

THE INDECOM QUARTERLY 3rd

JULY - SEPTEMBER 2020

Special Investigation: Rio Cobre Juvenile Correctional Centre



**“To deny people their human rights is to challenge
their very humanity”**

Nelson Mandela

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COMPACT DISC

3rd Quarterly Report: July - September 2020

New Complaints: July - September 2020

Commission's Reports Completed: July - September 2020

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

IN THIS EDITION OF THE IQ

SPECIAL INVESTIGATION: RIO COBRE JUVENILE CORRECTIONAL CENTRE

This 3rd quarterly report is a special inquiry at the Rio Cobre Juvenile Correctional Centre from anonymous reports concerning the treatment and care of the Wards at the institution. The Commission's investigation examined the reported issues, and more broadly the conditions of detention which could impact upon the well-being of the Wards. Compliance with guiding principles on detention, **The United Nations Standard Minimum Rules for the Treatment of Prisoners**, was also reviewed.

PART ONE: NEW COMPLAINTS

The Commission received 314 categories of complaints from 258 incidents reported for the period. The top five categories of complaints include: assault (91), discharge of firearm (74), fatal shooting (27)* [see page 14], shooting injury (26) and unprofessional conduct (34).

The Commission's Forensic Unit responded to 76 incident scenes for the period. There were five deaths in custody for the period.

All parishes had complaints, both fatal and non-fatal, with Kingston and St. Andrew recording the highest with 90 complaints and Portland recording the least with two (2).

PART TWO: THE LEGAL DEPARTMENT

In the Legal Department, 166 Commission's Reports were distributed and completed. An overview of the reports completed, lists the recommendations for no charge, disciplinary action or charge. Recommendations from fatal shooting incidents, where Commission's Reports were completed during the quarter are also listed. Nine (9) 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 one (1) meeting each, with members of the JCF High Command and Jamaica Defence Force during the period.

The Commission participated in awareness exercises equaling 675 man hours for the period.

SPECIAL INVESTIGATION: RIO COBRE JUVENILE CORRECTIONAL CENTRE

INTRODUCTION

In July 2020, the Independent Commission of Investigations (INDECOM) received information regarding the treatment of detainees at the Rio Cobre Juvenile Correctional Centre (RCJCC). The allegations concerned:

- unprovoked assaults;
- use of arbitrary force or excessive force;
- the segregation of boys on the jail block for extended periods as punishment, without basic amenities;
- inhumane conditions, such as being locked away naked, or being forced to hold their urine, as bathroom usage requires being unlocked by a Correctional officer; and
- being deprived from sitting their slated 2020 CXC CSEC external exams.

Pursuant to sections 4 and 10 (1) (c) (e) of the Independent Commission of Investigations Act, 2010, the Commission launched a special investigation. During the investigation, documents were provided by the Department of Correctional Services (DCS), and the detainees (Wards) were interviewed with the assistance of Justices of the Peace.

This report provides details of the Commission's investigations and findings. Whilst numerous positive aspects were identified, there were aspects of the children's detention which were not in conformity with legislative framework or best practices and require remedy.

THE INVESTIGATION

Following a preliminary assessment and fact finding, the Commission conducted a focused investigation and visit to the RCJCC. The objective was to collect further data to aid the information gathering process, as the initial reports provided were anonymous and unsourced. Documents were requested and received from DCS regarding the juveniles housed at the four designated facilities for the period September 1, 2019, to September 30, 2020.

Table 1 shows the breakdown of the detainee population, the provision under which they are detained and DCS staffing levels, at the four State juvenile correctional centres in Jamaica.

Table 1: DCS data showing juvenile detainees at the four State Juvenile Correctional Centres

ORDERS	UNCONTROLLABLE	CRIMINAL OFFENCES	TOTAL
South Camp Juvenile Remand and Correctional Centre for Girls [DCS Staff: 74]			
Correctional	16	11	61
Remand	30	4	
Rio Cobre Juvenile Correctional Centre [DCS Staff: 79]			
Correctional	6	35	41
Hill Top Juvenile Correctional Centre DCS Staff: 53			
Correctional	0	22	22
Metcalfe Street Secure Juvenile Correctional Centre DCS Staff: 177			
Correctional	1	0	82
Remand	19	62	

Source: DCS as of September 30, 2020

It is to be acknowledged that in addition to INDECOM's recent investigation, the DCS has also instituted other external reviews of their Juvenile Correctional Institutions, between 2018 and September 2020, concerning issues of sanitation, bedding and living conditions. Table 2 shows the details.

Table 2: External Assessments of Juvenile Correctional Centres 2018- September 2020

EXTERNAL ASSESSMENTS	METCALFE STREET	RIO COBRE	HILL TOP	SOUTH CAMP
Min. of Industry, Commerce, Agriculture & Fisheries	-	2018	-	
Health Department	Mar – Dec 2019 Compliance	St. Jago 2018	St. Ann Oct. 2019	-
Fire Drill Reports	-	-	Oct. 2019	Feb. 20, 2019
DCS, Medical Unit	-	Mar.19, 2019	2019	Mar. 25, 2019
Min. of Health – St. Ann Inspection	-	-	Canteen 2018-2019	-

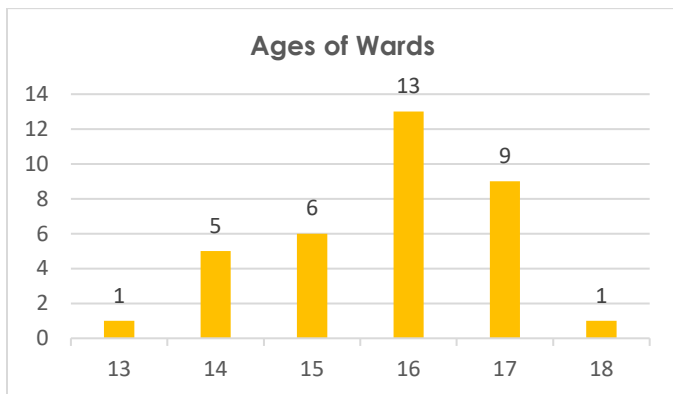
Source: DCS as of September 30, 2020

VISIT AND ASSESSMENT OF RIO COBRE JUVENILE CORRECTIONAL CENTRE

Section 76 (1)(f) of *the Child Care and Protection Act ('CCPA')*, states that where a child¹ has been found guilty of any offence before a Children's Court, that court may, subject to the provisions of that Act, make an order sending the child to a Juvenile Correctional Centre². One such centre is the Rio Cobre Juvenile Correctional Centre, which was designed to cater to the needs of boys between twelve (12) and eighteen (18) years who have committed an offence. They are generally placed at the Centre after they have been made the subject of a Correctional Order by the Court. The Correctional Process is guided by the CCPA.

(NB. A correctional order may also be issued by the Court for a child deemed uncontrollable, even though that child has not committed a criminal offence.)

INDECOM attended the RCJCC over three days in December 2020, where the Superintendent in charge and Wards were interviewed. The visits were observed by Justices of the Peace from the St Catherine Chapter of the Lay Magistrate's Association. An interview questionnaire was conducted with thirty-five (35) of the forty (40) Wards, five being unavailable for various reasons. The youngest of the Wards was thirteen (13), whilst the oldest was eighteen (18) [see graph 1 below].



Graph 1: Age distribution of juvenile detainees at RCJCC as at December 2020

Similar to INDECOM's previous reports on DCS institutions, this report examines aspects of the detention facility concerning the environment (accommodation, ventilation, lighting), the educational support and diet, in addition to examining the specific allegations of mistreatment by DCS staff.

ACCOMMODATION

The Mandela Rules remain the international foundation upon which correct and appropriate conditions should be established. Mandela Rules 12, 15, 16 and 17 guide on living conditions to be expected with regard to sleeping arrangements, sanitation, ablutions and cleanliness.

Rule 12 (1) "Where **sleeping accommodation** is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself or herself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room".

Rule 12 (2) "Where **dormitories** are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the prison".

Rule 15 "The **sanitary installations** shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner".

Rule 16 "Adequate **bathing and shower** installations shall be provided so that every prisoner can, and may be required to, have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate".

Rule 17 "All parts of a prison regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times".

The Superintendent reported that the Wards sleep in dormitories, each measuring thirty (30) square feet, with bunk beds and sponges and high ceilings to reduce heat. The number of boys accommodated in each room varies, however, each dormitory can house twenty (20) persons. The pairing of siblings is assessed on a case by case basis, since whilst keeping them together may be beneficial, in certain instances it is not. According to the Superintendent, the dormitories are cleaned daily by the Wards under the supervision of housemothers. The Wards are provided with cleaning items such as bleach, floor polish and disinfectant. The responses from the Wards corroborate that of the Superintendent that they were provided with the necessary cleaning items.

¹CCPA defines a "child" as a person under the age of eighteen (18) years.

² Section 2 of *The Corrections Act* states that 'Juvenile Correctional Centre' means any house, building, enclosure, or place, or any part thereof, declared to be a juvenile correctional centre under section 47 or 48;

It is to be noted that there was neither air conditioning nor fans at the facility. Despite this factor, twenty-six (26) Wards (76%) indicated that their living conditions were either very good, good or satisfactory. However, seven Wards (20%) said it was bad, and two Wards considered it to be very bad, citing various reasons. A high percentage of the Wards, (97%) considered the cleanliness of the dormitories favourable.

