

January - March 2018

## ALLEGATIONS of 'PLANTED FIREARMS'



### Introduction

This Quarterly report examines an issue which has been the subject of repeated allegations, namely that of the 'planted firearm'. Such allegations against the Jamaica Constabulary Force (JCF) are not new and it is an observation which has persisted for many years, dating back decades. The Ministry of National Security 2008

report, *A New Era of Policing in Jamaica - Transforming the JCF*, in reporting on issues of endemic corruption identified, amongst a range of unlawful practices, the planting of evidence, or removing it from crime scenes, and tampering with exhibits.

Continues on page 5

**“Intelligence is the ability to adapt to change”**

Stephen Hawking

## Table of Contents

In This Edition of The IQ ----- 4

**FEATURE ARTICLE** ----- 1&5-6

## PART ONE

### Complaints

- New Complaints by Category ----- 7
- Incident Response ----- 8
- Shooting Incidents - Nature of Incidents/By Parish/Incident Distribution ----- 9-10
- Security Force-related Fatalities – List ----- 11-12

## PART TWO

### The Legal Department

- Nature of Commission's Reports Completed ----- 13
- Commission's Reports Completed ----- 14
- Recommendations ----- 14
- Recommendations – Fatal Shooting incidents ----- 15-30
- Arrests and Charges ----- 30

## PART THREE

### Lessons Learnt

- Assaults----- 31

## PART FOUR

### Public Information

- Meeting: Security Forces and INDECOM ----- 32
- Outreach – JCF ----- 32
- Press Releases ----- 32

## COMPACT DISC

1st Quarterly Report: January to March 2018  
 New Complaints: January to March 2018  
 Commission's Reports Completed: January – March 2018

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

## IN THIS EDITION OF THE IQ

### ALLEGATIONS OF 'PLANTED FIREARMS' – BRIEF STUDY

This Quarterly report examines an issue which has been the subject of repeated allegations, namely that of the 'planted firearm'. Such allegations against the Jamaica Constabulary Force (JCF) are not new and it is an observation which has persisted for many years. The planting of physical evidence has always been an avenue for rogue law enforcement officers (across all countries) to bolster non-existent or weak cases. Local and international cases are highlighted and recommendations given to effect proper management and security of recovered weapons.

### PART ONE: NEW COMPLAINTS

The Commission received 259 new categories of complaints from 221 incidents for the period. The top five categories of complaints include: assault (89), discharge of firearm (56), fatal shooting (30)\*, shooting injury (29)\* [see page 7] and death in custody (9).

The Commission's Investigative Teams and Forensic Unit responded to 121 incident scenes for the period, with January being the most active month. The nature of the incident scenes attended were predominantly discharge of firearms, fatal shootings and shooting injuries.

In relation to parishes with fatalities: Manchester, Trelawny, and Portland had no fatalities for the period. The parishes of St. Elizabeth, St. Thomas and Hanover recorded one (1) each; while Clarendon and St. Mary recorded two (2) each. There were three (3) fatalities each in St. Ann, Westmoreland and St. James. Kingston & St. Andrew recorded 8 and St. Catherine recorded the highest at 10.

All parishes had complaints, both fatal and non-fatal, with Kingston and St. Andrew recording 88 complaints and Portland recording the least with three (3).

### PART TWO: THE LEGAL DEPARTMENT

In the Legal Department, 147 Commission's Reports were distributed and completed. The nature of these files included: assaults (49), fatal shootings (47), deaths in custody (16), threat (8) and shooting injury (7). 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. Two (2) members of the Jamaica Constabulary Force (JCF) were arrested and charged during the period.

### PART THREE: LESSONS LEARNT

Assault continues to be the highest incident complaint reported to INDECOM. The nature of policing in Jamaica is a difficult and dangerous one and officers seeking to enforce the law can frequently be met with aggression and confrontation. INDECOM recognizes that routine engagement with citizens and instructions to comply with lawful orders can often be met with refusal, hostility and dissent. In equal measure, many hundreds of assault allegations could be reduced by greater temperance, civility and tolerance by the Constabulary.

### PART FOUR: PUBLIC INFORMATION

The Commission's Senior Management Team in the Operations Unit had two (2) meeting with members of the JCF High Command to include the Inspectorate of Constabulary for the period. The matters discussed included quarterly reports, watch list, specific cases, recycled firearms and policy on use of pepper spray.

The Commission participated in awareness exercises equaling 1060 man hours for the period.

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

Continues from front page ...

### **Background**

The planting of physical evidence has always been an avenue for rogue law enforcement officers (across all countries) to bolster non-existent or weak cases. As recently as January 2018, in Baltimore, USA, an ongoing trial involving eight police officers, has exposed evidence of a culture of planting fake guns on unarmed suspects, and exposed a scandal of gross corruption.

Since INDECOM commenced its independent investigative function in 2011 it has now enquired into over 1000 fatal shooting incidents, and many hundreds of non-fatal shooting injury incidents. The volume of such investigations, an ever increasing data set of information, and the frequent testimony and complaints cited by citizens across Jamaica, give cause for continuing concern that the allegation of the planted firearm is not a practice of the past but remains entrenched amongst some officers.

The repeated allegations of planting firearms is beyond anecdote. Reference can be made to a host of internal JCF reports and international papers, but equally the numerous injured civilians who claim never to have had a weapon when shot, and witnesses who were present when a person was shot and killed without a weapon. Broader issues relating to the unarmed civilian being shot and killed/injured have been raised in INDECOM's Quarterly reports, 1, 3 and 4 of 2017.

### **Recent cases**

INDECOM investigations have identified that the planted firearm scenario still persists and remains a troubling feature for which the JCF must take responsibility to eradicate. The securing of public trust and building community engagement cannot begin until such a culture and practice is ended.

Such findings are drawn from a range of fatal shooting cases:

- a firearm seized by police subsequently left at a fatal shooting scene a few weeks later, and at which an officer involved at the seizure was present at the shooting
- incidents where guns recovered by the police from the scene of a fatal shooting, were discovered to have previously been submitted to the Forensic laboratory by the police.

At a Coroner's Inquest in 2012, a Government Ballistic Expert testified that the issue of previously submitted

firearms being "recovered" again was a well-known problem at the Forensic Laboratory. This feature, whereby the recovered firearm is discovered as having already been in police possession and submitted to the Forensic laboratory has been witnessed again as recently as 2018 and where witnesses allege 'planting'.

Another recent fatal shooting investigation revealed that the firearm, purported to have been found with the dead man, was undermined by the fact that the same weapon was already recorded in police records as having been recovered elsewhere a month before.

The ballistic examination of a police MP5 weapon, held within the police armoury, revealed that spent casings recovered from the scene of two alleged civilian murders matched the police weapon. The records for the deployment of the weapon are unable to be traced, despite extensive searches. In another enquiry, an examination of police records revealed that the specific pages of the firearm record book which were sought had been removed with a sharp instrument.

During a search of police premises two weapons (revolvers) were recovered which were recorded as being 'unaccounted' for. This same search resulted in the recovery of a 3<sup>rd</sup> gun, which was unattributable and unrecorded within the station. Record keeping only commenced after INDECOM made enquiries.

An INDECOM investigation in 2011 discovered an imitation firearm in a police vehicle, following a forensic search. There was a similar lack of records to show when and where the item was recovered, why it was in the vehicle, or to whom it belonged.



*Imitation firearm recovered from a police vehicle on 8th October, 2011.*

Aligned to the issue of unaccounted and undocumented weapons is the related concern of weak accounting of stored casings and ammunition. Placing spent casings on a scene or bullets in the pockets of a deceased can give the false impression that the casings belonged to the deceased or that the gun from which the casings came from were fired at that scene. An INDECOM enquiry resulted in over 200 items of ammunition being discovered in one set of offices – over 130 were live rounds, and some 70 were spent casings.

In addition, testimony continues to emerge from a number of serving officers who have revealed the still continuing practice of planting firearms at police fatal shooting scenes. A significant minority of dishonest officers disproportionately impugn the majority of honest officers, and create a community distrust which will require considerable effort to remedy.

The examples cited are illustrative and represent only a proportion of similar cases encountered by INDECOM. Whilst some cases are older, (within last six years), others are more recent, (2016-2018), but all are indicative of a continuing pattern and practice which requires remedy. The 1991 *Hirst* report identified then, when reviewing the JCF on behalf of the Minister of National Security, that the "shoot-out" story had long lost popular credibility.

### **Recommendations**

All recovered weapons and ammunition should be so safely secured and under police control, with sufficient audit trail and accountability, so as to prevent loss or misappropriation. The presence of such recovered weapons being discovered at secondary shooting scenes gives rise to significant suspicion of the police accounts provided. Additionally, a lack of firearm security creates a significant danger that rogue officers could provide insecure weapons to the underworld.

Electronic record keeping is an essential element of modern policing. Its absence in the JCF provides opportunity for evasion of effective accountability. Searching for police records, even with the considerable assistance of the Bureau of Special Investigations (BSI), fail to recover, in many instances, the pertinent documents, thus making proof very problematic.

The West Kingston Commission of Enquiry addressed the issue of JCF record keeping at Chap 15, para 15.27. Sub para d(i) - (ii) recommended the necessity for supervising

