



SCAMMING, GANGS, AND VIOLENCE IN MONTEGO BAY

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ACRONYMS

BPO	Business Processing Outsourcing
COMET	Community Empowerment and Transformation Project
CSJP	Citizen Security and Justice Programme
DHS	Department of Homeland Security
DPP	Director of Public Prosecutions
FBI	Federal Bureau of Investigations
FID	Financial Investigative Division
GOJ	Government of Jamaica
ICE	Immigration and Customs Enforcement
ICT	Information and Communication Technology
JCF	Jamaica Constabulary Force
JLP	Jamaica Labour Party
JOLT(T)	Jamaican Operations Linked to Telemarketing
LSTF	Lottery Scamming Task Force
MOCA	Major Organised Crime and Anti-Corruption Agency
PICA	Passport, Immigration and Citizenship Agency
POCA	Proceeds of Crime Act
PIOJ	Planning Institute of Jamaica
PMI	Peace Management Initiative
PNP	People's National Party
SDC	Social Development Commission
SOE	State of Public Emergency
USAID	United States Agency for International Development
VIP	Violence Interruption Programme
ZOSO	Zones of Special Operations

EXECUTIVE SUMMARY

Murder and extreme violence are at crisis levels in Montego Bay. Montego Bay is also the birthplace and centre of the lottery scamming industry and its offshoots, an industry that generates millions of U.S. dollars a year, and is thought to be connected to the high murder and shooting rates in St. James. This study considers the purported nexus between lottery scamming, gangs, and the high murder rate in St. James by situating St. James' violence problem in its socio-economic context, and reviews the measures that have been taken over the past decade to tackle both problems.

The birth and growth of scamming are a result of a confluence of factors: enabling technology, extant criminal entrepreneurial systems, foundations laid by decades of political violence, high societal tolerance for criminality and violence, and an environment of material scarcity. It has flourished because of the poor social conditions, the inefficacy

of law enforcement and the justice system, the lack of legal income-earning opportunities, and the large amounts of money that can be easily "earned." The scamming enterprise itself may be incidental to the embeddedness of the corruption, criminality, and violence that characterize St. James and its environs; another criminal enterprise could supplant scamming, with similar effects, just as scamming supplanted the illegal drug trade.

Scamming is a scourge with many victims, from the elderly Americans who lose their life savings, to the innocent children who are killed in the collateral damage of scamming-related gangland-type violence. The corruption of institutions is another cost that has been mentioned in this study, but the stain on Jamaica's reputation has not been explored, nor have its consequences. The reputational damage that scamming has inflicted can have serious consequences, for example, with the prospect of de-risking a looming threat.

Scamming must be accorded a much higher priority by the Jamaican government, with the requisite resources allocated to ending it. There are the obvious suggestions to improve the police-citizen relationship, and to eliminate corruption. The relevant laws, in particular The Law Reform (Fraudulent Transactions) (Special Provisions) Act, (the Lottery Scam Law,) should be revised to address known weaknesses. These

revisions should be accelerated far beyond the normal course of legislative change in Jamaica and enacted as a matter of priority. These recommendations are specific steps that can be taken towards combatting scamming, and in turn, associated criminal and high impact violence.

Recommendations

- 1** Create agreed-upon (between all stakeholders, national and international) measures and indicators of scamming against which change can be tracked.
- 2** Conduct a comprehensive qualitative and quantitative situation analysis of scamming in Jamaica, including gathering first-hand accounts from scammers of the detailed inner workings of scamming, and the links with gangs, perhaps from convicted scammers, or from embedding infiltrators in scamming groups and/or in gangs involved in scamming. These new indicators will inform the situation analysis.
- 3** Clarify, align, and coordinate all law enforcement actors and their roles and responsibilities with regard to investigating and prosecuting lottery scamming and associated crimes. This should forestall duplication of efforts, be a more efficient use of resources, and simplify and improve cooperation with international partners.
- 4** Build monitoring and evaluation frameworks with sound, clear indicators into any social intervention programmes. While no one variable can be said to be a causal factor in crime or violence, there are clear indicators of social and other variables that are strongly correlated with crime and violence. Any social intervention should be modelled after interventions that have been empirically proven effective in similar contexts of extreme violence, psycho-social dislocation, and poverty. It is essential that they have integrated systematic evaluation

mechanisms from the project design stage. Prioritize sustainability, as this has been identified repeatedly as a debilitating aspect for interventions of any sort. Conduct empirical analyses of the social intervention aspects of ZOSO and of any other current and ongoing attempts at violence-reduction and other social interventions, to determine what yields measurable results, so that more resources can be put into those areas, and resources diverted from those interventions that are not yielding the desired results.

- 5** Tolerance for scamming must be tackled, specifically the notion of scamming being a victimless crime, whether through public relations strategies, awareness-raising campaigns, or other established vehicle for such endeavours. Tolerance should also be addressed by bringing to task the local businesses that benefit from scamming's proceeds, and by more openly problematizing their attitudes and actions.
- 6** Moncrieffe recommended that the relevant laws, in particular The Law Reform (Fraudulent Transactions) (Special Provisions) Act, (the Lottery Scam Law,) be revised to address the weaknesses that have been pointed out in the Ministry of National Security's own 2017 analysis. These revisions should be accelerated far beyond the normal course of legislative change in Jamaica and enacted as a matter of priority. These recommendations are specific steps that can be taken towards combatting scamming, and in turn, associated criminal and high impact violence.



1. INTRODUCTION: EXTREME VIOLENCE IN JAMAICA'S TOURISM CAPITAL

On January 18th, 2018 a State of Public Emergency was declared for the parish of St. James: “Crime and violence, in particular murders, have been escalating in St. James. I have been advised by the security forces that the level of criminal activity is of such a nature and so extensive in scale as to endanger public safety,” said Jamaica’s Prime Minister at the time.¹ 2017 was the bloodiest year in the parish’s history with 341 murders, more than double what it had been only five years previously in 2012; in 2012 there were 153 murders in St. James (see figure 1).² In 2017, Jamaica itself had the third highest murder rate in Latin America and the Caribbean.³

¹ “PM Holness Announces State of Public Emergency in St. James,” Jamaica Information Service, January 18, 2018. <https://jis.gov.jm/pm-holness-announces-state-public-emergency-st-james/>.

² Jamaica Constabulary Force (2018).

³ Tristan Clavel, “Insight Crime’s 2017 Homicide Round-Up,” InSight Crime, January 19, 2018, www.insightcrime.org/news/analysis/2017-homicide-round-up/.



In the first 3 days
of the SOE some

200
PEOPLE
were arrested

January–December 2018

The period of the State of Public Emergency (SOE)

The murder rate in
St. James dropped by  **70.1%**

from **183** to **55**
per 100,000 per 100,000
in 2017 in 2018



In the first three days of the SOE some 200 people were arrested;⁴ between January and December 2018—the period of the SOE—the murder rate in St. James dropped by 70.1 percent,⁵ from 183 per 100,000 in 2017 to 55 per 100,000 in 2018.⁶ Nevertheless, Jamaica as a whole maintained its ranking as the third most homicidal country in the region.⁷

The conventional wisdom, as it is highlighted in the local and international media, is that the high homicide rate in St. James is attributed to the parish being the epicentre of a phenomenon known as “lottery scamming.”⁸ Jamaica’s lottery scamming problem has received international

attention, particularly from the U.S., where most of its victims are.⁹ In March 2019 the U.S. Department of Justice said that the majority of its lottery scam related cases over the previous year related to Jamaicans.¹⁰ Locally, scamming receives attention because it is commonly considered to be the main factor in the rise of violent crime in St. James and other western parishes. Lottery scamming, a form of advanced fee fraud, is listed as a cause of Jamaica’s violent crime problem in the Government of Jamaica’s most recent crime fighting strategy.¹¹ For the last several years, the rising homicide rate in St. James, and in other western parishes, has become synonymous with lottery scamming.¹²

⁴ “200 arrested in St. James state of emergency,” *Observer*, January 22, 2018, www.jamaicaobserver.com/latestnews/200_arrested_in_St_James_state_of_emergency.

⁵ Jamaica Constabulary Force (2018).

⁶ Balford Henry and Alpheia Sanders, “We must save lives; Commish gives reason for new SOE,” *Observer*, May 01, 2019, www.jamaicaobserver.com/news/-we-must-save-lives-commish-gives-reason-for-new-soe_163623?profile=1606.

⁷ Chris Dalby and Camilo Carranza, “InSight Crime’s 2018 Homicide Round-Up,” *InSight Crime*, January 22, 2019, www.insightcrime.org/news/analysis/insight-crime-2018-homicide-roundup/.

⁸ Lottery scamming is also referred to by international stakeholders as “sweepstakes fraud.”

⁹ Owen Ellington, Commissioner of Police 2010 to 2014, personal interview, July 21, 2018.

¹⁰ “Jamaicans Account For Majority Of Lottery Scamming Cases – U.S.DOJ,” *Nationwide News*, March 9, 2019, <http://nationwideradiojm.com/jamaicans-account-for-majority-of-lottery-scamming-cases-usdoj/>.

¹¹ Ministry of National Security, “Five-Pillar-Strategy for Crime Prevention and Citizen Security,” 2017, <https://mns.gov.jm/content/five-pillar-strategy-crime-prevention-and-citizen-security>.

¹² Hon. Horace Chang, M.P., Minister of National Security, personal communication, October 22, 2018; Damion Blake, “How lotto scammers defraud elderly Americans and fuel gang wars in Jamaica,” *The Conversation*, February 1, 2018, <https://theconversation.com/how-lotto-scammers-defraud-elderly-americans-and-fuel-gang-wars-in-jamaica-90676>.

There are multiple and varied estimates of the size of the Jamaican lottery scamming “industry” but no universally accepted dollar value.¹³ Notwithstanding, this crime is purported to bring in hundreds of millions of (U.S.) dollars per year. In 2015, one report estimated U.S.\$38 million was lost to fraudulent financial transactions with links to Jamaica;¹⁴ media reports prior to 2012 put the illicit gains as high as U.S.\$300 million per year.¹⁵ Between 2008 and 2018, the 20 people prosecuted for Jamaican lottery scamming, fleeced a total of U.S.\$16.5 million from their victims.¹⁶ Table 1 presents various estimates that have been relayed

over the past ten years.

The absence of any one reliable measure of the size of the lottery scamming “industry” is one indicator that the available information on lottery scamming in Jamaica is inconsistent and in many cases dated. No current, comprehensive situational analysis of Jamaican lottery scamming exists, and this study will not attempt it. However, it does aim to fill a gap by providing accurate, relevant information, synthesized from a wide range of sources, to better clarify the nexus between scamming, gangs, and violence in Montego Bay and its environs.

Table 1. Estimates of the U.S. dollar value of scamming.

Remittance Agencies	Estimate Value	Time Frame
Western Union	\$586,000,000	2004 - 2012
MoneyGram	\$143,000,000	2009 - 2012
Authoritative Reports	Estimate Value	Time Frame
Better Business Bureau	\$38,000,000	2015
Department of Justice	\$1,000,000,000	No time frame
Ministry of National Security	\$300,000,000	2014
Immigration and Customs Enforcement	\$30,000,000	2008
Jamaica Customs Agency	\$2,020,000	2010 - 2012
Total	\$2,061,020,000	2004 - 2015

Source: Compiled from multiple media and official reports.

¹³ Jamaica’s national lottery game is called “Lotto,” hence lottery scamming in Jamaica is called “lotto scamming.”

¹⁴ C. Steven Baker, “Sweepstakes, Lottery and Prize Scams: A Better Business Bureau study of how ‘winners’ lose millions through an evolving fraud,” BBB International Investigations Initiative, June 2018, www.bbb.org/article/news-releases/17786-sweepstakes-lottery-and-prize-scams-a-better-business-bureau-study-of-how-winners-lose-millions-through-an-evolving-fraud.

¹⁵ CAPRI (2012).

¹⁶ U.S. law enforcement consider that most lotto scam victims underreport the amount of money they have remitted to scammers, so the dollar amounts may be more than what is stated. These 20 convicted scammers are from a pool containing an unknown number of scammers, as no reliable estimate exists.

THIS STUDY:



Considers the purported nexus between lottery scamming, gangs, and the high murder rate in St. James.



Situates St. James' violence problem in its socio-economic context, that is considered by many to be the main cause; examines the extent to which scamming can be considered the cause of the high violence situation in St. James; compares St. James' violence statistics to the other parishes to identify patterns and trends to ascertain, if, in fact, the violence in St. James warrants the attention it has gotten; and enumerates the efforts undertaken to combat scamming and the scourge of violent crime in that parish; with the overall objective to



Provide(s) stakeholders and decision-makers within and outside of the security apparatus with a complete, coherent, and relevant evidence-based picture of the situation, and policy recommendations based on the study's findings.

The first section of the report situates St. James violence scenario in the broader Jamaican context. In so doing it examines the changing patterns of violence in St. James and in Jamaica. The second section examines the rise of scamming and the various actors involved, with particular attention to the involvement of gangs. The third section considers the claim that the high violence and murder rates are linked

to lottery scamming, and tables and assesses the prevention strategies that have so far been employed to combat scamming and criminal gangs in St. James. The conclusion identifies gaps, tables options, and recommends measures to be considered in future efforts to combat scamming, and to reduce homicide and other violent crime in St. James.

1.1 Methodology

This study utilizes a mixed methods approach to the question of the nexus of gangs, violence, and scamming in St. James. The term “mixed methods” refers to the integration, or “mixing,” of quantitative and qualitative data within a single investigation. The basic premise of this methodology is that such integration permits a more complete and synergistic utilization of data

than do separate quantitative and qualitative data collection and analysis.¹⁷

A desk review was conducted to assess previous research on scamming and on violent crime in St. James, including literature from official sources. In-depth expert, stakeholder, and key informant interviews were conducted. A survey of residents in selected vulnerable communities

¹⁷ John W. Creswell and Vicki L. Plano Clark, *Designing and Conducting Mixed Methods Research* (California: Sage, 2011).

in St. James was carried out.¹⁸ Statistics from the Jamaica Constabulary Force were used in the analysis of Jamaica's crime data. The analytic strategy used for this study is a problem-driven

content analysis of the interviews, survey data, and existing literature related to scamming, crime, and violence, particularly as these pertain to St. James and surrounding areas.¹⁹

1.2 Limitations and Challenges

Gathering data, particularly disaggregated data, on crime in Jamaica, can be a lengthy process, and some data is simply not available, or is not made available to researchers. The current level of disaggregation of homicides in Jamaica does not allow for reliable inferences to be drawn with regard to classifying murders according to motive. Thus it is not possible to pinpoint the exact context of murders and to then identify patterns and trends. The shortcomings of the methodology used by the JCF to classify homicides has been a source of contention for some academics,²⁰ and the problem of unreliable or inaccessible data is an established weakness in Caribbean crime and security research.

Local and U.S. law enforcement were in many instances unable to give information about scamming given the fact that there are ongoing related operations and investigations. Private stakeholders such as remittance operators were reluctant to share information, understandably so given the very sensitive nature of the crimes and how the crime relates to their business enterprise. The inability to gather this important data from stakeholders precluded our detailed analysis of the present scamming situation in St. James and throughout the island.



¹⁸ See appendix.

¹⁹ Content analysis is the analysis of the manifest and latent content of a body of communicated material through classification, tabulation, and evaluation of its key symbols and themes in order to ascertain its meaning and probable effect. Klaus Krippendorff, *Content Analysis: An Introduction to its Methodology*, Beverly Hills: Sage Publications, 2004.

²⁰ Harriott and Jones (2016).

2. THE RISE OF VIOLENCE AND VIOLENT CRIME IN WESTERN JAMAICA

Even given Jamaica's extremely high murder and violence rates, the city of Montego Bay stands out. It has come to be identified with extraordinarily high rates of violence and violent crime, at the same time as it is considered the epicentre of lottery scamming in Jamaica; the surrounding areas of wider St. James, Westmoreland, and Hanover are more and more being considered in that same light.

2.1 Violence and Violent Crime in the National Context

Jamaica's extreme violence problem is often considered in relation to crime, which is the focus of this study, but it is widely understood that violence is ingrained in the social and cultural norms of the majority of Jamaican households and communities. It is accepted that Jamaica is engulfed by a dominant culture of violence.

Jamaica's extraordinary high impact violence situation is thought to be the result of a confluence of factors. Centuries of oppression under enslavement and colonialism, followed by decades of political tribalism with violent criminal groups being affiliated with political parties,²¹ augmented by the violence associated with drug trafficking and other criminal enterprises, and fuelled by poverty, weak family structures, and weak social institutions. These have cemented a culture of violence that has

persisted and worsened since Independence in 1962. In Jamaica, poor urban and semi-urban communities like the violence-ridden communities of St. James are the most affected by virulent violence, often resulting in murder.

