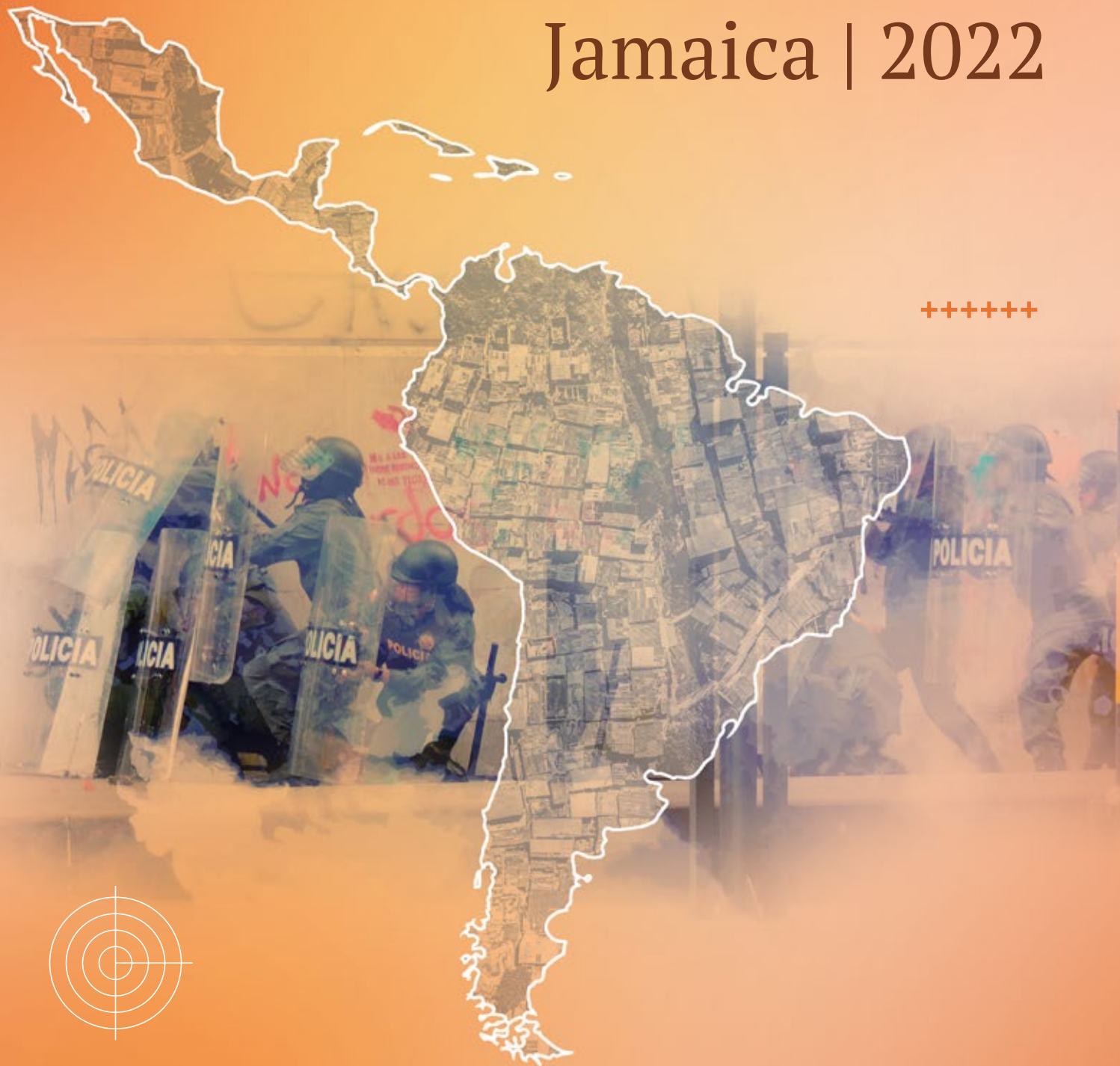


— MONITOR  
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— L E T A L

# Monitor of Use of Lethal Force in Latin America and the Caribbean

## Jamaica | 2022



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## 1. Introduction

The disproportionate use of force by law enforcement agents and the resulting injury or death of them or citizens is a contentious issue in Jamaica and can be discussed in different ways. One way to understand and discuss the disproportionate use of force problem in Jamaican society is through an understanding of the underlying factors embedded in police-citizen encounters. It is useful to think about those factors such as residence, race, gender, social status, group and organization affiliation and firearm access. Because not all police citizen encounters end up in wounding or the use of deadly force, it is enough to provoke suspicion about the necessary variables and of course these factors that have to be present or not present for use of force by the members of the law enforcement. The following discussion highlights that a disproportionate number of civilians experience deadly use of force in police or soldier encounters, when compared to wounding. The discussion also identifies more civilians being killed than both police and soldiers in encounters



but the majority of wounding and lethal encounters are attributed to police officers. The lethal use of force issue persists, in spite of a robust architecture regulating the use of force with accompanying sanctions, prompting the question of what is missing to reduce the number of civilians fatally shot by members of the security forces, especially the police. In the next sections and paragraphs, some context to the police citizen relationship in Jamaica will be given. This will then be followed by a note on methods and presentation of findings from the study of different use of force indicators drawing down from official and newspaper sources. The last section presents a conclusion with recommendations.

## 2. Lethal Use of Force in Police and Soldier Citizen Encounters in Jamaica.

In Jamaica citizens may witness members of the Jamaica Constabulary Force (JCF) in two approaches; as police performing their duties or with the assistance of members of the Jamaica Defense Force (JDF). Police-citizen encounters in Jamaica continue to be fraught with feelings of mistrust, allegations and experiences of misconduct. Harriott and Lewis<sup>144</sup> pointed to a culture of low levels of citizen trust in the police. Respondents were asked to what extent they trusted the National Police in the LAPOP survey and 20% of Jamaicans indicated that they have no trust in them whatsoever, while 9.4% indicated they trust the police a lot, indicating low levels of trust by a significant percent of the population. The survey also queried participants perception of the police when they come to their neighborhoods and if they feel the police are there to help or to abuse them. “More than one in four Jamaicans” reported that the “police come to their neighborhood to abuse them”<sup>145</sup> (p.72). Citizen distrust of social agents including the police was found to be widespread in a 2017 poll. Findings disclosed by Broadie and Bartley<sup>146</sup> in a Jamaica Gleaner newspaper article revealed 88 per-

<sup>144</sup> Anthony D. Harriott; Balford A. Lewis. Police Community Relations In Jamaica: Attitudes and Perceptions of the Police in a Context of Increasing Public Insecurity in` The Political Culture of Democracy In Jamaica And In The Americas, 2016/17. A Comparative Study of Democracy and Governance. eds. Anthony D. Harriott, Balford A. Lewis, Nicole L. Hinton and Elizabeth J. Zechmeister (Kingston: United States Agency for International Development, 2018) 63-77.

<sup>145</sup> Harriott, Police Community Relations In Jamaica, 72.

<sup>146</sup> Myesha Broadie, Rocheda Bartley, Trust deficit- Jamaicans have strong distrust of most

cent of respondents indicated they could not trust politicians and 76% said they do not trust the police. While the Jamaica Defence Force fared better than politicians and police, less than one in four respondents said they trust soldiers<sup>147</sup>. In particular, citizen sentiments of police revealed by these findings predate the island's independence in 1962 and are supported by several isolated police citizen, police-military encounter events where misconduct is alleged or proven. Misconduct includes behaviours such as participating in bribery and subverting constitutional rights<sup>148 149</sup>.

A 2008<sup>150</sup> Strategic review of the JCF identified that members were involved in corrupt and criminal activities such as the planting of evidence or removing it from crime scenes, contract killings and torture and alerting criminals of police plans and engaging in the activities of criminal groups and organizations. These activities are partly responsible for the lack of trust between citizens and police and do not assist in developing the relationships between the police and citizens that would assist with problem solving, detecting and reductions of offenses<sup>151</sup>. At the same time, the embeddedness of street gangs in particular communities make certain communities high risk as people protect the gangs due to the welfare support they provide and fear of repercussions for breaking code of silence and conduct norms<sup>152 153</sup>.

