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September 2, 2013

Hon. Peter Bunting, MP
Minister of National Security
Ministry of National Security
NCB South Tower
2 Oxford Road
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Dear Minister

**REPORT ON JOINT MILITARY/POLICE OPERATIONS IN WESTERN KINGSTON
- MAY 2010**

BACKGROUND

This report is prepared from documented events surrounding the Pre-Planned Internal Security Operations of May 2010 to effect the lawful arrest of Christopher 'Dudus' Coke pursuant to an extradition request from the United States Government and to counter the adverse implications for the Jamaica Constabulary Force (JCF) from the Leahy Vetting being applied following the release of the Public Defender's report into the Tivoli Gardens Operations on May 1, 2013.

Sometime in August 2009 it was made known that there was a request from the United States Government for the extradition of Coke to answer charges for drugs and firearms trafficking. Coke was the strongman/area leader for Tivoli Gardens and several areas of Western Kingston.

Coke not only had tremendous support in Tivoli Gardens but in adjoining areas such as; Denham Town, Fletcher's Land and other communities across the country. He was always surrounded by several heavily armed thugs who were not afraid to challenge the Security Forces. Some of these men were recruited from outside of Tivoli Gardens and Denham Town.

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Pending the outcome of diplomatic and legal proceedings, the Security Forces commenced planning an operation to arrest Coke if and when a Warrant of Arrest was issued. Consideration was given to the political, social, economic and humanitarian implications of criminal elements attempting to resist any attempt to arrest Coke and as a consequence strategies were developed to address each.

The objective of the operation was to arrest Coke and repel any resistance with the least adverse impact on the community, country and the image of the Security Forces. The objective was also, to restore security and confidence to the community so that citizens would be free to go about their business and to enable the police to provide normal policing service.

On Monday, May 17, 2010, then Prime Minister the Honourable Bruce Golding, in an address to the nation, indicated that the Attorney General would sign the authority to proceed with the extradition request of the United States Government in relation to Coke.

On Tuesday, May 18, 2010 the police received from the Director of Public Prosecutions (DPP) a warrant to arrest Coke. This development triggered panic, anxiety, tension and fear throughout the country; in particular, the Downtown Kingston Business District, where several stores were closed in anticipation of violence and disorder orchestrated by Coke and criminal elements sympathetic to him.

On Thursday, May 20, 2010 a crowd numbering about 600, majority of whom were women dressed in white, staged a demonstration in the vicinity of the Denham Town Police Station and marched through sections of Downtown Kingston. The protestors attempted to march to Gordon House (House of Parliament) and the Gleaner Company but were prevented from so doing by a strong contingent of Police. The demonstrators vociferously protested the innocence of Coke and voiced their support for him. One woman stated on national television that she would "die for Dudus" not long afterwards that residents of Tivoli Gardens commenced barricading the community with all sorts of debris to include old vehicles (including bulldozer), fridges, gas cylinders and concrete boulders. The fortification of the community continued progressively in very clear defiance to Law and Order which posed a serious threat to public safety and security.

Intelligence indicated that there was armed mobilization within Tivoli Gardens as men were seen patrolling the community with high-powered weapons. It also indicated that explosives and live electrical wires were placed in the barricades which increased the risk to the Security Forces venturing into the community.

On Sunday, May 23, 2010 the internal security situation deteriorated as roadblocks were mounted on several roads in the Downtown and West Kingston areas from as early as 5:00am. Roadblocks were mounted at the intersection of West Street and West Queen Street, Beckford Street, Industrial Terrace and Spanish Town Road, and all roads leading to West-Kingston. The Denham Town Police Station was completely blocked in. The police came under coordinated gun attacks in several areas across the city resulting in eight (8) members being shot, two fatally.

The violence and public disorder escalated throughout Sunday, May 23, 2010 and into Monday, May 24, 2010, with several attacks on police stations and patrols, mainly in the corporate area. The Hannah Town and Darling Street Police Stations were set ablaze and destroyed after police personnel were forced to evacuate under gunfire. A marked police car was stolen and later set ablaze. The city was brought to the brink of anarchy all in an effort to prevent the Security Forces from arresting Coke.

