Wildlife Preservation and Endangered Species: Decision, Discretion and Policy Implementation in the Island Special Constabulary Force, Jamaica

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Abstract: There is worldwide interest to preserve wild and endangered species. Several countries have become signatories to, or have acceded to international agreements, and have developed appropriate law enforcement institutions. Simultaneously, and within the context of Jamaica, law enforcement emphases have instead been occupied with ‘major crimes’. Jamaican police are expected to prioritize the solution of ‘serious crimes’ rather than enforcing the Wildlife Protection Act (WPA) and the Endangered Species Act (ESA). The Island Special Constabulary Force (ISCF) has been mandated to enforce the WPA and the ESA. The aim of this case study was to investigate how capacity impacts implementation of the WPA and the ESA; to assess the discretion across the different ISCF ranks impacts implementation of the WPA and the ESA; to conduct an investigation into how the level of import/seriousness placed on WPA and the ESA impacts implementation; and to evaluate how implementation of the WPA and the ESA stacked in relation to the enforcement of other offences. Enforcement was influenced by: 1) ignorance by ignorance of the complexities of the law; 2) lack of sufficient emphasis within the ISCF; 3) disconnect between ISCF strategic goals and operational realities; 4) implementation susceptible to excessive use of discretion and 5) a strong organizational culture that defined and placed emphasis on traditional notions of crime. The findings are far reaching and can be employed to provide action, direction and focus for policy makers, particularly in the ISCF.

Key words: Discretion, endangered species act, island special constabulary force, Jamaica, police action (or inaction), wildlife protection act

INTRODUCTION

The types and degree of criminal activities in Jamaica have of necessity, occasioned a shift in emphasis and resources to major incidents (murder, shootings, guns for drugs trade and gang related activities, Baley, 1990). Invariably, police actions are not only affected by the requests of the public or their capacity to respond but also by the police decision about what is appropriate and practicable. Baley (1990) saw police selection decisions as being affected by the volume of demand from the public and the organizational priorities (Baley, 1990). But the two are not necessarily independent of each other. The volume of public demands often sets the organizational priorities since police must, at least on the surface, show they are responsive to these demands. And, while the mere volume of calls may be an important prescription for action, the types of calls are critical to police selection decision. Within the context of an increasingly high rate of murder and other serious crimes (Harriott, 2000), which ostensibly shape successive strategic priorities of the police force, policing decisions are stacked where the dispatcher determines the seriousness of the call and the criteria for the ‘postponability’ of requests (Baley, 1990). The process of stacking and prioritization of police actions has had the concomitant effect of ‘crowding out’ any emphasis on less serious or minor crimes relating to the enforcement of environmental laws in general and in particular, those relating to preservation of wildlife and endangered species.

Resource allocations are critical in determining police action. The police force must make decisions based on

- Resource constraint
- Public expectations
- Sociopolitical conventions
- Perceived justice

Jamaica’s focus upon the most serious crimes may have led to a culture of tolerance for minor ones. The risk of this strategy is that it may lead minor offender into becoming serious offender. In their highly influential article, ‘Broken Window’, Wilson and Kelling (1982) argued that if one neglects ‘petty offences’, it creates the impression of lack of law enforcement control. Disorder is then graduated into crime in a developmental sequence.
Although the ‘Broken Window’ concept derived from actual experiment with car window, it has been integrated and used metaphorically for minor offences, community decay and neglect.

Wilson and Kelling (1982) argument underlines the importance of correcting minor offences. Tolerance for minor offences may give a signal that the police do not care. If the police do not care, there is an increased likelihood that offenders may graduate to more serious crimes while simultaneously testing the level of tolerance of the police along the way. While a resource-limited police focuses on serious offences (murder, gangs, drugs, rape, robberies, shootings and other serious crimes), minor offences involving the protection of wildlife, the environment amongst others, are ostensibly overlooked. It is the level of tolerance for these minor offences that leads minor offenders to a feeling of invincibility and a consequential maturing into serious offenders. The budgetary constraint of the police means that less training is place on knowing the intricacies of WPA and ESA at the cost of solving and preventing murders.

Excessive police tolerance potentially results in individuals weighing the cost and benefit of participating in legitimate or illegitimate activities, with punishment serving as the primary cost to deter the extent of their participation in each domain (Ehrlich, 1974, 1989; Forst and Bennett, 1998). If a rational profit maximizing hunter for example, finds that the costs associated with illegal activities such - hunting in a game sanctuary (which disrupt breeding cycle and potentially kills species) or hunting protected sp (Appendix) are close to zero, and the returns are great, he/she may be motivated to commit the offence. The ‘Broken Windows’ thesis argues that the offender may extend the illegal behaviour to other more serious offences. With high returns and close to zero costs (punishment), the line is easily crossed to trade in endangered, critically endangered or vulnerable species which may result in extinction. Potential offenders being cognizant of the police’s tolerance of their activities may also engage into wildlife destruction (sand mining, squatting, deforestation) and encroachment of endangered species.

The issue of police tolerance for minor offences is influenced by yet another factor important to Jamaica. Harriott (2000) observed that:

“[t] he first impulse of the majority of the Force in treating with crime is to recommend social intervention, not law enforcement” (p.142).

This, he noted, may reflect a:

“devolution of responsibility and blame transfer or, more generally, a recognition of the complexities of crime and the limits of policing in preventing and controlling it” (ibid).

A police culture of tolerance for some law violations is consistent with this attitude and is demonstrated in Jamaica Constabulary Force’s (JCF) reluctance to enforce some of Jamaica’s most unpopular laws such - cannabis use, illegal squatting and street vending (ibid).

A policing culture that emphasises ‘serious crimes’ to the detriment of minor ones such as the WPA and ESA has far-reaching implications on the local ecology and also on the country’s international image. Jamaica is home to a variety of protected, endangered, critically endangered and vulnerable species, some of which are endemic to the island. Equally too, the country has acceded to the Convention on International Trade in Endangered Species (CITES) of Wild Fauna and Flora which makes it obligatory to create institutions such - WPA and ESA and the relevant enforcement policy. In keeping with this agreement, the country has moved to create the Natural Resources Conservation Authority/National Environment and Planning Agency (NRCA/NEPA, 2008) and to enact and/or amend the requisite legislative frameworks which require meaningful and robust enforcement. Therefore, if not out of self-interests, it may be suggested that the force of power-based, interest-based and/or knowledge-based information within the realm of international regimes should inspire a desire to honour international commitments.

A second factor is to determine is whether within the Jamaican context, there is the need for an auxiliary police formation such (the Island Special Constabulary Force, ISCF). If yes, should the enforcement of environment offences its raison d’être? What options are available to ISCF to maximize a focus on serious and minor offences? This issue comes against the background of recent recommendations that the ISCF and JCF be merged. It is argued that the country can “ill-afford to have two parallel police forces in operation, competing and conflicting with each other …” (Hussey, 2008). The aforementioned discussion postulated that policing in Jamaica has focussed on serious offences to the exclusion of more minor ones. It is therefore important to examine the extent of these serious offences and importantly, how they may take precedence over the WPA and ESA.

Crime, violence, confidence and expectation: Post-Independent Jamaica has witnessed increases in crime, especially murder. Harriott (2000) observed that Jamaica’s has witnessed a pattern of violent crimes with the rate of murder reaching 22.4 per 100,000 or four times the global average of 5.5 in 1990. By 1996, murder rate peaked to 37 per 100,000 or approximately twice the mean for Latin America and the Caribbean (ibid, 13). Within the past ten years, Jamaica has had an average 1200 murder per annum with 2009 recording 1680 (Statistical Unit, JCF), the global highest per capita.

Factors accounting for the high rate of murder are varied and range from domestic in the earlier period
(Johnson and Scholes, 1999; Harriott, 2000), garrison styled politics (Figueroa and Sives, 2003; Harriott, 2003; Harriott, 2008), drugs (Griffith, 2003) to gang-related killings which is a feature of organized crime (Harriott, 2008). These are not discrete and dichotomous factors. They are overlapping, interrelated, interconnected and one transitions into the other. In a qualitative ethnographic study in inner-city communities in St. James, Horace Levy discovered that

“The easy availability and the large number of guns in the inner-city today seems to be indeed a very important factor in the upsurge in gangs and dons and the appearance of quite difficult climate in violence” (Levy, 2001, 18).

Levy suggested an entrenchment of criminality in society and the highlighted the challenges facing the police to solve not only violent crimes, but all crimes. He noted that the link between the trade in drugs and crime was the gun, which he said now “arm the violence, raising its level and widening its criminal reach” (p. 29). Similar concerns have captured the interests of the international community. United Nations and World Bank (2007) study entitled ‘Crime, violence and development: Trends, costs, and policy options in the Caribbean’ noted that:

[the Governments of the Caribbean countries recognize the seriousness of the problem and are exploring innovative policy responses at both the national and regional levels. Civil society organizations are doing their part as well by designing and implementing violence prevention programs targeting youth violence, violence against women, and other important forms of violence (United Nations and World Bank, 2007)]

Given the serious crime problem in the Caribbean, particularly Jamaica, and the perceived unresponsiveness of the police (Levy, 2001), peoples' fear of crime and victimization had reached an alarming level. This has created a willingness to circumvent the formal system of justice and digress into vigilantism and or violent reprisals. The cumulative effect is the emergence of a culture of especially crime. A national cross-sectional probability survey conducted by Powell et al. (2007) found that 4 out of every 5 Jamaicans had confidence in the police force. When the respondents were asked ‘How would you evaluate the work of the police in preventing crime in your community?’, 4.3% said ‘very good’; 65.5% remarked ‘fairly good’ and 6.7% reported ‘bad’. They found that 12.6% of Jamaicans indicated that the ‘The war against crime and delinquency in Jamaica was being won?’ (Powell et al., 2007) and 44% said that crime and violence was the most pressing problem (Powell et al., 2007) in Jamaica. With an escalating crime problem in Jamaica, the typology of crimes and criminals, increasing poverty, the police are more mindful of serious crimes, and rightfully so, at the cost of increasing minor offenses relating to breaches of the WPA and ESA.

While the Jamaican police concentrate on ‘serious crimes’, breaches of WPA and ESA have continued unabated. The issue of deforestation which affects the natural habitat of wildlife and endangered species continues to plague the Caribbean, particularly Jamaica. The extent of deforestation is well documented in Evelyn and Camirand (2003) study which showed that data from reputable international forest assessment documents have, during the past decade characterized Jamaica as having “one of the world’s highest rates of deforestation” (p.354). Equally too, were the issue of abuse of wildlife by Hunters (Wildlife Unit, 1994-1997) in an industry where at least 221 endemic species are especially vulnerable to extinction (NEPA, 2003).

A major contributor to the problem lies with the traditional conception of ‘crime’ and by extension, approaches taken by the police to address ‘crime’. Jamaican police forces definition of crime, and approaches to crime management excludes offences relating to protection and preservation of wildlife and endangered species. In keeping with this conception, victims of crime are conceived solely as human rather than wildlife.

