THE INDECOM QUARTERLY 4th

October – December 2017

2017 THE YEAR IN REVIEW

Introduction

This Quarterly Report details some aspects of INDECOM's analysis of the fatal and non-fatal shooting incidents during 2017.

These incidents were caused by the Jamaican security forces, namely; the Jamaica Constabulary Force (JCF), Jamaica Defence Force (JDF) and Department of Corrections (DCS).

NB. This report does not address other security force related deaths e.g. road deaths, other assaults which result in death or deaths in custody. All such events are recorded by INDECOM but they do not form part of this analysis.

A central aim of INDECOM is to effect change in the JCF's excessive use of force, to encourage a change of its operating practices, and identify lessons for improvement, whereby the levels of reported abuse of rights and infringements upon the citizens right to life is lessened.

In 2013, fatal shootings reached 258, the years 2014 - 2016 saw a significant and welcome downturn in police related deaths, exceeding a 50% reduction, but fatal shootings in 2017 recorded a **51%** increase over 2016 and **66%** increase over 2015.

Continues on Page 5

"A genuine leader is not a searcher for consensus, but a moulder of consensus"

Martin Luther King, Jr.

Table of Contents

In this Edition of the IQ 4
Part One **10**
NEW COMPLAINTS 10
INCIDENT SCENE RESPONSE 11
NATURE OF INCIDENT SCENE RESPONSE 11
FATAL SHOOTINGS BY PARISH 12
FATALITIES BY TEAMS 13
FATALITIES BY ORGANISATION 13
SECURITY FORCE-RELATED FATALITIES 14
Part Two **16**
THE LEGAL DEPARTMENT 16
NATURE OF COMPLETED COMMISSION'S REPORTS 16
COMMISSION'S REPORTS COMPLETED 17
RECOMMENDATIONS MADE FOR COMPLETED COMMISSION'S REPORTS 17
RECOMMENDATIONS OF THE LEGAL DEPARTMENT – FATAL SHOOTING INCIDENTS (ONLY) 18
October 2017 (31) 18
November 2017 (26) 25
December 2017 (21) 33
ARRESTS MADE/CHARGES LAID (OCTOBER - DECEMBER 2017) 40
Part Three **41**
DISCIPLINARY PROCEEDINGS REVIEW: GAZETTED OFFICERS 41
BODY WORN CAMERAS 45
Part Four **46**
PUBLIC INFORMATION 46
MEETING: SECURITY FORCES & INDECOM 46
OUTREACH – Awareness Exercises 46
PRESS RELEASES 46

IN THIS EDITION OF THE IQ

2017: The Year in Review

In this report, the Commission reviews the patterns and practices of shooting incidents for 2017, with comparative analysis for previous years. Issues, relating to members of the security forces involved in, fatal and non-fatal shooting incidents; off duty shooting incidents; multiple fatality shooting incidents; no gun/no weapon shooting incidents; and planned operations are highlighted and assessed.

PART ONE: NEW COMPLAINTS

The Commission received 201 new complaints for the period. The top five categories of complaints include: 59 assaults; 51 discharge of a firearm; 38* fatal shooting incidents; 19 shooting injuries; and six cases of unprofessional conduct.

In relation to parishes with fatalities: Hanover, St. Elizabeth, Manchester, Portland, St. Ann and St. Thomas had no fatalities for the period. There was one fatal incident in Trelawny, two recorded for St. Mary and four for Clarendon. Five fatalities were recorded each in Clarendon and St. Catherine. Eleven fatalities were recorded in St. James and 16 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 67 complaints and Portland recording the least with two.

PART TWO: THE LEGAL DEPARTMENT

In the Legal Department, 216 Commission's Reports were completed and distributed. The nature of these files included: 84 assaults, 77 fatal shootings, 15 discharge of firearms, 13 conduct unbecoming and 9 shooting injuries. 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. Six members of the Jamaica Constabulary Force (JCF) were arrested and charged during the period.

PART THREE: JCF ISSUES

This is the second part of INDECOM's report on disciplinary proceedings for members of the Jamaica Constabulary Force (JCF). The first part was published in INDECOM's 2nd Quarterly Report 2017.

The lack of deployment of the body worn cameras continues to be a concern of the Commission, especially during planned police operations.

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 disciplinary proceedings and sanction, end of year statistics, and Section 21 interviews.

The Commission participated in awareness exercises equaling 1226.75 man hours for the period.

The Public Relations Unit issued 10 press releases for the period. The titles of these are listed in this section.

Continues from page 1

THE DATA

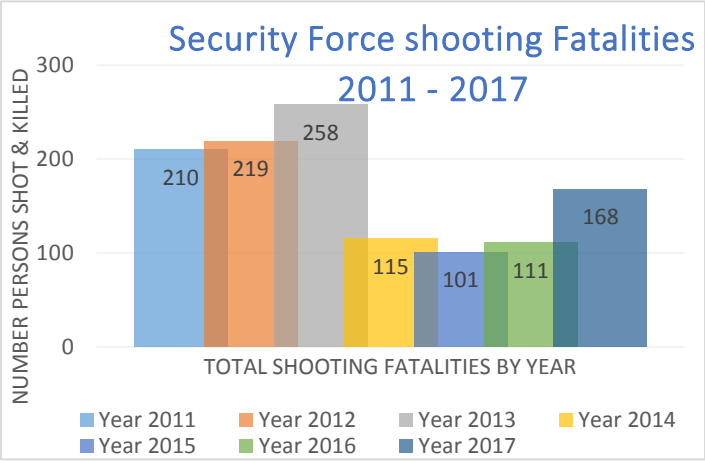
In 2017 the number of Jamaican citizens shot and killed by the Security Forces amounted to 168.

Table 1: *Fatal and non-fatal shooting incidents for 2015 - 2017*

Shooting Incidents	2017	2016	2015
Fatal	168	111	101
Non-fatal	86	69	68
Total killed/injured	**254**	**180**	**169**

Table 2 shows the total number of security force fatal shootings over the past seven years, 2011 - 2017. The three year period, 2011 – 2013, recorded 687 deaths. The following three year period, 2014 - 2016, recorded 327. This represents a significant 53% reduction between the two periods.

Table 2: *Total security force fatal shootings for the period 2011- 2017*



The 51% increase in security force fatal shootings, (which equates to a further 57 people killled) whilst not reaching over the 200 fatalities per annum, (as witnessed in the nine years between 2005 and 2013), approached this high figure in 2017.

Such an increase was last experienced in 04/05, with a 54% increase.

Table 3 illustrates all fatal shooting incidents, by year and month, for the period 2011 to 2017 – a period of 84 months. This amounts to 1014 citizens shot and killed.

Only three months during this 84 month period (3.57%) has a monthly fatality figure ever been at five or less fatalities. The pattern of high volume fatalities (heightened or critical status) is observed primarily in 24 of the 36 month period of 2011-2013, (66%). The re-emergence of the 'heightened' or 'critical status' featured again in four months during 2017.

Table 3: *INDECOM grid chart depicting fatal shootings by month, for period 2011 to 2017*

	J	F	M	A	M	J	J	A	S	O	N	D
2011	20	18	25	10	13	24	20	16	21	10	14	12
2012	11	20	35	12	10	18	16	17	19	24	18	19
2013	30	27	19	9	14	35	16	14	16	40	23	15
2014	22	12	4	8	14	11	10	7	7	5	9	6
2015	12	2	10	11	6	9	8	8	10	7	10	8
2016	7	13	4	13	10	12	13	4	10	6	9	10
2017	19	14	9	10	18	12	15	14	13	17	18	9

>20 HIGH - Critical	16 -19 - Heightened	10 – 15 NORM	6 – 9 Below Average	1-5 LOW

A PATTERN AND PRACTICE OF SHOOTING INCIDENTS

Shooting incidents by the security forces (primarily the JCF), both fatal and non-fatal, still occur on a regular and too frequent basis in Jamaica. Of the 365 days in 2017, there were 159 days (40%) when the security forces discharged their weapons, resulting in either death or injury. If 'discharge of firearm' cases were included, (incidents where no person is injured), the total days where the JCF deployed their weapons is over half the days of the year.

There were 214 fatal and non-fatal shootings from which a total of 254 citizens were either killed or injured - 168 killed and 86 injured. The 86 people shot and injured, all had the potential for being fatal incidents.

This paper provides further analysis of the fatal and non-fatal shooting incidents. The data provides an evidential basis from which comparison and commentary is made and to allow informed reflection by the Security Forces as to their operational practices. Commentary of the pattern and practice of security force shooting incidents arise from the large number of shooting incidents examined.

Certain features and data is indicative of Security Forces engaged in excessive levels of deadly force. The collected data provides information which demonstrates a pattern and practice of behaviour indicative of a disproportionate level of force being used.

The following data sets are detailed below:

1. Security forces involved
2. Fatal and non-fatal shooting incidents
3. Off duty shooting incidents
4. Multiple fatality shooting incidents
5. No gun/no weapon shooting incidents
6. Planned operations

1. Security force fatal shootings - 2017

	JCF	JDF	DCS	TOTAL
2015	98	3	0	101
2016	106	4	1	111
2017	160	7	1	168

The JCF were involved in the fatal shooting of 160 people in 2017. This is 54 more people as compared to 2016, and equates to a 51% increase. The JDF had an increase of three, whilst the Dept. of Corrections was involved in a single fatal shooting, that of an unarmed escapee. Such events are rare, but this is the second such fatal shooting incident in the last two years by the Dept. of Corrections of an unarmed escapee.

2. Fatal and Non-Fatal shooting incidents

All security force shooting incidents are self-evidently life endangering. There is an expectation that casualties arising from Security force shooting incidents, would result in more persons being wounded than killed. Where the number of civilians shot and killed is greater than those shot and injured, it is a relevant factor in measuring and assessing the use of force and determining whether there is an excessive level of deadly force.

The pattern of Security Force shooting incidents show that there are always more people killed than injured in the reported encounters. The ratio between persons killed and injured has remained relatively constant, at nearly 60/40 (3:2) - Table 4 below illustrates this pattern, whereby nearly 2/5th of total shooting victims are injured, is regularly observed in the data 2014 - 2016, and earlier.

Table 4: *Total fatal and non-fatal shooting victims during the years: 2014 – 2017*

Year	Total shooting victims	Shot & killed	Shot & injured
2014	195	115 (58%)	80 (41%)
2015	169	101 (59%)	68 (40%)
2016	180	111 (61%)	69 (38%)
2017	254	168 (66%)	86 (33%)

In 2017 the ratio between those killed and wounded has widened, and a ratio of nearly 2:1 has been reached.

3. Off duty shootings

Off duty shootings (fatal and non-fatal) accounted for 13% of all shootings in 2017. This is a ***reduction*** in off duty shootings when compared to the previous three years, 2014-2016.

In 2016, off duty police shooting incidents represented 17% of all such incidents. In 2015 this category comprised over 1/5th, of all JCF shootings, at 22%. **NB.** Neither the JDF nor the Dept. of Corrections were involved in 'off duty' fatal shootings in 2017.

Table 5: *Persons killed or injured by off duty officers*

Year	Total off duty shootings	Off duty fatal	Off duty non-fatal
2014	28	13	15
2015	36	16	20
2016	32	10	22
2017	34	13	21

Despite the reduction in the number of 'off duty' shootings, the nature of such shooting incidents remain indicative of a poor standard of gun control and discipline. These incidents involved five accidental discharges by police officers, (all of whom were wounded), the shooting injury of three children, and several people, all of whom were self-evidently unarmed.

Nineteen of the 34 'off duty' shootings, (56%) involved persons who were completely unarmed. Seven of which were killed, seven injured and five were victims of accidental discharges.

A ***reduction*** has also been observed in officers being implicated in off duty murders. In 2015, six fatal shootings were committed by 'off duty' officers, four of whom were charged with murder. In 2016 four off duty fatal shootings resulted in murder charges. A fifth person was killed at a private police party, in which a man was killed when a 'gun salute' occurred.

In 2017 only one police officer was charged with murder whilst engaged off duty with other persons.

4. <u>Multiple fatality shooting incidents</u>

A feature of security force shootings, which is potentially demonstrative of a pattern and practice of excessive force, is where multiple fatalities occur from a single incident. This continues to give cause for concern as to planning and proportionality of the policing response.

Multiple fatality incidents was a feature frequently observed in years pre 2014. In the six month period, July - December 2013, there were 15 multiple death incidents recorded, and previous years experienced numerous such incidents, involving triple, quadruple, and as high as six fatalities in a single event, a re-occurrence which was repeated in 2017.

The downturn of such incidents contributed to the overall reduction in police shootings, post 2013. However, 2017 has seen a return to a near doubling of the 'multiple fatality' incident over 2016 and hence the rise in police related deaths.

Table 6: *Multiple deaths occurring from single incident shootings*

Year	2 fatalities	3 fatalities	4 fatalities	6 fatalities
2014	x 11	x 1	-	-
2015	x 5	-	-	-
2016	x 8	x 1	x 1	-
2017	x 17	x 1	-	x 1 (JDF)

Forty-three people were shot and killed from 19 shooting incidents. The 19 shooting incidents comprise only 13% of 144 fatal shooting incidents, yet 25.5% of the 168 people killed in 2017. In 2016, 10 multiple death incidents accounted for 23 fatal shootings.

A doubling of the multiple fatality shooting incidents requires continuing analysis in assessing the proportionality and necessity of the level of force exercised. From the 19 incidents a total of 29 guns were recovered from 43 dead men. Thus fourteen men were unarmed at the time of their death and could not have been shooting at the police.

It is reported that such multiple fatality incidents frequently arise from 'ambush' or 'shoot out' scenarios, and from which multiple rounds are fired at Security forces. Scene investigation analysis found that over 650 rounds were reportedly fired by the Security forces, but a disproportionately limited number of casings were recovered from the alleged gunmen's firearms The number of 'gunmen' rounds allegedly fired is incongruent with spent casings found at the scenes.

Examples which illustrate the observations are listed below:

- 16 rounds fired by security forces (SF) – a civilian killed in cross fire in his home.

- 102 rounds fired by SF - 4 casings found from alleged gunmen's weapons. Six dead, four firearms recovered.
- 26 rounds fired by SF - 1 discharged shotgun casing found. Two dead. One firearm recovered.
- 50+ rounds fired by SF - no casings from alleged gunmen's weapon. Two dead. One firearm recovered.
- 11 rounds fired by SF - 1 casing found from alleged gunman's weapon. Two dead. One firearm recovered.
- 28 rounds fired by SF. A civilian killed in cross fire. No weapons recovered.
- 143 rounds fired by SF - Two dead.
- 171 rounds fired by SF - Two dead, one weapon recovered. 67 rounds of 9mm fired by SF, only two 9mm casings recovered.
- 13 rounds fired by SF - three dead. Two weapons recovered. No casings from alleged gunmen's weapon.

5. <u>No gun/no weapon shooting incidents</u>

Where a shooting incident results in a death or injury, such persons are, in the majority of cases, reported as having either a firearm, a weapon other than a firearm, or suspected of having a firearm or other weapon at the time of the incident. As identified in section 4 above (multiple fatality shooting incidents), a discernable pattern of security force shootings is the marked absence of recovered firearms in shooting incidents - particularly non-fatal shooting incidents.

