

**THE REPUBLIC OF TRINIDAD AND TOBAGO
INSPECTOR OF PRISONS
2012 REPORT**



***Submitted by: Daniel I. Khan
Inspector of Prisons (2011-2012)***

INSPECTOR OF PRISONS - 2012 REPORT

--

TABLE OF CONTENTS

TAB	CHAPTER TITLE	PAGE
1	Scope and Purpose	1
2	Methodology and Acknowledgements	5
3	List of Abbreviations	9
4	Executive Summary	13
5	Overview of Port of Spain Prison	41
6	Overview of Maximum Security Prison	55
7	Overview of Carerra Convict Prison	69
8	Overview of Golden Grove Prison	79
9	Overview of Remand Prison	89
10	Overview of Women's Prison	99
11	Overview of Youth Training Centre	113
12	Overview of Tobago Prison	127
13	Reports and Judicial Pronouncements on Prison Conditions in Trinidad and Tobago	133
14	Summary of Reports and Judicial Pronouncements on Each Prison	195
15	Recommendations to Improve Prison Conditions	223
16	Detention of Young Offenders at the Youth Training Centre	255
17	Prison Brutality and Excess Use of Force	271
18	Four Year Review	305
19	Restorative Justice	329
20	Legislative Framework	351
21	Summary of Recommendations	407
22	List of Reference Bundles	421
23	Summary of Recommendations of Previous Prisons Reports	Annex 1
24	Commissioner of Prisons Report 2011	Annex 2
25	Medical Report and Statistical Data for MSP, Carrera, Womens' Prison	Annex 3

INSPECTOR OF PRISONS - 2012 REPORT

--

CHAPTER 4

**EXECUTIVE
SUMMARY**

--

EXECUTIVE SUMMARY

1. *"The founders of a new colony, whatever Utopia of human virtue and happiness they might originally project, have invariably recognized it among their earliest practical necessities to allot a portion of the virgin soil as a cemetery, and another portion as the site of a prison."* – Nathaniel Hawthorne, The Scarlet Letter.
2. The **Inspector of Prisons Report 2012** is contained herein and is made pursuant to **Rule 9** of the **1943 Prison Rules**.
3. **Rule 9** mandates that the Inspector of Prisons Report specifies all defects in the construction, management, or discipline of the prisons, and all improvements which are, in the opinion of the Inspector of Prisons, requisite for maintaining and improving the government and discipline of the prisons and for promoting the reformation of prisoners. This Report however goes outside the scope of **Rule 9** to give a holistic view of the entire prison system.
4. Over a period of decades there have been previous reports relevant to the prison system including the Wright Report (1945); the Garrat Report (1963); the Interim Report I (1973); the Interim Report II (1974); the Interim Report III (1975); the Memorandum on Remand Prison, Golden Grove (1977) and the Abdullah Report (1980).
5. These Reports have been the result of Commissions appointed to enquire into the existing conditions at the Prisons and to make recommendations for reform in the light of modern concepts of penal practice and rehabilitation measures. The **Inspector of Prisons Report 2012** is the result of the efforts of the incumbent Inspector of Prisons.
6. Although under the **1943 Prison Rules**, a Report is to be submitted by the Inspector of Prisons to the Minister, no such previous reports could be found, perhaps because they were never in existence.
7. The elapse of over thirty (30) years since an official report on prison conditions has been submitted is a stark indication of a recognized lack of concern over the prison system both by society at large and the relevant authorities.

INSPECTOR OF PRISONS - 2012 REPORT | Executive Summary

8. This **Inspector of Prisons Report 2012** takes into account previous reports of the prison system, and gives a much needed up-to-date perspective on the current prison system in Trinidad and Tobago.
9. Nelson Mandela stated that *"It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones."*
10. In Trinidad and Tobago, former Chief Justice Satnarine Sharma in his Opening Speech of the 2004-2005 Law Term noted that *"Prison conditions in Trinidad and Tobago are in many ways unacceptable and reveal that in certain regards, there is yet a considerable distance to be traversed in rising to a minimum standard of decent treatment."*
11. These comments must be taken in light of the judgment of **Edghill (2008)**, delivered by the Honourable Madam Justice Gobin, which held that the current conditions in the Port of Spain Prisons were a *"Hell Hole"* and amount to *"cruel and unusual treatment"* and are therefore unconstitutional. The State was ordered to pay the applicant compensation in the sum of seventy five dollars (\$75.00) per day as an expression of the moral outrage of a civilized Trinidad and Tobago.
12. The major advancement within the prison system which is on stream at the initiative of the Ministry of Justice is the **Draft Prison Rules 2012**.
13. The **Draft Prison Rules 2012**, as well as previous drafts of the rules, are discussed thoroughly under the Legislative Framework Chapter of this Report. This chapter also discusses a host of legislation that affect the prison system and it is understood that these pieces of legislation are on stream at the initiative of the Ministry of Justice
14. Prisons within Trinidad and Tobago are currently regulated by the **1943 Prison Rules**. Although made some sixty (60) years ago these Rules are for the most part, forward- thinking and ahead of their time. These Rules contain modern concepts and contain provisions focused on the need for reformation and rehabilitation of prisoners including provisions for an after-care officer to assist prisoners that have served their sentence to be reintegrated into society.
15. The current prison system often falls short of meeting even then outdated 1943 Prison Rules and infringements are common place. The office of the after-care officers is defunct and has been for some time. It is now replaced by welfare officers, but it is unclear whether these

INSPECTOR OF PRISONS - 2012 REPORT | Executive Summary

officers assist prisoners after release. However this Report recognizes the efforts of “Vision on a Mission” headed by a former prisoner, Mr. Wayne Chance, to assist prisoners reintegrate into society.

16. The **Draft Prison Rules 2012** give the legislature the opportunity to address serious concerns of the prison system. The elapse of sixty (60) years since the last prison rules highlights the need for updated and current rules and removal of some useless provisions, such as the requirement to give each prisoner a hat and a hammock and allow them a sea bath for good behaviour.

17. In considering these Rules, the Greek Mythology story of *Icarus* is of significant guidance: if the standards “*fly too close to the sun*” the following warning of the Privy Council will materialize:

“Prison conditions in third world countries often fall lamentably short of the minimum which would be acceptable in more affluent countries. It would not serve the cause of human rights to set such demanding standards that breaches were commonplace.”

18. On the other hand, if the standards “*fly to close to the sea*” the guidance of the Honourable Madam Justice Gobin in **Edghill** to meet international standards must be heeded: -

“When it comes to minimum standards for the treatment of prisoners, the bar in Trinidad is not a limbo stick, we cannot lower it to as low as we can go or as low as we are forced to go.”

19. The **Draft Prison Rules 2012** for Trinidad and Tobago is a holistic and comprehensive document which, it is hoped, will raise the bar for more humane prison conditions. The Rules contain provisions which are in conformity with the **United Nations Standard Minimum Treatment of Prisoners** and therefore in that regard, Trinidad and Tobago may strive to meet such international standards.

20. These minimum standards include minimum floor space and cubic content of air for each prisoner, adequate sanitary facilities, clothing which shall be in no manner degrading or humiliating, provision of a separate bed, and provision of food of nutritional value adequate for health and strength.

