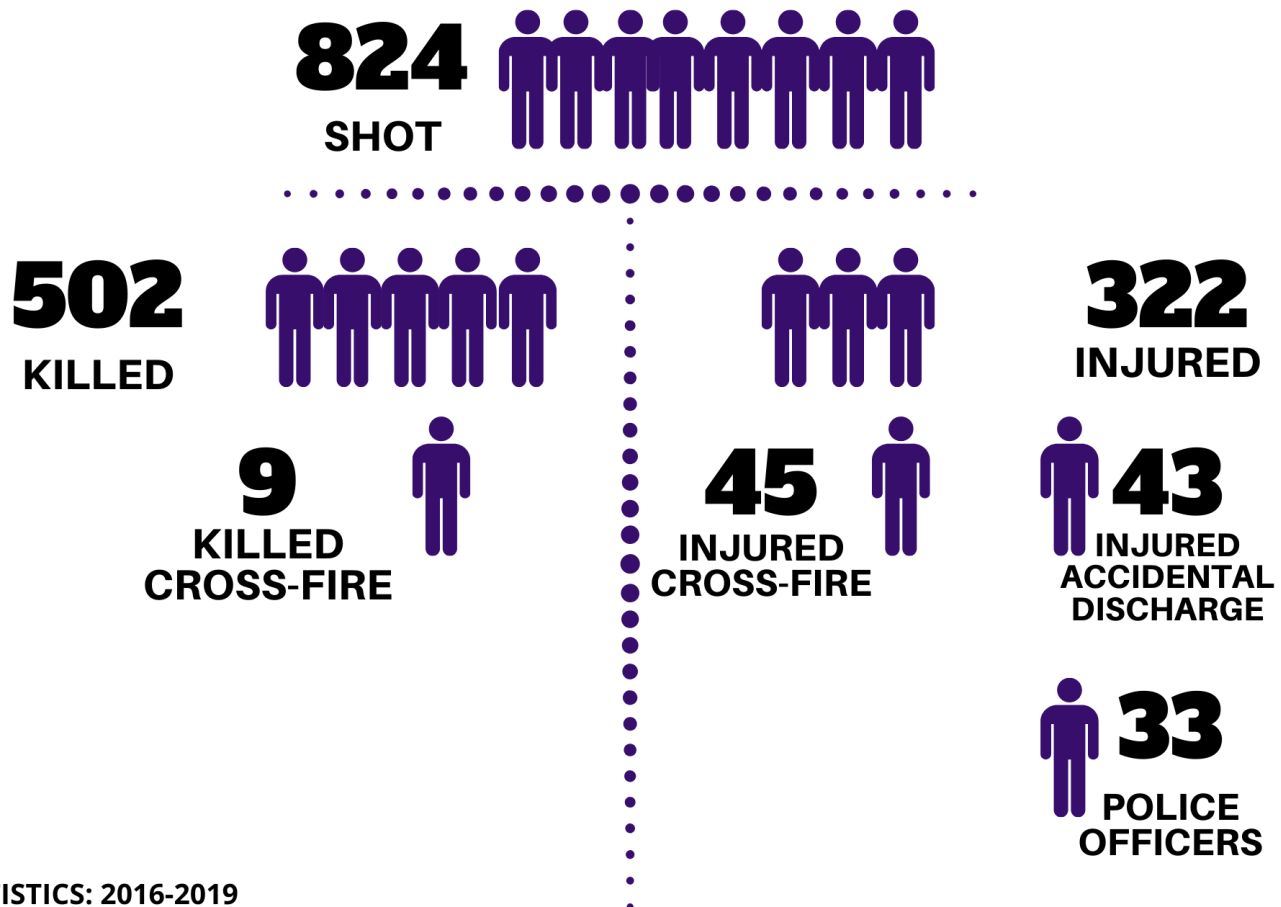


THE INDECOM QUARTERLY | 3rd

JULY - SEPTEMBER 2019

COMPLIANCE WITH USE OF DEADLY FORCE POLICIES



**“Right is right, even if everyone is against it, and
wrong is wrong, even if everyone is for it”**

William Penn

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COMPACT DISC

3rd Quarterly Report: July - September 2019
 New Complaints: July - September 2019
 Commission's Reports Completed: July - September 2019

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

IN THIS EDITION OF THE IQ

COMPLIANCE WITH USE OF DEADLY FORCE POLICIES:

This 3rd quarter report examines and considers how the Jamaica Constabulary Force (JCF), continues to exercise an inappropriate and excessive use of force with a deadly weapon and a failure to adhere to the operating principles which officers have a duty to uphold. There have been significant downturns in several aspects of the Security Force's use of deadly force, and it is considered that further reductions can be achieved by adopting and implementing the principles identified within the Caribbean Human Rights and Use of Force Model Policy.

PART ONE: LESSONS LEARNT

The non-compliance with requests for informal Identification Parades, even after agreed protocols, has resulted in the need to find other solutions for the completion of investigative steps, especially for suspicious cases.

PART TWO: NEW COMPLAINTS

The Commission received 191 categories of complaints from 168 incidents reported for the period. The top five categories of complaints include: assault (59), discharge of firearm (54), shooting injury (17), fatal shooting (18)* [see page 11], and threat and unprofessional conduct (13) each.

The Commission's Forensic Unit responded to 53 incident scenes for the period. There were five deaths in custody for the period.

In relation to parishes with fatalities: Portland, St. Thomas, Manchester, Westmoreland, Hanover, St. Elizabeth, Trelawny and St. Ann had no fatalities for the period. St. Mary recorded one (1); Clarendon recorded two (2); St. Catherine had three (3); St. James had four (4) and Kingston and St. Andrew recorded the highest at 11.

All parishes had complaints, both fatal and non-fatal, with Kingston and St. Andrew recording the highest with 54 complaints and Trelawny recording the least with one (1).

PART THREE: THE LEGAL DEPARTMENT

In the Legal Department, 148 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. Eight (8) members of the Jamaica Constabulary Force (JCF) were arrested and charged during the period, for incidents investigated by INDECOM.

PART FOUR: PUBLIC INFORMATION

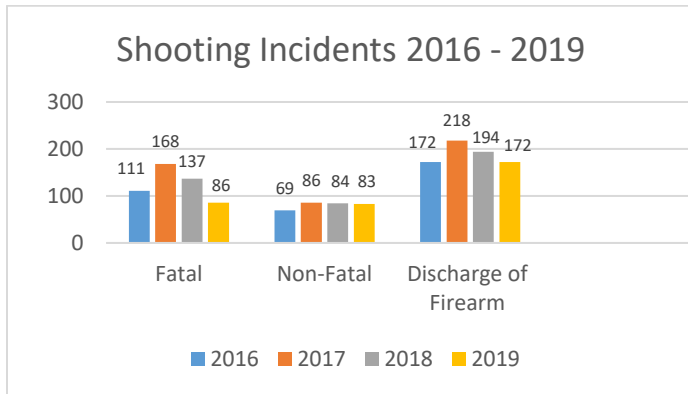
The Commission's Senior Management Team in the Operations Unit had one (1) meeting with members of the JCF High Command to include the Inspectorate of Constabulary for the period.

The Commission participated in awareness exercises equaling 64 man hours for the period.

The Public Relations Unit issued 14 press releases for the period.

COMPLIANCE WITH USE OF DEADLY FORCE POLICIES

In four years, 2016-2019, the deployment of deadly force has resulted in **824** people being shot by the Security Forces. Of this number, **502** people were killed and **322** shot and injured. For the period, 2016 to September 2019, there were **756** instances of discharge of firearms. (See Graph 1 below).



