



REPORT  
*OF*  
ADMINISTRATIVE REVIEW COMMITTEE  
  
APPOINTED TO REVIEW CONDUCT OF  
JCF NAMED OFFICERS  
*DURING THE*  
2010 WEST KINGSTON OPERATION  
*AND*  
RELATED MATTERS

*JUNE 2017*



**ADMINISTRATIVE REVIEW INTO THE 2010 WEST KINGSTON OPERATION AND THE CONDUCT OF NAMED OFFICERS OF THE JAMAICA CONSTABULARY FORCE.**

**June 22, 2017**

**To: Mr. George Quallo**  
Commissioner of Police

**TRANSMITTAL OF THE REPORT OF THE ADMINISTRATIVE REVIEW COMMITTEE**

Consequent on our appointment, we the members of Administrative Review Committee conducted a review of the 2010 West Kingston Operation, pursuant to the Terms of Reference:

1. Examine the operations plan to determine if the:
  - a. Command structure was appropriate;
  - b. Command protocol was adequate;
  - c. Span of command was clear;
  - d. Span of control was effective;
  - e. System to ensure effective and adequate investigation in the event of the resort to the Use of Force by members of the JCF existed and was followed.
2. Determine in light of the findings above, whether the conduct of the Named Officers amount to misconduct.
3. Make recommendations consistent with the findings.

The review commenced on February 28, 2017 and concluded on June 19, 2017. We hereby submit to you our report of the review.

\_\_\_\_\_  
Mr. Wray Palmer, ACP  
Chairman

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Prof. Kent Pantry  
Member

\_\_\_\_\_  
Hon. Errol Johnson  
Member

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Dr. Hilton McDavid  
Member

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The Rev. Canon Hartley Perrin  
Member

**ADMINISTRATIVE REVIEW COMMITTEE**  
**TIVOLI MAY 2010 OPERATION**

**COMMITTEE MEMBERS:**

Mr. Wray Palmer	<i>Assistant Commissioner of Police</i>	Chairman
Professor Kent Pantry, CD, QC.	<i>Former DPP</i>	Panelist
Dr. Hilton McDavid		Panelist
Hon. Errol Johnson, CD. JP.		Panelist
The Revd. Canon Hartley Perrin, CD, JP.		Panelist
Mr. Andrew Lewis	<i>Senior Superintendent of Police</i>	Legal Counsel
Mr. Wesley Watson	<i>Deputy Superintendent of Police</i>	Legal Counsel
Inspector Sharon Ranglin		Secretariat
Sergeant Romieann Brown		Secretariat

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## EXECUTIVE SUMMARY

In a published report dated June 2016, following a Commission of Enquiry into the events of the May 2010 joint Police/Military operation in West Kingston, the Commissioners submitted their findings to His Excellency the Governor General of Jamaica and recommended *inter-alia*:

*'15.17 Consistent with our findings with regards to the conduct of certain officers and other ranks of the JCF and JDF, we **recommend** that both forces undertake administrative reviews of the conduct of the named officers. It is not too late for the security forces to further examine these matters administratively as issues of internal accountability and thereby signal to their members that such matters will be treated seriously. We note that since May 2010, some of these officers have been promoted – in some cases to very senior ranks.*

*15.20 ...and where persons were identified as being in dereliction of duty or were administratively or operationally incompetent, we recommend that these persons should never again be allowed to lead or otherwise participate in internal security operations. The persons to whom we refer are SSP Graham, SSP Budhoo, DSP Tabannah, Sgt Waugh and Sgt Pratt.'*

The Commissioner of Police, vested with the responsibilities for the superintendence of the Force, pursuant to Section 2(a) of the Constabulary Force Act, and in keeping with the recommendation of the Commission of Enquiry, appointed a Committee to conduct an Administrative review into the conduct of Named Officers and related matters.

The review commenced on February 28, 2017 at the Police Officers Club in the parish of Saint Andrew and had a total of eleven sittings which concluded on Monday June 19, 2017.

During the period the Committee examined;

1. the Operations Plan to determine if the:
  - a. Command structure was appropriate
  - b. Command protocol was adequate
  - c. The span of command was clear
  - d. The span of control was effective
  - e. The system to ensure effective and adequate investigation in the event of the resort to the use of force by members of the JCF existed and was followed.

In light of the above, The Committee determined whether the conduct of the Named Officers amounted to misconduct, and made recommendations consistent with their findings.

Relevant sections of the report, statements, transcript, responses to adverse findings and other documentary evidence were examined, assessed, discussed and analysed.

The Committee, having reviewed the Operations Plan, reports and statements of relevant JCF and JDF officers, found that the command structure was headed by the JCF's Gold command; Mr. Owen Ellington, supported by the Gold Command group which included DCP Glenmore Hinds and DCP Clifford Blake. The role of the Gold Command group was to provide leadership, guidance and support to Silver Commanders, allocate resources to execute the plan and to establish command and control centers.

The Silver Command was established with ACP Donovan Graham (then SSP) supported by ACP Budhoo (then SP) and team who manned the outer cordon.

The JCF's Ground Command Post was established on May 24, 2010 at Seprod. Retired SP Warren Turner and team and DSP Everton Tabannah (including Inspector Pratt and Sergeant Waugh) were assigned to enter the area of operations.

At each tier of command, the JCF, along with counterpart members of the JDF, had members assigned with their roles and functions clearly defined. Members were given instructions through the chain of command and in return members were reporting on their actions and progress/results.

The Committee agreed that the command structure was appropriate, the command protocol was adequate, and that the span of control was clear and effective.

The Committee however, found It incomprehensible that former ACP Les Green, then head of the Criminal Investigations Branch (CIB), never gave evidence before the enquiry as to:

- (a) the recovery of dead bodies,
- (b) identification of bodies,
- (c) evidence gathering relative to allegations of extra-judicial killings.

Notwithstanding that, there was evidence that extensive investigations were carried out by members of the Bureau of Special Investigation (BSI) whose remit was not referenced in the Operation Plan, but was subsequently assigned this task.

Despite the absence of the CIB participation and the delays occasioned by the prevailing circumstances, the Committee agreed that effective and adequate investigations were carried out in instances where deadly force was used.

The Committee found that the system was not followed according to the plan, due to the absence of the CIB participation; however, the BSI rose to the occasion.

The Committee has seen overwhelming evidence that the hierarchy of the JCF acted to prevent a public health crisis when ACP Graham (then SSP) was informed by ACP Budhoo (then SP) and via Police Headquarters on May 25, 2010 that there were dead bodies lying around on the ground.

Situational Analysis is critical in dynamic circumstances such as what existed during May 2010. No member of the Mobile Reserve team had the duty to process dead bodies; this specific responsibility was a matter for the CIB in accordance with the Operation Plan.