INSPECTOR OF PRISONS - 2012 REPORT | Executive Summary

21. Certain minimum standards of imprisonment must always be observed irrespective of the country's level of development and even if economic or budgetary considerations may make compliance with these obligations difficult.
22. It is in this regard that this Report seeks to address issues related to the prisons and the prison system with a view to ultimately meeting international minimum standards.
23. The following chapters comprise this Report:

24. Reports And Judicial Pronouncements on Prison Conditions in Trinidad And Tobago

25. The judgement of the Honourable Madam Justice Gobin in **Edghill** aptly reflects the wretched, repulsive and hideous nature of the prison conditions in Trinidad and Tobago.
26. The court in **Edghill** heard and saw evidence of the squalid, fetid and appalling prison conditions and conducted a site visit and found that the treatment endured by the prisoner within the remand compound of the Port of Spain Prison could easily be held to have crossed the threshold of cruel and inhumane treatment in any context. What the Court found was not a prison, but a **"hell hole."**
27. In his address on the occasion of the opening of the Law Term 2004-2005 the former Chief Justice Satnarine Sharma made the following statement:

"The conditions of the Remand Section of the Port of Spain Prison are reportedly appalling. An average cell measures approximately eight feet by twelve feet and although originally intended to be occupied by two prisoners, now accommodates on an average seven to nine men. For these persons, the cell is not a bedroom alone it is also a living room, dining room, kitchen and bathroom. The methods used to perform basic human functions at nights, and the means used for cleaning a cell on mornings are abhorrent and revolting. Further reports are that very little fresh air gets into cells. Infestation of the cell by vermin is said to be commonplace. Sanitary facilities are reported to be abysmal. In short, the picture painted is one of decidedly sub-human conditions."

28. For instance, the Privy Council in **Thomas** the court accepted on the evidence and on the description of the Cell No. 12, F1 Division located at the Port of Spain Prison that the cell was

stuffy and deprived of any direct natural light and that since the cell was on the ground floor, surrounded by a prison wall over twenty feet high it would even be oppressive and claustrophobic. Further, the galvanise overhang above the ventilation blocks would have blocked any direct natural light entering the cell.

29. Further in **Thomas**, even though **Rule 250(1)** of the **1943 Prison Rules** states that a prisoner should take a one (1) hour daily exercise, the prisoner only received a total of eighteen (18) sessions throughout a six (6) month period. The prisoner consequently received an average of three (3) airings per month.
30. Also, the sanitation facilities at the Port of Spain prison have been described “*primitive and degrading*”. In the absence of integral sanitation, remand inmates are forced to defecate in full view of other inmates on pieces of paper or cardboard which are then placed in discarded juice boxes, plastic bags and packages. All faecal matter is placed in an uncovered pail located outside each cell at the side of the gate but since at times inmates may miss the pail, deposits of faeces lie along the corridor of the prison. In overcrowded cells prisoners sleep with the head next to the faecal matter.
31. Former Chief Justice Satnarine Sharma in his Opening Speech of the 2004-2005 Law Term noted that “*Double punishment is not part of our criminal jurisprudence - and is unacceptable under any circumstances.*” Despite this guidance, conditions that inflict nothing short of torment on inmates are rampant. This chapter seeks to illustrate this.
32. The prison conditions within Trinidad and Tobago are unabatedly appalling. This chapter highlights reports and judicial pronouncements on prison conditions in Trinidad and Tobago including overcrowding, sanitation and toilet facilities, airing and exercise and the provision of healthcare.
33. “*The civilization of a country could be measured through the condition of prisons. In this context, our prisons are still in the stone age.*” - Senior Advocate of Supreme Court, Chandu. This is what Trinidad and Tobago may be seen to be measured by.

34. Overview Of Prisons

35. This Chapter gives a succinct overview of each of the prisons within Trinidad and Tobago, and includes the year each prison was built, capacity and number of inmates in the prison, the daily

INSPECTOR OF PRISONS - 2012 REPORT | Executive Summary

life of a prisoner, notable high points of the prison based on prison visits and the programmes and activities provided in each prison.

36. What is perhaps most startling are the statistics that reveal the obvious overcrowding. At the Port of Spain Prison, Carerra Prison and Remand Prison (Golden Grove) the number of inmates is more than double the institutions' capacity.
37. While the **1943 Prison Rules** state that no more than two (2) prisoners should occupy one cell, the stark reality is that six (6) to eight (8) prisoners occupy one cell in the Port of Spain Prison, Carerra Prison and Remand Prison (Golden Grove).
38. On the other hand, statistics provided in the Overview of the Maximum Security Prison show that this prison is severely underutilised, with only 25% of the prison cells being used.
39. The simple solution would be to transfer prisoners from overcrowded prisons into the Maximum Security Prison. However, there are technical difficulties in over 25% of the 600 (approximately) cells and 50% of the 600 (approximately) cells are unoccupied because of staffing issues.
40. But there were also noteworthy highlights at the Maximum Security Prison in 2012. Of particular significance is the establishment of RISE (Rehabilitating Inmates Seeking Empowerment) Maximum Radio, a prison radio station located at the Maximum Security Prison. Recognition and acknowledgment is given to the hard work of dedication of founder and programme Director, Garth St. Clair.
41. The project is endorsed and sponsored by the Ministry of Justice and the British High Commission. In fact, His Excellency Arthur Snell British High Commissioner assisted the project with the BBC and His Excellency commended the prison service for embracing the prison-radio concept and pledged his continued moral and capital support.
42. Recognition and acknowledgement is also given to dedication and sacrifice of the many non-profit organizations and religious groups that provide facilitators who give classes to the inmates in an effort to rehabilitate them. However as discussed below the prison needs to focus more on rehabilitation and more programs need to be introduced.

43. Recommendations

44. This chapter outlines general as well as specific recommendations based on the particular circumstances of each prison as to how the abysmal conditions highlighted in the above chapter, reports and judicial pronouncements on prison conditions in Trinidad and Tobago, may be improved.
45. The **1963 Garrat Report** made some fifty (55) recommendations about how to improve the prisons in Trinidad and Tobago. The **1973 Interim Report** also made eighty four (84) recommendations. The **1980 Abdullah Report** made eighty five (85) recommendations.
46. The **First Report of the Task Force (2002)** made thirty (31) recommendations. Further, the **Final Report of the Task Force (2002)** made over fifty (50) recommendations and a time line of ten (10) years and a budget to bring the prisons in conformity with the principles of restorative justice.
47. The **Deosaran Report 2003** on prison recidivism made forty two (42) recommendations designed not only to make the work of prison officers more effective, and also to make prison conditions more amenable to prisoner rehabilitation and therefore reduce re-offending
48. The majority of these recommendations were not adopted.
49. However, it is hoped that the forty eight (48) recommendations that are made in this **Inspector of Prisons Report 2012** will be implemented to improve the nation's prisons and prison system.
50. Such recommendations include the shutdown of the Port of Spain Prison.
51. With respect to the Port of Spain Prison, the extent of upgrades needed in order to bring it to a standard in which humane, hygienic and sanitary conditions prevail would make it economically unfeasible to continue its operation.
52. The time has come to put an end to the long, lingering, agonising pain of the Port of Spain Prison – ‘euthanasia’ seems to be the only humanitarian remedy.
53. It is also recommended that an Engineering Team be established would visit each prison with a view to determining the current state of each prison building and give recommendations on

improving the structure of such buildings. This engineering team may be part of Inspectorate of Prisons which is an autonomous office, independent of the Trinidad and Tobago Prison Service. Legislation to create this office is currently on-stream by the Ministry of Justice and is discussed further below.

54. Such Engineering Team, it is suggested, would also oversee the implementation and logistics of a proper sewage disposal system and an operational water system for the Carrera Convict Prison.
55. Although several recommendations are given to improve the conditions at the Carrera Prison, it may be that given the nature of the upgrades to be made substantial costs will be involved and that from an economic standpoint, it may be more financially feasible to shut down the prison. That is a decision left to those in authority.
56. However, it must be noted that the atmosphere at Carrera Prison invokes a sense of peace and reflection for inmates and assists in their rehabilitation and it is hoped that this prison on a serene island will not be shut down.

57. Prison Brutality and Excessive Use of Force

58. This chapter raises issues with respect to the use of excessive force by prison officers on prisoners and highlights judicial trends in Trinidad and Tobago regarding excessive use of force.
59. Prisoner officers no doubt have the duty to maintain order in our prisons and this naturally would entail controlling in some instances with the use reasonable force, those unruly prisoners who by their very incarceration and nature of being found guilty of a criminal offence have a lack of respect for authority and rules.
60. It takes a patient, disciplined, mature, humble and respectful officer not to lose his temper and resort to the use of excessive force in an attempt to maintain order in the face of aggression, disrespect and sometimes unprovoked violence. Notwithstanding the onerous responsibility of a prison officer excessive force and brutality is forbidden and against both the prison rules and the laws of the country.

