

THE INDECOM QUARTERLY 3RD

July - September 2017



This report is on unlawful detention at police station lock-ups in Jamaica. This complaint is one of the categories of the rights of the citizen that may be abused by the Jamaica Constabulary Force (JCF).

The report highlights the special investigation that the Commission conducted at three police stations. At each, the custody officers made genuine attempts to ensure the safe custody of detainees despite the difficult physical conditions. Two police stations presented disregard of the lawful period of pre-court detention and the review of such detention.

At one station a detainee was suspected to be suffering from a serious communicable disease but despite the efforts of the custody officers, insufficient steps were taken to arrest the risk of hazard to the detainees and the custody staff.

Legal Framework

We all have the right to liberty. People ought not to be deprived of these rights except in accordance with procedures prescribed by the law.

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“In matters of truth and justice, there is no difference between large and small problems, for issues concerning the treatment of people are all the same”

Albert Einstein

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IN THIS EDITION OF THE IQ

DETENTION

In this report, the Commission explores the issue of breaches of citizens' rights in relation to detention. Teams from the Commission visited three police stations where several persons were unlawfully detained.

PART ONE: NEW COMPLAINTS

The Commission received 197 new complaints for the period. The top five categories of complaints include: 54 discharge of a firearm; 52 assaults; 38 fatal shootings; 26 shooting injuries; and six cases of unprofessional conduct.

In relation to parishes with fatalities: Portland, Trelawny, and Manchester had no fatalities for the period. The Commission recorded one each in the parishes of St. Thomas, St. Mary, St. Elizabeth, St. Ann and Hanover. Two fatalities were recorded in Clarendon; while three fatalities were recorded in Westmoreland and six in the parish of St. James. Twelve fatalities were recorded in St. Catherine and 14 recorded in the parishes of Kingston & St. Andrew.

All parishes had complaints, both fatal and non-fatal, with Kingston and St. Andrew recording the highest with 68 complaints and Portland recording the least with one.

PART TWO: THE LEGAL DEPARTMENT

In the Legal Department, 207 Commission's Reports were completed and distributed. The nature of these files included: 81 assaults, 39 fatal shootings, 29 discharge of firearms, 14 false imprisonment matters and 13 in relation to the category of conduct unbecoming. An overview of recommendations for no charge, disciplinary action or charge, for the reports completed is listed in this section.

Recommendations from fatal shooting incidents, where Commission's Reports were completed during the quarter are also listed. Four members of the Jamaica Constabulary Force (JCF) were arrested and charged during the period.

PART THREE: LESSONS LEARNT

The issue of persons shot, and either killed or injured, when they were not in possession of a firearm, but were in possession of a machete, knife or other weapon is discussed; with recommendations for revised 'engagement tactics' when dealing with such non-firearm scenarios.

PART FOUR: PUBLIC INFORMATION

The Commission's Senior Management Team in the Operations Unit had two meetings with members of the JCF High Command to include the Inspectorate of Constabulary for the period. The matters discussed included INDECOM/JCF MOU, cases of refusal to arrest and fleeing officers.

The Commission participated in awareness exercises equaling 256.5 man hours for the period.

The Public Relations Unit issued 12 press releases for the period. The titles of these are listed in this section.

Five members of the Forensic Unit, were successful in becoming the first IAI Certified Crime Scene Analysts in Jamaica.

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Detention Issues

The Constitution

The **Constitution**, at section 14, requires that detentions be reviewed, "forthwith or as soon as is reasonably practicable" and that, if the detainee is not bailed, that he be brought before a court promptly. At common law, a 48 hour period was stated to be the usual limit for detentions without court appearance (**Sherman and Another (1981) 2 All ER 612**).

Section 15 of the **Constabulary Force Act** allows for wide powers for a police officer to arrest a person without a warrant but tempers this power with the requirement that this person must be taken "forthwith" before a Justice of the Peace (JP) "who shall enquire into the circumstances of the alleged offence, and either commit the offender to the nearest jail, prison or lock-up to be thereafter dealt with according to law, or grant that person bail in accordance with the Bail Act".

Sections 24 and 25 of the JCF Act press the point by requiring the officer in charge of the station to consider bail for any person brought for detention and, if not granted, to seek out a JP to make the needful orders (i.e. for bail or detention). These protections are routinely breached as almost all detentions in police lock-ups are not preceded by any order of a JP.

The next stage provided for is at section 24 of the **Bail Act** where, within 24 hours, if the detainee is not charged, he must be brought before a Parish Court Judge (PCJ) or a JP for them to make the appropriate orders. This means that no detainee should be in custody longer than 24 hours without the order of a Parish Court Judge or a JP.

Indeed only the Parish Court Judge can permit longer detentions for the purpose of the conduct of an identification procedure. It must be noted that Parish Court Judges are required by statute to make weekly visits to the lock-ups in their parish.

Overview of Complaints

INDECOM currently has 190 cases of unlawful or unduly long detention on record. Detention may be unlawful for other reasons including inhumane conditions and denial of access to medical care. The Commission has also investigated 85 cases of deaths whilst in detention. Despite these numbers, it is perceived that detention abuses are under reported. This perception was confirmed by the station inspection conducted in this investigation.

The Inspections

Earlier this year, the Commission took steps to garner empirical data on unlawful detentions by visiting and examining police lock-ups in several parishes. The intention was to attend a number of police stations and conduct an investigation and inspection of persons detained in the police lock up, addressing specifically the issues of unlawful detention and unduly long detention.

The Commission's records revealed that some stations have what appears to be a disproportionate number of complaints of unlawful detention or unduly long detention. Records also showed that in some of the death in custody investigations, the lawfulness of the detention was a pertinent factor in the case.

The visits were conducted under the authority of the **INDECOM Act** section 4(3) (a) (i) (ii) and (iii).

During the visits investigators examined the records appertaining to the prisoners currently held in custody, their current status, duration, grounds for arrest and whether the relevant authorizations for their continued detention had been secured. The investigation also entailed speaking to some of the prisoners.

A total of five (5) police stations were identified for this exercise, namely: Denham Town, Spanish Town, Barnett Street, Mandeville and Morant Bay. The Commission examined only three of the five stations as the Superintendents in charge at Spanish Town and Morant Bay refused to allow INDECOM to examine their facilities and records, despite INDECOM personnel having obtained warrants.

Physical Conditions and Health Issues

Denham Town Police Station

For the **Denham Town Police Station**, a team of investigators visited and examined six cells, the bathroom facilities as well as the holding area. The cells were observed to be poorly lit due to items of clothing belonging to prisoners blocking the light and ventilation. The facility was not overcrowded although prisoners suggested this is not always the case. At times, according to prisoners interviewed, the cells are so crowded that they are unable to sleep. Further some prisoners told of irregular medical checks and treatments not facilitated on recommended dates.

Prisoners interviewed complained of not getting medical checks or follow-up treatment. The police indicated that this was the result of resource constraints. Prisoners also complained of being unclear as to the duration of their stay in the facility as this was not communicated to them.

Of concern to the Commission was a man suspected of having tuberculosis (TB) in custody. Even though he was separated from the other inmates, his cell was next to the other detainees' cells and had open grillwork. According to the records, he had been in custody for at least three days. Also of concern was the fact that neither the detainee nor the police officers who interacted with this man wore protective gears.

According to medical professionals consulted, when interacting or treating anyone with this condition, it is recommended that a mask, a protective body suit and gloves are worn as TB is highly contagious. According to the World Health Organization (WHO) website, typically, the level of TB in prisons has been up to 100 times higher than that of the civilian population. Further, according to the site, "late diagnosis, inadequate treatment, overcrowding, poor ventilation and repeat prison transfers encourage the transmission of TB".

Also of concern was the complaint of inmates of a 'scabies-like' infestation. Scabies, according to WebMD.com is an infestation of mites called sarcoptes that 'set up shop' under layers of the skin which causes rashes and intense itching especially at nights. It is spread through close contact and can survive for two to three days away from human skin

according to the US Centres for Disease Control and Prevention (CDC).

Another inmate was seen shivering and told investigators that he suffered from high blood pressure. According to this detainee, the police's attempt to get his medication proved futile as it was not in stock when attempts were made to obtain it. On our intervention, family members were eventually called to handle the matter of the prescription.

Barnett Street Police Station

Sixty eight (68) inmates were being housed at the **Barnett Street Police Station** at the time of visit. *Prisoner Detention Questionnaires* were administered to several prisoners who were further interviewed regarding the reason for detention.

It should be noted that one prisoner who had an initial court date more than a month away was given station bail following our query as to why he was being held until his next court date. There were nine (9) persons to a cell, as the station was housing prisoners from the Freeport Police Station which was closed at the time. Generally, the conditions of the facility were found wanting in relation to sanitation, accommodation capacity and lighting.

Mandeville Police Station

Upon inspection, the **Mandeville Police Station** was found to have poor lighting. The Commander offered an explanation for this, indicating that lighting is often willfully destroyed by prisoners, and such fixtures are eventually replaced albeit not immediately. This station was compliant with JCF Lockup and Administration Policy in relation to the condition of the facility generally. However, like other lock-ups, the issue of overcrowding existed. This station in particular was designed to hold 63 persons, however, there were 92 persons inside.

Of note, is that in this facility was a single cell for mentally ill persons where a total of seven were being housed. The cell, it was noted was in an area where the occupants could be closely monitored but there were no hanging points observed.

Table 1: Represents the Police Stations visited and the status of the inmates observed therein.

Status	Mandeville Date: March 30, 2017	Denham Town Date: October 23 2017	Barnett Street Date: March 29, 2017	Total
Total #in Detention	92	40	68	200
Not remanded by Court	3	9	29	41
Not seen by PCJ or JP in Lock up over 24 hours	0	9	29	32
Bail with Surety	19	7	16	42

General Observations

During the visits, several inmates were questioned to ascertain the status of their detention. The table above shows that the majority of the persons in lock up were remanded by the courts or offered bail (42), and were possibly unable to take up the offer. A notable number of persons in lock-ups were not seen by a Justice of the Peace in Barnett Street (29). At the Denham Town station seven were offered bail and three were not remanded by court in Mandeville while 19 were offered bail.

Of note is that only Denham Town Police lock-up had persons awaiting an identification parade while 10 seemed to have no reason to be in custody as they had neither attended court, nor were they scheduled to do so, and no JP had seen or approved their detention. Others claimed to be unsure as to why they were in custody in the first instance, reporting that they were not advised.

