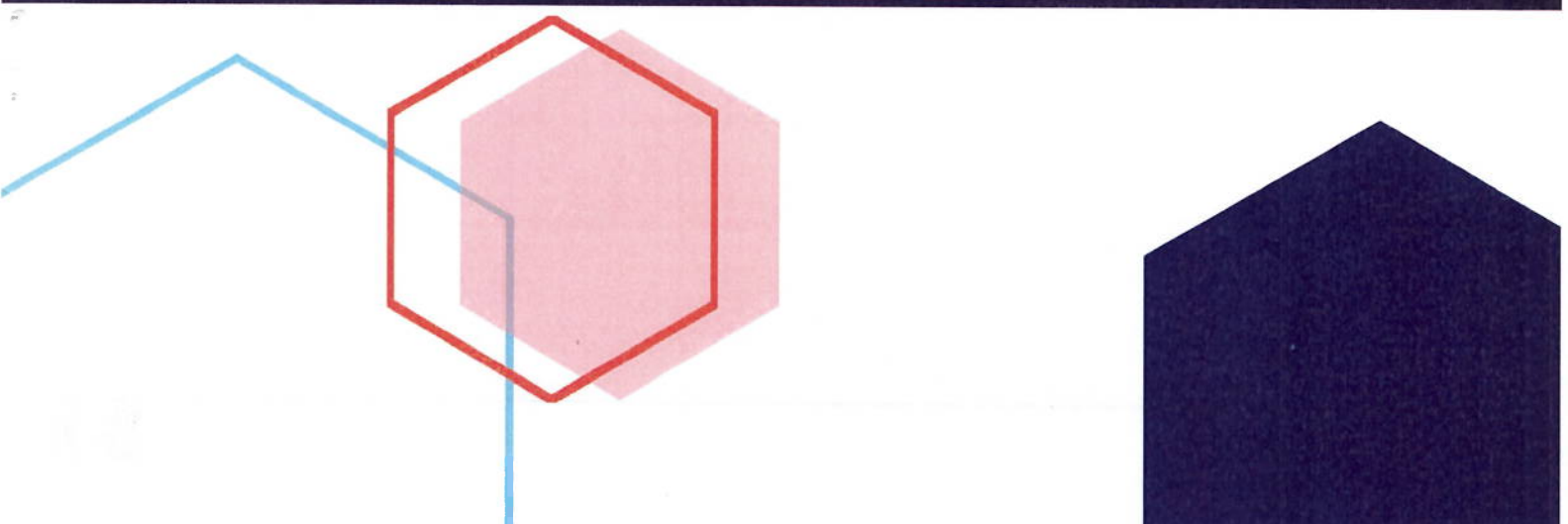


Criminal Injuries Compensation Board



Annual Report 2021

The 11th Annual Report of the Criminal Injuries Compensation Board for the Fiscal period October 2020 to September 2021



Criminal Injuries Compensation Board

Confidentiality

To ensure that all information received internally and externally is treated with the appropriate level of privacy

Transparency

All Staff and Stakeholders must follow the guidelines and standard operating procedures showing how results and outcomes are attained

Accountability

To account for our actions, accept responsibility and disclose results in a timely and transparent manner

Compassion

Empathizing with the Client whilst providing the best Client Care and support

Respect

To be fair, just and tolerant of a person's views, ideas and ideals

Type sidebar title



VISION

"A committed Agency providing assistance to Victims of Crime with respect, compassion, professionalism and efficiency"

MISSION

"To award financial aid to Victims of Crime and/or their Dependants in a timely manner and to make referrals to Support Services to facilitate positive recovery"

CORE VALUES

Confidentiality
Transparency
Accountability
Compassion
Professionalism
Respect



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BOARD MEMBERS

Membership of the Board

The Board was appointed by the Minister of National Security for a period of three years with effect from December 18, 2019. The members as prescribe in the statute consists of:

- a) A Chairman who shall be an Attorney-at-law with no less than ten (10) years experience;
- b) A medical practitioner of no less than ten (10) years experience;
- c) An attorney-at-law of no less than seven (7) years experience in the practice of civil law;
- d) An attorney-at-law of no less than seven (7) years experience in the practice of criminal law;
- e) A psychologist;
- f) A representative from the Ministry with responsibility for Social Services;
- g) A duly appointed representative of the Tobago House of Assembly.



Mr. Alvin Pascall
Attorney At Law
Chairman



Dr. Krishna Maharaj
Psychologist
Member



Ms. Sasha Franklin
Attorney At Law
Member



Ms. Crystal Edwards
Representative of the Tobago House of
Assembly
Member



Ms. Kimoy Thomas
Attorney-at-Law
Member



Ms. Christine John-Guy
Representative of the Ministry of
Social Development and Family
Services
Member

Commander Israel Dowlat
Medical Doctor
Member

CHAIRMAN'S REPORT

Mr. Alvin Pascall

Period October 1 2020 - September 30, 2021

This report covers the operations of the Criminal Injuries Compensation Board for the period October 1, 2020 - September 30, 2021). During this period, the Board remain fully constituted with all seven members remaining active throughout.

In keeping with the statute, twenty-three Board meetings were held, a shortfall of one. As a means of promoting safety during the pandemic while ensuring continuity, all meetings were conducted virtually. For a second year case files were submitted electronically to members allowing for ease of access thereby minimizing personal risk. This method prove to be cost-effective in the areas of preparation for physical meetings, transit and delivery of hard copy documents.

Regardless of the national and individual challenges brought on by the Covid-19 pandemic, approximately 425 case files were presented for review. A total of 324 cases were approved for ex-gratia payment to the sum of TT\$3,830,808.23. In all three areas, these figures mark the highest number of cases reviewed, approved and payments awarded over a single fiscal period. This was possible as a result of the Board's resolution to reduce the backlog of cases within the department. To this end, discussions were held with the Ministry National Security and other stakeholders. It is anticipated that collaborations would be ongoing as a means of fully utilizing all available resources.



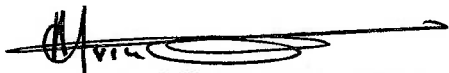
The staff of CICB is to be commended for its professional competence amidst the challenges of the covid-19 pandemic, in working with clients and agencies alike, to compile cases for the Board's consideration.

As we move towards the fiscal 2022, there remains several pending matters that are critical for further Advancement.

1. The amendment of Chapter 5:31. (refer Appendix I for review)
2. The revision of the Job description for the Secretary to the Board.
3. The filling of vacancies and the payment of outstanding gratuities within the Unit.
4. The digitization of the Application process for clients.

Notwithstanding the global challenges, the ability to manage change is key to any organisation, which desires to be relevant in these times. I wish to thank the members of the Board for their commitment to the mandate, the staff for their resilience, the Ministry of National Security for its parental support and all our clients for their patience. May we be afforded the best of health and comfort in times of loss.

In-Service



.....
Alvin Pascall
Chairman
Criminal Injuries Compensation Board



EXECUTIVE SUMMARY

Introduction

The eleventh (11th) Annual Report of Criminal Injuries Compensation Board is hereby submitted to the Parliament in accordance with Sections 22 (2) of the Criminal Injuries Compensation Act, Chapter 5:31 and 66(D) of the Constitution. The report covers an overview of its operation for the fiscal year ended September 30, 2021.

The Role of the CICB

The CICB was created by Act 21 of 1999 proclaimed on November 20 2000, to make ex-gratia payments to victims of crime. In the performance of its function under the Act, the Board:

- a) Shall hear claims for compensation in Port-of-Spain, San Fernando and Tobago at such times and in such places as the Board determines;
- b) Shall notify the applicant of the time and place of the hearing of the relevant application;
- c) Shall be entitled to call and examine the applicant or any other person;
- d) Shall reach its decision on the basis of evidence and other information available;
- e) Shall ensure that all is done in private;
- f) Shall not be liable to the applicant for the cost of assistance by a legal advisor;

The work of the CICB consists of:

- 1) Receiving applications and ensuring that they satisfy the requirements as outlined in the Act;
- 2) Verifying that all applications are in the prescribed manner as outlined in the Second Schedule;
- 3) All relevant documents are submitted;
- 4) Conduct of its own enquiries with reference to the applications submitted;

Over the past eleven (11) years (2010-2021), two thousand, one hundred and sixty-three (2163) applications were submitted to Board for determination. Approximately one thousand, five hundred and eighty-one (1581) applications were approved during this period.

Report on Year's Activities

Board Meetings

The Board's operations are conducted in accordance with Chapter 5:31, which require the Board to meet at least twice monthly to deliberate over claims for compensation. During the period October 2020 – September 2021 Members were generally in attendance with a quorum of five (5) or more members present at all sittings. No physical meetings were held at the head office, Level 20, Tower C, International Waterfront Complex, Wrightson Road, Port of Spain, but rather all meetings were held virtually on the Google Meetings platform. This measure aided the Board in maintaining COVID-19 pandemic protocols while fulfilling its obligations.

Claims Summary

This report records several unprecedented outcomes that are noteworthy. Notwithstanding a decrease in the overall intake of applications from 137 to 112 submissions; there were remarkable increases in output. A total of 425 cases were brought before the Board for its determination, which is an increase of 75% from the previous period. These claims originated from previous years, which were brought forward to the present fiscal.

The diligence of the Board and members of staff to reduce the backlog of cases brought about the desired results. Noteworthy, this fiscal year saw the highest number of approved cases since the Board's existence. Some 325 ex-gratia awards were granted, this was followed by 80 cases being denied and 20 cases deferred for further information. As such, despite the COVID-19 pandemic protocols and social distancing measures, the CICB was able to achieve its greatest output. The reality of these statistics is reflected in the processing of 295 ex-gratia cheques to the sum of TT\$3,488,474.94.

While all applicants did not receive their award in this fiscal year, the Board appreciated the increased allocation after the midyear review which provided funding to cover the increased number of ex-gratia awards. We look forward to a favourable budget allocation in fiscal 2022 to cover outstanding payments, as well as new awards in the period.

Major Challenges

As with most organizations the impact of the global pandemic caused by COVID-19, required swift and calculated adjustments. Virtual Board meetings continued for a second year. Face to face interviews with most clients was also limited to virtual platforms (WhatsApp, Zoom, etc) or via telephone. Members of staff were required to work from home for significant periods resulting in limited access to files, electronic documents and databases. Clients continued to experience difficulties acquiring personal information from state agencies and challenges with the submission of hardcopy applications to CICB.

Now, more than ever, there is a demand for digital transformation within state agencies. CICB and its clients would benefit greatly from an online platform, which would allow for the electronic submission of applications. This would reduce the processing time as well as ease the burden on clients to submit application forms in hard copy. Electronic data integration amongst state agencies is also necessary to reduce the red tape faced by clients. As such, there is a dire need for collaboration between CICB and the Ministry of Social Development and Family Services, Trinidad and Tobago Police Service, National Insurance Board and the Ministry of Health. These agencies play a key role in validating the claims of our clients.

The area of human resources is important to any entity. At CICB, there exist three vacancies, which has to be filled to maintain operating standards and procedures; the Secretary/Head of the Unit, Business Operation Assistant II and Business Operation Assistant I. While we commend those who have risen to the challenge in filling the voids, this is a deviation from prescribed policies. The CICB looks forward to the filling of these vacancies and the processing of gratuity benefits to members of staff. The following captures the key achievements during the period.

KEY PERFORMANCE DATA

Over the fiscal period, October 2020 to September 2021 a total of one hundred and twelve applications (112) were filed for compensation. These applications were submitted mainly by hand to the main office or our dropbox facility. Owing to the covid-19 pandemic, some persons chose to mail in their applications, while others were given the option to submit by direct email. We expect to establish an online facility, which would allow applicants to file claims electronically. This would also facilitate a smoother application process and greater accessibility to services.

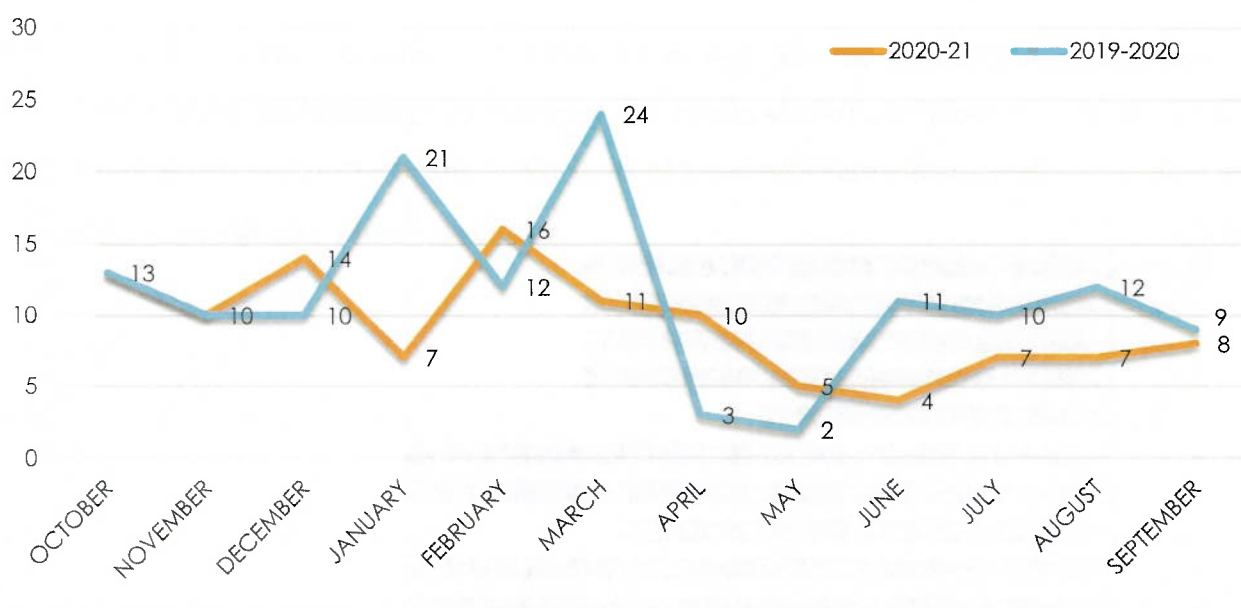
Column 2 of Table 1 below, records the monthly intake of applications. The month of February saw the highest number of submissions of claims at 16 applications with June yielding the lowest at 4 applications. This occurrence is consistent with the last period which also recorded the lowest intake of claims during the Covid-19 Public Services stay at home order. Nevertheless, the intake of applications is low, which is inconsistent when compared with the reports of serious crime by the TTPS. Outreach efforts during this period were conducted through radio and social media advertisements, webinar and information packages distributed to stakeholders.

