Use of Less Lethal Weapons by Jamaican Law Enforcement

Introduction

Less lethal force provides an alternative to deadly force when used in situations where the application of force is deemed necessary, but where force delivered by a firearm would prove to be disproportionate. Notwithstanding this, less lethal force, when applied outside the prescribed guidelines, has the propensity to cause unreasonable harm/death.

An examination of recent complaints received by the Commission suggests that there is an increase in the number of reported cases of allegations surrounding the unlawful or inappropriate use of the baton and/or pepper spray.

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“If we do not maintain justice, justice will not maintain us”

— Francis Bacon
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Compact Disc

3rd Quarterly Report: July - September 2018
New Complaints: July - September 2018
Commission’s Reports Completed: July - September 2018

(In compliance with Section 17(3) (c) of the INDECOM Act)
PART ONE: NEW COMPLAINTS

The Commission received 185 categories of complaints from 171 new incidents reported for the period. The top categories of complaints include: assault (62), discharge of firearm (48), fatal shooting (32)* [see page 14], shooting injury (12) and threat, unlawful wounding and death in custody (7 each).

The Commission’s Forensic Unit responded to 85 incident scenes for the period.

In relation to parishes with fatal shootings: St. Thomas, St. Elizabeth, Portland and Manchester had no fatalities for the period. The parishes of Trelawny, St. Ann and St. Mary recorded one (1) each; Hanover and Westmoreland recorded two (2) each; Clarendon and St. Catherine recorded four (4) each; St. James recorded five (5) and Kingston & St. Andrew recorded the highest at 15.

All parishes had complaints, both fatal and non-fatal, with Kingston and St. Andrew recording the highest at 60 complaints and St. Mary recording the least with three (3).

USE OF LESS LETHAL WEAPONS BY JAMAICAN LAW ENFORCEMENT

In this report, the Commission examines the use of less lethal devices among Jamaican law enforcement officials, through analysis and establishment of trends in an attempt to develop appropriate interventions to remedy overreliance on, or abuse of, less lethal force. The study included analysis of data and visits to the training institutions for the Jamaica Constabulary Force (JCF) and Department of Correctional Services (DCS) to observe the training and the Force’s standards for the use of less lethal devices, primarily the baton and pepper spray. This study highlighted that the occurrence of instances of alleged inappropriate use of baton and pepper spray, is not attributable to a weakness in the recruits’ training program, but rather the level, frequency and degree of monitoring/retraining provided whilst officers are in-service. Additionally, the scarcity of refresher training in the use and application of less lethal force also plays a role in the issues that were examined.

PART TWO: THE LEGAL DEPARTMENT

In the Legal Department, 162 Commission’s Reports were distributed and completed for the period. An overview of recommendations for no charge, disciplinary action or charge, for the reports completed are listed in this section. Recommendations from fatal shooting incidents, where Commission’s Reports were completed during the quarter are also listed. Seven (7) members of the Jamaica Constabulary Force (JCF) were arrested and charged during the period, for incidents investigated by INDECOM.

PART THREE: LESSONS LEARNT

The Commission highlighted the actions of three officers who displayed physical and moral courage during an incident involving another police officer.

PART FOUR: PUBLIC INFORMATION

The Commission’s Senior Management Team in the Operations Unit had one (1) meeting with members of the JCF High Command to include the Inspectorate of Constabulary for the period. The matters discussed included body worn cameras and disciplinary hearings.

The Commission participated in awareness exercises equaling 188 man hours for the period.

The Public Relations Unit issued 9 press releases for the period. The titles of these are listed in this section.
Observations made upon review of recent cases:

- Deployment of pepper spray by members of the Jamaica Constabulary Force (JCF), within close proximity to uninvolved bystanders including children. One instance occurred at a medical facility while other uninvolved persons awaited medical care;
- Use of disproportionate force to subdue unarmed non-compliant prisoners, resulting in the inmate receiving serious injuries. In most cases of baton use, it was observed that the injuries tend to be located within the head and face region of the body whilst the minority were located along the limbs and torso;
- Incidents where appropriate aftercare was either significantly delayed or not provided, subsequent to the use of less lethal force and the expression of discomfort by the subject;
- Subjects restrained using three consecutive bouts of pepper spray, whilst not offering resistance;
- Media personnel and civilians pepper sprayed in response to the videotaping of police activities; and
- Incidents where despite fore knowledge of a suspect’s mental incapacity, no steps were taken to contact a medical facility for assistance. Instead, the officers placed reliance on the use of less lethal force/devices to get compliance from the mental unstable individual.

This Quarterly Report studies the use of less lethal devices among Jamaican law enforcement officials, through analysis and establishment of trends in an attempt to develop appropriate interventions to remedy overreliance on, or abuse of, less lethal force.

**INTERNATIONAL CONTEXT**

The authority to use reasonable force is provided to law enforcement officials in order for them to obtain compliance under the law or restore order in circumstances where all other efforts (to include verbal warnings) have or are likely to have failed. However, with the use and application of force, there arises certain reciprocal responsibilities and legal obligations of the post of law enforcement officers. Officers must consider the following:

- Precaution;
- Proportionality;
- Legality;
- Accountability;
- Necessity;
- Justification; and
- Measurability.

The degree of force deployed is dependent on the circumstances and level of threat. As a result, it is the standard procedure for all officers to be equipped with both lethal and less lethal options, thereby increasing the likelihood for the preservation of life and protection of human rights. It is important to note, however, that so-called ‘less lethal’ weapons can, and do, result in serious injury and death.

Universal Human Rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts in order to promote and protect human rights and fundamental freedoms of individuals or groups.

Law enforcement officials are therefore mandated by local and international laws to observe the tenets of universal human rights in the discharge of their duties. Less lethal force in law enforcement aids in the protection of the fundamental right to life and other innate liberties to which every person is entitled.

**THE STUDY**

Throughout the study, reliance was placed on a variety of published international standards and guidelines pertinent to the use of less lethal devices by law enforcement officials. These established rules and principles were used as the benchmark, against which comparisons were made between the ideal and what exists in the field, in accordance with the data collected and observations made of the relevant training syllabi.

International standards considered:

- Caribbean Human Rights and Use of Force Model Policy;

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1 Office of the High Commissioner on Human Rights, United Nations
The United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules);
- The Omega Research Foundation and University of Exeter Monitoring Weapons and Restraints in Places of Detention: A Practical Guide for Detention Monitors;
- 1990 Basic Principles on the Use of Force and Firearms by Law Enforcement officials, United Nations (1990 Basic Principles); and
- UNODC and OHCHR Resource book

FIELD VISITS

In October 2018, the Commission requested documentation from the Department of Correctional Services (DCS) and the Jamaica Constabulary Force (JCF) regarding the prescribed manner and types of pepper spray and baton used. Additionally, cooperation was sought for visits to the Carl Rattray Staff College (DCS) and the National Police College of Jamaica.

The aim of the visits was to observe the training and the Force’s standards for the use of less lethal devices, primarily the baton and pepper spray.

Upon conclusion of the demonstrations, discussions were held with the respective organizations. The following areas were discussed:

- Specifications regarding less lethal devices sanctioned for use by the respective force;
- Extent, composition and continuity of training offered before/after assignment;
- Principles governing the monitoring for the use and application of less lethal devices; and
- Best practices on the provision of after care and accountability after application of less lethal force.

THE CARL RATTRAY STAFF COLLEGE

The Carl Rattray Staff College is the training arm of the Department of Correctional Services and is based in Runaway Bay, Saint Ann. It has the primary responsibility for the training of candidates transitioning to become members of the Department of Correctional Services. Correctional Officers receive training in a variety of areas, but the Commission’s focus was placed on the observation of the less lethal component of the training.