INDECOM reported, in both its, 1st and 3rd Quarterly Reports of 2017, *Privacy and Policing and Detention respectively*, on the issue of shooting incidents in which a significant proportion of persons shot or injured were either completely unarmed, or in possession of an implement other than a firearm. Detailed analysis was provided on the type and nature of such shooting incidents and sought to identify critical learning issues which had potential to reduce such instances.

Further analysis has now been completed of the 2016 and 2017 fatal and non-fatal shooting cases, regarding this issue.

2016

- in 2016, of the 111 persons killed, twenty-seven had **no weapon** (24%)
- in 2016, of the 69 persons injured, thirty-six had **no weapon** (52%)
- in 2016, 87 persons shot and killed/injured had **no firearm** (48%)

2017

- in 2017, of 168 persons killed twenty-five had **no weapon** (14%)
- in 2017, of the 86 persons injured, forty-five had **no weapon** (52%)
- in 2017, 107 persons shot and killed/injured had **no firearm** (42%)

2016 & 2017

- In the two year period, over half of the 155 persons shot and injured, (eighty-one people) **did not have any weapon** at all - 52%
- In the two year period, 194 persons shot, and either killed or injured, were **not in possession of a firearm** - 44%.

These findings reveal a pattern and practice which is indicative of a disproportionate use of force against citizens who are unarmed. It is recognized that within this large number of shooting instances, where a firearm is absent, that in certain cases the weapon may have been taken by another person, have been discarded before arrest, or, in multiple death cases, it is not possible for officers to determine which individual is firing at them, when they return fire in the direction of several gunmen – some of whom may be unarmed.

Nor is it suggested that all cases fall within the ambit culpability. However, the totality of the cases require the JCF to examine their tactics and fire discipline to address the issue.

Further examples within this category are female shooting victims. This subset provides further illustration of an apparent excessive use of force, see Table 7.

Table 7: *Females killed or wounded in 2016 & 2017*

Year	Fatal	Non-fatal
2016	1	7
2017	-	9
Total	1	16

None of the 17 females (aged between 13 - 61yrs) were in possession of any firearm or other weapon at the time of their being shot.

- Eight females were shot in cross fire, during police shooting incidents.
- Eight were shot in the erroneous belief they were armed or presented a threat. None of them did.
- One was subject to an accidental discharge in the work place, by a colleague.
- Two of the incidents involved off duty officers.

6. Planned Operations

Planned police operations, where fatalities occur, have previously been a significant contributor to the total fatalities per annum by the JCF. The introduction of the 'post event' questionnaire/evaluation for police Commanders, to examine and assess the level of planning in such operations, has been implemented since 2015.

There has been a continued (albeit small), ***reduction*** in the number of police related fatalities arising from planned police operations. Oversight has contributed to a greater care and compliance of the JCF's own Use of Force policy and INDECOM's monitoring of the issues, have effected some changes.

Full year analysis - Annual periods 2014 - 2017

Analysis of the four year period 2014 - 2017 shows the continued reduction in deaths arising from planned police operations. Until 2015 police fatal shootings arising from such operations accounted, annually, for between 33%-37% of all fatalities. This reduced in 2016 to a quarter and in 2017, despite the high number of police related deaths, less than one fifth occurred during planned police operations.

Table 8: *Fatalities arising from planned police operations in period 2014 – 2017*

Year	Total Fatal shootings	Planned Op where fatality occurred	Total killed during Planned Ops	% of total shootings
2014	**115**	36	38	33.04%
2015	**101**	33	38	37.62%
2016	**111**	21	28	25.22%
2017	**168**	30	41	17.85%

The continued reduction in this area of policing operations is welcomed and acknowledged. INDECOM will continue to examine this aspect of JCF operations and utilise the post operation Command evaluation questionnaire to ensure continuing compliance with the JCF's own Use of Force policy and seeking to ensure such operations result in arrest, not fatalities.

PART ONE

NEW COMPLAINTS

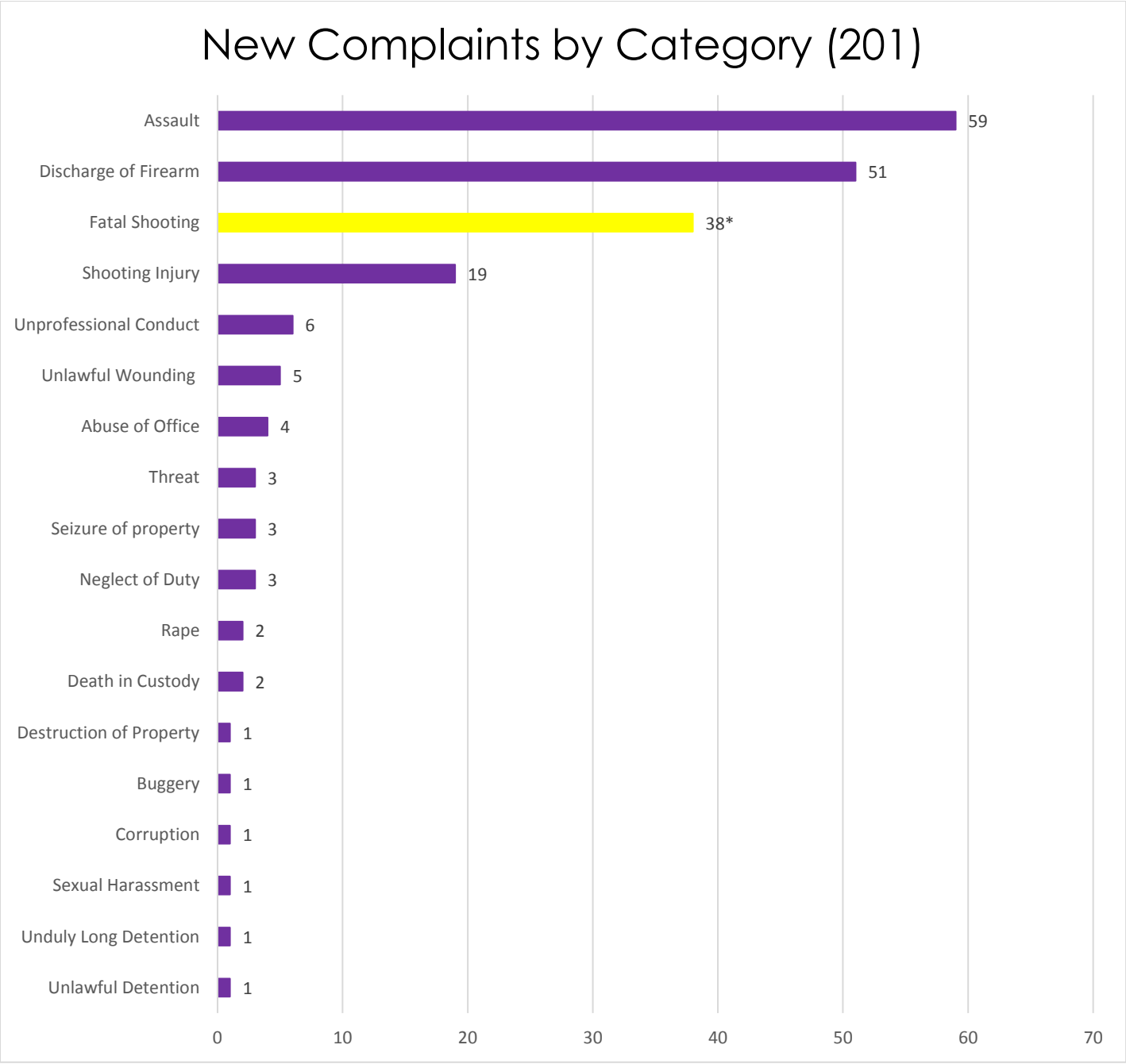


Figure 1: The bar graph shows all categories of new incidents for which complaints were received by the Commission for the period of October to December 2017.

***There were 38 cases of fatal shooting incidents, resulting in the death of 44 persons (which includes an escapee who was shot).**

*** One of the death in custody incidents was reported to INDECOM in October but the incident occurred in September.**

INCIDENT SCENE RESPONSE

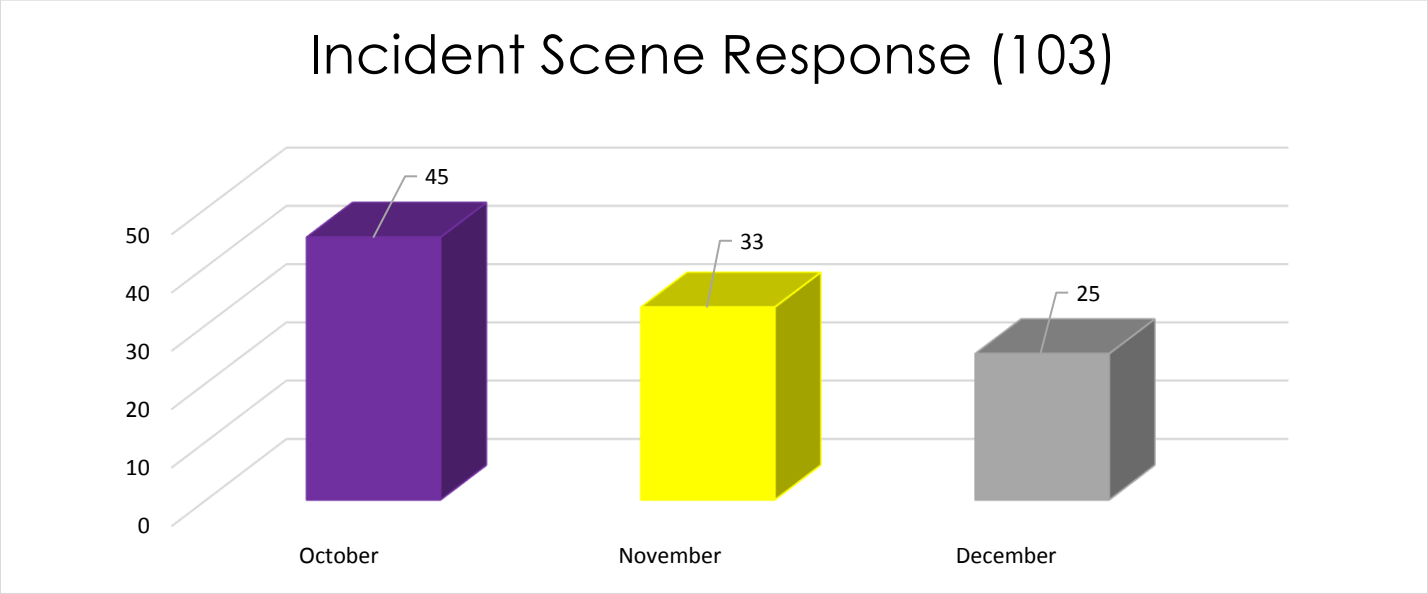


Figure 2: The above figure shows the number of scenes that the Commission's Forensic Unit responded to for the period of October to December 2017.

NATURE OF INCIDENT SCENE RESPONSE

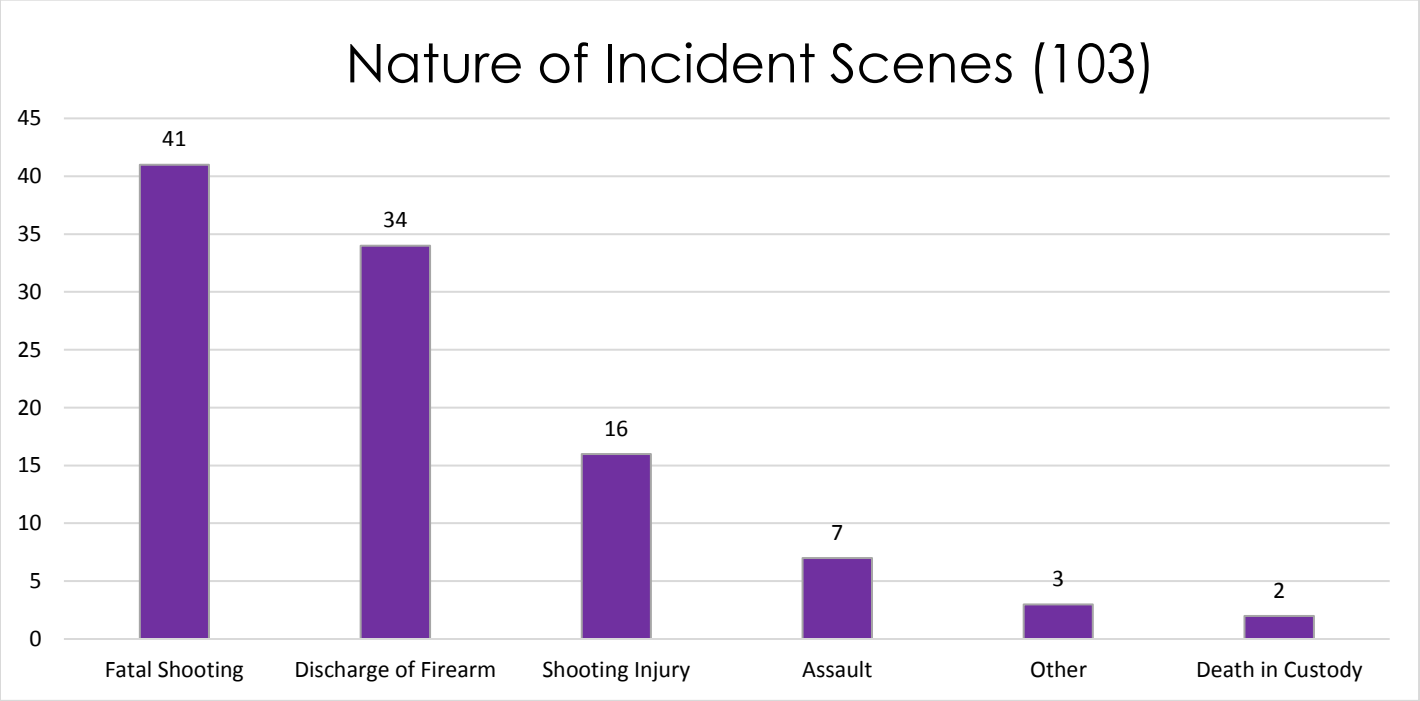


Figure 3: The above graph shows the nature of the incidents that the Commission's Forensic Unit responded to for the period of October to December 2017.

