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# EVALUATION OF JUVENILE JUSTICE SECTOR REFORM IMPLEMENTATION IN ST. LUCIA, ST. KITTS AND NEVIS, AND GUYANA

## ENDLINE REPORT

**AUGUST 2021**

This publication was prepared independently by Kevin Barnes-Ceeney, Ben Morse, Rashmi Bhat, and Alexa Aziz of Social Impact. It was produced at the request of the United States Agency for International Development as part of the Democracy, Human Rights, and Governance – Learning, Evaluation, and Research activity.

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### **DISCLAIMER**

The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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# ACRONYMS

ART	Aggression Replacement Training
BTC	Boys Training Center
DPCPS	Department of Probation and Child Protection Services
DPP	Director of Public Prosecutions
CJA	Child Justice Act
CRC	Convention on the Rights of the Child
CSEC	Caribbean Secondary Education Certificate
ESC	Eastern and Southern Caribbean
GUY	Guyana
HMP	Her Majesty's Prison
IT	Information Technology
JAC	Juvenile Assessment Center
JAIS	Juvenile Assessment and Intervention System
MAYSI-2	Massachusetts Youth Screening Instrument
NHC	New Horizons Center
NOC	New Opportunity Corps
OECS	Organization of the Eastern Caribbean States
RCC	Rights of the Child Commission – Guyana
SAVRY	Structured Assessment of Violence Risk in Youth
SKN	Saint Kitts and Nevis
SKYE	Skills and Knowledge for Youth Empowerment
STL	Saint Lucia
TBI	To Be Implemented
UNCRC	United Nations Committee on the Rights of the Child
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
US	United States
USAID	United States Agency for International Development
XCD	East Caribbean Dollar
YES	Youth Empowerment Services

# EXECUTIVE SUMMARY

This study assesses the progress of juvenile justice reform efforts in three countries: Guyana, St. Lucia, and St. Kitts and Nevis. We focus on the following sets of questions: first, have key milestones in the juvenile justice reform process been achieved? If not, what have been the primary barriers to progress? Second, approximately how many youth are given diversion programs rather than traditional programs rooted in punitive measures, and how have these numbers evolved over time? Third, what is the quality and perceived effectiveness of court processes in the use of diversion and alternative sentencing options, as well as rehabilitation and reintegration programs? Where programming is weak, what have been the biggest obstacles to improvement? And finally, how likely is it that reforms will be institutionalized and sustainable over time?

To answer these questions, we adopt a qualitative longitudinal design in which we conducted key informant interviews with more than 90 stakeholders and youth across all three countries at three points in time: 2017 (baseline), 2019 (midline), and 2021 (endline). Our interviews focused on progress achieved to date across the following dimensions: coordination within and across juvenile justice agencies, access to diversion and alternative sentencing programs, probation services, detention facility conditions, and reintegration programs.

Our main findings are as follows, organized by country. In the final section of this report, we provide a set of detailed recommendations for each country, organized into two categories: recommendations that can be implemented immediately, and recommendations that will require time and additional resources to implement.

## GUYANA

The Government of Guyana has made uneven progress towards reforming its juvenile justice system since our midline assessment in 2019. There has been progress towards reducing the number of juveniles held in detention, with 40 percent fewer juveniles held in detention in 2021 compared with 2019. However, those that are in detention continue to face a lack of access to high-quality education, counseling, and extra-curricular activities.

Progress towards ensuring smooth coordination across agencies remains mixed. On the one hand, the Childcare and Protection Agency has made considerable progress towards standardizing the procedures for handling juvenile cases and towards preparing pre-charge reports for the Courts, which are critical to contextualizing the root causes leading to a juvenile's offense and laying the foundation for more lenient, alternative sentencing options. On the other hand, the police, who serve as the primary entry point into the justice system, remain unfamiliar with the protocols and procedures for handling juvenile cases. Limited coordination between the police, the Director of Public Prosecutions (DPP), the Courts, and the Juvenile Justice Board have resulted in excessive delays in processing cases and prolonged pre-trial detention for many juveniles.

In terms of diversion and alternative sentencing, little progress has been made towards establishing accredited programs; instead, diversion and alternative sentencing plans and protocols are developed on a case-by-case basis and are usually implemented by probation officers. However, due to limited oversight within the Probation and Social Services Department, the quality of probation services that

juveniles receive is strongly dependent on whether they happen to be assigned to an officer that is intrinsically motivated to help them through coaching, counseling, and reintegration assistance.

Rehabilitation and reintegration remain plagued by a lack of advanced planning prior to a juvenile's release from detention, and there remains a critical need for dedicated rehabilitation programs, job assistance, and halfway housing.

Although challenges remain in all these areas, there does appear to be a widespread consensus among key stakeholders on the importance of juvenile justice reform and the need for a more restorative system. It appears that the will for reform exists, even if implementation remains a work in progress.

The endline policy brief for Guyana is available on USAID's Development Experience Clearinghouse [here](#).

## ST. LUCIA

Notable progress has been made by the government of St. Lucia toward advancing the juvenile justice reform process since the midline assessment. With respect to coordination amongst agencies involved in juvenile justice service delivery, this progress includes putting in place a Technical Committee to coordinate efforts across agencies, drafting a diversion strategy, and starting the Initial Inquiry process both pre-trial and within the Family Court. To ensure this progress is sustained, the government will need to ensure that the Technical Committee remains in place until either a coordinating body, like the Child Justice Management Unit recommended by the Juvenile Justice Reform Project (JJRP), or equivalent cross-agency coordinating mechanism is officially put in place. Though all stakeholders asserted that juvenile justice reform is a coordinated effort across multiple agencies, our research suggests that BTC and Probation carry much of the responsibility in providing guidance and services to youth.

In terms of diversion and alternative sentencing, a key achievement since midline is that pre-trial diversion is now taking place, led by Probation, and the Family Court is now issuing diversion orders in cases involving juveniles. It will also be crucial for the Cabinet to approve a diversion strategy to help officially institutionalize and operationalize diversion as a core juvenile justice process and pave the way for government funding for diversion programs. Currently, diversion orders issued by the court are mostly for Supervision and Guidance, with probation officers given the responsibility of designing each youth's supervision strategy and of identifying programs for youth to participate in. There is still a critical need for a set of official diversion programs to be formalized so that the Court and probation officers have more structured options to divert youth to.

The number of juveniles housed at the adult correctional facility (Bordelais) has decreased drastically from baseline to endline (from 16 to one). Additionally, youth interviewed at both the juvenile detention facility (Boys Training Center, BTC) and Bordelais reported almost no instances of physical abuse. We find that forms of solitary confinement are still being employed — either intentionally as punishment, or unintentionally due to COVID-19 protocols or youth being kept in a separate unit at Bordelais. The educational curriculum at BTC still requires strengthening, a persisting issue from baseline and midline. Youth at Bordelais were not receiving any programming at endline, a marked step backwards from midline.

Our findings suggest that there are significant management challenges at BTC in particular that need to be addressed in order for it to be a more effective rehabilitative environment for youth. Also, St. Lucia's juvenile justice system at large demonstrates a primary focus on rehabilitating juveniles who have committed only minor offenses. There still seems to be little progress or plan in place for juveniles who have committed serious offenses, and these juveniles are often still sent to Bordelais where youth were not receiving any programming at the time of endline data collection. Furthermore, St. Lucia has few options for juvenile females in conflict with the law. Though this is a widely acknowledged fact, there seems to be little data available about juvenile female offenders beyond anecdotal information. Without data, it is difficult to identify the most feasible interventions for serving this population. Lastly, reintegration efforts are still largely driven by individual officers and counselors, and there is still a lack of formal and coordinated programs for reintegration of juveniles in conflict with the law.

The endline policy brief for St. Lucia is available on USAID's Development Experience Clearinghouse [here](#).

## ST. KITTS AND NEVIS

The government of St. Kitts and Nevis has made some progress towards reforming its juvenile justice system since our midline assessment in 2019. Most notably, the Child Justice Committee (CJC) was finally established in late 2019, a full six years after the passage of the Child Justice Act. Although the CJC is still a fledgling institution, it has achieved some progress in the past two years, most notably in the area of promoting diversion for non-violent offenses. Nevertheless, the CJC has yet to fulfill its potential in terms of both ensuring diversion for all those who qualify under the CJA of 2013, as well as in terms of ensuring coordination across agencies to promote the smooth and timely handling of juvenile cases. Coordination across agencies remains poor, resulting in prolonged periods of pre-trial detention for juveniles.

In the New Horizons Rehabilitation Center (NHRC), conditions have remained satisfactory, and the use of solitary confinement has reportedly been replaced with the more limited use of single separation. Another area of progress is that culturally, there seems to be a genuine commitment to the principles of restorative justice for juveniles, and a keen interest in reforming the juvenile justice system to these ends.

Pre-trial diversion and effective reintegration of recently released juveniles continue to be plagued by a lack of dedicated and accredited programs, despite years of rhetoric paid to the importance of these types of programs. Moreover, probation officers – who have primary responsibility for ensuring adherence to diversion plans and for ensuring successful reintegration – remain poorly motivated and poorly monitored, limiting the quality of supervision and counseling received by juveniles under their supervision.

The endline policy brief for St. Kitts and Nevis is available on USAID's Development Experience Clearinghouse [here](#).

# INTRODUCTION

Juvenile justice systems in Eastern and Southern Caribbean (ESC) states have historically had a punitive orientation, emphasizing incarceration and retribution rather than rehabilitation and reintegration. Yet, a large and growing body of research suggests that that punitive sentencing practices tend to increase, rather than decrease, recidivism (Wong et al., 2016). Conversely, sentencing practices grounded in restorative justice and rehabilitation have consistently been shown to reduce recidivism (Wilson and Hoge, 2013).

Recognizing the potential of restorative justice practices, many governments in Eastern and Southern Caribbean states have begun to reform their juvenile justice systems. For over a decade, the United States Agency for International Development (USAID) has actively supported these reforms, whether through violence prevention programs for at-risk youth, providing legislative frameworks for reform laws, or implementing programs to modernize systems of youth justice. The hope is that a more rehabilitative and less punitive approach to juvenile justice can break the cycle of incarceration, recidivism, and further incarceration, and thereby help address high rates of crime and violence in the region.

To evaluate the success of these reforms and help inform its programming, USAID contracted Social Impact to implement a longitudinal, qualitative study of juvenile justice outcomes in Guyana, St. Lucia, and St. Kitts and Nevis. The study began in 2017 with a comprehensive baseline assessment of the state of juvenile justice reforms based on more than 180 key informant interviews with stakeholders and youth across all three countries. In 2019, the research team returned to conduct another round of key informant interviews to assess progress made since 2017. This assessment reports the results of the endline assessment, which includes more than 95 interviews conducted remotely and in-person between April and June 2021.

Our analysis focused on three overarching sets of questions. First, have key milestones in the juvenile justice reform process been achieved? If not, what have been the primary barriers to progress? Second, approximately how many youth are given diversion programs rather than traditional programs rooted in punitive measures, and how have these numbers evolved over time? Third, what is the quality and perceived effectiveness of court processes in the use of diversion and alternative sentencing options and rehabilitation and reintegration programs? Where programming is weak, what have been the biggest obstacles to improvement? And finally, how likely is it that reforms will be institutionalized and sustainable over time?

The remainder of this report is organized as follows. First, we provide background on juvenile justice reforms in the region, review recent literature on the effectiveness of restorative justice reforms, and discuss USAID's efforts to promote these reforms in the region. We then present the study methodology and key research questions. Next, we provide a detailed, country-by-country account of progress achieved to date across the following dimensions: coordination within and across juvenile justice agencies, access to diversion and alternative sentencing programs, probation services, detention facility conditions, and reintegration programs. We conclude with a set of recommendations for each country based on our findings.

## BACKGROUND ON REFORMS IN THE REGION

High rates of crime and violence remain a challenge for St. Kitts and Nevis, St. Lucia, and Guyana. Table 1 details the reported homicide, robbery, and residential burglary rates per 100,000 people in each of the countries in 2018. Although there has been a decrease in violent crime over the last decade, crime rates in all three countries remain well above global averages. For example, St. Kitts and Nevis has a homicide rate of 41.8, which is nearly seven times higher than the global average of 5.8 homicides per 100,000 people. In addition to the social and psychosocial toll on affected communities, such high rates of insecurity have serious consequences for economic development.

**Table 1: Selected crime rates in St. Kitts and Nevis, St. Lucia, and Guyana, 2018**

	HOMICIDE RATE	ROBBERY RATE	BURGLARY RATE
St. Kitts and Nevis	42	126	580
St. Lucia	21	164	503
Guyana	14	140	278
USA	5	86	340

Notes: Homicide, robbery, and burglary rates per 100,000 people. Sources: OSAC, Bureau of Diplomatic Security, U.S. Department of State; FBI Uniform Crime Reporting Program (USA).

Juvenile delinquency is widely viewed as a core contributor to crime in the region. Although limited empirical data exist concerning crime and delinquency in each of the three countries, scholars generally suggest that violent crime in the Caribbean is caused by a toxic mix of guns, gangs, drugs, poverty, and a lack of economic opportunities. In our midline study in 2019, we asked stakeholders what the main drivers of juvenile delinquency were in their respective countries. Although stakeholders in each of the countries identified common themes such as the role of parents, the education system, and peers, important nuances emerged. Substance abuse was identified as a driver of delinquency in St. Kitts and Nevis and Guyana, but not in St. Lucia. Neighborhood-level influences including gang activity were considered by stakeholders to be an important driver of delinquency in all three countries (Noltrieke, 2020; Hill & Morris, 2017). Other contributing factors include a police force that is corrupt, abusive, often absent from communities, and unable to effectively prevent or investigate crimes or build civilians' trust (Sutton & Baxter, 2017). Corrupt and ineffective policing, in turn, contributes to low levels of trust, potentially deterring cooperation and further exacerbating police ineffectiveness (Tyler, 2006).

As a result of these dynamics, juvenile justice systems in the region have become overwhelmed by youth who need help transitioning away from delinquent activities and need support to reintegrate into mainstream, law-abiding society. Historically, these systems have adopted retributive and punitive sentencing practices rather than focusing on rehabilitation and restorative justice practices. This has slowly started to change as the negative effects of punitive policies on recidivism outcomes have become better understood and more widely documented (Wong et al., 2016). Research from the United States (U.S.) and other contexts has shown that punitive sentencing practices tend to increase, rather than

decrease, recidivism (Wong et al., 2016). Conversely, sentencing practices grounded in restorative justice and rehabilitation have consistently been shown to reduce recidivism (Wilson and Hoge, 2013).<sup>1</sup>

In our own research of 377 youth in conflict with the law in Guyana, we found that 36 percent of respondents indicated that they were rearrested within three years, and 65 percent admitted to engaging in a delinquent or criminal act following their initial juvenile justice system involvement (Barnes-Ceeney et al., 2021). On a positive note, these recidivism rates appear somewhat lower than recidivism rates in the United States.

At the forefront of juvenile justice reforms around the world is the use of pre-trial diversion and alternative sentencing. (To ensure conceptual clarity, we follow the majority of scholarship and use the term diversion to refer to pre-trial diversion, and we use the term “alternative sentencing” to refer to post-trial diversion). Pre-trial diversion programs vary considerably depending on many factors, including the objectives of the program (e.g., saving judicial resources vs. reducing recidivism); who determines eligibility and provides oversight or services (e.g., police, probation, court staff); which youth are eligible (e.g., status offenders, youth accused of minor crimes); the scope of any programming or oversight provided as part of diversion; what is required of youth in diversion and what happens if they fail to comply; and what are the incentives for youth to participate. As such, pre-trial diversion and post-trial diversion (i.e. alternative sentencing) can vary from “informal diversion”, whereby the police or courts provide a warning and release the youth without any conditions, services, or oversight, to more formalized diversion, whereby youth are enrolled in an accredited diversion program, sign an agreement laying out the conditions of the program, receive extensive services, are closely overseen, and receive certain benefits following successful completion of the program. Examples of these pre- and post-trial diversion programs include drug counseling, vocational training, community service, probation, and restitution to victims.

## ADDRESSING THE UNIQUE NEEDS OF JUVENILES

A central feature of juvenile justice reform is the recognition that juveniles are different from adult offenders. Juveniles often lack maturity, engage in risk-taking and impulsive behavior, and are less likely to initially consider the consequences of potential actions compared to adults. Current thinking in neuroscience suggests that the parts of the brain that govern impulse control, planning, and thinking ahead continue to develop after the age of 18 (Steinberg, 2007). Scholars have identified that the limbic region of the brain, where emotions and reward behaviors are processed, develops before the prefrontal region, where logical thinking and behavioral control lie (Casey et al., 2011). Children, when faced with emotionally charged situations may make decisions based upon impulse rather than careful cognitive consideration. Given the later development of the prefrontal cortex, it is unsurprising that children are relatively more susceptible to peer influence and peer pressure than adults. The influence of peers on adolescent offending is well established in the literature. Peers may transmit attitudes supportive of delinquency, sustain a historical narrative of previous delinquent acts, and provide an encouraging forum for the “acting out” of new delinquent behaviors.

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<sup>1</sup> Wilson and Hoge (2013) conducted a study of 73 pre-trial diversion and alternative sentencing programs consisting of 14,573 youth offenders and compared them to 18,840 juveniles processed in the traditional justice system to assess the rate of recidivism in each group. The authors found that “in 60 of the 73 diversion programs, the recidivism rate of diverted youth was lower than that of youth processed by traditional justice system” (p. 504).

