

THE INDECOM QUARTERLY | 2nd

APRIL - JUNE 2020

The State's Treatment and Care of Inmates 60 Years and Over



**“I’m for truth, no matter who tells it.
I’m for justice, no matter who it’s against”**

Malcolm X

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COMPACT DISC

2nd Quarterly Report: April - June 2020

New Complaints: April - June 2020

Commission's Reports Completed: April - June 2020

(In compliance with Section 17(3) (c) of the INDECOM Act)

IN THIS EDITION OF THE IQ

THE STATE'S TREATMENT AND CARE OF INMATES AGE 60 YEARS AND OVER

This 2nd quarterly report is an inquiry into the treatment of inmates over the age of 60 years, across six adult correctional institutions in Jamaica. This wider examination was in furtherance of the conditions identified during the investigation into the death in custody of Mr. Noel Chambers. The conditions at each institution were examined according to the environment (physical conditions), health care and records and compliance with **The Correctional Institution Rules** and **The United Nations Standard Minimum Rules for the Treatment of Prisoners**.

PART ONE: NEW COMPLAINTS

The Commission received 410 categories of complaints from 347 incidents reported for the period. The top five categories of complaints include: assault (129), discharge of firearm (83), unprofessional conduct (34), threat (31) and fatal shooting (25)* [see page 14].

The Commission's Forensic Unit responded to 68 incident scenes for the period. There were three deaths in custody for the period.

All parishes had complaints, both fatal and non-fatal, with Kingston and St. Andrew recording the highest with 109 complaints and Portland recording the least with seven (7).

PART TWO: THE LEGAL DEPARTMENT

In the Legal Department, 205 Commission's Reports were distributed and completed. An overview of the reports completed, lists the recommendations for no charge, disciplinary action or charge. Recommendations from fatal shooting incidents, where Commission's Reports were completed during the quarter are also listed. Four (4) members of the Jamaica Constabulary Force (JCF) and two (2) from the Department of Correctional Services (DCS) were charged during the period, for incidents investigated by INDECOM.

PART THREE: PUBLIC INFORMATION

The Commission's Senior Management Team had one (1) meeting with members of the JCF High Command during the period.

The Commission did not participate in any awareness exercises for the period.

The State's Treatment and Care of Inmates age 60 years and over

Introduction

Following the death of Mr. Noel Chambers, an 81-year-old inmate at the Tower Street Adult Correctional Centre (TSACC) on January 28, 2020, The Independent Commission of Investigations (INDECOM) continued inquiries into the treatment of older inmates in state-owned penal institutions under the purview of the Department of Correctional Services (DCS). The institutional failings and the environmental shortcomings identified in Mr. Chamber's death need to be addressed and such circumstances avoided in the future.

A reference point for developing good governance, and adopting a non-discriminatory approach concerning the treatment of prisoners within the Correctional Service should be the **Nelson Mandela Rules**. Developed from international consensus, they identify the essential elements which should exist for persons in enforced incarceration, and establish recognised principles and practices which should be implemented. Equally, the Rules acknowledge that not all the rules are capable of application in all places, at all times, but represent the goal to be achieved.

INDECOM's wider review was conducted within this framework, at all adult Correctional Centres in Jamaica. A central aim was to determine whether elderly inmates (for this review, those aged 60 and over) are receiving the care compliant with international best practices and legal provisions.

TERMS OF REFERENCE

The full Terms of Reference are outlined in the attached Appendix.

The key Constitutional principles, statutory provisions, and best practices are found in the following legal frameworks;

- **Section 14 (5) of the Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act, 2011** states:

"any person deprived of his liberty shall be treated humanely and with respect for the inherent dignity of the person";

- **The Correctional Institution (Adult Correctional Centre) Rules, 1991** **CI (ACC) Rules 1991** hereafter referred to as, CI (ACC) Rules 1991;
- **The United Nations Standard Minimum Rules for the Treatment of Prisoners (2015)**, hereafter referred to as, Nelson Mandela Rules; The first rule, *Rule 1*, articulates a key principle:

All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.

SCOPE OF THE INVESTIGATION

Pursuant to **s. 4 (1) (b) of the Independent Commission of Investigations Act**, the Commission coordinated their investigations across six adult institutions:

- i. Tower Street Adult Correctional Centre (TSACC);
- ii. St. Catherine Adult Correctional Centre (SCACC);
- iii. New Broughton Sunset Adult Correctional Centre (NBSACC);
- iv. Tamarind Farm Adult Correctional Centre (TFACC);
- v. South Camp Adult Rehabilitation Centre (SCARC);
- vi. Richmond Farm Adult Correctional Centre (RFACC);

NB. Horizon Adult Remand Centre (for the reporting period) had no inmates in custody 60 years and older and thus not included in the review.

The investigation involved the inspection of buildings, photographing of same, examination of records, where possible, interviews with inmates and relevant staff members.

The data collected during this enquiry was fulsome and in this regard the team sought to obtain the records for the preceding twelve (12) months to the commencement of this investigation, and examine the following:

1. a list of all inmates above the age of 60;
2. copies of recent internal and external assessments on the sanitation and environmental conditions at the facilities; and
3. copies of orders or instructions with regard to the diet, access to medical care, monitoring, and protection from other inmates.

Detailed reports were prepared from the inspections and this Quarterly report highlights some of the common observations and findings from the six visits in respect of each correctional centre.

DATA

As at July 31, 2020, there were a total of **2,916** inmates housed at the seven Adult Correctional facilities island-

wide, of which only **123 (4%)** were inmates aged 60 years and older.

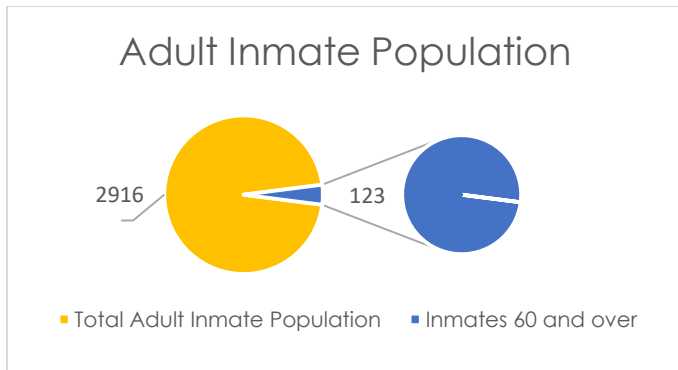


Figure 1: Subset of inmates 60 and over within the total population at adult correctional centres in Jamaica

Table 1 below depicts the breakdown of inmates per institution.

Institutions	Total Population	Inmates 60 and over
Tower Street Adult Correctional Centre	1637	77 (4.7%)
St. Catherine Adult Correctional Centre	800	26 (3.25%)
New Broughton Sunset Adult Correctional Centre	21	14 (67%)
Tamarind Farm Adult Correctional Centre	185	3 (1.62%)
South Camp Adult Rehabilitation Centre	102	2
Richmond Farm Adult Correctional Centre	108	1
Horizon Adult Remand Centre	63	0
	2916	123 (4.2%)

THE CORRECTIONAL CENTRES

i. Tower Street Adult Correctional Centre (TSACC)

The original use of this site was to facilitate the trading of slaves. In 1845, the British Colonial Government commissioned the facility into a prison. The prison housed

both males and females until 1975 when the females were relocated.

INDECOM's 1st Quarterly Report to Parliament (January - March 2020) addressed the concerns at this institution, arising from Mr. Chamber's death. That report dealt primarily with the issue of the long term incarceration without trial, but equally the physical conditions of detention and from which Mr. Chambers suffered.

Summary of Findings

TSACC houses **77** inmates concerned with this investigation, which represents approximately **4.7%** of the total population (approximately 1,600 inmates), the largest group in this enquiry.

Environment & Accommodation

The grounds at TSACC are clean and well maintained.

Non-compliance was observed with Nelson Mandela Rule 12, which sets out the accommodation standards for cells and dormitories. The overcrowding observed was not a temporary situation, cells which were designed to house one inmate currently house three inmates. As a result of the overcrowding, the space available to inmates in some of the cells was limited. The inmates compensated by tying their belongings to the cell walls and using makeshift hammocks to store their personal effects. Inmates sleep in these hammocks which hung from the ceiling.

