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Justice or Injustice in Jamaica

Chiquita D. Howard

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The Social Construction of Juvenile Crime

Chiquita D. Howard, American Sociological Association, United States of America

Abstract: Research on child rights reveals a disproportionate ethnic and socioeconomic distribution of youth offenders in the Jamaica Juvenile Justice System (Jamaican JJS). Most of these youth offenders are from disadvantaged backgrounds (Barnardos, 1996). This paper will explain and describe the social construction of criminal behaviour among low-income youth offenders who reside in underprivileged urban communities in Jamaica. Current studies show that trends of youth crime in these communities are a product of an opportunity structure that perpetuates criminal activity (Wittebrood and Neiuwbeerta, 2000; Farrell and Pease, 1993; Bennett, 1991; Felson, 1986). In impoverished urban areas: (1) Jamaican families are denied resources that advance the quality of life for young residents; and (2) many youth are excluded from school, have minimal access to programs that promote education, and are denied alternative forms of youth and community provisions. Hence, urbanization, low socioeconomic status (SES), gender socialization, victimization, and Jamaican JJS policies play fundamental roles in the criminalization of disadvantaged youth.

Keywords: Child Rights, Crime and Delinquency, Social Inequality

RESEARCH ON CHILD rights reveals a disproportionate ethnic and socioeconomic distribution of youth offenders in the Jamaica Juvenile Justice System (Jamaican JJS). Most of these youth offenders are from disadvantaged backgrounds (Barnardos, 1996). This essay will explain and describe the violent criminal behavior and forms of punishment of low-income youth offenders who reside in underprivileged urban communities in Jamaica. Current studies show that trends of youth crime in these communities are a product of an opportunity structure that perpetuates criminal activity (Wittebrood and Neiuwbeerta, 2000; Farrell and Pease, 1993; Bennett, 1991; Felson, 1986). In impoverished urban areas: (1) Jamaican families are denied resources that advance the quality of life for young residents, (2) many youth are excluded from school, (3) have minimal access to programs that promote education, and (4) are denied alternative forms of youth and community provisions. Hence, urbanization, low socioeconomic status (SES), gender socialization, victimization, and Jamaican JJS policies play fundamental roles in the criminalization of disadvantaged youth.

Prior to the 1970's, Jamaican JJS policy entailed the primary belief that social work intervention for at-risk youth prevents admission into public care and penal custody. By the late 1970's, the cornerstone principles of 'diversion, decriminalization, and decarceration' were exercised in Jamaican juvenile justice policies and priorities (Goldson, 1997: 78). These principles derived from assumptions that 'children grow out of crime' and 'juvenile crime in Jamaica is non-serious, non-violent, and opportunistic' (Goldson, 1997; Rutherford, 1992). Since the 1980's, violent crime among Jamaican youth has increased drastically. The response to criminal forms of youth delinquency has been the judicial use of 'get tough' measures of punishment.

Juvenile Justice Programs in countries other than Jamaica feature deterrence and rehabilitation programs. At present, the Jamaican JJS is warehousing vulnerable teenagers and has failed to either rehabilitate or deter their entrance into the criminal justice context. For this reason, the Jamaican JJS does not comply with a number of the United Nations regulations that support child rights. Rather than supporting custodial programs, current Jamaican JJS programs are designed to divert innocent youth from criminal involvement. Research supporting current Jamaican JJS policies alleges that custodial programs are more expensive, damaging, and counter-productive to Jamaican social welfare policy initiatives that support deterrence and rehabilitation (Woolf Report, 1991). Unfortunately, community conditions, criminal statistics, and legislative action do not support the current policy-supported principles and initiatives.