COMPLAINTS BY PARISH

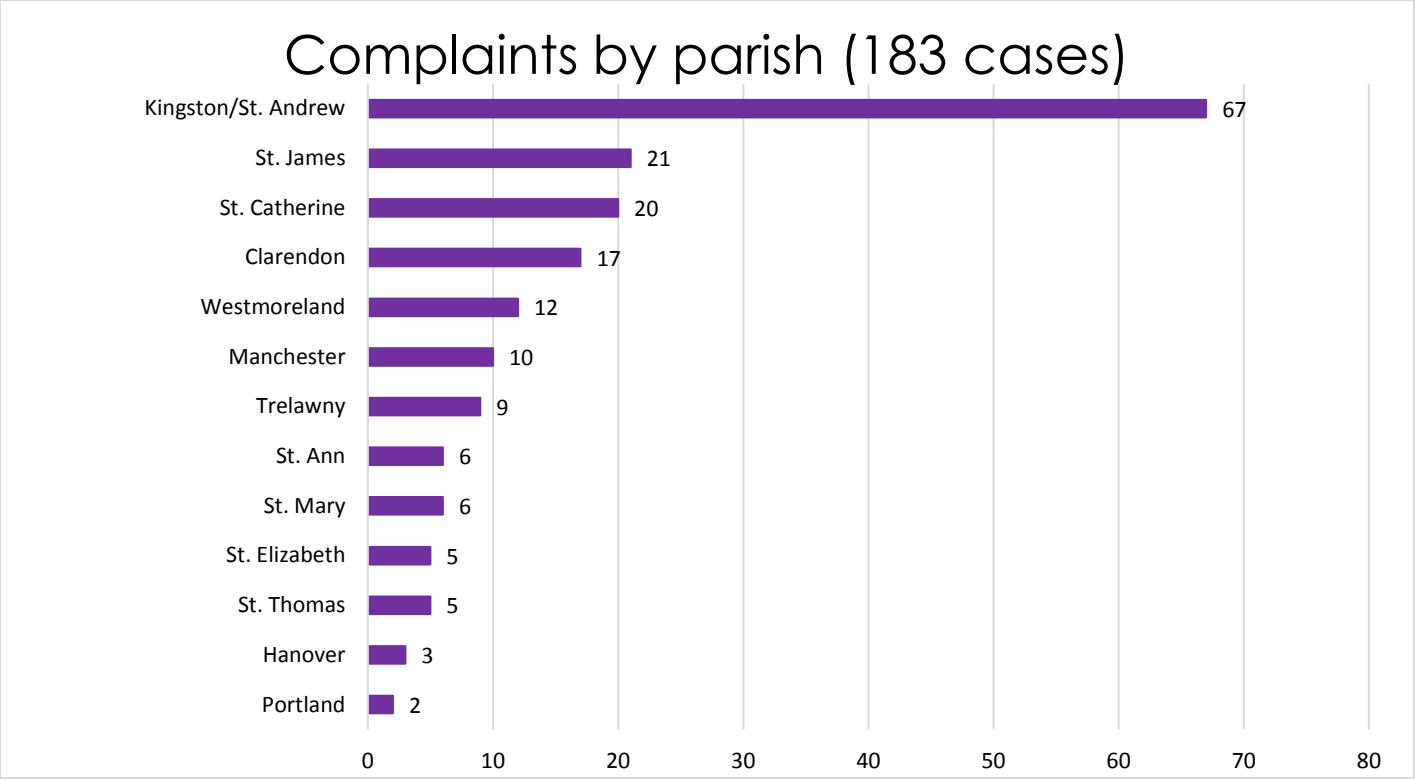


Figure 4: The above graph shows the number of new complaints received by the Commission per parish for the period of October to December 2017.

FATAL SHOOTINGS BY PARISH

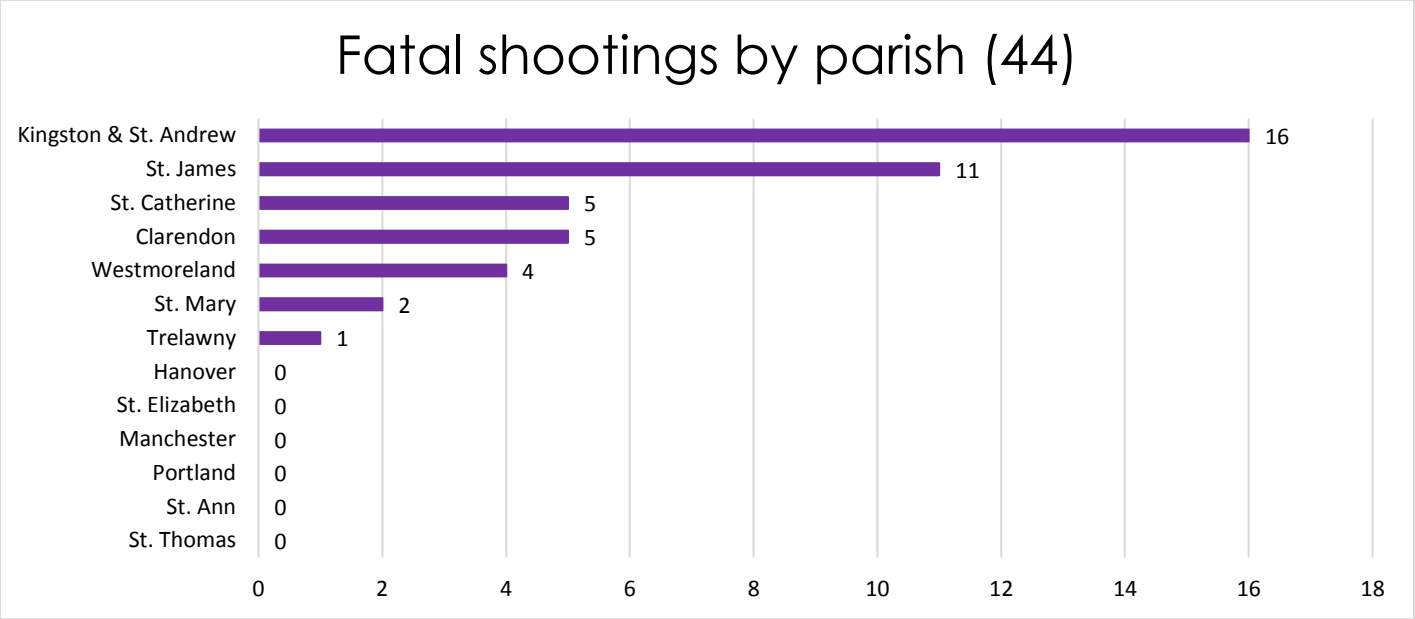


Figure 5: The chart above shows the total number of deaths from shooting incidents per parish for the period of October to December 2017.

***This chart includes the addition of the death in custody incident where the escapee was fatally shot**

FATALITIES BY TEAMS

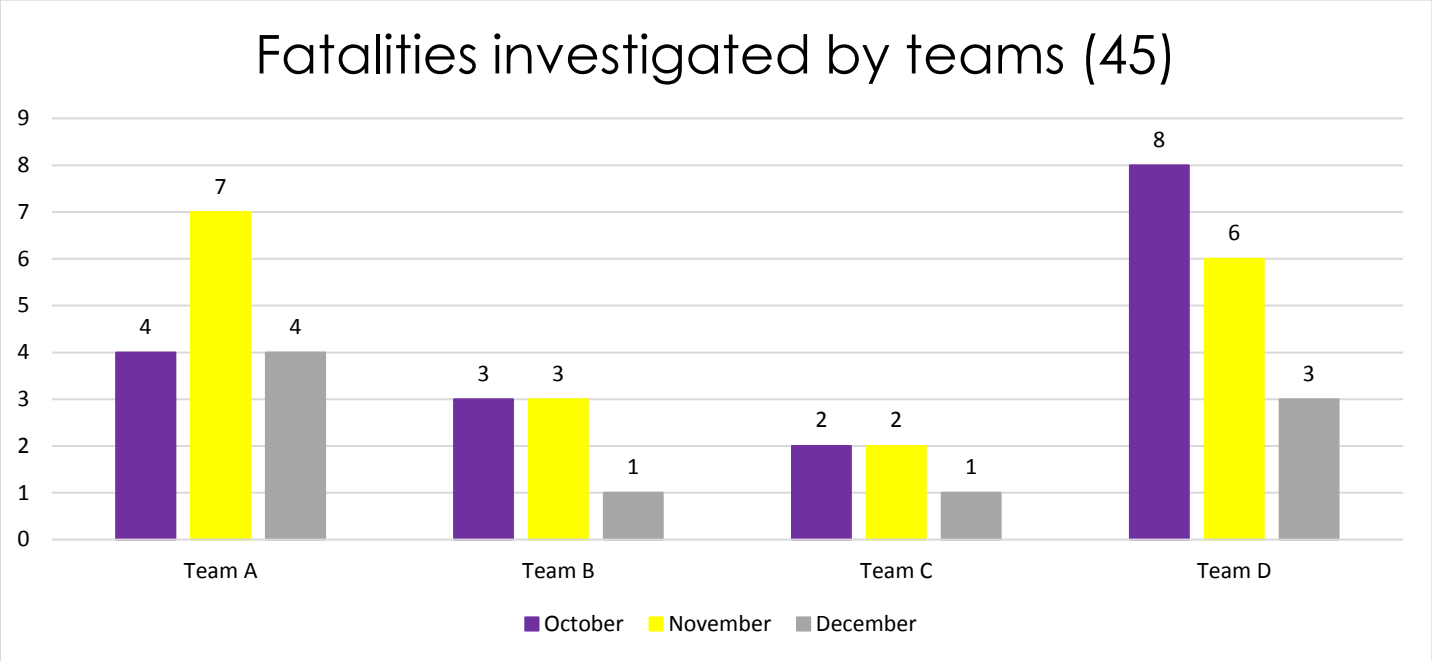


Figure 6: The above graph shows the number of fatalities (to include deaths in custody) in relation to the investigative teams within the Commission for the period of October to December 2017.

FATALITIES BY ORGANISATION

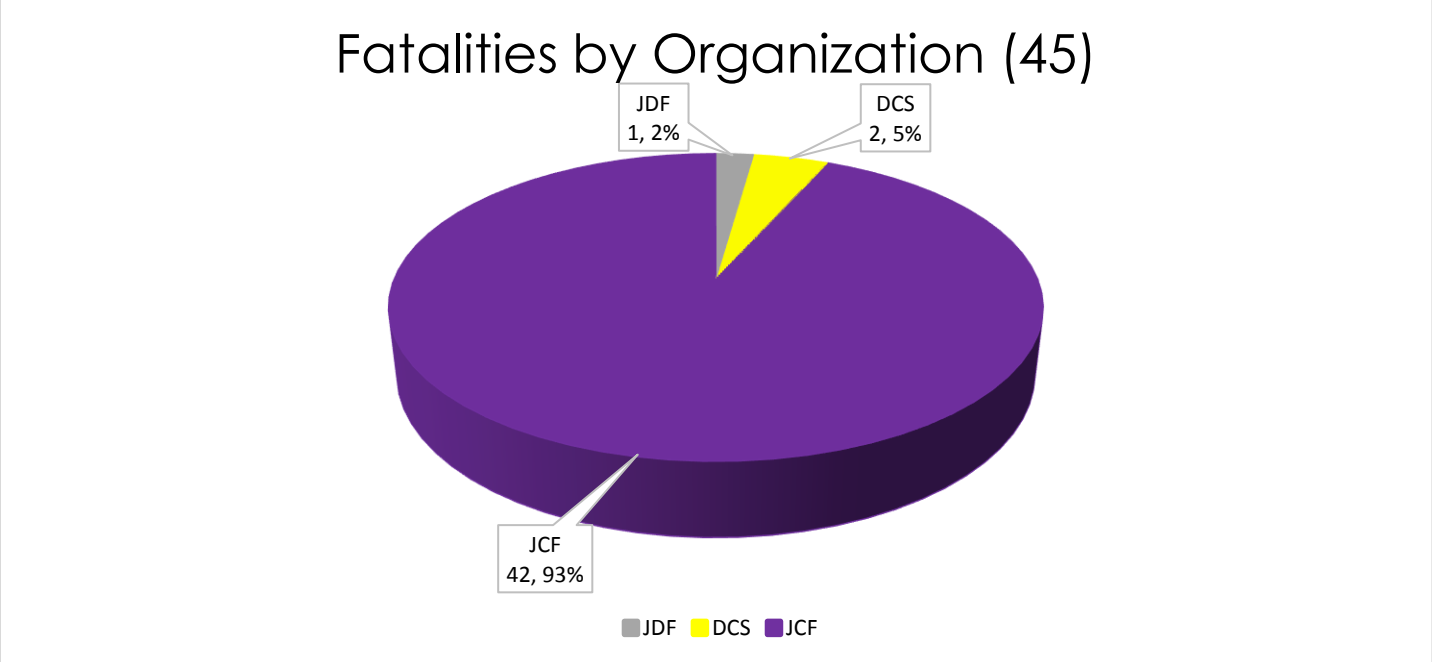


Figure 7: The above pie chart illustrates the State agency to which the fatalities recorded for the period of October to December 2017 are related.

NB: The two DCS incidents in the graph above, does not include the death in custody incident which occurred in September but was reported to INDECOM in October (as mentioned in Figure 1 – page 10)

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

Date	Name of Deceased	Location of Incident	Related State Agent
OCTOBER			
2-Oct	Kishorny FALCONER	Sean Crescent, Rose Heights, Montego Bay, St James	JCF
5-Oct	Damion BRISCOE	May Pen, Clarendon	JCF
8-Oct	Kenardo ENGLISH	Marcus Garvey Drive, Tinson Pen, Kingston 14	JCF
11-Oct	Paul Jay LEWIS	Red Ground, Old Harbour, St. Catherine	JCF
11-Oct	Garth STEWART Davian WHYTE	Cairn Curran District, Westmoreland	JCF
11-Oct	Leonado MITCHELL	Greater Portmore PSTN, St. Catherine	JCF
13-Oct	Cordel BOODIE	Lincoln Ave, Kingston	JCF
14-Oct	Londy WHITE	Bethel Town, Westmoreland	JCF
20-Oct	Kemoy BLAKE	Waterloo District, Spanish Town, St Catherine	JCF
20-Oct	Delroy HEWITT	Trelawny St, Falmouth, Trelawny	DCS
21-Oct	Keith Alphonso BARNES	Woodpecker Ave, Kingston	JCF
22-Oct	Kenroy McKINSON	Sutton District, Lionel Town, Clarendon	JCF-OD
26-Oct	Dane EDWARDS	Hollywood, Norwood, St James	JCF
28-Oct	male u/k	Fish Lane, Montego Bay, St James	JCF
29-Oct	male u/k	Three Miles, Portia Simpson Miller Square, Kingston	JCF
30-Oct	Sean MORGAN	Cling Cling Ave, Olympic Gardens, Kingston	JCF
NOVEMBER			
2-Nov	Michael JACOBS	Unity Blvd, Fairview Terrace, Kingston	JCF
3-Nov	Marlon McKNIGHT Tennyson MORGAN	Port Henderson Rd, Spanish Town, St Catherine	JCF
3-Nov	Redfin GAUNTLETTE **DIC**	Richmond Farm Prison to Port Antonio Hospital	DCS
3-Nov	Andre MARSDEN	Cambridge Ave, Franklin Town, Kingston	JDF
5-Nov	Damion MORRISON	McKinley Crescent, Kingston	JCF

5-Nov	Roneil BROWN	Baptist St, Hayes District, Clarendon	JCF
8-Nov	Ramada BROWN	Retreat, St Mary	JCF
9-Nov	Oneil ROBINSON Omar SAWYERS Christopher THORPE	Doonie Corner, Salt Spring, St James	JCF
9-Nov	Keipha Floyd WHITE	Waltham Park Rd, Mongoose Town, Kingston 11	JCF
14-Nov	Jeff McFARLANE	Fullersfield, Grange Hill, Westmoreland	JCF
16-Nov	Donovan CAMPBELL	East Street, Kingston	JCF
16-Nov	Kevin FLETCHER **DIC** (Escapee shot)	National Chest Hospital, Barbican Rd, Kingston 6	DCS
18-Nov	Kenroy CHRISTOPHER	Corbett Drive, Flankers, St. James	JCF
22-Nov	Oshane GRAY	Spring Mount, St James	JCF
28-Nov	Richard Anthony BARRETT	Barbados Road, Kingston, 11	JCF
30-Nov	Shane YEE	Water lane, Effortville Farm, May Pen, Clarendon	JCF
DECEMBER			
1-Dec	Sheldon SPENCER	Jacks River, Cornhill Dist, St Mary	DCS
2-Dec	Ephraim MORGAN	Red Road, Osbourne Store, Clarendon	JCF
2-Dec	Gerald Jermain HARRIS	Crescent Road, Kingston	JCF
9-Dec	Cavar DALEY Renolds DALEY	Waltham Park Rd, Kingston 11	JCF
14-Dec	Alex HIGGINS	Flower Hill, Salt Spring, St James	JCF
29-Dec	*Shawn DENT* *Acheem TAYLOR*	Albion, St James	JCF
29-Dec	Stephan R. HARRISON	August Town Rd, Kingston 7	JCF

Table 9: The above list presents the names of persons who died in security force-related incidents for the period of October to December 2017.

