



EVALUATION OF JUVENILE JUSTICE SECTOR REFORM IMPLEMENTATION IN ST. LUCIA, ST. KITTS AND NEVIS, AND GUYANA

BASELINE REPORT

April 2018

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ACRONYMS

ART	Anger Replacement Therapy
BTC	Boys Training Center
CDP	Court Diversion Project
CFCN	Cops and Faith Community Network
ESC	Eastern and Southern Caribbean
GUY	Guyana
JAC	Juvenile Assessment Center
JJRP	Juvenile Justice Reform Project
KII	Key Informant Interview
NOC	New Opportunities Corps
NPT	Normalization Process Theory
OECS	Organization of the Eastern Caribbean States
PAD	Post-Arrest Diversion
SA	Substance Abuse
SAVRY	Structured Assessment of Violence Risk in Youth
SI	Social Impact, Inc.
SKYE	Skills and Knowledge for Youth Empowerment
SKN	St. Kitts and Nevis
STL	St. Lucia
TAPS	Teens and Police Services
TBI	To Be Implemented
UNDP	United Nations Development Programme
UNICEF	United Nations Children’s Fund
US	United States
USAID	United States Agency for International Development
YES	Youth Empowerment Systems

EXECUTIVE SUMMARY

INTRODUCTION

Rising crime rates in the Caribbean combined with an antiquated judicial system have limited the region's ability to reduce crime and recidivism. In response to challenges plaguing the juvenile justice system, the United States Agency for International Development's (USAID) Eastern and Southern Caribbean mission is working to facilitate the transition from a punitive to a rehabilitative juvenile justice system. USAID contracted Social Impact, Inc. (SI) to conduct a qualitative study of the implementation of juvenile justice reform in St. Lucia, St. Kitts and Nevis and Guyana.

EVALUATION PURPOSE AND QUESTIONS

This implementation study focuses on the implementation of juvenile justice reforms and builds on existing research to track the status and quality of reform efforts in each of the three countries.

This evaluation aims to understand the baseline status of juvenile justice reform based on the following four questions:

- Q1: Have milestones in the juvenile justice reform process been achieved? If not, why not?
- Q2: How many youths are enrolled in diversion/alternative sentencing programs compared with youth in more traditional programs (e.g., detention, custody)? Are there changes in these ratios over time? If diversionary programs are not being used, why not?
- Q3: What is the quality and perceived effectiveness of court, diversionary/alternative sentencing, rehabilitation, and reintegration processes? Are there changes over time? Where programming is weak, what are the obstacles to improvement?
- Q4: How likely is it that reform efforts will be institutionalized and be sustainable? If it is unlikely, why not?

PROJECT BACKGROUND

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. Included within the YES initiative is a strong focus on juvenile justice, with initiatives that aim to ensure that:

- (1) Model laws, regulations, policies and protocols are passed and 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.¹

The YES initiative builds off previous USAID supported juvenile justice programs and partnerships, including phase one of the Juvenile Justice Reform Project (JJRP) in St. Lucia and St. Kitts and Nevis and the Skills and Knowledge for Youth Empowerment (SKYE) program in Guyana.

EVALUATION DESIGN AND METHODS

This implementation study uses a comparative, longitudinal qualitative approach. We will examine three countries, St. Lucia (STL), St. Kitts and Nevis (SKN), and Guyana (GUY), at three different points in time: baseline (early 2017), midline (late 2018), and endline (late 2020). This baseline report builds on a 2015 study commissioned by USAID and conducted by Yolande Forde that assessed the state of juvenile justice reforms in the three countries studied here.² This current report draws on several data sources, including the following:

- Eighty-seven detention facility workers, probation officers, government officials, magistrates, police, and other stakeholders were interviewed through semi-structured interviews or process mapping sessions.
- We conducted eight group interviews with 62 juveniles on probation and 34 one-on-one interviews with youth incarcerated in detention facilities.
- Observational data was collected during site visits to two adult prisons that house juveniles in St. Lucia and Guyana, four juvenile detention facilities across the three countries, and courts and probation offices in each of the three countries.
- A mini-survey was conducted with 82 of the 87 interview respondents, producing some standardized quantitative and qualitative data.

Q1: HAVE MILESTONES IN THE JUVENILE JUSTICE REFORM PROCESS BEEN ACHIEVED? IF NOT, WHY NOT?

To answer this question, we build upon Forde's 2015 analysis and divide reform milestones into the categories laid out below. As reflected in Table 1, we see very little advancement since 2015 and some evidence of backsliding.

¹ USAID/ESC. Youth Empowerment Services (YES) Project Appraisal Document. (Dec 2015)

² Forde, Y.C. 2015. Status Report on the Juvenile Justice Sector in Selected Territories USAID Eastern and Southern Caribbean, October 2015.

Legal compliance: Donor supported legislative reforms have failed to move forward in St. Lucia and Guyana. While legislation was passed in St. Kitts and Nevis, implementation has stalled.

Coordination in juvenile justice service delivery: In an effort to support cross-agency collaboration, phase one of the JJRP in St. Lucia and St. Kitts and Nevis promoted a risk factor tool called the Structured Assessment of Violence Risk in Youth (SAVRY) and a case management tool originally developed for mental health and substance abuse (TheraScribe). While personnel were trained on SAVRY, at the time of data collection it was only being applied in Nevis, and even here it was only being used in select cases.³ Furthermore, while TheraScribe was originally scheduled to be installed by the end of the first JJRP, it had not yet been installed at the time of data collection and appeared unlikely to be in the near future.

Pre-trial diversion and alternative sentencing: We differentiate between diversion that occurs prior to a trial and alternative sentencing by a court away from detention. We also distinguish between formal programs and informal diversion. By “informal,” we mean that these do not exist as formal programs with branding, rules, and criteria for participation.

In St. Lucia, there used to be both pre-trial diversion and an alternative sentencing program for girls; however, the former was defunded, and the latter is only used by some magistrates, suggesting that St. Lucian reform is moving backward rather than forward. In St. Kitts and Nevis, despite the passage of the Child Justice Act, which calls for diversionary programming, there are currently no formal pre-trial diversion or post-adjudication alternative sentencing programs in St. Kitts. There is some informal diversion, however, and interviewees in Nevis reported using the prevention program Yes to Success as a pre-trial diversion program and offering community and alternative sentencing options. Guyana also lost an alternative sentencing option with the completion of the USAID-funded SKYE program in 2016; however, the police run a pre-trial diversion program known as Cops and Faith, whereby youth detained by the police for minor offenses are referred to religious figures from different faiths for counseling and mentorship. In all three countries, there does appear to be some informal pre-trial diversion and alternative sentencing, principally handled by police and probation officers.

Detention facilities: In youth detention facilities, there is only a limited supply of rehabilitative programming. One of the only initiatives to go beyond schooling and vocational training is an anger replacement therapy (ART) program in St. Lucia and St. Kitts and Nevis, and that appeared to be implemented only intermittently. In the adult prisons in St. Lucia and Guyana, there is no rehabilitation programming with the juveniles and only occasional poetry nights, church, or physical activities.

Reintegration: While probation departments do follow-up with youth released from detention facilities in all three countries, there is no significant reintegration support provided.

³ Some report reviewers in St. Kitts note that it has since been introduced on that island although this has not been confirmed by the evaluation team.

Table 1: Comparison of 2015 and 2017 milestone indicators

Indicators	GUY 2015	GUY 2017	SKN 2015	SKN 2017	STL 2015	STL 2017
LEGAL MILESTONES						
<i>Is the age of criminal responsibility in compliance with UNCRC?</i>	No	No	Yes	Yes	No	No
<i>Has the Model legislation been enacted?</i>	No	No	Yes	Yes	No	No
PRE-TRIAL DIVERSION AND ALTERNATIVE SENTENCING						
<i>Are there documented procedures & protocols for inter-agency cooperation on juvenile issues?*</i>	TBI	-	No	-	No	-
<i>Is there fragmented delivery of services with respect to juveniles?</i>	No	Yes	-	Yes	Yes	Yes
<i>Is there mental health and substance abuse assessment and/or criminal risk factor tool in use (SAVRY)?</i>	No	No	TBI	TBI	TBI	TBI
<i>Are there Case Management tools in use (e.g., TheraScribe)?</i>	No	No	No	TBI	No	TBI
PRE-TRIAL DIVERSION AND ALTERNATIVE SENTENCING						
<i>Are pre-trial diversion programs in place?</i>	Yes	Yes	Yes	No	Yes	No
<i>Are alternative sentencing programs in place?</i>	Yes	No	-	No	Yes	Yes
DETENTION AND REHABILITATION						
<i>Are there separate accommodations for children in conflict with the law versus those in need of care?</i>	Yes	Yes**	Yes	Yes**	No	No
<i>Are there detention facilities for female juveniles?</i>	Yes	Yes***	Yes	Yes	No	No
<i>Are facilities adequate and in good repair?</i>	Yes	No	Yes	Yes	No	No
REINTEGRATION						
<i>Are there reintegration programs for juveniles leaving detention centers?</i>	DK	No	No	No	No	No
<i>Are there restorative justice practices in use?</i>	No	No	Yes	No	Yes	No
<i>Are systems in place for monitoring the progress of youth offenders on their release?</i>	No	No	No	No	No	No

Source: 2015 data from Forde (2015); 2017 data collected by the authors.

Note: TBI stands for “to be implemented.” * Data was not collected on agency procedures. **Despite separate accommodations existing, children in need of care and protection are still detained with children in conflict with the law in juvenile detention facilities. *** Females are housed at the primarily male NOC, but they have separate facilities.

Q2: HOW MANY YOUTHS ARE ENROLLED IN DIVERSION PROGRAMS COMPARED WITH YOUTH IN MORE TRADITIONAL PROGRAMS (E.G., DETENTION, CUSTODY)? ARE THERE CHANGES IN THESE RATIOS OVER TIME? IF DIVERSIONARY PROGRAMS ARE NOT BEING USED, WHY NOT?

Detention: We estimate that the baseline juvenile population in detention is 48 in St. Lucia, 6 in St. Kitts and Nevis, and 132 in Guyana. This includes both youth in conflict with the law and youth that are in the system for care and protection. For example, in St. Lucia, 25 of the 31 youth at the Boys Training Center (BTC) are there for care and protection. The low number in SKN is not only driven by the small population of the country but efforts by the juvenile magistrate to depopulate the detention facility.⁴

Pre-trial diversion and alternative sentencing: Because there are no formal pre-trial diversion or alternative sentencing programs in St. Kitts and St. Lucia, we conclude that the number of youth in formal diversionary programming is effectively zero in these two countries. For Guyana, we do not have exact figures on the number of youth that are currently involved in Cops and Faith, however, we estimate that the program serves 105 youth a year.

Q3: WHAT IS THE QUALITY AND PERCEIVED EFFECTIVENESS OF COURT, DIVERSIONARY/ALTERNATIVE SENTENCING, REHABILITATION, AND REINTEGRATION PROCESSES? ARE THERE CHANGES OVER TIME? WHERE PROGRAMMING IS WEAK, WHAT ARE THE OBSTACLES TO IMPROVEMENT?

Pre-trial diversion and alternative sentencing: Given the general lack of formalized diversion and alternative sentencing programs, it is difficult to answer this question at baseline. Some interviewed youth and KIs reported positive experiences with existing diversion programs across the three countries. Of note is Upton Gardens in St. Lucia, a day program for at-risk or justice-involved girls in St. Lucia. While not all magistrates utilize it as an alternative sentencing option, some do, and girls attending reported that they appreciated the counseling and classes provided, many preferring the programming to school. Several interviewed girls reported wanting to stay there and extend their stay from six months to the two-year maximum. In Guyana, both parents and juveniles have expressed positive feedback to interviewed police officers regarding the Cops and Faith counseling.

Courts: In St. Lucia, the District I family court only reported seven juvenile criminal cases processed in 2016. Family court social workers are not assigned to criminal cases, and legal representation is not provided. St. Kitts and Nevis also experienced a low volume of cases. Contrary to the Child Justice Act, legal representation is not provided, and it was not clear if the law's Child Justice Committee, a centerpiece of the law that was to provide a more comprehensive initial inquiry prior to court cases, had yet been created. In Guyana, the most salient concern was the delay in court processing.

⁴ One reviewer in St. Kitts and Nevis reported that the number of youth had increased to nine by the time of this writing.

Detention and rehabilitative programming: As noted above, there is limited rehabilitative oriented programming. Far more salient is evidence of a punitive approach to juvenile justice. Of the 34 juveniles interviewed in all three countries, 44 percent reported having experienced or witnessed physical abuse by a staff member beyond the legal description of allowable corporal punishment.⁵ There were at least some indications of corporal punishment at all detention facilities examined regardless of country or adult or youth facility.

Across the three countries, 92 percent of interviewed youth reported the use of solitary confinement in detention, which was defined as being locked in a cell without outside contact for 22-23 hours per day. Conditions of confinement were generally inadequate with pervasive use of restraints (such as handcuffs), reliance on cells, lack of temperature and insect control, lack of green space, and inadequate facilities. The use of solitary confinement appears common and consistent across countries and across both adult and youth facilities.

Furthermore, across all three countries the detained juvenile population appeared to have extensive unmet mental health needs and histories of trauma. Of particular concern is Guyana's adult Timehri prison, which uses the legally sanctioned practice of a "punishment diet" on youth, whereby food intake is restricted for extended period of times.

Reintegration: Overall there was no formal programming for reintegration. Many KIIs noted the lack of programs offering juveniles counseling, support in acquiring a job or being linked to foster care for those in fragile home settings. In Guyana probation officers are expected to support youth and their families and monitor juveniles for two years following completion of their time at the detention center; however, the reported relationship between youth and probation officers was largely negative or inconsequential. KIIs also noted the challenge faced by probation officers to follow up with youth post detention center.

In St. Lucia, successful reintegration of girls that participated in Upton Gardens back into schools was cited to depend on support from the principal, and it was noted that school counselors may not be providing adequate support to students, hindering reintegration. Lack of parental support or reinforcement of skills developed by girls involved with Upton Gardens was cited by multiple key informants as a challenge to rehabilitation.

Q4: HOW LIKELY IS IT THAT REFORM EFFORTS WILL BE INSTITUTIONALIZED AND BE SUSTAINABLE? IF IT IS UNLIKELY, WHY NOT?

While USAID, UNICEF, and internal efforts in all three countries to support the juvenile justice sector have laid the foundation for long-term change, there is no guarantee that this foundation will be built upon, and we find substantial reason to be skeptical about the likelihood of institutionalizing a rehabilitative approach. Diversionary programming (pre-trial diversion in St. Lucia, alternative sentencing under SKYE, and Step Up in St. Kitts and Nevis) were either never implemented or discontinued when donor money was no longer available. Despite the rhetoric of reform, there is only limited formal diversion program and alternative sentencing programs across the three countries and rehabilitation services in detention facilities are minimal. Finally,

⁵ We do not provide country breakdowns of this information to protect the youth who participated in interviews.

detention facilities are dominated by a punitive approach that includes physical abuse, solitary confinement, poor conditions, and unaddressed mental health needs.

RECOMMENDATIONS

We offer the following recommendations:

- (1) We agree with the components of the JJRP 2 and agree with the urgent need for partner governments, USAID/ESC, and implementing partners to:
 - a. Move forward reform legislation that empowers juvenile justice sector stakeholders with pre-trial diversion options and magistrates with a broad range of sentencing options that includes mediation, community service, drug rehabilitation, and counseling.
 - b. Develop pre-trial diversion, alternative sentencing, in detention rehabilitation, and reintegration infrastructure and programming.
 - c. Develop an ongoing training mandate for stakeholders that uses restorative justice practices that focus on rehabilitation and reintegration and builds capacity in all three arms (courts, detention, probation) of the criminal justice system.

