



**INTER-AMERICAN DRUG ABUSE
CONTROL COMMISSION**

CICAD

Secretariat for Multidimensional Security

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ALTERNATIVES TO INCARCERATION IN JAMAICA AND THE CARIBBEAN

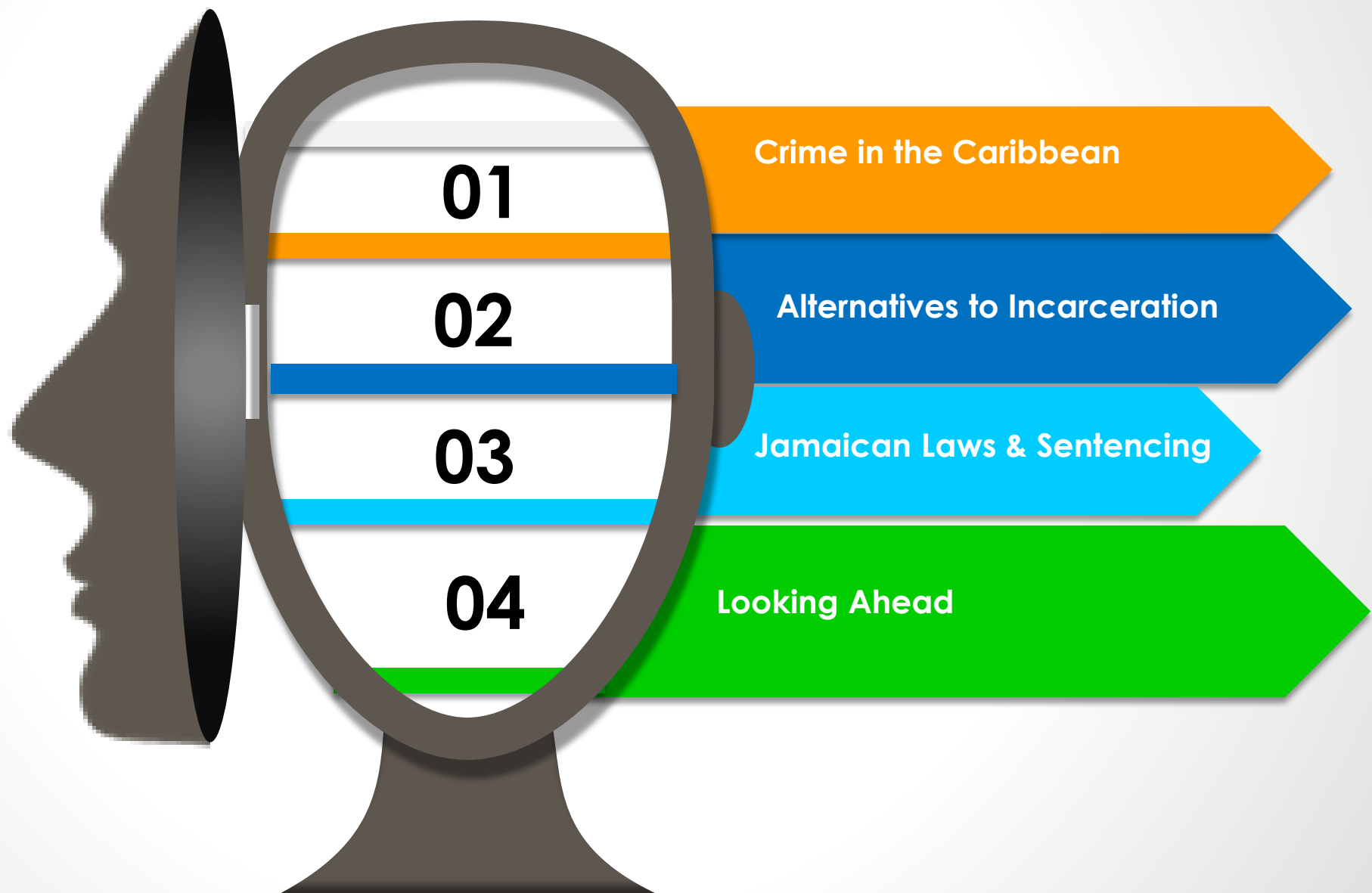


Alternatives to Incarceration in Jamaica and the Caribbean

Jacqueline Wilcott

Senior Parish Court Judge
CICAD/OAS
12th December, 2023





BACKGROUND



UNODC – Approximately
11million people
incarcerated globally
causing serious
overcrowding..