Table 1: CICB Claims Summary 2020-2021

| 2020-21 | APPLICATION | CASES TO BOARD | CASES APPROVED | CASES DENIED | DEFERRED |
|-----------|-------------|----------------|----------------|--------------|----------|
| OCTOBER | 13 | 55 | 42 | 12 | 1 |
| NOVEMBER | 10 | 41 | 28 | 12 | 1 |
| DECEMBER | 14 | 41 | 29 | 11 | 1 |
| JANUARY | 7 | 40 | 23 | 16 | 1 |
| FEBRUARY | 16 | 28 | 23 | 3 | 2 |
| MARCH | 11 | 40 | 33 | 5 | 2 |
| APRIL | 10 | 40 | 38 | 1 | 1 |
| MAY | 5 | 20 | 16 | 2 | 2 |
| JUNE | 4 | 30 | 21 | 6 | 3 |
| JULY | 7 | 30 | 22 | 7 | 1 |
| AUGUST | 7 | 30 | 24 | 4 | 2 |
| SEPTEMBER | 8 | 30 | 26 | 1 | 3 |
| TOTAL | 112 | 425 | 325 | 80 | 20 |

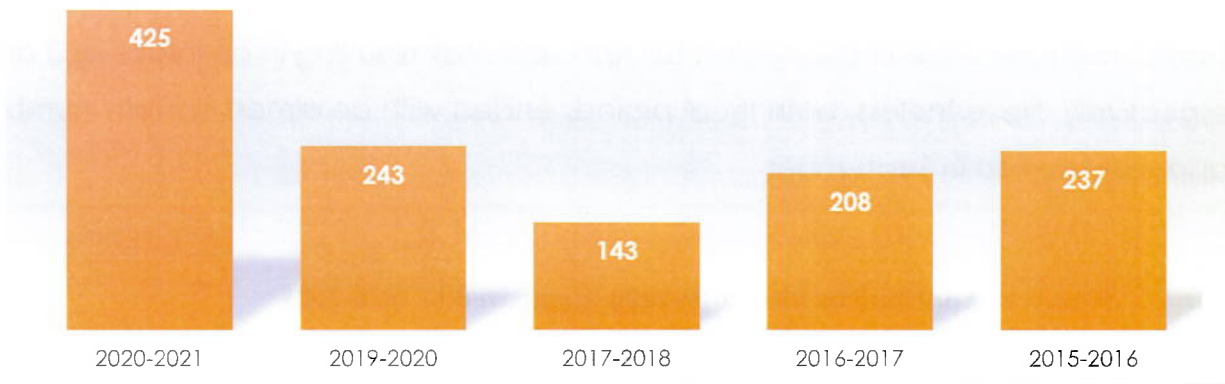
Figure 1 below shows a comparison of the number of applications filed each month over the last two fiscal periods. In 2019-2020 one hundred and twelve applications were submitted pursuant to chapter 5:31. In 2020-2021 there were twenty-five more leading to a total of one hundred and thirty-seven (137) applications. While there was no difference in intake for the initial two months, this fiscal year yielded a lower intake for six of the months recorded. The highest intake for 2021 was sixteen applications recorded in February, with the highest for the previous year being twenty-four in the month of March. The months of May and June saw the lowest intake of 5 and 4 respectively. This is consistent with a plummeting low intake in 2020 when covid -19 stay at home measures were implemented for April and May resulting in an intake of 3 and 2 respectively. Nevertheless, both fiscal periods ended with an almost similarly number of applications filed in September.

Figure 1. Applications filed 2019-2020 Compared to 2020-2021



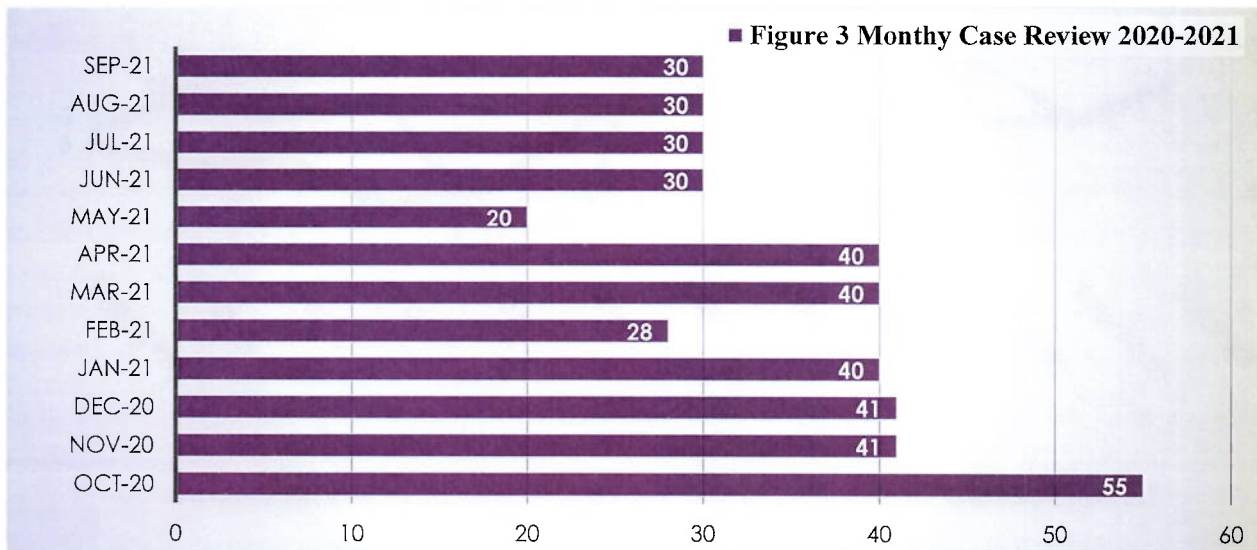
Notwithstanding the reduction in the submission of claims for compensation, there was a significant increase in the number of cases presented to the Board for its deliberation. In this fiscal year four hundred and twenty-five (425) applications were submitted and reviewed by the Board while in 2019-2020 two hundred and forty-three (243) were submitted. This reflected an increase of seventy-five percent 75% in the number of cases reviewed by the Board; the highest number of reviewed cases in any fiscal year.

Figure 2 Fiscal Comparison of Cases reviewed by Board



This unprecedented increase was due to the Board's continued efforts to reduce the case backlog. To facilitate this decision the number of applications submitted to the Board on a monthly basis was increased to over twice the amount on some instances.

Figure 3 Monthly Case Review 2020-2021



The average number of cases reviewed per month was thirty-five (35) with fifty-five (55) being the highest recorded in October. In that month three meetings were held, as such there was an increase in the number of awards. The month of May saw the lowest number as only one meeting was held due to Covid-19 lockdown measures.

| Fiscal Year | No. of Cases to Board | No. of Cases Approved | Cases Approved as a % of Cases to Board |
|-------------|-----------------------|-----------------------|---|
| 2020-2021 | 425 | 325 | 76.46% |
| 2019-2020 | 243 | 163 | 67.1% |
| 2017-2018 | 143 | 63 | 44% |
| 2016-2017 | 208 | 124 | 59.6% |
| 2015-2016 | 237 | 192 | 81% |

Table 2 also shows an annual comparison of approved cases over five fiscal periods. It also compares the percentage of cases that were approved in each period. For the period 2020 -2021, 76.46% of cases brought before the Board were approved. This figure represents the second, highest percentage ever recorded. While 2016 recorded 81%, the total number of cases submitted and approved in that year was significantly, lower than 2021. The lowest percentage of approved cases was 44%, recorded in 2018.

Figure 4. Annual Percentage of Approved Cases

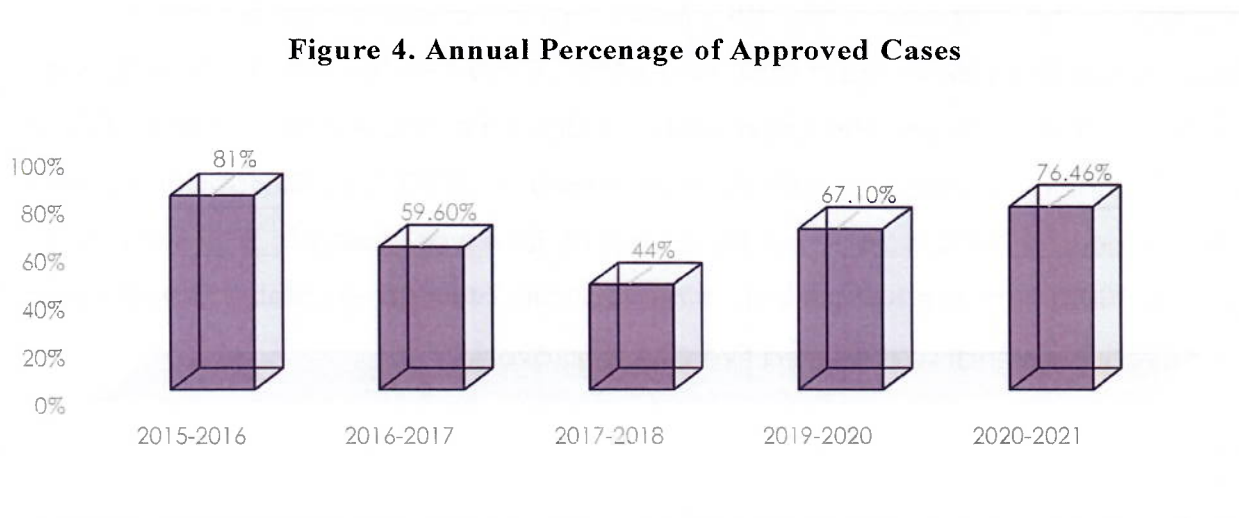


Figure 5 compares the cases reviewed, approved and denied over the similar five fiscal periods. An overview of the data shows that the cases denied has been significantly less than those approved, except for 2018 when the difference was one. The widest margin between the approved and denied cases was recorded in 2021 as 18.82% of cases submitted to the Board was denied. In 2020, 25.51% was denied with a similar value of 25.96% in 2017. The fiscal year of 2016 was closest to 2021 with 16.98% of cases denied. In these two periods, there is a ratio of approximately 1:5, indicating that for every case that was denied five was approved.

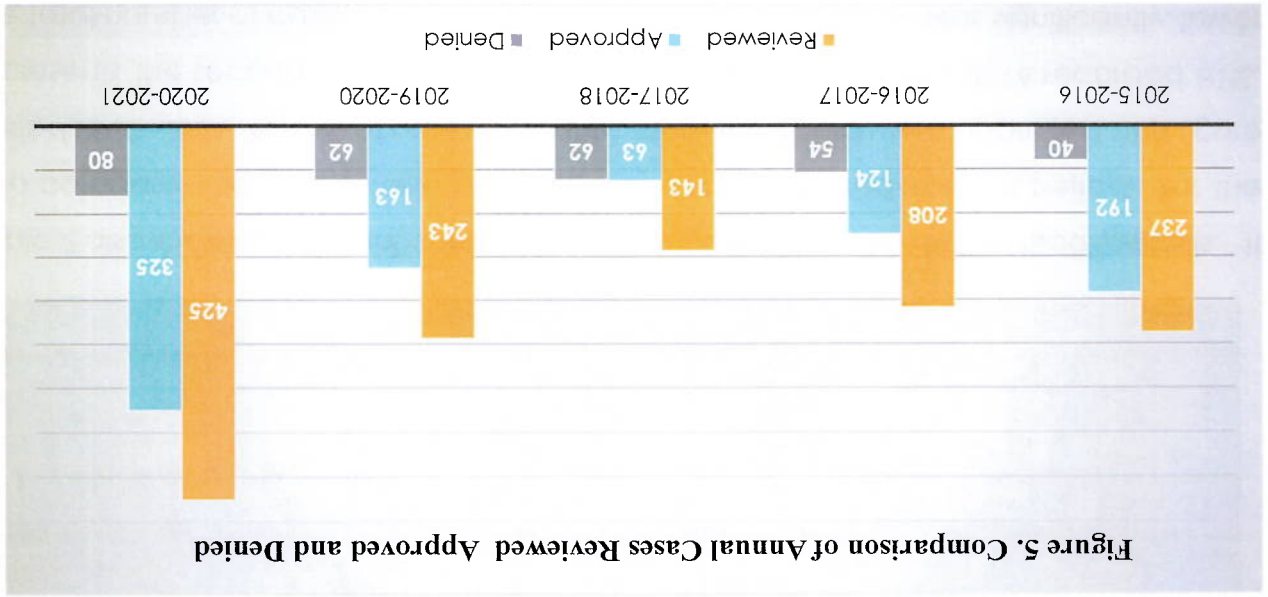


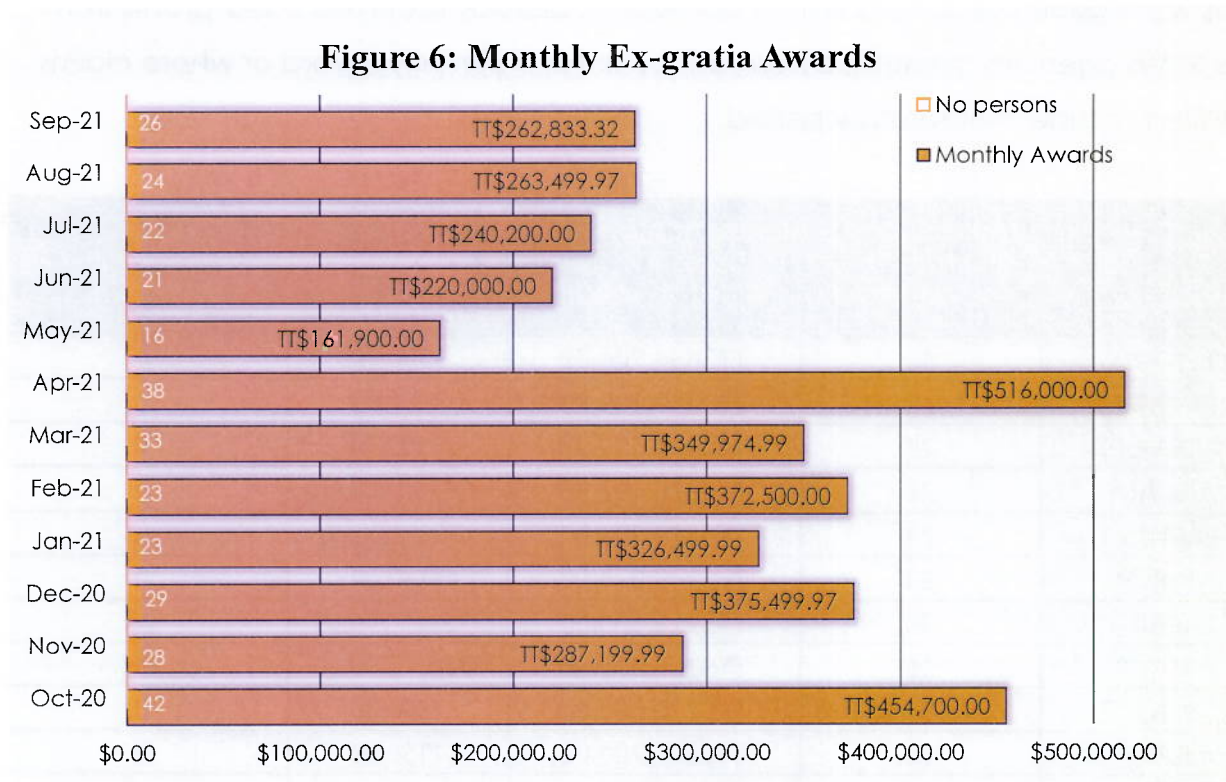
Figure 5. Comparison of Annual Cases Reviewed, Approved and Denied

This is consistent with the fact that of the five years, 2018 saw the lowest number of cases submitted to the Board and similarly the lowest number of cases approved. It is to be noted that the Board was not constituted during the period from May 2018 to December 2019 and as such, cases could not have been submitted for review during this period. Hence, the omission of data for that period and the increase in the number of cases submitted to the Board in the following periods. Furthermore, there are cases which were deferred for further information.

