

A S T U D Y O N T H E P R O F I L E O F



Children in Conflict with the Law in Jamaica

FEBRUARY 2011



A STUDY ON THE PROFILE OF

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February 2011

Prepared by:

Principal Investigator: Lorna Grant, Ph.D.
Co-Principal Investigator: Sherill Morris, Ph.D.
Co-Principal Investigator: Camille Gibson, Ph.D., C.R.C.

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LIST OF ACRONYMS AND ABBREVIATIONS

CCPA	Child Care and protection Act, 2004
CDA	Child Development Agency
CCL	Children in Conflict with the Law
CRC	United Nations Convention on the Rights of the Child
DCS	Department of Correctional Services
MLSS	Ministry of Labour and Social Security
MNS	Ministry of National Security
MOE	Ministry of Education
MOJ	Ministry of Justice
Non-CCL	Children Not in Conflict with the Law
OCA	Office of the Children's Advocate
POS	Place of Safety

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MESSAGE FROM THE CHILDREN'S ADVOCATE



The Office of the Children's Advocate is mandated to protect and enforce the rights of children and to promote their best interests. Its responsibilities include: reviewing of services and practices to ensure that they are adequate and effective and to give advice and make recommendations to Parliament or any Ministry or relevant authority on matters concerning the rights and best interests of children.

The Office has been very concerned with the number of children who come in conflict with the law annually. It has observed also that the number of girls have been increasing. It is believed that a better understanding of these children would allow for timely interventions to identify and treat with those at risk before they come in contact/conflict with the law. The old adage "prevention is better than cure" is very relevant in this situation. This has led us to embark on a study to try to determine some of the root causes and ascertain the profile of the children who come in conflict with the law.

The study indicated that having a job, gang membership and having stolen something were significant risk factors of an outcome of children in conflict with the law. Of the three, having a job (full-time or part-time) was the strongest for children in conflict with the law. Children on and of the streets, or elsewhere in child labour, therefore should be the focus of attention of all service providers.

It is hoped that this eye opening study will compel us to adopt the recommendations and implement them.

I would like to extend my appreciation to all the persons who contributed to the completion of the Study.

The Research Team, the staff of the Office of the Children's Advocate, the Child Development Agency and the Department of Correctional Services, partners and participants, especially, those children who were brave enough to share their experiences.

It is my expectation that this study will be used to inform future policies that are in the best interest of our nation's children especially those at risk.

Mary Clarke (Mrs.)
Children's Advocate
February 2011

EXECUTIVE SUMMARY

The charge was to: a) review international and regional conventions and laws regarding responses to children in conflict with the law (CCL) and, b) to provide a profile of CCL in Jamaica and, to offer recommendations to prevent children from coming into conflict with the law. Many international instruments provide a normative framework for the administration of juvenile justice and the minimum standards for prisons and closed facilities for children in conflict with the law. The report offers a summary of nine of these documents relevant to children in conflict with the law. The international instruments are:

- The Convention of the Rights of the Child (1990)
- The United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 1990. (Havana Rules)
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985. (The Beijing Rules)
- United Nations Guidelines for the Prevention of Juvenile Delinquency, 1990 (The Riyadh Guidelines)
- Standard Minimum Rules for the Treatment of Prisoners, 1955 (Standard Minimum Rules)
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 1988 (Detention Principles)
- Basic Principles for the Treatment of Prisoners, 1990
- United Nations Standard Minimum Rules for Non-custodial Measures, 1990 (The Tokyo Rules)
- Guidelines for Actions on Children in the Criminal Justice System, 1997 (Vienna Guidelines)

THE METHODOLOGY

For the current empirical mixed methods study, given that there are approximately 400 CCL at any point in time in Jamaica, at least a half of this number were purposively sampled for interviews. Between July 13 and July 30, 2010 data collection from the children occurred largely using the Office of the Children's Advocate (OCA) Profile of Children in Conflict with the Law developed instrument. There was a comparison group of 45 children - boys and girls who were not in conflict with the law. They included 24 students in corporate area high schools who were attending summer school and 21 wards of the Child Development Agency (CDA) who were not in conflict with the law. The sample of children in conflict with the law (n=209) were males (149) and females (60). Most were from the Department of Correctional Services (DCS) facilities (St Andrew Remand, Hill Top, Rio Cobre, Ft. Augusta and Horizon); others were from CDA facilities (Glenhope, Homestead, Strathmore, St. Augustine and Granville).

Thirty-five practitioners working with children in conflict with the law in Jamaica were also interviewed. They included researchers; management and staff of the Department of

Correctional Services and Child Development Agency; social workers; teachers; house mothers and guidance counselors. They were asked to describe the children in conflict with the law; the reasons they were in conflict; their recommendations for both preventing and responding to children breaking the law and their perceptions about the effectiveness of various service providers. Quantitative data were analyzed by running basic descriptive statistics such as frequencies and cross-tabulations; and regression analyses. Qualitative data were coded and examined for patterns and themes in the responses.

SUMMARY PROFILE

The child in conflict with the law is most often, 16 years old, male, with a charge of uncontrollable and, or unlawful wounding, who used a weapon, most likely a knife at the time of the current offence. The offence likely occurred between noon and 6:00p.m. on a weekend during the school year. He is likely to attribute this to idleness and the influence of “bad company” (peers). He is likely to be a poor reader from a low income family, who knows his father, but lives with his mother, who is head of the household, and about two to four siblings (although there are likely more siblings outside of the home). He would have heard often that he is loved, but might have missed school because his parent told him that bus fare and/or lunch money was not available. He would have moved at least once. He would know what it is like to be picked on in school and he would have been suspended and/or expelled at some point from a school in which fighting is relatively common. He is likely to have a relative as an adult confidant and to have a family member who has been in conflict with the law. He is likely to be from Kingston and St. Andrew or some other urban area with gangs in the community. He would have been affiliated with a gang at some point. His community is one in which marijuana is readily available for use and, he would have seen and, or heard someone being shot in the community. Fights are also not uncommon on those streets. He is likely to have used alcohol and possibly marijuana. He has experienced the loss of a family member, such as the death of a grandparent. He is likely to be a football player who admires the likes of Vybz Kartel and Asafa Powell. He perceives religion to be important and he has a part time job. If the child in conflict with the law is a girl, her profile is very similar except that she is likely to be a better reader than a male CCL and she has experienced some abuse.

EXPERIENCES IN THE JUSTICE SYSTEM

Positive narratives about experiences with the police (25%) were ones in which the children said that the police treated them well or alright; the negative narratives (53%) were complaints about their treatment by police which included being cursed at, beaten or interrogated harshly. In some of these cases, the children stated that the negative police behavior was in response to their less than cooperative behaviour. Mixed narratives (13%) described the police as both having acted positively and negatively.

The most positive court experiences were those where the judge asked the children questions, then offered advice. In these situations the children felt heard. Sixty-eight per cent (142) of CCL did not have an attorney.

The CCL reported that the most troubling aspects of their stay in a residential facility were: their lack of freedom, fear of violent victimization by other children; missing family members; a lack of basic hygiene items and clothing, and distaste for the food. Other concerns included fighting, stealing, homosexual behaviour, gang fights, inadequate programming, the food and poor treatment by staff (beating, etc.). Most appreciated were: staff members whom they sensed sincerely cared about their well-being and the education programs. Some added that they had learned discipline, anger control and how to resist temptation. In terms of responses to a question about whether or not they knew what to do in the event of a fire, 84.1% of CDA-CCL residents said “yes” versus 56.7% for DCS-CCL residents.

RECOMMENDATIONS

Although Jamaica has made great strides in addressing the needs of children, there are many areas of concern pertaining to CCL. The deficits include compliance with the Convention on the Rights of the Child regarding the normative framework for the administration of juvenile justice as expounded in the Havana Rules, the Beijing Rules, the Riyadh Guidelines and the Vienna Guidelines especially pertaining to education and quality individual development efforts.

Long Term Initiatives

Long term initiatives should include: efforts to reduce the level of violence in the culture; legislative actions to improve the economic condition of women and their families; and, effective community policing toward improving child and law enforcement relations in volatile garrison communities.

Initiatives Requiring Prompt Attention

Initiatives requiring prompt attention include: the government providing the necessary resources to serve CCL effectively; legislatively holding parents accountable and responsible for their children; prosecuting the commercial exploitation of children and providing safe alternatives for income; offering opportunities to keep children in the community productively occupied so as to prevent them from coming into conflict with the law; and, improving police and children interactions. In addition, facilitate greater use of community resources such as counseling towards appropriate family, health and personal decision-making and, offering CCL the least restrictive care.

The Ministry of Education should address the illiteracy and limited literacy of children; investigate cases of “abandoned school spaces”; facilitate student transportation and food assistance beyond elementary school; and, reduce school violence. The Ministry of Justice should improve the speed and quality of justice and offer transition assistance for children leaving the system at age 18 years. For CCL, there should be year-round academic instruction. Fundraising initiatives should be formalized and interagency cooperation improved. Within the residential facilities: facilitate children’s contact with the OCA and with family; improve facility safety efforts; offer evidence based rehabilitation; separate CCL from

non-CCL; improve caring and confidentiality; improve child advocacy and collect data toward empirically informed practices.

The Office of the Children's Advocate (OCA) is mandated to promote and protect the rights and best interests of Jamaica's children in accordance with the CCPA enacted in 2004. The OCA began operations in 2006 when the first Children's Advocate was appointed. In keeping with its charge to "protect and enforce the rights of children and to promote their best interests at all times," a study was commissioned to:

- Review international conventions and laws that offer responses to Children in Conflict with the Law (CCL);
- Provide a profile of the CCL in Jamaica; and,
- Offer recommendations to prevent such conflict.

The OCA established a Steering Committee with the purpose of providing the consultants with information, giving advice and participating at every stage of the process. The Committee also guided the process, provided oversight and sought clarification where necessary.

Instruments were developed and selected with the guidance of the Steering Committee. The children are described in terms of their demographics, offence, or alleged offence, background, education, and experiences in the justice system. Practitioners who work directly with CCL in Jamaica were also interviewed.

The term "Children in Conflict with the Law" refers to anyone under the age of 18 years who comes into contact with the justice system as a result of being suspected or accused of committing an offence (UNICEF, 2006). The minimum age of criminal responsibility in Jamaica is 12 years old and so this term refers to children 12 years and old. Many of these children are guilty of status offences or petty crimes such as truancy, vagrancy, and misuse of alcohol or begging. Some children find themselves in contact with the law as a result of adult exploitation of them. Research has also shown that prejudice related to race, ethnicity or social and economic status may often bring a child into conflict with the law even when no crime has been committed. A 2003 World Bank report stated that adolescents ages 13-19 year were responsible for a approximately 25% of major offences worldwide, including armed robbery, assault, rape and murder, with males being the main perpetrators.

Despite the many protective treaties and conventions that have been ratified to "protect children from the unlawful and arbitrary deprivation of their liberty," (Article 37b, CRC) over one million children in the world are living in detention as a result of being in conflict with the law (Defence for Children International, 2003). Many of these children are detained without access to fair judicial process or legal representation, medical care, education and individual development (Defence for Children International, 2003).

The situation of children in prison started receiving attention in 1989, when the Convention on the Rights of the Child was adopted by the United Nations General Assembly. The 1989

Convention on the Rights of the Child and the 1990 United Nations Rules for the Protection of Juveniles Deprived of their Liberty provide a framework for children's rights as it concerns the law. Article 37 (b and c) of the Convention states, in part, that the imprisonment of a child is to be used "only as the last resort and for the shortest appropriate period of time", while the convicted child "shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age".

The right to have access to legal or other assistance and to challenge the legality of imprisonment in front of any appropriate authority is also emphasized (Article 37 d).

The Jamaican Situation

In 2008, the Jamaican population grew at a rate of 0.4% with about 33% of the population being children, 11.5% of whom were adolescents and youths 18-24 years. According to UNICEF, in 2008, 41.7% of the Jamaican poor were children, compared with 46% of those 18-59 years. Children in Jamaica face many challenges throughout their lifecycle, (0 – 18 years), with about 20% of them living in poverty. The chance of being poor is found to be greater for those who live in the rural communities (UNICEF, 2009).

The Government of Jamaica has made considerable progress in establishing a policy framework with the necessary legislation to protect children and to promote their development. This policy framework has been driven partly by the international commitments under the Convention on the Rights of the Child (CRC). This initial International commitment has been reinforced by the National commitment to the Millennium Development Goals (MDGs), most of which are relevant to the welfare of children, three directly and the others indirectly. The policy framework for children is also rooted in the domestic development of strategies and policies, the most recent of which is the Medium Term Social and Economic Policy Framework (MTSEPF), which covered the period 2004-2007. The MTSEPF committed the Government to a number of policy preparation goals for children.

Since Jamaica's adoption of the CRC on November 20, 1989, and ratification in 1991, the country has modernized its public policies concerning the welfare of children. With this renewed focus, Jamaica revolutionized its approaches to children, making many changes at the legislative, policy and institutional levels. Changes include the creation of institutions and national plans of action and programs to ensure compliance. Children are now born in a society that acknowledges their rights under the Convention, as a result of the gallant efforts of the Government, individuals and organizations in protecting and fulfilling those rights. Significant steps have been achieved through comprehensive review of legislation, resulting in particular, in the landmark CCPA which was passed in 2004. This CCPA fully incorporates the principles of the CRC, setting the universal standards for the care and treatment of children in Jamaica; the development of pertinent institutions, such as the Office of the Children's Advocate, and the appointment of a Children's Advocate in 2006; and, the development of policies and plans to fulfill 'A World Fit for Children' Commitments.

The CCPA is very clear on how children in care and protection must be treated. Section 62 of the CCPA makes provision for such children to be fed, clothed, and nurtured according to minimum standards. Importantly, the child in such circumstances is to be consulted and allowed to express his or her views about decisions that affect his/her life.

Section 62 A child in a place of safety, children's home or in the care of a fit person shall have the following rights

- (a) to be fed, clothed and nurtured according to prescribed minimum standards and to be given the same quality of care as other children in the placement;**
- (b) to be consulted and, according to the child's abilities, to express his views about significant decisions affecting that child;**
- (c) to reasonable privacy and to possession of the child's personal belongings;**
- (d) to be free from corporal punishment;**
- (e) to be informed of the standard of behaviour expected by the caregivers and of the consequences of not meeting that standard;**
- (f) to receive medical and dental care (including psychological care) when required;**
- (g) to participate in social and recreational activities appropriate to the child's abilities and interests;**
- (h) to receive the religious instruction, and, as far as may be reasonably practicable, to participate in the religious activities, of the child's choice;**
- (i) to be provided with an interpreter if language or disability is a barrier to consulting with the: child on decisions affecting the child's custody or care;**
- (j) to privacy during discussions with a family member or a legal representative;**
- (k) to be informed about and to be assisted if the child so wishes, in contacting the Children's Advocate;**
- (l) to be informed of the child's rights under this Act and the procedures available for enforcing those rights.**

The Regulations accompanying these provisions provide more details howbeit somewhat inadequate. Some such provisions include:

1. provision of sufficient food to keep children in good health
2. provision of separate sleeping rooms for girls and boys over the age of four (4) years old
3. a detail routine known to each child
4. a locker and storage space for each child
5. proper education for each child either within the home or in public institution
6. medical care and treatment appropriate to the child's age and needs
7. Sanctions and discipline in appropriate

The Regulations however, specifically refer to the Children's Home¹ and there are no such detailed regulations for children in the Custody of the State. This was highlighted in the Annual Report of the Office of the Children's Advocate in 2008/09 period. The Report² noted:

The Act has no regulation for how children in correctional institutions should be provided for. Section 62 makes it very clear as to the rights of the child in places of safety, children's homes or in the care of a fit person order. However, there are no such provisions for children in correctional centres in the legislation.

The Report from the Armadale Enquiry also highlighted the following³:

Recommendation (11) A Board of Visiting Justice exists for the purpose of the adult correctional institutions, under the Correctional Institution (Adult Correctional Centre) Rules, 1991, in accordance with section 74 (1) of the Correction Act. The said regulations provide a comprehensive set of rule governing the operations and functions of the adult correctional centres. Except for section 47 to 57, (Part V) of the Corrections Act providing, principally, for the powers of the Minister in respect of the Juvenile Correctional Centres, I was unable to find any corresponding regulations in relation to the operations and functions of the Juvenile Correctional Centres.

- a) Regulations should be formulated and brought into force by the Minister, as authorized by section 81(1) of the Corrections Act, to govern the operation and functions of the Juvenile Correctional Centres. The authorities should consider, also, reducing into the domestic law of Jamaica, the provision of the United Nations' Beijing Rules, and the 1990 Rules for the protection of juveniles deprived of their liberty. It is a simple exercise.
- b) A Board of Visiting Justices should also be appointed specifically for the Juvenile Correctional Centres in order to perform statutory functions similar to those performed in respect of the adult correctional centres, for the benefit and welfare of all juveniles. The emphasis should be on regular visits and review of facilities and children's views.

¹ Child Care and Protection (Children's Home) Regulation 2005

² Office of the Children's Advocate Annual Report, 2008-2009

³ Harrison, Paul, The Armadale Commission of Enquiry Report, 2009

Agencies and their Responsibilities

In Jamaica, CCL are the responsibility of the Child Development Agency (CDA) and the Department of Correctional Services (DCS).

The **Child Development Agency** is an Executive Agency of the Ministry of Health which resulted from the merger of the Children Services Division, the Adoption Board and the Child Support Unit. The Agency has statutory responsibility for children who are in need of care and protection, that is, those abused, neglected or abandoned as well as for children who are experiencing behavioural problems. Most of these children are in Child Care Facilities and others in Places of Safety.

The CDA operations based on the following objectives:

- To safeguard children from becoming at risk through advocacy of child rights and the development of public awareness of children issues.
- To provide necessary and appropriate interventions for children who have been identified as at risk from neglect, abuse, trauma, disability or any other factor.
- To ensure safety, security, growth and development of children and young people in the care of the state.
- To achieve the vision the Agency will ensure that actions of employees are based on a set of values and principles that support the overall goal of the organization.

Some of the child protection services offered include, intake, investigation, counseling, case planning and case management.

The main programmes offered by the Agency include:

- **Residential Care** which includes the operation of children's home and places of safety
- **Living in Family Environment (LIFE) Programme** which includes *Foster Care*, *Family Reintegration* or returning and rehabilitation of child with biological family after a period in state care;
- **Adoption**
- **Supervision Order** where the Court orders child to be placed with family member and is supervised by a Children's Officer.

The CDA in spite of its efforts has been faced with challenges and from complaints handled by the OCA they have being faced with child abuse in the homes committed by peer and staff, death of children in facilities, violence in the facilities, delayed court appearances and court process, inadequate staffing and space for children which leads to overcrowding.

For this study, children allegedly in conflict with the law were interviewed at the CDA residential facilities of Glenhope Place of Safety (POS) in Kingston, Homestead in St. Andrew, Granville in Trelawny, St. Augustine in Clarendon and Strathmore in St. Catherine.

The **Department of Correctional Services** (DCS) reports to the Ministry of National Security (MNS). The Department is mandated by a number of Acts including but not limited to the Corrections, the Child Care and Protection, Probation of Offenders, Criminal Justice Reform and Parole Acts. It also carries out its mandate within the guidelines established by international bodies such as the United Nations.

The DCS has responsibilities for children in correctional institutions and those on remand in Remand centres. The Ministry of National Security has responsibilities for children on remand.

The Department contributes to the safety and protection of society by⁴:

- Carrying out the sentences of the court for custodial care and supervision of offenders.
- Facilitating rehabilitation of offenders and their reintegration into society

Part V of the Corrections Act, 1985, amended 2005 speaks to Juvenile Correctional Centres. Section 47 states that the Minister may by order published in the *Gazette* –

- (a) declare any house, building , enclosure, or place, or any part thereof, to be a juvenile correctional centre for the purposes of this Act, and may in such order declare the name by which that centre is to be known;**

According to Section 48–

- (1) The managers of any institution intended for the education and training of persons to be sent there pursuant to the Child Care and Protection Act, may apply to the Minister to declare the institution to be a juvenile correctional centre, and the Minister may, after making such enquires as he thinks fit, by order published in the *Gazette* declare that institution to be a juvenile correctional centre.**

- (2) If at any time the Minister–**

- (a) is dissatisfied with the condition or management of an institution that has been declared a juvenile correctional centre under subsection (1) ; or**

- (b) considers the continuance of such juvenile correctional centre unnecessary,**

he may by order published in the *Gazette* declare that the institution shall cease to be a juvenile correctional centre as from such date, not being less

⁴ Department of Correctional Services Annual Report 2005

than six months from the date of the publication of the order, as may be specified in the order, and the institution shall, as from such date, cease to be a juvenile correctional centre.

Section 50(1) The Minister may classify juvenile correctional centres according to-

- (a) the ages of the persons for whom they are intended;**
- (b) the character of the education and training given in such centres,**

and to any other considerations as he thinks will best ensure that a person sent to a juvenile correctional centre is sent to a centre that is appropriate to his case or that is necessary for the purposes of this Part.

Juvenile Correctional Centres, formally approved schools, are educational institutions providing security, rehabilitation and education to child offenders who are removed from their normal environment to a more controlled one. These are Rio Cobre, Hill Top and Diamond Crest Juvenile Correctional Centres. These institutions house children (ages 12 – 18) in two types of correctional facilities, high security and medium security. High security facilities are for children who commit very serious offences, while the medium security institutions are for those children deemed to be low security risks (Department of Correctional Services, 2010). However, as a result of overcrowding, children are also placed in Adult Correctional Centres including Fort Augusta, and Horizon Adult Remand Centre.

The Justice Plan of Action

There is a Justice Plan of Action being developed by the Ministry of Justice (MOJ). Elements of the proposed plan are being piloted. These include: Ensuring that ill children while in police lock-up are taken to hospital promptly; and, requiring that children in custody are medically examined within 24 hours. Plans are also underway to open the Metcalfe Street Juvenile Remand Centre for boys, which will have a capacity to accommodate 208 children. It is expected that those in conflict with the law will be transported there within 48 hours. The St. Andrew Juvenile Remand Centre - Stony Hill with its capacity of 48 would then be used for girls.

The MNS recently commissioned a study to examine children in police lockups and the response to them. It was also indicated that in 2010 medical and mental health screening began in police lockups, which facilitated the referral of children to a dentist, a counselor and/or visit to a health centre if necessary. From this work there was regular use of the Massachusetts Youth Screening Instrument – II (MAYSI-2). Based on this mental health screening instrument children are then referred for further assessment and needed services. Other data on the circumstances of CCL in Jamaica come from the Department of Correctional Services which maintains reports on the nature of the charges, the location and other basic descriptions that might indicate offending trends.

CHAPTER 2:

LITERATURE REVIEW

Children Deprived of Their Liberty

According to Cappelaere, Grandjean and Naqvi (2002, p. 24), children can be deprived of their liberty for a variety of reasons, including:

- Delinquency
- Status offences (behaviours not punishable by law if committed by an adult)
- Children at risk due to the environment in which they live
- Children with physical or mental disabilities
- Children deprived of their liberty to remain with family members (e.g. children in prison with their mother) and other reasons (e.g. detention based on immigration law)

Cappelaere et al. indicate that many youngsters deprived of their liberty are in pre-trial detention, the rationale for which is questionable given in many cases the children are eventually acquitted post-trial. To justify the use of pretrial (preventative) detention, many magistrates often cite the needs of the investigation, the risk of flight, recidivism or collusion, or the gravity of the alleged crime (p. 26).

Global estimates indicate there are at least one million children, between the ages of 14 and 18 years, deprived of their liberty worldwide, and the proportion of these children in prison ranges from 1% to 30% of the total prison population per country (Cappelaere et al., 2002). The majority of offences committed by these juveniles are threats to the property of others (theft), and these are often categorized as minor offences, while only a small number of detained children have committed serious offences, which according to reports from many sources fall between 5% and 10%.

This study uses the following definitions:

- *Children* – as defined in Article 1 in the Convention on the Rights of the Child, children are all human beings below the age of 18 years
- *Deprived of liberty* – as defined by the Havana Rules - the deprivation of liberty means any form of detention or imprisonment or the placement of a person under the age of 18 in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative or other public authority.

The number of children deprived of their liberty and living in State institutions in Jamaica has increasingly become a concern as are the numbers detained in adult correctional facilities and jails. According to the Economic and Social Survey of Jamaica (ESSJ, 2004), 3% of persons arrested for major crimes were in the 12-15 age group, and 21% of the major crimes were committed by those 16 – 18 years. These crimes include murder, shooting, robbery, rape, and

carnal abuse. Victims of these violent acts were also young persons. Table 1 shows the arrests of juveniles made in 2008 and 2009 for major crimes

Table 1: Juveniles Arrested for Major Crimes in 2008 & 2009

	Murder		Shooting		Rape		C/Abuse		Robbery		Break-ins		Larceny		
AGE	YEARS														
	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009	Total
12	0	0	0	0	2	1	0	1	0	0	3	4	0	0	11
13	0	0	0	0	1	1	6	1	1	2	15	5	1	1	34
14	2	1	3	1	12	7	7	8	7	3	18	14	4	2	89
15	8	6	3	2	18	6	17	16	10	14	14	28	6	2	150
16	12	8	8	6	24	10	21	27	21	20	22	14	3	3	199
17	22	21	26	17	14	16	31	29	49	28	27	28	6	6	320
Totals	44	36	40	26	71	41	82	82	88	67	99	93	20	14	803

Source: Corporate Planning and Research, JCF, 2010

Table 2 shows the admission and population of the children in Juvenile correctional centre over three year. A total of 638 children were admitted to these institutions over the 3 year period.

Table 2: Juvenile Admission and Population (DCS) over Three Years

Year	Admission	Total population
2007	202	420
2008	226	226
2009	210	395
Total	638	1021

Source: ESSJ, 2007, 2008 and 2009

Due to inadequate facilities to house high risk children, 41 female juveniles were housed at the Fort Augusta Adult Correctional Centre while 210 (165 males) were admitted to the island's juvenile institutions. As in the other years, uncontrollable behaviour accounted for the largest number of children admitted to institutions (48); followed by 24 for dangerous drugs; 19 for larceny; 18 for wounding; and 16 each for possession of offensive weapons and shop/house breaking and larceny. Also, in 2009, a total of 3,586 children appeared before the courts, 28% for care and protection/child abandonment, 10% for uncontrollable behaviour, and the remainder for more serious offenses (ESSJ, 2009).

The OCA in a Special Report tabled in Parliament February 2010 brought to the fore the plight of the nation's children in Police lock-ups across the island. The report indicated that 80 children (71 males and 8 females) were being held in these lock-ups. At one lock-up there were

21 children, three of whom were only 13 years old. The lone female was held on suspicion of murder and was placed in a cell with three adult women. The report went on to note that the cells were dark and smelly with poor ventilation and limited access to toilet facilities. The OCA noted that there was no opportunity for the children to further their education, nor participate in any physical activities. The office further stated that having the children in these conditions was a clear violation of their rights to basic things.

Clarke, Cargill and Fraser-Binns (2009) conducted a study on *The Experiences of Children in State Care who went before the Court*. The study focused on children 12 to 18 years in two correctional centres, two POS and two Children's Homes in five parishes (Kingston and St. Andrew, Trelawny, St. Mary and St. Ann). The study looked specifically at children who have had experiences with the court system and revealed that one of the major issues was a need for confidentiality in protecting the children's right to privacy given that 63 per cent of the children stated that they heard about other children's cases. This is in contradiction to sections 43 and 44 of the CCPA. Looking specifically at these children in the juvenile correctional facilities who participated in the study, 61 of these children revealed many inadequacies in the children's court, court preparation, court processes and proceedings and the treatment of children in the court. More than half of these children attended court because they were in need of care and protection, one third in conflict with the law and almost 14% because of behavioral problems.

The study also revealed other violations of the CCPA, specifically the mandate that any child taken to a Place of Safety should not be held there for longer than 48 hours without being taken before a children's court. Only 50% of the juveniles answering this question had gone before the court within the prescribed time. The study also revealed that over 7% of the children did not go before the court until after a year. Other violations cited were: the court's refusal to listen to children in conflict with the law and those with behavioral problems; children being treated worse than others (in lieu of "innocent until proven guilty") thereby violating the requirements that the special needs of these children be taken into consideration (Clarke et al., 2009). Overall, these reports clearly identified many deficiencies in the Jamaican juvenile justice system, as many of these practices do not comply with the United Nations Convention on the Rights of the Child, the CCPA and other international standards.

