

AN EXPLORATION OF THE REMAND EXPERIENCE IN
TRINIDAD AND TOBAGO BOTH IN POLICY AND
PRACTICE.

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IE Report

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ABSTRACT

This paper seeks to explore how remand is framed within Trinidad and Tobago both in policy and practice. Using a qualitative approach, the study aims to identify the frames within two parallels of remand, in policy (intentions) and in practice (experiences). In doing so, this study attempts to explore how these frames contribute to our understanding of the remand system within Trinidad and Tobago. Data was collected from documentary evidence, namely current remand legislation and policies within Trinidad and Tobago as well as twenty-seven semi structured interviews with participants from both the policy and practice parallels of remand.

The study employed two main methodological strategies to collect, transcribe, code and analyse the data which was later discussed and presented. The first strategy was an initial coding framework which was centred on the many issues emerging from the data and the literature review. This list was used as nodes in NVIVO, then preliminary findings were presented and analysed. The second strategy was an examination into how remand is framed within Trinidad and Tobago both in policy, and practice. This study will conclude with an outline of the implications and recommendations for future remand policy formation.

1. CHAPTER ONE

1.1 BACKGROUND: REMAND IN TRINIDAD AND TOBAGO AS A FOCUS OF PUBLIC CONCERN

Remand remains an unsolved, harmful problem. The use of remand continues to create a number of issues across various jurisdictions, such as through overcrowding in prisons not designed to cope with the demand created by the remand of suspects in custody, poor conditions within such prisons, and the poor treatment of those remanded, who are technically regarded as innocent at the time of remand. Its inefficiencies continue to be so prominent that remand has been identified, according to Freeman and Seymour (2010), “as one of the most taxing and unstable prison experiences” (p. 138). Furthermore, Goldson and Jamieson (2002) describe custodial remand as “ineffective (at best) and iatrogenic (at worst)” (p. 69). Despite this, remand remains a significant component of many criminal justice systems across the world.

Before going any further, it is necessary to establish what is meant by “remand” as a concept. Obtaining a single comprehensive definition of remand might be difficult, considering the wide range of jurisdictions which utilize some form of pre-trial detention. However, in general terms, and in respect to common-law jurisdictions particularly, remand can be said to be the process whereby an individual is awaiting trial or the outcome of some other hearing (Penal Reform International 2013). The United Nations Office on Drugs and Crime’s report on Custodial and Non-Custodial Measures (United Nations 2006) also refers to remand as being a form of pre-trial detention, and, as such, this understanding of what remand is will be used in this paper, along with the use of the phrase ‘pre-trial detention’ interchangeably, except for where otherwise indicated.

According Penal Reform International (2013), remand itself is not a punishment, but rather a measure within the criminal justice to safeguard the procedure of the court and to ensure that justice is capable of being effectively administered. This is because it is, at least by intent, used to prevent those suspected of crime from fleeing or from otherwise failing to appear before a court to answer the charges against them. Although its exact definition may be disputed, remand is commonly recognized as a facility or a measure implemented to hold persons until either bail is ordered by the court or until their trial has been completed and a verdict returned, although, even at that point, it should be noted that individuals may continue to be remanded after being found guilty, but before being sentenced by a court. This leads to the obvious conclusion that the definition of ‘remand’ does not always simply refer to ‘pre-trial detention’ as noted above, but instead can refer to detention of those awaiting sentence as well. This poses additional problems for the question of when and how far remand might be used legitimately; it might be suggested

that indefinite remand awaiting the passing of a sentence by a court might create a risk that this technique be used to avoid the maximum sentence requirements imposed on judges by the law.

From a pre-trial perspective, legally, one is presumed innocent until proven guilty. However, there are many individuals who have spent lengthy times on remand, potentially creating a problem in the justice system. The Open Justice Initiative (2011) conveys that pre-trial detention is inherently problematic for three main reasons: the violation of the principle of remand as a short-term last resort in an effort to maintain a presumption of innocence until proven guilty, the longstanding impact on the suspect's social and economic status after acquittal, and the economic burden on the state contributing to overcrowding and inefficient operations of the prisons.

The use of remand globally has increased drastically over the years, evidenced by the growth in numbers of those reported as being on remand (Coyle, 2016). With this increase, more issues and problems have also emerged in the media. Depending on the sector within society, a proposed solution to the problems faced may differ accordingly. For instance, from the point of view of policymakers, effective policy and management might be a solution. By contrast, the judiciary may call for changes in legislation, and prisoners may adopt a discourse in demand of better conditions for the prisoner. Whatever the argument, it is clear that remand potentially remains an unsolved, harmful problem across the world as numbers of those on remand remain high. In fact, in many countries, the remand population accounts for the largest proportion of the prison population (Coyle, 2016). For example, in some regions such as in Central Africa, remand accounts for sixty percent of the imprisoned population. Western Africa shows similar figures at fifty-six percent of prisoners being on remand, whilst Southern Asia stands at fifty-five percent. The numbers are also high in the Caribbean, South America, Central America and Western Asia where remand populations are between forty to fifty percent (Coyle, 2016). Looking specifically at Trinidad and Tobago, Walmsley similarly revealed that pre-trial detainees account for approximately sixty percent of the country's prison population (Walmsley, 2016 p2).

The issue of the remand system in Trinidad and Tobago is an acute problem (Sumter *et al.*, 2018). In fact, it is not really possible to overemphasize the difficulties which are caused by the remand system in the state. These arise both as a result of the conditions in which prisoners are kept in remand and because of the length of time that individuals might find themselves on remand before trial. An example of the type of difficulties which cause

remand to be such a problematic issue, and one which ought to be examined in greater depth within the criminal justice system, can be given. Because of trial delays and a generally slow administration of criminal justice in Trinidad and Tobago, many individuals are forced to remain in custody for more than one year, some for up to ten years (Wallace, 2020). That an individual who is entitled to a presumption of innocence can be held without trial for a period as long as a decade is a fundamental violation of an individual's rights to liberty. This poses a massive problem for Trinidad and Tobago, therefore, solely from the perspective of the state's compliance with expected standards and respect for individual rights.

Despite this, however, as the literature review in this report will show, perhaps surprisingly, there are few studies which have been carried out on remand in Trinidad and Tobago specifically. The current study fills the research gap, by exploring the remand system within Trinidad and Tobago, and the problems it creates, through the experiences of inmates and other key players involved.

Pre-trial detention is something which ought to be of great concern politically and publicly in Trinidad and Tobago (Wallace, 2020). That remand is a problem which ought to engender greater public concern is indicated by the seriousness of some of the problems it causes for society in Trinidad and Tobago and upon those remanded in custody. Despite these problems, however, there has only been limited work carried out on remand in Trinidad and Tobago; and the present study aims to remedy this. The Joint Select Committee of Human Rights, Diversity, and Equality in the country for example, has found that time in custody on remand has resulted in an increased prolonged psychological and physical impact on the remand inmates as they experience frustration, depression and anxiety due to the current state of the remand facilities (Joint Select Committee Report, 2017). Many pre-trial detainees in Trinidad and Tobago are forced to spend weeks, months, or even years in custody before their cases can receive final judgement from the court (Ramdeen, 2012 p3). Added to this, the delay creates an overwhelming backlog of cases in the courts creating bottlenecks within the system. This is not, it is submitted, a situation which is beneficial to the administration of justice in Trinidad and Tobago.

Some problems associated with remand have been noted by the public more generally, as seen from media reports. For example, The Trinidad and Tobago Guardian

Newspaper, on Wednesday 2 March 2016, called remand a “time bomb” for those awaiting an outcome in their case, reporting;

“Waiting for any length of time to get your charges heard, be it three days, three months or three years, is psychological murder. If you are poor, if you are innocent and you are waiting longer than that, then we are looking at eventual mayhem in T&T. We are now looking at "twine," which has become a lot longer than time. Prisoners without charges of assault with deadly weapons or murder, have to be dealt with in a more expeditious and humane manner. Where are the security ankle bracelets that were supposed to be a good idea? Where is the parallel training of parole officers to keep a strict eye on people wearing the bracelets who are awaiting trial but who are deemed safe enough to be sent home?”

As the newspaper noted, it is inconceivable that all individuals on remand are incapable of being dealt with by some other means, such as by tagging with ankle bracelets and the extension of parole through the training of parole officers, for example. The description given of detainees on remand being in a state of ‘psychological murder’, and the link the newspaper drew between this tension among the inmates in prison and the dangerous conditions this creates for prison officers, amongst others, is an indication of the fact that the length of time which remand can take in Trinidad and Tobago is a serious public concern.

Similarly, there has been public concern in respect of the conditions faced by those in remand. On Tuesday, November 14, 2017, in the Trinidad and Tobago Guardian Newspaper, another headline read:

“Family wants answers as remand prisoner dies suddenly.”

“Murder accused Michael George, 29, of Indian Walk, Moruga, was remanded into prison custody on October 23 after he appeared in court charged with the murder of Aaron Goorachan. According to prison officials, George was found unresponsive in his cell around 6 am on Sunday at the Extended Remand Facility at the Golden Grove Prison, Arouca. He was pronounced dead by the prison’s doctor Dr Vinod Mahabir. Prison officials said George was mentally unstable and had been refusing meals for some time,” (Guardian Newspaper, 2020)

Clearly, the media excerpt set out above indicates that there is some concern with the way in which remand is exercised in Trinidad and Tobago. It should, however, be noted that this is a specific example and appears to relate more to the conditions which are faced by prisoners on remand, rather than being related to the length of time which individuals spend on remand before trial. These are two separate issues. Nevertheless, it is also the case that

the length of time for which prisoners are kept on remand does have the potential to impact upon conditions in turn, as overcrowding becomes more of an issue, and resources are ever more stretched by increasing numbers of detainees inhabiting the system (Safranoff, 2020).

Stories like the newspaper report above therefore indicate some of the possible problematic conditions for remand prisoners caused by a growing population of remand prisoners, which in turn results from the slow processing of criminal cases (Wallace, 2020). Stories like these, however, focus on the persistent issues of remand and the state's inability to resolve them. In fact, there is very limited research done within Trinidad and Tobago to clearly articulate the issues and use empirical evidence to carefully address them.

Political concerns around remand in Trinidad and Tobago are justified for another reason. This is that one of the difficulties associated with pre-trial remand in Trinidad and Tobago, as a result of the slow pace of criminal trial procedures, is that the prisoner may not even face imprisonment following the completion of their trial and upon sentencing, as a result of the fact that so much time has already been served by that individual on remand. As Sumter et al. (2018) indicate, this creates yet further social problems, because the prison experience of an individual on remand (rather than one who has been sentenced for an offence) deprives the individual of any of the rehabilitative effects which a sentence of imprisonment might provide: educational facilities, training, and counselling, for example, which might be able to help reduce rates of recidivism, are simply not concerns for remand prisoners, who are after all considered by law as being 'innocent', and so cannot be presumed to be in need of such rehabilitation. Upon their release from prison back into society, therefore, after spending a long time incarcerated, it is likely that these individuals have not been provided with any real assistance by the state which might help them avoid future reoffending.

However, time spent on remand, it should be noted, is not a problem solely confined to Trinidad and Tobago. For example, a study conducted on Scandinavian countries (Smith, 2017) demonstrates that some will be convicted at the trial stage but will not get a custodial sentence due to the time on the pre-trial detention being longer than the maximum time for the offense. This is a problem because it means that the defendant is actually punished in excess of the sentence which the law sought to impose upon them, creating

injustice. Petersen (2019) reports that in many circumstances, the defendant in custody may not get sentenced to imprisonment following a guilty verdict, not because of time spent on remand, but because the court may not justify the sentence substantively on the facts of the case. In all the scenarios, the time spent in pre-trial detention will have a considerable effect on the individual. According to Edkins and Dervan (2018), these effects may include loss of accommodation (as in their place of abode outside of prison), community and family ties, employment, and deterioration in mental and physical health. In terms of conditions faced by inmates on remand, Duff (2012) asserts that the facilities' deplorable conditions are due to congestion in the remand cells.

The Trinidad and Tobago *Guardian Newspaper* conducted an investigation on the remand system in the country in 2020. An article published in the paper indicated that:

"Remandees in Trinidad and Tobago are living in deplorable conditions due to congestion. There are more than 100 remandees housed in a room designed to hold 50 people." (Guardian Newspaper, 2020).

Additionally, an interview conducted by the same paper indicated that the remanded inmates demanded help from the government to rescue them from the near certain contraction of diseases that they may experience while they are in custody. One of the interviewees asked:

"Why are we not being considered by the government? We are suffering in this place." (Guardian Newspaper, 2020);

The prison Superintendent was asked about the condition of remand prisoners in prison. He noted that:

"The number of remand inmates is rising daily, however, there is no room to accommodate others." (Guardian Newspaper, 2020).

There is therefore a significant concern over overcrowding in the prison population in Trinidad and Tobago. Given that the system is already apparently at its absolute capacity, with no room for other inmates, it is submitted that the prison system is already

at a point of great crisis. The consequences of this are that remandees are forced to live in deplorable conditions as well as unhygienic environments. That this problem has reached the attention of the *Guardian Newspaper* is an indication of growing levels of public concern at this unfolding crisis and suggests that urgent action is required.

In Trinidad and Tobago, prison officers carry out the operational task of running prisons daily. The prison officers have daily and direct contacts with individuals in remand and are responsible for the detainees' daily routine, classification, custody, security measures, protection of prisoners, guests, and other visitors, program activities, and access to the external world. Additionally, they are involved in the rehabilitation and education of the detainees. Nagy (2016) asserts that the prison officers have absolute power over the prisoner and they are therefore also important individuals in the remand system who can help ensure that the rights of detainees on remand are respected. These prison officers therefore owe an important duty of care whilst ensuring that detainees are treated with dignity and respect. Besides, prison officers are always in contact with prisoners and individuals on remand, hence their daily experience of prisoners' detention cannot be underestimated. The quality of prison remand officers' working environment and how they treat and interact with each other in turn affects how they treat the remand inmates. Trained and valued prison officers apply their skills in treating prisoners and pre-detained individuals in their place of work.

Public and political concerns about the remand situation in Trinidad and Tobago typically focus on either the inadequacy of relevant criminal justice legislation and policy, or the inadequacy of human rights protection. Considering each of these concerns in more detail:

(a) Legislation and policy

Within Trinidad and Tobago, and due to the nature of remand, legislation could be argued as having an impact on it. The application for bail, or the decision of the court for a given suspect to be remanded in custody under the laws of Trinidad and Tobago is a power governed by statute through the Bail Act 1994. Under this legislation, when the accused is charged with murder, treason, hijacking or piracy, bail is denied automatically. There have, however, been recent amendments to the Bail Act which

have complicated the situation somewhat. For example, in January 2014, the then government of Trinidad and Tobago may have rather exacerbated the overcrowding of prisons due to an increased number of remand prisoners within the country by enacting into law a ‘one strike and you’re out policy’, following concerns with a rise in repeat offenders. Thus, the Bail Amendment Act (2014) denies bail to defendants who have any previous conviction for a serious or violent offence in addition to the list of statutory exceptions to bail being granted when the defendant is charged with the specific offences set out above. The Bail Amendment Act 2014 operates as follows. When such a person is released from prison, if they are then arrested and charged for committing another serious and violent crime, within 10 years following his or her release from prison, they are not eligible for bail for 120 days. In other words, they are immediately sent to remand for 120 days, after which they can apply for bail if their case has not yet started. After 120 days spent on remand, if the prosecution has not started their case, the detained person can apply to a judge for bail. Further amendments to the Bail Act also give a Magistrate Judge the right to refuse a person bail for 120 days if they are charged with an offence and were in possession of a firearm. Public outcry, especially from the judiciary, objected to the introduction of this law for its ambiguity. In an article in *The Newsday*, a local newspaper, dated May 23, 2016, entitled ***‘Bail (Amendment) Act poorly drafted, says Judge’*** it was stated that;

“Justice Carol Gobin gave her interpretation on Friday of Section 5(b) (ii) of the Act, in a judicial interpretation application brought by a police officer who was initially denied bail after he and another colleague were charged with three offences. In her ruling, Gobin held that the phrasing of the clause was a hopeless struggle and the result of an error in drafting and was ‘ambiguous’ in nature.”

The Parliamentary debate which occurred prior to the passing of the Bail Amendment Act 2014 shows that the decision to adopt this policy was not unanimous. The opposition at the time called the policy a “multi-tiered regime” and claimed that the policy showed no trust in the legal system or the judiciary and its ability to manage its affairs (Persad, 2014). However, despite a change in government, to date, this Act remains in force. As such, anyone suspected of committing a crime whilst in possession of a firearm is immediately denied bail and remanded for 120 days, along with anyone who has been arrested after having served a sentence for a specified offence in the previous ten years, or

where the suspect is suspected of having committed some other offence which constitutes an exception to the general right to apply to the court for bail under s4(1) Bail Act 1994

These amendments slowly bring another question into focus, which is: Is remand being used as a form of punishment or deterrent to address a particularly troubling social problem? In other countries, similar tough policies usually involve a prison sentence as a ‘no nonsense’ punishment, following conviction. What does this suggest about the way that remand is being conceptualized or framed by policymakers in Trinidad and Tobago? It is submitted that it is entirely possible to consider a long period of imprisonment without trial as something of a deterrence to criminal activity, whatever the legitimacy of such an objective and despite the fact that this would completely undermine the presumption of innocence which ought to be enjoyed by defendants.

What further complicates the remand situation is not just the presence of laws but their absence as well, particularly in relation to the limitations on the use of remand. There are lengthy delays in the criminal justice process in Trinidad and Tobago. Unlike other Caribbean countries, Trinidad and Tobago does not have the Paton Morgan principle or any law embedded in the Constitution that requires speedy trials by forbidding unduly long judicial processes. As a result, persons may quite legally be held on remand for a long time. As of January 2017, there are 154 persons who have been on remand for more than ten years (Parliament of Trinidad and Tobago, 2017). Seetahal (2001) has noted that since the 1990's Trinidad and Tobago has emerged as the jurisdiction within the Caribbean region that has produced the highest number of cases that had cited delay as their grounds for abuse of process. Although there is no empirical evidence to directly link legislation and the remand situation in Trinidad and Tobago, Seetahal (2001) does offer it as a possible reason for the remand situation. There remains a gap within the literature, that is, linking legislation reform or policy to having a direct impact on the growing numbers on remand.

(b) Human Rights

The remand situation within Trinidad and Tobago, like the rest of the world, is a source for human rights concerns. So much so, that within very recent times the government

of Trinidad and Tobago has placed a lot of emphasis on seeking to address the problems of remand conditions. Reports from other states, such as that of the United States' State Department's Human Right Report on Trinidad and Tobago 2012 and 2013 (US State Department, 2013) have called the remand situation in Trinidad and Tobago, and the conditions inside prisons in the country, as being "harsh" (p.2). These reports highlighted the human rights issues particularly regarding remand. In summary, remand is overcrowded, with poor conditions for both prisoners and prison workers and leads to the poor treatment of the prisoners.

The current government of Trinidad and Tobago has made a concerted effort to examine the human rights violations on remand through focused observations of the system. They have established a Joint Select Committee with a direct focus on the human rights violations experienced on remand. For example, the Committee reported, strong, pungent odours, damp concrete floors, and forty remandees in a large holding cell housed like animals. They were informed that those persons residing in these conditions were new arrivals who were yet to appear before a court to attend bail hearings with these individuals being held with an average of five to nine remandees to a cell with only a thin mat as bedding (tpparliament.org, 2018, p 110).

Different studies have examined the prison conditions in Trinidad and Tobago between the years 2002 and 2015. For example, Spence (2019) included a recommendation for the improvement of the facilities and the conditions of the remand prisons in the country. Spence's report indicated that the poor conditions faced by remand prisoners could actually have greater consequences for all of society, as the unsanitary conditions faced by such prisoners may result in a breakout of contagious diseases in Trinidad and Tobago. This shows the significance of this study, which examines the remand system in the country and gives a recommendation to the stakeholders on areas that need improvement in the country.

After interactions with the inmates, the Parliamentary Joint Select Committee further noted the following issues: Food was not fit for human consumption; alleged corruption was rife, through having to bribe officers for amenities; the length of time those on remand

had spent in the prison, stating that it affected their mental state of mind; and concerns of the working conditions of the prison officers. It was observed that officers too, endured cramped and hot quarters with below standard shower facilities. The kitchenette's floor and countertops were in disrepair and were in general unsanitary. The findings offer a vivid description of the current state of remand within Trinidad and Tobago from a human rights perspective. In doing so, they highlight the severity and urgency faced by policymakers to tackle the issues facing remand within the country.

Importantly, the report of the Committee also notes that Trinidad and Tobago has no local charter to ensure it remains aligned to international treaties which it has signed. Therefore, bodies that are meant to ensure human rights observations in institutions like remand centres are non-existent within Trinidad and Tobago. Very often, the burden therefore, falls solely on the government of Trinidad and Tobago to ensure compliance with international charters or treaties and implement the necessary changes.

Further evidence of political concern with the current state of human rights for Trinbagonian remand prisoners is the number of times the issue of remand has been debated in the Parliament of Trinidad and Tobago, particularly over the past two successive governments. Debates in the House of Parliament over the years have seen numerous inquiries and reports being undertaken. The previous government administration in 2014, employed a task force team, headed by Professor Ramesh Deosaran, in an effort to deal with the situation during their tenure. Though findings were submitted, they were not made public. However, the recommendations were published on the Parliament's website. In this document, the remand situation was defined as volatile and requiring urgent attention (tpparliament.com, 2015, p. 5).

These concerns over human rights in Trinidad and Tobago are concerns also shared globally in respect of remand. Internationally, the issue of remand has received the persistent scrutiny of various pressure groups and human rights activists. A Penal Reform Trust report from 2015 on global prison trends, confirmed the overuse of remand as a global

issue (Penal Reform Trust, 2015), while the Open Society Foundation (OSF) has called remand one of the most overlooked human rights crises of our time (Open Society Foundation, 2014). Indeed, remand continues to be problematic globally as Coyle et al. confirmed a common feature of remand across the world in their high remand figures (Coyle et al., 2016). Remand conditions are associated with the widespread poverty of inmates, and frequently combined with overstretched and under-resourced justice systems. With all these issues, it is worrying that there are approximately three million persons across the world on remand (Coyle et al., 2016 p. 765).

Globally, solutions to the remand problem have seen alternative approaches to maintaining control over suspects prior to trial used, such as house arrest, probation, check-in signing and other methods being used. The objective of utilising these alternative methods within the criminal justice system is to seek to help reduce the number of offenders in prison. However, remand still remains the most frequently used form of incapacitation and therefore remains a global issue, requiring sustained academic attention. To help deal with what is a global problem, solutions are needed globally. In the case of Trinidad and Tobago, however, a proper assessment of how and why remand is used, and a comparison of policy intentions and lived realities, is desperately needed.

To address the public concern about remand in Trinidad and Tobago however, requires focused time and concentrated political will. To appropriately tackle the problem, what continues to be overlooked is the necessary academic attention and empirical data and analysis needed for a good understanding of the situation and the development of adequate solutions. Empirical data can be drivers of the agenda for change, but research on remand in Trinidad and Tobago is lacking, and what is available merely presents the current issues in general terms. Thus, research is desperately needed within this area for policy makers to holistically understand its development and offer appropriate, guided solutions. Additionally, despite the global public concern with remand cited above, just as in Trinidad and Tobago there has been relatively little academic research on remand policy within the criminal justice system, particularly compared to academic interest in sentence disposals, for example.

Background Information

This section introduces the Trinidad and Tobago policy framework covering remand, the Trinidad and Tobago Prison Service (TTPRS) which operates remand institutions, and the conditions and treatment of remand inmates in the country.

Trinidad and Tobago Legislation for Remanded.

For any legislator or policymaker seeking to reform the law on remand, it is obviously necessary to first understand the legal framework in place in the state at present and to identify some of the problems which this causes. This section will therefore set out some of the pertinent legislation in this area and some of the problems this poses.

The first point of reference here is to establish that those on remand are entitled to enjoy certain rights, which the state bears an obligation under the Constitution of Trinidad and Tobago to protect. Section 4(d) of the Trinidad and Tobago Constitution, for example, indicates that *“the right of the individual to equality of treatment from any public authority in the exercise of any functions.”* Additionally, section 5(2) (c) subsection (iii) of the Constitution highlights that *“the Parliament may not deprive a person who has been arrested or detained of the right to be brought promptly before an appropriate judicial authority.”* This is one of the most fundamental of rights enjoyed by a detained person anywhere in the world and the legal framework in place in respect of a state which gives effect to this principle (the principle of there being no punishment without due process of law, a presumption of innocence being enjoyed by a defendant, and the law treating all those under its power in accordance with the rule of law itself) must therefore respect these fundamental principles if it is to align with the word of the Constitution itself.

In other words, since the Constitution is the supreme power of the given country, it ought to be complied with by the state and its legislators when enacting legislation. Trinidad and Tobago’s Constitution demonstrates that the remanded should be given rights for fair treatment in the country, however, this is not always achieved by legislation passed by the government. This is due in part to the fact that unfair treatment of the remanded may

emanate from the powers given to certain authorities and prison stakeholders in the country. For instance, according to the Prisons Act, chapter 13:01, section 17:

“The Minister may, subject to affirmative resolution of Parliament, make Rules for the better carrying into effect of the provisions and purposes of this Act, including rules for amending or revoking the Prison Rules, and without limiting the generality of the foregoing, may make Rules providing for—

... (b) The classification, diet, clothing, maintenance, employment, discipline, instruction and correction of prisoners;

(f) The remission of sentence to be allowed to prisoners and the manner and conditions under which the remissions are to be granted;

(h) The powers and duties of medical officers; the medical inspection of prisons and prisoners; and the prevention of contagious diseases in prisons;

(j) the construction, description, equipment, and supervision of wards or cells for separate confinement;

(k) the classification of prisons and prisoners into categories and their separation accordingly;

(t) Generally for the effective administration of this Act, for the good management and government of prisons and the discipline and safe custody of prisoners.”

There is, from this, a wide range of powers which are granted by statute to the Minister to allow them to make secondary legislation over any of these areas in such a way which might impact on the rights of those in remand.

Moreover, in addition to any rules made by the Minister in the area, there is guidance from more than three-quarters of a century ago which is still the main policy reference for how practitioners should operate remand in the country. The Trinidad and Tobago Prison Rules (1943) demonstrate several guidelines for the management and

treatment of prisoners. These guidelines include discharge, general treatment, accommodation, employment, health and cleanliness, education, communications and visits, offences and behaviours against the discipline of the prison, restraints, petitions, prisoners' complaints, progressive stages, prohibited articles, etc.. These rules still include reference to a number of outdated concepts, such as "corporal punishment", and contain only one reference to "sanitation" and hygiene, in rule 78, which requires simply that the Medical Officer is responsible for overseeing conditions within the prison and for checking whether they are in "working order". This is clearly insufficient and does not provide sufficient clarity on exactly what kind of minimum standards are expected, nor does it provide any generalized guidance for medical officers as such. In fact, it appears from this simply that the conditions will be deemed satisfactory as soon as the medical officer considers them so.

Trinidad and Tobago Prison Service (TTPrS)

The foundational charter of the TTPrS is set out in the Prison Service Act 1988 in Chapter 13:02. According to the Prison Service Act 1998, the TTPrS has a number of responsibilities for facilities in the country, which include, amongst other things:

- Carrera Convict Prison (for male prisoners)
- Port of Spain Prison (for male prisoners)
- Golden Grove Maximum Security Prison (for male prisoners)
- Golden Grove Prison R (for male remandees)
- Port of Spain Remand Yard (for male remandees)
- The Women's Section Remand Section (for female remandees)
- Youth Transformation & Rehabilitation Centre (for male youth offenders)
- Eastern Correctional Rehabilitation Centre (for male offenders)
- Tobago Prison (for male prisoners)
- Claxton Bay Correctional Facility (for male prisoners who contracted the COVID-19 virus)
- Prisons Training College (for Prison Officers)

It is noteworthy that the remand facilities are all attached, or on the same compound as, prisons for convicted offenders. For example, Golden Grove Prison facility is centralized in one general area, with a separate building allocated for the remand prisoners.

The TTPrS has published guidelines for the treatment of remandees in the country. These will be described in detail later in the thesis, but for now some pertinent elements of the guidelines will be set out below. Gooptar (2017) has suggested that TTPrS is a crucial determinant of the remand framework in the country. The agency is charged with the prevention of crime, and protection of society as a result, through the facilitation of rehabilitation of offenders, and is made responsible for simultaneously maintaining control under secure, safe, and humane conditions within prisons. Initially, the TTPrS was intended to operate under the auspices of the Ministry of Justice, but has been placed under the remit of the Ministry of National Security, and is now a division of the Ministry of National Security.

As noted, the TTPrS is governed by the provisions of Chapter 13:02 of the Prison Service Act 1998 and operates under the rules set out in the 1943 Trinidad and Tobago Prison Rules. The prisons are, under the rules, inspected regularly by the Commissioner of Prisons, who is responsible for all prisons and is required to ensure that “prisoners are humanely treated”, discipline and security strictly enforced, and that the rules made by Parliament are complied with.

For TTPrS to operate and effectively manage the respective remand system in the country, the budgetary allocation has to be made by the government. An insufficient budgetary allocation would mean a non-operational TTPrS, whilst a sufficient budget would be more likely at least to result a fully operational TTPrS which in turn reflects a good remand system in the country.

According to Wallace *et al.* (2020), in the 2016 fiscal year budgetary allocation, TTPrS had an allocation of approximately \$60 million which was meant to facilitate services and facilities related to rehabilitation. According to Stricker (2017), this was in line with the international standard budgetary allocations. This shows that good management of resources in the TTPrS remand system can lead to some degree of improvement in terms of facilities and remand framework in the country. However, it does not appear as though mere re-allocation of funds or enhanced funding alone would be sufficient to resolve the institutional problems associated with increasing numbers of

prisoners on remand and the subsequent overcrowding issues. Instead, this may only alleviate conditions in the short-term.

Treatment of Remandees in Relation to Trinidad and Tobago Prison Service

The TTPrS Use of Force Policy established in 2014 encompasses fundamental issues in relation to the treatment of remand inmates (as well as other prisoners, as no distinction is made between them and remand prisoners) in the country. In this case, Sumter *et al.* (2018) assert that the Use of Force Policy encompasses several issues which include enforcement of rules in prison, discipline, crime prevention, limitation and authorization on the use of force.

Disciplinary Treatment

Part IV (section 220 to 293) of the Prison Rules of 1943, noted earlier as being outdated but still relevant as rules governing the way in which the TTPrS operates, governs the treatment of prisoners in the seventy-four areas that include the disciplinary actions. In 2014, the updating and enactment of the Use of Force Policy was completed on March 7th and was published on TTPrS order number 32 of 2104. Fundamental issues such as self-defense, use of force, authorization and limitation, discipline, prevention of crime and escapes as well as a third-party defense were encompassed by this report. Besides this, the Public Service Commission regulations 85 subsection 5, 6, 7, 8, state that relevant penalties should be implemented accordingly when an officer is found guilty of excessive force, upon the completion of a tribunal and a comprehensive investigation.

Medical treatment

With regards to the health of the remandees in Trinidad and Tobago, TTPrS states that an infirmary officer is authorized to meet with a remandee within twenty-four hours upon the entry of the facility. Thereafter, the remandee is taken through a normal medical

examination as per the requirements of the infirmary officer. However, more recent studies appear to suggest that the remanded inmates' health status in Trinidad and Tobago is worsening (McCoy & Knight, 2017). For instance, in 2015, 160 remand inmates were taken to health institutions for medication. This further shows that the condition of remand inmates in the country is poor. An example of this can be seen by considering some of the figures of hospitalized inmates over the period between 2012-2016. As reported by Wallace (Wallace, 2013), the number of prisoners requiring medical treatment on remand has increased from 300 to 400 a year. This paints a poor picture of the inmates' health. Whilst this cannot itself be suggested to be evidence of poor conditions in the prison (and may instead be a simple reflection of the poor state of remand prisoners' health more generally), it is suggestive of such conditions being poor.

Staff Challenges

As stated in the TTPrS, the remandees to remand officer ratio should be 6:1. However, the current number is not ideal for effective management and safety of remand prisons in Trinidad and Tobago. Wallace (2017) reports that the current ratio 15:1. In total, 1074 remandees are under the supervision of 70 officers who work in shifts.

1.2 PURPOSE OF THE RESEARCH

In light of the public and political concerns about remand in Trinidad and Tobago and beyond, this research examines the lived experiences of remand within the country's Criminal justice system. It focuses on gaining the various experience. Thus, the study seeks to understand:

- (a) Conditions of prisoners on remand in Trinidad and Tobago.
- (b) Time spent on remand in Trinidad and Tobago compared to other jurisdictions.
- (c) Why is this a problem for Trinidad and Tobago, and why has this not been acknowledged more widely as such a problem?

(d) What can be done to reform this area?

1.3 RESEARCH RATIONALE

This investigation will add to the existing body of literature on remand by reporting on remand inmates' experiences in Trinidad and Tobago. Additionally, the study will be useful to policymakers dealing with pre-trial detention to help minimize congestion within the prison. This topic has often been overlooked in the literature, particularly as there is now an increasing number of pre-trial detainees in the country, some serving more than a year. The investigation will help them design the criminal justice system's policies to develop a better remand structure that will protect human rights and liberty in Trinidad and Tobago. The case study will be compared to findings from the Caribbean countries and in many other countries across the world in relation to favorable pre-trial detention policies that will not adversely affect the overall criminal justice system in each place.