High impact violence in Jamaica, as in most other parts of the world, is heavily gendered: most murder victims are male. Between 2012 and 2018, of Jamaica's 8,801 murder victims, 87 percent were adult male, 9 percent adult female, and 4 percent children. (see figure 1) Males, in particular young, unattached males, not only make up the majority of the murder victims but are also the primary perpetrators.²² These "at-risk" young men are generally unemployed (in the formal sector), undereducated, and below the age of 35 years.²³



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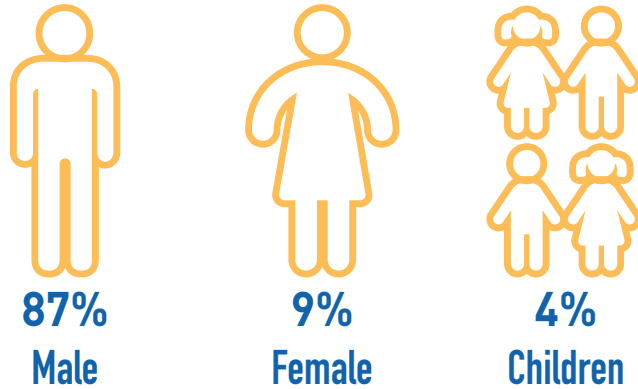
²¹ Political tribalism in the Jamaican context speaks to the willingness of party supporters to issue threats of violence or to commit acts of violence against rival party supporters and others, "to influence the outcome of an election, to increase or defend the support base of the party, to create exclusive electoral enclaves, to protect political boundaries against violence or perceived threats of violence, and to limit the development of independent, contestable electoral zones." Amanda Sives, *Elections, Violence and the Democratic Process in Jamaica 1944-2007*, Kingston, Ian Randle Publishers, 2010.

²² Unattached and at-risk males are defined as being between the ages of 14 to 24 years old, unemployed, and not in school nor any training programme. "Unattached Youth in Jamaica," The HEART Trust-National Training Agency Planning & Project Development Division, February 2009, www.mona.uwi.edu/cop/sites/default/files/Unattached%20youth_0.pdf.

²³ Harriot and Jones (2016).

Figure 1. Murder victims by gender. Jamaica, 2012 – 2018

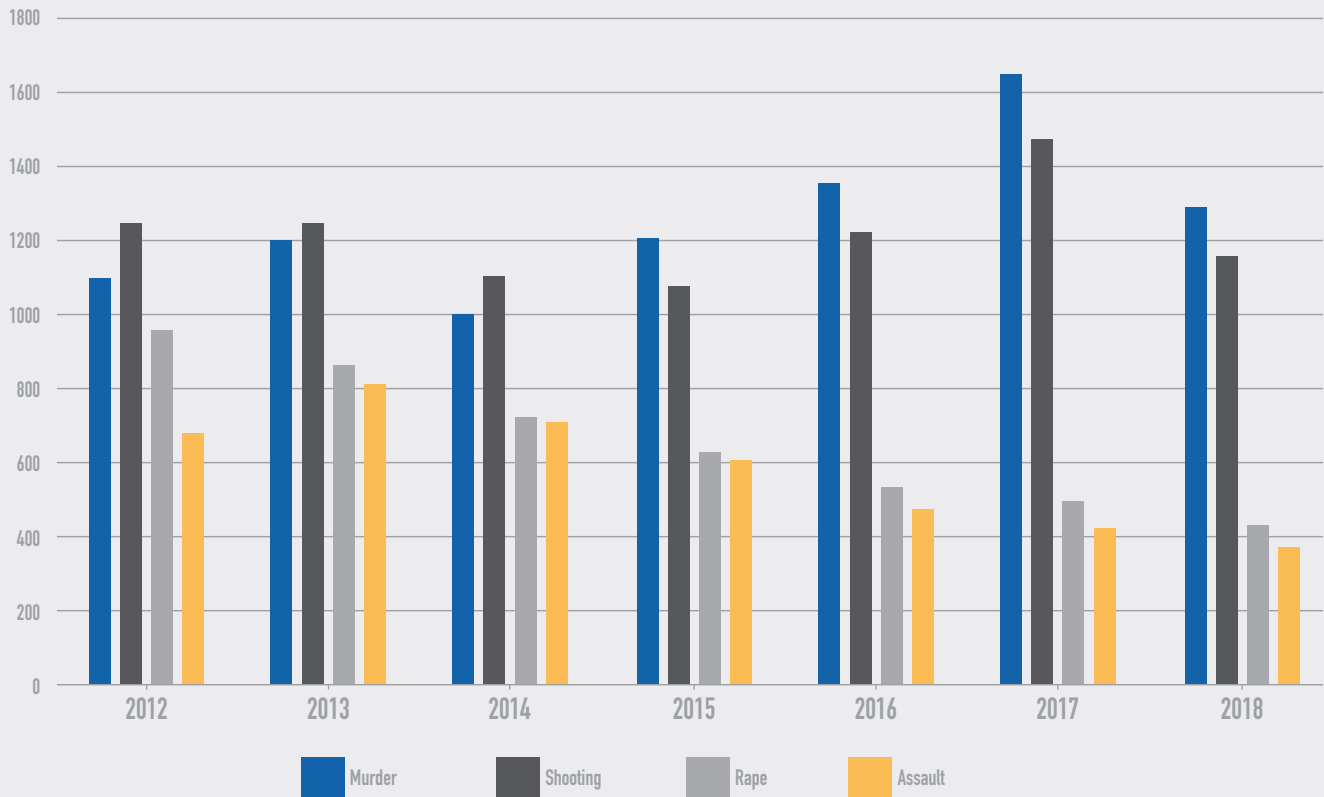
High impact violence in Jamaica is heavily gendered



Source: Jamaica Constabulary Force, Statistics and Information Management Unit

While women and children make up a smaller proportion of murder victims, they make up the majority of the reported sexual assaults.²⁴ Figure 2, which shows the trends in violent crimes, depicts that while murders and shootings increased across Jamaica between 2012 and 2018, there was a decrease in reported assault and rape cases.²⁵

Figure 2. Violent crimes



Source: Jamaica Constabulary Force, Statistics and Information Management Unit

²⁴ Carol Watson Williams, “Women’s Health Survey 2016 Jamaica,” co-publication of the Statistical Institute of Jamaica, Inter-American Development Bank and the United Nations Entity for Gender Equality and the Empowerment of Women (2018); Ministry of National Security Jamaica Crime Observatory Integrated Crime and Violence Information System (JCO-ICVIS), “2011-2015 Report on Children and Violence,” July 2016, [www.unicef.org/jamaica/Final_JCO_Bulletin_Jan-Dec_2011-2015_\(Aug_3_2016\)_amended_FINAL\(1\).pdf](http://www.unicef.org/jamaica/Final_JCO_Bulletin_Jan-Dec_2011-2015_(Aug_3_2016)_amended_FINAL(1).pdf).

²⁵ This study will consider only the violent crimes of murder and shooting in the analysis of the nexus between scamming, gangs, and violence.

Guns are the preferred weapon; between 2012 and 2018, guns were the primary weapon in 76.7 percent of murders.²⁶ It is thus possible that many recorded shootings could just as easily have been recorded as murders, depending on the accuracy of the shot and how quickly the victim received medical attention, among other factors. The statistics in figure 2, which show that the number of shootings is almost equivalent to the number of murders, thus suggest that as high as the murder rate is, it could easily be much higher.

Gang activity features prominently in Jamaica's current map of crime and violence. In 2016 the police stated there were 274 gangs, 63% of which were active. It was estimated that those gangs comprised 9000 members, of which 5717 were active in the preceding two years.²⁷

Jamaica's extraordinary high impact violence situation is thought to be the result of:



Centuries of oppression under enslavement



Political tribalism with violent criminal groups



Criminal enterprises

2.2 Gangs, Criminal Organizations, and Violence

Gangs are the primary source of violence in Jamaica. JCF data show that in 2013, 79 percent of homicides were motivated by gang activities.²⁸ There is a strong empirical relationship between the physical presence of gangs or gang members in a community and the incidence of homicide. For every additional gang member in a community the number of homicides increases by 0.4 percent, and every additional gang in a community increases the number of homicides by about 10 percent.²⁹

This is borne out by the fact that the low-violence parishes of Portland, St. Mary, Hanover, and St. Ann all have low gang densities.³⁰ Table 2 contains numbers of gangs by parish in 2013, ranked by the highest number of gangs. Kingston and St. Andrew collectively have the most number of criminal organizations, followed by St. Catherine, and then St. James. This is again in keeping with the high numbers of murders in these parishes compared to other parishes.

²⁶ Firearms were used in 64.4 percent of reported robberies and in 10.9 percent of reported rapes for the same time period. Jamaica Constabulary Force Statistics and Information Management Unit 2012-2018.

²⁷ Assistant Commissioner of Police Devon Watkis, "Gang Assessment: The Jamaican Situation," 2016, cited in Moncrieffe, 55.

²⁸ Harriott and Jones, ix.

²⁹ "Caribbean Human Development Report 2012," UNDP, 2012, www.undp.org/content/dam/undp/library/corporate/HDR/Latin%20America%20and%20Caribbean%20HDR/C_bean_HDR_Jan25_2012_3MB.pdf.

³⁰ Harriott and Jones, 40.

Table 2. Number of gangs by parish, 2013

Parish	Type of Gang			Total number of gangs
	First Generation	Second Generation	Third Generation	
Kingston & St. Andrew	110	10	2	122
St. Catherine	21	1	2	24
St. James	19	0	0	19
Clarendon	15	0	0	15
St. Thomas	11	0	0	11
Westmoreland	9	1	0	10
Portland	3	7	0	10
Trelawny	7	0	0	7
Manchester	5	0	0	5
St. Elizabeth	5	0	0	5
Hanover	4	0	0	4
St. Mary	3	0	0	3
St. Ann	3	0	0	3
Total	215	19	4	238

Source: Jamaica Constabulary Force, 2013. Reproduced from Harriott and Jones, 2016.

The table shows that in 2013 there were 238 criminal organizations in Jamaica. Based on the number of gangs previously noted for 2016, Kingston and St. Andrew had increased by 15 percent, from 122 to 141 gangs, while St. James had increased by over 50 percent, from 19 to 29 gangs.³¹ Violence and murder, as was pointed out in earlier statistics, rose in St. James over this same time period.

Table 2 also refers to first, second, and third generation gangs, which is how they are classified by the JCF. This classification considers street gangs that generally engage in claiming turf as

first generation gangs. They are characterised by a degree of disorganization, with loose leadership and illicit activities tend to be localized within their environs. These groups tend to engage in opportunistic crimes.³² Second generation gangs evolve from first generation gangs and are more organized in their efforts to maximize profits from illicit activities. They are engaged in more organized enterprises such as the drug trade, and leadership is more structured. They also tend to operate in a larger geographical space, and to have ties to or alliances with transnational criminal organizations and are involved in multiple illicit activities. Lottery scamming is classified as a

³¹ Moncrieffe, 56; Harriott and Jones, 39.

³² Manwaring (2007).

transnational organized crime. These gangs may also have the capacity and intention to destabilize the state.³³ Third generation gangs are fewer as these are even more organized with a distinct chain of command that oversees a larger enterprise comprised of several illicit activities. These groups are able to achieve social control where state presence is weak, and can even become the authoritative governing entity.³⁴ Gangs, domestic organized crime, and transnational organized crime are considered Tier 1 threats—“clear and present dangers” to citizen security—in Jamaica’s National Security Policy.³⁵

In most, if not all, violent communities throughout Jamaica, what we today call “gang warfare”—specifically extreme violence, violent crime, and murder, carried out by a relatively small number of highly active offenders—is the direct descendant of organized partisan political violence that originated in the heated electoral disputes of the late 1940s between the

then-nascent People’s National Party (PNP) and Jamaica Labour Party (JLP). The pattern and history of inter-party violence laid fertile soil for the seeds of political violence to blossom in the late 1960s and flourish in the 1970s, and was closely associated with the electoral cycle.³⁶ The links between the state and violence, as they evolved in Jamaica, were characterized by politicians’ dependence on enforcers (or “dons”) in inner-city areas to ensure party loyalty and deliver votes; in return the politicians provided patronage in the form of jobs via public works programmes, overseas agricultural employment contracts, cash, food, and housing.³⁷ To strengthen enforcement capabilities, guns were provided by politicians, and their use was tacitly and overtly encouraged. This resulted in close ties between gangs and politicians in the 1970s and 80s; the dons would report to politicians about the goings-on in the community and wait for their instructions, which included threatening citizens to vote for their respective



³³ Manwaring.

³⁴ Manwaring.

³⁵ Government of Jamaica (2014).

³⁶ Katz and Amaya (2015).

³⁷ Harriott (2000); Jaffe (2012).

party.³⁸ These interactions resulted in political murders, especially between gangs. This is the root of armed violence in Jamaica in general, where most of the communities with high levels of violence have a tradition of political violence. The communities with less violence tend to be those with less organized political intimidation and persecution.

The nature of armed violence and the context of high homicides in Jamaica has, however, evolved. Political violence has diminished significantly since the mid-1990s, and since the 2000s there have been few instances of violence and murder that can be directly linked to partisan politics. Gang violence and murders continue, but they are seldom related to national

politics. Nevertheless, in the communities where the respondents to our survey reported there was a don, three-quarters of the dons were also organizers of political intimidation.³⁹ Gangs throughout the island have evolved to contain their own internally determined logic and are largely independent of politicians. New gangs have emerged that are not connected to politics or political patronage, though they may be identified with the dominant party in their community or sub-community. They have their own sources of weapons, usually financed with the proceeds of their criminal activity, including involvement in organised crime, such as drug and arm trafficking between North, South and Central America.⁴⁰



³⁸ Ioan Grillo, "Jamaican Organised Crime after the Fall of Dudas Coke," *CTC Sentinel*, 7 (1), 2014: 5-7, <https://ctc.usma.edu/jamaican-organized-crime-after-the-fall-of-dudas-coke/>.

³⁹ CAPRI survey, 2017.

⁴⁰ Harriott (2000); Leslie (2010); Enrique Desmond Arias, "Understanding Criminal Networks, Political Orders, and Politics in Latin America," In *Ungoverned Spaces, Alternatives to State Authority in an Era of Softened Sovereignty*, edited by Anne Clunan and Harold Trinkunas, California: Stanford University Press, 2010, 115–135.



It has also been observed in Jamaica that some organized crime entities, because they are about maximizing profits, avoid engaging in overt violence because it attracts police attention and disrupts business.

Crime and violence in Jamaica have also transitioned to a point that some argue that there is a distinction to be made between organized crime and gangs.⁴¹ Jamaica's anti-gang legislation (the Criminal Justice [Suppression of Criminal Organisations] Act, 2014, popularly known as the Anti-Gang Act) states that "criminal organization' means any gang, group, alliance, network, combination, or other arrangement among three or more persons, whether formally or informally affiliated or organized, or whether or not operating through one or more bodies corporate, or other associations."⁴² But while there are gangs that are heavily involved in organized crime, for example extortion, or weapons trading, a group of scammers constitutes a criminal organization, but it is not necessarily engaged in violent behaviour typical of a gang. It has also been observed in Jamaica that some organized crime entities, because they are about maximizing profits, avoid engaging in overt violence because it attracts police attention and disrupts business.⁴³

There is also an incipient shift in the discourse

in Jamaica towards differentiating between crime and violence. As expressed by Jamaica's Commissioner of Police, who took office in 2018, they should be treated as separate issues: "The biggest predictor of violence is previous acts of violence. It doesn't operate like crime, and, therefore, the measures to deal with violence are different. Crime is largely done for economic gain, while violence is a cycle which thrives on previous acts of violence."⁴⁴ This discursive trend has not yet manifested as official policy, and the national security legislation and policy continue to pair them as "gangs and domestic organized crime."⁴⁵

These definitional issues emerge as challenges to clearly understanding the dynamics of organized crime, gangs, and violence in Montego Bay. At the same time as there was an increase in the number of gangs in St. James, and an increase in the number of murders, scamming-related violence began to spiral. But the classification and disaggregation obstacles preclude a clear understanding of the relationship between scamming and gang violence/murder. Murders

⁴¹ Harriot and Jones, 38; Moncrieffe, 28.

⁴² Criminal Justice (Suppression of Criminal Organizations) Act, 2014, www.japarliament.gov.jm/attachments/341_The%20Disruption%20and%20Suppression%20of%20criminal%20organizations.pdf.

⁴³ Assistant Commissioner of Police (ACP) Fitz Bailey, then in charge of the Counter-Terrorism and Organised Crime (CTOC) Branch, personal interview, December 7, 2018. (Bailey was promoted to Acting Deputy Commissioner of Police [ADCP] after the interview was conducted.)

⁴⁴ "Dual Attack. Crime and violence being treated as separate problems, police commissioner tells Jcans in diaspora," *Observer*, July 25, 2018, www.jamaicaobserver.com/front-page/dual-attack-crime-and-violence-being-treated-as-separate-problems-police-commissioner-tells-j-cans-in-diaspora_139508?profile=1373.

⁴⁵ GoJ (2017).

thought to be related to scamming are classified as “gang-related,” but are not differentiated according to what type of gang, whether it is an ordinary street gang or an organized criminal

organization.⁴⁶ As we shall see in more detail further down, the lines between scamming and gang violence are blurred.

2.3 Murder and Violence Disaggregated by Parish

The six parishes in 2017 that had the highest number of murders were, ranked in order from the highest, St. James, St. Andrew, St. Catherine, Kingston, Clarendon, and Westmoreland. Figure 3 shows the distribution of murders by parish for the years 2007 to 2018.

