



## INTEGRITY COMMISSION

### Special Report of Investigation

### Allegations Concerning Acts of Impropriety, Irregularity and Corruption in the Issuance of Firearm User Licences to Persons of ‘Questionable Character’

#### Ministry of National Security

#### Firearm Licensing Authority (FLA)

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## **Special Report of Investigation**

### **Allegations Concerning Acts of Impropriety, Irregularity and Corruption in the Issuance of Firearm User Licences to Persons of ‘Questionable Character’**

#### **Ministry of National Security**

#### **Firearm Licensing Authority (FLA)**

#### **PREFACE**

In 2017, the Government of Jamaica enacted the Integrity Commission Act (ICA), which became effective on February 22, 2018, by way of publication in the Jamaica Gazette dated March 7, 2018. The enactment and subsequent gazette of the ICA, partially repealed the Contractor-General Act (1983) and established the Integrity Commission (IC).

Consequently, Sections 1 and 5 of the ICA fully subsumed the Office of the Contractor General (OCG), and its functions into the operations of the IC. Section 63(2) (b) of the ICA provides, *inter alia*, as follows:

*“The Commission established under this Act may -*

*...*

*(b) continue or do any act, thing or investigation which was pending before the appointed day.”*



## **EXECUTIVE SUMMARY**

The then Office of the Contractor General (OCG), acting on behalf of the then Contractor General and pursuant to Sections 15(1) and 16 of the Contractor-General Act, on November 3, 2016, commenced an enquiry into allegations concerning acts of impropriety and/or irregularity in the issuance of a firearm user licence to an individual of ‘questionable character’.

On August 9, 2017, the OCG expanded the scope of its Investigation to include allegations concerning acts of impropriety and/or irregularity in the issuance of firearm user licences by the FLA to other persons of ‘questionable character’ for the period 2012 to 2018.

Subsequent to the functions of the OCG being subsumed into the Integrity Commission (IC), the DI received further allegations concerning acts of abuse of power and corruption committed by Mr. Shane Dalling in his capacity as the CEO of the FLA.

The FLA was established in 2005 by an Act of Parliament as a statutory organization within the Ministry of National Security to streamline and standardize the grant, renewal and revocation of firearm licences in Jamaica in accordance with worldwide standards.<sup>1</sup>

The decision to commence an Investigation into the subject matter was also prompted by several representations in the media concerning the alleged issuance and/or grant of firearm user licences to persons of ‘questionable character’. One such representation is a Jamaica Gleaner article published July 29, 2017 and which is entitled “***FLA Scandal Widens - 100 Licences Issued By Gun Authority Being Probed***”. The referenced article stated, *inter alia*, that “*More of the alleged shady operations at the Firearm Licensing Authority (FLA), in which guns are reportedly being approved for people of questionable character, are being revealed, with more than 100 cases now said to be under investigation for alleged breaches.*”

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<sup>1</sup> Firearm Licensing Authority website, accessed at <https://fla.gov.jm/>, accessed on September 27, 2019.



Having regard to the foregoing allegations, the Investigation sought to determine, *inter alia*, (a) whether firearm user licences were granted and/or issued by the FLA to persons of ‘questionable character’; and (b) whether the process (es) /procedure(s) undertaken in the grant/ issuance of firearm user licences by the FLA exhibited any signs of irregularity and/or impropriety or corruption.

The foregoing objectives formed the basis of the Terms of Reference which were developed in accordance with the provisions contained in Section 4 (1) and Section 15(1)(e) and (f) of the then applicable Contractor-General Act and Sections 33 and 52 of the Integrity Commission Act.

During the period September 8, 2017 to October 17, 2018, several public officials, officers, applicants and licensees were summoned to appear before Mr. Dirk Harrison, the former Contractor General, and Mr. David Grey, the Director of Investigation, to give evidence pursuant to Section 18 of the Contractor-General Act and Section 48 of the Integrity Commission Act, respectively. Requisitions were also dispatched to eight (8) individuals inclusive of certain officers and officials, at the FLA and Ministry of National Security and other persons deemed pertinent to the Investigation.

### **Summary of Key Findings**

1. The FLA was established in 2005 by an Act of Parliament as a statutory organization within the Ministry of National Security to streamline and standardize the grant, renewal and revocation of firearm licences in Jamaica in accordance with worldwide standards.
2. The role of the Chief Executive Officer of the FLA is to manage the day-to-day affairs of the entity and to direct the work and supervisory staff of the entity as it relates to the processes concerning the Authority.
3. The role of the Review Board is to hear, receive and examine the evidence in the matter under review as it relates to appeals made by aggrieved parties and thereafter submit to



the Minister of National Security, for his determination, a written report of its findings and recommendations.

4. The role of the Minister of National Security is to receive and consider the reports of the Review Board and upon a review of same, he shall give to the Authority such directions as he may think fit in relation to firearm user licence applications. Further, where the Review Board fails to submit to the Minister, for his determination, a written report of its findings and recommendations, the Minister may hear and determine the matter under review.
5. It has been an established practice of the FLA Board to approve firearm user licence applications subsequent to the Board denying same. This practice was also adopted by the Board in circumstances where the aggrieved party had not yet made an appeal of the Board's decision to the Review Board.
6. The Firearms Act stipulates no provisions for the practice of the FLA Board reviewing its previous decisions concerning firearm user licence applications. The Firearms Act provides that an aggrieved party may apply to the Review Board for a review of the FLA Board's decision in this regard.
7. A 'fit and proper' criterion ought to be utilised in the assessment of firearm user licence applications. In assessing this criterion, the need to be armed, the applicant's character, the applicant's temperament and risks surrounding the applicant's job are sometimes considered.
8. There is no written policy and/or document which outlines the elements which would constitute a 'fit and proper' applicant to be granted a firearm user licence by the FLA.
9. Notwithstanding the fact that the Firearms Act does not specifically outline the term 'fit and proper', Section 29 of the Firearms Act provides the following requirements to be adhered to in the grant of firearm user licences to applicants:



- (a) No firearm user licence shall be granted in relation to any prohibited weapon.
- (b) No firearm user licence shall be granted to a restricted person or in relation to any restricted weapon or restricted ammunition except with the prior approval of the Minister.
- (c) A Firearm User's Licence shall be granted by the FLA only if it is satisfied that the applicant has a good reason for having in his possession the firearm in respect of which the application is made, and can be permitted to have in his possession that firearm without danger to the public safety or to the peace, provided that such a licence shall not be granted to a person whom the Authority has reason to believe to be of intemperate habits or unsound mind, or to be for any reason unfitted to be entrusted with such a firearm.
- (d) A firearm user licence shall not be granted until the applicant has satisfied the FLA that:
  - (i) he is proficient in the use and management of the type of firearm in respect of which his application is made;
  - (ii) that he has made adequate provision for keeping the firearm in a secure place when it is not being carried or used; and
  - (iii) produced the firearm for inspection by the FLA in circumstances where the firearm is already in the possession of the applicant.

10. Pursuant to Section 2 of the Firearms Act, "a restricted person" is defined as any person who: (a) is a habitual criminal within the meaning of Section 54 of the Criminal Justice (Administration) Act; or (b) has at any time within five (5) years next before the event in relation to which the term is used, (i) been declared by a court pursuant to section 3 to be



a restricted person; or (ii) been convicted of an offence involving violence and sentenced to a term of imprisonment, whether with or without hard labour exceeding three months.

Section 54B of the Criminal Justice (Administration) Act, defines a restricted person as any Jamaican citizen who (a) has been convicted of a specified offence in a foreign state; (b) is the subject of a deportation order made in the foreign state or who has elected to return to Jamaica from that state in lieu of deportation; and (c) whose conduct and activities have been of such a nature that he may be reasonably regarded as constituting a threat to the public safety or public order of Jamaica.

11. Firearm user licences were granted to individuals who were convicted for drug related offences in at least thirteen (13) instances.
12. Firearm user licences were granted to individuals who were convicted for lottery scamming and/or fraudulent offences in at least four (4) instances.
13. Firearm user licences were denied and subsequently granted to individuals who were convicted for violent crimes in at least seven (7) instances.
14. Firearm user licences were denied and subsequently granted to individuals who were convicted for the offence of illegal possession of firearm in at least three (3) instances.
15. Firearm user licences were denied and subsequently granted to individuals who were convicted for otherwise breaching the Firearms Act in at least one (1) instance.
16. Firearm user licences were denied and subsequently granted to individuals who were convicted for other illegal activities in at least five (5) instances.
17. Firearm user licences were denied and subsequently granted to individuals who the FLA Investigator stated to be involved in drug related offences, in at least ten (10) instances.



18. Firearm user licences were denied and subsequently granted to individuals who the FLA Investigator stated were involved in lottery scamming and/or fraudulent offences, in at least ten (10) instances.
19. Firearm user licences were denied and subsequently granted to individuals who the FLA Investigator stated were involved in violent crimes, in at least six (6) instances.
20. Firearm user licences were denied and subsequently granted to at least two (2) individuals who the FLA Investigator stated were arrested for the offence of illegal possession of firearm.
21. Firearm user licences were denied and subsequently granted to individuals who the FLA Investigator stated were involved in other illegal activities, in at least ten (10) instances.
22. For security purposes, the names of all firearm user licensees and applicants have been withheld and were classified by the Director of Investigation (DI) as follows:
  - (a) 'Person X' - applicants who were alleged to be involved in criminal activities or had criminal convictions and who were denied and subsequently granted firearm user licences by the FLA Board for the period 2012 to 2018.
  - (b) 'Person RM' - applicants whose firearm user licence applications were denied by the FLA Board and subsequently approved on appeal by the Hon. Robert Montague, MP, former Minister of National Security.



(c) 'Person PB' - applicants whose firearm user licence applications were denied by the FLA Board and subsequently approved on appeal by Mr. Peter Bunting, MP, former Minister of National Security.

23. The following are a list of firearm user licence holders whose criminal antecedents were of particular interest to the DI:

a) Person RM1/Person X1

Person RM1/X1 was arrested and charged for being in possession of personal information of a US Citizen. He is alleged to be a member of a gang and is involved in lottery scamming. He is also reported to be in possession of an illegal firearm. His firearm user licence was revoked on September 29, 2015 but was thereafter granted on December 16, 2016 on appeal by the Hon. Robert Montague, MP.

b) Person X2

Person X2 was arrested and charged for the offences of conspiracy to commit murder, shooting with intent and illegal possession of firearms. Notwithstanding numerous FLA officials recommended that his firearm user licence be revoked, the Authority decided to return his firearm.

c) Person RM5/Person X3

Person RM5/X3 was convicted for numerous crimes involving illicit drugs, the use of counterfeit notes as well as breaches of the Firearms Act. His firearm user licence was revoked by the FLA in at least two (2) instances. On August 30, 2016, the Hon. Robert Montague, MP, approved the reinstatement of his firearm user licence.

d) Person RM6/Person X4

Person X4 was arrested and charged for offences related to drugs and trading in guns. His application for a firearm user licence in respect of a 12 gauge shotgun was denied on



March 27, 2012 by Mr. Errol Strong, Khaleel Azan and Mrs. Justice (Ret'd.) Marva McIntosh on the basis that the applicant did not establish a need to be so armed. On August 9, 2016, the Hon. Robert Montague, MP, approved his application for the particular firearm user licence on appeal.

e) Person X5

Person X5 was convicted of the offence of attempted possession with intent to distribute cocaine in the United States. His application was denied on August 17, 2015 by Robert Gregory, Mrs. Justice (Ret'd.) Marva McIntosh and Mrs. Rosalie McDonald-Barker on the basis that the applicant's failure to disclose his criminal conviction disqualified his application. On June 15, 2016, Person X5's application was approved by Mr. Dennis Wright, Mr. Dennis Meadows and June Spence-Jarrett.

f) Person X6

Person X6 was convicted of the offences of unlawful wounding, illegal possession of a firearm and shooting with intent. His application for a firearm user licence was denied on June 10, 2016 by Mr. Dennis Meadows, Mrs. Justice (Ret'd.) Marva McIntosh and Mr. Granville Gause on the basis that the applicant is not a fit and proper person based on adverse findings received. Three (3) months later on September 7, 2016, Person X6's application was approved by Mr. Dennis Meadows, Mr. Granville Gause and June Spence-Jarrett.

g) Person X7

Person X7 was convicted for assault occasioning bodily harm and was charged for malicious destruction of property, for which, the result of the trial is outstanding. On May 15, 2014, Person X7's application for a firearm user licence was denied by Robert Gregory, Mr. Gilbert Scott and Mrs. Justice (Ret'd.) Marva McIntosh on the basis that false information was provided by the applicant on his application. Two (2) months later on July 17, 2014, his application was approved by Robert Gregory, Mrs. Justice (Ret'd.)



Marva McIntosh, Mr. Gilbert Scott, Mrs. Rosalie McDonald-Barker and Mr. Michael Harvey.

h) Person X8

Person X8 was convicted for the offences of possession of cocaine and obtaining money by means of false pretense. On December 14, 2012, his application for a firearm user licence was denied by Mr. Gilbert Scott, Mrs. Rosalie McDonald-Barker and Mrs. Justice (Ret'd.) Marva McIntosh on the basis that the applicant is not considered a fit and proper person to be so armed. On October 16, 2013, his application was approved by Mr. Gilbert Scott, Mrs. Justice (Ret'd.) Marva McIntosh and Mr. Michael Harvey.

i) Person X9

Person X9 was convicted for the offences of possession of and conspiracy to distribute cocaine and marijuana. His application was denied on September 1, 2015 by Robert Gregory, Mrs. Rosalie McDonald-Barker and Mr. Gilbert Scott on the basis that the applicant was already the holder of firearm user licences for five (5) firearms and did not establish a need to be armed with a 'short barrel shotgun'. The applicant's application was subsequently approved on April 6, 2017 by Mr. Dennis Meadows, June Spence-Jarrett and Mr. Granville Gause.

j) Person X10

Person X10 was convicted for the offences of unlawful possession of marijuana, bail jumping, forgery and possession of cocaine. He was denied on May 15, 2014 by Robert Gregory, Mrs. Justice (Ret'd.) Marva McIntosh and Mr. Michael Harvey on the basis that the applicant was not considered to be fit and proper to be so armed and was subsequently approved on February 12, 2015 by Robert Gregory, Mrs. Justice (Ret'd.) Marva McIntosh, Mr. Gilbert Scott and Mr. Michael Harvey on the basis that the applicant's appeal of the Board's earlier denial was considered and the Board decided to approve his application.



k) Person X11

Person X11 was convicted for the offences of possession of marijuana and dealing in marijuana and was arrested and charged for the offence of skimming and cloning credit cards. His application was denied on May 24, 2016 by Mr. Dennis Meadows, Mrs. Justice (Ret'd.) Marva McIntosh and Mr. Granville Gause and subsequently approved on July 13, 2016 by Mr. Dennis Wright, Mr. Dennis Meadows and Mr. Granville Gause.

l) Person X12

Person X12 was arrested and charged for the offence of unlawful wounding. His firearm user licence application for a 9mm pistol was denied and his firearm user licence for a 12 gauge shotgun was revoked on October 28, 2013 by Robert Gregory, Mr. Michael Harvey and Mr. Gilbert Scott on the basis that the applicant was no longer considered to be fit and proper to be so armed. His firearm user licence for the 12 gauge shotgun was reinstated and his application for a 9mm pistol was approved on February 10, 2015 by Robert Gregory, Mr. Michael Harvey, Mr. Gilbert Scott and Mrs. Rosalie McDonald-Barker.

m) Person X13

Person X13 was convicted for the offences of uttering a forged document and possession of a forged document and was arrested and charged for the offence of possession of marijuana. His application for a firearm user licence was denied on May 19, 2016 by June Spence-Jarrett, Mr. Granville Gause and Mrs. Justice (Ret'd.) Marva McIntosh on the basis that the applicant does not seem to be a fit and proper person to be armed and refused to hand over documents requested by FLA officials. His application was subsequently approved on July 20, 2016 by Mr. Dennis Meadows, June Spence-Jarrett and Mr. Granville Gause.



n) Person X14

Person X14 was arrested and charged for the offence of illegal possession of a firearm. His application for a firearm user licence was denied on October 9, 2013 by Robert Gregory, Mr. Gilbert Scott, Mrs. Rosalie McDonald Barker, Mr. Michael Harvey and Mrs. Justice (Ret'd.) Marva McIntosh on the basis that the applicant did not establish a need to be armed. His application was subsequently approved on August 24, 2016 by Mr. Dennis Wright, Mr. Dennis Meadows, Mr. Granville Gause and June Spence-Jarrett.

o) Person X15

National Intelligence Bureau (NIB) reports revealed that Person X15 is a member of a prominent gang based in Clarendon and is reported to be involved in drug trafficking activities and money laundering and that he was deported to Jamaica in 2007. His application for a firearm user licence was denied on August 24, 2015 by Robert Gregory, Mrs. Justice (Ret'd.) Marva McIntosh and Mrs. Rosalie McDonald-Barker and was subsequently approved on October 14, 2016 by Mr. Dennis Meadows, June Spence-Jarrett and Mr. Granville Gause.

p) Person X16

Person X16 is alleged to have been convicted in the United States for the offence of criminal possession of a firearm. His application for a firearm user licence was denied on February 15, 2016 by Mr. Gilbert Scott, Mrs. Rosalie McDonald-Barker and Mrs. Justice (Ret'd.) Marva McIntosh and was subsequently approved on October 20, 2016 by Mr. Dennis Meadows, June Spence-Jarrett and Mrs. Justice (Ret'd.) Marva McIntosh.

q) Person X17

Person X17 was convicted for the offence of assault occasioning bodily harm. His firearm user licence application was denied on June 8, 2016 by Mr. Granville Gause, Mrs. Justice (Ret'd.) Marva McIntosh and June Spence-Jarrett and was subsequently



approved on August 17, 2016 by Mr. Dennis Meadows, Mr. Granville Gause and June Spence-Jarrett.

r) Person X18

Person X18 was convicted for the offence of assault occasioning bodily harm. His application for a firearm user licence was denied on November 2, 2015 by Robert Gregory, Mrs. Rosalie McDonald-Barker and Mr. Gilbert Scott and was subsequently approved on November 3, 2016 by Mr. Granville Gause, Mr. Dennis Meadows and Mrs. Justice (Ret'd.) Marva McIntosh.

s) Person X19

Person X19 was arrested and charged for the offence of unlawful wounding. His application for a firearm user licence was denied on October 29, 2013 by Mrs. Justice (Ret'd.) Marva McIntosh, Mrs. Rosalie McDonald-Barker and Mr. Gilbert Scott on the basis that the applicant was not considered to be fit and proper to be granted a firearm user licence. The application was subsequently approved on September 15, 2014 by Mr. Michael Harvey, Mr. Gilbert Scott and Mrs. Justice (Ret'd.) Marva McIntosh.

t) Person PB1/Person X50

By way of a NIB report dated January 10, 2011, it was revealed that the applicant was arrested and charged in the US for the offences of trafficking cocaine, four (4) counts of larceny and grand theft in the third degree. His firearm user licence was revoked on September 4, 2012 by Mr. Gilbert Scott, Mrs. Justice (Ret'd.) Marva McIntosh and Mr. Michael Harvey on the basis that Person PB1/Person X50 misrepresented himself to the FLA and could no longer be considered fit and proper to be issued with a firearm. The applicant's criminal record was expunged after the date of the NIB report. By way of letter dated October 28, 2014, it was indicated that Mr. Peter Bunting, MP, then Minister of National Security, granted the issuance of a firearm user licence to Person PB1/Person



X50. Given that the basis upon which his firearm user licence was revoked was now void, the FLA Board withdrew the revocation.

u) Person PB2/Person X21

Person PB2/Person X21 was arrested and charged for the offence of indecent assault. Further, the NIB revealed that the applicant molested a little girl who is related to his wife. However, the matter was not reported to the police and therefore no action was taken against the applicant. His firearm user licence application was denied on January 24, 2012 by Mr. Errol Strong, Mrs. Justice (Ret'd.) Marva McIntosh and Khaleel Azan on the basis that the applicant was interviewed and found unfit to be armed. It was subsequently approved on April 11, 2014 by Mrs. Justice (Ret'd.) Marva McIntosh, Mr. Gilbert Scott and Mrs. Rosalie McDonald-Barker.

24. Reports of the National Intelligence Bureau (NIB) and the Criminal Intelligence Branch (CIB) of the Jamaica Constabulary Force (JCF), are utilised in the assessment of firearm user licence applications. Such reports should inform the final decision regarding the approval or denial of applications and are relied upon by the FLA.

The CIB reports detail criminal convictions, if any, of firearm user applicants while the NIB reports detail the applicant's character and criminal antecedents.

25. The recommendations of FLA Investigators in the assessment of firearm user licence applicants are relied upon by the Board.
26. In thirty (30) out of fifty-two (52) instances for the period February 2016 to February 2018, FLA investigators did not recommend the applicants to be granted firearm user licences. Notwithstanding the fact that these persons were denied by the FLA Board, they were subsequently granted the referenced licences upon a reconsideration of the Board.



