

**Report of the
National Committee on
CRIME AND VIOLENCE**

June 11, 2002

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EXECUTIVE SUMMARY

1. Preamble

The idea to establish a National Committee On Crime and Violence emanated from a meeting between representatives of the government and the opposition, held on August 17, 2001.

The composition of the Committee included:

- ¥ Hon. K. D. Knight (Chairman)
- ¥ Hon. Maxine Henry-Wilson
- ¥ Mr. Derrick Smith
- ¥ Mr. Delroy Chuck
- ¥ Col. Trevor MacMillan
- ¥ Dr. Henley Morgan
- ¥ Rev. Rennard White

The main purpose of the Committee was to:

- ¥ Evolve a set of recommendations to treat with the country's high rate of crime and violence that would foster wide public confidence and support, and to
- ¥ Evolve ideas for enhancing the method of appointing the members of the Police Services Commission.

The Committee, constrained as it was by the time available to do its work, involved itself in a review of documentation emanating from the work of previous committees, as well as projects being financed by international donor agencies.

The method of deliberation was discussional.

2. ROOT CAUSES OF CRIME AND VIOLENCE

The approach adopted by the Committee was one of examining the root causes and effects of crime and violence. The basic premise used was: If the problem is killed at the root then the effects we don't want will go away.

The major root causes identified included:

- ¥ Over-centralization of power and authority that leaves communities without the

where- withal to solve their own problems or to settle their disputes.

¥ Excesses in policing which have fractured the relationship with communities and caused some persons to look elsewhere for protection.

¥ Political tribalism that has bred a depend- ency syndrome in many of the nation's citizens and divided communities along party lines.

¥ Non-traditional community leadership that has its roots in tribal politics and the drug culture.

¥ Protracted economic hardships, which have denied many citizens the opportunity to earn a livelihood or to have a meaningful existence.

It is to the major root causes that the recommendations are directed.

In putting forward the recommendations, members of the Committee:

¥ Acknowledged the many sound policies and interventions that have been pursued over the years and that are being contem- plated even now

¥ Agreed that the policies and interventions have not fully addressed the problem of crime and violence

¥ Appreciated the need to excite civil society to believe the problem is solvable and to get involved in the process to turn around the situation

Recommendations are basically on three levels:

i. Rebuilding the moral authority of elected officials who must lead the fight against crime and violence

ii. Giving to individuals and communities an opportunity to make a fresh start and/or to redeem themselves

iii. Policing and legislative provisions to deal with hard core criminals

Recommendations may further be categorized as short term (designed to produce measurable results in a few months) and longer term (designed to treat with deep seated and underlying causes).

3. RECOMMENDATIONS

A total of fifteen (15) recommendations have been derived to treat with the various aspects of a rather complex and pervasive problem. They are:

1. The political leadership in the country must recommit to a set of values and a code of conduct consistent with the vision of a safe, peaceful and prosperous Jamaica.
2. Inculcate proper values and attitudes in the youth of Jamaica.
¥ Curriculum based instruction starting at the primary level
3. Strengthen parenting skills, particularly for children at risk to violence.
4. Empower communities to effectively participate in the judicial process.
¥ Introduce restorative justice programme at the community level
¥ Institutionalize restorative justice through Peace and Justice Centres
5. Leverage positive school and community relationships to address the problem of crime and violence.
6. Empower communities to plan their best possible future and to solve their problems.
¥ Expand and strengthen community consultative committees and legislate their terms of reference.
7. Re-establish and strengthen legitimate leadership within communities, and break the cycle of political patronage.
8. (a) Bring the private sector into active partnership with communities through a national adopt-a-community programme.

(b) Network and twin communities to combine strengths and to avert the current trend towards a divided society.

(c) Give troubled communities an opportunity for a fresh start.
9. (a) Bring in the guns.
¥ Mobilize NGO's and churches, and spearheaded by the Peace Management Initiative, involve communities in the drive to bring in the guns.
(b) Stop the flow of guns into the country.
¥ Invest heavily to secure coastline and to improve monitoring at ports and

airports.

10. Improve police effectiveness and community/ police relationship.

¥ Institutionalize community policing

¥ Improve service at guardrooms

¥ Strengthen ability of Public Complaints Authority to independently investigate charges against police

¥ Radically restructure top level of the JCF through early retirement of senior level

personnel

¥ Conduct independent assessment of CMU and SACTF

¥ Adopt and reinforce standardized procedure for cordoning and searching communities

¥ Institutionalize continuous training in the (proper and judicious) use of firearms.

¥ Speed up civilization of non-policing functions to put more uniformed personnel on the streets

11. Utilize reformed gang leaders in the fight against crime and violence.

12. Develop special legislation to address acts of terrorism.

13. (a) Introduce affirmative action in employment.

(b) Increase levels of employment in poor communities.

(c) Rehabilitate infrastructure and housing in marginal communities.

14. (a) Eliminate political tribalism.

(b) Develop job descriptions for parliamentarians.

(c) Eliminate persons with questionable backgrounds and connections from representational politics.

15. Change method of appointing members of the Police Services Commission to reflect more of a bi-partisan approach.

16. Adopt bi-partisan approach to addressing crime and violence.

The Committee has the expectation that the bi-partisan approach toward addressing the problem of crime and violence will continue. The Government and the Opposition should reconvene their meetings to discuss implementation of the recommendations within one month of receiving this report.

INTRODUCTION

1. Establishment

Pursuant to a meeting held on August 17, 2001 involving the Government of Jamaica, the Opposition and the Private Sector of Jamaica, the National Committee on Crime and Violence was formed.