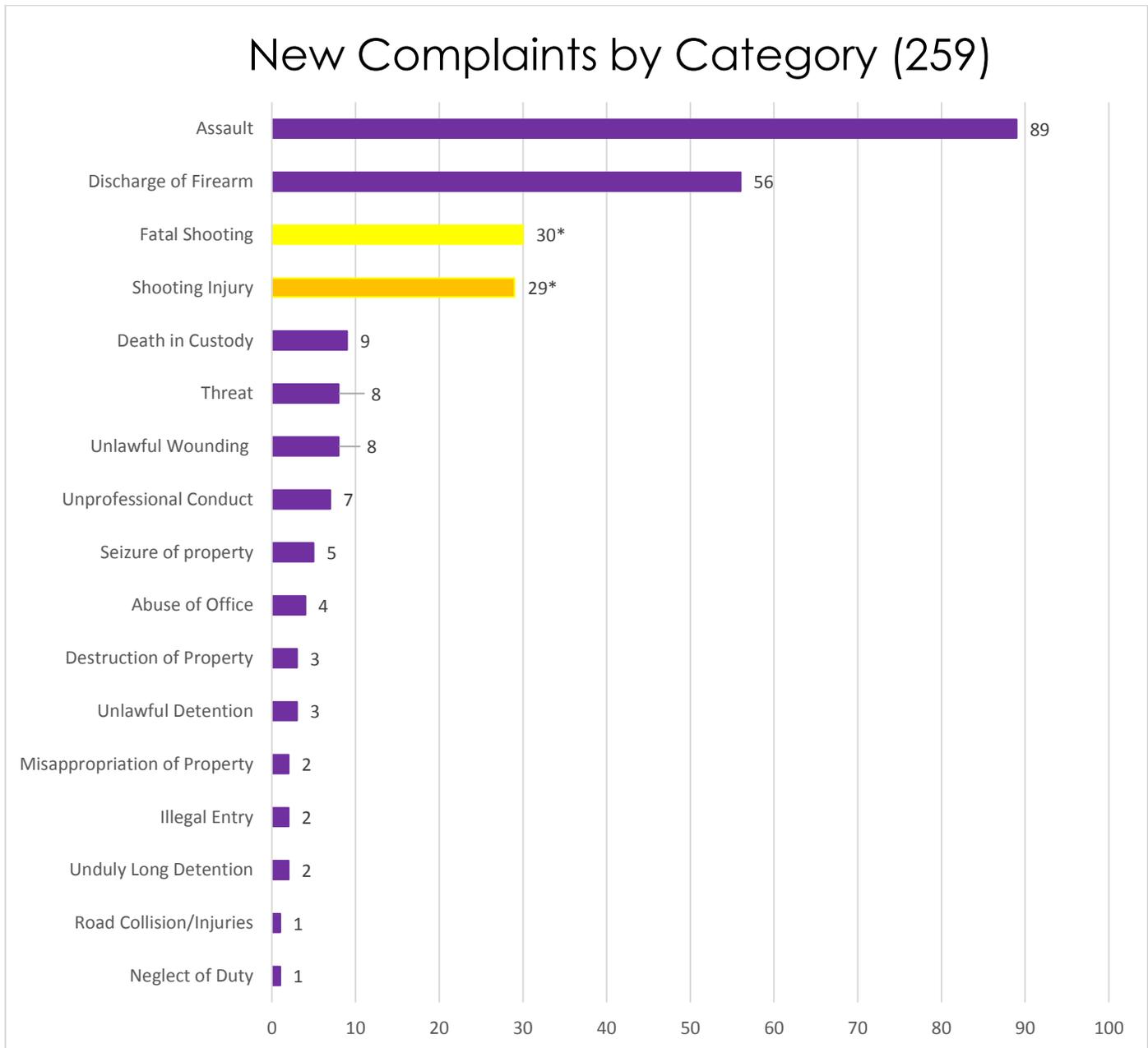
officers to be held responsible for accurate record keeping. The Commission addressed issues arising in 2010 but the necessity to introduce electronic recording system is ever more pressing.

Previous reports have identified the necessary actions that require implementation. That this critical issue still exists arises from a failure to deliver the necessary changes previously recommended. It is incumbent upon the JCF to further reflect on the command and control mechanism that exists now, to apply the recommendations of The West Kingston Commission of Enquiry and ensure the effective oversight and leadership of police weapons and ammunition. The JCF should also ensure that stringent and effective retention and disposal policies relating to recovered firearms, are introduced, and a level of transparent record keeping which will survive both internal and external scrutiny. Specifically this should include:

- i. The details of the recovery of a firearm should be made forthwith to Police Control for entry into a database as well as entered in station records.
- ii. Recovered guns to be taken to the Forensic Laboratory on the first available occasion.
- iii. Recovered firearms should not be returned to the Investigating Officer but kept by the Forensic Laboratory until disposal order made by court (s. 46 Firearms Act).
- iv. IOC to conduct regular random checks of JCF premises and records to ensure compliance with policies regarding recovered weapons.
- v. Breaches of policies to be treated as serious breach of discipline, or for criminal charges.
- vi. Parliament to amend Firearms Act to make it clear that a firearm need not be tendered in court (Ballistic Certificate to be sufficient proof) unless, on application, the court requires that the firearm be tendered.

**PART ONE**

**NEW COMPLAINTS**



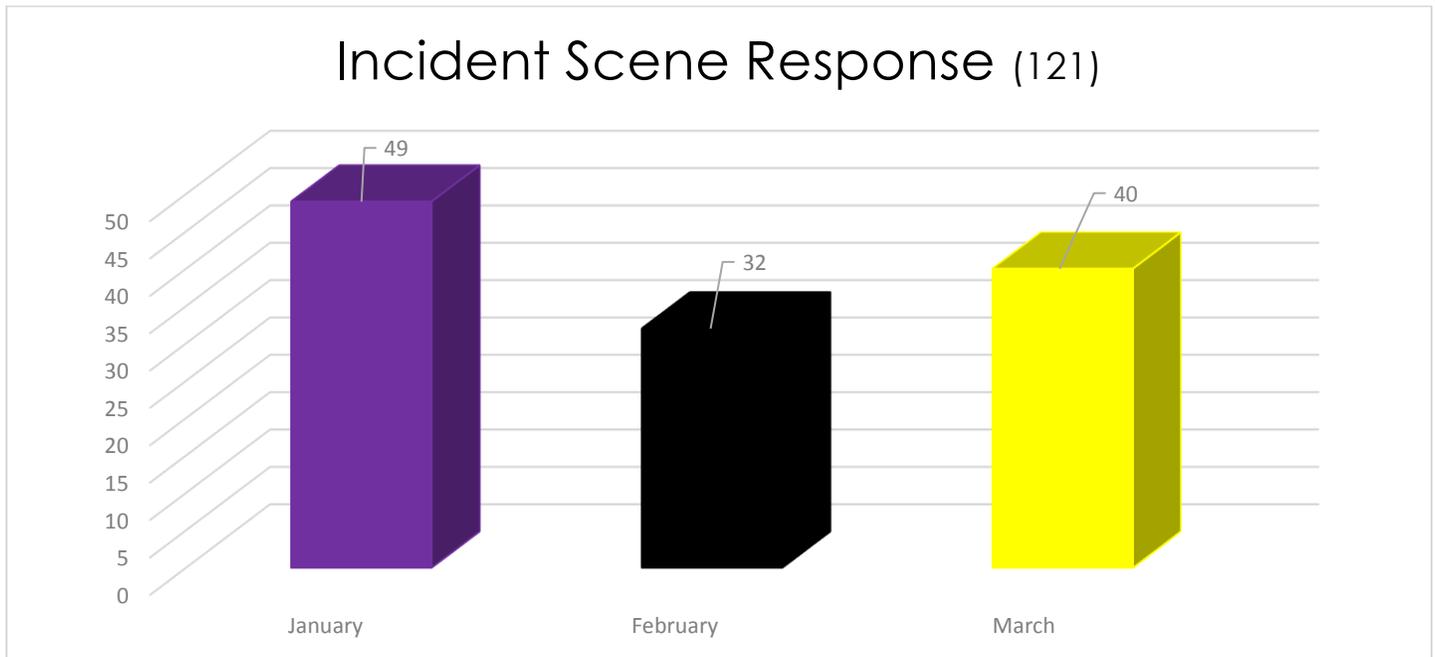
There were 35 deaths arising from 30 fatal shooting incidents investigated by the Commission. However, one of the incidents resulting in one death, is unconfirmed as a security-force related incident.

There were 32 injured persons arising from 29 shooting injury cases investigated by the Commission. However, two of the cases resulting in two injuries are unconfirmed as security-force related incidents.

**N.B:** All unconfirmed cases are not included in the official fatality charts on pages 9-12.

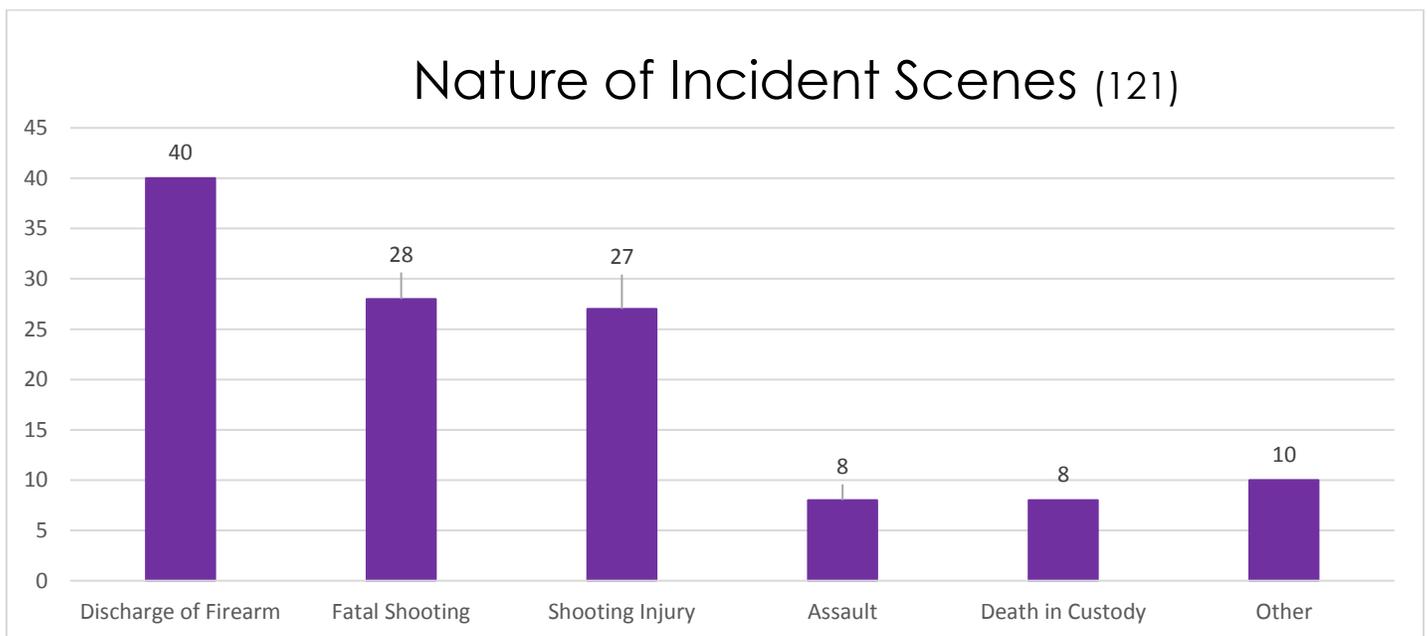
**Figure 1:** The bar graph shows all categories of new incidents for which complaints were received by the Commission for the period of January to March 2018.