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major social agents. Jamaica Gleaner July 27, 2017, <https://jamaica-gleaner.com/article/lead-stories/20170730/trust-deficit-jamaicans-have-strong-distrust-most-major-social-agents> accessed October 15, 2021

<sup>147</sup> Broadie and Bartley, Trust deficit

<sup>148</sup> John Rapley. Jamaica Negotiating Law and Order With The Dons. Crime, Disorder and Policing. Vol.XXXVII. No. 2. (September/ October 2003)

<sup>149</sup> Government of Jamaica Ministry of National Security Crime Prevention and Community Safety Unit. National Crime Prevention and Community Safety Security Strategy. Kingston. 2010

<sup>150</sup> Government of Jamaica Ministry of National Security. A New Era of Policing in Jamaica: Transforming the JCF: A report of the JCF Strategic Review Panel. Kingston. 2008

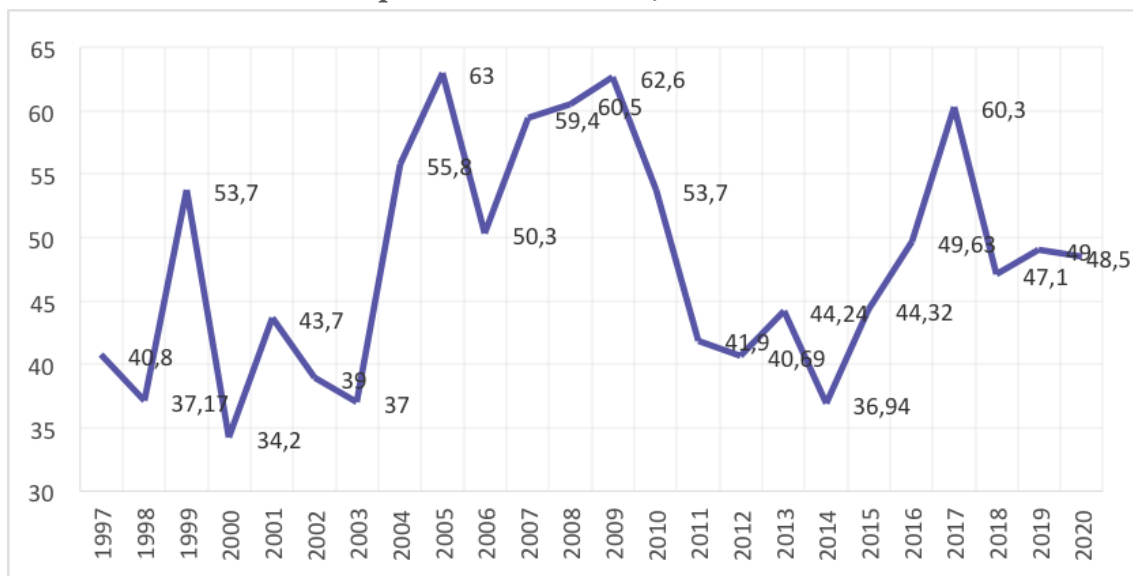
<sup>151</sup> Daniel K. Pryce, Lorna E. Grant. Antecedents of Trust in the Jamaican Police: Findings from a Cross Sectional Study. International Criminology Vol 1 (November 2021)

<sup>152</sup> Anthony Harriott. Gang Prevention and Control in Jamaica. Social Prevention and the Case of the Spanglers in Gangs in the Caribbean Responses of State and Society. Ds Anthony Harriott and Charles M. Katz (Kingston. University of the West Indies Press) 269-306

<sup>153</sup> Government of Jamaica. A New Approach: National Security Policy For Jamaica. Kingston. 2013, [https://japarliament.gov.jm/attachments/article/1286/1286\\_2014%20Ministry%20](https://japarliament.gov.jm/attachments/article/1286/1286_2014%20Ministry%20)

The improvement in police-citizen relations has been identified as critical to building trust<sup>154</sup> and the reduction in Jamaica's homicide rate which has been double the America's and global homicide rates which have ranged from 6.9, 6.2 and 6.1 per 100,000 inhabitants identified respectively in UNODC Global Homicide Reports of 2011<sup>155</sup>, 2013<sup>156</sup> and 2019<sup>157</sup>. Chart 1 below shows that Jamaica's homicide rate hit record highs in 2005, 2009 and in 2017. The high rates are part of the high risk context law enforcement personnel have to operate in.

**Chart 1. For the period 1997-2020 Jamaica's homicide rate**



**has not fallen below 30 per 100,000 inhabitants.**

Source: Data to produce percentages from JCF Information and Statistics Unit.

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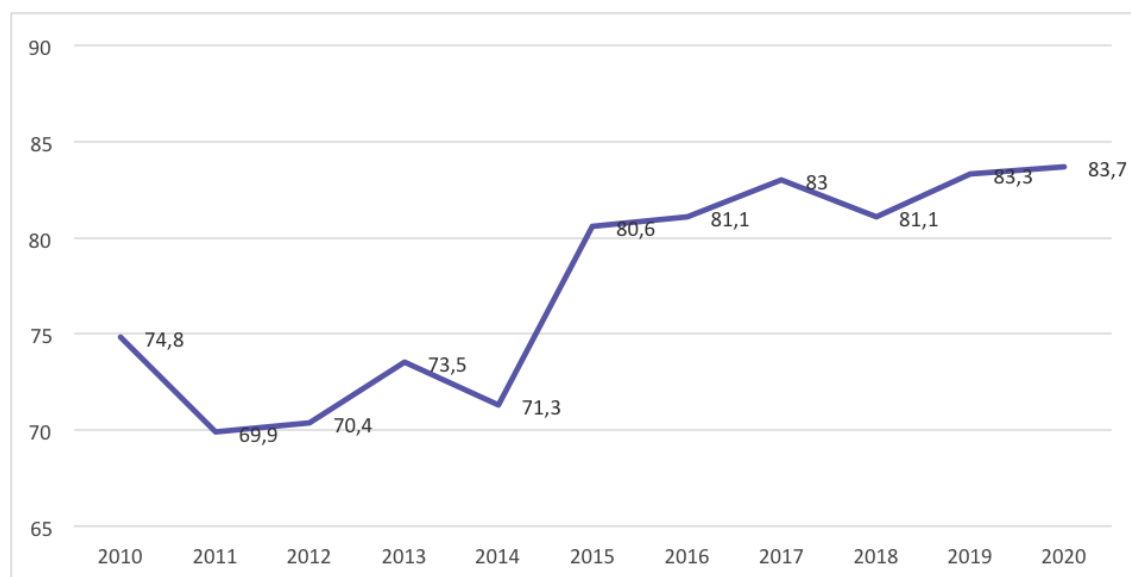
<sup>154</sup> A New Approach, 42-44

<sup>155</sup> United Nations Office on Drugs and Crime 2011 Global Study on Homicide. Trends, Contexts, Data (Vienna: United Nations Office on Drugs and Crime, 2011) See page 19.

<sup>156</sup> United Nations Office on Drugs and Crime 2013 Global Study on Homicide. Trends, Contexts, Data (Vienna: United Nations Office on Drugs and Crime, 2013) See page 21

<sup>157</sup> United Nations Office on Drugs and Crime, Global Study on Homicide 2019: Homicide: extent, patterns trends, and criminal justice response (Vienna: United Nations Office on Drugs and Crime, 2019) See page 13

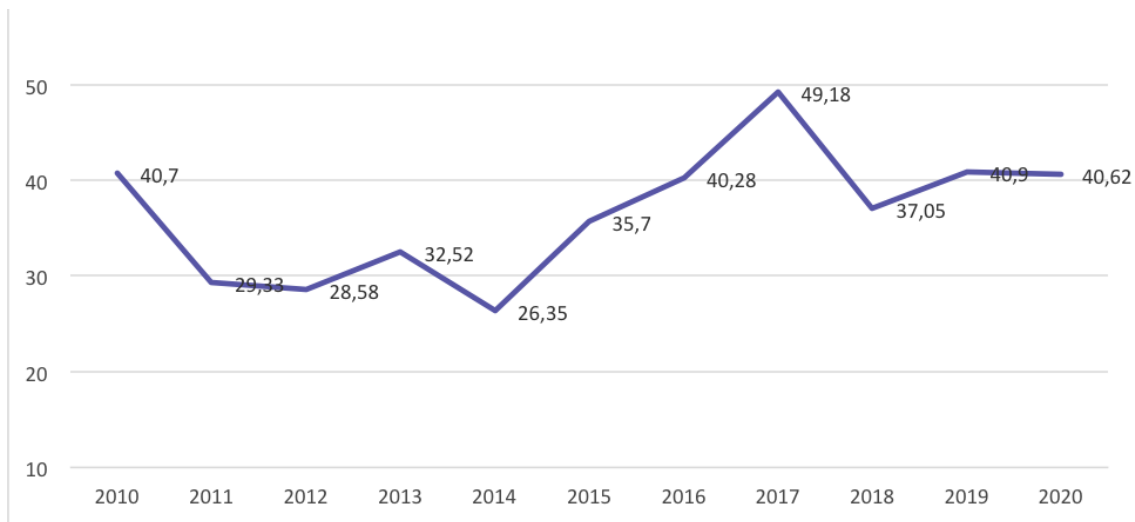
More than 70% of homicides in the country involve the use of a firearm and firearm access is deemed to be widespread. Between 2010 and 2020, firearm use in homicide events has climbed from 74.8 % to 83.7% (See Chart 2).



