

OPPOSITION SPOKESMAN ON NATIONAL SECURITY  
**PETER BUNTING, MP**

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# **2017 SECTORAL PRESENTATION**

April 18, 2017

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Opposition Spokesman on National Security

### **INTRODUCTION**

I have served as either Opposition Spokesperson or Minister of National Security since late 2008. This has afforded me over eight years of intimate knowledge of the complexities and challenges of the sector, as well as a true appreciation for the hard work and dedication of its many professionals.

This will likely be my valedictory address on the National Security portfolio and so I will use this opportunity to be candid.

Before I get into the specifics of the portfolio, I would just like to make a comment on the overall effectiveness of the Sectoral Debate. This is the second year in a row that, as an Opposition Spokesman, I am scheduled to speak before the counterpart Minister, and a similar situation applies to colleagues in other portfolios. It would be ridiculous to have a Budget Debate with the Opposition Spokesman on Finance speaking before the Minister of Finance's presentation. Similarly, it must also be counterproductive for a critical portfolio such as National Security to be hidden away at the tail end of the debate line up, avoiding an in-Parliament Opposition response, and circumventing a real debate on what is supposed to be the Government's major policy statement on national security for the upcoming year.

This Sectoral Debate should provide a forum for a serious and thoughtful assessment of the strengths and weaknesses of the Government's policies and programmes. The public would benefit from an elucidation of the issues and the government could even adopt constructive suggestions by the Opposition.

Instead what we see, and Jamaica is not unique in this regard, is that "The vitriol on both sides of the partisan divide has made it all but impossible to have a minimal agreement even on the facts." - Economist Magazine. Mendacity and insults replace substantive debate. Social media trolls and talk show activists then defend the partisan positions. Traditional media too has been infiltrated by political hacks that, in most cases, don't disclose their partisan agendas. The ultimate consequence is that very little objective debate and analysis takes place, and truth and the public's interest suffers.

So, without the benefit of a 2017 sectoral presentation from the Security Minister, I will: i) comment on the recent legislative initiatives by the administration; ii) review the state of crime in our nation; iii) assess the progress made on some of the Minister's 2016 announcements; and iv) conclude with some recommendations.

### **REVIEW OF LEGISLATIVE INITIATIVES**

Three pieces of legislation related to National Security were recently tabled and I want to comment briefly on each. However, before doing so let me remind the administration that a very important piece of legislation for criminal investigations

was passed well over a year ago – The DNA Act – and it still hasn't come into effect because it is awaiting the related Regulations. Recently the first conviction under the 2014 Anti-Gang legislation was handed down. Yet we hear of a ring of international fraudsters targeting bank ATMs last year who were not charged under this legislation (even though they met all the criteria) and got only light sentences as a result. I suggest we need more training in the use of the Anti-Gang law and other existing legislation is required even while we pass new legislation.

### **The Major Organized Crime and Anti-Corruption Agency (MOCA) Act**

As the one who largely conceptualized and shepherded the MOCA agency into being, I am happy that The Major Organized Crime and Anti-Corruption Agency (MOCA) Act, which was far advanced when we left office, has now been tabled. This Act will give MOCA operational independence and authority to combat serious crime and corruption in collaboration with local and foreign law enforcement agencies.

### **An Act to Amend the Defence Act**

While we welcome the Jamaica National Service Corps as a new arm of the JDF, we caution that this will not accommodate the youth who are most likely to be recruited into gangs and eventually become high violence producers. In our time, we identified the most at risk young persons and designed interventions to help them - even those who were already on the margin of gang involvement.

That is why the CSJP project that saw 500 youth doing one-year construction skills internships with the JDF Engineering Regiment was so important. It provided an opportunity for re-socialization for these at risk young people while they were learning a useful skill. While only a handful of these were ultimately recruited into the JDF, most were able to matriculate into jobs in the construction sector, having achieved HEART certification while in the program.

The scale of the interventions needed for unattached and at risk youth is probably at least ten times what is currently available in order to really dent the problem in the medium term. We will support any initiative that effectively addresses this problem.

### **The Law Reform (Zones of Special Operations) (Special Security and Community Development Measures) Act**

The Opposition has serious reservations about many aspects of this Bill and our participation in the Joint Select Committee should not be interpreted as support of the measures contained therein.