Health

Section 33 of CI (ACC) Rules 1991 addresses the duties of the Medical Officer and in particular, his or her responsibility to keep a journal. No evidence was provided that would indicate that a medical journal is kept at TSACC. However, it was pointed out that some of the duties outlined under this section were met and the information is detailed in the inmates' records and/or the Occurrence Book at the hospital section. Steps must be taken to ensure that there is compliance with the provisions of the rules.

Records

The investigation revealed a number of instances of non-compliance with the CI (ACC) Rules 1991.

Section 8 states in part that the Superintendent shall keep a journal in his own handwriting. Compliance with this section was noted.

Compliance with Sections 38, 41, 44, and 45 was unable to be determined owing to the absence of records. These sections govern oversight regarding food quality, cell inspections, and infectious diseases. It was reported that the inspection of the facility is done by the Overseers daily before opening and after lockdown.

ii. **St. Catherine Adult Correctional Centre (SCACC)**

This correctional centre, established by the British in 1655, also has its origins as a holding area for slaves. In 1898, the Gallows were relocated from Falmouth to this prison which has always been the holding area for inmates condemned to death.

Summary of Findings

This institution houses 800 inmates, of which **26 (3.25%)** are 60 years and over.

The findings revealed that adherence to the CI (ACC) Rules 1991 and the Nelson Mandela Rules was mixed. While compliance was observed in part for some areas, there was non-compliance in other areas. Explanations provided during interviews highlighted resource constraints as the dominant factor.

Environment

Compliance was noted with Nelson Mandela Rule 11, as only males are held in custody at the Institution hence there is no gender-mix.

There is non-conformity relative to Mandela Rule 12, (undesirability of two persons or more in a cell), as the records presented by the Institution indicate the number of inmates per cell is greater than one, as sometimes three or four inmates are housed in one cell. No dormitories or dormitory-like area was observed at the Institution except for the hospital setting.

There was some compliance with Mandela Rule 18, (personal hygiene, health and cleanliness), as the prisoners are allowed to shower daily and there is a Barber Shop that allows them to trim and shave.

Breaches were noted as it relates to the absence of water in toilets. Inmates are required to flush the toilet by using a bucket filler with water from a drum. Live bed bugs or 'chinks' were found in the mattresses.

Part compliance to Mandela Rule 19, (provision of clothing and bedding) was noted, as on admission, inmates may receive clothing, if available. It was noted that their attire is one of a uniformed look and there are sufficient areas for washing clothes on the Institution's grounds.

Health

There is non-compliance to Nelson Mandela Rule 109, as no assessment is done by the Doctors to determine if the inmates are negatively affected by their detention, or any recommendation made for their transfer to a mental facility since the Institution is incapable of caring for these inmates.

With regard to the provision of psychiatric treatment, there was partial compliance with Nelson Mandela Rule 109 (3), as inmates with mental illness frequently received treatment by the doctors but the health-care service seemed to be restricted.

Further compliance was also noted where the inmates with psychiatric conditions are separated from those without such issues. However, there was non-compliance to Nelson Mandela Rule 11(b), as untried prisoners should be kept separate from convicted prisoners, but this was not practiced. There is no separation between those with psychiatric illnesses who were convicted and those unfit to plead. In other words, those who are only remandees, not tried, or found guilty are kept with convicts.

There is some level of compliance with Nelson Mandela Rule 22, as the food, in general, is seen as good but more variety is needed, particularly for the diabetic and hypertensive inmates. It was observed that drinking water is readily available.

Records

The Doctors assigned to the Institution acknowledged that they do not own or keep a journal, especially since different Doctors work at the location on particular days. All information concerning the inmates is kept on their medical records. This was a breach of Section 33 of CI (ACC) Rules 1991, which requires the medical officer to keep a journal of their attendance and directions.

iii. **New Broughton Sunset Adult Correctional Centre**

New Broughton, also known as the "Old Man's Prison", was built in 1916 and rebuilt in 2005 following severe damage by Hurricane Ivan in 2004. It has the capacity to house up to 80 low risk and aging (aged over 54) male inmates in open dormitories with little or no fencing.

Summary of Findings

This facility currently has a population of 21 inmates, **14 (67%)** of which are 60 years and over. It provides its inmates with the opportunity to grow crops and raise livestock which they sell to the surrounding community.

Environment

The institution is compliant with most of the Mandela Rules. There are however areas that require some improvement, such as the dormitory facilities. This area should be fitted with partitions to afford each inmate more privacy.

Attention needs to be given to the areas of the facility infested with insects. These carry certain health risks.

Consideration should also be given to expanding the capacity of the facility to accommodate more inmates of

the elderly prison population who can be considered low risk. The under-utilized classroom facility at the institution could also form part of inmates' rehabilitation. Efforts therefore should be made to get this facility equipped and operational.

Health

The Nurse's Medical log did not consistently reflect the complaints of the inmates, but it provided detailed intervention strategies. In instances where the inmates complain of being ill, and are treated at the institution, there was evidence of the medication being administered to them.

There was evidence that for the inmates who suffer from lifestyle diseases, such as hypertension and diabetes, their blood pressure and blood sugar levels are being correctly monitored as blood pressure and glucometer readings are documented in the Nurse's log.

Records

The Gate Book and Daily State Logs were correctly maintained, however there were some gaps in the Superintendent's journal and some important occurrences that required documentation were not observed, e.g: a prisoner being placed in quarantine regarding COVID19 and separated from the general prison population was omitted from the journal.

There was a challenge in accessing examples of Superintendent's annual reports that should be submitted by the Superintendent. The reports were not kept at the facility, and the computer which stored the reports had been malfunctioning and was sent to the head office for repairs.

With the exception of the Gate Book log, there is no structured record of a Medical Officer's visits to the institution. The inmates' medical records appeared to be up to date, as upon the Medical Officer visiting the institution, proper recordings are completed when the patients are treated. It must be noted that when the inmates are taken to offsite medical facilities, a treatment summary form accompanies them and there is evidence that those forms are properly completed by the attendant medical practitioners.

iv. Tamarind Farm Adult Correctional Centre (TFACC)

This institution was established in 1949 as a part of the St. Catherine District Prison. In 1972 it gained autonomy. A farm institution, agricultural activities form an integral part of the rehabilitation program.

Summary of Findings

The prisoners housed at this institution work on the farms or in other industries within the institution, such as woodwork and steelwork. These prisoners are classified as mostly low risk, although there are a few who are medium risk. The TFACC only receives detainees from other higher risk penal institutions, after a classification hearing is convened and a prisoner is deemed low risk.

The institution has a dormitory environment. There are nine (9) dormitories on the compound, however, one (1) was being utilised to accommodate remandees arrested under the Emergency Security Measures.

There are a total of 185 inmates, of which **three (1.62%)** had attained the age of 60 years or over. The prison records of these inmates were examined, which are stored in cabinets in the General Office of the Institution and were quickly produced.

Environment

This institution conforms to most of the Nelson Mandela Rules against which it was examined. The grounds of the institution were clean and so were the kitchen and the dorms which were examined. The three (3) prisoners over 60 appeared healthy and content. They all work in different industries within the prison and they informed the team that they are treated well. The medical centre did not have a window and the paint is dark, but it is clean and neat.

There was an issue with water supply to the institution which is outside of their control. The TFACC mitigated this issue well by installing two water tanks on each dormitory. Very large tanks are also installed to supply the kitchen with water. The Fire Brigade also assists with water if the institution runs out.

Recommendations:

- 1) Consideration to installing a window in the medical centre and lighter paint on the walls. A long term consideration should be given to extending the medical centre to facilitate the treatment of multiple inmates at any given time.
- 2) Medical Officers should maintain a journal in which the transfer of inmates on medical grounds should be recorded, as well as results of date and place inspections are undertaken and the results and recommendations stemming from those inspections.

v. South Camp Adult Remand Centre (SCARC)

The facility, located at South Camp Road, Kingston, was commissioned in May, 1974. In October 1974, the

Department of Correctional Services assumed responsibility for operation of the facility. In 2012 male adult inmates were transferred to other institutions and in September 2013, all female prisoners were transferred from other institutions to SCARC.

Summary of Findings

The Centre has 102 female prisoners, only **two (2)** of which are 60 years and over.