The membership of the Committee is comprised as follows:

The Hon. K.D. Knight
The Chairman, Minister of National Security

Hon. Maxine Henry-Wilson
Minister of Information

Mr. Derrick Smith
Opposition Spokesman on National Security

Mr. Delroy Chuck
Opposition Spokesman on Justice

Col. Trevor MacMillan
Representing the Private Sector of Jamaica

Dr. Henley Morgan
Representing the Non-Government Sector

Reverend Rennard White
Representing the Church

With respect to the non-political members of the Committee - Colonel Trevor MacMillan, Rev. Rennard White and Dr. Henley Morgan - the use of the word 'representing' is to be understood in the context that the private sector, the Church and the non-government sector are diverse groupings with multiple umbrella representation at the local and national levels; thereby reducing the likelihood that a single voice could legitimately represent their interests.

2. Terms of Reference

The Committee accepts as its mandate, the production of a set of ideas that will engender high levels of participation and support by civil society in the fight against crime and violence. Specifically, the Committee is required to recommend:

- a) Implementable measures, which will foster a national consensus and support, allowing wide participation involving civil society in the fight against crime and violence, and
- b) Ideas for enhancing the mode of selection and appointment of the members of the Police Services Commission.

The Committee was given an initial period of one month within which to complete its work and make its report.

3. Approach

The Committee convened on August 31, 2001, at which time, the draft terms of reference were reviewed and amended.

To avert partisan squabbling and promote an analytical approach, a sub-grouping comprised of non-political members of the Committee was tasked with examining the various project documents, isolating the areas of interest to the Committee and presenting preliminary ideas to facilitate decision making and consensus building by the wider group.

The sub-group held several meetings followed by meetings of the full Committee.

Documents reviewed, included but were not limited to, the following.

- ¥ The Police Executive Research Forum (PERF) Violent Crime and Murder Reduction in Kingston, January 2001
- ¥ Strategic Issues Emanating from the PERF Report (with reference to the Hirst, 1991 and Wolfe, 1992 reports)
- ¥ Social Conflict and Reform Project (SCLR) Jamaica - Detailed Project Design Report, June 2000
- ¥ Jamaica Citizen Security and Justice Programme Project Report (IDB), May 30, 2001
- ¥ Report of the National Task Force on Crime (Wolfe Report), April 1993

¥ Project Memorandum Jamaica Constabulary Reform Modernisation Project (DFID)

¥ Report of the Technical Team to the Bipartisan team to seek solutions to the problems within the police service, Trinidad and Tobago (November, 2000)

¥ Report of the National Committee on Political Tribalism (July 23, 1997)

This is the second and final of two reports being submitted, an interim progress report having been submitted on September 27, 2001.

4. Limitations

There are a few limitations, which although not materially affecting the Committee's work are worth mentioning.

a) The initial period established for the Committee to complete its work was one month. This period was subsequently extended through agreement between the Prime Minister and Leader of the Opposition.

The shortness of the time precluded the solicitation of views from different interest groups, other than the consultations held between members of the Committee and their respective constituencies.

b) Persons knowledgeable of the subject, debate whether crime and violence is itself the focal problem; the effect of another focal problem such as poverty, or the root cause of still another focal problem, such as economic stagnation.

Depending on where crime and violence falls in the problem-solving continuum, the approach to a solution could vary. In the present examination, crime and violence is treated as the FOCAL PROBLEM, with measurable affects and definable root causes.

BACKGROUND

The National Committee on Crime and Violence was formed in the context of rising criminal activity within Jamaica and the feeling among the political leadership of the country that a united front with the full interest and participation of civil society is required to stem the tide.

There are no fewer than ten classifications of personal crime that are continually in the local news and to which a significant number of Jamaicans would consider themselves vulnerable. Five may be considered crimes against property: burglary, larceny, auto theft, arson and various forms of white-collar crime. The other five may be considered crimes against the person: murder, forcible rape, aggravated assault, robbery (which is also a crime directed at property) and suicide.

In the absence of scientific analysis, one may make an educated guess that crimes against property – that is, incidents in which the victim and the perpetrator do not come face to face – are the ones that directly affect the largest number of Jamaicans. Notwithstanding the foregoing, crimes against the person – particularly murders or homicides – are the ones for which the population is fed a daily diet of statistics and, which consequently are foremost in forming public perception of crime as the most pressing national problem.

Jamaica ranks high among the countries of the world in its homicide rate.

Highest homicide rate per 100,000 in 1998	
South Africa	59.0
Columbia	56.0
Namibia	45.0
Jamaica	37.0

Source: Nedbank ISS
Interpol 1998, CIAC SA

For 2000, the total number of homicides for Jamaica numbered 887 of which guns accounted for 536 or 60 percent. Just over 55 percent of homicides that year were located in Kingston and St. Andrew

Based on police statistics, the motives behind the homicides were classified as follows:

Motive	No.	%
Robbery	133	15
Domestic	294	33
Reprisal	287	32
Gang	126	14
Other	47	6

Although the remit of the Committee is not limited to homicides, it is natural (and even prudent) that given the prevailing circumstances, this particular form of crime would be uppermost in our minds as we pursue our deliberations.

SIGNIFICANCE OF THE PROBLEM

Relative to crime and violence as the FOCAL PROBLEM, the Committee engaged in a brainstorming exercise to arrive at the ROOT CAUSES and the EFFECTS.

1. Root Causes of Crime and Violence

Among the factors giving rise to crime and violence are the following:

- ¥ Destabilized family structure (including poor parenting)
- ¥ Decline in values and attitudes across the society
- ¥ Urban drift
- ¥ Economic instability (including high unemployment)
- ¥ Inequality in income distribution
- ¥ Drug culture
- ¥ High level of illiteracy
- ¥ Political tribalism
- ¥ Emergence of non-traditional/parallel leadership within communities
- ¥ Ineffectual, citizen-unfriendly policing
- ¥ Negative perceptions re: access to security and justice (particularly in poor communities)
- ¥ Ineffectiveness of channels of communication between the community and the police
- ¥ High availability of firearms and other weapons
- ¥ Lack of community empowerment (to address/ameliorate problems before they escalate)
- ¥ Weak financial status of civil society organizations which limits pre-emptive and response capability
- ¥ Corruption

These factors are not exhaustive but pretty much reflect factors highlighted in reports by Committees such as the National Task Force on Crime (1993) and the Police Executive Forum Ð PERF (2000).