The Committee examined the role of ACP Budhoo and saw no evidence that the task of collecting dead bodies was assigned to him. It is our view that, having given instruction to SP Tabannah(then DSP) to make notations of the locations of dead bodies then he would have discharged his responsibility.

It was further established by the Committee that the evidence tendered at the Enquiry in 2016 by SP Tabannah, is consistent with his statement made six years earlier on July 17, 2010.

The task of recovering bodies was something that had to be done speedily, and did not allow for the delay that would result from stopping to preserve the location of where the bodies were found. When these bodies were being recovered, the police were operating under intense and sustained gunfire. A balance had to be struck between retrieving the bodies and preserving their own lives.

The Committee examined the Operation Plan, reports and statements of ACP Donovan Graham along with those of DSP Tabannah, Insp. Pratt and Sgt. Waugh to determine in light of the findings of item 1 of the TOR, whether the conduct of the Named Officers amounted to misconduct.

The Committee agreed that the charge of misconduct put forward by the Commission was based primarily on the fact that, the Named Officers did not produce records of the location where dead bodies were found, and the failure to preserve the scenes.

It was unforeseeable that Cons. Maxwell would have died and therefore not able to account for the task assigned to him. Without any evidence being presented, no proper conclusion of dereliction can be made against any member of the Mobile Reserve in this instance.

The Committee was unable to determine the accuracy and trustworthiness of the KPH records and while we do not wish to speculate, it is not far-fetched that bodies were brought to the KPH and not recorded. In any event, this could not be a basis to find that Insp. Pratt and Sgt. Waugh were guilty of misconduct or dereliction of duty. It must also be noted that the records at KPH did not contain the name of Sgt. Waugh as a person who brought bodies to that location.

From the examination of the pertinent documents, it was observed that the instructions given by the Commissioner of Police to the Ground Command, were carried out by all concerned and hence the Committee is satisfied that there was no dereliction of duty.

The Committee accepts, based on the prevailing conditions as was evident in the statements of SP Tabannah, Insp Pratt (then Sgt), Sgt Waugh, Retired Supt. W. Turner, that the situation was unsafe when they entered the sector after being invited to do so by the JDF.

The Commission did not identify any specific act of dereliction of duty or misconduct on the part of any of the Named Officers. Therefore, it is the view of the Committee, that no basis existed for the adverse findings and comments mentioned in Chapter 15.18 of the Report, and see no reason why, the Named Officers should not be allowed to continue to serve, in their various capacities, the JCF and the people of Jamaica.

Along with its findings, the Committee has made several recommendations for consideration.

Condolences were extended to the family, friends and colleagues of the late ACP Winchroy Budhoo, one of the Named Officers, who died suddenly on May 10, 2017. A moment of silence was observed at the sitting on May 19, 2017 as a sign of respect for his contribution to JCF and the people of Jamaica.

## **1.0 INTRODUCTION**

### **BACKGROUND**

- 1.1 On May 24, 2010 a Joint Police/Military operation was carried out in the West Kingston community of Tivoli Gardens to execute an arrest warrant on then fugitive Christopher “Dudus” Coke and to restore law and order in the community and the country as a whole. The security forces were met with heavy resistance from armed men loyal to Mr. Coke which resulted in heavy casualties on both sides. Over seventy persons were killed; several others were injured and extensive damages were done to properties, which include properties owned by the Government of Jamaica.
- 1.2 An interim report on the operation was submitted to Parliament by then Public Defender, Earl Witter, QC. with recommendation that a commission of enquiry be held in the matter. The Government of Jamaica acted on this recommendation.
- 1.3 By instrument issued under the hands of His Excellency the Most Honourable Sir Patrick Linton Allen ON, GCMG, CD, KSt.J Governor General of Jamaica, on February 21, 2014, three Commissioners were appointed under the provisions of the Commission of Enquiry Act 1873 (as amended), to enquiry into the events, with specific terms of reference.
- 1.4 Public hearings of the enquiry began on December 1, 2014 and were conducted in 9 sessions which concluded on February 19<sup>th</sup> 2016. Ninety four persons gave evidence, which included residents of Tivoli Gardens, members of the Security Forces, Government officials and “experts”.

- 1.5 In a published report dated June 2016, the Commissioners submitted their findings and recommendations to His Excellency the Governor General of Jamaica which provide:

*'15.17 Consistent with our findings with regards to the conduct of certain officers and other ranks of the JCF and JDF, we recommend that both forces undertake administrative reviews of the conduct of the named officers. It is not too late for the security forces to further examine these matters administratively as issues of internal accountability and thereby signal to their members that such matters will be treated seriously. We note that since May 2010, some of these officers have been promoted – in some cases to very senior ranks.*

*15.20 ...and where persons were identified as being in dereliction of duty or were administratively or operationally incompetent, we recommend that these persons should never again be allowed to lead or otherwise participate in internal security operations. The persons to whom we refer are SSP Graham, SSP Budhoo, DSP Tabannah, Sgt Waugh and Sgt Pratt. ...<sup>1</sup>*

#### THE COMMITTEE

- 1.6 The Commissioner of Police, vested with the responsibilities for the superintendence of the Force, pursuant to Section 2(a) of the Constabulary Force Act, and in keeping with the recommendation of the Commission of Enquiry<sup>2</sup> (hereafter “the Commission”), appointed a Committee (hereinafter “the Committee”) to conduct an administrative review into the conduct of named officers and related matters.
- 1.7 The members of the Committee are listed at page ii.
- 1.8 The terms of reference for the Committee was to:
2. Examine the operations plan to determine if the:
    - a. Command structure was appropriate
    - b. Command protocol was adequate
    - c. The span of command was clear

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<sup>1</sup>See Commission Report - page 482

<sup>2</sup>Ibid.

- d. The span of control was effective
    - e. The system to ensure effective and adequate investigation in the event of the resort to the use of force by members of the JCF existed and was followed.
  - 3. Determine in light of the above whether the conduct of the named officers amounted to misconduct.
  - 4. To make recommendations consistent with the findings.
- 1.9 The review commenced on February 28, 2017 at the Police Officers Club in the parish of Saint Andrew. The Chairman welcomed all members of the Committee and stated the reason for the review as provided for at Chapter 15.17 of the Commission of Enquiry Report.
- 1.10 Copies of the terms of reference and other pertinent documents were circulated to members of the committee and a plan of action discussed and agreed as to how to achieve the objective of the review.
- 1.11 The Committee reviewed records, documents and statements relevant to the terms of reference.
- 1.12 A full copy of the report was provided; extracts of the relevant sections/chapters were made available to each member for ease of reference. Statements of the named officers, responses to proposed adverse findings and other documentary evidence were provided to each member for perusal prior to and during discussions of the issues.

