

# CONTENTS

|   |       |
|---|-------|
| LIST OF TABLES AND CHARTS   | xiv   |
| Abbreviations used  | xv    |
| Preface   | xix   |
| Acknowledgements  | xxi   |
| FOREWORD  | xxiii |
| <b>Executive Summary</b>  | xxvii |
| ඉන්ට්‍රො ධාරණය  | xxxi  |
| 1. Preamble   | 1     |
| 1.2. Crime situation  | 6     |
| 1.2.1. Measurement of Crime and Official Statistics                           | 8     |
| 1.2.2. Classification of Offences   | 10    |
| (i) Grave Crimes  | 10    |
| (ii) Minor offences against persons   | 12    |
| (iv) Juvenile crime - use of age group in statistics.                         | 13    |
| 1.2.3. Decennial figures of selected offences since 1976                      | 13    |
| 1.2.4. Revisions made to statutory provisions.                                | 18    |
| 1.3 Crime prevention  | 19    |
| 1.3.1. Present Crime Control Institutions within the criminal Justice system. | 20    |
| 1.3.2. The Police: Command structure.   | 20    |
| 1.3.3. The judiciary, Probation and Child care and Prisons.                   | 21    |
| 1.3.3 (a) High courts and Magistrate's courts.                                | 21    |
| 1.3.3. (b) Primary courts   | 22    |
| 1.4. Drug Control Strategy  | 23    |
| 1.5. Statutory Framework: Prevention of Crimes.                               | 24    |
| 1.6 Management of crime prevention activity.                                  | 26    |
| 1.6.1 The Finger print bureau:  | 26    |
| 1.6.2. The Applications:  | 27    |
| 1.6.3. Criminal Records Office of the Sri Lanka Police Department             | 30    |

Crime Prevention Efforts .....

|   |    |
|---|----|
| 1.6.4. Main applications in a CRO are:                                      | 31 |
| 1.7. Validity of the Statutory Provisions                                   | 31 |
| 1.7.1. Definition of crime  | 31 |
| 1.7.2. Definition of "Registered Criminals"                                 | 33 |
| 1.7.3. Prevention of Crimes Ordinance.(PCO)                                 | 33 |
| 1.7.4. Crimes defined in the Penal code , but not treated by law as crimes: | 33 |
| 1.7.5. Other offences not treated as crimes.                                | 34 |
| 1.7.6 Capital offences, those not treated as crimes:                        | 34 |
| 1.8. The New Offences.  | 35 |
| 1.8.1. Sri Lankan citizens convicted in foreign countries.                  | 35 |
| 1.9. Drawbacks with the present recording systems.                          | 36 |
| <b>Summary</b>  | 36 |
| References and notes  | 38 |
| <b>Chapter II</b>   | 40 |
| Maintenance of Standards in Criminal Justice Services.                      | 40 |
| 2. Development of present systems.  | 40 |
| 2.2. Validating of statutory provisions.                                    | 46 |
| 2.3. The Police Record System   | 46 |
| 2.3.1 Criminal records in police Administration                             | 46 |
| (i) The Criminal Records Office   | 46 |
| (ii) Establishment of a Crime Incidents Data Bank.'                         | 47 |
| 2.3.2. Crime Statistics and Analysis of Crime.                              | 50 |
| 2.3.3. Measurement of crime   | 52 |
| 2.3.4. Redesigning of the Police Force                                      | 52 |
| 2.3.5. Implementation of a speedy arrest process system                     | 56 |
| 2.4.1. Reducing Remand Population to a reasonable level.                    | 60 |
| 2.5. Reduce draw backs with the implementation.                             | 62 |
| 2.6. Streamline the hierarchy of the IT Division                            | 63 |
| 2.7. Appointment of officers to handle key roles                            | 64 |
| 2.8. Selection of a suitable system for implementation.                     | 66 |

|         |   |     |
|---------|---|-----|
| 2.9.    | 13 <sup>th</sup> Amendment to the Constitution of Socialist Democratic Republic of Sri Lanka and introducing of a crime reporting system. | 66  |
| 2.10.   | Maintenance of Standards in Criminal Justice services.  | 67  |
| 2.10.1. | Response to a crime   | 68  |
| 2.10.2. | Secure timely availability of expert opinion.   | 69  |
| 2.10.3. | Presentation of the case in Courts, Prosecution and police witnesses.   | 69  |
| 2.10.4  | Waste of man power in courts.   | 70  |
| 2.11    | Participation of the public in the Criminal justice system  | 71  |
| 2.12.   | Community policing  | 72  |
| 2.12.1. | Philosophy behind the public cooperation  | 73  |
| 2.12.2. | Bridging the gap with the public.   | 75  |
| 2.13    | The Penal system  | 77  |
| 2.13.1  | Sentencing and objective of punishment.   | 79  |
| 2.13.2  | Restorative justice   | 82  |
| 2.14.   | Sentencing Guide lines.   | 83  |
|         | <b>Summary</b>  | 88  |
|         | References and notes  | 89  |
|         | <b>Chapter III</b>  | 93  |
| 3.      | Crime prevention.   | 93  |
| 3.1.    | Crime prevention as an activity, scope; restructuring the statutory frame work and priorities.  | 93  |
| 3.1.2.  | Definition of prevention or crime prevention.   | 95  |
| 3.2.    | Scope of prevention.  | 96  |
| 3.3     | Secondary level of prevention.  | 99  |
| 3.3.1   | The role of the police in crime prevention:   | 99  |
| 3.3.2.  | Sri Lanka police. Statutory provisions available.   | 100 |
| 3.3.3.  | Securing of co-operation of the public:   | 104 |
| 3.3.4   | Police operations in crime prevention and interaction with the public.  | 105 |
| 3.3.5   | Winning the public support and the performance of police duties.  | 107 |
|         | Maintenance of regular contacts:  | 107 |
| 3.3.6.  | Responsibility of the Government  | 110 |

