

# National Security Policy Paper

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## Improving National Security in Jamaica

**Final**

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## Executive Summary

Crime and violence in Jamaica is intolerably high and getting worse. Over the past 40 years, homicides have increased by 1,240% and both rapes and drug offenses by 300%. Intergenerational poverty and family breakdown are no doubt main contributors, but the mushrooming growth of gangs and a growing ‘culture of impunity’ in which people feel they can commit even the most heinous crimes and get away with it, has now emerged in the findings of researchers as leading contributors to crime and criminality.

Against this rising tide of crime, the responses of successive Governments and the Police have been largely ineffective. From the mid-1970’s, criminal gangs began entrenching themselves in our communities, broadening and diversifying their illegal activities locally and internationally, and vigorously arming themselves to take on and resist law enforcement. In response, the leadership of both political parties have engaged in morally confusing behavior. While voicing concerns about crime and proffering innumerable “anti-crime packages”, they have been involved in high profile relationships with known and suspected criminals; and worse, they have been supporting these criminals with State contracts funded by our hard-earned taxes. The Police for their part, were very slow in apprehending the threats posed by these criminals as they were transforming themselves into dangerous and powerful transnational syndicates and have only in the past decade begun to modernize their methods, technologies and organization. Now the Police, ruefully inform the society, that gangs are responsible for 60% of the homicides occurring in Jamaica.

Jamaica needs a game-changer in our approach to crime. It is absolutely imperative that all members of the political directorate commit to stop awarding State contracts to organizations with reputed criminal partners and associates and to stop accepting donations from such individuals and tainted entities. As a demonstration of good faith and transparency, both parties should commit to annually turning over their list of contributors to the Political Ombudsman to show that they are not receiving any contributions from known or reputed criminals and are therefore not beholden to these characters.

The Private Sector Organisation of Jamaica (PSOJ) further believes that the Government needs to move with urgency to enact the full complement of crime fighting legislation in their most effective form that will empower law enforcement agencies to go after and break up criminal gangs. Most notably, we are proposing that Government Amend the Bail Act to deny bail to repeat violent offenders, documented gang members and other persons charged with violent crimes such as: murder, shooting with intent, kidnapping, rape, robbery and extortion, unless self-defense, or consent in the case of rape, or some other reasonable defense is likely to be raised with a fair likelihood of success. Further, that the regulations be speedily enacted to enable the Police to more readily enter the intelligence collected from wiretappings as evidence in court. In addition, we are urging the Government to enact anti-gang legislation more akin to the United States *“Racketeering Influenced and Corrupt Organization Act (RICO)”* which we believe would make it easier to obtain the cooperation of the ‘small-fry’ against ‘Kingpins’, by holding the ‘small fry’ liable, not simply for what he has done or knows about, as currently proposed by the Government, but all those illegal acts done by the gang that he should have “reasonably

foreseen”. The PSOJ is strongly supportive of the thrust towards community policing; and we believe that a broad revival of volunteerism in the society with an expanded role for our 66,000 tertiary students would be very helpful in providing inspiration and mentorship to our young people, especially ‘at risk’ youths, even as it reduces the attraction of gangs, promote community safety and prevent crime.

Crime and violence in Jamaica has costs over 15,000 lives in the past 10 years alone and immeasurable pain, fear and suffering to the Jamaican people. It is also a serious drag on investment and development, and according to the World Bank, is denying the country 7% of additional economic growth annually. Jamaicans can turn back this scourge of crime. The Private Sector Organisation of Jamaica believes that the measures proposed in this document, which reflects the considered thoughts and ideas of many law enforcement professionals, business people, academics and other concerned Jamaicans, can contribute greatly to reducing crime if they are implemented with sincerity and robustness.



# National Security Policy Paper

## 1.0 Introduction

Jamaica has a “culture of crime and violence” is how the *“Special Task Force on Crime”* – the *MacMillan Report* describes the matter of crime and violence in the country. ‘Culture’ in an anthropological and sociological sense means a ‘way of life’ with institutionalized values, norms and mores.

Jamaica has consistently ranked among the top three countries with the highest homicide rates in the world (currently about 60/100,000) surpassing even war-torn areas like Iraq and Afghanistan and ranked with countries with notorious crime problems such as South Africa and Columbia. A ‘Daily Gleaner’ Anderson Poll of April 2009 reported that 70% of Jamaicans view crime and violence as the “most pressing” problem facing the country.

Police figures show that while the numbers of property crimes reported to the Police have decreased over the past four decades, many crimes of violence have skyrocketed. Table 1 shows that murders have increased by 1240% over the past 40 years; rapes and drug offences by 300%; and shootings by 10%. On the other hand, the number of incidents of robbery, burglary, larceny, felonious wounding and assault ‘reported’ to the Police have all fallen - some quite dramatically – over the past four decades. Since 1970, the number of reported cases of felonious wounding and assault have fallen by 58%, burglary is down by 52%, robbery down by 16% and reported cases of larceny have fallen from 7,158 in 1970 to a few hundred (325) in 2008. Overall, from a total of 50,239 in 1980, the number of crimes reported to the police had fallen to 39,188 in 2000 with a further drop to 35,837 in 2004 – the last year for which complete statistics are available from the Police.

