

8. THE CONTRIBUTIONS OF CRIMINAL JUSTICE SYSTEMS TO THE CONTROL OF CRIME AND VIOLENCE: A CASE STUDY OF JAMAICA AND THE DOMINICAN REPUBLIC ¹

Criminal justice reform is a key component of broader multi-sector approaches to reducing crime and violence in the Caribbean. In recent years, traditionally organized, criminal justice institutions have been faced with demands that they respond more effectively to increasing levels and new forms of crime and violence. Ongoing debates over the ability of criminal justice organizations to reduce crime levels make it clear that their impact can be overstated and that improving sector performance at best affects the proximate—and not the fundamental—causes of crime. Nonetheless, in response to citizen demands many nations in the Caribbean region are attempting to reform and modernize sector institutions, combining higher budgets (to allow increased staffing and the creation of more service units) with improved management, upgrading of personnel and personnel administration, new technologies, and the introduction of new operating procedures. Most of this work has been done with police, courts, prosecutors, and public defenders; very little has been attempted with prisons despite their potential role in deterring crime and rehabilitating offenders. There is also an increasing focus on developing management information systems and performance indicators for better problem diagnosis, tracking of system outputs, monitoring reform programs, and increased accountability to citizens. This chapter reviews these developments in the context of two of the largest countries in the region: Jamaica and the Dominican Republic. It also reviews some of the statistics generated as a means of tracking recent trends and gaps in reform strategies. Although most reform efforts have focused on individual institutions, two important lessons emerge: (i) the need to pursue better coordination among institutions, including the introduction of information systems capable of tracking systemic performance, and (ii) the desirability of linking criminal justice reforms to a broader, multi-sector strategy of crime and violence prevention.

INTRODUCTION: CRIMINAL JUSTICE REFORM IN CIVIL AND COMMON LAW SYSTEM

8.1 Although there has been a tendency in the Caribbean to over-rely on law-and-order responses to crime and violence (as opposed to other, more prevention-oriented approaches—see Chapter 9), the criminal justice system remains an essential tool in crime and violence control and, to some extent, in their prevention. Academics and researchers specializing in the topic remain divided as to the real impact of the criminal justice system on reducing crime. As James Q. Wilson—an early proponent of the strict responses to crime and the author of the original “broken windows” thesis—has written,

¹³¹This chapter is based on a background paper by Todd Foglesong (Senior Program Associate at the Vera Institute of Justice in New York and Senior Research Fellow at the Kennedy School of Government) and Christopher Stone (Daniel and Florence Guggenheim Professor of the Practice of Criminal Justice, Kennedy School of Government, Harvard University). The authors are grateful to Andres Rengifo and Glendene Lemard for research assistance and reviews of drafts of the background paper. Additional material on Jamaica was provided by Florence Darby (independent consultant), and on the Dominican Republic by Linn Hambergren (World Bank). Linn Hambergren and Stephanie Anne Kuttner drafted this chapter.

“There is no silver bullet that will reduce crime, much less eliminate it...[N]o one can satisfactorily explain changes in crime rates “(Wilson, 2004).

8.2 This uncertainty, however, cannot be an excuse for inaction, especially for governments facing increasing levels of crime and violence and citizen demands that they do something about them. This is still more critical in countries whose criminal justice systems have languished unattended for decades, lack the technical and human resources to respond to less traditional types of crime, have not adopted new standards of transparency and accountability, or have themselves been penetrated by political and occasionally, criminal elements.

8.3 Criminal justice reform is part of a broader law and justice reform movement that began twenty years ago in the Latin American region, and somewhat more recently, in Eastern Europe (Hammergren, 2002). Lessons can be drawn from this broad international experience, as well as from experiences in the Caribbean (IADB and Caribbean Group for Cooperation in Economic Development, 2000).

8.4 One frequent observation is that criminal justice reform can be very difficult, if not impossible, absent sufficient political will. Stakeholder support that reinforces the political will to reform is equally indispensable and thus a good understanding of reform supporters and potential detractors, both within the criminal justice system and society more broadly, is key to designing the appropriate reform strategy. A second important lesson is that success of these efforts depends on aligning the work of the different institutions within the system, and of the system as a whole with a larger, multi-sector crime and violence prevention strategy. Until recently, these two elements tended to be overlooked, occasionally with very unfortunate results.²

8.5 In the Caribbean region, the two major legal traditions or families, common and civil law, have taken somewhat different approaches to criminal justice reform. In the civil law systems (and especially those of Spanish and French origin), the initial emphasis was on modernizing criminal procedural codes to effect a shift from inquisitorial to more accusatory systems and incorporate more rights for the defendant. The due process emphasis was a logical reaction to the abuses of prior authoritarian regimes and also

² A donor-sponsored effort to recreate a Haitian police force in the 1990s, for example, floundered in part because of inadequate attention to other elements of the criminal justice chain. Courts and prosecution continued to operate much as before in processing cases – slowly, inefficiently, and impaired by politicization and corruption – and moreover provided no more check than they ever had on police abuses. Prisons, which received still less attention, were quickly overcrowded by those arrested by the police, meaning that inmates suffered from inhumane conditions, went long periods without being seen by a judge, and occasionally protested by staging riots and further damaging already inadequate facilities. This truncated reform has been reviewed critically by many experts, including some who were involved in its implementation. For a summary of the initial process, see Rachel Neild, “La Reforma Policial en Haiti: Un Triunfo sobre la Historia,” in Lilian Bobea, *Soldados y Ciudadanos en el Caribe*, Santo Domingo: Flacso, 2002, pp. 285-308. Although, as the title suggests, Neild does not discount the successes of the effort, she is quite clear that failures to attack related problems like political intervention and an unreformed judiciary were already (in 1998, when the article was written) threatening to undercut the accomplishments.

followed trends already underway in continental Europe.³ The incorporation of crime control objectives came slightly later, so that some of the initial legal changes occasionally appear to conflict with the pursuit of crime control. While there is no inherent contradiction between due-process and crime-control in procedural codes, codes written to advance only one of these objectives can undermine progress in the other.⁴ More importantly, it is increasingly recognized that law reform does not automatically advance either end, and thus that more attention must be paid to rationalizing organizational structures, improving internal management and oversight, human resource development, and the introduction of new technologies and technical skills. Progress here has been spotty, partly because of the financial investments required, and partly because of the resistance of interests vested in the inefficiencies of the traditional systems.

8.6 In the common law countries, legal change has been less emphasized and more importance has been given to upgrading and strengthening institutional capacities. As in the civil law countries, there is an emerging consensus on the importance of integrated reform programs that simultaneously improve and coordinate the functioning of different actors and institutions within the criminal justice system—that is, to ensure linkages between police reform, reorganization of prosecution agencies, strengthening of the judiciary’s capacity and independence, and modernizing correctional systems. However, as in the civil law nations, effecting coordination in fact is far more difficult than espousing it in principle.

8.7 Traditional criminal justice systems from both legal families react to crime by incapacitating offenders through incarceration, sending a deterrent message to potential offenders, and providing the society with a sense of justice. The approach is usually popular with the public, but as even sympathetic experts like Wilson note, its efficacy is subject to dispute; it still requires sophisticated strategies, inter-institutional coordination, and strict oversight; and absent these conditions, it can lend itself to corrupt and abusive application.

8.8 More modern systems stress additional elements: (i) preventive policing; (ii) more strategic approaches to prioritizing crimes for investigation and prosecution; (iii) rehabilitation of prison inmates and re-entry programs to reduce recidivism; and (iv) use of alternative sentencing, fast track procedures, and conciliation with the victim for minor offenses. All of these additions are intended to make more efficient use of resources and

³ Throughout Latin American and the Caribbean, entrenched authoritarian regimes often used the police and other criminal justice agencies as a means of repressive control. Even after a democratic transition, the structures and practices introduced for this purpose may be hard to eradicate, but unless they are reversed, other reform activities are unlikely to work and may even have perverse consequences. Community policing and other preventive tactics in the hands of a corrupt, irresponsible police force may be an invitation to harassment of citizens. More independent judges insufficiently monitored by their own institutions may remain susceptible to bribes and favoritism.