## SITTINGS

- 1.13 Dates for the sittings were agreed and the Committee sat on the following days:-
1. February 28,2017
  2. March 10, 2017
  3. March 14, 2017
  4. March 27, 2017
  5. April 4, 2017
  6. April 10, 2017
  7. May 5, 2017
  8. May 19, 2017
  9. June 2, 2017
  10. June 10, 2017
  11. June 19, 2017
- 1.14 The issue was raised, whether it would be important to call any of the named officers to provide clarity. This was debated and the committee concluded that it would be unnecessary, as statements and responses to proposed adverse findings were available to the Committee.
- 1.15 Later in the review, Dr. McDavid made a written request to the panel to have two of the named officers; (1) ACP Donovan Graham and (2) Superintendent Everton Tabannah, appear before the panel on the basis that clarity is needed on certain issues, regarding their understanding of the Operations Plan.
- 1.16 This request prompted a reconsideration of an earlier decision by the Committee, not to call the named officers. However, after making submissions to the Chairman, the matter was again discussed and thoroughly debated. In the end, a majority decision was taken that it is unnecessary to call the named officers as it would not add value to the proceedings and/or findings.

- 1.17 The terms of reference were discussed, identifying and applying the relevant information which provided adequate aid to the analysis and made factual determinations.

#### CONDOLENCES

- 1.18 Condolences were extended to the family, friends and colleagues of the late ACP Winchroy Budhoo, one of the named officers, who died suddenly on May 10, 2017. A moment of silence was observed at the sitting on May 19, 2017, as a mark of respect for his contribution to the JCF and the people of Jamaica.

#### APPROACH OF COMMITTEE

- 1.19 The approach of the Committee was to properly analyse each term of reference and to arrive at conclusions that are properly supported by the evidence. Extracts from the Commission of Enquiry Report and other documentation were copied and disseminated to members of the Committee by the Secretariat.

- 1.20 Minutes of each sitting was generated, corrected and agreed on at subsequent sittings. Participation of all members were facilitated, opinions, suggestions, and requests were entertained to the fullest. We endeavour to accord respect where disagreement and divergent views were occasioned. Most issues/terms of reference were unanimously agreed on.

#### PROMOTION IN RANK

- 1.21 Some of the named officers have been promoted since the West Kingston operation in 2010. The Committee decided that the officers should be addressed by their current rank with reference made to their previous rank.

## COUNSEL TO THE COMMITTEE AND COMMITTEE SECRETARIAT

- 1.22 We wish to place on record our profound appreciation for the outstanding analysis, advice and support by the team of Counsel to the Committee, throughout our deliberations. We also wish to commend the Secretariat who discharged their duties professionally, ensuring that at all times, sittings were arranged, minutes were properly organised, documentation copied and disseminated and facilitating the overall management of the review which made our objectives possible.

## COURTLEIGH STAFF

- 1.23 We wish also to acknowledge the Courtleigh Hotel and staff for the professional services that were provided.

## LOSS OF LIVES

- 1.24 The Committee acknowledges, with regret, that during the May 2010 West Kingston Operation, several lives were lost, persons injured and properties destroyed, including Government properties.
- 1.25 We thank all those who have given their time and effort to provide us with the necessary information to have a better understanding of the system.

## **2.0 METHODOLOGY**

- 2.1 The Committee's first order of business was to establish a plan of action to achieve the objectives. Sections of the Commission's Report that would be pivotal to the review were identified and these were copied and disseminated to all Committee members.
- 2.2 The Secretariat was given the task of providing copies of these documents for the official commencement of the review. Also, a full copy of the Report was made available for ease of reference at all sittings. The agreed method was to collate the pertinent documents and examine the evidence to meet the requisite objective.
- 2.3 The issue was raised, as to whether it would be necessary to require any of the named officers to appear before the Committee to provide clarity. This was debated and it was decided that this would be unnecessary as they had already given statements and responses to the proposed and adverse findings of the Commission.
- 2.4 Later on in the review, at the sitting of May 19, 2017, a formal request was made in writing<sup>3</sup> to the Chairman by member, Dr. Hilton McDavid, to have ACP Donovan Graham and SP Everton Tabannah appear before the Committee to answer questions pertaining to the Operations Plan.
- 2.5 The request was discussed at length and by majority vote of four to one (4:1) it was decided that no value would be added or useful purpose would be served by having these officers appear.
- 2.6 It was emphasized that all the questions outlined in the terms of reference would be answered.

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<sup>3</sup>See Appendix B

2.7 Additional information was identified that was necessary for the review, such as material from the Bureau of Special Investigation, evidence from retired Assistant Commissioner Granville Gause, Superintendent Gladys Brown-Ellis and members of the Jamaica Defence Force.

### **3.0 Term of Reference 1a**

3.1 Term of reference 1a was:

*Examine the operations plan to determine if the:  
- Command structure was appropriate*

3.2 The Operations Plan of the JCF which was dubbed, "Operation Keywest" was examined by the Committee in detail. For security reasons, certain details contained in the plan will not be outlined here.

3.3 The JDF also had an operation plan dubbed "Operation Garden Parish". This plan was unavailable to the Committee but several JCF officers stated in evidence that they attended meetings with the JDF at Up-Park-Camp to discuss relevant parts of this plan.

3.4 According to "Operation Keywest" a three-tiered command structure was utilized. The three levels were: (i) Gold (ii) Silver (iii) Bronze.

3.5 The Gold Command operated at the strategic level and was responsible for providing all the resources to carry out the operation. The Gold Command provided strategic intent to the Silver Commanders.

3.6 Silver Commanders were responsible for implementing strategy as communicated by the Gold Command. The Silver Commanders were required to manage tactical implementation through driving sets of activities which were executed by Bronze (Ground) Commanders.

3.7 Bronze Commanders directly control resources at the incident scene where the action takes place. Bronze Commanders are given different tasks or responsibilities and usually operate directly alongside their working staff.

3.8 The Gold Command was established and was given the following responsibilities:

- *Provide strategic guidance for the operation.*
- *Propel planning and resourcing.*
- *Ensure the execution of the general tasks in a manner consistent with laws and force policies.*
- *Ensure thorough briefings of Silver and Bronze Commanders.*
- *Ensure the highest levels of professionalism during the operation.*
- *Ensure the establishment of a Command Centre at the appropriate time prior to the operation.*
- *Monitor the execution of the operation and issues of safety, welfare and conduct.*
- *Assessment on the progress of the operation and decide whether contingencies should be activated for extending the operation beyond twelve (12) or forty-eight (48) hours depending on the measures employed whether Cordon and Search or Curfew.*
- *Determine the feasibility of establishing a curfew to restrict movements from the area under focus.*

3.9 The Silver Commanders were appointed and given responsibilities for establishing inner and outer cordons, deploying ground support teams and tactical options, securing target locations, arrests, search, evidence-gathering and subject processing.

