



CIPRIANI COLLEGE
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WORK MATTERS

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COLUMN

UNDERSTANDING THE CRISIS IN THE JUSTICE SYSTEM OF TRINIDAD AND TOBAGO

I argue that the criminal justice system's problems are evident all around us. Over the past two decades, we can say that we have a good handle on how much taxpayer's money we have wasted on over-criminalization and incarceration. The cost of human lives is incalculable. Almost every prisoner serving time for non-violent offences has one thing in common, a drug offence that results in numerous adjournments, the reliance on punitive sentencing destroys individual lives, families, and communities.

The police in Trinidad and Tobago, have enormous problems in interpreting recorded trends in crime. It is impossible to determine with certainty how far the statistics track changes in offending, as distinct from shifts in recording practices by victims and police, and alteration in counting rules.

Many of us will agree that there is a crisis in the criminal justice system today in Trinidad and Tobago. The crisis centers around the escalating case loads, inadequate funding, jail overwhelming, law enforcement, prosecution, defence services, and ultimately the judiciary and penal system. Suffice it to say, that the problems confronted by all the arms of the system are overwhelming. Trinidad and Tobago can therefore be referred to be a criminogenic society; that is, a society that breeds crime. We can say without impunity that we are today paying for the years we ignored the conditions that breed lawlessness.

It is very apparent that the elements of the criminal justice system are currently at the center of national attention. Social media, cinema, and television continually focus on the issues of crime and punishment. Crime control takes up a large amount of annual budget expenditure. As the author, it is against this background that I would like to outline some of the factors influencing the criminal justice system crisis in Trinidad and Tobago.

Firstly, law enforcement policies in Trinidad and Tobago clog the system by increasing the number of drug arrests. The crime-fighting methodology used by the police focuses on the users, addicts, and small-time dealers. The criminal justice system in the 21st century must be able to identify what is criminal law matter and what is a medical or social problem. Secondly, the policies and practices of the defence attorneys lead to a great deal of overcharging and inequity when dealing with crime offenders. Thirdly,

excessive caseloads and systematic resource deprivation combine to seriously undermine the effective running of the magistrates' court. I note that this phenomenon is tolerated at an alarming level. Fourthly, the judicial system has arguably become an assembly line. Magistrates and judges are pressed to move large caseloads as quickly as possible. Naturally, this process creates an environment where a fair trial becomes difficult to surmise, as has been argued.

We are all aware that our prison service and facilities are bursting at the seams, especially the remand yard. Prison statistics have revealed a constant increase in inmate population. I believe that half of the people incarcerated are Afro-Trinbagonians and the recidivism is spirally out of control.

Law and order have been politicized by both the PNM and UNC political parties in the past, reaching unprecedented prominence, and as such, I note that partisan conflict on law and order is always intensely heated during debates in the house. Both parties on their campaign trail attack each other relentlessly on the issue of crime to gain electoral advantage. The politicization of law and order is relative to public discourse about crime and control.

Today we are witnessing how the criminal law and specifically criminal procedure are all lacking judicial enthusiasm. Government after Government promise to get 'tough on crime', yet we are still faced with how we develop workable solutions, and this is evidenced by the lack of citizen security in our country.

Finally, I would like to state categorically that most of us believe that there is a crisis in the criminal justice system, but few of us really understand the nature of the crisis or the system. We are living in an iPhone, social media and print media environment where the literature perpetuates inaccuracies with their fictional depictions of crime in the courtroom and stereotypical portrayals of the people who inhabit the criminal justice system. It is against the background that I am suggesting that we 'step back' and have a look at the roots of the problems, the judicial system, the institutions responsible for dealing with crime...then have open and honest discourse on these matters that affect our lives and livelihoods.

*Valentine Smith PhD
Research Fellow, CCLCS*

