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Center of Excellence on Democracy,
Human Rights and Governance

Midline Study Findings of Juvenile Justice Reform Implementation in St. Lucia

Background

In response to disproportionately high homicide and crime rates, member states in the Caribbean have committed themselves to juvenile justice system reforms. Given the challenges of implementing multijurisdictional juvenile justice system improvements, the United States Agency for International Development (USAID) is working to support member states to transition their juvenile justice systems from a punitive model to a more rehabilitative approach. USAID contracted Social Impact, Inc. to implement a longitudinal implementation evaluation to track the status of reform in St. Lucia (STL), St. Kitts and Nevis (SKN), and Guyana (GUY). This midline briefing is an update on St. Lucia's juvenile justice reform progress since the initial baseline report, published in 2017.

The Intervention

Building off previous USAID supported juvenile justice programs including phase one of the Juvenile Justice Reform Project (JJRP), USAID launched its Youth Empowerment Services (YES) initiative in 2016 to reduce juvenile crime and violence in the Eastern and Southern Caribbean. The current YES project aims to ensure that justice system-involved youth are successfully rehabilitated and reintegrated into society. More specifically, YES's juvenile justice initiatives aim to ensure that:

- 1) Model laws, regulations, policies, and protocols are implemented in target countries
- 2) Youth in conflict with the law are placed in diversion programs

- 3) Detention centers and diversion programs provide rehabilitative and support services sufficient to reduce recidivism

- 4) Youth leaving diversion programs and detention facilities successfully reintegrate into communities

To achieve these outcomes, since 2018, USAID has supported the implementation of the Child Justice Act (CJA) of 2018, which focuses on administrative reform in key institutions that manage youth who are in conflict with the law and provides technical assistance to the Office of Director of Juvenile Justice.

Evaluation Design and Methods

This implementation study uses a comparative, longitudinal qualitative approach. 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).

Midline qualitative data collection took place in St. Lucia in March 2019. Data collection included interviews with:

- 23 government officials, including probation officers, detention facility staff, officers of the court, policy advocates, and voluntary organization employees
- 12 youth in detention
- 14 youth living in the community

The interviews focused on progress made toward juvenile justice reforms and inter- and intra-organizational implementation challenges. This midline evaluation report seeks to answer the follow-

ing questions, which are replicated from the baseline implementation study conducted in 2017:

Q1. Have milestones in the juvenile justice reform project been achieved?

Q2. How many youths are enrolled in diversion programs compared to youths in more traditional pro-grams (e.g., detention)?

Q3. What is the quality and perceived effectiveness of court, diversionary/alternative sentencing, rehabilitation, and reintegration processes?

Q4. How likely is it that reform efforts will be institutionalized and sustainable?

Overall Findings

Since baseline, St. Lucia has made critical strides in reforming their juvenile justice system. This progress is noted by the passage of the Child Justice Act (CJA) in 2018, which creates a framework for the courts, police, detention facilities, probation, and community-based organizations to both divert young people from the criminal justice system and to limit the exposure of young people to the harmful effects of incarceration. There is an urgent need to halt the use of corporal punishment and solitary confinement in facilities and develop a rigorous menu of rehabilitative and aftercare programming.

Legal Compliance

The CJA and the Child Care, Protection and Adoption Act were passed into law on November 22nd, 2018. The CJA represents a significant milestone in juvenile justice reform, building upon St. Lucia's legal regime that included a Child Justice Bill and a process for hearing youth cases in a separate family court. The CJA identifies all young people under the age of 18 as children. This designation had previously only included young people under the age of 15. The 2018 CJA emphasizes that the safety, welfare, and wellbeing of children should be the paramount consideration, with detention used as a last resort. Children under the age of 12 who have allegedly 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.

Coordination of Reform Service Delivery

Stakeholders recognized that implementation of the 2018 CJA poses considerable inter- and intra-organizational challenges. The increase in the age of adult criminal responsibility from 15 years to 18 years old requires considerable organizational realignment.