Theories on Children Coming into Conflict with the Law

There are many theoretical positions that might explain, at least to some extent – children coming into conflict with the law in Jamaica. Some of these perspectives focus on the role of law-makers (e.g. governments) and law enforcers (e.g. police) in terms of how these groups construct crime and maintain conditions that foster it such as keeping certain segments of the population marginalized and oppressed and then criminalizing the behaviors of this perceived "dangerous class". Others focus on the larger social structure of a society and the opportunities this structure provides. A third perspective focuses on the agent/actor – in this case – the child, and asks "what is wrong with the child?" Despite any preference for one of these dimensions of understanding, the present era of science, post-modernity, advocates looking at issues from various perspectives. It cautions against tendencies to "blame the victim". In this, theorists are reminded that often, the persons whose voices are heard are those who wield more power in society to define others. By virtue of this, the tendency is to have the perspectives of the more powerful presented as facts. Hence, the present study is valuable because it presents the voice of

the children themselves as they perceive their circumstances. The input of practitioners is also presented in terms of the extent to which they support or refute the children's perceptions.

Regarding law-makers and law-enforcers, neo-Marxist (Quinney, 1970/2008) and anti-labeling (Becker, 1963) paradigms might be applied to understanding how children come into conflict with the law. Neo-Marxists argue that those in power (e.g. wealthy persons, governments) operate in such a way to maintain their positions of power by criminalizing the actions of others as a means of controlling that population, and thus, efforts to assist those without active power and resources are merely superficial. Labeling theorists advocate against the labeling of children as "criminals" or other terms that could potentially result in some self-fulfillment of the negative label. Indeed, Donald Black (1976) theorized that the law is harsher on those who are most marginalized from mainstream society and its institutions. This is worth remembering in the Jamaican context where some are inclined to believe that child law breaking does not occur across social class. What are often observed are not all children who break the law, but those on whom the laws are harshest – those without social, political or fiscal capital with which to escape the law.

Most children break the law (Regoli, Hewitt, & DeLisi, 2010 citing Delbert Elliott), so much so, that law breaking is considered a normal part of youth development (Moffitt, 1993). Regarding this, most children are adolescent-limited offenders but a few are life course persistent offenders. Indeed, it is common knowledge that young persons tend not to make the best decisions and in more recent times, this longstanding observation has been empirically supported by biological findings that the youth brain continues to develop until into the early 20s (Ortiz, 2003). This is offered as an explanation of why children are more susceptible to being influenced by peers, to act in groups, to assume themselves invulnerable to peril and thus engage in risky behaviours and poor decision-making.

The literature also indicates that one of the strongest predictors of children coming into conflict with the law is poor parental monitoring and supervision (Gibson, 2002). Many children live in single parent homes and the parent works long hours; this renders these children more vulnerable to conflict with the law. Family harmony could be a protective factor against conflict with the law but parents facing economic stresses are unlikely to be very effective at facilitating household harmony and involvement (Grolnick, Benjet, Kurowski, & Apostoleris, 1997). These effects can be magnified in the single parent home where monitoring and supervision are often diminished.

Another significant correlate of children coming into conflict with the law is poor school performance (Loeber, Farrington, Stouthamer-Loeber & Van Kammen, 1998). Poor academic accomplishments can limit a child's capability to accurately perceive options and renders the child more vulnerable to deviant opportunities. Yet, as the great educator Marva Collins said "kids don't fail; teachers fail, school systems fail" (Kinnon, 1996). It is worth examining then, how some groups of children are more likely to "fall through the cracks" educationally than others. Children, regardless of class, begin school naturally curious and ready to learn as much as they can. Instead of asking "what is wrong with the child?" it is worth asking "what is wrong with the school?"

Given these conclusions, on a macro or structural level, efforts to improve education and employment towards alleviating strain are costly and long term, but a worthy investment. On a

micro process level, self control, social control and social learning are important for moderating behavior. Self control is best taught by parents and teachers up to ages three or four and with more limited success until age seven (Gottfredson & Hirschi, 1990). This means that many parents need support during these crucial early years. Social control (Hirschi, 1969) involves efforts to strengthen the child's bonds to conventional society. This requires building strong parental attachments so that children will not get involved in negative behaviors that would disappoint their family; develop stakes in conformity (such as academic success, so that children will stay engaged given their substantial investment of effort); keeping children involved in activities (if children are busy with positive activities, they will not have time for deviance); and, encourage a commitment and belief in the idea that if children make positive choices, there is a reward.

Middle class children are more likely to have been exposed to ideas of delayed gratification and success (Cohen, 1955), but studies are underway that suggest that for children in families where images of professional success are not readily apparent, more immediate incentives, like money for good grades, might be warranted. Regarding resiliency and school achievement, there is substantial literature that indicates that the greater the stress in a child's life outside of school, meaning in the family and in the community, the greater the likelihood of academic failure and delinquency (Gibson, 2002). A teacher's positive regard for the student and experiences of early academic success can serve as protectors against these risks (Cohen, 1955). Other protective factors include: a parent-child personality fit, attributions of success to effort, a high self concept, social competence, religiosity and a belief in the mainstream opportunity structure (Gibson, 2002). Whatever the final conclusion, children tend to learn either to be or not to be in conflict with the law based on the lessons and opportunities available in their immediate environment. Therefore schools, families, communities and residential facilities must function in such a way that positive messages are taught and opportunities for deviance are reduced. The present findings of this study offer insights on how this social control and positive social learning might be accomplished.

RESEARCH METHODOLOGY

To provide a profile of Children in Conflict with the Law in Jamaica a mixed methods descriptive design was utilized. The quantitative examination involved the administration of an instrument developed by the researchers with input from an OCA Steering Committee specifically for the Jamaican context. The qualitative data came from the open-ended questions on the developed instrument. The researchers also made detailed observation notes as they visited each facility with Children in Conflict with the Law. The instrument was administered to a sample of 12 to 17 year old male and female children who were at the time Not in Conflict with the Law for comparative purposes.

There were 254 usable interviews of children 12-17 years old for descriptive quantitative and qualitative analyses. Of these, 45 were from the sample of children who were not in conflict with the law. These non-CCL included 21 students in a corporate area high school, who were attending summer school. An additional 24 members of this group were wards of CDA who were not in conflict with the law. The sample of children in (or allegedly in) conflict with the law (209) included 149 (71%) males and 60 (29%) females [Note: some of the results reflect a smaller number of CCL given missing values on some queries that would delete the case from a specific analysis procedure]. The term “alleged” is used to refer to some of the children because the sample of CCL included some children who were on remand (suspected of an offence and awaiting a trial outcome) and others who were serving a correctional order (meaning they were found to have violated the law). Most of the children - 165 (79%) were from the Department of Correctional Services facilities (St Andrew Remand, Hill Top, Rio Cobre, Ft. Augusta and Horizon). Other children, 44 (21%) were from CDA facilities (Glenhope, Homestead, Strathmore, St. Augustine and Granville). These two groups (CCL and non-CCL) have a similar demographic profile in that both groups have a significant number of corporate area (Kingston and St. Andrew) children with working class backgrounds. Working class refers to caregivers who lack both tertiary education and professional employment. The mean age of the overall sample was 15.35 years with a modal age of 16. The mean and modal age of the children in conflict with the law was 16 years. The mean and modal age of the children not in conflict with the law was 13.5 years. Sixty-five percent of the total sample (that is CCL and Non-CCL) was male and 35% was female. Among the children not in conflict with the law 61% (28) were females and 39% (17) were males.

The children in conflict with the law were not selected randomly but purposively until in most cases a representative number of the population (at least a third) at each facility had been interviewed. Two hundred and nine is approximately one half of all of the children in conflict with the law whether in remand or on a correctional order. Thus, the results are largely representative of the population of interest. For the children, who were not in conflict with the law, the sample is not generalizeable, but a relatively small convenience sample that offers some descriptive contrast to the children in conflict.

The Reddies and Walkers facilities were excluded because they reported not having any children who were in conflict with the law in the 12-17 age range. Diamond Crest, a facility which houses

girls from the recent Armadale facility fire, was excluded because they have been studied frequently since the fire and information about this population is otherwise available.

Data collection from the children occurred in July 2010; data collection from practitioners occurred concurrently in July and continued until September 2010. Typically, interviews with the children took about 40 minutes each on average and were done for either a day or two at each facility, beginning after 9 a.m. and ending by 5:00 p.m. Practitioner interviews were done with persons involved in the delivery of services to children in conflict with the law at the Department of Correctional Services and the MOJ. There was also input from staff at the Child Development Agency (CDA), community guidance counselors and others with programmes in the community serving children in conflict with the law. Overall, 35 practitioners, more than two-thirds of whom were over 40 years of age and who had years of experience working directly with children in conflict with the law in Jamaica were interviewed. Twenty-five of these persons were females and the others, males. They were in the parishes of Kingston, St Andrew, St. Catherine, Clarendon, St. Ann and Trelawny. Most were interviewed one-on-one; there was one focus group, a few telephone interviews and a few persons filled in the interview instrument independently. These practitioners included researchers, DCS staff and management, CDA staff and management, social workers, teachers, house mothers and guidance counselors. They were asked to describe the children in conflict with the law; the reasons they are in conflict; their recommendation for both preventing and responding to child law breaking and their perceptions about the effectiveness of various service providers.

The primary instrument utilized was developed by the researchers with input from the OCA Steering Committee called the Profile of Children in Conflict with the Law, Jamaica Data Collection Instrument 2010. The instrument is largely an adaptation of items from the National Youth Survey Baseline Questionnaire, the National Youth Survey Delinquency Scale, the Survey of Youth in Residential Placement - Office of Juvenile Justice and Delinquency Prevention (2010) and the Adolescent Assessment Referral System Client Personal History Questionnaire (1991). These items were selected based on their detailed content and the likely usefulness of the information in assisting children. They reflect instruments that have been used extensively and are normed on similar populations albeit in another cultural context. The questions addressed *demographics*: age, gender, parish, community, household composition, economic level, parental/guardian education, parental/guardian employment; the *offence*: offence category, weapon use, number of victims of current offence, number of co-offenders of current offence, location of the offence, time of the offence, motive; *background*: abuse, neglect, exposure to violence, exposure to illicit drugs, family criminality, peer criminality, drug use, drug involvement, street living/runaway/ put out of home incidents; *education*: general education history, school last attended, current grade, school behavior, school achievement, school attendance; *system responses*: from intake to the present; perceptions of potential recidivism; and indicators of *mental health issues*: substance abuse, anger and trauma.

The researchers were cognizant of the fact that there are many sides to a story and these data reflect largely one side of the story - the often unheard side – the children's version of their circumstances. Having had the opportunity to observe body language was also instructive. The study offers at least two perspectives, that of the children and of practitioners directly serving them in various capacities. The instrument for the practitioners solicited some demographic information, their description of the children in conflict with the law, how they came to be in conflict and recommendations to prevent children being in conflict with the law.

The qualitative data analysis began as the researchers collected data, read and coded them for patterns and themes in the responses. The researchers also maintained a journal while in the field to both note their observations and to monitor themselves as data collection agents. Individual observations and the data collected were discussed daily amongst the researchers while in the field for insights, comparisons and contrast. Data were then entered into an Excel spreadsheet for ease of reference and to facilitate quantitative analyses given the large size of the dataset. Care was exercised in examining any missing data as children often would at times yield qualitative insights by their actions when they were uncomfortable answering certain questions. Thus, missing data were also examined for patterns to see what child tended to respond or not to specific questions.

The quantitative data were then analyzed using the Statistical Package for the Social Sciences (SPSS) version 18 to run basic descriptive statistics including cross tabulations and chi-square tests of significance. The latter were largely to indicate whether differences between the CCL and Non-CCL appeared significant. A logistic regression was then run on variables that appeared close to some significance. A binary logistic regression was done because the outcome variable was binary – in conflict with the law (or allegedly so) versus not in conflict with the law (1,0). The possible predictors entered for analysis were: having lived in a childcare facility, having a job, having been abused, having heard/seen someone get shot, being a gang member, and having stolen something. Logistic regression offers a probability between 0 and 1 of the likely outcome that a child would or would not have the status of being in conflict with the law. This test was also selected because it allows the analysis of both continuous and categorical predictors. Data were screened for cases of missing values. Collinearity diagnostics were also done. Three cases were eliminated as outliers. Categories of responses were collapsed as necessary to facilitate analysis.

Limitations of the Study

There is the possibility that some questions produced a social desirability effect whereby children answered according to what they believed their interviewers wanted to hear; however, the interviewers did not get this impression except when querying about the presence of contraband and gangs in the facility (which produced a guarded response from some). It is also possible that some were not as detailed in discussing their experiences out of a concern for confidentiality. In some facilities where several children were to be interviewed and the time allotted was limited, the questions were read one by one and the children were expected to write their responses. The researchers then reviewed the instruments to see that they had been completed. Using this technique, the researchers suspect that details might have been lost given limited literacy. Nevertheless, the exercise yielded insight on just how literate the children were. There is also the possibility of participant demoralization, or disinterest and the self-report possibility of misreporting. To counter this, the researchers observed the children's body language for indications that certain responses required probing.

The researchers attempted to describe as many perspectives as possible on CCL in Jamaica, however, efforts to conduct interviews with law enforcement required the permission of superiors and the response was largely evasive. Children in police lockups were not interviewed but their experiences are included as several of the CCL who were interviewed spoke of their experiences while in lock-up. Additionally, efforts to interview personnel in the family court in Kingston required senior magistrate permission and were met with overall non-responsiveness

despite a visit and repeated calls to the court administrator. Thus, the input of persons, from these areas, is not reflected herein.

There was an interest in being able to categorize and compare those children on remand from those on correctional order, but many of the children were unclear about their legal status. The socio-economic status of the parents and guardians is described in limited ways. Ideally, this measure would be a composite of job type and education. The responses indicate that many parents may be described as “working poor” persons. Education was difficult to ascertain because most children were unsure about the extent of their parents’ education. Most reports were of some secondary and all age education.

The limitations of the qualitative data are those common to qualitative examinations such as an admitted subjectivity in data collection and interpretation and the possibility of misinterpretation of unfamiliar measures. The qualitative data from the practitioners are not generalizable given the non-random nature of the sampling and its small sample sizes; nevertheless, this is a most worthy enterprise given the richness of detail and novel insights that could not be obtained by alternative means of data collection. The quantitative data are generalizable given that the sample size is large enough, representing at least half of the children in conflict with the law who were in state residential custody during summer of 2010.

A limitation of the quantitative analyses is that the control group of Non-CCL is not representative of all children in Jamaica given that it is a convenience sample, not one that was randomly selected. While the comparisons between the CCL and the Non-CCL offer insights, because the children are from similar communities the results must be interpreted with caution as inconclusive. The profile of the CCL however, is representative because the sample size reflects approximately half of the entire population of interest.

CHAPTER 4:

PROFILE OF CHILDREN IN CONFLICT WITH THE LAW

The results of the study reflect a triangulation of sources and methods for the most authentic profile of children in conflict with the law. First, there are data that present a profile of children in conflict with the law based on the children's description of themselves. These also include the children's reports of their experiences in the justice system. These data were examined and compared to the observations and opinions of a sample of practitioners who work with children in conflict with the law in Jamaica. Most of these practitioners have extensive experience that qualifies them to offer insights based, oftentimes on years of observing patterns in the population. These data largely validated what the children said about themselves. Finally, the researchers' observations of the children and the facilities are included. These observations offer descriptions through the eyes of outsiders to the Jamaican justice system.

PART I: Profile of Children in Conflict with the Law

The modal age of the children in conflict with the law (CCL) was 16 years. While the modal age of the children in conflict with the law (CCL) was 16 years (see Table 3), it is noteworthy that the modal age at the time of the offence or alleged offence was 15 years of age. Commonly, the children reported having spent weeks, months or years in custody given frequent remands of their cases or lengthy correctional orders (until age 18). There appeared to be very little difference between those "in need of care and protection" and those "in conflict with the law" in terms of family background. More than half of the CCL reported that their current offence was their first offence that had gained the attention of the justice system.

Table 3: Children in Conflict with the Law by Age and Gender

Age	Not indicated	Males	Females	TOTAL
12	0	2	1	3 (1.5%)
13	0	1	4	5 (2.4%)
14	0	11	8	19 (9.2%)
15	0	31	19	50 (24.3%)
16	1	53	13	67 (32.5%)
17	0	47	14	61 (29.6%)
18	0	1	0	1 (.5%)
TOTAL	1 (.5%)	146 (70.9%)	59 (28.6%)	206 (100%) (3 cases missing)

Table four shows the age and sex of the children not in conflict with the law. The modal class was 12 years.

Table 4: Children Not in Conflict with the Law by Age and Sex

Age	Males	Females	Total
12	8	9	17 (37.8%)
13	4	5	9 (20.0%)
14	1	4	5 (11.1%)
15	2	5	7 (15.6%)
16	2	5	7 (15.6%)
Total	17 (38%)	28 (62%)	45 (100%)

Factors Contributing to Children Being in Conflict with the Law

There are a number of factors that predisposes children to being in conflict with the law. Of the children interviewed, 29 percent (60) reported having a co-offender. However, 90 (43%) refused to indicate who was with them at the time of their current offence; 55 (26.4%) said that they were alone. For the most part, the offences occurred at or near the children's home between 6:00 a.m. and midnight indicating the time when children are usually unsupervised. Of special note are the following:

- Noon to 6:00 p.m. was the modal (30%) block of time during which a child seemed likely to come into conflict with the law.
- March to July were the months when this was twice as likely to happen compared to August to November.
- The most common days that offences occurred were on Friday (10%) and Saturday (11%).
- When asked how the child came to break the law, the narratives were primarily about the influence of peers and being idle, followed by some retributive act.

The most common reason for conflict was uncontrollable behavior (and, or alleged uncontrollable behavior) in 50 (24%) of the cases, followed by unlawful wounding (or alleged unlawful wounding) in 39 (18.8%) cases.

Most reported no previous charge, but for those with a prior charge it was likely to be uncontrollable behaviour, wounding, destruction of property, which included state property and fighting. **Thirty-nine per cent (81) indicated that they had a weapon at the time of their current offence. The single most common weapon was a knife for 44 cases (21%).** Other weapons included machetes, stones, a piece of iron, scissors and an ice pick. There were 16 (8% of all CCL) who reported that their offence involved them having a gun. Communities in which the offender utilized a gun were: Central Kingston, Chapelton, Cockburn Pen, Flankers, Juna Crescent, Lilliput, Steertown, Seaview Gardens, Oracabessa, Old Harbour, Sandy Park and Rose Hall.

It was interesting that while external influences and the self were blamed for the trouble, the boys tended to not offer rationalizations or excuses for their actions that brought them into conflict. Self-reports of stealing were common – largely of cell phones and cash. The carrying of weapons was also fairly common, with ratchet knives as the weapon of choice.

In response to the question: Why are children in conflict with the law? The most common responses from the practitioners were: poor parenting (60%), lack of adequate supervision (60%) and frustrations with school or being illiterate or semi-illiterate (74%) which then manifest in being vulnerable to negative peer influence (37%) and the influence of “dons” or “donsmanship” (49%). While boys do more larceny and stabbings, they said that for girls, the situation was more likely one of abuse, especially sexual abuse (17%). Girls’ behaviours then included sexual involvement, running away and truancy. Their responses validate the data garnered from the CCL themselves.

To further summarize the practitioners responses about male CCL, other responses included that boys have a more adventurous nature. As such their charges tend to include robbery with aggravation, rape, carnal abuse (with another under 16 years), wounding with intent, buggery, shop breaking, house breaking, murder, kidnapping, simple larceny, attempted robbery, possession of offensive weapon, illegal possession of firearm, shooting with intent, arson, possession of ganja, smoking of ganja; kidnapping (often with a gang); and being uncontrollable (e.g. running way, hitting parents). The stealing involves things like shoes and cell phones. Some offences (gun charges, shop breaking and wounding) tended to be gang-related. These behaviours leave many parents “at their wits end,” and, the parents themselves might call the police.

Some practitioners explained that with underdeveloped literacy, there is also poor reasoning. The results include violence where even simple conflicts, such as a disagreement about who is the best entertainer might disintegrate into an altercation. The poor reasoning also renders the CCL boys vulnerable to being exploited by others. Indeed, some boys are living with an older woman and might even have children with her. Others, some reported were influenced by “donmanship” to which they turn for fatherly support and they might be pressured by peers to imitate local dons.

Forty-nine percent stated that poverty is an added factor of vulnerability and one noted that some boys reported being sexually exploited by influential male figures and in tourist areas by foreigners who offer money and things in exchange. As one practitioner described:

“Under-aged and unsupervised on the streets, sometimes put out by family members, these boys might be working, idle, bothering people, smoking marijuana, in fights, and committing larceny) as their peers and gangs have a greater influence than parents and teachers. The boys want to be acknowledged in some way and some are addicted to marijuana.”

This practitioner report validated what the boys said of themselves.

Table 5: CCL Offence by Gender

Offence	Not Indicated	Males	Females	Total
Robbery with firearm	0	17	0	17 (8.2%)
Sex offence (buggery, carnal abuse, rape)	0	5	0	5 (2.4%)
Murder or attempted, manslaughter	0	14	0	14 (6.7%)
Reckless driving	0	1	0	1 (0.5%)
Unlawful wounding (stabbing)	0	30	9	39 (18.8%)
Firearm possession	0	7	0	7 (3.4%)
Fighting, assault	0	3	4	7 (3.4%)
Offensive weapon	0	3	0	3 (1.4%)
Money laundering	0	1	0	1 (.5%)
Extortion	0	1	0	5 (2.4%)
Destruction of property	1	1	3	1 (.5%)
Arson	0	1	0	1 (.5%)
Larceny	0	9	2	11 (5.3%)
Breaking in store; residence	0	12	0	12 (5.8%)
Uncontrollable	1	21	28	50 (24.0%)
Escape, uncontrollable (via running away)	0	1	4	5 (2.4%)
Curfew violation	0	1	1	2 (1.0%)
Violation of probation order	0	2	0	2 (1.0%)
Drugs (marijuana possession, sale, use)	0	11	3	14 (6.7%)
Unknown	1	5	5	11
TOTAL	3 (1.4%)	146 (70.2%)	59 (28.4%)	208 (100%)

Most of the CCL in the sample were from Kingston 51 (24.4%) and St. Andrew 30 (14.4%). Along with St. Catherine, St. James, Clarendon and St. Ann these represent the six parishes with the most CCL (Appendix C1). These are parishes with major town and urban centres.

As some of practitioners indicated, the more urban parishes are markedly different from the other parishes in terms of a sense of a presence of community whereby stress and physical and emotional issues might be resolved within informal community structures. Some of the boys were from garrison communities such as Tivoli and Arnett Gardens. CCL from such garrison type communities and those from north coast areas were the ones more likely to have some knowledge of cocaine or access to a gun.

Family Structure and Relationships

It was commonplace for the children to have extended family members close by. At times, multiple persons lived at the same address and, or, the child moved from one family member to another. One boy described his experience this way:

“Born in (parish 1) to drug addicted mother, father took me to (parish 2) at two months. He died when I was 2; then [I was] raised by an uncle. Wound up with bad company and now am here. Uncle had moved to (parish 3).”

The most common living situation was with the mother only in a third (34.2%) of the cases; many children at least 38% of the CCL reported knowing their father. Living with other adult relatives (besides the father) represented 18.3% of the sample as the next most common living situation (appendix C3). These relatives included older siblings, aunts and a grandparent. Three children indicated living with “no one.” For various reasons – financial, parent migration, relocation for employment, interpersonal conflicts, et cetera a number of the children moved between the residences of family members. Twelve children reported being parents (9 males and 3 females).

Almost all of the CCL had siblings although they did not necessarily live with them. For both CCL and Non-CCL the modal number of siblings, whether full, half or step, was four and the most common range for both groups was two to six siblings. It is important to the following between both the CCL (Appendix C2) and the non CCL (table 6):

- A majority of the CCL 144 (69%) and the Non-CCL 31 (69%) described their previous dwelling as a single family house.
- Seven or 3% of the CCL and 2 (4.4%) of the Non-CCL described it as an Institution/Child care facility.

Table 6: Person (s) with Whom Non-CCL Lived

Adults in Household	Frequency	Percent
(Missing)	1	2.2
Live alone	2	4.4
Mother and father	7	15.6
Mother only	13	28.9
Mother & her boyfriend	1	2.2
Mother & step-father	4	8.9
Mother, step-father, & other adult relative	1	2.2
Father only	4	8.9
Father & step-mother	3	6.7
Adult relative besides a parent	6	13.3
Non-related adult	2	4.4
Foster parents	1	2.2
Total	45	100.0

One hundred and eight (52.9%) of the CCL children had not moved (that is, relocated) within a year (appendix C3). Those who indicated having moved may have included movements from facility to facility after being charged. Differences between the two groups CCL and Non-CCL regarding the number of times the children had moved or changed the persons with whom they lived were not statistically significant ($\chi^2 = 6.917$, $df=3$, $p=.075$).

For the most part, the children were unsure about whether their family received government assistance or otherwise responded that they did not. Many knew little of their mother's education. This is not unusual for such populations. Ninety-seven (47%) of CCL reported frequent – almost daily involvement in sports. Access to clubs and youth groups was also common. This suggests that opportunities to be engaged in legitimate activities exist. It is worth examining however, whether costs associated with these activities (taxi fare, clothing, etc.) might dull the anti-lawbreaking potential of activities.

For the most part, the children were unclear about just how much education their parents had completed. Common reports were an all age school or some years of secondary school; few completed a vocational programme and even fewer some higher education; most did working class jobs.

- Among fathers, examples of livelihood included woodwork, driving, selling, plumbing, painting, mechanic, mason, farming, construction, and cane cutting.
- Among mothers the jobs included cooking, domestic helper, farming, selling, hairdressing, custodial work, sales, bartending, hotel work, stock clerk and security.

Selling was very common. If the merchandise was not sold, some children did not eat, have proper shoes, or bus fare. Four persons reported their father was dead, and six reported their mother was dead.

- Thirty percent (62) reported that there were serious money problems at home in the past 12 months.
- Forty-one percent (85) were afraid that someone might physically hurt them.
- Nineteen percent (40) were afraid that someone might make sexual advances toward them.
- Nineteen percent (39) reported having to leave their family because of violence, while 12% (24) reported having to leave because of economics.

Nevertheless, most of the children in both the CCL and Non-CCL groups reported that their parents or guardians provided for them (Appendix C4). Differences between the groups were not significant, though close ($\chi^2 = 5.757$, $df=2$, $p=.056$).

- Fifty percent (103) reported having someone to talk to about what was going on with them almost every day or once or twice per week. Oftentimes, this was their mother.
- Eighty percent (167) indicated having a daily or weekly chore at home which is indicative of some degree of belongingness.
- Over a half of the CCL reported at least weekly church attendance and 80% reported religious services as either important or very important. Where church attendance did not match expressions of its importance, the resources (e.g. clothes) to attend were sometimes described as the problem.

Families and Child Labour

- Forty –four per cent (91) of CCL had some job, mostly a part time effort.
- There was a statistically significant difference between CCL and Non-CCL in terms of having a job (appendix C5). The former were more likely to have worked ($\chi^2=20.908$, $df=2$, $p=.000$).

Like their parents, these were largely working class efforts but, for the children, the job was to meet a personal financial need or want (as opposed to a collective family need). Jobs included selling, babysitting, supermarket bagging, or assisting: cooks, builders, mechanics, gardeners, farmers, masons, welders and tailors. Some girls reported that they worked at night clubs doing strip dancing and offering sex in exchange for favors.

- Most children (90%) indicated that their parents or guardians provided for them as best as they could –nevertheless, funds and food were sometimes available and other times not. Employment was a means to go beyond what parents could/would provide.
- The modal age of CCL with some job or work was 16 (36% of CCL working) and 17 (36% of CCL working). Twenty-six percent of those who had some job or work were 12 to 15 years old indicating their involvement in child labour.

Family Affection

- Most, 178 (85.6%) had been told that they were loved (appendix c6). There was no statistically significant difference between the CCL and the Non-CCL groups ($\chi^2 =.866$, $df=1$, $p=.352$) on being told that they were loved.

Of course, love does not shield a child from a negative frustrated parental response, hunger, or deviant opportunities in the community that beckon. Not surprisingly then, abuse was not uncommon (appendix C7).

