




**THE PRIVATE SECTOR ORGANISATION OF JAMAICA
DISCUSSION PAPER FOR NATIONAL PLANNING SUMMIT
NOVEMBER 2-4, 2007**

CRIME, VIOLENCE AND JUSTICE

Prepared by: CaPRI and Peter Thwaites

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BACKGROUND: CRIME

CaPRI is a Caribbean think tank that promotes evidence-based policymaking in the region. CaPRI espouses a methodology which is built on the values of multi-disciplinary work, team work and the utilization of the diaspora in our search for evidence. Committed to the region's development, CaPRI has strong linkages with the academic community, the private sector and civil society.


Research on the relationship between crime and the economy in Jamaica found two key links. One is that crime directly retards economic growth. The second is that the high rate of violent crime, apparently connected to high levels of interpersonal trust and low levels of confidence in the organs of the state - the police and court system -heightens transaction costs and thereby diminishes economic activity. Given the apparent connection between violent crime and the loss of confidence in the state, an effective strategy to tackle crime thereby necessitates a restoration of this confidence. Sixty-two percent of respondents in CaPRI's survey on perceptions of corruption in the public sector (September 2006) believed the public sector to be corrupt. Although such a strategy could pose political challenges, its actual content has now been fairly well established in a substantial body of research. In short, we know what needs to be done.

At the heart of the Jamaican crime problem are organized crime and the related high murder rate. Organized crime is the main problem because it has made a business of crime, has professionalized it, made it transnational, generated huge income streams from drug trafficking and extortion, and made the criminal networks powerful players in a number of inner-city communities in the cities and some of the major towns of the island. According to the Economic & Social Survey of Jamaica 2006, 32.5%, almost one-third, of all murders were connected to gang disputes. Moreover, the organized crime networks have formed alliances with selected politicians and have become important players in local and national politics¹. They use their money and power to corrupt critical institutions of the country, including the very police force that is supposed to repress them. CaPRI's own survey on corruption in the public sector (September 2006) showed that 81% thought the police force was corrupt. In short, organized crime in Jamaica demonstrates that crime pays and is a viable route to social success.

Organized crime has some common roots with violent crime. The most rigorous empirical research on the Jamaican homicide problem indicates that the key determinants of the homicide rate are:

- The high rate of youth unemployment (and underemployment)
- Inequality, which finds expression in the concentration of social problems in the so-called inner-city areas of Kingston and Montego Bay, that is, the marginalization of the urban poor. Many now lack the basic education and social skills to make them fit for

¹ References to the alliance between politics and crime abound, including Carl Stone's 1986 "Class, State, and Democracy in Jamaica", Praeger Publishers; Anthony Harriot (2007), "Organisational Crime and Politics in Jamaica", Canoe Press; and the Political Tribalism Report- Government of Jamaica Constitutional Reform Unit (1997).

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Taking Responsibility

employment.

- The ineffectiveness of the criminal justice system. The sources of this ineffectiveness vary from institution to institution, but in the case of the police, they include incapacity, incompetence and corruption. One outcome of this ineffectiveness is the low conviction rate for serious crimes, including murder. Another is the low level of confidence in the institutions - which in turn becomes a factor for ineffectiveness. The interactive processes involving the above factors have set in motion the vicious cycles in which we are now locked.

Organised crime feeds on these three sources and processes, but in addition, it is facilitated by official corruption - primarily in the political system and the criminal justice system.


It must be emphasized that the above are root causes. There are also important proximate causes that must be taken into account in completing one's understanding of the problem and thereby elaborating a response. Among these proximate causes are the attractiveness of the drug trade and access to firearms. Any response to the problem ought therefore to be informed by the above specification of the problem and should therefore include place-specific social violence prevention programmes which are designed to reduce youth unemployment in the high violence areas. This would require skills-training (including social skills) that would make youth more employable.

