

PRESS RELEASE



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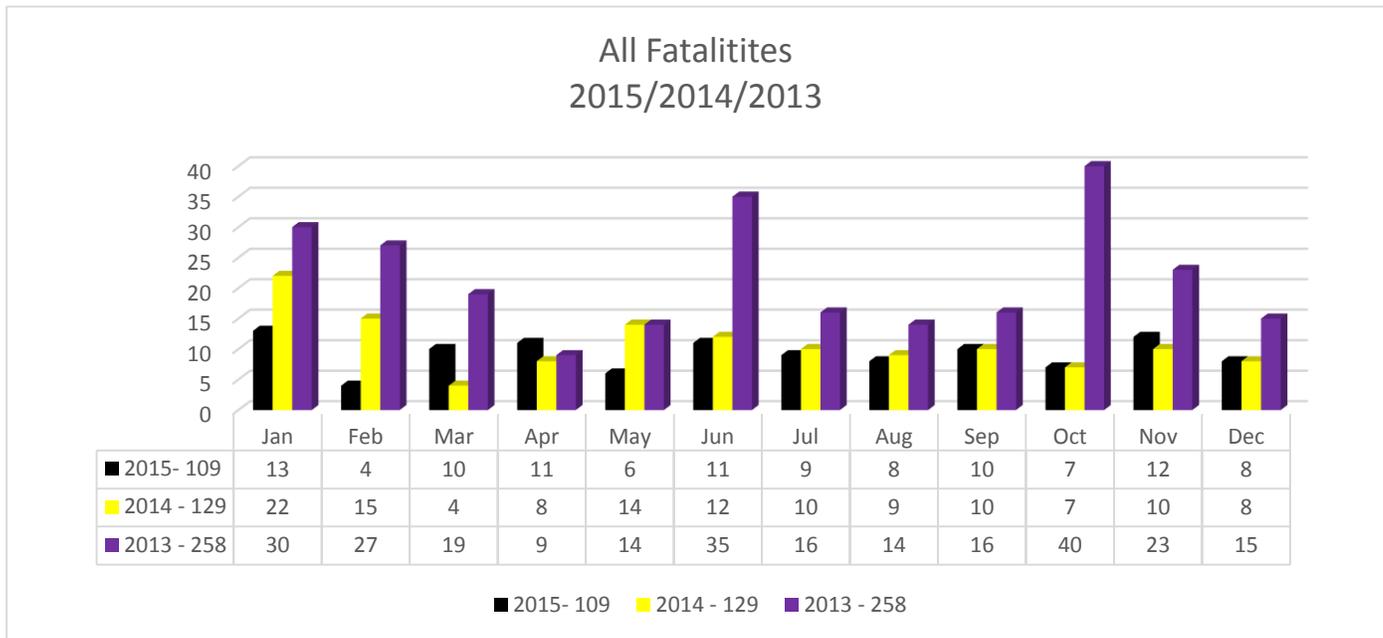


Figure1: Shows the number of security force related fatalities recorded in 2013-2015.

JCF-INVOLVED FATAL SHOOTINGS BELOW 100

January 27, 2016 - The Independent Commission of Investigations' (INDECOM) 2015 statistical data has revealed that fatal shootings in relation to the Jamaica Constabulary Force (JCF) have dipped below 100 for the first time in more than 16 years.

Of the 109 security force-related fatalities recorded for the period; 98 involved the JCF and three (3) the Jamaica Defence Force (JDF).

The figure of 109 represents a 15.5 per cent decrease in fatalities when compared with 2014 when 129 fatalities were recorded. It also represents a 42 percent decrease when compared to 2013 when 258 were recorded.

Included in this 109 total are:

- 101 fatal shootings;
- Seven (7) were deaths in custody and
- One (1) recorded as "fatality – other."