The less lethal component encompassed the use of empty hand control techniques, defensive tactics, with and without the use of the service baton, and cell extraction techniques. Effort was placed on the sensitization of officers apropos basic Human Rights practices and other laws which govern the use of force in the commission of their duties.

It was observed that correctional officers, unlike the JCF, still utilise the standard issue wooden baton, and operate according to the Monadnock baton striking chart (see figure 1). Pepper spray does not fall beneath the list of sanctioned less lethal weapons for the DCS, hence, it should not be used by its agents in the discharge of their duties.

In addition to the wooden baton, correctional officers are also issued with shields and helmets for use in instances of riots or the execution of cell extractions.

![Figure 1: Monadnock Baton Striking Chart](image)

THE NATIONAL POLICE COLLEGE OF JAMAICA (NPCJ)

The Jamaica Constabulary Force (JCF) provides for training and retraining of recruits and enlisted members at the NPCJ, which is located in Twickenham Park, Saint Catherine.

At the NPCJ officers are trained in various disciplines, to include the use of less lethal devices/force. Each recruit is issued with a less lethal kit at the end of training (Utility belt, Holsters, Rapid Containment Baton (RCB), Oleoresin Capsicum (O.C.), pepper spray and handcuffs). Prior to kit assignment, each recruit is assessed, based on their demonstration of competence and usage. The competency level is measured against the content taught, through written and practical assessments.

THE BATON

The baton is one of the most universal less lethal weapon and is utilised by law enforcement agencies all over the world. In Jamaica it is used by both the DCS and the JCF.
The INDECOM QUARTERLY

JULY - SEPTEMBER 2018

The baton is intended for use in situations where individuals are engaged in or threatening violence against officers or other members of the public. In accordance with international standards, the batons used by law enforcement officials, can be made of either wood, rubber, plastic or metal and may vary in length.

The JCF currently uses the Rapid Containment Baton (RCB). It was donated to the Jamaican Government by the United States (US) Embassy in 2014. It is an expandable metal baton designed (as described by its manufacturer) to deliver maximum “stopping power” using fewer strikes than the wooden baton. This gives any officer, irrespective of size or gender, a more effective advantage during a confrontation.

The DCS plans to equip its staff with the RCB baton in the near future. This should be implemented as soon as possible, together with appropriate training, policies, oversight and monitoring.

INTERNATIONAL STANDARDS FOR BATON USE

There are international guidelines/rules governing the specific usage of the baton, as a less lethal device in law enforcement.

The Geneva Guidelines state that officials should be trained to avoid baton strikes to the head, neck, throat, kidneys, spine, groin, heart and knee joints of suspects. Strikes to these areas have the potential to cause unreasonable injury to subjects. Officials are trained to apply strikes to the lower legs, arms, chest, mid-section and rib cage. These areas are more easily accessible and prove effective in subduing assailants/subjects with enough force to temporarily incapacitate them without causing serious or unreasonable injury.2

The UNODC and UNOHCHR Resource Book notes that ‘where a law enforcement official has hit someone (with a baton) repeatedly, or whilst on the ground, this may amount to excessive force and should be investigated as such’3.

Although the baton is labelled and used as a less lethal weapon, it is important to note that if used inappropriately, it can cause serious or deadly harm to a subject. As a result, there are certain methods of use that are prohibited by international standards. e.g. neck holds using the baton are not to be carried out by officials. Such manoeuvres are considered unlawful under international guidelines, due to the unreasonably high risk of injury/death that it poses to a subject,4 e.g. large blood vessel or airway compression.

Principle 19, of The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials 1990, examines the specifications required for training of law enforcement officials in the use of force. It states that governments and law enforcement agencies are required to provide training and ensure that officers are tested in accordance with appropriate proficiency standards in the use of force.5 It goes further to require that special attention be placed on the inclusion of issues such as: police ethics and human rights, alternatives to the use of force and firearms, peaceful settlement of conflicts and other areas.6

The carriage of batons should also be considered, particularly in correctional centres and other places of detention. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment has noted that ‘preferably, custodial staff should not carry batons at all. If, nevertheless, it is considered indispensable for them to do so, the CPT recommends that the batons be hidden from view’7.

ACCOUNTABILITY

Members of the JCF should only resort to the use of force when all other means remain ineffective and there is no real promise of achieving the lawful objective without exposing police officers or anyone whom it is their duty to protect, to a real risk of harm or injury.8 In the discharge of said force, officers must use only so much force as is necessary and proportionate to effectively bring the incident under control. This, an officer must do whilst he/she minimizes any interference with human rights law and/or provisions.

With the decision to use force an officer accepts that there arises certain obligations to account for his/hers actions and provide justification for the correlated circumstances and outcome. The Geneva Guidelines recommends that officers provide sufficient information to establish whether the use of force was necessary and proportionate. They

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2 Geneva Guidelines on Less Lethal Weapons and Related Equipment in Law Enforcement Sec. 8 (8.1)
4 Geneva Guidelines on Less Lethal Weapons and Related Equipment in Law Enforcement Sec. 8 (8.1.5)
5 Principle 19, 1990 Basic Principles.
6 For further reading, please see Principle 20, 1990 Basic Principles.
8 Human Rights and The Use of Force Sec. 6
should set out details of the incident to include the following:

- Surrounding circumstances;
- Type and manner of force employed including specific weaponry;
- Reasons for the use of force; and
- Effectiveness and consequences.

The UN Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment has also noted that ‘States should establish effective systems for monitoring and reporting on the use of force, and relevant information should be made accessible to the public, including statistics on when, against whom and through which means force is used and on the resulting harm’.

According to the JCF Use of Force Policy, a verbal report must be made of any use of force by an officer’s immediate supervisor as soon as is practicable. Any use of physical force by a JCF member must be documented completely and accurately in an appropriate report, depending on the nature of the incident. International guidelines and force policy dictate that a report must be made to the immediate supervisor regardless of whether or not the subject suffered a resultant injury.

Additionally, senior officers should be held responsible, if they know, or should have known, that law enforcement officials under their command are resorting or have resorted to unlawful use of force and firearms, and they did not take all measures in their power to prevent, suppress or report such use.

LOCAL PUBLISHED STANDARDS ON BATON USE

Whilst there are no locally published standards that speak specifically to baton use by law enforcement, the JCF Human Rights and Use of Force Policy acts as a general guide for the use and application of force by its agents. However, good practice dictates that specific Use of Force policies, for each force option, should be publicly available.

Furthermore, specific details on baton usage and manoeuvres can be found inside the training manuals of the Carl Rattray Staff College and the NPCJ. These manuals encapsulate the content of the less lethal training offered by the colleges to the recruits.

For the most part the content of these manuals are congruent with the standards appertaining to training established in the various international instruments.

Focus is placed on the following:

Lawful uses of a baton:
- As a self-defense tool;
- To control potentially violent subject(s) or situations where subjects are actively and violently resisting; and
- As a form of restraint.

Specifications for use of baton:
- If feasible, give a verbal warning prior to use;
- Proper target areas: legs, arms, chest, mid-section and rib cage;
- Areas to avoid (RCB): head, neck, throat, kidneys, spine, groin, heart and knee joints; and
- Provide first aid/medical care for subject.

The necessary provisions appear to be in place for the initial training of police and correctional officers. However, the Commission found that there exists a void in the continuity of the training throughout an officer’s career within both law enforcement agencies. Improvement is therefore needed in relation to the availability and frequency of retraining exercises for the use of less lethal force and basic first aid.

OC PEPPER SPRAY (OLEORESIN CAPSICUM PEPPER SPRAY)

Standard issue pepper spray is comprised of a chemical agent scientifically known as oleoresin capsicum (OC). It is available in a variety of concentrations; the higher the concentration of capsicum, the greater the effect experienced by subjects. However, pepper sprays used for law enforcement typically contain less than 3% OC.