The Caribbean region
is a drug trafficking
transit point

Rising levels of crime
and drug related crime
in Jamaica – burden on
law enforcement,
prisons and courts

The Jamaican Context

1

The Constitution

Section 13 (1) provides that all persons are entitled to their inherent dignity as persons, respect for, and the upholding of their fundamental rights and freedoms.



2

The Constitution

Section 13(3) (c), (g), (h), (i) guarantees to all freedom of expression, equality, equitable treatment and freedom from discrimination.

Sentencing Guidelines

4

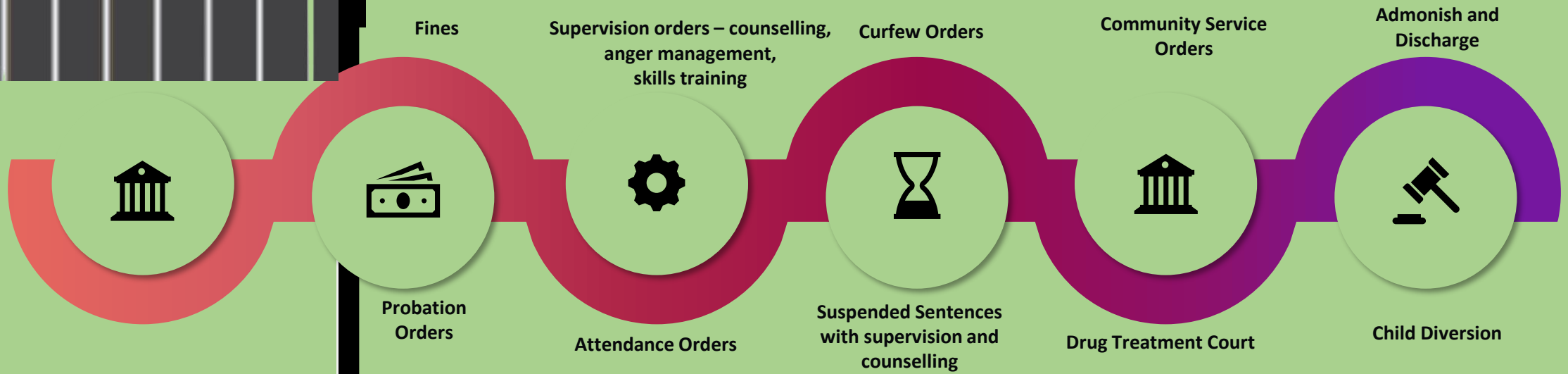
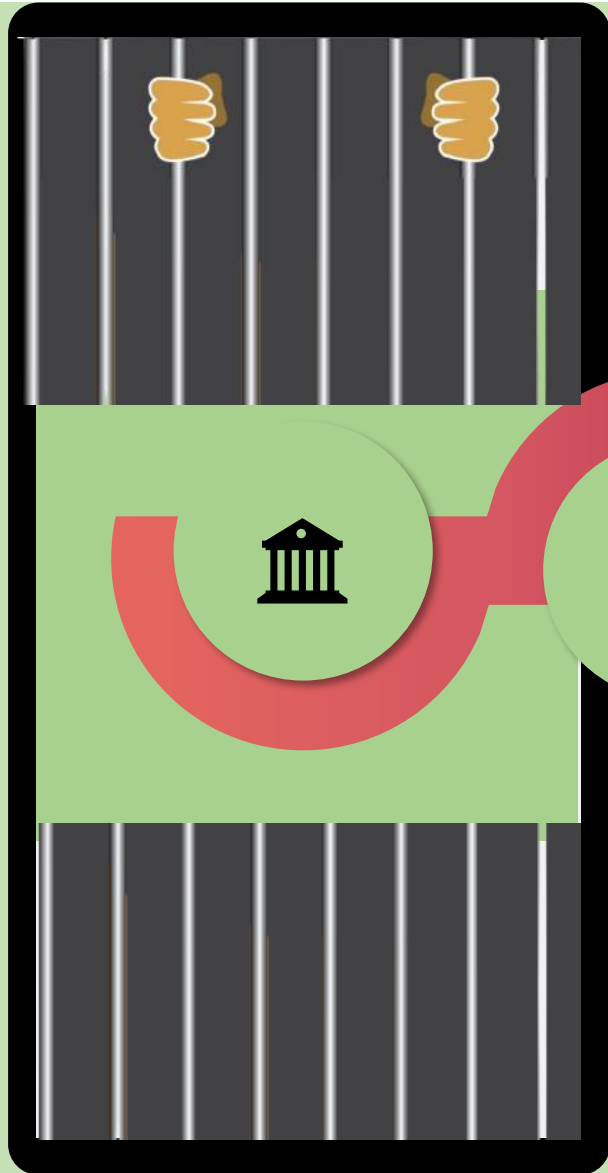
Important tool geared towards achieving consistency in judicial approach to sentencing.

