



OFFICE OF THE PUBLIC DEFENDER

A voice of the voiceless.. to loose the chains of injustice

2022 ANNUAL REPORT

Empowering Dignity!
Ensuring Equality!
Upholding Justice for All!

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Table Of Contents

• Introduction	1 - 2
• The New Public Defender	2
• International Human Rights Day	2
• Complaints & Investigations	3 - 4
• Court, Tribunals & Committee Attended	4 - 5
• Other Activities	5 - 8
• Decisions/Events Impacting the OPD	8 - 10
• Financials	10 - 11
<i>Appendix I - Complaints Handled by OPD 2000- 2022</i>	13 - 14
<i>Appendix II - Breakdown of Cases by Ministries, Departments and Agencies</i>	14 - 15
<i>Appendix III - Breakdown of Cases by Gender</i>	16
<i>Appendix IV - Breakdown of Cases by Age</i>	17
<i>Appendix V - Breakdown of Cases by Parishes and Countries</i>	18
<i>Appendix VI - Complaints Analysis Chart</i>	19
<i>Appendix VII - Randomly Selected Cases</i>	20 - 21
<i>Appendix VIII - Special Investigations</i>	22



ANNUAL REPORT – CALENDAR YEAR 2022

INTRODUCTION

1. This represents the twenty-second Annual Report in the history of the Office of the Public Defender (OPD), submitted for presentation to the Parliament of Jamaica. This Report outlines the organization's core functions, and the activities conducted during the period **January 1, 2022, to December 31, 2022**. The year was significant in more ways than one, both at the national level and the organizational level.
2. At the national level, notable events included -
 - (a) The formal cessation of all COVID-19 measures. This was on the 18th of March. All Previously existing measures were to be enforced under existing public health laws.
 - (b) The increase in the number of murders; at the end of 2022 stood at **1,498**. This was twenty-four more than that for calendar year 2021.
 - (c) The *de jure* head of state, Queen Elizabeth II died in the UK. She died on the 8th September. Her death heralded the ascension of Prince Charles to the throne. As head of the monarchy, he acquired the title, *King Charles III*. Consequently, all the monarchical symbols were changed to reflect the new reality in the British monarch.
 - (d) The creation of a new ministry. It is the Ministry of Legal and Constitutional Affairs, and it came into being in January. This ministry is headed by the Honourable Mrs. Marlene Malahoo Forte, KC, a former Resident Magistrate and a former Attorney General.
3. At the organizational level, there were --
 - (a) The retirement of Jamaica's first female Public Defender. She retired on 7th April 7, 2022, after seven years at the helm of the organization, having attained the statutory age limit.

- (b) The appointment on the 1st of September 1, 2022, of a new Public Defender. The Governor General, His Excellency the Most Honourable Sir Patrick Allen, ON, GCMG, CD, KSt.j., appointed Mrs. Carolyn Reid Cameron, K.C., N.P. as the successor to Mrs. Arlene Harrison Henry.
- (c) The death of Ms. Ruth Anderson, one of the investigators on staff. She passed away on the 30th of November, 2022.
- (d) The hospitalization of the office bearer, Mr. Wayne Robinson, following a road traffic accident in Rockfort, St. Andrew, on the 28th of March, 2022. He sustained serious injuries when a JUTC bus collided with his motorcycle at about 9:45 am.

THE NEW PUBLIC DEFENDER

- 4. Shortly after taking office the newly appointed Public Defender outlined her vision for the organization during a general staff meeting held at the Kingston Office on the 12th of September. Her vision as outlined, embodied four objectives: -
 - (a) improving the image of the organization.
 - (b) the increased accessibility to the public, physically and electronically.
 - (c) increasing efficiency and effectiveness of the OPD; and
 - (d) the protection of personal data of citizens/complainants, especially considering the Data Protection Act. Complying with the law and international best practices.
- 5. Sincere thanks and commendations are extended to our valued and sincere stakeholders and the highly committed staff appointed by the Public Defender. The Office is therefore proud to say that it remains ***“a voice of the Voiceless...To Loose the Chains of Injustice”***.

INTERNATIONAL HUMAN RIGHTS DAY

- 6. The 75th anniversary of International Human Rights Day was celebrated in December. The theme for 2022's celebration was ***“Dignity, Freedom, and Justice for All”***. The OPD commemorated the 75th Anniversary by visiting schools across the country, both Primary and Secondary, where OPD staff members joined in the conduct of devotional activities and educational sessions.

7. The sessions were quite informative, and we were warmly received by the schools' communities. The presentations by the OPD staff members created awareness for those students, teachers, administrators, and other stakeholders within the schools, who admittedly were not aware of the roles and functions of the OPD. It is very important to note that during and after these sessions, we were requested to re-visit and attend other locations in the future.
8. The International Human Rights Day OPD celebrations which commenced on 2nd December, 2022, culminated a week of activities on 10th December, 2022, in Mandeville, Manchester and in Santa Cruz, St. Elizabeth.