Researchers have posed five strong arguments to explain the shift in criminal behavior among low-income urban dwelling youth in Jamaica. I develop my argument along five fronts. First, the SES of impoverished Jamaican families decreases youth possibilities of avoiding criminal activity. Second, urbanization and social disorganization within communities provides an opportunity structure for criminal behavior. Third, Jamaican children have been

victims of both criminal abuse and lack of supervisions, which makes them easy prey for developing criminal behavior. Fourth, males and females are socialized in a way that provides males a greater opportunity to engage in criminal activity. Finally, an era of strict punishment in the Jamaican JJS has perpetuated a criminal culture among youth. Each of the features perpetuates the culture of crime and play direct and indirect roles in the criminalization disadvantaged youth.

Urbanization and Socioeconomic Status (SES)

The majority of Jamaican residents are descendents of British-owned African slaves (black 76.3%, Afro-European 15.1%). Other ethnic groups include: 3% East Indian and Afro-East Indian, 1.2% white Chinese and Afro-Chinese, 1.2% Middle Eastern, and 3.2% European origin (Smith and Muenchen, 1995: 644). Although the Jamaican population is of a predominantly African origin, groups that are visibly distinct from Africans perform the most advantageous functions in Jamaican society. Studies examining historical patterns of SES report that lighter-skinned ethnic groups have greater status, access to power, and more privilege in Jamaican society (Broom, 1954; Davenport, 1928).

The disruptive effect of rapid urbanization in the context of recent Jamaican experience has plagued the experiences of many African-Jamaican descendents of British-owned African slaves. Since the post-World War II period, urban communities have been bombarded with advanced levels of militancy, disaffection, apathy and alienation that is distinct from other communities in Jamaica. Political Scientist, Carl Stone illustrates the state of affairs in urban metropolitan areas in Kingston and St. Andrew between 1960 and 1975:

> "The population in the urban metropolitan area of Kingston and St. Andrew grew 136 per cent between 1960 and 1970. Between 1970 and 1975, this population increased another 34 per cent. Urban residents must function in an environment of increasing unemployment, underemployment, income misdistribution, limited access to social and public services together with growing wealth, affluence, and consumerism at the middle and upper levels of the social hierarchy" (Stone, 1975: 449).

Urban communities in Jamaica are separated into distinct class homogeneous residential districts and areas. Urban social patterns within these communities produce more competitive and less differential inter-class relationships (Stone, 1975: 451). Some studies show that contingent upon subsistence and competi-

tion, the transitory character of urbanized areas and lack of participation may essentially constitute a state of anomie (Wilson, 1991: 67). It is important to understand that subsistence and competition may be strongly characterized by individual characteristics. Furthermore, youth may have the individual capacity to make their own decisions regarding whether or not they engage in criminal behavior.

In Jamaican urban communities, lower-income residents are more likely to experience powerlessness, withdrawal, hostility, and distrust of political authority, institutions, and authority figures (Stone, 1975: 452). *Political disaffection* depicts the existence of negative orientations towards political authority and those who exercise it. The following factors may reflect disaffection towards Jamaican policies and governing: (1) gaps between social aspirations and possibilities of material consumption and (2) polarization of the upper or middle and the lower social and occupational strata.

As a result of urbanization and their SES, a number of African-Jamaicans reside in lower-income Jamaican communities. These African-Jamaicans must shoulder through broken families, concentrated impoverished inhabitance, poor employment opportunities, and overcrowded, under-funded schools. Goldson (1997) suggests that the life chances of young Jamaicans can be speculated by examining the economic status and structure of their families. Kaczmarczyk (2005) alleges that Jamaican youth who reside in these communities are vulnerable to crime, violence, unemployment and other social ills.

Although the SES and the Jamaican experience of urbanization may explain the shifting criminal behavior of impoverished youth, researcher have reservations about criminalizing processes within the Jamaican JJS and ways that they also impact the nature of youth criminal behavior.