Judicial Conduct Guidelines

3

'The principle of equality' and human dignity essential to the due performance of the duties of judicial office.

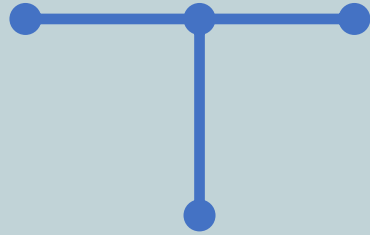
Criminal Justice (Reform) Act & Probation of Offenders Act



Drug Treatment Court

Adult Courts

The Drug Court (Treatment and Rehabilitation of Offenders) Act in 1999 came into effect in 2001

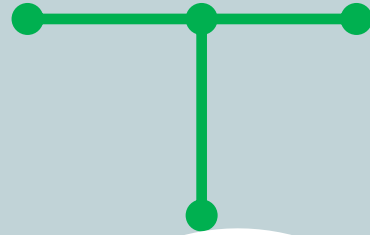


St. James,
Kingston & St.
Andrew

2001

Adult Courts

The Drug Court (Treatment and Rehabilitation of Offenders) Regulations came into effect in 2001

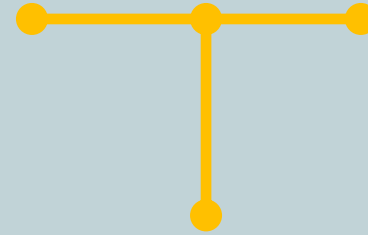


St. Thomas
St. Catherine

2014

Adult Court

There is increasing request for more adult courts in other parishes (Trelawny & St. Ann)

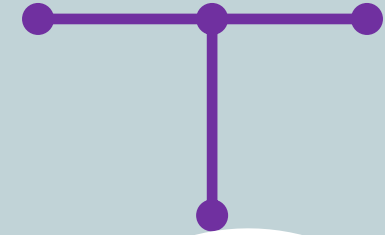


Manchester

2016

Children Court

Developed based on increasing need for alternatives for child offenders who use substances



St. James,
Kingston &
St. Andrew

2014
2017

Child Diversion



Contextual Challenges

Increase in crime and violence among/against specific groups such as women, children, LGBTQ Community

