



**OAS** | **CICAD**



**INTER-AMERICAN DRUG ABUSE  
CONTROL COMMISSION  
CICAD**

**SIXTY-FOURTH REGULAR SESSION  
November 19-21, 2018  
Washington D.C., USA**

**OEA/Ser.L/XIV.2.64  
CICAD/doc.2443/18  
November 20 2018  
Original: English**

**Gender in the Criminal Justice System in Jamaica: Exploring  
Evidence-based Alternatives to Incarceration for Drug-Related  
Offenses**



# **Gender in the Criminal Justice System in Jamaica: Exploring evidence-based alternatives to incarceration for drug- related offenses**



**Uki Atkinson**

**Inter-American Drug Abuse Control Commission (CICAD)**

**Sixty-Fourth Regular Session**

**November 19-21, 2018**

**Washington, D.C.**



# Purpose of the Diagnostic Study

- ❖ Determine the number of women, men and members of LGBTI community arrested for drug-related and other offences, and the consequences of those arrests once they enter the criminal justice system
- ❖ Determine factors (including gender) that influence how alternatives to incarceration are applied
- ❖ Determine institutional capacities and structures available to implement initiatives such as treatment, workforce development and social integration
- ❖ 4 Countries: Argentina, Colombia, Costa- Rica & Jamaica



# Methodology

- ❖ Identify a cohort of persons arrested for the following offences over a 3 month period:
  - ✓ Drug use
  - ✓ Micro trafficking
  - ✓ Stealing
  - ✓ Destruction of property
  - ✓ Domestic violence
  
- ❖ Track them through a 9-month period (at agreed milestone periods)
  
- ❖ Demographics, criminal history, drug use history, addiction severity/problematic use, involvement in the drug market, gender specific and victimization data



# Steps to Implementation



# Methodological Considerations

- ❖ Ideal and practical time to enrol study participants
  - ✓ Time of arrest
  - ✓ Return Court
  - ✓ Guilty plea
  - ✓ Retrospective
  - ✓ Combination of the above
  
- ❖ Study sites: Corporate Area Court and Half Way Tree Police Station – Both in the Kingston (capital)