- (2) While the YES project is supported by USAID/ESC, juvenile justice reform has to fundamentally be an initiative of, and a priority for, partner governments. USAID/ESC, other donors, and implementing partners can support partner governments with resources, technical expertise, and positive incentives, but the success of reform will depend on political will and reform champions within each of the countries. For reform to take hold, governments will need to increase financial resources for the juvenile justice system, increase human resources employed in the sector, and promote inter-agency collaboration.

- (3) In countries where it is deemed that political will and reform champions exist to design, fund, and implement reform, USAID, other donors, implementing partners, and partner governments should revitalize efforts to develop and energize a robust National Juvenile Justice Strategy. This should include:
 - A framework for juvenile justice reform based on a restorative justice philosophy that includes standardized definitions of pretrial diversion, alternative sentencing, rehabilitation, and reintegration.
 - A detailed plan that includes specific activities and responsibilities and a timeline with clear milestones for legal reform and implementation.
 - Change management infrastructure capable of ensuring coordination across juvenile justice stakeholders, identifying risks to reform implementation, and developing and implementing strategies to mitigate those risks. This should involve a well-defined institutional structure with a lead agency with oversight responsibility.
 - A monitoring and evaluation plan for the strategy with indicators and targets.
 - A plan for ensuring adequate financial and human resources to implement the strategy.

- A robust communications strategy intended to build support both within the juvenile justice profession and the larger community.

Such an approach will require a greater financial and human resource commitment from USAID and other donors than currently envisioned under the YES project.

- (4) In countries where there is (a) insufficient evidence of high level political will and mid-level reform champions or (b) insufficient resources from USAID and the donor community, USAID/ESC should consider scaling back its ambitions and focusing on smaller, more focused objectives within the existing legal framework that empower local champions in specific probation offices, courts, or detention facilities.
- (5) We see additional aspects of reform that should be added to the reform agenda. These include:
 - a. Greater support for legal services to system-involved youth.
 - b. Appointment of a human rights monitor to juvenile detention facilities.
 - c. Development of alternative detention options (e.g., rehabilitation centers/half way houses) for children in conflict with the law.
- (6) Finally, there are punitive justice practices that partner governments need to immediately terminate. These include:
 - a. The criminalization of “wandering” in Guyana.
 - b. The use of punishment diets in Guyana detention facilities.
 - c. The reliance on physical abuse and solitary confinement as standard treatment in detention facilities across all three countries.

INTRODUCTION

Juvenile justice challenges in the Caribbean exist within the context of rising crime rates. United Nations Development Programme (UNDP) reports indicate trends of disproportionately high rates of homicide and violence in the region.⁶ In the face of increasing crime, the region's antiquated judicial systems based on punitive approaches are perceived to be largely ineffective in reducing crime and recidivism. According to the 2010 UNDP Citizen Security Survey, the level of fairness and efficiency with which cases are processed is the main determinant of the effectiveness of a criminal justice system, and the ability to process cases effectively and efficiently is a basic ingredient of a properly functioning criminal justice system.⁷ The report also notes that countries in the region struggle with caseloads that overwhelm the processing capacity of their respective judicial systems, contributing to significant delays and ultimately impacting overall efficiency.⁸ Subsequent UNDP reports have highlighted the need for juvenile justice reform in the region, while acknowledging the complexities associated with the implementation of those reforms.

In response to the challenges affecting the juvenile justice system, the United States Agency for International Development (USAID) is working to facilitate the transition from a punitive to a rehabilitative juvenile justice system. USAID contracted Social Impact, Inc. (SI) to conduct a longitudinal study on the status of reforms on recidivism and reintegration among justice-involved juveniles in St. Lucia, St. Kitts and Nevis, and Guyana. This report provides a snapshot of reform implementation in these three countries. In the next section, we begin by drawing on the academic and practical literature to discuss key aspects of juvenile justice reform. This is followed by an explanation of the evaluation's purpose and the evaluation questions that guide this research. We then explain USAID's role in the region and introduce the evaluation methodology. The analysis forms the bulk of the report, and it is followed by recommendations.

⁶ UNDP 2016 Human Development Report available at <http://www.bb.undp.org/content/barbados/en/home/presscenter/articles/2016/09/13/caribbean-human-development-report-2016-launched.html>; Gang violence takes rising toll on lives, threatens Caribbean economies, says UNDP. UNDP Latin America and The Caribbean. Available at: <http://www.latinamerica.undp.org/content/rblac/en/home/presscenter/pressreleases/2012/02/08/gang-violence-takes-rising-toll-in-lives-threatens-caribbean-economies-says-undp.html>

⁷ See 2010 Country Reports on Human Rights Practices (database), Bureau of Democracy, Human Rights, and Labor, US State Department, Washington, DC, <http://www.state.gov/g/drl/rls/hrrpt/2010/>.

⁸ *Ibid.*

BACKGROUND ON REFORM

Reform efforts in many countries have promoted diverting youth from the juvenile justice system and detention facilities as a means to more effectively prevent recidivism. The term “diversion” is often understood (or misunderstood) in several different ways. Most scholars in juvenile justice view diversion as a pre-trial option diverting youth away from the courts.⁹ This is also the focus of the 1985 United Nations Standard Minimum Rules for the Administration of Juvenile Justice (known as the Beijing Rules) and the 1990 United Nations Guidelines for the Prevention of Juvenile Delinquency (known as the Riyadh Guidelines). This approach is also shared by St. Kitts and Nevis’s Child Justice Act (2013), which defines diversion as, “the adoption of informal procedures, rather than formal court procedures, in relation to cases where it is alleged that a child has committed an offence.” Other sources, however, including some USAID documentation, discuss both pre-trial and *post-trial* diversion.¹⁰ Post-trial diversion implies “diverting” youth from *detention* rather than the courts. Finally, some view “diversion” broadly as diversion from a path to reoffending.¹¹

The confusion is largely the result of an evolution in thinking in juvenile justice reform. Early diversion efforts aimed to divert youth from the juvenile justice system to (a) reduce recidivism by limiting exposure and stigma associated with the system and (b) reduce the administrative burden on the courts. Such diversion was often done without conditions, alternatives, or requirements. For example, a police officer issuing a youth a warning could be an example of diversion. Over time, however, diversion became more formalized and youth were not just diverted *away* from the courts but diverted *toward* alternative programming with a rehabilitative

⁹ Blomberg, Thomas G. “Diversion’s Disparate Results and Unresolved Questions: An Integrative Evaluation Perspective.” *Journal of Research in Crime and Delinquency* 20, no. 1 (January 1, 1983): 26; Frazier, Charles E., and John K. Cochran. “Official Intervention, Diversion from the Juvenile Justice System, and Dynamics of Human Services Work: Effects of a Reform Goal Based on Labeling Theory.” *NPPA Journal* 32, no. 2 (April 1, 1986): 157; Rodriguez, Nancy. “Restorative Justice at Work: Examining the Impact of Restorative Justice Resolutions on Juvenile Recidivism.” *Crime & Delinquency* 53, no. 3 (July 1, 2007): 363; Rojek, Dean G., and Maynard L. Erickson. “Reforming the Juvenile Justice System: The Diversion of Status Offenders.” *Law & Society Review* 16, no. 2 (1981): 243; Wilson, Holly A., and Robert D. Hoge. “The Effect of Youth Diversion Programs on Recidivism: A Meta-Analytic Review.” *Criminal Justice and Behavior* 40, no. 5 (May 1, 2013): 505.

¹⁰ Kretschmar, Jeff M., Fredrick Butcher, Daniel J. Flannery, and Mark I. Singer. “Diverting Juvenile Justice-Involved Youth With Behavioral Health Issues From Detention: Preliminary Findings From Ohio’s Behavioral Health Juvenile Justice (BHJJ) Initiative.” *Criminal Justice Policy Review* 27, no. 3 (April 1, 2016): 305; Wong, Jennifer S., Jessica Bouchard, Jason Gravel, Martin Bouchard, and Carlo Morselli. “Can At-Risk Youth Be Diverted From Crime?: A Meta-Analysis of Restorative Diversion Programs.” *Criminal Justice and Behavior* 43, no. 10 (October 1, 2016): 1311.

¹¹ Richards, Kelly (2014) *Blurred lines : reconsidering the concept of ‘diversion’ in youth justice systems in Australia*. *Youth Justice: An International Journal*, 14(2), pp. 122-139.

focus.¹² By this logic, the same rehabilitative programming and focus can just as easily be offered to youth by magistrates or judges as it can be by law enforcement or probation officers, reducing the importance of where in the system a youth is diverted *toward* rehabilitative programming. To ensure conceptual clarity, we follow the majority of scholarship and use the term diversion to refer to pretrial diversion and we use the term “alternative sentencing” to refer to post-trial diversion.

Pre-trial diversion can still take several forms. Diversion programs vary considerably depending on at least the following factors: (1) the objectives of the program (e.g. saving judicial resources vs. reducing recidivism), (2) who determines eligibility and provides oversight or services (e.g. police, probation, court staff), (3) which youth are eligible (e.g., status offenders, youth accused of minor crimes), (4) the scope of any programming or oversight provided as part of diversion, (5) what are required of youth in diversion and what happens if they fail to comply, and (6) what are the incentives for youth to participate and what happens with the charges leveled against youth if they complete a program.¹³ As such, diversion can vary from one extreme of very informal “diversion,” whereby the police provide a warning and release the youth without any conditions, services, or oversight, and another extreme of formalized diversion, whereby youth are screened against eligibility criteria, 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.

There are many examples of pre-trial diversion; one from the US context is the Miami-Dade County Post-Arrest Diversion (PAD) Program.¹⁴ The program established a Juvenile Assessment Center (JAC) within the police force. Once youth are arrested they are sent to this center, where they undergo formal risk and mental health assessments. Based on these assessments, JAC personnel use a wide network of community-based service providers to develop a treatment and supervisory plan. The approach involves the families in the process and youth and parents/guardians must accept the terms of the treatment program and sign a deferred prosecution agreement. The program was found to have a positive impact on recidivism reduction.¹⁵

To offer a prominent example of post-trial diversion from the United States context, the Missouri Model is an evidence-based approach to reducing the reliance on detention facilities by

¹² Frazier and Cochran. Official Intervention, Diversion from the Juvenile Justice System and Dynamics of Human Services Work.

¹³ Models for Change Juvenile Diversion Workgroup. *Juvenile Diversion Guidebook*. Models for Change. (2011)

¹⁴ Cocozza, Joseph J., Bonita M. Veysey, Deborah A. Chapin, Richard Dembo, Wansley Walters, and Sylvia Farina. Diversion from the Juvenile Justice System: The Miami-Dade Juvenile Assessment Center Post-Arrest Diversion Program. *Substance Use and Misuse* 40 no. 7 (2005): 935-951.

¹⁵ Dembo, Richard, Wansley Walters, Jennifer Wareham, Catherimarty Burgos, James Schmeidler, Robert Hoge, and Lee Underwood. Evaluation of an Innovative Post-Arrest Diversion Program: 12-Month Recidivism Analysis 47, no. 4 (2008): 256-384.

transferring detained youth to small community-based homes with a focus on therapy, formal education, integration into the community, and reducing the use of practices associated with jails and prisons (cells, solitary confinement, use of force).¹⁶ The success of this model in shifting from a punitive to a rehabilitative approach is rooted not only in a change of the physical environment of detention facilities but also in the provision of extensive programming, educational opportunities, and counseling. The Missouri Model has been implemented in several jurisdictions in the United States with promising results. The model significantly reduced recidivism, created safer environments for the staff and youth (with a 14:1 difference in assault on staff members between traditional juvenile detention centers vs. those under the Missouri Model), increased retainment in formal education (74.7 percent of children in custody under the Missouri Model completed a full year of school while confined for a year versus 25 percent of the US national average of confined youth), reduced juvenile sentences, and cost the governments less per child than incarceration.¹⁷

These are not unique cases. Wilson and Hoge conducted an aggregate study of 73 pretrial diversion and alternative sentencing programs, which consists of 14,573 youth offenders in comparison to 18,840 juveniles processed in the traditional justice system to assess the rate of recidivism in each group. The authors find 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.”¹⁸

Given the promise of a more rehabilitative and less punitive approach, USAID and other donors have been promoting juvenile justice sector reforms. Diversionary reforms under a rehabilitative approach is relatively new in the Eastern and Southern Caribbean. The 2015 USAID Status Report on the Juvenile Justice Sector in Selected Territories in the Eastern and Southern Caribbean, concluded that:

Antiquated legislation with a punitive orientation, the low age of criminal responsibility, the absence of pre-trial diversionary measures, limited sentencing options, a lack of emphasis on restorative justice practices, rehabilitation and reintegration are some of the notable characteristics of the mostly archaic juvenile justice system of the Caribbean territories.¹⁹

This evaluation, which is described in the following section, will provide valuable learning on the challenges to carrying out such a transition.

¹⁶ Mendel, RA. *The Missouri Model: Reinventing the Practice of Rehabilitating Youthful Offenders*. Baltimore, MD: The Annie E. Casey Foundation (2010). Jails are typically defined as short-term (less than one year) detention facilities and prisons are defined as long-term facilities. In practice the terms are often used interchangeably. For example, in Guyana the Timerhi Prison would be considered a “jail” by this standard.

¹⁷ *Ibid.*

¹⁸ Wilson, Holly A., and Robert D. Hoge. “The Effect of Youth Diversion Programs on Recidivism: A Meta-Analytic Review.” *Criminal Justice and Behavior* 40, no. 5 (May 1, 2013): 505.

¹⁹ Forde. Status Report, pg. 2.

EVALUATION PURPOSE AND EVALUATION QUESTIONS

EVALUATION PURPOSE

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. Such a reform requires legislative changes, political will, resources, and a cultural shift in the justice sector. As a result, this aspect of the evaluation focuses on the implementation of reforms and builds on existing research to track the status and quality of reform efforts in each of the three countries.

This baseline assessment of reform implementation is intended to provide a reference point against which to measure progress over the next five years and to inform YES activities. We also hope that this qualitative 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 QUESTIONS

This evaluation aims to understand the baseline status of juvenile justice reform based on the following four questions:

- **Q1:** Have milestones in the juvenile justice reform project been achieved? If not, why not?
- **Q2:** How many youths are enrolled in diversion/alternative sentencing programs compared to youth in more traditional programs (i.e., detention)? Are there changes in these ratios over time? If diversionary programs are not being used, why not?
- **Q3:** What is the quality and perceived effectiveness of court, diversionary/alternative sentencing, rehabilitation, and reintegration processes? Are there changes over time? Where programming is weak, what are the obstacles to improvement?
- **Q4:** How likely is it that reform efforts will be institutionalized and be sustainable? If it is unlikely, why?

USAID PROJECT BACKGROUND

Reducing youth involvement in crime and violence is a priority for countries in the Eastern and Southern Caribbean (ESC).²⁰ The region has experienced an increase in the rates of homicides and other violent crimes, which were partially attributed to “troublesome” youth groups.²¹ The slow economic growth following the 2009 global recession has made job opportunities for youth harder to come by. Scholars further point to unfavorable trade negotiations, international corporate interests, and high rates of public debt as factors contributing to the slow economic growth.²² In turn, informal economies such as the drug trade provide an alternative to those who have historically been excluded from or lack access to formal economies.²³ This often includes youth, especially those who are racially and socioeconomically marginalized.

In response, 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.²⁴ The framework offers an alternative to reliance on the courts and incarceration to punish youth by focusing on rehabilitation and bringing a practical, scientifically-based approach to promote and maintain

²⁰ USAID PAD, December 9th, 2015.

²¹ Katz, Charles, and Lidia E. Nuño. Prevalence and Patterns of Troublesome Youth Groups in the Caribbean: Final Report. January 2017.