⁴ As just one example, many of the early reformed codes stipulated that within ten days of the initiation of an investigation, the person(s) targeted had to be informed so that they could prepare their defense. While for simple crimes this may pose little problem, for those of a more complex nature (e.g. drug trafficking, money laundering, and grand corruption), the provision could stop the investigation in its tracks. Poorly drafted provisions about police-prosecutorial coordination also commonly aggravated conflicts between the two institutions. Hammergren, *op cit*.

to maximize the impact on discouraging crime before it happens or on limiting its further effects.

8.9 The following sections first describe the criminal justice reforms currently under way in the Dominican Republic and Jamaica. This brief overview provides the context for a subsequent comparative performance analysis based on statistics recorded by the two countries. A final section discusses governance structures that are conducive to successful reform.

COUNTRY CASES: TWO APPROACHES TO CRIMINAL JUSTICE REFORM

The Dominican Republic

8.10 The Dominican Republic, while one of the few civil law countries in the Caribbean, is a quintessential example of the broader Latin American justice reforms. Trujillo's thirty-one year dictatorship (1930-1961) was accompanied by a centralized, ad hoc domination of all governance institutions, including those in the justice sector. With the advent of democracy, this system was quickly replaced by party-based, patronage politics in which governmental elites used public employment as a means of consolidating coalitions and rewarding followers.⁵ Low official salaries and massive turnovers at the end of every administration increased the incentives to seek irregular supplements and to dedicate little effort or time to one's official job.

8.11 In the justice sector, the results were predictable—inefficiency, high levels of corruption and abusive practices, poor service delivery, and low public confidence (Hasbun et al., 1999). In the 1990s, public discontent with the situation, spearheaded by a local NGO, FINJUS, provoked a series of reform measures (Salcedo, 2003).⁶ The first set involved: the introduction of a new system for appointing Supreme Court justices,⁷ the Court-supervised renewal of a good part (70 percent) of the rest of the bench via transparent, merit-based examinations of seated members and aspirants; the creation of a judicial career path; and, increased funding to improve judicial salaries and finance equipment, infrastructure, and training programs.

8.12 A second, more far-reaching reform was the adoption of a new criminal procedure code in 2002. In line with regional trends, the code featured more accusatorial

⁵ Low-level police officers were one exception. Since their jobs are dangerous and poorly paid, there is not an abundance of would-be recruits. Higher-level officials, however, were frequently chosen for their political connections, not their probity or inclination to encourage better police work. For a discussion of the general problem, with some reference to the police and judiciary, see World Bank, Dominican Republic Public Expenditure Review: Reforming Institutions for a More Efficient Public Expenditure Management. Washington, D.C.: the World Bank, Report No. 23852-DO, March 15, 2004.

⁶ For a discussion of the reforms and of the complaints leading up to them.

⁷ Justices had formerly been appointed by the legislature. The change was introduced by constitutional amendment in 1994 but not put into effect until 1997. It established a judicial council, headed by the national president and with members from other branches of government and the private bar, which met solely for the purpose of filling vacancies in the court. The council's deliberations and the list of candidates were made more transparent, thereby, at least in the first round, discouraging appointments based solely on political allegiance.

elements and a greater role for public prosecutors and defense. With donor assistance, the old public defense system, based on court-appointed lawyers, was converted to a formal career with measures to supervise public defenders' performance. This eliminated a major source of corruption; many former defenders were known for taking and offering bribes and charging for theoretically "free" representation of indigent clients. Donors have also been active in supporting programs to improve and professionalize public prosecution, but here progress has been far slower. A career system has only been partially implemented for ordinary prosecutors, with the Attorney General and the district prosecutors (who oversee other members of the institution in their respective geographic jurisdictions) still appointed and removed by the Executive.

8.13 With strong support from local NGOs, a new police law was enacted in 2004. Its aim was to demilitarize the national force, promote professional development, improve internal oversight, and increase accountability to civil society (Bobeá, 2003; Grullon, 2003). Unfortunately, the law's implementation has faced resistance from those within and outside the police force interested in retaining the traditional practices. While there have been some interesting experiments with new policing techniques (see Box 8.1), the institution's public image remains poor, and there are strong indications of continuing police involvement in criminal activities and in shaping investigations to favor the politically and economically powerful.⁸

8.14 The Dominican criminal (and wider) justice reform thus remains half-completed. There are progressive elements in all the basic institutions who are interested in promoting further change, but more efforts are needed to finish the job of rooting out the corrupt and inefficient (Participación Ciudadanía, 2004).⁹ With the exception of the largely untouched prison area and public defense, budgets are arguably high enough and the sheer quantity of employees sufficient to do better, but there are problems related to how resources are used, the quality of professional and support staff, and the incentives shaping their behavior.

⁸ For a discussion of police corruption, see DR1, January 20, 2005 citing comments by a delegation of experts from the John Jay College of Criminal Justice, New York and from FLACSO, <http://www.dr1.com/news/dnews012005.shtm>. The former notes that the "difficulties include the low wages paid to police officers, the bad reputation the force has for rampant corruption in the ranks, and lack of facilities to do the job." FLACSO's accompanying comment is that "crime in the DR is closely linked to the corruption levels within the police and the unskilled police officers" See also the U.S. State Department country report on human rights for 2005 (<http://222.state.gov/g/drl/rls>) which notes problems originating in a failure to vet police recruits and World Bank Country Memorandum on the Dominican Republic which notes (p, 156) that 48 percent of firms surveyed reported paying bribes to police. http://www-wds.worldbank.org/external/default/main?menuPK=64187510&pagePK=64193027&piPK=64187937&theSitePK=523679&menuPK=64154159&searchMenuPK=64258544&theSitePK=523679&entityID=000090341_20061122101801&searchMenuPK=64258544&theSitePK=523679

⁹ On court and prosecutorial inefficiency in handling corruption cases, FINJUS has been particularly outspoken, noting that as of early 2005, and despite numerous high level scandals (most notably Baninter and PEME, the job-creation program), there had yet to be a single conviction. See www.redinter.org/Democracia-al-dia/41135.

8.15 Both the criminal procedures and police reforms arguably placed too much faith in the ability of law to alter behaviors and to overcome traditional practices. Slowness in reforming the public prosecution and the police force has so far impeded more radical change. There are also unfortunate signs of some backsliding in the judiciary, especially in the handling of corruption cases involving political and economic elites (Participación Ciudadanía, 2004). Cases have been dismissed, delayed or had charges reduced because of what the judges term prosecutorial incompetence and what the prosecutors claim is judicial collusion. As this and the troubled relations between police investigators and prosecutors suggest, the reform has also paid insufficient attention to the need to coordinate activities across institutions.

8.16 Thanks in part to donor support, the police, judiciary, prosecution and defense have established systems to track activities in each institution. The court's actions in this area in fact date to before the reforms. However, it is not evident that the resulting information is being used to monitor reform progress and detect problems, and there has so far been no effort to link the databases of the separate institutions so as to be able to assess their joint handling of cases in which they all participate. Although the Dominican Republic has recently established a national council to develop a multi-sector strategy for dealing with crime, the country's track record with such special committees has not been positive. Often composed of agency heads or prominent local experts, they frequently possess moral authority, but few resources and technical staff to support their work.

