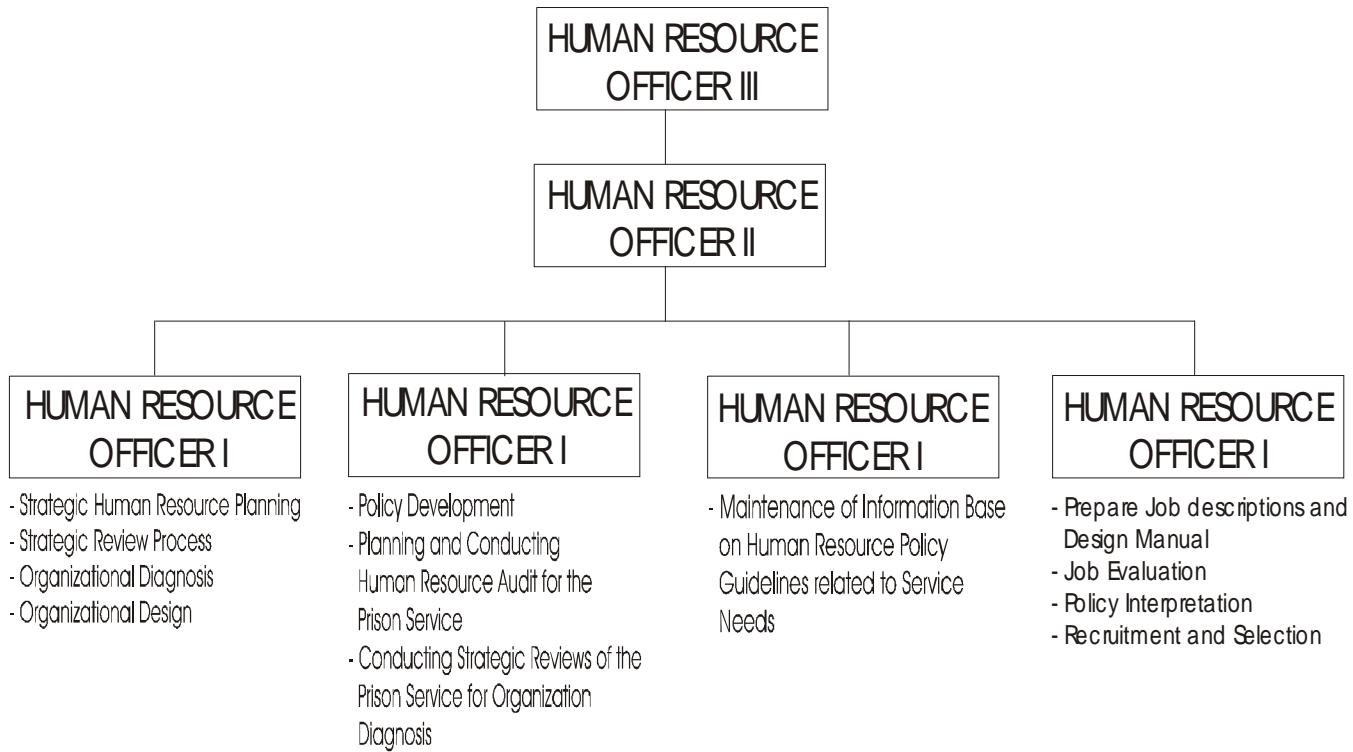
### **Staffing:**

It is envisaged that Human Resource Planning Unit will require six (6) Human Resource Professionals deployed at various levels for effective management.

- Ø Headed by a Human Resource Officer III answerable to the Director Human Resource management of the service. The incumbent will have the responsibility for succession planning in conjunction with the Commissioner of Prisons and, supervising:
- Ø One (1) Human Resource Officer II

Ø Four (4) Human Resource Officers I

## PROPOSED STRUCTURE OF THE HUMAN RESOURCE PLANNING UNIT



## SUPPORTING PRISON PERSONNEL

## **The Training And Development Unit**

### **Justification For Structure And Positions:**

Training and Development are seen as the key elements in achieving continuous improvement of performance as it will provide Prison Staff with the knowledge, ability and skill required to carry out their responsibilities and to improve their work performance, thereby achieving the Organization's mandate.

The existing process of managing and administrating the Training and Development programme, is however, woefully inadequate. As such, it is unable to cope with the functions now being assigned to it, as a consequence of the Public Service reform mandate. Arriving from this new mandate are a number of strategic issues in the Prison Service which will impact on the following Human Resource Management Functions: -

- (a) Training and Development
- (b) Performance Appraisal
- (c) Career Path Planning

Strategic Issues of the Prison Service that will impact on Training and Development are as follows:

<b>1. Organization Issues</b>	<b>Training and Development – Implications:</b>
a) Expansion of the Prison Service Activities	Recruitment; Training; Development
b) Addition of New Services	Recruitment; Training and Development
c) New Technologies or Applications	Recruitment; Training and Development

d) Changes in operating methods or productivity improvements	Training and Development
e) Changes in administrative, information and control systems	Orientation and Training
f) Changes in management and organizational structures	Training and Recruitment

<b>2. Management Issues</b>	<b>Training and Development – Implications:</b>
a) Shortage of employees who could become managers i.e. inadequate pool of successors	Review of recruitment and selection process; improved employee assessment; special career development plans
b) Inadequate technical competence of managers in the face of changing demands	Training and development specialized recruitment
c) Inadequate management skills of most managers to meet the changing demands of a growing organization	Training and development; Recruitment of managerial talent
d) Inadequate management experience of a number of key managers and successors	Training and Development Programme
e) Inappropriate staffing and management structure for achieving organization's objectives.	Increase staffing levels; increase management development

<b>1. Internal Factors:</b>	<b>Training and Development – Implications:</b>
a) Excessive Turnover	Modifying recruitment and selection process

b) High attrition due specifically to imbalance in age in various group within the service	Modifying recruitment and selection process
c) Improper balance i.e. employee mix of managerial, professional and technical and supporting personnel in each group of staff	Modifying recruitment and selection process
d) Noteworthy performance problems in certain ranks.	Need to improve employee appraisals
e) Shortcomings in levels of technical competency potential in certain ranks	Recruitment and Selection Process Review, Training and Development

<b>2. External Factors:</b>	<b>Training and Development – Implications:</b>
a) Availability of qualified (Competent) recruits in the market.	Modifying recruitment approach
b) Inability to recruit competitively the desired talent.	Development of more talent within
c) Changes in employee/industrial relations Climate	Management Orientation and Training
d) New International demands	Management Orientation/training; Recruitment

## **Other Relevant Issues Related To Training And Development Are As Follows: -**

### **Improvement of manpower policies within the Organization**

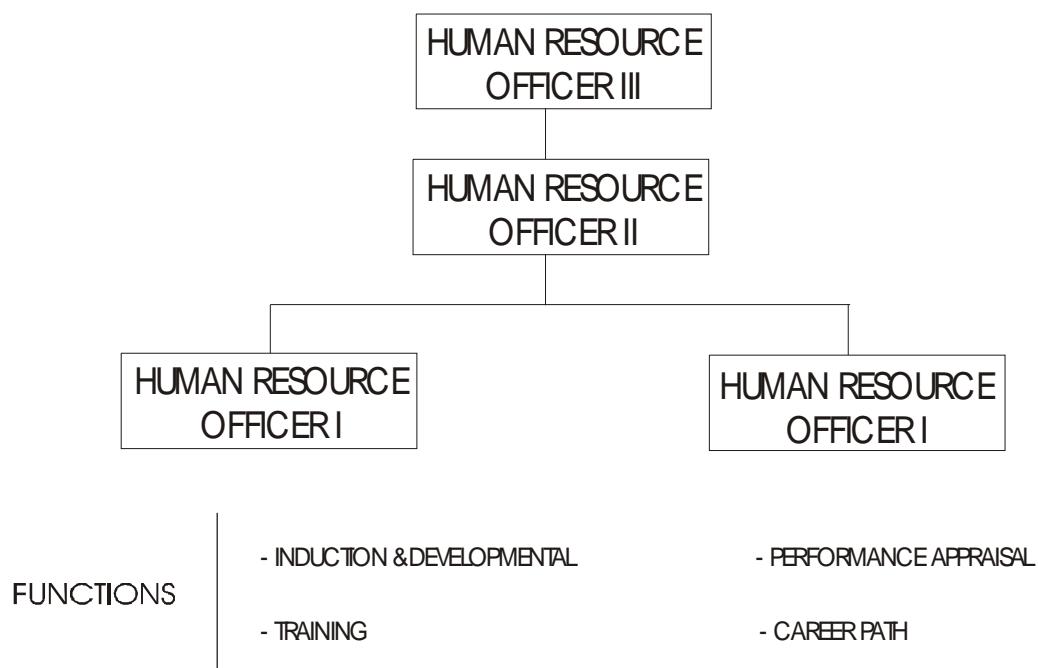
- Ø Recruitment
- Ø Computerized selection procedures
- Ø Recruitment effectiveness
- Ø Improving workforce utilization
- Ø Absenteeism
- Ø Occupational Illness
- Ø Disputes and discipline
- Ø Accidents
- Ø Succession and Career Path Planning
- Ø Analysis and Control of training and Development
- Ø Identifying Training needs
- Ø Development and examination of proposals for training and development
- Ø Evaluate and assess Training effectiveness
- Ø Controlling manpower costs
- Ø Recruitment cost
- Ø Training and Development cost

The following staff structure and staffing levels are recommended for the Training and Development Section, since it is anticipated that greater demands in the areas of quality and

quantity of service will be made on this section by the organization in order to achieve its corporate objectives.

- Ø Headed by a Human Resource Officer III answerable to the Director Human Resource management of the service. The incumbent will be responsible for supervising:
  - Ø One (1) Human Resource Officer II and
  - Ø Four (4) Human Resource Officers I

### PROPOSED STRUCTURE FOR THE TRAINING & DEVELOPMENT UNIT



### SUPPORTING PRISON PERSONNEL

#### Elements Of The Career Management Programme

The Task Force sees the need for an integrated Human Resource Management Programme in support of the development of a motivated, qualified work force by making available and accessible a variety of development activities. This programme would be managed by the Human Resource Management Department.

The Career Management Programme should consist of five primary components

- Ø Human Resource Planning, which would involve defining career management, positions, communication of vacancies.
- Ø Performance Standards and performance evaluation, which would involve defining, setting objectives, and evaluating performance against, required standards or criteria.
- Ø Staff Development, which would involve identification of career aspirations and short and long term, needs of employees and provision of opportunities to satisfy those needs. Development opportunities would include but not limited to distance learning scholarship, acting appointments, deployment, secondments job rotation, continuing education and training.
- Qualification to Level Programme, which would involve promoting staff to senior positions based on identified competencies, qualification to level exam, the candidate suitability report. Additionally, a Competence Assessment Committee would determine merit through the establishment of an eligibility list, which includes the appropriate number of names of qualified to level candidates. All staff would be eligible to compete for career management positions.
- Establishment of merit which would involve considering factors outside of employee that may be considered for senior positions based on their extensive field experience.

