

THE JAMAICAN BAR ASSOCIATION

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The Jamaican Bar Association notes with distress, alarm and consternation the death of 31 year old Mario Deane on the 6th of August, 2014 from injuries he received while in the custody of the police at the Barnett Street Police Station under what can only be described as curious circumstances.

We understand that the police have made certain pronouncements in respect of the matter and that two civilians have been charged with murder arising from the death of Deane, caused by severe trauma and blows to his body while in police custody.

However, the Jamaica Constabulary needs to understand that while an individual is in their custody, they are responsible for the welfare and life of that individual. They are agents of the State and so the State is ultimately responsible for that individual should harm befall him while under the control of the State.

Certain allegations have been made against police officers involved in the matter, as is often the case in such matters. The matter is under investigation and while the Bar Association does not wish to pre-empt the findings of any investigation into the matter, it cannot ignore the fact that for far too long, members of the Jamaican armed Forces have acted detrimentally and with undue violence against citizens of this country, seemingly with absolute impunity. Where police officers breach the rights of individuals, either deliberately or by their failure to maintain the appropriate standards, and such breach results in harm or damage suffered by that individual, the officers must be made to pay and not the taxpayers who in effect are the ones made to pay when compensation is made from the public purse.

The Bar Association has for many years lamented the deplorable, unsanitary and inhumane conditions of police lockups and Prison facilities, letters of complaint have been sent to the authorities with no response or improvement in any meaningful way. Detainees and prisoners are beaten in custody, crammed into overcrowded and unhygienic facilities which pose grave health risks for prisoners and correctional/police officers alike. Detainees are denied their rights to see their Attorney or to be provided with adequate facilities to instruct their Attorney and are denied their fundamental right to be brought before a Judicial officer within 24 hours of being taken into custody, in breach of the Bail Act. Citizens continue to be rounded up and incarcerated for minor offences.

The motto of the Jamaican Police Force is to protect, serve and reassure. Mr. Deane's death and the circumstances surrounding his demise have not reassured the Jamaican public or instilled any measure of confidence in the Force.

While we grieve with the vast majority of Jamaicans the fact that crime of varying degrees has run amock in Jamaica and seems to threaten the very viability of this Island, the answer to the problem of crime can not be to stamp out the rights of its citizens. Violence breeds further violence.

We note that the Minister of Justice has taken steps to decriminalize or remove offences concerning the possession of small quantities of marijuana from the formal Court system. While this may not yet be in force, and is a debate for another day, the principle seems not to be appreciated by the rank and file members of the Police Force who took Mario Deane into custody on the 3rd of August, 2014 and although he was granted station bail, met his untimely death before he could take up his bail. This distressing news marred the "Emancipence" celebrations and has detracted from the well intentioned aims of community policing.