²² Nunn, N. (2007). Slavery, inequality, and economic development in the Americas: An examination of the Engerman-Sokoloff Hypothesis. Retrieved from: http://scholar.harvard.edu/files/nunn/files/domestic_slavery.pdf; Engerman, S.L., & Sokoloff K.L. (2004). Factor endowments, inequality, and paths of development among new world economies. Working paper 9259, *National Bureau of Economic Research*.

²³ Berkman, H. (2007). Social exclusion and violence in Latin America and the Caribbean. Working paper #613. *Inter-American Development Bank*. Retrieved from: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1820903

²⁴ Welsh, Brandon (2005). Public Health and the Prevention of Juvenile Criminal Violence. *Youth Violence and Juvenile Justice*, Vol. 3 No. 1, January 2005 23-40; Office of the Surgeon General (2001). *Youth Violence: A Report of the Surgeon General*. Washington, DC: U.S. Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science, Office of the Surgeon General. Retrieved from www.surgeongeneral.gov/library/youthviolence; Development Services Group, Inc. (2000). *Prevention*. Literature Review. Washington, DC.: Office of Juvenile Justice and Delinquency Prevention. <http://www.ojjdp.gov/mpg/litreviews/Prevention.pdf> www.surgeongeneral.gov/library/youthviolence; Development Services Group, Inc. (2000). *Prevention*. Literature Review. Washington, DC.: Office of Juvenile Justice and Delinquency Prevention. <http://www.ojjdp.gov/mpg/litreviews/Prevention.pdf>

prosocial behavior.²⁵ More specifically, the YES initiative (through activities under Output 3) seeks to improve the management of juveniles in conflict with the law.

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 October 2011, USAID and the Organization of the Eastern Caribbean States (OECS) launched the Juvenile Justice Reform Project Part I, which ran until 2016. 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. 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.²⁶ More specifically, the initiative aimed to:

- (1) Improve the legal and regulatory frameworks by drafting of 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 a public awareness and education activities.²⁷

In Guyana, USAID also funded the Skills and Knowledge for Youth Empowerment (SKYE) project, which also concluded in December 2016. The SKYE project sought to reduce youth crime and violence through targeted alternative sentencing, work readiness training, entrepreneurship development, and livelihood coaching. SKYE originally targeted 2,000 youth who were identified as being ill prepared for integration into the workforce, focusing on those who had dropped out of high school and/or were in conflict with the law. SKYE was also expected to build capacity of local partner organizations, relevant government ministries, and the court system.²⁸

The current YES project aims to build on these previous initiatives to ensure that youth in conflict with the law are 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.

²⁵ Hamburg, M. A. (1998). Youth Violence is A Public Health Concern. In D. S. Elliott, B. A. Hamburg, and K. R. Williams (eds.). *Violence in American Schools: A New Perspective*. Cambridge, United Kingdom: Cambridge University Press.

²⁶ 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>

²⁷ USAID. Juvenile Justice Reform Program for the OECS. (no date).

²⁸ EDC. Skills and Knowledge for Youth Employment (SKYE). (nd) <http://www.edc.org/skills-and-knowledge-youth-employment-skye>; USAID (2017). Citizen Security. Retrieved from: <https://www.usaid.gov/barbados/citizen-security>

- (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.²⁹

To achieve these outcomes, USAID is continuing to partner with the OECS in the Eastern Caribbean, Creative Associates in Guyana, and with partner governments. The focus of this report is on the implementation of these reform processes, including legal reform, juvenile justice sector management, development and use of pre-trial diversion programs, court processes and the development and use of alternative sentencing options, rehabilitation options in detention facilities, and reintegration efforts.

EVALUATION DESIGN, METHODS, AND LIMITATIONS

EVALUATION DESIGN

This implementation study uses a comparative, longitudinal, qualitative approach. We will examine three countries (St. Lucia, St. Kitts and Nevis, and Guyana), at three points in time: baseline (early 2017), midline (late 2018), and endline (late 2020).

DATA SOURCES

We collected data from the following sources, including:

- **Key informant interviews:** The primary data source was semi-structured key informant interviews (KIIs) with juvenile justice system stakeholders. In each country, we conducted individual or group interviews with police, detention facility workers, probation officers, government officials, and magistrates.
- **Youth interviews and focus groups:** We conducted 34 semi-structured interviews with youth incarcerated in detention facilities. These interviews were conducted one-on-one (versus in groups) to ensure respondent anonymity, given the high-risk and vulnerability of the setting. We also interviewed 62 juveniles on probation and in the community in groups that typically ranged in size from four to twelve, although one focus group in Guyana involved 32 participants (see
- Table 2).
- **Process mapping sessions:** We convened teams of juvenile justice sector practitioners to map key juvenile justice sector processes. These were used to describe how juveniles enter, move through, and exit the system and to identify successes and challenges. Eighty-seven stakeholders were interviewed between KIIs and process mapping sessions.
Observational data: We conducted site visits to adult prisons that house juveniles, juvenile detention facilities, and courts and observed programming (when existent) in these settings (see
- Table 3).

²⁹ USAID/ESC. Youth Empowerment Services (YES) Project Appraisal Document. (Dec 2015)

- **Mini-survey data:** To collect some standardized quantitative and qualitative data, complementing the qualitative interviews, key informants were asked to fill out a short mini-survey (n=82).

Table 2: Informants consulted as part of this baseline study

	STL	SKN	GUY	TOTAL
Key informants and process mapping participants	20	25	42	87
Mini-survey respondents	23	34	25	82
Youth in detention	14	6	14	34
Youth on probation (no. of groups)	9 (3)	12 (1)	41 (2)	62 (6)
Total individuals consulted*	43	43	97	183

*Total does not include mini-survey respondents because most also participated in key informant interviews, the exception being when a scheduled KII was unable to join the interview but completed the survey.

Table 3: Sites visited

	STL	SKN	GUY
Youth detention facility	Boys Training Center	New Horizons Center	New Opportunities Corps Sophia Holding Centre
Adult detention facility	Bordelais Correctional Facility	----	Timehri Prison
Courts	Castries Family Court	Nevis Magistrate Court	Georgetown Magistrate Court
Police		The Royal St. Christopher and Nevis Police Force	Guyana Police Force
Probation/other Offices	<ul style="list-style-type: none"> • Probation Dept. • Ministry of Equity, Social Justice, Empowerment, Local Governance and Youth Development • Probation and Parole Unit 	<ul style="list-style-type: none"> • Probation and Child Welfare Unit (St. Kitts) • Ministry of Social Services, Probation Dept. (Nevis) 	<ul style="list-style-type: none"> • Specialists in Sustained Youth Development and Research Inc. • Child Care and Protection Agency • Probation Dept., Ministry of Social Protection (Region 5) • Department of Culture/Youth/Sport, Ministry of Education

Two researchers trained in qualitative methods conducted the interviews and process mapping sessions. Notetakers trained in qualitative methods were also present for all interviews. When adult interviewees consented, the interviews were recorded and later transcribed. No interviews with juveniles were recorded. The Solomon Group and SI field coordinators supported data collection. KIs consisted of one or more adult subjects and lasted between 35-90 minutes. Process mapping sessions lasted up to four hours. Focus groups with youth lasted from 60-90 minutes. Interviews with juveniles in detention lasted between 20-45 minutes and were held in the day room or visit room of detention facilities.

HUMAN SUBJECTS' PROTECTION

The evaluation design and data collection instruments were submitted to SI's Institutional Review Board to ensure that adequate protocols were in place to protect human subjects, particularly for the doubly vulnerable population of interviewed youth in detention. The adults and juveniles who were interviewed verbally consented to participate in the research. Additional institutional consent was received for youth in detention and on probation. All but one interview with juveniles in detention occurred in settings without correctional/detention facility staff in hearing range; however, in this one instance, the correction officer did not leave the interview setting and questions were abbreviated to protect the juvenile from possible retaliation. In all but two interviews for juveniles on probation, the officers left the room. In the one case in Guyana, the officers had to be asked to leave the room and in the other case in Nevis, the officers hovered outside the door. Retaliation by staff and the safety of the juveniles interviewed remains an utmost concern given the sensitivity of the topic and the relatively small number of juveniles incarcerated in some settings, which could result in identifiable characteristics. To mitigate this effect, countrywide (instead of facility-specific) data is reported for sensitive issues (such as abuse).

SAMPLING

In general, adult stakeholders were selected to be interviewed because of their position (e.g. director of a detention facility). Juveniles in detention facilities and on probation were selected by the institutions themselves. The evaluation team requested that youth be selected to ensure a diverse range of experiences and both positive and negative experiences with the juvenile justice system; however, as noted in the limitations section below, guidance was often not followed. This introduces a potential sampling concern; however, it appeared that interviewed youth were generally forthcoming in interviews. The terms *youth* and *juvenile* are used interchangeably throughout the report to refer to those under the age of 18.

DATA ANALYSIS

Qualitative content analysis was used to identify key themes in the qualitative data collected through KIs, juvenile interviews, and process mapping sessions. Two qualitative researchers independently reviewed the data to identify and code themes specific to each research question. The researchers then reviewed the data again to identify thematic patterns across all three countries. Identified themes were triangulated with notes from site visits, program observations, and process mapping sessions. In response to high rates of reported physical abuse and solitary confinement, percentages regarding those topics were calculated from the qualitative data. However, country percentages (not facility-specific percentages) are reported to protect the anonymity of the juveniles. Similarly, the qualitative survey questions were analyzed using

qualitative content analysis to identify key themes. The quantitative questions of the survey were coded and analyzed using Excel, with the responses containing scales collapsed into three categories (Q5. Very often/often, sometimes, rarely/never) (Q6. Very good/good, fair, poor/very poor). Responses to open-ended questions were coded by themes which were then quantified by the number of responses.

LIMITATIONS

There is a lack of basic quantitative data, including even basic statistics such as the number of youth detained, on probation, and in diversion. As a result, these data were self-reported and varied in quality across institutions. There were typically no standardized data collection or monitoring processes across the sites/countries. While we sought to obtain numbers of youth involved in existing informal diversionary programming, we were unable to arrive at meaningful estimates.

As a consequence, the evaluation relied heavily on interviews, which confront their own limitations. First, we were unable to secure some important interviews, including with some magistrates. Second, there were challenges validating statements and reconciling contradictory qualitative evidence provided by diverse stakeholders. For example, service providers frequently provided positive assessments that were contradicted by youth or other interviewees. Third, it is possible that some interview respondents were not fully forthcoming in interviews. In detention facilities, police stations, and political settings, the risk of retaliation by staff or administrators may have constrained the extent to which interviewees could speak freely.

As noted above, there might have been sampling bias in the selection of interviewed youth. While the evaluation team provided detailed guidance on the sampling for these youth interviews and focus groups, we were ultimately dependent on detention and probation institutions to arrange interviews, and the institutions did not comply with sampling instructions in all cases. Despite requests for separate groups of youth ages 14-15 and 16-17 in Nevis, participants in a focus group of an ad hoc diversionary program ranged in age from 16-29. In Guyana, one of the juveniles produced by the administration in the adult prison to be interviewed spoke very limited English.

While we have built on Forde's assessment to develop and report on juvenile justice reform indicators, methodological differences between this assessment and Forde's (including a longer amount of time in each country, a longer list of key informants, more sites visited, and the inclusion of interviewed youth in the juvenile justice system) could account for the discrepancies in findings.

The initial draft report was presented in dissemination meetings in each of the three countries, and further revisions were made based on feedback from these sessions.

FINDINGS & CONCLUSIONS

Q1: HAVE MILESTONES IN THE JUVENILE JUSTICE REFORM PROCESS BEEN ACHIEVED? IF NOT, WHY NOT?

To answer this question, we build upon Forde’s 2015 analysis and divide reform milestones into (1) legal compliance, (2) juvenile justice service delivery (which focuses on interagency cooperation and tools to prevent fragmentation), (3) diversion and alternative sentencing, (4) detention/rehabilitation, and (5) reintegration.

LEGAL COMPLIANCE

USAID, OECS, UNICEF (United Nations Children’s Fund), and internal reformers have been promoting legislation designed to reform their juvenile justice processes. These legal reforms are expected to make provision for the following:

- Increase the age of criminal responsibility from as low as 8 to at least 12 years of age
- Promote both pre-charge and post-trial diversionary measures
- Promote the use of diagnostic and assessment tools
- Introduce a case management system
- Increase the emphasis on rehabilitation
- Use reintegration programs as part of the strategy to reduce re-offending³⁰

Unfortunately, USAID supported legislative reforms have failed to advance in St. Lucia as have UNICEF supported reforms in Guyana. While legislation was passed in St. Kitts and Nevis, implementation has stalled.

ST. LUCIA: In St. Lucia, the model legislation titled the “Juvenile Justice Bill” has not yet been adopted by Parliament. The evaluation team was unable to obtain a copy of the bill; however, it reportedly includes raising the age of adult criminal responsibility from 16 to 18, increasing diversion and alternative sentencing opportunities for justice-involved youth, and shifting the framework of juvenile justice from a punitive to rehabilitative approach by reducing the reliance on juvenile detention facilities. In 2015, Forde reported that the drafting and revision process had been done for some time, and yet, as of data collection in 2017, the bill had reportedly still not advanced in Parliament.³¹ Interviewees indicated that there were even funds to harmonize the legislation being considered, but it had not been done. Interviewees reported that the legislation had not moved forward because of both a lack of political support and concerns about financial and human capacity to implement the requirements of the bill. In the absence of a bill, there is limited guidance and legal standard for moving toward a rehabilitative approach. Those under age 18 are legally detained in adult prisons, the use of corporal punishment is pervasive, and children in need of care and protection continue to be detained alongside youth in conflict with the law.

ST. KITTS AND NEVIS: St. Kitts and Nevis is the only one of the three countries where model legislation, the Child Justice Act (2013), has been passed. The Act redefines the age of adult

³⁰ *Ibid.*

³¹ *Ibid.*

criminal responsibility to 18 (as compared with 16 in St. Lucia and Guyana) and stipulates that children under the age of 12 (formerly age 8) cannot be held criminally responsible as a juvenile. In addition, the Act requires that system-involved juveniles not be detained with adults in prisons and encourages the use of diversion and alternative sentencing options. The Act requires the formation of a Child Justice Committee, comprising practitioners from a variety of agencies (probation, courts, child advocates) to hold an initial inquiry to inform cases involving juveniles. The legislation outlines that the purpose of the committee is to provide a child-friendly and holistic approach to processing juvenile cases by establishing a multidisciplinary team (e.g. social workers, senior lawyers) that must be consulted to promote diversion and juvenile-specific approaches in the court.

Despite this *de jure* advance, interviewees reported significant limitations in the implementation of the legislation and the evaluation team was unable to determine if the Child Justice Committee had been formally established. While some interviewees reported that the committee was formed in early 2017, others reported that it had still not been operationalized. Several magistrates and facility/court-based staff reported that there were multiple contradicting pieces of active legislation regarding juveniles in conflict with the law. Several individuals working in the juvenile justice system reported insufficient education on the new legislation and an absence of legal oversight. The dearth of diversion and alternative sentencing options also made it difficult to implement the requirements of the law. While there were reportedly no juveniles housed in adult facilities during the site visits, interviewees explained that magistrates are still able to sentence juveniles to adult prisons when necessary. Thus, while the passage of model legislation in St. Kitts and Nevis represents an important milestone, key aspects of the Child Justice Act have not yet been implemented.