The Commission has noted the concern and subsequent recommendation of one police officer that the Commission launch an investigation into what he saw as a habit of police officers placing persons into custody for several hours where they remained without charge and then later released.

Finally, prisoners expressed gratitude for INDECOM's visit and suggested the Commission does this on a regular basis.

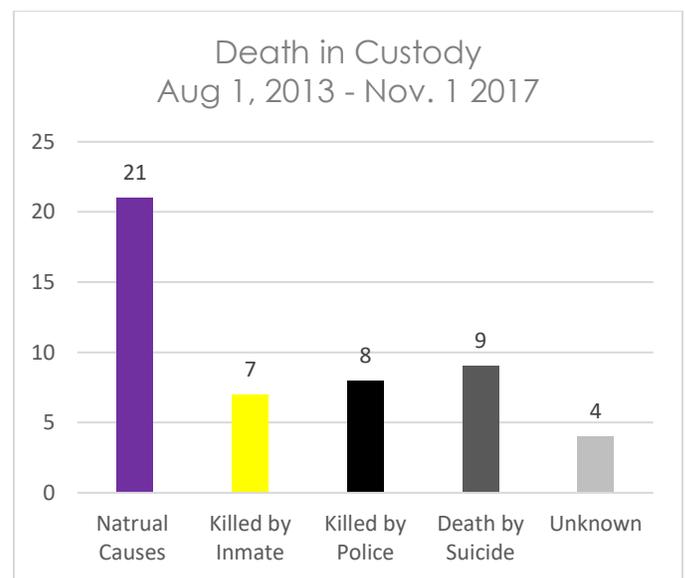
In the end, the Mandeville lock-ups appeared to be the only one that is well reviewed by JPs and PCJs in the parish as no one in their custody was unlawfully detained. Denham Town Police Station however showed no evidence of this review. The Barnett Street lock-up was an offender in this regard as 29 persons were in detention who had not been remanded by a court or approved by a JP or PCJ.

Of note is the fact that in the Denham Town lock-up, none of the inmates who were yet to go to court had their detention approved by a JP or Parish Court Judge. There were two inmates in particular who (as at October 23, 2017) had been in detention since October 12 and 13th respectively without the approval of a JP or PCJ.

Update on deaths in custody since last report

In July 2013, the Commission reported that 24 persons died in State custody. Of this number 12 were apparently by natural causes, three (3) were by suicide, and nine (9) were by violence perpetrated by State agents or fellow inmates. Of the 24, some 18 died in JCF custody and six in Department of Corrections' custody.

Since August 2013 to Nov.1, 2017, the Commission has recorded a further 49 deaths in custody. The breakdown of which can be seen in the figure below.



Recommendations

- Improvement of the physical condition of the lock-ups.
- Justices of the Peace and Parish Court Judges (PCJ) need to routinely visit lock ups.
- Officers in charge of cells need to be more vigilant on the issue of whether persons in their custody were lawfully detained. This must come through orders by high command and subsequent training where necessary. This also entails:
 1. not taking a person into custody unless the arresting officer can justify detention.
 2. Seeking out a JP or a PCJ to review detention to ensure they conform to the law.
 3. Keeping time limits required by law
 4. Maintaining proper records.

PART ONE

NEW COMPLAINTS

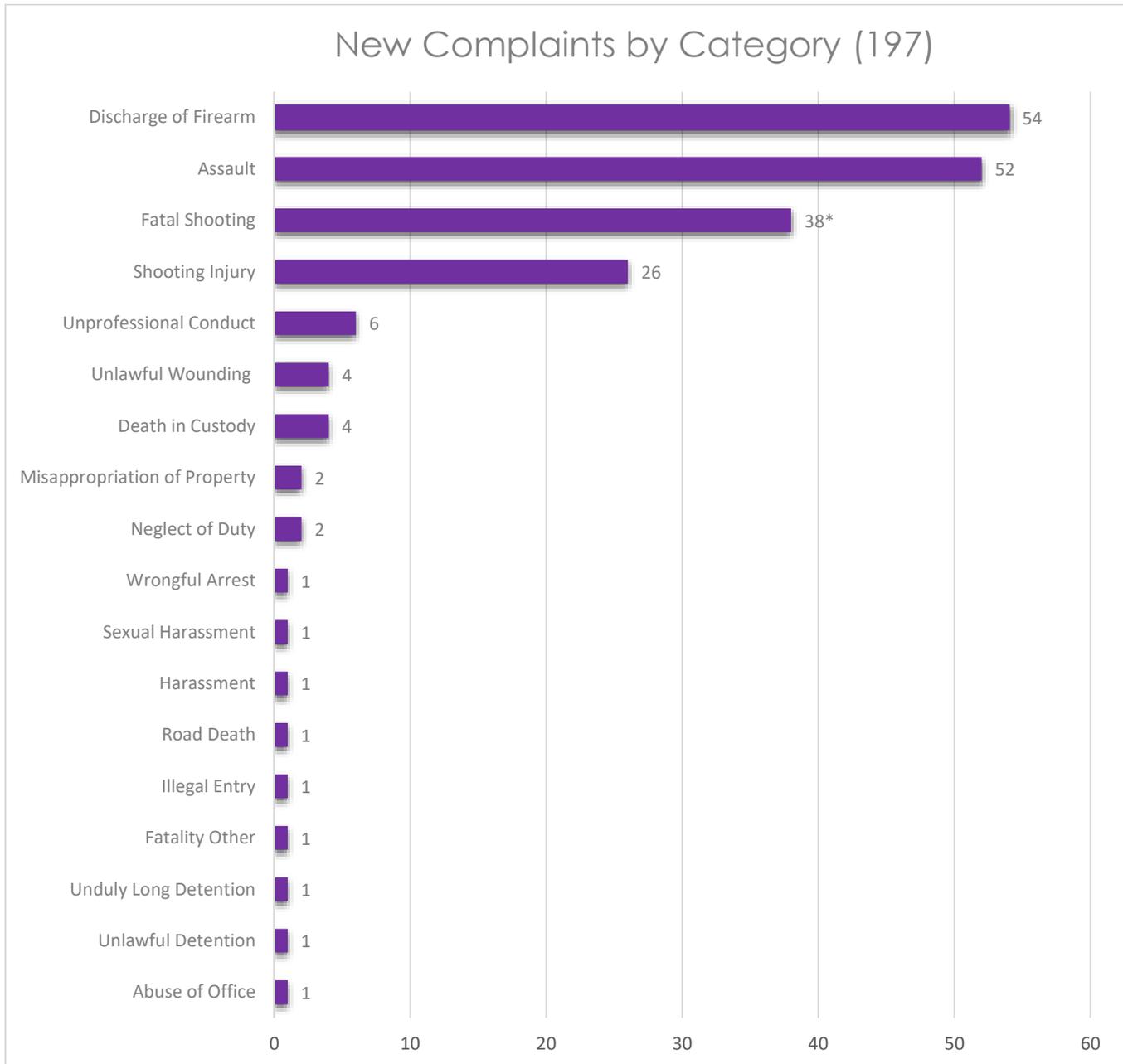


Figure 1: The bar graph shows all categories of new incidents for which complaints were received by the Commission for the period of July to September 2017.

*While there were 38 cases of fatal shooting incidents, the number of fatalities will differ, as some incidents result in more than one death.

COMPLAINTS BY PARISH

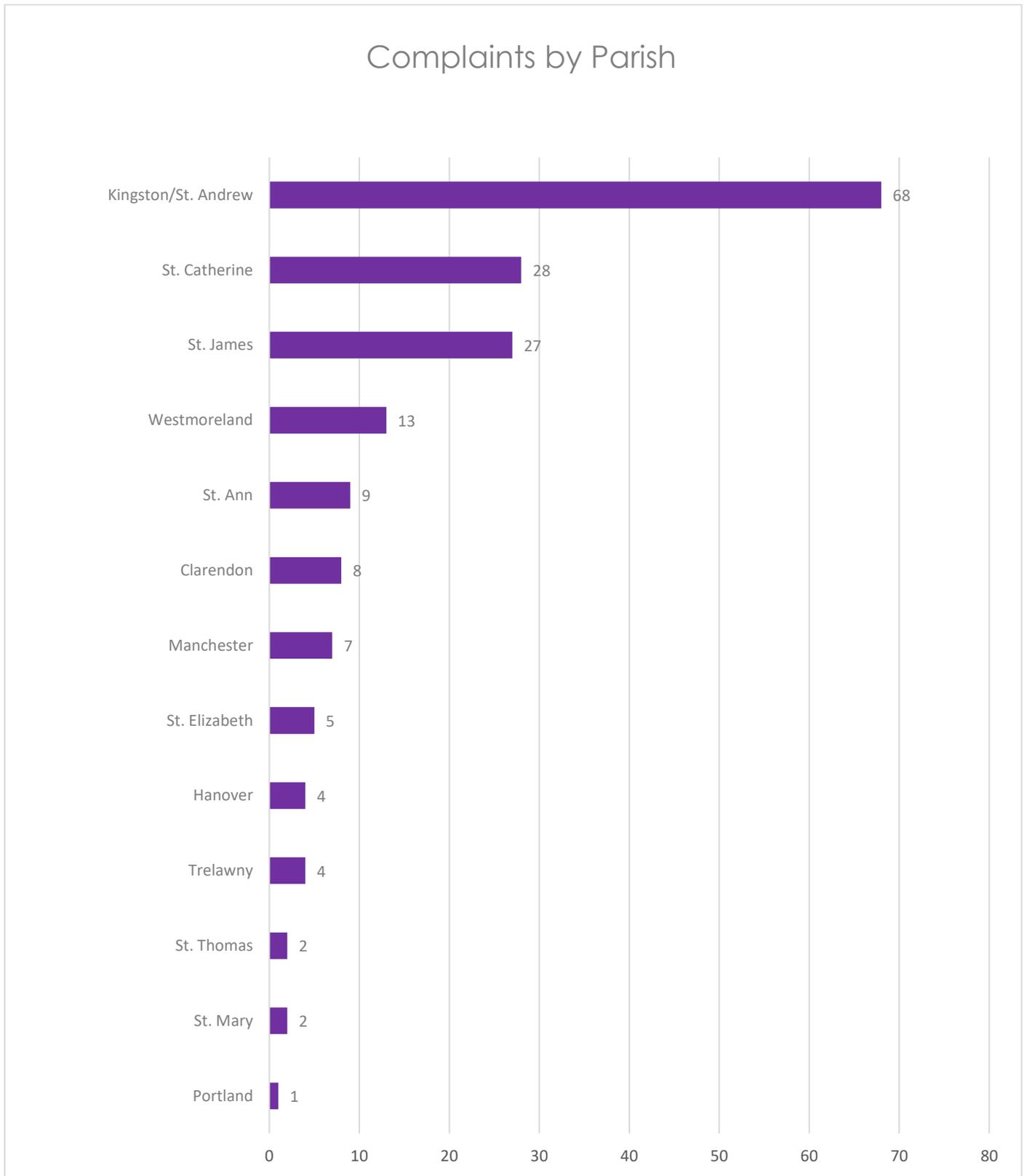


Figure 2: The above graph shows the number of new complaints received by the Commission per parish for the period of July to September 2017.