3.10 A number of Bronze Commanders were appointed and given detailed responsibilities. These Bronze Commanders were responsible for executing tactical options on the ground.

**FINDING**

- 3.11 The Committee, having reviewed the Operations Plan, agreed that the Command Structure was appropriate for the task.

## **4.0 Term of Reference 1b**

4.1 Term of Reference 1b was:

*Examine the operations plan to determine if the:  
- Command protocol [was] adequate*

4.2 Command protocol refers to the system established for the communication and direction of operations and for instructions, orders, queries, feedback and information to flow throughout the various chains of commands. Command Protocol is essential for the efficient and effective co-ordination and providing updates on the progress of specific activities.

4.3 The JCF is organised along para-military lines. One implication of this, is that personnel are duty bound to obey and execute orders received from seniors in rank and to report on results accordingly.

4.4 As previously outlined in Section 3.0, the operation was conducted with a well defined command structure.

4.5 Commanders communicated utilizing UHF/Microwave radio devices, cellular telephones, text messages, emails and face to face.

4.6 Several officers, in their evidence to the Commission, spoke to making and receiving telephone calls to and from senior officers. Officers also gave accounts of sending and receiving certain information over the radio network

4.7 4.5 and 4.6 demonstrates the Command Protocol was properly utilized and was effective.

**FINDING**

- 4.8 Having reviewed the Operations Plan, reports and statements of the JCF officers vital to the Terms of Reference, the Committee agreed that the Command Protocol was adequate.

## **5.0 Terms of Reference 1c and 1d**

5.1 Terms of reference 1c and 1d were:

*Examine the operations plan to determine if the:*

*c. Span of Command was clear.*

*d. Span of Control was effective.*

5.2 Span of control refers to the number of personnel under the direct control and instruction of any particular Commander.

5.3 Clear and effective span of control is important to provide for efficient direction, control and co-ordination of operations.

5.4 The Committee has examined statements, documents, transcripts and found that several briefings were held with the then Commissioner of Police and Chief of Defense Staff in attendance, along with personnel at the Silver and Bronze Command level (See Statement/Transcript of Former Commissioner of Police (CP) Owen Ellington, Former Deputy Commissioner of Police (DCP), Glenmore Hinds, Deputy Commissioner of Police (DCP), Clifford Blake , Former Assistant Commissioner of Police (ACP), Leon Rose and Assistant Commissioner of Police, (ACP) Donovan Graham.

5.5 The command structure was headed by the JCF's Gold command; Former CP Owen Ellington, supported by the Gold Command group which included Former DCP Glenmore Hinds and DCP Clifford Blake. The role of the Gold Command group was to provide leadership, guidance and support to Silver Commanders, allocate resources to execute the plan and to establish command and control centers.

5.6 The Silver Command was established with ACP Donovan Graham (then SSP) supported by ACP Budhoo (then SP) and team, who manned the outer cordon.

- 5.7 The JCF's Ground Command Post was established on May 24, 2010 at Seprod. Superintendent Warren Turner (Retired) and team, and SP Everton Tabannah(then DSP) and team, including Inspector Pratt and Sergeant Waugh were assigned to enter the area of operation.
- 5.8 At each tier of command, the JCF, along with their JDF counterparts, had their roles and functions clearly defined. Members were given instructions through the chain of command and in return they reported on their actions, progress and results.
- 5.9 Debriefing exercises were conducted and each Commander had to submit a report/statement on the operation.

### **FINDING**

- 5.10 Upon a thorough review of the conduct of the operation, the Committee agreed unanimously, that the span of control was clear and the span of command effective.

## 6.0 Term of Reference 1e

6.1 Term of reference 1e was:

*Examine the operations plan to determine if the:*

*- System to ensure effective and adequate investigation in the event of the resort to the Use of Force by members of the JCF existed and was followed.*

6.2 The Operations Plan established a Silver Commander at the rank of Assistant Commissioner of Police with the responsibility for:

*“arrest, search, evidence–gathering, processing of the subject and treatment of significant other suspects arrested/detained”<sup>4</sup>*

6.3 The Operations Plan also appoints Bronze Commanders with the responsibilities for:

*“Search, Arrest, Evidence-Gathering and Processing of Prisoners”<sup>5</sup>*

The Operation Plan required that those bronze commanders be appointed and briefed by the ACP in charge of Criminal Investigation Branch (CIB).

6.4 The Silver Commander referred to in 6.2 above, is the ACP in charge of CIB.

6.5 However, having perused the transcripts, the Committee agreed that, the role of the Criminal Investigations Branch (CIB) was not clearly demonstrated in the evidence.

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<sup>4</sup>See Operation Keywest – “Silver Commanders” on page 6

<sup>5</sup>See Operation Keywest – “Bronze Commanders” on page 7

- 6.6 The Committee found It incomprehensible that former ACP Les Green, then head of the CIB, never gave evidence before the enquiry as to:
- (a) the recovery of dead bodies,
  - (b) identification of bodies,
  - (c) Evidence gathering relative to allegations of extra-judicial killings.
- 6.7 The evidence revealed that former ACP Green gave evidence via video link before the Commission and was questioned about the directives he gave to SP Michael Phipps not to pursue investigations into extra-judicial killings. These assertions were made by SP Phipps in a statement before the Commission.
- 6.8 The Commission never questioned Former ACP Les Green about his role as Silver Commander and Chief Investigator.
- 6.9 Notwithstanding the above, there was evidence that extensive investigations were carried out by members of the Bureau of Special Investigation (BSI) whose remit was not referenced in the operational plan, but was subsequently assigned this task<sup>6</sup>.
- 6.10 The BSI reported directly to the Commissioner of Police and not through the command structure.
- 6.11 A complaint desk was established in Tivoli Gardens by the BSI and employees of the Office of the Public Defender, to receive complaint from aggrieved residents.
- 6.12 Investigations into allegations of killings by members of the security forces, were conducted based on the insistence of the then Public Defender, Mr. Earl Witter, as no formal reports were received from residents.