**Chart 2. Firearm use in homicides as percent of total of homicides for the period 2010-2020**

Source: Data to produce percentages from JCF Statistics and Information Unit.

Over the ten year period the share of victims of intentional homicide has fluctuated. In 2010, the rate was 40.8 per 100, 000 inhabitants but declined sharply to 29.3 per 100,000 inhabitants in the following year and would dip in 2014 to 26.3 per 100,000 inhabitants, the lowest for the ten year period. The subsequent increase in the rate of homicide victims by firearm use is indicative of a preference for the use of firearm amongst a section of the population who have access. A distribution of firearm by licensed and unlicensed or illegal firearms is not presented here but it would be useful in assisting the segmentation of use amongst participants by firearm regulation.

**Chart 3. Firearm use in homicides per 100,000 inhabitants 2010-2020.**

Sources: JCF Statistics and Information Unit for counts to calculate rates based on population data in various ESSJs.

For the ten year period 2010-2010, the police seized/recovered more pistols than any other firearm (See Table 1). Seizures or recoveries can occur as a result of weapons being left behind following the fleeing of assailants in police shootouts. As a percentage of yearly firearms seizures and recoveries, pistols accounted for 51.3 percent in 2010 climbing to 70.4 percent in 2018 and then dipping in 2011 to 64.2 % and rising again to 68.1 percent in 2020. The numbers are likely conservative estimates but indicative of the volume flows of firearms and diffusion of access.

**Table 1. Firearms Seizures/Recoveries as % of yearly totals for 2010-2020 showing revolvers as second most seized after pistols.**

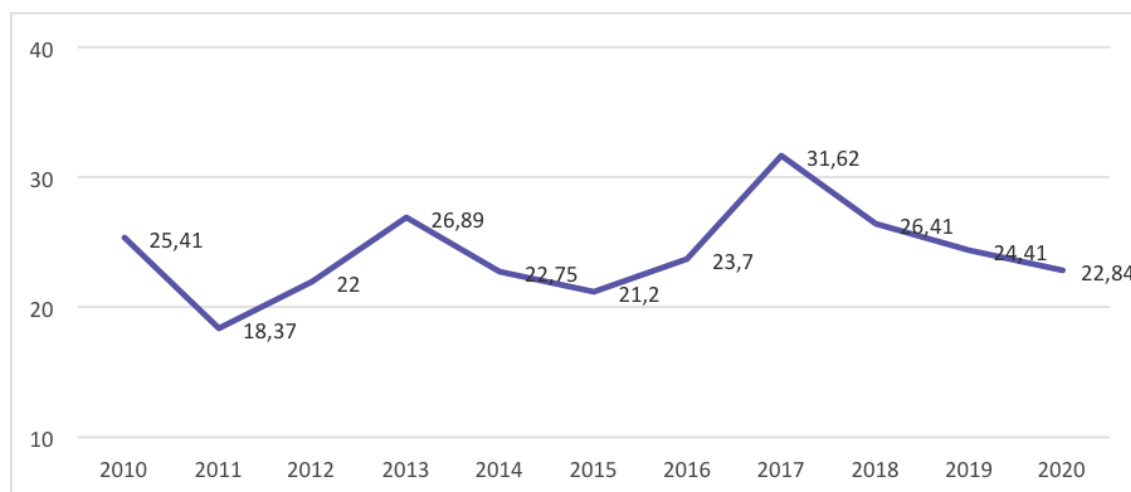
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Rifles	10.9	4.1	6.1	5.47	5.3	4.6	5.7	7.7	7.5	5.5	7.2
S.M.G	10.9	1.8	2	3.01	3.7	2	3	2.3	1.8	3.6	1.9
Shot gun	2.9	3.4	2.51	3.97	2.76	3.64	3.3	4	2.7	3.6	3.53
Homemade	11.8	10.68	12.56	13.28	11.21	11.63	8.4	6.4	6.5	6.9	6.42
Pistol	51.3	57.4	57.62	56.4	59.67	62.5	61.94	65.4	70.4	64.26	68.1
Revolver	19.1	22.37	19	17.8	17.23	15.45	17.41	13.9	10.9	16	12.6

Source: Data to produce percentages from JCF Statistics and Information Unit.



Chart 4 presented below shows that the share of the firearms reached a peak of 31.62 per 100,000 inhabitants in 2017. The rates support a view that while gang violence is attributed to a significant share of sub-lethal and lethal violence due to the facilitation and enhancement effects they provide, there is a larger problem with the illegal firearm access in the society.

**Chart 4. Firearms Seized/ Recovered in Jamaica per 100,000 inhabitants 2010-2020.**



Source: Data to produce percentages from JCF Statistics and Information Unit.

Some of the wounds hurting the present day police citizen encounters in Jamaica have more to do with the conduct of JCF and its monopolization of security and governance decades ago and before firearms (more than machetes and knives) featured more in the killing of individuals and the marginalization status of citizens. As mentioned earlier, there have been questionable practices by officers while carrying out their duties. Historically, these practices have been part of aims that required subverting the rights of individuals for political outcomes<sup>158</sup>. As was noted in the 2008 strategic review report questionable practices also comprised police officers conducting criminal acts for their own selves. Police and army soldiers have been part of the over policing the poor conversation, not that heavy and frequent policing of the urban poor geographies in particular

<sup>158</sup> Obika Gray, The Jamaican Lumpenproletariat: Rogue Culture or Avatar of Liberation? Social and Economic Studies. V.52 N1 ( March 2003) 18-19



hasn't been warranted in the years of partisan political and election violence<sup>159</sup> and in the following decades. The intense policing of these hotspots for election violence overlapped with the residence of the urban poor but also the presence of active criminal groupings<sup>160</sup>. Distinct minority groups and social movements such as the Rastafarian population were one of the social groupings where police encounters saw members abused, forced to flee from areas and killed by law enforcement, sparking mob riots and protests such as the Coral Gardens Massacre<sup>161</sup> <sup>162</sup>. In the latter 21<sup>st</sup> century complaints by the Rastafarian community of unfair treatment in encounters with the police persist but the JCF has declared that it does not target any specific group<sup>163</sup>.

There is also a scarring of police citizen relations restricted to a section of the poor youth population. Male youth residing in urban poor, inner city communities feature in the use of force police citizen encounter terrain more prominently than their peers in non-inner city communities. The overlapping male-on-male, youth, violence in inner city communities has been a feature of the age and location of homicide events and because of this, these youths by their perceived outward strain and its effect on residential choice are policed more than their non-poor peers living in geographic areas where violent conflict driven by street gangs and their members status management is not norm. Data from the Jamaica Constabulary Force show that females feature in 10-12 % of homicides annually and adolescents and youth are the largest groups of victims in other violent crimes, such as shooting, robbery and aggravated assault. The result of this unequal participation in crime and violence perpetration is that males are treated

<sup>159</sup> Amanda Sives, *Elections, Violence And The Democratic Process in Jamaica 1944-2007*. (Kingston: Ian Randle Publishers, 2010), 143-170

<sup>160</sup> Anthony Harriott, *The Crisis of Public Safety in Jamaica and the Prospects for Change*. Souls (Fall 2001) 56-65

<sup>161</sup> Jamaica Observer, *Rastas beaten, forcibly trimmed of their locks after Coral Gardens*. December, 16, 2015. [https://www.jamaicaobserver.com/news/Rastas-beaten--forcibly-trimmed-of-their-locks-after-Coral-Gardens\\_45946](https://www.jamaicaobserver.com/news/Rastas-beaten--forcibly-trimmed-of-their-locks-after-Coral-Gardens_45946) (accessed October 15, 2021)

<sup>162</sup> Jamaica Gleaner, *Government says sorry for 1963 Coral Gardens massacre*. April, 4 2017. <https://jamaica-gleaner.com/article/news/20170404/government-says-sorry-1963-coral-gardens-massacre> (accessed October 15, 2021)

