



INDECOM JAMAICA


INDEPENDENT COMMISSION OF INVESTIGATIONS

INDECOM **QUARTERLY** **2022**

**USE OF FORCE AND
FATAL SHOOTINGS**



JULY - SEPTEMBER 2022



003

“Make every effort to change things you do not like. If you cannot make a change, change the way you have been thinking. You might find a new solution.”

Maya Angelou

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COMPACT DISC

3rd Quarterly Report: July - September 2022

New Complaints: July - September 2022

Commission's Reports Completed: July - September 2022

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

IN THIS EDITION OF THE IQ

USE OF FORCE AND FATAL SHOOTINGS

This Quarterly Report examines all fatal shooting incidents within the 12-month period **1st July 2020 - 30th June 2021**, where **129** persons were shot and killed by the Security Forces, occurring from 110 different shooting incidents.

The report examines and analyses in further detail both the situational and operational context of the fatal incidents within a defined period:

- date/time/location;
- age/gender/occupation/injuries sustained of the deceased;
- the concerned officers' operational status/ unit assigned, and their response in providing accounts;
- concerned officers' previous engagement in fatal incidents;
- proportionality of the use of force exercised and weapons recovered;
- the number of bullets recorded as discharged by the Security Forces;
- Review of post-mortem reports of some incidents.

PART ONE: NEW COMPLAINTS

For the period, July to September 2022, the Commission received 277 categories of complaints for the 233 new incidents reported for the period. The top five categories of complaints include: assault (91), discharge of firearm (56), fatal shooting (38)* [see page 15], shooting injury (22) and threat and unprofessional conduct (10) each.

The Commission's Forensic Unit responded to 87 incident scenes during the period, July to September 2022. There were five (5) deaths in custody for the period.

Incident reports were received for all parishes, with Kingston and St. Andrew recording the highest with 93 complaints. Clarendon recorded the least with five (5) reports.

PART TWO: THE LEGAL DEPARTMENT

The Legal Department, completed and distributed 235 Commission's Reports during the third quarter, July to September 2022. An overview of the reports completed, lists the recommendations for unsubstantiated (212 cases), disciplinary action (14 cases), charge only (7 cases) and charge and disciplinary action (2 cases). Recommendations from fatal shooting incidents, where Commission's Reports were completed, as well as rulings received from the Office of the Director of Public Prosecutions (ODPP) during the quarter are also listed. Eight (8) members of the Jamaica Constabulary Force (JCF) were charged during the period, for incidents investigated by INDECOM.

PART THREE: PUBLIC INFORMATION

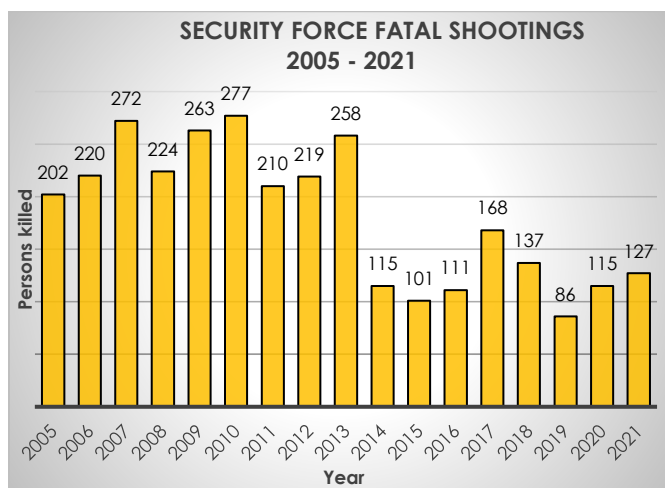
The Commission's Senior Management Team had no meetings with members of the JCF High Command and Jamaica Defence Force during the period. Correspondence was exchanged between the entities and INDECOM.

The Commission participated in awareness exercises with a total of 407 man hours for the third quarter in 2022.

USE OF FORCE AND FATAL SHOOTINGS

Fatal shootings by the Security forces in Jamaica still remain at a critically high level, a feature which has dominated the policing landscape for decades. For the nine years preceding 2014, the number of Security Force related deaths was always in excess of 200 per annum. Whilst there was an observable and significant decline in the period 2014 - 2016, there was a further increase in 2017-2018, and subsequently a significant decline in 2019, to below 100 deaths. Post 2019, there has been a gradual year on year increase in fatal shootings. Graph 1 below shows this data.

Despite the current position, which has seen a long term overall 50% reduction of Security Force fatalities post 2013, that is not ground for satisfaction, nor evidence of an embedded culture of change in which greater self-control or observance of the JCF's Human Rights & Use of Force and Firearms Policy is evident.



Graph 1: Security Force fatal shootings for period 2005-2021

It is frequently cited that the volume of fatal shootings is a police response to violent crime and for which robust action is necessary against the perpetrators. In the seventeen years (2005-2021) the Jamaican Security Forces have shot and killed 3105 citizens, yet despite this enormous number of deaths, the civilian homicide rate continues to increase.

It is certainly recognised and acknowledged that any armed and dangerous criminal/gunman must be lawfully challenged and will, of necessity, be met and confronted by armed police officers in defence of self or others. However, even INDECOM's narrower annual analysis demonstrates that the common Security Force narrative, of proportionality and necessity, is not wholly accurate.

Unarmed persons; those without any firearm; mental health sufferers; cross-fire victims; females; persons shot in fleeing vehicles; unarmed, escaping suspects; CCTV evidence and the numerous voices of those who survive police involved shooting incidents, continue to provide alternative scenarios and accounts.

INDECOM provides annual data concerning fatal and non-fatal shootings in its 4th Quarterly Reports. Those reports address the pattern of fatal and non-fatal incidents and comment on any changes in the data. Such data includes: the Security Force organisations involved, the number of fatal and non-fatal shootings, multiple shooting incidents, issues relating to the absence of firearms and planned operations. However, such reports do not examine the granular detail which is observed and known by the Commission.

OVERVIEW

This Quarterly Report examines all fatal shooting incidents within the twelve month period spanning across two calendar years, from **1st July 2020 - 30th June 2021**.

- **One hundred and twenty-nine (129)** persons were shot and killed by the Security Forces in the 12-month period, occurring from 110 different shooting incidents.
- Of the 129 persons killed, 112 (from 102 incidents) were by members of the JCF and 17 by the JDF (from 8 incidents).
- A further seventy-seven (77) persons were shot and injured in this same period. Whilst reference is made to some issues relating to the wider total, the primary focus of this report is on the fatal shooting incidents.

This report examines and analyses in further detail both the situational and operational context of the fatal incidents within a defined period, e.g. the date/time/location, the victimology of the deceased - their age/gender/occupation/injuries sustained. More significantly, the report examines the data as regards the concerned officers, their operational status/ unit assigned, and their response in providing accounts. Further it examines the concerned officers' previous engagement in fatal incidents, which highlights critical issues in respect of some officers repeatedly engaged in fatal shooting incidents. This report also examines the proportionality of the use of force exercised, the number of bullets recorded as discharged by the Security Forces, and the outcome upon those struck by lethal force.

The aim of this report is to enable the Security Forces to reflect further on the nature of their operations. It is intended that a greater appreciation, understanding and analysis of the shooting incidents will be undertaken with the aim of reducing the number of deaths in Security-Force encounters.

It is pertinent, at this juncture, to compare and appreciate Jamaica's Security Force-involved shooting data with the United States of America, a country regularly cited as being more violent. Their police forces are generally perceived as aggressive, militaristic and involved in numerous shooting incidents.

Table 1 below shows four American States with similar populations as Jamaica, and also Texas, which has a population nearly nine times as large as Jamaica. The police fatal shootings, were analysed within the standard measure of per 100,000 of the population group. It was observed that these comparable States have fatal shootings of less than 1 person per 100,000, and even Texas has less, both numerically, as well as per head of population. Jamaica's Security Forces are involved in killing its citizens at above 3 persons per 100,000, and in 2021 it was above 4 persons per 100,000.

| | | 2016 | | 2020 | | 2021 | |
|----------------------|--------|------------|------------------|------------|------------------|------------|------------------|
| USA States + Jamaica | Pop. | No. killed | Rate per 100,000 | No. killed | Rate per 100,000 | No. killed | Rate per 100,000 |
| Arkansas | 2.9 M | 5 | 0.17 | 11 | 0.38 | 13 | 0.44 |
| Kansas | 2.9 M | 11 | 0.38 | 7 | 0.24 | 11 | 0.41 |
| Mississippi | 2.9 M | 12 | 0.41 | 10 | 0.34 | 22 | 0.75 |
| Utah | 2.9 M | 10 | 0.34 | 17 | 0.58 | 12 | 0.41 |
| Texas | 26.9 M | 108 | 0.40 | 83 | 0.30 | 95 | 0.35 |
| Jamaica | 2.9 M | 101 | 3.48 | 115 | 3.96 | 127 | 4.38 |

Table 1: Proportion, per 100,000 of population, of fatal law enforcements incidents with U.S.A States and Jamaica.

FATAL SHOOTINGS BY DAY OF THE WEEK AND TIME PERIODS

An analysis by day and time of week aims to discern if any pattern or features exist which can assist in a better understanding of the shooting incidents. Fatal and non-fatal shooting incidents by the Security Forces occurred, on average, nearly once every two days across the country. Some days have more than one such incident occurring. Table 2 below shows the average number of days for the calendar years 2017 - 2021.

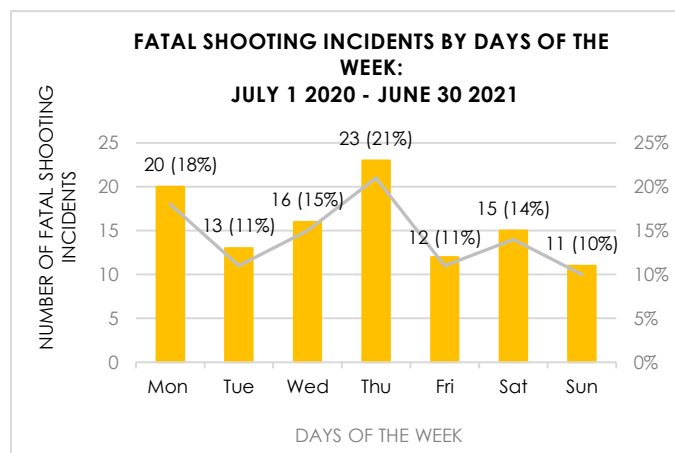
| Calendar Year | Number of days a fatal or non-fatal incident occurred | Average number of days |
|-------------------------|---|------------------------|
| 2017 | 159 | 2.29 |
| 2018 | 147 | 2.48 |
| 2019 | 120 | 3.04 |
| 2020 | 140 | 2.60 |
| 2021 | 120 | 3.04 |
| 5 Year total: 1825 days | 686 | 2.66 |

Table 2: Average number of days when a fatal or non-fatal Security Force related shooting incident occurred in Jamaica – 2017 - 2021.

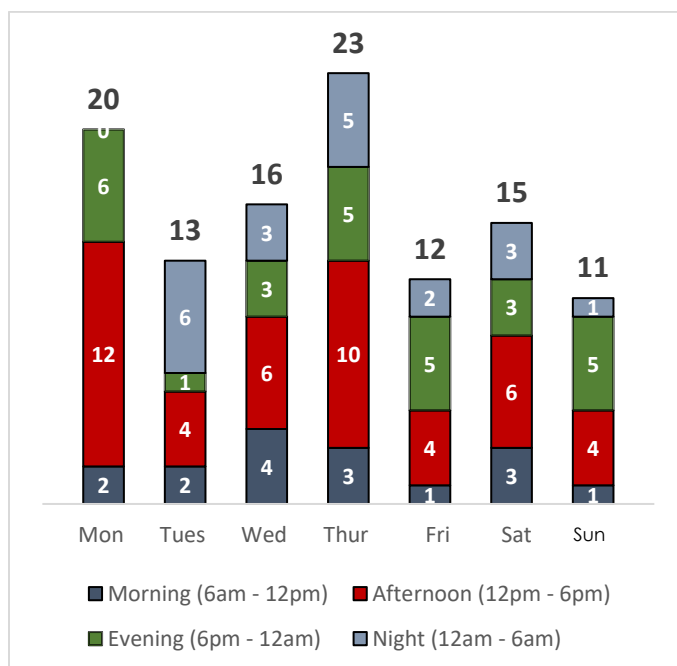
For the specified period, July 1, 2020 - June 30, 2021, a similar average, in which the fatal and non-fatal shootings occurred over 137 days, with an average 2.66 days between shooting incidents, was observed. If the discharge of firearm incidents were included in the analysis, the average deployment of deadly force would be starker.

