

PROCEEDING FAIRLY: PROCEDURAL FAIRNESS IN THE COURT SYSTEMS OF THE JRTT [http://www.ttlawcourts.org/jeibooks/books/Proceeding_Fairly_Report.pdf]

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One of the biggest issues facing the citizenry of Trinidad and Tobago is the lack of comprehensive data collection and analysis around our institutions and their processes. Not to mention a sometimes disconnect between our local social scientists and the non-academic decision-makers in the society.

Because of this disconnect often improvements in our various institutions are hampered by a lack of hard evidence and data upon which decisions and enhancements in our institutions can be made. Instead, in this scenario, decisions around changes and enhancements to the institutions in our society are often made in one direction wherein the top of society tells the rest of society what needs to change and much of this decision-making comes to be based on local anecdotes or foreign best practices. As such, the improvements we choose to make and address in our own society can often be described as force-to-fit solutions that lack the local sociological context, historical peculiarities, and cultural experiences relative to our society.

Such top-down decision-making and pedagogy are always partial because they do not include nor capture the voices and experiences of all those citizens who look up at the powerful and how they personally experience the institutions in a society. Over the last two years the JEITT and its research team has endeavoured to change this picture by conducting intensive fieldwork and data collection. This new rigorous study, based around a plethora of data points combines input from all levels of society – from elites, from the middle and from the bottom up too – to provide meaningful coherence and analysis of what are the experiences of Users of the Court Systems within the local court systems and the court process. What the JEITT has produced with this research is rich, insightful, and full of clear, evidence-based suggestions for improvements and developments within the local court systems to enhance the process for Users of the Court Systems and all stakeholders. All of which I hope will be considered and where possible implemented by those responsible for the administration of justice in Trinidad and Tobago.

In a society where the academic research literature readily suggests that the general population has an in-built distrust of authorities, research of the type this project represents is a credible, trustworthy, and significant intervention into why exactly such distrust might exist in connection to the court systems of the JRTT and how by making changes to the court process, which are informed by rigorous research findings, that the legitimacy and credibility of court decisions can be rebuilt and lead to improved compliance amongst the wider citizenry. The JEITT must be congratulated for conceptualising such a grand project and executing it over the last two years to such a high standard. Having been a consultant on the project I can say that the leadership and research team was at all times thoughtful, sincere, ethical and open-minded, and demonstrated the hallmarks of a high quality social science research team.

A final comment looking forward, is that while this research around procedural fairness in Trinidad and Tobago can go a long way to improving how people feel about dealing with authorities and the court systems locally, we must remember that procedural fairness is but one level of change to improve society. Structurally, making people feel better about their court interactions does little to transform the generally uneven social relations of the society. So as we congratulate the JEITT on producing knowledge about Users of the Court Systems in the society and recognise how this new production of knowledge can improve the experiences of those who use and work in our court systems, we must of course remember that this is not the end of the road, but the continuation of one.

A road where all our local institutions must come to recognise the importance of producing rigorous local data and establishing partnerships between professional and academic worlds to better understand ourselves and continue to improve society for all our citizens.