<sup>163</sup> Rochelle Clayton, *Police Commissioner wants JCF members, Rastas to improve relations* Jamaica Observer. October 21, 2021. [https://www.jamaicaobserver.com/observer-west/police-commissioner-wants-jcf-members-rastas-to-improve-relations\\_234137](https://www.jamaicaobserver.com/observer-west/police-commissioner-wants-jcf-members-rastas-to-improve-relations_234137) (accessed January 23, 2022)

differently from females in these communities and do not feel protected by the police<sup>164 165</sup>. Residing in Jamaica's inner city communities requires individuals to develop and display forms of capital important to their survivability<sup>166 167</sup> but young males can risk mistaken selection by the police. Youth learn and perform toughness and knowledge associated with lanes, avenues and streets and some select or are selected by outlets such as street gangs to activate proclivities for violence and or hone the performance of aggression and violence in furtherance of gang goals<sup>168</sup>. These performances and their participants require a sensitive and complex dissection because these youth hold multiple identities that puts them in the company of non-gang peers who may or may not be part of the violent and criminal events and performances. For non-gang youth, the yards attached to their homes are sometimes the lanes or streets, exposing them to a mix of individuals who share the cues of geographic belonging. JCF Benchmarking report<sup>169</sup> identified that "Close friendships formed at the community level are important to unattached youth. However many of these friendships are stereotyped and treated as groups with nefarious intentions. As a result there is need for the JCF to revise strategies that that are informed by the belief that these groupings have their genesis in the desire to participate in organized criminal activities" (7). In the discussion of physical abuse, their report also revealed that "The most common physical abuse highlighted by young persons include: being

164 Tarik Weekes, Deanna Ashley, Ricardo Williams, Nadia Robinson, *Communities, Crime Control and Policy Change for Safer Spaces in Jamaica*, eds Pablo Emilio Angarita Cañas, Carolina Sánchez Henao (Medellin: Latin-American Council of Social Sciences 2019) 255

165 Herbert Gayle with Horace Levy. *Forced Ripe: How Youth of Three Selected Working Class Communities Assess their identity, Support, and Authority Systems, including their Relationships with the Jamaican Police. A Participatory Ethnographic Evaluation and Research (PEER)* (Kingston: The University of the West Indies, Mona Department of Sociology Psychology and Social Work, 2007) 1-89

166 Herbert Gayle, *Young Boys Learning to Fear, Hate and Harm: A Recipe for Sustaining Tribal Political Violence in Jamaica's Garrisons*. IDS Bulletin Volume 40 Number 1. (2009)

167 Herbert Gayle with Horace Levy. *Forced Ripe: How Youth of Three Selected Working Class Communities Assess their identity, Support, and Authority Systems, including their Relationships with the Jamaican Police. A Participatory Ethnographic Evaluation and Research (PEER)* (Kingston: The University of the West Indies, Mona Department of Sociology Psychology and Social Work, 2007) 1-89

168 Gayle and Levy 2007

169 Allan Bernard, K'adamawe Kn'life, JCF Benchmarking and Indicators Survey. Final Report (Kingston: 2011)

slapped in the face repeatedly (boxed), hit powerfully squarely across the chest with an open palm (puff chest), kicked in the buttocks, having your feet swept from beneath you, and being punched often times in the face or stomach” (16).

Levy (2012)<sup>170</sup> employing a participatory learning and action approach to understand youth violence in parishes such as Kingston identified crews distinct from criminal gangs but also fluidity in movement between the two. In the lead up to the now Criminal Justice (Suppression of Criminal Organizations) Act 2014 known as the anti-gang bill different experts and members of civil society cautioned that due to the way criminal groups were loosely distinct from each other in the legislation, the law would criminalize young people who were non-gang members. Gangs can be found in all parishes in Jamaica and some have more impact nationally. It is difficult to discuss numbers as membership is elusive but in 2017 the Minister of National Security in his Sectoral Presentation said there were 9000 members. In the 2012 LAPOP survey published in 2013, 41% of respondents indicated that their neighbourhoods were impacted by gangs, with 9% of that percentage expressing the view that they are seriously impacted<sup>171</sup>. In 2010, officials reported that there were 268 gangs in the country, up from 200 in 2008. Over the 3 year period 2017- 2020, different officials across the JCF and government agencies have informed of there being 258 gangs in 2017, 274 in 2018 and 389 in 2020.

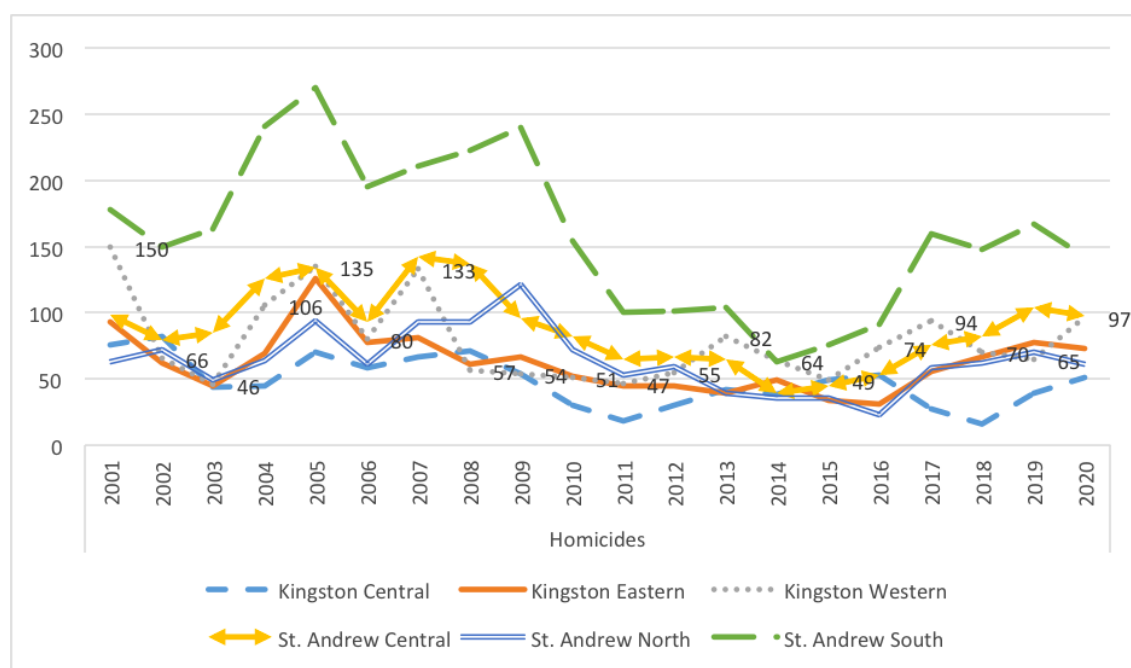
Historically violence between social groups such as street gangs involved in defending and extending turf for electoral victories warranted intervention by the police, and sometimes with the military support. Successive governments have utilized the joint police military practice, to enhance the scale of suppression tactics and augment police strength in a few police divisions consistently contributing to higher homicides relative to other police divisions. These divisions all have active or enduring gang presence spread across one or multiple communities in the police division. For example, one division in which the joint police

<sup>170</sup> Horace Levy, *Youth Violence and Organized Crime In Jamaica. Causes and Counter-Measures. An Examination of the Linkages and Disconnections.* (Kingston, 2012) <https://idl-bnc-idrc.dspacedirect.org/bitstream/handle/10625/51348/IDL-51348.pdf> (accessed October 15, 2021)

<sup>171</sup> Anthony D. Harriott, Balford A. Lewis Kenisha V. Nelson, Mitchell Seligson, *Surveying the Jamaican Gang Problem in Political Culture of Democracy in Jamaica and in the Americas, 2012: Towards Equality of Opportunity*, eds Anthony D. Harriott, Balford A. Lewis, Kenisha V. Nelson, Mitchell A. Seligson (Kingston. United States Agency for International Development, 2013) 155-176

military presence has been a unceasing practice employed to deal with gang violence in Kingston Western and within its communities such as Denham Town, Trench Town and Tivoli Gardens. The division has had a history of violent confrontations and the number of persons killed in the division has been amongst the highest for divisions in Kingston.

