



Bermuda Equal
Justice Initiative

2025

General Election Platform Wishlist

Introduction

“The true measure of our character is how we treat the poor, the disfavored, the accused, the incarcerated, and the condemned.”

– Bryan Stevenson



Since its inception nearly two years ago, BEJI has tirelessly worked alongside local and overseas counsel to assist wrongly convicted or unfairly sentenced Bermudians. This mission has placed us at the forefront of critical issues facing Bermuda's criminal justice system. Through this work, we have witnessed firsthand the deep need for reform to bring hope, justice, and relief to all Bermudians, particularly those from marginalized communities who endure injustice, inequality, and abuse of power.

On 18 February 2025, Bermuda will choose its next Government. BEJI is ready to work with all political parties and candidates to advance justice reform. As part of this effort, we are circulating a platform wish list, seeking commitments to address key areas for systemic change.

1. Establish a Commission of Inquiry into Historic Injustices

BEJI encourages the next Government to establish a Criminal Case Review Inquiry to investigate and assess historic cases for potential miscarriages of justice. The powers to create such an Inquiry already exist under Section 1A of the Commissions of Inquiry Act 1935.

In the last five years alone, three men collectively sentenced to over 100 years in prison had their convictions quashed, costing taxpayers hundreds of thousands of dollars while robbing these individuals of 27 years of freedom.

Faulty forensic practices, highlighted by the Privy Council's ruling in the case of Julian Washington have necessitated a systemic review of historic cases by the Department of Public Prosecutions (DPP). Instead of having to wait 10 years before having injustices correction, BEJI believes that a Bermuda-based Commission would ensure timely and cost-effective reviews, restoring public confidence in the justice system. This Commission would provide individuals with a mechanism to have their cases reviewed independently and fairly, eliminating the need for costly appeals that burden taxpayers and prolong injustice.



Key Features:

- 1.1. Independent panel with subpoena powers to access documents, witnesses, and other evidence.
- 1.2. Ability to recommend cases be referred back to the Court of Appeal for re-opening where evidence of injustice is found.

2. Reform Legal Aid Regime & Increase Budget

BEJI is calling on the next Government to adopt comprehensive reforms to Bermuda's Legal Aid system to ensure equitable access to justice for all. We commend Iyana Vhané for her insightful recommendations on this issue and adopt them wholeheartedly. These reforms are critical to addressing systemic inequities.

2.1. Restore the Legal Aid budget to pre-2019 levels, which were reduced by nearly 50%.

2.2. Create a special fund for complex cases, such as those requiring forensic analysis or advanced appeals.

2.3. Permit the appointment of overseas King's Counsel for cases requiring specialized expertise.

2.4. Implement a mentorship program where overseas counsel collaborate with Bermudian junior lawyers, fostering skill development within Bermuda's defense bar.

2.5. Simplify the application process to reduce delays and administrative barriers.

2.6. Expand eligibility criteria to account for Bermuda's high cost of living, ensuring more individuals qualify for assistance.

Rationale:

2.7. Underfunded legal defense systems lead to rushed cases, inadequate representation, and potential miscarriages of justice.

2.8. Expanding eligibility and improving funding will address systemic inequities that disproportionately affect low-income and Black Bermudians.

2.9. By creating mentorship opportunities with overseas King's Counsel, Bermuda can build a sustainable, high-quality criminal defense bar.

3. Enact Legislation for Wrongful Conviction Relief

BEJI believes that the next Government should enact legislation providing a clear framework for compensating individuals wrongfully convicted and imprisoned.

3.1. Enact legislation providing a clear framework for compensating individuals wrongfully convicted and imprisoned.

3.2. Ensure compensation mechanisms are efficient and fair, reducing the emotional and financial toll on those seeking redress.

Case Study:

Julian Washington's case illustrates the need for such legislation. After spending 10 years wrongfully imprisoned, he now faces additional legal battles to seek compensation. A robust compensation law would address this injustice and provide timely relief to affected individuals in cases where a clear miscarriage of justice has occurred.



4. Trauma-Informed Training for Criminal Justice System Professionals

BEJI implores the next Government to make trauma-informed training mandatory across all sectors of Bermuda's justice system, including police officers, lawyers, prosecutors, witness care officers, and correctional staff.

Recommendations:

- 4.1. Deliver mandatory through qualified Bermuda-based psychologists and counselors.
- 4.2. Integrate cultural sensitivity to address Bermuda's unique historical and social context.
- 4.3. Establish metrics to evaluate the effectiveness of trauma-informed practices, such as reductions in recidivism and improved mental health outcomes.