Crime Prevention Efforts .....

|         |  |     |
|---------|--|-----|
| 3.3.7   | Recruitment of Reservists for VIP Security.  | 110 |
| 3.3.8.  | Mixing up of duties of Armed forces with the police duties   | 111 |
| 3.3.9   | Sea and Air transport facilities   | 112 |
| 3.3.10. | Patrolling facilities.   | 112 |
| 3.3.11. | Change of concept in policing function.  | 113 |
| 3. 4.   | Crimes and use of fire arms  | 114 |
| 3.5.    | Use of drugs, alcohol and crime.   | 116 |
| 3.5.1.  | Scientific studies undertaken.   | 119 |
| 3.5.2.  | Sri Lankan situation   | 122 |
| 3.6.    | Controlling methodology  | 124 |
| 3.7.    | Organized Crime prevention.  | 124 |
| 3.7.1   | Origin of organized Crime groups, nature and their operations  | 128 |
| 3.7.2.  | Development of global net works.   | 130 |
| 3.7.3.  | Drug trafficking   | 131 |
| 3.7.4.  | Terrorism and organized crime  | 134 |
| 3.7.5.  | Transnational Government of Tamil Elam. (TGTE)   | 136 |
| 3.7.6.  | Front organizations.   | 136 |
| 3.7.7.  | Organized crime: Statutory Provisions  | 137 |
| 3.7.8.  | Developing of a statutory frame work.  | 139 |
| 3.7.9.  | Controlling Organized crime  | 140 |
| 3.7.10. | Controlling Transnational Crime.   | 142 |
| 3.8.    | Tourism industry and crime.  | 146 |
|         | Taking stock of the actual situation.  | 149 |
| 3.9.    | Illegal activities carried out on foreign soil by the persons smuggled out of the country. Adopting a controlling mechanism. | 150 |
| 3.9.1.  | Statutory frame work proposed by the United Nations.   | 151 |
| 3.9.2.  | Inadequacy of statutory provisions.  | 153 |
| 3.9.3.  | A monitoring mechanism.  | 154 |
| 3.10    | Corruption in the public and corporate sector  | 154 |
|         | <b>Summary</b>   | 156 |
|         | References and notes.  | 157 |
|         | <b>Chapter IV</b>  | 163 |

|        |   |            |
|--------|---|------------|
| 4.     | Crime prevention planning   | 163        |
| 4.1.   | Measurement of Crime.   | 164        |
| 4.1.2. | Long term crime prevention planning.  | 167        |
| 4.1.3. | Co-ordination of Crime prevention Planning  | 169        |
| 4.1.4. | Who should be made responsible for planning.  | 170        |
| 4.1.5. | Organization of knowledge gathered.   | 171        |
| 4.1.6. | Creation of an Institutional Frame work   | 173        |
| 4.1.7. | National Crime Controlling Authority (NCCA)   | 174        |
| 4.2.   | The vision: Maintenance of law and order and the conduct of the citizens to an acceptable standard. | 176        |
| 4.3.   | Maintenance of 'crime rate' at a tolerable level: Selection of a bench mark.                        | 180        |
| 4.4.   | Crime as a Political and Socio- Economic phenomenon   | 183        |
| 4.4.1. | Identifying the value foundation of a country.  | 184        |
| 4.4.2. | Maintenance of Professional standards.  | 186        |
| 4.4.3  | Consciousness and commitment of a nation:   | 186        |
| 4.5.   | Establishment of peace and stability in the country.  | 188        |
| 4.6.   | Finding solutions to the Socio Economic Problems.   | 190        |
| 4.6.1. | Evaluation of changing social conditions:   | 191        |
| 4.6.2. | Identifying the culture of breaking law and order   | 192        |
| 4.6.3. | Social conditions causing disorder situations:  | 192        |
| 4.7.   | Management of information in respect of citizens.   | 195        |
| 4.7.1. | A National Identification System  | 195        |
| 4.7.2. | Police clearance  | 200        |
| 4.7.3. | Maintenance of criminal Intelligence data and supervision of them                                   | 200        |
|        | <b>Summary,</b>   | <b>203</b> |
|        | References and notes :  | 205        |
|        | <b>Chapter V</b>  | <b>208</b> |
|        | Crime Control Strategy  | 208        |
| 5.1.1. | Problematic behavioural patterns and social problems.   | 212        |
| 5.1.2  | The need for a knowledge base.  | 216        |
| 5.1.3. | The need for a policy formulation exercise in social planning.                                      | 217        |