Graph 1: Use of deadly force shooting incidents 2016-2019
NB: DOF: Jan 2016 – Sep 2019

Of the 824 persons shot, **54** people were shot during cross fire incidents - 9 being killed and 45 injured. These persons were wholly uninvolved in any alleged confrontation. Forty-three (**43**) people were also shot and injured during accidental discharge incidents, **33** of whom were police officers. Thus, of the 322 persons shot and injured in 48 months, 88 persons (27%), even on police accounts, were innocent bystanders who were injured in cross fire or accidental discharges.

The use of deadly force by the Security Forces in Jamaica remains a significant issue which must be remedied. INDECOM's reports have frequently focused on fatal and non-fatal incidents, yet it is the discharge of firearm (DOF) scenario which demonstrates the continuing culture and pattern and practice of non-compliance with Use of Force policies.

The fact that one third of all shooting injuries in four years arise from accidental discharge or cross fire incidents is indicative of a failure to comply with some key use of force principles. This report considers that such events could be

further reduced by a greater compliance and adherence to adopted policies, as observed in the significant reduction of fatalities during Planned Police Operations (PPO)¹ following greater compliance with JCF Use of Force policy.

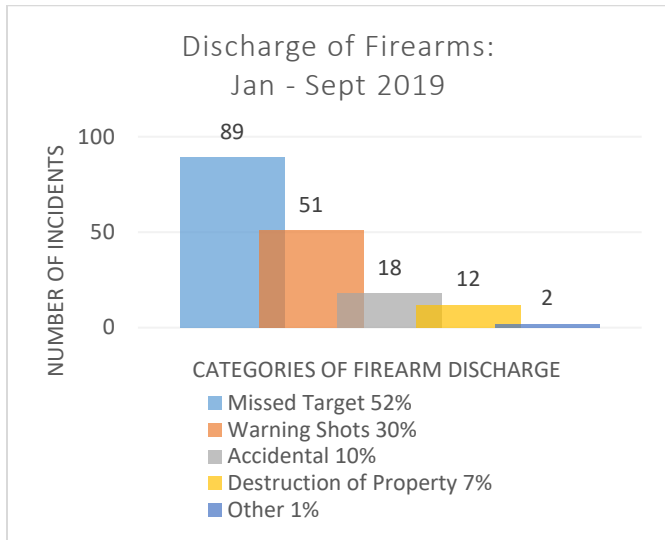
Table 1 shows the total use of deadly force incidents for the period January- September 2019, viz, fatal, non-fatal and discharge of firearm incidents. Each month's discharge of firearm incidents are double the figures for fatal and non-fatal shootings combined, averaging 20 per month.

Table 1: Use of deadly force incidents: Jan.- Sep. 2019

Month	Discharge of Firearm	Non-Fatal Shooting	Fatal Shooting	Total
Jan	18	8	8	34
Feb	17	5	5	27
Mar	23	9	9	41
April	22	8	13	43
May	21	7	7	35
June	17	10	4	31
July	17	8	8	33
Aug	21	6	3	30
Sep	16	3	10	29
Total	172	64	67	303

Graph 2 examines the **172** instances of discharge of firearm further, (Jan-Sep 2019) into the three most common categories for discharge of a weapon, viz: **missed target, warning shots and accidental discharge**. It illustrates that over half (52%) of all reported discharge of firearms, which are all potential 'endangerment to life', were 'missed target' encounters. This ratio is typical for any of the time periods examined.

¹ See INDECOM 2nd Quarterly dated April-June 2016 "Planned Police Operations" at <https://www.indecom.gov.jm/report/2nd-indecom-quarterly-april-june-2016>



Graph 2: Discharge of Firearms incidents Jan - Sept 2019

In May 2017, INDECOM hosted the inaugural conference on the *Caribbean Use of Force in Law Enforcement* in Kingston which facilitated the development of the *Caribbean Human Rights and Use of Force Model Policy*. The policy's aim was clear; if the guidelines were adopted it would lead towards a lessening of the excessive use of force, and further, if operational compliance, leadership, and training were aligned to the policies, change could be achieved.

The Caribbean Model Policy identifies the principles of Proportionality, Legality, Accountability and Necessity (PLAN). Chapters 2, 3 and 6 are critical sections addressing the guidelines for the Use of Force, Command & Leadership and Accountability respectively.

FACTORS FOR CONSIDERATION

This report looks at four (4) aspects to consider in the use of deadly force.

1. Training
2. Weapons used
3. Policies
4. Accountability and sanctions

TRAINING

For use of force training to be beneficial, there needs to be scenario-based components where officers are tested on if and how to respond. Deployment policies which expose officers to situations in which shooting and 'shoot to kill' becomes more likely can only be lessened by training and influencing operational responses. Not all

instances will require the use of a firearm, but if deployed, the aim is not 'shoot to kill' but to shoot to stop the threat². Training should occur regularly, and at a minimum of twice per year, to guarantee continued proficiency.

Literature from other police forces identifies regular and common features arising from discharge of deadly weapon incidents. These include the following, all of which present themselves within the JCF shooting incidents:

- poor marksmanship;
- shooting from too great a distance;
- failure to follow perimeter protocols;
- firing at or from a moving vehicle;
- shooting in the direction of unsighted and non-specific targets, including in the darkness; and,
- failure to wait for backup.

Missed Target

Missed target shooting events are a misnomer which belies what is in fact the use of deadly force in circumstances which resulted in no outcomes. 52% of all discharge of firearms in the first nine months of 2019 were missed target shooting incidents. Such incidents accounted for upwards of 609 rounds of ammunition being expended. This volume of live round fire is indicative of poor firearm discipline and creates considerable risk to uninvolved persons.

Section 2.9 of the Caribbean Model Policy, cautions that officers must be able to **justify each shot** that is fired, but it is apparent, from the volume of such shots, they cannot all be so justified. Such analysis is not about seeking a prosecutorial environment, but one of learning and altering a culture where the 'discharge of firearm' remains a primary response/reaction.

The high instances of missed target shots is a concern as it speaks to an inadequate response by officers. One such event during 2019, resulted in four civilians being shot, one of whom was killed, whilst officers fired their guns during an urban foot chase. Self-evidently such death and injury was not intended by the officers, but equally the decision to fire was flawed and the consequences of rushed decision making results in death and injury, which cannot be considered as 'collateral'. These and other incidents could have been prevented if there was scenario-based training on how best to treat with a situation of that nature.

As many studies have shown, what is absolutely clear, when police shoot, death is likely. Only training which shifts a culture from confrontation and aggression to that of

² UNODC Resource Book on the Use of Force and Firearms in Law Enforcement, 2017, Part III

compliance, containment and negotiation will result in less injuries and fatalities.

Accidental Discharges

Graph 2 illustrates that over one tenth of all discharge of firearms are accidental. In 2019, 18 police officers and two civilians were shot and injured by other police officers, because of accidental discharges. Accidental discharges are recognised, by their very category, as being unintended discharges of a deadly weapon. Each event was a 'near miss' deadly event and the consequences could have been far worse. The seeming culture of carelessness, and/or failure to adhere to sound principles are self-evident, yet all were preventable events.

Of note is the JCF Force Order of 22 June 2000, in which the Commissioner reported on the increase of accidental discharges, which were, quote "...occurring with increasing regularity, and in which the police were shooting themselves and civilians". The Commissioner stated he expected the highest level of care and respect in the handling of firearms, whether on or off duty. Implemented in 2000 was the decision that all members of the JCF "...must be debarred from using a firearm until both retrained and re-certified".

Consideration of re-introducing such a consequential measure would go a long way in reducing the continuing attrition of service personnel.

Whilst there were no prosecutions from any of these discharge of firearm incidents, the figures illustrate the lessons that need to be understood in order to further reduce the risk of a citizen's right to life being abrogated.

