

**The Killings of Kraal, Clarendon:
Highlighting Patterns of Impunity in Jamaica**

March 20, 2008

On Thursday, May 7, 2003, at around 5:30 pm members of the Jamaican police force's Crime Management Unit killed Angela Richards, 47, Lewena Thompson 39, Kirk Gordon and Matthew James, both 27. They were killed at Angela's home, in the district of Kraal, Clarendon. The police officers, led by Reneto Adams, said it was a shootout however members of the community dispute this. Eventually six officers were charged and the case went to the Jamaican Supreme Court in November and December 2005 where all six were found not guilty. The police officers charged were: SSP Reneto Adams, Corporal Patrick Coke, Constables Devon Bernard, Shane Lyons, Roderick Collier, and Lenford Gordon.

This case is an example, which can be used to highlight several areas of concern in the Jamaican police and judicial systems. Some of these areas of concern include the extrajudicial nature of killings, the lack of protection of the crime scene, the investigative process, and the court proceedings. For a complete timeline of the incident and the court dates please see the appendices at the end of this narrative.

Extra – Judicial Nature of Killings

On May 7, 2003, Reneto Adams, who was then head of the now disbanded Crime Management Unit (CMU) was in Kraal reportedly looking for gang member, Bashington Douglas, a.k.a. Chen-Chen or Shortman. Adams purportedly received word from an informant that Douglas was at Angie's house. On this information he and other members of CMU proceeded to the property. Adams claimed his unit was greeted by gunfire, and during the exchange four persons were shot and killed. However eyewitness statements deny that a shootout occurred.

Randy Little who was at Angela's house on May 7th states that Douglas did not have a gun that day. Furthermore, he states that he heard several gunshots coming from Angie's yard where the police were and started to run at this time. Eyewitness Kemar Miller, who talked with Angela on May 7th, corroborates this statement. Adrian Faeron, a farmer in Kraal, who was also at Angela's house at 5:30 pm. saw the white bus the police were driving, saw a man with a "long gun" get out and point it toward him. This man shot at him, and at which time Faeron started running toward a gully.

Shanice Stoddart, Lewena Thompson's daughter, age 9 at the time of the shootings, was also present that day. She was playing cards on the porch when the gunfire started and Angela, Lewena, and Shanice ran into a bedroom. Angela and Shanice hid beneath one bed, and her mother beneath another bed in the room. While under the bed she heard gunshots followed by a policeman yelling for them to come out from under the bed. Angela and Shanice came out from the bed and sat on it, with Shanice on Angela's lap. The policeman yelled at Angela for her to let go of Shanice and when she refused, he squeezed Angela's neck. Upon releasing Shanice the police officer took the child outside and told her to "look down the road." Shanice saw her mother lying on the bed, and saw Matthew (who was dead) on the veranda.

As she was leaving the scene she heard Angela say, "Please no bada kill me" and then heard gunshots. Shanice was in witness protection at the time of the court trial.

Police officer Donovan Thompson a CMU member who was at the scene on the day of the shooting reports that when he drove past Angie's house around 1 pm people were on the porch, but Douglas was not among them. When he arrived later that day in the white van, he heard gunshots, took cover, and then headed to the house. While outside, Adams brought him a child (Shanice), and then went back into the house. Thompson heard gunshots and at this point told Shanice to run to a neighbour's house and not to stop.

Donnovan said that after he entered into the house there was the figure of a lady with blood splattered in her chest region and a man lying on the floor. He entered another room, saw no one, but stated he felt someone glaring at him. He turned around, saw a man, and began to search him. He found nothing dangerous on him; as he was bending down to check the man's knee region, he heard explosions, felt the body hit him, and he dove out of the way. He checked the man, found him dead, and had to leave the house to regain his composure.

Evidence given also seems to indicate there was NOT a shoot-out. Various experts from around the world examined the bodies and evidence from the scene. Derrick Pounder, an English Forensic Pathologist hired by the families, observed the post-mortem. He states the bullet wounds on the victims indicate they were shot at close range and at a high velocity. He also believes that Angela Richard's wounds occurred as she was sitting down on something such as a bed. He testified that these types of wounds generally do not occur in a shootout.

Jack Crane, an Irish Forensic Pathologist reviewed Derrick Pounder's post-mortem report. He believes that the injuries sustained did not occur in a shoot-out due to the lack of fragments in the bodies, and also due to the areas where the injuries occurred. It is significant that it appears that Matthew James' arms were raised when he received his fatal wound. Crane stated, "In my opinion, the injuries sustained were not the typical injuries one would expect to find during a so-called shootout. They (bullet wounds) are, in my opinion, more consistent with having been shot in a controlled way. There is the possibility that two victims were shot whilst lying on the ground or floor."