PART TWO

THE LEGAL DEPARTMENT

NATURE OF COMPLETED COMMISSION'S REPORTS

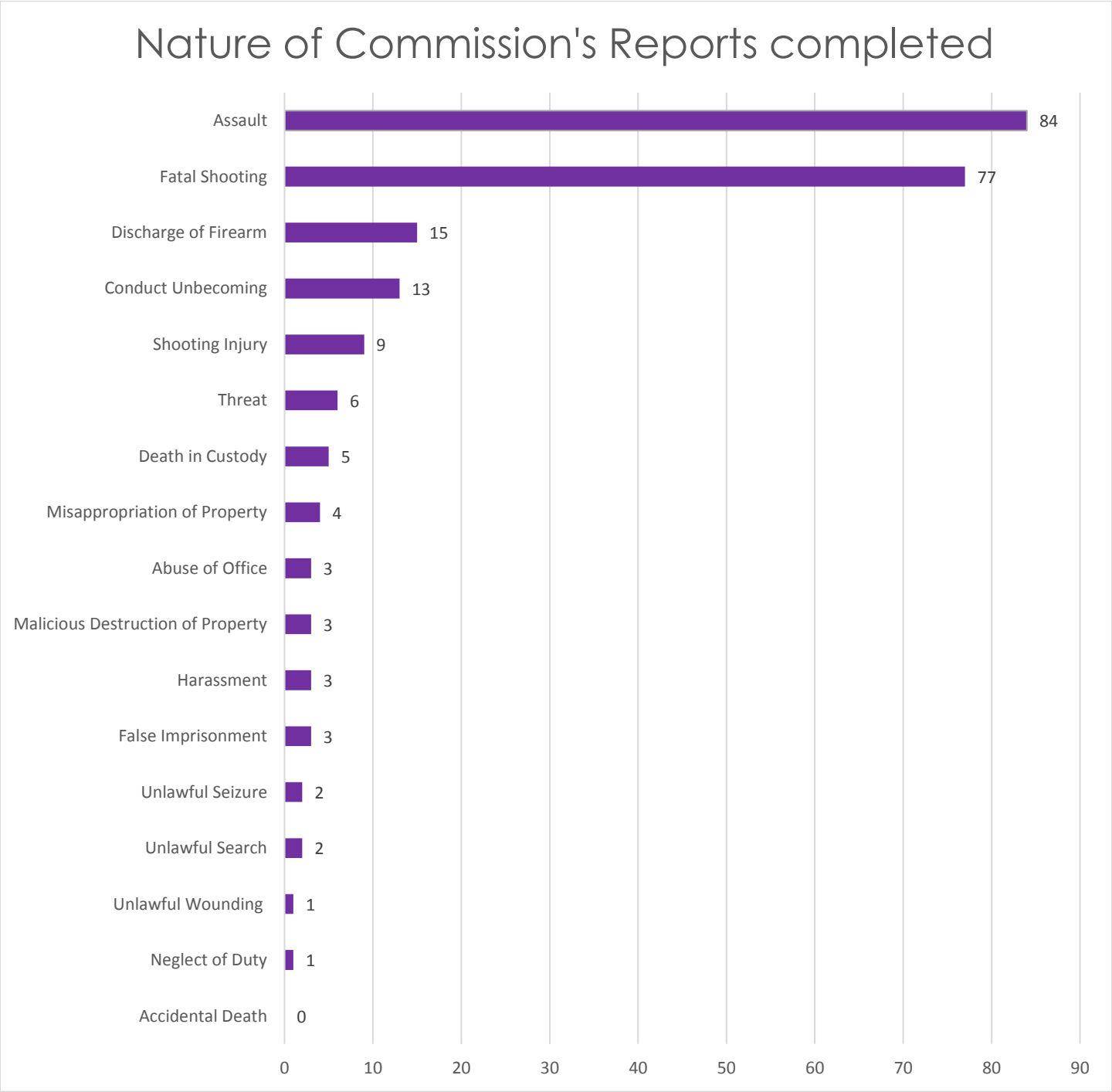


Figure 8: The above graph shows the category of complaints for the Commission's Reports completed during the period of October to December 2017.

COMMISSION'S REPORTS COMPLETED

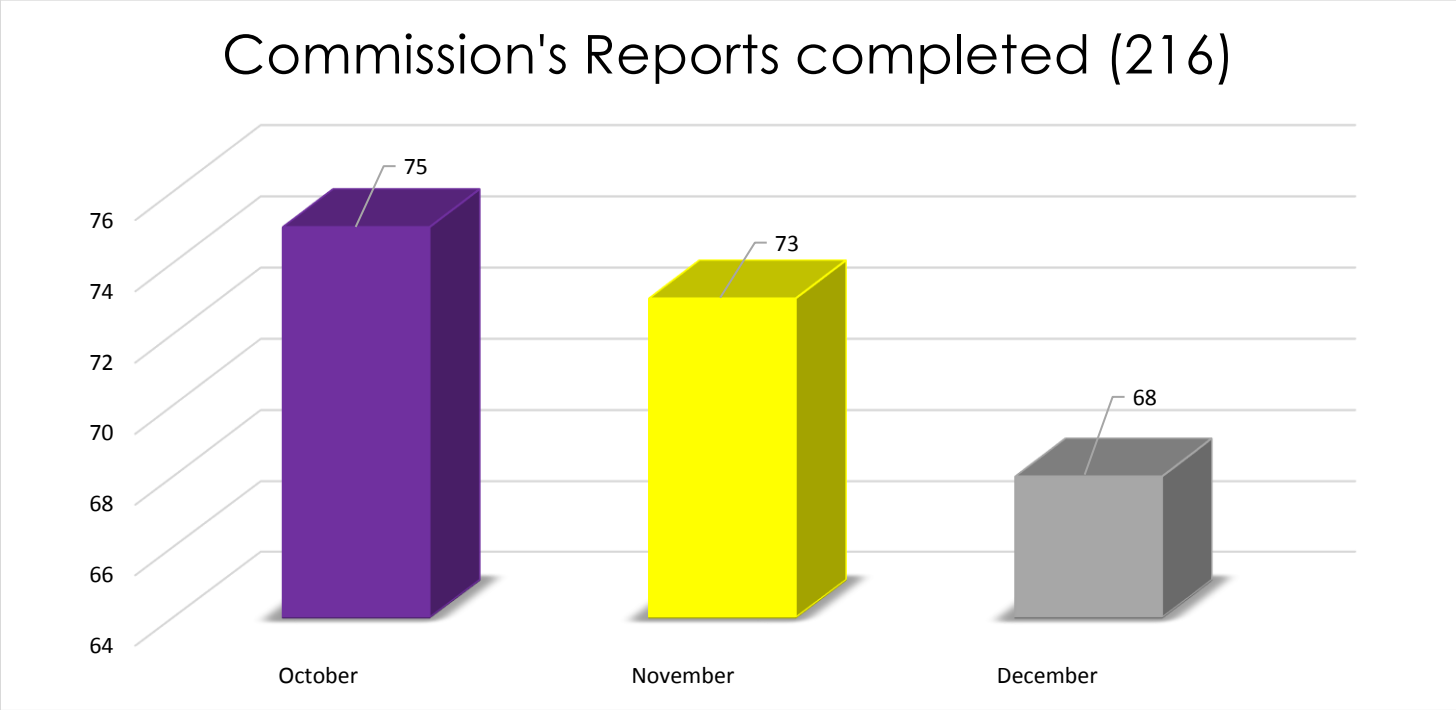


Figure 9: The above chart shows the number of Commission's reports completed and distributed for the period of October to December 2017.

RECOMMENDATIONS MADE FOR COMPLETED COMMISSION'S REPORTS

Recommendations	October	November	December
Charge	1 case	1 case	1 case
	1 officer	1 officer	1 officer
Disciplinary Action	1 case	2 cases	2 cases
	3 officers	2 officers	2 officers
Unsubstantiated	73	70	65

Table 10: The above graph shows the recommendations made for Commission's Reports completed for the period of October to December 2017.

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

October 2017 (30)

Table 11: Recommendations by the Legal Department for Commission's Reports completed in October 2017 on fatal shooting incidents

No.	Complainant/Victim	Case Summary	Recommendation
1.	Karim Clarke	On June 22, 2015, shortly after midday, Karim Clarke o/c 'Froggy Bull' was fatally shot by the concerned officers at Fernando Road, Southborough, Portmore in St. Catherine. It is reported that the concerned officers, accompanied by others, were on mobile patrol duty in the Port Henderson area when they received information about a man who was misbehaving in the Southborough area. The concerned officers went to the reported location, knocked on the front door which was partly open, and identified themselves as police officers. The police saw a man inside the house who fit the description they were given. The said man ran from the house through the back door and the police pursued him. The police accosted the said man at the rear of the premises and he turned around with a gun in his hand and opened fire at the police. The police returned fire at the man, hitting him, and he fell to the ground with the firearm beside him. The police retrieved the firearm and subsequently transported the injured man 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 against the concerned officers; in relation to the fatal shooting of Karim Clarke.
2.	Lushane Jones	Allegations are that at about 8:00 p.m. on Thursday, the 17th day of September, 2015, the deceased, Lushane Jones was shot and killed whilst in the vicinity of Rushaun Close of the Glenmuir Housing Scheme in Clarendon.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken in respect of the fatal shooting of Lushane Jones on September 17, 2015.
3.	Omar Mahoney and Andre Sutherland	Allegations are that at about 3:35 p.m. on Friday, the 14th day of September, 2012, the deceased, Omar Mahoney and Andre Sutherland, were shot and killed whilst in the vicinity of Venus Close, Portmore Lane in Portmore, Saint Catherine. The deaths of the deceased were occasioned during an alleged exchange of gunfire with the concerned officers.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken in respect of the fatal shootings of Omar Mahoney and Andre Sutherland on September 14, 2012.
4.	Yacka McLeod	On May 27, 2016, at about midday, Yacka McLeod – inmate at the St. Catherine Adult Correctional Centre (SCACC) – was fatally shot, after the said McLeod attacked the Officer inside his sentry tower and attempted to escape from the prison by climbing the prison's perimeter fence and jumping from the said sentry tower over to an abandoned sentry tower. The concerned officer fired rounds from his service rifle at the said McLeod, hitting him, and McLeod fell from the sentry tower. The injured inmate was later taken to the	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken, in relation to the fatal shooting of Yacka McLeod.

		Spanish Town Hospital where he was pronounced dead on arrival.	
5.	Damion Foster	On October 20, 2013, at about 4:30 a.m., Damion Foster was fatally shot by the concerned officers at 3 West community of Greater Portmore in St. Catherine. It is reported that the now deceased Foster, and his crony, forcibly entered premises located in the 3 West community, held a female occupant hostage, robbed and sexually assaulted her. The police were summoned to the scene and, upon their arrival, the said Foster engaged the police in a shootout during which he was shot and injured. He was subsequently taken 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; in relation to the fatal shooting of Damion Foster.
6.	SM o.b.o Noval McInnis	At about 1:30 a.m. on Wednesday, the 28th day of October, 2015, the deceased, Noval McInnis, was riding his motorcycle along the Nompriel Road in Negril, Westmoreland, when he collided with a police service vehicle of the Negril Police Station. Mr. McInnis succumbed to the injuries he sustained from the said collision.	On a view of the evidence and the circumstances in which Noval McInnis died, it would not be feasible to issue a recommendation that criminal charges be laid or disciplinary action be pursued as the evidence uncovered by the Commission's investigation is insufficient and lacks cogency to ground such recommendations.
7.	Kenton Thompson	Allegations are that at about 4:30 a.m. on Wednesday, the 14th day of December, 2011, the deceased, Kenton Thompson, was shot and killed by after he withdrew a firearm and pointed it in the direction of the police after becoming aware of their presence. There were no eye witnesses to the shooting of the deceased. A firearm which was allegedly in the possession of the deceased was also recovered.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken in respect of the fatal shooting of Kenton Thompson on December 14, 2011.
8.	Junior Young	Allegations are that at or about 1:20 a.m. on Saturday, the 19th day of May, 2012, the deceased, Junior Young, was shot and killed after he opened fire at the police in the vicinity of Red Hills Boulevard in Kingston. Mr. Young was taken to the Kingston Public Hospital immediately thereafter and was later pronounced dead.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken in respect of the fatal shooting of Junior Young on May 19, 2012.
9.	Winston Williams	Allegations are that on Sunday, the 10th day of November, 2013, Winston Williams was fatally shot by in the woodlands of Gutters District, Port Morant in the parish of Saint Thomas after he and two other armed men alleged to be MP otherwise known as 'DF' and MM otherwise known as 'BI' engaged a team of police officers in a shootout. A firearm which was used by the deceased in said shootout was recovered.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken in respect of the fatal shooting of Winston Williams on November 10, 2013.
10.	Milton Allison	On June 12, 2016, Milton Allison o/c 'Pops' was fatally shot at a party in the Heywood Hall district of St. Mary. The concerned officer reports that he was accompanied to the party by his cousin, RD, and he was driving a grey Suzuki Swift motor car which is owned by her. Around 4:00 a.m. when they decided that they would leave the party, he was driving away from the scene when he heard a loud impact on the car. He saw damage to the car and Miss D decided to walk back to the party to find out who damaged her	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Milton Allison, at this time.