**INCIDENT SCENE RESPONSE**



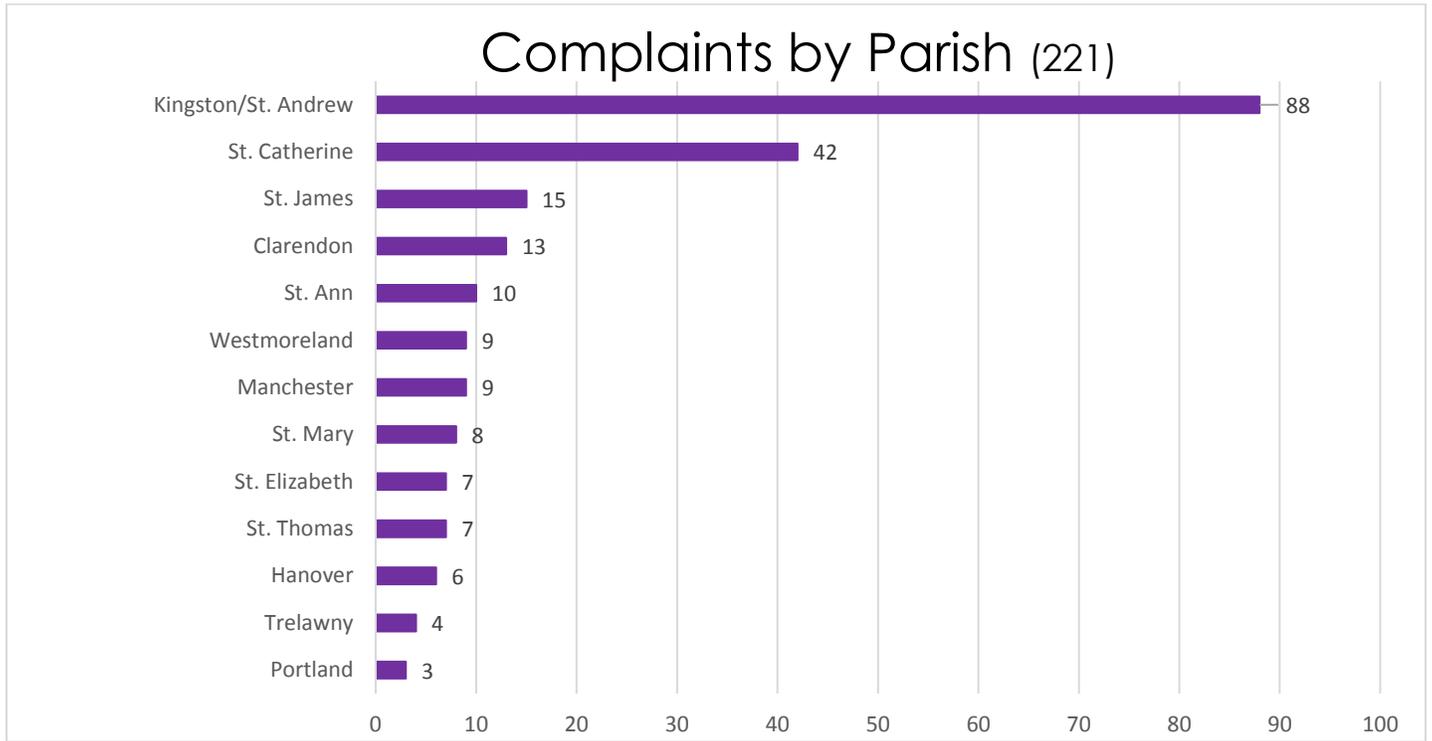
**Figure 2:** The above figure shows the number of scenes that the Commission's Forensic Unit responded to for the period of January to March 2018.

**NATURE OF INCIDENT SCENE RESPONSE**



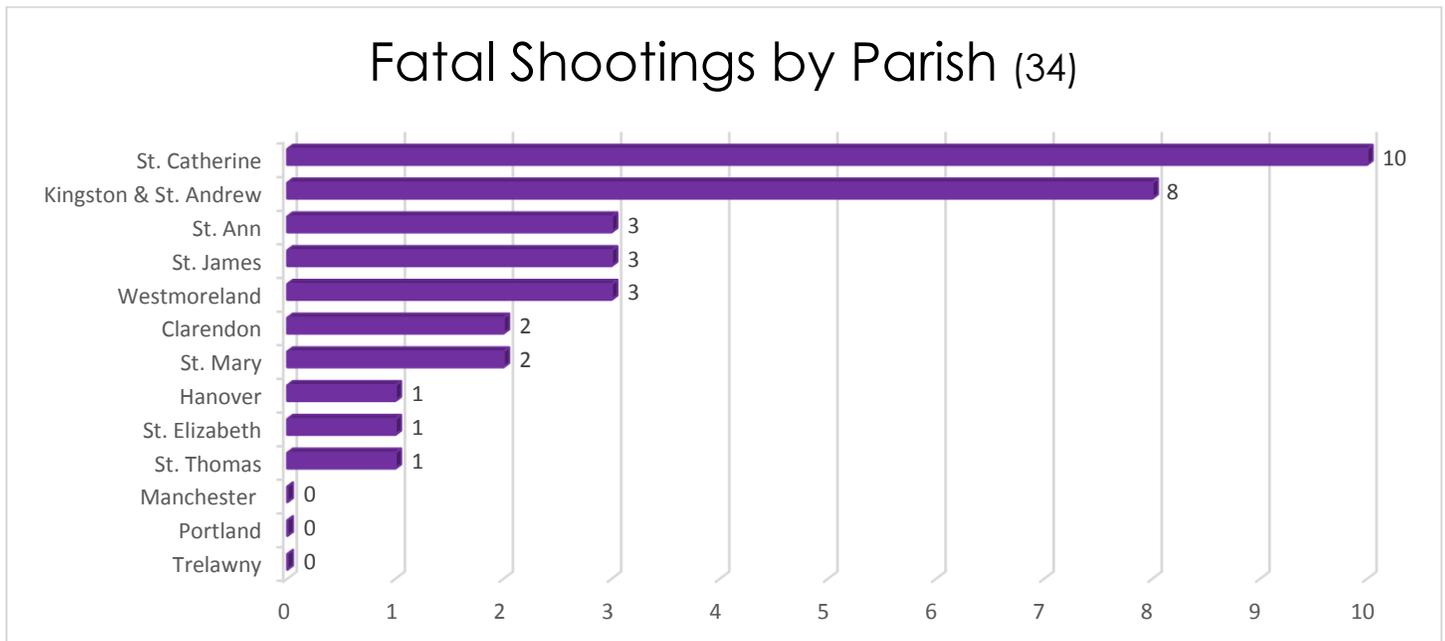
**Figure 3:** The above graph shows the nature of the incidents that the Commission's Forensic Unit responded to for the period of January to March 2018.

**COMPLAINTS BY PARISH**



**Figure 4:** The above graph shows the number of new complaints received by the Commission per parish for the period of January to March 2018.

**FATAL SHOOTINGS BY PARISH**



**Figure 5:** The chart above shows the total number of deaths from shooting incidents per parish for the period of January to March 2018.

**FATALITIES BY TEAMS**

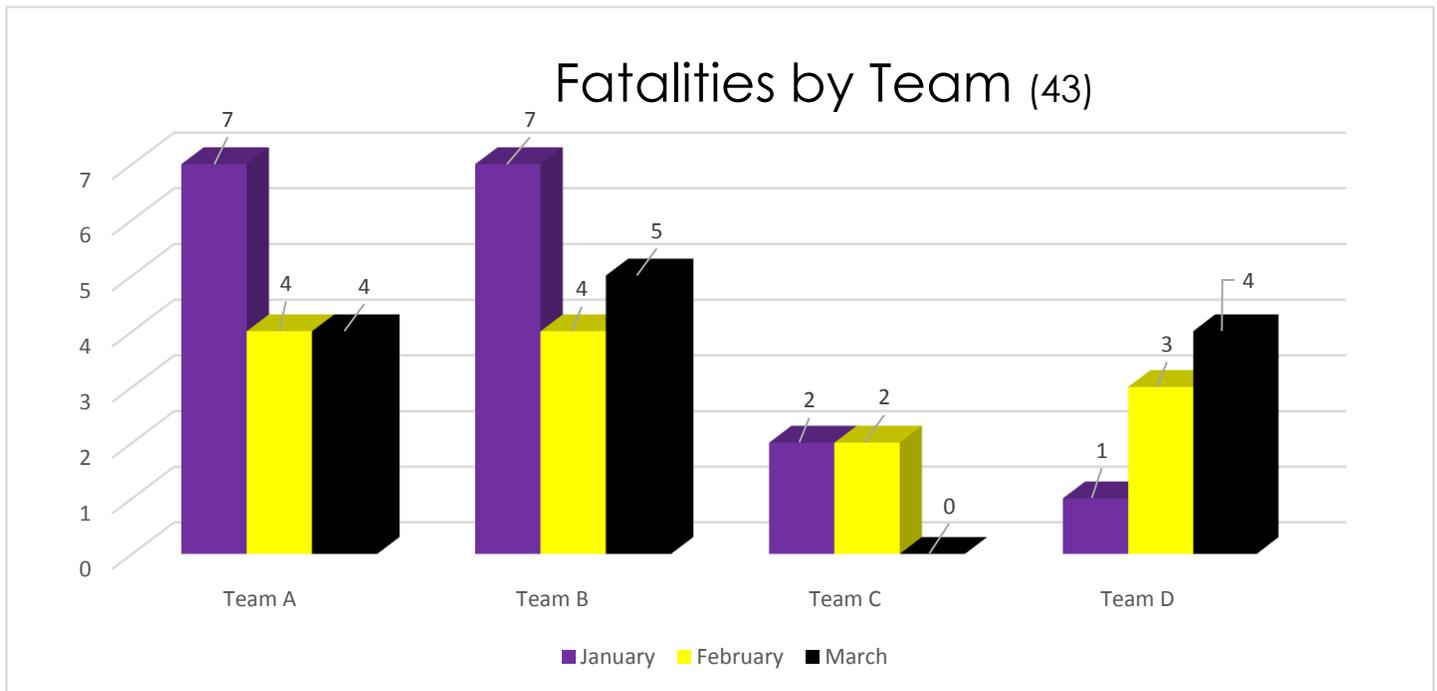


Figure 6: The above graph shows the number of fatalities (to include deaths in custody) in relation to the investigative teams within the Commission for the period of January to March 2018.

