

## Organized Crime Control in Jamaica: A Small Island Country's Dilemma

### Policy Implications

**Re-conceptualising organized crime control in Jamaica requires an evidence informed strategy which must be more suited to local conditions and variations than the present structure. Such a strategy should include two key policy implications.**

1. Repositioning and enhancing small island developing state participation in international policy making: The current status quo in terms of international organized crime control policy making does not represent the concerns of Jamaica and this results in the implementation of flawed policies. American leverage means that Jamaica's response to organized crime is constrained by U.S. priorities, such as the lotto scam and drug trafficking. Jamaica's priorities (and those of other small island developing states), need to be recognised by international norm making bodies. At present, this would require the international recognition and prioritisation of illicit firearms trafficking from the U.S. to Jamaica, utilising tailored legislation which is suited to the local conditions of Jamaica and which is not built upon outdated international drug control policies.

2. Efficient tax collecting capabilities: With the majority of Jamaican citizens existing outside of the formal PAYE system, Jamaica's tax collecting capabilities rely solely on an individual's willingness to register for self assessment. This affords career criminals and unscrupulous professionals opportunities to commit a variety of tax frauds. For example, by claiming tax payments such as General Consumption Tax – although this is never collected by tax authorities, due to the fact individuals are not registered to pay tax. Based on our research data, we suggest that effective organized crime control requires a paradigm shift in thinking. Currently tax evasion is largely ignored as a serious crime but it should be viewed as the most useful tool in terms of a predicate crime and one which could boost Government revenue. This would have a two pronged effect: 1. By requiring more people to enter the tax system generally, for example via PAYE or self assessment, law enforcement officers would be better able to establish both the true value and origins of those assets which are thought to be criminally derived; 2. Establishing the real worth of a criminal would allow law enforcement to calculate the amount of tax which should have been paid by an individual. In effect, tax evasion in this context would equate to a charge of theft from the public and Government purse, and would lead to a money laundering charge and subsequent confiscation of the proceeds of crime. The recovered proceeds would help fund Jamaica's own efforts to combat organized crime with, we hope, reduced interference from the U.S.

### Context

*Jamaica, like other indebted countries, has reduced tariff revenues in response to trade liberalisation set by international lending institutions. By returning to tariff revenues and also reforming the domestic tax system, the Government would increase its income to better support law enforcement efforts to combat organized crime, independent of a strong U.S. influence. Although re-imposing protective tariffs would be desirable, it is unlikely to be acceptable to international lending institutions. The evidence based policy implications outlined in this brief, respond to this dilemma.*

### Statement of the Problem

*The template for international organized crime and drug control policy was set by two U.S. laws passed in 1970, these being the Organized Crime Control Act and the Comprehensive Drug Abuse Control Act. After the creation of these laws, the U.S. actively exported its model of organized crime and drug control, including to small island developing states such as Jamaica. Since 1970, most nations, rich, middling and poor alike, have adapted their legal and criminal justice systems to allow for general compatibility with the original U.S. organized crime and drug control template. In Jamaica's case, the Americanisation of organized crime and drug control policies is evident in the six key reforms suggested in the current National Security Policy, including asset forfeiture and anti-gang strategies. This brief argues that following U.S. inspired and "one size fits all" policies, is not in the interests of small island developing states in the Caribbean. In fact, the research conducted for this report, suggests that problems regarding organized crime have not diminished in spite of adherence to U.S. backed policies and agendas. Although we are critical of U.S. organized crime control policy, we do believe that Jamaica can learn something significant from historical aspects of the U.S. organized crime control experience.*

## Main Issues Identified

**(The points below are paraphrased from the empirical research interviews, conducted in Kingston in January 2018, with law enforcement officers.)**

- The current organized crime control strategy in Jamaica is predicated on an archaic, ill-informed and not fit for purpose U.S. direction which places drug trafficking as the main issue in Jamaica, diminishing other more important issues such as firearms trafficking and poor tax revenues.
- Jamaica enters International policy making dialogues with asymmetry, and is overshadowed by those countries which wield the most power economically. This unequal weighting means that Jamaica is effectively stripped of its sovereignty in terms of determining its own organized crime control agenda.
- Funding from the U.S. to combat organized crime in Jamaica is wasted on futile maritime anti-drugs efforts, yet despite some high profile seizures, the U.S. fails to take full responsibility for the deficiencies in controlling the trafficking of firearms manufactured in the U.S.
- Reforming the tax system would allow the government to increase revenues and this would help to fund capacity building and infrastructure in public services such as the police force.
- Enhanced tax powers would also allow law enforcement to assess the real wealth of criminals, and this would enable greater amounts of criminal proceeds to be confiscated. In particular, career business criminals will fraudulently charge a customer 16.5% General Consumption Tax. However, because they are not registered to pay tax, this amounts to theft from the Government. Such a crime should be viewed as useful predicate tool in the fight against organized crime.
- Jamaica's law enforcement agencies do not have the capacity to fight the influx of weapons which arrive from the U.S. As a country which is still developing economically and politically, if the U.S. is going to continue funding law enforcement efforts, then it needs to recognise the local problems that law enforcement officers face.

Brief researched and authored by: Dr Mary Alice Young, LL.B, LL.M, PhD, PGCTHE, FHEA and Dr Woodiwiss, BA (Hons), M.Phil, D.Phil, FRIS, are Senior Lecturers from the Bristol Law School and Department of History at the University of the West of England, U.K., which kindly financed this project. Their interdisciplinary research is concerned with organized crime control. CONTACT: Mary.Young@uwe.ac.uk for further information.