

TRINIDAD AND TOBAGO

Summary of some of the main challenges, Measures and best practices relative to Trinidad and Tobago Prison Service

*By Fize Khan
Assistant Superintendent of Prisons*

I. Prevention of Prison Violence

Prisons are not normal environments. They are, as Bottoms (1999) observed, not only total institution in the sense that they encompass inmates lives to an extent qualitatively greater than other social institutions (Goffman 1961), they are physical places (mostly surrounded by high walls) with a specific history and those that are designed to be places of punishment. Prison brings troubled human beings, often with a long history of violence as victim or offender, into confined spaces against their wills. These scarred individuals are brought into close contact with staff whom they greatly outnumber but who must on a daily basis maintain a peaceful and orderly routine. The wonder is that there is not more violence in prison.

A number of factors are found to be related found to be related to prison violence including pre-existing prisoner characteristics (e.g. Prisoner age, Gender, Religion, Ethnicity); structure of prison, architectural design, levels of security, management practices, e.g. staffing models, staff skill and training, prison culture and management styles, outside environmental influences (e.g. political pressures on prison administration) racial tension. In Trinidad and Tobago Prisons, most of the structures date back to the 19th century. Therefore, separation and control are challenging. However, three (3) facilities i.e. the Youth Training Centre, Maximum Security Prison and the Eastern Correctional and Restoration Centre which were constructed in recent time have assisted in alleviating some of the above mentioned restraints.

Other effective preventing strategies of prisons violence includes, improved surveillance of housing units by way of static and dynamic security, manipulation of prisoner privileges, supervision of both staff and inmates, offenders treatment and education programs and some social prevention programs. Overcrowding and prison size are contributing factors in prison violence in Trinidad and Tobago Prison, however with the construction of the Eastern Correctional and Rehabilitative Centre and the transferred of inmates in the existing prison facilities have assisted in reducing some of our overcrowding problems and have enable us to embark on a aggressive program of classification of inmates using the LS/CSM format. The increase use of single cell accommodation and separation of harden criminal from first time offenders and younger inmates from older ones have assisted us in reducing prison violence.

II. Disciplinary Regulations

The Public Service Commission has jurisdiction to exercise disciplinary control over public officers in the civil service, the Prison Service and Fire Service by virtue of section 121 of the Constitution of the Republic of Trinidad and Tobago. The procedure for exercising such disciplinary control is set out in Chapter VIII of the Public Service Commission Regulations. The procedure is normally initiated when the Commissioner of Prisons received a report on allegation of misconduct or indiscipline and he reports the matter to the Director of Personnel Administration for the information of the Commission and concurrently warns the officer in writing of the allegation. The Commissioner then appoints an Investigating Officer who would obtain statements from all parties concerned and submit a report to the Commission. The Commission would then lay disciplinary

charges if appropriate and would appoint a disciplinary tribunal to hear the evidence and find the facts. The Tribunal prepares a report which is submitted for the consideration of the Commission which then determines the matter and imposes such penalty as it considers fit. This procedure, while appropriate for more serious or complex acts of misconduct or indiscipline, has been found to be inefficient in dealing with minor infractions which can be determined speedily and with less formality. Consequently, on April 16, 1999, the Public Service Commission by Legal Notice No. 60 of 1999 delegated to the Commissioner of Prisons the authority to hear and determine specified acts of misconduct and indiscipline listed below. The Commissioner is thereby empowered to act as "one-man disciplinary tribunals" to hear and determine allegations of misconduct which are relatively minor in nature.

The procedure for the One Man Disciplinary Tribunal is outlined in Regulation 85 of the Public Service Commissions Regulations as amended by the Public Service Commission (Amendment) Regulations 1990.

The process begins when the Commissioner of Prisons receives a report of allegation of misconduct or indiscipline. He appoints an officer to enquire into the allegation, who, if required, prefers a disciplinary charge/s against the officer through the Commissioner of Prisons. The officer charged is then informed of the date, time and place on which the matter will be heard before a One Man Disciplinary Tribunal.

Accordingly, the Investigating Officer and the officer appointed to enquire into the allegation have very important roles in both of the procedures for disciplining officers of the Prison Service. The requirements for the Investigating Officer are clearly outlined in Regulation 90(3)-(5) of the Public Service Commissions Regulations, Chapter 1:01. However, the Regulations are silent on the procedure for the officer appointed to enquire into the allegation in delegated matters with respect to the conduct of the enquiry.

It should be noted that under the delegated authority the officer conducting the enquiry is required to charge the officer against whom the allegation has been made. The procedure for the Investigating Officer is outlined in Regulation 90 (3) - (5) of the Public Service Commission Regulations; Chapter 1:01.