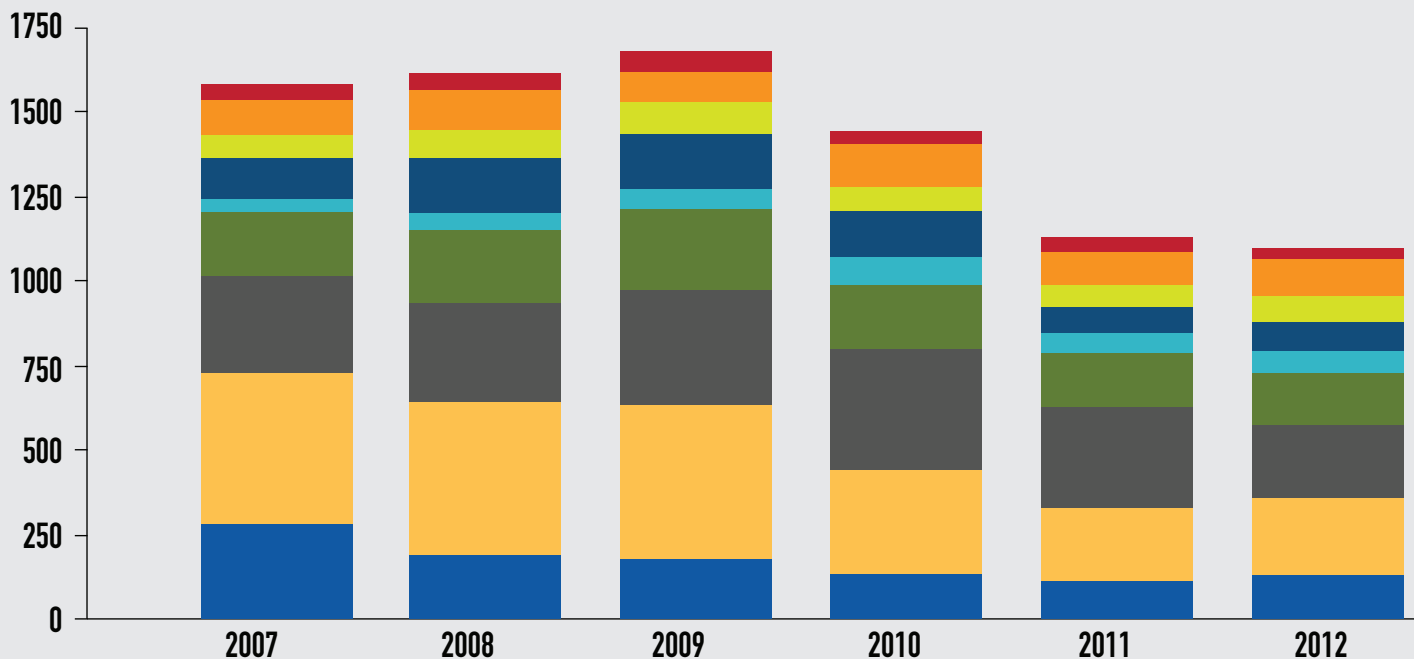
The figures show that for that 12-year span, St.

Andrew and St. Catherine have had the highest number of murders, followed by St. James, then Kingston, and then Clarendon. St. James only ever had a significantly higher murder rate than St. Andrew and St. Catherine in 2016 and 2017. It appears that murder declined across Jamaica after 2010 and reached its lowest for the period in 2014

⁴⁶ Harriott and Jones, 41.

⁴⁷ Some parishes were grouped together based on the county they are a part of because the murder figures are too small to be represented on the chart.

Figure 3. Murders by parish, Jamaica, 2007 - 2018



Source: Jamaica Constabulary Force, Statistics and Information Management Unit

before steadily rising again to peak in 2017.⁴⁸ In 2017 Jamaica had 641 more incidents of murder than it did in 2014. It is this peak that triggered the call for and activation of several SOEs across the island. The 2018 decrease in the murders in several parishes is attributed to the states of public emergency (SOEs), which were implemented in the entire parish of St. James, and in specific police divisions in three other parishes.⁴⁹

St. James stands out as the most violent parish by many measures. It had the highest upsurge in murders between 2012 and 2017 with a 122 percent rise in murder incidents, followed by Westmoreland with a 117 percent increase. During that same time frame, Clarendon had

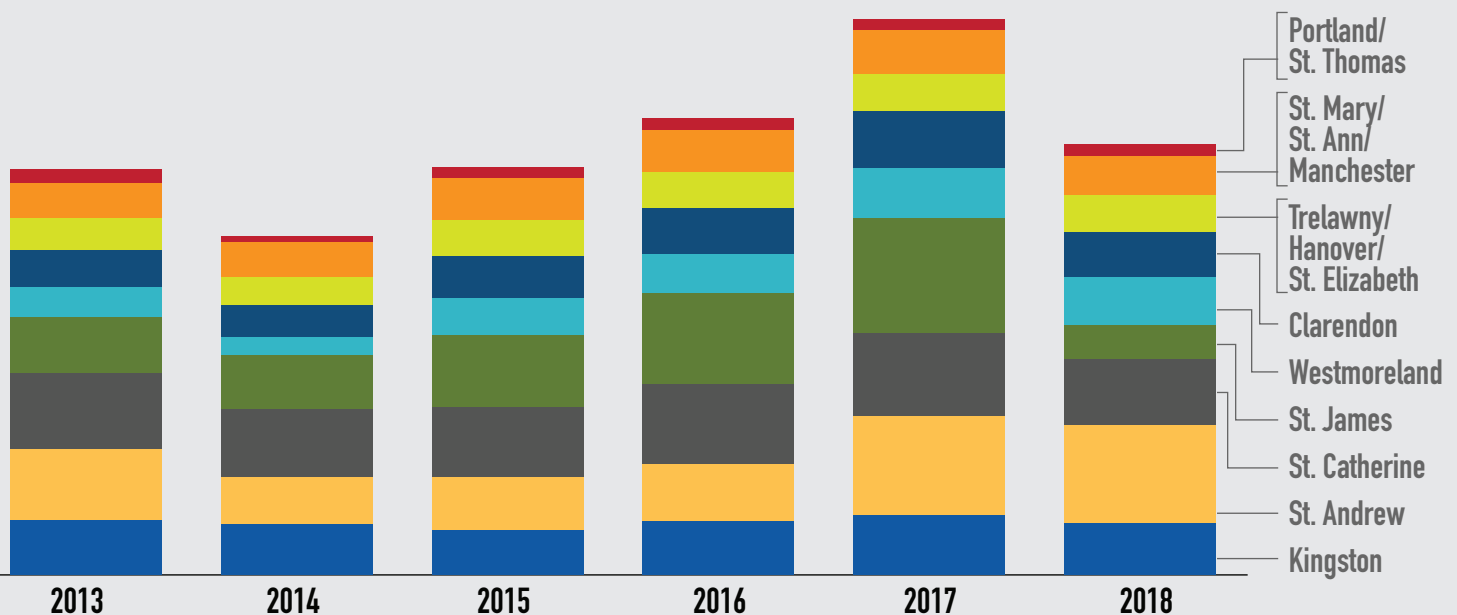
a 103.6 percent increase in murders, and while Hanover’s murder numbers are small enough that it had to be grouped with two other parishes for analysis, it had a 65 percent rise in murders. Kingston and St. Andrew had their figures rise by 36.1 and 29.5 percent respectively. The trends for these parishes are shown in figure 3.

Analysing the murder rate for each parish in relation to the population size presents a slightly different picture, but St. James maintains its unfortunate lead. Figure 4 tracks the per capita murder rates for the parishes between 2012 and 2017 and shows a different picture when compared to figure 3, when the murder rates are calculated per capita as opposed to the numbers of murders.⁵⁰

⁴⁸ Grillo, “Jamaican organized crime”; Stephen Cordner, Michael S. Pollanen, Maria Cristina Mendonca, and Maria Dolores Morcillo-Mendez, “The West Kingston/Tivoli Gardens Incursion in Kingston, Jamaica,” *Academic Forensic Pathology* 7, no. 3 (Sept. 2017): 390-414, <https://doi.org/10.23907/2017.034>. The drop in the murder rate after 2010 is attributed to the joint policy-military operation in Tivoli Gardens in May 2010, to action an extradition warrant for Christopher “Dudus” Coke, a reputed don and international drug and arms trafficker. The operation, the largest and most extensive in independent Jamaica’s history, is said to have disrupted criminal groups and their operations, including the weapons supply to Jamaica.

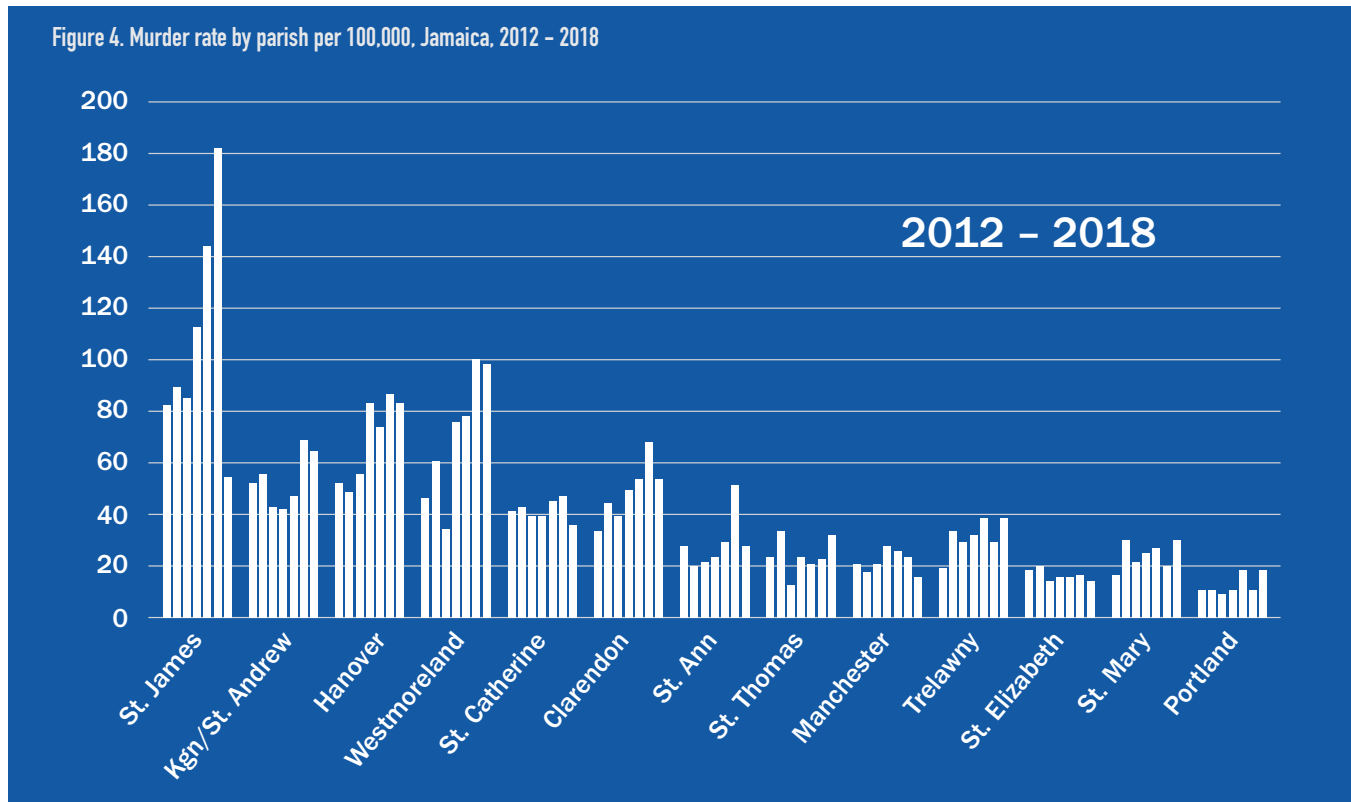
⁴⁹ On March 18, 2018 an SOE was declared for areas which fall under the St. Catherine North police division. On September 23, 2018, SOEs were declared in Kingston Central, Kingston Western, and St. Andrew South police divisions.

⁵⁰ The PIOJ counts Kingston and St Andrew as one parish.



Here St. James consistently has the highest murder rate per capita between 2012 and 2017, of all the parishes. We can thus grasp why St. James has been a focal point for the recent intensive

state security and law enforcement efforts, and why the spotlight on the parish’s crime and violence problems might be warranted.



Source: Economic and Social Survey Jamaica, 2012 - 2017, PIOJ

2.4 Montego Bay: Socio-Economic Aspects

Located on the north-western side of the parish of St. James, Montego Bay forms the economic hub of both the parish and of western Jamaica. In the parish there are no other noteworthy towns. This means that, “everything that a person needs in this parish is to be had over in Bay; people from Westmoreland, Hanover, and Trelawny, and even some from St. Elizabeth, have to come here.”⁵¹ St. James has around 185,605 inhabitants and Greater Montego Bay approximately 125,829.⁵² Thousands of people commute every day into

the city from the surrounding environs. So powerful is the culture and commerce of the city that many dwellers of St. James, whether urban or rural, describe themselves as Montegonians. Thus whatever happens in Montego Bay affects the surrounding dependent peri-urban belt.

Our survey registered that over half of the working age members of the surveyed communities are not equipped for the formal sector, and for those who were, jobs were considered scarce; most males were located in the

⁵¹ These and other comments in quotation marks are exact or paraphrased words of respondents, taken from the interviews conducted in the survey.

⁵² SDC (2013).

informal and illegal sectors. The gender dynamic pervades other indicators of employment, and has implications for understanding criminality and tendencies towards violence. The survey identified gender as a key factor in who was employed and doing what: most males, if they are not in school, are expected by their families to be “employed” in some kind of income-earning activity, whether formal, informal, legal or illegal. The implication is that in the absence of adequate formal/legal employment opportunities, men tend to resort to criminal and illegal activity, whether together with formal/legal work, or on its own, to earn money. Participation in illegal income-earning activities is thus a common feature of life in St. James’s poor communities, and it is a virtually inevitable path for young men who are otherwise unemployable but who are under significant pressure to bring in an income.

There is a strong association between poverty and violence in St. James. The communities that are plagued by high homicide rates are largely poor; our survey estimated that over half of the population in those areas may be considered desperately poor. Forty-one percent of St. James’ households, whose average household size is 3.5 persons, fall within the poorest quintiles when measuring poverty levels using indicators such as access to clean water, quality of housing (construction materials and access to sanitary facilities in the dwelling), education level of household head, school attendance, nutrition, and access to public services, especially health and education. This poverty is concentrated in communities such as Salt Spring, Green Pond, Maroon Town, Vaughnsfield, Retrieve, Spot

Valley, Lottery, Somerton, Welcome Hall, Tangle River, Maldon, and Flagstaff.⁵³


Our survey found that a large proportion of youth are affected by community violence indirectly, irrespective of gender or school attendance status, and there are no major gaps in the average indirect exposure. Once a young person resides in a volatile community in St. James he or she is likely to be exposed to violence. Out-of-school youths experienced the most direct exposure to violence, while concomitantly, being in school lowered one’s exposure.




In the absence of adequate formal/legal employment opportunities, men tend to resort to criminal and illegal activity, together with formal/legal work, or on its own, to earn money.

The socio-economic challenges described above are not unique to St. James and indeed these comprise the reality of young persons in other violence-plagued communities across Jamaica, such as communities in West Kingston and

⁵³ SDC (2013).



The high levels of violence contain troubling implications for the children and youth in these areas. Aside from the loss of life, the disability, and the trauma that such extreme violence brings about, there are other concerns surrounding these very high murder rates, such as the exposure to violence that many if not most young people in St. James experience.



St. Catherine North. At the same time, while most violence in Jamaica occurs within poorer marginalized communities, not all of Jamaica's socio-economically challenged communities are

violent. It is also germane to highlight that the type of violence at issue here is perpetrated by a small number of persons—virulent, high impact violent producers—in these communities.⁵⁴

2.5 Violence and Scamming in Western Jamaica

The violence problem in St. James and neighbouring parishes became an obvious crisis between 2014 and 2016 when the number of murders jumped by almost 69% from 159 to 269. In 2017 the figures peaked with 341 recorded murders, making St. James the parish with the highest (of the 14 parishes) number of murders for that year. Within the span of a decade, the

number of murders in Westmoreland tripled, while Hanover's doubled.

Montego Bay's spike is thought to be related to lottery scamming, and the increase in Westmoreland and Hanover's murder numbers is attributed to the spill over of lottery scamming from St. James,⁵⁵ but the available statistics

⁵⁴ National Network for Safe Communities, "Group Violence Intervention: An Implementation Guide," Washington, DC: Office of Community Oriented Policing Services, 2009, <https://ric-zai-inc.com/Publications/cops-p280-pub.pdf>.

⁵⁵ Dr. Carl Williams, Commissioner of Police 2014 -2017, personal interview, May 23, 2019.

are difficult to disaggregate in such a way as to directly attribute the exact cause behind each murder, and to thus definitively establish that this is indeed the trend. But the Jamaican police, who are on the ground and conducting the investigations, have repeatedly indicated that there is a direct link between the lottery scam enterprise and the increase in violence and criminality in St. James, and this assertion has been solidified by its repetition over many years of media reports. For example, a 2009 newspaper report stated that some 150 to 200 murders in St. James are attributed to lottery scamming.⁵⁶ In an interview with a local news network, the superintendent assigned to the St. James Division arrived at a similar number. He estimated that of the 240 murders experienced in St. James in 2009, “175 of them were directly or indirectly” linked to scamming.⁵⁷ As scamming

has expanded beyond St. James, the thinking is, crime and violence have expanded alongside.⁵⁸

Scamming is not the first organized crime sector in western Jamaica; the entire area, St. James in particular, was a premiere narcotics trafficking point, and marijuana and cocaine trafficking was the source of income for the region’s gangs until the mid-2000s.⁵⁹ The associated motive for criminal gang violence and murders until the mid-2000s was thus related to turf and to proceeds from the drug trade.⁶⁰ The same dynamics obtained for the arms trade with the United States and Haiti.⁶¹ The 2004 police task force “Kingfish” effected a significant diminution of the Jamaican drug and arms trade, and many western Jamaican criminal gang members were extradited to the United States.⁶² A vacuum for ill-gotten gains was thus created, which scamming filled.

