

**ACUERDOS BILATERALES/ BILATERAL AGREEMENT/
ACORDOS BILATERAIS/ACCORDS BILATERAUX**

Clasificación:
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Fecha de Ingreso:
Entry Date: May 31, 2022.
Date d'entrée:
Data de Admissão:

Nombre del Acuerdo:
Name of the agreement: Memorandum of understanding and technical assistance between the General Secretariat of the Organization of American States and Government of the Republic of Trinidad and Tobago for the creation and promotion of model-Courts supervised treatment alternatives to incarceration

Nom de l'accord:

Nom de l'accord:

Nome do Acordo:

Materia:
Subject: Creation of a model Program on Drug Treatment Courts through the start-up of a pilot project in the Republic of Trinidad and Tobago

Materia:

Partes:
Parties involved: GS/ Trinidad and Tobago
Parties:
Partes:

Referencia:
Reference: Trinidad and Tobago
Référence:
Referência:

Fecha de Firma:
Signature Date: September 10, 2012.
Date de la signature:
Data de Assinatura:

Fecha de Inicio:
Start Date:
Date du commencement:
Data de Início:

Fecha de Terminación:
End Date:
Date de résiliation :
Data de Rescisão :

Lugar de Firma:
Place of Signature: Port of Spain, Trinidad and Tobago
Lieu de la signature:
Lugar de assinatura:

Unidad Encargada:
Unit in Charge: Executive Secretariat of CICAD
Unité responsable:
Unidade Encarregada:

Persona Encargada:
Person in Charge:
Personne responsable:
Pessoa Encarregada:

Cierre del proceso:
Closure of proceedings:
Clôture des procédures:
Fechamento do processo:

Notas adicionales/Additional notes/Notes supplémentaires/Notas adicionais:

**MEMORANDUM OF UNDERSTANDING ON TECHNICAL ASSISTANCE
BETWEEN
THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES
AND
THE GOVERNMENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO
FOR
THE CREATION AND PROMOTION OF MODELS OF COURT-SUPERVISED
TREATMENT ALTERNATIVES TO INCARCERATION (INCLUDING DRUG
TREATMENT COURTS FOR DRUG-DEPENDENT OFFENDERS) IN THE REPUBLIC
OF TRINIDAD AND TOBAGO**

The General Secretariat of the Organization of American States ("GS/OAS"), acting through the Executive Secretariat of the Inter-American Drug Abuse Control Commission ("ES/CICAD") of the Secretariat for Multidimensional Security ("SMS/OAS"), and the Government of the Republic of Trinidad and Tobago (hereinafter referred to as "the Parties"),

Recalling that during the Forty-Eighth Regular Session of CICAD, held in Washington, D.C. in December 2010, ES/CICAD presented to the Member States the program on Drug Treatment Courts for the Americas (DTC);

Recalling further that during the Forty-Eighth and Fiftieth Regular Sessions of CICAD, Trinidad and Tobago was one of the countries that stated its interest in participating in this Program;

Acknowledging that during 2011-2012, ES/CICAD carried out a number of preparatory technical assistance and support activities in the Republic of Trinidad and Tobago for the purpose of implementing this Program;

Desiring to commence the execution phase of the Program and the first DTC pilot project in Trinidad and Tobago in 2012, with follow-up in 2013 and 2014;

Confirming that this Memorandum of Understanding sets out the projects and activities that are to be performed in Trinidad and Tobago and supported by technical assistance from ES/CICAD during the period 2012-2014;

Conscious of the value of cooperation in the creation and promotion of models of court-supervised treatment alternatives to incarceration, including DTCs for drug-dependent offenders, in the Republic of Trinidad and Tobago;

HAVE AGREED to enter into this Memorandum of Understanding (MOU).

ARTICLE 1 – PURPOSE:

The purpose of this MOU is to create a framework for the provision of technical assistance by ES/CICAD for the establishment of the DTC model through the launch of pilot projects in the Republic of Trinidad and Tobago.

ARTICLE 2 - PLAN OF ACTIVITIES:

The Parties agree that the following activities will be carried out for the coordination, management, execution and evaluation of the project:

- a) Establishment of institutional oversight structure:
 - i). Formation of an Executive Committee;
 - ii). Selection of a DTC project Coordinator in the country; and
 - iii). Selection of the multidisciplinary team.

- b) In respect of the Justice sector:
 - i). Design of a work plan;
 - ii). Conduct of a needs assessment (judicial component);
 - iii). Finalization of the required legal framework;
 - iv). Description of eligibility criteria;
 - v). Development of action protocols; and
 - vi). Design and implementation of a training plan.

