



Needham's Point Declaration
ON
**CRIMINAL JUSTICE REFORM: ACHIEVING A MODERN
CRIMINAL JUSTICE SYSTEM**

20 October 2023
Bridgetown, Barbados

PREAMBLE

Commending the CCJ Academy for Law for hosting its Seventh Biennial Law Conference from 18-20 October 2023 in the Republic of Barbados and with express gratitude to the Government and people of the Republic of Barbados for their considerable support.

Observing that there is an unacceptable situation as it relates to crime in the Member States of the Caribbean Community.

Further observing that there are intolerable delays in the administration of criminal justice including unreasonably long periods spent on remand.

Understanding that crime is inimical to peace, order, and stability within societies, and therefore stifles social and economic development.

Understanding further that a piece-meal and silos-working approach to criminal justice reform will not effectively address the increasing levels and complexity of criminality and will not produce effective and sustainable improvements to the criminal justice system.

Recognizing that a transparent and rigorous system of accountability must be instituted to ensure compliance with the new standards and systems of performance.

Welcoming ascription of this Policy Declaration and the principles thereto associated and aspiring that these improvements in the criminal justice system should ideally be realized by all Member States within the next two (2) years.

We the participants at this Conference themed, “*Criminal Justice Reform in the Caribbean: Achieving a Modern Criminal Justice System*”, endorse the following experiences, best practices, and recommendations:

Policy Interventions

1. That crime be viewed as a public health emergency, following the lead of the Heads of Government meeting in Port-of-Spain in April 2023.
2. That as a matter of urgency, each Member State of the Caribbean Community develops, adopts, and implements a holistic and inclusive Criminal Justice Reform Strategy.
3. That there be urgent provision of adequate human, financial, and other resources to criminal justice institutions and agencies including particularly, the police and prosecution services, the judiciary, and the prison services.

Legislative Interventions

4. That laws be enacted to effectively confront the changing nature of crime and to address matters such as cybercrime, fraud, controlled delivery of firearms, gang-related criminality, money laundering, and witness anonymity.
5. That laws and appropriate mechanisms be established and implemented to provide for effective criminal and civil asset forfeiture to take the money out of crime and out of the pockets of criminals.
6. That laws be enacted to provide for greater use of forensic, scientific, digital, and expert witness evidence, including the use of modern evidence gathering techniques such as interception of communications, digital recording of confessions and interviews, and DNA testing. This is preferable to prosecutions based solely on admissions and confessions.
7. That laws be enacted to modernise rules of evidence relating to disclosure, hearsay, the admissibility of previous convictions, and uncontested evidence.
8. That laws be enacted, and appropriate measures implemented, to provide the diversion of young offenders, and the rehabilitation and reintegration into society of all offenders. Measures must include the enhancement of probation and parole services, court diversion programmes and problem solving/wellness courts.
9. That laws be enacted, and appropriate measures implemented to provide for children in conflict with the law with the opportunity for diversion from the criminal justice system.
10. That laws be enacted to guarantee prisoner remand timelines; to replace Preliminary Inquiries with sufficiency hearings and/or paper committals; provide for Maximum Sentence Indications (MSI) hearings and effective Early Guilty Plea/Plea Bargaining Schemes.

Prosecution and Police

11. That the capabilities and use of forensic science centres in the region be strengthened to enhance the prosecution of serious crimes, including organised crime.
12. That appropriate measures be implemented for accused persons/offenders, witnesses and victims/survivors with mental illness or disability issues.
13. That the witness protection systems and protocols be enhanced to include or reactivate a Caribbean-wide system.
14. That pre-charge consultation between prosecutors and the police be implemented to increase the likelihood of successful prosecutions.
15. That Case Progression Units and National Case File Standards be established within the Police Service of each State together with continued mentoring and development of officers.
16. That all prosecutorial agencies adopt a Code for Prosecutors (or a Code for Prosecutions);
 - I. To enhance efficiencies in the decision-making and prosecutorial process.
 - II. To improve the treatment of victims/survivors and witnesses including procedures for the early identification of witness needs, and appropriate applications for special measures.
17. That Special Prosecution Teams be established to improve the quality of prosecutions of certain offences, including complex crimes and that there be continued mentoring and development of all prosecutors.