The profile generated from the responses of CCL was authenticated by the responses from the practitioners. In response to the question: Who are the boys in conflict with the law? Their most common response was that these children are: illiterate or semi-illiterate (74%); the product of

poor parenting and supervision (60%); from a single mother home (51%), poor (49%), and subject to community gang influence (49%). DCS personnel acknowledged that conflict with the law occurred across class – but continued that those most likely in remand or serving correctional orders were those that fit the profile given. This reflects a lack of social capital and finances to avoid long stays in CDA and DCS facilities.

As one practitioner described boys in conflict with the law:

“They feel hopeless. Many are more uncontrollable than criminals so – why are they in corrections? Most are from Kingston, Montego Bay, Westmoreland, St. Catherine and Clarendon. At the core of the problems is not a need for money but affection and, or attention. Some have been left to fend for themselves or hustle for the family from an early age. They do things like wash cars, sell Star, or pick pockets to help support their family. Mother may be in an overcrowded home – so she tells him – help me or leave the home. Problems arise when the boys earn money but they do not want to give it to the mother.”

Indeed, parents were largely perceived to be the problem. Many parents were believed to be unemployed or under-employed with poor family values and a disregard for the value of education, compounded by a lack of resources to support a large family. Others described the problem as parents no longer having the extended family support available to dissipate life’s stresses. Some boys were described as the victims of poor parental supervision. They may have parents who migrated and were being raised by siblings or other relatives in a situation where their needs for affection, attention and communication were not being met. Some were victims of abuse which left them angry and aggressive.

Regarding who are the girls in conflict with the law, the practitioner responses were that the profile is the same for the boys and the girls. Some recounted that girls were more likely to have grown up in Child Care facilities as generations pass through the system or they otherwise grow up without parents. Those who had observed girls in the facilities reported that some girls were unaccustomed to rules because they have been responsible for themselves from a young age. One practitioner offered this description:

They might carry clothes, change, then skip school. Parents who do not take the time to communicate with their daughters may even allow them to be molested for “a grand”/ (JA\$1,000). Thus, many of these girls are angry. Often in cases of sexual abuse, the girl is in conflict because if she complains her family will put her out. Some girls run away to flee sexual abuse at home; others called “runaways” do not intend to run away – but are out for the night to have sex or fun with friends.

CDA personnel reported that a poor relationship with parents or other caregivers, plus a lack of adequate supervision rendered the girls vulnerable to sexual and other criminal exploitation by older men - doing things like drug trafficking, walking the streets as prostitutes in places like Kingston and Portmore; and appearing in “blue movies”. Not surprisingly then, some girls become pregnant.

Almost all those who worked directly with girls CCL reported that mental illness appeared common among the girls. In many cases this seemed related to trauma as several girls have been physically and, or sexually abused. There was a concern that children might be over-medicated, regardless, many girls and their families objected to psychotropic medication which they characterized as “mad pills”. Counselors reported that there is insufficient counseling available when long term counseling is needed.

Experiences of Child Abuse

- Forty-seven per cent of CCL reported having experienced some kind of abuse.

When asked about abuse, more commonly the reports were of having been severely beaten at home. Other reports of abuse included being sexually, physically, verbally abused or cursing usually by family members (parents, stepparents and siblings). Eventually the abused child would leave the home, peddling and begging to gain income. One female reported that:

“[My] maiden was taken on my 15th birthday, that’s the worst thing ever happen to me, I feel like I wanted to hang myself because of it.”

Another said that she was raped by her stepfather when her mother was away from home, but when she reported it to her mother, the mother did not believe her, so she ran away. Yet another girl had been raped on several occasions (by her aunt’s boyfriend, stepfather, and a stranger). After being raped by her stepfather she was sent to live with her aunt. While living with her aunt, the aunt’s boyfriend raped her. When she told her aunt, the entire family “came down on her” and accused her of creating mischief. The family turned their back on her; that, she said, is why she is in an institution. She said that none of the perpetrators who raped her had been arrested.

One girl reported that she experienced all types of abuse. She was sexually abused at the age of three years:

“My mother was living at a place with a male friend. While she was outside, I was crying, so she sent him to comfort me and he molested me.”

In another case, a girl claimed that her godmother’s husband used to molest her (from ages 8 to 10). When she told the godmother, she responded that she did not believe her:

“She used to physically abuse me; stab me with an umbrella, and the leg was bruised by a stone and a stab.”

Differences in experiences of child abuse between the CCL and the sample of Non-CCL were not statistically significant ($\chi^2 = 1.641$, $df=2$, $p=.440$) (appendix C7).

Practitioners who have worked with female CCL validated the female CCL accounts that those who are sexually abused might have been abused by a father, brother or nephew. When they report it, a mother might accuse them of lying and attempting to sabotage the mother's lifestyle. The girl might then be ordered to leave and to find her own supporter (man).

Other explanations from practitioners for why girls come in conflict with the law included female envy, a "get rich quick mentality" and a desire to be trendy; low self-esteem, a lack of proper guidance, poverty, ignorance, peer pressure, faulty parenting or an upbringing that leads to weak family ties and girls are left searching for love. These, some described, plus inadequate supervision leaves them vulnerable to the influence of males in conflict with the law – then, the girls disobey or commit an offence so they are brought to a facility. Many have some mental health issue – conduct disorder, substance abuse, et cetera. In the words of one practitioner:

Some girls are used to traffic drugs overseas if they have a passport and a visa. Men/drug dealers pack their suitcases and they go to Miami for the day instead of school; parents who leave the home at 6:00 a.m. and return at 7:00 p.m. are none the wiser about where their daughter has been until at some point when the girl might be reported missing. These girls could be of any social class and some of the visas are illicit.

Commercial Sexual Exploitation

- Thirty (11%) children in the sample (CCL and Non-CCL) reported having been paid for sex.

Nineteen of these were CCL males and 8 were CCL females (13% of all male CCL and 13% of all female CCL). Two males and one female who reported being paid for sex were in the Non-CCL group. The males who chose to reveal that they had been paid for sex were from St. Ann (1), Clarendon (1), St. Catherine (1), St. Elizabeth (1), Manchester (1), Westmoreland (2), St. James (5) and Kingston & St. Andrew (8). Some of the boys from the North Coast areas reported that they had been paid for sex by foreigners. The females paid for sex were from Clarendon (1), St. Catherine (1), Westmoreland (1), St. Thomas (2), Portland (1), and Kingston & St. Andrew (3). Twelve CCL reported having a child but no Non-CCL did, however, no CCL reported being pregnant but two non-CCL females did. Because all of these parents are children, this status is indicative of abuse.

- Seventy (33.7%) of the CCL had been in a child care institution at some point.

Differences between the two groups CCL and Non-CCL regarding having had a prior stay in a Child Care institution were not statistically significant ($\chi^2 = 3.262$, $df=2$, $p=.196$) (appendix C8) however, this is likely indicative of the non-random nature of the control group (Non-CCL) sampling.

Family History

Twenty-nine percent of the CCL reported that a family member had problems with alcohol abuse (this was 22% for the sample of Non-CCL) and 24% of the CCL reported a family member with a drug problem – often marijuana. These family members did not necessarily live with the child. Fewer Non-CCL, 13% reported having a family member with a drug problem. The differences

between the groups regarding a family member who has had problems with alcohol use ($\chi^2 = 5.309$, $df=2$, $p=.070$) and drug use ($\chi^2 = 2.461$, $df=2$, $p=.292$) (appendix C11) were not statistically significant.

- Half (104) of the CCL respondents reported having a family member who had involvement with the police or courts (appendix C9).

The narratives revealed that this was almost always a male relative – brother, father or uncle. The rare mention of females in this regard seems in keeping with the Planning Institute of Jamaica (2005) *Women in Prison* study findings in that some may have had female relatives in prison, but often children are not told of this lest they worry. Only 45 (22%) indicated that the family member included a brother or sister. The charges against these relatives included murder, stealing, gun possession, extortion, and wounding with intent. Thirty-six per cent of the Non-CCL reported having a family member who had involvement with the police or courts. Regarding having brothers or sisters in conflict with the law, the results approached significance at a 95% confidence level ($\chi^2 = 3.790$, $df=1$, $p=.052$) (appendix C10).

Table 7: CCL Family member with alcohol abuse problem

Family member with alcohol abuse problem	Frequency	Percent
NO	142	68.3
YES	60	28.8
Don't know	6	2.9
Total	208	100

Substance Abuse

For the most part reports of family substance abuse involved extended family members and to many children marijuana was not a “drug”, but a mere bush that was smoked. Only four boys reported contact with cocaine and knowledge of it was limited (largely to a few of the children from the north coast).

- Cocaine was perceived as “that thing that mad people use.”
- A number of the CCL (100) 47% reported having used marijuana.

Many (52.5%) reported that marijuana smoking was common in their communities and amongst family members (24%) and peers. A number of boys reported that marijuana could be purchased at shops in their communities. A few reported that they were still using it and some reported needing help to see that they stay off of marijuana (appendix C12).

- A fair number reported having used alcohol (43%) and 28% reported having been drunk (at parties, at home, or on the street).

Substance abuse treatment was not evident at any of the facilities although it may have been part of general therapy with the psychologist/psychiatrist.

The difference in alcohol use over the past year was significantly different for boys and girls ($\chi^2 = 5.167$, $df=1$, $p=.023$) (Table 7).

Table 8: CCL Reported Alcohol Use in the Past Year by Gender

Gender	Alcohol Use		Total
	NO	YES	
MALES	77	71	148
% of Total	37%	34.1%	71%
FEMALES	41	19	60
% of Total	20%	9.1%	29%
TOTAL	118	90	208
% of Total	56.7%	43.3%	100.0%

THE COMMUNITY

Exposure to Violence

Exposure to violence in the communities and school was more common among the CCL than among the Non-CCL, but this difference was not statistically significant in response to the question about ever seeing or hearing a person get shot in the community ($\chi^2 = 2.305$, $df=1$, $p=.129$) (appendix c13). There were many reports among the CCL of knowing people personally who had been murdered. Seventy-seven percent (161) of the CCL had seen or heard someone being shot. These communities were [disclaimer: many could not spell the names of the community] Windsor, Whitfield Town, White Hall, Watt Town, Waterhouse, Washington Gardens, Walton, Vere, Union Garden, Tivoli, Thompson Pen, Tel Aviv, Tavern, Swallowfield, Stony Hill, Standpipe, St. Jago, Spanish Town, Smithfield, Silverstone, Seaview Gardens, Seafort, Savanna-la-mar, Sandy Park, Sandy Bay, Russia, Rose Lane, Rose Hall, Rockfort, Rock, Riverton, Red Hills, Red Ground, Portmore, Port Maria, Payne Avenue, Palmer's Cross, Olympic Way, Old Harbour, Oracabessa, Nut River, Norman Gardens, New Haven, Mountain View, Montego Bay, Molyne, Mitchell Town., Middle Quarters, Melbrook Heights, Meadowbrook, McDonald Lane, May Pen, Maxfield Park, Maxfield Avenue, Mavis Bank, Mannings Hill Road, Manley, Mandeville, Manchioneal, Majestic Gardens, Longville Park, Frome, Little London, Lionel Town, Linstead, Lime Hall, Lilliput, Law Street, Lakes Pen, Kingston 13, Kingston West, Kilancholly, Jungle, John's Hall District, James Hill, Jackson Town, Islington, Ironshore, Hummingbird Avenue, Heroes Circle, Hendon, Gully/MB, Green Pen, Green Island, Green Acres, Great Pond, Grant's Pen, Granville, Gordon Town, Golden Spring, Glengoffe, Glendevon, Garveymeade, Freetown, Fletcher's Land, Flankers, Falmouth,

Ednawood, Elgin District, Elderslie, East Kingston, Dunrobin District, Duhaney Park, Drews Avenue, Dunkirk, Denham Town, Cornwall Courts, Corn Piece Settlement, Constitutional Hill, Cockburn Pen, Clifton Sp., Church Street, Church Hill MB, Church Corner, Charles Town, Chapelton, Central K., Caymanas, Cassava Piece, Canterbury, Canaan Heights, Bay Farm Road, Burnside Hill, Bull Bay, Bucknor, Brown's Town, Braeton, Bouge Hill, Bella Avenue, Arnett Gardens, Anderson, Albert Town and Allman Town.

Eighty-seven percent (181) of the CCL and 84.4% of Non-CCL saw fights in their community (appendix C14) and 83.2% of CCL and 95.6% of Non-CCL reported fights at some school that they have attended (appendix C15) – indeed, both groups said that fights in school were a frequent occurrence. Forty-three per cent (89) of CCL reported that there were gangs in their communities (appendix C16). There may have been some timidity to respond to this question.

Some practitioners (49%) described volatile garrison communities as problematic. Therein, they reported that these children are a part of families experiencing stress as a result of inadequate funds and they are surrounded by marijuana use. Violence in the community is common but not exposure to life's range of options. Thus, children were being exploited by adult criminals. The result, some recounted, was that many children enter the system at age 13 (median age of 14 and 15). As one person put it –

“Hurt and anger is evident if one considers - a 12 year in the system for murder and a 13 year old who is HIV positive in the system for attempted murder.”

- A higher percent of CCL reported gangs in their communities - 42.8% compared to 35.6% for Non-CCL (appendix C16).

When asked “are you a member of a gang?” Most (83%) of the CCL and 98% of the Non-CCL said “no”. The researchers perceived that more CCL were gang members but given the covert nature of gangs, they might not have been forthcoming about their gang status. Differences between the CCL and Non-CCL on gang membership were significant ($\chi^2=6.602$, $df=1$, $p=.010$). Differences between the groups on previous gang membership were also significant ($\chi^2=9.201$, $df=1$, $p=.002$). Thirty-nine percent of the current gang members were from Kingston and St. Andrew. Others claiming gang affiliations were from St. James (14%), Clarendon (11%) with much less from St. Mary, St. Thomas, St. Elizabeth, Manchester, Westmoreland, Portland and Trelawny.

Most children in both the CCL and Non-CCL groups reported that they were not aware of any family members in a gang (appendix C19). Observing some smiles and looking away from the researchers in responding to these questions suggested to the researchers that in some cases, the “real story” is likely a closely guarded family secret.

The Presence of Illegal Drugs

- Fifty-three percent (110) of CCL (versus 26.7% of Non-CCL) indicated that illegal drugs were available in their community (appendix C20).

This was often marijuana. Current use of prescribed medication was rare among CCLs 41 (20%) and seemed to be for contagion problems in large residential settings (rashes, eye infections). Reports of differences in the availability of illicit drugs in their communities were statistically significant for the CCL and Non-CCL ($\chi^2 = 11.222$, $df=2$, $p=.004$).

Schooling and Education

The self-reported academic grades seemed rather high with many reporting As, Bs and Cs given the weak literacy of the participants. Absences were not uncommon, and were often attributed to problems such as fights, being suspended, frustration given weak literacy or a lack of funds for taxi or bus fare and lunch. Relatedly, social workers interviewed for this study revealed their frustrations with some principals who strategized to “cheat” students out of their space in school. They reported that when some principals lacked sufficient grounds to expel a student, that student might be told – but not in writing - that he or she is not to return because of expulsion. Thereafter, the child accumulates a number of absences believing the expulsion to be valid. After a number of absences there is an automatic loss of that child’s space in the school – “an abandonment of the space.” Those who can pay a fee might be able to get back in.

- One hundred and thirty or 63% of the CCL were in 7th, 8th or 9th grade. For 52% the school was an academic institution (high or junior high usually), as opposed to 15 (7%) in a vocational school and 70 (34%) in an alternative school.
- The most common 70 (34%) reason for suspension or expulsion was fighting which was often described as a response to uninvited confrontations, ongoing extortions, and self-defense (table 8). This included stabbings, extortion and gang activity. There was a statistical difference between CCL and Non-CCL regarding having been suspended and, or expelled from school ($\chi^2 = 22.829$, $df=2$, $p=.000$).
- Fifty per cent (104) of CCL indicated having concerns about school (e.g. the academic work expected, “warring”/gangs or student extortionists in the school, their limited literacy and getting through enough CXCs to have expanded career options) (table 9). The difference between CCL and the Non-CCL in having concerns about school ($\chi^2 = 6.178$, $df=1$, $p=.013$) was statistically significant.
- Thirty-four percent (70) of CCL reported having quit school (table 10).

Table 9: Were you ever suspended and, or expelled from a school?

Status			Suspended/Expelled			Total
				NO	YES	
	CCL		8	85	115	208
		% Status	3.8%	40.9%	55.3%	100.0%
		% Suspended/Expelled	88.9%	70.2%	93.5%	82.2%
		% of Total	3.2%	33.6%	45.5%	82.2%
	NON-CCL		1	36	8	45
		% Status	2.2%	80.0%	17.8%	100.0%
		% Suspended/Expelled	11.1%	29.8%	6.5%	17.8%
		% of Total	.4%	14.2%	3.2%	17.8%
TOTAL			9	121	123	253
		% Status	3.6%	47.8%	48.6%	100.0%
		% Suspended/Expelled	100.0%	100.0%	100.0%	100.0%
		% of Total	3.6%	47.8%	48.6%	100.0%

Table 10: Do you have any concerns about going to school?

Status			Concerns About School		Total
			NO	YES	
	CCL		94	104	198
		% Status	47.5%	52.5%	100.0%
		% Concerns	75.8%	88.1%	81.8%
		% of Total	38.8%	43.0%	81.8%
	NON-CCL		30	14	44
		% Status	68.2%	31.8%	100.0%
		% Concerns	24.2%	11.9%	18.2%
		% of Total	12.4%	5.8%	18.2%
Total			124	118	242
		% Status	51.2%	48.8%	100.0%
		% Concerns	100.0%	100.0%	100.0%
		% of Total	51.2%	48.8%	100.0%

Table 11: CCL Have you dropped out of (quit) school?

Quit School	Frequency	Percent
No Response	14	6.8
NO	124	59.6
YES	70	33.7
Total	208	100

It is certainly no coincidence that most of the boys in conflict with the law are illiterate or near illiterate. The boys largely attributed this to not attending school regularly because of financial deficits and/ or having dropped out of school given frustration with the work in light of their poor reading skills. As one practitioner expressed:

“Schools produce illiterate children, who are understandably frustrated, then expect the CDA to fix things.”

The practitioners confirmed the boys’ reports, noting that many of the CCL boys were school dropouts or have had behavioral problems at school. As the boys put it, they might even have been victims of, or the perpetrators of extortion at school.

Individual Experiences and Perceptions

When asked if the CCL had a role model, the responses ranged from African American singers to local celebrities such as sports personalities and reggae artistes. In many cases, the role models were professional family members who appeared financially secure. For 36% of the Non-CCL the role models were family members or persons they knew personally.

- Forty-two percent (88) of CCL reported having sex for the first time in the past year.
- Thirty –seven percent (76) of CCL reported having thought of killing or hurting themselves in the past year.
- Fifty-two percent (108) of CCL had recent memories of a family member dying; often this was a grandparent.
- While 34.6% of CCL reported stealing something in the past year (cash, phones, etc.), 15.6% of Non-CCL self-reported stealing. This difference was statistically significant ($\chi^2 = 6.258$, $df=1$, $p=.012$) (table 11).

Table 12: CCL and Non-CCL Have you stolen something in the past year?

Status		Stolen Something		Total
		NO	YES	
CCL		136	72	208
	% Status	65.4%	34.6%	100.0%
	% Stolen Something	78.2%	91.1%	82.2%
	% of Total	53.8%	28.5%	82.2%
NON-CCL		38	7	45
	% Status	84.4%	15.6%	100.0%
	% Stolen Something	21.8%	8.9%	17.8%
	% of Total	15.0%	2.8%	17.8%
TOTAL		174	79	253
	% Status	68.8%	31.2%	100.0%
	% Stolen Something	100.0%	100.0%	100.0%
	% of Total	68.8%	31.2%	100.0%

Youth Activities

Regarding available activities for youth, 64% of the CCL (47% of Non-CCL) reported at least weekly playing sports (appendix C21), most often mentioned for both groups was football; other activities [extra lessons (47%) (appendix C22), and clubs or groups (41%)] were less common for the CCL than for the Non-CCL 53%, who reported at least weekly extra lessons and 42% participated in clubs or groups (appendix C23). For both CCL and Non-CCL the clubs or groups mentioned were largely the same, often church youth groups, sports clubs, 4-H clubs, scouts, cadets, pathfinders and the police youth clubs. Differences between the two groups CCL and Non-CCL regarding frequency of engagement in sports or games (for the CCL, prior to their present circumstances) were not statistically significant ($\chi^2 = 9.045$, $df=4$, $p=.060$).

Differences between the two groups CCL and Non-CCL regarding frequency taking classes or lessons outside of regular school (for the CCL, prior to their present circumstances) were not statistically significant ($\chi^2 = 3.350$, $df=3$, $p=.341$).

Differences between the two groups CCL and Non-CCL regarding frequency of meetings or activities with a club or youth group (for the CCL, prior to their present circumstances) were not statistically significant ($\chi^2 = 2.410$, $df=3$, $p=.492$).

Youth Bonding or Attachment to an Adult

Differences between the two groups CCL and Non-CCL regarding frequency of confiding in some adult about his/her thoughts and actions (for the CCL, prior to their present circumstances) were not statistically significant ($\chi^2 = 5.677$, $df=4$, $p=.225$). For both the CCL (33.8%) and the Non-CCL (33.3%) the modal response was talking to an adult almost daily (table 12). Among the CCL the range of persons included various relatives and to a lesser extent friends, but for the Non-CCL, the modal adult for confiding was the mother. Eighty percent of the children in both the CCL and Non-CCL groups reported having chores at home that they were required to perform at least once per week or daily.

Table 13: CCL and Non-CCL How often do you talk to an adult about what you are doing or thinking?

Status		Child's Frequency of Talking to Some Adult About His/Her Thoughts and Actions					Total
		Never	Almost Every Day	Once or Twice/ Week	A Few Times/ Month	A Few Times/ Year	
CCL		50	69	34	28	23	204
	% Status	24.5%	33.8%	16.7%	13.7%	11.3%	100.0%
	% Talking to Adult	74.6%	82.1%	89.5%	80.0%	92.0%	81.9%
	% of Total	20.1%	27.7%	13.7%	11.2%	9.2%	81.9%
NON-CCL		17	15	4	7	2	45
	% Status	37.8%	33.3%	8.9%	15.6%	4.4%	100.0%
	% Talking to Adult	25.4%	17.9%	10.5%	20.0%	8.0%	18.1%
	% of Total	6.8%	6.0%	1.6%	2.8%	.8%	18.1%
TOTAL		67	84	38	35	25	249
	% Status	26.9%	33.7%	15.3%	14.1%	10.0%	100.0%
	% Talking to Adult	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
	% of Total	26.9%	33.7%	15.3%	14.1%	10.0%	100.0%

Differences between the two groups CCL and Non-CCL regarding frequency of attendance at a summer programme were not statistically significant ($\chi^2 = 5.007$, $df=3$, $p=.171$) (appendix C25).

Conventional Activities – Summer Program, Extra Lessons, Religion

Most children in both the CCL (80.3%) and the NON-CCL (91.1%) groups claimed that religious services were important to them and that they engaged in regular religious service attendance (table 13). Differences between the two groups regarding frequency of attendance at religious services were not statistically significant ($\chi^2 = 9.452$, $df=5$, $p=.092$). Perceptions on the importance of religious services were also not significantly different between the groups ($\chi^2 = 3.019$, $df=2$, $p=.221$)

Table 14: CCL and Non-CCL Attendance at Religious Services

Status		Attendance at Religious Services (ARS)						Total
		Never	Once/Year	Once/Month	Twice-Thrice/Month	Weekly	More Than Weekly	
CCL	Count	24	24	20	52	60	28	208
	% Status	11.5%	11.5%	9.6%	25.0%	28.8%	13.5%	100.0%
	% ARS	75.0%	85.7%	66.7%	81.3%	89.6%	87.5%	82.2%
	% of Total	9.5%	9.5%	7.9%	20.6%	23.7%	11.1%	82.2%
NON-CCL	Count	8	4	10	12	7	4	45
	% Status	17.8%	8.9%	22.2%	26.7%	15.6%	8.9%	100.0%
	% ARS	25.0%	14.3%	33.3%	18.8%	10.4%	12.5%	17.8%
	% of Total	3.2%	1.6%	4.0%	4.7%	2.8%	1.6%	17.8%
Total		32	28	30	64	67	32	253
	% Status	12.6%	11.1%	11.9%	25.3%	26.5%	12.6%	100.0%
	% ARS	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
	% of Total	12.6%	11.1%	11.9%	25.3%	26.5%	12.6%	100.0%

Table 15: CCL and Non-CCL Perceptions of Religious Services as Important

Status			Perceptions of Religious Services as Important			Total
			No Response	Not Important	Important	
	CCL		1	40	167	208
		% Status	.5%	19.2%	80.3%	100.0%
		% Perceptions of Religious services	100.0%	90.9%	80.3%	82.2%
		% of Total	.4%	15.8%	66.0%	82.2%
	NON-CCL		0	4	41	45
		% Status	.0%	8.9%	91.1%	100.0%
		% Perceptions of Religious services	.0%	9.1%	19.7%	17.8%

Factors Predicting the Likelihood of Being A Child in Conflict with the Law

A forward logistic regression was done to determine whether a model with the variables: having lived in a Child Care facility, having a job, having been abused, having heard/seen someone get shot, gang membership and having stole something might predict an outcome of being a CCL or Non-CCL (table 15). Three outliers were eliminated. Regression results excluded having lived in a Child Care facility, having been abused, and having heard/seen someone get shot from its best fitting model.

- The model indicated that having a job, gang membership something were significant predictors of an outcome of CCL or Non-CCL χ (df=3, N=251)=40.664, $p<.001$.
- Of the three predictors, having a job (full-time or part-time) was the strongest predictor.

However, odds ratios for the predictors indicate little change in the likelihood of status as CCL or Non-CCL. The Nagelkerke R^2 was .245, that is 25% of the variance in being either CCL or Non-CCL was accounted for by the variables in the model. The model correctly classified 82% of the cases. The odds ratios indicate that a child with a job is only .091 as likely to not be in conflict with the law as he/she is to be in conflict. A child in a gang is only .125 as likely to not be in conflict with the law as he/she is to be in conflict. A child who has stolen is only .398 as likely to not be in conflict with the law as he/she is to be in conflict. The results are also likely reflective of how similar the CCL and Non-CCL children are overall.

Table 16: Factors Predicting the Likelihood of Being A Child in Conflict with the Law

Predictor	B	SE	Wald	Df	p	Odds ratio
Child Labour	-2.400	.618	15.071	1	.000**	.091
Gang membership	-2.076	1.043	3.960	1	.047*	.125
Having stolen something	-.920	.457	4.056	1	.044*	.398
Constant	6.026					
CCL χ (df=3, N=251) =40.664						
Nagelkerke R ² = .245						

Note: having lived in a childcare facility, having been abused, having heard/seen someone get shot were excluded from this model.

*p<.05

**p<.001

Summary Profile

Thus, the child in conflict with the law is most often, 16 years old, male, with a charge of uncontrollable and, or unlawful wounding, who used a weapon, most likely a knife at the time of the current offense. The offense likely occurred between Noon and 6:00p.m. on a weekend during the school year. He is likely to attribute this to idleness and the influence of “bad company” (peers). He is likely a poor reader from a low income family, who knows his father, but who lives with his mother, who is head of the household and about two to four siblings (although there are likely more siblings outside of the home). He would have heard often that he is loved, but might have missed school because his parent told him that bus fare and, or lunch money was not available. He would have moved at least once. He would know what it is like to be picked on in school and he would have been suspended and, or expelled at some point from a school in which fighting is relatively common. He is likely to have a relative as an adult confidant and to have a family member who has been in conflict with the law. He is likely to be from Kingston and St. Andrew or some other urban parish with gangs in the community. He would have been affiliated with a gang at some point. His community is one in which marijuana is readily available for use and, he would have seen and, or heard someone being shot in the community. Fights are also not uncommon on those streets. He is likely to have used alcohol and possibly marijuana. He has experienced the loss of a family member, such as the death of a grandparent. He is likely to be a football player who admires the likes of Vybz Kartel and Asafa Powell. He perceives religion to be important and he has a part time job. If the child in conflict with the law is a female, her profile is very similar except that she is likely a better reader than a male CCL and she has experienced some abuse.