Graphs 2 and 3 below, show the 110 shooting incidents, for the 12-month period, with Graph 2 recording the days of the week the incidents occurred, whilst Graph 3 records the four different time periods in each day, viz, morning, afternoon, evening, and night.

The days of the week, extrapolated over the specified 12-month period, shows that Mondays and Thursdays were the two days of the week when most fatal shootings occurred. Thursdays experienced over one fifth (1/5) of fatal shooting incidents, (23 of 110), and Sundays, perhaps unsurprisingly, the least fatal events, with only 10% of the total (11 of 110).



Graph 2: Distribution of fatal shooting incidents over days of week, showing number and % of incidents.



Graph 3: Distribution of fatal shootings within four time periods over each week day

Graph 3 shows the days of the week divided into four time periods, where the 'afternoon period' (12:00 noon – 6:00pm) features as the most common time period for the 110 incidents, with 42% of all fatal incidents occurring during this time. Table 3 below shows this distribution.

| Time Periods | Number of Fatal Shooting Incidents | Percentage |
|--------------|------------------------------------|------------|
| Morning | 16 | 15% |
| Afternoon | 46 | 42% |
| Evening | 28 | 25% |
| Night | 20 | 18% |

Table 3: Distribution of 110 fatal shooting incidents across four time periods

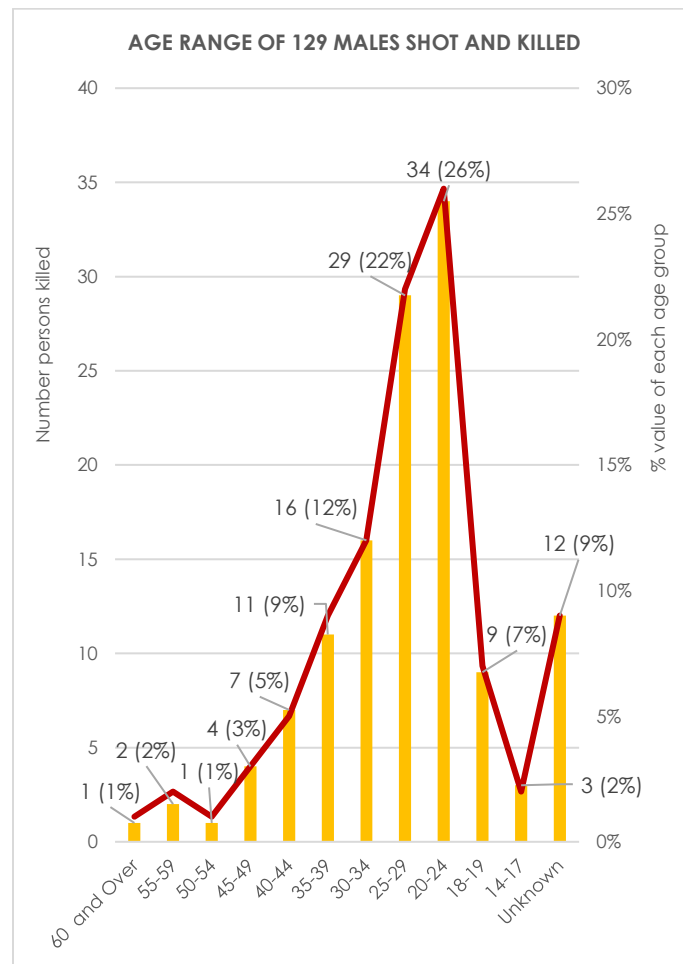
A broader examination of the time periods for the JCF's encounters may yet prove beneficial in determining use of resources and what events (e.g. police initiated/planned, community reporting and policing response) are contributing to this pattern (if any) of the shooting incidents.

FATAL SHOOTINGS BY GENDER AND AGE

All 129 persons killed in this specified period were male. Their ages ranged between the youngest, at 14 years to the eldest at 63 years, of which only three were juveniles, aged 17 or younger.

Graph 4 below shows the age ranges, of which 48% were in the age group 20-29 years, which comprised 63 of the

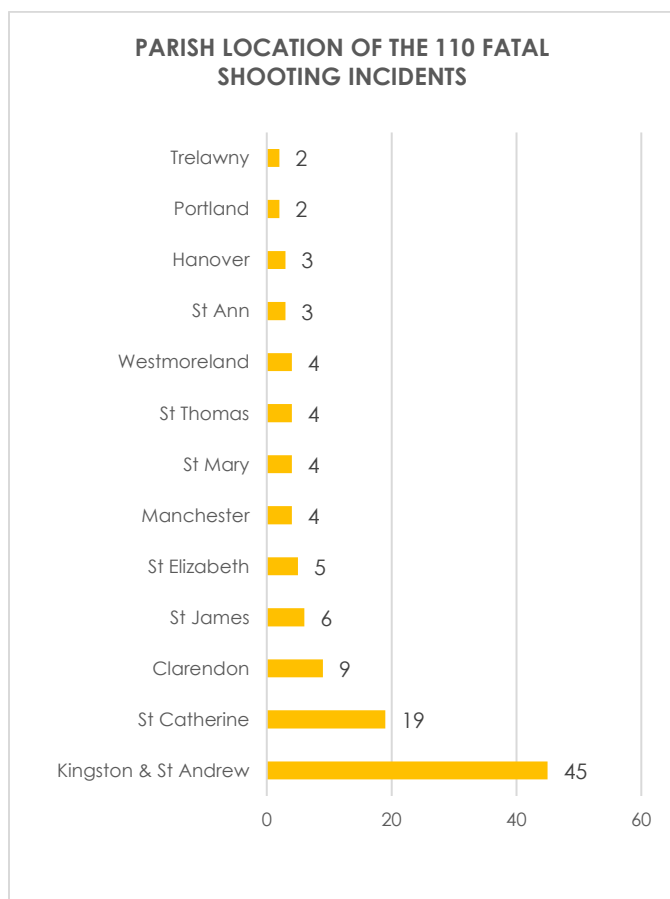
110 men. This age group is the same as frequently represented in other annual data. The stated employment status of these men was mixed, but largely included artisan, labourer and low skilled workers. Just over half of this group (51%) were either unemployed or their work status was unknown.



Graph 4: Age range of the 129 men shot and killed between July 1, 2020 - June 30, 2021

FATAL SHOOTINGS BY PARISH

Graph 5 below shows that by far the greater volume of all shooting incidents, (both fatal and non-fatal) occur within the geographical location of Kingston and St Andrew, an area some 935 km². The Corporate Area accounted for 41% of all fatal shootings, and is greater than the ten lowest parishes combined. St Catherine experienced 17% of the 110 incidents. This distribution is unsurprising, whereby the three parishes with the major conurbations experience the most policing interaction.



Graph 5: The parish location of the 110 fatal shooting incidents in the period: July 1, 2020 - June 30, 2021

Kingston & St Andrew and St Catherine accounted for 64 of the 110 incidents - some 58%. Within those parishes, officers from certain police stations feature repeatedly, (Constant Spring, Denham Town, Hunts Bay, Portmore and Spanish Town), but of note is the nature of the police team or Unit engaged. Exactly 50% (32/64) of the police units involved in the fatal shootings were defined as Special Operations, Operational Support Team, Intelligence Unit, and variations of these titles.

CONCERNED OFFICERS

In examining the narrative of the alleged and/or seemingly excessive use of force deployed within the JCF, this study looked at a number of data sets and also the issue of the repeat officer's involvement in multiple shooting incidents, and the complaint record of such officers.

i) Officers involved in multiple fatal shooting incidents

The issue whereby a certain cohort of police officers are involved in multiple shooting incidents is one which has existed for a long time within the JCF policing culture. Specific officers, seemingly lauded by some, but feared by others, have continued to be engaged in numerous shooting incidents. The Commission believes this matter

has not been fully or sufficiently addressed in a transparent manner by the JCF High Command. Citizens within island-wide communities are able to identify certain officers, with a reputation for their engagement in fatal shootings and known monikers, which acknowledge their activities, is not a feature which inspires community confidence, nor representative of a modern policing service.

ADDITIONAL NOTES

Six years ago, in 2016, INDECOM identified 41 officers who, at that time, had been involved in the shooting deaths of 400 people. Eleven of those officers had each been directly involved in ten or more fatal shooting incidents, which resulted in 118 deaths. Thus 30% of the 400 deaths had involved only eleven officers. Of note, and for which the JCF command should be fully cognisant, is that of those eleven officers, six have since been charged with cases of murder. One was acquitted, one has been convicted and the remainder await trial, two of whom are in custody. Another is wanted on a warrant for murder overseas, whilst another was subject of a special report, to a previous Commissioner of Police, for the concerned Constable's duties to be curtailed - the officer having been responsible for twenty-two fatalities, a number of which were identified as suspicious.

During the 12-month study period, the analysis showed that 250 police officers were involved in the fatal shooting of the 129 people. All 250 concerned officers reportedly fired their weapons during the encounters, ranging from at least a single round to multiple rounds.

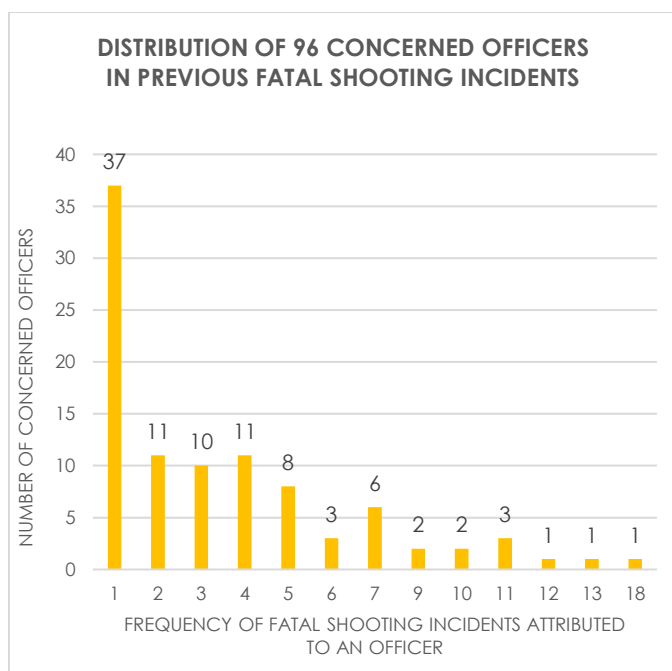
It is recognised that following a risk assessment and operational reasons, some officers can, of course, become engaged in multiple shooting incidents, where their duties, unit, role and location may dictate a greater likelihood of such armed confrontation. However it has long been observed that a core minority of police officers appear more frequently than others when engaged in shooting incidents, and from which numerous consequences can emerge, as referenced above.

Of those 250 officers, 62 (25%) had no previous complaint or incident record held with INDECOM. The remaining 75% of officers (188) had at least one or more complaints and/or incident record, which comprised a total of 917 other matters recorded against the 188 officers.

Of these 188 officers, just over half (96 or 51%) had been involved in at least one other previous fatal shooting

incident **outside** of this study period. But similar to the 2016 analysis, a minority of police officers have been involved, on multiple occasions, in fatal shooting incidents during their police service, to a level which requires far greater assessment and scrutiny by the JCF.

The Graph 6 below shows the distribution of those 96 officers and their involvement in fatal shooting incidents during their known police service between 2010 and June 30 2020. Whilst 37 officers had been involved in only one other fatal incident, some 30 officers had been involved in at least two or more fatal shootings. Three officers alone had been involved in a combined total of 43 fatal shootings - 12, 13 and 18 fatal incidents respectively. The last instance concerns an officer in which the 18 fatal incidents involve 28 deaths, and for which, in some of the same incidents, other officers are charged with murder. The combined total for these 96 officers is 352 fatal shooting incidents.



Graph 6: Ninety-six concerned officers previous fatal shooting history between 2010 -2021.

The issue of certain police officers involved in multiple shooting incidents is further observed in a sub-group of 14 officers who (within this 12-month period), were all involved in more than one fatal shooting incident, comprising 30 of the 129 fatal shootings. Thus 5% of the 250 officers (14/250) were involved in over one fifth of all the fatal shooting incidents (23%) in this timeframe. Collectively these 14 officers have been concerned in 112 fatal shootings (from known INDECOM records 2010 – June 30 2021) with one officer alone accounting for up to 20 fatal shooting incidents.