Another point of interest is that there is little focus globally in existing work on the experience of prison officers who supervise remandees. This includes their background and attitude concerning their profession. There is often a negative stereotype of prison officers, indicating low social standing in the media, and public opinion. In many countries, prison officers are selected to serve without training instead of normal recruitment which the international standards suggest. This in turn negatively affects their motivation. This study will investigate prison officers' who work in remand and their experience in Trinidad and Tobago and consider its implications for other countries to help build a remand system that aids in protecting human rights.

1.4 MAIN OBJECTIVE OF THE RESEARCH

Based on the study's focus, the main objective of the research is to investigate Trinidad and Tobago's remand framework, both in policy and practice, in the latter case through the various experiences of remand in the country.

1.5 SPECIFIC OBJECTIVES

Based on the aim of the investigation, the specific research objectives were:

- To study the remand policy framework in Trinidad and Tobago.
- To investigate the remand experience in Trinidad and Tobago.
- To identify problems in the remand system and the wider criminal justice system in Trinidad and Tobago.
- To explore the implications for future policy and practice.
- To add to the existing body of knowledge on remand.

1.6 RESEARCH QUESTIONS

Based on the specific objectives of the research, the following research questions were formulated.

- How is remand framed in policy (intentions) within Trinidad and Tobago? Lines of inquiry: laws, ministerial policies, service instructions or guidance, policymakers' stated intentions for practice;
- How is remand experienced in practice (lived realities) within Trinidad and Tobago? Lines of inquiry: Court use of remand, structure, regime, conditions, prisoner characteristics, strengths and problems;
- How do these two frameworks compare and contrast? Lines of inquiry: Similarities and differences in conceptualizations, expectations etc;
- How do these frameworks, and similarities/differences, compare with broader understanding of remand? Lines of inquiry: Recorded situations in other countries, global context and;
- What are the implications for future policy and practice?

1.7 STRUCTURE OF THIS REPORT

This first chapter has provided an introduction to remand in Trinidad and Tobago, and has highlighted some of the issues to be discussed, along with background information

regarding the relevant policy and operational framework, research rationale, research objectives, and research questions.

Chapter Two reviews the academic literature focused on remand. Here, themes emerging from the literature concerning the remand system are discussed. Additionally, the existing literature on remand in Trinidad and Tobago is discussed.

Chapter Three is the methodology chapter, where the research design and data collection methods are discussed. Chapter Four presents some early findings from the study, and Chapter five offers a brief discussion of these early findings.

2 CHAPTER 2: LITERATURE REVIEW

2.0 INTRODUCTION

This section of the study gives an overview of the concept of remand. A general view on remand literature, studies, and journal articles is also given. The aim is to seek a general understanding of remand, concepts in remand literature, developed themes in remand systems, lived experiences in the remand system, and finally, what is known about Trinidad and Tobago.

Methodologically, this literature review was conducted by undertaking a systematic review of literature on prison law and on remand in Trinidad and Tobago, in the Caribbean-Commonwealth region more generally, and around the world. This was begun with an electronic search of such literature on the university library catalogue and through internet searches of relevant databases including Sage Journals, EBSCOHost, Researchgate, and JSTOR. Each publication was reviewed and then appropriately classified based on its content and relevance, then placed into a table in alphabetical order to facilitate easy location.

Additionally, the first major studies located were those of Wallace (2020) and Williams (2016) and consultation of these sources helped direct the rest of the literature review and the work, as the authors and sources which these authors relied upon themselves were then consulted, so that a trail of prior research could be identified in this manner. The works were then read, and those that were relevant were added to the list of works which the author would then plan to consult further whilst establishing the research questions which were to form the subject matter of the study.

2.1 REMAND OVERVIEW

Remand systems can be categorized in two ways. According to Williams (2016), remand can be both an identifiable state (not convicted) and a physical space (imprisonment). As a state, Casale and Plotnikoff (1990) defined a remand prisoner as a

prisoner not yet convicted or sentenced to a term of imprisonment. . However, the individual is held in custody (physical imprisonment) pending the determination of guilt or innocence or awaiting his or her sentence after conviction. Both the identifiable and physical state remand systems are important in the criminal and justice system since they serve a specific purpose.. Therefore, there is a need to investigate the identifiable state and find out its effects on remand inmates.

There are notable popular areas of study, including remand conditions and the impact of remand. There are also understudied areas, such as policy frameworks and lived experiences. However, there have been investigations into the state and various aspects of a remand that give us a glimpse at the lives of those living on remand. There has also been considerable socio-political commentary on the impact of legislative and policy changes on the remand system. For instance, Wiseman (2014) commented on the use of policy in electronic monitoring which was introduced in the United States to examine how that would impact upon pre-trial detention, while Redpath (2015) concluded that the impact of the policy position "tough on crime" was an increased number of detainees on remand in Africa.

Remand is seen as a necessary measure for the criminal justice system (Bargent, 2017). Not only is this noted above, but it is a concept that is found and implied throughout the literature. It is also implied through the scarcity in arguments for the removal of remand. This is, of course, despite the reality of its limited focused literature. Significantly, remand's noted necessity underscores the significance of the role of remand in the criminal justice system and why the gathering of empirical evidence is so substantial, meaningful, and vital to the field of criminal justice systems.

Abbott et al. (2018) report that remand systems vary from country to country, with each country slowly developing and identifying the practices which lead to the best outcomes in their remand system. To this extent, the literature and statistics are cross-national (Walmsley, 2014 and 2016). There have also been comparative works using these secondary statistics. For example, Moustakas (1994) commented that one of the best examples of this data is the World Pre-Trial/Remand Imprisonment List by World Prison

Brief. Cross-national studies also signal to us that there are different stories to be told and that different countries' perspectives may aid in the development of remand systems globally as they can help to develop some sort of internationally accepted best practice. In this manner, Trinidad and Tobago's study is critical in adding its own unique view, but also in contributing to the Caribbean's understanding and literature as a region. The study therefore investigates the remand framework in Trinidad and Tobago.

The vast majority of accumulated empirical knowledge that exists on remand, although limited, appears to be concentrated in Australia (Sarre, King and Bamford, 2006; Sarre, 2016); South Africa (Redpath, 2014 and Sekhonyane, 2005); Canada (Weinrath, 2009; Jones, Buicerius and Haggerty, 2019); the United States (Eisenstein, 1977; Nesbitt, 2008; Daskai, 2009), and the United Kingdom (Stevens, 2009; Silvestri, 2013). In examining the overall landscape on remand, these accounts largely constitute the current global view. The literature drastically narrows when exploring the Caribbean experiences and more so, is almost silent when considering Trinidad and Tobago. Without the Caribbean perspective, the global view, understanding and landscape of remand literature is incomplete and limited representing a significant gap within the literature.

There is also evidence of other comparative analyses within the literature that are based on legal research and not centered solely on statistics but instead use different laws and regulations to compare remand across different jurisdictions. For instance, Nesbitt (2008), through comparative analysis, looked at how Australia and the United States managed terrorists and preventative detention. The study concluded that American strategies and policies towards pre-trial are far more intrusive of individual liberties while Australians are more protective of its procedures and safeguards from abuse. This study can be influential as it provided some comparative insight into improving the American pre-trial system for terrorists.

In analyzing the literature, it is easy to form a perception that pre-trial detention is encapsulated within the literature that focuses on incarceration or prison and its environment (Collins, 1992; Walmsley, 2016; Bargent, 2017). Perhaps this may be so because one of the most well-known physical forms of remand is imprisonment (Walmsley,

2016). This may suggest that the study of remand in its own right is warranted. In this respect at least, this current study which is being carried out in this paper is quite significant. It must be stated at this point, that although remand is widely known through its use of prisons, imprisonment is not the only form of remand. There are also, detention houses, centers and home arrest mechanisms. However, while undertaking the literature review, it was observed remand in prison is the main focus within the literature

2.1 KEY CONCEPTS IN **REMAND LITERATURE**

2.2.1 *Supporting Justice*

The first concept found in the literature on remand is that of the role it plays in supporting justice. The detailed historical development of remand systems has not been charted anywhere in the literature. However, it has been identified that since its existence, remand is vital to the criminal justice system. Schnake (2014) and Schneotich (2008) both concluded that the abolition of custodial remand is not warranted because remand plays a significant role in the supporting justice within the system.

Berger et al., (2018) stated that in most jurisdictions remand is imposed on individuals to ensure their appearance at trial, as a measure to ensure public safety, and to ensure justice is maintained within the broader criminal justice system. It is observed in the literature that justice is one of the most prominent concepts that appear in connection with different jurisdictions. Akuamoah (2012) highlights that justice for all is fundamental to the formulation of policies and the understanding of remand. The author argues that justice is conceptualized as giving remand prisoners their just due.

In the broader literature it is established that justice is pivotal in ensuring the rule of law is achieved (Johnson, 2001). In the criminal justice system, the literature establishes justice as a core value and objective, which is therefore also extended to remand (Lahti, 2017). The literature seems to consistently align the concept of justice to the role of the remand system as highlighted thus far. Although there is limited literature that evaluates the effectiveness of remand, there appears to be a tacit understanding that remand is working as part of the big picture, to ensure justice within the criminal justice system. It is this

understanding that sees remand systems as necessary within the criminal justice system (Transform Justice, 2018).

Moore (1997) defines criminal justice as either a system or a process. As a system, it refers to the structured agencies and procedures established by the state to govern and oversee crime and its entities. As a process, Newman (1978) shows that it refers to the procedure for arrest, charging, the trial of a suspect, and confinement of an offender. It also refers to the remanding of an accused. In this manner, it highlights that criminal justice systems across the world generally have three fundamental objectives: they are investigative, adjudicative, and correctional (Daly and Saree, 2016). Primarily, these objectives work collectively to maintain law and order through the execution of penal operations, which reinforce the acceptable norms of society and, most importantly, ensure that justice is achieved.

Bowles and Cohen (2008) assert that the remand system is also concerned with the second and third of these objectives because by virtue of being a part of the criminal justice system, an individual is remanded to ensure public safety, their own safety, and to assure their appearance to their court hearings and trial. It is expected that these actions will ensure that justice is achieved (Brookman, 2001; King et al., 2006). This is questionable however, as the role of remand may not in itself be the goal of justice but rather is the vehicle used towards justice. In other words, it is arguable that remand is not an end itself but a means to an end. With such an important role, there is a lack of empirical data within the literature to support that remand on its own achieves justice, or even partially supports justice. Despite this, in the literature, there seems to exist an unspoken assumption that remand systems are expected to ensure justice is achieved.

Remand systems should serve justice to every remandee in a given country. However, Brookman's (2001) and Bennett's (1939) studies on legal and human rights in the justice system, indicates that the criminal justice system may sometimes be identified as unjust. This shows that although the criminal justice system is being identified as an unjust system that there also exists an assumption that it is just.

The assumption of justice is further questioned by scholars, largely working within legal and human rights frameworks, who argue that the remand system is unjust. Bennett (1939) shows that for a system to be targeted as unjust, there must be an assumption that it is supposed to represent justice. For years, this argument of an unjust system has consistently existed in the literature across jurisdictions and also among the different types of prisons (i.e., males and females, minors and adults). For instance, in the United States, Kinsella (1938) and Bennett (1939) argued that the use of remand is unjust, discriminatory, unequal, and unsanitary. It also violates the rights of the untried prisoner. In more contemporary times, Redpath (2014), while exploring South Africa's prisons, claimed that remand is unjust and unsustainable. This study therefore investigates Trinidad and Tobago's remand and justice system and the experience of the remandees but also seeks to examine a gap in the literature in this area, which is that there is presently very little empirical data or secondary research in this area on which proposals for reform can be made in line with the research question set out above. This may increase the extent to which the system serves human rights and justice.

2.1.2 Control

Control in remand systems is now an emerging theme in the literature. The concept of control is frequently discussed as a goal of the criminal justice system but the exploration of control as a goal in remand is becoming more prevalent. While, as noted earlier, the role of remand is generally linked to that of justice (Bennett, 1939; Brookman, 2001; King et al 2006), the literature also signals the idea that remand has an unintentional goal, that is to be used as a measure of control within the criminal justice system, thereby countering the view that remand is only there to hold persons until their trial. In fact, this literature signals that remand is used as a control measure. In Weinrath(2009), Canadian inmates gave their perspective on policy implementations. This study found that through their experience, the policy at the time, two-for-one, which gave persons credited time for the time spent on remand, delayed the trial process, as lawyers tried to get 'extra credit' for their clients and placed people in remand at exponential rates. In response and to control

the operations in Canada, new legislation was drafted, reducing two-for-one to one-to-one.(Weinrath,2009)

Moreover, this issue of control is claimed as one of the reasons for overcrowding in the remand system, another issue that is widely publicized in this area. Redpath, (2015), in his account of remand in Africa, argued that the policy position "tough on crime" resulted in an increased number of remandees. The article claims that the overcrowding on remand resulted for two reasons. Firstly, the obvious increase in numbers of individuals being arrested meant that, when the policy was adopted, it led to more persons entering the system. However, secondly, and as a consequence of this, the policy did not deal with the length of time persons remained on remand, therefore, this created a backlog of cases and as such, the number of persons on remand increased. The article concluded that under this policy, the system is unsustainable because of the ever-increasing number of prisoners in an ever-over-crowded system.

In an earlier account, Fagan (1996) highlighted that policy on preventative detention had been used as an instrument of social control. Fagan (1996) also questioned the manner in which one can predict dangerous behavior. He concluded that the costs associated with preventive detention have been vast, especially to the defendant, and that the system appears to be unjustified.

Remand as a form of control in Trinidad and Tobago particularly, has not been directly explored within the literature, however many articles on remand in other jurisdictions have alluded to the idea as they identify justifications in the increase of numbers within the remand system. This is, in fact, one of the concerns this present study raises in respect of the remand system in Trinidad and Tobago, as the 'tough on crime' emphasis and long delays mean that individuals can, in fact, be punished arbitrarily by the police simply arresting them, through facing long periods of detention on remand. Therefore, there is need for an empirical research which investigates control in relation to remand practice in the criminal justice system. The current project attempts to narrow this information gap in relation to the criminal justice system in Trinidad and Tobago Criminal justice system.

2.1.3 Overcrowding

Another concept emerging in the current literature is the more practical and pressing concern of overcrowding in remand facilities. Frankel (1997) demonstrated that overcrowding is a severe issue within remand globally that has affected justice, the presumption of innocence, human rights, and political will concerning remand. Overcrowding does not, however, appear to impact particularly on the political will to reform a system, unless it can be associated with negative publicity or with a proven threat to public health or security, and it might be suggested that overcrowding and poor conditions within prisons for remandees is, in fact, something which might be pursued indirectly by a government which seeks to use long, unpleasant remand experiences as a deterrent for crime. Bamford et al., (2006) explore an Australian remand population, proposing that particular factors impact remand systems and their population size. These factors include: (1) the number of individuals that actually come into contact with the justice system, (2) changes in bail policy or practices, (3) changes in remandees' characteristics and, (4) the fluidity of the court system or delays. In their report, Bamford et al., (2016) found that the majority of the numbers in Australia are associated with the first aforementioned factor. The first factor is attributed to policy formation and delivery, by which Bamford et al., (2016) appear to confirm that policy has a direct influence and impact on the remand system. Similarly, King et al. (2005) proposed that the remand system has been impacted by factors that are separate from the general prison. These factors include changes in the volume of persons appearing before the courts because of changes in crime rates, apprehensions, or charging practices. Also, changes in bail practices and policies affect the probability of bail being granted or denied. Moreover, changes in defendant characteristics make custodial remand more likely and finally, court delays, affect the average period spent on remand. Of these factors, King et al. noted that research on remand patterns has primarily been focused on the first factor. Australia has been one of those forward-thinking jurisdictions that have attempted to provide evidence-based reasoning for the increase of numbers in the remand system. While studies show that overcrowding is an emerging issue in the remand facilities, there is an information gap on the consequences of such overcrowding in the facilities for remandees, their families, and

other stakeholders, such as taxpayers or the society at large. The current study fills this information gap and investigates remand experiences in the respective facilities.

Criminal justice systemQin (2016) demonstrates that the remand system is a highly politicized issue that not only affects the concepts of control in the remand system but also overcrowding. A small body of literature provides commentaries and arguments, and uses extremely limited evidence in relation to the effect of policy changes or political decisions on remand. MacBath (2010) argues that legislation and policy, theoretically, reflect the consensus of any society and its institutions, which also means that politics play a role in shaping the operations of remand. Alexander et al. (1958) showed that Bail Acts are crafted by legislative bodies and they outline the purpose of remand, its operations, and how they should be used in accordance to the remand system of the country. Bowles and Cohen (2008) noted that the government is strategically appointed to act on behalf of the electorate (society at large) and therefore to formulate of policies that address the criminal justice system, as well as remand systems in a country.

In other words, in essence, it may be argued that Parliament's response to remand is heavily influenced by society, including pressure groups such as human rights activists, ex-prisoners, and the judiciary, just to name a few. In addition, Edger (2004) adds that remand may be responsive to socio-political pressure. Perhaps, over the years, government organizations have experienced numerous changes to appease these pressure groups, which has resulted in quick decisions without proper empirical investigation to effectively outline concerns. Himsell (1986) argues that the American 1984 Bail Reform Act affected the rise in numbers on remand as it gave authority to the judicial officers to detain a defendant if officers determine their likelihood to commit a crime on release was high. His analysis of preventive detention concluded that this measure is too sweeping and has led to a high number of erroneous detentions within the system. But on closer investigation, such a decision not to release because of a likelihood to commit crime tells us that remand was a form of crime control and therefore is being used to address the social issue of crime.

Notably, there has been an overall increase in evidence-based studies on the criminal justice system (Chambliss et al., 2011; Kennedy, 2014). This has impacted the

pre-trial system. Conclusions are drawn from the study of the overall advancement of the system and its impact on the smaller fragments. Therefore, it can be argued that there is an overall advancement in the overall procedures and process within the criminal justice system which intrinsically would impact the remand system. However, in identifying remand as an individual system, specific attention is now needed to allow for proper evaluation of that system. It also requires an increase in focus and targeted remand research to increase the evidence base. Bechtel et al. (2011) carefully outlined this in their article. They saw a need to further look at effective pre-trial programs as there was a shift in evidence-based practices within the criminal justice system. They concluded that this shift would inevitably impact pre-trial detention and any related operations. They also stated that policy would provide a basis for monitoring and evaluating, among other instruments that would significantly improve the pre-trial system.

2.1.4 Innocence

Another concept emerging in the literature in the remand system is innocence. Many authors focus on this concept, identifying it as fundamental to issues concerning remand. Dobbie et al. (2018) demonstrate that violation of the presumption of innocence principle poses many challenges to remand systems globally and has given momentum to the growing body of literature on remand. A key understanding of remand is that individuals are held on a presumption of innocence as they have not yet been convicted. In essence, remand is not and should not be a punishment. In fact, the presumption of innocence signals to authorities to restrict the use of remand. Stevens (2009) shows that the phrase, ‘presumption of innocence’ is also important in the European Court of Human Rights’ decisions on remand. Establishing itself on the presumption of innocence, most courts in considering bail applications across the world maintain that the accused should await his trial in freedom. However, there are moments when the issue of justice overrides this premise. One such instance is seen in the detention of the accused into remand until trial. It should be noted however that although detained, persons on remand are still presumed innocent. However, Elgar (2009) questions whether innocence is meant to restrict the use of remand. In this case, the other forms or alternatives to incarceration should be used with suspects. These alternative forms include restitution, probation,

rehabilitation services, community services. Of course, these alternatives only exist in respect of those prisoner's actually sentenced to imprisonment, but nevertheless, the use of these techniques amongst such prisoners would reduce pressures on the prison population in general which would then improve conditions for remand prisoners. Moreover, better training and more resources being dedicated to alternatives than remand such as effective monitoring of individuals on reman through electronic tagging, and monitoring by parole officers might be able to help this even further by reducing numbers of remand prisoners. Stevens (2009) argued that although there is a presumption of innocence, in Europe, there is a rise in the use of remand. This is also true in other parts of the world, including Trinidad and Tobago (Walmsley, 2014). This increase in the use of remand directly contradicts the idea that presumption of innocence is meant to restrict the use of remand.

Steyn (2000) argued article that the presumption of innocence is the reason that the bail system would grant the accused their personal liberty until trial. Steyn explained in his account of South Africa's bail system that releasing one on personal liberty is the humane thing to do within the criminal justice system. In this case, the presumption of innocence is highly connected to the preservation of human rights within the remand system. Hafetz meanwhile stated that, "Excess pre-trial detention remains one of the most severe human rights problems in Latin America" (Hafetz 2002 p1) . In this regard, the basic benchmark of remand that should be maintained is that remand should be a matter of last resort. Even when it is used, it should not be for an extended period.

On the other hand, Daly and Sarre (2016) presents remand as a 'melting pot' for human-rights infractions. Additionally, Freeman (2009) argues that it is the entire criminal justice system that erodes the human rights of an individual. Therefore, pretrial detention is simply a part of the broader scheme. For example, Marty (2008) argued that police station detention also allows for corroding of human rights as accused offenders are treated as guilty, i.e. not presumed innocent. In this case, the suspect becomes vulnerable, therefore becoming a victim of the system.

2.1.5 Human rights in criminal justice

Another, more established, concept in the international remand literature relates to the criminal justice system in relation to individual human rights. Drawing on Holmes and MacInnes (2003) study, it is apparent that the issues of human rights impact upon an individual's remand experience since it infringes their rights to living as an innocent. Brookman et al. (2001) demonstrate that there are many inconsistencies between the Human Rights Act in the UK and the experience of remand. One such inconsistency is the difficulty of accessing to lawyers while on remand. This problem with access impacts the duration of the case and the case's outcome.

The conditions and treatment during remand contribute to human rights violations. Appleman (2012) evaluated the American pre-trial system by looking at the interconnection between pre-trial detention and punishment on one hand and the application of the Sixth Amendment on the other. In this research, it was contended that the law tends to detain accused persons in poor conditions. Ironically, this occurs although such persons are assumed to be innocent until they can be proven to be guilty. Moreover, the absence of a viable criminal procedure system impedes the application of the law. Therefore, the author concluded that the present system of pretrial detention is horrifying as accused persons are remanded in even more dire situations than convicted offenders. Significantly, the prevailing punitive conditions during incarceration tend to deny those that are remanded their Sixth Amendment rights. Apart from the poor conditions of incarceration, the detained persons may be subjected to unfair procedures for granting bail, denial of guilt, or revocation of the bail.

2.1.6 Administrative system

Brookman (2010) notes that the remand process has an administrative dimension that implements policies, rules, and regulations. She highlighted that when there was an introduction of the Human Rights Act of 1998 in the UK, authorities were told to "review their procedures concerning the Act, and at a very early stage the Prison Service was identified as vulnerable." (p195). Although there is much less focus on concepts related to remand administrative processes in the literature, the administrative system is crucial to the operation of the justice system in a country. There must be some kind of administration in

place to ensure compliance with policy. Remand is not simply a legal category; it is a process. Although there is not much literature addressing how administration systems influence compliance, what we do grasp are commentaries and sporadic mentions of Bail Act legislation in different jurisdictions that outline the ways someone is placed on remand. These ways can also be seen as a process; a decision-making process. For instance, in Trinidad and Tobago, under the Bail Act 1994 Chapter 14:20 Section 5, remand in custody is referred to as “a state of being committed into custody while awaiting trial and/or sentencing.” However, it is under the common law cause of *Re Robinson* (1854) 23 LJ QB 286, that the conditions of remand are outlined. Remand occurs when a person is charged, but certain considerations prevent him from being released on bail. The major considerations on bail under common law are: (1) the nature of the accusation; (2) the nature of the evidence in support of the accusation; (3) the severity of the punishment which conviction will entail; and (4) whether the sureties are independent or indemnified by the accused person. The overall consideration governing whether bail should be granted is whether the accused will appear at his trial (*Re Robinson* (1854) 23 LJ QB 286). The Trinidad and Tobago Bail Act takes into consideration public safety and protection to reduce the likelihood that the accused would tamper with witnesses or that the public might harm the accused.

Similarly, other countries rely on the courts to decide and consider several factors before placing someone into remand. The operations of the court in the matter can be regarded as the remand process. But this is not the only process that can be identified in the literature. As stated, there is also the process of access to justice, the process of a remand regime, daily activities, and even a process of ensuring court appearances. There appears to be a deficit of empirical data in the literature on any of these areas. Still, few have detailed examples of daily activities of persons on remand, and even fewer articles mention what the remand structure and procedures are to ensure court appearances. They simply acknowledge that these are features of the system. Therefore, it is necessary to investigate the remand framework within the administration of justice administration.

2.3 THEMES EMERGING IN THE LITERATURE

There are several important thematic areas that emerge in the literature on remand systems. These issues include remand process and structure, the overuse of remand, remand conditions, treatment of remand prisoners, and remand regime. Empirical evidence looking at living experiences on remand appears less evident in the literature, while the issues mentioned above have been reiterated throughout the literature. The issues also give a broad sense of the reality of remand, lived experiences, providing pieces to a jigsaw puzzle by giving an idea of an individual's experience on remand.

2.3.1 *Treatment of remand prisoners*

The first issue is the treatment of remandees. Kennedy et al. (2014) demonstrate that the implementation of UN Standard Minimum Rules for the Treatment of Prisoners impacted prisoners in many nations globally with major changes seen in Africa, Europe, the United States and the United Kingdom. Later, changes were noticed with the implementation of the European Convention on Human Rights and, then, with the Human Rights Act 1998 in the United Kingdom. For instance, Redpath (2015) examined prisons in South Africa and argued that excessive and inappropriate use of remand impedes on the rights of the detainees as the increased numbers on remand have created an issue of overcrowding which has some impact on the treatment of detainees and conditions of remand. This has resulted in a remand system in South Africa that is unfair and unjust in its treatment towards the detainees. Redpath's study interestingly presents the idea that maybe it is not the actual system that is unjust. Still, its processes have created unjust and unfair outcomes that are further seen in the treatment of remandees. Therefore, for Redpath, the remand system and its process create an unjust system.

Kiselbach (1989) argued that the treatment of prisoners is not what creates this unjust system, the actual practice within the system creates the injustice. The article argued that remand prisoners are treated exactly like convicted prisoners, which he believes is wrong and erodes the presumption of innocence, making the system unjust. Appleman (2012) explored the American remand system's abuse of detainees by guards and other prisoners. The article argued that this is a result of a lack of resources in jails and poor training of guards. Therefore, the day-to-day operations, and the practical reality of remand

is what makes the system unjust. It is uncertain if any empirical data exists when looking at the treatment of remandees, given that the literature appears to be largely based on human rights and socio-political perspectives. Therefore, there is need to investigate the treatment of the remand inmates in how they are treated in such facilities. It is even in greater need within the Trinidadian and Tobagonian context, as facilities have been identified as less than favorable (Wallace, 2020).

2.3.2 *Remand conditions*

The second thematic issue is that of remand conditions. Similarly, the literature on remand conditions also increased with the implementation of the UN Standard Minimum Rules for the Treatment of Prisoners and the European Convention on Human Rights (ECHR) incorporated in English law, for example, through the English Human Rights Act 1998. At first, the literature appeared to be referring to all prisoners inclusive of remandees. However, within recent times, there has been a lot more commentary and development in the literature on remand conditions specifically. This may have occurred as a result of the increase of remand numbers globally, which led to overcrowding in remand prisons with very little resources.

As another human rights issue, the empirical data associated with the issue of remand conditions in the literature, is data on remand population size and numbers. Apart from this, there appears to be a deficit in any empirical evidence evaluating specific conditions. There have been quite a few qualitative studies emerging in the literature, specifically on remand conditions, while quantitative reports have appeared to a lesser extent.

Brockett (1971) argued that remand conditions are deplorable worldwide. Hagan and Foster (2012) added that remand conditions remain chaotic and poor, particularly within the American justice system. The poor quality of remand conditions is a reality that would impact greatly on the lived experience of remandees. Dobbie et al. (2016) focus on the individual's experience and the consequences of being remanded, referring to these impacts as costs. Marty (2014) outlines various ways the remand system impacts the

individual by highlighting the social costs of removing the individual from their family and the labeling of these accused individuals by society because they have been in jail. Another cost is that of health and remand. It is quite notable that there has been a very noteworthy increase in this area in the literature that has emerged in England. For instance, Bamford et al. (1999) argued that time on remand has psychological effects on individuals whilst Elgar (2009) agreed as her study concludes that many detainees are placed in a very stressful situation with limited to no family support, and this has psychological effects on them. Holman (2006) narrowed the scope a bit in his exploration of mental health and young people on remand. He concluded that remand harms young people's mental health, physical well-being, education, and employment as a third of incarcerated youth on remand were diagnosed with depression. Later, Csete (2010) concluded that health challenges are more severe for remandees than convicted prisoners for several reasons, including governments investing less in health services for pre-trial detention. Cruel and inhumane treatment is most likely to occur in the first days of pre-trial detention. Overcrowding increases the likelihood that special services are not available to those of pre-trial remand. Thus, it is arguable that those who ought to enjoy a presumption of innocence actually suffer more than those prisoners who have been convicted and are in the process of serving their sentence, as far as conditions of incarceration go. Unfortunately, many countries have not directed the necessary efforts to ensure that pre-trial detainees enjoy basic health services and access to health care. Therefore, issues of health on remand persist.

2.3.3 Impact of sentencing time

As a result of remand outcomes, another cost according to Myers (2017) is that of remand's impact on the sentencing of the defendant or detainee. This is also more evident in quantitative studies. A fair amount of research has been centered on how pre-trial incarceration impacts the sentencing outcome of the accused cases. For example, Doherty and East (1985) and later, Dobbie et al. (2016) noted that persons who are on remand have an increased likelihood to enter a guilty plea, and a greater chance of being convicted. Additionally, when such parties plead not guilty there is still an increased chance being sentenced to imprisonment if found guilty at trial (Doherty and East, 1985 p.262). Williams

(2003) also concluded that when subjected to pre-trial detention, defendants were more likely to be sentenced to incarceration and receive longer sentences. These studies contradict earlier studies such as that by Eisenstein and Jacob (1977), who argued that remand has no impact at all on experience after conviction. Oleson (2014) commented that a substantial body of research reports that legal factors are the chief determinant for judges when deciding whether an offender will be convicted or not. But, Oleson does agree that custody affects an individual's experience both while in custody and afterward within society. Moreover, there have been studies looking at how the refusal of bail and being remanded into custody negatively impacted or resulted in someone being sentenced (Ziesel, 1979). For instance, Ziesel's (1979) review of the criminal justice system in America found that,

"The American bail system has been under serious criticism on a variety of grounds. It has been charged with three specific failures, all of which discriminate against the indigent defendant who cannot make bail: (1) that it keeps in jail defendants who would have returned to court if they had been released, some of whom are not even convicted; (2) that it releases defendants who should not have been released; (3) that the very fact of pretrial detention increases the likelihood that defendants will be convicted and, if convicted, will receive a custody sentence." (p.1)

The impact of sentencing is also detrimental to younger age groups on remand. According to Freeman and Seymour (2010), the uncertainty of release for young people between the ages of sixteen to twenty-one, is detrimental for the mental health of these individuals. In this case, as a result of these policies, the remand inmates are at risk of being subjected to lengthy periods of incarceration in a given country. They further indicated that remand policies in the United States and the United Kingdom have fallen short in addressing this issue. The majority of systems have led to adverse impacts on detainees in custody facilities. In evaluating this viewpoint of Freeman and Seymour (2010), remand conditions are not a direct result of the remand system but the inability of policymakers to draft and implement appropriate guidelines to ensure standard conditions are good.

2.3.4. The Consequences Suffered through Being on Remand.

This leads to the fourth thematic issue, remandees' consequences suffered as a result of being on remand. Kim et al. (2018) highlight that the experience of remandees is

not limited to the actual time spent in custody but the effect it has on their lives. Both qualitative and quantitative data have explored this issue. Thus, Pepin (2012) argued that jail time results in job loss, home loss, and disintegration from social relationships, which can, in turn, increase the likelihood of re-offending upon release from pre-trial detention. Of course, in analyzing the literature, the use of the word re-offending when referring to remand may be rather contradictory, as of course whilst one is on remand, one is not yet convicted, so perhaps re-charged may be a more appropriate term. What this may suggest is that the literature on remand is understood through concepts that are very familiar to the criminal justice system. It also suggests that perhaps, this kind of conceptualization may not be accurate in defining remand and therefore, further suggesting that possibly remand is not properly defined and understood in the literature.

Piquero et al. (2005) report that many pre-trial detainees often re-offend and engage in domestic violence after being held on remand. Kim et al. (2018) assessed a New York pre-trial population, and conducted a ten year follow up on them. About sixty percent of the sample was re-admitted within about three years on average, with non-Hispanic younger black males being more frequently admitted. The results showed that self-reported drug use and prior criminal records were associated with higher re-admission. This led the study to conclude that earlier interventions may be needed to reduce these numbers of re-admission. In contrast, Dobbie (2016) actually found that pre-trial detention has no detectable effect on future crimes or charges. Being on remand significantly increases the probability of a conviction through the increase of a guilty plea among the defendants.

Finally, Oleson et al. (2014) focus on the re-integration of persons who have been imprisoned, into society after release.

2.4 INTERESTING FACTORS ABOUT REMAND CHARACTERISTICS

2.4.1 *Racial difference*

Sacks et al. (2015) indicate that the experiences of remand are varying among different groups of people. These groups are stratified by age, race, and gender. For example, Kim, Chauhan, and Olive Lu (2018), an American study, indicated that possibly, the remand

experience may be different among varying groups. Their study found that males, non-Hispanic blacks and younger individuals were more frequently re-admitted to remand. In an earlier study, Albonetti et al. (1989), also in America, found that when it comes to bail decisions, blacks are more disadvantaged than whites.