There is an important debate as to how best to pursue this issue of dealing with the high levels of chronic youth unemployment. One line of reasoning is that the first stream of investments should be directed at upgrading the underemployed and those who are already trying to help themselves and who already have the social skills, discipline and general attributes that are required for success. They would then become models for the others. The logic is clear and this may be the most sustainable approach, but it must be recognised that the crime prevention returns on this strategy are not short-term. The alternative is a more direct approach that tries to soak up the unskilled, anti-social youth who are most prone to crime. The difficulty here is that this would require great investment of state resources and may not be sustainable - that is, unless there is rapid growth in construction and other sectors of the economy that are able to absorb unskilled and undisciplined labour.

The first approach, of upgrading skills levels, will be more likely to succeed if it is accompanied by a wider, more comprehensive programme that seeks to upgrade, and better integrate selected inner-city communities, particularly those in which murder 'hot spots'² lie. Ideally, any such programme would also include degarrisoning the inner cities. If this is agreed, than a strategy for degarrisoning should be elaborated and an implementation plan - with key deliverables that allow for monitoring and reporting -- agreed to.

In addition, tackling the crime problem will also require an acceleration of the programme of criminal justice reform. The programme of police reform is now over twelve years old, but the

² A hot spot is a condition indicating some form of clustering in a spatial distribution i.e. a place where a significant number of murders occur, relative to the surrounding community's other spaces.

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results are at best mixed.

Better methods of bench-marking, evaluating and measuring progress, and of holding the institutional leaders to account, are needed. A similar need exists in the justice system. In 2007, the Task Force report on reform of the justice system was completed. It should form the basis of systematic corrective action.

Finally, there needs to be an effective move on corruption prevention and control. The available data suggests that corruption is a major developmental problem in Jamaica, and as noted above, it is a facilitator of high-end crime. Legislation is now being drafted that should empower a new agency that would have responsibility for investigating corruption. This presents an opportunity to ensure greater effectiveness. Better coordination of the various existing agencies and improved resource allocations to these agencies are conditions for greater effectiveness. Any new arrangement should solve these problems.

In summary, there are three main legs on which crime prevention and control should stand. These are inner-city upgrading and integration (including targeted youth employment); reform; and corruption prevention and control. These should have as their primary targets organized crime and the murder rate. With these in place, other supportive programmes such as community-peace-building, preventing youth and school violence, and public order initiatives that are designed to bring some discipline to the use of public spaces in the major towns, may then have greater impact.

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**CRIME, VIOLENCE AND JUSTICE
IN JAMAICA**

In May 2006 a task force was commissioned by then the leader of the opposition now the Prime Minister to take a good look at and make recommendations as to how crime and violence could best be tackled in Jamaica. I intend to quote extensively from this report which in my opinion provides a clear road map of the causes and solutions.

1. Jamaica is faced with a deep crisis of public safety and an equally deep crisis of public confidence in the willingness and capability of the criminal justice administration to effectively respond to the challenges. This crisis of public safety is manifested in the extraordinarily high murder rate and the high rate of violent crimes. More importantly, driving the figures are troubling social processes that have culminated in what has been officially described as a culture of violence³. In 2005, the country returned a murder rate of 63 incidents per 100,000 citizens. This places us at the top of the ranking as the most murderous country in the world.⁴ In the five-year period 2001-2005, there were 6304 reported murders, some 6919 shootings, approximately 4324 rapes and 1078 cases of carnal abuse. This high level of violent crime has persisted for some 30 years. Violence has now become a familiar part of everyday life in urban Jamaica. In these regions of the country, there are few persons that remain completely untouched by this violent criminality – regardless of class, colour or creed.

2. The crisis of public confidence in the criminal justice administration is also expressed in the high levels of fear of crime and the view that *crime is out of control*. Every day the “average” urban citizen witnesses a number of incidents of law violations and public disorder that go unchallenged by the authorities and their fellow citizens. These may occur in very public places such as the transport centres and markets where extortionists ply their trade, “taxing” taxi operators, higglers and store owners; in schools where children may violently attack their fellow students with near impunity; and in some communities where young men are able to openly parade with their illegal guns and to boast of “making duppies”. Moreover, from time to time the violence of the competing organized crime networks are able to shut down sections of the capital and other towns as has repeatedly been the case in Downtown Kingston and Spanish Town. Not surprisingly, national polls now show criminal violence to be the first concern among the Jamaican citizenry.⁵

3. The response capability of the State has been weakened or hollowed out by corruption. There is general consensus that Jamaica suffers from endemic corruption and that this has been spreading throughout the system – and has become institutionalized in the Police Force, is evident in the Department of Corrections and even in the judiciary.

