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Contribution to the 2009 Sectoral Debate
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SALUTATIONS

I would like to thank my family, constituents, Councillors and the constituency team, personal support staff, friends, colleagues and Party Leader for the support that allows me to continue operating as MP and Spokesperson for the Opposition.

INTRODUCTION

I have enjoyed the last eighteen months of representing the people of Central Manchester and, despite the many challenges; it has given me the chance to make a difference in the lives of some people. My appointment as Opposition Spokesperson on National Security gives me an opportunity to contribute to the resolution of one of our country's most intractable problems.

The burden of my presentation will be the area of National Security but I crave the indulgence of the House to first spend a few minutes on my constituency, and on the other area of my parliamentary portfolio responsibility - Electoral matters.

CONSTITUENCY

It is a well known fact that Manchester, and specifically Central Manchester, has been hard hit by the closure of the Kirkvine and Alpart plants in addition to the general economic recession being experienced. I say particularly Central Manchester because the economies of the other constituencies in Manchester rely primarily on the agricultural sector while Central Manchester (and Greater Mandeville) relied heavily on the direct employment as well as the commercial and other socio-economic linkages from the bauxite/alumina sector.

We have completed a constituency five year planning process which anticipates that over the long term the knowledge-based industries will grow to replace and exceed the fallout from the bauxite alumina sector. We have all the prerequisites in place to succeed in that area: a strong educational infrastructure; fibre-optic data transmission; good and improving road access over Highway 2000 to Kingston and Norman Manley International Airport; and an attractive living environment.

At the same time, this attractive living environment is under immediate threat from the alarming increase in crime. Major crimes are up by 155% year to date. The increased unemployment resulting from the plant closures and the general recession must be one of the major factors causing this increase. This suggests that

an urgent intervention is needed now to ensure that the long term possibilities remain secure.

As a start, I have committed J\$1 million from the Constituency Development Fund to help Jamaica Trade and Invest prepackage a project to facilitate the attraction of an Information and Communication Technology hub. This could involve a number of activities ranging from a high-end call centre or medical transcription services through to software development and business process outsourcing. On the latter end we note that Northern Caribbean University has once again performed exceptionally in the Microsoft Imagine Cup Competition, so it is clear that some of the expertise to create an ICT hub already exists in the constituency.

Therefore, I'm calling on the Government to consider partnering on this project through providing suitable land and infrastructure for a joint venture with the private sector in establishing a facility similar to what E-services operates in Portmore, and so provide the anchor for the proposed ICT hub. The private sector would invest in the construction of this ICT space, with the building materials used given duty free import status. The rent proceeds - all in US dollars - would pay off the debt, cover ongoing operating and maintenance expenses, and thereafter give a return to the equity partners. Manchester gains new productive infrastructure, enabling good quality permanent employment and hundreds of construction jobs at the front end to immediately reduce unemployment, and its contribution to the increase in crime.

For decades we have talked about the Capital Development Fund being used for this purpose. Well, while there still are some resources in the Fund, it would seem to be now or never.

ELECTORAL MATTERS

As a nominated member of the Electoral Commission of Jamaica (ECJ) for the last eighteen months, I have had an opportunity to observe and participate in what is an institution that developed out of our Jamaican experience and which has become the standard by which other regional election organizations are judged. We often ignore the good when we comment on our national developments, so I would just like to acknowledge the tremendous contribution to our democracy that this institution, as well as the individuals who have served on the ECJ and the Electoral Advisory Committee (including the late Ryan Peralto), all have made over the last three decades.

We are now in a period of general review of constituency boundaries and the ECJ will provide an update on its work in the course of this week. I note a recent call by a newspaper editorial to reconsider the increase in the number of constituencies,

given the economic hardships we are experiencing. This would be a matter that only the Boundaries Committee of this House, which has already instructed the ECJ to work on the basis of 63 constituencies, could properly review.

The subject of Political Party Registration and Financing has been under consideration by the ECJ for over five years. The matter is awaiting the final sign off by the ECJ before the tabling of the Report in Parliament. This should occur shortly. It will be tempting for the Government to say that it cannot deal with the matter at this time because of fiscal constraints. The more cynical may say that it would suit a governing party to keep an opposition party starved of resources. Such a conclusion, we all know, of course, would be totally unfounded.