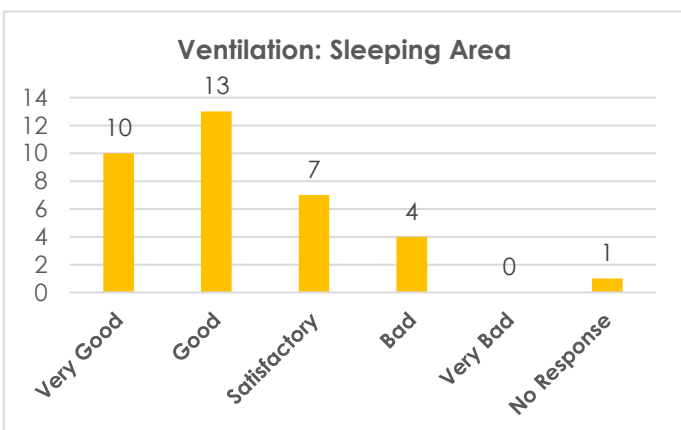
During INDECOM's visit, it was revealed that whilst the facility is in relatively good condition, some toilets required immediate replacement or repair (see appendix images 1-2), the showers for dormitory B1 leaked heavily and needed repairs, and there was inadequate lighting in some areas.

The Wards expressed similar dissatisfaction with features that have been reported on in inspections at Correctional Centres and JCF Lock Up facilities. These include, the malfunction or absence of sanitary fixtures and fittings in their living accommodations; the absence of a television for the dormitory (B1); broken lights (which the Wards reported they had to manipulate, to receive electricity while putting themselves at risk of being shocked); worn toilets; and the need for repairs to showers, and provision of mosquito repellent. Despite the observations, twenty-nine (29) Wards (83%), indicated there were adequate bathroom facilities.

VENTILATION

Ventilation of any building is both vital and necessary, even more so, where children are housed.

Mandela Rule Rule 14(a) states "...in all places where prisoners are required to live or work: The windows shall be large enough to enable the prisoners to read or work by natural light and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation".

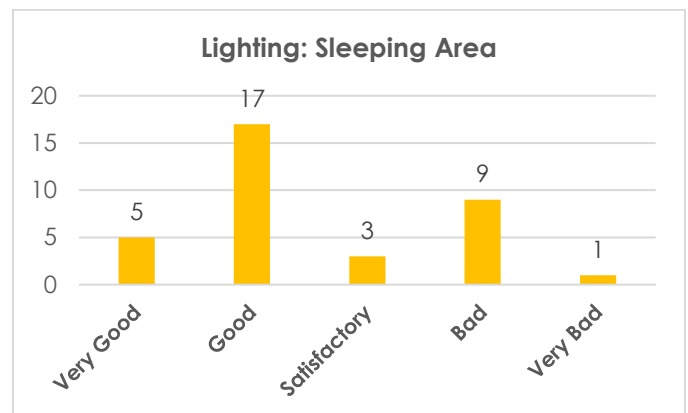


Graph 2: RCJCC Wards' response to adequacy of ventilation in sleeping areas

The Superintendent reported that windows are in place, of which two can be opened. There were no fans available, as the previous ones were damaged quickly, and they are reducing the risk of fans being 'weaponized'. There was no air conditioning unit. Despite the above deficiencies thirty (30) Wards reported that the ventilation in their sleeping area was either very good, good or satisfactory and five Wards considered it was bad [see graph 2 above].

LIGHTING

Although the broader consensus (71%) was that the lighting in the sleeping area was satisfactory or above, ten Wards (29%) considered it was bad/very bad. They indicated that areas of the bathroom, dining hall and shower areas lacked such comfort. Overall, the Commission found conformity with international best practice, in particular, to **Mandela Rule 14 (b)** which states "artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight".



Graph 3: RCJCC Wards' response to adequacy of lighting in sleeping area

MEALS/DIETS

The **Mandela Rule 22** states:

1. Every prisoner shall be provided by the prison administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.
2. Drinking water shall be available to every prisoner whenever he or she needs it.

At the time of INDECOM's visit, the Superintendent in charge stated that "**myself, the Assistant Superintendent, or Welfare Case Manager, tastes the meals each day because if I can't eat it, I won't let them [boys]**". According to the DCS, the preparation and distribution of meals are compliant with a 14 day- menu cycle, following the recommendation by the Department's Medical Unit. The menu cycle is distributed regularly; meal items fittingly came from different food groups.

For example in week one:

- Breakfast: tea/cocoa, (1 pint with sugar/milk), bread (3 slices/ 2 rolls), callaloo and codfish (3 oz.), fruit (1 fruit).
- Lunch: escovitch fish, rice and peas, irish potatoes, vegetable salad;
- Supper: oats porridge, bread with sardine.

Most of the Wards interviewed reported that they were fed three or four times daily, beginning with breakfast in the morning as early as 7:30 a.m. and sometimes after 8:00 a.m., followed by lunch at midday and supper around 4:30 p.m. One of the commendable qualities that the Wards agreed upon was the frequency and quantity of meals. Most Wards (77%) regarded the food as either very good, good or satisfactory, whilst four indicated the food was either bad or very bad. The most recurring food items identified by Wards included: frankfurter sausage, vegetable, fish, chicken. The Wards also stated that sometimes they are given an extra meal following dinner, which they are allowed to take back to their dormitories before lockdown. However, there were mixed responses concerning the timeliness of the meals.

Although these were the positive comments, it was reported that there had been some instances where Correctional Officers deliberately discarded meals meant for the boys as a display of vindictiveness. This normally occurs if a Ward is disliked, and Correctional Officers would deprive him of his meals until the following day. If true, such conduct would be in breach of international standards.

PERSONAL HYGIENE

Rule 18 (1), Mandela Rules states:

"...prisoners shall be required to keep their persons clean, and to this end, they shall be provided with water and with such toilet articles as are necessary for health and cleanliness" **Rule 2** states, *"in order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be able to shave regularly"*

There were mixed views from the Wards concerning personal hygiene at RCJCC. The consensus was that they received sufficient deodorants and other toiletries twice per month, however, some were dissatisfied with the type of deodorant provided, preferring gels and solids as opposed to roll-on. Toiletries are distributed by housemothers, but some Wards complained that the bath soaps provided were insufficient to last a fortnight. There was no restriction on showering, as all boys agreed that they could take showers as many times as they wanted. There was no formal arrangement concerning shaving and haircuts and it was stated that facial and head hair were cut at the discretion of the authorities.

VISITATION

There was an understanding that visitations were suspended as part of COVID 19 protocols but Wards were still able to keep in contact with family and friends. The Superintendent explained that before the pandemic, Wards were allowed visits from family members twice per month but subsequently he has ensured that each Ward can make a call each month to his family. It was also revealed that there were previously holiday visits, but they have now been suspended. Whilst no clear reason was provided it is understood that the current COVID 19 pandemic has restricted such activities.

HEALTH CARE SERVICES

Rule 24 (1) of the Mandela Rules states that:

"the provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status."

Rule 25 (1) of the Mandela Rules states:

"Every prison shall have in place a health-care service tasked with evaluating, promoting, protecting and improving the physical and mental health of prisoners, paying particular attention to prisoners with special health-care needs or with health issues that hamper their rehabilitation."

There was no evidence that any of the Wards were deprived of appropriate health care, per international best practices. Fourteen (14) Wards revealed that they suffer from an illness. The overwhelming majority said they were able to see a Doctor when required, and the majority of respondents thought the care given to them was up to standard, with regard to treatment by medical staff and access to medication as needed. One Ward described it in a concise way, saying "everything good with medical".

LEISURE

Rule 23 (1) of the Mandela Rules notes; *"every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits"*.

Rule 23 (2) states *"young prisoners, and others of suitable age and physique shall receive physical and recreational training during the period of exercise. To this end, space, installations and equipment should be provided"*.

In this regard, RCJCC has been doing fairly well. Twenty-six (26) Wards agreed there were designated areas to carry out leisure activities, but nine disagreed. Twenty-seven (27) considered the recreational areas were either very good, good or satisfactory, whilst five regarded them as bad. The facilities were visited by the INDECOM team, which included a playing field and a multipurpose court used for recreational activities. Leisure activities include basketball, athletics, table games, football and cricket.

In addition to the Commission's enquiry of the RCJCC's living environment, in those aspects as reported above, it also enquired of the two other issues; i) allegations of inappropriate/disproportionate punishment being meted out and ii) denial of access to educational examinations.

I. ALLEGATIONS OF INAPPROPRIATE PUNISHMENT

The Commission's interviews with some Wards revealed their concerns regarding discipline and sanctions. Wards considered that punishments lacked accountability and were arbitrary and draconian; further the Wards complained that there was no appeal process, and their complaints about mistreatment are neglected.

Whilst such claims could not be fully substantiated or corroborated, and some of the survey interview findings were somewhat contradictory, there remained a perception that the granular detail that was provided, and site examination, did lend to their reports having substance.

Some 66% of the Wards believed the system for punishing them was fair, yet 74% of them indicated they were punished at the facility for no given reason. Nearly all Wards, (89%) revealed they were informed about the rules of the RCJCC facility on their arrival, but approximately 60% stated they were not told about the possible methods of punishment. The remaining 40% stated they were told about the possible punishments.