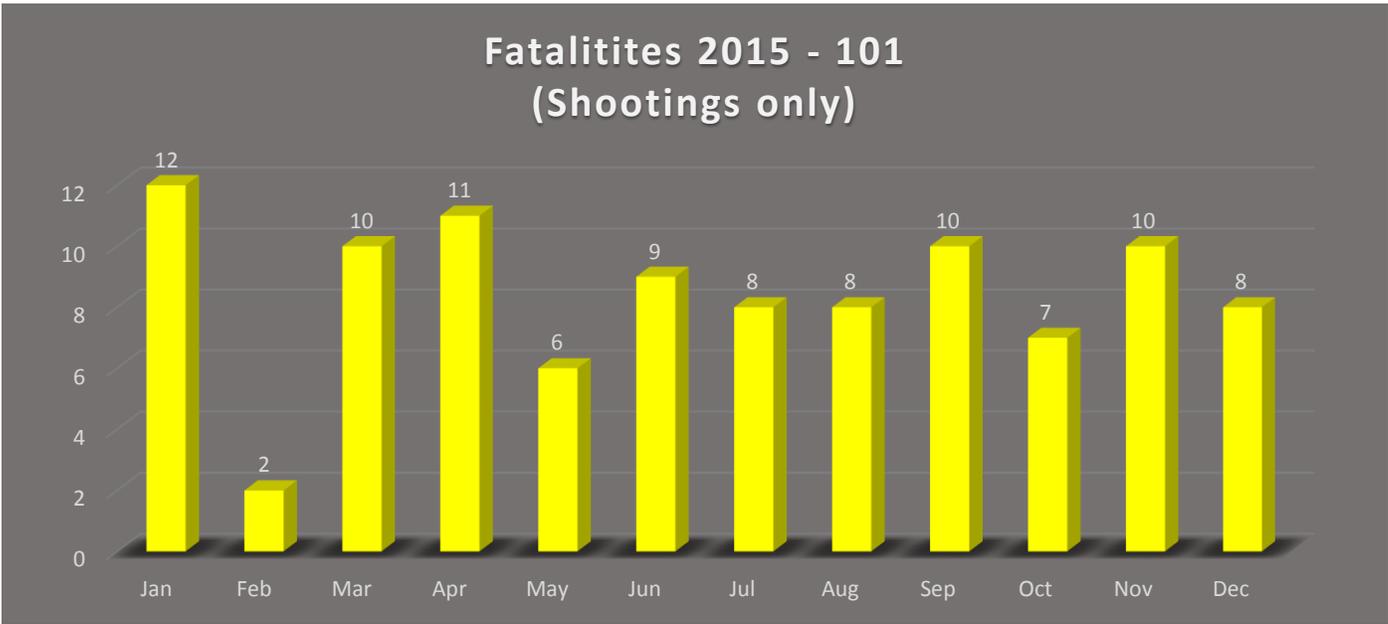


Figure 2: Shows the number of fatal shootings broken down by months for 2015.

The highest number of fatalities for a month in 2015 was 12 which was recorded in the month of January and the lowest number recorded in a month for the same period was two (2); this was in February. The Commission notes that fatalities were below 10 for seven months during the period (February, May, June, July, August, October and December).