Cases were generally denied where applicants; already received burial grants from other State agencies, benefited from a substantial indemnity award or where claims were filed outside the statutory period.

| Table 3: Ex-gratia Payments Awarded and Processed | | | | |
|---|----------------|------------------|-------------------|------------|
| 2020-21 | CASES APPROVED | TOTAL AWARDED | PROCESSED PAYMENT | NO. ISSUED |
| OCTOBER | 42 | TT\$454,700.00 | TT\$0.00 | 0 |
| NOVEMBER | 28 | TT\$287,199.99 | TT\$0.00 | 0 |
| DECEMBER | 29 | TT\$375,499.97 | TT\$0.00 | 0 |
| JANUARY | 23 | TT\$326,499.99 | TT\$235,000.00 | 23 |
| FEBRUARY | 23 | TT\$372,500.00 | TT\$89,000.00 | 10 |
| MARCH | 33 | TT\$349,974.99 | TT\$0.00 | 0 |
| APRIL | 38 | TT\$516,000.00 | TT\$311,700.00 | 28 |
| MAY | 16 | TT\$161,900.00 | TT\$166,000.00 | 16 |
| JUNE | 21 | TT\$220,000.00 | TT\$0.00 | 0 |
| JULY | 22 | TT\$240,200.00 | TT\$0.00 | 0 |
| AUGUST | 24 | TT\$263,499.97 | TT\$196,700.00 | 18 |
| SEPTEMBER | 26 | TT\$262,833.32 | TT\$2,490,074.94 | 200 |
| TOTAL | 325 | TT\$3,830,808.23 | TT\$3,488,474.94 | 295 |

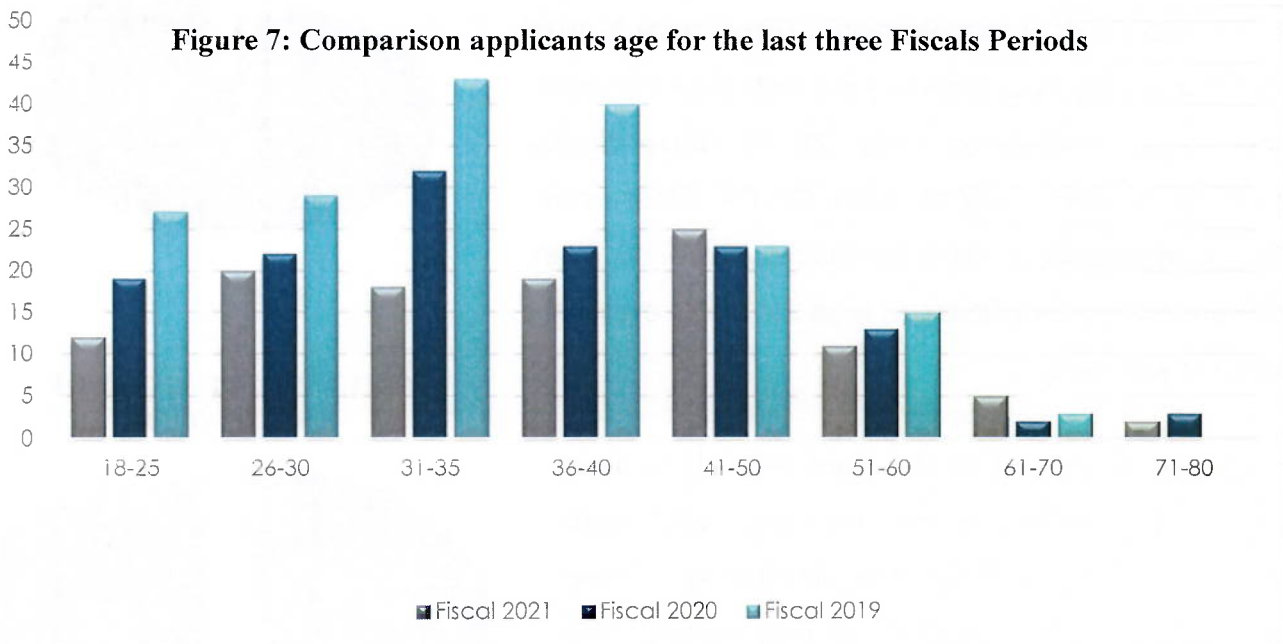
Table 3 shows a monthly breakdown of ex-gratia payments awarded to applicants. For this fiscal 2020-2021, the Board awarded a total of TT\$3,830,808.23 to three hundred and twenty-five 325 applicants. As previously indicated October yielded the highest number of awards consistent with the fact that three meetings were held and more cases reviewed in that month. Although more cases were awarded payments in that month, April recorded the largest total while May yielded the lowest sum. This is also consistent as the least number of cases was submitted in May and only one meeting was held. There were no other consistent trends between the number of applicants awarded and amounts awarded monthly. It should also be noted that most awards were made towards the dependency for a child and/or spouse. Followed by personal injury then funeral expenses. Where there existed more than two dependants, the maximum award of \$25,000.00 was granted.



It should also be stated that persons awarded by the Board in a particular month did not receive payment in that said month. Further, all the awardees may not receive payment in the same fiscal year. Similarly, recipients of payment in this fiscal period may have been awarded in the previous year.

The total value of cheques issued within this period was TT\$3,488,474.90; two hundred and ninety-five (295) cheques would have been processed for payment. The largest release of funds was in September 2021 where two hundred (200) cheques were issued for payment totaling TT\$2,490,074.94. The beneficiaries of these ex-gratia awards included dependants who are minors but were not listed in the tally. In some cases, one application was filed on behalf of two or more minors. In other instances, several applications were filed in relation to the same victim who had more than two dependants.

Figure 7 shows a comparison of applicants by age for the last three fiscal periods. It reveals that in 2021 (25 or 22.32%) applications came from persons between the age of 41-50. Notably, is ages 26-30, which is a shorter range, but accounted for 20 or 17.85% of the intake. Compared to 2020, ages 31-35 yielded the highest intake (32 or 23.36%), followed by 36-40 and 41-50 which both yielded (23 or 16.79%) then by 26-30 which recorded (22 or 16.06%). Fiscal 2019 recorded the highest intake over the three periods with ages 31-34 and 36-40 yielding the highest submissions of (43 or 23.89%) and (40 or 22.23%) respectively. One consistent trend between the three periods was that the lowest intake was from the 61 and over categories, with a maximum of (5 or 4.46%) recorded in 2021. An analysis of all three periods combined revealed that 93 or 21.69% of applications were filed by a person between the ages of 31-35, followed by 36-40 (82 or 19.11%) then by 41-50 and 26-30 both recording (71 or 16.55%). It is however clear that fewer applications are filed by persons over the age of fifty.



| Age | 18-25 | 26-30 | 31-35 | 36-40 | 41-50 | 51-60 | 61-70 | 71-80 | Total |
|-------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Fiscal 2021 | 12 | 20 | 18 | 19 | 25 | 11 | 5 | 2 | 112 |
| Fiscal 2020 | 19 | 22 | 32 | 23 | 23 | 13 | 2 | 3 | 137 |
| Fiscal 2019 | 27 | 29 | 43 | 40 | 23 | 15 | 3 | 0 | 180 |
| Total | 58 | 71 | 93 | 82 | 71 | 39 | 10 | 5 | 429 |

Figures 8-10 shows a gender comparison in relation to applications filed, payment issued and the purpose of application. This annual trend shows that most applications are filed by women. In 2021 just over 25% of the applications were submitted by men, which is only 4% higher than in 2020. This confirms the fact that women are CICB's main clients although the majority of the victims are male.

This trend continued for persons receiving ex-gratia payments and although they are not necessarily the same persons who filed applications in this fiscal, 82% of the recipients were women. These mainly filed applications for dependency on behalf of minors or themselves. However, only 5% of dependency applications were filed by men. On the other hand, 62% of applications filed for Injuries were by men, whereas 80% of applications filed for burial expenses were by women.

These statistics point to the fact that deceased victims often leave women and minors who were dependent on them for their livelihood. These individuals can be placed at risks without the much need financial support and other interventions. Other state agencies and support systems are need to play an integral role in providing a safety net for these persons.

FIGURE 8: APPLICATIONS FILED 2021

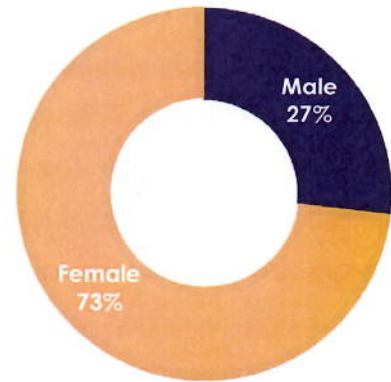


FIGURE 9: PAYMENT ISSUED 2021

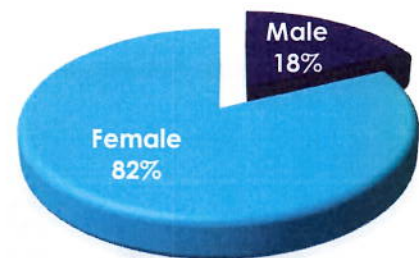
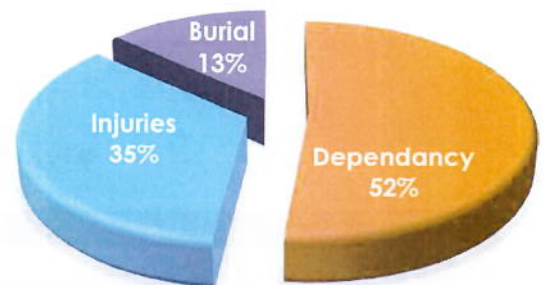


FIGURE 10: PURPOSE OF APPLICATION

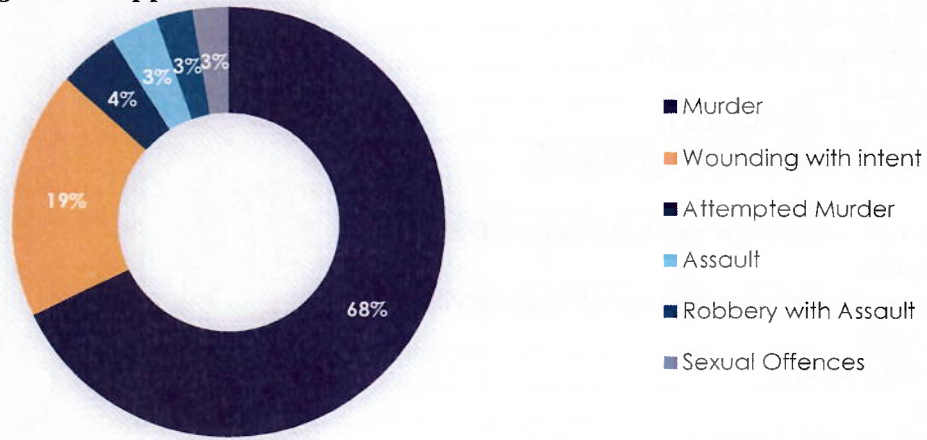


| | Purpose | | Female | | Male | |
|-----------------|---------|-----|--------|-----|------|-----|
| Dependency | 58 | 52% | 55 | 95% | 3 | 5% |
| Injury | 39 | 35% | 15 | 38% | 24 | 62% |
| Burial expenses | 15 | 13% | 12 | 80% | 3 | 20% |

Table 4: Gender and Purpose Comparison

Over the years there has been no significant difference in the intake of applications and the related crimes. Fiscal year 2021 followed the said trend as homicides continue to be the main crime for which applications are filed. Similarly, wounding with intent continue to record the second-highest intake of applications, followed by attempted murder. The nature of the crime is clearly related to the purpose of the application. Applications involving murders are usually filed for dependency or reimbursement of funeral expenses with the former yielding the highest. All other crimes are related to injury claims.

Figure 11: Applications for fiscal 2021 Bases on Nature of Crime



In 2020 -2021 the TTPS reported a reduction of serious crimes from 8336 to 6989.¹ However, the chart below shows no significant change in the number of crimes committed, from 1232 to 1217. Nevertheless, the intake of applications in this fiscal is significantly lower than the number of serious crimes reported in 2020 - 2021. Especially as it pertains to rape, incest and sexual offences which is approximately 25% of the crimes in question. When comparing CICB's intake only 3% of cases received by CICB are related to Sexual Assaults. This show that much more persons could benefit from this from of assistance.