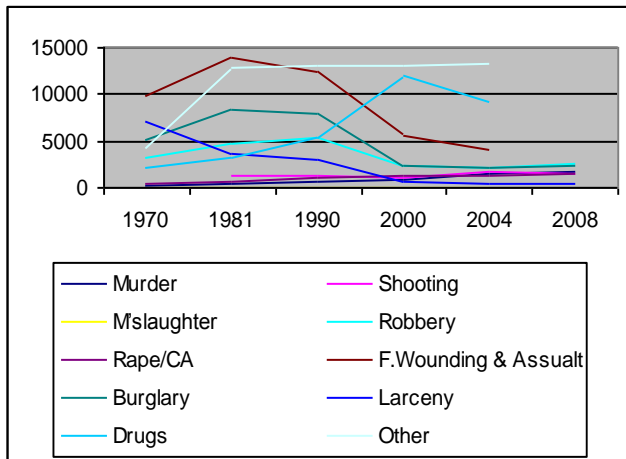
**Table 1 Reported and Clear-up Rates for Crime in Jamaica 1970 - 2008**

Year	1970		1981		1990		2000		2004		2008	
Offence	Rep	%	Rep	%	Rep	%	Rep	%	Rep	%	Rep	%
Murder	130	87	490	43	542	58	887	54	1471	45	1618	32
Shooting			1387	44	1370	46	1012	51	1675	38	1528	36
M’slaughter	60	95	31	100	35	100	35	97	4	100	n/a	n/a
Robbery	3160	38	4617	25	5362	31	2331	41	2103	32	2660	17
Rape/CA	482	66	588	74	1006	52	1304	53	1269	50	1459	46
F.Wounding & Assault	9875	87	13988	72	12,375	75	5636	92	4149	86	n/a	n/a
Burglary	5119	35	8437	25	7945	15	2426	43	2044	38	2449	22
Larceny	7158	54	3590	34	2971	41	641	70	365	64	325	31
Drugs	2050	96	3312	100	5433	100	11897	100	9222	100	n/a	n/a
Other	4262	91	12791	76	13062	64	13019	92	13375	88	n/a	n/a
Total	30969	62	49231	55	50101	59	39188	85	35837	78	10039	28

Source: Handbook of Jamaica & Economic and Social Survey 1970 – 2008. (The extreme violence in the election year of 1980, made it an ‘outlier’ in statistical terms and thus 1981 was chosen as being more representative. Given the wide intervals, the mid-point of the last decade (2004) was included to highlight any trend-line variation or continuity in the data in more recent years).

Not unexpectedly, the fall in reported crime has also been reflected in a fall in victimization rates per 100,000 as the larger denominator of population growth have tended to accentuate the smaller numerator of reported crimes. Thus apart from murder whose victimization rate has increased nine-fold from 7 per 100,000 in 1970 to 60 per 100,000 in 2008, and rape for which the victimization rate has doubled, the victimization rates for robbery and wounding have declined by 60% and 336% respectively, and burglary and larceny by 360% and 2600%. Shootings have averaged about 60 per 100,000 over the past 30 years.

**Chart 1 – Reported Crimes 1970 -2008**



**Table 2 Victimization Rates/100,000**

	Murder	Rape	Rob	Shoot	Wound	Burg	Lar
1970	7	26	169	N/A	528	274	312
1981	22.5	27	212	63	644	388	165
1990	22.6	42	223	57	515	331	326
2000	34	50	90	39	216	93	9.0
2004	55.5	48	79	63	157	77	12
2008	60	54	102	57	n/a	76	12

This decline in the numbers of reported crimes can mean one or two things. First, that crime and violence is actually decreasing, which is manifestly contrary to the perception of most Jamaicans; or that large numbers of even serious crimes are not been reported to the police except for those that require mandatory institutional reporting like homicides or injuries requiring hospitalization.

It is also noticeable from **Table 1**, that concurrent with the decrease in the numbers of reported crimes is a long-term tendency towards a decrease in the clear-up rate for many crimes by the police, especially those requiring investigation or cooperation from the public. Only 28% of murders and 17% of robberies were cleared up by the Police in 2008 compared with 54% of murders and 41% of robberies in 2000. And only 36% of shootings and 22% of burglaries were cleared-up in 2008 compared with 51% and 43% respectively in 2000. This decline in the clear-up rate shown by the Police is possibly due to many causes as discussed below, but it raises the question as to whether the decrease in the numbers of crimes being reported by the public to the Police is linked to a perception that very little will be gained, done or achieved from filing a complaint with the police given their low clear-up rate.

It is also worthy of note, that while a crime like extortion is widely perceived by both the public and the Police to have mushroomed over the past two decades, and is reputed to have become a huge source of lucre for criminals, the police have not yet developed a methodology for tracking or reporting its extent for record keeping, though they have from time to time provided anecdotal estimates. This is not to underestimate the task, since the intimidated payers are not necessarily keen to pass on information to the Police and might simply have decided to absorb the extortionist payouts

as part of the cost of doing business. But this again raises the question, as to whether the decrease in robberies – typically a high risk one shot endeavour with uncertain gains for the robber – has not simply being replaced by the more certain repeated gains from successfully extorting a victim over a period of time.

## 2.0 Socio-economic Costs of Crime

The personal, economic and social costs resulting from crime have been defined in many ways and various methods have been used for evaluating them. One of the more useful and illustrative typology is provided by Buvinic and Morrison (1999) who defined four categories of costs, namely:

- i. Direct Costs –the value of all goods and services used to prevent violence or offer treatment to its victims or perpetrator including health costs, police, justice, and prison costs as well as resources spent on private security.
- ii. Non-monetary or intangible costs- such as emotional and psychological pain and suffering caused to victims or loved ones from injury and loss.
- iii. Longer-term economic multiplier effects –resulting from lower investment levels, labour force participation rates, corporate income and worker earnings and macroeconomic growth.
- iv. Social multiplier effects – marked by an erosion of social capital – that is, trust and respect for social institutions, authority and fellow citizens, intergenerational transmission of violence and lower quality of life.

There are various methods used to calculate these costs including an accounting methodology which tabulates direct costs and comes to a summary figure. The World Health Organization uses a method called the Disability Adjusted Life Years (DALY's) lost to calculate the impact on health of crime; and regression analysis utilizing cross-country data are frequently used to calculate the long-term impact on growth.