A broader complaint from some Wards, was that they have been disciplined and/or punished for activities that they were unaware attracted punishment. Such actions included;

- False accusation of masturbation;
- Climbing trees;
- Punished for speaking out about things they had issues with;
- Failing to go directly to the dormitory but deviating to pick up clothes off a line as it was about to rain;
- Refusal to rake premises; and
- Going downstairs without a shirt.

Such complaints can appear relatively trivial and minor, but certainly do not merit, if true, any form of 'punishment' or sanction to children. Non-violent offences, such as talking back, or being absent from the dormitory at lock downtime can attract isolation at the jail block.

The Wards alleged that the Superintendent does not entertain those who seek an audience with him following punishments meted out, which they deem unfair. The Superintendent maintained that there is a formal register book where the Wards can place their requests in writing to speak to either the Superintendent or Assistant Superintendent, equally it was stated there is an open door policy, where boys can be seen at any time. Interestingly, according to some Wards, the Assistant Superintendent is the decision-maker for punishments and she abuses her

power, and is allowed to operate autonomously of the Superintendent. The Superintendent explained that the Assistant Superintendent was in charge of discipline and would have such a remit.

The complaint book was examined but no reference was discovered which related to the allegations made.

The Superintendent explained that if a Ward commits a serious offence, e.g. a physical confrontation between boys, the Wards are placed before the Court for a judgement. If it is minor, they are placed on the jail block, but not for more than 72 hours.

JAIL BLOCK AND DRAWERS ORDER

The Wards reported that the severest punishment was to be locked away on a section they call the 'jail block,' also referred to as 'drawers order'. They claimed that the Assistant Superintendent dictates that boys are sent to the jail block as punishment, regardless of their alleged offences. In such instances they are not given any opportunity to defend themselves. Correctional Officers allegedly take advantage of the punishment action by provoking the boys, because they apparently have the protection of the Assistant Superintendent, whose decisions are believed final.

Based on the Commission's inspection, a jail block exists at RCJCC. It is secured by a metal door and located at the front of the reception area [see appendix – image 5].

It is locked with a key even though the movements of the Wards are already restricted. The nature of such detention for children, already confined in a secure Unit, for reportedly minor misdemeanours, is regarded as potentially inappropriate, as well as hazardous. It was reported that the key is not always readily available. The Commission was informed that in June 2020 a Ward was placed in the jail block where he had a seizure, but the keys could not be found. It was later discovered that a member of staff left the premises with the keys to make a duplicate.

According to the Wards they are instructed to undress to their underwear and isolated in the jail block, where there are no bedsheets to cover the sponge mattress upon which they sleep [see appendix – image 6]. If such accounts are true, this would not be in keeping with international standards. One Ward shared that he felt uncomfortable walking about in just his underwear among other adolescent boys. He said he had complained, but was instead struck, or, as he put it, he was 'buffed'. He reported, "*more than six [Wards] inna one cell squeeze up*". It was stated that in one instance, a Ward was placed naked in the jail block, but such a complaint could not be corroborated.

The Superintendent reported that clothing is removed to prevent suicide, which can be a legitimate action, but if such action is exercised of Wards who do not exhibit suicidal tendencies, but are merely being punished, their clothing removal is unwarranted. If any of the Wards

should exhibit suicidal tendencies there are clear guidelines on how this is to be treated, as published in the DCS Staff Handbook titled "Standard Operational Procedure regarding Inmates/Wards Self Harm and Suicide Prevention". Such a decision should also be recorded in the relevant record book.

It was further reported that whilst on the jail block, some of the Wards were denied the use of a bathroom. One Ward shared he was denied use of the toilet until he experienced severe stomach cramps. He said sometimes when the boys call for the Correctional Officers, in order to be released, to use the bathroom, they are told not to call out for the Correctional staff.

Wards alleged that some Correctional officers fabricate homophobic stories and label heterosexual boys as being homosexual, which places them in a precarious and vulnerable position. Such accusations engender unwarranted discrimination and can have a psychological effect on the concerned young Wards, who will have to be integrated back into society.

A further general complaint was the provocative attitude of some Correctional Officers. This presents itself by Correctional Officers enquiring of Wards about their offences, and if they do not respond, they can be assaulted by being slapped in the face. Further, if Wards 'talk back' at Correctional Officers, notwithstanding being provoked, it is the Wards who are punished. Wards also alleged they are punished for disrespecting Correctional Officers.

Upon enquiry, the Superintendent acknowledged that he had to reprimand Correctional Officers in the past for hitting boys with sticks, as recently as in 2020.

II. Denial of access to educational examinations

In addressing the allegations of Wards being denied access to exams or education, INDECOM was provided with unfettered access to the relevant documents to assess the situation.

Mandela Rule, **Rule 4 (2)** states:

"prison administrations and other competent authorities should offer education, vocational training and work, as well as other forms of assistance that are appropriate and available, including those of a remedial, moral, spiritual, social and health- and sports-based nature. All such programmes, activities and services should be delivered in line with the individual treatment needs of prisoners."

Rule 104 (1) states "provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterate prisoners and of the young."

Rule 104 (2) states "So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty".

Records for the RCJCC in 2020, showed that no children were scheduled to participate in CAPE examinations. However, eight boys were registered to participate in the CSEC examination. Of the eight, four failed to participate in any examination because they were released from the institution before the examination dates and were seemingly uninterested in sitting them. Notably, it was at the intervention of DCS staff at Rio Cobre, that at least on one occasion, a former Ward attended for one examination.

The details of the eight are as follows:

- Boy A was entered to sit English Language, Social Studies, Electronic Document Preparation and Management (EDPM), Principle of Business (POB) and Human and Social Biology (HSB). He completed his stay at RCJCC in April 2020 but was allowed to return to access CSEC marathon sessions that were held. He was successful in only POB;
- Boy B was registered for English Language, EDPM, Social Studies and HSB. He received Grades 3 in Social Studies and HSB;
- Boy C was registered for EDPM, Social Studies, HSB, English Language and POB. He completed his sentence in November 2019 but was allowed to return to sit exams. Interestingly, he was not allowed to sit English Paper 1 after he was found in possession of ganja while trying to enter the premises. He was redirected to a St. Catherine-based High School to sit the exam but again was denied entry as he was found in possession of ganja. He did not receive any passes;
- Boy D was entered to sit POB, English Language, HSB, and Social Studies. He did not pass any of the subjects;
- Boy E was registered for English Language, Social Studies and EDPM, but was not successful in any;
- Boy F was registered for POB, Social Studies and EDPM; he achieved a Grade 3 in POB;
- Boy G was registered for EDPM, however he was not successful; and
- Boy H did not return to sit his exams, despite constant reminders.

RCJCC records revealed that the boys attend classes at the institution's School of Excellence and at a detached classroom on the first floor, located in the same building that accommodates the Superintendent's office. Some boys reported they attended classes every day, whilst others attended twice per week. Mathematics and English Language were the two most common subjects reported by the Wards, with other subjects including; Social Studies, EDPM, POB, and HSB. Most Wards revealed that their classes had ten or fewer pupils at any time. There

were mixed views on teacher availability, with some boys revealing that they had the same teacher for each class, while other boys said they have several teachers.

The records revealed that sixteen (16) boys did not sit any subjects at all, while thirteen (13) gave no response. Six boys confirmed that they sat exams at the CSEC level, but they did not identify what subjects they sat but revealed that they attended classes for the various subjects. Of note, one Ward said he was not allowed to sit his exam because he was accused of dealing in ganja, and another indicated he was taken off the exam list due to his poor behaviour. One Ward stated at the time of his exam he was at Metcalfe Street Secure Juvenile Centre and he was not collected to do his exam. Although these three examples may be regarded as a potential breach of the right of the Wards, there was limited, if any substantive facts to demonstrate that the RCJCC was denying the Wards the opportunity for further education.

CONCLUSION

INDECOM's investigation at the RCJCC arose from anonymous reports concerning the treatment and care of the detainees, and specifically referred to unwarranted punishments received by some Wards, and the failure to permit access to school examinations. The Commission's investigation examined both these issues, and additionally other aspects of detention which could impact upon the environment and well-being of the Wards.

The interviews undertaken of the Wards, and site visit revealed that many aspects of their detention were satisfactory. The facility is in relatively good condition, and overall the Wards commented favourably on many aspects of the regime – namely the cleanliness, food, recreation, and ablutions. However, the physical infrastructure in some areas was very poor, specifically the bathrooms in the dormitories were observed to be in very poor condition, with the toilets missing seats, lids and were heavily stained. The absence of doors on the toilet stalls was wholly unsatisfactory and deprives Wards of privacy and dignity. Broken faucets on face basins and leaking showers equally required immediate remedial repairs.

The reports of failing to afford educational opportunity or access to exams is not substantiated and the RCJCC's records strongly assist in supporting that view.

Of greater concern was the allegations that some Wards at RCJCC have been treated contrary to international best practice. The Commission found that aspects of discipline and punishment administered at the RCJCC infringe on some basic human rights. Whilst such reports were undocumented, and without strict independent corroboration, they were cited by a number of the Wards and the detail was telling. This related to reports of locking away Wards on the jail block, either for relatively minor misdemeanours and clothed only in their underwear. Such a practice is further exacerbated by the absence of sheets on the jail block, which exposes Wards to the elements without the ability to keep themselves warm.

