

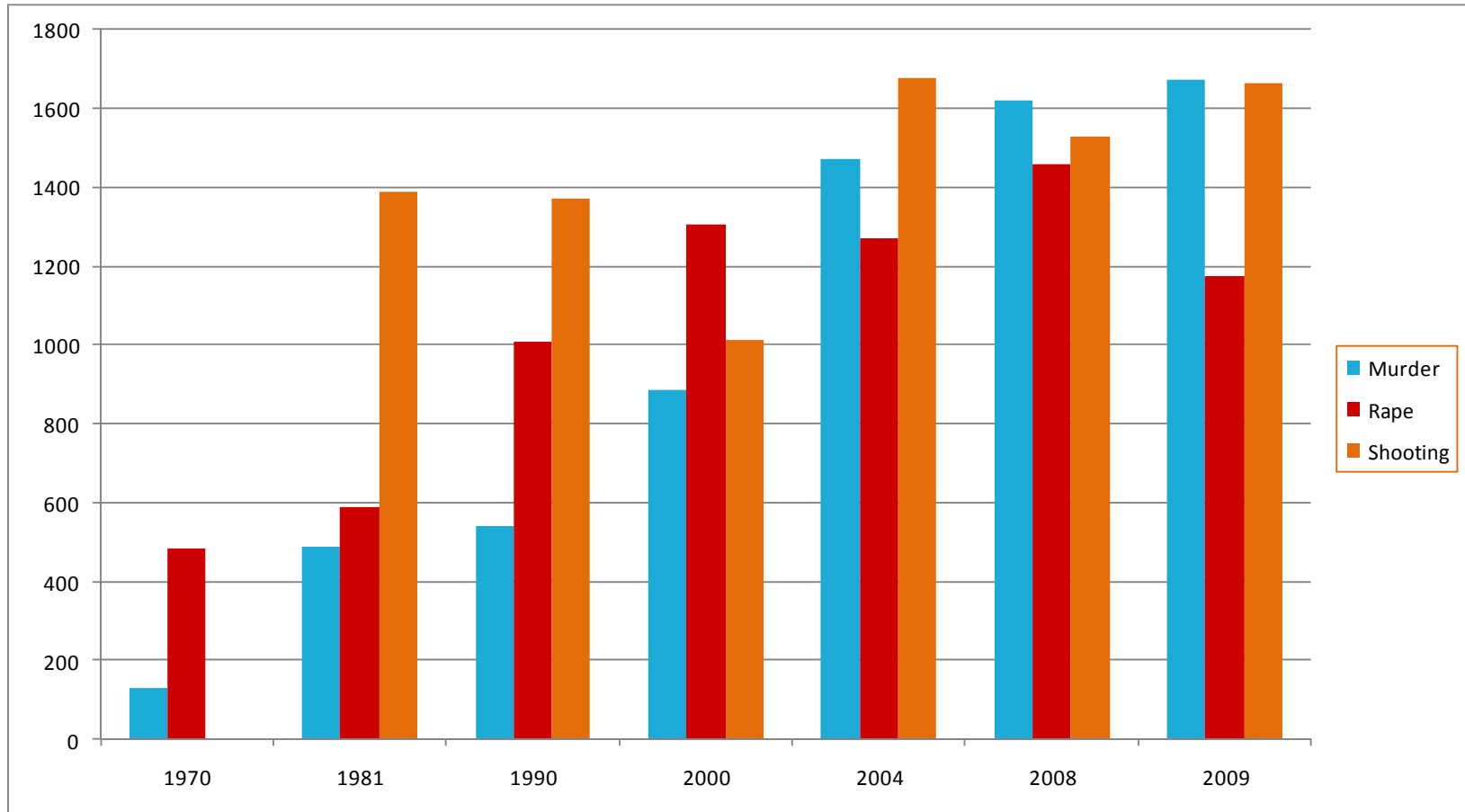


# Position Paper on National Security

Final Draft Approved and Accepted by the Standing Committee on National Security  
The Private Sector Organisation of Jamaica  