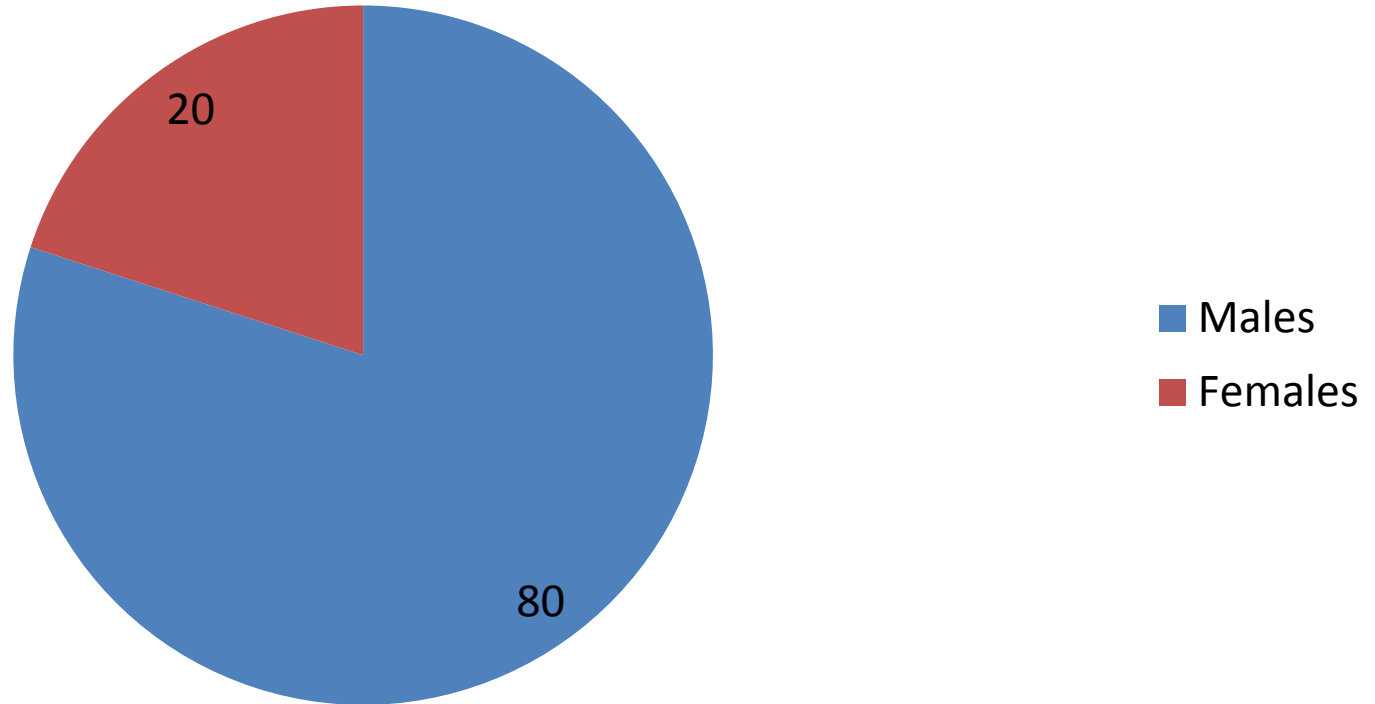


# Data in the Criminal Justice System

- ❖ Recent advancement – Electronic Data Capture System in all parish courts providing evidence for monitoring and evaluation
- ❖ Chief Justice’s Annual Statistics Report On Criminal Matters in the Parish Courts – First Report 2017
- ❖ Data on a range of variables which chart the progression of criminal cases from initiation to disposition
  - ✓ Average monthly number of new criminal cases filed in 2017 – 2,689
  - ✓ Average case clearance rate 71.53%
  - ✓ Approximately 72 cases disposed for every 100 new ones filed
  - ✓ Gender disaggregated data
  - ✓ Distribution of criminal offences by police station of origin



