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May I first thank you for your kind words of introduction and also for extending this invitation to me to share in this workshop “Strengthening Integrity and Accountability Frameworks”. Accepting the invitation allows me to express on behalf of the NIA and the public, appreciation for the work that you do and the mandate that you have committed to this charge, namely, “protecting public safety by securing and rehabilitating offenders for their successful reintegration as law abiding and productive citizens”. The discharge of this mandate is obviously central to citizen security, the first priority of any government and therefore persons like myself must do whatever we can to encourage and to strengthen your fulfilment of this responsibility.

You ask me to address you on the subject “Building Integrity Systems”, however, the commitment, the desire, the passion to build this or any other system is clearly related to understanding fully and completely the negative consequences flowing from the absence of such a system. To understand these negative consequences, we



begin with clarifying what is integrity. In its simplest form integrity means honesty, doing the right thing even when no one is watching. The opposite of integrity is dishonesty, doing the wrong thing for personal benefit. In a word, more specifically, the opposite of systems which build integrity are arrangements that facilitate corruption, meaning using position, whether position as Member of Parliament, Minister, Counsellor, Customs Officer, Contractor, Board Member, Manager or CEO, using any such position for personal gain. We need to understand that the absence of integrity systems facilitates corruption and we need to understand the impact of corruption and the priority of combatting it, if we are to throw our effort and energy into building systems of integrity. Let's look at that impact at different levels. First at the global level – in 2005 the nations of the world came together to agree on the United Nations Convention Against Corruption. Why? In the words of the then United Nations Secretary General Kofi Annan “Corruption is an insidious plague, it undermines democracy and the rule of law...distorts markets, erodes the quality of life and allows organised crime, terrorism and other threats to human security to flourish....it is found in all countries – big and small, rich and poor...but corruption hurts the poor disproportionately by diverting funds intended for development, undermining a government’s ability to provide basic services, feeding inequality and injustice and discouraging foreign aid and investment”. The economic



cost of corruption globally is estimated at five percent of global GDP or \$2.6 Trillion US Dollars; for developing countries each year the cost is estimated 1.26 Trillion US Dollars.

For this reason, 178 countries have now signed onto the UNCAC and along with that the integrity system recommended by that Convention. I mention three elements of that system:

- Transparency in funding of political candidates and parties;
- Public officials' declaration of assets
- Criminalise "illicit enrichment"

Ten years after this global convention was agreed the United Nations Organization met again to agree on sustainable development goals. Sustainable Development Goal #16 states bluntly: There is no sustainable development, internationally, regionally or nationally except "to substantially reduce corruption...and bribery in all its forms". Last year, 2018, the Heads of Government and Heads of States of the Western Hemisphere including Prime Minister Holness met at the VIII Summit of the Americas and agreed on the LIMA Commitment on Democratic Governance Against Corruption. This Commitment included 57 pledges, the totality of which



constitutes a comprehensive integrity system. I mention two of the commitments integral to such a system.

- Public filing of financial disclosure statements by public officials where appropriate
- Encouraging transparency...appropriate accounting...income...expenditure of political parties

Moving from the global and the hemispheric to the national level, let us remind ourselves of the analysis and conclusion in the **National Security Policy for Jamaica** (Ministry Paper No. 63, 2014). This comprehensive policy document states that the “high probability, high impact, tier one, clear and present danger” to a secure and prosperous Jamaica is “corruption of elected and public officials, public works contracts awarded to criminals...facilitators who launder the proceeds of crime...corruption in the institutions of state”. Our Vision 2030 National Development Plan states that “the hopes of strengthening democracy in Jamaica rests with substantial reduction of corruption which the public ranks as one of the top problems facing the nation”.



In concrete terms what is the cost of inadequate development or application of integrity systems to combat corruption more effectively?

- Facilitating Jamaica being in the top five of 192 countries in the world in terms of the homicide rate by allowing illegal guns and ammunition to come through our ports
- Reduction in the increase of decent jobs by placing an additional illicit cost that investors, national and international have to pay to receive a permit or an approval for development, etc.
- Contributing to poor road infrastructure by the grant of contracts to contractors using inferior material or without experience or proper oversight.
- Extracting approximately, on an annual basis, seven percent of our Gross Domestic Product or 95.6 Billion Jamaican Dollars, a loss to the public purse which significantly diminishes resources that could be devoted to social programmes like the school feeding programme, or student loans; to institution-building like the National Parenting Support Commission or rehabilitation of Correctional Service Institutions or proper compensation for public servants whose work has value to national development. Please understand concretely what this means in practical terms. Our National Security Policy says that were we to control the cost of crime and corruption,



Jamaica's economy could be three to ten times its current size. All other things being equal each of our incomes could be three to ten times higher. Our per capita income would not be 5,000 US Dollars per annum, at which it has stagnated for so many years, but between 15,000 to 50,000 US Dollars per annum.

