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Jamaica: Criminality and state protection, including crime rates, types of crime, percentage of reports made to police which led to investigation, charges and convictions; types of police protection available and efficacy of police protection (2004 - 2005)

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Violent crime, particularly murder, continued to be a source of serious concern in Jamaica throughout 2004 and 2005 (Freedom House 11 Aug. 2005; AI 2005; *Country Reports 2004* 28 Feb. 2005, Sec. 1a). While 975 killings were recorded in 2003 (AP 22 Aug. 2004; *ibid.* 1 Mar. 2005), the toll for 2004 surpassed this figure with media sources reporting between 1,445 (*ibid.* 4 May 2005; *ibid.* 1 Mar. 2005) and 1,469 (*Caribbean Update* 1 Dec. 2005; Reuters 25 Nov. 2005) murders. From January to 25 November 2005, news sources reported that the homicide rate has topped the 2004 record, with figures of 1,476 (*Caribbean Net News* 25 Nov. 2005) and 1,482 fatalities (Reuters 25 Nov. 2005) being published. Already among the top four countries in per capita homicides behind Swaziland, Colombia and South Africa, *The Economist* reported in August 2005 that Jamaica was on pace to become the second most violent country by the end of the year (11 Aug. 2005).

Other crimes listed on the Website of the Jamaican Constabulary Force (JCF) are sexual offences, shootings, felonious wounding, robberies, larceny, and drug and firearms offences (Jamaica 2005). While the JCF Website provides monthly and weekly breakdowns of reported criminal cases, information on the percentage of reports made to police that led to investigation, charges, and convictions are not listed and could not be found among various other sources consulted by the Research Directorate. However, the JCF Website did provide a weekly total of crimes reported and crimes "cleared up" from 5 January 2004 until the week ending 8 May 2005 (Jamaica 2004; *ibid.* 2005). For 2004, the total number of crimes reported was 13,887 and of this sum 9,306 were "cleared up" (*ibid.* 2004). The statistics from 3 January to 8 May 2005 show that 4,777 crimes were reported and of this total 3,001 had been "cleared up" (*ibid.* 2005). Information about what is meant by "cleared up" could not be found among the sources consulted by the Research Directorate.

Criminal activity mainly takes place in impoverished urban districts within the Kingston metropolitan area (Canada 21 Oct. 2005; US 29 Nov. 2004). However, incidents of criminal violence have also been reported in some districts at Montego Bay (Canada 21 Oct. 2005) and Spanish Town (AP 16 Aug. 2004; *ibid.* 22 Aug. 2004). For example, the Associated Press noted that "almost nightly" firearm-related skirmishes occur in Spanish Town (*ibid.*).

The majority of violent crime is associated with criminal gang rivalries connected to the narcotics trade (Freedom House 11 Aug. 2005; Reuters 13 Oct. 2005; AP 16 Aug. 2004). Other gang-related activities include arms trafficking and extortion (*Latin American Regional Report* Nov. 2005; AP 22 Aug. 2004). Well-armed factions known as posses (Freedom House 11 Aug. 2005) regularly instigate gun battles with other gangs (AP 16 Aug. 2004; *ibid.* 1 Mar. 2005) and against the police (*Jamaica Gleaner* 4 Sept. 2005; *Country Reports 2004* 28 Feb. 2005, Sec. 1a).

Some government officials have also linked the influx of criminal deportees from abroad to the drug trade and increased criminal violence (Reuters 13 Oct. 2005; Freedom House 11 Aug. 2005). Specifically, Jamaica's National Security Minister claimed that criminal deportees from the UK, Canada and US maybe assisting the setting up of international narcotics-trafficking links (Reuters 13 Oct. 2005).

Police efficacy

Concerns over certain police practices and factors affecting law enforcement efficacy have been reported in a number of human rights and news sources (AI 2005; *Country Reports 2004* 28 Feb. 2005, Sec. 1d; *Jamaica Gleaner* 27 Oct. 2005; *Economist* 11 Aug. 2005). Amid police effectiveness issues, various sources mentioned that police corruption (*ibid.*; *Jamaica Gleaner* 27 Oct. 2005; *INCSR 2005* Mar. 2005; *Country Reports 2004* 28 Feb. 2005, Sec. 1d), impunity (*ibid.*; AI 2005) and understaffing (AP 22 Aug. 2004; COHA 7 July 2005; US 29 Nov. 2004) hamper the force's ability to address crime.

