

A NATIONAL RESPONSE TO THE YOUTH CRISIS.

MAY 2001

A SPEECH TO THE ANNUAL MEETING OF THE  
JUSTICES BY CHIEF JUSTICE  
ANTHONY SMELLIE QC

MANY OF US, GIVEN THE DEMOGRAPHICS OF OUR OWN UPBRINGING AND SOCIAL POSITIONS, ARE NO DOUBT BEWILDERED BY THE CHANGES IN THE BEHAVIOURAL PATTERNS OF THE YOUTH IN OUR SOCIETY. THE CHANGES AS WE HAVE OBSERVED THEM HAVE BEEN SO RAPID AND RADICAL AS TO SUGGEST OR TEMPT US TO CONCLUDE THAT THEY ARE THE RESULT OF EXTERNAL INFLUENCES. SO ALIEN IS THIS BEHAVIOUR TO OUR TRADITIONAL VALUES THAT WE LOOK OUTWARDLY NOT INWARDLY, FOR THE CAUSE. IN RESPONSE TO THE NATIONAL CONCERNS THERE IS NOW A COMMITTEE OF THE LEGISLATIVE ASSEMBLY TO STUDY AND REPORT ON THE PROBLEM.

I THINK THAT THERE IS JUSTIFICATION FOR A BELIEF THAT FUNDAMENTAL SOCIETAL CHANGES HAVE OCCURRED AND ARE NOW MANIFEST IN THE PROBLEMATIC BEHAVIOUR OF OUR YOUTH.

THE PREVALENCE OF DRUG ABUSE, THE PREDATORY BEHAVIOUR OF YOUTH GANGS, THE GENERAL PREDISPOSITION TO VIOLENCE EVEN AGAINST TEACHERS IN THE CLASSROOM AND THE INCREASING RESENTMENT OF AUTHORITY, CANNOT BE EXPLAINED AWAY SIMPLY BY REFERENCE TO MODERN CULTURAL INFLUENCES.

FOR INSTANCE, IN THE NORTH AMERICAN EXPERIENCE, THE DISTURBING SENTIMENTS OF RAP MUSIC ARE NOT THE CAUSE OF THE CHANGES, BUT THE EFFECT. THEY REFLECT THE

CHANGES IN THE SOCIETY OF THE INNER CITIES, THEY DO NOT CREATE THEM.

IN SEEKING TO FIND OUR OWN CAUSES WE MUST LOOK INWARD. I THINK WE MUST FACE THE COLD REALITY THAT THERE IS A DIRECT RELATIONSHIP BETWEEN SOCIAL MARGINALISATION, POVERTY AND JUVENILE CRIME.

SOCIAL MARGINALISATION IS SOCIETY'S RESPONSE THAT SAYS YOU DO NOT REALLY BELONG AND MIGHT NOT EXPECT TO BE AVAILED OF ALL THE OPPORTUNITIES THAT SOCIETY HAS TO OFFER. WE ALL KNOW WHAT POVERTY MEANS EVEN IF WE HAVE NEVER EXPERIENCED IT OURSELVES. THE REAL CHALLENGE FOR US IN THE APPARENT MIDST OF PLENTY IN CAYMAN IS TO COME TO TERMS WITH THE REASONS WHY POVERTY AND EXCLUSION AFFLICT A GROWING NUMBER OF OUR PEOPLE.

WHILE WE AWAIT THE RESULTS OF THE PARLIAMENTARY SURVEY, I THINK WE COULD

USEFULLY CONTRIBUTE TO THE DIALECTIC BY A DISCUSSION OF THE CAUSES AND EFFECTS.

WHAT FOLLOWS IS MY ATTEMPT TO MEET YOUR PRESIDENT'S REQUEST THAT I ADDRESS YOU ON THE NATURE OF THE PROBLEMS WE PERCEIVE WITH OUR YOUNG PEOPLE.