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<sup>6</sup> *Statement/Transcript of ACP Granville Gause, SSP Ezra Stewart, SP Gladys Brown-Ellis and Mr. Earl Witter, former Public Defender.*

- 6.13 While it was accepted by the Committee, that the role of the CIB was not adequately referenced, there was evidence that the Bureau of Special Investigations performed investigative functions under arduous conditions<sup>7</sup>.
- 6.14 Similarly, the Forensic Scene of Crime Investigators (FSCI) carried out their functions based on instructions received from the BSI<sup>8</sup>.
- 6.15 Based on the evidence provided, there were delays in the processing of scenes based on the prevailing circumstances which saw units coming under gun-fire on entering the area.
- 6.16 All the bodies that were recovered were identified and x-rayed for forensic evaluation. The causes of deaths were documented, and post mortem reports issued. This was done under close observation of overseas forensic pathologists engaged by the Office of the Public Defender.
- 6.17 All weapons assigned to the JCF officers who participated in the operation, were tested and ballistic certificates issued. All ballistic signatures from those weapons were compared against bullet fragments retrieved from the bodies of the deceased persons, and no match was found.

### **FINDING**

- 6.18 Despite the absence of the CIB participation and the delays occasioned by the prevailing circumstances, the Committee agreed that effective and adequate investigations were carried out in instances where deadly force was used.
- 6.19 The Committee finds that there was a system to ensure effective and adequate investigations in the event of the resort to use of force by members of the JCF.

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<sup>7</sup> See Statement/Transcript of SP Brown-Ellis

<sup>8</sup> See Statement/Transcript Insp Harris

6.20 The Committee finds that the system was not followed according to the plan. However, the BSI rose to the occasion.

## **Term of Reference 2**

7.1 Term of reference 2 was:

*Determine in light of the findings above, whether the conduct of the named Officers amount to misconduct.*

7.2 The Commission in its report of 2016, made several adverse comments against Named Officers of the JCF.

7.3 For the purpose of this Term of Reference, the review focused on five officers who were serving at the time this Administrative Review began (hereafter “the Named Officers”).

7.4 These named officers are:

- (i) ACP Donovan Graham
- (ii) ACP Winchroy Budhoo
- (iii) SP Everton Tabannah
- (iv) Insp. Mario Pratt
- (v) Sgt. Steve Waugh

7.5 As stated before, ACP Budhoo passed away prior to the conclusion of this Administrative Review.

### **ADVERSE COMMENTS AGAINST ACP DONOVAN GRAHAM**

7.6 The Commission in its report said:

*‘11.140 We find that, as the most senior Ground Commander of the JCF, SSP Graham did not ensure that a record was made of the locations of bodies nor did he take any action to determine whether his instructions were carried out on matters of vital importance to an investigation and concerning losses of life. Accordingly, we find SSP Graham to have been in dereliction of his duties.*

*11.141 To the extent that SSP Graham described himself as "the senior person leading the men and women under my command", he must be*

*held accountable for the deficiencies in record-keeping in relation to the locations of dead bodies. He admitted that he received reports from SSP Budhoo about dead bodies being seen in the community. And, according to CoP Ellington, he telephoned SSP Graham in connection with the same matter.<sup>9</sup>*

- 7.7 During the operations, then Commissioner of Police communicated to ACP Graham that he had concerns about bodies said to be lying around in the area of operation.
- 7.8 ACP Graham passed on this information to the team from Mobile Reserve to look into the concerns. It must be noted that the Mobile Reserve team having gone to the scene, removed bodies that were seen but could not have preserved or processed the scenes, as they neither possessed the expertise nor were they in a position to cause it to be done under the prevailing hostile conditions.
- 7.9 It is to be highlighted that records were made of the bodies that were picked up. This was evidenced in correspondence submitted to the then Honourable Prime Minister Bruce Golding, who submitted copies of (what is now called the "Golding Papers") to the Commission.
- 7.10 The Committee has seen overwhelming evidence that the hierarchy of the JCF acted to prevent a public health crisis when ACP Graham (then SSP) was informed by ACP Budhoo (then SP) and via Police Headquarters on May 25, 2010 that there were dead bodies lying around on the ground. ACP Graham (then SSP), in turn gave instructions to SP Tabannah (then DSP) on the first instance to have the bodies removed and on the second, he gave instructions to Sgt. Waugh to have them removed.<sup>10</sup>
- 7.11 On May 24 & 25, 2010, teams from Mobile Reserve, who were in the area, assisted in the removal of the bodies. Cons. Maxwell (deceased), made notes of those picked up by the

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<sup>9</sup>See Commission Report - page 405

<sup>10</sup>See statement of ACP Donovan Graham

JCF members. Without any evidence being presented, no proper conclusion of dereliction can be made against any member of the Mobile Reserve.

- 7.12 Instructions contained in Appendices A-O of the Strategic Plan in no way delegated authority for the members from Mobile Reserve to remove bodies. The situation was fluid, therefore the JCF acted based on the prevailing conditions as they experienced it<sup>11</sup>.
- 7.13 Situational Analysis is critical in dynamic circumstances such as what existed during May 2010. No member of the Mobile Reserve team had the duty to process dead bodies. This specific responsibility was a matter for the CIB in accordance with the Operation Plan.
- 7.14 When then Assistant Commissioner of Police Les Green, whose responsibility it was, (as per the Operations Plan), to carry out investigations, was questioned, he was not asked about the location of the bodies or the recordings made by Cons Maxwell. Therefore it would not be justifiable for the Commission to make an adverse finding thereon, against ACP Graham that he was in dereliction of duty.

#### **ADVERSE COMMENTS AGAINST ACP WINCHROY BUDHOO**

- 7.15 The Commission in its report said:

*"11.118 SSP Budhoo was an unconvincing witness. In answer to questions put to him by the Chairman, he said that he did not remember if he spoke to DSP Tabannah to find out whether DSP Tabannah had carried out his duty of enquiring whether Cons. Maxwell had recorded the locations of bodies. SSP Budhoo then agreed that it was crucial to make notations of the locations of bodies and, 'that is why I told Tabannah to do that', he said. To the next question: 'Why didn't you follow up if it was so crucial?' SSP Budhoo answered: 'I was basically assisting the Silver Command on these matters'.*

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<sup>11</sup> See Col. Jamie O'Gilvie's, SP Gladys Brown-Ellis' & Mr. Ferdinand Madden's statements

*11.119 We find SSP Budhoo in dereliction of his duties to the extent that he took no steps in circumstances where, after giving instructions to DSP Tabannah and Sgt. Waugh concerning the retrieval of bodies and recording the locations thereof, he did not follow up with those officers to ensure that his instructions were carried out."*<sup>12</sup>

7.16 We have examined the role of ACP Budhoo and have seen no evidence that the task of collecting dead bodies was assigned to him. ACP Budhoo stated in his response to the Commission that he was assisting the Silver Command when he called SP Tabannah and gave the instructions. It is the Committee's view, that having given instruction to SP Tabannah to make notations of the locations of dead bodies, then he would have discharged his responsibility. There is evidence that the notations were made<sup>13</sup>. Several officers testified that the task had been assigned by SP Tabannah to Cons. Maxwell. Regrettably, Cons. Maxwell passed on in October 2010, long before the Commission of Enquiry commenced.