COMPLAINTS AND INVESTIGATIONS

Investigations

9. A total of **230** complaints requiring full investigations were received in the calendar year 2022. Of this amount, **65** were completed and the respective files closed; thus leaving **165**, which were carried over into calendar year 2023. A detailed breakdown of complaints received, investigated, and closed, along with those carried over from previous years, is attached at *Appendix 1*. Included in the breakdown is a disaggregation of the cases for 2022, by: (a) the Authorities complained against; (b) geographical area of origin; and (b) by gender.
10. For completeness, a sample of cases which were completed during the year have been selected and highlighted at *Appendix 2*.

Consultations and non-investigatory Interventions (i.e., Advisories)

11. There were **182** non-investigatory interventions by the investigating staff. These included consultations, quickly resolved matters, and advice and guidance given to walk-in complainants with a myriad of issues. Although they are generally regarded as advisories, some of these matters ended up consuming far more of the investigative staff's time than first envisaged at the moment the citizens initially walked into the Office.

12. It is to be noted that despite the efforts of the Office, and its involvement in multiple outreach programmes and events, many people still see the OPD as a chamber or firm of lawyers provided by the government to supply all types of legal services for the public.

COURT, TRIBUNALS, AND COMMITTEES ATTENDED

13. In 2022 the Public Defender continued to monitor litigation in which the Office had interest particularly those related to the rights of citizens. These were cases pending in the various courts and tribunals.

Supreme Court

14. The case challenging the grant of SML 173 for the mining of bauxite in the Cockpit Country in Trelawny, continued its meandering through the Supreme Court. So too was the case concerning environmental issues arising from conduct permitted by the government in the Dry Harbour Mountain in Rio Bueno.
15. The residual effect of the May 2010 joint police-military operation in Western Kingston to apprehend Christopher “Dudus” Coke, continued to impact the Office. Residents of that community who were affected, continued to visit and call the Office, albeit in reduced numbers and with reduced frequency.

Parish Court

16. The cattle trespass cases which commenced in the Parish Court at Morant Bay, were, up to the end of 2022, still not resolved. These were the cases brought on behalf of the long-standing sugar workers in eastern St. Thomas, scores of whom were displaced and dispossessed of lands, by SCJ Limited under the government’s divestment programme of sugar plantations. With the earlier intervention of the Public Defender, the acrimonious and publicly explosive development, portending a rebellion, was averted. As part of the negotiated settlement, the displaced workers were granted tracts of land on which to farm. Subsequently, the SCJ Ltd, leased a substantial portion of the land in the area, to a cattle farmer from Clarendon. The cattle promptly left their pasture and proceeded to devour and demolish the cultivation of the sugar plantation workers.

With the refusal of the Cattle farmer to settle, after months and months of unceasing efforts at negotiation, litigation was commenced.

17. In 2022 representatives of the OPD continued to attend Parish Courts all over the Island, in the on-going joint project with the Legal Aid Council, to have the Courts release from custody, persons who had spent years behind bars due to their unfitness to plead in criminal courts. The Public Defender's side of the operation was spearheaded by the Director of Investigations.
18. The suit brought by the members of the Bluefields community in Westmoreland, continued in the Parish Court at Savanna-la-mar. The lawsuit was triggered when efforts by the OPD to settle a dispute between citizens of the community and a developer, failed. The dispute arose after the developer captured and fenced off a portion of the public beach at Bluefields.
19. The summons previously issued by the NHT against the OPD for failure to make and submit returns under the NHT Act, was eventually withdrawn on 21st April, 2022. The matter was before the Parish Court at Sutton Street in Kingston.

Internal Hearings

20. In the exercise of her statutory powers, the Public Defender conducted hearings into complaints under investigations. In some of the cases, summonses were issued to secure the attendance of heads of organizations and or to compel the production of documents. The actors summoned during 2022 were--
 - (a) CEO of PICA
 - (b) PS Ministry of Health & Wellness
 - (c) DCP Richard Stewart of the JCF High Command

OTHER ACTIVITIES

21. The OPD submitted comments on the draft of the National Offender Management Policy for the Department of Correctional Services.

22. Other activities in which the OPD was engaged during 2022, included outreach programmes, site visits, and media engagements.