The concept of reflexive shooting may also pose a challenge and could explain why there are so many missed target or accidental discharge shootings. This occurs when officers believe their colleagues are facing a threat and generally occur without an officer making an explicit decision to shoot. An officer may discharge their weapon out of fear and without knowing the specific target or if it requires the use of deadly force. This situation calls for a modification of training to include relevant scenarios where this may occur³.

Response to mentally disturbed persons

The use of deadly force in these incidents is frequently observed to fail to adhere to best practice. Section 2.14.2 of the Caribbean Model Policy provides detailed

guidance and recommendations to deal with such persons. The policy advises that officers "who respond to crisis situations involving mentally disturbed individuals **must** be armed with less-lethal weapon alternatives, even if the individual is wielding a knife or a blunt object in a threatening manner or when the individual's strength threatens to overwhelm the LEO.⁴" Despite repeatedly highlighting this issue there remains a failure to adhere to the recommendations.

In 2019, **15** mentally disturbed persons were shot by the JCF, none of whom were armed with a firearm, (eight of whom were killed) when compliance would have minimized or eliminated these high fatalities. These deaths reveal an approach and tactic which is contrary to current policies and arise from a militaristic response in which elimination of threats and neutralising risks is the first and often only response. That so many mentally disturbed men are being killed/injured, in their own homes, after police have been summoned, by either family or community, to help de-escalate the situation and disarm and arrest, is indicative of a pressing need to adopt different tactics and comply with policies. Other police forces have adopted a new approach and it is again recommended that the JCF recognise and learn from the Caribbean Model Policy and revise 'engagement tactics' when dealing with such non-firearm scenarios.

WEAPONS USED

The decision to use force and the type of force used should be consistent with the principles of Proportionality, Legality, Accountability and Necessity (PLAN). It is essential to consider, inter alia, the kind of firearm used and the presence of other persons other than the intended target. Most of those killed in crossfire (2016-2019) were shot with M-16 rifles in urban communities. This level of firing, with high powered weapons, in primarily built up, urban environments, has continued despite the consequences and inherent risks associated with such tactics. Whilst semi-automatic and automatic weapons might contain certain tactical advantages, it is apparent that such a rate of fire is seldom required and the volume of expended ammunition is not reaching any legitimate target.

The Caribbean Model Policy document identified the creation of a Use of Force Committee. Such a Committee would comprise of representatives from each Security Force, the independent oversight body and any other person(s) so designated by the Minister.

³ Evaluation of the New York City Police Department Firearm Training and Firearm-Discharge Review Process, 2008, RAND Centre of Policing, pg 87-89

⁴ Caribbean Human Rights and Use of Force Model Policy, pg 22

All instruments of force, including firearms, ought to be tested and authorized before use. This recommendation arose from the Caribbean Use of Force in Law Enforcement Conference of 2017 but is yet to be introduced.

There are numerous instances where the Security Forces must respond to incidents that require the use of force but the situation does not necessitate the use of deadly force. These instances include dealing with mentally disturbed persons and violent crowds. The use of chemical irritants, water cannons, rubber and plastic bullets and electroshock weapons should be considered and utilized in accordance with the Use of Force Policies and Use of Force Committee Guidelines.

POLICIES

Both the JCF Use of Force Policy and Caribbean Model Policy identify and caution against firing at vehicles and the use of warning shots, - two operational responses that still persist.

Firing at or from a moving vehicle

Firing at or from a moving vehicle accounts for a number of the *missed target* incidents. Its prohibition arises due to the real likelihood of causing death or injury to other passengers and or road users. Sec 2.9 of the Caribbean Model Policy provides clear guidance on the 'Use of a firearm', and addresses specifically this issue. Further, the failure of a vehicle to stop when directed is not grounds upon which to use deadly force against its occupants.

Despite this guidance, and the JCF's own Use of Force Policy, such practice continues and from which no or limited consequences occur.

Warning Shots

Warning shots continue to be discharged by the JCF, borne out of the culture of excessive use of force. Both the JCF Firearms Policy and the Caribbean Model Policy are clear in their instruction and advice that **firing warning shots is prohibited**. The justification in permitting the use of deadly force is in only the most serious and exceptional of circumstances and where failure to do so would result in the loss of life or serious injury [See Para 104 and Sec 2.9 of the respective policies].

The inherent risks of discharging warning shots are clearly known and understood, yet it remains a nearly daily occurrence. As seen from Graph 2 above, 30% of

discharge of firearms in the period examined, were warning shots, (comprising of more than 85 fired rounds), of which very few met the justified criteria. The volume of such incidents, annually, embeds a 'normality' to the use of deadly force for which there are limited, if any, consequences for such breaches. If the principles of tactical retreat and de-escalation, (Sec 2.6 Caribbean Model Policy) were adopted, aligned to continual refresher training, this tactical response could be removed.

Where an officer discharges their weapon, he or she should be subject to swift departmental review, when the policy is not adhered to. Negating these instances will lead to disregard for the policies and citizen's right to life.

Firing at 'fleeing persons'

Warning shots and missed target shooting occur in firing upon fleeing persons. The issue of officers firing at reportedly 'fleeing persons' is one in which a ruling by the Inter-American Court of Human Rights (2012) explicitly stated, that whilst it is unfortunate when a suspect in sight escapes, the police are **not** justified in firing at this person unless they pose an imminent threat to the lives of others⁵. This ruling is one which Security Force personnel must be alert to, in addition to all the other risks associated with such tactics.

ACCOUNTABILITY AND SANCTIONS

Breaches of the internal policies or the Caribbean Model Policy once highlighted must be dealt with forthwith. With matters relating to the JCF, The Commission has written to the Police Service Commission (PSC), Inspectorate of Constabulary (IOC) [now Inspectorate and Professional Standards Oversight Bureau – IPROB] and the Office of the Commissioner of Police recommending matters for disciplinary hearings. Approximately half of the matters referred for discipline (2014 to 2018) have yet to be responded to. INDECOM has also written to the JCF regarding the work status of officers who have been charged and to date there has been no response. The timeliness of actions greatly impacts the overall process of accountability for one's actions and strongly influences the quality of policing that is delivered to the public. Strict accountability also necessitates a robust Administrative Review process which identifies not just the inadequacies of the concerned officer but also takes proactive steps to prevent a recurrence of the event and hold supervisors accountable where required. This also means not just

⁵ Nadege Dorzema et al. v. Dominican Republic (Series C No. 251), Inter-American Court of Human Rights (2012).

looking at the incident by itself, but examining any patterns that may exist.

CONCLUSION

This report identifies aspects of use of deadly force practices which continue to be the cause of mounting public distrust and identifies a failure to adhere to the operating principles which officers are required to uphold.

One element in the creation of trust, building of confidence and making the public feel safe is strict compliance with its own Use of Force policy and an adherence to the international policies and frameworks which respect the right to life and controls the excessive use of deadly force. The adoption by the police is the panacea for compliance and reductionism.

There have been significant downturns in several aspects of the Security Force's use of deadly force, but it is considered that further reductions can be achieved by adopting and implementing the principles identified within the Caribbean Human Rights and Use of Force Model Policy:

- avoid the unnecessary shooting incidents which result in firing at vehicles;
- avoid inadvertent shooting of civilians, caught in cross fire, by greater gun control/discipline;
- treat the mentally disturbed as non-criminal and in need of help; and
- exercise greater weapon handling so as to avoid the high attrition of "accidental discharge" to officers.

All command and frontline officers should be fully conversant with policies and principles under which they operate. The guidelines presented herein are encouraged to be examined in greater detail within the local context to ensure that the standards are implemented.