On Monday, May 24, 2010, police and military forces launched a large-scale operation in Western Kingston with an aim to take Coke into custody and restore Law and Order to the Communities. Immediately after the launch the Security Forces came under heavy and sustained gunfire resulting in the death of a member of the Jamaica Defence Force (JDF). During the operation several members of the Security Forces were injured and had to seek treatment at the public hospital. Gunmen loyal to Coke murdered twenty-four (24) citizens in St. Catherine alone on May 24 to detain police resources in that area so that the effort to arrest Coke would be abandoned.

Highlights of pre-emptive attacks on the Security Forces – Sunday, May 23, 2010

- Approximately 6:30 a.m. a police patrol from Kingston Central Division came under intensive gunfire while attempting to clear a road block mounted along Orange Street in the division.
- Approximately 12:00md the Darling Street, Hannah Town and Denham Town Police Stations came under sustained gunfire while the police were attempting to clear roadblocks in the area.
- Approximately 1:45pm police units to include an Armoured Personnel Carrier (APC) came under heavy gunfire in Hannah Town. A Police Officer was shot and taken to the hospital. The attacks on the police were so intense that the decision was taken to evacuate the Hannah Town Police Station. The station was vandalized and set on fire. Intense gunfire prevented the Fire Brigade from entering the area to put out the fire. The Police Station was burnt to the ground.

- The Darling Street Police Station was burnt out by 3:00pm Sunday, May 23, 2010 after staff was forced to abandon it.
- Approximately 3:20pm the Trench Town and Fletcher's Land Police Stations came under heavy gunfire. A citizen was murdered at the entrance to the Fletcher's Land Police Station.
- Throughout the afternoon and night of Sunday, May 23, 2010 there were several attacks on Police facilities and police patrols throughout the Corporate Area and in other sections of the country. Several of these attacks occurred while the Police were attempting to clear roadblocks mounted by residents. A police patrol unit had to be abandoned after coming under heavy gunfire and being disabled along Slipe Road. The vehicle was stolen and later found burnt.
- A police party came under heavy gunfire along Mountain View Avenue in the vicinity of Excelsior High School resulting in eight (8) policemen being shot, two (2) fatally (#856 Sgt. Wayne Henriques of Motorized Patrol Division and #10293 Cons. Jason Davis of Kingston Eastern Division).
- Cross Roads Police repelled a fierce gunfire attack on the Station by a number of heavily armed gunmen.
- The attacks continued into the morning of Monday, May 24, 2010. Strong and decisive action by the Security Forces became necessary to repel the obvious attacks being perpetuated against the State.

PLANNING GUIDELINES FOR THE OPERATIONS

The Security Forces comprised of the JCF and the JDF met on numerous occasions to examine the prevailing conditions and to develop a strategy for the way forward. This resulted in the development of a strategic plan to guide the operations of the Security Forces in arresting Coke. Intelligence had indicated an intention by Coke and his sympathizers to resist his arrest with intense coordinated violence and disorder.

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The key planning objectives were:

- 1) Take all necessary steps to uphold human rights and limit injury or loss of life among civilians
- 2) Take all necessary steps to limit the adverse social, political and economical impact of our operations.
- 3) Execute the three (3) operational objectives and shape the environment for the long term deliver of community policing service
- 4) Inform our operation with the most credible and current intelligence

HUMANITARIAN CONSIDERATIONS:

Relative to the JCF's Policy on the Use of Force and Human Rights, humanitarian considerations were priority in the strategic planning of the operations. These include:

- Respect for Human Rights
- Removal of injured persons
- Removal of dead bodies and protect the dignity of the dead
- Assist persons who may be in need of medical care
- Allowing persons who wish to leave the area to do so in a controlled fashion after being cleared
- Secure of vulnerable citizens and institutions

The Security Forces recognized the right of the subject to a fair trial and due process. However note was made of possible scenarios

- peaceful surrender by Coke
- Coke fleeing the jurisdiction
- Coke and him sympathizers resisting his arrest with violence and disorder

All the scenarios were carefully analyzed and assessed, that, if the subject resisted arrest care would be taken to minimize injuries to him and collateral damage to the general public.