Jamaica

8.17 As a former British colony and current member of the Commonwealth, Jamaica already has a common law, accusatorial justice system. Pending the establishment of a Caribbean Court of Justice, its court of last resort is the United Kingdom Privy Council. Its Appeals Court is the highest local body. At the next level, its Supreme Court includes a panel to try major felonies, and another to handle gun issues. The more numerous magistrate courts have criminal divisions to handle minor crimes. Their approximately fifty members also serve on a series of specialized courts for traffic, family and juvenile matters. Jamaica also has roughly 8,000 justices of the peace. As they are not lawyers, their judicial role (for example, sitting on the 14 Petty Sessions Courts) is restricted to handling very minor disputes. Their more common functions are clerical or notarial, signing passport applications, certifying the identity of applicants for drivers licenses and the like.

8.18 Contrary to practices elsewhere in the Commonwealth Caribbean, the 1962 Constitution created a separate prosecution body, the Director of Public Prosecutions (DPP), thus eliminating the use of police prosecutors for criminal cases in any of its courts. The 7,200-member Jamaica Constabulary Force (JCF) is responsible for most policing. Its efforts can be supplemented in some areas by the Jamaica Defense Force (JDF). The country has eight adult prisons and four juvenile detention facilities, all of which are overcrowded and in physical disrepair. Segregation of other groups (e.g. the mentally ill) needing special attention, rehabilitation and reintegration programs, and programs for young offenders are either deficient or non-existent because of resource constraints and popular opposition to putting more funds into prison reform.

8.19 Jamaica has faced a high and increasing level of violent crime for the past thirty years, with drug trafficking and organized gangs playing a major role.¹⁰ While crime has traditionally been highest in urban areas and especially in the inner-city slums of the Kingston metropolitan area, police contend that their anti-crime measures have forced criminals into rural areas where rates are rising as well. Prison crowding and public outrage are also increased by the delays in investigating and prosecuting criminal cases. The small court and prosecution systems are swamped, and the non-use of plea bargaining and alternative dispute resolution (ADR) for minor crimes tends to delay trials inordinately. While corruption, especially in the police, is sometimes blamed for the perceived failure to bring the guilty to justice, more important factors appear to be the inadequate numbers of judges and prosecutors, poor police and general system image, especially in low-income communities, and a consequent tendency for citizens to take more direct methods in hand (Darby, 2006).¹¹ Poor community relations have been aggravated by what the government calls a “suppression of crime culture” originating in the 1974 Suppression of Crimes Act. The act gave the police extensive search and seizure powers without a warrant. Only repealed in 1993, it is said to have influenced an entire generation of police officers who felt empowered to act without due process constraints.

8.20 Over at least the past decade, the government has introduced a number of measures to improve overall efficacy and efficiency while eliminating abusive practices. Donors have been instrumental here, although also facing complaints of a failure to coordinate their own actions. Citizens and NGOs have also been invited to participate in these efforts. As regards expediting court cases, measures include the establishment of night courts, a drug court, and regional gun courts, as well as the expansion of the number of magistrates; the enforcement of the rule that Clerks of Courts (prosecutors in the Magistrates Courts) be attorneys, the inclusion of a trained court administrator in each court, training of stenographers for Magistrates Courts, a 2000 amendment to the Criminal Justice (Reform) Act of 1978 that allows judges to impose non-custodial sentencing options, a Criminal Justice (Plea Negotiation and Agreements) Act (2004) and, in civil justice, the development of new Procedures Rules, case management systems, and ADR mechanisms. The government proposes to extend the case management system to criminal cases as well. In January 2006, the cabinet announced a five-year program to reform the justice system, to coordinate its own actions as well as donor assistance. Although not legally mandated, both the courts and the DPP have begun to provide Parliament with periodic reports on their activities.

8.21 On the police side, the revocation of the Suppression of Crimes Act represents a first step. In 1999, the Police Public Complaints Authority (PPCA) was established. While functioning, it investigates only a fraction of fatal shootings by police, in a country with one of the highest rates of police killings in the Western Hemisphere. Amnesty International reports the PPCA head as saying that “he did not consider it appropriate or possible to hold the Jamaican police accountable to the same standards as other countries,

¹⁰ A poll done by Stone Polls in August, 2006, found 64 percent mentioning crime as the most important problem, followed by joblessness (20.7 percent) and leadership (1.7 percent)

¹¹As Darby notes, there are problems with police corruption as well, especially as regards collusion with drug gangs.

due to the high level of gun-related crime in the country,” (Amnesty International, 2001). The government has also introduced a number of initiatives to partner with law agencies in other countries as a means of combating organized criminal gangs, improving security in marginalized communities by providing training to and facilitating partnerships with community members, strengthening border control of illegal drugs, creating community action committees to encourage community-based crime control, and creating a Police Civilian Oversight Committee. Like the reforms in the other sector agencies, most of these are too new to evaluate their chances of success or even sustained implementation.

8.22 Although sheer quantities of human and financial resources are often less of a problem than claimed, it would be hard to contend, given the levels of crime and violence, that they are not problematic in Jamaica. Existing resources might be more efficiently deployed and controlled, and there is certainly room for managerial and legal change to combat court delays. However, the low judge and prosecutor to population ratios (3.2 and 3.1 per 100,000 inhabitants as compared to the Dominican Republic’s 7.0 and 8.0 respectively and a Latin American average for judges of 8.1), while characteristic of the English style common law system, seem inadequate to the existing challenges either in processing cases or detecting and prosecuting police malfeasance.

8.23 There is also an interesting lesson here for the Dominican Republic in the failure of Jamaica’s accusatory system to meet citizen performance standards, especially since both countries currently confront complaints of uncontrolled police abuse, poor community relations, and low clearance rates for major crimes. Clearly an accusatory system does not resolve these problems automatically, and more direct actions must be taken.

A QUANTITATIVE EVALUATION OF SYSTEM PERFORMANCE: PERFORMANCE STATISTICS AND INDICATORS

8.24 The somewhat disappointing returns to many standard reform initiatives have prompted researchers, policy makers, and practitioners of legal and judicial reform to search for better ways of assessing the performance of justice systems and tracking progress in reform programs (World Bank, 2005b). Their universal conclusion is the need to improve the statistics collected by organizations on their own operations and to encourage the development of management information systems and their constant monitoring and analysis by those making organizational policy.

8.25 Management information systems can be used to: i) *diagnose and measure* the nature and scope of the initial workload (e.g., numbers and types of crimes reported); ii) *evaluate the performance* and operational effectiveness of individual institutions within the system (e.g., numbers of police investigations completed and of cases transferred from police to prosecutors, percentage of investigations or tried cases resulting in a conviction, recidivism rates upon release from prison, etc.); iii) *determine whether the individual institutions in the system* (police, prosecutors, judicial system, prisons) are

working in alignment;¹² and iv) *identify the impact* of the system on the broader objective of reducing crime and violence. They can also be used to develop a series of indicators to track the most critical outputs and impacts and to help outside observers understand and evaluate the reformers' efforts.

8.26 Indicators are best produced not by ad hoc efforts to measure outputs currently of interest, but through the routine registration of basic data on work processes by those carrying them out, and the transfer of key information to centralized databases where the data can be reviewed and analyzed for its broader implications. When the process is linked to the wide-spreading adoption of automated "case" files, it should not represent extra work for the front-line employees. Such systems, once in place, provide management a very potent tool for reviewing organizational performance and identifying and diagnosing problems. They also facilitate the creation of new indicators as they are needed.

8.27 The following sections draw on statistics currently recorded by the governments of the Dominican Republic and Jamaica to develop a series of comparative indicators on the performance of their criminal justice system. As the accompanying discussion suggests, the indicators are useful in signaling where problems may exist, but a full understanding of their significance and causes requires a contextual analysis of additional statistics and quite probably a review of the raw data on which they are based.

MEASURING THE SYSTEM'S WORKLOAD: REPORTED OFFENSES

8.28 The first of all variables that must be tracked is the workload that the criminal justice system experiences. While the uniformed police in particular undertake a variety of tasks that does not involve the processing of individual cases, the number of reported offenses is the single best indicator of systemic workload. This information can be used in tandem with knowledge of the resources required to process an average case to get a sense of whether current resources are proportionate to the scale of the problem.