27. Mr. Dennis Meadows, former Deputy Chairman, FLA, advised the OCG that Members of Parliament have made requests to the Authority for the expedition of firearm user licence applications.
28. Mr. Dennis Meadows, former Deputy Chairman, FLA, approved the firearm user licence application of his family member, an applicant who was convicted of the offence of attempted possession with intent to distribute cocaine in the United States.
29. There is no written record of a declaration of a conflict of interest made by Mr. Dennis Meadows as it regards the firearm user licence application of his family member.
30. Despite the fact that Mr. Dennis Meadows informed the Director of Investigations (DI) that a declaration of his interest concerning the firearm user licence application of his family member was made, the DI was not provided with any formal record of same.
31. Mr. Dennis Meadows provided contradictory statements to the DI regarding whether he perused the application of his family member before the affixture of his signature for approval.
32. The FLA Board mandated that all ‘past Ministers, former Board members, Members of Parliament or any positions of authority held in the government’ must be facilitated and given ‘VIP’ treatment.

The term “VIP treatment” was not defined, the manner in which all past Ministers, Members of Parliament, former Board members, or other government officials in a position of authority were to receive “VIP treatment” was not outlined, and the mandate was not further discussed or expounded in subsequent Board meetings.

33. Members of the 2012 and 2016 FLA Boards affixed their signatures for the approval of firearm user licences without the complete perusal of such applications but instead ‘signed on the strength’ of other members.



34. The Hon. Robert Montague, MP, former Minister of National Security, advised the then Contractor General on February 22, 2018, that, pursuant to the provisions of the Firearms Act, he exercised his discretion in his review of firearm user licence applications.
35. The Hon. Robert Montague, MP, former Minister of National Security, advised the then Contractor General on February 22, 2018, that he assessed each firearm user licence application based on its merit and the information placed before him at the time of the hearing.
36. In his review of firearm user licence applications, the Hon. Robert Montague, MP, former Minister of National Security, also used the Minutes addressed to him by the CEO of the FLA which detailed the antecedents of the applicants and any previous decisions made by the FLA and/or the Review Board.
37. The Minutes which were addressed to the Hon. Robert Montague, MP, former Minister of National Security, by the CEO of the FLA, detailed the antecedents of Persons RM1, RM2, RM3, RM4, RM5 and RM6, for whom he approved firearm user licence applications.
38. The Hon. Robert Montague, MP, recalls Person RM1, a firearm user licence applicant who was arrested and charged for being in possession of personal information of US Citizen. He is stated to be a member of a gang and is alleged to be involved in lottery scamming. The former Minister provided his approval for a firearm user licence to be granted to the applicant.

Further, the Hon. Robert Montague, MP, advised the then OCG that Person RM1, ‘out of eleven thousand seven hundred and ten’ persons who comprised his election campaign ‘machinery’, attended several meetings during his campaign.



39. The grant of the firearm user licence applications of Person PB1/Person X50 on appeal by Mr. Peter Bunting, MP, was premised on the submissions of the applicants, the reports of the responsible officers and all the material in the official documents submitted to him by officials of the Ministry of National Security.
40. Mr. Peter Bunting, MP, was aware of the practice of the FLA reviewing its previous decisions on the basis of a subsequent appeal, new information, or on the basis of previously relied upon information being determined as inaccurate.
41. Mr. Peter Bunting, MP, former Minister of National Security, was not aware of the practice of Members of Parliament making requests for the expedition of firearm user licence applications. However, he stated that it is a possibility that such requests have occasionally been made.



## **JURISDICTION**

The jurisdiction of the Integrity Commission (IC) to investigate allegations concerning acts of impropriety and/or irregularity, and corruption at the FLA is grounded in the following sections of the Integrity Commission Act (ICA):

Section 6 (1) (a) of the ICA states, *inter alia*, that:

*“...the functions of the Commission shall be to —*

*(a) investigate alleged or suspected acts of corruption and instances of non-compliance with the provisions of this Act;”*

Section 33 (1) (a) and (b) of the ICA provides the following:

*“The Director of Investigation shall—*

*(a) without prejudice to the provisions of any other enactment, and subject to any general or specific direction of the Commission, investigate, in the manner specified by or under this Act, any allegation that involves or may involve an act of corruption or any allegation relating to non-compliance with the provisions of this Act, on the basis of any complaint, information or notification referred to him by the decision of the Commission or by the Director of Information and complaints;*

*(b) subject to section 52(2), monitor and where necessary, investigate, in the manner specified by or under this Act, the award, implementation or*



*termination of any government contract, and the grant, issue, variation, suspension or revocation of any prescribed licence, with a view to ensuring that—*

- (i) in the case of a government contract, it is awarded impartially, on merit and in a financially prudent manner which do not involve impropriety, breach of any applicable law relating to procurement or other irregularity, and that the implementation or termination of the contract conforms to the terms thereof, without prejudice to the functions of any public body in relation to the contract; and*
  
- (ii) in the case of a prescribed licence, the circumstances of such grant, issue, variation, suspension or revocation do not involve impropriety or breach of any applicable law relating to procurement or other irregularity, and where appropriate, that the prescribed licence is used in accordance with the terms and conditions thereof;”*

Section 52 (1) (a) of the ICA expressly provides that:

*“Subject to subsection (2) and the specific or general direction of the Commission, the Director of Investigation may, in relation to government contracts and prescribed licences, conduct an*



*Investigation into any or all of the following matters—*

*(a) in relation to government contracts—*

- (i) the registration of contractors;*
- (ii) tender procedures relating to government contracts awarded by public bodies;*
- (iii) the award or termination of any government contract;*
- (iv) the implementation of the terms of any government contract;”*

Further, the jurisdiction of the Contractor General enabled the OCG to enquire into the allegations concerning acts of impropriety and/or irregularity, and corruption at the FLA in keeping with Sections 4 (1), 15 (1) and 16 of the Contractor General Act (CGA).

Section 4 (1) of the CGA states that:

*“Subject to the provisions of this Act, it shall be the function of a Contractor-General, on behalf of Parliament-*

*...*

- (b) to monitor the grant, issue, suspension or revocation of any prescribed licence, with a view to ensuring that the circumstances of such grant, issue, suspension or revocation do not involve impropriety or irregularity and, where appropriate, to examine whether such licence is used in accordance with the terms and conditions thereof.”*



Section 15 (1) of the CGA provides the following:

*“...a Contractor-General may, if he considers it necessary or desirable, conduct an investigation into any or all of the following matters -*

*...*

- (e) the circumstances of the grant, issue, use, suspension or revocation of any prescribed licence;*
- (f) the practice and procedures relating to the grant, issue, suspension or revocation of prescribed licences.”*

Section 16 of the CGA expressly provides that *“An investigation pursuant to section 15 may be undertaken by a Contractor-General on his own initiative or as a result of representations made to him, if in his opinion such investigation is warranted.”*



## **METHODOLOGY**

In the course of the Investigation, hearings were convened with the following former/present public officials/officers:

1. The Hon. Robert Montague, MP, Minister of Transport and Mining and former Minister of National Security;
2. Ms. Dianne McIntosh, Permanent Secretary, Ministry of National Security;
3. Mr. Shane Dalling, Chief Executive Officer, Firearm Licensing Authority (FLA);
4. Mr. Dennis Wright, former Chairman of the Board of Directors, FLA;
5. Mr. Dennis Meadows, former Board Director, FLA;
6. Mr. Granville Gause, former Board Director, FLA;
7. Mrs. June Spence-Jarrett, former Board Director, FLA;
8. Mrs. Justice (Ret'd.) Marva McIntosh (Ret'd), Board Director, FLA;
9. Mr. Robert Gregory, former Chairman of the Board of Directors, FLA;
10. Mr. Lincoln Allen, former CEO, FLA;
11. Mr. Peter Bunting, MP, former Minister of National Security; and
12. Certain Firearm User Licence holders.

Interviews and hearings were also convened with certain other public officers who were deemed pertinent to the Investigation.

Statutory requisitions were dispatched to the following persons:

1. The Hon. Robert Montague, MP, Minister of Transport and Mining and former Minister of National Security;



2. Ms. Dianne McIntosh, Permanent Secretary, Ministry of National Security;
3. Mr. Shane Dalling, Chief Executive Officer, FLA;
4. Mrs. Justice (Ret'd.) Marva McIntosh (Ret'd), Board Director, FLA;
5. Major General Antony Anderson, CD, former Chairman of the Board of Directors, FLA;
6. Mr. Justice Seymour Panton, OJ (Ret'd.), Chairman, Review Board, FLA;
7. Mr. Andrew Wynter, Chief Executive Officer, Passport, Immigration and Citizenship Agency (PICA); and
8. Colonel Audley Carter, Chairman of the Board of Directors, FLA.

Of note, for security purposes, the names of all firearm user licensees and applicants have been withheld and are hereby classified as follows:

1. 'Person X' - applicants who were alleged to be involved in criminal activities or had criminal convictions and who were denied and subsequently granted firearm user licences by the FLA Board for the period 2012 to 2018.
2. 'Person RM' - applicants whose firearm user licence applications were denied by the FLA Board and subsequently approved on appeal by the Hon. Robert Montague, MP, former Minister of National Security.
3. 'Person PB' - applicants whose firearm user licence applications were denied by the FLA Board and subsequently approved on appeal by Mr. Peter Bunting, MP, former Minister of National Security.

Additionally, certain sensitive information about the FLA and its internal procedures and operations have been redacted and replaced with generic names for security purposes. Upon a



referral of this Report, the firearm user application files which were submitted by the FLA will be provided to the relevant authorities for appropriate action.

It should also be noted that the terms ‘Contractor General’, ‘Office of the Contractor General (OCG)’ and the ‘Director of Investigation (DI)’ are used herein. The terms ‘Contractor General’ and ‘Office of the Contractor General (OCG)’ are used in relation to responses, transcripts and requisitions which fell within the jurisdiction of the OCG until February 22, 2018. The term ‘Director of Investigation (DI)’ is used in relation to those which fell within the jurisdiction of the Integrity Commission (IC) for the period February 22, 2018 to present.

A detailed review of the responses, transcripts, firearm user licence applications and supporting documentation was undertaken.



## **TERMS OF REFERENCE**

The Investigation into the circumstances surrounding the grant and/or issuance of firearm user licences by the Firearm Licensing Authority (hereinafter referred to as the FLA) to persons of questionable character, sought primarily to ascertain, *inter alia*, the following:

1. The process(es) and/or procedure(s) which was/were adopted by the Board of the FLA or any other entity (ies) or person(s) acting on its behalf, in the grant and/or issuance of firearm user licences;
2. Whether firearm user licences were granted and/or issued by the FLA to persons of ‘questionable character’;
3. Whether firearm user licences were granted and/or issued by the FLA impartially and on merit;
4. Whether the process (es) /procedure(s) undertaken in the grant/ issuance of firearm user licences by the FLA exhibited any signs of irregularity and/or impropriety or corruption;
5. Whether there were any breaches of the Firearms Act, on the part of the FLA or any person(s) and/or entity (ies) acting on its behalf, in the grant/issuance of firearm user licences;
6. Whether the process(es) which was/were utilised in the grant/issuance of firearm user licences was/were in breach of any other applicable law(s), rule(s) or protocol(s);
7. Whether there was any conflict of interest on the part of any Board Director of the FLA, or any Public Official(s)/Officer(s) in the grant/ issuance of firearm user licences; and



8. Whether any Public Official(s)/Officer(s) received any benefit(s), monetary or otherwise, for the grant and/or issuance of firearm user licences to persons of 'questionable character'.



## DISCUSSION OF FINDINGS

### The Process(es) and Procedure(s) Utilised by the FLA in the Grant and/or Issuance of Firearm User Licences

In the course of the Investigation, the DI deemed it prudent to determine the functions of the Firearm Licensing Authority (FLA) as well as the processes and procedure(s) utilised by the Authority in the grant and/or issuance of firearm user licences.

Pursuant to the provisions of the 1967 Firearms Act, the FLA was established to govern the grant of firearm licences, certificates or permits. Section 26 of the Firearms Act provides the following:

*“26A.— (1) There is hereby established for the purposes of this Act, a body to be known as the Firearm Licensing Authority.*

*...*

*26B.— (1) Subject to section 38, the functions of the Authority shall be—*

- (a) to receive and consider applications for firearm licences, certificates or permits;*
- (b) to grant or renew firearm licences, certificates or permits;*
- (c) to revoke any firearm licence, certificate or permit granted under this Act;*
- (d) to amend the terms of a firearm licence, certificate or permit;*



*(e) to receive and investigate any complaint regarding a breach of a firearm licence, certificate or permit.”<sup>2</sup>*

Section 28 of the Firearms Act highlights the format to be utilised in the applications for licences, certificates and permits and states as follows:

*“Every application for any licence, certificate or permit shall—*

- (a) be addressed to the Authority; and*
- (b) be in the prescribed form; and*
- (c) contain the prescribed particulars; and*
- (d) be accompanied by the prescribed number (if any) of photographs of the prescribed dimensions of the person to whom the licence, certificate or permit applied for is desired to be granted; and*
- (e) bear upon it, if so prescribed, a specimen of the signature of the person to whom the licence, certificate or permit applied for is desired to be granted; and*
- (f) be signed by the applicant; and*
- (g) be accompanied by the receipt for the prescribed application fee (if any) and by such other documents, if any, as may be prescribed.”<sup>3</sup>*

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<sup>2</sup> Section 26A. (1) and 26B. (1) of the Firearms Act.

<sup>3</sup> Section 28, Firearms Act.



Section 29 of the Firearms Act provides specific guidelines and requirements to be met by the applicant relating to the grant and issue of licences, certificates or permits. Section 29 stipulates as follows:

*“(1) Subject to this section and to sections 28 and 37, the grant of any licence, certificate or permit shall be in the discretion of the Authority.*

*(2) No licence, certificate or permit shall be granted in relation to any prohibited weapon.*

*(3) **No licence, certificate or permit shall be granted to a restricted person or in relation to any restricted weapon or restricted ammunition except with the prior approval of the Minister:***

***Provided that this subsection shall not apply to the grant to any restricted person of a Firearm Disposal Permit.***

*(4) A Firearm Import Permit, a Firearm User’s Licence, a Firearm User’s (Special) Permit, a Firearm User’s (Employee’s) Certificate or a certificate issued under paragraph (j) of subsection (2) of section 20 **shall be granted by the Authority only if he is satisfied that the applicant has a good reason for importing, purchasing, acquiring or having in his possession the firearm or ammunition in respect of which the application is made, and can be permitted to have in his possession that firearm or ammunition without danger to the public safety or to the peace:***

***Provided that such a permit, certificate or licence shall not be granted to a person whom the***



**Authority has reason to believe to be of intemperate habits or unsound mind, or to be for any reason unfitted to be entrusted with such a firearm or ammunition:**

**Provided further that no Firearm User's Licence, Firearm User's (Special) Permit or Firearm User's (Employee's) Certificate shall be granted until the applicant therefore has—**

- (a) **satisfied the Authority of his proficiency in the use and management of the type of firearm in respect of which his application is made;**
- (b) **satisfied the Authority that he has made adequate provision for keeping the firearm in respect of which his application is made in a secure place when it is not being carried or used in accordance with the Licence, Permit or Certificate; and**
- (c) *if the application is in respect of a firearm already in the possession of the applicant, produced the firearm in respect of which his application is made for inspection by the Authority.*
- (5) *Subsection (1) shall not apply to the grant of any Firearm Disposal Permit.*
- (6) *A licence or certificate shall not be issued to any person until the Authority is satisfied that the appropriate duty has been paid.*
- (7) *Where the application for a licence or certificate is refused, the applicant may on the presentation of a certificate to that effect from the Authority, obtain*



*from the Collector of Taxes a refund of the duty paid in respect of that application.”<sup>4</sup>*

(DI Emphasis)

Additionally, the Firearms Act provides for the revocation of firearm licences, certificates and permits. Section 36 of the Act states the following:

*“36.—(1) Subject to section 37 the Authority may revoke any licence, certificate or permit if—*

*(a) the Authority is satisfied that the holder thereof is of intemperate habits or of unsound mind, or is otherwise unfitted to be entrusted with such a firearm or ammunition as may be mentioned in the licence, certificate or permit;*

*or*

*(b) the holder thereof has been convicted in Jamaica or in any other country for an offence involving—*

*(i) the illegal importation or exportation of firearms or ammunition;*

*(ii) the illegal possession or use of a firearm or ammunition;*

*(iii) the use of violence for which a sentence of imprisonment of three months or more was imposed;*

*(c) the holder thereof has been convicted of an offence against the Dangerous Drugs Act or*

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<sup>4</sup> Section 29, Firearms Act.



- any other offence for which a sentence of two years or more was imposed;**
- (d) **the holder thereof has been convicted of an offence involving—**
- (i) the unlawful discharge of a firearm in a public place;**
- (ii) failure to adequately secure a firearm or ammunition at his place of abode or work or on his person;**
- (iii) the unlawful use of a firearm to threaten violence against another person; or**
- (iv) negligence, resulting in the loss of a firearm or ammunition;**
- (e) the holder thereof fails to comply with a notice under section 35.
- (2) Where the Authority revokes any licence, certificate or permit under this section or under section 18 or 46, the Authority shall give notice in writing to the holder thereof—
- (a) specifying that the Authority has revoked such licence, certificate or permit;
- (b) requiring such person to deliver up such licence, certificate or permit to the Authority on or before the day (not being less than three days after delivery of such notice) specified in such notice.
- (3) Every person who fails without lawful excuse (the proof whereof shall lie on such person) to comply with a notice under subsection (2)



*requiring him to deliver up a licence, certificate or permit to the Authority shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding twelve months.”<sup>5</sup> (DI Emphasis)*

Further, the Firearms Act provides for the review of firearm user licence applications, upon the decision of the FLA to refuse to grant, amend, refuse to amend, revoke or refuse to revoke a firearm user licence. Section 37 indicates, *inter alia*, the following:

*“37.-(1) Subject to this section and section 37A, any aggrieved party may within the prescribed time and in the prescribed manner apply to the Review Board for the review of a decision of the Authority—*

- (a) refusing to grant any application for a licence, certificate or permit; or*
- (b) amending or refusing to amend any licence, certificate or permit; or*
- (c) revoking or refusing to revoke any licence, certificate or permit; or*
- (d) refusing to grant any exemption pursuant to subsection (3) of section 35A or any certificate pursuant to subsection (4) of section 35A.*

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<sup>5</sup> Section 36, Firearms Act.



*(1A) Where any aggrieved party applies for the review of a decision of the Authority pursuant to paragraph (d) of subsection (I), the firearm or ammunition in relation to which the review is sought may be retained by the holder of a licence, certificate or permit in respect thereof until such time as the review has been determined.*

*(1B) Every person who pursuant to subsection (1) applies for the review of a decision of the Authority shall at the time of making the application pay the prescribed fee.*

...

*(3) In this section the expression "aggrieved party" means the applicant for or the holder of any licence, certificate, exemption or permit in respect of the refusal to grant or the amendment or the revocation of which an application for review is made and the owner of the firearm or ammunition to which such application, licence, certificate or permit relates.*

...

**37A.—(1)** *For the purpose of a review under section 37, there is hereby established a Review Board consisting of persons appointed by the Minister in accordance with the Fourth Schedule.*



- (2) *The Review Board appointed under subsection (1) shall within ninety days of receiving an application for review—*
- (a) *hear, receive and examine the evidence in the matter under review; and*
- (b) *submit to the Minister, for his determination, a written report of its findings and recommendations.*
- (3) *The Minister upon receipt and consideration of the reports of the Review Board shall give to the Authority such directions as the Minister may think fit.*
- (4) *Where the Review Board fails to comply with subsection (2), the Minister may hear and determine the matter under review.*<sup>6</sup>

(DI Emphasis)

With the exception of the provisions for the revocation of a firearm licence, certificate or permit and the review of decisions made by the FLA, the Firearms Act does not outline in detail the procedures to be applied as it relates to the application for such licences, certificates or permits. Consequently, the then OCG, by way of a requisition dated November 3, 2016 which was addressed to Mr. Lincoln Allen, former CEO, FLA, sought to ascertain the internal procedures which were employed by the Authority in the application process.