FATAL SHOOTINGS BY PARISH

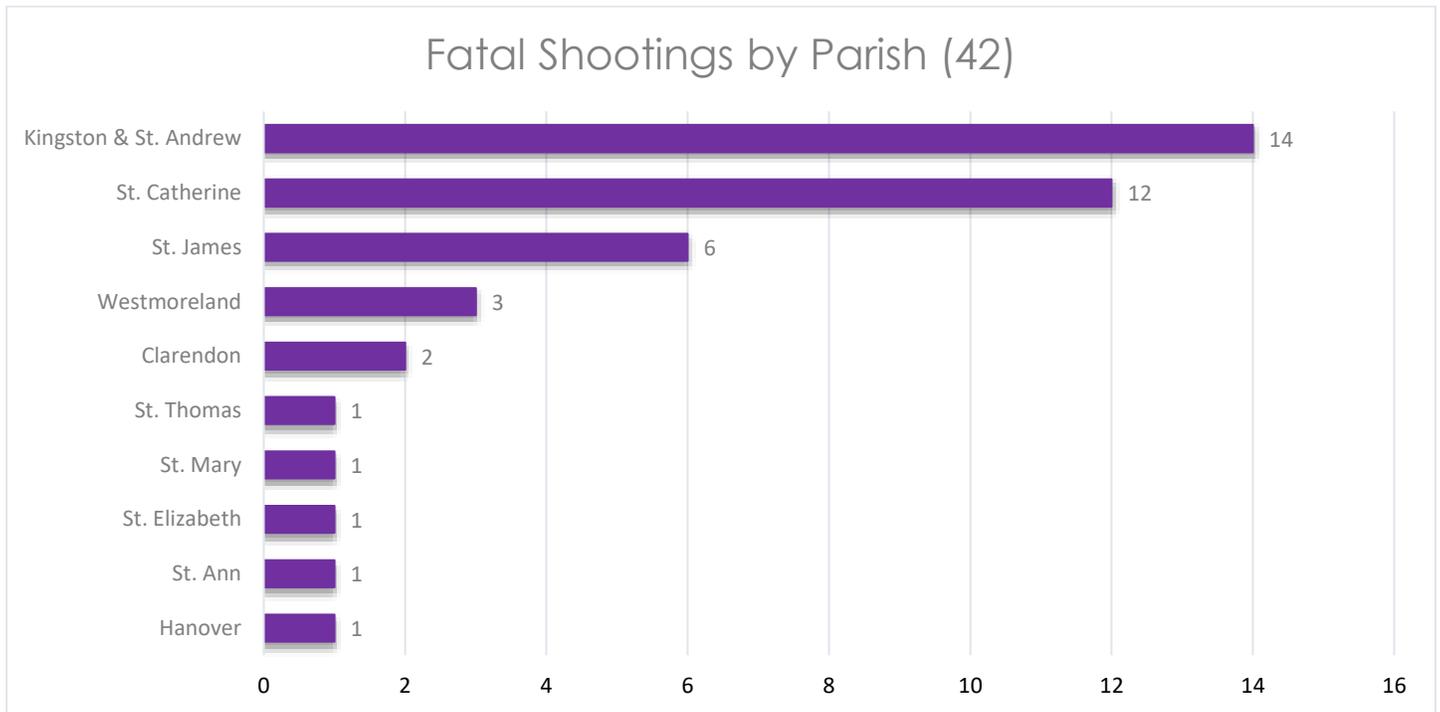


Figure 3: The chart above shows the total number of deaths from shooting incidents per parish for the period of July to September 2017.

FATALITIES BY TEAMS

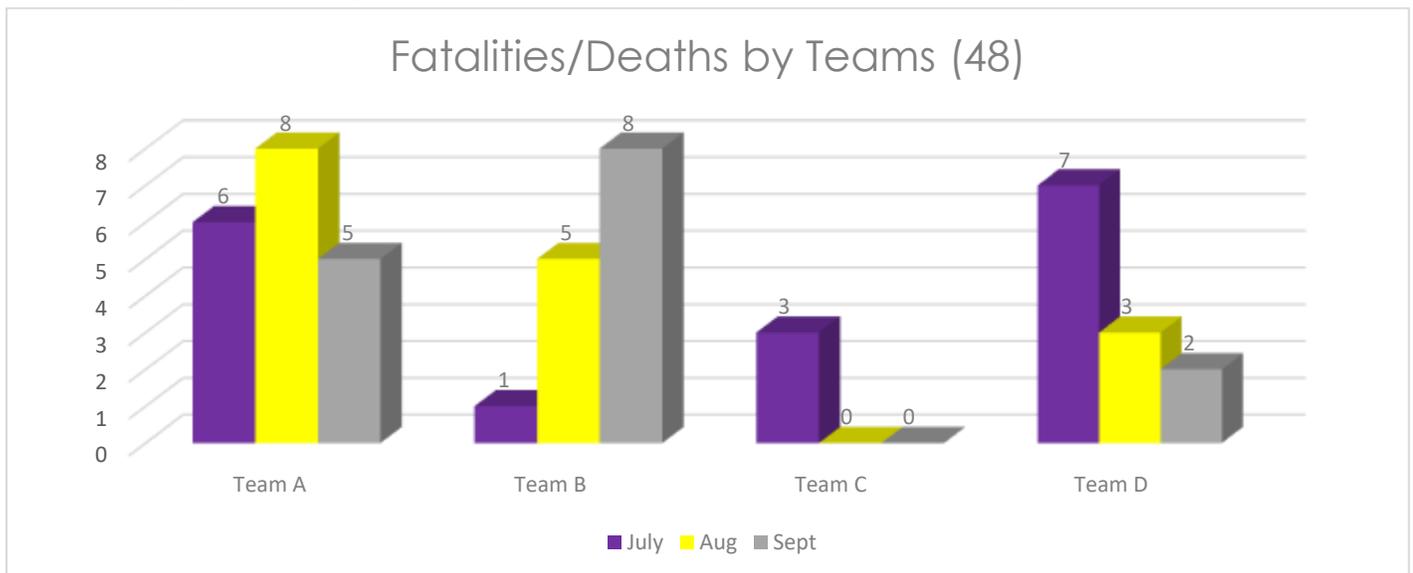


Figure 4: The above graph shows the number of fatalities (to include deaths in custody) in relation to the investigative teams within the Commission for the period of July to September 2017.

FATALITIES BY ORGANISATION

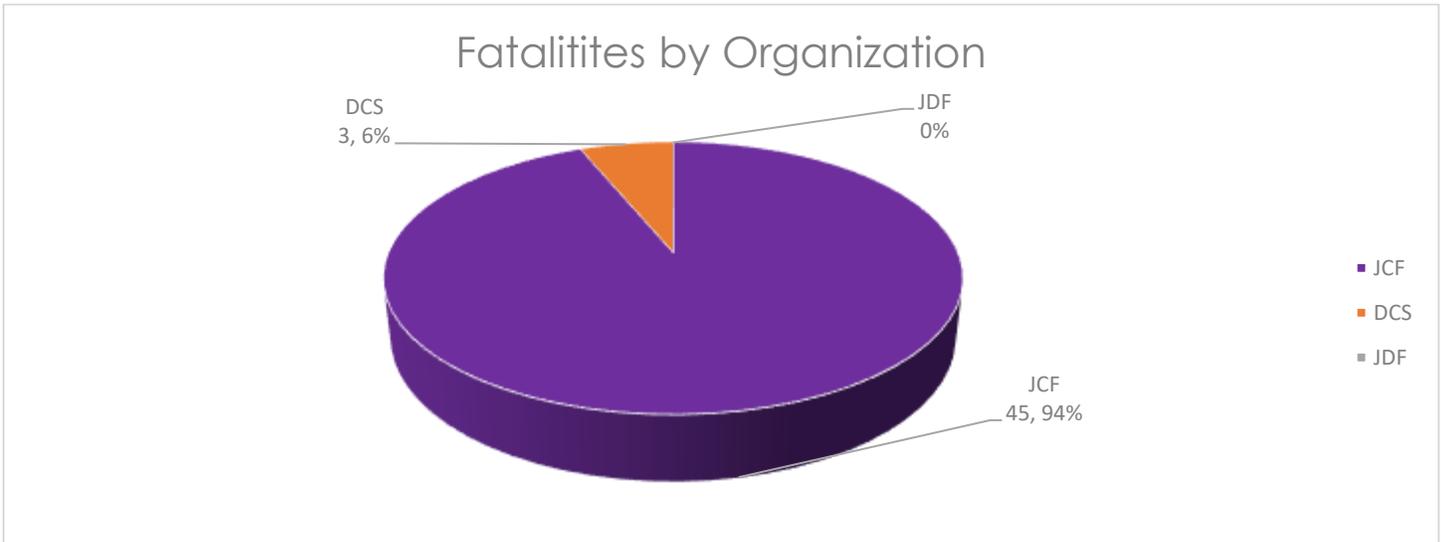


Figure 5: The above pie chart illustrates the State agency to which the fatalities recorded for the period of July to September 2017 are related.

NB: For the period, all deaths in custody were in the confines of correctional facilities, which accounts for the officers from the Department of Corrections.