(a) Outreach Programmes

- (i) Participation by invitation, the National Education Symposium staged by the judiciary on the compound of the Corporate Area parish Court at Halfway Tree on the 16th of June.
- (ii) The OPD was a major participant in the Justice Fairs staged by the Legal Aid Council across the Island: --
 - ✓ on the 27th of May at the Claude Stewart Park, Port Maria in St. Mary
 - ✓ on the 24th of June at St. Elizabeth Restorative Justice Centre, in Santa Cruz
 - ✓ on the 23rd of September at the Lucea Transport Centre, in Lucea, Hanover
- (iii) The Public Defender accepted the invitation to be keynote speaker at the St. Elizabeth Lay magistrates' Association, at St. Matthews Church Hall in Santa Cruz, St. Elizabeth on 24th February.
- (iv) The OPD accepted an invitation to participate in the annual Denbigh Agricultural Show & Display in Clarendon over the period 30th July - 1st August 2022.
- (v) On the 6th of August the Office, by invitation, participated in the Lauriston and Thompson Pen (St. Catherine) 4-H Club anniversary celebrations.
- (vii) The OPD was invited to bring greetings and moderate the Jamaica Dental Nurses Association meeting on the 12th of December, at Terra Nova Hotel in St. Andrew.
- (viii) A representative from the OPD delivered a presentation on human rights at a forum put on by the Ministry of Legal and Constitutional Affairs on 12th December, at Conference Room of the OPM.
- (ix) At the invitation of the respective Custodes, the OPD delivered presentations on the roles of JPs in the Zones of Special Operations (ZoSOs) declared by the government in the parishes. Presentations were made at the following locations.
 - ✓ in Savann-la-mar, Westmoreland, on February 7-8, 2022
 - ✓ in Montego Bay, St. James on March 3- 4, 2022

External Meetings

- (i) Throughout 2022 the OPD was engaged in several meetings and presentations involving external individuals and entities, in furtherance of its role and functions. Some of the more notable meetings included:

- ✓ The introductory meeting with the newly created Ministry of Legal and Constitutional Affairs; the Minister, Mrs. Marlene Malahoo Forte, KC, and the Permanent Secretary Mr. Wayne Robertson represented the ministry, while the Public Defender Mrs. Arlene Harrison Henry and the Deputy Public Defender Herbert McKenzie, represented the OPD. (The meeting was via ZOOM)
- ✓ The 4th Intercessional Meeting on human rights and THE 2030 Agenda.
- ✓ The OPD was invited to and attended meeting with the Jamaica Council of Churches at the Roman Catholic Archdiocese at 21 Hopefield Avenue, Kingston 6.
- ✓ Meeting with the National Commission on Violence Prevention (*via ZOOM*).
- ✓ Multiple meetings with Accountant General's Department in establishing the collaborative project to locate and verify the life status of local pensioners.
- ✓ The OPD attended the function on the National Policy Dialogue for ending Violence Against Children staged by the Ministry of Education in collaboration with the Ministry of Foreign Affairs & Foreign Trade, and the Child Protection and Family Services Agency (CPFSA).
- ✓ The Public Defender was invited to be the keynote speaker at a breakfast meeting held by the Heart Foundation of Jamaica at Terra Nova Hotel. The meeting was a presentation by the Heart Foundation on how marketing and advertising of unhealthy products to children played a role in the COVID-19 pandemic.
- ✓ The OPD was represented at the National Family Planning Board's (NFPB's) Enabling Environment Human Rights (EEHR) Annual Report, and launch of their *Online Report Dashboard*, at Pegasus Hotel on the 6th of June. Later in the year, the EEHR presented a forum in observance of international Human Rights Day. It was held at the Courtleigh Hotel & Suites on the 8th of December.
- ✓ A member of staff represented the OPD at the Church service at St. Peter & Paul Cathedral in Liguanea, St. Andrew, held to mark the Court of Appeal's 60th anniversary celebrations.
- ✓ The office accepted an invitation to attend at the Pegasus Hotel on the 9th of August. The occasion was a presentation by the International Republican on Caribbean Youth Leadership. The presentation was titled "*Recidivism in Jamaica*".
- ✓ On the 14th of August, the OPD was represented at the church service to mark the Office of the Director of Public Prosecutions' 60th anniversary at East Queen Baptist Church.
- ✓ By invitation, the Office was represented at a presentation on the "*Protection of Economic, Social and Cultural Rights (ESCR) of LGBT in Jamaica*". The event was staged by Equality for All Foundation (formerly JFLAG). It was held at the Pegasus Hotel on 17th August.

- ✓ Meeting on 23 August, of the St. Catherine Parish Development Committee regarding the Rio Cobre fish kill, by chemicals discharged into the river allegedly by Windalco Limited, the bauxite-mining company
- ✓ On-line and face-to-face meetings with Jamaica Archives and Records Department (JARD) pursuant to the OPD's execution of the RIM project.
- ✓ The OPD was represented at a multi-ministerial meeting at the Ministry of Foreign Affairs & Foreign Trade. The meeting was for Jamaica to provide answers raised by the Committee on the Elimination of Racial Discrimination (CERD) based on Jamaica's earlier report to that Committee. The multi-ministerial meeting was being held live: CERD was sitting in Geneva, while a Jamaican contingent was also sitting in Switzerland.
- ✓ Representatives from the OPD were invited to the special awards ceremony of the Police Civilian Oversight Authority (PCOA) at Golf View Hotel in Mandeville. The event was part of the PCOA's fourth installment of its initiative dubbed "*Transforming Our Police Service*" (TOPS).

(b) Mass media Engagement

- (i) The 15-minute programme titled "*Constitutionally Speaking*", continued to be aired on radio station Bridge 99.1FM. The programme was aired live at 9:15 am on Thursdays.
 - (ii) Throughout the year, the Public Defender, and other representatives of the office made appearances on various traditional media outlets commenting on various topical subject matters.
23. In its recruitment of staff, the Ministry of Legal and Constitution Affairs, requested the OPD to provide a member of its staff to assist the Ministry, by sitting on the panel for the interviewing of prospective candidates.

