

## Death Hangs Over Persons In Custody

The Gleaner

Edmond Campbell



File

Terrence Williams

The Independent Commissions of Investigations (INDECOM) has once again put on the front burner the "unacceptable" violent deaths of persons in state custody, arguing that despite comprehensive policy change,

many in lock-ups are losing their lives at the hands of both agents of the State and fellow inmates.

Commissioner of INDECOM Terrence Williams said yesterday that since a subcommittee of Cabinet made recommendations regarding the safety of persons in state custody last year, nothing meaningful has been done to address serious concerns in correctional facilities and police lock-ups.

Following the promulgation of new policy to deal with persons in detention centres and correctional facilities, the Government proclaimed that the changes would move Jamaica into the 21st century in terms of the treatment of persons in lock-ups and correctional centres.

## **MARIO DEANE CASE**

Significant changes were proposed in the policy paper crafted by the subcommittee of Cabinet in the wake of the death of Mario Deane in August 2014, after he was severely beaten three days earlier while in police custody at the Barnett Street police lock-up in Montego Bay, St James. Deane had been detained by the police for possession of a ganja spliff and his subsequent death had brought into sharp focus conditions in lock-ups and detention centres.

Yesterday, Williams again shone the spotlight on the issue.

The INDECOM boss said that since July 2013, 24 persons have died in state custody, 12 apparently by natural causes. However, three committed suicide, and nine were killed by violence allegedly perpetrated by state agents or fellow inmates.

"We are concerned, however, that since all of these measures were recommended, since all of these problems were recognised in the detention system, we don't see where anything meaningful has been done," Williams declared.

"If you are running a professional police force or professional correctional service, one of your prime functions must be to safely keep the persons who are in your custody," he said.

## **SCENE TAMPERING**

Williams also highlighted a disturbing trend in police lock-ups where incident areas are being tampered with. He charged that before INDECOM investigators visited the scenes of incidents at detention centres, the areas were cleaned up.

He called for the construction of "purpose-built remand centres" to which remandees in police lock-ups could be transferred in order to reduce the time persons remain in police lock-ups. The INDECOM head wants specialist training for persons assigned to prisons, remand centres, and lock-ups in the conduct of their duties to include managing vulnerable prisoners.

He said closed-circuit camera systems should be installed in lock-ups to act as a monitor for these detainees and the persons guarding them. This will also play a part in addressing escapes from lock-ups.

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## It Happened This Week In 1999

A small Cessna 206 aircraft owned by Jamaica Air Links, formerly Aero Express, crash-landed about 150 yards from the Negril Aerodrome, between the Couples and Grand Lido hotels on Norman Manley Boulevard. The flight was destined for the Sangster International Airport with two crew members and three passengers on a private charter from a hotel in Negril.

### **Monday, May 3**

Prime Minister P.J. Patterson ordered public-sector heads to bring to an end any instances of excessive salary packages enjoyed by their public officials. He gave them two weeks to report on the emoluments of all such officials. Reaction came quickly from Opposition Spokesman on Finance Audley Shaw, whose disclosures in Parliament led to the prime minister's action.

### **Tuesday, May 4**

Senior Puisne Judge Justice Clarence Walker was sworn in to act for the third time as a judge of the Court of Appeal. He was acting for Justice Carl Patterson, who retired last month.

### **Wednesday, May 5**

Opposition Leader Edward Seaga accepted a challenge from Finance Minister Omar Davies to submit their two economic models to an international panel to determine which was more suitable for Jamaica. In closing the Budget Debate, Davies responded to Seaga's own presentation with the proposal that "we submit our respective positions to a set of international experts selected by the International Monetary Fund and seek their assessment of his proposals

as well as the approach which we prefer". Seaga responded: "I accept this proposal as an appropriate way to settle this issue. I attach one condition: in whatever way the findings of the panel differ from the present policies practised under the model presently operated by Government, the appropriate changes would be made forthwith."