The steps the Department of Probation has taken to lead the juvenile justice reform agenda since baseline should be commended. Efforts have also been made to educate the public and stakeholders about the CJA, and to realign workloads. At the time of data collection, a key inter-institutional mechanism, the Initial Inquiry meetings involving children in conflict with the law, parents, probation officers, the Director of Public Prosecutions, and the victim, were not operational, and no timeline for implementation had been identified. Stakeholders discussed reinstating the Social Protection Network, a working group of technical officers from ministries and agencies that interface on issues relating to social protection. Such a working group could help to foster a shared language and values, identify opportunities for collaboration, and address implementation challenges as they arise.



Pre-Trial Diversion and Alternative Sentencing

Remaining the same as at baseline, no diversion orders were being made by the courts at the time of data collection. Some young people were being diverted from the juvenile justice system through police-led diversion.

As stipulated in the 2018 CJA and the related Child Care, Protection and Adoption Act, young people apprehended for status offenses such as truancy, running away and “disrespect” are screened by a probation officer and subsequently referred to the Human Services Department. Those apprehended for more serious offenses are as-

sessed by probation officers. Probation officers complete pre-sentence reports when requested by the courts. At the time of data collection, there was one designated probation officer working with young people aged between 12 and 17 years old, and another responsible for offenders aged 18 to 27 years old.

A Probation Officer described the situation:

“There are people coming in for all sort of reasons. They may not even really know what we do here. So, it’s important to verify what exactly are you here for before we send in like a referral out.”

Probation officers were using risk assessment instruments to assess young people, including Structured Assessment of Violence Risk in Youth and the Massachusetts Youth Screening Instrument. The implementation of these tools is an important step toward the standardization of assessment and a structured, empirically supported approach to case management. The flagship probation program was ART (Aggression Replacement Training). Five ART groups have been facilitated since 2015. There is a need for more resources and training to develop a range of appropriate rehabilitative programming.

Detention Facilities

We estimate that at the time of data collection there were 38 youths in detention in St. Lucia. This is almost a 21 percent decrease from our previous visit. Juveniles are held in two detention facilities, Bordelais Correctional Facility and the Boys Training Center (BTC). Although juveniles are held in a “young adult unit” in Bordelais, the CJA stipulates that, given their juvenile status, 16-18-year-olds should not be detained in adult correctional facilities.

Both Bordelais and BTC lack adequate on-site mental health services. Bordelais has one clinical social worker for approximately 500 incarcerated people. A psychiatrist visits the jail twice a month. Similarly, there is no on-site clinical mental health staff or drug rehabilitation programming at BTC, and young people are brought off-site to the Wellness Center for mental health care and addiction treatment. Often the hospital informs them that they cannot receive treatment because having justice system-involved youth is disruptive to other clients. The under-resourcing of mental health services inhibits the ability to provide court-mandated counseling to young people.

Bordelais provides informal education and some prison-focused vocational programming, but there is a need to develop rehabilitative programming opportunities for young people. BTC provides a selection of vocational training opportunities; however, as at baseline, there is no on-site formal academic education. In order to receive formal education, the residents are sent to a school in the community, but they often experience stigma which makes their integration into the school setting unsuccessful.

As at baseline, stakeholders reported continued use of corporal punishment and solitary confinement at both BTC and Bordelais. Such practices are not in alignment with the juvenile justice reform agenda. In addition, Bordelais does not appear to have the capacity, proper physical space or staffing to safely house and rehabilitate young adults. BTC appears more able to provide rehabilitation. Youth under 18 years old should be transferred from Bordelais to BTC.

Reintegration

As at baseline, there was still no formal reintegration programming at Bordelais at the time of data collection. BTC shows an improvement from baseline, with the design of a two-year employment, education, and housing aftercare program, but there is a need to provide resources to enable full implementation of this program. It is important for staff to develop positive relationships with young people from the moment they arrive at BTC to ensure that the benefits of reintegrative programming are maximized.



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