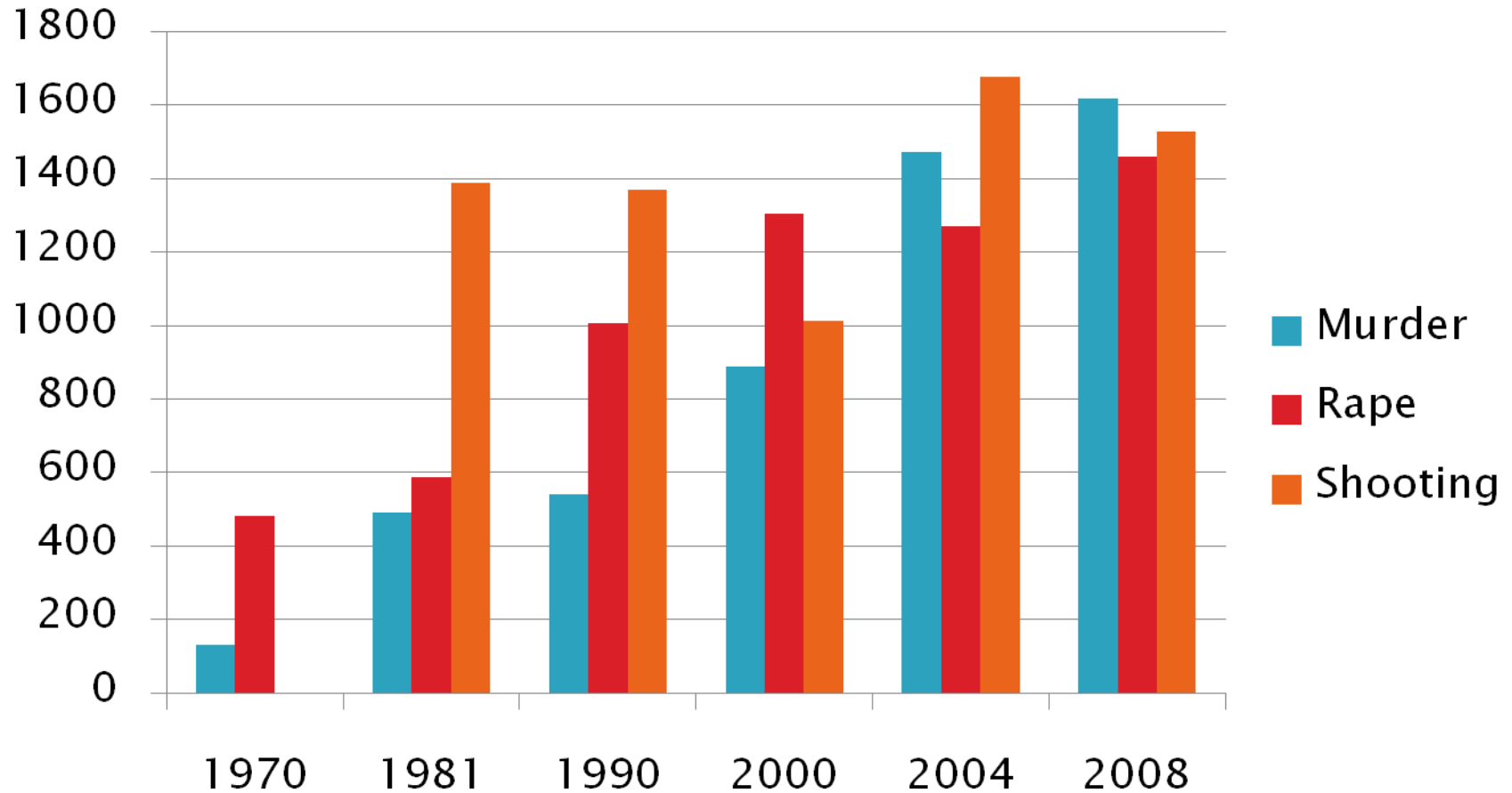


Improving National Security

Restoring Peace and Safety in Jamaica

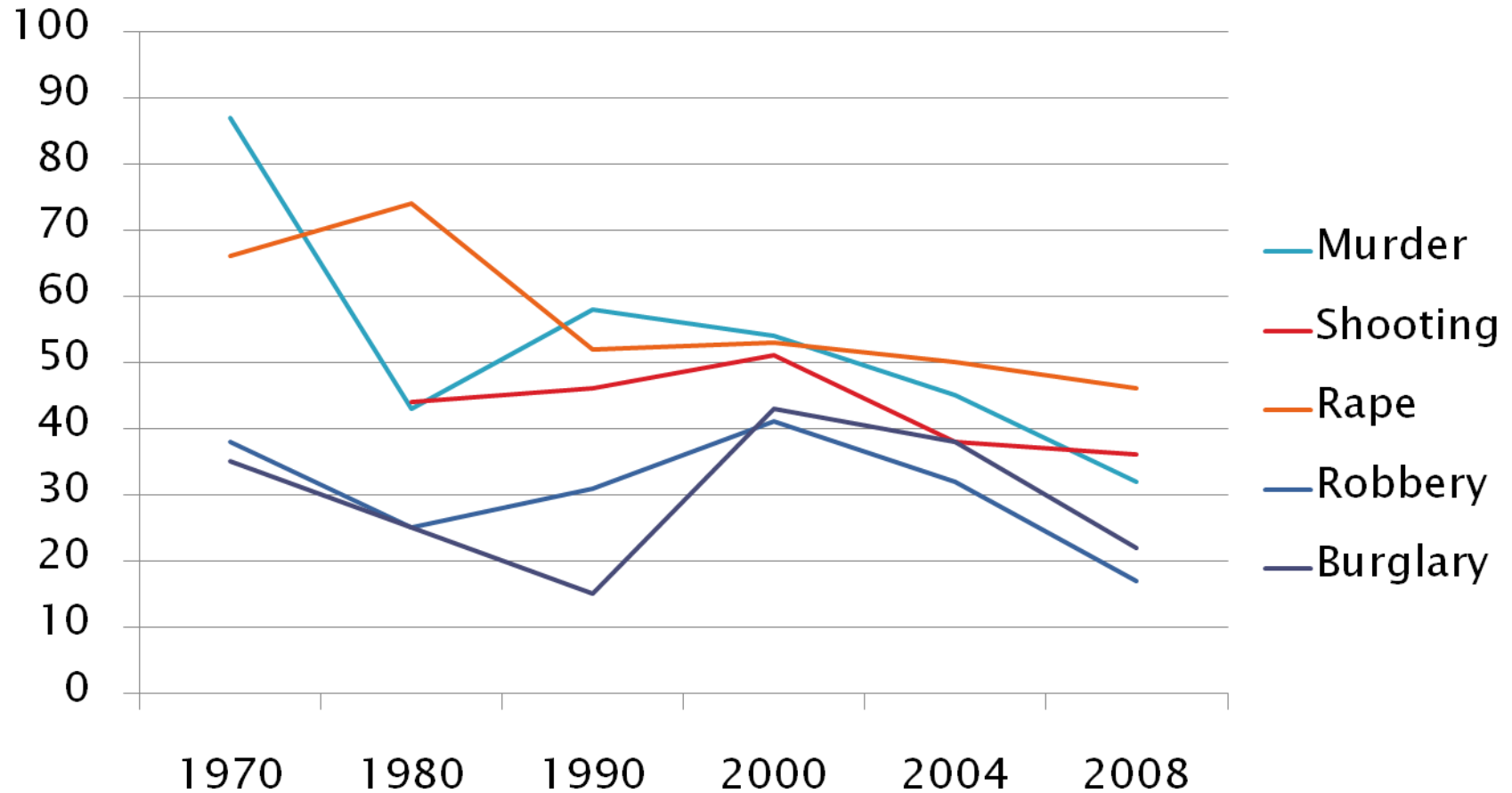
Final Draft Approved and Accepted by the Standing Committee on National Security
The Private Sector Organisation of Jamaica
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Crime and Violence is intolerably high and getting worse.



