

# OVERVIEW OF THE CRIMINAL JUSTICE SYSTEM

*Joycelyn Roach-Spencer\**

## I. INTRODUCTION

Jamaica is profiled in the tourism arena as a paradise island in the sun. Located 90 miles south of Cuba and 600 miles south of Florida, it is the largest island in the Caribbean, measuring 4,411 square miles and has a population of approximately 2.6 million people. Jamaica is best known for its tropical climate, beautiful beaches, warm friendly people, delectable cuisine, legends in reggae music (for example, Bob Marley) and icons in sports (for example, Usain Bolt). However, the island has its own challenges of social ills, chief of which are crime and violence. Crime transcends its boundaries as a phenomenon in recent years, giving rise to more criminals, thus demanding a serious response from the criminal justice system.

### A. Criminal Justice System

The structure of the criminal justice system incorporates the police, the courts and correctional services, through which the legal process of criminal justice is administered. Presently, criminal justice in Jamaica is retributive in nature; its primary focus is to punish criminals for offending society as swiftly and severely as possible. This form of justice has its roots in the Choice Theory, which posits that criminals make conscious decisions to commit offences and as a consequence they should be given equal punishment for the crimes they commit (Siegel, 2006); hence, the main focus is on catching the criminal, taking him/her to court for trial and then sending him/her to prison as punishment.

#### 1. The Role of the Police

First in the criminal justice process is the function of the police, who are responsible to make arrests. In this crime fighting task the police play a reactive role, usually arriving at the scene after a crime is allegedly committed. The police then interview witnesses, collect evidence and make an arrest if there is probable cause to do so. Probable cause means that there is a reasonable link between a specific person and a particular crime. If this is determined, the suspect is arrested and taken into custody. In Jamaica, the Jamaica Constabulary Force (JCF) is the arm of the Ministry of National Security entrusted with the undertaking of maintaining law and order and protecting life and property. The JCF is supported by two subsidiaries: the Island Special Constabulary Force (ISCF) and The Jamaica Rural Police Force, commonly called the District Constables.

#### 2. The Role of the Courts

After the police make an arrest, it is within the Courts that key decisions about the case are made. The judge adjudicates the matter at a trial with a jury, a prosecutor and a defence attorney to determine the guilt or innocence of the accused. Guilt is determined “beyond a reasonable doubt” and sentences are then determined. However a convicted person has the right to appeal his or her sentence and/or conviction. In Jamaica there are several courts, though the Constitution provides that the Supreme Court has original jurisdiction in all civil and criminal matters; decisions of this court can be appealed to the Court of Appeal. Other lower courts are the Resident Magistrate Court (RM), the Gun Court, Family Court, Juvenile Court and the Coroner’s Court.

#### 3. The Role of Correctional Services

After the court process is completed, the Correctional Services is the final destination for a convicted person, who can either be in custodial care (being supervised within a correctional institution or in non-custodial care (being supervised in the community). The Department of Correctional Services

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\*Overseer (Acting), Department of Correctional Services, Jamaica.

is a relatively new term in Jamaica. Prior to 1975, the Prison Service, the Probation Service and the Approved Schools operated as separate entities. In an effort to make a direct connection among the three, and to be better able to address the rehabilitation needs of offenders, an administrative decision was taken to merge all three entities to form the Department of Correctional Services (DCS). Operating as one arm of the Ministry of National Security, the DCS is responsible for the safekeeping of prisoners and wards and to facilitate their rehabilitation and reintegration into society. In keeping with the new focus on rehabilitation of offenders, the Criminal Justice Reform Act was passed in Parliament in 1978 and made provision for non-custodial sentences to be added as an alternative to incarceration in some cases. In addition to the Criminal Justice Reform Act, the Department is governed by other Acts, including the Corrections Act, the Child Care and Protection Act, the Parole Act and the Probation of Offenders Act.

The Commissioner of Corrections is the Head of the DCS and is accountable to the Minister of National Security to carry out its mandate given in the Mission Statement, Vision Statement and Correctional Process (see Appendix 2). The Commissioner is assisted by two deputies: the Deputy Commissioner responsible for Custodial Services and the Deputy Commissioner with responsibility for Human Resources and Community Services.

## **II. CUSTODIAL SERVICES**

The Custodial Services Arm of the Department is tasked with the responsibility of keeping offenders safe, while facilitating their rehabilitation. This Arm consists of eight Adult Correctional Centres and four Juvenile Institutions. Each institution is headed by a Superintendent "A" who along with his/her team takes care of the daily operations of his/her institution. The team comprises ranked Correctional Officers, including basic grade Correctional Officers, Corporals, Staff Officers, Overseers, Assistant Superintendents, Superintendents "B", who are trained in custodial care, social work, and other specialized areas such as Medical Orderlies. Other non-ranked members of staff include medical doctors, teachers, counsellors and chaplains.

The institutions are classified according to level of security needed (maximum, medium or low) and also based on the gender of the offender. The table on page 135 compares the actual prison population in adult and juvenile institutions with ideal capacity.

The total prison population as of December 2012 was 4,347. Of that number, 3,968 were adults and 379 were juveniles. Of the total adults, 3,761 were males and 207 were females. The total number of male juveniles was 285 while the total number of female juveniles was 94. Overcrowding has always been a problem in the two largest male institutions, with the Tower Street Adult Correctional Centre operating at almost twice its capacity. It is of note however that the other institutions are operating far below their ideal capacities, which is noted by the Department, and activities are in place to examine the classification issues whereby the lower facilities can be better utilized.