The price we pay for not having effective integrity systems which are comprehensive and effectively enforced is not only economic. Additionally, fundamental principles of governance are eroded. Persons of wealth, political connections, family or those with friendships or relationships in high places benefit from special privilege and treatment breaching the fundamental principle of equality before the law. This in turn undermines public trust and confidence in democratic institutions. For example, in 2007 our Justice Sector Reform Task Force reported that inequity in our justice system was a serious weakness in our institutional arrangements. Five years later a UNDP study of the Caribbean found that in Jamaica 52.7 per cent of the people believe that powerful criminals go free and 57.8 per cent that politically connected criminals go free. This in turn has the converse danger, where in 2017, the Latin American Public Opinion Project survey of the Jamaican people found that a



majority were losing confidence in democratic institutions and would favour a military takeover to deal with crime and corruption.

Against this background, action - urgent and effective - is required to build integrity systems and an anti-corruption framework. Of course, over the years, many statements of intent and promises to act have come from political leadership. The 2016 manifestos of the Jamaica Labour Party and the People's National Party repeat these declarations of intent. The JLP Manifesto states "corruption impedes economic growth, undermines the rule of law and tears down the fabric of society". It promised "greater transparency...mandatory disclosure of integrity reports by the Prime Minister, Leader of the Opposition, Minister of Finance". It committed to "strengthening corruption prevention authorities". The People's National Party Manifesto made similar declaration "

Over the years, successive administrations have indeed taken steps to build and strengthen national integrity systems.

- **First, relevant law** – In this regard Jamaica has developed important anti-corruption legislation. Most recently laws relating to Campaign Finance



Reform, banning for example, donations from illegal entities, such as Ponzi Schemes like Olint, Cash Plus, contributions from foreign governments or anonymous donors; Political Parties Registration allowing the parties to be regulated, for example, in respect of disclosing their accounts to the Electoral Commission of Jamaica; the establishment of the Integrity Commission with powers to prosecute the corrupt; the passage of the Corruption Prevention Act, establishing the offence of “illicit enrichment”, making it a crime to possess assets beyond your known legal, reasonable sources of income; the protected disclosure or Whistleblower Act, etc.

- **Codes and Guidelines:** you have a **Code of Public Consultation**, requiring government to consult stakeholders before embarking on any public initiative; **Guidelines for Sentencing** for the judiciary now requiring judges to give reasons for the sentences they handing down; **Guidelines for the Conduct of Judges**, developed by the judiciary itself, acknowledging that whilst remaining independent, judges are ultimately accountable to the public; the Code of Conduct for Ministers requiring immediate resignation, if they mislead Parliament or are less than truthful; Public Service Regulations and a Framework for Corporate Governance in the public sector – both of which



require appointments and promotions based on merit rather than partisan considerations.

Of course, neither the relevant law nor the codes or guidelines to which I have referred have come about easily or quickly, they have resulted - in substantial measure within recent times - from activity by civil society organisations such as National Integrity Action. This activity over the last eight years has focussed on building citizen awareness and assertiveness, most recently prioritising the youth in disadvantaged communities, students in secondary and tertiary institutions where in the latter, Integrity clubs are being formed in partnership with the Ministry of Education, Youth and Information; systematic and sustained promotion of the need for anti-corruption legislation with some positive outcomes which we have just indicated. Resource allocation to building capacity and facilitating reforms in the court system, the Office of the Director of Public Prosecutions, Investigators in the JCF, Justices of the Peace, etc. Public campaigns to strengthen integrity legislation and to enforce existing law in such a manner as to ensure that no one is above the law.



