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EVALUATION OF JUVENILE JUSTICE SECTOR REFORM IMPLEMENTATION IN GUYANA

ENDLINE COUNTRY 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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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

| | |
|-------|--|
| DPP | Director of Public Prosecutions |
| CRC | Convention on the Rights of the Child |
| ESC | Eastern and Southern Caribbean |
| GUY | Guyana |
| HMP | Her Majesty's Prison |
| IT | Information Technology |
| NOC | New Opportunity Corps |
| OECS | Organization of the Eastern Caribbean States |
| RCC | Rights of the Child Commission – Guyana |
| SKN | Saint Kitts and Nevis |
| SKYE | Skills and Knowledge for Youth Empowerment |
| STL | Saint Lucia |
| UNCRC | United Nations Convention on the Rights of the Child |
| US | United States |
| USAID | United States Agency for International Development |
| 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.

This report contains our main findings for Guyana, along with a set of detailed recommendations, organized into two categories: recommendations that can be implemented immediately, and recommendations that will require time and additional resources to implement.

SUMMARY OF FINDINGS FOR 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 main endline report containing findings for all three countries is available on USAID's Development Experience Clearinghouse (DEC) [here](#).

The endline policy briefs associated with this evaluation are also available on the DEC:

- [Guyana](#)
- [St. Lucia](#)
- [St. Kitts and Nevis](#)

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 account of progress achieved in Guyana 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 detailed recommendations 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 I 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. In addition to the social and psychosocial toll on affected communities, such high rates of insecurity have serious consequences for economic development.

Table I: 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).¹

In our own research of 377 youth in conflict with the law in Guyana, we found that 36% of respondents indicated that they were rearrested within three years, and 65% 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.

¹ Wilson and Hoge (2013) conducted a study of 73 pretrial 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,² 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.³ 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.

² 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

³ 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 included in the study had passed legislation fashioned from the model law. St. Kitts and Nevis was 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 Guyana, children 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 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 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.⁴ 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).

⁴ 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 country report for Guyana builds on the midline findings, which presented the mid-point status of juvenile justice reform in the country.

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, most stakeholder interviews took place virtually. Interviews with detained youth in Guyana.⁵ In the Limitations section, we discuss the advantages and disadvantages of relying on virtual platforms for most interviews.

⁵ At the time of our study, COVID rates were exceedingly low in Guyana, 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.

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.

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 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 this Endline Country report.

DETAILED FINDINGS

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.⁶

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 death⁷ or imprisonment,⁸ and when the juvenile is found guilty, this finding is not documented in their record as a conviction.⁹ 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.”¹⁰ Detention should only be used “as a last resort” and should be “safe, fair, and humane.”¹¹ Furthermore, if under the age of 18, the young

⁶ Juvenile Justice Act, 2018, (Part I, 3(b)ii)

⁷ Juvenile Justice Act, 2018, (Part VI, 38(4))

⁸ Juvenile Justice Act, 2018, (Part VI, 41)

⁹ Juvenile Justice Act, 2018, (Part VI, 42)

¹⁰ Juvenile Justice Act, 2018, (Part I, 3(b)iii)

¹¹ Juvenile Justice Act, 2018, (Part VIII, 71 (1)(a))

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

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.”¹⁴ 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.¹⁵

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.”¹⁶ 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, previous criminal involvement, and suitability for diversion. With the pre-charge report in hand, the police must

¹² Juvenile Justice Act, 2018, (Part VIII, 72)

¹³ Juvenile Justice Act, 2018, (Part VI, 43(k))

¹⁴ Juvenile Justice Act, 2018, (Cap. 1:01)

¹⁵ Juvenile Justice Act, 2018, (Part I, 5(2)(a))

¹⁶ Juvenile Justice Act, 2018, (Part VIII, 82(3))

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.¹⁷ 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.¹⁸ 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 midline,

¹⁷ 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.

¹⁸ 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.

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 |
| Total | 71 | 51 | 31 | 2 | 19 | 0 |

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 Timerhi 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 1 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.

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

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)

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.

RECOMMENDATIONS

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 agency's 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 reentry 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.

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