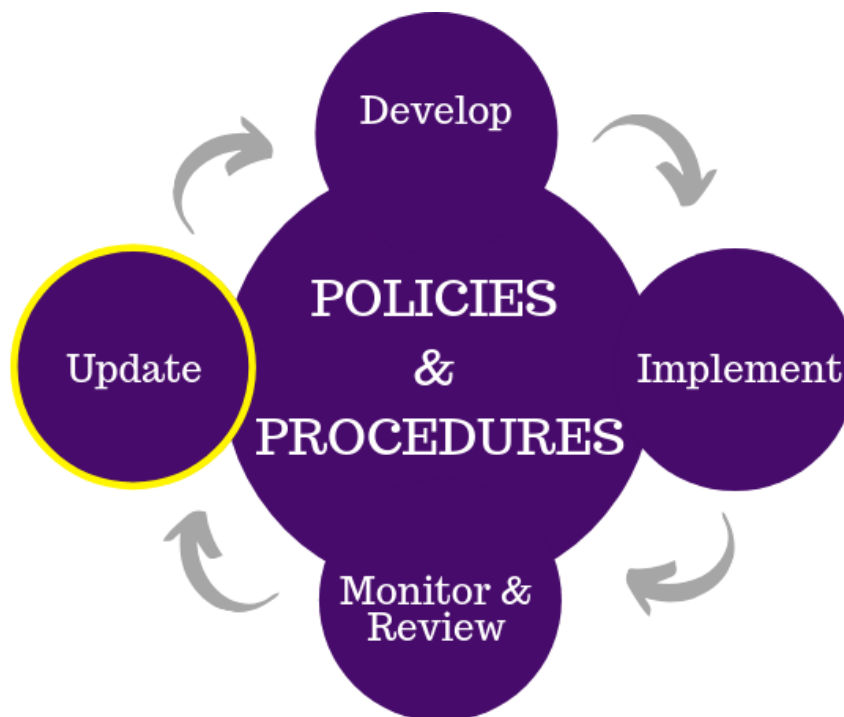


# THE INDECOM QUARTERLY 1st

JANUARY - MARCH 2019

## Improving INDECOM'S Investigations



### Introduction

The Independent Commission of Investigations (INDECOM) was established by an Act of Parliament in April 2010, as a Commission of Parliament, with responsibility for providing oversight and investigative responsibility of the use of force

by the security forces in Jamaica. The creation of the Commission represented a bold step in the achievement of accountability of law enforcement officials in Jamaica.

[Continues on page 5](#)

**“Justice will not be served until those who are unaffected are as outraged as those who are”**

Benjamin Franklin

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## COMPACT DISC

1<sup>st</sup> Quarterly Report: January – March 2019  
 New Complaints: January – March 2019  
 Commission's Reports Completed: January – March 2019

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

# IN THIS EDITION OF THE IQ

## IMPROVING INDECOM'S INVESTIGATIONS:

In this report, the Commission identifies some of the important policies implemented by internally which have made for better efficiency in the discharge of the Commission's mandate. The policies highlighted have played an important role in increasing operational efficiency, the professional outlook of the Commission and have improved the quality of investigations.

### PART ONE: NEW COMPLAINTS

The Commission received 197 categories of complaints from 181 incidents reported for the period. The top five categories of complaints include: assault (68), discharge of firearm (58), shooting injury (21), fatal shooting (19)\* [see page 9], and threat (8).

The Commission's Forensic Unit responded to 69 incident scenes for the period. There were two deaths in custody for the period.

In relation to parishes with fatalities: St. Ann, Trelawny, St. Elizabeth, Clarendon and Portland had no fatalities for the period. The parishes of St. Thomas, Hanover, Manchester and Westmoreland recorded one (1) each; St. Mary recorded two (2); Kingston & St. Andrew had four (4), St. James had five (5) and St. Catherine recorded the highest at seven (7).

All parishes had complaints, both fatal and non-fatal, with Kingston and St. Andrew recording the highest with 61 complaints and Hanover and Portland recording the least with two (2) each.

### PART TWO: THE LEGAL DEPARTMENT

In the Legal Department, 197 Commission's Reports were distributed and completed. 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. No member of the Jamaica Constabulary Force (JCF) was arrested and charged during the period, for incidents investigated by INDECOM.

### PART THREE: LESSONS LEARNT

The action of Detective Corporal M ought to be commended for thwarting an armed robbery and later rescuing the perpetrator from the clutches of a mob.

### PART FOUR: PUBLIC INFORMATION

The Commission's Senior Management Team in the Operations Unit had two (2) meetings with members of the JCF High Command to include the Inspectorate of Constabulary for the period. The matters discussed included scene preservation protocols and recent court rulings.

The Commission participated in awareness exercises equaling 846 man hours for the period.

The Public Relations Unit issued 21 press releases for the period. The titles of these are listed in this section.

**Continues from from page 1**

In order to effectively discharge its mandate, as an oversight agency, the Commission must demonstrate the highest standard of accountability and professionalism. For the period 2011-2018, INDECOM commenced investigations into over 6400 incidents involving members of the Security Forces; this included over 1700 deaths. Over 5500 of these investigations have been completed as at December 2018. More than 120 officers have been criminally charged and there have been 21 convictions in the Courts for offences ranging from murder to breaches of the INDECOM Act.

Since inception, there have been several challenges to INDECOM's remit, both in the law courts and in the public. Such challenges continue, but most legal challenges to INDECOM's remit and powers have been rejected by the Courts, allowing the Commission to effectively pursue its mandate.

The Commission has continued to review its operations and take the necessary steps to ensure that it is providing a quality service, and that it operates as efficiently as possible, whether by way of issuing policy directives, or by making other operational changes for better results. This report identifies some of the important policies implemented by INDECOM which have made for better efficiency in the discharge of the Commission's mandate. The policies highlighted are as follows:

- A. The Backlog Reduction Strategy;
- B. The Major Incident Room Standard Operating Procedure (MIRSOP);
- C. The Directions on Effective Family Liaison and Witness Management; and
- D. The Control Room Operations and Management Policy.

Together, these policies have played an important role in increasing operational efficiency, the professional outlook of the Commission and have improved the quality of investigations.

**A. The Backlog Reduction Strategy**

Upon commencing full operations in 2011, INDECOM inherited over 500 cases from the Bureau of Special Investigations (BSI) and the Police Public Complaints Authority (PPCA). This volume of older cases, coupled with initial start-up processes resulted in a delay in commencing significant investigative work and a backlog started to develop. This issue was exacerbated by fewer than 30 Investigators engaged to conduct investigations on behalf of the Commission, compared to the BSI, which had about

60 Investigators. By 2015, complaints had increased from below 300 in 2010, to over 800. Over this period incidents requiring scene response, for example: fatalities, shooting injuries and discharge of firearms, rose to unprecedented levels of over 400 per year. Fatal shootings alone accounted for an average of over 200 incident scenes per annum. Consequently, the case backlog increased significantly.

The high case backlog, coupled with a high intake rate, resulted in an increasing case load for Investigators. As a result, the Commission commenced a review in late 2015 and introduced a backlog reduction strategy. This involved:

- i. The conduct of a Commission-wide case audit, October-November 2015;
- ii. The establishment of the Evaluation and Standards Department to manage the statistical, operational policies, research and enforcement component of the Commission's work, December 2015;
- iii. The setting of team specific targets- early 2016.
  - a. Prioritisation of cases between 500 and 900 days old for completion;
- iv. An increased vigilance in enforcing the "60 days target to complete new cases" policy, 2016;
- v. The implementation of a case completion based Performance Evaluation Matrix (PEM), 2016;
- vi. The implementation of the Major Incident Room Standard Operating Procedure (MIRSOP), 2016;
- vii. The institution of the 14 Day Review Programme for all complaints received by INDECOM, 2016;
- viii. Increased staffing in the Investigation and Legal Divisions, 2016-2017;
- ix. Meetings with top and low performers on a quarterly and monthly basis, respectively, 2017;
- x. The implementation of the Electronic File Management System to facilitate greater accountability and file security, late 2017; and
- xi. The implementation of the Annual Operational Audit system, early 2018.