GUYANA: In Guyana, model legislation (the “Juvenile Justice Bill”) is formally still under consideration, although interviewees reported that the political support to pass the bill is limited. As a result, the age of criminal responsibility for juveniles in Guyana remains ten years old and youth over the age of 16 youth are legally classified as adults. Furthermore, stakeholders and detention facility staff estimate that over 50 percent of the female juveniles in detention are detained on charges of “wandering,” which often carries no bail and a sentence of at least a year. Police described that a juvenile found walking on the street without parental supervision could be arrested and charged with this status offense. They also explained that probable cause for arrest on a wandering charge could include a neighbor or community member claiming they witnessed a juvenile outside without a parent. The offense is often used when children are deemed “uncontrollable.”³² It was reported that girls and the most socioeconomically vulnerable children are charged with wandering at disproportional rates. In light of these limitations in the current legal regime, the bill under consideration reportedly includes decriminalizing wandering, raising the age of criminal responsibility, more strictly separating children in need of care and

³² Britton, Dela, *Juvenile Justice in Guyana*, 2000; Laws of Guyana. 1907. The Training Schools Act. Cap.11:06; Laws of Guyana 1931. The Juvenile Offenders Act. Cap.10:03.

protection from those in conflict with the law in detention centers, and reducing the reliance on adult prisons. While the descriptions of the bill are generally promising, there appears to be a lack of political will to finalize and pass the legislation.³³

In summary, formal legislative reform has only occurred in St. Kitts and Nevis and there appears to be insufficient political will to pass reforms in St. Lucia and Guyana. Further, although St. Kitts and Nevis has passed formal legislation, there are major concerns with its implementation and legal compliance. In short, there has been no progress since Forde’s 2015 study (see Table 4).

Table 4: Update of Forde’s legal compliance indicators

	GUY 2015	GUY 2017	SKN 2015	SKN 2017	STL 2015	STL 2017
<i>Is the age of criminal responsibility in compliance with UNCRC?</i>	No	No	Yes	Yes	No	No
<i>Has the Model legislation been enacted?</i>	No	No	Yes	Yes	No	No

Source: 2015 data from Forde (2015); 2017 data collected by the authors.

COORDINATION IN JUVENILE JUSTICE SERVICE DELIVERY

Given the intersection of a variety of agencies in the criminal justice system (courts, detention centers, health, social services, police, etc.), coordination across these agencies is essential. For example, in St. Lucia, responsibility for services to children in conflict with the law is shared by five different government ministries. Similarly, any reform measure, such as shifting from a punitive to rehabilitative approach, requires ministries, which may have different cultures and goals (detention vs. diversion), to work closely together. In an effort to support cross-agency collaboration, phase one of the JJRP in St. Lucia and St. Kitts and Nevis promoted a risk factor tool (SAVRY) and a case management tool originally developed for mental health and substance abuse (TheraScribe). The initiative was designed to bring a more technical approach to risk assessment and improve the flow of information between agencies in the juvenile justice system. While personnel were trained on SAVRY and in some cases have applied it (i.e. in Nevis and more recently St. Kitts), the risk assessment tool was not being systematically used. Furthermore, the TheraScribe system had not yet been installed at the time of data collection and had confronted a number of delays.

In St. Lucia and St. Kitts and Nevis, reported barriers to implementation included a lack of servers and computers. The evaluation team understood that the servers had been procured and arrived in-country, but that they had not yet been installed and delays were caused by limited capacity in information technology departments, the need for program developers to customize the system to each jurisdiction, and network incompatibility issues. Once the servers are installed, it will be necessary to retrain the frontline staff in SAVRY and use of the system, as two years had passed

³³ The evaluation team was not able to obtain a copy of the bill, which is still in the process of being edited and considered by various ministries. Interviewees generally regarded the bill well, although one commenter argued that it could do more to ensure application to indigenous communities.

since training and data collection.

In addition to logistical barriers, there is some organizational cultural resistance to sharing data across service providers. When asked about the status of TheraScribe, one KII respondent explained:

There are institutional level challenges. Implementing the concept regarding data sharing has proven problematic. We speak about the need for data collection, but our mindset displays something else. The systematic collection of data has not been something that we have done well.

Outside of the technological initiatives, there have been some efforts to improve interagency collaboration and prevent fragmentation. Sources in St. Lucia and St. Kitts and Nevis reported that developing and implementing JJRP phase one-related activities (such as drafting and editing legislation, attending trainings, etc.) brought together stakeholders and created a sense of collaboration. This contributed to positive steps in reducing fragmentation. For example, one KII in St. Kitts explained how five service providers from different institutions had attended a JJRP training together and the relationships built in that experience allowed them to more regularly and comfortably coordinate across agencies. The respondent explained:

A lot of the collaboration and the success that we have had with the interagency success is not so much as to what's written or mandated but in the personal skills (relationships) that we have developed over the years...

However, the more predominant theme emerging from interviews was continued fragmentation of services and disconnect between agencies. This was especially true in the case of front-line staff, who may not have been privy to the training efforts stakeholders received through previous initiatives. The most reported examples of fragmentation between agencies included: (1) probation and police departments often do not send paperwork and social inquiry reports (investigations by probation officials into youth and their family and community backgrounds) to the courts in a timely matter, thus delaying the processing of court cases and unnecessarily extending the time in which youth are detained and awaiting the outcome of their case;³⁴ (2) probation departments charged with providing reentry to youth leaving detention facilities either do not provide these services or, because of a lack of contact with youth during their incarceration, are less effective in engaging the youth upon discharge; and (3) courts/police/probation departments often sentence children to detention facilities without any

³⁴ Best practices dictate that social inquiry reports are done as a matter of course on youth in conflict with the law. The intent is the conduct a situational analysis of the youth as well as to evaluate the youth's needs (e.g., mental health, physical, financial, etc.) This information is expected to be used to inform the magistrate's decision-making process in the case of youth in conflict with the law and the Probation Unit or Child Protection Agency's decision-making process in the case of youth in need of care and protection. These reports are not done in a consistent manner across all three countries. Interviews suggests that there is insufficient human resources to produce these reports.

case-related, medical, or social records. For example, the same KII who reported the successes in interagency collaboration also noted the shortcomings resulting from juveniles being sent to detention facilities without a social inquiry report or any paperwork documenting their background, psycho-social, court records, etc., thus delaying the provision of sufficient care to those in custody.

Using Forde’s indicators of tools and service delivery coordination, we observe no improvement from 2015 (see Table 5). Most salient among this is the delay in implementing the risk assessment and case management tools, which are listed in the table as “to be implemented” (TBI) although they have been utilized to some extent in Nevis. We did not attempt to collect procedures for inter-agency cooperation. Reviewers report that interagency protocols have been developed and are used in Nevis.

Table 5: Update of Forde’s service delivery coordination indicators

Indicators	GUY	GUY	SKN	SKN	STL	STL
	2015	2017	2015	2017	2015	2017
<i>Are there documented procedures & protocols for inter-agency cooperation on juvenile issues</i>	TBI	-	No	-	No	-
<i>Is there fragmented delivery of services with respect to juveniles</i>	No	Yes	-	Yes	Yes	Yes
<i>Is there mental health and substance abuse assessment and/or criminal risk factor tool in use (SAVRY)</i>	No	No	TBI	TBI	TBI	TBI
<i>Are there clinical interventions or treatments for juveniles with mental health or substance abuse issues</i>	No	No	-	No	No	No
<i>Are there Case Management tools in use (e.g., TheraScribe)</i>	No	No	No	TBI	No	TBI

Source: 2015 data from Forde (2015); 2017 data collected by the authors.

Note: We did not attempt to collect procedures for inter-agency cooperation. TBI stands for to be implemented.

PRE-TRIAL DIVERSION AND ALTERNATIVE SENTENCING PROGRAMS

As discussed above, we differentiate between diversion that occurs prior to a trial and alternative sentencing away from detention. There are few formal diversion programs in any of the three countries and formal alternative sentencing programs are also limited. There do, however, appear to be some informal or ad hoc diversionary options with some diversionary elements focused on rehabilitation and prevention. By “informal,” we mean that these do not exist as formal programs with branding, rules, and criteria for participation.

Our mini-survey with interviewees (n=82), all stakeholders involved in the juvenile justice system,

reflects the lack of diversion in all three countries. When asked how frequently diversion or alternative sentencing is used, a plurality of respondents believe that diversionary or alternative sentencing is rarely or never used, including 55 percent in St. Lucia, 44 percent in St. Kitts and Nevis, and 42 percent for Guyana (see Table 6). Although this is a measure of perception and it is possible that respondents might not be aware of options that exist or how frequently they are used, it is certainly an indication of the nascent state of diversion and alternative sentencing.

Table 6: Mini-survey responses to the question: What best describes how frequently diversion or alternative sentencing is used in [country]?

	STL N (%)	SKN N (%)	GUY N (%)	TOTAL
VERY OFTEN/OFTEN	3 (14%)	4 (12%)	4 (15%)	11 (13%)
SOMETIMES	6 (27%)	11 (32%)	7 (27%)	24 (29%)
RARELY/NEVER	12 (55%)	15 (44%)	11 (42%)	38 (46%)
BLANK	1 (5%)	4 (12%)	4 (15%)	9 (11%)
TOTAL	22 (100%)	34 (100%)	26 (100%)	82 (100%)

Source: Mini-survey of juvenile justice stakeholders

Below we consider past and present diversion and alternative sentencing in each of the three countries, which are summarized in Table 7.

ST. LUCIA: While there was a history of formal diversion and alternative sentencing programs in St. Lucia, at the time of data collection, there was evidence of backsliding. A formal pre-adjudication diversion program, the Court Diversion Project (CDP) existed from 2011 to 2014, but it was discontinued in April 2014 because of a lack of government funding.³⁵ According to Forde, the Probation Department had oversight for this program, allowing a variety of youth to qualify to participate through referrals by parents, schools, community leaders and walk-ins.³⁶ Attempts were reportedly made to reinstitute the program in the 2015/2016 budget; however, it does not appear that these were successful. The loss of this program represented a significant step backwards. As one respondent noted:

When USAID did the evaluation that brought about this initiative [JJRP] in 2011, St Lucia’s diversion program was marked as a best practice. So, you could understand the disappointment when it got canceled.

³⁵ Forde. Status Report.

³⁶ *Ibid.*

Upton Gardens is a non-residential day intervention for at-risk girls and girls in conflict with the law. It is a fulltime program that caters to girls aged 12-18 and includes an educational and a personal component. This program can run from six months to two years and attendance is voluntary. It was identified in the USAID 2015 Status Report as an alternative sentencing program with judges referring charged youth to the facility.³⁷ Interviews suggest that during this time period, the facility was receiving many high-risk referrals from the court, but there was little incentive for these youths to stay at the center and continue their participation. Interviewees report that girls were simply leaving the facility, and, as a result, some magistrates reportedly stopped using the home as a resource.³⁸ In September 2016, the facility opened up again to self-referrals and to potential referrals from counselors, parents, the Department of Human Services, police, or probation services.

Probation personnel do not report any formal pre-trial diversion programming after 2014. A process mapping exercise found that in cases where a status offense or alleged crime is involved, all cases pass through the Family Court. A magistrate might refer a youth who is found guilty to probation for programming and supervision rather than to the detention facility. Reviewers of the report noted that in some cases existing youth and skills training programs such as the Center for Adolescent Renewal and Education (CARE) and the National Development Skills Programme are used as diversion options. This was not confirmed by the evaluation team.

ST. KITTS & NEVIS: Despite the passage of the Child Justice Act, which contemplates diversionary programming, at the time of data collection there were no formal pre-trial diversion or post-adjudication alternative sentencing programs operating in St. Kitts. As in other countries, there were several recent and current prevention activities for at-risk youth, but limited diversion or alternative sentencing programming. By contrast there were several preventative programs, including Yes to Success, Operation Future, St. Kitts Department of Youth Empowerment Summer Camp, and Teens and Police Service (TAPS). Forde reported that some youth were informally diverted to Operation Future programming.³⁹

Interviewees in the probation department note that they designed a diversion program called Step Up, with three branches focused on arts, music, and agriculture/hydroponics. The program was developed and equipment was procured with the support of the JJRP around 2013 and 2014, but the initiative never got off the ground. Interviewees with those in the probation field were unable to provide a clear explanation as to why this was the case.

While there is no formal diversionary programming in St. Kitts, there does appear to be some informal diversion. One respondent noted:

We don't have any structured program. What we have are more ad-hoc programs. So we have the children who we know [are] at risk, or who have

³⁷ *Ibid.*

³⁸ Ingram, Matthew. (Nov. 2016). Evaluation Trip Report #3: October 5-15, 2016.

³⁹ *Ibid.*

been in conflict with the law, and institutionalized, and we might refer them to various other programs, but they are not technically diversion programs.

However, efforts to try to get more specific details about how such informal diversion might work and what programming existed were unsuccessful. One probation officer cited noted:

[the lack of a Child Justice Committee is] a stumbling block in our way of getting low-level offenders diverting. Police on the other hand, now, I don't know if their mindset have changed as yet. They see you commit an offence, you go before the court, you get punished. I'm not sure if they are into the whole diversion aspect of it yet.

It was also reported that the change in government in 2015 created extensive delays, especially with respect to social services and social programs throughout the government, which were moved to “the back burner.”

In contrast to St. Kitts, in Nevis, interviewees reported using the prevention program Yes to Success as a pre-trial diversion program and offering community and alternative sentencing options.

GUYANA: Guyana’s police department maintains one current diversion program; however, past efforts to promote diversion have ended when funding ceased.

- **Cops and Faith Community Network (CFCN)** is a diversion program that was first piloted in 2013 and later expanded nationwide. The program was proposed by a religious leader sitting on an advisory board of the Ministry of Public Security’s Citizen Security Strengthening Program and based on a model that the minister had observed in the United States.⁴⁰ Youth detained by the police for minor offences are referred to religious figures from different faiths for counseling and mentorship with the participation of parents or guardians. The program was a crime prevention effort intended to focus on juvenile first-time offenders of minor offenses as a preemptive alternative to the New Opportunity Corps. An interviewed police officer noted that CFCN was primarily used for youth that had been detained for fighting and wandering.
- **Skills and Knowledge for Youth Employment (SKYE):** Although mentioned only briefly in our KIs, a sub-component of the USAID-funded SKYE project aimed to increase judicial use of alternative sentencing and diversion for minor offenders as one of its results. The program included educational, skill building and employment opportunities for at-risk youth, probationers, and charged youth aged 15-24. An evaluation of the SKYE program found that youth were referred to the program both informally and through the courts

⁴⁰ "Cops and Faith Community Network." Guyana Police Force. Accessed July 24, 2017. <http://guyanapoliceforce.gy/police/policing-menu/cops-and-faith-community-network-cfcn/contact-info>.

as an alternative sentencing option to the New Opportunities Corps (NOC) or prison.⁴¹ SKYE included efforts to socialize magistrates and probation officers about the program as a diversion and alternative sentencing option. Magistrates for the evaluation disagreed on the effectiveness of the program, which was discontinued in 2016 as planned with the end of USAID support.⁴² It does not appear that an alternative has emerged to replace it.

- **Probation:** Diversion programming in Guyana is currently understood by probation officers to be youth that have been placed under supervision and are involved in voluntary youth work; several probation officers contended that around 100 youth were participating in non-specific youth work. They also reported that once the juvenile case is presented to the magistrate, the magistrate requests the probation report which can inform the magistrate’s decision of alternative programming or sentencing to NOC. Interviewed probation officers noted that magistrates tended to sentence juveniles to NOC only as a last resort.