**FATALITIES BY ORGANISATION**

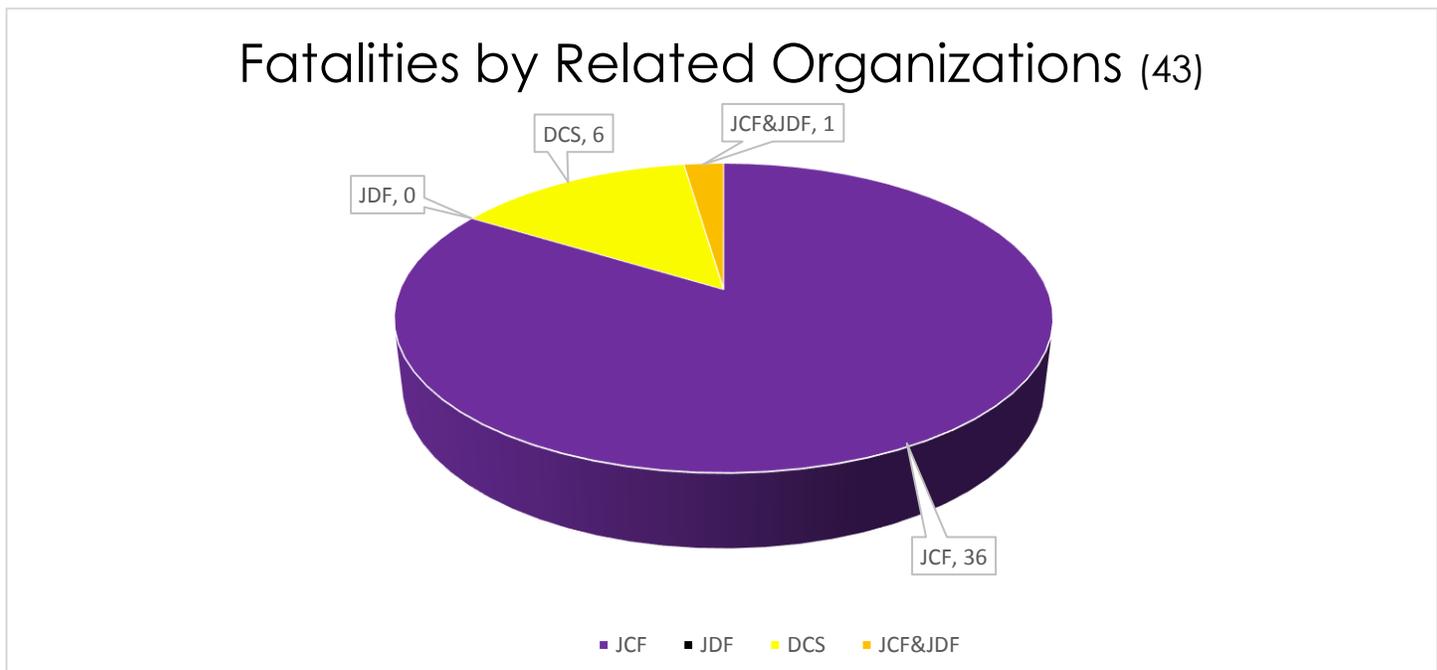


Figure 7: The above pie chart illustrates the State agency to which the fatalities recorded for the period of January to March 2018 are related.

**SECURITY FORCE-RELATED FATALITIES**

JCF – Jamaica Constabulary Force

JDF – Jamaica Defence Force

DCS – Department of Correctional Services

JCF-OD – Jamaica Constabulary Force Off Duty Officer

■ JCF &amp; JDF – Joint Operation

■ DIC – Death in Custody

Date	Name of Deceased	Location of Incident	Related State Agent
<b>JANUARY – Fatal Shootings (15) DIC (2)</b>			
1-Jan	Sylvester McLEISH	Comfort Dist, Clarendon	JCF
2-Jan	Brandon CAMPBELL	Crescent Road, Kingston 13	JCF
4-Jan	Lloyd WILLIAMS <b>DIC</b>	KPH from TSACC	DCS
6-Jan	Dave WHYTE	Spring Gdns, West Albion, Yallahs, St Thomas	JCF-OD
6-Jan	Evan DOWNS <b>DIC</b>	KPH from TSACC	DCS
10-Jan	Kirkland GOWE Cabrini ROSE	Parry Town, Ocho Rios, St. Ann	JCF
10-Jan	Jerome WILLIAMS	Manning Hills Rd, Kingston 19	JCF
11-Jan	David McLEAN	Gully Rd, Boscobel, St. Mary	JCF
11-Jan	Jermaine JAMES	Windsor, St Ann	JCF
20-Jan	Andel LINDSAY	Old Harbour Bus Park, East St, Old Harbour, St Catherine	JCF-OD
22-Jan	Milton ELLIS	Ellersly Pen, Spanish Town, St Cathrine	JCF
25-Jan	Domane Dwayne DOYLE	Top Banks, Spanish Town, St Catherine	JCF
25-Jan	Richard BOWLER	Payne Ave, Kingston 11	JCF
27-Jan	Santana STAFFORD	Jungle 12 area, August Town, Kingston	JCF
29-Jan	Quincy FRATER	Pineapple Dist, Ocho Rios, St Ann	JCF
29-Jan	Clive ROBINSON	Kilmarnock Dist, St Elizabeth	JCF & JDF
<b>FEBRUARY – Fatal Shootings (10) DIC (3)</b>			
1-Feb	Christopher BROWN <b>DIC</b>	TSACC	DCS
7-Feb	Davian CLARKE	New Town, Cousins Cove, Hanover	JCF
9-Feb	Wesley KNIGHT	Marlie Mount, Old Harbour, St Catherine	JCF
9-Feb	Frank THOMPSON <b>DIC</b>	New Broughton Sunset Rehabilitation to Mandeville Hospital	DCS
13-Feb	Nicholas ATKINSON	Spanish Town, St Catherine	JCF
14-Feb	Jermaine STERLING	Horizon Park, Spanish Town, St Catherine	JCF
19-Feb	Nico WALTERS	Clarendon	JCF

19-Feb	Christopher ALLEN <b>DIC</b>	Yallahs Police Station Lock Up	JCF
20-Feb	Male u/k Keith GRANT	Lewis St, Sav la Mar, Westmoreland	JCF-OD
23-Feb	Romain BROWN	Golden Spring Main Rd, St Andrew	JCF
24-Feb	Reshane OLIVER	Pusey Dist Main Road, Point Hill, St Catherine	JCF-OD
25-Feb	Alecia McLAUGHLIN	Baker St, Admiral Town, Kingston 12	JCF
<b>MARCH – Fatal Shootings (9) DIC (4)</b>			
1-Mar	Desrine MORRIS <b>DIC</b>	Halfway Tree Court Lock Up	JCF
3-Mar	Errol CUNNINGHAM	Great George's St, Sav la Mar, Westmoreland	JCF
5-Mar	O'Neil JOHNSON Ricardo STEWART	Spanish Town Bypass, St. Catherine	JCF
7-Mar	Nicholas CURTIS <b>DIC</b>	TSACC to KPH	DCS
12-Mar	Norman MONCRIEFF <b>DIC</b>	St Catherine Dist ACC to Spanish Town Hospital	DCS
14-Mar	Junior Nigel TULLOCH	Dela Vega city, Spanish Town, St Catherine	JCF
17-Mar	Glastone CHRISTIAN	Beckford St, Kingston	JCF
17-Mar	Omar BROOKS	Sunlight St, Kingston 13	JCF
20-Mar	Kevin SAWYERS <b>DIC</b>	Portmore PSTN	JCF
30-Mar	Kemroy BROWN Frederick DAWKINS Male u/k	Sunderland, St James	JCF

**Table 1: The above list presents the names of the civilians who died in security force-related incidents for the period of January to March 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 January to March 2018.**

**COMMISSION'S REPORTS COMPLETED**

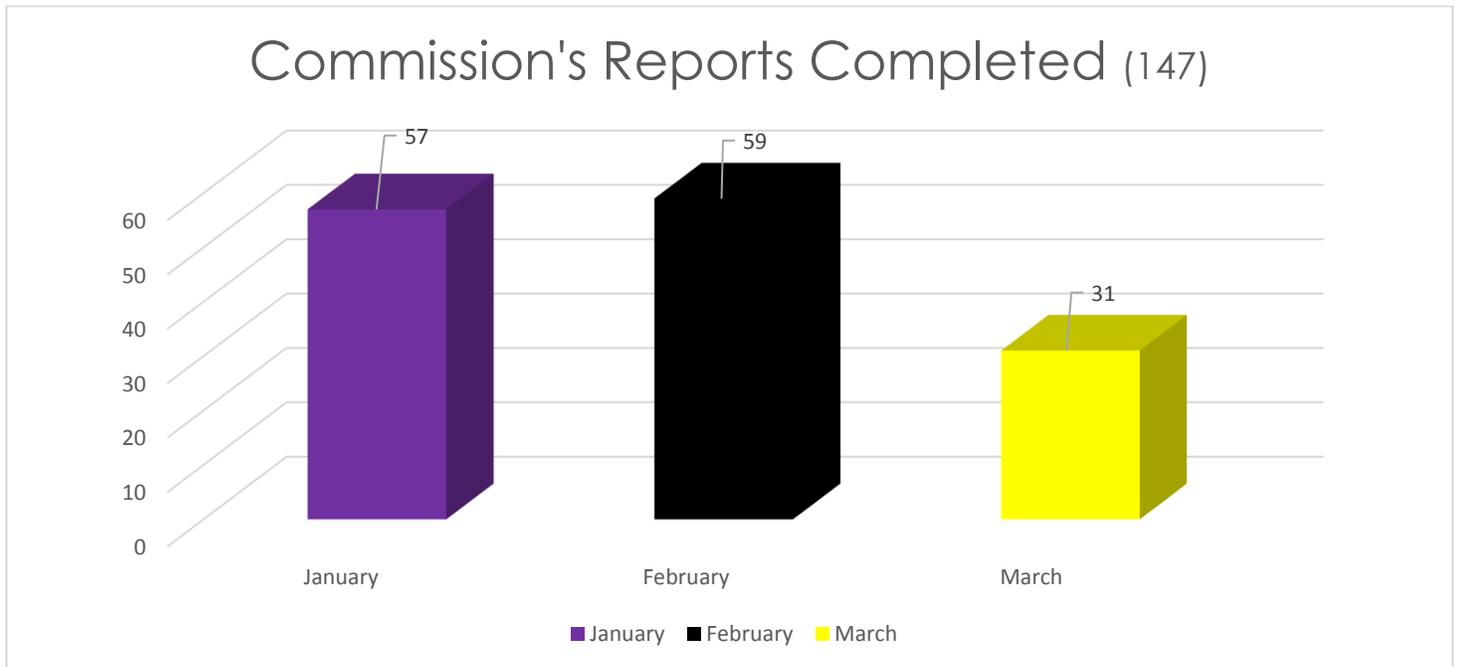


Figure 9: The above chart shows the number of Commission's reports completed and distributed for the period of January to March 2018.

**RECOMMENDATIONS MADE FOR COMPLETED COMMISSION'S REPORTS**

Recommendations	January	February	March
<b>Charge</b>	1 case	2 cases	0 cases
	1 officer	3 officers	0 officers
<b>Disciplinary Action</b>	3 cases	5 cases	1 case
	3 officers	9 officers	3 officers
<b>Unsubstantiated</b>	53	53	30

Table 2: The above graph shows the recommendations made for Commission's Reports completed for the period of January to March 2018.

N.B: For the month of February, in a case, there was a recommendation for both charge and disciplinary action.