There are two points to be made here:

1. The conditions for organized crime, and the tendency towards employing extreme violence in the carrying out of organized crime’s business, are extant in Montego Bay. These conditions are socio-economic, cultural, and established behavioural patterns, and are not necessarily specific to any one type of criminal enterprise or industry.
2. Criminal groups are nothing if not flexible and able to evolve, and while interrupting the activities and network of these illicit entities is important, if they are not eliminated at the root, they will regroup and adapt to the new environment.

⁵⁶ “Lottery Scam Causing Many of Montego Bay’s Murders,” *Gleaner*, September 3, 2009, cited in Harriott (2011).

⁵⁷ “Scam in Paradise-CVM News Documentary,” YouTube, accessed May 5, 2019, www.youtube.com/watch?v=BDOuneBTPFk.

⁵⁸ Moncrieffe (2017).

⁵⁹ Williams.

⁶⁰ Desmond Edwards, head of MOCA, personal interview, June 16, 2018.

⁶¹ “2019 International Narcotics Control Strategy Report,” U.S. Bureau of Intl Narcotics and Law Enforcement Affairs, March 28, 2019, www.state.gov/2019-international-narcotics-control-strategy-report/.

⁶² Edwards; Warnecke-Berger (2018).

3. THE JAMAICAN SCAMMING “INDUSTRY”

St. James has a large pool of young people who were trained in the techniques of telemarketing and offshore betting operations. They know how to handle objections and gain people’s confidence. Just about the time we were seeing serious reductions in narcotics trafficking and gangs were hard-pressed for income, this new illicit activity arose. Gang members themselves may not be the dialers, but in many ways they extort the dialers, sell them protection, and carry out reprisal attacks if the scammers double-cross each other.

– *Hon. Mark Golding, Jamaica’s Minister of Justice, 2013.*⁶³

⁶³ Larry Luxner, “Jamaican Lottery Scams Fund Drug Traffickers, Violent Criminal Gangs,” *Diálogo Digital Military Magazine*, March 11, 2013, <https://dialogo-americas.com/en/articles/jamaican-lottery-scams-fund-drug-traffickers-violent-criminal-gangs>.



Montego Bay

The minister, as quoted above, itemizes a number of events and variables, and ties them all together: young people working in offshore call centres + reduction in narcotics trafficking/gangs looking for new income sources +

emergence of scamming + organized criminal gang involvement in scamming and associated violence. The minister correctly identified the variables, but how they are tied together is far from as straightforward as the quote suggests.

3.1 Origins and Growth of the Jamaican Lottery Scam Enterprise

The phenomenon of contemporary scamming is estimated to cost people billions of U.S. dollars globally, sparing no nationality, gender or age group.⁶⁴ Lottery/sweepstakes scamming is an extensive transnational financial fraud scheme, which seeks to fleece the victim of money by convincing them that they have won a sizeable lottery, sweepstake, and/or prize. For example, some victims are advised that in addition to winning a large amount of money, they have also won an expensive car. However, to access these winnings, an advance fee for “processing” or “government taxes” must first be paid. There are many variations on this basic scheme; for example, some scammers state that they are calling from the IRS or the “U.S. Credit Claims Commission.”⁶⁵

Advance fee fraud is not unique to Jamaica and has been around for several decades. Prior to the

international attention that the Jamaican lottery scamming received, the most common and globally known advance fee fraud was the 419 Nigerian scam.⁶⁶ Scamming is thought to have been in Jamaica since the 1990s, with St. James said to be the birthplace of lottery scamming.⁶⁷ One academic article has attributed the origins of scamming in Jamaica to four Nigerians who were operating out of Montego Bay; they were arrested and deported in 1998.⁶⁸ This article purported that their (the Nigerians) interaction with locals (Jamaicans) allowed for the idea to take root in Montego Bay.⁶⁹ Lottery scamming, as it has been made famous by Jamaicans, also falls under the broader heading of mass marketing fraud. Mass marketing fraud is termed as such because it “uses one or more mass-communication methods – such as the Internet, telephones, the mail, or in-person meetings – to fraudulently solicit or transact with numerous prospective victims.”⁷⁰

⁶⁴ “419 Advance Fee Fraud Statistics 2013,” Ultrascan Research Services, July 10, 2014, https://ultrascan-oscn.com/Pre-Release-419_Advance_Fee_Fraud_Statistics_2013-July-10-2014.html.

⁶⁵ Jovan Scott Lewis, “Structural Readjustment: Crime, Development, and Repair in the Jamaican Lottery Scam,” *Anthropological Quarterly* 91 (3), 1029-1048, 2018.

⁶⁶ The scam is called a Nigerian 419 scam because the method originated in Nigeria and 419 is the number of the article in the Nigerian Criminal Code dealing with fraud. The Nigerian 419 scam functioned slightly differently from lotto scamming; perpetrators claim they would have difficulties accessing their money and ask for help. In return for a promised sum of money, victims would pay a “fee.” The scope of the 419 scam has evolved however to include romance, relatives in distress, and investment proposals.

⁶⁷ Moncrieffe (2017).

⁶⁸ Bourne, Chambers, Blake, Sharpe-Pryce, and Solan (2013).

⁶⁹ In the course of the research for this study no other source—academic, expert interview, or law enforcement—has confirmed this assertion.

⁷⁰ “Mass Marketing Fraud,” U.S. Department of Justice, 2017, www.justice.gov/criminal-fraud/mass-marketing-fraud.

Lottery scamming had its springboard in what ought to have been a positive development in the Jamaican economy. In 1999, the Jamaican government initiated the liberalization of the telecommunications industry with full liberalization taking effect in March 2003. From that emerged a burgeoning Information and Communication Technology (ICT) sector, concentrated in St. James, where there has been significant investment in infrastructure, such as the Barnett Tech Park. The relatively low cost of employing mainly young Jamaicans made St. James an attractive outsourcing location for U.S. companies' customer service functions (call centres have since spread throughout the island.)

The growth of what is now called the Business Processing Outsourcing (BPO) sector has been a source of employment for many young persons in St. James and neighbouring parishes, but it also provided fertile soil for lottery scamming to become rooted.⁷¹ Key to these young people's training was how to "empathize and sympathize" with callers, an important feature of the scamming methodology.⁷² The theory is that some call centre operators adapted the Nigerian "419" scam to the initial Jamaican version of the lottery scam con.⁷³ As the BPO sector has continued to grow exponentially in Jamaica, its proponents claim that scamming "is no longer a hindrance as operators have invested significant sums to protect their clients' data." Operators are heavily policed for their access to facilities

and their personal belongings, the computers are purpose-built so they "can't take CDs, they can't take jump drives, they can't download information, and individuals are only allowed to go to websites to which the clients' needs allow access." Technology in the form of cellphone finders and CCTV is routine.⁷⁴

Over the years, scamming has evolved and developed, adjusting to new opportunities and barriers,⁷⁵ and making it more difficult to track, quantify, and disrupt. Jamaican criminal organizations have modified the lottery scam into other variations of telemarketing schemes to include direct deposit, automatic debit, and re-routing schemes.⁷⁶ New strategies have emerged, for example, the scammer calls a prospective victim and claims to be a police officer or a medical specialist with the news that a Jamaican relative or friend of the victim is in financial need and they should send money. Yet another strategy is to put sweepstakes entry forms in a potential victim's mailbox (by scammers' associates who are physically in the U.S. or Canada), with instructions to return the entry form with their personal information; they are then contacted, advised they have won, and conned into transferring money to the scammers via Western Union, MoneyGram, or a Green Dot prepaid card.⁷⁷

These adaptations extend to how the money is remitted from victim to scammer. The prepaid card, for example, is virtually untraceable—it

⁷¹ CAPRI (2012).

⁷² Sergeant Kevin Watson, former head of the Anti-Lottery Scam Unit, 2012 to 2016, personal interview, July 20, 2018.

⁷³ Watson; Edwards.

⁷⁴ Ingrid Brown, "BPO explosion. Another 3,000 jobs by year-end; Ja now a hot destination for call centres," *Observer*, August 04, 2015, www.jamaicaobserver.com/news/BPO-explosion_19222249.

⁷⁵ Moncrieffe (2017).

⁷⁶ U.S. Embassy personnel, group interview, March 16, 2019.

⁷⁷ Ellington; Blake; Watson; OSAC (2017). Western Union and MoneyGram have, in response, significantly tightened their systems, and scammers are far less able to use them. Green Dot cards are pre-paid cards that are sold at a wide range of chain stores with many locations in the U.S. such as Walmart, CVS, and Walgreens.

can be purchased with cash and is then as good as cash that can be spent anywhere in the world; its size (the same size as a credit card) means it is virtually undetectable when it is physically transported, whether on one's person, or via courier or mail service.

Scamming has also evolved geographically, on both the U.S. side and the Jamaican end. In Jamaica scamming is long thought to have expanded beyond St. James, and today is thought to also be concentrated in the other western parishes: Westmoreland, Hanover, and Trelawny, with indications that it has spread throughout the island.⁷⁸ In the U.S., members of the large Jamaican diaspora, and non-Jamaicans, have become involved.⁷⁹ Scammers even involve

their victims to facilitate the laundering of financial transactions by receiving and negotiating financial instruments; receiving and withdrawing funds from stored value or prepaid cards; and receiving and sending wire transfers. There has been at least one documented case where a victim turned into a co-conspirator: depleted of funds to send to the scammers, the victim assisted the scammer's money laundering. In another case, an elderly female victim facilitated requests by her scammer to collect money from other victims, from which she took a cut, before sending it to Jamaica; she apparently did this 20 to 25 times. These are not isolated or unique occurrences; indeed they have become routine.⁸⁰



In the U.S., members of the large Jamaican diaspora, and non-Jamaicans, have become involved. Scammers even involve their victims to facilitate the laundering of financial transactions by receiving and negotiating financial instruments; receiving and withdrawing funds from stored value or prepaid cards; and receiving and sending wire transfers.

3.2 Lead Lists

The “lead list” is a key component of the scamming enterprise. Lead lists contain names, addresses, birth date information, phone numbers, and email addresses. Information from lead lists is how scammers identify and contact

their victims, as well as how they convince them of their legitimacy. They were originally obtained from the call centres that had this information given the customer service functions that the call centres were largely engaged in. Potential

⁷⁸ Moncrieffe (2017). In the expert interviews conducted for this study, our respondents shared that while it was thought that gangs in the eastern part of the island, particularly Kingston, were associated with scammers and benefitted from the proceeds of scamming, there have so far been few identified scamming operations beyond the western parishes. Hayles; Watson; Edwards. U.S. Embassy Kingston officials, however, disagree, as shall be shown further along.

⁷⁹ “Rhode Island Woman Convicted at Trial Following Her Involvement in International Lottery Fraud Scheme,” September 17, 2018, United States Department of Justice, Office of Public Affairs, www.justice.gov/opa/pr/rhode-island-woman-convicted-trial-following-her-involvement-international-lottery-fraud.

⁸⁰ “Just Hang Up- Scams Against Seniors, Part 3”, YouTube, accessed May 5, 2019, www.youtube.com/watch?v=ID0z3l2j5x0.



victim information for lead lists has also been gathered from within the tourist industry, where there is access to visitors' personal information.

Lead lists can also be created without having to steal information, and without having to be physically present in Jamaica. There are entities in the U.S. known as data brokers,⁸¹ whose products are also used to create lead lists.⁸² U.S. federal law does not prohibit the collection, compilation, and sale of consumers' personal information; this information is there for anyone to buy, sell or trade. Data brokers legally collect personal information on people, everything ranging from demographic information, to contact details, to political affiliations and religion. The data is collected through open public records such as court records, self-reported information such as surveys, retailers when people sign up for reward and credit

cards, social media, and even companies who trade customer information with each other in an effort to expand their customer base. At the centre of a 2018 case involving 15 Jamaican and American co-conspirator-scammers, was a Rhode Island woman whose key role was to purchase lists with people's information.⁸³ Illegal data brokers also exist, who conduct their business in a similar fashion, for example circulating fake sweepstakes competition forms and gathering the personal data from those.

There are two type of lead lists. The first is known as a "virgin" list. This means that the list is fresh with new names, perhaps of those in a location where scamming has not been present before. It also means that the list is unique to the scammer and has not been sold or possessed by rival scammers. A virgin list with 40 names can be worth U.S.\$3000.⁸⁴ Then there

⁸¹ "Data brokers and 'people search' sites," Privacy Rights Clearing House, February 06, 2019, www.privacyrights.org/printpdf/67558.

⁸² Charles Duhigg, "Bilking the elderly, with corporate assistance," *New York Times*, May 20, 2007, www.nytimes.com/2007/05/20/business/20tele.html.

⁸³ "Rhode Island Woman Convicted."

⁸⁴ Watson.

is the “seconds” list, whereby a lead list broker has sold the same list of potential victims to multiple scammers.⁸⁵ Lead lists are so essential to scamming that a subsector exists that deals only in the creation and sale/brokering of these lists. These operations can be quite formalized, including broker agreements and memoranda of understanding. One of Jamaica’s most famous

scammers, Sanjay Williams, became a lead list broker; he operated a website called gamblerslead.com which peddled contact information for potential victims to other scammers.⁸⁶ Lead lists are often at the centre of scam-related violence, including murder, particularly as virgin lists become harder to procure.⁸⁷



One of Jamaica’s most famous scammers became a lead list broker; he operated a website called gamblerslead.com which peddled contact information for potential victims to other scammers.

3.3 Scammers

Any scamming enterprise requires an intricate network of persons who carry out different or multiple roles that facilitate the crime, both locally and transnationally. The essential roles include the lead list compiler/ broker, the dialer, the collector, the diverter, and the transporter; a single individual may adopt multiple roles in the scam.⁸⁸ Anyone with access to a telephone and a computer can scam. Initially, most scammers who were employed in the formal sector as data entry clerks, remittance service cashiers, hotel front desk workers, taxi operators, airline staff, and customs employees, availed themselves of the scamming opportunities offered by their access to people’s personal data that then



populated lead lists.⁸⁹ Roles have changed as scamming ventures have transformed.

Though it is often repeated that “the research” states that scammers are mostly between 14–25

⁸⁵ Watson.

⁸⁶ Wayne Drash, “Driven to death by phone scammers,” CNN, October 8, 2015, <https://edition.cnn.com/2015/10/07/us/jamaica-lottery-scam-suicide/index.html>.

⁸⁷ Baker, “Sweepstakes, Lottery and Prize Scams.”

⁸⁸ Ellington (2008).

⁸⁹ Ellington (2008).

years old and are both male and female,⁹⁰ there are many cases which involve scammers from a wide range of ages and backgrounds, and which suggest that the scammer demographic is rather more varied. Kerry-Ann Graham was the first person convicted in the Jamaican courts for lottery scamming in 2008, even before legislation was in place; she largely fits the typical scammer profile: a 25-yr-old Hanover native, a cosmetologist who worked in a call centre. She scammed a U.S. citizen out of U.S.\$127,000; she initially contacted her victim in 2005 stating that she was calling from the “International Sweepstakes and Lotteries to inform her that she had won U.S.\$3.5 million.”⁹¹

The first significant prosecution in the U.S. of a scammer from Jamaica was a Montego Bay native, who also fit the scamming stereotype: 26 year-old Sanjay Williams, who scammed 80 identified victims of more than U.S.\$5.5 million, was arrested in June 2013 in the U.S. while in transit to collect illicitly acquired funds from one of his co-conspirators.⁹² Though he was

arrested and charged for international money laundering, law enforcement ascertained that Williams was originally a scammer; he received 20 years in U.S. federal prison for his crimes.

While scamming may have been started by high school graduates working the call centers, the crime has attracted persons from higher levels of the professional strata.⁹³ Williams’ case led to a major arrest of a network of scammers, and from that pool it becomes apparent that there is a far broader demographic of scammers than is typically considered. Twenty-nine year old Lavrick Willocks of Kingston was the mastermind of a group that included his mother, brother, and over 20 other persons, spanning five states in the U.S., over a six-year period. Willocks is university educated and holds a bachelor’s degree. Willocks was accused and prosecuted for scamming 95 persons of over U.S.\$5.8 million.⁹⁴ Eight persons from Jamaica were extradited because of this investigation; most were prosecuted in North Dakota.

While scamming may have been started by high school graduates working the call centers, the crime has attracted persons from higher levels of the professional strata. Williams’ case led to a major arrest of a network of scammers, and from that pool it becomes apparent that there is a far broader demographic of scammers than is typically considered.



⁹⁰ Bourne et al (2013).

⁹¹ Adrian Frater, “Montego Bay lotto scammer convicted – Hanover woman gets prison time,” *Gleaner*, November 12, 2008, www.old.jamaica-gleaner.com/gleaner/20081112/news/news1.html.

⁹² Federal Bureau of Investigations, “Jamaican man sentenced to prison for involvement in international lottery fraud scheme,” U.S. Attorney’s Office, November 25, 2015, www.fbi.gov/contact-us/field-offices/minneapolis/news/press-releases/jamaican-man-sentenced-to-prison-for-involvement-in-international-lottery-fraud-scheme.

⁹³ Moncrieffe (2017)

⁹⁴ “Mother of alleged lottery scam kingpin to also plead guilty,” *Observer*, December 02, 2017, www.jamaicaobserver.com/news/mother-of-alleged-lottery-scam-kingpin-to-also-plead-guilty_118783?profile=0.