The positions identified as Career Management Positions are:

- i. Correctional Education Programme
- ii. Institutional Security Preventive Officer
- iii. Vocational Training Officers
- iv. Case Management Officer
- v. Construction Manager
- vi. Farm Manager
- vii. Fleet Manager
- viii. Reception Officer
- ix. Main Prison Officer
- x. Coordinator Case Management
- xi. Forensic Unit Manager
- xii. Training Officer
- xiii. Safety Officer
- xiv. Correctional Supervisor
- xv. Information Technology Manager
- xvi. Technical Services
- xvii. Internal Audit

xviii. Warrants and Processing

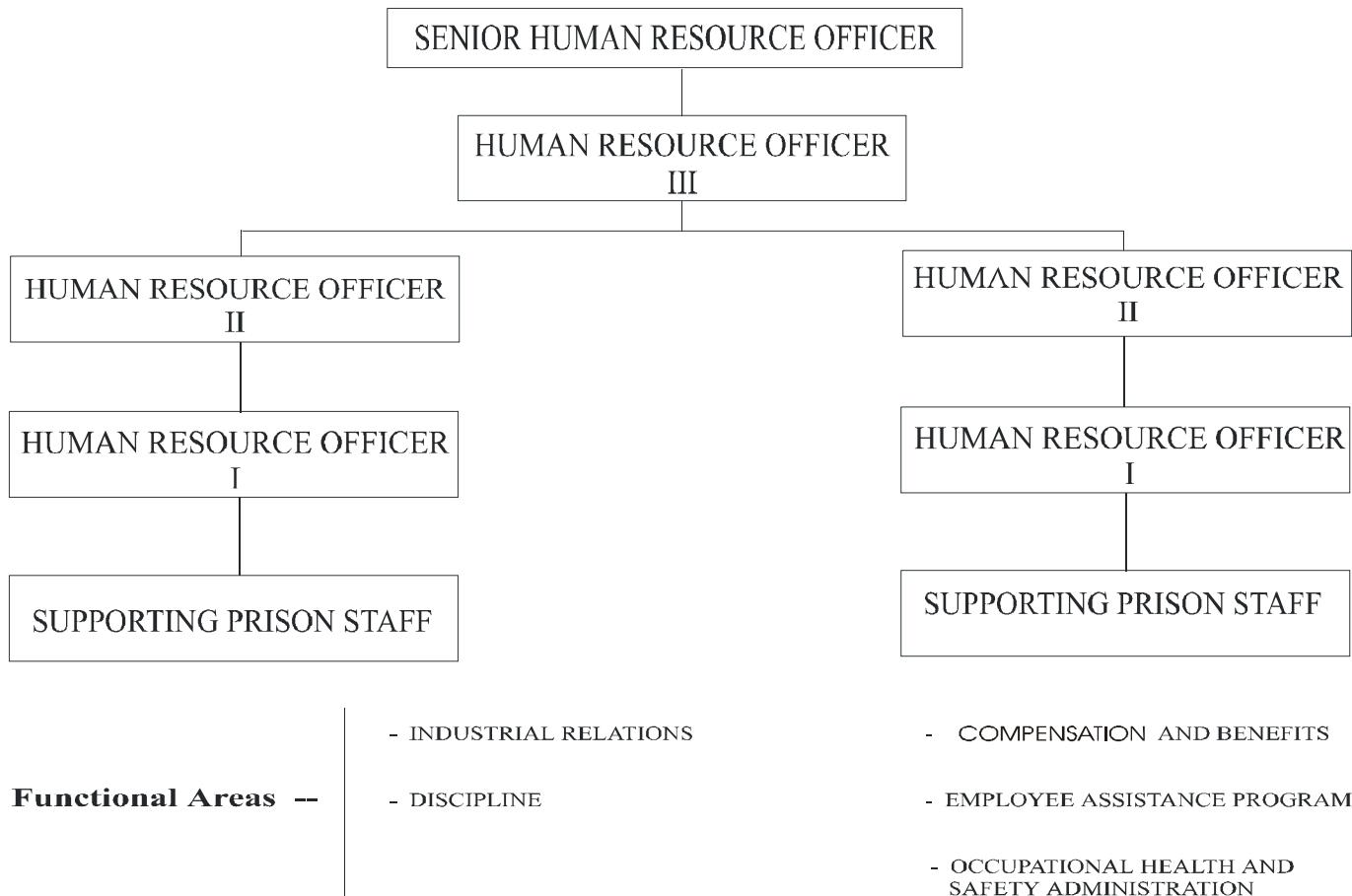
xix. Research Officer

## **The Employee Relations Unit**

The committee agrees that studies have shown that Prison is one of the five most stressful occupations in the world; in fact several officers in the Trinidad and Tobago Prison Service have suffered mental breakdowns. The Employee Relations Unit would be responsible for the management of issues related to staff welfare and the maintenance of a safe and healthy work environment. The functions would include but not limited to management of: -

- Ø The Employee Assistance Programme
- Ø Critical Incident Stress Management Programme
- Ø The Equal Opportunities Policy
- Ø The Labour Relations Policy
- Ø Workman's Compensation
- Ø Sexual Harassment and Discrimination Policy
- Ø Medical Benefits
- Ø Employee Injury
- Ø Retirement Benefits
- Ø Counseling Programme
- Ø Employees Suffering from Acts of Violence
- Ø Complaints and grievances

## PROPOSED STRUCTURE FOR THE EMPLOYEES RELATION UNIT



### Industrial Relations

**Responsibility for ensuring a Healthy Relationship between the Prison Management and the Staff Associations and, by extension all Prison employees.**

#### Functions: -

- Ø Interpretation and application of Acts, Regulations, General Orders and Assignments, which pertain to the Prison Service.

- Ø Research Industrial Relations matters, which have implications for the Prison Service.
- Ø Compile, Review and Update Handbook on Terms and Conditions of Service.
- Ø Ensures that contracts with the Chief Personnel Officer are properly interpreted and administered.
- Ø Attends to Grievances and Complaints of Prison Staff.
- Ø Plans and prepares relevant information with respect to the Grievance Procedure for negotiations with Staff Associations, The Commissioner of Prisons, Ministry of Finance and litigations Re: Industrial Court and the High Court.
- Ø Co-ordinates Joint Consultative Committee Activities.
- Ø Advise on and facilitate the effective application of the **Equal Opportunities Act** in the Trinidad and Tobago Prison Service.

## 2(a) Compensation And Benefits Unit

- Ø Payroll
  - Ensures that Prison Staff is remunerated as per contract of Employment.
- Ø Loans to Staff
  - Administration of the Good Conduct Fund and Salary Advances
  - Motor Vehicle Advances.
- Ø Administration of National Insurance Scheme
  - Maintains Record of Staff Contributions
  - Processing of Claims for injury benefits and loss of earnings through illness etc.
  - Maternity Leave
- Ø Development of a Non-Monetary Reward Scheme
- Ø Effective Monitoring and Processing of Staff Benefits with respect to
  - Vacation Leave

- Casual leave
- Sick Leave
- Extended Sick Leave
- Paternity Leave
- Bereavement Leave
- Special Leave
- Medical, Dental and Optical Assistance
- Compensatory Time Off

**Ø Acting Appointments**

**Ø Pensions** - With the advent of the Prison Service Act No. 17 of 2000 a Pensions Section was established within the Prison Service. The core functions are: -

- Maintenance of Database Re: Pension and Leave record of Prison Staff Computation and payments of end-of-service benefits.

**Award And Recognition Programme**

The Task Force recognizes that there is need to recognize the employees and volunteers of the Trinidad and Tobago Prison Service for their contributions towards the development and improvement of the Prison Service work environment. To ensure the effectiveness of this program the task force advocates that a policy be developed and communicated throughout the organization. This policy would outline the criteria and the process for awards and ensure the fairness and constancy in application.

The awards should be presented officially at appropriate occasions and in a dignified manner. Adequate records should be maintained and considered during officers' selection for promotion.

Hereunder is a listing of some of the awards to be included in the program

- Commissioner of Prisons Award for Bravery
- Commissioner of Prisons Award for Team Work
- Commissioner of Prisons Team Excellence Awards
- Innovation Award
- Correctional Service Award – All employee and Volunteers
- Excellence Award -
- Exemplary Service – 10 Awards
- Environmental Awards
- Outstanding Achievement – movement to senior position etc.
- Long Service Award
- Safety and Excellence Award
- Most Outstanding Officer- Each Station, Each Batch
- 

Awards should be presented officially at appropriate for occasions and in a manner. Records of awards should be maintained.

## **Occupational Safety And Health Administration (Osha)**

The Trinidad and Tobago Prisons Service as an aim of the Government of Trinidad and Tobago has an affirmative responsibility to provide a safe and secure work place for all employees. The Task Force is of the opinion that an OSH policy should be expeditiously developed and maintained to fulfill the mandate of maintaining a safe, secure and humane environment.

There is need to internal safety and health committee to be implemented with representatives of management and labour under the direction D/COP HSE QMS. A National OSH Committee which set up under the direction of the Department of Corrections will review and resolve substantive OSH issues which arise and of the internal Safety &Health committee.

This program would promote all the basic elements of a safety programme with Training and Re-training as its basis for success.

The internal OSHA unit will: -

- Ø Interpret and advise on the enforcement of Health **and Safety** Legislation
- Ø Develop Health and Safety Standards and Regulations for the Trinidad and Tobago Prisons Service
- Ø Address and deal effectively with all incidents of Injuries on the job and Occupational diseases.
- Ø Address issues surrounding the physical and psychological well-being of Prison Staff
- Ø Work in concert with all concerned to ensure that incidents of on-the-job injuries and work-related diseases are eliminated or minimized.

### **Disciplines**

#### **Discipline**

In the proposed structure, discipline is aligned to Training and Development because it's the Service's Philosophy that effective training makes punishment unnecessary. It must be borne in mind that disciplinary procedures are harmful to employees and costly to employers.

**This Philosophy is based on the assumptions that: -**

- a) Employees are entitled to know what's expected of them;**
- b) Employees should be given an opportunity in most instances to mend their ways before complete termination is effected.**

**The Disciplinary issues which needs to be addressed in order to deal with the Service's transformation and reformation are highlighted below.**

(A) - Administration of Discipline issues:

- i. Unwillingness to face up to discipline
- ii. Uniformity in discipline i.e. the establishment of policies and standards.
- iii. Deportment of managerial personnel
- iv. The locus of Discipline Action Authority
- v. Inadequate Investigation
- vi. Mediation and reconciliation programmes

Development of Policy and Programmes of corrective discipline for Prison Administration as a diagnostic value for management designed to detect shortcomings in personnel practices and in the supervision of people. This will determine: -

- i The effectiveness of recruitment and selection procedures and techniques.
- ii Weaknesses in training methods
- iii Inferior or inadequate supervision
- iv Faulty Appraisal System of management

B. Development of Policies and programmes of Corrective Discipline for employees to address issues such as: -

- i. To get employees to meet organization's standards
- ii. Disciplining of elected Association representatives
- iii. Breakdown of discipline

C. Grievance review of Disciplinary Cases: -

- i. Expeditious handling of disciplinary matters.

D. Interpretation and implementation of existing disciplinary policies, procedures and regulations.

With this transformation and reformation thrust in the Prison Service it is anticipated that there will be expansions in activities size and levels of staffing, diverse activities of the work force as well as diverse facilities.

## **PHILOSOPHY AND CONCEPT OF TRAINING**

Human Resource Development in the Prison Service relates to the planning for individuals from their point of entry to retirement within the Prison Service. The accepted viewpoint is that continual training is essential for successful implementation and maintenance of the strategies outlined in this proposal. The task force sees training as an ongoing, continuous process, since new problems, new procedures, new equipment, new knowledge, new approaches and new jobs are constantly creating the need for employee instructions. A definition of training shows that training is the systematic development of (a) Attitudes; (b) knowledge; and (c) skill. As such it must be a systematic, comprehensive and continuous undertaking.

Such development must be in direct relation to the goals of the individuals, as well as the goals of the Prison Service. The organization must determine its strategic direction or envisioned state, for example, in the next 20 - 40 years. Having outlined the desired or envisioned state and the gap between what is desired and its current state, the service would plan programs for satisfaction of the gap in human resource in relation to: -

- The nature of Human Resource existing at present within the Service;
- The nature of the Human-Resource required;
- Human resource needs;
- The goals and objectives of the institution;
- Development and utilization of the Service's existing human resource to achieve the goals and objectives of the Service.

Although Human Resource Development does not begin or end with training, training is an integral part of such development. It must be noted, however, that in order to derive the true benefits from training, there is the need to develop within the Service:

- Ø A Staff Development Policy with special
- Ø Strategic Training Plan
- Ø A Training Audit Program developed to continually assess the effectiveness of training
- Ø A comprehensive Manpower Plan;
- Ø An Equality of Opportunity Policy;
- Ø A Workforce Utilization Program;
- Ø An Effective Performance Management Program;
- Ø A Career Path Planning/Career Management Program;
- Ø An environment within the Service to facilitate the type of training required and to make full use of such training.

Training within the Prison Service must be an extensive, as well as an intensive process, which is expected to complement the other activities and programmes designed to enhance the growth, development and progress of the human resource within the Service.

It must be noted therefore, that the efficiency and effectiveness of the Prison Service depends tremendously on how well its officers are prepared to do their jobs as the prison system is a job that requires the officer to make quick decisions and make the right decision first time every time. Therefore, recruits are an extremely sensitive group and would need extensive training in the supervision and control of inmates before they begin to work, while the older employees require constant re training to keep them alert to the ever changing demands of their present job, as well as to prepare them for transfers, promotion, retirement and other programs that would broaden experience.

The training program advocated by the Task Force outlines a program that is consistent with adult learning methodologies and is designed to enable the acquisition and/or improvement of knowledge, attitude and skills by individuals in order to perform specific tasks adequately. This would suggest that at the end of a training programme, that knowledge' that is conveyed, the skills that are developed and the attitude instilled, relate directly to the knowledge, skills and attitude that are required for each type of job position in each institution of the Service.

The Task Force suggests that the Prison Service has an abiding interest in and a commitment to the continued growth and development of its employees. This commitment is seen as necessary to enable the prison service to realize its mission, which is directly tied into the employees' capability as custody and treatment agents.