		car. Before they had left the party, there was a large crowd on the scene because of an incident which had happened at the party earlier that morning. Whilst sitting in the driver's seat, he saw a man running towards the car with a machete which he used to chop the car several times. He exited the car, identified himself as a police officer, and warned the man to drop the weapon. Instead, the man advanced towards him with the machete raised to a chopping position, and the concerned officer fired one shot at the man, hitting him. The injured man was later transported to the Port Maria Hospital where he was pronounced dead on arrival.	
11.	Dushane Woodster	On October 18, 2013, at about 3:45 a.m., Dushane Woodster was fatally shot at Tower Street in the parish of Kingston, during a special operation conducted by members of the Kingston Central Street Crime Unit to search for illegal firearms and ammunition. It is reported that the police team, entered the dwelling house at the aforementioned address when a man inside the house opened gunfire at him and his colleagues. The concerned officer immediately returned fire at the said gunman who ran from the house through a passage at the rear of the premises, onto Tower Street. The concerned officer chased the said gunman who continued firing gunshots at him. The concerned officer again returned fire at the gunman who subsequently dropped the firearm on a sidewalk and collapsed on West Street. The concerned officer retrieved the firearm and cautiously approached the gunman who appeared to be suffering from gunshot injuries. The injured gunman was rushed 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, in relation to the fatal shooting of Dushane Woodster.
12.	Oshane Fisher and Ezroy Williams	On September 11, 2011, a police team, embarked on a special operation in the Burnt Ground District of Santa Cruz, in search of men suspected of committing major crimes. Whilst traversing on a dirt track, the police team observed three men running from a hut; one of the men opened gunfire at the police. The concerned officers returned fire, and chased the men. Whilst the chase was ongoing, the concerned officers entered the hut. They were met with gunfire, and responded by discharging their weapons. After the shooting subsided, two men were observed to have been shot and injured. Two firearms were recovered. The injured men were transported to the Black River Hospital, where they were pronounced dead.	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.
13.	Ricardo Griffiths	On June 23, 2012, at about 8:50 pm, Richard Doyle, resident of Temple Hall, St. Andrew, returned home. As he approached his house, he was accosted by armed men. This occurrence was witnessed by his neighbor, Richard Byfield, who contacted a policeman, who lived in the area, and informed him of his observations. The concerned officer contacted the Stony Hill Police Station and proceeded to Benny Pen Lane in Temple Hall, to be of assistance. Upon his arrival, he was	No criminal charges be laid or disciplinary action be taken against 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.

		engaged in a shoot-out with armed men who exited the home of Richard Doyle. Soon after, a team from the Stony Hill Police Station arrived, and were met with gunfire. Two policemen discharged their weapons in response. After the shooting subsided, one man was found to be shot and injured, whilst another, who identified himself as LC, was found hiding behind a rock. A firearm was recovered from the injured man, who was escorted to the Kingston Public Hospital, where he was pronounced dead. He was later identified as Ricardo Griffiths.	
14.	Oneil Clarke	On June 28, 2011, the concerned officers were on mobile patrol duties. They received information that armed men in the Metcalfe Street and Rodney Road area, were robbing citizens. They proceeded to the area and observed two men with firearms in their hands exiting Rodney Road. The men opened fire on them before running into the yard of Rodney Road. They returned the fire and chased the men. They were once again met with gunfire and both officers discharged their weapons. When the shooting subsided, one man was found to be suffering from what appeared to be gunshot wounds. The injured man was pronounced dead at the Kingston Public Hospital. A Beretta dual action autoloading pistol was allegedly recovered from the deceased.	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.
15.	Jermaine Graham	On October 14, 2012, at some time after 7:15pm, a police team, went to premises in Majestic Gardens in search of armed men. Upon entering the targeted premises, Corporal and Constable alleged that they were fired upon by a shirtless, armed man. The policemen fired their weapons, which resulted in Jermaine Graham being shot and injured. The injured man was pronounced dead at the Kingston Public Hospital. A Smith & Wesson firearm 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.
16.	Elvis Anderson	On October 3, 2010, Corporal reported that at about 3:15am, in the vicinity of a stall in the Callaloo Mews community, he was pounced upon by two men who brandished firearms. One of the men stated, "Pussyhole police bwoy, a long time yu fi dead". In defence of his life, he fired two shots in the direction of the men. He reported the incident to the Hunts Bay and Denham Town Police Stations. Later that day, he was informed of the death of a man in the location where he discharged his firearm. Upon going to the Maddens Funeral Home, he identified the body as 'Sheldon', resident of Callaloo Mews, who was previously known to him. The firearm that was in the possession of Corporal was submitted to the Government Forensic Laboratory for ballistics testing.	No criminal charges be laid or disciplinary action be taken. 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.
17.	Andrew Ferguson	The deceased, Andrew Ferguson, known to be mentally ill, was shot and killed by the police on September 2, 2014 after he used a fish gun to shoot Corporal, and continually took steps to endanger the lives of Corporal and Constable. There is no evidence to refute the police claim to self-defence.	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 Corner for the Special Coroner to decide whether he will conduct an inquest.
18.	Pvte. Davion Atkinson	The deceased, Davion Atkinson was shot and killed by Corporal on the morning of May 14, 2015 on the compound which houses the Pleasure Trove Club and Bar. Corporal alleges that while the deceased did not fire at him, the deceased was among a party of two (2) other men; one (1) of which fired at him. The deceased was found in the club which Corporal alleged that he and his girlfriend had closed at 3:00 a.m. that morning. He states that he saw the men attempting to steal liquor from the establishment.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken in respect of this fatality at this time. The Commission further recommends that the matter be forwarded to the Special Coroner for him to decide whether he will empanel a jury to assess the case.
19.	Junior Guy, et al	Messrs. Kemar Thompson, Andre Ledgister, and Junior Guy were shot and killed by the police on June 6, 2013 at Waterloo Villa, Spanish Town, St. Catherine, in circumstances alleged to have been self-defence.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken against any other member of the Jamaica Constabulary Force in respect of this incident. The Commission further recommends that this matter be forwarded to the Special Coroner for him to determine whether an inquest ought to be held.
20.	Christopher Green	The deceased, Christopher Green was shot and killed by the police at a home in Riverside, Pitfour, St. James on November 24, 2012. It is alleged that a concerned citizen made a report to the police that the deceased and another man were seen at the home of Mrs. S. The police allege that on responding to the report, they saw the deceased and his accomplice hiding beside steps in the yard. That the deceased and his accomplice engaged them in a gun battle to which the deceased fell victim.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken. The Commission further recommends that this matter be forwarded to the Office of the Special Coroner for him to decide whether an inquest is necessary.
21.	Omar Meikle	The deceased, Omar Meikle was allegedly shot and killed on July 5, 2012 when he tried to execute an armed robbery of Woman Detective Corporal.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken in respect of this incident. The Commission further recommends that this matter be referred to the Special Coroner for him to decide whether an inquest ought to be held.
22.	Zenrick Gayle	The deceased was shot and killed by Constable on October 10, 2013 at a house in Coffee Lane, Mount Salem in the Parish of Saint James. The police are claiming self-defence as justification.	The Commission herby recommends that no criminal charges be laid or disciplinary action be taken against any member of the Jamaica Constabulary Force in respect of this fatality. The Commission further recommends that this matter be forwarded to the

			Special Corner for him to decide whether an inquest is to be held.
23.	Devon O'Connor	Devon O'Connor was shot and killed by members of a police party, on the 12th day of September, 2011. The police report that they were on enquires in the Duxes District of Point Hill, Clarendon when the observed two men walking together. This aroused their suspicion so they decided to stop and make enquires of these men. However, as one of the men walked pass the service vehicle he raised a firearm and fired at the officer causing a shootout to ensue. After the shooting subsided the two (2) men were seen on the ground, one however got up, fired at them and ran. The other remained on the ground injured. He subsequently taken to the Hospital where he was pronounced dead. AN states that he was with the now deceased on the night in question when they were walking home. He left the deceased around 10p.m. in took a different path to his girlfriend's house. After turning, he noticed the lights of a motor vehicle and so he shouted and alerted the now deceased about this. The vehicle subsequently stopped and he (Mr. N) heard loud explosions and talking. The following morning he heard that Mr. O'Connor was killed. He is not an eyewitness to the actual shooting.	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 for his consideration of whether an inquest ought to be held into circumstances which led to the death of Devon O' Connor.
24.	Alton Wynter	On April 30, 2011, Alton Winter, Jnr. was fatally shot by Corporal. The allegations of the police are that the deceased and another man pulled firearms at them along West Cumberland Boulevard, Portmore, Saint Catherine. There is no eyewitness to the shooting.	In these circumstances, the Commission recommends no criminal charges or disciplinary action against any other member of the Jamaica Constabulary Force. The matter is referred to the Special Coroner for his consideration.
25.	Omar Young o/c Shawn	On July 24, 2013, Omar Young was shot and killed by the 1st respondent, Constable at approximately 5:00 a.m. The police entered the deceased's premises. The sole eyewitness' version is that she had spoken to the deceased shortly before the police entered. She was sequestered to an area of the house under the instruction of the police. She told the police that there was a baby inside of the house. Shortly afterwards, she was handed the baby. She then heard gunshots and heard one of the officers say that they did not want the baby to see when they take Omar Young out of the room. The police allege that the now deceased, Omar Young had opened fire on the respondents. In response, Constable returned fire. The deceased was shot in the chest and a firearm recovered from him. As the sole eyewitness' evidence does not refute the respondent's account that the deceased was armed with a weapon and that there are gaps in Miss A's account that a jury may find as undermining her credibility, the matter is referred to the Special Coroner.	In these circumstances, the Commission recommends that no criminal charges or disciplinary proceedings should be brought against the concerned officers. The file is hereby submitted to the Special Coroner for him to determine whether or not an inquest should be held in relation to the death of Omar Young. The Commission further recommends that members of the Jamaica Constabulary Force be reminded that INDECOM is to be advised forthwith of any incident which involves the death of or injury to any person.
26.	Christopher Drummond and Antwaine Johnson	On Saturday, August 20, 2011, the police went to Naseberry Grove District, Bendon, Saint Catherine. The	In these circumstances, the Commission recommends no

		police allege that they received a report that a group of armed men were at the premises. These men opened fire at the police upon the police's arrival. The police fired in return which resulted in the bodies of Christopher Drummond and Antwaine Johnson being found with gunshot injuries. Two firearms were recovered from the deceased. Two of the gunmen escaped. The civilian eyewitnesses were AJ and MM. Ms. J indicated that after she saw the police at her door, she heard gunshots and one of the police officers said, "Si di bwoy deh a run." and more gunshots were heard. Mr. M stated that he heard the gunshots and he saw the police holding on to the body of Christopher Drummond o/c "Rushaine".	criminal charges or disciplinary action against any member of the Jamaica Constabulary Force. The matter is referred to the Special Coroner for his consideration.
27.	Donovan Clarke	On the 19th day of November, 2012, at approximately 11:12a.m., a team of police officers from the Operational Support Team (OST), were on special patrol in the Riverton City community when they received information that gunmen were seen at the premises in the Shanty Town area of the same community. The team proceeded to that location where Corporal and Constable went to the rear section of the premises where they were greeted by four (4) men armed with handguns. The men opened gunfire at the officers, the officers took evasive action and Corporal fired six (6) rounds from his 9mm Glock pistol in the direction of the men. None of the other officers reported discharging their weapons. The area was subsequently searched and a man was found suffering from gunshot injuries and was clutching to a .45 Tanfoglio pistol bearing serial number, containing a magazine and loaded with three (3) .45 live cartridges. The man was taken to the Kingston Public Hospital where he was pronounced dead. They were no civilian eyewitnesses to the incident.	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 for his consideration of whether an inquest ought to be held into circumstances which led to the death of Donovan R. Clarke.
28.	Tamol Lawrence	Tamol Lawrence was shot and killed by police officers during a shootout in the vicinity of Duke Street, Downtown Kingston on the 17th day of September, 2011. The allegations are that the deceased and another man had just robbed a gentleman of his car, and was in the process of escaping when they were intercepted by the police. He allegedly open fire at the officers who returned fire thereby injuring him. A firearm was recovered from the complainant which was matched to spent casings recovered from the scene. Additionally, there is a civilian witness, the man whose vehicle was stolen, 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 for his consideration of whether an inquest ought to be held into circumstances which led to the death of Tamol Lawrence.
29.	Keno Williams & Juhvaun Clarke	It was alleged that Keno Williams and Juhvaun Clarke were shot and killed by police officers who said that the men had opened fire at them during a patrol along Orchid Boulevard, Eltham Park area. A party of police personnel drawn from Mobile Reserve, were on mobile patrol in the Eltham Park Community, travelling in two service vehicles.	The case is respectfully referred to the Special Coroner for determination as to whether an inquest should be held.
30.	Andrew Gray and shooting injury of BD, PN, RK & DH	This report concerns the death of Andrew Gray who was shot and killed by the police on December 10, 2012 after he engaged police officers in a shootout. The shootout resulted in the injury of four other persons,	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken. It is

		to include a police officer and an eight year old boy. The ballistic examination revealed that the persons injured, with the exception of the young boy, were found to have been shot by weapon recovered from Mr. Andrew Gray. No bullets were recovered from the body of the then eight (8) year old boy. Reports indicate that the now deceased was accosted by the police, in Port Antonio after he was observed acting suspiciously. He however resisted arrest, ran, and opened fire on the officers which resulted in the shootout. Civilian eyewitnesses to the incident concurred with the version given by members of the security force that they were acting in self-defence when they fired.	recommended that the file be forwarded to the Special Coroner for his consideration of whether an inquest ought to be held into circumstances which led to the death of Andrew Gray. It is further recommended that the file be forwarded to the Solicitor General.

November 2017 (26)

Table 12: Recommendations by the Legal Department for Commission's Reports completed in November 2017 on fatal shooting incidents

No.	Complainant/Victim	Case Summary	Recommendation
31.	Paul Williams	Allegations are that on July 08, 2014 a man identified as Paul Williams attended the Spanish Town Police Station and reported that he knew where a missing girl was located. As a result, Sergeant and Constable were dispatched to transport the male to the location to identify the girl. On arrival it was said that the man pointed out two girls to the police as being missing persons. The police stated that whilst they were on way to the police station with the girls, one of them stated that she was involved in a relationship with the said man at the age of fifteen years, further, that she has had two abortions as a result of him impregnating her twice. The police stated that having had that information they diverted to the CISOCA office on Hanover Street in Spanish Town, St. Catherine. It is further alleged that Mr. Williams pulled Constable's firearm and discharged one round. And that whilst Sergeant and Constable were struggling with Mr. Williams, Woman District Corporal having heard the commotion went to their assistance, gave Mr. Williams commands to drop the firearm but he did not comply. W/DC further stated that Mr. Williams pointed the gun in her direction at which point she fired one round hitting him. Mr. Williams fell and was transported to the Spanish Town Hospital where he died. The incident happened about 8:25 p.m.	The matter is referred to the Special Coroner.
32.	Michael Lawrence	On Thursday, December 17, 2015 about 1:15 a.m. concerned officers were on covert duty along Darling Street in the vicinity of the Coronation market. When they accosted a group of about four (4) men armed with firearms. The men opened fire at the police. The police took evasive action and gave chase and the men opened fire at them while running. The police returned fire and one of the men was found suffering from gunshot wounds. He was rushed to the Kingston Public Hospital where he died whilst undergoing	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 Michael Lawrence. The file be