³ *National Security Strategy for Jamaica 2005*

⁴ *The reader should note that some countries with very high homicide rates do not report these rates to INTERPOL and the WHO which also publish homicide rates; we do not have estimates for these countries.*

⁵ *See Daily Gleaner March 14, 2006, page 3.*



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Studies such as the one done on Political Tribalism⁶ confirm that corruption extends to the political administration where it saps the political will to treat effectively with the crime problem. There are now large groupings of key institutional actors who are the beneficiaries of this and its related problems. They have a vested interest in blocking the changes that are needed to ensure effective institutional responses to the crime problem. Any effort at improving the effectiveness of the institutions of crime control will therefore sooner or later collide with *institutionalized* corruption.

4. The situation requires a sense of *urgency, focus and seriousness of purpose*. Crime, especially violent crime, presents a challenge to leadership at the level of the political administration, the criminal justice administration, and other key institutions such as the schools, as well as the community and civil society in general. A broad consensus based on unity of purpose, agreement on the values that should inform the responses of the state, the priorities, the funding of these priorities and the willingness to make the associated sacrifices is needed (and may even be a precondition for an effective and sustainable programme of action).

5. Although the Special Task Force on Crime did not conduct an exhaustive evaluation of the degree to which the recommendations of previous reports have been implemented, the consultations and discussions have led to the view that at best past recommendations provided a temporary respite from the overwhelming threat of crime and violence and, at worst, they were in the main ignored beyond the announcement of their publication.

6. The Report of the Task Force on Political Tribalism (July 1997) is a case in point. It could be argued that almost nine years after the publication of that document, the features which define garrison communities and constituencies still exist. In fact, there is a denial of their existence among very powerful elements of the political leadership.

7. The Report of the National Committee on Crime and Violence (October 2001) has had similar treatment meted out to it. Astonishingly, the contents of the document signed in Parliament by the ruling and opposition parties had been altered from the original submitted by the Committee. It is expected that these and similar reports will be subjected to critical scrutiny and political negotiations that may alter them in some ways. In order to become policy, they must enter the political process and become subject to it. This is on the face of it a healthy aspect of democratic decision-making. Nevertheless, this kind of action raises the issue of the extent to which a sound, rationally grounded report coming out of a properly constituted committee can be “doctored” and still retain its integrity.

8. In the actual implementation of the recommendations contained in the Report of the National Committee on Crime and Violence, the implementers have displayed a tendency to “cherry pick” from among the recommendations. This approach is very evident in the treatment of recommendations pertaining to the Jamaica Constabulary Force where there has been a demonstrated preference for conditions of work and hardware solutions, while ignoring structural and policy changes that are critical to achieving the intended outcomes.

⁶ *Report of the Committee on Political Tribalism, July 1997*



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9. The Special Task Force on Crime would be remiss if it did not point out a failing that has conspired against the implementation of the recommendations emanating from the work of similarly constituted and well-intentioned bodies. Resources have typically not been made available for the implementation phase. This is especially telling in the area of social interventions where the relevant agencies of Government have tight budgets tied to work programmes built around narrow mandates. There is also no history of cooperation between or among these agencies.

10. While recognizing that there are institutionalized challenges in how Government works – e.g. budgetary limitations and cultural challenges, if the members of this Task Force had to identify a single cause for inaction it **WOULD BE LACK OF POLITICAL WILL AND LEADERSHIP.**

11. If these recommendations are to be successfully implemented, then the people of Jamaica will have to see demonstrated a greater level of leadership and accountability.

12. The Jamaican crime situation is very dynamic. Any attempt to develop a policy response that has a chance of gaining consensual support must be grounded in a proper characterization of the situation. Earlier in the report, the current situation was characterized as a *crisis of public safety*. This is quite different from a *crisis of state security*, or a *crisis of generalized state failure* or institutional collapse. It specifically refers to the inability of the responsible state institutions to adequately protect the citizenry from criminal victimization.