The Provision of meaningful training programmes, which effectively blend legally mandated requirements and humanitarian ones, is not only ethically sound, but it is also a wise management practice that ensures continuity.

## **THE TRAINING POLICY OBJECTIVE**

The policy objective of the training policy would be to provide training so as to develop in the employees of the Trinidad and Tobago prison service and to ensure that requisite competence of employees are maintained in a changing work environment.

### **Structure To Facilitate Process**

The Task Force recommends that a training committee should be set up under the direction of the Department of Corrections to advise on long range training plans and provide external audit services to conduct monitoring and evaluation of training effectiveness.

The Task Force sees it as necessary that the Trinidad and Tobago Prison Service develop the training policy that would among other things encourage the training officers to develop and monitor an organized systematic approach to design, development, implementation and evaluation of all in service training programs and providing secretariat services to both the internal task force and national training committee including the analysis of perceived training programs.

An annual training plan should be developed for each station by the training officers in consultation with the Superintendent and rolled up to make the overall training plan. Training needs and priorities will thus be identified and determined by and for all levels of the service. An organization wide approach to training is the advocated approach of the task force. Each Superintendent of Prison should have direct responsibility to plan, coordinate, and review-training programs executed for their respective stations or department. They would also be required to identify new training needs, account for resources utilized in training delivery, and report any discrepancies between training planned and training implemented on an

annual basis. Additionally, each Superintendent of Prison should retain proper records of training.

## **THE ORIENTATION INDUCTION PROGRAMME**

The orientation/ induction training should be reviewed and modified in recognition of the need to better introduce new recruits to the Prison Service. As such, the course should be designed to provide trainees with an effective introduction into the service, and to equip them with the necessary knowledge, skills and attitudes to perform their general responsibilities as Prison Officers.

### **Objectives Of Orientation / Induction Training Programme**

- i. To orient recruits into the philosophy, aims and objectives of the Prison Service. Here emphasis will be placed on - a) restorative Justice Process b) the role of the Prison Officer in this process
- ii. To expose recruits to the different operational and administrative functions of the Prison Service
- iii. To expose recruits to the mechanical aspects of the Prison Service.
- iv. To expose recruits to the Criminal Justice System. Emphasis will be placed on the identification of the Prison Service within this system.

### **Induction Training Curriculum should consist of the following modules:-**

#### **Module**

1. Administration
2. Introduction to the Criminal Justice System
3. Criminal Correctional Laws & Rules: Basic Laws & Legal Procedures
4. Crime Investigation
5. Introduction to Behavioural Sciences
6. Operational Procedures
7. Human Skills
8. Interpersonal Skills

9. Introduction to Criminology
10. Introduction to Principles and Practices of Corrections
11. Proficiency Skills
12. Physical Fitness
13. Educational Sessions
14. On-The - Job Training
15. Drills

## **DEVELOPMENT TRAINING**

The Task Force sees Development Training as a necessary means of ensuring that staff keeps pace with changes and development and growth within their own field. This becomes necessary since most jobs are constantly changing. Thus, there is the need for development training to examine relevant changes in the field. It also helps to update skills and guard against stagnation. Also, since the transformation will make many skills obsolete, a review of the actual job performed, skill required and equipment utilized will reveal changes that call for new training. Development training must be designed, therefore, to meet staff training and development needs.

## **OBJECTIVES OF DEVELOPMENT COURSES**

- i) To provide Staff with knowledge and skills, and to develop the attitude necessary to effectively fulfill their responsibilities.
- ii) To provide Staff with an opportunity to enhance their abilities to function effectively, given current and future management and supervisory responsibilities
- iii) To familiarize selected managers/supervisors with the necessary knowledge, abilities and skills to deal effectively with crisis situation.
- iv) To provide specialized training to selected Staff in responding to institutional emergency situations.

- v) To assist Staff in maintaining the required level of competency and proficiency in the performance of their duties.
- vi) To help Staff deal more appropriately and effectively with the public.
- vii) To provide Staff with updated knowledge, practical skills and practice in First Aid.

To provide Staff with the necessary knowledge to understand their roles in the organization, and apply the principles and techniques of effective and efficient supervision

- viii) To provide Staff with working knowledge of human behaviour.
- ix) To provide Staff with an opportunity to develop and understand, and to practice the skills that will help them eliminate common personal, interpersonal and organizational communication problems.
- x) To provide Staff with the opportunity to increase their awareness of what time means to them, and to develop skills and techniques, which help them, use their time more efficiently.
- xi) To increase awareness of methods of managing conflict creatively as a productive force in the organization and relationships.
- xii) To reinforce: -
  - a) the philosophy (new) aims and objectives of the Prison Service;
  - b) The mechanical aspects and operational procedures of the Prison Service;

## **Development Training Curriculum – Must Include The Following Modules: -**

Module I: Management Training

Module II: Supervisory Training

Module III: Operational Procedures

Module IV: The Criminal Justice System

Module V: Criminal Correctional Laws and Rules – Basic Laws and Legal Procedures

Module VI: Crime Investigation - Advance

Module VII: Physical Training

Additionally, the development-training programme would provide for extensive External Development Training, sourced both locally and internationally in specialist areas for example

### **i England –**

Advance Prison Management

Masters in Science Degree in Criminology and Related Programmes such as Risk and Security Management, Public Policy, Criminal Justice etc

Hostage Negotiation

Crisis Management

Mediation Services

Advanced Facility Officer

Marketing probation Officer Program

Advanced Contraband Recognition and Control

Emergency Procedures for Detention

Attachments to Correctional Facilities

### **ii United States of America**

Medical Screening for Detention Facilities

Workplace safety Issues, regulations and liability

Criminal Investigation

Active Gang recognition and management

Critical Incident Stress Management

Drug Identification for detention facilities

Crisis Management

Classification

Cell Extraction

Forensic Psychiatry  
Logistic Management  
Institutional Intelligence Gathering  
Juvenile probation and police interface  
Managing the Parole Department  
Using K9 Assistance in Corrections  
Working with the Homeless probationer  
Attachment to Correctional Facilities  
Training Arranged by: -

- American Correctional Associational (**ACA**)
- Specialized Cell Extraction Training
- Correctional Accreditation Managers Association (**CAMA**)

### **iii Canada**

Forensic Psychiatry  
Mental Health issues in detention facilities  
Incident Command for Supervisors  
Crisis Intervention  
Critical Incident stress Management  
Elements of effective personnel management  
Criminal Justice Fiscal Management  
Suicide Potential Recognition and Prevention  
Management Techniques for suicide potential  
Sexual Harassment Prevention  
Managing Organization Diversity  
Mastering Change  
Contraband Policy development  
Attachment to Correctional Facilities

### **iv United Nations**

- Organizational Conference/Workshops

External Development Training

**Locally:** -

i) Joint Services Staff College (**J.S.S.C.**)

- ii) University of the West Indies (**UWI**)
- iii) Institute of Business (**I.O.B.**)
- iv) NIHERST
- v) Caribbean Institute of Quality Limited (**C.I.Q**)
- vi School of Continuing Studies
- vii John Donaldson Technical Institute
- viii Metallic Industries Company (**MIC**)
- ix. Leadership Training Institute (**LTI**)
- x. **Safety Management International.**

#### **Public Awareness**

- Conference – All Stake Holders in Government
- Continued Public Consultation
- Regional Conference
- Radio

**See the Trinidad and Tobago Prison Staffing Plan 2002 for additional information**

# REFRESHER TRAINING

The Task Force has identified that training and retraining is critical to the achievement of the corporate objectives. This refresher-training program is necessary to assist Staff in maintaining the required level of competency and proficiency of their duties. The programme would provide for all staff members, since it is imperative that they maintain competency and proficiency in specific skills required to perform their duties. The courses' content should be determined on a cyclical basis and will reflect mandatory and identified institution/department requirements.

## **The Refresher Programme Curriculum**

The refresher training program should include but not be limited to

Module I:	operational procedures
Module ii:	proficiency skills
Module iii:	human skills
Module iv	physical fitness
Module v:	the criminal justice system
Module vi:	crime investigation
Module vii:	criminal correctional laws and rules
	Basic Laws and Legal Procedures

## **On-The-Job Training**

The Task Force recognizes that prison is a very practical environment and that many skills can be successfully transmitted in the actual work environment. As such the committee advocates the expansion of the on the job training program that would broaden the experience of officers on the job.

The committee believes that almost everything that happens to a member of Staff from the time he/she enters the Service, is a training experience. Within the Service, all satisfactory actions are rewarded, while all unsatisfactory actions are punished informally.

Although administration must be careful to ensure that the impact of casual, day-to-day experiences do not overshadow practices stressed in the more formal training sessions, they must encourage this type of on-the-job training.

Integral to on-the-job training for recruits, are line Supervisors. As such, they will be responsible for properly introducing new recruits to the job. They should therefore, be able to communicate properly, as well as possess systematic knowledge of the job, as well as Training and Learning principles.

Each supervisor must be responsible for officers placed in his charge with special emphasis on probationers, in relation to a thorough on-the-job training, as well as evaluate, appraisal and report on these recruits. This on the job training program would involve the use of mentoring, cross training, lateral transfers, understudy technique, special work assignment, observational assignments and other useful on the job training strategies. All training given in the On the Job Training program should be systematically planned to ensure completeness, consistency and correctness of instruction.

## **THE TRAINING OFFICER**

The trainer/Instructor is crucial to the process of human resource development within the Prison Service. Once suitable human resource has been selected for the institution, the Trainer/Instructor is responsible for bringing the human resource up to standard, so as to ensure the existence and survival of the institution. The Trainer/Instructor must see himself/herself as a change agent within the Prison Service. He/she must ensure that things are happening within the Service, e.g.:

- a. Changes in the behaviour of staff
- b. Changes within the Service.

All changes should be geared towards the development, efficiency and effectiveness of Staff, as well as the Service.

Trainers/Instructors must develop within themselves, the skills and techniques to:

- a) Analyze and identify the training needs, in terms of the job and people within the Service;
- b) Formulate training objectives, policies and plans for consideration by the Prison Service Administration;
- c) Implement the training process through the use of the most appropriate systems, methods and aids;
- d) Evaluate/assess the effectiveness of training.

Trainers/Instructions must command respect within the Service by correctly analyzing the needs of the Service and be able to show where and how change has taken place, and how such change could enhance the Service and its image. They must be able to convince everyone within the service that training is important and that it works, and thus ensure confidence in judgment, decisions and results.

Trainers/Instructors should know and understand the objectives and goals of the Prison Service; they must be award of: -

- a) Job functions and the intersection of function;
- b) Job specifications and Job descriptions

They need to understand the internal politics of the Service, as well as the areas of performance concerns. They must ensure that no non-training reasons exist for performance deficiency within the Service. They are to determine, through an evaluation of training, that has made a difference, that is, that behaviour change or improved performance has been achieved.

The ability of the training officer to effectively execute the identified training programs is considered by the task force to be a critical success factor of the training and development program.

The integrated training program that the committee is recommending requires a trainer that is considered a specialist Officer to provide a service of advice and executive action to enable employees to perform effectively on the job. This Officer should be multi skill with a repertoire of knowledge, ability and skills that incorporates the range of tasks present throughout the organization. He/she would be required to continually engage in the identification of training needs, setting training objectives, developing and designing training content and curriculum, conducting research and analyze contemporary best practices of training to facilitate the development and improvement of existing and projected programs, problem solving, and team work. This would require that all trainers be qualified to instruct trainees in the subject matter that is presented in the training. As such all trainers would be selected from those who have satisfactorily completed advance-training programs for teaching the subject they are expected to teach or they shall have academic credentials and instructional experience necessary for teaching subjects. Instructors would be required to continually demonstrate competent instructional skills and knowledge of applicable subject matter.

### **Summary Of The Trainer's Responsibility –**

- i) Knowing, understanding and communicating the philosophy, mission, and corporate strategy of the organization.
  - The restorative justice philosophy
  - The re integration policy
  - The Shared responsibility model
  - The Intervention Process
- ii) Identification of training needs.
- iii) Knowledge of job description and job specification within the organization.

- iv) Development of relevant Training Programme – writing objectives of these programmes.
- v) Implementation of Training Programme
- vi) Evaluation of Trainee, Training, Training Programme
- vii) Needs assessment survey.
- viii) Liaison
- ix) Knowledge and thirst for self-development and constant self-assessment.
- x) Ability to analyze a problem and come up with the right answer
- xi) Teaches/Trains Participants/Workers to: -
  - a) Achieve the objective of the organization;
  - b) Achieve their own goals
- xii) Providing the right environment so as to ensure that participants learn.
- xiii) Encourage change.
- xiv) Does pre-testing.
- xv) Encourage feedback.
- xvi) Maintenance of high performance standards
- xvii) Reviews teaching techniques/methods.
- xviii) Research.
- xix) Possesses the ability to communicate with participants.