Table 7 Update of Forde's pre-trial diversion and alternative sentencing indicators

Indicators	GUY 2015	GUY 2017	SKN 2015	SKN 2017	STL 2015	STL 2017
<i>Are pre-trial diversion programs in place?</i>	Yes	Yes	Yes	No	Yes	No
<i>Are alternative sentencing programs in place?</i>	Yes	No	-	No	Yes	Yes

DETENTION FACILITIES

Table 8 presents the rehabilitation programming offered to youth in detention facilities across the three countries. This includes both youth detention facilities and adult facilities housing juveniles. Rehabilitation programming can take multiple forms; however, reducing the odds of recidivism is the main objective of these efforts. As such, rehabilitation programming typically focuses on the correlates of recidivism and aims to impact social skills, mental health, and educational outcomes.⁴³

The evaluation team found little monitoring, evaluation, or documentation of rehabilitation programming in the three countries and there appears to be only a limited supply of rehabilitative

⁴¹ Danielle de García, Sarah Edith Jones, Mateusz Pucilowski, Aisha Fraites, Roxana Kawell, Esther McIntosh, Roxanne Myers, and Renata Chuck-a-Sang. (Dec. 2014). Evaluation of the Guyana Skills and Knowledge for Youth Employment Program: Mid-term Performance Evaluation. Social Impact Inc, for USAID.

⁴² *Ibid.*

⁴³ Mark Lipsey, James Howell, Marion Kelly, Gabrielle Chapman, Darin Carver. (2010). Improving the Effectiveness of Juvenile Justice Programs: New Perspectives on Evidence-Based Practices. Center for Juvenile Justice Reform, Georgetown University.

programming.⁴⁴ In St. Lucia, the Boys Training Center (BTC) offers schooling and a rehabilitation-oriented anger replacement therapy (ART) program, which is an intensive ten-week program with three classes per week. St. Kitts and Nevis’s facility offers schooling and vocational training. One reviewer reported that ART is also offered at St. Kitts and Nevis’s New Horizons, although this was not confirmed by interviewees at the time of data collection. Guyana’s New Opportunities Center provides vocational training; however, there is no school or rehabilitation programming and Sophia detention center only offers occasional sports and classes.

In the adult prisons in St. Lucia and Guyana, there is no rehabilitation programming and only occasional poetry nights, church, or physical activities. Despite reports from staff of extensive programming at St. Lucia’s Bordelais prison, it appeared that the youth spend the majority of their days in solitary confinement, lacking access not only to rehabilitation, but also to time outside of their cell. The closure of Georgetown Prison in Guyana has led to overcrowding in Timehri Prison. No minors were housed at an adult prison in St. Kitts and Nevis at the time of data collection, although the evaluation team understands that this is not always the case.

Table 8: Status of Programming in Detention Facilities

	SLA	SKN	GUY
Youth detention facility	<u>Boys Training Center:</u> Anger Replacement Therapy (ART); school; auto mechanics, woodworking, welding, agriculture	<u>New Horizons Center:</u> Limited programming; on-site school and vocational training (e.g., electricity, woodworking, hospitality); ART**, Checkers Club**	<u>New Opportunities Corp:</u> Limited programming; no on-site school; vocational training in welding, electricity, and agriculture available to boys. Only hospitality and crafts training is available to girls. <u>Sophia:</u> Occasional sports/classes.
Adult detention facility	<u>Bordelais:</u> Limited programming; No on-site school; those in juvenile unit are in cells 23 hours/day with some exceptions (e.g., poetry night once/month)*	n/a	<u>Timehri:</u> No reported programming beyond church and occasional recreation.

⁴⁴ As noted elsewhere in this report, facility administrators frequently reported extensive programming that was difficult to confirm and often contradicted by other evidence. Better monitoring and evaluation of such programming would go a long way towards reducing this knowledge gap. The Standardized Program Evaluation Protocol is one evidence-based example of a tool used to assess the impact of juvenile justice programs. Thorough program evaluation requires resources and training that may not be in place in some facilities, however increased oversight in program implementation has been shown to increase program effectiveness and reduce recidivism. Best practices recommend implementation oversight for rehabilitative programming in detention facilities, which includes ongoing program monitoring, such as documenting benchmarks and oversight of program delivery. Lipsey et al. (2010); Pew-MacArthur Results First Initiative. (2016). Implementation Oversight for Evidence-Based Programs: A Policymaker’s Guide to Effective Program Delivery.

*The juvenile unit was reported to house those aged 16-20 years old. Prison authorities contest our finding of 23 hour a day confinement. **Not confirmed by respondents at the time of data collection but reported by reviewers.

Progress on institutional reform of the detention facilities appeared to be limited in all three countries. On one hand, among service providers at detention facilities there was a strong narrative of support in shifting from a punitive to rehabilitative approach. This was especially evidenced in interviews with those who participated in JJRP phase one trainings. For example, officials at Bordelais in St. Lucia described their goal to "rehabilitate and reintegrate" the young people in their custody. The administration at this facility described rehabilitative programming that took place Monday through Friday and included art, culinary and nutrition, skills training, woodwork, emotional/psychological programs, sports, and literacy. Despite this positive rhetoric and presentation, further investigation revealed considerable evidence that a punitive approach was the dominant paradigm at this facility and that in reality there was only very limited rehabilitative or reintegration programming. This suggests some rhetorical advances but not actual improvements.

As shown in Table 9, there have been no notable improvements in detention facilities from the time of Forde's 2015 study. Forde did not collect data on a number of factors that can be expected to influence rehabilitation, and as such we have added several indicators in the table that are expanded upon in Question 3. One of the added indicators describes the gender differences in the treatment of girls and boys who are detained in the same facility. In Guyana's NOC there were several reports of young girls not having access to the same amount of programming as the boys (including agriculture, woodworking, etc.).

There is a degree of subjectivity in some of the determinations. For example, Forde concluded that facilities were adequate and in good repair; however, our findings contradict this. It could be that facilities have deteriorated, but it could also be that we have applied different criteria in operationalizing "good repair" or that Forde was not able to visit all facilities. For example, at the juvenile detention facility in Guyana, interviewees reported broken pipes, water outages, and unregulated temperature leading to extreme heat exposure as recurring issues. We also find that children in conflict with the law were frequently detained in the same facilities as those in need of care and protection. In addition, although NHC in St. Kitts and Nevis is a new facility and considered adequate, there are some structural concerns potentially impacting the safety of the staff and youth. These include the lack of a landline for the incarcerated youth to contact their families, meaning that juveniles have to use staff member's personal cell phones. Also at NHC the access road to the facility was unpaved and without lights which contributed to some staff to feeling unsafe.

Table 9: Update (and addition to) Forde's detention facility progress indicators

Indicators	GUY 2015	GUY 2017	SKN 2015	SKN 2017	STL 2015	STL 2017
<i>Are there separate accommodations for children in conflict with the law versus those in need of care?¹</i>	Yes	Yes**	Yes	Yes**	No	No
<i>Are there detention facilities for female juveniles?</i>	Yes	Yes***	Yes	Yes	No	No
<i>Are facilities adequate and in good repair?</i>	Yes	No	Yes	Yes	No	No
<i>Is solitary confinement used?*</i>	--	Yes	--	Yes	--	Yes
<i>Is there evidence of physical abuse?*</i>	--	Yes	--	Yes	--	Yes
<i>Is there evidence-based rehabilitative programming and recreation implemented at least five days per week?*</i>	--	No	--	No	--	No
<i>Is formal education available (either on or off site) to all incarcerated juveniles?*</i>	--	No	--	Yes	--	Yes ⁺
<i>Are detained girls afforded the same opportunities as detained boys?*</i>	--	No	--	No	--	N/A

Source: 2015 data from Forde (2015); 2017 data collected by the authors.

* New indicators not included in Forde (2015). **Although alternative homes for children in need of care and protection exist, there are also cases where children in conflict in the law and children in need of care and protection were detained together. ***Females are housed at the primarily male NOC, but they have separate facilities. ⁺The formal education program at the Boys Training Center is limited

REINTEGRATION

Forde's 2015 report cites the presence of restorative justice practices in St. Kitts and Nevis and St. Lucia; however, it appears that reintegration and transition services were lacking across the three countries. The report finds that there were no reintegration programs for juveniles leaving detention centers in St. Kitts and Nevis and St. Lucia and no indication of these programs in Guyana. Our data collection from 2017 suggests this continues to be the case. There was no evidence from interviews with KIIIs of formal reintegration programs in place across the countries, beyond probation officer supervision and some counselor support. Process mapping exercises indicated that this post-release supervision and support did exist, and interviews suggest that probation officers are assigned to a youth during his/her time in detention. Nonetheless, individual interviews of both KIIIs and the juveniles themselves indicated that this was not occurring consistently or adequately.

Table 10: Country Indicators for Reintegration

Indicators	GUY 2015	GUY 2017	SKN 2015	SKN 2017	STL 2015	STL 2017
<i>Are there reintegration programs for juveniles leaving detention centers?</i>	DK	No	No	No	No	No
<i>Are there restorative justice practices in use?</i>	No	No	Yes	No	Yes	No
<i>Are systems in place for monitoring the progress of youth offenders on their release?*</i>	No	No	No	No	No	No

*This is somewhat subject to interpretation as all countries have some follow-up after detention; however, we do not consider this to represent a system in place to monitoring progress of youth.

EXPLAINING THE LACK OF CHANGE

While informants working in the juvenile justice system across the three countries generally expressed support for a less punitive and more rehabilitative approach and while there are various small scale and informal efforts, we find only limited diversion, rehabilitation, and reintegration services across the three countries. Moreover, we do not see meaningful advances since the end of the JJRP in St. Kitts and Nevis and St. Lucia and the SKYE program in Guyana and since Forde’s 2015 study. We identified several possible reasons for this lack of progress, including:

- Lack of resources:** Several stakeholders cited the lack of resources as a major reason why reforms haven’t advanced, including why many provisions of the Child Justice Act in St. Kitts and Nevis have not been implemented and why the Juvenile Justice Bill has not passed in St. Lucia and Guyana. Stakeholders described the lack of resources to build and sustain these programs as a barrier to successfully implementing the requirements outlined in the legislation. In the case of St. Lucia, several sources reported on the success of the pre-adjudication diversion program that was supported by UNICEF and existed from 2011-2014. Despite plans to integrate the diversion program into the federal budget after UNICEF funding ended, it was not included in the St. Lucia federal budget and as a result the program ended. One KII, a prison administrator, described the lack of sustainability of the diversion program, “...the one exercise that worked directly has been taken out - that is a failure.” In addition, KIIs in St. Lucia and Guyana reported that a lack of resources for implementation was one of the reasons why the reform bills have not moved forward in these two countries.
- Lack of political will:** Interviewees frequently cited a lack of political will to pass legislation and fund programs. For example, some respondents cited the change of administration in St. Kitts and Nevis in February 2015 as a reason for implementation delays. At the time of the change of government, the Child Welfare Board was dismantled, but it took until December 2016 for new board members to be appointed. While the term political will was often used in interviews, it seemed to encompass both a lack of leadership and insufficient commitment.

- **Persistence of a punitive mindset among some stakeholders:** The notion of equating justice with incarceration is an antiquated yet widely internalized concept that has limited the extent to which rehabilitation efforts can be sustainably implemented. This is evident at the legislative and programmatic level. For example, on the policy level, corporal punishment in detention facilities remains legal. The co-existence of corporal punishment and the provision of rehabilitative programming in prisons and juvenile detention facilities creates a counteractive effect. In Guyana, Chapter 11 of the Guyana Prison Act describes the legality of the “punishment diet,” which states that food intake can be restricted to a daily total intake of 16 ounces of bread plus water as a form of punishment. In describing this law, a prison administrator explained his frustration that the punishment diet was limited in its efficacy because “you are not segregated when put on the punishment diet, so someone [another inmate] can give you something to eat, which defeats the whole purpose of the punishment diet.” The legality and normalization of corporal punishment and the use of starvation as disciplinary measure represents the way in which a punitive, detention-focused approach remains pervasive. Reflective of the punitive mindset is the implementation of policies to build more juvenile detention facilities under the rationale of promoting community safety. For example, several of the current juvenile detention facilities were built with funds from programs that intended to reduce juvenile crime. The effect of incarceration in juvenile facilities on recidivism should be explored further in these contexts.
- **Lack of societal support:** Several interviewees reported that reforms did not move forward due to a lack of societal support. As one respondent in St. Kitts and Nevis noted:

We have an unforgiving society. A more restorative and rehabilitative culture is needed. We have a punitive societal culture. We have not done very well in selling the reform publicly. The majority of people are set in their ways.

To illustrate, prison administrators reported experiencing a public backlash for providing those incarcerated with medical and dental care. This respondent related that because many people in the community did not have access to medical or dental care, critics felt that neither should someone charged with a crime. Similarly, government officials reported that juvenile justice reform was often not a public priority and that there was insufficient public support for a more rehabilitative approach. Societal ambivalence is evidenced by recent public opinion surveys in all three countries. Respondents were asked, “What should be done to reduce crime in a country like ours: Implement preventive measures or increase punishment of criminals,” 52 percent of respondents in St. Lucia and 50 percent of those in St. Kitts and Nevis reported favoring increased punishment for criminals.⁴⁵ In Guyana, this figure rose to 66 percent.⁴⁶ The same surveys

⁴⁵ Juan Carlos Donoso. LAPOP Americas Barometer Report on Citizen Security in Six Countries in the Organization of Eastern Caribbean States. Latin American Public Opinion Project. (March 2016): http://www.vanderbilt.edu/lapop/antigua-and-barbuda/2016_OECS_Survey_Report_W_111716.pdf

⁴⁶ Data for Guyana are from 2016 survey. The AmericasBarometer by the Latin American Public Opinion Project (LAPOP), www.LapopSurveys.org.

in all three countries asked whether it was necessary to hit or physically punish a child that misbehaves. Across all three countries, substantial majorities supported physical punishment at least “sometimes.” St. Kitts and Nevis showed the most support for physical punishment, with 86% of respondents supporting physical punishment “sometimes”, “often”, or “almost always” (only 14% answered “never” or “almost never”); in St. Lucia, the portion of respondents supporting physical punishment at least sometimes dropped to 68% (32% answered “never” or “almost never”), and similar figures were reported in Guyana (67% and 33%, respectively).

CONCLUSION

In summary, USAID- and UNICEF-supported legislative reforms have failed to move forward in St. Lucia and Guyana, and while legislation was passed in St. Kitts and Nevis, implementation has stalled. Cross-agency fragmentation has led to preventable delays in the processing of court cases and likely limited the efficacy of agencies to provide a continuum of care for system involved juveniles. Diversion and alternative sentencing options remain limited. While limited rehabilitative programming was evidenced in some detention facilities, the lack of robust and sufficient programming coupled with the punitive nature of prisons and juvenile justice facilities likely limits the rehabilitative efficacy of these facilities. While reentry efforts are described as a priority, they are minimal across all three countries. The lack of progress was attributed to a lack of resources, a lack of political will, persistence of a punitive mindset, limited societal support for reform. Taken together, reform has not progressed since Forde’s study and in some cases there has been backsliding.

Q2: HOW MANY YOUTHS ARE ENROLLED IN DIVERSION PROGRAMS COMPARED WITH YOUTH IN MORE TRADITIONAL PROGRAMS (E.G., DETENTION, CUSTODY)? ARE THERE CHANGES IN THESE RATIOS OVER TIME? IF DIVERSIONARY PROGRAMS ARE NOT BEING USED, WHY NOT?

To provide a baseline answer to this question, we first consider the number of youth in detention and then the number of youths in diversionary programs. As discussed below, this is somewhat difficult, because of limited administrative information available and the informal nature of what limited diversion programs exist. We then explore possible reasons for why diversionary programs are not being used more.

YOUTH IN DETENTION

Table II provides a breakdown of estimated youth in detention facilities across the three countries at the time of data collection. The estimates in the table were for the most part provided by detention center facility officials in interviews and should be viewed as estimates rather than validated numbers. Furthermore, when documented figures were provided, authorities provided data based on different age cut off points. For example, for Bordelais in St. Lucia, we know that there are youth under the age of 18 at the facility; however, we only have data for youth age 16 to 20. We estimate that the juvenile population in detention is 48 in St. Lucia, 6 in St. Kitts and Nevis, and 132 in Guyana. The juvenile population has been larger in St. Kitts and Nevis in the past; however, the evaluation team understands that the juvenile magistrate in St. Kitts and Nevis has been attempting to depopulate the New Horizons Center facility.