In that last regard the investigation and arrest of former Education Minister Reid, the President of the CMU, Professor Pinnock and others is an important step in strengthening Jamaica’s integrity system and, if followed up with robust and competent prosecution and adjudication will give some well-needed credence to the fundamental principle that there is one law for all, the big and the small. To that extent Jamaica will have made a limited but significant step to catch up with increasing numbers of countries in the world where a heavy burden rests on the professionalism, integrity and competence of law enforcement officials to challenge the impunity of the powerful, the wealthy and the connected. A few examples may suffice:

- August 2018 Barbados Minister of Industry Donville Innis arrested for corruption
- August 2019 Trinidad and Tobago Public Administration Minister, Marilyn McDonald and her husband arrested for corruption
- February 2019, Israeli Prime Minister Netanyahu indicted for corruption;
- January 2019 Tokyo prosecutors indict the former Nissan Motor Chairman on two new charges of financial misconduct adding to previous charges of “aggravated breach of trust”



- October 2018 – Former Malaysian Prime Minister Najib Razak and his top treasury official charged with six counts of criminal breach of trust involving government funds \$1.58 Billion US Dollars;
- October 2018 – Brazil’s Federal police file new charges against President Michel Temer recommending that he be put on trial for corruption and money laundering;
- March 2018- Former French President Nicolas Sarkozy charged with corruption and illegal campaign financing;
- 2008-2018 – 18 of the 20 biggest banks in Europe including HSBC, Barclays, Deutsche Bank have been fined for offences relating to money laundering since the global financial crises.
- July 2017 – former Bahamian Government Minister of the Environment, Kendred Dorsett, charged with extortion and accepting bribes;
- October 2017 – Antigua’s Minister of Tourism, Assat Michael, was arrested for alleged bribery



This global, hemispheric and national efforts to combat corruption and build integrity systems makes your workshop most relevant and very timely. In the context of the Department of Correctional Services, there is clearly much good work being done but far more is urgently needed. I bring to your attention one important indicator, Jamaica's National Development Plan sets 67 targets to be achieved by 2030, one of which relates directly to this Department. It's the rate of recidivism, that is, the extent to which offenders are re-offending. The target set is to reduce recidivism to 22.5 per cent in 2018. Ladies and gentlemen the 2018 Economic and Social Survey of Jamaica tells us that the percentage of recidivism is currently 42.3 per cent, that's almost twice what it should be. In failing to meet the National Development targets, you are not alone. In over one third of the targets set, we are either still where we were in 2007 or worse than that baseline year.

I therefore suggest that out of this workshop much follow up work needs to be done in the application of two of your DCS (Department of Correctional Services) core values, namely transparency and accountability.

First, transparency. Obviously you the management team need to be aware of and fully informed about foundational documents that I have had the opportunity to read in the last few days; namely the Department of Correctional Services' Policy



Framework authored by Professor Anthony Clayton in collaboration with Ina Fairweather, then Commissioner of Corrections; and secondly the Department of Correctional Services' Strategic Business Plan 2019-2023 and Operational Plan 2019-2020. In relation to both the policy framework and the plans, there are strong points but deficiencies that need to be corrected. For example, the Policy Framework includes action points and priorities with lead individuals/departments and timelines specified. I mention two (2) of the action points in relation to two problems.

- Problem 1 – “Corruption Among Staff; Action – Introduce proper vetting system, build into recruitment, training and promotion systems” That is good. What is not is “Timeline – to be determined.”
- Equally good is the identification of Problem 2 – “Unauthorised cellphone use, Action – Install cellphone tracking and blocking system, install controlled phone system for authorised use.” But, “Timeline – To be determined.”

In that latter context, may I ask a question that has troubled me and so many of our public, Buju Banton was sentenced to a correctional institution in the United States and served time from June 2011, being released in 2018. During that time, no new music as far as I am aware, was released. In contrast, Vybz Kartel entered our correctional institution in 2011, was convicted in April 2014, remains in the



correctional institution and on a quick count, during that period, four (4) new albums were released and 12 EP's, the last being in 2015, entitled Vybzs King. I have not counted the singles.

In relation to the plans (strategic business and operational) there are 18 extremely important Key Performance Indicators (KPIs) to be monitored and evaluated. For example, "Number of offenders who completed rehab programme re-admitted to custody," a second "Number of offenders successfully completed their sentence plan (custody and community service), third "Number of non-custodial offenders re-admitted to supervision or custody." For each of these Key Performance Indicators, the actual data for the baseline year 2018-2019 is "not available." For the year 2017-2018, "Not available". For the year 2016-2017, "Not available." This lack of data against the background of a similar criticism in the Auditor General's Performance Audit of 2014, clearly needs to be addressed as a matter of the highest priority. For obvious reasons. Neither your department, officers within your department or indeed any ministry, department or agency, nor the entire Government can be held to account unless performance indicators are not only known, but also quantifiable where data and targets are available.



My hope and expectation is that the other topics in this workshop and future exercises of this nature will both take into account the national imperative as well as that of the Department of Correctional Services to build more effective integrity systems.