## **TRAINING OFFICERS ON STATIONS**

In keeping with the Restorative Justice philosophy and Concept, and its rolling down to all staff the Prison Service Training members, it is necessary to have Training Offices placed on stations, since training at the Staff Training College is only one aspect of the training process. It must be remembered that training is a continuous process, which begins on entry into the Prison Service and goes right through to retirement.

In order to achieve at the level of growth, and awareness among Staff members, it will become necessary to amount courses, seminars, sessions, etc. n various stations. This will ensure that the quality of training needed for all staff members will be achieved. The Training Officers on the various stations will carry out the following functions:

- a) Assess the training needs of the station to which he/she is attached;
- b) Organize and conduct seminars, sessions, courses on the station to which he/she is attached;
- c) Assist the Supervisor in relation to on-the-job training and evaluation of recruits on the stations
- d) Recommend staff on the station to which he/she is attached, for training courses organized by the Prison Service Staff Training College, or externally
- e) Evaluate training in general on the station;
- f) Administer/co-ordinate training seminars/sessions on the station;
- g) Inform participants through Supervisors; of training courses they are to attend at the Staff Training College.
- h) Prepare reports on training conducted on stations, as well as on Staff attending training courses at the Staff Induction Training College or externally
- i) Report to Supervisor, Training on a regular basis; for briefing etc.
- j) Co-ordinate activities between stations and the Staff Training College, as well as the Human Resource Manager
- k) Perform other related duties on the station, as required by the Supervisor/Assistant Superintendent/Superintendent

The Training Officer on the stations must be a Prison Officer II, who must be accountable to the Supervisor/Assistant Superintendent/Superintendent on the station, as well as the Supervisor Training.

## **Pre-Course Seminars**

Resource Personnel from outside the Training Department would be utilized to a great extent in the approach advocated by the Task Force. These seminars will address the issues of communication; co-ordination, continuity, inter-relationship, relevance and adult-learning principles will come into question. Also, in development training, remedial training, as well as refresher training, the views of supervisors must be of great importance. As such, pre-course seminars and sessions are necessary so as to: -

- a) Discuss intentions and programmes with the various resource personnel;
- b) Get inputs from Supervisors, as to assist in the modification of these programmes;
- c) Give information to Resource Personnel on how to present the various sessions as well as to share information and discuss the use of teaching aids to enhance the session, as well as the individual resource personnel in the teaching room.

## **Developing an education and training programme for professional mediators**

The proposed Diploma is meant to respond to the demand for rigorous standards, training and certification in mediation. At the present time, family, community and victim-offender mediation are three critical areas, which would need to be addressed. The development and inception of a training programme in mediation at UWI, would take place concurrently with the building up of a resource network of experts in mediation who would function as trainers, teachers, and supervisors in establishing the conflict resolution field and education/training services in Trinidad and Tobago. The in-depth knowledge of this group would be a resource to the proposed programme during initial formulation stages and in on-going development and quality control processes. Longer-term objectives include programme accreditation and the provision of mediation education at the Masters level.

A number of very relevant existing courses will be integrated into the proposed programme. New courses will address the core and specialized areas of mediation; the legislative framework; structure and administration of the courts; the role of mediation in the system; and most importantly restorative justice.

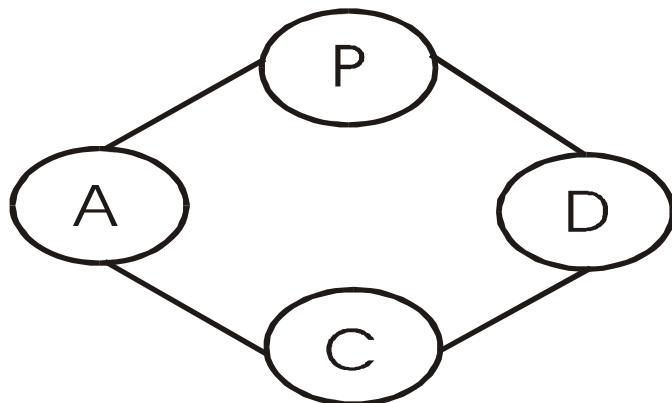
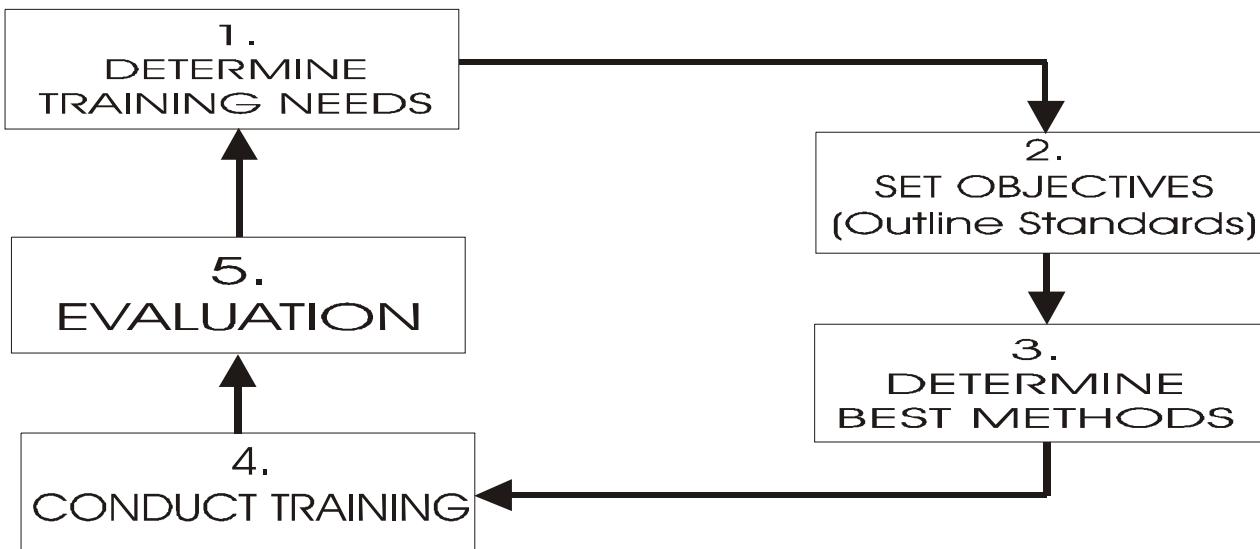
In building new modules for the proposed Diploma, input and expertise is being utilized from the University of the West Indies and the University of Denver. The Ministry of Social Development, which has sponsored the Community Mediation pilot project during 2000-2003, is in close contact. Professor Parsons has carried out mediation training modules in Trinidad in 2000, 2001 and 2002. She has considerable experience in teaching Conflict Resolution for Social Workers at the Graduate School of Social Work, at the University of Denver, and has also been involved in developing their Masters Programme in Conflict Resolution. Consultation services to the project will be very beneficial, in particular, for building quality into the curriculum and for developing evaluation mechanisms.

## **Recommendations**

1. The Task Force Recommends ten scholarships be made available to the Centre of Restorative Justice for participants who will use the training in prisons in keeping with the implementation of transformation as outlined by the Task Force.
2. The Task Force recommends that the Restorative Justice Centre and the University develop a proposal for the introduction of a programme for Restorative Justice Officers.

# CYCLE OF TRAINING FLOWCHART

Based on Plan, Do, Check, Act Cycle



# **INFRASTRUCTURAL DEVELOPMENT**

## **Facilities Management Programme**

A most noticeable example identified by the Task Force on its visit to prison facilities of the inefficiency of the Facilities Management Programme is the Problems associated with the Maintenance of Electronic Systems was at the Maximum Security Prison. The advent of electronic systems at the Maximum Security Prison and what is proposed for upgrading other facilities increases the need for an effective Maintenance Programme.

The programme recommended for construction, maintenance of electronic equipment include preventative and corrective maintenance and should be implemented in accordance with the Electronic Systems Management Policy, which should be developed and established by the Prison Executive that would satisfy local and international standards.

The maintenance requirements for electronic devices or systems particularly those related to security of installations or the safety of staff or inmates should be established and met addressing acceptable down times and mean times to repair.

## **Fleet Management**

Another most noticeable example identified by the Task Force on its visit to prison facilities of the inefficiency of the present systems for the management of the Prison fleet seems to be inefficient and Ineffectual. The Task Force sees the need for the development and implementation of a comprehensive fleet management program. We advocate the implementation of the fleet management policy that was developed by the Garage Review Committee of the Prison Service. The committee acknowledges that this report addresses the vehicle management concerns of the service.

## **INFRASTRUCTURE NEEDS**

The Task Force observed several inadequacies in the maintenance and upkeep of facilities and equipment evident in the continual deterioration of facilities and equipment at all agencies of the Rehabilitation departments. As such there is the need for the development and maintenance of a Facilities Maintenance Management Policy in all departments, which would ensure that construction and maintenance of property including facilities, equipment and roadways, would be dealt with or managed in a manner consistent with their intended use and at acceptable cost whilst providing for the proper accommodation, productive employment and training of staff and inmates.

The Facility Management Programme would outline standards aimed at ensuring the proficient planning, designing and installment, of physical facilities and that they are operated in an efficient, effective and safe manner, in accordance to both national and international standards and regulations.

Success of this program is dependant on:

- Preventative Maintenance
- Proper Planning and Design of Construction Projects
- Corrective Maintenance
- Energy Conservation
- Inmate Employment
- Leadership
- Management Commitment

On our visit to the various facilities/ institutions and information received from various stakeholders the Task Force was able to make an assessment of the present facilities, equipment and the technical human resource needs of the Prison Service in general and the various institutions, sections and divisions of the Rehabilitation Department.

The Task Force was able to identify the following list of: -

- (a) Facilities or buildings requiring construction, reconstruction/upgrade and or refurbishment
- (b) Equipment requirements to outfit and equip each facility for operations
- (c) Technical expertise required for optimum efficiency
- (d) Manpower requirement
- (e) Required technology to improve effectiveness.

## **Maximum Security Prison**

### **Existing**

1. Infirmary	- Modification
2. Modern Security System	- Upgrade/ reconstruct
- Gate	- Reconstruct
- Electronic	- Upgrade
3. Water System	- Upgrade
4. Sewer System	- Reconstruct
5. I.T. System	- Upgrade
6. Air condition	- Upgrade
7. Chapel	- Upgrade
8. Educational/Library Services	- Equip
9. Welfare	- Identification/Upgrade
10. Laundry Facilities	- Maintain
11. Fire, Health and Safety Systems	- Upgrade/ Reconstruct
12. Security System (Maximum Security)	- Upgrade
13. Maintenance System	- Establish
14. Court Yards	- Upgrade and modify
15. Vocational/Technical Facilities	- Equip
16. Radio/Television System	- Acquire/Install
17. Teaching Aids	- Acquire

### **Recommended Response**

1. Administration Building	- Refurbish
2. Officers Dormitory	- Refurbish
3. Food Services	- Refurbish
4. Lads Dormitories	- Refurbish
5. Gymnasium	- Refurbish

## **Youth Training Centre**

1. Administration Building	- Refurbish
2. Officers Dormitory	- Refurbish
3. Food Services	- Refurbish
4. Lads Dormitories	- Refurbish
5. Gymnasium	- Refurbish

6. Socialization Unit	-	Refurbish
7. Chapel	-	Refurbish/Upgrade
8. Laundry	-	Refurbish
9. Vocational Building	-	Refurbish
10. Security System (Medium)	-	Upgrade
11. I.T. System	-	Upgrade
12. Telephone System	-	Upgrade
13. Sewer System	-	Upgrade
14. Electrical System	-	Upgrade
15. Fire, Health and Safety Systems	-	Upgrade
16. Visit System	-	Upgrade
17. Educational System	-	Upgrade
18. Canopy	-	Reconstruct
19. Air-conditioning Unit	-	Upgrade
20. Transportation	-	Increase
21. Vocational/Technical Facilities	-	Equip
22. Radio/Television System	-	Acquire/Install
23. Teaching /Training Aids	-	Acquire

## Remand Prison

1. Remand Facility	-	Expansion
2. Administration Facilities	-	Upgrade
3. Water System	-	Upgrade
4. Sewer System	-	Reconstruct
5. Telephone System	-	Reconstruct
6. I.T. System	-	Upgrade
7. Laundry Facilities	-	Construct/Equip
8. Fire, Health and Safety Systems	-	Upgrade
9. Recreational Facilities	-	Upgrade
10. Chaplains Facility	-	Establish
11. Infirmary	-	Expansion/Upgrade
12. Welfare	-	Relocate/Upgrade
13. Transportation	-	Acquire
14. Inmate Accommodation	-	Upgrade
15. Electrical	-	Upgrade
16. Security System	-	Upgrade
17. Maintenance System	-	Establish
18. Educational Facilities*	-	Establish
19. Vocational/Technical Facilities	-	Equip
20. Radio/Television System	-	Acquire/Install