The Commission is of the view that the mere placing of Wards in the jail block, exacerbated by no clothes is a method that endangers the Wards psychologically. The DCS is asked to reconsider the practice.

The DCS, and by extension the Ministry of National Security, should implement swift reform of the questionable practices that are extant and replace them with best practices that stand up to scrutiny and adhere to international standards.

APPENDIX



Images 1-2: Conditions of two toilets on the dormitory, which neither have seats, lids nor doors for closure



Image 3: View of face basins



Image 4: Shower with broken fixtures



Image 5: Jail block and reception entrance

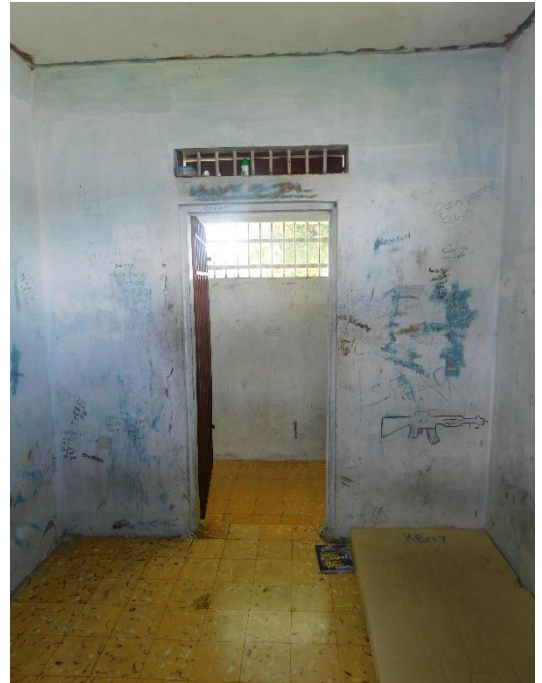
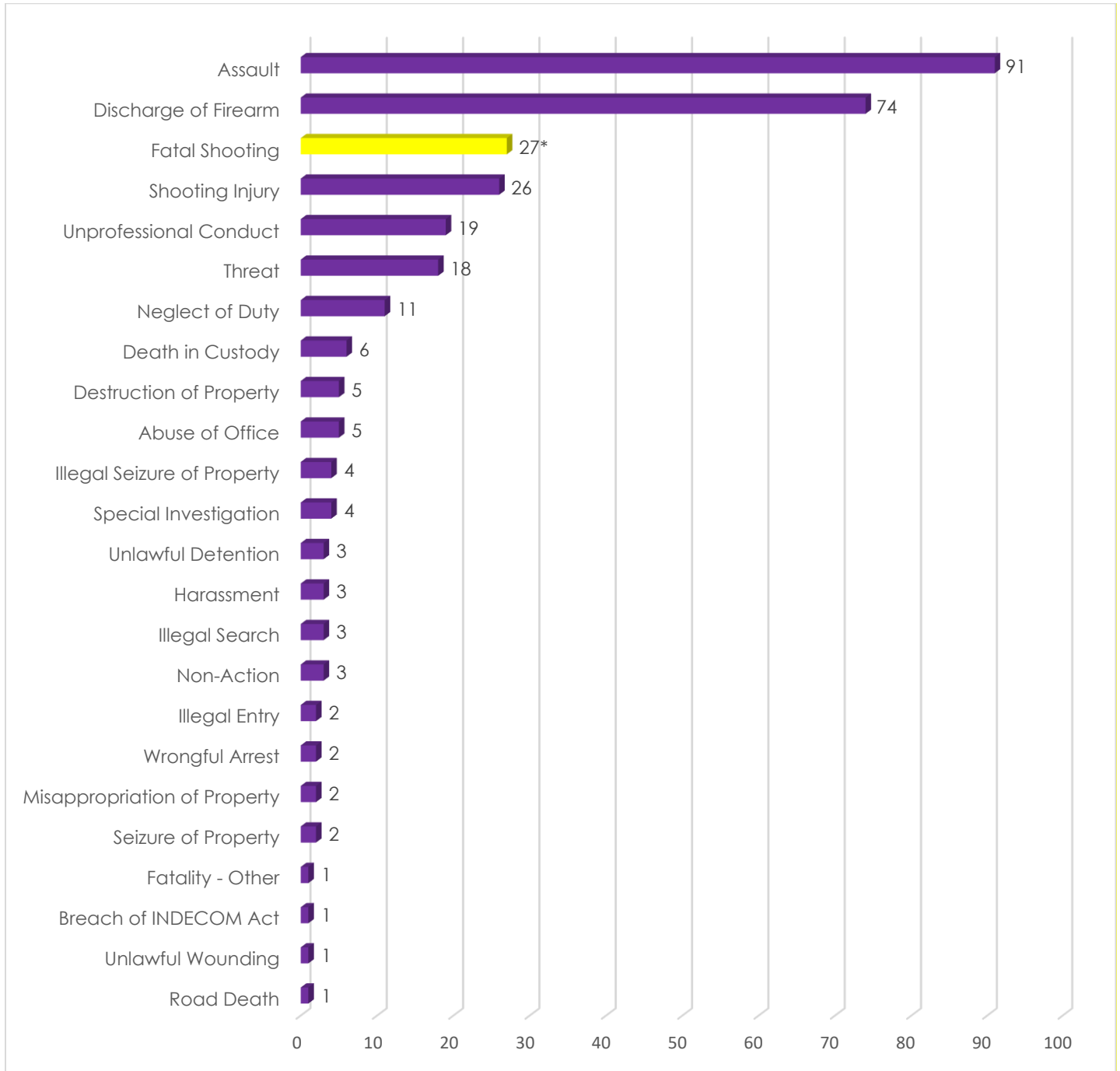


Image 6: Cell, inside jail block, where an uncovered sponge is seen on the floor

PART ONE

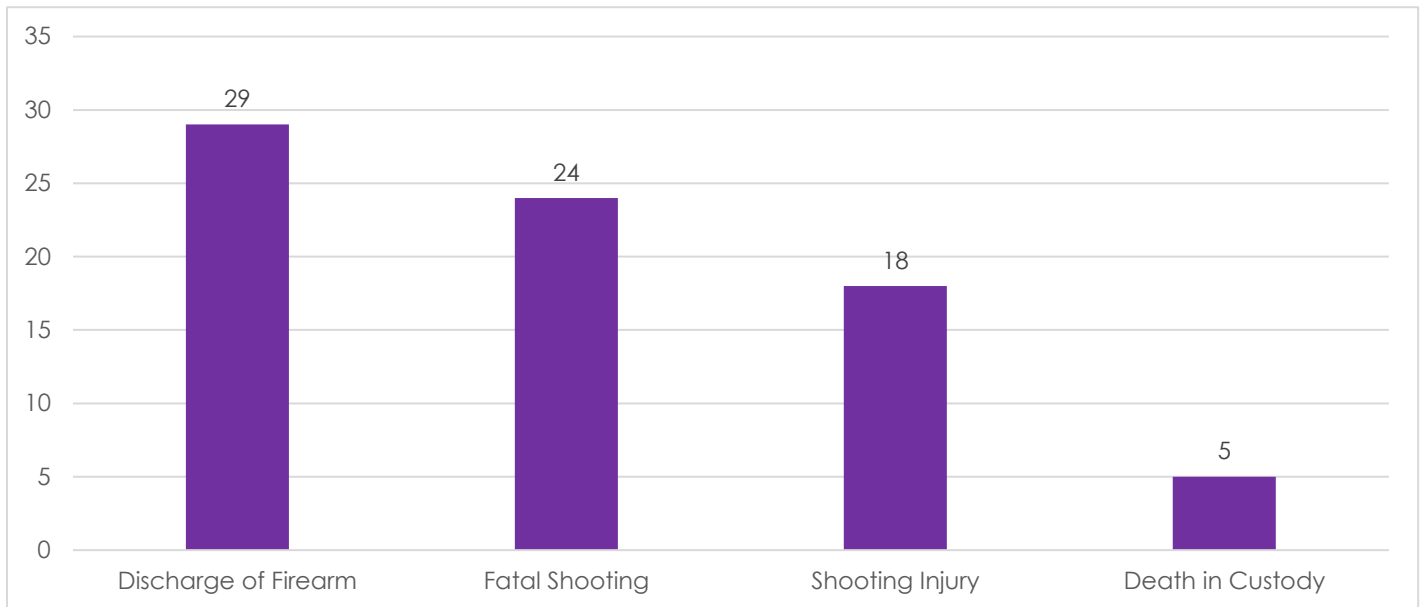
NEW COMPLAINTS



***There were 34 deaths from 27 fatal shooting incidents**
***Assault includes assault occasioning bodily harm and assault at common law**