PART ONE

LESSONS LEARNT

Issue of Identification Parades

The Independent Commission of Investigations (INDECOM) notes that requests for identification parades, which require the intervention and assistance of the Jamaica Constabulary Force (JCF), are not being progressed. Since the Court of Appeal decision (2018) in the Police Federation matter, there has been a marked failure of the JCF to organize any informal identification procedures requested by the Commission. This comprises at least six cases - four shooting incidents and two assaults. The failure in compliance, tardiness in response and lack of assistance by the police in such instances is assisting their colleagues with avoiding culpability and delaying case investigations.

When the JCF were responsible for investigating their officers (pre INDECOM) they would seek a ruling from the Office of the Director of Public Prosecution (ODPP) before proceeding with a parade for identifying officers, although this was not required. Prior to the Court of Appeal decision in the Police Federation matter, the JCF would assist INDECOM by having members arrested pending informal parade where officers refused formal identification procedures.

Following the ruling, a meeting was held between the ODPP, INDECOM and JCF, on 29 March 2018. Protocols were established to facilitate enhanced cooperation between all organisations. Under the issue of arrest

protocols, it was recorded and agreed that; *“where there is need for an informal ID Parade, the IOC and BSI will assist the INDECOM in conducting this type of ID Parade”*.

The non-compliance with the agreement for requests to assist in managing informal parades, when the formal parades have not been consented, has been without reason, despite a number of meetings to address the issue.

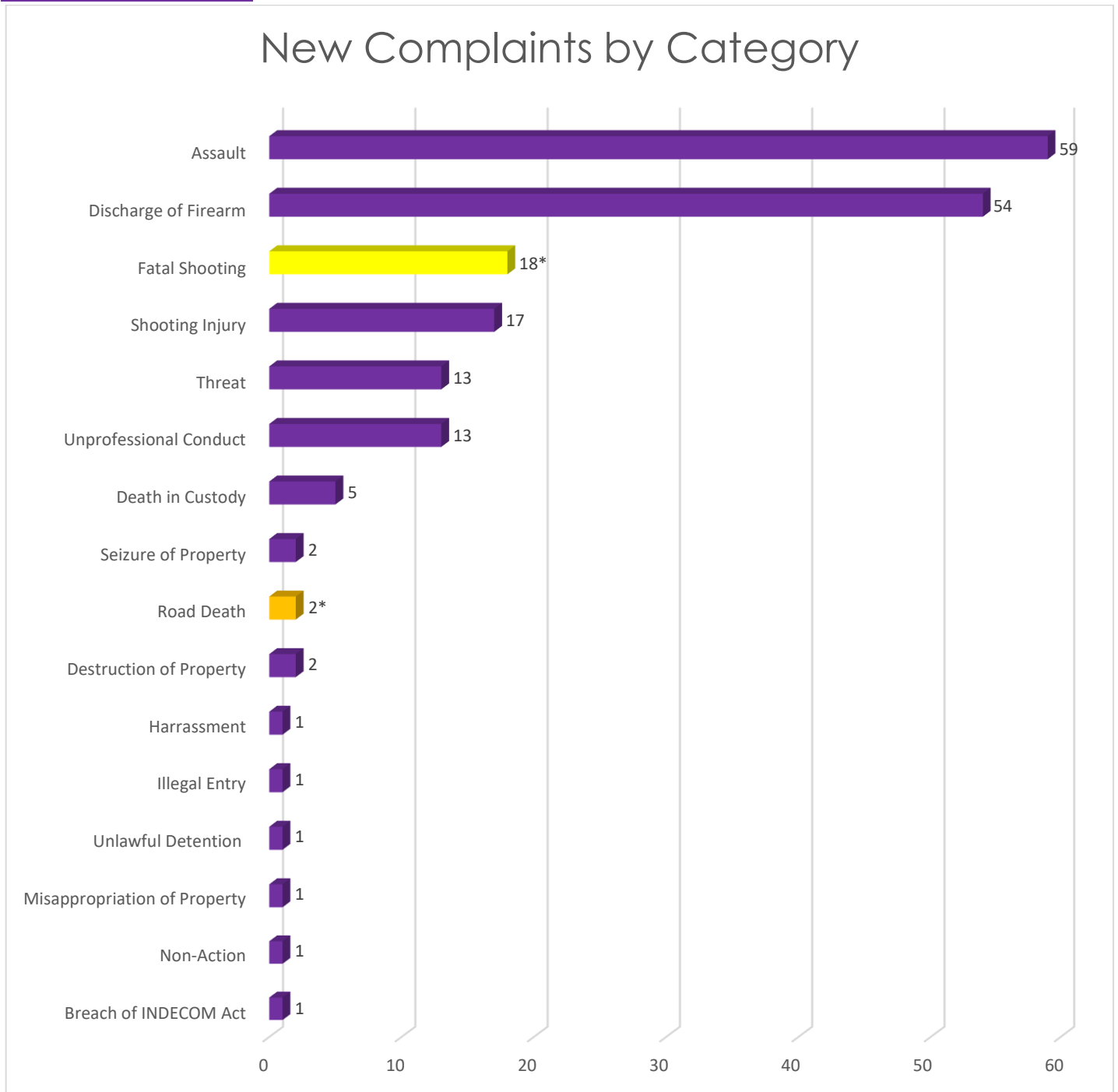
In previous cases, where on or off-duty police officers are to be charged, the police have sought that identification be proven, even though the defence is one of self-defence. This approach is a recognised right, and similarly INDECOM is required to properly prepare cases where there is a likelihood for charge.

The result of the lack of assistance in conducting informal parades has caused:

- Delays in the completion and closure of investigations, which directly impacts victims;
- The police are now in a position where they are dictating the investigative steps to be performed in an INDECOM investigation;
- Delays will result in witnesses losing interest and or their memories will begin to fade. This has already happened in at least one suspicious case.

PART TWO

NEW COMPLAINTS



There were 21 deaths from 18 fatal shooting incidents.

One case of fatal road accident was reported to the Commission in Q3 but occurred in Q2.

Figure 1: The bar graph shows all categories of new incidents for which complaints were received by the Commission for the period of July - September 2019.

NATURE OF INCIDENT SCENE RESPONSE

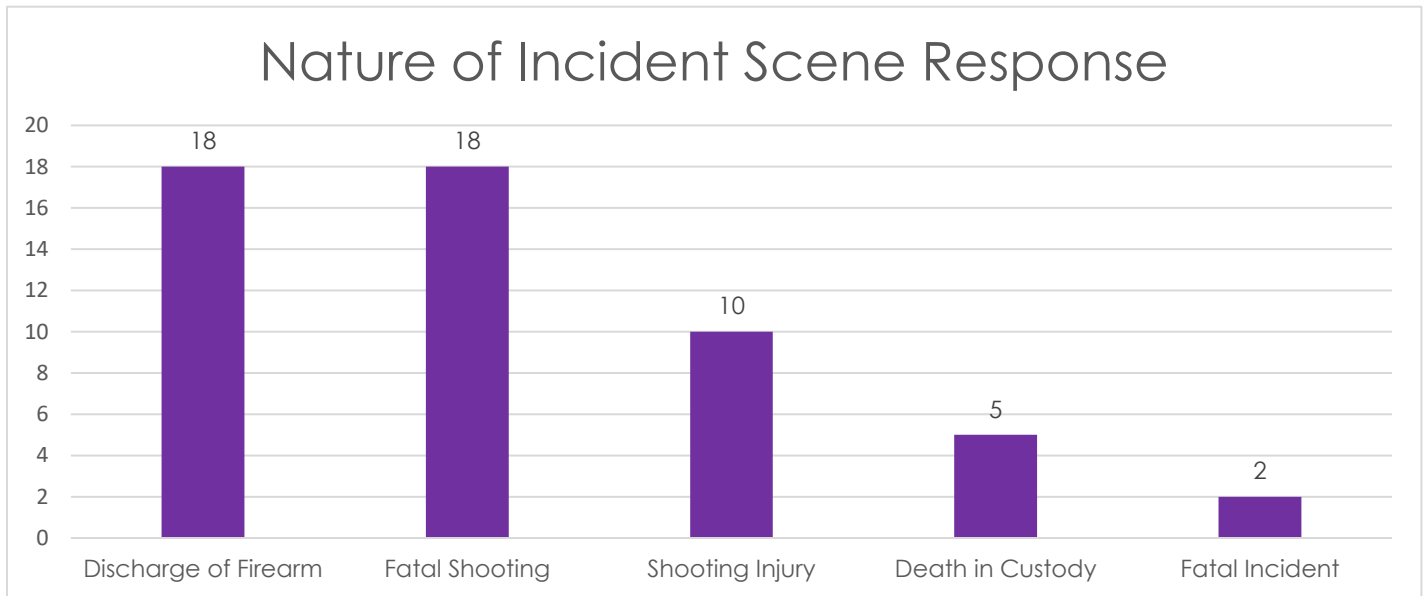


Figure 2: The above graph shows the nature of the incidents that the Commission's Forensic Unit responded to for the period of July - September 2019