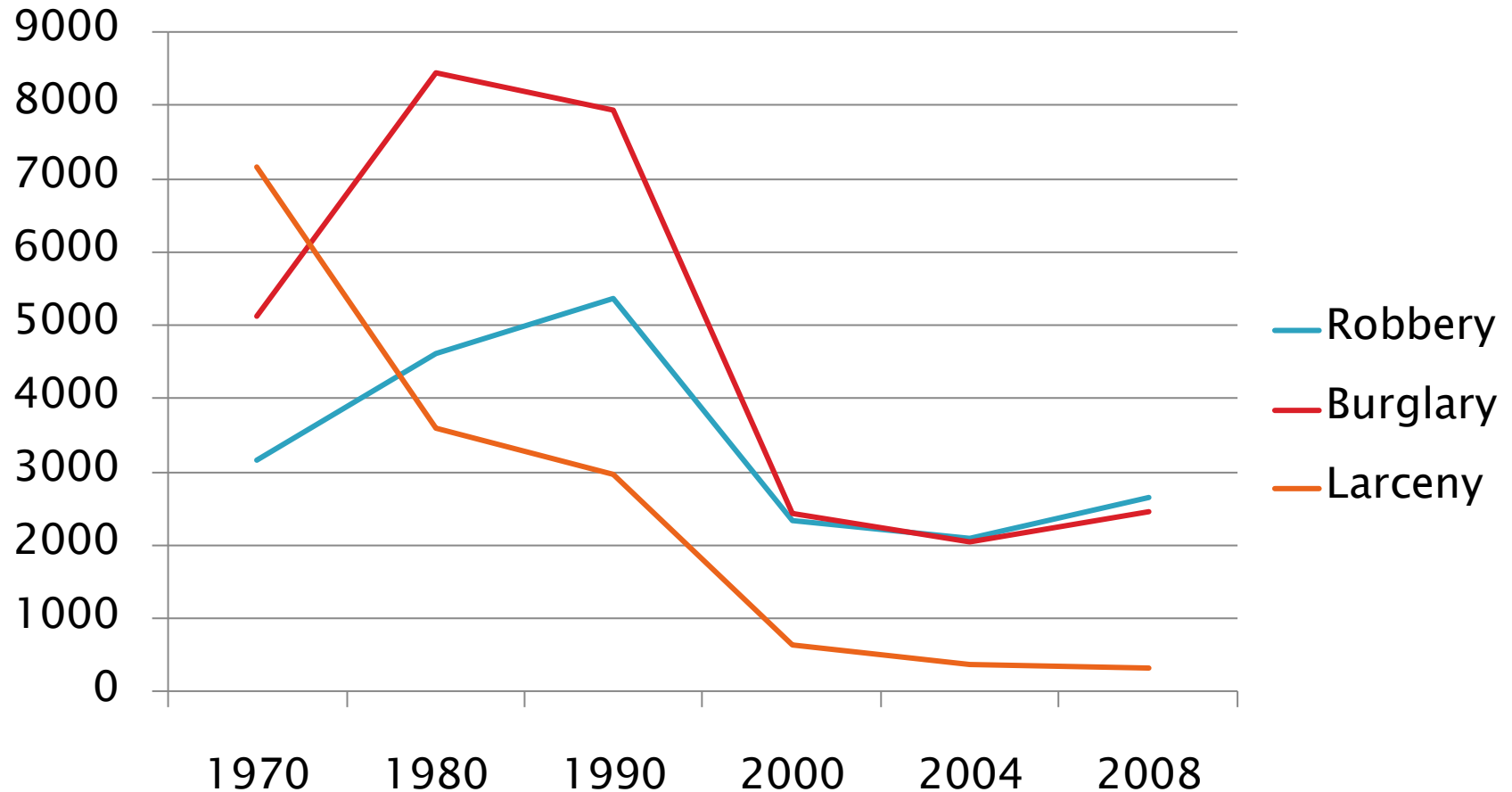
Source: Handbook of Jamaica & Econ. & Social Survey Jamaica

While crime is increasing, clear-up rates have fallen for most crimes



Source: Handbook of Jamaica & Econ. & Social Survey Jamaica

No wonder people don't report many crimes anymore



Since 1970, the number of reported cases of felonious wounding and assault have fallen by 58%, burglary is down by 52%, robbery down by 38% and reported cases of larceny have fallen from 7,158 in 1970 to a few hundred (325) in 2008. Either crime has fallen or people now believe that little is to be gained or resolved by reporting certain crimes to the Police, especially those not involving severe injury.