2. Effects of Crime and Violence

The most telling effects of crime and violence include:

- ¥ Polarization of communities into warring factions
- ¥ Restriction of freedom of movement by citizens
- ¥ Overload of court system
- ¥ Loss of investment opportunities
- ¥ Loss of personal and business income (resulting from civil unrest, etc.)
- ¥ Outflow of foreign exchange for medical and related items
- ¥ Pressure on health facilities
- ¥ Lost man-days at work resulting in sub-standard productivity
- ¥ An overwhelmed and increasingly reactive police force
- ¥ Political and social disengagement of the citizenry (who lose their sense of security and well-being)
- ¥ Migration of skills
- ¥ Economic instability (including high employment)

The objective of any recommendations toward reducing crime and violence should be to produce measurable positive turn-around in the negative effects being experienced by the citizens of affected communities and the country at large.

GETTING THE *HOW* OF SOLVING THE PROBLEM OF CRIME AND VIOLENCE

1. Why past Initiatives have Failed

The Committee acknowledges the many recommendations that have been put forward over the years and the many commendable programmes and interventions that have been pursued. Some success has been achieved at the conceptual and tactical levels but less at the grass-root level where the common citizen sees, feels and reacts to issues. If one is to be candid in one's assessment of the situation, the many interventions have not carried through with anything approaching maximum effectiveness to citizens and the communities within which they live.

A way must be found to engage civil society on the basis of its own self-interest and participation.

Finding the way must necessarily begin with answering the question: Why have previous policies and initiatives not worked better? There is a multiplicity of reasons including the following:

- ✘ Tendency to go for popular or politically expedient policies and programmes in preference to tough choices equal to the seriousness of the problems (lack of political will)
- ✘ Reactive and prescriptive approach which fails to attack the problems at the root
- ✘ Mainstreaming of policies and programmes without the necessary infrastructure to take the initiatives downstream
- ✘ Communities not fully engaged
- ✘ Outputs not outcomes
- ✘ Failure to hold the gains
- ✘ What works neglected
- ✘ Too little investment in people
- ✘ Failure of policy makers and implementers to 'walk the talk'
- ✘ Chasing the 'useful many' instead of concentrating on the 'vital few' causes

OUR RECOMMENDATIONS

The recommendations are categorized under sub-headings as follows:

¥ **Establishing the Groundwork**

Recommendation 1

¥ **Preparing the Next Generation**

Recommendations 2 and 3

¥ **Community Empowerment to Deal with First Time Offenders**

Recommendation 4

¥ **Increasing Citizen Power**

Recommendations 5 and 6

¥ **Reestablishing Legitimate Leadership Within Communities**

Recommendations 7, 7 (a), 7 (b)

¥ **Giving Troubled Communities a Fresh Start**

Recommendations 8 (a), 8 (b), 8 (c)

¥ **Bringing in the Guns**

Recommendations 9 (a), 9 (b)

¥ **Improving Police Effectiveness and Police/Community Relations**

Recommendations 10 (a), 10 (b), 10 (c)

¥ **Dealing with Gangs and Terrorism**

Recommendations 11 and 12

¥ **Empowering Inner City Communities and Residents Economically**

Recommendation 13

¥ **Reducing Political Tribalism**

Recommendations 14, 14 (a), 14 (b)

¥ **Enhancing the Police Services Commission**

Recommendation 15

To be effective and win public support, strategies to fight crime and violence must focus on people and not statistical reports; on rebuilding community structures through which to deploy policies and programmes, and on rebuilding the moral authority of political leadership, which must take and pursue tough and sometimes unpopular decisions.

2. The Vital Few Causes

Crime and violence in Jamaica is reflective of a breakdown in social, cultural and economic relationships. The relationship dynamics have been fractured by:

- ¥ Centralization of authority and power that leaves communities without the knowledge, know-how and legislative arrangements to resolve their own disputes and problems, and makes them vulnerable to discrimination and indifferent treatment/ service by the bureaucracy.
- ¥ Excesses in policing, that breaks down trust by citizens in those who are sworn to uphold the law and leaves a sense among segments of the society that they must look elsewhere for their protection and for 'justice'.
- ¥ Political tribalism that leads people to be overly dependent on their elected officials and to make such support contingent on public largesse.
- ¥ The emergence of leadership in some communities that has its roots in political tribalism and the drug culture; and, which effectively undermines the traditional leadership to be found in community institutions.
- ¥ Protracted economic hardships, which deny citizens the opportunity of a livelihood, take away their independence of action in determining their best possible future, and make them targets for crime and violence.

The Committee acknowledges that ultimately, premeditated criminal acts result from individual choices and behavior; ensuring that there is a ready and just deterrent, is an obligation from which the state must not retreat.

An underlying theme of this report and the recommendations it contains is the need for a cooperative effort between government, the private sector and civil society towards reducing and eventually eliminating crime and violence. Yet, it is clear that government in particular and politicians in general must bear the heavy end of the load. Treating with Political Tribalism and strengthening the Moral Authority of the country's elected officials to demonstrate the Political Will in leading the fight against crime and violence, are central to the overall recommendations of the Committee.

The Committee's recommendations speak directly to the major causes.

RECOMMENDATION NO. 1

The political leadership in the country must recommit to a set of values and a code of conduct consistent with the vision of a safe, peaceful and prosperous Jamaica

As a first step in leading the country back from the precipice, the leaders of the major political parties MUST in some symbolic and public way recommit to the vision of a safe, peaceful and prosperous Jamaica where crime and the fear of crime do not limit the prospects of citizens achieving their potential and enjoying life.

In order to achieve the vision, there are some supporting philosophies, values and goals to which our political leaders must also commit.

✘ Eliminate tribal attitudes and behaviour from the political landscape of our country.