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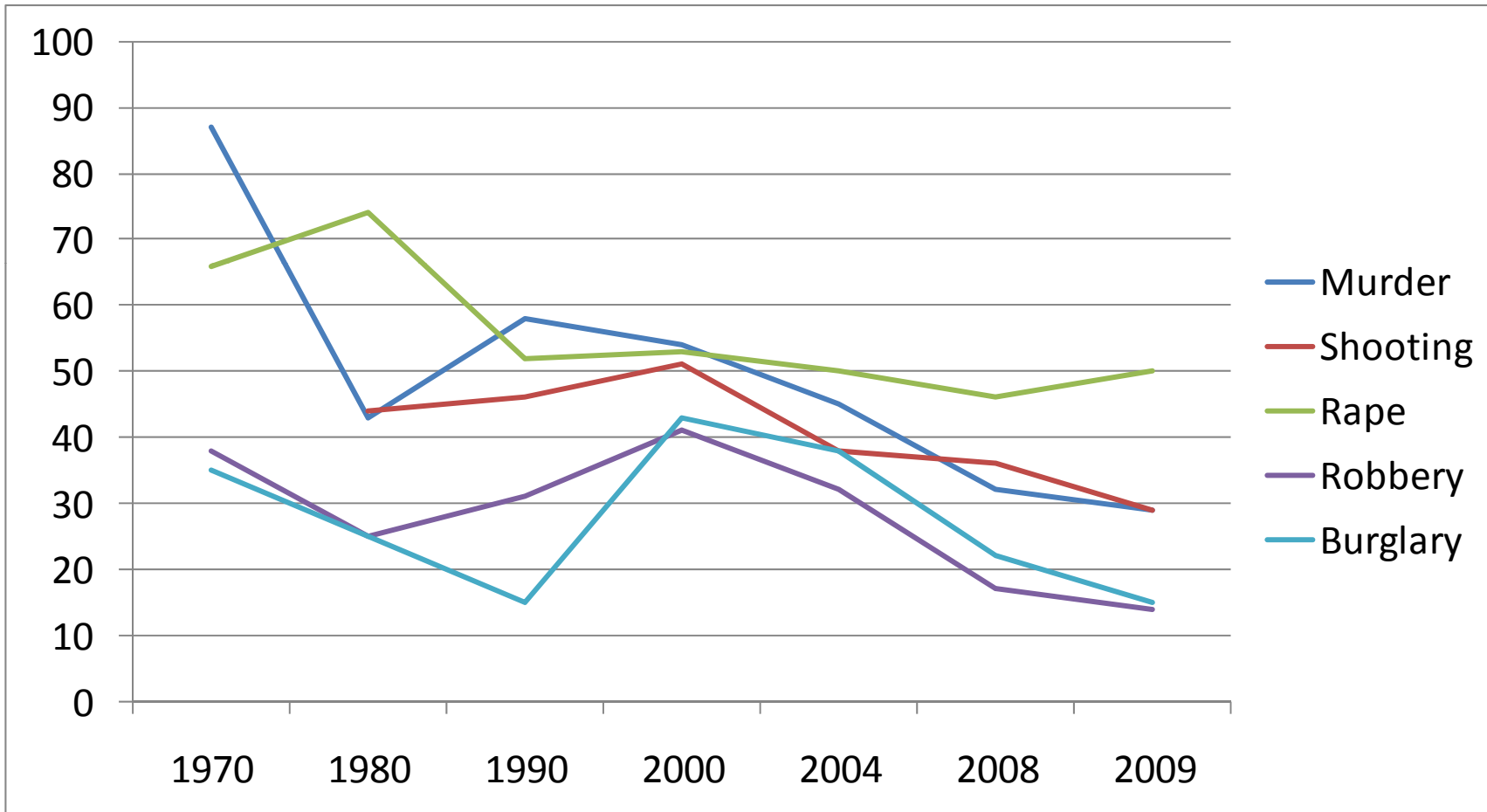
# BACKGROUND

For the past 4 decades, crime and violence in Jamaica has been intolerably high.