## ORIGINS OF JUVENILE JUSTICE REFORM IN THE REGION

The model law on juvenile justice,<sup>2</sup> developed by the United Nations, has been the bedrock for advancing juvenile justice reforms in St. Kitts and Nevis, St. Lucia, and Guyana. The model law provides a framework for developing a juvenile justice system that supports four important principles espoused in the 1990 UN Convention on the Rights of the Child (UNCRC): nondiscrimination irrespective of race, sex, language, religion, ethnicity, disability, or nationality (Article 2); the primary consideration should be the best interests of the child (Article 3); the child’s right to survival and development (Article 6); and the right of the child to participate in decisions affecting him or her, and in particular, to be given the opportunity to be heard in any judicial or administrative proceedings affecting him or her (Article 12). Of the three countries, St. Kitts and Nevis was first to ratify the UNCRC in 1990, followed by Guyana in 1991, and St. Lucia in 1993.

The model law enshrines the principle that children in conflict with the law should receive due process, provides provisions for the age of criminal responsibility, and recommends the abolishment of status offenses.<sup>3</sup> The model law provides guidance on all stages of the juvenile justice process, including apprehension, arrest, detainment in police custody or a juvenile detention center, the establishment of children’s courts overseen by judges trained in juvenile matters, provisions for trial, custodial sentences and alternative sentencing, conditions of detention and institutional treatment, as well as the need to provide aftercare services.

The model law dictates that, where possible, children should be diverted from the formal juvenile justice system. Such diversion could occur at the point of apprehension by the police, following arrest and charge, or through a formal court diversion program after the young person has appeared in court. Diversionary programming, informed by a thorough assessment of the child’s needs, may adopt a restorative justice lens, whereby efforts are made to repair potential harms for the young person, the victim, and the community. In a diversionary program, the child is typically referred to a Child Welfare Board. The Board is then responsible for overseeing any expectations regarding community service, educational and therapeutic interventions, curfews, and supervision requirements.

Although many children in conflict with the law are suitable for diversionary programming, some young people have committed acts of delinquency that are so serious that they need to be managed within the formal juvenile justice system. Alternative sentencing to probation allows the child to be supervised by a probation officer. After a thorough assessment of the young person’s risks and needs, an appropriate supervision plan is designed. A strong supervision plan seeks to address those needs that, if unaddressed, are most likely to lead to further delinquency. The young person is expected to report to the probation officer on a regular basis, abide by curfews, and complete rehabilitative and educational programming.

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<sup>2</sup> UNODC 2013 Justice in Matters Involving Children in Conflict with the Law: Model Law on Juvenile Justice and Related Commentary [https://www.unodc.org/documents/justice-and-prison-reform/Justice\\_Matters\\_Involving-Web\\_version.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Justice_Matters_Involving-Web_version.pdf)

<sup>3</sup> Status offenses are those offenses that would not be deemed criminal if the individual committing the offense was over the age of responsibility. Typical status offenses include truancy, running away from home, and specific to some Caribbean countries, the crime of wandering. A number of behaviors could previously be construed as “wandering,” including when a child is away from home all night and the parent or guardian does not know the child’s whereabouts, when a child hangs out with older people who may be using drugs or are engaged in other criminal activities, or when children are engaged in activities related to human trafficking.

Under the model law, the deprivation of liberty through a custodial sentence should be a last resort, and for the shortest possible period of time relative to the seriousness of the delinquent act committed. The purpose of the custodial sentence in the juvenile justice system is to be reintegrative, with the aim to assist the child in playing a constructive role in society, rather than being a punitive or retributive sentence. Given the reintegrative purpose of custodial sentences for children, the provision of rehabilitative and educational services for incarcerated youth is fundamental. The model law requires a shift in institutional culture, whereby practices such as the housing of children with adult incarcerated people, the corporal punishment of children, and the use of solitary confinement are not allowed. Of note is that solitary confinement and physical abuse of children are forbidden under the UNCRC.

Re-entry and reintegration planning is a critical component of juvenile justice system reform. Planning for release should begin on day one of the young person's period of detention. Best practices call for the probation officer to be visiting the young person in the facility and developing a good understanding of the home environment where the child will be returning to. Educational qualifications, employment-focused training, housing, social supports, substance abuse treatment, and mental health services are all critical factors that should be considered when preparing a young person for successful community reintegration after detention.

## **PROGRESS IDENTIFIED AT MIDLINE**

Juvenile justice reform is an ongoing process that requires sustained attention and commitment by key champions within each country. In our midline study in 2019, we were able to identify important progress that had been achieved. All three countries had passed legislation fashioned from the model law. St. Kitts and Nevis were the first country, passing the Child Justice Act in 2013. Guyana passed the Juvenile Justice Act in April 2018, followed by St. Lucia's adoption of the Child Justice Act and the Child Care, Protection, and Adoption Act in November 2018. In St. Kitts and Nevis, the members of the Child Justice Committee overseeing diversionary programming had been identified by the Probation and Child Welfare Board. Strong relationships existed between probation officers and schools, creating a strong foundation for community interventions and engagement.

In St. Lucia, Probation and Parole Services had taken an exemplary role in the juvenile justice reform process. Empirical risk assessment instruments were being used by probation officers to assess risks and needs, and accredited Anger Replacement Training (ART) programs had been delivered with both community and detained youth. Considerable restructuring had occurred, with children charged with status offenses being diverted from the justice system entirely, with a referral to social workers in the Human Services Department.

Similarly, children in Guyana under the age of 14 years were being referred to social workers in the Childcare and Protection Agency, and the status offense of "wandering" had been decriminalized. At the governmental level, a Department of Criminal Justice and a Juvenile Justice Committee were operational. Furthermore, the Children's Court was opened in Georgetown in October of 2018.

## **CHALLENGES REMAINING AT MIDLINE**

Despite progress made at midline, significant challenges remained in relation to the full implementation of juvenile justice reforms. In St. Kitts and Nevis and St. Lucia, there was a need to formalize court-led diversionary programming. Also, the Child Justice Committee had yet to become operational, limiting the use and extent of diversionary programs. Similarly, in St. Lucia, there was a need to operationalize

Initial Inquiry Meetings, in order for juveniles to be processed outside of the formal court system. There was also a need to implement empirical risk assessments in probation in St. Kitts and Nevis.

In all three countries, there was a need to formalize alternative sentencing options, including the use of supervision and rehabilitative programming as alternatives to incarceration. There was also a need to expand educational, rehabilitative programming, and mental health services for detained young people. In St. Kitts and Nevis, we highlighted concerns that children were detained in Her Majesty's Prison (HMP), an adult prison facility. Similarly, there were concerns in St. Lucia that children were being detained at Bordelais. In all three countries, concerns were raised concerning the use of solitary confinement and corporal punishment with detained youth, in direct contravention of the UNCRC. Finally, there was a need for re-entry and reintegration support services for young people held in detention facilities.

## USAID JUVENILE JUSTICE PROGRAMMING IN THE REGION

Reducing youth involvement in crime and violence is a priority for countries in the ESC as well as for USAID. In 2016, USAID launched its five-year Youth Empowerment Services (YES) initiative, which seeks to reduce juvenile crime and violence in the Eastern Caribbean by applying a public health framework to crime reduction and violence prevention. The public health model of crime prevention is a proactive approach to juvenile justice, which focuses on reducing risk and increasing resiliency for at-risk youth and justice-involved youth (Welsh, 2005). The framework offers an alternative to reliance on the courts and incarceration by focusing on rehabilitation and implementing a practical, science-based approach to improve the management of juveniles in conflict with the law (Hamburg, 1998).

The YES initiative builds off previous USAID programs and partnerships developed in the region that were designed to address the concerns of youth crime and violence. In 2016, USAID and the Organization of the Eastern Caribbean States (OECS) launched the Juvenile Justice Reform Project Part II (JJRP), building on JJRP I, which ran from 2011 to 2015. The project's aim was to facilitate the reformation of the juvenile justice systems in six countries, including St. Lucia and St. Kitts and Nevis (but not Guyana). The goal was to strengthen the juvenile justice process through the application of national and sub-regional measures to improve the life circumstances of youth in conflict with the law, with a strong focus on rehabilitation and reintegration.<sup>4</sup> More specifically, the initiative aimed to:

- (1) Improve the legal and regulatory frameworks by drafting model legislation and promoting a national juvenile justice strategy.
- (2) Build capacity for effective justice administration through trainings, development of operating procedures, and introduction of case management software and screening tools.
- (3) Modernize diversion, detention, and rehabilitative processes through investments in detention facilities and promotion of alternative sentencing options.
- (4) Improve linkages with civil society through public awareness and education activities.

In Guyana, USAID also funded the Skills and Knowledge for Youth Empowerment (SKYE) project, which concluded in December 2016. The SKYE project sought to reduce youth crime and violence through targeted alternative sentencing, work readiness training, entrepreneurship development, and livelihood coaching. SKYE originally targeted 2,000 youth who were identified as being ill-prepared for integration into the workforce, focusing on those who had dropped out of high school and/or were in conflict with the law.

More recently, USAID supported the Community, Family, and Youth Resilience (CFYR) program in St. Kitts and Nevis, St. Lucia, and Guyana, which aims to create pathways away from crime for youth aged 10 to 29. Using a risk screen to identify at-risk youth, the program provides at-risk youth with services identified through a community-based approach in which the youth, their family, and local stakeholders collaboratively define problems, identify risk and protective factors, and create local solutions. The program ended in 2020, and a rigorous evaluation found it to be effective at some, but not all of its objectives (Diaz-Cayeros et al., 2020).

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<sup>4</sup> USAID. St. Lucian Youth Benefit from Juvenile Justice Reform. (March 30, 2016). <https://www.usaid.gov/eastern-and-southern-caribbean/news-information/press-releases/st-lucian-youth-benefit-juvenile>

## EVALUATION OBJECTIVES

This implementation study seeks to understand if juvenile justice sector reforms in the three countries have been successfully implemented. This is no small undertaking, as there are enormous challenges in transitioning a juvenile justice system away from a detention-based, punitive approach to a diversionary and rehabilitation-based approach. This transition requires legislative changes, political will, resources, and a cultural shift in the justice sector. Recognizing these challenges, this evaluation tracks the status and quality of reform efforts in each of the three countries over a five-year time span, from 2017 (baseline) to 2019 (midline) to 2021 (endline).

Our evaluation is guided by four overarching sets of research questions:

1. Have key milestones in the juvenile justice reform process been achieved? If not, what have been the primary barriers to progress?
2. How many youth are currently being enrolled in diversion programs rather than in traditional programs rooted in punishment and incarceration? Has there been progress over time? Why or why not?
3. What is the quality and perceived effectiveness of court processes, diversion programs, and rehabilitation and reintegration programs? Where programming is weak, what have been the biggest obstacles to improvement?
4. How likely is it that reform efforts will be institutionalized and sustainable over time?

In addressing these questions, we aim to inform USAID's programming in the region. We also hope that this evaluation will be a useful resource for stakeholders and staff in the juvenile justice systems of St. Lucia, St. Kitts and Nevis, and Guyana, and for those interested in the implementation of system-wide juvenile and criminal justice reform efforts.

## EVALUATION DESIGN AND METHODS

This implementation study uses a comparative, longitudinal qualitative research design. We examine three countries, St. Lucia, St. Kitts and Nevis, and Guyana, at three different points in time: baseline (2017), midline (2019), and endline (2021). This endline report builds on the midline report, which presented the mid-point status of juvenile justice reform in the three countries.

At baseline and midline, the majority of interviews with stakeholders and youth occurred in-person and in-country. At endline, however, the COVID-19 pandemic prevented international travel and most in-person interviews. As a result, the majority of stakeholder interviews took place virtually. Interviews with detained youth in Guyana and St. Lucia were conducted in-person by local researchers.<sup>5</sup> In St. Kitts and Nevis, the team was unable to access detained youth owing to a spike in COVID-19 cases. The research team attempted to interview youth virtually, but the facilities were unable to provide the necessary accommodations. In the Limitations section, we discuss the advantages and disadvantages of relying on

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<sup>5</sup> At the time of our study, COVID rates were exceedingly low in these two countries, and most workplaces and community events were operating without restrictions. Nevertheless, we took extensive measures to ensure these in-person interviews could be done safely. Researchers received COVID tests prior to arrival at detention facilities, wore masks throughout their visit, and conducted all interviews outside or in well-ventilated indoor spaces.

virtual platforms for most interviews as well as the implications of not being able to access youth in detention in St. Kitts and Nevis.

Data collection began in late April 2021 and lasted through June 2021.

In Guyana, the research team spoke with:

- 23 government officials, probation officers, detention facility staff, judges, and court officials
- 6 youth in detention
- 10 youth on probation

In addition, the research team visited the following sites in-person: The New Opportunity Corps (NOC), the Sophia Detention Center, and the New Amsterdam Probation Department.

In St. Lucia, the research team spoke with:

- 29 government officials, probation officers, detention facility staff, judges, and court officials
- 6 youth in detention
- 4 youth on probation

In addition, the research team visited the following sites in-person: The Boys' Training Center (BTC) and Bordelais Correctional Facility.

In St. Kitts and Nevis, the research team spoke with:

- 15 government officials, probation officers, detention facility staff, judges, and court officials
- 0 youth in detention
- 5 youth on probation

The research team in St. Kitts and Nevis did not conduct any in-person interviews or site visits due to the incidence of community spread of COVID-19.

The research team interviewed both high and low-level officials across the juvenile justice sector. The team covered multiple regions in each of the three countries. The interview protocol covered a range of topics, including legal compliance with the juvenile justice legislation, inter- and intra-agency cooperation, diversion and alternative sentencing practices, detention facility conditions, and reintegration services. Although the research team followed a protocol, the semi-structured nature of the interview allowed interviewers to follow alternative lines of inquiry and prompts when necessary.

Prior to interviews, researchers obtained verbal informed consent and assured participants that personally identifiable information would be kept confidential. To protect participants' confidentiality, job titles and places of employment are omitted when presenting direct quotes in this study.

In addition to the qualitative interviews conducted for this study, the research team reviewed relevant legislation, policy documents, and the grey literature on juvenile justice reforms in the Eastern and Southern Caribbean.

## LIMITATIONS

Our study comes with several important limitations. First, because we rely primarily on open-ended interview questions rather than close-ended questions, it is difficult to make precise, quantified comparisons across time. This design decision was deliberate, to enable the research team to capture the complexities and nuances of implementing comprehensive juvenile justice reform, but it does come at a cost. In lieu of a quantified assessment of progress on a narrow set of close-ended metrics, we offer a holistic assessment that captures the unique challenges that have emerged within each country over time.

A second limitation that applies to the endline study is that most interviews were conducted virtually rather than in-person due to the COVID-19 pandemic. Survey methodology generally places a premium on in-person interviewing, because it enables the interviewer to establish a rapport with the respondent that facilitates information sharing and truthfulness. However, despite our initial concerns and prior expectations, we found that the virtual interview format performed well in terms of building rapport and allowing for honest and substantive conversations about progress (or lack thereof) towards juvenile justice reform. Contrary to what would be expected if rapport were weak, we found that respondents were forthright and offered many critical perspectives on progress within their own agency and in adjacent agencies. The virtual interview format also provided some notable advantages over in-person interviewing. For example, the virtual format allowed the team to spread out interviews over a longer period of time (rather than trying to squeeze interviews into a two-week country visit). This gave the team more time to prepare for interviews and to update the protocol in light of emerging themes and findings.

A third limitation to this study is that we were not able to access youth in detention in St. Kitts and Nevis due to COVID-19 related restrictions. As a result, we are unable to affirmatively verify the statements of detention facility officials about conditions within their facilities. We were, however, able to cross-reference their statements with those of more neutral actors, such as lawyers of defendants, court officials, and members of the child justice committees. Overall, we feel confident about the accuracy of our findings on detention facilities in St. Kitts and Nevis, though they should be interpreted with some caution and ideally be verified once COVID-19 restrictions are lifted.

A fourth limitation to this study was the sampling methodology for youth on probation interviews. Because there was no available sampling frame of youth being supervised on probation in any of the countries, our team had to rely on a convenience sampling approach where probation officers provided names of youth willing to participate in these conversations. While we indicated to officers our goal to speak with a range of youth, supervised by different officers and with varied experiences within the juvenile justice system, ultimately, we had little control over the names we were provided. However, the youth we spoke to still provided critical perspectives on their experiences within the system.

Our study has also been descoped since the outset of this study in 2016. Our original study design involved complementing the qualitative data in this report with large-N quantitative data on justice-involved juveniles. However, administrative records on juveniles in conflict with the law proved difficult to access due to incomplete databases, country-specific legal requirements, and some level of hesitation on behalf of country officials. Ultimately, we were only able to access administrative records for Guyana. Using these data, we published a report measuring the degree to which juveniles who came in conflict with the law have recidivated or become successfully reintegrated into their communities (Barnes-

Ceeney et al, 2021). This report is cited throughout the Guyana section of the report. However, we were unable to provide this complementary analysis for the St. Lucia and St. Kitts and Nevis sections of this report.