⊖ Freedom of choice in political affiliation

⊖ One man, one vote

⊖ Peaceful co-existence of divergent political views within communities

⊖ Even-handedness in distribution of government benefits and contracts

⊖ Absence of political territorial 'markers' e.g. graffiti that labels a constituency, community or area PNP-Only or JLP-only

✘ Re-establish and support legitimate leadership within communities without fear, favour or partisan consideration.

⊖ Respect for and visible association with traditional leadership

⊖ Isolation of criminal or fringe leadership

⊖ Channelling state resources away from illegitimate and tainted 'community leaders'

⊖ Non-confusing messages through attendance at events and through public statements

✘ Empower communities through a system of cooperative partnerships that gives citizens a voice in the country's and local community's decision making process.

⊖ Legislative support for community democracy (e.g. Community Consultative Committees)

⊖ Partnership (with community actors and institutions) in community planning, development and problem solving

⊖ New political paradigm of accountability to constituents
⊖ Treating the citizen not as a potential vote but instead as a customer (someone to whom a service is owed)

¥ Put an end to excesses by agencies of the state generally and the security forces in particular. Support zero tolerance toward:

⊖ Unauthorized searches by the police
⊖ Unlawful detention of citizens by the police
⊖ Unjustified violence against unarmed citizens by the security forces
⊖ Violation of civil liberties by those sworn to uphold them
⊖ Corruption within the police force

The Committee is in support of the current policy of zero tolerance toward crime by the law enforcement authorities. Where a breach is detected, discretionary options should continue to apply (warning, counselling, etc.); not just the ultimate action of arrest and never extra-judicial killings.

RECOMMENDATION NO. 2

Inculcate proper values and attitudes in the youth of Jamaica

Some commentators have observed that the present generation is lost to crime and violence and that we might as well start looking to the next for the country's salvation. Whatever the basis for the argument, it is clear that a major thrust towards re-socializing the young towards proper values and attitudes has to be an integral part of any strategy to create a more just and peaceful society. This position is confirmed by the PERF report on page 62, which states: 'The cycle of violence must be broken on several fronts but serious effort must begin with children'.

The Peace and Love in Schools (PALS) programme is well established and maturing. It is timely for this programme to be comprehensively reviewed, expanded and strengthened.

Starting at the primary level, there must be greater and more formalized (curriculum based) emphasis on educating young people about the consequences of crime. A proper understanding of crime and the fear that it engenders must include a realistic appreciation of the social and economic risks that it poses to communities and individuals. Specifically, the young must be educated to understand the link between the cycle of violence and the cycle of poverty and that choosing violence is in essence choosing poverty.

RECOMMENDATION NO. 3

Strengthen parenting skills

Additionally, parenting skills must be encouraged and strengthened. A national parenting programme (such as contemplated by the soon to be launched IDB Citizens Security and Justice Programme) to sensitize parents (and guardians) and impart to them effective methods of steering their children clear of crime should be embarked upon as a matter of priority. Children of poor families are especially at risk to crime and violence. Identifying and incentivizing parents of at-risk children to become involved in the process, is achievable through linkage with the soon to be launched Social Safety Net programme which also has an emphasis on keeping students in school.

RECOMMENDATION NO. 4

Empower communities to effectively participate in the judicial process

The clamour of large segments of the society is that there is 'no justice'. It is open to debate what exactly is meant by this assertion, but what is not in doubt: is the fact that many persons have lost confidence in the criminal justice system.

It is also of concern that in an effort by the authorities to get 'tough on crime' many young offenders are taken off the corners of their communities, often on dubious or minor charges, placed in the penal system only to emerge later with a life strangling prison record and an even worse attitude towards law and order. It is a fact that the system does not sufficiently rehabilitate the offender nor restores the victim.

Commendable efforts are being made with the assistance of multi-lateral and bi-lateral funding to reform and institutionally strengthen the judicial process, the Jamaica Constabulary Force, and the Ministries of National Security and Justice. It will, however, be some time yet before efficacy returns to the criminal justice system and before the negative perceptions are removed.

The criminal justice system focuses primarily on the need to process and punish offenders. Increasingly, the leading democracies are instituting restorative justice programmes (working alongside the formal, adversarial criminal justice system) to afford communities and affected individuals the opportunity to be more than passive by-standers. They have found this approach to be a more efficient and effective way of issuing a first time caution to the offender and to seek restitution acceptable to the victim, both of whom must continue to co-exist in the community.

In Jamaica, tremendous strides have been made in this direction. Through the

Criminal Justice Reform Act, Resident Magistrate Courts and the Supreme Court are given discretion to include mediation in the settlement of civil dispute. The Social Conflict and Legal Reform Project being funded by CIDA, will see the Dispute Resolution Foundation (DFR) establishing Peace and Justice Centres in two pilot communities.

The process of restorative justice and dispute resolution, built around the proposed Peace and Justice Centres at the community level, must be given support at the highest level of government and civil society; starting with the troubled communities that experience higher than normal levels of crime and violence.

Recommendation No. 5

Leverage positive school/community relationship to address the problem of crime and violence

Community based institutions and civil society organisations must be at the vanguard in translating government policies into action at the grass root level. Generally these organisations are being prevented from playing their rightful role by fragmented national perspective among their very membership on how to treat with crime and violence; uncertainty about the constituency on whose behalf they speak; lack of broad based representation among the membership; unstable financial status, and undermining of the legitimate authority of these organisations by surrogate, unnatural and sometimes criminal leadership structures that have emerged in some communities in recent years.

Despite their denominational origins and government support, schools are widely viewed as the most neutral and best-resourced institutions within communities. Although not civil society or community based organisations in the purest sense, schools are required by the present situation to play an expanded role (as focal points) in anchoring the initiatives being marshalled against crime and violence at the local level.

Schools have effectively played this role before, albeit in a narrower sense. One recalls the USAID/GOJ sponsored School & Community Outreach for Education (SCOPE) project of the early 1990's. Hundreds of school administrators and community leaders were put through a five-day residential training programme. Strategies developed through these programmes were put to work back in the respective communities to tackle and successfully eliminate school vandalism as a major problem from the national landscape. Knowledge in school/community partnerships developed through programmes such as SCOPE and the more recent PALS, have been retained in some schools.