With regard to police corruption, the *Jamaica Gleaner* reported that in 2003, 610 cases of officers charged with corruption were on the docket at the Court of Enquiry (27 Oct. 2005). Since 2003 "68 members were fined, 12 dismissed, 15 reprimanded, 49 cases withdrawn, three reduced in ranks, while 162 of the cases were not proven," and 18 accused officers retired before their cases could be heard (*Jamaica Gleaner* 27 Oct. 2005). Moreover, the *Jamaica Gleaner* reported that 280 cases have yet to be addressed (*ibid.*). According to information obtained by the *Economist*, over 60 officers were "suspended or sacked over various offences" from January 2005 until the article was published in August 2005 (11 Aug. 2005).

Police involvement in alleged incidents of misconduct including the use of excessive use of force has also been documented in 2005 international news media and human rights reports (AI 2005; Freedom House 11 Aug. 2005; *Country Reports 2004* 28 Feb. 2005, *Economist* 11 Aug. 2005). According to *Country Reports 2004*, the standard police practice of using "lethal force in apprehending criminals" resulted in 119 fatalities, including 11 police officers in 2004 (28 Feb. 2005; see also AP 4 May 2005). In 2003, the total number of casualties was 127, including 13 members of the police (*Country Reports 2004* 28 Feb. 2005). From January to 23 May 2005, the Associated Press reported that nine police officers had been killed in the line of duty (23 May 2005).

Freedom House explained that while law enforcement's use of lethal force is reportedly allowed in life-threatening situations or to capture a "dangerous felon," this practice is used more frequently than intended (11 Aug. 2005). In November 2004, the Attorney General and Justice Minister rejected the accusation from local human rights group Jamaicans for Justice that the government condoned extrajudicial killings by its law enforcement officials (CMC

16 Nov. 2004). However, the *Jamaica Gleaner* reported in November 2005 that based on statistics obtained from the Bureau of Special Investigation (BSI), "141 policemen have been charged with questionable shootings involving citizens during the past six years" (22 Nov. 2005).

Various sources of 2004 and 2005 mentioned that the police force has been chronically short-staffed (Freedom House 11 Aug. 2005; US 29 Nov. 2004; AP 22 Aug. 2004). According to Freedom House, "[b]efore the government announced in October 2003 that it was adding 1,000 new police officers, Jamaica had just 2.9 officers per 100,000 people, compared with regional averages ranging from 3.2 to 6.9" (11 Aug. 2005). However, news sources of 2004 and 2005 continued to report that the 8,000 (AP 16 Aug. 2004) to 8,500-member (*Caribbean Update* 1 Dec. 2005) police force is "understaffed" (AP 22 Aug. 2004), seemingly placing a "heavy workload" on all law enforcement personnel (COHA 7 July 2005). In November 2005, the National Security Minister announced that 2,500 new officers would be added to the police force in the next 18 months (*Caribbean Update* 1 Dec. 2005).

State protection

The government's response to the escalating rate of violent crime includes the dismantling of major organized crime networks (ibid.; *Latin American Regional Report* Nov. 2005; Caribbean Net News 31 Mar. 2005; ibid. 14 Dec. 2004), law enforcement modernization and reform efforts (Caribbean Net News 2 Nov. 2005; ibid. 4 Mar. 2005; INCSR Mar. 2005), and the recruitment of foreign police officers (*Economist* 11 Aug. 2005; Caribbean Net News 31 Mar. 2005; AP 1 Mar. 2005).