**Chart 5. Kingston Western does not have less homicide events now compared to a decade ago.**

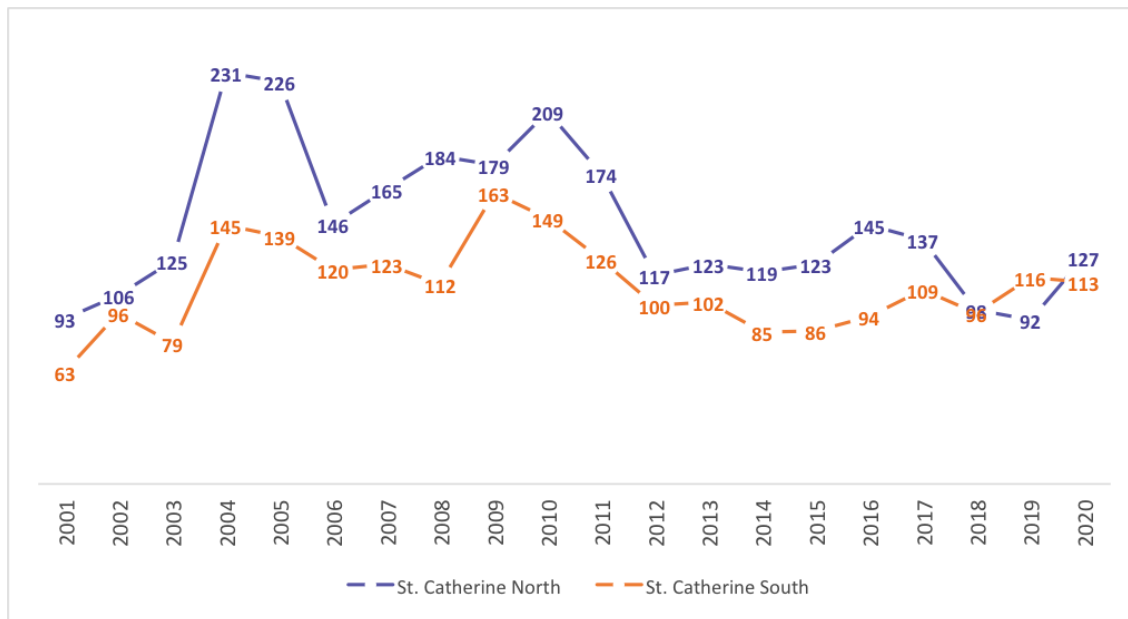


Source: JCF Statistical and Information Unit.

Tivoli Gardens has been part of the history of violent confrontations. It was the headquarters for the notorious convicted drug lord Christopher Dudas Coke. Coke was extradited to the US in 2010 but before this there was a fierce gun battle between security forces and citizens protecting Coke on May 24 2010. Seventy three civilians were killed in the clashing on May 24 and a Commission of Inquiry was subsequently held. The report produced identified 1997, 2001 and 2005 for three separate confrontations involving the security forces and citizens or where the security forces were intervening between warring factions and Tivoli gunmen. In the 2001 confrontation between civilians and the security forces, 27 persons were killed, with no reason for their deaths and no one held legally or

administratively accountable. In the 2010 events, mortars were used. The Commission recommended in its report that the “JDF pay careful regard to contemporary best practice and learning in relation to the use of weapons of indirect fire” (p.484)<sup>172</sup>. Among other recommendations, a “same person same weapon policy” (the service life of a weapon is assigned to the same person) for the JCF like the JDF was mentioned.

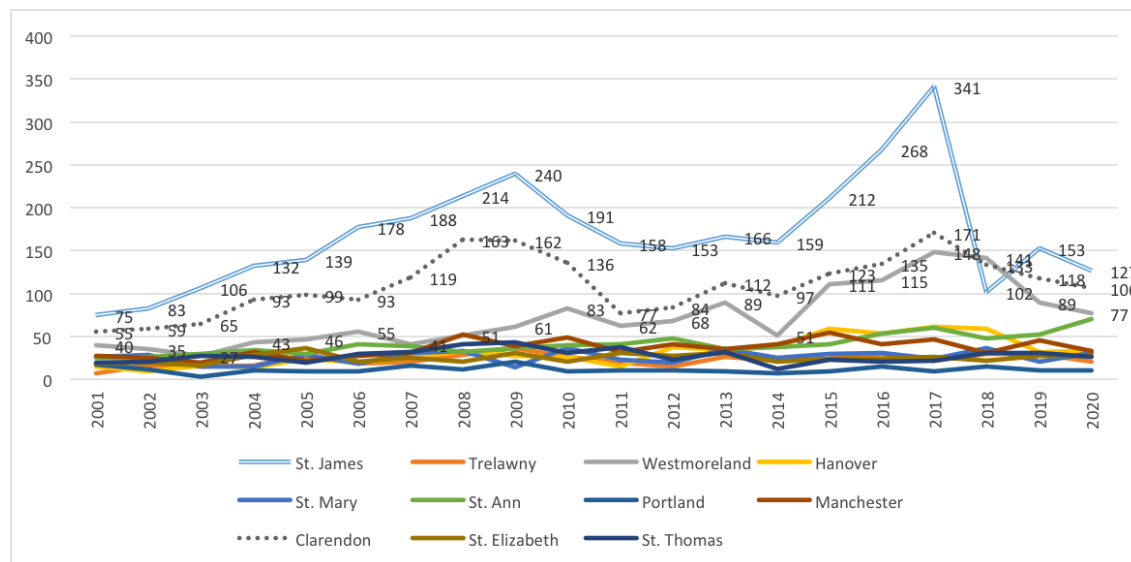
**Chart 6. Shows that for the period 2001-2020 St. Catherine North is another troubled division for more than a decade.**



Source: JCF Statistics and Information Unit

<sup>172</sup> Government of Jamaica, Report of the Commission of Enquiry Appointed to Enquire Into Events Which Occurred in Western Kingston And Related Areas In May 2010 Volume 1 (Kingston: 2016)

**Chart 7. St. James and Clarendon Police Divisions have been in the top 5 Police Divisions with most homicides annually between 2001-2020.**



Source: JCF Statistics and Information Unit.

In 2017, faced with an uptick in homicides the Law Reform (Zones of Special Operations) (Special Security and Community Development Measures) Act. ZOSO as it is called, legislated an integrated approach to addressing criminality and violence and required the joint efforts of the security forces and a social intervention committee to suppressing and preventing crime and violence continuity in the community. When a geographic area is declared for ZOSO intervention by the Prime Minister in Council, the joint forces enjoy powers of searching a person or vehicle without a warrant within the Zone, cordoning off the area's boundaries and enforcing a curfew. The first ZOSO was declared in Mount Salem in 2017 in the parish of St. James and in 2018, a State of Public Emergency (SOPE) was declared for the entire parish. Unlike Kingston, St. Andrew or St. Catherine, that have high homicide rates annually, the St. James parish is not carved out into more than one police division. The presence of enhanced security was welcomed by residents and the business community in the parish. At the same time, during the SOPE there were calls against wrongful and delayed release of persons detained by the security forces. These different demonstrations of support in the conduct of security forces are aligned with findings from the 2016/17

LAPOP study in which 27.9% of Jamaicans supported the authorities occasionally crossing the line to catch criminals while 72.1% thought the police should always abide by the law. Examining the responses over ten years to police crossing the line occasionally or abiding by the law, Harriott and Lewis (2018) noted that “beliefs towards authorities crossing the line declined by more than half since 2008 but steadily increased each round to reach levels close to those reported in 2006”<sup>173</sup> (p.66) when it was 30.2%. But also the percentage agreeing to cross the line has doubled the 13.6% in favour in 2008.

Notwithstanding the aforementioned context of police encounters in Jamaica, there is little empirical work on the police citizen encounters in the island and how different variables such as organizational culture, situational and physical context, firearms and technology embedded in the interaction between police and citizen, influences the outcomes of police behavior, citizen behavior and police-citizen behavior. The absence of this empirical work does not mean that there is no anchor or reference point for police-citizen encounters and the use of force in their interaction. The JCF subscribes to international principles on police citizen conduct and use of force principles. Oversight committees and groups also exist with a focus on monitoring police citizen encounters and the use of force. That said there are hurdles in the movement of policy into practice by all officers.

