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ALTERNATIVES TO INCARCERATION – THE CASE OF BARBADOS

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Kim Ramsay

Senior Research Officer, Office of the Attorney General

THE IMPORTANCE OF ALTERNATIVES TO INCARCERATION

- Prison continues to be an expensive solution to the problem of crime, even though its use continues to increase around the world.
- Leads to severe overcrowding, breaches of UN Standards and other human rights.
- Awaiting trial for inordinate amount of time in some cases
- Also breeding ground for crime.
- Many offenders incarcerated are low level offenders, e.g. drug offenders.

THE IMPORTANCE OF ALTERNATIVES TO INCARCERATION

- Recidivism continues to be high for persons incarcerated
- Research has shown that community corrections is less expensive than incarceration with less deleterious effects, e.g. impact on community, family, individual.
- Diversion of resources can be used in other areas of the criminal justice system, e.g. treatment, monitoring and evaluation of programmes.

DRUG USE IN BARBADOS

- The Criminal Justice system and drug treatment providers spend millions of dollars annually on adjudication and treatment of marijuana.
- During 2009 and 2014, 3,412 persons were charged with c4,266 cannabis related offences, with approximately 1/3 being convicted for the offence.
- Marijuana use among inmates prior to incarceration is high. The age of first use of marijuana is between 6-9 years old.
- 78% of persons brought before the court for drug related offences were given a fine in the Magistrate's Courts. 5% received a custodial sentence.

DRUG USE IN BARBADOS

- The modal range of imprisonment for persons for persons convicted of marijuana possession was one to three months.
- On average, between 2009 and 2014, the Government of Barbados spent \$35.1m housing persons in prison for drug related offences.
- From this research, it was revealed that many drug related cases were leading to the current backlog in the criminal justice system and could be disposed of using other non punitive measures promoting rehabilitation.

ALTERNATIVES TO INCARCERATION - BARBADOS

- **Probation Department** - 70 years in Barbados
- Department responsible for alternatives to incarceration
- Responsible for implementation of:
 - Probation
 - Community Service Orders
 - Suspended Sentences
 - Curfews
 - Involved in Drug Treatment Court

PROBATION DEPARTMENT

- No research based section in Probation Department
- Statistics provided annually, where they measure trends
- No monitoring and evaluation of the various alternatives to incarceration
- However, assessment form at end of the Probation programme.
- Limited resources - 7 Probation Officers to cover 11 parishes in the island
- Leads to case overload

ALTERNATIVES TO INCARCERATION

- Lack of human, technical resources
- No specific case management system. System created by using information from clients
- Supervision of clients done through visits. Every person cannot be facilitated.
- Home visits also impacted.

COMMUNITY SERVICE ORDERS

- Minimum case load of 85 persons per officer, with only three officers
- Shared responsibilities across the board, with majority coming from traffic court.
- Others for theft, loitering, drug offences.
- No monitoring and evaluation of effectiveness of CSOs.
- Challenge of more placements needed.

CURFEWS

- Structure is missing in its effectiveness
- Need for more involvement of police
- Mainly focuses on juveniles
- No evaluation is conducted on its effectiveness

OVERALL CHALLENGE OF PROBATION DEPARTMENT

- Information is collected, but not in a particular structure for research and analytical purposes
- Structure needed for effective monitoring and evaluation of the programmes.
- Lack of staff and other resources

DRUG TREATMENT COURT

- In operation for three years
- Barbados signed a Memorandum of Understanding with CICAD in March 2013 to implement the Drug Treatment Court.
- February 11th 2014 Barbados formally inaugurated the island's first pilot Drug Treatment Court as an alternative to incarceration for drug dependent offenders.
- Drug Treatment Court had its first formal sitting at the Supreme Court at Whitepark Road, Bridgetown on 14th January 2015.

DRUG TREATMENT COURT

- The Court received counselling from the Centre for Counseling Addiction Support Alternatives (CASA) with clients visiting once a week.
- Reports are distributed to the Court Team made up of the following persons:
 - One Judge - Chairman
 - One Magistrate
 - Representative from the National Council on Substance Abuse
 - Representative from the Probation Department
 - OAS Country Representative

DRUG TREATMENT COURT

- Representative from Verdun House
- Representative from CASA
- Forensics Sciences Centre
- Representative from the Bar Association
- Representative from the Royal Barbados Police Force

DRUG TREATMENT COURT

- Reports distributed to the Court Team and discussed prior to Court meetings.
- CASA meets with clients and their family
- Drug Testing carried out by Forensic Science Centre, mainly utilizing urine tests.
- DTC is voluntary. Offender-clients are identified after appearance in Magistrate Court.
- Report compiled by the Probation Department
- Reviewed by Steering Committee to determine eligibility

DRUG TREATMENT COURT

- Eligibility criteria:
- Persons clearly dependent on the use of illegal drugs
- Persons who commit non violent offences, where the drug dependence is the most significant contributing factor
- No history of violence
- Demonstrable link between the commission of the criminal behaviour and the drug addiction.
- Excluded are offences where commercial gain is the primary motivation; offences of serious violence and sexual offences.

DRUG TREATMENT COURT

- Sanctions:
- In court admonishment
- More frequent court attendance
- More frequent urine samples
- Community service hours
- Essays
- Revocation of bail
- Possible incarceration for a short period of time

DRUG TREATMENT COURT

- Incentives:
- In court commendation
- Reduced court attendance
- Relaxed curfew
- Gift cards
- Early leave- participant is permitted to leave court early if fully compliant with programme requirements

DRUG TREATMENT COURTS

- Graduation:
- Participant who successfully completes the programme is provided with a graduation certificate at the graduation ceremony.

MONITORING AND EVALUATION

- Criminal Justice Research and Planning Unit (CJRPU) of the Office of the Attorney General conducted first evaluation of pilot - July 2016.
- Evaluation was based mainly on interviews with stakeholders involved in the DTC on feedback of the programme.
- Need for process, impact and cost evaluation of the programmes.

MONITORING AND EVALUATION OF OTHER ALTERNATIVES TO INCARCERATION PROGRAMMES

- Need to monitor and evaluate success of programmes to determine whether they are working.
- Process evaluation - evaluation of programme planning, operations, implementation and delivery. Right target? Type of offender? Type of offence? Quality of programme etc.
- Impact evaluation - test effect on outcomes and goals. Are these alternatives to incarceration
- E.g. re-arrest and conviction for persons in community programmes.
- Measurable outcomes - employment, housing, health, education
- Comparison sample of persons

MONITORING AND EVALUATION OF PROGRAMMES

- Cost evaluation - is the programme saving the criminal justice system money?

CHALLENGES

- Funding - biggest challenge facing all programmes
- E.g. DTC working with limited resources. Acquired funding from a Trust.
- Court depends heavily on the counselling services of CASA which is a charity and needs increased financial support.
- However, acquiring little assistance from private sector
- More buy-in of alternatives to incarceration from public and even some areas in the criminal justice system.

SUMMARY

- Barbados and other countries in the Caribbean practice alternatives to incarceration
- However, need to effectively monitor and evaluate the programmes
- Challenge is resources, including financial, training, human
- DTC has been heralded in Barbados as a much needed alternative to incarceration
- Still in infantile stages but making steady progress