CHAPTER 5:

EXPERIENCES IN THE JUSTICE SYSTEM

Among the 254 children in the total sample, 21 were not in a facility. Sixty-eight (27%) were in CDA facilities and 164 (65%) were in DCS facilities (table 16).

Table 17: CCL Respondents at Each Facility

Facility	Number of Respondents	Percent
St. Augustine (CDA) Males	7	3.4
Hill Top (DCS) Males	40	19.2
St. Andrew Remand (DCS) Males	46	22.1
Granville (CDA) Females	9	4.3
Homestead (CDA) Females	23	11.1
Ft. Augusta (DCS) Females	16	7.7
Glenhope (CDA) Females	5	2.4
Rio Cobre (DCS) Males	41	19.7
Horizon (DCS) Males and Females	21	10.1
Total	208	100.0

CCL Experience with the Police

According to a practitioner respondent from the MNS, about 75 to 125 juveniles are in police lockups per month. The person added that at the police stations the juveniles are placed in a different cell from adults. Indeed, children in need of care and protection might find themselves in police lockups until there is a court order to take them to a CDA facility. Further, the practitioner added that in July 2010 there were at least eight girls who passed through police lockups versus 116 boys. The reasons included uncontrollable, possession of marijuana, breach of Dangerous Drug Act, and simple larceny. Others might be runaways or in trouble for unlawful wounding.

The children's narratives about their most recent interaction with the police were coded as positive, negative or mixed.

- Positive narratives (25%) were ones in which the children said that the police treated them well or alright; the negative narratives (53%) were complaints about their treatment by police which included being cursed at, beaten or interrogated harshly (table 17).

In some of these cases, the children stated that the negative police behavior was in response to their less than cooperative behaviour. Mixed narratives (13%) described the police as both having acted positively and negatively.

- While there was a spread across the parishes of positive reports, most of the negative reports were from Kingston and St. Andrew (39%), St. James (13%) and St. Catherine (11%), then, to a lesser extent Clarendon (7%) and Westmoreland (6%) (table 18).

When asked how long it was after being taken into custody that they saw a judge, the responses ranged from a day to six months. Such reports, plus descriptions of being held in police lockups while undergoing physical and psychological coercion to confess to criminality warrants attention and, at a minimum, an investigation.

Table 18: CCL Experiences with the Police

Experience		Frequency	Percent
	No Response	20	9.6
	Positive	51	24.5
	Negative	110	52.9
	Mixed	27	13.0
	Total	208	100.0

Table 19: Experience with Police by Parish

Parish		Experience with Police				Total
		Not indicated	Positive	Negative	Mixed	
		1	0	0	0	1
	St. Ann	1	4	6	1	12
	Clarendon	3	5	8	1	17
	St. Mary	0	3	3	1	7
	Hanover	0	0	1	0	1
	St. Thomas	0	2	4	1	7
	St. Elizabeth	0	0	4	1	5
	Kingston & St. Andrew	8	16	43	15	82
	Westmoreland	3	2	7	0	12
	St. Catherine	2	6	12	4	24
	Manchester	0	1	5	1	7
	Trelawny	1	4	2	1	8
	Portland	0	1	1	0	2
	St. James	1	7	14	1	23
Total		20	51	110	27	208

The responses from the practitioners validated those from the children regarding the police. The practitioners' perceptions of the police were mixed and seemed to vary by region. In some

places, the police were perceived as either unavailable or late in responding to conflicts. In other areas they were considered very responsive – but even then, persons thought that children are held for too long in lockup. At least one person thought that people call the police too often for things that might be handled without them. The practitioners also reported that many children are afraid of the police and concerned that the police will disappoint them by revealing confidences to their parents or to perpetrators.

Forty-two per cent of the practitioners spoke negatively about the police. Some wondered if the police had a copy of the CCPA while some reported that the police need to be more professional and respectful with children. To this end, the police seemed in need of training in interacting with minors.

The police were also described as a potentially great resource in that male police officers could be a sort of father figure. More of them might volunteer on a regular basis to work with and talk to the children. One person reported that there is a School Resource Officer boot camp for boys and girls in St. Catherine about which the reports are very good (note: “boot camp” might not be the most accurate label for the programme). Overall, 58% of the practitioners described the police as effective.

CCL Reports about their Experiences in the Courts

At DCS children were either on remand or serving correctional orders. The researchers were told by a staff member at the MNS that a case might last for a year, but on less serious charges, they tend to be settled in three to four months. The person added that there are two family courts plus other resident magistrate courts which have times set aside for children proceedings.

Regarding court, many of the children admitted being very nervous; many had a female judge who seemed pleasant enough but, many did not get the chance to tell their version of their story. Indeed, some seemed surprised and even betrayed by their probation officer’s description of events in court. Usually, at least one family member, often the mother, attended court even though the frequent remands were challenging and for some, costly. At times, family members missed court because the remand dates were unclear and lengthy delays were abundant. Some heard their parents reprimanded by the judge (appendix C26).

- The most positive court experiences were those where the judge asked them questions (they felt heard), then offered advice.
- Sixty-eight percent (142) of CCL had no attorney (table 19).
- Twenty-seven percent of the CCL males reported having a lawyer versus 23% of the CCL females. For the males, these were largely legal aid lawyers given the gravity of their offence.

In the absence of an attorney or any contact with one, the children tended to plead guilty as charged. Attorneys were more likely provided by the state in cases of a homicide or firearm charge.

- Even when a child had an attorney – contact with that person was infrequent.

There was a common belief among the practitioners that many of the boys in conflict with the law would not be in the justice system if they had an effective lawyer. Indeed, one practitioner reported that some legal aid lawyers do not perform effectively or visit clients unless the child's family can afford to give them some money on the side. One practitioner reported that while parents seemed more inclined to hire an attorney for their daughters, they seemed less inclined to do so for sons.

Most of the children did not understand the court proceedings or exactly when they might realistically expect to leave the residential facilities. Overall, 37% described negative court experiences, while 22.6% said that their experience was positive; 62% described a mixed picture of positives and negatives.

Overall, where children in conflict with the law are concerned, Jamaica's legal machinery appears rather slow and inefficient to dispense "justice". Many of the more serious offenders were 17 years old and with their cases still in progress they are likely to find themselves in the adult system before a disposition on their present case. Also, it appears wasteful to transport a remandee back and forth from distances like Montego Bay to Stony Hill for court. Possibly the boys are safer being transported so far away if they are being threatened – but this was not the case. Many boys in particular reported that they had few visits because it was costly for family members to travel so far to see them. This was stressful for the boys who have not yet been convicted. It is worth examining how effectively accused children are able to assist in their own defense – often with no attorney and if locked up far away from family and the alleged location of the offense and potential witnesses. It may be overly challenging to have a few attorneys (legal aid or private), with high caseloads, see clients and make it to their various court dates around the island. Attending court could also be burdensome for witnesses. These are challenging logistics that result in cases being postponed repeatedly for extended periods. Plans for one location - Metcalfe Street as a new child remand centre are likely to face these impediments to justice unless logistical issues are addressed.

Table 20: CCL Did you have an attorney in court?

Had an Attorney in Court	Frequency	Percent
NO	142	68.3
YES	49	23.6
Total	191	91.8
Missing	17	8.2
Total	208	100.0

Residential Facilities (CDA and DCS)

The children who were interviewed had been in the facilities from a few hours to two years; often they did not know how much longer they would be there. Many assumed that they would leave on their next court date, only to hear their case mentioned and the proceedings postponed – yet again. Almost all of the children reported that they did not expect to see themselves in their present circumstances again, largely because their situation was not the best. They reported that

the most troubling aspects of their stay were: their lack of freedom, fear of violent victimization by other children; missing family members; a lack of basic hygiene items and clothing and distaste for the food. Most appreciated were: staff members whom they sensed sincerely cared about their well-being and the education programs. Sleeping arrangements included dorms housing over 30 children, which indicate that privacy was scarce during a physiological developmental period when it is often craved the most.

Overall, there were accolades about the educational opportunities in these facilities, although some children thought that more could be done. At CDA facilities some of the children attended schools in the community. Those being prepared for CXC saw the opportunity as a blessing, because, although they were out of the regular school system they were given a chance to continue their education. Others said that they had learned discipline, anger control and how to resist temptation. Negative facility experiences included fighting, stealing, homosexual behaviour, gang fights, inadequate programming, the food and poor treatment by staff (beating, etc.). Some children said that there was nothing good about their facility placement. As one child said:

“Over here let you get worse”; “[I] learn things that I was not exposed to at home.”

The responses from the practitioners validated those from the children. The practitioners’ comments on the Department of Correctional Services (DCS) included that they are in need of resources, personnel and equipment. Children need more than one set of clothing; some do not get visits and do not have necessary clothing [this left the researchers wondering why boys did not have uniforms like the girls]. They also need more from the government for food, medicine and hygiene products.

In various locations practitioners recounted that a lack of adequate personnel means interventions are not as effective as they could be. Personnel shortage in some rural areas is grave (what is needed is persons with the right personality, integrity and knowledge for the job). Some reported that DCS should offer warders more training and do more to see that children leave “better, not bitter”. As one person put it, it was “unclear what DCS does for children beyond generating fear.” There was a need to see the children more as individuals and to build relations with their parents and having programmes towards rehabilitation. There were reports of difficulty contacting persons about picking up children for court and doing family reintegration work. Eleven per cent stated that reorganization is necessary.

Facility Rules, Procedures and Programming

Among the CCL, 84% reported that the facility rules were clear to them (77% of CCL in CDA facilities and 86.6% of CCL in DCS claimed that facility rules were clear) (table 20). Rules were usually posted on a wall. There was commonly an orientation soon after admission. Most CCL (62%) reported knowing what to do in the event of a fire. At least 50% of CCL were concerned about being attacked in the facility. There were many reports of jammers (sharp weapons made from metal or other available materials),

interpersonal conflicts and fights: however, 79% said that they knew how to find help if they were being threatened or assaulted. Fifty-seven per cent of CDA – CCL and 67% of DCS – CCL reported satisfaction with the educational programming. Forty-six per cent (96) had received some form of psychotherapy/counseling.

Table 21: CCL Are facility/ programme rules clear?

Type of Facility		Whether Facility Rules Are Clear			Total
		No Response	NO	YES	
	CDA	6	4	34	44
	% Facility	13.6%	9.1%	77.3%	100.0%
	% Rules are Clear	35.3%	26.7%	19.3%	21.2%
	% of Total	2.9%	1.9%	16.3%	21.2%
	DCS	11	11	142	164
	% Facility	6.7%	6.7%	86.6%	100.0%
	% Rules are Clear	64.7%	73.3%	80.7%	78.8%
	% of Total	5.3%	5.3%	68.3%	78.8%
TOTAL		17	15	176	208
	% Facility	8.2%	7.2%	84.6%	100.0%
	% Rules are Clear	100.0%	100.0%	100.0%	100.0%
	% of Total	8.2%	7.2%	84.6%	100.0%

In terms of responses to a question about whether or not they knew what to do in the event of a fire, 84.1% of CDA-CCL residents said “yes” versus 56.7% for DCS-CCL residents (appendix C27). The lower per cent for DCS seems to be affected by the high turnover of residents at St. Andrew Remand Centre; but, the procedures for fire safety instruction at Horizon and Rio Cobre appear in need of further examination. In terms of knowing how to find help if they or someone else is being assaulted or attacked in the facility, the results were similar: 80% of CCL in CDA said “yes” while 79% in DCS said “yes” (Table 21).

Table 22: CCL Do you know how to find help if you or someone else is being assaulted or threatened?

Facility			Able to Find Help			Total
			No response	NO	YES	
	CDA		3	6	35	44
		% Facility	6.8%	13.6%	79.5%	100.0%
		% Able to Find Help	37.5%	16.7%	21.3%	21.2%
		% of Total	1.4%	2.9%	16.8%	21.2%
	DCS		5	30	129	164
		% Facility	3.0%	18.3%	78.7%	100.0%
		% Able to Find Help	62.5%	83.3%	78.7%	78.8%
		% of Total	2.4%	14.4%	62.0%	78.8%
		TOTAL	8	36	164	208
		% Facility	3.8%	17.3%	78.8%	100.0%
		% Able to Find Help	100.0%	100.0%	100.0%	100.0%
		% of Total	3.8%	17.3%	78.8%	100.0%

Table 23: CCL Are you concerned about being attacked in this facility/programme?

Type of Facility			Concerned About Possible Attack			Total
			No Response	NO	YES	
	CDA		4	22	18	44
		% Facility	9.1%	50.0%	40.9%	100.0%
		% Concerned	30.8%	24.7%	17.0%	21.2%
		% Total	1.9%	10.6%	8.7%	21.2%
	DCS		9	67	88	164
		% Facility	5.5%	40.9%	53.7%	100.0%
		% Concerned	69.2%	75.3%	83.0%	78.8%
		% Total	4.3%	32.2%	42.3%	78.8%
Total			13	89	106	208
		% Facility	6.3%	42.8%	51.0%	100.0%
		% Concerned	100.0%	100.0%	100.0%	100.0%
		% Total	6.3%	42.8%	51.0%	100.0%

Table 24: Expressions of concern about possibly being attacked while in the facility

Institution	Concern About Potential Attack in the Institution			Total
	No Response	Not Concerned	Concerned	
St. Augustine	1	6	0	7
% of Total	.5%	2.9%	.0%	3.4%
Rio Cobre	0	14	27	41
% of Total	.0%	6.7%	13.0%	19.7%
Hill Top	2	20	18	40
% of Total	1.0%	9.6%	8.7%	19.2%
St. Andrew Remand	7	22	17	46
% of Total	3.4%	10.6%	8.2%	22.1%
Granville	1	4	4	9
% of Total	.5%	1.9%	1.9%	4.3%
Homestead	2	9	12	23
% of Total	1.0%	4.3%	5.8%	11.1%
Ft. Augusta	0	2	14	16
% of Total	.0%	1.0%	6.7%	7.7%
Glenhope	0	3	2	5
% of Total	.0%	1.4%	1.0%	2.4%
Horizon	0	9	12	21
% of Total	.0%	4.3%	5.8%	10.1%
Total Count	13	89	106	208
% of Total	6.3%	42.8%	51.0%	100.0%

Table 25: CCL Satisfaction with School Programming in the facility (CCL only)

Type of Facility	Satisfaction with School Programming				Total
	No response	Satisfied	Neutral	Dissatisfied	
CDA	3	25	8	8	44
% Facility	6.8%	56.8%	18.2%	18.2%	100.0%
% School Programming	27.3%	18.5%	44.4%	18.2%	21.2%
% of Total	1.4%	12.0%	3.8%	3.8%	21.2%
DCS	8	110	10	36	164
% Facility	4.9%	67.1%	6.1%	22.0%	100.0%
% School Programming	72.7%	81.5%	55.6%	81.8%	78.8%
% of Total	3.8%	52.9%	4.8%	17.3%	78.8%
TOTAL	11	135	18	44	208
% Facility	5.3%	64.9%	8.7%	21.2%	100.0%
% School Programming	100.0%	100.0%	100.0%	100.0%	100.0%
% of Total	5.3%	64.9%	8.7%	21.2%	100.0%

The Presence of Contraband and Gangs

Contraband in the facilities included jammers (often made from window and mattress parts), marijuana, liquor, cigarettes, food, cash, cell phones, scissors, knife and lighters. Reports were that contraband could be secured at the gate of one facility, thrown over the fence at another, brought in by warders in some places or brought in by children, who had been to court for the day. Boys seemed most concerned about their safety at Rio Cobre. Indeed, younger, smaller-bodied boys appeared to be terrified that sudden violence might befall them. In response to a question about their experience at the facility, some of the responses were:

“These places are crosses; bear war a tek set.”

“Fights happen almost every day - in dorm, class, on field, everywhere.”

“A lot of bad things; people get stab up and thing.”

Rio Cobre staff gave the impression that the threats were not as serious as some boys projected them to be, regardless, some boys reported being so tense, that they utilized marijuana regularly to relax. Regarding the presence of gangs in the facilities, 34% of the CCL said there were gangs. It is unclear how many of these represent gangs from the community or gangs sporadically formed in the facilities such as “Kingston Boy” versus “Country Boy” groups. The researchers suspect that many more children would have spoken of gangs in the facility (given their nervous body language in response to the question and for some - a mischievous smile rendered when

delivering a denial of the presence of gangs). There were also a number of reports of specific warders beating the boys if they misbehaved (table 53).

External Communication Restrictions

Eighty-one per cent reported not having access to a telephone. They mentioned that when access is provided it is restricted (table 25). At one facility (Clarendon) boys reported that they must pay \$50.00 for calls. They said that requests for calls were often denied or excuses made (problems with the number; not allowed per some infraction). It was not evident to the researchers that children would be allowed to contact the OCA if they desired to do so. There were reports of certain appeals for assistance being intercepted by CDA staff and the children involved being publicly humiliated for having written. Letters were seized, not mailed, in some cases read aloud to all with chastisement as a warning of what not to do. At DCS facilities, given security concerns, phone restrictions were not unusual and the researchers were told at one location that phone calls are not a right. At CDA facilities only 11% of CCL reported access to a telephone; at DCS facilities only 8% reported likewise. This indicates a widespread violation of the CCPA which mandates that communications/access to OCA must be facilitated.

Table 26: CCL Do you have access to a telephone?

Facility		Access to a telephone in the facility			Total
		No Response	No	Yes	
CDA		2	37	5	44
	% Facility	4.5%	84.1%	11.4%	100.0%
	% Access to Telephone	10.5%	21.6%	27.8%	21.2%
	% of Total	1.0%	17.8%	2.4%	21.2%
DCS		17	134	13	164
	% Facility	10.4%	81.7%	7.9%	100.0%
	% Access to Telephone	89.5%	78.4%	72.2%	78.8%
	% of Total	8.2%	64.4%	6.3%	78.8%
TOTAL		19	171	18	208
	% Facility	9.1%	82.2%	8.7%	100.0%
	% Access to Telephone	100.0%	100.0%	100.0%	100.0%
	% of Total	9.1%	82.2%	8.7%	100.0%

Children had complaints about the food being unappealing, dinner being served early at some facilities thus leading to hunger at night, infections – eyes, rashes; and, distrust of staff at most DCS facilities. While most reported that there was a process for complaining, only 48% of the CCL in CDA facilities and 52% in the DCS facilities thought that they could complain without retribution for doing so (table 26). Case in point, at some of the correctional facilities the

children expressed doubt that their tokens from OCA for participating in this study would ever be received if left with facility staff (notably, this was not expressed by any child at Hill Top).

Table 27: CCL: Are you able to complain without retribution for doing so?

Type of Facility			Able to Complain			Total
			No Response	NO	YES	
		CDA	13	10	21	44
		% Facility	29.5%	22.7%	47.7%	100.0%
		% Able to Complain	31.7%	16.7%	19.6%	21.2%
		% of Total	6.3%	4.8%	10.1%	21.2%
		DCS	28	50	86	164
		% Facility	17.1%	30.5%	52.4%	100.0%
		% Able to Complain	68.3%	83.3%	80.4%	78.8%
		% of Total	13.5%	24.0%	41.3%	78.8%
		TOTAL	41	60	107	208
		% Facility	19.7%	28.8%	51.4%	100.0%
		% Able to Complain	100.0%	100.0%	100.0%	100.0%
		% of Total	19.7%	28.8%	51.4%	100.0%

When asked about experiences at their current residential placement, the responses were mixed. The negatives included food, experience of gang fights, homosexual activities and fighting. Other experiences were very positive, and those reports seemed to correlate with the caliber of the management, for example, the responses from the boys at Hill Top were the most positive out of all the facilities.

Overall, the plans for after release included pursuing more CXC, HEART, art, and/or employment. Career choices for boys were largely policing and the military; for girls more education, cosmetology or retail.

CHAPTER 7:

PRACTITIONERS' PERCEPTIONS OF SOME SERVICE PROVIDERS AND SOME OBSERVATIONS

The Office of the Children's Advocate (OCA) included that the office tries to keep others "on their toes"; that it is a CDA watchdog to whom persons may go if they are not pleased with the services. However, some believed that OCA is plagued by limited resources. As one person articulated:

Some stated that the Advocate's visits to facilities are too infrequent. Many however, were unclear about just what the OCA does; one person queried – whether the OCA acts only after a crisis. It was suggested that the OCA office is "not well marketed."

*"Reports are done but there is a need for more action.
Without the latter, they are not effective."*

Practitioner Perceptions of the Child Development Agency (CDA) included that "they are trying, but enough is not being done." There were suspicions that abuses within CDA facilities might not be a thing of the past – but nothing was explicitly offered to substantiate such suspicions. One person stated that unless an officer is called to bring a child to a CDA facility, the child may be turned away because CDA apparently has a shortage of spaces. Why the high demand for spaces? At least 6% perceived that society has changed, many people are stressed, others cannot be bothered to do what they should, and find it easier to just send a child to CDA.

Sixty-seven per cent of practitioners thought that CDA was doing a good job but that more resources (69%) and re-organization (11%) are necessary. There is also a need for improved accommodations and programming with a focus on discipline and education.

Some of those who worked directly with girls thought that girls under 12 in need of care and protection should not be housed with older girls, especially those in conflict with the law because the latter were a negative influence on the younger ones. They added that, most of the activities at these facilities are for the older children; younger girls in particular are neglected in the programmes offered. They thought it inappropriate to house abused children with law breaking children

There were reports that after girls leave CDA, some parents do not want them to return to their homes. Nevertheless, some go to university, others to schools like HEART and some are placed with families after making it clear to those families that CDA was not sending a helper or a babysitter.

Perceptions of Social Workers and Counselors were that social workers and counselors get the children after much harm has already occurred. It would be good if their interventions occurred before the problems are so far gone. As is, they are limited by the state in what they can do given large caseloads and slow action and a need for additional staff. With much to do, needed counseling becomes less and less a part of daily job functions. In some areas, they are not

available to all. When parents need to attend appointments, not having funds for transportation means interventions do not occur as they should.

Both counselors and social workers expressed a need for better facilities in which to work, for example, one way mirrors, child play area, staff room, and more staff. From January to June one counseling office saw 542 clients. Most of the counseling referrals were from the CDA, private doctors and schools. Some facility staff perceived that there is a need for mature, seasoned counselors who can understand the children's minds because as one person articulated, "the children play around with the inexperienced ones."

Fourteen per cent perceived that there is not enough interaction with wards and a need for greater follow-up on release. Practitioners commonly reported that Child Care officers need to do more to prepare the children for release including finding the best places for the child – not just a place.

There was a perception that policy-makers are not clear about what social workers do, so, positions are not created for them. They are also underpaid; as a result many migrate or work in the private sector. Social workers need time for professional development and support to avoid taking much of their work issues home. They are also limited in where they can go to offer community education – sometimes they are simply not invited to areas where the education is needed most.

Social workers reported that it would be helpful for them to have access to emergency physical resources to assist persons who come to see them instead of sending them to several places in search of assistance, for example:

"Many people come to the office hungry or needing other support – after telling their private pains – why should they have to go to several other places – repeating details that are difficult for them – in order to get help?"

Social workers also suggested that their workload be re-considered for example, if social worker A is running groups, social worker B might be focusing on individual appointments – not expecting one person to do all things. There was a suggestion to add chaplains to the available counselors.

Practitioner Perceptions of Psychiatrists and Psychologists were overall positive. Their efforts were largely described as effective. In some cases the researchers were told that psychiatrists are available but not psychologists. Another view was that psychiatrists use a medical model that involves medication when long term counseling might be a more productive approach. There was a concern about depending too much on medication instead of listening to the children.

Practitioner Perceptions of Probation officers were largely that they are not performing as they should be. Reports were that the children would like to see them more often and would like greater efforts from probation officers toward family reintegration. Some boys felt betrayed by probation officers whose harsh reports and recommendations to the court took them by surprise.

Apparently, probation officers could also be described as “trying to serve,” but limited by resources. It is often unclear to the children and the staff where to seek help or make reports. The researchers’ observations further include the following:

Glenhope and Homestead (CDA): These girls seemed more literate than most in the overall sample. Some seemed in need of serious therapy given abuse. Unlike those in some DCS facilities, these girls were not in uniform.

Strathmore (CDA) left the researchers wondering about the wisdom of having teenagers, young babies, boys, girls and disabled children together. The teenage girls seemed to “mother” the young children. The researchers wondered about the availability of therapy in CDA facilities for victims of abuse. Rehabilitation was not evident.

Granville(CDA) also left the researchers wondering about the wisdom of having girls under the age of 12 around older girls and ones with disruptive mental issues. From older girls there was cursing and fighting and one girl, with mental issues – the researchers were told would sit naked at times. What is the effect of all this on the youngest girls? The girls reported very good things about the staff, but disgust at some of their peers.

St. Augustine (CDA) was the only place visited without a fence, wall or gate. There were a group of young men lingering just outside the entrance. The researchers were told that marijuana could be purchased from persons just outside the compound. Indeed, a number of boys asked the researchers for “bag juice” (beverage) money which they doubted would have gone to “bag juice”. What they heard led them to suspect it might go toward phone calls, marijuana or bus fare to run away. This was the only place that they were told that telephone calls cost \$50 each.

The researchers were unsettled by the disparity in the condition of the manager’s yard on the compound compared to the boys’ facility; for example, the manager’s home was nicely painted, yard cut and well landscaped. None of this was true for the boys’ facilities. Indeed, the football field had almost knee high grass. Whatever justifications might be offered for this disparity in upkeep, to observers, including the boys, a message of a lesser regard and care for the children is glaring. The gentrification literature indicates that when such glaring disparities in living conditions exist, deviance from the lesser party is likely to increase (Lee, 2010). Again, the wisdom of having younger boys with older ones was a concern.

St. Andrew Juvenile Remand (DCS): The facility is in dire need of repair given its many leaks in the dining area and halls, striping paint, exposed walls and poor flooring. Many boys at St. Andrew were functionally illiterate as evidenced by their inability to read items on the interview instruments.

Rio Cobre (DCS): Physically appealing, but many boys here exist in dread of victimization by bigger boys. There were also reports of Kingston versus Country Boy gangs in the facility. Many boys here showed the researchers dirty teeth and solicited basic items like underwear, shirts, deodorant, toothbrushes, toothpaste, blankets and sheets. How legitimate these appeals are is not very lucid. The researchers were told that the housemother and the assistant superintendent see that these needs are met. There were also reports of boys throwing these basic items over the fence in exchange for marijuana. There was one report of a guard facilitating these illicit behaviours.

Hill Top (DCS) was the most pleasant experience – there were no complaints about staff and no expressions of concern that the boys’ tokens would be stolen. Indeed, the boys spoke well of the staff. The superintendent seemed to set a calm tone amongst staff and the boys. He mentioned that he listened to the boys and followed through on commitments. He mentioned a new approach which has reduced fighting. The boys did not appear to be in need of basics as at other places; nor did they exist in a state of dread at being attacked by other boys. The superintendent said that he had a dire need for instructors in various trades for the boys. The researchers suspect that in this rural area many need a job; but this superintendent seems very careful and rightfully so about the quality of the staff whom he employs. The researchers met the boys’ medical doctor who volunteers to teach CXC mathematics from 4:00 - 7:00 p.m. once per week. This left the researchers wondering about the possibilities of soliciting more volunteers from amongst retired persons, the Peace Corps, et cetera.

Ft. Augusta Adult Correctional Centre (DCS) is a female maximum security prison with a capacity of approximately 260 inmates where girls are also housed as permitted by legislation. The visit there left the researchers concerned about the wisdom of having children on a compound with adult women inmates. Apparently, girls are sent to Ft. Augusta if they have been particularly disruptive at other less restrictive facilities. Here, the girls wear uniforms, which indubitably, reduce conflicts related to disparities in attire. Correctional uniforms are also a way of stripping away a person’s past and coercing them into a new identity and role (Ulasewicz, 2007).

Horizon Remand Centre (DCS) is an adult facility which by legislation might also house juveniles. There, the facilities for females to which the researchers were exposed were hot and reportedly frequented by rodents. It is worth questioning the wisdom of having these youngsters on grounds with over 500 adult male offenders and limited programming. Apparently, the girls are kept out of the sight of the male inmates.

