

THE CRIMINAL JUSTICE RESPONSE TO CRIME PREVENTION - GUYANA

*Fay Ingrid Clarke**

I. INTRODUCTION

The subject of crime and the quest for prevention continues to evoke varying responses at every level of society all over the world.

General responses range from emotive to some level of consternation as new types of criminal activity continue to ravage societies and acts which appear senseless often leave victims carrying the pain of their loss for very long periods. Many victims never overcome the trauma of their experience. In recent years, unfolding changes in the general criminal landscape have exposed the devastating effects of the number of heinous crimes now perpetrated by gangs and youth. Additionally, the impact of those who have built empires based on the manufacture, export and sale of illicit narcotics cannot be understated.

The narcotics trade is often accompanied by the export and sale of illegal weapons and ammunition.

The result is that the vast financial base of those parts of the underworld which are involved in illicit drugs, arms and ammunition trafficking have developed structures comprised of a national, regional and trans-national nature. In countries like Guyana, with fragile economies and large segments of the population living in poverty, the lure of 'easy money' makes it difficult, if not impossible, for any one component of the justice system to address in a comprehensive manner the current levels of crime.

As decision makers grapple with the ever evolving, expanding and dynamic nature of crime, many are beginning to recognize that the fight must take a paradigm shift to compensate for the new variables being presented and utilize multi-dimensional responses to confront the situation. Evidence of this global issue has already led world leaders to expand alliances to confront the challenges of crime in the twenty first century.

In many countries, politicians and the general public demand responses which they feel could improve their sense of safety. Lawmakers respond by drafting legislation which increases the length of sentences and imposes new mandatory minimum sentence requirements. The results are burgeoning prison populations which give rise to increased prison fights, unrest, inadequate staffing levels, ineffective or non-existent rehabilitation aims, and unsuccessful reintegration regimes which ultimately result in very high recidivism levels. Guyana has also experienced varying levels of the crime phenomena demonstrated worldwide, and the consequential effects of these realities. However, in spite of limited resources, Guyana's decision makers have undertaken a number of proactive measures to confront the often alarming displays of crime in the nation.

The region's crime situation is not much different from Guyana. Between 1990 and 1999 there were 7,621 murders in Jamaica whilst for the same period, Guyana had 1,100 murders. In 2001, a Barbados Extended Bulletin indicated that Barbados had an increase in crime over the last five years. A Washington report on the Hemisphere, noted Trinidad and Tobago's increasing violent crime rate, of which 70 percent involved drugs, while police in Curacao also noted an increase in murders, of which most were execution style killings. The diagnosis of the source of the crime upsurge in Guyana must thus factor in the 'regional' variable.

This paper will provide a brief overview of the criminal justice system, give insight into the Executive and specific Ministerial responses to the topic, and discuss where we are and the way forward in our efforts to expand present methods and implement new initiatives with specific attention to the introduction of alternative sentencing, community custody and civil society collaboration to confront crime, as pivotal to

* Superintendent of Prisons, Officer in Charge of Training, Welfare & Corrections, Guyana.

crime prevention strategies.

II. BRIEF OVERVIEW OF THE CRIMINAL JUSTICE SYSTEM

The nation of Guyana has three branches of Government, consisting of the Executive, Parliament and Judiciary.

The Judicial system is a hierarchy of Courts comprised of Magistrates, High/Supreme Court, Full Court of the Supreme Court and the Court of Appeal, which is the court of last resort. There are 37 Courts, of which 23 are of the Magistracy and 13 are of the High Court. Guyana also subscribes to the Caribbean Court of Justice based in Trinidad and Tobago, where persons may seek redress for certain kinds of matters for which they failed to obtain victory at the Court of Appeal.

The legal tradition on which the Criminal Court of Appeal law is based consists of the English Common Law and a series of indictable and summary offences, all heard in the Magistrates Court. After a preliminary hearing is held in a Magistrate's Court, indictable matters are heard in the High/Supreme Court. Appeals go to the Full Court of the Supreme Court and finally to the Court of Appeal. Civil practice and procedure is based on the English common law as well as Statutory Law (High Court/Court of Appeal). The majority of civil litigation cases take place in the Supreme Court.