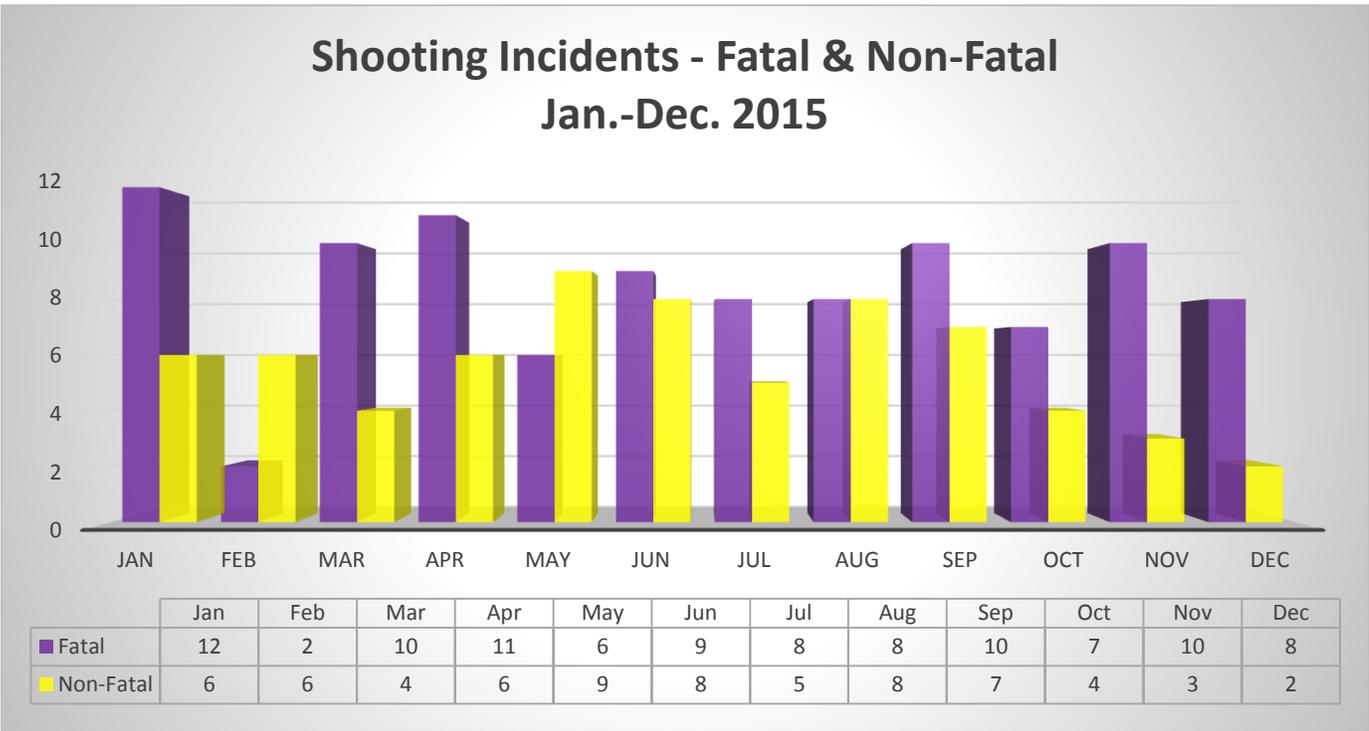


Figure 3: Shows a comparison of fatal and non-fatal shootings for the 12 months of 2015.

