

**Legal Representation in the Caribbean: How does it affect pretrial detention**

**Abstract:**
Although the universal principle of presumption of innocence implies that detaining people before their trials should be rare, this has become a default practice in many criminal justice systems worldwide. Pretrial detention fills jails, perpetuates the vicious cycle of poverty and imprisonment, and undermines the credibility of the rule of law. It is estimated that approximately 3.3 million people are in pre-trial detention around the world (Open Society, 2014) and Caribbean countries are not divorced from this reality. Available data shows that pretrial detainees account for a high proportion of the total prison population. For example, Barbados (48.9%), Guyana (35.6%), Jamaica (23.1%), Suriname (50%), Trinidad and Tobago (60.9%) (World Prison Brief, 2015). And in the Caribbean, pre-trial detainees remain in custody for extensive periods of time, awaiting years before their cases are decided. Very little is understood about the perceptions of detainees about their legal representation. Using data from surveys of detainees awaiting trial in three Caribbean countries, this study will examine their perception of justice depending on the type of representation that they have (public vs. private), frequency of contact with the lawyer (number of times before each court session), and presence of attorney at key legal stages such as magistrate, bail hearing, and other court sessions. The analysis is designed to examine issues related to powerlessness of detainees in the pretrial legal processes as it relates to their representation and to procedural fairness. Powerlessness will examine when in the process the individual was informed and obtained representation, and how this affects length of pretrial detention and the length of time incarcerated.

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