This data provides an extraordinary insight into the long standing situation whereby certain police officers are being frequently deployed and engaged in fatal shooting events - a feature which is both remarkable and grossly disproportionate to total officer numbers, especially so, when it is reported that nearly all such events are random and spontaneous in nature.

Where an officer is involved in repeat shooting incidents does not, of itself, establish whether deadly force was unjustified or suspicious, but should certainly raise concerns for the agencies leadership and the tactics deployed.

The absence of judicial proceedings and sanctions do not provide grounds for assuming that all the fatal shootings are otherwise lawfully caused, or, correct police tactics or procedures were practised. There are multiple reasons why it is not possible to institute criminal or discipline proceedings, particularly in the absence of independent evidence, Body Worn Cameras, citizens unwilling to engage in the judicial process and where only the police narrative exists.

There is a clear responsibility upon the JCF to address this extraordinarily high level of fatal shootings by so few police officers, by examining the reasons and ensure that mental health, welfare, risk to the officers as well as the practices and tactics being deployed are addressed.

ADDITIONAL NOTES

The 2016 data cited above is illustrative of the possible outcomes that prolonged exposure to multiple fatal incidents can cause, and almost inevitably occur when officers are engaged in so many fatal shootings and from which a level of immunity and impunity arise. There are numerous examples within the JCF where the 'repeat shooting officer' has not been addressed in a manner which can instill confidence in the public.

It is recommended that the JCF conduct an appraisal/re-appraisal of the circumstances and case of the police officer convicted (2018) for multiple offences of murder and conspiracy to murder, and currently serving 51 years imprisonment. That case provides the clearest illustration of how an accumulation of fatal shootings and poor discipline record can result in detrimental effects upon police officers and the JCF.

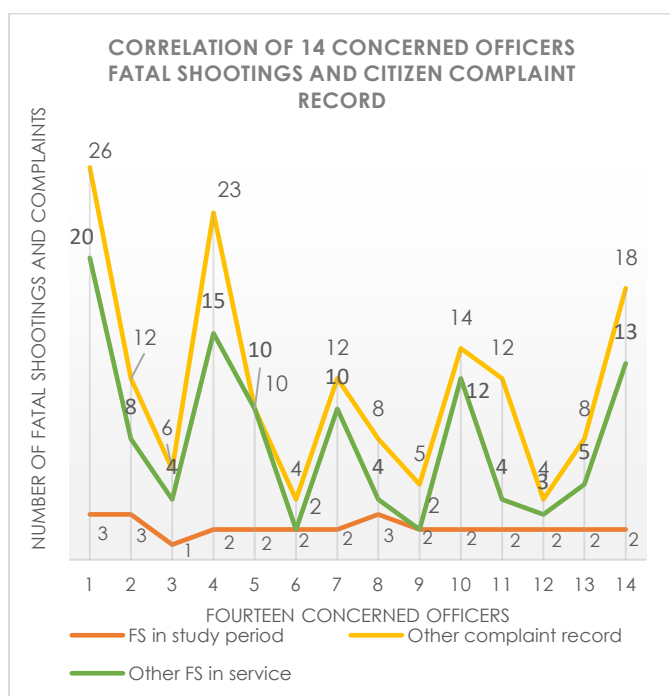
ii) Concerned Officers complaint record

An additional feature identified is the apparent correlation between the 'high repeat' officer involved in fatal shootings and other citizen complaints/allegations they have received. Such features should be regarded as a further potential indicator of future behavioural traits.

The issue of a failure to address, in a timely manner, infractions, indiscipline and assault complaints is a feature which lends itself to a disregard of any consequences. INDECOM's Q2 2021 report, *Allegations of Assault by Jamaican Law Enforcement*, reported that some officers are frequently the 'concerned' officers. Their actions and behaviour become the subject of numerous complaints from multiple citizens, all of whom describe a similar pattern and practice of behaviour and alleged abuse. The Q2 report observed that some of these concerned officers (for assault allegations) were also engaged in multiple fatal shooting incidents, two examples included;

- Officer A: Subject of 22 complaints (2012-2021), of which seven were fatal shootings.
- Officer B: Subject of 17 complaints (2013-2020); seven fatal shootings.

The fourteen officers referenced above [page 9], who accounted for 112 fatal shootings, had a combined complaint record of 162 'other' complaint matters. Graph 7 below illustrates the correlation between the 14 concerned officers' fatal shooting events, their wider police service, and their complaint record.



Graph 7: Correlation of 14 multiple shooter concerned officers to their complaint record

In the Q2 2021 report, INDECOM recommended that it was incumbent upon the JCF to examine the multiple complainee officers' assault allegations, this same recommendation applies to the officers involved in multiple fatal shooting incidents.

Whether this data is indicative of an unofficial and unspoken practice, whereby shootings are allegedly condoned, tolerated or even covertly encouraged, either directly, by supervising officers, or less directly by 'public opinion' or other domains, it is for the JCF senior command to address. In aggregate, this data presents as disquieting and extraordinary, and other police forces, across the international spectrum, would not permit such a situation to exist. The data requires a robust administrative review to determine the apparent disproportionality that is evidently observable, and a deeper analysis and examination of officers' involvement in determining their repeated deployment and engagement in shooting incidents.

ASSESSING EXCESSIVE USE OF DEADLY FORCE

The JCF's *Human Rights and Use of Force and Firearms Policy* is a clear document which has been referenced frequently by INDECOM. In regards to this study it is pertinent to remind and cite some of the guidance documented by the JCF in respect of using lethal force.

It states the use of deadly force is a '**serious responsibility**' (para 16) placed on officers, and '**...only in the most extreme circumstances, where life is endangered or there is risk of serious injury, may the use of lethal force be justifiable**' (para 52). Repeated is the instruction for the need to '**exercise restraint**', (paras 13, 57) and to '**using only the force that is strictly necessary**' (para 11).

Of equal relevance is the policy, (para 94) which states that '**When it is considered absolutely necessary to open fire on a subject, members of the JCF will only 'shoot to stop' and thereby neutralise the immediate threat.**' There is no other instruction within the JCF's Use of Force policy which provides another definition or interpretation. Further it adds that individual officers are '**accountable and responsible for all rounds they fire and must be in a position to justify them in light of their legal responsibilities and powers.**' (para 98).

The narrative of self-defence, and the stated 'fear of life', is the embedded response for all Security Force personnel, and within that framework the firearm is nearly always the response of first and last resort. Examination of the 250 involved officers' statements showed the following reasons for firing their weapon were as follows:

| | |
|-----------------------------------|-----|
| • In fear of my life or colleague | 144 |
| • Protection of colleague | 54 |
| • Unknown/not stated | 25 |
| • Gun fired at officer | 13 |
| • Gun pointed at officer | 11 |
| • Heard a noise | 3 |

The number of times a weapon was reported as actually being fired at an officer(s) was only cited by 5% of officers.

In examining the use of force, and whether there is a real or apparent excessive response in the deployment of firearms, this study analysed, as far as it was possible, the number of rounds fired by the Security forces in the 12-month period and the outcomes from such firing. Of the reported 'aimed and directed shots' fired at those who died or were injured, it revealed:

- The 129 men were killed, by a minimum of *1,950 bullets* fired at them. At the same time, a further eight people were injured, either purposely or in cross fire. (NB. Two of the incidents involved off duty incidents, denied by the officers, thus the additional rounds fired is unknown);
- A minimum of a further *547 bullets* were fired at the 77 persons who were shot and injured;
- Some *1,374 rounds* were fired by the Security Forces in Discharge of Firearm (DOF's) incidents, which were categorised as 'missed targets', those rounds missing the intended target altogether. (NB. Rounds fired as Discharge of Firearm – 'warning shots', are not included here).

Thus a total of **3,871** bullets were fired at citizens in the 12-months of this study period, of which the majority did not strike any person. Consideration of whether this is an excessive and disproportionate use of force is for others to reflect and consider, but it can be measured against a report on the Chicago police use of firearms, (a study: *Chicago Tribune* 26 Aug 2016) which identified that in the period 2010 – 2015, some 2,623 bullets were discharged in respect of **all** shooting incidents over six years, (yet alone the 12 months studied here) and which was defined as a 'crisis' and where deadly force was described as being deployed with 'brutal regularity'.

From police officer accounts and statements, the total number of persons fired upon by the security forces, (the alleged gunmen) during the 110 encounters was at least 198 persons, from which 129 men were fatally struck from the 1,950 bullets discharged at them. Therefore at least 69 men were 'missed' and reportedly escaped. This presents as a 65% strike rate and 35% missed.

Nineteen of the 110 incidents involved Off Duty officers. Except for one incident, the 'off duty' concerned officers were on their own and armed only with a handgun.

From the 110 incidents, 74 incidents involved a firearm(s) being recovered from the deceased. A total of 89 firearms were recovered - some incidents resulting in more than one firearm recovery. The majority of firearms recovered were 9mm pistols (65, 73%), and twelve (13%) were rifles/heavy automatic weapons (e.g. M16, AK47). In 28 of the 110 incidents (25%) the recovered weapon was reported as not fired at the officers.

The police deployment of their service firearms involved 132 9mm pistols and 127 M16 or M4 rifles. (NB. 24 of the M4 rifles were deployed by the JDF in just two shooting incidents). Of note is the near equal deployment of handguns and automatic rifles in the shooting incidents, at 50% division. The use of such high powered weapons in half of all use of lethal force encounters inevitably accounts for the high volume of rounds fired.

Within this study, 19 of the 110 incidents were identified as suspicious shooting incidents. That some 17% are even considered as suspicious should not be occurring at all. When such an average is extrapolated over the past three years, (2020 -2022) it is indicative that perhaps some 60 fatal shootings of 352 are within that category.

Unarmed persons: The issue of the wholly unarmed person, or person armed with a weapon other than a gun, is referenced in every INDECOM report. In this study, 19 of the 129 persons killed (15%) are recorded as having '*no gun or other weapon*', and were thus completely unarmed. These 19 wholly unarmed men, were subject of at least 308 rounds fired at them.

However, some of the deceased were reported as being part of a group of armed suspects, during which those other men either allegedly fled with the firearm or another of the deceased had possession of it. Of these 19 unarmed persons, six were identified as 'single person/suspect incidents'. The other 13 persons were part of 'multiple person/suspect incident', in which at least two or more persons were reported as being involved in the armed confrontation.

Invariably far less rounds were/are fired in single person encounters, usually because far fewer officers are engaged in such confrontations. In 'multiple person/suspect' incidents, when multiple officers are all firing, this will inevitably lead to greater likelihood persons being shot and killed/injured who do not have a firearm. The 'multiple person/suspect' incidents involved at least 34 persons being engaged by the Security Forces, of which 13 persons were killed (38%), thus leaving 21 persons (62%) uninjured and who allegedly escaped.

Armed with weapon, not a firearm: Seventeen other men were killed who were reported as being in possession of a deadly weapon other than a firearm, e.g machete, knife,

bottle, stones etc. 71 rounds were fired in the direction of these 17 men.

Thus from this group of 36 men (19 + 17) who were shot and killed, all of whom had no gun, (but some of whom were in possession of a lethal weapon, e.g. machete or knife,) 379 bullets were fired at them (308+71). Self-evidently not all these 379 rounds struck the 36 men.

In examining the data for the years 2017 - 2021, a total of 1,046 people have been shot, and killed or injured by the Security Forces, of which 284 persons (27%) were wholly unarmed and self-evidently cannot all have presented as an imminent threat to life or serious injury.

It is the Commission's view that it is necessary for the JCF to continue to examine and address the issue of the unarmed, and 'no gun' person, to determine the proportionality of such firing, by the Security Forces.

Concerned Officer's account: In 96 of the 110 fatal incidents, the concerned officers provided an initial verbal account to INDECOM, at the incident scene or police station. This equated to 227 of the 250 concerned officers providing an account (90%). Where no account was provided, ten were unavailable due to injury and only 5% of officers (13) declined to give any explanation about the fatal shooting in which they had been involved.

Concerned officers are invited to sign their account, (which is a written record made by INDECOM Investigators) to ensure transparency and accuracy. Whilst the majority of officers provided a verbal account, in 83 of those 110 incidents none of the concerned officers agreed to sign their own account. This equated to 231 of the 250 officers (92%) declining to sign. Only 19 officers (8%) signed to the account they had given regarding the circumstances of the fatal shooting. The majority of those incidents involved lone officers engaged in a shooting incident and of which six were off duty incidents.