CERTAINLY A PRIMARY INFLUENCE MUST BE THE CHANGES IN FAMILY STRUCTURES AND FAMILY LIFE AND THEIR MOST DIRECT RESULT - THE BREAKDOWN IN PARENTAL CONTROL. THIS CAUSE ITSELF HAS MANY CAUSES: THE INCREASING NUMBER OF BROKEN MARRIAGES, THE LACK OF PARENTAL SKILLS AND INSUFFICIENT ATTENTION TO THE CARE, CONTROL AND DISCIPLINE OF CHILDREN; THE CHANGE IN DOMESTIC PRIORITIES FROM THE FOCUS ON THE FAMILY TO THE FOCUS ON MATERIAL WELL - BEING AND OCCUPATIONAL ADVANCEMENT; THE INCREASING DISTANCE AND INDIFFERENCE OF OUR NEIGHBOURS WHO WERE ONCE ENCOURAGED TO AND DID ASSUME

A MUCH MORE CARING AND SUPPORTIVE AVUNCULAR ROLE AND, PERHAPS MOST LAMENTABLY, OF ALL, THE INCREASING PRESSURES UPON SINGLE PARENTS, ESPECIALLY SINGLE MOTHERS, WHICH KEEP THEM AWAY FROM THEIR CHILDREN, SIMPLY IN ORDER TO EARN A LIVING.

THE COMPLEXITIES OF THE PROBLEM ARE QUICKLY REVEALED BY JUST THAT CURSORY LOOK AT SOME OF THE ELEMENTS OF BUT ONE CAUSE - THE BREAKDOWN OF FAMILY LIFE.

THE BEHAVIOUR ENGENDERED BY LACK OF CARE AND CONTROL AT HOME CANNOT BE MAGICALLY TRANSFORMED UPON A CHILD BEING DELIVERED AT THE SCHOOL GATE.

THAT TRUISM WOULD POINT TO AN OBVIOUS NEED FOR A CONTINUUM OF CARE AND CONTROL FROM THE HOME TO THE SCHOOL AND FOR THE

CLOSEST KIND OF COLLABORATION BETWEEN PARENTS AND TEACHERS. INDEED, THIS ONLY RECOGNISES THE FACT THAT THE RESPONSIBILITY FOR A CHILD'S WELFARE IS HANDED OVER AT THE SCHOOL GATE. ALTHOUGH TIMES AND ATTITUDES HAVE CHANGED, AT COMMON LAW THE AGED OLD DEFINITION OF THE RELATIONSHIPS REMAIN THE SAME: THE COMMON LAW DUTY OF A TEACHER TO A STUDENT IS THAT OF A PRUDENT PARENT WHO IS REQUIRED TO TAKE NOTICE OF CHILDREN'S AND, IN PARTICULAR BOYS,' PROPENSITY FOR MISCHIEF. THIS DUTY NOT ONLY EXTENDS TO HOW THE STUDENTS ARE ALLOWED TO CONDUCT THEMSELVES, BUT ALSO TO THE STATE AND CONDITION OF THE SCHOOL PREMISES SO AS TO ENSURE THEIR SAFETY.

MANY OF OUR MODERN TEACHERS WOULD REGARD THAT AS A RATHER QUAIN DEFINITION OF THEIR DUTIES SINCE THEY HAVE COME TO

REGARD THE SCHOOL ENVIRONMENT MORE AS A BATTLEFIELD THAN AS A SANCTUARY.

A CHALLENGE FOR US IS TO FIND THE REASONS WHY THIS HAS COME ABOUT.

WITHOUT DOUBT A MAJOR FACTOR HAS BEEN THE DISEMPOWERMENT AND DISENFRANCHISEMENT OF TEACHERS: THE LOSS OF THE RIGHT TO DISCIPLINE COUPLED WITH DISRESPECT WHICH IS OFTEN ENCOURAGED BY PARENTS.