Environment

Inmates have individual rooms with bunk beds. The grounds of the institution are properly maintained and kept clean.

The inmates commented that while lighting is adequate, due to the presence of artificial lights, however, ventilation is very poor. The windows are very small and do not appear to allow sufficient air circulation. Complaints were received that two of the extractor fans on Block A were not working, and there was poor ventilation on another section. One inmate was relocated to a cell closer to the entrance where the ventilation is better.

Concerning personal hygiene, the inmates reported that on a monthly and bi-monthly basis, they are provided with the necessary items for hygienic care.

Records

The investigation revealed a number of aspects of non-compliance with the CI (ACC) Rules 1991, inadequate records for verification in others, and compliance with some rules.

The Superintendent's Journal was maintained, as required by Section 8.

Section 33 addresses the duties of the Medical Officer and in particular, their responsibility to keep a journal. No evidence was provided that would indicate that a journal is kept at SCARC.

With respect to Sections 38, 41, 44 and 45, due to the absence of records, a determination cannot be made whether the sections are complied with by the medical officer. These sections govern oversight regarding food quality, cell inspections, and infectious diseases. It was reported that Section 38 (inspection of food) is carried out by the Overseers who taste all three meals served to the prisoners daily.

vi. Richmond Farm Adult Correctional Centre (RFACC)

Richmond Farm is a low-security institution. The original site of a sugar plantation and a great house, it was commissioned into service in 1944. A farm institution at which agriculture is one of the major activities.

Summary of Findings

There are 108 inmates housed at the institution, of which only **one (1)** inmate was over 60 years. The inmate, from all indications, appeared to be in good physical condition. He expressed no concern with any area relating to his accommodation, diet, personal hygiene, and health care. However, he indicated that more consideration could be given to persons like himself who are vegetarian.

Environment

The elderly inmate lives in an area occupied by 45 other inmates each occupying bunk beds/cots. This is contrary to Rule 11 of the Mandela Rules which recommends that different categories of prisoners shall be kept in separate institutions or parts of institutions, taking account of their sex, age, criminal record, the legal reason for their detention, and the necessities of their treatment.

Information provided by both staff and inmate at the RFACC indicated that much effort is placed in keeping the surrounding areas clean. However, at the time of the visit, there was no water in the pipe owing to the ongoing drought in the area. As a result, bottles are used to store water for basic sanitation use. It was also observed that the toilet facility used by the inmates were pit toilets and consequently, even though the area was clean, there was a noticeable lingering unpleasant smell.

Health

A Sessional Doctor is assigned to the RFACC and visits once per week for a maximum of four hours. Where there is an emergency, the doctor is called to make a visit or inmates may be transported to the hospital for immediate medical attention. The facilities at the sickbay are also available to the inmates.

Records

Inspections of the various records indicated general compliance with the standard policies and procedures. However, it was revealed that the institution did not have any records documenting the duties of the Assistant Superintendent that would show compliance to section 54 and 57 of the CI (ACC) Rules 1991. Both rules require that the Assistant Superintendent frequently inspects every part of the correctional centre and inform the Superintendent of anything likely to affect the safety or health of the inmates.

Recommendations:

- 1) Separation of the older inmate(s) from the younger prison population, in accordance with Rule 11 of the Mandela Rules.
- 2) Implementation of the log/journal for the Assistant Superintendent to document their inspections and observation in keeping with section 54 and 57 of the CI (ACC) Rules 1991.

- 3) Modernization of the bathroom facilities at the institution. Present conditions are poor and require greater compliance of regulations and necessity of duty of care and humane treatment.

CONCLUSION

INDECOM's inspection and review follows directly from the death in custody of Mr. Noel Chambers in January 2020. The aim was to determine what further risks, or likelihood of such risks, could occur in other penal institutions and with similar outcomes. The elderly prison population is in fact small, (only 4%) and overall the general care and respect for the safety and well-being is being met, within the constraints identified.

The observations identified present a mixed level of compliance with the Rules and Regulations under which prisoners are detained in Jamaica. It is recognised that compliance can be difficult to achieve within a Correctional estate which encompasses facilities ranging from 76 to over 300 years old, and for which funding for many of the remedial works require greater State intervention.

It is to be noted that this review succeeds four previous INDECOM investigations, and quarterly reports in 2014, 2016, 2017 2018, all of which examined aspects of safeguarding and treatment of detainees, in both police custody and correctional institutions. The findings, observations and recommendations reported then, are, to some extent, repeated here, particularly as it relates to sanitation, over capacity, lighting, ventilation, aspects of record keeping and a pressing need for a renewed building infrastructure.

However, all the Institutions, were, in the main, making sincere efforts to address local concerns, but equally, there were areas of internal compliance and internal regulatory framework which were absent. Such failings, if not reported or known can and will result in longer term issues. Identified were decaying infrastructures, regular bug infestation, poor sanitary conveniences and, in some locations, very poor sleeping conditions. The longer term remedy suggests the construction of modern correctional centres along with repairs, additions, and upgrades to some of the existing prisons.

The records of the correctional centres, including Medical Journals and Superintendents' Journals and reports, are in the majority of instances, not kept, or produced consistently in accordance with the Nelson Mandela Rules and CI (ACC) Rules 1991.

Despite the reported resource constraints which have resulted in less than the minimum standard of care, the age cohort of inmates who were interviewed did not report any instance of abuse and were in reasonably good health. Where there were health issues, the inmates reported that they were treated for their issues regularly.

It is also to be noted that the Dept. of Corrections welcomed the review and provided a positive level of cooperation, across all staff and grades, and were prepared to acknowledge areas of development and improvement, in those areas which were within their domain.

RECOMMENDATIONS

The following recommendations provide a summary of the findings, but not all the observations cited are applicable to all of the correctional institutions. The review has sought to identify those essential elements which would enable the Correctional Service to adopt and/or enhance the good principles and practice in the treatment of prisoners and prison management. Such recommendations are in support of the Nelson Mandela guidelines.

Environment

1. The construction of modern correctional centres to meet the demands of the 21st century correctional services;
2. Inspections of the physical environment and facilities, to include the kitchen and food storage areas, at each correctional centre, should be undertaken every quarter and in accordance with the CI (ACC) Rules 1991 to ensure compliance with best practices. Long term issues remain unremedied, including sanitation, toilets, and lighting. Reporting and upward demands for remedy should be commonplace, but that is evidently not occurring;
3. Inmates should have access to internal toilet facilities, with a modern sewage/waste system; some of the facilities challenged the dignity of the human being and so were inappropriate for persons detained by the State;
4. Non-adherence to the one person per cell policy, as stipulated under the Nelson Mandela Rules. Overcrowding can lead to altercations and an unhygienic environment;
5. Mattresses require regular sanitization and frequent replacement to prevent insect infestations;
6. Maintenance of cells should be effected with greater urgency;
7. Ensure that within the population of all mentally ill inmates, that sentenced prisoners, and those unfit

to plead, and the sentenced prisoners are accommodated separately;

Health

8. Wider dietary options, especially for inmates with dietary constraints, such as diabetes, hypertension and other lifestyle diseases. More fruits, vegetables and fibre should be provided;
9. The hospital sections require refurbishment;
10. A doctor should be available on a daily roster at all institutions;
11. More nurses are required to assist inmates who are unable to care for themselves;

Records

12. Greater compliance with record management and the maintenance of journals. Officials must be cognisant as to their obligations where record keeping is concerned, to be compliant with the relevant laws and best practices as evinced in the Terms of Reference.

13. Duplicate records and/or electronic copies are to be securely stored. Such records should be stored within a computerized system or containers that are water and fireproof.
14. The CI (ACC) Rules 1991 require the Commissioner of Corrections to report monthly to the Governor-General upon a number of factors concerning a prisoner's conduct, mental and physical health and their attitude towards his/her offence. Such reports should also include the opinion of the medical officer regarding the effect of imprisonment already undergone, and the probable effect of continued imprisonment upon, each such prisoner.

Full compliance with this rule would enable greater compliance of the CI (ACC) Rules 1991, throughout all departments in the correctional service.