COMPLAINTS BY PARISH

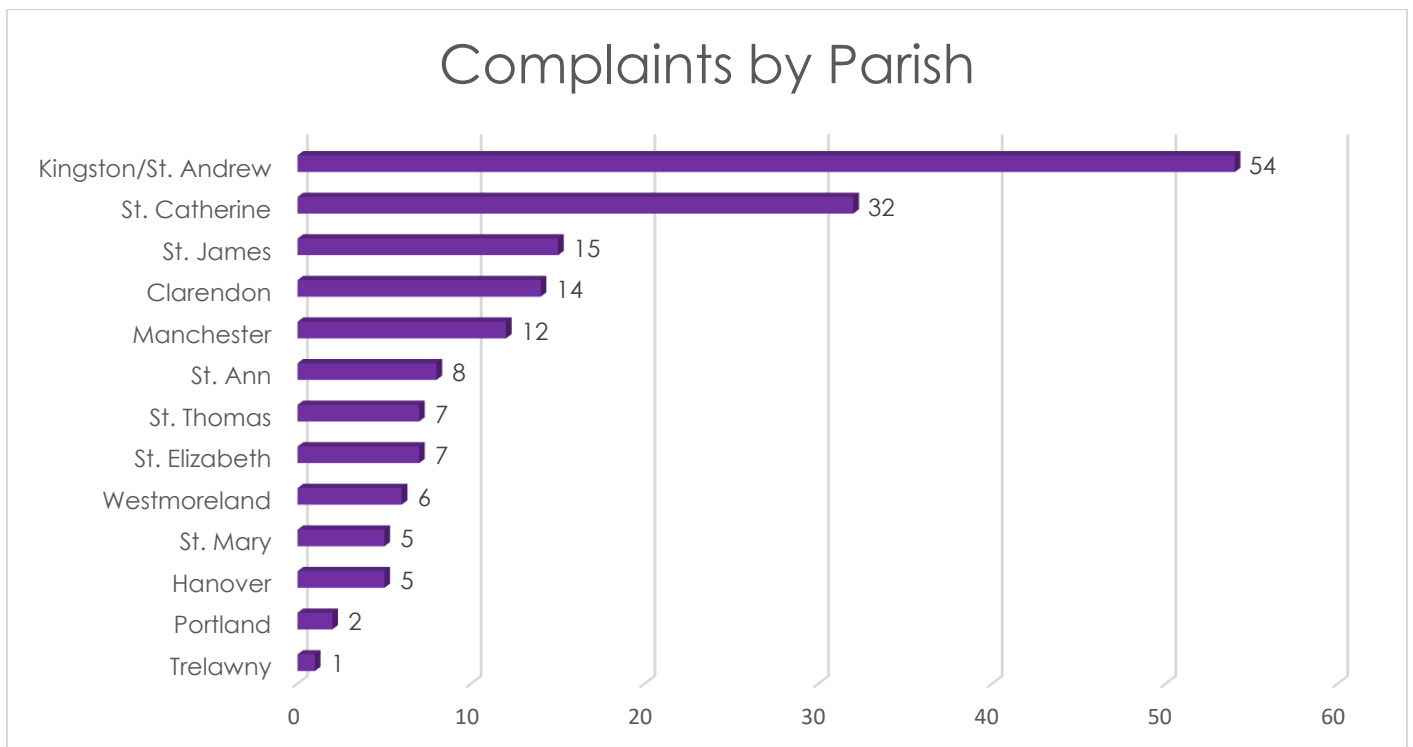


Figure 3: The above graph shows the number of new complaints received by the Commission per parish for the period of July - September 2019.

FATAL SHOOTINGS BY PARISH

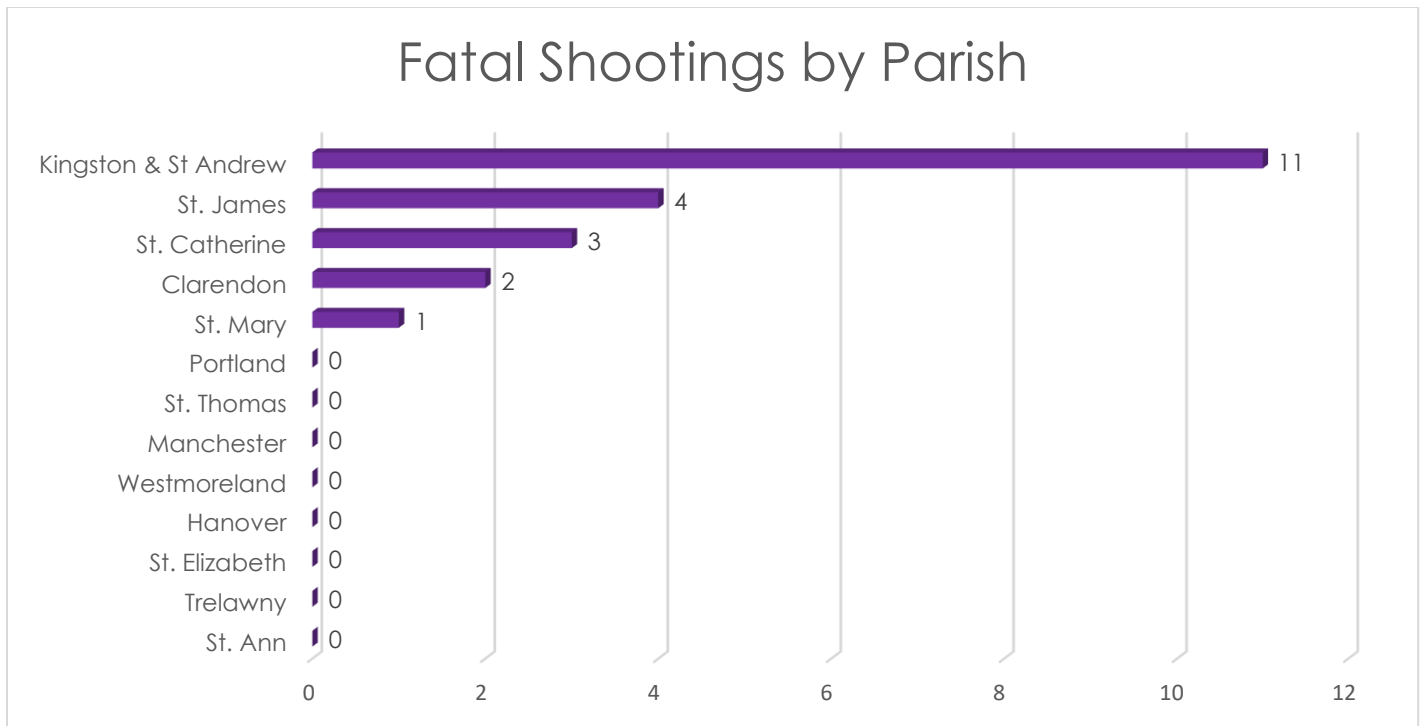


Figure 4: The graph above shows the total number of deaths from shooting incidents per parish for the period of July - September 2019.