# GUYANA

## BACKGROUND ON JUVENILE JUSTICE REFORM IN GUYANA

At the heart of Guyana’s juvenile justice reform process is the Juvenile Justice Act of 2018. In the broadest sense, the act stipulates that juvenile justice policy should “further the wellbeing of juveniles” by advancing their rehabilitation, education, and reintegration.<sup>6</sup>

The act seeks to accomplish this through several important measures. First, the act raises the age of criminal responsibility from ten years old to 14 years old and narrows the definition of juvenile to an individual between the ages of 14 and 18 years old. The act includes the presumption that no child under the age of 14 shall be capable of committing an offense, unless the principle of *doli incapax* can be rebutted. If the presumption is not rebutted, children under the age of 14 must be referred to the Childcare and Protection Agency and charges must be withdrawn.

Second, the reform decriminalizes “wandering,” a status offense that allows for the detention of youth left unsupervised in public spaces. Wandering was previously one of the most common charges leading to detention and a major concern raised at baseline. As one stakeholder commented in 2019:

*“If a child runs away from home, as ludicrous as it was, the police could charge him and send them into the juvenile justice system. That happened for decades. But, [with] the new law now, that’s one of the positive outcomes, because I was at Holding Center a few weeks ago and there were no charges being laid for wandering.”*

Third, the legislation creates a Children’s Court in Georgetown, which opened in October of 2018. The children’s courtroom is separated from the criminal court, and specific magistrates are assigned responsibility for handling juvenile cases. By segregating juveniles from adults, the Children’s Court sought to give all parties the clear understanding that the justice system must treat children in conflict with the law differently than adults. However, juveniles charged with serious violent crimes (murder, manslaughter, sexual offenses, etc.) are still committed to the high court, so the ability for juvenile offenders to access a reformed court process is limited to those with misdemeanor offenses.

Fourth, the act exempts children and juveniles from being sentenced to death<sup>7</sup> or imprisonment,<sup>8</sup> and when the juvenile is found guilty, this finding is not documented in their record as a conviction.<sup>9</sup> The court’s response to a young person’s offending should be meaningful and proportionate, while recognizing the young person’s “greater dependency and reduced level of maturity.”<sup>10</sup> Detention should only be used “as a last resort” and should be “safe, fair, and humane.”<sup>11</sup> Furthermore, if under the age of

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<sup>6</sup> Juvenile Justice Act, 2018, (Part I, 3(b)ii)

<sup>7</sup> Juvenile Justice Act, 2018, (Part VI, 38(4))

<sup>8</sup> Juvenile Justice Act, 2018, (Part VI, 41)

<sup>9</sup> Juvenile Justice Act, 2018, (Part VI, 42)

<sup>10</sup> Juvenile Justice Act, 2018, (Part I, 3(b)iii)

<sup>11</sup> Juvenile Justice Act, 2018, (Part VIII, 71 (1)(a))

18, the young person should be held “separate and apart from any adult who is detained or held in custody.”<sup>12</sup> Additionally, periods of custody should be served in an “open residential facility.”<sup>13</sup>

Fifth, the act encourages diversion. The Juvenile Justice Act of 2018 defines diversion as “the diversion of a juvenile away from formal court procedures to informal court procedures.”<sup>14</sup> Diversion measures may include an oral or written apology, placement under the supervision and guidance of the Childcare and Protection Agency, referral to counseling or therapy, compulsory attendance at an educational or vocational establishment, restitution, community service, or compensation to a specified victim. Diversion options cannot be used if the young person either denies committing the offense or wishes that the matter be dealt with by the court. The young person’s successful completion of the diversionary option will result in charges being dropped. Previous completion of a diversionary option or a previous conviction does not preclude the young person from receiving diversion again.<sup>15</sup>

Sixth, the Juvenile Justice Act of 2018 establishes a Juvenile Justice Committee comprised of nine people. These include a Chairperson, a Deputy Chairperson, an attorney-at-law, a retired probation officer who previously served in a senior capacity, a retired head of a vocational institution, and four other people with “skills, knowledge, experience, and training in matters relating to juveniles, sociology, social work, and psychology.”<sup>16</sup> The Juvenile Justice Committee appoints juvenile justice facilities’ staff and will be responsible for hearing complaints from incarcerated juveniles, as well as initiating investigations and taking appropriate actions based on the recommendations of investigations.

In summary, the passage of the Juvenile Justice Act of 2018 represents a significant milestone in Guyana’s juvenile justice reform process, because it codifies in law a vision for a juvenile justice system centered around rehabilitation rather than punishment. However, as any legal scholar well knows, the *de jure* vision does not necessarily translate to *de facto* conditions on the ground. Indeed, a recent quantitative survey of justice-involved youth in Guyana found that an alarming proportion of the justice-involved juveniles (32 percent) experienced police brutality at the hands of the police. It also found that employment and educational opportunities for justice-involved youth continue to be limited, and that current reforms have thus far failed to reduce recidivism, which remains at very high levels (Barnes-Ceeney et al, 2021).

This report complements the survey, by delving into the details of how the act has been implemented and highlighting where progress has been made, as well as where critical elements remain to be implemented.

## INTERAGENCY COORDINATION

The Juvenile Justice Act provides clear and precise instructions for how juvenile cases should be handled. Within 24 hours of apprehension, the police must give written notice to the parents and/or guardians of the child. Also within 24 hours of apprehension, the police must contact the Childcare and Protection Agency (CPA) to request a pre-charge report that will assess the child’s home environment,

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<sup>12</sup> Juvenile Justice Act, 2018, (Part VIII, 72)

<sup>13</sup> Juvenile Justice Act, 2018, (Part VI, 43(k))

<sup>14</sup> Juvenile Justice Act, 2018, (Cap. 1:01)

<sup>15</sup> Juvenile Justice Act, 2018, (Part I, 5(2)(a))

<sup>16</sup> Juvenile Justice Act, 2018, (Part VIII, 82(3))

previous criminal involvement, and suitability for diversion. With the pre-charge report in hand, the police must submit the case to the Directorate of Public Prosecutions (DPP). The DPP has three options: it may recommend the case to the Juvenile Justice Department for diversion; it may recommend that the child be placed under the care of CPA; or it may recommend that the case proceed to the Magistrate's court for charges to be laid. If the case is to proceed to court, then the Probation and Social Services Department must first complete and submit a probation report.

As is clear, the workflow laid out in the Juvenile Justice Act requires close coordination and cooperation across numerous agencies. At baseline, such coordination was noted as a major struggle. Coordination improved modestly at midline with the establishment of the Department of Juvenile Justice and the formation of an interagency working group involving staff from the USAID-supported CFYR program, the police, magistrates, the Childcare and Protection Agency, the Department of Social Services, and key voluntary organizations.

However, our interviews during the endline study made clear that such progress has stalled. The most important friction point is how the police handle juvenile cases. As one stakeholder described:

*“Our main challenge with juvenile justice at the moment is at the level of the police. Most police officers are not aware of the processes that need to be followed when interacting with juveniles; they're not using the system. There are significant cases that do not go into the system and are not handled appropriately. The act makes clear that any case involving a child should come to Childcare and Protection Agency for a pre-charge assessment; this is not happening regularly, especially outside of Georgetown.”*

Stakeholders also expressed disappointment in the police's failure to coordinate with the appropriate agencies:

*“By virtue of the act, the structure is in place for proper coordination, but the follow-through is not there. Sometimes the police send cases to the DPP with no probation report. Other times, they send the case directly to the court, only for us to realize that it didn't go through any of the channels. And then we have to send the case back through the whole process: childcare and protection, probation, pre-charge assessments, everything. I think the police need training to follow step by step what they have to do. They need a lot more coaching.”*

Even the police readily acknowledged their performance shortfalls. As one individual noted:

*“The biggest challenge we face is not enough training as it relates to juvenile cases. Juvenile issues are not covered in basic police training, so many of us are not familiar with how to handle these cases. Some of the biggest training gaps are with respect to how to conduct an investigation involving juveniles, how to interview them, how to detain them, and when to take the cases to the DPP in accordance with appropriate procedures.”*

Beyond the police's inability to effectively coordinate with key juvenile justice agencies, another coordination area where progress has not been achieved since baseline or midline is in the DPP's

clearing of cases in a timely manner.<sup>17</sup> At the time of our interviews in May 2021, the DPP was working through cases that occurred in 2017. As a result of these long and excessive delays within the DPP, juveniles at the Sophia Detention Center have become accustomed to spending years on remand, often “aging out” and moving on to adult detention facilities before their cases are heard in court. Meanwhile, juveniles miss important developmental milestones and experiences while awaiting their court date. The problem according to respondents is that investigators at the police and DPP take an exceedingly long time to investigate cases; meanwhile, neither the courts nor any of the agencies charged with advocating for juveniles have been successful in pushing for cases to be heard in a timelier manner. Moreover, there is no policy within the DPP for prioritizing juvenile cases over adults.

An important point of progress towards improved coordination is the work of the Childcare and Protection Agency. Leadership within the agency has standardized forms procedures for how and when to coordinate with other agencies; these procedures were institutionalized in the form of flowcharts disseminated widely among agency staff and with our research team. Speaking about coordination with the Childcare and Protection Agency, one respondent remarked:

*“They [the CPA] are always there when we need support, especially when it comes to doing interviews with family members; The CPA is just a phone call away at any moment, and they’re in touch on a weekly or daily basis.”*

## **DIVERSION, ALTERNATIVE SENTENCING, AND PROBATION SERVICES**

There remains a critical need for formal pre-trial diversion and alternative sentencing options such as vocational training, drug counseling, community service, and restitution to victims.<sup>18</sup> Progress on this front has improved little since the midline assessment in 2019 or the baseline assessment in 2017. As was the case at midline and baseline, the Department of Juvenile Justice in the Ministry of Public Security, which has primary responsibility for developing and accrediting diversion programs, still does not have a dedicated budget. As a result, the department has yet to formally accredit a diversion or alternative sentencing program.

This situation gives the DPP, the Magistrate’s Court, and the Children’s Court in Georgetown few options for diversion and alternative sentencing. In terms of pre-trial diversion, the most common approach is for juveniles to submit to voluntary supervision by the Department of Probation. Similarly, in terms of alternative sentencing, Magistrates may sentence adjudicated juveniles to probation in lieu of a custodial sentence. In effect, probation officers have continued to serve as a “last resort” form of diversion and alternative sentencing, as they did at baseline and midline. As was the case at baseline and

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<sup>17</sup> Note that the DPP only handles the most serious cases that move forward with prosecution. Although exact numbers are not available, it is believed that the majority of cases do not make it to the DPP, and instead are dismissed or handled through diversion programs, as described below.

<sup>18</sup> We use the term “formal pre-trial diversion” to refer to diversion programs that have been vetted and accredited by the Department of Juvenile Justice, and which are currently “up and running” with regular beneficiaries and reliable funding. We use the term “informal pre-trial diversion programs” to refer to the various ways that police officers, probation officers, court officials, and juvenile justice stakeholders work together in a somewhat ad hoc manner to design and implement case plans involving diversion through programs and regiments that are not formally accredited by the Department of Juvenile Justice.

midline, accredited community service programs, drug rehabilitation programs, or vocational education programs dedicated to juvenile offenders are much needed.

An important area of progress is that the Children’s Court in Georgetown has become institutionalized, and works effectively within its power to promote alternative sentencing options and ensure that juveniles are educated and rehabilitated in preparation for reintegration into society. However, the Children’s Court in Georgetown is not above the broader, resource-constrained context in which it operates, and its effectiveness is hampered by the lack of formal diversion and alternative sentencing programs. Further, there is a need to decentralize the services of the Children’s Court by expanding into rural areas outside of Georgetown.

In many of the diversion and alternative sentencing cases we learned about through our interviews, probation officers worked tirelessly to closely monitor, mentor, and advocate for the juveniles assigned to their supervision. Many hosted weekly or bi-weekly counseling sessions, which continued during the COVID-19 pandemic in virtual form. Probation officers also played a critical role in referring youth to available services, such as the USAID-funded Community, Faith, and Youth Resilience (CFYR) program or the Youth Empowerment Services (YES) program, which ended in November 2020.

However, despite the important and commendable role of individual officers, challenges remain within the Department of Probation. Some officers continue to report having to use their own money to fund their supervision activities. This was a problem at baseline and midline that continues to present. Another problem is limited oversight of individual officers and cases by leadership within the Department of Probation. Our interviews revealed that while some probation officers are active and motivated, others routinely fail to adequately supervise and mentor youth under their purview, a sign that leadership within the Department of Probation is not effectively monitoring the performance of probation officers. In speaking with juveniles under supervision, we found significant variation in terms of how frequently they were contacted by their probation officer (despite these youth having otherwise similar circumstances, in terms of age, background, and criminal history). Some reported meeting with their probation officer on a weekly basis, while others reported that they hadn’t heard from their probation officer “for the longest time.” Others said that they had fallen out of touch with their probation officer since the start of the COVID-19 pandemic.

The COVID-19 pandemic has had a profound impact on how juveniles experience probation. Probation officers are no longer able to visit in person with juveniles under their supervision on a regular basis. Instead, they rely on phone calls to coordinate care, check in with juveniles and their parents, and track progress against the case plan. Another critical impact of the pandemic is that it has become harder for probation officers to find services, jobs, training, and other resources for those under their supervision. These resources were scarce before the pandemic and have become scarcer still since the pandemic took hold.

Another challenge that came to light during our interviews is that the Juvenile Justice Act is not clear on what should happen if the youth under supervision violates the terms of their supervision. Because the Act is unclear on this point, probation officers do not have the leverage to ensure young people comply with the terms of their probation and follow through with the activities designed to help them reintegrate. The result is that many young people fail to attend counseling sessions, group therapy meetings, or abide by the terms of their curfew.

Informal forms of pre-trial diversion at the police-station level, including warnings and mediation facilitated by individual police officers, are common and continue at a rate similar to levels at baseline and midline. The Cops & Faith initiative, wherein officers involve faith leaders to help counsel troubled youth, also remains in place and continues to play an important role in diverting youth from the criminal justice system.

## DETENTION FACILITIES

Guyana has two youth detention facilities: the Sophia Detention Center (SDC), and the New Opportunity Corps (NOC). As of May 2021, there were 18 youth in detention at SDC and only one youth at the NOC. At midline, there were 17 and 16 juveniles at SDC and NOC, respectively, as shown in Table 2. Collectively, these numbers constitute a large and substantial decrease in the number of youth housed in these facilities since the passage of the Juvenile Justice Act in 2018. There is less of a consensus, however, on the reasons for this decline. Encouragingly, some attributed the decline to a greater focus on diversion and alternative sentencing, and a generally less punitive culture within the juvenile justice system. Others attributed the decline not to a change in culture but to the limits within the act on when youth can be detained. As one stakeholder described:

*“[The reason for the decline in youth detained] is not so much that the mindset has changed among the police and courts, as much as the Juvenile Justice Act has been put in place and now limits how and under what conditions they can use detention.”*

The most commonly cited limit to when youth can be detained is the decriminalization of the offense of wandering, a status offense that allows for the detention of youth left unsupervised in public spaces (e.g. youth who have run away from home). This status offense was previously one of the most common charges resulting in detention and a major concern raised at baseline and midline.

Whether because of a change in culture or binding constraints imposed by the act, both explanations are complementary and constitute an encouraging development toward a less punitive juvenile justice system.

**Table 2: Juveniles in detention in Guyana**

	BASELINE (2017)		MIDLINE (2019)		ENDLINE (2021)	
	Males	Females	Males	Females	Males	Females
New Opportunities Corps	40	41	15	1	1	0
Sophia Detention Center	15	10	16	1	18	0
Timehri Prison	16	0	NA	0	0	0
<b>Total</b>	<b>71</b>	<b>51</b>	<b>31</b>	<b>2</b>	<b>19</b>	<b>0</b>

But the news is not all positive on this front. For starters, although none of the informants interviewed in this study mentioned COVID-19 as an explanation for the decline in the number of youth in detention, this factor cannot be ruled out entirely. Another issue is in regard to the NOC, Guyana’s only open facility for youth under custodial sentences, which housed only one person as of May 2021. Located on a sprawling, rural campus two hours outside of Georgetown, it offers a wide range of facilities, classroom spaces, and open space that is ideally suited for rehabilitation and reintegration

programming. At midline, the facility offered remedial and vocational training on agriculture, handicraft, woodworking, information technology, electrical, sports, and church services. Our research team also noted that its presence outside of Georgetown exposed youth to a new environment far removed from that which led them into criminality. However, the distance from home also makes it challenging for families to visit their children and maintain relationships.

And yet despite all its potential, the NOC is woefully underutilized. More than one respondent indicated that the underutilization of this state-of-the-art facility was due to politics and links to the recent change in administration, specifically the reluctance of the current administration to continue a project initiated by its predecessor. Needless to say, successful implementation of juvenile justice reform requires that past, present, and future administrations work collaboratively to institute reforms and maintain continuity over time.

During the midline assessment, the research team visited Timehri prison, which houses adult prisoners, to find out if juveniles under the age of 18 were being housed in that facility, as there were during the baseline study in 2017. Encouragingly, the midline study found that no youth were detained at Timehri prison at the time of data collection. Although we were not able to visit Timehri again at endline due to COVID-19 restrictions, none of the informants we spoke with were aware of youth in detention at adult facilities.