13. How one responds to a “culture of violence” is different from how one would respond to a situation in which the levels of social and ordinary criminal violence may be high but these behaviour patterns are situationally induced rather than culturally grounded. To admit to a culture of violence is by definition to admit the existence of a profound crisis.

14. A crisis situation demands a different type/level of intensity of response and resource mobilization than a “normal” situation or lower-level problem. This is a simple requirement of integrity. Failure to act in a manner that is consistent with such an evaluation of the situation may indicate a deeper crisis of state (in) capacity, or of endemic corruption and a complicit or at least a weak and diffident leadership.

15. According to the NSS, the main crime-related threats facing the country are organized crime (especially transnational organized crime) and public disorder or as it is put in the document “the rule of law (is) at risk”.⁷

16. Organized crime is a prime source of violent criminality, especially large-scale violence that is able to confront the security forces and to create major disruptions in the economic and social life of some of the major cities. Beyond this, is the problem of social violence among

⁷ See the *National Security Strategy for Jamaica 2005* page 6



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ordinary citizens who are unable to peacefully settle quite ordinary everyday disputes without resorting to violence - and who do not have the assistance of the institutions of the State (for example, a more proactive and interventionist police service). The idea that a (sub) culture of violence has developed in urban Jamaica has its evidential basis in this reality.

17. Subcultures of violence develop where the State is ineffective in treating with everyday social conflicts and social violence. The people therefore tend to avoid the use of the state institutions and instead resort to self-help violence as a way of resolving conflicts and seeking “justice.” The problem becomes progressively worse and out of the control of the responsible institutions of the State which are increasingly ignored by the affected population. Arresting the present situation is thus a matter of great urgency.

18. An effective strategic response to the problem must rest on an understanding of the “roots” of the problem. Violence has many roots. And there are different types of roots that exist at different (soil) levels. As noted by the report of the National Task Force on Crime 1993 (popularly called the Wolfe Report), individuals commit crime. An understanding of *criminality*, that is, *the act* of committing a crime, is thus incomplete without identifying the factors driving individuals to commit the different types of crimes. These are usually called risk factors. Primary research conducted by UWI academics have isolated these factors for children-at-risk; however, similar work has not yet been done on adult populations.⁸ Identification of these factors may aid interventions that serve to reduce risk and reinforce resiliency *at the level of the individual-at-risk*. This is especially effective when articulated with similar analyses of the local contexts in which the individual operates and makes choices. For example, the identification of risk and resiliency factors for communities may aid interventions *in communities-at-risk*. However, as critical as individual and local (community and school level) interventions may be, their success or failure often hinges on developments at the national level.

19. The current high *rate* of violent crime is the outcome of a long process that has its “roots” in:

- High rates of youth unemployment
- Historically high levels of social inequality, and
- An ineffective criminal justice system.

20. These are empirically established relationships, not speculative conclusions or inferences from general theories of society and the processes of socialization and social control – although these may provide useful insights into the nature of the problem and give coherence to the solutions⁹.

⁸ We refer to the excellent work of Dr. Maureen Samms-Vaughn and Julie Meeks-Gardner. See for example, *A Case-Control study of Family and School Determinants of Aggression in Jamaican Children* by Dr. Meeks-Gardner. It was published by the PIOJ in 2000.

⁹ See Francis, A. et al. 2003. *Crime and Development: The Jamaican Experience*. Mimeo; and Frost, B. and Bennett, R. 1998 “Unemployment and Crime: Implications for the Caribbean” which was published in the *Caribbean Journal of Criminology and Social Psychology* Vol. 3 # 1-2 - for discussion on the empirically established relationships.