In his response dated November 24, 2016, Mr. Allen provided the OCG with a document entitled “*Firearm Licensing Authority Procedure Manual*” dated August 2016. As it regards the

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<sup>6</sup> Section 37, Firearms Act.



processes to be obtained in new applications for firearm user licences, the referenced document stipulated, *inter alia*, as follows:

### **“NEW APPLICATION PROCESS**

*An application may be submitted by the following modes:*

- i. Through the Receptionist at either FLA Headquarters or the Regional Office*
- ii. Through the CEO’s Office. The documents are then submitted to the APM [Application Processing Manager] by a GAD [General Administrative Department] member.*
- iii. Through the mail which is received by the FRIU [Firearm Records and Information Unit]. The documents are dispatched by a member from the FRIU to the APM.*

### **PROCESSING OF NEW APPLICANTS**

#### **➤ Step 1 Required Documents**

*Application package should consist of the following (if applicant is applying for the first time with the FLA):*

- A.** *Completed application Form (FLA001A)*
- B.** *Two (2) passport photos (solid background). One must be certified by a Justice of the Peace (JP) and the stamp **must** bear the registration number of JP. Photos should **not** be sealed as this distorts the photograph.*



- C. Two (2) valid recommendations (should not be more than 6 months) which may be obtained from any two of the following categories of persons:
- i. JP
  - ii. Minister of Religion (**Must** be a Marriage Officer)
  - iii. School Principal
  - iv. Attorney-at-Law
  - v. Gazetted Police Officer ( Deputy Superintendent of Police or above)
  - vi. Medical Doctor
  - vii. Resident Magistrate
  - viii. Member of Parliament
  - ix. Member of the JDF (Major and above)
- D. Proof of age: birth certificate or passport (original and copy)
- E. Fingerprint receipt (original and copy)-**Obtained at TAJ**
- F. Licence fee receipt (original and copy)
- G. Proof of Income (Last two pay slips or job letter)
- Note: For business operators, a valid Tax Compliance Certificate (TCC), Business Registration and Bank Statement are required for proof of income.*
- H. Letter from Commanding Officer (only applicable to JCF & JDF members)
- I. Marriage Certificate (where necessary)
- NB: If an employee is submitting an application for him/herself, then they have the option of submitting a recommendation from their head of**



*department as an alternative to the submission of two recommendations from the external category of approved persons.*

➤ ***Step 2 - The Receptionist***

- a. *Upon submission of documents listed at Section 'C' Step 1, the receptionist will check documents to ensure that all required documents are submitted and are valid. Documents such as TCC, business registration, birth certificate and passport are compared to the original document to ensure validity.*
- b. *Receptionist will then check the Application Manager for the following:*
  - i. *If the applicant has ever submitted a previous application*
  - ii. *If yes to the above, was the application approved or denied*
  - iii. *If the application was approved, the new application being submitted by the applicant is considered a second time application...*
  - iv. *If the application was denied, he/ she did not do an appeal and if his/her situation has changed in relation to the reason for denial; all the required documents listed in Section C 1(i-viii) should be presented along with the following:*
    - *A letter from the applicant outlining the changes in his/her situation in relation to the reason for denial*
    - *Any additional document that the applicant believes is necessary for the application process*



- *If the applicants' situation has not changed in relation to the reason for the denial status, he/she is subjected to wait a period of two (2) years from the date of denial to be eligible to reapply.*

*If the applicant was denied and an appeal was subsequently submitted, the appeal process must be completed and a decision made by the Office of the Ministry of National Security (MNS) before a decision is made for the new application.*

- Once all documents are accounted for, the Receptionist should date stamp the documents. The date on the stamp should be the current date (date that the application is received)*
- The Receptionist records in the Appointment Book, the applicant's name, TRN, the date and time given for interview and the licence type being applied for...The date of the interview is scheduled ten (10) working days after the application is received, excluding weekends and public holidays.*
- The appointment date and time are written at the back of the Licence Fee receipt and handed back to the applicant. The receptionist should also inform the applicant of the date and time of interview and refer to the back of the Licence Fee receipt as a reminder to the applicant of the date of the interview.*



- f. *The application form is attached to the Assessment Report document...*
- g. *...all applications and corresponding documents are check (sic) for accuracy...*

➤ **Step 3...**

- a. *[The Assigned Officer] checks and verifies that all the required documents are submitted and check all the relevant sections of the application form is completed by the applicant. If there is an error, the [The Assigned Officer] returns the applications to the Receptionist...*
- b. *Provided that there are no errors, the [The Assigned Officer] the following day completes page three (3) of the assessment report which is then signed and date stamped.*
- c. *[The Assigned Officer] then lists application(s) on the ‘Firearm Applications Transition Register’ (FATR) form which states the applicant’s name, TRN and type of application, for example, if it is a Firearm User’s licence (FULR), a Firearm Users Special Permit (FUSP), etc.*
- d. *The applications along with the FATR are then submitted to [the designated Department]...’’<sup>7</sup>*

The Firearm Licensing Authority Procedure Manual also outlines under Steps 4 and 5, the procedures for the entry of data concerning firearm user applications and the interview process. The provisions for second time applications are also detailed in the referenced manual.

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<sup>7</sup> Firearm Licensing Authority Procedure Manual dated August 2016. Pages 39-44.



In addition, the referenced Manual outlines the guidelines to be adhered to as it regards the seizure of firearms or revocation of firearm user licences:

- “i. ...*
- ii. According to the Firearms Act (Sections 23, 24, 36) the stipulations for seizure or revocation of firearm license are as follows:*
  - a. Discharging of firearm or ammunition on or within forty yards of any public road or in any public place.*
  - b. The Firearm Holder is of:*
    - i. intemperate habits*
    - ii. unsound mind, or is otherwise unfit to be entrusted with such a firearm or*
  - c. Firearm Holder has been convicted in Jamaica or in any other country for an offence involving:*
    - i. the illegal importation or exportation of firearms or ammunition*
    - ii. the illegal possession or use of a firearm or ammunition*
    - iii. the use of violence for which a sentence of imprisonment of three months or more was imposed*



- iv. *an offence against the Dangerous Drugs Act or any other offence for which a sentence of two years or more was imposed*
- v. *the unlawful discharge of a firearm in a public place*
- vi. *failure to adequately secure a firearm or ammunition at his place of abode or work or on his person*
- vii. *the unlawful use of a firearm to threaten violence against another person*
- viii. *negligence, resulting in the loss of a firearm or ammunition*.<sup>8</sup> (DI Emphasis)

Further, the Firearm Licensing Authority Procedure Manual outlines the appeal process which *“...begins when an applicant has been denied and wishes to have a review of the application. An appeal can be made up to twenty-one (21) days, and no later than, after the denial package has been signed for and received by the applicant/ bearer.”*<sup>9</sup>

Importantly, and as it relates to the processing of files by the Review Board, the Manual stipulates that:

*“The Review Board will action a request for appeal, in instances where an Application for Firearm Licence(s) is denied or when a Firearm Holder’s Firearm Licence(s) is revoked.”*<sup>10</sup>

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<sup>8</sup> Firearm Licensing Authority Procedure Manual dated August 2016. Pages 86-87.

<sup>9</sup> Firearm Licensing Authority Procedure Manual dated August 2016. Page 53.

<sup>10</sup> Firearm Licensing Authority Procedure Manual dated August 2016. Page 198.



The following steps are performed:

**“Step 1**

- a. *Letter of Appeal is received by [designated officer].*
- b. *Letter of Appeal is stamped with Review Board Stamp, signed, dated and recorded in the Incoming Mail Book.*

...

**Step 2**

...

**Step 3**

- a. *Review Board reviews files in date order (date received from FRIU).*
- b. *Recommendation letter to MNS [Ministry of National Security] is prepared by the [designated officer] within two days after Review Board meeting and then signed by Review Board and copies made.*

...

- d. *The [designated officer] prepares and signs letter(s) to applicant(s)/holder(s) indicating that the Review Board has made a recommendation to the MNS [Ministry of National Security] and copies made within*



*5 days after Recommendation to Minister is signed by Review Board members.*

...

- g. Copy Appeal Letter, MNS [Ministry of National Security] Letter and individual letters sent to FRIU via Dispatch Book by [the designated officer] .*

**Step 4**

- a. MNS [Ministry of National Security] requests copy file via letter*
- b. Request letter from MNS [Ministry of National Security] stamped, signed and dated and recorded in External Incoming Mail Book by [the designated officer] the same day it is received.*

...

- e. Letter listing files requested by the MNS [Ministry of National Security] prepared by [the designated officer] and CEO signs letter within 3 days...*
- f. Letter copied for MNS [Ministry of National Security] to note receipt of files by [the designated officer].*



- g. Signed letter to MNS [Ministry of National Security], copy letter and files requested dispatched...*

...

**Step 5**

- a. MNS [Ministry of National Security] returns files with lists.*

- b. Copy list signed to acknowledge receipt of files and dispatched...*

...

- f. Board Ruling page inserted and file minuted by [the designated officer] the same day documents are copied and placed on original file.*

- g. Original file submitted to the Board...*

- h. Board decision updated...by [designated officer].*

- i. Approved/Denial list generated and application files checked against list for errors by [designated officer].*

...

- k. Corrected list is checked, printed and application files along with list submitted to CEO for signature.*



- l. CEO checks application files against approved/denied list, then signs list.*  
...
- r. Approved/Denied list dispatched to Records and Investigations Department...*  
...
- w. [The designated Department] files decision done via memorandum ...*
- x. Memo signed by CEO and copies made for the relevant Directors based on Board decision.*  
...
- z. File with Board Decision dispatched to FRIU by [designated officer].”<sup>11</sup>*

### Role of the Board

Having established the various steps which obtain in the processes governing firearm user licences, it was deemed necessary to ascertain the role of the FLA Board in the grant and/or issuance of such licences.

Based upon the provisions outlined in the Firearms Act the role of the Board in the grant and/or issuance of firearm user licences is to “...receive and consider applications for firearm licences, certificates or permits, grant, revoke or amend firearm licences, certificates or permits and to

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<sup>11</sup> Firearm Licensing Authority Procedure Manual dated August 2016. Page 198 - 201.



*receive and investigate any complaint regarding a breach of a firearm licence, certificate or permit...”<sup>12</sup>*

### Role of the CEO

Pursuant to Section 12 of the 2016 Firearms Amendment Act, the role of the CEO is as follows:

*“The Chief Executive Officer of the Authority shall be responsible for the day-to-day management of the affairs of the Authority—*

- (a) shall have supervision over and direction of the work and staff of the Authority; and*
- (b) ...may appoint and employ at such remuneration and on such terms and conditions as he thinks fit, such officers and employees as may be necessary for the efficient operation of the Authority.”<sup>13</sup>*

The role of the CEO as detailed by Mr. Shane Dalling, CEO, FLA, in the course of a hearing convened on September 8, 2017, was stated as follows:

*“Q: And what exactly is your job description in summary?*

*A: My job description is to manage the day-to-day affairs of the entity and to direct the work and supervisory staff of the entity as it relates to the processes concerning the Firearm Licensing.*

...

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<sup>12</sup> Section 26B, Firearms Act.

<sup>13</sup> Section 12, Firearms Amendment Act.



*Q: ...can you tell me the role of the CEO vis-à-vis the Board or even the rules, what is the role of the CEO vis-à-vis the Board?*

*A: The Firearms Act which was amended in 2016 provides for the appointment of a Chief Executive Officer...So the amendment of the Firearms Act which was in 2016, categorically states that the Authority, the Board, with the firearm, approval of the Minister shall appoint a Chief Executive Officer....The relationship is therefore one where the Board appoints the CEO and the CEO therefore reports to the Board.*

*Q: Do you—based on the structure, do you sit on the Board?*

*A: No, I don't.*

*Q: Do you attend Board meetings?*

*B. If invited to provide the CEO's report.*

...

**...The CEO not being a part of the Board is not involved in the granting, granting of licences, permits or certificates. Once the decision of the – the Board makes a decision, it is, ahm, the file is passed back to the administrative staff and the decisions are recorded, are recorded, and the administrative process takes place.**

...



*Q. ...how would you be aware of what decision the Board took to assist you as CEO to perform your functions?*

*A. Once the Board made its decision, the file would be given to the Senior Customer Service Representative in the General Administration Department.*

*Q. Is that person a director?*

*A. No. And the staff member would record the decision of the Board in relation to each application and would prepare a memorandum for the CEO's signature for the administrative work as it relates to the final processing of the licence, licence or conveyance – sorry, conveying of the decision of the Board to the applicant, sorry. So once the – the staff recorded the decision, she would prepare a memorandum for signature of the CEO, to the relevant directors for the decision of the Board to be communicated to the applicant.”<sup>14</sup>*

*(DI Emphasis)*

Mr. Dalling further advised the then Contractor General that, upon his assumption to office in June 2017, he instituted certain policy changes regarding the role of the CEO. By way of a hearing held on September 8, 2017, Mr. Dalling stated, *inter alia*, the following:

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<sup>14</sup> Transcript of hearing held on September 8, 2017, involving Mr. Shane Dalling, CEO, FLA. Pages 8-15.



**“...When I assumed office, I asked that since the buck stopped with me, the file should first be vetted by the CEO before it is sent to the Board, therefore if there is any discrepancy and I am called upon I would have at least seen the file before. Prior to that the Board – the CEO, my understanding is that the protocol is that the CEO would not see the file until after the Board decision.”<sup>15</sup> (DI Emphasis)**

### Role of the Review Board

Pursuant to Section 37 of the Firearms Act, the role of the Review Board is to “...hear, receive and examine the evidence in the matter under review” as it regards appeals made by aggrieved parties and thereafter “...submit to the Minister, for his determination, a written report of its findings and recommendations”.

By way of a response dated January 2, 2018, Mr. Justice Seymour Panton, Chairman, Review Board, FLA, indicated, *inter alia*, the following as it regards the role of the Review Board:

*“The Review Board has no office or staff, and we are not employed to the Firearm Licensing Authority.*

*The Review Board does not receive or deal with applications for firearm licences or permits. That is the role of the Firearm Licensing Authority.*

*The Review Board is allowed to meet periodically on the premises of the Firearm Licensing Authority to review decisions of the said Firearm Licensing Authority, where applications for licences have*

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<sup>15</sup> Transcript of hearing held on September 8, 2017, involving Mr. Shane Dalling, CEO, FLA. Page 28.



*been refused or where licences have been revoked by the Authority. At such meetings, a clerk employed to the Authority places the relevant documents before us. We peruse them paying particular attention to the reason for the refusal or revocation, and decide whether we agree with the decision or not. The Review Board then sends a letter with its recommendation to the Minister of National Security. The clerk resumes possession of the documents which are, presumably, kept in the office of the Firearm Licensing Authority.*

*It should be noted that the Review Board does not deal with applications that have been granted by the Authority.”<sup>16</sup>*

#### Role of the Minister of National Security

Pursuant to Section 37A(3) and (4) of the Firearms Act, the Minister of National Security, “...upon receipt and consideration of the reports of the Review Board shall give to the Authority such directions as [he] may think fit.” Further, “where the Review Board fails to [hear, receive and examine the evidence in the matter under review and submit to the Minister, for his determination, a written report of its findings and recommendations], *the Minister may hear and determine the matter under review.*”<sup>17</sup>

As it relates to the role of the Minister of National Security in the grant and/or issuance of firearm user licences, Ms. Dianne McIntosh, Permanent Secretary, Ministry of National Security, advised the former Contractor General of, *inter alia*, the following:

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<sup>16</sup> Response dated January 2, 2018 addressed to Mr. Dirk Harrison, former Contractor General, from Mr. Justice Seymour Panton, Chairman, Review Board, FLA.

<sup>17</sup> Section 37 (3) and (4) of the Firearms Act.



*“...the Ministry of National Security really is not responsible for the issuing of firearms licences and so we are not in a position, we don’t have a detailed account of the basis on which individuals are issued firearms licences...The Minister however has responsibility and because he has responsibility, the ministry therefore follows to support those areas for which he has responsibility...*

*...*

*Also, the Minister has a role in terms of the suspension and revocation of Firearm Licences as is based on findings and recommendations of cases that are submitted by the Firearm Licensing Authority Review Board and based on that, those will come to the Minister where he will give direction based on what is presented to him through these reports or he might also decide to have a hearing based on such presentations.”<sup>18</sup>*

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<sup>18</sup> Transcript of hearing held on September 20, 2017 involving Ms. Dianne McIntosh, Permanent Secretary, Ministry of National Security. Pages 3-4.



## **The Grant and/or Issuance of Firearm User Licences by the FLA to Persons of ‘Questionable Character’**

In further examining the terms of reference of its Investigation, an outline of the circumstances relating to the grant and/or issuance of firearm user licences by the FLA to persons of ‘questionable character’ was deemed relevant.

It is the DI’s observation that, as it relates to the description of persons to whom firearm user licences should not be granted, the term ‘questionable character’ is not referred to or defined by the Firearms Act. However, the DI reiterates that, pursuant to Section 29 (3) of the Firearms Act, a firearm licence, certificate or permit must not be granted to any restricted person except with the prior approval of the Minister of National Security.

Pursuant to Section 2 of the Firearms Act, “*a restricted person*” is defined as any person who:

“...*(a) is a habitual criminal within the meaning of section 54 of the Criminal Justice (Administration) Act; or*

*(b) has at any time within five years next before the event in relation to which the term is used -*

*(i) been declared by a court pursuant to section 3 to be a restricted person; or*

*(ii) been convicted of an offence involving violence and sentenced to a term of imprisonment, whether with or without hard labour exceeding three months.”<sup>19</sup>*

(DI Emphasis)

Of note, Section 54B of the Criminal Justice (Administration) Act, defines a restricted person as:

“...*any Jamaican citizen—*

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<sup>19</sup> Section 2 of the Firearms Act.



- (a) who has been convicted of a specified offence in a foreign state;
- (b) who is the subject of a deportation order made in the foreign state or who has elected to return to Jamaica from that state in lieu of deportation; and
- (c) whose conduct and activities have been of such a nature that he may be reasonably regarded as constituting a threat to the public safety or public order of Jamaica.<sup>20</sup> (DI Emphasis)

At this juncture, the DI highlights the contents of a Jamaica Gleaner article published July 29, 2017 entitled “*FLA Scandal Widens - 100 Licences Issued By Gun Authority Being Probed*”. The referenced article stated, *inter alia*, that:

*“More of the alleged shady operations at the Firearm Licensing Authority (FLA), in which guns are reportedly being approved for people of questionable character, are being revealed, with more than 100 cases now said to be under investigation for alleged breaches.”<sup>21</sup>*  
(DI Emphasis)

The article further indicated, *inter alia*, that:

*“In relation to an alleged ex-convict getting a licence, the ministry said that the deported man applied and was denied a firearm licence on November 13, 2014. "However," the ministry*

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<sup>20</sup> Section 54B (1), Criminal Justice (Administration) Act.

<sup>21</sup> Jamaica Gleaner article dated July 29, 2017 entitled “*FLA Scandal Widens - 100 Licences Issued By Gun Authority Being Probed*”.



**continued, "he wrote the then board appealing the decision. On February 12, 2015, he was granted a firearm licence, the approval for which was signed by the then board chairman Robert Gregory." The FLA has said that approval of licences after a refusal "is a practice which existed prior to the installation of the new board".<sup>22</sup> (DI Emphasis)**

Further allegations were made anonymously to the then Contractor General by way of a document entitled "**List of Applicants/ Holders of Concern**". The referenced document indicated as follows:

"01. [Name withheld] (FULR2013NEW\_\*\*\*\*\*):

*Concerns: Alleged to be heavily involved in Narcotics, appears to be living above his legitimate source of income. **Alleged to be friends with Dennis Meadows and would have been granted a licence through this connection despite not being recommended based on the investigation process.***

02. [Name withheld] (FULR2016NEW\_\*\*\*\*\*):

*Concerns: [Name withheld] is the son of alleged drug king pin, \*\*\*\*\*<sup>23</sup> (who was extradited to the USA). [Name withheld] was found to be misrepresenting his true address...[Name withheld]'s brother...who is also a partner in his business was*

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<sup>22</sup> Ibid.

<sup>23</sup> Name withheld for security purposes.



*previously picked up by the police and up to October 24, 2016 the police had a outstanding warrant for [Name withheld's brother]. [Name withheld] was not found to be a suitable person to be armed.*

03. [Name withheld] (FULR2015NEW\_\*\*\*\*\*):

**Concerns: Was arrested by the police on at least two occasions for incidents of violence/aggression. [Name withheld1] was initially recommended by a current Senior Investigator at the FLA...who may have acted corruptly in recommending him.** [The Senior Investigator] *stated in his report that he spoke to [Name withheld2]<sup>24</sup> & another person who spoke favourably of [Name withheld1]. . [The Senior Investigator] also stated in his report that he verified the employment of [Name withheld1] as a security guard. Subsequent Investigations revealed that [Name withheld2] is listed by the police as a close friend of [Name withheld1]. These further checks also uncovered that [Name withheld1] travels frequently back and forth between Jamaica and the United States and that he has never been listed on the Records of PSRA as a security guard at the company from which*

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<sup>24</sup> Name changed for security purposes.



*he obtained a job letter. [Name withheld] also appears to be living above a legitimate source of income. He was subsequently not recommended as being a fit and proper person to be armed, despite being initially recommended by [The Senior Investigator] to be armed.*

04. [Name withheld] (FULR2016NEW\_\*\*\*\*\*):

*Concerns: Was previously extradited to the USA for involvement in Narcotics. Appears to be living above a legitimate source of income.*

05. [Name withheld] (FULR2016NEW\_\*\*\*\*\*):

*Concerns: Was arrested by the police on multiple occasions. He is close friends with an alleged top drug dealer in Montego Bay...[Name withheld] was also picked up by the police for his role as a get-away rider in an armed robbery attempt some years ago along Barnett Street in St. James.*

06. [Name withheld] (FULR2016NEW\_\*\*\*\*\*):

*Concerns: Previously denied on his 2013 application. Alleged to be heavily involved in narcotics. Alleged to be a strong man in his Barrett Town community with close ties and influence over the violence producing*



*criminal elements in the area. Not found to be a fit and proper person to be armed.*

07. [Name withheld1](FULR2016NEW\_\*\*\*\*\*):

*Concerns: Previously denied on his 2013 application. Applicant has no legitimate source of income in Jamaica. He is alleged to be closely associated with [Name withheld2] of Hatfield Meadows, Ironshore St. James. Both [Name withheld1] and his friend [Name withheld2] are alleged to be heavily involved in narcotics. [Name withheld1] is said to be related to a current investigator at the FLA...*

08. [Name withheld] (FULR2015NEW\_\*\*\*\*\*):

*Concerns: Ex-police that walked off the job. Alleged to be involved in lotto scamming. Alleged to be closely associated with...a gang leader in Flankers. Appears to be living above a legitimate source of income.*

09. [Name withheld] (FULR2016NEW\_\*\*\*\*\*):

*Concerns: [Name withheld] was previously arrested in the USA for involvement in narcotics and was deported back to Jamaica. [Name withheld] is a known political activist of the Jamaica Labour Party. It is alleged that he was promised a*



**favourable outcome on his application in exchange for him keeping quiet about an incident of alleged assault.** It is said that [Name withheld] motorcar was blocked along the Howard Cooke Boulevard by members of the security detail of the Member of Parliament... Reports are that the security persons alighted from their vehicle and pointed guns at [Name withheld] claiming that he was disrespecting the MP by having her picture ripped from his vehicle while leaving on the pictures of the other party persons. [Name withheld] was said to have made an escape into the Catherine Hall area followed by the security entourage of the MP. The situation was said to have been diffused when friends of [Name withheld] along with other residence (sic) started crowding the scene at which point the security team withdrew. All this was said to have taken place under the eyes of the [MP]. [Name withheld] was called to the Montego Bay Regional Office and asked about this incident and if he felt that this life was under threat and if he had reported the matter to the police. He stated that he felt threatened and that **several high ranking members of the JLP called him and asked him not to pursue the matter and that they**



would deal with it internally because if it wasn't handled well it could possibly affect the balance of power in governing the country. He was asked if he was willing to give a statement to that effect and he declined and stated that he did not want to go any further with the matter and that it is being dealt with by the party headquarters...