## COVID-19 RESTRICTIONS AND IMPACTS

The COVID-19 pandemic has had a profound impact throughout the juvenile justice system, but nowhere more so than in how juveniles experience life in detention. These impacts are felt from the moment juveniles enter the detention facilities, where new entrants are required to quarantine for 14 days in isolation prior to joining the general population. A more humane and rehabilitative approach would be to test new entrants for COVID-19 and shorten the quarantine period to seven or three days accordingly.

Beyond juveniles having to quarantine in isolation, the implementation of fledgling vocational education and rehabilitation programs has been halted as a result of the COVID-19 pandemic, as we discuss in more detail later in this section. Given that successful rehabilitation requires programming throughout a juvenile's time in detention, the adverse effects of the pandemic on recidivism, reintegration, and youth employment are likely to be felt for years to come.

Another area where COVID-19 has had a major impact is in the protocols for visitors to the facilities. This includes both family visits to detained juveniles, as well as visits from juvenile advocates at the Rights of the Child Commission – Guyana (RCC). Whereas before the pandemic, RCC representatives visited the Sophia Detention Center without prior approval or warning, their visits are now required to be scheduled in advance with SDC officials, weakening the RCC's essential oversight role. In terms of family visits, these are no longer occurring; instead, juveniles rely on detention facility officials to lend their personal phones for family calls. We discuss the issues with this arrangement and its likely consequences for juvenile rehabilitation and reintegration below.

## ACCESS TO MEDICAL, MENTAL HEALTH, AND FAMILY SUPPORT

Juveniles in detention at the Sophia Detention Center receive a health screening on arrival. Though there is no on-site nurse or doctor, youth in detention have access to medical care through local clinics located

nearby. During our interviews, neither youth in detention, SDC staff, nor any other stakeholder complained of inadequate medical care. This pattern of adequate medical care is consistent with conditions at baseline and midline.

International standards dictate that juveniles in detention should be given access to mental health counseling when needed. None of the youth we spoke with while in detention were receiving counseling or other forms of mental health care. Nor was this reported to be a part of the screening process that youth receive at intake. Given their troubled upbringing and criminal history, it is likely that there are youth with mental health conditions that are not currently being adequately addressed. This situation has not improved since our baseline assessment in 2017.

The Juvenile Justice Act dictates that a juvenile who is sentenced to custody is entitled to regular contact with parents or other family members. However, our interviews with juveniles in detention indicate that this is not always the case. At SDC, youth routinely complained that depending on the officer in charge, family visits may be denied without cause or notice. As one juvenile explained:

*“Every Friday we get a phone call [to our families]. I hear my grandmother is coming today. Depending on the Police shift, I will get to see her because some of the Police do not like you and then don’t let you see her ... sometimes I get to see my grandmother when she comes, and sometimes, I don’t get to see her.”*

The revocation of visitation privileges without cause, advance notice, or approval from detention facility administrators is a clear violation of juveniles’ rights under the Juvenile Justice Act, one that causes undue hardship to juveniles in detention and their families. As was the case at midline, there is an urgent need to ensure young people’s contact with, and access to, their families.

## PROGRAMMING AND EDUCATIONAL SERVICES

The Juvenile Justice Act enshrines in law that the purpose of juvenile custody and supervision is to expose juveniles to programs that assist them to be rehabilitated, educated, and reintegrated into their communities. However, although the NOC is well-equipped to meet this vision, it is not being used to its potential. This development represents a step *backwards* from conditions at midline, when there were 16 juveniles benefiting from the services of the NOC.

Instead, the vast majority of juveniles in custody are housed at the Sophia Detention Center, which is a much smaller facility and has only limited services. Whereas the NOC population declined from 16 residents to one between midline and endline, the SDC population has increased by two, from 16 to 18 (see Table 2). Residents of this facility are on remand, waiting for their cases to be heard in court.

At midline, we reported that residents had access to occasional sports and classes, but more limited educational opportunities compared to the general population. At endline, the situation remains much the same. Residents described a daily routine with limited structure and extensive amounts of idle time. A typical day starts with bathing and cleaning of the dormitory, followed by school classes in the morning. In the afternoon, juveniles are sometimes allowed to play football or other sports outside, but more often are restricted to idle time in their dormitories. Class time is often spent watching non-educational movies, rather than receiving instruction.

The persistent need for improved rehabilitation services at Sophia Detention Facilities was corroborated by interviews with adult stakeholders familiar with the facility, who noted the need for greater structure in the daily routine, dedicated teachers with training in remedial education, and greater access to vocational training. As one stakeholder summarized:

*“There needs to be more structure in terms of their daily routine. Outdoor activities need to be improved... Everything must look towards reform. From the time they get up, to the time they go to bed, there must be structure oriented toward rehabilitation. That’s not happening at the moment.”*

## PHYSICAL SPACE

Our interviews revealed numerous deficiencies to the physical space at the Sophia Detention Center. The chief complaint was that its prison-like construction is fundamentally at odds with the goal of rehabilitation. The presence of cells with bars and surveillance cameras sends the message that youth are prisoners, rather than a vulnerable population in need of rehabilitation.

Another important issue that arose was the security implications of the dormitory-style living, in which juveniles as young as 14 years old are housed with youth as old as 17 years old. This creates an environment prone to bullying and physical abuse of younger juveniles.

Neither the prison-like appearance nor the dormitory-style living conditions have improved since the midline study in 2019.

## PHYSICAL SECURITY, PUNISHMENT, AND HUMAN RIGHTS VIOLATIONS

Most juvenile respondents did not report acts of abuse by staff. There is a room for solitary separation, which detention facility officials describe as a “cooling off” area, where youth can be separated temporarily after a physical altercation, for their own safety. Juveniles describe the solitary separation room more plainly, as punishment for fighting. According to one youth we spoke to, three to four days in solitary separation is a standard punishment for fighting. Another juvenile reports the solitary confinement cell was used as a place to quarantine upon arrival, due to the COVID-19 pandemic.

The more limited use of solitary separation represents an improvement from the state of affairs at midline, when solitary confinement was used regularly as punishment for bad behavior for periods as long as 30 days. Stakeholders attributed this improvement to leadership within the Ministry of Home Affairs, which made clear to facility administrators that conditions for children in detention must adhere to international standards.

Although the majority of stakeholders and juveniles we spoke with denied knowledge of physical abuse by facility staff, there was one reported incident of abuse by a police officer assigned to the facility. This officer was known for her ill-temper and for slapping juveniles without provocation. She would also routinely revoke privileges without cause. Numerous complaints were lodged against this officer, by civilian facility staff and by juveniles in detention, and she was ultimately removed from her position. However, the experience highlights the pitfalls of relying on police officers without training in corrections or juvenile matters to guard the detention center.

## REINTEGRATION

A recent quantitative survey of justice-involved youth in Guyana found that current reforms have thus far failed to effectively reduce recidivism: 36 percent of respondents were rearrested or reappeared in court

and 65 percent admitted to committing a crime since they were released or their original case was settled (Barnes-Ceeney et al., 2021). It also found that employment and educational opportunities for justice-involved youth continue to be limited; only 47 percent of respondents were either employed (36 percent) or in school (13 percent).

In the field of juvenile rehabilitation, widely accepted best practices dictate that reintegration planning starts at the outset of a case, long before a juvenile is released. Within detention facilities, juveniles should be given family conferencing and access to high-quality education, counseling, and extra-curricular planning. Also crucial, is that a reintegration plan be developed while they are still in the facility, which should include concrete plans for securing a job, school, or vocational training, in addition to community support and reintegration.

Yet, our interviews suggest that robust reintegration plans are not consistently developed. Instead, reintegration is done on an ad hoc basis, with little concrete planning.

Apart from a lack of robust advance planning for reintegration, our interviews revealed three main challenges to effective reintegration, all of which remain unchanged since midline. First, there continues to be a near-total lack of formal re-entry or reintegration programs for juveniles released from detention. The problem starts with the limited number of vocational education programs available to those in detention at SDC and NOC, which leaves residents ill-equipped to productively re-enter society. The COVID-19 pandemic appears to have only made matters worse by putting a stop to the fledgling vocational education programs that were in operation at SDC prior to the pandemic. The problem continues after release from detention due to the dearth of vocational training, counseling, apprenticeships, and other services for recently released juveniles.

A 2019 survey of justice-involved juveniles in Guyana found:

- 36 percent were rearrested or reappeared in court after their initial release or case settlement
- 65 percent admitted to committing a crime since their initial release or case settlement
- Only 47 percent were employed or in school

Source: Barnes-Ceeney et al. (2021)

The second challenge to more effective reintegration services is the lack of a halfway house for juveniles once they leave the SDC. Many juveniles in conflict with the law come from unstable home environments that are not conducive to successful reintegration. Meanwhile, the Childcare and Protection Agency is not positioned to place these individuals in foster care, because they've been in conflict with the law. The result is that many youth end up staying in SDC for longer than necessary, because the facility serves as the only viable option. Conversely, youth may be released into the community and back into the same unstable home environment that contributed to their detention in the first place.

These challenges are well-summarized by a young person we spoke with, who had bi-weekly calls with his probation officer, but was not otherwise receiving any services. When asked what changes he would make to probation if he were in charge, the juvenile responded:

*"I would make sure that young people on probation get assistance with jobs and a kind of home because where lots of us live is bad and leads to us getting into bad activities."*

The final challenge identified in our interviews relates to the critical work of the Department of Probation in linking juveniles to re-entry services and ensuring that they duly enroll in those services as a condition of their probation. One important challenge to the department's ability to fill this role is weak oversight of probation officials by leadership within the Department of Probation. Our interviews with key stakeholders in this space, as well as with youth on probation, indicated wide variation in the degree to which probation officers actively monitored and counseled their probationers. It was reported to us by a knowledgeable stakeholder that re-entry/aftercare plans are seldom developed for youth leaving detention, even though this responsibility falls under the Department of Probation.

In addition to inadequate oversight and management of probation officers, a critical problem is that probation officers have few means to sanction probationers for failure to comply with the terms of their probation. As one stakeholder described:

*“Juveniles now know that there is no proper monitoring to ensure they adhere to the terms of their probation. So they end up missing out on the services that would help them reintegrate, and instead they continue recidivating.”*

Moving forward, it will be important to ensure that probation officers actively monitor and advocate for the juveniles under their supervision and that they have the leverage to ensure those juveniles comply with the terms of their probation. Equally important is the need to create formal re-entry and reintegration programs to address the root causes of their delinquency and reduce recidivism.

## **SUMMARY**

The Government of Guyana has made uneven progress towards reforming its juvenile justice system since our midline assessment in 2019. There has been progress towards reducing the number of juveniles held in detention, with 40 percent fewer juveniles held in detention in 2021 compared with 2019. However, those that are in detention continue to face a lack of access to high-quality education, counseling, and extra-curricular activities.

Progress towards ensuring smooth coordination across agencies remains mixed. On the one hand, the Childcare and Protection Agency has made considerable progress towards standardizing the procedures for handling juvenile cases and towards preparing pre-charge reports for the Courts, which are critical to contextualizing the root causes leading to a juvenile's offense and laying the foundation for more lenient, alternative sentencing options. On the other hand, the police, who serve as the primary entry point into the justice system, remain unfamiliar with the protocols and procedures for handling juvenile cases. Limited coordination between the police, the DPP, the Courts, and the Juvenile Justice Board has resulted in excessive delays in processing cases and prolonged pre-trial detention for many juveniles.

In terms of diversion and alternative sentencing, little progress has been made towards establishing accredited programs; instead, diversion and alternative sentencing plans and protocols are developed on a case-by-case basis and are usually implemented by probation officers. However, due to limited oversight within the Probation and Social Services Department, the quality of probation services that juveniles receive is strongly dependent on whether they happen to be assigned to an officer that is intrinsically motivated to help them through coaching, counseling, and reintegration assistance.

Rehabilitation and reintegration remain plagued by a lack of advanced planning prior to juvenile's release from detention, and there remains a critical need for dedicated rehabilitation programs, job assistance, and halfway housing.

Although challenges remain in all these areas, there does appear to be a widespread consensus among key stakeholders on the importance of juvenile justice reform and the need for a more restorative system. It appears that the will for reform exists, even if implementation remains a work in progress.

# ST. LUCIA

## BACKGROUND ON REFORMS IN ST. LUCIA

St. Lucia's Child Justice Act and the Child Care, Protection, and Adoption Act were passed in November 2018. The CJA represents a significant milestone in juvenile justice reform, providing a clear framework for juvenile justice reforms.

The CJA identifies all young people under the age of 18 as children, whereas previously only young people under the age of 15 received such a designation. The CJA of 2018 emphasizes that the safety, welfare, and wellbeing of children should be the paramount consideration. Children under the age of 12 who are alleged to have committed an offense should not be apprehended by the police. Instead, the child should be referred to a probation officer and, when necessary, taken to a place of safety. The CJA of 2018 stipulates that a child in conflict with the law should be addressed in a manner appropriate to his or her age, maturity, and intellectual abilities, and as far as possible be afforded the opportunity to respond before significant decisions are made. The participation of parents and relatives is encouraged, first in terms of assisting their child through the legal process, as well as involvement in decision-making processes where possible. The act also stipulates that children in conflict with the law should not be treated more severely than adults convicted of similar offenses under similar circumstances.

According to the act, detention should be used as the last resort, with a preference for release to a parent or appropriate adult, bail, or release on one's own recognizance. If a child is sentenced to attend a secure residential facility, the CJA of 2018 stipulates that he or she cannot be held in a correctional facility or police custody. Under the act, children are granted "equal access to available services,"<sup>19</sup> when needed, in the areas of family and educational support, and employment opportunities if aged between 16 and 18 years old. If detention is necessary, the least restrictive type of detention "appropriate to the child and the offense should be selected."<sup>20</sup> The CJA of 2018 prohibits sentences of life imprisonment, capital punishment, or any form of corporal punishment for children. Sentences should "encourage the child to understand the implications of and be accountable for the harm caused."<sup>21</sup> Sentencing options should be "individualized," proportionate to the circumstances surrounding the offense, and promote the child's reintegration. Any supervision, guidance, treatment, or service provided during the sentence should be in service to the child's rehabilitation and reintegration.

Instead of sentencing, the act establishes a preference for diversion from the court system. The CJA of 2018 defines diversion as "the removal of cases of a child in conflict with the law from the formal court procedures and the adoption of informal procedures in relation to the child."<sup>22</sup> The act outlines procedures and a timeline for probation officers to assess the child and outlines mechanisms for diversion. The act calls for a child's suitability for diversion to be considered through an "Initial Inquiry," to be attended by the child in conflict with the law, the child's parents, a probation officer, the Director of Public Prosecutions, and the victim. The act uses restorative justice language, outlining that the purpose of diversion should be about holding the child accountable for any harm caused, facilitating the victim's input on the harm experienced, encouraging physical or symbolic compensation, and promoting

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<sup>19</sup> Child Justice Act, 2018, 4(h)

<sup>20</sup> Child Justice Act, 2018, 4(j)(iii)

<sup>21</sup> Child Justice Act, 2018, 51(1)(a)

<sup>22</sup> Child Justice Act, 2018, p. 150

reconciliation. Three levels of diversionary options with increasing consequences are identified by the act. Whether a child receives level one, two, or three diversion will depend upon the nature of the offense, the age and developmental needs of the child, the background and abilities of the child, and the proportionality of the option balanced against the circumstances of the child.

According to the act, particular offenses, such as trespassing, assault without grievous bodily harm, possession of controlled drugs worth less than XCD 5,000 (US\$ 1,850), or theft worth less than XCD \$5,000, should not result in police apprehension but should result in immediate release of the child.<sup>23</sup> In addition, the act specifies a number of offenses where the child should not be released from custody. These include murder, child destruction, infanticide, manslaughter, rape, treason, burglary, robbery with violence or involving the taking of a motor vehicle, indecent assault on a child or indecent assault involving the infliction of grievous bodily harm, and drug offenses where the value of the controlled drug exceeds XCD 100,000 (US\$ 37,000).

The CJA of 2018 identifies three decision-makers involved in juvenile diversion: probation officers, the Director of Public Prosecutions, and the courts. Although each stakeholder may petition for diversion, the Magistrate makes the final determination regarding whether the child should be diverted from the system,<sup>24</sup> after considering the Director of Public Prosecution's recommendation and input from persons attending the initial inquiry. Once the diversion order is made, the court proceedings are postponed. An "assigned officer" then oversees the diversion order, monitoring the child's compliance.<sup>25</sup> When the assigned officer presents the court with a report detailing the child's successful compliance with the order, the child is acquitted of all charges.<sup>26</sup> During the diversionary process, the Director of Probation is responsible for maintaining a register of all children subjected to diversion.<sup>27</sup>

Much progress has been made in the past couple of years to implement various aspects of the CJA in St. Lucia, particularly in the areas of diversion and reducing the number of youth being held in detention. Certain gaps do persist, especially in terms of institutionalizing diversionary processes, addressing the quality of care provided to detained youth, and creating programs aimed at supporting reintegration and rehabilitation of youth in the longer term. The remainder of this section discusses these aspects in more detail.

## INTERAGENCY COORDINATION

At midline, though stakeholders generally welcomed the juvenile justice reforms, they were cognizant that implementation of the CJA of 2018 posed considerable inter and intra-organizational challenges. At endline, though coordination challenges persist, the majority of individuals we spoke to noted that there is good coordination between various entities involved in juvenile justice service delivery.