The ISCF is mandated to police the environment via Cabinet Decision 20/2002. But this organization too has been caught up with issues of serious crime management. In so doing, there is a high level of tolerance for what it conceived to be ‘minor offences’. This development exposes wildlife and endangered species - sea turtle, manatee, crocodile, soot tern amongst others to the danger of extinction.

In a Cabinet Submission signed by the Right Honorable Dr. Peter Phillips on September 12, 2002, Section 10.1(iii) outlines that Cabinet;

Direct the Chief Parliamentary Council (CPC) to draft the necessary amendments to the Constable (Special) Act 1950, The Forest Act, The Wild Life Protection Act, The Road Traffic Act, the Praedial Larceny (Prevention) Act, and any other consequential amendments required to give the ISCF the requisite powers to carry out its new mandate.” (Ministry of National Security, 2002)

It appears that the practice of the ISCF is more in keeping with the expectations of the general public than its general mandate. When Powell et al. (2007) asked Jamaicans “What in your opinion is the most pressing problem the country faces at this time”, no one mentioned environmental issues (WPA, ESA matters) (Powell et al., 2007). In my informal review of recent books on crimes in Jamaica reveals none that have examined:
• Wildlife breaches
• Environment encroachment
• Endangered species

This is a problem that has gone on for far too long, and justifies a rationale for its examination.

**THEORETICAL FRAMEWORK**

Crotty (2005) once remarked;

“...we describe the philosophical stance that lies behind our chosen methodology. We attempt to explain how it provides a context for the process and grounds its logic and criteria... (and) this is precisely what we do when we elaborate our theoretical perspective”.

Such an elaboration is a statement of the assumptions brought to the research task and reflected in the methodology as we understand and employ it (Crotty, 2005). With the difficulty of finding a single theoretical framework (perspective, theory or model) that explains the underpinnings of this research, the researcher used a hybrid model. The two fundamental theories that provide a philosophical stance for this study are hierarchical and power (command) theories (Ahl and Allen, 1996; Lupia, 2001). The hierarchical structure and power driven nature of the ISCF provides the platform for understanding how decisions are made, disseminated, and acted upon by successive lower-level members. This denotes that subordinates are held accountable not for their innovation, intuition, wit, creativity, insight and vision; but how well they execute the command of their superior within the hierarchical structure. Successive subordinates, and in particular, street-level members are therefore expected to comply forthwith with directives. Any attempt to challenge or question directive is viewed as insubordination and may be subjected to disciplinary action.

It is within the purview of the hierarchical and power theories that give a context for the process and grounds that can be used to collect, interpret and carry out this research. Both theories are embodied in constructivism that is inherent in particular theoretical framework, and provide a guide to a methodology and method of choice. Crotty outlines that constructivism (epistemology) is embedded in interpretivism (including phenomenology) that requires the use of ethnography and phenomenological methodologies, and these are carried out by using interview, document analysis, conversation analysis and thematic identification. The hybrid model that fashion this research still draws on other theories, but that they offer a minor role in overall framework of this study.

**Conceptual reviews:** Studies in implementation are voluminous. A majority of the literature analyses the implementation concept which is a function of ‘policy objectives’ rather than a detailing of actual implementation experiences. Like in some cases in public administration and its related field, these studies have originated in America or Western Europe with varying degrees of adaptable relevance and application to the Caribbean experience. There is also a concomitant paucity of implementation studies in law enforcement in the Caribbean. The existing literature of Caribbean works have their major emphases on the issue of police reforms (Harriott, 2000; Herst, 1991), community policing (Deosaran, 2002), crime (Forst and Bennett, 1998; De Albuquerque and McElroy, 1999) amongst others, with differing or parallel foci on policy implementation. The Caribbean focus implementation analyses border closely on policy objectives thus leaving a gap in studies that elicit actual implementation processes.

Miceli and Lane (1991) pointedly observed ambiguity or a double meaning when one conceptualises the term implementation. One the one hand, she noted that ‘giving practical effect to’ or ‘execution of’; implementation is conceived as a process. On the other hand, ‘fulfilment’ or ‘accomplishment’ connotes finality, an end state or policy achievement. She continued that the Oxford English Dictionary has done little to remove the ambiguity by purporting the term to mean: “to complete; to perform; to fulfil.” But she further noted, “performance of an activity need not lead to the fulfillment of objective” just “a policy that is executed need not result in the accomplishment of its objectives” (Miceli and Lane, 1991). As a process, implementation is concerned with

“what develops between the establishment of an apparent intention on the part of government to do something, or stop doing something, and ultimately impact in the world of action” (O’Toole, 2000).

Accordingly, implementation research concerns “the development of systematic knowledge regarding what emerges, or is induced, as actors deal with a policy problem” (ibid). Far remove from any concern of fulfilment of policy objective or end state analysis, this research is concerned primarily with the analysis of street-level police implementers’ action, implementation or implied assessment (Lane, 1987).

Traditional approaches to the study of implementation convey the end state conception where the focus is confined to what happens after political reform has been enacted (ibid). Central to this conception is the ‘top-down’ approach identified in Pressman and Aaron (1973) seminal study of the United States EDA attempt to implement job creation programmes in Oakland, California. While Pressman and Aaron (1973) and later, others including Murphy’s (1973) works were largely analyses of single case and often yielded very pessimistic conclusions (Sabatier, 1986), their
contribution signalled the genesis of a groundswell of implementation studies and debates that represent a first generation of implementation research (ibid; McLaughlin, 1987; O’Toole, 2000).

Implementation and policy-making: A couple of important questions come to the fore; can policy-making be effectively separated from implementation? Is the prerogative of the politicians ‘policy-making’ and the administration ‘implementation’? Within the context of this research, can the ISCF implement Cabinet Decision 20/2002? Indeed, the view of a separation between policy and administration was an ideal to be attained which dominated view in public administration literature up to the 1940s (Dunshire, 1973). In effect, the notion creates ‘escape hatches’ so politicians who saw themselves as policy-makers can ‘escape’ the responsibility of ‘bad implementation’ by administrators (Clay and Schaffer, 1986). But in practice it remained an idea in which administration were involved in policy making - politicians required their advice for making policy and in addition, in the process of administration, policy issues not previously contemplated will be addressed (Stewart, 1996). One cannot therefore posit implementing a recognisable entity called policy, it is a

“slippery concept … (which) may only emerge through an elaborate process that is likely to include those stages which are conventionally described as implementation” (Hill, 1997).

It is important then to examine this “complex assemble job” (Barrett and Hill, 1984) of policy making. Burke (1987) posit that the process comprise five interconnecting stages starting from problem identification, through policy formulation, legislation, implementation and evaluation (Fig. 1).

Close analysis of Brooks’ five-stage process yields two important observations. First the interconnectivity of the various components suggests that each is somehow related if not symbiotically dependent of the other. Brooks sees the process starting from the identification of a problem (problem identification) which is followed by stage two - ‘policy formulation’. But it is not clear why he proceeded to other stages since he was dealing with ‘stages of the policy-making process’ and the ‘policy’ emerged at ‘policy formulation’ - the second stage. If a ‘policy’ emerges at any stage within the 'stages of the policy-making process’, that should signal the end of the process.

Equally too, is the second observation that ‘policy implementation’ is a defined stage (stage four) in Brooks’ policy-making process. So one is confused whether Brooks’ stages of the policy-making process ought to be called a ‘policy-making process’ since the policy was made in stage two and was ‘implementable’ at stage four. How then can ‘policy implementation’ becomes a stage in ‘policy-making process’ since the policy has already been made? Could it be that Pressman and Aaron (1973), Burke (1987) too was also caught in what Hill (1997) calls a linguistic trap of his own making? Brooks nonetheless noted that:

“implementation involves such activities as the application of rules, interpretation of regulations, and enforcement of laws and delivery of service to the public” (p.69).

Within the context of law enforcement, street-level practitioners in applying their discretion ultimately determine when to apply rules and to whom, they choose how to interpret the regulations and enforce laws (Lipsky, 1983; Grant, 1980) in the best way to suit the challenges that confront their tasks. Thus it is the outcome of their actions during implementation that ultimately shape what eventually becomes public policy.

Implementation in the Jamaican police force: In spite of the myriad of changes, Caribbean organizations and, in this instance, those in Jamaica, having been influenced by plantation slavery (Lindo, 1995), have lingering patterns of power distance relationship (Holstede, 1983) facilitating unequal treatment of segments of the society (Eyre, 1986; Stone, 1988; Headley, 1992). In high power distance societies, hierarchical structures are necessary not only for the purpose of delineation, but more so, there is an implied assumption that knowledge’ is clustered at the apex and to be imparted down the distance.

There are several forces that influence decision makers within Caribbean public sector to assume central roles or a hierarchical top-down approach in initiating, shaping and pursuing public policies (Esman, 1991;
Grindle and Thomas, 1991). First, there is the prevailing literature and practice of the classical public administration of the 19th Century which promotes the importance of state sovereignty. Public administration has its theoretical and normative principles in the works of John Stuart Mills (1861) entitled Representative Government, Woodrow Wilson’s Study of Administration (1882) and Max Weber’s (Lane, 1993). In this regard Esman notes that;

“[P]olicies are determined and enunciated at the political level of government; programs are shaped and refined by senior administrators. They are implemented through centralized bureaucratic hierarchies that enforce accountability upward from subordinate to senior officials… the public is on the receiving end of regulations and services designed by remote but politically responsible officials” (p.20).

Lane (1993) outlined a set of maxims that tend to construct a general public administration model; Tasks are decided by politicians and executed by administrators; Procedures are written, continuous and rule-bound; Rules are either technical or legal and require trained personnel; Tasks and functions are divided into functionally distinct spheres, each with the requisite authority and sanctions; Officers and tasks are arranged in a centralized hierarchical manner and Public resources are distinct from individual/private ones (p.2).

Many contemporary Third World elites have adopted this model together with the derivation of administrative laws (ibid). Over time, this hierarchical model reflects the perspectives, preferences and conveniences of the senior administrator (ibid).

The second but related factor not only explains the emergence of the bureaucratic hierarchical structure of Caribbean administration but also the set of unique circumstances within the policy environment that sustain such structure. Of significance are Grindle and Thomas (1991) generalization of the policy environment of developing countries and, by extension, the Caribbean’s policy environment. They noted that the characteristics of uncertain information, poverty, pervasive state influence in the economy and centralization of decision-making resulting from colonial rule have caused decision makers to emerge as central actors (p.45). The existence of underdevelopment and limited capacity in the immediate post-independent era has given rise to a centrally command administrative structure (ibid., 51-52). The transition from underdeveloped towards developing country has somewhat weakened but has in no way eliminated this structure or the general characteristics. The result is that the policy environment of Commonwealth states has been thwarted by defective institution building resulting in some cases to mere symbolism in place of real change (Jones, 1985; 21) and policy paradox in the case of the attempt to transform the Jamaican prisons to rehabilitation centers (Jones, 2007).