PUBLIC APPEAL

In an effort to avert confrontation, attempts were made to have Coke surrender through his attorneys but this proved unsuccessful. Public appeals were also made to have the barricades removed but this too was unsuccessful. Based on the resistance and imminent threat of confrontation members of the Tivoli Gardens community were advised to leave by the Security Forces. Buses and security were provided at the intersection of Industrial Terrace and Marcus Garvey Drive to facilitate the process. Persons desirous of leaving would have been transported to a safe location provided by the government. No one responded to this request.

POLITICAL/SOCIAL & ECONOMIC IMPACTS

Political

The subject is the strongman/area leader for the most fortified garrison in the country, an area which is known to have strong ties to the JLP which was the Government in power at the time. The following factors were considered:

- The subject is an influential supporter of the JLP
- Intervention by political actors.
- Possible loss of constituency supports for the Prime Minister as well as the party
- International view of Jamaica's capacity to enforce the rule of Law

Social & Economic

The period of operations in Tivoli Gardens and Denham Town had a significant impact on commercial activities in the business district of Downtown Kingston. Several businesses and schools were closed during the period. The market district was also affected as a section of the Coronation Market was destroyed by fire.

Normalcy returned once the police took control of the communities and regular business resumed.

RISK ASSESSMENT

The risk assessment was considered high to extreme. The following are some risk factors that were considered:

- ❖ Damage to critical installations and vulnerable infrastructure

- ❖ Attacks on persons who are considered to be instrumental to the extradition proceedings.
- ❖ Entering the target area may be challenging due to possible blockages reducing drivable access;
- ❖ Resistance by the subject could escalate into intense gunfight between the Security Forces and criminals in areas populated by civilians.
- ❖ Women and children may be used as shields during gun fight and /or be caught in the cross fire.
- ❖ Elements may attack the Security Forces with gunfire from within buildings, behind barricades and across open spaces.
- ❖ Elements from several adjoining and remotely located communities may attack the Security Forces or create violence in protest about the police operation;
- ❖ Assistance may come from some unlikely source during any resistance by the subject;
- ❖ If the intelligence advises that the planned operation has been compromised, that will be grounds for amending its timing;

METHODOLOGY

Leadership and Support

The success of the operation was largely due to strong, composed and decisive leadership under the direction of the Commissioner of Police and the Chief of Defence Staff. Effective support came from other senior members of both forces. The operations were managed from the Headquarters Management Centre, established at 103 Old Hope Road, under the leadership of DCP Operations. The centre gave direction, coordinated and monitored all aspects of the operation on a daily basis.

There was also a Headquarters Management Centre at the JDF where the Senior Duty Officer (SDO) operated from. Other support mechanisms were the establishment of a command Post at Seprod building to manage daily deployment and other ground activities. This post was later relocated to the Tivoli Gardens Community Centre. Also, a dedicated intelligence desk was instituted at Headquarters Command and Control Centre (HCCC) from as early as Tuesday, May 18, 2010 to capture/log all related incident surrounding the extradition.

Phases of the Operation

The operation was conducted in three (3) phases:

➤ Phase I - Pre-operation

This phase dealt with the planning stage for the operation, it included the following: resource audit, reconnaissance of vulnerable key points, training and intelligence assessment

➤ Phase II – Operational

In this phase the strategic objectives were both managed and executed by the Silver and Bronze Commanders respectively.

➤ Phase III - Post Operation

This phase was characterized with an intention to restore stability and normalcy for public safety and security in the affected areas. The strategy was operationalized into two parts: Immediate and Medium/long term. The process of these phases were and are being monitored by the Deputy Commissioner of Police incharge Operations.

Composition of Elements

The operation was planned and executed by a joint military/police team. The JDF had tactical responsibility for the operation. The formations from the JCF involved in the operation included: Mobile Reserve, Caribbean Search Centre, Firearms and Tactical Training Unit (FTTU) and Flying Squad.