OC pepper spray, when applied according to the manufacturer’s recommendations, can cause instantaneous incapacitation of the intended target, thereby allowing an officer the opportunity to gain control.

INTERNATIONAL STANDARDS FOR THE USE OF INCAPACITANT SPRAYS

Incapacitant sprays used by Jamaican Law Enforcement Officials are: OC pepper spray and CS gas (tear gas). These chemical irritants should never be applied in cases of purely passive resistance, but rather to for improving the effective enjoyment of human rights and fundamental freedoms. A/72/178 Para 70

JCF Human Rights and Use of Force Policy Sec. 32.

See JCF Force Order #3348 dated August 4, 2011.


For reading see Geneva Guidelines Sec. 5.5 (5.5.2).
incapacitate a violent assailant, or help to effect a lawful arrest of a suspect who is violently resisting.

OC and CS chemical irritants are intended for use as sprays applied to the face of assailants from a safe distance of approximately 1.25 - 2 metres. For maximum effectiveness, the chemicals should be delivered to the eyes, nose and mouth of the target; it should not be reapplied unless strictly necessary and justifiable under the circumstances.

The UN SPT has expressed “serious reservations about the use of irritant gases in confined spaces, as it may entail health risks and cause unnecessary suffering” (SPT 2012:128) 14. The UNODC and OHCHR Resource book further notes that law enforcement officials should ‘never use riot control agents against persons who are restrained or confined to a place where they have no escape routes from the chemical... (and) never use riot control agents in confined spaces or expose the same targets to riot control agents several times during a short time period’ 15.

Officials must first be trained in the appropriate use of pepper spray and CS spray prior to being issued with the chemical irritants. There are small differences in their use and training. Training in basic first aid must be preferred on law enforcement officials before they are issued with any piece of less lethal equipment16. This includes exposure to aftercare requirements for the provision of first aid or medical care. 17 Officers should also be made aware of the possibility of cross-contamination (particularly from CS spray) 18 as well as longer term medical reactions19.

Pepper spray is intended for use only in circumstances where law enforcement officials believe that there is an imminent threat of violence and where physical proximity to a suspect is deemed dangerous but deadly force is not warranted.20

Principle 3 of the 1990 Basic Principles states that the development and deployment of non-lethal incapacitating weapons should be carefully evaluated in order to minimize the risk of endangering uninvolved persons, and the use of such weapons should be carefully controlled.21 This Review did not find any such evaluation had occurred in Jamaica but overseas.

ACCOUNTABILITY

The use of pepper spray, as is the case with all other less lethal devices, must be reported to superior officers. Officers are bound by law to report any and all cases where they rely on the use of their assigned incapacitant spray. Following which supervisors are mandated to provide monthly reports with statistics regarding usage and distribution among their subordinates.

As a general principle and guideline officials are expected to be able to withstand scrutiny should their decision to use force be put to the test. As such, they are to be guided by the principles that govern the decision to use force e.g. proportionality, legality, accountability and necessity.

LOCAL PUBLISHED STANDARDS FOR THE USE OF PEPPER SPRAY

Guidance notes for the lawful/appropriate usage of pepper spray by officers can be found within the content of the respective training manuals formulated by the Less Lethal Training Teams located at the colleges visited.

Additionally, the JCF has published Force Orders outlining guidance for the use of OC pepper spray. The specifications for the lawful use of pepper spray by the JCF are outlined below.

Lawful uses of pepper spray:

- As a self-defense tool;
- Proper target areas- eyes in a continuous process and the forehead as a secondary target area if person is wearing glasses;
- To control potentially violent subject(s)or situations where subjects are violently resisting; and
- To prevent violent attack of an animal.

Specifications for use:

16 Geneva Guidelines on Less Lethal Weapons and Related Equipment in Law Enforcement Sec. 5.5
17 ACPO Guidance on the Use of Incapacitant Spray Sec. 2.8
18 If you would like a reference for this statement, this should suffice (and may be of interest anyway)
The minimum safety distance for dispensation of pepper spray is 3 feet;

The JCF Training manual provided says “if feasible, give a verbal warning prior to use”;

Chemical irritants should not be used in situations of purely passive resistance22;

Deployment Conditions: Distance; weather; surroundings; number of suspects; content; and
Provide first aid/medical care for subject.

The study revealed that there are no published guidelines on the use of pepper spray within the DCS. However, the JCF, in their Human Rights and Use of Force Policy, outline guidelines for the use of the incapacitator spray by their officers. These guidelines are in conjunction with international guidelines reviewed under this study.

The training program at the NPCJ is largely guided by the Human Rights and Use of Force Policy and at certain points throughout the instruction reliance is placed on international specifications outlined earlier in this study. Additionally, there is interjection of scenario based and demonstrative lessons which assist officers to put the theory into context. It is however noteworthy, that pepper spray is not among the current sanctioned less lethal weapons utilised by the DCS.

**OTHER TYPES OF LESS LETHAL METHODS USED BY THE JCF AND DCS:**

- Officer presence;
- Verbal warning;
- Empty hand control techniques (utilized mostly by the DCS and to a lesser extent by the JCF);
- Handcuffs;
- MK4 OC pepper spray;
- OC MK 46V (large scale pepper spray dispensing units); and
- Water cannons.

**ANALYSIS & FINDINGS**

During the period January 2016 – October 2018, there were 106 documented complaints received by the Commission in relation to the alleged misuse of pepper spray and 174 in relation to the alleged misuse of the regulation baton.

Of the 106 pepper spray related incidents, 33 cases were selected using the simple random sampling technique to formulate the sample size. The same sampling technique was applied to the population of Baton related cases, resulting in a sample size of 52 cases. Both samples represent 30% of the respective populations. Subsequent to the selection of samples, a systematic case review was conducted and the data extracted and carefully analysed below.

**BATON**

1. Data collected from the sample showed that the DCS accounted for 15 cases (29%), whilst the JCF accounted for the other 37 cases (71%) of the sample.

2. 49 cases (94%) within the period saw subjects’ reporting moderate to serious injuries whilst the other three cases (6%) did not report receipt of any injury (serious or otherwise). The types of injuries observed within the study included, but were not limited to, soft tissue injuries (e.g. swelling, tenderness and bruising), contusions/abrasions, fractured/broken limbs, and head/skull injuries.

3. In 15 cases (29%), individuals reported that officers used their batons to deliver strikes in red target areas (head, neck, spine and central chest region); 33 cases (63%) represented strikes to the green areas (e.g. legs, arms, lower abdomen, buttocks and rear shoulder blades); while in three cases (6%) strikes were reportedly delivered in yellow areas (e.g. rib cage, elbows, knees groin and upper abdomen) and in one case (2%) strikes were used all over the subjects’ body.

4. As outlined above strikes to the head and neck regions (red areas), should be avoided. Especially when using the RCB baton, as strikes to these areas have a high probability for causing serious injury or death. The percentage of strikes within these areas are cause for concern, especially considering that strikes to the yellow areas were only 6%. This demonstrates a significant gap between the least serious and most serious areas. However, when the reasons for strike (Fig. 2) are analyzed, it is observed that the gap between the reasons are not as significant. In fact, the percentage of individuals who were struck because they had a weapon was only 8%. As outlined in Fig 1, strikes to the red areas cause the highest level of resultant trauma, it is therefore reasonable to deduce that a strike to the areas highlighted in red can be equated to that of deadly force and should only be employed in cases where the risk/threat is of a high degree.

5. One of the general guidelines governing aftercare and the use of force is that medical assistance should be rendered to any injured person at the earliest possible moment23. In relation to the provision of aftercare, in 21 cases (40%) complainants were reportedly provided with basic first aid/medical attention. In 31 cases (60%)

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22 Us Court of Appeals (Ninth Circuit), Headwaters Forest Defense V. County of Humboldt, 240 F.3d 1185 (2000), pp. 1205-06.