### 3. Local legislation

Nowhere in The Constabulary Force Act<sup>174</sup> is use of force by the police addressed explicitly. Obstruction by civilians is mentioned in the section Miscellaneous, 30. It notes, “If any person shall assault, obstruct, hinder or resist or use any threatening or abusive and calumnious language or aid or incite any other person to assault, obstruct, hinder or resist any Constable in the execution of his duty, every

<sup>173</sup> Anthony D. Harriott; Balford A. Lewis. Police Community Relations In Jamaica: Attitudes and Perceptions of the Police in a Context of Increasing Public Insecurity in` The Political Culture of Democracy In Jamaica And In The Americas, 2016/17. A Comparative Study of Democracy and Governance. eds. Anthony D. Harriott, Balford A. Lewis, Nicole L. Hinton and Elizabeth J. Zechmeister (Kingston: United States Agency for International Development, 2018) 63-77.

<sup>174</sup> The Constabulary Force Act. <https://moj.gov.jm/sites/default/files/laws/The%20Constabulary%20Force%20Act.pdf> (accessed October 15, 2021)



such offender shall be liable to a fine not exceeding two thousand dollars” (p.17).

It has been more than a decade, since the repeal of the Act to make way for a reformed police organization and new Act that would modernize the organization was announced (Jamaica Gleaner<sup>175</sup> August 16, 2017). Working groups comprising of different stakeholders have been established but there have been delays due to a lack of consensus on proposed amendments.

## 4. Policies Guiding Use Of Force

While the Constabulary Force Act does not address the use of force in citizen police encounters, the behavior of the members of JCF is governed by several codes of conduct introduced to them while undergoing training at the National Training College. These policies include the JCF Human Rights and Police Use of Force and Firearms Policy. In addition police officers are subjugated to the same criminal courts as civilians. Members of the JDF who engage in use of force misconduct while on duty are disciplined by the structures within the JDF.

The JCF Human Rights and Police Use of Force and Firearms Policy begins by stating that the instructions contained within it “incorporate the fundamental rights and obligations enshrined in the Jamaica Constitution and international human rights instruments” (p.1). These international instruments are the United Nations Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Eight United Nations Congress on the Prevention of Crime and the Treatment of Offenders- Havana. In the policy document public safety and police officer safety are identified as paramount and the instruction is that officers should apply non-violent means before resorting to the use of Force and members should only resort to the use of force “if other means remain ineffective and there is no realistic promise of achieving the lawful objective without exposing police officers, or anyone whom its duty to protect, to a real risk of harm and injury” (p.2)<sup>176</sup>. Officers are urged to use only force .....

<sup>175</sup> Jamaica Gleaner, Montague to meet with disgruntled police federation over changes to JCF Act. August 16, 2017. <https://jamaica-gleaner.com/article/news/20170816/montague-meet-disgruntled-police-federation-over-changes-jcf-act> (accessed October 15, 2021)

<sup>176</sup> Jamaica Constabulary Force, Human Rights and Police Use of Force and Firearms Policy. (Kingston: nd) <https://nationwideradiojm.com/wp-content/uploads/2016/06/Appendix-17-JCF-Human-Rights-and-Police-Use-of-Force-Policy.pdf> (accessed January 23, 2022)

that is necessary and proportionate and if they do, they should minimize interference with human rights, minimize damage and injury and ensure that medical assistance is secured for any person. Officers are expected to also self-report the use of physical force to their superiors and it must be documented. The policy notes that firearms training is mandatory for all officers who are issued to carry firearms and officers are expected to participate in annual training.

The other policies governing the conduct of JCF officers and complement the JCF Human Rights and Police Use of Force and Firearms Policy include a:

- + Code of Conduct
- + JCF Ethics & Integrity Policy
- + Police Public Interaction Policy
- + Citizen Charter

## 5. Initiatives From Oversight Structures And Bodies (select).

### 5.1. Government Initiated

- a. *The Independent Commission of Investigations (INDECOM)*: Was established in 2010 and is a commission of the Jamaican parliament. It is governed by the INDECOM Act and it is civilian staffed. According to information on its website, the agency is tasked with undertaking investigations related to the actions of members of the security forces and other agents of the state that result in injury or death. It provides oversight of the JCF, District Constables, the JDF and correctional officers in the Department of Correctional Services (DCS). INDECOM investigates 25 different categories of abuse. Among these are shooting incidents, warning shots, discharge of firearm and illegal search. In 2020, a government official said that INDECOM would not be given prosecutorial powers and the decision was aligned to a Privy Council ruling that the Commission had no power to arrest or prosecute police personnel<sup>177</sup>. The arrival of

<sup>177</sup> Twila Wheelan, No Prosecutorial Powers for INDECOM. Jamaica Information Service, November 12, 2020, <https://jis.gov.jm/no-prosecutorial-powers-for-indecom/> (accessed October 15, 2021)

INDECOM and its assertion of oversight stirred controversy between them and police officers and even criticism for creating a fear amongst officers to engage individuals due to a perceived unfairness by INDECOM in its probes of incidents involving members of the security force and citizens<sup>178 179</sup>.

- b. *The Police Civilian Oversight Authority (PCOA)*: At the time of the JCF Strategic Review, the PCOA along with the Police Service Commission (PSC) and Police Public Complaints Authority were part of an external accountability framework for the JCF. The PCOA was established in 2006 and is a mechanism, to “ensure accountability” and “adherence to policy guidelines and observance of proper policing standards by the JCF”<sup>180</sup> (pg. 42) On the Ministry of National Security<sup>181</sup> website, one of the listed functions of the PCOA is to conduct inspections of the JCF and its auxiliaries.

## 5.2. Initiatives by non-governmental organizations

- a. *Jamaicans for Justice (JFJ)*: Jamaicans for Justice has been engaged in advocacy on human rights and the monitoring of encounters between citizens and the security forces for decades. It has been involved in the training of police recruits. According to information on its website, in 2019 JFJ trained over 996 recruits in human rights, non-discrimination and working with the vulnerable to reduce the likelihood of abuse. In their baseline assessment of the recruits they found that “prior to the training, recruits had low knowledge of specific human rights laws and protocols”<sup>182</sup>.

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<sup>178</sup> Andre Williams, Cops glad for back-up from licensed firearm holders...As INDECOM fears make officers think twice before engaging. Jamaica Gleaner, November 22, 2019, <https://jamaica-gleaner.com/article/news/20191122/cops-glad-back-licensed-firearm-holders-indecom-fears-make-officers-think> (accessed October 15, 2021)

<sup>179</sup> Garth A. Rattray, Should the police shoot to wound? Jamaica Gleaner, March 18, 2018, <https://jamaica-gleaner.com/article/commentary/20180319/garth-rattray-should-police-shoot-wound> (accessed October 15, 2021)

<sup>180</sup> JCF Strategic Review, 2008, 52

<sup>181</sup> Police Civilian Oversight Authority <https://www.mns.gov.jm/node/34>

<sup>182</sup> Jamaicans For Justice, Creating A Force For Good: Training Police Recruits in Human Rights. September 17, 2019. <https://jamaicansforjustice.org/police-training-2019/> (accessed October 15, 2021)

- b. *The University of the West Indies- Institute of Criminal Justice and Security-* In 2017, more than 170 gazette police officers participated in ethics and accountability workshops resulting from a partnership between JCF and the Institute. Participants were introduced to topics such as police integrity and accountability to the community and professional ethics. In 2018 the Institute partnered with The Caribbean Policy Research Institute (CAPRI) to produce the brief, *From Force to Service: Reforming the Jamaican Police* and recommended that the movement of the JCF to a service organization would require a repurposed intent of the JCF from what obtains in the Constabulary Force Act. They further recommended that the core principles of prioritizing individuals in “rights-regarding ways”<sup>183</sup> and intelligence-led policing inform the new Police Service Act and duties of the police be revisited. The present Constabulary Act, under Duties and Powers of the Force notes that police are to “keep watch by day and by night to preserve the peace” and “detect crime”.

