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EVALUATION OF JUVENILE JUSTICE SECTOR REFORM IMPLEMENTATION IN ST. LUCIA

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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ACRONYMS

ART	Aggression Replacement Training
BTC	Boys Training Center
CJA	Child Justice Act
CRC	Convention on the Rights of the Child
ESC	Eastern and Southern Caribbean
GUY	Guyana
HMP	Her Majesty's Prison
IT	Information Technology
J AIS	Juvenile Assessment and Intervention System
MAYSI-2	Massachusetts Youth Screening Instrument
OECS	Organization of the Eastern Caribbean States
SAVRY	Structured Assessment of Violence Risk in Youth
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
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.

This report contains our main findings for St. Lucia, 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 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 1). 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 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 St. Lucia 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

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.

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,

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).

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

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.

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

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.

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 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.

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.

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. Lucia there were concerns 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.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.

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).

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

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>

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 St. Lucia 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 St. Lucia were conducted in-person by local researchers.⁵ In the Limitations section, we discuss the advantages and disadvantages of relying on virtual platforms for most interviews.

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

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

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

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

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.

DETAILED FINDINGS

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,"⁶ 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."⁷ 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."⁸ 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."⁹ 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 reconciliation.

⁶ Child Justice Act, 2018, 4(h)

⁷ Child Justice Act, 2018, 4(j)(iii)

⁸ Child Justice Act, 2018, 51(1)(a)

⁹ Child Justice Act, 2018, p. 150

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.¹⁰ 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,¹¹ 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.¹² 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.¹³ During the diversionary process, the Director of Probation is responsible for maintaining a register of all children subjected to diversion.¹⁴

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 as the Ministry of Equity for brevity) and Director of Upton Gardens, and comprised of representatives

¹⁰ Child Justice Act, 2018, 9(2), 13(1) & (2)

¹¹ Child Justice Act, 2018, 36(1)

¹² Child Justice Act, 2018, 74(1)

¹³ Child Justice Act, 2018, 74(3)

¹⁴ Child Justice Act, 2018, 76

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 US 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.¹⁵ 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.¹⁶ 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% 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.¹⁷ 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.

¹⁵ Borum & Verhaagen, 2006, p. 75

¹⁶ 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>.

¹⁷ 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 1 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.¹⁸ 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,

¹⁸ “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).¹⁹ These numbers represent a change from midline (16 at BTC, and 22²⁰ 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 2: 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
Total	47	1	38	0	13	0

Though the CJA stipulates that 16-18-year-olds are also considered juveniles, and therefore should not be detained in an adult prison Bordelais, 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, since it contravenes the Act by sending juveniles to the adult prison. 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

¹⁹ On the day our team visited the facility, 2 more juveniles had just arrived.

²⁰ 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.

safety and security, and for their own safety and security of the state. However, the challenge 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 – that 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 counselling 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.²¹ 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 COVID-19

²¹ Some of these programs had to be halted or modified due to the COVID-19 pandemic.

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 their life skills, but he still he 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 this programming provided to youth. 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 the beating 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, counsellors 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 counsellors 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 1). 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 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. 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.

RECOMMENDATIONS

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:

1. 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.
2. 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.²² 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.
3. 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.
4. 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.

²² 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.

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