In a 'Business Victimization Survey' of 400 Jamaican companies which was part of a **2003 World Bank Country Economic Memo (CEM)**, Professor Al Francis et al reported that:

- 65% of Jamaican firms had experienced some form of criminal victimization in 2001.
- 33% were victims of violent victimization such as extortion or robbery;
- 52% suffered theft (mostly by employees);
- 50% experienced fraud; and,
- 7% reported some other form of criminal victimization.

Francis et al further reported that 51% of Jamaican business owners and managers had incurred increased costs for security as a result of crime or fear of crime. Thirty-nine percent (39%) acknowledged that they were less likely to make additional investments to expand their business because of crime, and 37% reported that crime discourages investments that would improve productivity. Among specific steps that Jamaican business owners and managers had taken to enhance security at their businesses: 58% reported that they had installed grills; 49% had installed special fencing; 49% were hiring unarmed guards; and as much as 31% had hired armed guards. At a time when Jamaica desperately needs to optimize production, 36% of companies

reported that they were closing before dark as a protective measure reducing possibilities for second and third shifts.

Francis et al reported that in 2001 firms spent on average of 2% of annual revenues on security. But while security costs for large firms were about 0.7% of annual revenues, security costs for medium-sized firms was 7.6% and as much as 17% of the annual revenues of small firms.

Beyond the impact on companies, Francis et al undertook a more comprehensive assessment of the direct costs of crime on the economy. Employing an accounting approach they combined GOJ expenditures on national security (police, military, prisons, courts) with estimates of hospitalization costs in public and private institutions for treating persons injured as a result of criminal violence, income lost as a result of injury or death, plus funeral costs of those killed in such interactions. Noteworthy pieces of data inputted in the calculation of hospitalization costs were that 51% of patients treated in public hospitals in Jamaica for injuries, sustained those injuries as a result of criminal violence, and that on average, persons spent 9 days in the hospital. The summary calculations of Francis et al are shown in Table 3 below:

**Table 3: The Annual Economic Cost of Crime, 2001 (J\$ million)**

I. Health Costs	1.3 bn (0.4% of GDP)
Public Health System	995.7
Private Citizens	254.5
II. Lost Production	0.5 bn (0.2% of GDP)
Mortality	194.1
Injury due to Crime	337.2
III. Public Expenditure on Security	10.5bn (3.1% of GDP)
<b>Total I + II + III</b>	<b>12.4 bn (3.7% of GDP)</b>
IV. Private Expenditure on Security	2% of revenue

Table 3 shows that the direct costs of crime on the economy in 2001 amounted to J\$12.4 billion or 3.75% of GDP, not including the 2% of revenues expended by companies on private security arrangements. Francis' estimate does not include the more dynamic longer term effects such as the impact of crime on investment and productivity, nor does it include an estimate for intangible costs like pain and suffering or for the wider depletion of social capital.

A 2007 World Bank Study utilizing cross-country regression analysis to assess some of these longer-term costs estimated that if Jamaica were to contain its homicide rate to 8.1/100,000 as in Costa Rica – the country with the lowest crime rate in the Caribbean- then the Jamaican economy could grow by an additional 5.8% per year. Compounded, this means that the Jamaican economy would double in 12 years. Thus there is a tremendous 'growth dividend' being lost as a result of crime.

None of these studies can truly capture the intangible costs of crime in reducing the quality of life in Jamaica. A midnight stroll along most beaches in Jamaica is a serious safety risk. Vast areas in Kingston and several urban towns have become 'no-go' zones, except for those living in the areas, and even they cannot cross certain 'borders' arbitrarily established by warring gangs. Not only is the physical freedom of movement of inner city residents restrained by these gang defined borders, their economic mobility is often constrained by what Moser and Holland (1997) calls "area stigma", which limits their employment prospects as many potential employers feel they are either criminals or are associated with criminals. Thus, many inner city residents often feel trapped in a narrowing violent



brutish existence which makes them even more frustrated, violent and aggressive. Truly, Jamaica cannot abide the high costs of crime any longer.

### 3.0 Causes of Crime and Violence

There are approximately 15 task forces that have examined the matter of crime and violence in Jamaica over the past 35 years – that is roughly one task force every two years. All of these Reports cite remarkable similar economic, social, political and psychological causes for crime. The main causes cited by these task forces can be summarized as follows:

#### 3.1 Intergenerational poverty and glaring economic and social inequality.

Successive *Jamaica Survey of Living Conditions* have recorded that poverty as a proportion of Jamaica's population has declined from 28.4% in 1991 to 18.7 % in 2000 with a further decline to 14.3% in 2006. However, the headline number on the 'poverty index', which measures individual and household consumption expenditures, does not provide a complete picture of Jamaicans living conditions and access to resources. Within the consumption patterns, the bottom 50% of households account for only 24% of consumption expenditures compared to 30% for the top 10% and 57% for the top three deciles. Land distribution also remains highly skewed. The *1968 Census of Agriculture* found that 2% of farms were 25 acres or more but they accounted for 63% of total farmlands while 78% of farms were less than 5 acres but accounted for only 15% of total farmlands. Forty (40) years later, the *2007 Census of Agriculture* shows that land distribution has barely improved with 2.5% of farms occupying 59% of farmlands while 75% of farmers occupied 14.6% of farmlands. Infinite fragmentation of the land is not necessarily optimal for agricultural development, nor is it entirely clear that those who sincerely want to farm are constrained by inability to lease land even if they cannot afford to buy, considering the large amounts of idle lands all over the country, but the data does show a sort of rigidity in resource distribution. What is worse, in many of our rural and urban townships, there were now close to 1 million Jamaicans or 37% of the population living in squatter settlements across the island according to the Minister of Housing in a report to Parliament in April 2009. Still, it is to be noted, that the areas of greatest poverty in Jamaica – the deep rural areas - are not the areas with the worse crime, which testifies to the fact that there is no simple connection between poverty and crime. But that poverty can be and is a generative cause for all sort of socially mal-adjusted behavior is hardly a matter for debate any longer.