At Horizon, the male children reported that there was in-house Kingston versus Country Boy gangs in the facility much like the case at Rio Cobre. There were also reports of the presence of “jammers” (shanks), lighters, marijuana and cash. One boy said he never smoked marijuana until he got there. Apparently, some boys bring cash back from court appearances and reportedly marijuana could be purchased for \$100. There was a report that guards were involved in the provision of marijuana. There seemed to be an accumulation of more serious child offenders here (alleged murderers and firearm offenders). The children spoke well of the correctional staff, but there were many complaints about the food (the researchers did not hear this elsewhere). The staff reported being plagued by a lack of fiscal and human resources.

Theoretical Conclusions

In many countries, including Jamaica, those who break laws are not always the ones found to be in conflict with the law. As Moffitt (1993) and others have theorized, breaking laws are so common in adolescence that they might be considered a normal part of youth, given the incomplete prefrontal lobe development of the brain and in turn, its decision-making functions until about age 24. Nevertheless, only some segments of the society are likely to receive the official label of a “child in conflict with the law”. As neo-Marxists and labeling theorists explained, those with the powers to make laws and administer them decide by their responses to children in various segments of the society who will be the “children in conflict with the law.” While the Jamaican government has embraced an approach to move away from labeling children as “delinquents” or “criminals” by requiring the use of the euphemism “child in conflict with the law,” the actions to support this new label are not sufficiently evident, nor are they far enough along to satisfy international standards of justice for children; for example, housing children in conflict with the law in proximity with adult offenders. It appears that those with the power, to effect meaningful legislative change and subsequent action, have not addressed the educational and employment marginalization of vulnerable persons in the society. The result is that largely illiterate or near illiterate, poor children are the ones who are tagged “children in conflict with the law” or those allegedly in conflict with the law.

The responses from this study support Black’s conclusion that law is harsher on those who are most marginalized from mainstream society and its institutions. Overall, their experiences with the police and the courts could be more positive. There are also serious problems in the quality and slow process of justice that children receive. The findings also support Moffitt’s position that youth law breaking reflects poor judgment and a related increased susceptibility to the influence of peers in that, the boys largely attributed their trouble to being with peers and idle on the streets. The findings are also in keeping with the research that indicates that one of the strongest predictors of children coming into conflict with the law is poor parental monitoring and supervision (Gibson, 2002). Indeed, a single parent who works long hours and who has other children might find it too challenging to offer quality monitoring and supervision to each child. The children in conflict commonly reported that they were often not monitored but in the streets with “bad company”. This was also in keeping with what the practitioners had to say. For some females in conflict with the law, an absence of quality supervision facilitated their being sexually exploited.

The findings also support the propositions of bonding or control theory (Hirschi, 1969) in that weak bonds to conventional society increase the likelihood of coming into conflict with the law. Most notably, would be a low commitment to school given literacy challenges and school violence that renders school unpleasant. Indeed, as the practitioners (74%) reported many of the boys in conflict with the law are barely literate. Several children in conflict with the law (50%) also described school as a place of academic frustration and fights. Parental attachments also appeared weakened given economic pressures. Markedly, the results indicated that Non-CCL were more likely to mention their mother as a daily confidant than were CCL. Involvement was

largely limited to less organized activities such as football for the boys. Organized activities such as youth clubs might offer more in the way of education and mentorship. There remained a strong belief however, that education was important.

Overall, given the profile of the child in conflict with the law there was a consensus among all of the practitioners that more could be done to prevent conflict with the law BEFORE it occurs. For the most part interventions should involve improved parenting and supervision, improved education and the availability of positive activities to keep children away from the dangers that come of idleness and negative peers.

Jamaica's Compliance with International Standards

Based on the findings from this study, although Jamaica has made great strides in addressing the needs of the children, there are many areas of concern pertaining to CCL. These children have been denied a number of rights including education and quality individual development efforts.

The deficits include compliance with the Convention on the Rights of the Child regarding the normative framework for the administration of juvenile justice as expounded in the Havana Rules, the Beijing Rules, the Riyadh Guidelines and the Vienna Guidelines. A number of violations were evident in the findings. Many of the CRC principles have been violated, in particular, Articles 3, 9, 10, 16, 24, 37 and 40. In not adhering to these Articles, the country is therefore not in compliance with many of the international principles.

Areas of concerns from the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules) include:

- The provision of suitable living accommodation and suitable prepared and presented meals
- Juveniles being allowed to maintain contact with families, via telephone or visiting
- Juveniles having the opportunity to make a request or complaint to the proper authorities without fear of censorship
- Appropriate trained professionals with knowledge of the laws and standards pertaining to the care of juveniles in detention facilities.

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) describe fundamental principles for developing comprehensive social policies. The goal of the rules is to promote the welfare of juveniles toward minimizing the need for the justice system's intervention. Jamaica needs to attend to:

- The development of conditions conducive to proper growth and development (working with families, communities, etc).
- Having qualified and trained personnel working with the juvenile population
- The use of diversion, especially within the community
- During the adjudication and disposition of juvenile cases, the juvenile's right to be represented by legal counsel
- Juveniles being entitled to a speedy trial

- Personnel dealing with juvenile cases should be involved in ongoing training and education to maintain professional competences
- Juveniles being kept separate from adults
- Parents and guardians having a right to access their juvenile
- Reintegration programs for released juveniles
- Services for juveniles systematically planned and implemented as an integral part of national development

Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules) speaks to the general management of institutions.

- All accommodations, including sleeping accommodation should meet all health requirements and standards
- Provision of appropriate bedding
- Nutritional meals at the appropriate time of day
- Detained persons being allowed to communicate with their families
- Transportation of detained persons to and from the institution to be done in a vehicle with adequate ventilation and light

Body of Principles for the Protection of All Persons under any form of Detention or Imprisonment:

- Persons in detention shall be subject to treatment appropriate to their un-convicted status
- Detained persons being heard promptly by a judge or other authority
- Where the interest of justice so requires, a detained person shall have a counsel assigned, free of charge, and given adequate time to consult with counsel
- Right to be housed in a place of detention close to one's usual place of residence
- A detained person shall not be coerced to confess, to incriminate himself or to testify against any other person
- A detained person have the right to make a request or complaint as to the treatment received in the institution, to the appropriate authority, without fear of prejudice
- Request shall be promptly dealt with and replied to without delay
- A detained person on a criminal charge shall be tried within reasonable time or be released pending trial

Recommendations Given International Standards

Guidelines for Action on Children in the Criminal Justice System (Vienna Guidelines) - must be incorporated to have a fully functional justice system for children:

- Due attention given to delinquency at the national level
- Respect for human dignity
- A rights-based orientation to programs
- Holistic approach to implementation by maximization of resources and efforts
- The integration of services on an interdisciplinary level
- Continued participation of children and the concerned sectors of society
- Empowerment through development at the micro and macro levels (family, community and wider society)
- Accountability and transparency of operations
- Proactive responses based on preventive and remedial measures
- Allocation of adequate resources especially at the community level
- Communication with and among the police, judges, local communities, schools, churches, et cetera.

United Nations Guidelines for the prevention of Juvenile Delinquency (Riyadh Guidelines) specifies the importance of the prevention of juvenile offending as an integral part of crime prevention.

- Society ensures the harmonious development of the child from birth to adolescence
- Policies to meet the varying need of young people
- Informal agencies of social control (family, school, church) being involved in the prevention of juvenile delinquency
- Prevention plans at every level of the government
- Prevention policies aim at successful socialization (involving the family, including the juvenile) early in the process
- Respecting the personal development of all children
- Working directly with families

Jamaica has made substantial progress in the past five years in its care of children, but much more is necessary. These efforts require a commitment of resources and a process of continued evaluations and improvements.

Recommendations from this Study

Long Term Initiatives

CULTURALLY: Take Initiatives to Change the Level of Violence in the Culture

The most common offences [uncontrollable behavior (24%) and unlawful wounding (18.8%)] suggest that there is a need to address conflict resolution within families and amongst young people. The children indicated that behind much of the conflict that manifests physically, there is a great deal of financial stress within families. Research from the University from the West Indies (2007) presented in the documentary *Seeing Red: The Science of Violence* supports this conclusion positing that stress, plus exposure to family and community violence might negatively impact the prefrontal lobe resulting in violent responses to perceived crises.

This could begin with public education campaigns that urge persons to not respond violently to provocation but rather to take time to calm down and/or walk away. Most of the practitioners interviewed recommended parenting classes because parents needed skills and instruction on conflict resolution. Parents could learn how to foster resiliency in their children despite challenging life circumstances. The results of this study indicate that one common risk factor was a poor parent-child personality fit. These might be examined through workshops and/or counseling that are required if a person is receiving specific types of social services. Counseling centers could be instrumental in addressing poor parenting but currently, they lack sufficient human resources and functional work spaces to manage the volume of clients as effectively as they would like.

SOCIO-ECONOMIC: Establish initiatives to improve the economic condition of women and their families.

Most children in Jamaica are born out of wedlock (Registrar's General, 2010), and in this study the most common living situation for CCL was with a single mother. If these mothers' economic circumstances are improved, their children should fare better than coming into conflict with the law. For the most part the CCL perceived that they were loved, but challenging family economics led to conditions that eventually brought them into conflict with the law (e.g. conflicts with parents, lack of adequate monitoring and supervision and perceived needs and limited options for resources). The practitioners recognized that many parents themselves often needed assistance to master a job skill. This should combat the problem of parents being under or unemployed and thus claiming that it is challenging to find lunch money and bus fare to send their children to school. It would also decrease the vulnerability of children to child abuse if their mother does not perceive that she must tolerate abuse to have a man provide for her. With an improved fiscal condition, these women might even move their families out of the communities that the CCL described – ones where gun shots, drugs, gangs, fights and disorderly schools are commonplace.

LAW ENFORCEMENT: Establish effective community policing toward improving child and law enforcement relations in volatile garrison communities.

Most of the CCL were from Kingston and St. Andrew, St. Catherine, St. James, Clarendon and St. Ann. Children from these areas largely described the police and courts negatively. Nevertheless, they described their communities as ones with marijuana, cocaine and guns.

Gunfire, gangs and public fights were norms. If the police craft a successful outreach effort to children in these areas, the children should feel more comfortable communicating with law enforcement about their concerns. After all, 51% of CCL were afraid of being physically hurt; and, 19% were concerned about sexual advances. Police efforts could include anti-gang education given that 43% of CCL reported there were gangs in the community. In the long term, such efforts should produce police-community relations that are more cooperative and effective as community safety improves.

Initiatives Requiring Prompt Attention

PROVISION OF RESOURCES: Against marginalizing segments of the society, the government must evidence commitment beyond mere talk when it comes to children by providing the necessary resources to serve them effectively.

ACCOUNTABILITY: Hold parents accountable and responsible for their children.

Parents should be clear that sending their children to purchase ganja for them; or requiring that children leave home at an early age to make money are unacceptable. Parents should also be expected to know where their children are all day. Practitioners urged that there should be a concerted effort to hold fathers accountable if they abandon their responsibility to their children. While laws already exist in this regard, legislative action that provides for effective enforcement is apparently necessary. Wage garnishment might be explored to see that children are provided for.

LAW ENFORCEMENT: Poverty has rendered some children vulnerable to commercial exploitation, yet such offenses go largely unprosecuted. Law enforcement would benefit from the necessary instruction toward identifying commercial sexual exploitation of children whether by foreigners or locals given that this is clearly a problem for both boys and girls in the sample. The police might also increase their monitoring of strip clubs for underage girls given CCL reports of involvement in such activities.

COMMUNITY ORGANIZATIONS: Offer activities for children at risk to stay busy.

Entities such as religious organizations could be increasingly instrumental in this regard by offering youth outreach for involvement in structured youth activities homework centers, football, netball, police youth clubs, beach trips, mentoring programs, etc. This should counter what the boys described as the ills of being idle and getting into trouble with “bad company”. Some parents work long hours and are simply not spending or are unable to spend much time with their children.

MINISTRY OF LABOUR AND SOCIAL SECURITY (MLSS): Address child labour by providing safe alternatives for income.

Many of the CCL had jobs as a matter of personal need. However, there are serious legal implications given that the CCPA prohibits and restricts child labour depending on the age and the work involved. It is illegal for children under 13 to work, yet two 12 year olds among the CCL had a job. Labour for children 13 to 15 years old is restricted, yet 22 or 11% of all the CCL fell in this age range and had a job or some type of work. Given that the children described their

labour as a matter of need, the MLSS should explore safe, but limited work possibilities such as apprenticeships that would provide some income for older minors in poverty.

Labour inspectors might also give greater attention to supermarkets, construction sites, welding and mechanic shops which could all be dangerous work sites where children are working.

GUIDANCE COUNSELING: Towards appropriate family, health and personal decision-making.

Practitioners urged that girls in particular need stronger families and parents being held accountable. This is in addition to, mentorship, affection and sex education in schools which addresses the risks of early sex while discouraging early pregnancies; social interaction instruction, self-esteem enhancement and support towards pursuing goals. Girls were described as better readers than their male counterparts, but still in need of academic assistance, skills training and a knowledge that they need not depend on a man for support. Guidance counseling in schools and/or the community need to reflect efforts that will reduce female vulnerabilities.

Many thought that the justice system's response to boys in conflict with the law should include academics (49%), behavior therapy (49%) including instruction on interpersonal skills and conflict resolution, apprenticeships (43%), parenting (43%), sports 20% and religion 17%. Regarding interpersonal skills, one therapist urged that, boys need to learn how to value and relate to females, because female objectification leads to violence against women.

MINISTRY OF EDUCATION (MOE): Address the illiteracy and limited literacy of children. Illiteracy should be addressed promptly and aggressively. When children cannot read, critical thinking skills are also under-developed, so too are perceptions of life's options and a sense of autonomy to craft a purposeful trajectory for one's life (Adams, 2009). Children, who learn to read well, will have good reasoning ability and thus, be less vulnerable to criminal exploitation. Poor literacy renders boys in particular more vulnerable to exploitation and the influence of ill-intentioned adults and unwise peers. Thus, given the substantial crime problem in Jamaica, illiteracy should not be taken lightly. More diligent efforts should be made to see that children master reading between ages 3 and 8. This should limit academic frustration, disengagement and school failure which are correlated with coming into conflict with the law. Currently, it appears that the deprivation of sufficient teachers during crucial years (ages 4 to 8) for reading development means that some are underserved.

- Focus on improving boy's reading skills.

Overall the MOE needs to work diligently to see that boys do not "fall through the cracks" especially by grade 7 or 8. Teachers need to address the "class clowns" (who might be acting up because of academic deficits). Some practitioners queried "Where are the special education programs for those who need it?" As one person stated – "Why move illiterate children ...up in grades to be increasingly frustrated until they drop out? While older children go to Jamaica Foundation for Lifelong Learning (FORMERLY Jamaal) for extra assistance, it is hard to find something for younger boys."

- Investigate principals: Require narratives on all cases where a school space has been "abandoned" and attempt to verify these narratives.

Eleven percent of the practitioners urged that the practice of some principals deceiving children into giving up their school spaces needs to stop. Many parents are unaware that principals must keep children in school and that expulsions must go before the school board. What is happening is that children are told that they are expelled. This is not in writing because the parents and students are being manipulated into accumulating absences. If a child is absent for too long the principal may then take that child's space. Those who can pay a fee might get back in. To this end, it should be publicized to parents that suspensions and expulsions must be in writing.

- Consider offering transportation and food assistance to students who appear to need these from the elementary through the secondary level.

Presently, food is provided for elementary students who need it however, practitioners urged that older students get hungry too. Indeed, many of the children attributed their poor school performance to missing school because they did not have bus or taxi fare and lunch money. To further engage students who are immediately distracted by life's pressures to subsist, practitioners urged that the Ministry offers instruction in skills that might lead to gainful employment as part of the secondary school curriculum. Schools also need to address campus violence, including extortions in schools which often translate into fights. These fights place students in conflict with the law.

- Reduce instances of fighting, bullying and extortion in schools.

While some amount of fighting and bullying has long existed in some Jamaican schools, in recent years reports of school violence has increased and the instances seem intensified given some school boys' efforts to imitate community gangs like Clansman and One Order in urban area schools. Indeed, the results herein indicate that 50% of CCL indicated having concerns about school, not only the academics, but "warring"/gangs or student extortionists in the school. Often these same boys had been suspended or expelled for fighting back in self-defense and in a few cases the boys themselves were extortionists. The difference between CCL and the Non-CCL in having concerns about school ($\chi^2 = 6.178$, $df=1$, $p=.013$) was statistically significant. Twemlow (2000), who has studied school violence in different countries including Jamaica, concluded that efforts to combat school violence should focus on the bystander as opposed to the victim or the perpetrator. He concluded that school violence flourishes when persons in the environment, the bystanders, accept the violence. If on the other hand the potential bystanders define the space as one in which such behaviors are unacceptable, then acts of violence will be unlikely.

Students who are most uncomfortable in school are more likely to drop out. Indeed, 34% of CCL reported having quit school. Leaving school prematurely does not always translate into conflict with the law. What happens after might be predicted by the reason the student drops out (Jarjoura, 2006). Those who drop out to help the family are less likely to come into conflict with the law than those who drop out after a series of misconduct episodes. Of course, dropping out limits an individual's earning potential and as such should be avoided.

MINISTRY OF JUSTICE (MOJ): Improve the speed and quality of justice.

Consider limits on how long a child might be in remand. It is inappropriate to have a child in remand for over a year. This negatively impacts behaviour as children may then misbehave out of frustration. Many children were often unclear about what was happening with their case and when they might leave state care. Assisting children to understand their situation should be someone's responsibility and the OCA might see that such questions are answered. Children should be able to articulate the status of their case. Judges should listen to the children in court for they often need to have their side of the story heard. Some practitioners who have observed the proceedings with the children in court perceive that some judges are complicit in fostering a parent-child disengagement by telling parents that children need not return until age 18. Also, hold attorneys accountable for the quality of the legal representation that they provide and scrutinize the quality of the performance of probation officers. Offer all children legal advocacy.

- In the interest of using the least restrictive response, support, create and utilize more community based interventions.

Less restrictive alternatives (such as diversion with warning or counseling, suspended sentences, mandated family therapy, probation, community service and restorative justice), might be utilized; some of these are fitting options for when families initially solicit help with their children. Guidance clinics might be utilized to a greater extent although they presently need more staff. The greater use of community dispositions would avoid mixing more serious child offenders with far less serious ones and with children in need of care and protection. Many children are simply trying to escape a poor home environment but others, the more serious offenders might further socialize the former into criminality and, otherwise terrorize them in the residential facilities. It was troubling to hear how long cases go on with repeated remands and that for seemingly minor offences that might be addressed in less restrictive ways, children languish in facilities for years or until age 18.

- Offer transition assistance for children leaving the system at age 18 years.

Repeatedly it was said that there is a need for halfway houses. These are necessary to re-locate children out of their former communities if necessary. A change of environment may be required, because when some children return to communities, acting differently, they are assumed to be informers and are punished. In other cases, parents do not want them back. Those with the most experience working with both males and females in conflict with the law suggested fervently that the age for leaving the system be extended beyond 18 to when a person has the skills, the job and the community support to succeed independently. Given that 18 year olds are adults, this change would require legislative action. Until then, children should receive supervision. Presently, if a child is released from state custody before age 18 years, he or she is placed under the statutory supervision of probation officers until a day prior to their 18th birthday.

The ideal situation is that when children leave the facilities, probation officers should follow up closely as they require continued counseling, school visits, etc. to see how the girls are progressing. Their parents also need a good support system.

Of course, all efforts should be evaluated and modified as necessary. There must be also, some follow up of the children after they leave the system to evaluate the system's impact.

- Regarding the proposed Justice Plan of Action, a response to the Armadale Enquiry, consider the efficiency of the logistics.

The current proposal is to transfer responsibility for all children in conflict with the law to the CDA. This would make the CDA, in essence the island's juvenile justice system. It appears that the CDA is stretched in dealing with those currently under its auspices. It is not clear what changes would be implemented to facilitate this new responsibility. The researchers were left with the impression that the Department of Correctional Services is doing a more effective job than the CDA in serving children in conflict (or allegedly) with the law given what appears to be a more formal organizational management structure and a more evident focus on rehabilitation, despite human resource limitations at the former. Thus, it is worth pondering the wisdom of plans to move all children in conflict with the law under the jurisdiction of CDA.

According to the children, family members do not visit them as often as they would like while they are on remand because of the expense associated with the travel. One wonders about the effect on attorneys who must travel from one remand out to hearings in various parishes in a timely manner. One also wonders how children might effectively assist in their defense when held in remand miles away from the location of the offence, potential witnesses, evidence, et cetera. This necessitates consideration of at least three remand centres, one in each county.

MINISTRY OF NATIONAL SECURITY (MNS): According to some of the children and practitioners, the police have room to improve the quality of their interactions with children who are allegedly in conflict with the law given the substantial reports of children being roughed up or beaten while in police custody. While children may need to be restrained when not cooperative, there is no justification for beating them in custody. This is against the law.

DCS and CDA:

- Utilize available non-profit organizations and volunteers to provide youth instruction.

The data revealed that many church groups and some volunteers already serve children in the correctional facilities. These persons might be invited to more directly mentor the children or serve as staff in some rural areas where staffing has been problematic. Retired persons and teacher training programs are a potential source of instruction assistance, so too are groups like the Peace Corps.

- Offer year-round academic instruction.

Because so many CCL are far behind academically, school should be held year round (no summer break) in the DCS and CDA facilities in order to assist these children to improve academically. Some practitioners reported that a classroom with 47 boys is too large and, there is a need for more teachers. One person commented that at Rio Cobre there are more teachers in a classroom and that it would be good to see that sort of thing elsewhere.

- Formalize fundraising initiatives.

When asked what practitioners need to be effective, the response from over 80% of practitioners was resources, tools, equipment, and finances. As a result, children spend years in the system because human, physical and fiscal resources are inadequate. Indeed, the entire system of justice for children in Jamaica seems plagued with a lack of resources. DCS and CDA might explore formalizing a fundraising division that partners with non-profits and faith-based organizations, community groups, the private sector and charities in the Jamaican Diaspora worldwide toward securing resources with regularity. There was also an expressed need for training to work with various categories of children in conflict with the law.

- Improve interagency cooperation.

Some practitioners thought that the interagency approach is not working because the co-operation does not exist. The directors of various entities should make a concerted effort to have their agencies cooperate toward shared success. One way to do this is to have joint staff retreats – so that persons in each agency come to know specific individuals in other agencies by name and face - persons whom they may contact as necessary.

- Facilitate children's contact with OCA as required by the CCPA and with family as appropriate.

In each facility, the use of a telephone was largely off limits. Calls may or may not be made by facility staff if requested and the researchers were told that letters of complaints were usually not mailed and actively discouraged. Facility staff should be reminded regularly that children's efforts to contact the OCA must be facilitated by law.

- Diligently see to the safety of the CCL while in residential placement (in keeping with the Child Care and Protection Act, Section 62- Rights of Child in POS).

Become more vigilant in ensuring the safety of the children in the facilities - especially boys, many of whom exist in dread at the possibility of a violent attack in some locations. Avoid housing young children in need of care and protection with older ones found to be in conflict with the law to limit any negative socialization.

In response to allegations of staff corruption and abuses, investigate promptly and thoroughly and maintain records of these investigations. Proactively, there could be more unscheduled checks of facilities and *incognito* observations. Potential employees should be thoroughly screened and post-hire, they should have adequate opportunities to develop their effectiveness in working with children.

Facility orientation on rules and procedures such as what to do in the case of fire - should be done within 24 hours as children are often entering and leaving these facilities. A record of this orientation should be maintained which includes the specific topics addressed. Continue staff

efforts to bond with each child, so that each child may say that he or she has at least one staff member in whom he/she feels comfortable confiding.

Upgrade and maintain the facilities for the children. Someone once said that “children are a message that we send into the future.” As a society that cares about its future, our children are worthy of quality facilities - buildings that do not leak when it rains and are properly maintained along with the surrounding landscape; the adequate provision of bedding, appetizing food, running water, clothing, toiletries, et cetera. Children are worth the expense. Our claims of care should include these basic signs of care.

It was also recommended that the staff in girls’ institutions should be both males and females to normalize these environments.

They should be well-trained, firm but sympathetic. In the facilities the girls might be instructed in trades such as dress-making and hair dressing and they might be exposed to youth clubs, Girl Guides, 4-H clubs, {etc.} toward building morals and improving discipline. The girls also need visits. Some girls seem to have been exposed to lesbianism before entering the system; others are exposed to it here {in both CDA and DCS facilities}.

- Offer effective, evidence based rehabilitation services.

The residential facilities should have the necessary resources available for effective rehabilitation and programming (including behavior change therapy, substance abuse prevention, academics and vocations). Apprenticeships and gainful employment might include: mechanics, food preparation, plumbing and masonry. Facilities also need to offer positive re-socialization; behaviour modification; individual, group and family therapy; drug treatment and sex education. There should be a more purposeful effort to prevent recidivism. To this end conflict resolution; problem-solving; mentorship; academics; sports; and religious programming with a focus on rehabilitation are necessary. Churches, which currently visit regularly, could get more involved by offering programs and there could be greater private sector support. Overall, efforts to treat and rehabilitate need to be more intrusive and occur with intensity year round. Having the children in the facilities is an opportunity to maximize treatment including reducing academic deficits. Intrusive and direct counseling with real talk should prove an effective choice with children at-risk of peer seduction into deviance.

Indubitably, the quality of the management and their care in staff selection has a lot to do with the children’s experiences in the facilities. In this regard, Hill Top might be studied as an example of a management model that is effective.

The researchers were surprised to hear from some females that while “in care and protection” they wound up with a charge for destruction of government property. The researchers wondered about the wisdom of charging troubled youngsters who are supposed to be receiving rehabilitation for behaviour that seems to be a manifestation of their needs. This line of consequences needs to be carefully re-examined.

- Separation of different groups.

Separate children in conflict with the law from those in need of care and protection; separate younger (under 15) children from older ones because they are developmentally very different groups. There were practitioner reports of older children in conflict with the law having a negative impact on younger ones in need of care and protection. Indeed, there were reports from the children that indicate that 33.7% of the CCL had been in a Child Care facility at some point.

- There is a need for greater caring and confidentiality in the facilities.

For example, in some places, a boy's records are concealed from even facility staff if such is deemed in the best interest of the boy and others (e.g. those on a buggery charge). Relatedly, this requires re-training correctional staff to have a child friendly orientation. One person thought that house mothers needed a first degree and competence in child development. Some reported that the boys need visits from relatives while in the facilities or even to hear a parent's voice. The inference was that staff might work more diligently to encourage these connections.

OFFICE OF THE CHILDREN'S ADVOCATE: Increase active advocacy for CCL and children allegedly in conflict with the law (those on correctional order and remandees) in keeping with the Child Care and Protection Act, Section 4 – Representation by Children's Advocate.

For the most part, children knew nothing or very little about the OCA and their ability to communicate with the OCA (via telephone and mail) were described as restricted. It should be clear to all facility staff that such communications are not to be hindered according to the CCPA. Information about the OCA should be offered to each child as a part of their admission orientation into a facility. The OCA might consider appointing a staff person to each facility. This person might visit each facility weekly given the frequent admission of children. Someone – whether an OCA representative, case manager or social worker should keep each child updated on the process of his or her case. Many children did not know what was happening, why, or how long they might be in the facility. Such lack of information is unreasonable. The resources should be invested to have the necessary volume of personnel to actively contact and advocate for children in conflict with the law.

Staff members should include information on the OCA in their orientation programmes for new wards.

DATA COLLECTION AND RESEARCH (MOJ, DCS AND CDA)

- Collect data toward empirically informed practices.
- There is also a need for maintaining outcome data for at least three years to ascertain the effectiveness of rehabilitative efforts with the children.

Probation officers are to follow-up if a child leaves a facility before 18 – until that 18th birthday; but reports of those who leave after 18 were anecdotal and a matter of the former ward exercising initiative in contacting facility staff. Some practitioners suggested about a three year follow-up.

The MAYSI-2 as an entry screening level is commonplace in the United States. Efforts to use this in Jamaica began earlier this year (by a consultant to the Ministry of Justice) with children when they first enter police lock-up. This is worth continuing given the apparent need for mental health services. Each DCS and CDA facility might appoint a staff person to collect and maintain demographic information on each child in conflict with the law so that data on future profiles will be readily accessible. The OCA instrument developed for this study might be utilized as it is modeled after standardized profile instruments. An alternative instrument to consider is the Survey of Youth in Residential Placement (2010). The instrument was developed by the Westat Inc. in Rockville, Maryland and has been utilized by the Office of Juvenile Justice and Delinquency Prevention. On all of these recommendations, there is existing literature from other countries which have addressed similar situations.