III. BRIEF OVERVIEW OF THE GUYANA PRISON SERVICE

As a colony of the British, Guyana's penal system was known as Her Majesty's Penal Service. The name was changed to The Guyana Prison Service (GPS) in 1957. There are five prisons spread over the northern part of the country; three are in Region Four, where the capital city is also to be found. The GPS is headed by a Director of Prisons who has overall responsibility for the prisons and a Deputy Director responsible for Operations. A Senior Superintendent of Prisons heads the main prison (Georgetown) and a Superintendent of Prisons has responsibility for Officers and Prisoners' Training, Welfare and Corrections.

Other ranks include Assistant Superintendent of Prisons, Cadet Officers, Chief Officers, Principal Officers II, Prison Trade Instructors, Principal Officers I, Prison Officers and Assistant Prison Officers who perform administrative, clerical and custodial duties.

The total prison population now averages 2,900 daily, representing 26 percent of the national population of 770,000, spread over Guyana's ten regions, comprised of over 83,000 square miles, and of whom the majority live on the coast. The main prison now has an average of 1,000 prisoners daily, an increase of approximately 40 percent over the last 18 months and of which close to 60 percent are remand prisoners. The legal responsibility of the GPS is ended when the prisoner is released upon completion of his or her sentence.

The GPS and Parole Board are both within the ambit of the Ministry of Home Affairs and whereas the GPS was established by Prison Act No. 26 under the Laws of Guyana, the Parole Board was established by Parole Act 24/1991 and aimed to promote rehabilitation of offenders through early release on specific conditions of supervision and after-care. The Parole Board is expected to liaise with the Probation Service for home study, the police for records, visit prisons, meet with legal personnel and relatives of prospective parolees. They also have to engage family and other members of the community where the crime occurred, to sensitize them to the parolee. On the granting of parole, the Board also schedules the required contact meetings for the parolee. Additional bodies who supplement rehabilitation efforts of prisoners are Prison Visiting, who have wide-ranging power to intervene in all aspects of prisoners' welfare and treatment as well as make recommendations to the authorities, and the Discharge Aid Committees who assist indigent and needy prisoners on their discharge from prison. In spite of these checks and balances, from time to time, there are known and alleged cases of prisoner abuse and injuries which prison inmates incur due to fights, especially when prisons are overcrowded.

A. Mission Statement of the Guyana Prison Service

"The Guyana Prison Service has the responsibility of custody and retraining of prisoners committed to the prison and to engage in economic and other social programs supportive to National Objectives".

B. Profile of the Prison Population

A large number of the non-indictable and petty crimes are committed by recidivists who account for approximately 50 percent of the prison population. Many of these prisoners are illiterate and come from poor backgrounds, while 30 percent are drug related crimes and 8 percent of the total prison population are awaiting trial for murder.

Current Prison Statistics

Georgetown	New Amsterdam	Mazaruni	Lusignan	Timehri
468 Convicted 570 Remanded	235 Convicted 131 Remanded 83 Females	76 at Mazaruni 114 at Sibley Hall	86 Convicted 4 Remanded	142 Convicted 1 Remanded
32 on Death Row	1 Female on Death Row	N/A	N/A	N/A
Overcrowded by 45 percent	Overcrowded by 50 percent	Overcrowded by 40 percent	Overcrowded by 15 percent	Overcrowded by 30 percent

Due to limited staff and resources as well as prisoner classifications, less than 40 percent of the total prison population receives structured technical and/or vocational, or other, instruction. Moreover, priority is given to security and training is often suspended and officers are assigned custodial duties when staff is limited due to illness or vacation.

IV. ESTABLISHED GPS REHABILITATION PRACTICES

A. Vocational Skills

In exercising its functions, the Guyana Prison Service has historically included a variety of rehabilitation efforts in addressing the mandate expressed in the Mission Statement. The activities related to skills training included literacy, numeracy, tailoring, carpentry, joinery, masonry, building construction, farming, baking, animal husbandry, and the use of a printing press. A large segment of this training was done on a limited scale by skilled tradesmen in the organization who were eventually promoted to the rank of Prison Trade Instructor, as well as by some who were hired with the skill acquired from a Trade Institute or by being sponsored by the GPS to study at a trade school.