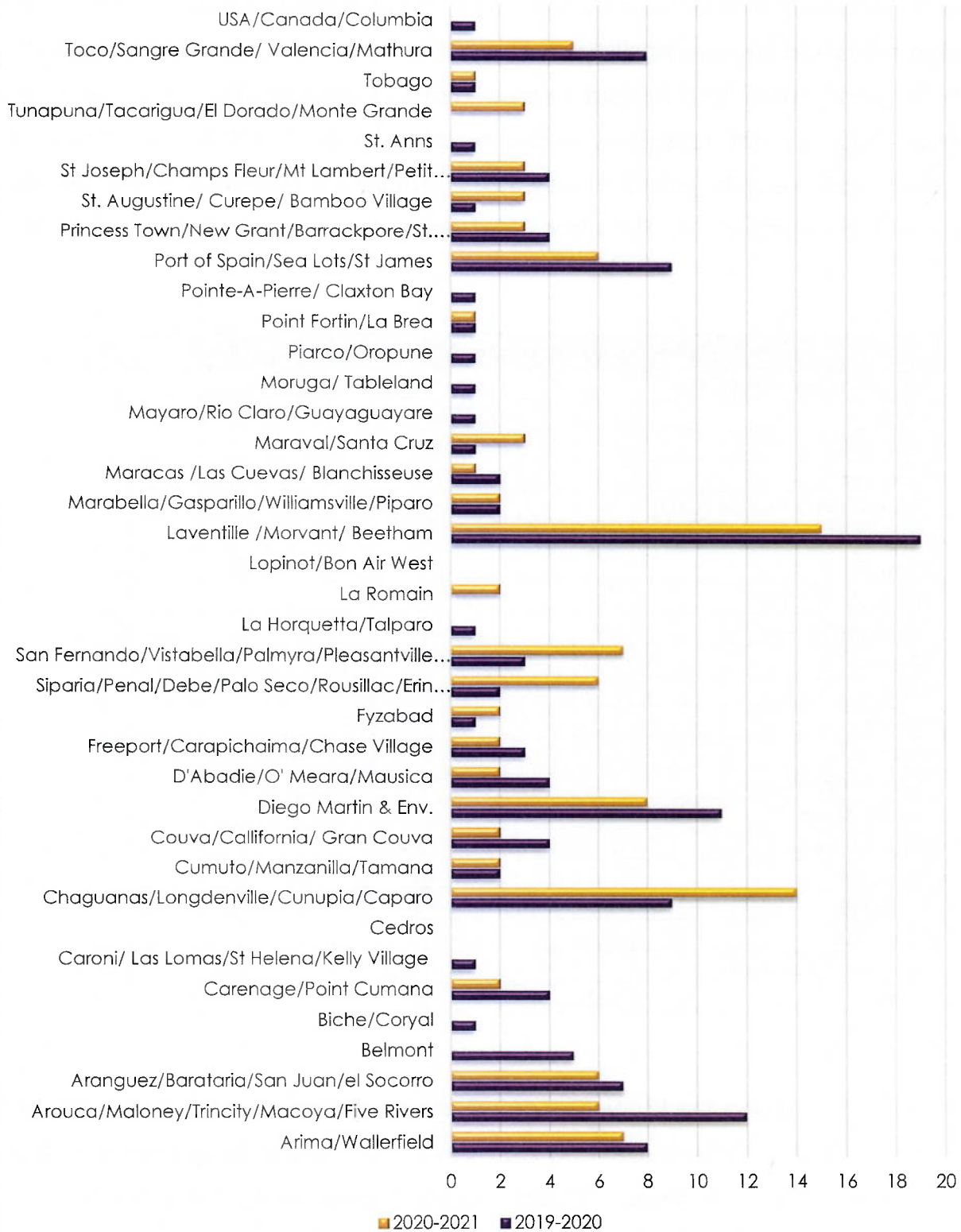
| Table 5: TTPS 2020 -2021 STATISTICS | | |
|-------------------------------------|------|------|
| TTPS Reported Offences | 2020 | 2021 |
| Woundings and Shootings | 401 | 522 |
| Kidnapping for Ransom | 1 | 1 |
| Murders | 393 | 345 |
| Kidnapping | 65 | 48 |
| Rapes, Incest and Sexual Offences | 372 | 301 |
| Total | 1232 | 1217 |

¹<https://www.ttps.gov.tt/Statistics/Comparative-Chart>

Table 6: Number of applications based on Geographic Location

| DISTRICT | Number of Applicants (2019-2020) | Number of Applicants (2020-2021) |
|---|-------------------------------------|-------------------------------------|
| Arima/Wallerfield | 8 | 7 |
| Arouca/Maloney/Trincity/Macoya/Five Rivers | 12 | 6 |
| Aranguez/Barataria/San Juan/el Socorro | 7 | 6 |
| Belmont | 5 | 0 |
| Biche/Coryal | 1 | 0 |
| Carenage/Point Cumana | 4 | 2 |
| Caroni/ Las Lomas/St Helena/Kelly Village | 1 | 0 |
| Cedros | 0 | 0 |
| Chaguanas/Longdenville/Cunupia/Caparo | 9 | 14 |
| Cumuto/Manzanilla/Tamana | 2 | 2 |
| Couva/Callifornia/ Gran Couva | 4 | 2 |
| Diego Martin & Env. | 11 | 8 |
| D'Abadie/O' Meara/Mausica | 4 | 2 |
| Freeport/Carapichaima/Chase Village | 3 | 2 |
| Fyzabad | 1 | 2 |
| Siparia/Penal/Debe/Palo Seco/Rousillac/Erin Rd./Oropouche | 2 | 6 |
| San Fernando/Vistabella/Palmyra/Pleasantville Mon Repos/Corinth | 3 | 7 |
| La Horquetta/Talparo | 1 | 0 |
| La Romain | 0 | 2 |
| Lopinot/Bon Air West | 0 | 0 |
| Laventille /Morvant / Beetham | 19 | 15 |
| Marabella/Gasparillo/Williamsville/Piparo | 2 | 2 |
| Maracas /Las Cuevas/ Blanchisseuse | 2 | 1 |
| Maraval/Santa Cruz | 1 | 3 |
| Mayaro/Rio Claro/Guayaguayare | 1 | 0 |
| Moruga/ Tableland | 1 | 0 |
| Piarco/Oropune | 1 | 0 |
| Point Fortin/La Brea | 1 | 1 |
| Pointe-A-Pierre/ Claxton Bay | 1 | 0 |
| Port of Spain/Sea Lots/St James | 9 | 4 |
| Princess Town/New Grant/Barrackpore/St. Madeleine | 4 | 3 |
| St. Augustine/ Curepe/ Bamboo Village | 1 | 3 |
| St Joseph/Champs Fleur/Mt Lambert/Petit Bourg/Mt Hope | 4 | 3 |
| St. Anns | 1 | 0 |
| Tunapuna/Tacarigua/El Dorado/Monte Grande | 0 | 3 |
| Tobago | 1 | 1 |
| Toco/Sangre Grande/ Valencia/Mathura | 8 | 5 |

Figure 12: Number of applications based on Geographic Location

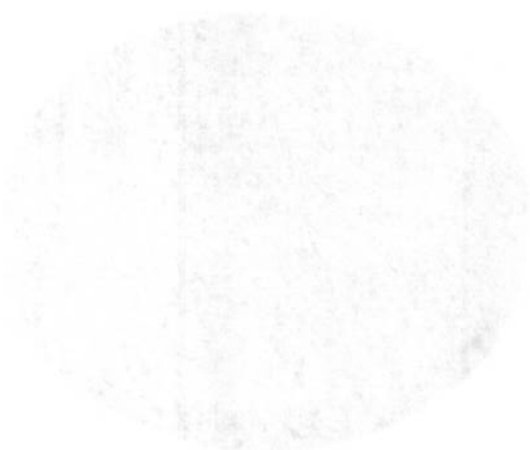


As shown in the table above for both periods, Laventille/Morvant had the highest number of applications followed by Chaguanas/Longdenville/Cunupia/Caparo. Over this period trends did not vary significantly in areas such as San Fernando, Diego Martin, Port of Spain and Arima tend to yield a similar intake of applications. It must be noted that these areas are not necessarily where the crime was committed but where the applicants reside. Keep in mind that only 35% of applicants were victims who filed for injures due to a violent crime. The other 65% filed applications due to the death of a victim.

| Table 7. Police Stations Where Crimes were Reported | | | |
|---|------------|------------------------------|------------|
| Police Station Fiscal 2021 | | Police Station Fiscal 2020 | |
| Arima | 1 | Arouca | 3 |
| Besson Street | 3 | Belmont | 2 |
| Carenage | 1 | Besson Street | 2 |
| Central Police Station (CID) | 1 | Blanchisseuse | 1 |
| Chaguanas | 1 | Carenage | 1 |
| Cunupia | 1 | Central Police Station (CID) | 2 |
| Homicide Region 1 | 72 | Cumuto | 1 |
| Homicide Region 3 | 14 | Cunupia | 2 |
| Maraval | 1 | Four Roads | 1 |
| Matura | 1 | Homicide Region 1 | 99 |
| Moriah | 1 | Homicide Region 3 | 14 |
| Morvant | 1 | Homicide Region Tobago | 2 |
| Pinto Police Post | 1 | Pinto Police Post | 1 |
| San Fernando | 4 | San Juan | 1 |
| Sangre Grande | 2 | Sangre Grande | 1 |
| St. James | 1 | Tableland | 1 |
| St. Joseph | 3 | Tunapuna | 2 |
| Tunapuna | 2 | West End | 1 |
| Valencia Police Post | 1 | Total | 137 |
| Total | 112 | | |

Table 7, above compares the Police Stations where crimes were reported over the two fiscal periods. For both periods 2020 and 2021, the majority of police reports came from Homicide Region 1, which recorded 72.20% and 64.18 respectively. The second highest record was from Homicide Region 3 which was significantly lower than Region 1, at

10.21% in 2020 and 12.5% in 2021. The other stations listed, each provided less than 4% of police reports submitted by applicants. This occurrence might be related to the fact the CICB has a working relationship with the TTPS Victim Support Unit which was a presence in some stations. As a means of raising awareness within the TTPS information packages which include forms, brochures, and promotional items are distributed to police stations throughout the nation.



Client Feedback Survey

Client feedback is an essential indicator of the standard of service delivered. A survey was conducted between 7th October 2021 and 12th November 2021 involving 54 applicants whose matters were closed during fiscal 2021. The responses provided valuable data which can aid in improving the overall service to our clients. (Refer Appendix II Client Feedback Survey).

Of those persons responding to the client Feedback Survey, forty-nine were approved and received payment while five clients were denied, clients. This survey bears true to the consistent trend in which 55% of the approved respondents filed for dependency followed by 33% for Injuries and 12% for burial. For the denial cases, 66% were denied funeral expenses, while 20% were denied for dependency and 20% for injuries.

Figure 13: Approved Cases

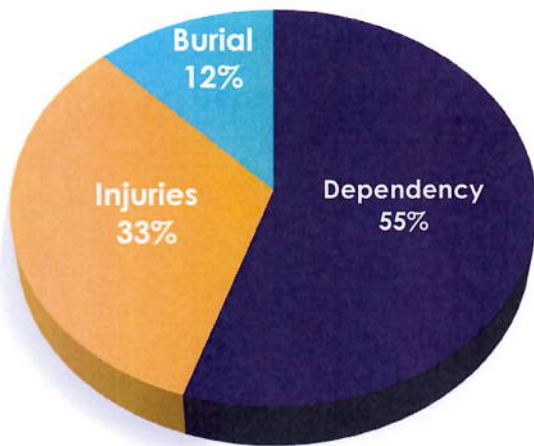
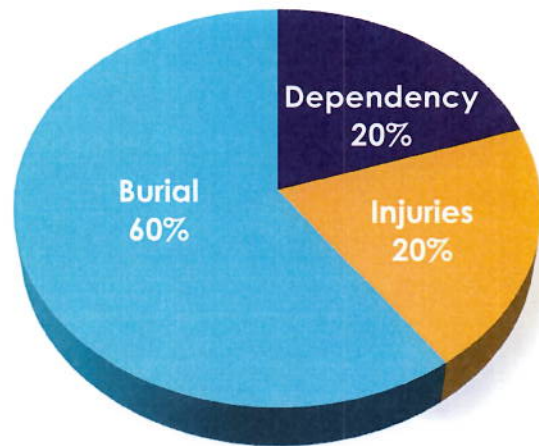


Figure 14: Denied Cases

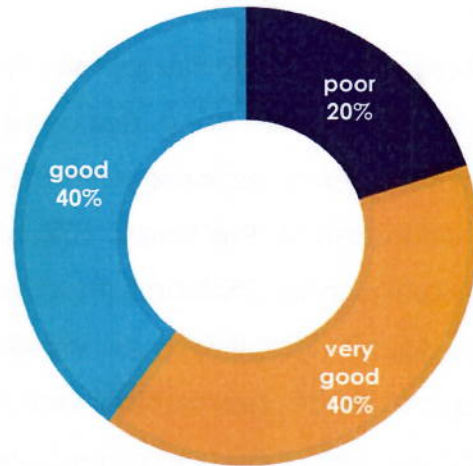


The first section of data collected covered four main areas in which clients interacted with staff. They included; the Attitude of employees, Information provided when filling an application, Interviews conducted by staff, Overall interaction with staff. In the first category, 49% of respondents found that the attitude of staff was good, 22% found that it was very good while 29% found that it was excellent. On the other hand, 20% of denied respondents found that employees' attitudes were poor while 40% rated it as good and 40% indicated it was very good. Based on these responses the majority of respondents felt that the general attitude of employees was good.

**FIGURE 15: APPROVED:
ATTITUDE OF EMPLOYEES**



**FIGURE 16: DENIED:
ATTITUDE OF EMPLOYEES**



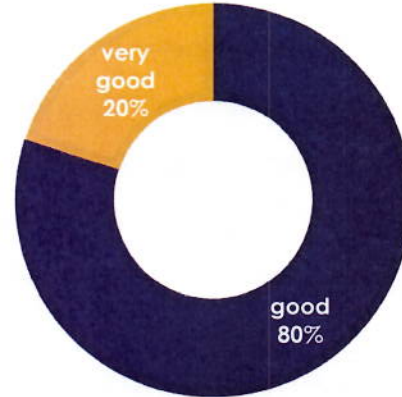
In the overall interaction with staff, 66% of approved responders found that their interaction with staff was good, 16% found it to be very good while, 21% found that it was excellent. In the case of the denied responders, 80% found that the interaction with members of staff was good while 20% found that this was very good.