Shooting injuries: Persons shot and injured are not a central feature of this study, but are referenced here in respect of the rounds fired. 547 rounds were fired at this group of 77 men, but it is evident they were subject to far fewer strikes - hence their survival. The majority of injured persons received one or two bullet strikes only. NB. Since these men survived the shooting event, a detailed medical report is not available, thus it has not been possible to determine exact number of bullet strikes, but known rounds fired are from the JCF's reports and records.

Discharge of Firearm (DOF) Missed Target: This category of the use of lethal force is largely overlooked but is perhaps the clearest example of the inaccuracy of Security Force shootings, indicative of an excessive and over responsive use of force and a lack of adherence to the above referenced JCF Use of Force policy. The

number of 'DOF - missed target' incidents is greater than the annual fatal incidents. A similar pattern and volume of firing from DOF – missed target incidents is apparent each year.

In this study, 221 officers fired 1,374 rounds at apparent suspect(s) arising from 122 DOF incidents, for the one year period; all of which missed - 100% miss rate. Within such shooting incidents are the accounts of fleeing gunmen on foot, fleeing and escaping vehicles, unclear targets, firing from moving police vehicles, and shooting in built up, urban zones. The number of rounds fired in one incident exceeded 100, and in a further 16 incidents the rounds fired ranged between 20 and 98 bullets discharged. However, in the greater majority of these DOF – missed target incidents there were below ten rounds fired in each event. Only in the very few instances was a firearm reported as being recovered from the scene arising from these 112 DOF – missed target incidents.

It must be noted that in none of these incidents were either the alleged gunmen or Security Force personnel struck. Whilst the police usually indicate there were no signs of blood, and the Commissions' scene examination may equally not reveal any blood traces, that is not conclusive evidence that no one was shot and injured arising from such DOF – missed target incidents.

The use of deadly force, as observed by the number of rounds fired, will divide opinion as to whether this level of deadly force is excessive. What is being reported by the Security Forces is that every round is necessary, proportionate and a reasonable exercise of the use of lethal force and meets the Use of Force policy referenced above. However, such a view is not sustainable on the facts, particularly as regard the extraordinary volume of discharges, nor on the accumulated evidence of accounts by unarmed civilians who do not support a position of reasonableness or even being armed.

COMPARISON OF DECEASED INJURIES WITH ROUNDS FIRED AND ACTUAL STRIKE RATE

An analysis was conducted of those deceased where the post mortem reports (PMR's) had been received. Forty-four PMR's (34%) were available for review arising from the 36 of the 110 incidents. The PMR's identified the number of bullets which hit the person and the location of the strike on their body. The PMR's were compared to the accounts and statements of the concerned officer(s), and a comparison with the number of rounds reported as fired at the person.

The 44 men were fired on at by at least 635 rounds, of which some 178 bullets struck. Thus, 457 bullets missed hitting the person whom the Security Forces were shooting at and equates to a strike rate of 28%.

Eight of the forty-four (44) men were wholly unarmed and were struck with a combined total of just 18 bullets; six were hit twice each, (which training would identify as the

minimum to fire at a target in response to a life threat), one was struck five times and one man just once. Thus the remaining 36 men were struck by some 160 bullets.

Eleven of the forty-four PMR's recorded that the person was struck to the back of either the head, torso, buttocks or neck, one of whom was wholly unarmed. The officer accounts for these incidents alleged that the person was presenting as an immediate threat to life, yet PMR evidence indicates the person was facing away from the officer.

This low strike rate is typical of Security Force shooting incidents and a feature observed in many law enforcement agency encounters, whereby the greater majority of bullets fired miss their intended target. This feature is apparent when it is reported that more than one gunman is present at the incident and reportedly firing at law enforcement officers. Poor shooting skills are a feature of police involved shootings, where officers are not highly trained marksmen. Accuracy with a handgun, at any distance, requires constant training and practice and that is not perceived from the concerned officers. Training in daylight, at static targets and defined distances is then met with moving targets, low light, trauma, seeking cover, far greater distances and officers being subject to return fire.

When examining both the JCF and JDF shootings, the hit/miss rate remains very similar, whereby cumulatively and regularly the proportion of missed rounds is some two thirds. (70%). What is this illustrating? A phenomenal number of rounds are fired on a regular and almost routine daily basis by the security forces. From a little less than 4000 rounds, some 206 people were either killed or injured, yet many thousands of rounds were fired.

Whilst this report examined the shooting and ballistic data within a discrete period, a similar pattern exists for any 12-month period. There is a practice of what appears to be an extraordinary deployment of the use of lethal force by the Security Forces - primarily the JCF, but when the JDF are engaged, they apply a similar exercise of force and equally low strike rate, especially in multiple suspect confrontations.

ADDITIONAL NOTES

Within the 44 examined deaths there was a single 'outlier' shooting incident in which the JDF alone engaged armed gunmen, during which six men were killed. The JDF fired some 234 rounds of which only 52 bullets struck the alleged gunmen. The six men were struck respectively 4, 6, 8, 9, 9 and 16, times. Thus 182 fired bullets missed their target. This singular incident illustrates a JDF 'miss' rate of 78%, and a strike rate of 22%, but which is a feature of other multiple death incidents in which the JDF have engaged gunmen.

The discharging of police firearms is embedded within the JCF, borne from a highly volatile, armed criminal class, which has resulted in a normalised routine response and firing of multiple rounds from which the threat to life is not always apparent. Within this operating culture the outcomes include victims shot whilst passengers in cars, civilians caught in cross fire, and the wholly unarmed caught up in the delivery of use of force.

CONCLUSION

A central aim of INDECOM is to ensure accountability of Jamaica's Security Forces and to examine the still extraordinarily high volume of shooting incidents that occur. Since 2019 the number of police related fatalities has increased year on year, and 2022 will almost certainly experience a further increase over 2021. This report provides a more detailed analysis of a single 12-month period, in which 129 men were shot and killed but the data is typical of any other annual period and is illustrative of the pattern and practice of fatal shooting incidents.

The deeper analysis of the shooting incidents and history of the concerned officers reveals a situation which requires addressing by the JCF High Command. Whilst the greater majority of serving officers are seldom or never involved in shooting incidents, a core of police officers are engaged so regularly in such incidents that it cannot be ignored - for the reasons cited above. The use of lethal force presents as excessive and in some instances unwarranted. The number of rounds fired by the JCF, most of which are missing any target, is indicative of uncontrolled and unmeasured shooting, but which has consequences for both citizens of Jamaica and the JCF.

INDECOM's report has as its aim that the Security Forces' senior command appraise themselves of those officers whose actions and behaviour require intervention. Officers involved in multiple fatal shooting incidents require

far greater review, assessment and intervention by their own organisation to determine suitability for deployment and/or re-training. Their mental health, welfare, and risk, if any, should be routinely examined due to high volumes of exposure to fatal incidents.

The use of Body Worn Cameras (BWC's) is yet again urged and recommended for all operational officers and in planned policing operations. The continuing failure to introduce BWC's in shooting incidents remains an extraordinary strategic omission. The total absence of any independent record of the majority of these shooting incidents makes it nearly impossible to test the police narrative and secure independent corroboration of the police accounts provided. The increasing prevalence of police officers themselves, utilizing their own mobile phones to record their non-firearm interactions, is illustrative of their appreciation of how such recordings provide support for their own accounts, temper the behaviour of officers and also clearly record the citizens own behaviour, which is often noted as failing to adhere to lawful orders and instructions.

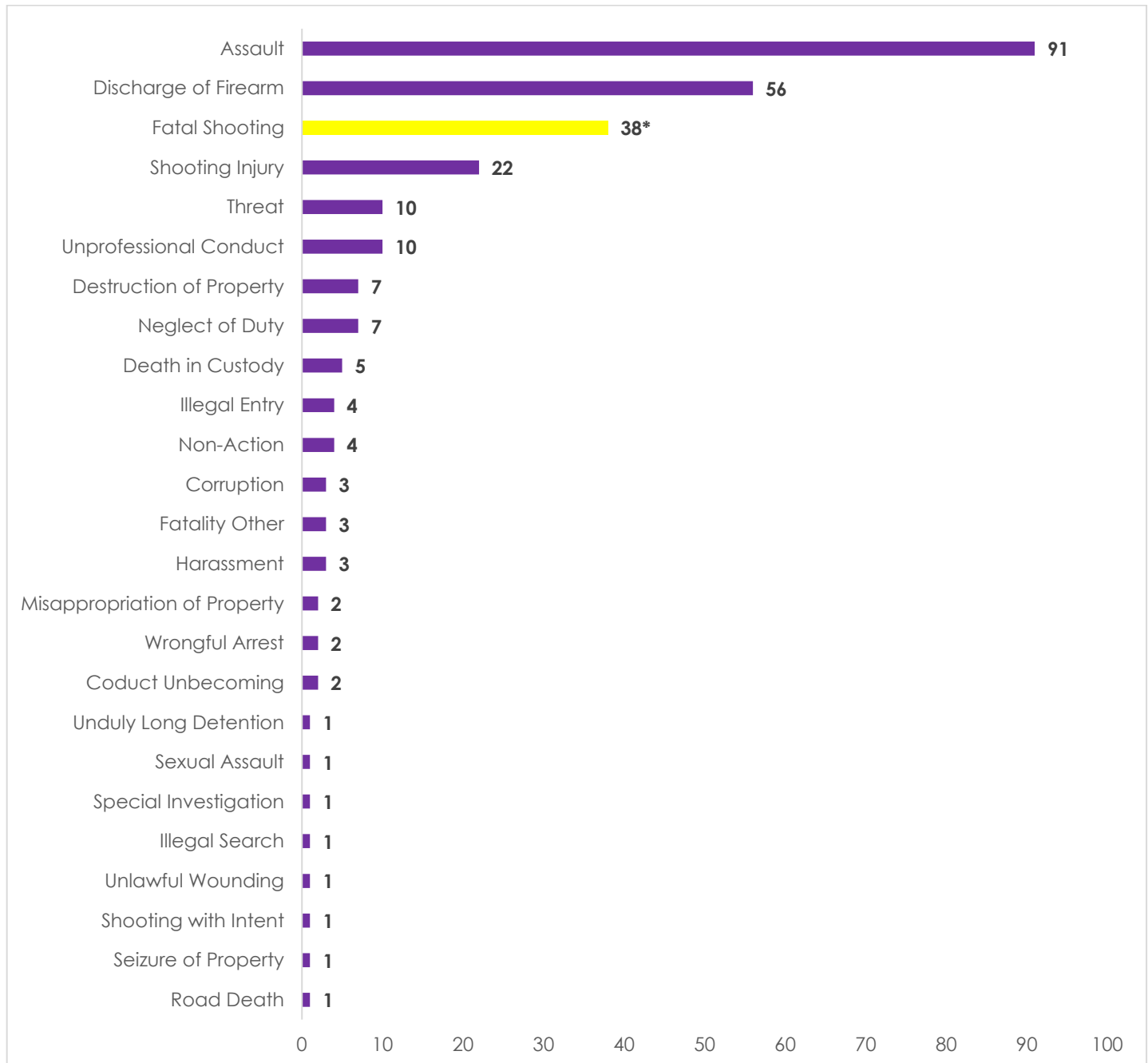
BWC's would resolve the current dilemma of counter claims and narratives for which there is seldom any resolution, only community suspicion. The marked reluctance to deploy BWC's on any operations, thereby reducing the instances of inappropriate use of force and allaying the continual public disquiet that some shooting incidents were not as described, remains a critical issue to be addressed by the JCF.