		treatment he was subsequently pronounced dead. The deceased was subsequently taken to the House of Tranquility Funeral Home. One 9 mm pistol bearing serial number P095567 was recovered from the injured man. The deceased was shot and killed in circumstances alleged to have been self-defence.	forwarded to the Special Coroner.
33.	David Urquhart	On Thursday, March 23, 2017 at about 12 noon a police team were on a planned operation to apprehend Derrick Urquhart, a wanted man otherwise called "Three Finger Jack" for offences of simple larceny and wounding with intent of a police officer on Wednesday, March 22, 2017 in the Bath area. The team on reaching the location where Mr. Urquhart was last seen was split into teams and proceeded towards the hilly terrain. Two Constables made their first contact with the wanted man who was attending to his farm with a machete in hand; the officers informed Mr. Urquhart of their reason for their presence that of accosting him for the aforementioned offences. It is alleged that Mr. Urquhart then proceeded towards a Constable wielding the machete as if in a bid to cause harm, the officer responded by discharging one (1) round from his M16 rifle; the other officer subsequently lost balance and fell. Mr. Urquhart continued his attack on a Constable, on seeing this, the other Constable came to the aid of his colleague and discharged two (2) rounds from his glock service pistol in the direction of Mr. Urquhart. Mr. Urquhart then fell to the ground. Both officers then called out for assistance. The service vehicle was called to the location at the bottom of the hill and the injured man was taken down the hill and placed in the service vehicle and transported to the Princess Margaret Hospital. Mr. Urquhart was pronounced dead at 12:37 p.m.	The Commission respectfully recommends that: no criminal charges be laid or disciplinary action be taken, in relation to the fatal shooting of Derrick Urquhart. The file be forwarded to the Special Coroner.
34.	Barrington Morgan	Barrington Morgan was shot and killed by members of a police party, from the St. Ann's Bay Police Station on the 9th day of August, 2012. The police report that they were on an operation aimed at apprehending Mr. Barrington Morgan who they were informed was at a house in the Lincoln community (Tobalski District). The man, upon seeing the police, ran through the house and exited the back door to the hills where he opened gunfire at the police and the gunfire was returned. He was found suffering from gunshot injuries and was pronounced dead at Hospital. A Smith and Wesson Magnum 45 # AJH2720 with two cartridges and four casings were recovered.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken against any of the concerned officers. It is recommended that the file be forwarded to the Special Coroner for his consideration of whether an inquest ought to be held into circumstances which led to the death of Barrington Morgan.
35.	Sigidi Lellowayni Pennie	Sigidi Lellowayni Pennie was shot and killed by a police officer, in the vicinity of Downtown Kingston, on the 9th day of April, 2014. The allegations are that the deceased man attacked the Constable with a knife and managed to stab him in his neck. In defence of himself Constable fired in the direction of the now deceased, who was still attempting to attack him, resulting in the man sustaining gunshot injuries which proved fatal. A knife was recovered from the now deceased man. No contrary version was received capable of refuting the version given by Constable. The family of Mr. Pennie states that he was mentally ill.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken for the death of Sigidi Lellowayni Pennie. It is recommended that the file be forwarded to the Special Coroner for his consideration of whether an inquest ought to be held into circumstances which

			led to the death of Sigidi Pennie.
36.	Royann Russell	Royann Russell was shot and killed by members of a police party, from the Yallah's Police Station on the 23rd day of October, 2012. The police report that they were on an operation aimed at apprehending a man named "Monster Man" who they were told was amongst a group of armed men at a hairdressing shop. The police allege that they went to the location on foot and when they entered, some men ran whilst Royann Russell remained. He (Royann) allegedly engaged Detective Corporal in gunfire. Detective Corporal returned fire, after which the Mr. Russell fell suffering from gunshot injuries. A .38 Smith and Wesson pistol bearing serial number K870351 containing three live rounds was recovered. Two (2) of the men who were in the hairdressing salon at the time of the incident, gave a statement contradicting the officers' versions. They indicate that five (5) of them were in the salon smoking and drinking when the officers came. The officers gave them certain commands which they complied with. The police then opened fire at "Ryan" whilst his hand was in the air. The officer thereafter told them he would be giving them a chance to change their lives and told them to run. They were able to identify both officers by name. Both men have since expressed a disinterest in the matter, one has subsequently died and the other gone missing.	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 for his consideration of whether an inquest ought to be held into circumstances which led to the death of Royann Russell
37.	Kemar Jones	Kemar Jones was shot and killed by a police officer, on the 29th day of March 2015. The allegations are that on the day of the incident concerned officers, both of the Elletson Road Police Station, were on Mobile Patrol along Oliver Road Kingston 2, when a man was seen walking along the roadway. On seeing the police, the man allegedly tried to get into a yard and therefore begun vigorously shaking a gate. Corporal states that he approached the man, identified himself as a police officer and told the man to stop. The man however pulled a firearm from his waistband and pointed it at him. Corporal states that he immediately apprehended fear and therefore fired eight (8) shots in the direction of the man in defence of his life. The man fell to the ground whilst clutching a Ruger 9mm model PT92 AFS containing 10 rounds. The injured man was taken to KPH where he was pronounced dead. No civilian eye-witness statements were recorded.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken for the death of Kemar Jones. It is recommended that the file be forwarded to the Special Coroner for his consideration of whether an inquest ought to be held into circumstances which led to the death of Kemar Jones.
38.	Sheldon Edwards	It is alleged that on November 01, 2012 about 7:30 p.m., the now deceased person, Sheldon Edwards went to the Bud's Service Station, Gutters, Old Harbour St. Catherine and robbed the employee of monies as other property. Two other alleged accomplices awaited the now deceased in a motor vehicle in close proximity to the said service station. A group of civilians gave chase, at which point it is alleged that Mr. Edwards fired at the crowd. A licensed firearm holder and Security Guard, stated that he heard the commotion as the crowd chased the robber and intervened. He fired at the now deceased man who returned the gunfire. It is also reported that a second of the accomplices ran in the same direction, both of	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 for his consideration of whether an inquest ought to be held into circumstances which led to the death of Sheldon Edwards.

		whom continued to shoot at the security guard who gave chase. Moments later, officers from the Old Harbour Police Station arrived on the scene and were briefed on what transpired by the said Security Officer. It is reported that as a result of the information had by the officers, they went in the direction that one of the men had gone. The officers reported that they tactically approached the area at which point the now deceased person opened fire at them. They reportedly returned the fire after which the man fell and a dark coloured pistol was taken from close to his body. The now deceased is said to have been rushed to the Spanish Town Hospital where he was pronounced dead. Spent casings picked up from the scene were matched to this recovered weapon.	
39.	Hoshane Shirley	On June 9, 2015 a team of police officers were on patrol in an unmarked service vehicle in the Mount View Estate area. A group of five men were observed, walking from the opposite direction. When the police stopped to search these men, the police shouted "Police" and the men pulled firearms and fired at them. The police took evasive action and returned fire. The men ran off in different directions while still firing. When the shooting subsided, the police conducted a search of the area. An injured man was found suffering from gunshot wounds. A firearm was also recovered.	In these circumstances, the Commission recommends no criminal charges or disciplinary action. The matter is referred to the Special Coroner for his consideration.
40.	Patrick Porter	The police allege that an officer was on foot patrol when he was approached by a motorist who claimed that two men were involved in an argument and one of the men indicated that he would be returning with a firearm. The officer enquired at the location of this fight and saw a man walking hurriedly towards the shop. This man uttered, "pussy, you dead now." The officer approached the said man and shouted, "Police, don't move!" and the man pulled an object appearing to be a firearm and pointed this object in the direction of the officer. In response, the officer fired thrice. The man, who was now injured, said, "officer, a nuh gun sah, a board, jus gimme one inna mi head and kill mi" The officer retrieved this object which turned out to be an imitation firearm made from board. At the Linstead Hospital, the man who had the imitation firearm was pronounced dead.	In these circumstances, the Commission recommends no criminal charges or disciplinary action. The matter is referred to the Special Coroner for his consideration.
41.	Rohan Lewis	The deceased was shot and killed on August 24, 2012 in circumstances alleged to have been self-defence.	The Commission hereby recommends that no criminal charges be laid nor 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.
42.	Sheldon Miller and Dwayne Newell	Messrs. Sheldon Miller and Dwayne Newell were shot and killed by the police at Heroes Circle, Kingston 4 in the Parish of Kingston on the 10th day of March, 2013	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken

		in circumstances which the police claim to have been self-defence. The Commission's investigation of this matter did not yield any evidence to negative the police claim.	in respect of these fatalities. The Commission further recommends that this matter be forwarded to the Office of the Special Coroner for the Special Coroner to decide whether he will hold an inquest.
43.	Ricardo Hope and RW	Ricardo Hope was shot and killed by the police on August 31, 2013 in circumstances which the Commission finds to have amounted to self-defence. The deceased and two (2) other men were captives of RW who committed armed robberies in St. Elizabeth and had returned to the location of Williams' captivity where they were pursued by the police. It was after the three (3) men had fired on the police that Williams was shot by a police response to the use of lethal force.	The Commission hereby recommends that no criminal charges be laid nor disciplinary action taken in respect of the fatal shooting of Ricardo Hope, and the shooting injury of RW respectively. The matter of the death of Ricardo Hope ought to be forwarded to the Office of the Special Coroner for a decision to be there made as to whether or not an inquest will be held.
44.	Orlando Miles	The deceased was shot and killed at Portmore Lane by a member of the Jamaica Defence Force.	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 the Special Coroner ought to be furnished with this matter for him to decide whether an inquest ought to be held.
45.	Anthony Carrdice	The deceased, Anthony Carrdice was shot and killed by the police on October 16, 2012 at a dwelling house in Seven Roads, May Pen in the Parish of Clarendon. It is alleged that the deceased pointed a firearm at Constable who, in a bid to neutralize the threat to life fired two (2) rounds from his M16 rifle at the deceased. The deceased is reported to have died due to a perforation of the brain substance by a bullet. There is no evidence to negative the police claim to self-defence.	The Commission hereby recommends that no criminal charges be laid nor 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
46.	Handel Sherrif o/c "Slaughter"	The deceased, Handel Sherrif was shot and killed by the police in the bushes bordering Caledonia Meadows and Gray Ground District in the parish of Manchester on February 2, 2013. The police are claiming that he fired at them when they went in pursuit of him pursuant to information they had received earlier that morning. There is evidence to indicate that the deceased had fired at the police. His injuries are suggestive of a running gun battle with the police.	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 he will hold an inquest.

47.	Kemar Grant	Allegations are that at about 4:00 a.m. on Sunday, the 24th day of February, 2013, the deceased, Kemar Grant, was shot and killed along the Westport Boulevard in Saint Catherine. Constable alleges that he was riding his motorcycle along the roadway when he observed that he was being followed by a motor vehicle which soon accelerated and collided with his motorcycle. After impact and the halt of both the motorcycle and the car, three (3) men, inclusive of the deceased who was masked, alighted from the vehicle. On seeing that two of the three men had shot guns in their hands pointed at him, Constable fled on foot and was shot at by the men. He returned fire in the direction of these men and was again shot at as the car sped away from the scene. The said motorcar was later found abandoned in the Maxfield area in Kingston by the police. Ms. MJ, the registered owner of the concerned vehicle confirmed that she had in fact rented the motor vehicle to a man by the name of 'Kemar' a day prior to the incident.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken in respect of the fatal shooting of Kemar Grant March 24, 2013.
48.	Prince Wray	Allegations are that at about 11:00 a.m. on Tuesday, the 3rd day of May, 2011, the deceased, Prince Wray, was shot and killed in Alexandria in the parish of Saint Ann. Constable alleges that after taking the deceased to the Guard Room of the said station for the purpose of resolving a dispute with another man known as 'Troubles', that the deceased forcibly broke the window of the Guard Room, exited onto the outside and joined in an ongoing physical attack on a colleague, along with two (2) other men. After rushing to the assistance of his colleague, the deceased used a piece of sharp metal iron pipe to stab Constable in his head. In fear and belief that the deceased would stab him again, he discharged a single round in his direction after which he fell to the ground.	The Commission opines in concurrence with the decision of the Office of the Director of Public Prosecutions (D.P.P) in transmitting the instant complaint to the Coroner's office for a decision to be made as to whether or not an inquest ought to be held.
49.	Delroy Perry	On April 5, 2012, at about 6:00 a.m., Delroy Perry was fatally shot at Zephyrton District, Linstead in St. Catherine. The concerned officer contends that, upon receiving certain information from a superior officer, he, along with other officers, went to the target house in the Zephyrton district. Whilst approaching the house, two (2) armed men advanced towards the police and opened fire at them. The concerned officer quickly took evasive action and returned fire at the gunmen. One of the gunmen fell to the ground while the other ran away and managed to escape. Thereafter, he cautiously approached the fallen gunman who appeared to be suffering from gunshot injuries. He retrieved the illegal firearm from the gunman who was then rushed to the Linstead Hospital where he was pronounced dead on arrival.	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken, in relation to the fatal shooting of Delroy Perry.
50.	Lloyd Lambert	On February 25, 2016, at about 9:00 a.m., Lloyd Lambert was fatally shot by police officers at premises situated along Big Lane in Central Village, St. Catherine. It is reported that the concerned officers received information that gunmen were spotted in the community and they went there to apprehend them. On arrival at the target premises, a man ran from a house with a gun in his hand which he pointed at the police and opened fire. The concerned officers	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken, in relation to the fatal shooting of Lloyd Lambert.

		returned fire hitting the said gunman. The gunman was subsequently transported to the Spanish Town Hospital where he succumbed to his injuries.	
51.	Brenton Lambert	On March 22, 2015, at about 8:00 a.m., Brenton Lambert was fatally shot by a concerned officer and a licensed firearm holder (Mr.P) along the Brandon Hill Main Road, Craighead, Manchester. On the morning in question, Mr. P received information via telephone that gunmen had robbed his business place and that the said gunmen had fled the scene in a dark coloured motor car. He (Mr. P) subsequently received additional information that the gunmen, whilst trying to escape, had crashed their motor car along the roadway heading in the direction of the Natta Main Road. He rushed to the scene where he saw the crashed motor car and he, accompanied by concerned officer (whom he saw at the accident scene), went in pursuit of the gunmen who had reportedly run up the Brandon Hill Main Road. During the chase, the gunmen turned around and opened fire at them and they returned fire at the gunmen. One of the gunmen fell to the ground while the other two continued running over the hill and managed to escape into nearby bushes. The fallen gunman was subsequently transported to the Percy Junior Hospital and was pronounced dead on arrival.	No criminal charges be laid or disciplinary action be taken, in relation to the fatal shooting of Brenton Lambert.
52.	Oshane Foster and George Bestiene	On November 14, 2013, at about 9:30 a.m., Oshane Foster and George Bestiene were fatally shot at Old Harbour Road in the vicinity of the Hopedale community in Spanish Town, St. Catherine. It is reported that whilst driving to work, the concerned officer received a police radio transmission alerting police units in the area to be on the lookout for three (3) gunmen travelling in a Toyota Yaris motor car. Whilst driving along Old Harbour Road, he saw and intercepted the said vehicle whereupon the occupants opened gunfire at him and he returned fire at the gunmen. The vehicle crashed into a nearby wall and, when he approached the vehicle, he saw two (2) of the gunmen suffering from apparent gunshot injuries; the third gunman had run from the vehicle during the gunfight. The concerned officer retrieved a .357 Magnum 'Colt' revolver from the floor mat at the front passenger side of the vehicle and the injured gunmen were subsequently transported to the Spanish Town Hospital where they were pronounced dead on arrival.	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken, in relation to the fatal shootings of Oshane Foster and George Bestiene.
53.	Damion McFarlane and Keniell Brown	On December 14, 2011, at about 9:30 pm, a police team alleged that whilst patrolling on Providence Boulevard, men who exited a Toyota Corolla motor vehicle engaged them in a shoot-out. In response, two of the policemen returned gunfire in defence of themselves and the lives of their colleagues. After the shooting subsided, two men were observed to have been shot and injured. A 9mm Jennings pistol was allegedly recovered from one of the men. Both men were transported to the Cornwall Regional Hospital, where they were pronounced dead.	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.