FATALITIES BY ORGANISATION

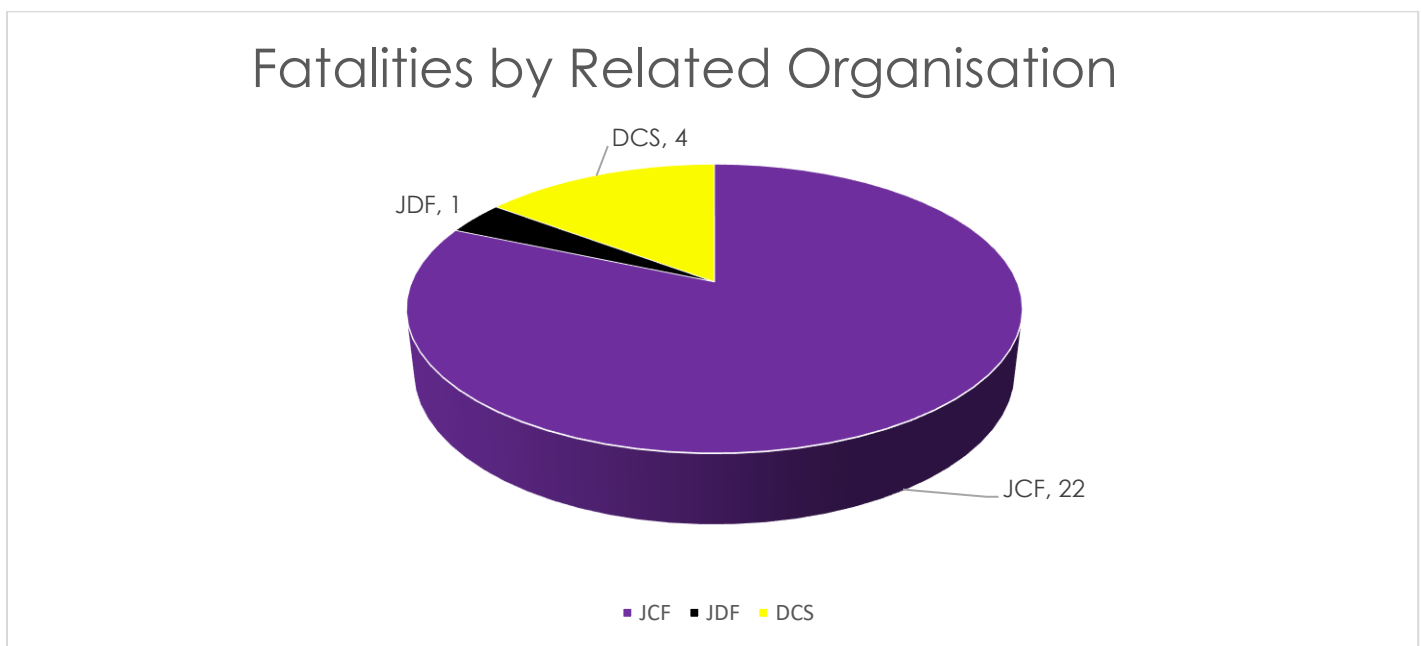


Figure 5: The above pie chart illustrates the State agency to which the fatalities recorded for the period of July - September 2019 are related.

SECURITY FORCE-RELATED FATALITIES LIST

JCF – Jamaica Constabulary Force

JCF-OD: Jamaica Constabulary Force Off Duty Officer

■ RTA: Fatal Road Traffic Accident

■ JDF: Jamaica Defence Force

DCS: Department of Correctional Services

■ DIC: Death in Custody

Date	Name of Deceased	Location of Incident	Related State Agent
JULY (10) (Fatal Shooting – 8; DIC – 1; RTA -1)			
1-Jul	Kiddo SMITH Fernando WILLIAMS	University Drive, St Andrew	JCF
3-Jul	Devon BROOKS DIC	Horizon Adult Correction Centre	DCS
5-Jul	Tyrice WILLIAMS RTA	Bernard Lodge Rd, St Catherine	JCF-OD
12-Jul	Nicky HONEYGAN	Fleet St, Kingston	JCF
13-Jul	George THOMPSON Deandre HUTCHINSON	Ziadie Ave, Kingston	JCF-OD
14-Jul	Dushane ALLEN	Long Hill, St James	JDF
24-Jul	Leonardo LESLIE	Avon Park Crescent, Kingston 5	JCF
24-Jul	Michael PINK	Spalding Gardens, Central Village, St Catherine	JCF
AUGUST (6) (Fatal Shooting – 3; DIC – 3)			
8-Aug	Taje Kenroy TOMLINSON DIC	Montego Bay PSTN	JCF
11-Aug	Cleia BOTT (Female) DIC	Fort Augustus ACC	DCS
15-Aug	Andre EDWARDS	2nd St, Trench Town, Kingston 12	JCF
19-Aug	Shamar HAUGHTON	Maxfield Ave, Kingston	JCF-OD
23-Aug	Leroy CODNER DIC	TSACC to Kingston Hospital	DCS
28-Aug	Clive DOWNER	Upper 2nd St, Trench Town, Kingston 12	JCF
SEPTEMBER (11) (Fatal Shooting – 10; DIC – 1)			
4-Sep	Christopher BYFIELD Vic STERLING	Rose Heights, St James	JCF
5-Sep	Nicholas JOHNSON	Webb Lane, May Pen, Clarendon	JCF
5-Sep	Javal WOLLERY	Windward Rd, Kingston	JCF-OD
7-Sep	Odel LAMBERT	East Heroes Circle, Connelley Ave, Kingston	JCF
12-Sep	Everton MOORE	Main St, Port Maria, St Mary	JCF
19-Sep	O'Neil GILL	Twickenham Park Det Centre, Spanish Town, St Catherine	JCF
23-Sep	Adrian HOLT	Ebony Park, Osbourne Stores, Clarendon	JCF

23-Sep	Akeem FRAY	Hugga Lane, Norwood, St James	JCF
27-Sep	Andre WEST DIC	TSACC to Kingston Hospital	DCS
28-Sep	Teverton FACEY	Redwood Dist, Linstead, St. Catherine	JCF

Table 2: The above list presents the names of civilians who died in security force-related incidents for the period of July - September 2019

