

SECTORAL PRESENTATION BY THE SPOKESPERSON ON NATIONAL SECURITY AND JUSTICE

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SECURING A SAFE AND JUST NATION

MS, Let me first of all thank you and congratulate you on the evenhanded and competent manner in which you have conducted parliamentary proceedings. I thank my constituency for affording me the opportunity to serve for a fourth term, and with continued effective and competent service, mutual respect and good health, I hope to serve for a few more terms. In truth, MS, my constituency asks for very little. Most of the residents want decent roads to drive on, water in their pipes, uninterrupted electricity supply and regular collection of garbage. To be fair, electricity and water supply, thanks to the JPS and NWC, are generally well supplied. The NWA and the KSAC are the weak links in the Constituency. Many of the roads are in good repairs, but most are still in urgent need of repairs, either sheet patching or a complete overlay, but presently significant damage is being done to vehicles that use these roads and the residents are extremely peeved, and rightfully so. Now, the present government is keen to emphasize the amount of money spent in my constituency to repair and rehabilitate the gullies and the main roads and, provocatively, assert that no more money should be spent. Alas, when funds are spent on main roads, and even some residential roads, the residents of the other residential roads feel neglected as they are also eager to have their roads repaired. So, MS, it is a two edge sword, we are happy to have some roads fixed but the residents of the adjoining roads feel they have been denied their fair demand and needed satisfaction in having their roads fixed. It is a major concern MS; just how do we get the roads, especially the seriously damaged and decaying

residential roads, repaired speedily and efficiently. For the hardworking and dedicated citizens of Upper St. Andrew, who pay their taxes diligently and regularly, it is time their roads are properly repaired.

I thank my colleagues on this side of the House and also to the government side for our friendship and warm relationship. I take this opportunity to participate in this annual Sectoral Debate, but wonder if this is the best format. We have tried to make these presentations attractive, informative and seductive to the general population. We have not done a good job. The majority of the population is not interested and, certainly, not captivated by this Sectoral Debate. I have no doubt that we need to go back to the drawing board and revise the present format, especially to make speeches shorter and more informative. Today, I make my contribution with respect to the portfolio of National Security and Justice, and hope the recommendations and solutions proposed will be taken seriously and implemented fully.

WHAT IS THE GREAT TASK AHEAD OF US?

MS, We are in a serious crime crisis. The social order is breaking down and corruption, wrongdoing and malpractice have become the norm. By tolerating and ignoring small misdemeanors, simple wrongdoings and petty corruption, wrongdoers have graduated to serious criminality, wayward delinquency and gruesome killings. This culture of criminality and delinquency has become even more evident in recent times with the fatal stabbing of the 13 year old Anchovy student last week. MS, This brutal act, sadly, very sadly, was videotaped, and many stood by to watch almost as if it were a spectator sport instead of attempting to prevent another killing. MS, On Tuesday, May 28th, I watched a young mason lamenting the killing by gunmen of his employer, a contractor in St. Ann; he stated

graphically on TV that Jamaica ‘tun over’, who can leave should leave. The murder rate, MS, is still at an alarming and tragic level, and even though there has been some reduction over the past three years, we can take no comfort or even slight satisfaction, as far too many of our citizens are being killed, robbed, raped, shot, assaulted and criminally molested. Crime and the fear of crime are stifling and driving away investment, and our best and brightest are leaving our shores at every opportunity.

The number of murders committed annually is a fair indication of the social decay and enormous challenge Jamaica needs to overcome. The great task ahead of us, all of us, is to control the crime monster and for Jamaica to get back on the right and proper path. Over the past three years we have moved from 60 murders per 100,000 of population to 40 per 100,000, which may seem a major step in the right direction. However, MS, we are still killing over 1,000 Jamaicans every year. So far this year, we have recorded over 500 murders and we are just at midyear. It means MS we are killing over 80 citizens per month or about 20 per week. MS, in most countries, this would be a national disgrace and a scandal that demands drastic actions but it seems this high level of killing has become the norm, and most Jamaicans including our leaders no longer feel or even vent the strong sense of disgust, intolerance and indignation at the daily dose of killings, unless it is some close relative or friend, or some important personnel. MS, Over twenty murders per week is alarming, nay absolutely tragic, and places us at the upper end of countries with high murder rates. Compare, MS, Singapore, a country with over 5 million people, nearly twice our population, with an average number of murders of less than 20 per year – in 2011, Singapore had 19 murders and in 2012 for the whole year it had 16 murders. Will we ever reduce murders to that level? And why not? In fifty years since independence how have Singapore and Jamaica diverged

so enormously? At the time of our independence, we were on very similar levels of social and economic development. Yet, while Singapore has developed economically to become a first world country with one of the highest per capita income and, correspondingly, one of the lowest crime rate, Jamaica has stagnated and struggles in the bowels of poverty, criminality and social disorder. We need to learn and adopt some of what Singapore has done. For far too long, we have failed to come to terms with the escalating and high levels of crime and it is about time something is done, lest we deteriorate even further.