54.	Fabian Black and Chinnoy Thompson	On July 12, 2012, at about 10:30am, the police received information that a grey Toyota Corolla motor vehicle was stolen by two armed men. A police team from the Old Harbour Police Station went in pursuit of the robbers. Upon reaching the Colbeck Main Road, the stolen vehicle was seen, and the driver instructed to stop. The driver continued unto the Salt River Main Road and stopped the vehicle suddenly. The men alighted from the motor vehicle, fired shots at the police, and ran into nearby bushes. The policemen returned the fire. A police team from the May Pen Police Station arrived on the scene. They ventured into the bushes in search of the men, and were met with gunfire. Soon after, members of the police team returned with the body of an injured man. A few minutes later, additional gunshots were heard, and another injured man was carried out of the bushes by the police. Both men were transported to the May Pen Hospital, where they were pronounced dead. A Taurus pistol bearing serial number TDP14238 was allegedly recovered from one of the men.	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.
55.	John Palmer and Chevon Newton	On September 13, 2011, at some time after 8:30pm, a police team was informed that armed men, who were involved in a drive-by shooting a few minutes earlier, travelled in a grey Toyota Vitz motor vehicle. A team went in pursuit of the men. When the motor vehicle was seen, it was signalled to stop. The driver of the motor vehicle exited and opened gunfire. At least one of the occupants of the motor vehicle also opened fire at the police. Concerned officers all returned fire. After the shooting subsided, the police noted that the driver escaped, whilst two men were observed shot and injured in the motor vehicle. The injured men were transported to the Spanish Town Hospital where they were pronounced dead. A Smith & Wesson firearm 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.
56.	Rashane Parchment, DT and RJ	This report concerns the death of Rashane Parchment who was shot and killed on the 28th of February, 2014, and the shooting injury of DT and RJ. The concerned officers contend that they were on patrol when they were met with gunfire from gunmen; they returned the gunfire in the direction of the gunmen in an attempt to defend their lives. The gunmen escaped, and later on two (2) of them, Rashane Parchment and RJ, were found suffering from injuries. DT, who was also involved in the incident, was also found suffering from injuries. A civilian witness supports the account given by the concerned officers.	No criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Rashane Parchment, and the shooting injury of DT and RJ. The file be forwarded to the Special Coroner.

December 2017 (21)

Table 13: Recommendations by the Legal Department for Commission's Reports completed in December 2017 on fatal shooting incidents

No.	Complainant/Victim	Case Summary	Recommendation
57.	Troy Lewis	On April 26, 2015, the police went on operation to the Happy Grove District in Red Hills, Saint Andrew. The team approached a house in search of men. No one was found. Members of a team approached a tent and shouted, "Police!" and three men exited the tent with firearms. These men fired at the police. Detective Corporal discharged his weapon (ballistic evidence supports this). An apparent injured man was found with a firearm which the Ballistic Laboratory matched to spent casings recovered from the scene. This male was pronounced dead at the Kingston Public Hospital. He was identified as Troy Lewis.	In these circumstances, the Commission recommends no criminal charges or disciplinary action against any member of the Jamaica Constabulary Force. The matter is referred to the Special Coroner for his consideration.
58.	Damian Thompson	Mr. Damian Thompson was fatally shot by the police on January 26, 2012 during an operation. The police allege that he, along with other gunmen, engaged them in gunfire and in their attempt to defend themselves, Damian Thompson was shot and killed by the police. The police indicated that they received information that armed men were seen at a premises on French Street and that when they entered the premises they saw a group of about four (4) men who pulled firearms and opened gunfire at them (the police). They (the police) took evasive action and returned the gunfire in the direction of the men who ran in different directions while still firing at the police. When the shooting subsided, the area was searched and a man was seen in a one bedroom concrete structure suffering from what appeared to be gunshot wounds to his upper body. He was taken to the hospital where he was pronounced dead. A .45 pistol was seen beside the man and retrieved by the officers. Two of the spent casings recovered from the scene match the firearm allegedly recovered from Mr. Thompson. Additionally, the said weapon was found to be in working condition and that it may have been fired on the day of the incident.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken for the death of Damian Thompson, unless or until the civilian eye-witness indicates a willingness to assist with the prosecution of the matter. It is recommended that the file be forwarded to the Special Coroner for his consideration of whether an inquest ought to be held into circumstances which led to the death of Damian Thompson

59.	Jermaine Walker	Allegations are that at approximately 12:20 pm 17th day of January, 2011, a police team from Spanish Town OST, was travelling along Spanish Town Bypass Main Road in the vicinity of Dela Vega City's football field, when the officers saw four men acting in a suspicious manner. The police accosted the men who pulled firearms and opened fire at the police, which resulted in a shoot-out. During the shooting, it is alleged that two other men alighted from a white Nissan motor car and fired shots at the police as well. All six men eluded the police and escaped in the area leaving the Nissan car behind. The car was search and an Arcus 9 mm pistol s/n 23GH500279 was recovered on the floor of the driver seat. During the alleged shootout, a church missionary, Elder JW, who was travelling in a Toyota Hiace bus along the Spanish Town Bypass at the time of the shooting, received a gunshot wound to the head, and subsequently pronounced dead at the Spanish Town Hospital. It is not clear as to whether Walker was shot by the police or the gunmen.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken for the death of Mr. Walker. It is recommended that the file be forwarded to the Special Coroner for his consideration of whether an inquest ought to be held into circumstances which led to the death of Jermaine Walker.
60.	Richard Matthie	The report concerns the death of Richard Matthie who was fatally shot by the police on the 1st day of January, 2016 and shooting injury of NR. The police allege that one the day in question, at approximately 12:02a.m., a team of police personnel from the Mobile Reserve was travelling along Charles Street in a marked service vehicle when they heard explosions. They alighted from the vehicle and went to investigate. The police reported that they were fired upon by a group of men numbering about six (6). The men ran into premises on Princess Street where the police gave chase and were again fired at. One of the officers fired at the men and four (4) men were found suffering from gunshot wounds. A Beretta serial number BEV 181683 was recovered. The injured men were taken to KPH where Richard Matthie was pronounced dead and the other men admitted. One of the injured men, NR, he stated that the now deceased Richard Matthie who lived at the premises was firing shots from a hand gun in the air when the police entered the yard and fired on them.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken against any member of the Jamaica Constabulary Force for the death of Mr. Matthie and the shooting injury of Mr. NR, KL and AS. It is recommended that the file be forwarded to the Special Coroner for his consideration of whether an inquest ought to be held into circumstances which led to the death of Richard Matthie.

		The other two injured men state that they saw both Richard and N firing a weapon in the air.	
61.	Rickein Rhooms	Mr. Rickein Rhooms was fatally shot by the police on October 15, 2016 during an operation. The police allege that two unknown suspects engaged them in gunfire, and in their attempt to defend themselves, Rickein Rhooms was shot and killed by the police. The police indicated that they received information that men in possession of illegal firearms were hiding out on a property across from the Rio Nuevo. When they entered the area, they saw two men, one of whom opened fire on the officers. They (the police) took evasive action and returned the gunfire in the direction of the men. One of the men fled the scene, and three (3) officers followed in active pursuit and searched the area, but came up empty-handed. On return to the original scene, a male was seen lying on the ground with what appeared to be gunshot wounds to his upper body. An unharmed teenage girl (not previously seen) was also identified at the scene. The injured male was taken to the hospital where he was pronounced dead. The premises were searched but no firearm was retrieved by the officers.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken against any member of the Jamaica Constabulary Force which was present on that team on the day Rickein Rhooms was killed. It is recommended that the file be forwarded to the Special Coroner for his consideration of whether an inquest ought to be held into circumstances which led to the death of Rickein Rhooms
62.	Ricardo Wood	This is a case in which the Director of Public Prosecutions in 2016 ruled that charges were to be laid against the concerned officers. Charges were laid against them that same year and they were brought before the courts. Arising from the fact that one eye-witness had died, and one had migrated, a conditional nolle prosequi was entered by the Clerk of the St. Catherine Parish Court.	The Commission recommends that the family of the deceased be advised to commence proceedings for the wrongful death of Ricardo Wood against the State.
63.	Chrystan Thomas	The deceased was shot and killed under questionable circumstance on July 1, 2011. However, having assessed the evidence, the Commission found the case to be fraught with identification difficulties. A challenge to prosecuting this matter also lies in the fact that the incident scene was examined and processed by the police which runs counter to Section 22 of the Independent Commission of Investigations Act. The most significant challenge is the identification evidence available in respect of the officers that were seen	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken in respect of this incident, at this time. The Commission further recommends that this matter be forwarded to the Special Coroner for him to decide whether an inquest ought to be held.

		shooting the deceased at the time of night when he was shot.	
64.	Ricardo Hunter o/c "Boysie"	The deceased, Ricardo Hunter was shot and killed at French Street, Spanish Town, St. Catherine on January 20, 2010.	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 will be held.
65.	Richard Blackwood	The mentally ill Richard Blackwood was shot and killed on December 31, 2010 in circumstances alleged to have been self-defence. The Commission's investigation uncovered no evidence to negative that claim to the required legal standard.	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 will be held.
66.	Dwayne Smith	The concerned officers accounted that on October 17, 2011 at some time after 8:00pm, they went to Prospect Land Settlement, Port Antonio, accompanied by AM, in search of Dwayne Smith, who was said to be in the possession of an illegal firearm. The policemen went to the area in a vehicle belonging to civilian, JH. When Dwayne Smith was observed, he was armed with a machete. He was instructed to drop the weapon, however he refused. After threatening to kill one of the officers whilst moving the machete in a chopping motion, the policeman discharged two rounds from his service pistol. Dwayne Smith fell to the ground with the machete in his grasp. He was taken to the Port Antonio Hospital, where he was pronounced dead.	It is hereby recommended that no criminal charges be laid or disciplinary action be taken in respect of this complaint.
67.	Dane Robinson and Dwayne Francis	This report concerns the deaths of Dane Robinson and Dwayne Francis who were shot and killed on the 8th of October, 2011. The concerned officers contend that they were on enquiries when they stopped a motor car; four (4) men then alighted from the motor car and opened gunfire at them. The concerned officers took cover and returned the gunfire in the direction of the gunmen in an attempt to defend their lives. Two (2) of the gunmen were found suffering from injuries, whilst the other gunmen escaped; these two (2) gunmen found on the scene, Dane Robinson and Dwayne Francis, were later pronounced dead. Three (3) civilian witnesses, who were being processed by the concerned officers before the	No criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Dane Robinson and Dwayne Francis. The file be forwarded to the Special Coroner.

		incident transpired, observed the incident and support the account given by the concerned officers.	
68.	Adrian Pallas and Donald Bennett	Allegations are that at about 11:00 p.m. on the 16th day of April, 2014, a police team from the Mobile Reserve was conducting Patrol Duties along Bongo Lane in Spanish Town, Saint Catherine when they were fired upon by men approaching in a Toyota Corolla motorcar. They returned fire in the direction of the motor vehicle which thereafter crashed into the service vehicle and then into a yard. Several men exited from the said vehicle and continued to fire at the police who returned fire in their direction. The said exchange of gunfire resulted in the deaths of the deceased, Adrian Pallas and Donald Bennett.	The Commission hereby recommends that the matter be referred to the Office of the Special Coroner for that office to decide whether an inquest ought to be held.
69.	Lamar Miller	Allegations are that at about 9:20 p.m. on Friday, the 13th day of June, 2014, the deceased, Lamar Miller, was shot and killed. The concerned officers were on Mobile Patrol Duties along Martin Christie Street in search of a male who robbed a grocery shop at gunpoint moments before when they observed three (3) men exiting a track-path which led from Martin Christie Street. After bringing the service vehicle to a stop, the concerned officers shouted to the men that they should not move. The men seen, looked in the direction of the service vehicle and immediately opened fire at the police who returned several rounds in their defence. One of the three men was injured during the exchange of gunfire and taken to the St. Ann's Bay Hospital where he was pronounced dead. A firearm and a knapsack containing several items were recovered.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken in respect of the fatal shooting of Lamar Miller on June 13, 2014.
70.	Kirk Johnson	On April 28, 2015, at about 4:50 p.m., Kirk Johnson was fatally shot along Orange Street, West Parade in Downtown Kingston. The concerned officers contend that, whilst on duty on the afternoon in question, they were standing in the vicinity of the intersection of Orange and North Streets when they heard three loud explosions which sounded like gunshots coming from the direction of Chancery Lane. They immediately went to investigate and saw a male's body lying motionless and face-down on the ground in a pool of blood. A	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken, in relation to the fatal shooting of Kirk Johnson.

		woman at the scene gave a description of the suspect and pointed him out to the police. The concerned officers saw the suspect – a Rastafarian man dressed in a red T-shirt – walking briskly along Orange Street. The concerned officers accosted the said man who then turned around with a gun in his hand and opened gunfire at the police. The concerned officers quickly returned fire at the said man in self-defence. The suspect fell to the ground, apparently injured, and the officers retrieved the illegal firearm from him. The injured gunman was subsequently transported to the KPH where he was pronounced dead on arrival.	
71.	Matthew Wellesley	On September 10, 2015, shortly before midday, Matthew Wellesley was fatally shot during an operation in the Logwood Park Avenue community to apprehend men who were spotted in the area with illegal guns. The concerned officers state that, on the morning in question they went to the target premises where they saw men running into a house at the rear of the premises. They stayed at the rear of the premises to provide a cordon because there was an opening in the zinc fence. Shortly thereafter, they heard noises coming from the side of the house as if the zinc fence was being trampled on. They proceeded to the side of the house where they saw a man with a firearm in his hand and two others trying to climb over the fence. The gunman pointed the firearm in his direction and opened fire. They immediately took evasive action and returned fire at the gunman. Two men jumped over the fence and escaped and, after the shooting subsided, one of the gunmen was found lying in bushes suffering from gunshot wounds. The injured gunman was then transported to the KPH where he was pronounced dead.	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken, in relation to the fatal shooting of Matthew Wellesley.
72.	Donovan Sinclair	Allegations are that on the 8th day of January, 2014, the deceased, Donovan Sinclair otherwise known as 'Hog P', was fatally shot in Hyde, Trelawny, after he and another man allegedly opened fire at officers whilst they were approaching and after the concerned officers announced their presence and instructed them not to move. After falling to the ground during the exchange of gunfire, the	The Commission hereby recommends that no criminal charges be laid or disciplinary action taken in respect of the fatal Shooting of Donovan Sinclair on June 8, 2014.