23 Principle 5(c), 1990 Basic Principles.
no basic first aid was provided, to include 5 cases where medical care was refused when offered by officials, for various reasons.

6. Despite the fact that 40% of individuals were provided with appropriate aftercare, there is still need for improvement in ensuring that all individuals who complain of discomfort, or are visibly injured following the use of force, are provided with medical care. The non-provision of aftercare can lead to aggravation and escalation of the seriousness of an injury and cause undue suffering. This would prove to be in contradiction of the intended purpose of less lethal force, which is to minimize seriousness of injury while ensuring that a subject is properly subdued.

7. Fig. 2 above depicts the reasons given by officers for using their baton on subjects. It is of note that the figures for passive and active resistance are almost identical. This should not be so, considering the fact that in accordance with international standards, less lethal force is to be applied in order to gain compliance when an individual is violently resisting not passively nor verbally resisting. In situations where the individual is not violently resisting, a more proportionate approach would be to employ empty hand controls/verbal warnings. In the case of traffic related offences, it was observed that despite the presence of multiple officers, the odds did not change in relation to the resort to the use of force to apply restraint. By this, it is meant that in majority of the cases under study it was rarely observed where officers would provide assistance in order to prevent the use of force on an unarmed passively resisting person. Instead, the scenario was often seen where one officer would simply apply the use of his baton or other less lethal device in order to gain compliance.

8. A review of the statements and interviews conducted with officers revealed that, there is a deficiency in the transparency and level of accountability. Whilst the majority of officers attributed their use of force to the subjects’ boisterous/violent behaviour, they failed to give sufficient detail as to the area and number of strikes applied to subjects and reason. Additionally, it is often unclear whether or not aftercare was provided to the subject, as it is too often not stated within the officer’s statement. As a result, the Commission was forced to rely on the medical reports prepared by doctors for information regarding areas and frequency of strikes as well as to verify the provision of aftercare.

9. The Geneva Guidelines recommends that whenever force has been used, the report should contain sufficient information to establish whether the use of force was necessary and proportionate, and set out the details of the incident, including: the surrounding circumstances; the type and manner of force employed, reasons for the use of force and its effectiveness.  

10. This deficiency in the quality of statements creates a challenge for the effective oversight and review of the use of force. Additionally, it goes against the requirement for officers to be accountable for their use of force because it provides very limited detail as to the particulars/extent of the force used. It is not sufficient to simply state “necessary force was used to subdue suspect/subject”. This is especially true in cases received from the DCS.

**PEPPER SPRAY**

Within the pepper spray sample there was an even lower standard for the provision of aftercare by officers. In four cases (12%) subjects were provided with aftercare subsequent to being pepper sprayed. However, despite the low standard for the provision of aftercare, there were no serious injuries reported as a result of the use of pepper spray. However, the level of discomfort experienced by complainants was unbearable in some cases. Majority of individuals reported experiencing extreme discomfort and burning whilst the minority reported experiencing a skin rash as a side effect to being pepper sprayed.

It should be noted that neither DCS nor JCF staff are provided with decontaminant sprays. An essential aftercare product for both officers and affected subjects alike.

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24 Geneva Guidelines Sec. 4 (4.3).
The statements of officers highlighted similar issues to those seen within the sample of baton cases. The statements examined were vague and lacked sufficient detail of the particulars of the incident. The statements merely stated that the pepper spray was used. The officers failed to outline how the spray was applied in relation to the established legal specifications for use and why they resorted to the use of less lethal force.

Case examples:

1. In one case the pepper spray was dispensed inside a medical facility, causing other individuals within close proximity to also be affected by the incapacitate spray. Training dictates that the spray should not be dispensed in circumstances such as the one stated.

2. Another case, revealed an instance where the officer pepper sprayed the subject using two consecutive bouts. This also goes in contradiction of the training preferred on the officers.

Whilst it cannot be definitively stated that these officers are not aware of their training; it remains the responsibility of the government to ensure that officers receive refresher training in the use and application of the less lethal devices assigned to them. Thereby ensuring that officers are better equipped to make informed decisions when in the field and discharge their duties within the remit of the law.

MONITORING AND OVERSIGHT

The study further examined how the DCS and the JCF monitor the use of less lethal force by officers of the respective agencies.

The DCS stated that they are responsible for the procurement of their less lethal items, and this involves monitoring the acquisition, distribution and maintenance of the items. However, they did not play any active role in the supervision of the use of the devices procured.

The DCS Inspectorate Unit stated that their Department is currently responsible for all investigations conducted into the use/application of lethal and less lethal force by Correctional Officers. The system that currently exists, involves the activation of an investigation after the occurrence of an incident where the use of force was employed.

The JCF Bureau of Special Investigations assumes responsibility for all investigations regarding the use of lethal/less lethal force. They investigate complaints made by individuals against police officers and prepare investigative reports with their findings and recommendations. Such investigations are separate from INDECOM investigations.

Although both institutions have designated departments for internal oversight of the use of less lethal force by their agents, it was apparent that there is room for improvement in the approach taken towards monitoring within both organizations. The Commission’s research showed very limited proactive measures in place for the monitoring of the use of less lethal force by either the DCS or the JCF. Proactive monitoring as employed under best practice in the United Kingdom, involves the creation and utilization of Use of Force databases and strong observance of reporting requirements.

JCF Force order No. 3347 dated the 28th day of July 2011, “Guidelines for the Use of Pepper Spray/Mace”, at sub. No. 2 (6) states that “if used under questionable circumstances, it is to be taken out of service, labelled and stored safely pending the outcome of the investigation and recommendation(s)”. Despite the existence of this administrative procedure, the Commission has seen no physical proof of execution in the field. Additionally, the management of the Mace Keep and Care Register needs to be more efficiently monitored.

Other proactive measures, could include spot checks and the practice of recording the weight of the pepper spray canister after each use. This would greatly improve the level of accountability for the use of the pepper spray.

INTERNATIONAL BEST PRACTICE FOR MONITORING AND OVERSIGHT

In the United Kingdom, forces in England and Wales have introduced a new standardized use of force reporting system to capture data in relation to the use of force by officers. This information is then published and used to monitor statistics affecting civilians and officers alike. The data captured is actively examined and used to inform law enforcement training and improve policing strategies.

The implementation of the Use of Force Database, has greatly improved the level of transparency and professionalism within the forces. By extension it has positively impacted the confidence that each citizen has for law enforcement officials and the benefits of this is reaped through a combined approach to tackle crime and deviance within their society.

Canada requires officers to complete a formal report subsequent to the use of force. The information required within these reports include: range of force techniques, details of subject resistance, officer and subject characteristics, length of time since use of force training,
injuries to officers/subjects and the order in which force techniques were used.

RECOMMENDATIONS

After careful revision of all the data gathered it is determinable that the occurrence of instances of alleged inappropriate use of baton and pepper spray, is not attributable to a weakness in the recruits' training program, but rather the level, frequency and degree of monitoring/retraining provided whilst officers are in-service. Additionally, the scarcity of refresher training in the use and application of less lethal force also plays a role in the issues that were highlighted during the study.

It is therefore recommended that:

1. Use of force guidelines and policies for the lawful/appropriate usage of each type of less lethal equipment by DCS and JCF should be produced. These should be compliant with international human rights laws and standards and made publicly available.

2. A more efficient system of monitoring should be established for the in-service use of less lethal devices with a view of improving the professionalism of officers in their application of less lethal force. Senior officers should be held accountable for the revision of incidents and provision of feedback to their subordinates.

3. Procurement of simulation machines would aid the scenario-based training of law enforcement officers. This will ensure that there are equal training opportunities for less lethal options as there are for lethal options, thereby breaking the dependency on lethal methods and improving the comfort level and competence of officers in their use of less lethal methods.