## 6. Methods

*Data Collection:* In February 2021, formal requests were made for yearly counts of civilians, and for police officers and soldiers killed or injured by gunshot while on duty. The data request for civilians killed by police and soldier and police officers and soldier killed by civilians was sent to the Independent Commission of Investigations (INDECOM) and the Jamaica Constabulary Force (JCF). It is important to note that in this chapter, police and soldiers are referred to as public security agents. In the request from each security organization setting variables (parish, community, street) for the lethal and sub-lethal encounters were also included. Participant variables (age and gender) of those killed and wounded was also requested. The data against these variables was requested to understand the extension of the participant and setting variables seen in the analysis of homicide events and their overlap in the use of lethal and sub lethal force involving

<sup>183</sup> Anthony D. Harriott with Tarik Weekes, Julian Brooks, *From Force to Service. Reforming the Jamaican Police* (Kingston: 2018) <https://www.capricaribbean.org/content/force-service-transforming-jamaican-police> (accessed October 15, 2021)

firearms. Table 1 below gives a breakdown of the sources providing information for key variables and indicators. Sources which had the highest counts were always selected

**Table 2. Sources of information for key indicators and variables**

	JCF		JDF		INDECOM		Press Sources		Economic and Social Survey of Jamaica 2018,2019		Figure in Use	
	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019
Number of civilians killed by on-duty public security agents by gunshot	123	79	nd	nd	137	86	33	7			137	86
Number of civilians injured by on duty public security agents by gunshot	ndp	ndp			84	83	2	2			84	83
Number of on-duty public security agents killed by civilians by gunshot	0	1	nd	nd			0	0			0	1
Number of on-duty public security agents injured by civilians by gunshot	0	0	nd	nd			9	3			9	3
Total homicides	1287	1339									1287	1339
Total firearms seized/recovered	720	666									720	666
Total arrests (Category 1 crimes-murder,shooting,rape, robbery,break-in,larceny,agg-ravated assault)									2838	2622	2838	2622
Population of Jamaica (mean)									2726000	2726300	2726000	2726300
# of police officers in the JCF ( working strength)									11790	11890	11790	11890
# of JDF officers ( Regular force 2866, Reserve Force 2162)									5028	4580	5028	4580

Use of force incidents were electronically searched for in Jamaica Gleaner and the Jamaica Observer newspapers. These are both national newspapers with island wide coverage and both have print and electronic access. The electronic searches for incidents were restricted to the keywords agreed on between the researchers. To satisfy saturation and confidence in the coverage of the newspapers, random searches outside of the archived material was done using the same key words. This process was repeated across Mozilla Firefox and Google platforms. While the two newspapers were purposely selected because of their national coverage

compared to other newspapers it is also known that news items compete for placement and their selection over items is determined by someone or a team prioritizing what is of interest to them. The incident information recorded by other news houses was not included to supplement information from the two national newspapers, but data on items relevant to the setting variables in particular, such as time of events were included.

Both official data and incidents recorded in the press had to be verified. Verification steps included checks to identify any discrepancies in the relationships between units of observation such as a street not being in a parish. Regarding the official data, this was largely concerned with reconciling two different counts given by authorities for members of the JCF killed while on duty. This was solved partially by using the most recent data source. The challenge however with this solution was the consistency in variables across both sources as the latter source only gave counts and no location data. In this case only source of location data was used.

### 6.1. Limitations

*Official sources did not always have all the data needed.* For example, this was experienced when requesting and searching for data to calculate differences between agents killed versus agents wounded. There is a great amount of focus placed on civilians killed and wounded but little transparency and available information on members of the security forces wounded in legal interventions. To overcome this data gap, newspaper cases had to be relied on and these produced underestimations.

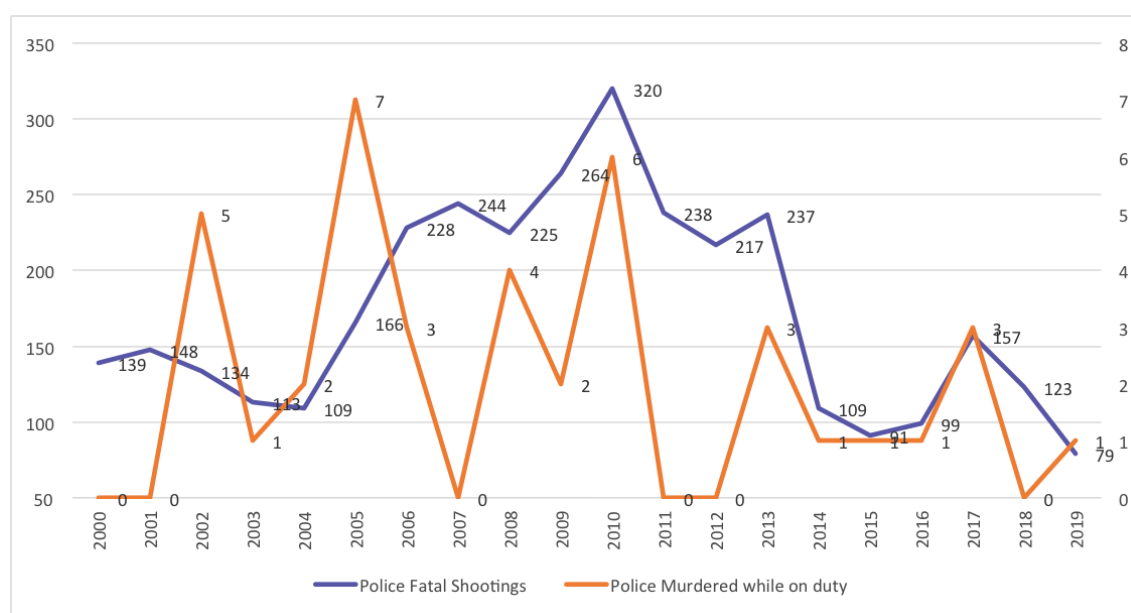
## 7. Findings

*I-1. Absolute number civilians killed by on-duty public security agents by intentional gunshot.*

Two reports in 2018 quoted both local and international experts expressing worry over the increase in police killings. Data obtained from the JCF and displayed in Chart 8 below shows that police fatal shootings climbed from 139 in 2000 to a record high of 320 in 2010 but fell thereafter and has not returned to that high number. Based on the data presented in Chart 8, over the 19 year period, 3440

civilians were fatally shot by police officers compared to 40 officers for the same period. In 2018 there 123 fatal shootings by police officers but this fell to 79 in 2019, the lowest for the 19 year period. For the 2018 and 2019 period the data provided by INDECOM was higher than what JCF gave, indicating a discrepancy that could be due to factors that cannot be ventilated in this report. INDECOM in a quarterly report for 2018 reported that 137 civilians killed and in its 2019 report identified 86. As indicated in the Methods section, we will use INDECOM data. Notwithstanding, the data in Chart 8 and the discrepancy between JCF and INDECOM data, the number of police fatal shooting of civilians is worrisome.

**Chart 8. Police fatal shootings and police killed (excluding soldiers) while on duty 2000-2019 are only presented here due to data availability.**



Source: Jamaica Constabulary Force.

*I-2. Number of civilians killed by on-duty public security agents, by intentional gunshot, for every 100,000 inhabitants (rate).*

A significantly higher number of fatal shootings involve the members of the JCF when compared to members of JDF. Examining data from INDECOM, it was found that for the years 2018 to 2019, four civilians were killed in 2018 and 1 in 2019 by on-duty soldiers. Interestingly some of these events occurred in the parishes of St. James, St. Elizabeth and Westmoreland which border each other and with the



exception of St. Elizabeth were under SOPE efforts which typically require the JDF to be present, collaborating with the JCF to address surges in violence. For the two year period, civilians killed by on-duty public security agents by intentional gunshot per 100,000 inhabitants fell from 5.02 in 2018 to 3.54 in 2019.

*I-3. Number of civilians killed by on-duty public security agents, by intentional gunshot, for every 1,000 public security agents (rate).*

**Table 3. Civilians killed per 1000 public security agents (police officers and soldiers) fell from 8.14 in 2018 to 5.22 in 2019.**

	2018	2019
Number of JCF officers (working strength)	11790	11890
Number of JDF officers	5028	4580
Total	16818	16470
Rate of civilians killed per 1000 public security agents	8.14	5.22

Here we present four incidence indicators and the findings from calculations using official sources. The rates presented in table below expected to show the intensity of the use of force while officers and civilians encounter each other. A resistance variable, arrests is used and in 2018 the rate of civilians killed by on-duty officers was 165 per 1000 inhabitants for every 1,000 people arrested. A force variable, weapon seized (presence in an encounter and risk) was also used and the rate of civilians killed by on-duty security agents for every 1000 weapons seized was 175 per 1000 in 2018 and 120 per 1000 in 2019.