Teresa Wilson, a scammer involved in fleecing one woman of U.S.\$282,600, was a University of the West Indies, Norman Manley Law School student; she was arrested and charged in Florida in the process of transporting cash and items purchased with scammed cash.⁹⁵ The U.S. embassy in Jamaica also announced that they were seeking extradition for some attorneys who had been implicated in this transnational fraud scheme.⁹⁶

Elected officials have been implicated in Montego Bay's scamming complex. In 2012, then-deputy mayor of St. James, People's National Party (PNP) councillor Michael Troupe, PNP councillor for Salt Spring Sylvan Reid, and Troupe's son Dwight, were accused of being involved in lottery scamming, and illegal possession of firearms, and were arrested.⁹⁷ Troupe is said to have been the owner of a Western Union

remittance franchise in St. James that was "used to facilitate and support scammers."⁹⁸ Troupe was later freed. He successfully held on to his council seat in the 2016 elections, though he has continued to be dogged by other accusations of criminal activity. Sylvan Reid also held on to his council seat, by two votes.⁹⁹

Kenley "Bebe" Stephens was Troupe's close business and political associate. He was also the vice-president of the PNP's West Central St. James constituency organisation during the PNP administration of 2012-6. Bebe was called the "the godfather of scamming" in a CNN documentary on scamming in Jamaica.¹⁰⁰ Bebe was open with his extravagant and expensive lifestyle, which was purportedly funded by his scamming success.¹⁰¹ He was murdered in a "gangland-style killing" in 2014; government members gave tributes at his funeral.¹⁰²

⁹⁵ "Jamaican Law School Student Sentenced To Prison For Role In Lottery Scheme," U.S. Department of Justice U.S. Attorney's Office, Middle District of Florida, March 16, 2017, www.justice.gov/usao-mdfl/pr/jamaican-law-school-student-sentenced-prison-role-lottery-scheme.

⁹⁶ Livern Barrett, "Lawyers among professionals on US-JA scamming radar," *Gleaner*, April 28, 2017, www.jamaica-gleaner.com/article/lead-stories/20170428/lawyers-among-professionals-us-ja-scramming-radar.

⁹⁷ "MoBay deputy mayor arrested," *Observer*, July 19, 2012, www.jamaicaobserver.com/news/MoBay-deputy-mayor-arrested_11982059.

⁹⁸ Watson.

⁹⁹ "Case Dismissed Against Sylvan Reid," *Gleaner*, April 3, 2017, <http://jamaica-gleaner.com/article/20170403/case-dismissed-against-sylvan-reid>.

¹⁰⁰ Drash, "Driven to death." Stephens was also known as Kenrick Stephenson.

¹⁰¹ These are widely acknowledged assertions, corroborated by scores of newspaper articles, and mentioned often in interviews conducted for this report.

¹⁰² Garfield Higgins, "Too many victims; eliminate scamming," *Observer*, February 05, 2017, www.jamaicaobserver.com/columns/Too-many-victims--eliminate-scramming_87628.



3.4 The Victims

The victims of scamming are mostly U.S., Canadian, and U.K. citizens who are elderly, usually retired, and if luck is on the scammer's side, suffering from decreased mental capacity.¹⁰³ Seventy-two of Williams' 80 victims were over the age of 55 years.¹⁰⁴ One study found that 42 percent of reported victims were over the age of 65 years.¹⁰⁵ Victims are bombarded with constant phone calls; there is an estimated 30,000 phone calls daily made from Jamaica.¹⁰⁶

The actual scope of victimology will not be known for several reasons: Many, perhaps even the majority of, victims never report from a sense of fear and shame; it is estimated that only approximately 10 percent of fraud victims report the crime.¹⁰⁷ Victims, once realizing that they

have been defrauded, may be too embarrassed or afraid to approach law enforcement. Some of this reluctance may be because federal law prohibits U.S. citizens from participating in international lotteries, and so they may fear their own prosecution, and/or accusation of culpability.¹⁰⁸ The persistent phone calls emotionally and psychologically manipulate victims. Between the empathy and compassion scammers express to develop a bond with the victims, to the threats of physical harm that elicit fear, the scammers gain the victims' trust and cooperation. Some of these victims lose life savings and all their property, others lose their lives amid continued demands for money. There have been seven suicides and one murder that have been linked to Jamaica lottery scamming.¹⁰⁹

¹⁰³ U.S. Department of Justice, "North Dakota U.S. Attorney's office continues attack on transnational criminal organizations in 'Operation Hard Copy,'" U.S. Attorney's Office, District of North Dakota, September 17, 2018, www.justice.gov/usao-nd/pr/north-dakota-us-attorney-s-office-continues-attack-transnational-criminal-organizations-0.

¹⁰⁴ Drash, "Driven to death."

¹⁰⁵ Baker, "Sweepstakes."

¹⁰⁶ CAPRI (2012).

¹⁰⁷ Baker, "Sweepstakes."

¹⁰⁸ "About. Foreign Lotteries," United States Postal Service, n.d., www.about.usps.com/publications/pub300a/pub300a_tech_006.htm.

¹⁰⁹ U.S. Embassy Kingston personnel, group interview with authors, March 16, 2019; "US agents join hunt for scammers linked to death of American woman," RJR News, September 21, 2017, www.rjrnews.com/local/us-agents-join-hunt-for-scammers-linked-to-death-of-american-woman.

There are also victims beyond those who are actually scammed, despite the common notion in Jamaica that scamming is a “victimless crime.” Actual deaths of fleeced U.S. victims have occurred as direct outcomes of scamming, with the aforementioned suicides and murder. The scamming-related body count in Jamaica, however, far exceeds that. While it is more difficult to ascertain the exact motives behind the murder of Jamaicans, violence that has been tied to scamming by law enforcement has cost Jamaica hundreds of lives,¹¹⁰ including the lives of innocents: in May 2018 a shooting rampage in Westmoreland, killed a 2-year old baby and a 10-year old boy; the police attributed the shootings to scamming.¹¹¹



3.5 The Police


The police are the primary actors in countering scamming through law enforcement. Though scamming is thought to have been active in Jamaica since the late 1990s, it only came to the fore as a problem for Jamaican law enforcement in 2006. Because the legislation was slow to catch up to the then-new criminal enterprise, scamming became entrenched before it could be properly addressed. By 2008, the JCF began to recognize that the lottery scam enterprise needed to be better understood, and conducted its own research based on “suggestions that the [then] current crime wave affecting St. James and neighbouring parishes is linked to a major

transnational fraud scheme known as the ‘Lottery Scam’ which is operating out of western Jamaica.”¹¹² The resulting report detailed how scamming operated, who was involved, and the different roles, estimated the amounts of money involved, outlined the corruption associated with scamming, and considered the implications for law enforcement. That report informed the 2013 anti-scamming act (The Law Reform [Fraudulent Transactions] [Special Provisions] Act, 2013, what is generally referred to as the Lottery Scam Law). (There have been a number of task force endeavours involving the JCF which will be examined further along.)

¹¹⁰ The difficulty in ascertaining how many murders are directly related to scamming is due to the fact that the JCF does not systematically disaggregate its homicide data to identify the suspected motive. Further, while some scamming-related violence may be “gang-related”, if individuals involved in scamming aren’t affiliated with a gang, it may fall under “criminal- not gang related.”

¹¹¹ “Police link Westmoreland killing spree to lottery scamming,” *Observer*, May 02, 2018, www.jamaicaobserver.com/latestnews/UPDATE:_Police_link_Westmoreland_murder_rampage_to_lottery_scamming.

¹¹² Ellington.



This study gathered views of young people in Montego Bay as regards to the police and their actions in their communities and found them to be starkly negative. Respondents complained that they feared police more than they feared gunmen and expressed hatred towards them.

There is a dark side to the role of the police, where Jamaican police, who face an ongoing challenge of an endemic corruption problem, have been implicated in lottery scamming in various ways.¹¹³ The 2008 JCF research reported that corrupt police personnel would leak information to scammers on planned police raids, supply information to scammers on rival scammers, not prosecute scammers who are clearly incriminated, and release incarcerated scammers and their property without authorization.¹¹⁴ Corrupt officers have been suspected of providing protection and enforcement for criminal elements involved in

scamming. In 2009, 19 JCF officers including an inspector, two sergeants, eleven constables, and four district constables were charged.¹¹⁵ Ten years on, there are still JCF officers being arrested and charged for their involvement in scamming.¹¹⁶

Any discussion of the police in Jamaica must also acknowledge that there is an “enormous and terrifying trust deficit between the police and the citizenry, including the gap between police and civil society,”¹¹⁷ and that this deficit undermines the state’s efforts to address crime (of whatever sort). For Jamaica’s poorer citizens, such as those in inner-city communities, poor

¹¹⁴ Ellington (2008).

¹¹⁵ “DPP rules on ‘Lottery Scam’ cops,” *Gleaner*, June 2, 2009, <http://jamaica-gleaner.com/power/9558>.

¹¹⁶ “St. James cop charged for lottery scamming,” *Observer*, January 10, 2019, www.jamaicaobserver.com/latestnews/St_James_cop_charged_for_lottery_scamming.

¹¹⁷ Ian Boyne, “Police-Citizen Relations Key to Crime Fighting,” *Gleaner*, January 5, 2014, <http://jamaica-gleaner.com/gleaner/20140105/focus/focus2.html>.

service (unresponsiveness, absence, corruption) and violence (police killings, brutality) tend to characterize their relationship with the police.¹¹⁸

St. James is no different in its police-citizen relationship. Many youths in St. James believe they are “in a war against the state.”¹¹⁹ This study gathered views of young people in Montego Bay as regards the police and their actions in their communities and found them to be starkly negative. Respondents complained that they feared police more than they feared gunmen and

expressed hatred towards them. They explained that on occasion, invading squads of police would attack without discrimination. The primary complaint about the police is related to trust; even “criminal policemen” could not be trusted. Perceptions of and attitudes towards the army, on the other hand, are quite different. As obtains in many communities throughout Jamaica, Montegonians respect the JDF more than they do police officers.¹²⁰ In St. James soldiers are seen in a favourable light, are considered more respectful, and deemed more trustworthy (than the police.)



3.6 Remittance Agencies

Remittance agencies, for the first few years of lottery scamming, unwittingly played a key role in its operation. Employees were heavily involved in stealing information for lead lists, and in many other activities that facilitated the laundering of scamming proceeds. This continued for years before the entities became aware. For example, MoneyGram International was accused by the U.S. government of turning

a blind eye to scamming when it was occurring. In November 2012, the parent company reached a U.S.\$100 million settlement for reimbursing fraud victims.¹²¹ Between 2004 and 2012 there were 550,000 complaints made against Western Union relating to fraudulent transactions. In 2017, they reached an agreement with the U.S. government to pay out U.S.\$586 million restitution to victims of scamming.

¹¹⁸ Harriott (2000); Harriott et al (2018); Jaffe (2012).

¹¹⁹ Moncrieffe, 66.

¹²⁰ Harriott et al (2018), 104.

¹²¹ “MoneyGram said Friday that it agrees to settle scam charges,” *Observer*, November 9, 2012, www.jamaicaobserver.com/business/MoneyGram-agrees-to-settle-scam-charges.

Remittance entities have since taken steps to combat scamming. These include more stringent requirements for collecting remittances, new compliance programmes for its agents, training, and technological upgrades. Remittance agencies also began working with law enforcement agencies. Western Union, MoneyGram, and Jamaica National (three of Jamaica's largest remittance services) conducted joint investigations with law enforcement.¹²² Nevertheless scamming presents an ongoing problem for remittance businesses as they are such a crucial entity in the process of transmitting funds from victims, and they too are forced to constantly adapt to the changes in the industry.

As it has become more difficult to collect

victims' money and to launder money through the remittance agencies, new methods of transmitting funds have emerged. As mentioned earlier, pre-purchased debit-type "cash cards" are one way that scammers use to circumvent the barriers. The use of couriers has also become a common method of transmitting money between the U.S. and Jamaica.¹²³ Law enforcement has on multiple occasions intercepted packages of cash, money orders, and cheques coming into the island through the mail system, that are thought to be scamming proceeds.¹²⁴ Between January 2010 and October 2012 Jamaica Customs seized U.S.\$2.02 million cash in the context of combatting scamming.¹²⁵ One local post office was reportedly closed because the staff was being threatened by scammers to facilitate the passage of packages of money.¹²⁶

3.7 Attitudes to Scamming

"I know scamming builds the economy. As they make the money, they put it right back: buy car, build house etc."

"About 90% of people scam. People are living good because of illegal activities. It's called white (collar) crime in America so it's nothing different."

"Scamming cannot stop. A new scammer is born every day. Just leave us alone and protect us. Allow us to use the funds to build up the country. They should call us and let us tell them how to get business done."

"A new scammer is born every day. Young boys who watch their brothers do it say I want to do that."

"If the police would protect us from the bad man, that would help. There are many things that we could help the government to do."

– *Quotes from focus group discussions held in Montego Bay.*¹²⁷

¹²² Avia Collinder, "Money transfers decline as remittance rules tighten," *Gleaner*, August 23, 2013, <http://jamaica-gleaner.com/gleaner/20130823/business/business7.html>.

¹²³ Deon-Ville O'Hara, a Jamaican DJ arrested in Florida, and Melinda Bulgin (the Rhode Island woman mentioned earlier) were both caught transporting large sums of cash between the U.S. and Jamaica. Both were indicted for lottery scamming in the North Dakota judicial system.

¹²⁴ U.S. Embassy Personnel.

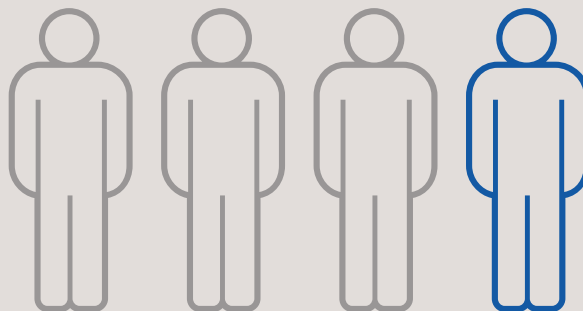
¹²⁵ Tyrone Reid, "Mail, money and murder – postal service under pressure as scammers move in," *Gleaner*, November 11, 2012. www.jamaica-gleaner.com/gleaner/20121111/lead/lead1.html

¹²⁶ "Mail, money and murder."

¹²⁷ Moncrieffe, 11.

OVER 25%

of the population is not only tolerant but supportive of some of the activities of organized crime networks.



There is a high tolerance for scamming in Jamaica, a tolerance which thwarts and complicates efforts to curtail or end the “industry.” A 2017 survey found that many Montegonians considered scamming morally acceptable, and its merits worthy of celebration.¹²⁸ This tolerance is a manifestation of an extant tolerance for crime and violence in general, as well as it has its own scamming-specific dynamics. Tolerance means that the power of negative social sanctions has been reduced: those involved in criminal, aberrant, or violent behaviour patterns are less likely to be socially isolated. Large minorities of Jamaicans approve of conflict crimes and are tolerant of some categories of predatory crimes, and it is estimated that over 25% of the population is not only tolerant but supportive of some of the activities of organized crime networks.¹²⁹

Tolerance for scamming in particular comes in many forms. This tolerance is logical where it has a material foundation in the services, including protective services, that organized crime groups provide vulnerable, poor communities,¹³⁰ such as those in Montego Bay. Scammers who have risen to be dons of new gangs have not

only been flamboyant with their wealth, they have also provided financial support for their communities.¹³¹

Tolerance also takes the form of support for scammers in opposition to official law and justice systems. Moncrieffe’s qualitative research identified an anti-state system of thought embodied in the relationship between the citizens of Montego Bay’s vulnerable communities and the police. Where the police are obvious key actors in the state security apparatus’ work to prevent and tamp down violence and scamming in St. James, the poor relationship between the police and Montego Bay’s citizens sets citizens against the police, and mitigates the effectiveness of their work.

The sentiment that scamming is a “victimless crime” has been pointed to as another justification for the absence of societal outrage and opposition. As stated earlier, this is a false notion that is held by far too many Jamaicans. But, given Jamaicans’ tolerance even for violent crime, and the country’s extant sub-culture of violence,¹³² even the violence associated with scamming does not appear to have lowered its acceptance.

¹²⁸ Moncrieffe, 69.

¹²⁹ Anthony Harriott, “Controlling Violent Crime: Models and Policy Options,” The GraceKennedy Foundation Lecture 2009, www.gracekennedy.com/images/lecture/GRACE-Lecture-2009.pdf.

¹³⁰ Harriott, “Controlling Violent Crime.”

¹³¹ Watson.

¹³² Harriott, “Controlling Violent Crime,” 4-5.

Where scamming victims (those who are fleeced/conned) are acknowledged as victims, they are not regarded as deserving of sympathy. A survey of young people in St. James found that they do not feel sorry for scamming victims, as they consider that they can afford to lose the money scammed from them, and they are not in physical danger. Some consider victims as deserving of being scammed because they are “too greedy.”¹³³ A former minister of national security echoed this perspective in his presentation for the lottery scam act debate in the Upper House.¹³⁴

Jamaicans’ tolerance of scamming is also tied up in the notion of reparations for enslavement and colonialism. As a popular song states: “As long as dem nah buy no gun; nah support no war... . Dem call it scam, wi’ call it reparation. Every ghetto yute is ah star, so dem wah live like one... .”¹³⁵ The idea is that scamming is “getting back at white people who have enslaved black people for hundreds of years.”¹³⁶

Another aspect of the existing tolerance for scamming is that local businesses benefit from the influx of cash into the economy. Scammers’ lavish lifestyles are well documented, as they spent heavily on food, alcohol, cars, clothes, and jewellery: “They were washing their cars with Hennessy or Möet (cognac and champagne); using 50-dollar bills and 20-dollar bills (U.S. dollars) to light their cigarettes.”¹³⁷ They purchased properties and built luxurious homes.¹³⁸

As one scammer said, “I chose to enjoy the lifestyle that came with making all that money. I went to expensive places, spent time at luxurious hotels, and ate at expensive restaurants.”¹³⁹ The member of parliament for St. James Central, the constituency which corresponds to some sections of Montego Bay, acknowledged this: “The economies of the parish of St. James and other adjacent parishes have benefited tremendously, directly or indirectly, from scamming. It has become so embedded in the community because everybody benefits, from the funeral parlour to the supermarkets, to the construction industry.”¹⁴⁰ This member of parliament has on another occasion suggested that local (Montego Bay) businesses deliberately court scammers because they make so much money off them.¹⁴¹

The official attitude, on the part of the state’s policy and law makers, and law enforcers, also bears some responsibility for the enterprise and its associated ills not being regarded with the disdain it deserves. From initially turning a blind eye,¹⁴² to allowing nearly a decade to pass before enacting the necessary legislation, and letting another half-decade come and go without amending the legislation or creating new legislation that is better targeted at scamming, are tangible indicators that suggest that the state does, or at least did, not consider scamming a high priority.