DECISIONS/EVENTS IMPACTING OPD

24. The OPD staff had a management retreat between the 30th of September, 2022 and the 2nd of October, 2022. It was held at the Cardiff Hall Hotel in St. Ann.

25. On the 8th of January, the PM declared a Zone of Special Operations (ZoSO) in the Parade Gardens area of Central Kingston, bringing to six, the number of ZoSOs in existence. On the 15th of January, Savanna-la-mar was declared a ZoSO. At the end of 2022, there were seven ZoSOs in communities in Jamaica. In chronological order of declaration, they were:
- (a) Mount Salem (in St. James)
 - (b) Denham Town
 - (c) Greenwich Town
 - (d) August Town
 - (e) Norwood (in St. James)
 - (f) Parade gardens (in central Kingston) and
 - (g) Savanna-la-mar (in Westmoreland)
26. On the 15th of November, at a press conference at 8:30 am, the Prime minister announced the declaration of States of Emergency (SoE) in western Jamaica, and in the southern belt of the Island.
- (a) For western Jamaica, the parishes were:
 - (i) St. James
 - (ii) Hanover, and
 - (iii) Westmoreland.
 - (b) And for the southern belt they were:
 - (i) Clarendon
 - (ii) St. Catherine
 - (iii) Kingston } all Police Divisions except St. Andrew Central
 - (iv) St. Andrew } and St. Andrew North
27. These SoEs were not renewed when they expired on the 29th of November, largely due to the absence of support from the Parliamentary Opposition. However, on the 6th of November they were re-imposed through another declaration. On that occasion, two Police Divisions were added:
- (i) St. James
 - (ii) Hanover

- (iii) Westmoreland
- (iv) Clarendon
- (v) St. Catherine
- (vi) Kingston } all Divisions except St. Andrew North
- (vii) St. Andrew }
- (viii) St. Ann
- (ix) St. Andrew Central

28. Like the previous SoEs, these expired after the statutory two-week period because the Opposition did not support the extension. But, at the end of the year on 28th of December States of Emergency were again declared in the same parishes, as well as all Police Divisions in Kingston and St. Andrew.

FINANCIAL MATTERS FOR FINANCIAL YEAR 2022/2023

29. The original total Recurrent and Statutory budgetary provision for the financial year April 2021 - March 2022 was \$157,771,000 and was revised to reflect a total of \$168,612,000.

STATUTORY

30. The original Statutory budgetary provision for the financial year was \$12,530,000. An increase of \$4,173,000.00 and \$8,267,000.00 were further approved in the first and second supplementary estimates of expenditure respectively; to cover the retroactive salary, salary for the remainder of the financial year and salary in lieu of vacation for the outgoing Public Defender.

Original Budget	First Supplementary	Second Supplementary	Revised Budget	Expenditure	Savings
(M\$)	(M\$)	(M\$)	(M\$)	(M\$)	(M\$)
12,530	4,173	8,267	24,970	20,190	4,780

31. Savings resulted from the non-approval from the Ministry of Finance & Planning for the payment of salary in lieu of Vacation Leave for the outgoing Public Defender.

RECURRENT

32. The original Recurrent budgetary provision for the financial year 2021/2022 was \$145,241,000.00 however, there was a reduction in the budget, due to the COVID 19 pandemic, as restrictions were placed on travel. The revised budget was \$143,642,000.00.

Original Budget	Second Supplementary	Revised Budget	Expenditure	Savings
(M\$)	(M\$)	(M\$)	(M\$)	(M\$)
145,241	-1,599	143,642	142,573	1,069

33. Savings was as a result of less local travel being done due to the COVID 19 pandemic.

APPENDICES

APPENDIX 1

STATISTICS

OFFICE OF THE PUBLIC DEFENDER CALANDER YEAR 2022

COMPLAINTS HANDLED BY THE OFFICE OF THE PUBLIC DEFENDER 2000 - 2022

Particulars	Figures	Total
Number of complaints received from 2000 – 2021	14,280	
Number of complaints received in 2022	230	
Total number of complaints received from 2000 – 2022		14,510
Number of complaints closed from 2000 – 2021	9666	
Number of complaints closed in 2022	65	
Total number of complaints closed from 2000 -2022		9731
Number of complaints pending as of 2021	2557	
Number of complaints pending for 2022	165	
Total number of Complaints pending as of 2022		2722
Total Non-Investigatory and Consultation Cases for 2022	182	
Total Number of Cases Closed for 2022 including Consultations.		247

Please note that the figure representing the total number of cases pending does not include those cases prior to previous years (Office of the Parliamentary Ombudsman). The amount stated represents cases pending since the year 2000 when the Act was repealed.