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21. High rates of *youth* unemployment (age 14-24 years) are generally associated with high levels of violence. This finding has been reported in study after study in country after country and is true for Jamaica. It is well-known that a high proportion of violent crimes are committed by young males who are unemployed and underemployed. This problem is compounded in conditions of high levels of inequality. Policies that reduce unjust inequalities are likely to reduce some categories of violent crime, but recent research findings cast some doubt that in our case they would have an impact on the murder rate. What is however very clear from the existing research on Jamaica is that police effectiveness as measured in terms of the clear-up rate and conviction rates would have a powerful, deterrent effect on violent crime, including murder - although it should be noted that existing research suggests that a simple increase in the number of police officers is not likely to yield a significant crime control return. The point is to improve the effectiveness of the Police (which does not automatically follow from increased numbers, but does not preclude this) and to end the impunity with which people are able to commit murder and other serious crimes.

22. If the problem has its “root” in the above factors (among others), it is further *facilitated* by high levels of corruption. Transparency International measures the degree to which corruption is perceived to exist among public officials and politicians and produces an annual corruption perception index. For 2005 Jamaica attained a score of 3.6 out of 10 and ranked it 64th out of 159 countries surveyed. In most countries of the world where there has been the development of powerful organized crime networks, this has been facilitated by corrupt relationships between ordinary criminal gangs and the major political institutions. The gangs become key players in the processes of political mobilization on the streets, securing electoral victories, and in consolidating power – often because of their hold on communities of the urban poor. This relationship leads to a flourishing of corruption and the plunder of the resources of the State. This is usually done via construction contracts, solid waste disposal contracts, and contracts for other services, including security services.¹⁰

23. Most of all, corruption facilitates serious crimes, and endemic corruption ensures the freedom of action to build powerful and successful criminal enterprises. This is most problematic and yet most evident in the police service where corruption is endemic and institutionalized. In the interviews that were conducted by the Special Task Force on Crime selected JCF personnel from different ranks expressed the view that the majority of their senior officers were corrupt and/or were tolerant of corruption within the Force. Some of the corrupt practices that have become endemic include:

- Payoffs for road traffic offences
- Sale of gun licenses
- Sale of ammunition
- Dropping charges, including serious offences
- Advising criminals of planned police interdiction
- Not turning up to give evidence in court
- Not recording reported crimes to avoid having to investigate

¹⁰ See Harriott, A. 2005 *The Rise of Organized Crime in Jamaica. Paper presented at Think Tank 2005.*



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- Planting evidence
- Stealing evidence or arranging its “disappearance”
- Stealing the seizures of raids (narcotics, money, weapons, etc.)
- Providing bodyguard service for dons and other questionable characters
- Providing escort for illegal drugs
- Evidence-tampering – switching narcotics in storage
- Removing evidence from crime scenes
- Tampering with biological exhibits, e.g. urine samples
- Subtle intimidation – conducting road traffic “checks” to intercept motorists and try to sell them tickets to police “fundraising” events
- Theft of motor vehicle parts from vehicles in custody of police pound
- Sale of favourable inspection reports for clubs, bars and other entities operating under Spirit Licence
- Perjury to either secure or set aside convictions
- Not recording crimes reported in order to falsify statistics
- Extortion – sale of “protection”- providing security at construction sites and events (dances, etc.)
- Contract killing or “murder for hire”.

24. With regard to the “root causes” identified above, we are referring to them as determinants of the homicide *rate* and rate of violent crime, not individual *acts* of homicide or violence. As rates are features of the society, they are explained in terms of other features of the society (that may be manipulated by public policy instruments). For us a “root cause” is something that has a measurable independent effect on the rate of violent crime. To avoid confusion, determinant is perhaps a better word.

25. The real point here is, however, that an effective crime control policy must treat with these determinants or root causes and the main facilitator of high end and organized crime, that is, corruption. Public resources are scarce and thus it is very important for policy, programme and even project success that the coordination and sequencing of any response is unified by a common strategy. For example, programmes aimed at reducing youth unemployment and transforming the inner-city communities may be counterproductive and serve to empower the networks of organized crime that operate in some of these communities – if these networks are not smashed prior to or simultaneously with the implementation of these programmes and projects.

26. The Special Task Force on Crime suggested that a major strategic objective is to smash organized crime.

The reasons for this are:

- Organized crime serves to advertise the success of crime, including violent crime. Its leaders are high profile models of material success whom others try to emulate.
- They command considerable means of violence.



