OPENING REMARKS- DANA SEETAHAL SYMPOSIUM
-RE-ENGINEERING THE CRIMINAL JUSTICE SYSTEM – A PERSPECTIVE FROM
THE FACULTY OF LAW – June 14, 2014

1. Chief Justice – The Hon. Chief Justice, Mr. Ivor Archie;
2. President of the Senate – Senator the Hon. Timothy Hamel-Smith
3. Attorney General – Sen. the Hon. Anand Ramlogan SC
4. The President of the Caribbean Court of Justice – The Hon. Sir Denis Byron
5. –Hon. Madame Justice Vashiest Kokaram and Other Members of the Judiciary
6. Members of the Senate – Senator Anthony Vieira
7. Director of Public Prosecutions – Mr. Roger Gaspard
8. Commissioner of Police – Mr. Stephen Williams
9. Commissioner of Prisons – Mr. Conrad Barrow
10. Senior Government Officials and Heads of Department -
11. Chairman of the Police Service Commission – Professor Ramesh Deosaran

On behalf of the Faculty of Law, St Augustine, UWI, I am deeply honoured to be a participant in this exceedingly important and timely initiative. Many persons, traumatized at the tragedy of Dana’s murder, cried out that her death must not be in vain. I applaud Senator Hamel Smith and his colleagues for taking a step to fulfill the promise of A REBIRTH, a resurrection of a sort, that will help to preserve, not only the revered name of Dana Seetahal, but more importantly, the best of ourselves and of our nation, that she represented.

As I thought about the symposium and who it honours – the beloved Dana Seetahal, it struck me how appropriate it is that we should be holding this event here, in the Faculty of Law’s Noor Hassanali Auditorium and that my faculty should be involved. Dana was part of our Law Family. Not only did some of us in the Law Faculty teach her, and thus can lay claim to helping to shape the indomitable force that she was, but she
also taught generations of our law students and influenced them. Moreover, she became a true friend of the UWI, in particular the St Augustine campus.

But more than this tangible history, for me, are the philosophical links that bind us – It seems to me that much of what Dana Seetahal lived – her life’s noble purpose and example . . . is embodied in the stated mission of our newly independent Faculty of Law, STA. Just recently, on April 15, at the Launch of our Faculty, I had this to say about the kind of Law Graduate that we aim to produce:

**What kind of Law Graduate do we aim to produce?**

“From the outlook of our staff and our curricula, [and I assure you that our curricula is diverse and relevant] it will be clear that our idea of the ideal graduate is not only that of academic achievement and good lawyering skills. We believe strongly in inculcating a social conscience in our students, moulding then into community oriented citizens., They must be advocates for justice poised to make a significant contribution to the life of this nation, the region and beyond, using law as a tool to better society. We take seriously our responsibility to create lawyers who will be change agents.”

It is almost as though I had Dana Seetahal in mind -

I emphasized that the Law Faculty, St Augustine, must Reach out to its Community to engage the Public, and to Non-Traditional Spaces and actors: It must be deeply rooted
in its society. It is the case that far too often the legal profession is insular and isolated. We want to change this. We are building important partnerships with civil society, international organizations, public institutions and the vibrant private sector. This is an essential goal if we are to maximize the quality of our curriculum, research and teaching.

We also recognize that the Faculty and its students should be actively engaged in the legal issues of the day and should be a leading voice in such debates and discussions through the media, public lectures, workshops, exhibitions and the like. “

Indeed, this is exactly what Dana Seetahal did – how she lived her life and career, and why some of us have been jolted out of our complacency today to be more proactive. Can you imagine how much better TnT would be with even 50% of a graduating class of Dana Seetahals??

So, it is with more than a slight feeling of poignancy, but with a strong sense of purpose that I join you here today, representing the Faculty of Law.

Why Re-Engineering? Learn from our mistakes – lagging behind

To say that the criminal justice system needs reengineering is an understatement and the FOL must and will play its part in this process. In truth, we are lagging behind. As a person who has worked all over the Caribbean, I am often amazed at how little we know of each other – how insular we are, how comfortable we are with that insularity and the
belief that we have everything ‘under control’. The fact is TnT is way behind many other jurisdictions in the region in making changes to the criminal justice system, indeed, the justice system in general. We were late in implementing the Master system for civil matters. This started with the OECS, I believe under the auspices of our distinguished President of the CCJ, then CJ, Sir Denys Byron. Similarly, the OECS, Barbados, Belize and several other countries have already made changes to their Juvenile justice laws while TnT now attempts to bring new laws into effect.

While doing a consultancy to reform the criminal justice system and train the judiciary in Guyana some years ago, I recognized the important strides that that country, and others, had made and were planning to make, with little or no resources. Abolishing preliminary inquiries, re-organising bail, creating time limits, technological advances in the trial process and the like are hardly radical changes and indeed, are necessary in today’s justice systems. I applaud the recent efforts of this country to do likewise and it is unfortunate that the process has sometimes become embroiled in political games, losing sight of the real objectives at hand. We really do need to move forward as a nation.

Moreover TnT still has some ways to go in catching up with its neighbors in terms of anti-money laundering laws and procedures, including matters intimately related to court processes, such as forfeiture and confiscation. It goes without saying that money laundering, while born out of crime, is a catalyst for more crime, on an international scale, which we must harness. Much of the reforms in other jurisdictions have been fuelled by
external pressures on the offshore financial sector, but it has been beneficial to domestic justice systems, who can now boast of leading the world in these arenas (as the Bahamas and the BVI have done e.g.).