Daniel Wray, Jamaican ballistics expert, said that it did not appear that shots were fired from within the house, but rather from the outside.

Furthermore the extra-judicial nature of the crime allegedly extended to Adams and members of the CMU planting evidence at the scene. Constable Tyrone Brown, CMU Officer, gave testimony during the trial of this. He was in Witness Protection at the time of the trial due to the danger of testifying against his fellow officers. On May 7, 2003, Brown was taking a break with another officer, Corporal Ramsey, when he heard over the radio that Adams and the CMU were under fire. At this point, Ramsey told him to follow two other officers, Ballen and Tingle, who were near them in another vehicle. Instead of heading straight to the scene, they went to a residence on Homestead Road, which is not near Kraal. At this point an exchange occurred between Ballen, Tingle and "a man with lots of jewellery," which resulted in the man giving the officers a firearm, which was placed in a bag.

Additionally, on the way to Kraal, the two vehicles stopped on the side of the road. At this point Tingle shot the firearm in the air and Tingle took up the spent shells. When the officers arrived at the scene, Brown saw Tingle hand the bag to Adams. Adams then took the firearm from the bag, placed it on the ground, and then took shells and scattered them out on the floor. At this point, Adams allowed the crime photographer to take pictures.

No Protection of Crime Scene

Kraal also indicates issues related to the protection of the crime scene as well as ineffective investigative processes and forensics. Dr. Geoffrey Maxwell Rowe, forensic scientist from the UK, stated that from looking at evidence taken it is likely that at least one body was dragged. Statements that speak to this include Randy Little's testimony where he saw police officers put four bodies in their white van, as opposed to keeping them in the house for proper crime scene investigation, and Franklin Brown, Scene of Crime Division, who was at the scene that night. He allowed Adams to take bodies out of the house, but he did not see where they were taken.

Other issues from the investigation came from Joshua Black who worked in the Scene of Crime Division with Franklin Brown but who had been killed by the start of the trial. In his statements, read by Franklin Brown, he swabbed the hands of five of the accused policemen, *but* not Reneto Adams. There is no way of knowing if Adams had gunpowder residue on his hands. His statement also stated there were no pictures of the dead taken at the crime scene. Also, the firearms found at the scene were not dusted for prints.

Police Superintendent Ezra Stewart testified that he did not think the CMU unit adequately protected the Kraal crime scene. Illustrating this point, Adrian Faeron testified he saw a crowd at the house the next morning. He went up to the crowd and inside the house, less than 24 hours after the shootings. Also, Inspector Duane Wellington, Bureau of Special Investigations, went to the crime scene at 10:30 am on May 8, 2003, at which time the crime scene was not secured.

Issues with the post-mortems also arose. Parasad Kabida a forensic pathologist, stated that when he visited the Spanish Town Morgue for the autopsy the bodies of the victims had begun to decompose, as they had been taken in and out of the coolers many times. Derrick Pounder viewed the autopsies, which took place on May 22, over two weeks after the incident.

Ineffective ballistics also hindered the case. Sergeant Hayden Brown, formerly of BSI, testified that he collected firearms from CMU and recorded statements of the event. However, when he went to pick up the rifle found at the scene, it was not assembled, which is not how he left it. Furthermore it is possible to shift around the barrel or rifle parts from one M16 to another. Dr. Geoffrey Maxwell Rowe also stated that the first time experiments conducted on a gun found at the scene occurred was when he did it on November 15, 2005, more than 2 years after the incident.

Court Proceedings

Kraal also highlights shortcomings of the judicial process in Jamaica, including long delays in having the case heard. The Kraal incident occurred in May 2003, and after a lengthy investigation process, the six officers were charged in April 2004. After that point, the case was brought to court at least ten times over the course of 18 months before it finally went to trial in October 2005.

Some of these delays can be attributed to the Public Prosecution office. During this time, there were four mention dates. Additionally, on April 29, 2005, a private law firm requested a *fiat* to prosecute from the Director of Public Prosecution, who denied the request on May 2, 2005 yet on July 18, 2005, the trial was again delayed because the DPP could not find a senior prosecutor for the case.

During the long delay before the commencement of the trial Joshua Black, who worked in the Scene of Crime Division, was killed. Additionally, witnesses, including the young Shanice Stoddart had time to forget important details.