10. [Name withheld] (FULR2015NEW\_\*\*\*\*\*):

Concerns: [Name withheld] was said to have been previously represented on legal matters by Mr. Shane Dalling the current CEO of the FLA. [Name withheld] file was ordered to be expedited by Mr. Dalling. This could represent a conflict of interest. [Name withheld] is currently before the courts answering to 39 counts of various offences, 8 counts of Unlawful use of Trademark, 10 counts of Misleading/Deceptive Conduct, 1 count of Breach of Consumer Protection Act, 20 counts of Breach of Tradesman Act.

11. [Name withheld] (FULR2017NEW\_\*\*\*\*\*):

Concerns: Alleged to be a major player in lotto scamming. Alleged to be heavily involved in the trafficking of illegal guns in



*the St. James area. Closely associated with...a gang member. [Name withheld] is on the police watch list as a violence producer. [Name withheld] is alleged to have paid \$500,000 for the 2016 board to grant him a license.*

12. [Name withheld] (FLA Approved Trainer):

*Concerns: [Name withheld] was declared a Persona non Grata by the Jamaica Rife (sic) Association. He was alleged to have attempted to steal ammo from off their range and was caught. He is also alleged to be involved in narcotics.*

13. [Name withheld] ...member of gang "05" deemed to be second in command, was arrested in the United States and served time (USA Consulate would have deportation records as he was deported prior to PICA computerizing travel records. Has a bad temper known for domestic violence.

14. [Name withheld] member of "05" gang employment letter issued by Seal Construction but has no credible source of employment.



15. [Name withheld] *alleged scammer denied under previous board granted under new (2016) Board.*
16. [Name withheld] *alleged to be involved in narcotics and scamming had no credible source of income, denied under previous Board granted under 2016 Board.*
17. [Name withheld] *...of “05” gang applied in Kingston using address in Kingston, previous Board paused application, new Board re-interviewed him in Montego Bay close to Doctors Cave beach away from office.*
18. [Name withheld] **(brother in law of Dennis Meadows, charged in the USA for narcotics and illegal firearm, granted by this 2016 Board.**
19. [Name withheld] *...served thirteen years for rape.*
20. [Name withheld] *arrested and extradited on outstanding warrant.*
- ...
22. [Name withheld] *alleged scammer featured on CNN Jamaican lotto scammer...*



23. [Name withheld] ...scammer picked up by MOCA.
24. [Name withheld]...brother of [Name withheld listed at 23 above]
25. [Name withheld]—alleged to be a scammer who is under FBI surveillance...
26. [Name withheld] ex-police formerly charged with illegal firearm, narcotics suspected of framing his ex-wife with documents/lead sheets and firearm hidden in her office...
27. [Name withheld] served time and deported from UK for illegal possession of ammunition at his residence.
28. [Name withheld] served time in the United States for narcotics
29. [Name withheld]...suspected drug dealer caught by FEDS late 2016 or early 2017 with heroine might still be in prison or may have accepted a plea and is back in Jamaica. Had a 9mm and applied for a shotgun and board requested his file. Member of 05 gang.
30. [Name withheld] scammer with ties to Ski Mask gang...



31. [Name withheld], *member of the 05 gang.*<sup>25</sup>

(DI Emphasis)

Based on the foregoing, the DI reiterates the following issues which arose from the foregoing allegations which were represented in the media and which were received anonymously:

- (i) firearm user licences were allegedly granted to persons who were deemed to be of ‘questionable character’;
- (ii) firearm user licences applications were allegedly denied and subsequently approved by the same Board; and
- (iii) firearm user licence applications were requested to be expedited by FLA officials.

Consequently, the OCG, by way of a requisition dated September 13, 2017, requested Mr. Shane Dalling, CEO, FLA, to provide copies of all firearm user licence applications which were denied and subsequently approved by the same Board for the period 2012 to 2018<sup>26</sup>.

Based upon a review of the firearm user licence applications provided by Mr. Dalling to the then Contractor General, a table was constructed and is attached hereto as ‘Appendix 1’ which outlines the nature of criminal offences committed by the applicants, if any, criminal allegations made against the applicants, assessment reports completed by the FLA investigators, results of security checks conducted by the National Intelligence Bureau and the Criminal Investigations Branch of the Jamaica Constabulary Force, as well as all decisions made by the FLA Board.

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<sup>25</sup> Document entitled “*List of Applicants/Holders of Concern*” which was received by the then Contractor General from an anonymous source.

<sup>26</sup> As at the time of the OCG’s Investigation.



## The Denial and Subsequent Approval of Firearm User Licences by the FLA Board

In an effort to ascertain the veracity of the allegation that the FLA Board denied and subsequently approved firearm user licence applications of persons of ‘questionable character’, the OCG posed the following questions to Mr. Shane Dalling, CEO, FLA:

- “5. (a) *Please indicate the process which is utilised by the FLA Board as it relates to a review of its previous decisions regarding the approval and/or denial of applications for firearm user licences;*
- (b) *In relation to (a) above, kindly state the date on which you observed the commencement of such a practice;*
- (c) *In relation to (a) above, please indicate whether the FLA has implemented any action(s) to discontinue such practice;”<sup>27</sup>*

Mr. Dalling, in his response to the OCG dated January 30, [2018], stated, *inter alia*, as follows:

- “a. **The practice is that when an applicant is denied a firearm licence, if he/she believes there is a change in the circumstance surrounding the reason given for the denial, the applicant may write to the Firearm Licensing Authority (FLA) to**

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<sup>27</sup> OCG Requisition dated January 17, 2018 which was addressed to Mr. Shane Dalling, CEO, FLA. Question 5.



**request a review of the application. Once the letter is received by the General Administration Department, checks are to be made whether or not an appeal is being processed for the applicant. If there is no appeal, the applicants letter is submitted to the CEO, who will give instructions for the file to be requested. Once the file is received, the letter is placed on the file and is reviewed by the CEO. The CEO then gives instructions on how the correspondence is to be actioned.**

*Additionally, the practice which emerged overtime, was that a member of the Board unspecified reasons. The request could be made through any officer in the General Administration department. In these instances, if the decision is revised, the files are presented to either the Administrative Assistant or the Senior Secretary for the decisions to be updated on the databases.*

- b. **This practice mentioned above has been longstanding within the FLA.**
- c. **The FLA has since implemented that where a firearm holder is denied by the Authority and wishes to appeal the Authority's decision, this**



**appeal MUST be done through the Review Board.**<sup>28</sup> (DI Emphasis)

In furtherance of its Investigation, the OCG convened several hearings with current and former members of the Board of the FLA to ascertain the circumstances in which such a practice originated and was implemented by the Authority.

During the course of a hearing held on February 5, 2018, Mr. Dennis Wright, former Chairman of the Board of the FLA, indicated, *inter alia*, the following as it relates to the practice of the Authority reviewing its previous decisions:

*“CHAIRMAN: ...Mr. Wright, you served on the FLA Board?*

*MR. WRIGHT: Yes, sir.*

*Q: For what period, sir?*

*A: Commencing, I believe it's the 1<sup>st</sup> of May to sometime in August.*

*Q: Could you just give us the year, sir?*

*A: The year? 2016 to 2017.*

*Q: ...Are you aware, while you were chairman, were there matters that you had as a board considered, returned a decision of a denial in respect of an applicant, and then before that matter went to a review process you yourself, the Board looked back at the matter on another date?*

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<sup>28</sup> Response dated January 30, 2018 which was addressed to the then OCG from Mr. Shane Dalling, CEO FLA. Response 5.



A: *There were instances where we were properly advised. **The Board was guided by tradition and also guided by senior management, and we were advised that that was a practice and that as long as the person has not appealed then the board could/should if requested to review.** What does that mean? We sought and found precedents in that regard, so **it was considered a normal practice as long as that person has not appealed.**”<sup>29</sup>*

(DI Emphasis)

The referenced practice to review previous decisions provided that the applicant had not yet appealed the Authority’s decision, was confirmed by several other members of the 2016 FLA Board. During the course of a hearing held on January 10, 2018, Mr. Dennis Meadows, former member of the 2016 FLA Board, indicated, *inter alia*, as follows:

“Q: *You served as a member of the FLA Board?*

A: *Yes.*

Q: *For what period?*

A: *Effective May 1 until recent vintage. Until August, I think it was.*

Q: *August 2017?*

A: *Yes, somewhere there.*

...

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<sup>29</sup> Transcript of hearing held on February 5, 2018 involving Mr. Dennis Wright. Pages 11-13.



**...we learnt that the practice or the convention of the Board overturning a previous Board decision once the applicant has not exercised his or her appeal. In other words there is no appeal in train.**<sup>30</sup>

(DI Emphasis)

Similarly, Mr. Granville Gause, former member of the 2016 FLA Board, stated, *inter alia*, as follows:

“Q: ...

*You served as a member of the...Board, you served for how long?*

A: *Maybe a year...*

Q: *And you served on one occasion?*

A: *Yes, sir.*

Q: *You served on the same Board with the Chairman, Mr Dennis Wright, Mr Dennis Meadows, Justice Marva McIntosh and Mrs. June Spence-Jarrett? That’s the complement?*

A: *That is correct sir.*

...

Q: ...

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<sup>30</sup> Transcript of hearing held January 10, 2018 involving Mr. Dennis Meadows. Pages 1, 17.



**Mr Meadows who appeared before us here has said that the Board – my words-reviewed itself and he says a convention exists that was being followed by the Board that he was apart of that you sat on, that if a previous Board had said denied, your Board had a convention that you would review the decision of another Board, not that it would go to another level in the tier in terms of either review or to the Minister, but you reviewed the decisions.**

A: **He is correct.**

Q: **Did you review your own decisions or you reviewed the decisions of a Board before you? What you did, or you did both?**

A: **I think we did both.** Come to think of it, I think we did both.”<sup>31</sup> (DI Emphasis)

Of note, Mr. Dennis Wright and Mrs. June Spence-Jarrett, former member of the 2016 FLA Board, both indicated that they were advised by then Chief Executive Officer, Dr. Kenroy Wedderburn, that this practice could be implemented. By way of a hearing dated February 7, 2018, Mrs. Spence-Jarrett stated, *inter alia*, the following:

“CHAIRMAN: ...what the Board was doing was reviewing a previous Board’s decision...

A: And we were told that this could be done by the then C.E.O.

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<sup>31</sup> Transcript of hearing held January 10, 2018 involving Mr. Granville Gause. Pages 2, 15-16.



CHAIRMAN: *That's Dr. Wedderburn?*

A: *...you just got on the Board, don't know the regulation so you just reading up to see what's happening. And we were told that this could happen, that you could reconsider or review whatever the first Board had done – We were told this.*<sup>32</sup>

(DI Emphasis)

Additionally, Mr. Dennis Wright, in a hearing convened on February 26, 2018 by Mr. Dirk Harrison, then Contractor General, stated, *inter alia*, as follows:

“Q: *...in this case some of the practices that were adopted in terms of procedure by the Dennis Wright led Board, were practices that you had inherited for want of a better term, from a Board that was before you, is that correct?*

A: *And we were so advised; not just practice by seeing it but we were advised when we specifically requested to be advised as to whether or not it is in order for the Board to reconsider a previous Board's decision and we were advised resoundingly, yes.*

Q: *...Who is it that advised you that this is a procedure that you could adopt?*

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<sup>32</sup> Transcript of hearing held on February 7, 2018 involving Mrs. June Spence-Jarrett. Page 61.



A: *We were advised by the CEO who by virtue of his action sent documents to us requesting that we give consideration to issues concerning past applicants and we relied heavily on the benefit of institutional knowledge that resided in the Senior Puisne Judge, that was also not just a member of the Board but a senior member of the Board that transcended three administrations, Board administrations.*

Q: *In terms of the CEO, that CEO at that time was who, sir, Dr. Wedderburn?*

A: *Dr. Wedderburn.*<sup>33</sup> (DI Emphasis)

At this juncture, the DI highlights certain statements that were made by Mrs. Justice (Ret'd.) Marva McIntosh, current member of the Board of the FLA, during the course of a hearing held on January 17, 2018:

“CHAIRMAN: *...I am trying to understand the board reviewing itself.*

A: *I do not know how the custom originated, but there were many instances more than one boards. I have been on four*

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<sup>33</sup> Transcript of hearing held on February 26, 2018 involving Mr. Dennis Wright. Pages 2-3.



boards as I said. The first board was under Mr. Strong.

CHAIRMAN: He was the Chairman?

A: He was the Chairman, I was the Deputy Chairman and there was never any instance where any matter was reviewed. Under Mr. Robert Gregory there was a tendency, or a practice arose where when there was a denial the applicant would write a letter requesting not a review but that the board reconsider the application and take into account perhaps new facts that were not included in the original application, and come to a decision on that basis. So the file would be looked at again and if there was merit in the request or in this new information then on occasion the decision would be reversed so to speak. So that custom arose, but it became very popular in respect of the last board and I noticed that a lot of people



would write or they would have their attorneys write and request that -- it was not considered a review, it was considered reconsidering the application, looking at it again. That is how it was treated and I believe that is why it was done. **Although strictly speaking the Act does not make any provision for that.**

...

**...It says that they must appeal, ask for a review by the Review Board and it would go to the Review Board especially if there is new information. If the applicant is giving new information on the matter, it would take some time to get to the Review Board, and I think it is all in an effort to shorten the proceedings to get a quicker resolution of the matter and that practice arose. It is really a practice, I don't know if it is a particularly good one but it**



**happened** and as I say it became more popular where persons would write and some of them in the very application that the matter be reconsidered, worst offensive that you say, well, this was properly denied in the first place and it would go by the board, but this practice has arisen. I don't know if it is a correct one, but I have to say it is a practice and the file would be looked at again and usually perhaps by the full board the five members because as you know three members can consider the application and grant or deny or defer or whatever, but in certain instances all five members would be called in and be asked to give their views look at the file and consider whether the matter should be reviewed. I don't know, **there is no basis for it in law but it was done.**

...



**CHAIRMAN:** ...How is that process in terms of who determines that the matter would in fact be reconsidered?

**A:** ...if it is to the Chief Executive Officer it would be submitted to the Board, the Chairman more likely than not and then the Chairman would decide, let the board have a look at it again.<sup>34</sup>

(DI Emphasis)

Interestingly, Mr. Robert Gregory, former Chairman of the 2012 FLA Board, indicated that he does not agree with the practice of the Board reviewing its previous decisions. By way of a hearing convened on February 5, 2018, Mr. Gregory indicated, *inter alia*, the following:

**“A:** ...unless the person takes it to the Appeal Board and/or to the minister – those two levels have the authority to reverse our decision but the board reversing it? No. Absolutely not.

...

*The board – the duly constituted board made its decision to deny. The procedure that we work with is that the applicant has the right to appeal our denial to the appeals board, and they are an independent body,*

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<sup>34</sup> Transcript of hearing dated January 17, 2018 involving Mrs. Justice Marva McIntosh (Ret’d.). Pages 14-17.



**and they advise the minister after they have done their deliberations, and they would advise the minister whether to uphold or not.** *The minister also has the authority to reverse the thing by himself, because we work at the pleasure of the minister. But when the board – this is the lower level, my level – denies, it done. The file goes into the archives, so to retrieve from the archives and override the decision of the board and that overriding is done by another board at the same level, no, no, no...*<sup>35</sup>

(DI Emphasis)

At this juncture, the DI reiterates the following provisions of the Firearms Act, which outline the process through which aggrieved parties may appeal decisions of the FLA:

*“37.-(1) Subject to this section and section 37A, any aggrieved party may within the prescribed time and in the prescribed manner apply to the Review Board for the review of a decision of the Authority—*

*(a) refusing to grant any application for a licence, certificate or permit; or*

*(b) amending or refusing to amend any licence, certificate or permit; or*

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<sup>35</sup> Transcript of hearing held on February 5, 2018 involving Mr. Robert Gregory. Pages 87-88.



*(c) revoking or refusing to revoke any licence, certificate or permit; or*

*(d) refusing to grant any exemption pursuant to subsection (3) of section 35A or any certificate pursuant to sub-section (4) of section 35A.*

*(1A) Where any aggrieved party applies for the review of a decision of the Authority pursuant to paragraph (d) of subsection (1), the firearm or ammunition in relation to which the review is sought may be retained by the holder of a licence, certificate or permit in respect thereof until such time as the review has been determined.*

...

*(3) In this section the expression "aggrieved party" means the applicant for or the holder of any licence, certificate, exemption or permit in respect of the refusal to grant or the amendment or the revocation of which an application for review is made and the owner of the firearm or ammunition to which such application, licence, certificate or permit relates.*

...

*37A.—(1) For the purpose of a review under section 37, there is hereby established a Review Board consisting of persons appointed by the Minister in accordance with the Fourth Schedule.*



- (2) *The Review Board appointed under subsection (1) shall within ninety days of receiving an application for review—*
- (a) *hear, receive and examine the evidence in the matter under review; and*
- (b) *submit to the Minister, for his determination, a written report of its findings and recommendations.*
- (3) *The Minister upon receipt and consideration of the reports of the Review Board shall give to the Authority such directions as the Minister may think fit.*
- (4) *Where the Review Board fails to comply with subsection (2), the Minister may hear and determine the matter under review.*<sup>36</sup>

(DI Emphasis)

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<sup>36</sup> Section 37 and 37A, Firearms Act.



## The Utilisation of a ‘Fit and Proper’ Criterion to Assess Firearm User Licence Applications

In an effort to ascertain the veracity of the allegations that the FLA granted firearm user licences to persons of questionable character, it was deemed necessary to determine whether a ‘fit and proper’ criterion was established to assess firearm user licence applicants.

By way of a hearing dated February 5, 2018, former FLA Board Chairman, Mr. Dennis Wright, advised that a ‘fit and proper’ criterion was utilised to assess firearm user licence applicants. He stated, *inter alia*, as follows:

“CHAIRMAN: *...we often speak about this term of “fit and proper”, the term fit and proper. A determination by a board or persons considering approval or denial, there is some criteria that is utilised; you would agree with me?*

A: Yeah.

...

CHAIRMAN: *...In terms of considering fit and proper criteria/criterion that is something that a board may say is fatal; how do you answer to that?*

A: *Not necessarily. You will have to look at the circumstances under which – it would require deeper explanation. So in other words, fit and proper would first have to be defined, and it is within the minds of the board members various factors that gave rise to the length of time when this*



**occurred, so there are many factors. Fit and proper has no specific – cannot be seen in one light. Fit and proper is almost anything within the discretion of the board, as you would know in law; you have read the file, the Act, okay, to determine. It doesn't have any one – you are guided by the reports; you're guided. The reports don't decide for you. You are guided by various information fed into you.**<sup>37</sup>

(DI Emphasis)

Former Deputy Chairman of the 2016 FLA Board, Mr. Dennis Meadows, indicated, *inter alia*, the following factors which the FLA would consider in assessing whether persons were deemed to be 'fit and proper' to be granted firearm user licences:

**“Q: Did you have something – we call it *fit and proper*, but did you have somewhat of a system that implied that?**

**A: We do. We have a system in terms of assessing fit and proper; the need, the person's character, temperament; the risks of the person's job sometimes. Once the person establishes a need and we recognize that his background is of one that we feel that he is worthy of a firearm, we will be guided by that.**<sup>38</sup> (DI Emphasis)

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<sup>37</sup> Transcript of hearing held on February 5, 2018 involving Mr. Dennis Wright. Pages 33, 37-38.

<sup>38</sup> Transcript of hearing held on January 10, 2018 involving Mr. Dennis Meadows. Pages 5-6.