4. JCF lock ups be mandated to provide greater accountability for the safety and well-being of detainees in State custody. Senior officers in charge of these centers should be reminded of their duties to provide monitoring and prepare reports on the use of less lethal force as required of them by the JCF Human Rights and Use of Force Policy.

5. JCF Detention Centers be required (as is the practice of the DCS) to prepare reports to account for the circumstances surrounding the wounding/injury of any inmate within its care. This assists with the system of accountability and will create the platform for greater oversight of incidents which occur behind the walls of detention centers. Provisions for this are outlined within the Mandela Rules.

6. There be a consideration for the recruitment and institution of trained psychologists/psychiatrists at the disposal of both the DCS and the JCF. This is recommended because it was observed that in 36% of pepper spray cases and 38% of baton cases over the period under study, officers were accused of reacting to verbal provocation by subjects or inmates/detainees.

7. Law enforcement officers wear body worn cameras. This will better enable the monitoring process and provide a greater level of transparency to the way that the country approaches law enforcement.

8. Decontaminate sprays should be readily available to JCF and DCS staff, within Stations, service vehicles and first aid equipment to provide immediate post deployment aftercare.

9. There should be greater inclusion of defensive tactics and empty hand control techniques in the training syllabus for police officers. This will provide a foundation for greater confidence when dealing with difficult individuals/suspects, and will assist in the prevention of the use of excessive or unlawful force. This is especially true for instances observed during the study where officers applied pepper spray to individuals who were passively resisting or did not pose a threat.
There were 35 deaths from 32 fatal shooting incidents.

Figure 3: The bar graph shows all categories of new incidents for which complaints were received by the Commission for the period of July to September 2018.
NATURE OF INCIDENT SCENE RESPONSE

Figure 4: The above graph shows the nature of the incidents that the Commission’s Forensic Unit responded to for the period of July to September 2018.

COMPLAINTS BY PARISH

Figure 5: The above graph shows the number of new complaints received by the Commission per parish for the period of July to September 2018.
FATAL SHOOTINGS BY PARISH

Figure 6: The graph above shows the total number of deaths from shooting incidents per parish for the period of July to September 2018.

FATALITIES BY ORGANISATION

Figure 7: The above pie chart illustrates the State agency to which the fatalities recorded for the period of July to September 2018 are related.
### SECURITY FORCE-RELATED FATALITIES LIST

**JCF** – Jamaica Constabulary Force  
**JCF-OD** – Jamaica Constabulary Force Off Duty Officer  
**DCS** – Department of Correctional Services  
**DIC** – Death in Custody

<table>
<thead>
<tr>
<th>Date</th>
<th>Name of Deceased</th>
<th>Location of Incident</th>
<th>Related State Agent</th>
</tr>
</thead>
</table>
| **JULY (14)**  
(Fatal Shooting – 11; DIC – 3) |
| 2-Jul  | Shay WILLIAMS            | Standpipe, Kingston 6                  | JCF                 |
| 7-Jul  | Skacardo MALCOLM         | Irwin Heights, St James                | JCF                 |
|        | Devaughn COLMAN          |                                       |                     |
| 11-Jul | Romaine GREEN **DIC**    | St Catherine Dist ACC                  | DCS                 |
| 16-Jul | Leslie BARRETT **DIC**   | Rocky Hill Main Rd, Black River, St Elizabeth | JCF     |
| 18-Jul | Christopher WILLOCKS     | Bismark Pathway, Seaview Gardens, Kingston 11 | JCF     |
| 22-Jul | Delgado HESLOP           | Victoria Ave, Kingston                 | JCF-OD              |
| 25-Jul | Nashaun Kabacki DAVIS    | Chalmers Ave, Kingston 10              | JCF-OD              |
| 27-Jul | Richard REID             | Monticello, Spanish Town, St Catherine | JCF-OD              |
| 29-Jul | Dwayne CRAIG             | Dampie District, Palmers Cross, Clarendon | JCF     |
|        | Leon BLACKSTOCK          |                                       |                     |
| 29-Jul | Andrew FLETCHER          | 70, Orion Ave, Harbour View, Kingston 12 | JCF     |
| 31-Jul | Keron WATSON             | River Road, Cascade, Hanover           | JCF                 |
| 31-Jul | Lincoln FRANCIS **DIC**  | Portland PSTN                          | JCF                 |
| **AUGUST (13)**  
(Fatal Shooting – 12; DIC - 1) |
<p>| 1-Aug  | Morris HENRY             | Frazerwood Main Rd, Highgate, St Mary  | JCF                 |
| 2-Aug  | Omar MAHONEY             | York Ave, Kingston 11                  | JCF                 |
| 3-Aug  | Jeremy THOMAS            | Waterworks Dist, Frankfield, Clarendon | JCF                 |
| 3-Aug  | Steve D. LARMOND         | Orange St, Kingston                    | JCF                 |
| 5-Aug  | Paul V. GAYLE            | Cumberland, Portmore, St Catherine     | JCF                 |
| 11-Aug | Anthony CHEN             | Taveres Gardens, Kingston 11           | JCF                 |
| 17-Aug | Akeem LAIRD              | Cambridge, St James                    | JCF                 |
| 18-Aug | Wayne JOSEPHS            | Parkes Road, Kingston                  | JCF                 |</p>
<table>
<thead>
<tr>
<th>Date</th>
<th>Name</th>
<th>Location</th>
<th>Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-Aug</td>
<td>Vernard McCardy SALMON (Child)</td>
<td>Greater Portmore, St Catherine</td>
<td>JCF-OD</td>
</tr>
<tr>
<td>22-Aug</td>
<td>Donovan ROACHE</td>
<td>Darliston, Westmoreland</td>
<td>JCF</td>
</tr>
<tr>
<td>24-Aug</td>
<td>Kirkland George COVERLY</td>
<td>Market St, Ocho Rios, St Ann</td>
<td>JCF</td>
</tr>
<tr>
<td>27-Aug</td>
<td>Dennis WALKER DIC</td>
<td>Morant Bay PSTN to Home address</td>
<td>JCF</td>
</tr>
<tr>
<td>31-Aug</td>
<td>Kemar BROWN</td>
<td>Maxfield Ave, Kingston</td>
<td>JCF</td>
</tr>
</tbody>
</table>

### SEPTEMBER (15)

(Fatal Shooting – 12; DIC – 3)

<table>
<thead>
<tr>
<th>Date</th>
<th>Name</th>
<th>Location</th>
<th>Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-Sep</td>
<td>Tio HEATH</td>
<td>Oakland Road, Kingston 13</td>
<td>JCF</td>
</tr>
<tr>
<td>5-Sep</td>
<td>Donrick CAMPBELL</td>
<td>Chelsea, Irwin Heights, St James</td>
<td>JCF</td>
</tr>
<tr>
<td>5-Sep</td>
<td>Owen JENKINS</td>
<td></td>
<td>JCF</td>
</tr>
<tr>
<td>9-Sep</td>
<td>Navardo FORD</td>
<td>Bucks Common, May Pen, Clarendon</td>
<td>JCF-OD</td>
</tr>
<tr>
<td>10-Sep</td>
<td>Anthony THOMAS DIC</td>
<td>TSACC</td>
<td>DCS</td>
</tr>
<tr>
<td>13-Sep</td>
<td>Ceejay LAKE</td>
<td>86 Lane, Kingston 5</td>
<td>JCF</td>
</tr>
<tr>
<td>13-Sep</td>
<td>Daniel BARRETT</td>
<td>Paradise St, Kingston 2</td>
<td>JCF</td>
</tr>
<tr>
<td>13-Sep</td>
<td>Ryan FOSTER</td>
<td>Bray St, Kingston</td>
<td>JCF</td>
</tr>
<tr>
<td>13-Sep</td>
<td>Rupert GRAHAM DIC</td>
<td>New Broughton Sunset Rehabilitation ACC</td>
<td>DCS</td>
</tr>
<tr>
<td>14-Sep</td>
<td>Wilberforce MATTIS</td>
<td>Hamilton Gardens, St Catherine</td>
<td>JCF</td>
</tr>
<tr>
<td>20-Sep</td>
<td>Andrew PERRIER</td>
<td>Martha Brae, Trelawny</td>
<td>JCF-OD</td>
</tr>
<tr>
<td>25-Sep</td>
<td>Jermaine KNIGHT</td>
<td>Calladium Crescent, Tower Ave, Kingston 11</td>
<td>JCF</td>
</tr>
<tr>
<td>27-Sep</td>
<td>See I WILLIAMS</td>
<td>Hanover</td>
<td>JCF</td>
</tr>
<tr>
<td>27-Sep</td>
<td>Romeo FEARON</td>
<td>Friendship District, Westmoreland</td>
<td>JCF</td>
</tr>
<tr>
<td>30-Sep</td>
<td>Adjay WILLIAMS DIC</td>
<td>Hunts Bay PSTN</td>
<td>JCF</td>
</tr>
</tbody>
</table>