Juvenile Crime

Between 1995 and 1997, Jamaica was ranked with the top 10 most violent countries (United Nations, 2000). Youth in Jamaica are arrested, jailed, and murdered at twice the rate of the general population (National Centre for Youth Development, 2005: 10; Gayle, 2002). In 1999, the total number of major crimes reported in Jamaica by offense type included: 849 murders, 986 shootings, 784 rapes, 453 cases of burglary, 2,392 robberies, and 1,625 wounding injuries (Gayle, 2002: 66). One-fifth of the perpetrators of crime and violence were 20 years of age and younger. Persons under the age of 30 (79.5 percent male and 78.5 percent female) were arrested for murder in 2002 (Gayle, 2002: 5, 72). Multiple conditions have been examined to provide a rationalize explanation for consistent patterns of violent criminal

behavior among juveniles in Jamaica (Wittebrood and Neiuwbeerta, 2000; Bennett, 1991; Felson, 1986; Farrell and Pease, 1993). Some conditions include institutional disparities, poverty, the state of the family, and trends of violent behavior.

For nearly twenty years, Carl Stone, a well-known Jamaican literary, has argued that Jamaican government and parents should research into the causes or triggers of crime and violence (Stone, 1975). Drakeford and Vanestone (1996) posit that researchers must 'look beyond' offending behavior to understand high youth crime rates in Jamaica. Consequently, poor social structural conditions shape the marginal position of these youth and the Jamaican JJS fails to rehabilitate or prevent the reoccurrence of crime. In a majority of cases, youth are punished as a result of systematic failure (Bennett, 1991:147; Daley, 2004).

The Jamaican JJS has approached the criminality of youth by blaming the youth and parents for the violent culture of crime of urban Jamaican communities. This blame is displayed by new disciplinary measures that employ toughness and no-nonsense approaches to bring a halt to youth violence. These approaches are a response to the island-wide perception that youth crime is mushrooming out of control. Media attention, the concept of the criminal underclass, and a reformation of underclass childhood as wicked and evil have reinforced the response to youth crime (Jones, 1996).

The legacy of slavery and discrimination is analogous with current systematic forces, such as urbanization, that neutralize or undermine the ameliorative potential of African-Jamaicans. Cross (2003) examines the legacy of slavery and discrimination and the origins of African-Jamaican social problems:

"Distorting black family structure, dehumanizing cultural dynamics, protracting employment opportunities, limiting educational possibilities, and imposing clusters of urban centers all play a fundamental role in governmental resistance to individual and communal black achievement motivation (p. 67-68, 71-73).

Marcus Felson's rational choice perspective combines *routines activities* and *control theories* to explain the role of informal controls in limiting one's capacity to indicate choices that are available (1986: 119). Some youth participation in exploitative crime may be a product of these uncoordinated, asymmetric choices that are a systematic result of the convergence of people and things over time and space (Felson, 1986: 120).

Structural constraints that limit the display of full potential of youth have played a major role in the construction of the culture of crime in African-Jamaican communities. The opportunity structure for

criminal behavior and use of laws to generate differential arrest ratios among youth in Jamaica reinforces black youth criminality (Cross, 2003: 78-80). The efforts used to maintain the social control of Jamaican youth clearly impacts communal recognition of cultural integrity among the African-Jamaican population (Sampson and Groves, 1989; Shaw and McKay, 1942). The opportunity structure for violent behavior must be corrected in order to mend the 'culture of black criminality' that has shattered the integrity of many young African-Jamaica children (Stone, 1975).

The history of youth crime in Jamaica has not only been a racial phenomenon, but it has also been motivated by economic conditions. Goldson (1997) alleges that there is a causal relationship between the stratification of SES, juvenile offenses, and the culture of youth crime in Jamaica. In 2000, the Central Intelligence Agency (CIA) estimated Jamaica's national external debt to be $4.7 billion. Jamaica reserves 62.4% of its budget for debt servicing, rather than contributing to programs that cater to the quality of life of its residents. In 2000, approximately 34% of Jamaicans fell below the poverty line (United Nations Development Programme, 2000). Kaczmarczyk (2005) hypothesizes the cycle of poverty in the inner-city of Kingston, Jamaica as a description of the marginalization of youth (p.2). In fact, Jamaican youth may be detained for the very reason that they are poor. In some instances, authorities may even justify poor youth incarceration by insisting that youth are being protected from greater harm within the community (p. 1533).