18. That police and prosecution make greater use of forensic, scientific, digital and expert witness evidence, digital recording of confessions and interviews, and DNA testing on the basis that this is preferable to prosecutions based solely on admissions and confessions.

Representation and Support for the Accused

19. That as a rule, trials should be held within one (1) year of the accused being charged (for indictable offences) and six (6) months (for summary offences). During the necessary transitional stage to this ideal, trials should be held within two (2) to three (3) years of the accused being charged (for indictable offences) and twelve (12) months (for summary offences).
20. That there should be the establishment of Public Defender Offices throughout Member States of the Caribbean Community.
21. That there be implementation, expansion and appropriate funding of legal aid schemes.
22. That measures be put in place to develop and strengthen competencies and resources at the criminal private bar.
23. That measures be taken to encourage aspiring Attorneys-at-Law to pursue a career in criminal practice.

Victims/Survivors Charter of Rights

24. That appropriate measures be implemented by all relevant stakeholders in criminal justice to ensure a centralised space for victims/ survivors of sexual assault.
25. That victims/survivors of crime should be given a greater voice in prosecution and sentencing processes.
26. That laws be enacted where they do not exist, and judges should make greater use of these laws where they do exist, to provide restitution to victims/survivors as part of a sentencing policy.
27. That consideration be given to the establishment, where none exists, of a Criminal Injuries Compensation Fund (CICF) for the benefit of victims/survivors of crime, particularly for those whose cases, because of abysmally low detection rates, are not pursued in the criminal justice system. A significant contribution to the CICF should come from the proceeds of crime, whether through criminal or civil asset forfeiture regimes.
28. That intersectionality of youth, crime, gender, gender identity, economics, and culture be pivotal considerations in addressing stereotypes in the criminal justice system.

Judicial Interventions

29. That a new category of judicial officer should be created, or existing judicial officers be deployed, to deal specifically with pre-trial issues in criminal matters.
30. That courts view sentencing as an effective tool for deterrence and/or for rehabilitation and as such should use that tool appropriately in individual cases.
31. That there be appropriate constitutional protection, expansion of jurisdiction and increased sentencing power for Magistrates; and consideration should be given to changing the name of “Magistrates” to “Summary Judges”.
32. That a Sentencing Guidelines Commission be established in each jurisdiction with a broad remit including the obtaining of data and the making of recommendations to the legislature

and judiciary to assist in the formulation of sentencing ranges for various offences falling for determination by parliament or judges.

33. That whilst recognising that the dominant mode of trial proceedings remains judge and jury, where possible, Judge-alone trials should be considered.
34. That courts should adopt a focused and integrated approach to eliminate criminal case backlogs, by using tools and measures such as robust case-management, coupled with plea-bargaining discussions.
35. That courts should make greater use of Alternative Dispute Resolution (ADR) methods, including mediation and restorative justice, within the Magistrate/Parish Court for some first-time offenders.
36. That courts should facilitate enhancement of victims/survivors and witness support services, through adequate translation/interpretation, psychologists and psychiatrists, speech and language services, and special measures, including screens, video recorded examination- in-chief/ cross-examination and witness anonymity.
37. That courts should encourage a greater voice for victims/survivors in criminal proceedings, such as by broadening the scope of victim impact statements.
38. That courts should encourage greater levels of co-operation and where appropriate, encourage consultation among criminal justice sector stakeholders, through measures such as Criminal Justice Boards.
39. That courts should adopt key performance guidelines indicating delivery of judgments within a reasonable time, but in any event, no longer than six (6) months of trial.

ADOPTION

Adopted by acclamation on 20 October 2023, at the Hilton Barbados Resort Hotel in Needham's Point, Bridgetown, Barbados, by the participants at the CCJ Academy for Law's 7th Biennial Law Conference: *Criminal Justice Reform in the Caribbean: Achieving A Modern Criminal Justice System*.