#### 3.2 High Unemployment and underemployment among the youth

Young people age 18 to 34 have been experiencing double digit unemployment of 25- 30% for decades which is even higher in certain communities with 'bad' reputations.

**3.3 The slow pace and failure of successive governments to modernize the police force** by equipping them with the enabling legislation and technologies to prevent and investigate crime and to keep pace, or better still, stay ahead, of fast paced, ruthless and well organized criminal gangs. It took successive Administrations **10 years** to move *plea bargaining* from debate through legislative passage in 2005 and finally one month ago, completing the regulations for full implementation of procedures that have being in widespread use in jurisdictions all over the world for the past 60 years. *Wiretapping* legislation was introduced as a 'half-measure', which

allows for its use in collecting 'intelligence' but without the enabling regulations to satisfy the evidential standards for the information so gathered to be readily entered in court. This, despite the proven success of wiretapping in collecting evidence against 'Kingpins' who through their layered command structure are adept at isolating themselves from the criminal actions carried out by their subordinates at their direction; plus with the added benefit in our situation of reducing reliance on human witness given the severe challenge posed by witness intimidation. Further, successive Administrations have failed to introduce a simple uniform system for post-arrest processing (fingerprinting and photographing) of persons arrested or charged with crimes. Instead through a confused amendment, they have now made it all but impossible to fingerprint or photograph many first-time arrestees of even serious crimes like murder until after they are convicted.

### **3.4 An under-resourced and ineffective police force widely perceived as corrupt.**

Jamaica's per capita police ratio (assuming a force strength of 8,500 and a population of 2.85 million), is approximately 3 police officers per 1000 citizens which comes in the middle of police per capita ratios internationally, which generally ranges from 1.2 - 5.5 per 1000 of population. That ratio however might be overstating the adequacy of the size of Jamaica's police force given the difficulty of the policing terrain in Jamaica. Jamaica's population is dispersed in deep rural hamlets or often concentrated in dangerous, byzantinely laid-out urban squatter settlements. These two characteristics of the living conditions of Jamaicans would seem to require larger numbers of police than average.

What is far less doubtful as regards its adequacy is Jamaica's expenditure on national security – that is on the police, soldiers, courts and prisons combined. For the past 30 years, the expenditure of the Jamaican Government on national security has averaged about 8% of the national budget and in some years during the 1990's dipped as low as 5.4%. Jamaica's budgetary allocations for security compares with 9.5% in Trinidad, 13% in the Bahamas, 9.5% in New York City and 34% in Miami. The stories are commonplace of deplorable conditions in police stations and soldiers barracks, lack of in-service vehicles, woefully inadequate computerization and other technologies, long overdue rents and bills for services provided to the police, low salaries and even lack of protective gear such as bullet proof vests.

What also seems apparent is that the Police often do not make optimal use of the limited resources they receive, their human and resource management systems are poor, and their performance standards are lax. It is also quite apparent that the Police were slow in coming to grips with the rapidly mutating crime challenges Jamaica faced from the mid-1970's when criminal gangs began entrenching themselves in communities, diversifying and expanding their activities internationally, and enhancing their weaponry to take on and resist law enforcement. It was mainly after 1998 with the development of their **First Corporate Strategy** followed by the **Second Corporate Strategy** in 2005-08 that the Police began to modernize their training, methods and technologies. Still, despite their emphasis on community policing, they have yet to win the trust and respect of a majority of Jamaicans, 68% of whom believe there is widespread corruption in the JCF according to a 2009 '*Fund for Peace*' Study.

**3.5 Possibly resulting from halting and weak government policies and ineffective policing, a culture of impunity is emerging in regression studies by UWI scholars as a leading cause of crime.** Criminals now feel they can do anything and get away with it. The law is not a deterrent; the risk to reward ratio is in their favour.

**Other frequently cited causes of crime:**

**3.6 Rural –urban drift** due to lack of social and economic opportunities in rural areas is the source for much of the slum dwelling in urban areas.

**3.7 Political tribalism** and the proliferation of garrison communities which often serve as seed-beds for crime and safe-haven for criminals.

**3.8 Historically weak family structures and the persistence of single-mother households.** The nuclear family in either the marital or common-law variety has never been particularly strong in Jamaica and in 2008 fifty-five percent of the poorest children in Jamaica lived with only their mothers.

**3.9 A failing educational system** that does not prepare its graduates for economic survival and from which 70% leave school without certifiable English, math or vocational skill.

**3.10 A breakdown in values and attitudes**

Many of today's youths are insistent to the point of violence at the slightest showing of even accidental disrespect. At the same time, they often show little respect for the property, rights and life of others. This diminished regard for life and the rights of others is greatly contributed to by the steady diet of crime and violence on television, in music, and in video games that is often promoted as 'entertainment'.

**3.11 The loss of moral authority of traditional leadership in the church and civil society.**

After playing a leading role in establishing resettlement communities after Emancipation and in establishing educational facilities in the 20<sup>th</sup> century, the voice of the Church was curiously muted at the dawn of the often violent garrisonization activities in the 1960's and 1970's which has gone on to have the most deleterious impact on Jamaica's social and economic environment over the past 50 years. Maybe, the Church and other civil society leaders were trying to avoid the appearance of taking sides in the wild charges and counter-charges as to who was initiating or mainly defending themselves against violence, but there was also a widespread mood of weary scorn in the society regarding the "fools '*down there*' killing themselves over politics". This somewhat aloof unspoken thought that the violence would be confined to the inner city areas and slums was not only morally bankrupt but short-sighted. Instead of confronting the perpetrators of violence with vigorous organized moral opposition, putting the fear of God and law in them so to speak, this muted response allowed the politicians freer rein to carve out life-long safe seats for themselves by distributing State benefits in highly partisan ways, and even worse, as it has long been alleged, arming and manipulating the youths to carry-out tribal political cleansing of whole communities. Moser and Holland report, that many inner city residents date the genesis of the gang and crime problems in the country to those alleged activities of politicians.