¹³³ Moncrieffe (2017).

¹³⁴ Daraine Luton, “Scam victims are greedy – Knight,” *Gleaner*, May 19, 2019, www.jamaica-gleaner.com/gleaner/20130323/lead/lead4.html. K.D. Knight was a senator when he made the statement, after his time in office as minister of national security.

¹³⁵ Translation: “As long as are not buying a gun, not supporting a war... they call it scam, we call it reparation. Every ghetto youth is a star, so they want to live like one.” These lyrics are from a popular song by Vybz Kartel and Gaza Slim, which promotes scamming among young people. It also highlights some of the attitudes which justify scamming.

¹³⁶ Bourne et al (2013).

¹³⁷ Ellington (2008); Edwards.

¹³⁸ Bourne et al (2013).

¹³⁹ Kevin Jackson, “A Scammer’s Regret. Six-Year Veteran Of The Illegal Activity Sorry To Have Ripped Off Victims,” *Sunday Observer*, October 08, 2017, www.jamaicaobserver.com/news/a-scammer-8217-s-regret-six-year-veteran-of-the-illegal-activity-sorry-to-have-ripped-off-victims_112498?profile=1373

¹⁴⁰ Anthony Lewis, “MP Lloyd B Smith wants lotto scammers to fund education of needy,” *Observer*, August 12, 2015, www.jamaicaobserver.com/westernnews/MP-Lloyd-B-Smith-wants-lotto-scammers-to-fund-education-of-needy_19223481.

¹⁴¹ “Scam in Paradise.”

¹⁴² Williams.

4. GANGS-SCAMMING-VIOLENCE

The conventional wisdom is that Montego Bay's extreme violence is strongly related to scamming. Simultaneously, academic researchers and official reports often maintain that there is no definitive link between scamming and gang violence. A report commissioned by the Ministry of National Security in 2017 stated, "It is no longer possible to regard gang activities as entirely separate from lottery scamming, as there are crucial emerging interlinkages."¹⁴³ The same report stated 20 pages later: "the ready association between lottery scamming and the increased rate of murders, particularly in the divisions within Area 1, is not as straightforward as it appears."¹⁴⁴ The lines are blurred between violence emanating on the one hand from high impact violence producers who are grouped in traditional gangs (such as those that are the descendants of the political tribalism era) and who are engaged in organized crime in one way or another, and on the other hand the violence carried out by or on behalf of groups of scammers, who are also organized criminals, but are not gangs in the same way as the traditional violent gangs. The distinction is more than merely academic as scamming is the linchpin of the wealth that fuels deadly competition between violent groups, whether traditional gangs or scamming groups.

¹⁴³ Moncrieffe, 36.

¹⁴⁴ Moncrieffe, 57.



4.1 The Evolution of Scamming-Related Violence

In its early stages, lottery scamming was not violent; it operated in the context of a peaceful criminal network where the main goal was for each participant to get their pecuniary share.¹⁴⁵ As law enforcement began to take measures to stop scamming, and as competition increased, violence came to be associated with scamming. In St. James, there were a number of traditional high impact violent gangs that JCF linked to scamming from as early as 2010,¹⁴⁶ but the shift to violence is considered to have occurred between 2012-2013, when scamming became increasingly lucrative,¹⁴⁷ and scammers displayed increasingly lavish lifestyles that attracted the attention of criminal elements, including in traditional gangs, and of law enforcement. Figure 5 plots the number of murders in St. James (yellow), Hanover (blue), and Westmoreland (grey) against a timeline of the evolution of the lottery scamming “industry.”¹⁴⁸

In 2013 the Minister of National Security stated that there were 17 gangs in St. James, all of whom made money from lottery scams.¹⁴⁹ The situation is far more complex. There are various iterations of interlinkages between scamming groups and traditional gangs, many which do not have clean lines delineating one from the other.

1. Once traditional gangs recognized the gains to be had from scamming, some engaged in scamming directly.¹⁵⁰
2. Other traditional gangs threatened and extorted scammers who bowed to their pressure and allowed their scamming enterprise to be absorbed into the traditional gang’s criminal business activities.
3. Instead of yielding, some scammers grouped together for protection and armed themselves (as they could afford to do, given the wealth

¹⁴⁵ Moncrieffe (2017): Ellington (2008).

¹⁴⁶ Edwards; “Scam in Paradise.”

¹⁴⁷ Watson.

¹⁴⁸ The murder numbers for the parishes from 1997 to 2006 could not be attained.

¹⁴⁹ Larry Luxner.

¹⁵⁰ Moncrieffe, 57.

generated from scamming) against the criminals who were attempting to extort them.¹⁵¹

4. Some scamming groups engaged traditional gangs to protect them from other traditional gangs who were threatening them,¹⁵² as well as traditional criminal gangs would be contracted (by scammers) as enforcers, and as bribers (of police).¹⁵³
5. Those scamming groups that aligned themselves with traditional gangs contributed to both deepened inter-gang rivalries and competition between scammers.¹⁵⁴
6. Where traditional gangs generated wealth

from scamming, many of them re-invested some of their proceeds into other criminal enterprises, the illegal weapons trade in particular.¹⁵⁵ This influx of high-powered weapons has played a role in the upsurge in violence.

7. These developments occurred as, simultaneously, the number of gangs in St James exponentially increased: between 2004 to 2010 six main gangs were known to be operating in the parish;¹⁵⁶ from 2010 to 2013 there were around 19 gangs;¹⁵⁷ and between 2013 and 2017 there were an estimated 35 gangs.¹⁵⁸ Some lottery scammers emerged as dons of those new gangs.



In St. James, there were a number of traditional high impact violent gangs that JCF linked to scamming from as early as 2010.

Thus not all scammers are in established traditional violent gangs, but out of these groupings and coalitions new gangs that resemble the traditional criminal gangs, and who are operating in the same space as traditional gangs, have formed.¹⁵⁹ Lottery scamming offers many opportunities for conflict: there

is little transparency in amounts of money gained, when payments are made, how shares are allocated, and there is a lot of money at stake.¹⁶⁰ Competition for lead lists fuels violence between armed scamming groups. Murders—whether committed by armed scamming groups, or by traditional violent gangs—may be

¹⁵¹ Watson; Edwards; “Scam in Paradise”;

¹⁵² Frater, “MoBay’s Grim Reality.”

¹⁵³ Ellington (2018); Blake.

¹⁵⁴ Watson.

¹⁵⁵ Watson; Ellington; Edwards; Hayles; OSAC (2017).

¹⁵⁶ Frater, “MoBay’s Grim Reality.”

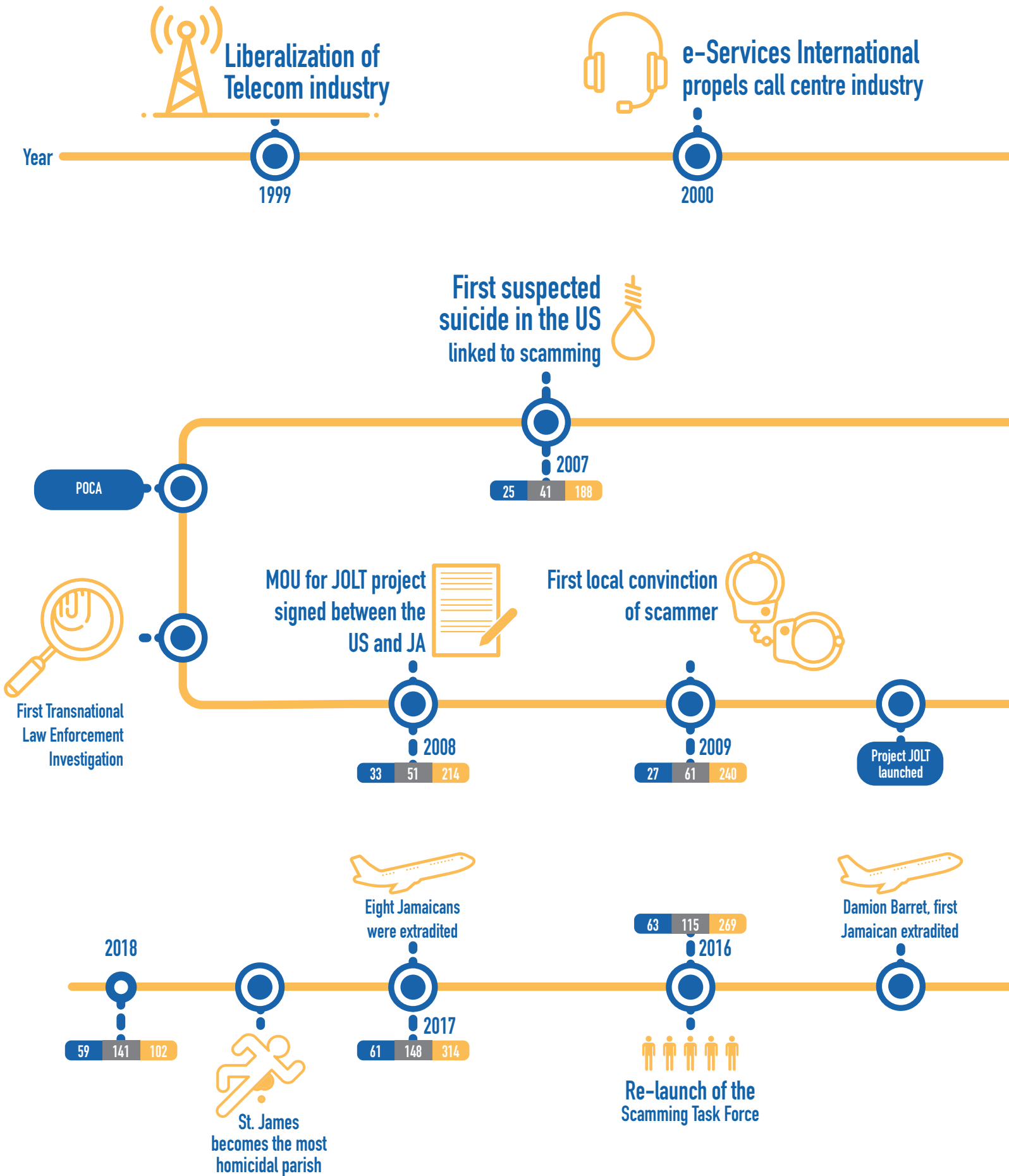
¹⁵⁷ Harriott and Jones, 39.

¹⁵⁸ Watson.

¹⁵⁹ Moncrieffe, 57.

¹⁶⁰ Moncrieffe, 57-8.

Figure 5. Timeline: murders in western Jamaica and the evolution of scamming number of murders in St. James (yellow), Hanover (blue), and Westmoreland (grey)



1500 + employees employed in the BPO sector

2003

Police officers suspected to be involved in scamming

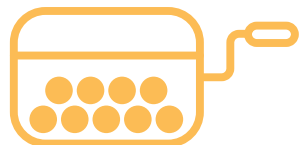
2006



SCAMMING enters the news

2005

JCF Lottery Scamming Task Force



2010

26 83 190

2011

15 62 158

2012

37 68 153

2015

59 111 212

2014

39 51 159



LOTTO scam act

2013

34 89 166

MOCA



Sanjay Williams becomes the first prosecuted Jamaican in the US and given 20yrs for his role

■ St. James | ■ Hanover | ■ Westmoreland

This merging of the different variables (traditional gangs, scamming groups, and violence) in their various combinations, with the gamut of concomitant outcomes, produces an outcome that is a fusion of the various elements involved – the “blurred lines.”



motivated by scamming-related issues such as lead list disputes, or outright theft of scamming proceeds. But murders may also pertain to other established antecedents of gang violence such as contract killings, drug trade disputes, fights over weapons, ego, intimate relationship rivalries, and reprisals.¹⁶¹

This merging of the different variables (traditional gangs, scamming groups, and violence) in their various combinations, with the gamut of concomitant outcomes, produces an outcome that is a fusion of the various elements involved—the “blurred lines.” The conflation is evidenced by situations where crime and violence are seen to escalate in areas where scamming is concentrated; where crime and violence are on the sharp upsurge in hitherto dormant, rural areas with the influx of

scammers escaping visibility; and where youth in those same “forgotten” rural areas become attracted to this quick “work” and its profits.¹⁶²

The recent spread of both scamming and violence to neighbouring parishes, as law enforcement operations have made it more difficult for them to operate in St. James,¹⁶³ is a material example of this conflation. The problem with the blurred lines is that in not knowing where one variable ends, and the other begins, one is not able to pinpoint what are the causal factors of one variable on another, and there are few options for targeted interventions.

The state, in its responses to scamming, gangs, and the increased high impact violence associated with them, has had to contend with these blurred lines. What have these responses entailed and what can be learned from them?

4.2 The State’s Response

The state’s response to scamming and the scamming-gang violence nexus has been via various law enforcement measures and strategies, including new legislation, the creation of new specialist administrative units in the JCF, and joint endeavours with overseas

law enforcement and specialist agencies. These responses take place in the broader context of an inefficacious justice system and a fragmented state response to crime and violence in general, which occurs across various national strategies, different uncoordinated policy interventions,

¹⁶¹ Hayles.

¹⁶² Moncrieffe, 37.

¹⁶³ Hayles.

divergence of procedural powers, discrete ministries and state agencies, unconsolidated and poorly-enforced legislation, lack of access to extraterritorial data by law enforcement authorities, and ineffective international cooperation mechanisms.

Legislative Changes

Prior to specialized laws being created and passed, some components of scamming were considered criminal acts under other legislation, but no one law could be comprehensively applied to scamming. The large sums of money to be gained from scamming have been an inevitable corrupting force, which, together with the lacuna of relevant laws, created a gap that, at the outset of the scamming industry, guaranteed impunity.¹⁶⁴ For example, the Larceny Act referred to “obtaining money by means of false

pretense”; conspiracy to defraud was contrary to the Common Law Act; where a person is found in possession of property obtained through unlawful means this would fall under Unlawful Possession of Property.¹⁶⁵ The penalties for breaches of these laws only carried fines, which scammers were more than able to pay. Further, the outdated laws were inadequate to address the intricate scope and nature of scamming.¹⁶⁶ Therefore, though a dedicated anti-scamming task force (Jamaican Operations Linked to Telemarketing Task Force [JOLT], to be considered further down) was established in 2009, there was little it could do, because scammers were essentially untouchable, given that there were no laws to deal specifically with this issue. While many scammers were arrested in the early stages of operations, there were very few convictions because of the weaknesses of legislation prior to 2013.¹⁶⁷

¹⁶⁴ Edwards.

¹⁶⁵ Ellington (2008).

¹⁶⁶ DCP Fitz Bailey, Deputy Commissioner of Crime, telephone interview, August 7, 2019

¹⁶⁷ “Just Hang Up.”



New legislation was created to bridge these gaps. The Financial Investigations Divisions Act (2010) and the accompanying Financial Investigations Division in the Ministry of Finance sought to allow for the investigation of financial crimes—which included scamming-type crimes—and for connected matters such as “fraud, dishonesty, money laundering or the financing of terrorist activities.”¹⁶⁸ In 2013, the Law Reform (Fraudulent Transactions) (Special Provisions) Act (2013), known as the Lottery Scam Law, made it possible to prosecute persons found in possession of certain items related to lottery scamming, such as lead lists, and made illegal other scamming-specific activities.

¹⁶⁸ CAPRI (2012).

A study of the effects of the Lottery Scam Law and Anti-Gang Act on the rates of murder and organised crime in western Jamaica, commissioned by the Ministry of National Security in 2016, found a number of weaknesses, loopholes, and operational challenges in both pieces of legislation. (The Ministry’s linking of the two pieces of legislation in this way is evidence of the state’s supposition that scamming, organized gang crime, and murder are closely connected.)

The legislation that was passed to prosecute scamming crimes has not been as effective as was hoped, mainly because scammers are “cognisant

The state’s response to scamming and the scamming gang violence has included new legislation, the creation of new specialist administrative units in the JCF, and joint endeavours with overseas law enforcement and specialist agencies.





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of the loopholes in the legislation, and the minimal sentences being handed down by the Court, and are changing their tactics in order to ensure that their ‘9-5’ continues.” As such, while arrests and convictions have been made, the legislation cannot be deemed to have reduced scamming, particularly given the anecdotal evidence given by people on the ground—law enforcement and community members—that scamming methods have simply changed, not been curtailed.¹⁶⁹

The study called for legislative revisions, clarification, wider and deeper training (for JCF and the judiciary), the investment of substantial resources to improve the quality of policing and to build investigative capacities, and the need for dialogue and coherence across the judiciary and police.