All Fatalities - By Parish 2015/2014

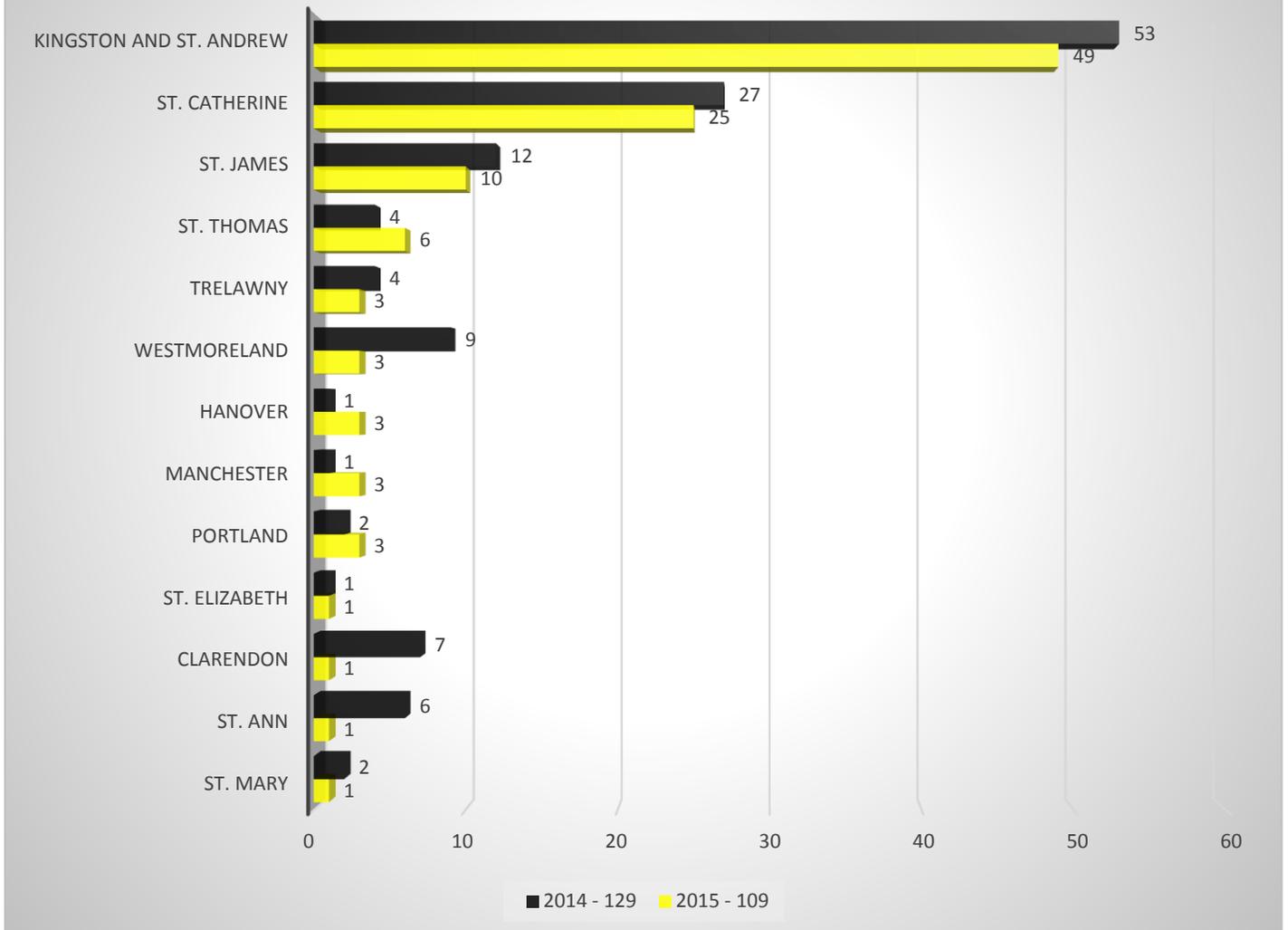


Figure 4: Shows the breakdown of fatalities by parish while comparing the previous year.

The highest number of fatalities were recorded in the parishes of Kingston and St, Andrew, which accounted for 44 per cent of the total with 49 deaths. These figures represent a 7 per cent decrease in fatalities for the parishes of Kingston and St. Andrew when compared to 2014.

In St. Catherine, the Commission recorded 27 fatalities, 21 of which were fatal shootings. The other six (6) fatalities were deaths in custody. In St. James, 10 fatalities were recorded, there were no deaths in custody in that parish.

In all other parishes, the number of fatal shootings recorded were in single digits with St Thomas recording six (6). While in Trelwany, Westmoreland, Hanover and Manchester the Commission recorded three (3) each. In St Elizabeth, Clarendon, St. Ann, and St. Mary, one (1) was recorded for each of those parishes.

Off-Duty Police Shootings

In 2015, the Commission noted a rise in the number of shooting incidents involving off duty police officers. The Commission recorded 36 shootings such incidents. Of those incidents, 16 (42%) ended in a fatality, while the remaining 20 (58 %) ended in shooting injuries.

It should be noted that six (6) of the off-duty shootings committed by the officers were in a wholly private capacity. Four (4) of those officers have since been charged by the JCF with murder. The other two officers committed suicide.