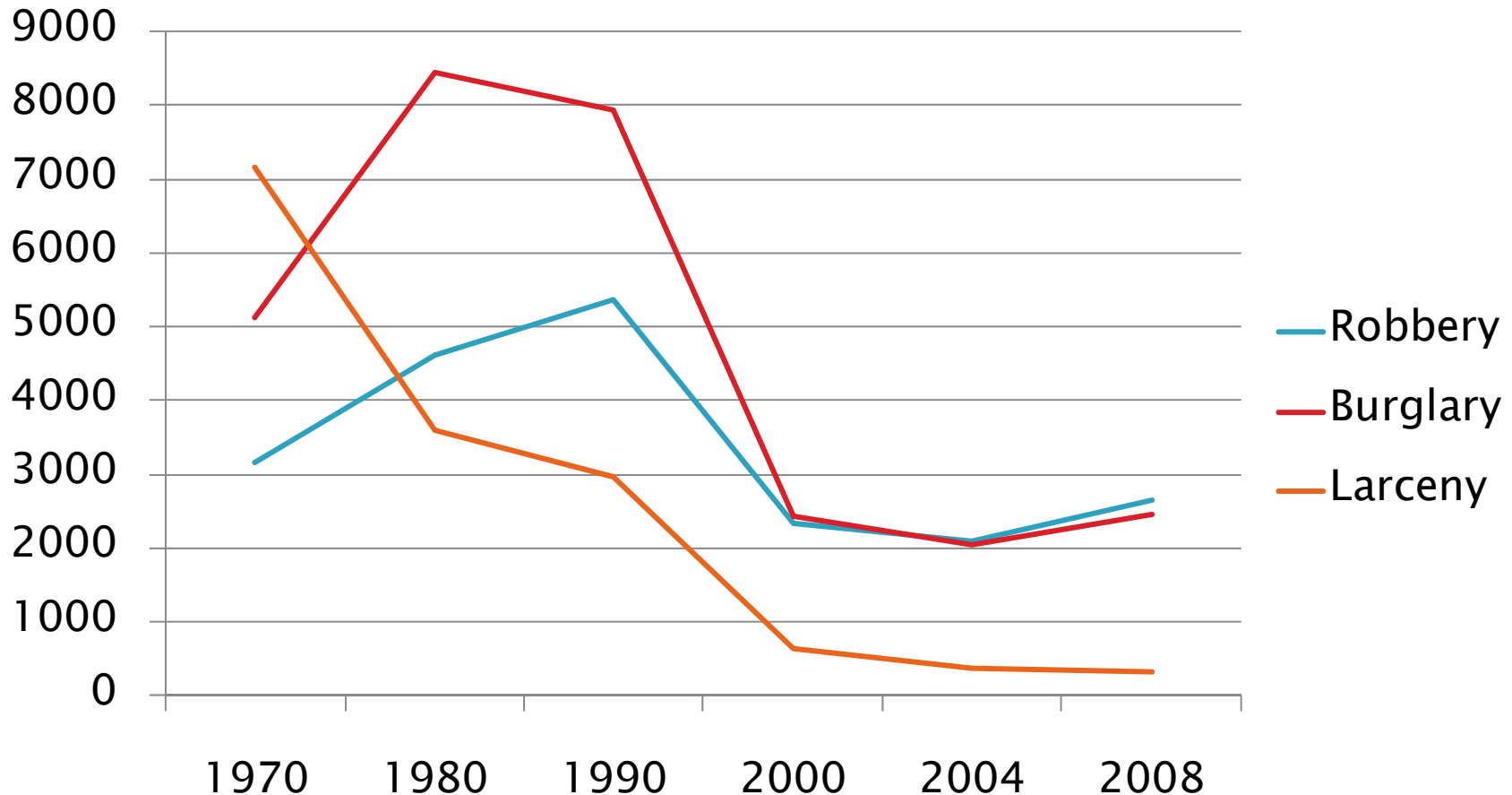
Source: Handbook of Jamaica & Econ. & Social Survey Jamaica

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



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

# Probably despairing that anything would be done or achieved, people have stopped reporting many crimes, if it did not endanger life



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. 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.