Many of these different topics will be discussed as part of the overall discussion on the impact and consequences of remand on those within the remand system. There are wide range of such factors which will be discussed such as race, social class, age, and so on. Apart from racial differences, Sarre (2016) indicates that many factors, both legal and otherwise, impact greatly on the composition of the remand population. For example, Albonetti et al., (1989), found that legal and extra-legal factors influence remand and how it is experienced by different racial groups. For Charmaz (2000) highlight that racial minorities are charged and remanded in harsher conditions than other racial groups. On another note, Williams (2003) discovered that there is a relationship between pre-trial detention and the decision to incarcerate while controlling various legal and extra-legal factors which are race, age and gender. It should be noted at this point however that gender is not something which is to be discussed within this paper.

2.4.2 *Age difference*

Although not widely explored in the literature, Freeman (2008) highlighted a difference in remand status based on age, at least in Ireland, which was the subject of Freeman's study. The study noted that young adults are less likely than older adults to be on remand because of the seriousness of their offence, but instead because of their non-compliance with a community order, or non-payment with bail. As such, the research makes a case for bail support and supervision, which may benefit young people greatly and influence their experience of the remand system. However, such a distinction also raises the question of whether those who end up on remand for different reasons, as well as at different ages, may experience remand differently because of it.

2.5 LIVED EXPERIENCES

Within the field of prison research, there is a growing understanding of the need to explore the experience of persons who are in prison through qualitative research. (Abbott et al., 2018). Researchers, including notably Clemmer, (1958), have long demonstrated that a person's experience while in imprisonment more generally is critical to understanding the justice system, given that prisons are complex and influential environments that can have an impact on the persons confined within them. In this regard, the experience of imprisonment is shaped by factors including the environment in the facility and individuals' social position and relationships within the facility (Listwan, Daigle, Hartman, & Guastafarro, 2014; Hochstetler, Murphy, & Simons, 2004).

Sacks et al., (2015) shows that the experiences of imprisonment has led to direct penalties and chastisement of legally innocent individuals by means of stigma and experiencing socio-economic hardship (Hagan and Foster, 2012). This has resulted in inmates experiencing feelings reminiscent of sentenced prisoners (Condry, 2013). There is evidence that the isolation of imprisonment, coupled with this stigma, has led to a sub-culture being formed. This sub-culture is then internalized and lived by the inmates which may then develop into rejection as they are seen as separate from 'decent', law abiding men. (Sykes, 1958).

Walmsley (2016) demonstrates that imprisonment impacts relationships, more specifically, family relations. Additionally, Morris (1965) contributes to one's imprisonment experience as it gives an understanding that experience is not limited to the confines of the physical structure but the experience incorporates an individual's connections both inside and outside of the prison. Skyes (1958) shows that the deprivation of connections and relationships formed within prisons are a part of the concept, 'pains of imprisonment.' This term, "the pains of imprisonment" might be said to incorporate the sum of the hindrances and deprivations that are experienced including loss of liberty, loss of goods and services, loss of autonomy, deprivation of sexual contact and so on, resulting from being remanded in custody. The discussions on deprivations and frustration represents a significant part of the literature on inmates' lived experiences.

Furthermore, Wiseman (2014) in his study concludes that all prison structures are not the same. Therefore, there is an assumption that different areas would have different

experiences in so that the European's experience may differ from an American's, which may differ from that of an African's and so on - or, indeed, each jurisdiction. There may even be internal differences within any territory. Walmsley (2016) notes that most of the information on lived experiences presented in the literature are based mostly in Europe, America, Venezuela and Africa. No account was given specifically by Walmsley of Trinidad and Tobago, nor was any work set out in respect of the Caribbean.. This creates a small gap within the literature.

Redpath (2014) outlines various aspects of remands' regime in particular, in different territories. In particular Redpath found similar problems to those seen in Trinidad and Tobago in South Africa caused by prison overcrowding as a result of a tough on crime approach being adopted politically. This approach resulted in significant increases in prison populations, making conditions very difficult for all prisoners, including those technically deemed innocent whilst on remand. Freeman and Seymour (2010) stated that persons in the United States generally spend up to 18 hours per day locked up in cells. Limited time is dedicated to structured activities, and where activities are available, most people cannot access them due to their remand status (Freeman and Seymour, 2010). Besides, people in remand are reluctant to invest their time and efforts because of the unpredictability of their situation. Freeman and Seymour (2010) expressed that when the policies for custody do not allow for detainees to work in prison facilities, most of the persons have nothing else to help them cope with time.

Halimi (2017) found that most inmates indicated they wanted to participate or had a desire to learn and yet very few studies in this area consider the impact of educational or employment participation programmes and their availability to prisoners on remand. This is another gap in literature, which might be investigated to ascertain whether the lack of available educational facilities for remand prisoners is worse than that of sentenced prisoners in Trinidad and Tobago, and if this is so, whether this too has a negative impact on the conditions endured by remand prisoners.

Focusing on remand conditions, Payne-James and Green (2008), noted of the situation in London, England that the time that poor lighting and high noise levels were problematic and significantly impacted the quality of sleep which increased the risk of conflict and eventually suicide in extreme cases. Resultant stress led to diminished levels of tolerance, agitation, anger, and cognitive capacity.

Through these different studies, we can learn about the life experiences of remand in various territories. There is little that can be gleaned from the available literature as to the inmate perspective of remand experiences across the world. Weinrath (2009) gives an inmate account on the dramatically high remand rates that were occurring at the period in time in Canada, which was the subject of Weinrath's study. The inmates Weinrath spoke to usefully highlighted that from their experiences, they were 'left hanging' in the remand system particularly because of the recent changes in policy (called 'two for one'), which they felt delayed the trial process and placed people in remand at exponential rates.

In Trinidad and Tobago, in the absence of research, the lived experience is left to be described by the 2017 report from the Joint Parliamentary Select Committee, which noted that physical living conditions were deplorable and the prison is under maintained. Similarly, in other countries our best insights have tended to come from policymakers enquiries or reports rather than academic research. For example, we have seen small fragments in human rights reports commissioned by the United States Department of State, Bureau of Democracy, Human Rights, and Labor, who release a country report on Human Rights Practices biannually (Crijns et al., 2016). Of course, these types of insights tend not to be empirically based, but are based solely on expert opinion. They do suggest the severity of the situation faced in the remand system in Trinidad and Tobago, and other countries, but do not provide sound analyzed data from their investigations. In doing so, they again highlight the urgent need for research on the lived experience of remand.

2.5.1 PRISON OFFICERS' LIVED EXPERIENCE

Within the field of prison research in general, there is also a body of literature exploring the experience of prison officers. Within Trinidad and Tobago, there are no independent remand officers which means any officer once a part of the prison regiment can work in remanded section. This means that finding literature specifically on remand

from the perspective of prison officers is more difficult than in other countries in which specialist remand officers might be easily categorized, located, and interviewed for example. This literature has not only explored officers' experiences qualitatively, but also includes quantitative studies; not only traditional linear methodology, but also to a lesser extent more interactive approaches like action research. A few of these studies and their findings are set out below.

According to Johnson et al., (2005), prison officers are more susceptible to job-related stressors and strains than many other occupational groups. Over the years, there has been numerous researches conducted in various countries that have highlighted the working conditions that are stressful within prisons in relation to prison officers. These working conditions generally include high demands, time pressures, low input into decision making, role difficulties, procedural injustice, lack of resources and rewards, poor quality training, lack of support and poor relationships with managers and coworkers (Schaufeli and Peeters, 2000).

When looking at stressors that are specifically linked to the job role of a prison officer, studies have highlighted overcrowding, understaffing, and aggression from prisoners (Rutter and Fielding, 1988). Furthermore, data shows that the occurrence of serious attacks on prison staff by inmates has risen in other states, such as in the United Kingdom (Ministry of Justice [MOJ], 2015) and the United States (Konda et al., 2012). Sykes (1958) suggested that officers' experience within prison environments impact relationships, more so specifically family relations. This contributes to one's imprisonment experience as it gives an understanding that the experience is not limited to the confines of the physical structure but the experience incorporates an individual's connections both inside and outside of the prison. Morris (1965) shows that the deprivation of connections and relationships formed within prisons are a part of her concept; 'pains of imprisonment' noted earlier as being a term describing the sum of the emotional and physical deprivations experienced by an individual on remand. Similarly, de Bellotte's recently published work (2020) on work-related stress in Trinidad and Tobago prisons indicated that such stress can

lead to a number of psychological and sociological effects including poor job performance and a breakdown in prison workers' family and relationships.

de Bellotte (2020) also highlighted the current need for further focused research on prison officers' experience generally within Trinidad and Tobago. More widely, what research does exist on officers' experiences is within a prison environment in general, and not on remand prison environments more specifically.

2.6 LITERATURE REVIEW CONCLUSION

Remand remains a central issue within the criminal justice system despite many of the problems which face the criminal justice system as a result of its implementation. Despite this however, there is no literature advocating the entire removal of the remand system. Rather it is seen that there is a general suggestion that the system in Trinidad and Tobago is in need of significant re-structuring and re-formation of the and that intervention is warranted. For example, articles like Daskai (2009) questioned whether the system is working, as well as how well it is working but does not appear to petition for the removal of remand. The study also questioned if places like Guantanamo Bay, an American place to 'remand' terrorists, fit into the broader scheme of justice as by its operations it erodes human rights. However, the article does not at any point argue for the elimination of 'remand'. That appears to be consistent throughout the literature examined thus far as there have been noted articles that seek to find an alternative to remand. Even in this exploration of an alternative method to achieve the same outcome of remand however, custodial remand is still considered to be necessary as a last resort. It may be premature to say that none of these opinions or studies believe remand should be removed, but it is noted that there are arguments for a reduction in its use in the literature. This seems to lend support to the position that remand promotes and maintains justice within the criminal justice system.

In exploring the literature on remand, it is evident that different territories have issues that are specific to their socio-political standings. For instance, in the United

Kingdom, numerous studies such as that carried out by Forrester *et al* (2014) and by Birmingham (2004), were focused on the mental health, physical health and wellness of remand prisoners; but this was less evident in territories like Canada and Australia. This may signal that there may be a general social concern regarding health systems within the UK's society over the past years. Conversely, in territories like Canada and Australia, a greater focus was placed on understanding the growth in numbers on remand. Although this indicates varying political interests, the different issues highlighted also strongly suggests that research on remand and the experience of remand requires country-specific investigation. However, at the moment, the Eastern Caribbean region is missing from any country-specific research analysis. Therefore, this study being based within Trinidad and Tobago would not only contribute to the existing field of remand literature but also give a perspective to the Eastern Caribbean in a way that it has not yet been explored.

A notable exception is the cross-national focus on implication and effects of policies on and affecting remand. In this case, there are common issues surrounding population size of remand, remand conditions, regime, and treatment of its prisoners. The paper discusses the conditions in which remand prisoners are held and fails to discuss the policy issues which cause such conditions to persist (Kalmthout 2014). The CPT has assumed a position that the conditions in which prisoners are held were unacceptable and were considered as being degrading and inhumane (Kalmthout 2014).

Given the commonality of these issues, it is important to ensure that the recurrent issues surrounding remand are investigated by empirical research, in each jurisdiction. This will allow a better chance of ensuring that appropriate evidence bases exist on which policy responses can be formulated. At present, this evidence base is missing in respect of the Eastern Caribbean, and in particular in respect of Trinidad and Tobago.

Interestingly, there appeared to be a smaller focus on remand and young people (Seymour and Butler, 2008). This may signal that across these territories, there was a significant change in young people's interactions with the remand system.

Within the literature on imprisonment generally, there has been a focus on gender and imprisonment. Berger Hill et al. (2018) also made this observation, explaining it as being the result of the increase in the female prison population as a result of global-political changes. This gender issue is not one to be discussed in this paper. Berger Hill et al. also noted that there was a gap as it relates to research in this area in the Caribbean, which their research sought to fill. They found that women in the Caribbean face a double challenge when imprisoned of “the threat of losing pieces of their social identity and trying to cope with a penal culture that threatened to reshape how these women viewed themselves.” (Berger & Hill 2018 p1).

Based on the foregoing review, a conclusion can be drawn that there is a gap in our knowledge base about remand in the context of Trinidad and Tobago context, and indeed the wider Caribbean, despite remand remaining a pressing policy concern. Moreover, although there is a growing body of literature about remand in the wider world, there remain some clear gaps in our knowledge-base, particularly in relation to everyday practice and the lived experience. The literature and policy concerns have flagged up, however, that there are issues of concern that need urgent investigation, in relation to justice, control, the appropriateness of its delivery in relation to human needs and rights, and its impact. Therefore, this research seeks to examine the lived experiences of remand within Trinidad and Tobago’s criminal justice system, to add to both to our understanding of the criminal justice system regionally and our understanding of remand more generally.

In regard to the focus of the study, the main question addressed in this research is:

“How is remand framed in Trinidad and Tobago, both in policy and in practice?”

Based on the main objective of the research, the following secondary research questions were formulated:

- How is remand framed in policy (intentions) within Trinidad and Tobago? Lines of inquiry: laws, ministerial policies, service instructions or guidance, policymakers’ stated intentions for practice;

- How is remand experienced in practice (lived realities) within Trinidad and Tobago?
Lines of inquiry: Court use of remand, structure, regime, conditions, prisoner characteristics, strengths and problems;
 - How do these two frameworks compare and contrast? Lines of inquiry: Similarities and differences in conceptualizations, expectations etc;
 - How do these frameworks, and similarities/differences, compare with broader understanding of remand? Lines of inquiry: Recorded situations in other countries, global context and;
 - What are the implications for future policy and practice?
- What are the implications for future policy and practice?

CHAPTER THREE: METHODOLOGY

3.0 INTRODUCTION

This chapter explores the methodological process employed in this study. It outlines a general discussion regarding prison research, positionality, and the qualitative approach and methods used in the research process. In summary, this study used a combination of methodological strategies and used NVivo software to sort, sensitize, and analyze the data and explore the policy and practice within the remand system of Trinidad and Tobago. The chapter also looks at the ethical considerations surrounding this study to ensure this study's integrity is upheld.

3.1 RESEARCH THEORY: WHY QUALITATIVE RESEARCH?

Babbie (1998) describes qualitative research methods as being very valuable in providing rich explanations of compounded, multifaceted events and phenomena. Additionally, Babbie (1998) identifies that qualitative methods provide a platform for a person's experience to be highlighted and understood, allowing the researcher to grasp an interpretation of events and viewpoints that may not usually expressed.

Sofaer (1999) states that qualitative methods have the ability to provide groundwork in the '*development of meaningful amounts*' marking the data more manageable and beneficial to the overall conceptual framework or analytic plan of a research. Similarly, Bowling (2002) notes that qualitative methods deliver rich descriptions of phenomena. Furthermore, Bryman (1998) indicated that the qualitative approach adds context to understanding. This maybe particularly important when exploring lived experience as each understanding or experience may require further explanations to make complete sense and be understood. Bryman also suggested that qualitative approaches can identify patterns and configurations among variables and to make distinctions. Thus, qualitative research not only serves to provide descriptions but it also helps in development from inquiry toward more meaningful explanations which is a useful strategy for this study as it will help answer research questions which can only really be answered qualitatively, rather than quantitatively. For example, answering whether or not the law on remand is in need of reform and what form this might take is not something which can be accomplished merely by way of quantitative analysis.

3.2 RESEARCH METHOD

According to Berger et al., (2018), the research method refers to the blueprint for data collection during a research process.

A qualitative methodological approach was used to explore the research objectives and research questions that aim to understand the remand framework in Trinidad and Tobago.

In this case, the main aim of the study was to explore the lived experience of remand. Similarly, this study sought to understand the reality of remand life; by providing remandees with an opportunity to explore their time while on remand. Since the emergence of human rights campaigns, civil movements, and socially-responsible research, prisoners have been classed by Brookman (2010 p195), at least in respect of those on remand in the

UK, as a vulnerable group to which great consideration should be given to any risk of harm or hurt.

For a more efficacious data collection, a qualitative approach was chosen for the investigation. This approach encourages people to open up, speak freely, give perspective, and provide previously unknown information and data. Creswell (2018) demonstrates that a qualitative study provides the platform to question the 'how' and 'why' from the participants, which enabled the collection of rich and thick narratives and understanding of individual's lived experiences. Additionally, a qualitative methodological approach allowed the participants to provide a rich, specific, meaningful data set. By doing this, qualitative data takes the individual's experiences and turns it into usable data which are vital to this study. To a further extent, this method allows individuals who are marginalized to provide their insights, which have previously been unrecorded. Also, the research can help develop new theories in areas that have previously been neglected. The qualitative research approach was the most appropriate as it allowed for the best in-depth investigation of the research topic and questions, providing a foundation to the understanding of remand in Trinidad and Tobago.

In this case, to achieve a comprehensive contextual understanding of the Remand System in Trinidad and Tobago, a qualitative approach was chosen to help in the discovery of new, unknown data. This data is vital for the remand system's review and upgrading, which has been a trend in the Criminal justice system within Trinidad and Tobago. Additionally, the qualitative approach was used to generate meanings for the differences between practice and policy and what can lead to the disparity between the policies and practice. Hence, this study aimed to identify and understand Trinidad and Tobago's remand framework, not the frequency to which these frames occur within society.

The results achieved through qualitative research are descriptive rather than predictive and, therefore, more pertinent to this thesis' purpose. In an attempt to answer

the research questions mentioned above, this study will use the perspective of remand policymakers and remand 'end-users' to explore the relationship between policy objectives for the system and if its current operations are in line with these intentions.

3.3 RESEARCH DESIGN

Daly and Sarre (2016) demonstrate that research design constitutes an overall strategy that an investigator chooses to integrate various investigation components in a logical and coherent manner to ensure a complete investigation of the research objectives. Moustakas (1994) adds that research design is the blueprint for measurement, collection, and data analysis. The study adopted a phenomenological research design to investigate Trinidad and Tobago's remand framework through lived experiences.

3.3.1 The Phenomenological Approach

Walters (1995) cited in Byrne (2001) notes that phenomenologists see knowledge as rooted in our everyday world and emanates from people's life experiences. To this extent, they are not advocates of quantified knowledge. The phenomenological approach allows for one's truth to be explored, which results in an ontological assumption. Own life experiences and knowledge impacts individual views, judgments, and decisions. This is because people tend to have preconceived notions and understandings attached to different social world things. According to Frankl (1997), such pre-convinced notions diminish the human experience and existence. It is common in the modern world to have preconceived notions about prison life, more so remand life, without really knowing what remand life really entails or encompasses.

According to Frankl, (1997) the phenomenological approach is executed in a rigorous and systematic way to search for insights, understanding, and meaning in a person's world. This study used a phenomenological approach in an attempt to search for an understanding of remand's lived experiences. In this case, the idea of having lived experiences helped to explore data with the aim of providing accurate understandings of experience. The

phenomenological approach was chosen because it provides an opportunity to explore different understandings and viewpoints. In any phenomena or event, understandings and meanings are given by individuals to these phenomena. People have perceptions of physical and mental phenomena and they reflect on these, thus phenomenology captures these reflections. This methodology captures the process of constructions of meanings and interpretations.

Robson meanwhile (2002) outlines phenomenological research as having the ability to focus on the subjective individualistic experiences of the participants, and asks what their experiences are like with an aim of understanding their truth. It there asks, *how did you interpret, describe and understand what happens to them in their own words and from their standpoint?* Phenomenology is an approach to understanding, and, as such, will be utilized to explore lived experiences of remand

Outlined by Crewswell (2016, p.78), the general procedural steps in the phenomenological process include:

1. Determination of the research problem.
2. The identification and description of a phenomenon of interest to study.
3. Distinguishing and specifying the broad philosophical assumption of phenomenology.
4. Collection of data from the individuals who have experienced the phenomenon by using in-depth and multiple interviews.
5. Generation of themes from the analysis of significant statements.
6. Development of textual and structural descriptions.
7. Report writing and presentation of the understanding of the essence of the experience in written form.

According to Denzin and Lincoln (2003), phenomenology is a research method that qualitative researchers should frequently employ since it helps us to understand one's lived

experiences through investigation. Also, Dowling (2007) shows that over the years, the phenomenological approaches have widened its range in perspective from Husserl's positivism to Merleau-Ponty's post-positivism to Heidegger's interpretive to Gadamer's constructivism. With Heideggerian phenomenology, humans live in the world as interpretive beings in a continuously interpreted world.

As the study's aim was to understand lived experiences on remand, an interpretive phenomenological approach using Heidegger's philosophical lens of interpretation was selected as an appropriate way to examine the lived experiences. In this case, the study includes a hermeneutic perspective, which emphasizes meaning through manifestations rather than Husserl's phenomenological approach (Vale, 2014). A phenomenological meaning may embody a personal view that can change, rather than a description of a static essence. In this regard, a valid conclusion can be derived from each person's view. This approach allowed for the exploration of meaning, changes over time, which is applicable as changes in views can alter over time when looking at lived experiences. It also allows for the emergence of new ideas and understanding of remand, ultimately assisting in framing remand within the current context.

Apart from these aforementioned advantages of a phenomenological approach, Byrne (2001) suggests that the phenomenological approach possesses a systematic methodological outline that is compatible with this study. Byrne outlines that;

“As qualitative researchers, phenomenologists must follow an organized approach to answering their research question. First, the researcher must develop the question. Next, he or she must devise a sampling plan to ensure the appropriate subjects are available and willing to answer questions. Information or data can be obtained by observations, interviews, or written descriptions. Data then are analyzed using a process of coding and categorizing the information.”

The adoption of this approach strengthens the credibility of this study as it provides a clear definitive path of production for the methodological procedures employed in this study.

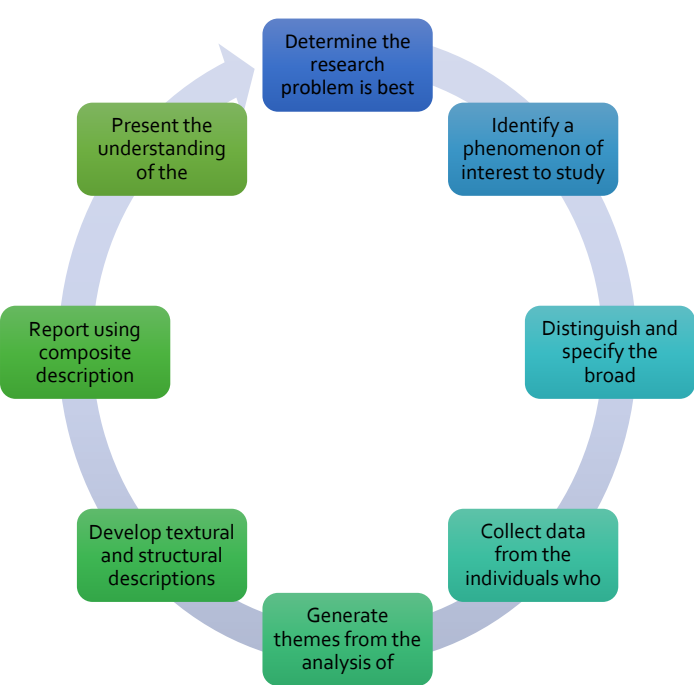


Figure 3.1: Procedure for conducting phenomenological research; (Creswell, 2018 p.81)

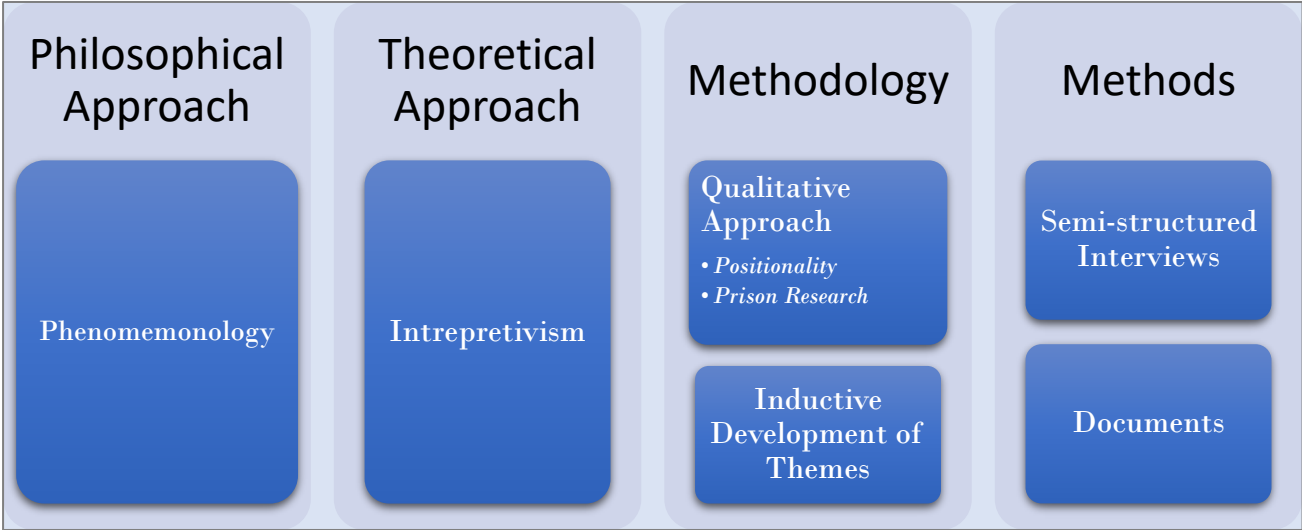
3.4 RESEARCH PHILOSOPHY

According to Sarre (2016), research philosophy is a set of beliefs that guides the nature of the reality of the study. Research philosophy is the actual underlying knowledge that exists in a given field of study. The aim of this study is to understand how remand is framed in policy and practice within Trinidad and Tobago. This study adopts an interpretive research paradigm to seek new knowledge through a phenomenological perspective of data collection and data analysis. This approach would allow for a fundamental understanding of remand in Trinidad and Tobago.

An interpretive paradigm is based on diverse social contexts and experiences. According to Bogdan & Biklen (1998), this paradigm relies heavily on how different persons socially construct understandings about various aspects of the world, which in this case, are within the remand system in Trinidad and Tobago. Therefore, there are multiple interpretations or understandings of any aspect under investigation. As a result of its nature, the interpretive approach is developed by grounding its assumptions in the data, as the researcher first has to understand the socially constructed viewpoint to generate findings.

In line with this, the study explored the intentions of the remand system in Trinidad and Tobago and the lived experiences of those involved with its daily operations. The study further explored how different social groups understand, interact, and interpret the remand system in Trinidad and Tobago. The study engaged in face-to-face interviews and also examined different pieces of written documentation on remand.

Table 3 Philosophical Underpinning of the research



3.5 VALIDITY AND RELIABILITY OF THE DATA

Reliability and validity concepts are used by the investigators to determine and evaluate the quality of a study. DeBellotte (2020) demonstrates that validity and reliability research techniques indicate how well a certain variable can be measured. The validity of data is about the measure of accuracy, while reliability is about the measure of consistency. The data collection method in the phenomenological research design adopted in this study ensured the reliability and validity of data in various ways. This was achieved through triangulation, by interviewing participants and reviewing policies that exist on remand. Triangulation ensures credibility and dependability as different perspectives are offered through these strategies. Furthermore, to increase trustworthiness of the study, the data were translated and analyzed in the same words of the participant.

Sutton (2011) acknowledges prison research to be particularly challenging. In this case, the research employed research skills such as talking and explaining to the participant. It also involved ensuring that the environment of the inmate should not make them anxious. During the study, there was an overall control of the research environment and persuasion to the respondents to fulfill the research objectives. Crijns et al., (2016) shows that this can be challenging as many inmates may have mental health, developmental deficits, and others problems. Additionally, Bagent and Dudley (2017) demonstrates that it can be difficult to reassure and win the trust of the prisoners as well as to secure the co-operation of prison staff because they are often unsympathetic to inmates.

To ensure the validity and reliability of the data, the possibility that researchers can interfere with the work and routine of the prison staff is taken into consideration. Sutton (2011) states that qualitative studies were done in prison that interfered with the remand inmates' normal activities. In this case, the investigator put possible measures to mitigate the impact of their activities on the prison's routines. This facilitated the maximum cooperation of staff. Additionally, to ensure the credibility of information acquired from the remand respondents, the researchers frequently visited the prisons to examine subjective experiences in the prison environment. During this period, the investigator adhered to the rules of the prison and attended all preliminary training through continuous observations of routine.

Additionally, data were collected from the prison officers. However, the prison environment can also be inappropriate for the investigation. Crawley (2004) postulates that the exploration of daily prison officer's emotional life at prisons is not a widely researched area. Therefore, this is a critical area of exploration, as it must be accepted that “prisons are emotional places.” Dobbie et al., (2018) found that individual factors such as victimization and greater job demands were related to more stress among prison officers. To ensure reliability and validity of data, the researcher remained very cognizant of the fact that prison officers, too, may have mental issues and are very sensitive to remand issues. Therefore, the researcher tried to keep a calm and welcoming environment to ensure

officers are comfortable. This gave the prison officers enough autonomy and control over the interview.

Data credibility was enhanced through the choice of strategic approach during data collection. The investigation applied a strategic approach of positionality. According to Creswell (2018), researchers tend to "position themselves" in a qualitative study, which means researchers use related materials to interpret the information they gain from a study. Positionality was carefully considered in this study to enhance the creation of a good rapport between the respondents. Hence, an appropriate and understandable language was used for all the respondents. Before the investigation commenced, the respondents understood the purpose and intent of the research and their role in the study before each interview. Therefore, they were free to provide the information required to the investigator.

Qin (2016) shows that qualitative data is regarded as subjective. Positionality strategy was used during the research to minimize the risk of subjectivity as well as increase the reliability and validity of the information collected as indicated earlier. Moreover, Abbott et al (2018) notes, "when research is undertaken with prisoners, researcher independence is operationalized in a context of permission and facilitation by prison authorities, correctional officers, and prison health-care providers." In this case, the researcher detailed and explained that they were independent of the governing prison organization, but instead, they were rather a postgraduate student with general intent and interest in knowing and understanding their experience. This explanation also helped in separating personal and professional work of the researcher. The researcher is employed as Senior Policy Analyst within the Government Sector. In this capacity the researcher had prior knowledge of how to contact the Government officials and prison administration to submit the information sheets and request participation. The researcher therefore was aware that this position could have some subjective influence. To mitigate this the researcher was quite careful to separate personal interactions from professional. To this extent, all correspondences regarding the research came from her school email address and all interviews were done outside of the professional environment. It must also be noted that

the participants were not known platonically to the researcher. The researcher's position in the interview was not influential in any way.

To further assist in mitigating the issue of positionality, the research also expressed their personal attitudes to the research project towards the participants. This helped to achieve a higher level of objectivity as the researcher acknowledged their own positionality and took steps to minimize its effect. Also, the researcher acknowledged that knowledge is constructed in a social context. Positionality helped the investigator to become more aware of potential biases in understanding the perspective of the participants. The investigator maintained a reflexive approach throughout the research process. The reflexive approach allowed the researcher to empathize with the prisoner, and this encouraged them to open up. In addition, the researcher was aware of their personal experience and how they may influence the analysis of the data through the approach.

3.6. DATA COLLECTION AND ANALYSIS

3.6.1 Study Participants

With regard to the phenomenological approach, a purposive sampling technique was used to choose the participants for this study to allow the gathering of valid, relevant data. Purposive sampling technique looks for persons who possess specific characteristics determined by the researcher, which are viewed to be necessary to answer the research questions. The ultimate goal of the purposive sampling technique was to concentrate on particular characteristics of a population that are of interest, which enabled the researcher to answer his or her research questions. This approach is critical as the study aims to explore different perspectives which permit the analysis of connections between intention and reality from different respondents.

Moreover, one of the core objectives of this study was to identify various frames of remand, rather than to explore the extent to which these frames are held within society. Therefore, the researcher chose participants who were knowledgeable on the subject area and therefore were able to give the quality of information required. To this extent, the researcher created a list of persons who are in some way involved with the remand system

within Trinidad and Tobago. After careful consideration, the researcher identified who would be the most appropriate individuals to approach for this study. It was assumed that these persons would be able to contribute to the study's aim of understanding the frames of policy or intentions of remand and also the frames of practice as their daily interaction with the system would give an appropriate description of the practice and operation of remand.

Participant makeup was as follows: For prisoners;

Four participants were held on remand for under one year.

Six participants were held on remand for over ten years.

Four further participants were on remand for between five and ten-years.

All of the prisoners were aged between 19 and 43 years of age.

For prison officer participants meanwhile;

Two prison officers had worked in the system for less than one year,

Three had worked for over five years but for less than ten years,

Two further prison officers had worked for over ten years. Six of the prison officer participants were male, and one was female. All the male prisoners worked at the Golden Grove Prison, Port of Spain, whilst the female officer worked at the women's prison.

The prison official interviewed was male, had been in the service of the Prison Service for some twenty-years, and had worked at all the prisons in the state. The policy interviewee meanwhile was the Chief Secretary of the Tobago House of Assembly, male, and had been in governance since 2009.

Regarding lawyers, one male lawyer with eight-year's practice experience was the subject of the study, with two female lawyers, one with thirteen years-experience and who was the Head of the Law Association of Tobago, whilst another was in service for four years. Finally, one magistrate judge was the subject of the study, who had 27 years' service as a magistrate.

3.7.2 Official Documents

In any study, different perspectives are needed. One such perspective for this study is the use of official documents. The researcher first engaged in a general search to see what official documents are available regarding remand. Then, the research was sent to Prison Officer I at the Prison Administration building to ask what documents guide the prison service of Trinidad and Tobago as well as any other important documents that maybe useful to this study.