## **4.0 Main Features of Jamaica's Crime Problem**

There are five dominant features of the contemporary crime problem in Jamaica. These are:

### **4.1 Crime is dominated by Young Men.**

Young men, under-40 years-old accounted for 87% of persons arrested for selected major crimes in Jamaica in 2008 with those between the ages of 16-35 accounting for 76% of arrests. This latter group made up 82% of those arrested for murder; 77% of those arrested for shooting; 83% of the arrestees for robbery and 67% of those arrested for breaking. They also made up 71% of persons arrested for rape and carnal abuse. Of the 3,067 persons arrested for selected major crimes in 2008, 3017 were males and 50 were females.

### **4.2 It is increasingly organized and transnational.**

The days of the freelancer acting alone in the commission of crime appears to be on the wane in Jamaica. The criminals have seemingly learned the benefits of acting in tandem – ‘watching each other's back’- as it is called in US street parlance. Moreover, with a lot of territory already marked out and controlled by gangs whether for drug-dealing or extortion, it is quite risky for the loner to prey on certain types of potential victims, because he can never tell who the victim might be paying for protection. Also, to the extent that a lot of crime originates from among idle, unemployed youths from a particular “corner”, there is already a kind of pre-existing camaraderie that encourages acting in unison to reduce safety risks to themselves and to reinforce and support each other.

The size of Jamaican gangs varies from 10 to 25 youths from a particular ‘corner’ or community, to very large transnational outfits with 1,500 to 3,000 members and associates. The smaller community gangs have a somewhat limited territorial range and are mainly engaged in robberies from persons and establishments, extortion, murder for hire, the lottery scam and cargo hijackings. A Montego Bay gang might range into Westmoreland, Trelawny and Hanover, but will sometimes go further afield to carry-out a murder for hire. The larger transnational gangs are engaged in high volume extortion, international drug-dealing, money laundering and weapons trafficking. The Minister of National Security recently commented that there were 268 known gangs operating in Jamaica with 74% of them operating in Kingston and St. Andrew, St James, Clarendon and St Catherine.

### **4.3 Criminal Activities are wide-ranging and multifarious.**

Professor Anthony Harriot – Professor of Criminology at the University of the West Indies commented recently that almost every type of organized crime found in other parts of the world was present in Jamaica. There is Asian-style extortion, massive Columbian-style drug-dealing, Middle –eastern style gun-trafficking, Nigerian-type frauds like the lottery scam, US-style chop-shop auto theft, Mexican and Columbian-style money laundering and Eastern European-style human trafficking and prostitution. There is also a great deal of Italian-style murder for hire, and Trinidadian-style kidnapping has started to rear its ugly head. Third World style political corruption was widely alleged during the previous Administration and has being alleged against other administrations ad as well; but the particularly brazen and hard-hearted police corruption

found in Jamaica seems entirely home-grown. In few other places do traffic police own wrecker services or have police officers withholding death certificates to shake-down bereaved family members for bribes. It seems like Jamaica's criminals are observing and studying criminal activities in other parts of the world and operationalizing them in Jamaica if they are profitable. To stay ahead of the criminals it might benefit the JCF to devote some of its resources to studying emerging crime patterns in other countries and the methodologies being used to combat them.

#### **4.4 Crime is pervasive but it is not overwhelmingly random.**

Business owners and contractors – large and small – are especially targeted by robbers and extortionists, and anyone walking through certain communities in which they are not known could be victimized by crime. Also, if persons leave their property in ways that make it appear like a relatively risk-free target for theft it is likely to be stolen. But Police figures show that 45.5% of murders in 2008 were gang related and another 3.8% were due to domestic disputes. In 2007, the number of gang related murders were 49.2%. Further, the murders were concentrated in particular areas with 64% of the murders occurring in six (of 19) Police divisions – namely, St. Andrew South (223), St. James (214), St. Catherine North (184), St. Andrew Central (137) and St. Catherine South (112). Still with 42.7% of murders being attributed to “other criminal acts”, it suggests that persons cannot take their safety for granted and are justified in retaining a high sensitivity to danger.

#### **4.5 Criminal Gangs remain allied to political parties.**

Jamaican politicians frequently voice their opposition to crime and criminals in general, but do not seem opposed to the criminals in their particular constituencies. Four of the last six Jamaican Prime Ministers were elected from garrison constituencies and maintained cordial relations with the “Don” – a criminal who has obtained his position by being the most ruthless of thugs. And though politicians often denounce gangs, known gangs and gang members remain firmly associated with the two main political parties. Most Jamaicans know the affiliation of the “Shower Posse”, the “Joel Andem Gang” and the “One Order”. It would seem that despite the relative peacefulness of Jamaica's election in recent cycles, the politicians remain fearful of disarming their gang affiliates, because it would leave their supporters vulnerable to attack from the other side. The gangs for their part benefit from this ambivalence and hypocrisy, and chances are would not surrender their weapons anyhow, because they want them to facilitate their criminal operations.

### **5.0 Measures to Improve National Security**

The various Crime Reports all stress that significantly reducing crime in Jamaica will be a longer term endeavour requiring complementary legislative, law enforcement, economic and social measures. The *Crime, Peace and Justice Report* of 2003; the 2005 Report '*National Security for Jamaica*', and the *Report of the Special Task Force on Crime* all speak of a “transformative” approach to fighting crime setting out multi-layered strategies and goals with various tactics and measures to achieve these goals. Other task forces have simply outlined their recommendations to be implemented in the short, medium and long-term. As for the causes of crime, there is a great deal of consensus among the various reports on the measures that need to be taken to combat crime and even the relative urgency and sequencing in which they need to be implemented. The recommendations herein are outlined according to the latter approach.