The issue of corruption features prominently within the discourse of Caribbean politics/policy environment. During the 1980s to early 1990s, there has been a plethora of dismissal, forced resignation or conviction of government ministers and leaders of security forces because of corruption (Munroe, 2003). A major factor is that within small islands developing states there is scarcity of resources which generates excessive social demands. People have become adept at paying to cut red tape in order to “transform the distant public administrator into a friendly patron” (Jones, 1985). The ‘friendly patron’ is thus created in all aspects of the bureau - law enforcement, education, motor vehicle licence custom amongst others. One will always find it more convenient to bribe or ‘let off something’ in order to avoid waiting in the long queue in which, at the end, there is no certainty or consistency of outcome. The extent of corruption can be exacerbated by the bureaucrat whose activities are ostensibly concealed under the cloak of his inherent and excessive discretionary powers. Potentially corrupt bureaucrats must be analysed within the context of a wider problem of governance which in turn is exacerbated by “lack of transparency” and proper “checks and balance”, “weak rule of law and fragile institution” (USAID, 2007).

Amidst the myriad of organizational changes, the police force in Jamaica maintains the hierarchical paramilitary structure with the concomitant command and control methods of management similar to its inception in 1866. This model of policing which is “perhaps more profoundly shaped by colonialism than any other institution” is top-down, has an operational culture of control - against service and problem-solving and emphasises the relationship between officers and other ranks (Harriott, 2000) - thus outdoing the power distance arrangement of the wider society. But how has this ‘paramilitary’ style differs from for example, other forms? And what is unique about the nature of policing in the Jamaican context that has ensured the continuation of this structure?

The prefix ‘para’ has its origin in Greek and essentially means ‘beside’. A paramilitary police force is one that is trained and operates along military lines and its mode of operation is “based on political values that favour the primacy of order over freedom and justice” (Harriott, 2000). A paramilitary police may be contrasted to a civil police service that operates along civic arrangements. Harriott characterizes this paramilitary style of policing aptly when he wrote that, it is:

“a complex of relationship; a mode of organization and control of its members typified by a high degree of centralization; a mode of interface with and control of the mass public typified by the targeting of threatening subpopulation (usually those at the bottom of the social hierarchy), and relatively
indiscriminate (legally dubious and morally unjust) subjection of individuals within these groups to interrogation at will and generally aggressive techniques” (p. 77).

Austen (1985) characterized paramilitary police model: Centralized, rigid chain of command rank structured organization, Strict superior-subordinate relationship, and Top-down communication administered mainly through the issuance of command, directives or general order. Thus eliminating any need or urge to display initiate:

- Personnel are forced to operate with the use of threats and coercion mainly through a highly structured system of sanctions and institution of disciplinary procedure.
- Absence of flexibility when personnel are confronted with problems and situations in which the existing directives, general orders, or policy and procedure have not covered
- A tendency by senior officer to be arbitrary and the concomitant feeling of demoralization and powerlessness by subordinates (p.123-4).

Within the paramilitary structure of the JCF/ISCF is a cultural web which comprises of routine which dictates accepted way of (how) we do things around here; of rituals associated with training, promotion and assessment of what is important to, and valued by the organization; of stories amongst members, to outsiders and to new entrants exalting heroes and vilifying those who deviate from the norm; of symbol - logos, insignias, offices, titles, language and terminologies representative of the nature of the organization; of control systems; of power structure; and of formal/informal power structure (Johnson and Scholes, 1999), which collectively represents the quintessential feature of a bureaucratic organization of rigid systems, method and procedures. There is therefore deeply embedded ‘cultural’, ‘tacit’ and ‘explicit knowledge’ (Choo, 1998) that is developed, practiced and enforced.

The major impetus for maintaining the hierarchical paramilitary and bureaucratic structure in the police force lies in its innate capacity, which is an effective instrument of control (Harriott, 2000: 77; Danns, 1982; Birzer, 1996). This requires a structure of elaborate rules and formalism which ensures that except for lowest rank, at all times someone is in control and, in the case of the lower rank, the members look forward to be promoted to ranks in which they themselves can exercise control (Lindo, 1995). Invariably, promotion becomes “an end in itself, effectively rewarding persons along the way” (Hussey, 2008). The aggregate effect is that the command and control culture of the force results in amongst other things: insularity, barrier to effective communication within the organization, impediment to sound decision making and problem solving, a culture of fear, subservience that demands obedience and silence alternative viewpoints (ibid), promoting risk aversion (ibid, Harriott, year 2000; Noe et al., 1994) represents misfit (Fry and Berkes, 1983) and helps to reproduce an unjust social order (Harriott, 2000: ). The culture itself has thus results from an “interaction between the “field” of policing and the various dimensions of police organizational knowledge” (Chan, 1996).

There may be value in maintaining some degree of hierarchical command and control structure in the Force. Management systems with greatly flattened hierarchies are most suitable for modern information-based activities, with mostly routinized, automated functions and highly skilled staff (Brett, 1996). Policing in Jamaica is by no means ‘generally routine’ operation. Neither is the Force sufficiently modern, information-based or endowed with highly skilled staff so that task can be routinized. Additionally, not all law enforcement challenges present in a routinely, predictable and uniformed manner. There is for example, a social arrangement with a volatile component that is manifested in the structures popularly and appropriately labelled ‘garrisons’ with political connections (Chevannes, 1992; Figueroa and Sives, 2003; Harriott, 2003; Harriott, 2008), drugs connections (Griffith, 2003) and gangs - the ‘One Order’ and ‘Clansman’- resulting in alarming rates of murder and a set of sub-cultural norms.

Given the nature and sophistication of organized crime in Jamaica, implementation often requires at least, at the initial stage, military precision with top-down instructions informed by experts and information that is not shared amongst street-level personnel. Bottom-up implementation albeit assist with democratization of policing can be costly with the costs expanding in direct proportion to the number of people involved, the degree of conflict emanated during deliberations (Brett, 1996), and the nature of the information. On the other hand, a command and control hierarchical structure eliminates this cost by allowing managers to make unilateral decision which must be complied (ibid). In so doing, the hierarchical organization “reduces costs of social coordination and brings scientific knowledge to resolve problem…” (Williamson, 1985). This hierarchical structure best suits situations in which there is limited or no social capital and organizations in which the police must act against external threats (Brett, 1996) posed by organized crime.

But the bulk of policing surrounds the issue of order maintenance, detection and prevention of street crimes and domestic violence/issues which fall in the ‘low crime’ category. The usual approach to control is typified by the deployment of beat and mobile patrol units in communities, municipalities and along highways, and also the emergency (119) calls. In this regard, the policeman’s
tasks require a type of service-oriented or Community Policing (C.P) focus which includes amongst other things, “the involvement of police officers in diagnosing and responding to neighborhood and community problems (and) necessarily pushes operational and tactical decision making to the lower levels of the organization” (Kelling and Moore, 1987). It is at this level that the street-level policeman exercise considerable discretion in offering his service to the public. Discretion in this context can be multifaceted and may include inter alia, which scene gets priority and which method (if any) will be utilized. Bent (1974) puts it that the patrolman becomes;

“[a] political policy-forming administrator in miniature… operat[ing] beyond the scope of the usual devices for control… (he) employs job action” tactics - strike, slow down, over-enforcement…), ignores or fail to support the implementation of public policy or vitiate the law” (Danns, 1982).

As a general rule, the police control entrance to the criminal justice system due to his decision to allocate resources in a particular direction or to proceed to court with a particular case rather than advice or warning (Grant, 1980). He is thus an uncontrolled policy-maker operating in a hierarchical command and control organization that does not facilitate innovation and creativity.

Given the policing environment of Jamaica, there is no doubt the need for a rigid central command top-down structure to address some urgent situations that require paramilitary treatment. But the general tasks of law enforcement are such that a majority of decision-making is conducted at the street level devoid of the top-down instructions. Policing requires interchanging at least two structures or “structural duality”, the condition warrants (Toffler, in Birzer, 1996): one that requires rigid central command unit of operation to respond the crisis situations; the other (which should be in the greater case), a more decentralized consultative approach especially in dealing less serious offences, particularly those relating to preserving protected and endangered species.

There is yet one other factor. The very structure of policing is a response to the dynamic of crime has given rise to the formation of various departments/subunits in the both the ISCF and JCF (Hussey, 2008). The proliferation of these department/subunits has of necessity, provided a fertile ground for inter- and intra-unit conflict. Conflict may relate to role, power, prominence, attention, relevance, resources and in some cases existence. The Traffic Enforcement subunit is not concerned with offence relating of illegal vending until venders impede the smooth flow of vehicular and pedestrian traffic. Neither will a homicide section see the importance of praedial larceny prevention unless it results mob killing which itself constitutes homicide. From this perspective, implementation is possible only through the management of these conflicts.

The existence of conflict of each subunit pursues its own interests suggests that implementation does not progress from a single declaration of intent to a result within and across the subunits. Rather, it is a combination of explicit and tacit bargaining within and amongst these subunits arising out of the force of interdependence of expectation and in some cases, strategic interdependence that result in a policy. Schelling succinctly puts it that “the outcome is determined by the expectation that each player forms of how the other will play, where each of them knows that their expectations are substantially reciprocal” (Hill and Peter, 2002). He continued that,

“[t]he players must jointly discover and mutually acquiesce in an outcome or a mode of play that makes the outcome determine. They must together find the ‘rule of the game’ or together suffer the consequences (ibid).

In this regard, managers are themselves caught in a continuous web of managing conflicts through compromise, negotiation and bargaining between different actors and agencies “stressing such processes as exchange, dependency and power relations” (Barrett and Hill, 1984), which is against command and control.


 “[F]rom one point of view, the Violent Crime Control and Law Enforcement Act (VCCLEA) was fairly straightforward social legislation: fund positions, hire police officers, do community policing. From another point of view, however, it posed a remarkable challenge to implementers… like many other social programs, this law enthusiastically endorsed reform but offered only little guidance about how to actually do it… The VCCLEA lack of clear guidance for street-level bureaucrats might lead to expectations of decreased implementation of the bill’s central directives”.

Hill made the point that written policies do not always tell implementers what to do and this potentially leads to perceptions of faulty implementation. But, in spite of this lack of specificity and, in the case of the VCCLEA, she concluded that community policing (one of its primary goals) occurred in response to the amount of learning opportunities that street-level implementer - police, teacher and others - had brought to the process and
not necessarily what legislator intended, predicted or even approved (ibid). Hill study of implementation of the VCCL\AEA departs somewhat from the traditional \textit{end state} approach to an examination of individual actions that collectively created a policy.

Deosaran’s (2002) case study of the implementation of Community Base Policing (CBP) in Trinidad and Tobago examined \textit{critical success factor}\cite{Deosaran2002}-the organizational readiness, learning readiness and team spirit. In term of organizational readiness, Deosaran found that amongst other things, the top-down approach of the Trinidad and Tobago Police resulted in failure to fast track decision-making and problem identification or to create reward structure and flexibility necessary for support community policing programs. In this regard he noted that that there is a need to democratize management-subordinate relationship. On the issue of personnel learning readiness and team spirit, it was found that there was a need a systematic attention for improving and building confidence and that lower level workers scored lower on the feeling of spiritedness and mutual respect.