Table 11: Youth in Detention

COUNTRY	FACILITY	AGE RANGE*	MALE POPULATION	FEMALE POPULATION	TOTAL POPULATION
STL	Boys Training Center	10-16	31	NA	31
	Bordelais Correctional Facility	16-20	16	1	17
	STL TOTAL		47	1	48
SKN	New Horizons	15-18	6	NA ¹	6
	SKN TOTAL		6	0	6
GUY	New Opportunities Corps	10-18	40	41	81
	Sophia Detention Center	10-18	15	10	35
	Timerhi Prison	16-17	16	NA	16
	GUY TOTAL		71	51	132

Sources: Most of the data was reported by detention center personnel in interviews. Only New Opportunities Corp and Bordelais provided administrative data. *Age range variation and reporting is based on the way in which juveniles were defined and housed by facility. While this report focuses on youth under the age of 18, Bordelais provided data up to the age of 20. It was later reported by a reviewer that during the time of the study there were two females housed in New Horizons, which would bring the total at the facility to eight. This was not observed by the evaluation team at the time of the visit.

YOUTH IN PRE-TRIAL DIVERSION AND ALTERNATIVE SENTENCING PROGRAMS

Because there were no formal pre-trial diversion or alternative sentencing programs in St. Kitts and St. Lucia at the time of data collection, we conclude that the number of youth in formal diversionary programming is effectively zero in these two locations at baseline. We were not able to verify or obtain a count of the youth in Nevis that had been diverted to Yes to Success.

While we do understand that some youth have been informally diverted from either the courts or detention across the three countries, we do not have an accurate count of these youth. In Guyana, for example, according to data provided to the evaluation team, there were 33 youth labeled as “at risk for intervention by probation services” in 2016 and 28 the previous year in

2015.⁴⁷ Referral sources included educational institutions, walk-ins, the Department of Human Services, and in a few cases the Family Court. Most of these do not appear to be offenders; however, the referrals from the Family Court could potentially suggest some diversion or alternative sentencing, either prior to or after a trial. There was one referral from the Family Court in 2015 and three in 2016.

We do not have exact figures for Guyana on the number of youth that are currently involved in Cops and Faith, however, the police department reports that 368 youth, including 231 males and 137 females, participated in the program from September 2013 through February 2017. Averaged across this time period, we could estimate that the program serves 105 youth a year.

REASONS WHY DIVERSIONARY PROGRAMMING IS NOT BEING USED

Of course, diversionary programming is not used because there are no formal diversion programs available. As noted above in the response to the previous question, this is primarily due to a lack of financial resources, insufficient political will, a persistent punitive outlook, and lack of societal support for a rehabilitative approach. These reasons also affect the use of informal programming, particularly non-residential programs that are not considered diversion programs by law enforcement and carry community stigma.

CONCLUSION

In summary, there are 186 youth in detention across the three countries, including 48 in St. Lucia, six in St. Kitts and Nevis, and 132 in Guyana. The low number in SKN is not only driven by the small population of the country but efforts by the juvenile magistrate to depopulate the detention facility. The number of youth in formal diversion programs is effectively zero in St. Kitts and St. Lucia and we estimate that it might be around 105 a year in Guyana through the Cops and Faith program. There are also some informal initiatives that we are not able to count.

Q3: WHAT IS THE QUALITY AND PERCEIVED EFFECTIVENESS OF COURT, DIVERSIONARY/ALTERNATIVE SENTENCING, REHABILITATION, AND REINTEGRATION PROCESSES? ARE THERE CHANGES OVER TIME? WHERE PROGRAMMING IS WEAK, WHAT ARE THE OBSTACLES TO IMPROVEMENT?

In this section, we revisit the topics explored in Question 1 and consider the quality of court, diversion/alternative sentencing, rehabilitation, and reintegration processes.

PRE-TRIAL DIVERSION AND ALTERNATIVE SENTENCING

As noted above, there is a general lack of formalized diversion and alternative sentencing programs. Below we briefly consider the quality of the limited programming identified.

⁴⁷ Interestingly, while the percentage of males decreased by nine percent from 2015 to 2016, the number of females increased by 117 percent.

ST. LUCIA

- **Court Diversion Project (CDP):** This pre-trial diversion program took place between 2011-2014 to respond to increasing violent crime by juvenile offenders and to intervene with youth at risk in schools and communities. The youth that participated in the program were primarily school students who were on school suspensions. While we were not able to assess this program, retrospective evaluations of the program by interviewees were generally positive. One respondent noted that with the program, “We saw a tremendous decrease in juvenile matters brought before the court.” An OECS Juvenile Justice Reform Program Evaluation Report, however, was far less positive.⁴⁸ The evaluation report found personnel without adequate preparation for their task, insufficient resources, poor coordination with the police, inadequate documentation, a lack of leadership, and high turnover in the probation department tasked with running the program.⁴⁹ Still there program was popular among staff and youth, and interviewees lamented that efforts had not be made to ensure its sustainability.
- **Upton Gardens Girls Center:** As noted above, Upton Gardens has served and continues to serve as an option for alternative sentencing; however, some magistrates report that they ceased sending girls to the facility due to limited means to ensure their ongoing attendance. The center was generally well regarded by most key informants although there were some detractors. Youth participants who expressed appreciation for the approach to counseling, variety of life skills classes available and schoolwork support. Interviewed girls, who were for the most part referred to the program by school counselors, described the environment as a loving one, and they considered this to be its major strength. In their responses, these girls were all complimentary of the program and admitted to having developed a more positive outlook on life since their participation in the program. Several girls reported wanting to stay there and extend their stay from six months to the two-year maximum. Other key informants attribute the success of Upton Gardens Center to its long-term status as a rehabilitation program and suggest that they could rehabilitate more girls effectively with public support and re-branding as a family support program. Informants noted that Upton Gardens’ approach to supporting girls, including a focus on problem solving and social skills development, was not practiced by school counselors who referred girls to the program and the school counselors’ treatment of girls was observed as a detriment to reintegration. Successful reintegration into the school system was reported to depend on support from the principal. Lack of parental support of girls participating in Center programming was cited by multiple key informants as a challenge to rehabilitation. Recommendations to improve the Centers ability to rehabilitate girls include training school counselors on the approach and getting parents more involved.

⁴⁸ Edgecombe, Nicole, and Semei, Arthusa. Evaluation Report for Project to Assess Diversion Programmes and Alternative Sentencing Options within Member States Under the OECS Juvenile Justice Reform Programme. February 2015.

⁴⁹ *Ibid.*

- **Probation:** Probation officers report some quality improvements, citing better inter-agency collaboration and more opportunities for training, such as the USAID-funded training in trauma counselling coordinated by Family Court, Human Services, Crisis Center and Probation Department. However, probation officers note that they still require support in the practical application of trainings. The probation departments are generally understaffed to handle the caseload. Other factors that pose a challenge to the effectiveness of probation is the length of time it takes to receive the pre-sentencing report from the schools. Similarly, juveniles are often referred to Probation from Human Services but have not received counseling or treatment for abuse and/or neglect. Probation officers also dedicate their time to supervising juveniles under protection that are at risk of becoming offenders – these juveniles require more care and protection, particularly females as there is no placement center.

ST. KITTS/NEVIS

As noted above, there are no formal pre-trial diversion or alternative sentencing programs in St. Kitts. Probation personnel reported receiving technical resources and trainings on restorative practices and diversion programming, including through the Yes to Success program. Training has included how to provide counseling support and skills training. However, they also reported that diversions to probation are not generally happening. In Nevis, interviewees did report using the Yes to Success program as diversion. Unfortunately, the evaluation team was not able to assess the quality of this program.

The major obstacle that remains is the lack of implementation and enforcement of the Child Justice Act of 2013. Interviewees note that advances must also be made in the societal perceptions of rehabilitative (rather than punitive) justice. One probation department respondent described the value of awareness-raising sessions to influence public opinion and increase public support of a more rehabilitative justice system. Interagency cooperation is also a challenge. For example, a probation officer in St. Kitts and Nevis described a proposed program that would have targeted male juveniles in high school who were disruptive, but the program never materialized because it was reliant on the cooperation of the Ministry of Education, and there was not sufficient support. The officer also explained the challenges in partnering with other agencies for community service activities:

We had tried to reach out to I remember well, [to the] Agriculture Department and...Water Department, for example, where we have juveniles who are placed on community service, so we could have them to complete their hours, but that didn't come off. We didn't get any favorable response from them. But I think for the best interest of the youth, yes, we need to develop a closer relationship [with other agencies]."

GUYANA

- **Cops and Faith Community Network:** Established two years ago, the diversion program is a police-run program, comprised of religious leaders who counsel juvenile offenders and their victims referred by the police over the course of three months.

Interviewed police officers described the program as quite successful and have received positive feedback from parents and juveniles. The evaluation team was unaware of the program prior to data collection, and, as such, we were only able to interview police involved in the program about its quality and effectiveness. Other KIs outside the police were generally either unaware of the program or did not express an opinion on its effectiveness. An interviewed officer noted a desire for greater support from the Ministry of Social Protection; however, this respondent also noted that the separation between church and state has limited Ministry involvement with the clergy.

- **Probation:** There is reportedly good coordination between probation officers and the courts as well as with some organizations that provide counseling and monitoring; however, it was reported that probation officers could better support juveniles in linking them with counseling and family support as well as monitoring juveniles' attendance at school after rehabilitation. Juveniles interviewed mentioned that their interaction with probation officers was not positive due to the demeanor of the probation officers towards them, speaking harshly in an impatient manner, and that this was a deterrent for conducting future meetings. Youth also reported that probation officers frequently used the threat of sending youth to NOC as an effort to enforce discipline, which the youth want to avoid due to its reputation of being similar to prison. Other youth reported they met with their probation officer the day prior to court, only once or had never met their probation officer. Magistrates review probation reports to help inform sentencing and it was reported by a magistrate that probation reports should provide more details on juvenile backgrounds and treatment recommendations.

OBSTACLES TO IMPROVEMENTS

Changes varied depending on country and there were no consistent /identifiable changes over time. This is not unexpected given the ad hoc manner in which this diversionary/reintegration process is being handled in each country. The greatest obstacle to improvement appeared to be the absence of political will and any standard of accountability as is manifested in (i) the absence of Country/Agency cohesiveness (ii) the lack of commitment of stakeholders, (iii) the absence of a clearly defined and agreed upon definition of diversion and reintegration, a clear determination of where in the JJ process diversion and reintegration is expected to take place, what a diversion/reintegration program is supposed to look like, as well as outcome measurements, (iv) the manner in which *children in need of care and protection* are treated similarly to *children in conflict with the law* and, (v) poor country / community sensitization.

COURTS

Across the three countries we explored the role of the courts in the juvenile justice system and the key challenges the courts are facing. Common themes that emerged across the three countries include low case volumes, delays in bringing cases to trial, and a lack of legal representation for charged youth.

ST. LUCIA: St. Lucia's Family Court was established in 1997 pursuant to the Family Court Act of 1994 and includes two locations, District 1 in Castries and District 2 in Vieux Fort. Forde's 2015 study found that the court had introduced a restorative justice approach to conflict where the parties to the conflict could opt for mediation as an alternative to going before the magistrate

to have the matter adjudicated.⁵⁰ This approach was neither evident in our observations nor was it raised in KIIIs. The age of adult criminal responsibility in St. Lucia is 16 years old, compared with 18 in St. Kitts and Nevis.

The most salient aspect of the juvenile justice court process was the low number of cases; there were only seven reported juvenile criminal cases processed in the main District I family court in 2016. This may be a reason why a formal juvenile court has not been established and may explain the lack of court resources allocated to juveniles with criminal cases. While some legal aid for juveniles is available, it was reported that family court social workers are not assigned to criminal cases and that if young people cannot afford a lawyer, which is the case the majority of the time, they typically do not have legal representation. In the absence of a lawyer the child's probation officer would reportedly act as their legal representative in court. This, however, creates a concerning conflict of interest for the probation officer.

ST. KITTS AND NEVIS: In St. Kitts and Nevis, juvenile court cases are heard in one of two courts; one in Basseterre serving nine parishes/districts and one in Nevis serving five parishes/districts. As in St. Lucia, there was a very low volume of cases. Although there were some reports that juvenile cases were heard on a specific day once per month, it appeared that given the scarcity of juvenile criminal cases, they were heard as they came up by whichever judge was presiding over the court that day. There was also a concern about legal representation. Although the Child Justice Act (2013) requires juveniles (under 18) to have legal representation, it appeared there are no resources allocated toward legal aid.⁵¹ As such, the majority of juveniles in conflict with the law are arraigned and processed without legal representation. There is one private lawyer who provides pro bono representation to several young people detained in New Horizons. Despite the stipulation in the act, the lack of financial and institutional support of legal assistance for juveniles is a concern, as is the sustainability of relying on only one volunteer lawyer to represent all of the juveniles in conflict with the law.

As mentioned above, the Child Justice Act also calls for the creation of a Child Justice Committee to conduct a more flexible initial inquiry prior to court cases. As noted above, interviewees differed on whether or not this committee had even been created. Commenting on the lack of implementation on key aspects of the court process, one magistrate reported, "It [the Child Justice Act] looks good on paper and they can say to you, 'Guys we have done it,' but they didn't put the structure in place to implement it, so you have a law without teeth."

Another challenge to efficacy and efficiency described by the courts was that magistrate court in Nevis still did not have access to the electronic data system used to track cases throughout the Eastern Caribbean, the Judicial Enforcement Management System (JEMS). The implementation of JEMS throughout the EC has allowed jurisdictions to shift from paper to electronic records and created better opportunities for case tracking and data collection. As a result, the delay in its implementation in the magistrate court in Nevis was reported to contribute to backlog in case processing. As JEMS is only in the EC, it does not include Guyana.

⁵⁰ Forde. Updated Status Report.

⁵¹ Saint Christopher and Nevis. Child Justice Act, 2013. No. 19 of 2013.

GUYANA: Guyana's legal system is divided by region with nine court districts. This report focuses on the courts in Region 4, with the highest density of cases. Region 4 is comprised of three districts: Georgetown (with 11 magisterial courts), the East Bank, and the West Bank. It was reported that there is no formal juvenile court in Guyana. The age of juvenile criminal responsibility is ten years old and the age of adult criminal responsibility is 16 years old.

The most salient reported challenge to juvenile justice in the courts was delays in court processing. While this was evident in region 4, it was described to be particularly concerning for cases being processed by the interior courts, where in some cases court is only held once every three months. Detention facility staff described one young person charged with murder in a court in the interior who had been detained for five years and, at the time of data collection, had still not been convicted of any crime.

The availability of legal representation for system involved youth was reportedly inconsistent. A legal aid initiative to provide lawyers for detained youth was active at the time of data collection, although interviewees indicated that the availability of services fluctuated depending on whether the initiative had funding. As reported in St. Lucia and St. Kitts and Nevis, most of the system-involved young people were the country's most socioeconomically vulnerable.

Several magistrates reported the frustration of having to rely on Sophia Detention Center, New Opportunities Corp, and the prison system as the only sentencing options for juveniles in conflict with the law. They reported that the systems and social services were not in place to provide sufficient alternatives to detention options. This concept was particularly relevant in the context of the charges of "wandering," discussed above in Question I. All the magistrates interviewed for this assessment felt that wandering should either not be dealt with in the criminal court (be decriminalized) or that there had to be other options beyond detention (e.g., social interventions) in place in response to wandering.

