



**REPORT OF THE JOINT SELECT COMMITTEE ON ITS DELIBERATIONS ON “THE  
LAW REFORM (ZONES OF SPECIAL OPERATIONS) (SPECIAL SECURITY AND  
COMMUNITY DEVELOPMENT MEASURES) ACT, 2017”**

**1. ESTABLISHMENT, COMPOSITION AND POWERS OF THE COMMITTEE**

Members of the Honourable House are reminded that, on October 27, 2020, the House of Representatives, on a motion moved by the Hon. Edmund Bartlett, CD, MP, Minister of Tourism and Leader of the House, having obtained suspension of the Standing Orders, moved:

**WHEREAS** section 26(1) of “The Law Reform (Zones of Special Operations) (Special Security and Community Development Measures) Act, 2017” requires that the Act be reviewed from time to time by a Committee of both Houses of Parliament appointed for the purpose:

**BE IT RESOLVED** that this Honourable House appoint a select committee comprising the following Members:

Hon. Dr. Horace Chang, CD, MP ( <b>Chairman</b> )	Mr. Donovan Williams, MP
Hon. Delroy Chuck, QC, MP	Mr. Robert Miller, MP
Mrs. Marlene Malahoo Forte, QC, MP	Mr. Fitz Jackson, CD, MP
Miss Kerensia Morrison, MP	Mr. Phillip Paulwell, CD, MP

to sit jointly with a similar Committee to consider and report on the Act.

Members of the Honourable Senate are also reminded that, on November 13, 2020, Senator the Honourable Kamina Johnson-Smith, Minister of Foreign Affairs and Foreign Trade and Leader of Government Business, having obtained suspension of the Standing Orders, moved:

**WHEREAS** section 26(1) of “The Law Reform (Zones of Special Operations) (Special Security and Community Development Measures) Act, 2017” requires that the Act be reviewed from time to time by a Committee of both Houses of Parliament appointed for the purpose:

**BE IT RESOLVED** that this Honourable Senate appoint a select committee comprising the following Members:

Sen. the Hon. Matthew Samuda  
Sen. Charles Sinclair  
Sen. Sherene Golding Campbell

Sen. Donna Scott-Mottley  
Sen. Lambert Brown, CD

to sit jointly with a similar Committee appointed by the House to consider and report on the Act.

Members are further reminded that on February 9, 2021 and February 12, 2021, respectively, the Leaders of the House of Representatives and the Senate, moved:

**BE IT RESOLVED**, with reference to the Sessional Select, Joint Select and Select Committee which are appointed in the current Session of Parliament, and where these Committees have not completed their deliberations, that in the new Session of Parliament both Houses be empowered to enable these Committees to proceed with the issues referred to them from the stage reached before prorogation:

**BE IT FURTHER RESOLVED** that the composition of all these committees remain unchanged except, where necessary, by further motion taken and approved by the Houses of Representatives and the Senate, respectively:

**AND BE IT FURTHER RESOLVED**, with reference to the matters identified below, which are included in the Order of Business in this Session of Parliament but for which deliberations have not been completed, that in the new Session of Parliament, both Houses be empowered to proceed with them from the stage reached before prorogation:

1. Item 1 under Government Business, "The Protected Disclosure (Amendment of First Schedule) Order, 2021"; and
2. All matters referred to Committees.

Members are reminded that Senate Standing Orders 74(b) and (c) allow for Members of the Senate to participate in meetings held in a virtual space created using information and communications technologies (ICT).

Members are also reminded that on April 13, 2021, the Honourable Dr. Horace Chang, Deputy Prime Minister and Minister of National Security, having obtained suspension of the Standing Orders, moved:

**BE IT RESOLVED**, with reference to the Select Committee appointed by this Honourable House on October 27, 2020, to sit jointly with a similar Committee appointed by the Senate to complete the review of "The Law Reform (Zones of Special Operations) (Special Security and Community Development Measures) Act, 2017", that the Committee be allowed to hold virtual meetings, whether wholly virtual or partly virtual and partly physical, utilizing available information and communications technologies in the manner more specifically outlined below:

Preserving the rights, powers and privileges including voting rights, normally accorded to a Member of a Committee, the Committee is empowered to:

1. convene and hold meetings in virtual spaces created using information and communications technologies which shall be considered committee meetings for the purposes of its mandate;
2. allow access and participation from remote locations as are enabled by means of information and virtual technologies, by Members and other persons authorized by the Committee;
3. include Members accessing and participating from remote locations as a part of its quorum;
4. receive, consider, deliberate on, and respond to, feedback and submissions in formats, modes and media, and via platforms, modes and media enabled by means of information and communications technologies, from any person; and
5. consider any and all information generated, communicated and received via formats, platforms, modes or media as enabled by means of information and communications technologies, as forming a part of the record of these committee meetings.

Overall, your Committee held thirteen (13) meetings to deliberate on the Act, which commenced during the 2019/2020 Session of Parliament on December 10, 2020 (Appendix 1). We agreed at our first meeting that stakeholders and the wider public would be given an opportunity to make submissions in the review of the Act. In that regard, we wrote to several organisations and published public notices in the Jamaica Observer and the Gleaner on December 13, 2020, inviting written submissions from individuals and organisations. Subsequently, we received submissions and oral presentations:

- Ministry of National Security
- Ministry of Justice (Restorative Justice Programme)
- Jamaica Constabulary Force
- Jamaica Defence Force
- Jamaica Police Federation
- Jamaica Social Investment Fund
- Peace Management Initiative Western
- Citizens Security Plan Secretariat/Office of the National Security Advisor
- Planning Institute of Jamaica
- Office of the Public Defender
- Violence Prevention Alliance
- United Nations Development Programme (Jamaica)

Technical teams were present from the Office of the Parliamentary Counsel, the Attorney General's Chambers, and the Legal Reform Department.