APPENDIX II

BREAKDOWN OF CASES BY MINISTERIES, DEPARTMENTS & AGENCIES

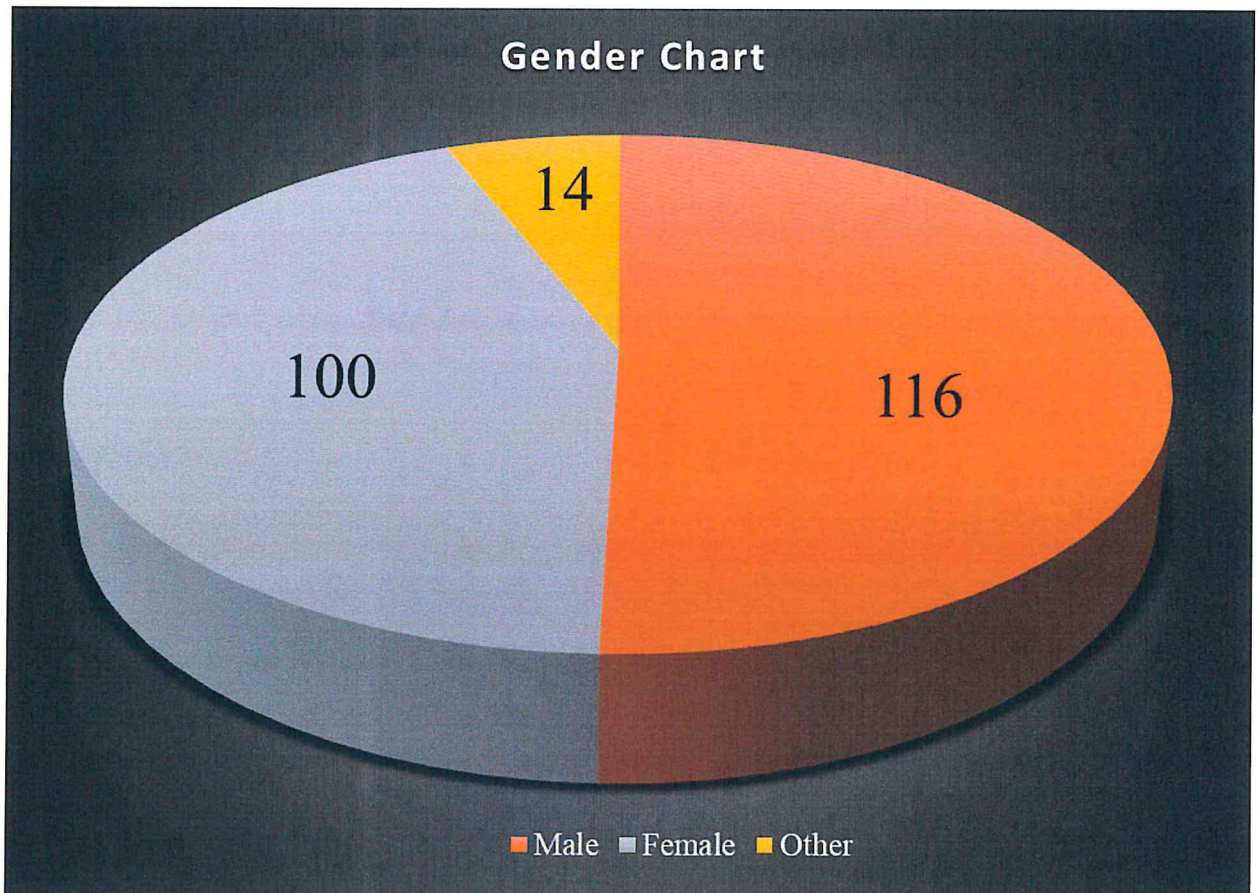
Registry January to December 2022 Report

MDA	Total
The National Environment and Planning Agency (Ministry of Economic Growth and Job Creation)	5
Department of Correctional Services (Ministry of National Security)	16
SCJ Holdings Limited (Ministry of Agriculture and Fisheries)	1
Jamaica Customs Agency	3
Jamaica Constabulary Force (Ministry of National Security)	43
Ministry of Education	20
Kingston & St Andrew Municipal Corporation (Ministry of Local Government & Rural Development)	4
Ministry of Justice	5
Ministry of Labour and Social Security	18
National Water Commission (Office of Utilities Regulation)	9
Administrator-General's Department	3
Ministry of Health	7
Non-Authority	7
Ministry of Finance and the Public Service	10
Transport Authority (Ministry of Transport and Mining)	1
The Passport, Immigration and Citizenship Agency (Ministry of National Security)	21
Jamaica Urban Transit Company (Ministry of Transport and Mining)	2
Ministry Of Housing	1
Registrar General's Department	6
Cannabis Licensing Authority	1
Portland Municipal Corporation (Ministry of Local Government & Rural	2