# Gender Distribution of Offenders



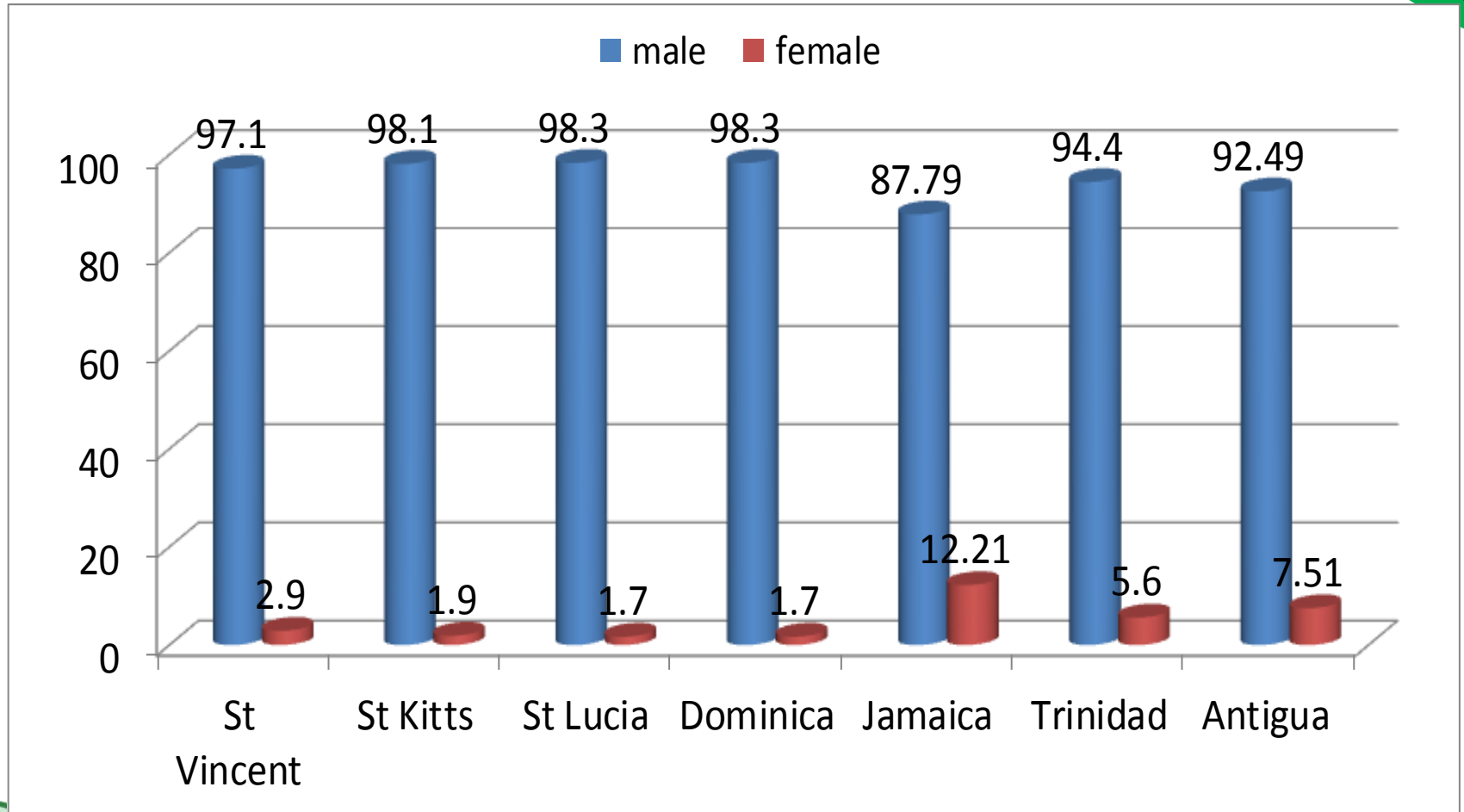




Charges	Male %	Female %	Total (No.)
Unlawful wounding	77.5	22.5	3869
Assault occasioning bodily harm	75.7	24.3	3212
Threat	76.5	23.5	2756
Possession of offensive weapon	92.9	7.1	2598
Armed with an offensive weapon	94.7	5.3	2334
Malicious destruction of property	77.3	22.7	1919
Assault occasioning actual bodily harm	71.9	28.1	1793
Possession of marijuana	-	-	1455
Exposing Goods for Sale	72.1	27.9	1206
Dealing in marijuana	82.2	17.8	1176
Disorderly conduct	64.4	35.6	1099
Assault at common law	86.2	13.8	810

# Prison Population by Gender

(7 Caribbean Countries)



# Relationship Between Drugs and Crime

Items	JA
Under the influence of a drug when crime for current imprisonment was committed	16.5%
Committed crime for current imprisonment committed in order to get drugs for personal use	33%
Current imprisonment linked to activities that went against drug laws	58%



# Alternatives to Incarceration

## Criminal Justice (Reform) Act & Probation of Offenders Act

- **Fines**
- **Suspended Sentences**
- **Probation Orders**
- **Attendance Orders**
- **Curfew Orders**
- **Community Service Orders**