APPENDIX

Terms of Reference

The purpose of this investigation is to determine whether or not the conditions of detention for inmates over 60 years are compliant with constitutional principles, statutory provisions, and best practices. The investigation was guided by the following rules and the corresponding records, over a 12 month period, were reviewed for compliance.

A. THE CORRECTIONAL INSTITUTION (ADULT CORRECTIONAL CENTRE) RULES (1991)

AS TO RECORDS

8. The Superintendent shall keep a journal in his own handwriting in which he shall record:

- (a) the happening in the adult correctional centre of any occurrence of importance;
- (b) each occasion upon which he hands over to another officer the charge of the adult correctional centre, specifying the officer to whom he so handed over and the reason and authority for so doing; and
- (c) such other matters as are by these Rules required to be recorded.

33. The medical officer shall keep a journal in which he shall record:

- (a) the date of every attendance on duty at the adult correctional centre;
- (b) any directions he may give in relation to the diet, clothing, work or exercise of any sick inmate who is not in hospital;
- (c) any necessary data in relation to any inmate who has been admitted to, discharged from, or is then in hospital; and
- (d) such other matters as are by these Rules required to be recorded

TREATMENT OF INMATES

126. An inmate shall be bathed on reception and at such other times as may be fixed by the Superintendent, unless in any particular case the Superintendent or medical officer shall otherwise direct.

127. If an inmate is found to have any infectious or contagious disease, or to be in a verminous condition,

steps shall at once be taken to treat the condition and to prevent it from spreading to other inmates.

142. The diet of any individual inmate who persistently wastes his food may, with the approval in writing of the medical officer, be reduced.

148. In respect, of every adult correctional centre, there shall be set apart for the treatment of diseases or sick inmates one or more hospital or sick wards, properly ventilated, adequately staffed and so arranged as to segregate the sexes.

DUTIES OF MEDICAL OFFICER

25. The medical officer shall attend the adult correctional centre once each day, and in cases of sickness or accident, at such other times as the Superintendent may require.

31. The medical officer shall have the general care of the health of the inmates and shall make known to the Superintendent, for the information of the Commissioner, any circumstances connected with the adult correctional centre or the treatment of the inmates which appear to him to require consideration on medical grounds.

34. When an inmate is seriously ill the medical officer shall notify the Superintendent and advise when it becomes desirable to inform the inmate's relatives or friends and the chaplain that a fatal issue is apprehended.

35. When the medical officer is of the opinion that the life of an inmate will be endangered by further imprisonment or that the mental condition of an inmate will be affected or endangered by further imprisonment, he shall notify the Superintendent, who shall forward the information to the Commissioner.

38. The medical officer shall frequently inspect the food cooked and uncooked of inmates and report thereon to the Superintendent when necessary.

41 (1) The medical officer shall make a report of the presence of any infectious disease to-

- (a) the Medical Officer of Health; and
- (b) the Superintendent:

(2) The report shall state what precautions have been taken to prevent the spread of the disease and shall give an opinion as to the source of the disease with any recommendations that may be necessary.

44 (1) The medical officer shall, once in each quarter, inspect every part of the adult correctional centre for the purpose of ascertaining that nothing exists therein likely to be injurious to health and that ventilation and dietary managements are sufficient and satisfactorily maintained.

(2) The medical officer shall forward to the Commissioner a report of his inspection.

45. As soon as possible after the thirty-first day of March in each year, the medical officer shall forward to the Commissioner in writing the annual medical report for the preceding twelve months giving such statistics and other particulars as may from time to time be required.

184. (1) The Commissioner shall, at the commencement of every month, transmit to the Governor-General a report upon-

- (a) the conduct;
- (b) the mental and physical health; and
- (c) the attitude towards his offence, of each inmate serving a sentence who, during the preceding month, completed the first or any subsequent period of four years of his sentence.

(2) The report shall indicate the opinion of the medical officer as to –

- (a) the effect of imprisonment already undergone by; and
- (b) the probable effect of future imprisonment upon, each such prisoner.

DUTIES OF ASSISTANT SUPT.

54. The Assistant Superintendent shall frequently inspect every part of the adult correctional centre and see that the cells and dormitories are kept clean and in good order and that the means of security are effective.

57. The Assistant Superintendent shall inform the superintendent of anything likely to affect the safety or health of the inmates or the efficiency of the staff.

B. THE NELSON MANDELA RULES

Rule 14

In all places where prisoners are required to live or work:

(a) The windows shall be large enough to enable the prisoners to read or work by natural light and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;

(b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.

Rule 17

All parts of a prison regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

Rule 18

1. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.

2. In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be able to shave regularly.

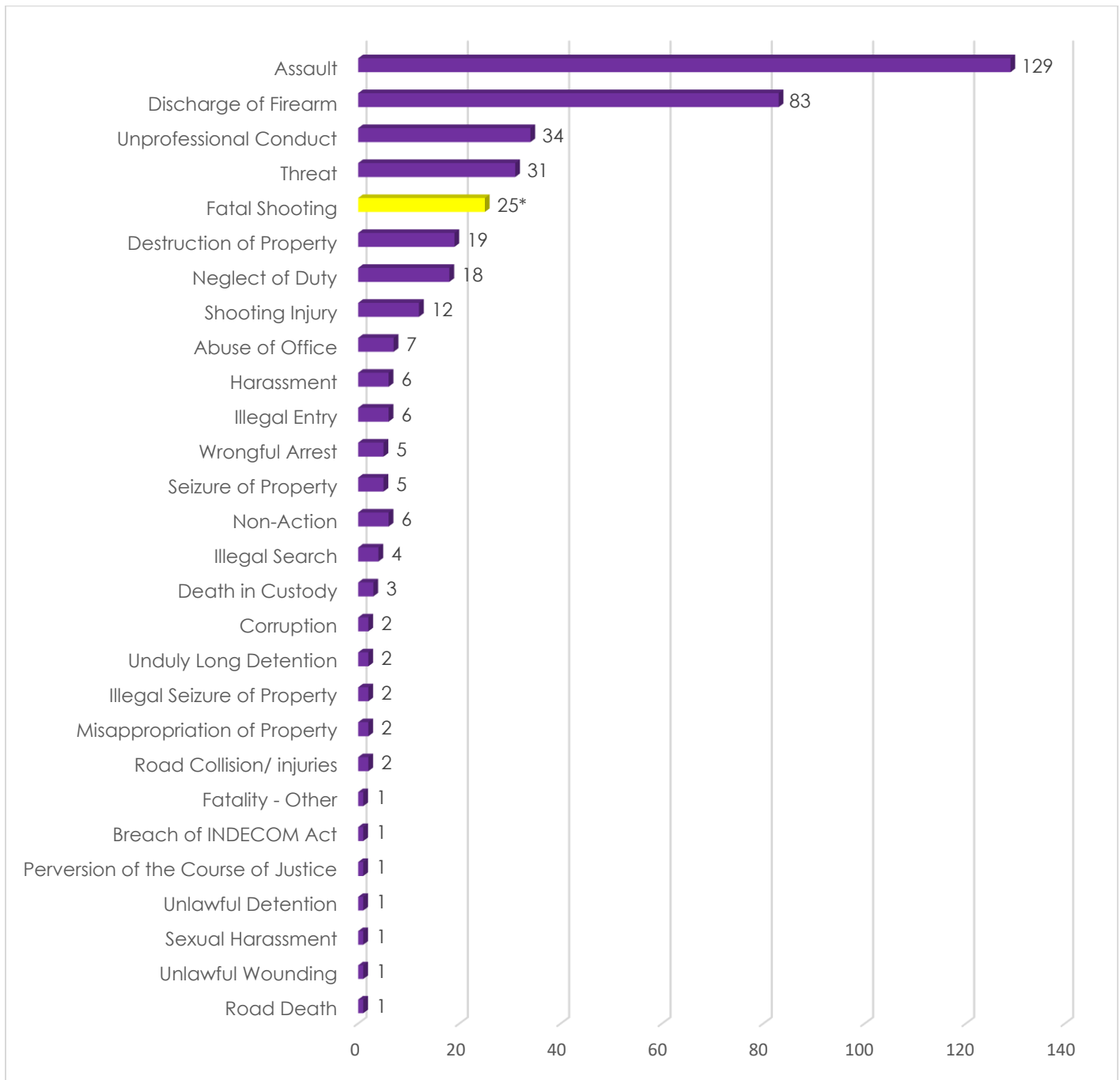
Rule 27

1. All prisons shall ensure prompt access to medical attention in urgent cases. Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals. Where a prison service has its own hospital facilities, they shall be adequately staffed and equipped to provide prisoners referred to them with appropriate treatment and care.