## 2. OVERVIEW

“The Law Reform (Zones of Special Operations) (Special Security and Community Development Measures) Act, 2017” (hereafter referred to as the Act) seeks to balance the need for security operations that are required to address serious crimes within a defined locale, while preserving the fundamentals rights and freedoms of persons there, with the need for social intervention and community development measures that are essential for public order and promoting and upholding the rule of law. It uses a multifaceted approach to crime in Jamaica where Parts II, III and IV provide for enhanced security and enforcement measures while a community development aspect is outlined in Part V of the Act. The First Schedule to the Act outlines the structure of a Social Intervention Committee while the Second Schedule proposes changes to existing legislation to bolster the enforcement abilities of the security forces.

Section 26(1) of the Act mandates that a review be undertaken three (3) years after the declaration of the first Zone by a committee of both Houses of Parliament; and in that regard, the Act was tabled on October 27, 2020 and submitted to a Joint Select Committee to complete its review.

## 1. FINDINGS AND RECOMMENDATIONS

Your Committee after review and consideration of the Act and several submissions from various stakeholders and technical personnel, now has the honour of presenting its findings and recommendations.

### A. SPECIFIC RECOMMENDATIONS

#### Part I – Preliminary

##### Section 2 - Interpretation

Your Committee notes the recommendation to delete the definition of the term “Justice of the Peace” because the requirement of the Justice of the Peace having Lay Magistrate experience is too onerous and not many Justices of the Peace fulfil this condition. *Your Committee does not accept the recommendation to remove the definition of the term “Justice of the Peace”. We agree the definition should remain as is, noting the functions of Justice of the Peace undertaken under the legislation are appropriate for the Justice of the Peace to have Lay Magistrate experience.*

Your Committee *recommends the amendment of the definition of “Committee” by deleting the word “Intervention” and substituting therefor the word “Transformation”.*

##### Section 3 – Objects of Act

Your Committee accepts the recommendation to amend *section 3(b)* for the language to be more inclusionary and more citizen centered; and *agrees it should refer to the protection of fundamental rights and freedoms of persons residing, working, doing business, and raising families in the Zone. We recommend the insertion of the words “, raise families, work” immediately after the word “reside”.*

### **Section 3 – Objects of Act cont'd.**

*Your Committee recommends amendment to section 3(c) by inserting the word “activities” after the word “illegal”.*

*Your Committee recommends amendment of section 3 by inserting provisions at a new paragraph (f) to facilitate the re-direction of young males out of criminal activity.*

## **Part II – Zone of Special Operations**

### **Section 4 – Declaration of Zone**

*Your Committee agrees with the recommendation to amend section 4(1):*

- *to increase the initial time period in which a Zone can be in force from a period not exceeding sixty (60) days to a period not exceeding one hundred and eighty (180) days; and*
- *to increase the further period for which a Zone can be extended from a period not exceeding sixty (60) days to a period not exceeding one hundred and twenty (120) days.*

Your Committee notes the recommendation to make the conditions in **section 4(2)** disjunctive because the threshold is too high to satisfy the imposition of a Zone where all the conditions in **section 4(2)** must be met. *Your Committee does not accept this recommendation.*

Your Committee notes further the recommendation to amend **section 4(2)** to divide the circumstances that must exist for a Zone to be declared into two (2) circumstances and to include the words “*high levels of violence*” as an alternative to the words “*escalating violence*” and to also add the words “*high levels of or*” before the words “*escalating violence and murder*”. *We agree section 4(2) should be amended to read:*

*“The circumstances referred to in subsection (1) are that there are reasonable grounds to believe that due to:*

*(a) rampant criminality, such as murder, gang warfare, or high or escalating levels of violence; or*

*(b) the threat to the rule of law and public order,  
it is necessary so to do”.*

*Your Committee agrees with the recommendation to amend section 4(5) by changing the reference to “Joint Command” to “Commissioner of Police and the Chief of Defence Staff”.*

### **Section 5 – Extension period**

*Your Committee agrees with the recommendation to amend section 5 by changing the reference to “Joint Command” to “Commissioner of Police and the Chief of Defence Staff”.*

## **Section 6 - Statement to Parliament**

*Your Committee recommends amendment of section 6 to allow either the Prime Minister or the Minister with responsibility for national security to make the Statement to Parliament.*

## **Part III – Administration of Special Operation within Zone.**

### **Section 8 – Designation of Joint Command**

*Your Committee does not agree with the recommendation for section 8(2) to be amended to address training of the Joint Command and other leaders in the Zone. Your Committee, however, recommends that these matters should be considered and addressed in the policy (see General Recommendations).*

Your Committee notes the recommendation that section 8(3) needs clarity regarding a “written accountability and reporting system”. *We recommend that reports to Parliament are done before the 180 days, that is a report after at least 90 days; however, this would not be included in the legislation as it was an administrative matter.*

### **Section 9 – Duty of Joint Command to submit report**

Your Committee notes the recommendation to amend section 9(1):

- *but does not agree to amend the requirement for the Joint Command to make reports to the National Security Council to be changed to “the Commissioner of Police or the Chief of Defence Staff”; and*
- *agrees to increase the time period required for the Joint Command, through the Commissioner of Police or the Chief of Defence Staff to report to the National Security Council to every “thirty (30)” days.*

### **Section 10 – Suspension of operation or change of Joint Command**

Your Committee notes the recommendation to amend section 10(1) to provide for the Prime Minister in Council to suspend the operations in a Zone without the recommendation of the Commissioner of Police and the Chief of Defence Staff, where necessary. *We agree that section 10(1) should be amended to read as follows:*

*“The Prime Minister in Council may suspend the operations in a Zone (a) on the written recommendation of the Commissioner of Police and the Chief of Defence Staff; or (b) where the Prime Minister in Council considers it necessary to do so”.*