These oversight and supporting resources have had a significant impact on "backlog" cases. At the start of 2016, there were 787 backlog cases requiring completion. By the end of 2016, the backlog had reduced to 630. At the end of 2017 it reduced to 365 and at the end of 2018 to 309. At the end of March 2019, the backlog stood at 199 (see figure 2 below for more details).

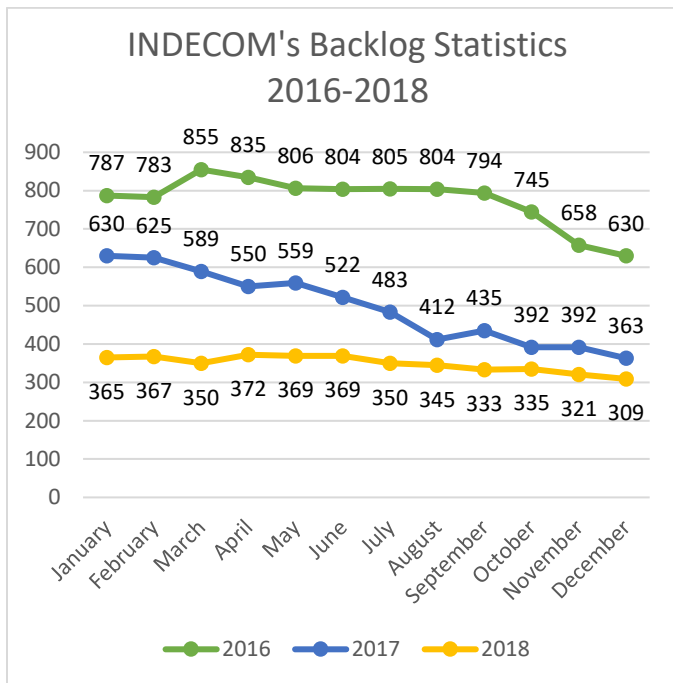


Figure 1 INDECOM's monthly backlog statistics 2016-2018

## B. The Major Incident Room Standard Operating Procedure (MIRSOP)

The MIR investigative strategy was invented in the late 1970s to improve the investigative processes of UK police forces. The MIR system came on the heels of public out-cry regarding malpractices in the conduct of investigations as well as, inefficiencies generally. The MIR strategy provides greater resources and technical competencies in the investigation process as well as increased accountability. INDECOM implemented MIRSOP on July 1, 2016. The policy was borne out of a need for certain investigations, particularly deaths, and other incidents which attract a high level of public interest, to be given greater attention (which was necessary for efficient and effective investigations). The major features and benefits of this policy are:

- i. It provides additional human resources; and
- ii. The investigations are conducted by a Senior or Chief Investigator (Lead Investigating Officer- (LIO) supported by a team of other investigators performing various roles:
  - o Deputy Lead Investigating Officer;
  - o Exhibit Coordinator;
  - o Family Liaison Officer—who maintains contact between the victim's family and the investigation team,
  - o House-to-House or Canvass Coordinator—who has charge of the

door to door or witness trawl component of the investigation in the community; and

- o Witness Liaison Officer—this is an investigator who is charged with the responsibility of witness welfare.

These, and other roles, may be filled as the need arises owing to the circumstances of the case.

Not all cases which INDECOM investigates are treated under the MIRSOP. Whether or not a case is to be investigated in this way will be determined by the Director of Complaints' assessment in the initial stages of the investigation. The classification of the case is subsequently ratified by a review panel within 14 days of the commencement of the investigation. Under the MIR system, a case may fall under one of three categories:

- i. **MIR/A:** Fatalities and other cases which attract high public interest/media attention, concern senior officers, reveal serious systemic problems or a pattern of serious alleged abuse;
- ii. **MIR/B:** All fatalities and shooting investigations where there is a possibility of criminal charges being laid; and
- iii. **Non-MIR:** All cases that do not fall under categories MIR/A or MIR/B.

The MIR regime is accompanied by a rigorous system of accountability and the LIO is required to maintain a Policy File (Lead Investigating Officer's Policy File). In this file, the LIO keeps a detailed catalog of all actions taken in the course of the investigation, the result of these actions, a catalog of all decisions made in the case (Decision Logs) and the rationale for making each decision. The LIO is also required to record and follow the Terms of Reference (TOR) for the investigation and detail all Main Lines of Enquiries (MLOE) pursued, and state how each action is linked to these MLOEs. The LIO must also record any Fast Track Actions (FTA), that is, emergency steps/time sensitive actions taken in the life of the investigation.

Since the implementation of the MIR system the quality of investigations has significantly improved. On average About 1 in every 10 cases investigated by INDECOM falls within one of the first two MIR categories, that is, MIR/A and MIR/B.

Investigations conducted under the MIRSOP are subjected to reviews on a fortnightly basis. They are reviewed by a panel comprised of the Commissioner and/or Assistant Commissioner, the General Counsel, the respective Director of Complaints, the Director of Evaluation and Standards and the Investigator, where necessary. These

reviews are additional to the team and case level reviews, and provide top level scrutiny, as well as, aid in identifying issues which are sometimes critical to the success of the case.

This constant monitoring and evaluation has also resulted in a reduction in the average turnaround time from 67 days pre-2016 to 59 days post-2016. An analysis of the fatal shooting investigations conducted in 2018, revealed that more than 83% of these investigations were completed within three to six months of commencement. However, there remains delay in reaching a final resolution of these cases due to divers difficulties experienced in obtaining scientific reports from the Institute of Legal Medicine and Forensic Science. For example, ballistics, chemistry and biology reports can take between one to three years to be completed; post mortem reports may take up to one year. These delays significantly impact case resolution time but INDECOM continues to make representation to improve this situation, and continues to exercise promptness in the areas within the Commission's control.

Ideally all fatal cases should be investigated as an MIR case, but due to the high number of fatal cases and relatively small number of Investigators, the Commission is unable to do so currently. It is the hope that this can be achieved in the near future.

### **C. The Directions on Effective Family Liaison and Witness Management**

International standards and practices recognise the important role that family members of victims contribute in the conduct of investigations, and their right to be kept informed on a regular basis. INDECOM's commitment to keep victims' families informed was demonstrated in 2017, with the introduction and implementation of the Family Liaison Policy. Improving practices in this area by Amnesty International, who identified a complaint that INDECOM did not in some cases, keep family members properly informed about the progress of investigations.

The Directions on *'Effective Family Liaison and Witness Management'* defines the scope and role of Family Liaison within INDECOM and sets the minimum standards regarding how staff should conduct themselves with families. The aim of Family Liaison is, "to facilitate an investigation into the family's loss by establishing and maintaining a sensitive, supportive and appropriate relationship, which links the family and the enquiry team".

It is widely recognised that where there is effective and honest communication between the victims' families and the Investigator many benefits will flow therefrom, which

may result in an early resolution of the case. Effective family liaison also achieves the following objectives:

- i. Provide care, support and information in a sensitive and compassionate manner to the family who are themselves victims of crime;
- ii. Ensure that family members are given information about support agencies and that referrals are made to Victim Support and other agencies in accordance with the family's wishes;
- iii. Gather evidence and information from the family in a manner which contributes to the investigation and preserves its integrity; and
- iv. Secure the confidence and co-operation of a victim's family which can positively impact on the wider issues of community trust and confidence as well as bringing positive benefits to the investigation.