While this rating is maybe considered acceptable, it is expected that scores will climb into the excellent category. This may call for training as a means of enhancing customer service.

**FIGURE 17 APPROVAL:
OVERALL INTERACTION
WITH STAFF**

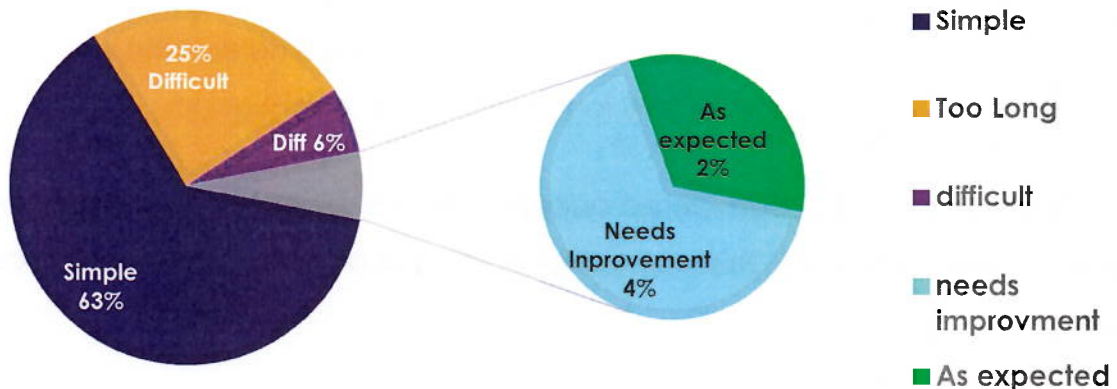


**FIGURE 18 DENIAL:
OVERALL INTERACTION
WITH STAFF**



The survey also collected responses in relation to the process flow. There were four main areas in this section: Filing documents, obtaining documents from other Institutions, Waiting Time for a response from CICB, Waiting time for the award. In the process of filing documents to the Board 63% of responders found that it was simple, 25% found that it was too long, 6% found that it was difficult, 4% found that it needed improvement and 2% found that it was as expected. This shows that about 35% of applicants experience challenges in filing their application to the Board. These challenges can certainly present barriers to other potential applicants and as such must be explored.

FIGURE 19: PROCESS IN FILING APPLICATION



Over the years, obtaining documents from other intuitions has proven to be quite a challenge for some persons more than others. The survey has indicated that 71% had felt that getting documents from other institutions was relatively simple. While 27% found it to be difficult and 2% found that the time taken was too long. While there is collaboration with state agencies to assist clients there is obviously a need to establish formal arrangements that would ensure a much smoother flow in the process.

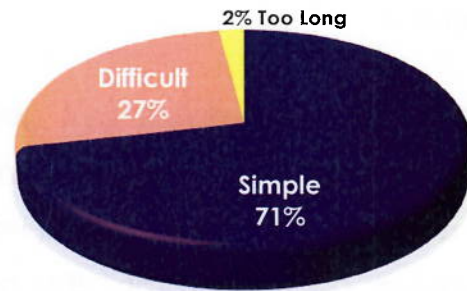


Figure 20 Obtaining documents from other Institutions

Another area of examination is the waiting time for a response from CICB. 53% of responders found that the waiting time was generally too long while 39% found that it was simple enough. 4% felt that it was difficult waiting, 2% felt that it needs improvement and 2% felt that the waiting time was what they expected. Needless to say, the waiting time was too long for the majority of responders.

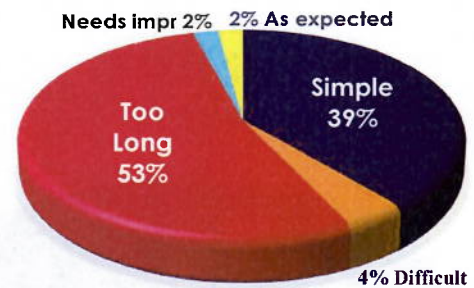


Figure 21 Waiting for processing

Typically, the result followed through for those who were waiting to receive their ex-gratia payment. The time taken for most persons was too long with just about fewer persons expressing that it was simple enough. 4% indicated that the process needs improvement with 2% stated that it was difficult for them and 2% deem it to be as expected. These responses are valid as they can aid the department in improving its services.

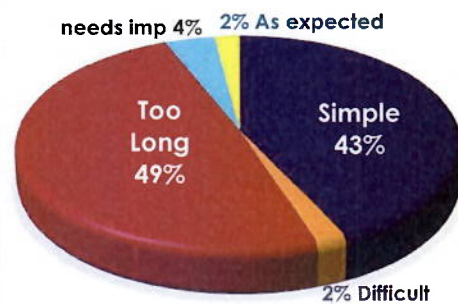


Figure 22 Waiting for Payment

The final stage of the interview captured the overall service provided and the award received.

55% felt that the service was good while 29% believed that it was excellent, 14% expressed that it was very good and 2% felt it was fair. On the award side, 70% felt that the award received was good, 14% excellent, 10% very good and 6% said it was fair. The open comments from the applicants were: "Excellent service", "the waiting process was just the problem." "Good service just need to work on the waiting time." "Waiting period too long." "Overall good service. Compensation could of been more." "Disappointed." "Thankful. Keep up the good work." "Staff was very helpful and kind." "Appreciate the assistance. Good agency." "Good service"

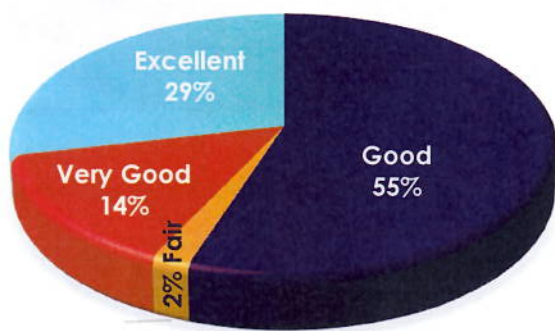


Figure 22: Overall Service

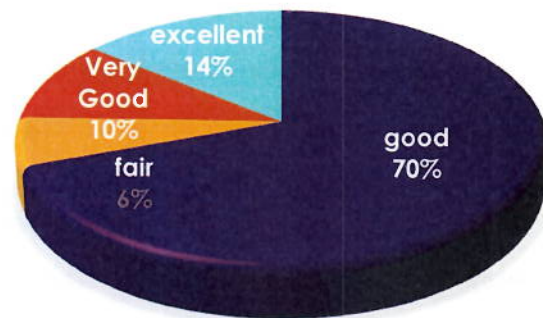


Figure 23: Waiting for Payment

OFFICERS CASE REPORT

In the period October 2020 to September 2021, over 400 client interviews and case updates were conducted by officers of CICB. The Research/investigating officers conducted approximately 237 new investigations. These were for dependency 46%, Injuries 24%, funeral expenses 21%, and dependency and funeral expenses combined 9%. The Social Work Specialist managed a caseload of 129 cases in which dependency was 75%, Injuries 15%, and funeral 10%. This is consistent with previous trends, which indicate that most applications are submitted for the dependence of a deceased victim. It must be noted that the client would in most cases be interviewed by a Research/Investigating officer and also the Social Work Specialist.

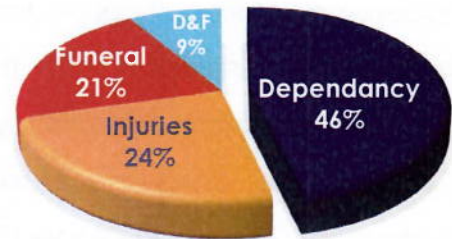


Figure 25: Research/Investigators Cases Load

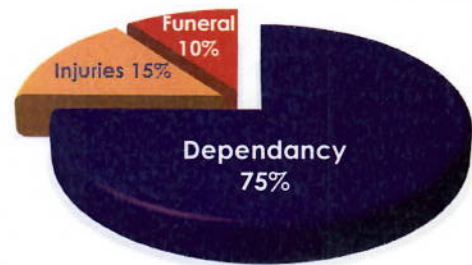


Figure 26: Social Work Specialist Cases load

Officers and clients alike encountered some challenges during the period. Due to the Covid-19 Pandemic, in-person face-to-face interviews with clients were restricted. The preferred mode of communication was the telephone and WhatsApp video calls. This generally worked well except for the odd occasion with poor connectivity, which impeded the communication process. Obtaining documentary evidence in a timely manner also proved also to be a challenge. One of the main factors accounting for this was the intermittent lockdown measures that were introduced during the pandemic which resulted in only essential services being operational. As a result, our clients met difficulties in completing the required forms at the Social Welfare Division and National

Insurance Board, and the medical forms at various health facilities across Trinidad and Tobago.

Several applicants, who were already struggling financially, lost their jobs and experienced difficulty providing for themselves and their children. These were advised to seek out assistance from the Ministry of Social Development and Family Services. Other clients were referred agencies including; Rape Crisis Society, Child Guidance Clinic, Lifeline, Child Line, Student Support Services, Ministry of Agriculture, Member of Parliament Offices, Regional Corporations, FBO's and NGO's. These agencies provided a valid source of emotional, spiritual and financial support to our most valuable. CICB looks forward to fostering even stronger ties with these agencies in the best interest of its clients.



FINANCIAL REPORT

| Head/Sub Head | Estimated Budget Allocation | Amount Board Approved | Total Actual Expenditure |
|-------------------------------------|-----------------------------|-----------------------|--------------------------|
| 022: Ministry of National Security | | | |
| 04: Current Transfers and Subsidies | | | |
| 007: Households | | | |
| 13: Criminal Injuries Compensation | | | |
| TOTAL | 1,500,000.00 | \$3,830,808.23 | 3,488,474.94 |

| Head/Sub Head | Estimated Budget Allocation | Subventions released | Total Actual Expenditure |
|--|-----------------------------|----------------------|--------------------------|
| 022: Ministry of National Security | | | |
| 04: Current Transfers and Subsidies | | | |
| 009: Other Transfers | | | |
| 01: Criminal Injuries Compensation Board | | | |
| TOTAL | 2,000,000.00 | 2,200,000.00 | 1,952,722.91 |

The CICB operates under the accounting system and budgeting process of the Public Service. It is guided by the Exchequer and Audit Act, Chap 69:07, as well as the Generally Accepted Accounting Principles (GAAP) Section 22 (2) (b).

The budgeting process of the CICB runs concurrently with the budgeting process of the Public Service, with each fiscal year beginning on October 1 and ending on September 30 of the following calendar year.

The CICB receives an annual subvention from the relevant Ministry to meet operational expenses. Compensation to Victims of Crime is also met through the annual subvention from the Ministry.

In Fiscal 2020, the estimated budgetary allocation for compensation to victims was \$2,000,000.00, with the total amount approved by the Board for payment being \$3,830,808.23, while the actual payment issued totaled \$3,488,474.94. The estimated allocation for operational cost was \$2,000,000.00 with the actual subvention released being \$2,200,000.00 however the total expenditure was \$1,952,722.91.

The Auditor General's Department audits the annual financial statements of the CICB. Audited statements would follow in a subsequent report.



MOVING FORWARD

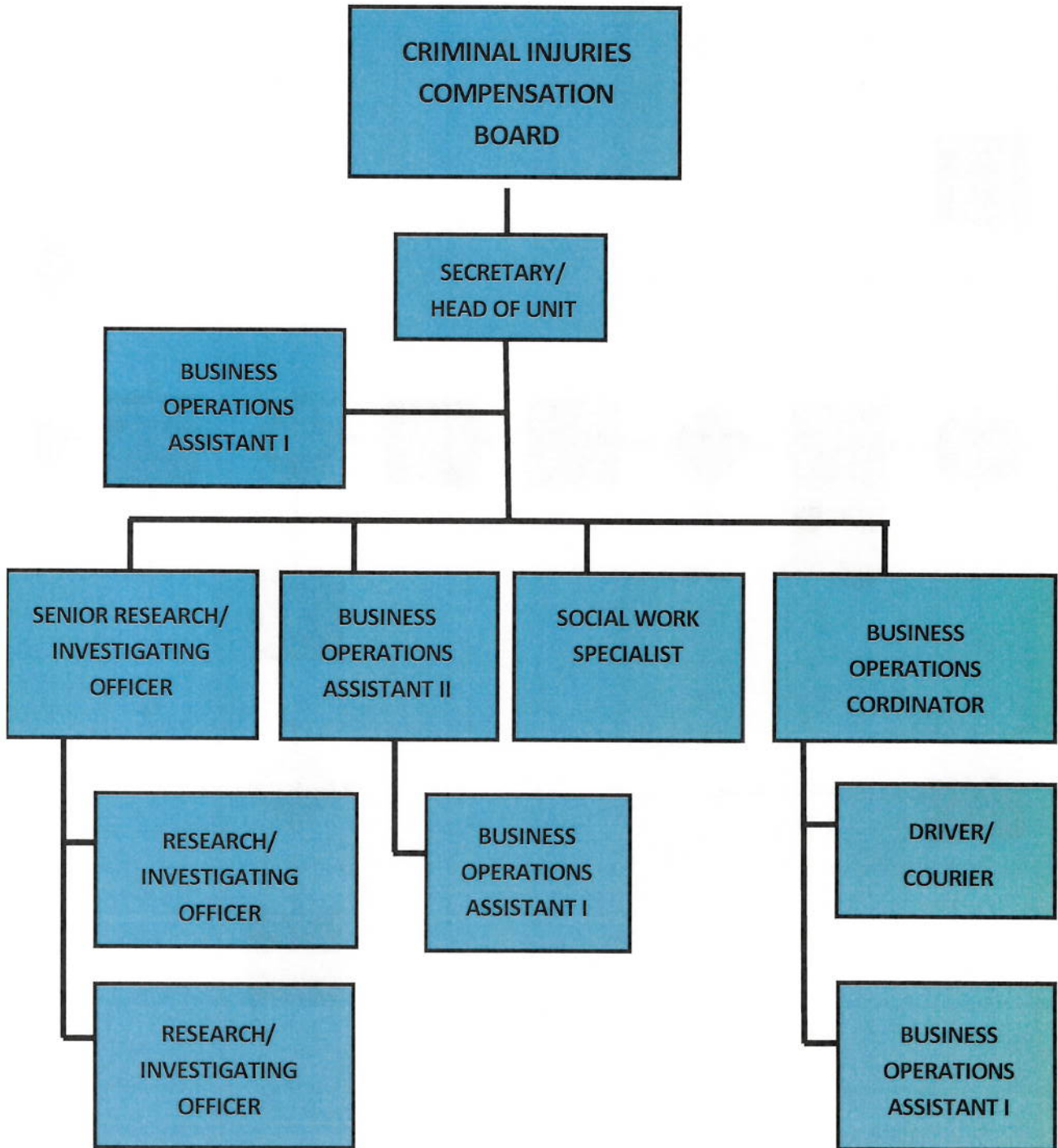
As part of the National Performance Framework, logic Model, the Criminal Injuries Compensation Board falls under the impact pillar of "Improved Social Services Delivery to Better Serve the Needs of Vulnerable Groups." The desired outcome of this initiative is "Improved Access to Social Protection Programmes." (Refer Logic Model Appendix III) To this end, whilst weathering the second wave of the global COVID-19 pandemic, the Board has made significant strides. In this fiscal, the backlog of pending cases has been reduced to a bare minimum. Additionally, the highest number of applicants awarded and payments issued were recorded in this fiscal year. However, there remain several challenges and opportunities to fully achieve the desired outcome.