Table 1: The above list presents the names of civilians who died in security force-related incidents for the period of July to September 2018
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 July to September 2018

OVERVIEW: RECOMMENDATIONS MADE FOR COMPLETED COMMISSION’S REPORTS

<table>
<thead>
<tr>
<th>Charge</th>
<th>Disciplinary Action</th>
<th>Unsubstantiated</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 case</td>
<td>1 officer</td>
<td>8 cases</td>
</tr>
<tr>
<td>1 officer</td>
<td></td>
<td>11 officers</td>
</tr>
<tr>
<td>153 cases</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 2: The above table shows the recommendations made for Commission’s Reports completed for the period of July to September 2018
### RECOMMENDATIONS MADE FOR COMPLETED COMMISSION’S REPORTS – FATAL SHOOTING INCIDENTS

Table 3: Recommendations by the Legal Department for Commission’s Reports completed for fatal shooting incidents during the period July to September 2018.

<table>
<thead>
<tr>
<th>No.</th>
<th>Complainant/Victim</th>
<th>Case Summary</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Tevin Wright</td>
<td>On Friday, March 24, 2017 at approximately 5:00 a.m., police officers were on patrol in the area when they saw two men walking along Waltham Park Road one in front of the other. The officers stopped the vehicle and exited and accosted the men. Shots were fired and one man ran into the driver’s seat of the police vehicle and declared that he was shot. He was taken to the KPH and died later in the day while being treated. A .38 Smith &amp; Wesson with 3 live rounds was recovered with s/n erased. There is no evidence to negative the police claim to self-defence.</td>
<td>The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken against in relation to the fatal shooting of Tevin Wright. The file be forwarded to the Special Coroner.</td>
</tr>
<tr>
<td>2.</td>
<td>Duran Smith</td>
<td>On February 17, 2017, at about 3:14 a.m., District Constable Duran Smith of the Spanish Town Police Station was shot and injured by his colleague, after he drove to her residence at The Aviary in Old Harbor, St. Catherine for the purpose of retrieving a jerk pan. The officer asserted that after Duran exited his vehicle and entered her yard, she saw a man dressed in full black approaching Duran from behind with a firearm pointed in his direction. On so observing, she withdrew her private licensed firearm and discharged a single round in the direction of the man. Duran fell to the ground. After observing her surroundings for a short time, she ran to Duran, pulled him to the veranda then transported him to the Spanish Town Hospital for a medical attention.</td>
<td>The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken in respect of the Fatal Shooting of Duran Smith on February 17, 2017.</td>
</tr>
<tr>
<td>3.</td>
<td>Kayon Levy</td>
<td>On October 16, 2011, Kayon Levy was fatally shot at his residence in the Raymonds District of Clarendon during a police operation to apprehend gang members. Reports are that the concerned officer entered the target premises and was confronted by the now deceased who drew a firearm and pointed it at him. In fear for his life, the officer fired two rounds from his service firearm in the direction of the gunman, hitting him. The injured gunman was rushed to the May Pen Hospital where he was pronounced dead on arrival.</td>
<td>The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Kayon Levy.</td>
</tr>
<tr>
<td>4.</td>
<td>Timoy Allwood and Shemar Lewis</td>
<td>On July 28, 2015, Timoy Allwood and Shemar Lewis were fatally shot at Roehampton District in St. James. Reports are that the concerned officers were members of a police team conducting special operations in the area with a view to apprehending wanted men and seizing illegal guns and ammunition. On arrival at the target location, the police were confronted by Messrs. Allwood and Lewis who pointed firearms at the police and opened fire. The concerned officers returned fire in the direction of the gunmen, hitting them both. Messrs. Allwood and Lewis were subsequently rushed to the Cornwall Regional Hospital where they were pronounced dead on arrival.</td>
<td>The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Timoy Allwood and Shemar Lewis.</td>
</tr>
<tr>
<td>5.</td>
<td>David Vernon</td>
<td>On May 30, 2017, David Vernon was fatally shot at his residence at Passage Fort Drive in Waterford, St. Catherine. Reports are that the concerned officers</td>
<td>The Commission respectfully recommends that no criminal charges be</td>
</tr>
</tbody>
</table>
were members of a police team conducting special operations duty in relation to that location after receiving information that men armed with illegal guns and ammunition were hiding out there. Upon entering the yard and knocking on the front door, a man ran from the back door with a firearm in his hand. The said gunman turned and pointed the illegal firearm at the police and opened fire. In fear for their lives, the officers discharged rounds from their service M16 rifles in Mr. Vernon’s direction, hitting him. Mr. Vernon was subsequently rushed to the Spanish Town Hospital where he was pronounced dead.

6. **Tiro Williams**

On December 4, 2013, Tiro Williams was fatally shot at his residence at Falmouth East in Waterford, St. Catherine. It is reported that the concerned officer was a member of a police team conducting a cordon and search operation in the area and, upon entering the premises in question, was confronted by Mr. Williams who pointed a firearm at him. In fear for his life, the officer discharged rounds from his service rifle in Mr. Williams’ direction, hitting him. Mr. Williams was subsequently rushed to the Spanish Town Hospital where he succumbed to his injuries.

Laid or disciplinary action be taken in relation to the fatal shooting of David Vernon.

The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Tiro Williams.

7. **Oral Neil**

On Saturday, December 24, 2016 at about 8:10 a.m., off duty police officer was driving his private car along Portmore Lane, in the vicinity of Newlands Main Road, when he came upon two pedal cyclists riding in the opposite direction almost causing a collision. The officer stopped the car and one of the cyclists turned around and went to the passenger side of the car and said “Pussy yuh nuh see yuh nearly Lick mi, yuh Inna mi place”. The man later identified as Oral Neil lifted his shirt exposing a firearm and the officer shouted “A who yuh”. Neil opened a ratchet knife that he had in his hand and leaned into the car in a stabbing position. The officer retrieved his pistol from between his legs and fired a shot at Neil who ran off. The officer exited the car and attempted to apprehend Neil who tried to pull the gun from his waistband. The officer fired two (2) more shots in Neil’s direction who continued running. The officer rushed back to his car and drove to the Caymanas Police Station where he reported the matter. Officers from the station attended the scene and took Neil to the Spanish Town Hospital where he was pronounced dead on arrival by a Doctor at 8:57 am. Neil’s ratchet knife was recovered, but the gun was not recovered.

The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken against the concerned officer, in relation to the fatal shooting of Oral Neil. The file be forwarded to the Special Coroner.