8.29 Having a unified set of national statistics on crime is critical to understanding organizational performance and improving crime prevention interventions—recognizing, of course, that under-reporting may mean that only a small fraction of certain crimes will be reported. Unfortunately, the government of the Dominican Republic is unable to generate a unified set of national figures on the number of crimes recorded. The collection of information about offenses in the Dominican Republic is left to the separate agencies of law enforcement (such as the National Division for the Control of Drugs) and, within the national police, divided up by different divisions responsible for their

¹² Systemic alignment allows the disparate elements of the criminal justice system to work together in harmony. It, for example, would allow: i) the prosecution to reinforce and multiply the effectiveness of the police, rather than inadvertently undermining police actions; ii) the provision of services to victims of past crimes to improve citizens' confidence in the criminal justice system and hence contribute to the reduction of future crimes; and iii) the appropriate sentencing of those committed of crimes (youth facilities, prisons, alternative sentences, etc.) to maximize rehabilitation.

investigation. Because these separate institutions use different language, frames, and reports to record these data, there is no clear national portrait of all crime.¹³

8.30 Jamaica, in contrast, aggregates information about all reports of crime in the department of statistics of the Jamaican Constabulary Force (JCF). The JCF receives reports from commanders in each parish and then sorts them into six categories of “major crimes.” Unfortunately, at least according to one police official, the reliability of these figures is suspect.¹⁴ The Jamaican Constabulary Force had some 7,200 ranking personnel at the end of 2005 to deal with 1,674 murders, yielding a ratio of 4.30 officers per murder.¹⁵ For comparative purposes, in South Africa, there are some 120,000 police officers and 19,000 murders, for a ratio of six to one.¹⁶ In the Dominican Republic in 2005, there were about 26,000 police officers (Centro de Estudios de Justicia de las Américas, 2004-2005) and 2,400 murders in 2005, for a ratio of about 11 to one.¹⁷ While useful as a first approximation of workload, international comparisons of police/murder or police/population ratios are sometimes problematic.¹⁸

INSTITUTIONAL PERFORMANCE MEASURES

Police Performance Indicators: Clearance Rates for Homicide

8.31 As in almost all countries, the police in Jamaica and the Dominican Republic routinely measure their “clearance” rate at which dockets leave their authority and become the primary responsibility of the prosecuting authority.¹⁹ This is a key performance indicator for both uniformed personnel and investigating officers, as both parties play a key role in gathering information and witnesses, and apprehending suspects. Acceptance of the case by prosecutors and judicial authorities indicates that the police have built a sound case. Police do not generally track the processing of the case through the justice system or otherwise monitor the rates at which arrests yield

¹³ Within the national police, the function of analyzing crime and violence is greatly dispersed. Beneath the Office of the Chief of Police (Jefatura), there are a few data analysts as well as a Department of Statistics, along with a more recent creation, the Department of Mapping. The Division of Criminal Intelligence (DINTEL), formerly the Secret Service, has its own analytical unit and statistics division. The Division for the Investigation of Crimes (DICRIM) is supported by a Department for the Analysis and Processing of Information, but its subordinate operational investigative units, such as the Departments of Homicide, Robbery, and Auto Theft, also have their own data collectors and analysts. Each of these departments and operations, moreover, receives different quantities and types of information.

¹⁴ Interview with senior police official.

¹⁵ This is below the official allocation of roughly 8,000 positions, an indication of accompanying recruitment problems.

¹⁶ <http://www.saps.gov.za>

¹⁷ The Dominican government does compile national homicide figures, released through the office of the Attorney General.

¹⁸ Differing distributions of types of crime across countries, different policing models (preventive vs. reactive, beat patrol vs. car patrol, etc.) mean that comparing ratios across countries is problematic. More fundamentally, the number of offenses reported is endogenous: improved police-community relations will result in more incidents reported to police and lower personnel to offense ratios, but this may be the result of good performance rather than an indicator of insufficient personnel and associated poor performance.

¹⁹ The police consider a crime cleared if a person is arrested for the offense or if they conclude that the crime was committed by a person who subsequently dies. Some police forces also consider a crime cleared if they have named a suspect (usually in an arrest warrant) who has not yet been apprehended.

convictions, as this largely depends on the activity of prosecutors. Of course, the police continue to play a role right up to the time of conviction, and therefore it is important that the performance of the system as a whole be monitored by a higher authority.

8.32 The national police force in the Dominican Republic does not track clearance rates for homicide separately from other crimes against the person (e.g., robbery, assault). Nevertheless, unpublished information compiled by the police about the number of reported violent crimes for which the police had made an arrest shows that in the last four months of 2005 and first month of 2006, the police recorded 1,643 “crimes against the person” and made arrests in 33 to 40 percent of such cases.

8.33 Analysts in DICRIM, the Division for the Investigation of Crimes, are trying to improve this indicator, for in its present form it does not distinguish between old and new cases (e.g., one cannot tell what portion of the 111 cases solved in September came from the 83 cases pending in August). They also hope to separate homicide from assault and robbery, which they suspect have lower rates of clearance, but they have yet to overcome the technical and administrative hurdles to such an assessment.

8.34 A more discriminating measure of clearance rates can be composed with data collected by the Statistics Department of the Jamaican Constabulary Force. Table 8.2 shows how this Department sorts reported homicides into categories by “motive”—that is, the circumstances which a police investigator or statistician considers to have caused the act of violence.²⁰ It records clearance rates (“C/up”) for each type of newly reported homicide.²¹ These vary from a low of zero in cases of drug-related murders in 2005, to a high of 83 percent for “other criminal acts” in the first six months of 2006.

Table 8.1: Homicide Clearance Rates in Jamaica by “Murder Motive,” 2005 and 2006 (January 1-July 16)

| <i>Murder Motive</i> | 2006 | | | | 2005 | | | |
|----------------------|------------|-------------|------------|--------------|------------|-------------|------------|--------------|
| | Reported | % of total | N | C/up | Reported | % of total | N | C/up |
| Drug Related | 15 | 2% | 11 | 73.3% | 15 | 2% | 0 | 0.0% |
| Gang Related | 159 | 22% | 44 | 27.7% | 224 | 24% | 61 | 27.2% |
| Domestic | 22 | 3% | 14 | 63.6% | 26 | 3% | 18 | 69.2% |
| Other Criminal Act | 335 | 47% | 278 | 83.0% | 423 | 46% | 260 | 61.5% |
| Not Yet Established | 182 | 26% | 0 | 0.0% | 240 | 26% | 0 | 0.0% |
| Total | 713 | 100% | 347 | 48.7% | 928 | 100% | 339 | 36.5% |

8.35 As a measure of police performance, clearance rates are key. The job of detectives or judicial police is to build a prosecutable case against a suspect in each instance of serious crime they record. Of course, cases may emerge to be unfounded or

²⁰ Mr. Barrett, the deputy director of the statistics department, explained that, in reviewing police reports of homicide and other crimes, the disparity between the reported facts of the case and the account of the investigator sometimes compels him to redefine the motive for the murder. Personal interview, July 17, 2006.

²¹ A separate table tracks the number of murders from “previous years” that are cleared.

the interests of justice may not support a prosecution, so clearance rates will never be 100 percent. Furthermore, “clearances” achieved at the scene of the crime—through witness identification, direct police observation, or even the death of the suspect—are weaker indicators of performance, since they are inflated by good fortune and violent confrontations.²² But given that the share of these “easy” clearances is not likely to vary over time, police can still strive to better the rate at which they handle the more difficult cases.²³

8.36 In order to give an assessment of how these clearance rates compare internationally that is fair to the police, additional information is required, including the number of active cases per homicide detective. In general, though, the overall homicide clearance rate in Jamaica is comparable to that in other countries with sound police forces and similar levels of economic development.