At the national level, there is a Technical Committee that has been set up specifically to look after issues related to the JJRP. This committee is co-chaired by the Permanent Secretary of the Ministry of Equity, Social Justice, Empowerment, Youth Development, Sports and Local Government (hereafter referred to

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<sup>23</sup> Child Justice Act, 2018, 9(2), 13(1) & (2)

<sup>24</sup> Child Justice Act, 2018, 36(1)

<sup>25</sup> Child Justice Act, 2018, 74(1)

<sup>26</sup> Child Justice Act, 2018, 74(3)

<sup>27</sup> Child Justice Act, 2018, 76

as the Ministry of Equity for brevity) and Director of Upton Gardens, and comprised of representatives from the Department of Probation and Parole, Boys Training Center, and Human Services. The committee typically meets monthly and is tasked with providing oversight to the juvenile justice reform process, and serving as a forum for stakeholders to discuss issues they are facing and identify potential actions to resolve those issues. For instance, one stakeholder noted that under the CJA, the Department of Probation and Parole was required to complete certain forms as part of their administrative process, but that those forms had yet to be finalized by the Attorney General's office. The Technical Committee submitted a letter to the AG's office requesting these forms to be finalized.

One recommendation of the JJRP that has yet to be implemented is the setting up of a Child Justice Management Unit to continue to oversee the reform process after the close of the JJRP. Some stakeholders noted that the setting up of this unit is a challenge, given the current resource constraints.

*"[The Child Justice Management Unit] seems to be a tall order for us now in Saint Lucia. Given our lack of resources, particularly the funding that this particular unit would require at this time. But it's one that is needed tremendously needed here."*

Another stakeholder elaborated further on alternatives that may be pursued in lieu of setting up this unit.

*"I know that there was a model put forward in terms of establishing a child justice management unit. In my contributions on that discussion, I did highlight again the issue of our very limited resources and I was not sure that within this COVID environment, we would have been able to set up a unit. However, we can look at what has been proposed as the functions of that unit and look at what we're doing currently and see how we can enhance what some individuals are doing now – how we can do things differently to be able to still perform the functions that are required. We also spoke about perhaps just having an individual as a focal entity within each organization. That would make sure that the conversation keeps going and we can provide that holistic support."*

There appears to be willingness to keep the Technical Committee in place even after the close of JJRP in June 2021 until this unit can be set up, or for an alternative to be identified. For the reform process to sustain, it will be crucial for there either to be a dedicated standalone entity to look after juvenile justice matters, or a clearly outlined system for coordination between focal people in each organization.

At midline, the Initial Inquiry meetings involving the child in conflict with the law, the child's parents, a probation officer, the Director of Public Prosecutions, and the victim, were not yet operational. One important point of progress as of endline is that stakeholders report that these Initial Inquiry meetings have been initiated to identify if there are measures that can be taken other than taking the youth to court (e.g. restorative conferences, supervision orders, youth groups). Prior to sending a youth to the Family Court, Probation would have to demonstrate that they explored pre-trial diversion options in their pre-sentence reports. One respondent noted a recent example where this pre-trial step had been skipped, and the youth's case was delayed until it could be completed. If a child does end up at the Family Court, Initial Inquiry meetings are also conducted in the presence of a Magistrate where probation, the prosecutor, and the defense provide their recommendations for the course of action that should be taken, after which the Magistrate adjudicates on the matter.

One persisting issue in coordination noted by respondents is the perception that the police have yet to be integrated into and sufficiently sensitized on the juvenile justice reform process. As indicated in the midline report, the inability of police to attend initial sensitization trainings was a consequence of U.S. imposition of the Leahy Law. Even now, stakeholders within and outside the police force believe that the police have not been adequately trained on the CJA, and the communication protocols that the CJA mandates when a child is apprehended.

*“Our police are the first responders and have a very heavy or critical role with respect to the Act. However, they were not able to be part of the juvenile justice training because of our Leahy Law issues, so we found that the police were really not embracing the Act because they did not get the training.... It's not through their fault or anybody else's, it was the circumstance. So, one of the first priorities is to start that training with the police.”*

It is worth noting that, as noted at midline, the Royal St. Lucia Police Force, primarily through the Community Relations Branch, has continued to employ community policing practices that directly and indirectly support juvenile justice objectives. Examples of these activities include school-based sensitization and awareness programs.

## **DIVERSION, ALTERNATIVE SENTENCING, AND PROBATION SERVICES**

Over the past two years, St. Lucia has made notable progress towards integrating diversionary processes into the juvenile justice system. The most significant achievement noted at endline is that youth are being diverted from the system via pre-trial and post-trial diversion mechanisms, which are discussed later in the section.

In terms of formal administrative steps, a diversion working group has been set up consisting of representatives from concerned agencies, an inventory of potential diversion programs and options has been developed, and a national diversion strategy has been drafted and submitted to the Cabinet for approval. Obtaining Cabinet approval for the diversion strategy will be an important step in cementing diversion as a juvenile justice process and institutionalizing this crucial element of the reforms.

While aspects of the formalization of diversion are still in process, stakeholders report that there has been progress in terms of accepting diversion as an approach, and in implementing the procedures associated with diversion that are outlined in the CJA. As one respondent summarized:

*“In terms of us adopting the diversion approach and people actually going down that route, in the last two years we've had significant progress and I could see impact and change in terms of the country. We've had our first use of assessment tools for young persons, and we've had Initial Inquiries, which we never had in Saint Lucia prior to these two years ... in a traditional court-based system.”*

Regarding assessment tools, probation officers report that they regularly utilize the Structured Assessment of Violence Risk in Youth (SAVRY) tool to assess youth. Some noted that they also use the Massachusetts Youth Screening Instrument (MAYSI-2) or the Juvenile Assessment and Intervention System (JAIS) tools. The SAVRY is a structured professional judgment approach to risk assessment that predicts a 12- to 18-year-old's likelihood of violence over the next two years. Also referred to as

empirically guided clinical judgment and structured clinical judgment, the risk assessment instrument guides the assessor through a checklist of empirically validated risk factors. Using the SAVRY helps to focus the evaluator on relevant data to gather during interviews and record reviews so that the final judgment, although not statistical, is well informed by the best available research.<sup>28</sup> The MAYSI-2 is a mental health screening tool used to assess suicide risk, mental health needs, and substance abuse issues among 12- to 17-year-olds. The JAIS is a supervision model that incorporates both a gender-specific risk assessment and a needs assessment to help identify priority areas of need and recidivism risk and provides guidance on supervision strategies.<sup>29</sup> For case management, Therascribe is being used by some agencies, though a few respondents noted that there have been issues in ensuring consistent use of the system and interagency connectivity, similar to the situation at midline.

As noted in the Interagency Coordination section, Initial Inquiry meetings have been taking place, both pre-trial and within the Family Court. Stakeholders report that these meetings are not 100 percent on stream yet, but have been happening for the majority of cases involving youth. This is an important development since the midline. At midline, no diversion orders were being made by the courts and stakeholders noted some informal, police-led, pre-trial diversion efforts. At endline, Probation appears to be leading pre-trial diversion processes by collecting necessary information from youth and involved stakeholders, and coordinating Initial Inquiry meetings. Post-trial diversion (i.e. alternative sentencing) via the Family Court has also been operationalized.<sup>30</sup> The CJA lists a variety of options that may be recommended in lieu of custodial sentencing. According to individuals we spoke to, by far the most common diversion order given by the Court is for Supervision and Guidance. Others that have been applied are compulsory school attendance, community service, and formal apologies. Though the Initial Inquiry process is meant to be collaborative, with all present stakeholders providing recommendations, from the interviews it seems that there is a lot of weight given to recommendations given by Probation. Though Magistrates can provide inputs on the design of a specific child's Supervision and Guidance plan, it seems that it is mostly left to Probation to develop the plan for the child once the Court has issued the order. At the time the order is issued, the Court would set a date for a progress report to be provided by Probation, typically shortly before the diversion order is set to be complete. Regularly following up with diverted youth is the responsibility of Probation. Concrete data on the number of youth who have been diverted from the juvenile justice system till date was not available at the time of writing this report, but the Probation Department reported having six youth on court-ordered Supervision and Guidance orders at the time of data collection (i.e. youth on post-trial diversion orders).

As probation officers are the ones who speak with the youth, interact with the youth's family and community, and conduct the assessments, this reliance on Probation during this process may be warranted and the CJA does indicate that Probation should take the leading role in this. Yet, if Probation is to take a leading role in this, they should also be provided sufficient resources and diversion options to help ensure that the supervision provided to youth is effective.

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<sup>28</sup> Borum & Verhaagen, 2006, p. 75

<sup>29</sup> For more information on the MAYSI-2, visit <http://www.nysap.us/maysi2/index.html>.

For more information on the JAIS, visit <https://www.evidentchange.org/assessment/juvenile-assessment-and-intervention-system-jais>.

<sup>30</sup> Throughout this section, we use the term "post-trial diversion" rather than "alternative sentencing" as stakeholders in St. Lucia exclusively used the term "diversion" rather than "alternative sentencing" during interviews.

As was the case at midline, at the time of data collection there was one designated officer working with youth. In addition, the Department has identified three additional officers to support supervision of youth, though these individuals also supervise adults. Though it is a positive development that Probation now has four officers designated for youth clients, the Department could consider having more than one officer dedicated to supervising young people to allow for more focused guidance and rehabilitation, which was a suggestion made by multiple respondents. The needs of youth being supervised on probation are often different from adults, therefore requiring a different supervision approach. For instance, officers supervising youth may need to engage with schools to ensure that youth receive access to education, or may need to more intensively interact with parents and guardians to understand and help address issues at home that may contribute to risk of recidivism. Having an additional officer who exclusively supervises youth could enable that officer to further specialize in youth supervision and to develop deeper working relationships with other agencies involved in the rehabilitation of youth.

On diversion programming, there is a general consensus that there is a lack of sufficient diversion programs for youth. A list of existing programs that could *potentially* be used as diversion programs has been developed, and probation officers we spoke with mentioned organizations they commonly liaise with to provide services to youth, but formal diversion programming is still not in place. From our interviews, it seems that the process that probation officers use to design supervision strategies for youth who have been diverted is more informal.<sup>31</sup> One respondent summarized the current situation:

*“We use Probation as one of those diversion options basically, and more specifically do psychosocial activities and other programs with them. Nothing has been added to the current options we have... I cannot safely say there’s any particular diversion program. Probation does conferencing. You know, trying to bring the two parties together and trying do some programs with them.”*

Probation continues to conduct Anger Replacement Therapy (ART) trainings, as was the case at midline. Virtual ART sessions were attempted by Probation during the COVID-19 pandemic, but were reported to be not as effective. An in-person ART program was also run at BTC during the pandemic. Neither ART facilitators nor the youth we spoke to provided any specific information on the perceived effectiveness ART. Stakeholders who had participated in ART facilitation trainings conducted in St. Kitts and Nevis in 2015 expressed a desire to conduct ART sessions on a more regular basis in the future, and to train more individuals involved in the St. Lucia juvenile justice system on ART facilitation to expand the roster of trainers. As at midline, stakeholders noted logistical challenges to arranging ART programs. In community settings, ensuring regular attendance for a 10-week program is a difficult task, and ensuring attendance of virtual sessions was noted to be even more difficult. Even at residential facilities like BTC, stakeholders remarked that enforcing on-time attendance and completion of required homework is difficult. Another challenge noted was the need for coordination between agencies to arrange for ART facilitation. ART sessions require at least two to three facilitators and currently, most organizations only have one staff member trained in ART facilitation. Therefore,

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<sup>31</sup> “Formal diversion programs” are programs that would be officially vetted and recognized by the government as diversion options for youth in conflict with the law, with regular beneficiaries, reliable funding, and an established standard operating procedure for accepting youth who have been diverted. We use the term “informal” to refer to the various ways that probation officers and juvenile justice stakeholders work together in a somewhat *ad hoc* manner to design and implement case plans for youth who have been diverted.

organizing ART sessions requires coordination between organizations to ensure facilitator availability. If at least two individuals could be training in ART facilitation at key organizations (like BTC, Probation, Bordelais), this could alleviate some of the logistical burden.

In addition to ART, Probation conducts psychosocial programs (e.g. on emotional intelligence, social skills), substance abuse sessions, critical thinking sessions, sexual education programs, and goal setting exercises. Most of these activities are organized by Probation and external individuals are brought in to facilitate, as needed. Officers routinely liaise with external organizations to facilitate mental health or substance abuse counseling, vocational skills training, and school supply assistance for youth under their supervision. Stakeholders note that some of these services are paid and funds must be identified each time a youth is referred to one of these programs.

Our conversations with youth seem to substantiate the need for more structure in the supervision and availability of more programming for youth being supervised on probation. Some youth report speaking with their probation officer twice a week, while others mention they speak “once in a while.” A couple of youth remarked they found these interactions helpful, either because of the kindness of the officer or because the officer was trying to “keep them away from what they did that wasn’t right.” Only one youth reported participating in any formal programming (counseling), while others were unable to identify or describe any programs they had participated in.

The COVID-19 pandemic undoubtedly has influenced the way that probation officers work, and the intensity of supervision they have been able to provide. For instance, typically probation officers would go into communities to conduct social inquiry investigations after a youth had been apprehended to gather background information to inform their recommendations. These investigations, as well as regular supervision of youth already on probation, had to be conducted via phone. Additionally, many external programs that program officers refer youth to have either been scaled back or shut down due to the pandemic.

## **DETENTION FACILITIES**

In St. Lucia, juveniles are still being held in two detention facilities, Bordelais Correctional Facility (the only prison in St. Lucia) and the Boys Training Center (juvenile facility for males housing a combination of youth under Care and Protection, and juveniles in conflict with the law). There is still no residential facility for juvenile females in conflict with the law. Stakeholders note that there are rarely cases where juvenile females are given custodial sentencing. When they are, they are sent to Bordelais. Female offenders who are not given custodial sentencing are reportedly placed on Probation. A common response across all interviews was that there are relatively much fewer juvenile female offenders in St. Lucia than males, and that there are very few options for their rehabilitation. One key issue is that there does not seem to be any clear record of the number of justice-involved juvenile females over time. Stakeholders spoke anecdotally about one or two juvenile female offenders who they had either heard about, or interacted with, in the past. The issue of lack of data is not unique to girls in conflict with the law, but a problem that emerged throughout the interviews. In this case, lack of data is particularly problematic because without even basic information on the number of juvenile female offenders, type of offense committed, and pre-trial or post-trial decisions, it becomes difficult to understand the scope and scale of the issue and dedicate resources towards targeted support and rehabilitation of these girls.

Upton Gardens Girl’s Centre is the only option available for girls in St. Lucia and is a non-residential facility whose primary clients are girls with behavioral issues or at risk of being in conflict with the law. At the time of data collection, the majority of referrals came from schools, social services, or parents, with little to no referrals coming from the Court or Probation. Therefore, their primary focus is still not on girls who are in conflict with the law. Sometimes girls who are referred by schools to Upton are already on Probation. Though the Centre does offer a range of educational and therapeutic services, many respondents noted that its status as a day facility, rather than a residential one, presents a challenge for achieving rehabilitation. With more data on juvenile female offenders, the government could make a more informed decision on what interventions would be most appropriate and feasible (converting BTC into a co-ed facility, strengthening Upton’s capacity to serve girls in conflict with the law, etc.).

At the time of data collection, there were 12 juvenile males at BTC, and one juvenile male at Bordelais (Table 3).<sup>32</sup> These numbers represent a change from midline (16 at BTC, and 22<sup>33</sup> at Bordelais). The aggregate number of youth in detention facilities declined substantially between midline and endline from 38 to 13. Some attribute this reduction to more juveniles being diverted to options other than custodial sentencing, while others note that this reduction is partially due to the COVID-19 pandemic.

**Table 3: Juveniles in detention in St. Lucia**

	BASELINE (2017)		MIDLINE (2019)		ENDLINE (2021)	
	Males	Females	Males	Females	Males	Females
Boys Training Center	31	0	16	0	12	0
Bordelais Correctional Facility	16	1	22	0	1	0
<b>Total</b>	<b>47</b>	<b>1</b>	<b>38</b>	<b>0</b>	<b>13</b>	<b>0</b>

Though the CJA stipulates that 16-18-year-olds are also considered juveniles, and therefore should not be detained in an adult prison, juveniles who have been charged with serious (typically Schedule 3) offenses are still often detained at Bordelais. Examples of Schedule 3 offenses include murder, manslaughter, rape, and aggravated or violent robbery. Participants we spoke to assert that Bordelais is viewed as a “last resort” option. These youth are typically sent to Bordelais on remand until alternative solutions can be identified, or until they age out of juvenile status soon after reaching Bordelais to then join the general prison population. The inability for BTC to handle youth accused of more serious offenses is the primary reason why juveniles are still detained at Bordelais (at the time of the endline study, one juvenile was being detained at Bordelais).

*“As it stands right now, our juvenile facility cannot accommodate these individuals [serious juvenile offenders], because of the physical construct of the place and the human resources you require to manage these individuals. The next option is to have them at a prison for their own safety and security, and for their own safety and security of the state. However, the challenge*

<sup>32</sup> On the day our team visited the facility, two more juveniles had just arrived.