8. **Kenneth Hamilton**

Allegations are that about 3:10 am on July 4, 2010, an officer and his girlfriend DF, a visitor from USA, were travelling in his private motor car along Stock Farm Road, Golden Spring, St. Andrew when the officer saw two men walking along the roadway. The actions of these men aroused the suspicion of the officer who stopped, exited the car, and identified himself as police to the men. The officer attempted to hold one of the men that was close to him. This man pulled a knife from his waistband and stabbed at the officer who had to move backwards to avoid injuries. The other man pulled a revolver from his waist and the officer dived to the ground. The officer heard two

The case is respectfully referred to the Special Coroner for determination as to whether an inquest should be held in relation to the fatal shooting of Kenneth Hamilton.
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<tbody>
<tr>
<td><strong>9.</strong> Ricardo Wynter</td>
<td>On Thursday July 22nd, 2010 about 11:40 a.m. a police party went into the Hellshire Community to apprehend Ricardo Wynter o/c ‘Government’. The team went to a section of the premises where they reportedly came under fire from Wynter. Two officers returned the fire. Wynter was shot and injured and a firearm was retrieved from him. He was thereafter rushed to the Spanish Town Hospital where he was pronounced dead.</td>
<td>The Commission humbly recommends that the matter of the death of Ricardo Wynter be referred to the Special Coroner to determine whether an inquest ought to be held.</td>
</tr>
<tr>
<td><strong>10.</strong> Jason Buchanan</td>
<td>On Friday, March 9, 2012 at about 7:30p.m. Jason Buchanan was shot and killed during an alleged shoot out with the police in Sandbed Settlement, Norbrook Gully, Kingston 8. A firearm was allegedly taken from Buchanan. The civilian eyewitness allege that Buchanan was a taxi operator who was in the area to collect a female passenger. The police came on to the scene and shot Buchanan whose hands were in the air.</td>
<td>In these circumstances, the Commission recommends that no criminal charges should be brought against the officers of Region 5 Headquarters. The Commission further recommends that the file be submitted to the Special Coroner for his determination on whether or not an inquest should be held. The Commission recommends to the Commissioner of Police: a) That a prima facie case exists that the officers of Region 5 HQ conducted themselves in a manner that affected the outcome of the Commission's investigation. b) Causes such internal disciplinary proceedings as are fit and proper to be instituted against the aforementioned persons to determine whether they committed the breach described; c) Advise the Commission whether such proceedings will be instituted and if they will, the contemplated nature of those proceedings by November 30, 2018; d) Where disciplinary proceedings in respect of b above are contemplated, communicates the outcome of the proceedings to the Commission within fifteen days of their completion.</td>
</tr>
<tr>
<td><strong>11.</strong> Okeeno Griffiths and Ricky Ricardo Jones</td>
<td>On January 8, 2015, at about 3:30 p.m., Okeeno Griffiths and Ricky Ricardo Jones were shot and killed</td>
<td>The Commission respectfully recommends</td>
</tr>
</tbody>
</table>
at premises in the Violet Bank community of Gordon Town, St. Andrew during a police operation conducted by members of the Mobile Reserve Police Division aimed at apprehending wanted men and seizing illegal firearms and ammunition. It is reported that officers of the Mobile Reserve Wanted Person Apprehension Team (W.A.T) went to the location in question and were confronted by two armed men who pointed firearms and opened fire at the police. The officers returned fire injuring the men. A firearm was recovered from each of the gunmen who were then rushed to the University Hospital of the West Indies (UHWI) 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 Okeeno Griffiths and Ricky Ricardo Jones.

12. Randy Lewis

On January 31, 2012, at about 6:30 p.m., an officer visited the More Vibes Auto Shop on Collimore Drive in St. James to replace a defective bulb on the trunk of his motor car. The said auto shop is operated by his close friend, Randy Lewis (the now deceased). When the replacement of the light bulb was effected and he was about to leave the location, he approached his motor car and removed his service firearm from his waistband and held it in his hand; his intention being to place the firearm on his lap when he sat in the driver’s seat. He slipped and the firearm fell from his hand, and he quickly attempted to catch the firearm before it fell to the ground. In the process of trying to catch the firearm, his finger accidentally pressed the trigger causing the weapon to fire a single shot which hit Randy Lewis in his chest. Mr. Lewis was rushed to the Cornwall Regional Hospital where he later succumbed to his injuries.

The Commission respectfully recommends that no criminal charges for either murder or manslaughter be laid in relation to the fatal shooting of Randy Lewis. The Commission further recommends that the Commissioner of Police be advised of the Commission’s finding that a prima facie case exists that the officer breached JCF Policy relative to the use, care and handling of his firearm by having a round in the chamber in circumstances which did not require it.

13. Prince Barrett

On June 9, 2017, at about 9:30 p.m., Prince Barrett was fatally shot, at premises located along Harvey Road, Kingston 10 in St. Andrew. It is reported that the concerned officers were on mobile patrol duty in the area when they saw the now deceased Barrett behaving suspiciously, and when they accosted him he pointed a firearm at them and opened fire. The officers returned fire hitting the said Barrett. A firearm was recovered from Barrett after which he was rushed to the Kingston Public Hospital where he succumbed to his injuries.

The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Prince Barrett.

14. Roshean Hinds

On August 25, 2011, sometime after 2:30 a.m., Roshean Hinds o/c ‘Pinky’ was fatally shot during a cordon and search operation in the Craig Town community of Jones Town, St. Andrew. It is reported that during the operation, police came under gunfire from a group of men. The officer returned fire in the direction of the men and, after the shooting subsided, one man was found suffering from gunshot injuries and clutching a firearm. The illegal firearm was recovered and the injured man was rushed to the Kingston Public Hospital 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 Roshean Hinds.

15. Everton Rodney

On September 25, 2011, sometime after 8:00 a.m., Everton Rodney was shot and killed after the said Rodney attacked the officer with a machete and chopped him several times.

The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the
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<tr>
<td><strong>16. Arlando Orgill</strong></td>
<td>It is alleged that on 3rd of November, 2013, the deceased, Arlando Orgill o/c “Action” was at his friend's house with his friends at Melbrook Heights, when the Concerned Officer, attached to the National Intelligence Bureau (NIB) went to the abovementioned premises and called one of the men present by their name. The deceased opened the door to the house and was shot by the concerned officer. None of the men reported that they saw the concerned officer when he shot Orgill. However, one witness claimed he recognized the concerned officer’s voice when he called “Busta” as he is well known to him. It is alleged that the deceased and his friends were involved in an incident with the concerned officer’s brother regarding a stolen phone. Major Investigation Taskforce (MIT) commenced investigation into this matter before INDECOM and the concerned officer was charged for the murder of the deceased. The preliminary hearing into the murder of Arlando Orgill was heard at the Corporate Area Resident Magistrate Court on November 30, 2015. The matter was acquitted for want of prosecution (the main witness who identified the concerned officer at the Voice Recognition Parade migrated and cannot be located).</td>
<td>The Commission humbly recommends that no charges be laid against the concerned officer in relation to the fatal shooting of Arlando Orgill.</td>
</tr>
<tr>
<td><strong>17. Neville Boyd</strong></td>
<td>Neville Boyd o/c “Scuffler” was shot and killed on Saturday June 15, 2013 at approximately 11:00pm on Michael Manley Boulevard (New Nursery) Spanish Town. No witness to this shooting was identified. On June 6, 2013 the Independent Commission of Investigation commenced an investigation to determine the circumstance by which Neville Boyd was shot and killed. On the 27th July, 2018, a Final Investigation Report was prepared and submitted to the Commission’s Report to be prepared.</td>
<td>The Commission humbly recommends that the death of Neville Boyd, be referred to the Special Coroner to decide if an inquest ought to be held.</td>
</tr>
<tr>
<td><strong>18. Chevaughn Lewis</strong></td>
<td>On the 21st of July, 2013, Chevaughn Lewis was killed while walking home with his friends from a wake on Henderson Drive. The complainant witnesses allege that while walking on Henderson Drive they became suspicious of a motor vehicle fast approaching them from behind with its’ headlight shining in their direction. They became fearful and decided to turn onto the lane at Henderson Road. As they turned onto Henderson Road, the abovementioned begun shooting at them, so they ran quickly through the lane, and inadvertently split up into two groups. It was not until after the shooting had subsided, that they realized that Chevaughn was missing, and in an effort to find Chevaughn, they observed that the lane they ran from, was cordoned off. Chevaughn’s body was found on the top of the same road. However, the police allege that on the same morning, while on mobile patrol duties, they heard several loud explosions sounding like gunshots coming from the direction of Dela Vega City. They parked their service vehicles on White Church Street in the vicinity of the Spanish Town Primary School and went on foot patrol into the community. Two officers remained to secure the vehicles. While walking in single file formation on</td>
<td>The Commission humbly recommends that the instant matter be referred to the Special Coroner to decide if an inquest ought to be held.</td>
</tr>
</tbody>
</table>
Henderson Drive, they observed a large group of men (about ten to twelve) with their backs turned to them standing along the left side of the roadway about seventy (70) meters away; all dressed in hoodies shirt (pull overs) and pants. They tactically approached the group of men and upon reaching twenty (20) meters, a Corporal shouted “police don’t move.” The men turned around and began shooting at the police. A shoot out ensued and the men escaped. After the shooting subsided, they discovered the body of the deceased on Henderson Road.