7.17 It is unfortunate that Cons. Maxwell died and therefore not able to account to the Commission in relation to the task assigned to him.

7.18 The Committee concurs with the Commission's comment that:

*'11.123 Whereas we accept that the operational plan of the JCF did not assign any duty to SSP Budhoo in respect of the retrieval of bodies ...'*<sup>14</sup>

7.19 The finding of the Commission that ACP Budhoo was "in dereliction of duty" for not following up, when that responsibility was not assigned to him, in the view of the Committee, has not been established.

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<sup>12</sup>See Commission Report - page 397

<sup>13</sup>See the "Golding Papers" where a detailed list of the location of dead bodies was included

<sup>14</sup>See the Commission Report - Page 398

## ADVERSE COMMENTS AGAINST SP EVERTON TABANNAH (then DSP)

7.20 The Commission in its report said:

*'10.58 We have given our reasons in Chapter 9 for concluding that a number of persons were probably killed by members of the security forces. However, we wish to state in this Chapter, that we were not impressed by the evidence of DSP Tabannah, DSP Turner or Sgt. Waugh and Sgt. Pratt.*

*DSP Tabannah*

*10.59 In the case of DSP Tabannah, we prefer the timelines given by Maj. Cheverria who testified that his watch was synchronised in accordance with military procedure prior to embarking on the operation. We believe that DSP Tabannah did report to Maj. Cheverria when the[y] latter called him about 4.00 p.m. to come into the sector which had been secured at 3.25 p.m. We find it passing strange that Maj. Kennedy walked through sector 2 and saw no dead bodies yet DSP Tabannah claimed to have seen two bodies.*

*10.60 DSP Tabannah's evidence did not inspire confidence in us when juxtaposed with the records of KPH. He never told us that he delivered 12 bodies to KPH on 25 May, yet the records of the hospital show that he did go there with 12 bodies on that day. Further, both DSP Tabannah and Sgt Waugh are contradicted by the records of KPH to the extent that they both testified of two bodies being taken to the hospital in the evening of 24 May and being pronounced dead by doctors. There is no record at the hospital supporting that evidence. In fact, we doubt that two bodies were in fact taken to KPH on 24 May. We disbelieve DSP Tabannah that the JDF was not in control of sector 1 because of heavy gunfire. Maj. Cheverria's testimony is that the sector was safe and there was no hostile gunfire. We also disbelieve DSP Tabannah's evidence that he was "pinned down for 2 hours" near the train line/intersection of Industrial Terrace and Marcus Garvey Drive. That evidence is in conflict with the evidence of Sgt. Pratt who said the team was "pinned down" for 4 minutes and that of Sgt. Waugh who put the length of time as 10 to 15 minutes. Finally, whereas the evidence of Sgts Pratt and Waugh is that they collected 25 bodies, DSP Tabannah's evidence under cross-examination by Mr. Panton, is that they collected 27 bodies. Quite simply, there are too many important and*

*unexplained discrepancies in DSP Tabannah's evidence to render it credible.<sup>15</sup>*

- 7.21 SP Tabannah having received the information regarding bodies lying on the ground, gave instructions to Insp Pratt and Sgt Waugh to pick up the bodies. He proceeded to enter the area of operation after being told by Major Cheverria, about 5:00pm, that the location was secure.
- 7.22 SP Tabannah said he saw two (2) dead bodies when he walked through Sector 1 on the May 24, 2010 and at that time Maj. Cheverria was not in his presence. However Maj. Cheverria did say that he saw one body. No assumptions then can be made from this discrepancy as to the number of bodies because they were at the location at different times. Time lines should have been established by the Commission and this was not adequately done to the standard required for it to be used as a basis to impeach one's credibility. Therefore it is the view of the Committee that SP Tabannah's credibility ought not to be impeached on the basis of time.
- 7.23 Evidence to support SP Tabannah that he and his men were pinned down for two hours was identified by the Committee.<sup>16</sup>
- 7.24 After receiving the call from Maj. Cheverria, SP Tabannah and team encountered hostilities, including, coming under sustained gunfire, which prevented the team from proceeding further into the sector and carrying out their assigned tasks according to the Operations Plan.

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<sup>15</sup>See Commission Report - Page 292

<sup>16</sup>Para 8. DSP Tabannah's Statement

- 7.25 It was further established by the Committee that the evidence tendered at the Enquiry in 2016 by SP Tabannah, is consistent with his statement made six years earlier on July 17, 2010.
- 7.26 The Committee agreed that the analysis of the time by the Commission was misconstrued. The Committee accepts the timeline given by SP Tabannah as the cumulative time of the series of events that occurred from the time SP Tabannah received the call from Maj. Cheverria, giving him the all clear to enter the sector, until the time he and his team retreated.
- 7.27 Sgt. Waugh was given instructions by SP Tabannah, to take the two bodies seen lying on the roadway, after passing the clinic in Tivoli Gardens, to the Kingston Public Hospital (KPH). Insp. Pratt and Sgt. Waugh also gave evidence that recordings were being done by Cons. Maxwell who was the observer. Insp. Pratt and Sgt. Waugh also gave evidence that they received instructions from ACP Graham, ACP Budhoo and SP Tabannah.
- 7.28 It is clear that Instructions were being given and follow-up was taking place. SP Tabannah communicated with ACP Graham as to the situation that existed on the ground. The events that unfolded while Sgt. Waugh was on way to KPH were also reported to ACP Graham.<sup>17</sup>
- 7.29 Paragraph 5 of Sgt. Waugh's response to the Commission stated that Cons. Maxwell, who was his observer, made written notes of all persons taken to KPH on May 25, 2010 and these notes were handed over to police personnel at the Command Post. A finding of dereliction of duty, in the circumstances, cannot be justified and is unfounded.
- 7.30 The statements of SP Tabannah, Insp Pratt and Sgt. Waugh support each other and are consistent.

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<sup>17</sup>See page 37-38 of the Commission Transcript

- 7.31 The Commission concluded that "*a number of persons were probably killed by members of the security forces.*" This is highly speculative as no credible evidence was led at the enquiry to substantiate this finding.
- 7.32 It was also noted that the Commission, rejected the evidence of SP Tabannah that he saw two (2) dead bodies, yet accepted the evidence of the JDF member, Maj. Kennedy who said he saw none. This was pointed out by Retired SP Turner in his response to the proposed adverse findings.
- 7.33 The Commission seemed to have being confused when it said "*... We find it passing strange that Maj. Kennedy walked through sector 2 and saw no bodies yet DSP Tabannah claimed to have seen two bodies.*"<sup>18</sup> and then later said "*But except for Maj. Cheverria who saw two bodies, none of the other commanders saw any bodies in Tivoli Gardens on 24 May*"<sup>19</sup>
- 7.34 It appeared as matter of convenience for the Commission, that the accounts proffered by the JDF Officers were accepted in all the circumstances where it is required as a basis to impeach members of the JCF. The time that SP Tabannah and Major Kennedy went to Sector 2 is very important and therefore it should have been properly established before being used as a basis to support adverse findings.
- 7.35 The Committee therefore does not find any evidence to support any dereliction of duty or lack of credibility in the conduct of SP Tabannah.