Monohan (2003) argues that youth crime occurs within a broader context of poverty and 'exposure to violence.' We need to understand why certain youth are committing violent crimes and how youth react when exposed to violent behavior. In the April 22, 1991 issue of *The Daily Gleaner,* Carl Stone testifies that 'Jamaican youth are not being offered the opportunity to develop their gifts and talents' (Goldson, 1997). Many youth in Jamaica have been exposed to youth who commit violent crimes such as youth sexual offenders. These offenders may exhibit anger, extreme irritability, and impulsiveness (Beckles, 2000). The purpose of Stone's explanation is not to invalidate the violent nature of certain youth behavior, but is rather to provide direction in understanding the origins of violent behavior. For example, failure among Jamaican youth can be attributed to poor access to the educational and technical skills that allow mastery and marketing of their full potential (Daley, 2004).

Wittebrood and Nieuwbeerta (2000) examine the life course of individuals based upon the effects of previous victimization and patterns of *routine activities* on the risk of falling victim to crime. The crimes

included sexual offenses, assault, burglary, personal larceny, car theft and bicycle theft. Daley (2004) frowns upon the Jamaican society's unkind response and reveals the callous and severe remarks that label delinquent youth as "wucklis good fe nuttens." A victim *labeling process* is engendered when victimization results in the internalization of blame and avoidance of high risk situations (p.94). Attempts for revenge or retaliation are perpetuated by the simultaneous and multidimensional exchange of routine conduct and collapsed structural conditions (Bennett, 1991: 148).

Victimization and Socialization of Youth

Jamaican children are also victims of both criminal abuse and lack of supervisions, which makes them easy prey for developing criminal behavior (1993: 92-93). The chaotic lives of many poor juvenile offenders are characterized by high levels of stress, bereavement, and consequences of family break-up (Goldson, 1997). Boswell (1996) provides a detailed study of children who have committed grave crimes. His findings reveal a pattern that bonds the criminal behavior of large majority of Jamaican youth with backgrounds of emotional, sexual and physical abuse. In particular, physical and sexual abuse affects roughly one in ten youth in Jamaica (National Centre for Youth Development, 2005). The Jamaica Injury Surveillance System 'Injury Report' and other data from the Division of Health Promotion and Protection report that adolescents are victims of one of five of the violence-related injuries (Gayle, 2002: 72).

There is also growing evidence that exposure to violence has a major impact on youth attitudes towards violence. Kaczmarczyk notes that many of these youth are enticed by the lure of gangs and criminal activity (2005: 2). As a result of the criminal nature of Jamaican society, about 15 percent of students ages 10 to 18 carry a weapon to school, with similar proportions for boys and girls; fourteen percent of boys and five percent of girls have been stabbed or shot in a fight; eight percent of all adolescents have been knocked unconscious as a result of a fight; roughly one in six adolescents belong to a gang at some point during their youth (National Centre for Youth Development, 2005:10). Some researchers suggest that level of graphic violence depicted on television, videos, movies, and the printed media must be discouraged (Jamaicans for Justice, 1993: 89).

Street children are runaways or have been abandoned by their parents. These children and young Jamaican males are particularly susceptible to media and negative community perspectives of crime (Jamaicans for Justice National Task Force, 1993). Many researchers emphasize differences in the soci-

etal perpetuation of gender orientation for Jamaican males and females (Gayle, 2002; Chevannes, 1999; Cain, 1989; Elliot, 1988; Harris and Webb, 1987). Gayle (2002) interlinks the authoritative socialization of young males and their involvement in violent activity (p.4). Families and institutions constantly address opportunities for females. Brown (2001) indicates that 'girls need more education than boys to be able to earn enough to live independently' and girls should stay in school to avoid pregnancy (p.31). Furthermore, Jamaican government does not appear to be readily concerned with national initiatives to develop moral panic about gangs and female delinquency, because male crime tremendously supersedes female deviance.