INDECOM has selected and trained Family Liaison Officers (FLO) on all teams across the Commission, thus each region has the necessary capacity to deliver quality Family Liaison services to complainants and victims' families. These FLOs have been trained at the highest standard, in line with established international standards, modeled from England and Wales, and adopted for the Jamaican context. Under this new approach, FLOs are required to update victims' families and complainants on the progress of investigations every 14 days, or where there is a new development in the case (whichever is sooner). FLOs are also required to keep detailed notes of their contact with victims' families and complainants on the Family Liaison Officers Log and to keep their supervisors apprised of "investigatively important" matters and the welfare of those with whom they are to maintain contact.

The policy also outlines the roles and responsibilities of the FLO at each stage of the case, that is, the investigation, post-investigation and post-charge stages. The type of information which is to be disseminated to victims' families and complainants is also detailed. For example, FLOs are required to keep victim's families informed of the stage the investigation has reached, difficulties obtaining witnesses or identifying the concerned officer(s), outstanding laboratory reports, awaiting ruling from DPP, officers charged (where this has been done prior to the dispatch of the Commission's Report, Commission's Report is being prepared and court dates and/or requirement for the individual to give evidence).

This approach has resulted in very positive feedback and reviews from victims' families and complainants regarding the quality service now being delivered in the area of



Family Liaison. There remains further development and improvement, but, these positive reviews are important and INDECOM continues to develop and improve this important area of our work.

#### **D. The Control Room Operations and Management Policy**

In December 2018, INDECOM implemented a 24-hour Control Room System. This change professionalized and consolidated the temporary measures which had been in existence since 2011, and which had always been deemed inadequate. The previous system was such that outside of regular working hours, the telephone operators would operate from home and receive calls regarding incidents. They would then pass on this information to the respective regions. Also, calls were sometimes received directly by senior members of the investigative staff who would make the necessary arrangements without the knowledge of the telephone operators. This system had weaknesses and was ineffective.

The new Control Room System, as detailed by the policy, established a Control Room at INDECOM's Head Office. The Control Room is staffed on a 24hours basis by trained Control Room Operators (CRO). This new unit has consolidated other functions previously carried out by different parts of the Commission. The Control Room staff currently undertake the following duties:

- i. Receives and manages all incoming calls to the Commission via a central switchboard;
- ii. Receives all calls regarding incidents requiring scene response and manages the dispatch of staff to the incident scenes. The Control Room staff also monitors the staff at the scene and provides support remotely;
- iii. Manages the confidential tiplines and Whatsapp number;
- iv. Monitors the Commission's digital media pages; and
- v. Conducts random customer experience questionnaires.

This new approach has improved accountability and efficiency in the receipt, recording and monitoring of complaints by INDECOM. It has also improved professionalism through the conduct of highly trained and effective Control Room Operators. So far there has been a

reduction in response time to incidents from over three hours to just over two hours. Notwithstanding, continued efforts to further reduce the time Investigators take to respond to incidents are ongoing. This is important because the early hours after an incident are evidentially critical, as material and other evidence, including eyewitnesses, are more available to the inquiry team. Also, the events are freshest in the minds of witnesses and concerned officers. Generally, the management of complaints receipt and incident response coordination are more precise and structured, which makes for greater efficacy.

#### **Conclusion**

INDECOM takes prides in being an organization that constantly conducts introspection regarding its operations and is prepared to make the necessary changes to remain relevant and responsive to the needs of our stakeholders and new and emerging best practices, locally and internationally. The policies and other operational changes are focused on attaining greater efficiency and fostering greater accountability in the Commission's work. To be truly effective it is incumbent to hold INDECOM to a higher standard than that which we demand of the Security Forces.

#### **Upcoming Initiatives**

##### **Achieving Best Evidence Interview Techniques**

INDECOM is in the final stages of implementing a protocol to treat with the recording of interviews/evidence of significant, vulnerable and intimidated witnesses and in some instances suspects. The procedure will see the implementation of improved interviewing techniques and the mandatory recording of interviews.

##### **Improving Case Management System (CMS)**

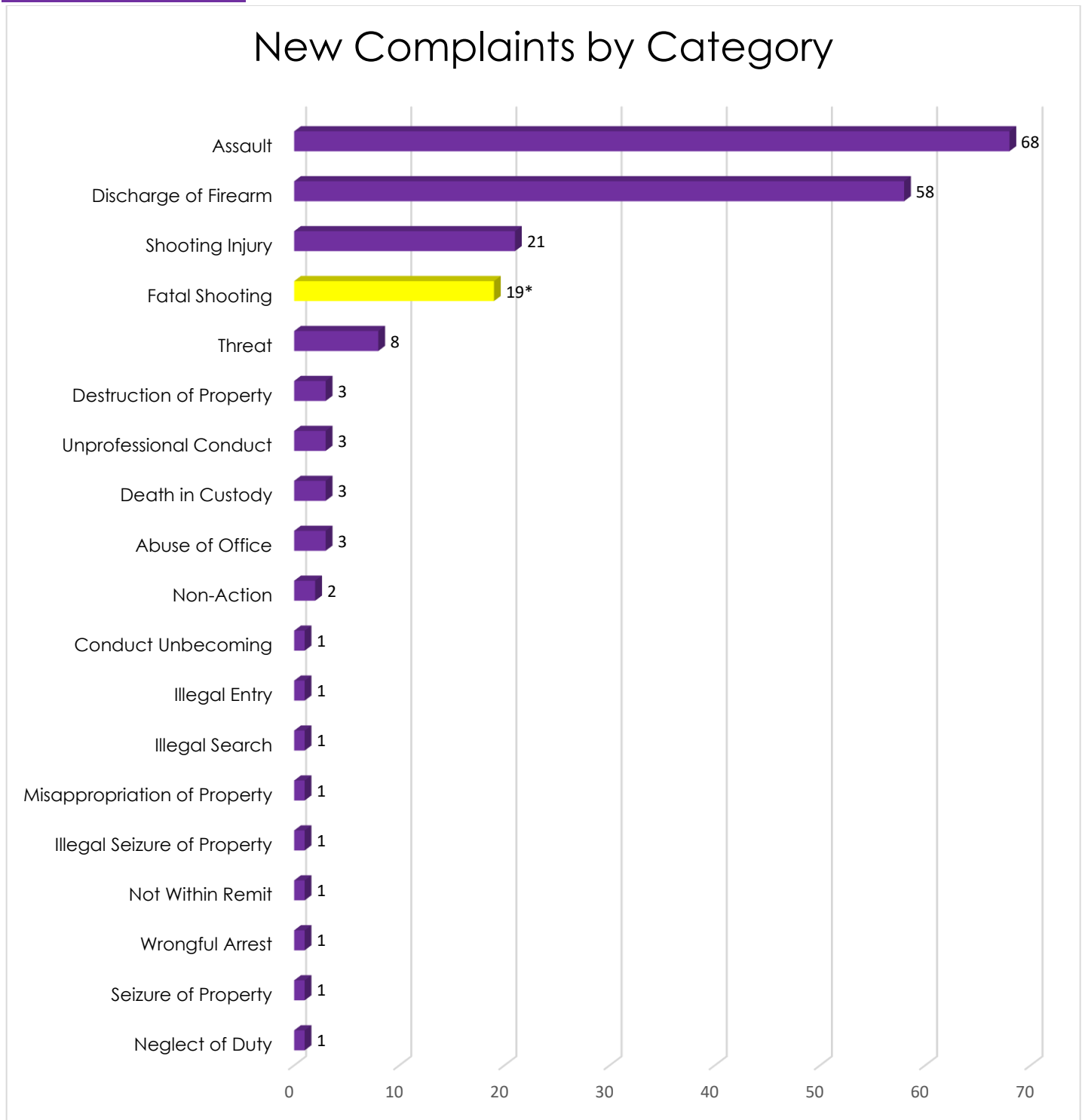
A new case management system is being procured for the Commission to replace the existing system. The new system will provide advanced analytical capabilities, increased data security and accountability for matters under INDECOM's investigation. Generally, the new CMS will enable INDECOM to manage complaints more effectively.