Benefits:

- 4.4. Reduced recidivism rates through rehabilitation-focused interactions.
- 4.5. Enhanced safety and trust between justice professionals and justice-involved individuals.
- 4.6. Mitigation of secondary trauma experienced by justice professionals.



5. Prison Reform: Modernize the Prison Rules 1980

The Prison Rules 1980 are outdated and do not reflect modern principles of rehabilitation and restorative justice. BEJI strongly urges the next Government to commit funding for a comprehensive review of the Prison Rules to align them with international best practices.

Current rules prohibit inmates on remand from participating in educational programs until they are convicted. This practice is outdated and infringes on the constitutional presumption of innocence.

BEJI Recommendations:

- 5.1. Immediate access to educational classes for remand inmates to ensure productive use of their time and facilitate personal development.
- 5.2. Integration of vocational training and literacy programs to better prepare remand inmates for reintegration, regardless of the trial outcome.

BEJI urges the Government to invest in a fully functional computer lab within correctional facilities, equipped with:

- 5.3. Updated computers.
- 5.4. Legal research tools, such as database subscriptions to platforms like LexisNexis or Westlaw.

We look forward to working collaboratively with the next Government to introduce restorative justice programs aimed at fostering accountability and healing.

These could include:

- 5.5. Victim-offender mediation programs allow inmates to understand the impact of their actions.
- 5.6. Community service initiatives as part of sentencing or post-release conditions.



6. Reform Police Professional Conduct Legislation for Better Accountability

Over the past decade, the Bermuda Police Service (BPS) has faced significant criticism due to inadequate accountability and transparency in addressing officer misconduct. Several high-ranking officers have been implicated in criminal offenses or strategically resigned ahead of misconduct hearings to evade accountability. These issues, compounded by cultural challenges within the service, have weakened public trust and officer morale. To address these, BEJI calls upon the next Government to enact robust legislative and procedural reforms, including the establishment of a truly independent anti-corruption authority.

Key recommendations include:

6.1. Establish an Independent Anti-Corruption Authority:

- Replace the planned internal anti-corruption unit with an independent anti-corruption authority that operates autonomously from the BPS and reports directly to Parliament.
- Equip the authority with investigative powers, including subpoena authority, to investigate corruption allegations involving BPS officers and high-ranking officials.
- Ensure that the authority is adequately funded and staffed with qualified, independent professionals.

6.2. Mandatory Public Reporting:

- Require the BPS to publish annual misconduct reports, including statistics on allegations, outcomes, and disciplinary actions, to enhance transparency and public oversight.
- Disclose instances where officers resign during investigations to ensure public awareness and prevent perception of cover-ups.

6.3. Whistleblower Protection

- Enact robust whistleblower protections for officers reporting misconduct, including legal safeguards against retaliation and access to anonymous reporting mechanisms.

The BPS's commitment in June 2024 to create an anti-corruption unit was an encouraging step; however, BEJI is calling on the next government to establish a truly independent anti-corruption authority with robust oversight powers. These reforms, alongside enhanced legislative provisions and cultural shifts, are essential to ensuring transparency, accountability, and public confidence in the Bermuda Police Service

7. A Call to Action

BEJI remains unwavering in its commitment to protecting basic human rights for all Bermudians, with a particular focus on the less fortunate. Equally, we remain dedicated to raising public awareness about the systemic issues plaguing our justice system.

We urge the next Government to adopt these reforms and take decisive action toward creating a justice system that reflects Bermuda's values of equity, fairness, and respect. We are asking all candidates and political parties in the next election to commit to ensuring that these proposals will be prioritized if they are elected. These changes will not only rectify systemic injustices but also foster a society where everyone—regardless of their circumstances—has the opportunity to thrive.

“Each of us is more than the worst thing we’ve ever done.”

Bryan Stevenson


The marathon for truth, justice, and a more fair and equal society continues!

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Key Achievements Since Inception

- Secured the assistance of expert overseas counsel to assist with legal challenges aimed at reforming antiquated policies and laws.
- Secured employment for an individual released after 12 years in prison following a miscarriage of justice.
- Donated over 100 educational reading books to young people incarcerated.
- Secured the first Supreme Court and Court of Appeal judgments regarding the Legal Aid Committee's discretion to appoint overseas counsel, providing much-needed guidance on the state of the law in that area.
- Assisted in securing overseas counsel for two men appealing their convictions before the Privy Council.
- Obtained expert mental health professionals to assist young men recently released from prison after miscarriages of justice.
- Highlighted systemic injustices and inequitable processes within the criminal justice system, including the need to update the Police (Conditions of Service) Orders.



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Created By:



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