## **RECOMMENDATIONS OF THE LEGAL DEPARTMENT – FATAL SHOOTING INCIDENTS**

### **January 2018 (16)**

**Table 3: Recommendations by the Legal Department for Commission's Reports completed in January 2018 on fatal shooting incidents**

<b>No.</b>	<b>Complainant/Victim</b>	<b>Case Summary</b>	<b>Recommendation</b>
1.	Anthony Knight	<p>On July 28, 2011, at some time after 12:00pm, Anthony Knight, a man of unsound mind, threw stones and wielded a machete at residents of Content District in St. Elizabeth.</p> <p>As District Constable drove along Content District Main Road, Anthony Knight threw stones, causing damage to his motor vehicle, and wielded a machete at his friend, who sat in the front passenger seat. After Anthony Knight failed to heed to his instructions to drop the machete, he fired three rounds in his direction. Anthony Knight was pronounced dead at the Black River Hospital. The machete was recovered.</p>	<p>It is hereby recommended that no criminal charges be laid or disciplinary action be taken against District Constable in respect of this complaint.</p> <p>It is recommended that the matter be referred to the Special Coroner Court for the Special Coroner to determine whether an inquest is to be held.</p>
2.	Leathan Millwood	<p>On May 30, 2013, a police team on patrol in Albion, St. Thomas received information that a man was seen in the community with a gun and went in search of him. The police team encountered a man who they say matched the description they were given earlier. It is alleged that upon approaching the man and commanding him to put his hand in the air, the man pulled a firearm and opened gunfire at the police. Gunfire was returned and the man was hit and fell to the ground. The police then approached him and he pointed the firearm at the police whilst lying on the ground. The police subsequently shot him again, twice, and recovered the firearm from his grasp. The man was then transported to the Princess Margaret Hospital where he was pronounced dead.</p>	<p>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 Leathan Millwood.</p>
3.	Raphael Williams, George O'Connor and unidentified male	<p>This report concerns the deaths of three men: Raphael Williams, George O'Connor and unidentified/unconfirmed male in May Pen Clarendon. Acting on information, a team of police officers went in search of men who were allegedly involved in an earlier robbery and murder of a businessman in May Pen, Clarendon. The officers came across a black Toyota Corolla (Kingfish) car which matched the description of the vehicle involved in the earlier robbery. The officers allegedly signalled the car to stop at which point three men alighted from the vehicle and opened fire at the police. The police officers returned fire and the men were hit. They were subsequently taken to the May Pen Hospital where they were pronounced dead. Firearms were allegedly recovered from the men, one of which was matched to spent casings recovered from the scene. There were no contrary eyewitness accounts received.</p>	<p>The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken.</p> <p>The file be forwarded to the Special Coroner for the consideration of whether or not an inquest ought to be held into the deaths of George O'Connor, Raphael Williams and the unidentified male.</p>
4.	Christopher Williams	<p>The deceased, Christopher Williams, was shot and killed by the police on September 3, 2011 at Myrie Avenue, St. Andrew. The police are claiming self-</p>	<p>The Commission further recommends that this matter be referred to the Special</p>

		defence, but witnesses have refuted the claim. However, while there is prima facie case on the witness accounts, the Commission is of the view that there is no realistic prospect that the concerned officer would be convicted.	Coroner for him to decide whether an inquest ought to be held.
5.	Royeem Gillespie	The deceased, Royeem Gillespie was shot and killed by Detective Corporal at a one room dwelling on Melvin Avenue, Gregory Park, St. Catherine on August 27, 2015. There is no evidence to negative the police claim to self defence.	The Commission hereby recommends that no criminal charges be laid nor disciplinary action be taken. The Commission further recommends that this matter be forwarded to the Special Coroner for him to decide whether he will hold an inquest.
6.	Ryan Hewitt	On October 13, 2012, it is alleged that at approximately 1:10 p.m., three (3) men were observed shooting at each other along Darlington Street in the vicinity of the taxi park. Special Constable who was on traffic duty saw these men and tried to intervene. One of these men is the now deceased. He was armed with a handgun. Special Constable came under fire from these men and returned fire. A firearm fell from one of the men. Another assailant took up this weapon and escaped.  There is an independent account which support the account of the Special Constable. Therefore, there is no material to challenge the version of the police.	In these circumstances, the Commission recommends no criminal charges or disciplinary action against any member of the Jamaica Constabulary Force.  The matter is referred to the Special Coroner for his consideration.
7.	Alphonso Cameron	On June 29, 2013, at approximately 3:00 p.m., Alphonso Cameron was fatally shot by Detective Constable. The confrontation between Cameron and the concerned officer was as a result of a report that the police received that a taxi man was robbed by two men. The officer states that he saw Cameron and another man travelling together. They fit the description of the men who allegedly robbed a taxi man. The men fired at the officer who returned fire. Cameron fell and was pronounced dead at hospital. Taxi man, RS identified Cameron as one of the men who robbed him as well as identified a cellular phone as belonging to him (S) which was allegedly recovered from Cameron's pocket.  There is no independent account to challenge the account of the officer.	In these circumstances, the Commission recommends no criminal charges or disciplinary action against S Detective Constable Marlon Gammel of the Four Paths Police Station or any other member of the Jamaica Constabulary Force.  The matter is referred to the Special Coroner for his consideration.
8.	Linton Stewart & Mikoyan Stewart	On November 8, 2012, a team of officers proceeded to the Big Lane, Central Village, Saint Catherine. They were allowed access to a home by a female. A search warrant was executed on her. However, upon entering the house, the police were greeted in gunfire. Three officers fired in self-defence. At the end of the explosions, two men were found with firearms which were recovered. The men, Mikoyan and Linton Stewart were subsequently pronounced dead at hospital.  SG and GB gave eyewitness accounts, however, they did not see the actual shooting of both men. They detailed the behaviour of the police before the	In these circumstances, the Commission recommends no criminal charges or disciplinary action against officers of the Area 4 Headquarters for the death of Linton Stewart and Mikoyan Stewart. However, the Commission recommends that an inquest be held for a determination on whether or not charges should be laid against the aforementioned officers.

		explosions were heard. There are disparities between both women's account, however, their accounts challenge the police's version of self-defence, therefore, an inquest is being recommended.	
9.	Matthew Duhaney & Natola Wedderburn	<p>Messrs. Matthew Duhaney and Natola Wedderburn were shot and killed by the police on February 17, 2011 at Up Street, Belmont District in the parish of Westmoreland.</p> <p>In respect of Dunahey, the concerned officers are alleging that Duhaney pointed firearm at them, and so they fired at him in self defence. There is no evidence to negative the police claim to self-defence in respect of this fatality.</p> <p>In respect of Wedderburn, the concerned officers reported that he ran from the house pointing firearm at them. They were thus called by the circumstances to defend themselves.</p> <p>The witnesses to Wedderburn's shooting death tell a different story than the police. They say he was kneeling down with hands behind his head when he was shot. The opinion given by a Dr. on the likely manner in which Wedderburn's injuries were inflicted supports the witness claims.</p> <p>However, at this juncture, adverse recommendations cannot be made against the concerned officers because the witnesses have indicated their unwillingness to participate in any prosecution of the matter.</p>	<p>The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken.</p> <p>Finally, the Commission recommends that this matter be forwarded to the Special Coroner for him to decide whether an inquest ought to be held.</p>
10.	Troy Reid	<p>Allegations are that at about 7:05 p.m. on the 9th day of February, 2013, a team of police officers consisting were on foot on Christopher Way in Spanish Town, St. Catherine, in light of information concerning the presence of several men, inclusive of the deceased, Reid otherwise known as 'Bigga Frass', in the mentioned area. On shouting towards a group of men seen, one (1) man opened fire at the police who returned fire in their direction. The armed man was shot and injured during the incident and subsequently pronounced dead at the Spanish Town Hospital. A firearm, allegedly in the possession of the deceased, was recovered.</p>	<p>The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken in respect of the fatal shooting of Troy Reid on February 9, 2013.</p>
11.	Dwayne Moovein	<p>On May 8, 2014, at about 5:30 a.m., Dwayne Moovein was fatally shot by police officers from the Region 5 OST during an operation in the Hartlands community of St. Catherine to apprehend men who were spotted in the area with illegal guns. The concerned officers state that, they received information regarding men with illegal firearms who were spotted at certain premises in Hartlands district, St. Catherine. They went to the target location and upon entering the premises in question, five men armed with guns opened fire at the police team. The concerned officers returned fire in the direction of the gunmen who ran away in different directions. After the shooting subsided, one man was found lying on the ground, apparently injured; the</p>	<p>The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Dwayne Moovein.</p>

		others managed to escape into bushes at the rear of the premises. A firearm was recovered from the injured gunman who was then rushed to the Spanish Town Hospital where he was pronounced dead on arrival.	
12.	Ackeem Henry	On January 20, 2015, shortly after midday, Ackeem Henry was fatally shot at Jobs Lane in St. Catherine during an operation conducted by members of the St. Catherine North Operational Support Team (OST) and Street Crime Unit to apprehend wanted men and seize illegal firearms. On arrival at the target premises, the police came under heavy gunfire by gunmen who attempted to escape from the target house via the roof. The police returned fire in the direction of the gunmen. During the incident, a member of the police team was shot and injured by the gunmen. After the shooting subsided, one of the gunmen was found lying on the ground suffering from apparent gunshot injuries and he was rushed to the Spanish Town Hospital where he was pronounced dead.	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken against in relation to the fatal shooting of Ackeem Henry.
13.	Adrian Nembhard	On May 17, 2013, at about 8:30 p.m., Adrian Nembhard was at his home in Pimento Walk, St. Ann along with his grandmother, Miss EG, when he was called outside by a male voice. Shortly after going outside, loud explosions which sounded like gunshots were heard and upon making enquiries it was discovered that Adrian Nembhard was shot. He was rushed to the St. Ann's Bay 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 Adrian Nembhard.
14.	Steve McLeggon	On September 8, 2012, at about 10:55 p.m., Steve McLeggon was fatally shot by police officers from the Central Village Police Station who were on OST duties in Windsor Heights in St. Catherine. The concerned officers state that, they were patrolling the Windsor Heights main road when they observed about six men armed with high-powered firearms standing in front of a yard. When the police team accosted the men they opened fire at the police and ran away and the police returned fire. Three of the gunmen ran into the yard of the said premises and entered a dwelling house on the property and were pursued onto the property. Officers entered into the house to the verandah while an Officer took up position at the side of the house. Gunshots rang out from the room of the house wherein the gunmen had run and an Officer returned fire inside the room. Officers fired in the direction of the other gunmen who ran towards the rear of the premises and managed to escape. After the shooting subsided, an injured gunman was found lying on the floor. A .357 'Smith & Wesson' revolver was recovered from him. He was rushed to the Spanish Town Hospital. He was pronounced dead on arrival.	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Steve McLeggon.
15.	Davion Gordon	On June 11, 2013, at about 5:45 a.m., a police team from the Area 4 Special Operations Unit went on an operation to premises at Orange Street in Kingston in search of wanted men and illegal guns. The police offices went to the first floor of a building on the premises and when one of the officers entered a particular room in the house, he was fired on by a man inside the room. The Cons. returned fire at the gunman,	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Davion Gordon.

		hitting him. A firearm was recovered from the injured gunman who was rushed to the Kingston Public Hospital (KPH) where he was pronounced dead.	
16.	Javid Patterson	On December 25, 2013, at about 4:00 a.m., Javid Patterson was shot and killed along the Trinity Main Road in St. Mary by the concerned officers after he (Patterson) and his cronies attempted to rob. Officers who were patrolling the area, drove up along the main road and observed what was happening. He intervened, accosting the robbers, and the now deceased and his cronies opened fire at the concerned officers. The concerned officers returned fire in the direction of the gunmen and after the shooting subsided, the now deceased was found lying on the ground at the side of the road suffering from gunshot injuries. He was transported to the Port Maria 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 Javid Patterson.