Building on these positive experiences, schools must be identified in communities across Jamaica and given a specific role in the war against crime

and violence. Suitably branded, with distinctive signage and exterior painting, the selected schools could in the first instance be used to anchor the restorative justice and dispute resolution programme by housing the proposed Peace and Justice Centres.

Recommendation No. 6

Empower communities to plan their best possible future and to solve their problems

Community Consultative Committees or Community Councils which are essentially coalitions of schools, NGOs, other civil society actors and possibly local government representation, must be developed, trained and legally sanctioned for involvement in participation methods such as community appraisal, developing a vision for the community, action planning, following up and monitoring of interventions geared to solving economic and social problems which are at the root of crime and violence.

These cooperative partnerships must of necessity be allowed autonomy but with assistance from a centralized secretariat or referral unit acting in an advisory and technical support capacity. Centrally provided financial and material resources would also be helpful in assisting communities to address their unique issues.

Recommendations No. 7

Re-establish/strengthen legitimate leadership within communities and break the cycle of political patronage

A major factor underlying crime and violence in some communities Ð particularly those described as political garrisons Ð is the emergence of parallel leadership alongside the traditional leadership. Communities have, over decades of Jamaican history, looked to the professions (doctors, lawyers, teachers, pastors, policemen, justices of the peace, business persons, etc.) along with good, solid citizens to provide leadership.

Migration of these persons out of the troubled communities coupled with the accumulation of ill-gotten gains in a few hands have shifted the balance of power. The political directorate has over the years failed to treat effectively with this phenomenon.

Not long ago, the arrest of a popular 'community leader' or so called Don, led to civil unrest and his early release. More recently, the killing of another well-known area Don sparked weeks of violent conflict, which left many dead including members of the security forces.

The ill effects of this trend are clear to see. The communities where this form of

leadership exists (or emerges as some would contend) are invariably impoverished, with run down infrastructure and high levels of crime and violence. The affected communities are robbed of suitable role models, are deficient in so far as cooperative effort towards community empowerment is concerned, and are unable to attract outside resources or assistance on a sustained basis.

Across Jamaica, there still exist models of communities where traditional leadership forms exist. The differences between these and the other type are stark. Walker's Wood in the parish of St. Ann is one such conspicuous example.

The problem of the informal or non-traditional community leader, which is almost as old as the nation, is spreading nationally and has become entrenched in the culture. It is not going to be easy to reverse the trend.

The country generally and elected officials in particular, must begin now to send a message to those involved in perpetuating a culture of 'donmanship' that their days are numbered and to create the conditions to allow a new generation of leaders to emerge within communities. The cooperative school & community partnership and democratic community structures set out above in Recommendations 5 and 6, must be seen and supported as an effective vehicle through which to start the transition back to a traditional leadership structure.

Recommendation No. 7 (a)

By giving members of the proposed Community Council or existing Consultative Committee: Leadership training, problem solving skills, decision making authority on a community-wide basis, technical and financial resources; illegitimate leadership forms will be isolated, co-opted & eventually rendered redundant & as people look to new resources to address their security and other community concerns.

Recommendation No. 7 (b)

One area needing special attention is the award of contracts for community projects and the distribution of government benefits by political representatives. It is a fact that informal/non-traditional community leaders figure in the contractual and distributive aspects of political work. Politicians, as part of an overall code of conduct, must be required to desist from these practices and to instead seek the assistance of the properly constituted national and community organ(s) in channelling work and benefits to constituents.

Recommendation No. 8 (a)

Bring the private sector into active partnership with communities

Our society is wholly interdependent today and decay in one part endangers all. On a recent walk through a troubled West Kingston community, some private sector leaders were reported in the press to have expressed surprise at the poor conditions in which residents live. In times of peace and relative calm it is easy to lapse into a false sense of security in the belief that our special worlds can flourish while society decays.

The private sector must ask itself, what steps can we take to make these communities more decent places in which to live? The principal reason for business and industry to ask this question and act upon the answer is that these areas offer great opportunity for growth and profit. To put it more bluntly, when a riot erupts, business stops.

Local and international business enterprises have been selfless in their philanthropic effort over the years, mostly acting on an individual basis. What is needed now is a new cooperative partnership that can in a more powerful way place the capital, skills, manpower and technology of corporate Jamaica at the disposal of communities seeking a way out of the abyss.

To this end, the Committee is recommending partnerships between individual private sector enterprises and communities on a basis patterned after the once popular Adopt-A-School programme. The idea is to get enterprises and communities involved in a number of cooperative ventures such as holiday 'earn and learn' programmes, career counselling, mentoring programmes, affirmative employment programmes, support for community planning activities and project execution, etc. The role of government must be to work with the PSOJ or other private sector bodies to formally structure and administer the Adopt-A-Community programme, and to provide appropriate incentives; for example, tax credits. This partnership is not intended to mean the adoption of entire inner-city communities but rather to facilitate the introduction of specific projects or areas of activity within a community. This will entail close collaboration between the Private Sector and the Non-Government Organization (NGOs).

Recommendation No. 8 (b)

Network communities to combine strengths and avert a split into two societies

Although crime and violence is taking on an increasingly national character, the worst forms are still concentrated in 'known' inner-city communities. Knowing where crime and violence are located is positive from a crime fighting or intelligence perspective. Profiling (i.e., treating crime in certain locations in a

generalized way) is on the other hand, a dangerous development in Jamaican law enforcement, which has the potential for violating people's civil rights.

Community profiling i.e., targeting some communities for generalized and special treatment by law enforcement agencies, becomes easier where communities are socially excluded. Social exclusion is a description for what can happen when individuals or communities suffer from a combination of related problems such as high unemployment, poor skills, low incomes, poor housing, substandard infrastructure and high crime rates. The country out of frustration with protracted high rates of crime and violence is unwittingly slipping into a divided society. In such an atmosphere, it is entirely possible that atrocities could be committed by agencies of the state against whole communities in the name of justice, and without the restraining influence of public opinion.