Further, Mr. Granville Gause, former member of the 2016 FLA Board, advised that there is no documented basis upon which the criteria utilised to assess firearm user applicants are premised. By way of a hearing convened on January 10, 2018, the following, *inter alia*, was disclosed:

“A: **I don’t believe we have actually written any documents** so to speak but in our deliberation in times of a Board meeting or a meeting in terms of a general discussion we would have had it with Ms. Wedderburn, Ms. Allen who was the acting, or a waiver, everybody have their own view. Some persons might just believe that a man – for example I was of the view that no Constable mi a gi anything because him mature in a whole heap a tings. When me look me see weh the Supe a Mobile write a nice report say him fi get; the investigating officer fi get. So me haffi convince my Board members so me have much force now, that the man have a gun out a deh place so weh him want a gun for? And a whole heap a other things. Him a twenty-odd years, mek him serve him probation and all that. And dat, based on dat you say well, say alright the reasoning look good, so much immaturity out there. And the next thing we do dat and what happen? Mek him mature little first. And in any event while his immediate squaddy a point in that say him alright, Headquarters say at least two reports made against him



*and so on and what have you so as a general ting, whole heap a police me believe, me personally say and I give you that as an example.”<sup>39</sup> (DI Emphasis)*

Additionally, Mr. Meadows advised that the different FLA boards over the years ascribed various definitions to the term ‘fit and proper criteria’. During the course of hearing held on February 7, 2018, he stated, *inter alia*, the following:

“A: ...different Boards have their different definition of “fit and proper”, and **there is no legislation that speaks to “fit and proper”**. And so, I think we as a Board sat and decided, coined something as to **“fit and proper”**.”<sup>40</sup> (DI Emphasis)

The DI notes that the Firearms Act does not provide for the utilisation of a ‘fit and proper’ criterion to assess firearm user applicants. However, Section 29 of the Firearms Act provides the following requirements to be adhered to in the grant of firearm user licences:

1. The grant of a firearm user licence shall be in the discretion of the Authority.
2. No firearm user licence shall be granted in relation to any prohibited weapon.
3. **No firearm user licence shall be granted to a restricted person** or in relation to any restricted weapon or restricted ammunition except with the prior approval of the Minister of National Security.
4. **A firearm user licence shall be granted by the FLA only if it is satisfied that the applicant has a good reason for having in his possession the firearm** in respect of which the application is made, and can be permitted to have in his possession that firearm

<sup>39</sup> Transcript of hearing held on January 10, 2018 involving Mr. Granville Gause. Pages 29-30.

<sup>40</sup> Transcript of hearing held on February 7, 2018 involving Mr. Dennis Meadows. Page 47.



**without danger to the public safety or to the peace, provided that such a licence shall not be granted to a person whom the Authority has reason to believe to be of intemperate habits or unsound mind, or to be for any reason unfitted to be entrusted with such a firearm.**

4. A firearm user licence shall not be granted until the applicant has:
- (a) satisfied the FLA that he is proficient in the use and management of the type of firearm in respect of which his application is made;
  - (b) satisfied the FLA that that he has made adequate provision for keeping the firearm in a secure place when it is not being carried or used; and
  - (c) produced the firearm for inspection by the FLA in circumstances where the firearm is already in the possession of the applicant.

The DI reiterates the following definition of “*a restricted person*” pursuant to Section 2 of the Firearms Act:

“...*(a) is a habitual criminal within the meaning of section 54 of the Criminal Justice (Administration) Act; or*

*(b) **has at any time within five years next before the event in relation to which the term is used -***

*(i) **been declared by a court pursuant to section 3 to be a restricted person; or***

*(ii) **been convicted of an offence involving violence and sentenced to a term of imprisonment, whether with or without hard labour exceeding three months.**”<sup>41</sup>*

(DI Emphasis)

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<sup>41</sup> Section 2 of the Firearms Act.



Further, and in practice, the FLA Investigator conducts the following assessments to determine whether a recommendation should be made in respect of the issuance of a firearm user licence:

- (a) psychometric assessment;
- (b) knowledge assessment;
- (c) medical assessment;
- (d) the applicant's residence and/or business property;
- (e) source of income;
- (f) firearm storage facility;
- (g) community/criminal record assessment;
- (h) criminal conviction; and
- (i) the applicant's character.

By way of his response dated January 30, [2018], Mr. Shane Dalling, CEO, FLA, indicated, *inter alia*, that the Authority has "...identified approximately three hundred [300] files that were denied and the FLA Board reviewed its previous decision for the period...2012 to present."<sup>42</sup>

Upon a review of the referenced application files, the DI refers to 'Appendix 1', and outlines the following key points in relation to certain applicants who were alleged to be involved in criminal activities or had criminal convictions and who were granted firearm user licences after being previously denied of same:

1. Firearm user licences were granted to individuals who were convicted for drug related offences in at least thirteen (13) instances.
2. Firearm user licences were granted to individuals who were convicted for lottery scamming and/or fraudulent offences in at least four (4) instances.
3. Firearm user licences were denied and subsequently granted to individuals who were convicted for violent crimes in at least seven (7) instances.

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<sup>42</sup> Response dated January 30, 2018 which was addressed to the OCG from Mr. Shane Dalling, CEO FLA. Response 5.



4. Firearm user licences were denied and subsequently granted to individuals who were convicted for the offence of illegal possession of firearm in at least three (3) instances.
5. Firearm user licences were denied and subsequently granted to individuals who were convicted for otherwise breaching the Firearms Act in at least one (1) instance.
6. Firearm user licences were denied and subsequently granted to individuals who were convicted for other illegal activities in at least five (5) instances.
7. Firearm user licences were denied and subsequently granted to individuals who the FLA Investigator stated to be involved in drug related offences, in at least ten (10) instances.
8. Firearm user licences were denied and subsequently granted to individuals who the FLA Investigator stated were involved in lottery scamming and/or fraudulent offences, in at least ten (10) instances.
9. Firearm user licences were denied and subsequently granted to individuals who the FLA Investigator stated were involved in violent crimes, in at least six (6) instances.
10. Firearm user licences were denied and subsequently granted to at least two (2) individuals who the FLA Investigator stated were arrested for the offence of illegal possession of firearm.
11. Firearm user licences were denied and subsequently granted to individuals who the FLA Investigator stated were involved in other illegal activities, in at least ten (10) instances.

The following are a list of firearm user licence holders whose criminal antecedents were of particular interest to the DI:



a) Person RM1/Person X1

Person RM1/X1 was arrested and charged for being in possession of personal information of a US Citizen. He is alleged to be a member of a gang and is involved in lottery scamming. He is also reported to be in possession of an illegal firearm. His firearm user licence was revoked on September 29, 2015 but was thereafter granted on December 16, 2016 on appeal by the Hon. Robert Montague, MP.

b) Person X2

Person X2 was arrested and charged for the offences of conspiracy to commit murder, shooting with intent and illegal possession of firearms. Notwithstanding numerous FLA officials recommendations that his firearm user licence be revoked, the Authority decided to return his firearm.

c) Person RM5/Person X3

Person RM5/X3 was convicted for numerous crimes involving illicit drugs, the use of counterfeit notes as well as breaches of the Firearms Act. His firearm user licence was revoked by the FLA in at least two (2) instances. On August 30, 2016, the Hon. Robert Montague, MP, approved the reinstatement of his firearm user licence.

d) Person RM6/Person X4

Person RM6/ Person X4 was arrested and charged for offences related to drugs and trading in guns. His application for a firearm user licence in respect of a 12 gauge shotgun was denied on March 27, 2012 by Mr. Errol Strong, Khaleel Azan and Mrs. Justice (Ret'd.) Marva McIntosh on the basis that the applicant did not establish a need to be so armed. On August 9, 2016, the Hon. Robert Montague, MP, approved his application for the particular firearm user licence on appeal.



e) Person X5

Person X5 was convicted of the offence of attempted possession with intent to distribute cocaine in the United States. His application was denied on August 17, 2015 by Robert Gregory, Mrs. Justice (Ret'd.) Marva McIntosh and Mrs. Rosalie McDonald-Barker on the basis that the applicant's failure to disclose his criminal conviction disqualified his application. On June 15, 2016, Person X5's application was approved by Mr. Dennis Wright, Mr. Dennis Meadows and Mrs. June Spence-Jarrett.

f) Person X6

Person X6 was convicted of the offences of unlawful wounding, illegal possession of a firearm and shooting with intent. His application for a firearm user licence was denied on June 10, 2016 by Mr. Dennis Meadows, Mrs. Justice (Ret'd.) Marva McIntosh and Granville Gause on the basis that the applicant is not a fit and proper person based on adverse findings received. Three (3) months later on September 7, 2016, Person X6's application was approved by Mr. Dennis Meadows, Granville Gause and Mrs. June Spence-Jarrett.

g) Person X7

Person X7 was convicted for assault occasioning bodily harm and was charged for malicious destruction of property, for which, the result of the trial is outstanding. On May 15, 2014, Person X7's application for a firearm user licence was denied by Robert Gregory, Mr. Gilbert Scott and Mrs. Justice (Ret'd.) Marva McIntosh on the basis that false information was provided by the applicant on his application. Two (2) months later on July 17, 2014, his application was approved by Robert Gregory, Mrs. Justice (Ret'd.) Marva McIntosh, Mr. Gilbert Scott, Mrs. Rosalie McDonald-Barker and Mr. Michael Harvey.

h) Person X8



Person X8 was convicted for the offences of possession of cocaine and obtaining money by means of false pretense. On December 14, 2012, his application for a firearm user licence was denied by Mr. Gilbert Scott, Mrs. Rosalie McDonald-Barker and Mrs. Justice (Ret'd.) Marva McIntosh on the basis that the applicant is not considered a fit and proper person to be so armed. On October 16, 2013, his application was approved by Mr. Gilbert Scott, Mrs. Justice (Ret'd.) Marva McIntosh and Mr. Michael Harvey.

i) Person X9

Person X9 was convicted for the offences of possession of and conspiracy to distribute cocaine and marijuana. His application was denied on September 1, 2015 by Robert Gregory, Mrs. Rosalie McDonald-Barker and Mr. Gilbert Scott on the basis that the applicant was already the holder of firearm user licences for five (5) firearms and did not establish a need to be armed with a 'short barrel shotgun'. The applicant's application was subsequently approved on April 6, 2017 by Mr. Dennis Meadows, June Spence-Jarrett and Granville Gause.

j) Person X10

Person X10 was convicted for the offences of unlawful possession of marijuana, bail jumping, forgery and possession of cocaine. He was denied on May 15, 2014 by Robert Gregory, Mrs. Justice (Ret'd.) Marva McIntosh and Mr. Michael Harvey on the basis that the applicant was not considered to be fit and proper to be so armed and was subsequently approved on February 12, 2015 by Robert Gregory, Mrs. Justice (Ret'd.) Marva McIntosh, Mr. Gilbert Scott and Mr. Michael Harvey on the basis that the applicant's appeal of the Board's earlier denial was considered and the Board decided to approve his application.

k) Person X11

Person X11 was convicted for the offences of possession of marijuana and dealing in marijuana and was arrested and charged for the offence of skimming and cloning credit



cards. His application was denied on May 24, 2016 by Mr. Dennis Meadows, Mrs. Justice (Ret'd.) Marva McIntosh and Granville Gause and subsequently approved on July 13, 2016 by Mr. Dennis Wright, Mr. Dennis Meadows and Granville Gause.

l) Person X12

Person X12 was arrested and charged for the offence of unlawful wounding. His firearm user licence application for a 9mm pistol was denied and his firearm user licence for a 12 gauge shotgun was revoked on October 28, 2013 by Robert Gregory, Mr. Michael Harvey and Mr. Gilbert Scott on the basis that the applicant was no longer considered to be fit and proper to be so armed. His firearm user licence for the 12 gauge shotgun was reinstated and his application for a 9mm pistol was approved on February 10, 2015 by Robert Gregory, Mr. Michael Harvey, Mr. Gilbert Scott and Mrs. Rosalie McDonald-Barker.

m) Person X13

Person X13 was convicted for the offences of uttering a forged document and possession of a forged document and was arrested and charged for the offence of possession of marijuana. His application for a firearm user licence was denied on May 19, 2016 by Mrs. June Spence-Jarrett, Granville Gause and Mrs. Justice (Ret'd.) Marva McIntosh on the basis that the applicant does not seem to be a fit and proper person to be armed and refused to hand over documents requested by FLA officials. His application was subsequently approved on July 20, 2016 by Mr. Dennis Meadows, Mrs. June Spence-Jarrett and Granville Gause.

n) Person X14

Person X14 was arrested and charged for the offence of illegal possession of a firearm. His application for a firearm user licence was denied on October 9, 2013 by Robert Gregory, Mr. Gilbert Scott, Mrs. Rosalie McDonald Barker, Mr. Michael Harvey and



Mrs. Justice (Ret'd.) Marva McIntosh on the basis that the applicant did not establish a need to be armed. His application was subsequently approved on August 24, 2016 by Mr. Dennis Wright, Mr. Dennis Meadows, Granville Gause and Mrs. June Spence-Jarrett.

o) Person X15

NIB reports revealed that Person X15 is a member of a prominent gang based in Clarendon and is reported to be involved in drug trafficking and money laundering activities and that he was deported to Jamaica in 2007. His application for a firearm user licence was denied on August 24, 2015 by Robert Gregory, Mrs. Justice (Ret'd.) Marva McIntosh and Mrs. Rosalie McDonald-Barker and was subsequently approved on October 14, 2016 by Mr. Dennis Meadows, Mrs. June Spence-Jarrett and Granville Gause.

p) Person X16

Person X16 is alleged to have been convicted in the United States for the offence of criminal possession of a firearm. His application for a firearm user licence was denied on February 15, 2016 by Mr. Gilbert Scott, Mrs. Rosalie McDonald-Barker and Mrs. Justice (Ret'd.) Marva McIntosh and was subsequently approved on October 20, 2016 by Mr. Dennis Meadows, Mrs. June Spence-Jarrett and Mrs. Justice (Ret'd.) Marva McIntosh.

q) Person X17

Person X17 was convicted for the offence of assault occasioning bodily harm. His firearm user licence application was denied on June 8, 2016 by Mr. Granville Gause, Mrs. Justice (Ret'd.) Marva McIntosh and Mrs. June Spence-Jarrett and was subsequently approved on August 17, 2016 by Mr. Dennis Meadows, Granville Gause and Mrs. June Spence-Jarrett.

r) Person X18

Person X18 was convicted for the offence of assault occasioning bodily harm. His application for a firearm user licence was denied on November 2, 2015 by Robert



Gregory, Mrs. Rosalie McDonald-Barker and Mr. Gilbert Scott and was subsequently approved on November 3, 2016 by Granville Gause, Mr. Dennis Meadows and Mrs. Justice (Ret'd.) Marva McIntosh.

s) Person X19

Person X19 was arrested and charged for the offence of unlawful wounding. His application for a firearm user licence was denied on October 29, 2013 by Mrs. Justice (Ret'd.) Marva McIntosh, Mrs. Rosalie McDonald-Barker and Mr. Gilbert Scott on the basis that the applicant was not considered to be fit and proper to be granted a firearm user licence. The application was subsequently approved on September 15, 2014 by Mr. Michael Harvey, Mr. Gilbert Scott and Mrs. Justice (Ret'd.) Marva McIntosh.

t) Person X21

Person X21 was arrested and charged for the offences of indecent assault. Further, the NIB report revealed that the applicant molested a little girl who is related to his wife. However, the matter was not reported to the police and therefore no action was taken against the applicant. His firearm user licence application was denied on January 24, 2012 by Mr. Errol Strong, Mrs. Justice (Ret'd.) Marva McIntosh and Khaleel Azan on the basis that the applicant was interviewed and found unfit to be armed. It was subsequently approved on April 11, 2011 by Mrs. Justice (Ret'd.) Marva McIntosh, Mr. Gilbert Scott and Mrs. Rosalie McDonald-Barker.

Reliance on Reports Received from the National Intelligence Bureau (NIB) and the Criminal Intelligence Branch (CIB) in the Assessment of Firearm User Licence Applications

In the assessment of firearm user licence applications, the former Minister of National Security, the Hon. Robert Montague, MP, as well as several FLA officials, indicated that reports detailing security background checks of applicants, which are provided by the National Intelligence Bureau (NIB) and the Criminal Intelligence Branch (CIB) of the Jamaica Constabulary Force (JCF), were considered in the assessment of firearm user applications.



By way of a hearing convened on October 4, 2017, the Hon. Robert Montague, MP, advised, *inter alia*, as follows:

“Q: Now, how do you treat reports for instance from the NIB, National Intelligence Bureau, that are sent to you for the purposes of consideration of an appeal?...”

A: **It is taken into consideration and given proper weighting** but I also have to take into consideration other information that would come to me because many times the NIB don't have all the information that's available to me and sometimes I myself have to help them to upgrade their records.”<sup>43</sup>

(DI Emphasis)

Mr. Peter Bunting, MP, former Minister of National Security, provided, *inter alia*, the following statement as it relates to the utilisation of such reports:

“In my capacity as Minister of National Security, I was aware that the National Intelligence Bureau (“NIB”), the Criminal Records Office (“CRO”), and other JCF formations were routinely engaged in the FLA's background checks on applicants in order to apply the fit and proper criteria...”<sup>44</sup>

Mrs. Dianne McIntosh, Permanent Secretary, Ministry of National Security, by way of hearing held on September 20, 2017, stated, *inter alia*, as follows:

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<sup>43</sup> Transcript of hearing held on October 4, 2017 involving the Hon. Robert Montague, MP. Page 3.

<sup>44</sup> Response dated December 6, 2018 which was addressed to the DI by Mr. Peter Bunting, MP. Response 9.



*“Q: Must a NIB Report be attached to an application for review?*

*A: To the best of my knowledge in terms of a review, when the file comes it is undertaken, a security assessment is done in terms of background checks, is done by the FLA investigator. **There is nothing in the law that speaks to the NIB Report needed there.**”<sup>45</sup> (DI Emphasis)*

A different opinion was proffered by Mr. Lincoln Allen, former CEO of the FLA and current Acting Director, Protective Security Unit, Ministry of National Security. He advised as follows:

*“CHAIRMAN: ...The office, the one that you no longer sit in, how did the office treat, say, a NIB Report?*

*MR. ALLEN: **It is normally priority. It normally informs the final decision in most cases.**”<sup>46</sup>  
(DI Emphasis)*

Mr. Allen further indicated the purpose of the intelligence reports completed by the NIB and the CIB:

*“CHAIRMAN: ...Prioritized informed decision is this something that you invariably follow or is this something that you*

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<sup>45</sup> Transcript of hearing held on September 20, 2017 involving Ms. Dianne McIntosh. Page 10.

<sup>46</sup> Transcript of hearing held on September 20, 2017 involving Mr. Lincoln Allen. Pages 15-16.



would make a recommendation  
should be followed?

A: *In my review of the cases, a lot of the decisions that came out of the Review Board are heavily hinged on the information that was provided by Intelligence Report from NIB. The CIB Reports has the fingerprints, it would clear the person if the person had any criminal issue. The NIB Report tells you more about the person's character and the person's involvement over time.*<sup>47</sup>

(DI Emphasis)

Mr. Granville Gause, however, had a differing approach to the reliance placed on NIB and CIB reports. During the course of a hearing held on January 10, 2018, he stated, *inter alia*, that “...every report stands on its own merit and there are reports who help to guide us and we are no slave to no report.”<sup>48</sup>

In relation to the manner in which NIB and CIB reports were utilised by the 2016 FLA Board, Mr. Dennis Meadows also advised the then Contractor General, *inter alia*, of the following:

“Q: ...how did you treat NIB reports?

...

A: *The policy that was in train then, was that there would be a provisional approval. Because of the turnover time, the lengthy*

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<sup>47</sup> Ibid, Page 16.

<sup>48</sup> Transcript of hearing dated January 10, 2018 involving Mr. Granville Gause. Page 5.



turnover time which contributed to the back up, the then Board, or previous Board decided to approve on the CIB report, so it is a provisional approval of sorts. So if Dennis Meadows applied and CIB returned that, all of the others are correct and we receive the CIB Report, the file is submitted to the Board. If we approve, and Dennis Meadows picks up his package, if subsequently the NIB Report comes that finds an unfavourable report, even though he lied on the form in terms of his arrest or conviction, that question – I forget the actual section of the form – it would trigger revocation. Because bear in mind there is a need out there for firearms for obvious reasons.

...

...the turnover time was roughly about eight months, which in my view is too long a time in terms of turnover. So we find favour with that policy set that to maintain that average turnover time of eight months, six to eight months, we would continue with that policy of a provisional approval on the CIB report



**pending the receipt of the NIB; NIB takes forever.**<sup>49</sup> (DI Emphasis)

Of note, Mrs. June Spence-Jarrett shared similar concerns about the lengthy turnover time for NIB reports. She indicated, *inter alia*, the following:

“Q: ...the NIB reports and/or the C.I.B report, how did that weigh in terms of determination made by you in terms of either to approve or to deny an application?

A: **The C.I.B report especially weigh heavily because you know the NIB don't really give you convictions,** *et cetera.* And what happens too is that sometimes even you have the file ready and prepared, they say it's ready, they claim it is ready and there is no C.I.B. report to **you give a provisional approval when the report comes in you know, or either revoke or review again and reconsider and do what necessary is to be done.** But sometimes we don't get the reports, the C.I.B report and the NIB on time.”<sup>50</sup> (DI Emphasis)

During the course of a hearing convened on January 17, 2018, Mrs. Justice (Ret'd.) Marva McIntosh disclosed the following to the former Contractor General:

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<sup>49</sup> Transcript of hearing held on January 10, 2018 involving Mr. Dennis Meadows. Pages 6-7.