SOME PARENTS WOULD RESPOND BY ASSERTING THAT MANY OF OUR MODERN TEACHERS ARE UNFIT AND THEREFORE THEY ARE UNWILLING TO SURRENDER THE NECESSARY AUTHORITY TO THEM. BUT THAT MUST BE A SELF- DEFEATING ARGUMENT BECAUSE THE CHILDREN MUST GO TO SCHOOL IN ANY EVENT. BETTER TO RESTORE THE ENVIRONMENT TO WHICH WE CAN HOPE TO ATTRACT AND KEEP THE TEACHERS TO WHOM WE WOULD BE HAPPY TO SURRENDER THE NECESSARY AUTHORITY. WHILE APPROPRIATE

EMPHASIS MAY BE LAID UPON THE PARENTS' AND STUDENTS' RIGHTS, THEIR RESPONSIBILITIES TO THE TEACHERS AND TO THE SCHOOLS ARE ALSO IN NEED OF EMPHASIS. MY OWN IMPRESSION IS THAT MANY TEACHERS EXPERIENCE A GREAT SENSE OF FRUSTRATION AT HAVING TO DEDICATE SO MUCH TIME AND ENERGY TO KEEPING CONTROL OF THE CLASSROOM INSTEAD OF TO TEACHING AND GUIDING THE STUDENTS WHO WANT TO LEARN. AND WHEN CHILDREN ARE PRESENTED AS BEING PROBLEMATIC ARE THE INSTITUTIONAL RESPONSES APPROPRIATE?

CAN AN APPROPRIATE RESPONSE BE TO OSTRACISE A FEMALE STUDENT WHO BECOMES PREGNANT WITH NO SANCTIONS TO THE MALE STUDENT RESPONSIBLE? THE OBVIOUS DOUBLE STANDARD APART, ARE WE TAKING SUFFICIENT CARE TO ENSURE THAT THE ALTERNATIVE EDUCATION PROGRAMMES TO WHICH CHILDREN ARE EJECTED FROM THE MAINSTREAM, FIT THE



NEEDS OF THE CHILDREN WHO PRESENT WITH PROBLEMS TO BE PLACED WITHIN THEM?

CAN THIS BE DONE WITHOUT A PROPER ASSESSMENT OF THE PSYCHOLOGICAL PROFILE AND HOME ENVIRONMENT OF THE CHILD?

AND WHILE WE ARE ON THE SUBJECT OF INSTITUTIONAL RESPONSE WE MUST LOOK CLOSER HOME TO THE CRIMINAL JUSTICE SYSTEM.

FOR MANY YEARS THE JUDICIARY, INCLUDING THE JUSTICES OF THE PEACE, HAVE COMPLAINED ABOUT AND CONDEMNED THE CONDITIONS UNDER WHICH YOUTH OFFENDERS HAVE HAD TO BE INCARCERATED. NO DOUBT THE RECENT REFUSAL OF ONE OF YOUR PANELS TO SEND A CHILD TO THE WEST BAY LOCK UPS CAUSED SOME CONCERNS BUT IT SEEMS THAT THE SCATHING REPORT OF SIR DAVID RAMSBOTHAM MAY HAVE SERVED AT LAST TO DRIVE THE POINT HOME: THE POINT IS THAT THE CRIMINAL

JUSTICE SYSTEM MUST BE DESIGNED AND USED FOR THE REHABILITATION OF YOUTH OFFENDERS, NOT AS OUR EXPERIENCE HAS SHOWN, AS A SYSTEM FROM WHICH THEY ARE LIKELY TO GRADUATE TO MORE SERIOUS CRIMINAL BEHAVIOUR.

IN THE CONTEXT OF EXAMINING THIS SECOND CAUSE- INSTITUTIONAL FAILINGS- IT MUST ALSO BE RECOGNISED THAT THERE ARE MANY OTHER APPROACHES WHICH WE HAVE NOT YET TRIED. ONE THAT COMES TO MIND IS **THE FAMILY SUPPORT MODEL** WHICH HAS BEEN BENEFICIAL IN OTHER COUNTRIES.

THE FAMILY SUPPORT MODEL HAS BEEN DESCRIBED AS INCLUDING THREE MAJOR TYPES OF SERVICES: - PREVENTION, EARLY INTERVENTION AND SUPPORT AND INTENSIVE INTERVENTION.