REHABILITATION AND DETENTION FACILITIES

As noted in Question I, there is limited rehabilitative programming offered in the detention centers, and these are mostly limited to schooling and vocational training when available. Rather than rehabilitative spaces, we find that juvenile detention facilities are far more punitive in their approach. Physical abuse, solitary confinement, poor conditions of confinement, and unmet mental health needs are inconsistent with a rehabilitative approach and far more salient across the detention facilities. While we briefly assess the rehabilitative efforts that do exist in the facilities visited, we explore in greater detail the far more salient contradicting factors limiting the efficacy of these rehabilitative efforts.

Rehabilitative programming:

Table 12 presents the reported programming offered to youth in detention facilities across the three countries and introduced in Question 1. This includes both in youth detention facilities and adult facilities housing juveniles. In youth detention facilities, there is a limited amount of rehabilitative programming.

Table 12: Status of Programming in Detention Facilities

	SLA	SKN	GUY
Youth detention facility	<u>Boys Training Center:</u> Anger Replacement Therapy (ART); school; auto mechanics, woodworking, welding, agriculture	<u>New Horizons Center:</u> Limited programming; on-site school and vocational training (e.g., electricity, woodworking, hospitality); ART**, Checkers Club**	<u>New Opportunities Corp:</u> Limited programming; no on-site school; vocational training in welding, electricity, and agriculture available to boys. Only hospitality and crafts training is available to girls. <u>Sophia:</u> Occasional sports/classes.
Adult detention facility	<u>Bordelais:</u> Limited programming; No on-site school; those in juvenile unit are in cells 23 hours/day with some exceptions (e.g., poetry night once/month)*	n/a	<u>Timehri:</u> No reported programming beyond church and occasional recreation.

*The juvenile unit was reported to house those aged 16-20 years old. Prison authorities contest our finding of 23 hour a day confinement **Not confirmed by respondents at the time of data collection.

Juvenile Detention Facilities

- St. Lucia:** The Boys Training Center offers a rehabilitation-oriented ART program, which should entail three classes per week, each day focusing on social skills, anger control or themed moral discussions. KILs indicated that the ART program provided useful skills they planned to continue using and expressed appreciation for having this type of programming made available. Nonetheless, one reviewer noted that only two cycles of this program were completed, one in 2015 and another in 2017, and that it is not an ongoing program. BTC also offered schooling, although the extent to which formal education is offered across all youth and how credits are transferred to schools was not clear to the evaluation team.
- St. Kitts'** New Horizon's facility offers vocational training and school, although informants raised concerns about juveniles only having access to four subjects (and no sciences), which limits the adolescents' ability to graduate or progress beyond the four offered subjects. As a result, their education may be stunted or delayed because of incarceration. Best practices recommend that education in detention facilities mirror the academic rigor and curriculums taught in traditional schools in the community.⁵² Report

⁵² US Department of Education and US Department of Justice. (2014). Guiding Principles for Providing High-Quality Education in Juvenile Justice Secure Care Settings. Available online at: <https://www2.ed.gov/policy/gen/guid/correctional-education/guiding-principles.pdf>

reviewers noted the existence of ART and a Checkers Club at New Horizons; however, this was not confirmed by interviewees at the time of data collection.

- **Guyana's** New Opportunities Corps (NOC) provides vocational and agricultural training; however, there is no school in the facility or formalized rehabilitation programming. While a small number of children at NOC were able to leave to attend school, most had no access to formal education. It appeared the girls held at NOC had access to a more limited number of vocational opportunities than their male peers. NOC's agricultural program appeared promising in that it provided some children the opportunity to learn about sustainable farming.

Juveniles from the interior communities in particular were less likely to receive visits from families as some of these communities were 300-400 miles away. These youth also were at a disadvantage due to the cultural and societal differences between these locations and the coastal towns.

When asked about the efficiency and effectiveness of the process with respect to modernizing juvenile detention facilities and moving from a punitive to rehabilitative focus one stakeholder shared that institutional staff were:

...very punitive. Youths who are not of the age to be in NOC are there. Parents ask the magistrate to send their children to NOC. Less than 20 percent staffs are trained. 80 percent are not of a restorative mind.

Sophia Holding Center offers occasional sports and classes (karate) and their education program seemed well-received by the juveniles, although unfortunately was offered to a limited number of children.

Adult detention facilities: In the adult prisons visited in St. Lucia and Guyana (that house juveniles), there is no consistent rehabilitation programming and only occasional poetry nights, church, or physical activities. At St. Lucia's Bordelais prison, it appeared that the youth spend the majority of their days in solitary confinement, lacking access not only to rehabilitation, but also to time outside of their cell.⁵³ These minimal efforts at rehabilitation are greatly overshadowed by physical abuse, solitary confinement, the conditions of confinement, trauma, and unmet mental health needs discussed below.

Physical abuse and solitary confinement: Across the three countries, there is a strong reliance on the use of physical abuse and solitary confinement. To protect interviewed youth from retaliation, we cannot provide institutional or even country breakdowns of responses.

⁵³ Bordelais staff contest this finding. As noted above, Her Majesty's Prison in St. Kitts and Nevis was not explored by the evaluation team as it did not house juveniles at the time of data collection; however, the team understands that this is not always the case.

Furthermore, the evaluation was not intended to provide a verifiable method for definitively determining the extent of corporal punishment, defined as staff hitting youth, and solitary confinement, defined as 22 or more hours in a cell without other contact. Nonetheless, of the 34 juveniles interviewed in all three countries, 44 percent reported having experienced or witnessed physical abuse by a staff member beyond the legal description of allowable corporal punishment.⁵⁴ One young person described the abuse he had experienced five times since being detained, “They [correction officers] come in [to the cell] 2-3 of them with a shield, they handcuff you, and they beat you.” All five times he experienced this abuse he was denied access to medical care in response to the injuries sustained from the beatings. While we do observe some differences across institutions, our sample of youth was small and selected by the institutions themselves. The important finding is that there were at least some indications of corporal punishment at all detention facilities examined regardless of country or adult or youth facility.

In addition, 92 percent of interviewed youth reported the use of solitary confinement in detention, which is defined as being locked in a cell without outside contact for 22-23 hours per day. One 16-year-old described their experience in solitary confinement: “It’s disgusting. It’s dark...you get eaten by mosquitos all day long. You can get typhoid; they don’t care.” Similarly, a 13-year-old explained, “It was bad, being in a place like that, locked up in the dark and it is hot inside.” The use of solitary confinement appears common and consistent across countries and across both adult and youth facilities.

In some cases, there were gendered concerns in how solitary confinement was administered. One 13-year-old explained, “They take you to confinement and they make you strip. They keep the girls (in solitary confinement cells) in their underwear only. The beds have no sheets. If the other kids pass by they can see you.” Locking children in cells without clothing likely compounds the trauma sustained by the experience of solitary confinement and could be considered cruel and unusual punishment. Across all three countries the reports of abuse and reliance on solitary confinement in the detention centers should raise serious concerns about the three countries’ commitment to reform and rehabilitation and invite scrutiny from the international human rights community.

In Guyana there was the added concern of a “punishment diet.” Guyana’s Timehri prison, for example, uses the legally sanctioned practice of a punishment diet, where food intake is restricted for extended period of times.

Conditions of confinement: In institutions across all three countries, site visits and reports from juveniles indicated that the physical environment of the juvenile detention centers and the adult prisons that detained adolescents were punitive and did not support rehabilitation. In the case of the juvenile detention centers, while not necessarily termed “jails,” or “prisons” their physical environment mirrored that of a jail. As described by one 15-year-old, “...to me, they got you in jail. It’s like a children’s jail.” The pervasiveness of the use of restraints (such as handcuffs),

⁵⁴ We do not provide institutional or even country breakdowns of responses to protect interviewed youth from retaliation. While we do observe some differences across institutions, our sample of youth was small and selected by the institutions themselves. Our conclusion from this reporting is that physical abuse is a common problem across the three countries and institutions.

reliance on the cells, lack of temperature and insect control, lack of greenspace, and inadequate facilities limited the extent to which the physical space could support the cited program goals of rehabilitation. One 16-year-old described their cell,

...we have a lot of damages in the cell, broken pipes, the toilet doesn't flush, we have to bring buckets of water in our cell. We've asked several times, but it doesn't get fixed. We need mops and cloths; they tell us they don't have mops.

Similarly, a 14-year-old explained,

Number one is the fans and the mosquitos, the place is very hot, the pipes are leaky, every morning we have to shout for them to turn on the pipe to get water (in their cells). It takes two hours for the water to get up. There's no fans, we are baking up there.

Heat-related illness and death from hyperthermia in detention centers has been well-documented by ongoing and completed litigation in other countries, like the United States, and poses a significant health concern.⁵⁵ The lack of access to cooling methods by those detained contributes to the risk of heat-related illness in juvenile detention facilities.

In addition to the physical conditions, a repeated concern raised by the young people was the frequency of hunger experienced and a lack of access to nutritious food while detained. For example, a 16-year-old explained, "the piece of bread they give you for meals is so hard you have to soak it in your mouth first before you can chew it." A 15-year-old described being concerned about having enough access to food, "I'm going through an adolescent stage so I'm hungry, maybe this is enough for a typical person, but not for a growing adolescent." There was no evidence of the presence of a nutritionist or medical provider informing the number of calories consumed by the young people detained.

Trauma and mental health needs: In institutions across all three countries, the detained juvenile population appeared to have extensive unmet mental health needs and histories of trauma. This was reported both by key informants and juveniles. While sexual abuse described through the Klls often focused on the abuse of young girls, reports from juveniles indicated that the incarcerated young men also experienced notable rates of sexual trauma. For example, a 17-year-old boy described,

When I was 15, seven different males molested me. I see them every day in my mind. Seven different people at the same time. I've asked to speak to a counselor in here many times, but they didn't respond. I went to the police station and nothing happened. The police had no response to that...

A 14-year-old female described her experience of sexual abuse prior to incarceration,

⁵⁵ University of Texas School of Law Human Rights Clinic. (2014). Deadly Heat in US (Texas) Prisons. Available at: <https://law.utexas.edu/wp-content/uploads/sites/11/2015/04/2014-HRC-USA-DeadlyHeat-USShadowReport.pdf>

My step-father, since I was 12 raped me, but I make a point to not go home; if I go home I'll kill him and take all my sisters with me. I want to become a lawyer, I don't mind staying in here, but I need my things to be with me. I don't want them to be burned.... Anything important to me [my stepfather would] burn, I just want this picture of my brother; he died when he was 14.

Neither of the children quoted above reported having access to consistent counseling before or since being detained. While some facilities had counselors and social workers on staff, there was no evidence that children were across the board exposed to consistent one-on-one counseling. In some cases, it was not that the facility lacked the staffing to implement consistent counseling, but rather that it appeared to not happen. This population's lack of exposure to trauma-informed and adolescent-specific mental health services, both while incarcerated and in the community, is a public health concern.

In addition to the trauma and mental health histories of many detained juveniles, the extent to which detention facilities perpetuate physical and mental health trauma should also be explored. The fear of physical and psychological safety while incarcerated was an issue consistently raised by the juveniles we interviewed. After explaining his experience of being physically abused by both staff and other juveniles in the facility, one 16-year-old continued, "this place is a place that destroys you. It destroys you." He began to cry and continued, "It des...it destroy...it destroys you. It makes you worse. It makes you worse." The ways in which detention facilities contribute to physical and psychosocial trauma, and the systems in place to respond to that need, should be included in future discussions regarding the mental health needs of incarcerated youth.

Youth recommendations: Of the 34 detained youth interviewed in St. Lucia, St. Kitts and Nevis, and Guyana, 41 percent (14) responded, to an open-ended question regarding ways to improve juvenile detention facilities, that they would provide more activities/programming in detention facilities.⁵⁶ Other suggestions for reform included limiting the time in solitary confinement (e.g. to three hours maximum), having medical care onsite, offering counseling/therapy, being able to continue formal education while detained, increasing opportunities for families to visit, providing clean water, providing fans, reducing the amount of trash in the cells, increasing the amount of calories served to reduce persistent feelings of hunger, increasing employment and reentry support, and shutting down the prison-like facilities and transferring the juveniles to smaller group-home settings.

Several juveniles described the importance of raising the age of criminal responsibility and keeping young people out of juvenile detention facilities. A 13-year-old described, "I wouldn't allow 11- and 12-year-olds to go to juvenile centers like this. I'd send them to a home. The older kids take advantage of them." Similarly, a 17-year-old described the issue of transferring juveniles to adult prisons, even in the case of violent felonies:

There was a kid who came here at 17 and he was charged with murder. At first, he didn't participate in classes at all, then he started to talk and open

⁵⁶ Given similarities across the three countries and a responsibility to protect youth confidentiality, as elsewhere in this report, we are intentionally ambiguous about individual facilities.

up. But then they transferred him to prison (because he aged out). Now he's there, I don't think he'll ever get a chance to be open again because there they harden you.

The suggestions raised by the juveniles, including transitioning from large detention facilities to small homes in the community, reducing the reliance on solitary confinement and cells, having rehabilitative programming, providing basic needs, and offering access to a quality formalized education are consistent with the best practices described in juvenile justice reform.⁵⁷

REINTEGRATION

As noted above, reintegration appears limited in all three countries. Reports indicated that social service officers do not properly facilitate reintegration in target communities. Although process mapping exercises indicated that post-release supervision and support did exist, individual interviews of both key informants and the juveniles indicated that there is a lack of reintegration services.

St. Lucia: In St. Lucia it was reported that reintegration issues may persist due to the reported lack of academic support and effective school counseling. Without academic curriculum alignment, youth are not equipped to successfully reintegrate back into the public-school curriculum.

St. Kitts and Nevis: Reintegration efforts are insufficient in St. Kitts and Nevis, and probation officers report several constraints. First one KII noted that the population is so small that juveniles return to the same environment and continue to mix with the same people that may have led them into conflict with the law in the first place. As a result, reoffending behavior is highly likely. Second, one reviewer further reported that many families do not want counselors or officers to continue to "meddle" in their family business. Third, although some schools have a process for reintegrating youth back to school, many do not, and youth faced challenges of stigmatization at school.

Guyana: Post-release supervision appeared the strongest in Guyana. Several key informants in Guyana reported that it is the role of probation officers to monitor juveniles released from NOC for six months, determining school attendance and providing the family support. The KIIs cited an aftercare program and the existence of a child community care point to help with reintegration. One KII shared:

We have a reintegration officer who is a social worker by profession. He works with the child before they come out and 6 months after. Through UNICEF we have a grant as a start-up if they want to go to school or work somewhere. The officer isn't based at NOC he visits once a month.

Nonetheless, a reintegration process mapping exercise revealed limited follow up once the juvenile was released from NOC. Some reports indicated there were logistical and financial

⁵⁷ Mendel. The Missouri Model

challenges for probation officers and social workers to reach out to juveniles housed at NOC. Additionally, staff indicated during the reintegration mapping exercise that it was the parents' responsibility after six months whether the juvenile has been properly reintegrated or not, even though two-years aftercare was supposed to be provided automatically. Youth attempting to reintegrate also face stigmatization, regardless if they were only held in pretrial detention. Opportunities for employment are slim for them due to a rigid system that requires police clearance to be employed.

Q4: HOW LIKELY IS IT THAT REFORM EFFORTS WILL BE INSTITUTIONALIZED AND BE SUSTAINABLE? IF IT IS UNLIKELY, WHY NOT?