### **Section 11 - Identification of members of Joint Force**

Your Committee notes the recommendation to amend **section 11** that the Commissioner of Police and the Chief of Defence Staff determine the method by which the collective and individual identity of each member of the Joint Force may be ascertained. *Your Committee accepts the recommendation for the Commissioner of Police and the Chief of Defence Staff to determine the method by which the collective and individual identity of each member of the Joint Force is ascertained.*

## **PART IV – Powers of Joint Force in Zone**

### **Section 12 - Powers of Joint Command to establish cordons and impose curfews.**

Your Committee notes the recommendation to amend **section 12**:

- (i) to create an offence for breaching a curfew and that the penalty for this offence should be a fine not exceeding one million dollars or imprisonment for a term not exceeding six months; and
- (ii) to empower the Commissioner of Police and the Chief of Defence Staff or their designates, not below the rank of Assistant Commissioner of Police and Lieutenant Colonel, respectively, to establish a curfew as opposed to the Joint Command. The decision of the Commissioner of Police and the Chief of Defence Staff or their designates to impose a curfew should be made in consultation with the Joint Command.

Your Committee also notes the recommendation to amend **section 12** to include another Schedule to the Act to outline the form of Notice and the possible method of publication of the Notice.

*Your Committee agrees to recommend amendment of section 12:*

- *to create an offence for breaching a curfew, where declared and the penalty for the offence being a fine not exceeding one million dollars or imprisonment for a term not exceeding six months; and a person with reasonable excuse would not be charged;*
- *to empower the Commissioner of Police and the Chief of Defence Staff or their designates, not below the rank of Assistant Commissioner of Police and Lieutenant Colonel, respectively, to establish a curfew instead of the Joint Command; and*
- *to introduce another Schedule in the Act to outline the form of Notice and the possible method of publication of the Notice.*

### **Section 14 - Search and seizure**

Your Committee notes the recommendation for the words “in connection with a search” to be deleted from **section 14(3)** to enable seizure to be undertaken in circumstances that are not connected with a search. *Your Committee does not agree to amend section 14(3) to remove the need for the seizure to be in connection with a search and agrees the section should remain as is.*

#### **Section 14 - Search and seizure cont'd.**

*Your Committee does not accept the recommendation to amend section 14(4)(a) to allow for seizure of a tool of lawful trade or business where there are reasonable grounds to believe that the tool was likely to be used in the commission of an offence. We agree the section should remain as is.*

*Your Committee does not agree with the recommendation to amend section 14 to include an offence to prevent or attempt to prevent the search by a member of the Joint Force and that the penalty for this offence should be a fine not exceeding one million dollars or imprisonment for a term not exceeding six months. We note that this is already an offence under the Constabulary Force Act and therefore, there is no need to duplicate the offence.*

#### **Section 15 - Custody or disposal of things seized.**

Your Committee notes the recommendation for section 15(3) to be amended by removing the words "arising from or in connection with a search" similar to the proposal made in respect of section 14(3). *Your Committee does not accept the recommendation and agrees the section should remain as is.*

Your Committee also notes the recommendation for section 15(3) to be amended to include when an item which was seized to prevent or control public disorder should be returned and that the criteria for return should be where the officer has reasonable grounds to believe that the item no longer poses a threat to public order. *Your Committee recommends amendment of section 15(3) to provide for the return of an item (vehicle, article or document) which was seized to prevent or control public disorder by way of application to a Justice of the Peace, who may order the return of said item (vehicle, article or document) once there is no longer a threat to public order.*

#### **Section 16 – Arrest or detention.**

*Your Committee accepts the recommendation amendment of section 16(1) to allow for members of the Joint Force to be given the powers of arrest and detention within the Zone itself and not just where actions were taken under section 12(1) - the imposition of a curfew or establishment of a cordon. We agree that section 16(1) should now read:*

*"Where the Joint Force is carrying out operations in a Zone, a person shall not be arrested or detained unless the person in charge of the operations is satisfied that there are reasonable grounds for the arrest or detention of the person".*

*Your Committee accepts the recommendation for section 16(2) to be amended to clarify the circumstances of arrest and detention; and therefore, in the first line of section 16(2) the words "under this Act" should be deleted and substituted therefor with the words "in a Zone".*

*Your Committee also accepts the recommendation for section 16(2)(b) to be amended by inserting immediately after the word "forthwith" the words "or as soon as is reasonably practicable,".*



## **Section 16 – Arrest or detention cont'd.**

Your Committee notes the recommendation that the procedure and timelines where a person is arrested and detained be amended in **section 16(3)**, as they are much stricter than the time limits imposed under section 22 of *the Bail Act*. The following procedure and timelines are recommended where a person is arrested or detained in a Zone:

- the person must be taken before the member of the JCF designated in writing by the Commissioner of Police to be jointly in charge of the operations within the Zone under section 8(1) (this is an officer not below the rank of Superintendent who is part of the Joint Command for the Zone) within twenty-four (24) hours. This officer will review the circumstances of the arrest and detention to ensure that the requirement of reasonable grounds to suspect that the person has committed, is committing or is about to commit an offence has been met. If this officer is so satisfied, he can remand the person for a further twenty-four (24) hours. If this officer is not so satisfied, he shall release the person forthwith;
- if the aforementioned officer remanded the person for a further twenty-four (24) hours, the person must then be taken before a Justice of the Peace at the expiration of this further twenty-four (24) hour period. The Justice of the Peace shall determine whether there are reasonable grounds for the arrest and detention. If the Justice of the Peace is satisfied that there are reasonable grounds for the arrest and detention, he may order that the person is remanded in custody for a further period not exceeding seventy-two hours. If the Justice of the Peace is not so satisfied, he shall order that the person be released forthwith; and
- if the Justice of the Peace remanded the person for a further period not exceeding seventy-two (72) hours, the person shall be taken before a Judge of the Parish Court at the expiration of the said period. It is also recommended that provision be made if the seventy-hour (72) period granted by the Justice of the Peace expired on a weekend or public holiday where the Parish Court would be closed and provide that, if this occurred, the person shall be taken before a Judge of the Parish Court at the next court sitting.