Overall, the dominant opinion was that service providers are doing what they can with limited resources. However, going forth, including more staff (such as resident nurses, deans of discipline, assistant managers) to deliver effective services and more training for staff are necessary. Given shrinking resources there should be an evidence based investment of resources.

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**APPENDIX A
INTERNATIONAL STANDARDS**

Many countries are party to the Convention on the Rights of the Child (CRC), where the requirements under article 44 states that parties are to submit periodic reports to the Committee on the Rights of the Child on the implementation of the rights recognized in the CRC in their countries. Reports revealed that many countries are not sufficiently aware of how the rights articulated in the CRC apply with respect to children in conflict with the law, as countries employ different approaches with these children, either a protective or a punishment approach (Kids Behind Bars, 2003).

As it concerns the needs and rights of children, the Universal Declaration of Human Rights proclaims that: “Everyone has the right to life, liberty and security of the person”. The CRC requires state signatures to “take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment...while in the care of parent(s), legal guardian(s) or any other person who has the care of the child”. The United Nations is particularly concerned with the institutionalization of children who are temporarily or permanently deprived of their family environment. Violence against these children is also another major concern, especially by institutional staff, and the maltreatment and cruelty towards children in and outside of the family.

To protect children’s rights, the United Nations has adopted a number of international instruments dealing with children’s rights and the administration of juvenile justice. Despite these many guidelines, children in conflict with the law are often treated as adults and are not protected from the harmful effects of the criminal justice system. Many countries still have juvenile justice facilities that are in violation of the human rights provisions, especially the denial of virtually every right to medical care, education and individual development. One hundred and ninety-two countries have ratified the Convention on the Rights of the Child, but many still have policies towards imprisonment and abandoned children that violate as many as 20 of the Convention’s 41 substantive rights provisions (International Prison Watch 1999).

Nine international instruments that provide a normative framework for the administration of juvenile justice and the minimum standards for prisons and closed facilities for children and youngsters in conflict with the law are identified and summarized in this document. These international instruments are:

- The Convention of the Rights of the Child (1990)
- The United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 1990. (Havana Rules)
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985. (The Beijing Rules)

- United Nations Guidelines for the Prevention of Juvenile Delinquency, 1990 (The Riyadh Guidelines)
- Standard Minimum Rules for the Treatment of Prisoners, 1955 (Standard Minimum Rules)
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 1988 (Detention Principles)
- Basic Principles for the Treatment of Prisoners, 1990
- United Nations Standard Minimum Rules for Non-custodial Measures, 1990 (The Tokyo Rules)
- Guidelines for Actions on Children in the Criminal Justice System, 1997 (Vienna Guidelines)

While some of these apply exclusively to children – for example, the Havana Rules, the Beijing Rules and the Riyadh Guidelines, others, for example, Standard Minimum Rules, the Detention Principles, the Basic Principles on Treatment of Prisoners, and the Tokyo Rules apply equally to adult and children. Some of the rights guaranteed by these instruments are also protected by the 1966 International Convention on Civil and Political Rights, and the 1984 Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Although some of these instruments are in the form of non-binding recommendations, some rules have become binding based on the fact that they have been incorporated into treaty law. These principles are also elaborations of the basic principles found in the Convention on the Rights of the Child.

The Convention on the Rights of the Child

On November 20, 1989, the CRC was unanimously adopted by the General Assembly of the United Nations (G.A. resolution 44/25) and entered into force on September 2, 1990. The CRC has almost reached universal ratification with 192 states becoming a party. The CRC covers a whole range of human rights (described as provision, protection and participation) in a single cohesive treaty, emphasizing the inter-consecutiveness and the mutually reinforcing nature of all rights. The CRC is the first international human rights treaty to adopt a coherent child rights approach to the international regulation of the deprivation of liberty for children, thus it contains a number of specific provisions for children in conflict with the law. The CRC operates as an umbrella treaty for three other international instruments that deals with juvenile justice: the Beijing Rules, the Riyadh Guidelines and the Havana Rules. As a rule, member states are obliged to respect and ensure all of the rights recognized in the CRC, and must take all appropriate steps to ensure their implementation.

The CRC addresses some general principles that apply with respect to all children and three that are of particular importance for juvenile offenders and/or victims. The general principles include:

- The principle of non-discrimination (Article 2)
- The best interests of the child (Article 3)
- The right to life and development (Article 6)

- The right to participate in matters that concern them (Article 12)

Principles that apply to young offenders are:

- Guarantees for children deprived of their liberty (Article 37)
- Restoration and rehabilitation of child victims (Article 39)
- The administration of juvenile justice deals with the rights of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner which takes into account the child's age and the desirability of promoting the child's reintegration in society. The article embodies the right to due process of law, and the principle that recourse to formal proceedings and deprivation of liberty should be avoided wherever possible and appropriate (Article 40).

In addition, the CRC laid down some state obligations that are relevant and many of the other articles are applicable to children in conflict with the law. These are:

- The recognition that every child has a right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. While primary responsibility for supporting the child rests with the parents, "States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall, in case of need, provide material assistance and support programs, particularly with regard to nutrition, clothing and housing" (Article 27).
- The prohibition of child labour (Article 32)
- The rights to freedom of religion (Article 14),
- The right to play (Article 31)
- The right to protection against sexual exploitation (Article 34)
- The right to education (Article 28)
- The right to health care (Article 24)
- The right to contact with the parents (Articles 9 and 10).
- The right to privacy (Article 16)

General Comment No. 10: Children's Rights in Juvenile Justice

In 2007, the Committee on the Rights of the Child issued General Comment No. 10, (GC 10) which elaborates on articles 37 and 40 of the CRC which speak specifically to children's rights in juvenile justice. GC 10 also took into account the general principles proclaimed in articles 2, 3, 4, 6, 12 and 39 of the CRC, and other relevant international standards on juvenile justice. The GC highlights shortcomings in the development and implementation of juvenile justice policies by States Parties, gaps in national juvenile justice legislatures, and identified that many States have difficulties in the translation of their intentions into action (GC 10 Fact Sheets)

The objectives of GC 10 are as follows:

- To encourage States to implement a comprehensive policy on juvenile justice with emphasis on the prevention of juvenile delinquency and with assistance from the Interagency Panel on Juvenile Justice (IPJJ);
- To provide guidance and recommendations to States for the content of such a policy, which aims to prevent juvenile delinquency, and implement alternative measures from judicial proceedings; and to aid in the interpretation of all provisions contained in articles 37 and 40 of the CRC;
- To promote the integration in a national and comprehensive juvenile justice policy of other international standards, in particular the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), and the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines).

The General Comment explores several aspects of juvenile justice policy, summarized in seven fact sheets covering the following areas:

- Prevention of juvenile delinquency
- Diversion from judicial proceedings
- Age of criminal responsibility
- Guarantee to a fair trial
- Prohibition of the death penalty and life imprisonment without parole
- Deprivation of liberty as a last resort (GC 10, Fact Sheet #1).

Fact sheet number one covers the goals and objectives of GC 10. The other six fact sheets will be summarized here, defining the juvenile justice aspects as per GC 10 and listing their recommendations.

GC 10, Fact Sheet #2 - Preventing Juvenile Delinquency

Juvenile delinquency refers to the behaviour of a child or adolescent in actual or perceived conflict with the law, or engaged in ‘anti-social’ behaviour. The GC 10 recommends:

- States Parties should adopt and integrate the 1990 UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) into their national policies;
- Prevention policies should promote social integration through family, community, peer groups, schools, vocational training and employment, as well as voluntary organizations. States Parties must engage with all social actors as the quality of community involvement is a key factor in the success of prevention programs;
- States Parties should develop and implement prevention programs which focus on supporting vulnerable families, involving schools in teaching basic rights and values (including the rights of both child and parent under national law) while extending special attention to children who do not complete their education and other young persons considered ‘at risk’;

- Articles 18 and 27 of the CRC acknowledge the responsibilities of parents in caring for their children. However, States must support parents, caretakers and families, using family-based prevention programs such as parent training to enhance parent-child interaction and home visitation programs;
- States Parties, especially developing countries, can ask for international support in guaranteeing children's economic, social and cultural rights;
- States Parties should seek support and advice from the Interagency Panel on Juvenile Justice in their efforts to develop effective prevention programs (GC 10, Fact Sheet #2).

GC 10, Fact Sheet #3 - Promoting Diversion

Diversionary methods divert the child away from the formal court system, and often, redirect them towards community support services. In order for diversion to be used effectively and in keeping with the rights of the child, GC 10 recommends:

- The child must freely and voluntarily give consent in writing to the diversion and care must be taken to minimize the potential for coercion and intimidation at all levels in the diversion process;
- States authorities should consider the consent of the child's parents, particularly when the child is below 16 years of age;
- The law should contain specific provisions that indicate in which cases diversion is possible;
- Police, prosecutors, and other agencies who make decisions on these provisions should be regulated and reviewed;
- The child must have the opportunity to seek legal or other assistance on the diversionary measure offered to him or her;
- The completion of any diversion by the child should result in a definite and final closure of the case (GC 10, Fact Sheet #3).

GC 10, Fact Sheet #4 - Ensuring Appropriate Age Limits of Criminal Responsibility

The minimum age of criminal responsibility (minimum age) refers to the minimum age below which children shall be presumed not to have the capacity to infringe the penal law. In regard to this the GC 10 recommends:

- State Parties should set their minimum age to no lower than 12 years of age;
- States Parties who currently have a minimum age which is higher than 12 should not decrease it; rather, they should work to raise it;
- States with two minimum ages should increase their lower age to 12 and increase their higher age to 14 or 16;
- States should submit detailed information with their periodic reports on the treatment of children who come into conflict with the law when they are below the minimum age,

along with what arrangements have been made to ensure that their treatment is fair and just;

- Children whose age cannot be proven to be above the minimum age should not be formally charged in a penal law procedure (the benefit of the doubt principle);
- Even children below the minimum age have a right to a response or reaction to their alleged actions;
- States should also respect an upper-age limit (the age of 18, according to the CRC); meaning that all children aged 18 and below at the time an offence has been committed should be considered under the youth criminal justice system. States are also encouraged to raise this limit (up to age 21 for example) whenever possible and appropriate;
- States should set a minimum age that does not, by way of exception, allow for the use of a lower age. In addition, there must be no special rules where children may be tried as adults by way of exception (GC 10, Fact Sheet #4).

GC 10, Fact Sheet #5 - Guaranteeing a Fair Trial

All persons, including children and adolescents, have the rights to a fair trial. Guaranteeing a fair trial refers to the process of preserving certain rights and guarantees while treating and sentencing a child who has come into conflict with the law. The GC 10 recommends:

- High quality training to be provided to all parties in the justice system – e.g.: police officers, prosecutors, legal representatives of the child, judges, probation officers, social workers and others;
- Training should teach parties to consider the child's psychological, physical and developmental capacities; and, racial, ethnic, social, religious and linguistic needs – in order to provide appropriate support to the child throughout the process;
- Particular attention should also be paid to girls as they constitute a smaller group in the criminal justice system;
- The standard set of rights to a fair trial should be considered minimum standards and States should strive to attain higher standards

More specifically, GC 10 recommends that:

- Children have the right to be presumed innocent until proven otherwise;
- Children should not be held accountable for an act which was not considered a crime at the time it occurred;
- States should never impose a penalty higher than the one that was applicable at the time when the criminal act was committed. If the law has introduced a lighter penalty however, the child should benefit from this change;
- A child should be granted the opportunity to be directly heard and to express his/her views concerning the (alternative) measures that may be imposed. His/her preferences should be given importance;

- A child should understand the charges brought against him/her, possible consequences and penalties in order to better guide his/her legal counsel and to play an active role in the proceedings;
- A child should be notified promptly of the charges brought against him/her and this should appear in written form in the child's own language. Free assistance of an interpreter must be provided if needed;
- A child should receive adequate time/help in preparing and presenting his case with confidentiality;
- Decisions between arrest and sentencing should occur promptly and within a given time limit;
- The parents of the child should also be included to the greatest extent possible – they should receive information about the case and be invited to all proceedings;
- The child should not be required to provide testimonials or confess guilt. Any evidence provided by a child should be voluntary and provided willingly without pressure;
- A child should be informed of his/her right to examine the witness personally if he/she wishes;
- A child has the same right as adults to appeal the decision taken against him or her;
- Children who have disabilities should work with appropriate trained professionals who can provide assistance to them in preparing the case;
- Children have the right to privacy. Hearings of children in conflict with the law should take place behind closed doors to the greatest extent possible and the child's identity must be kept confidential;
- The child's name should be removed from criminal records when the child reaches the age of 18 years (GC 10, Fact Sheet #5).

GC 10, Fact Sheet #6 - Prohibiting the Death Penalty and Life Imprisonment

The death penalty, or capital punishment, continues to exist in several countries in the world. The GC 10 recommends:

- States Parties should completely abolish the death penalty for children less than 18 years of age at the time of the offence. Any pending executions should be suspended until domestic legislation is passed to abolish them;
- During sentencing, States Parties should take into account the age of the child when they broke the law rather than the age at which they are being tried. This would prevent the practice of States waiting for children to reach 18 before executing them;
- There should be no life imprisonment (with or without possibility of release) for children who infringed the law before reaching the age of 18 years. The possibility of release should be realistic and regularly assessed and must comply with the aims of juvenile justice (GC 10, Fact Sheet # 6).

GC 10, Fact Sheet #7 - Deprivation of Liberty as a Last Resort

The deprivation of liberty refers to “any form of detention or imprisonment or the placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative or other public authority” (Havana Rules). The GC 10 recommends:

- The arrest, detention or imprisonment of a child must be in conformity with the law; no child can be deprived of his/her liberty unlawfully or arbitrarily;
- The deprivation of liberty should be used only as a measure of last resort and for the shortest appropriate period of time;
- States Parties must ensure that children are not held in pre-trial detention for months or years. If necessary, they should be released conditionally and the law should state the conditions under which children can be placed in pre-trial detention;
- Alternatives to detention should be used wherever possible. These may include community service or restorative justice;
- The time period from arrest to sentencing should not last more than 6 months and should be reviewed by independent and qualified inspectors.

Children who are deprived of their liberty have the right:

- To be treated with dignity and respect
- To prompt access to legal assistance
- To challenge the legality of the deprivation of liberty before a court
- To be held separately from adults
- To a physical environment in accordance with the aim of rehabilitation
- To not be restrained (unless the child poses a danger to him/herself)
- To not be treated with force or restraint as a punishment
- To a regular review of pre-trial detention
- To educational/vocational training designed to prepare his/her reintegration to society
- To have his/her privacy respected at all stages
- To maintain contact with his/her family
- To adequate medical care
- To make requests or complaints to an independent authority (GC 10, Fact Sheet #7).

United Nations Rules for the protection of Juveniles Deprived of their Liberty (Havana Rules)

The Havana Rules look towards the protection of the legal position of the child at the time of his or her deprivation of liberty in detention facilities, as well as welfare and places of safety. “Deprivation of liberty” here means any form of detention or imprisonment or the placement of a person in a public or private custodial setting from which this person is not permitted to leave on

his own will. These rules apply to juvenile deprived of their liberty in all forms, consistent with human rights, by establishing international minimum standards for their protection and facilitating their re-entry into society. These rules are built on the principles laid down in CRC. Although these resolutions are not binding upon states, they serve as important standards of reference. The Havana Rules contains five sections with 87 main rules.

The Havana Rules are based upon the following fundamental principles:

- Deprivation of liberty/imprisonment should be used as a last resort, and only for a minimum period of time;
- Deprivation of liberty should be in accordance with the principles and the procedures of international law;
- Rules should be applied impartially;
- Juveniles under arrest and awaiting trial should be presumed innocent and shall be treated as such;
- Pre-trial detention should be limited to exceptional circumstances;
- Juveniles in detention have a right to legal counsel;
- Detailed, confidential and secure records should be kept at all facilities detailing relevant information on each juvenile
- Juveniles deprived of their liberty shall be helped to understand their rights and obligations, rules and regulations of the facility, and the goals of the care to be provided;
- Juveniles should be detained in small open facilities with few detainees, to facilitate individualized treatment and reintegration into the community;
- Facilities should be decentralized to enable easy access to, and contact between the juveniles and their families;
- All facilities should be secured and all safety measures taken;
- Juveniles should have suitable living accommodations and receive suitable prepared and presented meals;
- Juveniles have a right to receive quality education, vocational training, and be provided the opportunity to perform work for pay;
- Suitable recreational and leisure activities must be provided and weather permitting, exercise should be done in the open air;
- Opportunities should be provided for every juvenile to participate in or organize their own religious services, and keep their religious paraphernalia;
- Juveniles are entitled to prompt and adequate medical care, through the appropriate health facilities and services in the community;
- Upon the illness, injury or death of a juvenile, the juvenile's family or designate should be fully informed of the situation;

- The juvenile should also be informed of illness or death of a family member, and be entitled to visit with their family or attend the funeral;
- Juveniles should be allowed to maintain contact with the wider community through visiting with their families, reputable organizations, through communication in writing or by telephone, and through the news media;
- Physical restraints and the use of force should be limited, and be used only as a last resort, and for the shortest possible time;
- Disciplinary measures and procedures should be limited, and be used only as a last resort, and for the shortest possible time;
- All juvenile facilities should be inspected on a regular basis by qualified independent inspectors;
- Every juvenile should have the opportunity to make a request or complaint to the proper authorities without the fear of censorship;
- In preparation for release, all juvenile detainees should benefit from programs designed to develop their skills and competencies as members of society;
- All juvenile personnel should receive appropriate training, adequate remuneration and be provided the proper channel of communication with the administration. Personnel should have knowledge of all laws and standards pertaining to the care of juveniles in detention facilities.

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (“The Beijing Rules”)

The Beijing Rules were adopted in 1985 and embody the fundamental principle that a child should have access to a special juvenile justice system. Part 1 of the Rules speaks to the fundamental principles which include the perspective development of comprehensive social policies aim at promoting the welfare of juveniles, therefore minimizing the necessity for juvenile justice system intervention. If these measures are implemented before the onset of delinquency, this would obviate the need for the application of these rules.

The fundamental perspectives of the Beijing Rules include:

- Member states seeking to further the well-being of juveniles and their families should develop conditions conducive to proper development;
- Positive measures should be employed in promoting the well-being of juveniles;
- Juvenile Justice should be an integral part of the national development process, with services developed systematically and be well coordinated;

Part 1 of the Rules includes the following stipulations;

- Rules should be applied to juvenile offenders without distinction;
- Rules and laws applicable to juvenile offenders should be developed, and be applied by institutions and bodies entrusted with this function;

- Rules apply to all juveniles and young adult offenders;
- Age of criminal responsibility for juveniles should not be fixed too low bearing in mind their emotional, mental and intellectual maturity;
- The principle of proportionality should be applied;
- Qualified and trained personnel shall be empowered to exercise appropriate discretion at all stages of the juvenile proceedings;
- Juveniles should be afforded all procedural safeguards;
- Juveniles' rights to privacy should be applied at all stages of the proceedings to avoid stigmatization.

Part II of the Rules speaks to the investigation and prosecution of juvenile offences and states that:

- At initial contact, the juvenile's parent or guardians should be immediately notified, release shall be considered without delay, their legal status respected and promotion of their well-beings;
- Diversion, especially within the community shall be considered as a means of dealing with the juvenile;
- To improve the prevention and control of juvenile crime, and the handling of juvenile offenders, special trained police officers or special police units shall be developed;
- Pre-trial detention shall be used only as a measure of last resort and for the shortest possible time, juveniles should also be kept separated from adults, and shall be entitled to all rights;

Part III of the Rules speaks to the adjudication and disposition of juvenile cases:

- To uphold the principles of a fair and just trial, a juvenile offender shall be dealt with by the competent authority, all in the best interest of the child;
- Juveniles have the right to be represented by legal counsel throughout the proceedings;
- To facilitate judicious adjudication of the juvenile's case, social enquiry reports shall be delivered by qualified and competent authority;
- Guiding principles in adjudication and disposition of the juvenile case should include:
 - a) The circumstances and gravity of the crime
 - b) The needs of the juvenile and the needs of the society
 - c) Deprivation of liberty used only for serious acts
 - d) Capital punishment shall not be imposed for any crime committed by juveniles
- Various disposition measures must be used to avoid institutionalization
- No juvenile shall be removed from parental supervision unless absolutely necessary

- Institutional facilities shall be of a correctional or educational type rather than of a prison type
- Juveniles are entitled to a speedy trial
- Juvenile offender records shall be kept strictly confidential and closed to third parties, and should not be used in subsequent adult proceedings
- Personnel dealing with juvenile cases should be involved in ongoing training and education to maintain professional competences
- A diverse group of personnel shall be employed.

Part IV speaks to non-institutional treatment and states that disposition orders must be implemented by the appropriate authority:

- At all stages of the proceedings, juveniles must be provided with the necessary assistance to facilitate the rehabilitative process
- Community resources (volunteers; voluntary organizations) shall be used to contribute to the rehabilitation of the juvenile;

Part V speaks to institutional treatment of juveniles, which include:

- The provision of care, education and vocational skills, and other assistance necessary to assist them in assuming socially constructive and productive roles in society
- Juveniles shall be kept separate from adults;
- Special attention shall be given to female offenders;
- Parents and guardians shall have a right to access to their juvenile;
- Conditional release shall be granted at the earliest possible time, and juveniles on release shall be supervised by an appropriate authority;
- Upon release, efforts shall be made to provide semi-institutional arrangements, such as half-way houses, educational homes, and other appropriate arrangements that may assist the juvenile's reintegration into society.

Part VI speaks to the fact that research should be used as the basis for planning, policy formulation and evaluation, therefore the delivery of services in juvenile justice administration, shall be systematically planned and implemented as an integral part of national development efforts.

United Nations Guidelines for the Prevention of Juvenile Delinquency – 1990 (The Riyadh Guidelines)

The Riyadh Guidelines specify the important role of prevention within juvenile justice by recommending the establishment of a model of prevention consisting of a system of principles, participants and policies.

The fundamental principles of this guideline state that the prevention of juvenile delinquency is an essential part of crime prevention and juvenile delinquency can be successfully prevented if:

- Society ensures the harmonious development of the child from birth to adolescence;
- Policies and measures involve meeting the varying needs of young people;
- Juvenile prevention philosophies and approaches are based on the laws;
- Interventions are guided by fairness and equity;
- Consideration is given to the developmental stages and the recognition of the maturation process;
- Personnel are cognizant of the labeling theory's approaches to delinquency;
- Informal agencies of social control are involved in the prevention of juvenile delinquency;
- Comprehensive prevention plans should involve every level of government;
- Prevention policies should emphasize the successful socialization and integration process involving the agencies of informal social control, including the media, as well as through voluntary organizations;
- The personal development of all children should be respected and they should be seen as full and equal partners in the socialization process;
- Government agencies should give high priority to plans and programs for young persons and support effective delivery of services;
- Institutionalization used as a measure of last resort and be limited to situations where the child has suffered harm, abused, neglected, abandoned or exploited; or threatened by physical or moral danger due to behaviour of parents or guardians;
- Government legislation should include specific provision to promote and protect the rights and well-being of all young persons;
- Research, policy development and coordination should be promoted, on both a multidisciplinary and interdisciplinary basis.

Standard Minimum Rules for the Treatment of Prisoners, 1955 (Standard Minimum Rules).

These rules apply to adults and children alike and although the rules are non-binding recommendations, some have become binding by virtue of their incorporation into treaty law, and elaborations of the basic principles found in the Convention on the Rights of the Child.

1. Part 1 of the Rules covers the general management of institutions, and is applicable to all categories of prisoners, criminal or civil, untried or convicted, including prisoners subject to "security measures" or corrective measures ordered by the judge.
2. The Rules do not seek to regulate the management of institutions set aside for young persons, but in general, part 1 would be equally applicable to juvenile institutions.

3. The categories of young prisoners should include at least young persons who come within the jurisdiction of juvenile court. As a rule, such young persons should not be sentenced to imprisonment. All rules should be applied impartially with no form of discrimination.

Following are some of the basic tenets of the Rules:

- Update and accurate records must be kept at all institutions on every person imprisoned;
- All accommodation, and in particular sleeping accommodation provided shall meet all health requirements;
- Proper grooming facilities and equipment should be provided and persons detained shall be required to keep their persons clean;
- Proper clothing suitable for the climate shall be provided, and shall be in no manner degrading or humiliating;
- Every detained person shall be provided with their own bed, separate and sufficient bedding, which is clean and kept in good order;
- Every detained person shall be given nutritional meals at the appropriate times of day;
- Suitable facilities and equipment shall be provided for daily exercise and recreational activities;
- Adequate medical services should be provided, and the institution must have the services of at least one psychiatrist, a medical doctor and a dentist;
- Disciplinary measures shall be determined by the law, and no person shall be punished, except in accordance with the law;
- Corporal punishment and all cruel, inhumane or degrading punishment shall be completely prohibited as punishment for disciplinary offences – including close confinement, reduction of diet, or any punishment that may be prejudicial to the health of the detained person;
- Instruments of restraints – handcuffs, chains, irons and straitjacket – shall never be applied as a punishment, or restraints, except in extreme circumstances, and should not be applied for any longer time than is strictly necessary;
- Every person detained shall be provided with written and or oral information about the rules and regulations, the disciplinary requirements, the authorized complaint procedure, and all information necessary to understand his rights and obligations, and to adapt himself to life in the institution;
- Detained persons shall be allowed under the necessary supervision to communicate with their families and reputable friends at regular intervals, and shall be kept informed of current events through the various media;
- A library, adequately stocked, shall be established in every institution, and carries both recreational and educational books;

- As far as possible, every detained person shall be allowed to satisfy his religious needs by attending services provided in the institution, and shall be allowed to keep in his possession the books of religious observance and instruction of his denomination;
- Upon admission to the institution, possessions the detained person is not allowed to retain shall be placed in safe custody and returned to the individual upon his release;
- The appropriate relative or designated individual shall be immediately informed in the event of a detained person's death, injury or serious illness, or if the individual is transferred to another institution;
- The transportation of detained individuals to and from the institution, shall be done in a vehicle with adequate ventilation and light, and the detainee shall be exposed to public view as little as possible;
- The institution's administration shall provide for the careful selection of every personnel, who should be appointed on a full-time basis; possess an adequate standard of education and intelligence, be adequately trained for the position, and maintain and improve their knowledge through in-service training;
- Female detainees shall be attended and supervised only by women officers;
- Personnel in direct contact with the detainees should not be armed;
- Institutions shall be regularly inspected and serviced by qualified and experienced inspectors appointed by a competent authority;

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Detention Principles) - December 1988

Scope of the Body of Principles

These principles apply for the protection of all persons under any form of detention or imprisonment.

Definition of Terms used in the Body of Principles:

- (a) "Arrest" - the act of apprehending a person for the alleged commission of an offence or by the action of an authority;
- (b) "Detained person" - any person deprived of personal liberty except as a result of conviction for an offence;
- (c) "Imprisoned person"- any person deprived of personal liberty as a result of conviction for an offence;
- (d) "Detention" - the condition of detained persons as defined above;

- (e) "Imprisonment" - the condition of imprisoned persons as defined above;
- (f) The words "a judicial or other authority" means a judicial or other authority under the law whose status and tenure should afford the strongest possible guarantees of competence, impartiality and independence.

The Detention Principles comprised 39 principles that seek to protect persons who are detained. These Principles further elaborate the Minimum Standard Rules for the Treatment of Prisoners and include:

Principle #5:

- These principles shall be applied to all persons without distinction of all race, color, sex, language, religion or religious belief, political or other opinion, national, ethnic or social origin, property, birth or other status;

Principle #8:

- Persons in detention shall be subject to treatment appropriate to their un-convicted status. Accordingly, they shall, whenever possible, be kept separate from imprisoned persons.

Principle #10:

- Anyone who is arrested shall be informed at the time of his arrest of the reason for his arrest and of any charges against him.

Principle #11:

- A person shall not be kept in detention without being given an opportunity to be heard promptly by a judge or other authority. A detained person shall have a right to defend himself or to be assisted by counsel as prescribed by law.

Principle #16:

- If a detained or imprisoned person is a juvenile or is incapable of understanding his entitlement, the competent authority shall be responsible to undertake the notification of parents or guardians.