<sup>33</sup> Numbers for Bordelais at midline are for individuals ages 16 – 22 as this was the age range of individuals detained in the “young adults unit” at the time. Therefore, these numbers are not strictly comparable to the endline figures which are for individuals under the age of 18.

*we have is that [Bordelais] was not built for that. We had to create that sort of environment to accommodate with all the amenities and resources.”*

This issue of where to accommodate juveniles accused of committing serious offenses consistently surfaced throughout our conversations, and stakeholders believe that there does not seem to be a clear answer. Per the CJA, there is a clear answer – juveniles cannot be held at Bordelais irrespective of logistical challenges, and that holding youth in an adult prison is a violation of the law. There is, however, a consensus among stakeholders that holding youth at Bordelais is not the solution. Some mention that youth who have committed serious offenses should be held at BTC where they can be exposed to a rehabilitative environment more suitable for youth, but there is also an acknowledgment that BTC is not equipped to accommodate serious offenders as it is a low-security facility.

In addition, our interviews revealed more institutional issues at BTC related to dysfunctional management, challenges in managing the behavior and mindset of line staff (security staff in particular), and lack of sufficient external oversight. Related to formal mechanisms for managing the behavior of staff, one stakeholder interviewed at endline in 2021 noted recently attending a staff disciplinary hearing for an incident from 2018. Although it is positive that disciplinary cases are being heard, a three-year waiting period considerably slows the rate of hoped-for institutional change. Though efforts are being made to recruit and train new staff better suited to working with youth, this process of recruitment and replacement is dependent on which government entity the position falls under. This dysfunction has even been noted by the youth. One youth even noted that *“It’s time for them [staff] to be working with each other instead of against each other.”* Without addressing management and human resource issues in a timely manner, BTC will not be able to provide a strong, rehabilitative environment for youth.

## COVID-19 RESTRICTIONS AND IMPACTS

The COVID-19 pandemic has had a significant impact on operations at both BTC and Bordelais and has posed numerous challenges for the management of these facilities. Both facilities had to put rigorous screening, isolation, and COVID-testing procedures in place to mitigate the risk of COVID-19 spreading through the staff and resident populations. As discussed in a subsequent section, these public health procedures sometimes meant that youth spent prolonged periods in isolation, which contravenes regulations against the solitary confinement of youth.

Programming at both facilities was also scaled back substantially to reduce face-to-face group interactions. For instance, a JJRP-supported cinematography program had to be halted and had yet to be restarted at the time of data collection. BTC did make efforts to provide programming to youth despite these restrictions, including obtaining devices to enable online learning and switching to lower-contact sporting activities. Programming was mostly halted at Bordelais, though youth’s lack of access to programming at the facility appears to be driven by factors other than COVID, as is discussed in the Programming and Education Services section.

At both facilities, there was a substantial period during the pandemic’s peak where in-person visitation was completely halted. In fact, at the time of data collection, visitation by family members had yet to be re-instated at Bordelais and virtual visitation had yet to come online. The following section contains a detailed discussion of the impacts of COVID-19 on in-person visitation at both facilities.

## ACCESS TO MEDICAL, MENTAL HEALTH, AND FAMILY SUPPORT

Access to medical and mental health services for youth at BTC and Bordelais remains similar to its condition at midline. At BTC, youth receive a health screening on arrival, and are provided necessary healthcare at local hospitals or clinics. At Bordelais, there is an on-site medical unit and each inmate is given a medical examination upon arrival.

With respect to mental healthcare, as at midline, youth are sent to the Wellness Center (a public hospital) as needed to be evaluated and treated before being sent back to BTC. There is no clinical on-site mental health staff at BTC. Some youth mentioned attending counseling sessions, but none of them were able to provide details about the sessions or whether they feel these sessions to be helpful. BTC employs four counselors and one social worker to provide counseling services to youth. Frequency of counseling is variable and is said to depend on the needs of the child, though one stakeholder mentioned that counseling sessions can be conducted twice a week. This is almost identical to the status of counseling services noted at midline.

At Bordelais, there is still only one clinical social worker for approximately 500 prisoners and there is no on-site psychiatrist. The clinical social worker conducts an initial evaluation and refers prisoners for psychiatric evaluation as needed. Stakeholders noted that having another social worker, or an on-site psychologist would help to provide better mental health services to inmates.

Due to the COVID-19 pandemic, family visitation was completely halted during the pandemic's peak. At the time of writing this report, family member visitation was still not permitted at Bordelais. Most youth we spoke to at BTC report either being able to call their family frequently or being visited by family regularly. A few noted that being able to call family was dependent on a counselor being present, indicating that there are still no freely available phones for youth to use for this purpose.

At Bordelais, though family visitation is not permitted, probation officers are allowed to visit the facility. Family is only permitted to drop off packages and money outside the facility for those incarcerated. This separation is taxing and difficult. The prolonged isolation from family, coupled with isolation in a separate unit, undoubtedly impact an individual's mental well-being and is a serious concern. To combat this issue, prison officials mentioned attempts to set up virtual visitation systems, however, they are yet to be fully on-stream due to technical difficulties. At this stage in the pandemic, officials should find a way for families to safely visit those incarcerated to mitigate the effects of the separation.

## PROGRAMMING AND EDUCATIONAL SERVICES

BTC offers some recreational programming to youth, including sporting activities, music programs and a JJRP-supported cinematography program.<sup>34</sup> BTC continues to offer vocational training in woodworking, welding, and mechanics, as well as having an agriculture and hydroponics program. These programs were also offered at midline. Some of these programs are conducted with the collaboration of organizations such as CARE and NSDC.

With respect to academic education, there still appears to be little to no oversight of the education being provided to youth at BTC from the Ministry of Education. This is similar to the findings at midline. BTC did, however, manage to procure devices so that youth could join school virtually during the

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<sup>34</sup> Some of these programs had to be halted or modified due to the COVID-19 pandemic.

COVID-19 pandemic. A couple of the youth we spoke to mentioned that they were able to join online classes during the pandemic. Stakeholders mention there have been dialogues with the Ministry of Education to see if online education can be continued to allow them to continue taking classes at mainstream schools. Describing the need for a more rigorous education program, one individual noted:

*“And in terms of education, remedial education, academics that is lacking severely and it is time that the Ministry of Education steps in to do something about this element at the Center because, yes - you give him the vocational skills and you're giving him life skills, but he is still going out there and he really can't write properly. So that sort of defeats the purpose.”*

Meanwhile, from our conversations it seems that individuals in the education system do not view juveniles in conflict with the law as coming under their purview, as the agencies looking after them are primarily under the Ministry of Equity. It is unclear why the Ministry of Education does not have a stronger mandate when it comes to educating those in conflict with the law. The UNCRC indicates that education is a human right, regardless of one's status in the juvenile justice system, and that all children should have access to formal education.

Additionally, despite the existence of programming and education options, from our interviews with youth, it seemed that there was little structure to the programming provided. Few youth we spoke to expressed interested in the programs or classes they had been involved in since coming to the Centre. This perhaps suggests that a more intensive needs assessment should be conducted to understand if the programming being provided matches the interests and needs of the youth in conflict with the law who are at the Centre. The need to ensure more structured educational and rehabilitative programming at BTC was well recognized by stakeholders. As one individual described:

*“I think these are very realistic issues and we have recognized that we need to strengthen the programming and the structure of what is offered at the Boys Training Center so that we encourage the young people to participate according to what is planned for them. So the current structure is being looked at to recognize the deficiencies and conduct a general analysis of what needs to be done at the center.”*

Bordelais does offer some education, vocational skills, and life skills programs, but it is the researcher's understanding that juveniles housed at Bordelais at the time of endline data collection did not have access to any of these programs. The primary reason given for this was an attempt to fulfill mandates outlined in the CJA to keep juveniles as separated as possible from the adult inmate population. The CJA mandates that youth should be exposed to programs that can aid in their education and rehabilitation. Undoubtedly, it does present a logistical challenge for an institution to provide dedicated programming for youth, when they are already resource constrained (e.g. there are only two teachers for 500 inmates). Yet when education and skills building play such a large role in the rehabilitation and reintegration of justice-involved youth, it is necessary for stakeholders to actively support the facility and identify solutions to address these challenges, rather than keeping youth in isolation without opportunities for growth. This is a step backwards from the situation observed at midline. At midline, it was noted that young people at Bordelais could participate in informal education and vocational programming.

## PHYSICAL SPACE

There are still significant challenges related to the physical space at BTC and Bordelais.

BTC is 60 years old and much of its infrastructure has not been significantly upgraded since its establishment. As one individual summarized:

*“We all complain about the structure the building. New legislation just came on, but nothing was done to the physical structure. Now, the age of a child has been changed from 16 to 18. Before 16-year-old offender wouldn’t be sent to BTC .... Now people up to 18 years come here, but we remain in the same building that we had 61 years ago and it wasn’t built exactly for the purpose that it’s serving right now.”*

On the positive side, at the time of data collection, the exterior of the facility appeared to be well kept. A new security booth and visitation room were also being constructed. Most of the interior areas, though clean, were quite bare. In particular, the facility has two separate dormitory areas – one designated for youth under Care and Protection and separate area for juveniles in conflict with the law, though stakeholders note that Care and Protection youth are sometimes housed with juveniles in conflict with the law. Stakeholders suggested that a child in need of care and protection may be housed with children in conflict with the law if he is older, has a large physical stature, and displays behavior that poses a risk to (smaller) children in need of care and protection. Similar individualized decision-making was noted at midline. The juvenile offenders’ dormitory was quite sparsely furnished with minimal amenities and bars on the windows. Juveniles are also not allowed to keep personal items with them; however, they can store them in lockers. There are also cameras throughout the campus. One youth noted a mixed reaction to these cameras — that beatings of youth by security staff had stopped after installation of these cameras, but also that “we don’t like the cameras because everywhere we go they’re seeing us.”

In the case of Bordelais, one juvenile was being held at the facility at the time of data collection. In accordance with the act, this juvenile is being housed in a separate unit. This particular unit is actually the “Mother-Child” unit that is used to house pregnant inmates. Previously, there was a juvenile/young offenders’ unit at the prison, until its redesignation in response to the COVID-19 pandemic. In recent times, juveniles have only come to Bordelais one or two at a time, making housing manageable through the use of the “Mother-Child” unit, yet challenges arise when this unit is required by other incoming inmates. For instance, one stakeholder described a situation where a female prisoner needed to be placed in this unit while it was being occupied by a juvenile male. Prison officials responded by reshuffling living arrangements to allow this female to stay at the “Mother-Child” unit, by emptying out adult inmates from one of the other cell blocks to ensure that the juvenile had a dedicated space to stay temporarily. It is positive that serious efforts are being made to ensure children are kept separate from adults at Bordelais. Yet, while prison officials appear to be doing the best to abide by the CJA with the resources available, such reshuffling causes logistical burden.

## **PHYSICAL SECURITY, PUNISHMENT, AND HUMAN RIGHTS VIOLATIONS**

The majority of juvenile respondents did not report any acts of physical abuse, neither at BTC nor Bordelais, which is certainly a positive development compared to baseline and midline. Management at both facilities assert that use of physical punishment is neither “advocated nor sanctioned.” Despite this, the disconnect that was noted at midline between the mindset of management and civilian staff (counselors and teachers), and that of security staff appears to persist.

*“You still have some staff who are very old school. They've been here for a while and to them that [corporal punishment] is how they used to get the boys in line before... You have staff who will still get frustrated at the boys' reactions, some of them still don't know how to deal with the boys when they act up. But it's a learning process, it will take some time.”*

During our interviews, we recorded one reported incident of a juvenile who engaged in an altercation with a member of security staff, resulting in injuries to both the juvenile and staff member. Though the official disciplinary process has yet to be completed, the stakeholder indicated that the staff member “had to leave,” following the incident. Officials note they are trying to reduce the likelihood of violent altercations through trainings (such as de-escalation trainings) and hiring new staff.

Other forms of punishment described include labor (such as landscaping) or being “put on the step.” BTC has a solitary confinement space that consists of a small cell secured with an iron gate, located at the top of the stairs leading to the juvenile offenders sleeping area (referred to staff and youth at BTC as “the step”). The room is sparsely equipped with a small mattress placed on the ground and is described as the room used to temporarily house a boy who becomes uncontrollable. The use of unpaid labor and this type of solitary confinement as punishment was also reported at midline. At endline, the reasons for and duration of solitary separation provided by youth we spoke to varied. Some mentioned being placed in this area as part of their intake process upon arriving at the facility — “When you just reach, they put you on the steps and then after a couple weeks pass and everything is good with you, they put you in the dorm with the rest of the boys.” Many of the youth we spoke to arrived at the facility during the COVID-19 pandemic, therefore it is unclear whether this was a public health-motivated protocol or a standard intake procedure. Regardless, youth in quarantine for COVID-19 should not be subjected to solitary confinement under any circumstances. Others mentioned being placed in solitary separation for anywhere between a couple of days to two weeks as punishment for fighting or trying to abscond from the facility.

Though the youth housed at Bordelais at the time of data collection did not report any punishment, juveniles at Bordelais are clearly subjected to unintended solitary confinement by way of being the only juvenile at the prison. The positioning of the “Mother-Child” unit does allow youth to interact with staff, and to have passing interactions with other inmates. Despite this, youth housed by themselves at Bordelais are exposed to prolonged periods of complete solitude, a concern shared by all stakeholders.

## **REINTEGRATION**

Across all interviews, reintegration was mentioned as one of the highest priority areas for moving forward with juvenile justice reforms in St. Lucia. Some stakeholders noted a trade-off — that part of the price paid for making advancements in diversion was that focus could not be given to building reintegration programs.

*“Even if we could do the programs and give them everything on compound, the greatest challenge is when they return to the same communities and the same homes. And yes, this is the biggest challenge. You give them everything, but when they go back out this is when you see the criminal activity. And those with the mental issues, they will not go to the Wellness Center. This is where we get the dysfunction really plays out. Even if they [the youth] do try the programs, it's still a struggle [when they return].”*

Starting while youth are at the facility, reintegration plans should involve staff working directly with young people while they are detained and relies heavily on the building of relationships during periods of detention in order to facilitate a successful aftercare plan. Experiences reported by youth at both facilities varied widely — some youth reported having no conversations at all with family, counselors, or probation officers related to rehabilitation and re-entry till date, while others had already secured a job ahead of leaving the facility through support and vocational training received at BTC. According to stakeholders interviewed, BTC counselors hold weekly direct care meetings with youth (and sometimes family members) to discuss their progress, including eventual plans for reintegration, but we were not able to verify if these meetings are systematically conducted. Across agencies, stakeholders noted that encouraging participation of parents and other family members in this process is both crucially important, and often quite difficult to ensure.

BTC still has a two-year aftercare program in place, however, this program appears to have contracted from its recorded state at midline. A single counselor coordinates the entire program, supervising 18 youth in aftercare at the time of data collection (in addition to any youth set to exit the facility). Prior to re-entry, the counselor attempts to set up a case conference with the young person, family members, facility staff, the social worker and/or probation officer to discuss the re-entry plan. With information available, it is unclear whether the conferences happen consistently and whether there is concrete follow-up on plans made during these conferences. Aside from these case conferences, and the regular vocational and educational programming at the facility, there is currently no formal transition program for youth who are about to re-enter society.

Other counselors sometimes also conduct follow-ups after a youth leaves the facility, however, this is up to the counselor's discretion and is not mandated by protocol. Although there were plans to provide more funding for this aftercare plan through support from the Caribbean Development Bank, these efforts did not pan out due to COVID-19. Currently there is a proposal to fund a "pilot" of this aftercare program using remaining funds from JJRP, but it is unclear whether this will prove successful, or whether there are longer-term plans to ensure sufficient and sustained funding for this crucial component.

There is also follow-up that is conducted by Probation with youth as they are re-integrating into society. Officers may engage with schools or try to enroll youth in available skills programs, sometimes working together with BTC and other entities to support particular youth. These efforts do not seem to be systematic or consistent across all officers and youth. The youth we spoke to reported a range of experiences with their supervisors — some mentioned that counselors and/or probation officers had spoken to them about re-entry or helped them to get a job, while others mentioned that no such conversations had taken place. On efforts probation officers make to connect youth with employment opportunities, one respondent described the current situation as follows:

*"It's an informal process... There's nothing written to say that probation officers are supposed to do this [help youth find jobs]... but officers do it to help them because there is a real physical need there. To be employed and to be able to earn money. That in itself reduces the risk of them reoffending because they are able to take care of themselves."*

As was the case at baseline and midline, Bordelais still has little in place with regards to re-entry programming. In the past, individuals from external agencies (such as the National Skills Development Centre) would come to the prison to conduct vocational training sessions, but these initiatives have

halted due to funding issues. The clinical social worker conducts goal setting, and life skills and stress management sessions, but these programs are not being conducted on a large scale due to COVID-19 and the resource constraints of being the sole social worker assigned to 500 inmates.

Stakeholders in BTC, Bordelais, and Probation assert that they require the support of more external agencies with skills building capacities, connections to employment networks, and specialized knowledge in mental/social support provision to ensure success of reintegration efforts, along with the support of youths' families and communities.