SECURITY FORCE-RELATED FATALITIES

JCF – Jamaica Constabulary Force

JCF-OD – Jamaica Constabulary Force Off Duty Officer

JDF – Jamaica Defence Force

DCS – Department of Correctional Services

■ DIC – Death in Custody

■ Double/Triple Fatality

■ Non-Shooting death allegedly caused by JCF

Date	Name of Deceased	Location of Incident	Related State Agent
JULY (16) (DIC-1)			
3-Jul	Shevon CUMMINGS	Jarret Land, Kingston	JCF
5-Jul	Jamari HARRISON	Flankers, Montego Bay, St James	JCF
5-Jul	Rickoy MURDOCH	Howard Cooke Blvd, Montego Bay, St. James	JCF
7-Jul	Rushane THOMAS	Linstead, St Catherine	JCF
8-Jul	Andrew ANDERSON	Harvey Beach, Rose Hall, St James	JCF
9-Jul	Errol LEE	Matthews Lane, Kingston	JCF
11-Jul	Miguel HALL	Trinidad Terrace, Kingston 10	JCF
12-Jul	Lorren Lee JOHNSON	Silver Spring, Negril, Westmoreland	JCF
17-Jul	Warrengton BARHAM	Manifest Plaza, Santa Cruz, St Elizabeth	JCF
18-Jul	Ralston ROSE DIC	Tower St Adult Correction Centre	DCS
20-Jul	Brian COPE	Sav la Mar, Westmoreland	JCF
22-Jul	Sadam MULLINGS	Whitehouse, Westmorland	JCF
24-Jul	David McLAUGHIN	Coronation Market, Kingston	JCF
24-Jul	Dennis CHAMBERS	Coronation Market, Kingston	JCF
27-Jul	Kemar WELLINGTON <i>(Non-shooting incident)</i>	North Lane, Montego Bay, St.James	JCF
28-Jul	Oral ROBINSON	Osbourne Store, Clarendon	JCF
28-Jul	Dwight BARRETT	Osbourne Store, Clarendon	JCF
AUGUST (14) (DIC-2)			
2-Aug	Shaconay GORDON	Rosemary Lane, Kingston	JCF
9-Aug	Oneil WIZZARD	Luna Fields Dist, Richmond, St.Mary	JCF
10-Aug	Andre HARRIS	Riverside Road, Kingston 20	JCF
10-Aug	Almando McCLEAN (Child)	Baracudda Way, Braeton	JCF-OD

12-Aug	Yanik SHEPHERD	Mountain View, Nannyville, Kingston	JCF
17-Aug	Dwayne SILVERA	Mobberly Ave, Kingston 20	JCF
20 - Aug	Christopher HINES DIC	Westmoreland	JCF
22-Aug	Keno WILLIAMS	South Camp Rd, j/w Tower St, Kingston	JCF
24-Aug	Damion McLEOD	Arnett Gdns, Zimbabwe, Kingston 12	JCF
24-Aug	Dennis HOWE	Lot 158, Abraham Crescent, Frazer Content, St. Catherine	JCF
26-Aug	Noel BROWN	Burkes Field, Capture Land, Old Harbour Bay, St Catherine	JCF
27-Aug	Glenroy ROACH	Bamboo Drive, Hopewell, Hanover	JCF
28-Aug	Patrick WHORMS	Harbour St, Montego Bay, St James	JCF-OD
28-Aug	Nicholas MASSOP (Escapee)	148 Main St, Pineapple, Ocho Rios, St Ann	JCF
28-Aug	Mickey SIMPSON DIC	Tower St Adult Correction Centre	DCS
30-Aug	Russhaine WOLLASTON (Dist Con)	Davidson Close, Drewsland, Kingston 20	JCF
SEPTEMBER (14) (DIC-1)			
1-Sep	Delroy COOMBS DIC	Tower St Adult Correction Centre	DCS
2-Sep	Kertis COKE	Gordon Crescent, Granville, St. James	JCF
10-Sep	Shadrick Heslop	18a Crescent Rd, Kingston	JCF
12-Sep	Sanjay CHEESE	3rd Floor, Hellshire Club Hotel, Hellshire Beach, St Catherine	JCF
12-Sep	Okery DAVIS	3rd Floor, Hellshire Club Hotel, Hellshire Beach, St Catherine	JCF
17-Sep	Jermaine BALL (Non-shooting incident)	Texton and Rousseau Road, Kingston	JCF
19-Sep	Ricardo SPENCE	Johnson Hill, Hellshire, St Catherine	JCF
24-Sep	Marlon PERRY	Alshamar Hotel, Port Morant, St. Thomas	JCF
25-Sep	Gauntlett HENNINGHAM	Linstead By Pass, Bog Walk, St. Catherine	JCF
25-Sep	Andrew EDWARDS	Linstead By Pass, Bog Walk, St. Catherine	JCF
26-Sep	Raheem CHANTILOPE	Naggo Head Square, Portmore, St. Catherine	JCF
26-Sep	Daniel WHITTAKER	Salt Spring, St. James	JCF
26-Sep	Kayon EDWARDS	Morris Meadows, St. Catherine	JCF-OD
27-Sep	Oneil GRANT	Mahogany Road, Olympic Gardens	JCF
29-Sep	Kenny DAYES	March Pen Road, Spanish Town, St. Catherine	JCF

Table 1: The above list presents the names of persons who died in security force-related incidents for the period of July to September 2017.

PART TWO

THE LEGAL DEPARTMENT

NATURE OF COMPLETED COMMISSION'S REPORTS

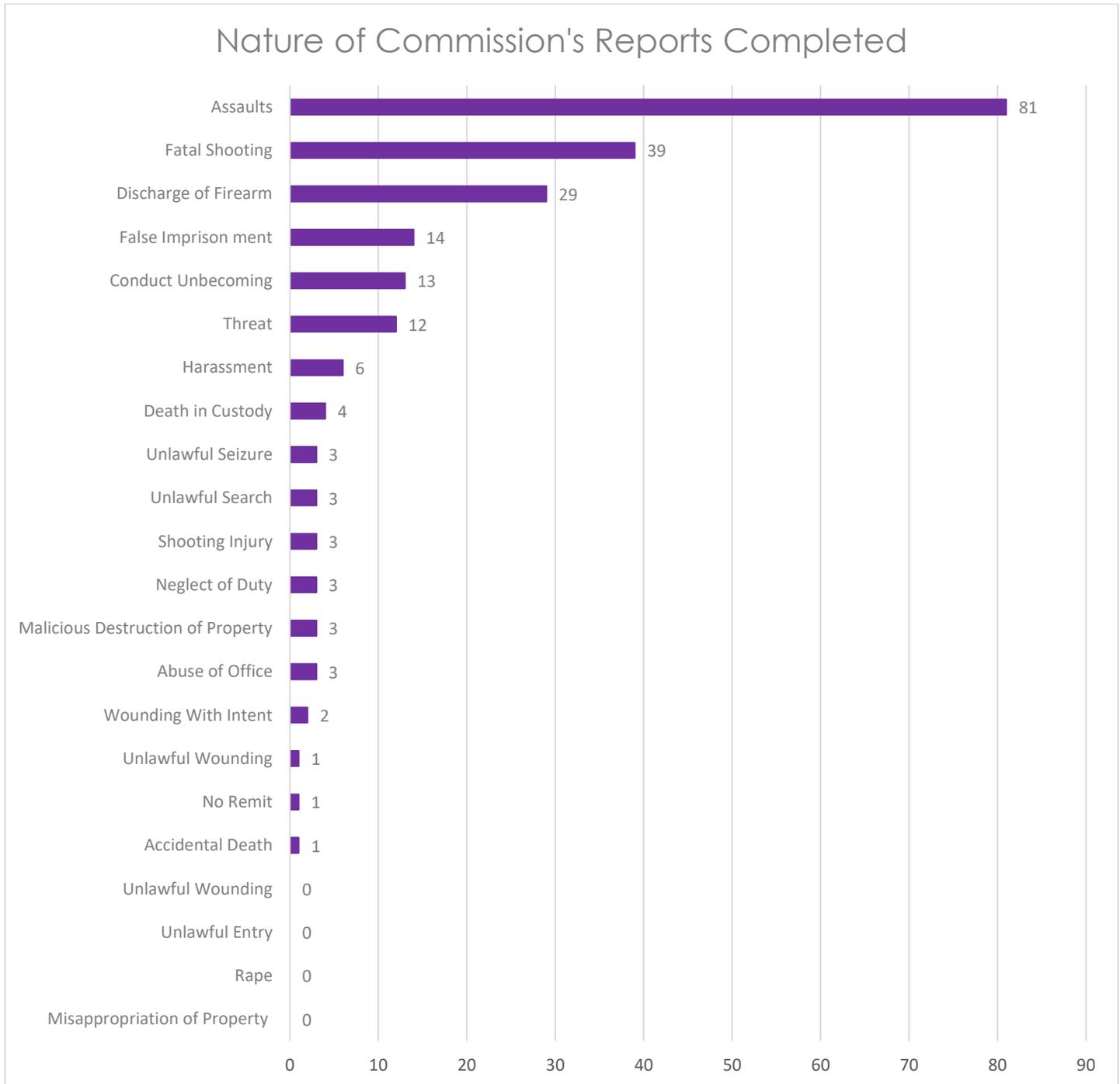


Figure 6: The above graph shows the category of complaints for the Commission's Reports completed during the period of July to September 2017.