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- They are able to use their criminally-acquired wealth to corrupt some of the key institutions of the country including the Police Force, elements in the state bureaucracy and the political parties.
- They have made a successful business of violence. Successful extortion rackets are ample evidence of this.

27. The successful rooting out of organized crime would clear the ground for inner-city renewal and successful youth employment projects that may involve attracting private sector firms to inner-city areas.

28. To crush organized crime, however, requires:

- Appropriate legal instruments have been passed which allow the State to seize their criminally-acquired assets and to arrest entire groups of criminal conspirators, that is, to close down the criminal firm. This will take the profits out of crime. This is likely to be more effective than killing the dons who are easily replaced.
- Cutting its links to the political parties and via the parties to the State. These links are a source of its wealth and ability to launder criminally-acquired money. These links are also a source of its power in the communities of the urban poor.
- These linkages are strongest and most problematic in the garrisons. It is here that the crime networks are able to entrench themselves and to secure safe havens. De-garrisoning is thus an important element in any strategy to crush organized crime.
- Controlling police corruption and improving the investigative capacity and competences of the Force. It is partly this corrupt link that guarantees it impunity or freedom from successful prosecution. We will return to these issues in the next section of the report.

29. The problems of organized crime have been highlighted because it is a driver of the process that makes crime successful and attractive and it is a prime source of violence. But as noted earlier, there is also a *more generalized problem of violence in the society*.

30. While it would be totally inappropriate to apply peace-making and mediation strategies to dealing with organized crime, these responses are quite appropriate for treating with many forms of social violence between ordinary citizens. The institutional capacity for delivering these types of services should therefore be strengthened.

31. Pacification of the society and especially the high violence zones, however, requires more than the smashing of organized crime and the access to conflict management services. It requires, at least in the short term, intensive policing and a robust programme of public order maintenance/management. Both of these require an effective police service and justice system. This is especially true in the short term when it is not possible to make a dramatic impact on the socio-economic aspects of the problem, particularly youth unemployment.



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Recommendations

1. Controlling Corruption

Corruption in the Government, political parties and private sector facilitates the empowerment of organized crime and freedom of criminal action more generally. Government contracts are among the most commonly used means for the corrupt, mutually-beneficial transfer of resources to organized crime and corrupt officials. A robust anti-corruption strategy is a condition for more effective law enforcement and the achievement of most of the goals stated above.

- i) *Action:* Provide the Corruption Prevention Commission with the resources that are needed to ensure its independent capability to effectively investigate and prosecute breaches of the Act.
- ii) *Action:* Change the libel laws so that the Press may better expose corruption and crime.
- iii) *Action:* Promote transparency by making it a statutory requirement that all political parties be required to publish annual reports, disclosing the sources of their revenue by corporate and individual names.
- iv) *Action:* Promote transparency in contracts. All contracts and subcontracts, regardless of the sum involved, must be awarded only to contractors that are on lists approved by the Contractor General.
 - a. Contractors must be required to name themselves and to list all subcontractors on a notice board at the site during the period of construction and up to one year afterwards.
 - b. Each Ministry must be required to publish a list of all contractors and subcontractors who have provided services to it. This must be done annually.
- v) *Action:* The appointment of all officials to critical posts and positions of leadership in the public service (the Commissioner of Police, the Chief Justice, the Commissioner of Corrections, the Head of the Corruption Prevention Commission, the Contractor General) should have the approval of 2/3 of Parliament.
- vi) *Action:* Include Parliamentarians under the corruption prevention act.

2. Breaking Party Crime Links

As noted earlier, perhaps the most critical facilitator of high-end crime is the corrupt link with party functionaries. A special set of anti-corruption measures are therefore directed at weakening and breaking these links.