Furthermore, the links—however imprecise they may be—between lottery scamming and gang violence “increase the levels of threat and reinforce the need for strengthened and mutually reinforcing legislation.”¹⁷⁰ Even were these to be

addressed, however, the study considered that the legislation would still be ineffective, given that “lottery scamming and gang violence have evolved beyond the realities that obtained when the laws were drafted; the links between lottery scamming, gang violence and murder are not as clear cut as is frequently presented in the media or believed by the public; [and] lottery scamming and gang violence have deep roots and cannot be addressed by legislation alone.”¹⁷¹

The Lottery Scam Task Force

In 2011 the JCF took steps to address the growing lottery scamming problem in Area 1 (in which St James sits.) A specialized unit was formed; the involvement of local Area 1 police in scamming led to police personnel from other parts of the island being brought in to staff it.¹⁷² Lottery scamming was designated a “Tier One threat” under the National Security Policy in 2012, and the Lottery Scam Task Force (LSTF), originally named the Anti-Lottery Scam Unit,

¹⁶⁹ Moncrieffe, 71.

¹⁷⁰ Moncrieffe, 71.

¹⁷¹ Moncrieffe, 54.

¹⁷² Williams.; Edwards.

was established by the JCF in that same year. (Prior to the LSTF's formation, lottery scam-related crimes were dealt with by the JCF's Fraud Squad and the Organised Crime Investigation Division.) The unit investigated lottery scam-related crimes under the existing legislation until the passage of the Lottery Scam Law in 2013. When the Major Organized Crime and Anti-Corruption Agency (MOCA) was created in 2014, it absorbed the LSTF, to align its functions within the JCF chain of command. The LSTF personnel were assigned to the office of the Commissioner of Police and had island wide responsibility to lead on countering the lottery scamming across all police divisions.¹⁷³ In 2015-6, MOCA was separated from the JCF and made into a statutory body, and the task force was inactive.¹⁷⁴ At the same time, the Counter Terrorism and Organized Crime (C-TOC) branch of the JCF was formed from a merger of the Flying Squad and the Organised Crime Investigation Division. The Lottery Scam Task Force was re-introduced in that division in 2016.

The Lottery Scam Task Force has worked closely with law enforcement entities from the United States, Canada, and the United Kingdom. Those bilateral partners have supported the JCF with training personnel in digital forensic examination, and providing investigation tools, among other activities, such as capacity-building.¹⁷⁵ Cooperation with the U.S. stands out, as to be expected, given that most of the

victims are Americans.¹⁷⁶



In 2008 GOJ requested assistance from the U.S. Immigration and Customs Enforcement (ICE) office at the U.S. embassy in Kingston to fight a new wave of lottery scam-related crime.

In addition to the re-introduction of the Lottery Scam Task Force, MOCA has continued in its mandate to investigate lottery scamming and the agency has prosecuted a number of offenders whose cases have gone before the courts.¹⁷⁷ The Financial Investigative Division (FID) of the Ministry of Finance and the Public Service, and the National Strategic Anti-Gang (NSAU)/ Transnational Crime unit of the JCF also investigate scamming-related crimes. This cannot be considered an ideal situation: to have multiple agencies working on lottery scamming is inevitably going to result in a duplication of efforts, and in gaps if they are not perfectly aligned and coordinated.

¹⁷³ "Superintendent Leon Clunis still at the helm of Anti-Lotto Scam Unit," RJR News Online, August 11, 2012, <http://rjrnewsonline.com/local/superintendent-leon-clunis-still-at-the-helm-of-antilotto-scam-unit>. The MOCA TF was merged with the Anti-Corruption Branch and institutionalized as an agency in 2014.

¹⁷⁴ Latoya Linton, "MOCA to be a statutory agency," JIS News, April 30, 2015, <https://jis.gov.jm/moca-statutory-agency/>.

¹⁷⁵ Watson; Hayles .

¹⁷⁶ The research undertaken for this study did not identify any formal evaluations of the Lottery Scam Task Force, and from the information available to us we were not able to establish any measures of the task force's effectiveness or lack thereof.

¹⁷⁷ Edwards; Hayles.

Cooperation with U.S. Law Enforcement

In 2008 GOJ requested assistance from the U.S. Immigration and Customs Enforcement (ICE) office at the U.S. embassy in Kingston to fight a new wave of lottery scam-related crime. The U.S. had their own interests in the venture, given that most scamming victims were U.S. citizens. A memorandum of understanding was signed in April 2008 by the Department of Homeland Security (DHS), ICE, and the JCF to create the Jamaica Operations Linked to Telemarketing Task Force (JOLTT, later called Project JOLT). The task force was supported by U.S. technical expertise; it included the Jamaica Customs Department, the Passport, Immigration and Citizenship Agency (PICA), the Office of the Director of Public Prosecutions (DPP), the Magistrate Court of St. James, and the Financial Investigations Division of the Ministry of Finance. It was funded entirely by the United States government.¹⁷⁸

The goal of Project JOLT was to identify, disrupt, and dismantle Jamaican-based criminal organizations that were engaged in lottery scamming; it also had a secondary objective of recovering the money and returning it to the victims. In the first year of Project JOLT some 36,000 investigations were opened.¹⁷⁹ In 2013 an ICE official reported that since 2009, JOLT had “initiated 450 investigations in Jamaica, resulting in 149 arrests, 10 indictments, six

convictions, and seized over U.S.\$1.2 million, which had been returned to victims.”

Project JOLT is also a transnational public-private collaboration. It has worked with and continues to work with companies such as Western Union and other money transfer agencies, to prevent or limit perpetrators’ ability to use these entities to collect their illicitly gained funds.¹⁸⁰ JOLT, when it was active, collaborated with U.S. federal agencies such as the U.S. Department of Justice, the U.S. Federal Trade Commission, the U.S. Postal Inspection Service and the Federal Bureau of Investigation (FBI), and locally with the JCF’s Lottery Scamming Task Force, MOCA, and the Ministries of Justice and National Security.¹⁸¹ In 2013 a U.S. official stated that there had been “continuous and unprecedented cooperation from the government of Jamaica concerning the scam issue.”¹⁸²

The work of Project JOLT led to the first extradition of a Jamaican scammer to the U.S. in 2015; 28-year-old Damion Barrett was extradited to the United States “based on charges that he committed fraud as part of an international lottery scheme against elderly victims in the United States.” The indictment stated that Barrett and his co-conspirators had started scamming U.S.-based victims in October 2008. He was sentenced to 46 months in prison and ordered to pay U.S.\$94,456 in restitution.¹⁸³

Since then the task force has made numerous arrests and extradited twelve persons in 2017 and

¹⁷⁸ “\$Multibillion Lottery Scam JOLTTed,” *Gleaner*, June 16, 2011, <http://jamaica-gleaner.com/gleaner/20110616/lead/lead4.html>.

¹⁷⁹ “Just Hang Up.”

¹⁸⁰ U.S. Immigration and Customs Enforcement (2010).

¹⁸¹ “Eight Jamaican Lottery Scammers Extradited,” U.S. Embassy Kingston, April 26, 2017, <https://jm.usembassy.gov/eight-jamaican-lottery-scammers-extradited/>.

¹⁸² “Jamaica way ahead in fight against lotto scam, says U.S. official,” *Trakker News*, March 15, 2013, www.caribbeantrakker.com/jamaica-way-ahead-in-fight-against-lotto-scam-says-us-official/.

¹⁸³ Lisa J. Huriash, “Jamaican lottery scammer sentenced, more arrests expected,” *South Florida Sun Sentinel*, June 26, 2015, www.sun-sentinel.com/local/broward/fl-jamaican-lottery-fraud-sentencing-20150626-story.html.

eight in 2018.¹⁸⁴ Among the extradited in 2017 were a police corporal, a mother, and her son.¹⁸⁵ In addition to those extraditions, there have been scores of related arrests in the United States, and there are several hundred pre-extradition cases pending against suspected Jamaican lottery scammers.¹⁸⁶ Thus far an estimated 30 persons have been prosecuted in the U.S. for charges related to Jamaican scamming.¹⁸⁷ The possibility of extradition has given rise to fear among scammers: “The extradition creates the deterrence needed.”¹⁸⁸

Coordination efforts have been hampered by bureaucratic hurdles. At the time of writing of this report (May 2019), the task force was inactive, having lost momentum when CTOC went through a series of departmental senior personnel changes, but the pause was expected to be temporary once discussions to reinstate work were completed. Attempts to work in tandem with local law enforcement were complicated by the multiple agencies working on lottery scamming—MOCA, FID, LSTF—a result of which was some duplication of efforts. Nevertheless, relevant U.S. agencies continue to carry out investigations on lottery scamming in Jamaica, with the U.S. Postal Service inspectors on the island tasked solely with lottery scamming; in the lull of JOLT, most local law enforcement

collaboration on lottery scamming is with them.¹⁸⁹ While Project JOLT was operating in Jamaica, U.S. investigators were working on Operation Hard Copy in the United States. That operation was established in 2012 in North Dakota to investigate and prosecute the intricate network that existed in America that facilitated the transnational financial fraud associated with Jamaican lottery scamming.¹⁹⁰ Williams and Willocks (scammers mentioned earlier) were caught and prosecuted under this operation, and 32 other persons indicted or convicted. These persons were as young as 20 years old and as old as 72 years old, both U.S. and Jamaican citizens, males and females.¹⁹¹

There are concerns regarding the prosecution of cases. Where the judges lay blame to law enforcement for shoddy investigations and lack of evidentiary support for scamming charges, and the JCF is perplexed as to why harsher sentences are not being applied, international partners are concerned that the entire system is weak.¹⁹² There are pending extraditions not just for scammers, but also for some violent offenders for whom warrants have been issued in the U.S.; these extraditions are being held up by a clause in the existing extradition treaty between the U.S. and Jamaica, which states that first person testimony is required in the Jamaican courts for

¹⁸⁴ U.S. Embassy Kingston personnel.

¹⁸⁵ Livern Barrett, “500 more wanted! – U.S. warns of wave of extradition requests as 8 Jcans are sent to stand trial for scamming,” *Gleaner*, April 27, 2017, www.jamaica-gleaner.com/article/lead-stories/20170427/500-more-wanted-us-warns-wave-extradition-requests-8-jcans-are-sent.

¹⁸⁶ U.S. Embassy Kingston personnel.

¹⁸⁷ Baker, “Sweepstakes, Lottery and Prize Scams.”

¹⁸⁸ Watson; Edwards; Hayles.

¹⁸⁹ U.S. Embassy Kingston personnel.

¹⁹⁰ U.S. Department of Justice, “Ten defendants arrested in Jamaica: anti-lottery scam Operation ‘Hard Copy’ continues to yield results at home and abroad,” U.S. Attorney’s Office, District of North Dakota, December 8, 2016, www.justice.gov/usao-nd/pr/ten-defendants-arrested-jamaica-anti-lottery-scam-operation-hard-copy-continues-yield.

¹⁹¹ U.S. Department of Justice, “Jamaican dj arrested in Florida in connection with North Dakota telemarketing lottery scam; 26 individuals currently indicted,” U.S. Attorney’s Office, District of North Dakota, May 27, 2014, www.justice.gov/usao-nd/pr/jamaican-dj-arrested-florida-connection-north-dakota-telemarketing-lottery-scam-26.

¹⁹² Moncrieffe; Hayles.



the case to be made against a Jamaican citizen.¹⁹³ Jamaica is the last Commonwealth Caribbean state that has retained this clause. This problem exists despite the Evidence (Special Measures) Act, 2012 (amended in 2015), which allows for written affidavits and video conferencing testimony for vulnerable persons. Also there have been issues with giving too short a notice for court dates to U.S. counterparts, which results in them being unable to make arrangements to facilitate producing witnesses who may reside out of Jamaica.¹⁹⁴

While JOLT and Hard Copy have registered tangible, measurable achievements, data challenges, inadequate inter-agency information sharing, and America's own laws forestall their ability to clearly quantify Jamaican scamming beyond numbers of prosecutions and discrete dollar amounts. For example, a multitude of

packages containing cash have been intercepted by U.S. agents but they are prohibited under the U.S. constitution from opening the package, and the agents simply return the package and try to warn the citizens; while the agents can ask the citizen how much is in the package, there is no guarantee that they are given the correct figure.

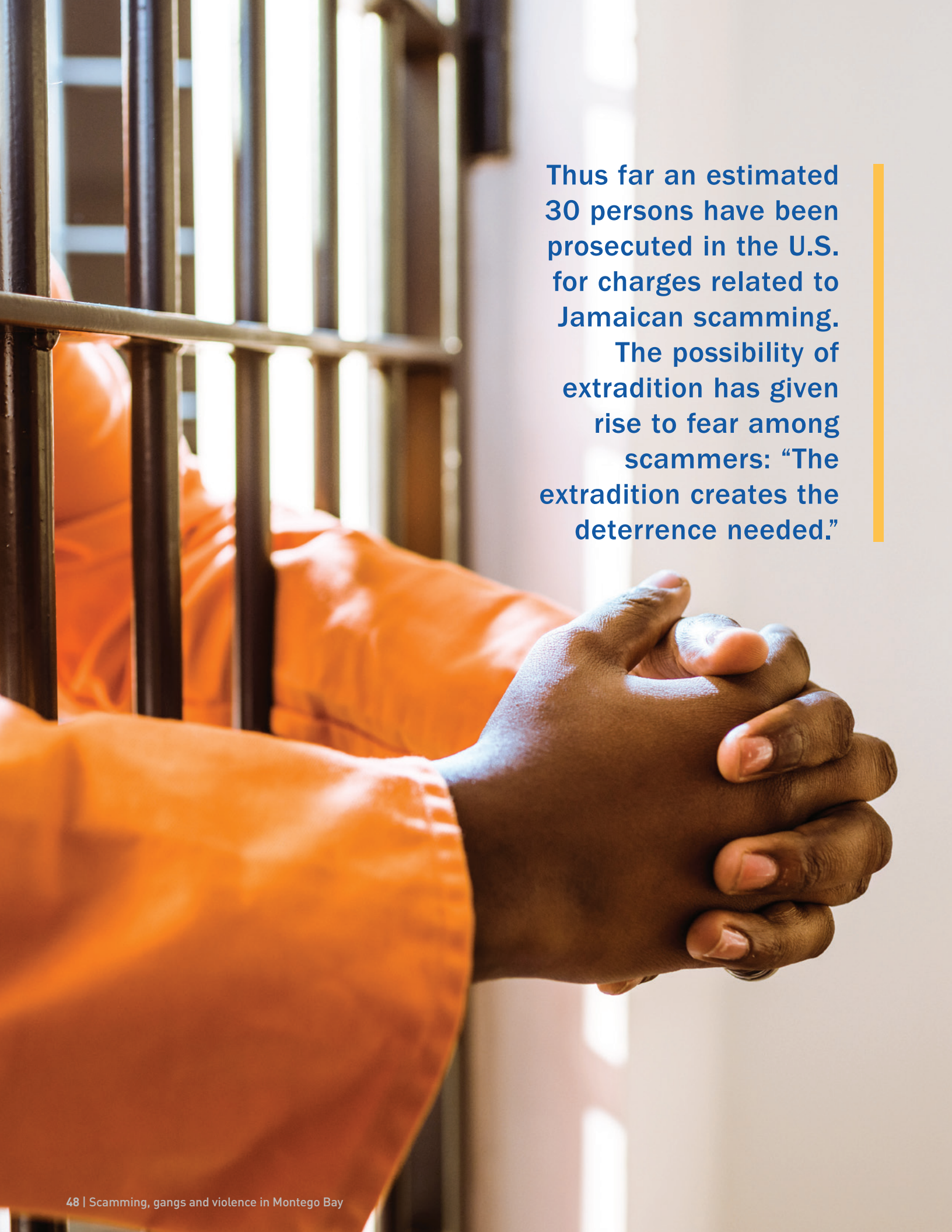
U.S. officials in Jamaica maintain that scamming is as significant a problem as ever. One of the few measures of scamming is the U.S. ranking of countries in number of fraud complaints filed by U.S. citizens against non-U.S. entities. In 2014 Jamaica was ranked fifth;¹⁹⁵ in March 2019 the U.S. Department of Justice said that most of its lottery scam-related cases over the previous year related to Jamaicans.¹⁹⁶ They also maintain that lottery scamming has spread throughout the island, a consideration that is validated by occurrences such as the Western Union in the

¹⁹³ Extradition Treaty with Jamaica, U.S.-Jam, Jun. 14, 1983, S. Treaty Doc. No. 98-18 (1984).

¹⁹⁴ U.S. Embassy personnel.

¹⁹⁵ Consumer Sentinel Network, "International Consumer Complaints January to December 2014," Federal Trade Commission, June, 2015, www.ftc.gov/system/files/documents/reports/international-consumer-complaints-cy-2014/cy-2014_international.pdf; Canada, followed by Nigeria and the U.K., received the highest number of fraud complaints for locations outside the U.S.

¹⁹⁶ "Jamaicans Account For Majority Of Lottery Scamming Cases - USDOJ," Nationwide News, March 9, 2019, <http://nationwideradiojm.com/jamaicans-account-for-majority-of-lottery-scamming-cases-usdoj/>.



Thus far an estimated 30 persons have been prosecuted in the U.S. for charges related to Jamaican scamming.

The possibility of extradition has given rise to fear among scammers: “The extradition creates the deterrence needed.”

Pavilion Mall in Half Way Tree, Kingston, being shut down by the parent company, and it being revealed that it had the highest rate of scamming collections in Jamaica. In 2018 Jamaica ranked number one in fraud complaints for that company.