<sup>50</sup> Transcript of hearing held February 7, 2018 involving Mrs. June Spence-Jarrett. Pages 48-49.



*“CHAIRMAN: ... can you say what weight, if any, is placed on the NIB Reports vis-à-vis the CIB forms in terms of the determination by the members of the board as to how to treat a case by case?*

*A: ... I have been on four boards, this is it, and each board has its own, well not rules but they differ somewhat, slight differences in the method of dealing with things. On one board I recall what used to happen is that the NIB report stook (sic) such a long time in coming that the application would stay for months and months before the NIB reports were available so what used to happen is that the board would consider the application and provisionally grant approval or deny if necessary until the NIB report was available; mostly approvals. If the approval came after and there were*



*true adverse traces then the file would be recalled and perhaps denied having regard to what the NIB Report disclosed. But this has now ceased. This is no longer being done. Because what happens is that the file awaits the arrival off the NIB report. It takes a little longer to deal with the file because the NIB Reports they don't come in as quickly as the CIB Reports, but that is what is being done now. We await both reports, both NIB and CIB and it (sic) there are adverse traces then more often than not the application is denied.*

**CHAIRMAN:** *... Mr. Granville Gauze has indicated that in his mind, my words, the NIB Reports and the CIB have to be treated on a case by case basis. The mere fact that it comes from NIB or is a CIB Report it doesn't bind him, I think his words, and he speaks collectively...*



A: *Well adverse trace is somewhat vague you know. It is really vague, and it is not always, it is not always accepted as a basis for denial. It doesn't automatically really cause the person to be denied. The whole thing is the whole report has to be considered, what the adverse traces in relation to what, and a decision is made, but it really is not compulsory that because the NIB Report indicates that there are adverse traces the person is automatically denied. So it is looked at closely to ascertain whether it is something. Even the CIB report sometimes it discloses that the person has been convicted for maybe larceny, 25/30 years ago and we don't really regard that. The person has not had it expunged, it is still there on the record. Each case has to stand on its own merit and*



*sometimes it is necessary to really look behind this report of adverse traces, but it doesn't automatically disqualify the individual.”<sup>51</sup>*

At this juncture, the DI highlights the contents of an agreement between the CIB and the FLA. The agreement, which was attached to a letter dated April 22, 2013 and addressed to the attention of Dr. Kenroy Wedderburn, then CEO, FLA, stated, *inter alia*, as follows:

*“This service level agreement outlines the level of service and joint expectations as they relate to the provision of Criminal Record checks undertaken by the Technical Services Division (TSD) of Jamaica Constabulary Force in support of applications for the grant or renewal of Firearms Certificates issued to applicants by the Firearms Licensing Authority of Jamaica (FLA).*

*Except in circumstances detailed below, the turnaround time for criminal record verifications by TSD which are undertaken to facilitate firearms licensing applications will be 1 calendar month.*

*(Notwithstanding the above, in circumstances where routine demand for firearms certificate related verifications made exceeds 500 enquiries in the respective calendar month the turnaround period for criminal record verifications will consequently be extended commensurate with the increase in*

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<sup>51</sup> Transcript of hearing held on January 17, 2018 involving Mrs. Justice (Ret'd.) Marva McIntosh. Pages 8-10.



*demand and notified to FLA in writing by TSD accordingly.)*

*On completion of criminal record verifications by TSD, including circumstances where it is established that there are outstanding matters before a court, a certified/signed report in these terms will be generated by TSD for collection by FLA.*

*Completed reports generated as a result of Criminal Record verifications by TSD can be collected from TSD, 34 Duke Street, Kingston, Jamaica on Tuesday of each week except in circumstances when this day falls on a prescribed holiday, in which case the respective report can be collected on the subsequent working day.*

*TSD will not accommodate any enquiry by the prospective applicant for firearms licence. Such enquiries are understood to be between them and FLA.”<sup>52</sup>*

#### Reliance on Reports Completed by FLA Investigators in the Assessment of Firearm User Licence Applications

In furtherance of the Investigation, the Board’s reliance on the FLA Investigators’ findings and subsequent recommendations was assessed.

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<sup>52</sup> Service level agreement between the CIB and the FLA. The agreement, which was attached to a letter dated April 22, 2013 and addressed to the attention of Dr. Kenroy Wedderburn, then CEO, FLA. Provided to the then Contractor General by Mr. Dennis Meadows during the course of a hearing held on January 10, 2018.



By way of a hearing which was convened on January 10, 2018, Mr. Dennis Meadows, former Deputy Chairman of the 2016 FLA Board, disclosed, *inter alia*, as follows:

*“Q: What to your mind...your understanding as to the role of the investigators vis-à-vis the Board...*

*...*

*A: ...There are times when we read reports that we question the veracity of the information because on more than one occasion we had reason to terminate investigators when we learn that they, for want of a better word, play for pay and if an applicant is not inclined to pay, you would see an unfavourable report coming in. So there is where as members, we put a lot of weight because we are sitting in there in the back room doing things so the investigative report is weighed heavily in terms of our decisions.”<sup>53</sup> (DI Emphasis)*

Upon a review of the table attached hereto as ‘Appendix 1’, the DI notes with emphasis that **in thirty (30) instances out of fifty-two (52)<sup>54</sup>, FLA investigators did not recommend the applicants to be granted firearm user licences.** Notwithstanding the fact that such persons were not recommended by FLA Investigators and were previously denied by the FLA Board, they were subsequently granted the referenced licences upon a reconsideration of the Board.

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<sup>53</sup> Transcript of hearing held January 10, 2018 involving Mr. Dennis Meadows. Pages 4-5.

<sup>54</sup> A total of approximately 58% of the applications reviewed by the Integrity Commission.



Of note, Mr. Peter Bunting, MP, former Minister of National Security, stated the following as it relates to the credibility of the recommendations made by FLA investigators:

**“I am not aware of any general concerns regarding the credibility of the recommendations of FLA investigators in the assessment of firearm user’s licence applicants during my tenure as Minister of National Security. There may have been specific cases of appeals where the Review Board felt that the negative finding of the Authority, which was partly informed by an FLA investigator’s report, was not supported by the evidence.”**<sup>55</sup>

(DI Emphasis)

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<sup>55</sup> Response dated December 6, 2018 which was addressed to the DI by Mr. Peter Bunting, MP. Response 8.



## **The Irregular Practices of the Firearm Licensing Authority (FLA)**

In the course of the Investigation, the Director of Investigation (DI) observed several practices of the FLA for the period 2016 to present which involved the following:

- (a) The expedition of firearm user licence applications;
- (b) Conflicts of interest; and
- (c) The approval of firearm user licence applications by the Board without the complete perusal of all contents of the applications.

### **The Expedition of Firearm User Licence Applications**

By way of a document entitled “**List of Applicants/Holders of Concern**” which was received by the then OCG from an anonymous source, it was indicated that Mr. Shane Dalling, upon his assumption as CEO of the FLA, requested that the firearm user licence application of one, Mr. X<sup>56</sup>, be expedited<sup>57</sup>. The referenced document stated, *inter alia*, as follows:

“10. [Name withheld] (*FULR2015NEW\_\*\*\*\*\**):

*Concerns: [Name withheld] was said to have been previously represented on legal matters by Mr. Shane Dalling the current CEO of the FLA. [Name withheld] **file was ordered to be expedited by Mr. Dalling.** This could represent a conflict of interest. [Name withheld] is currently before the courts answering to 39 counts of various offences, 8 counts of Unlawful use of Trademark, 10 counts of Misleading/Deceptive Conduct, 1 count of*

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<sup>56</sup> Name withheld for security purposes.

<sup>57</sup> Anonymous allegation received by the OCG on September 1, 2017.



*Breach of Consumer Protection Act, 20  
counts of Breach of Tradesman Act.”<sup>58</sup>*

In an effort to ascertain the veracity of the foregoing allegation, the former Contractor General convened a hearing with Mr. Shane Dalling, CEO, FLA, on September 13, 2017, wherein, the following, *inter alia*, was disclosed:

“Q. *Can you just take me back and remind me, the date of the application being submitted by [Name withheld]?*

A. *Twenty-ninth of the first, 2015.*

Q. *At the time that he made that application, were you aware that he made his application 29<sup>th</sup> of...*

A. *I did not know [Name withheld] in 2015.*

Q. *...can you recall about when you met him?*

A. *I met him, I met him on or about, maybe weeks, weeks before he had the appearance in court, weeks.*

...

Q. *The allegation that I had advanced to you on the last occasion was to the effect that upon assuming the role as CEO, you asked for this file to be given some priority treatment?*

...

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<sup>58</sup> Document entitled “List of Applicants/ Holders of Concern” which was received by the OCG from an anonymous source.



A. ...The general approach that we have taken to any request by any person, to an application, and persons from time to time call, write, e-mail us about applications that are pending for a while...

...

...I can state that we have checked, as it relates to this file, through our database in terms of e-mail trails through the director of investigation, where the e-mail would go to. And it has revealed that no request came from my office, general office, for this file in relation to this file for any action.

...

...If the request is made, it would be sent to the director as a matter of course to day please check on this file or please expedite this file for whatever reasons. Right. It may be security reasons, it may be, and there are various reasons why persons would call to say this file is outstanding or the person is a – has several other guns and is making another application, may have 10 guns before and making one for the eleventh and therefore we would not have sent the person through the same procedure as all the other applicants, because this person would have gone through the rigours several times over and therefore that file could be requested and it could be asked that we expedite the process on it for various persons for security



**reasons. Right. And I say that, quite frankly, that is not an uncommon thing to ask for certain files based on good reasons, I must tell you, not for friendship or other purpose. But we checked and we had no trail of any e-mail being sent from the general admin office, in fact, the director of investigation doesn't have any e-mail request from anywhere, anywhere, asking for this file.**<sup>59</sup>

(DI Emphasis)

Further, the DI observed the Minutes of a FLA Board Meeting dated June 24, 2016 in which the following was indicated by Mr. Gause:

**“Express Team re processing of files**

- 1.0) Mr. Gause indicated that, it would be prudent to have an express team to process files.
- 2.0) He further stated that expediency is critical.
- 3.0) Mr. Gause asked how long it takes for an individual to be advised when the file leaves the Board.
- 4.0) The CEO explained the process.
- 5.0) The Chairman stated that the board members should familiarize themselves with the processes so that they can have a better understanding.”<sup>60</sup>

At this juncture, the DI highlights with emphasis the following representations made by Mr. Mr. Dennis Meadows, former Deputy Chairman, 2016 FLA Board:

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<sup>59</sup> Transcript of hearing held on September 13, 2017 involving Mr. Shane Dalling. Pages 12-13, 18, 21-23.

<sup>60</sup> Minutes of a FLA Board Meeting dated June 24, 2016. Page 4.



“...Sometimes representations are made regarding a particular matter that we seek to expedite, and this includes people of varying, all across Jamaica including me, everybody. Somebody might have an application and it’s languishing, they make representation whether through their Member of Parliament, through somebody and we probably request a particular file.”<sup>61</sup> (DI Emphasis)

Further to his disclosure that requests for the expedition of files were made by Members of Parliament, Mr. Meadows stated, *inter alia*, as follows:

“CHAIRMAN: ...can you tell me whether or not Members of Parliament have made request directly to you or any member of the Board during your tenure in respect of expediting files?

MR. MEADOWS: Not directly to me.

...

I know from time to time the representations would probably comes through the Chairman.

CHAIRMAN: And how would you be aware of this?

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<sup>61</sup> Transcript of hearing held on January 10, 2018 involving Mr. Dennis Meadows. Page 22.



A: *The Chairman would probably make mention of it.*

...

CHAIRMAN: **Did the Chairman at any time indicate which Member of Parliament had asked if at all for...**

A: **Not to my recollection.**

CHAIRMAN: *Did any other person that you referred to here, any other person asked for files to be expedited directly or through the Chairman?*

A: *Nobody has asked me directly.”<sup>62</sup> (DI Emphasis)*

Of note, former Minister of National Security, Mr. Peter Bunting, MP, advised the DI that he was not aware of any such practice during his tenure as Minister of National Security. By way of his response to the DI dated December 6, 2018, he stated, *inter alia*, the following:

*“...I am not aware of a practice of MPs making requests for the expedition of firearm user applications. I do not recall any specific instance in which an MP made a request for the expedition of a firearm user licence application, though it is*

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<sup>62</sup> Transcript of hearing held on February 7, 2018 involving Mr. Dennis Meadows. Page 6-8.



*possible that such requests have occasionally been made.”<sup>63</sup>*

### Conflicts of Interest

Conflict of interest, by definition, relates to “*a real or seeming incompatibility between one’s private interests and one’s public or fiduciary duties.*”<sup>64</sup>

The DI highlights the following provision of Section 17 of the Public Bodies Management and Accountability Act:

*“17.-(1) Every director and officer of a public body shall, in the exercise of his powers and the performance of his duties-*

*(a) **act honestly and in good faith in the best interests of the public body;** and*

*(b) exercise the care, diligence and skill; that a reasonably prudent person would exercise in comparable circumstances including, but not limited to the general knowledge, skill and experience of the director or officer.*

*(2) **A director who is directly or indirectly interested in any matter which is being dealt with by the board-***

*(a) **shall disclose the nature of his interest at a board meeting;***

*(b) **shall not take part in any deliberation of the board with respect to that matter.**”<sup>65</sup>*

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<sup>63</sup> Response dated December 6, 2018 which was addressed to the OCG. Response 5.2.

<sup>64</sup> Black’s Law Dictionary. Ninth Edition. Thompson Reuters. 2009.

<sup>65</sup> Section 17 of the Public Bodies Management and Accountability Act



(DI Emphasis)

The Corporate Governance Framework for Public Bodies 2012 also stipulates as follows:

*“...The Board should...give due consideration to the risk of disclosure of information in the particular circumstances.*

*Recommended Practices:*

- 1. On first appointment, and at any time when circumstances dictate, **all directors should, in good faith, disclose to the Board, for recording and disclosure to external auditors, any business or other interests that are likely to create a potential conflict of interest.**”<sup>66</sup>*

(DI Emphasis)

At this juncture, the DI places emphasis on Section 14 (1) (b) of the Corruption (Prevention) Act which indicates, *inter alia*, the following:

**“A public servant commits an act of corruption if he-**

...

**(b) in the performance of his public functions does any act or omits to do any act for the purpose of**

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<sup>66</sup> Corporate Governance Framework for Public Bodies 2012. Page 47.



**obtaining any illicit benefit for himself or any other person;...**<sup>67</sup> (DI Emphasis)

Further, the DI highlights that nepotism, by definition, refers to the “*bestowal of official favors on one’s relatives, esp. in hiring.*”<sup>68</sup> Further, a relative is defined as “*a person connected with another by blood or affinity...*”<sup>69</sup>

Favouritism is also defined as a “*preference or selection, usu. invidious, based on factors other than merit.*”<sup>70</sup>

### Dennis Meadows

By way of an anonymous allegation received on September 1, 2017, it was indicated that Person X5<sup>71</sup>, is the “*...brother in law of Dennis Meadows, charged in the USA for narcotics and illegal firearm, granted by this 2016 Board.*”<sup>72</sup>

Upon an examination of Person X5’s application for a firearm user licence, the DI observed that Person X5 was convicted of the offence of attempted possession with intent to distribute cocaine in the United States. His application was denied on August 17, 2015 by Mr. Robert Gregory, Mrs. Justice (Ret’d.) Marva McIntosh and Mrs. Rosalie McDonald-Barker on the basis that the applicant failed to disclose his criminal conviction which disqualified his application. On June 15, 2016, Person X5’s application was approved by Mr. Dennis Wright, Mr. Dennis Meadows and Mrs. June Spence-Jarrett.

Further, it was observed that Person X5 indicated on his application form that he had never been convicted of a criminal offence in Jamaica or overseas. Of note, this contradicts the findings of the NIB as highlighted in its report dated January 7, 2015. The referenced report stated, *inter alia*, the following:

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<sup>67</sup> The Corruption (Prevention) Act, 2000. Section 14 (1) (b).

<sup>68</sup> Black’s Law Dictionary. Ninth Edition. Thompson Reuters. 2009.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

<sup>71</sup> Name withheld for security purposes.

<sup>72</sup> Anonymous allegation received by the OCG on September 1, 2017.



*“[Person X5] was deported from the USA subsequent to his conviction for the offence of Attempted Possession with Intent to Distribute Cocaine on August 13, 2002.”<sup>73</sup>*

By way of a hearing convened by the OCG on February 6, 2018, the then Contractor General sought to ascertain from Person X5, the basis upon which he made such an indication on the referenced application form. He disclosed, *inter alia*, as follows:

*“Q At the time that you fill out the application form which you indicated you misunderstood, did you have a criminal offence at that time?”*

*A In Jamaica?”*

*Q Or overseas?”*

*A All right. As I explained to the investigator at the time, I had an offence abroad which as I said I was at the wrong place at the wrong time...*

*...*

*...I work with my lawyer, she say it is a [Alford] plea, she said she realize that you are innocent, that is how America stay, they want something, that is how they stay, they say the [Alford] plea is where you don't plea guilty or not guilty, that is what they told me and time served...So when they say take the [Alford] plea, you do the four months three days, time served you can go back home and after two years everything would be expunged or vacated,*

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<sup>73</sup> NIB report dated January 7, 2015 which was addressed to the CEO, FLA.



*that is what they told me, I won't have any record after two years, once she put in the file there won't be no record, that is why I took that plea.*

...

*Q And I just ask you to look at the section under Section (I) which says, “**Have you ever been convicted of a criminal offence locally or abroad**” and you could tell me what you have as the answer there?*

*(Document shown to witness)*

...

*Q So you stated no, that is correct, sir?*

*A Yes.*

*Q And that you are saying that was not a lie, what you said you misunderstood; what is that you misunderstood when it says “Have you ever been convicted...”*

...

*A That was an oversight, because, I don't know, I just misunderstood. I misunderstood and that is the honest truth.”<sup>74</sup>*

By way of a hearing held on January 10, 2018, Mr. Dennis Meadows, former Deputy Chairman, 2016 FLA Board, disclosed the following as it relates to the application for a firearm user licence which was made by Person X5:

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<sup>74</sup> Transcript of hearing dated February 6, 2018 involving Person X5. Pages 7-14.



“A: Let me declare. [Person X5] is a relative of mine by marriage, let me declare that, which I declared up front. When I went to the Board, I declared to my members that this person is known to me.

Q: *That’s when his file came up for consideration?*

A: Yes. In fact, to be forthright with you, I went to the then CEO Mr Wedderburn and I said to him that my [family member] had applied before and was denied, how can I assist him?

Q: *His name is?*

A: [Person X5]

Q: *Okay.*

A: This person was denied, how can I assist him because he is now a businessman in Falmouth, has a...viable business there in Falmouth? Mr Wedderburn at the time said to me I will look through the file.

Q: Mr Wedderburn?

A: Yes, the then CEO. And he said he can be assisted. I said, ‘Are you sure?’ He said, ‘Yes’...

...



*Q: When you spoke with Doctor Wedderburn and asked him how you could assist, what exactly did you mean?*

*A: Let me be brutally frank. This was a [family member] of mine?*

*Q: He is married to your sister?*

*A: I am married to his sister. I remember when he applied I said to him, long before I came on the Board, I said to him, declare your conviction because the FLA does not necessarily kill you if you are honest because the law recognizes redemption. He omitted to - he got some CIB report which showed that his record is clean because CIB don't carry – talking about sharing again, CIB don't carry external information.*

*Q: You mean external to the jurisdiction?*

*A: External to the jurisdiction. The NIB tends to carry that. CIB only carries local.*

...

*If you look at the file, he was actually approved. He was actually approved prior, but by the time the NIB comes they denied it. I don't know if you see it on here. I notice you don't have it here, the source document. He was approved first.*



*So it was an effort on my part to assist him. Let me be brutally frank on that. And I sought guidance because I was new to the FLA. Mr Wedderburn [sic] said he can be assisted. The file was retrieved and he sent it to the Board.”<sup>75</sup> (DI Emphasis)*

In an attempt to expound on the abovementioned actions stated to have been taken by Dr. Wedderburn, former CEO of the FLA, Mr. Meadows, indicated *inter alia*, the following:

“Q: ...

*When you had asked then CEO, Dr Wedderburn, ‘How can I assist him?’, what exactly did you mean by that?*

A: *What are his options in terms of appealing and so on. What are the options available to him? My information then is that...he did not assert his right to appeal and therefore when I went to him I asked him how can he be assisted? What are the options available to him?”<sup>76</sup>*

Further, Mr. Meadows indicated to the OCG that, upon the consideration of Person X5’s application for a firearm user licence, he declared this as a conflict of interest and recused himself. During the course of a hearing held on January 10, 2018, Mr. Meadows indicated, *inter alia*, as follows:

“A: ...

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<sup>75</sup> Transcript of hearing dated January 10, 2018 involving Mr. Dennis Meadows. Pages 16-18.

<sup>76</sup> Transcript of hearing dated January 23, 2018 involving Mr. Dennis Meadows. Page 26.



*...At that time I think Judge was there, the full Board was there and I declared my interest.*

*Q: Did you do it in a written way? Did you write it or just verbal?*

*A: Verbal. I said, Gentlemen, Ladies, this is a family friend of mine.*

...