# Is this the Game-changer?

May 23<sup>rd</sup>, 2010, hopefully, marks a turning point.

- ▶ Because of Governmental and societal failure to effectively deal with crime and violence over the previous three decades, criminals had become so emboldened, they felt they could 'take it to the police.'
- ▶ To prevent the police from serving an extradition warrant on an alleged gang leader indicted in the United States on drug and weapons charges, during April and May 2010, criminals barricaded and booby-trapped the West Kingston community of Tivoli Gardens.
- ▶ On Sunday May 23<sup>rd</sup>, 2010, they (criminals) launched an attack on the police, killing two policemen and setting alight three police stations, including the historic Central Police Station, regarded as the citadel of police facilities in Jamaica.
- ▶ The security forces counter-attacked the next day, breaking through the barricades in Tivoli Gardens and routing the criminals. This demonstrated convincingly that rag-tag criminal elements were no match for the superior organization, training, or weaponry of the security forces of the Jamaican State in a frontal battle.

## Since May 23<sup>rd</sup>, 2010 major crimes have fallen dramatically

The Police have been pursuing a strategy of aggressively targeting gang leaders for questioning and arrest and it appears to be working.

### YOY Change in Major Crimes in Jamaica

▸ Jan 1<sup>st</sup>, 2011- Mar 27<sup>th</sup>, 2011/Jan 1<sup>st</sup>, 2010- Mar 27<sup>th</sup>, 2010

Major Crimes				2011 vs. 2010	
Categories	2011	2010	2009	+ / -	%(+ / -)
<b>Murder</b>	222	402	346	-180	-45%
<b>Shooting</b>	261	423	339	-162	-38%
<b>Rape</b>	163	171	168	-8	-5%
<b>Carnal Abuse</b>	112	168	144	-56	-33%
<b>Robbery</b>	717	713	709	4	1.0%
<b>Break-Ins</b>	786	924	886	-138	-15%
<b>Larceny</b>	157	78	117	79	101%
<b>Total</b>	<b>2418</b>	<b>2879</b>	<b>2709</b>	<b>-461</b>	<b>-16.0%</b>

The public's favourability rating of the police has also increased from 30% before May 2010 to 80% since, according to an unpublished study by UWI academics.

# Where are we now?

- ▶ Though Jamaica's homicide rate has fallen from 60/100,000 to 37/100,000, that is from being among the top three in the world to position 6<sup>th</sup> or 7<sup>th</sup> in the top 10, it is clearly still too high and is comparable to the 2010 homicide rate in Trinidad and Colombia, and remains well ahead of Brazil and Mexico with homicide rates of 22 and 15/100,000 respectively.
- ▶ The challenge now is to build on recent gains, prevent retrogression, and further reduce the levels of serious 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's, *World Development Report 2011* estimates that the direct and indirect medical costs of violence in Jamaica is more than US\$400 million (J\$34 billion) annually;
- ▶ An earlier 2001 World Bank sponsored study – *Crime and its Impact on Business in Jamaica* – estimated that if Jamaica could reduce its murder rate to 8/100,000 as in Costa Rica, Jamaica could achieve 5.8% more 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. (Ibid)
- ▶ 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 '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!