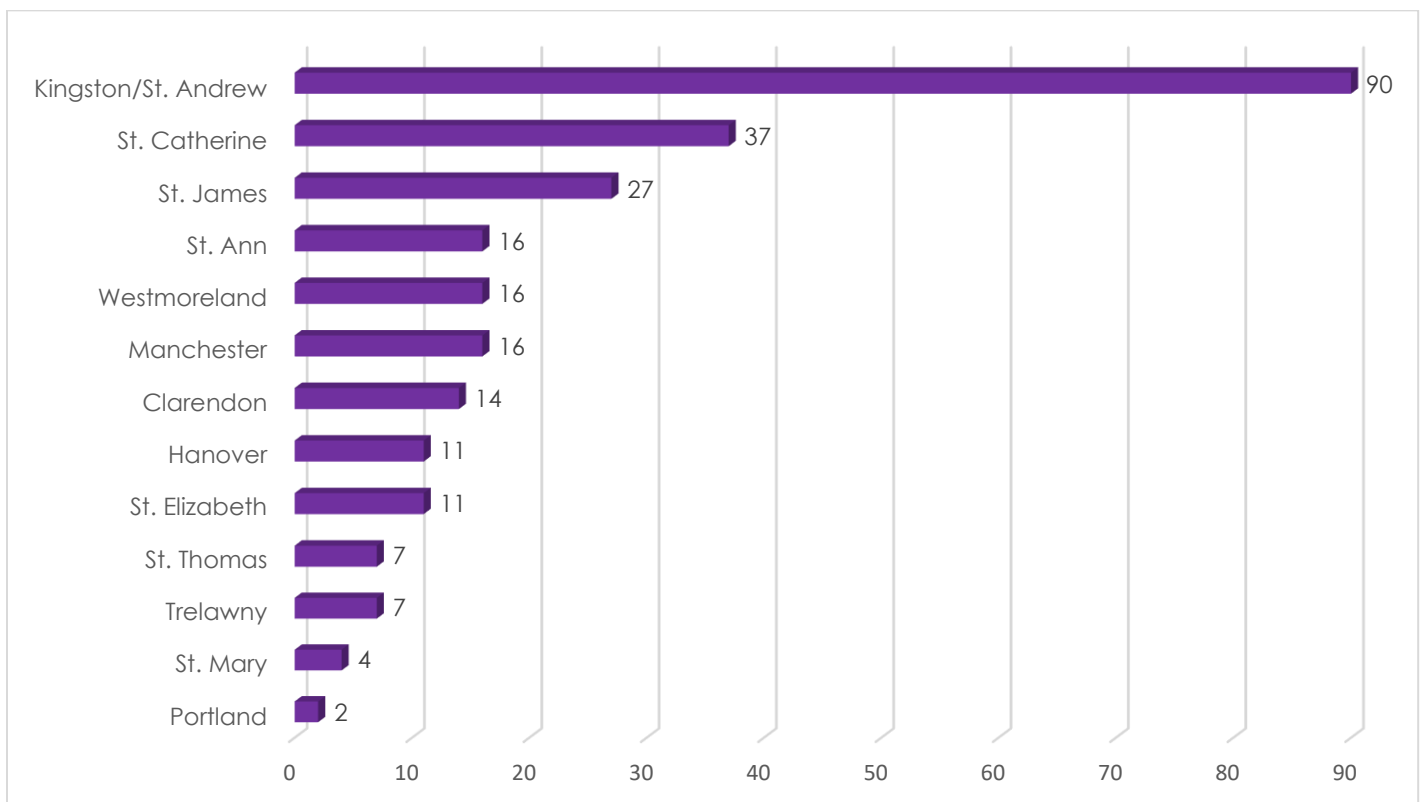
Graph 4 shows the 314 categories for the 258 new incidents for which complaints were received by the Commission during the period July - September 2020.

FORENSIC SCENE RESPONSE



Graph 5 shows the 76 incidents that the Commission’s Forensic Unit responded to during the period July to September 2020

COMPLAINTS BY PARISH



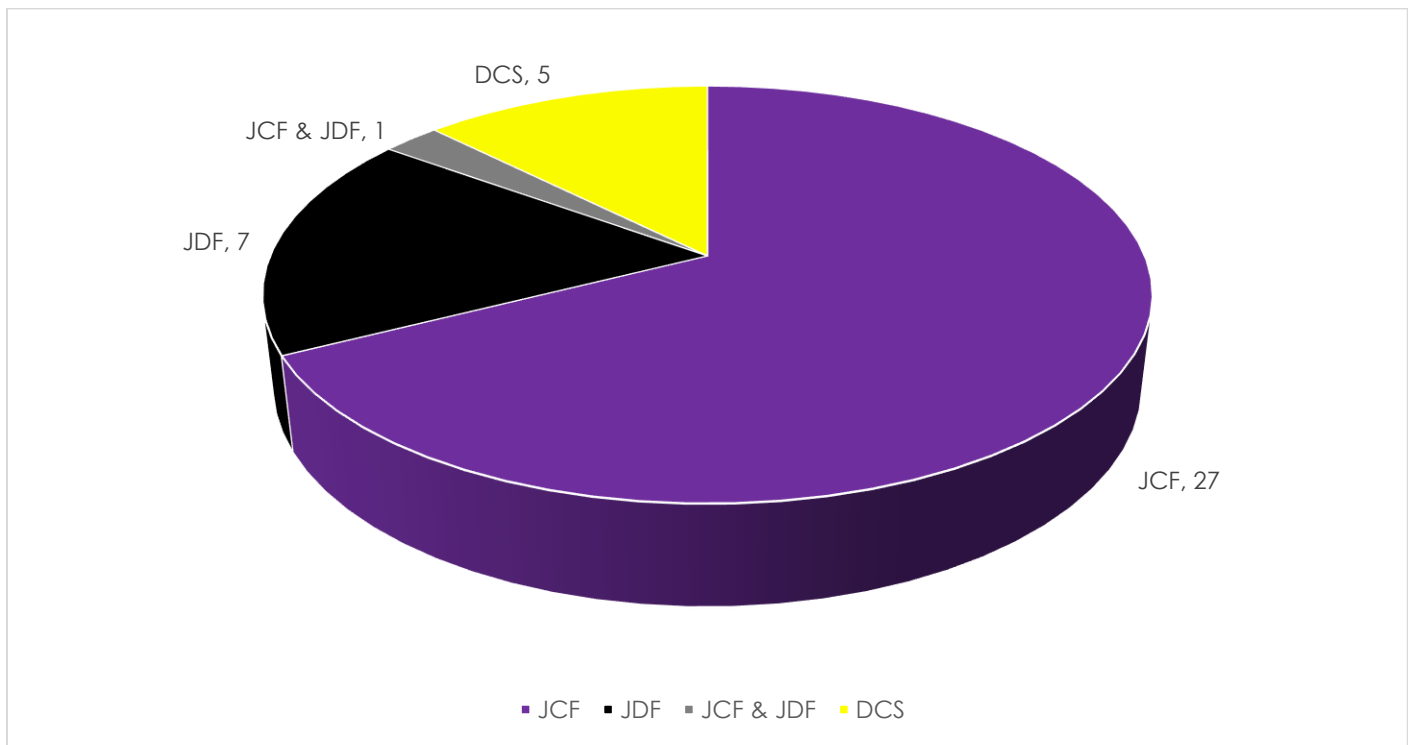
Graph 6 shows the breakdown per parish for the 258 new complaints received by the Commission during the period July to September 2020

COMPLAINTS PER ORGANISATION

STATE AGENCY	TOTAL COMPLAINTS	PERCENTAGE
Jamaica Constabulary Force (JCF)	218	86%
Department of Correctional Services (DCS)	28	6%
Jamaica Defence Force (JDF)	8	5%
Joint Military/ Police (JCF & JDF)	4	3%

Table 3 shows the breakdown, per State agency, of the 258 new complaints received by the Commission during the period July to September 2020

FATALITIES PER ORGANISATION



Graph 7 illustrates the State agency to which the 40 fatalities, (34 by fatal shootings, 1 fatal accident, 5 deaths in custody), recorded for the period of July to September 2020 are related. The corresponding list, for the 33 specific incidents, is below.

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

RTA: Road Traffic Accident

Date	Name of Deceased	Location of Incident	Related State Agent
JULY (12) (Fatal Shooting – 10; DIC – 2)			
1-Jul	Alex NEADHAM	Bus Park, Burke Road, Spanish Town, St Catherine	JCF
4-Jul	Daren BROWN DIC	TSACC	DCS
7-Jul	Vincent WILLIAMS	Thompson Town, Clarendon	JCF-OD
8-Jul	Wayne A. REID	Falmouth Market, Trelawny	JCF-OD
9-Jul	Ricardo SPENCE	Bottom Albion, Clarendon	JCF-OD
21-Jul	Ricardo WALTERS DIC	TSACC	DCS
22-Jul	Delano WILMOT	Cambridge, St James	JDF
23-Jul	Rhyeem A. LAWRENCE	Constant Spring Road, Kingston	JCF
23-Jul	Keita WILLIAMSON	Cannery Ave, Olympic Gardens, Kingston 11	JCF
24-Jul	Martin GAYLE Marcus WALTERS	Job Lane, Spanish Town, St Catherine	JCF
27-Jul	Romaine CUNNINGHAM	Portland Road, Riverton, St Andrew	JCF
AUGUST (17) (Fatal Shooting – 16; DIC - 1)			
1-Aug	Anthony ROSE Ajay McDONALD Zemar NELSON Fabian FULLER Ishmael GREEN Male U/K	Buzz Rock, Farm, Clarendon	JDF
5-Aug	Jason WRIGHT	Colegate, St Ann	JCF & JDF
10-Aug	Alkeve SALMON	Port Henderson Road, St Catherine	JCF
10-Aug	Kemar WALKER	Westphalia, Mavis Bank, St Andrew	JCF
12-Aug	Jerome FARQUHARSON	Curry Pathway, Rema, Kingston	JCF
15-Aug	Glenroy HODGES	Charles Garden Market, Montego Bay, St James	JCF-OD
20-Aug	Orlando CHAMBERS	Maxfield Ave, Kingston	JCF
21-Aug	David MILLER	2nd Street, Trench Town, Kingston	JCF
22-Aug	Raynor WHITE	Gallway Dist, Westmoreland	JCF
29-Aug	Horace A. LESLIE	Canewood, Hope Bay, Portland	JCF