External Accountability Measures: Complaints against the Police

8.37 Of course, high clearance rates cannot be the only indicator by which the police are judged. Excessive zeal as well as baser motives can lead police to run afoul of the law, and success in combating crime must be leavened with respect for human rights. For this reason, it is essential that the number and nature of complaints against the police be tracked.

8.38 Complaints against the police are a mixed indicator. On the one hand, they reveal sometimes shocking misconduct, and the media coverage given to these events can undermine confidence in the system. On the other hand, they indicate that the public has sufficient faith in the system to report these offenses. Changes in the number of offenses recorded, particularly in periods of transition, could be more indicative of an increase in citizen awareness and participation in the complaints system than of real changes in the incidence of misconduct.

8.39 In Jamaica, two separate bodies collect complaints from civilians against the police: a Department of Internal Affairs within the JCF and the Police Public Complaints Authority (PPCA) within the Ministry of Justice. There is little public information about the work of either of these entities. Still, there are signs that the government of Jamaica is trying to improve their effectiveness as accountability mechanisms. The National Security Strategy for Jamaica, promulgated by the Ministry of National Security in May 2006, recommends that, as part of the strategic review of the JCF, there be an assessment that would “examine legislative and higher level administrative structures, such as the Police Services Commission (PSC) and Police Public Complaints Authority (PPCA), in

²² Some police forces, including the JCF, consider a crime cleared if the suspect is killed. In nearly one-quarter of the cases of robberies considered cleared by the JCF, the suspect had been killed by police officers or civilians.

²³ Additional refinements to the clearance rate could help the police promote equity in their policing and adherence to certain human rights standards. For example, police statisticians could develop a measure of equity by distinguishing between clearance rates in poor versus affluent districts—recognizing, of course, that factors beyond the police control in the short run such as problematic police-community relations may reduce clearance rates in poorer districts.

order to facilitate an effective civilian oversight mechanism for proper accountability for its performance and conduct.” (Ministry of National Security, 2006).

8.40 In the Dominican Republic, the Office of Internal Affairs is charged with holding police accountable for misconduct. Its director is appointed by the President, not the Chief of Police, and thus enjoys some independence and autonomy. This office has an independent investigative capacity within its staff of 214, although its resources are stretched. It can initiate its own investigations as well as act on complaints it receives from the public. In the past, when this office recommended disciplinary proceedings against police officers, these were typically adjudicated by a police tribunal. Increasingly today, however, according to the new director, complaints substantiated by the office are brought before ordinary courts.²⁴

8.41 Between August 2005 and May 2006, the period for which detailed information is available, the department received 637 complaints, an average of two per day.²⁵ Nearly three-quarters of these complaints were substantiated through investigations, an extraordinarily high percentage for any country. Just over half of the complaints (319) involved allegations of physical aggression or death threats by officers. This indicator suggests both high levels of misconduct and good performance by the Office of Internal Affairs in holding individual police officers accountable to professional standards.

8.42 The office is currently designing a stronger information management system, which should improve both the reliability and the range of data available for performance measurement. If that new system were to include information (currently not recorded) about the complainants, it would allow the office to measure the equity in its own responsiveness, especially to poor and vulnerable groups.

8.43 In neither Jamaica nor the Dominican Republic do the formal accountability mechanisms reach beyond oversight of the police. There is no national justice commissioner or ombudsman for the receipt and investigation of complaints against other institutions in the criminal justice system.

Prosecution and Adjudication Performance Indicators: Prisoners Awaiting Trial or Sentence

8.44 The most common indicator for measuring prosecutorial performance is the rate of convictions. While a certain share of cases accepted from the police may be dismissed in the interest of justice, the decision of the prosecutorial authority to undertake the expense of a trial must be hinged on a belief that the accused is guilty and the case can be

²⁴ Interview with General Daisy Liriano.

²⁵ In 2005, the department of internal affairs investigated nearly 7,000 matters of disciplinary and other infractions. It requested indictments for 123 officers, and submitted another 363 to the police tribunal to consider their suspension or removal from the national police force. In addition to this sum, 111 officers were suspended, and another 96 released from the force as a result of complaints of domestic violence, improper use of firearms, robbery, and other acts. See “Memoria Annual 2005,” unpublished report, National Police.

won. The number and nature of convictions therefore remain the primary measure of prosecutorial effectiveness.

8.45 But in addition to effectiveness, the efficiency and the equity of the prosecutor's work are key. Trial verdicts must be delivered as quickly as possible so that the innocent may be released and the guilty can undergo rehabilitation. Failure to do so has serious consequences, including overcrowding of prisons. As a result, the share of prisoners awaiting trial is another key indicator of criminal justice system performance.

8.46 In countries where the system has collapsed, such as Haiti, as many as 80 to 95 percent of all inmates may be awaiting trial, (Vera Institute of Justice , 2006; National Center for State Courts and USAID, 2006)²⁶ and the situation is nearly as bad in many parts of the Caribbean. Undue delays in the processing of cases are a violation of the human rights of prisoners awaiting trial. In addition, in countries like the Dominican Republic, where prison cells are seriously overcrowded, rehabilitation work becomes impossible, and again, human rights concerns emerge. It is thus essential that criminal justice systems strive to reduce the share of prisoners awaiting trial (see Clouatre, 2002).²⁷

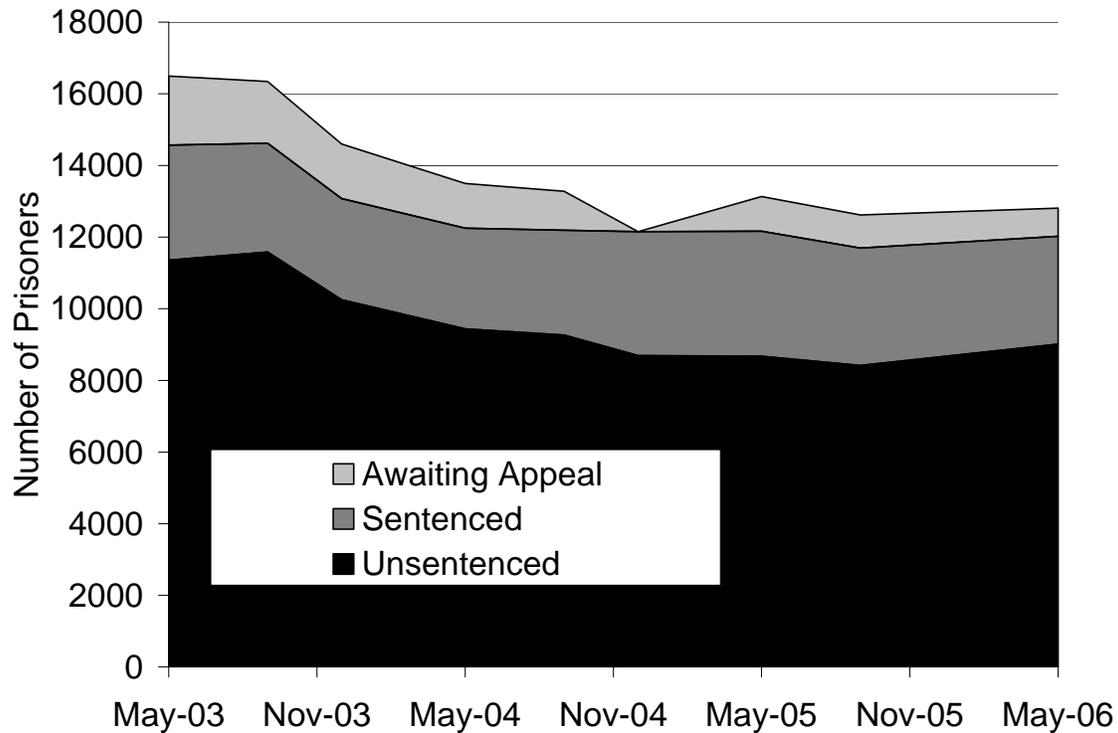
8.47 Good management statistics can help identify the problems and their sources and track the impact of reform measures. However, few courts, and neither of those surveyed here, currently capture sufficient statistical data on system-wide performance to permit this kind of analysis²⁸. Thus, we are left with one global indicator, the percentage of unsentenced prisoners.