One measure of the polarization is the number of rural dwellers who say they are fearful to travel to the Corporate Area and the number of persons in up-town middle class society who similarly say they are fearful to visit or travel through some inner-city communities. Although the fear people express is understandable given the circumstances, much of it is based on ignorance about the communities in question; ignorance that, in part, arises from absence of any direct association.

Many young residents of inner-city communities have never travelled much beyond the boundaries of where they reside. They only see and know one side of Jamaica.

Yet, communities and life styles within Jamaica can be as different as between countries. Even the difference in night sounds between, say, a violence plagued urban ghetto and a peaceful country village, can be a forceful reminder of how life has changed for some communities. Which is the true Jamaica, is a question that is often asked.

There is a lot that communities can learn and assimilate from each other, culturally.

Jamaicans who are old enough will recall the celebrated twinning of local and overseas cities, communities and institutions in the 1970's. The idea behind these cooperative partnerships was to foster cross-fertilization of cultures and benchmarking of best practices between the cooperating entities.

Troubled communities must not be simply left on their own to solve their problems and ostracized when they fail. Out of obedience to the national motto, the country must move beyond the stereotypical treatment of communities in relation to crime and violence and find strength through networking.

There is a lot that communities can learn and assimilate from each other. To facilitate learning and slow the dangerous slide of the country into a divided

society, the Committee is recommending a twinning process between communities (based on agreed criteria) to be pursued in a highly structured and synergistic manner. Consider, for example, the mutual benefits that could flow from, say, the inner-city community of Rema in South St Andrew being twinned with the rural community of Bluefields in Westmoreland. Care must be taken in such a programme to ensure that good attitudes and values influence anti-social tendencies.

The programme must be centrally administered and supported through an appropriate government agency such as the Social Development Commission, and linked to a national award system to recognize outstanding levels of cooperation and learning between communities. It must be stressed however, that the matter of adoption had to be thought through carefully. In addition, the twinning of communities cannot be seen as a private sector role although it does not preclude private sector involvement.

Recommendation No. 8 (c)

Give troubled communities an opportunity for a fresh start

The media must accept that they have a special role to play in the overall effort to avoid community profiling or loss of confidence in the constituted law enforcement agencies. At the same time, the Committee supports the responsibility of a free press to report the facts, as they exist. It was agreed that the President of the Private Sector Organization, Mr Oliver Clarke, will convene a meeting with the media houses to discuss the stigmatization of communities.

Recommendation No. 9 (a)

Bring in the guns

It was agreed that the NGOs and the churches would be asked to develop a programme that involved communities in the bringing in of guns. It was further agreed that the Peace Management Initiative would be asked to spearhead this project.

Recommendation 9 (b)

Stop the flow of guns into the country

The recovery of illegal guns will remain an uphill task in the absence of a national effort to prevent guns from coming into the island in the first place.

The government must immediately provide the resources Ñ financial and otherwise Ñ to ensure that the JDF Air Wing, JDF Coast Guard and Marine Police are equipped to adequately protect our coastline. Where the nation's

security forces are inadequate, foreign assistance must be sourced to help stem the flow of weapons and ammunition into the island. Simultaneously, the government must drastically improve the level of security at our ports Ñ both sea and air Ñ by establishing a special body outside the JCF, to be appropriately named. The work of these strategically trained and placed professionals must be supported by significant x-ray facilities.

The Committee has been informed of the negotiation to acquire state of the art equipment to x-ray containers. The acquisition must be done now. Resources presently in place and to be acquired must be effectively utilized.

Customs Department personnel must be re-orientated to their role in preventing the inflow of guns, ammunition and drugs and not just the collection of revenue.

Implementation of this recommendation is admittedly capital intensive. Government must demonstrate no less creativity and resolve (than it did in rescuing the financial sector from a total collapse) in garnering the necessary resources.

Recommendation No. 10 (a)

Improve police effectiveness and community/ police relationship

Policing forms an important aspect of the crime control strategy of the state. Anthony Harriott in *Police and Crime Control in Jamaica* (2000) cites that there is a crisis in policing, expressed in:

- ¥ a generalized ineffectiveness of the police in controlling crime
- ¥ a generalized decline in public confidence in the police
- ¥ popular withdrawal of participation in policing, and
- ¥ greater resort to violence and its manipulation by the police force

The last point is especially telling, given the statistics on police killing.

Among the issues needing to be addressed are the following:

- ¥ Ineffectiveness of channels of communication between some communities and the police
- ¥ Factors inhibiting and facilitating collaboration between community members and the police
- ¥ Dissatisfaction with police action taken when crimes (including those involving the police) are reported
- ¥ Distrust between the community and the police
- ¥ Reliance by some communities on criminal activities to support a significant number of persons in those communities

This Committee acknowledges the JCF Strategic Plan, a document which comprehensively sets out the desired future direction of policing; the DFID supported JCF Reform Project currently in progress and continuing for five years to support the strategic plan in six essential areas of policing; the Police Ñ Citizens Charter which seeks to set minimum standards of performance for the police and the PERF which provides objective external insight and is in search of funding for implementation of the recommendations. Additionally, the Committee was informed of a US\$20 million IADB Citizens and Justice Reform Project, as well as a CIDA Canadian \$7 million Social Conflict and Legal Reform Project.

There are three existing areas of the overall programme of reform within the Jamaica Constabulary Force, which the Committee feels need to be provided with additional resources and expedited in their implementation.

The first is service at the guardroom, which will see the renovation of several guardrooms to be more customer-friendly, the retraining of personnel and the general adoption of a customer service culture; to afford members of the community a greater sense of privacy and security. A target of one model guardroom in each parish capital and major town (in addition to the six pilots already on the drawing board) within the next 18 months would begin to have the desired impact on citizens' perception of the JCF as a professional organization with which they can share information in confidence.