B. Coping and Commercial Skills

Other efforts at rehabilitation included periodical instruction on a variety of topics, given by Social Workers, with the aim of achieving behavioural change.

Moreover, a substantial amount of motivational and religious instruction is provided by the main religious bodies (Christian, Muslim and Hindu), which subsequently are often helpful in the prisoners' reintegration process.

In addition, a steel band called the Republican Steel Orchestra was formed and the instruction was given by a prisoner who knew the art. This band produced over a thousand players since its inception, and has even won national competitions and proven to be a sustainable programme. This band was the popular choice of a particular foreign Emissary for performing at several functions held by the British High Commission.

An additional success story is the Republican Boxing Gym which has produced a number of boxers who have made the service proud, both locally and internationally, by winning medals in every class. During their annual week of activities showcasing the Guyana Prison Service, the prisoners beam with a sense of pride on hearing and seeing the admiration of spectators who view the high quality evident in the wood, leather and other crafts made for display to the public. By the female prisoners, intricate expressions are revealed in crocheted items, clothing, pickles, etc.

C. Community Interaction

The Guyana Prison Service has also practiced being involved in the community by providing annual assistance in 'clean up' campaigns at schools, senior citizens' homes, the compounds of the courts, and in painting pedestrian crossings near schools. The Republican band provides musical renditions at various functions and there was formerly an annual concert called "Prisons In Concert" which there are plans to reactivate.

D. Prisoners' Incentive Scheme

A fund referred to as the Prisoners Incentive Scheme (PRISS) was developed to assist prisoners to accumulate money for work undertaken during their incarceration. The principle applied was that the prisoner was assigned one third of whatever he or she earned, one third was assigned the GPS and the final third was placed in a fund used for to purchase items which could be of benefit to the prisoners' welfare.

V. RECENT EXPANSION OF REHABILITATION

Over the past ten years, rehabilitation efforts were expanded to establish a base whereby structured components were developed to ensure that a larger number of prisoners could acquire a marketable skill for use on release as well as provide the coping skills to facilitate successful reintegration.

Expanded Administrative components of this thrust included the design and development of entry poll forms which provide personal, medical and academic data on the prisoner and risk assessment for the selection of prisoners to work within or outside the prison, for classification as trustees or orderlies.

Exit poll forms were designed to obtain data on how the prisoner evaluated his or her experience and to determine whether he or she had a family to return to and their likelihood of successful reintegration.

Structured components of training curricula were developed which focused on addressing major behavioral issues such as, anger management, conflict resolution, sex offenders' rehabilitation, goal setting, building self esteem, overcoming adversity, counselling for addicts, and HIV/AIDS awareness.

Underpinning the foregoing was the developing of a signature project called "Prisoners of Purpose" (POP) established in 2001 by the writer, which saw dramatic change in the formerly violent prison environment at the main prison. The strategy of this project utilizes the peer education concept, and those who successfully participate in the foundational Behaviour Change Program, and display vastly improved attitudes, are then selected as leaders to promote the concepts they were taught and then lead teaching sessions for other prisoners.

Prisoners who were part of this programme shared the principles at other locations when they were transferred.

Over the past ten years, the recidivism rate of those who have attended and participated in the POP programme has been less than five percent. Moreover, none of these prisoners have participated in unrest or major conflict.

A. New Initiatives

The following classes were conducted on a structured manner to the prisoners at various locations, whereby the curricula were prepared in a modular method. All of these programmes were run by committed, external facilitators. Efforts are underway to have the programmes accredited.

The topics were: automobile maintenance, ceramics, barbering, music (keyboard and guitar), making of mulch, upholstery, how to use the computer, electrical installation, small appliance repairs, CXE English, and CXE Spanish.

B. Recruitment of Welfare Officers

Two Welfare Officers were recruited in 2006, and in 2007, a Prison School Teacher who is a graduate of the Cyril Potter College of Education and has nine years' experience as a Senior Master at a High School, joined the GPS Also coming on stream was a skilled Welder/Machinist Fitter. A number of other skilled personnel are expected to join the plan for comprehensive rehabilitation later in 2009.

VI. CHALLENGES TO CHANGE

It is common knowledge that people dislike change and that management faces resistance when change is introduced. The absence of a Change Management Strategy has made the efforts somewhat tedious as people prefer their 'comfort zones'. Moreover, accounts are the same in other countries where the punitive method of prison management was or is practiced. The orientation of persons in 'prison' structures are that prison is not supposed to be nice or comfortable.