A sentence from the Memorandum of Objects and Reasons telegraphs the true purpose of the legislation. It states “This Act should not have the negative impact on Jamaica, which could likely occur if a declaration of a state of public emergency was made.” In other words, this Act attempts to give state of emergency type powers to the security forces without having to declare a state of emergency and make it not subject to Parliamentary review. This raises a number of concerns and risks:

1. The power to seize and detain property without warrant, and the new criterion for arresting without warrant are recipes for abuse of power. We went this way before with the Suppression of Crime Act and it didn't work.
2. It gives police powers to the military, which is something that has always been avoided.
3. The curfew regime being delegated to ground commanders is dangerous, and should continue to require the permission of the Minister.
4. The scheduled Amendments to the Anti-gang Act are incoherent, and it is not clear how new measures like Control Orders, which are not defined, fit into the scheme of the Act.
5. The social intervention objectives set out in the Bill do NOT require legislative facilitation, but can be accomplished administratively once adequate resources are made available to these communities.

## **REVIEW OF CRIME STATISTICS**

Let me turn now to a review of the crime statistics. All the data comes from the Statistics and Information Management Unit of the JCF.

It is important that we start with the facts and then conduct an objective analysis of the data and the trends. It is also important to debunk "alternative facts" because if we do not, then we will only feed the "fake news" monster.

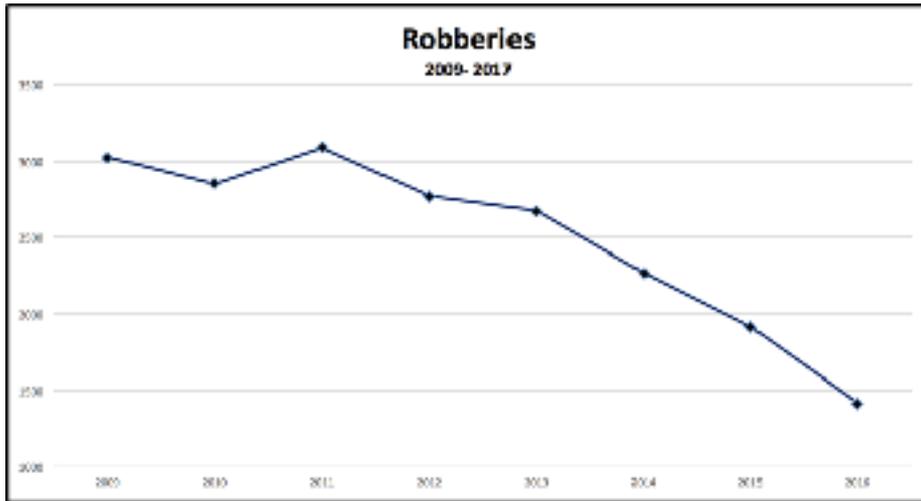
Last week American media pointed to many policy reversals on campaign promises e.g. i) avoiding the use of military force in Syria, ii) labeling China a currency manipulator, and iii) on NATO being obsolete.

It appears that the same campaign strategists advise the JLP, since this JLP administration has also reversed their position on major campaign issues such as: i) taking funds from the National Housing Trust for budgetary support; ii) claiming that no new taxes would be necessary to fund the \$1.5 million tax-free income threshold promise; and iii) telling the public they can leave their doors open at night and not be killed once they vote JLP. [Insert video clip]

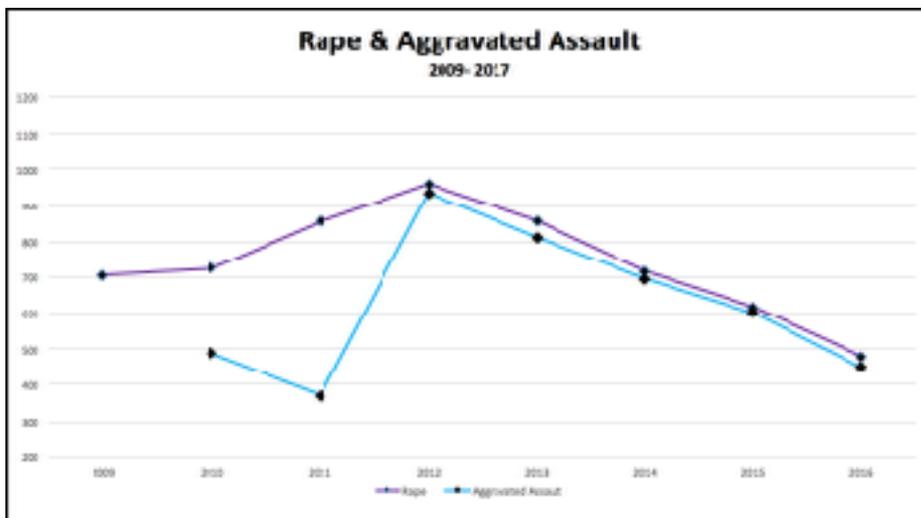
Of course the facts tell a different story and I am going over this not to score partisan points, but because all of us in public life must be held accountable for what we say. Truth matters.