EXAMPLES OF PREVENTION PROGRAMS INCLUDE: PARENT CAREGIVER/CHILD DROP IN PROGRAMS FOR 0-6 YEAR OLDS

- PARENTING EDUCATION
- PARENT PEER GROUP SUPPORT PROGRAMS
- SUPPORT GROUPS FOR CAREGIVERS,  
GRANDPARENTS AND FOSTERPARENTS
- INFORMAL COUNSELLING
- PRENATAL CLASSES
- HOME VISITS
- LITERACY PROGRAMS
- VOLUNTEER MENTORS

EARLY INTERVENTION PROGRAMS INCLUDE:

- SCHOOL BASED INFORMATION PROGRAMS  
ABOUT FAMILY SUPPORT
- BEHAVIOURAL ASSESSMENTS
- INTERVENTION SUPPORT SERVICES FOR  
CHILDREN AND YOUTH ATTENDING SCHOOL
- AFTER SCHOOL PROGRAMS FOR CHILDREN  
AND YOUTH
- SHORT TERM COUNSELLING

- YOUTH OUTREACH PROGRAMS
- RECREATION PROGRAMS
- ONE TO ONE SUPPORT FOR PARENTS,  
CHILDREN AND YOUTH
- SCHOOL BASED PROGRAMS FOR STUDENTS  
ON HEALTHY RELATIONSHIPS, SELF ESTEEM  
ETC.

INTENSIVE INTERVENTION INCLUDES:

- PROVIDING SUPPORT AND CONFLICT  
RESOLUTION FOR PARENT TEEN CONFLICT
- CREATING RESTORATIVE JUSTICE MODELS  
FOR YOUNG OFFENDERS
- PROVIDING SHORT TERM CRISIS  
INTERVENTION
- DEVELOPING SAFETY PLANS FOR THE CHILD,  
YOUTH AND FAMILY, INCLUDING  
RESIDENTIAL CARE FOR YOUTH AND  
CHILDREN

MANY OF THESE COMPONENTS ARE RECOGNISABLE TO US AS BEING ALREADY PROVIDED BY GOVERNMENT, BUT MANY ARE NOT. THE FUNDAMENTAL SHORTCOMING MAY WELL BE THE NEED FOR A DIFFERENT EMPHASIS AND FOR CO-ORDINATION.

FAMILY SUPPORT PROGRAMS HAVE STRENGTHENED FAMILIES AND COMMUNITIES THROUGHOUT NORTH AMERICA. THERE THE PROGRAM IS BASED AROUND NEIGHBOURHOOD CENTRES OR FAMILY RESOURCE CENTRES. WHERE NO BUILDING IS SPECIALLY AVAILABLE, SCHOOLS, CHURCHES AND COMMUNITY CENTRES ARE USED FOR THE DELIVERY OF THESE PROGRAMS. THE FAMILY RESOURCE CENTRES HAVE BEEN DESCRIBED AS WELCOMING HUBS OF ACTIVITY WHERE CAREGIVERS, PARENTS, CHILDREN AND YOUTH PARTICIPATE IN A VARIETY OF COMMUNITY PROGRAMS.

I BELIEVE THAT THE RECENT DEDICATION OF THE OLD RACQUET CLUB SITE AS AN AFTER SCHOOL ACTIVITY CENTRE WAS DONE WITH THIS PHILOSOPHY IN MIND. AND I MUST ACKNOWLEDGE THAT THE JOYCE HYLTON FAMILY LIFE CENTRE IS ANOTHER STEP IN THE RIGHT DIRECTION. BUT AS I THINK THIS BRIEF EXCURSION INTO THE NORTH AMERICAN PROGRAM SHOWS, THERE IS A LOT MORE THAT CAN BE DONE TOWARDS THE REALISATION OF A FULL FAMILY SUPPORT PROGRAM.

TURNING AWAY FROM THE FAMILY AND INSTITUTIONAL SHORTCOMINGS, WE TURN TO THE THIRD AND PERHAPS MOST INTRACTABLE CAUSE: SOCIETY ITSELF: THE JUNGLE THAT WE AS ADULTS SOMETIMES PERCEIVE OUT THERE MUST BE EVEN MORE DANGEROUS FOR THE YOUTH.