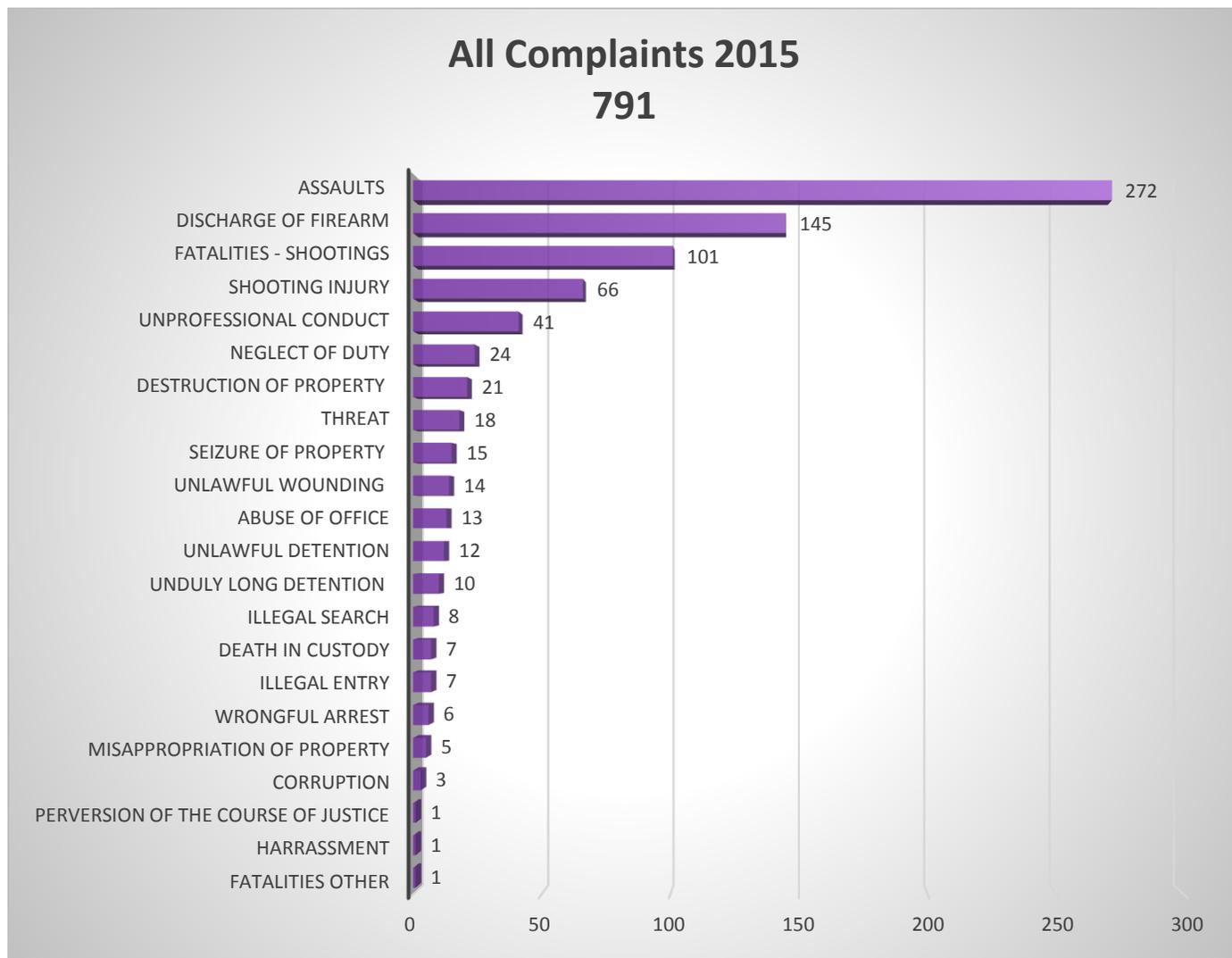


Figure 5: Shows all complaints made to the Commission in 2015.

The Commission received a total of 791 complaints in 2015, this includes the fatal and non-fatal incidents. The complaint of assault has historically been the highest among the categories and continues to be as the Commission recorded 272 such instances.

In 2015, the Commission noted a very high number of discharge of firearm incidents. 145 such incidents were reported to the Commission. To this end, the Commission intends to initiate an investigation into the incidents of discharge of firearms. This year (January 24, 2016) a civilian was shot and killed during a multiple discharge of firearm incident.

The categories for which the Commission recorded the lowest number of incidents include: illegal search (8), death in custody (7), illegal entry (7), wrongful arrest (6), misappropriation of property (5), corruption (3), perversion of the course of justice (1), fatality – other (1) and harassment (1).

Commission's Reports Completed

The Legal Department completed 241 Commission's Reports in 2015. Of this total, 138 (51%) of these recommendations were for "no criminal charge and no disciplinary action". Criminal charge was recommended for 52 of these matters representing 19 per cent of the total. A further 35 (13%) matters were referred to the Coroner's Court, while 17 were recommended to pursue civil remedies.