INSPECTOR OF PRISONS - 2012 REPORT | Executive Summary

61. For the period September 2005 to May 2012, the State has paid or is liable to pay awards, interest apart, of over ten million dollars in compensation to litigants with respect to actions brought by prisoners on a claim of excessive use of force by prison officers.

62. In examining the use of excessive force against a prisoner in the confines of a cell, under a mandate of the prison authorities to “hold and treat,” Justice Kokaram in **Garcia** endorsed the view of D. Mark Pike CJ in **R v Carrigan** that:

“The excessive use of force on a prisoner in the confines of the lockup is a reprehensible a (sic) crime in a free and democratic society....When a correctional officer assaults a prisoner he commits a serious crime against not only that prisoner but a serious crime against the justice system itself....Quite apart from the repugnance which society holds for the abuse of the exercise of power, there is a clear law enforcement interest in humane and civilized observance of the role of law by those who are bound to uphold the rule of law as their sworn duty.”

63. Several high court judgments have been delivered containing judicial comments that include the statements that the increased awards for exemplary damages have not resulted in deterrence of prison officer brutality.

64. However while it is appreciated that exemplary damages are there to financially punish, it is humbly submitted that deterrence should be achieved through disciplinary proceedings that punish prison officers for the use of excessive force (and also punish prisoners that use violence against prison officers).

65. The current prison rules provide that prison officers (and prisoners) may be punished at a disciplinary hearing concerning breaches of the Prison Rules (including beating a prisoner). Such punishments include dismissal from service.

66. There have been calls for lawmakers to make offending officers personally bear the costs for breaches of the law that occur during the course of their employment so that the taxpayer would not be called upon to foot the bill.

67. While such a change would certainly financially punish prison officers that abuse prisoners, it would also have the unintended consequence of making the prison officer feel restricted and apprehensive of using reasonable force for fear of unsubstantiated claims of excessive force

being alleged which may send the prisons into chaos as officers will not want to use appropriate force at all. Such a change may also result in officers resigning and deterring others from enlisting.

68. It is submitted that deterrence and curbing of abuse would only properly be achieved if officers are punished after a properly conducted disciplinary tribunal.
69. Unlike the situation with police officers and the Police Service Tribunal, there is no standing Prison Tribunal. Where a finding can result in loss of employment and the proceedings be subject to judicial review, the tribunal proceedings must be properly carried out in accordance with the principles of natural justice. Such proceedings would need to be properly funded, manned and will also take time.
70. It is recommended in this chapter that those officers who have been found by the Courts to have used excessive force be dealt with by a properly conducted disciplinary tribunal in accordance with the principles of natural justice.
71. It is submitted that further abuse would not occur if prison officers are screened and trained to ensure they have the necessary character and guidance to deal with situations where potential abuse may arise. This chapter also provides a Use of Force guideline from the United Kingdom to guide the prison officers as to conduct.

72. Four Year Reviews

73. There is clear authority for the proposition that a life sentence without the possibility of release amounts to cruel and unusual punishment. The power of pardon remains one of the oldest prerogative powers of the office of the President of the Republic of Trinidad and Tobago.
74. Under the current **1943 Prison Rules** prisoners can expect to have scheduled reviews of their sentences with a view to determining whether they should be recommended for early release.
75. These confidential reports are sent to the relevant Minister in charge of the prisons and then ought to be forwarded to the Mercy Committee. It is unclear whether this in fact happens. Under this scheduled review, should there be a favourable review, it is conceivable that it could culminate in a recommendation by the Minister to the Mercy Committee for the President to exercise his jurisdiction to grant mercy.

76. Further in the 2009 local judgment of Clive Smart the High Court laid down the procedures for the conduct of these reviews, procedures which to date are not being followed. The reviews are being conducted in breach of the rules of natural justice and opportunity to be heard.
77. Statistics from prison administration show that more than half of the scheduled reviews are not being conducted and the expectation and hope of the prisoners for a review is normally misplaced, often shattered and usually lowered into a crypt of despair.
78. The main reason provided for this failure to comply with the four-year review is lack of resources. But this seems to be a common theme performing live on all stages where the administration of justice should be cast as the leading role.
79. There appears to be a perfidy attached to having these statutorily mandated reviews, and a consequent treacherous desertion of the rights of a prisoner. The prospect, however minute the possibility may be, of having these mandated scheduled reviews which may culminate in being released early from prison, represents a glimmer of hope to a prisoner serving a life sentence. But it appears that from the statistics that to such a prisoner, in the words of Friedrich Nietzsche, *"In reality, hope is the worst of all evils, because it prolongs man's torment."*
80. In commemoration of Trinidad and Tobago's 50th Independence Anniversary, the Government stated that they would recommend to President George Maxwell Richards that His Excellency pardon fifty (50) prisoners.
81. The recommendation to release a prisoner signals to society that even though prisoners may commit serious crimes they are not dead to the world and even a lost sheep may eventually return to the Shepherd. In the words of Shakespeare, *"In the course of justice none of us should see salvation. We do pray for mercy, and that same prayer doth teach us all to render the deeds of mercy."*
82. Further the release of a prisoner is to be applauded and is a testament that although our nation's prison system has many flaws, it still can achieve the main purpose of modern sentencing principles which is rehabilitation.
83. This chapter highlights the deficiencies in the current system which were made apparent when in recent times there was much difficulty in finding fifty (50) prisoners eligible for early release.

INSPECTOR OF PRISONS - 2012 REPORT | Executive Summary

If the four reviews were conducted as often as required, there would have been no difficulty in finding fifty (50) prisoners deserving of release.

84. Further this chapter highlights that the failure to conduct these reviews seriously infringes the rights of prisoners and is a gross breach of the constitutional right to due process as stated in a 2009 judgment.

85. This chapter also recommends the release of eleven (11) prisoners based on their confidential four year review reports which states that they are rehabilitated and do not pose a threat to society.

86. Restorative Justice

87. In response to the recurring failures of the retributive and adversarial system, Trinidad and Tobago forges along the path toward the simple solution of Restorative Justice which seeks to emphasize repairing the harm caused by crime.

88. This is particularly relevant to the Trinidad and Tobago Prison Service which has embraced this direction of Restorative Justice. The Prison Service is responsible for the safe custody and the rehabilitation of prisoners and places great emphasis on its rehabilitation programmes which are designed to provide education, skills and opportunities to the offender.

89. The philosophy of the Trinidad and Tobago Prison Service is moving toward a rehabilitative and restorative justice model. Much work has been done by the **Penal Reform and Transformation Unit** in this regard and the **Final Task Force Report (2002)** can act as a sound guide for the implementation of restorative justice in our prison system.

90. The **Final Report** made comprehensive recommendations on reintegration initiatives, parole, youth justice, probation, community mediation, management of the prison service, improvements for women in prison and the Tobago prison and the formation of a change management team to develop a strategy for the transformation process.

91. To date, none of these recommendations have been adopted and though it is publicized that the prisons are moving towards the concept of restorative justice, we are only in the academic phase.

92. The preparedness of the prison system within Trinidad and Tobago for implementing a restorative justice model will be considered in this chapter.
93. Restorative justice advocates restitution to the victim by the offender, rather than retribution by the State against the offender. But this restorative justice paradigm that is being adopted by the prison service must be considered in light of the chapter on prison conditions which underscores the appalling, reprehensible and disgraceful conditions of most of our prisons.
94. For a restorative justice philosophy to be the driving force of the prison system, the chronic epidemic of the current prison conditions must first be cured. This is because a prisoner will focus on the poor, deplorable and appalling conditions under which he is being kept, and not on how his actions have affected the offender which is required under a restorative justice guide.
95. Trinidad and Tobago must therefore prepare the platform from which the restorative justice paradigm can be portrayed within our prison system.
96. Consequently, for a restorative justice paradigm to fully operate and be seen to be functioning within Trinidad and Tobago, the first and fundamental obligation would be to ensure that our prisons operate in a manner in which human rights diffuse throughout the entire prison structure.