The State of Public Emergency and Zones of Special Operations

The state has responded to the violence problem in St. James with extreme measures, resulting in dramatic reductions in murder. In 2017 the government announced “The Law Reform (Zones of Special Operations) (Special Security and Community Development Measures) Act 2017,” commonly known as the ZOSO Act.¹⁹⁷ The ZOSO Act gives the prime minister the power to designate any community a “zone” that requires the focused attention of security personnel and social services because of high rates of violence within the community. In September 2017 the first ZOSO was established in the community of Mount Salem in St. James. The government also declared a State of Public Emergency (SOE) in St.

James.¹⁹⁸ Under a state of emergency the security forces have the power to search, curtail operating hours of business, restrict access to places, and detain persons without a warrant. It also gives them the power to stop and question persons, and to seize property. In 2018 there were 100 murders in St. James, as compared to 335 for the same period in 2017, and the lowest number of recorded murders since 2006.¹⁹⁹ When the SOE was lifted in January 2019, the murder patterns returned to their pre-2018 situation.

The ZOSO and SOE’s effects on lottery scamming, however, are less straightforward. The foremost target of the ZOSO in Mount Salem and the SOE in St James was to reduce gang activity in the forms of violence, murder, and organized criminality. In the official communications about the ZOSO and SOEs, lottery scamming was individually enumerated as one of the factors driving crime, but addressing scamming was not otherwise specified as an objective of either measure.²⁰⁰ Measuring scamming, as has been mentioned throughout this study, is difficult because of the lack of data, but there



The foremost target of the ZOSO in Mount Salem and the SOE in St James was to reduce gang activity in the forms of violence, murder, and organized criminality.

¹⁹⁷ Law Reform (“Zones of Special Operations) (Special Security and Community Development Measures) Act,” 2017.

¹⁹⁸ Section 26 of the Jamaican Constitution states that a “period of public emergency” is any period during which: a. Jamaica is engaged in a war, b. There is in force a proclamation by the governor general declaring that a state of public emergency exists, and/or c. There is in force a resolution of each House supported by the votes of a majority of all the members of that House declaring that democratic institutions in Jamaica are threatened by subversion.

¹⁹⁹ Adrian Frater and Hopeton Bucknor, “St. James Hits 100 Murders Despite SOE And ZOSO,” *Gleaner*, December 28, 2018, <http://jamaica-gleaner.com/article/lead-stories/20181228/st-james-hits-100-murders-despite-soe-and-zoso>.

²⁰⁰ Edmond Campbell, “ZOSO extended in Mount Salem,” *Gleaner*, November 1, 2017, <http://jamaica-gleaner.com/article/lead-stories/20171101/zoso-extended-mount-salem>.

were accounts that alongside the illegal weapons reported found in searches were lottery scam “paraphernalia,” including lead sheets.²⁰¹ One official interviewed for this study, referring to the ZOSO/SOE in St. James, stated that “we don’t have as many lottery scamming cases as we used to.”²⁰²

One certain effect of the SOE on scamming has been to disperse the actors and the activities to surrounding areas. Given that scamming can be a mobile enterprise because it does not require physical infrastructure or equipment, an SOE’s most likely outcome is to displace criminals to other sections of the island. As one official stated: “people (scammers) abandoned

their fancy houses, but we often find them in other parishes.”²⁰³ News reports about the increase in murder in areas such as Bethel Town (Westmoreland) corroborate this assertion, and link the “influx of migrant lottery scammers” to the state of emergency from which “scammers and gangsters” have fled.²⁰⁴

Another drawback to an SOE’s potential to mitigate scamming is that the very nature of the crime is covert in its occurrence and does not attract obvious attention, in the way that, say, an inter-gang dispute would. Additionally, scammers from the professional strata are unlikely to be caught in an SOE search or cordon.

4.3 Other (non-law enforcement) State Actors

Aside from state law enforcement and security actors, there are other government agencies involved in violence-reduction attempts in St. James. According to the Ministry of National Security, there are (or were) 15 violence prevention-related programmes in St James that were implemented by a range of state entities.²⁰⁵ Their reach, however, does not appear to go very far. In our survey sample, only 21% of youth knew of at least one government agency, and these were the respondents who needed help the least (in that these respondents were in school and were not among

the poorest of the overall sample). This study was unable to identify any non-law enforcement or non-justice system state entity dedicated to scamming.

Of the state actors, the Ministry of National Security is the most prominent, through the Citizen Security and Justice Programme (CSJP). The programme targets volatile communities with the stated aims to prevent and reduce crime and violence; strengthen crime management capabilities; and improve the delivery of judicial services;²⁰⁶ it works in many fields with other stakeholders such as community-based

²⁰¹ A complete tally of arrests, weapons finds, and scamming paraphernalia finds was not available at the time of writing of this report.

²⁰² Hayles.

²⁰³ Hayles.

²⁰⁴ Adrian Frater, “Bethel Town Residents Beg for ZOSO,” *Star*, October 30, 2018, <http://jamaica-star.com/article/news/20181030/bethel-town-residents-beg-zoso>.

²⁰⁵ “Crime Prevention and Community Safety Programme Mapping,” Ministry of National Security, undated, www.mns.gov.jm/content/crime-prevention-and-community-safety-programme-mapping. We were unable to make contact with anyone at the Ministry of National Security who could say what the date of that list was, or when it was put on the MNS website.

²⁰⁶ Citizen Security and Justice Programme I (2008).



organizations, non-governmental organizations, and other state entities, in particular the Peace Management Initiative (PMI). In its third phase, CSJP operated in 12 communities in St. James, and two in Westmoreland.²⁰⁷

Of the respondents who were aware of CSJP and PMI's existence/work, they "expressed a desire for increased visibility from the PMI and CSJP; they believed that both organizations should have a greater role. There were communities in which persons spoke very highly of the personal and transformative relationships they had with the organizations."²⁰⁸ However, their work is not widely known among the residents of MoBay's violent communities. Moncrieffe found that across communities that are "described as associated with the CSJP or PMI [...] 65% of respondents knew either nothing or little about these agencies." Among the youth who are targeted by the CSJP and PMI, "10% knew a significant amount about the CSJP and 5% about the PMI."²⁰⁹

²⁰⁷ Marlon Tingling, "CSJP Changing Lives in St. James and Westmoreland," Jamaica Information Service, September 27, 2017, <https://jis.gov.jm/csjp-changing-lives-st-james-westmoreland/>.

²⁰⁸ Moncrieffe, 102.

²⁰⁹ Moncrieffe, 100.

²¹⁰ Herbert Gayle, "Ministry of National Security Citizen Security and Justice Programme (CSJP) III. 2018 Evaluation of the Violence Interruption Programme," PowerPoint presentation, November, 2018.

A key CSJP-supported intervention is the Violence Interruption Programme (VIP). A qualitative examination of the contribution of the VIP to changes in trends and patterns of violence in CSJP and VIP communities in St. James (western Jamaica) found that despite their limited reach, and the view of target youth that they were not core violence relief actors (the security forces were,) when the violence interrupters and CSJP community case management officers are combined effectively, they "guarantee youth the greatest ontological security." The Violence Interrupters (VIs), according to the study, reached gunmen, slowed those approaching the decision to become killers, and kept violent youth emotionally stable. The study enumerated instances where VIs brokered peace between warring gangs and brought an end to violence in a community after horrific gang murders.²¹⁰

4.4 Non-governmental organizations

A sense of community and community-based organizations is almost absent in Montego Bay, according to our survey. Moncrieffe found that “the church (one of Jamaica’s most powerful NGOs) has little influence on shaping values” or behaviour.²¹¹ This could be considered unsurprising, given that violence usually erodes the social capital needed to keep communities alive.²¹² As a sense of community withers away the space is created which fosters the growth of gangs, and little community resilience remains; this devolves into a vicious cycle.

The Ministry of National Security’s list of violence prevention programmes in St James listed two non-governmental organizations, the USAID’s Community Empowerment and Transformation Project (COMET) in three communities, and the Digicel Foundation which had a project on social services in Mount Carey.²¹³ The Digicel Foundation project did not include scamming, and at that time their focus was on people with disabilities.²¹⁴ The COMET project did not address scamming, and dealt with youth violence on a broad community level, including community policing initiatives.

COMET was succeeded by COMET II, 2013-8; there were five St. James communities included in the 100 “most at-risk” communities that COMET II targeted. The objectives of that project were to promote security by strengthening community and civil society organizations, increasing accountability and integrity in society, strengthening juvenile justice and at-risk youth programmes, and improving policing; scamming was not specified among the project’s objectives, but was surely a consideration in the projects targeting at-risk youth. The evaluation of COMET II was not specific to the five St. James communities, and did not attempt to measure outcomes in terms of how many youth were diverted from criminal or violent engagement, but it enumerated programme weaknesses such as the limited number and low capacity of community-based organizations (CBOs), complex community dynamics, political interference, limited community mobilization, and limited capacity and organization.²¹⁵

We were not able to identify any other active anti-violence or anti-scamming community-based or non-governmental organizations in St. James.

²¹¹ Moncrieffe, 66.

²¹² Moser and Holland (1997).

²¹³ “Crime Prevention and Community Safety Programme Mapping.”

²¹⁴ Samantha Chantrelle, Digicel Foundation CEO, 2011-7, telephone interview, June 5, 2019.

²¹⁵ “Final Evaluation Report USAID COMET II. Mid-Term Performance Evaluation of the Community Empowerment and Transformation Project Phase II,” USAID, 2017, https://pdf.usaid.gov/pdf_docs/PA00MZXX.pdf.

5. ANALYSIS, CONCLUSION AND RECOMENDATIONS

St. James's extraordinarily high murder rate is not unique to Jamaica, and St. James's communities are no poorer than other poor communities across Jamaica. But St. James is different because of the pervasive presence and influence of scamming, which has added a multi-faceted component to the problem of high impact violent criminal gang activity.

5.1 Analysis

For almost ten years, lottery scamming flourished unchecked in St James and its environs, given the absence of relevant legislation, the perception that scamming was not a threat to national security, and the notion that it was a victimless crime. In that time, scammers honed their skills, established networks across the island and overseas, and became linked to organised violent criminal gangs.²¹⁶ Those traditional gangs, which were comprised of high impact violence producers, were well established in the area, and were deeply embedded in organized drugs and arms trafficking criminal networks. As scamming grew more lucrative, and in the absence of other viable criminal enterprise options, those traditional gangs became intertwined with scammers and scamming groups along a spectrum of combinations and coalitions. Despite the new laws, law enforcement efforts, international cooperation endeavours, and the extraditions, the murder rate in St. James has continued to be extraordinarily high, and the scamming industry has persisted. All of this occurs in a context of poverty, historically rooted structural injustices, severe socio-psychological dysfunctions, and anti-state systems of thought.²¹⁷

The situation in Montego Bay then is a combination of an extant culture of violence, an inefficient criminal justice system, a police force that is not trusted and is also plagued with a corruption problem, poor socio-economic conditions, a foundation of political gangs, and the high level of societal tolerance for scamming.

These variables represent a confluence of factors in which both scamming and extreme violence have thrived, and in which they have reinforced each other.

To solve these problems of violence, and end or reduce scamming, thus requires multi-layered interventions that target all these various facets. Interventions, however, require indicators—what is the intervention aiming to change, what is the anticipated change to be had, and what variables are to be targeted or manipulated to bring about the change.

Herein lies one of the challenges in properly understanding and thus intervening in Montego Bay's scamming and violence problem: the absence of reliable measures and indicators. With violence there is the basic indicator of number of murders, and perhaps of assaults occasioning bodily harm (presuming these are reported). An anti-violence intervention can, perhaps, be measured by the rise or fall in the targeted violence. There is a dearth of systematic measures that could indicate changes in any quantum of scamming, whether over time, in response to a particular intervention, or in relation to a correlating influence. As Table 1 shows, there is a wide range of values placed on the amount of money involved in scamming, with no single agreed upon estimate, and so monies garnished from scammers cannot be reliably proportionalized. There is no aggregated estimate of the number of victims who have been

²¹⁶ Bourne et al (2013).

²¹⁷ Moncrieffe, 70



There is no aggregated estimate of the number of victims who have been fleeced by lottery scammers.

fleeced by lottery scammers. Arrests, or even extraditions, may indicate a law enforcement effort has yielded a result, but there is no broader quantitative context in which to gauge those numbers. It is thus not possible to definitively determine the effect of any intervention, beyond the opinions, experiences, and anecdotes of those working in the field. For example, the threat of extradition is thought by those in the field to have disincentivized some scammers, but without consistent measures and indicators with which to gauge scamming activity, it is impossible to say if this is indeed so, and to what extent. Compounding this is the difficulty in drawing clear lines between scamming groups and traditional gangs, and their actions, particularly actions involving violence.

A comprehensive, multi-stakeholder-commissioned

situation analysis of scamming in Jamaica has never been conducted. The closest approximation is the 2008 report done by the JCF that informed the Lottery Scam Law. Investigative news reports which have proliferated in the U.S. media, U.S. Department of Justice releases detailing prosecutions, local media reports, and interview data, comprise what we know. As such, definitive conclusions about the relationship between the task forces, legislation, ZOSOs, states of emergency, or any intervention, and any measurable change in scamming continue to be informed by the assumed correlations between scamming, gangs, and violence, rather than by reliable empirical data.

Also missing in St. James, and indeed throughout Jamaica where these problems of violence and organized crime also prevail, is a clear understanding of what works to address them. Interventions of various sorts have been attempted over many years in St. James, but, as is generally the case with these types of interventions in Jamaica, most have so far not been systematically evaluated and scientifically measured, with appropriate control groups and baseline measures, and so there is no clear or definitive conclusion as to what interventions are effective, which have no effect, and which may even be harmful. As Moncrieffe points out, “it is difficult to assess actual impact [when the implementing agencies] have not found effective methods of measuring accountability.”²¹⁸

Nevertheless, this study does consider some of the research findings as sufficient to inform policy recommendations.

²¹⁸ Moncrieffe, 113.



5.2 Conclusion

The birth and growth of scamming are a result of a confluence of factors: enabling technology, extant criminal entrepreneurial systems, foundations laid by decades of political violence, high societal tolerance for criminality and violence, and an environment of material scarcity. It has flourished because of the poor social conditions, the inefficacy of law enforcement and the justice system, the lack of legal income-earning opportunities, and the large amounts of money that can be easily garnered. The scamming enterprise itself may be incidental to the embeddedness of the corruption, criminality, and violence that characterize St. James and its environs; another criminal enterprise could supplant scamming, with similar effects, just as scamming supplanted the illegal drug trade.

Scamming is a scourge with many victims, from the elderly Americans who lose their life savings, to the innocent children who are killed in the collateral damage of scamming-related gangland-type violence. The corruption

of institutions is another cost that has been mentioned in this study, but the stain on Jamaica's reputation has not been explored, nor have its consequences. The reputational damage that scamming has inflicted can have serious consequences. For example, with the prospect of so-called de-risking, international law enforcement actors have expressed concern about the need for higher rates of prosecution for money laundering associated with scamming.²¹⁹

Scamming must be accorded a much higher priority by the Jamaican government, with the requisite resources allocated to ending it. Given the transnational scope of the issue, the damage to Jamaica's reputation, the level of violence associated with the crime, the use of illicit profits to fund the purchase of guns, and the general lack of understanding associated with the magnitude and complexity of scamming, it warrants critical intervention from all stakeholders locally and internationally.

²¹⁹ "De-risking a Worrying Threat to Sustainable Growth in the Caribbean," Ministry of Finance & the Public Service (Jamaica) Press Release, October 10, 2016, www.mof.gov.jm/mof-media/media-centre/press/2374-de-risking-a-worrying-threat-to-sustainable-growth-in-the-caribbean.html.

5.3 Recommendations

1. Create agreed-upon (between all stakeholders, national and international) measures and indicators of scamming against which change can be tracked.
2. Conduct a comprehensive qualitative and quantitative situation analysis of scamming in Jamaica, including gathering first-hand accounts from scammers of the detailed inner workings of scamming, and the links with gangs, perhaps from convicted scammers, or from embedding infiltrators in scamming groups and/or in gangs involved in scamming. These new indicators will inform the situation analysis.
3. Clarify, align, and coordinate all law enforcement actors and their roles and responsibilities with regard to investigating and prosecuting lottery scamming and associated crimes. This should forestall duplication of efforts, be a more efficient use of resources, and simplify and improve cooperation with international partners.
4. Build monitoring and evaluation frameworks with sound, clear indicators into any social intervention programmes. While no one variable can be said to be a causal factor in crime or violence, there are clear indicators of social and other variables that are strongly correlated with crime and violence. Any social intervention should be modelled after interventions that have been empirically proven effective in similar contexts of extreme violence, psycho-social dislocation, and poverty. It is essential that they have integrated systematic evaluation mechanisms from the project design stage. Prioritize sustainability, as this has been identified repeatedly as a debilitating aspect for



interventions of any sort. Conduct empirical analyses of the social intervention aspects of ZOSO and of any other current and ongoing attempts at violence-reduction and other social interventions, to determine what yields measurable results, so that more resources can be put into those areas, and resources diverted from those interventions that are not yielding the desired results. a

5. Tolerance for scamming must be tackled, specifically the notion of scamming being a victimless crime, whether through public relations strategies, awareness-raising campaigns, or other established vehicle for such endeavours. Tolerance should also be addressed by bringing to task the local businesses that benefit from scamming's

proceeds, and by more openly problematizing their attitudes and actions.

6. Moncrieffe recommended that the relevant laws, in particular The Law Reform (Fraudulent Transactions) (Special Provisions) Act, (the Lottery Scam Law,) should be revised to address the weaknesses that have been pointed out in the Ministry of National Security's own 2017 analysis. These revisions should be accelerated far beyond the normal course of legislative change in Jamaica and enacted as a matter of priority. These recommendations are specific steps that can be taken towards combatting scamming, and in turn, associated criminal and high impact violence.

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