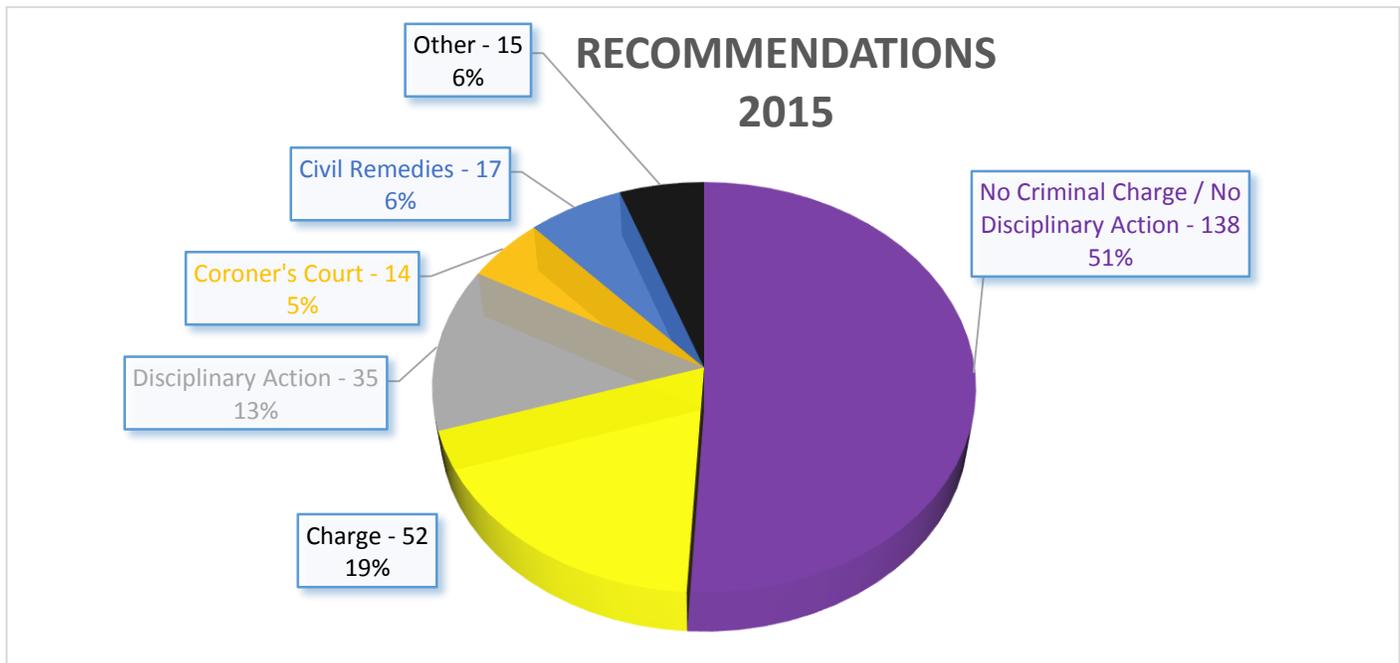


Figure 6: Shows the recommendations made by the Legal Department in relation to the completed Commissions Reports completed for 2015.

INDECOM's Latest Report of Parliament: Command Responsibility for the Use of Force

The Independent Commission of Investigations has tabled its latest Report to Parliament and Annual Report entitled "Command Responsibility for the Use of Force."

The report was tabled pursuant to sections 17 (3) and 30 (2) of the INDECOM Act 2010.

The document consists of three (3) parts:

- Section 1: Command Responsibility for the Use of Force
- Section 2: A Special Investigation into the School Resource Officers Programme
- Section 3: The Administration and Operation of the Commissions

Section 1: Command Responsibility for the Use of Force

In this section, the Commission continues to look on the inordinately high number of security force related fatalities, with focus on the responsibility of the supervisors of the State Agents who are often called upon to decide the nature of the police operation to be conducted. The Commission is of the view that the responsibility should fall on those in command, as they have a responsibility to lead in such a way that fosters the observance of the Right to Life.

The Report considered data gathered on planned operations and the tactic of dynamic entry. This entry tends to be the first option in many if not all instances and is believed to be one that is dangerous to both the state agent and the civilian. This entry does not minimize the loss of life or injury.

Recommendations

Several recommendations were made regarding this issue surrounding planned police operations, chief among them is that in appropriate cases commanders and supervisors be held accountable. It was also recommended that the JCF administer tactical training programs that emphasizes rights-based approach to operations including an alternative to the traditional dynamic entry.

Section 2: Special Investigation into the School Resource Officers Programme

In this section the Commission focused on the role and function of School Resource Officers (SROs) and how their presence affects the student population. The Commission became concerned about the SRO programme after receiving several complaints regarding them. It was reported that students were being physically and verbally abused by SROs while on school compound which often ended in the student entering the justice system by being arrested and taken to court.

The **Terms of Reference** were:

- to determine whether there is policy directive from the Ministry of Education that govern the operations of SROs and how they are selected;
- to determine what special training, if any, is afforded to them in aid of the execution of their duties; to determine if the SROs operate under the same guidelines as police officers and;
- to make appropriate recommendations.