21. Teaching /Training Aids	-	Acquire
22. Reception	-	Upgrade
23. <u>NEW FACILITY</u>	-	Construct

## **Carrera Convict Prison**

1. Staff and Inmate Accommodation at (Hats Cut Bay)	-	Construct
2. Staff Accommodation	-	Upgrade/Expand
3. Inmate Accommodation	-	Upgrade/Expand
4. Administration Building	-	Upgrade/Expand
5. I.T. System	-	Upgrade
6. Infirmary	-	Upgrade
7. Welfare	-	Upgrade
8. Vocational Trade shops	-	Construct
9. Laundry Facilities	-	Construct/Equip
10. Food Services	-	Upgrade/Expand
11. Sport/ Recreational Facilities	-	Upgrade
12. Educational Facilities	-	Construct/Expand
13. Utilities	-	Upgrade
Ø Sea Transportation	-	Acquire
Ø Land Transportation	-	Acquire
Ø Water	-	Upgrade
Ø Telephone	-	Upgrade
Ø Sewer	-	Upgrade
Ø Electrical	-	Upgrade
14. Fire, Health and Safety	-	Upgrade
15. Maintenance System	-	Upgrade
16. Vocational/Technical Facilities	-	Equip
17. Radio/Television System	-	Acquire/Install
18. Conference Room	-	Construct
19. Teaching /Training Aids	-	Acquire

## **Women Prison**

1. Infirmary	-	Upgrade/Equip
2. Security System	-	Upgrade
3. Visit System	-	Equip
4. Nursery	-	Equip
5. Welfare Services	-	Equip

6. I.T. System	-	Upgrade
7. Fire, Health and Safety Systems	-	Upgrade
8. Maintenance System	-	Establish
9. Water System	-	Upgrade
10. Laundry System	-	Maintain
11. Officers Dormitory	-	Maintain
12. Recreational / Cultural Facilities	-	Equip
13. Educational Facilities	-	Equip
14. Vocational/Technical Facilities	-	Equip
15. Radio/Television System	-	Acquire/Install
16. Teaching /Training Aids	-	Acquire

### **Tobago Prison**

1. New Facility (Medium Security)	-	Construction/Equip
2a Existing depot	-	<u>Closure</u> <u>Maintenance until closure</u>
b Staff Accommodation	-	<u>Maintenance until relocation</u>

### **Port of Spain Prison**

2. Inmate's Accommodation	-	Refurbish and upgrade
3. Infirmary	-	Refurbish and equip
4. Food Services	-	Reconstruct and equip
5. Vocational Building	-	Reconstruct and equip
6. Officers Dormitory	-	Maintenance
7. Convocation Building	-	Refurbish
8. Educational Building	-	Construct and equip
9. Recreational/ Cultural	-	Construct and equip
10. Modern Security System	-	Upgrade and maintain
11. Laundry Services	-	Construct and equip
12. Administration Building	-	Refurbish and upgrade
13. Exercise Yard	-	Refurbish and upgrade
14. Water System	-	Upgrade
15. Sewer System	-	Redesign and construct
16. Transportation	-	Upgrade
17. I.T. System	-	Upgrade

18. Air-condition System	-	Upgrade
19. Fire, Health and Safety Systems	-	Upgrade
20. Security System (Maximum Security)	-	Upgrade
21. Maintenance System	-	Establishment
22. Vocational/Technical Facilities	-	Equip
23. Radio/Television System	-	Acquire/Install
24. ERU	-	Design and Construct
25. Conference Room	-	Design and Construct
26. Welfare	-	Design and Construct
27. Reception	-	Upgrade and equip
28. Photography	-	Upgrade
29. Warrants	-	Upgrade
30. Stores	-	Upgrade
31. Property Room	-	Upgrade and expand
32. Teaching /Training Aids	-	Acquire

## **Golden Grove Prison**

1. Inmate's Dormitories	-	Reconstruct
2. Vocational Building	-	Reconstruct
3. Food Services	-	Reconstruct
4. Officers Dormitory	-	Refurbish and, Expand
5. Infirmary	-	Refurbish
6. Garage	-	Upgrade
7. Convocation Building	-	Construct
8. Educational Building	-	Construct
9. Agricultural	-	Refurbish, and Upgrade
10. Recreational/ Cultural	-	Refurbish/ Reconstruct
11. Modern Security Equipment (Med Sec.)	-	Reconstruct
12. Laundry Facilities	-	New Building
13. Administration Building	-	Reconstruct
14. Visit Room	-	Reconstruct
15. Electrical	-	Upgrade
16. Telephone	-	Upgrade
17. Water System	-	Reconstruct
18. Sewer System	-	Reconstruct
19. Road Surface	-	Refurbish
20. I.T. System	-	Upgrade
21. Transport System	-	Upgrade
22. Air-condition System	-	Upgrade
23. Stores	-	Upgrade
24. Pen area	-	Upgrade

25. Fire, Health and Safety System	-	Upgrade
26. Maintenance System	-	Establish

### **Complex At Old Youth Training Centre site**

1. New Training Facility (Academy)	-	Construct and equip
2. Discipline	-	Construct and equip
3. Training Research Unit	-	Construct and equip
4. Psychiatric Unit	-	Construct and Equip
5. Training Academy	-	Construct and Equip
6. Discipline Unit	-	Construct and Equip
7. Tribunal Unit	-	Construct and Equip
8. Music Band Facility	-	Construct and Equip

### **Establishment Of The Department Of Corrections**

#### **Department of Corrections**

i. Head Quarters	- Construct and Equip
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#### **Probation**

i. Head quarters	- Construct and Equip
ii. At all Prison Establishment	- Construct and Equip
iii. Probation Centers (Nation wide)	- Construct and Equip
iv. Existing Centers	- Upgrade

#### **Parole**

i. Head quarters	- Construct and Equip
ii. At all Prison Establishment	- Construct and Equip
iii. Centers (Nation wide)	- Construct and Equip

## Mediation Services

- i. Headquarters - Construct and Equip
- ii. At all Prison Establishment - Construct and Equip
- iii. Centers (Nation wide) - Construct and Equip
- iv. Existing Centers - Upgrade

## Juvenile centers (Male/ Female)

- i. Reception Centers -Construct and Equip
- ii. Psychiatric Units - Construct and Equip

## Prison Department

- i. Head Quarters - Construct and Equip
- ii. Psychiatric Unit - Construct and Equip
- iii. Reception Center - Construct and Equip

## ESTIMATED COST AND BUDGET

### PROGRAMMES & TRANSFORMATION ACTIVITIES

ACTIVITY / PROJECT	OBJECTIVES	REQUIREMENTS	PRELIMINARY BUDGET (\$M)	TIME FRAME
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ACTIVITY / PROJECT	OBJECTIVES	REQUIREMENTS	PRELIMINARY BUDGET (\$M)	TIME FRAME
<b>ESTABLISH RESTORATIVE JUSTICE SYSTEM</b>				
Start-up of Restorative Justice Centre	<ul style="list-style-type: none"> <li><b>transform and modernize the existing prison system</b></li> </ul>	<ul style="list-style-type: none"> <li>obtain office space by rental in the first instance</li> <li>train members of Prison Task Force</li> <li><b>research, design and develop new prison programmes</b></li> <li><b>hire staff</b></li> <li><b>outfit with furniture &amp; equipment</b></li> </ul>	0.72	6 months
Setup Committees & Sub-Committees	<ul style="list-style-type: none"> <li>to advise and guide the Ministry of National Security on the Restorative Justice systems as set out by the Prison Task Force</li> </ul>	<ul style="list-style-type: none"> <li>obtain funding for support staff</li> <li>office space and meeting venues</li> <li>outfitting with furniture and equipment including computers</li> <li>access to funding for running costs</li> </ul>	0.3	3 months
Research and Training	<ul style="list-style-type: none"> <li>transformation of staff to apply Restorative Justice Systems &amp; Corrections</li> </ul>	<ul style="list-style-type: none"> <li>design and develop training programmes</li> <li>training of Trainers</li> <li>training of Prison staff</li> </ul>	0.47	12 months
Correctional Education Programmes & Services	<ul style="list-style-type: none"> <li>inform general public on transformation</li> <li>institute programmes to include Prison staff</li> </ul>	<ul style="list-style-type: none"> <li>hold conference at National level</li> <li>education programme</li> <li>training in Restorative Justice locally and overseas</li> </ul>	0.5	12 months
Community based Correction Programmes	<ul style="list-style-type: none"> <li>foster community participation in rehabilitation of inmates</li> <li>targeting of non-violent offenders</li> </ul>	<ul style="list-style-type: none"> <li>use of programmes in probation, parole, community mediation, work release, education, house arrest, community service etc.</li> </ul>	3.25	24 months
Establishment of an Implementation Unit	<ul style="list-style-type: none"> <li>to implement Prison Task Force recommendations</li> <li>to liaise with the Ministry of National Security, Task Force on Prison Reform and other related Ministries</li> </ul>	<ul style="list-style-type: none"> <li>office space</li> <li>furniture and equipment</li> <li>vehicles for transportation</li> <li>staffing with Project Management personnel and experts in the Social Sector</li> <li>procurement for contracts and training to conduct Prison Task</li> </ul>	4.0 (1 <sup>st</sup> year startup costs)	5 years or duration of project

ACTIVITY / PROJECT	OBJECTIVES	REQUIREMENTS	PRELIMINARY BUDGET (\$M)	TIME FRAME
		Force programmes		
<b>VEHICLE FLEET MANAGEMENT</b>	<ul style="list-style-type: none"> <li>to improve efficiency of fleet management and maintenance</li> </ul>	<ul style="list-style-type: none"> <li>implementation of the Fleet Management Policy developed by the Garage Review Committee of the Prison service</li> </ul>		
		<b>SUB-TOTAL=</b>		

### **INFRASTRUCTURE IMPROVEMENTS & FACILITY UPGRADE**

ACTIVITY / PROJECT	OBJECTIVES	REQUIREMENTS	PRELIMINARY BUDGET (\$M)	TIME FRAME
GOLDEN GROVE PRISON IMPROVEMENTS				
Prison Industry Building	<ul style="list-style-type: none"> <li>productive occupation of inmates</li> <li>income generating activities</li> </ul>	<ul style="list-style-type: none"> <li>construct new factory shell</li> <li>provide equipment</li> <li>increase and train staff</li> </ul>	3.5	12 months
Administration Building	<ul style="list-style-type: none"> <li>improve accommodation of staff</li> <li>modernize operations</li> </ul>	<ul style="list-style-type: none"> <li>reconstruction of building</li> <li>outfitting and equipment</li> </ul>	5.0	14 months
Inmate Dormitories	<ul style="list-style-type: none"> <li>improve accommodation of inmates</li> <li>improve security</li> </ul>	<ul style="list-style-type: none"> <li>reconstruction of 14 buildings</li> <li>furniture and outfitting</li> </ul>	60.0	18 months
Workshop	<ul style="list-style-type: none"> <li>provide a purpose built workshop</li> <li>teach trades / skills to inmates</li> </ul>	<ul style="list-style-type: none"> <li>reconstruct building</li> <li>provide equipment</li> <li>retain and train suitable staff</li> </ul>	7.5	10 months
Visit Room	<ul style="list-style-type: none"> <li><b>expand visitor facilities</b></li> <li><b>improve security</b></li> </ul>	<ul style="list-style-type: none"> <li>construct buildings</li> <li>outfitting and equipment</li> <li>increase staffing</li> </ul>	1.5	8 months
Upgrade of Infrastructure	<ul style="list-style-type: none"> <li>provide standby electricity</li> <li>increase electrical capacity</li> <li>increase water storage capacity</li> <li>improve sewage treatment plants</li> </ul>	<ul style="list-style-type: none"> <li>conduct surveys</li> <li>land use planning</li> <li>assess future expansion of Prison</li> <li>implement upgrades</li> </ul>	11.5	18 months
Expansion of the Officers Dormitory	<ul style="list-style-type: none"> <li>upgrade staff</li> </ul>	<ul style="list-style-type: none"> <li>construct addition to</li> </ul>	2.1	12 months

