

PRESS RELEASE

FOR IMMEDIATE RELEASE



Contact: Kahmile Reid - Senior Public Relations Officer
The Independent Commission of Investigations (INDECOM)
1 A Dumfries Road, Kingston 10
Gen: 1.876.968.8875 Ext. 282. **Mobile:** 1.876.564.6765.
Email: kahmile.reid@indecocom.gov.jm

Court says INDECOM entitled to the disciplinary records of police officers being investigated

February 23, 2016 - The Independent Commission of Investigations (INDECOM) last Wednesday, (February 17, 2016) received the decision in a matter brought by the Commission against the Commissioner of Police and the Attorney General. Chief among the declarations is that the Commission should have access to the administrative reviews, disciplinary and other records where relevant to a particular investigation.

The four (4) declarations sought by the Commission were in relation to the investigation into the conduct of police officers in Area Three.

The matter was heard on February 3, 2016 before His Lordship, Mr. Justice Bryan Sykes. The Commission's submissions were led by Shawn Wilkinson and Rhona Morgan; the respondents' by Susan Reid- Jones and Vanessa Blair of the Attorney General's Chambers.

In summary, INDECOM sought the following declarations:

1. That sections 4, 12 and 21 of the Act entitles the Commission to access all materials relevant and pertaining to administrative reviews, disciplinary procedures, suspension from duty, disciplinary records and operational plans of members of the JCF (generally);
2. A declaration that the phrase "documents or thing in connection with the investigation" in s. 21(1) of the Act includes the personal disciplinary records of members of the JCF involved in the incidents that are the subject of the investigation;
3. A declaration that INDECOM is entitled by virtue of sections 4, 12 & 21 to the operating structure of the street crime unit and proactive investigation team between 2009 and present; a list of the members in those teams for that period; disciplinary records of members of these teams prior to them joining the formations; notes from the administrative reviews of the particular incidents under investigation and the operational plans;
4. An order that the Commissioner of Police shall produce and/deliver to INDECOM the information or documentation itemized above; and

Justice Sykes delivered his judgment, granting three (3) of the four (4) declarations, he noted:

The Commissioner of INDECOM is entitled to the disciplinary records of all police officers allegedly involved in the incidents relevant to the claim. Sections 4(2) (a)-(c), and section 21(1) enables this.

The Commissioner can obtain the information requested under sections 4(2) (a)-(b) or section 21. This information is restricted to the officers of the unit alleged to have been involved in the incidents which are the subject of the claim.

He also instructed the Commissioner of Police to comply with this order within 120 days.

Justice Sykes did note that though the declarations are granted, they are subject to legal professional privilege, public interest immunity and the constitutional right to privacy which may be raised.

The full written judgment will be made available to counsel within 10 days.

END