He concluded that implementing programs of CBP require non-hierarchical bottom-up approaches where not only street-level members are included but also, the community. Although Deosaran’s (2002) study has significant implications on the critical role of lower level practitioner his focus was concerned with the \textit{end state} or what make implementation CBP successful. Thus there is a gap relating to how the behaviors of street-level police practitioner actually create CBP policy.

Other studies Caribbean studies focus on police culture and resistance to change. That organizations in general tend to resist change has been the subject of many studies: Argyris (1993) offers “\textit{A guide to overcoming barriers to organization change}” (ibid), Pardo del Val and Clara (2003) conducted an in-dept study of resistance to change; Armenakis and Bedeian (1990) “\textit{selectively examined the theoretical and empirical organizational change literature}” between 1990-1998 and found among other things that “\textit{the organizational change literature continues to be responsive to the dynamics of contemporary workplace demands}” (ibid). Resistance to change can therefore be said to be intrinsic character of all organizations and, accordingly, that resistance exists is not an issue. Instead, there has been a plethora of literature dealing with the management of resistance.

Resistance to change within law enforcement organizations has been examined within the theoretical discourse. Ortiz (1994) hypothesized that police culture acts similarly to a ‘roadblock’ to organizational change; Blumberg and Niederhoffer (1985) argued that police subculture is a source of resistance to change; Mastrofski \textit{et al.} (2007) and Dicker’s (1998) studies of implementation of community policing, found \textit{inter alia}, that traditional culture acted as impediment to organizational change; Lingamneni (1979) found that organizational structure, leadership styles, ideology are “\textit{determiners of the acceptance or rejection of policy}” (ibid), while Schlick and Bayley (1979) observed that the police forces in general, tend to resist internal change (Harriott, 2000). The police have “\textit{considerable capacity for resistance… (and are) keenly aware of the political impact…”} (USAID, 2007).

Police capacity to resist change is rooted deeply in the organizational culture. Within the context of the ISCF/JCF, the dominant culture of command and control (Hussey, 2008), “\textit{downward-directed}” and “\textit{non-integrative}” (Harriott, 2000) hierarchical style of policing easily facilitate resistance to new ideas and innovations especially when \textit{policies} by their very nature may be deliberately ambiguous and necessitate considerable discretion at the implementation stage.

Policies for reform in policing are usually directed by politicians and frustrated by the state bureaucracy through the,

“\textit{engaging in a war of attrition that slows the momentum of change and frustrates the process until reformers lose influence and power}” (Mills, 1992 in Harriott, 2000).

Harriott’s study of the JCF found the emergence of a “\textit{defensive coalition}” which utilises tactics, “\textit{attacking outside change agents, the use of protective myths, information control and legal defensive manoeuvres}” (Ibid., 166). The aggregate result of these manoeuvres resulted in policy implementation being delayed for over two decades. Police organizational culture studies therefore conceptualise culture within the context of an impediment or facilitator of change. But there is a paucity of studies that determine how police culture effectuates actual policy change.

Other studies show that implementation within Caribbean police force may also be stymied by political actions or non-action - the “\textit{tendency for politicians to go for popular or political expedient policies and programmes in preference to tough choices}” (National Committee, 2007). In particular, it is noted that there had been “\textit{reluctance on part of the MNS…to tackle difficult areas of reform… (of the JCF)}” (Hussey, 2008). Or, politicians may not commit the required resources (with good reasons or otherwise) for effective implementation or simply engage in “mainstreaming policies and programmes without the necessary infrastructure to take the initiative downstream” (Ibid) resulting in “\textit{insufficient championing of change}” or “\textit{piece-meal implementation}” (ibid) or poorly thought-out incentive structures, lack of capacity and lack of trust (McDermott, 2004).
Although the various studies on police reform tend to fall within the wider organizational change and other related literature, they are the quintessential representation of implementation research that have somehow been ‘partially transmogrified’ (O’Toole, 2000) into these wider field. As shown, the existing body of work are primarily focussed on why policies are not successfully implemented. More precisely, they seek to evaluate factors that impede ‘successful’ implementation thus taking an end state conception where a policy is taken as an object to implement and, an a priori position that the hierarchical command and control structure of the Force should ensures successful implementation. There is therefore a serious gap in studies that evaluate how street level police practitioners apply their interpretation and application within the context of the hierarchical command and control structure, and how these interpretations and applications ultimately evolve into policy. This study fills this gap by examining how street-level police practitioners interpret and apply directives from the High Command and how these interpretations and applications become policies of the police force. In order to provide a holistic perspective on the matter, the researcher interviewed other key stakeholders who are likely to provide pertinent information to the discourse that will guide in policy actions and strategies.

**RESEARCH DESIGN**

Science was therefore about the study of truth and not meanings (Balashov and Rosenberg, 2006). Why people do things, (i.e., meaning) was not important in research it was rather about the discovery of truth. While empiricism is responsible for plethora of germane and critical discoveries that have aided humans’ existence, it fails to explore potent things about people. Peoples’ behaviours are not predictable, stationary and while some generalizability exist therein, the ‘whys’ (meanings) are still unasked with the use of empirical inquiry (or objectivity and measurability). Qualitative inquiry mitigates some of the inadequacies of objectivity, provides rich data on humans’ experiences and aids in a total understanding of people (Balashov and Rosenberg, 2006; Silverman, 2005; Neuman, 2003; Kuhn, 1996; Berg, 2001; Burnham et al., 2004; Goel, 1988). Schlick (1979) succinctly argued that we cannot know the truth without knowing the meaning (p.15).

For years, the inquiry of social phenomenon was based on objectivity until Weber introduced an alternative paradigm. This gave rise to the emergence of

- Feminism
- Biography
- Historical comparative analysis

and other methodologies (discourse analysis, heuristic inquiry and action research) were in keeping with an alternative paradigm in scientific examination in understanding human behaviours.

Ethnography is one of the methodologies in qualitative research that evolved from revolution of science. It focuses on the everyday behaviour of people (their interactions, language, ritual) in order to determine inter alia, cultural norms, beliefs and social structures (Leedy and Ormrod, 2010). It is the “naturalistic observations and holistic understandings of culture or subcultures” (Babbie, 1992) or the “art and science of describing a group or culture” (Chevannes, 2001). In ethnography, the researcher through a “cultural lens”, can “interpret observed behaviour, [while] ensuring that the behaviours are placed in a culturally relevant and meaningful context” (Fetterman, 2010). Thus ethnography is concerned with the meaning and/or interpretation of groups within its natural settings.

Ethnography is often used by scholars to examine different cultural happenings in a society or sub-groups: Chevannes (2001) used this approach to determine socialization of males in the Caribbean; Goel (1988) used ethnography to determine how adolescence survive in violent communities in St. Catherine; Levy (2001) employed this methodology to examine how people survive in urban violent community; and Schlegel and Barry (1991) examined sex role differentiation and segregation. The methodology is also used extensively in studies of organizations and, in particular, to examine behavioural issues, those relating to law enforcement officials. The examples here are Westmarland (2001) who examined “witnessing of illegal police violence” in Britain; Behr (2002) who explored “behaviour and the thinking of officers…possession of powers and their discretion for using it” and Haanstad (2008), who examined order in the Thai Police Force. Organizations have culture and patterns of behaviour. And, Silverman (2005) notes, they are fertile field for the ethnographer.

The issue under investigation is also a phenomenon, and this requires a phenomenological methodology that will utilize case study as the method of analysis (Crotty, 2005). There are issues to be solved:

- Why the ISCF continues to prioritize on other crimes and not WPA and ESA
- Does the hierarchical nature of the ISCF impede the operation of subordinate ranks
- How can the shortfall be effective addressed
- why are junior staffers not executing their mandate
In keeping with the phenomenological methodology and case study method, narration will be used to present the information through a thematic identification.

**Sampling:** The logic of sampling is to make inferences about the population (Berg, 2001; Goel, 1988). Unlike quantitative approach in which there is a huge emphasis on probability sampling for representation, qualitative research design often utilizes nonprobability sampling. In nonprobability sampling, the researchers strive to create a “kind of quasi-random sample, and/or to have a clear idea about what larger group or groups the sampling may reflect” (Berg, 2001; Babbie, 1992). In this study, two aspects of representativeness came to the fore. First, the degree to which Region 5 structure and complement is representative of the entire organization. Second, the degree to which policing issues relating to enforcement of the WPA and the ESA in Region 5 are largely representative of those of the entire ISCF.

One nonprobability sampling approach in qualitative research is purposive or judgemental sampling. Effective use of purposive sampling techniques requires that the researcher utilise his/her special knowledge or expertise of the subject that is largely representative of the population (ibid; Babbie, 1992: ). This structure is of such that it ensured that each Region is headed by an Assistant Commandant. All Companies within each Region was headed by Commander with two inspectors and sergeants, corporals and an almost equal number of street-level constables amounting to from a population of 1732 members. Since this structure is replicated throughout the island, Region 5 is sufficiently representative in structure and to a lesser extent, complement of the ISCF. Region 5 was headed by one Assistant Commandant, three Commanders (one for each Company) and rank and file members totalling 177.

The second issue concerned the extent to which policing issues and methods of administration and operation relating to WPA and ESA in Region 5 are similar to, and representative of the larger ISCF. As a paramilitary organization, rules of administration and operation are standardized and instructions disseminated uniformly down the hierarchy. Additionally, enforcement of the WPA and the ESA-an island-wide policy-intent is impacted by organizational issues of capacity, culture, levels of discretion, policing priorities amongst others. This holds true island-wide. The researcher use of judgemental sampling of the subjects for elite interview and focus group was justified because of his ‘knowledge’ of the entire group of participants.

**Limitations to the study:** This study utilizes non-probability sampling technique which means that the results are:

- Non-generalizable
- Non-predictable
- Specialised to the respondents
- Non-repeatable

Additionally, this is a case study of one auxiliary police force in one country at one point in time and in relation to enforcement of two legislations. Care must therefore be exercise in any attempt at generalization. However, these methods still provide insightful, rich and critical information about the studied phenomenon. Both Thomas Kuhn and Max Weber believed that qualitative research is equally informative and scientific (quantitative research).

**FINDINGS**

The rhetoric of embracing organizational change was very profound amongst the senior ranks. In an organization that has a culture of resistance to change (Schlick and Bayley, 1979 in Harriott, 2000:), many senior members readily and seemingly easily embraced the change in the role and function brought about by Cabinet Decision 20/02. In this regard, and at the strategic level, offences against the WPA and the ESA received equal importance to policing relating to offences against the person-shooting, rape and serious bodily harm. When asked why they gave equal weighting or importance in enforcing the WPA and the ESA to offences such (murder, shooting etcetera), they noted that enforcing the WPA and the ESA was “ISCF’s mandate”, or it is “our responsibility”. Enforcing the WPA and ESA were emphatically proudly and repeatedly referred to by senior officers as ‘our mandate’. At the very top, enforcing the WPA and ESA were expressly top priority in terms training, and intent.

Although there were no specific strategic plan for enforcement of WPA and ESA in the ISCF, it had a national plan (ISCF Policing Plan) and Company plans which all included a wildlife component. The national plan was developed in consultation with stakeholders - the Forestry Department and NEPA - discussed at Senior Management Meetings and disseminated down the hierarchy through meetings, briefings, Operations Orders, training and workshops. Monitoring of the plan was conducted through personal performance data. Both the Forestry Department and NEPA had strategic plans with the Forestry Department having a more robust Five-Year Strategic Management Plan that derived out of consultation with the ISCF and NEPA in addition to complementing a national plan.

Enforcing the WPA and ESA relates directly to the extent to which the culture of policing embraced the new Mandate. But policing culture defines and helps shapes
definition of policing concepts. The traditional notion of crime and, by extension, crime-fighting approaches has not included issues of WPA and ESA. The concept ‘crime’ relate in the ISCF to hard crime (shootings, robberies etc.). ‘Real policing’ was understandably taken as effective responses to ‘crime’. A sharp dichotomy is created between ‘crime’ and ‘offences’, and breaches of the WPA and ESA were ‘offences’ and not ‘crime’. In referring to these breaches, one interviewee said that “these are not crime in the technical sense...the definition of crime is more or less being serious crime...” When pressed to what they were he remarked, “It is an offence, but not necessarily a crime...” At all levels the epitome of the ‘real crime fighter’ was centred on the traditional notion that addressed hard policing.

As one goes down the hierarchy, there is a gradual dissipation of the ‘our mandate’ rhetoric to strong feelings about issues of ‘crimes’ and practical approaches at addressing them. When the issue of the ‘mandate of enforcing WPA and ESA’ was reintroduced, it was at this level that it was recognised and pointedly emphasised that the ‘mandate’ included “any other duties”. The ‘any other duties’ capitalized the interests of the Company Commanders during the course of the interviews and they had to be repeatedly steered back on track to issue about enforcement of the WPA and ESA. One puts it that “you hardly have what it takes to protect people life much less bird and alligator...” Not only has this statement identified their interests, but the very use of the ‘alligator’ as against ‘crocodile’ highlighted the level of knowledge in the area seeing that protecting alligator was never an issue in Jamaica.

At the street-level, the term ‘mandate’ was never directly used. The dominant attitude relate to the elimination of gunmen from the streets. This was strongly argued to be the preferred focus. There were minor suggestions (almost whispers) that any foci on addressing offences relating to the WPA and ESA were achievable, or even worth pursuing. Majority of members of the ISCF focus groups see the ‘good crime-fighter’, the embodiment of the fully armed and armoured policemen getting rid of criminals. Criminals are typified by the armed gunman. Most personnel at this level saw responding to a wildlife incident-removing and relocating crocodiles or snakes- protecting people from the reptiles, especially protecting the reptiles or both. In a focus group session, one participant declared that the ESA is to “protect the people from the dangerous animal”. To this he got a chorus of support from the other participants. When asked about his thoughts about protecting the animal from man, he remarked, “Well we can protect them too”. Most ISCF focus group participants create a sharp dichotomy between the concepts ‘crime’ and ‘offences’. Breaches of the WPA and ESA are labelled ‘offences’ and accordingly, there is an overwhelming attitude that NEPA often “deal with them”. This attitude is reminiscent of Harriott’s (2000) remarks that, “[t]he first impulse of the majority of the Force in treating with crime is to recommend social intervention, not law enforcement” (p.142). On the other hand, breaches relating to bodily injuries are classified ‘crimes’ and fall within the domain of the police. All participants of both interviews and focus groups from NEPA agreed that breaches of the WPA and ESA are crimes albeit at differing degrees of seriousness. Most of them believed that these offences must be treated with a similar level of seriousness - ‘other crimes’. One opined that “we should follow the First World approach”.

**Capacity:** There is a heavy emphasis on the levels of current training and needs for specific training to enforce the WPA and the ESA. This was identified at the strategic, Region, Company and NEPA level. The WPA and ESA with the various amendments and schedules form part of the general syllabus for Basic and In-service Training for the ISCF. Additionally, NEPA and the ISCF have joint training in handling wildlife and responding to wildlife incidents. In assessing information on WPA and ESA, one of the elite interviewee noted that “It is further disseminated to the Company Commanders in their own management meetings and this is expected to be filtered down to the lowest level of person in the organization”. This does not increase or provide a comprehensive understanding of the intricacies of wildlife and endangered species matters, and this does not aid in the execution of operational policing. To further indicate the challenges of personnel in enforcing the WPA and ESA, one senior interviewee conceded that it was “very difficult have everybody trained to a level of acceptance...”

The inadequacies of training have not escaped the attention of NEPA. In an elite interview session, a participant remarked;

“I would love to see more investigative work being done on the wildlife side by ISCF... their intelligence need increase...because there are various reports...what I would like to see more is the ability of the ISCF to do more positive identification so that actions can be more immediate and decisive...identification of the animal...if the ISCF has the ability to identify...they would act more swiftly and decisive in prosecuting offenders.”

In another elite interviewee, the participant in assessing a scenario in which ISCF members were unable to identify specific specie opined that:

“What I think they should do if they are not working in conjunction with the enforcement officer assigned... the proper procedure - proper tagging of the evidence...so maybe they should do it more chain
of custody...I think that they have fallen short in that I would expect more of a monitoring on their part in terms of looking at the breaches of the WPA ... we here at NEPA have an enforcement arm and to me, the ISCF would fit fairly well or, the enforcement arm would fit fairly well with the ISCF. They would be doing the same thing pretty much.”

In a NEPA focus group discussion, Mr. Officer (pseudo name) when asked to rate ISCF management of the WPA and ESA said “I probably would give them somewhere between two and three [out of 6]... the reason is not for a lack of willingness. It is a matter of competence”. He later admitted that NEPA may partially be responsible for the ISCF’s training deficit in most joint training “only the theory was imparted because the theory is only the theory” but it was imparted because the agency was short on gears and other equipment. The shortfall in training of ISCF street-level members can account for their use of ‘discretion’, because they would not want the public to know that they are ignorance of issues within their mandate.

It is noted that there is no commonality of knowledge between NEPA and ISCF members at the street level in relation to the various species of birds that may be hunted or what determines which is to be hunted. Both Environmental and Enforcement Officers during their focus group session, ‘know’ that all birds are protected and that it was the Minister who determines which game may be hunted during an Open Season. ISCF participants in the focus group session said that they ‘know’ that games are fixed. A member named four games that “should be hunted” and declared that the “rest are protected”. He received tacit approval from the other participants. Both Environmental and Enforcement officers and ISCF Street-level members agreed on the bag limit and the different mix of games per bag.

None of the Companies in the study had a dedicated team to enforce the WPA and ESA in comparison to other enforcement teams-traffic or municipal enforcement. The general practice is to respond to wildlife incidents against proactive/preventative approaches, or one NEPA focus group participant puts it “enforcement by the ISCF... are mere incidental”. A participant of the Forestry Department focus group remarked that

“the ISCF will stop a truck laden with tree trunk and they just check the papers (breaches of the Road Traffic Act) and don’t even find out if the tree come from the forest ...they are interested in, and I do believe that sometime overzealous to enforce the Road Traffic Act”.

During the annual Open Seasons, each Company had a special and dedicated team that accompany hunters. It was during these sessions that most offences occur. Just prior to the commencement of the season, Operations Orders are issued from the High Command for dissemination to street-level practitioners via the chain of command structure. These Operations Orders gradually lose their importance as they descend the ranks and are subsequently viewed at the street-level - ‘unnecessary’, ‘irrelevant’ or ‘fool-fool paperwork’ - that largely provide date, time and venue of operation. Document review of Operations Order for enforcing the WPA and ESA during Open Seasons showed that they all had a stated ‘aim’ to prevent breaches of the WPA and ESA, and ‘method’ (of operation) components and were crafted in authoritative and unambiguous language with preferences for words - ‘shall’ or ‘will’. But one ISCF street-level participant Mr. Jones (pseudo name) said “don’t watch that man ... they (referring to the ISCF hierarchy) not coming on the duty... half of what they say they know won’t work out”. When asked what don’t work, he replied

“even the radios that they promise... even transport for the Bird Shooting Operation ... sometimes we have to hitch ride with the Hunters... and a them same one we suppose to arrest... so what, you think me a mek no prisoner drive me? them not serious”.

This comment not only evoked uncontrollable laughter from other participants but after the laughter subsided, there were overwhelming confirmation from all other participants that they were never issued with police radio or any mean of transportation for enforcement of WPA and ESA during bird shooting. Equally too, were the given experiences of different participants to various means of transport for enforcement of the WPA and ESA, (own vehicles or vehicles supplied by NEPA) not of which were supplied by the ISCF.

Priority of the ISCF: Respondents were asked to rate the level of importance placed by the ISCF on seven policing activities two of which were WPA and ESA related (Table 1). From the respondents’ comments, priority of the ISCF is on serious crimes (murder, shooting, rape, seizure or recovery of weapons - guns, knives, et cetera). Table 1 shows that each individual viewed prevention of murder as the most important duty of the police, and this was about the same for shooting. Mr. Paul (pseudo name) expressed the view that “right now, I don’t know of much resources to wildlife act .... ahhh so the resources we really use up is for policing real crime to be frank...”. Another respondent, Mr. Wit (pseudo name) offered a similar sentiment, when he said,

“Well the bulk of resources is aah on crime fighting... and that I mean the actual...what should I say now the actual...you know that in Spanish Town [capital of St. Catherine] the aah the crime is very high so, I think we would have to give the crime
Table 1: Rating and importance place on particular activities by the ISCF

<table>
<thead>
<tr>
<th>Question</th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
<th>R4</th>
<th>R5</th>
<th>R6</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level of training in WPA &amp; ESA</td>
<td>4</td>
<td>5</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>4</td>
<td>4.2</td>
</tr>
<tr>
<td>Illegal hunting prevention</td>
<td>5</td>
<td>5</td>
<td>3</td>
<td>3</td>
<td>6</td>
<td>6</td>
<td>4.7</td>
</tr>
<tr>
<td>Shooting prevention</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>5</td>
<td>5.8</td>
</tr>
<tr>
<td>Rape prevention</td>
<td>5</td>
<td>6</td>
<td>5</td>
<td>5</td>
<td>6</td>
<td>6</td>
<td>5.5</td>
</tr>
<tr>
<td>Seizure/recovry of weapon</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>6</td>
<td>6</td>
<td>5</td>
<td>5.3</td>
</tr>
<tr>
<td>Property crime (burglary, etc)</td>
<td>5</td>
<td>5</td>
<td>2</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6.0</td>
</tr>
<tr>
<td>Murder prevention</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6.0</td>
</tr>
<tr>
<td>Average</td>
<td>5.1</td>
<td>5.4</td>
<td>4.6</td>
<td>5.1</td>
<td>5.6</td>
<td>5.4</td>
<td>5.2</td>
</tr>
</tbody>
</table>

R1 to R6: each respondent (there were 6 individuals)

fighting priority over the Wildlife Protection. [But] well probably it can lead up to serious crimes.”

Mr. Ansone (pseudo name) puts the situation in perspective when he postulated that,

“Because when you have murder, it affects the lives of so many other people who are interrelated, interconnected to the victim. And it put a lot of stress and strain on the country on a whole.”

Serious crimes are the focus of the police, and this is evident in Mr. Foote’s comment (pseudo name) that “The definition of crime is more or less being serious crime...” This also justifies the emphasis of Force and has implications for budgetary allocation. Mr. Foote believed that about 5% of the resources (or budgetary allocations) were allocated to enforcement of WPA and ESA and the highest was 30%.

When asked “What is the level of resources committed to enforce the WPA and ESA”, a respondent (officer) remarked “Yeah! Resources now a ‘days’ ha, ha, ha, resources now a day is next to nothing we just have to use what is apparent”. And further, he remarked “Well put it this way. I cannot recall of many direct resources to combat any violation of wildlife protection”.

The data from Table 1 indicates that with the least emphasis on level of training in WPA and ESA, police will be less competent in carrying out their duties. One ISCF interviewee summarized this well;

“I am not really satisfied because in the sense of the whole work that is supposed to be done. [But] because of the human resources that we have to do everything we are not able to do it as efficient as we could ... As it relates to the human resource, it is the same person. For example, we have two of three persons and those persons would do environmental patrol as well as other duties to include praedial larceny and other things. Then now you have ... as it relates to transport, three motorcycles...Whenever we have a problem, we would speak to NEPA and trust me we always have problems.”

Outside of the financial constraints that influence the priority of the police, some of the expressions indicate deep personal perspectives that are equally driving their actions. Examples here are:

“Because if we continue to see these types of crime [murders] at the end of the day you wouldn’t have anybody living in Jamaica or in the world”

“... it is an offence [referring to WPA and ESA], but not necessarily a crime. It leads however to other things.”

All the officers view WPA and ESA similarly, soft policing and some made the link between this and the likely graduation to serious crimes. One respondent aptly said that

“The truth is when you start to deal [with] the smaller things...the Wildlife Protection Act and all of that that will help in some way to cut off the larger crimes because some of those persons out there that do these offenses, if you can ‘nip it in the bud’ it will at times prevent them from thinking or doing other things.”

It should be noted here that the respondents were asked about soft policing, and this speaks to the general notion of WPA and ESA in the Force.

The priority of ISCF members is equally known to non-members - personnel from NEPA and the Forestry Department. In one of the focus group sessions with NEPA, when they were asked ‘What would you say appears to be the priority of the ISCF’, the majority of them indicated issues of major crimes and traffic violation. One respondents from Forestry Department noted “I still think it is the everyday crime not necessarily wildlife incidents and wildlife laws. When asked if wildlife incidents represented ‘everyday crime’ she quickly said,

“of course, most certainly. But Jamaicans don’t see it that way... the constabulary don’t treat it that way it’s not an issue for them... the politicians don’t see it that way... it’s just not an issue for police concern...
I think they put the quote end quote more serious crime first and address those-what I sort of observe is that wildlife incidents reporting to the ISCF is more an incidental thing.”

Sentiments from NEPA, Forestry Department, middle management of the ISCF (Commanders) and street-level practitioners all suggest that treatment of WPA and ESA does not fall under general policing. Equally too, the issue of wildlife protection and preservation is not a concern for ordinary Jamaican. This is captured in the comments and choice of words used by an ISCF focus group participant who noted that “policing is an everyday thing so maybe you’d have to set a specific time during the month for Wildlife Protection Act and Endangered Species Act and the rest of the days for general policing.” Embodied in these words is the fact that enforcement of WPA and ESA does not fall under ‘general policing’ of the ISCF and that the more ‘serious offence’ is its priority. This confirms Baley’s (1990) argument that police actions are affected by the requests of the public and their capacity to respond (139). These views nonetheless contrast with upper-level ISCF’s views on WPA and ESA enforcement.

**Police actions (or inactions):** Issues of culture, capacity and priority are important factors that ultimately determine ISCF’s action (or non-action) in relation to enforcement of the WPA and ESA. There is yet another factor. This is the presence of a NEPA or Forestry Department representative on location of a wildlife offence since these persons are the experts in identifying protected species (Appendix) and protected areas respectively. On occasions in which the experts were absent (and this forms a substantial number of cases given that joint operations between and amongst entities were not routine), it was found that the police practitioner in the course of normal duty was left with the option of taking action based on ‘gut feeling’ until confirmation (from the experts) is made, or simple ignoring the issue. This was a direct result of the police uncertainty that an offence was committed.

In this regard, and when faced with such situations, ISCF practitioners were less inclined to take action, and majority of them said they ‘used discretion’ which they later interpret to mean releasing the suspect without any action. Others said they would ‘give him the benefit of the doubt’. When pressed for more specific reason, one participant noted that Hunters were usually ‘big necks’ (affluent members of the society), and that they wielded lots of influence. Another noted that “majority of them [Hunters] don’t even know which specie is protected... sometime they ask us... but sometime we don’t know... we just tell them to wait on NEPA... most time NEPA not there... we just use we discretion”. This statement not only implies that there is a potential for breaching the WPA and ESA out of ignorance, but also that there may be potential for Hunters to falsely claim ignorance. In any case, there is the likelihood that street-level practitioners may be inclined to exercise ‘discretion’ based on their interpretation of the peoples’ knowledge on particular laws instead of the zero tolerance approach taken in regard to other crimes. Or, they may simply ignore the incident in order to conceal their ignorance.

Non-action by street-level members in respect to the WPA and ESA may also be attributable to the level of sympathy or empathy of the practitioner. One ISCF focus group participant opined that,

“we need to educated people in knowledge of laws about WPA and ESA because they don’t know...to arrest any person who breach any of the above-mentioned act... would not be fair.”

This statement underlines the level of sympathy and empathy that the some street-level practitioners are likely to use even though there are clear hierarchical instructions. During the elite interview, one ISCF interviewee commented “… I give instruction... who can come to me bout them use discretion after I instruct them?” Even though junior members were instructed by their superiors, the power the hierarchical structure, still cannot change how they perform a tasks carried out at the street-level. From the High command viewpoint, implementation is within the context of ‘first generation’. Goggin et al. (1990) put it, is concerned with “single authoritative decision” (13).

Apart to the rationale for the police action (or inaction) rests in the perception of the public on wildlife and environmental matters, along with the social class of the individual. In the ISCF focus groups, participants indicated that many times they had to ‘counsel’, ‘inform’, ‘reduce the boisterous nature of the violators’, and ‘try to disburse crowds that gather in support of the violator’. One participant said;

“There was an incident last year when a crocodile was caught out of a pond. I and my team went out there but because we were not trained we have to keep the crowd away and not allow anybody to damage it or kill it until the NEPA person come to the scene.”

Some Jamaicans tend to believe that it in their best interests to get rid of crocodile. This relates to their perception of the dangers that these reptile pose to human.

The issue is not solely a policing one. It relates to the actions and attitudes of the general public. Since the volume of public demand is on ‘serious crime’ and not wildlife issues, these calls set the organizational priorities to determine the criteria for the postponability of (public) requests (Baley, 1990) of the ISCF.
Enforcement actions (or inactions) may also be based to a lesser extent, deep psychological fear of the financial, political and/or social clout of wealthy Jamaicans. This issue was raised in all the ISCF focus group sessions. In one, a participant commented that most Hunters are “high profile persons” and “most of them will carry their little son and, without permit, and give them the gun to shoot birds...” In another, a participant said; “Most of the issues in this division [St. Catherine South]...because some people are big people [in wealthy class] they are allowed to get away with certain things by the officials.” In a third session, a participant alluded to the likely fear of apprehending ‘high profile hunters.’ When he was asked directly on his thoughts on the issue, he aptly put it that; “Not only the fear...is not the fear actually...is that directly on his thoughts on the issue, he aptly put it that; apprehending ‘high profile hunters.’ When he was asked to a lesser extent, deep psychological fear of the financial, political and/or social clout of wealthy Jamaicans. This issue was raised in all the ISCF focus group sessions. In one, a participant commented that most Hunters are “high profile persons” and “most of them will carry their little son and, without permit, and give them the gun to shoot birds...” In another, a participant said; “Most of the issues in this division [St. Catherine South]...because some people are big people [in wealthy class] they are allowed to get away with certain things by the officials.” In a third session, a participant alluded to the likely fear of apprehending ‘high profile hunters.’ When he was asked directly on his thoughts on the issue, he aptly put it that;“Not only the fear...is not the fear actually...is that one realized that the society that we are in is one of the political bias and at times of these shooters...they will tell you “[Jon-pseudo name] a wi boy, political affiliation or a member of parliament...and the first thing him start to tell you what is that and they will approach you with a cup of coffee..He starts use those little things ...and if you think bout the work wey yu a do...promotion and the pension, you know.”

None of the ISCF focus group participants reported that they were victimized or knew of any member against whom actions were taken because he/she had arrested ‘high-profile’ persons for breaches of the WPA and ESA. However, perceptions of the likelihood of victimization were very strong. One participant remarked that “dem a no fool...if them a transfer you or punish you them not gwine [going to] tell you say is that... but you know say a so... and them know say you know...an everybody know a so” A participant then mentioned names of high ranking JCF and ISCF Officers who he said were certain to ‘get a call’ from ‘high profile’ Hunters. He then exclaimed that “when all dem [them] get one call - just one phone call, an we done.” Fellow participants nodded in overwhelming approval. The participants’ body languages, facial expressions and demeanour all suggested that they were very convince of what they were saying. The “power distance relationship” (Holstede, 1983) which facilitate unequal treatment of segments of the society (Eyre, 1986; Stone, 1988; Headley, 1992) significantly influence the actions of street-level practitioners in enforcing the WPA and ESA. Lower level members’ perception of likely consequence of their actions served as a deterrent to enforce the WPA and ESA. In spite of the absence of actual victimization, the existence and strength of such perception may be sufficient to deter their action. This is further exacerbated given the hierarchical command and control structure of the ISCF.

**Discretion:** Discretion in the ISCF was interpreted ranging from taking limited actions to no action against an offender. Participants’ examples of discretion ranged from warning, ticket, summons, ignoring some and/or all of the offences. Factors that determine its use are multiple and, may conveniently be placed in two broad areas. First, discretion may be derived from the disposition of the suspect. In this regard, and, in the case of enforcing the WPA ESA, the suspect may admit that he or she was not aware of the law or that it was inadvertently broken. If while shooting at one game, the hunter accidentally shot two, or a protected bird, and a consequence, has exceeded the bag limit or killed a protected bird, there is a strong to inclination to exercise discretion on the strength of the hunter’s explanation. Mr. Minx (pseudo name) from the environmental focus group puts it that; “wildlife incidents can have multiple explanations when compared with say breaches of the road traffic act... a higher than normal level of discretion is exercise especially during bird-shooting season... from the mere fact that mistakes can happen a little bit more easily in these (bird shooting) cases ...someone can give very convincing arguments for example that they fired at a bird and shot two ...”

The second factor relates to the disposition of the police. Participants in all focus group sessions admitted that they knew that in the event that a bird was found in someone’ possession and the specie were unknown to the police, it must be taken to NEPA for identification and, if confirmed to be protected, prosecution should follow. The frequencies of persons being found of species unknown to ISCF members during enforcement of the WPA and ESA were high in the three Companies (St. Thomas being exceptionally high). It was found that these occurrences took place especially during open seasons. Only one participant recalled taking an unidentified bird to NEPA for identification. A large majority said they normally ‘give the person the benefit of the doubt’. This they later interpreted to mean that they either allowed the person to identify the specie in which case they accept, or ‘we use discretion’. When pressed on what is meant by ‘use use discretion’, participants said that they sometimes warn the person against a reoccurrence and allow him or her to go.

Participants were then asked why not take the bird to NEPA for identification in all cases. Their responses were; that they do not think it’s worth all that trouble, that that involved too much bureaucracies or that in most cases, the bird would be dead and that they do not have storage capabilities. One member shouted “for what, one little bird?” To this the other participants laughed. He later said that “you only hear bout dem things a foreign, not out yah”.


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The use of discretion is not universally accepted across the ranks. At the more senior level its liberal use was seen - bordering on corruption. When asked if there were not different motivations, senior-level interviewees responded that they were not in any position to make any determination on the issue. Further down the hierarchy, its use was explained as ‘avoidance of duties’, ‘laziness’ and ‘sometimes disguised corruption’. The middle managers believed that in enforcing the WPA and ESA, the use of discretion was ‘not good’ for the sector but was largely ‘left to the individual’. Most ISCF participants of the focus group recalled using ‘discretion’ several times on their last bird shooting regulation enforcement. Few recalled the use of discretion on other occasions with the exception for minor road traffic infringements. Those who had use discretion in enforcing the WPA and ESA noted that on those occasions, they were not accompanied by personnel from NEPA or the Forestry Department.

Participants of the NEPA enforcement focus group were not of the opinion that discretion was very widely used by ISCF in enforcing the WPA and ESA. One participant remarked;

“As far as I have interaction with the ISCF it (discretion) is evident in bird shooting season. But any discretion is not unilaterally made. It is made by the team. I have never seen an ISCF member come across and say we not touching this one or I don’t think we are going this route. A situation is normally discussed and the team leader always makes a decision. We have always had good dialogue in terms of discretion.”

He was then asked how frequent was this ‘dialogue on discretion’ to which he replied “very often, every time”. He later observed that there were times in which a ticket or a warning could be issued as offenders often claimed to lack knowledge of protected animals. He also noted that the offender also had the option of applying for exemptions. From his viewpoint, ISCF personnel were ‘always very eager to arrest’ for violation of the Road Traffic Act even during joint operations. “Those guys” [referring to the ISCF] he remarked, “don’t give chance so easily... you have more chance with the red seam”. Similar sentiments were echoed by participants in the environmental focus group session. All participants recalled excessive discussions around the use of discretion on joint operations with the ISCF.

Member of the Forestry Department had similar experiences with the ISCF in terms of the use of discretion. One participant on the focus group remarked:

“I would not say that the use of discretion by ISCF in cases of breaches [of the Forest Act] is disproportionate... you have to understand that in the scheme of things a Hunter can stray into a protected area and violate... discretion must be used in these settings... there are some situations such as illegal trade. If you are having an illegal trade, in my opinion there is no discretion for that. Once you are trading in a commodity, you would have some background on that commodity...”

In another focus group session, a Forest Ranger remarked almost in a whisper,

“while we protect the forests, we disrupt people’s life and their living [livelihood]... the farmers... the man burning his coal... the woodcarver and woodworker [cabinet maker]... we have to be conscious of this... we can’t just stop people living like that...”

These statements not only confirmed the use of discretion, but suggestive that its use was often desirable if not inevitable.

Clearly, the complexities of the issues surrounding enforcement of the WPA and ESA are such that in not wanting to make errors, street-level members use discretion. It appears that discretion is not taught, but is an expected device used especially by street-level practitioners. One senior officer of the ISCF believed that discretion is not needed in most case, but it is needed to address ‘minor offences’. The ‘minor offenses’ are hunting, illegal fishing, and deforestation for farming or burning coal”. Closer examination of the ‘minor offenses’ that merited discretion revealed that they tend to

- Fall outside the traditional conceptions of crime
- Impact offenders’ business or trade
- Are largely victimless crimes

Ironically, these offences form a large portion of ISCF’s mandate. The police are not continuously trained, and sometimes the notice is inadequate from an effective operational standpoint. One participant in the junior focus group remarked that “By right you suppose to know the type of birds...every year them have charts with the different type of bird that you suppose to shoot. We are supposed to know.” Both focus groups from NEPA recalled island-wide training of ISCF personnel in Trelawny to handle crocodile. However, they said that was the ‘theory’ and commented that that they did not make much sense without the proper gear for the ‘practical’. The problems of the police are complex and this extends to those who are more knowledge to assist them. One can deduce that ignorance is sometimes discretion, and this is complicating the operational duties of junior members. These members are out rightly saying that they are less educated to address demands of WPA and ESA. One respondent used the negative to indicate the challenge they faced by saying “Well...I can’t say we are educated enough” suggesting that the inadequacies are not necessarily in result of the proper training but more in keeping with fluidity of the situation, complexity,
continuously modification, and increasingly number of offences that are required to be manned, with more attention being demanded for serious crime fighting.

The use of discretion is clearly fostering breaches, and is account for environmental destruction. One participant (environmentalist) opined that,

“The man in the field is more likely to give discretion. That is not necessarily good for the WPA and ESA. I believe that are too many discretion actions - because persons are aware that it can be use...But if we put down out foot quite early.”

The excessive use of discretion is particularly significant given it stands in sharp contrast to what is expected in a hierarchical, command and control paramilitary force endowed with mechanisms-veto points, sanctions etcetera. Second generation studies advanced that a “legally structured process crafted” with these prerequisites were one of the “sufficient and generally necessary conditions for effective implementation” (Sabatier and Mazmanian, 1980). However, they further observed, “effective implementation” also require a prerequisite, “committed and skilful implementing officials” and that changes in the socio-economic condition do not undermine the process (ibid).

Policy and implementation: When the senior respondents were asked if they had a strategic plan for enforcement of the WPA and ESA, the majority said, “yes”. One participant summarized it that it was not in a “specific form”, but included in “an overall ISCF strategic plan.” A second remarked:

“well, I did not see the need to have specific plan for that ... in terms of ... in a written form. But we have what we call an overall strategic plan. Yes it was (Consultative process). With all stakeholders including our counterparts in the JCF, ISCF, persons form the various areas...the multi-agency...NEPA, Forestry, Solid Waste, KSAC and the parish councils.”

Another remarked “I have a plan that includes both Acts. I have a wide plan but in that plan, those two Acts are included.” The strategic plan is not specifically on WPA and ESA, but a side issue. One participant (senior officer) offering another side to the strategic plan by saying “We rely on NEPA for expert advice.” From the comments, the strategic plan is not comprehensive one for senior officers and allow for room of interpretation by each senior officer, within the context of foci on serious crimes (murder, rape, shooting), particularly among the junior members.

When senior ISCF members were asked about the methods used to articulate your plans to lower level members, they all indicated a hierarchical command structure. One participant commented that “We organize seminars, on the job training...briefing... We make an overall Operation Order and then we have briefing.”

Another remarked, “We have general conference where we would discuss the plan, the CTSOs from time to time we would put up posters on the notice board for person to be aware of what is happening.” The ‘consultative’ perspective that was forwarded by the ISCF’s hierarchy is not bottom-up, but horizontally (amongst senior members and stakeholders - NEPA and the Forestry Department) and top-down (from the top through the ranks). Inputs from experiences of street-level members do not inform strategic decision-making. Rather, street-level practitioners are informed of decisions, and instructed to take particular courses of action given the operational “culture of control” (Harriott, 2000: 30; Hussey, 2008: 15) of the ISCF. However, given the complexities of enforcement, the nature of the issues, and minimal efforts placed on these issues denote that implementation is largely bottom-up.

Junior staffers are covertly pressured by the hierarchical command of the broader Jamaican society and by the officer corps to use discretion and policy implementation, therefore, are oftentimes substantially different from the intended mandate outline in Force Orders, posters, and general directives. The policies that are finally implemented are thwarted by the interpretations of the junior members, discretion and ignorance which often fed back into action. It is for this very reason the environmentalists argued for more training, collaboration with other field experts and that ISCF members be stationed in the investigatory department at NEPA.

Environmentalists from the Forestry Department and NEPA both praised the ISCF for their ‘watchful eyes’ and ‘vigilance’ in enforcing the WPA and ESA. In one elite interview, a NEPA manager commented that,

“from my interaction with the ISCF, I do see them having an obvious eye open for the breaches... I probably would give them somewhere between two or three [out of six]... the reason is not a lack of willingness. It is a matter of competence one and two, they always have some vehicle issue...we are always picking them up”

A Forestry Department manager commented in an elite interview that “we are still grateful for the efforts and vigilance of the ISCF in these [general environmental] areas.” This comment was made within the context of a comparison of efforts made by the ISCF and the JCF. “When the interviewee was asked to rate ISCF’s efforts in the enforcement of the WPA and ESA [out of 6], she said,

“for effort, four... for knowledge, about two or two and a half the most. My reason is that they will always respond when we call...they don’t always
have vehicle... we pick them up... they will come though"

Two central themes can be elicited from these statements:

- The ISCF is willing to respond to breaches of the WPA and ESA
- The willingness is dampened by its lack of resource

Important too, is what is implied. The ISCF responds to calls but hardly seemed willing or able to commit important resources (vehicle) to proactively enforce WPA and ESA. Clearly then, implementation of the WPA and ESA is impacted by a multiplicity of factors which have not been eliminated by the paramilitary command and control hierarchical structure. There is therefore a distance between intended policy and policy implementation.