Inmates Offences against Prison Disciplines

Every offence against prison discipline shall be reported forthwith, and shall be investigated not later than the following day unless that day is a Sunday or a public holiday. No report against a prisoner shall not be dealt with by any prison officer except the Commissioner, the Deputy Commissioner or a Prisons Superintendent. When a prisoner has been reported for an offence, the Commissioner of his Deputy, or a Prisons Superintendent, or a Chief Officer may order him to be kept apart from other prisoners pending adjudication. A prisoner shall, before a report is dealt with, be informed of the offence for which he has been reported and shall be given an opportunity of hearing the facts alleged against him and of being heard in his defense.

A prisoner shall be guilty of an offence against prison discipline if he: - disobeys any order of any prison officer or any prison rule. Treats with disrespect an officer or servant of the prison, or any person authorized to visit the prison. Is idle, careless, or negligent at work, or refuses to work. Swears, curses, or uses any abusive, insolent, threatening or other improper language. Is indecent in language, act or gesture. Commits any assault. The Commissioner may forthwith report the offence to the Inspector who shall as soon as possible enquire in the report (such enquiry may if he thinks is desirable be on oath) and make one or more of the following awards: Forfeiture of remission of sentence. Forfeiture or postponement of privileges. Cellular confinement on full diet and at work for such a period as may be necessary for the maintenance of good order and

discipline. Cellular confinement on Restricted Diet no. 2 and at work for a period not exceeding 42 days. Cellular confinement on Restricted Diet no. 1 for a period not exceeding 28 days.

III. Penitentiary Legislation and Public Policies

At present before our parliament are Laws to establish a Parole Board namely The Rehabilitation and conditional Release Act. The board would be an independent administrative tribunal with exclusive authority to grant, deny, cancel, terminate or revoke day parole or full parole. The board should also be empowered to make recommendation to the Advisory Committee on the Power of Pardon as outline in Section 87 (2) (a) of the Constitution of the Republic of Trinidad and Tobago. The Parole Board will promote and enhance public safety and protection through timely release and implementation of supervision, support and treatment for offenders returning to the community. The Chairman of the Parole will report to Parliament through the Minister of Justice. The function of the board are to accurately identify those offenders who will succeed in the community, conduct quality, case specific risk assessment and risk management based on informed decisions within its legislative frame work, enhance community supervision to ensure the timely and safe re-integration of offenders, 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, deals with all cases in a consistent and equitable manner within agreed time limits, ensure opportunities are taken to promote the role, purpose and achievement of the Board and also consider representation by prisoners who are recalled to prison. In order for this legislation to be successful there must be wide public education and buying by all stakeholders.

IV. Reform and Social Rehabilitation of Prisoners

The Corrections Department of the Prison Service has the responsibility for planning and execution of educational, cultural, sporting and faith based programs in the various institution. The Ministry of Science Technology and Tertiary Education who has partnered with the Prison Service also facilitates the rehabilitation of inmates through training and retraining. This is done through trade, information technology, life skills programs and faith based via the Council of Prison Chaplains and Ministries (COPCAM). These programs are design to keep inmates involved in their faith beliefs that they are accustomed to before they were convicted and incarcerated. The challenge facing inmates on their release are supervision an after care so as to reduce the instances of reoffending. It is the intention of the service to increase these after care centers to facilitate inmates in the long run to reduce overcrowding in our prisons.

V. Conditions of Detention

Having found that retributive system of justice did not benefit the offender, victim, society and studies by various theorist and philosopher found that it was necessary to deal with offending behaviors, the causes of offending criminogenic factors. The restorative justice provided an opportunity for victim/offender intervention. In the new restorative justice approval there is need to improve the living conditions of inmates so as to change their way of thinking. The Restorative Justice Approach adopted by the Trinidad and Tobago Prison Service has the tenants to reform inmates by suing five (5) strategic priorities namely, Correct, Protect, Restore, Relate, and Re-integrate.

VI. Selection and Training of Penitentiary Staff

In the recruitment process of the Prison Service these are the requirements: Males - between 19 and 35 years of age, height 169 cm or taller and chest width of 87cm or more. Females - between 19 and 35 years of age and a height of 163 cm or taller. Additional qualifications and requirements are 3 CXC or GCE passes, English Language is mandatory. Certificate of good character, T & T issued Identification Card, Birth certificate and two testimonials. Also available is specialized training where you have the opportunity to learn and advance quickly to the area of specialty you want or best suited including Information Technology, Events Management, Communications, Photography, Corrections, Research, Welfare, Infirmary, Emergency Response, Canine and many more. An excellent remuneration package is one of our added benefits along with medicals benefits, uniform, meals and transportation allowances. There are also extracurricular activities and recreational development opportunities to enhance your skills and participation in the Prisons Band, Choir, Cricket Team, Football Team, Netball Team, Sports Club and Youth Club.

VII. Trinidad and Tobago Prison Service mission statement

The Trinidad and Tobago Prison Service as a division of the Ministry of National Security is committed to the protection of society and crime prevention by facilitating opportunities for rehabilitation of offenders while maintaining control under safe, secure and humane conditions.

VIII. Vision

To be a more efficient and effective service committed to protecting society, adhering service committed to protecting society, adhering to the dictates of the court and reduce reoffending.