Table 1 and 2 below summarizes the methods of data collection and participant details. It was deemed that official written documentation, government officials, court officials, lawyers, and management officials would be best suited to articulate the intentions of remand as each group in some way influences the policies on remand. On the other hand, prison officers and prisoners would be the most suitable candidates to express the reality or practice of the remand system. The presumed sample for the study were forty-six respondents, however, due to Covid-19 mitigation measures, the samples were reduced to twenty-seven interviewees:

Table 1: Participant details; Author’s compilation

Group	Specification
• Judiciary	1 Magistrate Judge
• Prison officials	1 person from Prison Authority (prisons department or prison managers)
• Lawyers	1 President of the Law Association of Trinidad & Tobago (or a representative) 2 lawyer members from the Law Association of Trinidad & Tobago.
• Policy Officials	1 Government Official
• Remand Prisoners	14 remand prisoners
• Prison Officers	7 prison practitioners. (prison officers who have direct interaction with remand/supervise remandees)

Table 2: Breakdown of data collection method, Author’s compilation

Research question focus	Data focus	Sample population	Data type	Data collection method	Access route	Recruitment method/comments
Policy (rules and regulations)						
Stated policy	Laws	-	Qualitative	Documentary / scoping review	Websites, Library	-
Policy intentions	Policy guidelines	-	Qualitative	Documentary / scoping review	Websites, Library Parliament debates	-
	Management intentions	Prison Officials	Qualitative	Face to face semi-structured interviews	Letters of request/ existing contacts	Approach, follow up, phone call
Policy Intentions	Court intentions	Judges from the court justice system	Qualitative	Face to face semi-structured interviews	Letters of request/ existing contacts	Approach, follow up, phone call
Policy Intentions	Lawyers intentions	Lawyers within Trinidad and Tobago law association	Qualitative	Face to face semi-structured interviews	Letters of request/ existing contacts	Letter, follow up phone call
Research question focus	Data focus	Sample population	Data type	Data collection method	Access route	Recruitment method/comments
Practice (lived experience)						
Lived Experience	Prisoners’ experiences / conditions / regime	Prisoners / ex-prisoners included in tracking overview	Qualitative	Interviews		
Current regime / practice	Practice	Prison practitioners Prison Officers(Different levels)	Qualitative	Interviews and questionnaires	Letters of request/ existing contacts	Letter to organization, (Phone call to follow)

2.6.1 3.7.2 Data Access

To obtain written official documents, the researcher contacted the Trinidad and Tobago Parliament Library, who provided guided steps to retrieving parliamentary debates, legislation, and policy. This step was fairly simple as the Parliamentary staff was supportive. After having an initial telephone conversation, an email address was provided by the researcher. Within one week, the Parliamentary staff supplied a portable document file (pdf) of legislation, reports, and debates on remand.

Upon receiving this information, over the following three weeks, the researcher visited the Trinidad and Tobago Parliament’s website at <http://www.ttparliament.org/>, where the researcher searched the Hansard, Acts of Parliament and Standing Committees

for debates and other relevant documentation concerning the remand system of Trinidad and Tobago. Added to this, the researcher used Google searches of national library databases to search for any policies on the available remand system. A list of search terms was generated, based on the research questions and the researcher systematically searched for the remand policies legislation and debates within Trinidad and Tobago. These also included international policies and practices that Trinidad and Tobago would have to adhere to through obligation or participation in an international body. Crucial information was then searched in parliament's databases. The databases included online repositories of Trinidad and Tobago parliament. Various keywords that were used during the search include: "Hansard AND Trinidad and Tobago," "Acts of Parliament AND Trinidad and Tobago," "Act of Parliament OR "Standing Committees for debates AND Trinidad and Tobago," and "Remand System" OR "Policies" AND Trinidad and Tobago," "Policies" OR "Legislation" AND "Trinidad and Tobago," and "Remand Debates" AND "Trinidad and Tobago." These also included international policies and practices that Trinidad and Tobago would have to adhere to through obligation or participation in an international body.

A combination of snowballing and purposive sampling techniques were used to access the Government Officials, Court Officials, Lawyers. Prior to the investigation, the investigator sent a letter of request to the relevant respondents via email. This step was a bit challenging as most of the participants for these sections are high profile parliamentarians or simply persons with very busy schedules. In addition to a copy of the information sheet, an official online request was sent to the interested participants via email, offering them the opportunity to take part in the study. Follow up calls were made to set dates, times and location for an interview.

To gain access to the prison management officials, prisoners, and prison officers, a letter of request for the investigation was sent along with the ethical form and a support letter from my supervisors to the Commissioner of Prisons for approval and instruction. The investigator maintained a high level of discipline and persistence to avoid any deterioration in the study. After approval of the research by the Commissioner of Prisons,

the Prison Superintendent is in charge of an academic research guide on the investigation to thirty-six prisoners, eight prison officers at the three remand prisons across the country.

All participants were given an ethical research sheet, which explained the research and issues of consent, confidentiality, and the ability to withdraw at any time, etc. Involvement was also required to be a multi-stage consent procedure, including verbal assent and written consent before the data collection starts. The consent procedure was as follows: (1) an information sheet given to the participants; (2) where applicable, verbal assent by the participant to their agency gatekeeper will then be required to establish an appointment; (3) before the interview, the researcher confirmed that the participant received the information sheet and participants confirmed their willingness once again (4) The researcher issued an ethical form with consent, confidentiality, etc. The contents of the ethical form were repeated verbally to the respondents. It was made clear that the participants could withdraw any time from the study without penalty (of any sort); (5) Completion of a consent form by the respondents. It was made clear to the respondents that the information was only to be used for research purposes.

The practitioners helped in the sampling strategy throughout the investigation. The practitioners guided in the process of choosing the prisoners based on the ideal sampling criteria of the research. The process and final determination of participants was done by the researcher who has experience as a Senior Policy Analyst for the Division of Finance, and the Economy. This position of Policy Analyst also allowed for the development of a good professional relationship with all departments of policy and practice in Trinidad and Tobago. The issue of positionality was examined earlier.

3.7.3 Data Collection Instrument

The instrument used in this study for empirical data collection was semi-structured interview guides. In light of the separate grouping of participants and the objective of identifying different frames, it was necessary to create different independent interview

guides that would appropriately explore each of the groups. As such, the study had three interview guides, one for lawyers, one for prison officers, and one for the prisoners. The interview guides were formulated based on the research objectives and research questions. It was ensured that each guide was appropriate and was valid and relevant for each group that was investigated. Essentially, the separate interview guides allowed for a deeper investigation into different views that were specific to both policy and the practice of remand respectfully.

After the interview guides were drafted, they were sent to the Ethics Panel at the University of Salford for authorization. This step was necessary to ensure that the schedules do not put participants or researchers at risk or harm. As a final step to the preparation of the interview guides, a list of conversation fillers and prompts were created to help to collect as much data as possible from the instruments.

During data collection, a free environment was created for all the interviewees. The researcher was very cognizant of power relations while conducting interviews. There are many arguments of the ideas surrounding power relations in qualitative research and its impact on the retrieval of data throughout the interview. Chen (2011) argues that when an interviewer is in a neutral position, it makes it easier for them to collect more information from the respondent. This is because the interviewer is indebted to the respondent and, therefore, the participants feels in a position of power to articulate and define their views and concepts. As interviews progress, the researcher continues to be the mind of the power relations and how it affects research outcome and information. To this extent, the researcher tries to create a relaxed environment where the respondent is open and free to talk. Thus far, the interviews have all taken place at the respondent's requested location.

3.8 DATA PROTECTION

Data protection is a fundamental consideration in any research. Data protection is a right of all participants, and research must comply with any legislation of that particular jurisdiction. It is critical to be clear with the participants regarding any limits to

confidentiality. Data protection also involves all non-disclosure policies that guide the security, anonymity, confidentiality and protection of sensitive and personal data collected from the respondents.

In this investigation, personal data is not to be collected from the respondents. For example, information of a personal nature, such as the surnames of the people to be interviewed will not be recorded, nor will their dates of birth, phone numbers, or addresses. Every effort was made to anonymize the data. The respondents were not supposed to give their personal data such as place names, their own names, names of family members and friends, etc. to enhance anonymity. This was done at the point of transcription so that no data remained aligned with the corresponding participant.

To ensure confidentiality, audio recordings, interview transcripts, and all data were stored separately on a university password-protected computer and in a locked filing cabinet. After three years, the researcher will destroy audios tapes. Three years is maintained as the researcher believes this is a sufficient time within which queries in relation to the study investigation may arise. According to the British Society of Criminology Code of Ethics and the Data Protection Act 2018 in the UK, there is no stipulated time frame to keep anonymized data transcripts. Likewise, care was taken when transferring data by memory stick or CD/DVD and similar provisions exist in Trinidad and Tobago under the Data Protection Act 2011. As such, the researcher would keep these data well protected and stored under password protected property. All the data were encrypted to guarantee high security. Specific software helped with this, and all memory sticks were also password-protected. All computers that encompass personal data had firewall protection and anti-virus software that is kept up to date to prevent unauthorized access to personal data from hackers or viruses.

3.9 ETHICAL CONSIDERATIONS

The goal of any research is to advance knowledge in their respective field of study through value-free, responsible investigations. Ethical considerations uphold the integrity

of this study and even its impact in the world of research. In this investigation, various respondents were in a custodial facility, and the data may involve some kind of risk or harm. Therefore, a risk-free model can help in decision making and data collection and analysis. Consequently, the research followed the ethical requirements of Salford University, which indicates that research carried out in these settings is risk minimal and benefit maximized while ensuring both the participants and the researcher are respected, safe, and comfortable.

The investigator would remain in contact with the prisons as well as provide the appropriate feedback and encourage continued research. Reiter (2014) shows that prisons resist scrutiny at two different stages, firstly, prisons are structurally and bureaucratically closed off from research, and secondly, he outlines a mixed-method, collaborative approach to prison research and discusses its ethical and emotional challenges. Therefore, barriers to allow for methodological creativity must be overcome in this way.

For transparency and comprehension of the research, the researcher complied with the British Society of Criminology Code of Ethics for Researchers in the Field of Criminology as required by the University. A final report of this research will be deposited on the University of Salford's Open Access Repository (USIR) and the Prisons Administration of Trinidad and Tobago. As identified earlier, it is expected this would build a trusting relationship between the academic research world and the remand institution.

3.9.1 Confidentiality and Anonymity

Researchers should strive to protect the rights of those they study, their interests, sensitivities, and privacy. All participants will be informed of the level of confidentiality between the interviewer and the participant. All efforts to anonymize the data will be made. Participants, prisoners especially, will be forewarned. However, any information about criminal activity or involvement would have to be reported to the authorities.

3.9.2 *Informed Consent and Voluntary Participation*

To ensure no burden is placed on any of the participants, their participation would be voluntary, and this would be ensured by the signing of a consent form by all the contributors. As only one institution was accessed to collect data, to ensure that no onerous burden is placed on the institution, the researcher would work along with Prison Service officials to develop an appropriate timeline for the conducting of the interviews and adhere to all rules and regulations of the institution. In conducting the interview, the researcher would ensure no misleading information would be conveyed to any participant, and all boundaries would be maintained concerning their legal positioning and incarceration.

3.9.3 POTENTIAL RISK OF HARM TO PARTICIPANTS AND THE RESEARCHER

Assessments of risk involve considerations of the potential for harm, both physical and psychological or emotional, as well as practical issues such as the costs participants might incur as a result of participating in research in terms of money, time and inconvenience. Explanations of how the research was beneficial to each stakeholder were seen as a step towards reducing the potential risk of harm to all stakeholders. The researcher negotiated with officials to ensure room was given to conduct the interview and that it was safe and appropriate for the purpose intended. Most importantly, careful consideration was given to the formulating of the research tools (interview schedules, etc.), taking the protection of risk of harm into consideration. Also, the University of Salford's risk assessment form was completed, and the researcher abided by the University's Lone Worker Policy.

Throughout the research, various components of risk were anticipated when carrying out an interview. These included:

- Risk of actual/threatened physical/verbal attack or abuse.

- Risk of psychological trauma or consequences, as a result of actual or threatened violence, or the nature of what is disclosed during the interaction.
- Risk of being in a compromising situation, in which there might be accusations of improper behavior.
- Increased exposure to risks in everyday life and social interaction: travel, infectious illness, accident.

To minimize these risks, the researcher ensured:

- Most, if not all, interviews took place on these organizations' premises. The researcher followed all safety protocols set down by these organizations.
- The time and place for interviews were in locations where the interviewer and the participant felt safe, and this limited risk of harm.
- Expensive equipment was not carried to the interviews, besides the recording device.
- Regular debriefing meetings were held with my supervisors to discuss issues that arose from the fieldwork to minimize the risk of emotional/psychological stress to myself.

3.9.4 DATA ANALYSIS METHOD

There were a number of strategies utilized during data analysis. Firstly, the researcher constructed an initial coding framework that was centered on the many issues emerging from the data, the literature review and research questions to NVIVO analysis software as nodes. NVivo is a software designed specifically for qualitative analysis and transcriptions. The NVivo analysis software uses codes (*nodes*) to identify particular patterns as a means of sorting and organizing the data. In doing this, the software allowed the researcher to undertake an examination of the data with ease. Thus far, strategy one and three is in process and therefore strategy two is yet to be engaged. Nonetheless they are explained hereunder.

The second strategy was the analysis based on the comparison of the groups interviewed by policy and practice. Therefore, a framework analysis will be utilized. The researcher will take all the thematic patterns and main codes and placed them into a grid-like structure to give a visual representational map of data analyzed. After doing this for each group, the researcher will extract and analyze further and cluster data together under the two main headings of policy versus practice. This allowed for similarities and differences to be identified and recorded as well as to identify gaps, if any, exist.

The third strategy will be on examination of how the remand is framed within Trinidad and Tobago both in policy (*intentions of the remand*) and practice. This included everyday interactions/experiences of individuals in custody. To do this, the researcher constructed a remand model within Trinidad and Tobago using strategies one and two. Additionally, researchers compared it to other international contexts and used the codes identified from the literature review to compare them to Trinidad and Tobago's codes and patterns. Hence, the researcher additionally identified particular themes and issues by reviewing the literature from various countries, which were used to identify how remand is conceptualized within the context. These themes were later transferred into codes. The codes were finally used to conceptualize remand within Trinidad and Tobago. The purpose of this strategy will be to explore the cultural identities of the remand framework.

3.9.5 Thematic Analysis

An overall thematic network analysis was utilized for this study. According to Attride-Stirling (2001), "*The thematic networks technique is a robust and highly sensitive tool for the systematization and presentation of qualitative analyses.*" (p.1)

In line with this thematic analysis, there was an initial coding process. According to Marty (2014), coding refers to the process of categorizing pieces of data with a shortened name or version that explains and accounts for the cohort of pieces of data. These codes depict how to sort and categorize data in the first step of the analysis. Myers (2017) adds that codes are then used to question what exactly is being revealed about the topic or what theoretical

understanding it is trying to indicate. Sacks et al., (2015) demonstrates that coding is a significant part of the grounded theory approach as it sets the framework for analysis and future analytical work with the data. It is the critical link between data collection, analyzing and development or emerging theories and understanding by contextualizing particular thoughts, actions, and events. At this coding stage, the researchers remained open and engaged in line by line, word by word, and phrase by phrase. Coding each line gives an initial view of the data and its meaning. It was a focused way of synthesizing and sorting the data, which allows the researcher to scrutinize the data, an action that is not achievable through quantitative research. These initial codes are comparative and well-grounded in the data.

A more advanced coding procedure was initiated during the research procedures. Close monitoring of the data were done at this stage. Halimi et al., (2017) shows that the advanced coding procedures bring the data back together after being dissected in the initial stage, to form other meanings and understandings from the data.

From coding, the next step was memo writing. Halimi et al., (2017) shows that a memo is an analytical note that reminds the researcher about the codes that have already been analyzed. This helped to extract the collective ideas out of the data and create a map of the data gathered. This stage allows for the comparison of data and investigates deeper into the meanings of the codes generated. It also allows for the identification of gaps and allows the researcher to question or probe further if necessary.

Later, the collection of memos was examined to identify emerging themes, which can then be compared to reality by sampling different incidents that may enrich or elaborate the data further. These steps were repeated continuously throughout the data until theoretical saturation. This occurs when there are no more themes that can be generated from the data. Eventually, the researcher wrote a draft and then reflected on all steps until a set of comprehensive, enriched complex theories and understandings are generated.

Due to its engaged nature, Creswell (2006) show that this approach is said to have the advantage of being contextually well situated in a specific time, place, culture, and event. The movement between data and theory enables the researcher to develop a rich and meaningful understanding of remand within Trinidad and Tobago. This was beneficial to the study in that it permitted close inspection of the data on remand. There is an intention to undertake deeper-level thematic analysis, exploring underlying concepts to inform a qualitative model. And also, there is an intention to undertake Framework Analysis (Ritchie and Spencer 1994) so that you can further compare and contrast between the different respondent groups.

The process of data analysis started after all the interviews were transcribed by trained transcribers. Thematic analysis approach was used for the analysis of data as it is one of the most common approaches used in qualitative research (Guest et al, 2012). Researchers all over the world used this method of analysis for their qualitative studies because it is relatively a simple method that “minimally organizes the data and describes it in a rich detail”. (Boyatzis, 1998). This method is based on the propositions of Braun and Clarke who defines it as a method used for “identifying, analyzing, and reporting patterns (themes) within data”, (Braun and Clarke (2006). This method of analysis was chosen for this study because evidence suggests that it “can produce an insightful analysis that answers particular research questions’ (Braun and Clarke, 2006).

Nvivo software was used to analyze the qualitative data, as it is an effective means to analyze large data set. Once interviews were transcribed, they were imported in the software to start the analysis process. All the steps of thematic analysis were employed during the analysis of the data. In the first step, once interviews were transcribed, they were read and re-read to gain familiarity with the data. In the second step after getting familiarization with the contents of the data, initial codes (nodes on Nvivo) were generated to capture the important features within the data. These nodes were the recurring patterns (themes) across the data that were developed during this process of familiarization. In the third step, after all the data were coded and all the relevant extracts were highlighted, nodes

were collated and examined to identify broader patterns of meaning (themes). After developing the potential nodes within the data all the relevant information was organized under these nodes. In the next two steps these nodes, through the iterative process, were refined, organized and categorized meaningfully into sub nodes to develop a thematic framework. Similar themes and ideas were clustered in groups and organized in the thematic framework.

During the course of twenty-seven interviews, respondents gave their views about remand and its impacts on prisoners and officers. They talked about different aspects of remand and discussed why people are not granted bail and are sent to remand. They also gave their views on the policies on remand and made recommendations for the improvement of the current situation.

The data were collected from four different groups during the study. These groups included inmates, prison officers, lawyers/magistrates and policy experts. All the data were analyzed separately which resulted in separate codebooks, framework matrices, maps and word clouds. As there are a lot of codebooks and matrices, they are attached in appendix but the sample of the codebook of inmates is presented in a table below.

Codebook-inmates	Files	References
1. Views about living in jail	1	2
Congested cell	9	11
Impact	2	6
Inadequate and unhealthy food	7	12
Lack of basic facilities	9	18
Prisoners' hold	8	18
Uncivil attitude of officers	9	15
2. Facilities available for prisoners	0	0
Activities and programs	9	20
Education	4	4
Privileges	2	3
3. Views about remand	3	5
Best moments	10	13
Experience	10	27
Worst moments	10	17
4. Views about the system	1	2
Illegal arrest	12	19
Ineffective legal aid	3	3
Lack of facilities in infirmary	4	5
Lack of opportunities for improvement	2	2
Unjust system	6	16
5. Suggestions	1	4
For people	8	9
Improvements	3	5
Introduction of new programs	4	7
Long visitation hours	3	6

In the above codebook the column of themes represents the nodes that were identified during the analysis of the data and were further divided into sub-categories on the basis of the views of the participants. The column ‘file’ contains all the responses of participants whereas the column of references shows the frequency of responses that were collated in their respective categories during the analysis.

Several themes emerged during the process of analysis from four data sets, which was divided into many sub-themes to provide a detailed overview of the topic being studied. All the preliminary themes that were developed during the first round of analysis are discussed in the findings section following.

Table 4: Timeline of Research: Author Compilation

Activity	Date Commenced	Duration	Comments
Data collection-documents	March 2019	--	Ongoing
IE Examination	May 2019	May 2019	
Data collection-interviews	June 2019	November 2019	Permission was granted on May 14 th 2020 to enter prisons. information was passed to supervisors.
Data Entry	December 2019	February 2020	Entry od data collected at interviews.
First Round Data Analysis	March 2020	September 2020	Ongoing. Preliminary Analysis started. Provisional concepts emerging
Preparation for IE Examination	October 2020	January 2021	Second IE carded for March 4, 2021
Second round of Data Analysis	March 2021	June 2021	To further extract themes and provisional concepts
Third round of Data Analysis	June 2021	July 2021	To finalise of extraction and write up begins.
Discussion and Conclusion	August 2021	October 2021	Preparation of final report

4 CHAPTER FOUR: PRESENTATION OF EARLY FINDINGS

Thus far, twenty-seven face-to-face interviews have been conducted, as explained previously. This chapter outlines the findings emerging from first round of analysis of the data, prior to looking at deeper conceptual themes. It is divided into four parts, covering policy makers, lawyers, officers, and inmates. All the themes that were developed during the first round of analysis are presented in detail below.

4.1 POLICY EXPERT

An interview was also conducted with a policy expert regarding the condition and the policies on remand. While discussing the conditions of remand, he stated that he has been to prison and he is aware of the fact that the situation of prison is very alarming and are not up to standard but at the same time he believes that it is after all a prison and it should not be a place where someone feels comfortable.

“I have my own views where that is concerned. I don’t believe anybody in prison should be robbed of basic human needs, basic, proper living conditions. But, at the same time, I don’t think prison should be a comfortable place”

As far as the policy measures are concerned he shared that some initiatives have been taken to improve the infrastructure and to decrease the population.

“Now, yes, there are other policy measures that have been taken. For instance, the marijuana, the decriminalization part of it, one of the objectives of that was to decrease the population in prison” (Participant 26)

While discussing the specific policies on remand he shared that,

“Well, not that it’s a forgotten part but it’s just that aspect of our governance, even here in Tobago, is treated by the Central Government. Because according to the T.H.A. act, it is the Central Government that is responsible for all those matters. Yes, there are some things that must be delivered in Tobago. That’s why you have a Magistrate Court and even a High Court in Tobago. That’s why you have a prison, a Remand Yard as well, in Tobago, in Scarborough. But, all those things in terms of the policies, in terms of the legislation and in terms of the direction with which those things go, that is being managed by the Central Government. So, the law is clear in that regard. But, notwithstanding that, as I said before, there is always some level of collaboration where the T.H.A. will give it’s input on matters to ensure that those matters have a Tobago perspective going forward” (Participant 26)

Challenges

While discussing the challenges he mentioned that trafficking through borders and inefficient judiciary system are the two important challenges that they have to deal with a lot.

Inefficient judiciary

Th saide participant that because of the inefficiency of the judiciary system, cases are not solved timely. People are not getting trials for years and they are living in prison with the hope that someday they will get a fair trial. He said because of the inefficiency of the system not only inmates but their families also suffer and waste a significant portion of their lives without seeing each other.

“The main one is the inefficiency of the court system, where the average person who is unable to post bail will remain in Remand for a prolonged period of time before his case is tried fairly and whether he is innocent or guilty, it’s judged by a court of law. So, I think that is the major challenge” (Participant 26)

ACTIONS TAKEN TO IMPROVE CASES

According to the participant, initiatives have been taken to reduce the number of unsolved cases and for that matter government has introduced special courts to deal with minor offences so that they can be dealt in a timely manner. He said it will take some time to determine that they are being effective or not but they will surely improve the situation.

“The wait time is ridiculous especially with murder charges where you have some cases not coming before the courts until in excess of ten years has expired. That is ridiculous. Now, from the Central Government perspective, they have gone in the direction of making some adjustments to the court system. For instance, they have created a number of specialist courts. Courts to deal with traffic offenses, courts to deal with family offenses, courts to deal with, I think, matters relating to children, etcetera. So, I guess the intention there and doing that in tandem with the appointment of additional judges in the system, I guess the intended objective is to have a faster flow of cases going through the courts” (Participant 26)

He also stated that government has also introduced virtual courts to reduce the expenses of travelling back and forth of prisoners and also to ensure their safety. Virtual courts, according to him, have allowed them the opportunity to deal cases without any hurdles or delays.

“National Security is a very expensive thing when you talking equipment, man power, you know the constant need to keep adjusting to the reality of crime. Even on the back end, I saw where, I can’t remember the exact figure, but there is a ridiculous amount being spent for prison transportation. Now, I know one of the ways the government has attempted to decrease that is by having virtual court sessions, where inmates can stay in the prison and have access to the courtroom, the court house”. (Participant 26)

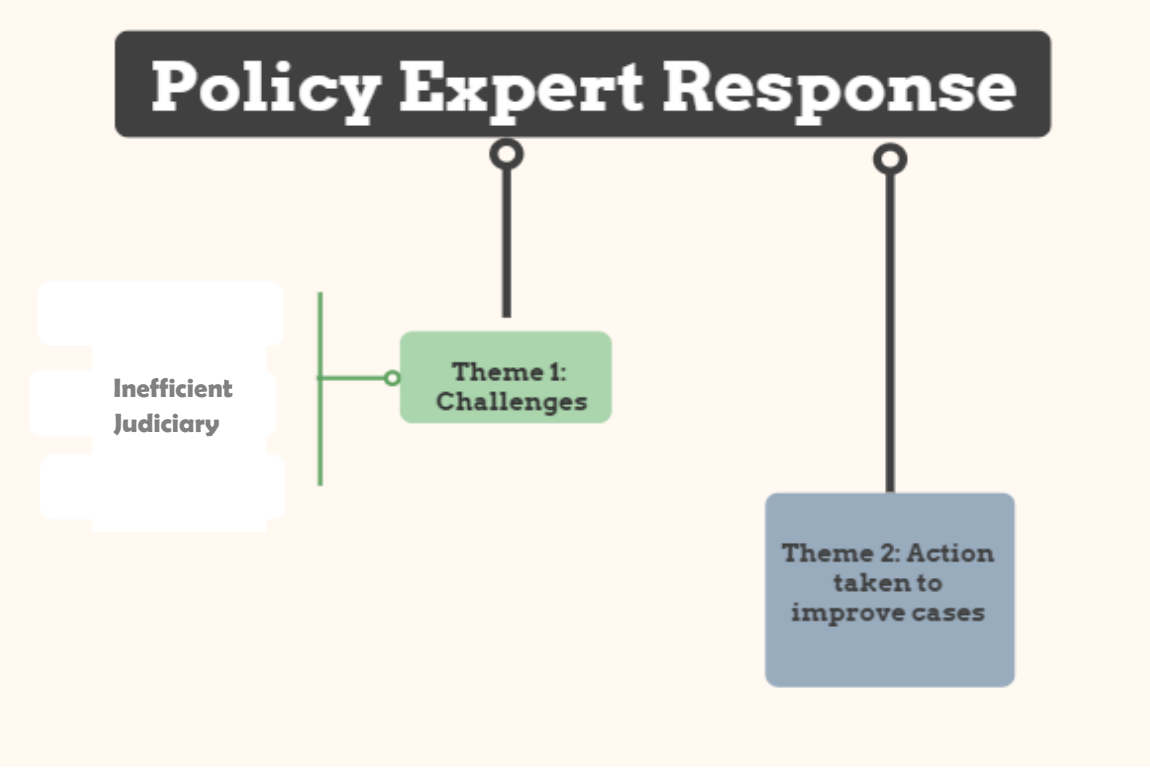


Figure 2: Visual Representation of Thematic Analysis on Policy Expert Response source: Author’s computation

4.2 LAWYERS

This section represents the views of lawyers and magistrates involved in this study. These preliminary organising theme emerged during the analysis process are explained in detail below.

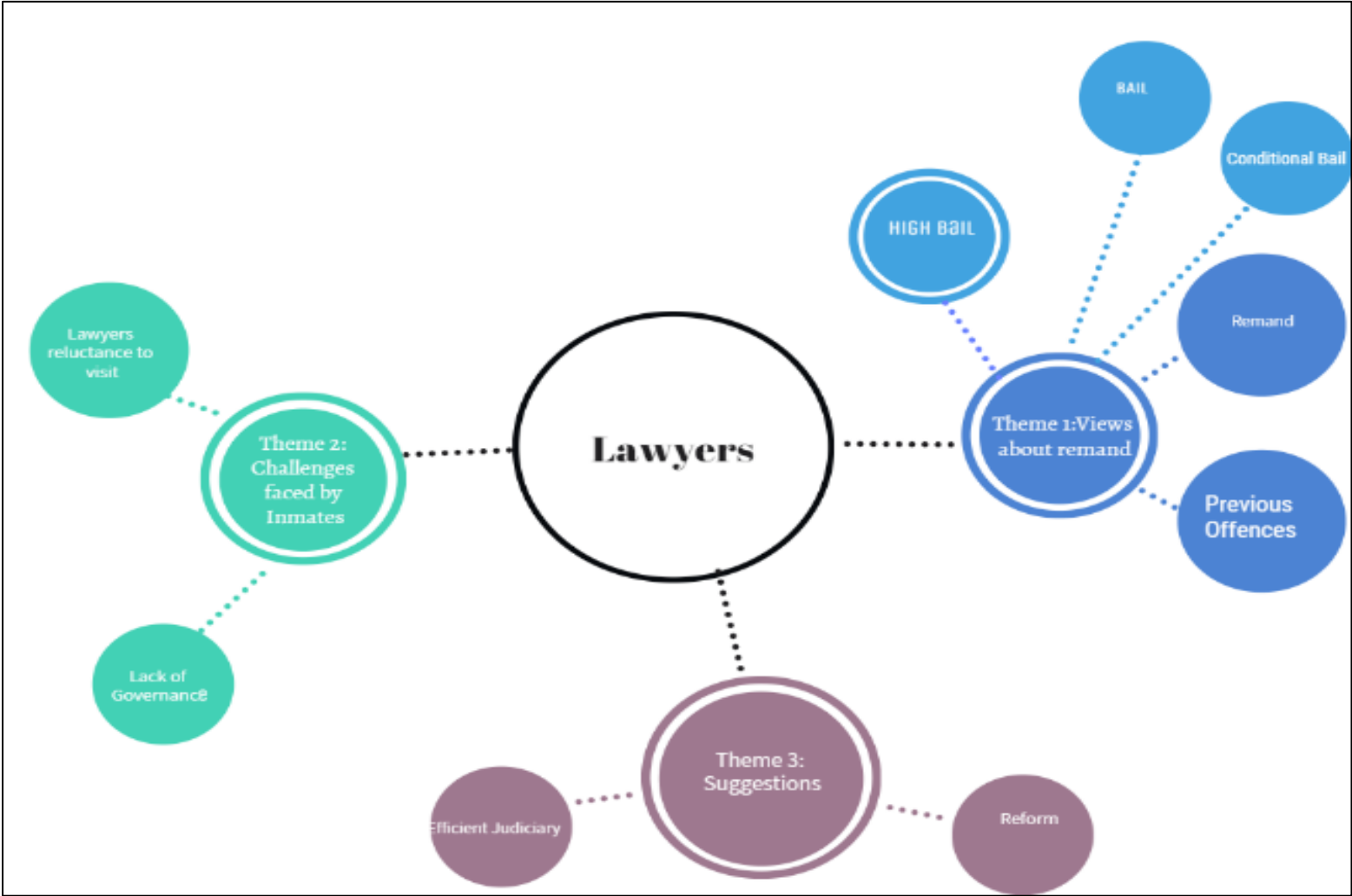


Figure 3: Visual Presentation of Thematic Network Analysis on Lawyers' Responses source: Author' computation

Views about the aspects of remand policy

In this theme, participants gave their views on how remand actually works and discussed the concept of remand and bail.

REMAND

According to the views of the participants, the main objective of remand is to ensure the safety of prisoners and to make sure that they could appear in the court for their next hearing. According to them, people who have not been convicted and are waiting for their trial are put in remand instead of general prison.

“It's a purgatory. It's the gap. You're sorting out, this person has been charged, but not yet convicted. It's that area that's important. So, you kind of have a red flag. Red flag this person. We don't know yet if they're a criminal, but we have to do something with them, we can't let you go back out into general society if we think you're you're a danger. If we determine that you're a danger, you should kept be inside until-”(Participant 15)

They said that the time period for the hearing of remand prisoners is twenty-eight days which used to be fourteen days but because there are usually no developments in this window and to avoid the inconvenience for both parties they increased it to twenty-eight days.

“The ordinary time period for remand is now 28 days, before it used to be 14 days so that if you've been denied bail you have a hearing every 14 days and it was inconvenient even for lawyers you know every 14 years what is the point of coming to court every 14 days if nothing's going to happen” (Participant 16)

BAIL

They further explained that remand is “tied to bail”, people who have been charged of offense and are unable to get bail are put in remand until their cases are heard in court. They said that there are different conditions upon which bail is granted to criminals, if they accept the conditions they are granted bail, otherwise they are sent to remand. They added that though country’s law allows every citizen the right of bail, there are offenses which are considered non-bailable because of the nature of the crime. So in such cases, people cannot access bail and are sent directly to prison.

“You have the right to be given bail except for two offenses every offense is bailable. There are some instances where besides those two they may restrict it. So the two offenses which you cannot get bail in Trinidad and Tobago to be would be murder and treason” (Participant 15)

Reasons for not granting bail

During the analysis it was observed that the major reason of putting prisoners in remand is because they are not convicted by the court and are awaiting their trials. In some cases, these people are granted bail, whereas in cases of murder and treason, they are sent directly into remand to wait for their trial. The study shows that sometimes people who have been granted bail have to live in remand unwillingly because of their failure to meet the conditions of the bail. The reasons for denying bail, as discussed by the participants, are discussed in detail below.