PART THREE

The Legal Department

NATURE OF COMPLETED COMMISSION'S REPORTS

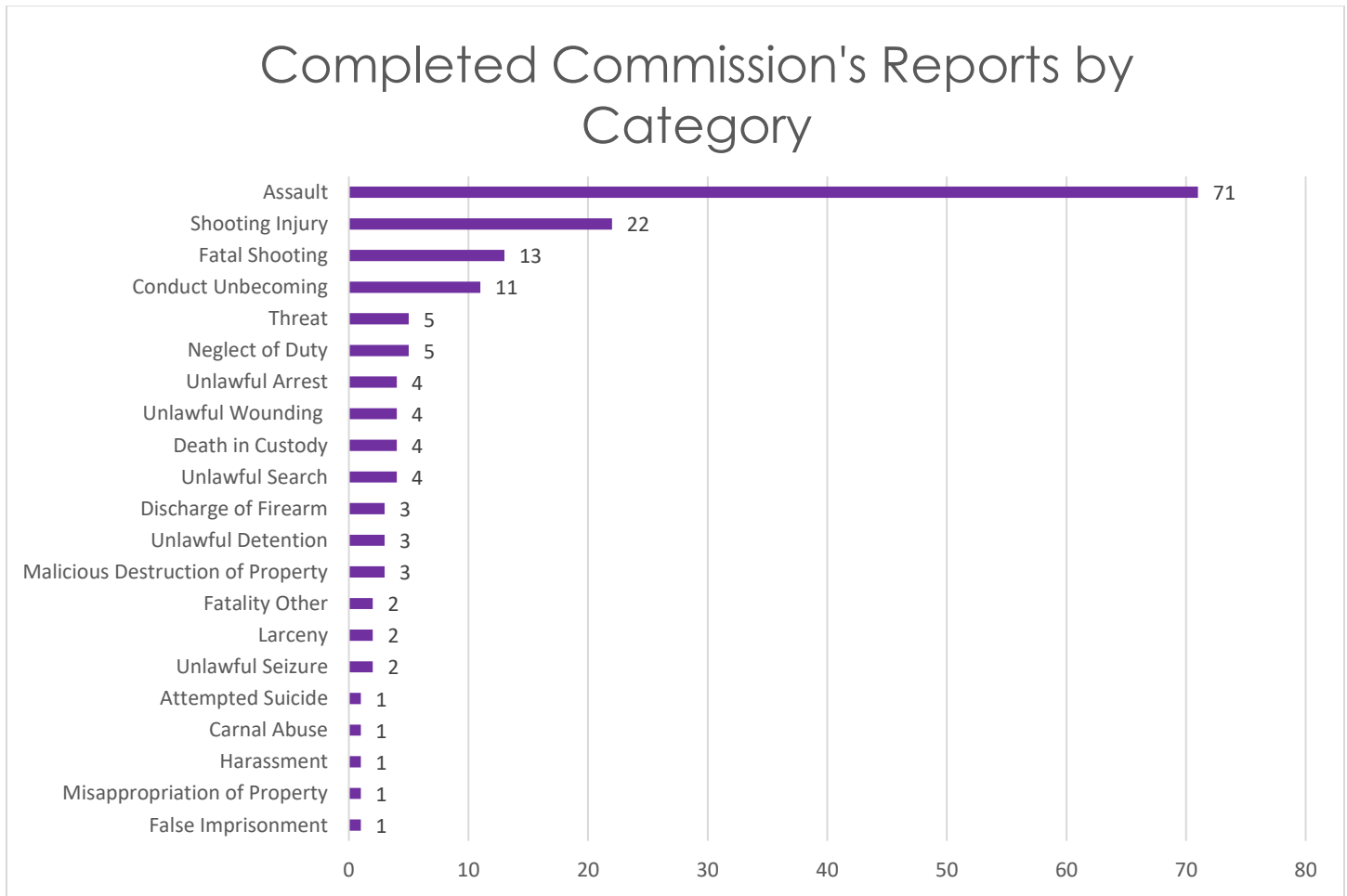


Figure 6: The above graph shows the category of complaints for the Commission's Reports completed during the period of July - September 2019

OVERVIEW: RECOMMENDATIONS MADE FOR COMPLETED COMMISSION'S REPORTS

Charge		Charge & Disciplinary Action		Disciplinary Action		Unsubstantiated
1 case	1 officer	1 case	1 officer	11 cases	14 officers	135 cases

Table 3: The above table shows the recommendations made for Commission's Reports completed for the period of July - September 2019

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

Table 4: Recommendations by the Legal Department for Commission's Reports completed for fatal shooting incidents during the period July - September 2019

No.	Complainant/Victim	Case Summary	Recommendation
1.	Rohan Allwood & ED	The deceased was shot and killed by the police allegedly when he fired about four (4) shots at them in Alma District, Grange Hill, Westmoreland on August 2, 2012. Mr. ED was shot while, he, on his account, was running from the police who had shot at him. On the version of the police, ED engaged them in a running gun battle and so they fired at him to preserve life and limb.	The Commission hereby recommends that no criminal charges be laid nor disciplinary action be taken in respect of the fatality of Rohan Allwood, and the shooting and injury of ED. The Commission further recommends that this matter be forwarded to the Office of the Special Coroner for it to decide whether an inquest ought to be held.
2.	Kristoff Robinson	On Wednesday, May 5, 2010 at about 11:15 a.m. SP, DSP and twenty seven (27) other ranks from Mobile Reserve were on special enquiries in St. James police area. The team responded to an assignment in the Granville community in St. James. On arrival a group of men were seen in a yard, Cons. F and Cons. M alighted from the vehicle and headed in the direction of these men. It is alleged that the men opened fire at both constables and the fire was returned. When the shooting ceased one man was found with gunshot wounds all over his body clutching a homemade firearm with one (1) 9mm cartridge. When searched two (2) 9mm cartridges were found in his right pants pocket. The injured man was rushed 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 shooting of Kristoff Robinson. The file be forwarded to the Special Coroner.
3.	Romorne Williams	On Monday, June 29, 2015 at about 9:30 a.m. Det. Cons. A and Det. W/Cons. W of the Portmore CIB went to a premises known as 'Rat Town' in Westchester in relation to a house breaking and larceny report which had been committed earlier in Caribbean Estates. Upon their arrival, the officers accosted a suspect and found a cellular phone on his person that belonged to the complainant of the house breaking report. While the suspect was being questioned, he ran away from the premises and Det. Cons. gave chase. During the chase it is alleged that the suspect, now deceased Romorne Williams and Det. Cons. got into a struggle, where Williams bit off a part of Det. Cons. left middle finger and disarmed him of his service Glock pistol and went in hiding in Westchester. A large number of officers came to the scene including Cpl. and his team where a man hunt was launched for Williams. During the search, it is alleged that Williams pointed the pistol at the police who took evasive action and shot Williams several times on his upper body. The Glock pistol was recovered and Williams was then taken to the Spanish Town Hospital where he was pronounced	The Commission respectfully recommends that: no criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Romorne Williams. The file be forwarded to the Special Coroner.

		dead. Det. Cons. was also taken to the hospital where he was treated and discharged.	
4.	Anthony McKenzie	On Thursday, May 2013 at about 7:30 p.m. the police acting on information, that a man who in possession of a firearm was in a particular house. They responded to this information by carrying out an investigation. On arrival at the scene, the man who was the suspect, fired at the police and the police ran in order to position themselves strategically. The suspect then ran through the living room of the house, jumped over the veranda railing and ran on to the driveway. He again fired at the police, and Cons. returned the fire and the deceased was hit in the upper body. He was taken to the Noel Holmes Hospital where he was pronounced dead. A 9mm firearm was recovered with four (4) live rounds.	The Commission respectfully recommends that: no criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of Anthony McKenzie. The file be forwarded to the Special Coroner.
5.	Dermott Williams	On September 6, 2013, at about 4:40 a.m., the deceased, Dermott Williams, was shot and killed during an incident involving concerned officers. At mentioned date and time, said officers entered the yard, went to the right of the premises and saw a man standing with his back turned. After Cons. shouted in a loud tone, "Police don't move," the man immediately turned around with a gun in his hand and discharged two (2) rounds in the direction of the police who returned fire. The man, who thereafter fell to the ground, was subsequently placed in a marked police service vehicle and brought to the Savanna-La-Mar General Public Hospital where he was pronounced dead. 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 Dermott Williams on September 6, 2013.
6.	Stephen Scott	On September 18, 2012, sometime after 10:30 a.m., Stephen Scott was fatally shot during a police operation at Goffe Way, Denham Town in St. Andrew. The police report that during the operation, Stephen Scott pulled a firearm and opened fire at the police. The police returned fire hitting Scott who was subsequently rushed to the Kingston Public Hospital where he was pronounced dead.	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken relative to the fatal shooting of Stephen Scott.
7.	Romaine Brown	On February 23, 2018, at about 6:00 p.m., Romaine Brown was fatally shot at premises along Golden Spring Main Road in Stony Hill, St. Andrew during a police operation to apprehend him. The concerned officers report that upon their arrival at the premises, the now deceased Brown was seen standing on the verandah at the front of the house and immediately ran off when he saw the police. Whilst running away, the said Brown pulled a gun from his waistband and fired shots at the police team. The concerned officers took cover and returned fire in Brown's direction and he fell to the ground. After the shooting stopped, the concerned officers approached the injured Brown, recovered a 9mm 'Smith & Wesson' pistol from him, and rushed him to the KPH where he later died.	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken relative to the fatal shooting of Romaine Brown.
8.	Daniel Lammie	The virtual complainant, HL, stated that on the morning of November 10, 2010, he was informed by persons in his community that his son was shot by the police. The police reported that they were armed with a warrant, went to Mr. Lammie's house. Upon entering the house,	The matter is referred to the Special Coroner to determine whether an inquest ought to be held.