*[IC OFFICER]: Mr Meadows, can you say whether or not that declaration was captured in the Minutes taken by that Board?*

*A: I am not sure, I hope so, it should be, but I am quite sure other members will attest to my declaration...”<sup>77</sup>*

Mr. Granville Gause, former member of the 2016 FLA Board, advised the then OCG of the following in relation to such a declaration made by Mr. Dennis Meadows:

*“Q: Can you recall Mr Meadows indicating that an applicant was his [family member]? He was married to an applicant’s sister?*

*A: I think so, because like I said, there are persons who will come and say I know this*

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<sup>77</sup> Transcript of hearing held on January 10, 2018 involving Mr. Dennis Meadows. Pages 18-19.



*man. So it is normal that- you know me know dah man deh, yes. And that is why I alluded to it's your wife, so what, it's your brother so what? If him nuffi get it, him nuffi get it so I don't want to hear that. Basically that is how it go now. Tell me why he shouldn't get it or why he ought not to, not because a you brother or you sister or what have you. That is how we generally do that.*

*Q: ...if your wife applied for a gun licence, there is nothing wrong with you being a part of that process to determine if she should get it or not?*

*A: Nothing wrong. My wife, for example, is a reputable woman so because a my wife and me deh pon the Board, nuh the investigation or what have you must say the woman a thief or dat...We interview them separately and there are certain things we sieve and all that. So merely because a my wife, so what?<sup>78</sup> (DI Emphasis)*

Of note, Mrs. Justice (Ret'd.) Marva McIntosh, member of the FLA Board, disclosed the following to the IC during the course of a hearing convened on January 17, 2018:

*“Q: ...can you remember any instance where Mr. Meadows declared an interest and said that any*

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<sup>78</sup> Transcript of hearing involving Mr. Granville Gause held on January 10, 2018. Pages 26-27.



*applicant or especially this case, the applicant was related to him as [family member]?*

A: *No, I can't remember.*"<sup>79</sup>

Interestingly, Mrs. Justice (Ret'd.) Marva McIntosh also added that in relation to the abovementioned application of Person X5, it was her opinion that his failure to disclose his conviction was a sufficient basis for denial of same. During the course of a hearing held on January 17, 2018, Mrs. Justice McIntosh stated, *inter alia*, as follows:

"A: *...although applicant was deported from USA subsequent to his conviction for attempted possession with intent to distribute cocaine and he failed to disclose this in Section (i), of the application form or to the investigator the charge is rather strange. He was either in possession or he was not. What is attempted possession? However his failure to disclose his criminal conviction disqualifies his application and I refused it. That was my basis...I thought that his failure to disclose it under Section (i), was sufficient to disqualify him because he was being dishonest.*"<sup>80</sup> (DI Emphasis)

Additionally, former member of the 2016 FLA Board, Mrs. June Spence-Jarrett, did not recall such a declaration being made by Mr. Meadows. By way of a hearing convened on February 7, 2018, she stated, *inter alia*, the following:

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<sup>79</sup> Transcript of hearing involving Justice Mrs. Marva McIntosh held on January 17, 2018. Page 5.

<sup>80</sup> Ibid, Page 6-7.



“CHAIRMAN: ...Can you recall Mr. Dennis Meadows indicating that he wished to recuse himself from deliberations in this matter? He said he made it known that he needed to recuse himself.

A: *I can't recall, but I know he – we were told that he said it was his [family member] but I can't recall – I can't recall now, it's a long time and I don't want to say what is not so.*<sup>81</sup>

(DI Emphasis)

At this juncture, the DI notes that, upon a review of the Minutes of FLA Board meetings for the period January 28, 2016 to April 20, 2017, **there is no written record of such a declaration of a conflict of interest made by Mr. Dennis Meadows.**

In the absence of a written record of Mr. Meadows' declaration of a conflict of interest in relation to Person X5, the DI also observed that **he did not recuse himself from the approval process.** During the course of a hearing convened on January 10, 2018, Mr. Meadows disclosed, *inter alia*, the following:

“Q: *Why didn't you recuse yourself from being part of the process?*

A: *To be honest with you, I literally thought I did. In fact I had a discussion with somebody what day and I said I recused myself. I am shocked now to realize that my*

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<sup>81</sup> Transcript of hearing held on February 7, 2018 involving Mrs. June Spence-Jarrett Pages 76-77.



**signature is on this, to be honest with you.**

**Nonetheless, it is there.**

Q: When you said you recused yourself, who did you speak to in that regard?

A: My colleague Board members.

Q: We were speaking earlier about advising of knowing the person, which is quite distinct from recusing oneself.

A: **I did not participate in terms of the deliberations because there was a conviction. They would have discussed the matter among themselves and decided among themselves whether or not it falls within the realm, so I did not participate in that discussion.**

Q: **So you stepped out of the room?**

A: **I did, I stepped out of the room and relied on the eminent members of the Board.**

Q: ...what's the basis upon which you would be a part of the approval process?

A: ...I didn't remember that I signed this, to be honest with you.

Q: But that is your signature?



A: *This's my signature and if you notice it is the same day.*

Q: *Do you recall where and when you would have signed that? Is it that you would have signed with the full Board or you would have signed by yourself in terms of that?*

A: *No, man, the full Board. If you notice the date is consistent, everybody was there.*<sup>82</sup>

(DI Emphasis)

The DI notes with emphasis, the following disclosures which were also made by Mr. Dennis Meadows in the abovementioned hearing:

“Q: *You mentioned that you had recused yourself from the meeting after declaring your interest. **Prior to signing can you recall whether or not you went through the file prior to signing off?***

A: ***No, I actually didn't.***

Q: *So what's the basis upon which you would sign for approval then?*

A: *Because they would have processed the file, vet the file; the chairman's signature you realize is first.*

Q: *Mr. Meadows, I don't know anything about it but as a businessman your secretary would know that because you see my signature, Mr Meadows, you can't sign it?*

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<sup>82</sup> Transcript of hearing held on January 10, 2018 involving Mr. Dennis Meadows. Pages 20-21.



A: *No. In hindsight I am quite sure I had probably perused the file but I did not essentially treat with it because I did not want to, and I declared my interest. **In all fairness I was really trying to assist a relative.***<sup>83</sup> (DI Emphasis)

As Mr. Meadows subsequently indicated that ‘in hindsight he had probably perused the file’, the then OCG sought to ascertain the document and/or other information which he utilised to inform his decision to approve the referenced application. By way of a hearing held on January 10, 2018, the then OCG posed the following questions to Mr. Meadows:

“[NIB report dated January 7, 2015 indicating Person X5’s antecedents shown to Mr. Meadows]

Q: ***...Can you recall if you had ever seen this NIB Report before?***

A: ***I did.***

Q: ***Can you recall if you saw it before signing the approval?***

A: ***Yes. And bear in mind I would have been aware of his antecedents.***<sup>84</sup> (DI Emphasis)

Of note, by way of a Witness Statement dated February 5, 2018, which was made by Mr. Meadows to the Major Organised Crime & Anti-Corruption Agency (MOCA), he stated, *inter alia*, the following:

*“Sometimes interventions were made on the behalf of applicants – whether through a Councilor,*

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<sup>83</sup> Transcript of hearing held on January 10, 2018 involving Mr. Dennis Meadows. Pages 27-28.

<sup>84</sup> Transcript of hearing held on January 10, 2018 involving Mr. Dennis Meadows. Page 29.



*Member of Parliament (M.P.), Police etc. I too had intervened on some occasions regarding applications. One such is [Person X5] who is my brother in law. He had applied before and was denied. He was previously deported from the US. He received a favorable view from the investigator but was denied on the basis that he failed to state his conviction on his application. I took it upon myself without any asking from [Person X5], to go to the CEO and the board to declare my interest. The board then made a favorable decision without me being a part of the decision making process. However, after the decision was made, I subsequently learnt that I was one of the signatory, a fact that I didn't recall, as my vague advised that I totally recused myself from the process. I contacted a former colleague director who reminded me that I refused to sign but was advised by fellow board members that the fact that I was not a part of the discussion which informed the decision it is not a conflict if I attached my signature. In hindsight, I regret affixing my signature as there is an inescapable perception of conflict.*

...

*...I would also wish to state that in the case of [Person X5] [family member], I did not collect any*



**money to make my interest known regarding his application.**<sup>85</sup> (DI Emphasis)

Further, Mr. Shane Dalling, CEO, FLA, advised the then OCG that the circumstances surrounding the actions taken by the Board in relation to the approval of a firearm user licence for Person X5 are an anomaly. He disclosed, *inter alia*, as follows:

“MR. DALLING: ...so the application was denied by the Board.

Q: And then in June 15, 2016 it was approved.

A: **The protocol established in law and based on the decision taken by the – once the decision is taken by the Authority to deny an applicant a firearm licence, the applicant is given an opportunity to appeal to the review board within 21 days of the date of the decision of the board – to apply to the review board.**

**Therefore, the action here is an anomaly.**<sup>86</sup>

(DI Emphasis)

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<sup>85</sup> Witness Statement of Mr. Dennis Meadows dated February 5, 2018. Pages 3-4.

<sup>86</sup> Transcript of hearing held on January 16, 2018 involving Mr. Shane Dalling. Pages 78-79.



Mr. Dalling further added that the actions of Mr. Meadows in asking then CEO, Dr. Kenroy Wedderburn, to ‘assist him’ with the firearm user licence application of his family member, was irregular. He indicated, *inter alia*, the following to the then OCG:

*“Q: ...where Mr. Meadows says he’s the one who went to Dr. Wedderburn; he’s the one who asks how can I help my [family member] and- may not have said [family member], but I think he claims that he disclosed who the person was to him. This request and the file being resubmitted, this is highly improper.*

*A: I – I would answer to say that it would be – it would not be in keeping, to the best of my understanding, of what – the legislative framework that is set up under the Firearms Act to deal with denials.*

...

*...The Firearms Act states that where a person is aggrieved by a decision of the Authority, the person...*

*Q: And not Mr. Meadows?*

*A: No. It says the applicant. It says the aggrieved person, the applicant. That person shall apply to the review board within 21 days for the decision to be reviewed, and my knowledge since being at*



*the FLA is, where a person fails to apply for a review to the review board that person can re-apply to the FLA two years after the date of the denial or the decision of the board, so it would have been irregular.*<sup>87</sup>

(DI Emphasis)

Michael Harvey

As it relates to potential conflicts of interest, the DI highlights certain disclosures which were made by Mr. Michael Harvey, former member of the 2016 FLA Board, regarding Person X9<sup>88</sup>.

Person X9 was convicted for the offences of possession of and conspiracy to distribute cocaine and marijuana. His application was denied on September 1, 2015 by Mr. Robert Gregory, Mrs. Rosalie McDonald-Barker and Gilbert Scott and subsequently approved on April 6, 2017 by Mr. Dennis Meadows, Mrs. June Spence-Jarrett and Granville Gause. It was also alleged that Person X9 has very close connection to FLA officials.

By way of a witness statement dated December 14, 2017, Person X9 advised MOCA officials of the circumstances in which his application for a firearm user licence was subsequently approved. He stated, *inter alia*, as follows:

*“In 2012 I worked as a bearer for the Central Dealers gun shop in Manchester. They are also the owners of the Manchester Rifle and Pistol Club. Based on my association with Central Dealers, from time to time I would hang out at the Rifle Club where I would play dominoes and observe the happening around the grounds. During this*

<sup>87</sup> Transcript of hearing held on January 16, 2018 involving Mr. Shane Dalling. Pages 83-84.

<sup>88</sup> Name withheld for security purposes.



**time I met Mr. Michael Harvey and we became friends. He had enquired about always seeing me around the grounds but never seen me shooting. I told him my story concerning my denied application and he encouraged me to reapply. I must say that at that point in time I did not know that he was employed to the FLA.**

Sometime in 2012 I reapplied to the FLA for a firearm user's license as I felt that there was a greater need being that my business ventures had matured as also for the fact that I was a bailiff at the time. **It was sometime after submitting my application that I found out Mr. Harvey was employed to the FLA.**

**He then one day told me that he was a part of the FLA Board and that based on his observation of my character and conduct, he would discuss my case with the full board. I was later granted the license for a 9mm pistol. I must state that at no point in time did I give any money to Mr. Harvey nor any other member of the FLA in exchange for my approval or for anything thereof within the application process.**<sup>89</sup> (DI Emphasis)

By way of a witness statement dated January 9, 2018, Mr. Michael Harvey disclosed, *inter alia*, the following:

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<sup>89</sup> Witness Statement of Person X9 dated December 14, 2017. Page 2.



*“Sometime in 2013, I was at the Manchester Rifle and Pistol Club (MRPC) of which I am also member. I was doing my competence shooting exercise to upgrade my firearm from a .38 revolver to a 9mm pistol. During that time I saw a man who was later known to me as [Person X9]. He approached me that day and offered me advice and encouragement prior to my shoot. On other occasions when I would go to the range, I would see [Person X9] there however I realized that at no point in time did I see him shooting.*

*One day I approached him and asked him about this and he told me that he did not own a firearm. I asked if he had applied for a user’s license and he stated that he was denied. I asked how long ago it was since that application and he told me that it was about two years. I told him the policy states that after two years he could reapply. I then asked why he was denied and he said that he was in the wrong place at the wrong time. He explained to me that he was in the United States at a house that was raided by the police and ganja was found there. He also said that he had served his time which was reduced due to good behavior. He was later deported back to the island. I asked him what he was currently doing and he said that he was serving as a bailiff and a bearer for Central Dealers who are the owners of the MRPC. He said he was also involved in the scrap metal business which was*



risky as he had to be going to various locations which could pose a threat to his life.

**I encouraged him to reapply and told him that I could make a character reference for him when the application was being considered by the board; by this time I figured he would have known that I was employed to the FLA. I told him this as I saw him as a friendly, helpful person of a good character as far as I knew. I kept a friendly connection with [Person X9] for sometime after that as he would at times assist me into Kingston and back if I chose not to drive. I have also gone bird shooting with him on occasion and I know that he has three (3) firearms to include two (2) pistols and a shotgun. I must state however that [Person X9] was never employed by me and only assisted me on a basis of friendliness.**<sup>90</sup> (DI Emphasis)

#### Members of Parliament and other Government Officials

At this juncture, the DI reiterates the statements made by Mr. Dennis Meadows in which he indicated that Members of Parliament have requested the expedition of firearm user licence applications.

It is the DI's further observation that the 2016 FLA Board mandated the provision of 'VIP treatment' to members of parliament and other government officials. Upon a review of the Minutes of the FLA Board Meeting dated September 2, 2016, the DI notes, *inter alia*, the following:

#### **"7.5) Mandate of Board**

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<sup>90</sup> Witness Statement of Mr. Michael Harvey dated January 9, 2018. Pages 2-3.



...

5.0) *Mr. Dennis Wright expressed that the new mandate from the Board is that:-*

- **Members of Parliament must be facilitated**
- *Courtesy – Acknowledging customers*
- **All past Ministers, Former Board Members, Members of Parliament or any position of Authority held in the government must be given VIP treatment**<sup>91</sup> (DI Emphasis)

Based upon the foregoing, the DI makes the following observations:

- i. The term “*VIP treatment*” was not defined;
- ii. The manner in which all past Ministers, Members of Parliament, former Board Members, or other government officials in a position of authority were to receive “*VIP treatment*” was not outlined; and
- iii. The mandate was not further discussed or expounded in subsequent Board meetings.

At this juncture, the DI notes several concerns regarding the manner in which the notion of conflict of interest is perceived by FLA officials.

By way of a hearing held on January 10, 2018, Mr. Granville Gause, former member of the 2016 FLA Board, provided, *inter alia*, as follows:

“*Q: ...Was it a practice when you were sitting as a Board member that your members would recuse themselves from matters time to time?*”

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<sup>91</sup> Minutes of the FLA Board meeting held on September 2, 2016. Page 5.



A: *Yes, we have one and two times which I always consider foolishness, so to speak, because a man might come and say you know say me know dah man yah or what have you. So what? So what? If a yu wife and yu wife apply, yu nuh mus know. Yu nuh the best person. But we always go on and ting.*<sup>92</sup> (DI Emphasis)

Further, Mr. Dennis Meadows disclosed the following to the then OCG in relation to his perception of a conflict of interest:

“CHAIRMAN: ...what do you understand to be conflicts?

A: *In my view if the person is immediate family...*

...

*In my understanding the person is of no immediate relation to me, no representation was made to me, and I deem that as a general acquaintance, and therefore I thought that it was no conflict there.*<sup>93</sup> (DI Emphasis)

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<sup>92</sup> Transcript of hearing held on January 10, 2018 involving Mr. Granville Gause. Page 25.

<sup>93</sup> Transcript of hearing held on February 7, 2018 involving Mr. Dennis Meadows. Pages 13-14.



The Affixture of Board Members' Signatures for the Approval of Firearm User Licence Applications without a Complete Perusal of Files

In addition to the irregular practices surrounding the apparent expedition of files and instances of conflicts of interest, it is the DI's observation that members of the FLA Boards affixed their signatures for the approval of firearm user licences without perusing same.

The DI notes that this practice was utilised by at least two (2) FLA Boards. Mr. Robert Gregory, former Chairman of the 2012 FLA Board, indicated, *inter alia*, the following to the then OCG:

*“Q: ...there is a term that we have picked up in this office from another investigation...where persons say they sign on the strength of another man's signature...During the Robert Gregory-chaired FLA board, speak to us a little about the practice as it relates to how the quorum signed. What was the process or procedure that was being utilised?”*

*A: Okay. **The criteria, the fit and proper criteria, the bases on which we grant licences, were agreed by all of us** – the checklist ensuring that all the critical things were checked during the course of the investigation, and then the recommendation is written in accordance with all of that. **What happens when files come in is that the files are distributed among the five of us, and we go through that guideline, use that guideline to determine whether we***



**would recommend approval or not. So once a member approves, then it goes into the pool for the rest of us to review and sign. So that enabled us to manage the five thousand/six thousand applications,** because as you know, the FLA Board is the authority. It approves, it denies, it revokes, and it has to be on the strength of that collaboration of these five members and their signatures. So we were in there, like, three times a week, two times a week, processing.

**...Following the criteria that we all agreed on, we say it's approved or denied, and then that goes into the pool and we add our signatures. We review and add our signatures. So that's how we complete the work.**"<sup>94</sup> (DI Emphasis)

This practice by the Robert Gregory led FLA Board was confirmed by Mrs. Justice (Ret'd.) Marva McIntosh during the course of a hearing held on January 17, 2018. She provided, *inter alia*, the following:

“A: **...the Gregory Board had a system whereby three is a quorum but when the first member signs off the other two members would automatically sign. When I say automatically sign they would sign based**

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<sup>94</sup> Transcript of hearing dated February 5, 2018 involving Mr. Robert Gregory. Pages 70-73.



on what the first member had found, just glancing through the file. In other words, they would not peruse the file they would just look perhaps at the photograph and glance; is just a cursory glance. But it was once, once one member had made a decision and signed the others would, call it almost automatic and that is how some matters were disposed of. We had what was a called retreat day, where the full Board would sit and each member would be given a stack of files and the member would sign and the others would automatically agree.

CHAIRMAN: In another place they call it sign on the strength of another person's signature.

A: That is what used to happen.

CHAIRMAN: But, of course, you went through the files Justice McIntosh?

A: I went through them but not with the care I would have if I were the person signing first, hence that long statement by me in relation to this other file, because I was the first person signing it, it was my decision. The person who signs first is the



person who really makes the decision. The other persons are supposed to really peruse the file and see if they agree and then add their signatures but under the Gregory Board what used to happen is that we relied on each other very heavily and once a member signed as approving or denying the others would just perhaps glance through the file, make sure that everything was there that should have been there and sign.”<sup>95</sup> (DI Emphasis)

In relation to the Mr. Dennis Wright led FLA Board, Mrs. Justice (Ret’d.) Marva McIntosh disclosed, *inter alia*, the following to the OCG:

“A: ...I think at first the Wright Board would follow that, but then it was decided that every person should peruse the file and come to their own decision. If you didn’t believe in it don’t sign it. The Gregory Board used it. The Wright Board started, well, I think it just followed it. Well, I followed it; I continued doing that but what happened, the Wright Board it was discontinued and everybody signed after having read the file.”<sup>96</sup> (DI Emphasis)

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<sup>95</sup> Transcript of hearing held on January 17, 2018 involving Mrs. Justice Marva McIntosh (Ret’d.). Pages 23-24.

<sup>96</sup> Ibid.



Notwithstanding the fact that neither the then OCG nor the DI obtained representations from Mr. Errol Strong, former Chairman of the 2009 and 2010 FLA Boards, regarding the affixture of Board members' signatures without the complete perusal of firearm user applications, the DI notes the following disclosure which was made by Mrs. Justice (Ret'd.) Marva McIntosh:

*“CHAIRMAN: What happened under the board with Mr. Strong in terms of that practice?”*

*A: No. Mr. Strong’s Board did not have that practice...”<sup>97</sup>*

Contrastingly, Mr. Michael Harvey, former member of the 2016 FLA Board, posited that the abovementioned practice did not obtain at the Authority. By way of a hearing held on February 5, 2018, Mr. Harvey stated, *inter alia*, the following:

*“Q: What we had heard is that there is this notion that what’s happening is that people are signing on the strength of another person’s signature, so if one person signs then another person doesn’t read the file; they just sign because the first person has signed.*

*A: No, sir. Not to my knowledge, because each person has to take responsibility.”<sup>98</sup>*

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<sup>97</sup> Ibid.