## February 2018 (24)

**Table 4: Recommendations by the Legal Department for Commission's Reports completed in February 2018 on fatal shooting incidents**

No.	Complainant/Victim	Case Summary	Recommendation
17.	Othniel Robinson	On Thursday June 18, 2015, at about 8:39 p.m. Othniel Alphonso Robinson was fatally shot by police officers from the Central Police Station whilst on mobile patrol and seized an illegal firearm. It is reported that officers were on mobile patrol duty. While driving on Harbour Street two men were seen which aroused the suspicion of the police. The said men on seeing the police ran off, pulled their firearms and opened fire at the police. Cons. fired five (5) rounds from his M16 rifle in the direction of said man. One of the men was shot and injured and a firearm was recovered from said injured man. The injured man (now deceased Othniel Alphonso Robinson) was taken to the Kingston Public Hospital where he was pronounced dead. Later on at the Kingston Central Police Station, the other man who was allegedly with the now deceased, was captured by the police.	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken against any of the concerned officers in relation to the fatal shooting of Othneil Alphonso Robinson. The file be forwarded to the Special Coroner.
18.	Everol McKenzie	On Sunday the 18 <sup>th</sup> day of May 2014, about 1:00 p.m. a police party went to the home of the now deceased Everol McKenzie to apprehend him as he was a suspect in a case of Malicious Destruction of Property. On approaching the premises, the now deceased was seen, he looked in their direction, ran into his house and locked himself inside. The police called for him to exit his house but he refused. He eventually came out with a machete and a piece of steel and he advanced towards Constable who was nearest to him. Another Constable pulled his service pistol and fired two (2) warning shots to try to get the now deceased Everol McKenzie to drop his weapons. The now deceased continued to advance towards Constable with the machete still held in a chopping position. Constable	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken against the concerned officers in relation to the fatal shooting of Everol Mckenzie. The file be forwarded to the Special Coroner.

		retreated until he was against the fence and in fear for his life pulled his service pistol and fired two rounds in the direction of the now deceased who fell to the ground still clutching the machete. He was rushed to the Port Antonio Hospital where he was pronounced dead by Dr. Thin at 1:10 p.m. He was identified as Everol McKenzie o/c Ernie, 43 years old of the same address. There is no evidence to negative the police claim to self-defence.	
19.	Mark Hutchinson	On Friday July 15, 2011 at approximately 4:20 a.m., Mark Hutchinson o/c Rambo was fatally shot by police officers when the police went to his house to serve a warrant to search his home at Hellshire Beach Portmore, St. Catherine. A team of police officers from the St. Catherine South police division conducted a special operation in Hellshire, St. Catherine. Acting on information the team armed themselves with a search warrant and proceeded to the home of Mark Hutchinson on the Hellshire Beach, Portmore, St. Catherine. The police reported that upon entering the premises they were greeted by gunfire when one of the bullet hit Constable in the chest area of his ballistic vest. Hutchinson was seen standing inside the house when officers returned fire hitting him in the region of his upper body and he fell. A firearm was recovered from him and when examined was found to be one (1) colt .38 revolver serial number erased loaded with three (3) .38 rounds and three (3) .38 spent casings and one (1) warhead. Hutchinson was taken to the Spanish Town Hospital where he was pronounced dead. The body was then removed to Roberts Funeral Home for post mortem examination. There is no evidence to negative the police claim to self-defence.	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken against any of the concerned officers in relation to the fatal shooting of Mark Hutchinson. The file be forwarded to the Special Coroner.
20.	Damion Davis	On Thursday August 27, 2015 at about 4:30 p.m. officers from the Hunts Bay police station were on mobile patrol along Espuet Avenue when on reaching the intersection with North Anderson Crescent they saw a man who acted in a suspicious manner. When accosted he allegedly pulled a firearm and fired on the police who returned the gunfire. The man was hit and taken to KPH where he was pronounced dead. Ms. AS visited the scene and stated that she was on her way from church and walking through KPH when she saw persons looking at a man who was shot and injured. She went to look at the man and realized that it was her son whom she identified as Damion Davis. A .357 Smith and Wesson revolver with 3 live rounds and 3 spent casings was recovered from the scene. There is no evidence to negative the police claim to self-defence.	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken against any of the concerned officers in relation to the fatal shooting of Damion Davis. The file be forwarded to the Special Coroner.
21.	Richard Howell	A police team was under heavy gunfire in the Rivoli/Lauriston area of Spanish Town. That team had to be rescued by support units from both the JCF and the JDF. Arising from that incident, on Thursday the 8 <sup>th</sup> day of December, 2011 at about 5:30 p.m. a team of police officers were on mobile patrol in the Monk Street area of Spanish Town when they received information that one of the gunmen now deceased Richard Howell who had earlier engaged the police in a shootout was	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Richard Howell. The file be forwarded to the Special Coroner.

		<p>at a named premises. On arrival at premises on Monk Street, the Police encountered a girl who reportedly told them that she had been raped by a man fitting the description of the person they were searching for. The police went to investigate at this location they accosted Richard Howell who pulled a firearm from his waist band and opened gunfire at the police. The police party took evasive action. He was subsequently shot and a .38 revolver with four (4) shell casings and two (2) live rounds were taken from him. Richard Howell was taken to the Spanish Town Hospital where he was pronounced dead by a doctor on duty. There is no evidence to negative the police claim to self-defence.</p>	
22.	Alvin Stern & Jeavon Moore	<p>On Saturday August 17, 2013, at about 5:30 a.m., Alvin Stern o/c "Didi Rass" and Jeavon Moore o/c "Tee Jay" was shot and killed during an operation in the Kingston Western Division. It is reported that a team of members of the JCF and members of the JDF were conducting special operation in the Denham Town area in search of wanted persons, stolen properties and illegal weapons. During the operation a team of six (6) police personnel went to premises on Chestnut Lane. On arrival at the premises members of the team knock on the gate which was closed and shouted police and proceeded to open it, when they were about to enter the premises, when Alvin Stern pushed open a door and ran from inside a room with an object resembling a rifle in his hand and ran towards the rear of the premises. The officers gave chase and the man jumped over a fence and ran onto an adjoining premises located at Regent Street, where Jeavon Moore who was inside that premises opened gunfire at the officers. The officers quickly took evasive action and Cons. who was in front opened gunfire from his service MP5 at him, hitting him and he fell to the ground. Stern quickly sprung up from behind a wooden table with a rifle which he used to open fire at the officers who again took evasive action and Cons. returned fire hitting him and he fell to the ground. The officers then recovered one AK47 rifle loaded with a magazine and fourteen (14) live rounds 7.62 cartridges from beside Stern and a 9mm semi-automatic pistol loaded with an empty magazine from beside Moore. Both injured men were rushed to the Kingston Public Hospital by the police where they were pronounced dead on arrival at 5:35 a.m. There is no evidence to negative the police claim to self-defence.</p>	<p>The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Alvin Stern and Jeavon Moore. The file be forwarded to the Special Coroner.</p>
23.	Nicholas Freckleton	<p>On Tuesday, October 22, 2013 about 12:30 a.m., patrons were in a bar when three men entered and held them up at knife and gunpoint. It is alleged that one of the men pointed a gun at Constable who was off duty and a patron. Constable challenged the men and they ran. Later that that morning it was discovered that men took an unidentified man to the Linstead Hospital, dropped him off and drove away. It was discovered that the man was shot and was pronounced dead. A few days later, Constable and other witnesses positively identified the man as one of</p>	<p>The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken against any of the concerned officer in relation to the fatal shooting of Nicholas Freckleton. The file be forwarded to the Special Coroner.</p>

		the persons who held them up. The unidentified man was later identified as Mr. Nicholas Freckleton. There is no evidence to negative the police claim to self-defence.	
<b>24.</b>	Joel Wynter	On Monday September 5, 2011 at about 7:30 p.m. Joel Wynter was shot and killed in an alleged shoot out with the concerned officers at Corn Piece Settlement, Hayes, and Clarendon. The Police reported that they were acting on information that men were seen in the area with guns. On the arrival of the Police they saw a group of about three (3) men and accosted them, the men opened gunfire which was returned by the Police. The men ran in different directions and when the shooting subsided an unidentified man was found suffering from gunshot wounds to his upper body. One .45 Colt pistol with a magazine containing three rounds was found beside him. He was taken to the May Pen Hospital where he was pronounced dead. The body of the deceased was identified on September 7, 2013 as that of Joel Wynter by his sister. There is no evidence to negative the police claim to self-defence.	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Joel Wynter. The file be forwarded to the Special Coroner.
<b>25.</b>	Horace Manderson	On Thursday 24th day of January 2013 at about 1:10 p.m. Horace Manderson was shot and killed by the police on 5th Street off Marl Road Kingston. It is reported that the police received information from Police Control about a spate of robberies committed by men travelling in a grey and black, Toyota, Mark II motor car. A marked police unit from Kingston Central Police Division attempted to intercept the car. The car was signaled to stop but the driver disobeyed the police instructions and shots were fired from the car. The police returned the fire. Other units in the vicinity also engaged the motor car. A pursuit ensued after which the motor car crashed along the 5th Street off Marl Road. Another shootout ensued during which one of the men was shot and injured. He along with the other men who also suffered injuries were taken to KPH where he was pronounced dead. The other injured man was treated and released in the custody of police officers. The third man was taken into custody. There is no evidence to negative the police claim to self-defence.	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken against any of the concerned officers in relation to the fatal shooting of Horace Manderson. The file be forwarded to the Special Coroner.
<b>26.</b>	Melvin Johnson & Javon Henry	This report concerns the deaths of Melvin Johnson and Javon Henry who were shot and killed by officers of the on the 29 <sup>th</sup> day of June, 2013. The allegations are that two men, who were travelling on a motorcycle, robbed a woman of her hand bag along Red Hill Roads. A radio transmission was issued through Police Control informing them of the incident and giving them a description of the alleged perpetrators. Officers report that they saw a motorcycle fitting the description given by police control. They allegedly intercepted the motorcycle which sped away and subsequently engaged the officers in a shootout. During the shootout one of the men fell from the motorcycle and a firearm was recovered from him. The second man was later found in a neighbouring community suffering from gunshot wounds. They were both transported to the Kingston Public Hospital where	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken. It is further recommended that the file be forwarded to the Special Coroner for the consideration of whether or not an inquest ought to be held into the deaths of the Javon Henry and Melvin Johnson