*Your Committee accepts the recommendation that the procedure and timelines where a person is arrested and detained in a Zone should be amended in section 16(3) as outlined below:*

- *the person must be taken before the member of the Jamaica Constabulary Force designated in writing by the Commissioner of Police to be jointly in charge of the operations within the Zone under section 8(1) (this is an officer not below the rank of Superintendent who is part of the Joint Command for the Zone) within twenty-four (24) hours. This officer will review the circumstances of the arrest and detention to ensure that the requirement of reasonable grounds to suspect that the person has committed, is committing or is about to commit an offence has been met. If this officer is so satisfied, he can remand the person for a further twenty-four (24) hours. If this officer is not so satisfied, he shall release the person forthwith;*

## Section 16 – Arrest or detention cont'd.

- *if the aforementioned officer remands the person for a further twenty-four (24) hours, the person must then be taken before a Justice of the Peace at the expiration of this further twenty-four (24) hour period. The Justice of the Peace shall determine whether there are reasonable grounds for the arrest and detention. If the Justice of the Peace is satisfied that there are reasonable grounds for the arrest and detention, he may order that the person be remanded in custody for a further period not exceeding forty-eight (48) hours. If the Justice of the Peace is not so satisfied, he shall order that the person be released forthwith; and*
- *if the Justice of the Peace remands the person for a further period not exceeding forty-eight (48) hours, the person shall be taken before a Judge of the Parish Court at the expiration of the said period. If the forty-eight (48) hours period granted by the Justice of the Peace expires on a weekend or public holiday where the Parish Court will be closed, the person shall be taken before a Judge of the Parish Court at the next court sitting.*

*Your Committee also accepts the recommendation for section 16 to be amended to give the members of the Joint Force express power to arrest and detain a person in a Zone where there were reasonable grounds to suspect that the person has committed, is committing or is about to commit, an offence.*

Your Committee notes the recommendation for **section 16(4)** to be amended to include 'correctional centre' in the list of places where a person may be arrested or detained, and on the advice that the term 'correctional centre' is not the appropriate term, *agrees instead to include the term 'correctional institutions' (as defined in the Corrections Act) in the list of places where a person may be arrested or detained Act.*

Your Committee notes the observation that **section 16** made it mandatory that any person arrested or detained shall be "forthwith" taken before a Justice of the Peace who "*shall determine whether or not there are reasonable grounds for the arrest or detention*". In addition, we were informed that there was no reference or note of any arrested person or detainee being taken before a Justice of Peace as was required by the Act. *Your Committee notes the observation but does not agree it should be included in the legislation, as it is an administrative matter.*

## Section 17 – Persons held in custody.

Your Committee notes the recommendation for a consequential amendment to **section 17(1)** for the current time period to change from twelve (12) hours to forty-eight (48) hours. In our deliberations, the issues raised included the move of the Jamaican jurisprudence in a particular direction with the *Charter of Rights*, as well as the practicality of processing multiple persons. *Your Committee accepts the recommendation to increase the time but does not accept changing the time period to forty-eight (48) hours. We agree instead that section 17(1) should be amended to increase the time period to twenty-four (24) hours.*

**Section 17 – Persons held in custody cont'd.**

*Your Committee does not accept the recommendation to amend section 17(1) by replacing the reference to “station diary” with the term “appropriate records”, as reference to “appropriate records” would widen the provisions. We note that the Electronic Transactions Act covers the “station diary” being kept in digitized form.*

**Section 18 – Treatment of persons arrested or detained.**

*Your Committee does not accept the recommendation to amend section 18(1) by replacing the reference to “station diary” with the term “appropriate records”. We note that reference to “appropriate records” would widen the provisions and the Electronic Transactions Act covers the “station diary” being kept in digitized form.*

*Your Committee accepts the recommendation to amend section 18(2) to read “safety and security”, instead of “security and safety”. We agree that it should be amended by creating subparagraphs in the section to read “(a) security; and (b) safety of persons”.*

*Your Committee does not accept the recommendation to delete section 18(3).*

Your Committee notes the recommendation that **section 18(3)** should be removed as the term “*at any time*” imposed an obligation on the police to allow all the listed category of persons to visit a detainee at any time regardless of security or safety considerations. We also note the observation that the section was unreasonable, impractical and has the potential to put the security and safety of persons at risk. Members expressed concern regarding the implications for the provisions of the *Charter of Rights*; and the need to qualify how soon individuals could be visited by persons who were not listed in the category of persons. *Your Committee agrees to delete the term “at any time”, in keeping with the provisions of the Charter of Rights.*

Your Committee notes the observation that **section 18(5)** does not outline what particulars ought to be provided and the recommendation that the provision should be made less ambiguous (for example, who visited, the purpose of their visit, the length of the visit). We also note the observation there was need for clarity on what is meant by the term “*Register*” as used in the section. *Your Committee does not accept the recommendation and agrees section 18(5) should remain as is.*

Your Committee also notes the recommendation to amend in **section 18(7)** the reference to “*Joint Force*” to read “*any authorized officer*” and to include ‘*correctional centre*’ in the list of places where a person may be arrested or detained. The provision would therefore read “*Where it appears to any authorized officer responsible for the supervision of a police lock-up, correctional facility or place of detention, that a person who is arrested or detained...*”.