INDECOM will keep its stakeholders informed on these and other initiatives in due course.



# PART ONE

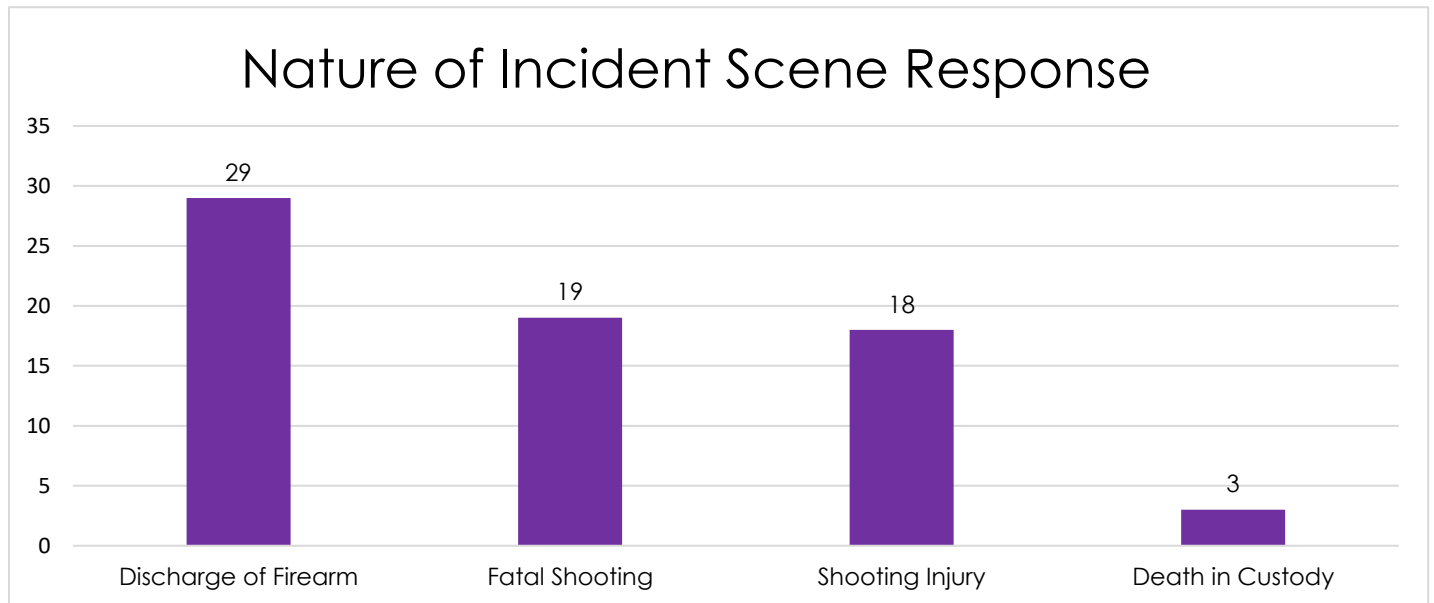
## NEW COMPLAINTS



There were 22 deaths from 19 fatal shooting incidents.

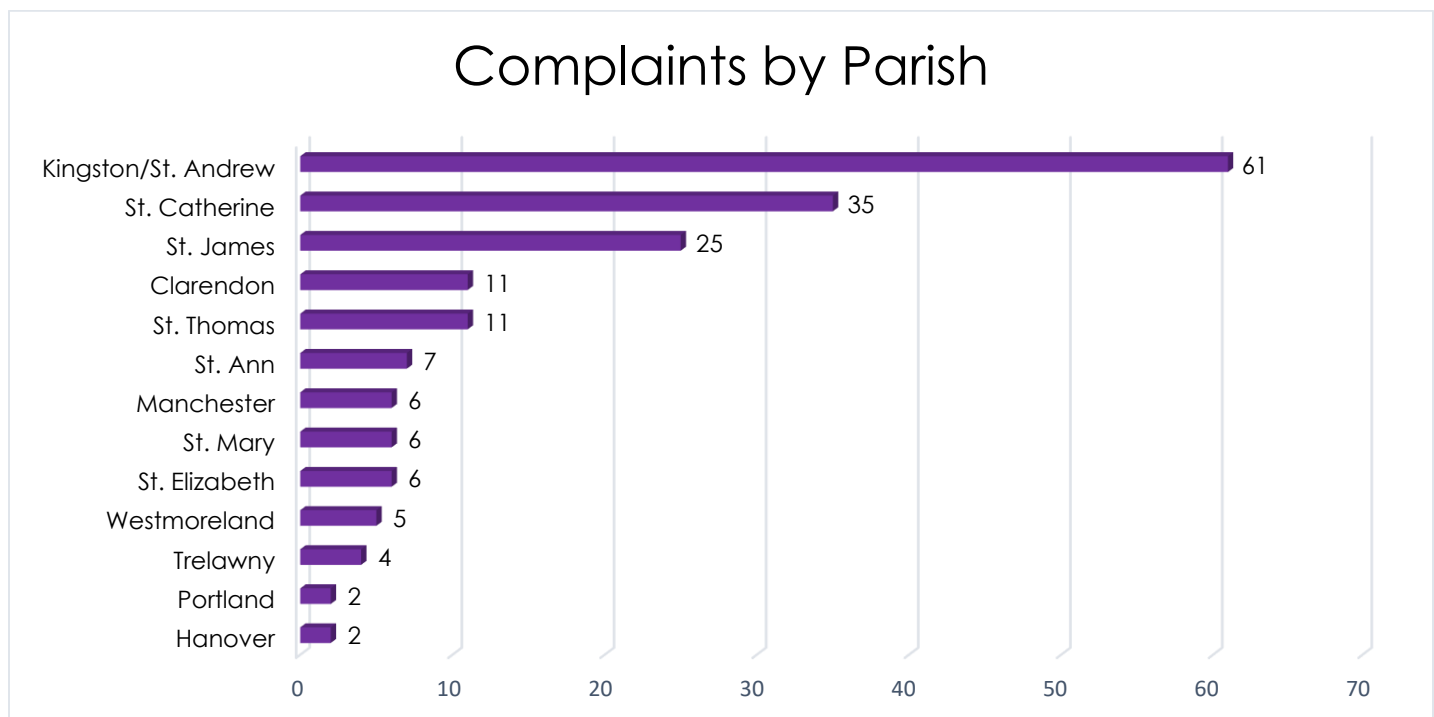
**Figure 1:** The bar graph shows all categories of new incidents for which complaints were received by the Commission for the period of January – March 2019.