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<b>IDEAL CAPACITY COMPARED TO ACTUAL POPULATION</b>					
<b>Adult Institutions</b>	<b>Type</b>	<b>Classification</b>	<b>Ideal Capacity</b>	<b>Actual Population</b>	<b>Remarks</b>
Tower Street A.C.C.	Male	Maximum	850	1,653	
St Catherine A.C.C.	Male	Maximum	850	1,227	
Fort Augusta A.C.C.	Female	Maximum	250	207	Adult
Tamarind Farm A.C.C.	Male	Medium	350	196	
South Camp A.C.C.	Male	Maximum	250		
Richmond Farm A.C.C.	Male	Low/Open	300	179	
New Broughton S.R.A.C.C.	Male	Open	50	27	
Horizon AR/C.C.	Male/Female	Maximum	1,036	479	male
<b>Total Adult Population</b>			<b>3,886</b>	<b>3,968</b>	
A.C.C. — Adult Correctional Centre, S.R.A.C.C. — Sunset Rehabilitation Adult Correctional Centre, A.R. /C.C. — Adult Remand Correctional Centre.					

<b>Juvenile Institutions</b>	<b>Type</b>	<b>Classification</b>	<b>Ideal Capacity</b>	<b>Actual Population</b>	<b>Remarks</b>
Rio Cobre J.C.C.	Male	Maximum	120	103	
Hill Top J.C.C.	Male	Maximum	98	84	
Metcalfe Street S.J.C.C.	Male	Maximum		98	
Armadale (now Diamond Crest) J.C.C.	Female	Maximum	45	38	
*Horizon A.R./C.C.	Male/Female	Maximum		16	female
*Fort Augusta A.C.C.	Female	Maximum		40	
<b>Total Juvenile Population</b>			<b>555</b>	<b>379</b>	
A.C.C. — Adult Correctional Centre A.R. /C.C. — Adult Remand Correctional Centre, S.J.C.C.					

### III. COMMUNITY CARE

The main function of Community Corrections is the supervision of offenders within the community settings who are given non-custodial sentences by the courts, such as Probation Orders, Supervision Orders, Suspended Sentences Supervision Orders and Community Service Orders. They also supervise inmates on parole. There are 16 Probation After Care Offices across the island, each headed by Senior Probation After Care Officers and staffed by probation officers who plan work schedules for offenders. They also offer counselling, monitoring and guidance to assist them in making better choices.

The inmate population in community care as of December 2011 was 5,250 (Community Services Annual Report, 2011).

### IV. THE INSTITUTION I WORK IN

#### A. Profile of the Horizon Adult Remand Centre

Prior to 2002, this property, located at 68 Spanish Town Road in Kingston, Jamaica, was used as a manufacturing complex called "Things Jamaica". Due to the overcrowding of persons awaiting trial in the police lock-ups, it was refurbished to a "state of the art" status, and was commissioned to be used as an Adult Remand Centre. It was then named Horizon Adult Remand Centre (H.A.R.C.) and placed under the management of the Department of Correctional Services (DCS).

The legislation was revised in 2005 to allow the Remand Centre additional functions such as securing “high risk” convicted inmates and providing safekeeping of foreign nationals in breach of immigration laws. It now performs dual functions as an Adult Remand Correctional Centre.

Though the facility was built to house one thousand and thirty-six (1,036) remandees/inmates, including 32 females, it has always operated below its capacity, averaging 450 inmates.

There are two Security Blocks (Block 1 and Block 2). Each block has twelve (12) security posts, and each security post has eight (8) cells. Each cell can hold six (6) persons, excepting the cells on the third floor of each block known as the Mezzanine. This area is smaller in measurement, and each cell has accommodation for four (4) persons.

The categories of persons housed at Horizon include remandees, convicted inmates, safekeeping (foreign nationals), appellants, male juveniles and female juveniles.

Horizon is headed by a Superintendent “A” with a staff complement of two Superintendents “B”, three Assistant Superintendents, Overseers, Staff Officers, Corporals, COI’s Imprest holder and a house mother for the juveniles.

Other categories of workers at Horizon are Jamaica Defence Force (JDF), Security Guards, the Institution’s Medical Doctor, Welfare Case Manager, Teacher, Psychiatrist and Chaplain.

The core functions of a Correctional Officer include maintaining security and safety of the inmates/remandees in his/her care at all times and assisting in the rehabilitation process of inmates and the treatment of inmates/remandees with equity and decency, while attending to their welfare.

#### **B. Brief Description of My Work**

In the capacity of Overseer, I supervise lower rank Correctional Officers (Staff Officers, Corporals and basic grade Correctional Officers) to ensure that the institution’s goals are realized. I currently work in the Personnel Department and carry out administration duties including detailing of staff for various posts on a daily basis. As part of my job description, I also visit Officers at their homes who have been absent from duty without leave or who may be ill and unable to attend work or are admitted to hospitals. I then prepare and submit reports to the superintendent accordingly. Additionally, I assist in the staff development training at the institution, conduct and review evaluation reports and assist in the training of new recruits to become Correctional Officers.

The Criminal Justice System includes:



