

INTRODUCTION

The concept of Law and Order generally refers to those rules, normal and enacted, that govern a community. The basic function of the law is to control activities of members within a society, and thus there is little doubt that within that context, it is bound to have a major effect on every aspect of life. Although the law itself can be classified into many different categories and sub-categories, for the purpose of this paper, the concept of law and order will generally refer to the civil and criminal jurisdictions; and those institutions that are directly responsible for administration and enforcement. Within the BVI, the Royal Virgin Islands Police Force, the Courts, and Her Majesty's Service Prison are the institutions that administer the criminal justice system. These establishments are linked with each other and therefore their collaboration is crucial to the effective operation of the judicature. The Police are directly responsible for the maintenance of law and order, and in most cases, is the agency of first resort, when criminal offences occur. The Courts dispenses justice based on evidence provided by the Police. HMS Prison is responsible for the correction and rehabilitation of those offenders committed to it's custody by the Courts.

INSTITUTIONAL FRAMEWORK

a) ROYAL VIRGIN ISLANDS POLICE FORCE

The major duty of the Royal Virgin Islands Police Force is to provide protective and disciplinary services by effectively administering the laws of the territory. Simultaneously, the Force is committed to improve the quality of professional services provided to the public. The Police Force is subject to annual inspection by the Inspector General's Office in London, UK. And whereas over the years the structure of the Force has remained relatively constant, in 1996 the Inspector General recommended that a review be carried out with a view to improve the overall organization of the policing system. In 1998 – 1999, a team of consultants including two local counterparts devised an organizational structure that basically allows for the introduction of specialist positions and eliminated the occupation of civilian positions by police. The new structure will allow for the addition of additional posts and will be implemented over a two-year period (2000 – 2001).

The department is headed by the Commissioner of Police and he in turn is assisted by a Deputy Commissioner. The Force has been dimensionally structured to accommodate three divisions. Each division has distinctive functions and is headed by a Superintendent. The divisions are as follows:

(I) Community Policing:

This section is in charge of police response and deployment throughout the territory. Specific functions include:

Police Stations:

The Headquarters of the Royal Virgin Islands Police Force are located on the Waterfront Drive, in Road Town and is the administrative center of the Force. The main station, Road Town Police Station is located at John's Hole (Road Town) and serves as the base station for the entire network of stations. Other regional stations in Tortola are located in West End, East End, and Cane Garden Bay. The East End Police Station is currently also responsible for providing police coverage to Her Majesty's Prison and the Beef Island Airport. Sister island stations are located at The Valley, North Sound Virgin Gorda, and Anegada and Jost Van Dyke.

Police housing barracks are located at all of the regional stations and the station at the Valley, and partial accommodations are available at the sub-stations in North Sound, Anegada and Jost Van Dyke. Barracks are occupied mainly by single officers and in stations like West End and East End where 24 hour coverage is not possible, then officers are required to live in the barracks on a 3 day shift.

Crime prevention/Community Relations:

One of the functions of officers in this section is to educate the general population about Police Force as well as potential criminal activities and methods of prevention. Officers often visit schools and civic organizations and give presentations on such topics and issues. Additionally officers maintain public order via Beat and Patrol, in which officers provide mobile and foot patrol. There are currently four (4) shifts operating in Road Town and surrounding areas, and a limited shift in Virgin Gorda. Officers also patrol hotels at dinnertime when guest rooms are most vulnerable, beaches and other recreational areas, and maintain contact with taxi associations and security companies. The Force has also instituted a Cash Protection programme in which officers escort cash to and from banks.

Tactical Response:

The main function of this unit is the suppression of firearm related incidents within the Territory. The unit is comprised of two shifts and provides assistance to any department. It conducts armed mobile patrols, which includes stop and search and roadblock operations against the public. Additionally the Tactical Unit may be required to respond to incidents such as bomb threats and other incidents that may require an armed presence.

Traffic control

The Traffic Police are responsible for the control and regulation of vehicular traffic, particularly during peak hours. They are also responsible for the investigation of traffic accidents and reporting of traffic violators. Officers may patrol the streets with specialist vehicle fitted with Vascar computer and radar gun capable of detecting speeds of any motor vehicle exceeding the speed limit.

(II) Specialist Operations:

This section deals with

(i) The Criminal Investigations Department (CID) – which is further sub-divided into:

- *Criminal Investigations (General)*
- *Family and Juvenile Unit:*
a special unit that works closely with the Social Development Department and Women's Desk, and other agencies and is responsible for investigating offences against women and children. Its particular responsibility is to enforce the Juvenile Offenders Act.
- *Criminal Records / Intelligence:*
A special unit that is responsible for the preparation and storage of criminal records and for gathering, collating and disseminating information to Police operations. It is also linked with INTERPOL, a worldwide police organization
- *Forensic Support:*
This unit provides critical support in the identification and detection of criminals.
- *Major Crime Unit:*
Investigates all serious crimes such as murder, assault and armed robbery.
- *Prosecutions:*
This unit is responsible for the prosecution of summary cases and in some cases handling of preliminary inquiries in indictable cases in the Magistrate's Court.

(ii) Financial Investigations

Headed by an Ag. Inspector from the UK Force, this specialist department's function is to investigate all incidents of commercial fraud and money laundering. The unit works closely with personnel from the Department of Financial Services to maintain the integrity of the BVI's Financial Services.

(iii) Drug (Squad) Unit

A specialist unit assigned to investigate and intercept drug trafficking and other related activities as per the Drug Trafficking Act. This unit is further subdivided into three sections, Drug Unit, Aircraft, and Drug Intelligence.

(iv) Marine Shore Base

The Marine Shore Base is responsible for patrolling local waters for purposes of transporting Officers and other authorized personnel, conducting rescue missions and drug seizure activities, interception of illegal aliens entering the BVI, protection of marine based resources from illegal and un-authorized activities and training activities. The unit works closely with local organizations such as VISAR (Virgin Islands Search and Rescue) and personnel remain on 24-hour standby for Search and Rescue incidents. Located at Road Reef on the outer edge of Road Town, the base is designed to accommodate the Police Marine Branch and ancillaries. Accommodation is available for a crew of 5 (one sergeant and four officers) The police boat, The St. Ursula, is the main sailing vessel used to carry out all these functions, **though** a second boat was recently commissioned by the Force. The second sailing vessel is still being outfitted with specialist equipment including radar and it will be fully operational in early 2000.

(v) Air Patrol

In conjunction with UK Police Force (?), this unit routinely carries out air surveillance in the BVI. This unit works closely with the Marine Branch and surveillance missions cover the sea approaches to the islands, coastlines of and inland areas. Patrols are flown at dawn, weekends and evenings/nights.

(III) Management Services:

This division employs mainly civilian personnel, and provides invaluable administrative support services to the entire Police Force. The division is comprised of the following sections:

- Personnel and Training
- Finance / Accounting / Registry
- Communications / Information Technology
- Facilities Management (including procurement, buildings and maintenance workshops)

TABLE 1-1 ROYAL VIRGIN ISLANDS POLICE FORCE

<u>Established Employees</u>	Qty
Commissioner of Police	1
Deputy Commissioner of Police	1
Superintendent of Police	3
Chief Inspector (paid for by FCO)	1
Chief Inspector	4
Inspectors	19
Station Sergeant	5
Sergeant	41
Constables	92
Senior Accounts Officer	1
Senior Executive Officer	1
Executive Officer	2
Clerical Officer	6
Data Entry Clerk	2
Clerical Trainee	4
<u>Non-Established Employees</u>	
Maintenance Worker	1
Labourer	1
Local Constable	2
Cleaner	6
Auxiliary Police Officer	8
Traffic Wardens	11
Total:	212

(b) COURTS OF LAW

The Laws of the British Virgin Islands are those of the Common Law of the United Kingdom and locally enacted legislation. The BVI jurisdiction is administered by the Eastern Caribbean Supreme Court, the High Court of Justice, and the Magistrate's Court. The Attorney General is the principal law officer. In the BVI, there resides one Magistrate and two (2) Puisne Judges while the Judges of Appeal visit for sittings of the Appeal Court. Judges are appointed by the Chief Justice of the Eastern Caribbean Supreme Court.

The courts are responsible for the administration of justice; accordingly, based on evidence accepted, they determine guilt and impose penalties according to the laws applicable. The administration and operation of the courts and the judicial system as a whole is the responsibility of the Governor. Some of the responsibility also rests with the Deputy Governor. The Judicial and Legal Service Commission advises the Governor on the appointment to all posts requiring legal qualifications. The Commission is comprised of the Chief Justice, the resident Puisne Judges, and the chairman of the Public Service Commission. In addition, the Governor consults with the Prerogative of Mercy Committee before exercising his powers to vary sentences or pardon convicted criminals.

The Eastern Caribbean Supreme Court

The BVI is a member of the Eastern Caribbean Supreme Court system. This is a superior court of record and consists of a Court of Appeal, comprising the Chief Justice as President and three Justices of Appeal, and a High Court of Justice, comprising the Chief Justice and nine Puisne Judges. The Chief Justice sits as the President of this Court. The Court is an itinerant court and in the BVI, criminal and civil appeals from the High Court Justice, the Magistrate's Court and the Juvenile Court are heard in January and June. In certain cases there is also a further appeal from the Court of Appeal to the Judicial Committee of the Privy Council in England that is the final Court of appeal for most Commonwealth Caribbean countries. In order to appeal to the Privy Council, permission in the form of a "leave of appeal" must have been granted by the Court of Appeal. The Privy Council is comprised of five (5) judges selected from the highest courts in England.

The High Court of Justice (Supreme) Court

This court has a criminal and civil jurisdiction with a Puisne judge presiding over assizes during the months of March and October. Special sittings for the hearing of civil cases are also held during the year. During cases of civil jurisdiction there are no limits in monetary value. The High Court also has jurisdiction in Family Law, and therefore presides over matters such as divorce, property settlement, custody hearings etc. Additionally the High Court has jurisdiction in land matters, matters involving Companies and Financial Services as per the IBC Act and Admiralty Law.

Magistrate's Court

The Magistrate's Court, of both civil and criminal jurisdiction, hears and determines all complaints on information for summary and civil cases involving sums of not more than \$10,000 in the contract and up to US \$10,000 in tort. Additionally the Court has jurisdiction over granting of liquor licenses as per the Licensing Act, handles matters involving the salvage and wreck of ships within BVI waters, and also presides over domestic offences as prescribed by the Domestic Violence Act of 1996. The territory is a single magisterial district and the jurisdiction of the Court is administered by the Magistrate's Code of Procedure Act.

Juvenile Court

The Magistrate and two assessors preside over the Juvenile Court. Juvenile cases are often criminal in nature and involve offenders that are considered minors i.e. 16 years or younger.

The Attorney General

Under the Virgin Islands Constitutional Order, the Attorney General is established as the principal legal adviser and legal representative of the government. Other functions include the preparation of legislation, the prosecution of persons accused of criminal offences, the defense and prosecution of civil actions against the Crown. The Attorney General also occupies a seat at the Executive and Legislative Council meetings and serves on the Prerogative of Mercy Committee.

**Table 1 – 2:
LEGAL DEPARTMENT AND THE COURTS**

SUPREME COURT	Qty
Established Employees	
Registrar	1
Deputy Registrar	1
Court Administrator	1
Administrative Officer	1
Senior Executive Officer	2
Clerical Officer I/II/III	2
Clerical Trainee	3
Bailiff	3
Court Clerk II	2
Senior Court Reporter	1
Court Reporter I	2
Court Reporter II	2
Non-Established Employees	
Office Cleaner	2
Security Officer / Watchman	1
Total	24

<u>MAGISTRACY</u>	Qty
Established Employees	
Magistrate	1
Administrative Officer	1
Senior Executive Officer	1
Executive Officer	2
Bailiff	2
Accounts Officer	2
Clerical Officer I/II/III	2
Clerical Trainee / Messenger	1
Non-Established Employees	
Office Cleaner	1
Total	13

<u>LEGAL DEPARTMENT (ATTORNEY GENERAL'S CHAMBERS)</u>	Qty
Established Employees:	
Attorney General	1
Director of Public Prosecution	1
Parliamentary Counsel	1
Assistant Parliamentary Counsel	1
Senior Crown Counsel	3
Crown Counsel	2
Legal Drafting Clerk	1
Administrative Officer	1
Senior Executive Officer	2
Executive Officer	2
Clerical Officer I/II/III	3
Secretary / Stenographer I	1
Clerical Trainee / Messenger	1
Total	20

(c) **HER MAJESTY'S PRISON SERVICE**

Her Majesty's Prison Service is responsible for the administration of sentences of all offenders sentenced to imprisonment and for the custody of all those committed by the Courts. This responsibility includes the management of rehabilitation and work release programs.

The Prison is located at Balsam's Ghut on the eastern end of Tortola. It is a fairly new unit, having been the result of recommendation by Her Majesty's Chief Inspector of Prisons during his review of prisons in the British Virgin Islands and other Dependent Territories in 1989 and 1991. The facilities were constructed in 1996-1997 is designed with separate facilities for female prisoners, limited high security section for violent inmates, drug traffickers. These include prisoners that were transferred from Monsterrat as a result of the volcano crisis. The entire system is based on a "farm-camp" concept with relatively low security and good provision for work by inmates. The Prison is commanded by a Superintendent of Prisons who in turn is assisted by a Deputy Superintendent and Prison Officers. The Prison Service falls within the portfolio of the Ministry of Health and Welfare, but the Superintendent is directly accountable to the Governor.

Rehabilitation Programme:

The HMS Prisoner rehabilitation is designed to assist prisoners to live a positive and productive life while in prison and after their release. The programme's activities are organized into five (5) categories, mainly:

- Work release of prisoners
- Vocational skills and trade
- Prison Farm
- Education of prisoners
- Recreation

And is supervised by a principal officer who is responsible for the budget, purchase of supplies, collection of receivables and record keeping for all activities. Other specific objectives of the programme are:

- To increase the number of work opportunities available to prisoners with little or no budget increase;
- To create an outlet for the sale of goods;
- Provide educational and learning opportunities;
- Pay prisoners for goods and services provided to the public;

(i) Work Release:

This is an approved programme that permits convicted prisoners to be given conditional releases for paid daytime employment in the custody of a civilian employer. Participation is based on the security category of the prisoners, their behavior, and their aptitude. Prisoners who fall under categories A and B work within the secure perimeter fence of the compound, while those serving 5 years or more with good behaviour are placed in categories C and D, and are permitted to participate in outside work programmes. Activities include the cleaning of Government buildings, the Court House, Government cemeteries, playgrounds and other requested assignments. Additionally, there is a craft project that employs prisoners as well. This project allows prisoners to manufacture furniture and other items of craft as well as the repair of similar items.

(ii) Vocational Skills / Trade:

Currently, activities under this programme include tailoring, carpentry, and silkscreen printing etc. The programme is not staffed with prison personnel but rather prisoners with skills are organized to provide training opportunities to those without skills. In the case of carpentry and tailoring, for which qualified personnel are recruited to provide instruction.

(iii) Farm:

The entire prison scheme is based on a “farm-camp” concept and as such the establishment of an agricultural farm at the HMS Prison is an integral part of the rehabilitation process. Currently a farm exists on approximately 3.5 acres of land and prisoners are actively involved in the rearing and production of animals such as pigs, chickens, rabbits, and goats and in ground provisions, cabbage, okra, carrots etc. and the manufacture of charcoal. Apart from providing a source of income for prisoners, the farm provides an added benefit in that the Prison’s food budget is reduced as a result of internal consumption of the produce. Farm work is supervised by an officer with a background in Agriculture.

(iv) Education:

Currently, a qualified teacher provides instruction in Woodwork (practical and theory), English, Mathematics, Social Studies, Computer Studies and other areas. Although class attendance by prisoners is not legally mandatory, it is encouraged by administrators, as it is viewed as one of the essential tools that prisoners will need when building a productive life outside the Prison. Some prisoners are even allowed to take regional examinations such as Caribbean Examination Council exams (CXC) and high-school equivalency exams like the General Education Certificate (GED).

(v) Recreation:

Each prisoner is allowed one hour for sports and recreational activities daily. Activities may include basketball, weight lifting, table tennis, board games etc. Remanded and convicted prisoners are allowed to exercise separately.

Association and Membership with Regional and International Organisations:

Her Majesty's Prison Service is a member of the Commonwealth Correctional Service, which meets every two years. The BVI benefits from ideas discussed at these meetings including international correction, legal procedures, program development, human rights, and management, training and security development for different categories of prisoners.

Table 1-3:
HER MAJESTY'S PRISON SERVICE

Established Employees:	Qty
Superintendent of Prison	1
Deputy Superintendent	1
Teacher Grade III	1
Matron	1
Principal Officer	3
Prison Officer II	16
Prison Officer I	13
Senior Assistant Nurse	1
Senior Executive Officer	1
Clerical Trainee	1
Non-Established Employees:	
Prison Officer I	7
Tailor	1
Maintenance Officer	1
Cook	2
Total	50

LAW AND ORDER AND THE ECONOMY

Within the BVI, the existence of laws plays an important role in the social and economic development of the territory. Effective legislation and other regulatory controls are an important part of the BVI's appeal on the international market. This is particularly true in areas regarding the attraction of investment to the local economy. With key economic sectors such as Financial Services industry, the government has been insistent in ensuring that legislation and other policy measures are put in place to protect and enhance the attractiveness and competitiveness of the Territory's offshore industry while simultaneously adhering to international codes of conduct. But perhaps, at a more fundamental level, laws were basically put in place to safeguard and maintain the civil liberty with in a society, both on a collective and individual basis. And the role of the government lies not only in the creation of these laws but also in ensuring their proper enforcement via the establishment of relevant infrastructure (physical, human etc.).

a) Recurrent Expenditure on Law and Order:

The BVI, when compared to other countries enjoys a relatively low crime rate, and this is due in part to the efforts of the BVI Government in terms of ensuring that and over the past decade, substantial amounts have been expended on the maintenance of law and order within the territory. For the period 1990 – 1998, total expenditure amounted to \$59,130,488. When compared annually it can be shown that expenditure on law and order has steadily increased over the decade, from an initial amount of \$3,127,497, in 1990 to \$9,001,057 in 1999, an increase of more than 100%. Of the total amount, \$41,661,639 (70.5%) was allocated to Personal Emoluments and Wages, \$15,863,240 (26.8%) to Other Charges and \$1,605,609 (2.7%) to Special Expenditure.

Of the total recurrent expenditure amount, \$37,544,489 (63.5 %) was expended by the Police Department alone. The Courts with \$8,543,819, Legal \$1,217,568 and Prison, \$7,747,489 accounted for 14.4 %, 9 % and 13.1 % respectively.

Personal Emoluments and Wages are by far the largest components of total expenditure on Law and Order, and within this area, expenditure by the Police Department (\$28,660,802) accounts for more than 70% alone. The proportion is attributable to the fact that of all the departments, the Police have registered the most rapid growth with respect to salaries and wages on staff. (established and non-established) The total amount has increased from a total 100 in 1990 in which some \$1,643,716 was paid in salary and wages; to 212 positions and payments of \$4,082,429 by 1999. Of the positions, the majority of which were recruitment of police officers particularly between 1989 and 1992 at which time, period of heightened criminal activity. Also, a salary review and increase for civil servants was implemented in 1995, and this too has contributed to the large expenditure share exhibited by the Police. In terms of recurrent expenditure on Personal Emoluments alone, the Force is ranked as the third largest expenditure head, outranking most departments and even Ministries. The only exceptions being Education (1st) and Hospital Services (2nd). With an annual total expenditure of approximately \$5.5m in 1999, the Royal Virgin Islands Police Force is listed as the sixth largest recurrent expenditure head in the entire BVI Government.

Total expenditure on Law and Order accounts for approximately 7% of total annual Recurrent Expenditure by the BVI Government.

Table 2-1

CURRENT EXPENDITURE ON LAW AND ORDER 1990 - 1999

Budget Item	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	1990-1999
Police											
Personal Expenditures	1,620,318	1,898,321	2,036,648	2,260,933	2,750,835	3,144,029	3,341,807	3,557,808	3,674,509	3,857,117	28,142,330
Grants	23,398	25,534	26,529	26,600	29,119	34,076	41,853	49,714	36,342	225,312	518,447
Other Charges	322,217	384,919	443,554	593,997	601,668	918,842	1,135,826	1,252,902	1,324,055	1,431,539	8,409,550
Special Expenditure	42,731	42,731	8,000	101,382	63,289	48,872	0	58,571	62,866	45,726	474,101
Total	2,008,664	2,351,505	2,514,731	2,982,912	3,444,911	4,145,819	4,519,486	4,918,995	5,097,772	5,559,694	37,544,418
Courts											
Personal Expenditures	205,988	225,247	218,934	255,888	322,836	350,088	461,208	580,595	633,329	664,727	3,918,800
Grants	9,957	9,206	9,359	10,086	14,480	14,309	29,674	28,830	34,376	35,630	195,901
Other Charges	243,368	312,953	278,974	316,761	326,137	244,343	542,521	536,453	568,061	626,513	3,996,000
Special Expenditure	4,960	6,611	41,186	0	38,675	3,102	46,563	149,416	117,475	25,000	432,901
Total	464,273	554,017	548,453	582,735	702,128	611,842	1,079,966	1,295,294	1,353,241	1,351,870	8,543,802
Legal (Att. General)											
Personal Expenditures	173,001	240,246	260,723	325,059	346,696	340,084	419,286	465,183	505,866	550,768	3,626,900
Grants	3,654	4,230	7,798	7,789	0	0	0	0	0	0	23,400
Other Charges	46,068	78,996	114,135	130,509	121,115	71,439	171,687	173,165	148,447	162,007	1,217,500
Special Expenditure	25,792	170,821	136,853	358	8,534	10,170	14,034	60,178	0	0	426,700
Total	248,515	494,293	519,509	463,715	476,345	421,693	605,007	698,526	654,313	712,775	5,294,600
Prison											
Personal Expenditures	273,561	283,566	286,517	281,014	327,999	359,317	383,079	575,009	740,558	755,412	4,266,000
Grants	25,057	37,892	53,567	62,855	94,868	110,456	161,569	125,118	147,478	150,815	969,600
Other Charges	104,674	162,795	124,876	136,847	168,744	173,386	228,884	257,138	432,017	450,708	2,240,000
Special Expenditure	2,753	15,000	5,000	0	2,195	0	0	212,477	14,505	19,783	271,700
Total	406,045	499,253	469,960	480,716	593,806	643,159	773,532	1,169,742	1,334,558	1,376,718	7,747,400
Total Expenditure	3,127,497	3,899,068	4,052,653	4,510,078	5,217,190	5,822,513	6,977,991	8,082,557	8,439,884	9,001,057	59,130,418

Table 2-2: Established and Non-Established Workers (1990 - 1999)

Department	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Police										
Established	100	129	129	142	160	163	175	176	180	183
Non-established	0	6	6	6	6	7	17	18	18	29
Sub-total	100	135	135	148	166	170	192	194	198	212
Supreme Court:										
Established	13	11	8	10	18	14	20	20	21	21
Non-established	0	2	2	2	2	2	3	3	3	3
Sub-total	13	13	10	12	20	16	23	23	24	24
Magistrate Court:										
Established	6	7	7	7	7	7	11	12	12	12
Non-established	1	1	1	1	1	1	1	2	2	2
Sub-total	7	8	8	8	8	8	12	14	14	13
Legal:										
Established	10	13	17	16	17	17	17	18	18	20
Non-established	1	1	1	2	2	0	0	0	0	0
Sub-total	11	14	18	18	19	17	17	18	18	20
Prison										
Established	19	19	19	20	20	20	29	30	39	39
Non-established	0	0	7	8	9	9	9	9	11	11
Sub-total	19	19	26	28	29	29	38	39	50	50
Total Established	148	179	180	195	222	221	252	256	270	275
Total Non-established	2	10	17	19	20	19	30	32	34	45
Total	150	189	197	214	242	240	282	288	304	319

Employment

For the period 1990 to 1999, the number of employee positions within the Law and Order has increased from a total of 150 in 1990 to 320 in 1998, an increase of more than 100%. Employees within the Police Department accounted for the largest share of workers, approximately in 66% in 1999; whereas Supreme Court, Magistracy, Legal and Prison account for 7.5%, 4.3%, 6.3% and 15.6% respectively. Whereas institutions such as the Courts and Legal Department have shown moderate increases their staff complement over the review period, institutions such as the Prison more than doubled its staff, adding a total of 31 posts over the review period. This increase in staff due mainly to the increase in the number of prison inmates and the subsequent construction and commissioning of the new facilities at Balsam's Ghut in 1996 – 1997. Likewise, the Police, added a total of 112 positions to their staff complement again, representing an increase of more than 100% over 1990 figures. This included the transfer of some 11 Traffic Warden posts from Vehicle Licensing, Ministry of Communication and Works in 1999.

Additionally with the restructuring of the Police Force, an additional 38 positions are expected to be added over a two-year period 2000 – 2001. Employees in Law and Order account for approximately 16% of the total BVI Public Service employees¹.

Revenue:

There is a direct flow of revenue from fines and forfeitures resulting from prosecutable activities in the Magistrate's Court. This includes fines for forfeitures, compensation, civil suits, commitment warrants, and bail and traffic offences.

Revenue \$ (Actual)	1995	1996	1997	1998	1999
Fines, and forfeitures	265,000	227,000	125,000	221,874	142,705

Additionally the HMS Prison Service also receives some revenue from payments made for its prisoner's work release and from the sales of crops, animals and other goods produced via the Farm project and the Vocational Skills programme. For the first and second quarters of 1999, the HMS Prison deposited revenue in the amount of \$6,440.

b) Capital Expenditure on Law and Order:

Table 3

<u>Project</u>	<u>Capital Cost</u>	<u>Source of Financing</u>
Police Marine Shore Base, 1993	350,000??	UK and Local
Justice Facilities Improvement, 1993	900,000	UK and Local
Renovation of Magistrate's Court, 1994	156,000	Local
Renovation of Road Town Police Station, 1994	130,000	
Police Barracks	958,411	UK and Local
Balsam Ghut Prison, 1995 - 1996	3,900,000	UK and Local
Second Judge's Residence, 1997	354,804	Local
Renovation of Police Sub-station – Virgin Gorda, 1998 ♦	123,119	Local
Police Facilities – Firing Range, 1999*	50,000	Local
TOTAL CAPITAL EXPENDITURE:	6,922,334	

Capital expenditure for the ten-year period has been mainly centred on projects involving the physical upgrade or expansion of facilities with financing being split between local and UK funds. Of the nearly \$7m in total expenditure, 21% was expended on capital improvements for the Police Force, 23% on the courts and related infrastructure and more than half (56%) was allocated towards the construction of new prison facilities in Balsam's Ghut. All maintenance and other associated costs will be borne by the BVI Government. However in addition to physical improvements, there is also a human resource development component as well.

¹ There are currently, approximately 2000 employees within the BVI Civil Service.

♦ Project is incomplete, will continue 2000-2001

Under the management of the Deputy Governor's Office, there is a UK financed Police Training Scheme through which specialized training in a variety of fields for Police Officers takes place. The cost of training (initiation) for newly recruited Police Officers is also borne by the UK Government, but it has already been indicated to the Police Force, that in the near future, recruit training, may have to be financed entirely from local funds. Some training for Prison Officers is also financed through the capital budget with cost sharing from agencies such as Dependent Territories Regional Secretariat (DTRS).

POLICIES AND STRATEGIES

POLICE

The Royal Virgin Islands Police Force is in the process of developing a 5 – 10 year construction programme. Some of the areas slated for improvement are as follows:

Virgin Gorda Police Station:

The police sub-station located at the Valley, Virgin Gorda is currently undergoing renovation and extension work. The project, commenced in 1999, is being financed locally, and includes replacement of roof, addition of ramp for wheel chair access, addition of an Inspector's office, new holding cells, a waiting area, canteen area, new bathrooms and a new generator. Construction is expected to be complete by April 2000.

Jost Van Dyke Police Station:

In keeping with Government's developmental plans for this island, a new facility, including barracks is scheduled for construction in the future, probably in 2001. The project is still in the preliminary stages of development with architectural drawings to be developed and the Commissioner has already dialogued with the Public Works Department and other relevant agencies with respect to advancing the project. Once completed, this building will serve as a model station for all future stations throughout the territory.

East End Police Station:

The existing police facilities are currently shared with the East End Post Office, and in order to cope with the growing demand of the surrounding community, Police facilities must be separate and expanded. Currently, the Officers at this regional station are required to police both the Prison and the Beef Island Airport and as such, proper facilities are a priority for effective operations. Like the Jost Van Dyke Station, this project is still in the preliminary stages of development, with architectural drawings, costs and other design issues to be worked out. It is hoped that construction can commence by 2001.

Beef Island Airport:

As stated earlier, the Airport is currently policed by Officers at the East End / Long Look Police Station. In the past, there were plans to establish a separate station at this site, but with the commencement of the Airport Development Project which includes terminal and runway extension as well as landside infrastructure, slated to be completed by 2001, the entire issue of providing a Police presence at the new facilities will have to be re-addressed. It will most likely be dealt with as a separate issue in the Airport Management Study slated for execution in 2000.

Firing Range:

This facility will be located next to Her Majesty Prison in Balsam's Ghut and replaces the antiquated facility at Deadman's Chest Island which is only accessible by sea. Outfitted with practice walls, storage facilities, bathrooms and other amenities, the new facilities will allow Officers to improve their skills with respect to handling and discharge procedures for firearms. Work on this project commenced in 1998, and to date the Earthworks have been completed. The project which is expected to cost approximately \$150,000 is expected to be completed by the end of 2000.

**Royal Virgin Islands Police Force
Public Sector Investment Programme
2000 – 2002:**

Projects	2000	2001	2002	Notes
Projects for which Aid funds are approved:				
Police Training Schemes	38,350	30,000	25,000	UK funded training scheme for officers.
Projects for which funding is envisaged:				
Police Facilities	0	450,000	960,000	Provisional estimate for additional Police facilities.
Police Sports Complex	0	150,000	0	Recreational activities for Police.
Police Launches	0	900,000	0	Procurement of additional boat- mini-boat for Jost Van Dyke.
Police Posts	0	625,000	625,000	Construction of posts in N.Sound, Beef Island, Cane Garden Bay and East End.
Virgin Gorda Police Station	0	150,000	0	Construction of sub-station and marine post at Gun Creek, North Sound, Virgin Gorda.
Police Headquarters	0	100,000	800,000	Provision for the construction of Police Headquarters, Road Town inclusive of parking.
Police Garage / Workshop and Bathroom	0	225,000	0	Police Garage with hoist to facilitate repairs and maintenance with upper floor to serve as Police Band area.
Computerization of Royal Virgin Islands Police Department	0	442,100	681,501	Phased programme to computerize the Royal Virgin Islands Police Force.
Police Station - Jost Van Dyke	0	250,000	0	Provisional estimate for the construction of a police facility.
Projects financed locally:				
Renovation of Virgin Gorda Sub-station	81,086	0	0	
Police Facilities - Outdoor Firing Range	100,000	0	0	To construct an out-door firing range.
Total:	219,436	3,292,100	3,066,501	

Source: BVI Budget Estimate: 2000
Treasury Statement 1/2000

ROAD SAFETY PROGRAMME:

One area of major concern to the BVI community is that of traffic safety, particularly as it relates to the rising number of traffic accidents that occur within the Territory. Data from the Traffic Department indicates that a total of 2,161 traffic accidents occurred in the BVI between 1998 and 1999. This amounts to approximately 20 accidents per week, over a two-year period and as such in an effort to curb the occurrence of accidents, the Royal Virgin Islands Police Force will be embarking on a programme of Road Safety. The following initiatives will be implemented:

- ***Enforcement of Laws*** – The Traffic Section will continue to conduct regular patrols throughout the streets, particularly during peak hours, with a view to ensuring the safety of pedestrians, and the reprimand of offenders.
- ***Legislation*** – For 2000 and 2001, attention will be given towards the research and preparation of papers on matters of legislation that is either non-existent or obsolete. This will include legislation on matters such as drunk driving, the wearing of seat belts, and standards dictating the “road worthiness” of vehicles.
- ***Education*** – The Police will collaborate with other relevant agencies on the development of a strategy aimed at the long-term education of the population on various aspects of Road Safety. Under the theme: “Young People on the Move” (Road Safety in the BVI) the following measures will be implemented:
 - Essay competition for High School students. Submissions to be judged by the Commissioner and other selected judges.
 - Develop and enhance the “Driving Skills” competition sponsored by the Rotary Club during Road Safety Week in November.
 - Work with the media and other agencies such as the Government Information Service on developing a public awareness campaign.
 - In consultation with Principals, Police Officers will visit Primary and Secondary school students to lecture and discuss issues related to road safety.
 - In consultation with the Attorney General’s Chambers, the Police Force will produce a BVI Highway Code (Road Safety Manual).

COMMUNITY POLICING:

One of the immediate goals of the Royal Virgin Islands Police Force is to improve relations with the public at large. For this reason, the following strategies aimed at facilitating interaction with the community will be implemented:

- Establish community action committees. Whereas In the past, the Police Force conducted a series of public consultations in East End, Jost Van Dyke and Virgin Gorda, with a view towards obtaining public opinion on needs and expectations of the Police within the community. For 2000, establish committees throughout the Territory to consult with the Police on a regular basis.
- Establish a Media Relations Unit, to deal with journalists and other media related issues and events.
- Establish a School Liaison programme within the Crime Prevention Unit, in which Police Officers will visit and monitor the Secondary and Primary schools on a regular basis.
- Maintain the Tourist and Cash Protection Services.
- Develop a Cadet Corp which in the initial stage, will be specifically targeted towards youth engaged in anti-social behaviour. This programme will be designed such that these individuals can develop discipline, character and skills necessary to enable them to lead productive lives.

FORENSIC LABORATORY:

With respect to Forensic activities, the BVI Police Force collects materials and other physical evidence at crime sites and sends it to the Forensic Laboratory in Barbados, where a Scientist designated to BVI cases, conducts further analysis. For specialized testing such as DNA testing etc., labs in Jamaica or the USA are utilized. Thus it can be seen that whereas the Police Force is fully capable of collecting and organizing materials, analytical (scientific) capability is deficient. The debate continues as to the feasibility of establishing a Forensic Facility in the BVI, as there are a number of factors that are being considered; such as the financial and economic implications of engaging a full-time Scientist as opposed to part-time employee, and the range and extent of services (testing) to be offered by the facility. In the meantime, the UK Government continues to offer overseas training to Officers in the field of Forensic Science in an effort to improve the analytical (scientific) capability of the Force.

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The basic aim of the Court System is to strengthen the delivery of judicial services so that a high standard of justice administration can be achieved. Over the short to medium term, the Legal Department in conjunction with the BVI Court system will be implementing the following initiatives aimed at improving service delivery:

COMPUTERIZATION OF LAWS (ATTORNEY GENERAL'S CHAMBERS)

This project entails the development of a database of the Laws of the Virgin Islands to facilitate the drafting of legislation and worldwide access via legal information systems such as Lexus and Nexis. The computerized system will allow legislation to be camera-ready and facilitates the printing of the annual volumes of laws, easy retrieval of legislation and updating of laws. Counsel will be able to keep abreast of legal and international developments and would have quick access to legal authorities, which would result in greater efficiency, particularly in relation to financial services fields as well as to criminal and civil matters. It entails the purchase of hardware, the engagement of consultants to facilitate the creation of the database and programming and software.

<u>Estimated Cost of Inputs:</u>	
Hardware -	50,000
Database -	20,000
Programming and Software -	\$230,000
Total:	\$300,000

COMPUTERIZATION OF COURTS:

The objective of this project is to improve the efficiency and effectiveness of the Eastern Caribbean Supreme Courts via the introduction of a computerized Case-Flow Management System whereby the Court coordinates processes and resources so that cases progress in a timely and efficient manner. The new Case Flow Management System is expected to increase harmonization throughout the OECS member states and improve the publication, distribution, storage and access to judicial decisions.

Inputs:

By EC Supreme Court

- Management of the Project – The Eastern Caribbean Supreme Court has initiated the computerization and is dedicated to its administration throughout the OECS, to ensure standardization and harmonization of systems.
- Implementation of a 64Kb dedicated line – The EC Supreme Court will act as a central point for the collection and dissemination of electronic data between member states and as such a dedicated 64Kb line will be installed with possible extension to a web server to facilitate the process.

Inputs By Member States

- Information Technology Staff – Staff must be selected, trained and hired with dispatch. Selections should be made from among ranks of court staff and should be trained as IT supports personnel and Administrator of the System. Each court location should provide for one such member of staff.
- Cabling and Modem Line – Each court location would need to undertake the necessary cabling to provide for the Local Area Network in its court and a least one-telephone line (with Internet access) to support a high-speed modem.
- Electricity – Each court location would need to ensure that the wiring of the court building is in good order and supports a network of machines.

MAGISTRATE’S COURT (RENOVATIONS):

Renovation works that commenced some years ago, that entailed improvements to cells and security measures, will continue with the construction of a retaining wall and a fence. The project is estimated at \$20,000.

Public Sector Investment Programme 2000 – 2002
Legal Department and the Courts

Table IV: PSIP 2000 - 2002

Projects	2000	2001	2002	Notes
Projects for which Funding is Envisaged:				
Law Block	0	500,000	4,000,000	Construction of facilities for Legal offices.
Magistrate's Court and Offices	0	120,696	0	Completion of project including construction of cells and other security.
Projects Financed Locally:				
Magistrate's Court and Offices	0	20,000	0	Completion of project. (Local counterpart funding)
Computerization of the Laws		150,000	0	Phased programme to computerise laws of the Virgin Islands.
Computerization of the Courts	100,000	0	0	Phased programme to computerise the courts includes purchase and installation of software.
Total:	100,000	790,696	4,000,000	

Source: BVI Budget Estimates: 2000

BVI COMMERCIAL COURT

With the expansion and diversification of the Financial Services industry in the BVI, there is an increasing need to provide specialist services that will manage and accommodate the occurrence international litigation in the BVI. The establishment of a commercial court, with jurisdictions in the High Court and subject to appeals of Privy Council, is expected to do this, and is regarded as an important factor in the promotion of the territory as a viable and regulated world-class financial services sector. However the project is still in the conceptual stage as discussions regarding the definition and setting up of the commercial judiciary, financing, training and other associated inputs are still pending. The lead agency, the Financial Services Department in conjunction with the Attorney General's Chambers, BVI Bar Association and other relevant law agencies are to develop a plan of action.

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To maintain a substantive penal reform programme, including the management and training of prison staff, with particular reference to ensuring awareness of, and compliance with, international human rights obligations as they affect the treatment of offenders

Rehabilitation Programme Development:

Farm, although very successful in that it has generates income for the Prison and has helped to develop discipline, skills and a proper work ethic among inmates. For 2000 – 2001, it is hoped that the facilities at the Prison programme can be improved and / or expanded. Funding for projects has been identified via the UK Government as part of it’s overall cost sharing arrangement with the BVI in the accommodation of inmates from the Monsterrat Prison system.

Prison Capital Projects: 2000 – 2001

Project:	Estimated Cost
2000	
Construct Storeroom for Animal feed	\$9,000
Installation of freezer on farm site	1,000
Construct activity centre	30,000
Purchase of Pickup	24,000
Total:	\$64,000
2001	
Install incubator for chicken farm development	Not available

Also, the posts of Administrative Officer and Programme Director are slated to be added over the two-year period. And under the advisement of the Department of Agriculture, Hydroponic farming will be introduced as part of the agricultural training component.

Legislation:

The HMS Prison in consultation with the Ministry of Health and Welfare and the Attorney General’s Chambers will be developing a Prisoner’s Handbook to provide guidance to staff and inmates with respect to the following:

- Security requirements;
- Rights and privileges of prison inmates;
- Disciplinary procedures for prison inmates;
- Overall management of the Rehabilitation Programme;

Training: An annual training programme has been set up and it involves both regional and international training. An Associate degree level programme has been established at the HLSCC and officers are currently undergoing training there. The BVI is also involved in exchange programmes with other British Dependent Territories in the Caribbean in which they (BVI) assist with their prison officer training. Additionally officers are currently undergoing foreign language training (Spanish) to facilitate communication with non-English speaking inmates. □

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As countries endeavour towards sustained economic growth, while ensuring that benefits accrue to their inhabitants, they must do so knowing that such growth is only possible if all supporting infrastructure is in place. But perhaps the most central issue surrounding any government is that of financing. Historical data will show that government capital and recurrent expenditure within the BVI, is on the increase, and is expected to grow well into the new millennium. Given that there are limited financial resources, policy-makers, planners etc. must prioritise spending particularly within key economic sectors so as to obtain “value for money” while ensuring the maximization of benefits.

With public goods, such as law and order there is no exception and historical data in this sector, as shown in this paper, already indicates that expenditure in this area is steadily increasing. Having more than doubled within the last decade to total some \$6m in capital expenditure overall, \$59m in recurrent expenditure alone, in the absence of a national defense force, this spending might be justifiable, being that these institutions (Royal Virgin Islands Police, Courts and HMS Prison) assist local government with one of the primary functions, the protection of personal and property rights. Of the three institutions, the Royal Virgin Islands Police Force with total recurrent expenditure of some \$37m alone has registered the largest expenditure increase, accounting for 63% of total expenditure in law and order. The Courts and Legal department with total expenditures of \$8m and \$5m respectively for a combined share of 24% of total expenditure whereas the Prison with \$7m accounts for 13% of total expenditure.

With more emphasis being placed on integrated planning, the development policies within Law and Order are to be coordinated and implemented with due consideration of the objectives and aspirations of all social and economic sectors. In the medium-long term, plans will include the strengthening of institutions via the introduction of technology, expansion of physical infrastructure, training of personnel etc. so as to ensure efficiency with respect to service delivery. Particular attention will be given to the establishment of standards and procedures, particularly those that relate to the treatment of law offenders. Such improvements will be in accordance with international standards and human rights obligations. But perhaps one of the factors that are expected to impact the effective administration of law and order will be population growth. The population of the BVI is estimated as increasing at an annual rate of 2.3% ² and is expected to reach approximately 20,647 persons by 2001. This when compared to other countries, represents a fairly rapid rate of increase. The increase is primarily attributable to immigration and in light of this event, it stands to reason that increased population will subsequently escalate social problems, particularly with respect to criminal activity and other civil offences. Administrative institutions within law and order may have to be expanded to cope with the increasing demands of the general population, and this is already evidenced by the expansion of the Police Force in terms of officer recruitment. This in turn may have future implications for public expenditure, debt and possibly taxpayers as well.

As the BVI continues to expand and diversify its economic base, the provision of law and order will be a crucial factor in enhancing economic growth and global competitiveness. Effective administration of the Territory's justice (and penal) system will contribute to the promotion of the country as a safe reputable country in which to conduct business. Moreover, the existence of law and order within an economy provides current and future inhabitants with a residential environment in which they can safely enjoy both sustained economic and social development.

² Source: (1980-1991) Population Statistics, Development Planning Unit
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