Arrest and Detention

At the end of the Operation, one hundred and twenty eight (128) persons were issued detention orders by the Minister of National Security. Seventeen (17) of these persons were charged whilst eight (8) were remanded by the courts for offences to include; shootings and murders. Twenty-four (24) of the persons detained appeared before the Emergency Review Tribunal to have their detentions reviewed.

The JCF was deliberate in ensuring the rights of all persons detained/arrested were protected. In this regard all detainees/arrestees were served with written notices informing them of the reasons for the restriction of their liberty; their right to legal representation and their right to a fair trial to include, a right to appeal to the review tribunal. In keeping with International requirements detainees/arrestees were provided with food, transportation, water, clean space, medical treatment (if required) and a system to ensure due process.

Inspectorate of Constabulary (IOC)

The IOC was responsible for the Detention Centre and all matters relating to detainees. Protocols developed to manage aspect of the operations were: Job descriptions for persons working at the Detention Centre, Command Centre and Command Post.

The centre to hold detainees was established at the National Arena but this was subsequently relocated to Mobile Reserve and was primarily used as a processing centre.

A Gazetted Officer supported by other members was responsible for the centre on a daily basis. As a means of accountability and consistency in terms of management and the discharge of duties at the centre. Terms of Reference were developed and provided to Officers. Detainees were treated with respect and dignity. Four thousand six hundred and fourteen (4,614) persons were detained and processed during operations within the parishes of the limited state of emergency.

Bureau of Special Investigation (BSI)

The BSI conducted investigation into the death of civilians during the operations in Tivoli Gardens. A total of seventy four (74) bodies were found after the operation. Seventy (70) were related to the operation, three (3) are alleged murder victims and one (1) died of HIV. Investigations into the alleged murder victims are being conducted by the Major Investigation Task Force (MIT). Post Mortems were conducted on all the bodies at the Spanish Town Hospital and a temporary facility established at 14 Norman Road, Kingston.

The Post Mortems were overseen by representatives from the BSI, Public Defender's Office and the Police Civilian Oversight Authority.

Of the seventy four (74) persons killed or bodies recovered during the operation a number of them had addresses outside of the corporate area. The police received credible intelligence that people who tried to flee the community were killed by gunmen. A number of the bodies were in a state of decomposition which suggested that they were killed by criminal elements prior to the operation.

TRANSITION OPERATIONS

This is in phase III where the Security Forces partnered with other agencies to include Non-Governmental Organizations, Private and Government Departments. The objective was to restore public confidence in the Security Forces and other State agencies, to initiate a culture change, offer mediation and counseling as a way to mitigate against reliance on crime and violence to settle dispute. This phase also included a healing process considering the immediate trauma which was experienced by the residents

The efforts made in this phase include:

- The establishment of a joint police/military security post
- The use of specially trained female police officers some of whom have experience in International Peace Keeping to have regular discussions and to hear complaints from members of the community particularly females
- Commencement of Community Based Policing within Tivoli Gardens
- Conduct of workshops and Seminars with members of the community to Dealing with such issues as: Domestic Violence, Skills programme and general personal development
- The JCF in collaboration with the University of the West Indies (UWI) under the supervision of Professor Anthony Harriot developed a programme to facilitate rehabilitation/re-orientation of those detainees who were considered area leaders and deemed to wield tremendous influence on crime and violence and criminality in general. A total of twenty four (24) persons were identified from various gangs within the Corporate Area and St. Catherine for participation in the programme but only eight (8) were exposed.
- Reviving the Police Youth Club

- Regular meetings and consultation with members of the business and market district in order to restore normalcy and confidence in public security and safety
- Regular foot patrols
- Social activities to include several excursions outside of the Corporate Area
- Frequent tours by Senior members of both Security Forces
- Involvement of the Churches and other Social Organizations

Weapons and other items seized

The joint military operation in Western Kingston led to the seizure of a number of firearms, explosive devices, police vests and radios among other items. Details of the seizure is at Appendix 'A'

Cumulative effect of operations by the Security Forces for the year May 23, 2010 to May 24, 2011 resulted in the seizure of six hundred and twenty nine (629) firearms and over thirty thousand ammunition.