## NATURE OF INCIDENT SCENE RESPONSE



**Figure 2:** The above graph shows the nature of the incidents that the Commission's Forensic Unit responded to for the period of January – March 2019

## COMPLAINTS BY PARISH



**Figure 3:** The above graph shows the number of new complaints received by the Commission per parish for the period of January – March 2019

## FATAL SHOOTINGS BY PARISH

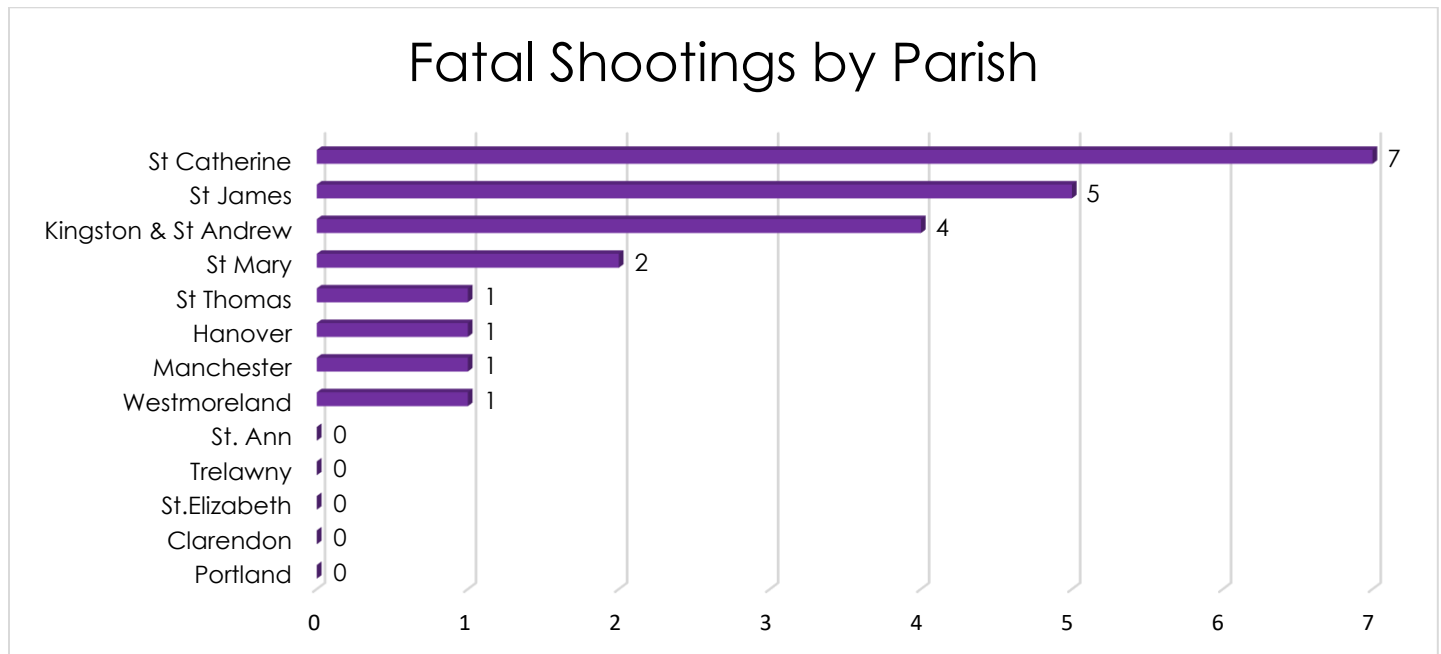


Figure 4: The graph above shows the total number of deaths from shooting incidents per parish for the period of January – March 2019

## FATALITIES BY ORGANISATION

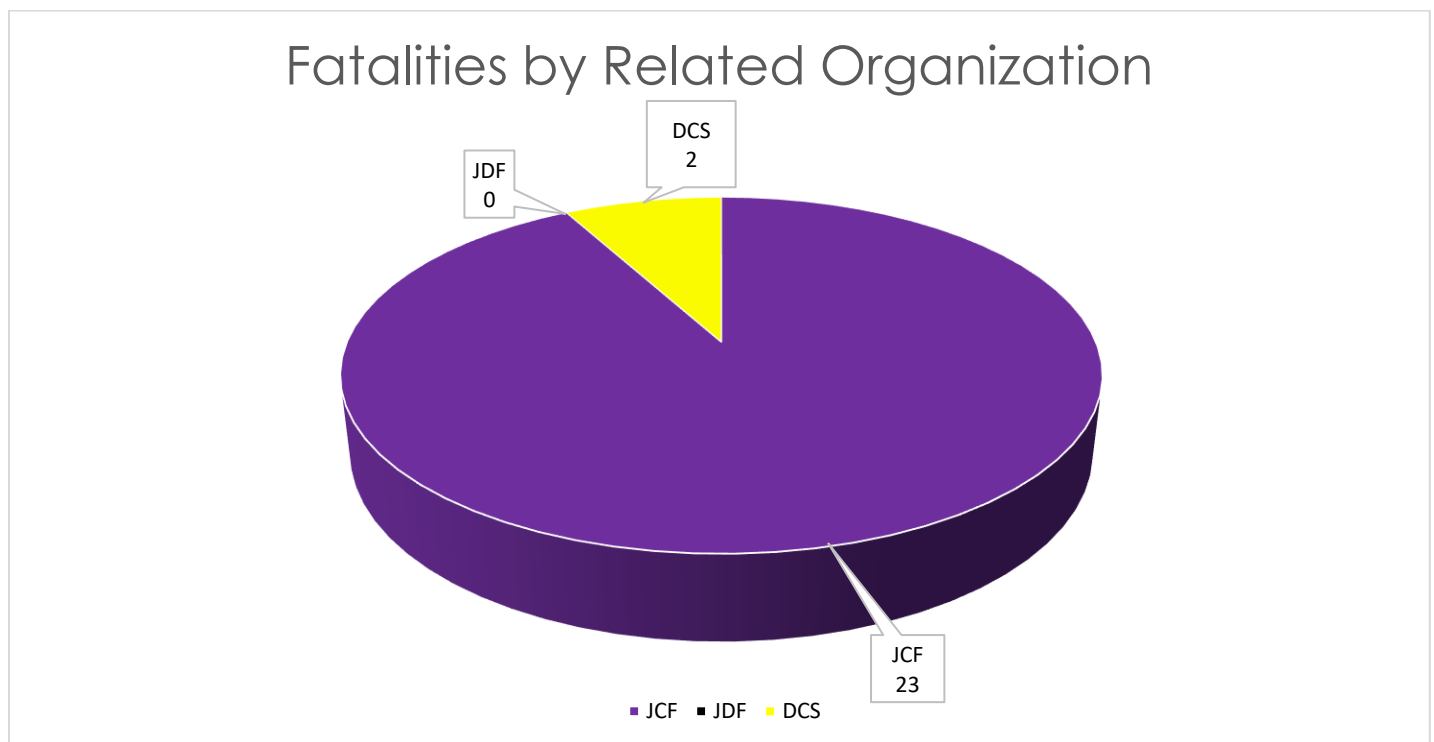


Figure 5: The above pie chart illustrates the State agency to which the fatalities recorded for the period of January – March 2019 are related.