Development)	
Commissioner of Lands (the Ministry of Economic Growth and Job Creation)	2
Southeast Regional Health Authority (Ministry of Health & Wellness)	1
Kingston Legal Aid Clinic (Ministry of Justice)	3
HEART Trust/NTA (Ministry of Education)	2
Ministry of Agriculture and Fisheries	1
Coroner's Court	1
Companies Office of Jamaica (The Ministry of Industry, Investment and Commerce)	1
National Land Agency (Ministry of Economic Growth and Job Creation)	2
Rural Agricultural Development Authority (The Ministry of Agriculture and Fisheries)	2
Court Administration Division (Ministry of Justice)	3
Portmore Municipal Council (Ministry of Local Government & Rural Development)	3
Tax Administration Jamaica	1
National Housing Trust	1
Manchester Municipal Council (Ministry of Local Government & Rural Development)	1
Students' Loan Bureau (Ministry of Education)	1
Office of Disaster Preparedness and Emergency Management (Ministry of Local Government and Community Development)	1
National Works Agency (Ministry of Transport and Works)	1
Kingston Public Hospital (Ministry of Health)	1
Firearm Licensing Authority (Ministry of National Security)	1
Ministry of Economic Growth and Job Creation	1
Office of the Services Commissions	1
JISCO: ALPART Jamaica	1
King's House – Office of the Governor-General of Jamaica	2
WESTERN REGIONAL HEALTH AUTHORITY ((Ministry of Health)	3
Housing Agency of Jamaica Ltd	1
Ports Security Corps Ltd (Ministry of Transport and Mining)	3
National Road Operating and Constructing Company Limited	1
National Solid Waste Management Authority (Ministry of Local Government & Rural Development)	2
Ministry of National Security	1
Grand Total	230

APPENDIX III

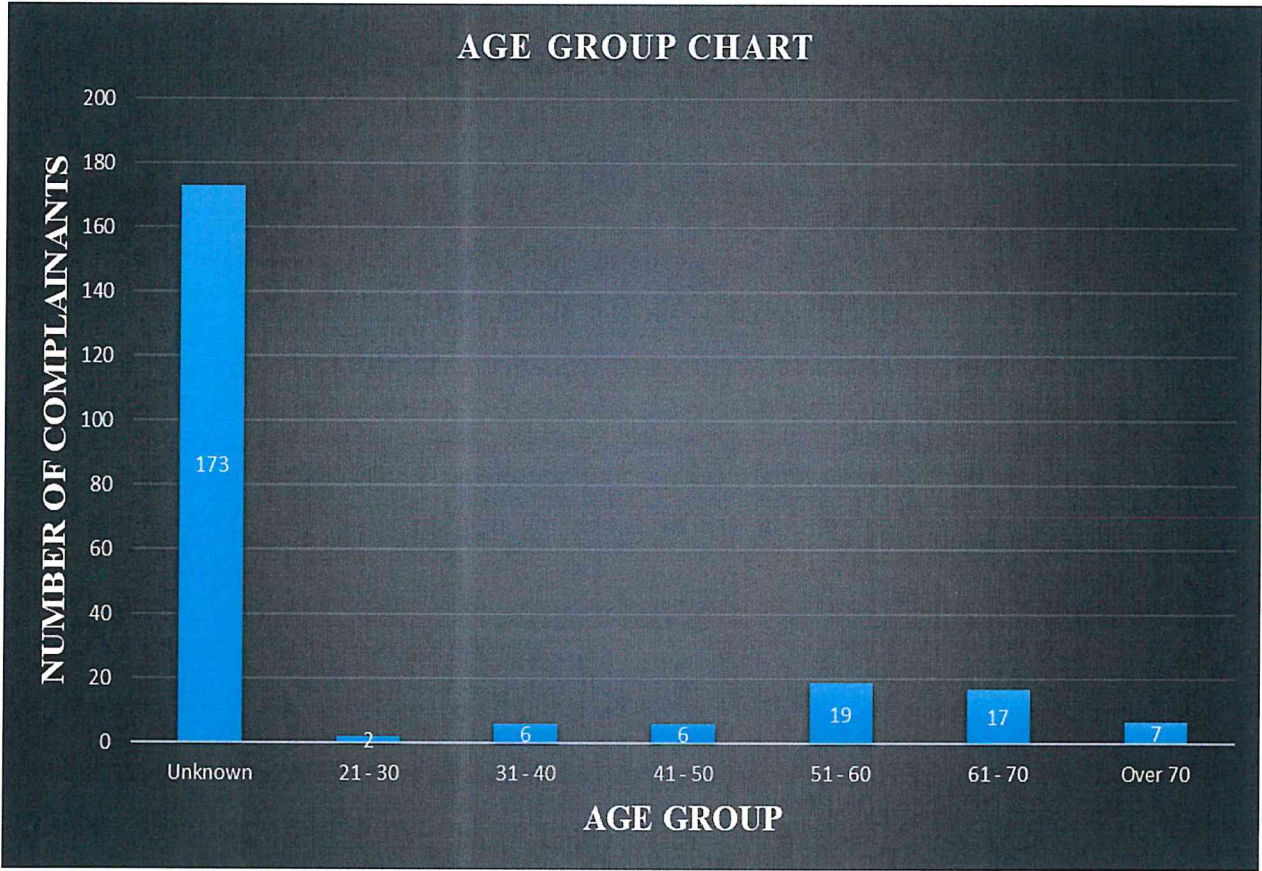
BREAKDOWN OF CASES BY GENDER Registry January to December 2022 Report



N.B. The 14 complaints categorized as “**OTHER**”, represent Special Projects where a gender cannot be assigned.