SUBSEQUENT IMPACT/BENEFITS OF THE OPERATION

The operation resulted in significant improvements in public safety and security in Western Kingston. Additionally the impact/benefits were felt across the entire country as there were marked reduction in serious and violent crimes. The overall impact/benefits indicated the following:

- Jamaica recorded three (3) consecutive years of reduction in serious and violent crimes subsequent to the operations
- More than two thousand (2000) lives were saved over the period and less than three thousands (3000) persons shot by criminals
- Destabilization of Criminal networks
- Significant seizure of firearms and ammunition
- Significant crime reduction
- Feeling of safety among citizens
- Detention and the placing of charges against persons

- Freedom of searches
- Significant psychological advantage over criminals
- De-garrisonization of Tivoli Gardens facilitating normal policing
- Persons of interest turned themselves in after police releases (not the norm)
- Persons voluntarily turned themselves in to the police (not the norm)

The statistics indicate a significant impact/benefits of the operations as under:

May 23 – July 22, 2010 vs. 2009 (Islandwide)

- Overall crime – 1561; 565 or 26% less than 2009
- All categories of crime declined by 20% or more during the period
- Murder 220; 62 or 22% less than 2009
- Shooting 198; 114 or 36% less than 2009
- Robbery 399; 166 or 29% less than 2009
- Break-ins 539; 131 or 20% less than 2009
- Rape 91; 29 or 24% less than 2009
- Carnal Abuse 63; 41 or 39% less than 2009
- Larceny 51; 22 or 30% less than 2009

Sixty day period of Operation, 2010 vs. 2009 (Kingston and St. Andrew)

- Overall crime 439; 289 or 40% less than 2009
- Murder 71; 29 or 29% less than 2009
- Shooting 61; 75 or 55% less than 2009
- Robbery 115; 97 or 48% less than 2009
- Break-ins 126; 72 or 36% less than 2009
- Rape 22; 10 or 83% more than 2009
- Carnal Abuse 21; 4 or 24% more than 2009
- Larceny 23; 29 or 58% less than 2009

Period of Operation for St. Catherine – June 24-July 22, 2010 vs 2009

- Overall Crime 123; 18 or 13% less than 2009
- Murder 16; 9 or 36% less than 2009
- Shooting 11; 12 or 52% less than 2009
- Robbery 38; 1 or 3% more than 2009
- Break-ins 42; 11 or 35% more than 2009
- Rape 15; 2 or 13% less than 2009
- Carnal Abuse 1; 6 or 86% less than 2009
- Larceny 2; 1 or 33% less than 2009

Sixty Days of Operation vs. Sixty days prior to Operation (Islandwide)

- Overall Crime 1561; 376 or 19% less than previous sixty days
- Murder 220; 82 or 27% less than previous sixty days
- Shooting 198; 109 or 36% less than previous sixty days
- Robbery 399; 86 or 15% less than previous sixty days
- Break-ins 539; 54 or 9% less than previous sixty days
- Rape 91; 20 or 18% less than previous sixty days
- Carnal Abuse 63; 18 or 22% less than previous sixty days
- Larceny 51; 7 or 12% less than previous sixty days

Murder and Shooting for Kingston and St. Andrew – May 23-June 23, 2010 (First period of the operation)

During this period a total of ninety (90) murders and shootings were recorded (51 murders and 39 shootings). During this same period which lasted thirty two (32) days there were eleven (11) days without a murder.

In Kingston there were:-

- 23 days without neither murder or shooting
- 25 days without murder
- 26 days without shooting

In St. Andrew there were:-

- 12 days without written murder or shooting
- 16 days without murder and
- 19 days without shooting

June 2010 vs. 2009

There were dramatic declines in all major crimes in the month of June when compared with 2009. Overall, crime declined by 206 or 21% for the period.