## 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

Date	Name of Deceased	Location of Incident	Related State Agent
<b>JANUARY (8)</b> <b>(Fatal Shooting – 8 ; DIC – 0)</b>			
6-Jan	Patrick BROWN	Gordon Pen, Spanish Town, St Catherine	JCF
6-Jan	Sean BURKE	Brae St, Kingston 2	JCF
8-Jan	Tevin Mario HEADLY	Norman Ave, Kingston, 2	JCF
25-Jan	Razeen HENRY Novardo HOWELL	Port Henderson Rd, Spanish Town, St Catherine	JCF
27-Jan	Ronaldo SMITH	Rafael Ave, St Andrew	JCF
28-Jan	Rohan BLACK	York, Bethel Town, Westmoreland	JCF
28-Jan	Richard WHYTE	Ramble, Porus, Manchester	JCF
<b>FEBRUARY (6)</b> <b>(Fatal Shooting – 5 ; DIC - 1)</b>			
12-Feb	Clive COUSINS <b>DIC</b>	TSACC	DCS
19-Feb	Nehemiah McLAREN	Salt Spring, Green Island, Hanover	JCF
19-Feb	Clinton SMITH	Hill Ave, Waltham Park Rd, Kingston 11	JCF
21-Feb	Kevin JUMPP	Hallondale Drive, Portmore, St Catherine	JCF
27-Feb	male u/k	Port Henderson Rd, Portmore, St Catherine	JCF
28-Feb	Garnet COLE	Martin Lane, Old Harbour, St Catherine	JCF
<b>MARCH (11)</b> <b>(Fatal Shooting – 9 ; DIC – 2)</b>			
7-Mar	Delano RICHARDSON Tayjay CRUIKSHAND	Fairweather Avem Anotto Bay, St Mary	JCF
8-Mar	Carlton McDONALD	Pear Tree Bottom Rd, Morant Bay, St Thomas	JCF
12-Mar	Keyon WELLINGTON Ally HALL	Belmont St James	JCF
16-Mar	Tony R BARRETT	Avacado Crescent, Catherine Hall, Montego Bay, St James	JCF
19-Mar	Nevada DENNIS	Island Farm, Gutters, St Catherine	JCF-OD

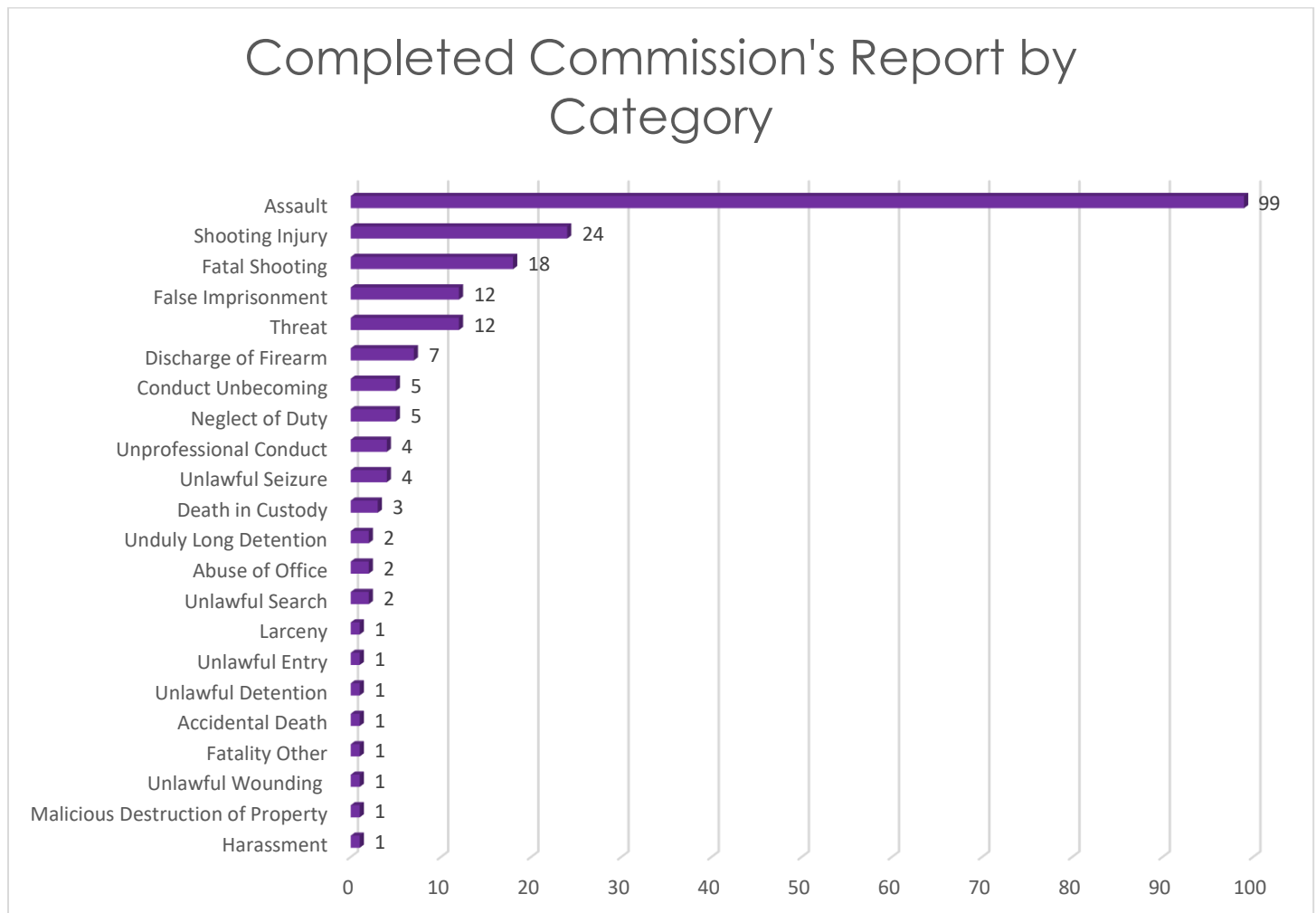
21-Mar	Amoy YOUNG	Gordon Crescent, Granville, St James	JCF
22-Mar	Donovan THOMPSON <b>DIC</b>	TSACC	DCS
27-Mar	Lance CALVERT	Cottage Rd, Salt Spring, St James	JCF
28-Mar	Jermain FAQUHARSON <b>DIC</b>	Morant Bay PSTN to Kingston Hospital	JCF

**Table 1: The above list presents the names of civilians who died in security force-related incidents for the period of January – March 2019**

## PART TWO

### The Legal Department

#### NATURE OF COMPLETED COMMISSION'S REPORTS



**Figure 6:** The above graph shows the category of complaints for the Commission's Reports completed during the period of January – March 2019

#### OVERVIEW: RECOMMENDATIONS MADE FOR COMPLETED COMMISSION'S REPORTS

Charge		Disciplinary Action		Unsubstantiated
2 cases	2 officers	13 cases	18 officers	182 cases

**Table 2:** The above table shows the recommendations made for Commission's Reports completed for the period of January – March 2019

## **RECOMMENDATIONS MADE FOR COMPLETED COMMISSION'S REPORTS – FATAL SHOOTING INCIDENTS**

**Table 3: Recommendations by the Legal Department for Commission's Reports completed for fatal shooting incidents during the period January – March 2019**