ACTIVITY / PROJECT	OBJECTIVES	REQUIREMENTS	PRELIMINARY BUDGET (\$M)	TIME FRAME
	<ul style="list-style-type: none"> <li>• accommodation</li> <li>• increase staff capacity</li> </ul>	<ul style="list-style-type: none"> <li>• building</li> <li>• outfitting and furniture</li> </ul>		
Prison Training College	<ul style="list-style-type: none"> <li>• provide a purpose-built training college</li> <li>• increase staff training capacity</li> </ul>	<ul style="list-style-type: none"> <li>• construct a new building</li> <li>• outfitting and equipment</li> <li>• training of trainers</li> </ul>	12.5	15 months
Women's Prison	<ul style="list-style-type: none"> <li>• provide special needs for mothers</li> <li>• support inmate-family issues</li> </ul>	<ul style="list-style-type: none"> <li>• provide a nursery for inmate mothers</li> <li>• outfitting and equipment</li> <li>• staff training</li> </ul>	0.3	3 months
Remand Prison	<ul style="list-style-type: none"> <li>• <b>increase capacity of inmate population</b></li> <li>• <b>alleviate overcrowding</b></li> <li>• <b>improve staff accommodation</b></li> </ul>	<ul style="list-style-type: none"> <li>• expand building</li> <li>• refurbish existing facilities</li> <li>• increase staff</li> </ul>	15.0	18 months
<b>PORT OF SPAIN PRISON</b>	<ul style="list-style-type: none"> <li>• upgrade buildings and facilities</li> <li>• improve visitor facilities</li> <li>• increase security</li> </ul>	<ul style="list-style-type: none"> <li>• refurbish buildings</li> <li>• reconstruct buildings</li> <li>• outfitting and equipment</li> </ul>	10.0	15 months
CARRERA CONVICT PRISON	<ul style="list-style-type: none"> <li>• improve conditions</li> <li>• upgrade inmate training &amp; activities</li> </ul>	<ul style="list-style-type: none"> <li>• construct workshop, school</li> <li>• upgrade offices and staff accommodation</li> </ul>	3.6	10 months
<b>YOUTH TRAINING CENTRE, GOLDEN GROVE</b>	<ul style="list-style-type: none"> <li>• refurbish and upgrade facilities</li> <li>• improve conditions for young offenders</li> </ul>	<ul style="list-style-type: none"> <li>• refurbish buildings</li> <li>• re-outfit / replace equipment</li> <li>• increase technical training staff</li> </ul>	13.0	10 months
<b>PRISONS ADMINISTRATION BUILDING</b>	<ul style="list-style-type: none"> <li>• upgrade Prison Executive Offices</li> <li>• improve operations</li> <li>• save recurrent expenditure (rental)</li> </ul>	<ul style="list-style-type: none"> <li>• construct a new building</li> <li>• outfitting and equipment</li> </ul>	5.5	12 months
<b>TOBAGO PRISON</b>	<ul style="list-style-type: none"> <li>• replace dilapidated building</li> <li>• alleviate overcrowding</li> <li>• reduce expense &amp; hardship of inmate families</li> </ul>	<ul style="list-style-type: none"> <li>• construct a new prison complex</li> <li>• increase staffing</li> </ul>	75.0	20 months

ACTIVITY / PROJECT	OBJECTIVES	REQUIREMENTS	PRELIMINARY BUDGET (\$M)	TIME FRAME
MAXIMUM SECURITY PRISON	<ul style="list-style-type: none"> <li>upgrade and improve systems</li> <li>improve technology</li> </ul>	<ul style="list-style-type: none"> <li>upgrade water &amp; sewage facilities</li> <li>upgrade electronic security systems</li> <li>complete outfitting of facility</li> </ul>	10.0	12 months
RESTORITIVE JUSTICE COMPLEX	<ul style="list-style-type: none"> <li>provide accommodation for new Restorative Staff</li> <li>improve Prison Administration</li> </ul>	<ul style="list-style-type: none"> <li>construct or rent building</li> <li>outfitting and equipment</li> <li>new staffing</li> </ul>	24.5	18 months
ESTABLISH DEPARTMENT OF CORRECTIONS	<ul style="list-style-type: none"> <li>provide accommodation for new Departments</li> <li>improve Prison Administration</li> </ul>	<ul style="list-style-type: none"> <li>construct buildings nationwide for Probation Centers, Parole Centers, Adult Mediation Centers, Juvenile Mediation Centers</li> <li>outfitting and equipment for facilities</li> <li>provide staffing</li> </ul>	30	24 months
		<b>SUB-TOTAL=</b>		

**N.B.** The Budget and Time Frames listed above are preliminary and are to be used as a guide only. These estimates would be finalized after a detailed needs assessment and project scope formulation for each project/activity

## **FURTHER LEGISLATIVE INITIATIVES**

The First Report recommended changes in existing legislation and the introduction of new legislative measures to address specific areas in law as they relate to the Prison Service. In order to transform the Prison Service, there is a need to examine the legal framework.

Attention should be given to the preparation of legislation relating to the following:

### **The Children's Authority Act**

The Task Force examined the Children's Authority Act No. 64 of 2000 and is of the opinion that for this authority to function effectively their powers and functions as stated under section 5 should be mandatory and not discretionary.

### **The Young (Male) Offenders Detention Regulations**

Recent Draft amendments to the 1838 [Revised 1950], prison Rules namely, the Prison [Amendment] Rules 2000, addressed the question of corporal punishment of prisoners under the age of eighteen years.

However, the question of corporal punishment of Young Offenders at the youth Training Centre has not been addressed. Section 64 of the Young Offenders [Male] Detention Regulations Chapter 13:05 states:

“ Punishment may be awarded by the Inspector,  
Commissioner or Assistant Commissioner of Prisons  
as set out in Schedule” ‘3’

Schedule 3 outlines the maximum punishment awarded by the Assistant Commissioner of the Young Offenders Detention Institution [9 strokes with the rod], the Commissioner of Prisons [14 strokes] and the Inspector of Prisons [18 strokes]. However, our research reveals that this form of punishment is rarely administered if at all. The Task Force recommends that an amendment to the regulations be prepared to abolish corporal punishment of young offenders. This Amendment would comply with our obligations under the United Nations Convention on the Rights of the Child, and also make the law reflect the philosophy and principles of Restorative Justice.

The Task Force received submissions in respect of young male offenders who retain a record of conviction after discharge from the Youth Training Centre. The Task Force recommends

that such records of conviction be expunged on the completion of the offenders' term of training.

It was further observed that the Young Offenders Detention Act Chap. 13:05 governs the detention of young male offenders to the exclusion of females. There is no corresponding legislation, which addresses the detention of young female offenders. This has resulted in the unsatisfactory practice of committing young female offenders to the Women's Prison.

It is recommended that the Young Offenders Detention Act be amended so as to provide for the detention of Young Female Offenders who should also have the record of their convictions expunged on completion of their term of training at a Female Youth Facility.

## **The Mediation Act**

The Task Force acknowledges the concerns that have been expressed in the Report entitled “National Consultation on Mediation”<sup>1</sup> concerning the constitutionality of this Act. The Report stated:

“Mediation under the Community Mediation Act may be unconstitutional because in its attempt to divert criminal matters away from summary trials, the Act trespasses on the constitutional powers of the Director of Public Prosecutions. This is so because the Act purports to give a Magistrate the power to determine criminal proceedings without the consideration of the evidence... Mediation in respect of criminal matters must take place against the backdrop of Section 90[3] [4] and [5] which provides that the Director of Public Prosecutions has the power to institute and undertake criminal proceedings against any person before any court in respect of any offence against the law of Trinidad and Tobago, and to take over, or discontinue proceedings, Section 7 of the Act provides mechanism whereby the complaint is diverted away from the Court.”

Another area of concern that was raised related to Section 12[2], which provides that when the Magistrate receives the Probation Officer's Report, the Court may then record that the complaint has been determined by mediation. It was argued that this section appears to take away the rights of the Director of Public prosecution to relay the complaint if he thinks it fit to do so, and is inconsistent with Section 90 [5] of the Constitution in that it takes away the rights of the Director to appeal the Magistrate's order. It was further expressed that the Act was not passed with the required majority.

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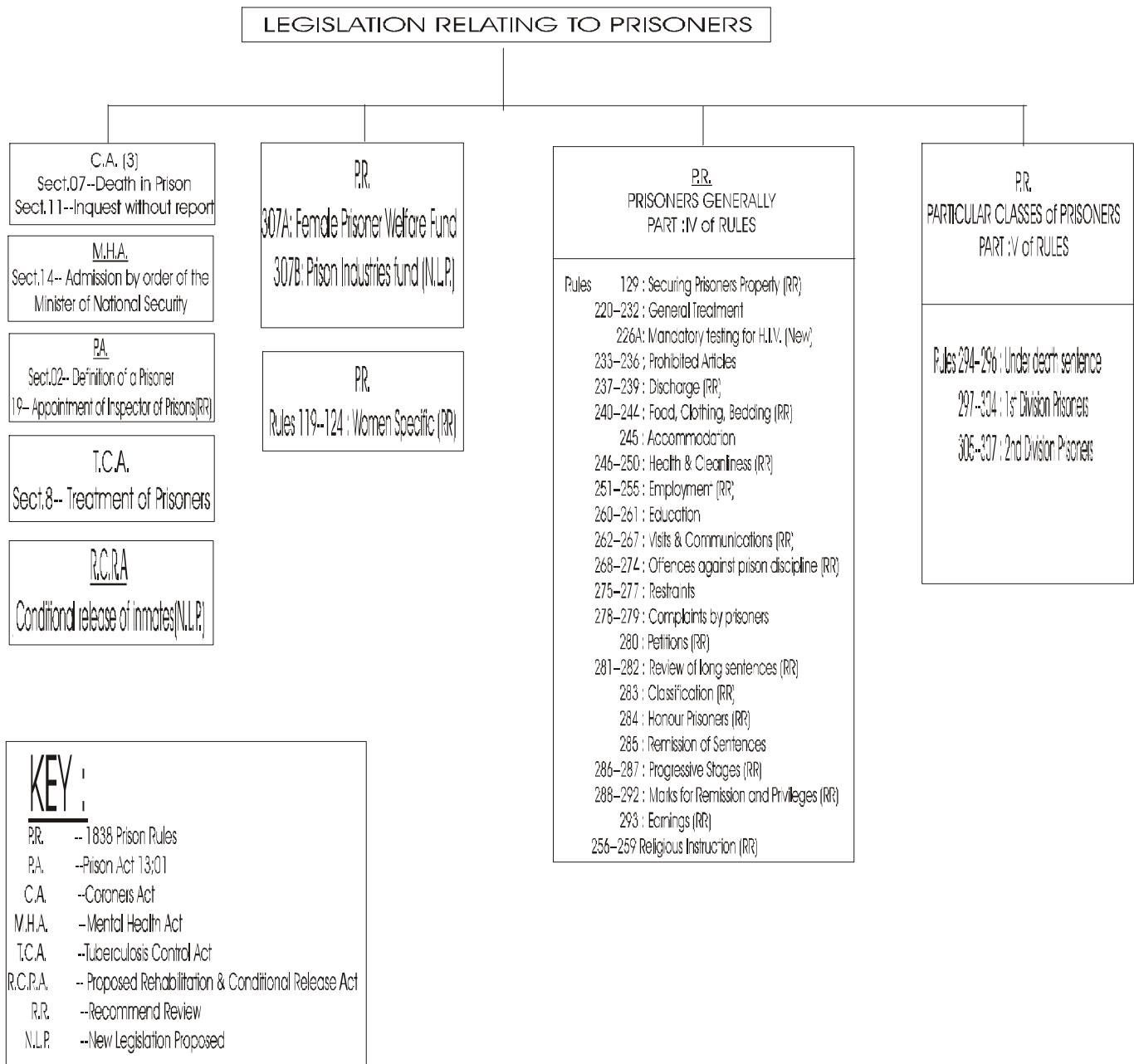
<sup>1</sup> Unpublished report entitled ‘National Consultation on Mediation – Shaping – National Mediation Policy.2002

The Task Force is of the view that these areas of concern must be addressed to ensure a seamless dispensation of justice as well as the promotion of social justice by allowing those cases that can be diverted from the Courts to mediation so to do.

The Task Force also examined the legislation directly related to the prison system and found that it is imperative that the draft Prison Service Regulations be finalized and implemented. Legislative controls relating to officials or personnel listed hereunder should be reviewed. These include inter alia: -

- Ø Inspector of Prison,
- Ø Prison Chaplains and Ministers
- Ø Official visitors to the prison
- Ø The Ombudsman
- Ø Volunteers
- Ø Prison Medical Officer

Legislation relating to prisoners is outlined in the chart below.



The main issues include but are not limited to:

- Ø The creation of legislation to provide for the conditional release of prisoners;
- Ø The creation of legislation to provide for the mandatory testing of prisoners for HIV/AIDS, S.T.D.'s and other communicable diseases such as Tuberculosis and hepatitis
- Ø The creation of legislation to provide for a Prison Industries Fund.