2. Clinical decisions may only be taken by the responsible health-care professionals and may not be overruled or ignored by non-medical prison staff.

PART ONE

NEW COMPLAINTS



***There were 26 deaths from 25 fatal shooting incidents**
***Assault includes assault occasioning bodily harm and assault at common law**

Figure 2 shows the 410 categories of all new incidents for which complaints were received by the Commission during the period April - June 2020.

FORENSIC SCENE RESPONSE

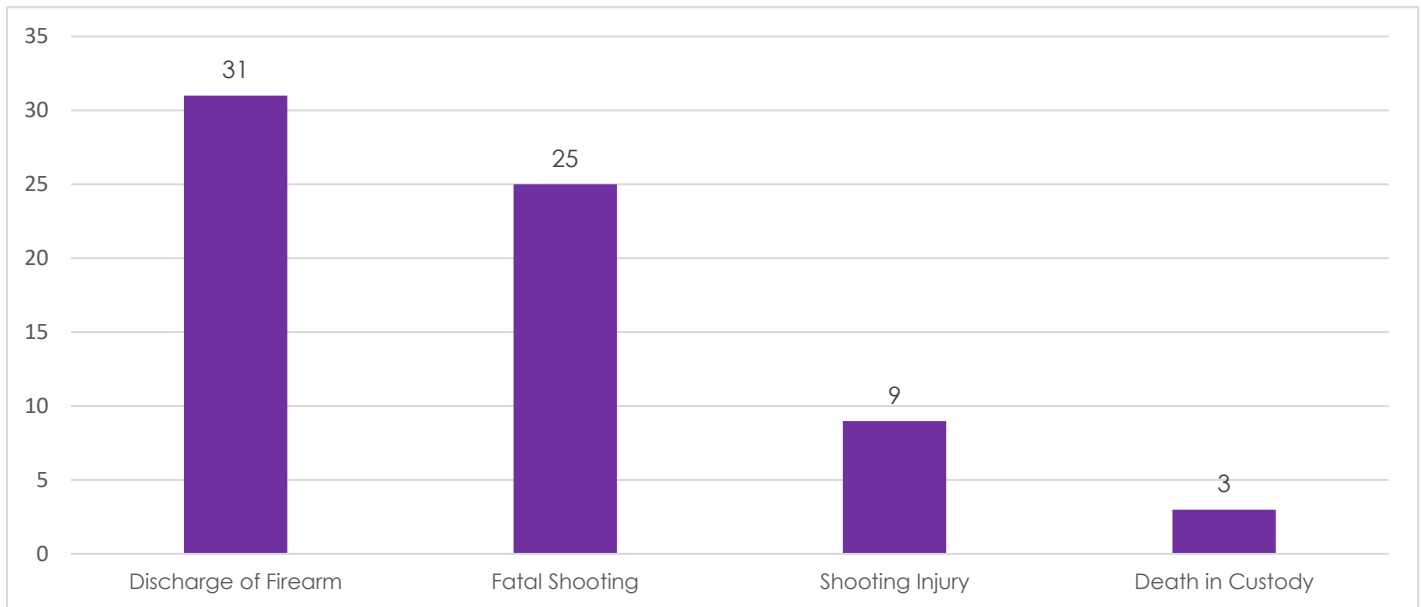


Figure 3 shows the 68 incidents that the Commission’s Forensic Unit responded to during the period April to June 2020

COMPLAINTS BY PARISH

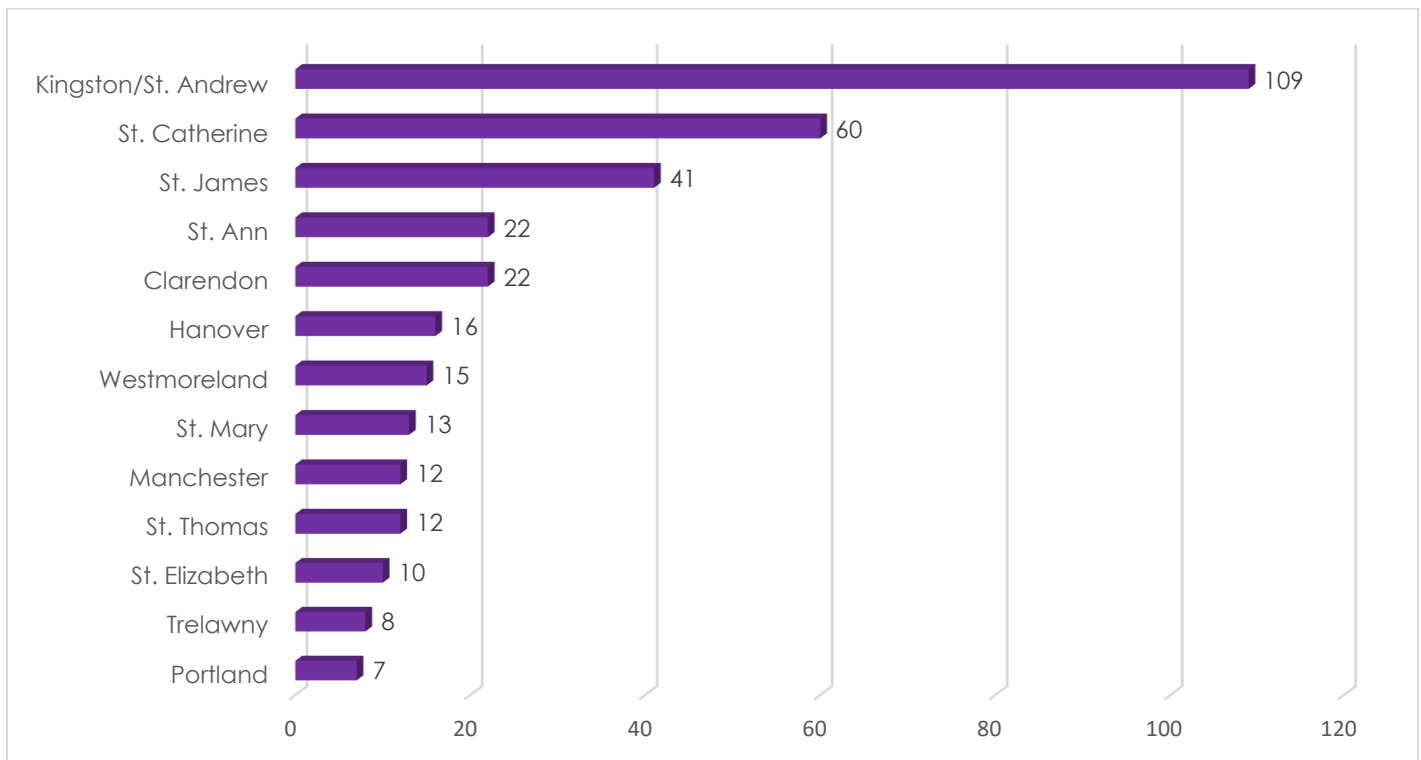


Figure 4 shows the breakdown per parish for the 347 new complaints received by the Commission during the period April to June 2020

COMPLAINTS PER ORGANISATION

STATE AGENCY	TOTAL COMPLAINTS	PERCENTAGE
Jamaica Constabulary Force (JCF)	299	86%
Department of Correctional Services (DCS)	20	6%
Jamaica Defence Force (JDF)	16	5%
Joint Military/ Police (JCF & JDF)	12	3%

Table 2 shows the breakdown, per State agency, of the 347 new complaints received by the Commission during the period April to June 2020