ONE

Public perception of minimal sentences for heinous crimes

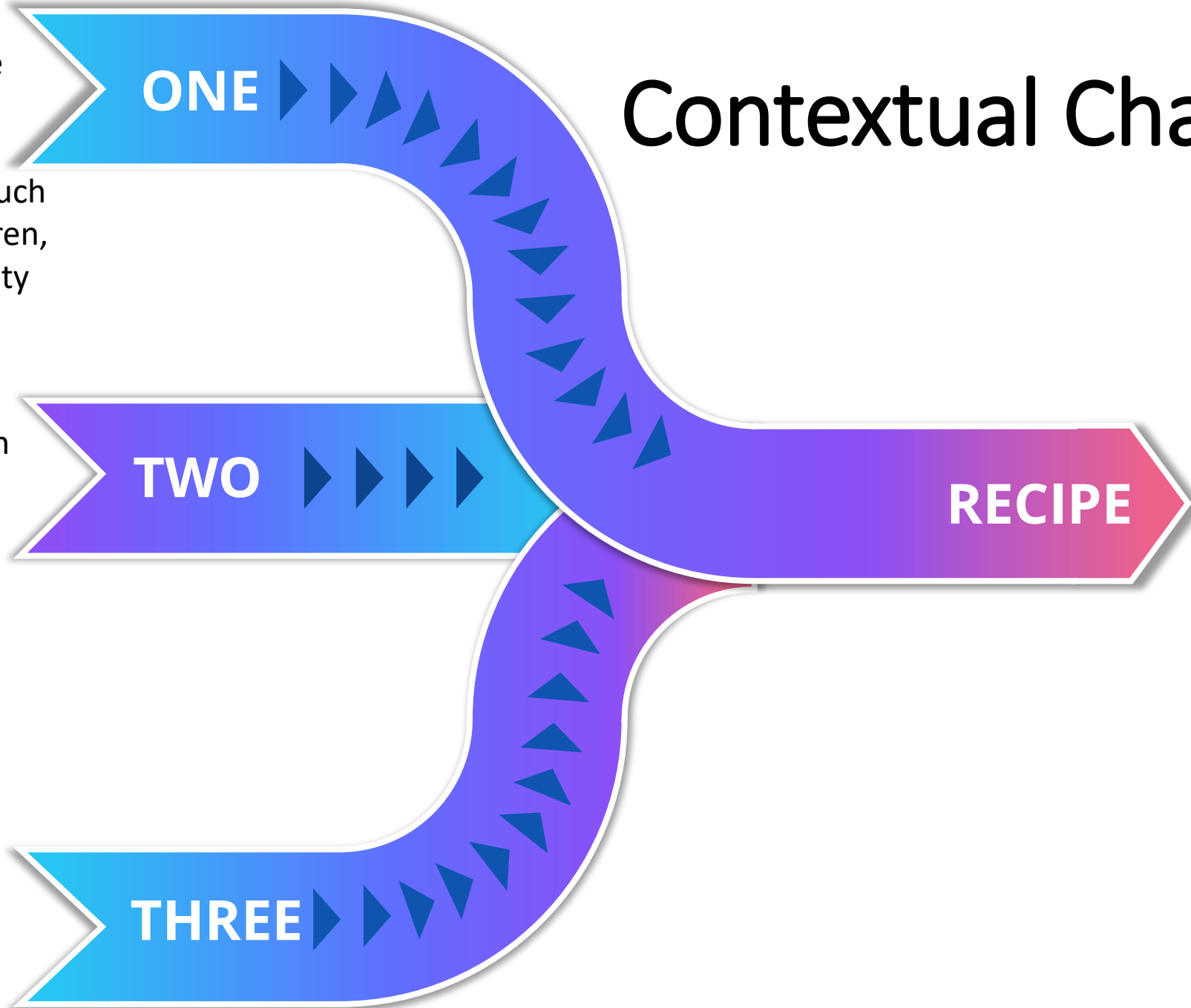
TWO

Pandemic effect on interpersonal violence and aggression

THREE

RECIPE

Recidivism,
increased demand for substances,
broken society



Efforts to Address Challenges

01

GOJ promoting social justice and equal opportunities through legislation, social programmes and awareness campaigns which highlight gender equality

02

Legislation to curtail discrimination for all on the basis of sexual orientation, religion, creed or ethnicity

03

International Frameworks and Standards and Vision 2030 for Jamaica (SDGs) where gender equality will become a basic human right

04

Extensive training in Justice System (Judges, Prosecutors, Defence Attorneys, Police Officers' and other stakeholders) to ensure fair and equal treatment in law

05

All consideration must be a part of the process to effectively use ATI while monitoring the accused persons to ensure a safe environment for all our citizens

THE WAY FORWARD



01

Dynamic and consistent public education campaign is integral to ATI acceptance and viability



02

Balance between Legislature and the Government



03

Need to balance the dynamic society without skewing the scales of Justice



04

Proactive and balanced policies



05

Legislation enacted with alacrity, due diligence and care



WAY TO
SUCCESS