Today, MS, I am not here to point fingers, assign blame or to criticize anyone. We are all in this fight together, or we will perish one by one. If anyone of us is not prepared to play our part in reducing and eliminating corruption, malpractice, wrongdoing and crime, then not only will Jamaica not be a fit place to live, work and raise families but, before 2030, we may well be competing with Haiti as the poorest country in the Hemisphere. I am therefore offering MS solid, alternative and effective policies that can make Jamaica safe, secure and peaceful nation. These suggestions may not be new but they have been forgotten, ignored or unenforced.

ZERO TOLERANCE

The first approach to reduce crime is to adopt a policy of zero tolerance, and to enforce our laws, regulations and restrictions everywhere. It is a proven and workable policy. But it must be directed, implemented and enforced at every level, at every corner, every nook and cranny, and in every institution of our island. It means MS that all types of wrongdoing, irregularities, malfeasance, delinquencies and misdemeanors must be exposed, shunned and, where appropriate, prosecuted and punished. MS, Singapore solved its crime problem by paying close attention to

the minor misdemeanors, simple deviant acts, petty corruption and outlawed them, but more importantly enforced the laws and regulations relentlessly. So, MS, we have anti – litter laws, noise nuisance laws and prohibitions against property breaches but who pays any attention to them. We have householders, developers and contractors who make life a misery in many communities, but who enforce the regulations and prohibitions, and punish the violators. Compare Singapore where spitting in public, throwing cigarette butts on the street, chewing gum and excessive community noise are criminal offences. We do not have to go that far but surely the regulations and restrictions that are on the statute books must be enforced. When we turn a blind eye to wrongdoing, deviance and breaches of regulations, the violators are emboldened to commit even more serious misdemeanors, and soon the wrongdoing and breaches become commonplace, and the norm. A system of ZERO TOLERANCE was credited by Mayor Rudyard Giuliani for reducing crime and violence in New York city and I have no doubt that it can work here if we are prepared to make it work. Moreover, MS, Zero Tolerance can make it uncomfortable for those who refuse to play by the rules and stop shafting the law abiding citizens who now play by the rules. Properly enforced, Zero Tolerance can work, as it has in many other countries. At the very least, it will foster a more harmonious society and honor the fundamental principles of LAW and ORDER.

CREATE WEALTH AND PROSPERITY

MS, My next suggestion is that we have to create a society where the quality of life and the standard of living improve steadfastly. We need to create wealth and prosperity if we are to control and reduce crime. No one can deny that there is a strong correlation between increasing prosperity and low crime rate. If “poverty is the parent of revolution and crime” as enunciated by Aristotle over 2000 years ago,

then wealth and prosperity are their antidote and ultimate cure. Here again, we can learn from many countries such as Japan, Switzerland and Singapore, where the crime levels decline with increasing prosperity. Our present love affair with poverty, catering to the needs of the poor and structuring policies to protect the poor are more likely to fail and to cause the poor even greater suffering than to really aid and assist the poor. The constant handouts and short term employment are palliatives for a few weeks but are simply not sustainable. We need policies that will extricate the poor from the agony and misery of poverty. And the sure way, and the only way, to lift people from poverty is to provide the business environment to create steady jobs and multiple opportunities for our people. The current high rate of violent crimes is an outcome of a long process that has some of its “roots” in high rates of unemployment, in particular youth unemployment, historically high levels of social inequality, and an ineffective criminal justice system.

High rates of youth unemployment between the ages of 16 to 28 are generally associated with high levels of crime and violence. 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. MS, if we can find the policies and strategies to close the gap between the haves and the have – nots, we are highly likely to reduce crime and violence. However, we make a serious error, a grave error that has bankrupted other countries, if we continue to adopt the policy of reducing inequality by redistribution of wealth, just check Zimbabwe as a good example, or Greece or Portugal. Let me remind you what a former PNP Minister warned that if the policy is the redistribution of wealth then it won't be long before we end up distributing poverty, which is exactly what happened in the Nineteen Nineties and seems

destined to happen under the present administration - if it fails to change course. Indeed, the Nineties provide a good indication of how crime levels escalate when we destroyed businesses and business confidence. In the nineties, we saw the downsizing and capsizing of thousands of businesses and, correspondingly, we saw an escalation in the murder rate and crime in general. It was in the nineties that murders escalated to over 1,000 annually and remained there ever since. I strongly believe that if we are to get murders and crimes down significantly, we have to adopt policies that are business friendly and inspire the creation and prospering of businesses. MS, We don't have to reinvent the wheel to discover how to create wealth and increase prosperity, other countries have done it. Is it merely a coincidence that the poorest country in the hemisphere, Haiti, is at the bottom of the ladder of countries on a measure of the ease of doing business; and the country at the top of the ladder for facilitating and providing the best business environment, Singapore, is one of the most prosperous countries on the planet. Singapore, a country without resources, not even water which it has to purchase from its neighbor, Malaysia, provides a business environment for anyone to start a business and for the businesses to prosper and to provide jobs. Singapore is now importing foreign workers while we are desperately trying to export our workers. Just look what Jamaica has come to after fifty years of independence.