| 19. Acion Green | The deceased, Acion Green was shot and killed in circumstances alleged to have been unlawful. The sole eye-witness alleges that the deceased’s hand was behind his head when he was shot in the chest by Sergeant. Sergeant raises the issue of self-defence; claiming that the deceased had pointed a firearm at him which caused him to fire at the deceased. The deceased was found to have been in possession of six (6) .38 cartridges but no gun was recovered. The Commission hereby recommends that the matter be forwarded to the Office of the Director of Public Prosecutions for a ruling. DPP Ruling dated September 18, 2018: “Detective Sergeant be charged for the offence of Murder”. |
| 20. Shane Geohagen & Harold Smith | On April 29, 2017, sometime after 3:00 p.m., Shane Geohagen and Harold Smith were shot and killed by police officers from the Hunts Bay Police Station during a shootout along Pretoria and Forrester Roads in the Kingston 13 area of St. Andrew. The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the fatal shootings of Shane Geohagen and Harold Smith. |
| 21. Kevin Dennis | On June 22, 2016, at about 9:30 p.m., Kevin Dennis was fatally shot at Luana Housing Scheme in Black River, St. Elizabeth. The concerned officers received reports that the now deceased Kevin Dennis was hiding inside the bathroom of the house in question after allegedly stabbing his girlfriend or cutting her throat with a knife. The concerned officers responded to these reports by going to the location and entering the said house to apprehend the said Dennis. While inside the house, the officers were attacked by the said Dennis who advanced towards them with a large knife and meat chopper in each hand. In fear for their lives, the concerned officers each fired a single round in the direction of the said Dennis, hitting him. Mr. Dennis was subsequently taken to the Black River Hospital 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 Kevin Dennis. |
| 22. Richard Barrett | On November 28, 2017, at about 10:00 a.m., Richard Barrett o/c ‘Ganja Baby’ was shot and killed along Barbados Road in the Waterhouse community after the said Barrett pointed a firearm at the police. The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Richard Barrett. |
| 23. Troy Collins | On September 5, 2014, at about midday, Troy Collins was shot and killed along March Pen Road in Spanish Town, St. Catherine during a shootout with police. It is reported that the concerned officers were tasked with intercepting a vehicle travelling in the target area with suspected gunmen onboard. The concerned officers went to the area to make enquiries when they said the Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Troy Collins. |
Collins, and his cronies, opened fire at the police. The concerned officers returned fire hitting Collins while the other gunmen managed to escape. A firearm was recovered from Collins who was subsequently transported to the Spanish Town Hospital where he was pronounced dead on arrival.

## ARRESTS MADE/CHARGES LAID (JULY - SEPTEMBER 2018)

<table>
<thead>
<tr>
<th>Name and Rank</th>
<th>Charge</th>
<th>Date of Arrest</th>
<th>State Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cpl. Ricardo Durrant</td>
<td>Discharge of Firearm</td>
<td>16-Jul-18</td>
<td>JCF</td>
</tr>
<tr>
<td>Cons. Oshane Thompson</td>
<td>Murder</td>
<td>30-Aug-18</td>
<td>JCF</td>
</tr>
<tr>
<td>Cpl. Rhamone Scott</td>
<td>Murder</td>
<td>30-Aug-18</td>
<td>JCF</td>
</tr>
<tr>
<td>Cpl. Gregory South</td>
<td>Wounding with Intent</td>
<td>30-Aug-18</td>
<td>JCF</td>
</tr>
<tr>
<td>Cons. Dwayne Kelly James</td>
<td>Wounding with Intent</td>
<td>30-Aug-18</td>
<td>JCF</td>
</tr>
<tr>
<td>Con Michael Lawrence</td>
<td>Murder, Wounding with Intent</td>
<td>21-Sep-18</td>
<td>JCF</td>
</tr>
<tr>
<td>Con. Vaughn Baccas</td>
<td>Wounding with intent</td>
<td>21-Sep-18</td>
<td>JCF</td>
</tr>
</tbody>
</table>

Table 4: The above table shows all members of the Security Forces who were arrested and charged for various offences for the period of July - September 2018.
PART THREE

LESSONS LEARNT: COMMENDABLE ACTIONS OF OFFICERS

The actions of three members of the Jamaica Constabulary Force (JCF), two Detective Constables and a Constable, during the incident and investigative process, highlighted their physical and moral courage that is worthy of commendation and emulation.

Three officers were involved in an incident in June 2017, which resulted in them discharging their firearms at two armed men. A man appeared on the scene of the incident and identified himself as a Sergeant. He advised the officers to remove spent shells from the scene and not report the incident. The officers rejected the advice of the gentleman.

The investigations revealed that the gentleman was actually a Constable, who was impersonating a Sergeant when he appeared at the scene of the incident. The three officers assisted the investigation by identifying the officer who was impersonating another member of the police force.

Correspondence has been sent to the Commissioner of Police to advise of the Commission’s commendation of this officer’s actions.
PART FOUR

- Meetings: Security Forces & INDECOM

In the 3rd quarter of 2018, INDECOM’s Senior Management had one (1) meeting with members of the JCF High Command. The following matters were discussed:

- Recovered weapons
- Body worn cameras
- Clarendon cases
- Meetings with Area and Divisional Commanders
- Ballistics
- Disciplinary hearings
- Serving of notices by JCF

- Outreach: Awareness Exercises

<table>
<thead>
<tr>
<th>Unit/Division/Station</th>
<th>Group Size</th>
<th>Contact hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>CTOC Quarterly Conference</td>
<td>98</td>
<td>1</td>
</tr>
<tr>
<td>JCF Narcotics Division HQ</td>
<td>30</td>
<td>3</td>
</tr>
</tbody>
</table>

- Press Releases

For the 3rd quarter of 2018, The Public Relations Unit issued the following press releases:

1. Judges rule on INDECOM’s investigation into the use of mortars by JDF
2. INDECOM probe into Kriston Pearson fatal shooting concluded
3. INDECOM is investigating incident involving female motorcyclist on Mandela Highway
4. INDECOM investigating fatal shooting in Bucks Common, Clarendon
5. Judgement reserved in Oshane Thompson bail application
6. INDECOM investigating fatal shooting of Cacey Lake
7. Oshane Thompson bail application denied
8. INDECOM investigating fatal shootings on Brae Street and Paradise Street
9. INDECOM investigating fatal shooting of See-I Williams
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Searching for Truth, Striving for Justice