## Section 18 – Treatment of persons arrested or detained cont'd.

*Your Committee agrees to amend section 18(7) without defining the term; and the provision should be amended to read:*

*“Where it appears to any member of the Joint Force or any person in charge of the supervision of individuals arrested, or detained, at a correctional institution, police station or lock up pursuant to this Act that any such individual is ill or requires medical attention, whether or not the individual complains of illness, the member of the Joint Force or person in charge of the supervision (as the case may be) shall, without delay, take such steps as are necessary to cause that individual to be given medical attention”.*

*Your Committee does not accept the recommendation to amend section 18 to deal with redress sought by persons who were not arrested or detained but may have experienced police misconduct, that is, abuse of power by or infringement on rights, and agree it would not be necessary for inclusion in the legislation as there are adequate provisions by way of the Constitution and common law for persons to seek redress.*

## Section 19 – Use of body-worn cameras.

*Your Committee does not accept the recommendation to amend section 19(1) to reflect: ‘All Police Officers assigned to the Zones of Special Operations shall be equipped with body-worn cameras as stipulated specification for working in the Zones’, as it is an administrative matter.*

## Section 20 – Registration of weapons.

Your Committee notes the recommendation to amend section 20 to include the requirement for the capture of ballistic signature, to introduce a requirement that the firearms assigned to members of the Joint Force be marked in accordance with the Government of Jamaica Marking Standards, that is, in accordance with the proposed amendments to the *Firearms Act*. *Your Committee does not accept the recommendation, as that it is an administrative matter and all Government firearms had ballistic signature.*

Your Committee notes the observation that as required by section 20, there was no indication or suggestion that the weapons or ammunition assigned to members of the Joint Force in these Zones are registered with the Institute of Forensic Science & Legal Medicine. *Your Committee does not accept the observation, as that it is an administrative matter and all Government firearms had ballistic signature.*

## Section 21 - Duty to disclose identity on request.

*Your Committee does not accept the recommendation to amend section 21 to empower members of the Joint Force to require persons encountered within the Zone to provide their names and addresses, where that person is not suspected of being involved in any crime.*

## Part V - 'Social Intervention Committee'

### Section 23 - Establishment of Social Intervention Committee. First Schedule.

*Your Committee accepts with the recommendation that the name of the Committee be changed from 'Social Intervention Committee' to 'Social Transformation Committee', as this name closely reflects the nature and ultimate objective of the efforts of the Committee.*

*Your Committee recommends that the heading for Part V be amended by deleting the word "Intervention" and substituting therefor the word "Transformation".*

Your Committee notes the recommendation to amend section 23 so that the Committee comprises at least ten (10) persons selected from among the Child Protection and Family Services Agency and the Office of the Children's Advocate. *Your Committee agrees that the membership of the Social Transformation Committee should include a representative of the Child Protection and Family Services Agency only, as the Office of the Children's Advocate is an oversight body that monitors the activities.*

Your Committee notes the recommendation to amend section 23 as follows:

- (i) the Joint Force to include a focal point on Gender-based Violence/Violence Against Women and Girls as under the existing law, one member was designated an attendance Officer and a prescribed person for purposes of child protection and a similar designation could be made for Family Violence;
- (ii) for the Committee while it was noted that the Minister had the discretion to appoint other persons to the Committee (Schedule 1), given the prevalence of Family Violence and Violence Against Women and Girls and its centrality to addressing overall crime, it was important for these organisations to be specifically listed in the legislation without having to rely on the Minister's discretion;
- (iii) the duties of the Committee should specifically include an assessment of the level of vulnerability to Family Violence in the Zone. This assessment should examine the extent to which women and children were exposed to Family Violence, as well as the services which were available to support survivors;
- (iv) the Committee should be specifically mandated to commission the implementation of a GBV prevention programme in each Zone;
- (v) the Sustainable Development Plan for each Zone should include provisions to increase access to Gender-based Violence/Family Violence Family Violence/Violence Against Women and Girls services to residents in the Zones; and
- (vi) the Sustainable Development Plan for each Zone should also expressly include intervention programmes focused on producing non-violent masculinities.

*Your Committee, in noting the need for focus on the issues outlined above and for the reports to Parliament to include these issues, agrees to the recommendation at (i) above only. We also agree that the Joint Force should include a focal point on gender-based violence/violence against women and girls, a prescribed person for purposes of child protection and a similar designation for family violence/gender-based violence/violence against women and girls.*

**Section 23 - Establishment of Social Intervention Committee. First Schedule cont'd.**

*Your Committee does not accept the recommendation that the Social Transformation Committees should report to the Parliament quarterly, on all implemented social intervention programmes or projects that were in progress, as currently a comprehensive report is presented to the Parliament.*

**Section 24 – Functions of Committee**

The Committee notes the recommendation that section 24(1)(a) to (1)(e) be amended to include timelines for the deliverables of the *Social Transformation Committees*. The provision would therefore read:

- a) **Section 24(1)(a)** ...“Within 21 days, assess conditions...”
- b) **Section 24(1)(b)** ...“Within 28 days, assess conditions...”
- c) **Section 24(1)(c)** ...“Within 45 days, assess conditions...”
- d) **Section 24(1)(d)** ...“Within 45 days, assess conditions...”
- e) **Section 24(1)(e)** ...“Within 14 days, begin to coordinate the implementation...”.

*Your Committee does not accept the recommendation for section 24(1)(a) to 24 (1)(e) to be amended to include timelines for deliverables for the Social Transformation Committees.*

Your Committee notes the recommendation that section 24 (1)(a) to 24(1)(e) should be amended to include an explicit requirement for baselines, targets, and performance indicators in the sustainable development plan required at section 24(c). *We do not accept the recommendation, as the policy includes that all the baselines, targets and outcomes are covered based on the approach to the entire Zones of Special Operations with the appropriate demographic data which were coordinated by the Citizens Security Business Group and monitored by the Citizens Security Plan Secretariat.*

*Your Committee recommends that section 24(2) be amended to include timelines for the deliverables (which might vary across communities) to be included in the Terms of Reference transmitted to the Minister for approved. We also recommend that a function of the appointed Social Transformation Committee will be to examine data provided at its first sitting in terms of the needs of the community and these timelines discussed will be part of the responsibility of the first meeting of the Social Transformation Committee.*