In many cases, aggression is the means of control and personnel are trained to have a 'them' against 'us' mentality. These mindsets must be addressed in full awareness that the change cannot or will not happen overnight. This attitude is inherent in the concept held by many that prison should be punitive and retributive in nature. The focal strategy is to provide relevant training for all levels of staff who can be made to see that viable rehabilitation increases safety in the prison environment and for the community when the prisoner is released.

VII. THE WAY FORWARD: COMPREHENSIVE REVIEW OF REHABILITATION IN GPS

The Hon. Minister of Home Affairs, Mr. Clement Rohee MP has consistently demonstrated an intense interest in the subject of prisoners' rehabilitation and has converted that interest to serious actions to make his concern a reality. In addition to approving the hiring of new staff, he (in late 2008) requested that a thorough evaluation be made of the entire system, with a view to creating the conditions whereby every prisoner would be exposed to some skill and behaviour change training. He also gave a commitment to see that increased expenditure is allocated in the 2009 budget to see the refurbishing, equipping and retooling of trade shops at all locations. These increases would result in the acquisition of competently skilled staff and facilities equipped with the relevant machinery for effective training.

A. Education Campaign

Every member of staff must be made aware of the new thrust and be prepared to be part of the change engine for effective rehabilitation. The method to be used can be a 'top down' and 'bottom up' approach with incentives offered for inputs which can benefit the team. Because of the system of 'seniority' where upward mobility is concerned, some effort will be necessary to convince them of the benefits to be derived from the new thrust.

B. Staff Welfare

A vital issue to be addressed when considering expanding rehabilitation of prisoners is the working conditions of staff. This helps deflect the negative responses of personnel who conclude that the prisoners are being given better chances to have their circumstances in life improved than is in fact the case.

Staff training and welfare have also gained the Minister of Home Affairs' attention and emphasis is directed towards providing solutions in these areas. Moreover, he has initiated collaborative agreements with other Ministries such as Agriculture and Health, to join forces in the tasks at hand, which will benefit the Guyana Prison Service. A number of other alliances are being considered, including one with the Ministry of Education and the Ministry of Youth, Culture and Sport.

VIII. ADVANTAGES OF ALTERNATIVE SENTENCING FOR GUYANA

Many modern studies affirm the need to incorporate new strategies in the care and treatment of offenders, with a priority on rehabilitation. In the highly developed countries, much has been said of 'warehousing' of criminals. Richer countries are able to build bigger and more secure prisons, yet this does not necessarily achieve the rehabilitation of offenders. The use of Community Service Orders for certain categories of offences will reduce overcrowding in the prisons and the risk of criminalizing petty and minor offenders. The additional advantage is that the involvement of the community in the process helps change the mindset of larger segments of the society in respect to the concern for the care and treatment of offenders. It is also a critical tool to assist in expanding efforts of reintegration.

I agree with the concept that certain categories of offences do not merit many being given custodial sentences. Therefore, earnest efforts should be put into the implementation of Alternative Sentencing. I

THE 141ST INTERNATIONAL SENIOR SEMINAR
PARTICIPANTS' PAPERS

contend that efforts at community-based alternatives to incarceration cannot achieve their fullest potential unless accompanied by strategized yet synergistic efforts to increase awareness in general society that every person who commits a crime does not have to be incarcerated. The public must be enlightened that the stigma prisoners experience on their release and their inability to obtain and maintain gainful employment, often cause them to reoffend.

Other methods which Guyana can implement include diversion, developing halfway houses and transitional correctional centres, community service and boot camps for youth.

IX. CONCLUSION

I recommend that a forum be considered whereby all the stakeholders may be gathered for consultation on the topic. A proposal I submitted to the Hon. Minister on the execution of a National Symposium, to be titled "Collaborating to Confront the Effects of Crime", has earned the endorsement of the Minister of Home Affairs. The aim is to gather the main stakeholders who can be exposed to presentations and plenary sessions to dissect the problems related to incarceration, overcrowding, rehabilitation, reintegration and the valid position to consider alternative sentencing guidelines.