HIGH BAIL

The study shows the reason that most defendants cannot access bail is because sometimes the surety is set too high to be afforded by the offenders. According to participants, the reason behind people living in prison in spite of not being charged of non-bailable offence is their inability to access the bail due to their financial restraints. According to them, the issuance of bail is not also suitable for the lower class but are effective for the elite class who can access it without any difficulty.

“We know that sometimes. Most of the people commit these crimes of a lower socio bracket. And if the main purpose of remand we would have said is to return to court well that's the main one. Then, some people are being unfairly prejudiced. If the amount set are relative to the socio economic situation” (Participant 17)

Incomplete documents

Another reason that most of the people cannot access bail is because of their failure to provide complete documentation to the court. In general, different documents such as property papers, analysis reports or drug test reports, according to the nature of the crime, are required to access bail but when offenders or lawyers are unable to provide these necessary documents to courts their bail is denied.

“Sometimes though people are granted bail, they are not able to get the necessary documents together to access the bail. And if you are unable to access bail, you are going to end up on remand” (Participant 17)

PREVIOUS OFFENCES

The findings show that in some cases magistrates do not grant bail if the offenders have been involved in serious or grievous offences. In such cases, bail is denied on the basis of their history of previous offences and their likelihood of a person committing a crime again. So by keeping all these things into consideration magistrates make their decision and usually deny bail.

“You also have very sensitive matters, of let's say sexual offenses, especially against minors. You know the public outcry if it is that someone who is already charged with a sexual offense against a minor, gets bail and re-offends while on bail. The public outcry would be like, "You all knew that this was happening, and you all let this person out to commit while pending." (Participant 15)

Conditional bail

In some cases, when an offender has access to resources and is considered to be a flight risk, bail is granted on conditions. These conditions are imposed by a magistrate according to the nature of the crime. The purpose of these conditions is to make sure that the person does not interfere with the victim or temper any evidence. For example, if it is a domestic violence matter and they grant the person bail, one of the conditions would inevitably be that he is not supposed to have any contact with the person who made the complaint against him.

These conditions, according to participants, are proved to be effective for the elite class who have means to comply with them but “*it hurts the lower class*” who know they would not be able to meet these conditions.

“So, ties to communities are important. I may not be so much of a flight risk, if I have a family here, a very good job here, that sort of thing. So, a lot of factors that the court will consider. And it really is... what does this person have to lose by staying or going, right?” (Participant 16)

CHALLENGES FACED BY INMATES

In this theme, participants talked about the challenges that inmates have to face while waiting for their trial. These challenges are discussed in detail below.

LAWYERS’ RELUCTANCE TO VISIT

It was observed during the analysis that the lawyers felt reluctant to go into prison to discuss the progress of case with prisoners. According to participants, they know that their clients want to talk to them but they also know that they have nothing new to discuss, they call them just because they want to talk to somebody from outside.

“They will say, well come on and check me. When you come to check them what they want to talk about nothing or nothing that we haven't already talked about” (Participant 15)

According to the lawyers, they do not visit their clients in prison frequently because of the atmosphere of prison. They said that it is so “stressful” and uncomfortable that they avoid going there.

“You start to feel trapped the moment you start hearing doors close behind you. And imagine living that way, and the smell too” (Participant 16)

LACK OF GOVERNANCE

Participants also commented that, because of bad governance, the condition of prison is getting worse day by day. They said that inmates have to suffer a lot of problems because they are not being given the basic facilities which they all are entitled to. They said because of the negligence and lack of governance, inmates are forced to spend their lives in inhumane conditions.

“There are certain aspects of it that needs to change. Definitely the state of the prison, the limited washrooms, yeah there is some need for reform” (Participant 17)

IMPACTS ON INMATES

According to participants, inmates are greatly affected by the whole process of remand, the delays in hearings and the years of waiting. They said that the person who believes he is wrongly convicted and has been waiting for his trial for years and is not getting any hope from the lawyers and the judiciary will not be the same person when he comes out of prison. They said that there are very few people who survive remand otherwise they began to act like those with whom they have been kept for years. They said that remand is supposed to be a “rehab facility” but it turned out to be the opposite of it for most of the inmates.

“Do you think the person who was in there and spends three or four years on remand before they do their trial is going to be the same person they were when they come out. Prison changes you and the remand facilities does that people to” (Participant 15)

SUGGESTIONS

REFORMS

The participants suggested that there is a need for reforms in the overall system. They said that the state of the prison needs to be reviewed and actions need to be taken to improve the current situation. They said that they need to improve the physical infrastructure of the prison as many prisons have more prisoners than its capacity. They also suggested that there should be separate facility for women and minors and for those who are first time offenders so that they are not mixed with those who are professional criminals.

“If you are on remand and it's a first time offender, you are now mingling with people who are professional criminals and sometimes that really is to the detriment. You may

go in as an amateur, and you may come back out as somebody who is- “(Participant 17)

They added that other than the separate facility for juvenile and minors there should be a rehabilitation center for them so that they can be stopped from going in the wrong direction. They added that it is the need of the hour that attention be given on this particular aspect, otherwise it will have diverse affects in the future.

“Our offenders are becoming, are offending much younger. And we're at a crossroads, where when you catch them offending the first time, you have an opportunity to either rehabilitate them or set them back on the correct path. Or you continue to let them fall through the cracks, you offer no assistance and they get lost in the system” (Participant 16)

They also said that judiciary needs to be quick in decision making so the innocent can be released and the convicted can be sent to jail. There are prisoners who have been living in prison for years just because of the incompetence of judiciary, they have not even given them the trial to prove themselves innocent or guilty,.

“I think the lead judiciary is a way that they need more criminal high courts to relieve the back wall and that's going to help remand. So, if you get those trials out, and you sift them out into guilty or innocence, and you decide, people get to go home or jail quicker. Yes, so, I mean, those loose ends are in the works. So, I really say, positive, a right step would be... we need more criminal high courts” (Participant 16)

EFFICIENT JUDICIARY

They also suggested that magistrates should set accessible bail for those who are not flight risks because the number of prisoners in remand is significant who are living there just because they could not afford the bail. They added that judges or magistrates should analyze the threat associated with the criminal and then make a decision. In this way, there can be a significant drop in the number of prisoners in remand.

“We ought to need to adjust the concept of when people should or should not get access to bail an important one that should get be known. All right. Many people end up in on remand because they can't access as opposed to them being refused” (Participant 15)

4.3 OFFICERS’ VIEWS

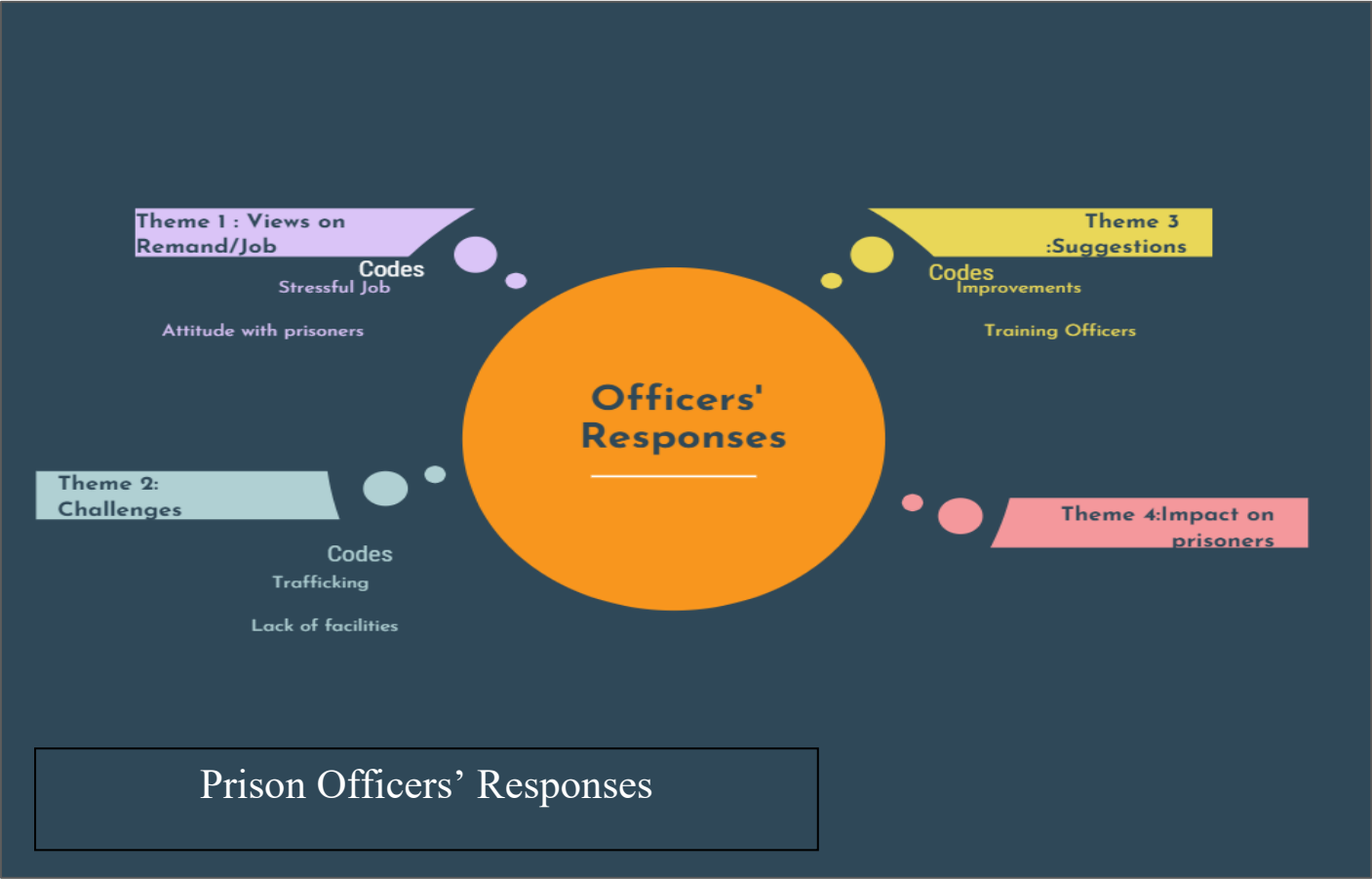


Figure 4: Visual Representation of Thematic Analysis on Officers' Response; source: Author’ computation.

This section represents the views of officers regarding the topic being studied. Their views are subdivided and explained in detail below. Officers were asked solely on the experience in remand.

VIEWS ABOUT THE JOB

STRESSFUL

During the analysis,it was observed that the officers found their job stressful and difficult. They commented that working in prison demands both physical and mental energy. They have to be alert all the time; they always have to be aware of their surroundings because they never know what might happen in the next minute, which makes the job very nerve-racking.

“At any time anything can happen, you can be walking on the corridor and someone ambushes you, we have to get or mind ready to face anything at any time. I am also an emergency response officer, I respond to any situation that happens, like a riots and fights. So a positive mind carries you through the day” (Participant 19)

They stated that the job is very challenging as they are in direct contact with the people who have committed serious crimes so they have to be very careful in their dealings with them so it would not hurt them in any way. Also, they have to keep an eye on different groups so they don't come face to face with each other and hurt anyone so they have to be very careful during their duty to avoid any incident.

"You always have to be thinking and then again, it have Muslim, it have Rasta City. The different gangs, you have to make sure everybody separated. They can't mix, they can't eat together, your head always have to be on. Because if you do mix up, it will have a war that we would can't curb. Remember, there are more prisoners than officers" (Participant 19)

Other than this, they said that the atmosphere of the prison is very distressing as there is always noise and smell which they cannot get rid of. They have to face this situation everyday which sometimes feels so depressing because the environment is worse in prison. There are no washrooms, people are not being provided the facilities they are entitled too. There are no facilities for the officers either. There is not even psychological help available for officers if they need any.

"They just give you a number for you to call and that is it. There is no follow up to check if you are doing better" (Participant 18)

Work harassment was also mentioned by a female officer during the study. According to her, she had to face a lot of trouble from her male colleagues because they were not used to working with women. She said she had to suffer both physically and emotionally because of lack of support from the management.

"I was working amongst men. Now, these men have been there for the upwards of 10,000 years and here it is you have this woman "Yes, Sir and bap bap bap. But you don't think bap bap bap, this, that, this, that." I not on that with you, "Listen, so, so, so." I mean since we sitting down here talking, you realize she is assertive and she's talk her mind and when you have men who not accustom with woman like that, you does eat the bread, the devil's meal. So, they had much gross with me because when they come and they say "You want to go out this weekend?" "No." "So, what happen a nice man like me..." "No, you not nice and no you can't carry me out." (Participant 20)

Another important finding emerging is that officers mentioned was the constant pressure that they have to face in their personal lives. They said that because of this job, they have to keep looking over their shoulders that somebody is watching them or coming from them. They said that there is always an anxiety or pressure that someone

will target them just because they are prison officers. They shared an example where an officer lost his life just because he works in prison.

“That man is one of the coolest men you could ever meet, I never heard him raise his voice. I work with him three years before. I never heard the man raise his voice, I never heard the man quarrel with an inmate. He was the officer, you see like if the wall crack here, they would come around, they would patch it, they would plaster it back. That was his work. He was real cool, down to earth. As he drive out the prison, they kill him because they didn’t even know him, you know. “That’s an officer?” So, they kill him. So, you always have a target on your back. You could be the best person in the world, you always have a target on your back” (Participant 20)

They also said that if they behave strictly with any prisoner, they take their information and start threatening them so they have to be very careful while dealing with them.

“He call whoever officer he good with, “Where this man living? What is his children’s name? What is his address? Give me a picture of his car.” He will send it to you and let you know “I know everything about you, what we go do?” So, most of the things they tell you to do, now it’s your work. You sign up for that, you agreed, yes I will do this and I will do that. Most of the things they tell you to do are dangerous” (Participant 19)

ATTITUDE WITH PRISONERS

During the study it was observed that some participants have a positive attitude towards inmates and they support them if they have any trouble. They said that they have to be strict to them so they do not start taking advantage of officers but when someone comes with an issue or discuss his problem they try to listen to him and help him in every possible way.

“Sometimes, I say yes because it’s just the stigmata of prison officers. All they want to do is beat prisoners but that is not my scene. Again, if you want to get respect, you have to give respect and so far as a green band, not even, probably the first year, I mean I still don’t trust some of these people but at the end of the day, I get their respect” (Participant 21)

They said that though it is their duty to not allow contraband in prison, sometimes they have to bend the rules to give them a little happiness. They said that they have been working with these inmates for quite a long time so they are aware of their nature and personalities.

“I work there almost a year and a half. So, I get to know the inmates, we have a little relationship. Officer, prisoner. I get to know them and thing. I get to know some of the trouble makers from everybody just trying to make it. So, sometimes when I see the little weed and thing, I turn my face because I know they stressed out. Then with the

phones, sometimes somebody get some bad news from home and they just want to be by themselves” (Participant 22)

They stated that their help and support are also acknowledged by inmates as they come for help if they see an officer is in trouble. So, they have that kind of a good relationship with prisoners.

“Some of them does smoke and it blow it in your face. But, other inmates, would put them in their place for you. “How you go disrespect the man so?” It happen already” (Participant 22)

CHALLENGES

In this theme, participants talked about the challenges that they have to face during their duty. All the challenges mentioned by the participants are discussed in detail below.

TRAFFICKING

Trafficking is one of the most common issues mentioned by the officers. They said that inmates have access to mobile phones and other contrabands inside prison because prison officers themselves are involved in trafficking. They commented that prisoners have no fear of keeping these things in prison because they know that officers are “in their pocket”.

“It’s real chaos in here. One of the ways, one of the main ways officers would traffic is by strapping stuff to their legs. They passing a metal detector for cell phones but a metal detector not going to pick up a carton of cigarettes, two or three cartons of cigarettes around your leg and they don’t pat you down. Me, personally” (Participant 20)

One of the participants shared that his senior officer once advised him not to take any contraband from the prisoners as it will be good for his own safety.

“The first piece of advice I got from a Senior Officer, meaning a full-fledged PO1, who I was working with on the wing, he said “Don’t take it because you don’t know who real killers out there are. You don’t know who the boss is.” (Participant 23)

LACK OF FACILITIES

The analysis shows that participants are not content with the facilities provided to both officers and prisoners. While discussing the state of the women’s

prison, one of the participants shared that the infrastructure of prison does not allow more prisoners as it is a small cramped space,

“Where they have 109 inmates and they have a whole wing for remanded”.
(Participant 24)

Other than this, it was reported that there is no check on sanitation and hygiene in prison for both officers and prisoner. They can see rats running in the corridor, they complained that half the toilets are not working and those which are working have no water in it. They don't have any drinking water so the conditions are worse because of the lack of attention by the administration.

“Well, that's it. When I first came here, I say I can't sleep here. One time I use the gym up here and I wanted to bathe in the bathroom. I never bathe in that bathroom again. I stand up in a corner here trying to bathe. (laughter) It was very disgusting”
(Participant 22)

SUGGESTIONS

IMPROVEMENTS

It was suggested that the improvements and reforms in the system are necessary for the improvement of the prison. They suggested that there should be a check on officers who are involved in trafficking and there should be some mechanism developed to control the gangs within the prison. They also added that government needs to pay attention to this area and need to make new policies for its betterment.

“Prison Service is not even the step-child of National Security. Prison Service is the little ugly boy who sit down by your doorstep and he wouldn't move and because he wouldn't move, he can't go anywhere and he have a sore on his foot and you give him a little bread here and a little dirty clothes from everybody, you hand him a old shirt and say “Here, put on that.” That is how the Prison Service is” (Participant 22)

TRAINING FOR OFFICERS

One of the participants suggested that there should be training colleges for prison officers where they are trained by giving them real life situations. This way they will have the hands on experience of the job they have opted to pursue and will give them the opportunity to understand the needs of the prisoners.

“I have always advocated for, we need a proper training college, not that warehouse that they have. But we need a training college where we putting down a wing and once you sign up to be a Female Prison Officer, for five days, you are going to be a Prisoner, you have to agree, you see, because if it is you understand how it feels to be locked in a cell, want to pee, “Miss, I want to use the bathroom.” “Wappen?! You have a bucket

there.” You cannot understand the degradation and the hurt somebody feels unless you go through it. Maybe, I just have a very sick sense of justice but I believe if you have 100 people for one week, 50 would be the prisoners and with guidance, the other 50 would be the Female Prison Officers and after that, then we would switch back, so they would have an understanding what it feels like. Plus, they would actually know what the prison is like. Because when, them could tell you what they want about Port of Spain prison but when you get in Port of Spain prison, nothing in training college” (Participant 24)

IMPACT ON PRISONERS

The views regarding this theme found similar viewpoints to the other groups of participants. These participants also have the same views regarding the impact of remand on prisoners. According to them, remand has adverse effects on prisoners especially on those who have not done anything wrong and are living in prison for over a decade. They stated that these people feel so depressed and frustrated with the injustice of the system that they sometimes lose hope and think of killing themselves.

“It have innocent people on Remand. Just for instance, it had some young boy, he was a footballer, he was in Port of Spain for twelve years. He was really innocent when they check it. So, that is the kind of thing we have to face, knowing that you have to be a father, brother, pastor, everything. People feel the job easy but you have to, it have men who would say “I feeling to kill myself.” You now have to talk to him and tell him that not making sense” (Participant 20)

They shared that there are people who just because on the basis of doubt are forced to spend their lives in prison without even getting a trial. These people suffer more than the convicted people because they do not know when they are getting out. This uncertainty makes them more frustrated and angry towards the system.

“Remand, they more aggressive, frustrated. The convicted have a date to go home, no matter what, you have a date to go home. Remanded prisoners is the set that don’t know what going on with their life, in terms of, you there fifteen years, court just keep telling you come back next two months. They are the more dangerous” (Participant 24)

They also said that most of the prisoners cannot survive on their own in prison unless they have a family member or a friend with them so those who are alone and helpless have to join gangs to survive which changes them completely.

“You have fellows here on remand for 12 years waiting on their appeal. The system breeds a lot of criminals, I have seen male prisoner come to prison and to survive, they

have to join a gang or turn to Islam to get a sense of belonging and security” (Participant 23)

The analysis also shows that not everyone is negatively impacted by the remand. There are some prisoners who accept their situation and engage themselves in activities and programmes. It was reported that to pass their time, inmates played sports like football or soccer. According to officers, they have a passion for sports and they get very excited when they have a game or tournaments in prison.

“Yeah, they does win trophies. We had for the football gone, we had the trophy for ‘Winner of the Day’, ‘Winner of the Knockout’. We had a trophy for ‘Most Disciplined Player’, ‘Most Valuable Player’. We had, I think that was it there. You see when you give the little footballer the trophy, you does feel like you give a little child a trophy” (Participant 15)

They further added that there are some prisoners who based on their behavior have got an enhanced status among other fellows. These prisoners are called “orderlies” who work for prison officers and are trusted inmates. As they are working with prison officers, they have got some privileges as well.

“There is one in particular who cuts hair in the jail. He is one of the most trusted inmates in here, he is allowed to come upstairs where the officers are to clean and those things. And being that he is known and well trusted, he will get a little more leniency, but I will make sure he is well supervised” (Participant 25)

4.4 INMATES

This section begins to explore the views of inmates regarding their lived experiences on remand. Their views regarding their time in remand have been divided into the following themes and sub-themes.

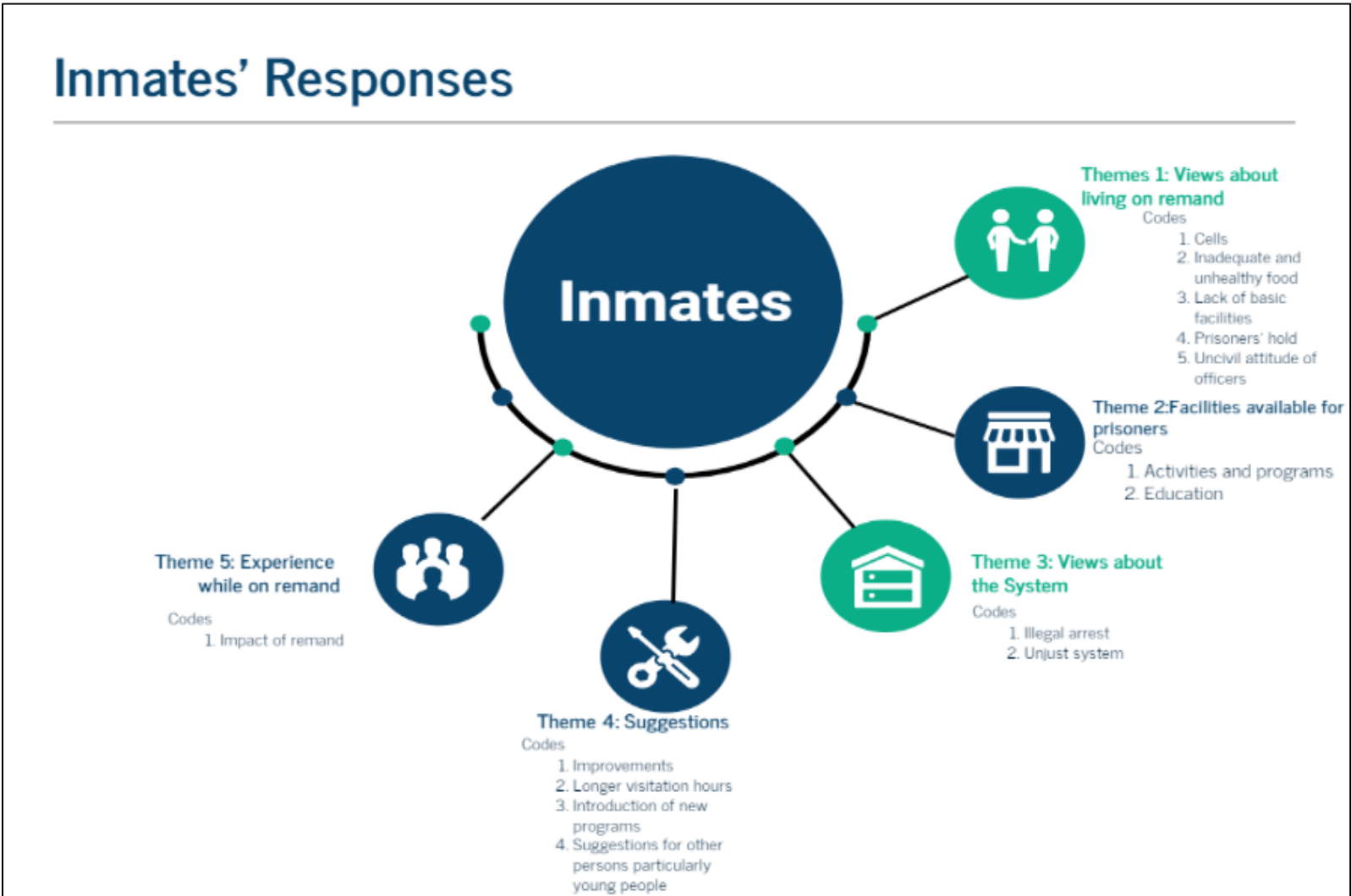


Figure 5: Visual Presentation Of Thematic Network Analysis On Inmates' Responses (Author's Creation)

VIEWS ABOUT LIVING IN REMAND

In this theme respondents gave their views about their life and hardships that they have to face in remand. Based on their views, this theme is further divided into sub-themes which are explained below.

Cell

A dominant theme in discussions about living in remand was that the cells in which they are living lack basic facilities such as water, clean mattresses and toilets. They said that the cells are so small and congested that it feels impossible to live with four to five men in it.

“The cell I was placed in had 5 men, I made it 6. No beds, everyone slept on carpets on the ground. The guys in the cell used an old sheet built a makeshift hammock for me.” (Participant 2)

“Well, boy. I had to sleep on my side. Razor blade. Sleeping on your side. I don’t know if you all know what is razor blade. On your side. That is real problems because your both sides hurting you. It getting black. When you turn on one side, you have to turn on the next side, then you have to go on your back. Then from your back, you go on your belly. Then from your belly, back on your side. It’s a kind of stressful thing. Plus, you have to sleep on a hammock so it’s your back.” (Participant 5)

They said that other than the small space the condition of the cell is “nasty”. There are no beds for inmates, they have to sleep on the floor and sometimes because of the lack of space they have to make “hammock” with sheets which is very uncomfortable for those who are tall.

“Babygirl, look at my size [shows himself], I is a big man and them have we sleeping like razor in here in this place.” (Participant 5)

They also reported that if anybody needs to go to the toilet they are forced to use a bucket which they have put in the corner of the cell. This bucket, according to inmates, is used by everyone in the cell so the smell becomes unbearable in that congested place.

“My first night, I woke up, sleeping on the ground at the time. The cell’s probably just as big as these rooms here and it’s about five or six of us in there. One bed in the corner, a little area for a pail or a bucket and that’s it” (Participant 6)

It was further highlighted that cells are not equipped for emergency response.

“You don’t feel safe in prison. You in a cell, prison could catch a fire and the guards could run and leave you with no way to get out” (Participant 14)

Giving an overview of the landscape of the remand prison, Participant 2 said,

“My description of the Grove is: picture a long, straight building, flat. The center is a big corridor, like this space here, on either side of the corridor there are cells. So, there are rooms like this with one gate to enter or exit and go straight down till the back. There are no windows in the cell, in front, there is one vent in the back that usually get clogged from dust and thing. So, basically, you breathing bad air right through. There is no toilet in the cell, no bathroom. There is a pail bucket, you have to put up what you call a blind, which is a sheet, stick soap on the wall and pull it in order to be in the back there privately. Big, iron gates. There are a lot of rules and regulations. Jersey ‘n pants, all those kind of things. There are hours for being in there, hours for using the toilet and when that time pass, you have an hour airing and when that time pass, you have to be in your cell. So, basically you spend roughly 22 ½ hours within your cell. “

Inadequate and unhealthy food

They also reported that the food provided to prisoners is the worst of all. It is unhealthy, raw and lacks taste. They said that the food is not cooked properly and they gave them a very small quantity. They said that the type of food they give to prisoners; nobody would want to give even to animals.

“It was hard. In the mornings they would give us two slices of bread, one with butter and the other with what was cooked. The bread was hard, and they would give us that with some cocoa or? tea. In the day we would get rice and meat, it could be chicken, turkey, fish or mutton and it had no taste” (Participant 6)

“The food you won’t give your dog.” (Participant 2)

It was found during the analysis that there are very few inmates whose families bring food for them. Otherwise, the inmates have to eat that tasteless food every day. Some inmates revealed that because of unhealthy and inadequate food, inmates are suffering from malnutrition. They reported that one of the inmates died because of not having enough food.

“People dying in jail. A man die in jail, they don’t even know what he die from. That man was sleeping in the same wing with me. He died in jail and nobody knows what he died from. They saying it’s malnutrition” (Participant 5)

Furthermore, the plates or pots which they give to prisoners are not washed properly. They get everything in the same pot, be it water or fish they use the same pot. According to them, inmates are getting ill because of these unhygienic conditions but no one takes notice of such things. They also added that the bread they give them is so hard that it “mess up” people’s teeth.

“The bread is white bread they giving you. The bread mashing up your teeth. Men missing teeth, I sure men who come to talk to you before missing teeth. I missing teeth in jail. I never miss no teeth out there. Watch how skinny I getting in jail because I not eating the food, I not getting the food that I need to eat. It need fruits. Certain things you need for your body. You need to get that and you not getting that in jail. You can’t give a big man six dumpling and tell him that’s high fiber” (Participant 4)

Lack of basic facilities

Inmates complained that they have been robbed of basic rights and facilities which they are entitled to. They said that other than congested space and inadequate food the prison has no proper, functioning toilets. They have to use newspaper or sheets of paper if they need to use the toilet, then they have to ask someone to throw it away for them. They said that having no basic facilities such as toilets for prisoners is appalling as the smell from the bucket which is used for toilet purposes gets so overbearing that it gets difficult for them to breathe.

“It might sound a little nasty, you putting a gazette paper on the ground and it’s feces in the corner. When you have to ease your bowels, you peeing in a bucket. That could never be normal. This place not normal” (Participant 13)

They said that they have to suffer a lot of problems because of the unavailability of toilets. Other than the unhygienic conditions and overbearing smell they have to do it in front of other inmates which is very disturbing and embarrassing.

“I talking about you going and use the toilet, the thing pack with shit in it. You have to go and sit down on top of that. You have to be fanning down so. Twenty men in a line watching you to use the pail. You have to be blocking your face because men watching you in your face” (Participant 5)

Those prisoners who have toilets complained that they don’t have water in it so they can’t flush it. So, everybody keeps using the toilet until it gets piled up which causes a terrible smell in the cell.

“When you pee over and over and that smell start to kick up and you inhaling that, you could get sick” (Participant 14)

In another building, the inmate noted that although they have toilets, they have other issues.

“We have toilets here but that is not the problem, water is. You will use the bathroom and no water to flush it. We have to get water from the fire hydrant to flush the toilet.” (Participant 13)

“The facility, when you look around your cell, from since January, it have no water. So, you might pee, you might use the toilet and you can’t flush the toilet until you get water. It not sanitary for a human being. Ammonia is a serious thing, you know. Ammonia is something that kills you. [inaudible 24:06] So, when you pee over and over and that smell start to kick up and you inhaling that, you could get sick. (Participant 14)

They also reported that other than toilets they don’t have beds or mats to sleep. Those who have beds do not have mattress. Sleeping conditions are terrible. One of them shared his experience that he had to sleep on a piece of paper when he first arrived because they did not give him a mat.

“The sleeping conditions not well because the mattress, they complaining they don’t have money to buy. I don’t know. The mattress we have is probably five or six years old, cover gone, it black, it old. So, it doesn’t be thing. Now and then, well we waiting for new mattresses. The beds are very small. Smaller than this table. You have to get up and turn” (Participant 4)

They also reported that they don’t even provide “deodorant, toothpaste, toothbrush, rag, underwear and a jersey” which is very inhumane because they all are entitled to these

things. The conditions are that inhumane according to Participant 5, that they are left feeling guilty for whatever offense they are charged.

“Yes, they make me feel like I really committed the crime. They say this place is a rehabilitation center, but it only makes you more of a criminal”. (Participant 5)

PRISONERS’ CONTROL AND OPERATIONS

While talking about living in prison, participants also discussed the attitude of prisoners and their flexibility with prison rules. It was reported that a lot of prisoners who have been living there for years and have friends and family with them have a lot of control in prison. They have all kind of contraband in prison from cigarettes to mobile phones and no one has the audacity to question them.

“There was this inmate they called Ranking, I will never forget him. He walks anywhere in the jail he wants and the officers cannot talk to him because he’s been here 19 years, longer than most of the officers. They send threats to the officers, tell them they will kill their kids and those stuff. So that would make the officers a bit scared” (Participant 3)

It was also reported that inmates usually gang up on new prisoners and make an impact from the beginning that they have the power and they can do anything with them. They steal things, they take food that inmates get from their families, they even steal clothes and there is no one to stop them including officers. They added that they could even seriously harm someone from another wing and still nobody can question them because they have built up that kind of terror and fear amongst inmates and officers. Therefore, nobody would want to risk their lives by questioning them.

“I don’t know if they were baiting the prisoners because they could do what they wanted. A man could move from one wing to the next wing and make a chop someone and walked back and no officer would do a thing. At that time, we didn’t have the senior officers here” (Participant 4)

They also reported that a Muslim gang had a lot of control in prison over officers and inmates.

“The Muslims had a strong hold in here so they could go anywhere. The officers were not strict on the prisoner because they were giving them everything, ice in their drinks, large pieces of meats and carrots in the rice. If someone wanted a pail change they would get it and it was the same with the mattress. Soap and toothpaste would be passed round to everyone” (Participant 4)

Interaction with other inmates

It was reported that some inmates are bullied while on remand. Particularly when they are placed in cells that have gang members from known gangs from the outside. This created a feeling insecurity among participants Six and Three

“There are 5 people in my cell. I pay them to do things for me and in return I get things for them when I get visits and that how I maintain myself in here.” (Participant 6)

“Less men to a cell which is a good thing, because the cellmates would gang up on you when you are new. I experienced that, they wanted to fight because I was going to sleep at a certain location in the cell and the inmates started saying they have been here before me so they should get where I was. The officers also have to be careful who they put in cells together because you cannot put a rapist with people who are charged for murder.” (Participant 3)

UNCIVIL ATTITUDE OF OFFICERS

Among other problems, participants also complained about the harsh attitude of prison officers. It was reported that prisoners are treated as if they are animals not human. They do not talk to them or respond to them in a humanly manner, they treat them with so much anger and hatred that make them feel that they are like “caged animals”.

“Because you can’t respond to the officer like you talking to him like a regular civilian. You have to say “Yes Sir, No Sir.” So, if you don’t step like to talk to him like a normal civilian, you would be abused. Like a slap to face or a pelt you with a shoes or you know?” (Participant 1)

They also reported that the officers have developed a particular image for every prisoner and they treat and judge them according to that image.

“Alright, like take for instance, the searches and them, when they come and conduct their searches. Now at the end of the day, there is a procedure inside here when it is you conducting searches and thing. There are some officers sometimes, they come with, I don’t know if they come with judgmental, they judging you before, even the court judges, murders and kidnappers and rapists and thing. I don’t know if they had a scene with them already where their car was stolen, how they lost a loved one due to the fact of a robbery. But some of them does come here and when they come with that mental, they does do out of timing things” (Participant 13)

They added that this kind of unjust behavior causes a reaction from inmates which sometimes lead to more serious confrontation. They suggested that these officers should learn communication skills, they should “learn to understand public relations with human beings” so they can interact with inmates in a more “personal” and “humanly” manner.

“Me and the officers are always going at it, they are not professional. They look at us like criminals. I have to let them know that not everyone in the church is a Christian, not everyone who smiles in your face is a friend and not everyone in jail is a criminal” (Participant 6)

Remand Descriptions

Some participants relayed their disdain by referring to remand as a place that is “nasty”, “not good”, “negative”, poor conditions, “not fit for humans”. Notably, none of the participants offered any good aspects about remand.

I would say this place is unfit for human mean the wall nasty is not a nice place. The surrounding, there is rubbish all around all over the place, school go be going on. When all that pile up in a bag it unhealthy for human that not good at all. (Participant 1)

In the Grove, life was hell. Here is the same but not as worst. (Participant 3)

Conditions real poor. (Participant 10)

FACILITIES AVAILABLE FOR PRISONERS

This section shows the views of the participants regarding the facilities available for them in prison. Based on their views, this section is further divided into themes which are explained in detail below.

ACTIVITIES AND PROGRAMS

During the analysis it was observed that prisoners are allowed to engage themselves in activities and programs which are introduced by the prison. It was reported that they play different sports in prison such as football, basketball chess etc. According to them, engaging inmates with sports is a good initiative by the administration because it keeps them busy and makes them stay away from trouble.

“Thank God for certain professors who push the sports and stuff so that reduces the violence in here. After playing sports all day the inmates are tired, so they have no time to go after their enemies” (Participant 12)

Some of them shared that they are involved in some kind of “life skills programme” where they learn different skills. They said that these programmes are really helpful for spending their time in a productive way.

“Yeah, it’s a great field. Plus, I looking up on all these new high tech gardening systems. I am looking, I actually have a proposition that I want to bring forth. Well, as I tell you, in the Futsal, we met some important people in society and they are willing to assist once you provide certain things. I have a little field that I hoping I could go into” (Participant 6)

EDUCATION

Some of the participants shared that they have been getting formal education in prison. They said that they are studying Math, English, Social Studies and have even taken personal interest in learning the laws of the land.

“I did Maths, English, Social Studies, Human and Social Biology, Geography. I did Computer but I didn’t finish the Computer because they not giving you the access” (Participant 7)

They shared that they are they are studying different subjects and learning new things every day and that they could use this knowledge when they get out. According to one of the participants, studying law helped him pointing out inconsistencies in his case

“I pointed out where there were some inconsistencies concerning the date the firearm analyst was done. I also pointed out that I did not get a copy of the report before the trial, so my constitutional right was broken. I had asked the judge to rule on two grounds: 1) to have overturn the conviction and do a retrial and 2) To dismiss the conviction and no retrial. He ruled to dismiss the conviction and no retrial. That was not to be used against me because my lawyers should have checked on that” (Participant 8)

VIEWS ABOUT REMAND

It was interesting to see the comments from the participants on their best moments while on remand. Interestingly the best moments appear to surrounding self-improvement or activities they were able to part take.

“Everybody come together playing football.” (Participant 14)

“The best thing about Remand, well in my experience, the best thing about Remand is the keeping of the sports and thing.” (Participant 3)

“Yes, that was the best thing that ever happened. The best thing. Guess what made that good? The interaction. The interaction with outside people. Not just the futsal, you know. People from outside was coming and watch it. Then it had a goal actually for the inmates to go outside and play.” (Participant 5)

“The best moment was at graduation. Because at least I achieved something from this place” (Participant 1)

VIEWS ABOUT THE SYSTEM

ILLEGAL ARREST

The analysis shows that most of the inmates believe that they have been “wrongfully” arrested. Some of them were also of the view that police held them illegally and framed for the crime they did not commit.

“I was plying my car for hire and I stopped by a shop to buy something. The police pulled up on me shouting “don’t move” with guns drawn. I was begging the officers to lower their firearms because they had their guns aimed at my head and chest, all over. It was in a public place with camera all over and I believe one of the cameras caught what happened. They came over and patted me down, found nothing on me. They went in the car and searched the occupant and found something wrapped up in his jacket” (Participant 12)

They also reported that after arresting them, police forced them to accept the crime. They shared that they physically abused and threatened them to sign some statement which ended up as a charge. They stated that because of their lack of investigation and rude behavior most of the men who were not involved in any crime but happened to be at the scene are illegally charged and sent to remand.

“I was unconscious because I got gun butt in my head for a couple of seconds well and when I raised up, I raised up with a gun in my face and I checked for the officer and said “If I don’t say what happened well nobody aint go see me again” (Participant 2)

“In the station they took my fingerprint and gave me something to sign and said I wanted to read it before I sign. The officer shouted at me to sign it. That was their attitude, it was like an intimidation thing, so I signed, and the charge signed” (Participant 11)

UNJUST SYSTEM

The findings of the study show that there are many inmates in remand who have been waiting for their trial for over a decade. According to participants, the responsibility lies on the lawyers who just because of their incompetence are unable to present their cases in a fair manner. They said that because of non-serious attitude of lawyers and inefficiency of the system, there are people living in here for sixteen to seventeen years and still are not able to get a trial.

“The only way out is pleading your case. But I have no knowledge as to when that possible. I had this things where every year I telling myself, You keep saying next year I’ll come out, next year I’ll come out and I stop when I reach about seven years so” (Participant 8)

They also blamed Judges and Magistrates in this regard who are taking no actions to resolve cases in a timely manner. They said that because of them inmates have to suffer a significant portion of their lives in prison.

“The pressure, the frustration sometimes, you go to court, you looking for a start in your case, your lawyer don’t come. When you go, if your lawyer not there, the magistrate or the judge not ready. So, when they give you a date, you getting two, three months. The lawyer might be there, the judge might be there but the State Prosecutor not ready so that’s another two to three months. That could keep going on and on” (Participant 4)

They also talked about the ineffectiveness of legal aid, they said that because of the financial limitations inmates have to opt for legal aid but they too spend years on their cases and deliver nothing. They just keep on getting new dates and pay no attention to them.

“If you get a legal aid, the legal aid has other matters, he pays you no interest and your family have to mortgage their house. If you have sisters, they might have to do prostitution. It might not be in that sense but you know what I mean” (Participant 10)

One participant noted the unreasonable time frame spent on remand.

“No, because I know I was innocent, and I know I would get a speedy trial. I thought I was getting a reasonable time frame of 6-8 months. I did not think a reasonable time would be 15 years in prison.” (Participant 7)

EXPERIENCE OF LIVING IN REMAND

While talking about the experience of living in remand it was said that it is undoubtedly a bad experience and *“the worst place on earth”* but it helped them in one way or another to work on their weaknesses and made them realize that one should never follow the path of crime and *“should try their best not to enter that world”*.

They said that, other than the atmosphere and lack of facilities, this place *“breeds crime”*. There is so much negativity in the atmosphere that one cannot isolate one’s self from it. They said that they have seen people who came in here innocent but walked out of the prison as criminals.

“Yes, its like a college of crime. You can come here knowing nothing and by mixing with the other inmates for 2-3 months you become the roughest person ever. This place breeds criminals. I have seen people come in here frightened but after the first 3 months they are giving the officer back talk and all that. The conversations you have in here are not the best, you will hear conversations about how to steal cars, kidnap, get guns and sell drugs” (Participant 11)

Some of them shared that they are surviving in prison because they keep themselves out from the problems. They try to stay away from the people who could get them in trouble. They said that the only way to keep their sanity is to remain busy and that is why they try to focus on good things and engage themselves in activities and sports.

“I don’t really give trouble in here so if someone tries something I just walk away and that is way the officers respect me so much” (Participant 12)

IMPACT OF REMAND

The analysis shows that most of the remand prisoners experience a lot of stress because their cases are still open in court and yet they have been living in prison for years.

They stated that there are people who have been waiting for their trial for over a decade but still have not gotten any decision from the court. They reported that these prisoners experience anxiety attacks because they are not certain about the outcome of their cases. This uncertainty not only breaks them emotionally but physically as well.

“The pressure, the frustration sometimes, you go to court, you looking for a start in your case, your lawyer don’t come. When you go, if your lawyer not there, the magistrate or the judge not ready. So, when they give you a date, you getting two, three months. The lawyer might be there, the judge might be there but the State Prosecutor not ready so that’s another two to three months. That could keep going on and on” (Participant 6)

Furthermore, they added that those prisoners who are innocent and are not sentenced yet are more affected by the whole system because they are being forced to live with sentenced criminals.

“Life on remand is life and death. You can go to bed and not wake up. Imagine I get put in a cell wid bout three man who come in for murder and kidnapping already”

It was also observed that the delays in hearings and inefficiency of the system aggravate more anger in prisoners especially in those who believe they are innocent. They make them more aggressive and angry towards the system which is ultimately reflected in their actions.

“The system, especially the judiciary is messed up” (Participant 7)

According to inmates, because of the inefficient system they have been forced to live as criminals, which not only impact their lives but their families’ as well. They stated that they cannot see their children or provide support to their families just because the relevant professionals and departments are not performing their duties. Their lack of concern has affected many lives but they show no sign of sympathy or concern.

“I left my son six years old. He was going good, he was going very good. He went up for the national team and a day I see him coming through the gates” (Participant 9)

SUGGESTIONS

This section shows the suggestions which are made by participants for the improvement of the system. This section is divided into sub themes which are explained in detail below.

IMPROVEMENTS

One of the most important things mentioned during the study was the categorization of inmates on the basis of their offences. According to participants, remand should be the facility where prisoners who have not been convicted yet should be held, they should not be forced to live with those prisoners who have committed serious felonies.

“They need the one, two, and three, four down the road. They need to be specific. Murder 1, 2, 3, 4. Kidnapping 1,2,3,4. The system, I watching Trinidad, everybody just about the dollar, who could just fatten their pockets more. Because it go from the low, to the high, people in office, you understand me?” (Participant 5)

They also said that administration needs to pay attention to the facilities available for prisoners. They need to keep check on the provision of basic facilities such as availability of toilets, healthy and sufficient food and medical facilities and should take appropriate actions to make improvements because the current conditions of the prison are not suitable for any human.

“They need to fix up that place, it’s not somewhere someone should stay for 4 days, and it was disgusting. I wouldn’t put a dog in there” (Participant 3)

“It’s a university for crime. The conditions are inhumane. The food could be better, it’s tasteless. Medical wise, there are no medicine for the prisoners” (Participant 1)

LONGER VISITATION HOURS

Another important suggestion from the inmates was the increase in the duration of visitation hours for them. They said that they should give some more time to them so they could talk to their families and especially children. They said that they have to put up a special request to meet their children but the requests usually don’t “go through”.

“I find they should improve the visitation a little more for the inmates so we can get a little more time with our family and not have so much space between us. At the graduation we got to hug our family members” (Participant 4)

One of them suggested that they should also consider conjugal visits for prisoners as it may help some people to “ease their frustrations” (Participant 10)

INTRODUCTION OF NEW PROGRAMS

Participants also suggested the addition and introduction of new programs. They said that new programs like YTEPP (Youth Training and Employment Partnership Programme) would help them develop life skills and will give them the opportunity to interact with the normal people of the society

“I would have carried it to a level where we have outside people coming in so they could relate with civilians, not just an officer” (Participant 2)

It was said that boxing should be introduced and other sports so more prisoners can be engaged into such activities. They further added that they should allocate extra time for sports as they do nothing in the prison for most of the day, extra time will help *“them to take their mind away from being idle”*

“I would make the prison a little freer and give them some more activities. Because we are locked down 2/7 with only one hour of recreation. All we do is sit in the cell doing nothing” (Participant 13)

SUGGESTIONS

A recommendation to stay out of prison was given by a participant. The participant reported that they would not want anyone to come to prison or even in remand because the conditions and atmosphere here are worse than anything. They said that they would suggest them to not to go into crimes because they would not want anyone to rot in such a place where people are deprived of their basic rights. They said that people should know about this place, they should be warned about the atmosphere of this place; they should know that they would not be enjoying the basic things which they take for granted.

“I’d just explain how the place is. It’s nasty, the food is not nice and it’s not fit for a human. You see roaches all over. The only good thing in here is the hour of fresh air you get and the time you get to bathe” (Participant 12)

They said that young people should know that they will be in remand for years and nobody will come to their help, there are people who are innocent and have been living here for years because the system is unjust and people just do not care if they are innocent or guilty, they will throw you away with the rest of prisoners.

“You wasting your life when you come here. A man get charge for murder, the state don’t have sufficient evidence to stir a conviction. He sit down in the Remand for twelve years, ten years, fifteen years, and eight years. You go to court and in fifteen minutes, they tell you leave the court, they don’t have a case against you” (Participant 3)

5 Chapter Five: Discussion of Early Findings

This section gives a brief preliminary overview of the concepts that can be drawn from just the early findings from analysis of the data from the lawyers. It gives an indication of the sort of direction that the findings are leading the research, even before deeper

analysis of the rich data set is available and full contextualization within the broader literature.

5.9.1 Provisional Concept 1: Remand as control (but not punishment)

In analysing the data, the first dominant concept that emerges is Remand being used as a form of control. The court should not be using remand for any kind of punitive reasons. Indeed, the use of the word imprisonment in describing remand is being perceived in this way is a concern expressed by legal professionals:

The imprisonment part (of remand) ... you don't want legally innocent people believing they are convicts serving time and being punished"

The professional is concerned that people on remand should believe that they are convicts being punished. In expressing as such, there is a clear implication that remand is not a punishment and should not be seen or perceived as such by those in the system. The rather awkward phrasing of someone being "legally innocent", suggesting that they may be only innocent in a legal sense, points to the importance of distinguishing status and labels, which is supported further by the use of the term "convict", which is not so much of a legal term. However, it does suggest a potential importance worth exploring in analysis of status and labelling, and the perceptions and implications of labelling differences, particularly between those on remand and those completing their prison sentences.

There is an irony of course that there is concern that the person does not feel that they are "serving time" in the sense of serving a sentence, but are still "spending time" of "doing time" in prison. In other words, the legal and policy intention may be keen to underline the distinction in legal status, but the end result for the person's situation is the same. It will be interesting to explore whether this distinction is felt or appreciated by those in practice.

As Foucault (1995) explored, previous to modern society, custody was used almost exclusively as a holding place akin to the idea of controlling someone through denying their freedom, rather than as punishment. Only in modern society has incarceration been employed for more punitive ends in itself, to focus on the mental status of the offender in

an effort to discipline, punish and reform their mind. In Trinidad and Tobago, it is clearly intended to be used for both purposes, as punishment for convicted offenders, and as control for those on remand. However, as the legal professional's concern suggests, this dual role presents a locus of conceptual conflict that may well be present itself further in analysis.

The dominant concept in legislation around remand is that of 'control'. The Bail Act 1994, which is the foundational law dealing with the application of bail and remand, is clear that in order for a court to commit a person to remand, they need to be satisfied that the person may otherwise present one of a number of problems listed. In other words, the legislative purpose of remand here is to exert control on the defendant, by way of restricting their freedom, in order to prevent those problems occurring:

"It shall be within the discretion of the Court to deny bail to the defendant in the following circumstances: (a) where the Court is satisfied that there are substantial grounds for believing that the defendant, if released on bail would:

- (i) fail to surrender to custody*
- (ii) commit an offence while on bail*
- (iii) interfere with witnesses or otherwise obstruct the course of justice, whether in relation to himself or any other person*

(b) where the Court is satisfied that the defendant should be kept in custody for his own protection or, where he is a child or young person, for his own welfare

Bail Act 1944, Section 6 (2) (a)

The problems to which the control is intended are varied: "Fail to surrender to custody" would be a problem for justice and for the smooth running of the system; "commit an offence" would be a problem for the community; while "interfere with witnesses or otherwise obstruct the course of justice" would be a problem for both. The first, and to a degree, the second of these suggest the importance of control order to achieve accountability and justice within the Criminal Justice System. It is clear that the control is part of a 'risk management', and encompasses the concept of 'protection'. Indeed, this concept is made explicit in the third area to be protected after the justice system and the community; the defendant themselves – "for his own protection or... his own welfare"

It is interesting that the legislation distinguishes here between adult and child defendant, reserving concern with "welfare" for the child. This will warrant further investigation, exploring whether there is a legal reason for this distinction (perhaps previous legislation requiring all future legislation to have regard for the welfare of children) or whether it suggests an assumption that different types of people should be treated differently on remand, or even implies that the welfare of adults is not a concern. On the face of it, this last reason for control (protection of self) assumes that the custodial environment is safer or more conducive to safety and welfare than the

community, but this demonstrates a necessary implication of considering remand for control, that the legislation frames remand not just as a controlling environment but as a ‘controlled environment’. In doing so, it is also an early indication of the difference, which we will need to keep in mind, between framing remand as a process or committal – that someone can be ‘remanded’, the status – that someone can be ‘on remand’, and the environment, the ‘remand prison’ or similar.

It should also be noted that the foundational legislation presents remand as a reluctant step. Bail is presented as the default state, which the court would need to actively “deny” the defendant. It is within their “discretion”, but the intention appears that the court should not take that lightly, requiring “substantial” grounds for believing the control of custody is necessary

5.9.2 Provisional Concept 2: Access to Justice

An important concept around remand is access to justice. Difficulty to access to justice in the remand system occurs from the bureaucratic process which appears to create stages towards being released on bail or remand into custody. The legal professionals raised concern about access to justice. In particular, there was a concern that remand might come about not because of the process of justice, as outlined in the legislation, but because of a lack of access to it:

“Sometimes though, people are granted bail but they are not able to get the necessary documents together to access the bail. And if you are unable to access bail, you are going to end up on remand.”

This perception gives another way an accused can be remanded into custody apart from the aforementioned way of court’s decision outlined in legislation. In this instance, the legal professionals’ concerns that although persons are granted bail through the decision from the court, the defendant remanded into custody regardless, owing to the presence of bureaucratic reason, not satisfying process requirements. This introduces the suggestion of different stages to avoid remand and accessing bail, which is not apparent in the legislation. If one succeeds at first stage they still have other hurdles to overcome before they can be sure they are not held on remand.

Interestingly, it raises a question in the researcher's mind as to who would be gathering these documents if the accused is on remand and is that contributing to the hindrance? Is it then that the accused may have the necessary documents but is unable to access or are others not able to access them on his behalf to secure his release?

The phrase "end up on remand" suggests that remand in practice is a default position that one may find themselves in the case of inaction. This is in contrast to the picture presented in the above legislation which implied bail as the default, against which the court needed to act by using its discretion, only on the basis of "substantial grounds". In other words, this suggests that there may be a conflict or contradiction over what is the norm between policy and practice. This again highlights the potential difference between a judicial process and a bureaucratic process, where only the first is the focus of legislation. This would mean that although the legislative or policy intention for remand may be that it is something to be avoided unless necessary, a last resort option, the practice reality is that bureaucracy makes this a much easier course.

The other implication of the risk of "ending up on remand" is that in order to avoid the 'new default' position of remand the burden of action is transferred from the court needing to actively use its discretion to the defendant needing to "access bail". This raises potential questions of responsibility for access to justice for someone who is, as noted earlier by a legal professional, "legally innocent". The legislative quotation above certainly places all the responsibility for "using discretion", "being satisfied" on the court, but this quotation suggests that in practice, the onus on responsibility may be being placed on the defendant.

Another part of the bureaucratic process that affects access to justice is the difficulty of persons to maintain the conditions imposed on them. The Bail Act 1994 provides for conditions being imposed on persons receiving bail where necessary.

"Magistrate may, subject to subsection (6), remand him in custody or commit him to custody, as the case may require or, alternatively, grant him bail subject to the same or different conditions."

Bail Act 1994 Section 5

There is an assumption in the legislation that some persons may need heightened control but not necessarily be remanded, as such conditions are imposed to ensure their whereabouts are known to the authority and that appear in court for their matter. The legal professional expressed concern about the accused being able to satisfy these conditions imposed on the accused by courts

“So, you have persons who are charged who have not been able to access bail. And then there are conditions that have been imposed by the magistrate or the judge, that a person simply cannot meet.”

“One of the typical conditions of granting bail. They make you report to the police station right. See if they will report to the police station on two days a week between the old and 6:00 a.m. and 6:00 p.m. something like that. So you'll have to walk with your book so you can have the officers write in the book that you were at the station and sometimes a matter will last five years. so You reporting into the prison in the police station for a five year period”

The words ‘simply cannot meet’ suggests courts are imposing difficult or impossible conditions that the accused can reasonably be expected to uphold. This may suggest that something is a contradictory within the system if unrealistic expectations are being set with the intention that persons can meet the requirement. The legal professionals gave an example of the accused having to report to a police station two to three times a week. This, though appearing simple on the surface, becomes complex as case have lengthy years before completion. So, in a given situation the accused may be going to the police station two-three times a week for five or more years. Is there then a suggestion that the lengthy times are part of a wider argument of a culture of lengthy proceedings happening within the Criminal Justice System and other bureaucratic processes within the Criminal Justice System? The bureaucratic process created by the imposition of conditions is another way that can result in a person being remand into custody.

The literature on remand in other systems has identified access to justice as an issue, but generally with regards to legal representation and having young persons held on remand rather than process bureaucracy per se. Brookman (2001) in examining how the Human Rights Act impacted the Criminal Justice System in the United Kingdom, identified that in practice, many remandees were unable to get legal representation which

hinders access to justice. Another article, Marty (2014), contextualized in Belgium, argues that the pre-trial system starts at the arrest in the police station. Here the accused are denied access to justice as many are denied access to a lawyers. In the limited data analysis thus far, my study has not suggested legal representation as a barrier to accessing justice, but rather the actual procedures and administration of bail.

5.9.3 *Provisional Concept 3: Presumption of Innocence*

With the mention of “legally innocent” by a legal professional earlier, we have already been introduced to the importance placed on the presumption of innocence pre-trial as a fundamental principle. Further to this, there is already a strong emphasis from legal professionals that, as a consequence of still being “legally innocent”, one should be “entitled” to retain your liberty, and not on remand, because innocent people have their freedom:

“Everyone is entitled to bail primarily because of the presumption of innocence, right. And you're presumed innocent until proven guilty, then you shouldn't have your liberty deprived of you, all right. And we do have the right to not be deprived of liberty except by due process of law which is going to court and being found guilty to the charge, right. Right, so if it is you are an innocent person there's no reason that you should be kept”.

For the legal professional there is a direct link between presumption of innocence and one’s freedom, referring to it as a right everyone is entitled to receive. However, in the Bail Act 1994, there is an assumption that particular offences require more control than others and are subjected to mandatory custodial remand.

CIRCUMSTANCES IN WHICH PERSONS ARE NOT ENTITLED TO BAIL:

“Where a person is charged with any of the following offences: (a) murder; (b) treason; (c) piracy or hijacking; (d) any offence for which death is the penalty fixed by law

Bail Act 1994, First Schedule Part 1

The legal professional further believes that the only time such a right should be taken, is only after one is found guilty of crime. Perhaps the legal professional is suggesting the deprivation of one’s liberty is only viewed as a punishment for a wrong doing and the only way one can be sure of this wrong doing is by being declared guilty before the courts.

Steyn (2000) presents this idea that presumption of innocence is the reason that bail system would favor the accused getting their personal liberty until trial. Allen (2012) argues that often remand is not used as a last resort and this violates the presumption of innocence.

5.9.4 Provisional Concept 4: Restricted Access of Justice

Another concept surrounding remand is that of restricted access to justice. The concept of access to justice has been explored earlier but this concept looks at restricted access to justice because of limited resources. The legal professionals had a concern about everyone not being able to access bail because of a lack of financial resources. The professional stated,

“There are offences where bail is set too high and a person cannot access it.”

The idea that there are only particular offences where bail is set high may suggest that possibly that is a policy intention to control particular offences for whatever reason.

The words “*set too high*” may suggest that there is an acceptable level at which bail can be set and be considered reasonable if someone is able to access it. The practice of setting too high would also incorporate the court assuming the accused’s social economic status and setting a cost that may be unattainable by the persons of a lower strata. It could also mean that there are standard averages or ranges for particular offences and the courts simply extend the same courtesy to everyone who comes before the court for that offence

“So, you know you'll have clients that would beg, whether or not they are represented by an attorney. Sometimes they experience and they can say it for themselves, "Mam please remove the surety, Mam, Mam, Mam, no please. Please Mam." Because they know they're not going to be able to get that. And it hurts the poorer classes.”

As a result of this practice, the legal professionals believe that those of the lower class are disadvantaged. “*And it hurts the poorer classes*” suggests that other classes are generally able to access bail.

The professional further explained that that some persons represent themselves. This may suggest that they are unable to negotiate lower bail amounts on their own and may possibly receive more favorably responses if they were represented. The issue may therefore be lack of representation throughout the pre-trial process.

There is an assumption in policy that everyone has access to financial resources and therefore has a fair chance of being able to access bail. In practice however, fairness is lost as not everyone has the means to access bail. This unfortunately affects the poor classes more and they are remanded into custody. Remand is being framed in practice as a place you mostly find persons of the lower economic strata.

5.9.5 Provisional Concept 5: Humans Rights and Remand

The concept being explored here is that of human rights around remand. The concept of human rights is particularly concerning to remand as we are dealing with those who are presumed innocent until proven guilty. The legal professional described remand facilities within Trinidad and Tobago as stinking, unpleasant and unclean.

“I could tell you it's stink. There's a scent a pungent scent. It's. secure I mean where can be more secure than a prison. But it's. It. Lacks. I don't know I don't what other word take what a word I could possibly give me a description Unclean.”

Legal Professional 3

Another response explained simply that the conditions do not meet the required standards.

“The negative answer reflects that the ideal conditions which should exist do not.”

Legal Professional 1

These ideal conditions and requirements are outlined in the Prison Rules which govern all prisons including remand across Trinidad and Tobago. The rules state:

Rule 34 – Cleanliness-- The Commissioner shall enforce a high degree of cleanliness amongst the staff, the prisoners and in every part of the prisons.

Rule 78. - Cleanliness and Sanitation-- The Medical Officer shall frequently examine the provisions made for the purpose of cleanliness and sanitation and see whether they are in efficient working order. He shall report at once to the Commissioner any defect or insufficiency therein.

Rule 246 - Health and Cleanliness --Every prisoner shall obey such directions as may from time to time be given by the Commissioner as regards washing, bathing, shaving and hair cutting.

Rule 249 - Upkeep of Cell --Every prisoner shall keep his cell, and the utensils, books and other articles issued for his use, and his clothing and bedding, clean and neatly arranged, as may be directed.

The rules however, outline an authoritative command to ensure the sanitations and conditions are up kept. This therefore indicates that there is a breakdown in management of the remand facilities and conditions. The issue of remand conditions is directly related to human rights which emerge from the literature, as an issue of remand that is not only identified within Trinidad and Tobago but in other parts of the world as well.

Appleman (2012) accounts that remand conditions remain chaotic and poor, particularly within the American Justice system. Due to its sensitive nature, human rights has been and continues to be a major advocate for remand reformation. However, Hafetz (2002) argues that while all these human rights advocacy have led to changes and formal reform, they are useless without meaningful structural reforms that enhance judicial independence, as well as the actual penetration and the adaptation of reforms to fit each country's unique political, social, and cultural history and the proper installation of the establishment of effective provisions for pre-trial release.

5.9.6 Provisional Concept 6: Policy Compliance

This concept looks at policy compliance within the system. The central idea is if the execution and operations of remand are satisfying the rules and regulations outlined in policy. The legal professionals believe that remand as outlined in policy, that is, to ensure a suspect attends the trial, is being achieved in practice.

“The positive answer reflects that at its core function, it does what it is supposed to do - pre-trial detention. The policy is simply: If you are not granted bail, then you are to be detained pending your trial.”

“Remand facilities continue to perform that role. The answer to the question starts as positive.”

Legal professional 1

Here the core function of remand is control which is achieved through the detaining of persons pending trial. The words “the answer starts positive”, suggests that the core function of remand that is being fulfilled is functional and this is a positive.

The professional believes that practice, being in line with policy, is a positive reflection of the system. The idea that the legal professional believes that remand continues to play that role suggests that the practice has never deviated from the core role and remand has stabilized in this function. This may suggest that policy is indeed effective and has an impact on practice within Trinidad and Tobago remand system. The legal professionals further indicated.

“It is difficult at this stage to identify a trend per say but what is evident is that practice is fulfilling the core function of remand, that is, ensuring the accused as present for trial. This however does not occur without hiccups and inconsistencies ...”

Legal Professional 2

Once again, remand is being framed as being functional both in policy and practice within this particular criminal justice model used within Trinidad and Tobago. The legal professional in this instance used the words “difficult at this stage to identify a trend” which presents an alternate idea that maybe remand functions are not as stable as initially indicate but quite changing or responsive. The words “this does not occur without hiccups and inconsistencies” suggest that although remand is fulfilling its core function there are problems with its efficiency and execution and needs some kind of corrective measure imposed.

5.9.7 Provisional Concept 7: The Incarceration Effect

Another concept around remand is that of the incarceration effects which looks at the impact prison has on the persons that are remanded into custody. Within Trinidad and Tobago, when someone is remanded into custody, they are imprisoned. The legal professionals raised an issue with imprisonment as the form used within the remand system. As they believed it has an impact of the persons who are remanded into custody.

“Do you think the person who was in there and spends three or four years on remand before they do their trial is going to be the same person they were when they come out. Prison changes you...”

Legal Professional 1

The response suggests that persons who are remanded into custody are changed by the experience. There is potential to explore what ways someone is changed. The legal professional believed that there is some psychological effect on the imprisoned.

The literature review identifies many social effects of being on remand but the focus on the psychological effect of being remanded is not identified. Surely, there are many studies focused on the effect of imprisonment in general on the psychological effect of imprisonment, but for the sole purpose of remand, social effects were identified in the literature review. Pepin (2012) argues that jail time can result in job loss, home loss, and disintegrated social relationships, which in turn increases the likelihood of re-offending upon release. This concept is suggesting that alternate forms of remand should be considered by policymakers.

5.9.8 Provisional Concept 8: Cultural Similarities

This concept looks at cultural similarities within remand legislation and practice in Trinidad and Tobago and other territories. The legal professional believes that the doctrines of remand are principally the same across the Caribbean, however when it comes to legislation, Trinidad and Tobago's is the exemplar.

“But having studied in the Caribbean what I can say is that our legal principles are largely the same. All right. And those are two reasons every remandee would be refused bail. How you can be denied bail or not denied. Very often I think within the Caribbean, other countries look here to Trinidad and Tobago for precedence. Right. There aren't. Many countries that have remand legislation. Right. But if they do very often or not they are modelled after our legislation. Modelled along the lines of one another's legislation.”

Legal Profession 1

The legal professional frames remand in Trinidad and Tobago as culturally similar to the Caribbean with the words “principles are largely the same”. The professional claims that Trinidad and Tobago policy and legislation for remand is advanced, as many countries within the Caribbean do not have remand legislation. The professional is framing remand policy as progressive. Interestingly, the professionals shared a past experience to illustrate comparison between Trinidad and Tobago and other territories.

“There was a seminar I had attended in... from time to time, we were looking at the rules. And he functions as a judge in the Eastern Caribbean. They're small jurisdictions, so, they don't even have a criminal court, it sits all the time. Because the numbers are small especially for serious crime that would go in front of a judge and jury. And we what he observed and what he was surprised at was the number of people that came and pled guilty, in those jurisdictions.”