- Murder 91; 29 or 24% less
- Shooting 92; 48 or 34% less
- Robbery 202; 49 or 20% less
- Break-ins 267; 63 or 19% less
- Rape 48; 2 or 4% less
- Carnal Abuse 29;10 or 26% less
- Larceny 29; 5 or 15% less

- Murder for the same month was significantly less than each month since the start of the year. The usually crime challenged divisions of Kingston Western, St. Andrew South, St. Catherine North and South, St. James and Clarendon all recorded reductions in their murder figure for June when compared with June 2009.
- For the month of July major crimes were less than the previous year with a drop in murder by 67% over the month of July 2009.
- Whichever way the figures are examined, the results speak to reduction in crimes. These are clear indications that the operation had a significant impact on crime and violence. There is no doubt that the country would have benefited further if the operation was allowed for another thirty (30) days.

COMPLAINTS AGAINST THE SECURITY FORCES

Jamaica Constabulary Force

The JCF established a complaints desk within the community of Tivoli Gardens as a direct response to allegations of abuses by members of the Security Forces and the need to allow for ease of access to the residents. Over three hundred (300) complaints were received mainly regarding destruction of property by the Security Forces, as well as verbal abuses and to a lesser extent physical abuses.

Whilst there were over three hundred complaints there were no individual charged for breach of discipline by members of the JCF. The JCF have made several efforts to have complaints provide statements, evidences and other information necessary to conduct investigations into alleged breach of discipline by members of the JCF. These efforts have proved futile. To date no one has identified to the JCF any member of the Security Forces who has committed acts which may be classified as a breach of discipline.

Public Defender

Subsequent, to the start of the operations, the Public Defender initiated his own investigations into the conduct and continuing operations of the Security Forces in Western Kingston.

On Wednesday, May 1, 2013, The Public Defender's Report on the Operations of the Security Forces in Western Kingston May 2010 was tabled in Parliament. The Report contains several allegations of misconduct by members of the Security Forces.

The Report recommended that a Commission of Enquiry be held in the conduct of the Security Forces in the Joint Military/Police Operations classified by the Public Defender as an 'Incursion or Siege'.

Subsequent to the Public Defender's report the High Command of the JCF submitted a response to the Minister of National Security refuting certain allegations made in the report. Highlights of alleged Human Rights Abuses made by the Public Defender and the JCF response are as follows:

➤ **Extra judicial killings and abuse of citizens' rights**

In this instance the Report mentioned the death of 76 civilians to include Mr. Keith Clarke. Forty-Four of the deaths are classified as extra judicial killings. The Report gave six examples of extra-judicial killings; one of which is that of Mr. Kevin Gordon aka 'porridge man' who is alleged to have been killed by members of the Security Forces who kicked off his door, entered his house, shot and killed him inside whilst the police chased witnesses away from the scene. The alleged eyewitness said that he was confined to the verandah, whilst members of the Security Forces interrogated 'porridge man' inside.

Additionally, an instance of human rights abuse includes a report by a witness identified with the pseudonym 'TG 1' that a Soldier pushed a machete in the face of the witness, forced him to kneel and threatened to kill him and other civilians in Western Kingston.

The JCF denies any such abuses and states that in all circumstances to the best of its knowledge and belief, the Security Forces acted within the confines of the law in an effort to return normalcy and order to parts of the Corporate Area by respecting the rights of all persons, doing so in an exercise to protect lives and properties.

➤ **Evidence (albeit anecdotal) that most of the weapons found by the Security Forces in Western Kingston actually came from the large stockpile of the JDF and JCF, prior to and in operations entirely unrelated to the operation.**

In this instance no evidence was given as to how the Public Defender came to this conclusion.

The JCF has concerns as to the thinking of the Public Defender on this issue. If it is anecdotal it cannot therefore be evidence on which a meaningful determination can be made. The JCF categorically denies any such activity by its members and other members of the Security Forces.

The JCF demands that the Public Defender produces evidence of the Security Forces stockpile of weapons and its comparative analysis of weapons found in Western Kingston to those of the force's stockpiles.

➤ **Disquiet over the remarkable ratio of deceased to weapons found within the first two days of the operation.**

The Report alluded to claims that the Security Forces were unable to produce the number of weapons seized by them within the first two days of the operations.