Your Committee notes the recommendation to amend section 24(4) to include the categories of vulnerable people such as women, gender non-conforming people, sexual minorities, the homeless and persons living with HIV/AIDS. *Your Committee does not accept the recommendation but agrees to amend section 24(4) by deleting of the word “especially” in the second line and substituting therefor the words “including but not limited to women...”.*

and persons living with HIV/AIDS. *Your Committee does not accept the recommendation but agrees to amend section 24(4) by deleting of the word “especially” in the second line and substituting therefor the words “including but not limited to women...”.*

#### ***Section 24 – Functions of Committee cont’d.***

Your Committee notes the recommendation to amend section 24 to introduce a reporting requirement in the function of the Social Transformation Committee; and for the Social Transformation Committee to be mandated to submit a quarterly report to the Citizens Security Plan Secretariat. The report would comprise information on expenditure and progress of activities described in the respective work plans. *Your Committee does not accept the recommendation, as there is an existing requirement for the reports of the Social Transformation Committees to be submitted to stakeholders which comprise the Citizens Security Plan Secretariat and therefore, would not need to be included in the legislation.*

*Your Committee recommends that section 24(2) be amended, as follows:*

- (i) to insert a set time for the first meeting of the Social Transformation Committees;*
- (ii) to include timelines for the deliverables (which might vary across communities) in the Terms of Reference transmitted to the Minister for approved and these timelines discussed are part of the responsibility of the second meeting of the Social Transformation Committee; and*
- (ii) to include that a function of the appointed Social Transformation Committees is to examine data provided in terms of the needs of the community at its second sitting.*

#### ***First Schedule (Section 5)***

Your Committee notes the recommendation the amendment of the **First Schedule - section 5(3)** for the Social Transformation Committee members forming a quorum to be at least ten (10) persons. *Your Committee does not accept the recommendation, as the current quorum of five (5) members is sufficient.*

*Your Committee recommends that where a member of the Social Transformation Committee is absent for three (3) consecutive meetings, a written request is to be made to the Minister by the Chairman for that Member to be replaced by another from an organization institution or the community.*

Your Committee notes there were no recommendations for the sections indicated below and agrees they should remain as is:

- section 1 - Short title
- section 7 - Revocation of the order
- section 13 - Duration of cordon and curfew
- section 22 - Duty under law for the protection of children

- section 25 – Regulations
- section 26 – Review of the Act by Parliamentary Committee
- section 27 – Amendment of enactments and construction

## **B. GENERAL RECOMMENDATIONS**

*Your Committee notes the recommendation for consideration to be given for a more effective separation of the security side of the law from the community development side and what other provisions could be included in relation to enhanced security measures (outside of a state of public emergency) without an over reliance on detention of suspects and accused persons to achieve the aims of the law. However, we agree that the issue should be pursued outside of the work of your Committee.*

*Your Committee accepts the recommendation to include a section that allows the powers granted to members of the Joint Force and Joint Command within a Zone to be extended beyond the geographical boundaries of the Zone where there is a ‘hot pursuit’ in progress.*

*Your Committee accepts the recommendation to include a section that creates offences for threatening or assaulting, obstructing or hindering a member of the Joint Force. We recommend that offences and penalties for breaches are to be created in the Act, as follows:*

*“A person commits an offence if that person-*

*(a) threatens or assaults a member of the Joint Command or Joint Force or any other person performing any function under the Act.*

*(b) without lawful justification or excuse obstructs or hinders a member of the Joint Command or Joint Force or any other person performing any function under the Act”.*

*Your Committee recommends that the penalties to be incurred will be on summary conviction before a Judge of a Parish Court to a fine not exceeding one million dollars or imprisonment for a term not exceeding one year.*

*Your Committee recommends that the Government of Jamaica provide greater resources to the work of the Zones of Special Operations.*

Your Committee accepts the following recommendations but does not agree they should be included in the legislation. *We agree these recommendations should be incorporated into the policy:*

- *strengthening accountability mechanisms to guarantee participation of Ministries, Departments and Agencies on the Social Transformation Committees;*
- *the development of an assessment instrument to assess risk level of community and its members to erupt in conflict and us such violence;*



**B. GENERAL RECOMMENDATIONS cont'd.**

- *the issue of violence within the family (family violence), and in particular violence against women and girls as a key matter which needs to be specified in the issues to be addressed in the Sustainable Development Plan developed for each Zone, and around which urgent interventions should be implemented;*
- *that there is an inclusion of a budget to support monitoring and evaluation to support more robust evaluation of results;*
- *that there is a continued use of Peace Keepers in the field to monitor and maintain peace in volatile communities across the areas of Special Operations;*
- *that there is an introduction of anti-gang programme in schools to resemble the Peace and Love Programme (PALs) and to provide for the social needs that the gangs offer without the need for starter gangs and in so doing, build gang refusal skills;*
- *that a Code of Conduct is enforced to govern conduct of security forces;*
- *that more consideration should be given to how law enforcement may tackle criminal opportunity choice models in the Zones of Special Operations approach;*
- *the inclusion of oversight mechanisms as points of reference for citizens seeking redress or for citizens to understand the role and relationship of oversight bodies in the Zones of Special Operations space;*
- *that the Citizens Security Business Group be referenced as the entity responsible for coordinating and monitoring the work of all Social Transformation Committees;*
- *that the principles for leadership in the Zone should also extend to all officers in the Zone along with Ethics and Accountability training. This, and the human rights training, should be available to all officers; and*
- *to require the Joint Command and Joint Force have training in the prevention and mitigation of sexual exploitation and abuse and sexual harassment and to mandate this training by an approved provider as part of preparation for deployment in the Zones.*

## C. ADDITIONAL RECOMMENDATIONS

### CONSEQUENTIAL AMENDMENT(S)

*Your Committee recommends consideration be given by the Ministry with portfolio responsibility for amendments of relevant legislation such as the Constabulary Force Act regarding breach of curfew and the offence for such breach.*

### *Second Schedule – Amendments of other enactments (Section 5)*

*Your Committee recommends consideration be given by the Ministry with portfolio responsibility for amendment of relevant legislation such as the Constabulary Force Act by removing the custodial sentence in the penalty for a breach regarding enlistment.*

## 4. ACKNOWLEDGEMENTS

Your Committee wishes to express sincere gratitude to all those individuals and organizations that made written submissions and oral presentations or participated in the deliberations. Your Committee wished to thank the Ministry of National Security; the Ministry of Justice (Restorative Justice Programme); the Jamaica Constabulary Force; the Jamaica Defence Force; the Jamaica Police Federation; the Jamaica Social Investment Fund; the Peace Management Initiative Western; the Citizens Security Plan Secretariat/Office of the National Security Advisor; the Planning Institute of Jamaica; the Office of the Public Defender; the Violence Prevention Alliance; and the United Nations Development Programme (Jamaica).