These included:

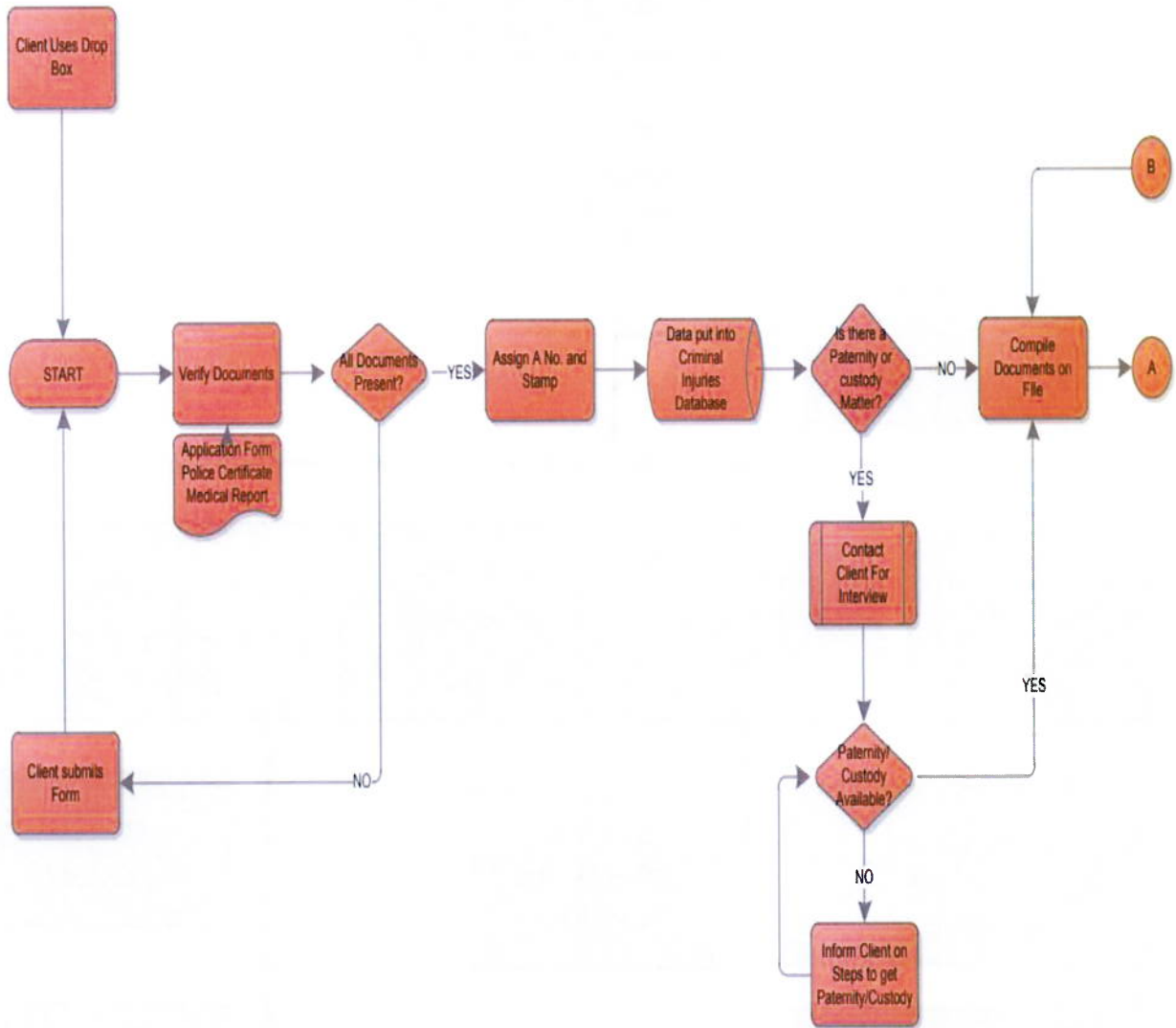
- The development of an online platform for the submission of applications;
- Full use of social media marketing strategies.
- Continued improvement in CICB's relationship and liaison with the Line Ministry and Divisions;
- The establishment of MOUs between the CICB and the Ministry of Social Development and Family Services, the National Insurance Board, Ministry of Health and the Trinidad and Tobago Police Service. Collaboration with these essential agencies can result in great benefit for clients and the CICB alike;
- The Development of a new Strategic Plan.
- The Filling of vacancies within the organization.
- Utilizing the data from the Client Feedback Survey to improve client care services.

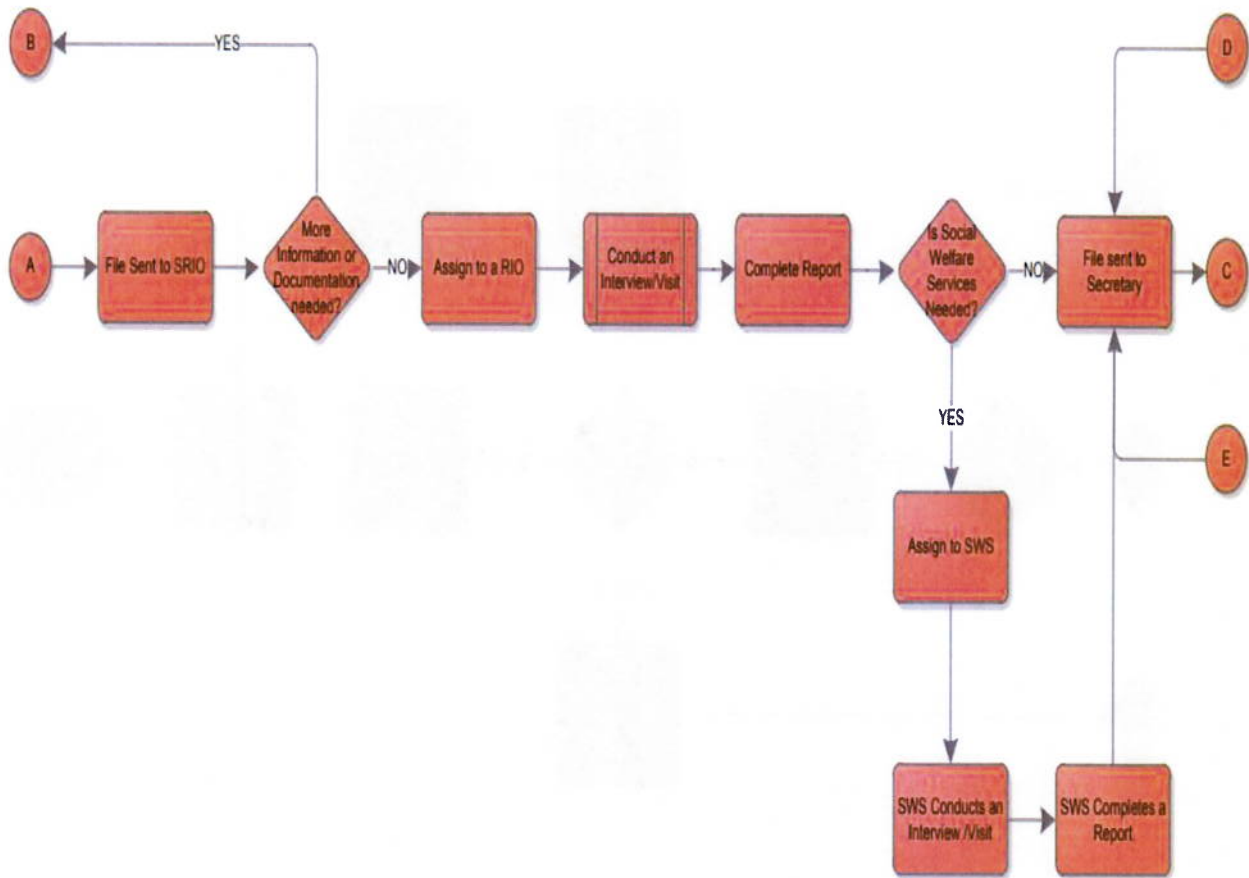
Towards these ends, the Board and staff of the CICB will continue to strive in the achievement of our service motto of "Client Care, Client Satisfaction and Service Excellence". In the spirit of our mission: "To award financial aid to Victims of Crime and/or their Dependants in a timely manner and to make referrals to Support Services to facilitate positive recovery".

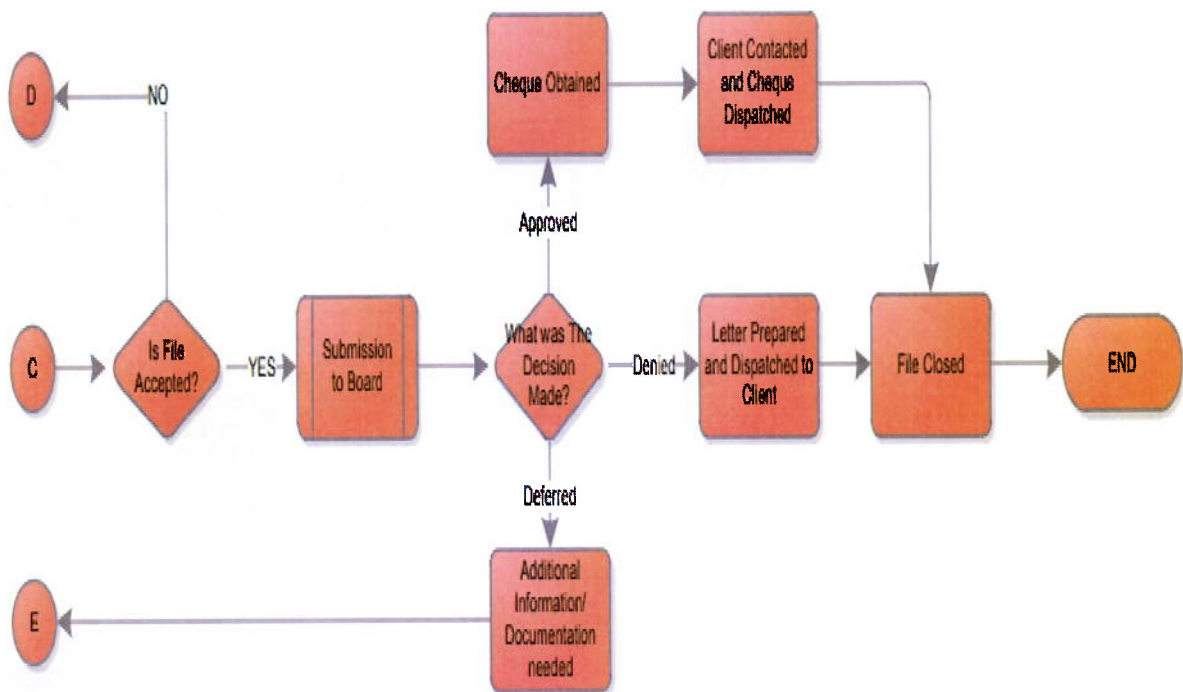
ORGANISATIONAL STRUCTURE



PROCESS FLOW









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Appendices



Appendix I

Review of Chapter 5:31



Criminal Injuries Compensation Board Review of the Criminal Injuries Compensation Act

The Board recommends the following Amendments to Chapter 5:31:-

Name of Act

1. The Act should be amended to read the Criminal Injuries Assistance Act, and the entity should be renamed the Criminal Injuries Assistance Board. The word “compensation” should be replaced with “assistance” throughout the Act.

Justification: The monetary sum allocated under the Act is not intended to represent the actual value of the loss, damage or injury suffered by the victim but rather is meant to aid the victim in the recovery process. Refer to Section 34.(1).

This change was also recommended by a previous Board as cited in the CAT Reporting Notes page 2 lines 4-25.

Part I, Section 3 - Definitions

2. “Criminal injury” or “injury”- the word “mental” within this definition should be deleted and replaced with the word “psychological”.

Justification: Mental covers only the cognitive aspect, but psychological is more encompassing and captures mental, emotional and behavioural.

This recommendation is also cited in the CAT Reporting Notes page 4, lines 16-20.

3. “GAAP” Generally Accepted Accounting Practice should be deleted and replaced with (IFRS) International Financial Reporting Standards.

Justification: The International Financial Reporting Standards (IFRS) is now the international accounting standard applicable to Statutory Bodies.

Part III, Staff

4. Part III of the Act should be restructured and provide for the following:
 - a. the position of a “Chief Executive Officer” (CEO) to manage the Criminal Injuries Assistance Unit (CIAU) which is the administrative arm of the Board;
 - b. the revision of the duties of the Secretary to make same comparable with those of a Corporate Secretary. Delete the following “, the Secretary shall be the Accounting Officer for the purposes of the Exchequer and Audit Act and for that purpose shall be a qualified Accounting Technician”.
 - c. the recruitment of staff for the CICU based on the organisation structure.