But, MS, all is not lost. Jamaica has a lot for which it can be happy and proud but we need to get it right for the young, the old, the vulnerable, the unemployed and the many who struggle to survive. We need to accept that the present hostile policies to businesses, long lines to get anything done and the strangling bureaucracy are major impediments to doing business and so directly and indirectly contribute to the high levels of crime, high unemployment and increasing poverty; the policies that contribute to these impediments are not

working and cannot work. MS, there is another unfortunate development which is not unrelated to the high crime rate and the challenges of doing business and it is the clear knowledge that criminals are targeting businesses and businessmen to loot, burgle and rob the business places and their proprietors. MS, the House may be aware that over the past two decades or more, many Chinese business people have started and revived retail shops in some of the most hostile and chaotic business environment. Most of downtown is kept alive and booming because the Chinese merchants and retailers have kept the stores open, provide needed employment and contribute significant amount of revenue to the Treasury. These Chinese business people have now become the target of criminals and many are packing up, giving up their residency or citizenship and returning or going to countries that are safer and conducive to business. Sadly, again, MS, more Jamaicans will be put out of work and the efficient service and competitive prices provided by these Chinese will be lost. Surely, MS, we cannot afford to lose any business, when the real task is to create more. MS, how we improve the business environment and create the ambience for wealth creation will involve a long debate and, hopefully, can be the subject of another exposition in the House. However, I make a few suggestions at this time. Can we find some tax incentive or credit for businesses that increase employment or expand revenue by more than 10 or 20% per year? Then, MS, I doubt that many persons worry to register or incorporate their businesses for fear of the tax man. I suggest that the government considers the waiving of taxes, or at least a tax holiday, on profits for any business with revenue of less than 20 or 30 million dollars annually that employ at least 10 or 20 persons. In truth, most of these businesses are not paying taxes anyway, so if we set the stage for small businesses to start and prosper, without paying taxes on profit below a certain level, then we could go a long way to easing the unemployment problem.

EFFECTIVE LEGISLATION

My next suggestion, MS, is to have effective legislation to assist the police, the prosecution and the judicial system to deal with crime. Under the last JLP administration the six crime bills piloted and passed in the House in 2010 were significant and effective to bring about the decline in murders and the crime rate, even though others contend that it was the Tivoli incursion that caused the decline. These six crime bills have been allowed to lapse and, if they had been renewed, the increase and escalation in robberies and shootings over the past two years may have been kept under control. Well, two important pieces of legislation, the Anti – Gang and DNA bills are yet to reach this House, almost 18 months after this administration has been in government. I am particularly disappointed that the Anti – Gang legislation UP TO THIS MOMENT has not been laid, in spite of many promises. When I was in Office, I chaired the Legislation Committee to pass the Anti – Gang legislation and therefore am aware that it was ready to come to this House. I appreciate that a new government would like to put its own emphasis and concerns into the legislation but with such an urgent and important legislation, does it have to take so long?

The DNA legislation has been promised but one wonders if we will see it any time soon. Crime fighting demands an urgency and priority to provide the tools, resources and laws to aid the police, prosecution and the judicial process. Lets get on with the necessary legislation.

EMPOWERING THE STAKEHOLDERS

Mr. Speaker, my next suggestion is to empower the right thinking members of our communities and to engage them in the peace, justice and tranquility of our nation. Jamaica is faced with a deep crisis of public safety and security and,