Given that there were 1,470 murders per year on average during the 2008 to 2011 JLP administration compared with the 1,128 murders per year on average during the 2012 to 2015 PNP administration, and that the first year of the current JLP administration had 1,350 murders, I really hope the Prime Minister has disabused himself of the idea of murder being higher under the PNP.

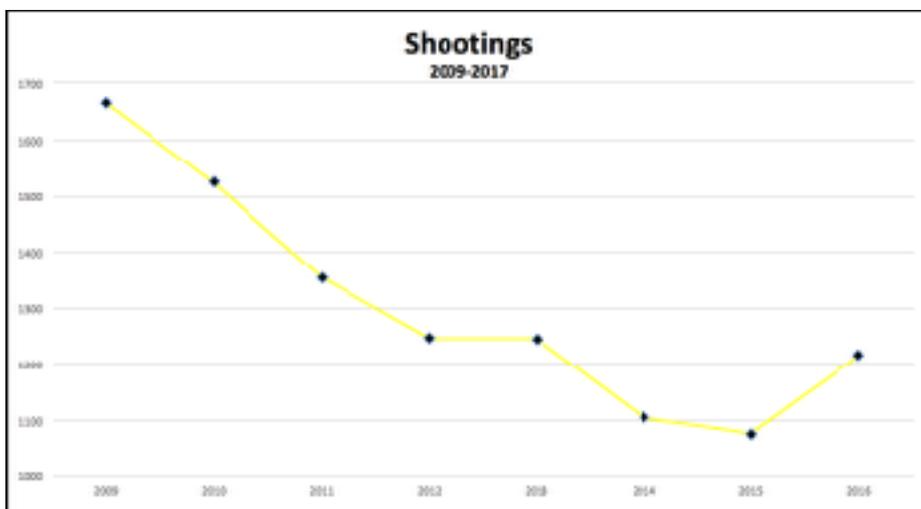
Most major crimes have been on a downward trend over the last seven years.



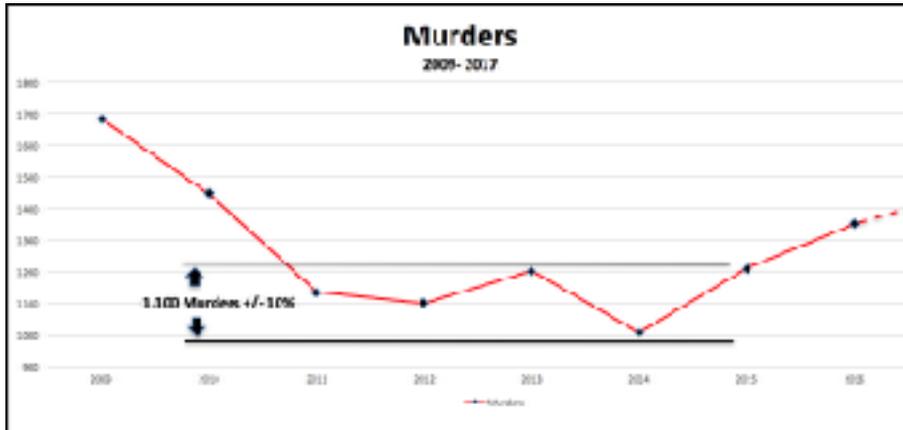
Robberies show a steady decline from over 3,000/ yr. in 2011 to under 1,500 in 2016.



Rape & Aggravated assault declined from over 900 incidents in each category in 2012 to under 500 in each category by last year.



Shootings have also trended down except for an uptick last year.