Justification: Currently, the Secretary effectively functions in dual roles as Corporate Secretary to the Board as well as the Head of the administration unit, the latter responsibility however is not explicitly stated in the Act. As a result the Board faces certain recruitment challenges, more specifically in drafting the job description for the Secretary and in ensuring the position is assigned the appropriate salary remuneration. The current salary for the Secretary is not competitive, does not reflect the worth or value of the position within the organization and is inadequate for the set duties and responsibilities. To address these challenges and given that the duties and responsibilities currently performed by the Secretary are too onerous for one individual, it is recommended that the position of Chief Executive Officer be established to head the CIAU and the Secretary performs corporate secretarial functions for the Board.

Part IV, Financial Provisions

5. Section 22 (2) - “GAAP” should be replaced with “IFRS”.

Justification: For consistency and in accordance with the amendment suggested at paragraph 3 above.

Part V, Application for Compensation

6. Section 24 (5) (b), line 1 - remove the word “and” after “mentally”.

Justification: this is a typographical error.

7. Section 25 (3), line 1 and Section 25 (4) line 1- “compensation” should be replaced by the words “grant” or “an award”.

Justification: the Board notes that a payment under the Act is consistent with an ex gratia award rather than compensation.

8. Section 25 (8) (e) include “and such other Security Officers”

Justification: This adjustment allows for the inclusion of private and other security officers not specifically mentioned in the section.

9. Section 27(2) line 1 - insert the word “date” prior to the word “time”.

Justification: date of the hearing was omitted.

10. Section 27(6) line 2 - insert the word “reasonable”.

Justification: the Board should only be required to award expenses that are reasonable.

11. Section 28(1), line 2, substitute the word “ninety” for “thirty”.

Justification: Thirty days is deemed an insufficient period. Ninety days would allow ample time for processing, investigation, assessment and review of the claim. This is the same period allotted for persons seeking the Public Assistance Grant at the Division of Social Welfare.

See Page 21(17-19) in the CAT notes, the prior board also felt that a thirty day period is too short.

Part VI, Payment of Compensation

12. Title to be replaced with the words "Grant of Award"

Justification: This change is consistent with the proposed amendment at paragraph 1 above.

13. Section 34 (2) and (3) The maximum amount payable should be increased to \$50,000.00 with the Minister discretion to increase the maximum award to \$75,000.00.

Justification: The current maximum award of \$25,000.00 has not changed since the enactment of the statute in 1999, some 22 years ago. The Board has encountered cases where even the maximum award was insufficient to aid victims or dependents in moving forward. In one such case, where the victim, a 38-year-old male Rigger was the sole breadwinner in a household which included his spouse and five minors, it was difficult to imagine how the sum of \$25,000.00 could make a substantial impact in the lives of his family. Due to injuries sustained, the victim applicant was disabled from earning thus severely reducing his quality of life and the level of support to his dependants. In another case, an unemployed mother is now required to care for her four minor children after her husband was murdered. This mother has no death or other benefits and is wholly reliant on the State for support until she is able to obtain employment.

First Schedule, Crimes to Which the Act Applies

14. Item e) should read "Using a drug, **biological agent or electronic device** with intent to commit an offence.

Justification: This inclusion covers a wide range of novel activities intended to harm the mass population like the Havana syndrome.

15. Item (g) should include toxic substances.

16. Item (f) include chemical agent/poison.

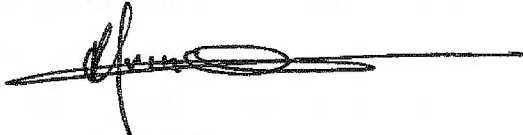
17. Insert a new item (j) Offences under the domestic violence Act.

Second Schedule, Form

18. The application form is to be revised to capture the required information relative to the type of or basis for the application. It is suggested that three separate forms be developed for 1) dependents, 2) victims, and 3) others seeking to recoup funeral expenses respectively. These forms should be tailored to capture clients data and other required information. Example phone contact, email address, referral source, source of funds etcetera.

19. The application form should include a declaration by the applicant in accordance with the Statutory Declarations Chapter 07:04.

Submitted,



Alvin Pascall

Chairman of the Board

Criminal Injuries Compensation Board (CICB)

Appendix II

CICB Client Survey Questionnaires

CICB Client Feedback

We would love to hear your thoughts or feedback on how we can improve our service!

* Required

1. Name (optional)

2. Capacity in which application was made?

Check all that apply.

- Victim
- Dependency
- Funeral expenses
- Other

3. Interaction with Staff

Mark only one oval per row.

| | Poor | Fair | Good | Very Good | Excellent |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Attitude of Employees | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Information provided when filing application | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Interviews conducted by staff | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Overall interaction with staff | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

4. Process

Mark only one oval per row.

| | simple | difficult | Too long | needs improvement | Normal as I expected |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Application process for filing documents. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Obtaining documents from other Institutions | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Waiting Time for response from CICB | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Waiting time for award. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

5. Product

Mark only one oval per row.

| | Poor | Fair | Good | Very Good | Excellent |
|--------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Overall Service provided | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Award received | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

6. Comments *

This content is neither created nor endorsed by Google.

Google Forms

Denial CICB Client Feedback

We would love to hear your thoughts or feedback on how we can improve our service!

* Required

1. Name (optional)

2. Capacity in which application was made?

Check all that apply.

- Victim
- Dependency
- Funeral expenses
- Other

3. Interaction with Staff

Mark only one oval per row.

| | Poor | Fair | Good | Very Good | Excellent |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Attitude of Employees | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Information provided when filing application | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Interviews conducted by staff | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Overall interaction with staff | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

4. Process

Mark only one oval per row.

| | simple | difficult | Too long | needs improvement | Normal as I expected |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Application process for filing documents. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Obtaining documents from other Institutions | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Waiting Time for response from CICB | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

5. Product

Mark only one oval per row.

| | Poor | Fair | Good | Very Good | Excellent |
|--------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Overall Service provided | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

6. Comments *

This content is neither created nor endorsed by Google.



Appendix III

Results Framework

Results Framework: MNS-CICB 2021

| Logic Model | Results | Indicators | Baseline | Target | Means of Verification (Data Sources) | Risk & Assumptions |
|-------------------------|---|--|---|-------------------------------------|---|---|
| Impact | Improved Social Services Delivery to Better Serve the Needs of Vulnerable Groups ¹ | % access to adequate/ relevant support programmes on a national level | No baseline is available | TBD | Payment records from all institutions offering financial assistance to vulnerable groups. | Risk: -On a national level, there may be persons who benefit from funding despite failure to meet the criteria for same. Risk: -Availability of funds |
| Outcomes | Improved Access to Social Protection Programmes | % of all applicants receiving funding | 75% as at Sept 2021 | 90% by Sept 2022 | - Annual Report | Risk: -Availability of funds |
| Outputs | 1. Increased Awareness of the Role and Function of the CICB | # of persons expressing an increased awareness of the CICB | No baseline is available | TBD | - Outreach Session Feedback Forms | Risk: -Inaccurate/ insufficient information captured on feedback forms. |
| | 2. Applications processed and submitted to the Board for consideration | % of all applications received that meets the criteria for Board consideration # of Board meetings held | 75% as at Sept 2021 23 as at Sept 2021 | 90% by Sept 2022 24 by Sept 2020 | - Annual Report - Status Update Sheet | Risks: - With increased public education, there may be an increase in eligible applicant, who may in turn provide the relevant and accurate information on the form, and thereby reducing the overall processing time, aware of the criteria for eligibility |
| Projects/ Activities | 1. Conduct Public Education and Outreach | # of Public Outreach Sessions held | 3 as at Sept 2021 | 4 Sept 2020 | Annual Report, Data Base Log | Risk: -Funding to conduct sessions may not be available |
| | | # of information packages delivered to stakeholders ² | 60 as at Sept 2021 | 100 Sept 2020 | Activity Log; Database Log | Assumption: -Packages provides relevant information about the role of the CICB and the criteria for eligibility. -Packages delivered to stakeholders may not be disseminated to persons in need of assistance |
| | 2. Review Applications for Funding from the CICB | # of applications received | 112 as at Sept 2021 | 300 Sept 2020 | Annual Log | Risk: -It is difficult to set a target for the number of applications received and processed. |
| | | # of Board meetings scheduled | 24 as at Sept 2022 | 24 Sept 2020 | | |

¹ National Performance Framework 2017-2020

² Police Stations, Health Facilities, Victim and Witness Protection, Counter Trafficking Unit and Funeral Homes

Appendix IV

Criminal Injuries Compensation Act, 1999

CRIMINAL INJURIES COMPENSATION ACT

CHAPTER 5:31

Act
21 of 1999
Amended by
12 of 2011
*14 of 2011

*See Note on page 2

Current Authorised Pages

| <i>Pages (inclusive)</i> | <i>Authorised by L.R.O.</i> |
|------------------------------|---------------------------------|
| 1-6 | .. |
| 7-16 | .. |
| 17-18 | .. |
| 19-20 | .. |

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

www.legalaffairs.gov.tt

2

Chap. 5:31 *Criminal Injuries Compensation*

Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note on Amendment—No. 14 of 2011

The First Schedule to this Act was amended by the Trafficking in Persons Act (No. 14 of 2011) to include offences under that Act.

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CRIMINAL INJURIES COMPENSATION ACT

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FIRST SCHEDULE.

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CHAPTER 5:31

CRIMINAL INJURIES COMPENSATION ACT

An Act to establish the Criminal Injuries Compensation Board, to make provision for the payment of compensation to victims of criminal injuries and for matters relating thereto. 21 of 1999.

*[ASSENTED TO 29TH SEPTEMBER 1999]

PART I

PRELIMINARY

1. This Act may be cited as the Criminal Injuries Compensation Act. Short title.

2. This Act came into operation on 1st November 2000. Commencement.
25/1/2000.

3. In this Act—

Interpretation.
[12 of 2011].

“application” means an application made under section 24;

“Board” means the Criminal Injuries Compensation Board established by section 5 of this Act;

“child” includes a step-child, an adopted child and a child of the victim born after his death;

“criminal injury” or “injury” includes any harm or damage done to a person’s physical or mental condition as a result of a crime listed in the First Schedule, any disease deliberately, recklessly or negligently inflicted on another person and pregnancy arising out of a rape; First Schedule.

“dependant” means—

- (a) a spouse or former spouse who was being maintained by the victim at the time of the victim’s death;
- (b) a person who was living in a cohabitational relationship with the victim for not less than three years before his death;
- (c) a child under the age of eighteen; or
- (d) a person who at the time of the victim’s death was financially dependant on him;

*See section 2 for date of Commencement of this Act.

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“GAAP” means Generally Accepted Accounting Practice which includes the International Accounting Standards adopted by the Institute of Chartered Accountants of Trinidad and Tobago (I.C.A.T.T.);

“member” means a member of the Board;

“Minister” means the Minister to whom responsibility for the Criminal Injuries Compensation Board is assigned and “Ministry” has the corresponding meaning;

“Secretary” means the Secretary to the Board;

“victim” means a person who suffers criminal injury or is killed by any act or omission of another person which act or omission is a crime listed in the First Schedule.

First Schedule.

Application of Act.

4. (1) This Act applies to a—
- (a) person who suffers injury; and
 - (b) dependant of a person who dies, as a result of a crime listed in the First Schedule.

First Schedule.

- (2) The Minister may by Order amend the First Schedule.

PART II

ESTABLISHMENT, COMPOSITION AND
PROCEDURE OF BOARD

Establishment of the Board.

5. There is hereby established a body corporate to be known as the “Criminal Injuries Compensation Board” (hereinafter referred to as “the Board”).

Composition of the Board.

6. (1) The Board shall consist of a Chairman and six other members, all of whom shall be appointed by the Minister.

(2) The Chairman shall be an attorney-at-law with no less than ten years experience in the practice of criminal law.

(3) The other members of the Board shall comprise the following persons:

- (a) a medical practitioner of no less than ten years experience;
- (b) an Attorney-at-law of no less than seven years experience in the practice of civil law;

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- (c) an attorney-at-law of no less than seven years experience in the practice of criminal law;
- (d) a psychologist;
- (e) a representative from the Ministry with responsibility for social services; and
- (f) a duly appointed representative of the Tobago House of Assembly.

7. (1) Subject to subsections (2) to (6), an appointment to the Board shall be for a period not exceeding three years and the members shall be eligible for reappointment.

Tenure of office
of Board
members.

(2) The Chairman may resign at any time, by letter addressed to the Minister.

(3) Other members may resign at any time by letter addressed to the Chairman who shall forward it to the Minister.

(4) An appointment to the Board and the termination thereof whether by death, resignation, revocation, effluxion of time or otherwise shall be notified in the *Gazette*.

(5) Where a member is unable to perform the functions of office owing to his absence from Trinidad and Tobago, illness or otherwise, the Minister may appoint another person to act as a temporary member during that period.

(6) Where the absent member is the Chairman, the Minister shall appoint a member, not being a temporary member, to act in his place.

(7) Where a member is absent without leave for three consecutive meetings of the Board he is deemed to have vacated his seat.

8. (1) The Board shall pay its Chairman and other members such remuneration as the Minister approves.

Remuneration
and allowance.

(2) For the purpose of defraying reasonable travelling and out-of-pocket expenses incidental to their office, members of the Board shall be paid such allowances as may be approved by the Minister.

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Functions of the Board.

9. The Board shall be responsible for receiving and considering applications for compensation and deciding what compensation, if any, shall be paid.

Meetings and procedure of the Board.

10. (1) The Board shall meet at least twice a month and at such other times as may be necessary or expedient for the transaction of its business.

(2) Meetings of the Board shall be held at such place and time and on such day as the Board determines.

(3) The Chairman, or in his absence, a member elected by the Board, shall preside at all meetings of the Board.

(4) Four members of the Board shall form a quorum.

(5) The Chairman shall have a casting vote only.

(6) The decisions of the Board shall be by a majority of votes of the members present and voting.

(7) The Secretary shall keep, in proper form, the minutes of each meeting and the minutes shall be confirmed by the Board and signed by the Chairman at a subsequent meeting.

(8) All decisions made by the Board shall be recorded in the minutes.

(9) The Board may co-opt any person to attend a particular meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted person shall have a right to vote.

(10) Subject to this section, the Board may, by standing orders, regulate its own procedure at meetings.

(11) The Chairman shall cause notices to be issued to all members, for a special meeting of the Board, within seven days of receiving a request in writing signed by any three members, so to do.