COSTS OF CRIME

Crime is Very Costly

- ▶ The worst effect of crime is certainly the loss of lives, but crime is also costing the country investment, jobs, economic growth and a better quality of life for all.
- ▶ The World Bank estimates, that if Jamaica could reduce its murder rate to 8/100,000 as in Costa Rica, instead of the 60/100,000 that we now lead the world with, Jamaica could gain 5.8% in annual GDP growth. At that rate, our per capita income would double in 12 years.
- ▶ On average it is costing Jamaica's businesses 2% of revenues to protect themselves against crime, but for medium-sized business that cost is 7.6% and for small business it is a huge 17.8% of revenues.
- ▶ In 2001, 37% of business persons interviewed said they had put-off investment because of concerns about crime. Many businesses that could run second and third shifts and employ more people and generate more output and revenues, are refraining from doing so because of the added security costs, possibly higher costs to transport the later shifts and concerns for their employees safety.

Crime is not only costing lives and money, it is eroding the quality of life of all Jamaicans.

- ▶ Most Jamaicans no longer feel safe to sit by the beach at nights.
- ▶ Or to go hiking along a quiet mountain trail.
- ▶ Driving out into the countryside, people have to pick and chose carefully, where they are going to stop to have a drink or a bite to eat.
- ▶ Vast areas of Kingston and other parts of our country are now 'no-go' zones, where many persons feel afraid to travel or pass through.
- ▶ And residents of the inner cities and other crime-affected communities have it worst of all. From one day to the next, they do not even know where to walk because of arbitrarily drawn 'borders' established by warring criminal gangs; and when they try to get a job outside their communities, they often experience "area stigma". Potential employers, because of fear of crime, feel afraid to take a chance on them. Truly, crime is eroding the country's social capital. Instead of reaching out and cooperating with each other, it is causing us to be fearful of one another, to build high walls around our businesses, our homes, our lives.
- ▶ Jamaicans cannot abide or afford the high cost of crime any longer!

CAUSES OF CRIME

Economic Causes

- ▶ The 35 official or published reports on crime that have been written since 1975 all cite remarkable similar economic, social and political causes for crime. Among them:
 1. **Intergenerational Poverty and Gross Inequality**
 - ▶ The *2006 Jamaica Survey of Living Conditions* reports that 50% of the population consume only 24% of the national pie, while the top 30% account for 57% of consumption expenditures.
- ▶ 37% or roughly 1 million of our people live in squatter settlements.
- ▶ 75% of farmers occupy less than 15% of farmlands, while less than 2.5% of all farms account for 75% of farmlands.
- ▶ High unemployment and under-employment of 25 to 30% among young people 18–34 years old.

Social Causes

2. Rural–urban drift due to lack of social and economic opportunities in rural areas.
3. Weak family structures with 55% of children living in single mother households.
4. A failing educational system which does not prepare its graduates for economic survival and from which 70% leave school without certifiable English, Math or vocational skills.

Institutional

- 5 The slow pace and failure of successive governments to modernize the police force.
- ▶ It took successive Governments almost eight years from the beginning of debate through legislative passage in 2005 to completing the regulations for full implementation of plea bargaining procedures. Where is the sense of urgency?
- ▶ Wire-tapping was introduced as a half measure which allows the police to collect 'intelligence' on criminal activity, but without the enabling regulations to meet judicial standards of evidential probity.
- ▶ Further, reinforcing their tentativeness and lack of surefootedness, Government efforts to amend the Fingerprint Act has resulted in the absurdity where a first-time arrestee, for even something as serious as murder, cannot be fingerprinted unless and only after he has been convicted.