- c) In respect of the Health sector:
 - i). Design of a work plan;
 - ii). Conduct of a needs assessment (health component);
 - iii). Description of eligibility criteria;
 - iv). Development of action protocols;
 - v). Design and implementation of a training plan; and
 - vi). Provision of Court mandated treatment services.

- d) Facilitation of the aftercare and re-entry of the person into society and monitoring of cases by the designated officers.

- e) Development of a model for scientific evaluation of DTCs in the Republic of Trinidad and Tobago including the:
 - i). Formation of a Monitoring and Evaluation Committee;
 - ii). Development of a DTC evaluation manual;
 - iii). Documenting the model; Trinidad and Tobago has agreed on a Post adjudicatory model for adults and the model for juveniles is to be decided.
 - iv). External evaluation (operational aspects and outcomes).

- f) Human resource development through:
 - i). Curriculum development, production, selection and publication of training materials;
 - ii). Training;
 - iii). Execution of professional exchange visits.

- g) Development of an action plan for carrying out the various stages of implementation of the pilot projects.

ARTICLE 3 - UNDERTAKINGS OF THE GENERAL SECRETARIAT OF THE OAS THROUGH THE ES/CICAD:

3.1. **Provide technical assistance** to the National Drug Council (NDC) of the Ministry of National Security, and through it, to the other participating institutions, for at least the first two years of project execution (2012-2014), and specifically, on *the*:

- a) Review of the action plan to start the DTC model in Trinidad and Tobago;
- b) Design of work plans for the court and health teams;
- c) Description and determination of eligibility criteria ;
- d) Design and execution of a plan for monitoring and scientific evaluation;
- e) Development of action protocols (including roles, pre-court meetings, documents to be used, and forms);
- f) Design and execution of a training plan;
- g) Launch of the pilot project; and
- h) Strategy for the social integration of the person, and follow-up on cases.

3.2. **Conduct regular monitoring** of the project on the DTCs in Trinidad and Tobago.

3.3. In collaboration with the NDC and other participating institutions, develop a system for the **monitoring and scientific evaluation of the model**, in order to produce local evidence on its efficacy. The monitoring and evaluation will cover both the outcomes and operational details of the model.

- a. An Evaluation Committee will be formed, consisting of at a minimum: ES/CICAD (Institution-Building and OID, and the task force on evaluation), NDC (through the observatory on drugs), and a university or research center. This university or external research center, to be selected by the Evaluation Committee, will be responsible for conducting an independent scientific evaluation of the project.
- b. Through the Inter-American Observatory on Drugs (OID) and the Institution-Building Section, supply an evaluation manual to serve as a reference guide for conducting the evaluation.
- c. Subject to prior approval being conveyed by the Executive Committee, ES/CICAD will identify and document the successful methodological approaches to implementing the model in the country. (Subject to prior approval being conveyed by the Executive Committee, ES/CICAD will maintain documentation provided by the evaluation committee for its records).

3.4. **Offer training and professional exchange visits** with other specific countries on application of this model, including:

- a. Production, selection and publication of training materials for the development and execution of this project;
 - b. Relevant training for the multi disciplinary teams established for each pilot project, with at least two sessions of comprehensive multidisciplinary training in 2012 and 2013;
 - c. Development and execution of programs of professional exchange visits, with countries that already have such a model (such as Canada, Jamaica, and the United States).
- 3.5. Conduct sensitization for the various institutions, the media and the general public that will help foster a better understanding of the model.

ARTICLE 4 - UNDERTAKINGS BY THE GOVERNMENT OF TRINIDAD AND TOBAGO:

4.1 **The National Drug Council of the Ministry of National Security (NDC)**, the entity that represents Trinidad and Tobago in CICAD, will serve as the institutional link for the activities to be carried out in collaboration with the other parties involved, including the Judiciary of Trinidad and Tobago, the Ministry of National Security, the Ministry of Justice, the Office of the Director of Public Prosecutions, and the Ministry of Health.

- 4.2 **Through the NDC**, the Government of Trinidad and Tobago undertakes to:
- a) Ensure that the financial, human and material resources required for the implementation of this project are made available.
 - b) Cooperate with ES/CICAD in forming an **Evaluation Committee**, consisting of a professional team that shall include: ES/CICAD, NDC, and a university or research center;
 - c) Ensure that a DTC evaluation manual **is used in the country**;
 - d) Cooperate with ES/CICAD in organizing training activities in the country;
 - e) Select and facilitate the participation of suitably qualified representatives in activities for which ES/CICAD invites participation (seminars, workshops, exchange visits).

4.3 The Government, through its appropriate representative Ministries and in accordance with Government policy and procedures, will be responsible for the following institutional arrangements that would augur for the implementation of the project:

- a) The establishment of an **Executive Committee to oversee the implementation of the project comprising representatives from the Ministry of Justice; the Judiciary; the Legal Aid and Advisory Authority; the Office of the Director of Public Prosecutions; the Ministry of Health, and the Ministry of National Security.**
- b) The establishment of a **multidisciplinary team** that will execute the pilot project in Trinidad and Tobago which shall comprise of at least a judicial officer, a Prosecutor, a defence lawyer, an individual responsible for the supervision and monitoring of participants an individual responsible for the provision of treatment services, an administrator/coordinator, a police officer and their respective alternates.
- c) Appointment of a **DTC Project Coordinator** to coordinate the activities of the multidisciplinary team in accordance with the mandate of the Executive Committee.

4.4 **Through the Judiciary**, the Government of Trinidad and Tobago undertakes to:

- a) **Conduct a needs assessment** (judicial component), to identify the human and material resources needed for: (1) pilot phase in 2012 and 2013, and (2) consolidation phase, 2013 and beyond.
- b) **Select the Courts** in which the pilot projects will be carried out.
- c) Formulate the **criteria** for selection of participants for the pilot projects, for example, the number of places available per year, the type of qualifying crimes committed by participants, the individual's profile and the laws covering this eligibility.
- d) Develop action **protocols** (roles, preliminary hearings, documents, forms, guide or a manual of operations for prosecutors).
- e) Design and implement a **training plan** in collaboration with ES/CICAD to build upon the technical assistance received from ES/CICAD in the different areas as outlined in Article 3 of this MOU.
- f) **Open the first DTC pilot** for adult offenders, in the identified location, before the end of 2012.
- g) Subsequent to the evaluation of the work done for the initial DTC model, launch other pilot projects in 2013 and beyond, to include a juvenile DTC and the consolidation of the DTC model.

4.5 **Through the Ministry of Health**, the Government of Trinidad and Tobago undertakes to:

- a) Select and identify a **health team** with responsibility for recommending the type of court mandated treatment services needed, such as outpatient or residential treatment.
- b) Design a **work plan** for the health team.
- c) **Conduct a needs assessment** (health component), to identify the human and material resources needed for:
 - (1) pilot phase, 2012 and 2013, and
 - (2) consolidation phase, 2013 and beyond.
- d) Develop **the eligibility criteria** for selection of participants in the pilot project for example the drug(s) used by the participant, and the medical profile of the individual.
- e) Develop action **protocols** (roles, documents to be used, forms, assessments and clinical diagnoses, tests, including, *inter alia*, urinalysis).
- f) Design and implement a **training plan** to build upon the technical assistance received from ES/CICAD in the various areas as outlined in Article 3 of this MOU.

ARTICLE 5 - TIMETABLE OF ACTIVITIES:

The initial action plan to be elaborated by the Parties following signature of this MOU will call for the following:

- a) Formation of teams and committees (as per the activities described in the present MOU), to be completed before the end of October 2012;
- b) Initial training of the teams, and development of protocols, by the end of 2012;
- c) Launch of the first pilot project, before the end of 2012;
- d) Ongoing monitoring, mid-term reports – the format and nature of which are to be agreed upon by the Executive Committee – to be forwarded from the Executive Committee to CICAD every six months;
- e) Continuous technical assistance during 2012, 2013 and 2014;
- f) Treatment for the first group of participants, before February 2013;
- g) Training of personnel and the conduct of exchange visits to other countries, during 2012 and 2013;
- h) Follow-up on cases and admission of the next group of participants, during 2013;
- i) Graduation of the first group of participants before the end of 2013;
- j) Evaluation of outcomes before the end of 2013;
- k) Graduation of the second and subsequent groups of participants, 2013 and beyond;
- l) Consolidation of the model in 2014; and
- m) Impact evaluation, 2014-2015.

The activities listed above and the order in which they are carried out may be amended by the agreement of the Parties.

ARTICLE 6- IDENTIFICATION AND IMPLEMENTATION OF PROGRAMS, PROJECTS, AND JOINT ACTIVITIES:

6.1. Following the signing of this MOU, the Parties will develop a work program in relation to the subject matter of this MOU.