The JCF wishes to inform and educate the Public defender that, the initial phase of the main operations in West Kingston involved sustained gun battles between gunmen and members of the Security Forces. Shootings continued in the Area of Operation for the first two (2) days. After the shootings subsided, the Security Forces commenced

Search and Hold operations within Tivoli Gardens to ensure the integrity of the community.

Further, during the State of Emergency which lasted sixty (60) days, 115 firearms and over 15,500 rounds of assorted ammunition as well as several other items were seized. Eighty-six (86) of the weapons were seized in the Area of Operation, twenty four outside but within the area of the State of Emergency while five (5) were seized in secondary operations outside the area of the state of emergency.

➤ **Disproportion with regard to the ratio of civilians to state Security Forces fatality, is indicative of excessive or undue resort to lethal force by the Security Forces.**

The Report indicates 75 civilian deaths to 1 member of the Security Forces.

The JCF denies this claim and states that without more the statement is highly irresponsible.

The JCF must inform that, on Sunday May 23, 2010, a police party came under heavy gunfire along Mountain View Avenue in the vicinity of Excelsior High School resulting in eight (8) policemen being injured, two (2) fatally (#856 Sgt. Wayne Henriques of Motorized Patrol Division and #10293 Cons. Jason Davis of Kingston Eastern Division.

The ratio stated by the Public Defender must be construed as indicative of a highly-trained and professional security force which demonstrated its capacity to defend the country.

It is timely to consider what would be the expected ratio from the Public Defender.

- **Concerted endeavour to conceal highly probative evidence of infliction of close range "or close contact" gunshot injuries inflicted by the Security Forces.**

The Report cites instances in which there were naked dead bodies and dead bodies with parts of clothing removed and suggests that these were attempts to contaminate and/or hide probative evidence such as burn marks.

The JCF denies any such claim by the Public Defender there is no evidence to support the claim that the Security Forces tampered with bodies. BSI conducted investigations into the deaths of civilians during the operations in Tivoli Gardens. A total of seventy four (74) bodies were found after the operation. Seventy (70) were related to the operation, three (3) were alleged murder victims and one (1) died of HIV. Investigations into the alleged murder victims are being conducted by the Major Investigation Task Force (MIT).

- **Failure of the Police to conduct investigations into citizens' complaints of the misconduct of members of the Security Forces within the first two days of the operations.**

The report made such assertions but has not cited examples of any such instance in which the police failed to conduct investigations into citizen's complaints.

As soon as it was possible, a team of police officers went into Tivoli Gardens and collected and collated reports/statements from persons in the area.

The JCF established a complaints desk within the community of Tivoli Gardens as a direct response to allegations of abuses by members of the Security Forces and the need to allow for ease of access to the residents. Over three hundred (300) complaints were received, mainly regarding destruction of property by the Security Forces, as well as verbal abuses and to a lesser extent physical abuses.

- **The swabbing or smelling of hands of persons as a means of profiling of evidence by the Security Forces to determine whether these persons were handling guns.**

The Report alleges an instance in which a civilian, Mr. Errol Spencer had his hands swabbed by members of the Security Forces who took him away and killed him.

The JCF denies any such action by members of the Security Forces. There is no evidence that members of the Security Forces swabbed the hands of any person during the operations to determine whether they handled weapons and then shot and killed them.

Members of the Security Forces were not equipped with any such implements to facilitate the taking of swabs during the operations.

➤ **Non adherence of the police to its Policy on Human Rights and Use of Force.**

The Report states broad allegations without giving specific instance in which there was non-adherence by the police of the Policy on Human Rights and Use of Force.

The JCF must state that all members of the JCF who participated in the operation were briefed by the Commissioner of Police on the provisions of the Policy on Human Rights and Use of Force. These members were constantly reminded of these provisions and the necessity to adhere to them during daily briefing sessions.

➤ **Claim that members of the Security Forces wore masks.**

The report states that members of the Security Forces wore hooded- masks. There is no specific instance in which this happened.

The JCF denies such claim.

The Commissioner of Police did not authorize any member of the JCF to wear masks. There is no evidence that members of the Security Forces wore or otherwise used masks during the operations.