Recommendations:

- i) *Action:* That all “approved contractors” be required to have security clearance that indicates that their firms are not linked to organized crime.
- ii) *Action:* Any contractor who subcontracts to a criminal firm or a firm controlled by criminal elements should be “black listed” from future contracts.
- iii) *Action:* The code of conduct for politicians should include a prohibition of all conduct that reinforces crime and all forms of violence. This includes symbolic reinforcement such as attending the funerals of person of criminal repute, approvingly associating



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with them in the constituencies and other settings, and performing songs that are supportive of violence on political platforms. These types of behaviour should be monitored by the Political Ombudsman.

- iv) *Action:* Remove all persons with criminal connections from representational politics.

3. Degarrisoning

The party-crime links are strongest in the garrisons. Garrisons are a societal phenomenon that arose out of “tribal”, political “wars” starting in the 1960s to control territory. The report of the National Committee on Political Tribalism states, “At one level a garrison community can be described as one in which anyone who seeks to oppose, raise opposition to or organize against the dominant party would definitely be in danger of suffering serious damage to their possessions or person thus making continued residence in the area extremely difficult if not impossible.” This party monopoly is imposed with the assistance of party strongmen who are invariably leaders of violent criminal networks. Electoral results (75% of those voting for the candidate of a particular party) are taken as the usual method of identifying garrison communities. Forty years on, garrison communities are zones of exclusion, characterized by high levels of crime.

Recommendations:

- i) *Action:* Two-party agreement on degarrisoning.
- ii) *Action:* End contracts to garrison dons and their associates.
- iii) *Action:* End the practice of active crime dons making financial contributions to political parties and/or selected party candidates. All garrisons constituencies to be required under pain of criminal liability to make public all contributions
- iv) *Action:* End the practice of active crime dons making financial contributions to political parties and/or selected party candidates. All garrisons constituencies to be required under pain of criminal liability to make public all contributions.
- v) *Action:* Disarm the garrisons.
- vi) *Action:* Accelerate the privatization of housing stocks.
- vii) *Action:* Enforce payment of utilities.
- viii) *Action:* Ensure roadway access within these communities.
- ix) *Action:* Strip garrison dons of all criminally acquired wealth.
- x) *Action:* Initiate a Truth and Reconciliation Commission.



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4. Making the Police Force More Effective

The Police appear to have not benefited sufficiently from the numerous reports, reviews and plans that have been published over the past twenty years. The levels of distrust by the public, corruption (political and otherwise) and ineffectiveness are unacceptable.

Recommendations:

- i) *Action:* Depolitize the Police Force.
- ii) *Action:* The appointment of the Commissioner of Police must be made on merit by the GG on the advice of the Police Service Commission with no input from the Hon. Prime Minister or the Leader of the Opposition. This should be done after public hearings in Parliament. Chapter 5, Recommendation 7.3 of the Wolfe Report of 1993 is instructive in this matter.
- iii) *Action:* The Police Service Commission should act like a Board of Directors having to do with policy and results and the Police Oversight Authority should be amalgamated with the Service Commission. The Commissioner of Police should be required to do an annual report on the performance of the force for the Service Commission and a copy of this report should be laid in Parliament.
- iv) *Action:* Depolitize promotion in the force by establishing a promotion board for both Gazetted and other ranks, the recommendation of which the Commissioner cannot overrule but may appeal to the Police Services Commission for redress.
- v) *Action:* Establish an independent complaints authority to investigate all complaints against the Police including criminal activity.
- vi) *Action:* Upgrade criminal investigation and intelligence services. To that end, a new approach is necessary. An autonomous investigative Police service should be formed. This would be distinct from the JCF, with special responsibilities for investigating serious and high-end crimes.
- vii) *Action:* A strategic review of the Jamaica Constabulary Force (JCF) for the 21st Century.

I strongly recommend that both the Private Sector and the Government review the full report submitted in May 2006 referred to previously, as there are many other items in that report that cannot be fitted into the overview, especially the need for social intervention in many areas known to all of us that have become the breeding ground for criminals. It is absolutely necessary if success is to be achieved that the social issues be addressed with equal zeal as the other recommendations made in this paper.