Studies have shown that Caribbean parents have a strong cultural discomfort with the western value of 'child rights.' The problem lies with the role of the government in designating the period when parental oversight responsibilities begin and end (Brown, 2001: 29). Government officials tend to blame parental tradition in Jamaican culture for limited educational access. Brown (2001) discusses the historical and present role of Jamaican youth as economically viable family members. Brown notes that, 'since periods of African-Jamaican slavery, children have been granted tremendous amounts of household responsibilities (Brown, 2001: 30). Presently, some Jamaican families have no other choice but to remove their sons from school to forge their entry into the workplace. Some boys are expected to work to help support their families. Hence, current parental traditions embrace the extended family, disavowing of early marriage, and economic contributions from their children.

The promotion of 'children's rights' has flourished as a current political hot topic in Jamaica. As examined thus far in the literature, low-income youth have limited access to educational opportunities. The trial for these children stems from their family obligation to manual labor and unconventional option of education. Hence, low-income parents have a cultural obligation to determine the educational destiny of their children (Brown, 2001: 31). Policymakers are fighting to unleash children from these responsibilities. The problem here is the nature of globalization and methods of intertwining Western culture into the homes of Jamaicans. While policymakers are fighting for child rights, they seek to alter Jamaican culture and family tradition. Furthermore, the Jamaican JJS has also failed to receive parental support because policymakers have claimed child rights to be interconnected with parental levels of maturity.

The Jamaican JJS

The Jamaican JJS is stratified and includes fragmented systems and procedures. This section will explore the role of the offender, Jamaican police, Department of Children's Services, Family and Juvenile Courts, and Department of Correctional Services.

Juvenile crime in Jamaica has been dominated by males. For that reason, policy and practices in the Jamaican JJS apply to male counterparts (Chevannes, 1999). Male-gendered practices are enmeshed within the ideals of punishment and treatment in the Jamaican JJS (Harris and Webb, 1987). St. Andrew's Juvenile Remand Center in Stoney Hill controls the operation of three juvenile correctional facilities in Jamaica (Roio Cobre and Hilltop (two male facilities) and Armadale (female center). These facilities are always filled to capacity (Human Rights Watch, 1999). Unfortunately, single gender JJS programs have been counterproductive to the development of both genders because they fail to provide necessary support systems (Gayle, 2000: 3).

Article IV of the *United Nations Rules* and Section III of the *Jamaican Juveniles Act of 1951* set fourth a minimum age of twelve for Jamaican youth to be criminally charged (1999: 35). Although a juvenile is defined as being 'an individual under the age of seventeen,' it is common for seventeen-year-olds to be treated as adults in the Jamaican Criminal Court (1999: 35). In 1998, corporal punishment was prohibited at the Juvenile Remand Center, but some forms of physical discipline are still prohibited in Jamaican schools (1999: 38). The Jamaican government does not execute youth who commit capital offenses.

The offender's first court appearance does not determine his or her criminal status. Furthermore, child rights remain largely a foreign concept for the majority of Jamaican parents (Brown, 2001: 29). Several organizations fight to preserve youth rights. Some of these rights include self-expression, privacy, association, and freedom from abuse of any kind (Brown, 2001; Dunn, 2001; Monahan, 2003). Rights of children accused of criminal offenses are found in Article 40 of the *Convention on the Rights of the Child* (CRC). These rights include: (1) the right to be presumed innocent until proven guilty, (2) the right to be informed of the criminal charges alleged against them, (3) the right to trial without delay by a competent and impartial tribunal, (4) the right to legal counsel and, if necessary, to an interpreter, and (5) immediate notification of parents or guardian to consider the issue of release when juveniles are apprehended on suspicion of criminal conduct (Human Rights Watch, 1999: 32).