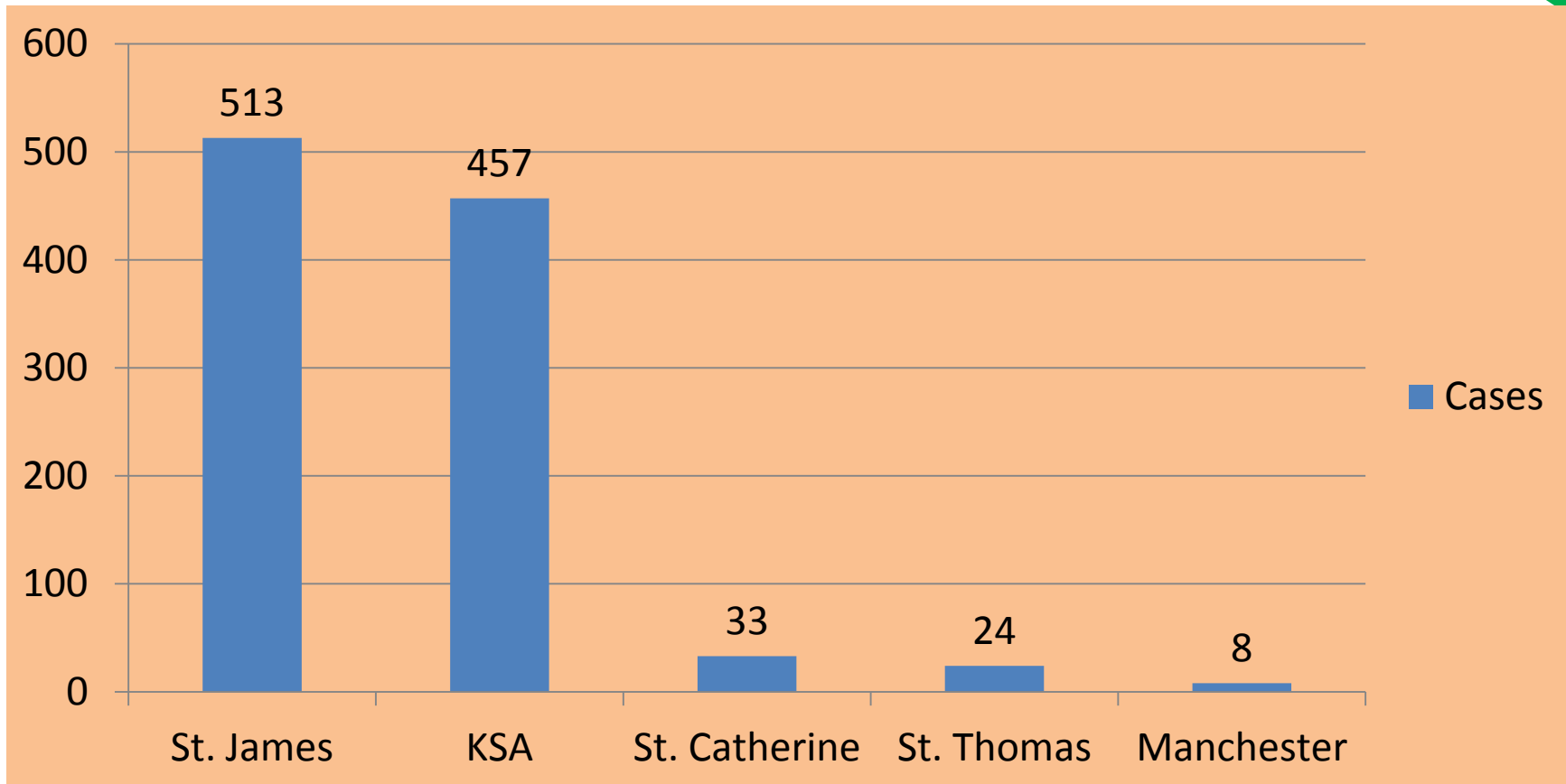
# Drug Treatment Court

- ❖ Drug Court (Treatment and Rehabilitation of Offenders) Act in 1999 came into effect in 2001 along with the Drug Court (Treatment and Rehabilitation of Offenders) Regulations
- ❖ **Adult Courts (5)**
  - ✓ St. James (2001)
  - ✓ Kingston & St. Andrew (2001)
  - ✓ St. Thomas (2014)
  - ✓ St. Catherine (2014)
  - ✓ Manchester (2016)
- ❖ **Children Courts (2)**
  - ✓ Kingston and St. Andrew (2014)
  - ✓ St. James (2017)





# DTC Enrollment 2001-2017 (N= 1,035)



# Gender in Jamaica

- ❖ **National Policy for Gender Equality (2011):** shift national policy making and implementation from a gender neutral position to a gender aware position acknowledging that barriers and inequalities exist
- ❖ **Guiding Principles** of social justice; human rights; equality and equity; good governance; accountability; transparency and participation
- ❖ **Strategies**
  - ✓ Gender-mainstreaming and training
  - ✓ Gender responsive budgeting and cross sectoral partnership
  - ✓ Gender aware information, analysis and monitoring and evaluation
- ❖ Gender priorities explicitly outlined for each sector



# Gender in the Law & Legal Environment

- ❖ Judicial system operates within a broader social and institutional context characterized by gender inequality
- ❖ Influences how men and women are treated under the law
- ❖ Some legal issues
  - ✓ Only females can be victims of some types of sexual assault
  - ✓ Domestic violence and sexual harassment against men by women often trivialised and for women the domestic violence cases are often over-simplified
  - ✓ Homosexuality is criminalized – 1864 Offences Against the Person Act – “buggery statute” resulting in significant challenges for the LGBT community : basic rights and services, homelessness, HIV
  - ✓ 2011 Charter of Fundamental Rights and Freedoms – sexual orientation and gender identity excluded





# Recent Advances

- ❖ Extensive partnership with US and Canadian governments to advance human rights of LGBT community
- ❖ Expansion of Civil Society Organization efforts
- ❖ Exposure to US Justice Systems - High level visits to New York and Chicago
- ❖ Comprehensive gender sensitization of judiciary and law enforcement - unique considerations and best approach to handle cases
- ❖ Pilot Testing of the Alternatives to Incarceration Training Curriculum – Colombo Plan





# ***Benefits of the Study***

- ❖ Determine the extent to which alternatives to incarceration with a gender perspective are being applied in the criminal justice system
- ❖ Increase awareness on the gender perspective regarding alternatives to incarceration
- ❖ Develop and apply best practice guidelines for incorporating a gender perspective into alternatives to incarceration
- ❖ Address unique circumstances of economic vulnerability, social marginalization, pregnancy and other issues faced by women and members of the LGBTI community





**THANK YOU**

