

Ministry of National Security's Response to the 5th Report of the Joint Select Committee on Local Authorities Service Commissions and Statutory Authorities (Including the THA) on an inquiry into the Efficiency and Effectiveness of the Criminal Injuries Compensation Board.

OBJECTIVE 1: To evaluate the efficiency and effectiveness of the CICB in executing its mandate.		
Report Ref.	Report Recommendation	MNS's Response
Page 29	i. Given the absence of regional standards as it pertains to compensation schemes for violent crimes, the CICB should explore the standards and practices employed by similar bodies found in developed countries namely the United Kingdom;	While the Ministry of National Security agrees with the Committee's recommendation in principle, it notes that it is often not possible or financially feasible for developing countries such as Trinidad and Tobago to match payout conditions and practices as employed by similar bodies found in developed countries. Nevertheless, the Criminal Injuries Compensation Board (<i>"the CICB"</i>) continues to engage with other Ministries and state agencies, to ensure that victims of criminal injuries, gain access to the required social services, in addition to its compensation schemes.
Page 29	ii. The CICB should design an organisational structure that is aligned with its strategic goals and the prevailing public demand for its services. The redesigned structure should be inclusive of a sufficient number of specialised mental health and psychiatric professionals who would be responsible for providing adequate psycho-social support to victims.	The mandate of the CICB does not include the delivery of mental health services. This function falls within the purview of the Regional Health Authorities (<i>"RHAs"</i>) of the Ministry of Health which already have the infrastructure and capacity to offer comprehensive mental health care, including psycho-social support to victims. As such, where appropriate, the CICB recommends/ refers clients to relevant RHAs and/or the Victim and Witness Support Unit (VWSU) of the Trinidad and Tobago Police Service (TTPS).
Page 29	iii. In light of the Covid-19 pandemic and the inherent limitations with in person services, the CICB should, as far as practical, facilitate the submission of applications via electronic means. Interviews and consultations with applicants can also be held virtually;	The submission of candidates' applications/ requested information, is currently facilitated via both in person drop boxes and electronically via an email system. Additionally, the Ministry of National Security's Information Communications Technology Unit has been working with the CICB to develop an online submission portal for the receipt of applications in order to facilitate greater client convenience and efficiency.
Page 29-30	iv. Furthermore, whilst the government attempts to utilise its limited resources in the most appropriate manner, the application process used by the CICB should incorporate a financial evaluation assessment, i.e. a means test, to more accurately determine the compensation amount for victims	The conduct of a financial evaluation assessment is part of the CICB's evaluation process, whereby each application is evaluated in terms of both the Applicant's current and expected assets/incomes.

	with alternatives to financial assistance being provided in cases where the victims are more financially secure (e.g. counselling);	
Page 30	v. Prior to the expiration of a Board's term, arrangements should be made by the line Ministry with a view to recruiting new Board members in a timely manner.	Appointments to statutory boards, such as the CICB is based on Government's policy. As such, appointment of members to the CICB is based on decisions of Cabinet.
Page 30	vi. The CICB through collaboration with the MNS should seek to fully establish MOUs with relevant state agencies with a view to alleviating the challenges associated with obtaining documentation and verifications necessary for the completion of applications made to the CICB.	Given the reliance of the CICB on the work/ information of other agencies, it has been attempting to establish strategic working relationships and partnerships with both public and private sector agencies. The CICB therefore accepts that the formalization of these arrangements/ partnerships with supportive agencies may be necessary via the establishment of MOUs.
Page 30	vii. An alternative measure pending the permanent resolution of the CICB's infrastructural challenges can be the greater use of digital interfaces to create virtual work spaces.	The pandemic provided a window of opportunity to appreciate the value of virtual work spaces and the relevant challenges it proposes. In this regard, the CICB has taken note of the Government's intention via the Ministry of Planning and Development, to develop a work from home policy which is anticipated to guide the entire civil service.
Page 30	viii. The CICB, should collaborate with its line Ministry and the MoAGLA to undertake a critical review of the Act to determine whether there is need for the introduction of an appeal process.	The Ministry of National Security in collaboration with the CICB, is currently in the process of reviewing the Criminal Injuries Compensation Act, Chap 5:31 ("the Act"), with the aim of identifying deficiencies and required amendments to the law. In this regard, consideration will also be given to the Committee's recommendation for the introduction of an appeal process, having regard to applicant's right to apply for Judicial Review of all decisions of the CICB.
Objective 2: To evaluate the initiatives utilized by the CICB to provide assistance to the families of victims.		
Report Ref.	Report Recommendation	MNS's Response
Page 34	i. Notwithstanding the research conducted by the staff of the CICB, the CICB is advised to continuously seek to learn from the experiences of similar bodies in other jurisdictions where relevant and applicable. Best practices which have been employed by the Criminal Injuries Compensation Authority (CICA) within the United Kingdom include but are not limited to the following:	The systems, practices and policies utilized by the CICB is similar to the United Kingdom's Criminal Injuries Compensation Authority (CICA). To date, it has been able to make awards to applicants/victims of a variety of crimes such as those mentioned in the Committee's recommendation. However, while the CICA takes the approach of advising victims to seek compensation from the perpetrators, the CICB places its focus on persons who are not able to receive such compensation. In this regard, applicants/ victims who are entitled to

	<p>The provision of compensation for the following injuries:</p> <ul style="list-style-type: none"> a. mental or physical injury following a crime of violence; b. sexual or physical abuse; c. loss of earnings - where you have no or limited capacity to work as the direct result of a criminal injury; d. special expenses payments - these cover certain costs you may have incurred as a direct result of an incident. <p>However, the CICA within the UK advises applicants to seek financial recovery from the assailants which perpetrated the crimes prior to receiving compensation, as its systems is one of last resort.</p>	<p>compensation from other sources are not eligible for compensation from the CICB.</p>
Page 34	<p>ii. The Monitoring and Evaluation Unit of the MNS must continue to work closely with the CICB with a view to ensuring that appropriate and relevant performance targets are established. Such collaboration should also aim to undertake timely performance assessments of the CICB.</p>	<p>The CICB values the continued partnership with the Monitoring and Evaluation Unit of Ministry, to improve its functional efficiency.</p>
<p>OBJECTIVE 3: To determine whether the legislation adequately empowers the CICB.</p>		
Report Ref.	Report Recommendation	MNS's Response
Page 37	<p>i. The Ministry of National Security should work closely with the CICB to finalise and submit the proposed amendments to the Act to Cabinet and thereafter to the Parliament for consideration. If a total overhaul of the Act is not feasible at this time, perhaps an incremental approach can be adopted. Short term amendments can focus on: a. Expanding the CICB's human resource capacity; b. Increasing the compensation ceiling, bearing in mind the current financial constraints of the government; c. Including psycho-social support services and an option in addition to monetary compensation.</p>	<p>The Ministry's Response to Recommendation viii. under Objective 1, at page 2 above refers.</p> <p>As an interim measure, the CICB will pursue a closer relationship with the TIPS' VWSU.</p>
Page 37	<p>ii. The MNS should assist the CICB in formulating critical amendments to the parent Act. If a wholesale modification of</p>	<p>The Ministry's Response to Recommendation viii. under Objective 1, at page 2 above refers.</p>

the Act is impractical at this stage, we recommend that the first phase of amendments should focus on:

- a. expanding the human resource capacity of the CICB;
- b. redefining which offences qualify for compensation;
- c. increasing the upper limit for compensation available to victims of crime.

We expect that efforts will be made to submit the proposed amendments to Cabinet and/or the legislative review committee within 6 months after the laying of this report.