(12) A request for a special meeting shall include sufficient indication of the purpose of the requested meeting.

Policy directions.

11. In the performance of its administrative functions the Board shall act in accordance with any general policy directions of the Minister.

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12. The Board shall have an official seal that shall be kept in the custody of the Chairman or otherwise as the Board determines.

Seal.

13. The seal of the Board shall be affixed to any document required to be executed by it and such document shall be deemed to be duly executed if signed by the Chairman or the Secretary.

Execution of documents.

PART III

STAFF

14. (1) The Board shall appoint a suitably qualified person to be the Secretary.

Appointment and functions of Secretary.

(2) In addition to performing the duties of Secretary, as determined by the Board, the Secretary shall be the Accounting Officer for the purposes of the Exchequer and Audit Act and for that purpose shall be a qualified Accounting Technician.

Ch. 69:01.

15. (1) The Secretary to the Board shall hold office for not more than five years and shall be eligible for reappointment.

Tenure of office of Secretary.

(2) The Secretary may resign by giving notice in writing addressed to the Chairman.

(3) The Board may terminate the Secretary's appointment by giving one month's notice or salary in lieu thereof.

16. The Board shall pay the Secretary such remuneration as the Minister approves.

Remuneration.

17. (1) An officer in the Public Service or in the service of a Statutory Authority may, with the approval of the appropriate Service Commission and the Board, consent to be appointed on transfer to the service of the Board.

Appointment on transfer.

(2) The officer shall, upon transfer, have preserved this superannuation and pension rights accruing at the time of transfer.

18. (1) An officer in the Public Service or in the service of a Statutory Authority may, with the consent of the appropriate Service Commission and the Board, consent to be transferred on secondment to the service of the Board.

Transfer on secondment.

(2) Where a transfer on secondment is effected, such arrangements as may be necessary shall be made to preserve the rights of the officer transferred, to any pension, grant or other allowance for which he would have been eligible had he not transferred.

PART IV

FINANCIAL PROVISIONS

Appropriation of moneys for meeting the operating expenses of the Board.

19. (1) The Board shall establish a fund consisting of such sums as are appropriated by Parliament from the Consolidated Fund for the purpose of meeting its operating expenses.

(2) The moneys of the fund, in any financial year, shall be applied in defraying the following expenditure:

- (a) the remuneration and allowances of the Chairman and other members of the Board;
- (b) the remuneration and allowances of the Secretary and other members of staff;
- (c) other operating expenses of the Board.

(3) All moneys appropriated by Parliament to meet the operating expenses of the Board shall be paid into a bank account opened with the approval of the Minister of Finance.

Appropriation of moneys for the payment of compensation to victims.

20. (1) Parliament shall also appropriate moneys from the Consolidated Fund for the payment of compensation to victims or their dependants, as the case may be.

(2) Moneys appropriated under subsection (1) shall be a separate item of expenditure of the Ministry from which the Ministry shall pay compensation to a victim on the written authority of the Board.

Estimates of expenditure.

21. (1) The Board shall, at least seven months before the commencement of each financial year, submit to the Minister, for his approval, an estimate of expenditure in relation to its operating expenses and the payment of compensation for such year, in such form as the Minister may prescribe.

(2) The Board shall, at such time as the Minister directs, furnish him with any further information in relation to the estimate of expenditure as he may require.

(3) The estimate of expenditure as approved by the Minister shall be the expenditure budget of the Board for the financial year to which it relates and is subject to the approval of the Minister of Finance.

22. (1) The Board shall keep proper books of accounts and records of all moneys received and expended by the Board and shall record the matters in respect of which such sums were received and expended. Account and audit.

(2) Within three months after the end of each financial year the Board shall cause to be prepared, in respect of that year—

(a) a report setting out the activities of the Board; and

(b) financial statements prepared in accordance with GAAP.

(3) In instances where the standards included in GAAP are inappropriate or inadequate the Treasury shall provide instructions.

(4) The Accounts of the Board are public accounts of Trinidad and Tobago for the purposes of section 116 of the Constitution. Ch. 1:01.

(5) As soon as the accounts of the Board have been audited, the Auditor General shall send a copy of the Financial Statements and Report to the Chairman of the Board, the Minister and the Minister of Finance and shall forward the report to Parliament in accordance with section 116 of the Constitution.

23. The Financial year of the Board shall be the period of twelve months beginning the first day of October in any year. Financial year.

PART V

APPLICATION FOR COMPENSATION

24. (1) A victim or his dependant may apply to the Board for compensation in accordance with the provisions of this Act. Application for compensation.

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Second
Schedule.

(2) Every application shall be made to the Board in the manner prescribed in the Second Schedule.

(3) An applicant shall submit the following documents with the application:

(a) a medical certificate, evidencing the injury sustained, where the application is being made by the victim; or

(b) the death certificate of the victim, where the application is being made by a dependant.

(4) The applicant shall also submit other relevant documents and other information as requested by the Board.

(5) Where a dependant is—

(a) an infant, the application may be made on his behalf by a parent, guardian or person acting *in loco parentis*;

(b) a mentally and ill person within the meaning of the Mental Health Act, the application may be made by the person with whom he normally resides or a duly authorised medical officer.

Ch. 28:02.

Procedure for
determining
applications.

25. (1) The Board shall conduct its own inquiries with reference to an application and may consider any statement, document or other information that may assist it in making its decision.

(2) The Board shall obtain a copy of the report of the police complainant in respect of the crime to which the application refers and may require the applicant or any other person to furnish it, within a specified period, with such other information it may require.

(3) In determining whether or not to pay compensation, consideration shall be given to—

(a) the nature of the injuries suffered;

(b) whether there was any provocation by the victim; and

(c) whether the victim or dependant co-operated with the police and prosecutors in the investigation and prosecution of the case.

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(4) In determining the amount of compensation, consideration shall be given to—

- (a) the amount received or receivable from any other source by the victim or his dependant, as a result of the criminal injury;
- (b) the conduct of the victim which contributed to the injury.

(5) For the purposes of subsection (4)(a) all amounts received or receivable shall be disclosed to the Board by the victim or his dependant, in writing, at the time of the making of the application or as soon thereafter as it comes to his knowledge.

(6) For the purpose of subsection (4)(b) and subject to subsection (7) where the infliction of injury to the victim was attributable to the conduct of the victim, the application for compensation may be rejected or the amount of compensation reduced, having regard to the contribution of the victim to the criminal injury.

(7) Where injury to the victim was due to his effort to prevent a crime or to apprehend a person who had committed a crime or to aid or attempt to aid a member of the security forces so to do, the amount of compensation shall not be reduced.

(8) For the purposes of subsection (7) “member of the security forces” means a member of the—

- (a) Police Service;
- (b) Prison Service;
- (c) Fire Service;
- (d) Defence Force to the extent that such member has been assigned to act in aid of the Police;
- (e) Supplemental Police established under the Supplemental Police Act.

Ch. 15:02.

(9) Where the application is rejected by the Board, the Board shall inform the applicant in writing.

26. The Board, in considering an application, shall not be bound to entertain submissions from legal or other representatives of a victim or dependant and shall not be bound by the rules of evidence or legal procedure.

Board not bound by legal procedure.

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Sittings and
hearings by the
Board.

27. (1) The Board shall hear claims for compensation in Port-of-Spain, San Fernando and Tobago at such times and in such places as the Board may determine.

(2) The Board shall notify the applicant of the time and place of the hearing of the relevant application.

(3) Where the Board makes a decision to hear the applicant it shall be entitled to call and examine any other person.

(4) The Board shall reach its decision on the basis of evidence and other information available to it at the hearing.

(5) Subject to section 26 the applicant shall be entitled to be assisted in presenting his case by a legal adviser or by any other person of his choice.

(6) The Board shall not be liable to the applicant for the cost of assistance by a legal adviser but may pay the expenses of other persons required to attend the hearing.

(7) All hearings shall be in private.

Determination
of the Board.

28. (1) Subject to section 30(2), the Board shall make its determination regarding an application within thirty days of acknowledgment of receipt of the application and all other supporting documents and information.

(2) The decision of the Board shall be final.

PART VI

PAYMENT OF COMPENSATION

Persons entitled
to
compensation.

29. (1) Subject to an application being submitted to the Board, the Board may pay compensation under this Act to—

(a) the victim;

(b) a dependant of the deceased victim; or

(c) the person responsible for the care and maintenance of the victim or dependant, where that person has suffered pecuniary loss or has incurred expense in the care of the injured victim or dependant, as the case may be.

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- (2) Compensation may be paid in respect of—
- (a) expenses reasonably incurred as a result of the injury or death of the victim;
 - (b) loss of earning power as a result of total or partial incapacity of such victim;
 - (c) pecuniary loss to the dependant of the deceased victim;
 - (d) other pecuniary loss or expenses incurred resulting from the personal injury or death of the victim which the Board determines to be reasonable.

30. (1) Compensation may be paid whether or not a person is prosecuted or convicted of the crime on account of which the application was made.

Compensation may be paid notwithstanding prosecution or conviction.

(2) The Board may suspend consideration of any application for such period as it thinks appropriate on the ground that the prosecution for the crime, out of which the injury occurred, has commenced or is imminent.

31. Notwithstanding the incapacity of the person responsible for the injury or death by reason of age, insanity, or otherwise, compensation may be payable under this Act.

Criminal intent notwithstanding incapacity.

32. No compensation shall be paid unless the application is made within one year after the date of the injury or death or after that date, upon determination by the Board, that good cause exists for the delayed application.

Limitation of application.

33. No compensation shall be paid where the victim—

- (a) was guilty of a contravention of, or failed to comply with, any law which caused or contributed to his injuries;
- (b) was injured as a result of the operation of a motor vehicle, boat or airplane unless the same was used as a weapon in a deliberate attempt to do the victim harm or to cause bodily injury.

Grounds for denial.

Maximum
payment.

34. (1) Subject to subsection (2), the amount of compensation payable, under this Act, in respect of the death or injury of any victim shall be within the absolute discretion of the Board and shall be in the nature of an *ex gratia* payment.

(2) No compensation shall be paid, in an amount in excess of twenty-five thousand dollars.

(3) The Minister may, by Order, increase the amount payable generally up to a maximum of fifty thousand dollars.

(4) Subject to the provisions of this Act, as to the payment of compensation to dependants, no compensation is payable for the benefit of the estate of a deceased victim.

Method of
payment.

35. Compensation shall be paid in lump sum, except that in the case of death or protracted disability compensation may provide for periodic payments to compensate for loss of earnings or support.

Duty to refund
compensation.

36. Where a victim or dependant to whom compensation is paid subsequently receives a settlement by way of damages or an award, he shall repay to the Board an amount equal to the compensation paid to him by the Board.

Failure to
disclose.

37. A victim or dependant who—

- (a) provides false information to the Board;
- (b) fails to disclose the amount received from any other source in respect of the injury; or
- (c) fails to refund the compensation in accordance with section 36,

commits an offence and is liable on summary conviction to a fine equal to that of the compensation received or the amount received from other sources whichever is less and to imprisonment for six months.

Court's
discretion.

38. Where the victim or a dependant fails to comply with the requirements of section 36, the Court may in its discretion, having regard to all the circumstances of the victim or dependant, decide whether or not the amount of compensation paid to such victim or dependant shall be refunded to the Board.

39. (1) The Board is subrogated to all the rights of the person to whom payment is made under this Act to recover damages by civil proceedings in respect of the injury or death and may maintain an action in the name of such person against whom action lies.

Subrogation of Board.

(2) Where the Board pursues an action under subsection (1), any amount recovered shall be applied—

- (a) first to the payment of costs actually incurred in the action;
- (b) second, to the reimbursement to the Board of the value of the compensation awarded; and
- (c) finally, in respect of the balance, if any, to the payment of the person whose rights were subrogated.

40. (1) The Minister may make Regulations to give effect to the provisions of this Act including prescribing any procedures to be followed in the making and determination of applications.

Regulations.

(2) The Regulations made under this section shall be subject to negative resolution of Parliament.

FIRST SCHEDULE

Section 4(1).
[14 of 2011].

CRIMES TO WHICH THIS ACT APPLIES

- (a) Murder;
- (b) Manslaughter;
- (c) Wounding with intent;
- (d) Inflicting injury with or without a weapon;
- (e) Using a drug with intent to commit an offence;
- (f) Administering poison or other destructive or noxious substance so as to endanger life or inflict grievous bodily harm;
- (g) Administering poison with intent to injure or annoy;
- (h) Offences under the Sexual Offences Act;
- *(i) Offences under the Trafficking in Persons Act.

Ch. 11:28.

[14 of 2011].

*See Note on page 2.

Section 24(2).

SECOND SCHEDULE

**APPLICATION FOR COMPENSATION UNDER THE
CRIMINAL INJURIES COMPENSATION ACT (CHAP. 5:31)**

To: The Chairman
Criminal Injuries Compensation Board

I of
(Address)

.....
being a victim of a crime or a dependant person entitled to compensation, hereby
apply for compensation under the above Act and furnish the following particulars:

Name of Victim
(Print in block letters)

Name of Applicant (if different from above)

Capacity in which application made As Victim

..... As Dependant

Age Date of Birth Sex

Occupation

Place of Employment

Earnings (Monthly) Other

NIS #.....

Identification: Passport ID Card

Driver's Permit

Crime committed Date

Nature of injuries or loss sustained

Circumstances of injuries or loss sustained

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No. of dependants and dates of birth—

| Name | Date of Birth | Relationship |
|---------|---------------|--------------|
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |

Police Station where complaint was made

Date on which complaint was made

Status of Police Investigation

(State whether police investigations have begun, are in progress or are completed)

.....
.....
.....

Court Proceedings

(State whether these are civil or criminal)

Status of Court Proceedings

(State whether these have begun and if they have been completed state the result)

Medical Treatment Received

(Please attach medical certificate)

.....

Whether Insured Yes No

Name of Company

Type of Insurance

Do you waive your right to pursue the cause of action which arises as a result
of the crime? Yes No

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SECOND SCHEDULE—Continued

Declaration

(State whether you have received or expect to receive amounts from another source or sources)

.....

.....

Undertaking *(to repay any amounts received from other sources)*

.....

.....

.....

List all documents accompanying application

.....

.....

.....

.....

.....

Signature

.....

Date

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