<b>No.</b>	<b>Complainant/Victim</b>	<b>Case Summary</b>	<b>Recommendation</b>
1.	Donovan Stewart	Constable, whilst on prison Guard duty at the Mandeville Regional Hospital shot and killed Donovan Stewart shortly after he had stabbed a patient and cut a nurse. Reports are that Mr. Stewart a patient at Mandeville Regional Hospital, began behaving boisterously and attacked a fellow patient, using several objects, including an ankle pin he pulled from his foot. Despite several attempts to get Mr. Stewart to drop the weapon; he didn't resulting in Cons. firing his weapon, hitting him in the lower region of his body. Mr. Stewart later succumbed to his injuries; the Post Mortem revealed hemorrhaging resulting from the severing to his left and right femoral arteries (caused by the bullets).	The Commission recommends that no charges be laid against the concerned officer. This matter is referred to the Special Coroner.
2.	Dane Ramsay and Shavaughn McDonald	On August 28, 2013, Sgt having received a report of gunman seen chasing a man and firing at said man, dispatched the respondents, in the community of Green Pond in search of these men. Reports are that while Constable sat in an unmarked car along the Green Pond main road, a man (Shavaughn McDonald) allegedly armed with a weapon entered his car and held a gun at him. Constable managed to fire two shots at the man who ran from the vehicle into bushes. The other alleged gunman (Ramsay) was seen with a firearm. The officers responded. Ramsay was found with a firearm. Ramsay was pronounced dead hospital, however, McDonald later succumbed to his injuries. Eyewitness accounts refer to the first incident reported to the police.  The eyewitness accounts support the presence of gunmen in the community and that these gunmen were the now deceased. There is no account to support that the deceased were killed without lawful justification. The Commission refers the matter to the Special Coroner for his consideration.	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.
3.	Aljerome Fray	The deceased, Aljerome Fray was shot and killed by the police on December 14, 2013 in the aftermath of an aggravated robbery in which he played the part of the principal offender. While he and his accomplices were trying to escape, they were discovered by the police, and a gun battle ensued. When the said battle ended, the deceased was found to be its victim.	The Commission hereby recommends that no criminal charges be laid nor disciplinary action be taken in respect of this fatality.
4.	Randy Lewis	On January 31, 2012, at about 6:30 p.m., Cons. visited the More Vibes Auto Shop on Collimore Drive in St. James to replace a defective bulb on the trunk of his motor car. The said auto shop is operated by his close friend, Randy Lewis (the now deceased). When the replacement of the light bulb was effected and he was about to leave the location, he approached his motor car and removed his service firearm from his waistband and held it in his hand; his intention being to place the firearm on his lap when he sat in the driver's seat. He	The Commission respectfully recommends the Commissioner of Police Be advised of the Commission's finding that a prima facie case exists that Constable breached JCF Policy relative to the use, care and handling of his firearm by having a round



		slipped and the firearm fell from his hand, and he quickly attempted to catch the firearm before it fell to the ground. In the process of trying to catch the firearm, his finger accidentally pressed the trigger causing the weapon to fire a single shot which hit Randy Lewis in his chest. Mr. Lewis was rushed to the Cornwall Regional Hospital where he later succumbed to his injuries.	in the chamber in circumstances which did not require it; Causes the appropriate internal disciplinary proceedings to be instituted against Constable to determine whether he committed the breach described in the preceding section.
5.	Kemoy Blake	On October 20, 2017, sometime after 3:00 p.m., Kemoy Blake was shot and killed at Waterloo district in St. Catherine during a police operation to apprehend his father CB o/c 'Choppy' who was wanted by the St. Catherine police for drug and gang related crimes. The police contend that during the operation Kemoy Blake pointed and fired a gun at them and the police returned fire hitting him. He was rushed to the Spanish Town Hospital where he was pronounced dead.	No criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Kemoy Blake.
6.	Sheldon Thorpe	On Monday, September 12, 2016, at about 5:30 p.m., Detective Constable and Constable received information that two men armed with firearm were traveling in a taxi from down town Montego Bay, St. James to Taylor's Lane in Tucker District, St. James. Upon receiving the information the concerned officers proceeded in a private motor car to the said area, where they saw a car fitting the description given. The car came to a halt and two men exited, Detective Constable Ford shouted "Police!" to the men who exited the car and both men pulled nine millimeter (9mm) pistols and fired in the direction of the concerned officers. As a result, the concerned officers took evasive action and returned fire, after the gun fire subsided one man was found lying on the ground suffering from what appeared to be a gunshot wound to the head. This man was clutching a 9mm Browning pistol as well. The man's crony escaped on foot in the area. The man was taken to Cornwall Regional Hospital where he was pronounced dead. The deceased was later identified as Sheldon Thorpe of Tucker District, St. James.	The Commission respectfully recommends that: no criminal charges be laid or disciplinary action be taken, in relation to the fatal shooting of Sheldon Thorpe. The file be forwarded to the Special Coroner.
7.	Oshane Murray	On Thursday, May 8, 2014 at about 1:40 a.m. Cons. who was off duty was a patron outside Club Rolex, Long Bay, St. James, when he heard several loud explosions and went to investigate. He saw three men shooting a man identified as Darren Grey who was now on the ground. He called out to the attackers who then opened fire at him. He took evasive action and returned the fire with Glock service pistol. The attackers then ran in different directions whilst firing. After the shooting subsided a patron RR was found suffering from a gunshot wound to his chest clutching a 9mm pistol believed to be a browning single action sprayed with yellow paint containing four (4) 9mm live rounds. DG was found some distance away. R and Murray were both rushed to the Falmouth Hospital where Murray was pronounced dead and R was later transported to the Cornwall Regional Hospital.	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken, in relation to the fatal shooting of Oshane Murary. The file be forwarded to the Special Coroner.
8.	Dabian Campbell & Martin Royes	On January 1, 2017, Mr. Dabian Campbell was fatally shot along Yacca Avenue, Kingston 11 in St. Andrew	The Commission respectfully recommends

		after he opened fire on the concerned officers who returned fire in self-defence. After the shooting subsided, the concerned officers were alerted to an innocent bystander (identified as Mr. Martin Royes) inside premises Yacca Avenue who suffered a gunshot wound whilst standing outside his house during the incident. Both Campbell and Royes were subsequently taken to the Kingston Public Hospital where they succumbed to their injuries.	that no criminal charges be laid or disciplinary action be taken in relation to the fatal shootings of Dabian Campbell and Martin Royes.
9.	Jerome Spence	On May 21, 2013, Jerome Spence o/c 'Tommy' was shot and killed at his home at Blue Castle district in George's Plain, Westmoreland by police officers from the Area 1 Operational Support Team (OST) during an operation to search for illegal firearms, wanted men and persons of interest. The concerned officers said that the now deceased Jerome Spence pointed a firearm at them and they opened fire on him in self-defence.	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Jerome Spence.
10.	Sandor Robinson	On October 28, 2013, at about 4:30 a.m., Sandor Robinson was fatally shot by police officers from the St. James Police Division at his home in Roehampton district during an operation to apprehend him for certain crimes. On breaching the target house where Robinson was believed to be residing, the said Robinson opened fire on the police from inside a room. The police returned fire in his direction, hitting him. The injured Robinson was transported to the Cornwall Regional 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 shootings of Sandor Robinson.
11.	Ryan Williams	On January 1, 2015, at about 4:27 a.m., the deceased, Ryan Williams, was shot and killed during an incident. At mentioned date and time, said officers entered the premises, approached the one room dwelling, knocked on the door and announced their presence. A female opened the door and indicated that her boyfriend was also inside the premises with her. After said female exited, Cpl. pulled the curtain at the doorway. A man inside opened fire and several of the concerned officers took cover and returned fire in the direction of the man. A weapon which was allegedly in the possession of the deceased was recovered.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken in respect of the Fatal Shooting of Ryan Williams on January 1, 2015.
12.	Tavey Morris	Mr. Tavey Morris was shot and killed by a police officer from Area 4 Special OPS. According to the police, on Tuesday, the 18th day of January 2011 at about 7:30 a.m., a team acting on intelligence, went to Calladium Crescent. Upon reaching the premises, they noticed that the gates to the premises were closed. They observed a female, Ms. P along the roadway and made enquires of her. Ms. P revealed that she was a resident of the said premises, and Corporal instructed her to open the gate, which she hesitatingly did and they entered the premises. Inspector followed Ms. P into a room while two Corporals, who were at the entrance of the living room and observed their surroundings. While observing the surroundings, they heard noise coming from inside the premises. They rushed inside the living room and observed a man coming towards them with a revolver in his right hand, pointed in the direction of the officers. A Corporal shouted "Police drop the gun!" and in fear of losing his	The Commission humbly recommends that Corporal be charged for the death of Tavey Morris.