During and after the trial the DPP made some surprising moves. For instance, he failed to take action against Danhai Williams, who on investigation was implicated in connection with the rifle allegedly found at the scene. Mr. Williams was never produced to the court despite the fact he was given immunity from prosecution in exchange for his testimony. Danhai Williams was thought to be a key witness who would have corroborated portions of Thompson's evidence. Also, the DPP failed to call Bashington Douglas to the stand. Douglas was the person the CMU went in search of that day. Adams also claimed that Douglas was involved in the alleged shoot-out. Though the DPP may have had compelling reasons for not producing either Mr. Williams or Mr. Douglas the public was never made aware of same.

Judicial Conduct and Decisions Issues

There were several concerns about the conduct of the court proceedings. It emerged after the trial that one of the jurors who was the Vice Chairman of the Liguanea Club, knew the chief defence attorney well and had frequent contact with him in his capacity as Chairman of the Club. It also emerged that the two were seen talking together on the way to court after the start of the trial. This was brought to the attention of the Chief Justice who presided over the case, but he ruled that

it was not a reason to dismiss the juror.

During his summation, Chief Justice Lensley Wolfe emphasized the weaknesses in the evidence of many of the witnesses for the prosecution. In the case of the testimony of Shanice Stoddart, he highlighted in a general way her admission that she was 'confused', although this admission was made in a particular context. This arguably would have weakened her damning evidence.

The then Chief Justice's failure to insist on the appearance in court of the witness Danhai Williams, hindered the presentation of a number of key pieces of evidence including cell phone call records which would have helped the prosecution's case.

Reports of the Chief Justice's presence at a cocktail party during the course of the trial, at which were present the DPP, many of the lawyers for the Defence and the chief accused Reneto Adams is likely to have reinforced the negative impression that some members of the public have of the justice system, though it is not clear that he was aware that they would be present.

Appendix A

Timeline of Events

7 May 2003: Kirk Gordon, Matthew James, Angela Richards, and Lewena Thompson are killed by police in Kraal, Clarendon.

13 May 2003: Allegations made that weapons planted at Kraal

15 May 2003: Ballistics investigation launched to uncover correct serial number of rifle.
Two-week time limit given

21 May 2003: Asst Commissioner, Osbourn Dyer, awaits autopsy reports to help determine which guns were used in the killings.

22 May 2003: Robert "Mackerel" Miller in prolonged detention in connection with Kraal. Police said he was a suspect in the Kraal killings. Miller, along with other witnesses, went to police station to clear his name, and he was subsequently charged with shooting with intent and illegal possession of a firearm. Police and Resident Magistrate refuse to hear from witnesses who place Miller miles away from Kraal at the time of the killings.

23 May 2003: Independent observer allowed in Kraal autopsies

3 June 2003: British Metropolitan Police Chief, Sir John Stevens arrives for three-day visit to discuss Kraal amongst other cases

5 June 2003: British Metropolitan Police Chief urges investigators to leave "no stone unturned" and to report fairly on the findings of the case

10 June 2003: Complaint filed by Adams to keep the Commissioner of Police from removing him from front-line duty and from dismantling the CMU

24 June 2003: Clues from Kraal crime scene sent off to the UK

25 June 2003: Adams has petitioned to be allowed to return scene of crime. Kraal residents terrified at prospect of him returning

29 June 2003: Adams granted permission to visit premises of the incident. The visit will be videotaped.

4 July 2003: Adams makes statement that he believes he and former members of CMU will be charged within the week

- 5 July 2003: High Command denies this statement, as the files of the case had not been sent to Director of Public Prosecutions Kent Pantry Q.C.
- 23 July 2003: Bashington Douglas (a.k.a. Shortman, Chen-Chen) surrenders
- 2 August 2003: Protest, which includes family members of Kraal victims, to get Prime Minister, PJ Patterson to “break his silence” on human rights issues
- 28 August 2003: Deputy Commissioner Lucius Thomas states that he believes forensic report will wrap up by mid-September.
- 22 September 2003: Reports that Adams and team will meet with investigators in the upcoming week. However, Adams says he will cooperate with local investigators, but not foreign ones.
- 9 October 2003: Scotland Yard investigation of Kraal wraps up
- 25 October 2003: Forensic and ballistic reports completed indicating range and where on the premises the victims were shot. This includes local investigators and Scotland Yard’s findings. Police are tight lipped about findings. Adams has no comment.
- 30 October 2003: File detailing investigations into Kraal makes its way to the Director of Public Prosecutions, Kent Pantry, Q.C.
- 15 April 2004: DPP ruled that men will be charged after more than six months of investigations. Names of men not given at time.
- 21 April 2004: Six officers charged receive \$2 million bail. They are: SSP Reneto Adams, Corporal Patrick Coke, Constables Devon Bernard, Shane Lyons, Roderick Collier, and Lenford Gordon
- 7 May 2005: Memorial held by families marking 2-year anniversary of Kraal killings
- 26 May 2005: DPP hands over statements and videotapes to defence lawyers
- 21 July 2005: Ballen and Tingling charged with planting evidence on the scene
- 31 October 2005: Kraal Trial begins