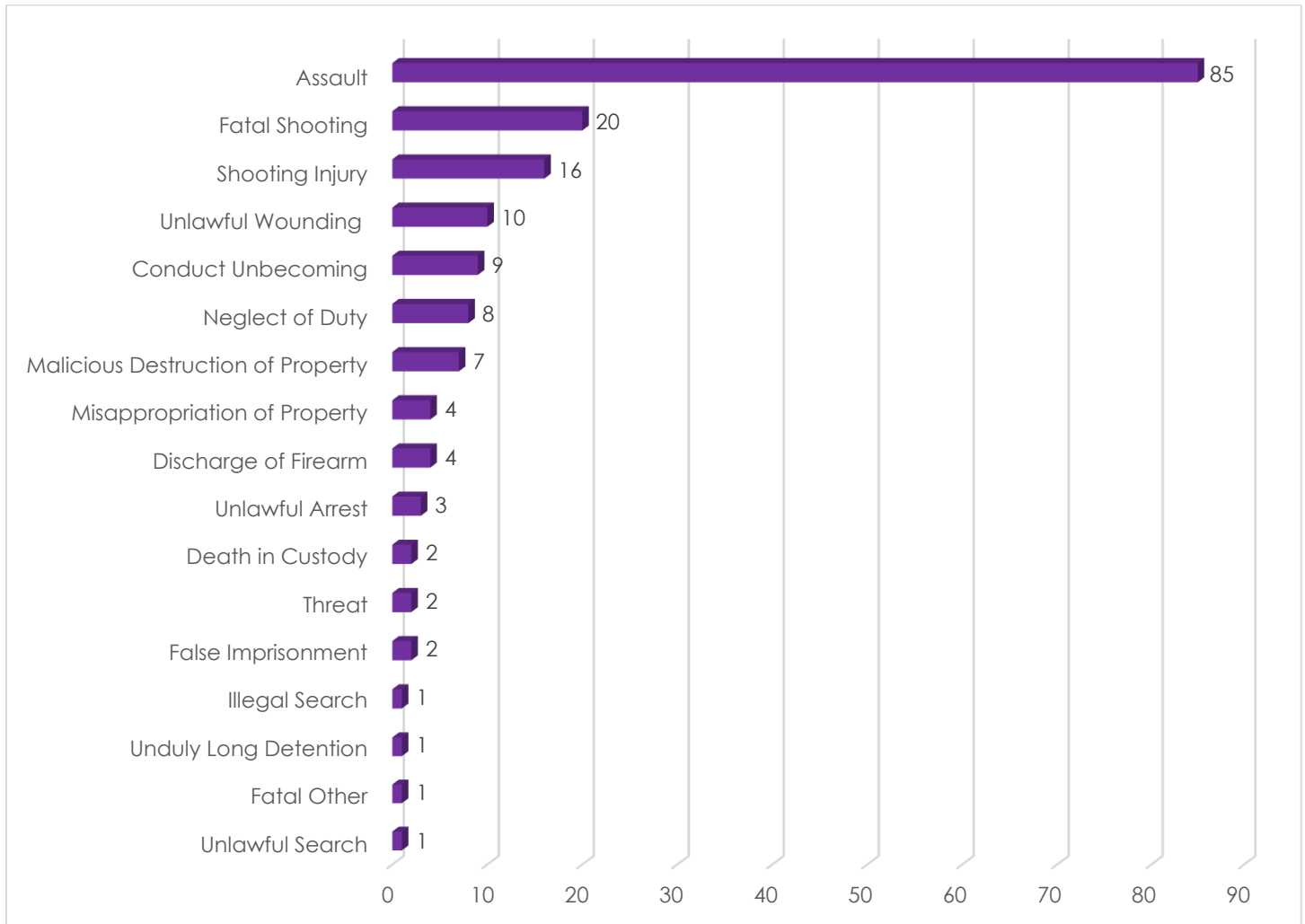
29-Aug	Magabu GAYLE DIC	TSACC	DCS
30-Aug	Cleon LARAQUE	Hibiscus Ave, Highgate, St Mary	JCF-OD
SEPTEMBER (11) (Fatal Shooting – 8; DIC – 2; RTA - 1)			
3-Sep	Eugene RHODES DIC	SCACC	DCS
8-Sep	Martin A. BROWN	Gretna Green Avenue, Kingston 11	JCF
12-Sep	Warrell S. BROWN Carl GAUNLET	Agualta Vale Main Road, Annotto Bay, St Mary	JCF
16-Sep	Dwayne R. WILLIAMS	Hazard Drive, May Pen, Clarendon	JCF
18-Sep	Milton EWART (Fatal RTA)	Unit Valley Main Road, Moneague, St Ann	JCF
25-Sep	Errol SMITH DIC	SCACC	DCS
25-Sep	Jahvaughn JOHNSON	Pretoria Road, Kingston 13	JCF
26-Sep	Orean FREEMAN	Country Supermarket, Hopewell, Hanover	JCF-OD
27-Sep	Noel THOMPSON	Park Mountain District, Santa Cruz, St. Elizabeth	JCF
29-Sep	Daimeke HENRY	Race Course Lane, Golden Heights, Kingston	JCF

Table 4 lists the names of the 40 civilians who died from security force-related incidents during the period July to September 2020

PART TWO

The Legal Department

COMPLETED COMMISSION'S REPORTS



Graph 8 shows the categories of complaints for Commission's Reports completed during the period of July to September 2020

OVERVIEW: COMMISSION'S REPORTS RECOMMENDATIONS

Charge		Charge & Disciplinary Action		Disciplinary Action		Unsubstantiated
3 cases	4 officers	1 case	2 officers	13 cases	14 officers	149 cases

Table 5 shows the recommendations made for the 166 Commission's Reports completed during the period July to September 2020

COMMISSION'S REPORTS RECOMMENDATIONS – FATAL SHOOTING INCIDENTS

No.	Date of Incident	Victim	Case Summary	INDECOM Recommendations
1.	March 11, 2010	Venroy Bent	The deceased, Venroy Bent was shot and killed by the police on March 11, 2010 in circumstances which are highly suspicious based on the evidence of a sole and partial eye-witness. However, given the inherent inconsistencies in the account given, the Commission has found that there is no realistic prospect that a conviction would be obtained were a prosecution to be launched; the simple reason being that self-defence could not be negated beyond reasonable doubt.	No Charge File forwarded to the Special Coroner.
2.	May 12, 2010	Josephine Brown	The deceased, Josephine Brown was shot and killed on May 12, 2010 at Courtesan Way, Waterford, St. Catherine under circumstance which remain unresolved. The eye-witnesses are alleging that Brown was shot by the police who came into the area where a party was being kept and fired in the direction of the house where Brown was standing at a time when there was no lethal threat of harm from anyone. The police are claiming that they went in search of a suspect who, on discovery among a group of men at the party, opened fire at the police in concert with his cronies. Due to evidential difficulties, the Commission has found that while the shooting is controversial and suspicious at best, no criminal charges can be advanced.	No Charge File forwarded to the Special Coroner.
3.	July 8, 2011	Weston Watson	On Friday, July 8, 2011 about 12:45 p.m. the police were on patrol when they spotted a group of about five men armed with guns who opened gunfire and then engaged them in a running gun battle. During the process one of the men fell into a nearby gully suffering from gunshot wounds to his neck and left shoulder. He was rushed to the May Pen Hospital where he was pronounced dead. The body was identified as that of Weston Watson o/c "Ray Ray."	No Charge File forwarded to the Special Coroner.
4.	May 1, 2012	Deidre Edwards	On Tuesday, May 1, 2012 at approximately 7 p.m. Corporal and two Constables of the Central Police Station Operational Support Team were on foot patrol in the Kingston Central Police area when they accosted a group of about three (3) men. On seeing the police the men ran into different directions, one man ran into premises Foster Lane where the police gave chase and accosted him, the man allegedly pointed a firearm at the police who opened fire at him, and hitting him. The man was reportedly rushed to the Kingston Public Hospital where he was pronounced dead on arrival. A 9mm Browning semi-automatic pistol with a magazine containing 12 rounds and serial number partially erased was allegedly found beside him.	No Charge File forwarded to the Special Coroner.