Since 2008, initial discourse has been undertaken with possible funding agencies, in regards to funding the event. A positive response was garnered from a resident foreign diplomatic agency who indicated their interest in the possible funding of such an event.

I am confident that the opportunity for the execution of such an event will provide a common basis for developing strategies which will cement community involvement in efforts to collaborate in order to confront crime in our nation.

APPENDIX

PRESIDENTIAL RESPONSE TO CRIME PREVENTION

FEATURE ADDRESS OF HIS EXCELLENCY PRESIDENT BHARRAT JAGDEO'S AT THE LAUNCHING OF THE NATIONAL DRUG STRATEGY MASTER PLAN, 2005 - 2009

We are gathered here to launch the Guyana National Drug Strategy Master Plan 2005-2009 and I would like to describe the main components of that Master Plan and speak briefly about our approach to the fight against Crime and Violence in our society.

Our approach is guided by our assessment of the crime statistics in Guyana and in the region, the changing nature of crime, particularly its violent and trans-national features, and by what other countries have done and are doing to fight crime. Above all, we are guided by our economic, social and political realities.

This 2005-2009 Plan was drafted in consultation with key persons in my administration, and included Law Enforcement Agencies, the Military and Non-Governmental Organisations and civilian entities. The Plan foresees the establishment of the National Anti-Narcotics Commission (NANCOM) and its associated Secretariat to implement the Strategy. The Commission will be the focal point in this new counter-narcotics strategy which will lead to the overall improvement in the co-ordination by various agencies.

The actual programmed activities that the Commission will implement and oversee over the next five years are divided into Supply and Demand Reduction categories focused on improving:

- Criminal Justice Administrative system through the sustained training of court officials and the provision of better Court facilities and set the Legal Framework in keeping with the regional legal thrust against the drug trafficking industry.
- Improvement of the Intelligence gathering functions of the Law Enforcement agencies and expanding the Joint Intelligence Coordinating Centre which brings together representatives of the intelligence gathering apparatus of the Joint Services for better intelligence-led counter-narcotic operations.
- The Criminal Investigation Department will be strengthened by expanded application of Information Communication and Technology to create a simple central law enforcement database allowing ready access to records and asset holdings of drug traffickers.
- The counter-narcotic agencies will be strengthened by the provision of additional resources. More equipment for will be procured: secure communication, land and river transportation, better border control facilities and the surveillance of our air and sea spaces.
- The National Forensic Laboratory's capacities will be strengthened by the acquisition of up-to-date technology and recruitment of necessary skills.
- International cooperation will be expanded through the ratification of relevant and important international conventions and treaties including
 - the Inter-American Convention on Mutual Assistance on Criminal Matters; and
 - the Inter-American Convention Against the Illicit Trafficking, Manufacturing of Firearms, Ammunition and Explosives.
- Bilateral cooperation will be strengthened between Guyana, and its neighbours and other countries.

Under the Demand Reduction category of the Plan, the following activities would be implemented:

- Developing and implementing safe lifestyle programmes for our youths, strengthening the current health and family life education programmes that target vulnerable women, children and adolescents

THE 141ST INTERNATIONAL SENIOR SEMINAR
PARTICIPANTS' PAPERS

- Providing continuous statistical surveillance on the prevalence of drug use in selected populations, to enhance policy formulation
- Encouraging increased civil society participation in anti-drug abuse activities including advocacy and the provision of services and increased media involvement
- Providing better clinical and behavioural treatment for drug users and abusers through training of relevant personnel and the establishment of additional rehabilitation centres, either directly or giving support to NGOs. This would improve the availability of rehabilitation and counselling services

The implementation of our anti-drug strategy with its programs and activities would need to be resourced by the combined efforts of Central Government, and our bilateral and multilateral partners. At a minimum the incremental financial costs to implement the Master Plan is projected at G\$650M GYD. This is a significant sum of money for Guyana, but appears paltry when compared to the resources provided elsewhere in this hemisphere to fight Narco-trafficking. Clearly, international support would be critical for the successful implementation of the Master Plan.