However this Honourable House would appreciate that, in a growing democracy, political parties play an important role in representing the interests of the people. All the hearings, surveys, and symposia conducted on this issue over the last five years have concluded that state funding is justified in helping to address the deficit between available resources and the demands and needs of representation. Another strong argument for state funding is that there must be a national interest in insulating political parties from becoming vulnerable to funding from questionable sources. This is not purely hypothetical. An allegation of the use of 'tainted' funds within a political party has been raised in the past by its leader. I am therefore calling on the Government, as we work towards a more perfect electoral system, to establish the principle of state funding for political parties in Jamaica in the 2010/11 fiscal budget, even if initially on a modest basis.

INTRODUCTION TO NATIONAL SECURITY SECTION

I've spent a lot of time reading documents and meeting many experts in the field in an attempt to gain insight and understanding on what is a very complex subject.

The documents included:

- The Report of the JCF Strategic Review Panel (June 2008)
- The Roadmap to a Safe and Secure Jamaica (McMillan Report, May 2006)
- The Report of the National Committee on Crime and Violence (June 2002)
- The KPMG Strategic Performance Review of the JCF (1998)

There is a great deal of agreement on problem identification and what the solution will require. It is clear that these are not problems that will be solved without a high level of cooperation and resolve within the society.

I believe that National Security is one of those areas in public life which should be dealt with, whenever possible, in a bi-partisan manner and also that there should be a clear separation of policy from operations. Therefore, I have avoided any

comments to the media on statements by the Commissioner, or other members of the High Command. Also, since I'm invited to attend the National Security Council meetings and participate in those discussions, it is not necessary to raise many issues publicly.

But confronting crime successfully does not only involve the engagement of law enforcement agencies and the political directorate; it also involves communities taking responsibility as well. I believe that Manchester is making a commendable effort in that regard. The Chamber of Commerce has led the way with their Closed to Crime Initiative and the recent installation of CCTV cameras received much publicity.

The work being done to establish Community Safety and Security committees is less well known. This initiative is spearheaded by the Ministers Fraternal but with broad participation. A committee is operating in Mandeville and others are being established in Cedar Grove and Greenvale. The Community Policing Unit is operating in Comfort. These efforts around sensitizing citizens regarding their safety and asking them to become more aware and involved in their communities, at the work place, on the roads, with each other, keeping a special eye on the children and the elderly, is a necessary element in the solution.

Jamaicans must become more concerned with public order and each other's safety and in doing so help the Police with more information and a more organized citizenry.

CRIME REMAINS A PRIORITY ISSUE FOR JAMAICA

Even in a period when the severe global economic recession is having a tremendous negative impact on so many sectors of our economy, crime nonetheless remains at the top of our national agenda. Halfway through the 2009 calendar year, crime statistics show that major crimes have increased relative to the same period in 2008 by 24.6%, driven primarily by dramatic increases in property crimes. The good news from the statistics is that murder and rape are down by 11% and 16% respectively. However, we must be cautious about concluding that these results suggest any change in the long term murder trend because the first half of 2008 was particularly bad for murders peaking at over 200 for the month of May 2008. The 734 murders so far this year (2009) is ahead of the corresponding period in 2007 which had 704 murders.

With a homicide rate of over 60 per 100,000 and with violence routinely used to settle conflicts, even amongst school children, we have now firmly developed what the criminologists refer to as a subculture of violence. In one 24 hour period last week we had reports of 13 murders including a quadruple murder on the Port Henderson Road in Portmore. And just yesterday, we heard of the brutal slaying

of Sergeant Rudolph Morris, the sixth policeman to be murdered this year. In extending condolences to his family and colleagues, we are reminded of the dangers that policemen and women face daily on behalf of the entire society. We must also acknowledge that while some corrupt members give the Police a bad name, the majority of police men and women serve their country with dedication and at great personal sacrifice.

Our crime problem is not limited to violent crime. Over the last few years we have developed world class Ponzi schemes and confidence rackets (e.g. lottery scam). However, violent crime is at the heart of our crime problem.

