

## **1.0 Purpose of the Ministry Paper**

The purpose of the Ministry Paper is to inform Parliament and the public of the Third Quarterly Report of the Independent Commission of Investigations (INDECOM) for the period 1<sup>st</sup> July to 30<sup>th</sup> September, 2017.

## **2.0 The INDECOM**

INDECOM was established to offer independent investigations regarding allegations of abuse of the rights of citizens by members of the Security Forces – the Jamaica Constabulary Force (JCF), Jamaica Defence Force (JDF), and Department of Correctional Services (DCS). The Independent Commission of Investigations Act 2010 repealed the Police Public Complaints Authority Act, and made provisions for the establishment of the INDECOM effective August 16, 2010. INDECOM commenced operations effective January 1, 2011.

The Commission currently operates from three locations across the island. Their Head Office is located in Kingston, the Central Regional Office is in Mandeville, Manchester and the Western Regional Office is located in Montego Bay, St. James.

## **3.0 INDECOM's Report**

### **3.1. Unlawful Detention**

In its third Quarterly Report, INDECOM examines the issue of breaches of citizen's rights in relation to unlawful detention. To explore the issue, the Commission planned visits to five police stations; however, according to the report, the Commission was only able to examine three of the five police stations, as the Superintendents in charge of two of the police stations, refused to allow INDECOM to inspect their facilities and

records, despite the warrants obtained. The visits were intended to look specifically at the issues of unlawful and unduly long detentions.

The Commission also examined relevant sections of the Constitution, the Constabulary Force Act, and the Bail Act, respectively, regarding the provisions made for the detention of persons at police lock-ups. This was intended to assist the Commission in determining if persons were being held in police lock-ups according to the provisions in law.

The general finding was that a large number of persons were being held contrary to the provisions. The Commission proposed some recommendations in the third Quarterly Report to address the issue.

### **3.2. New Complaints**

During the period under review, INDECOM received a total of one hundred and ninety-seven (197) new complaints. The top five categories of complaints included: discharge of firearm (54); assault (52); fatal shooting incidents (38); shooting injury incidents (26); and six cases of unprofessional conduct.

The Commission also recorded forty-eight (48) fatalities related to the security force, of which forty-five (45) were related to the Jamaica Constabulary Force (JCF) and three to the Department of Correctional Services (DCS).

### **3.3. Resolved Complaints**

INDECOM's Legal Department completed a total of two hundred and seven (207) Commission's Reports. The nature of the files completed were assaults (81), the discharge of firearms (29), fatal shootings (39), false imprisonment (14), and conduct unbecoming (13), among other things.

In one hundred and ninety-three (193) of its reports, INDECOM concluded that the allegations made were unsubstantiated, resulting in no charges being laid or disciplinary actions taken. Criminal charges were however, recommended in two reports and disciplinary actions were recommended in twelve (12) reports. The Commission further recommended in twenty-three (23) of the reports related to fatal shooting, that the matter be forwarded to the Special Coroner for consideration regarding inquests to determine the cause of death.

### **3.4. Arrests Made/Charges Laid**

During the period under review, four members of the JCF were arrested and charged. Two were charged with Assault, one was charged with Discharge of Firearm, and one with Unlawful Wounding.

A handwritten signature in cursive script that reads "Delroy Chuck".

Delroy Chuck, QC, MP  
Minister of Justice  
April 3, 2018