		they were pronounced dead. This version is unanimously reported by all the officers; no contrary version was received.	
27.	Vinroy Butler	Mr. Vinroy Butler was fatally shot by the police on 12 <sup>th</sup> day of November, 2011 by a team of officers from the Old Harbour Police Station. The officers all indicate that at approximately 1:20a.m. they were on special patrol duties in the Old Harbour area when, on approaching a night club, they saw a man acting suspiciously. They accordingly attempted to accost the man who ran unto the premises of the night club. The police gave chase to the said man who then drew a firearm from his waistband and fired shots at the police. The police, in defence of their lives, returned gunfire at the man who fled over a wall and unto nearby premises. The man was later found suffering from gunshot wounds with a .38 revolver beside him. He was taken to the Spanish Town Hospital where he was pronounced dead. No contrary version has been received.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken for the death of Vinroy Butler. It is recommended that the file be forwarded to the Special Coroner for his consideration of whether an inquest ought to be held into circumstances which led to the death of Vinroy Butler.
28.	Odain Campbell	On Sunday, March 24, 2013, at approximately 1:55 a.m., officers were patrolling the Whitfield Town community of Maxfield due to reported gun violence. When they approached Fitzgerald Avenue, two men exited a motorcar and ran unto a premises. The police pursued these men and a shoot-out occurred. The now deceased was found suffering from gunshot wounds. The other man escaped. A .38 Smith and Wesson revolver was recovered as well as six spent casings.  There is no independent account to challenge the concerned officers' account.	In these circumstances, the Commission recommends no criminal charges or disciplinary action for the death of Odain Campbell.  The matter is referred to the Special Coroner for his consideration.
29.	Deon "Ram Puss" Johnson	On September 9, 2011, INDECOM launched an investigation into the death of a mentally challenged man who was allegedly shot and killed in Lacovia, Saint Elizabeth on Saturday, February 19, 2011. The investigation revealed that the name of the mentally challenged man was Deon Johnson otherwise called 'Ram Puss' and 'Jet'. He was shot by Corporal after Johnson attacked him with a machete. Other persons had previously made reports that Johnson had attacked them on the same day.  There is no cogent evidence on which a jury would find that the concerned officer unlawfully killed Johnson. As such, the matter is referred to the Special Coroner for his consideration.	In these circumstances, the Commission recommends no criminal charges against the concerned officers of the Lacovia Police Station or any other member of the Jamaica Constabulary Force.  The Commission recommends to the Commissioner of Police: a) That a prima facie case exists that the concerned officers of the Lacovia Police Station omitted vital information during the investigation into the death of Deon Johnson; b) Causes such internal disciplinary proceedings as are fit and proper to be instituted to determine whether they committed the breach described;

			<p>The Commission recommends to the Commissioner of Police:</p> <p>a) That a prima facie case exists that concerned officer of the Black River Police Station breached section 11 of the INDECOM Act;</p> <p>b) Causes such internal disciplinary proceedings as are fit and proper to be instituted to determine whether he committed the breach described;</p> <p>The matter is referred to the Special Coroner for his consideration.</p>
30.	Leroy Henry, Jnr.	<p>On Monday, June 3, 2013, about 9:05 a.m., Mr. RF was allegedly robbed in the vicinity of the Bank of Nova Scotia, Claremont, Saint Ann by three gunmen who were travelling in a motorcar. The assailants left with an undetermined sum of money.</p> <p>A report was made to the Claremont Police Station. As a result, a number of officers went in search of the alleged robbers, including the concerned officers. Detective Constable was ensued in gunfire with the alleged robbers. Suspect TW o/c "Biggs" was taken into custody.</p> <p>The search of the other two men continued onto Broad Street, Claremont. Detective Constable and Constable encountered the alleged men who opened fire on them. Officer returned fire. One of the assailants escaped. However, the other fell. Both officers went in pursuit of the gunman who escaped during which two gunshots were heard coming from the direction which they came. Both officers returned to the direction where the gunshots were heard and found an off duty police officer, with a gun in his hand and an injured man later identified as Leroy Henry, Jnr. Mr. Henry was taken to the St. Ann's Bay Hospital where he was pronounced dead.</p> <p>It is difficult to prove who killed Mr. Henry as three officers indicated that they fired and nothing of ballistic significance was recovered from Mr. Henry's body. There is also no eyewitness account to deny or affirm the police's account.</p>	<p>In these circumstances, the Commission recommends no criminal charges against. The Commission hereby recommends the following:</p> <p>That the matter be referred to the Special Coroner for his attention as to whether an inquest ought to be held with the view of establishing whether or not a murder was committed.</p>
31.	Cornel Alphanso Hall o/c Earl	<p>The deceased, Cornel A. Hall was shot and killed at White Street, Kingston 13 on April 16, 2011. The police claims the deceased pointed a firearm at them and as such had to fire to avert threat to life. The witness evidence is that Hall was executed.</p>	<p>The Commission has found a prima facie case with a reasonable likelihood of conviction to charge. Accordingly, its recommended that the concerned officers,</p>

			mentioned are to be charged for Murder.
<b>32.</b>	Triston Hunter o/c Marlon or Squaddie	The deceased, Triston Hunter, was shot and killed in the Brown's Land Community, Kingston 11, St. Andrew on May 30, 2014, in circumstances alleged to be self-defence. The Commission's investigation of this matter did not yield any evidence sufficient to negative self-defence, nor to afford a realistic prospect of conviction.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken in respect of this incident.  The Commission further opines that this matter ought to be forwarded to the Office of the Special Coroner for him to decide whether an inquest will be held.
<b>33.</b>	Creighton Patrick	The deceased, Creighton Patrick was shot and killed during a shootout with the police. He and three (3) other men had committed the aggravated robbery of a bus from its driver and conductor on November 13, 2011 in the vicinity of Delacree Road. King Alarm Systems Limited and the police were notified. A joint tracking and pursuit of the stolen bus revealed its location in 7 Miles Bull Bay. It was during its interception that Patrick, as driver of the bus, received numerous gunshots. The two (2) injured men have since been charged for Shooting with Intent and Illegal Possession of a Firearm.	The Commission hereby recommends that no criminal charges be laid in respect of this fatal shooting.  The Commission further recommends that this matter be forwarded the Special Coroner for him to decide whether an inquest ought to be held.
<b>34.</b>	SMB O.B.O Edwin George Brown	In the late evening of June 6, 2017 Edwin George Brown ("the deceased") was shot and killed by the concerned officer near to the intersection of Caledonia Avenue and Old Hope Road in Cross Roads, St Andrew.  The deceased had, moments earlier, stolen bottles of olive oil from a nearby supermarket and was fleeing along the roadway. Independent eye-witnesses indicated that the concerned officer used her private motor car to block the deceased. When the deceased was standing by her car door, the concerned officer shot him. He was unarmed.	"It is recommended that criminal charges of murder and perverting the course of justice be laid against the concerned officer.  It is respectfully recommended that the Commissioner of Police: (a) Be advised of the Commission's finding that a prima facie case exists that officers breached sections 14 and 30 of the JCF's Code of Conduct.  (b) Be advised of the Commission's finding that Constable breached section 7(1) of the Preservation of Incident Scenes and Evidence: Directions to the JCF Pursuant to s. 22 of the INDECOM ACT.  (c) Causes such internal disciplinary proceedings as are fit and proper to be instituted against both constables to determine

			<p>whether they committed the breaches described in the preceding sub paragraphs.</p> <p>It is further respectfully recommended that the Commissioner of Police formally remind officers of their responsibilities under the INDECOM Act regarding scene preservation.</p> <p>It is respectfully recommended that the Solicitor General be advised of the Commission's finding that a prima facie case exists that the concerned officer breached Edwin George Brown's right to life.</p> <p>"</p>
35.	Ricardo Sappleton	<p>On the 29<sup>th</sup> day of September, 2011, the deceased, Ricardo Sappleton, was shot and killed after he and three (3) other men opened fire at the said officer and his colleague, after they identified themselves as police officers. Officer returned fire. After the shooting subsided, the deceased was found lying on the ground clutching a firearm in his right hand and suffering from multiple gunshot wounds to the upper body. He was transported to the University of the West Indies Hospital where he was pronounced dead. The mentioned firearm was recovered whilst two of the four men successfully escaped apprehension by the police. One man was arrested however.</p>	<p>The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken in respect of the fatal shooting of Ricardo Sappleton on September 29, 2011.</p>
36.	Wayne Graham	<p>On June 9, 2014, shortly after 5:00 a.m., Wayne Graham was fatally shot in the vicinity of the intersection of Eltham Boulevard and Brunswick Avenue in St. Catherine. The concerned officer was at home sleeping when he was awakened by the noise of a motor car engine starting followed by loud noises from a car muffler which sounded similar to the noises made by his Honda Civic motor car. He arose from bed and looked outside to discover that his motor car was missing. He took up his 'keep and care' Glock pistol and police identification card and ran outside in search of the perpetrator/s who stole his motor car whom he located along Brunswick Avenue and accosted them. One of the suspects pointed a chrome revolver at him and opened fire. In fear for his life he returned fire at the gunman who ran towards the front passenger door. Another male suspect then exited the car from the front passenger door and the gunman continued to fire at him while running away from the scene toward the Eltham High School. After the shooting subsided, he discovered the second</p>	<p>The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Wayne Graham.</p>

		perpetrator lying face down and motionless on the ground who was subsequently taken to the Spanish Town Hospital where he was pronounced dead.	
37.	Cleon Richards	On July 5, 2014, at about 1:30 a.m., Cleon Richards was fatally shot at Belmore Lane in St. Catherine by officers from the Area 5 Operational Support Unit who were on mobile patrol in the Spanish Town police area. It is reported that the concerned officers were patrolling along Williams Street in the Spanish Town area when they heard gunshots coming from the direction of Belmore Lane. They parked the service vehicle along the roadway and proceeded on foot along Belmore Lane to carry out investigations. While walking along Belmore Lane, they observed a man exiting an open lot and walking onto the street with a firearm in his hand. The police accosted the said man who then turned around, pointed the firearm at the police and opened gunfire. The concerned officers quickly took evasive action and returned fire in the direction of the said gunman who ran off but fell to the ground a short distance away. After the shooting subsided, the police cautiously approached the fallen gunman who appeared to be suffering from gunshot injuries. The police recovered a 'Taurus' 9mm pistol from the injured gunman who was rushed to the Spanish Town Hospital where he succumbed to his injuries whilst undergoing treatment.	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Cleon Richards.
38.	Davion Morris	On November 30, 2013, at about 9:40 p.m., Davion Morris was shot and killed along the Wiltshire Main Road in Saint James, during an attempt by the said officer to apprehend the now deceased who was one of two perpetrators who had robbed Mr. BS of his motor car at gunpoint. The concerned officer accosted the robbers and one of the men opened fire at the officer forcing him to return fire in their direction in self-defence. After the gunman fled the scene and the shooting subsided, the now deceased was discovered inside the driver's seat of the stolen motor car suffering from a gunshot wound to the head. He was transported to the Falmouth Hospital where he was pronounced dead on arrival.	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Davion Morris.
39.	Glenroy Anderson	On December 21, 2012, shortly after midday, Glenroy Anderson was shot and killed at his home in the Hendon district of Norwood, St. James by police officers from the Mobile Reserve, during a joint police-military cordon and search operation. It is reported that the concerned officers entered the target premises whereupon the now deceased opened fire at them. They returned fire at the now deceased, injuring him. He was subsequently transported to the Cornwall Regional 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 Glenroy Anderson.
40.	Carrington Edwards	Allegations are that on 10 <sup>th</sup> day of July, 2015, Carrington Edwards otherwise known as 'Christmas', was fatally shot and killed after he allegedly fired at the officers who were investigating a report concerning an Illegal Possession of Firearm and Shooting with Intent. On the conclusion of shootout, the deceased was placed in a police service vehicle and transported to	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken in respect of the fatal shooting of Carrington Edwards on June 10, 2015.