There is a strong argument that crime can be reduced by socioeconomic change because social injustice is the root cause of crime. Therefore we must increase the social infrastructure and the opportunities to achieve social mobility within poor communities. A number of social intervention projects have been undertaken by the Ministry of National Security over the years however, to be sustainable and widespread; these interventions have to be driven from Ministries dealing with education, public health, water, sanitation, community development, etc., and not primarily by the Ministry of National Security or the Police. Why should Police be responsible for the quality of life in a community beyond addressing directly the factors of safety, justice, and lack of fear?

Similarly, we will not likely achieve a goal of a safe and just society without the successful implementation of a Justice System Reform Agenda. We must reduce the backlog of cases in the court system and provide more resources to the Office of the Director of Public Prosecutions. Given the resource constraints, perhaps the Government should consider shelving their plans for the Office of a Special Prosecutor and instead focus on strengthening the DPP's Office. My colleague in the Upper House will speak extensively on these matters in due course.

Within the National Security portfolio: the Jamaica Defence Force, the Correctional Services, Private Security firms, and the Firearm Licensing Authority all have roles to play in the wider sweep of a crime response complex and on another occasion I will speak to these areas substantively. However, this afternoon I will focus on the Police - the most significant law enforcement agency at the centre of this crime response complex. The greatest medium term return from investments in crime control will come from making the Police Force more effective and more strategically focused.

Therefore, I'm going to limit the rest of my presentation to how we can achieve this more effective police force in the following three broad areas:

1. Addressing the historical relationship between the Police Force and the broader society.

2. Outlining the Opposition's radical new governance and supervision proposals for the Police
3. Suggesting some areas for immediate strategic focus by the Police

RELATIONSHIP BETWEEN THE POLICE FORCE AND THE SOCIETY

The Jamaica Constabulary Force was established as a response to the Morant Bay Rebellion and thus its origin is as a force of suppression used against the local population to preserve the rights and property of the privileged classes. Unfortunately, successive States of Emergency in the 60s and the 70s, the Suppression of Crime Act which operated through to the early 90s, and the highly publicized special squads (e.g. SACTF, CMU) have perpetuated the image of the JCF as a sort of paramilitary force of occupation particularly in the minds of urban youths in high crime, inner city areas throughout our independent history. It would also have affected the self-image of many of the recruits into the police forces during this period.

Perhaps this same history of rebellion has influenced the anti-establishment features of our culture but augmented in contemporary times by:

- the 'informer fi dead' code of garrison communities and
- 'gangster for life' glorification of criminal behaviour by many of our popular entertainers.
- the corrupting influence of the illegal drug trade on the Police and other state institutions as well as the proceeds that feed the criminal gang network.

We are left with a general distrust of the Police by the society and when combined with the threatening influence of gangs the result is what one commentator has euphemistically described as a "hostile witness environment".

This dysfunctional feature of our culture has evolved over a long time and will take some time to turn around. However, I believe that it can be reversed and that the Police Force and the political leadership must be in the vanguard of the change process. A paradigm shift must first occur in the emphasis of our policing activity to a focus on: a) the creation of a police culture that will nurture and value a true partnership with the community and b) building a police leadership that embraces decentralization of authority and full accountability. Effective crime reduction will only be sustained if it is based on the trust, confidence, and legitimacy of the Police Force.

The political administration must avoid knee jerk reactions to periodic upsurges in crime which would, in the long run, reinforce the old image of the Police as a paramilitary force of occupation with scant regard for the rights of the majority of the population.

This is why the Opposition has expressed reservations about some aspects of the much called for Crime Bills. These Bills and other “get tough” type approaches generally extend the powers of the police, encroach on the rights of the citizen, reduce access to bail, and extend the range of and sanctions for criminal acts. Tough talk often accompanies the get tough measures. Earlier statements such as “Read them no beatitudes”, and “No angels died at Green Bay” or even recent references to “collateral damage” indicate how political leaders either intentionally or unwittingly send mixed messages to the police and society on the acceptability of human rights violations and specifically extra-judicial killings.

There is an argument that as a society we must be prepared to trade our values for our security or our security for our values. A Party that has been in the forefront of all the progressive advances in our contemporary history rejects the validity of this tradeoff.

Our Progressive Agenda commits us to making Jamaica a safe and just society but crime control efforts must be disciplined by the rule of law, due process, and respect for individual rights and human dignity. This approach is central to our Party’s democratic values and we will continue to stand for these values.