Attorney Sonia Jones went on trial in the St Andrew Resident Magistrate Court on charges of two counts of fraudulent conversion of US\$150,000. The money, the court heard, belonged to artist Colin Garland and Lloyd Reckord. Under examination by Deputy Director of Public Prosecutions Paula Llewelyn, Garland testified before Resident Magistrate Marcia Hughes that in 1992, he and Reckord hired Jones to sell a property in Kingston. Jones, Garland said, sold the property for US\$270,000 and he and Reckord gave Jones US\$100,000 of the amount to invest. He also said he gave her an extra US\$50,000 to invest.

#### **Thursday, May 6**

Peter John Smith was sworn in as the governor of the western Caribbean British territory. The Cayman Islands, replacing John Owen, who returned to Britain. A 17-gun salute from the Royal Cayman Islands Police greeted Smith and his wife, Suzanne, upon their arrival at the airport. Smith becomes the seventh governor of the territory since it broke with Jamaica in 1962 when Jamaica opted for independence, while The Caymans elected to remain with Great Britain.

#### **Friday, May 7**

The Government lost its legal battle before the United Kingdom Privy Council to bar the negligence suit of a woman who was shot in the head when a policeman tripped over some garbage in the Coronation Market, downtown Kingston, and his gun went off. The upshot of the Privy Council's ruling is that Jennifer Ebanks, businesswoman of Passagefaort, St Catherine, the injured, will have her suit tried in the Supreme Court. Ebanks was shot in the head by Special Corporal Aggrey Crooks when she went to shop in the market on September 28, 1991. Crooks was chasing a robber when he tripped over garbage in the market, fell face down, and his gun went off.

# **Jamaica: Opposition says no to hanging CARIBBEAN**

Jamaica: Opposition says no to hanging

Jamaica Observer:- THE Opposition yesterday poured cold water on National Security Minister Robert Montague's announcement that he is contemplating the resumption of hanging in Jamaica, arguing that the death penalty does not act as a deterrent to murder and is not the solution the country's nagging problem of violent crime.

According to Opposition spokesman on justice and governance, Senator Mark Golding, countries in the world that have abolished the death penalty generally remain the safest, with the least number of murders.

"Those states in the United States which retain and apply the death penalty (for example Texas) are not the states which enjoy the lowest murder rates in the US. The active use of the death penalty in Jamaica did not prevent the carnage of murders in 1980," Golding said.

Noting that it is not necessary for the resumption of hanging at this time, he said that murders have declined by 40 per cent since the extradition of Christopher 'Dudus' Coke in 2010, during an era where the death penalty was not a factor.

He said that the Opposition is of the view that the death penalty cannot be the solution to Jamaica's problem of violent crime.

"Violent crime in Jamaica has several root causes, and curbing it requires solutions that address those causes," he said.

Golding suggested that Jamaica needs, among other things, growth with equity that creates good-quality employment opportunities for our people, so that they aren't drawn towards criminal organisations and violent crime.

He added that the modernisation and strengthening of the justice system need to be continued, and the implementation of the Justice Reform Programme should not be allowed to lose momentum.

“I do not regard minister Montague’s announcement, that the Government is seeking “to determine if there are any legal impediments for the resumption of hanging in Jamaica”, as a serious policy initiative that will be implemented. The Government can’t hang more people; nor, as a practical matter, can Parliament. Only the courts can make that happen, and the courts are governed by the rule of law and, in particular, the human rights guarantees in our Constitution,” Golding said.

In addition, he said that the reactivation of the death penalty after 28 years would bring condemnation and adverse criticism on Jamaica from international development partners that are not in support of capital punishment.

Last week, Montague said Government remains committed to mobilising all the resources at its disposal to wage a “relentless war” against criminal elements “intent on destroying our nation”. To this end, he said the Administration is currently exploring the possible resumption of hanging.

Noting that it forms part of the crime-prevention strategies aimed at creating safer communities by tackling “lawless elements”, Montague said his state minister, Parnel Charles Jr, has been asked to consult with several stakeholders, including the Ministry of Justice and Attorney General’s Office, to determine if there are any “legal impediments” to be addressed.

He said the ministry’s overall approach to creating safer communities is based on five key pillars of crime prevention: social development, situational prevention, effective policing, swift and sure justice processes, and reducing re-offending.

# Man Who Raped 92-Year-Old Woman Sentenced To 30 Years

The Gleaner

A Kingston man who was found guilty of raping a 92-year-old woman has been sentenced to 30 years in prison.