Special recognition to the staff of the following entities for the technical guidance provided to the Committee throughout its deliberations: the Chief Parliamentary Counsel, the Attorney General's Chambers and the Legal Reform Department.

Your Committee is grateful to the Clerk to the Houses of Parliament and staff for their invaluable assistance and kind courtesies extended during the meetings.

*Houses of Parliament  
September 2021*

**ATTENDANCE**  
**Thirteen (13) Meetings**

<b>Members</b>	<b>Present</b>	<b>Absent</b>	<b>Apology</b>
Hon. Dr. Horace Chang, CD, MP (Chairman)	12	-	1
Hon. Delroy Chuck, QC, MP	9	3	1
Mrs. Marlene Malahoo Forte, QC, MP	9	1	3
Miss Kerensia Morrison, MP	5	8	-
Mr. Donovan Williams, MP	8	5	-
Mr. Robert Miller, MP	13	-	-
Mr. Fitz Jackson, CD, MP	9	-	4
Mr. Phillip Paulwell, CD, MP	12	-	1
Sen. the Hon. Matthew Samuda	12	1	-
Sen. Charles Sinclair	9	2	2
Sen. Sherene Golding Campbell	13	-	-
Sen. Donna Scott-Mottley	12	-	1
Sen. Lambert Brown, CD	13	-	-

**AMENDMENTS TO THE LAW REFORM (ZONES OF SPECIAL OPERATIONS) (SPECIAL  
SECURITY AND COMMUNITY DEVELOPMENT MEASURES) ACT, 2017  
RECOMMENDED BY THE JOINT SELECT COMMITTEE OF PARLIAMENT**

**Provision****Amendment****Section 2**

In the definition of “Committee”, delete the word “Intervention” and substitute therefor the word “Transformation”.

**Section 3**

1. In paragraph (b), insert immediately after the word “reside” the words “, raise families, work”.
2. In paragraph (c), insert next after the word “illegal” the word “activities,”.
3. Renumber paragraphs (f) and (g) as paragraphs (g) and (h) and insert the following as paragraph (f) –  
  
“ (f) facilitate the re-direction of young males out of criminal activity;”.

**Section 4**

1. In subsection (1), delete the word “sixty” and substitute therefor the words “one hundred and eighty”.
2. In subsection (2), delete all the words appearing after the words “reasonable grounds to believe that” and substitute therefor the following –  
  
“due to –  
    (a) rampant criminality, such as murder, gang warfare, or high or escalating levels of violence; or  
    (b) the threat to the rule of law and public order,  
it is necessary to do so.”.
3. In subsection (5), delete the words “Joint Command” and substitute therefor the words “Commissioner of Police and the Chief of Defence Staff”.

**Section 5**

1. Delete the words “Joint Command” and substitute therefor the words “Commissioner of Police and the Chief of Defence Staff”.
2. Delete the word “sixty” and substitute therefor the words “one hundred and twenty”.

**Section 6**

Insert immediately after the word “Minister” the words “, or the Minister with responsibility for national security,”.

**Section 9** In subsection (1), delete the word “ten” and substitute therefor the word “thirty”.

**Section 10** Delete subsection (1) and substitute therefor the following –  
“ (1) The Prime Minister in Council may suspend the operations in a Zone –  
(a) on the written recommendation of the Commissioner of Police and the Chief of Defence Staff; or  
(b) where the Prime Minister in Council considers it necessary to do so.”.

**Section 11** Delete the words “Joint Command” and substitute therefor the words “Commissioner of Police and the Chief of Defence Staff”.

**Section 12** Delete the section and substitute therefor the following –

“Power to establish cordons and impose curfews.

12. (1) In respect of any Zone, action may be taken under either paragraph (a) or (b), or both –

(a) the Joint Command may establish a cordon around or in the Zone, and shall, as soon as is reasonably practicable after the cordon is established, cause a notice of the establishment of the cordon to be displayed in such one or more conspicuous locations in the Zone, as will ensure that the notice is brought to the attention of persons within the Zone;

(b) the Commissioner of Police and the Chief of Defence Staff, in consultation with the Joint Command –

(i) may impose a curfew in the Zone, between such hours as may be specified, requiring persons within the Zone to remain within their premises during the hours so specified unless otherwise authorised in writing by the member of the Joint Force who is in charge of enforcing the curfew; and

(ii) shall, as soon as is reasonably practicable after the curfew is imposed, cause a notice of the imposition of the curfew to be displayed in such one or more conspicuous locations in the Zone, as will ensure that the notice is brought to the attention of persons within the Zone.

(2) For the avoidance of doubt, whenever a cordon is established, or a curfew is imposed, under subsection (1), any member of the Joint Force may for the purpose of enforcing such cordon or curfew, exercise such powers as are vested in a constable.

(3) A notice under subsection (1) shall -

(a) be in such form as shall be prescribed;

- (b) in the case of a cordon, specify the boundaries of the cordon and the requirements to be complied with by persons within, or in relation to, the area falling within the boundaries of the cordon; and
- (c) in the case of a curfew, specify –

- (i) the hours of the curfew; and

- (ii) the requirement that persons within the Zone are to remain within their premises during the hours so specified unless otherwise authorised in writing by the member of the Joint Force who is in charge of enforcing the curfew.