Appendix B

Timeline of Court Hearings

21 April 2004: Six officers charged receive \$2 million bail. They are: SSP Reneto Adams, Corporal Patrick Coke, Constables Devon Bernard, Shane Lyons, Roderick Collier, and Lenford Gordon

12 July 2004: Court date set for July 29th

29 July 2004: Matter still at mention; Prosecution witness, Ms. Clayton, has been killed; matter put off until September 23

23 September 2004: mention date; matter put off until 9 December 2004

9 December 2004: no appearance in court

13 January 2005: matter put off until February 3

3 February 2005: no appearance in court

14 April 2005: mention date; matter put off until 26 May 2005

31 May 2005: mention date; next date set for July 7th; Trial set for September 19, 2005

7 July 2005: no appearance in court

18 July 2005: DPP Kent Pantry states that he cannot find a senior prosecutor for case and asks for November 14 court date. Date set at 31 October 2005.

31 October 2005: Kraal officially opens in court and jury is selected

Heard on 1 November 2005: siblings of deceased, Ms. Albertha Thomson-Williams, Howard James, Patrick Finch, Anthony "Junior" Gordon, give testimony; Detective Corporal Franklin Brown, Scene of Crime Division, begins crime scene testimony; witness bound over

Heard on 2 November 2005: Detective Corporal Franklin Brown continues testimony; Statement of Constable Joshua Black (now deceased) read into evidence; Vivian Richards, PPCA investigator, begins testimony; witness bound over

Heard on 3 November 2005: Inspector Duane Wellington, BSI, give testimony

Heard on 4 November 2005: Parasad Kabida, Forensic Pathologist gives evidence; witness bound over

Heard on 7 November 2005: Parsad Kabida finishes testimony; Randy Little gives eyewitness testimony of shooting; witness bound over

Heard on 8 November 2005: Randy Little completes witness statement; Shanice Scott supposed to testify however too afraid this day; Kemar Miller gives eyewitness statement

Heard on 9 November 2005; Tape of Adams' transmissions on 7 May 2003 malfunctions; Corporal Clinton Ricketts gives testimony

Heard on 10 November 2005: tape of radio communication played; Sergeant Granville Williams testifies; Superintendent Ezra Stewart testifies

Heard on 11 November 2005: Sergeant A. Brown, formerly BSI gives evidence; Reginald Mowatt gives evidence

Heard on 14 November 2005: Constable Tyrone Brown gives eyewitness testimony

Heard on 15 November 2005: Constable Brown testifies

Heard on 16 November 2005: Shanice Stoddart gives eyewitness testimony; witness bound over

Heard on 17 November 2005: Sergeant A. Edwards testifies; Paul Byfield testifies; Lloyd Christie, PPCI testifies; witnesses bound over

Heard on 21 November 2005: Dr. Geoffrey Maxwell Rowe, Forensic Scientist, testifies

Heard on 22 November 2005: Derrick John Pounder, Forensic Doctor testifies; Officer Donovan Thompson gives eyewitness testimony; Shanice Stoddart returns to stand

Heard on 23 November 2005: Jack Crane testifies; Marcia Dunbar, Government Scientist testifies

Heard on 24 November 2005: Osbourne Dyer begins testimony; Chief Justice rules that statement may not be entered into evidence

Heard on 25 November 2005: Deputy Commissioner of Police Mark Shields testifies.

Heard on 28 November 2005: Daniel Wray, Ballistics, testifies; witness bound over

Heard on 29 November 2005: Daniel Wray testifies; Robin Keely testifies

Heard on 30 November 2005: SSP Donald Pusey testifies

Heard on 1 December 2005: Adrian Ferron gives eye witness testimony; Cpl Lorrain Grantson testifies; Howard Gayle, Cable & Wireless, testifies; Linval Bailey, Deputy Commissioner, testifies; Joseph Dillon testifies

Heard on 2 December 2005: Linval Bailey testifies

Heard on 5 December 2005: Richard McFarlene, Digicell, testifies; David Bristow testifies

6 December 2005: Court not in session

Heard on 7 December 2005: Danhai Williams fails to appear in court; Daniel Frazer, Superintendent Gardner, Detective Sergeant Gray, Alvin Dawes, Fitz Bailey all testify regarding this matter. Richard McFarlene testifies