COMMISSION'S REPORTS COMPLETED

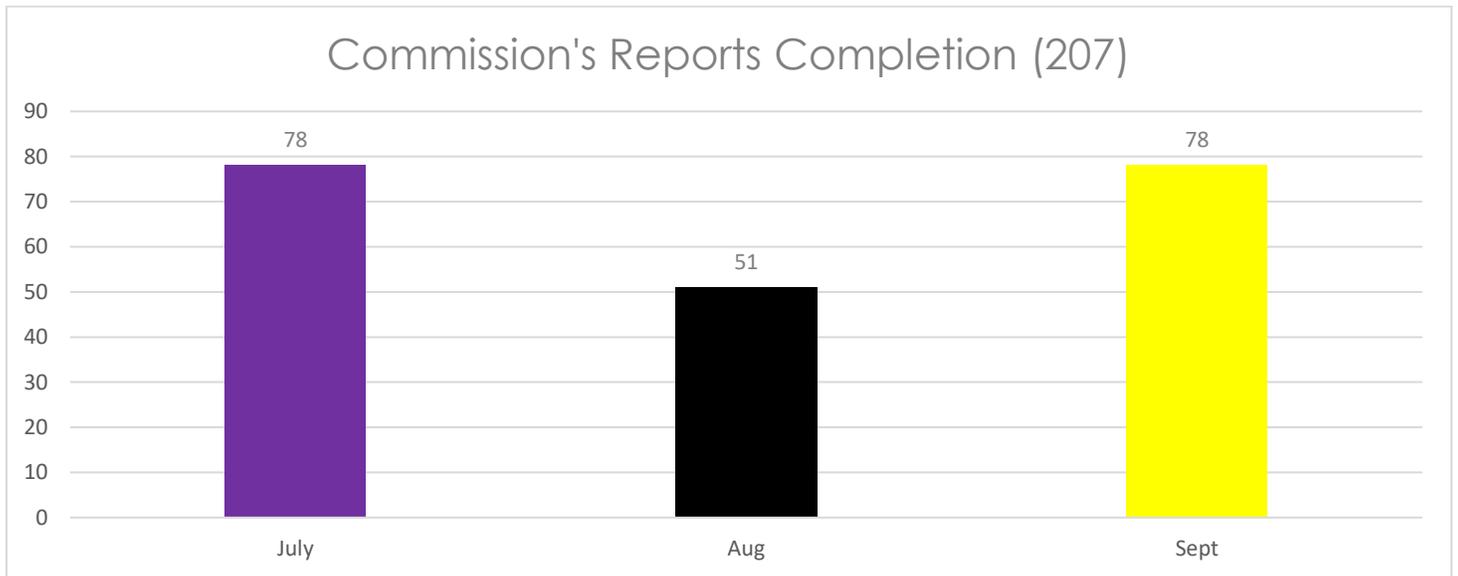


Figure 7: The above chart shows the number of Commission's reports completed and distributed for the period of July to September 2017.

RECOMMENDATIONS MADE FOR COMPLETED COMMISSION'S REPORTS

Recommendations	July	August	September
Charge	0 cases	1 case	1 case
	0 officers	2 officers	1 officer
Disciplinary Action	6 cases	3 cases	3 cases
	9 officers	6 officers	5 officers
Unsubstantiated	72	47	74

Table 2: The above graph shows the recommendations made for Commission's Reports completed for the period of July to September 2017.

RECOMMENDATIONS OF THE LEGAL DEPARTMENT – FATAL SHOOTING INCIDENTS (ONLY)

July 2017 (8)

Table 3: Recommendations by the Legal Department for Commission's Reports completed in July 2017 on fatal shooting incidents

No.	Complainant/Victim	Case Summary	Recommendation
1.	Ian Nugent	On Monday, the 6th day of October, 2014, Ian Nugent was fatally shot by a police officer; after he attacked him at the Half Way Tree Police Station. Upon entering the premises of the police station, an officer approached Mr. Nugent, who was behaving boisterously and using a baton to destroy a vehicle. According to several witnesses, the officer told Mr. Nugent to leave the premises, but he did not comply. In return, Mr. Nugent attacked the officer with a knife he had, then used the baton to hit the officer on the head, causing the officer to fall to the ground. On seeing that he was about to be hit again, the officer removed his service pistol and fired one round, hitting Mr. Nugent. Both men were taken to the hospital where the officer was treated and Mr. Nugent pronounced dead.	It is recommended that: The matter be referred to the Special Coroner for a determination to be made as to whether an inquest into the death of Ian Nugent ought to be held.
2.	Anthony Pringle	A police team went to the Myersville Housing Scheme based on a report received that there were gunmen there. On arrival, one of the officers alerted the others to a man who was acting suspiciously. He went to carry out a search of the man's person, and the man pulled a firearm from his waistband and pointed it at him. He grabbed onto the man's hand that had the firearm and a tussle ensued. Two rounds were discharged from the man's weapon. The man broke free, and continued pointing the gun at him, causing him, in fear, to quickly retrieve his service pistol and fire four rounds in the man's direction, hitting him.	The Commission hereby recommends that the matter be forwarded to the Special Coroner's Court for a determination to be made as to whether an inquest ought to be held.
3.	Oneil Anderson	On January 12, 2015, sometime after 9:00 a.m., Oneil Anderson was fatally shot during a special operation to apprehend him on reasonable suspicion of having committed a double murder in Annotto Bay earlier that same morning. It is reported that on the fateful morning, a police team from the Annotto Bay Police Station, went out on an operation to apprehend the said Oneil Anderson who was said to be hiding at a house in the Windsor Castle district of Portland. The police team went to the target location, entered and searched the target house when Oneil Anderson pounced, armed with a machete in his hand which he used to chop at one of the officers several times. The officer attempted to retreat while Anderson continued advancing towards him with the machete inside the house. Eventually, the officer was cornered and forced to discharge rounds from his service revolver at Anderson, in order to save his own life.	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken against the concerned officer; in relation to the fatal shooting of Oneil Anderson.

		After the shooting, Oneil Anderson fell to the ground, apparently injured, with the machete beside him. The machete was recovered from him and he was subsequently transported to the Annotto Bay Hospital where he succumbed to his injuries.	
4.	Stephen McFarlane	On June 13, 2013, Stephen McFarlane was fatally shot by police officers, along Wellworth Avenue in the Kingston 11 area of St. Andrew. It is reported that Officers were on duty in the Cockburn Pen community when they observed a silver-coloured Toyota Corolla motor car driving suspiciously. They signalled the driver of the said motor car to stop and he complied. They identified themselves as police officers and instructed the occupants of the motor car to exit. They saw when the front passenger door opened and a man dressed in a red T-shirt stepped out with a firearm in his hand, which he pointed at the police. In fear for their lives, the concerned officers fired at the said man who subsequently fell to the ground, apparently injured, and the firearm fell from his grasp. The firearm was recovered, and the injured gunman was then transported to the KPH where he was pronounced dead on arrival.	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken against any of the concerned officers; in relation to the fatal shooting of Stephen McFarlane.
5.	Shaun Christie	The deceased, Shaun Anthony Christie was shot and killed by the police on October 5, 2012 in the hills of Orange Valley, Brown's Town, St. Ann when his accomplice allegedly challenged the police. There are no witnesses to the incident, and the forensic evidence does not in any way refute the versions of the concerned officers.	Having regard to the investigative proceeds in this matter, the Commission hereby recommends that no criminal charges be laid, or disciplinary action be taken in respect of this fatality. The Commission further recommends that this matter be forwarded to the Office of the Special Coroner for him to decide whether an inquest ought to be held.
6.	Anthony Barrett o/c Omar	On February 14, 2012, the deceased, Anthony 'Omar' Barrett was shot and killed in his community. The police claim that the deceased was one of four men who were firing at the police and at the time that the deceased was shot, he had pointed his firearm at two officers. This weapon was allegedly recovered. There is no expended cartridges that were recovered and submitted to the Government Forensic laboratory and the submitted bullet fragments which were recovered from the deceased's body were insufficient for comparison to other bullets. There is also no eyewitness to the actual shooting to refute the respondents' claim that they fired in self-defence.	In these circumstances, the Commission makes no recommendations for criminal proceedings or disciplinary action. The matter is referred to the Special Coroner for his consideration.
7.	Kelvin Mills and Ramone Johnson	On Thursday, February 21, 2013, the police were acting on information when they went into Lloyds Pen, Bushy Park, Saint Catherine. The concerned officers came across four men with handguns who opened fire at them. The police returned fire. When the shooting subsided, two men were found suffering from gunshot wounds. These men (later identified as Kelvin	In these circumstances, the Commission makes no recommendations for criminal proceedings or disciplinary action against.

		Mills and Ramone Johnson) were later pronounced dead. Firearms were recovered from the deceased men. There is no eyewitness to challenge the concerned officers' accounts.	The matter is referred to the Special Coroner for his consideration.
8.	Jermaine Francis	On June 18, 2014, a team of police were on duty at Old Road, Kitson Town, Saint Catherine. One of the team members was the concerned officer. They signalled the driver of a vehicle to stop. When the driver complied, the now deceased, Jermaine Francis exited from the vehicle and fired at the police. The concerned officer returned fire. A firearm was recovered. The deceased died at the Spanish Town Hospital while under treatment. No independent eyewitness provided a statement.	In these circumstances, the Commission makes no recommendations for criminal proceedings or disciplinary action. The matter is referred to the Special Coroner for his consideration.

August 2017 (13)

Table 4: Recommendations by the Legal Department for Commission's Reports completed in August 2017 on fatal shooting incidents

No.	Complainant/Victim	Case Summary	Recommendation
9.	Fitzroy Garner	On the day of the incident, the deceased, Fitzroy Garner was with his fiancé, Tulip Lane, Kingston. She was awakened by knocking. She saw two police officers, one of whom his fiancé knew. While the police were talking with the deceased, his fiancé was taken outside. While on the outside, she heard the deceased and another voice talking. Explosions were heard. A voice said, "Boy, suppose you did shoot me squaddie?" More explosions were heard and the deceased exclaimed. The police's version is that when they knocked on the door, a woman ran outside and explosions were heard. One of the officers returned fire.	In these circumstances, the Commission recommends no criminal charges or disciplinary action against. The matter is referred to the Special Coroner for his consideration.
10.	Anthony Blacks	On January 11, 2014, the deceased, Anthony Blacks was allegedly seen by the police with a bulge in his pants. The police pursued him. The respondent, saw him during this pursuit and noticed a firearm in the deceased's custody. The deceased pointed his firearm at the respondent on two occasions. The respondent fired at the deceased, allegedly, in self-defence, on each of these occasions. An eyewitness provided an account in support of the police that the deceased was armed. A firearm was recovered from the deceased. A jury will likely find that self-defence is supported by the recovery of the firearm and the account of the sole eyewitness.	In these circumstances, the Commission recommends no criminal charges or disciplinary action against. The matter is referred to the Special Coroner for his consideration.
11.	Osbourne Grant	The concerned officer was walking in North Parade when he felt a sharp object poke him at his side. The officer realised that the poke was from a knife. The male holding this knife was in the company of a gunman. The gunman threatened the officer, "Pussy, yuh fi dead yu nuh" and fired a shot. The officer returned fire. An eyewitness supports the account of the officer.	In these circumstances, the Commission recommends no criminal charges or disciplinary action. The matter is referred to the Special Coroner for his consideration.
12.	Omar Polack	Allegations are that at or about 10:35 p.m. on Monday, the 14th day of December, 2015, the	The Commission hereby recommends that no