(4) A person who without reasonable excuse contravenes any requirement specified in a notice given under subsection (1)(b)(ii) commits an offence and shall be liable on summary conviction therefor before a Parish Court to a fine not exceeding one million dollars and, in default of payment thereof, to imprisonment for a term not exceeding six months.”.

## Section 15

1. In subsection (3), insert next after the words “document seized” the words “will no longer assist in preventing or controlling public disorder or”.

2. Insert next after subsection (3) the following subsections –

“ (4) A person who believes that a vehicle, article or document seized under subsection (1) ought to be returned to that person pursuant to subsection (3) may apply to a Justice of the Peace for the return of the item.

(5) A Justice of the Peace to whom an application is made under subsection (4) shall order the return of the vehicle, article or document (as the case may be) to the applicant, or to such other person whom the Justice of the Peace is satisfied is entitled to its return, if the Justice of the Peace is satisfied that there are no reasonable grounds as referred to in subsection (3).”.

## Section 16

1. In subsection (1), delete the words “in relation to which any action is taken under section 12(1)”.

2. In subsection (2)(a), delete the words “under this Act” and substitute therefor the words “in a Zone”.

3. In subsection (2)(b), insert immediately after the word “forthwith” the words “, or as soon as is reasonably practicable,”.

4. In subsection (3) –

- (a) insert next after the words “detention of any person” the words “in a Zone”;

(b) delete the words “twenty-four hours” wherever they appear and substitute therefor in each case the words “forty-eight hours”.

5. In subsection (4), insert next after the words “shall be taken to a” the words “correctional institution (as defined in the Corrections Act) or a”.

6. Insert next after subsection (5) the following subsection –

“ (6) [The powers exercisable under this section in respect of a person who could have been arrested or detained in a Zone but who is in the process of fleeing the Zone, shall be exercisable in respect of that person, within a distance of one mile outside of the boundaries of the Zone, as if the person were located in the Zone at the time of the arrest or detention.]”.

#### **New section 16A**

Insert next after section 16 the following subsection -

“Obstruction, 16A. (1) A person commits an offence if that person –  
*etc.*”

(a) threatens or assaults a member of the Joint Command or Joint Force, or any other person performing any function under this Act; or

(b) without lawful justification or excuse obstructs or hinders a member of the Joint Command or Joint Force, or any other person performing any function under this Act.

(2) A person who commits an offence under subsection (1) shall be liable, upon summary conviction therefor before a Parish Court, to a fine not exceeding one million dollars or to imprisonment for a term not exceeding one year.”.

#### **Section 17**

In subsection (1) –

(a) delete the words “twelve hours” and substitute therefor the words “twenty-four hours”;

(b) insert next after the words “officer in charge of the” the words “correctional institution (as defined in the Corrections Act) or the”.

#### **Section 18**

1. Delete subsection (2) and substitute therefor the following –

“ (2) A person who is arrested or detained under this Part shall, during such times as may be determined by the prescribed officer, be allowed such visits as may be permitted having regard to matters of –  
(a) security; and  
(b) safety of persons.”.

2. In subsection (3), delete the words “at any time”.
3. Delete subsection (7) and substitute therefor the following –

“(7) Where it appears to any member of the Joint Force or any person in charge of the supervision of individuals arrested, or detained, at a correctional institution, police station or lock up pursuant to this Act that any such individual is ill or requires medical attention, whether or not the individual complains of illness, the member of the Joint Force or person in charge of the supervision (as the case may be) shall, without delay, take such steps as are necessary to cause the individual to be given medical attention.”.

**Part V**

In the heading for Part V, delete the word “Intervention” and substitute therefor the word “Transformation”.

**Section 23**

Delete the word “Intervention”, where it appears in the marginal note and subsection (1), and substitute therefor in each case the word “Transformation”.

**Section 24**

1. Delete subsection (2), and substitute therefor the following –

“(2) The Minister shall approve the terms of reference of each Committee.”.

2. In subsection (4), delete the word “especially” and substitute therefor the words “including (but not limited to) women,”.

**First Schedule**

1. In the heading, delete the word “Intervention” and substitute therefor the word “Transformation”.
2. In paragraph 1, renumber sub-paragraphs (t) and (u) as sub-paragraphs (v) and (w), and insert the following as sub-paragraphs (t) and (u) –

“(t) a representative of the Child Protection and Family Services Agency;

(u) a member of the Joint Force, trained in sensitivity to matters relating to gender-based violence;”.



## SIGNATURES



Hon. Dr. Horace Chang, CD, MP (Chairman)



Hon. Delroy Chuck, QC, MP



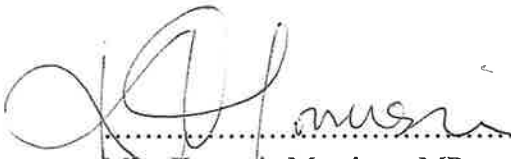
Mr. Phillip Paulwell, CD, MP




Mrs. Marlene Malahoo Forte, QC, MP




Sen. the Hon. Matthew Samuda



Miss Kerensia Morrison, MP



Sen. Charles Sinclair

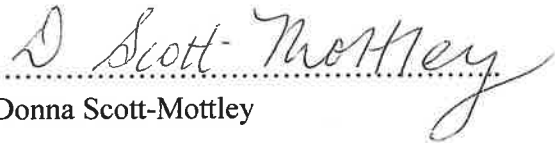


Mr. Donovan Williams, MP

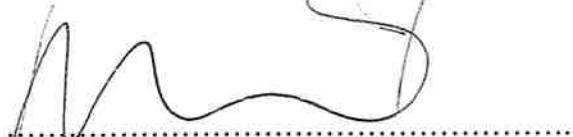
Sen. Sherene Golding Campbell



Mr. Robert Miller, MP



Sen. Donna Scott-Mottley



Mr. Fitz Jackson, CD, MP



Sen. Lambert Brown, CD