To best our knowledge and belief none of the members of the Security Forces wore masks or otherwise used them during the operations.

The Joint Military/Police operations of May 2010 were carried out mainly by members of the Mobile Reserve of the JCF and the Military. The operation received support from non-geographic areas to conduct searches and vehicle checkpoints and command of detention centres.

OPERATIONAL CONCERNS:

The JCF subsequently reviewed the operations and found the following:

- 1) Weaknesses in the capacity and capability in operational tactics on the part of some JCF members
- 2) Lack of Command Resilience of some JCF members compared JDF members in coping/dealing with the nature of the situation as presented in the area of operation
- 3) Failure to take weapons to the Forensic Lab within a reasonable time for examination
- 4) Lack of recorded briefing and debriefing sessions
- 5) There was no one off debriefing session, however the leadership of the operation was given regular and daily situational reports from the area of Operation as Commanders debriefed their subordinates.

REMEDIAL ACTIONS TAKEN:

- 1 Immediately following the Pre-Planned Internal Security Operations of May 2010, a number of remedial measures were adopted. One of the measures is the strengthening of the human resources and administrative capacity through training. As a consequence, the Officers Field Command Course (OFCC) was developed as a joint effort between the JCF and the JDF.

The course is formatted to enable participants to meet the new challenges involved in countering the threat to national security. The OFCC is a four week residential practice-based course geared towards better preparing operational commanders to plan, execute and evaluate operations in a range of contexts, as well as developing and enhancing participants' ability to create, lead and manage effective operational teams.

The course is designed for law enforcement personnel in senior supervisory and middle management positions; from the rank of Inspectors to Deputy Superintendents and who are currently engaged in operational activities.

The OFCC has been integrated into the deliverables of the Staff and Junior Command Programme and the New Accelerated Promotion Programme (NAPP) and to date a total of one hundred and sixty-eight (168) Commanders have been trained.

- 2 In furtherance of the response through training we now have a trained SWAT Team headed by a gazetted officer set up with a specific focus on criminal activities relating to high risk operation and execution. It is situated at the Mobile Reserve Headquarters and is equipped to address challenges associated with gangs and to counter criminal defence as was experienced in the May 2010 Operations. The training and out fitting of the SWAT was funded by the Government of United States of America through the Local Embassy.
- 3 Revised Human Rights, Use of Force and Firearms Policy. The principles and practices of Human Rights now forms a part of all training curriculum at the National Police College of Jamaica. Additionally, the practice of Human Rights by all members of the JCF is now a mandatory feature of all briefing and debriefing sessions.
- 4 Police Control Centre has been mandated to broadcast proactive messages to all patrols on a daily basis on Human Rights, Use of Forces and Firearms Policy. Patrols are required to acknowledge.
- 5 Joint Weekly Coordinated meetings between the JDF and JCF at Police Headquarters and Mobile Reserve levels. These meetings review plan and execute operational measures to deal with issues of public safety and security. It also fosters a better working relationship between both Forces.
- 6 The JCF appointed Compliance Officers to ensure that at all level of the organization matters such as the recordings of briefings and debriefings are complied with according to the policies of the force.



Commissioner of Police

Appendix A

WEAPONS AND OTHER ITEMS SEIZED

CONS. No.	ITEMS SEIZED	QUANTITY
1	Firearms	115
2	Assorted Ammunition	15500
3	Magazines	32
4	Police Radio	1
5	Walkie Talkie / Portable Radios	4
6	Police Uniform	3 suits
7	Tear Gas Canisters	3
8	Smoke Grenade	1
9	50 Calibre Rifle Case	1
10	Ammunition Container	1
11	Pistol Holsters	4
12	Police Baton	1
13	Ganja	165 lbs
14	Registration Plates (including diplomatic plates)	7 pairs
15	Rifle Telescope	1
16	Fire Crackers	1 carton
17	Ballistic Vest	19
18	Nitro Pakoska Explosive	1 bag
19	C4 Explosive	1 lb
20	Magazine Pouch	2
21	Hand Grenades	14