Mistrust and hostility exists between police and civilians. It has been argued that tension among police officers and the community is rooted in the role of Jamaican police during the colonial period. For decades, police have been viewed as enforcers of the interests of the landed aristocracy rather than protectors of the public. Interestingly, in local communities, residents perceive gang members as protectors, providing security, stability, and order that the police fail to offer (Human Rights Watch, 1999: 27). Hence, poverty-stricken residents who rob the rich and contribute resources in impoverished communities are protected by community members. These community members guard the underprivileged from the strict arms of police officers.

In the Jamaican JJS, the major role of police officers is to contact the Department of Children's Services after taking a child into custody. Police officers must collect time, transport, telephone, identify and take the offender to a place of safety (Human Rights Watch, 1999). It is very likely that the police officers detain the offender in an adult lockup facility. Adult lock-ups and safe places (places of safety) are placement settings of delinquent offenders. According to the Jamaican Department of Children's Services, there are 14 places of safety in Jamaica (10 government operated and 4 private). There is a 90 day maximum period for inhabitance of juvenile offenders (Human Rights Watch, 1999: 63). Places of safety are not equipped to address the increasingly high numbers of cases and lockups are not designed to cope with large numbers of detainees for long periods (Human Rights Watch, 1999: 63). Commissioner, Francis Forbes states regrettably that: "ninety percent of adult lockup populations are remand cases and police are not trained to handle remand prisoners (Human Rights Watch, 1999: 57).

Many youth offenders are placed in adult lockups until, or after their first court date if there is no room in places of safety. Therefore, there is a high turnover of youth offenders in these facilities, which sometimes results in failure to report entrance or exit of youth. A number of researchers suggest that the Jamaican Juvenile Justice system fails to comply with international standards in Articles 21-26 of the *United Nations Rules* (Human Rights Watch, 1999). Detention in lockups awaiting trial has become a form of punishment and neglect. Some detainees experience horrible standards of treatment and are unlikely to have access to medical facilities if and when needed (Human Rights Watch, 1999). Findings from Human Rights Watch team visits to Lady Musgrave Girls Home, Glenhope Place of Safety, Glenhope Nursery, and Homestead Place of Safety illustrated multiple instances of violence toward youth offenders. For example, a fifteen-year-old girl reported that she was raped by police illustrates, and two sixteen-year-olds exhibited large scars on their heads from recent police beatings with batons (p. 51).

The Department of Children's Services is the central agency responsible for the welfare of Jamaican children. They are authorized under Jamaican law to transfer children to places of safety, but do not have to power to monitor those places. The Department of Children's Services provides long-term supervision through foster care for children of parents who surrender them as 'uncontrollable youth' (Human Rights Watch, 1999: 29). Department of Children's Services also facilitates court proceedings. Article XI of the *Juvenile Act of 1951* authorizes judicial officials to issue a interim order to remand abused, neglected, or otherwise maltreated youth to places of safety; other decisions include: sending youth to juvenile corrections facilities, committing child to care of a fit guardian, demanding that parents properly participate in their parenting responsibilities, placing youth under the direction of a probation officer for no more than three years, or dismissing the case (Human Rights Watch, 1999: 36-37).

The Department of Correctional Services is responsible for only convicted youth. Their jurisdiction lies within the Ministry of Justice and National Security (Human Rights Watch, 1999: 30). The Department of Correctional Services is responsible for housing juvenile offenders, which is administered through the Juvenile Remand Center. The remand center administers the three juvenile corrections facilities.

Downfalls of Jamaican JJS

Suggested downfalls within the Jamaican JJS include, yet are not limited to: (1) inconsistencies in carrying out policies and procedures, (2) racist and class prejudices embedded in system, (3) poor physical infrastructure and conditions, (4) resource scarcity and inadequate housing of offenders, and (5) limited financial support for rehabilitative programs.

The Jamaican JJS is comprised of a scantily coordinated system that entails institutions with overlapping responsibilities and an inadequate capacity to oversee these venues. Within this system of overlap, measures to increase punishment are being implemented yet the facilities have not been upgraded to house the confined youth. Hence, Jamaican juvenile institutions lack the resources that are necessary to lawfully fulfill the juvenile processes and protect child rights. For example, the responsibilities of the Department of Children's Services overlap with those of the police department. Either is able to effectively monitor or provide a safe haven for youth offenders.