DISCUSSION AND CONCLUSION

In an article published in the Jamaica Star (2010), (Serju writes that “The UNEP official [Cieux] reminded her audience that Jamaica’s 28 endemic species of birds puts us at number one in the Caribbean, while we are also home to the Giant Swallowtail, the second-largest butterfly in the world” (Serju, 2011). Christopher Serju continues that:

Cieux cited the need for greater private and public-sector collaboration to address the growing problem of land-based sources of marine pollution which continues to affect the island’s biodiversity. She raised the question of ignorance about Jamaica’s importance in the world terms of number of endemic plant species, with 30 per cent of our 200 orchid species being endemic to the island (D12)

Based on Serju’s comments, that were framed by Cieux, the Jamaica’s biodiversity is at risk because the populace is ignorant of the issues surrounding wildlife and endangered species protection and preservation. Cabinet Decision 20/2002 has stirred the ISCF into action thus attempting to respond to the risk faced by Jamaica’s biodiversity. A major shortfall is that failed to taking into account the policing culture which over time, has been shaped by factors; what the ISCF conceptualises as crime, what is important to the ISCF, ignorance of the general public, what the ISCF prioritises based on the demand of the public among others. It appears that the Decision relied heavily on the strength of the disciplinary machinery ISCF for a top-down implementation.

However, the excessive exercise of ‘discretion’ by street-level practitioners give minimal importance to hierarchical command and the entire architecture of rules, paramilitary discipline of the ISCF. The opinions expressed by street-level respondents in the various focus groups embody the challenge of street-level members that account for implementation that differ substantially from high command policy intent. It is not indicative of a soft subdued practitioner who is in collusion with environmental offenders. The implementation of policies by street-level police practitioners to some degree is a reflection of their autonomy (Lipsky, 1983); but to a larger extent the autonomy from organisational authority (Lipsky, 1983). Personal discretion was observed by environmentalists, enforcement officers and Forest Rangers is a by-product of

- Organizational authority
- Complexities of the issues
- Ignorance of police officers to the laws
- Fear

One field police participant said that “We do not know the birds [endangered species]”, and so the rational thing to do in those cases is use discretion. The exercise of discretion is so much an act of personal inadequacies but organizational incapacity, performance expectation, adverse circumstances and administrative bureaucracy (Fineman, 1998; Lipsky, 1983).

It is clear from the aforementioned arguments that ‘policy intent’ can be altered, changed and not implemented (Lipsky, 1983). If policy intent can be modified by lower level staffers, the current hierarchical level command organizational structure cannot mitigate against this reality. And this makes for a convergence of top-down and bottom-up model in policy implementation (Matland, 1995) by second generation implementation studies.

Even though street-level practitioners appear on the surface to wield limited scope for manoeuvring outcomes of enforcing the WPA and/or ESA, evidence exist that the adaptive implementation (Thompson, 1982; Maynard-Moody et al., 1990). All the senior participants in this study alluded to the hierarchical command style structure in policy formulation, yet still the executors (street-level members) are using their initiative, values, and positional power and their fear in implementation. It can be deduced from the various comments of the respondents that ISCF street-level practitioners used their socialization, biases, perception, fears and the force of organization culture and power command to influence policy outcomes.

The culture of police force (ISCF) is about ‘serious crimes.’ The allocation of more time to other offences (serious offences) and their limited knowledge is a by-product of the “interaction between the ‘field’ of policing and the various dimensions of police organizational knowledge” (Chan, 1996). Sparingly, the time spent on WPA and ESA matter by senior officers and their junior is not only influence knowledge, it is also impacting on implementation. Effective implementation is left to an elaborate and well formulated policy intent driven through an implementation phase, and continued into monitoring and evaluation and where necessary, a reformulation
phase with the benefit of “policy oriented learning” (Sabatier, 1988) from street-level practitioners.

The ISCF members can garner the requisite knowledge, expertise and competence on enforcing the WPA and ESA if there is a change in organization culture. This is critical in placing the issue on the ISCF’s priority. This may become achievable if the general public develops an appreciation for these issues and demand from the ISCF the required focus and attention similar to their demands for ‘serious crimes’.

In summary, street-level police officers continue to use discretion in adaptive implementation of WPA and ESA issues, and this extends to senior officers. The nature and complexities of enforcing the WPA and ESA, the low level of seriousness ascribed to WPA and ESA suggest that implementation is frequently modified and discretion fashions the adaptive implementation. Thus Bent (1974) puts it, and in this case, the ISCF street-level practitioner in implementing the WPA and ESA becomes that “political policy-forming administrator in miniature” This is owing to the issues arising out of the organization culture, biases, values, beliefs, fears and perspectives. The hierarchical command and the power structure determine a low level of significance to WPA and ESA and this is acted upon by street-level members.

The focus of the police on ‘serious crime’ is not to be taken as a criticism of the institution, but a reality within the number of violent crimes, especially murders. In fact, it is necessary, expected and understandably given the immediacy and extent of its impact. But if the hypothesis that excessive tolerance for minor crime leads offenders to transition into committing serious ones is to be taken, current focus on ‘serious crimes’ to the exclusion of minor one will become a work in futility. Consequently, what is critical is a change in what the ISCF conceptualizes as ‘serious crime’ and, by extension, the victim of these crimes. It requires much more than high command’s rhetoric of ‘our mandate’ to more concrete cultural change. This is particularly difficult given the level of public ignorance and that it is this public that most likely makes demands on the organization thus fashioning its priority and operational postponability.

The hierarchical and power theoretical frameworks (Ahl and Allen, 1996; Lupia, 2001) underpinning this paper apply to the extent that they attempted to provide an understanding of the command and control paramilitary structure of the ISCF. In particular, the hierarchical theory showed that decisions are made at the apex and instructions disseminate down the chain of command for implementation by successive ranks. At the same time, power (elite theory) perspective suggests that at the lowest level, instructions must be complied forthwith and discipline is maintained through coercion, threat and subjugation of personal initiatives, creativity and wit. One basic assumption is that information resides at the apex of power.

However, and playing a dominant role is the constructivist/interpretive framework that put into perspective the whys of policy implementation in the ISCF. This perspective highlights how different actors add meanings and what made practical sense for action. Interpretation at the apex of the hierarchy meant embracing Cabinet Decision 20/2002 which is expressed in terms “our mandate”. As one moves down the hierarchy, Cabinet Decision 20/2002 took on different interpretations with the ‘our mandate’ rhetoric dissipating into day to day issues. At the lowest level, Cabinet Decision was morphed by street-level practitioners’ interpretation and how they constructed meanings. This puts into perspective the whys of implementation of enforcement of the WPA and ESA. The outcome represents the quintessential policy of enforcing the WPA and ESA.

In summary, junior police officers continue to use discretion in adaptive implementation of WPA and ESA issues, and this extends to senior officers. Because of the nature and complexities of cases and the low level of seriousness ascribed to WPA and ESA matters by the hierarchy, implementation is frequently modified and discretion fashions the adaptive implementation. The aforementioned issues arise out of the organization culture, biases, values, beliefs and perspectives of junior staffers. The hierarchical command and the power structure determine a low level of significance to WPA and ESA, and this is acted upon by junior staffers.

Appendix

List of protected species:

- Red-billed Streamertail Humming Bird (Doctor Bird) (Trochilus polytmus, Jamaica’s National Bird)
- West Indian Whistling Duck (Dendrocygna arborea)
- Jamaican Iguana (Cyclura collei)*
- Jamaican Boa (Yellow Snake) (Epicrates subflavus)*
- Jamaican Huria (Coney, Mountain Rabbit, Wild Guinea Peg) (Geocapromys brownii)!
- West Indian Manatee (Sea Cow) (Trichechus manatus manatus)!
- American Crocodile (Crocodylus acutus)!
- Hawksbill Turtle (Eretmochelys imbricate) *
- Green Turtle (Chelonia mydas)
- Loggerhead Turtle (Careta caretta)
- Leatherback Turtle (Dermochelys coriacea) *
- Staghorn Coral (Acropora cervicornis) *!
- Elkhorn Coral (Acropora palmate) *!
- Black Coral (Antipathes gracilis) !
- Gian Swallowtail Butterfly (Homerus Swallowtail)
- Yellow-billed Parrot (Amazona collaria) !
- Black-billed Parrot (Amazona agilis) !
- Ring-tailed Pigeon (Patagioenas caribaea) !
- Blue Swallowtail Butterfly (Jamaican Kite) (Eurytides marcellinus) !
- Jamaican Blackbird (Nesospars nigerinus)
- Black-billed Streamertail Hummingbird (Trochilus scitulus)
- Jamaican Petrel (Pterodroma caribaea) *x
- Jamaican Flower Bat (Phyllonycteris aphylla)
- Blue Mountain Stream Eleuth (Eleutherodactylus occulti) *x
- Caribbean Monk Seal (Monachus tropicalis) *
- Jamaican Monkey (Xenothrix megeregon) *
- Jamaican Giant Galliwasp (Celestus ocellatus) x

*Critically Endangered status; Vulnerable Status; Specie thought to be Possibly Extinct; *: Species is Extinct; Source: Jamaica’s Wildlife Treasures, NEPA (2009)
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End Note:
1: There have been studies such as Grindle and Thomas J. (1991); Chan, 1996; Brinkerhoff, 1996) that were conducted outside the United States and Western Europe (O'Toole, 2000).
2: O'Toole Jr. noted for example, that “implementation problem has been reconceptualized in somewhat different fashions, and work has proceeded along a number of parallel, overlapping, and highly relevant lines of research (which) promise to expand knowledge about converting policy into action…” (p. 5).
3: The point here is that within the power distance arrangement, those closer to the source of power have (or, is assumed to have) critical information that other do not (or, at least, assumed not to) have. “The availability of information and access to it has long been associated with power… [I]n developing countries, information, critical in the decision-making process, is generally in short supply and is often unreliable” (Holstede, 1983).
5: The internal mechanism for disciplining members may be described as a quasi judicial process ranging from Orderly Rooms for minor offences such as being late for duties to Courts of Enquiry (Disciplinary Boards) which adjudicate more serious ones.
6: The term is not synonymous with ‘policing a community’. Trojanowicz and Bucqueroux (1998) said that it is “based on the concept that police and private citizens working together in creative ways can help solve contemporary community problems relating to crime, social and physical disorder and neighborhood conditions” (p.3). The approach is described as decentralized, problem-solving and often effected with the assignment of Community Policing Officers (CPOs) to specific communities where they are free innovate ways to address crime-causing situations with the input of the community. See also, Oliver (2000) observation that “If a police agency attempts to implement community policing while retaining the traditional paramilitary structure, chain of command, procedures and continues to utilize an authoritarian style of top-down management, community policing will be destined to fail” (p.211) and Headley (2001) remark that “Community policing is not top-down. In traditional policing, the power to make decisions… resides in the centralized authority of the police command… [C]ommunity policing decentralises decision-making, opening departments and structures so that new ideas can surface” (Daily Gleaner, 1973).
7: There have been incidents of crocodile attacks in Jamaica. However, the reptile which is described as shy and rare (largest wild animal found in Jamaica and one of the oldest living animal in the world) has been affected by loss of habitat resulting from commercial and residential development (Jamaica’s Wildlife Treasures, NEPA, 2009).
8: In terms of effort by the JCF, both organizations were confident that enforcing the WPA and ESA has not attracted their interests. One members between several bouts of laughter said “you mean the red seam… they don’t bother with environmental issues… we don’t call them because they had never responded [to previous calls].”