FATALITIES PER ORGANISATION

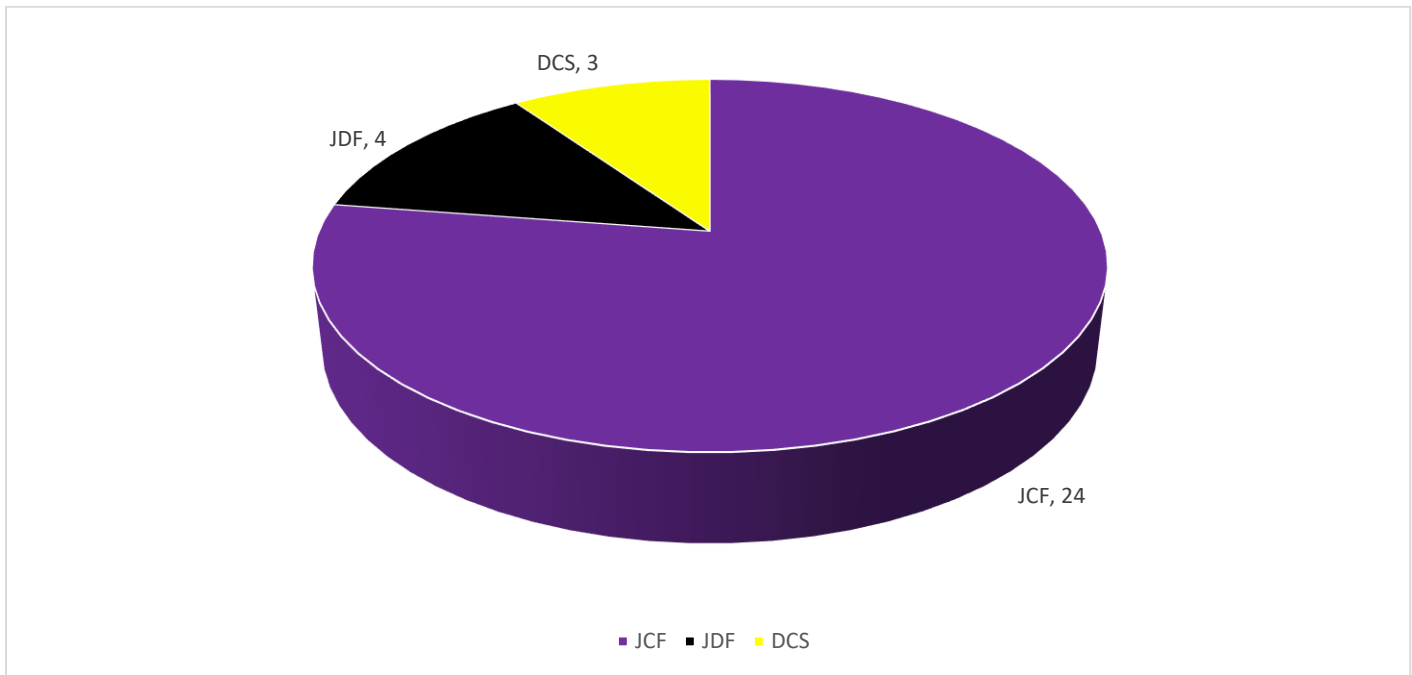


Figure 5 illustrates the State agency to which the 31 fatalities recorded for the period of April to June 2020 are related. The corresponding list with the specific incidents is below.

SECURITY FORCE-RELATED FATALITIES LIST

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

RTA: Road Traffic Accident

Date	Name of Deceased	Location of Incident	Related State Agent
APRIL (10) (Fatal Shooting – 7; DIC – 1; RTA – 1; Other 1)			
3-Apr	Ackem WHYTE	Content District, York Town, Clarendon	JCF
4-Apr	Carmichael DAWKINS (Police contact related death)	Foster Ave, Montego Bay, St James	JCF
4-Apr	Anthony KNOTT (Fatal RTA)	Waterworks Main Road, Whithorn, Westmoreland	JCF-OD
8-Apr	Alvan CHATRIE (DIC)	SCACC to Spanish Town PSTN	DCS
20-Apr	Leon BURRELL (Escapee)	Highway 2000, Toll Rd, Portmore, St. Catherine	JCF
20-Apr	Linval RANGER	Clover Way, Mandeville, Manchester	JCF
21-Apr	Leonardo SPAULDING	Sandy Gully, Riverton Community, St Andrew	JCF
22-Apr	Kareem CAMPBELL	McIntosh Drive, Kingston	JCF
26-Apr	Tayvar FOTHERGILL	Old Harbour Street, St Catherine	JCF
29-Apr	Jerome D. MOODIE	Beeston Springs, Bluefields, Westmoreland	JCF
MAY (10) (Fatal Shooting – 10)			
4-May	Neil A. CLARKE	Quarry Path, York Ave, Kingston 11	JCF
6-May	Anthony PHIPPS	Waterlevel Main Road, Guy's Hill, St Catherine	JCF
10-May	Javon DUHANEY	Bray Street, Kingston 16	JDF
11-May	Trevor OTTEY Adrian ALLEN	John Crow Hotel, Salt Spring, St James	JDF
22-May	Jermaine ROSEWAY	Eltham Vista, Spanish Town, St Catherine	JCF
23-May	Romaine LLOYD (Attempted to escape)	Spanish Town Hospital, St Catherine	DCS
27-May	Susan BOGLE (Female)	Bryce Hill Road, August Town, St. Andrew	JDF
29-May	Kemar CROOKS	Whitehall, Negril, Westmoreland	JCF
30-May	Milton SEATON	Teague Road, Lacovia, St Elizabeth	JCF
JUNE (11) (Fatal Shooting – 9; DIC – 2)			
5-Jun	Jermaine FERGUSON	York Ave, Kingston	JCF
5-Jun	Layton EDWARDS	Hayes Main Rd, Clarendon	JCF

8-Jun	Glenroy GORDON	Crab Hall, Annotto Bay, St Mary	JCF
12-Jun	Damion HAMILTON	Wailers Ave, Cooreville Gardens, Kingston	JCF
15-Jun	Savyan HINDS	Stewart Town, St Mary	JCF
17-Jun	Hiron HYDE	Bounty Hall, Trelawny	JCF
24-Jun	Paul CAMPBELL	People's Arcade Market, Montego Bay, St James	JCF
25-Jun	Errol LAWFUL DIC	SCACC to Spanish Town PSTN	DCS
27-Jun	Patrick CUNNINGHAM	Retrieve, Cambridge, St James	JCF
29-Jun	Latoya MONTE (Female)	East Bloomsbury Road, Kingston 10	JCF
29-Jun	Raheim JOHNSON DIC	Central Police Lock Up, Kingston	JCF

Table 3 presents the names of civilians who died from security force-related incidents during the period April to June 2020