97. Prison Legislative Framework

98. This statutory framework chapter sets out pieces of legalisation involving the prison system, non-custodial sentencing options and the criminal justice system within Trinidad and Tobago. It is understood that these acts are on stream at the initiative of the Ministry of Justice.

99. Legislation involving the Prison System

100. The Legislation involving the prison system would include **1943 Prison Rules**, the **Draft Prison Rules 2010**, **The Draft Prison Rules 2012** and the **Prison Rules Policy 2012**.
101. A common thread running throughout the **Draft Prison Rules 2012** and the **Prison Rules Policy 2012** is the **UN Standard Minimum Rules** which outline generally good principle and practice of the treatment of prisoners and the management of prisons.

102. The **UN Standard Minimum Rules** outlines generally good principle and practice of the treatment of prisoners and the management of prisons. It is a commendable effort to integrate the **UN Standard Minimum Rules** into the policy and 2012 rules.
103. The **Inspector of Prisons Report 2012** will assist the Ministry of Justice by recommending changes which will meet the **UN Standard Minimum Rules** and therefore bring the prisons in conformity with the standards that will be set when the **Draft Prison Rules 2012** come into force.
104. This chapter also includes comments on the **Policy on the Amendments to the Prisons Act Chapter 13:01**, which recommends the establishment of a much needed Inspectorate of Prisons, headed by a Chief Inspector.
105. This is a welcomed suggestion having regard to the number of prisons and the volume of prisoners which require the attention of the Inspector. For instance, in 1958, there were one thousand and forty three (1,043) prisoners and four (4) prisons. In 2012, there were three thousand and six hundred and fifty six (3,656) prisoners and nine (9) prisons.
106. The proposal of the Policy to establish an Inspectorate of Prisons, headed by a Chief Inspector who will oversee a staff comprising a Deputy Chief Inspector; healthcare inspectors; researchers and administrative staff, and to amend the current provisions dealing with the Inspector of Prisons in the Prisons Act to reflect such is a commendable recommendation that appreciates the fact that the workload of a sole Inspector of Prison is indeed a heavy one.
107. A helpful recommendation for the proposed Inspectorate of Prisons in Trinidad and Tobago would be to consider as guidelines, reports from the Inspectorate of Prisons in Ireland.
108. The following guidelines from Ireland are included in this report : Prisons Standards for the Inspection of Prisons in Ireland; the Inspector of Prisons Standards for the Inspection of Prisons in Ireland – Women Prison’s Supplement; the Inspector of Prisons Standards for the Inspection of Prisons in Ireland – Juvenile Supplement; Guidance on Best Practice Relating to the Investigation of Deaths in Prison Custody; the Guidance on Physical Healthcare in a Prison Context; Guidance on Best Practice Relating to Prisoners’ Complaints and Prison Discipline; Report of an Investigation by Judge Michael Reilly into the Handling of the Sentencing, Release

INSPECTOR OF PRISONS - 2012 REPORT | Executive Summary

and Post-Release Procedures in a Criminal Matter; and The Irish Population Prison – An Examination of Duties and Obligations Owed to Prisoners.

109. The **Prison Rules Policy 2012** also tries to incorporate arrangements regarding the Inspector of Prisons in other jurisdiction. For instance, in Ireland, the Inspector of Prisons has an official website whereby information is published about the Inspector and his functions as well as guidance on best practices and reports on inspections of the prisons and is distributed in the public domain.

110. A similar system could be implemented in Trinidad and Tobago as this information will raise public awareness about the prison system in Trinidad and Tobago.

111. In fact, a number of comments and articles were made by the incumbent Inspector of Prisons. These included articles on excessive use of force by prison officers; issues raised with conjugal rights of prisoners; the hunger strike started by inmates at the Remand Yard at Golden Grove to highlight issues plaguing the justice system and affecting the delivery of justice; issues with delay in the criminal justice system; the wretched prison conditions including overcrowding, faeces-filled cells, denial of airing time, cells not cleaned often, limited prison visits, numerous concerns relating to food and lack of toilets in cells at the Port of Spain Prison; the closure of the Port of Spain Prison; the construction of a nursery at the Women's Prison and the pardon of fifty prisoners in commemoration for Trinidad and Tobago's fiftieth Independence.

112. If a website were to be established, these and future articles would become readily accessible to the public, available from one source.

113. Legislation involving non-custodial sentencing options

114. Legislation based on alternatives to custody no doubt has several benefits including providing the courts with a wider range of sentencing options; assisting in the reduction of not only prison overcrowding, but also the negative effects that prison overcrowding contributes to, including health risks and over-saturation of resources; and providing a cost-effective sanction by allowing savings by the Prison Administration.

115. It is also laudable that within this statutory framework, the welfare of the child appears to be at the forefront as the **Community Service Orders (Amendment) Bill 2000, Summary**

Offences (Amendment) Bill 2000 and the **Youthful Offenders (Attendance Centres) Bill 2000** all make provision for non-custodial sentencing of a young offender which goes a long way in the application of justice to young offenders.

116. Legislation involving the Criminal Justice System

117. The criminal justice system is composed of many organizations, policies and laws that work together to attempt to implement and maintain a consistent process of dealing with criminal acts under the rules of criminal law.

118. Thus legislation involving the criminal justice system is a requirement in any country. While there is a plethora of legislation that may be considered under this section, it was limited to the **Criminal Records (Rehabilitation of Offenders) Bill 2000, Administration of Justice (Indictable Proceedings) Act No. 20 of 2011, Draft Youth Criminal Justice Act.**

119. Detention Of Young Offenders At The Youth Training Centre

120. The **1963 Garrat Report** made several recommendations on improvements to the Youth Training Centre (YTC). However, many of the issues that the **1963 Garrat Report** sought to treat with remain unaddressed even today.

121. As of February 2nd 2012, the total prison population was three thousand six hundred and fifty six (3,656), with 5.2% of this prison population being young offenders.

122. Of course, crime and young people are emotive and complex issues that any country must face, not only by implementation of its policies and legislation with a measure of forcefulness, but also with an understanding that young offenders are youth in need of patience, guidance and support.

123. It is against this background that the main issues affecting young persons at the YTC are considered in this Chapter.

124. The Court in **Bhagwandeem and Ramnarine v Quintyne** noted that the YTC is not “...a place of detention for any purpose of punishment. It is a place of detention for the purpose of training. Youngsters who are sent there not to be imprisoned, they are sent there in order to be redeemed.”

125. However currently the YTC acts more as a prison than an industrial school.
126. It is unfortunate that while one purpose of the YTC is to train young offenders, the rehabilitation programmes offered are woefully inadequate. Expansion and modernisation of programmes and trades are required for it to be beneficial for these young offenders.
127. It is these ordered and structured programmes and trades, fused with the personal influence of officers and staff (such as trained psychologists) that would assist in developing the character of the young offender, his rehabilitative journey and his reintegration into the community as a law-abiding citizen.
128. It is also recommended that while the YTC falls under the purview of the Ministry of Justice, it should be a service provided in association with the Ministry of Gender, Youth and Child Development and/or Ministry of Education. This is consistent with the Northern Ireland system whereby its Child, Youth and Family Residential Facility, though it is a component of the Ministry of Justice, is a service offered by the Ministry of Social Development which seeks to build strong, healthy families and communities by, tackling issues such as family violence and youth offending.
129. A parallel system can be developed within Trinidad and Tobago. Having the YTC as a specialised service provided by the Ministry of Gender, Youth and Child Development would also assist in ensuring that the programmes offered by this Ministry specifically reach those young persons involved in criminal activities. The Minister of Gender, Youth and Child Development has in fact stated that public officers must focus on youths that were at high risk of engaging in criminal activities and those who might be tempted to commit crimes.
130. This move should ensure the close interdisciplinary cooperation of the State with the possible involvement of the private sector NGO's, taking into account child-care, health education, social and law enforcement to make a concerted action to prevent juvenile delinquency and youth crime.