²⁶ "Prolonged Pretrial Detention in Haiti", July 2002 gives the lower figure. A recent study by the National Center for State Courts indicates that in Port-au-Prince, the numbers in 2005 approximated 95 percent, although nearly all the detainees faced charges for major felonies.

²⁷ There are several ways of doing this. One is to increase the efficiency of the prosecutorial process, which involves coordinating a wide range of criminal justice actors. The police must take the capacity of the justice system into account when engaging in discretionary arrests, such as those encountered in mass "sweep" operations. Judicial hours must be reasonable. (In many countries, judges sit for absurdly short hours each day due to entrenched traditions that have not responded to present-day reality. In Haiti, for example, the courts of first instances (Courts of Assizes) conduct hearings on serious felonies only twice a year, thereby extending pre-trial detention periods Court management (record keeping, scheduling practices) is important. The provision of pre-trial screening and legal reforms can allow for the release of many non-violent accused who would otherwise be held with no bail or with bail set beyond their means.

²⁸ Where adequate records are kept at the courtroom level, analysts can use case file samples to investigate potential problems – delays and their causes, differential treatment of parties or types of cases, and even signs of corruption. However, absent direct access to web-based, electronic files, this is time consuming and costly work. For an example, see World Bank, 2003, An Analysis of Court Users and Uses in Two Latin American Countries. Washington D.C: The World Bank, Report No. 269666

Figure 8.1: Sentenced and Un-sentenced Prison Inmates in the Dominican Republic: May 2003 to May 2006



8.48 In the Dominican Republic between May 2003 and September 2004, when the new code of criminal procedure went into effect, the total population in custody declined from 16,491 inmates to 12,806. As the Figure 8.1 shows, most of this reduction came from the ranks of unsentenced inmates and the number awaiting the outcome of appeals.²⁹ From September 2004 through May 2006, however, there has been no major change in the number of inmates. The number of unsentenced prisoners initially declined, but then rose again toward the end of 2005; this group still comprises nearly 70 percent of all persons in custody.³⁰

Prison Performance Indicators: Escapes, Deaths, and Violence in Custody

8.49 The role of the prison system is to prevent prisoners from committing crimes while in custody and to work toward their rehabilitation. The former goal is easily measured in the rate of escapes and the amount of violence in prisons. The latter, often summarized in some form of recidivism rate, is much more difficult to capture.

8.50 Figure 8.2 shows the indicators measured in the Dominican Republic, including deaths in custody and non-lethal violence. The indicators are difficult to interpret in this form because they show absolute numbers rather than rates per prison population. As

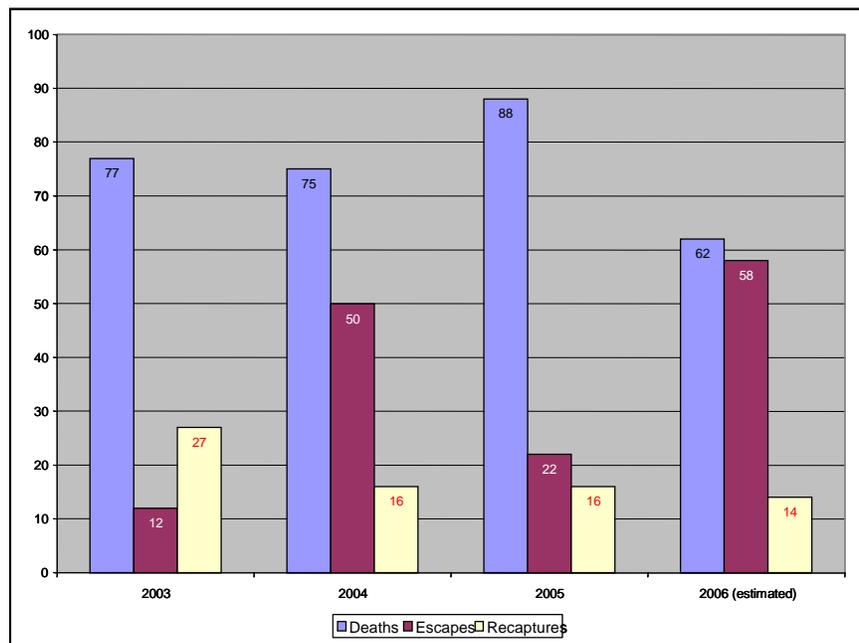
²⁹ On average, another 100 to 140 inmates were in custody each day pending the ruling of a cassation court.

³⁰ Prisons in general are substantially over-crowded: the system has a legal capacity of just over 9,000.

seen in the earlier discussion of pretrial detention, the prison population in the Dominican Republic was substantially higher in 2003 than the stable level it maintained from 2004 through mid-2006. When recalculated as rates, the level of deaths in custody appears to be steadily increasing from 48 deaths per 10,000 prisoners in 2003, to 58 in 2004, and to 68 in 2005. The figures for the first five months suggest that the prisons may be experiencing their first decline in recent years, back down to an annual rate of 49 deaths per 10,000 prisoners. The prison administration does not report the reasons and circumstances of these deaths, so the relative contribution of crowding, illness, and violence to these problems cannot be determined.

8.51 The changes in the number of escapes (Figure 8.2) are perplexing whether or not these are calculated as rates. The huge annual swings in the numbers of escapes reported make any comparisons with other countries meaningless, since the security of the prisons will seem relatively loose or tight depending on the year. In 2006, there were 24 escapes in the first five months of the year.³¹

Figure 8.2: Prison Deaths, Escapes, and Recaptures, Dominican Republic



Source: Dirección General de Prisiones, Procuraduría General de la República

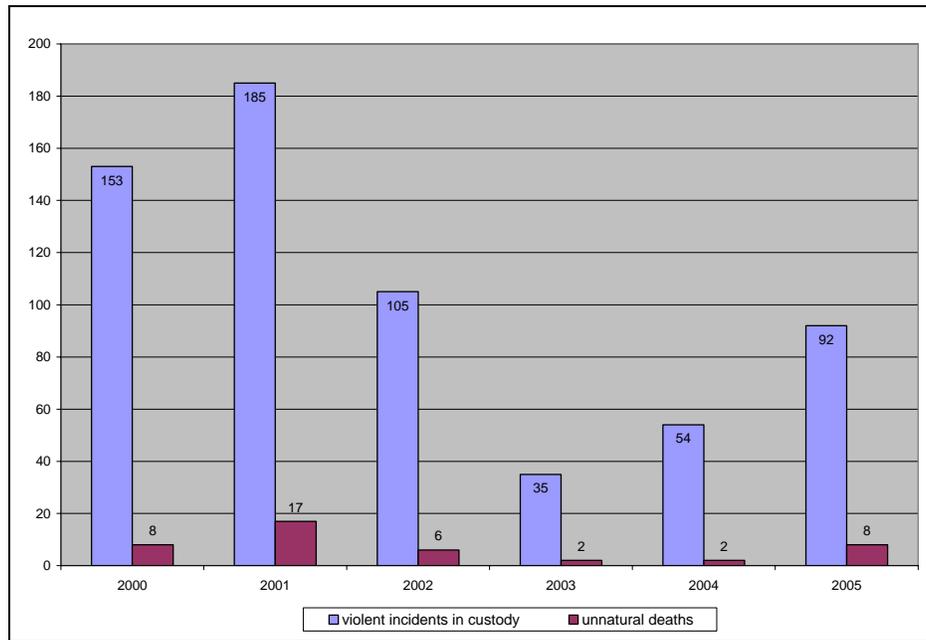
Notes: In 2005, an additional 138 inmates died during a fire. The estimate for 2006 is based on 26 deaths, 24 escapes, and 6 recaptures in the first five months of the year.