## SUMMARY

Notable progress has been made by the government of St. Lucia toward advancing the juvenile justice reform process since the midline assessment. With respect to coordination amongst agencies involved in juvenile justice service delivery, this progress includes putting in place a Technical Committee to coordinate efforts across agencies, drafting a diversion strategy, and starting the Initial Inquiry process both pre-trial and within the Court. To ensure this progress is sustained, the government will need to ensure that the Technical Committee remains in place until either a coordinating body, like the Child Justice Management Unit recommended by the JJRP, or equivalent cross-agency coordinating mechanism is officially put in place. Though all stakeholders asserted that juvenile justice reform is a coordinated effort across multiple agencies, our research suggests that BTC and Probation carry much of the responsibility in providing guidance and services to youth.

In terms of diversion and alternative sentencing, a key achievement since midline is that pre-trial diversion is now taking place, led by Probation, and the Family Court is now issuing diversion orders. It will also be crucial for the Cabinet to approve a diversion strategy to help officially institutionalize and operationalize diversion as a core juvenile justice process and pave the way for government funding for diversion programs. Currently, diversion orders issued by the court are mostly for supervision and guidance, with probation officers given the responsibility of designing each youth's supervision strategy and of identifying programs for youth to participate in. There is still a critical need for a set of official diversion programs to be formalized so that the Court and probation officers have more structured options to divert youth to.

The number of juveniles housed at Bordelais has decreased drastically from baseline to endline (from 16 to one). Additionally, youth interviewed at both BTC and Bordelais reported almost no instances of physical abuse. We find that forms of solitary confinement are still being employed — either intentionally as punishment, or unintentionally due to COVID-19 protocols or requirements to keep youth in a separate unit at Bordelais. The educational curriculum at BTC still requires strengthening, a persisting issue from baseline and midline. Youth at Bordelais were not receiving any programming at endline, a marked step backwards from midline.

Our findings suggest that there are significant management challenges at BTC in particular that need to be addressed in order for it to be a more effective rehabilitative environment for youth. Stakeholders from multiple agencies noted that facility management are often in open disagreement with one another, that the mentality of security staff is still not aligned with creating a rehabilitative environment for youth, and that the contractual status of certain staff make hiring and firing more difficult. Also, the system at large demonstrates a primary focus on rehabilitating juveniles who have committed only minor offenses. There still seems to be little progress or plan in place for juveniles who have committed serious offenses, and these juveniles are often still sent to Bordelais where youth were not receiving any programming at the time of endline data collection. Furthermore, St. Lucia has few options for juvenile females in conflict with the law. Though this is a widely acknowledged fact, there seems to be little data available about juvenile female offenders beyond anecdotal information. Without data, it is difficult to identify the most feasible interventions for serving this population. Currently, most are put on probation and serious offenders are sent to Bordelais. Lastly, reintegration efforts are still largely driven by individual officers and counselors, and there is still a lack of formal and coordinated programs for reintegration of juveniles in conflict with the law.

*The current juvenile justice system in St. Lucia demonstrates a primary focus on rehabilitating juveniles who have committed minor offenses, with little progress or planning for youth who have committed serious offenses.*

# ST. KITTS AND NEVIS

## BACKGROUND ON JUVENILE JUSTICE REFORM IN ST. KITTS AND NEVIS

St. Kitts and Nevis passed the Child Justice Act (CJA) in 2013 and was the only of the three countries to have passed reformed legislation at the time of the baseline study.

Among the most important provisions of the CJA was the establishment of the Child Justice Committee (CJC). Comprised of a magistrate and two social workers, the CJC's mandate is to review all cases involving juveniles, to assign youth to participate in diversion programs for those who qualify, and in the most general sense, to advocate on behalf of juveniles in conflict with the law to ensure that rehabilitation and reintegration are at the core of their case plan.

Despite passing the CJA in 2013, St. Kitts and Nevis did not begin to operationalize the Child Justice Committee until 2019, causing a delay in the development of diversion programs and the establishment of appropriate procedures to comply with other elements of the CJA. These consequences are detailed in the ensuing subsections.

In addition to establishing the CJC, the CJA increased the age of criminal responsibility to 12 (from an earlier age of eight). The act also outlines how youth offenders are to be assessed, managed, and provided with opportunities for rehabilitation and reintegration into society. The act stipulates that a juvenile's parents and a probation officer are to be notified within 24 hours of an arrest, and that a probation officer conducts an initial assessment of the juvenile's well-being and home environment within 48 hours. The act also stipulates that the child is to appear before the CJC for an initial inquiry, prior to any court appearance. Attended by the child's parents, probation officer, attorney (if applicable), the arresting officer, and a representative of the Director of Public Prosecutions, the initial inquiry is an opportunity for all concerned stakeholders to identify diversion options for the child that will emphasize the child's best interests and rehabilitation.

Although the act was passed in 2013, many of its tenets still need to be fully instituted, as we proceed to detail in the remainder of this section.

## INTERAGENCY COORDINATION

As was the case at baseline and midline, significant coordination challenges plague the administration of juvenile justice in St. Kitts and Nevis. These challenges lie at nearly every step in the juvenile justice chain, starting with the procedures the police are expected to follow when they apprehend a juvenile. Stakeholders were unanimous in reporting that the police need further training in the CJA as well as basic procedural matters, such as how to fill out required forms, where juveniles can be detained, and who to contact after apprehending a juvenile. Although there has been training for a select number of officers on these matters, most notably through the JJRP program, it appears that such training only reaches a small fraction of officers. Moreover, respondents indicated that many of those who had been trained had since been transferred to new divisions, and that new recruits are not provided juvenile justice training as part of their basic training.

Our interviews suggest the police’s lack of familiarity with the CJA and the appropriate procedures for juveniles has several negative consequences. First, when the Initial Inquiry and other appropriate procedures are not followed, it provides juveniles’ attorneys with grounds on which the case may be dismissed. The result is that juveniles are able to circumvent the law, while at the same time missing opportunities for assistance and intervention that would help steer them away from crime and towards more productive activities. In the words of one stakeholder we spoke with:

*“[The police’s failure to follow procedures] is a situation that has to be corrected because there’s some juveniles who really need the intervention and are not getting it. But because of this system not really working as it should.”*

A second consequence of the police’s lack of training in juvenile justice matters is that their uncertainty concerning appropriate paperwork and procedures gives some officers the false impression that juveniles are hard to deal with. According to one stakeholder we spoke with, this perception of additional work deters many officers from handling juvenile cases, which only further contributes to the system’s failure to reach juveniles in need of intervention and rehabilitation. Indeed, this individual went so far as to question whether the decline in juvenile cases observed over the past several years is real, or is instead the result of police increasingly shying away from juvenile cases. The solution, in our view, is to ensure that all officers are fully versed in the CJA, and that the appropriate forms and procedures are put in place to smoothly process juvenile cases, from the point of initial apprehension.

A third consequence deriving from the improper handling of juvenile cases is that it contributes to delays in the administration of justice. Our research found that many youth spend upwards of two years in detention awaiting trial, and a significant contributor to this is the lackluster investigation and preparation of files by the police. The DPP, as well, was cited by several stakeholders for its failure to proactively coordinate with the police during case investigations. Summarizing the situation, one individual stated:

*“The challenge, to be honest, is that with any court you need the case files about a week ahead of the hearing. And what gets us upset is that the officers are coming in for the hearing with the juvenile and their report at the same time, not giving us any time to review the assessment. The officers just hand in the report as they come in. And they are not using the proper form. They’re just talking off the top of their head.”*

To be sure, shortfalls on behalf of the police were not the only contributor to insufficient coordination in the juvenile justice space. Many informants said that a major unmet need was for a commonly understood set of protocols and procedures mapping out who does what and when across agencies, to ensure the smooth and timely handling of cases. As the coordinating body with a mandate to ensure proper juvenile case management, it would be appropriate for the CJC to step in to fill this role, but it has failed to do so thus far.

Stakeholders identified several other important challenges facing the CJC. Most notably, the CJC meets very infrequently, and has only handled twelve cases since its inception in 2019, only a small fraction of those who come in conflict with the law and would benefit from their services. As one stakeholder reported: “the CJC meets only once every couple of months, whereas we get cases weekly.” This is a clear violation of the Child Justice Act, which states that “The Child Justice Committee shall meet at

least twice monthly.”<sup>35</sup> Another cited their lack of urgency in handling matters in the time between meetings:

*“Availability is important. But the CJC doesn’t deal with cases urgently. There is much too much delay ... if I get the case today, can they respond tomorrow with their input? So that it doesn’t wait another week?”*

Representatives of the CJC agree on the need for improved coordination and the development of a set of clear procedures, but they also cite the need for intervention by the Ministry of Community Development, Gender Affairs and Social Services:

*“There is an urgent need for a clear policy in relation to the arrest and taking the child before the CJC, and the dealings with the CJC before the court. Currently, responsibility is blurred because there’s no clear policy about this. The act says that the Minister can make regulation on this. But we have never really had regulation made, for the operation of the CJC. We need clear policy about when and how a case comes before the CJC and when it instead goes directly to the court.”*

When stakeholders were questioned about the long delays in processing juvenile cases, it was noted that the Juvenile Magistrate only convenes to hear juvenile cases one day per month. It was suggested that increasing that number to two days per month would help speed things along.

Coordination failures also plague the relationship between the courts and the New Horizons Rehabilitation Center (NHRC). According to one respondent, “the protocols established between New Horizons, the probation office, and the courts still need to be developed.” This individual noted that the NHRC was routinely “not given enough lead time, or information about a child coming to the facility. This makes it difficult to plan and prepare for a child.”

Sadly, the consequences of pervasive coordination failures fall on those most vulnerable in the system – juveniles in conflict with the law. As one stakeholder described:

*“Nobody independent is keeping anyone accountable to the guidelines laid out in the CJC. It’s always going to be ‘if it doesn’t happen and no one follows through, no one is held accountable for that.’ There is no separate oversight body. The only consequence is for the juvenile in question, whose case is delayed yet again, or whose needs for diversion and rehabilitation go unmet.”*

## **DIVERSION, ALTERNATIVE SENTENCING, AND PROBATION**

The juvenile justice system has made some progress since midline towards institutionalizing the practices of diversion and alternative sentencing. The most notable point of progress is the formulation of the CJC, which is now operational. Since its inception in late 2019, the CJC has handled twelve cases, all of which were for non-violent offenses. It is not known how this number compares to the total number of cases that were eligible to go before the CJC. When asked about this point, neither the CJC, the Probation and Child Protection Services Department, nor the police’s special victims unit (SVU) could provide reliable estimates due to a lack of organized administrative databases. But based on the

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<sup>35</sup> Child Justice Act of 2013, Part III, 7(1).

testimony of all the stakeholders we spoke with, it is clear that a more active CJC would be able to handle a much larger number of cases.

To date, the CJC and the courts have focused primarily on diversion, rather than alternative sentencing. In the modal CJC case, the CJC works with the child's probation officer to develop a diversion plan consisting of some combination of restitution, community service, curfew, and school attendance and/or employment. Should the juvenile fail to meet the terms of his/her diversion plan, then s/he will be summoned back to the Juvenile Magistrate's court for traditional sentencing, which may include time at the NHRC.

All the diversion options used to date have been informal or were identified on an ad hoc basis; at present, the juvenile justice system still lacks dedicated diversion programs that are accredited by the government. "It forces us to be creative," reported one stakeholder on the lack of formal diversion programs. "We have been asking for dedicated programs for a while now. If a child is stealing, there should be some specific program geared toward that. If it's a weapons charge, there should be a program for that. And ditto for the drugs." However, despite the appeals of the CJC, thus far the Department of Probation and Child Protection Services has not identified or certified any dedicated diversion program.

A stakeholder we spoke to confirmed the lack of diversion options for juveniles: "what we lack are programs that address the 'root causes' of the problem, like poverty, poor housing, and lack of family support." When asked why these programs were not more readily available, the representative reported that "it's basically a lack of resources." This individual also noted that the absence of dedicated diversion programs is in contrast with the number of pre-arrest programs that are available, such as the Young Explorer's program and the CFYR Family Matter's program, as well as with the availability of vocational programs for youth in-general, such as the Advanced Vocational Educational Centre (AVEC) and the Skills Training Empowerment Program (STEP).

As was the case at midline, stakeholders reported that another common form of diversion was *pre-arrest* diversion, which occurs within the day-to-day context of police discretionary decision-making. For young people involved in low-level offenses such as petty theft, disorderly conduct, fighting, and marijuana possession, the police may convene a "roundtable" with their parents and probation officers to develop an alternative plan to the formal justice system. In lieu of formal juvenile justice processing, a young person may be asked to complete community service hours, attend school-based programming, attend a group run by probation officers, or be monitored through home visits.

In the absence of dedicated diversion or rehabilitation programs, probation officers have served as the primary providers of these services. This was the case at baseline and midline, and it continues to be the case today. Through mentoring, counseling, and job-placement assistance, probation officers play a critical role in this space. "We are the teeth of the juvenile justice system. We make sure everyone is on the same page; we do counseling, mentoring, and we provide wrap-around services," described one probation official.

Probation officers are also critical to ensuring the directives of the CJC are duly carried out. As one official described, "success [of diversion] really depends on the probation officer, and how aggressively they monitor adherence to the orders of the CJC."

Yet, despite their critical role in the juvenile justice system, our interviews reveal significant shortfalls within the Department of Probation and Child Protection Services (DPCPS). To be sure, the COVID-19 pandemic has adversely affected operations within the DPCPS, namely by preventing probation officers from engaging directly with the juveniles they supervise. Instead, probation officers have been forced to supervise their cases remotely, through phone calls with the juveniles and their families. But even beyond the adverse effects of COVID-19, court officials, representatives of the CJC, lawyers, and police officers were unanimous in highlighting a lack of robust oversight as a major barrier to diversion and rehabilitation. As one stakeholder described:

*“We are not so pleased with the probation officers, with their level of monitoring and counseling of the juveniles under their supervision. . . . the juveniles are not given the attention that they are supposed to be given. The CJC makes a contract, and it’s not being adhered to. So, the main challenge with diversion right now is with the probation officers and the quality of their monitoring.”*

Stakeholders also cited a lack of robust action to help find juveniles jobs, ensure they are enrolled in school, or identify vocational programs that match their interests. One juvenile we spoke with said that they were unable to attend a program they were interested in at the Advanced Vocational Education Centre (AVEC) for lack of bus fare – the type of modest obstacle that a proactive probation officer can be expected to solve. Another young person said that their probation officer only called once a month rather than making in-person visits, and that he often wasn’t home for the calls. A third individual had “aged out” of their probation when they turned 18 but received no concluding care plan or send-off from his probation officer.

When asked what reforms would be necessary to improve the performance of probation officers, most stakeholders cited greater resources, better training of probation officers, and greater oversight by administrators within the DPCPS. But some officials declined to offer an explanation, citing the sensitive nature of the problems within the DPCPS. Others cited potential nepotism as an explanation:

*“Probation is falling woefully short of what is required, and it is not for lack of training or resources. The resources are adequate. It is that certain persons are not very interested in what they need to do. Sometimes certain jobs are passed on from one person to another and so it’s not always the most motivated or merit-based person who gets the job.”*

That said, the job of a probation officer is not easy. “You have to be aggressive. You have to actively go after the information you need, and you have to actively follow-up with partner agencies,” reported one individual. Given the demands of their position and their critical importance to diversion and reintegration, probation needs to be a focal point of juvenile justice reforms moving forward. Oversight and hiring practices within the PCPS need to be strengthened, to ensure that all probation officers are fully committed to their work. At the same time, reforms are needed to ensure that the PCPS has adequate resources and training to fulfill its mission.

## **DETENTION FACILITIES**

The primary detention facility for juveniles in St. Kitts and Nevis is the New Horizons Rehabilitation Centre (NHRC). At the time of our interviews in May 2021, there were twelve juveniles in detention at this facility — seven males and five females (Table 4). In total population, this is on par with the midline

population of 13. In a significant improvement since baseline, all of the stakeholders we spoke with reported that no juveniles were being detained at the adult detention facility, Her Majesty's Prison (HMP); at midline, there were three.

**Table 4: Juveniles in detention in St. Kitts and Nevis**

	BASELINE (2017)		MIDLINE (2019)		ENDLINE (2021)	
	Males	Females	Males	Females	Males	Females
New Horizons Rehabilitation Center	6	0	12	1	7	5
Her Majesty's Prison	0	0	3	0	0	0
<b>Total</b>	<b>6</b>	<b>0</b>	<b>15</b>	<b>1</b>	<b>7</b>	<b>5</b>

An important feature of the NHRC is that it hosts both juvenile offenders and juveniles who have not been charged with committing an offense, but are in need of care and protection. This mixing of groups is understandable, given that St. Kitts and Nevis is a small country with limited resources, yet it does introduce the risk that hardened offenders may harm or influence those in need of care and protection. That said, there were no reports of any such incidents from the stakeholders we spoke with.

As noted in the Limitations section of this report, we were unable to access NHRC to observe conditions or interview juveniles in detention, due to the increase in the community spread of COVID-19 in May and June of 2021, and the resulting restrictions on non-essential visitation. The results reported in this section should therefore be interpreted with some caution, as most stakeholders we spoke with were employed by the NHRC or otherwise worked for the government. That said, we also spoke with representatives from legal aid institutions, who represent the interests of the juveniles and have little incentive to misreport; those interviews largely corroborated what we learned from government-affiliated stakeholders.