APPENDIX IV

BREAKDOWN OF CASES BY AGE
Registry January to December 2022 Report



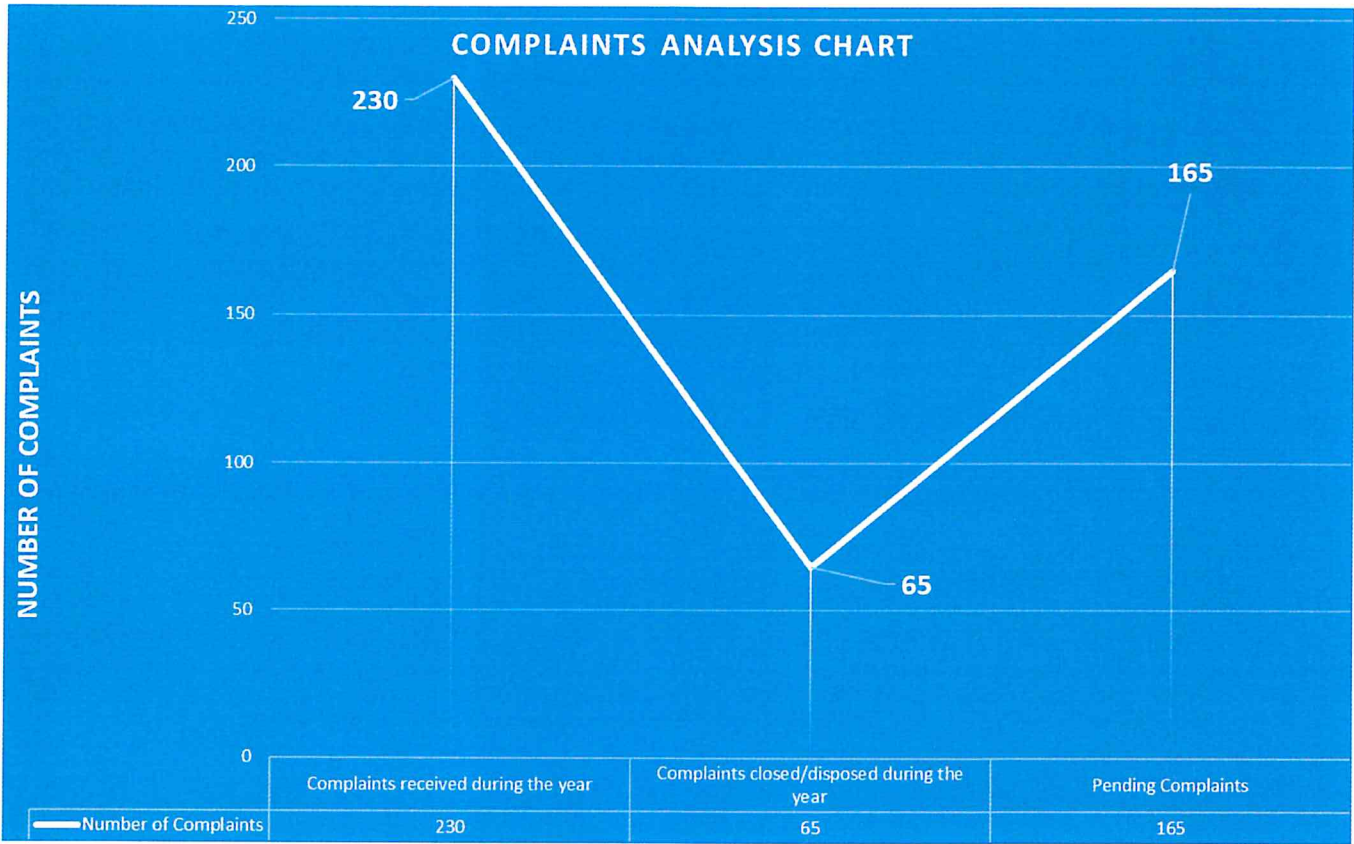
APPENDIX V

BREAKDOWN OF CASES BY PARISHES and COUNTRIES

Registry January to December 2022 Report

Hanover	3
Westmoreland	9
St. James	23
Trelawny	3
St. Elizabeth	0
St. Catherine	52
St. Mary	7
St. Ann	9
Manchester	6
Clarendon	17
Kingston	64
St. Andrew	12
Portland	6
St. Thomas	7
United States of America	2
Cuba	7
Scotland	1
Canada	1
United Kingdom	1
<i>Grand Total</i>	<i>230</i>

APPENDIX VI



APPENDIX VII

RANDOMLY SELECTED CASES

REF. NO. StC134/2021K

The Complainant submitted by way of email on July 29, 2021, against Passport Immigration and Citizenship Agency (PICA). On November 20, 2019, the complainant, a citizen by descent, submitted applications to PICA for citizenship by descent for her three (3) daughters, and was given a letter by PICA which stated a timeline of 25 working days for completion of the process.