		deceased, Omar Polack was shot and killed by an officer whilst in the vicinity of the Couple San Souci Hotel in Ocho Rios, Saint Ann. Mr. Polack was taken to the Port Maria Hospital immediately thereafter but was pronounced dead upon arrival.	criminal charges be laid or disciplinary action be taken.
13.	Calvin Henry	On June 3, 2015, at approximately 1:35 a.m., Calvin Henry o/c 'Ninja' was shot and killed along the Spring Bank Road in Port Antonio. It is reported that the concerned officer was on his way to visit a friend when he felt the urge to urinate and stopped his motor car along the Spring Bank Road. He stopped the car near to a tree and walked over to the tree to urinate behind it. He was on vacation leave at the time and was armed with his private Glock 9mm firearm. As he was about to undo his belt, a man approached him from behind, held him at gunpoint and attempted to rob him. He became very afraid and quickly spun around and fired two shots in the man's direction. The man ran away, apparently injured, and jumped over the wall of a nearby yard. He chased the injured gunman across the road, over to the yard where the gunman had run. He found the man lying on the ground on his side, bleeding. The injured man was subsequently transported to the Port Antonio Hospital where he was pronounced dead.	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken.
14.	Noel Williams	On May 22, 2013, at approximately 5:15 a.m., Noel Williams o/c 'Squid' was shot and killed during a cordon and search operation conducted by the Mobile Reserve in the Rose Town community, to apprehend wanted men and seize illegal guns and ammunition.	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken.
15.	Richard Ellis and Michael Smith - Fatal Shooting. JM and SJ - Wounding	On March 26, 2011, Richard Ellis and Michael Smith were shot and killed, and JM and SJ wounded, along the Williamsfield Main Road in the vicinity of the Williamsfield Bridge, at Riversdale in the parish of St. Catherine. Officers contend that whilst on vehicular checkpoint (VCP) duties on the night in question, they signaled a white Toyota Corolla motor car to stop and, when the driver complied, four (4) men alighted from the said motor car with guns which they pointed at the police. The officers claim that they feared for their lives and opened fire on these men in self-defence. Two of the men state that after being accosted by the police and ordered to exit the car, the police searched their person and the said motor car. The officers claimed to find guns inside the car and instructed all four of the men to lay on the ground, threatening to kill them. The men's hands were restrained by handcuffs and a string. The police opened fire at them while they lay on the ground. The wounded men were taken to the Linstead Hospital where two of the men succumbed to their injuries, while the other two were treated and transferred to the Spanish Town Hospital where they were admitted under police guard.	The Commission respectfully recommends that both of the concerned officers, are to be charged with two counts of murder in relation to the shooting deaths of Richard Ellis and Michael Smith, and two counts of wounding with intent in relation to the shooting injuries of JM and SJ.
16.	Sheldon Gayle and Hoolet Dixon	Allegations are that at or about 6:50 a.m. on Tuesday, the 19th day of July, 2016, the deceased men, Sheldon Gayle and Hoolet Dixon, were shot and killed in the vicinity of the Spanish Town Bypass in the	The Commission hereby recommends that no criminal charges be laid or

		Spanish Town, Saint Catherine. The firearm allegedly recovered from the hands of one of the deceased men was confirmed to be that of a licenced firearm holder who was shot and killed by unknown assailants in August, 2015. The findings of the Chemistry Analysis revealed the presence of gunshot residue of the hands of both deceased men. Additionally, there is no available civilian witness account to the shooting.	disciplinary action be taken.
17.	Dennis Levy	Whilst on foot patrol in the Jungle Twelve area in August Town on December 20, 2013, an officer alerted the members of his team, to his observation of two men situated on premises at 12 August Town Road, whom he believed were acting in a suspicious manner. The team tactically approached the men. Both men ran; one ran into the house, whilst the other ran to the left of the house. Two officers gave chase to the man who ran inside the house, whilst two other officers chased the man who ran to the left of the house. The police officers contended that they were fired upon by the men, and they all responded by discharging their weapons in defence of their lives, and the lives of their colleagues. One of the officers noted that after he returned gunfire, the man who fired upon him fell to the ground. He retrieved a Smith and Wesson firearm from him. The man succumbed to his injuries.	It is hereby recommended that no criminal charges be laid or disciplinary action be taken in respect of this complaint. It is recommended that the matter be referred to the Special Coroner Court for the Special Coroner to determine whether an inquest is to be held.
18.	James Rowe	Whilst walking on Bougainvillea Circle, at about 11:50pm on June 19, 2013, an officer observed three men walking briskly towards him after exiting his backyard. He alleged that as he walked closer towards his yard, two of the three men brandished guns, and he was fired upon. He responded by discharging his firearm. His neighbour, a police officer, stated that he went to the assistance of his colleague, and also faced gunfire. In response he discharged six rounds. The police officers contended that they discharged their weapons in defence of their lives. After the shooting, one man was found injured. He was taken to receive medical attention and was pronounced dead. The deceased was identified, as a mentally ill man of Four Paths in Clarendon.	It is hereby recommended that no criminal charges be laid or disciplinary action be taken in respect of this complaint. It is recommended that the matter be referred to the Special Coroner Court for the Special Coroner to determine whether an inquest is to be held.
19.	Dianne Gordon	On Friday, March 16, 2012 Dianne Gordon, a 45 years old Office Attendant was fatally shot whilst at her home. The case is a particularly sad one as it uncontested that she was an innocent victim of either the criminal actions of gunmen, or of policemen.	The Commission humbly recommends that the matter of the death of Ms. Dianne Gordon be referred to the Special Coroner.
20.	Marvin Wallace	The deceased was shot and killed on May 31, 2016, in what he alleges to have been self-defence. The Commission's assessment of this case reveals no prima facie case to charge for, the claim to self-defence cannot be negative.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken in respect of this fatality. The Commission further recommends that this matter be forwarded to the Special Coroner for him

			to decide whether an inquest ought to be held.
21.	Wayne Campbell	<p>The deceased was shot and killed in a densely vegetated area of Guava Road, Lewistown, St. Mary. The deceased had captured his daughter from his mother's house and took her into the bushes where he sexually assaulted her and inflicted many grievous wounds upon her. It was during this time, and when he began to chop at residents that the officer fired a shot at him which killed him.</p> <p>The claim to self-defence and defence of others cannot be negated on the evidence gathered.</p>	<p>The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken in respect of this fatality.</p> <p>The Commission further recommends that this matter be forwarded to the Special Coroner for him to decide whether an inquest ought to be held.</p>

September 2017 (18)

Table 5: Recommendations by the Legal Department for Commission's Reports completed in September 2017 on fatal shooting incidents

No.	Complainant/Victim	Case Summary	Recommendation
22.	Robert Pownall	Robert Pownall was shot and killed by police at the home he shared with his grandmother and step-grandfather in Bay Farm Villa. Family members alleged that Mr. Pownall was murdered but the police say he was shot in self-defence.	The case is respectfully referred to the Special Coroner for determination as to whether an inquest should be held.
23.	Mark Cherrington	Mark Cherrington was shot and killed by the police on the 13th day of January, 2014 at Eleven Miles, Bull Bay, St. Thomas. The police allege that a team of officers from the Operational Support Team (OST), having received information of men being at a particular premises with guns, proceeded to the location where they were challenged by the now deceased who fired at them. The officers retaliated by returning fire in defence of themselves, at which point the deceased was hit and injured. He was transported to the hospital where he was pronounced dead. The police also recovered from the scene a 9mm Glock pistol with serial number erased, containing two (2) rounds of ammunition. Two persons that were on the premises where the shooting is alleged to have occurred were taken into custody. The men, though they did not see the actual shooting, suggest that there was no shootout.	<p>The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken.</p> <p>It is recommended that the file be forwarded to the Special Coroner.</p>
24.	Lennox Lawson & Prince O'Glivie	This report concerns the deaths of Prince O'Glivie and Lennox Lawson who were shot and killed by officers of the on the 22nd day of April, 2011. The deceased men were purportedly shot by members of the St. Ann Operational Support Team (OST). The concerned officers state that they received a report of men travelling in a vehicle who had just robbed a Bill Express in the parish. Upon approaching the area given, they saw two men walking, one had a gun in his hand. The man with the gun raised it and fired it in the direction of the officer causing them to give chase. The man again fired at them (the officers) as a result of which the officers returned gunfire, hitting	<p>The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken.</p> <p>The file be forwarded to the Special Coroner.</p>

		both men. This version is unanimously reported by the officers; no contrary version was received. The civilian witness employee at the Bill express identified one of the men as the person who earlier robbed the establishment.	
25.	Jerome Fisher	Jerome Fisher was shot and killed by police officers on the 24th day of January, 2010, after he allegedly pointed a firearm at them. A firearm was recovered from the complaint. Additionally, there is a civilian witness who supports the allegations of the police.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken. It is recommended that the file be forwarded to the Special Coroner.
26.	Tevin Gordon	A "Flag March" was being conducted by the police in the Tivoli Gardens community when they reported seeing three (3) men with hand guns. The men ran in different directions. One man ran to a high rise building and was chased by the police. The police searched the building and went to the 3rd floor, knocked on a door and a woman opened the door. She allowed the officers to enter the house and a man was seen coming out of a room. The man was told to go back into the room and with the police behind him, he pulled a firearm from under a pillow and pointed it at the police. The fire was returned and the man was shot and injured. This man was Tevin Gordon.	The Commission humbly recommends that the matter of the death of Mr. Tevin Gordon, be referred to the Special Coroner.
27.	Dewain McLean	On November 13, 2015, at about 5:30 am, a team went on a planned operation in the St. Thomas Division, in search of a wanted man named Marlon Perry, otherwise known as 'Duppy Film'. While in the Church Corner area, officers observed Dewain McLean, a wanted, exit a premises. One of the officers shouted "Police, don't move," however the man ran. The policemen pursued the wanted man on foot. The wanted man pulled a gun from his waistband and fired one shot in the direction of the police. Fire was returned. Subsequently, Dewain McLean was found suffering from a gunshot wound to the chest. He was pronounced dead at the Princess Margaret Hospital. A firearm that allegedly fell from the deceased's grasp, was recovered.	No criminal charges be laid or disciplinary action be taken in respect of this complaint. It is recommended that the matter be referred to the Special Coroner Court for the Special Coroner to determine whether an inquest is to be held.
28.	Andre Hewitt	On November 7, 2011, at about 10:15pm, an officer, conversed with his friend, on the compound of the St. Mary Parish Library. A man approached them, pointed a firearm in their direction and requested that they give him their belongings. As the friend handed the armed man his cellular phone, the officer pulled his firearm. The armed man fired one shot in their direction. The officer discharged three rounds, and the man fell to the ground. After discharging his firearm, the recovered a .45 semi-automatic pistol from the fallen man. Upon realizing that his friend had been shot in the left index finger and the left shoulder, he called police control for assistance. After the incident, the officer went to the Port Maria Hospital, and thereafter to the Port Maria Police	No criminal charges be laid or disciplinary action be taken in respect of this complaint. It is recommended that the matter be referred to the Special Coroner Court for the Special Coroner to determine whether an inquest is to be held.

