



RESPONSES TO INFORMATION REQUESTS (RIRs)

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Jamaica: The process to lodge a complaint with the police, including against a police officer; procedures to obtain a police report in Jamaica; availability and effectiveness of other agencies that service those wishing to lodge a complaint against a police officer

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Lodging complaints with the police

Jamaican authorities indicate that the process for filing a complaint with the police requires crime victims to report the incident to a local police station (Jamaica 6 Dec. 2010; *ibid.* 7 Dec. 2010). Complainants are subsequently given a receipt by the police (*ibid.* 6 Dec. 2010; *ibid.* 7 Dec. 2010). Complaints against police officers can also be filed with the police (*ibid.* 6 Dec. 2010; *ibid.* 7 Dec. 2010). A representative of the Commissioner's Office of the Jamaican Constabulary Force (JCF) stated, in a telephone interview with the Research Directorate, that if a complainant is not satisfied with a police investigation or the conduct of a police officer, he or she can make a complaint to an area officer, the superintendent in charge of the area, or the Inspectorate of Constabulary in Kingston (*ibid.* 6 Dec. 2010). One of the Inspectorate of Constabulary's primary roles, as explained by the Commissioner of Police, is "to inspect all police formations and to ensure that the standards, (and) procedures are being adhered to" (*ibid.* 5 Mar. 2008).

Procedures for obtaining police reports

The Commissioner's Office representative stated that, to obtain a copy of a police report, a complainant needs to take the receipt issued by the local police station to the Ministry of National Security in Kingston and pay a fee (Jamaica 6 Dec. 2010). The complainant then takes the original receipt back to the division where the crime was reported, where he or she is given a time frame for retrieving the police report (usually between two and three weeks) (*ibid.*). The representative noted that complainants outside Jamaica who wish to obtain a police report can authorize a representative in Jamaica to act on their behalf by writing a letter stamped by a notary public (*ibid.*). Further information about the process for obtaining police reports could not be found among the sources consulted by the Research Directorate.

Other options for registering complaints against police officers

The Independent Commission of Investigations (INDECOM) is an agency

mandated to investigate citizen complaints against police officers and other government security forces (*Jamaica Observer* 13 Aug. 2010; Jamaica 2010; *ibid.* 10 Mar. 2010). INDECOM was established to replace the JCF's Bureau of Special Investigations and the Police Public Complaints Authority (PPCA) (*ibid.*; UN 11 Oct. 2010, para. 21); the new commission began operation in August 2010 (*Jamaica Observer* 13 Aug. 2010).

The act establishing INDECOM -- the *Independent Commission of Investigations Act* -- outlines the types of complaints it handles as follows:

A complaint may be made to the Commission by a person who alleges that the conduct of a member of the Security Forces or any specified official---

- a. a) resulted in the death of or injury to any person or was intended or likely to result in such death or injury;
- b. b) involved sexual assault;
- c. c) involved assault (including threats of harm, reprisal or other intimidatory acts) or battery by the member or official;
- d. d) resulted in damage to property or the taking of money or of other property;
- e. e) although not falling within paragraphs (a) to (d), is, in the opinion of the Commission an abuse of the rights of a citizen. (Jamaica 2010, Art. 10)

In a telephone interview with the Research Directorate, the Acting Director of Complaints at INDECOM explained that a person can file a complaint against a police officer with the Commission in writing (through a letter or e-mail) or in person at one of their two offices in Kingston or Montego Bay (Jamaica 7 Dec. 2010). She noted that all statements must be signed and that complainants are given a copy of their statement at the time when they make it (*ibid.*). She also said that the same procedure for making complaints was used by the former Police Public Complaints Authority (*ibid.*). She further explained that people can call INDECOM's toll-free number for information and that, in some cases, INDECOM staff can go to complainants who are unable to report to the offices in Kingston or Montego Bay (*ibid.*).

Effectiveness of complaints investigations

Based on his visit to Jamaica in February 2010, the United Nations (UN) Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment found that the detainees he interviewed in Jamaica "had no knowledge of or trust in any complaints mechanisms available to them" (UN 11 Oct. 2010, para. 37). He also noted "a poor completion of complaints entries in the police registers" (*ibid.*). In addition, the Special Rapporteur expressed concern that investigations into "murders as a result of excessive use of force" by the JCF are "not prompt or effective" and that prosecutions are "rare" (*ibid.*, para. 35).

Similarly, in a 2010 report submitted to the UN Human Rights Council, a coalition of eight NGOs led by the citizens' rights action group Jamaicans for Justice (JFJ), characterizes investigations into fatal police shootings in Jamaica as "perfunctory, inadequate, [and] unsatisfactory" (JFJ et al. 2010, 5). The authors also note that, although there are a variety of human rights structures in Jamaica, such as the Office of the Public Defender, the Children's Advocate and

the Political Ombudsman, these institutions receive insufficient assistance and financing from the state (ibid., 3). In an earlier report authored solely by the JFJ, the organization faulted civilian oversight mechanisms of the JCF for lacking sufficient capacity and authority (JFJ 2007, 8).

Information on the effectiveness of INDECOM could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

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WOMAN Inc., Amnesty International (AI) (Jamaica Chapter), Peace Management Initiative (PMI), MENSANA, Citizen's Action for Free and Fair Elections (CAFFE) and the Independent Jamaican Council for Human Rights. 2010. *Submission by Shareholder Coalition for the Universal Periodic Review of Jamaica. UN Human Rights Council Ninth Session (November 2010)*. (UN Office of the High Commissioner for Human Rights)
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<<http://www2.ohchr/english/issues/torture/rapporteur/docs/A-HRC-16-52-Add3.pdf>> [Accessed 14 Dec. 2010]

Additional Sources Consulted

Oral sources: Attempts to contact officials at the Consulate General of Jamaica in Toronto and representatives of Jamaicans for Justice were unsuccessful. An official at the Consulate General in New York was unable to provide information.

Internet sites, including: Amnesty International (AI), Consulate General of Jamaica, Europa World Plus, European Country of Origin Information Network (ecoi.net), Global Integrity, Human Rights Watch, Interpol, Office of the United Nations (UN) High Commissioner for Refugees (UNHCR) Refworld, UN Office on Drugs and Crime.

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