KEY POINTS

- The report examines all fatal shootings for the period: July 1, 2020 to June 30, 2021
- In 110 incidents, 129 persons were shot and killed by the Security Forces, during the review period
- All persons shot and killed during the review period were men
- 64 of the 110 incidents (58%) occurred in Kingston, St. Andrew and St. Catherine
- 250 police officers fired their weapons during the encounters where 129 persons were shot and killed
- 14 of the 250 officers, account for a further 112 deaths, with one officers alone accounting for up to 20 deaths
- A minimum of 1950 bullets were fired at the 129 persons killed
- A minimum of 1374 bullets were fired in incidents categorized as Discharge of Firearm – Missed Target
- 19 of the 110 incidents were categorised as suspicious
- 19 of the 129 men shot and killed had no gun or other weapon, were subject of at least 308 rounds fired at them
- In 74 of the 110 incidents, 89 firearms were recovered.
- 17 of the 129 men were reported as being in possession of a weapon other than a firearm
- In 96 of the 110 incidents, 227 of the 250 concerned officers, provided initial accounts to INDECOM Investigators
- Only 19 of the 227 concerned officers, signed the initial account provided to INDECOM Investigators
- Of the 44 Post Mortem Reports available for review, it indicated that 8 of the 19 wholly unarmed men were struck by a combined total of 18 bullets (6 hit twice, 1 struck five times, 1 struck once)
- No body-worn camera was cited as deployed in any of the 110 incidents

PART ONE

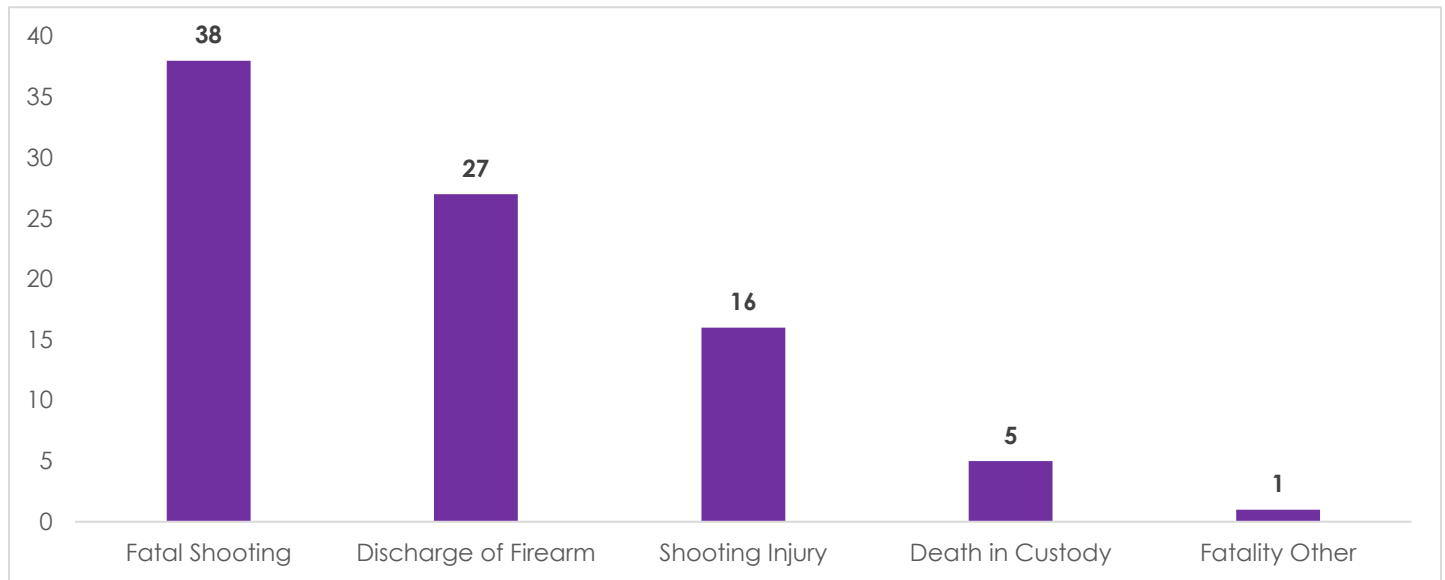
NEW COMPLAINTS: JULY TO SEPTEMBER 2022



* There were 44 deaths from 38 Security Force fatal shooting incidents
 * Assault includes assault occasioning bodily harm and assault at common law

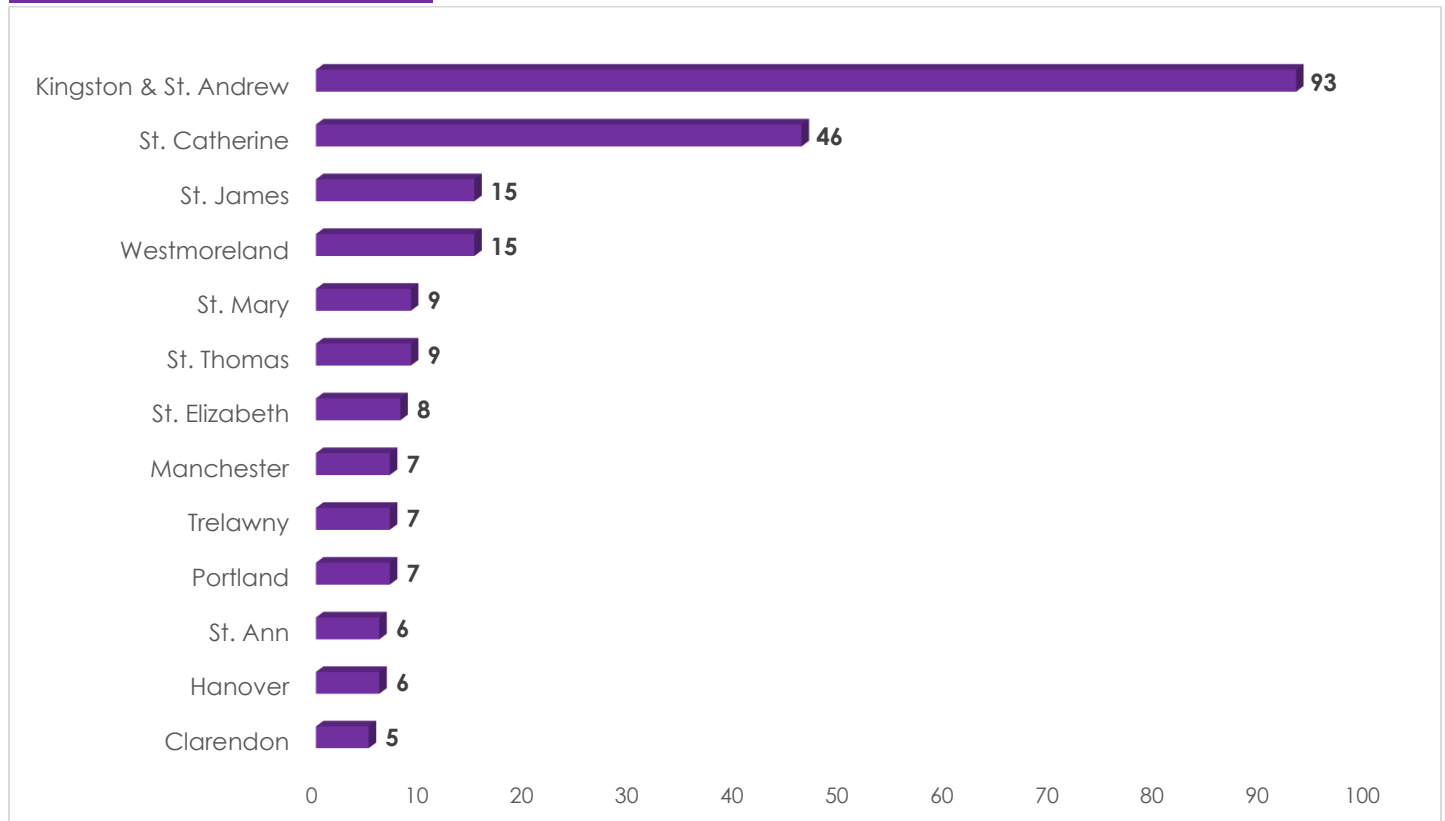
Graph 8 shows the 277 categories for the 233 new incidents for which complaints were received by the Commission during the period July to September 2022

FORENSIC SCENE RESPONSE



Graph 9 shows the 87 incidents that the Commission's Forensic Unit responded to during the period July to September 2022

COMPLAINTS BY PARISH



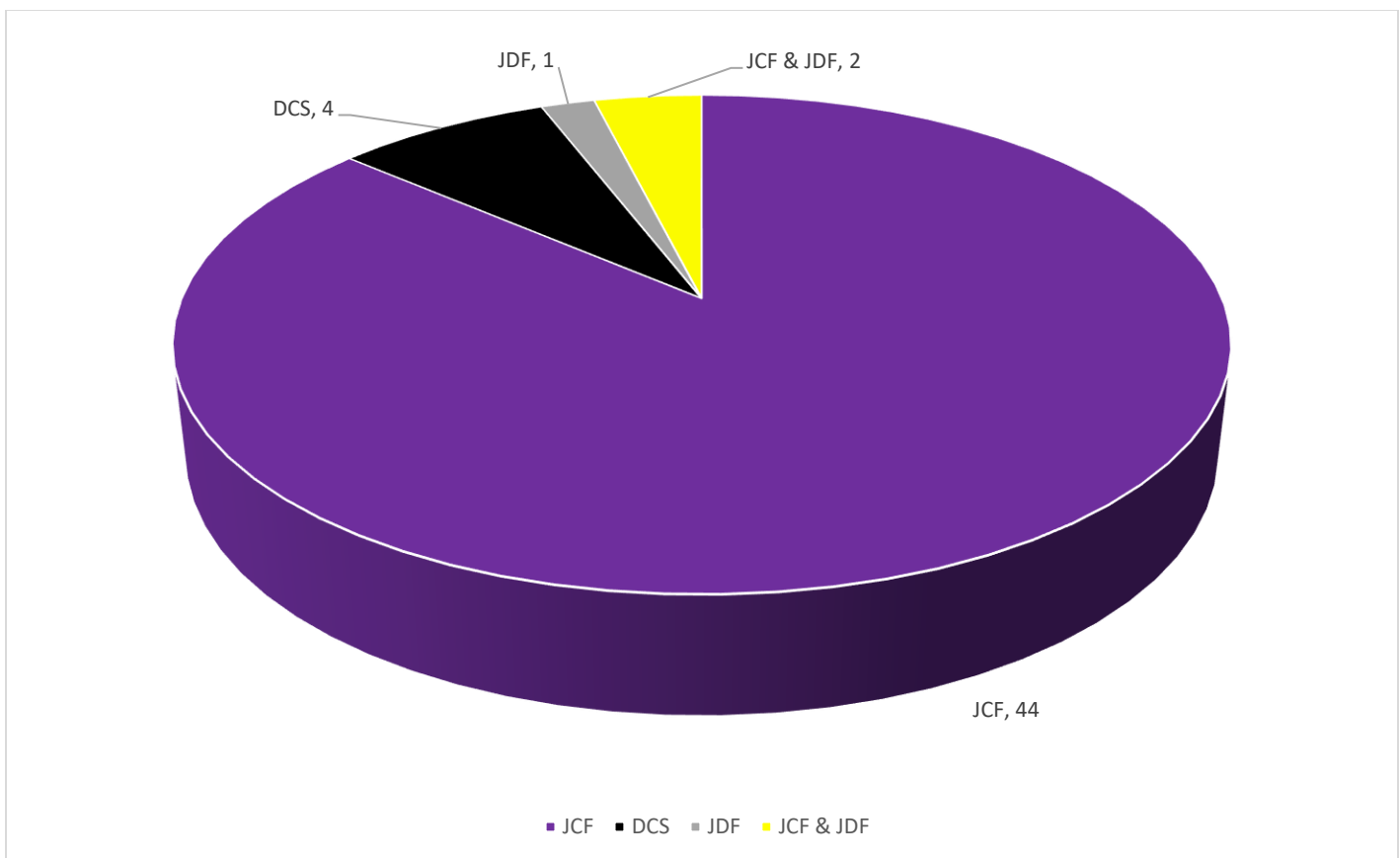
Graph 10 shows the breakdown per parish for the 233 new complaints received by the Commission during the period July to September 2022

COMPLAINTS PER ORGANISATION

| STATE AGENCY | TOTAL COMPLAINTS | PERCENTAGE |
|---|------------------|------------|
| Jamaica Constabulary Force (JCF) | 199 | 85% |
| Department of Correctional Services (DCS) | 21 | 9% |
| Jamaica Defence Force (JDF) | 6 | 3% |
| Joint Military/ Police (JCF & JDF) | 7 | 3% |

Table 4 shows the breakdown, per State agency, of the 233 new complaints received by the Commission during the period July to September 2022

FATALITIES PER ORGANISATION



Graph 11 illustrates the State agency to which the 51 fatalities (44 by fatal shootings, 5 deaths in custody, 1 fatal road traffic collision, 1 fatality-other), recorded for the period of July to September 2022 are related. See Table 2 below for the corresponding list with the specific incidents.