Other Institutional & Political Causes

6 An under-resourced and ineffective Police Force widely perceived as corrupt.

- ▶ Jamaica spends on average only 8% of the national budget on national security (police, soldiers, courts and prisons), and in some years during the 1990's this fell as low as 5.4%. Our expenditure on national security compares to 9.5% in Trinidad and 12.8% in the Bahamas and as much as 24% for the City of Miami.
- ▶ But there is also evidence that the Police do not use their human and material resources optimally. Their management systems are poor and their performance standards are lax. And the Police were very slow in coming to grips during the 1970's, 80's and 1990's with rapidly mutating criminal organizations as they were entrenching themselves in communities, diversifying their activities and expanding internationally, not to mention – enhancing their weaponry and capacity to resist law enforcement.
- ▶ The Police really only began to modernize their training, methods and technologies after 1998 with the development and implementation of their *First Corporate Strategy*, followed by their *Second Corporate Strategy* in 2005. But in many ways the Police are still playing catch-up in terms of technology and methods, and despite their emphasis on community policing, they have still not won the trust of a majority of Jamaicans, 68% of whom regard them as corrupt.
- ▶ The JDF for its part has been given a basket to carry water. Because, while their responsibilities have become more wide-ranging and challenging (patrolling Jamaica's long coastlines with its numerous bays and islets to thwart well-resourced drug smugglers for instance) their share of the national security allocation has declined from 27% in the 1990's to 18% annually during the last decade. There are reports of JDF personnel lacking basics like bullet-proof vests and transportation lorries, which must diminish their capacity to respond in emergencies and carryout their other duties.

Political & Moral Decay

7. The proliferation of garrison communities which have become breeding grounds for crime and safe havens for criminals is another main cause of crime; and,
8. The general breakdown in moral values greatly contributed to by the steady diet of crime and violence in movies, video games and music.

REMEDIES

REMEDIES

- ▶ 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.

Legislative

- 1 First of all, we need leaders with the political will and integrity to stop cavorting with and funding criminal gangs and who will urgently enact the enabling legislation to empower the Police to go after and dismantle criminal organizations. Having finally passed plea bargaining, some of the additional steps that need to be taken are:
- 2 Enhance current wiretapping legislation so that intelligence collected on criminal activity can be readily entered as evidence in court.
- 3 Enact omnibus Arrest Processing Bill to permit fingerprinting and photographing of all persons charged with crimes, and for the collection and storage of DNA of persons charged with violent offences and repeat offenders.

Other Legislative Measures

4. **Amend the Bail Act** to broaden the considerations for denial of bail so that a Judge may:
- ▶ Deny bail to suspects arrested for specified violent crimes (such as murder, robbery, rape, kidnapping, shooting with intent and illegal possession of a firearm, extortion and arson) if they were convicted of a similar offence in the past; and to persons who appear to have acted in concert; and to gang members on credible evidence from the police that the suspect is a member of a gang, and is likely to persist in criminal activities while out on bail, or has the capacity for further violence.
 - ▶ Further, amend the Bail Act, so that a Judge may deny bail to any person 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.
 - ▶ 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 that might apply in a singular circumstance.
 - ▶ Amend the Bail act to deny bail to persons arrested more than two times for violent acts, whether or not they were convicted in any of the prior cases, except in cases of reasonable self-defense.
 - ▶ Amend the Bail Act to deny bail to persons charged with drug trafficking.

5. 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.

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”.

Among other countries that have adopted RICO type legislation are Australia, New Zealand and Canada – whose legal and constitutional systems, like ours, are heavily influenced by English jurisprudence.

6. 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,
- ▶ To 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 the computer was not working.

7. 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 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.

8. Support earlier involvement of DPP in case development

- ▶ 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 as recommended in the PERF Report.
- ▶ 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.

9. Provide more Resources for National Security but Introduce Tougher Performance Standards in the JCF

- ▶ Increase 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.
- ▶ Increase the weighting of performance on the job in promotions considerations in the JCF.
- ▶ **Aggressively and actively** weed out corrupt cops by targeting them with 'sting' operations and wiretapping instead of waiting for them to foul-up.
- ▶ Ensure that the essentials requirements of the JDF are provided, and press the United States for greater equipment and financial support for our joint effort to curtail the use of Jamaica as a trans-shipment port for drugs.

10. Provide economic opportunity.

- ▶ Government – Central and Local – the community organizations and Private sector in each community need to work together in identifying projects and possibly sharing in the funding of them that can create employment and improve community facilities. Ex. 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.
- ▶ Through the Development Bank of Jamaica and the Small Business Association of Jamaica provide more targeted financing for small business and agricultural development in low income rural and urban areas. Also provide stronger incentives for businesses investing in depressed urban communities; and provide greater skills training opportunities in or near these communities.
- ▶ Both the public and private media need to educate the people that they hold the most vital investment incentives for job creation in their hands through cooperating with the Police to create a safe and secure environment.