131. The Judiciary and the Prisons System

132. Special recognition and acknowledgment must be given to the Judiciary for the pilot project of the Drug Treatment Court which hopefully will be successful in treating offenders who

INSPECTOR OF PRISONS - 2012 REPORT | Executive Summary

commit crimes due to an addiction to drugs with a view to rehabilitating them without incarcerating them.

133. Reasonable Bail and Overcrowding

134. In April 2012, out of a total prison population of approximately thirty seven hundred (3700) those prisoners awaiting trial, referred to as remanded prisoners, make up more than 50 % of this total prison population and amount to over nineteen hundred (1900) prisoners.

135. A citizen of Trinidad and Tobago has a constitutional right to reasonable bail. While some prisoners will not be entitled to bail as they may be charged with an unbailable offence or may be denied bail due to their antecedents, the majority of remanded prisoners are on bail but cannot access it.

136. The stark reality is that the current bail system is oppressive as the **Deosaran Report 2003** reveals that 97% of inmates in prisons could be categorized as belonging to the lower social class. Further a 2008 report from the Ministry of Social Development and Gender Affairs shows that 22% of the population are below the poverty line which is set at six hundred and sixty five dollars (TT\$665) per individual per month. The statistics would show the majority of persons charged are under the poverty line and do not have access to real property or a deed which is needed to secure bail.

137. Judicial officers must be more mindful of these facts when granting bail and the bail system needs to be revolutionized as it is unacceptable that the prisons are crowded with remanded prisoners who enjoy the constitutional right to the presumption of innocence.

138. It is hoped that the **Administration of Justice Electronic Monitoring Act** piloted by the Ministry of Justice would assist the issue of bail.

139. Delay in the Criminal Justice System

140. It is no secret that the Criminal Justice System has an alarming backlog of cases to try and there is serious delay in trying matters.

141. An accused person charged for an indictable offence would spend an average of six (6) years to ten (10) years from the date he was charged to disposition of his criminal matter. Those

INSPECTOR OF PRISONS - 2012 REPORT | Executive Summary

charged with non-bailable offences or who are granted bail and are unable to access bail would spend this time in conditions which amount to cruel and unusual punishment.

142. According to the Judiciary's Annual Reports of the last six (6) years, 61% of High Court trials resulted in acquittals. There is no compensation to these freed men for having spent long periods in poor conditions even they have been found not guilty.

143. Delays are caused by several factors, such as a lack of resources at the Magistrates' Courts in hearing preliminary inquiries, delays in preparing notes for the DPP, lack of resources at the CAT Reporting Department, delays in filing indictments at the DPP's office, lack of resources to the Legal Aid and Advisory Authority, lack of High Court criminal judges, and the limited pool of defence attorneys to represent accused persons.

144. The backlog of criminal cases at the High Court is evident from the fact that for the period 2009/2010, one hundred and thirty two (132) indictments were filed and only seventy (70) disposed of; which represented a little more than 50%.

145. On a side note, it is submitted that the above facts relative to the delays and backlog of cases in the system show that the spirit and mischief that Section 34 of the Administration of Justice (Indictable Proceedings) Act sought to address was based on a legitimate concern to improve the efficiency of the criminal justice system.

146. The majority of prisons complaints are on the delay in hearing their matters. As the Ministry of Justice is the Ministry in charge of funding the Judiciary, serious investments must be made to the Criminal Justice System which would include more courts, more judges, improvements to the Department of Public Prosecutions and investment of resources into the system.

147. These investments would greatly assist the overcrowding in prisons and alleviate much frustration among prisoners.

148. Sentencing and Prison Conditions.

149. Judicial officers sentence offenders in keeping with the five (5) aims of punishment which include deterrence and rehabilitation.

INSPECTOR OF PRISONS - 2012 REPORT | Executive Summary

150. It is submitted that with regard to deterrence because there is such a low rate of successful prosecution the average criminal is not deterred. A November 2012 report stated that out of a reported one thousand six hundred and fifteen (1,615) murders between 2009 to August 2012, only five hundred and thirty two (532) charges were laid. Further, conviction rates for indictable offences show that 61% of trials result in acquittals.

151. It is submitted that for sentences to deter potential offenders, criminals must have a real fear that such a sentence would be imposed on them and this fear can only be achieved with a high detection and conviction rate.

152. Within recent times there seems to be a focus on rehabilitating offenders as a greater effort on reducing the crime level. However, as evidenced in this report, the prisons are failing in their efforts to rehabilitate although judicial officers are sentencing on the basis that the offender will be rehabilitated.

153. It is reported that when the Commission which prepared the **Abdullah Report** in 1980 sought an audience with the Chief Justice at the time to discuss sentencing in the context of poor prison conditions, the Chief Justice declined and simply provided a copy of the *locus classicus* on sentencing; **Mano Benjamin**.

154. It was not until October 2012 that our local Court of Appeal quote the decision in **Edghill** when considering sentencing in the context of prison conditions and the Court only used the **Edghill** case to give full credit to the Appellant for the time he spent on remand.

155. It is respectfully suggested that the **Inspector of Prisons Report 2012** be made available to the Judiciary and it is humbly hoped that the prison conditions highlighted in this Report can be considered by judicial officers when sentencing offenders.

156. **Minority Rights in a Democratic Society**

157. *"Of course, the aim of a constitutional democracy is to safeguard the rights of the minority and avoid the tyranny of the majority."* – Cornell West

158. Former Chief Justice Satnarine Sharma in his Opening Speech of the 2004-2005 Law Term *"The hallmark of a civilized society is the manner in which it treats those who are*

disadvantaged or who have forfeited certain of their civil liberties because of conduct that society deems as unacceptable."

159. In a democratic society, positive change is often brought about when the electorate considers a certain issue. Democracy is based on the assumption that the electorate will vote on the candidates who would best address their concerns. The plight of prisoners has never been any concern to the majority of the common man, who normally believes that prisoners have forfeited all rights, including the right to be treated humanely.

160. Due to the high level of crime in our society there is an "us v.s. them" mentality and the man on the street does not believe that the government should invest financially in the prison system certainly where there are other areas of the public service that should be given priority such as medical care, education, the police service and better remuneration for public officers.

161. However *Former Chief Justice Satnarine Sharma in his Opening Speech of the 2004-2005 Law Term* put such approaches into context in the following excerpt:

"Whenever a society is confronted with an uphill battle against dangerous, violent and well-organized criminal elements, there is the inherent risk that those charged with criminal offences are perceived in such an unfavourable light that this is seen as some sort of justification for their sub-standard treatment."

162. For change to occur the public must be educated that an improved prison system will help reduce crime as better conditions and a focus on the rehabilitation of prisoners would slow down the "revolving door" concept.

163. *Former Chief Justice Satnarine Sharma in his Opening Speech of the 2004-2005 Law Term* stated:

"... with respect to Convicted Prisoners, greater emphasis needs to be placed on rehabilitative measures. Unless underlying problems are addressed and prisoners equipped with the skills necessary to guarantee them honest employment upon their return to society, the rate of recidivism will be unacceptably high and the prisons will be a breeding ground for the formation of potentially dangerous networks."

INSPECTOR OF PRISONS - 2012 REPORT | Executive Summary

164. Rates of recidivism are a measure of the number of times offenders have been re-convicted to serve sentences and are measured by offenders who have returned to prison to serve sentences within a three (3) to five (5) year period after being released.

165. In the context of Trinidad and Tobago approximately 98% of the Prison population is released back into society over time. In the year 2010, the recidivism rate was 47 % of released prisoners and alarmingly, it rose to 61% for the year 2011 which is an increase of 14%.

166. It is hoped, rather expected, that this Report be laid in Parliament and therefore be made public which may result in enlightening the conscientious voter and convince him that investment in the prison system is for the betterment of our country and thus urge and appeal to the Government to make improvements.

167. Conclusion

168. The Privy Council, sitting in England far removed from our local conditions, has stated that it is acceptable that our prison conditions fall lamentably short of the minimum which would be acceptable in more affluent countries because we are a Third World nation.