Jones (1985) provides a collection of papers that examine remand decisions in magistrate's court. He alleges that the Department of Correctional Services postpones trial dates and proceedings without providing a safe house for youth, which results in instances of over incarceration and severe mistreatment of offenders (Human Rights Watch, 1999). The Department of Correctional Services also employs policies that do not address the trends of violent youth crime in Jamaica. Furthermore, the overcrowding of facilities leads to the rendering judicial decisions with limited information about the offender.

A history of racial prejudice in the Jamaican JJS has been displayed by way of labeling youth, targeting poor inhabitants, and prolonging the criminalization process (Jones, 1985). Henham (1998) criticizes Section 60 of the *1991 Criminal Justice Act* for its role in criminalizing youth. Other policies also promote 'justice' rather than the 'welfare of youth offenders: *1982 Criminal Justice Act, 1983 DHSS Local Authority Circular, Home Office Circular, 1988 Green Paper Punishment, Custody of the Community, 1988 Criminal Justice Act, 1989 Children Act, Home Office Circular, and 1991 Criminal Justice Act* (Goldson, 1997; Rutherford, 1992).

Researchers have examined graphic instances of racism and class discrimination displayed in during arrest procedures (Scraton, 1982; Willis, 1983). The order of judicial action is as follows: the judge must first evaluate the family situation of the offender, gather evidence for their criminal behavior, and finally, the judge issues a final order. Hence, youth are also remanded pending further investigation of his family situation, which entails levels of discrimination relative to the residence and SES of the family.

The consequence of population heterogeneity in Jamaica allows adolescents to run a higher risk of experiencing racial victimization (Goldson, 1997: 91-93). Researchers affirm that the Jamaican JJS is bombarded with biased procedures:

> "The Jamaican JJS process is rife with attitudinal and institutional racism and sexism; black children and young people experience racism at every point of the juvenile justice process" (Goldson, 1997: 83; Genders and Player, 1989).

Alongside this argument, Goldson examines instances where even progressive practitioners have to adopt color blind and gender blind approaches that are not incorporated into the current systematic procedures (1997: 83).

There are a number of dangerous and inadequate physical infrastructure conditions. Many institutions such as the lock-ups and safe houses are unsuited to guaranteeing basic standards of safety and welfare of youth offenders. Several of the everyday operating strategies and institutional conditions encompass experiences that are detrimental to the quality of life of youth offenders. The settings may perpetuate the culture of bullying, intimidation, and routine self-

harm that the system should be working to avoid (Goldson, 1997: 83; Bell, 1996; Liebling, 1992). This is problematic because one of Child and Family Service's major goals is to remove youth offenders from unsafe households. Unfortunately, Child and Family Service's runs risk of placing youth offenders in facilities that are more than likely hazardous to their health.

Resource scarcity within Jamaican juvenile facilities is also very problematic. Due to an increase in criminal cases, the Jamaican JJS has also failed to separate juvenile and criminal offenders. According to juvenile policy, convicted persons should not be in the same cells as non-convicted person. Youth offenders with non-violent charges are frequently housed with adult criminals and the offenders are at serious risk for similar treatment from adult guards (Goldson, 1997). Consequently, women should not share a cell with men and persons charged with major crimes should not share a cell with those charged of a minor crime (Human Rights Watch, 1999). Lloyd Barnett, of the Jamaican Council for Human Rights discusses the neglect of detained youth and shares remarks with reference to the shameful conditions in juvenile detention:

> "The public is more concerned with their safety than with programs that emphasize prevention or with helping detained kids; the reality here is that the system has to place offenders wherever they can, which is one reason why the conditions remain poor for juveniles in detention;" (Human Rights Watch, 1999: 27).

It is practical to suggest that the Jamaican JJS has not successfully implemented laws and policies partially because of adequate staffing and a failure to accumulate resources.