5.	June 5, 2012	Trevor Scott	The deceased, Trevor Scott, was shot and killed by the police on June 5, 2012 while he was at Salt Creek River, Orange Bay in the Parish of Hanover. DS was aboard a boat in which he travelled from the Bahamas, and drifted into Jamaican waters after the boat developed complications in Cuban waters. The police allege that two (2) men aboard the boat fired at them and made good their escape in bushes. The Commission has found that a prima facie case of murder and unlawful wounding exists, however the witnesses are unavailable and this makes it difficult to mount a criminal prosecution.	No Charge File forwarded to the Special Coroner.
6.	July 12, 2012	Barrington Christie	On Thursday, July 12, 2012 at about 4:30 p.m. a team of police officers were acting on information that gun men were seen in Askenish, Hanover they went in search of the men. Their search led them beyond Askenish up into the hills and bushes. While walking in the bushes they saw three men coming from the opposite direction on seeing the police two of the men pulled firearms and fired at the police. The police returned fire and one man fell the other two escaped. It is alleged that one of the officers was shot through his bullet proof vest. The injured man Barrington Christie was taken to the Noel Holmes Hospital where he was pronounced dead. A 9mm Arcus was recovered with five live rounds.	No Charge File forwarded to the Special Coroner.
7.	October 12, 2012	Cassell Robinson	On Friday, October 12, 2012 a joint police and military operation, based upon intelligence received went to the Race Course area of Falmouth. They arrived at a residence and observed a man standing at the gate (at approximately 6:30 a.m.), this man had a bag in his hand. Upon seeing the police he ran into a concrete house. He was followed by the police into the house. He ran into a room and opened fire at the police officers. The officers took evasive action and returned the fire and he was shot twice. He was taken to the Falmouth Hospital where he was pronounced dead. One Glock 17 revolver with one magazine and ten (10) rounds were recovered. After searching the house; Four (4) magazines containing; sixty (60) .40 caliber; fourteen (14) .45 caliber cartridges; sixty-seven (67) .9mm cartridges; three (3) .380 cartridges; fifteen (15) .38 cartridges; three (3) .357 cartridges, two other glock revolvers and a bag containing about 2lbs of a substance resembling cocaine were found.	No Charge File forwarded to the Special Coroner.
8.	January 17, 2013	Rawle Reid	On the 17 th day of January, 2013, Rawle Reid was shot and killed by Corporal and Constable of the Mobile Reserve. Witnesses state that the deceased was at his home along Dalling Street, Westmoreland sitting on a drum and conversing with his girlfriend in Canada via cellular phone when the police, after commanding witnesses to lock themselves away in the house; subjected him to interrogatories. The deceased allegedly	Charge (as per DPP ruling dated August 21, 2020) (2 officers)

			<p>entreated the officers to let him confirm his identity by procuring his identification card. When he attempted to walk away to procure his ID Card, he was tripped by a short police officer and shot whilst lying on the ground, defenceless. Call records confirm witness accounts that Reid was conversing with a person in Canada shortly before he was killed. The police are alleging that Reid and another man engaged them in a running gun battle at the back of the premises. They state that Reid was shot in self-defence. The other man made good his escape in the nearby vegetation. The investigation of this fatality commenced on the 17th January, 2013, and ended on the 21st day of March, 2016.</p>	
9.	July 18, 2013	Sheldon Rose	<p>On Thursday, July 18, 2013 Supt. acting upon information, led an operation in the district of Hampton, St. James in search of wanted men who were in possession of Illegal Firearm and Ammunition. The contingent of police personnel were split into teams. A team consisting of four police personnel entered a yard consisting of a board house and an incomplete concrete structure house. The door of the board house was open, the inside was checked but no one was seen. The officers then went to the concrete structure house and two officers entered the incomplete building and a man was seen jumping from a bed with a firearm pointed in the direction of the police. An officer responded by firing one shot from his M16 in the direction of the man who fell on the bed and a 9mm (make and model not known) firearm with four (4) live rounds fell to the ground, which was later retrieved. The other officer also fired two shots from his M16. Officers took the injured man to the Cornwall Regional Hospital where he was pronounced dead.</p>	<p>No Charge File forwarded to the Special Coroner.</p>
10	December 25, 2013	Randy Walters & Oshane Green	<p>On Thursday, December 25, 2013 at about 11:15 a.m. Inspector armed with a search warrant led a team consisting of twenty-two police officers. The breach team entered the target house in Bamboo District, Hopewell, Hanover. On arrival at the target house the police knocked on the back door and did not receive any response. The police forced entry and while clearing the house they were fired upon by two men. Cons. and Spl. Cons. returned force from their M16. When the gunfire ceased two men each with a firearm were found in separate bedrooms suffering from gunshot wounds. There were no other occupants in the house. Both men were taken to the Cornwall Regional Hospital where they were pronounced dead. The firearms recovered from the deceased men are Ruger 9mm pistol with five rounds and Hickler & Kotch with four rounds and serial number erased.</p>	<p>No Charge File forwarded to the Special Coroner.</p>
11	March 1, 2015	Sandrae Johnson	<p>On Sunday, March 1, 2015 at about 12:45 a.m. Police Officers responded to a radio message</p>	<p>No Charge</p>

			<p>from control that explosion was heard in the Simond Crescent area of Salt Spring, St. James. Upon their arrival to the area they found a man suffering from gunshot wounds. This man was later identified as 24 year old Sandrae Johnson o/c Diddy from a Salt Spring address. However people from the area are alleging that police officers carried out the shooting. Following the death of Sandrae Johnson in the early morning of March 1, 2015, citizens of the community protested that he was shot and killed by police officers. However to date there is no witness account of the shooting supporting the claim of the community members. Notwithstanding the firearms of five Jamaica Constabulary Officers were collected, packaged and sent to the government laboratory for testing. Owing to the exhibits recovered on the murder scene being all 9mm spent casings, the weapons of the Jamaica Defence Force officers were not tested as they all carried M16 weapons. Notwithstanding they gave evidence that neither of them had reasons to use their firearms during their tour of duty from February 28, 2015 to March 1, 2015. Ballistic Certificates indicate that none of the spent casings found on the scene matched to the firearms of the concern officers.</p>	<p>File forwarded to the Special Coroner.</p>
<p>12</p>	<p>August 21, 2015</p>	<p>Javaughn Thorpe</p>	<p>On Friday, August 21, 2015 at about 11 a.m. both two Constables were on Highway patrol when they were approached by a man who told them that men in a car are attempted to rob him. Upon ascertaining from the man the description of the car the men were in, both officers went in pursuit of the vehicle. Upon arriving at Cornwall Street in Falmouth Trelawny the officers came upon a motor car fitting the description which they signaled to stop. The car however sped off using the sidewalk. However the path was blocked by another vehicle and the men alighted from the vehicle at the intersection of Cornwall and Newton Street in Falmouth. One of the men opened fire at the police. The officers returned fire in his direction. Two of the men ran to the right while the other two ran to the left including the man armed with the gun. The officers gave chase at these two men, who continued to fire at the police. The man with the gun ran pass the barracks at the Falmouth Police Station while shooting. This drew the attention of three other off duty officers who also pursued the man. The man ran towards the sea in front of the Falmouth Police Station. He continued to fire at the officers while in the sea. A gun battle continued. When it subsided the injured man was fished from the sea and transported to the Falmouth Hospital where he was pronounced dead. Other officers returned to the sea and fished the man's firearm from the sea. Another man later showed up at the Hospital with</p>	<p>No Charge File forwarded to the Special Coroner.</p>

			gunshot wound to his foot. The other two men who ran to the right were later captured in the Falmouth area.	
13	March 9, 2016	Reno Christie	On March 9, 2016, sometime after 11:00 p.m., Reno Christie was fatally shot during a joint military/police patrol in the Hendon area of Norwood, St. James. The patrol team accosted a group of men standing along Nelly Drive and whilst searching the men, one of the men drew a firearm from his waistband and pointed it at L/Cpl and Private, who then opened fire on the said man in self-defence. The said man fell to the ground and was bleeding from apparent gunshot wounds. He was subsequently rushed to the Cornwall Regional Hospital (CRH) where he was pronounced dead on arrival.	No Charge File forwarded to the Special Coroner.
14	October 31, 2016	Sherlando Brown	This Report concerns the fatal shooting of Sherlando Brown (the deceased) by Constable (the Concerned Officer' herein) between the hours of 4pm and 5pm, on October 31st, 2016 at RIU Reggae Beach Hotel, Mahoe Bay, Ironshore, Montego Bay, St. James. The allegations are that on Monday, October 31, 2016 at about 4:45pm Sherlando Brown was riding a motor bike accompanied by a male pillion, Ossain Bradford (now deceased) along the roadway in front of the construction site at RIU Reggae Beach Hotel, when upon passing the main gate of the said hotel, a security guard stood in the middle of the road and pulled Ossain from the bike. The security guard dragged Ossain towards the security booth on RIU's property. Mr. Brown parked the motor cycle and followed Ossain to the booth. While at the booth, Sherlando tried to pull Ossain from the security guard's grasp, when Constable rushed from inside the booth and hit Sherlando in his head. He staggered backwards but did not fall. Shortly after, Constable drew his firearm, fired two shots in the direction of Sherlando and he fell to the ground. Constable returned inside the booth, picked up some items, and then made a phone call. The officer then went to Sherlando and removed a bunch of keys which had a ratchet knife attached to it from Sherlando's right pocket. Mr. Brown was transported to the Cornwall Regional Hospital by citizens where he succumbed to his injuries whilst in the operating theatre.	Charge as per DPP ruling dated September 21, 2020 (1 officer)
15	December 30, 2016	Andre Reid & Richard Grey	On Friday, December 30, 2016 at 4:59 am DSP and a team of twenty six officers went to Retrieve District, in St. James in search of wanted men said to be members of the Ratty gang. The team of police officers proceeded to an area known as 'Cutungpeng Lane' in Retrieve District where there are several houses in a yard on a hillside. The police having taken up their positions at the various target houses on the premises, were met with gun fire to the rear of a board and concrete building located on the top of the hillside. A	No Charge File forwarded to the Special Coroner.