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

FRTC: Fatal Road Traffic Collision

| Date | Name of Deceased | Location of Incident | Related State Agent |
|---|--|---|---------------------|
| JULY (16) (Fatal Shooting – 15; Fatality Other - 1) | | | |
| 5-Jul | Kimani PRYCE | Burlington Estate, Snow Hill, Portland | JCF-OD |
| 6-Jul | Sheldon GRANT | Dillpath Crescent, Olympic Gardens, Kingston 11 | JDF |
| 8-Jul | Prince DAVIS Oraine LEE | Nannyville Gardens, Kingston 3 | JCF |
| 12-Jul | Donna Lee DONALDSON (Female) FATALITY OTHER | Chelsea Apartments, Chelsea Avenue, Kingston | JCF-OD |
| 16-Jul | Andre CASSELL | Woods Town, Discovery Bay, St Ann | JCF |
| 16-Jul | Phillip WALLACE | Greenglide Close, East Kirkland, Red Hills, St Andrew | JCF-OD |
| 18-Jul | Ramar BUTLER | Half-Way-Tree, Kingston | JCF |
| 19-Jul | Ricardo SALMON Najae SMITH Shamar BROWN | Speculation, Black River, St Elizabeth | JCF |
| 25-Jul | Jermaine ROBINSON | Marshall Crescent, May Day, Mandeville, Manchester | JCF |
| 26-Jul | Ricardo BAILEY | Rock River, Clarendon | JCF |
| 26-Jul | Tommy THOMPSON | New Market, St Elizabeth | JCF |
| 29-Jul | Alves ELLIS | Barnett View, Mount Salem, St James | JCF |
| 29-Jul | Sudheer GALLOWAY | Sir Florizel Glasspole Highway, East Kingston, Kingston | JCF |
| AUGUST (17) (Fatal Shooting – 15; DIC – 1; FRTC - 1) | | | |
| 4-Aug | Kevin HINDS | Dyke Road, Portmore, St Catherine | JCF & JDF |
| 4-Aug | Everton McDONALD | Browns Lane, Central Village, St Catherine | JCF |
| 4-Aug | Delton SMALL Romone REID | Top Mountain Road, Kitson Town, St Catherine | JCF-OD |
| 5-Aug | Male UNKNOWN | Washington Boulevard, Kingston | JCF |
| 9-Aug | Sanjay DILBERT | Ministry of Labour, King Street, Falmouth, Trelawny | JCF |
| 12-Aug | Tavaughn TAYLOR | Inez Bogues Museum, Port Henderson Road, Portmore, St Catherine | JCF |
| 13-Aug | Linval G. WILLIAMS FRTC | Windsor Castle, near Highgate, St Mary | JCF-OD |
| 13-Aug | Alton REID | Burke Road, Spanish Town, St Catherine | JCF |
| 18-Aug | Mark BENJAMIN | Waltham Park Road, St Andrew, Kingston 11 | JCF |
| 19-Aug | Tajay SMITH | Greendale, Spanish Town, St Catherine | JCF-OD |

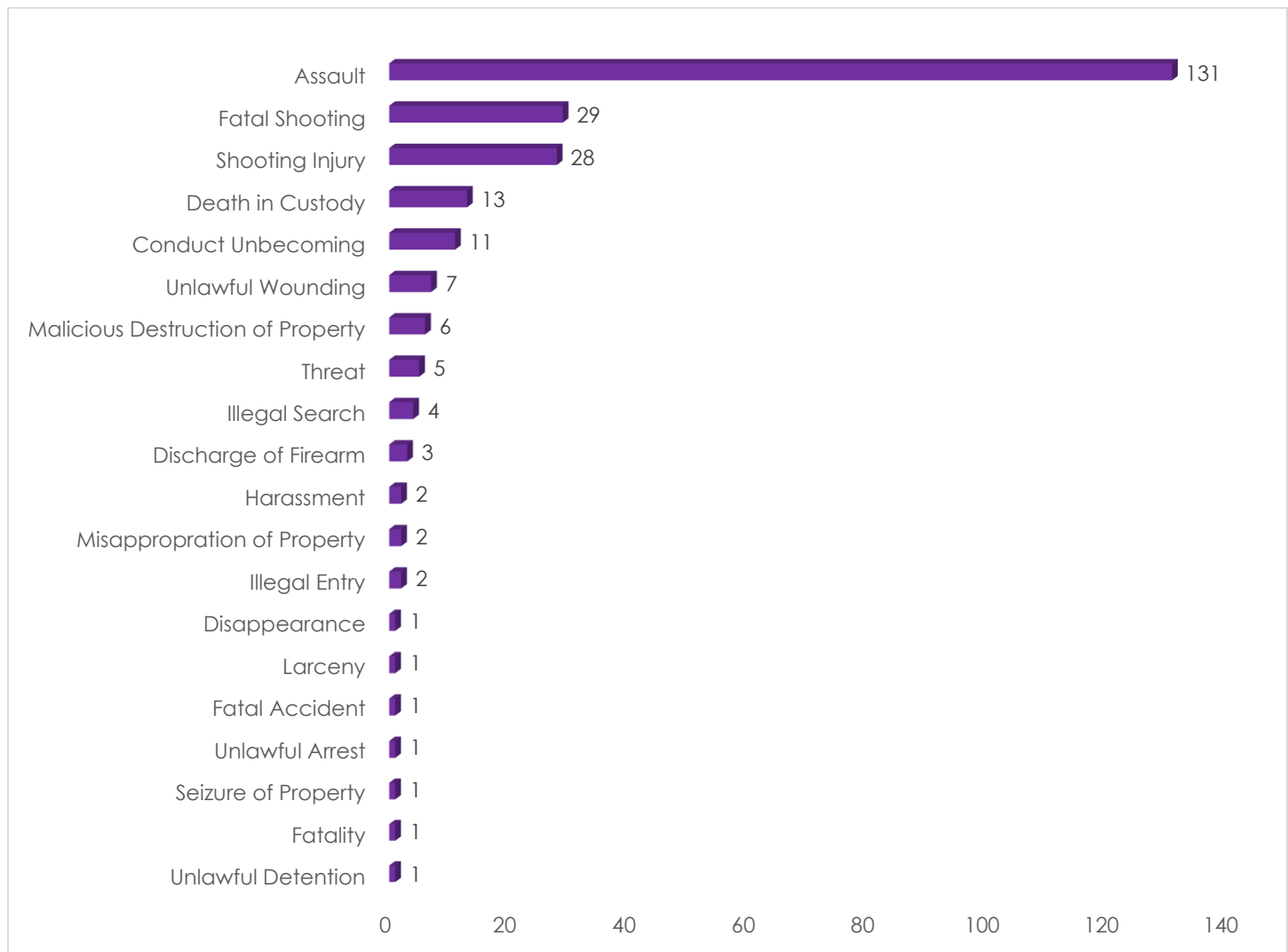
| | | | |
|--|----------------------------------|--|-----------|
| 20-Aug | Alexander WILLIAMS | East Street, Old Harbour, St Catherine | JCF |
| 22-Aug | Ackeem MORGAN | Pechon Street, Kingston | JCF-OD |
| 24-Aug | Narando BOOTHE (Teenager) | Pechon Street, j/w Harbour Street, Kingston | JCF |
| 25-Aug | Jamaal GAYLE DIC | TSACC to KPH | DCS |
| 26-Aug | Shamar STEWART | Marcus Garvey Drive, Kingston | JCF |
| 27-Aug | Orville WILSON | Shanty Town, Norwood, St James | JCF |
| SEPTEMBER (18) (Fatal Shooting – 14; DIC – 4) | | | |
| 1-Sep | Nick WHITE | Uganda Drive, Payneland, Kingston 11 | JCF & JDF |
| 2-Sep | Anthony FRASER | White House, Westmoreland | JCF |
| 3-Sep | Michael CAIN | Fern Hill, Lawrence Tavern, St Andrew | JCF |
| 7-Sep | Easton SAMUELS DIC | SCACC to Spanish Town Hospital | DCS |
| 8-Sep | Fabian BECKETT DIC | TSACC to KPH | DCS |
| 9-Sep | Damion PALMER | Mermon Road, Kingston 3 | JCF |
| 10-Sep | Rushane FEDRICK | Market District, Spanish Town, St Catherine | JCF |
| 11-Sep | Tarrick S. MORRISON | Mandela Highway (near Central Village), St Catherine | JCF |
| 13-Sep | Ian HERRON | 3rd Street, Trench Town, Kingston | JCF |
| 14-Sep | Bruce RICHARDS DIC | TSACC to KPH | DCS |
| 16-Sep | Shamoy JOHNSON Brandon WONG | Pondside, Yallahs, St Thomas | JCF |
| 18-Sep | Tyrone McDONALD | Gregory Park, Portmore, St Catherine | JCF |
| 19-Sep | Joseph-Lee WRIGHT | Rock River, All Age School, Clarendon | JCF |
| 27-Sep | Javaughn VASSELL Rohan MOORE | Above Rocks, St Catherine | JCF |
| 28-Sep | Andre LENNON DIC | Shady Grove PSTN, Shady Grove, St Catherine | JCF |
| 29-Sep | Chad-Oneil DARLINGTON | Ocean Ridge, Rio Nuevo, St Mary | JCF |

Table 5 lists the names of the 51 civilians who died from Security Force-related incidents during the period July to September 2022

PART TWO

The Legal Department

COMPLETED COMMISSION'S REPORTS: JULY TO SEPTEMBER 2022



Graph 12 shows the categories of complaints for Commission's Reports completed during the period of July to September 2022

OVERVIEW: COMMISSION'S REPORTS RECOMMENDATIONS

| Charge | | Charge & Disciplinary Action | | Disciplinary Action | | Unsubstantiated |
|---------|------------|------------------------------|------------|---------------------|-------------|-----------------|
| 7 cases | 8 officers | 2 cases | 2 officers | 14 cases | 19 officers | 212 cases |

Table 6 shows the recommendations made for the 235 Commission's Reports completed during the period July to September 2022

COMMISSION'S REPORTS RECOMMENDATIONS – FATAL SHOOTING INCIDENTS

| No. | Date of Incident | Victim | Case Summary | INDECOM Recommendations |
|-----|-------------------|------------------------------------|---|-------------------------|
| 1. | August 5, 2011 | Shawn Bartley | On Friday, August 5, 2011 at about 5 p.m. a police party from the Spanish Town C.I.B. comprising of Detective Corporal, Woman Constable were on enquiries in the St. Johns Road area. They were travelling in a marked service vehicle along St. Johns Road when they accosted a group of men. The men pulled handguns and opened gunfire at the police, the police took cover and returned the gunfire. One of the men fell to the ground at the back of a house and a firearm fell from his grasp. The other men escaped through adjoining premises. The injured man was then transported to the Spanish Town Hospital where he was pronounced dead by Doctor. A 9mm pistol serial number erased and three live rounds were recovered. | No Charge |
| 2. | February 9, 2012 | Renord Harrison | On Thursday, February 9, 2012 at about 5:00 am a police party led by Detective Superintendent, executed an operation at Benson Avenue Apartment, Kingston 8 in search of illegal possession of firearm and ammunition. During the operation, Renord Harrison was fatally shot when he allegedly pointed a firearm at the lawmen. A Glock semi-automatic pistol was recovered from him. | No Charge |
| 3. | October 13, 2012 | Karon Willis and Nicholas Thompson | On Saturday, October 13, 2012 the police reported that during a search in the Lane Pass community for wanted men, they received information and went to a premises where they heard gunfire coming from a house and two men emerged and fired at the police. The police reportedly returned the fire and the two men were injured, they were taken to the Kingston Public Hospital where they were pronounced dead. The deceased men were identified as Karon Willis and Nicholas Thompson. Two firearms were recovered one Smith and Wesson 357 magnum bearing serial number ALC6321 with two live rounds and four cartridge casings and a .38 revolver with four live rounds and a cartridge casing. There were no independent eyewitnesses identified. | No Charge |
| 4. | October 26, 2012 | Anthony Reid | On Friday, October 26, 2012 at about 8:30 p.m. police personnel who were members of the Special Area 4 Operations Unit were travelling along Canewood Crescent in the Washington Gardens community when four (4) men allegedly engaged them in a shootout. One of the men Anthony Reid was fatally shot when the police returned gunfire. A Taurus 9mm pistol was recovered from him. | No Charge |
| 5. | January 10, 2013 | Courtney Thomas | On Thursday, January 10, 2013 at about 1:30 pm based on information received they journeyed to Burkewood district in Rock Hall, St. Andrew. At about 2:15 pm the team arrived at the location where three men were seen running from behind a house armed with handguns. They were given instruction not to move however, the men opened gunfire at the officers. During the exchange of gunfire through the hilly terrain, one of the men who engaged the officers was seen lying on the ground, with a Browning .38 pistol containing a magazine with three .380 cartridges beside him. The injured man was taken to the Kingston Public Hospital where he was pronounced dead by the doctor on duty. | No Charge |
| 6. | February 11, 2013 | Arnold Thompson | On Monday, February 11, 2013 at midday the police received information that there were four suspicious men aboard a blue and white Toyota Corolla motorcar. A police team was dispatched in private motorcar in search of this vehicle. At about 12:30 p.m. the subject | No Charge |