Another area is community policing. The need for special crime fighting teams within the JCF is recognized. However, the methods employed by these teams and the curtailment of their involvement in routine operational aspects of police work, must signal to the public that precedence is in fact being given to the community policing concept. The community policing concept must be institutionalized and rolled out nationally now.

The third area is internal investigation. The Committee supports the plans to expand and enhance the activities of the Public Complaints Authority supported by improved standard practice procedures, additional manpower and the use of technology for island-wide effectiveness. The public should expect and insist on the delivery of a simplified, transparent and efficient system and process capable of quicker investigation and swifter justice. Areas of the work performed by the Office of Professional Responsibility, the Bureau of Special Investigation and the Complaints Unit within the Force must be merged into a single unit to support the work of the independent Public Complaints Authority. The idea currently being pursued to name the merged unit, The Professional Standards Branch to give it broader responsibilities including the setting and testing of standards is fully supported by the Committee. We also recommend the periodic release of statistical reports on the work of the PPCA to the public.

Recommendation No. 10 (b)

Reform of the Jamaica Constabulary Force

Actions to reform the JCF from within are being stymied by an internal culture that is highly status driven and unresponsive to change. Decisive action must be taken to allow younger, more flexible persons lower in the structure to come into leadership and to send a message to the public that says we will have a constabulary in which confidence can be reposed. To this end, accelerated promotion and graduate entry programmes now in place must be fully institutionalized.

Implementation of a Reform Programme will require various approaches. A programme for early retirement was already underway and could not be governed by percentages but rather by appropriateness both in terms of personnel needs and timing. It was agreed that a Report on the current structure of the JCF would be completed by the end of March 2002 and that a management audit would commence thereafter. This would be completed in six months. It was further agreed that the Terms of Reference of the Police Services Commission would be reviewed and that its composition be re-visited to ensure that it commands public confidence.

Recommendation 10 (c)

How to address the serious crime problem through more effective policing

Coming so soon after the recent upsurge in criminality in certain inner-city communities, this report will be lacking in credibility if it fails to speak to 'hardÓ policing strategies capable of treating with the situation on the ground.

In this context, it is clear that the special crime fighting units that are set up from time to time remain at optimum effectiveness only for a short initial period; and that at a high cost to the image and morale of the Force.

There are several aspects to our recommendation of how to address the serious crime problem through more/effective policing.

First, an independent review of the operational effectiveness of the Crime Management Unit and Special Anti-Crime Task Force must be undertaken as a matter of priority and as was intended at the outset. Recommendations must seek to produce a team that is highly strategic in its operations, consisting of especially trained personnel, acting on intelligence, and remaining on stand-by to be called into action for short duration when warranted by the situation, along the lines practised by the popular SWAT Teams in the United States. In carrying out this exercise, the benefits must be measured against the objectives set for the team(s) and counter balanced by the financial and non-financial costs.

Second, the Committee is recommending the immediate review of recommendations of the Hirst Report, 1991 that have resulted in de-emphasis of the Mobile Reserve. Present circumstances require that the resources be provided to return the Mobile Reserve to its rightful status as a crack team of crime fighters. The number of personnel in the unit have depleted to about half of the complement of almost 1,000 it had in its hey-day and persons trained in the special skills required by the unit are scattered/deployed throughout the Force instead of being on the front line in the fight against crime and violence. The police must be provided with the human, material and statistical resources to do its job equal to the challenge.

Third, the JCF must complement the use of curfews with a standard procedure for cordoning and searching a community once violence has in the judgement of the appropriate authorities escalated to crisis proportion. The procedure must include bringing in the manpower, sniffer-dogs, metal detectors; helicopters and whatever other technology is available to seal off an area and search it from 'top to bottom' to use a common expression. We are further suggesting that these special situations do provide another legitimate opportunity for introducing overseas based personnel on a limited and controlled basis. Personnel from the Caribbean Search Centre as well as observers from human rights groups could be involved in these exercises.

Fourth, institutionalize continuous training in the use of firearms in the shortest time. There has been a noticeable increase in charges coming from the public of trigger-happy policemen who shoot to kill or (paradoxically) who shoot and miss. There are policemen who have not been on a shooting range in over ten years. This seems at the present time to be more the norm than the exception.

Fifth, maximize civilianisation of functions that do not require police training; thereby releasing increased uniformed personnel for front line action in the fight against crime and violence. The JCF must provide evidence of its actions in this area.

Sixth, conduct comprehensive evaluation of systems, procedures and manning relating to inspections carried out by the police at air and seaports. Increase inspection and enforcement of laws to control importation of guns and ammunition, and firecrackers that are often used to mask the sound of gunfire. See Recommendation No. 9 (b).

Seventh, the Committee supports the establishment of the Joint Operations Centre to provide for better planning, coordination and execution of operations undertaken by the security forces. The Committee insists that this effort must be intelligence driven.

Eighth, get tough on small and petty behaviour linked crime such as loitering,

vagrancy, gambling, drunkenness and drug use which create the conditions for bigger crimes.

Note: Many of these crimes can be addressed through the restorative justice programme referred to elsewhere in this report.

Recommendation No. 11

Utilize reformed gang leaders in the fight against crime and violence

Organized gangs are at the root of much of the crime and violence being experienced in Jamaica. In addition to a policing solution, real effort must be made within the penal system to reform offenders and to enlist them up on their release in a programme of peer counselling to deter youths from taking up a similar life style and to influence those already involved to give it up.

Government must launch a coordinated effort possibly involving the support of the international donor community and local private sector within a defined project design, to involve reformed offenders and communities in the fight against crime and violence. An aspect of the programme could involve benchmarking similar overseas initiatives; say in US inner city communities, to facilitate sharing of experiences and also as an incentive to participants who would travel to the overseas location(s) for first hand orientation.

Recommendation No. 12

Develop special legislation to address acts of terrorism

The September 22, 2001 edition of the Economist magazine defined terrorism as a 'horribly calculated attempt to use violence to help achieve an objective'. By this general standard, at least some criminal acts taking place in Jamaica may be said to be terrorist in intent and nature.