Findings

The findings revealed that:

- Students were being arrested for offences which emanate from their interactions with SROs. These incidents included, disorderly conduct, assaulting a police officer, resisting arrest and indecent language. It was noted that the escalation occurred when students came into contact with the SROs.
- The Commission found that the SROs were practicing "hard policing" for school rule infractions, not necessarily illegal activities.
- There were also ambiguities in relation to the role of the SROs in relation to the role of the school's Dean of Discipline.

The Commission made 12 recommendations in this report. In 2013 and a part of 2014, representatives of the Commission, in collaboration with the JCF and the Ministry of Education, made several presentations on how to improve the effectiveness of the SROs. This was facilitated by the Community Safety and Security Branch of the JCF under the supervision of the Safe Schools Programme. Since then the Coordinator of the Safe Schools Programme has reported a drastic decrease in the number of complaints against SROs.

Planned Police Operations

Despite an annual reduction in fatalities, planned operations continue to account, annually, for some 35%-40% of all fatalities. There were 115 fatal shootings in 2014, during that time there were 36 reported planned operations from which 38 fatal shootings occurred. In 2015, there were 37 reported planned operations, from which 38 fatal shootings occurred.

Continuing education, engagement and activity is required by INDECOM and the JCF to reduce this aspect of police fatalities, which contributes some 40% of all police killings.

The Commission's Directors of Complaints and the JCF Command Officers are continuing post event examination of planned operations to include careful examination and the completion of assessment forms.

INDECOM concerned about high number of Discharge of Firearms incidents

The Commission has undertaken a limited analysis (50%) of the discharge of firearm incidents, (DFI's), for 2015 which was conducted from 145 of the reports received.

Each report was examined to identify the following elements, i.e. whether the discharge of the round/s was:

- At a fleeing motor bike or vehicle
- In the air
- At a fleeing person
- Fired rounds (no target)
- At alleged gunman/gunmen
- Fired by off-duty officer
- Whether or not a gun was recovered
- Other

The 145 DFI's are greater than the total fatal firearm incidents for 2015 (101) and are greater than the non-fatal, firearm injury incidents (68) in 2015.

On average, INDECOM dealt with 12 FDI's per month.

The Commission notes that each of these FDI's represents the use of deadly force. The use of such deadly force is intended to be used only where one's own life, or that of another, is in immediate risk of death/injury and the use of such deadly force is proportionate and necessary in the circumstances.

It could be assumed that all FDI's were with the intention of shooting someone, owing to the risk of death or injury of the police officer, however, observation suggests that most of the FDI's do not meet the necessary standard required.

Some observations on the current data of the sample (90 FDI's) is as follows:

- 53 different police groups are represented from the 90 FDI's.
- Some police stations had more than six (6) FDI's per year.

- 14 FDI's are at fleeing motor vehicles. **NB.** This is not, without more, an approved use of a firearm
- 17 FDI's are by Off Duty officers. Of these, 2 are recorded as accidental discharge, 2 arise from intervening in Crowd Control, others arise from intervention in crime or where the officer was the intended victim of crime – e.g. robbery.
- 24 FDI's were shots in the air. **NB.** This is not an approved use of a firearm
- 55 FDI's were reported as firing at alleged gunmen or gunman – 10 were specifically whilst chasing a suspect.
- Five (5) weapons were recovered from the 90 FDI's.
- 494 rounds were reported as being fired from 90 FDI's. NB. Not all records indicate number of rounds fired.
- Four (4) of the case reports indicate that the police account was strongly refuted.

INDECOM and Security Force Relations

The Commission has adopted a posture of optimism and cooperation with all the stakeholders and this has served both sides well thus far. These modes of cooperation include; regular meetings and exchanges with the police high command and even more regular interaction with the member of the security forces in the form of Outreach Exercises.

These Outreach Exercises are a part of our long term plan to maintain a relationship of cooperation and mutual respect with the members of the security forces.

Consequently, we have instituted a self-imposed target of 1200 contact hours annually during which time we engage in information sharing and exchange of ideas. This task is administered by the Director of Complaints for the regions they serve in partnership with the Public Relations Unit. In 2015 the Commission recorded 1903 contact hours with 736 members of the JCF.

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