5.1. The Justice System

The Jamaican Justice System was fully reviewed recently and I would refer all to the Jamaican Justice System Reform Report dated June 2007 which is a very good working document. It needs to be reviewed with its sponsors and implemented as quickly as possible. Jamaica will not see a significant reduction in crime and violence until the legal system is effectively reformed to provide Justice to all persons within the shortest possible time.



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Recommendations:

- i) *Action:* That the report be implemented.
- ii) *Action:* That an implementation team be established quickly to agree on a time table for implementation of the recommendations in the report.

5.2. The Office of the Director of Public Prosecutions was not included in the review of the Justice System and the DPP and his office are a vital component of an effective Justice System.

Recommendations:

- i) *Action:* Review the DPP's office with respect to staffing, resources and accountability.



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Appendices

<u>Cost Implications</u>			
<i>All estimates of expenditure were arrived at by liaison with the respective agency.</i>			
Srl.	Recommendation	Action	Estimated Cost
1	Fully resource Corruption Prevention Commission.	Budget support; current budget is \$28.5m.	Total budget required is \$60m.
2	Amend Libel Law	Appropriate draft legislation to be produced by appropriate Government agency.	none
	Promote transparency - disclosure of funding sources by parties.	Appropriate draft legislation to be produced by appropriate Government agency.	none
3	Promote transparency in contracts and sub-contracts.	Appropriate draft legislation to be produced by appropriate Government agency.	none
4	Include Parliamentarians in the Corruption Prevention Act.	Appropriate draft legislation to be produced by appropriate Government agency.	none
5	Parliamentary approval for senior public officials.	Appropriate draft legislation to be produced by appropriate Government agency.	none
6	Security clearance for approved contractors.	Appropriate draft legislation to be produced by appropriate Government agency.	none
7	Prevent subcontracting to a firm controlled by criminal elements.	Appropriate draft legislation to be produced by appropriate Government agency.	none
8	Code of Conduct for politicians.	Appropriate draft legislation to be produced by appropriate Government agency.	none
Srl.	Recommendation	Action	Estimated Cost



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9	Two-party agreement on de-garrisonizing.	Party action.	None
10	End contracts to garrison dons.	Appropriate draft legislation to be produced by appropriate Government agency.	none
11	End dons making contributions to political parties.	Appropriate draft legislation to be produced by appropriate Government agency.	none
12	Disarm garrisons.	Seek overseas technical and forensic assistance.	none; request overseas aid.
13	Accelerate the privatization of housing stock.	Appropriate action by Government agencies.	minimal
14	Strip garrison dons of all criminally-acquired wealth.	Appropriate draft legislation to be produced by appropriate Government agency.	none
15	Establish police-military posts within garrison communities, as required.	Operational mandate to Security Forces.	Funded from budgets.
16	Truth and Reconciliation Commission.		unknown, but could be assisted by grant and from overseas aid.
17	De-politizing the Police.	Agreement by HPM and Leader of the Opposition to be followed by constitutional amendment.	none
		Appropriate Government agency to action.	None
18	Police Service Commission to have increased authority.	Appropriate Government agency to draft legislation.	none
19	Establish Promotions Boards in the JCF.	Appropriate Government agency to draft legislation.	none
Srl.	Recommendation	Action	Estimated Cost



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20	Fully resource the Police Public Complaints Authority.	Current budget is \$53.5m but additional budget support required.	Total budget approx. \$100m
21	Upgrade criminal investigation and intelligence services by approx. 600 persons.	Appropriate legislation to be drafted.	None
		Budget support	\$1.2b for pay, etc. \$10m for training.
22	Strategic Review of the JCF.	Similar to review of the JDF.	Grant Aid assistance.
23	Upgrade Mobile Reserve.	Strength to be increased from approximately 500 currently to 1500.	Approx. \$2.0b in addition to present budget.
24	Enhance the National Reserve.	National Reserve to be enlarged islandwide.	Current budget adequate.
		Presently employed full-time Reserves to be regularized, thereby allowing the National Reserve to have its full complement.	Additional \$1.3b required.
25	Review DPP's Office with respect to staffing resources and accountability.	To be reviewed by appropriate external body of specially-selected persons.	none
26	Community Renewal		To be determined
27	Youth unemployment		To be determined