EXPANDED ANSWER 45: JUSTICE SYSTEM

Criminal Justice. Incarceration is expensive and ineffective at changing the behavior of most inmates in a positive way. We need a program that:

- Discourages crime
- Protects the community
- Is inexpensive
- Rehabilitates
- Reduces recidivism

Current systems do not accomplish even 40% of these goals. We need a comprehensive program that begins in the homes and the schools to teach parents and young people the meaning and practice of "community". Once a consensus is established, peer pressure will enhance conformity to the standards. Parents and teachers will, likewise, have a common understanding to communicate to their children.

Discouraging crime must not mean stigmatizing light or first time offenders. The reaction average citizens normally have is to ostracize criminals, and this is logical. But, the problem then worsens since isolation results in a lack of integration back into society and the shared values of the community. Furthermore, for understandable reasons, criminal histories often cause rejection by employers. Education of children and the community in general, must inform all to the downward spiral that occurs once an individual becomes branded a criminal. Parents must be made to realize that condoning antisocial behavior will eventually become devastating for their children. Poor parenting is known to be a large part of the problem. Parents must be trained to become a substantial part of the solution.

Violent behavior in children must be identified early and treated. Mental health is an issue for the individual, the family, and the country. Basic levels of treatment will be provided to all.

House arrest is becoming more common with the advent of electronic monitoring and mobility restrictions. This is both less expensive and less isolating than warehousing offenders in prisons. While it is not suitable for all crimes or criminals, it appears to be more effective. Operating our own prison is not in the plan. Those (hopefully rare) criminals who are: guilty of violating the public trust (government employees embezzling, taking bribes, etc.), considered too dangerous, or beyond reform/treatment in our system, would be remanded to a prison under contract in a foreign country. As the US government finally realizes the folly of their wholesale incarceration of people for minor infractions, we will no doubt see the prison system react through less expensive contracted services.

Laws need to be written, understood, and enforced. They must be reasonable and necessary. They must reflect a broad range of community consensus and not merely conform to the religious, moral, or opinionated rules of particular groups.

We know from centuries of experience that one cannot successfully legislate "good" behavior or activities when a significant portion of the population is not in agreement. Black markets form and criminal activity flourishes with far more harmful side effects. That doesn't mean anarchy or total laissez faire, but requires appropriate regulation to minimize harm and maximize education.

CRIME FACTORS IN VIEQUES

Having faced epidemic levels of crime here in paradise, we naturally ask "Why, what is causing this?" The implication is that there is some single cause that should be addressed to make it all stop. National and international studies (and there are many) are contradictory and conflicting. Many have identified important factors that affect criminal behavior, but no study has conclusively determined exactly what causes crime.

Most locals focus on the police as being the problem, but we've got to be careful playing the blame game. Point your finger at one thing, and you might note that at least three other fingers on your hand point back at you! There are many factors involved, and if we wish to reduce our crime levels, we are going to be required to change a number of things in the community.

Let's look first at crime itself as we might define it. Next, we can examine some of the factors that influence criminal behavior. Then we can try to determine how we might address the issues and neutralize the ill effects.

Crime

As a society, we collectively decide upon behaviors and activities that are acceptable (legal) and unacceptable (illegal). While the laws are created on our behalf by many levels of political representatives, our social contract with our governments is that we will honor and follow the laws created – no matter how many, how confusing, how contradictory, how unfair – we must obey or potentially face consequences. We don't have the right to pick and choose or ignore any in the body of laws that constitute our legal system.

Crime is normally defined as illegal behavior, or violations of the law. Some crimes require intent, while others (statutory) do not. The most common intentional crimes that we see in the community include:

Assault. In Criminal Law an assault is defined as an **attempt** to commit battery, requiring the specific intent to cause physical injury. It is to **threaten** physical harm with reasonable anticipation on the part of the victim that such could occur.

Battery. The voluntary and intentional act of making **harmful contact** with a victim constitutes battery.

Burglary. In general, the crime of **breaking and entering** a home, boat, car, or commercial building, etc. is considered burglary in and of itself. Stealing as a part of the burglary is a form of larceny.

Larceny. **Stealing** or wrongful taking of a person's property.

Robbery. The crime of stealing from a person **(in person**) using force or the threat of force is robbery. If the victim is not present, it would be another form of larceny.

Personal Compliance

As previously stated, the citizen is not authorized to pick and choose the laws the he will follow or not. In reality, we all scoff at certain laws that we don't like; we violate; and then we justify our actions one way or another: "It's a stupid law, and nobody follows it!" Common examples include:

- Speed limits – No, how about 15 mph near schools?
- Parking – No, how about on the **left** side of the road?
- Auto inspections – Ever dropped off your car for a real safety and emissions inspection?
- Stealing land – Appropriating by squatting or moving a fence line is very popular, almost a sport.
- Sales tax – Not all merchants collect sales tax, yet patrons don't report this.
- Income and payroll taxes – Many don't collect, report, or pay income related taxes. Nobody reports these transgressions.
- Drug purchases – A high percentage of citizens use illegal drugs at some time or another.
- Noise violations – Laws governing loud music, barking dogs, alarms, or other sounds above certain levels are ignored by most.
- Aiding and abetting – How many in the community protect criminals who are family members or friends? How many fail to report crimes they witness?
- Stolen property – Rampant purchasing of "hot" merchandise fuels the fire of burglary and theft.
- Many, many, more.