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.

11. Rationalize, expand and improve the custodial system.

- ▶ The PERF Report notes that Jamaica's Prison System comprised of 4,000 prisoners spread out in 11 facilities scattered all over the Island under the supervision of 3,500 guards is "highly inefficient".
- ▶ Other observers note that the prison system hasn't evolved commensurate with the level of crime in the country. Over the past 30 years the capacity of the system has increased by only 30%, while, if we had arrested and convicted even 60% of those committing the 44,000 murders, rapes, shootings and robberies over just the past 5 years, about 24,000 felons, and sentenced them according to law – about 7 years each – the prison system would be completely swamped.
- ▶ With our level of crime, a prison system to hold 10,000 criminals is not overdone. The Government and society should therefore commit to building one large prison (of about 1200 capacity) every 5 years for the next 20 years as the crime situation warrants, while phasing out the older and more dilapidated facilities.
- ▶ Also instead of the prisons being mostly hell-holes, 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. Others should have trade schools; and some could have factories producing goods and services for the public sector, where prisoners could earn and save some money so that they would not be completely penurious when they are released.

*Reinforcing the fact that more prison space is needed, the designed capacity of the present system is for 2,900 while it currently houses 3,685 prisoners. Tower Street is 98% over capacity holding 1683 prisoners in facilities that were intended to house 850 and St. Catherine was 48% above capacity holding 1238 prisoners in facilities designed to hold 850. Four of the smaller prisons were functioning under capacity with Richmond Farm holding 99 (capacity 300), Marind Farm 259 (capacity 350); and Fort Augusta 148 with capacity for 250.

12. Introduce a wider variety of Sentencing Options

- ▶ It is widely accepted that not every crime deserves imprisonment. That prison should be reserved for the most violent and repeat offenders.
- ▶ Modern penological ideas place a great deal of emphasis on “restorative justice”, whereby the victimizer repairs the harm done to the victim and society and in the process redeems himself.
- ▶ Jamaica definitely needs to utilize a wider range of sentencing options in the area of community service and direct restoration to the victims; as well as, more judicious use of suspended sentences and electronic monitoring for non-violent offenders.

13. Begin the Process of dismantling the Garrisons.

- ▶ **Democracy, peace and safety in Jamaica cannot co-exist with the garrisons.** They are symbols of political tribalism and intolerance, and many of them have become breeding grounds for crime and safe havens for criminals. The *MacMillan Report* outlines a number of sound approaches for removing the gang-leaders and reintegrating these communities back into the mainstream of Jamaican life. Among them:
 - 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, or risk being targeted with wiretaps and 'sting' operations and being prosecuted for racketeering as 'Kinpins'.
 - 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 the gangsters any State contracts, and deny them the use of community facilities for promotion of their events. All community facilities in the interim would be put 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.

13. Dismantling the Garrisons (contd).

- a) 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. Young adults interested in learning skills 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.

14. 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”.
- ▶ At its highest levels, community policing seeks to heighten personal and community safety consciousness, so that residents move proactively to prevent the forces of disorder from taking root and to intuitively ‘mainstream’ safety considerations in their daily lives and activities.
- ▶ The Ministry of National Security ‘Crime Prevention and Community Safety Branch’ is coordinating interdepartmental efforts to develop and implement a “National Crime Prevention and Community Safety Strategy”. This Strategy includes a number of sophisticated outreach, organizational and intervention approaches that we strongly support.
Among them:

14. Community Policing (contd)

- a) Re-establish and strengthen community councils 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. Very prominent roles should be assigned to youths, young professionals and workers in these community 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.
- 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.

14. Community Policing (contd)

- 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 and more churches should offer their assembly halls as after-school homework centers for community children.
- g) 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.

Conclusion

Crime has become too easy and too profitable for the perpetrators and too painful and costly for the rest of us. It is time for the State and citizens to shift the pain and dissuasion to those engaged in crime, and seize the peace and safety that is the birthright of all law-abiding citizens.