GOVERNANCE AND SUPERVISION ARRANGEMENTS

There is a proposal being worked on which involves a fundamental and profound overhaul of the governance and supervision arrangements for the Police Force. It is not generally appreciated that it is an initiative of the Opposition. Let me explain.

On reading the Report of the Strategic Review Committee, the first thing that struck me was that the majority of its 124 recommendations were matters that would be implemented by any competent CEO in the course of day-to-day management of an organization. However, the existing organizational arrangements militate against holding the CEO (i.e. the Commissioner of Police) fully accountable for the performance of the Police Force since he does not effectively control the important management levers of personnel and finance. For a long time it has been recognized that two major impediments to the effective management of the Police Force are the Police Commissioner’s lack of control over:

1. Personnel decisions such as promotion, dismissal, and other disciplinary action. This has been made even more difficult by the precedents established by judicial review of the disciplinary actions of the Commissioner and the Police Service Commission (PSC).

2. The capital budget of the Police Force. This is now administered by the Ministry of National Security and that separation is often blamed for delays in project implementation.

Therefore, when the Government contacted the Opposition last year seeking our view on the recommendation of the JCF Strategic Review that the Police Service Commission (PSC) and the Police Civilian Oversight Authority (PCOA) should be merged, I recognized that this was an opportunity to make some radical and fundamental reforms in the governance structure of the Police Force. I discussed the matter with the Leader of the Opposition and other colleagues and they concurred. Thereafter, the Opposition replied that while the merger of these two bodies may represent an incremental improvement, it falls well short of what is required to achieve a modern and effective Police Force. Since the merger of the PSC and the PCOA would, in any event, require considerable time to amend the Constitution, then we should use that time to implement a comprehensive new arrangement for the governance of the Police Force.

The Opposition recommended that the Government consider instead the establishment of an entirely new statutory body – perhaps called the Police Services Authority (PSA) – and the Act to establish the PSA would contain all the matters relating to management and accountability of the Police. This would of course require other legislative measures to transfer the functions of the Police Services Commission and the Police Civilian Oversight Authority to the PSA.

This new Act would also provide an opportunity to repeal the separate pieces of legislation establishing the Jamaica Constabulary Force (JCF), the Island Special Constabulary Force (ISCF), and the District Constables and bring all police personnel under one umbrella. In any event, there no longer seems any justification for maintaining the ISCF under a separate command structure since their personnel are now permanent, full time, pensionable employees and the parallel command structure must lead to inefficiencies in the field and in administration.

The strengthened powers of the commissioner would facilitate the disciplining and removal of the corrupt and criminal elements in the Police. These rogue cops risk the lives and safety of the upstanding members of the Police, the children in the society, and divide and undermine the force for personal greed.

A critical element will be the composition and method of appointment of the Board of the new Police Services Authority, and while not resolved, I believe the Electoral Commission provides a useful reference of how to insulate an organization from partisan political control. In practice some movement has already occurred in that direction since the membership of the last two Police

Service Commissions have been appointed by ‘agreement’ between Government and Opposition which goes beyond the simple ‘consultation’ required in the Constitution. This bi-partisan approach has resulted in the appointment of the current high caliber Police Service Commission. The Police and the entire society can have confidence in the competence and integrity of these individuals.

The Opposition believes that this new Police Service, as opposed to a Police Force, would also contribute to the paradigm shift in perception towards a civil law enforcement agency. The Prime Minister in his reply described the proposal as “far reaching” and in his contribution to the Budget Debate signaled his acceptance of the Opposition’s proposal. A committee comprising the Minister of National Security and the Minister of Justice as well as their Opposition counterparts have started meeting to develop the detailed programme that would be required for implementation of this proposal.

Mr. Speaker, this proposal, if successfully implemented, would represent perhaps the most significant development in the evolution of our policing since the 19th Century. Some have criticized me for not issuing enough press releases but I’m more concerned with making a meaningful change than seeking a public relations advantage.

SUGGESTED STRATEGIC FOCUS

In an environment of limited capacity of Jamaica’s law enforcement agencies and other resource constraints, it is essential that we prioritize the available resources to achieve positive results.

Target Organized Crime The first major strategic objective recommended by the Roadmap to a Safe and Secure Jamaica (the McMillan Report) was to smash organized crime. Since coming to power however, the government seems to have either lost their road map or lost faith in its ability to lead to the promised destination.