Described by the *Latin American Regional Report* as an "'intelligence-driven' anti-crime taskforce," Operation Kingfish is seen as an important measure in combating organized drug-trafficking gangs (Nov. 2005; *Economist* 11 Aug. 2005; Caribbean Net News 14 Dec. 2004). The multi-agency approach of Operation Kingfish coordinates international law enforcement agents from countries such as the US and UK in collaboration with Jamaican authorities to target the most sophisticated and powerful criminal gangs in the country (ibid.). Launched in October 2004, Operation Kingfish has reportedly achieved a number of high-profile interdictions and has apparently disrupted organized criminal activities (*Latin American Regional Report* Nov. 2005; INCSR Mar. 2005; *Miami Herald* 7 Oct. 2005; CMC 21 Oct. 2005). In October 2005, speaking on the successes of Operation Kingfish, Prime Minister P.J. Patterson provided a list of achievements since it began: the seizure of more than 100 firearms, over 2,000 rounds of ammunition, more than 50 speedboats, and "large quantities of cocaine, hash oil, and ganja," as well as the elimination of three illegal airfields (ibid.). In addition, the *Miami Herald* reported on 7 July 2005 that the law enforcement operation has been responsible for arresting 191 individuals, "including top gang leaders." The JCF Website, updated as of 14 November 2005, noted that Operation Kingfish had achieved a number of results, including the seizure 151 firearms, 42 motor vehicles, 53 boats, as well as making 258 arrests (Jamaica 14 Nov. 2005).

Despite reported success, police infiltration of criminal gangs during Operation Kingfish has apparently resulted in inciting a "deadly state of paranoia" among gang members and has had the effect of increasing incidents of violence (*Miami Herald* 7 July 2005). The *Economist* claims that the success of Operation Kingfish has driven rival gangs into battling over dwindling drug trade proceeds

(*Economist* 11 Aug. 2005).

In November 2005, Security Minister Phillips claimed the "warfare being waged on criminal elements 'is being won'," (Caribbean Net News 22 Nov. 2005) and stated that efforts to modernize and reform law enforcement would be key elements in combating criminality (ibid.). In particular, Police Commissioner Lucius Thomas announced in March 2005 that the JCF three-year Corporate Strategy would include an investment in building and renovating police stations, upgrading training facilities, and purchasing motor vehicles and equipment (ibid. 4 Mar. 2005). Meanwhile, Commissioner Thomas stated that between 2000 and 2005, more than 4,000 officers had received crime management training in matters such as crime scene preservation and forensic evidence collection (ibid.).

For information about past efforts modernize law enforcement capability, please refer to the *International Narcotics Control Strategy Report 2005*, which provides a list of investments made in 2004 to enhance Jamaica's counter-narcotics operations, including the acquisition of patrol boats, aircraft, and modern inspection equipment (Mar. 2005).

In November 2005, the Caribbean Net News reported that the JCF would soon be ready to use its recently purchased Integrated Ballistic Identification System (IBIS) (2 Nov. 2005). Described as "state-of-the-art crime fighting technology," the IBIS allows police to track and analyze firearms and bullets gathered at crime scenes in order to better investigate gun-related crimes (Caribbean Net News 2 Nov. 2005).

Regarding the recruitment of foreign police officers, in March 2005, news sources reported that senior British police officer Mark Shields was hired to the position of deputy police commissioner by Jamaican authorities to assist in the island's fight against organized crime (AP 1 Mar. 2005; *Miami Herald* 7 July 2005; *Economist* 11 Aug. 2005). The unprecedented appointment of Shields is intended to help build investigative skills and strengthen police capacity in arresting and prosecuting criminal offenders (Caribbean Net News 31 Mar. 2005). To this end, other foreign law enforcement officials are expected to join Shields in the near future, though a target date has not been specified (ibid.; *Economist* 11 Aug. 2005).

Witness Protection Program

With regard to protective measures, law enforcement authorities have described the country's Witness Protection Program as "solid and effective," claiming that the programme has kept about 1,000 witnesses in complete safety since it began 10 years ago (Jamaica 1 July 2005). However, the *Jamaica Gleaner* reported that critics, including the human rights group Jamaicans for Justice have received a number of complaints about the programme (30 Jan. 2005). Factors hindering witness protection include limited financial resources, police mistrust, and geographical restrictions (*Jamaica Gleaner* 30 Jan. 2005). According to *Country Reports 2004*, "[t]he lack of an effective witness protection program led to the dismissal of a number of cases involving killings" (28 Feb. 2005, Sec. 1e).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list

of additional sources consulted in researching this Information Request.

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