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<sup>18</sup>See Commission Report - Para. 10.59 on pg. 293

<sup>19</sup>See Commission Report - Para. 10.65 on pg. 295

## **ADVERSE COMMENTS AGAINST INSP. MARIO PRATT AND SGT. STEVE WAUGH**

7.36 The Commission in its report said:

*10.63 The manner in which dead bodies were collected and transported to KPH does not reflect well on Sgt. Waugh and Sgt. Pratt. According to them, they drove around randomly on 25 May. Neither knew where the other was. Both claimed ignorance of the roads in Tivoli Gardens. Both attributed the task of record keeping to Cons. Maxwell who died in October 2010 as a result of a vehicular accident. And DSP Tabannah made no effort to retrieve Maxwell's alleged notes immediately after the operation or at all.*

*10.64 Sgt Waugh's evidence that he went to KPH with bodies which were pronounced dead by doctors at the hospital is not supported by the records of that institution. The records of KPH, produced by Dr. Natalie Whyllie, show that no bodies were brought to the hospital on 24 May and there is no record of Sgt. Waugh's name on the documentation of KPH.*

*10.65 Moreover, Sgt. Waugh's evidence that most of the bodies were found near barricades and sandbags does not sit comfortably with other evidence. If any of the civilians had been killed near barricades or sandbags on 24 May, surely the military commanders of the relevant sectors should have seen those bodies. Except for Maj. Cheverria who saw two bodies, none of the other commanders saw any other bodies in Tivoli Gardens on 24 May. And these observations were made after the JDF took control of the sectors and houses had been cleared.*

*10.66 It is beyond belief that those military commanders would have invited the Supts. to move their officers into a "hot zone".*

*10.67 In preferring and accepting the evidence of Maj. Cheverria and Maj. Kennedy, we are mindful of the undisputed evidence that their troops' tasks were to enter Tivoli Gardens first, secure the sectors and then invite the JCF to enter and conduct searches and other tasks appropriate for civil power. The safety and security of a sector were matters for the judgement of the JDF sector commanders who entered a sector first. When they determined that a sector was safe and secure, it was up to them to invite the JCF in. We therefore believe Majs. Cheverria and Kennedy that they invited DSPs Tabannah and Turner to enter the sectors at the time*

*stated by the Major when the sectors were dominated by the JDF and made safe.*

*10.68 In the result, we have concluded that it would be dangerous to rely on the evidence of DSP Tabannah, DSP Turner, Sgt Waugh and Sgt. Pratt.<sup>20</sup>*

- 7.37 The Committee accepts, based on the prevailing conditions as was evident in the statements of SP Tabannah, Insp Pratt (then Sgt), Sgt Waugh, Retired Supt. W. Turner, that the situation was unsafe when they entered the sector after being invited to do so by the JDF.
- 7.38 The task of recovering bodies was something that had to be done speedily, and did not allow for the delay that would result from stopping to preserve the location where the bodies were found. When these bodies were being recovered, the police were operating under intense and sustained gunfire. A balance had to be struck between retrieving the bodies and preserving their own lives.
- 7.39 The Committee was unable to determine the accuracy of the KPH records and while we do not wish to speculate, it is not far-fetched that bodies were brought to the KPH and not recorded. In any event, this could not be a basis to finding that Insp Pratt and Sgt Waugh were guilty of misconduct or dereliction of duty.

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<sup>20</sup>See Commission Report - page 294

## OTHER EVIDENCE

- 7.40 Former Prime Minister The Hon. Bruce Golding in his evidence submitted to the Commission detailed documents of information that had been provided to him, relative to the West Kingston operation. These documents came to be known as the "*Golding Papers*" throughout the Commission of Enquiry.
- 7.41 No evidence was presented to the Enquiry specifically identifying any misconduct by any of the named officers.
- 7.42 The roles of the named officers were predominantly operational.
- 7.43 It is to be noted, that the carrying out of investigations, would have been the remit of the Criminal Investigations Branch (CIB). Records that were made should have been obtained, acted on and preserved by the CIB.
- 7.44 The Commission seemed not to be concerned with the dangerous nature of the operation to extract the subject Christopher Coke and heavy gunfire targeted at the officers on the ground, but they were overly concerned about the picking up of dead bodies.
- 7.45 It seemed that a lot of emphasis was placed on the utterances and perceptions of the then Public Defender, Mr. Earl Witter. This was evident by the line of questions posed to the officers during the Enquiry.
- 7.46 Colonel Jamie Ogilvie of the JDF, in his evidence to the Commission, testified that he picked up 17 bodies. However, no questions were posed by the Commission to him or any other member of the JDF regarding those bodies, neither was any member of the JDF cited for actions relating to those bodies.

- 7.47 It was stated by the Commission that based on the prevailing circumstances in which the JDF was operating, they would not be cited<sup>21</sup>. However, these were the same circumstances and conditions under which the members of the JCF operated and were cited.
- 7.48 JDF Sergeant Anderson, who removed two (2) dead bodies, was never called to the Enquiry to give account. The bodies were that of Martin Lindsay and Junior Burke. These bodies were tagged and it was confirmed that Sgt. Anderson was the person who collected and delivered those bodies, as his name was placed on the tags as evidenced in the Post Mortem Report.<sup>22</sup>

#### EVIDENCE OF SOLDIER 1 AND SOLDIER 3

- 7.49 Soldier No. 1 said that the police shot and killed an alleged victim in a caged area with a high powered weapon. He also said that another prisoner protested, and he too was shot and killed. However, there was no other evidence given supporting this claim.
- 7.50 He testified that other detainees were inside the cage, yet no civilian gave such an account to that effect. In fact, he testified that he reported it to a lance corporal, yet the name of the lance corporal was not given. Similarly, none of the JDF bronze commanders testified of having received any such report.