USAID has previously funded JJRP I in St. Lucia and St. Kitts and Nevis and some aspects of the SKYE program in Guyana addressed juvenile justice. Other donors such as UNICEF have also been active in the juvenile justice field in Guyana. On the one hand, these efforts, combined with internal efforts, have clearly laid a foundation for future long-term change. The Child Justice Act was passed in St. Kitts and Nevis and bills were drafted in St. Lucia and Guyana. JJRP I involved training and reform initiatives that sensitized individuals working in the juvenile justice sector to the importance of transitioning from a punitive to a rehabilitative approach involving diversion, alternative sentencing, rehabilitation, and reintegration efforts. JJRP I also introduced risk assessment (SAVRY) tools that could lead to improved coordination across agencies, better case management, and more targeted interventions.

On the other hand, there is no guarantee that this foundation will be built upon, and we find substantial reason to be skeptical about the likelihood of institutionalizing a rehabilitative approach in the three countries. In St. Lucia and Guyana, momentum behind legal reform has died, and in St. Kitts and Nevis key aspects of the Child Justice Act (e.g. the Child Justice Committee, juvenile legal representation) have not been implemented. In all three countries, diversionary programming (pre-trial diversion in St. Lucia, alternative sentencing under SKYE, and Step Up in St. Kitts and Nevis) were discontinued when donor money was no longer available. Despite the rhetoric of reform, there are very few diversion, alternative sentencing, rehabilitation, or reintegration initiatives across the three countries. Moreover, detention facilities are dominated by a punitive approach that includes physical abuse, solitary confinement, poor conditions, and unaddressed mental health needs. Finally, two important reform milestones TheraScribe and SAVRY were supposed to be rolled out in 2016 but TheraScribe remains considerably delayed and SAVRY underutilized.

USAID's Project Appraisal Document lays out the following critical assumptions to YES achieving its intended objectives:

- Political will exists to replace/ revise antiquated juvenile justice laws
- Governments commit resources to develop diversion programs to: (1) divert juveniles from formal court system/prosecution; and (2) increase non-custodial sentencing options
- National governments demonstrate an interest having youth successfully reintegrated into mainstream society.

- Public support for youth who have been rehabilitated and reintegrated⁵⁸

The findings in this report casts serious doubt on all four of these assumptions. A robust intervention might be able to overcome some of these obstacles; however, USAID's investments in juvenile justice reform under the YES project are relatively small and unlikely to produce the necessary push for meaningful institutional change. Below we lay out recommendations for building on the existing foundation.

⁵⁸ USAID/ESC. Project Appraisal Document. Pg. 23.

RECOMMENDATIONS

We offer the following recommendations:

- (1) We agree with the components of the JJRP 2 and agree with the urgent need for partner governments, USAID/ESC, and implementing partners to:
 - a. Move forward reform legislation that empowers juvenile justice sector stakeholders with pre-trial diversion options and magistrates with a broad range of sentencing options that includes mediation, community service, drug rehabilitation, and counseling.
 - b. Develop pre-trial diversion, alternative sentencing, in detention rehabilitation, and reintegration infrastructure and programming.
 - c. Develop an ongoing training mandate for stakeholders that uses restorative justice practices that focus on rehabilitation and reintegration and builds capacity in all three arms (courts, detention, probation) of the criminal justice system.
- (2) While the YES project is supported by USAID/ESC, juvenile justice reform has to fundamentally be an initiative of, and a priority for, partner governments. USAID/ESC, other donors, and implementing partners can support partner governments with resources, technical expertise, and positive incentives, but the success of reform will depend on political will and reform champions within each of the countries. For reform to take hold, governments will need to increase financial resources for the juvenile justice system, increase human resources employed in the sector, and promote inter-agency collaboration.
- (3) In countries where it is deemed that political will and reform champions exist to design, fund, and implement reform, USAID, other donors, implementing partners, and partner governments should revitalize efforts to develop and energize a robust National Juvenile Justice Strategy. This should include:
 - A framework for juvenile justice reform based on a restorative justice philosophy that includes standardized definitions of pretrial diversion, alternative sentencing, rehabilitation, and reintegration.
 - A detailed plan that includes specific activities and responsibilities and a timeline with clear milestones for legal reform and implementation.
 - Change management infrastructure capable of ensuring coordination across juvenile justice stakeholders, identifying risks to reform implementation, and developing and implementing strategies to mitigate those risks. This should involve a well-defined institutional structure with a lead agency with oversight responsibility.
 - A monitoring and evaluation plan for the strategy with indicators and targets.
 - A plan for ensuring adequate financial and human resources to implement the strategy.
 - A robust communications strategy intended to build support both within the juvenile justice profession and the larger community.

Such an approach will require a greater financial and human resource commitment from USAID and other donors than currently envisioned under the YES project.

- (4) In countries where there is (a) insufficient evidence of high level political will and mid-level reform champions or (b) insufficient resources from USAID and the donor community, USAID/ESC should consider scaling back its ambitions and focusing on smaller, more focused objectives within the existing legal framework that empower local champions in specific probation offices, courts, or detention facilities.
- (5) We see additional aspects of reform that should be added to the reform agenda. These include:
 - a. Greater support for legal services to system-involved youth.
 - b. Appointment of a human rights monitor to juvenile detention facilities.
 - c. Development of alternative detention options (e.g., rehabilitation centers/half way houses) for children in conflict with the law.
- (6) Finally, there are punitive justice practices that partner governments need to immediately terminate. These include:
 - The criminalization of “wandering” in Guyana.
 - The use of punishment diets in Guyana detention facilities.
 - The reliance on physical abuse and solitary confinement as standard treatment in detention facilities across all three countries.

ANNEX I: DATA COLLECTION INSTRUMENTS

SAMPLE SEMI-STRUCTURED INTERVIEW GUIDE FOR STAKEHOLDERS (*MODIFIED BY COUNTRY)

- a. Could you give us a brief general idea of what your work looks like and describe your role?
- b. Successful rehabilitation of youth requires good coordination across many different agencies. How would you evaluate the inter-agency cooperation in the area of juvenile justice? What are some positive examples of cooperation and coordination?
 - i. What are some challenges?
- c. What's your experience of the level of cultural/societal support of moving from a punitive to more rehabilitative juvenile justice system?
 - i. How has that affected reform efforts (JJRP efforts?)?
- d. *Our understanding is that St. Kitts passed the Child Justice Act in 2013 to establish the child justice committee, which would divert low-level offenders and also provide an opportunity for police to divert offenders, is this type of reform being implemented? If not, what seem to be the biggest challenges to that?
 - i. What have been the biggest barriers to implementing legislative reforms?
 - ii. In your experience when has implementing legislative reforms been the most successful?
- e. We understand that St. Kitts has been working to implement a case management system called TheraScribe... What have been the biggest challenges to implementing TheraScribe?
 - i. Institutionally?
 - ii. Logistically/on a service provider level?
- f. In what situations has the implementation of diversion programs been the most successful or seemed like it has had the most potential?
 - i. What have there been the biggest challenges?
- g. In thinking about modernizing juvenile detention facilities and moving from a punitive to rehabilitative focus in those settings, what have been the biggest barriers (Culturally? Institutionally? Staff?)?
 - i. When has this been the most successful?

- h. What is your sense of the predominant argument/reasons in support of detaining offenders and those under supervision together in the same facilities?
 - i. What have been the biggest challenges to reforming this approach?
- i. What's the status of reentry/reintegration support for juveniles leaving detention facilities in St. Kitts?
 - i. What have been some challenges to implementing reentry services?
 - ii. Successes?
- j. We understand that the OECS has been promoting juvenile justice improvements and reforms. What's been your experience of the work they have done?
 - i. Can you give specific examples of positive impact?
 - ii. Have you noticed barriers to their work?

SAMPLE SEMI-STRUCTURED INTERVIEW GUIDE FOR DETENTION FACILITY DIRECTORS/ COUNSELORS (*MODIFIED BASED ON COUNTRY)

- a. Could you describe a little bit about your role, what your day typically looks like?
- b. To get an understanding of the types and numbers of children you serve, how many adolescents are currently in this facility? Weekly new admissions? Yearly average?
- c. Logically speaking, how does an adolescent end up at your facility? For what reasons?
 - ii. Are there separate accommodations for offenders and those under supervision?
 - iii. Are there females housed here also? (if not, where?)
 - iv. In general, how long are the adolescents housed in your facility?
- d. When a juvenile comes into your facility, what are your goals for them/what would be considered a successful stay in your care? What would be considered success once they leave?
- e. What are some barriers/challenges that you experience in being able to do your work effectively/ reach your goals?
- f. Do you feel that your facility (the physical facility) is in adequate shape to do your work/achieve your goals? And you have the necessary support to do that?
- g. In your experience/opinion, what are some of the main reasons (risk-factors) that juveniles get involved in the criminal justice system?
- h. What role do you think placing juveniles in detention has in reducing the likelihood of them committing a crime again?
- i. What does a typical day look like for a child in your facility?
 - i. Is there programming? If so, what kind?
 - ii. Do offenders and those under supervision have the same programming?
- j. What do you imagine would be the biggest factors in reducing the likelihood of a juvenile committing a crime once they leave your facility?
- k. What has been your experience of working with the agencies involved in your cases?
 - i. Where/how have you been most successful in collaborating with other agencies?

- ii. What are some of the challenges you've experienced?
 - iii. What are some solutions you envision to those challenges?
- a. Our understanding is that St. Kitts passed the Child Justice Act in 2013 to establish the child justice committee, which would divert low-level offenders and also provide an opportunity for police to divert offenders, is this type of reform being implemented? If not, what seem to be the biggest challenges to that?
 - i. What have been the biggest barriers to implementing legislative reforms?
 - ii. In your experience when has implementing legislative reforms been the most successful?
 - iii. What would need to change to have system-wide reform/implementation of diversion programs?
 - iv. Would it be sustainable?
- l. There are conversations about implementing TheraScribe (the electronic case management system that would include information from justice, education, child care and protection institutions, and help track cases and juvenile information) is that being used currently?
 - i. How do you imagine a software like TheraScribe would affect your work?
 - ii. In your opinion what are some of the biggest barriers to implementing TheraScribe?
 - iii. What do you imagine would be the response from the staff in detention facilities about integrating an electronic case tracking system and shifting from paper records or other electronic record sources they are using?
 - iv. What do you think would be the best way to support staff in overcoming barriers/apprehension to implementing a system like this?
- m. What role, if any, do you think reentry/transition services have in reducing the likelihood of a juvenile reoffending?
 - iii. Do these types of programs exist currently? If so, what kind?
 - iv. If not, what do you see as the barriers to that?
- n. In your experience, has this process (juvenile justice process in general including the number of adolescents seen and the timing) changed at all over the past two years?

SAMPLE SEMI-STRUCTURED INTERVIEW GUIDE FOR JUVENILES IN DETENTION

- a. Could you describe a little bit about your experience of the juvenile justice system? (How you got here? How long you've been here? Is this your first time in the system?)
- b. What does a typical day look like for you in detention/in the program?
- c. Does your day include attending programs while in the facility? If so, what programs do you like and what would you change?
- d. What kinds of things have you experienced in this facility that you think will have a positive impact on your future?
- e. What are some challenges that you have experienced while in this facility/program?
- f. In thinking about improving some of the challenges just mentioned, if you were in charge of the juvenile justice system/this facility, what changes would you make?
- g. During your time in this facility, or during your involvement with the courts, have you seen any changes overtime with how things are run?
- h. In terms of the court system, some people would say that youth should only be sent to detention facilities as a last resort and for serious misconduct. Would you say that is what happens in St. Kitts?
 - a. Why or why not?
- i. Have you heard of the court giving any alternatives to coming to a detention facility – such as enrolling in probation programs with certain requirement, or having to go to school and attend counseling? Or get a job and keep it?
 - a. What have you heard of?
- j. In thinking about when you leave this facility, what are the main factors that you see as influencing whether you get rearrested or come back to a detention facility?
- k. Do you think your experience in this facility has made it more or less likely that you will be arrested again? How so?
- l. How has getting arrested and involved with the justice system affected your life at home, school, work or otherwise affected you and your relationship with people who know you (i.e., community)?
- m. What are your biggest concerns about returning to home, to school, to your neighborhood, and to the relationships you had before you first got involved with

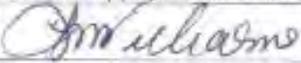
the justice system? Did any of your experiences in the juvenile justice system make these concerns bigger or smaller?

ANNEX II: DISCLOSURE OF ANY CONFLICTS OF INTEREST

Disclosure of Conflict of Interest for USAID Evaluation Team Members

Name	Dianne Williams
Title	Qualitative Team Lead
Organization	Social Impact
Evaluation Position?	<input checked="" type="checkbox"/> Team Leader <input type="checkbox"/> Team member
Evaluation Award Number (contract or other instrument)	
USAID Project(s) Evaluated (include project name(s), implementer name(s) and award number(s), if applicable)	
I have real or potential conflicts of interest to disclose.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>If yes answered above, I disclose the following facts:</p> <p><i>Real or potential conflicts of interest may include, but are not limited to:</i></p> <ol style="list-style-type: none"> 1. Close family member who is an employee of the USAID operating unit managing the project(s) being evaluated or the implementing organization(s) whose project(s) are being evaluated. 2. Financial interest that is direct, or is significant through indirect, in the implementing organization(s) whose projects are being evaluated or in the outcome of the evaluation. 3. Current or previous direct or significant through indirect experience with the project(s) being evaluated, including involvement in the project design or previous iterations of the project. 4. Current or previous work experience or seeking employment with the USAID operating unit managing the evaluation or the implementing organization(s) whose project(s) are being evaluated. 5. Current or previous work experience with an organization that may be seen as an industry competitor with the implementing organization(s) whose project(s) are being evaluated. 6. Preconceived ideas toward individuals, groups, organizations, or objectives of the particular projects and organizations being evaluated that could bias the evaluation. 	

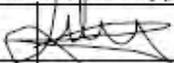
I certify (1) that I have completed this disclosure form fully and to the best of my ability and (2) that I will update this disclosure form promptly if relevant circumstances change. If I gain access to proprietary information of other companies, then I agree to protect their information from unauthorized use or disclosure for as long as it remains proprietary and refrain from using the information for any purpose other than that for which it was furnished.

Signature	
Date	January 26th, 2017

Disclosure of Conflict of Interest for USAID Evaluation Team Members

Name	Lily Hoffman
Title	Qualitative Researcher
Organization	Social Impact
Evaluation Position?	<input type="checkbox"/> Team Leader <input checked="" type="checkbox"/> Team member
Evaluation Award Number (contract or other instrument)	G003 HY2302-006
USAID Project(s) Evaluated (Include project name(s), implementer name(s) and award number(s), if applicable)	DRG-LER YES Juvenile Justice IE
I have real or potential conflicts of interest to disclose.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>If yes answered above, I disclose the following facts:</p> <p><i>Real or potential conflicts of interest may include, but are not limited to:</i></p> <ol style="list-style-type: none"> 1. Close family member who is an employee of the USAID operating unit managing the project(s) being evaluated or the implementing organization(s) whose project(s) are being evaluated. 2. Financial interest that is direct, or is significant though indirect, in the implementing organization(s) whose projects are being evaluated or in the outcome of the evaluation. 3. Current or previous direct or significant though indirect experience with the project(s) being evaluated, including involvement in the project design or previous iterations of the project. 4. Current or previous work experience or seeking employment with the USAID operating unit managing the evaluation or the implementing organization(s) whose project(s) are being evaluated. 5. Current or previous work experience with an organization that may be seen as an industry competitor with the implementing organization(s) whose project(s) are being evaluated. 6. Preconceived ideas toward individuals, groups, organizations, or objectives of the particular projects and organizations being evaluated that could bias the evaluation. 	

I certify (1) that I have completed this disclosure form fully and to the best of my ability and (2) that I will update this disclosure form promptly if relevant circumstances change. If I gain access to proprietary information of other companies, then I agree to protect their information from unauthorized use or disclosure for as long as it remains proprietary and refrain from using the information for any purpose other than that for which it was furnished.

Signature	
Date	1/27/17

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