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| | | | car was seen in the Logwood area and signaled to stop but the driver sped away. The car was pursued by the police. It appeared to get out of control of the driver, skidded and came to a stop. Three men came from the vehicle and opened gunfire at the police, who took evasive action and returned fire. After the shooting subsided two men were seen suffering from what appeared to be gunshot wounds while the two other men recognized as CW and MP escaped in bushes. Both injured men were taken to the Princess Margaret Hospital where the deceased Arnold Thompson was pronounced dead by Doctor and CH admitted in serious but stable condition. The police vehicle had damage to the sides and windows. One High Point 9mm pistol serial number with nine rounds 9mm cartridges was found beside the car. | |
| 7. | May 10, 2013 | Desmond McCalla | On Friday, May 10, 2013 members of the Fugitive Apprehension team went to Bull Bay in search of Desmond McCalla o/c Private who was allegedly wanted for several murders in the Windsor Heights Central Village area. He was a member of the notorious Pepper Gang which controls Windsor's Heights. Upon arrival at Bull Bay, the officers were searching a house when they came into contact with Desmond McCalla who allegedly had a firearm in his waistband. One of the officers reportedly tried to retrieve the weapon and a struggle ensued between both men when McCalla was shot. He was taken to the Kingston Public Hospital where he was pronounced dead by the doctor on duty. One .38 Smith and Wesson Revolver with five live rounds and one spent casing was reportedly recovered from the now deceased. One officer sustained a gunshot injury during the incident. No eyewitnesses were identified. | No Charge |
| 8. | August 3, 2013 | Andre Boyd | On Saturday, August 3, 2013 a team of twelve conducted an operation in search of wanted men and illegal weapons. They went to premises on Fiddis Road and knocked on the door. They got no response. The police breached the door and reported that they saw a man who fired at them. They returned the fire and the man ran through another door. He was chased onto another premises where he went through the window of an abandoned building. He fired again at the police who again returned fire and he fell. The injured man was taken to the Kingston Public Hospital where he was pronounced dead by Doctor on duty at 6:29 am. The body was transported to the Tranquility Funeral Home for storage pending a Post Mortem Examination. | No Charge |
| 9. | October 12, 2013 | Daniel Hawkins | On Saturday, October 12, 2013 at approximately 4:00 pm police officers attached to the Island Special Constabulary Force were travelling northerly along Jacques Road when they saw a man acting in a manner that aroused their suspicion and he was accosted by the police. As a result, the man ran into a shop opening fire at the officers. The fire was returned and the man later identified as Daniel Hawkins was shot and killed. A firearm was recovered from Hawkins. One officer was allegedly injured during the gun battle. The injured man was taken to the Kingston Public Hospital where he was pronounced dead by Doctor at 6:29 am. | No Charge |
| 10. | November 27, 2013 | Miguel Wilson | On Wednesday, November 27, 2013 at about 5:30 a.m., the Police were on an operation in the White Hall area vicinity of 100 Lane when they visited the premises occupied by the now deceased. They knocked on his door then forcibly entered the house when the now deceased fired on them. The police returned the fire and retreated. After conducting further checks, the now deceased was found suffering from gunshot | No Charge |

| | | | | |
|-----|------------------|-----------------|--|-----------|
| | | | wounds. He was taken to the KPH where he was pronounced dead on arrival. There were no independent eyewitnesses to the incident to corroborate or refute the officer's account. | |
| 11. | June 22, 2014 | Mark Nelson | On Sunday, June 22, 2014 about 2:25 am a police party was on patrol and travelling on Payne Avenue, Kingston 11 when Mark Nelson was shot by one of the officers when he pulled a firearm from his waistband. He was taken to the Kingston Public Hospital where he was pronounced dead by the doctor on duty. A firearm was recovered. There are no eyewitnesses to this incident. | No Charge |
| 12. | July 9, 2014 | Kenneth Murdock | On Wednesday, July 9, 2014 at about 12:30a.m. police officers went to the home of Kenneth Murdock. Mr. Murdock was seen outside. One member of the police team shouted, "Police don't move". Mr. Murdock pulled a firearm from his waist pointed it at the police and fired two (2) rounds. The police team took evasive action. Constable pulled his 9mm Glock Pistol and fired six (6) rounds. Mr. Murdock fell to the ground clutching a handgun. The firearm was retrieved from Mr. Murdock. Murdock was taken to the Savanna-la-mar Hospital and was pronounced dead by Doctor. | No Charge |
| 13. | January 23, 2015 | Cleon Thomas | On Friday, January 23, 2015 at about 4:45am a police party from the Constant Spring Police Station acting on information went to Upper Cherry Gardens, Gravel Road, Kingston 6 in search of Cleon Thomas o/c Toms, SA o/c Mop Head and other members of the Castle Heights gang. When the police entered the premises they saw a group of men sitting on the veranda of the house and they shouted "police". The men reportedly got up from the veranda and opened gun fire at the police and ran. The police returned gunfire and when the shooting subsided, one man was found suffering from gunshot wound, he was pronounced dead at hospital. He was identified as Cleon Thomas. Two firearms and several live rounds were found at the scene. | No Charge |
| 14. | April 3, 2015 | Devon Brown | On Friday, April 3, 2015 at about 1:40 a.m. officers were on foot patrol in the Golden Heights area. The team separated at Blunt Street, one team went to the left towards the gully of the high rise building with four officers and Corporal along with Constable went to the right of the high rise building on to Blunt Street. The officers claimed that they saw two men walking towards them one of the men had his right hand in the front of his waist. He was about 10 to 15 meters from the officers and they shouted police. The man pulled a firearm and pointed in their direction and fired. The next man also allegedly fired in their direction. Corporal opened fired in the direction of the men and took cover on the ground. One of the men fell and the other ran off. A .45 semi-automatic pistol with six live rounds was taken from the man's right hand. | No Charge |
| 15. | April 19, 2015 | Ricky Ricketts | On Sunday, April 19, 2015 at about 2:10 p.m., Inspector and a team from the Morant Bay Police Station were on vehicular check point duty when they received reports from Constable of the Seaforth Police station that he needed help in apprehending Ricky Ricketts who was said to be armed with a firearm in York District, St. Thomas. The team which consisted of eleven police officers reportedly arrived in York District at approximately 2:15 p.m. and they separated into groups in search of Mr. Ricketts along the gully in York. Mr. Ricketts who was wanted by the police was reportedly seen in the gully heading east. When accosted by Corporal and District Constable, and was given a verbal command to stop, he pulled a firearm from his right pants pocket and pointed it in the | No Charge |

| | | | | |
|-----|------------------|-------------------------------|--|--|
| | | | direction of the police. Both police officers fired in the direction of the man who was later taken to the Princess Margaret Hospital where he was pronounced dead at about 2:25 p.m. A .38 revolver with three rounds and a 9mm round wrapped in plastic was also reportedly recovered from the scene. There were no independent eyewitness to the incident to corroborate or refute the officer's account. | |
| 16. | April 29, 2015 | Jerome Gray | On April 29, 2015 about 10:30 p.m. two Constables were on foot patrol along St. James Street, Montego Bay heading towards Union Street. They saw a man walking with a female and acting suspiciously. Constables stopped and requested a search of the man. The man had two bags with him which were taken from him. As Constable 1 was about to move towards the man to search his person, the man pushed the female and dipped towards his waist and came up with a firearm. Constable 1 shouted "police and discharged three rounds in the direction of the man. The man was taken to the Cornwall Regional Hospital where he was pronounced dead at 11:00 p.m. by Doctor. A .38 revolver with the serial number erased was recovered from the man. The deceased was later identified as Jerome Gray. | No Charge |
| 17. | February 4, 2016 | Akeel Downey & Orlando Wynter | On February 4, 2016, about 11:40 pm, the Commission received a report of an alleged fatal shooting, which occurred at Ferry district, off Mandela Highway. According to the report, a group of men were spotted by a police foot patrol team. These men opened gunfire at the police; the gunfire was returned and the men ran. They encountered another team, and again an exchange of gunfire ensued. Two unidentified males were allegedly shot fatally – it was after the shooting ended that the two men were taken to the Kingston Public Hospital (KPH) where they were pronounced dead – the men were later identified to be Akeel Anthoney Downy and Orlando Ruel Wynter. Three members of the Jamaica Constabulary Force's team sustained injuries. 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. | No Charge |
| 18. | January 12, 2017 | Shaquille Morris | On Thursday, January 12th, 2017 about 4:30 p.m., Mr. Shaquille Morris was shot twice along Pacific Boulevard, Seaview Garden by members of the Jamaican Constabulary Force. Mr. Morris was later pronounced dead at the Kingston Public Hospital. According to eye witnesses, while walking along Pacific Boulevard across an open lot beside Mr. Morris, two policemen accosted and searched them. The officer, who searched Mr. Morris, had his firearm pointed at Mr. Morris, while Mr. Morris' hands were still in the air. Mr. Morris asserted, "Offica mi nuh have nutten pan mi, mi clean." Immediately after he heard a gunshot and saw the policeman's hand with the gun in it move back and "Bobby" fell to the ground. According to the witness, the policeman shot "Bobby" again while he was on the ground. According to the Constables, while on mobile patrol (in uniform), driving a marked service vehicle along Pacific Boulevard, Seaview Garden when on reaching the vicinity of the Seventh Day Adventist Church they observed two men, walking along a dirt track in an open lot. On seeing the police the men walked faster. The officers drove close to the men, alighted from their vehicle and approached the men. Shortly after, one of the men ran away, and Constable 1 pursued him. At the same time, Shaquille Morris | Charge as per DPP ruling dated August 22, 2022 |

| | | | | |
|-----|--------------------|-----------------|---|-----------|
| | | | withdrew a firearm and in response Constable 2 pulled his firearm and discharged two rounds in the direction of the man (later identified as Shaquille Morris), who fell backwards on the ground. A .38 Smith and Wesson revolver was recovered from Mr. Morris. | |
| 19. | January 27, 2017 | Troy Vassell | On Friday, January 27, 2017 at about 10:45 a.m. Inspector of the Kingston Central Police Station and team went on an operation to Luke Lane Kingston CSO. They went to Luke lane and proceeded upstairs to a room where they saw the now deceased armed with a firearm that he pointed at one of the officers. The police officer fired rounds in the man's direction and a struggle developed between them. The man was taken to Kingston Public Hospital where he succumbed to his injuries. A firearm was also recovered. | No Charge |
| 20. | June 5, 2017 | Rickoy Murdock | On Wednesday, June 5, 2017 at about 5: 15 p.m. Det/Constable was on patrol along St. James Street in Montego Bay, St. James. Whilst on patrol Det/Constable saw a man of interest known as Rickoy Murdock who is wanted in connection to several armed robberies committed in and around Montego Bay St. James. Reportedly, Det/Constable approached Rickoy Murdock who pulled a 9mm pistol and pointed it in the direction of Det/Constable who took cover. Rickoy Murdock then ran off in the crowd and Det/Constable gave chase, and followed Rickoy through a track which leads from Harbour Street then unto Howard Cooke Boulevard. Two Constables who were off duty officers were in the parking lot of Kentucky Fry Chicken (KFC) on Howard Cooke Boulevard when they saw Rickoy running with a gun in his hand and looking behind him. They then saw Det/Constable chasing and shouting Police stop! As a result, Constables assisted in trying to apprehend Rickoy. Checks were made under the Howard Cooke bridge where they saw Rickoy and shouted Police don't move! Rickoy reportedly pointed a gun in the officers' direction and fired several shots. Constables took evasive action and returned fire. Rickoy then ran unto Howard Cooke Boulevard where he fired more shots at the lawmen. Rickoy continued to the stop light on the said Howard Cooke Boulevard where he fell. One 9mm Smith and Wesson pistol was recovered from him with one magazine containing three rounds. Rickoy was rushed to the Cornwall Regional Hospital where he was pronounced dead at 5:50pm. | No Charge |
| 21. | September 10, 2017 | Shadrack Heslop | On Sunday, September 10, 2017 at about 8:30 p.m. a police patrol led by Corporal operating as Waterhouse Special Unit and travelling in a marked service vehicle BS011 was responding to reports from police emergency that shots were being fired in the Maxfield Avenue, Gem Road areas and as a result they proceeded to the location along Crescent Road. Whilst travelling along the roadway and on reaching number 18, a group of persons were seen standing at the gate and on the approach of the police patrol, two men were observed running in the premises. Constable 1 first alighted from the vehicle and went in pursuit of the men with Constable 2 following close behind. Constable 1 whilst chasing the man into the yard shouted Police to the man but he continued running and he spun around and pointed a firearm in Constable 1's direction. Constable 1 fired in the man's direction. The man then fell to the ground and was found suffering from gunshot wound to the upper body and clutching one HKUSP40 pistol bearing serial number 22-08961 with a magazine containing nine (9) .40 cartridges. Constable 1 handed Constable 2 the M16 rifle in order that he and Constable | No Charge |