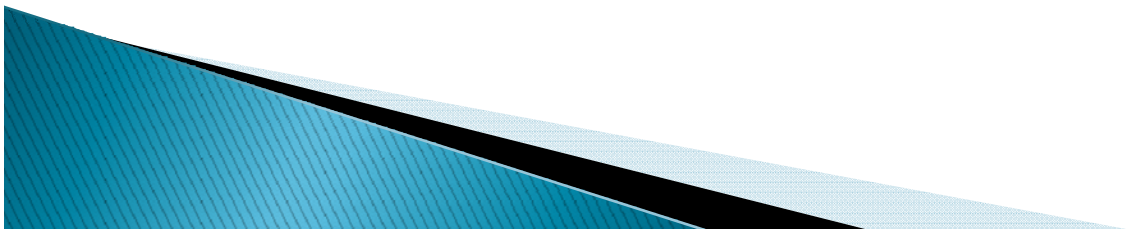
# Causes of Crime

Several well-known factors— social, economic political and psychological have being adduced for the high crime rate in Jamaica. They include:

1. Family instability and the preponderance of single-family households in Jamaica. (55% of Jamaican children live in single-family homes).
2. Intergenerational poverty and inequality. Generations have come to maturity seeing their parents and grandparents living from hand-to-mouth in grinding poverty.
  - 37% or roughly 1 million Jamaicans 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. (2007 Agric. Census)
  - 25 to 30% of young Jamaicans – 18–34 years old – are unemployed or under-employed. (PIOJ: ESSJ 2009)

# Other Causes

3. Political acquiescence and support of criminal activity as an organizing tool for obtaining and maintaining political power. Many of the alleged incidents of human exploitation and abuse that have been associated with politics in Jamaica are tantamount to war crimes and crimes against humanity.
4. Rise of feelings of impunity among criminal elements. Crime has become so deep-rooted in Jamaica over the past four (4) decades and the prosecution of crime has been so ineffective, that a parallel culture of crime has developed alongside legitimate society with its own values, norms and mores rationalized by theories of necessity and survival.



# 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 to dissociate themselves from criminal gangs and who will urgently enact the full complement of modern crime-fighting legislation to empower the Police to go after and dismantle criminal organizations. Having finally passed plea bargaining and needed amendments to the Bail Act which places greater onus on defendants charged with violent and other serious crimes to “satisfy the courts, that bail should be granted”, the GOJ needs to complete the regulations so that these laws can be made fully operational. Other steps that need to be taken:
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.

## 4. Implement RICO Type Legislation

The current proposal put forward by the Minister of National Security purportedly to “dismantle and penalize” membership in criminal gangs could be made more effective if lower level gang member(s) were made liable not simply for illegal acts that the member knew about or participated in, but for those illegal acts he should have “reasonably foreseen”. This is one of the more strongly deterrent aspect of the United States Racketeering Influenced and Corrupt Organization Act (RICO) that has been incorporated in similar anti-gang legislation in other jurisdictions such as Australia, New Zealand, and Canada.

5. To remove the profit from crime, fast track cases under the Proceeds of Crime Act (POCA), to reinforce the message to criminals, that upon conviction they will speedily lose all ill-gotten wealth.

## 6. Amend the Evidence Act

- a) To allow a wider variety of electronic and video recordings and materials to be entered as evidence in court instead of mainly written statements.
- b) To permit the use of video links for witnesses and suspects to offer testimony in preliminary hearings.
- c) 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

- a) 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.
- b) Further, require defense attorneys to provide alibi notice within a specified period.



## 8. Support earlier involvement of DPP in case development

- a) 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.
- b) 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 to the Resident Magistrate. This would ensure appropriate management and prosecution of criminal cases independent of the judiciary.

# 9. Widen the practice of Community Policing

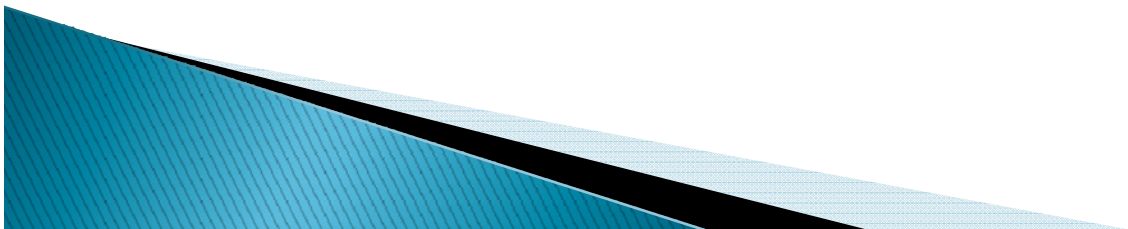
- ▶ “Community policing” in the words of the JCF *Manual for Community Policing Services Delivery* “is a philosophy and organizational strategy that promotes a new partnership between the community and the police to identify, prioritize, and solve contemporary problems such as crime, drugs, fear of crime, 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:

# 9. 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.

# 9. 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) Considering that younger persons, under 35 years account for close to 80% of persons arrested for major crimes, the Community Safety Branch working in conjunction with other GOJ agencies needs to put in place a multi-faceted preventative program starting with very young children, to 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. These include:
  - f) Reviving activities like the Boys Scouts and Girls Guides; expanding the police youth clubs offering a wider range of indoor and outdoor activities; and encouraging more churches to 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.



# 10. Continue 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 'Kingpins'.
  - 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.

# 11. Dismantling the Garrisons (contd).

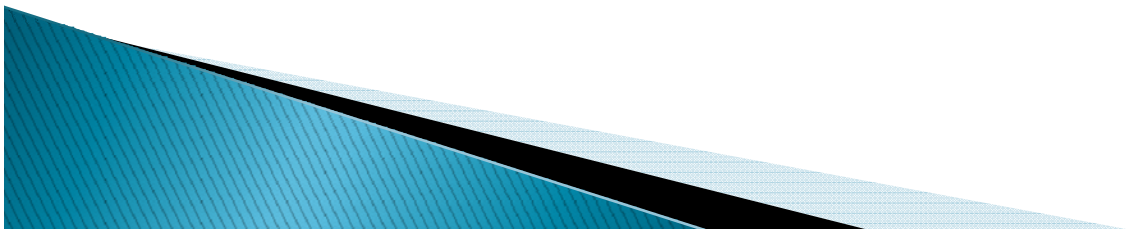
- e) Even if soldiers and police have to accompany Jamaica Public Service smart meter installers and other utility workers, require all garrison residents to pay their utility bills or face disconnection like other Jamaican citizens. Thereafter, punish with substantial fines or imprisonment any person 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.

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

- a) Increase resources in real terms for national security and justice by 0.5% to 1% annually for the next five years with the goal of increasing allocations from about 8% in 2010/11 to 12.5% of the national budget. (Jamaica's current budgetary allocations for security compares to 9.5% for Trinidad, 13% in the Bahamas and 34% for the City of Miami, Florida).
- b) Increase the weighting of 'performance on the job' in promotions considerations in the JCF.
- c) **Aggressively and actively** weed out corrupt cops by targeting them with 'sting' operations and wiretapping instead of waiting for them to foul-up.
- d) 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.

# 13. Provide economic opportunity.

- a) 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.
- b) 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.
- c) 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.





# 14. 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.

# 14. 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 to promote rehabilitation, 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.

# Conclusion

Over the past four decades crime has become deeply-rooted in Jamaican culture in a parasitic relationship that often threatens to overwhelm legitimate society. For most of those years the general weakness of law enforcement in prosecuting crimes, especially those associated with the political system, has contributed to the spread and penetration of crime, and the growth in feelings of impunity by criminals at all levels. Though it remains a tough uphill battle, hopefully, the events of May 23<sup>rd</sup>, 2010, will lead to a decisive break with the past and law enforcement personnel will develop the élan and confidence to go after criminals where ever they are to be found, and not just on the streets, where the victims of cynical and self-serving political manipulations have themselves become victimizers.

Reducing crime however, will require more than effective policing. It will also require wider societal support and increased resources for the law enforcement effort; greater transparency and accountability within the country's political institutions; greater cooperation among citizens within communities in looking out for each other and for potential and existing threats to their safety; and greater responsibility and commitment by individuals to fundamental principles of honesty, hard work and the rule of law. Crime has been 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.

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