Community Compliance.

We are a society of laws, but not overly law abiding. The glue that holds a lawful society together is acceptance of, and adherence to, the agreed upon rules. How do we reconcile this with the fact that we have many "unpopular" laws that large portions of the community actively ignore?

In order to be of value, laws must be enforced. This can be accomplished by a diligent police force to a point, but not without citizen support. Can billions of dollars and the efforts of tens of thousands of law enforcement officials eradicate illegal drug use when such a large percentage of the population uses drugs? Did it work any differently with prohibition? What message is our community sending regarding burglary and robbery while at the same time there is a huge market here on the streets for purchasing tons of stolen goods? We talk about law and order and about crime prevention, but aren't we sending a very mixed signal?

Are we providing peer and community pressure to our young people to follow the law? Are we disciplining the bad behavior of our children effectively? Are we providing appropriate guidance and supervision? Are we demonstrating respect for the community through our own actions toward others?

Or conversely:

Are we openly ignoring the rules? Are we tolerating the bad behavior of our children, friends, cousins, nieces, and nephews? Are we "protecting" those we know from the

consequences of bad behavior by hiding them or their illegal conduct from the police and others? Are we aiding and abetting criminal activity? Are we accessories to crimes through purchasing stolen merchandise? Will we testify against a criminal when we have useful information for the prosecution?

We seem to have a culture with deep roots of distrust for authority, especially the police. A significant portion of the community demonstrates a perverse set of values toward personal and financial relationships:

- Never testify against anyone – often enforced by retribution
- Always defend members of your group whether they are right or wrong
- If one is offended or harmed by another, enlist your comrades and render your own justice

These same values are seen in primitive tribes, organized crime, and poor ghettoes throughout the world.

Factors

There is no credible evidence that criminals are born criminals, they are made from their experiences – environmental causes. There is no single "cause", but there are factors which weigh heavily on the likelihood of a person turning to crime. Most of the factors are commonly agreed upon.

What we know:

- Juvenile delinquency is a normal precursor to adult criminal behavior.
- As with many elements of childhood development, early experiences can have greater impact than those occurring later after gaining more maturity and absorbing a broader foundation.
- Poor or inadequate rehabilitation of minors creates career criminals at early ages.
- Family stress, corporal punishment, and aggressive behavior in parents will tend to result in more aggression in a child. Higher levels of aggression lead to lower levels of empathy, which leads to less socially sensitive behavior: less respect for others (victims).
- Statistically, most crime is conducted by boys 15 to 24.
- Most incarcerated juveniles do not have a father living in the home.
- Criminals socialize with other friends and relatives that are also criminals.
- Most young criminals are poor.
- Criminals typically have poor academic performances, truancy records, and often drop out before graduating from high school.
- Criminal activity (by any given criminal) is more likely during periods of unemployment.
- Outside organized crime has a presence with tons of money, fire power, and influence. We are a springboard for drugs entering Puerto Rico and headed to the States.
- Illegal drug activities foster other criminal violations.
- Burglaries and robberies are more common when there is a high differential between the rich and poor – a large income gap – and/or a high level of drug and other addictions.
- Lack of adverse consequences leads to increased criminal activity. Dysfunctional police and/or justice departments result in reduced accountability and reinforce disregard for the law and society in general.
- Good role models and mentors can have a very positive impact on young people.
- Reasonable career opportunities reduce the propensity to turn to crime.

- Failure of the justice system (courts) to effectively prosecute, rehabilitate or punish perpetrators exacerbates the problem. Catch and release is common, almost the standard.

Given our community culture and the factors associated with crime, is it any wonder that we have a chronic crime problem?

Action

The island has many disenfranchised young men with little hope of finding traditional employment. The overwhelming draw of entering the extended friends and family network of crime is irresistible and almost natural. It defies our logic to find one cure, one solution, one thing to do to make the problem disappear.

From a business sense, we determine the goal, layout the tactics to follow, and implement the solution. We stay focused on the goal. The hard part, in this case, is that there are so many complicated pieces that the focus becomes blurred. How do we attack all of the factors? How do we change the community attitudes?

From an engineering standpoint, we break all of the factors and community issues down into the root parts and determine corrective actions for each. We then assign entities (committees, individuals, congregations, police groups, homeowners, business groups, etc.) to address each item. While not all will be totally solvable, more progress is better than no progress. Every factor on the list is worthy of the effort to improve or eliminate.

The primary upside to this process is that crime will be reduced. The secondary benefit (maybe the best) is that the social health of the community will be improved. The process of self-evaluation and working together for a common cause can provide a process for community development of all sorts.