

### **1. Purpose**

The Honourable House is asked to note the First Quarterly Report of the Independent Commission of Investigations (INDECOM) for the period 1<sup>st</sup> January to 31<sup>st</sup> March, 2018.

### **2. Background**

INDECOM was established to offer effective and independent investigations of allegations of the 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 The Independent Commission of Investigations Act 2010 repealed the Police Public Complaints Authority Act, and made provisions for the establishment of the INDECOM effective August 16, 2010. Subsequent to this, the organizational structure of INDECOM was established on a phased basis effective January 1, 2011.

INDECOM operates from three (3) 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. Highlights of the Issues in the Report**

#### **3.1. Allegations of 'Planted Firearms'**

In its first Quarterly Report for 2018, INDECOM examines the issue of repeated allegations against the Jamaica Constabulary Force (JCF) of "planted firearms." According to the report, these allegations are not new and have plagued the JCF for many years. The report states, "the planting of evidence has always been an avenue for rogue law enforcement officers to bolster non-existent or weak cases."

INDECOM cites cases of these instances and provides some recommendations to effect proper management and security of recovered weapons.

### **3.2. New Complaints**

For the period, the Commission received 259 complaints from 221 incidents. The top five categories of complaints included: assault (89); discharge of firearm (56); fatal shooting incidents (30), shooting injury incidents (29); and nine (9) cases of death, while in custody. It should be noted that arising from the 30 fatal shootings investigated by the Commission, there were 35 deaths. However, one of the incidents, which resulted in one death, that matter is unconfirmed as a security force related incident. In addition, of the 29 shooting injury cases investigated by the Commission, 32 persons were injured. It was, however, pointed out in the report, that two of the cases which resulted in two injuries, are unconfirmed as security force related incidents. Also, for the same period, there were 9 deaths in custody.

During the review period, there were no shooting fatalities for the parishes of Manchester, Portland and Trelawny. However, the 35 deaths mentioned earlier occurred in the following parishes: St. Thomas (1), St. Elizabeth (1), Hanover (1), St. Mary (2), Clarendon (2), Westmoreland (3), St. James (3), St. Ann (3), Kingston and St. Andrew (8) and St. Catherine (10). Of these deaths, the JCF is responsible for thirty-three (33) or 94% while one (1) or 3% occurred, as a result of a joint JCF/JDF operation. Recall that in one (1) of the incidents, which resulted in one death, that matter is unconfirmed as a security force related incident.

It should be noted, that while not all parishes recorded incidents of fatal shootings, complaints against the police, in relation to both fatal and non-fatal shootings, were received from all parishes. Kingston and St. Andrew recorded a majority of eighty-eight (88) complaints, while Portland recorded the least with two (2) complaints.

### **3.3. Resolved Complaints**

INDECOM's Legal Department completed a total of one hundred and forty seven (147) Reports. The nature of the files completed included forty-nine (49) assaults, forty-seven (47) fatal shootings, sixteen (16) cases of deaths while in custody, eight incidents of threat, and seven shooting injuries, among other complaints.

Of the one hundred and forty seven (147) reports completed by INDECOM's Legal Department, one hundred and thirty-six (136) were found to be unsubstantiated. However, fifteen (15) officers were recommended for disciplinary action, in nine (9) cases, while four (4) officers were recommended to be charged, in three cases. It should however be noted that in one of the cases, there was a recommendation for one officer to be both charged and have disciplinary action applied.

Of the forty-seven (47) Commission's Reports related specifically to fatal shootings, the Commission recommended that criminal charges be laid against the officers involved in two of the cases. In twenty-eight (28) cases, it was recommended that the matters be forwarded to the Special Coroner for consideration of whether inquests should be held to determine the cause of death of the victims. While of the remaining seventeen (17) cases, INDECOM did not recommend that any criminal charges, disciplinary actions, or further investigations be pursued.

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

During the period under review, two members of the JCF were arrested and charged. One was charged with murder, while the other was charged with murder, in addition to the offence of perverting of the course of justice.

### 3.5 Lessons Learnt

For the first quarter of 2018, two hundred and fifty-nine (259) complaints were received by the Commission, the majority of which related to the use of force. Whilst the Commission recognises that the nature of policing in Jamaica is a difficult and dangerous one, policing requires trust and community cooperation. Accordingly, officers are being urged to avoid the unnecessary use of force, borne out of frustration or intolerance of the citizens they are asked to police. However, the citizens are being equally urged to comply with an officer's lawful directions or instructions as there lies a civic duty to comply with same.

The Honourable House is asked to note the foregoing.

A handwritten signature in cursive script, reading "Delroy Chuck".

Delroy Chuck, QC, MP

Minister

September 18 2018