169. In similar fashion counsel for the State defended our poor prison conditions and argued the following submission in **Edghill**:

“It is clear then that whether conditions under which the Applicants in the matters at the Bar were held to cruel and unusual treatment is a value judgment which is to be made against the background of the prevailing socioeconomic condition of the country. The conditions of the Prison cannot be looked at in isolation insulated from the realities of what takes place outside the Prison walls. The Court cannot ignore and indeed must take judicial notice of the deteriorating standard and quality of life for the average citizen of the country; witness the growing number of indigent and socially displaced persons that populate the towns and cities and literally live on the streets, eat out of dustbins and use the canals and sidewalks as their personal toilets; notwithstanding an accelerated governmental housing programme, the increase in the number of people who live in veritable hovels in overcrowded conditions without the basic amenities of water and electricity; the over flow of patients at the nation’s hospitals some of whom are forced to sleep in the corridors or even on the floors; the meteoric escalation of crime which has no doubt had an inhibiting effect on economic growth and social development and which has lead to an unprecedented

swelling in the ranks of prisoners and in turn an overburdening of every facet of the prison system! The much-espoused prosperity derived from the nation's resources of energy is manifest to a large extent only in the acquisition of consumables and things material which regrettably casts only the veneer of socio-economic wellbeing. Pierce the veil and you are confronted with the stark reality."

170. However, the Honourable Madame Justice Gobin in **Edghill** rejected this view of our nation and did not accept this Third World stamp for Trinidad and Tobago. The Court stated that *"...in setting the bar for Trinidad and Tobago the court will consider by the very exercise it is making a pronouncement (and not just locally) as to the level of our civilization"*

171. The court summarized the strength and pride of our beloved nation and made the following pronouncement as to the level of our civilization and it is necessarily to highlight such in full:

"29. While there is no need at this time to justify our recognized place among the more civilized nations of the world I think it important firstly to accept that there is at this time in our development a certain amount of disillusion and for this reason to remind of the following. We have our fair share of challenges, but we remain a people who should be justly proud of our achievements not the least of which include maintaining respect for rule of law, respect for the democratic process, a judicial system which aims to be accessible to all and which attempts to deliver justice, the many obstacles notwithstanding. We have achieved racial, religious and ethnic harmony and we celebrate our diversity. We have managed to preserve the best of our Carib, African, East Indian, Chinese, Middle Eastern and European heritage while at the same time we have united in a melting pot to produce what is distinctly ours.

30. We stand side by side with more developed countries in achievements in fields of sports, music, art, literature and academic proficiency. We are known for our creativity in our carnival and calypso traditions, we have recently recognized what some would call the sheer genius of some of our pioneers in the development of the steel pan -an instrument which we have given to the world. We are developing local theatre and film to reflect our traditions and culture. We are the beneficiaries of modern and enlightened legislation in several areas which empower our citizens including areas of Judicial Review, Freedom of Information and Equal Opportunities, protection of the environment, Intellectual property. We enjoy a free press. Our people have access to education at all levels, we now have access to two universities within Trinidad, we train and regulate our own professionals in almost every

INSPECTOR OF PRISONS - 2012 REPORT | Executive Summary

field locally and in the region. Women have made significant advances in all fields of education, business, as well as in the professions. Very many of our young people continue to inspire us with their courage and their achievements in every field."

172. The attitude towards the prison system and its reflection of the maturity of nation is best summarized in the following quote from a speech by Mr. Winston Churchill, as he then was:

-

"The mood and temper of the public with regard to its treatment of crime and criminals is one of the most unfailing tests of the civilisation of any country. A calm dispassionate recognition of the rights of the accused and even of the convicted criminal, against the State – a constant heart searching by all charged with the duty of punishment – a desire and eagerness to rehabilitate in the world of industry those who have paid their due in the hard coinage of punishment; tireless efforts towards the discovery of curative and regenerative processes; unfailing faith that there is a treasure, if you can only find it, in the heart of every man. These are the symbols which in the treatment of crime and the criminal, mark and measure the stored-up strength of a nation and are sign and living proof of the living virtue in it."

173. Former Chief Justice Satnarine Sharma further stated in 2005 that:

"In recent times, there have been many responsible organisations, the press and many of our distinguished citizens appealing to the executive, to treat prison reform and improve prison conditions, as a matter of urgency. Today, the judiciary joins with the press and the various organisations in calling upon the executive to take immediate steps to address the disgusting and sickening conditions, which now exist in our prisons."

174. The office of the Inspector of Prisons joins in the call made by the former Chief Justice in 2005 to take immediate steps and it is humbly hoped that the recommendations in this Report are supported by the various stakeholders in the Criminal Justice System such as the Department of Public Prosecution, The Law Association, The Criminal Bar, the Police Service, the Prison Officers Association and conscientious human rights organization and citizens.

175. Regard must be had to the former Chief Justice's guidance. If the current system remains as it currently stands, the price to be paid will be steep. Total investment is required to nurture the prison system.

INSPECTOR OF PRISONS - 2012 REPORT | Executive Summary

176. Prisons are universal, they are an undeniable truth, and they are here to stay forever. In Trinidad and Tobago, it is no different. Thus, resources, dedication, time and commitment must be spent on improving and revolutionising the prison system.
177. Indeed nothing is harder to do, more dubious to succeed at, or more dangerous to manage, than to initiate a new order of things. But necessity to thrust Trinidad and Tobago into a league that has regard for human rights including those of prisoners, and to foster a prison system based on rehabilitation and restorative approaches has compelled the State to bring about a new, proactive order in the way in which the penal system is operated.
178. Plato said that *"Nothing is to be preferred before justice."*
179. It is hoped the issues raised and the recommendations given in this Report would provide an avenue toward the justice that the prisons and prison system within Trinidad and Tobago so rightfully and comprehensively deserves.
180. This Report is not intended to act as a magician's wand to instantaneously and enchantingly recreate, revamp and revolutionize the prison system within Trinidad and Tobago.
181. There are absolutely no delusions or misconceptions about the plethora of time, effort, persistence and resources that will be required to improve our nation's prisons and the current prison system.
182. This Report rather, seeks to reveal fully the state of affairs of the prisons within Trinidad and Tobago. It also takes a Human Rights' approach in order to recommend systematic changes to those in authority to ensure a better working prison system.
183. It is anticipated that in implementing necessary changes, a balance would be attained and the prison system could *"follow its path of flight"* to more humane conditions which would assist in the major issue of crime reduction which plagues our much beloved country.

--

CHAPTER 21

SUMMARY OF RECOMMENDATIONS

--

SUMMARY OF RECOMMENDATIONS

1. SUMMARY OF GENERAL RECOMMENDATIONS OF PRISON CONDITIONS

2. Accommodation¹

- i. One prisoner per cell
- ii. Provision of a bed, mattress and clean linens to each inmate²
- iii. Regular washing of linens and sunning of mattresses³
- iv. Provision of a sink, toilet and running water in each cell⁴
- v. Provision of suitable and adequate natural lighting and ventilation in each cell which should be properly maintained.⁵

3. Overcrowding

4. A. *Alternatives to imprisonment*

- i. Employing proper and extensive use of bail for unconvicted persons;
- ii. widening the use of binding over and probation;
- iii. Use of imprisonment as a last resort in certain instances.
- iv. Combining fines with supervision by a probation officer,⁶
- v. Requiring the offender to do work on some public scheme in his spare time, that is, an extra mural work sentence.⁷

5. B. *Construction of new prisons*

- i. This should take into account the construction of a salutogenic prison structure.

¹ See 'Lighting and Ventilation in Cells'; 'Number of Inmates in Each Cell – Overcrowding'; and 'Contents of Cells' in Reports and Judicial Pronouncements on Prison Conditions.

² See 'Contents of Cells – Bedding' in Reports and Judicial Pronouncements on Prison Conditions.

³ 1973 Interim Report, at para 26(c).

⁴ See Contents of Cells – Facilities and Utensils' in Reports and Judicial Pronouncements on Prison Conditions

⁵ See 'Lighting and Ventilation' in Reports and Judicial Pronouncements on Prison Conditions

⁶ 1963 Garratt Report, at para 62.