		<p>the Spanish Town Hospital by other police personnel. After proceeding to the Spanish Town Police Station, a black police service vehicle entered the Station's compound and informed that the man had been treated at the mentioned hospital and released back into police custody to be remanded. The man was assisted into another service vehicle. On observing that the man was unresponsive, the man was again transported to the Spanish Town Hospital where he was pronounced dead by medical personnel. A medical certificate dated the 10<sup>th</sup> day of June, 2015, relating to the deceased was obtained from the Spanish Town Hospital.</p>	
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## March 2018 (7)

**Table 5: Recommendations by the Legal Department for Commission's Reports completed in March 2018 on fatal shooting incidents**

No.	Complainant/Victim	Case Summary	Recommendation
41.	Marlon Whyte	<p>The deceased, Marlon Whyte was shot and killed by Detective Constable on June 18, 2011 when the said constable allegedly observed an assault being committed by the deceased upon the person of his colleague, a Corporal. It was when the deceased pointed a firearm at Corporal that Detective Constable fired his Glock pistol resulting in the deceased's receipt of a single gunshot wound to the head.</p> <p>Having investigated the matter, the Commission notes that there is no prima facie case to charge.</p>	<p>The Commission hereby recommends that no criminal charges be laid nor disciplinary action be taken in relation to the shooting death of Marlon Whyte.</p> <p>The Commission further recommends that the matter be forwarded to the Special Coroner for him to decide whether an inquest will be held.</p>
42.	Odain Blackwood o/c Pig Seed	<p>The deceased, Odain Blackwood was shot and killed at Main Road, Mount Salem in the Parish of St. James by Constable on June 20, 2014 in circumstances alleged to have been self-defence. There is no evidence to refute Constable's version of the incident.</p>	<p>The Commission hereby recommends that no criminal charges be laid nor disciplinary action be taken in respect of this fatality.</p> <p>The Commission further recommends that this matter be sent to the Special Coroner for him to decide whether he will hold an inquest.</p>
43.	Andre Denton	<p>On Monday, January 30, 2017 about 6:25 a.m., a group of officers were on an operation in the Area 4 division. On approaching the premises at Metcalfe Road, the team divided and some officers went to the right side of the yard. Constable opened a half opened door and another Constable stepped inside the dwelling where he says the now deceased man had a gun in his hand pointed in the direction of the police. A Constable pulled his Glock pistol and opened fire. The injured man later died at KPH.</p>	<p>The Commission humbly recommends that the matter of the death of André Denton, be referred to the Special Coroner to decide if an inquest ought to be held.</p>

<p><b>44.</b></p>	<p>Nicholas Zaidie</p>	<p>On the 15th day of December, 2011, the deceased, Nicholas Zaidie, was shot and killed after he and several other men allegedly opened fire at said officers after they identified themselves as police officers and commanded that they not move. After the shooting subsided, the deceased was found lying in the yard of a residence clutching a firearm in his right hand and suffering from multiple gunshot wounds. He succumbed to his injuries upon being brought to the hospital. Another man was found in nearby bushes with blood stains all over his clothing. He was uninjured and taken into police custody for questioning. The other men successfully escaped apprehension.</p>	<p>The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken in respect of the fatal shooting of Nicholas Zaidie on December 15, 2011.</p>
<p><b>45.</b></p>	<p>Antonio Webster</p>	<p>On September 16, 2010, at about 12:35 a.m., Antonio Webster was shot and killed along Merrion Avenue in Kingston by officers from the Elleston Road Police Station; the officers having been dispatched on mobile patrol and enquiry duties in the Kingston Eastern Division. It is reported that the concerned officers were patrolling along Merrion Avenue when they observed two men behaving suspiciously and they went to investigate. One of the men turned off into a yard and the officers accosted the other man who turned around, pointed a firearm at and shot an Officer. The concerned officers also came under gunfire from the other man who had turned off the avenue into the yard. He stood at the gate of the said premises and fired gunshots at the police. After the shooting subsided, an Officer was lifted from the ground and placed him inside the police service vehicle and transported him to the Kingston Public Hospital for treatment. The injured gunman (the "now deceased") was subsequently transported to the same hospital by residents from the community.</p>	<p>The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Antonio Webster.</p>
<p><b>46.</b></p>	<p>Anthony Barrett</p>	<p>On October 2, 2015, sometime after 5:00 p.m., Anthony Barrett was shot and killed at his home at Egypt district, Cousins Cove in Hanover during an attempt by the police to apprehend Mr. Barrett for certain offences. It is reported that Mr. Barrett resisted arrest and attacked the police with a machete, and a Cons. fired one shot from his service firearm at Mr. Barrett, in defence of himself and his colleagues.</p>	<p>The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Anthony Barrett.</p>
<p><b>47.</b></p>	<p>Unidentified male</p>	<p>On December 20, 2015, sometime after 7:30 p.m., an unidentified male was shot and killed by police officers from the Elleston Road Police Station Special Operations Unit, in the vicinity of the Garden View Baptist Church at Nine Mile, Bull Bay in St. Andrew. On the night in question, the concerned officers were on duty at the station when they received a report of a robbery in progress at the Suga Fa 2 bar at Eight Mile in Bull Bay. The police went to the location and were given a description of the suspect whom they were told had fled the scene. The police caught up with the suspected robber along the Nine Mile Main Road and upon accosting him, the said robber opened fire at the police and the police returned fire in his direction. The suspect was subsequently found suffering from gunshot injuries and was quickly transported to the Kingston</p>	<p>The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of the unidentified deceased male.</p>

		Public Hospital where he was pronounced dead on arrival.	
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### **ARRESTS MADE/CHARGES LAID (JANUARY - MARCH 2018)**

<b>Name and Rank</b>	<b>Charge</b>	<b>Date of Arrest</b>	<b>State Agency</b>
Cons. Pennington	Murder	March 2, 2018	JCF
Cons. Melissa Whyte	Murder Perversion of the Course of Justice	March 20, 2018	JCF

**Table 6: The above table shows all members of the Security Forces who were arrested and charged for various offences for the period of January - March 2018.**

## PART THREE

### LESSONS LEARNT

#### **Assaults**

In 2017 there were 259 complaints alleging assault of citizens by officers. A subset of the assault allegations involved the use of pepper spray as an instrument of force. Assault complaints comprised 33.8% of all complaint allegations made in 2017. This is representative of the annual average for such complaints received by INDECOM.

For every allegation of assault it is to be assumed that the officer concerned was using legitimate, reasonable and proportionate use of force, to either effect an arrest or in self-defence of an attack upon him/herself.

The nature of policing in Jamaica is a difficult and dangerous one and officers seeking to enforce the law can frequently be met with aggression and confrontation. INDECOM recognizes that routine engagement with citizens and instructions to comply with lawful orders can often be met with refusal, hostility and dissent. It is in this street domain that many assault allegations arise and complaints made from the minor to more serious.

There is a civic duty to adhere to the lawful instructions of police officers, and INDECOM's view is that an approach which the public should adopt is one of 'comply and complain'; this is preferred to resistance and potential conflict.

In equal measure, many hundreds of assault allegations could be reduced by greater temperance, civility and tolerance by the Constabulary. Police officers must recognise that the request for the name of an officer, the request for the reason for arrest, or why being stopped and searched, are all legitimate questions entitled by a

citizen. Equally, the taking of photographs and/or video of police officers engaged in policing is also permissible so long as the officer is not obstructed in their duties.

None of these scenarios are grounds for an officer to become rude or aggressive, or resort to inappropriate use of force, as is a frequent complaint, and from which arbitrary arrest frequently follows. The JCF's own guidance on the approach that police must adopt in their engagement with citizens is clear; namely the officers must give reasons for their need to stop a person, they should be courteous and polite and address the citizen's questions. It further advises that the taking of property is prohibited and the seizure of Driver's Licence is not permitted, unless it is to be revoked.

Officers are reminded that every use of force on a person is required to be reported to their supervisor. An entry should be made recording the use of force and grounds for it. Where injury is inflicted, medical treatment must be obtained. A frequent finding by INDECOM is that the greater majority of citizen complaints of assault are not self-reported (unlike the Department of Corrections, which has a near 100% self-reporting regime) and there are few formal records that such force was necessarily inflicted.

Policing requires trust and community cooperation, in its absence lies the potential for continued conflict. Citizens are urged to comply with an officer's lawful directions or instructions and officers to avoid the unnecessary use of force, borne out of frustration or intolerance of the citizens they are asked to police.

## PART FOUR

### PUBLIC INFORMATION

#### • Meeting: Security Forces & INDECOM

Meetings with Security Forces and INDECOM:

In the 1st quarter of 2018, INDECOM senior managers in the Operations Unit had two (2) meetings with members of the JCF High Command and the Inspectorate of Constabulary. The following matters were discussed:

- Quarterly reports
- Delays in arrests
- Specific cases
- Recycled firearms
- Use of pepper spray policy
- Watch List
- Distribution of Completed Commission's Reports

#### • OUTREACH – Awareness Exercises

Unit/Division/Station	Group Size	Contact hours
J-Flag	12	2
Department of Correctional Services	36	2
Portland Cottage	170	3
Community Meeting - St. Matthew's Anglican Church Hall	30	3.5
JCF – Montego Bay	15	2
KPH	5	2
Mobile Reserve	38	4
Area 5	97	1
Constant Spring Police Station	20	3

#### • PRESS RELEASES

For the 1st quarter of 2018, The Public Relations Unit issued 10 press releases. They are as follows:

1. Convicted JCF officer sentenced to pay fine of \$500,000.00
2. INDECOM launched investigations into 4 fatal shooting incidents (amended)
3. INDECOM on State of Emergency
4. INDECOM does not disarm police officers
5. Allegation of assault on Gleaner photographer
6. INDECOM charges JCF officer for murder
7. INDECOM investigating double fatal shooting on Spanish Town Bypass
8. Court of Appeal rules INDECOM investigative staff can arrest, charge and prosecute under common law
9. JCF Woman Constable charged for murder and perversion of justice
10. Letter to Editor | INDECOM did not ignore court ruling

# INDECOM OFFICES

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## **Incident and Tip Lines:**

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