## **Short-term Measures – to be implemented within 1 to 2 years to empower the Police to tackle Organized Crime**

### **5.1 Speedily implement the full complement of modern crime fighting legislation in their most effective form.**

**These include:**

- a) **Strengthen Wiretapping Legislation** by enacting the regulations that will allow the ‘intelligence’ collected in judicially authorized wiretappings to be more readily entered as ‘probative evidence in court.
- b) **Amend the Bail Act** as jointly proposed by the JCF and the JDF to broaden the considerations for denial of bail, so that a Judge may:

- I. Deny bail to Any person(s) charged for specified violent crimes (such as murder, shooting with intent, rape, robbery, extortion, arson, kidnapping and (illegal possession of a firearm) if they were convicted of a similar offence in the past; or on credible evidence from the police that the suspect(s) is a member of a gang; or has the capacity for further violence.
- II. Further, amend the Bail Act to deny bail to any person(s) charged with murder, except where self-defense, or crime of passion, is likely to be raised as a defense, with a reasonable likelihood of success, and which would have the effect of reducing the charge of the accused person to manslaughter if convicted.
- III. Amend the Bail Act to deny bail to any person(s) charged with multiple counts of murder whether occurring in one set of circumstances or at different times and places, except for the self-defense provision which may apply in a singular situation.
- IV. Amend the Bail Act to deny bail to any person arrested more than two times for violent acts whether or not they were convicted on the prior occasions, except where reasonable self defense might apply in the current or previous situations.
- V. Amend the Bail Act to deny bail to person(s) charged with drug trafficking.

(The present Bail Act fetters a judge’s discretion by making it a nearly mandatory requirement that bail be granted to all persons on presumption of innocence grounds except for those perceived as flight risks. We believe that other considerations as outlined in b, c, d that bear on public safety should be taken into account.)

- c) **Pass Omnibus Post Arrest Processing Legislation** to permit fingerprinting and photographing of all persons charged with an offence, and for the collection and storage of the DNA of persons charged with violent offences and repeat offenders. The 2005 **Amendment to the Fingerprint Act** has created confusion among law enforcers as to who should be fingerprinted, and has worked an absurdity whereby judges no longer have the power to order fingerprinting and photographing of persons charged with major offences such as murder, wounding, firearms and drug offences.
- d) **Implement RICO Type Legislation** – The current proposal put forward by the Minister of National Security ostensibly to “dismantle and penalize” membership in criminal gangs could be an ineffective half-measure since it mainly threatens or punishes the gang member(s) for illegal acts that the member knew about or participated in. We believe that the form of anti-gang legislation embodied in the *United States Racketeering Influenced and Corrupt Organization Act (RICO)* or the *Continuing Criminal Enterprise Statute (CCE)* would be

far more effective in discouraging and punishing membership in gangs, since it holds each and every member liable for the illegal acts undertaken by the gang, whether he knew of them or not, so long as these actions could be “reasonably foreseen”. The adoption of such a tough version of anti-gang legislation might further entail Jamaica’s adoption of United States legal doctrines pertaining to **conspiracy** and **felony murder**. But given the threat to the very existence of the Jamaican State presented by the mushrooming growth, power and attraction of criminal gangs only the toughest measures will suffice. It is instructive to note that Canada, New Zealand and Australia, countries, like Jamaica which have been strongly influenced by English jurisprudence, have adopted legislation similar to RICO in their law.

- e) **Amend the Evidence Act** to allow video recordings of suspects and witnesses to be entered as evidence in court instead of only written statements; and permit the use of CCTV links for witnesses and suspects to offer testimony in preliminary hearings. Further, abolish the onerous requirement in the Evidence Act that the prosecution must prove that a computer is working properly at all times and place the burden on the defense to show that computer was not working.
- f) **Allow ‘inferences’ to be admitted in trials** –Change Judges Rules so that if a suspect exercises his right to remain silent at the time of arrest, a judge may direct a jury to draw reasonable inferences from the suspects possession of certain items such as a weapon or stolen property; or, from their presence at a certain location, for example, the crime scene prior to the crime. Further, require defense attorneys to provide alibi notice within a specified period.
- g) **Amend the Resident Magistrates Act** to separate Judge and prosecutors by assigning the management/reporting relationship of Clerks to the office of the Director of Public Prosecutions instead of the Resident Magistrate. This would ensure appropriate management and prosecution of criminal cases, independent of the judiciary. Also, as recommended in the PERF Report, support and expand the Police Prosecution Liaison Office to encourage earlier involvement of the DPP’s Office with the Police in the development of cases.

## **5.2 Provide more Resources for National Security but Introduce Tougher Performance Standards in the JCF**

The inadequacy of resources provided for national security and the deplorable conditions under which the Police and military often work are demoralizing and make the temptation to self-serving corruption difficult to resist. Further, while acknowledging the work that has been done to improve the training, coordination, intelligence gathering and technology of the JCF, it is manifest from the clear-up rate of the JCF that more needs to be done to improve the performance standards required of the JCF especially in its investigation of major crimes. It is untenable that in a small country like Jamaica surrounded by water on every side that over 1,000 murderers should literally ‘get away every year with murder.’ By contrast to Jamaica’s 32% clear-up rate for homicides, Australia has a clear-up rate of 62%, the United States 63.8% and Japan has a clear-up rate for homicides of 90%. And these are countries that are far larger than Jamaica with far more places to hide and sneak. That so many people have been getting away with murder in Jamaica suggest that there is not enough investigation and follow-up and that there is too little consequence for failing to perform in terms of delivering desired results.

As such it is recommended that:

- a) Government commit to increasing resources in real terms for national security by 0.5% to 1% annually for the next five years with the goal of devoting 12.5% of the national budget to providing national security by 2014.