6.2. Once the Parties have determined the programs, projects and activities to be implemented and the corresponding authorizations and funds have been obtained, the Parties will conclude a supplementary agreement, memorandum of understanding or exchange of letters outlining the conditions for the execution of each program, project or activity. Each supplementary agreement, memorandum of understanding or exchange of letters will be signed by the duly authorized representatives of the Parties and may specify in detail, the following:

- a) the agreed program, project or activity;
- b) the objectives to be pursued;
- c) the authorities of each of the Parties that will execute the program, project or activity;
- d) the budget and the human and material resources required by the program, project or activity, specifying the financial responsibilities and contributions of each Party (indicating the nature and the amount), the schedule of the contributions and, as required, the ownership of the property that is acquired;
- e) a provision relating to the coordination, notification and follow-up of the program, project or activity;
- f) protocols for the sharing of information; and
- g) a provision acknowledging this MOU as the programmatic and framework for the program, project or activity.

ARTICLE 7- FUNDING AND RESOURCES:

7.1 The activities carried out pursuant to this MOU, supplementary agreements, and/or exchange of letters shall be subject to the availability of funds and resources of the Parties.

7.2. Unless otherwise decided, each Party shall provide resources adequate to carry out its commitments in relation to those activities.

ARTICLE 8 - COORDINATION AND NOTIFICATION:

8.1. Within the GS/OAS, the authority responsible for coordinating GS/OAS activities under this MOU is the ES/CICAD, Secretariat for Multidimensional Security of the

Organization of American States (OAS). Notifications and communications should be directed to the Coordinator whose contact details are as follows:

Ambassador Paul Simons
Executive Secretary
Inter-American Drug Abuse Control Commission (CICAD),
Secretariat for Multidimensional Security
1889 F Street, N.W.
Washington, D.C. 20006
United States of America
Tel.: (1-202) 458-3130
Facsimile: (1-202) 458-3658
Electronic Mail: psimons@oas.org

8.2. Within the Government of Trinidad and Tobago, the authority responsible for coordinating the activities under this MOU is the NDC of the Ministry of National Security. Notifications and communications should be directed to the Coordinator, whose contact details are as follows:

Ms Esther Best
Manager, National Drug Council Secretariat
Ministry of National Security
Government of the Republic of Trinidad and Tobago
52-60 Abercromby Street
Port of Spain
Tel: 868-625-5760
Facsimile: 868-625-3394
Electronic Mail: ebest@mns.gov.tt

8.3. All notifications and communications under this MOU will be validly made only when they are sent by mail, facsimile, or electronic mail addressed to the Coordinators whose contact details are set out in Articles 8.1 and 8.2. When the communications and notifications are transmitted by electronic mail, they shall be valid when they are sent directly from the electronic address of the Coordinator of one of the Parties to the electronic address of the Coordinator of the other.

8.4. Either Party may change the designated Coordinator, the address, telephone, fax or electronic mail indicated by notifying the other Party in writing.

ARTICLE 9 - PRIVILEGES AND IMMUNITIES:

Nothing in this MOU constitutes an expressed or implied waiver of the privileges and immunities of the OAS, the GS/OAS, their personnel, and their assets, in accordance with the OAS Charter, relevant agreements, applicable national law, or the general principles and practices of international law.

ARTICLE 10 - DISPUTE RESOLUTION AND GENERAL PROVISIONS:

10.1. Any dispute or complaint that may arise concerning the application or interpretation of this MOU shall be settled by direct negotiations between the Parties.

10.2 The Parties may agree to consider the inclusion of provisions in any supplementary agreement allowing for the settlement of disputes through arbitration through the Arbitration Rules of the United Nations Commission on International Trade Law ("UNCITRAL").

10.3 Modifications to this MOU may only be made by mutual agreement in writing by the duly authorized representatives of the Parties. The instruments in which the modifications are set out shall be attached as annexes to this MOU and shall form part of it.

10.4. This MOU shall take effect upon signature by the duly authorized representatives of the Parties and shall remain in effect until December 31st 2014, unless terminated earlier in accordance with article 10.5.

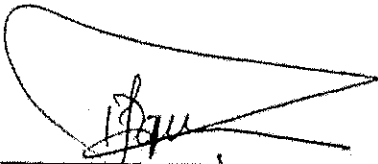
10.5 This MOU may be terminated by either Party giving thirty days written notice to the other Party. Notwithstanding the termination of this MOU, any obligations assumed under supplementary agreements, memoranda of understanding or letters of exchange referred to in Article 6 shall be continued to completion, unless the Parties mutually decide otherwise.

10.6 The working language between the Parties will be English.

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this Memorandum of Understanding in duplicate.

Signed in Port of Spain on the 10th day of September 2012

For the General Secretariat of the
Organization of American States



Ambassador Albert R. Ramdin
Assistant Secretary General

For the Government of the
Republic of Trinidad and
Tobago



Austin Jack Warner
Minister of National Security