Principle #17:

- If a detained person does not have his own counsel, in all cases where the interest of justice so requires, one shall be assigned to him, free of charge if he does not have sufficient means to pay.

Principle # 18:

- A detained or imprisoned person shall be:
 - a) Entitled to communication and consult with his legal counsel
 - b) Allowed adequate time and facilities for consultation with his legal counsel
 - c) Allowed to be visited by and to consult and communicate without delay or censorship and in full confidentiality, with his legal counsel
 - d) Interviewed with his legal counsel within sight, but not within the hearing of a law enforcement official

- e) Allowed to communicate freely with his legal counsel and such communication shall be inadmissible as evidence against the detained or imprisoned person unless they are connected with a continuing or contemplated crime.

Principle #20:

- Upon the request of a detained or imprisoned person, he shall, if possible be housed in a place of detention or imprisonment reasonably near to his usual place of residence.

Principle #21:

- A detained or imprisoned person shall not be coerced to confess, to incriminate himself or to testify against any other person.

Principle #22:

- No detained or imprisoned person shall be subject to any medical or scientific experimentation which may be detrimental to his health.

Principle #28:

- A detained or imprisoned person shall have the right to obtain within limits, reasonable quantities of education, cultural and informational material.

Principle #33:

- A detained or imprisoned person or his counsel shall have the right to make a request or complaint as to the treatment received in the institution, to the appropriate authorities.
- Every request or complaint shall be promptly dealt with and replied to without undue delay. If requested, the complainant shall be entitled to bring it before a judicial or other authority. No one shall suffer prejudice for making a request or complaint.

Principle #35:

- Damage incurred to an imprisoned person as a result of a public official's act, or failure to act in accordance with the rights contained in these principles, shall be compensated according to the applicable rules or liability provided by the law.

Principle #36:

- A detained person suspected of or charged with a criminal offence shall be presumed innocent until proven guilty according to law in a public trial at which he has all the guarantees necessary for his defense.

Principle # 38:

- A person detained on a criminal charge shall be entitled to trial within a reasonable time or to be released pending trial.

Basic Principles for the Treatment of Prisoners - December 1990

This body of principles is presented here in its entirety.

1. All prisoners shall be treated with the respect due to their inherent dignity and value as human beings
2. There shall be no discrimination on the grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
3. It is, however, desirable to respect the religious beliefs and cultural precepts of the group to which prisoners belong, whenever local conditions so require.
4. The responsibility of prisons for the custody of prisoners and for the protection of society against crime shall be discharged in keeping with a State's other social objectives and its fundamental responsibilities for promoting the well-being and development of all members of society.
5. Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants.
6. All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality.
7. Efforts to address the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged.
8. Conditions shall be created enabling prisoners to undertake meaningful remunerated employment which will facilitate their reintegration into the country's labour market and permit them to contribute to their own financial support and to that of their families.
9. Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.
10. With the participation and help of the community and social institutions, and with due regard to the interests of victims, favorable conditions shall be created for the reintegration of the ex-prisoner into society under the best possible conditions.
11. The above Principles shall be applied impartially.

United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) – December 1990

These rules aim at completing the development of non-custodial measures in national judicial systems. They provide alternatives to the traditional model of justice, in which offenders are isolated from the other people in society. These Rules apply to every person (including juvenile offenders) alleged as, accused of, or recognized as having infringed the penal law. The Rules are applicable at all stages of the juvenile justice proceedings and include the following basic principles aim at:

- Promoting the use of non-custodial measures as well as a minimum safeguard for persons subject to alternatives to imprisonment;
- Promoting greater involvement of the community in the management of criminal justice;
- Ensuring that member states maintain a proper balance between the rights of individual offenders, the rights of the victims, and the concerns of society for public safety and crime prevention;
- Ensuring that member states develop non-custodial measures within their legal systems to provide other options, thus reducing the use of imprisonment;
- The scope of non-custodial measures shall be applied to all persons subject to prosecution, trial or the execution of a sentence, at all stages of the administration of criminal justice;
- In order to provide greater flexibility consistent with the nature and gravity of the offence, the characteristics of the offender, and for the protection of the society, the criminal justice system should provide a wide range of non-custodial measures;
- The development of new non-custodial measures should be encouraged, closely monitored and systematically evaluated;
- Consideration shall be given to dealing with offenders in the community instead of formal proceedings by a court in accordance with the law;
- Non-custodial measures should be used in accordance with the principle of minimum intervention;
- The use of non-custodial measures should complement the movement towards depenalization and decriminalization;
- Non-custodial measures carries many safeguards including the requirements:
 - a) that discretion be exercised by competent independent authority at all stages of the proceedings in accordance with the rule of law;
 - b) getting the offender's consent prior to imposing an obligation;
 - c) protecting the dignity of the offender at all times;
 - d) not restricting the offender's rights further than was authorized by the competent authority;
 - e) respecting the offender's rights to privacy as well as the privacy of the offender's family;

- f) that the offender's personal records be kept strictly confidential and closed to third parties.
- At the pre-trial stage, the criminal justice system should be empowered to discharge the offender if they consider that it is not necessary to proceed with the case for the protection of society, crime prevention or the promotion of respect for the law and the rights of victims;
 - Pre-trial detention shall be used as a means of last resort;
 - At the pre-trial and sentencing stages, social inquiry reports should be prepared by a competent, authorized official or agency;
 - In making non-custodial decisions the judicial authority should take into consideration the rehabilitative needs of the offender, the protection of society and the interest of the victims;
 - At the post sentencing stage, the competent authority shall have at its disposal a wide range of post sentencing alternatives, in order to avoid institutionalization and to assist offenders in their early reintegration into society;
 - In the implementation of non-custodial measures:
 - a) Supervision must be provided to reduce reoffending and to assist the offender's reintegration into society in a way which minimizes the likelihood of a return to crime;
 - b) Duration of non-custodial measures shall not exceed the period established by the competent authority in accordance with the law;
 - c) Conditions of measures imposed on the offender should take into account both the needs of society and the needs and rights of the offender and victims;
 - d) Treatment developed to meet the needs of the offenders should be conducted by suitably trained professionals with practical experiences.
 - Breach of conditions of a non-custodial measure may result in a modification or revocation of the order;
 - Upon modification or revocation, the offender shall have the right to appeal to a judicial or other competent independent authority;
 - Policy regarding staff recruitment shall take into consideration national policies of affirmative action and reflects the diversity of the offenders to be supervised;
 - Before commencing their duties, staff shall be given training that includes instruction on the nature of non-custodial measures, the purposes of supervision and the various modalities of the application of non-custodial measures;
 - Public participation should be encouraged as it is a major resource and one of the most important factors in improving ties between offenders undergoing non-custodial measures, the family and community;
 - Government agencies, the private sector and the general public should be encouraged to support voluntary organizations that promote non-custodial measures;

- All forms of the mass media should be utilized to help create a constructive public attitude, leading to activities conducive to a broader application of non-custodial treatment and the social integration of offenders;
- Volunteers shall be properly trained for the specific responsibilities to be discharged by them and shall have access to support and counseling from, and the opportunity to consult with the competent authority;
- As an essential aspect of the planning process, efforts should be made to involve both public and private bodies in the organization and promotion of research on the non-custodial treatment of offenders;
- Research and information mechanisms should be built into the criminal justice system for the collection and analysis of data and statistics on the implementation of non-custodial treatment of offenders;
- Programs for non-custodial measures should be systematically planned and implemented as an integral part of the criminal justice system within the national development process;
- Suitable mechanisms should evolve at various levels to facilitate the establishment of linkages between services responsible for non-custodial measures, other branches of the criminal justice system, social development and welfare agencies – both governmental and non-governmental, in such fields as health, housing, education and labour and the mass media.

Guidelines for Action on Children in the Criminal Justice System (Vienna Guidelines) July 1997

The Guidelines for Action are addressed to the Secretary-General and relevant United Nations agencies and programs, States parties to the Convention on the Rights of the Child, as regards its implementation, as well as Member States as regards the use and application of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, hereinafter together referred to as United Nations standards and norms in juvenile justice.

I. Aims objectives and basic considerations

1. The aims of the Guidelines for Action are to provide a framework to achieve the following objectives:
 - To implement the Convention on the Rights of the Child and to pursue the goals set forth in the Convention with regard to children in the context of the administration of juvenile justice;
 - To apply the United Nations standards and norms in juvenile justice and other related instruments, such as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;

- To facilitate the provision of assistance to States parties for the effective implementation of the Convention on the Rights of the Child and related instruments.

In the use of the Guidelines consideration should be given to the following:

- (a) Respect for human
 - (b) A rights-based orientation;
 - (c) A holistic approach to implementation through maximization of resources and efforts;
 - (d) The integration of services on an interdisciplinary basis;
 - (e) Participation of children and concerned sectors of society;
 - (f) Empowerment of partners through a developmental process;
 - (g) Sustainability without continuing dependency on external bodies;
 - (h) Equitable application and accessibility to those in greatest need;
 - (i) Accountability and transparency of operations;
 - (j) Proactive responses based on effective preventive and remedial measures.
- Adequate resources should be allocated and utilized efficiently at all levels and in collaboration with relevant partners;
 - The importance of a comprehensive and consistent national approach in the area of juvenile justice should be recognized with respect for the interdependence and individuality of all rights of the child;

Specific targets of the Vienna Guidelines include:

- Notwithstanding the age of criminal responsibility, civil majority and the age of consent as defined by national legislation, states should ensure that children benefit from all their rights, as guaranteed to them by international law, specifically in this context, those set forth in articles 3, 37 and 40 of the Convention;
- Due attention should be given to juvenile delinquency at the national level;
- Implementation of the Convention on the Rights of the Child, and other international standards, should be ensured by giving attention to the various aspects related to protecting and promoting the human rights of children in detention, strengthening the rule of law and improving the administration of the juvenile justice system;
- To prevent juvenile delinquency requires communication, inter alia, with and among the police, prosecutors, judges and magistrates, authorities of local communities, administration authorities and with the relevant authorities of detention centres;
- In accordance with the declaration of Basic Principles of Justice for Victims of Crime and the Abuse of Power, states should undertake measures to ensure that child victims and witnesses are provided with appropriate access to justice and fair treatment, restitution, compensation and social assistance.

APPENDIX B

Profile of Children in Conflict with the Law, Jamaica Data Collection Instrument 2010

(Some items adapted from public domain instruments: The National Youth Survey Baseline Questionnaire 12-18 version and the National Institute of Drug Abuse's Adolescent Assessment Referral System Client Personal History Questionnaire, 1991; the National Youth Survey Delinquency Scale; Survey of Youth in Residential Placement, Office of Juvenile Justice and Delinquency Prevention, 2010).

*To be administered with the Massachusetts Youth Screening Instrument Version 2 (MAYSI-2) and the Problem Oriented Screening Instrument for Teenagers (POSIT).

TO BE READ LOUD TO POTENTIAL PARTICIPANTS: Persons at the Office of the Child Advocate would like to be able to describe Children in Conflict with the Law and improve their understanding in comparison with Children Not in Conflict with the Law. This study is voluntary. There is no negative consequence to you if you decide not to participate. If you participate, you may choose to stop at any time and you need not answer a question if you are uncomfortable doing so. Participation will require at most, about two hours of your time.

Risks from participating are minimal. You may become uncomfortable talking about some things. The benefits are that you will have an opportunity to tell us about yourself and that there will be more knowledge available to prevent children from having trouble with the law.

Your responses are confidential. Your name will not be attached to your answers and specific responses from you will not be revealed to anyone not a part of this study. Any reports on this study will not include information that will allow persons to trace answers back to you.

NOTE: If you report that you or anyone else under the age of 18 years is the subject of abuse, this must be reported to the appropriate authorities. Also, you will be asked to take two mental health tests, the MAYSI-2 and the POSIT. If your combined score (not specific answers indicate that you need assistance, for your benefit, we will let the manager or director of the facility know). The researchers are not obligated to report anything other than abuse and neglect of a minor to the authorities. So, please try to answer questions honestly. If a question does not fit you exactly, pick the answer that is mostly true. You may see or hear the same or similar questions more than once. Please just answer the question as it comes up.

To respond, check the appropriate space or write your responses clearly. If you do not understand a word, please ask for help.

Any questions?

Interviewer administered: 1. Yes 2. No/ independent administration

1. Participant Code: _____ 2. Date: _____

3. Begin time: _____

4. Age: _____ 5. Sex: _____ Male _____ Female

6. Parish: _____ 7. Community of last residence: _____

8. Present Offence (if applicable): _____

9. Previous Offences of Record, if any: _____

10. How old were you when you were first arrested or had some trouble with the law? _____

[] Have not had trouble

11. With whom are you currently living (that is, before coming here, if in a facility)? (*Check all that are true.*)

- ☐ Both parents ☐ Your Mother ☐ Your Father
☐ Your Stepmother ☐ Your Stepfather ☐ Other Adult Relatives
☐ Other Adults not related to you (say who): _____
☐ Foster Parents ☐ Friends ☐ Spouse
☐ Boyfriend / Girlfriend ☐ No One

12. How many brothers and sisters (full, half or step) do you have (to your knowledge)? _____

13. How many brothers and sisters live with you? _____

14. What is your birth order for your mother? (first, second, third child etc.) _____

15. In what type of place do you live (that is, before coming to this facility)?

- | | |
|----------------------------------------|---------------------------------------------------------------|
| _____ No regular place | _____ Rooming or boarding house |
| _____ Hotel | _____ Apartment |
| _____ Single family house | _____ Jail |
| _____ Institution/ Child care facility | _____ Therapeutic community centre, halfway house, or similar |
| _____ Hospital | _____ on the Street |
| _____ Shelter | _____ Other: _____ |

16. How many times in the past year have you changed the people with whom you live?

_____ No change _____ Once _____ Twice _____ Three or more times

17. Were you ever in a child care institution? 1. No 2. Yes

If YES, for how long? _____ Where did you go after? _____

18. Do you have any children? 1. No 2. Yes If yes, how many? _____

19. IF YES, do they live with you? 1. No. 2. Yes

20. IF NO, with whom? _____

21. What does your father or male head of household do for a living? (please do not list where he works but what job he does) _____.

22. What does your mother or female head of household do for a living? (please do not list where she works but what job she does) _____.

23. Is your family receiving any kind of government assistance (food, housing, PATH, etc)?

1. No 2. Yes 3. Don't know

24. Did your mother (or other primary guardian) complete:

- | | |
|---------------------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> 1. Primary school (grades 1-6) | <input type="checkbox"/> 4. Technical or vocational school |
| <input type="checkbox"/> 2. All age/ junior high (grades 7-9) | <input type="checkbox"/> 5. College or university |
| <input type="checkbox"/> 3. High school (grades 7-12) | <input type="checkbox"/> 6. Graduate or professional school |

25. How often do you go to sports practice or play in games?

- ☐ Almost every day ☐ A few times a year
☐ Once or twice a week ☐ Never
☐ A few times a month

26. If yes, what sports? _____

27. How often do you take lessons or attend classes out of school?

- ☐ Almost every day ☐ A few times a year
☐ Once or twice a week ☐ Never
☐ A few times a month

28. How often do you go to meetings or activities for a club or youth group?

- ☐ Almost every day ☐ A few times a year
☐ Once or twice a week ☐ Never
☐ A few times a month

29. What group? _____

30. How often do you talk to an adult about what you are doing or thinking?

- ☐ Almost every day ☐ A few times a year
☐ Once or twice a week ☐ Never
☐ A few times a month

31. What adult? _____

32. How often do you do work at home (chores, baby sitting, cooking)?

- ☐ Almost every day ☐ A few times a year
☐ Once or twice a week ☐ Never
☐ A few times a month

33. Last summer how often did you go to a summer programme for learning or fun?

- ☐ Almost every day ☐ A few times a year
☐ Once or twice a week ☐ Never
☐ A few times a month

34. How often do you attend religious services?

- ☐ =Never ☐ = at least once per year
☐ = at least once per month ☐ = at least twice per month
☐ = at least three times per month ☐ = once per week
☐ = more than once per week

35. How important are religious services to you?

- ☐ = not very important ☐ = important
☐ = not important ☐ = very important

36. Do you have a full-time or a part-time job for pay?

- ☐ Yes, full-time job (30 hours or more)
☐ Yes, part-time job
☐ No, I don't have a job

37. If so, why did you become employed?

38. Where did you work? _____

39. What is the job? _____

40. For how many months have you had this job?

- ☐ 1 month or less ☐ More than 12 months
☐ 2 to 6 months ☐ I don't have a job
☐ 7 to 12 months

41. Has any member of your family or household family besides yourself ever had problems with alcohol abuse (heavy drinking)?

1. No 2. Yes

42. IF YES: Has this person been in a (drug/ alcohol) treatment programme? 1. No
2. Yes
43. Has any member of your family or household family besides yourself ever had problems with other drug use? 1. No 2. Yes
44. IF YES: Has this person been in a treatment programme? 1. No 2. Yes
45. Has any member of your family or household family besides yourself had involvement with the police or courts? 1. No 2. Yes
46. IF YES, have any of them been (check all that are true):
☐ Arrested ☐ Put on probation
☐ Held in jail or detention ☐ Sent to a training school or prison
☐ Convicted of a crime
47. Tell me about your friends who break the law?
☐ I do not have friends who break the law.
-
48. Tell me about the youngsters you know who do not break the law?
-
49. Do you have brothers or sisters who have been in conflict (trouble) with the law?
1. No 2. Yes
50. IF YES: Describe.
-
51. Would you say that you have experienced any kind of abuse (beaten, sexually, physically, verbally, cursing)? 1. No 2. Yes
52. IF YES: Describe:
-
-
53. Before coming to this facility, do you believe that your parents or guardians provided for you (in terms of providing food, clothing, healthcare, education)? 1. No 2. Yes
-
54. IF NO: Describe:_____
55. Have your parents or guardians ever said anything to you like "I love you"? 1. No 2. Yes
56. In your home community/town: a) did you ever see or hear someone get shot? 1. No 2. Yes
57. In your home community/town b) did you ever see fights in the community? 1. No 2. Yes
-
58. Did students ever fight at any school that you have attended? 1. No 2. Yes
59. Are there gangs in your community? 1. No 2. Yes
60. IF YES: Describe:
-
61. Are you a member of a gang? 1. No 2. Yes
62. Were you ever a member of a gang? 1. No 2. Yes
63. Are you aware of any relatives in a gang? 1. No 2. Yes, If YES, who?_____
64. Are illegal drugs available in your community/ home town? 1. No 2. Yes

65. IF YES:

Describe: _____

66. How many times have you been to a doctor in the last 12 months?

_____ Never _____ Once _____ Twice _____ 3-5 Times _____ More often

67. Have you been kept overnight in the hospital in the last 6 months? 1. No 2. Yes

68. Are you currently taking any medications prescribed by your doctor? 1. No 2. Yes

69. IF YES: What medications are you taking? _____

70. How are your grades in school? (Please pick the answer that best describes how you do in general?)

☐ Excellent (A or 90 and above) ☐ Above average (B or 80 – 90)

☐ Average (C or 70 – 80) ☐ Below average (D or 60 – 70)

☐ Unsatisfactory (F or below 60) ☐ Not in school ☐ Not sure

71. During the LAST FOUR WEEKS that you attended a regular school, how many whole days of school have you missed?

☐ None ☐ 4 to 5 days

☐ 1 day ☐ 6 to 10 days

☐ 2 days ☐ 11 or more days

☐ 3 days ☐ Not in school last four weeks

72. Why were you absent? _____

73. What is your current grade? _____

74. What type of programme are you in now?

_____ Academic (High school)

_____ Vocational/ technical (Trade school)

_____ Alternative (School for Children in Conflict [trouble] with the Law)

_____ Other Which? _____

75. What is the highest grade in school that you have completed?

☐ 4th ☐ 10th ☐ 7th ☐ College

☐ 5th ☐ 11th ☐ 8th ☐ Vocational

☐ 6th ☐ 12th ☐ 9th

76. Where you ever suspended and, or expelled from a school? 1. No 2. Yes.

77. IF YES: Describe what happened: _____

78. Have you dropped out of (quit) school? 1. No 2. Yes

79. When did you last attend school? (Please pick the answer that best fits you)

☐ Within the last six months ☐ Within the last year

☐ Within the last two years ☐ More than two years ago

☐ Still in school now

80. Do you have any concerns about going to school? 1. No 2. Yes

81. IF YES: Describe: _____

82. Describe any problems at all that you have had in school (work and, or behaviorally):

83. Who is your role model (the person you admire most)? _____

Below is a list of experiences or events. Put an "X" next to the items that have happened to you within the past 12 months.

- 84. _____ An important friend moved away
- 85. _____ You changed schools
- 86. _____ Your parents argued or fought with each other
- 87. _____ One or both of your parents got remarried
- 88. _____ Your parents got divorced or separated
- 89. _____ There were serious money problems at home
- 90. _____ A family member had a serious accident or illness that worried you.
- 91. _____ {intentionally omitted}
- 92. _____ Someone in your family had a drinking or drug problem.
- 93. _____ You started earning your own money.
- 94. _____ You feared that someone might physically hurt you
- 95. _____ You feared that someone might make sexual advances towards you
- 96. _____ A brother or sister was born or adopted into your family
- 97. _____ You found a new group of friends
- 98. _____ You broke up with someone you were dating on a regular basis
- 99. _____ (for girls) You became pregnant or gave birth to a child or did not complete pregnancy
- 100. _____ (for boys) Your girlfriend became pregnant
- 101. _____ You moved to a new home or neighborhood.
- 102. _____ You had to leave your family because of violence.
- 103. _____ You had to leave your family because of economics.
- 104. _____ You were forced to work rather than attend school.
- 105. _____ You got poor grades in school
- 106. _____ You had problems at work or school
- 107. _____ You had a serious accident or illness
- 108. _____ You started dating regularly
- 109. _____ You had sex for the first time
- 110. _____ You got in trouble with the law
- 111. _____ You were expelled or suspended from school.
- 112. _____ You gained a lot of weight
- 113. _____ You had a sexual experience with someone of your own sex.
- 114. _____ A close friend died
- 115. _____ You thought about hurting or killing yourself
- 116. _____ You had trouble with a brother or sister
- 117. _____ Your mother or father lost a job
- 118. _____ A brother or sister moved out
- 119. _____ You had trouble with a school teacher
- 120. _____ Someone in your family died

121. _____ You were bothered by a lack of affection and kindness toward you by one or both of your parents.
122. _____ You were placed in a new living situation, for example, in a foster home, residential setting, or institution.
123. _____ A close friend became seriously ill or had serious medical problems
124. _____ You stole something valuable
125. _____ One or both of your parents changed jobs.
126. _____ You ran away from your home or an institution.
127. _____ You have been a victim of a crime.

National Youth Survey (adapted for context)

This questionnaire contains a number of questions about your behaviour in the last year. Please answer all of the questions as accurately as you can. Do not try to look good or bad. All the information you provide is totally confidential and will not be shown to your parents or anyone else.

For each question, indicate how often you did the described behaviour in the last year by writing the number of times on the blank in front of the question.

How many times in the last year have you:

128. _____ Purposely damaged or destroyed property belonging to your parents or other family members?
129. _____ Purposely damaged or destroyed property belonging to a school?
130. _____ Purposely damaged or destroyed other property that did not belong to you (not counting family or school property)?
131. _____ Stolen something? If any, what? _____
132. _____ Stolen (or tried to steal) a motor vehicle, such as a car or motorcycle?
133. _____ Stolen (or tried to steal) something worth more than JA\$500?
134. _____ Knowingly bought, sold, or held stolen goods (or tried to do any of these things)?
135. _____ Thrown objects (such as rocks, sticks, bottles, etc.) at cars or people?
136. _____ Run away from home?
137. _____ Lied about your age to gain entrance or to purchase something; for example, lying about your age to buy liquor or get into a movie?
138. _____ Carried a hidden weapon other than a plain pocket knife?
139. _____ Stolen (or tried to steal) things worth \$500JA or less?
140. _____ Attacked someone with the idea of seriously hurting or killing him/her?
141. _____ Been paid for having sexual relations with someone?
142. _____ Been involved in gang fights?
143. _____ Sold marijuana or hashish (“ganja,” “pot”, “grass” “hash”)?

144. _____ Cheated on school tests?
145. _____ Did things to get money when you knew it was illegal?
146. _____ Stolen money or other things from your parents or other members of your family?
147. _____ Hit (or threatened to hit) a teacher or other adult at school?
148. _____ Hit (or threatened to hit) one of your parents?
149. _____ Hit (or threatened to hit) other students?
150. _____ Been loud, rowdy, or unruly in a public place (disorderly conduct)?
151. _____ Sold hard drugs, such as heroin, cocaine, and LSD?
152. _____ Taken a vehicle for a ride (drive) without the owner's permission?
153. _____ Had (or tried to have) sexual relations with someone against their will?
154. _____ Used force (strong-arm methods) to get money or things from other students?
155. _____ Used force (strong armed methods) to get money or things from a teacher or other adult at school?
156. _____ Used force (strong armed methods) to get money or things from other people (not students or teachers)?
157. _____ Avoided paying for such things as movies, bus rides, and food?
158. _____ Been drunk? Where? _____
159. _____ Stolen (or tried to steal) something at school, such as someone's school bag, shoes, books from a classroom, desk, bag, or canteen, or a book or book page from the library?
160. _____ Broken into a building or vehicle (or tried to break in) to steal something or just to look around?
161. _____ Begged for money or things from strangers?
162. _____ Skipped classes without an excuse?
163. _____ Failed to return extra change that a cashier gave you by mistake?
164. _____ Been suspended from school?
165. _____ Made obscene telephone calls, such as calling someone and saying dirty things?
166. _____ Gone a day without something to eat because there was no food?

USED:

167. _____ Alcoholic beverages (beer, wine, rum, etc.)?
168. _____ Ganja – marijuana, hashish ("grass", "weed", "pot", "hash")?
169. _____ Hallucinogens ("LSD", "mescaline", "peyote", "acid")
170. _____ Amphetamines ("uppers", "speed", "whites")
171. _____ Barbiturates ("downers", "reds")?
172. _____ Heroin ("horse", "smack")
173. _____ Cocaine ("coke", "crack")
174. _____ Bidi
175. _____ Other

THIS SECTION FOR CHILDREN IN CONFLICT WITH THE LAW ONLY

1. You said your current offence(s) was/ were:_____;
2. Tell me what happened:

-
3. Did you have a weapon with you? 1. NO 2. YES
 4. IF YES: What?_1. Gun 2 Knife 3. Other:_____
 5. If a gun, where did you get it?_____
 6. Number of victims (if a person offence):_____
 7. How many people were with you in offending (co-offenders)?_____
 8. Location of the offence:_____
 9. Time of the offence:_____
 10. Month of offence:_____
 11. Day of offence:_____

-
12. Tell me how you came to break the law (your reason), what happened? (Motive for offence):

-
13. Do you see yourself in this position again – in trouble with the law (at some point in the future)? 1. No 2. Yes
 14. Why or why not?
-

Perceptions of System Responses:

15. How many times and for what reason(s) have you been in trouble with the law? Describe.

Describe your experience with the police.

17. Describe your experience in the court(s).

-
18. Who attended court with you? (Check all that apply)

_____Both parents_____One Parent_____

Other relative: _____Other non-relative:_____

19. Did you have an attorney in court? 1. No 2. Yes
20. When you were taken into custody (arrested), how long were you detained before seeing a judge?

-
21. What has your experience been at this facility?

-
22. How long have you been here?_____
 23. How much longer do you expect to be here?_____
 24. How well do youth and staff get along here?