- b) Introduce tougher performance standards for the JCF that goes beyond indicative crime reduction goals for the Police Divisions, but more so emphasizes individual performance in the determination of promotions prospects. For instance, promotions criteria for investigators should be redesigned to give at least a 55% weighting to their successful closures of assigned cases.
- c) To ensure that the Police are not given basket to carry water the Government must ensure that readily available technology such as fingerprint identification is available in outlying stations so that there can be speedy processing and verification of persons who are suspected or wanted for crimes. Further, the GOJ ought to purchase and equip certain police vehicles with mobile touch-screen technology so that suspected persons stopped at a roadblock can be quickly verified.
- d) The JCF should continue to **actively** weed out corrupt officers from its ranks by targeting them for ‘sting’ operations on credible allegations that they are corrupt rather than passively waiting for them to foul-up.
- e) ***Increase resources to the JDF commensurate with their growing responsibilities.*** In addition to their traditional roles of assisting in emergencies at home and abroad (most recently in Haiti); and in marijuana eradication; and providing ceremonial and sentry services at various public offices and events; the JDF are also involved in assisting the DOC with securing special remandees; and in regular joint patrols and snap searches with the JCF all over the island. The JDF Air Wing remains the only air service capability available to the Jamaican Government providing air support to the JCF island-wide as well as assisting in MEDEVAC and in anti-narcotics flight. The JDF Coast Guard is also the only agency of the Jamaican Government engaged in marine patrols. This (latter) responsibility has grown increasingly challenging in recent years with over 50% of the cocaine directed to the United States from the Andean region passing through the Caribbean; and with Jamaican criminals playing a very active role in these activities and the lethal guns for drugs trade.

While the JDF responsibilities have grown more diverse and challenging, resources provided to that organization have decreased from an average of 27% of the allocation for national security in the 1990’s to an average of 18% for much of the 2000’s, though the allocation bumped back up to 24.8% in 2008/09. Still, JDF personnel are seriously short of basic items like bullet proof vests and transport lorries to move troops and supplies. The GOJ is therefore strongly urged to: (a) ensure that the basic requirements of the JDF are met urgently; (b) press the United States for more assistance with equipment and financing in our joint efforts to combat the scourge of drug-trafficking on land and along Jamaica’s coastlines.

### **5.3 Provide economic opportunity.**

All the studies highlight the need for Government to provide economic opportunity as an urgent priority, especially in depressed communities. The ***Crime, Peace and Justice Report*** by UWI Academics recommends that government create “targeted mass employment”. Despite the current budgetary constraints, Government might still be able to do this in a limited degree with private sector support and sponsorship of particular projects. Projects targeted should be local but have long-term beneficial impact such as the creation and maintenance of parks and green spaces; upgrading of playing fields in schools, river training and drain-cleaning, and the repair and upgrading of local roads.



Government might even consider devoting a portion of the environmental tax to these endeavours or imposing a carbon tax on low mileage vehicles to finance these projects. The great majority of studies also recommend more financing for small business and agricultural development in low income rural and urban areas; stronger incentives for businesses investing in depressed urban communities; and the provision of greater skills training opportunities.

**Medium to Long-term Measures – starting time can be anytime, but the roll-out is expected to continue beyond three years and the benefits to accrue over time.**

#### **5.4 Rationalize, expand and improve the custodial system.**

The PERF Study commented that Jamaica's prison system is "highly inefficient" consisting of 11 facilities scattered all over the country holding 4,000 prisoners and staffed by 3,500 guards. Other commentators have noted that prison space has expanded by only 15% over the past 30 years while if we had caught and convicted even 60% of the perpetrators of the 44,000 serious felonies reported since 2005— approximately 24,000 persons - and sentenced them according to law, which would entail incarcerating them for an average of 7 years, our prison space would be completely over-run. With Jamaica's level of serious crime providing prison space for at least 10,000 felons is not overdone; and the country needs to commit to building one large prison every 5 years over the next two decades as the crime situation warrants while closing the more dilapidated prisons. Also, instead of our prisons being mostly hellholes, there needs to be some form of graduated levels within the system. Thus one or two prisons should be punishment facilities where every new long-term prisoner would be sent for 12 to 18 months to do some tough hard work like breaking rocks with hand tools or growing rice. If their behavior was showing remorse and conformity, they could be sent to prisons which have trade schools where they could learn skills. Then towards the end of their sentences, they could be sent to prisons with factories producing goods and services for the public sector, where they could earn and save some money so that they would not be completely penurious when they are released.

#### **5.5 Introduce a wider variety of Sentencing Options**

Several of the Reports spoke of "restorative justice" in which the victimizer repairs the breach and in so doing makes the victim, himself and the community whole. This suggests a need for a wider range and variety of non-custodial sentences. Thus, first and second time offenders for praedial larceny, petty theft and fraud could be sentenced to repay victims and to community service which might entail picking up litter on the side of the road, cleaning up beaches, washing police cars and hospital ambulances and other forms of socially beneficial community work.

#### **5.6 Begin the Process of dismantling the Garrisons.**

Dismantling the garrisons will be a long-term process. It entails reintegrating these communities into the mainstream of Jamaican life instead of them functioning as autonomous self-governing entities under the feudal control of the so-called 'Dons' *The Macmillan Report* outlines a number of useful steps to begin the process.

- a) The Police should target the gang leaders as soon as they emerge for investigation and arrest to keep them off balance and to make the position of 'Don' a surefire way of going

to prison in a short time. Politicians should also refrain from associating with these gangsters and seemingly give them credibility and delegated authority. A politician who fails to heed the refrain should be targeted with wiretaps and ‘sting’ operations, and if there is any illegality in his conduct he should be prosecuted for racketeering as a Kingpin.