8.52 The Department of Correctional Services in Jamaica also tracks this kind of information with additional detail, including the level of non-lethal violence. The prisons in Jamaica report substantial reductions from five years ago in both the number of unnatural deaths and the number of violent incidents in custody (Figure 8.3). In 2001, there were 17 unnatural fatalities out of a total of 33 deaths in prison. In 2005, there were

³¹ The number of “recaptures” in 2003 exceeds the total number of escapes because of a large number of escapes in the preceding years.

8 unnatural deaths out of a total of 20. In 2000, there were 153 violent incidents reported in adult institutions. This number decreased to 92 in 2005. The numbers of violent incidents appears to have increased in 2004 and again in 2005, but the Director of the Department of Correctional Services attributes this to better systems of reporting. There were seven escapes from prison in 2004, and none the following year, although a “massive escape” from the Tower Street facility was apparently foiled in 2005.³²

Figure 8.3: Unnatural Deaths and Violent Incidents in Jamaican Prisons, 2000-2005



Source: Department of Correctional Services, Annual Report, 2005.

8.53 The Department of Correctional Services in Jamaica is eager to develop a wider range of indicators, including measures of recidivism. The Department is beginning to collect and report information on the number of persons admitted to prison who have previously been incarcerated. At first glance, an increase in this number might appear to reflect an increase in recidivism, but it is equally or more likely to reflect changes in the performance of other institutions of the system. For example, if increases in the numbers of police lead to increases in arrests, the numbers of prisoners with prior incarcerations should increase. If sentencing legislation is toughened, if prosecutors become more aggressive in their charging decisions or more effective at obtaining convictions, or if judges become more punitive in their sentencing, the result will be an increase in the number of prisoners with prior records of incarceration, even if recidivism remains flat. Perhaps most likely of all, if community surveillance of people returning from prison becomes more effective—as is occurring in almost every country—then returning prisoners will be especially vulnerable to re-arrest and re-incarceration, creating a false impression of rising recidivism.

³² Some of this information is now available on the website of the Department of Correctional Services, <http://www.dcsj.net/p/stats.htm>

8.54 A better measure, and one more widely used globally, is the percentage of prisoners released in a particular year who are re-admitted within three or five years. This indicator is also ambiguous—responsive to enforcement efforts as well as changes in actual criminal conduct by released prisoners—but it is better than the alternatives. Moreover, it could be calculated by the Department of Corrections on its own, once it puts in place record systems that accurately identify new persons admitted with their prior records.

8.55 Even better, however, would be systems that track the re-arrest of released prisoners, or surveys that capture the experiences of released prisoners in much shorter time periods. Such data, focusing on recidivism in the first month, quarter, and year after release, would allow officials and prevention programs to identify some of the proximate causes of re-offending.

IMPACT INDICATORS: USING CRIME AND ARREST DATA FOR CRIME PREVENTION

8.56 The discussion above has shown that the Dominican Republic and Jamaica, while making serious efforts to improve, still have a way to go in improving their performance measurement and the basic functioning of their criminal justice systems. The systematic collection of performance statistics, the generation of key indicators, and benchmarking for improvement should become a routine part of criminal justice system management, and performance against these indicators should be published and used as part of the budget allocation process. These figures should also be made available at the precinct level, so that local constituencies can hold their public servants accountable.

8.57 Could the criminal justice systems in these two countries be doing more to reduce crime and violence? That question necessitates looking beyond the indicators discussed above and delving more deeply into the mechanisms by which the activities of the justice sector actually contribute to reductions in crime and violence. In countries around the world, officials are asking themselves such questions, producing a global shift of strategic thinking within criminal justice.

8.58 More sophisticated indicators must capture the extent to which the criminal justice system acts proactively to eliminate the proximate causes of crime and violence. Such a criminal justice system would analyze crime patterns and use arrest powers strategically.

Measuring and Understanding Crime: Analyzing Crime Patterns

8.59 Officials in the Dominican Republic are experimenting with ways of using the data that allow them to see more deeply into the proximate causes of crime that law enforcement might then target. Specifically, the police in the Dominican Republic are beginning to track the level, timing, and movement of crime as part of the Barrio Seguro Program, using digitalized maps and census data from the National Office of Statistics (see Box 8.1 for a description of the Barrio Seguro Program.) An initial draft of a “calendar of crime,” prepared by the Unit for the Analysis and Processing of Information within DICRIM, records the time and days in which offenses committed in public in each

of the neighborhoods tend to occur (Secretary of the State of Interior and Police of the Dominican Republic).³³

8.60 These efforts to measure and understand crime are promising not only because the police can adjust the frequency, routes, and number of officers on patrol in response to this analysis, thereby increasing the efficiency of deployments, but also because the public can use this knowledge both to avoid victimization and to more effectively participate in efforts to reduce crime.

Measuring Impacts of Specific Criminal Justice Instruments: Reducing crime by using arrest powers strategically

8.61 Because the police often conceive of arrest as the end of their work, prosecutors and courts see it as the beginning, and the work of managers of jails and prisons can be burdened by unnecessary arrests, governments need impartial assessments of the system-level impact of arrest on crime and justice.

8.62 Based on data supplied by the police, it is possible to estimate that there currently are between 50,000 and 55,000 arrests each year in the Dominican Republic. Few of these roughly 50,000 annual arrests are pursued further by the justice system. According to data from the Ministerio Público, judges granted 12,237 requests to continue an arrest in the twelve month period of September 2004 to August 2005. In 5,318 of these instances (43.4 percent), a judge later ordered the suspect held in pretrial detention pending the outcome of trial.³⁴ Beyond this, very little can be said as the government does not track the proportion of people arrested who were later held accountable for their behavior by the justice system.

8.63 The use of arrest powers by the police in the Dominican Republic, in short, is not typically followed by prosecution and even less likely to be followed by imprisonment. From a crime reduction perspective, this might be a good thing. If serious crime is reduced in areas where such stops are made, the police may be making an important contribution to public safety. Moreover, if the police are conducting stops within the law, and if the consequences for those stopped are brief and bearable, then the police may be using arrest powers in ways that reinforce the rule of law. However, to ensure this is the case, there need to be systems in place to verify that arrest powers are being used efficiently and within the law.

³³ These efforts are being supported by a partnership between John Jay College of Criminal Justice and the Secretary of the State of Interior and Police of the Dominican Republic. See the report on the website of the Ministry, www.seip.gov.do/2006/web/acuerdos_documentos.php

³⁴ The Supreme Court is in the process of installing a system by which to track the number of requests for arrest and detention that are granted by the judiciary. Personal Communication with Nestor Borroa, Department of Statistics, Supreme Court of the Dominican Republic.

Box 8.1: Using Crime Data and Analysis to Formulate a Multi-Sectoral Crime Prevention Strategy: the Barrio Seguro Program in Capotillo

In July 2005, the government of the Dominican Republic launched the Democratic Security Plan (Plan de Seguridad Democrática). This plan was prepared by the Secretary of Interior and Police, the National Police and the Office of the Attorney General with the support of the Inter-American Institute of Human Rights, the John Jay College of New York, the University of Florida and Newlink Political Consulting firm. The Plan includes both preventive and control measures to reduce crime.

The Plan established specific objectives based on the diagnosis of the security problem in the Dominican Republic. Based on a situational analysis and after identifying the cities/barrios with the highest level of crime, a pilot plan called Barrio Seguro (Safe Neighborhood) was implemented in Capotillo with the intention to both reduce and prevent crime.