-
25. How many people share the space or room in which you sleep at this facility?_____

26. Are the facility/ programme rules clear to you? 1. NO 2. YES
27. Do you know what to do in the event of a fire? 1. NO 2. YES
28. Do you know how to find help if you or someone else is being assaulted or threatened? 1. NO 2. YES
29. Are you concerned about being attacked in this facility/programme? 1. NO 2. YES
30. How is the school programming?
a) Very Satisfactory b) Satisfactory c) Neutral d) Dissatisfactory e) Very Dissatisfactory
31. How is the recreation here?
a) Very Satisfactory b) Satisfactory c) Neutral d) Dissatisfactory e) Very Dissatisfactory
32. Do you have access to a telephone? 1. NO 2. YES
33. IF YES: How often? _____
34. Have you been in touch with your family? 1. NO 2. YES
35. How often? _____ When was the last time? _____
36. Do you know how to find a staff member to talk to if you are upset? 1. NO 2. YES
37. Do you have a lawyer or have you had contact with a lawyer? 1. NO 2. YES
38. What are the best things about this facility/ programme?
-

39. What things bother you the most about this facility/programme?

40. Do people in this facility or programme say that they are in gangs? 1. NO 2. YES
41. IF YES: Are there gang fights? 1. NO 2. YES
42. How prevalent is contraband in here?
-

43. IF HERE: Who offers it?

44. Have you received a written copy of the rules here? 1. NO 2. YES
45. Do you understand the rules? 1. NO 2. YES
46. Are the rules fair? 1. NO 2. YES
47. Is there a grievance (complaint) process? 1. NO 2. YES
48. Can youth use the grievance process without retribution (that is, experiencing revenge or spite for complaining)? 1. NO 2. YES
49. Would you say that being here has been helpful at all? 1. NO 2. YES
50. Explain your response.
-

51. What are your plans for after leaving here?

52. Five years from now, you will be _____. Tell me what you think your life will be like then: What will you be doing? Where?

53. Are you currently seeing a psychiatrist, psychologist, counselor or social worker because you needed help with an emotional or behavioral problem?
1. NO 2. YES

54. Have you ever been in a special education class? 1. NO 2. YES
55. Anything that I have not asked that you would like to add?
-

56. End Time:_____.

Thank You!

APPENDIX C

Table C1: Parish of Origin for Children in Conflict with the Law

Parish	Frequency	Percentage
St. Ann	12	5.7
Clarendon	17	8.1
Overseas	1	.5
St. Mary	7	3.3
Hanover	2	1.0
St. Thomas	7	3.3
St. Elizabeth	5	2.4
Kingston	51	24.4
St. Andrew	30	14.4
Westmoreland	11	5.3
St. Catherine	24	11.5
Manchester	7	3.3
Trelawny	8	3.8
Portland	2	1.0
St. James	23	11.0
Total	209	(1% not reported) 100

Table C2: Person (s) with Whom CCL Lived Before Being Charged

Adults in Household	Frequency	Percentage
Lives alone	3	1.4
Mother and father	26	12.5
Mother, father & adult relatives	1	.5
Mother, father & adult non-relatives	1	.5
Foster parent(s)	6	2.9
Boyfriend or girlfriend	1	.5
Mother only	71	34.2
Mother & stepfather	15	7.2
Mother & other relative	3	1.4
Father only	24	11.5
Father & stepmother	4	1.9
Father & other relative	1	.5
Stepmother only	1	.5
Other Relative(s)	38	18.3
Non-parent relative & non-relatives	2	1.0
Non-relatives	4	1.9
Friends	1	.5
(missing data)	6	2.9
Total	208	100

Table C3: CCL and Non-CCL Times in the Past Year that You Have Relocated.

Status			Number of times the child moved				Total
			0	1	2	3	
	CCL		109	29	40	28	206
		% Status	52.9%	14.1%	19.4%	13.6%	100.0%
		% Times Moved	87.2%	72.5%	85.1%	73.7%	82.4%
		% of Total	43.6%	11.6%	16.0%	11.2%	82.4%
	NON-CCL		16	11	7	10	44
		% Status	36.4%	25.0%	15.9%	22.7%	100.0%
		% Times Moved	12.8%	27.5%	14.9%	26.3%	17.6%
		% of Total	6.4%	4.4%	2.8%	4.0%	17.6%
Total			125	40	47	38	250
		% Status	50.0%	16.0%	18.8%	15.2%	100.0%
		% Times Moved	100.0%	100.0%	100.0%	100.0%	100.0%
		% of Total	50.0%	16.0%	18.8%	15.2%	100.0%

Table C4: CCL and Non-CCL Belief that Parents/ Guardians Provided for Them

Status			Parent(s) Provided			Total
			No Response	NO	YES	
	CCL		7	14	187	208
		% Status	3.4%	6.7%	89.9%	100.0%
		% Parent(s) Provided	87.5%	63.6%	83.9%	82.2%
		% of Total	2.8%	5.5%	73.9%	82.2%
	NON-CCL		1	8	36	45
		% Status	2.2%	17.8%	80.0%	100.0%
		% Parent(s) Provided	12.5%	36.4%	16.1%	17.8%
		% of Total	.4%	3.2%	14.2%	17.8%
TOTAL			8	22	223	253
		% Status	3.2%	8.7%	88.1%	100.0%
		% Parent(s) Provided	100.0%	100.0%	100.0%	100.0%
		% of Total	3.2%	8.7%	88.1%	100.0%

Table C5: CCL and Non-CCL Children Who Work

Status		Children With a Full or Part Time Job			Total
		Full-Time (30+hours/week)	Part Time	None	
CCL		16	75	106	197
	% Status	8.1%	38.1%	53.8%	100.0%
	% with Job	94.1%	97.4%	74.1%	83.1%
	% of Total	6.8%	31.6%	44.7%	83.1%
NON-CCL		1	2	37	40
	% Status	2.5%	5.0%	92.5%	100.0%
	% with Job	5.9%	2.6%	25.9%	16.9%
	% of Total	.4%	.8%	15.6%	16.9%
TOTAL		17	77	143	237
	% Status	7.2%	32.5%	60.3%	100.0%
	% with Job	100.0%	100.0%	100.0%	100.0%
	% of Total	7.2%	32.5%	60.3%	100.0%

Table C6: CCL and Non-CCL Have your parents/guardians ever said “I love you”?

Status		Told “I love you”		Total
		NO	YES	
CCL		27	178	205
	% Status	13.2%	86.8%	100.0%
	% Told “I love you”	77.1%	83.6%	82.7%
	% of Total	10.9%	71.8%	82.7%
		8	35	43
	% Status	18.6%	81.4%	100.0%
	% Told “I love you”	22.9%	16.4%	17.3%
	% of Total	3.2%	14.1%	17.3%
TOTAL		35	213	248
	% Status	14.1%	85.9%	100.0%
	% Told “I love you”	100.0%	100.0%	100.0%
	% of Total	14.1%	85.9%	100.0%

Table C7: CCL and Non-CCL Would you say that you have experienced any kind of abuse?

Status			Experiences of Child Abuse			Total
			Unanswered	NO	YES	
	CCL		7	103	98	208
		% Status	3.4%	49.5%	47.1%	100.0%
		% Abused	100.0%	82.4%	81.0%	82.2%
		% of Total	2.8%	40.7%	38.7%	82.2%
	NON-CCL		0	22	23	45
		% Status	.0%	48.9%	51.1%	100.0%
		% Abused	.0%	17.6%	19.0%	17.8%
		% of Total	.0%	8.7%	9.1%	17.8%
Total			7	125	121	253
		% Status	2.8%	49.4%	47.8%	100.0%
		% Abused	100.0%	100.0%	100.0%	100.0%
		% of Total	2.8%	49.4%	47.8%	100.0%

Table C8: CCL and Non-CCL Were you ever in a child care institution?

Status			Prior Stay in a Child Care Institution			Total
			No response	NO	YES	
	CCL		9	129	70	208
		% Status	4.3%	62.0%	33.7%	100.0%
		% Stay in Child Care	81.8%	79.1%	88.6%	82.2%
		% of Total	3.6%	51.0%	27.7%	82.2%
	NON-CCL		2	34	9	45
		% Status	4.4%	75.6%	20.0%	100.0%
		% Stay in Child Care	18.2%	20.9%	11.4%	17.8%
		% of Total	.8%	13.4%	3.6%	17.8%
TOTAL			11	163	79	253
		% Status	4.3%	64.4%	31.2%	100.0%
		% Stay in Child Care	100.0%	100.0%	100.0%	100.0%
		% of Total	4.3%	64.4%	31.2%	100.0%

Table C9: CCL and Non-CCL Having a family member who has been involved with the police and/or appeared before the courts?

Status		Family Member with Negative Involvement with the Police or Courts			Total
		No Response	No Family Members with Negative Contact	Family Members with Negative Contact	
CCL		17	87	104	208
	% Status	8.2%	41.8%	50.0%	100.0%
	% Family Member	77.3%	78.4%	86.7%	82.2%
	% of Total	6.7%	34.4%	41.1%	82.2%
NON-CCL		5	24	16	45
	% Status	11.1%	53.3%	35.6%	100.0%
	% Family Member	22.7%	21.6%	13.3%	17.8%
	% of Total	2.0%	9.5%	6.3%	17.8%
Total		22	111	120	253
	% Status	8.7%	43.9%	47.4%	100.0%
	% Family Member	100.0%	100.0%	100.0%	100.0%
	% of Total	8.7%	43.9%	47.4%	100.0%

Table C10: CCL and Non-CCL Do you have brothers or sisters who have been in conflict with the law?

Status		Sibling in Trouble		Total
		NO	YES	
CCL		160	45	205
	% Status	78.0%	22.0%	100.0%
	% Siblings in Trouble	80.0%	91.8%	82.3%
	% of Total	64.3%	18.1%	82.3%
NON-CCL		40	4	44
	% Status	90.9%	9.1%	100.0%
	% Siblings in Trouble	20.0%	8.2%	17.7%
	% of Total	16.1%	1.6%	17.7%
TOTAL		200	49	249
	% Status	80.3%	19.7%	100.0%
	% Siblings in Trouble	100.0%	100.0%	100.0%
				100.0%

Table C11: CCL and Non-CCL Knowledge of a family member with a drug use problem

Status			Family Member's Drug Use			Total
				NO	YES	
	CCL		16	142	50	208
		% Status	7.7%	68.3%	24.0%	100.0%
		% Family Drug Use	80.0%	80.2%	89.3%	82.2%
		% of Total	6.3%	56.1%	19.8%	82.2%
	NON-CCL		4	35	6	45
		% Status	8.9%	77.8%	13.3%	100.0%
		% Family Drug Use	20.0%	19.8%	10.7%	17.8%
		% of Total	1.6%	13.8%	2.4%	17.8%
TOTAL			20	177	56	253
		% Status	7.9%	70.0%	22.1%	100.0%
		% Family Drug Use	100.0%	100.0%	100.0%	100.0%
		% of Total	7.9%	70.0%	22.1%	100.0%

Table C12: The parishes from which CCL who reported marijuana use came

Parish	Marijuana Use in the Past Year		Total
	NO	YES	
Unknown	0	1	1
% of Total	.0%	.5%	.5%
St. Ann	7	5	12
% of Total	3.4%	2.4%	5.8%
Clarendon	10	7	17
% of Total	4.8%	3.4%	8.2%
St. Mary	4	3	7
% of Total	1.9%	1.4%	3.4%
Hanover	0	1	1
% of Total	.0%	.5%	.5%
St. Thomas	4	3	7
% of Total	1.9%	1.4%	3.4%
St. Elizabeth	1	4	5
% of Total	.5%	1.9%	2.4%
Kingston & St. Andrew	44	38	82
% of Total	21.2%	18.3%	39.4%
Westmoreland	6	6	12
% of Total	2.9%	2.9%	5.8%
St. Catherine	13	11	24
% of Total	6.3%	5.3%	11.5%
Manchester	4	3	7
% of Total	1.9%	1.4%	3.4%
Trelawny	4	4	8
% of Total	1.9%	1.9%	3.8%
Portland	0	2	2
% of Total	.0%	1.0%	1.0%
St. James	12	11	23
% of Total	5.8%	5.3%	11.1%
TOTAL	109	99	208
% of Total	52.4%	47.6%	100.0%

Table C13: CCL and Non-CCL Seen or heard someone being shot in the community

Status		Seen or Heard Someone Shot		Total
		NO	YES	
CCL		47	161	208
	% Status	22.6%	77.4%	100.0%
	% Gun Shots	75.8%	84.3%	82.2%
	% of Total	18.6%	63.6%	82.2%
NON-CCL		15	30	45
	% Status	33.3%	66.7%	100.0%
	% Gun Shots	24.2%	15.7%	17.8%
	% of Total	5.9%	11.9%	17.8%
	TOTAL	62	191	253
	% Status	24.5%	75.5%	100.0%
	% Gun Shots	100.0%	100.0%	100.0%
	% of Total	24.5%	75.5%	100.0%

Table C14: CCL and Non-CCL Seen fights in the community

Status	Seen Fights			Total
	No Response	NO	YES	
CCL	6	21	181	208
% Status	2.9%	10.1%	87.0%	100.0%
% Seen Fights	100.0%	75.0%	82.6%	82.2%
% of Total	2.4%	8.3%	71.5%	82.2%
NON_CCL	0	7	38	45
% Status	.0%	15.6%	84.4%	100.0%
% Seen Fights	.0%	25.0%	17.4%	17.8%
% of Total	.0%	2.8%	15.0%	17.8%
TOTAL	6	28	219	253
% Status	2.4%	11.1%	86.6%	100.0%
% Seen Fights	100.0%	100.0%	100.0%	100.0%
% of Total	2.4%	11.1%	86.6%	100.0%

Table C15: CCL and Non-CCL Did students ever fight at any school that you have attended?

Status			Student Fights			Total
				NO	YES	
	CCL		2	33	173	208
		% Status	1.0%	15.9%	83.2%	100.0%
		% Student Fights	100.0%	94.3%	80.1%	82.2%
		% of Total	.8%	13.0%	68.4%	82.2%
	NON-CCL		0	2	43	45
		% Status	.0%	4.4%	95.6%	100.0%
		% Student Fights	.0%	5.7%	19.9%	17.8%
Total			2	35	216	253
	% Status		.8%	13.8%	85.4%	100.0%
	% Student Fights		100.0%	100.0%	100.0%	100.0%
	% of Total		.8%	13.8%	85.4%	100.0%

Table C16: CCL and Non-CCL Are there gangs in your community?

Status			Gang Presence			Total
			No Response	NO	YES	
	CCL		6	113	89	208
		% Status	2.9%	54.3%	42.8%	100.0%
		% Gang Presence	100.0%	79.6%	84.8%	82.2%
		% of Total	2.4%	44.7%	35.2%	82.2%
	NON-CCL		0	29	16	45
		% Status	.0%	64.4%	35.6%	100.0%
		% Gang Presence	.0%	20.4%	15.2%	17.8%
Total			6	142	105	253
	% Status		2.4%	56.1%	41.5%	100.0%
	% Gang Presence		100.0%	100.0%	100.0%	100.0%
	% of Total		2.4%	56.1%	41.5%	100.0%

Table C17:CCL and Non-CCL Gang Membership

Status			Current Gang Membership		Total
			NO	YES	
	CCL		170	35	205
		% Status	82.9%	17.1%	100.0%
		% Gang Membership	79.4%	97.2%	82.0%
		% of Total	68.0%	14.0%	82.0%
	NON-CCL		44	1	45
		% Status	97.8%	2.2%	100.0%
		% Gang Membership	20.6%	2.8%	18.0%
		% of Total	17.6%	.4%	18.0%
TOTAL			214	36	250
		% Status	85.6%	14.4%	100.0%
		% Gang Membership	100.0%	100.0%	100.0%
		% of Total	85.6%	14.4%	100.0%

Table C18: CCL and Non-CCL Previous Gang Membership

Status			Previous Gang Membership		Total
			NO	YES	
	CCL		145	58	203
		% Status	71.4%	28.6%	100.0%
		% Previous Gang Membership	78.0%	95.1%	82.2%
		% of Total	58.7%	23.5%	82.2%
	NON-CCL		41	3	44
		% Status	93.2%	6.8%	100.0%
		% Previous Gang Membership	22.0%	4.9%	17.8%
		% of Total	16.6%	1.2%	17.8%
TOTAL			186	61	247
		%Status	75.3%	24.7%	100.0%
		% Previous Gang Membership	100.0%	100.0%	100.0%
		% of Total	75.3%	24.7%	100.0%

Table C19: CCL and Non-CCL Awareness of Any Relatives in a Gang

Status			Relatives in a Gang			Total
			No Response	No	YES	
	CCL		4	149	55	208
		% Status	1.9%	71.6%	26.4%	100.0%
		% Relatives in a Gang	66.7%	79.7%	91.7%	82.2%
		% of Total	1.6%	58.9%	21.7%	82.2%
	NON-CCL		2	38	5	45
		% Status	4.4%	84.4%	11.1%	100.0%
		% Relatives in a Gang	33.3%	20.3%	8.3%	17.8%
		% of Total	.8%	15.0%	2.0%	17.8%
TOTAL			6	187	60	253
		% Status	2.4%	73.9%	23.7%	100.0%
		% Relatives in a Gang	100.0%	100.0%	100.0%	100.0%
		% of Total	2.4%	73.9%	23.7%	100.0%

Table 20: CCL and Non-CCL Are illegal drugs available in your community/ home town?

Status			Illegal Drugs in Community			Total
			No Response	NO	YES	
	CCL	Count	15	83	110	208
		% Status	7.2%	39.9%	52.9%	100.0%
		% Illegal Drugs in Community	83.3%	73.5%	90.2%	82.2%
		% of Total	5.9%	32.8%	43.5%	82.2%
	NON-CCL	Count	3	30	12	45
		% Status	6.7%	66.7%	26.7%	100.0%
		% Illegal Drugs in Community	16.7%	26.5%	9.8%	17.8%
		% of Total	1.2%	11.9%	4.7%	17.8%
TOTAL			18	113	122	253
		% Status	7.1%	44.7%	48.2%	100.0%
		% Illegal Drugs in Community	100.0%	100.0%	100.0%	100.0%
		% of Total	7.1%	44.7%	48.2%	100.0%

Table C21: CCL and Non-CCL Frequency of Sports Practice or Games

Status		Frequency of playing Sports/Games					Total
		Never	Almost Every Day	Once or Twice/ Week	A Few Times/ Month	A Few Times/ Year	
CCL		41	97	37	17	8	200
	% Status	20.5%	48.5%	18.5%	8.5%	4.0%	100.0%
	% Sports/Games	77.4%	87.4%	82.2%	85.0%	57.1%	82.3%
	% of Total	16.9%	39.9%	15.2%	7.0%	3.3%	82.3%
NON-CCL		12	14	8	3	6	43
	% Status	27.9%	32.6%	18.6%	7.0%	14.0%	100.0%
	% Sports/Games	22.6%	12.6%	17.8%	15.0%	42.9%	17.7%
	% of Total	4.9%	5.8%	3.3%	1.2%	2.5%	17.7%
Total		53	111	45	20	14	243
	% Status	21.8%	45.7%	18.5%	8.2%	5.8%	100.0%
	% Sports/Games	100.0 %	100.0%	100.0%	100.0%	100.0%	100.0%
	% of Total	21.8%	45.7%	18.5%	8.2%	5.8%	100.0%

Table C22: CCL and Non-CCL frequency of taking lessons or attending classes beyond school

Status		Frequency with Which the Child Takes Lessons or Classes Outside of School				Total
		Never	Almost Everyday	Once or Twice/ Week	A Few Times per Month or Year	
CCL		81	54	44	17	196
	% Status	41.3%	27.6%	22.4%	8.7%	100.0%
	% Classes or lessons	85.3%	76.1%	86.3%	77.3%	82.0%
	% of Total	33.9%	22.6%	18.4%	7.1%	82.0%
NON-CCL		14	17	7	5	43
	% Status	32.6%	39.5%	16.3%	11.6%	100.0%
	% Classes or lessons	14.7%	23.9%	13.7%	22.7%	18.0%
	% of Total	5.9%	7.1%	2.9%	2.1%	18.0%
Total		95	71	51	22	239
	% Status	39.7%	29.7%	21.3%	9.2%	100.0%
	% Classes or lessons	100.0%	100.0%	100.0 %	100.0%	100.0%
	% of Total	39.7%	29.7%	21.3%	9.2%	100.0%

Table C23: CCL and Non-CCL frequency of attending club or youth group activities

Status		Frequency of meetings or activities with a club or youth group				Total
		Never	Almost Every Day	Once or Twice / Week	A few Times per Month or Year	
CCL		99	35	52	22	208
	% Status	47.6%	16.8%	25.0%	10.6%	100.0%
	% Clubs/Groups	84.6%	79.5%	83.9%	73.3%	82.2%
	% of Total	39.1%	13.8%	20.6%	8.7%	82.2%
NON-CCL		18	9	10	8	45
	% Status	40.0%	20.0%	22.2%	17.8%	100.0%
	% Clubs/Groups	15.4%	20.5%	16.1%	26.7%	17.8%
	% of Total	7.1%	3.6%	4.0%	3.2%	17.8%
Total		117	44	62	30	253
	% Status	46.2%	17.4%	24.5%	11.9%	100.0%
	% Clubs/Groups	100.0%	100.0%	100.0%	100.0%	100.0%
	% of Total	46.2%	17.4%	24.5%	11.9%	100.0%

Table C24: CCL and Non-CCL Frequency of Chores at Home

Status			Chores at Home				Total
			Never	Daily	Once or Twice/ Week	A Few Times per Month or Year	
	CCL		22	125	42	19	208
		% Status	10.6%	60.1%	20.2%	9.1%	100.0%
		% Chores at Home	78.6%	82.8%	80.8%	86.4%	82.2%
		% of Total	8.7%	49.4%	16.6%	7.5%	82.2%
	NON-CCL		6	26	10	3	45
		% Status	13.3%	57.8%	22.2%	6.7%	100.0%
		% Chores at Home	21.4%	17.2%	19.2%	13.6%	17.8%
		% of Total	2.4%	10.3%	4.0%	1.2%	17.8%
TOTAL			28	151	52	22	253
		% Status	11.1%	59.7%	20.6%	8.7%	100.0%
		% Chores at Home	100.0%	100.0%	100.0%	100.0%	100.0%
		% of Total	11.1%	59.7%	20.6%	8.7%	100.0%

Table C25: CCL and Non-CCL frequency at a summer programme

Status			Summer Program				Total
			Never	Almost every day	Once/Twice/Week	A Few Times/Month	
	CCL		104	61	20	23	208
		% Status	50.0%	29.3%	9.6%	11.1%	100.0%
		% Summer Program	84.6%	76.3%	95.2%	79.3%	82.2%
		% of Total	41.1%	24.1%	7.9%	9.1%	82.2%
	NON-CCL		19	19	1	6	45
		% Status	42.2%	42.2%	2.2%	13.3%	100.0%
		% Summer Program	15.4%	23.8%	4.8%	20.7%	17.8%
		% of Total	7.5%	7.5%	.4%	2.4%	17.8%
TOTAL			123	80	21	29	253
		% Status	48.6%	31.6%	8.3%	11.5%	100.0%
		% Summer Program	100.0%	100.0%	100.0%	100.0%	100.0%
		% of Total	48.6%	31.6%	8.3%	11.5%	100.0%

Table C26: CCL Experience in Court by Parish

Parish		Experience in Court				Total
			Positive	Negative	Mixed	
		1	0	0	0	1
	% Parish	100.0%	.0%	.0%	.0%	100.0%
	% Experience in Court	5.6%	.0%	.0%	.0%	.5%
St. Ann		1	2	4	5	12
	% Parish	8.3%	16.7%	33.3%	41.7%	100.0%
	% Experience in Court	5.6%	4.3%	5.3%	7.5%	5.8%
Clarendon		2	2	5	8	17
	% Parish	11.8%	11.8%	29.4%	47.1%	100.0%
	% Experience in Court	11.1%	4.3%	6.6%	11.9%	8.2%
St. Mary		0	2	4	1	7
	% Parish	.0%	28.6%	57.1%	14.3%	100.0%
	% Experience in Court	.0%	4.3%	5.3%	1.5%	3.4%
Hanover		0	0	0	1	1
	% Parish	.0%	.0%	.0%	100.0%	100.0%
	% Experience in Court	.0%	.0%	.0%	1.5%	.5%
St. Thomas		1	0	5	1	7
	% Parish	14.3%	.0%	71.4%	14.3%	100.0%
	% Experience in Court	5.6%	.0%	6.6%	1.5%	3.4%
St. Elizabeth		0	0	2	3	5
	% Parish	.0%	.0%	40.0%	60.0%	100.0%
	% Experience in Court	.0%	.0%	2.6%	4.5%	2.4%
Kingston & St. Andrew		6	19	30	27	82
	% Parish	7.3%	23.2%	36.6%	32.9%	100.0%
	% Experience in Court	33.3%	40.4%	39.5%	40.3%	39.4%
Westmoreland		2	3	2	5	12
	% Parish	16.7%	25.0%	16.7%	41.7%	100.0%
	% Experience in Court	11.1%	6.4%	2.6%	7.5%	5.8%
St. Catherine		2	6	10	6	24
	% Parish	8.3%	25.0%	41.7%	25.0%	100.0%
	% Experience in Court	11.1%	12.8%	13.2%	9.0%	11.5%
Manchester		0	2	1	4	7
	% Parish	.0%	28.6%	14.3%	57.1%	100.0%
	% Experience in Court	.0%	4.3%	1.3%	6.0%	3.4%
Trelawny		1	3	3	1	8
	% Parish	12.5%	37.5%	37.5%	12.5%	100.0%
	% Experience in Court	5.6%	6.4%	3.9%	1.5%	3.8%
Portland		1	1	0	0	2
	% Parish	50.0%	50.0%	.0%	.0%	100.0%
	% Experience in Court	5.6%	2.1%	.0%	.0%	1.0%
St. James		1	7	10	5	23
	% Parish	4.3%	30.4%	43.5%	21.7%	100.0%
	% Experience in Court	5.6%	14.9%	13.2%	7.5%	11.1%
TOTAL		18	47	76	67	208
	% Parish	8.7%	22.6%	36.5%	32.2%	100.0%
	% Experience in Court	100.0%	100.0%	100.0%	100.0%	100.0%

Table C27: CCL Do you know what to do in the event of a fire?

Type of Facility			Fire Knowledge			Total
			No response	NO	YES	
	CDA		0	7	37	44
		% Facility	.0%	15.9%	84.1%	100.0%
		% Fire knowledge	.0%	9.6%	28.5%	21.2%
		% of Total	.0%	3.4%	17.8%	21.2%
	DCS		5	66	93	164
		% Facility	3.0%	40.2%	56.7%	100.0%
		% Fire knowledge	100.0%	90.4%	71.5%	78.8%
		% of Total	2.4%	31.7%	44.7%	78.8%
TOTAL			5	73	130	208
		% Facility	2.4%	35.1%	62.5%	100.0%
		% Fire knowledge	100.0%	100.0%	100.0%	100.0%
		% of Total	2.4%	35.1%	62.5%	100.0%

Table C28: Responses by Facility for CCL: Do you know what to do in the event of a fire?

Facility		Fire Knowledge			Total
		No Response	NO	YES	
St. Augustine (CDA)		0	1	6	7
% of Total		.0%	.5%	2.9%	3.4%
Rio Cobre (DCS)		0	18	23	41
% of Total		.0%	8.7%	11.1%	19.7%
Hill Top (DCS)		2	12	26	40
% of Total		1.0%	5.8%	12.5%	19.2%
St. Andrew Remand (DCS)		3	17	26	46
% of Total		1.4%	8.2%	12.5%	22.1%
Granville (CDA)		0	2	7	9
% of Total		.0%	1.0%	3.4%	4.3%
Homestead (CDA)		0	4	19	23
% of Total		.0%	1.9%	9.1%	11.1%
Ft. Augusta (DCS)		0	6	10	16
% of Total		.0%	2.9%	4.8%	7.7%
Glenhope (CDA)		0	0	5	5
% of Total		.0%	.0%	2.4%	2.4%
Horizon (DCS)		0	13	8	21
% of Total		.0%	6.3%	3.8%	10.1%
TOTAL		5	73	130	208
% of Total		2.4%	35.1%	62.5%	100.0%

Table C29: CCL: Do people in this facility or programme say that they are in gangs?

Type of Facility		Gang Members in the Facility			Total
		No Response	NO	YES	
CDA		2	29	13	44
	% Facility	4.5%	65.9%	29.5%	100.0%
	% Gang Member	18.2%	27.1%	14.4%	21.2%
	% of Total	1.0%	13.9%	6.3%	21.2%
DCS		9	78	77	164
	% Facility	5.5%	47.6%	47.0%	100.0%
	% Gang Member	81.8%	72.9%	85.6%	78.8%
	% of Total	4.3%	37.5%	37.0%	78.8%
TOTAL		11	107	90	208
	% Facility	5.3%	51.4%	43.3%	100.0%
	% Gang Member	100.0%	100.0%	100.0%	100.0%
	% of Total	5.3%	51.4%	43.3%	100.0%