⁷ 1963 Garratt Report, at para 63.

6. *C. Use of legislation*

- i. Administration of Justice (Electronic Monitoring) Act No. 11 of 2012
- ii. Summary Courts (Amendment) Bill 2000
- iii. National Parole Policy of Trinidad and Tobago and the Draft Conditional Release Act
- iv. Community Justice Act
- v. Drug Treatment Court
- vi. Community Service Orders Chap. 13:06
- vii. Community Service Orders (Amendment) Bill 2000
- viii. Summary Offences (Amendment) Bill 2000
- ix. Youthful Offenders (Attendance Centres) Bill 2000
- x. Criminal Records (Rehabilitation of Offenders) Bill 2000
- xi. Administration of Justice (Indictable Proceedings) Act No. 20 of 2011
- xii. Draft Youth Criminal Justice Act

7. These are further discussed in the Statutory Framework section of this Report.

8. Programmes, activities and entertainment⁸

- i. Donation of instruments, music systems, cinema projectors and games to each Prison.
- ii. Expansion of prison programmes
- iii. The Ministry of Arts and Multiculturalism can also assist by highlighting works of prisoners that showcase the art and heritage of Trinidad and Tobago by including works done by prisoners in any of its exhibitions.
- iv. Manufacture and repair of articles, including uniforms, furniture and pottery to be purchased by Government Departments.⁹
- v. Implementation of an initiative to review legislation to allow commodities produced in prison to be sold in open markets, the proceeds of which will go to victims, to prisoners' families, to the prisoners' personal allowance and 20% of the returns of those sales to be placed into a savings account for the prisoner who will have access to it when they leave prison, should be considered.¹⁰

⁸ See 'Recreational Activities' in Reports and Judicial Pronouncements on Prison Conditions

⁹ Adapted from 1963 Garratt Report, at para 94.

¹⁰ Camille Bethel. '\$5,000 grant for ex-prisoners.' Trinidad Express Newspapers, dated February 2nd, 2011. Retrieved from http://www.trinidadexpress.com/news/ 5_000_grant_for_ex-prisoners-115077699.html.

INSPECTOR OF PRISONS - 2012 REPORT | Summary of Recommendations

- vi. Use of prison labour for the construction and maintenance of buildings within the prison system.¹¹
- vii. Employment schemes connected with government development programmes¹² and public sector programmes¹³ for prisoners.

9. Library¹⁴

- i. Use of book boxes from the public library
- ii. Organisation of book swaps among the prisons whereby every three months some books are exchanged between prisons.
- iii. Use of online books
- iv. Use of book drives

10. Education¹⁵

- i. Education of prisoners should be integrated with the country's educational by establishing an Educational Board of Management for Penal Institutions within the Ministry of Education.¹⁶

11. Meals

- i. Evenly spaced meal times
- ii. Preparation of wholesome, nutritious and tasty food and drink.¹⁷

¹¹ 1973 Interim Report, at para 75(a).

¹² 1963 Garratt Report, at para 95.

¹³ Camille Bethel. '\$5,000 grant for ex-prisoners.' Trinidad Express Newspapers, dated February 2nd, 2011. Retrieved from http://www.trinidadexpress.com/news/5_000_grant_for_ex-prisoners-115077699.html.

¹⁴ See 'Recreational and Educational Activities - Issues associated with provision of recreational and educational activities – Library' in Reports and Judicial Pronouncements on Prison Conditions

¹⁵ See Recreational and Educational Activities – Issues associated with provision of educational and recreational activities – Education' in Reports and Judicial Pronouncements on Prison Conditions.

¹⁶ 1973 Interim Report, at para 68c.

¹⁷ See 'Meals – Quality of Meals' in Reports and Judicial Pronouncements on Prison Conditions

INSPECTOR OF PRISONS - 2012 REPORT | Summary of Recommendations

12. Sanitation and toilet facilities

- i. Installation of in-cell plumbing in all prisons.¹⁸
- ii. More frequent use of spraying exercises conducted by Insect and Rodent Control companies and officials.¹⁹
- iii. Regular and frequent access to showers for prisoners
- iv. Utensils provided with meals should be cleaned thoroughly.²⁰

13. Health facilities and services²¹

- i. Increase in the number of doctors and infirmary officers assigned to each prison.
- ii. Implementation of mandatory drug testing within the prisons.
- iii. Implementation of mandatory testing of prisoners for HIV and AIDS upon reception into prison and before release from prison.²² This will assist in detection of those prisoners infected with the virus which may then assist in the prevention of the spread of the virus within the prisons.
- iv. Ensure that the surroundings are clean, hygienic and sanitary
- v. Prisoners should be immunized against common communicable diseases
- vi. Proper medical treatments are administered to those inmates that have been diagnosed with a communicable disease and possible isolation of such inmate;
- vii. Nutritious diet is prepared and served to all inmates
- viii. Development of comprehensive communicable disease policies specific to our prisons
- ix. Identification of prisoners who have been diagnosed with mental health conditions who are eligible for release and appropriate hospital or community placement for them outside the prison system should be found.²³

¹⁸ See 'Sanitation and Toilet Facilities' in Reports and Judicial Pronouncements on Prison Conditions.

¹⁹ See 'Vermin' in Reports and Judicial Pronouncements on Prison Conditions

²⁰ See 'Contents of Cells – Facilities and Utensils' in Reports and Judicial Pronouncements on Prison Conditions.

²¹ See 'Healthcare' in Reports and Judicial Pronouncements on Prison Conditions

²² This recommendation is endorsed by the Prison Rules Policy 2012, at page 32.

²³ See 'Healthcare – Mental Health' in Reports and Judicial Pronouncements on Prison Conditions.

14. Staff

- i. Increase in prison staff
- ii. Implementation of a four batch system
- iii. Salary, conditions of service, buildings, amenities and equipment provided for all staff should be such as would attract and retain quality persons to be employed within the Prison Service.²⁴
- iv. Training sessions for prison officers to improve their learning, skills and abilities with respect to the new prison philosophy of restoration justice and the rehabilitation of the prisoner.²⁵

15. Prison buildings

- i. Establishment of an Engineering Team²⁶ to visit each prison with a view to determine the current state of each prison building and give recommendations on improving the structure of such buildings.

16. Telephone and video communications

- i. Use of public telephones for prisoners
- ii. Installation of Video Visitation Centres
- iii. Inclusion of a provision in the **Draft Prison Rules 2010** to allow for both telephone and video communications²⁷
- iv. Installation of a Telephone System whereby all calls, except those made to a legal advisor²⁸, will be monitored and telephone numbers recorded.

²⁴ Garratt Report, at para10.

²⁵ Deosaran Report 2003, #8 at page 13.

²⁶ Such a Team can include civil engineers, structural engineers, health and safety engineers and architects.

²⁷ This has been adopted in Rules 53-54 of the Draft Prison Rules 2012,

²⁸ Calls to legal advisors will not be monitored except where the Prison Authorities have reasonable grounds to believe that the calls pose a risk to prison security, the safety of others or are criminal in nature – Prison Rules Policy 2012, at page 50.

INSPECTOR OF PRISONS - 2012 REPORT | Summary of Recommendations

17. Post-release

- i. Establishment of a post-release programme which will be a means of keeping in contact with the prisoner, providing assistance and employment, as well as references and referrals to governmental agencies and NGO's.²⁹
- ii. Facilitation of communication by the prison administration between the prisoner and agencies that facilitate a prisoner's re-entry into society, such as Vision on Mission³⁰
- iii. Implementation of the proposal of a \$5,000 grant for ex-prisoners and a 200 per cent tax credit incentive to private employers who hire them.³¹
- iv. Establishment of an Offender Management Unit with legislative interventions in offender management and parole and the establishment of the respective Boards.³²

18. SUMMARY OF RECOMMENDATIONS TO ADDRESS THE SPECIFIC CONCERNS OF EACH PRISON

19. Specific recommendation for Port of Spain Prison

- i. Shut down of Port of Spain Prison.