## COVID-19 RESTRICTIONS AND IMPACTS

The most significant impact of the COVID-19 pandemic has been felt in detention facilities, where visitation from parents, family, and outside observers (including the research team for this report) has been prohibited. The lack of family visitation is regrettable, as it is likely to weaken ties to family and community, making the already difficult challenge of successful reintegration even more so. Closing the facility off to outside observers is also a regrettable rollback of much-needed transparency and oversight of the NHRC facility.

Notwithstanding, to the credit of the NHRC, the facility appears to have done a good job of sustaining quality educational and extracurricular activities. Indeed, as we note below, the quality of these services appears to have improved since our midline study in 2019.

## ACCESS TO MEDICAL, MENTAL HEALTH, AND FAMILY SUPPORT

As was the case at midline, the NHRC does not have full-time medical staff on site. Instead, residents are transported to medical facilities in the community on an as-needed basis. Given the small number of residents at NHRC, this arrangement makes financial sense. However, the research team was unable to verify whether access to medical care in the community is indeed adequate, due to COVID-19

restrictions on non-essential access to NHRC. There is no full-time psychiatrist on-site, but every resident has a caseworker trained in social work and counseling. In addition, residents in need of counseling may be referred to the Counseling Unit within the Ministry of Social Development and Gender Affairs. In our assessment, access to medical care and mental health care is adequate and has remained at the same levels since baseline and midline.

As was the case at midline and baseline, residents of NHRC lack access to telephones that would enable them to maintain regular contact with their families and social supports. Calling family requires the use of a caseworker's cell phone, which is not a sustainable solution for family contact. And because many families come from disadvantaged backgrounds and do not have the time or finances to travel to the NHRC, many youth go long periods without seeing or contacting their families.

## PROGRAMMING AND EDUCATIONAL SERVICES

The NHRC provides morning educational classes and afternoon skills sessions on topics including woodworking, electrical skills, farming, and life skills. On weekends, residents do chores and attend to personal care. A church group visits on Sundays to provide religious programming.

At midline, we documented several shortcomings to the quality of these services, most notably that they were irregular and of low quality. Encouragingly, progress appears to have been made since that time. Most stakeholders agreed that programming and education services at NHRC were adequate. As one individual reported:

*“I think that they’re doing an exceptional job at New Horizons. Everyone I’ve interacted with, they seem comfortable, relaxed, and like their needs are being met. They really seem to flourish ...and when I see them with their caseworker [in court], you look at them and they seem to have a good relationship.”*

Echoing this sentiment, another stakeholder reported: “I have no bad report about New Horizons. I would praise New Horizons. I have seen juveniles there who have been reformed while there. I believe in the work at New Horizons.” Further substantiating this point, stakeholders familiar with the daily routines of youth in detention recounted a structured daily routine, complete with educational and extracurricular programming, though we were not able to directly verify this through in-person facility visits due to COVID-19 restrictions.

## PHYSICAL SPACE

Built in 2013, the New Horizons Rehabilitation Centre is a relatively new facility that remains in good condition. The facilities are currently in adequate condition to support a rehabilitative mission. However, at midline, limited overnight staffing meant that juveniles were kept in assessment center cells rather than in the dormitories in the main building, which is more indicative of punishment than rehabilitation.<sup>36</sup> At baseline and midline, this space was reportedly used for solitary confinement. Due to

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<sup>36</sup> Assessment cells are isolated from the rest of the NHRC facility for use when juveniles need to be isolated from the rest of the population, for behavioral reasons or for their own protection. Assessment cells are also used when detainees first arrive, before they are integrated with the general population.

COVID-19 restrictions on non-essential visitations, the research team was not able to verify whether this was still the situation at endline.

## PHYSICAL SECURITY, PUNISHMENT, AND HUMAN RIGHTS VIOLATIONS

One of the main challenges observed by the research team at midline was the use of solitary confinement. As we wrote at the time, “solitary confinement and the use of corporal punishment are common at both HMP and NHRC, directly contradicting reform efforts and the law.” When asked about this at endline, a representative of NHRC denied the use of solitary confinement but acknowledged that they sometimes use “single separation,” which occurs when a juvenile is separated from his peers due to an infraction, altercation, or for preventative purposes. The separated individual will have their own cell for a period of time, usually between three to seven days, and may be removed from communal activities like schools and extracurricular programming. The representative noted that this practice was recommended by an international consultant in 2016, and falls short of conditions associated with solitary confinement, in which an individual is confined to a cell for 22 hours per day without meaningful human contact.

Representatives of the NHRC denied the use of corporal punishment in any form, pointing out that this is a major point of emphasis in their training, and that the guards pride themselves in the effective use of verbal commands. Authorities within the Ministry of Social Development and Gender Affairs, which oversees the NHRC, also stressed that any such incident would be dealt with sternly, thoroughly investigated, and likely result in the dismissal of the offending officer.

The research team was not able to verify this reported improvement in conditions at the detention facilities due to COVID-19 restrictions, which prevented non-essential access to detention facilities. However, independent sources such as the legal representatives of juveniles reported that they were unaware of any abuses of their clients, and that their clients generally had positive things to say about the facility and displayed good relations with their caseworkers.

## REINTEGRATION

As was the case at baseline and midline, there are no dedicated re-entry programs available to juveniles released from detention. After their release, some juveniles have been able to access vocational programs for youth in general, such as the Advanced Vocational Educational Centre (AVEC) and the Skills Training Empowerment Program (STEP), but they are given no preference for admissions relative to the general population.

The research team also learned that it is not standard practice to assign recently released juveniles to probation after they are released. Furthermore, probation officials do not have contact with the youth during their time at NHRC, which would leave them inadequately prepared to support a reintegration/re-entry plan. It is our assessment that changing this state of affairs and making supervision standard practice would improve the re-entry of recently released juveniles and help reduce recidivism. Moreover, it is feasible with existing resources and institutions.

Another important reform that came up repeatedly during our interviews is the need for transitional housing for youth after they leave detention. Because many youth come from troubled homes, returning them immediately to this environment risks exposing them to the same stressors that led to their original offense. However, transitional housing would be expensive, and could draw resources away

from reintegration programming, which is also sorely needed. While the proper balance between programming and transitional housing ultimately falls to policymakers within the Ministry of Social Development and Gender Affairs, they should be aware of the risks of returning juveniles to the same environment that lead them into crime. At the least, they should ensure these individuals are given adequate supervision, counseling, and assistance by a probation officer.

## **SUMMARY**

The government of St. Kitts and Nevis has made some progress towards reforming its juvenile justice system since our midline assessment in 2019. Most notably, the CJC was finally established in late 2019, a full six years after the passage of the Child Justice Act. Although the CJC is still a fledgling institution, it has achieved some progress in the past two years, most notably in the area of promoting diversion for non-violent offenses. Nevertheless, the CJC has yet to fulfill its potential in terms of both ensuring diversion for all those who qualify under the CJA of 2013, as well as in terms of ensuring coordination across agencies to promote the smooth and timely handling of juvenile cases. Coordination across agencies remains poor, resulting in prolonged periods of pre-trial detention for juveniles.

At the New Horizons Rehabilitation Center, conditions have remained satisfactory, and the use of solitary confinement has reportedly been replaced with the more limited use of single separation. Another area of progress is that culturally, there seems to be a genuine commitment to the principles of restorative justice for juveniles, and a keen interest in reforming the juvenile justice system to these ends.

Pre-trial diversion and effective reintegration of recently released juveniles continue to be plagued by a lack of dedicated and accredited programs, despite years of rhetoric paid to the importance of these types of programs. Moreover, probation officers — who have primary responsibility for ensuring adherence to diversion plans and for ensuring successful reintegration — remain poorly motivated and poorly monitored, limiting the quality of supervision and counseling received by juveniles under their supervision.

# RECOMMENDATIONS

## GUYANA

We offer nine topline recommendations for the Government of Guyana and its international stakeholders to consider, organized into two categories: recommendations that can be implemented immediately, and recommendations that will require time and additional resources to implement:

Recommendations that can be implemented in the near-term:

1. To ensure coordination across agencies, adherence to case management protocols, and timely processing of cases, the Department of Juvenile Justice should convene representatives from all agencies involved in juvenile justice on a semi-regular basis. These meetings can serve as a forum to clarify each agencies' roles and responsibilities and discuss emerging issues and challenges.
2. To ensure adherence to appropriate procedures for juvenile cases, training on juvenile justice matters should be incorporated into basic training for all new police recruits. This training should be reinforced through continuing education programs for all police officers and officials.
3. To reduce pre-trial detention, the Department of Juvenile Justice and the Juvenile Justice Committee should play a more proactive role in following juvenile cases through the justice system and intervening when appropriate to move matters along and advocate on behalf of the detained juveniles.
4. To encourage juveniles to comply with the terms of their probation, alternative sentencing, or diversion, the Courts and the DPP should set clear terms and benchmarks that must be achieved and specify what actions will come into effect if the juvenile does not meet those terms and benchmarks. By the same token, the Juvenile Justice Act of 2018 should be updated to clarify what is to be done if juveniles do not adhere to the terms of their diversion or alternative sentencing agreements.
5. To ensure that juveniles in detention maintain family ties that are critical for successful re-entry and rehabilitation, the Sophia Detention Center should ensure that juveniles have frequent and regular contact with their families, through both in-person visits and phone calls. Visitation privileges should not be revoked without cause or notice.

Recommendations that will require time and/or additional resources to implement:

6. To facilitate the vetting, approval, and accreditation of formal diversion, alternative sentencing, and reintegration programs, the Ministry of Public Security should equip the Department of Juvenile Justice with a dedicated budget, while simultaneously holding it accountable for progress towards accrediting new programs that will be viewed as attractive options to the courts, probation officers, and juveniles in conflict with the law.
7. To ensure probation officers realize their potential when it comes to counseling juvenile probationers and helping them access available services and employment opportunities, the Department of Probation within the Ministry of Social Protection should strengthen oversight of probation officers and mid-level managers and hold them accountable for successful case outcomes.

8. To ensure that juveniles in detention have access to adequate mental health care, the Sophia Detention Center should screen juveniles for mental health conditions and provide counseling and other mental health services for those that need them.
9. To facilitate successful re-entry and reintegration, the Sophia Detention Center should strengthen and expand its education and vocational education programs. This effort should be done in coordination with the Ministry of Education, the Department of Juvenile Justice, and other stakeholders. By the same token, officials should consider making greater use of the facilities at the New Opportunity Corps, which has become an underutilized asset.

## ST. LUCIA

We offer eight topline recommendations for the Government of St. Lucia and its international stakeholders to consider, organized into two categories: recommendations that can be implemented immediately, and recommendations that will require time and additional resources to implement:

Recommendations that can be implemented in the near-term:

1. Given the stated interest of stakeholders to implement ART sessions on a more regular basis, the government can arrange for a training session for staff at key institutions involved in the juvenile justice system to expand the roster of ART facilitators in St. Lucia. ART manuals are already available and current stakeholders trained in ART seem willing and interested to train others, therefore arranging these trainings would involve identifying a suitable time and getting necessary permissions for participants and trainers to attend.
2. Since our research suggests that BTC and Probation carry much of the responsibility in providing guidance and services to youth, the government needs to ensure that these entities have the resources they need to adequately fulfill the responsibilities within their scope, and that both entities are rigorously monitored. There are few recommendations that can be implemented in the near-term to help with this:
  - a. To ensure proper identification of gaps and root causes of issues at BTC, the government can consider conducting a deep study of the facility, including interviews with all members of staff, youth, and observations of day-to-day activities. The aim of these exercises would not be to find fault, but to identify strengths and weaknesses of the current operational strategies, and guide decision-makers on the resources the institution requires to fulfill its responsibilities and the types of changes that need to be made. Many of the issues at BTC seem to be related to staffing and management. Therefore, a Human Resources audit could be helpful for identifying precise recommendations for addressing these issues.
  - b. A similar study can be conducted with the Department of Probation and Parole to understand how officers currently supervise youth, and what type of support would be most effective to help create a more systematic and rehabilitative experience.
  - c. As discussed in the Diversion, Alternative Sentencing, and Probation section, the Department of Probation and Parole can consider designating one additional officer as fully dedicated to supervising juveniles to help provide more specialized and focused supervision and guidance for youth.
3. Some stakeholders mentioned that a monitoring and evaluation mechanism is reportedly in place. However, use of systems does not appear to be consistent and reliable data appears to be lacking as stakeholders often could not provide the evaluation team with definitive numbers (e.g. number of juveniles at Bordelais, number of juveniles who have been diverted, number of female juvenile offenders, juvenile recidivism rates). Reliable data on a few key indicators should be captured on an ongoing basis to facilitate monitoring of progress and to help identify areas that may require further intervention. Since this information is held by multiple agencies, one challenge will be to identify who is responsible for collecting and reporting this information. The Ministry of Equity seems best placed to take on this responsibility. We include this as a near-term recommendation as this data could play an important role in informing St. Lucia's long-term strategy.

4. In the near-term, to promote rehabilitation and successful re-entry after detention, the Ministry of Equity can:
  - a. Identify dedicated funding to expand and systematize BTC's two-year aftercare program. From our interviews, it seems that even a small increase in funding for this program could make a tangible difference. This funding could be used to strengthen both pre-exit transition programming and planning at BTC, and post-exit follow-up with youth in their home environments.

Recommendations that will require time and/or additional resources to implement:

5. To ensure that all stakeholders involved in the juvenile justice system are aware of their roles and responsibilities as per the CJA, the government should continue training and sensitization activities, including trainings on the proper process and procedures for handling cases involving juveniles. For the police in particular, these activities should not be limited to the Community Relations Branch, but training should be conducted for all officers on the force.
6. To ensure that diversion programs are utilized by youth, the government should consider logistical and financial provisions when finalizing the diversion strategy and protocols. For instance, some vocational skills programs are still paid, and youth may not have the funds to cover these fees.<sup>37</sup> Additionally, sometimes youth also face barriers in finding transportation to reach places where programs are conducted. If provision can be made at the outset to budget for these costs to ensure access to programming during these planning stages, this may improve the actual uptake of programs and retention.
7. To ensure that juveniles are no longer sent to Bordelais, the government should seriously consider making changes to resources and infrastructure at BTC to make it better equipped to house juveniles charged with serious offenses. The changes that need to be made may be drastic, but the current *status quo* of sending juveniles to Bordelais and keeping them in a separate unit is not in compliance with the CJA, and our interviews suggest that Bordelais is not equipped to provide a rehabilitative environment for youth.
8. In the long-term, to promote rehabilitation and successful re-entry after detention, the Ministry of Equity can:
  - a. Collaborate with the Ministry of Education in developing, executing, and monitoring educational and vocational programming provided to youth while in detention.

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<sup>37</sup> It is the researchers' understanding that if the Court specifically appoints a child to a program, then youth and parents need not pay for this program. But in the majority of cases, the Court's diversion order is for Supervision and Guidance to be provided by Probation. In this case, it is left to probation officers to design a supervision strategy for each youth. Some programs that probation officers typically refer youth to as part of their supervision strategy are paid programs. If the youth does not have the resources to pay, then probation officers work to source funds on a case-by-case basis.

## ST. KITTS AND NEVIS

We offer six topline recommendations for the Government of St. Kitts and Nevis and its international stakeholders to consider, organized into two categories: recommendations that can be implemented immediately, and recommendations that will require time and additional resources to implement:

Recommendations that can be implemented in the near term:

1. To ensure coordination across agencies, adherence to case management protocols, and timely processing of cases, the Child Justice Committee should play a more proactive role in following juvenile cases through the justice system and intervening when appropriate to move matters along and advocate on behalf of the detained juvenile.
2. To ensure adherence to appropriate procedures for juvenile cases, training on juvenile justice matters should be incorporated into basic training for all new police recruits. This training should be reinforced through continuing education programs for all police officers and officials. Alongside these efforts, the police force should develop clear protocols and guidelines for police officers to follow for juvenile cases, and ensure these protocols are widely disseminated and followed

Recommendations that will require time and/or additional resources to implement:

3. To improve rehabilitation, reduce recidivism, and promote restorative justice principles, the Ministry of Social Development and Gender Affairs should redouble its efforts to establish dedicated pre- and post-trial diversion programs. This will require the Ministry to establish partnerships with local agencies, clubs, and youth organizations to vet and accredit programs to rehabilitate justice-involved juveniles.
4. To ensure probation officers realize their potential when it comes to counseling juvenile probationers and helping them access available services and employment opportunities, the Department of Probation within the Ministry of Social Development and Gender Affairs should strengthen oversight of probation officers and mid-level managers and hold them accountable for successful case outcomes.
5. To facilitate coordination across agencies and prevent excessive delays in the processing of cases, an electronic case management system accessible to all agencies within the juvenile justice sector should be established. This database should be designed to track cases throughout the juvenile justice process, and to help the relevant agencies manage their cases and workloads effectively.
6. To promote rehabilitation and successful re-entry after detention, the courts and the Ministry of Social Development and Gender Affairs should:
  - a. Make it standard practice to assign juveniles to probation after they are released from detention. Under the supervision of a probation officer, recently released juveniles can and should receive counseling, mentoring, and other forms of reintegration assistance.
  - b. Consider investing in transitional housing so that youth are not immediately reduced to adverse home environments and the same stressors that led to their detention.

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1300 Pennsylvania Avenue NW

Washington, DC 20523