		Mr. Lammie allegedly attacked them with a machete. The police fired a single shot at him. He was rushed to the UWI hospital where he was admitted and died on the following day. At the time of the incident there were no eye-witness to the shooting as Daniel Lammie lived alone and he was shot inside his house. The matter is referred to the Special Coroner to determine whether an inquest ought to be held.	
9.	Jermaine Sterling & AD	The complainant, AD alleges that on February 13, 2018, after 11pm, he assisted a lady known to him as "Miss G" loading a truck with her personal items as she was relocating to another house. After the truck left, the driver of a Nissan AD motor car offered to assist "Miss G" with the remaining items and she accepted. He assisted loading the car with the remaining items and sat in the back passenger seat beside "Miss G" behind the driver. He observed another man sitting in the front passenger seat. He indicated that while travelling in the car, a marked service vehicle travelling behind them signaled the Nissan AD Wagon to stop, the driver however sped up, hit something and stopped. The driver and "Miss G" ran from the vehicle. He remained in the car with the remaining male passenger. He then exited the vehicle, and the remaining male passenger went into the driver's seat and drove off the car. He heard a gunshot and also felt a burning to his neck. The car subsequently crashed in a ditch further down the road.	The Commission humbly recommends that the matter be sent to the Special Coroner to determine whether an inquest ought to be held. Further that no charges be laid against any concerned officer in relation to the injury of AD.
10.	Gregory Wright	An army jeep of soldiers and police officers approached two men on Rivoli Avenue in Spanish Town. The two men were ordered to place their hands in the air. Subsequently, one of the men were searched by a police officer, who discovered a heavy object in the man's waistband. After the officer asked the man if the said object was a gun, the man pushed the officer dipped for his waistband, and began to raise a firearm at the officer. In response, Lt. fired one shot at the said man, who fell to the ground. Cons. retrieved the weapon and the man was transported to the Spanish Town Hospital.	The Commission humbly recommends that the matter of the death of Gregory Wright be referred to the Special Coroner to determine whether an inquest ought to be held.
11.	David Malcolm and Sylvester Malcolm	On Thursday, the 30th September 2009 at about 9:15 p.m. Sylvester Malcolm and David Malcolm were shot and killed by the police in an alleged shootout. Cons. R, Cpl. A., and Cons. I. were conveying Cons. R. to his home. Whilst travelling along Robins River main road heading towards White House when they received information about suspicious looking men travelling in two separate motorcars along the said road. On reaching the intersection of Robins River and Three Sticks main roads the police party came upon two cars travelling in the opposite direction. The cars were intercepted by the police party and one sped away while the other crashed into the embankment. It is further alleged that five (5) men alighted from the motorcar and opened gunfire at the police party who returned fire. Sgt. C. along with Cons. D. who were on their way home in Sgt. C's private motorcar came upon the shooting. They joined their colleagues and a shootout ensued. After the shooting subsided three of the five men were seen lying in the road suffering from	The Commission respectfully recommends that no criminal charges be laid or disciplinary action be taken in relation to the fatal shooting of David Malcolm and Sylvester Malcolm.

		gunshot wounds. The other two men escaped. One AK47 rifle with 12 rounds 7.62 cartridges was recovered. The injured men were taken to the Savanna-la-Mar Hospital where they were pronounced dead.	
12.	Clive Campbell	The police report that on January 09, 2013 about 3:20 pm, five police officers were on observation mobile patrol in an unmarked Toyota Hiace service vehicle in the Duncan Pen Community. A group of men were observed standing at a gate acting suspiciously. On approach of the men the service vehicle came to a sudden stop and Constable A alighted from the vehicle and shouted, "The man in the grey t-shirt have a gun". The other officers then exited the vehicle. Constable A shouted "police don't move". The police claimed that Clive pointed a gun in the direction of Constable A and three other men standing with Clive pointed in the direction of the other policemen. Constable M in response opened fire with an MP5 sub machine gun at the men and Clive fell to the ground. A and M carried Clive to the service vehicle and rushed him to the Spanish Town Public Hospital. Whilst on route to the hospital, M claimed to have conducted a preliminary search of the man's person and removed from his pants pocket three .38 cartridges, which he immediately brought to Corporal's attention.	The commission humbly recommends that the matter of the death of Clive Campbell be referred to the Special Coroner to determine whether an inquest ought to be held.
13.	Navada Dennis	On March 19, 2019, Navada Dennis was shot and killed along Island Farm Lane, Gutters district, Bushy Park, St. Catherine. It is reported that on the day in question, Cons. attended a colleague's birthday party in the Island Farm community and whilst there he met up with a female companion called 'M' whom he knew for about 2-3 months. After conversing with 'M' for a few hours at the party she was ready to go home and he walked with her down the lane towards her home. The now deceased Dennis and 'M' were involved romantically, and when he saw 'M' and Cons. walking together in the direction of her home, he trailed them down the lane. Whilst walking down the lane, Dennis attacked 'M', hitting her at the back of her head and grabbing her hand. Cons. intervened and Dennis used a pointed object to stab at him. Cons. attempted to block the attack with his hand and ended up being stabbed in the left hand. Dennis raised his hand with the pointed object to stab Cons. again and, in fear for his life, Cons. quickly drew his service pistol and discharged a round. Dennis was shot and taken to the Spanish Town Hospital where succumbed to his injury.	The Commission respectfully recommends that no criminal charge be laid or disciplinary action be taken relative to the fatal shooting of Navada Dennis.

ARRESTS MADE/CHARGES LAID (JULY – SEPTEMBER 2019)

Name and Rank	Charge	Date of Arrest	State Agency
Con. Jafari Pearson	Assault Occasioning Bodily Harm	13-Aug-2019	JCF
Det. Dgt. Simroy Mott	Murder	14-Aug-2019	JCF
Cpl. Donovan Fullerton	Murder Breach of INDECOM Act	14-Aug-2019	JCF
Con. Andrew Smith	Murder	14-Aug-2019	JCF
Con. Sheldon Richards	Murder	14-Aug-2019	JCF
Con. Orandy Rose	Murder	14-Aug-2019	JCF
Con. Richard Lynch	Murder		
Insp. Howard Wilks	Murder	22-Aug-2019	JCF

Table 5: The above table shows all members of the Security Forces who were arrested and charged for various offences for the period of July - September 2019.

PART FOUR

PUBLIC INFORMATION

- **Meeting: Security Forces & INDECOM**

In the 3rd quarter of 2019, INDECOM's Senior Management had one (1) meeting with members of the JCF High Command. The following matter was discussed:

- Sexual Offences Protocol

- **Outreach: Awareness Exercises**

Unit/Division/Station	Group Size	Contact hours
West Kingston Police Division	32	2

- **Press Releases**

For the 3rd quarter of 2019, the Public Relations Unit issued 14 press releases.

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Searching for Truth, Striving for Justice