		Station, where he handed over the recovered firearm and his service pistol.	
29.	Omar Lewis	Allegations are that on Thursday, the 22nd day of March, 2012, Omar Lewis was fatally shot after he allegedly threateningly advanced upon an officer with a machete after being discovered by the said officer inside a dwelling home whilst perpetrating the offence of house-breaking. A machete which was allegedly in the possession of the deceased was recovered.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken.
30.	Richard Lloyd	Allegations are that on Thursday, the 3rd day of April, 2014, Richard Lloyd was fatally shot after he allegedly pointed a firearm at police officers after they entered his residence. A firearm which was allegedly in the possession of the deceased was recovered.	The Commission hereby recommends that no criminal charges be laid or disciplinary action taken.
31.	Kemar Richards	Allegations are that at about 10:00 p.m. on Friday, the 4th day of November, 2011, a team was on foot patrol duties in the vicinity of Clayton Heights, Saint Johns Road in Saint Catherine when they were approached by a panicked civilian who made a robbery report to them that just took place along Saint John's Road by two armed men. Whilst proceeding in the direction in which the men allegedly ran after the said robbery, the police called out to two (2) men who were seen walking briskly across the road. Upon doing so, loud explosions and bright lights were seen by an officer who responded by opening fire and the men were seen running into different directions in the Clayton Heights Community and eluded the police team. The following day, the body of the deceased, Kemar Richards was discovered in a yard in the Clayton Heights community with a single gunshot wound with the civilian's stolen phone which was positively identified. The deceased was also identified by the said victim as one of the individuals who had robbed him on said night.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken.
32.	Neagus Savage and Nickos Swimmer	On May 13, 2016, at about 11:55 p.m., Neagus Savage and Nickos Swimmer were fatally shot by the concerned officers along the Gordon Town Main Road in St. Andrew. It is reported that the concerned officers were on mobile patrol duty and, upon reaching the vicinity of Dam Head, they observed two (2) men walking on the opposite side of the road behaving suspiciously. The service vehicle was stopped and they all alighted from the vehicle and accosted the two men who immediately opened gunfire at them. The concerned officers returned fire at the gunmen, one of whom fell at the scene and a firearm retrieved from him. This injured gunman was subsequently taken to the UHWI where he succumbed to his injuries and was pronounced dead by the doctor on duty. The second gunman had run from the scene into nearby bushes and his deceased body was found around noon on the following day in the Hope River, not far away from the incident scene. His body (2nd gunman) was later brought to the KPH to be officially pronounced dead.	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken.

33.	Dwayne Campbell	On November 7, 2014, at about 5:30 a.m., Dwayne Campbell o/c 'Dawgist' was fatally shot, at the Caymanas Bay District during an operation to apprehend him. It is reported that a police team went to the target house where the suspect, Dwayne Campbell o/c 'Dawgist', was said to be residing with a search warrant under the Firearms Act. On entering the house, Campbell immediately pulled a firearm and pointed it in the direction of one of the officers, and his colleague, fired four (4) shots at Campbell in self-defence. Campbell fell to the floor and the firearm was retrieved from him. Another gunman who was at the rear of the property fired several shots at police officers who were positioned at the side of the house. The police returned gunfire at the said gunman who managed to escape into nearby bushes. The injured gunman (Campbell) was subsequently transported to the Spanish Town Hospital where he was pronounced dead on arrival.	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken.
34.	Ricardo Salmon	On June 16, 2012, sometime after 10:00 p.m., Ricardo Salmon was fatally shot along Matthews Lane in the Downtown Kingston area. It is reported that the concerned officer was standing at the intersection of West Queen Street and Matthews Lane dressed in plain clothes (presumably off-duty) when he heard persons shouting: "Thief! Thief! Hold him!" and saw a crowd chasing a man who was running towards him with a handbag clutched under his armpit. The suspected thief ran past him and he (concerned officer) joined the crowd in chasing the said man, in a bid to apprehend him. The suspect ran onto premises and the concerned officer, armed with his service Glock 9mm pistol, followed after the suspect. Whilst at the rear of the premises, he saw the suspect stooping in a corner. The concerned officer quickly identified himself as a police officer, and ordered him to come out of the corner. He pointed a firearm at the officer who quickly fired two rounds from his service pistol at the said man; in self-defence. The man fell to the ground, apparently injured, and the firearm fell from his hand. He was pronounced dead on arrival KPH	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken.
35.	Lloyd Walker	Allegations are that on Thursday, the 3rd day of April, 2014, Lloyd Walker was fatally shot in the vicinity of Unity Lane in the parish of Kingston after he and several other men allegedly pointed firearms at police officers and discharged them. A firearm which was allegedly ten (10) feet away from where the deceased laid shot and injured after the incident was recovered.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken.
36.	Daniel Ennis	On May 21, 2011, sometime after 6:00 a.m., Daniel Ennis was fatally shot by the concerned officers during an operation in the Olympic Gardens area. It is reported that the concerned officers were strategically positioned along Lenwood Road when two (2) men jumped over a perimeter wall, as if they were being chased, and one of the men opened gunfire at them. They returned gunfire at the gunman who ran onto Grandison Path and was pursued by one of the officers who caught up with the gunman inside a premises. The gunman again fired in the	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken.

		direction of the officer who returned fire hitting the gunman. The gunman fell to the ground and the firearm fell from his hand. The gun was recovered and the injured man was rushed to the KPH where he was pronounced dead.	
37.	Garnett Reid o/c "Big Head"	On June 19, 2011, a team of four police officers led by departed the Montego Bay Police Station for a special operation to be conducted in Somerton, St. James in search of illegal firearms and a wanted man named Garnett Reid. The police officers alleged that after placing themselves tactically on the targetted premises, three men, at least two of which were armed, exited the front door of a house and fired in their direction. Two officers returned the fire. After the shooting subsided, it was found that Garnett Reid had been shot and injured. He was taken to the Cornwall Regional Hospital where he was pronounced dead. There are no independent witnesses who have provided an account of the incident.	No criminal charges be laid or disciplinary action be taken in respect of this complaint. It is recommended that the matter be referred to the Special Coroner Court for the Special Coroner to determine whether an inquest is to be held.
38.	Anthony Irwin	On April 17, 2013, at about 10:00am, officers were on mobile patrol duty in the Wynters Pen area of St. Catherine. They heard a transmission on the police radio, in which two officers requested assistance. They drove to the location of the aforementioned and were briefed. They proceeded in search for armed men. Upon observing the men, they were fired upon. One of the officers fired his weapon, which resulted in Anthony Irwin being shot and injured. The injured man was pronounced dead at the Spanish Town Hospital. A .38 revolver was recovered. There are no independent witnesses who provided an account of the incident.	No criminal charges be laid or disciplinary action be taken in respect of this complaint. It is recommended that the matter be referred to the Special Coroner Court for the Special Coroner to determine whether an inquest is to be held.
39.	Elton Powell	On September 7, 2011, at about 4:50 a.m., Elton Powell was fatally shot by at Fletcher's District, Kitson Town in St. Catherine, during an operation to apprehend wanted men and seize illegal firearms. Upon arriving at the target location on the morning in question, the police teams parked the service vehicles and continued on foot patrol, traversing rugged terrain into an area of dense vegetation. Whilst on patrol in the bushes, an officer observed a small hut and heard shuffling sounds coming from inside. He also heard a male voice shouting: "Anti-Christ, Anti-Christ!" He immediately identified himself as a police officer and, suddenly, three (3) men ran from the hut; one of whom was armed with a firearm which he pointed at the police. The officer feared for his life and fired rounds from his M16 rifle at the said gunman, in self-defence. The gunman fell to the ground, apparently injured, while the other two (2) men escaped into the bushes. The police approached the fallen gunman, retrieved the illegal firearm from him, and subsequently transported him to the Spanish Town Hospital where he was pronounced dead by the doctor on duty.	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Elton Powell.

ARRESTS MADE/CHARGES LAID (JULY - SEPTEMBER 2017)

Name and Rank	Charge	Date of Arrest	State Agency
Cons. Dane Whyte	Assault	4-Aug-17	JCF
Det/Con Ryan Edwards	Discharge of Firearm	8-Aug-17	JCF
W/Cons. Nardia Bowes	Assault	9-Aug-17	JCF
Dist/Con. Dean Hyman	Unlawful Wounding	23-Aug-17	JCF

PART THREE

LESSONS LEARNT

INDECOM's first quarterly report of 2017 highlighted the issue of persons shot, and either killed or injured, when they were not in possession of a firearm. This issue is examined further, as it relates to people killed or injured who, whilst not in possession of a firearm, are in possession of machete, knives or other weapons.

Police officer safety is a critically important issue, and has been subject of considerable study and analysis in the US, Canada and the UK. Exactly what do officers have to do to protect themselves against suspects who threaten them with fists, knives, bats or other non-firearm weapons?

Equally the question always asked, both from oversight bodies, families and friends of those killed in such non-firearm incidents, is "Why did you have to kill?" - since the person was not armed with a gun.

Bladed weapons are, and can be, extremely dangerous, to officers and citizens alike, but there is a need to reflect on current JCF tactics when dealing with such incidents. At 31st Oct 2017, 141 people have been shot and killed and a further seventy one (71) have been shot and injured by the JCF (see Figure 8).