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<sup>21</sup> See Commission Report – Para. 10.86 - *“we ascribe no adverse comment to Lt. Col. Ogilvie who, we think, did his best in the circumstances”*

<sup>22</sup> See Post Mortem Report of Martin Lindsay and Junior Burke at Appendix C

- 7.51 There were serious discrepancies with the statements of Soldiers No. 1 & 3, yet it was accepted by the Commission to be credible accounts.<sup>23</sup> Since the evidence of Soldiers No. 1 & 3 was given anonymously, it is the view of the Committee that without corroboration it should not have been given the weight that the Commission placed on it.
- 7.52 It is to be noted that the JCF members gave statements contemporaneously after the incident to the Bureau of Special Investigations (BSI), in contrast, the JDF members presented their statements four (4) years after the incident. The evidence presented to the Commission was that they all gave statements in 2010 and it was stored in soft copy on a computer and printed in 2014 just before the commencement of the Enquiry and signed.
- 7.53 In contrast, members of the JCF gave their statements in 2010 all of which were signed, dated and handed over to the BSI.
- 7.54 The Commission should have been guided by the statements which were recorded and given in 2010. If there were any discrepancies or shortcomings in these statements, then the witnesses should have been questioned about it. It cannot be, that witnesses were not asked about a particular matter which is viewed as a discrepancy in the statement given, and subsequently, that shortcoming used as the basis for an adverse finding.<sup>24</sup>
- 7.55 Having examined the Commission's Report and supporting documents, the Committee is of the view that there was no basis for a lot of the adverse findings levied against the

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<sup>23</sup> See Commission Report - Para. 9.122 on pg. 253 - "We find the evidence of Soldiers No.1 and No.3 credible."

<sup>24</sup>The Rule in *Browne v Dunn* (1893) 6 R. 67, HL

named officers, in particular, ACP Budhoo who was cited for roles that did not fall within his remit<sup>25</sup>.

- 7.56 ACP Budhoo was informed that there were bodies on the street to be removed and he gave directives to SP Tabannah to have this done. SP Tabannah assigned the task to Insp Pratt and Sgt Waugh, and Cons Maxwell (now deceased), was assigned the task of recording the information.
- 7.57 The Committee examined the Operations Plan, reports and statements of ACP Donovan Graham along with those of SP Tabannah, Insp. Pratt and Sgt. Waugh to determine in light of the findings of item 1 of the TOR, whether the conduct of the Named Officers amounted to misconduct.
- 7.58 The Committee agreed that the misconduct put forward by the Commission was based primarily on the fact that, the Named Officers did not produce records of the location where dead bodies were found and the failure to preserve the scenes.
- 7.59 The senior officers; ACP Graham (then SSP), ACP Budhoo (then SP) and SP Tabannah (then DSP) followed-up on the instructions that had been given to them. They received feedback from the men under their command, and this is evident in the statements given by the men. The Committee finds that such evidence demonstrated that communication was established and maintained between Ground Commander, and the teams on the ground. This is contrary to the finding of the Commission<sup>26</sup>.

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<sup>25</sup> See Operation Plan

<sup>26</sup> See Para. 11.119 of Commission Report at pg.397– “We find SSP Buddhoo in dereliction of his duties, to the extent that he took no step in circumstances where, after giving instructions to DSP Tabannah and Sgt. Waugh concerning

- 7.60 From the examination of the pertinent documents, it was observed that the instructions given by the Commissioner of Police to the Ground Command, were carried out by all concerned and hence the Committee is satisfied that there was no dereliction of duty.
- 7.61 Additionally, based on the prevailing conditions as was evident in the statements of SP Tabannah,(then DSP) Insp Pratt (then Sgt), Sgt Waugh, Retired Supt. W. Turner, the situation was unsafe, so the recovery of the bodies was an activity that had to be done expeditiously. When these bodies were being recovered, the police were operating under intense gunfire.
- 7.62 The Commission did not identify any specific act of dereliction of duty or misconduct on the part of any of the Named Officers. Therefore, it is the view of the Committee, that no basis existed for the adverse findings and comments mentioned in Chapter 15.18 of the Report, and see no reason why, the Named Officers should not be allowed to continue to serve, in their various capacities, the JCF and the people of Jamaica.

### **FINDING**

- 7.63 Upon a complete and thorough examination of the evidence, including, the Operation Plan, various reports, transcripts and statements; and for the reasons stated above, no basis could be found by the Committee, upon which any of the Named Officers should be cited for misconduct and/or dereliction of duty.

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*the retrieval of the bodies and recording the location thereof, he did not follow-up with those officers to ensure that his instructions were carried out. "*

## **8.0 Term of Reference 3**

8.1 Term of reference 3 was:

*Make Recommendations Consistent with the Findings*

### **RECOMMENDATIONS**

8.2 The Committee makes the following recommendations:

8.3 Proper recording and preservation of records on similar operations must be adhered to as much as is possible.

8.4 Each team that is deployed within an area should have at least one member with local knowledge of that area. Mapping of the area should also be considered.

8.5 The role of the CIB to investigate should be carried out, as much as is possible, by the CIB.

8.6 In future operations of this nature, the CIB must be involved from initial briefing and at least one senior member of the investigation branch who is able to make decisions be placed at the Command Post.

8.7 Enhanced joint specialised training between both forces should be sustained. This will foster greater understanding when coordinating operations of a similar nature.

8.8 In all operations, care should be taken that geographical locations of all officers be recorded and kept.

8.9 The introduction and utilization of the appropriate technology, (e.g. body worn cameras, vehicle tracker, Global Positioning System, drone, etcetera) must be reinforced and strengthened during operations of this nature.

8.10 The use of events log should be maintained by each commander and team leader. This should be submitted along with a report upon the completion of the tour of duty.

## **LIST OF APPENDICES**

- Appendix A - List of Abbreviations
- Appendix B - Letter from Dr. H. McDavid requesting Witnesses  
to attend sitting
- Appendix C - Port Mortem Reports of Martin Lindsay and Junior Burke

## APPENDIX A

### List of Abbreviations

<b>Abbreviation</b>	<b>Meaning</b>
ACP	Assistant Commissioner of Police
BSI	Bureau of Special Investigation
CD	Commander of the Order of Distinction
CIB	Criminal Investigation Branch
CP / CoP	Commissioner of Police
DCP	Deputy Commissioner of Police
DPP	Director of Public Prosecution
DR	Doctor
DPP	Director of Public Prosecution
DSP	Deputy Superintendent of Police
FSCI	Forensic Scene of Crime
HON	Honourable
INSP.	Inspector of Police
JCF	Jamaica Constabulary Force
JDF	Jamaica Defence Force
JP	Justice of the Peace
KPH	Kingston Public Hospital
MAJ	Major
PROF	Professor
REV	Reverent
QC	Queen's Counsel
SGT	Sergeant of Police
SP	Superintendent of Police
SSP	Senior Superintendent of Police
TOR	Term of Reference
UHF	Ultra-high frequency

## **APPENDIX B**

### Letter Requesting Witnesses

# **APPENDIX C**

## Post-Mortem Reports