**Table 4. Listing of Incidence Indicators from I-4 to I-7.**

	2018	2019
I-4. Number of civilians killed by on-duty public security agents, by intentional gunshot, for every 1,000 people arrested (rate).	48.2	32.7
I-5. Number of civilians killed by on-duty public security agents, by intentional gunshot, for every 1,000 weapons seized (rate).	190.	129.1.
I-6. Absolute number of on-duty public security agents killed in homicides, by gunshot.	0	1
I-7. Number of on-duty public security agents killed in homicides, by intentional gunshot, for every 1,000 public security agents (rate).	0	0.06

In this final part of the findings the indicators of abuse for 2018 and 2019 are presented. In 2018, Jamaica recorded 1287 homicides. Added to this, 137 civilians were killed by on-duty police officers in 2018 contributing to a total of 1424 homicides. As a percentage of the total number of civilians killed by firearm in the country, security forces contributed 10.6%. In 2019, there were 1339 homicide events up by 52 from 2018. With the 86 fatal shootings committed by the security forces and the death of one public security agent in 2019, the total number of homicides totalled 1426 of which 6 % was contributed by state public security agents. Previous research has suggested that when the lethality caused by legal intervention surpasses 10%, it is a clear indication of the abuse of lethal force (Executive Monitor English).

**Table 5. Indicators of Abuse for 2018-2019**

	2018	2019
<b>A-1. Proportion of total intentional homicides that correspond to homicides by gunshot caused by on-duty public security agents' interventions. (Ratio between civilians killed by intentional gunshot by on-duty public security agents and the total number of homicides)</b>	<b>137:1424</b>	<b>86:1426</b>
	<b>or</b>	<b>or</b>
	<b>(1:10.3)</b>	<b>(1:16.5)</b>

It was presented earlier in this section that the number of police officers killed while on duty was 0 and 1 for the years 2018 and 2019 respectively. Based on JCF data, the highest number of police officers killed while on duty was 7 in 2005, more than 15 years ago. Table 4 below portrays the ratio of civilians killed by gunshot by public security agents and public security agents killed by gunshot in homicides in an effort to show the degree of force exercised by both sides. To illustrate this press cases were also relied on. The data from JCF and press cases (understanding that reports are bias) revealed that for the 137 civilians killed by public security agents there were zero (0) deaths of by members of the forces in 2018. For 2019, for the 80 civilians killed, only one member of the security forces was killed in legal interventions. Legal interventions may result in double and triple killings of civilians in Jamaica, but the data shared by authorities does not indicate values of resistance that provokes the use of a firearm as last resort. For example, on June 1, 2018, the police shot five men, four fatally in Braeton Portmore in the St. Catherine parish. The news item reported that police officers went to a house and were fired upon and they returned gunfire.

**Table 6. Civilians killed by intentional gunshot compared to security forces members killed by gunshot for 2018 and 2019 queries proportionality and officer or soldier discretion in applying moderation in legal interventions**

	2018	2019
<b>A-2. Ratio between civilians killed by intentional gunshot by on-duty public security agents and public security agents killed by intentional gunshot in homicides while on duty.</b>	<b>137:0</b>	<b>86:1</b>

Because of principles such as moderation, emphasis on non-violent means and use of force and last resort, it is expected that police or security forces encounters with civilians would result in more injuries than death. Data from INDECOM on fatal non shootings indicate an increase in number non-fatal shooting incidents. In 2015, there were 68 events, 69 in 2016, 86 in 2017, 84 in 2018 and 83 in 2019. In the table below INDECOM data on non fatal shootings shows that in 2018, 84 civilians were shot and injured for the 137 killed by public security agents. of the JCF and JDF while 84 were wounded in 2018. In 2019 eighty six civilians were killed compared to 83 persons shot and wounded.

**Table 7. Shows the number civilians killed compared to wounded by intentional gunshot by members of JCF and JDF.**

	2018	2019
<b>A-3. Lethality index: Ratio between the number of civilians killed by intentional gunshot by on-duty public security agents and the number of civilians wounded by intentional gunshot by on-duty public security agents.</b>	<b>137:84</b>	<b>86:83</b>
	<b>or</b>	<b>or</b>
	<b>1.6:1</b>	<b>1.0:1</b>

The table below this paragraph presents supporting information for a worrying disproportionate use of force against civilians. Using press data to identify the number of public security agents wounded annually, it was found that in 2018 there were 9 such cases and 3 in 2019. There were 33 deaths and 2 wounding suffered by civilians identified in the 23 newspaper items for 2018. The 33 deaths reported in the press represented 24% of the 137 civilians killed by gunshot by on-duty agents of the state in 2018. In 2019, in the press cases examined there

were 7 civilians killed and 2 wounded in legal interventions. The 7 civilians killed represented 12% of the total civilians fatally shot by public security agents while the 2 cases of non-fatal shooting were 2% of the 83 non-fatally shot cases recorded by authorities.

**Table 8. Lethality Ratio: Lethality Index of Civilians and Lethality Index of Security forces**

	2018	2019
<b>A-4. Ratio between the lethality index of civilians (civilians killed divided by civilians wounded) and the lethality index of public security agents (agents killed divided by agents wounded). All of these records correspond to people killed or wounded by intentional gunshot in incidents involving the participation of on-duty public security agents.</b>	<b>137/84: 0/0 or 1.6:0</b>	<b>86/83: 1/3 or 1.0:0.3</b>

Using press cases opens the door to underestimations, but at best the data informing Table 8 suggest a lower range or estimate of lethality experienced by on duty public security agents in police encounters. Data produced by INDECOM in its reporting revealed that there were at least 2 civilian deaths per incident in 17 incidents for 2017. In that same year one event had 3 fatalities and another had 6. While in 2018 multiple deaths in single incidents did not prevail as severely as 2017, 2018 saw at least 2 people killed per incident in 11 different incidents, 3 in 3 incidents and 4 in 1 incident. In 2019 there were 2 fatalities per event in 10 single events. In 2018, there were 35 fatal shootings in 15 incidents while in 2019 there were 20 in 10 incidents (2 fatalities each in 10 separate events). In this report, we do not have the number of legal intervention incidents and the percentage which ended in the use of deadly force but based on 15 single events producing 35 fatalities and only being 25.5% of the total civilians killed, the average clusters around 2 individuals being killed per incident. For 2018, of the 122 single events remaining, the average number of civilian killed is 1.1 in that year. The data from INDECOM's 2019 report suggest that over the four year period 2016-2019, incidents with triple and quadruple citizens killed occurred but they are not norm.

**Table 9. Average number of civilians killed by on-duty agents per incident**

	2018	2019
<b>A-5. Average number of civilians killed by intentional gunshot by on-duty public security agents per incident, taking into account all the incidents that caused deaths or injuries by gunshot.</b>	<b>137/1148 or 0.11 per incident</b>	<b>86/1203 or 0.07 per incident</b>

## 8. Conclusion

Based on difficulties with accessing incidence data for wounds and deaths experienced by civilians and state agents, the researchers in previous work done in El Salvador, Mexico, Venezuela and Brazil noted that “transparency around the use of force in Latin America is limited” (p.26) and as such posed a challenge in collecting data on incidents and calculating lethality indicators. The lethality index was only calculated for Mexico and Venezuela and press information was used. This data limitation posed a limitation on accuracy of estimates. This conclusion by the researchers reflecting their experience is relatable in the collection of lethal use of force data in Jamaica but perhaps more precise when speaking to the usefulness of having comprehensive data on participants characteristics to understand the context of resistance that law enforcement agents encounter.

Below are recommendations emanating from the study of the lethal use of force monitoring in Jamaica between February and August 2021.

- a. The decline in on-duty police killings after 2011 should be rigorously studied to offer an empirically informed, independent explanation. The study’s terms of reference should also include recommendations relevant to the present framework for use of force prevention based on best practices.
- b. The cultural transmission in the use of lethal force and also the difference between long serving members and new recruits lethal use of force should be studied.
- c. Empirical research is needed to understand the interaction between setting and participant variables and which ones pair more than others in lethal use of force in legal interventions in Jamaica. This would be useful for the

development of training sensitive to de-escalation tactics and better police operations.

- d. Research is also needed in Jamaica to expose the effects of non-violent means on injury/non-injury. At the same time, there is a need to understand the contribution of non-violent and use of force combinations on the likelihood of a deadly/non deadly outcome.
- e. The data that is available and shared by the authorities is commendable, but there are data gaps and it is not clear if these gaps are present due to a lack of transparency or data collection constraints. The authorities should move to ensure that there is no perceived lack of transparency with data and consult with stakeholders about what is needed.
- f. Jamaica has several strategies and initiatives to assist with regulating the use of force, but the problem persists. Effective systems to hasten disciplinary action once investigations prove culpability should be a top priority.
- g. Plans to create a Police Service Act should also be given priority. While the different policies mentioned in this report governing use of force are commendable, the new Act should reflect modern thinking about policing and serve as reference point for understanding and meaning of roles by the population and JCF members.