PART THREE

The Legal Department

COMPLETED COMMISSION'S REPORTS

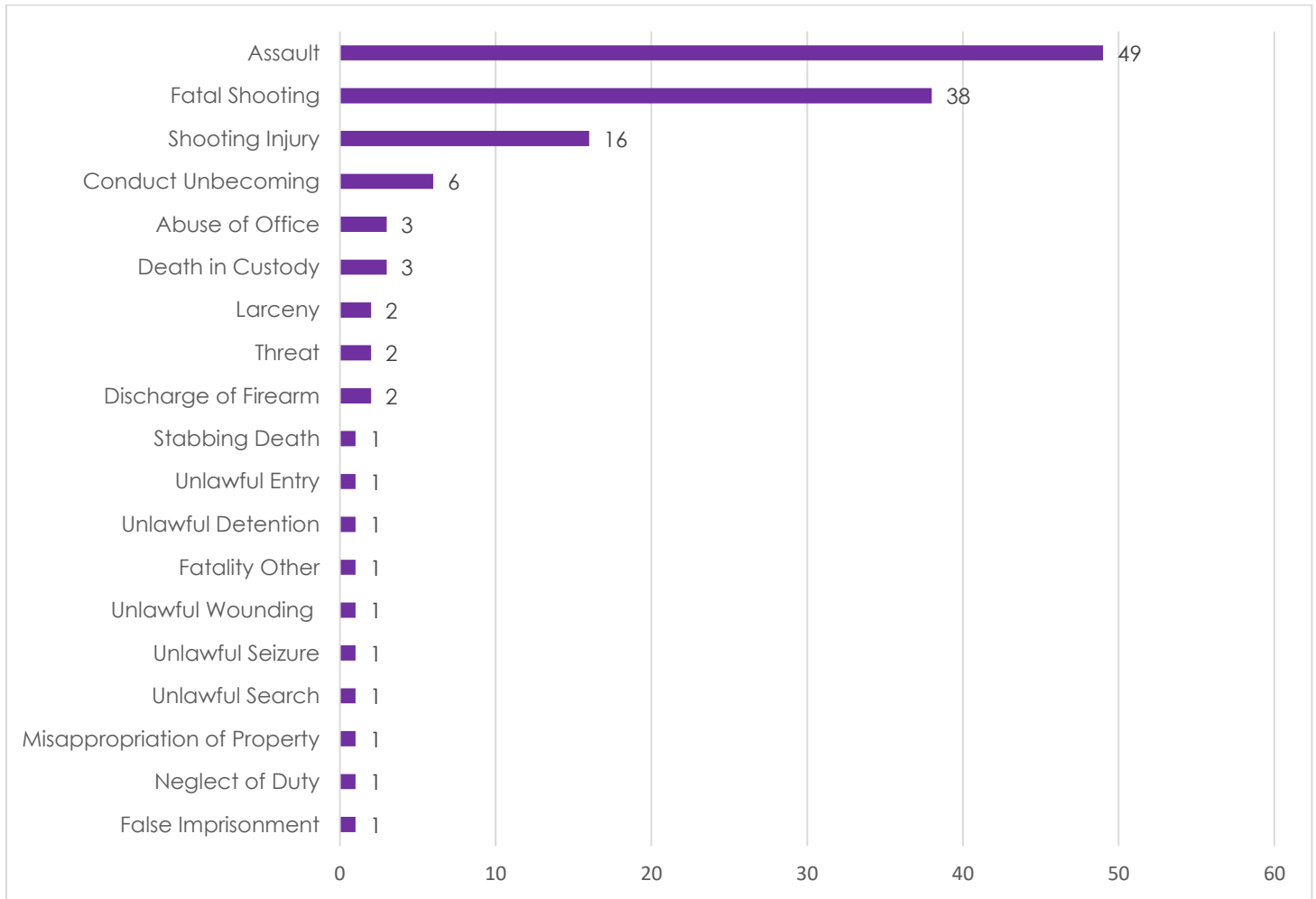


Figure 6 shows the category of complaints for Commission's Reports completed during the period of April to June 2020

OVERVIEW: COMMISSION'S REPORTS RECOMMENDATIONS

Charge		Charge & Disciplinary Action		Disciplinary Action		Unsubstantiated
8 cases	8 officers	2 cases	2 officers	17 cases	32 officers	178 cases

Table 4 shows the recommendations made for the 205 Commission's Reports completed during the period April to June 2020

COMMISSION'S REPORTS RECOMMENDATIONS – FATAL SHOOTING INCIDENTS

No.	Date of Incident	Victim	Case Summary	INDECOM Recommendations
1.	November 14, 2011	Shevon Atkinson & Dane Smith	At approximately 5:40 p.m. Corporal and Constable of St. Catherine South Operational Support Team (OST) were on foot patrol in the Beacon Hill o/c Shelter Rock community when they saw a group of about four men walking towards them, all had guns in their hands. The men fired at the police who took cover and returned the fire. When the shooting stopped the two men were found lying in a lane with one clutching a firearm.	No Charge
2.	November 17, 2011	Lester Ellis	At about 7:00 p.m., Lester Ellis was shot and killed by Officers in the Broadleaf District of Porus, Manchester. It is reported that the police received certain information and as a result, they went to pit #1 on the Jamalco plant where they saw two men, including the night watchman who works at the plant, stealing diesel oil from heavy duty equipment that was parked there. The police accosted the men and were met with heavy gunfire from about 6 or 7 men who were lying in wait in the bushes. The police returned fire in the direction of these men who ran away and managed to escape. The area was subsequently searched but no one was found. The following morning, the search resumed and Mr. Ellis' body was found near the mines, suffering from apparent gunshot wounds.	No Charge
3.	February 29, 2012	Dwight Robinson	At 9:30 p.m. the police received information that men had guns in Newlands District in Yallahs, St. Thomas. They entered the premises three men were seen. When they advanced to search Dwight Robinson, he pointed a firearm at them. The police discharged their weapons resulting in the death of Robinson and the injury of RH. Based on the officers' accounts, their claims of self defence have been strongly refuted by two (2) eye witnesses. The evidence presented by the witnesses have refuted the accounts of the police officers however with the lapse of time the critical witness is not desirous of assisting the investigations. The matter be forwarded to the Special Coroner for him to decide whether an inquest will be held.	No Charge. Forwarded to Special Coroner.
4.	May 14, 2012	Kerron Crew	At about 6:30 a.m., Kerron Crew o/c 'Hot Head' was shot and killed during a joint police-military operation in the Rat Trap District of Bethel Town, Westmoreland in search of wanted men and illegal guns. It is reported that Cons. entered the target house and the said Kerron Crew pointed a gun in his direction. In fear for his life, Cons. fired 2 shots from his service M16 rifle in Crew's direction, hitting him. The illegal gun was recovered.	No Charge
5.	September 20, 2012	Renaldo Montaque	At about 5:30 a.m. a police party acting on intelligence in relation to the murder of Dr. Barrington Dixon went to a house in search of gunmen. On the approach of the police to a	No Charge

			house at Tower Hill St. James, Renaldo Montaque exited a rear door and opened gunfire at the police. Sgt. of the Mobile reserve discharged four rounds from his glock pistol in the direction of Montaque who fell to the ground clutching a colt 45mm pistol with serial number with a magazine loaded with five (5) live .45 mm cartridges. Montaque was seen suffering from gunshot wounds to the head and chest.	
6.	December 18, 2012	Wayne Brown	A party of fifteen police officers of the Manchester Division went to the Montpelier area of St. Elizabeth. They went to a house which is occupied by one GS where they saw a Nissan Tida motor vehicle. On the approach of the police it is alleged that a man alighted from the car and opened fire at the police. This man was joined by another man and both men ran in different directions. Later that same day, they received information about two men who were seen in the Gutters area of St. Elizabeth. A party of police went to that area and came under gun fire. Fire was returned and a man was shot and injured. The other man made good his escape.	No Charge
7.	March 21, 2013	Michael Robinson	At approximately 4:30 a.m., Detective Sergeant led a party on operation in the Jackson Town community. The respondent indicates that upon entering the house of the deceased, he shouted, "Police" several times. A woman ran past him and he then saw the now deceased, Michael Robinson point a firearm in his direction. As a result, the respondent fired. The firearm in the deceased's possession was recovered by the respondent. The civilian witnesses state that the police appeared on the scene, some of whom were wearing masks. The common law wife alleges that the police assaulted her and the now deceased, and also forbade her from re-entering the house. She also heard the now deceased cry out, "Jesus Christ wah me do now". The circumstances surrounding Michael Robinson's death are quite controversial. The credibility of the eyewitnesses' account is ultimately the sole purview of the jury. Although a firearm was allegedly recovered from the scene, the account suggests that from the police entered the home, Michael Robinson was under their control as he had his hands in the air. She indicates that Michael Robinson did not have a firearm that morning. The utterances which she heard from Michael Robinson do not support that Michael Robinson was acting in a menacing manner towards the police. The matter was submitted to the Office of the Director Public Prosecutions for a ruling in this matter.	File submitted to ODPP for ruling. ODPP ruled no charge on May 5, 2020.
8.	June 23, 2013	Juvan Leslie	The police was on special operation in the Fountabelle District, Trelawny in response to a robbery and kidnapping which was committed about 11:30 a.m. on the same date. When a group of police encountered two men armed with guns who opened fire and the men escaped in	No Charge