Crime Prevention Efforts .....

|         |   |     |
|---------|---|-----|
| 5.1.4.  | Use of research data.   | 221 |
| 5.1.5.  | Measuring of the deterioration of value system of the country                                     | 222 |
| 5.1.6.  | Restoration of deteriorating human relationships.   | 224 |
| 5.2.    | Building a sustainable society and adopting a cultured and a disciplined citizen.                 | 228 |
| 5.2.1.  | Development of a solid cultural foundation for a nation.  | 228 |
| 5.2.2   | The need for remedial measures to be taken.   | 230 |
| 5.2.3.  | Identification of core values of a nation.  | 233 |
| 5.2.4   | Building a strong value foundation for a Nation.  | 238 |
| 5.2.5.  | Adopting a person with a strong Character   | 242 |
| 5.2.6.  | Ethics and values in human transactions   | 243 |
| 5.2.7   | Bring peoples forums and professionals together   | 249 |
| 5.2.8.  | Values: Asian perspective   | 249 |
| 5.2.9.  | Building a value foundation. Japanese perspective   | 250 |
| 5.2.10. | Cultural foundation of India  | 252 |
| 5.3.    | Identification and reinforcement of core values of a Nation. Sri Lanka                            | 255 |
| 5.3.1.  | Human understanding and love: need for learning from other nations                                | 259 |
| 5.3.2.  | Guarding against the adverse aspects of Cultural polarisation:                                    | 260 |
| 5.4     | Developments of core values of a NATION and National Integration.                                 | 261 |
|         | Nation Building:  | 261 |
| 5.4.1.  | Building and developing harmony and understanding among three main ethnical and religious blocks. | 262 |
|         | Establishment of a National Planning Council  | 263 |
|         | Undertaking cross cultural studies  | 264 |
|         | The ultimate objective of education   | 266 |
| 5.4.2.  | Learning from other nations: Explore the cultural foundation of Asia:                             |     |
|         | Japan   | 270 |
| 5.5.    | Restoration of cultural and social bonds and redesigning of the village.                          | 271 |
| 5.5.1.  | Urban population  | 274 |

|            |  |     |
|------------|--|-----|
| 5.5.2.     | Rural population   | 274 |
| 5.5.3.     | Performance of mediation role in the village   | 276 |
| 5.6.       | Crime Prevention through Social Development (CPSD)                                       | 278 |
| 5.6.1.     | Social prevention of crimes.   | 278 |
| 5.6.2.     | Poverty level and Crime. Need for structural adjustments.                                | 281 |
| 5.6.3.     | Measurement of poverty.  | 287 |
| 5.6.4.     | Distribution of employment: Statistics   | 288 |
| 5.6.5.     | Social planning and sustainable development.   | 290 |
| 5.6.6. (a) | Allocation of land space for habitation.   | 291 |
| 5.6.6.(b)  | Solutions need to be found.  | 293 |
| 5.6.6.(c)  | Group formation. A Collective farm /A Production Centre.                                 | 295 |
| 5.6.7.     | Designing of an experimental sample Consortium   | 296 |
| 5.6.8.     | Capacity building in the rural population.   | 297 |
| 5.6.9.     | Redesigning of the village with the objective of cohabitation.                           | 299 |
| 5.6.10.    | Developing of opportunities for leisure and recreation                                   | 300 |
| 5.7.       | Elimination or reduction of level of Corruption  | 301 |
| 5.7.1.     | White collar crimes  | 303 |
| 5.8.       | Management of environment and reduction of opportunities for crime.                      | 304 |
| 5.8.1.     | Crime prevention through management of environment: Planning and some Design concepts.   | 306 |
| 5.8.2.     | Crime prevention through environmental design (CPTED)                                    | 308 |
| 5.8.3.     | Environmental management   | 309 |
| 5.8.4.     | Sectoral Development planning.   | 311 |
|            | Planning of different layers of Activity in the Emerging Capital, in Hambantota District | 312 |
| 5. 9.      | Macro aspects of strategy planning   | 312 |
| 5.9.1.     | Multi-disciplinary approach  | 313 |
|            | <b>Summary</b>   | 313 |
|            | References and notes   | 315 |
|            | A Review by Dr. Dhanapala Wijesinghe of the University of the Sri Jayewardanepura        | 323 |
|            | Author   | 325 |