The Jamaican government has made minimal efforts to implement non-institutional alternatives for nonviolent youth offenders (Human Rights Watch, 1999). Research supporting current juvenile justice policy suggests that the system can not afford these types of programs (Human Rights Watch, 1999). However, affordability may not be the central issue that explains government's negative response to funding these programs (Monahan, 2003). Instead, it is critical to understand the portrayal of non-institutional programs as dissimilar to and separate from the development of Jamaica's social service infrastructure (p. 1533). Rather than promoting social change, the Jamaican government wants to make current programs work successfully without altering the entire system. Unfortunately, efforts to expand the Jamaican JJS have not reached the stratum of criminal activity. It is fair to conclude that the ineffectiveness of the system contributes an additional burden on disadvantaged youth, institutions, and Jamaican society.

Child's Rights Policies and Social Change Initiatives

Current policy initiatives include supporting child rights include rights of incarcerated youth programs, programs supporting protection of the deprived, and strategies that avoid criminalizing non-violent youth offenders.

Initiatives that support the rights of incarcerated youth emphasize the importance of eliminating over incarceration and harsh punitive methods of dealing with youth. These initiatives also address the protection of youth relative to their survival, participation, and development. Monahan (2003) assesses the physical and mental health needs of non-violent youth. She explores incarceration as a last resort and pushes the use of community programs that address increased social services. Monahan poses that the Jamaican JJS should move from criminalizing measures to preventive and intervention methods of crime prevention (p.1534).

There is a consensus among current researchers that the Jamaican JJS should avoid criminalizing and penalizing non-violent offenders. Soler (2001) provides a guide for advocates such as Monahan in promoting international juvenile rehabilitation programs. Corresponding studies suggest that youth offenders who do not cause serious damage to the development of another child, themselves, or others, should not be incarcerated or detained. Recent efforts of the Canadian International Development Agency (CIDA), donors and volunteers, and JSH have been recognized for their support of projects that foster the development of healthy Jamaican communities (United Nations Development Programme in Jamaica, 2000). Other researchers have explored rehabilitative methods of juvenile delinquency prevention as an option for the Jamaican JJS (Barnardos, 1996; Brown, 2001; Dunn, 2005).

Conclusion

Goldson (1997) addresses structural conditions and possibilities of incarceration and survival amongst impoverished youth residing in urban communities in Jamaica. He asks the questions: where do children go when they are excluded from school and denied alternative forms of youth and community provision? The findings of this essay should bring to light the question: how does alienation and redirection of actions reflect how low-income urban dwelling youth feel about a society that offers them very little?

Many researchers are concerned that 'younger and younger children are being excluded from school

based upon family tradition' (Hyams-Parish, 1995; Hirst, 1996). However, what role should government have in dictating child rights? Jamaica lacks an overall integrated mechanism to monitor activities designed to promote and protect children's rights. How will the Jamaican government move forward in addressing issues of crime if their budget does not allow for such activity? Even more disturbing, children of African-Caribbean origin, who consist of over 70% of the population, are being targeted for criminal behavior, and policies are victimizing and re-criminalizing these youth (Goldson, 1997: 81).

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About the Author

Chiquita D. Howard

Chiquita D. Howard is Graduate Research Associate at the Race and Social Policy Research Center and an instructor in the Department of Sociology at Virginia Polytechnic Institute and State University. Howard is a third-year doctoral candidate in the Department of Sociology. Her two areas of study are social inequality and crime and delinquency. Her research focus assesses cross-cultural issues of gender, race, class, crime, and community development. Howard is also enrolled in the Race and Social Policy Graduate Research Concentration, Women's Studies Research, and International Research Certification Programs. Howard earned her Master's degree in Urban Planning with a specialization in Urban Management from the School of Architecture and Regional Planning at the State University of New York at Buffalo (UB) in 2001. Howard earned B.A. degrees in Social Science Interdisciplinary Studies and English, with a concentration in Legal Studies, from UB in 1999.

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