			bushes on foot. Re-enforcement was sought and the police cordoned off the area and carried out a search for these men. About 4:35 p.m. another team of police officers encountered two armed men also in the Fountabelle District, Trelawny who opened gunfire at them. The police returned fire and the men ran. A search was made in the area and a man who was later identified as Juvan Leslie was found suffering from gunshot wounds.	
9.	July 10, 2013	Paul Henry	Officers from the Chapleton Police Station responded to a report made by a resident of malicious destruction of property being committed by the now deceased. The concerned officers accompanied the resident to the location where he pointed out the now deceased to the police. The police attempted to apprehend him when he attacked them with a machete. During the attack he was shot by one of the officers.	No Charge
10	September 7, 2013	Reshawn Rose	At 11:30 pm, Police were on patrol duties in the Long Bay area when they received information that gunshots were being fired in the Greenwood area. They proceeded to Greenwood and went on Elinor Road and upon reaching the vicinity of an abandoned house; they were fired on by three men. It is further alleged that the Police took evasive action and returned fire. Reports are that the men ran in different directions. When the shooting subsided, the area was searched and Reshawn Rose was seen lying along the road way clutching a Smith & Wesson pistol with serial number, suffering from what appeared to be gunshot wounds.	No Charge
11	October 17, 2013	Nerval Holness	Sometime after 8:30 p.m., Stephen Scott was fatally shot along Spring Mount Main Road in St. James. The police report that whilst securing a murder scene along the main road, they heard rustling inside the bushes and when they went to investigate, D/C was attacked by a man who jumped from the bushes and chopped at him with a machete. The man continued attacking D/C with the machete and, in fear for his life, he discharged 4 rounds in the man's direction, injuring him.	No Charge
12	June 24, 2014	Oneil Burke	At about 10:55 a.m. Inspector from the Gold Street Police Station along with members from the Kingston Central OST team went in search of one Oneil Omar Burke o/c Neilly who reportedly had earlier shot and injured JW who was being treated at the Kingston Public Hospital. The police party reportedly went unto a premises and while searching a room located at the back of the premises the now deceased allegedly fired at the police who took evasive action and shot him in the upper body. A .38 Smith and Weston firearm was reportedly taken from the deceased.	No Charge
13	February 24, 2016	Marvin Wilson	At about 9:15 a.m. a team of four officers departed the Negril Police Station in an unmarked Service Vehicle. They headed for Lilly Crescent, Whitehall Negril based on information received	No Charge

			<p>that escapee, Marvin Wilson, was seen in the area. Upon reaching a section of the main road, the officers exited the said service vehicle and proceeded on foot. The officers eventually saw the escapee, Marvin Wilson o/c "Gravedigger", walking along a roadway in Whitehall. The officers identified themselves to him and told him to stop. Mr. Wilson however ran off firing at the police officers. Two of the officers returned fire in his direction and Wilson fell. Cons. was proceeding to recover the firearm which fell from Wilson when he (Wilson) reportedly picked up the firearm and pointed it at Cons. Another Cons. in response fired one more shot in Marvin's direction. Civilian eyewitnesses corroborate the account given by the police officers. The firearm was later retrieved. While Wilson was at the hospital, twelve (12) live rounds, wrapped in a black handkerchief, were taken from his left back pants pocket. He later died at the Cornwall Regional Hospital on June 22, 2018 at 8:50 a.m. while still undergoing treatment for over two years.</p>	
14	April 25, 2018	Ricky Robinson	<p>At about 6 a.m. police officers from the Constant Spring Police Station and Mobile Reserve went into the Cassia Piece area in search of wanted men, illegal guns and ammunition. A team of police personnel proceeded on foot into the community. Whilst walking along a track, they observed two men running in their direction, one of whom was armed with a handgun. On seeing the police, the man with the gun opened fire at Inspector. Inspector returned fire from his Glock service pistol and discharged two rounds. The unarmed man ran in the direction he was coming from, while the man who was armed went into an open space between a wall and a zinc fence into a yard. He then allegedly exited through a gate and encountered another police team which included Detective Constable. The man allegedly fired at Detective Constable who returned gunfire from his service 9mm double action browning pistol. A 9mm black and Chrome Ruger pistol was allegedly recovered.</p>	No Charge
15	September 10, 2018	Casey Lake Jnr.	<p>A team comprising two officers from Stadium Police Station and two officers from Half Way Tree OST were on patrol in Swallowfield community. Two officers remained in service vehicle whilst dropping off two Constables to conduct foot patrol in 86 Lane. The officers in service vehicle saw two men run from bus stop into 86 Lane and then heard gunfire. They alighted from their vehicle and found an injured man and a recovered homemade firearm with Constables. A crowd soon gathered and were allegedly behaving boisterously, and prevented the officers from removing the injured man for treatment. Assistance was called to assist in taking the injured male to KPH. He was pronounced dead by Dr. Phillips 8:45 p.m. at KPH. One officer fired his</p>	No Charge

			weapon. The deceased is 17 years old of Providence Pen Lane, 86 Old Hope Road, Kingston 5.	
16	September 7, 2019	Odel Lambert	It was reported that on September 7th, 2019 Corporal ('the Concerned Officer') shot and killed Odel Lambert along Connolley Avenue, Kingston.	File submitted to ODPP for ruling. ODPP ruled charge on May 6, 2020.

Table 5 is recommendations by INDECOM's Legal Department for Commission's Reports completed for fatal shooting incidents during the period April to June 2020

RULINGS RECEIVED FROM THE ODPP ARISING FROM INDECOM INVESTIGATIONS

No.	Incident Date	Category of Incident	Date Referred to ODPP	Date ODPP Ruling Received
Rulings for Charge				
1.	May 18, 2016	Assault	February 18, 2019	April 16, 2020
2.	June 5, 2019	Assault	October 25, 2019	May 5, 2020
3.	September 7, 2019	Fatal Shooting	April 29, 2020	May 6, 2020
4.	October 31, 2012	Fatal Shooting	June 27, 2019	May 7, 2020
5.	September 11, 2012	Assault	August 14, 2019	May 7, 2020
6.	January 15, 2017	Assault	July 9, 2019	May 8, 2020
7.	August 20, 2013	Assault	November 13, 2019	May 15, 2020
8.	July 8, 2017	Shooting Injury	November 6, 2019	May 29, 2020
9.	May 28, 2018	Shooting Injury	September 9, 2019	June 29, 2020
Rulings for No Charge				
1.	June 10, 2018	Assault Occasioning Actual Bodily Harm	April 8, 2019	May 4, 2020
2.	March 21, 2013	Fatal Shooting	September 28, 2018	May 5, 2020
3.	November 29, 2016	Assault Destruction of Property Discharge of Firearm	September 27, 2018	May 11, 2020
4.	March 2, 2013	Assault	September 10, 2019	June 9, 2020

Table 6 shows all case rulings received from the Office of the Director of Public Prosecutions (ODPP) during the period April to June 2020

CHARGES LAID FROM INDECOM INVESTIGATIONS (APRIL - JUNE 2020)

Name and Rank	Incident Date	Charge	Date of Arrest	State Agency
Sgt. Andre Harris	September 3, 2015	Wounding with Intent	27-May-2020	JCF
Correctional Officer Dujon Morgan	May 18, 2016	Unlawful Wounding	27-May-2020	DCS
Con. Gayenor Harrison	June 5, 2019	Assault Occasioning Actual Bodily Harm	28-May-2020	JCF
Correctional Officer Cleveland Dyer	January 15, 2017	Assault Occasioning Actual Bodily Harm	09-Jun-2020	DCS
Cpl. Damion Auld	September 7, 2019	Murder	09-Jun-2020	JCF
Det./Con. Oneil Daley	July 8, 2017	Unlawful Wounding	17-Jun-2020	JCF

Table 7 shows all members of the Security Forces who were charged for various allegations during the period of April to June 2020

PART FOUR

PUBLIC INFORMATION

• Meeting: Security Forces & INDECOM

In the 2nd quarter of 2020, INDECOM's Senior Management had one (1) meeting with members of the JCF High Command and Jamaica Police Federation. The following matters were discussed:

- Informal ID Parade
- Serving of Notices
- Submission of Statements

• Outreach: Awareness Exercises

There were no awareness sessions for the second quarter of 2020.

• Quarterly Overview

Categories	Q1 2020	Q2 2020	Total
New Complaints	213	347	560
Fatal Shootings	24	25	49
Complaints Per Organisation	JCF: 179 JDF: 10 DCS: 20 JCF & JDF: 4	JCF: 299 JDF: 16 DCS: 20 JCF & JDF: 12	JCF: 478 JDF: 26 DCS: 40 JCF & JDF: 16
Commission's Reports Completed	126	205	331
Charges Laid From INDECOM Investigations	3	6	9

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Kingston 10

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Cobblestone Professional Centre - Unit 10
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Western Regional Office

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Montego Bay, St. James

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