I am certain that we are all aware that Guyana and the other countries in the Caribbean and in Latin America have seen an upsurge in criminal activities. Statistics, media reports and research all point to an increases and new trends of violence and transnational crime. I know how shocked we all were a few weeks ago when the Minister of National Security in Trinidad and Tobago disclosed the presence of more than 50 criminal gangs in that territory, and in that same week from Jamaica, there were reports of as many as 157 deaths in one month. More recently, the Prime Minister of Barbados referred to the danger for Barbadian communities as a consequence of increased drug trafficking.

My colleague Heads and I have given considerable attention to this growing threat in the Caribbean. That intense focus led to the creation of the CARICOM Ministerial Committee on Crime and Security. Already that body has proposed initiatives for implementation in CARICOM countries.

However, in spite of the implementation of several of these and other initiatives such as the promulgation of new laws allowing easier criminal prosecutions, maritime interdiction, the provision of additional resources (financial, human and technical), the statistics suggest that we are still to attain a sustained and significant impact on Crime and Violence in our region.

I wish to outline a few areas in which I intend to intensify efforts to make our communities safer places to live. First we must heighten all STAKEHOLDERS INVOLVEMENT in implementing crime prevention and crime fighting measures through:

1. Establishment of a National Commission on Law and Order
2. Creation of Community Policing Ministerial Unit
4. Tougher Action Against Racial Incitement And Violence
5. Greater NGO Involvement In Crime Prevention

FOR CRIME PREVENTION, we also intend to pursue:

Penal Reform with emphasis on correction and reintegration

More attention will be directed to the Prison population and specifically from the perspective of ensuring the return of prisoners especially the young and first offenders, to productive lives on their release. In that regard, the staffing of the Guyana Prison Service would continue to be increased according to the approved four-year plan to increase appointments of training instructors. This would provide more opportunities for prisoners to acquire marketable skills during their period of incarceration. We envisage the introduction of new programmes to develop and enhance life skills that will be beneficial to inmates. This hopefully, would reduce recidivism among young offenders.

Heighten attention to Vulnerable and At-Risk Groups

The Administration will provide more resources that will increase the opportunities for the unemployed, unskilled and out-of-school youth and prevent them falling prey to recruitment by anti-social and criminal

elements. This programme will complement existing ones which target 'out-of-school' young people. Many wished to find a job or to continue studying, but they did not have the basic skills or qualification to realize their ambitions. This program will correct this situation and allow them to lead productive lives. We must ensure that they do not get involved in negative activities.

Waiver of Duty and Taxes on Surveillance Technology for the Private Sector

I am disposed to consider the provision of duty and tax concessions on the importation of electronic surveillance technology and other security related items to registered legitimate businesses to protect their business places and aid crime prevention.

1. Traffic:

We are moving to introduce a modern traffic control system with more stringent laws, harsher punishment and rigid enforcement. These would be supported by greater reliance on advanced technology.

2. White-collar crime:

We will focus more attention and resources to combating white-collar crimes, by strengthening the Fraud Squad in the CID by recruitment, additional training and application of relevant technology.

We will commit more resources to enhance the work of the Financial Investigative Unit. Since becoming a member of Caribbean Financial Action Task Force, we now have greater access to training of staff and the preparation of legislation that would make it easier to prosecute money launderers.

3. Immigration:

Due to the increased trans-national nature of crime involving alien smuggling and trafficking in persons, we will modernise our Immigration and Naturalisation services. Therefore, we are introducing machine-readable Passports using an integrated database and will enact tougher legislation to address Immigration-related offences.

We are examining the feasibility of creating a separate entity to deal with Immigration and Naturalisation services.

4. Gun Control:

Due to increased gun-related crimes, my Administration will introduce tougher penalties for those convicted of illegal possession and use of firearms. We shall also expand the Guyana Revenue Authority's ability to detect smuggled weapons at our sea and airports. Other interventions include plans to increase of our military presence in the border areas for better interdiction and increase international co-operation to combat trafficking in firearms.

Strengthen Law Enforcement Agencies:

In addition to all of the above, there is a need for us to continue the increasing budgetary and policy support provided to the Guyana Police Force and other Law Enforcement agencies. . The focus will be on compiling crime statistics for use in guiding policy and operations.

In conclusion, I wish to thank the citizens who work with us to combat crime, and acknowledge our international partners, for their current and anticipated support.

You are invited to join in - making the entire country safer is a national endeavour.

June 2005