Similarly, whistleblowing provisions and protections, whether enshrined in the Integrity in Public Life Act, or its noticeable absence in other areas related to crime, need to be elevated if we are to seriously engage in reengineering. Much of our failure to obtain concrete results in crime solving revolves around the absence of public trust, so this is an important point to note.

We must also recognize that the criminal justice system is a sum of its parts, extending to the unglamorous logistics - physical resources, ensuring that expensive training is filtered down to all who need it and community oriented strategies to build faith in the system.

**We must Each Play our Part**

Undoubtedly, we must each have a Role to play in the social re-engineering process that is contemplated. From the point of view of the Faculty, our role as educators must be tailored to complement these important social objectives. I have already declared publicly that we at the Faculty envision closer links with the institutions of government - to help train the police – in human rights and juvenile justice, HIV, anti-discrimination law (still little known), short Labour law courses; and even Mr. Attorney General – law modules and refresher courses for public servants.
The Faculty’s and in fact, the UWI’s Research Goals and Consultancy Profile should Complement this country’s Developmental Vision as it relates to the justice system. We are prepared to guide legal policy and help implement the new vision for the justice system. We have the expertise and the capacity to do so.

We have already begun to do our part in Pragmatic ways. For example, as you may know, this Faculty of Law is an extremely competitive Faculty attracting the top 1 – 5 % of the best CAPE results, enabling us to select, prima-facie top level performers at matriculation. Notwithstanding that we have the luxury to cherry pick our students, beginning this academic year, the Faculty has established special quotas for applicants from the law enforcement authorities. We did this as a public service, recognizing that our law enforcement services need SUPPORT. Thus far, this has been done on an individualistic basis but I hope to work with government and the Commissioner of Police to have a structured system in place whereby we can match potential law students in the Force with our admissions policy pursuant to the needs of the Force and the country.

I must tell you that one of my most enjoyable and inspiring tasks as Dean thus far was recently interviewing police officers and prison officers who had applied to the Faculty. Their desire to work for the betterment of their country through enhancing their job capacity is admirable. We hope to make a difference through this medium.
Attracting the Best in the Police Service

But, re-engineering the criminal justice system also requires us to think in even more imaginative and bold ways.

Wearing my labour lawyer hat I ask - is it realistic to expect our law enforcement officers to be sophisticated crime detection solvers within the employment paradigm we have set?

Who enters the police service? Is it a job that young, bright, well-educated persons strive to enter? We set low standards – low pay, bad work conditions, low entry qualifications and increasingly, low status, but high risk, and expect those in the employ of the police service to outperform the NCIS, or FBI, or NYPD that we love on Law and Order, Criminal Minds and other TV programs. Ladies and gentlemen – crime solving, forensics, are sophisticated processes that require fertile minds and elevated skill sets, in addition to persons of integrity. Until we can address this, we will continue to see low results. It is good to invest millions in blimps and high level equipment but we also need to upgrade the job with pay suited to professionals, even if it means creating special Divisions in the service that will specialise in crime detection equipped with highly trained, accredited officers. While it is called a ‘Force’ (and that is controversial), it requires more than forceful endeavor or strength, or bravery, to succeed. The Police Force needs to be seen as a profession that bright ambitious persons compete in to enter.
The Faculty of Law will do its part and help to strengthen the skills of existing police officers, but the re-engineering needs to be more far reaching.

**Criminal Justice System is Broad and pervasive – We must be Inclusive**

The Criminal Justice System is broad and pervasive and goes beyond crime detection and the trial process. I urge that we be inclusive in our policy proposals. Consider e.g. the inextricable linkages between the end product of an overwhelmed criminal justice system because of high rates of crime and the weaknesses of our juvenile justice models.

Some years ago, after doing several UNICEF reports on the juvenile justice system I noticed a strong link between juvenile offenders and dyslexia and other learning disabilities. This has been documented, but have we taken note? Surely, the social scientists here today can endorse my view that not addressing such problems in our educational system can contribute to frustration in our young people and eventual criminal behavior? Similarly, how many studies have demonstrated that failing to have adequate rehabilitative systems for young offenders simply creates more hard core criminals, not to mention the criminalization of young people who are simply in need of care and attention. Young persons who are taken in because they are found to need care (abuse etc.) are treated within the criminal justice system in like manner to offenders, often even placed in the same facilities where they are subject to negative influences? Given the grave concern with young persons involved in criminal activity, I see this as a priority issue.
We also need to ask ourselves – What does the recurring and extraordinary high rates of Domestic violence contribute to the state of our criminal justice system? Is violence in the home, in our families, sowing the seeds of violence in our wider society? These are not issues that are divorced from the criminal justice system?

**Increasingly inequitable societies**

I also observe the increasing disparities (huge) between the upper and upper middle and low income workers in our country and ponder – persons who work hard to be paid $150, and less a day with no social benefits or welfare to fall back on, while others, at the stroke of a pen, can earn $6,000 and more, much more a day. In an oil rich country- can we justify such huge inequities?

These are not usually questions that occupy the minds of the legal profession, but I believe that they are relevant and so I leave you to it . . .

Professor Rose-Marie Belle Antoine

Dean, Faculty of Law,

The University of the West Indies, St Augustine