- b) Establish Police Posts in or near the garrisons and utilize explosives and weapons sniffing dogs on frequent intelligence driven searches for weapons.
- c) Deny the gangsters or any companies affiliated with gangsters any State contracts; and deny them the use of any community facilities for promotion of their events. All community facilities in the interim would be placed under the control of the Police stationed near the communities.
- d) Strictly prohibit any form of open voting in national or local elections which persons from the garrisons feel compelled to do to demonstrate their unquestioned allegiance to the Party.
- e) Even if soldiers and police have to accompany meter readers and utility workers, require all garrison residents to pay their utility bills or face disconnection like other Jamaican citizens. Thereafter, punish with substantial fines or imprisonment any person who is found to have made an illegal connection.
- f) Implement social intervention programs starting with the children and utilizing responsible community residents as far as possible. Thus the Boys Scouts and Girls Guides could be introduced, as well as, minor league football and cricket and after-school homework programs and summer camps. Young men and women interested in learning a skill should be given subsidies to attend HEART, if it is not feasible to establish these in or near the communities.
- g) Provide incentives to businesses to employ inner city residents or to establish operations in or near these communities.

## **5.7 Widen the Practice of Community Policing**

“Community policing”, in the words of the JCF *Manual for Community Policing Services Delivery*, “is a philosophy and organizational strategy that promotes a new partnership between the community and the police to identify, prioritize, and solve contemporary problems such as crime, drugs, fear of crime, and overall neighbourhood decay, with the goal of improving the quality of life in the community”. Community policing is therefore ultimately concerned with preventing and arresting the forces of social disorder through proactive and early intervention strategies. At its highest level, community policing seeks to heighten personal and community safety consciousness, so that in their lives and activities, down to the building of roads and structures, people practice and ‘mainstream’ safety considerations.

The Ministry of National Security’s ‘Crime Prevention and Community Safety Branch’ is coordinating interdepartmental efforts to develop and implement a “National Crime Prevention and Community Safety Strategy”. Approaches to community safety sensitization, outreach methods, and intervention tactics, especially focused on at-risks youths will be main parts of the Strategy. Acting Commissioner Ellington has also spoken of forging ‘partnerships’ between the police and various occupational and business groups

as part of his efforts on community policing. The Acting Commissioner's focus is more segmental rather than within a geographic locale, but the aims are basically the same - to promote safety and prevent crime by fostering trust, confidence and sharing between the Police and business groups to better help them ensure the safety of their businesses and persons.

We strongly endorse the thrust of these strategies and many of the particular proposals under consideration or implementation. Among them:

- a) Revive and strengthen community councils to provide an institutional mechanism for community self-management and which can serve as the central fora for community discussion, decision-making and coordination of activity and support. The Divisional Superintendant should give 'appropriate' blessings to the professional social worker in the community, opening doors for him/her to meet, motivate and bring together members of the Ministers Fraternal, Teachers, Local farmers, business groups, and service clubs to play a leading role in re-establishing these entities. Youths, young professionals and workers should be encouraged to play very prominent roles in these organizations.
- b) Encourage the communities to identify activities for their enjoyment and well being, including threats to their present and future safety and strategies for dealing with these. Businesses and professional groups, at both the community and national levels, should meet and share thoughts and ideas, about how best to keep their businesses safe and seek guidance and support from the Police as needed.
- c) In irregular settlements, where a community needs assessment determines the need for basic infra-structure such as roads, water and lighting, the State should endeavour to provide these and move to regularize the land tenure of those illegally occupying lands.
- d) Going forward, a 'nip them in the bud' zero-tolerance policy to squatting must be vigorously enforced, with the State proactively providing service lots and other affordable housing solutions in areas where population pressures are emerging.
- e) Starting with very young children, provide the institutional support for those immediately at risk and wholesome alternative activities for those that might be tempted or threatened to become gang members.
- f) Revive activities like the Boys Scouts and Girls Guides, as many young children especially boys, now seek out peer group camaraderie, support and adventure from criminal gangs. More churches should also offer their assembly halls as after-school homework centers for community children.

### **5.8 Revive the spirit of voluntarism, nationally and at the community level.**

Without a committed and involved citizenry prepared to work together for the well-being of all, no effort at promoting community safety will succeed. One tremendous overlooked source of volunteers are the 66,000 students attending tertiary institutions in Jamaica. Every year the GOJ spends hundreds of millions subsidizing the education of some of Jamaica's best and brightest young people, though many pay part of their tuition out of their own pockets. Many of these young persons, possibly due to difficulty in finding employment locally, migrate soon after graduation and the country never quite recoups its investment in them notwithstanding the remittances they might send back to Jamaica later. It is time the country seeks to cash-in on its investment in these young people, even as

they are being trained, by requiring some form of part-time voluntary community service from them in exchange for taxpayers subsidizing of their education.

The Wolfe Report strongly recommends that the Jamaica National Reserve be resuscitated and speaks approvingly of the “positive influence on society” of having “skilled, young, disciplined men and women” serving in the military, but living in society. Volunteering in the JNR to help defend the nation’s security and to participate in the fight against crime is one of the most critical arenas in which tertiary students could serve. Other areas in which they could serve in exchange for the taxpayers’ subsidy are as scout masters and sports coaches and as after-school homework tutors and summer camp counselors. The impact of having progressive young persons in their late teens and early twenties so closely integrated with the generation coming up behind them cannot be overstated. There would be a minimal generation gap. The children could immediately see themselves in this young nurse, teacher, lawyer or doctor to be, and especially in the garrisons, the influence of the “Don” as an important, or sometimes sole role model in the lives of children would be greatly diminished.

## **Conclusion**

The problem of crime in Jamaica is pervasive and deep-rooted, and for many it has become a way of life and a way to earn a living for which they sit and plan like the average person pursuing a legitimate activity. The kind of crime that now besets Jamaica has been long in the making driven by poverty, unemployment, political manipulation, weakness by those sworn to uphold the law, and social indifference by moral leaders when moral outrage and staunch and vociferous opposition was required. Maybe the thought was that the crime would never reach them, which serves to affirm that injustice anywhere is a threat to justice everywhere. To reverse the hold of crime in Jamaica requires a total social commitment over the long-term to uphold and support law enforcement, to provide opportunity for the young and a resolve to never again give lawbreakers a toehold lest they institutionalize themselves.

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