This Committee cautions against taking the rhetoric in a direction that enlarges the problem or further damages the image of the country, particularly where national security risks are not clearly evident. Notwithstanding, countries within the U.N. system are being encouraged to pass appropriate legislation to treat with the threat of terrorism within national borders and internationally.

Jamaica must enact legislation that in the first instance identifies as terrorist certain activities which occur wholly within the country. Assassination of elected officials, law enforcement officers, members of the judiciary and jurors in the lawful execution of their duties; attacks against police or government faculties; organized/orchestrated attacks on groups or communities; organized extortion such as requiring citizens to pay 'protection' money; illegal stockpiling/storage of guns and ammunition for sale or use – must in the opinion of the Committee be

considered acts of terrorism.

The legislation must necessarily give to the police and the criminal justice system more generally, special powers of surveillance, search, arrest, detention and confiscation of property in situations defined by the law. It must also set minimum periods of incarceration for persons found guilty of such actions.

The government must allow an initial period of amnesty before the legislation is brought into force. Further, the Committee strongly recommends a bipartisan approach to the legislative process, which must be conducted within the Constitution and the Laws of the country.

Recommendation No. 13

Introduce affirmative action in employment, housing and general infrastructure

Ghetto dwellers are disproportionately poor and jobless. Research by Dr. Trevor Hamilton has shown that the return on investment made by innercity families in education is less than that for upper and middle-income families by a factor of 1:3. In other words, although poor slum and ghetto dwellers are accessing educational opportunities in public schools at near the same level as well-off families, their absorption into the job market is significantly less. This is a significant finding given the fact that there is empirical evidence pointing to an inverse relationship between employment and crime. As jobs increase, crime comes down.

Jobs and not bullets must be the live ammunition with which we wage the war against poverty. To that end, the Committee is recommending affirmative action in employment practices throughout the nation to ensure fair statistical representation of persons from poor and marginalized communities on the employment rolls of companies. No more will job applicants be discriminated against because of their addresses. Through the launch of PROJECT OPPORTUNITY, government must seek voluntary compliance by employers and failing that pass the necessary legislation to bring the programme into effect.

Unemployment is a major problem for residents of inner city and rural communities. It cannot be realistically expected that external investment will come in to create employment in these communities in the short term.

In support of government's poverty eradication programme, the UNDP embarked on a laudable initiative to identify and develop prototype income generating projects for both rural and inner city communities. There is the potential for replicating these projects in communities across the nation, starting with those that from the Standard of Living Survey possess the highest incidence of poverty.

Government must find a way to put resources into national initiatives such as the one mentioned above and others such as Skills 2000, which provide people with the hope of employment based on their own initiative. This, the Committee feels is a significant medium term strategy for attacking one of the main root causes of crime and violence.

The physical and environmental condition within some communities make them a breeding ground for crime and violence. In recognition of this, government has launched its inner city renewal project.

The quality of housing stock is especially poor. Government must partner with private sector and civil society groups to develop and launch an 'Instant Rehab' programme which involves unemployed community residents in building construction to teach them skills and at the same time provide a solution to the derelict condition of what passes for housing in some communities.

The over emphasis on policing as a solution to the crime problem must over time give way to a greater interest in the human transformational process among other things.

Recommendation No. 14

The Political Ombudsman/Code of Political Conduct

It was agreed that the option of the Interim Proposal be implemented which allows for someone to be subsumed in the Office of the Public Defender until the necessary legislation is passed. The appointment of such a person would be agreed by both political parties and the Attorney General will be instructed to commence the legislative work needed to enable the appointment of a Political Ombudsman.

The proposed Code of Conduct is amended as follows:

¥ Paragraph 1b to be amended to include 'or ammunition of any sort'

¥ Paragraph 1c to be amended to add the words "or any form of intimidation whatsoever"

¥ Paragraph 1e to be amended "Every individual should be free to go about his or her lawful business without restriction, harassment or intimidation and, in particular, every candidate shall actively discourage the erecting of roadblocks in this regard".

Candidates or others acting on behalf of candidates must not use funds derived from any source, public or private, to improperly influence electoral choices.

Recommendation No. 14 (a)

Develop job descriptions for Parliamentarians

The Committee feels strongly that parliamentarians should be guided in the carrying out of their functions by a job description. Some major areas of responsibilities could include:

- ¥ Visioning the future possibilities for the constituency and working in partnership with citizens to make them a reality
- ¥ Mobilizing talent and resources within the community to tackle and resolve difficult problems
- ¥ Referring constituents to sources of assistance
- ¥ Ensuring that those problems needing external or Government assistance, to be redressed, receive it
- ¥ External representation of the constituency's interests

Government and the Opposition must develop and agree on the elements of the job description, to capture the understandings conveyed in Recommendation No. 1.

Recommendation No. 14 (b)

Eliminate persons with questionable backgrounds and connections from representational politics

Starting with the next general elections, political parties must certify that all reasonable steps have been taken to ascertain the antecedent history of each candidate and that, to the best of their knowledge the individuals are without criminal blemish. A false certification will attract sanctions. The certification will go to the Public Defender carrying out his functions as Political Ombudsman under the Public Defender Act.

Parties must take all practicable steps to ensure that they do not receive funding from persons or organizations that are criminally tainted, for example, drug dealers.

Recommendation No. 15

The Police Services Commission

The Hon. Dr. Peter Phillips and Mr. Derrick Smith are to meet to examine the current structure of the Commission and the regulations that govern the Commission. The Commission will be asked to meet with both political parties to hear their difficulties and to also grant audience to the private sector.

In addition, an appropriate Parliamentary Committee is to receive reports from the JCF regarding policing plans.

Other

It was agreed that a national study on the impact of the drug trade on Jamaica be undertaken by a carefully selected technical team. Dr. Phillips and Mr. Smith are to recommend the selection of this team.