## **RECOMMENDATIONS**

1. There is an immediate need for the acceptance of the proposed Criminal Justice System Philosophy and Penal Policy.
2. A new Correctional Rehabilitation Model geared towards providing opportunities for individuals to change themselves in an environment that is “open and accountable” is necessary.
3. There needs to be a classification/reclassification of categories of inmates and institutions so as to have specialization of facilities for inmates requiring distinctly different treatment or management approaches.
4. The name of the institution should be changed from Prisons to Correctional Facilities thereby facilitating Prison Officers to become Correction Officers in keeping with the habilitation and rehabilitation mandate of their mission statement.
5. A Restorative Justice Centre should be established
6. All areas dealing with corrections should be grouped together into a Department of Corrections or a Ministry of Corrections
7. Best practice of constructive regimes must be emphasized, expanded and directed to the practical realities of the prisoners’ post release situations.
8. Prison Industries must be set up and made to occupy a central space in the revenue earning capacity of the Prison System.
9. A Cognitive Development Programme needs to be developed and expanded to encourage offenders to develop the power of thought and analysis which will enable them to make moral distinction among the kinds of basic premises upon which thought and action are based.
10. There should be the development and implementation of a strategy to maximize and manage the contribution of the voluntary and community sectors.
11. Appropriate mechanisms must be in place to encourage inmates to maintain family and community ties and avail themselves of rehabilitative activities.

12. Measures should be put in place to ensure that inmates gain access to essential and non-essential professional mental health services.
13. Policy must be implemented to ensure recognition of the spiritual dimension of life by actively encouraging inmates to express their spirituality and practise their religion when this does not affect the good order of the institution.
14. There should be the introduction of Procedural Safeguards, which relate to justice within the Prison System, thereby imposing on each member of staff the duty to act fairly. These safeguards include the following:
  - i) Consideration of an independent Chairperson to preside over disciplinary hearings in penal institutions.
  - ii) Establishment of an Administrative Segregation Review Process to ensure fairness in segregation procedures.
  - iii) Redefining and Standardizing policies and procedures for the administration and management of the Trinidad and Tobago Prison Service.
  - iv) Appointment of a Prison Ombudsman or Prison Investigator.
  - v) Establishment of a formal inmate grievance procedure.
  - vi) Establishment of an accreditation system for the Trinidad and Tobago Prison Service.
  - vii) Establishment of an Inspector General's Branch
  - viii) Development of a Citizens' Advisory Committee in all facilities of the Trinidad and Tobago Prison Service.
  - ix) Production of an inmates' handbook outlining Prison rules, regulations and the inmates' rights.
15. The approach of the Trinidad and Tobago Prison Service for the future should be one of specialization/zoning of facilities, which relates to the recognition of differences among categories of inmates.

16. There should be immediate major reforms within the Prison Service aimed at minimizing the increase in litigation being brought against the State by representatives of staff and inmates.
17. In keeping with the Prison transformation thrust, employee behaviour needs to be appropriately shaped through the processes of training, communication and motivation.
18. A Human Resource Department should be established within the Prison System.
19. There is need to establish within the Trinidad and Tobago Prison Service a set of meaningful ethical standards which will demonstrate that members of this profession recognize the importance of their role in the Criminal Justice System.
20. Legislation should be drafted to provide for mandatory testing for HIV/AIDS and other communicable diseases.
21. Priority should be given to the drafting of legislation to provide for the introduction of a Parole System.
22. A Parole Introduction Committee should be appointed.
23. Legislation for the management of Youth Justice should be reviewed to incorporate the principles of restorative justice.
24. Facilities for young female offenders should be established.
25. There should be an expansion of community mediation in communities and within the Prison.
26. Priority should be given to the construction of a Correctional Complex in Tobago.
27. Priority should also be given to the maintenance and refurbishment of existing prison facilities.
28. Ministry of Education should take increased responsibility for educational needs of inmates within Prisons.

29. There should be greater interaction between the Ministry of National Security and the Ministry of Health in relation to health care in prison with particular reference securing and training of appropriate health care staff.
30. Representatives of the Ministry of Social Development, Ministry of Sports, Social Service Delivery, Community Development and other relevant ministries should comprise a committee to deliver integrated services to prisons and community corrections programmes.
31. Introduce by way of an act of Parliament a Victim Charter that would outline all the services and initiatives provided at the various points of interaction between the victim and criminal justice agencies. All options available to them should be included in terms of compensation, mediation, and reparation. The Committee acknowledges that without Victim Corporation in the process of the Criminal Justice System crime would remain unknown and unreported distorted official figure of the volume distribution and extent of crime.

# **CONCLUSION**

## **The new direction**

It is noted that crime is a social and economic phenomenon that adversely affects the entire society, as such government need to take every opportunity to control this running away animal. The central feature of the new direction is the adoption of the Restorative Justice Crime Policy. This strategic direction would form the framework of policy considerations for the various subsystems of the Department of Corrections. The Restorative Justice approach is one, which attempts to incorporate all stakeholders in the control of crime. This approach encourages and facilitates restoration of the relationships between offenders, victims and the community, thereby increasing and improving the likelihood of effective reintegration of offenders and reduces adverse effects of excessive contact with the Criminal Justice System.

This approach is about identifying and effectively managing delinquent behavior, utilizing more cost effective forms of custody and control of offenders, and new technology to identify and classify risk. The new controls recommended are anchored in our aspiration to effectively rehabilitate, reintegrate, retrain, resocialize, and provide employment for the offender as well as restoring stability in the society. The strategies outlined for the correctional practice in Trinidad and Tobago presents a clear “custodial continuum,” sorting individuals into groups according to the degree of control warranted by their profile.

This continuum promotes continual progress monitoring, effective case management of offenders, statistical analysis and fact-based decision-making on behalf of managers of the respective departments of the Ministry of National Security/Rehabilitation and the courts.

The Task Force observes the trend of imprisonment over the past twenty years and identified a significant increase in the number of people incarcerated resulting in severe overcrowding and other significant management problems for the Trinidad and Tobago Prison Service. This new direction is geared towards Trinidad and Tobago's fulfilling the requirements of the United Nations Standards for the Treatment of Prisoners and Young People and other relevant Human Rights conventions assented to by the Government of Trinidad and Tobago.

### **Commitment needed for success of new direction**

The new strategic direction advocated by the Task Force is primarily based on an assumption that Government would commit finance, time and other resources to the strategies based on an understanding of two significant principles: -

- Ø That the inmate is always a citizen who, sooner or later, in most instances, would return to normal life in society and as such is basically entitled to have human dignity, of course, but also his rights as a citizen respected to the largest possible extent.
- Ø That in order for rehabilitation and reintegration of offenders to take place the department of rehabilitation must take advantage of the participation of all stakeholders, both internal and external to the various institutions within the department of Corrections, so as to have within the penal institution a way of life that is similar as possible to the normal life and conditions of citizens in the wider society.

With the adoption of such principles, the committee hopes to change the nation's penal environment from the tense setting that currently exist which is the result of fragmentation, useless coercion, obsolete and outdated policies, to an environment and atmosphere that is more conducive for effective rehabilitation and reintegration.

Commitment to the strategies outlined in this report would manifest in change occurring within the various department on seven levels.

- i. **Structure** -All departments would be required to reengineer their structures to facilitate achievement of objectives. The Task Force conducted preliminary analysis of the existing structures of the departments with an aim to recommend more flexible, innovative structures, which would enable effective fulfillment of objectives. The structures outlined in this paper requires a highly integrative rather than fragmented system in the Criminal Justice System.
- ii. **Systems** - the Task Force recommends that all departments review their management systems in terms of their policies and procedures for getting things done as a matter of priority. Current systems need to evolve into instruments that would encourage continuity, consistency, and continual improvement based on a result-oriented focus.
- iii. **Leadership Style** - The task Force note that the effective delivery of these strategies requires visionary, innovative, situational leadership style. Department managers must now acquire certain core competencies as alluded to earlier within this report, to fulfill the requirements of their respective institutions. The leadership style requires a move from the currently autocratic and heavily bureaucratic system to a more empowered, flexible, innovative, team oriented style.
- iv. **Staff** - The Staff of the various departments need to be aware of and be able to achieve the various objectives of their department. Therefore their strengths and weaknesses must be identified and appropriate measures introduced to ensure that gaps are satisfied between current attributes and required attributes to improve chances of objectives fulfillment.

v. **Culture** - The Task Force notes that a cultural change is required. There is therefore the need to conduct more in depth assessment of the culture of the various departments within and without the organizations. The committee has suggested an approach that is driven by integration of systems, effective communication between departments, staff awareness envisioning, training, retraining, education, empowerment, and involvement of employees as the fuel in the engine of change.

vi. **Knowledge, Skills and Ability of Staff**- The adoption of the proposal necessitates that new knowledge, skills, and ability of staff of the various departments is required to be effective. Reiterating the need for continual training, retraining, and education of employees. Leaders of the various departments must transform their organizations into learning organizations. Therefore, all subsystems within the department of Corrections should be committed to the training and development of the knowledge, skills and ability of their staff and volunteers.

## **New Measures**

### **Substantive changes: -**

A number of measures are therefore needed to bring about such an atmosphere. The Task Force recommended several measures that would improve the services and processes of the various departments. These measure include but are not limited to improvements in the following areas: -

- i) Visits System of the Prison.
- ii) Correspondence/letters written by inmates
- iii) Medical Services offered to offenders and staff
- iv) The Performance Management Systems for staff.
- v) Volunteer Management

- vi) Food preparation and system for serving and consumption of meals
- vii) Work Programme within the community for inmates.
- viii) Inmates' accommodation
- ix) Programmes for Rehabilitation
- x) Inmates earning scheme
- xi) Statutory remission system
- xii) Welfare Services for inmates
- xiii) Inmates' Incentive programmes.
- xiv) Community mediation
- xv) Probation Services
- xvi) After Care Services
- xvii) Chaplaincy Services

## **Procedural Changes**

This heading relates to the evolving impact of the rule of law on the Prison System. It addresses the human rights of Prisoners. Careful consideration has to be given to the ways in which their rights as mandated by law and international conventions to which the Trinidad and Tobago Government are signatories, for example The United Nations – Standard Minimum rules for the treatment of offenders must be observed.

The Task Force wishes to reiterate the recommendations of the first report relating to procedural changes and reinforces the critical need for the implementation of the following measures within the system as a matter of priority.

- i) A system of justice that protects the victim and also punishes the transgressor that is to say the adoption and commitment to the recommended Restorative Justice philosophy;

- ii) A system of justice that provides a rationale for ordering the Prison community according to clearly outlined standards and rules that is to say the policies and procedure that govern the prison service promote the ideals of Natural Justice giving offender a fair opportunity to answer charges brought against them by prison officers in front of an independent tribunal;
- iii) A system of justice manifested by fair and impartial procedures that are strictly observed;
- iv) A system of justice that proceeds from rules that cannot be avoided at will;
- v) A system of justice to which all are subject without fear or favour.

Within the Trinidad and Tobago Prison Service some of these constituents of justice do not exist, while others exist to some degree. However, the Task Force recognizes that there is the need to combine administrative authority with the rule of law in the management of the Correctional Services in order for strong correctional practices to exist for the protection of society. The restorative vision is one, which requires an active commitment by government.

Among the most urgent of the presented strategies are: -

- Ø The implementation of the parole system,
- Ø Establishment of probation and mediation departments in prison
- Ø Appointment of Correctional investigators in the office of the ombudsman,
- Ø Upgrade of child and family support programmes
- Ø Upgrade to the victim support strategies
- Ø Development of the youth intervention strategy that focuses on providing tangible opportunities and
- Ø The development of a sentencing policy that encourages diversion strategies and more a ‘user friendly’ approach to drug prevention and treatment

Significant procedural safeguards: -

The strategy for ensuring the effective implementation of the procedural changes requires that: -

- i) Consideration is given to the appointment of an independent Chairperson to preside over disciplinary hearings in penal institutions.
- ii) Establishment of an Administrative Segregation Review Process to ensure fairness in segregation procedures.
- iii) Redefining and Standardizing policies and procedures for the administration and management of the Trinidad and Tobago Prison Service. Please refer to the section that deals with Management and Administration of the Prison System
- iv) Appointment of a Prison Ombudsman or Prison Investigator.
- v) Establishment of a formal inmate grievance procedure.
- vi) Establishment of an accreditation system for the Trinidad and Tobago Prison Service
- vii) Establishment of an Inspector General's Branch
- viii) Development of a Citizens' Advisory Committee in all facilities of the Trinidad and Tobago Prison Service.
- ix) Production of an inmates' handbook outlining the inmates' rights

## **External Relations**

In an effort to achieve openness of the System, Trinidad and Tobago Prison Service needs to become formally involved in joint venture and network initiatives with Non Government Organizations and Community Based Organizations at the level of "fee for Service" contract. A commitment must be made by the Trinidad and Tobago Prison Service to increase the use of Non-Governmental Organizations in correction-related services. If there is to be the establishment of a parole system in Trinidad and Tobago, contracts for accommodation of

inmates should be entered into with voluntary residential service agencies, for inmates in community-based residential centres or halfway houses. Additionally, the Trinidad and Tobago Prison Service must become more receptive to the participation of citizen volunteers, N.G.O's. and C.B.O's., in the inmate programme.