Similarly, Prof. Anthony Harriott argued persuasively in his recent Grace Kennedy Foundation lecture that the most efficient law enforcement strategy is one which targets organized crime as the centre of the crime problem. The arguments are summarized as follows:

- Organized crime has a demonstration effect. It provides powerfully attractive models of criminal success.
- It corrupts and corrodes the institutions of law enforcement and the state.
- It corrupts the communities of the urban poor and promotes and enforces a code of silence that blocks the investigation of criminal activity.

- It cultivates relations of dependence on the proceeds of crime and saps the will of the people to resist it.
- It is at the core of an expanding, self-perpetuating system that benefits and influences a wider range of powerful actors (police, lawyers, politicians, community activists, and business people.)

If we accept this as the number one priority we need to examine what needs to happen to make this effective. When Operation Kingfish was introduced in 2004 it appeared to enjoy significant success and involved the extradition, conviction, or just flight of a number of drug kingpins. There was a time when Escalades and other high profile vehicles favoured by drug dons seemed to disappear from the roads as if not wanting to draw attention to their owners. However, this initiative appears to have lost momentum.

An internationally effective weapon to fight organized crime is to seize the illegal gains. The Proceeds of Crime Act (POCA) is a powerful piece of legislation intended to facilitate the separation of the dons from their money and wealth. However, at the last report only a relatively few cases involving small sums of money have been pursued with this legislation even though it has been in effect for about two years. The Financial Investigation Division within the Ministry of Finance does not appear to be working effectively and the government should consider whether the responsibility for investigating financial crimes should be returned to the police. The truth is that any investigative personnel, whether from the FID or even the tax departments, will not likely be able to aggressively pursue criminal dons because of fear. The Police, on the other hand, should be better able to stand up to intimidation.

Organized Crime/Politics Nexus Among the recommendations of the McMillan Report to deal with organized crime was to weaken the relationship, and the perceived link, between these groups and the political parties. In the last year we had a number of incidents which would certainly suggest to the public that little headway is being made in this regard. The most alarming perhaps was the fatal shooting incident at the National Arena during the JLP's Annual Party Conference where it was alleged that competing gang members, providing security backstage, got into a shootout. I believe that most of the Cabinet was on the platform at that time. I am not aware of any formal report by the Police, up until today, of what happened at the arena. This example is not raised with any "holier than thou" attitude because criminals and criminal gangs associate themselves with both political parties for their own benefit, but it should be a wakeup call to the entire society.

The McMillan Report made some concrete suggestions on how to break the organized crime/politics link. If those are not accepted then let us develop some new initiative in that area. We continue to ignore this issue at our peril.

Use of Technology Finally, because of the difficulty of getting witnesses to testify against organized criminals, technology needs to be employed more effectively in the collection and analysis of evidence (as well as more generally in the management of the Police). Available technology can be employed in areas such as collection and analysis of DNA, computerized face identification programmes coupled with increased CCTV surveillance, and patrol vehicles with computers that have instant access to stored data.

Interestingly, such a programme can be self-financing. For example, let us examine the revenue generating potential of traffic tickets. Currently the police issue about 600,000 tickets per year at a payment compliance rate of about 15% (where 85% compliance is an effective system). There is currently no computerized database of unpaid traffic tickets so it is very difficult to identify unpaid tickets and even unlicensed drivers. If the Police installed such a computerized database and combined it with patrol vehicle access then compliance would be dramatically increased. A compliance rate of 80 – 85% at an average of say \$5,000 per ticket would yield approximately \$2 billion dollars in additional revenue which by itself could more than pay for any new technology.

CONCLUSION

The issue of reducing crime and violence continues to be the most consistent developmental challenge we face as a society. The solutions undoubtedly involve a complex range of attitudinal, social, and technical interventions in communities and the general society. Some of these changes will take a long time but it is imperative that the groundwork commence immediately.

The Police must be at the forefront of the change - demonstrating a capacity to evolve into a modern professional service organization that enjoys the confidence of the entire society. This will require substantial changes in the governance arrangements and policing philosophy.

Political leaders will also have to demonstrate a new level of bi-partisan cooperation both in delivering these new arrangements as well as in convincing supporters and the wider society to reject violence as a part of our culture.

We have no choice. It is what the country expects and what the country deserves.