equally, is in a deep predicament of public confidence in the willingness and capability of the security forces and the justice system to respond to the difficulties and challenges at hand. MS, the police cannot do it alone. Every well thinking Jamaican must be prepared to give a helping hand in this time of national crisis, but where is the leadership to motivate and capture the imagination of the relevant stakeholders to come together and fight crime in our communities. MS, the story of Grants Pen has never been fully told but the elimination of the gang warfare, outrageous levels of violence and murders and the regular and relentless shooting sprees that used to occur and has now significantly abated did not happen by chance. It required leadership to engage the stakeholders and the communities in Shortwood, Grants Pen, Barbican and Liguanea to work with the police to sideline bad men and wrongdoers, so peace and calm could be restored. To be sure, we have crime and social problems in NE St. Andrew but nothing compared to 15 or 18 years ago. It seems to me that every community needs the leadership to engage the stakeholders, the Ministers' Fraternal, the teachers, the business people and others to work with the police to fight crime. This can happen if we empower and train volunteers to undertake this great task, which was the focus of my office when I served in the Ministry of Justice. I sought to empower the leaders and appoint them as Justices of the Peace and urge these JPs to be the vanguard and proactive members to restore peace and justice in their communities. MS, I am appalled that the country has less than 5000 JPs and probably less than half of them are actively engaged and responding to the needs of the communities. MS, These JPs serve voluntarily and do a tremendous amount of work across Jamaica, but the few dedicated JPs are overworked, inaccessible and unable to engage in the wide variety of quasi judicial work that needs to be assigned. More importantly, the JPs should be the leaders in these communities to bring together the various stakeholders with the police to secure peace, calm and good order. Why then MS

have we not appointed more JPs? And, I am aware that there are hundreds, perhaps thousands, of competent persons in every parish who are willing to serve and should be appointed to serve. Let us place some emphasis and priority on this level of appointment and empowerment of our good people and benefit from their voluntary service. In truth, MS, no parish should have less than a thousand serving JPs and some parishes should have 2,000, so the work is evenly spread out and the average citizen can have access to a service that is in constant demand. To be sure, there are many persons who want to be JPs but who should never be appointed, and many who have been appointed who should really have their appointments revoked. As the appointment and service is at the will of the Custos of each parish, if we are to appoint thousands more JPs, and we should, we should also have a procedure to remove JPs who bring the office into disrepute or who are unable to serve competently for whatever reason.

COMMUNITY POLICING

My final suggestion in this debate, which follows from the empowerment of stakeholders in the community, is for these leaders, especially the JPs, the citizens and the police to work closely in community partnership and to implement community policing fully. The police, in most communities, especially the inner cities, are seen as the enemy of the citizens and no better than the gunmen and the wrongdoers. This sad image of the law enforcers must change. Citizens need to build partnership with the security forces through COMMUNITY POLICING, which is another sure method to build safer communities and a safer Jamaica. Community Policing works and helps to build trust and confidence between the citizens and the police. Without this trust and confidence, the work of the police becomes even more burdensome and the enforcement of law and order becomes extremely difficult, perhaps impossible. The unlawful killing and unnecessary

abuse of our citizens continue to be a major concern and it is important to emphasize the obvious once again, that you can't fight crime with more crime, you can't fight crime with injustice, and you cannot successfully bring peace without justice. I hope at an appropriate time we will get to look at the INDECOM legislation, as we seek to foster better relations between the police and the citizens.

COMMENDATIONS TO THE JCF

MS, I must not finish without paying special commendations to the Police Commissioner Mr. Owen Ellington for his effective leadership provided over the years and in particular at the helm of the JCF. I know he has worked tirelessly to keep the Police Force on the right track and respond speedily to the many crime situations occurring every day. We can only hope that Commissioner Ellington will continue to clean up the force, inspire his men and fight crime as successfully as he has done to date. In addition, similar commendations go to the many police officers who work diligently and beyond the call of duty in an effort to serve, protect and reassure. The challenges are many MS, and the resources have not been made available for effective crime fighting. Moreover, many police stations are in various states of disrepair, under equipped, and urgently need better amenities. It is just not right to have our law enforcers working in such abject conditions. Additionally, our police officers are in need of better training to effectively enforce the law, and with criminals getting even more sophisticated, our police officers must be trained in international best practices to tackle crime effectively. MS, I advocate on behalf of the nation's guardians the necessary resources to allow them to fight crime competently and provide our citizens with first class services. Even while we implement other measures, it is important to give support to the men and women who put their lives and limbs at risk daily to secure our safety and endeavor to maintain good order in our society.

THE CRY FOR JUSTICE

MS, Our justice system is in a state of collapse. The cry for justice has got louder in every community, and the response and action of the state and the organs of the state have been weak and/or non - existent. The dictum that without justice there can be no peace is true. We need to provide the means whereby our people can easily access the means of resolving disputes, get satisfaction for their rightful claims and have criminal charges disposed of in a timely manner. MS, the failure of the justice system to deliver justice is contributing significantly to the level of violence and crime. When people cannot get disputes resolved in a lawful manner, they are induced to do so unlawfully and, oftentimes, violently. Yet, the avenues for resolving disputes are choked, corrupted and inaccessible. MS, so many studies have been done on our justice system, many recommendations made and some have even been implemented, but the malaise and delays continue daily. When we visit the courts MS they have become overcrowded and chaotic, and the stakeholders who visit them daily go away disappointed and disenchanted, as they get very little done. I strongly suggest MS that we have a parliamentary inquiry into the working of the justice system, with a view to make firm recommendations how to overhaul and improve the state of justice in our country.