			shoot-out ensued and men exited this target house through the front door while shooting at the officers. The officers returned the fire at the men who ran in various directions. When the gunfire subsided a search of the area was carried out and two men, each clutching a firearm; were found at different sections of the yard suffering from what appeared to be gunshot wounds. The men were taken to the Cornwall Regional Hospital where they were pronounced dead by Dr T. The bodies were later identified as Andre Reid also known as 'Weedie' and Richard Grey o/c Zombie.	
16	August 24, 2017	Fred McLeod	On Thursday, August 24, 2017 at about 4:50 a.m. a foot patrol team consisting of three (3) officers, of the Denham Town Police Station Operational Support Unit came upon a man in an open lot in a section of Trench Town. The man opened fire in the direction of the police and one of the officers returned the fire. A firearm was recovered and the man was rushed to the Kingston Public Hospital where he was pronounced dead by Dr. F. The police recovered a Beretta 9mm pistol with the serial number erased with nine (9) 9mm rounds in an extension clip.	No Charge File forwarded to the Special Coroner.
17	October 11, 2017	Garth Stewart & Davion Whyte	On October 11, 2017, at about 2:40 a.m., police officers from the Mobile Reserve and Motorized Patrol Division shot and killed Garth Stewart o/c 'Gun Dog' and Davion Whyte o/c 'Crocs', and also wounded SW, at their home at Cairn Curran District in Westmoreland, during a special operation led by ASP to apprehend Mr. Garth Stewart who was wanted by the police for serious crimes including illegal possession of firearm and ammunition. It is reported that on arrival at the target location, gunmen on the verandah of the target dwelling fired on the police and the police returned gunfire in the direction of these men, some of whom ran inside the house while others ran towards the rear of the house escaping into nearby bushes. The police pursued the men inside the house and a man who would later be identified as Davion Whyte pointed a firearm at the police and the police fired in his direction. A 'Smith & Wesson' 9mm pistol and a .357 'Magnum' Smith & Wesson revolver were recovered from Messrs. Garth Stewart and Davion Whyte, respectively.	No Charge File forwarded to the Special Coroner.
18	February 7, 2018	Davian Clarke	On Wednesday, February 7, 2018, about 2:00 p.m., Deputy Superintendent of Police led an operation consisting of eight (8) police officers into New Town, Cousin's Cove, Hanover in search of Davian Clarke o/c 'Bailo'. It is alleged that Davian Clarke is wanted by the Hanover Police for arson, shooting with intent and murder. On their arrival in New Town, the members of the team alighted from three (3) service vehicles and went into different directions. Three officers proceeded up a hill and towards a house which	No Charge File forwarded to the Special Coroner.

			was allegedly occupied by Davian Clarke. It is alleged that the officers entered the yard and stood in front of a wooden house when Davian Clarke alighted from inside the said house and onto the veranda. It is asserted that Mr. Clarke opened fire at the police and officers took evasive action and returned fire. Mr. Clarke stepped backwards into the house whilst he discharged his weapon. When the shooting subsided, three officers went into the house and observed that Mr. Clarke was injured. Mr. Clarke was rushed to the Noel Holmes Hospital where he was pronounced dead. A Glock pistol, with serial number, containing ten (10) live rounds, was recovered from the scene.	
19	April 27, 2019	Sheldon Daley	The allegations are that on the 27th day of April, 2019 Sheldon Daley, otherwise called "Junior Biggs", "Junior" or "Biggs" was shot and killed whilst he attended a party at the Chedwin Park Cricket Ground, Old Harbour, St. Catherine. It is further alleged that he was killed by Corporal, and that Cpl. and Rohan Williams (now deceased) jointly engaged with Corporal F to commit such an offence. Constable, an officer who was a part of the security team at this event, pursuant to an assigned special duty, heard the explosions and immediately saw a man putting his firearm in his waist. The said man, who was allegedly wearing a greenish shirt, briskly walked towards a white Nissan AD Wagon. He quickly confronted the man who informed that he was a police officer before driving off. They were pursued by Constable who tried to accost them. In order to evade arrest/ apprehension, they (Corporals) fired at Constable who returned fire in defence of his life.	Charged as per DPP ruling dated May 16, 2019. (Charge and Disciplinary Action - 2 officers)
20	October 13, 2019	Anthony Bernard	This Report concerns the fatal shooting of Anthony Bernard (the deceased) by the concerned officer on October 13th, 2019. The allegations are that on October 13th, 2019 Anthony Bernard had a dispute with the concerned officer about smoking at a shop along Old Road, Lucea. Mr. Bernard left the shop. Shortly after, Anthony Bernard confronted the officer along Old Road, with a machete in his hand. The Officer drew his firearm. On seeing the firearm, Mr. Bernard dropped the machete and ran away. While running away, the Officer shot Mr. Bernard. Mr. Bernard died at Cornwall Regional Hospital while undergoing treatment. The Post mortem Report corroborates the eyewitnesses account that the deceased was shot while running away from the officer. The Dr. found that Anthony Bernard had a wound to his right buttocks with a circular entrance wound.	Charge as per DPP ruling dated July 27, 2020 (1 officer)

Table 6 is recommendations by INDECOM's Legal Department for Commission's Reports completed for fatal shooting incidents during the period July to September 2020

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.	April 4, 2016	Breach of INDECOM Act	April 29, 2020	July 17, 2020
2.	October 13, 2019	Murder	June 5, 2020	July 27, 2020
3.	January 17, 2013	Murder Attempting to Pervert the Course of Justice	July 16, 2020	August 21, 2020
4.	October 31, 2016	Murder	September 15, 2020	September 21, 2020
Rulings for No Charge				
1.	March 31, 2013	Fatal Shooting	June 5, 2020	July 2, 2020
2.	April 4, 2016	Unlawful Wounding	April 29, 2020	July 17, 2020
3.	June 24, 2018	Fatal Shooting	August 18, 2020	September 28, 2020

Table 7 shows all case rulings received from the Office of the Director of Public Prosecutions (ODPP) during the period July to September 2020

CHARGES LAID FROM INDECOM INVESTIGATIONS (JULY - SEPTEMBER 2020)

Name and Rank	Incident Date	Charge	Date of Arrest	State Agency
Cons. Ricardo Grant	May 28, 2018	Unlawful Wounding	July 9, 2020	JCF
Cons. Worrell Latchman	October 31, 2012	Murder	July 22, 2020	JCF
Dist/Cons. Damion Watson	April 14, 2016	Wounding with Intent	August 11, 2020	JCF
Sgt. Janice Chambers	April 4, 2016	Breach of section 33	August 11, 2020	JCF
Cons. Karlinton Armstrong	October 13, 2019	Murder	August 18, 2020	JCF
Sgt. Gilbert Smith	September 1, 2016	Breach of section 33	September 17, 2020	JCF
Former Cons. David Bernard	February 20, 2013	Unlawful Wounding	September 24, 2020	JCF
Cpl. Nemard Knight	January 17, 2013	Murder Attempting to pervert the course of Justice	September 29, 2020	JCF
Cons. Mario Thomas	January 17, 2013	Murder	September 29, 2020	JCF

Table 8 shows all members of the Security Forces who were charged for various allegations during the period of July to September 2020

PART THREE

PUBLIC INFORMATION

• Meeting: Security Forces & INDECOM

In the 3rd quarter of 2020, INDECOM's Senior Management had one (1) meeting with members of the JCF High Command. The following matters were discussed:

- Informal ID Parade
- Access to JCF records

There was also an introductory meeting of INDECOM's new Commissioner to the Chief of Defence Staff and senior members of the Jamaica Defense Force (JDF).

• Outreach: Awareness Exercises

Unit/ Division/ Station	Group Size	Contact Hours
Area 5 OST	17	2.5
Department of Correctional Services – Head Office	7	2.5
JCF Spanish Town Police Station	26	3
Horizon Adult Correctional Services	23	2
South Camp Road Adult Correctional Centre	15	3
JCF Portland Division	22	2
New Broughton Sunset Correctional Centre	15	2.5
Hill Top Juvenile Correctional Centre	21	2
UNODC Regional Webinar	215	1.5

• Quarterly Overview

Categories	Q1 2020	Q2 2020	Q3 2020	Total
New Complaint Cases	213	347	258	818
Fatal Shooting Deaths	24	26	34	84
Complaints Per Organisation	JCF: 179 JDF: 10 DCS: 20 JCF & JDF: 4	JCF: 299 JDF: 16 DCS: 20 JCF & JDF: 12	JCF: 218 JDF: 8 DCS: 28 JCF & JDF: 4	JCF: 696 JDF: 34 DCS: 68 JCF & JDF: 20
Commission's Reports Completed	126	205	166	497
Charges Laid From INDECOM Investigations	3	6	9	18

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

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Searching for Truth, Striving for Justice