		life, the Corporal fired two shots in the direction of the man holding the gun.	
13.	Garland Young	It is alleged that on September 7, 2016, in the Lawrence Tavern area of St Andrew at 9:05 pm, a mentally challenged man attacked a policeman, who was dressed in plain clothes, with a stone causing bruising and swelling to the officer's hand. The officer fired one round from his service pistol in the direction of the man; hitting the man in his left leg. The man was taken to the Kingston Public Hospital and was treated for his injuries. However on December 10, 2016, Mr. Young died as a result of contracting sepsis and pulmonary embolism secondary to receiving a gunshot wound to the lower limb.	The Commission humbly recommends that no charges be preferred against the concerned officer. The matter is referred to the Special Coroner.
14.	Odane Tennant	The deceased, Odane Tennant was shot and killed by Sergeant on October 22, 2013. Sergeant alleges that Tennant pointed a firearm at him at the time, and so he acted to protect life and limb. However, there is potent witness evidence to the contrary, and having regard to the principles of law enunciated in R v. Galbraith, the Commission concluded that Sergeant ought to be charged for Murder, and it so recommends.	The final recommendation of the Commission is that that no criminal charges be laid nor disciplinary action be taken in respect of this fatality. The Commission further recommends that this fatality be referred to the Special Coroner for him to decide whether an inquest is necessary in the circumstances.
15.	Owen Skelton	On Saturday 4th June, 2016 at around 2:56 a.m. Constable reported that he encountered two (2) men around his car and he believed they were attempting to break into the vehicle. Cons. claimed that, whilst both men were standing beside each other, one of the men pointed a firearm at him causing him (the officer) to respond by firing his own gun. Owen Skelton, one of the two (2) men, but not the one who had pointed the gun, was wounded. The other man escaped. Skelton died ten (10) days later whilst at the hospital receiving treatment.	The Commission recommends that, no criminal charges ought to be laid or no disciplinary action should be taken. The death of Owen Skelton is referred to the Special Coroner.
16.	Nicketa Cameron, Wesley Simpson, Ramon Stern, Geroge Edmonds, Shawn Tyrell & Karlton Alveranga	On Monday, March 5, 2012 at around noon, 28 police officers left Denham Town Police Station for Charles Street in Denham Town. The police personnel were divided into sub teams: cordon team, search team, entry team, and vehicle security team. The entry team was further subdivided and one team entered the targeted premises. The police travelled in marked and unmarked vehicles on the location. Six (6) persons to include two (2) senior citizens and a young female were shot and killed during an alleged shootout between gunmen and police personnel at Charles Street and Bond Street, Kingston 14.	The Commission humbly recommends that the matter be sent to the Special Coroner to determine whether an inquest ought to be held. As the nature of the police response reveals insufficient caution for the lives of the unarmed inhabitants, the matter is referred to the Solicitor General for the consideration of compensation to the victims and their estates.
17.	Kadian Graham	On Thursday, September 16, 2010 at about 1:30 p.m., Kadian Graham o/c 'Bingie or Elder' was shot and killed by the police while at home in Rose Heights, St. James. The officers were acting on a report in a case of alleged shooting. The concerned officers stated that they were briefed by Sergeant Tyrell, and went to a premises located in Rose Heights, St. James. The	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken against in relation to the fatal shooting of Kadian Graham. The file be

		<p>police took up strategic positions along the roadway, covering the premises. Shortly afterwards, a man sporting dreadlocks looked in the direction of the police and ran towards the back of the house. Sergeant Tyrell shouted, "stop, police." The police saw a man running towards them with a firearm in his hand and Cons. Prince shouted, "police, stop." The man immediately stopped, looked in their direction and opened gunfire at them. The police returned fire and the man fell to the ground. Cons. Campbell states that they cautiously approached and he realized that the man was suffering from gunshot wounds to his upper body. The police retrieved the firearm from the man's hand and discovered it to be a .380 Pietro Beretta pistol s/n B40886Y, containing a magazine loaded with one live .380 cartridge. The injured man was assisted to Cornwall Regional Hospital by him and members of the St. James Operations Support Unit. He was pronounced dead by Dr. McPherson. Accordingly, the Commission has recommended that no criminal charges be pursued at this time, and that the matter be forwarded to the Special Coroner for him to decide whether an inquest will be held.</p>	<p>forwarded to the Special Coroner.</p>
18.	Kemar Francis	<p>On Thursday, November 21, 2013 at about 11:35 p.m. the police received information that gunmen were in the Pitfour Capture Land area in the parish of St. James. The police party proceeded on foot and when they got to a certain section, they saw three men. Constable who was in front shouted "Police". The men opened fire and Constable returned fire. When the shooting subsided and the police began to comb the area they found a man suffering from gunshot wounds. He was rushed to the Cornwall Regional Hospital where he was pronounced dead at 1 a.m. The other two men escaped in nearby bushes.</p>	<p>The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Kemar Francis. The file be forwarded to the Special Coroner.</p>

## ARRESTS MADE/CHARGES LAID (JANUARY - MARCH 2019)

There were no arrests made or charges laid for investigations completed by the Commission during the period January – March 2019.

# PART THREE

## LESSONS LEARNT: COMMENDABLE ACTIONS OF OFFICERS

The action of Detective Corporal M ought to be commended for thwarting an armed robbery and later rescuing the perpetrator from the clutches of a mob.

A civilian attempted to rob a group of men at gunpoint, one of whom is a police officer. The officer acted swiftly and fired shots at the perpetrator who ran. The perpetrator gave a differing version alleging that he was being robbed and during his escape from the thief, he was shot at.

The perpetrator was convicted for his offences.

# PART FOUR

## • Meeting: Security Forces & INDECOM

In the 1<sup>st</sup> quarter of 2019, INDECOM's Senior Management had two (2) meetings with members of the JCF High Command. The following matters were discussed:

- Clarendon cases
- Section 26 non-compliance
- Section 21 Tredegar ruling
- ID parades
- Scene Preservation Protocols
- 2018 statistics
- INDECOM Q3 and Q4 2018 reports
- INDECOM Control Room
- Specific cases

## • Outreach: Awareness Exercises

Unit/Division/Station	Group Size	Contact hours
Municipal Corporation Meeting – May Pen	20	2
Montego Bay Police Station	30	3
Professional Development Day - Bickersteth	12	3
Westmoreland Police Station	30	3
Falmouth Police Station	25	3
Manchester Taxi Associations	10	2.5
Port Maria Police Station	10	3
Graduation Ceremony for Police Officers - Negril	115	4

## • Press Releases

For the 1<sup>st</sup> quarter of 2019, the Public Relations Unit issued the following press releases:

1. Prosecution offered no further evidence against defendants in Bisson case
2. INDECOM investigates case involving Fort Augusta inmates
3. Court of Appeal upholds 2014 Breach of INDECOM Act conviction
4. Collis Brown sentenced to 51 years before parole
5. INDECOM investigating fatal shooting in Spanish Town
6. INDECOM investigating fatal shooting on Brae Street
7. INDECOM investigating fatal shooting of Tevin Headly
8. INDECOM investigating double fatal shooting in Spanish Town
9. INDECOM investigating fatal shooting of Ronaldo Smith
10. INDECOM investigating fatal shooting in Bethel Town, Westmoreland
11. INDECOM investigating fatal shooting in Porus
12. Officers found guilty in Kirkland trial
13. INDECOM investigating fatal shooting in Waltham Park
14. INDECOM investigating fatal shooting in Portmore
15. INDECOM investigating fatal shooting on Port Henderson Road
16. INDECOM investigating fatal shooting in Old Harbour
17. INDECOM investigating fatal shooting of Nevada Dennis
18. INDECOM investigating double fatal shooting in St. Mary
19. INDECOM investigating double fatal shooting in Belmont, St. James
20. INDECOM investigating fatal shooting in Granville
21. INDECOM investigating fatal shooting in Salt Spring, St. James

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***Searching for Truth, Striving for Justice***