Justice Vinnette Graham-Allen who handed down the sentence in the Home Circuit Court, ordered that 40-year-old Nigel Robinson must serve 25 years in prison before he is eligible for parole.

Prosecutors showed evidence that Robinson and the elderly woman lived at the same premises in the Kingston five area.

According to the evidence, he entered her home some time between July 1 and August 4, 2014, removed her from a bed, placed her on the floor and raped her.

Prosecutors say the woman reported the incident to the police and later pointed out Robinson to investigators.

Robinson was found guilty by a seven-member jury after a near two week trial that ended on April 11 this year.

# **Praedial Larceny Prevention Unit Charged With Arresting Farm Theft**

The Gleaner

Christopher Serju

Policymakers are in agreement about the need for the strengthening of the Praedial Larceny (Prevention) Act to more effectively punish persons who engage in the theft and sale of farm produce.

Emboldened by weaknesses in this piece of legislation, thieves and their cronies in this well-organised and sophisticated criminal value chain have been wreaking havoc on the livelihood of farmers and fisherfolk across Jamaica.

"If we were to rely solely on the Praedial Larceny (Prevention) Act itself, we would not have prosecuted as many persons because that act makes provisions for persons to be caught in the act itself. Outside of that, you would need eyewitness statements and, as you know, many persons are not going to come forward with the information," Deputy Superintendent (DSP) of Police Kevin Francis told The Gleaner last Tuesday.

Francis, who heads the five-member team in the Praedial Larceny Prevention Unit of the Ministry of Industry Commerce, Agriculture and Fisheries, explained that even though arresting farm theft is their mandate, his unit responds to other acts of criminality.

"While we are out there, we will not be seeing persons committing other offences and turn a blind eye because we only focus on praedial larceny. So, as results, during our operations, other offences have been detected and they are so prosecuted," he explained.



## **Strengthen Laws**

In January 2014, the Economy and Production Committee of Parliament, chaired by Karl Samuda, called for strengthening of the law to, among other things, deal effectively with persons involved in the theft of farm produce.

He was supported by then Opposition spokespersons on agriculture J.C. Hutchinson, who is now minister without portfolio in the agriculture ministry.

The committee's decision followed a motion brought by Hutchinson, calling for improved monitoring and strengthening of the legislation, arguing that most of the burden of proof seemed to be on the farmer. He called for this pressure to be put instead on the end user of the stolen produce.

Committee chairman Karl Samuda suggested: "I think we have enough to put together a report to call on the Parliament to recommend that action be taken to amend the existing legislation to give it more teeth, to strengthen the collaboration between other agencies of Government, most importantly, the police and the Trade Board, and to provide financial resources in order to make it possible for the Ministry of Agriculture to assist in apprehending and bringing to book those persons engaged in praedial larceny at whatever level."

The committee also proposed that end users who fail to produce invoices for the goods in their possession be fined up to \$1 million, up from the \$250,000 allowed under the law.

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# Woman withdraws \$1.2m after opening Scotia account with \$5,000

BY TANESHA MUNDLE Observer staff reporter mundlet@jamaicaobserver.com



AN aspiring nurse who defrauded the Bank of Nova Scotia (BNS) of \$1.2 million via a cheque, after opening an account with only \$5,000, is to know her fate on June 30 when she appears in the Kingston and St Andrew Parish Court.

The 26-year-old woman, Jeniqua Johnson, had also attempted to obtain over \$300,000 after lodging three other cheques to BNS. Johnson pleaded guilty to three counts of attempting to obtain money by false pretense and a count of obtaining money by false pretense yesterday when she appeared in court. Her bail was subsequently extended by Senior Parish Judge Judith Pusey.

The court heard that in April of last year, Johnson wrote a cheque for \$20,000 to pay Islandwide Builders, but the cheque bounced as there was not enough money in her account to cover the sum.

She also wrote two other cheques on May 19 — one for \$300,000 to pay the National Water Commission and another for \$19,100, to Bryan's Studio — which also bounced.

The court also heard that Johnson wrote another cheque for \$1.2 million on May 29, which she encashed at a branch of Sagicor Bank.