		second assailant took hold of the gun which was utilized by the deceased, fled the area and successfully evaded the police.	
73.	Peter Stewart	On May 11, 2015, at about midday, Peter Stewart was fatally shot inside the Crazy Jim Wholesale Depot at Justin's Plaza, Spanish Town Road in the parish of Kingston. It is reported that the now deceased was using an ice pick to stab his stepfather repeatedly and, when the concerned officer intervened the said Stewart turned to the concerned officer and stabbed at him too. The now deceased was given several warnings to drop the weapon and release the stepfather but he refused to comply and continued to stab at him (the stepfather). Fearing that Stewart would kill him (concerned officer) or the stepfather, or inflict grievous bodily harm on either of them, the concerned officer fired a single round from his service rifle in the direction of Stewart, wounding him. Stewart fell to the ground and the ice pick fell from his hand. The concerned officer also observed Stewart bleeding from the left side of his body. Stewart was rushed to the KPH where he was pronounced dead.	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken, in relation to the fatal shooting of Peter Stewart.
74.	Alex Lynch	Allegations are that on 6th day of September, 2014, the deceased, Alex Lynch, was fatally shot and killed, after he allegedly opened fire at the officer after being instructed to exit a hut in which he hid, subsequent a shootout with earlier that night. 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 be taken in respect of the fatal shooting of Alex Lynch on September 6, 2014.
75.	Delano Pinnock	Allegations are that on 8th day of December, 2010, the deceased, Delano Pinnock, was fatally shot and killed after he and another man allegedly fled from the rear of a residence and opened fire at the police. The said shootout commenced after officers knocked on the front door of said premises and announced their presence. 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 be taken in respect of the fatal shooting of Delano Pinnock on December 8, 2010.
76.	Glenroy Dobson and Tristan Powell	On February 17, 2012, at about 5:00 a.m., Glenroy Dobson and Tristan Powell were fatally shot at Torado Heights, Coral Gardens in St. James, during an operation to search for	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken, in relation to the fatal shootings of Glenroy Dobson and Tristan Powell.

		wanted men and illegal guns. On the morning in question, the concerned officers arrived at the target location, knocked on the door and identified themselves as police officers. There was no response from the occupants of the house, however, the concerned officers heard voices and shuffling inside the house. The concerned officers forcibly entered the house and were fired upon by two armed men who were inside, and the police returned fire at these men. After the shooting subsided, the two men were found bleeding from gunshot wounds and were rushed to the Cornwall Regional Hospital where they were pronounced dead.	
77.	Sadeak Tulloch and Omar Ricketts	On May 5, 2012, at about 5:00 a.m., Sadeak Tulloch and Omar Ricketts were fatally shot by police officers from the St. Catherine South Police Division at Guinep Ridge, Bartons district in St. Catherine, during an operation to search for wanted men and illegal guns. On the morning in question, the concerned officers arrived at the target location, knocked on the door to one of the buildings in the yard and identified themselves as police officers. Suddenly, three men ran from the building and opened fire at the police. The concerned officers returned fire at the gunmen and, after the shooting subsided, two of the gunmen men were found bleeding from gunshot wounds and were rushed to the Spanish Town Hospital where they were pronounced dead.	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the fatal shootings of Sadeak Tulloch and Omar Ricketts.

ARRESTS MADE/CHARGES LAID (OCTOBER - DECEMBER 2017)

Name and Rank	Charge	Date of Arrest	State Agency
Cpl. Winston Williams	Unlawful Wounding	13-Dec-17	JCF
Alex Stephenson	Unlawful Discharge of Firearm	14-Dec-17	JCF
Det. Sgt. N. Smith	Unlawful Wounding	19-Dec-17	JCF
Cpl. Davion Frame	Unlawful Wounding	20-Dec-17	JCF
Sgt. Wilbert Jones	Assault OBH	20-Dec-17	JCF
Cpl. Rohan Reid	Assault OBH and Unlawful Wounding	20-Dec-17	JCF

PART THREE

DISCIPLINARY PROCEEDINGS REVIEW: GAZETTED OFFICERS

This is the second part of INDECOM's reporting on the review of disciplinary proceedings for members of the Jamaica Constabulary Force (JCF). The review is being conducted pursuant to s. 4 (1) (b)(ii) of the *Independent Commission of Investigations Act*. The first part was published in INDECOM's 2nd Quarterly Report 2017. It was highlighted that no proceedings have been instituted against any of the twenty (20) senior JCF officers that INDECOM submitted to the Police Services Commission (PSC) and the Commissioner of Police concerning alleged disciplinary breaches.

A. No action on INDECOM reports

The earliest case was submitted in 2013. It is the only one for which we have had some response. The PSC wrote to INDECOM on the 3rd September, 2015 and informed that the Commissioner of Police:

> *"…has been asked to conduct an investigation into the circumstances outlined in the abovementioned case and findings sent to PSC Chairman at the earliest possible date. A further communication will be addressed to you as soon as the findings of the investigation have been received from the Commissioner."*

Thus a report of misconduct, following a full INDECOM investigation and the details of which were reported to the PSC, was sent for a further JCF investigation. There has been no further update on that JCF investigation in the ensuing two and a half years.

On the 13th June, 2017, INDECOM wrote to the PSC, requesting an overview of their disciplinary procedures as well as statistics and summaries of outcomes of Courts of Enquiry. The PSC was further asked to provide an update on the cases submitted by INDECOM for such proceedings. A timely response was not forthcoming.

On the 14th August, 2017, INDECOM sent the PSC an advance copy of the first part of the 2nd Quarterly Report 2017 for the PSC's comments. The PSC made comments by way of letter dated 7th September, 2017. One comment was that the PSC does not conduct investigations and that it takes into consideration reports from the Commissioner of Police. A summary of its disciplinary procedures was also provided. No further query was answered. No statistics or summaries were provided. There was no update on the cases referred to the PSC by INDECOM.

On the 4th October, 2017, INDECOM wrote to the PSC asking if it has interpreted the *Police Services Regulations* to mean that the PSC can only act on the investigations of the Commissioner of Police. INDECOM also queried the PSC's treatment of tardiness on the part of the Commissioner of Police in making reports to the PSC. The PSC responded on 31st October, 2017 and indicated that the question as to the PSC's interpretation of the *Regulations* was referred to the Attorney General for an opinion.

The final correspondence is dated 9th January, 2018, INDECOM pointed out the unanswered queries from the initial letter and asked the PSC to say whether the initiation of disciplinary proceedings were awaiting the Commissioner of Police's report and, if so, how the PSC intends to deal with the protracted delay. The PSC was also asked to comment as to whether the deficiencies in the disciplinary proceedings for senior officers noted in the *2008, Ministry of National Security A New Era in Policing in Jamaica: Transforming the JCF (The Strategic Review)*, to be dealt with in more detail below, still persist.

Despite the absence of a comprehensive response, it may be divined that the PSC considers itself unable to initiate disciplinary proceedings unless, and until, the Commissioner of Police submits a report. It seems that the Commissioner of Police's action is the *sine qua non* in all disciplinary proceedings as he may, by mere inaction, prevent any disciplinary proceedings that he does not favour from going ahead. The independent authority of the PSC is rendered illusory.

The treatment of the recommendations emanating from the West Kingston Commission of Enquiry (WKCOE) report may further illustrate. The WKCOE was appointed by the Governor General to, among other things, investigate and report on any misconduct of JCF officers during the 2010 Tivoli Operation. Public hearings were held and a report issued outlining a case that named JCF members had misconducted themselves. Many of these JCF members were Gazetted Officers thus their disciplinary proceedings fell to be conducted at instance of the PSC. The WKCOE Report was issued in June 2016, and the next pertinent announcement was the JCF's Administrative Review that was announced in August 2017. In the interim, some of the named JCF members were promoted. The announcement was that the Commissioner of Police had commissioned an internal review of the WKCOE report and that the internal review disagreed with the WKCOE's crucial findings.

On 1st September, 2017, INDECOM wrote to the PSC pointing out the failings of the JCF's internal review, and asked that the PSC initiate disciplinary proceedings. No response has yet been forthcoming.

B. Strategic Review of the JCF

The Strategic Review found that the JCF was suffering from many deleterious cultures. These included corrupt, oppressive and criminal conducts that had become endemic. Corrupt behaviour was accepted by other JCF members through misguided loyalty as team members, and persons who were trained together, felt bound to assist a colleague even where doing so would violate legal and ethical standards. The authors called for strengthening of the accountability framework and the coordinated efforts of the JCF, the Ministry of National Security (MNS) and oversight agencies towards reform[1].

The Strategic Review panel found that disciplinary proceedings were "ineffective and often circumvented" and that the internal accountability framework was weak. These weaknesses were not for lack of regulations but from poor management and enforcement. The Strategic Review panel was seriously concerned about the PSC's report that despite the "hundreds of cases of police breaches over the last four years, only four files have been received from the Commissioner of Police".

It was felt that the PSC's impact on discipline and accountability was "less than expected given its powers…due to lack of adherence to operational procedures and cooperation on the part of the JCF"[2]. The most significant part of the report may be found at paragraph 6.2.2.1:

> *"The PSC is reliant on recommendations from the Commissioner to implement action in respect of promotions, discipline and training. Consequently, the Commissioner of Police plays a key role in the effectiveness of the PSC. Latterly, this relationship has been inconsistent with referrals taking some time to reach the commission, if at all. This is most clearly illustrated in the areas of discipline: the PSC reports that there have been many instances where promotions have been granted by the JCF despite blemished records and outstanding disciplinary rulings. In addition, despite the assembly of evidence against a number of JCF staff, the Commissioner has not submitted disciplinary files to the PSC."*

If anything has changed this is not apparent.

C. Waiting on the Commissioner of Police's report

The Police Service Regulations, sections 31(1) – (3), 46(1), and 47(2) (a) –(c) states:

> *"**31**.—(1) The Commission in dealing with disciplinary proceedings against members shall take into consideration reports from the Commissioner.*
>
> *(2) Subject to paragraph (5) where the Commission is of opinion that disciplinary proceedings ought to be instituted against a member of or above the rank of Inspector, the Commission may recommend to the Governor-General that such proceedings be instituted.*
>
> *(3) Disciplinary proceedings against members below the rank of Inspector shall be instituted by or by direction of the*

[1] Chapters 4 and 5

[2] Chapter 6

Commissioner in the light of reports made to him, or otherwise.

…

***41**.—(1) Subject to the provisions of this regulation an increment shall not be suspended, deferred or withheld from any member except by the Governor-General acting upon the recommendation of the Commission.*

…

***47.**—(2) The following procedure shall apply to an investigation with a view to the dismissal of a member—*

(a) the Commission or, in relation to a member below the rank of Inspector, the Commissioner (after consultation with the Attorney-General if necessary) shall cause the member concerned to be notified in writing of the charges and to be called upon to state in writing before a specified day (which day shall allow a reasonable interval for the purpose) any grounds upon which he relies to exculpate himself;

(b) if the member (being of or over the rank of Inspector) does not furnish such a statement within the time so specified or he fails to exculpate himself the Governor-General shall on the recommendation of the Commission appoint a court of enquiry consisting of one or more persons (who may include the Commissioner, or other Officer) to enquire into the matter; the members of the court shall be selected with due regard to the rank of the member concerned, and to the nature of the charges made against him;

(c) if a member below the rank of Inspector does not duly furnish such a statement as aforesaid or if he fails to exculpate himself the Commissioner shall appoint a court of enquiry (constituted as under sub-paragraph (b) to enquire into the matter."

From the above, disciplinary proceedings against senior members of the JCF must include considering a report from the Commissioner of Police. However, it is respectfully submitted that nothing in the Regulations require that the representation pursuant to regulation 46 must come from the Commissioner of Police, or that the investigation must be conducted by the JCF. Indeed, regulation 47 (2) (f) refers to a person or authority preferring the charge having a right to counsel.

It would seem that the proper order of the procedural steps to commence a disciplinary hearing are:

1. Any person or authority makes representation to the PSC.
2. Where person or authority making representation was not COP, PSC asks COP for a report.
3. PSC recommends to Governor General that disciplinary proceedings ought to be instituted.
4. PSC determines whether or not alleged misconduct warrants regulation 47 proceedings.

It is unacceptable for an allegation of misconduct to be stalled at the second step. Consider regulation 10:

> "***10.** Any public officer who without reasonable cause fails to appear before the Commission when required to do so, or <u>who fails to comply with any request properly made by the Commission, shall be guilty of a breach of discipline</u> and the Commission may, where appropriate, recommend that disciplinary proceedings be instituted against him."*

D. <u>Recommendations</u>

It is humbly recommended that:

1. The PSC treats the Commissioner of Police's delays in submitting reports as a serious breach of discipline.
2. Parliament reforms the PSC Regulations to:
   a. facilitate access of all persons or authorities to make representations to the PSC of alleged misconduct; such reports may then be referred to INDECOM or JCF for investigation, where necessary;
   b. require the PSC to regularly update the persons or authorities who make representations, as well as the alleged victims of the misconduct, as to the progress of the matter;

c. impose timelines for procedural steps with sanctions for contumacious parties;
d. cause proceedings to be conducted without a report by the Commissioner of Police, or an investigation by the JCF; and
e. establish a unit of the PSC staffed with qualified and independent professionals to adjudicate in disciplinary matters, prepare and present cases, and to generally advise the PSC on disciplinary matters[3].

[3] See recommendations 27-33 of the *Strategic Review*

BODY WORN CAMERAS

Body Worn Cameras (BWCs) are an important tactic for a police service in allaying community concerns and addressing alleged security services breaches of the right to life incidents and use of force abuses. Their value is recognised by the JCF in their recently published (9 Nov 2017) Policy and Procedure document.

BWC's were delivered in 2016 to four central locations within the Kingston region, one of which was the Motorised Division. However, their deployment remains a tactical option which appears absent from the policing domain. Enquiry of the JCF indicates they have not received any self-reporting of a recorded incident which required any further action. Equally INDECOM has not received single report of any policing incident in which the use of a BWC revealed any infraction, either towards or by a police officer. This is a remarkable feature in a policing environment which reports daily on a multitude of events and shooting events and includes over 250 assault allegations made against the JCF in 2017.

Of the 30 planned police operations which resulted in 41 deaths in 2017, no BWC's were deployed. Of the 16 deaths which arose from planned, stationary vehicle check points, no BWC's were deployed. A number of these shootings, resulted in significant community concerns and witness accounts differed greatly from that of the JCF. BWC's would begin to address such suspicions and create an operating environment which begins to restore trust in the JCF.

INDECOM urges the JCF senior command to reassess the strategy of non-deployment in planned policing events. Their absence from such operations will be subject of further enquiry and the current Command questionnaire will seek to establish why such a valuable evidence gathering tool was not utilised.

PART FOUR

PUBLIC INFORMATION

MEETING: SECURITY FORCES & INDECOM

Meetings with Security Forces and INDECOM:

In the 4th 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:

- Disciplinary proceedings
- Sanctions
- Negligent discharge in Force Orders
- Proposal for joint training sessions and seminars
- End of year statistics
- Section 21 interviews
- Specific cases

OUTREACH – Awareness Exercises

Unit/Division/Station	Group Size	Contact hours
DCS	70	2
JCF - Spanish Town	45	1.75
National Public Education Symposium	121	6
Community Meeting Parottee Primary School	94	3

PRESS RELEASES

For the 4th quarter of 2017, The Public Relations Unit issued 10 press releases. They are as follows:

1. Mario Dean's mother to make submissions at IACHR in Uruguay
2. INDECOM to interview cops in Waterloo fatal shooting
3. INDECOM condemns murder of Manchester cop
4. INDECOM investigating fatal shooting of Michael Jacobs
5. INDECOM appeals for witnesses in weekend fatal shootings
6. INDECOM investigating 4 fatal shootings in St. Mary and St. James
7. Three shooting incidents in Kingston
8. Press Statement
9. INDECOM investigating fatal shooting in Olympic Gardens
10. JCF officer arrested for unlawful wounding

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