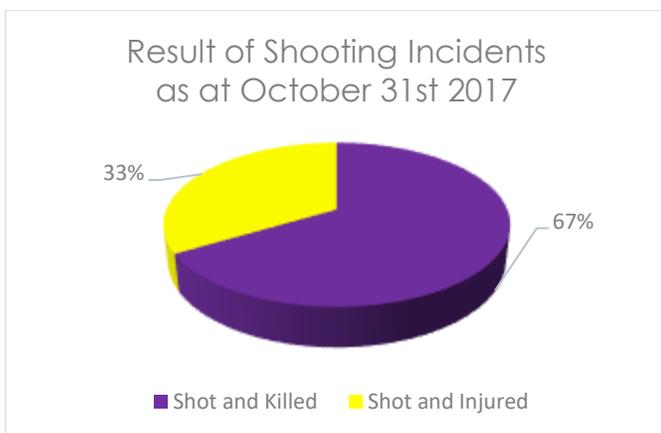


Figure 8: Shows the results of shooting incidents as at October 31, 2017.

Of this total number (212), 28 people have been shot, and killed or injured, who, whilst not in possession of a firearm, were reported as being in possession of a bladed weapon or other implement. Of these 28 people, (all male), 15 were killed and 13 injured (see Figure 9).

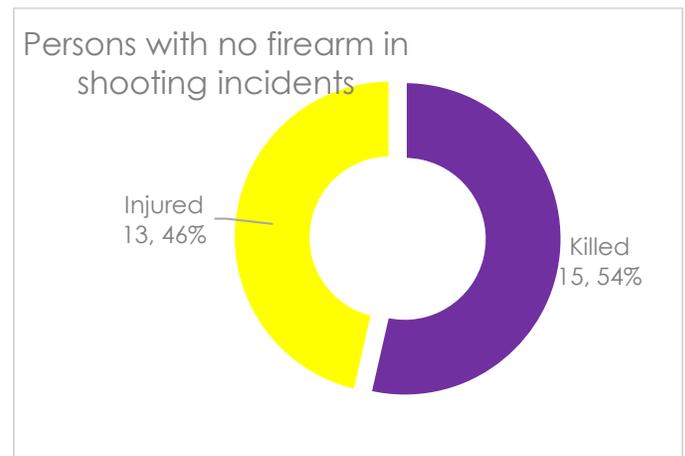


Figure 9: Persons who were shot who had no firearm.

Further examination of these 28 shooting incidents show that:

Machete incidents

- 11 of the cases involved men armed with machetes.
- following police intervention in these 11 machete incidents, eight resulted in a fatality and three other men were injured.
- Eight of the cases involved men who were clearly suffering from some level of mental disturbance - some quite severely,
- in six of the cases, the shootings occurred at the home address of the deceased.

Other Weapons

- Five further cases involved men suffering from a mental disturbance, armed with either a knife, pieces of wood or, in one case, stones.
- Four further incidents occurred at the home address of the shot person.

These statistics reveal an approach which demands that a different one be adopted. That so many mentally disturbed men are being killed, in their own homes, after police have been summoned, by either family or community, to help de-escalate the situation and disarm and arrest is indicative that a different approach is required. The Commission dealt with this issue in one of our 2015 Quarterly Reports to Parliament as well as the Annual Report entitled **Safeguarding the Right to Life**. We indicated that:

"a de-escalation model certainly does not suggest that officers must studiously exhaust one option before considering the appropriateness of others. The rapid escalation of an incident may dictate that an officer move directly to a lethal force option to effectively mitigate the risks created."

The Commission through reports like this one will continue to nudge the policy makers to continue to look in this direction as advances in less lethal technology offers promising options in more effectively controlling resistant or violent suspects with fewer injuries.

We hold that having less lethal weapons on hand does not mean the police will be weakened, it means they will be more equipped to respond appropriately to situations that may not require lethal force. Less lethal weapons mean more options in addition to their service firearm.

Recent years have seen an adoption of a new approach by other police forces and it is urged that the JCF recognise and learn from the recommendations and revised 'engagement tactics' when dealing with such non-firearm scenarios.

There must be an attempt to move away from the use of deadly force and towards de-escalation. But how can this be achieved, for the safety of all concerned.

Recommendations

- There is no requirement to rush in and rapidly resolve every scenario - unless risk to life is in imminent danger.
- Standing one's ground, or moving towards the danger zone, can create an inevitability of the necessity to shoot.
- Tactics of 'slow it down'; 'step back'; 'create distance and cover' all provide the critical factor of more time.
- Time is the critical factor in which different tactics can be implemented.

The approach should be to emphasise **communication, patience, and minimal force**.

What is also observed, from both JCF accounts, and in wider USA studies, is that the shooting incident occurs very quickly upon police attendance. Frequently within minutes of police arrival but almost always within a short duration of arrival.

Additional training is necessary to allow officers to seek alternatives to firing their gun. These alternatives can present themselves in any number of small decisions before a final, momentous one.

The aim is to think tactically and avoid the scenario where an officer finds themselves in a situation where they had no option but to shoot. With a little bit of patience and distance, some of the incidents experienced in Jamaica could be resolved peacefully. By stepping back for five minutes, even a minute, an officer is presented with possible alternatives. The critical issue is one of time.

A broader issue is that of training officers in how to recognise and engage with a suspect suffering from a mental health crisis, or de-escalate a threat from a knife without resorting to a gun. The recognition and engagement with persons suffering from mental

health issues is a crucial factor in addressing these critical incidents.

USA studies show police officers received an average 58 hours of firearms training, 49 hours on defensive tactics, and just eight hours on mental health and de-escalation. There is a similar imbalance in Jamaica that must be addressed.

It is acknowledged that the use of deadly force is still sometimes the only option, and there are times when force is necessarily going to be immediate and required. However, wider reflection on an officer's

individual actions, and the JCF's own policy, and enhanced guidance and training, could make a significant impact on addressing what amounts to some 13% of all shootings.

The need to regard the absolute value on the life of the person they encounter, regardless of what behaviour they are exhibiting at the time, is critical to developing the change of tactics. If police officers value life, and they are morally sound, and they are responding to the call and thinking through why they are there, then it is considered that some of the more controversial shootings can be avoided.

PART FOUR

PUBLIC INFORMATION

MEETING: SECURITY FORCES & INDECOM

Meetings with Security Forces and INDECOM:

In the 3rd quarter of 2017, INDECOM senior managers in the Operations Unit had two (2) meetings with members of the JCF High Command. The following matters were discussed:

- MOU
- Refusal of arrest cases
- Fleeing officers
- Specific cases

OUTREACH – Awareness Exercises

Unit/Division/Station	Group Size	Contact hours
DCS	27	2
Rotaract	25	2.5
JCF	35	4

PRESS RELEASES

For the 3rd quarter of 2017, The Public Relations Unit issued 12 press releases. They are as follows:

1. Former Constable Ricketo Graham sentenced to life imprisonment for 2013 murder
2. INDECOM gets first IAI crime scene analyst certifications in Jamaica
3. INDECOM probing fatal shooting in Rosemary Lane
4. INDECOM concerned with officers to be charged on front line duty
5. Clarification on INDECOM'S request for earlier date of Judicial Review
6. INDECOM acknowledges and welcomes JCF swift action
7. Constable Sibley convicted of assault
8. INDECOM rejects response of Commissioner Quallo regarding "Palmer Review" and urges action of the PSC
9. INDECOM's Tour – Zone of Special Operations (Mount Salem, St. James)
10. INDECOM investigating fatal shooting of Shadrick Passley
11. INDECOM conviction of Constable Jerome Graham
12. Commissioner of INDECOM leaves for working visit to Geneva and Netherlands

INDECOM GETS FIRST IAI CRIME SCENE ANALYSTS IN JAMAICA



(L-R) Kathrina Graham, Peter Parkinson, Alicia Brown, Philip Anderson and Deniece Beaumont-Walters are seen smiling after officially receiving their IAI Certifications at a Commendation Ceremony held at The Courtleigh Hotel and Suites in New Kingston, in July

Five Crime Scene Examiners at the Independent Commission of Investigations (INDECOM), attached to the Forensic Unit, are now the first IAI Certified Crime Scene Analysts in Jamaica.

Deniece Beaumont-Walters, Alicia Brown, Kathrina Graham, Philip Anderson and Peter Parkinson applied and were notified of their success in the examinations for professional certifications from the International Association for Identification (IAI) in June. These candidates have been with the Commission for four to six years, and are all holders of academic degrees, with four having Masters in Forensic Science.

The Crime Scene Examiners were trained by Mathew Noedel. Mr. Noedel has a wealth of knowledge and experience and is internationally recognized as an expert in the field. He has professional affiliations with the American Academy of Forensic Scientists where he is a member; the Association of Crime Scene Reconstruction where is a former member of the Board of Directors; the Association of Firearm and

Tool Mark Examiners (AFTE) where he is a distinguished and certified member; and the International Association of Bloodstain Pattern Analysis where he is a former member of the Ethics Committee.

He has Factory Authorized Armoury training from firearms manufacturers including; Colt, Smith & Wesson, Ruger, Sig Sauer, Glock, Remington, Beretta, Heckler & Koch (MP-5) and Hi-Point. He has also been trained in more than 40 specialized areas in the field. Throughout his career he has done scores of presentations and publications.

Speaking at a Commendation Luncheon, held in July, to congratulate the representatives, Head of INDECOM, Commissioner Terrence Williams noted that professional certification for the members of the Forensic Unit was always a goal once funding became available. "Continuous technical training of all members of INDECOM's Operational Divisions is something I strongly believe in. Forensics has become even more critical in many of the incidents

that we investigate and so certification from an international body will also reassure persons that our team is adequately trained and experienced in their fields. The Department for International Development (DFID), one of our international donor funders, continues to support the development of the Commission."

In preparation for certification, each crime scene examiner had to have a minimum of three (3) years in crime scene related activities and had to complete a minimum of 96 hours of Crime Scene Certification Board approved instruction in crime scene related courses within the last five (5) years. The candidates then had to achieve an overall score of 75% or more in a 4-hour multiple choice exam consisting of 300 questions.

The IAI Crime Scene Analyst Certification is valid for five years.

The International Association for Identification is a professional membership organization, based in Florida, USA, comprised of individuals worldwide who work in the field of forensic identification. The IAI remains the oldest and largest forensic science/identification association in the world. The successful INDECOM candidates have been members of the association since 2014.

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