With OPD's intervention, and at a Hearing with the CEO and Legal Officer, on February 02, 2022, PICA provided to OPD the citizenship documents. The Complainant subsequently visited and collected the documents from the OPD on March 22, 2022.

The complainant was pleased that the matter was resolved, and the file was subsequently closed pursuant to Section 15, sub-section (2) (e) of the Public Defender (Interim) Act 2000.

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REF. NO. W238/16(K)

The Complainant submitted a letter to the OPD stating that he joined the Jamaica Constabulary Force (JCF) in 1976 and three (3) years later in 1979 he was shot and injured whilst on his way home from work. He was hospitalized for six (6) months as he was paralyzed from the waist down. He further stated that he was medical boarded in August 1980 and was found medically unfit for further service.

He complained that he was never compensated and contends that he was entitled to a disability allowance. He said that in 2002 he was in receipt of an allowance from the Island Special Constabulary Force (ISCF) but since the merger with the Jamaica Constabulary Force (JDF) the allowance ceased.

Considering the above, the OPD wrote to the Assistant Commissioner of the Administration Branch of the JCF regarding any welfare programme that the complainant could benefit from. There was an extremely long wait in response to our queries as the complainant's file, we were told, could not be located. The File was finally located on May 21, 2021, and we were informed that no assistance could be offered to the complainant. The OPD was also told that the Police Trust Fund from which he could have received some assistance was defunct. The Complainant had also requested that a property he owns be fenced so that a relative could rear some cattle and that was done. The JCF also stated that at the time of the complainant's demise, all the necessary steps were taken to assist him and there was nothing further that could be done for him.

The OPD also made checks with the National Insurance Scheme (NIS) to ascertain whether the complainant was receiving any benefit. The investigations revealed that he was getting a disablement benefit, however the amount that he was receiving was incorrect. As a result, a request was made for his file to be reviewed.

Subsequently, his file was reviewed, and the necessary corrections made. The rate applicable to the Complainant was increased resulting in a retroactive amount of Two Million One Hundred Three Thousand One Hundred and Seventeen Dollars and Fifteen Cents (\$2,103,107.15) made payable to him.

The OPD was happy to have assisted in this matter and the file was subsequently closed pursuant to Section 15, sub-section (2) (e) of the Public Defender (Interim) Act, 2000.

REF. NO.CA48/2021(K)

A Complaint was made by way of letter on May 22, 2019, against the Department of Correctional Services where he was a member of staff since September 1983. He was later promoted to the rank of Overseer in 2014 and was transferred to the Metcalfe Street Secured Juvenile Centre in June 2017.

He stated that on May 20, 2019, he reported for an assigned duty starting at 3:30 p.m. to 11:30 p.m. and assumed command of the institution from the day shift with a cadre of eleven (11) officers of varying ranks. His complaints were two-fold:

1. He complained that there were monies owed to him in allowances for the ten months that he was assigned COSPROD 'Brick yard" duties for the period August 2009 to June 2010.
2. A verbal assault by a superintendent on May 20, 2019.

Our investigator with responsibility for this matter communicated with the Commissioner of Corrections and the Director of Human Resources and administration at the Department of Correctional Services.

The Office was able to achieve the following results:

1. A Sum of Sixty- One Thousand Ninety-Three Dollars and Nineteen Cents (\$61,093.19) in respect of the sums owed for the COSPROD allowances.
2. Arrangements were made for a mediation session between the Complainant, the Superintendent who had allegedly verbally assaulted him, the Discipline Adjudication Monitoring Officer, the Mediator, and our investigator. A recommendation was made by the mediator which the complainant found unsatisfactory. Despite this, he appreciated the recommendation made by the Department of Correctional Services to have the matter resolved.

The File was subsequently closed pursuant to Section 15, sub-section (2) (e) of the Public Defender (Interim) Act 2000.

APPENDIX VIII

Special Investigations

The Office of The Public Defender initiated several special investigations in 2022. Some of which investigations are ongoing as at the end of the period under review.

Some of these specially investigated cases are as follows:

- **ZONES OF SPECIAL OPERATIONS AND JUSTICES OF THE PEACE**

Mrs. Arlene Harrison Henry, Retired Public Defender expressed her support for the Zones of Special Operation in 2017. She said that as long as the action on the ground matches the intent of the legislation, law abiding citizens need not worry.

At the beginning of 2022, the OPD decided to embark on an initiative to ensure the balancing of human rights while ensuring that the security forces protect and ensure the safety of the citizenry.

In this regard, the roles and functions of Justices of the Peace in communities became paramount. As such, sensitizing the Justices of the Peace of their role was seen as the ideal starting point.

The objective was to sensitize Justices of the Peace of their important statutory functions during the activities of the joint forces in the Zones of Special Operation.

The intent was to highlight the public service aspect of the function of balancing the rights of citizens against the powers of the state as exercised by members of the security forces.