## **Classification And Management Of Inmates/ Zoning of Inmates**

This must be a major aspect of the transformation of the Trinidad and Tobago Prison Service. The committee identified that special consideration must be given to inmates who require special management for treatment or security purposes. Categories of such inmates include but not limited to: -

1. Young Offenders
2. Female inmates
3. The “Particularly Dangerous” inmates
4. Inmates requiring protection
5. Mentally disabled inmates
6. Long term inmates
7. Aged inmates
8. Sex offenders
9. Drug addicts
10. Inmates under the sentence of death
11. Remanded Inmates

As identified throughout this report organizational change within the Department of Corrections in Trinidad and Tobago would be required to deal with these categories of offenders.

In summary, the strategies outline provides a real opportunity for the Government and penal departments to contribute towards the crime control, management and prevention in a more significant way. This paper highlights Diverse approaches to the fight against crime, and promotes crime prevention, effective intervention and the development of “win-win” solutions for all stakeholders.

The members of the Task force takes this opportunity to thank the Government of Trinidad and Tobago for the opportunity to make this contribution towards the management, control and prevention of crime in the society. Placing emphasis on diversion measures, classification, intervention, case management, increased correctional programming, revenue earning, effective reintegration, and restoration of relationships between victims, offenders and the society. We hope that the content of this report reflects the wider view of the stakeholders involved and meets with your criteria for approval and implementation.

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PRISONS ACT Chapter 13:01, 13:02

YOUNG OFFENDERS DETENTION ACT. Chapter 13:05

MENTAL HEALTH ACT Chapter 28:02

TUBERCULOSIS CONTROL ACT Chapter 28:51

CORONERS ACT Chapter 6:04

## **IMPORTANT TERMS AND DEFINITIONS**

**Accreditation** is Certification by a duly recognized body of the facilities' capability, objectivity, competence and integrity of an agency, service, or operational group or individual to provide the specific service and operation needed.

**Audits** is a systematic, independent examination and review to determine whether quality activities and related results comply with planned arrangements are implemented effectively and are suitable to achieve objectives

**Certification** is the result of meeting established criteria set by an accrediting or certificate granting organization

**Classification** refers to the process of separating one category of inmate from the next in today's institution with the development of the Objective Classification system of placing inmates into high, medium and low risk. Classification is the core of the processes of Security and Treatment of offenders.

**Community Corrections Centre:** Any building, enclosure or place established to meet the statutory requirements for the supervision of persons who are under a legal supervision, development or work order.

**Competent person** is a person who demonstrates ability to apply knowledge and skills and experience

**Correctional Programme:** Any disposition supervised or enforced by the Rehabilitation Department, including imprisonment and Community Corrections orders.

**Custom Work** Is defined as the production of goods or rendering services in response to a specific customer order and normally of non-recurring nature, institutional vocational workshops as part of the CEP/vocational/labour programme. All custom work shall be undertaken in accordance with the curriculum and meet training and development needs of the offender

**Day Parole:** Designed to assist the offender to prepare for full parole. Day parole may be granted for a period not exceeding six months, and may be continued for additional periods not exceeding six months each following reviews of the case by the Parole Board. While on day parole, an offender continues to live in or report to the prison

**Full Parole:** A full-time conditional release of an inmate. When paroled, an offender is allowed to serve the remainder of his/her sentence in the community, unless the conditions of release are not met or the board has reason to believe that the parolee is about to return to criminal activity or has actually committed a crime. In such circumstances, parole is suspended and may be revoked.

**Home Detention Order:** Any order requiring an offender to remain within the precincts of a specified residence during specified hours; and permitted absence from those precincts only during specified periods of specified purposes.

**Improvement** is the positive effect of a process-change effort.

**Leadership** is an essential part of any improvement effort. Today correctional leaders must establish a vision, communicate that vision to those in the organization and provide tools and knowledge necessary to accomplish the vision

**Programme** -Is defined as therapeutic intervention, employment or training or any combination thereof which promotes achievement of goals established in an individual correctional plan

**Prison:** Any building, enclosure or place usually declared to be a prison for the lawful custody of persons committed by lawful authority.

**Prisoner:** A person sentenced by the Court to a term of imprisonment; ordered by the court to be detained in a prison.

**Prison Officer:** An officer employed under the provisions of the Prison Service Act, and whose responsibility includes the Supervision of prisoners and the maintenance of the good order and security of a prison.

**Quality Assurance** refers to all planned and systematic activities implemented within the quality system that can be demonstrated to provide confidence in a product or service will fulfill requirements for quality.

**Quality Management System** refers to a formalized system that documents the structure, responsibilities and procedures required to achieve effective quality management

**Releasing Authority:** Any authority, including a Parole Board, empowered by the law of applicable jurisdiction to order the release of imprisoned prisoners before the completion of their sentence.

**Remand Prisoner:** Any person charged with a criminal offence who has been ordered by the Court to be detained in custody while awaiting trial or sentencing.

**Reintegration** refers to the inmate successful integration into the society after a term of imprisonment

**Restorative Justice** refers to a process of recuperation between victims of crime and the offenders with the view of aiding the reintegration process and healing the relationship of the victim and the offender.

**Restorative Justice Philosophy** refers to a philosophy that encourages integrative, flexible and innovative approaches to crime accommodating effective risk management of offenders.

**Restorative Justice Programme** is a systematic and coordinated programme aimed at facilitating the healing of relationships between offenders', society and victims to improve the offender chances for effective reintegration.

**Shared Responsibility** refers to the society, the community and the individual accepting the responsibility for the occurrence of crime and coming together to implement intervention strategies

**Supplier Management** refers to all the process put in place to provide confidence a supplier product or service will fulfill its customers' needs

**Progress Monitoring** refers to a proactive intervention, which encourages pro criminal behavior of inmates with the view of them, becoming law-abiding citizens. All intervention are focused on this objective

## **APPENDICES**

### **TRAINING CURRICULUM**

#### **Module I: Administration**

- a. Programme Introduction - recruits would be welcomed by appropriate officials and the Training College administrative personnel. Trainees will receive detailed orientation as to: -
  - i. Operating routine;
  - ii. Rules and Procedures
  - iii. Goals and Objectives
  - iv. Performance criteria of the basic recruit-training course.

All general administrative and registration requirements will be completed during this time.

- b. Note Taking and Study Habits – Recruits will be given instructions as to purpose, techniques, methods and organization of classroom notes. The Instructors will address: -
  - i. Notebook format and maintenance requirements;
  - ii. Course work requirements, e.g. Notebook maintenance.
- c. Evaluation and Critique - During the training programme, examinations will be employed to monitor retention and progress of Recruits. As such, adequate time must be given for review and critique of the various methods that will be used. The administration of evaluation, instructor rating and course administrative matters should be accomplished during this period.

#### **Module II: Introduction to the Criminal Justice System**

- A. Introduction to the Criminal Justice System – The major components of the Criminal Justice System will be presented, discussed and examined in basic detail: -
  - i. The role of the Criminal Justice System in a domestic society
  - ii. The general Organization
  - iii. Procedures
  - iv. Structures
  - v. The Role of the Courts
  - vi. The major philosophies of Prison and Penal Components.

Recruits will therefore receive an overview of the inception of corrections and explore the origins of ideas and philosophy now used in corrections.

### **Module III: Criminal Correctional Laws & Rules: Basic Laws & Legal Procedures**

A. Constitutional Law: Instruction will provide an understanding of the Trinidad and Tobago Constitution as a basis for the Criminal Justice System. It will include the constitutional basis for civil rights, civil liberties and rights of the accused.

B. Criminal Law: Instructions will cover the laws of Trinidad and Tobago relating to Criminal Acts, with emphasis on elements of: -

- i. Crime
- ii. Elements of Crime
- iii. The sections most frequently used

An overview of: -

- i. The basic concepts
- ii. Classes of Law
- iii. Classification of Criminal Offences
- iv. Definition of related terms will be given.

C. Civil and Criminal Liability: This section will provide trainees with an understanding of Civil and Criminal Liabilities, to which the Officer may be subject to in the performance of duties. Emphasis will be on: -

- i. Searches
- ii. Seizures
- iii. Other unlawful action, eg. – Excessive force; improper use of weapons.

D. Rules of Evidence: Rules of evidence, test of admissibility, including direct and circumstantial evidence, hearsay, confessions, documentary evidence, competency of witness, degrading and incriminating evidence, privileged and non-privileged communication will be provided.

E. The Legal Aspect Of Firearms: Recruits will be provided with explanation of: -

- i. Situations in which the use of firearms is warranted
- ii. The legal provisions for their use
- iii. Restriction imposed upon their use by the law
- iv. Court decisions and interpretation

The moral aspects of the use of firearms will be stressed.

**F. Courtroom Demeanor and Testifying:** Recruits will be taught how to be effective as a witness in court.

The topic includes: -

- i. Preparation for court
- ii. Conduct on the stand and while waiting to testify.

Instructors will cover use for field notes as reference and techniques helpful when being cross-examined. A court exercise demonstrating procedures and techniques covered in topic material will be conducted.

**G. Legal Aspects of Search and Seizures:** This area will cover: -

- i. The legal rights of inmates
- ii. The legal use of force/ the degree of force
- iii. The attitude of staff when types of search and places to be searched, will be emphasized.

**H. Legal Rights & Responsibilities of Inmates and Staff:** This area will centre on the legal rights and responsibilities of Prison Staff and inmates. Trainees will be provided with a foundation for understanding the general trends of Prison Law and its implications for the control and supervision of inmates. An understanding of the nature and basis of prisoners' rights will be discussed.

**I. Inmates' Disciplinary Procedures, Rules, and Regulations & Policies:** This area will provide instructors on law and court rulings that affect disciplinary procedures. Discussion will focus on understanding: -

- i. Preventative discipline
- ii. Disciplinary terms
- iii. Administrative confinement
- iv. Disciplinary confinement

Inmates' grievance procedures will also be discussed.

#### ***Module IV: Crime Investigation***

A. Report Writing - The mechanics of report writing will emphasize the -

- i. who
- ii. what
- iii. when
- iv. where
- v. why
- vi. action.

Instructions will cover the basic skills of writing: -

- i. Sentence construction
- ii. Punctuation
- iii. Capitalization
- iv. Spelling
- v. Parts of speech
- vi. Word usage

B. Collection, Identification and Preservation of Evidence: The proper handling of evidence from the time it is located, until it is offered in evidence at the trial, will be taught. Topics will include: -

- i. Laboratory processing of evidence
- ii. Role of the investigators in the process
- iii. Collection, preservation, identification and recording of evidence.

## SIGNATURES

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**Mr. Cipriani Baptiste (M.O.M.)**

Retired Commissioner of Prisons

**Committee Chairman**

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**Mr. Carlo Mc Honey**

Deputy Commissioner of Prisons

Representative of the Prison Service Administration

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**Mr. John Rougier**

Assistant Commissioner of Prisons

Representative of the First Division Association

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**Mr. Gordon Husbands**

Chief Prisons Chief Welfare Officer

Representative of the Prison Service Administration

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**Mrs. Catherine Ali**

Director of Mediation Services

Representative of Mediation Services

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**Mrs. Eunice Mc Donald-Grant**

Secretary Legal Commission

Office of the Attorney General

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**Mr. Carl Vallie**

Deputy Industrial Relation Officer

Representative of the Prison Officers Association “Second Division”

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**Mrs. Claudia Groome –Duke**

Director Of Social Services Tobago

Representative of the Tobago House of Assembly

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**Mr. Dennis Brown**

Research Officer Ministry of National Security

Representative of Ministry of National Security

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**Mrs. Stacey Parke**

Legal Advisor Ministry of National Security

Representative of the Ministry of National Security

---

**Mr. Heathcliff Renaud**

Assistant Chief Probation Officer

Representative of the Probation services

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**Bishop Calvin Bess**

Anglican Bishop

Representative of the IRO

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**Mrs. Brenda Sylvester- Thomas**

Administrative Officer

Committee Secretary

**Presented to the Honourable Minister of National Security and  
Rehabilitation on December ..... 2002.**