Murders, on the other hand, have not shown a steady decline but instead really stepped down, from the 1,600 murders per year levels in the years leading up to the Tivoli Operation in 2010, to a new normal that fluctuated within the band of 1,100 murders + or – 10%, or about a 30% average reduction in the number of murders. This new level held between 2011 and 2015. In 2016, we saw murders exceed that band (for the first time since 2010) to reach 1,350 murders by year end. The number of murders so far this year (2017) is already 21% higher than last year (2016) so we should all be very concerned that murders may be trending back towards pre-2010 levels.

But the aggregate statistics don't tell the whole story. In Area 1 (the western parishes of Trelawny, St. James, Hanover and Westmoreland) murders in 2017 exceed the comparable period in 2016 by 47%!! Murders had started increasing sharply in Area 1 from around this time last year, which is why the public would have been relieved to hear the Minister announce in his 2016 Sectoral Presentation that:

1. *"We will be expanding MOCA West.*
2. *A Mobile Reserve West will be established*
3. *Additional training space will be created in Western Jamaica.*
4. *A Coast Guard base will be established in Montego Bay.*
5. *The amount of officers in western Jamaica will be significantly increased."*

Unfortunately, these measures have not been implemented so it is not surprising that the murder rate continues to climb in Western Jamaica. And this is exacerbated by the fact that the police in Area 1 have fewer and less reliable vehicles to serve them now than a year ago.

### **REVIEW ANNOUNCEMENTS FROM 2016 SECTORAL DEBATE**

The Minister's presentations are typically full of announcements and bombastic rhetoric and his 2016 Sectoral presentation was no different. If talk alone could bring down crime we would be the safest country on earth. The Minister regularly cusses "Dutty criminal", lambasts policemen for family court appearances, and invokes protection from his Obeahman uncle. But let us follow up on some of the

announcements made by the Minister last year and see how he is doing with implementation. Successful implementation is what drives results, not announcements.

### **Unprecedented Resources**

The most potentially game changing announcement was the promise of unprecedented resources for the fight against crime. Let me quote the Minister: -

*“We as a government have decided to make tackling crime our number one priority.*

*Hence this administration is going to over a three-year period make the largest investment in the National Security apparatus in our history. Never before will so much be invested in ensuring our peace and safety. We are not talking millions, but **billions.**”*

	<b>Estimates 2017- 2018</b>	<b>Revised Estimates 2016 - 2017</b>	<b>Actual Expenditure 2015 - 2016</b>
Recurrent Total MNS & Depts. (Pg. 1)	\$56,432,294	\$58,543,323	\$54,380,651
Capital A Total MNS & Depts. (Pg. 3)	\$3,003,000	\$5,014,750	\$1,505,912
Capital B Total MNS & Depts. (Pg. 4)	\$1,254,792	\$1,235,592	\$899,012
<b>Total</b>	<b>\$60,690,086</b>	<b>\$64,793,665</b>	<b>\$56,785,575</b>

Anyone who listened to that presentation would have reasonably expected the government to increase the National Security budget by at least 10-15% per year for the next three years. Instead, what we have seen is a reduced allocation to the Ministry and its departments in the 2017/18 budget compared to 2016/17.

In 2017/2018, the total recurrent and capital budget is \$60.7 Billion, a reduction of \$4.1 Billion (or 6.3%) from the \$64.8 Billion in 2016/2017. And even compared with the 2015/16 actual expenditure, this year’s budget is about the same in real terms, after adjusting for inflation.

The main objective of an annual budget is allocating resources in conformity with both policies and fiscal targets. How can the Government state that tackling crime is its number one priority and then reduce the budgetary allocation for fighting crime? Where are the voices of the members of the Economic Growth Council, or the Private Sector more broadly, to highlight this inconsistency?