“And really shockingly, it made him think, what's the difference between Trinidad and Tobago and the crimes there. Why do people plead guilty there? And free up a lot of legal resources, and you're not doing it here. You could speculate too, that people think that there's a high chance of success that they're not going to be found guilty. And they take the chance at ruling it. Also, think that parts of solving this problem is... and I think the government has been doing not a bad job, but it's a bad job for defense attorneys. But it's a good thing for prosecution. I think they're making the law tighter. I think the government is looking forward and looking outward in terms of how are other jurisdictions.”

These questions by professionals frame remand as forward thinking and outward looking as adjustments are being made to strengthen legislation. There appears to be a breakdown in the system as people think there is a high chance of success in them being found guilty. This may suggest that more persons then prefer to go through criminal proceedings which may even involve spending time of remand simply because they have a stronger chance of being acquitted.

CONCLUDING STATEMENT

As this research continues into its second round of analysis, it is expected that more in depth investigations would continue, yielding conceptual patterns and engaging with the wider body of literature

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6 Appendix

6.1 Appendix 1- Literature Review Table

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
1.	(Appleman, 2012)	Journal Article	American Remand system	<ol style="list-style-type: none"> 1. Policy considerations 2. Conflict with the law- sixth amendment 	America	<ol style="list-style-type: none"> 1. Contends that our current system of pretrial detention lies in shambles, routinely incarcerating the accused in horrifying conditions often far worse than those of convicted offenders in prisons. 2. Due to these punitive conditions of incarceration, pretrial detainees appear to have a cognizable claim for the denial of their Sixth Amendment jury trial right, which, at its broadest, forbids punishment for any crime unless a crosssection of the offender's community adjudicates his crime and finds him guilty 3. The spirit of the Sixth Amendment jury trial right might apply to many pretrial detainees, due to both the punishment-like conditions of their incarceration and the 		

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
						unfair procedures surrounding bail grants, denials and revocations		
2.	(Ballard & Subramanian, 2013)	Peer review Article	Remand procedure	1. Evaluates current policy and measures regarding use of remand in South Africa	South Africa	<ol style="list-style-type: none"> 1. a New York-based non-government organisation, aimed to alleviate overcrowding in South African prisons by assisting magistrates in bail proceedings and thereby decreasing the number of admissions into awaiting trial facilities. 2. Incremental shifts in the legislative terrain and policy indicate a growing concern around the excessive use of remand detention and the conditions to which remand detainees are exposed 3. A Despite government's efforts and purported 'success-es', remand detainee numbers remain alarmingly high,66 an indication that, perhaps, government efforts are simply insufficient, or, are the wrong type of efforts. 	NGO project	

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
						4.		
3.	(Bowles Cohen, 2008)	& Research	Choice between pre-trial detention and bail. Factors that affect the decision between PTD and bail and the relationship with cost of PTD.	1. Methods to model PTD including the decision framework and the stocks and flows analysis. 2. Modelling Policy Options to determine who and how much should be in Pre-Trial Detention. 3. Methods for compiling evidence in developing countries.		1. Using the stocks and flows approach is that it suggests various kinds of performance measures that may be of help when examining the evolution of PTD through time in a country or when making cross-national comparisons. 2. By reducing pre-trial delay (for example, by hiring more court clerks, judges, etc.), it might be possible to reduce pretrial detention time without increased risk of new crime.		
4.	(Brockett, 1971)	Journal Article	Remand Policy Issues with Remand	Unjustice of Remand		1. Remand conditions, gives a vivid examples through description of the cells and remand routine 2. In determining the adequacy and fairness of pre trial system involving		

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
						<p>pre trial restraints balancing process is necessary</p> <p>3. Four factors must be taken into consideration Society's interest, society's interest in discrimination, Society's interest in protection, Society's interest in fair and efficient operations</p> <p>4. Found that Threat of persons reoffending while on bail is minial</p>		
5.	(Brookman, et al., 2001)	Research/ study	Human Rights and remand	1. The legal context of remand	United Kingdom	<p>1. Possible implications of the Human Rights Act 1998 on Remand</p> <p>2. Application of Bail Legislation and its impact on remand</p> <p>3. Conflict between the law and Human right</p>		All interviews were male
6.	(Brown, 2013)	Article	Remand Issues	<p>1. Increase in remand rates</p> <p>2. What caused the increase in Remand</p> <p>3. How odes change in legislation affect</p>	Australia New Zealand Canada	<p>1. the key drivers of this increase in NSW, predominantly a form of legislative hyperactivity involving constant changes to the Bail Act 1978 (NSW),</p> <p>2. Changes which remove or restrict the presumption</p>		

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
				Remand increase		<ul style="list-style-type: none"> in favour of bail for a wide range of offences. 3. The article examines some of the conceptual, cultural and practice shifts underlying the increase. 		
7.	(Crank, 2010)	Research/ study	Life on Remand	<ul style="list-style-type: none"> 1. Inmate perceptions 2. Adapting to life on remand 		<ul style="list-style-type: none"> 1. inmates perceive prison life as difficult, a sizeable proportion of inmates do not find prison time to be overly difficult or severe 2. inmates who do not view prison as difficult are less likely to report intentions to avoid crime after release 	a survey of approximately 700 incarcerated felons	<ul style="list-style-type: none"> 1. the study's dependent variables were single-item measures.
8.	(Crijns, et al., 2016)	Journal article	Research Report	<ul style="list-style-type: none"> 1. Legal vs reality 	Netherlands	<ul style="list-style-type: none"> 1. Outset the legal grounds for remand in Netherlands 2. Reality what happens in Netherlands 3. A lay out of how such a project may look 		
9.	(Csete, 2010)	Research/ Study	Remand and Health	<ul style="list-style-type: none"> 1. Severe health problems for detainees result from inadequate health services, 		<ul style="list-style-type: none"> 1. literature review on health problems in pre-trial detention in low- and middle-income countries 2. health challenges more severe in pre trial because 		<ul style="list-style-type: none"> 2.

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
				2. the impact of inhuman and degrading treatment, and failure of the state to ensure humane living conditions, and protection from violence		governments invest less, cruel and inhumane treatment more likely to occur, Overcrowding, unlikely to have special services Deporable state of health		
10.	(Daskal, 2009)	Journal Article	The article centered around Guantanamo Bay and the how the preventative detention laws affect its operations	1. Impact of remand	United States of America	1. Reviews considerations of the American system. It looks at the United States adopts an entirely new system of detention—that permits the government to hold citizens and non-citizens without a trial or even charging them with a crime—based on a prediction of future threat 2. The article focuses on extensive pretrial detention like Guantanamo bay	N/A	Opinionated

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
						3. Questions if these centers are still necessary 4. Cant the US system find another way to deal with terrorist		
11.	(Deltenre & Maes, 2004)	Research	Use of Remand and Overcrowding in Belgium Prisons	1. Outlines the Belgium Scenario	Belgium	5. Prisons overcrowding is due to the increased use of remand in Belgium 6. Pre-trial on average is about 80 days spent 7. The length of time spent on pre-trial also contributes to overcrowding	Sample size not completely representative although very large	Issues with when persons were regrouped some cases were lost. These cases however may have been crucial to study
12.	(Diez-Ripolles & Guerra-Perez, 2010)	Research/Study	Remand Policy Remand Experience	1. Operations of remand system 2. Outline of the remand measures, arrest and remand decision	Spain	1. Outlook of the pretrial system in Spain 2. relevant data on the number of arrests and remand detentions and its evolution in recent times are reported, together with an illustrative empirical analysis on the factual procedure and contents of the judicial decision making in ordering these precautionary measures. 3. a discussion on current and would-be alternatives to pre-trial detention in Spanish criminal justice		Information is scarce from authorities. Validity and reliability?

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						<p>system is presented.\</p> <p>Gave an Overview of the Spanish regulation of both legally considered pretrial detention operations</p> <p>4. Relevant data on the numbers of arrests was presented with an effort to show evolution of the system</p> <p>5. Paper gives a comparative view.</p>		
13.	(Dobbie, et al., 2018)	Research	Remand and judges decisions	<ol style="list-style-type: none"> 1. Impact or pretrial on judges decisions 2. Remand and future/outcome 	United States	<ol style="list-style-type: none"> 1. uses the detention tendencies of quasi-randomly assigned bail judges to estimate the causal effects of pre-trial detention on subsequent defendant outcomes 2. Using data from administrative court and tax records, we find that being detained before trial significantly increases the probability of a conviction, primarily through an increase in guilty pleas 	quasi-randomly assigned in subsequent defendant outcomes. Using data from administrative court and tax records	<p>unable to estimate the deterrent effects of a more or less strict bail system</p> <p>we are unable to measure the impacts of pre-trial detention on informal sector earnings or consumption</p>

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						<p>3. The high rate of pretrial detention in the United States is due to both the widespread use of monetary bail and the limited financial resources of most defendants.</p> <p>4. This paper uses the detention tendencies of quasi-randomly assigned bail judges to estimate the causal effects of pretrial detention on subsequent defendant outcomes. Using data from administrative court and tax records, we find that pretrial detention significantly increases the probability of conviction, primarily through an increase in guilty pleas</p> <p>5. suggestive evidence that pre-trial detention decreases formal sector employment and the receipt of employment- and tax-related government benefits.</p>		

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14.	(Elger, 2009)	Study	Health and Prison Culture	How prisoners complaining of insomnia and prisoners without sleep problems describe their daily activities, stress factors and the perceived reasons for their sleep quality in prison.		<ol style="list-style-type: none"> 1. Most detainees are in a particularly stressful situation, related to the conditions of imprisonment, but also to the lack of support from their families and friends and to their anxiety related to the outcome of their judicial affair and their personal future. 2. Prisoners complaining of insomnia and those reporting good sleep differed significantly in their lifestyle in prison. A significantly higher percentage of the former than of the latter reported writing letters, diaries or a book in prison, as well as doing "arts-related" activities such as painting and listening to music. 3. A significantly higher percentage of non-insomniac prisoners than of prisoners complaining of insomnia practiced sports in prison, watched television, and spent their 	<p>102 randomly chosen remanded prisoners complaining of insomnia and 61 randomly chosen prisoners who did not complain of insomnia.</p> <p>Sleep quality and its different components (C1 subjective sleep quality, C2 sleep latency, C3 sleep duration, C4 habitual sleep efficiency, C5 sleep disturbances, C6 use of sleeping medication, C7 daytime dysfunction) were measured using the Pittsburgh Sleep Quality Index (PSQI) (Buysse, Reynolds, Monk, Berman, & Kupfer, 1989).</p>	

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						day discussing and meeting other detainees. Pittsburgh Sleep Quality Index (PSQI) and General Health Questionnaire (GHQ) scores were significantly different between insomniac and non-insomniac prisoners.	Psychiatric symptoms among the insomniac patients were measured using Goldberg's (D. Goldberg, 1978) 28-item General Health Questionnaire (GHQ) and the 0011 scoring method.	
15.	(Ferguson, 2016)	Journal	Remand and human rights	1. Innocent until proven guilty	United Kingdom	<ol style="list-style-type: none"> 1. adoption of a broader, normative approach, namely that the presumption reflects the relationship which ought to exist between citizen and State when a citizen is suspected of breaching the criminal law 2. The role of application of presumption of innocence has in pretrial process 		3.
16.	(Forrester, et al., 2014)	Peer Reviewed Article	Remand and health	1. Health in overcrowded remand	United Kingdom	<ol style="list-style-type: none"> 1. describes the functions of one health institution in a busy, ethnically diverse, male remand prison in London, UK 2. Mental disorders are over-represented 	Clinical and demographic data were collected for prisoners referred to the MHIT using a retrospective	The article stated Substance misuse problems were common. How common is common really?

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						amongst prisoners as a group 3.	design over an 18-week period in 2008/2009	
17.	(Freeman, 2008)	Research	Experiences of remand	Young people on remand	Ireland	1. young people often end up in remand custody as a result of noncompliance with bail. 2. Use of alternate systems to help with bail 3.	court observation and semi-structured interviews conducted with young prisoners aged 16 to 21 years in remand custody	4.
18.	(Goldkamp & Gottfredson, 1979)	Research/study	Effects of bail.	1. Effects of bail on remand. 2. How does bail decisions made which indirectly means how are remand decisions made		1. The importance of the bail decision to the processing of criminal cases is obvious; it is the gatekeeping mechanism that governs the release or detention of defendants before trial 2. Functions of bail		Tried to quantify decision making
19.	(Graham, et al., 2012)	Peer Reviewed Article	Remand and Health	1. Alcohol Prevalence	Scotland	1. Offenders have a higher prevalence of alcohol problems when compared with the general population.	Using the Alcohol Use Disorders Identification Test (AUDIT) screening tool, all new remand	The article noticed a correlation between alcohol use and offending however remand is

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						<p>2. Measure the nature and prevalence of Alcohol Use Disorders (AUDs) in adult male prisoners on remand in a prison in Scotland.</p> <p>3. Prevalence of alcohol problems within the sample was high: 73 per cent of the sample was identified with an AUD, with 43 per cent with scores indicating possible alcohol dependence.</p>	<p>prisoners were screened over a two week period.</p>	<p>'unconvicted' prisoners, so does alcohol affect the innocent as well?</p>
1.	<p>(Holman & Ziedenberg, 2006)</p>		<p>Youth in Detention Centers and its impact on youth, family and the community</p>	<p>1. Youth in detention centres</p> <p>2. Impact of detention centres on youth</p>		<p>20. Over half the youths locked up in detention centres are there for non-violent crimes</p> <p>21. Centres affect the future of inmates</p>		<p>Only on youths can it be referenced?</p>
22.	(INTER-AMERICAN COMMISSION	Research	Use of Remand	1. Use of Remand	Americas	1. Research on the use of pretrial across America		

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	ON HUMAN RIGHTS, 2013)					<ul style="list-style-type: none"> 2. Good source for American statistics 3. Policy Review in America on Remand 		
23.	(Ivan & Ivan, 2012)	Article	Remand and Legislation	1. how legislation affects remand	Romania	<ul style="list-style-type: none"> 1. the distinction between the regulations of the new Romanian criminal procedure Code and those included in the Romanian criminal procedure Code in force. 2. Custody on remand is a detention measure consisting in removing the person against whom this measure was decreed from the social to the detention environment. 3. Custody on remand is extremely useful in terms of the goals it seeks to achieve: on the one hand, insuring the appropriate carrying out of the criminal trial and implicitly delivering criminal justice,³ on the other hand, insuring social defense. 4. 	Legislation Review	Not so of the credentials of the authors to make this review

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24.	(Jenkins, 2013)	Web Page Article		1. Outlines the American Scenario	United States of America	1. What's happens in reality 2. What the legal prospective is		
25.	(Kinsella, 1938)			1.		1.		
26.	(Lippke, 2014)	Journal Article		1. Argument for pretrial detention 2. Should pretrial detention mirror prison?		1. Outlines steps to make pre-trial detention decisively different from imprisonment. 2. Distinguishing Pre-trial Detention and Legal Punishment 3. Good argument for the existence of pre trial		
27.	(Miller & Guggenheim, 1990)	Journal Article		Pretrial detention is punishment. Unjust punishment and violates liberty.	American	1. The troubled state of detention and bail practice is the result of several interrelated factors. First and foremost, pretrial detention is one of several intractable problems of the criminal justice system. ³		
28.	(Murai, 1990)	Journal Article	Remand and confinement.		Japan	1. Reviews the Detention Institution Bill that was passed in parliament. 2. Outlines it effects of the policy	commentary	Limited statistics.

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			How legislation affects remand					
29.	(Myers, 2017)			1.		1.		
30.	(Nagy, 2016)	Journal Article	The use and abuse of pre-trial detention in Council of Europe states, focusing on member states' compliance with the legal standards outlined in the European Convention on Human Rights and since given shape by the European Court of Human Rights.	Pre trial detention	European states	<ol style="list-style-type: none"> 1. Provide background on the problems most commonly associated with the use of pre-trial detention in European states 2. The Council of Europe's approach to ensuring that members comply with international standards governing the use of pre-trial detention 3. Examine the relevant case law within the European Court of Human Rights, especially as it pertains to recent or ongoing criminal justice reform within member states. 4. Alternatives to pre-trial detention successfully in use in Council of Europe member states, as well as the possibility of their implementation in other jurisdictions. 	<ol style="list-style-type: none"> 1. Case law 2. And member states data 	

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31.	(Open Society Foundation, 2011)	Editorial	Remand and Health	1. Unhygienic practices in remand		1. Why Excessive Pretrial Detention Threatens Public Health	N/A	Lacks sources for statistics
32.	(Penal Reform Institute, 2016)	Website article	Steps countries can use to reduce pretrial detention	1. Reducing pretrial	England	1. Outline a 10 point plan to reducing pretrial detention		
33.	(Pfander, 2011)	Article	Remand and Legislation	1. how legislation affects remand	America	1. Having narrowed the statutory restriction, the Court has authorized appellate review of a range of remand orders. 2. Thus, the Court has approved review when the remand in question represents an exercise of discretion and when another federal statute imposes a particularly emphatic restriction on the district court's remand authority 3. the judicial code flatly prohibits review of remand orders, by "appeal or otherwise." ³ It thus appears to give district court judges the final word when they	Review	

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						grant a motion to remand to state court. ⁴ But the Court has not been able to live with a flat prohibit		
34.	(Pyne, 2017)	Article	Remand and legislation	<ol style="list-style-type: none"> How does remand effect sentencing Remand procedure 	America	<ol style="list-style-type: none"> determine efficient responses to delayed sentencing for both remand and bail. assumes bail decisions are exogenously determined by factors independent of eventual sentences. potential criminals can predict their bail prospects, it finds that remanded prisoners should receive one-for-one reductions only when both the disutility of jail and the costs to the state are the same as detention in prisons. 	deterrence model to conduct comparative static exercises	
2.	(Redpath, 2014)	Journal Article	Effect on change of Remand Policy in 1997 on south Africa	<ul style="list-style-type: none"> Quality of Remand Drivers of Remand Impact of policy on Remand 	South Africa 1997 Policy , effects of	<ol style="list-style-type: none"> The change in policy so that government appeared to be "tough on crime" created major problems in the remand system even until today "What causes high remand populations? The number of 	Not specific, but it did quote statistics.	<p>Lack of data.</p> <p>How grounded are these findings, because limited methodology not sure if there is a direct link</p>

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			Prison population	▫ Descriptions of Remand	2014's state of remand	remand detainees on any particular day is influenced by two trends – how many people are admitted to remand, and how long each of them remains in detention. What do the data say about how many people were admitted to remand detention? ". For the article the policy affected both. 3. Resulted in Overcrowding of prisons, a backlog on cases in the system, created a breakdown in the system; an unsustainable system.		between policy change and results experienced.
35.	(Reed, 2011)	Journal Article	Living on Remand	3. Remand conditions in New Guinea 4. Legal/ policy principles of remand in New Guinea (Limited)	New Guinea	1. Looks at life on remand in a Papua New Guinean prison. It examines the hopefulness of those inmates waiting for court and legal judgements 2. Explored through an engagement with the analysis offered by the New		
36.	(Richman, 1995)	Journal Review	Pretrial Procedure	Remand Policy	England and Wales	1. Reviewing: Andrew Ashworth, The Criminal Process: An Evaluative Study. Oxford: Clarendon Press, 1994, 315 pp.	N/A	1. Limited critique was given in the Review .

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						2. Ashworth reviews the criminal justice system and the role of the Role Commission		
37.	(Robinson, 2001)					1. The system's general shift from punishment toward prevention has not been accompanied by a corresponding shift in how the system presents itself. 2. Can we really punish the unknown? 3. Can we punish the dangerousness of the unknown		
38.	(Sacks, et al., 2015)	Journal Article				1. Focuses on bail decisions and how what impacts the overall system and prisons.		
39.	(Sanderson, et al., 2011)	Research Project	Remand policy and legislation	1. How particular groups are treated on remand 2. Remand policy affects particular groups	Queensland	1. examined the factors influencing whether Aboriginal and Torres Strait Islander accused adults were refused bail and instead held in custodial remand, and identified ways to assist Indigenous people to	1. qualitative and quantitative data sources. We consulted a range of key stakeholders including members of the Aboriginal and Torres Strait Islander community, police, legal practitioners, Magistrates, and staff from other	

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						<p>comply with bail conditions</p> <p>2. The project addressed four key objectives.</p> <p>1. To identify the key decision making points as well as the factors and processes that affect the decision to bail or remand an Indigenous accused person;</p> <p>2. To identify factors impacting on an Indigenous person's ability to meet bail conditions as well as best practice in bail programs;</p> <p>3. To understand how government data can be used to better predict the granting of bail and compliance with bail conditions for Indigenous persons; and,</p> <p>4. To cost program options aimed at reducing the Indigenous</p>	<p>criminal justice services. In addition, we analysed administrative data from the Queensland Police Service, Department of Justice and AttorneyGeneral (Magistrates', District, and Supreme Courts) and Queensland Corrective Services.</p>	

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						overrepresentation in custodial remand 3. Indigenous males and females are over-represented in both arrests and remand in police custody		
40.	(Sarre, 2016)	Journal Article	Remand and bail	Vulnerabilities of remanded Remand and bail (how does bail affect remand)	Australia	1. specific vulnerabilities of applicants for bail that need to be addressed if there are to be any answers to the current malaise. 2. How does the bail procedure affect remand 3. explains why there are differences in remand rates across Australia and why they are rising	By looking at current data and recent research findings, the paper reveals that there persists in Australia great unevenness in remand distributions by jurisdiction.	No real empirical evidence may cause paper to be an opinion paper
41.	(Sarre, et al., 2006)	Research / study	Custodial Remand in Australia	1. Use of Remand 2. Overcrowding of Remand 3. Factors influencing Remand 4. Issues of Remand	Australia	1. This analysis strongly suggests that for the jurisdictions and time periods studied, changes in the numbers of people remanded in custody result from changes in the characteristics of defendants and changes	methodology using both quantitative and qualitative research strategies.	5.

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				5. which factors are critical to remand processes, and 6. how do these contribute to remand rate differences between Victoria and South Australia? 7. what is the effect of custodial remand on key outcomes, 8. what constitutes 'good practice' in remand decision-making, and what are the policy implications of the study's findings. 10.		in practices and policies of remand decision-makers 2. a low remand-to-sentence rate might suggest that remand is being used inappropriately, or that remand is serving as a substitute for sentenced imprisonment. 3. lower remand rates are associated with enhanced police accountability for bail refusal 4.		

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42.	(Sawyer, et al., 2010)	Research	Health on Remand	1. Mental Health among adolescents on remand	Australia	<ol style="list-style-type: none"> 1. To compare the nature and prevalence of mental health problems, 2. prevalence of suicidal ideation and behaviour, 3. health-related quality of life of 13 – 17-year-olds on remand with that of 13 – 17-year-olds in the general community. 	Self reported questionnaires completed by 13 – 17-year-olds who were remanded in South Australia in 2008/9 (N=159),	the use of self-reports as the sole source of information about the mental health and wellbeing of adolescents.
43.	(Seetahal, 2010)	Book	Criminal procedure in the Caribbean	Criminal procedure in Trinidad and Tobago	Trinidad and Tobago/Caribbean	<ol style="list-style-type: none"> 1. Criminal procedure in Trinidad and Tobago 2. Explanation of certain laws 3. Explanation of the criminal Justice system 		
44.	(Singelton, 1997)			2.		2.		
45.	(Toman, et al., 2018)	Journal Article	Effects of remand			<ol style="list-style-type: none"> 1. systematically assessing the effects of time spent in pretrial detention (jail) on both the likelihood and seriousness of prison misconduct. 		
46.	(VanNostrand, et al., 2013)	Research	Remand and sentencing	1. Impact of remand on outcome and sentencing	United States	<ol style="list-style-type: none"> 1. Compared to defendants released at some point pending trial, defendants detained for the entire pretrial period are more likely to be sentenced to 	Multivariate models were generated that controlled for relevant factors including risk level, supervision status, offense type, offense level, time at	

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						<p>jail or prison – and for longer periods of time.</p> <p>2. Detained defendants are over four times more likely to be sentenced to jail and over three times more likely to be sentenced to prison than defendants who are released at some point pending trial.</p> <p>3. Sentences for detained defendants are also significantly longer: Jail sentences are nearly three times as long, and prison sentences are more than twice as long</p>	<p>risk in the community, demographics, and other factors. Two critical findings related to the impact of pretrial detention were revealed</p> <p>The sample used for the current study includes all defendants arrested and booked into a Kentucky jail between July 1, 2009, and June 30, 2010.</p> <p>Bivariate and multivariate models were used to complete the analysis.</p>	
47.	(Webster et al, 2009)	Study		3.		3.		
48.	(Williams, 2013)	Research/Study	Effects of Remand	Factors that influence judges decisions after pre-trial detention		<p>1. Focuses on how pretrial detention affects later prison decisions.</p> <p>2. Does pretrial detention play a role in judge's</p>		<p>1. Prior record could have a significant impact on decisions. To assess prior record, a ratio measure and the</p>

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						<p>decision when a conviction really happens</p> <p>3. Defendants who had been jailed pending case disposition were treated more severely than defendants who had not been jailed, controlling for related legal and extralegal factors.</p>		<p>actual number of previous felony convictions for each defendant were used. No indication if the number of prior convictions was considered. For example 1 conviction verses 4</p>
49.	(Ziesel, 1979)			5.		<p>1. It is generally known that the higher the bail amount the less likely it is that a defendant will be released prior to trial</p> <p>2. Bail policy affects the use of remand</p>		
50.	John Goldkamp, The Effects of Detention on Judicial Decisions: A Closer Look, (Goldkamp, 1980)	S. Journal Article		1.		1.	1.	

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51.	STEPHEN J. MORSE Blame And Danger: An Essay On Preventive Detention	Journal Article	The use and few effects of preventative Detention in America	2.		8.		
52.	Garland, 2006	Jorunal Article	Culture and punishment	1.	Theoretical	9.		
53.	Findley et al (1994)	Book	Australian Criminal Justice system	2.	Australia	1. Outline remand system in Autrial 2. Complete over look of criminal justice system		
54.	Just (1973)	Journal article	Remand system in District of Columbia	Explained the problems and inequalities in administrating bail or retaining on pre trial	Washington and DC, District of Columbia	1. Constitutional right of bail??. The debate 2. The tradition bail system 3. Impact of changes in legislation 4. The operation of the current system of pretrial detention and bail	Empirical Analysis, using secondary data	
55.	Kiselbach (1989)	Journal Article	Issues with the concept of bail and presumption of innocence	1. Remand system in Canada 2. Bail in Canada 3. Issues with Bail	Canada	1. Administration of bail 2. What Presumption of Innocent actually means in the Canadian context 3. Objectives of bail	Discussion through the use of cases	

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56.	Szabo (1975)	Journal article	Comparative Criminology	<ol style="list-style-type: none"> 1. Development of the concept and theory 2. Examples 3. Justifications for its use 		<ol style="list-style-type: none"> 1. How has Comparative Criminology contributed to positivist 2. Is comparative criminology realistic? 3. Can comparative criminology be used to distinguish scientific criminology 	Discussion using different perspectives in sociology	
57.	Bennet (2004)	Journal article	Comparative Criminology	<ol style="list-style-type: none"> 4. Analysis of Comparative Criminology 5. Comparative Criminology and its contribution Criminal Justice Research 		<ol style="list-style-type: none"> 1. Benefits of Comparative criminology to the world of criminology research 2. How does it work and how does it make sense 3. Short exploration of the introduction of comparative criminology in criminal justice research 	Discussion	
58.	Nils (1969)	Short paper	Comparative criminology	<ol style="list-style-type: none"> 1. Benefits and drawbacks of Comparative criminology 		<ol style="list-style-type: none"> 1. Drawing on personal experience the writer explores the major drawbacks of comparative criminology. 2. Gives suggestions of criminal research that fits into comparative criminology 	Discussion	
59.	Deltenre & Maes (2004)	Journal article	Remand system in Belgium	<ol style="list-style-type: none"> 1. Issues with Pretrial in Belgium 	Belgium	<ol style="list-style-type: none"> 1. Effects of Limiting Length time on pretrial detention 2. Overcrowding a major issue in Belgium pre trial 	Simulation study	

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				2. General operations of pretrial system in Belgium		3. Study provides solutions to solving this issue		
60.	Stevens (2013)	Journal article	Effect of pretrial system	3. The relationship between Presumption of innocence and pretrial system		4. How does pre trial affect presumption of innocence and vice versa. 5. Bail is consistent with presumption of innocence.	Discussion	
61.	Ibid(1971)	Journal article	Remand system in New York	1. The relationship between Presumption of innocence and pretrial system 2. Issues with the system 3. Effects of the System	New York	1. Presumption of Innocence and pretrial are contentious 2. Overcrowding and speediness of trial are major issues 3. Pretrial seems to have some impact on the outcome of cases	Discussion using secondary data	
62.	Nelken (2009)	Journal article	Comparative criminology	1. Relationship between Comparative criminology and Ethnocentricism		1. When looking at another country you judge them on their merit 2. Each space has its own culture and understanding 3. Don't impose your knowledge while looking at other systems	Discussion	

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				2. Benefits of Comparative Criminology		4. Benefits of comparative criminology		
63.	Bennet (1979)	Journal Article	Police force	3. Comparative study of the police force	Trinidad and Tobago	5. Compares operations of Trinidad and Tobago police force to other Caribbean islands 6. Useful in demonstrating comparative criminology	Discussion	
64.	Schnake (2014)	Review	Bail system	4. Operations of the Bail system in Us		7. History of Bail in US.A 8. Current outline of Bail 9. Regulations of bail/ pre trial	Reference guidance	
65.	Schonteich(2008)	Publication	Impact of Remand system	5. How remand affects society 6. How remand affects other systems in the criminal justice 7. Overall impact of remand		10. Remand is understudied/ unrated 11. Remand has a great impact although understudied 12. Remand impacts the overall operation of the Criminal Justice system		
66.	Ibid(1928)	Journal article	Issues with Remand	1. Remand Operations 2. Purpose of Remand 3. Treatment of prisoners	America	1. Remand prisoners are treated exactly like convicted prisoners 2. Should the innocent really be treated as the convicted?	Discussion	Limited empirical evidence. However used a lot of realistic examples from different countries

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
						3. How can you know if someone is innocent before a trial Remand allows for crime to beget crime		
67.	Carpenter (2014)	Journal	Purpose of excessive remand	1. Political will and excessive Remand	America	1. Will Guantanamo Bay close down 2. The use of pre-trial detention policy in USA war tactics	Discussion	
68.	Marty(2014)	Journal	Remand and Human Rights	1. Access to Justice	France and Belgium	1. Pre trial detention begins as a police measure as they are detained in police stations for questioning 2. Suspects are vulnerable during this time and often not given access to lawyers. 3. France and Belgium both have adopted human Rights Charter 2000 4. Adjusted to legislation offers access to justice 5. Policy differs from practice with regards to access to justice (right to a lawyer)	Discussion	No empirical evidence
69.	Wiseman (2014)	Essay	Remand policy	1. Alternative to pre trial 2. Drawbacks of pretrial		1. Electronic monitoring should replace pretrial detention		

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
						2. A solution to the issues of pre trial		
70.	Morgan(2014)	Journal	Remand Policy	1. Impact of Remand		1. Changes in legislation in an attempt to make remand operation efficient 2. Using remand as a security measure 3. Remand policy as a response to society needs 4. Politics France has a foundation of liberty, equality and fraternity. 5. Legislation and changes within the united Kingdom threatens the last foundation of liberty. Particularly personal liberty 6. Legislation such as human acts Right 1998, Terrorism Act, effects of 9/11 7.		
71.	Ibid constitutional rights	Journal	Role of Remand	1. The use of remand as a security tool 2. Social status and remand	America	1. Most who are detained is due to inability to pay bail 2. Believes judges see the bail system as having 4 objectives: punishment, preventative detention,	Discussion	Uses cases as evidence for some of the points and statements . Associating financial status and rpe

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
						<ul style="list-style-type: none"> rehabilitation, rapid disposition of cases 3. Plays a vital role in pretrial detention as a defendants release is based on his financial status 4. Looks at the American System 5. Identifies differences between a detainee and a prisoner and sees how these difference allow particular treatment in the system 		trial numbers requires more analysis than cases.
72.	Struve (2013)	Study		3.		6.		
73.	Fagan (1996)			4.		7.		
74.	Albrans(2011)	Study	Cost of pre trial	<ul style="list-style-type: none"> 1. Cost of pre trial 2. Effect of pre trial 3. Relationship between pre trail 		<ul style="list-style-type: none"> 1. Article looks at cost benefit analysis to determine jail costs, costs of lost freedom, social costs. 2. Negative relationships between bail and release and failure to appear 	Cost benefits analysis	No discussion of findings and anaylsis.
75.	Alboneti et al (1989)	Study	Pretrial detention of Stratification	<ul style="list-style-type: none"> 4. Pretrial and race 5. Pretrial and education level 		<ul style="list-style-type: none"> 3. When it comes to making bail decision blacks are often disadvantaged 4. Pretrial detention is influenced by both legal 	Discussion	Limited empirical evidence. Used findings from other reserach

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
				6.		<p>and extra-legal factors; intended and unintended factors.</p> <p>5. Considerable evident that when components of education and income are analyzed against charged. Blacks are generally disadvantages blacks more than whites</p> <p>6. While this and previous studies have found that the main effect of race on pretrial release decisions is negligible, with the exception of Farnworth and Horan's (1980) research, interactions of race with stratification resources have not been explored</p> <p>7. This research further indicates that the above structural principle and the interactions it implies do indeed operate in the allocation of pretrial release decisions.</p>		