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|-----|--------------------|------------------------------|--|-----------|
| | | | 3 could assist the injured man to the service vehicle to seek medical attention when a large boisterous crowd began to gather in the yard and in fear of the police party being attacked Constable 2 discharged two rounds in a safe direction from his M16 rifle causing the crowd to retreat. The injured man was taken to the Kingston Public Hospital where he was pronounced dead on arrival by Doctor at 9:28 p.m. | |
| 22. | September 12, 2017 | Okeyre Davis & Sanjay Cheese | On Tuesday, September 12, 2017 at about 5:30 p.m. a police team from the Greater Portmore Police Station went to the Hellshire Beach Club Hotel at Sugarman Beach in search of two men who were staying at the hotel. The police received information that that the men were about to commit a murder in the 3 East community of Greater Portmore. Upon approaching the premises, the police saw two men moving swiftly towards them. When the men saw the police they pointed guns in the direction of the police and fired at them. The police took evasive action and returned gunfire in the direction of the men. The men ran back in the direction they were coming from while pointing at the police and firing. The police continued firing in the direction of the men. One of the men fell along a corridor while the other man ran into a room, still firing at the police. The man then went under a bed in the room and continued to fire at the police. The police again returned fire in the man's direction. When the shooting subsided both men were seen suffering from gunshot wounds to the upper body. They were then rushed to the Spanish Town Hospital where they were pronounced dead by the doctor on duty at about 6:12 p.m. Two guns were recovered from the scene, one intratech submachine and a .45 revolver. | No Charge |
| 23. | October 8, 2017 | Kenardo English | On Sunday, October 8, 2017 a team of police responded to reports of two men traveling on bicycle who were seen robbing persons in the vicinity of Tinson Pen aerodrome. As a result the team went in search of these men. On reaching the area two men were seen on a motor cycle one of the men jumped off and pulled a firearm and fired at the police. The police returned the fire and the man still on the bicycle made good his escape while the man who fired was found clutching a TISA 9mm pistol with a magazine containing 10 live rounds, serial number T0620 05D01818. He was taken to KPH where he was pronounced dead by Doctor at 2:10 p.m. One victim of robbery was identified and a statement taken from him. He later attended the morgue and identified the deceased as being one of the robbers. | No Charge |
| 24. | August 18, 2018 | Wayne Josephs | On August 18, 2018 at about 12:30 a.m. a team of four police officers were on duty in the Red Hills Road area in an unmarked service vehicle. Three of the officers left the vehicle and went on foot when they saw two men with handguns in hand, running in their direction. One of the officers shouted police don't move. One of the men pointed the weapon at the police and fired one shot. The officers took evasive action and Det. Constable returned the fire and the man fell and the firearm a 9mm Beretta with the serial number erased fell from him. He was taken to KPH, whilst on route he gave his name to the police as Wayne Josephs. He was pronounced dead by Doctor at KPH. | No Charge |
| 25. | September 1, 2018 | Tio Heath | On Friday, September 1, 2018 vicinity of Oakland Road, Kingston 13 Police emergency sent police team to a burglary in progress and on arrival, the unit saw a man with trolley and goods on it along Oakland Road who pointed a firearm at them. The police fired in his direction and the man ran into the yard of a church | No Charge |

| | | | | |
|-----|-------------------|------------------|---|---|
| | | | and onto roof of premises #7 where he was found injured. He was taken to KPH and pronounced dead on arrival at 4:45 a.m. by Doctor. | |
| 26. | February 27, 2020 | Christoval Reece | On February 27, 2020 at about 7:33 a.m., a police operation led by Inspector and ten other ranks went to a target premises along Love Lane, Gordon Pen, Spanish Town in search wanted men armed with guns. On reaching the premises, two Constables started clearing the premises when they reached a room to the right of the verandah. The officers heard shuffling inside the room. Constable 1 entered the room and saw a man identified as Christoval Reece, standing in the left corner of the room pointing a firearm at him. Constable 1 then discharged one round from his Glock pistol which hit Reece in his abdomen and the gun fell from his hand. The firearm was retrieved and Reece was taken to the STH where he was admitted in a serious condition and later succumbed to his injuries. | No Charge |
| 27. | May 9, 2020 | Javane Duhaney | The complainant, AM is alleging that her left elbow was fractured by a gunshot which was discharged from the rifle of a JDF officer she cannot identify. She was also a witness to the fatality of Javane Duhaney as, both were residents of Bray Street where the incident occurred on the night of May 9, 2020. The Commission found that the shootings were suspicious but, could not be promoted to the stage of the initiation of a prosecution due to the absence of cogent identification evidence. | No Charge as per DPP ruling dated August 25, 2022 |
| 28. | June 25, 2020 | Paul Campbell | On Thursday, June 25, 2020 at about 10:57 p.m. at the People's Arcade Market, Montego Bay St. James, a group of Police officers were on patrol when they came upon a group of men. Upon seeing the police, one of the men began firing at them. The officers took evasive actions and returned fire. At this point the men had dispersed in separate directions. One of the officers noticed one of the men running and promptly gave chase. The chase ended at a concrete structure with the man inside. The officer denounced himself and gave clear instructions for the man to exit the infrastructure. Moments after the man exited the building with a machete in hand. The officer instructed him to drop his weapon however the man began advancing to the officer. The officer then gave clear instructions again however the armed man continued resulting in the officer discharging his weapon in the direction of the armed man. The man allegedly received injuries to the upper right side of his body. When shooting subsided, first aid was immediately rendered and the man was transported to the Cornwall Regional Hospital for treatment. The injured man subsequently died. | No Charge |
| 29. | June 29, 2020 | Latoyha Monte | The deceased, Latoyha Monte was shot and killed on June 29, 2020 at East Bloomsbury Avenue, Kingston 10 in the parish of St. Andrew by Woman Sergeant in circumstances alleged to have been self-defence. There being no evidence to contradict the account of Woman Sergeant as to the reason she honestly believed that she had to use lethal force against the person of the deceased; no prima facie case of murder has been established. The Crown would be unable to provide evidence to the required standard to support a conviction of the concerned officer. | No Charge as per DPP ruling dated August 30, 2022 |

Table 7 represents recommendations by INDECOM's Legal Department for Commission's Reports completed, for fatal shooting incidents, during the period July to September 2022

RULINGS RECEIVED FROM THE ODPP ARISING FROM INDECOM INVESTIGATIONS

| No. | Incident Date | Category of Incident | Date Referred to ODPP | Date ODPP Ruling Received |
|------------------------------|--------------------|-------------------------------------|---|--|
| Rulings for Charge | | | | |
| 1. | July 20, 2019 | Assault | March 3, 2022 | August 10, 2022 |
| 2. | February 19, 2021 | Assault | April 21, 2022 | August 16, 2022 |
| 3. | January 12, 2017 | Fatal Shooting | September 17, 2021 | August 22, 2022 |
| 4. | June 16, 2018 | Assault | February 4, 2022 | August 23, 2022 |
| 5. | February 21, 2020 | Assault | April 21, 2022 | August 24, 2022 |
| 6. | August 4, 2020 | Discharge of Firearm | June 8, 2022 | August 24, 2022 |
| 7. | November 6, 2020 | Assault | October 11, 2021 | August 31, 2022 |
| 8. | March 11, 2021 | Assault | March 3, 2022 | September 1, 2022 |
| 9. | April 4, 2020 | Death in Custody | June 8, 2022 | September 2, 2022 |
| Rulings for No Charge | | | | |
| 1. | November 13, 2020 | Unlawful Wounding | June 8, 2022 | August 23, 2022 |
| 2. | July 4, 2020 | Death in Custody | August 9, 2022 | August 25, 2022 |
| 3. | September 26, 2018 | Perversion of the course of Justice | January 13, 2022 | August 30, 2022 |
| 4. | June 29, 2020 | Fatal Shooting | December 13, 2021 | August 30, 2022 |
| 5. | December 5, 2020 | Shooting Injury | 1. December 10, 2021 2. June 8, 2022 | 1. April 1, 2022 2. August 30, 2022 |

Table 8 shows all case rulings received from the Office of the Director of Public Prosecutions (ODPP) during the period July to September 2022

CHARGES LAID FROM INDECOM INVESTIGATIONS (JULY - SEPTEMBER 2022)

| Name and Rank | Incident Date | Charge | Date of Charge | State Agency |
|--------------------------|-------------------|---|--------------------|--------------|
| Cpl. Miguel Ebanks | July 16, 2022 | <ul style="list-style-type: none"> • Murder • Shooting with intent • Making use of a firearm to commit a felony • Two counts of committing an act of corruption | August 2, 2022 | JCF |
| Cons. Purcell Carter | July 16, 2022 | <ul style="list-style-type: none"> • Murder • Shooting with intent • Making use of a firearm to commit a felony | August 2, 2022 | JCF |
| Cons. Kemar Dennis | July 16, 2022 | <ul style="list-style-type: none"> • Murder • Shooting with intent • Making use of a firearm to commit a felony | August 5, 2022 | JCF |
| Cons. Jason Bailey | April 5, 2020 | <ul style="list-style-type: none"> • Making a False Statement to the Commission contrary to Section 33 (a) of the INDECOM Act | September 12, 2022 | JCF |
| Cons. Clayton Williamson | January 12, 2017 | <ul style="list-style-type: none"> • Murder | September 15, 2022 | JCF |
| Sgt. Derrick Williams | February 19, 2021 | <ul style="list-style-type: none"> • Assault Occasioning Actual Bodily Harm | September 20, 2022 | JCF |
| Cons. Adrian Johnson | August 4, 2020 | <ul style="list-style-type: none"> • Five counts of Assault at Common Law • Unlawful Discharge of Firearm | September 28, 2022 | JCF |
| Cons. Rajeeck O'Connor | February 21, 2020 | <ul style="list-style-type: none"> • Assault Occasioning Actual Bodily Harm | September 29, 2022 | JCF |

Table 9 shows all members of the Security Forces who were charged for various allegations during the period of July to September 2022

PART THREE

PUBLIC INFORMATION

- **Meeting: Security Forces & INDECOM**

There were no meetings with the JCF High Command during the period **July to September 2022**. However, correspondence was exchanged between the two entities on several issues.

- **Outreach: Awareness Exercises**

| Unit/ Division/ Station | Group Size | Contact Hours | Man Hours |
|--|------------|---------------|-----------|
| Metcalfe Street Juvenile Correctional Centre | 20 | 2 | 40 |
| Tower Street Adult Correctional Centre | 26 | 2 | 52 |
| Port Maria Tasking Meeting (JCF) | 11 | 5.5 | 60.5 |
| Technology Branch of the JCF | 37 | 1.5 | 55.5 |
| Rio Cobre Juvenile Centre | 27 | 5 | 135 |
| South Camp Adult Correctional Centre | 20 | 2 | 40 |
| Denham Town Police Station | 12 | 2 | 24 |

Table 10 shows the 407 man hours for awareness sessions conducted by INDECOM with members of the Security Forces during the period July to September 2022

INDECOM OFFICES

Head Office

1 Dumfries Road
Kingston 10

Interview Centre

9 Dumfries Road
Kingston 10

Central Regional Office

1 A Brumalia Road
Cobblestone Professional Centre - Unit 10
Mandeville, Manchester

Western Regional Office

Praise Concourse Plaza
18 Queens Drive,
Montego Bay, St. James

Telephone Lines

| | |
|--------------|--------------|
| 876.968.1932 | 876.968.8875 |
| 876.961.4171 | 876.971.1672 |
| 876.979.3481 | 876.929.6719 |
| 876.971.1672 | 876.979.3481 |

Incident and Tip Lines

(F) 1.888.991.5555

Whatsapp

(876) 553 – 5555

Email us: info@indecocom.gov.jm

Website: www.indecom.gov.jm

Searching for Truth, Striving for Justice