### **Other Promises from last year:**

- “*Inmates will be dressed in brightly coloured suits, electronically monitored as they work in the communities.*” **No sign of this.** Nor has the new 300-bed facility at Tamarind Farm been commissioned.
- “*We will roll out more mobile [police] stations.*” **No sign of these.**
- “*We will restart the Graduate Entry Programme.*” **Not started**
- “*We will train more officers this year.*” **Not exceeding attrition rate**
- “*We will review the police book of rules and regulations, and ensure that each officer gets a copy.*” **Officers still don’t have the book**
- “*We are purchasing dogs from Cuba, to help ...the fight against drugs and weapons.*” **No sign of Cuban dogs.**
- “*A national CCTV system is coming, where businesses and homes can purchase their own cameras and be a part of the [national] system. We will give the standards of the cameras;*” **No standards published.**
- “*We are moving to engage retired policemen and women, business people and civic-minded Jamaicans, on a voluntary basis, to become Special District constables. We will be utilizing the database at the FLA, to invite licensed firearm holders, ... to join this corps of volunteers.*” **We have heard nothing further on this.**
- “*We will be increasing the number of vehicles that will be converted to use LPG. We are seeing a 60%, savings on the use of petrol by switching to LPG.*” **This has not happened, it is the same two vehicles the JCF has operating on LPG now as it had a year ago.**
- “*We will seek to have an increase in the mandatory minimum sentences for gun crimes.*” **Nothing has come to Parliament.**
- “*We will seek to have all gun murders, classified as capital murder.*” **Nothing has come to Parliament.**

### **Used Vehicle Purchases**

The only major announcement that the Minister has followed through with is one that is misconceived and will cost taxpayers dearly. That is “*We will increase the mobility of the police using pre-owned motor vehicles.*” This issue requires more than passing treatment.

When I became Minister in 2012 I found the JCF vehicle fleet with 129 different makes and models. I tasked a committee of JDF, JCF, and MNS personnel, chaired by then Lt. Col. Cummings, to develop a vehicle fleet procurement and maintenance policy for the JCF. One recommendation from that committee, which was followed thereafter, involved limiting the purchase of each category of vehicle (such as patrol car, pickup, small SUV, etc.) to no more than two or three models of new vehicles per category. That way over time there would be a reduction in the range of makes/models in the fleet as well as a reduction in the range of tools, spares, etc. that the Transport and Repair Department or our Area garages would have to stock. The two to three models selected in each category were recommended by the technical staff, based on the experience of operating those vehicles. A great deal of work was done in this area and I am disappointed to see all that work going down the tubes.

Members will recall that six weeks ago I tabled some straightforward questions on this used car procurement process. The Minister has been stalling; the answers are three weeks overdue. Clearly these answers are requiring much attention from the administration's spin-doctors.

Notwithstanding an available budget of over \$500 million to purchase 240 cars, all that the police received during the entire fiscal year 2016/17 was 40 used vehicles. The Ministry could only organize itself to procure and have delivered to the JCF 40 vehicles, only 17% of the targeted purchases, during the entire fiscal year and with over half a billion dollars available!

Among the first 40 vehicles purchased (apparently from stock already at local dealers), the Toyota Corolla Axio 2014 was the most preferred. Thirteen of these vehicles were purchased for the JCF in October last year at a price of \$2.3 million each. Let us compare these vehicles with a new Toyota Corolla XLi, the type of patrol car normally purchased for the JCF during my time as Minister, and interestingly the type of car the Ministry recently purchased at \$2.75 million each. **Used cars for the police but only new cars for the Minister's office or the Ministry...How come?**

The new XLi has a more powerful 1,600 cc engine versus a 1,500 cc engine for the Axio, it has a more spacious interior, it has a stronger suspension system than the Axio (which is only manufactured for the domestic Japanese market), and the new XLi comes with a 3 year manufacturer's warranty. But the Minister pays more than 80% of the new Corolla XLi price for a 3-year-old Axio, with a smaller engine, weaker suspension, cramped interior, and no manufacturer's warranty. **How come?**

Here is a comment from a senior officer of the JCF "Most people in the JCF hated the idea of buying used cars. Then when the first set of Axios came and were deployed, they were found not to be up to standard. The drivers complained incessantly about them."

It gets even stranger. At least vehicles bought from the stock of a local dealer can be inspected. The next phase of acquisition went against the advice of the Jamaican proverb to "Nuh buy puss eena bag."

The Ministry issued a large, selective tender for used cars. The successful bidder will supply 80 Toyota 2012 Axios and 120 HiLux 2012 Pickups at a total cost of \$427million.

Tendering locally on these eighty 2012 Axios and one hundred and twenty Hilux 2012 pickups is really an inane exercise because no single local dealer would have these quantities in stock. So, a local dealer can only tender at a speculative price, then attempt to find vehicles to import for that price if they are successful.

The buyer (MNS) is evaluating bids purely on price, because there are no actual cars to be inspected. Other than price, no criterion can be objectively evaluated until after the tender is awarded. Additionally, the condition of a five-year-old vehicle can vary widely. For example, a 2012 Axio with a single owner, that's never been in an accident, and that has done 40,000km is of much greater value than one that has been

used as a fleet taxi, with multiple collisions, and driven 400,000km. So we are not comparing apples with apples.