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
76.	Alexander et al (1958)	Study	Effects on pre trial	<ol style="list-style-type: none"> 1. The effects of Bail on the criminal defendant 2. Conditions of detention 3. Evaluate methods bail and achieve their objective. 		<ol style="list-style-type: none"> 1. to analyze and evaluate the methods by which bail and the related device of release on one's own recognizance 2 attempt to achieve their objective; 2. to examine the effects of the bail system on the criminal defendant, by studying the conditions of detention for defendants who do not obtain pre-trial release and by comparing bail and prison cases in terms of results at the grand jury, trial and sentencing stages and in terms of length of time between initiation and disposition of the case 3. Manhattan House of Detention prisoners are locked in their cells for approximately eighteen hours each day. When not locked in their cells, they are ordinarily locked in the quadrant, a pen-like corridor on which their cells front. In the Raymond Street Jail, 		

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
						<p>prisoners are locked in their cells at all times except for a one hour exercise period each day. Members of the prisoner's immediate family and his lawyer are the only persons permitted to visit him</p> <p>4. Incarceration under any circumstances imposes certain disadvantages in defending oneself against the prosecuting machinery of the state.</p> <p>5. if the courts were to impose lower bail and make greater use of alternative bail and release on the defendant's recognizance, the number of persons detained might be substantially reduced, thus allowing a minimum security program to be instituted within the present operating budget</p> <p>6. a system which does not fairly and intelligently discriminate between which defendants shall be</p>		

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
						imprisoned and which shall be allowed their freedom pending trial calls for correction regardless of whether incarceration has a demonstrably adverse effect on the outcome of the case		
77.	Sacks(2014)	Study	Effects of pre trial	1. Factors influence sentencing decisions		<ol style="list-style-type: none"> 1. pretrial detention does not influence the decision to incarcerate; however, pretrial detention does significantly and negatively affects the length of the sentence in cases that involve a sentence of incarceration 2. Assess the factors that influence sentencing decisions, with a specific focus on the role of pretrial release status. 		
78.	IPRT Position Paper 11 Bail and Remand	Study		<ol style="list-style-type: none"> 1. Remand policy 2. Remand and rights 	Ireland	<ol style="list-style-type: none"> 1. Article examines policies relating to bail and remand 2. Examines rights of persons on remand 3. Overview of remand system in Ireland 		

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
79.	Macbeth(2010)	Case study	Remand policy	3. Changes in remand policy and how that impacts operations		<ol style="list-style-type: none"> Article looks at how the Bail Reform Act 1984 impacts the crime of possession of child photography Judges are increasingly forced to make pre trial decisions in these cases as there has been an increase in the defendants of this offense 	Case study	Makes general statements based on one case study
80.	Oleson (2014)	study	Remand experience	1. Remand impact sentencing, more so length of sentencing		<ol style="list-style-type: none"> indicated that federal pretrial detention was associated with increased length of sentence. To a lesser extent, revocation of pretrial services supervision was also associated with increased sentence length, while the successful completion of pretrial supervision was associated with shorter sentence length. 	Model: quantitative	Duplicated reserch. , the sample was drawn from a limited period of time (one fiscal year) and from a small sample
81.	Nesbitt(2008)	study	Remand policy	1. Preventive detention strategies	Australian and united States	<ol style="list-style-type: none"> the United States are far more intrusive of individual liberties than the Australian legislative model. While the Australian measures incorporate more 	Comparative analysis	

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
						procedural protections and safeguards from abuse than their U.S. counterpart, and, therefore, are the more favored approach, neither scheme is consistent with the fundamental principles and values underlying both the U.S. and Australian systems of criminal justice and due process.		
82.	Stevens(2009)	review	Remand Issues	2. Presumption of innocence and remand 3. Remand and human rights	UK	1. I will elaborate on the meaning of the presumption of innocence and I will argue that the presumption cannot be invoked to effectively curtail the use of pre-trial detention. 2. The European Court in the elaboration of its afore mentioned basic assumption is not able or willing to restrict the general tendency of increasing pre-trial detention	Argumentative paper	Limited evidence

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
83.	Himsell (1986)	Paper	Remand Policy	1. Remand Policy vs Remand Practice	America	<ol style="list-style-type: none"> 1. The Bail Reform Act of 19841 authorizes judicial officers to detain a defendant before trial if the officer determines that the defendant is likely to commit a crime while on release pending trial. 2. Preventative detention is inaccurate in predicting criminal behavior and is excessive in relation to its purpose. 3. Despite Congress efforts is outline criteria to be used in identifying criminal behaviour and observation concerning the relative reliability of prediction of criminal behavior, judge will still be detain large numbers erroneously 4. Sociological data suggests that procedural safeguards will not have great impact reducing the number of erroneous detentions. 	Review	
84.	Alschular(1987)			1.		1. maintains that neither a legitimate nor a very		

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
						<p>important governmental interest can justify preventive detention in the absence of significant proof of past wrongdoing or an inability to control one's behavior.</p> <p>2. The article does not oppose all forms of preventive pretrial detention. To the contrary, it recognizes that the detention without bond of a person accused of crime can be consistent with Anglo-American legal tradition, with fundamental fairness, and with sound policy.</p>		
85.	Goldkamp(2015)	Study	Effects on Remand	<p>1. Impact of Remand</p> <p>2. Society's impact on remand</p>	Philadelphia	<p>1. The concurrent impact of individual and neighborhood effects on defendant pretrial performance has not been studied. This study asks whether there is neighborhood-level variation in defendants'</p>	Multivariate analysis	

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
						<p>failure to appear and pretrial crime and explores the impact of three neighborhood structural conditions (socioeconomic status, stability, and racial composition).</p> <p>2. individuallevel results indicate that a defendant's neighborhood status and stability are negatively related to rearrest. Defendants from more affluent and stable neighborhoods are less likely to be rearrested for new crime. Although reliance on individual-level prediction at bail seems warranted, the study underscores the need to further explore the linkage between neighborhood conditions and pretrial outcomes.</p>		
86.	Lipscome	Study	Remand Policy	<p>1. Young people and Remand</p> <p>2. Remand experience</p>		<p>1. This paper reflects upon recent proposals to expand the provision of remand foster care and 'intensive fostering' for</p>	Study/ Discussion	

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
				3. Use of Remand		young people involved in the criminal justice system. The history of remand foster care is briefly documented, before initial findings from a research study of young people's experiences of remand foster care are presented. The benefits of remand foster care for alleged young offenders are discussed, with reference to the United Nations Convention on the Rights of the Child. Some of the issu		
87.	Ball and Bostaph study (2009)		Remand Impact	4. Remand experience 5. Effects of Remand		1. A greater percentage of male defendants compared to female defendants were denied bail and were detained prior to trial. Male defendants had a higher average bail amount than female defendants. A greater percentage of female defendants compared to male		

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
						defendants received a non-financial release (ROR) and made bail		
88.	Becthel&Lowenkamp(2011)	Study		1.		<ol style="list-style-type: none"> 1. Multiple Characteristics for effective pretrial programs 2. Movement towards evidence based practices in the pretrial and adoption of best practices as the article it's not using professional assumptions instead of empirical evidence 3. Some jurisdictions have selected tools that are either developed or validated on a different population without fully considering their target population characteristics and what pretrial risk predictors are significantly corrected with pretrial failure 4. There is consistently structured pilot plan designed to address the implementation of the instrument and monitor 	Meta-analysis	<ol style="list-style-type: none"> 1. Impact on overall effect sizes that were calculated 2. The range in individual study sample sizes was rather large which even with weights could potentially influence the overall average effects sizes

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						<p>the fidelity of its administration</p> <p>5. Pre trial agencies may not always prepare for a failure evaluation of instrument is predictive validity</p> <p>6. Concern are likely to due to the high demands related to the initial training of new instruments</p>		
89.	Abrams (2011)	Study	Effect of remand	2. Cost of remand		<p>1. Negative relationship between bail and release and failure to appear</p> <p>2. Treatment of prisoners reduced bail by more than 50 %</p>	Cost benefit Analysis	3.
90.	Nagel,Neef &Schran (1977)	Study	Remand Policy	3. Policy Improvement		<p>1. sets a framework for analyzing how a rational judge sets bond in individual criminal cases in order to maximize given goals</p> <p>2. concerned with deducing a set of policy recommendations that are designed to cause</p>		4.

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
						<p>arraignment judges to become more sensitive to avoiding errors of holding defendants who would appear, relative to avoiding errors of releasing defendants who would fail to appear</p> <p>3. , the authors suggest that the concepts and methods of decision theory which are applied to the pre-trial release decision can also be used by analogy to analyze other criminal justice decisions that involve contingent events; for example, those decisions made by a police officer on whether to arrest or issue a summons</p> <p>4. The decision theory perspective also provides a means for determining the implicit threshold probabilities which various judges have in making pre-trial release decisions.</p> <p>5. decision theory is a useful' approach for</p>		

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
						generating some insights, hypotheses, and explanations with regard to pretrial release decisions		
91.	Piquero, Brame, Fagan & Moffitt (2005)		Remand Policy	1. Pretrial detention and domestic violence		<p>1. Over the past quarter century, intimate partner violence research has occupied an increasingly important position in the research agenda of criminology, public policy, and public health. Yet, a number of questions about the criminal careers of domestic violence offenders remain unresolved. This study attempts to determine (1) the extent to which criminal domestic violence offenders specialize in violence, and (2) whether the severity of an offender's attacks against the same victim increase, decrease, or stay about the same over time</p> <p>2. The specialization analysis reveals that the</p>	Data from the Spouse Assault Replication Program (SARP) are used to address two questions corresponding to different features of the criminal careers of domestic violence offenders.	5.

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
						<p>majority of domestic violence offenders with prior official criminal records have been involved in nonviolent forms of criminal behavior in addition to domestic violence. The escalation analysis identifies groups of escalators and de-escalators as well as individuals who engage in stable low-level aggression and stable high-level aggression.</p> <p>3. Few SARP domestic violence offenders have been specializing exclusively in violence. There is also a heterogeneous mix of offenders who escalate and de-escalate the severity of their attacks over the short-term follow-up periods. Few studies have presented data consistent with the present study's findings. A longitudinal analysis of the criminal careers of</p>		

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
						domestic violence offender subtypes is critical for future research.		
92.	Pepin (2012)		Role of Remand	<ol style="list-style-type: none"> How does remand impact the individual Remand Consequences 		<ol style="list-style-type: none"> From the perspective of the defendant, who is presumed innocent, pretrial release mitigates the collateral consequences of spending weeks or months awaiting trial or a plea agreement. Jail time can result in job loss, home loss, and disintegrated social relationships, which in turn increase the likelihood of re-offending upon release. The use of a validated pretrial risk assessment tool when making a judicial decision to release or not, and the attendant conditions on release based on that assessment, fits within a well-functioning case management regimen. 		<ol style="list-style-type: none">

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
93.	Ibid 1969	Editorial	1. Purpose of remand	1. Issues with remand 2. Rightful purpose		<p>1. It does not advance matters to confuse 'the issue by arguing that everyone is presumed to be innocent until proven guilty. That evidentiary rule</p> <p>2. What, in fact, we should ,all be rebelling against is not the inadequacy of bail, but -the inconceivable system that subjects an unconvicted accused to 'the same regime in the same punitive surroundings as a convicted offender.</p> <p>3. If we provided decent detention facilities, divorced entirely from 'any connotation of punishment, permitting an accused all reasonable rights, except that of going free, perhaps there would be less concern with the dangerous, but popular sport of meddling wi'th 'the honest exercise of a magistrate's discretion.</p>		2.

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
94.	Cadavino.1992	Editorial	Issues with Remand	<ol style="list-style-type: none"> Impact of Remand Issues from Remand 		<ol style="list-style-type: none"> Whereas 140 remand prisoners (13%) had been homeless before being remanded in custody, a further 441 (41%) had lost their homes as a result of being in prison. Whereas 581 remand prisoners (54%) had been unemployed before entering custody, a further 373 (35%) had lost jobs through being imprisoned 435 remand prisoners (40%) said that they had lost contact with family or friends as a result of their imprisonment. defendants in custody are at a disadvantage in the preparation of their case for trial. If a defendant is on bail conditions for remand prisoners are often poor. Home Office figures show that at the end of their time on remand around 60% of untried prisoners are found not guilty or given non-custodial sentences. 		<ol style="list-style-type: none"> Not a study to show where evidence came from
95.	ibid		1. Issues with	1. Conditions of remand		1. Riots from remand prisoners		4.

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
			remand	2. Treatment on remand		<p>2. Normally, such detainees do not riot. They endure the hardship of jail, in the hope that they will soon be freed by the courts. Each inmate realizes that misbehavior during pre-trial detention may influence the outcome of his case and his sentence.</p> <p>3. Long times on remand</p> <p>4. Conditions in these facilities are pervasively harsher than those in penal institutions.</p> <p>5. The crisis in pre-trial detention is not unique to New York City, but is widespread throughout urban America.</p> <p>6. Presumption of innocence argument. Defendants who undergo pre-trial detention appear to lose benefits which the presumption of innocence is supposed to afford them.</p>		

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
						7. The detention can also hamper the defendant's efforts to obtain witnesses for his defense.		
96.	Berkowitz 1969	Europe	1. Remand policy	1. Effectiveness of preventative detention		1. Pre-trial preventive detention would allow the courts to reject bail for any individual who is considered a "hardcore recidivist" and a "clear danger - to the community. 2. The prospect that known criminals will commit further crimes while at large awaiting trial is in itself an adequate reason for not making pre-trial liberty the norm 3. The proponent may also argue that pre-trial preventive detention encourages the recidivist to plead guilty, rather than deny his guilt in the effort to delay his punishment		5.

No	Reference	Type of Source	Main focus (Remand, culture etc)	Sub-themes	Country focus (and time period if relevant)	Key Points/ summary (main themes or conclusions)	Methodology comments (Sample, Data collection)	Limitations/ comments/ queries/questions arising
						<p>and to maintain prolonged liberty.</p> <p>4. However, even considering these arguments, it is submitted that the adoption of pretrial preventive detention would hinder the efficiency of the criminal process and deny the individuals precious rights which are the mainstay of our legal system</p> <p>5. it is strongly urged that the adoption of pre-trial preventive detention would hinder our criminal process and perhaps injure it beyond repair.</p>		
97.			2.	2.		6.		6.

6.2 Appendix 2 Informed consent









University of Salford, Manchester

Study on Remand within Trinidad and Tobago INFORMED CONSENT FORM, V 3.0

This form is to check that you have been given all the information you need before you agree to take part in the research.

Please complete and sign this form **after** you have read and understood the study information sheet given to you. Read the following statements and only sign the form if you are agree with all of them.

I understand that:

- | | |
|---|-------------------|
|  I have read and understand the study information sheet (version 3, October 17 th 2018). I have had the opportunity to consider the information and to ask questions, which have been answered satisfactorily. | <div>Yes/No</div> |
|  I have the right to decline to participate in this research before, during or after participation and to refuse to answer any specific questions. I understand that I shall not be penalized if I decline, nor shall I gain any favour if I agree to be part of the study. | <div>Yes/No</div> |
|  My personal details will be kept confidential and will not be revealed to people outside the research team. However, I am aware that if I reveal anything related to criminal activity or harm to self or others, the researcher will have to share that information with the relevant authorities. | <div>Yes/No</div> |
|  I can ask any questions I have throughout the interview process, and understand that all such questions will be answered to the best of the researcher's ability. | <div>Yes/No</div> |
|  I give my permission for the interview to be recorded. | <div>Yes/No</div> |
|  The original data will be deleted after three years. The anonymized data will be used in the researcher's thesis, other academic publications and presentations and reports to government/authorities. | <div>Yes/No</div> |
|  If I do decide to withdraw I understand that the information I have given up to the point of withdrawal, will remain part of the research data. | <div>Yes/No</div> |
|  I agree to participate in the study | <div>Yes/No</div> |

Participant Name: _____ Date: _____

Participant Signature: _____

If you have any questions about your rights or treatment as a participant or about the study you may contact the researcher, 1.868.472.0525 or k.julien@edu.salford.ac.uk

If you have any further concerns or complaints about the study, you can contact the Chair of the Ethics Panel at Phone No. +44 161 295 2778; or e-mail s.mcandrew@salford.ac.uk

6.3 Appendix 3 Sample of Interview Schedules

LEGAL REPRESENTATIVE SEMI-STRUCTURED INTERVIEW GUIDE, V 1.0 Indicative Interview Guide

Good day, I am -, currently a Postgraduate student at The University of Salford Manchester, pursuing a Doctorate of Philosophy (Phd) in Criminology and Criminal Justice.

The purpose of this survey is to explore remand in Trinidad and Tobago: how it is viewed by policy-makers, how it is used by the courts; how it is organised within the prison; how it is experienced by people on remand; and what effects it has for them.

**** Aim- Remand Intentions**

Topic	Suggested Stimuli / Question
Introduction	<p>Today I just want to have a little chat with you about remand.</p> <p>**Introduce self and research</p> <p>** Explain purpose of interview</p> <p>** Explain voluntarism/ confidentiality</p> <p>**Explain about the recording of the interviews</p> <p>**Ask if any questions</p> <p>**Ensure that Consent Form signed</p>
Remand policy	
Legislation governing remand	<ul style="list-style-type: none"> • Tell me about the different pieces of legislation and policies that govern remand? Do they complicate remand decisions? • If you were to offer a model legislation and put everything about remand into what would that legislation look like, what would it look like?
Views on remand decisions	<ul style="list-style-type: none"> • Are there times when you disagree with a judge's decision about bail and remand? Does this happen often? Can you describe a couple of experiences? What about access to justice?
Provision of justice/Access to Justice	<ul style="list-style-type: none"> • Are you able to meet with your remand clients regularly? Does legislation or policy provide for this? Does it actually happen? Can you give examples? • Do you think your Association should play a greater role in setting remand policy and ensuring that it is adhered to ? • As Head of [Legal Association]/ As a representative of [Legal Association], you are asked to present a detailed report to the Prime Minister, for him to give an important speech at UN

Views on Remand	<p>Assembly, on remand, policy and its legislation. What are the crucial points you would highlight for the Prime minister? Don't spare anything: give me the good, the bad and the ugly?</p> <ul style="list-style-type: none"> • But hold on, why is remand important anyway? What is its role in Trinidad and Tobago's criminal justice system? • If you had to model remand , a perfect version of itself, what elements would ensure it must have? • Reflecting on other territories is there any legislation you see/know of that could be used as a model to Trinidad and Tobago?
Remand and the Criminal Justice system	
Comparison to other territories	<ul style="list-style-type: none"> • Ok as we wrap, tell me what recommendations you have for remand?
Future of Remand	
Close and future (being positive)	<ul style="list-style-type: none"> • How was the chat? • Check if there's anything else that they wanted to say/ share.

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Introduction	<p>Today I just want to have a little chat with you about remand.</p> <p>**Introduce self and research</p> <p>** Explain purpose of interview</p> <p>** Explain voluntarism/ confidentiality</p> <p>**Explain about the recording of the interviews</p> <p>**Ask if any questions</p> <p>**Ensure that Consent Form signed</p>
Remand policy	
Legislation governing remand	<ul style="list-style-type: none"> • Tell me about the different pieces of legislation and policies that govern remand? Do they complicate remand decisions? • If you were to offer a model legislation and put everything about remand into what would that legislation look like, what would it look like?
Views on remand decisions	<ul style="list-style-type: none"> • Are there times when you disagree with a judge's decision about bail and remand? Does this happen often? Can you describe a couple of experiences? What about access to justice?
Provision of justice/Access to Justice	<ul style="list-style-type: none"> • Are you able to meet with your remand clients regularly? Does legislation or policy provide for this? Does it actually happen? Can you give examples? • Do you think your Association should play a greater role in setting remand policy and ensuring that it is adhered to ? • As Head of [Legal Association]/ As a representative of [Legal Association], you are asked to present a detailed report to the Prime Minister, for him to give an important speech at UN Assembly, on remand, policy and its legislation. What are the

Views on Remand	<p>crucial points you would highlight for the Prime minister? Don't spare anything: give me the good, the bad and the ugly?</p> <ul style="list-style-type: none"> • But hold on, why is remand important anyway? What is its role in Trinidad and Tobago's criminal justice system? • If you had to model remand , a perfect version of itself, what elements would ensure it must have? • Reflecting on other territories is there any legislation you see/know of that could be used as a model to Trinidad and Tobago?
Remand and the Criminal Justice system	
Comparison to other territories	<ul style="list-style-type: none"> • Ok as we wrap, tell me what recommendations you have for remand?
Future of Remand	
Close and future (being positive)	<ul style="list-style-type: none"> • How was the chat? • Check if there's anything else that they wanted to say/ share.

REMANDEES SEMI-STRUCTURED INTERVIEW GUIDE

Indicative Interview Guide

Good day, I am Kalifa Julien, currently a Postgraduate student at The University of Salford Manchester, pursuing a Doctorate of Philosophy (Phd) in Criminology and Criminal Justice. The purpose of this survey is to explore remand in Trinidad and Tobago: how it is used by the courts; how it is experienced by people on remand; and what effects it has for them.

Topic	Suggested Stimuli / Question
Introduction	<p>Today I just want to have a little chat with you about remand.</p> <p>But before we get started I just have a few things that I need to go through with you.</p> <p>Ok first off let's just take a moment for you to read through this information sheet. If you have any questions I'll be more than happy to answer them.</p> <p>Please do remember that this is voluntary and at any you feel that you cannot continue for any reason at all, please do stop me.</p>
Inmate's background Age Job Orders/Charges Length of time on Remand	<ul style="list-style-type: none">• So how old are you.....• Were you working....?/ Where were you working....?/ how long were you working?• On any kind of court order at the moment?/ Tell me about the events that led you here?• How long have you been on remand? / First time on remand?

<p>Incarceration in relation to you current imprisonment</p>	<ul style="list-style-type: none"> • What crime have you been charged with or convicted of? • When were you arrested? • When were you detained? • Have you been detained continuously since then? • Were you offered bail, police bond or surety, and if so were you able to meet the conditions? • When did you enter this prison? • How long were you held in police custody? • Were you ever subject to physical abuse in police custody? ➤ If YES, ask How many times? Did you suffer a serious injury or health problem because of the beating? If so, did you receive any medical care? ➤ If NO, skip to Have you appeared before a magistrate or judge? <p><i>Legal Aspect</i></p> <ul style="list-style-type: none"> • How much time passed between your arrest and your first appearance before a magistrate or judge? • Do you or did you ever have a lawyer? • Is/Was your lawyer government-provided or private? • Have you been given any notification of when your trial will take place? • Have you had the opportunity to consult with a legal aid lawyer? How is a regular. What happens when you lawyers comes to you ? • Are you held with other pre-trial prisoners, or with convicted prisoners as well? How is that experience...do you mingle much/ • As a remandee, do you have access to any prison work or job training programs? • Do you have equal access to facilities including medical care? <p><i>Medical Care</i></p> <ul style="list-style-type: none"> • Did you receive any medical tests when you first entered this prison? • What were you tested for? • Have you had health problems in remand? • What type of health problems have you experienced? • Did you receive treatment for the problem? • What kind of treatment? • Where did you receive treatment?
<p>Daily Routine</p>	

First Reaction	<ul style="list-style-type: none"> • How did you feel first day?
Daily activities	<ul style="list-style-type: none"> • So what do you do while here on remand?/ Take me through your typical day at the remand yard. • Does the prison organise any activities for you?/ Do you partake
Living on remand	<ul style="list-style-type: none"> • So where do you sleep? Could you describe it? • What about the food?
Safety	<ul style="list-style-type: none"> • Have you ever been hurt while remand? Did you get medical attention? Tell me about the entire experience?
Visitors	<ul style="list-style-type: none"> • How often can you receive visits? *Who can visit you? For how long? Are conjugal visits ever allowed? • Is this prison far away from home, or close? Are there any special rules that your visitors have to obey? • Did you have visits in pretrial detention, and if so, how often?
Inmate on Inmate Violence	<ul style="list-style-type: none"> • Do some inmates intimidate, control, or take money from other inmates? Please describe. *How many inmates are members of prison gangs? Are you a member? What do the gangs do? Over what do they have power?

<p>Inmate- Interaction</p> <p>Authority</p>	<ul style="list-style-type: none"> • Have you heard or seen any inmate-on-inmate assaults? Please describe. • What about sexual abuse Are you aware of any incidents of sexual violence? Have you ever been involved in any sexual encounters in prison without your consent? With whom? Please tell me about this incident. Did you tell anyone about it? Did you receive any medical care afterwards? • Is there much gambling and, if so, what happens when inmates run up large debts? <ul style="list-style-type: none"> • Since you been here, how would you rate the way the prisoners speak to you on a scale 1-10 ? <ul style="list-style-type: none"> • If low score ask Have you ever made a complaint about your treatment • Have you ever been punished while here? What for? • What was the punishment? Were you able to complain to anyone? • So what do you have to do to be punished For what offenses? <ul style="list-style-type: none"> *Is punishment ever physical? If so, please describe these incidents. Have you ever been punished physically? If so, when did this occur? Where was it? Why do you think it happened? What did they say? Who was there? • What is the most often used punishment? <ul style="list-style-type: none"> **Are physical restraints used as punishment? Is hard labor used as a form of punishment in this prison? Have you ever been forced to perform hard labor? What does the labor consist of? For how many hours at a time? Are prisoners ever hired out to perform labor? Are prisoners who are hired out paid wages? Are there any punishments that are particularly unfair? • Have you ever been touched inappropriately by the guards?
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Views about Remand

Personnel

- Do you trust prison officers? If you had an issues would you let them know or would you keep it to yourself? Why is that though? Who is the best prison Officer in here?..... why do you call him the best?

Conditions

- Is there anything you enjoy on remand? Tell me your best moment so far? Tell me your worst?

- If you were to give a speech at a youth centre, how would you describe remand to them?

- If you had to say the best thing about remand, what would it be?

- Where do you sleep? In what type of cell? How large is the cell? How many other people sleep there?
- What type of bedding do you have? How frequently is the bedding changed or cleaned?
 - *How much time do you spend each day in your cell?
- How many times a day do you receive food? What does the food consist of? Is it sufficient? Where do you eat? How much water do you receive each day?
- What are the sanitary facilities like?
- Are there washing and bathing facilities? How often are you allowed to wash?
- How often do you get a clean change of clothes?
- Do you have a razor or other shaving instrument?
- Does the prison provide you with: soap, toothpaste, toilet paper?
- Which cells or cellblocks are the worst... which cell do you absolutely never want to be sent to ?

Perceptions of remand

	<ul style="list-style-type: none"> • If you were the Prison's Commissioner, and you have to opportunity to improve the place, what would you do? • So fill in the blank: Life on remand is___[what?]_____ describe it to me in one word? Why that one word? What is the purpose of remand to you then? What do you think it should be? • But why do you think you were sent remand?.... how did you end here?.....do you think it justice? • Say your best friend from outside had just arrived, what advice would you give them?" "Why is that?" "Tell me about how you find out about that."
<p>Close and future (being positive)</p>	<ul style="list-style-type: none"> • How was the chat? • Check if there's anything else that they wanted to say/ share. • If you had to do this again would you?

PRISON OFFICERS SEMI-STRUCTURED INTERVIEW GUIDE, V 1.0
Indicative Interview Guide

Good day, I am Kalifa Julien, currently a Postgraduate student at The University of Salford Manchester, pursuing a Doctorate of Philosophy (Phd) in Criminology and Criminal Justice. The purpose of this survey is to explore remand in Trinidad and Tobago: how it is used by the courts; how it is experienced by people on remand; and what effects it has for them.

Topic	Suggested Stimuli / Question
Introduction	<p>Today I just want to have a little chat with you about remand.</p> <p>But before we get started I just have a few things that I need to go through with you.</p> <p>Ok first off let's just take a moment for you to read through this information sheet. If you have any questions I'll be more than happy to answer them.</p> <p>Please do remember that this is voluntary and at any you feel that you cannot continue for any reason at all, please do stop me.</p>
Tell me about yourself	<ul style="list-style-type: none"> • What attracted you to become a Prisoner Officer? • Do you consider you job adventurous or is same old same old daily? • On a scale of 1-10 how would you rate your happiness while working on remand?
Officer's Regulations	<ul style="list-style-type: none"> • Are there strict guidelines to for your behaviour as an officer, while working on the remand section? Are these guidelines any different from those for dealing with convicted inmates? • What's the one guideline you hate the most? Why? • Are any of the guidelines or lack there of that is dangerous or harmful to your person in anyway, i.e health, safety etc? Do you think they need reconsidering?

	<ul style="list-style-type: none"> • Do you think courts are sending too many persons on remand? Why do you think that's happening? What do you think can be done to reduce it?
Daily Routine Daily activities	<ul style="list-style-type: none"> • So how many days do you work? What does your work day look like? • Is it difficult working the remand section? What do the operations look like? • What's your main duty and responsibility? • Have you ever been hurt or harmed on remand? By other prison officers or inmates? Tell me what happened? Was anyone held accountable? Have you ever seen it happen? • What's the worst part about working in the remand section?
Views about Remand Conditions Perceptions of remand	<ul style="list-style-type: none"> • Is there anything you enjoy about working on remand? • Describe your working conditions? • If you had to say the best thing about working remand, what would it be? • So fill in the blank: Working on remand is _[what?_]_____ describe it to me in one word? Why that one word? What is the purpose of remand to you then? What do you think it should be?

Close and future (being positive)	<ul style="list-style-type: none">• How was the chat?• Check if there's anything else that they wanted to say/ share.
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Tell us about your experience...

I want to hear your views about what it's like working in remand

What is the research about?

Please help me with a university research study that explores the current state of remand in Trinidad and Tobago. I am a PhD student from Trinidad and Tobago, affiliated to the University of Salford, Manchester in the UK. I'd like to hear from the remand prison officers, because you're working on the front line! What's it like working in remand? What are the challenges that you face? How do you deal with them?

At the end of the research, I will write a report for academic publication and to the government making recommendations for how things should change to improve remand. Yes! You would have complete satisfaction in knowing your contributions would help towards the improvements of the penal system within Trinidad and Tobago.

What will I have to do?

If you decide to take part, I will meet you to talk about your experience of working in remand. The discussion will take place 1 to 1. We will discuss what it's like for you, in your own words, without being interrupted. I would love to hear about anything which you think is important about your experience of working in remand.

The discussion will usually take about 45 to 60 minutes – depending upon how long you want to talk. You can stop at any time. The discussion will take place in a room where other people cannot hear what you are saying and in which you feel comfortable.

Do I have to take part?

Taking part in the project is your decision. If you don't want to take part, that's OK. You are not expected to take part in this interview if you don't wish to, you will not be penalized in any way. There is no risk or disadvantage in partaking in the study. And if you do decide to take part, but don't want to discuss something I ask about – that's also fine. If you do decide to withdraw from the study at any time the information given, up to the point of withdrawal, will have to be consented to for use in the research. Unfortunately, there would be no reimbursement or incentives for your participation, as I am sponsoring this study out of pocket. I can only offer you comfort and satisfaction in knowing your contributions would be used for improvements of the penal system. Let's hear it for citizen's pride!

Who will know what I say?

Everything you tell me will be confidential, I promise your supervisors won't find out! The exception is if you tell me something about criminal activity or someone being in danger – I have to report that to the relevant authorities. But as you work in the system, I'm sure that you'll understand that!

I'd like to record the discussion, so I don't need to keep writing down what you say. The discussion will be anonymous - I'm using the discussions to write a report, but all names and personal information will be changed.

What if I have a question?

If you have a question about the project, you can call 1.868.487.2829, I can also be contacted by email on k.julien@edu.salford.ac.uk. You would also get a chance to ask any further questions just before we actually start the discussion.

What if I have a concern?

If you have any further concerns or complaints about the study, you can contact Professor Susan McAndrew, Chair of the Health Ethics Panel;; Phone No. +44 161 295 2778; or e-mail s.mcandrew@salford.ac.uk.

What do I do now?

If you'd think like to help me by discussing remand, **please tell the person who gave you this letter**. If you don't want to take part, you don't need to do anything. Thanks for taking the time to read this, and I really hope you can help me.

Thanks, -

6.5 Appendix 5 Approval from Ethic Committee



Research, Enterprise and Engagement
Ethical Approval Panel

Doctoral & Research Support
Research and Knowledge Exchange,
Room 827, Maxwell Building,
University of Salford,
Manchester
M5 4WT

T +44(0)161 295 2280

www.salford.ac.uk

1 November 2018

Dear Kalifa,

RE: ETHICS APPLICATION–HSR1718-119 – ‘An exploration into how is the use of remand framed in Trinidad and Tobago, both in policy (intention) and practice (lived experience).’

Based on the information that you have provided, I am pleased to inform you that ethics application HSR1718-119 has been approved.

If there are any changes to the project and/or its methodology, then please inform the Panel as soon as possible by contacting Health-ResearchEthics@salford.ac.uk

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sue McAndrew'.

Professor Sue McAndrew
Chair of the Research Ethics Panel

6.6 Appendix 6 Approval from Commissioner of Prisons

Prison Administrative Offices,
10-14 Phillips Street,
Port of Spain.

May 14th, 2019

Mr. Neal Hazel (PhD)
Chair of Criminology and Criminal Justice
School of Health and Society
University of Salford Manchester

Dear Mr. Hazel,


RE: Request to access for Doctoral Research – Student
Ms. Kalifa Julien

I refer to your letter requesting permission for student Ms. Kalifa Julien who is currently a PhD candidate at the University of Salford, Manchester to conduct her research at the Prison Institutions.

Approval has been granted for Ms. Julien to commence her research, weekdays, from; **May 15, 2019** between the hours of **9:00am to 3:00pm**.

Ms. Julien is to report to **Mr. Sean McLeod**, supervisor of the Developmental Training and Research Department at the Prison Administration Building, 10-14 Phillips Street, Port of Spain on **May 15, 2019**; at 9:00am.

Sincerely,


Commissioner of Prisons