IT IS NOW PROVEN THAT DRUG ABUSE IS OFTEN THE RESULT OF PEER GROUP PRESSURE. EVEN MORE PERNICIOUS, IT IS REPORTED THAT PEDDLERS WILL OFTEN GIVE THEIR WARE FREE OF CHARGE IN THE HOPE OF CREATING ADDICT CLIENTS. THE YOUTH ARE THEIR MOST LIKELY TARGET. AND WHAT OF THE RISKS TO THEIR EMOTIONAL AND PSYCHOLOGICAL WELL BEING? THE CLASSICAL CARIBBEAN STUDY BY EDITH CLARKE – “MY MOTHER WHO FATHERED ME”- IS AS RELEVANT TO CAYMAN SOCIETY TODAY AS IT WAS TO THE WIDER CARIBBEAN CONTEXT WHEN IT WAS WRITTEN IN THE MIDDLE OF THE LAST CENTURY. WE SEE COMING BEFORE THE COURTS, AN INCREASING NUMBER OF CASES FOR ENFORCEMENT OF CHILD MAINTENANCE ORDERS, LET ALONE THE MANY ORDERS WHICH WE CANNOT ENFORCE FOR VISITATION RIGHTS WITH FATHERS.

AND WHILE IT MAY BE TRUE THAT JUVENILE DELINQUENCY IS MOST PREVALENT AMONGST THE POOR, IT OBSERVES NO ECONOMIC BOUNDARIES. THE PURSUIT OF THINGS MATERIAL IS TOO OFTEN AT THE SACRIFICE OF CARE AND ATTENTION SO THAT TELEVISION AND OTHER ELECTRONIC MEDIA TAKE MORE OF A CHILD'S ATTENTION AND PLAY MORE OF A FORMATIVE ROLE THAN PARENTS ARE PREPARED TO ADMIT.

THE EMPHASIS PLACE ON MATERIAL GAIN SENDS THE MESSAGE THAT TO MAKE IT BIG IS FAR MORE IMPORTANT THAN THE TRADITIONAL VALUES OF HONOUR, INTEGRITY AND HARD WORK.

AS EVEN MORE AS TO OUR OWN IMPACT AS ROLE MODELS THERE IS SERIOUS SOUL-SEARCHING TO BE DONE. WHILE WE EMBRACE THE CHRISTIAN DOCTRINE WE MUST ASK OURSELVES HOW TOLERANT AND INCLUSIVE WE ARE AS A



SOCIETY. HOW COMFORTABLE CAN WE BE WITH THE NOTION THAT THERE ARE MANY CHILDREN IN OUR MIDST HAVE KNOWN NO OTHER HOME BUT CAYMAN BUT WHO MAY NOT REGARD CAYMAN AS THEIR HOME? AND ON THE WIDER EFFECTS OF MARGINALISATION, HAVE WE UNWITTINGLY ENGENDERED THE EMIGREE'S MENTALITY TOWARDS A PERCEPTION OF "THEM AND US"?

WHILE WE PONDER THESE TROUBLING POSSIBILITIES, IT IS JUST AS WELL TO BEAR IN MIND THAT THEY AFFECT OUR OWN CHILDREN AS MUCH AS OUR NEIGHBOUR'S AND THEY CANNOT BE BLAMED FOR NOT WANTING TO BE LIKE PARENTS WHO SAY ONE THING BUT PRACTICE ANOTHER.

LADIES AND GENTLEMEN; A VENTURE INTO THE LABYRINTH OF SOCIAL DISORDER COULD BECOME AN UNENDING JOURNEY AND A LENGTHY DISCOURSE ON THE ILLS OF SOCIETY IS HARDLY A FITTING ACCOMPANIMENT TO A PLEASANT OCCASION SUCH AS THIS BUT I HAVE KNOWN YOUR PRESIDENT LONG ENOUGH TO KNOW THAT SHE WOULD NOT HAVE SUGGESTED THIS TOPIC IF SHE DID NOT MEAN BUSINESS. IF THERE IS A THEME TO THIS TALK IT MUST BE THAT THE PROBLEM WITH OUR YOUTH IS OUR PROBLEM AND THAT THERE IS THE NEED FOR AN HOLISTIC AND CO-ORDINATED APPROACH TO THE PROBLEM, WITH ALL HANDS AND AGENCIES WORKING TOGETHER.

THANK YOU VERY MUCH FOR YOUR ATTENTION AND GOOD NIGHT.