The successful dealer with the lowest price will then have to purchase vehicles in the poorest condition because these are the only vehicles that will be available for the lowest prices. **So, the Minister has designed a system that is guaranteed to deliver used cars that are in the worst possible condition to our police force.**

I couldn't find an example of another police service in the world with a policy to purchase all used vehicles, not even countries poorer than Jamaica. But it gets worse.

This huge purchase contract was granted to a dealer that I understand **HAD NOT** imported a single vehicle in the last 2 years, since March 2015. Yet the Ministry has handed over \$200 million to this entity as an advance/deposit. Were the financial statements of this entity assessed to determine its financial capability?

The other question the Minister needs to answer is whether a) the Ministry of National Security has any fit and proper criteria that they apply when issuing a huge contract for over \$400 million? b) Does it matter whether a director or shareholder of this company is the subject of "adverse traces" by local or international law enforcement, or has previously been convicted of narcotics related offences and deported from the USA?

The US last week dropped a bomb known by the acronym of **MOAB** – colloquially referred to as the **Mother Of All Bombs**. I believe this used car procurement for the JCF will come to be known as the **Mother Of All Bandulu!**

## **CONCLUSION**

In closing I will make some sincere recommendations to the Ministry and to the Administration because we all want a safer and more secure Jamaica. There are many areas of difference on which we can campaign and seek partisan advantage but citizen safety and security should not have to be one of those.

The management and implementation capability of the public sector is limited so it is important to focus on only a few priorities, and to not interfere where things are working. Jimmy Carter's OMB Director Bert Lance believed he could save billions if he could get the government to adopt a simple motto: "If it ain't broke, don't fix it." He explained: "That's the trouble with government: Fixing things that aren't broken and not fixing things that are broken."

In his first year, we have already seen the Minister fixing the JCF vehicle fleet procurement policy that wasn't broken. We also see where three top professional managers were removed in an arbitrary and capricious manner: i) the newly appointed board frustrated the CEO of the FLA into resigning; ii) the CEO of PICA's contract was not renewed; and iii) the Project Manager of Unite for Change had her contract terminated. None of these were political appointees and all three were acclaimed for their professional performance. Minister, you and your team are fixing things that weren't broken, or put another way, you are breaking things that were fixed. This does not augur well for attracting professionals to your Ministry and it is

not surprising that the CEO positions at FLA and PICA have yet to be filled. What will likely happen is that these positions will eventually be filled with political hacks and the performance of the entities will deteriorate.

I recommend that the administration concentrate on two parallel tracks, continuing what has worked across administrations:

### **Crime Control**

The first track is crime control. It is well documented that, other things being equal, a better equipped and more modern, professional police force will make a positive difference in the fight against crime. Among the measures that need to be urgently implemented are: 1) a 21<sup>st</sup> century management information system; 2) investment in technology and modern facilities; and 3) more personnel and new vehicles.

Continue the transformation of the relationship between the Police and the citizenry. Sustained success against violent crime must stand on a solid foundation of trust between the Police and the communities they serve. We implemented a number of initiatives to remove sources of friction and build trust. These included:

- Amending the Dangerous Drugs Act so that there are now 14,000 fewer arrests per year for smoking a ganja ‘spliff’
- Distributing 7,000 ‘less lethal’ kits to police personnel
- Dramatically reducing the use of curfews
- Reducing police fatal shootings to the lowest level in decades. Our administration did not consider the lives of Jamaicans, even alleged criminals, as mere “collateral damage”.

### **Crime Prevention**

The second track to focus on is crime prevention. More attention and resources must be invested in attacking the root causes of crime through carefully designed crime prevention measures, such as:

1. The Citizen Security and Justice Programme (CSJP III) with specific objectives to: (i) improve social cohesion and community governance; (ii) increase employability and employment of residents in target communities; and (iii) improve access to and efficiency of justice services at the community level.
2. The Unite for Change initiative has sought to foster a broad-based coalition of public agencies, private sector and NGOs, as well as churches to join in violence prevention initiatives.

If we can find the additional billions promised last year to pump into these parallel tracks of crime control and crime prevention, then we will return to the path of a safer and more secure Jamaica.

Thank you.