Capotillo, compared to seven other crime-affected neighborhoods in the National District, had recorded the highest levels of incidents related to drug trafficking, street delinquency, armed robbery, organized crime and gangs, as revealed by background analysis for the Democratic Security Plan. From January to August 2005 there were 30 homicides recorded in Capotillo; this is equivalent to an annualized homicide rate of 118 per 100,000 residents. The inability of the police to control crime in Capotillo had led to deterioration in public confidence: only 17% of the population believed that the police was doing a good job, and 80% of the population considered the police to be corrupt.

Barrio Seguro was designed on the basis of data reported in the Democratic Security Plan. The program began in August 2005 and key interventions included:

- Increased police patrols in 30 previously identified hot spots.
- The addition of 230 specially trained police to patrol Capotillo. They were equipped with 3 new vehicles and 14 motorcycles for street patrol, as well as with a refurbished police station.
- Situational crime prevention measures included infrastructure improvements to: i) facilitate access to and exit from the area; ii) provide street lighting; and iii) create new recreational areas for public use.
- Investments targeting youth included: construction of new classrooms and development of cultural workshops and sports clinics.
- General prevention programs included literacy programs and civic education promoted by the office of the First Lady through its Progresando Program which is targeted to educate and help single mothers and their children.

In total, the government allocated RD\$46 million pesos (US\$1.4 million) to execute the Plan in Capotillo.

Barrio Seguro began to demonstrate positive results in Capotillo after only two months. Assaults and robbery declined 85 percent between early August and the end of September, 2005. No crime-related death was reported in this two-month period.

From January to August 2006, there were 9 homicides in Capotillo, compared to 30 registered during the same period in 2005—a 70 percent reduction. The success of the Plan in Capotillo inspired its replication in 12 other neighborhoods, beginning in January 2006.

While it is too early to definitively categorize Barrio Seguro as a success story (the project has not yet been subject to a rigorous impact evaluation), the approach is promising. It incorporates many principles that have shown to be effective internationally: i) complementarity between prevention and control initiatives; ii) policing focusing on hot spots and based on quantitative data on crime patterns; iii) use of situational crime prevention measures; and iv) involvement of the community and civil society organizations.

8.64 Specifically, two features of the arrests raise concerns. Only a small proportion is reviewed by prosecutors or scrutinized by courts, and the stops themselves are not subject to independent oversight. A modern justice system that relies on stops and arrests for minor offenses to suppress crime still needs a means to assure that the police are acting within the law in their interactions with the public. Equally important, the impact of these stops and arrests on crime is uncertain, for the police do not yet analyze whether their stops are followed by a reduction of crime in the immediate vicinity of the police actions.

8.65 In the case of Jamaica, it is possible to provide a superficial analysis of the relationship between arrest and reported crime. In 2005, according to police data, there were 15,746 arrests in Jamaica. In the same year, there were 8,461 reported “major” crimes—murder, shooting, rape, carnal abuse, robbery, burglary, larceny. There were, in other words, nearly twice as many arrests as major reported crimes. This ratio suggests that the Jamaican police are using arrest powers to deal with many “minor” offenses.³⁵

8.66 In Jamaica, there is reason to worry that the use of arrest powers is not strategically targeted on high crime areas. The overwhelming majority of arrests in Jamaica took place in “rural” regions—that is, outside the metropolitan area where nearly half the population resides. The name “rural” may be misleading, since many rural areas have urban centers with populations over 100,000. Still, 72 percent of all arrests took place outside the metropolitan area, while 57 percent of all major crimes were reported inside the metropolitan area.³⁶ It is possible that recorded crime is lower outside the metropolitan area precisely because arrest powers are used so vigorously; alternatively, it is possible that crime is heavily under-reported in “rural” areas, or, as police now claim (see above) that urban criminals have been driven outside the major cities. Still, this anomaly calls out for further investigation.

8.67 A third way to measure the strategic use of arrest powers is to examine the relationship of arrests to imprisonment. This calculation can be made in both Jamaica and the Dominican Republic. In Jamaica in 2005, the average daily prison population was reported as 3,982, approximately one-fourth of the number of annual arrests. In the Dominican Republic that year, the prison population was 12,858, or roughly the same ratio to arrests as in Jamaica. Again, these ratios could indicate that arrests are being used to manage crime in many cases wholly apart from penal sanctions. This use of arrest powers to manage crime directly, rather than merely to take an offender the first step on the way to prison, is increasingly considered a sign of good police strategy *if it is targeted, measured for its effect on crime, and reviewed by an independent authority* (Weisburd and Braga). It is important that these steps be taken in the Dominican

³⁵ For example, state and local police departments in the United States in 2004 cleared 62.6 percent of murder offenses, 55.6 percent of aggravated assaults, 41.8 percent of forcible rapes, and 26.2 percent of robbery offenses. The data for major property crimes showed that agencies cleared 18.3 percent of larceny-theft offenses, 13.0 percent of motor vehicle theft offenses, and 12.9 percent of burglary offenses.

³⁶ The data on recorded crimes and police arrests comes from the Department of Statistics of the Jamaican Constabulary Force, which generously shared information and insights about crime analysis and problem identification.

Republic and Jamaica, especially in light of local critics' contention that such practices serve other, less desirable purposes.³⁷

CONCLUSION: FROM ORGANIZATIONAL REFORM AND PERFORMANCE MEASUREMENT TO INTERAGENCY GOVERNANCE

8.68 In both case study countries and throughout the Caribbean, the on-going organizational reforms and stepped-up efforts to measure performance will require concerted attention over the near to medium term. However, to achieve their broader goals, the reforms will also require inter-agency governance mechanisms and incentives for individual agencies to align their individual programs. If sector-wide governance mechanisms are to succeed, their authority must go beyond performance monitoring to include real executive powers.³⁸ The recent history of police and justice reforms in both Jamaica and the Dominican Republic illustrates this need.

8.69 Today, both governments are poised to introduce better instruments of interagency governance. In December 2005 and again in May 2006, the Ministry of National Security of Jamaica disseminated for public comment a green paper on public safety, in which it proposed, among other things, to locate responsibility for the implementation of such a strategy in the office of the Prime Minister (Ministry of National Security, 2006).³⁹ In July 2006, the President of the Dominican Republic decreed the establishment of a National Security Council, whose job is to “plan, produce, coordinate, and evaluate the use of inter-institutional information for the prevention of crime.”⁴⁰

8.70 The plans for the Security Council in the Dominican Republic are more advanced than in Jamaica, and yet its success is not assured. In order to succeed, the new National Security Council will need a staff and other resources that make it a real instrument of governance, as well as a composition that does not simply represent the leadership of individual agencies or repeat membership on other inter-governmental committees. It will also need special skills to ensure the alignment of criminal justice system statistics and indicators and to coordinate efforts to prevent crime.

8.71 Finally, in both Jamaica and the Dominican Republic, innovations in governance should look beyond the criminal justice system for assistance in crime prevention. Victim services, indigent defense, addiction treatment, other public health services, and youth programs might all be brought together in the service of reducing crime and violence.

³⁷ See Bobea, *op cit*. As Bobea's article predates the new Dominican police law, which she helped to promote, there may have been positive changes since its enactment. However, considering long-standing, and well-documented abuses in that country, the introduction and careful monitoring of a more strategic and transparent approach to the use of arrests would seem especially essential.

³⁸ An example of sector-wide coordination currently limited to performance measurement is the role played by the National Commission for the Coordination of the Reforms in Chile. For a discussion of these challenges, see *Measuring Progress Toward Safety and Justice: A Global Guide to the Design of Performance Indicators Across the Justice Sector*, Vera Institute of Justice, 2004. www.vera.org/indicators

³⁹ The non-government organization, Jamaicans for Justice, released a parallel strategy paper, “Road Map to A Safe and Secure Jamaica,” whose preparation was supported by an opposition leader.

⁴⁰ For a report of the decree, see www.presidencia.gov.do/frontend/articulo.php?id=4225

Governance structures need to be created to manage these efforts as part of a coordinated crime prevention strategy.