20. Specific Recommendations For The Maximum Security Prison

21. Health facilities and services

- i. Improvement of equipment for basic medical diagnostic services such as Haematology and Radiology.³³

22. Activities

- i. Timetabling of activities carried out in the Michael Hercules Gymnasium.

²⁹ 2003 Deosaran Report, #21 at page 16.

³⁰ Prison Rules Policy 2012, at page 44.

³¹ Camille Bethel. '\$5,000 grant for ex-prisoners.' Trinidad Express Newspapers, dated February 2nd, 2011. Retrieved from http://www.trinidadexpress.com/news/5_000_grant_for_ex-prisoners-115077699.html.

³² Ministry of Justice. Legal Division. Retrieved from <http://www.moj.gov.tt/content/legal-division>

³³ Maximum Security Prison Medical Report 2011. Recommendations, at page 3.

INSPECTOR OF PRISONS - 2012 REPORT | Summary of Recommendations

23. Repair or Replacement of Locks/Underutilisation of Prison

- i. The locks on those cells that are not functioning should be repaired or replaced to allow for holding of prisoners transferred from overcrowded prisons to Maximum Security Prison.

24. **Specific Recommendations for Carrera Convict Prison**

25. Transportation

- i. Dry docked vessel should be expeditiously repaired, or a new or used vessel be purchased to transport prison officers and prisoners to and from the Carrera Prison.

26. Sea Wall

- i. Repair of sea wall.

27. Living and working quarters

- i. Installation of air conditioning units in all quarters where prison staff occupies.

28. Sanitation and toilet facilities

- i. Implementation of a proper sewage disposal system.

29. Water

- i. Implementation of an appropriate water system, whether it is by means of a proper rainwater catchment system or an operational system of tanks and pumps or small scale seawater desalination plant.

30. Health facilities and services

- i. Assignment of three escort Officers to facilitate attendance at clinics.³⁴

³⁴ Carrera Convict Prison Medical Report 2011. Clinic Escort Officers, at page 2.

31. Shut Down of Carrera Prison

- i. Alternatively, if the above recommendations are not economically feasible, then shut down Carrera Prison.

32. Specific Recommendations For The Golden Grove Prison

33. Farming

- i. Provision of education in the techniques and methods of modern farming practices.³⁵

34. Specific Recommendations For Remand Prison

- i. See general recommendations

35. Specific Recommendations For The Women's Prison

36. Health facilities and services

- i. Provision of at least two infirmary officers per batch to improve the standard of care and health services provided to the inmates.

37. Female juvenile offenders

- i. Separation of female juvenile offenders from adult female prisoners.
- ii. Establishment of a separate Industrial School, similar to that of the Youth Training Centre, but for young female offenders.

38. Specific Recommendations For The Youth Training Centre

39. Prison Officers

- i. Removal of protocol for lads to stop what they are doing and stand still on the approach of a senior officer.³⁶

³⁵ 1973 Interim Report, at para68(n).

INSPECTOR OF PRISONS - 2012 REPORT | Summary of Recommendations

- ii. Training specific to children's needs, including psychological and emotional needs, for prison officers assigned to YTC.
- iii. Prison officers should also not wear the typical prison uniform,³⁷ which will assist in removing the psychological effect of a prison stigma.

40. Programmes and Activities

- i. Implementation of more programmes and activities geared toward rehabilitation of the young offender.

41. After Care

- i. Implementation of after-care provisions for young offenders.

42. Child Psychologist

- i. Requisition of child psychologist to deal with issues applicable to young persons.

43. Religious Needs

- i. Requisition of Hindu, Muslim and other required chaplains.

44. Specific Recommendations For The Tobago Prison

45. Space

46. Additional space is required at the Prison as the library space available is quite inadequate.

47. Tobago Young Offenders Detention Centre

48. A young offenders detention centre for young persons is required in Tobago to eliminate young offenders from having to travel to Trinidad, while their families remain in Tobago.

³⁶ 1963 Garratt Report, at para 66.

³⁷ The 1963 Garratt Report at para 66 also makes this recommendation.

49. SUMMARY OF RECOMMENDATIONS ON PRISON BRUTALITY AND EXCESSIVE USE OF FORCE

- i. Establishment of a level of trust between Prison Officers and State Attorneys so that they will be encouraged to be full and frank and be able to understand that they do in fact have a responsibility to inform the Attorneys of all the facts of the incident.
- ii. Introduction of a centralised system of recording and reporting incidents between officers and inmates.
- iii. Implementation of a Use of Force/Incident Form to record all brutality and excessive use of force incidents.
- iv. Implementation of training programmes on use of force and dispute resolution practices.
- v. Adoption of a use of force policy.
- vi. Streamlining of antiquated disciplinary process to expedite the hearing and determination of disciplinary proceedings against officers to ensure greater accountability.

50. SUMMARY OF RECOMMENDATIONS FOR FOUR YEAR REVIEWS

- i. Adherence to and implementation of **Rule 281** and **Rule 282** of the **1943 Prison Rules** which provide for a scheduled four year review of prisoners serving long sentences or prisoners serving a term of imprisonment exceeding four (4) years.
- ii. Consideration of release of the eleven prisoners³⁸ that were recommended for early release by the Commissioner of Prisons.
- iii. Increase in staff assigned to ensure the four-year reviews are carried out.³⁹
- iv. Establishment of a Review Board to manage these four-year reviews.
- v. Implementation of a new computerized format which will allow reviews to be easily completed.⁴⁰
- vi. Proper employment of the four year review system, before the two year review system is implemented under the **Draft Prison Rules 2012**.

³⁸ These eleven prisoners are listed in the table under 'Scheduled Four Year Reviews' in the Chapter Four Year Reviews.

³⁹ Paul Isaac. Prison Correspondence dated May 25th 2012. Legal Advice Concerning the Four Year Review of Prisoners Serving Long Sentences. Conclusion, at page 6.

⁴⁰ Paul Isaac. Prison Correspondence dated May 25th 2012. Legal Advice Concerning the Four Year Review of Prisoners Serving Long Sentences. Conclusion, at page 6.

51. SUMMARY OF RECOMMENDATIONS FOR RESTORATIVE JUSTICE

- i. Examination and possible implementation of Belgium's working application of restorative justice, namely, 'restorative detentions' whereby a restorative justice consultant is designated to and works within each prison.
- ii. Use of the **Final Task Force Report** as a sound guide for the implementation of restorative justice in our prison system.
- iii. Implementation of the restorative justice paradigm on a phased basis and only when prison conditions have been improved.

52. SUMMARY OF RECOMMENDATIONS FOR LEGISLATIVE FRAMEWORK

- i. Consideration given to passing of the following pieces of legislation:
 - a. Prison (Amendment) Bill 2000
 - b. Summary Courts (Amendment) Bill 2000
 - c. Draft Conditional Release Act
 - d. Community Justice Act
 - e. Community Service Orders (Amendment) Bill 2000
 - f. Summary Offences (Amendment) Bill 2000
 - g. Youthful Offenders (Attendance Centres) Bill 2000
 - h. Criminal Records (Rehabilitation of Offenders) Bill 2000
 - i. Administration of Justice (Indictable Proceedings) Act No. 20 of 2011
 - j. Draft Youth Criminal Justice Act
- ii. Striking out of the provision in the **Policy for the Amendment to the Prisons Act Chapter 13:01** that care must be taken to consider that the candidate chosen for Chief Inspector of Prisons ought not to be a practicing attorney at law at the Criminal Bar
- iii. Establishment of a website for the Inspectorate of Prisons to raise public awareness.

53. SUMMARY OF RECOMMENDATIONS FOR DETENTION OF YOUNG OFFENDERS AT THE YOUTH TRAINING CENTRE

- i. Reassignment of Youth Training Centre to the Ministry of Justice, but as a service provided in association with the Ministry of Gender, Youth and Child Development.
- ii. Improved and increased programmes in academic, technical, vocational, cultural and religious training for young offenders.

--

INSPECTOR OF PRISONS - 2012 REPORT

--