But Attorney Zephania Forest told the court that Johnson did not benefit from the funds and was acting at the behest of an individual whom she had never met.

He said that Johnson, who was a nursing student at a university in Kingston at the time of the offence, was referred to the individual for a job.

She was successful in getting a job, he said, which required her to collect the names of people who were interested in loans, but the business was shut down after the police got wind of its operations.

Forest said following that, the same individual contacted his client and told her that he would be starting a training school to prepare people to work in a call centre and that she should open a company account.

Johnson then went and opened two accounts — one at BNS and the other at Sagicor Bank. Forest said his client assumed an administrative role in the company, which resulted in her paying the rental for the premises, the water bill and for identification cards for the students who had expressed an interest.

“Does she sleepwalk?” Judge Pusey asked. “How could somebody be so naïve?”

“I don’t understand. I am a student who is employed by a man to solicit clients for loans and as soon as that died he just called me up to open an account and all of a sudden I am paying rent, I am paying water bill!? Something doesn’t add up,” Judge Pusey remarked.

Forrest, however, insisted that his client was simply following the instructions of the man whom she had never met and whom she only spoken to by phone.

“How can she open an account with \$5,000 and be writing a cheque for over a million dollar? She don’t check her account?” Pusey asked.

Forrest, however, blamed the bank for not doing its due diligence but maintained that she did not benefit from the arrangement, which the judge described as a scheme.

## Murdered woman's family happy with husband's life sentence

BY TANESHA MUNDLE Observer staff reporter mundlet@jamaicaobserver.com



RELATIVES of 74-year-old St Ann pensioner and returning resident Floris Clarke, who was murdered in 2007 by two schoolboys hired by her husband, Bertram Clarke, are happy with the life sentences handed down to two of the accused on Friday.

Sixty-five-year-old Bertram Clarke and 24-year-old Arthur Robinson, who was 15 years old at the time of the killing, were sentenced by Justice Gloria Smith in the Supreme Court.

Clarke will serve 25 years before he is eligible for parole while Robinson will be released after 21 years, if parole is granted. The second schoolboy, Emmanuel Newland, had pleaded guilty to the crime in 2011 and is currently serving a 15-year prison sentence.

Floris Clarke was found in a pool of blood suffering from multiple injuries at her matrimonial home in Watt Town, St Ann, on Friday, October 26, 2007. She died two days later at Kingston Public Hospital.

Clarke, Robinson and Newland were subsequently arrested and charged with the death.

On Friday following the sentence, Floris's sisters expressed satisfaction at the outcome of the trial and thanked the judge for her patience and also the prosecution for ensuring that justice was delivered.

“We are very satisfied, justice has been meted out by the jury and by the judge who gave him the sentence we were looking for,” Floris’s daughter, Pauline Edwards, said.

Before the sentence was handed down Robinson’s lawyer, Donald Bryan, asked the judge to take into consideration that his client was of a tender age at the time of the incident and was susceptible and vulnerable and also that he had co-operated with the police and had helped them to recover the murder weapon.

Attorney Oswest Senior Smith, for his part, had asked the magistrate to bear in mind the glowing character evidence that was presented by members of Clarke’s community, and begged for leniency.

The witnesses had described Clarke as an intelligent, humble, God-fearing, well-respected and loved member of the community.

Justice Smith, in handing down the sentence, said she took into consideration that both had an unblemished record before the offence and had served some amount of time in custody. She said she accepted that Robinson was very young and was vulnerable, but noted that that the social enquiry report was not very favourable towards him.

With respect to Clarke, she said she had factored in the glowing report about him that she had heard and also the fact that he had a wife and two young children, ages nine and 12.

However, she said the scale of justice had to be balanced and that the sentence — though it will not bring back the life that has been lost — had to be fair, not only to the offenders, but to the victim’s family as well.

Meanwhile Robinson’s mother, Andrea James, who begged the judge to give her son a “road sentence” because her son “liked to move up and down” and “doesn’t like to sit down”, was left disappointed.

“I know that he did not put his hand on that woman, but I am going to leave it in Jehovah’s hands,” she said.

When asked how she felt about the sentence, James said: “My God told me that this would happen so I just strengthened myself.”

**The End**