<sup>98</sup> Transcript of hearing held on February 5, 2018 involving Mr. Michael Harvey. Page 99.



**The Role Played by The Hon. Robert Montague, MP, former Minister of National Security, in the Grant and/or Issuance of Firearm User Licences for the period February 2016 to February 2018**

In the furtherance of its Investigation, the then OCG sought to determine the role, if any, played by the Hon. Robert Montague, MP, former Minister of National Security, in the grant and/or issuance of firearm user licences for the period February 2016 to February 2018.

As it relates to the role of the Minister of National Security in the grant and/or issuance of firearm user licences, the Firearms Act provides, *inter alia*, as follows:

*“(2) The Review Board appointed under subsection (1) shall within ninety days of receiving an application for review-*

*(a) hear, receive and examine the evidence in the matter under review; and*

*(b) submit to the Minister, for his determination, a written report of its findings and recommendations.*

*(3) The Minister upon receipt and consideration of the reports of the Review Board shall give to the Authority such directions as the Minister may think fit.*

*(4) Where the Review Board fails to comply with subsection (2), the Minister may hear and determine the matter under review.*



*38. The Minister shall be responsible for the grant, amendment or revocation of any Firearm Transshipment Permit.”<sup>99</sup>*

By way of a hearing held on September 20, 2017, Mrs. Dianne McIntosh, Permanent Secretary, Ministry of National Security, advised the then OCG of the role of the Minister of National Security. She stated, *inter alia*, as follows:

*“...the Ministry of National Security really is not responsible for the issuing of firearms licences and so we are not in a position, we don’t have a detailed account of the basis on which individuals are issued firearms licences...The Minister however has responsibility and because he has responsibility, the ministry therefore follows to support those areas for which he has responsibility; authorizing the transshipment and transit of firearms and ammunition in Jamaica and that is in keeping with Section 38 of the Firearms Act. Then there is the endorsement of import and export permits that are granted by the Firearms Licensing Authority.*

*There is also an administrative function which supports Section 40 of the Customs Act which speaks to restricted items for which the Minister gives authorization for these items to be imported through the ports of entry and there is a list of these items that would be required to come through the Minister for authorization.*

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<sup>99</sup> Sections 37A (2), (3) and (4), 38 of the Firearms Act.



...

*...Then there is the import and export of firearm and ammunition under Section 4 of the Firearms Act and then there administering the import and exportation of firearms and ammunition in terms of exemptions; we regulate those exemptions under Section 52 of the Firearms Act.*

*Also, the Minister has a role in terms of the suspension and revocation of Firearms Licences as is based on findings and recommendations of cases that are submitted by the Firearm Licensing Authority Review Board and based on that, those will come to the Minister where he will give direction based on what is presented to him through these reports or he might also decide to have a hearing based on such presentations.”<sup>100</sup>*

In an attempt to ascertain details regarding hearings held by the former Minister of National Security, the then OCG posed the following questions to the Hon. Robert Montague, MP:

*“Q: ...how do you treat with a matter that comes on your desk, for instance appeal of the Review Board’s decision and someone is personally known to you prior to this application coming to your desk, how do you treat with such a scenario?*

*A: The institution has a method to deal with it. The appeal comes in, it goes to Protective*

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<sup>100</sup> Transcript of hearing held on September 20, 2017 involving Mrs. Dianne McIntosh. Pages 3-4.



*Services; they do their investigation; they complete the file; they make a recommendation, it is sent to me and based on the recommendation it is either rejected or an appeal is arranged and once an appeal is arranged, I impanel persons from the Ministry's technical staff, persons from the Legal Department, persons from Protective Service; representative from the Permanent Secretary and from the Strategic Information Centre which is the fusion center for intelligence, all thirteen intelligence agencies. I chair that body. The person is invited to sit before that body and although the law gives me as Minister discretion to make that decision, I do not make a decision unless I have agreement of every member of that panel. If there is one dissenting body we throw it right out.*

*Q: ...if in fact somebody's name goes through that process and it's on your desk before the panel for consideration and the person has been known to you before and there is the perception of, what somebody would say, a perception of bias, the person is known, is there in built a process that you have to treat with how you deal with that application?*



A: *Unfortunately the law does not allow the Minister to delegate that power, your discretion, so even if a person is known to me, I still have to sit. The Law is very clear that the Appeal comes to the minister. There is nothing in the Law or in the Regulation that tells you how to exercise the discretion, nor does it define discretion, so therefore for all two point seven million.”<sup>101</sup>*

During the course of a hearing held on September 20, 2017, Ms. Dianne McIntosh further expounded on the process of review by the Minister of National Security. She stated, *inter alia*, the following:

“Q: *...in terms of referrals from the review Board for the Minister’s consideration, does it come through the Permanent Secretary’s office?*

A: *Each firearm review case is submitted to the Minister through the Permanent Secretary for review and consideration. the Minister reviews each case file and make a determination based on the circumstances presented.*

Q: *Is the Permanent Secretary’s office a mere conduit or the actual files are opened, notes taken as to who the applicants are or is it*

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<sup>101</sup> Transcript of hearing held on October 4, 2017 involving Mr. Robert Montague, MP. Pages 4-6.



*just a conduit in terms of passing the name along?*

*A: The Protective Security Unit of the ministry would use these files and*

*Q: Mr. Henry?*

*A: Yes, and go through them and make their summary, go through the information, provide a summary to the case and they are then forwarded up to the Permanent Secretary. I sign off and then they are sent to the Minister. He, in reviewing them, he has a review consultation internally; he calls on the team with him to look through these files and he can have a hearing based on what is there. In other words invite the subject to come in.*

*Q: You are not part of that process if the Minister decides to have a hearing constituted like that?*

*A: This Permanent Secretary has not been a part of it. I don't think anywhere it is written or I have been advised whether the Permanent Secretary is a part of it. I don't think anywhere it is written or I have been advised whether the Permanent Secretary is a part of it but I have not been, I have never been previously, no.*



*Q: To your personal knowledge at the conclusion of that exercise that the Minister undertakes, is the decision passed back through the office of the Permanent Secretary to the Review Board or is there some other channel utilized?*

*A: The decision is noted on the file and it goes through the Protective [Security Unit]...<sup>102</sup>*

In furtherance of its Investigation, the DI examined two (2) documents entitled “*Firearm Hearings Conducted by the Honourable Minister of National Security on December 16, 2016*”<sup>103</sup> and “*Determinations for Reviews Cases/Applications conducted by the Hon. Minister of National Security Since February 16, 2016*”<sup>104</sup>. Both documents outline details of firearm user licence applications which were denied by the FLA Board and subsequent decisions made by the Hon. Robert Montague, MP, during the period February 2016 to August 3, 2017<sup>105</sup>. Upon a review of the foregoing documentation, the DI constructed the following table detailing the decisions made by the Hon. Robert Montague, MP, in relation to certain firearm user licence applicants for which the NIB reports indicated criminal antecedents:

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<sup>102</sup> Transcript of hearing held on September 20, 2017 involving Ms. Dianne McIntosh. Pages 4-5.

<sup>103</sup> Provided to the former Contractor General by Mr. Robert Montague, MP, during the course of a hearing held on October 12, 2017.

<sup>104</sup> Response dated October 6, 2017 addressed to the OCG from Mrs. Dianne McIntosh, Permanent Secretary, Ministry of National Security.

<sup>105</sup> At the time of the IC’s investigation.



**Table 1**

#	Name of Applicant <sup>106</sup>	Current Status of Firearm User Licence Application	Decision Taken by the Hon. Robert Montague, MP
1	Person RM1/Person X1	Denied	Approved
2	Person RM2	Denied	Approved
3	Person RM3	Revoked	Approved
4	Person RM4	Revoked	Approved
5	Person RM5/Person X3	Revoked	Approved
6	Person RM6/Person X4	Denied	Approved

Upon an examination of the firearm user applications of the foregoing individuals, the DI notes with emphasis the following details concerning the referenced applications:

1. Person RM1/Person X1

Person RM1/X1 was arrested and charged for being in possession of personal information of a US Citizen. He is alleged to be a member of a gang and is involved in lottery scamming. He is also reported to be in possession of an illegal firearm. His firearm user licence was revoked on September 29, 2015 but was thereafter granted on December 16, 2016 on appeal by the Hon. Robert Montague, MP.

2. Person RM2

Person RM2 was implicated in an insurance fraud racket. His application for a firearm user licence was denied by the FLA on August 14, 2015. On December 2016, the Hon. Robert Montague, MP, approved his appeal of the FLA's decision to deny his firearm user licence application.

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<sup>106</sup> Name withheld for security purposes.



(a) Person RM3

Person RM3 discharged his firearm in a public place, contrary to the provisions of the Firearms Act. The FLA revoked his firearm user licence on March 5, 2013 due to his intemperate behaviour. On December 16, 2016, The Hon. Robert Montague, MP, approved his appeal of the FLA's decision to revoke his firearm user licence.

(b) Person RM4

Person RM4 breached the Firearms Act and was charged with the offence of negligence in loss of firearm. The FLA revoked his firearm user licence on March 6, 2012. On December 16, 2016, The Hon. Robert Montague, MP, approved his appeal of the FLA's decision to revoke his firearm user licence.

(c) Person RM5/Person X3

Person RM5/Person X3 was convicted for numerous crimes involving illicit drugs, the use of counterfeit notes as well as breaches of the Firearms Act. His firearm user licence was revoked by the FLA in at least two (2) instances. On August 30, 2016, the Hon. Robert Montague, MP, approved the reinstatement of his firearm user licence.

(d) Person RM6/Person X4

Person RM6/Person X4 was arrested and charged for offences related to drugs and trading in guns. His application for a firearm user licence in respect of a 12 gauge shotgun was denied on March 27, 2012 by Mr. Errol Strong, Mr. Khaleel Azan and Mrs. Justice (Ret'd.) Marva McIntosh on the basis that the applicant did not establish a need to be so armed. On August 9, 2016, the Hon. Robert Montague, MP, approved his application for the particular firearm user licence on appeal.

Based upon the foregoing, the then OCG sought to determine the basis upon which the Hon. Robert Montague, MP, in his capacity as then Minister of National Security, approved the referenced firearm user licence applications. By way of a hearing held on February 22, 2018, the following, *inter alia*, was disclosed:



“Q: ...

*Could you just give me some clarification as to...what it is that would cause you as Minister to deem something compelling to support the decision of the Review Board?*

A: *The Law, as I interpret it, is very clear that if the Review Board in its deliberations err, the Minister has a duty to make those corrections. The Law further gives the Minister discretion and the Law does not define discretion. And therefore when an appellant sits before me as Minister at a Hearing and the panel that I bring together, it is the information that is before me and each case, as I told you before, is handled individually and it is based on what is placed before me that, that discretion was exercised.*

Q: *So if legal issues are placed before you or factual issues, at the time Mr Lincoln Allen and now Mr Henry would write a summary, the one you referred to that has minutes, that set of Minutes would be sent to you. That properly is your guide from a legal standpoint or is there any other thing that is your guide?*



A: *Remember I said, sir, that ministerial discretion is [not] defined and therefore the Minutes is a guide. The other members of the panel and their opinion is also a guide and the applicant many times come with their own attorneys and it is the information and the information only that is before me.*

Q: ...what exactly do you mean when you say the *Minister's discretion*, which I understand clearly, but what exactly do you mean? The Minister may consider things that are not legalese, not law? Not that? Just sort of clarify that for me.

[A]: *The Minister considers what is before the Minister and the Law gives the Minister the discretion and the Law fortunately or unfortunately, has not sought to define the Minister's discretion.*<sup>107</sup> (DI Emphasis)

The Hon. Robert Montague, MP, further added, *inter alia*, that:

“A: *The Minutes is an administrative matter. It gives a summary of what is on the file. The Minister, like the Contractor General, the Law gives certain room to do and to discharge the duties. The Contractor General is at liberty to investigate any*

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<sup>107</sup> Transcript of hearing held on February 22, 2018 involving Mr. Robert Montague, MP. Pages 9-11.



*government contract even without it being reported. The Minister is given discretion. Fortunately or unfortunately, the Law has not sought to define that discretion and therefore anybody who occupies the position of Minister, may bring any interpretation to that discretion just as how anybody who sits as Contractor General may bring any interpretation to that discretion and I know the Contractor General is not questioning the discretion of the minister.”<sup>108</sup>*

At this juncture, the DI highlights that the application files of firearm user licence applicants who have appealed the FLA’s decision, would outline any criminal and/or other antecedents of the referenced applicants. Further, in the event that the Minutes prepared by the CEO is the only document which is perused by the Minister and which he utilises as a guide, the DI notes that the referenced antecedents are detailed therein.

In furtherance of the Investigation, the DI examined the Minutes prepared by then CEO, Mr. Lincoln Allen which were addressed to the former Minister of National Security, the Hon. Robert Montague, MP, in relation to the abovementioned applicants. Upon the conclusion of his examination, the DI highlights below details of the criminal and/or any other antecedents which were outlined therein:

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<sup>108</sup> Transcript of hearing held on February 22, 2018 involving Mr. Robert Montague, MP. Page 12.



**Table 2**

#	Name of Applicant <sup>109</sup>	Date of Minutes	Details of Criminal and/or any other Antecedents contained in the Minutes prepared by the CEO and submitted to the Minister of National Security
1	Person RM1/Person X1	October 28, 2016	<p>The Minutes referenced a letter dated September 11, 2015 which was addressed to the FLA from a ‘concerned citizen’ and in which the applicant was described, <i>inter alia</i>, as follows:</p> <p>“...very hostile and aggressive and [not] able to restrain himself. That he is very irresponsible...That he has been arrested and charged for Lottery Scamming and is still involved in the illicit Trade. He is still the subject of investigations being conducted by NIB and MOCA. Granting a Firearm User’s Licence to the applicant at this time would be a great threat to himself and others who...he may come in contact with.”</p> <p>The Minutes also indicated that “...in order to err on the side of caution, for the Authority to request an updated report from the National Intelligence Bureau to assist in informing the Honourable Minister’s final decision.”</p> <p>Of note, contained in the applicant’s file is a</p>

<sup>109</sup> Name withheld for security purposes.



#	Name of Applicant <sup>109</sup>	Date of Minutes	Details of Criminal and/or any other Antecedents contained in the Minutes prepared by the CEO and submitted to the Minister of National Security
			<p>letter dated September 8, 2015 addressed to the FLA from the NIB and which indicated, inter alia, the following:</p> <p><i>“Additional enquiries were conducted on [Person RM1/Person X1] revealed that, he is a member of a gang which is based in Annotto Bay, St. Mary, and is involved in lottery scamming activities.</i></p> <p><i>[Person RM1/Person X1] was also reported to be in possession of an illegal firearm. However, this information was not confirmed.”</i></p> <p>The charges against the applicant were dismissed as no evidence was proffered against him in court.</p>
2	Person RM2	October 28, 2016	<p><i>“...He was implicated in an insurance fraud/racket with a friend of his. Intelligence gathered revealed that the applicant paid a friend to crash his car to collect cash for the vehicle.”</i></p>
3	Person RM3	October 31, 2016	<p><i>“The Director of Investigation, in his report to the FLA, revealed the following findings...:</i></p> <p><i>[Person RM3] is an abuser of women;</i></p>



#	Name of Applicant <sup>109</sup>	Date of Minutes	Details of Criminal and/or any other Antecedents contained in the Minutes prepared by the CEO and submitted to the Minister of National Security
			<p><i>He has threatened and assaulted [his girlfriend] repeatedly and forced her to move out on him;</i></p> <p><i>He went to her new place of abode and fired his weapon to create fear in the occupants; and</i></p> <p><i>He was untruthful when he said he had tried to ward off an attack from dogs.”</i></p> <p>The charges against the applicant were dismissed as no evidence was proffered against him in court.</p>
4	Person RM4	October 25, 2016	<p><i>“...the applicant failed to exercise sound judgment in ensuring the safety of his firearm. In addition, the actions of [Person RM4] may have inadvertently allowed his firearm to fall into the hands of criminals which could potentially contribute to the escalating crime situation in that section of the country.”</i></p>
5	Person RM5/Person X3	June 24, 2016,	<p><i>“Background check on [Person RM5/Person X3] conducted in 2010...revealed that:</i></p> <p><i>On April 25, 1995 he was arrested and charged with illegal possession of ammunition when he was found to be in possession of 14 rounds of</i></p>



#	Name of Applicant <sup>109</sup>	Date of Minutes	Details of Criminal and/or any other Antecedents contained in the Minutes prepared by the CEO and submitted to the Minister of National Security
			<p><i>ammunition over his allotted amount;</i></p> <p><i>The applicant was issued a .38 revolver in 1990 and subsequently acquired a 9mm Sig Sauer;</i></p> <p><i>The applicant was deeply involved in drugs and other illegal activities and also has influence over a number of Police Officers;</i></p> <p>...</p> <p><i>On September 10, 1985 he was arrested by the New York Police Department and charged on December 14, 1985 for criminal sale and possession of ganja and charged a fine;</i></p> <p><i>He was arrested on September 17, 1986 and convicted on November 6, 1986 for criminal possession of ganja; he was offered probation for five (5) years.</i></p> <p><i>He was arrested and charged on August 31, 1987 for criminal sale and possession of ganja.</i></p> <p><i>He was arrested on February 6, 1989 and convicted on April 26, 1989 for possession of counterfeit US currency. A Nolle Prosequi was</i></p>



#	Name of Applicant <sup>109</sup>	Date of Minutes	Details of Criminal and/or any other Antecedents contained in the Minutes prepared by the CEO and submitted to the Minister of National Security
			<p><i>filed on May 23, 1989 and the counterfeit charges were dismissed on Government's motion.</i></p> <p><i>He was also convicted in Jamaica and sentenced in the Half Way Tree Resident Magistrate Court on April 18, 1985 to two months or a fine of four hundred dollars (\$400.00)."</i></p>
6	Person RM6/Person X4	June 24, 2016	<p><i>"The FLA Investigator indicated also that the investigations revealed that the applicant had differences with...who reported that he was fearful of the applicant as he believed that he was setting up persons to endanger his life."</i></p> <p><i>By way of a letter dated October 7, 2013 which was addressed to the FLA, it was indicated that Person RM6/Person X4 "...has been legally unemployed for the past two years upon his expulsion/resignation (unsure of which is correct) from the Jamaica Constabulary Force. It is widely acknowledged that he is involved in illicit activities inclusive of drugs, lotto scamming and trading in guns."</i></p>



The DI also notes, with emphasis, the following which was disclosed by the Hon. Robert Montague, MP, as it relates to the reliance placed on NIB reports which outline the criminal and/or other antecedents of firearm user applicants:

*“Q: ...Please refer to your correspondence dated April 15, 2014 and our last response dated August 18, 2015 treated on the caption Additional Enquiries which were conducted on [Person RM1/Person X1] revealed that he is a member of a gang that is based in Annotto Bay, St Mary and is involved in lottery scamming activity.”*

*I just pause there. This is from the National Intelligence Bureau.*

...

*Q: How do you treat with them saying this, that the person here is involved in lottery [scamming] and a member of a gang?*

*A: The weight of that information is very good, but if I check the file, you would also see that the Court threw out the allegation of lottery scamming. So how do you weigh the decision of a court against an intelligence agency and we build our jurisprudence on the basis of being innocent until proven guilty. **So the weight of the NIB report has to be taken into consideration and is always taken into consideration but subsequent to***



**that is the fact that the allegations were thrown out by a Court of Law.**<sup>110</sup>

(DI Emphasis)

Further, the DI highlights that there are no Minutes recorded of the deliberations made at the abovementioned hearings held by the Hon. Robert Montague, MP. By way of a hearing convened on October 4, 2017, Minister Montague advised the DI, *inter alia*, of the following:

*“Q: ...Are your meetings, appeal process minuted?”*

*A: No. They do take notes and a report is made and sent to the FLA Board because what I discovered was that the Minister would have these Hearings and then an approval is given and it never went back to the Board. I insisted that by Law it is the Board that grants the licence. What we do, we make a recommendation to the Board and I send my letters, the Permanent Secretary sends back the letters to the FLA to be considered by the Board.*

...

*Q: ...but since you have started you have not instituted nor is there a policy to say every single thing that is said is taken?”*

*A: The Head of the Protective Services, the Division Head, who is responsible for*

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<sup>110</sup> Transcript of hearing held on October 4, 2017 involving the Hon. Robert Montague. Pages 50-51.



*putting the report together also does take notes for themselves so that the report can be put together properly and then forwarded to the Firearm Licensing Authority.*

*Q: Are the interviews recorded by say a tape recorder?*

*A: No.*

*Q: Video taped?*

*A: No. Because the bearing is not the court matter as this is.*

*Q: Quasi.*

*A: Quasi. We see it as getting more information because sometimes when you read the files it is not complete, you don't get a complete picture of what is there so therefore many times the recommendation – I don't make the decision whether there is a Hearing or not, it is a recommendation from the Protective Services Division.”<sup>111</sup>*

Instructively, Minister Montague also added that each case is handled on its own merit. By way of a hearing held on February 22, 2018, he provided, *inter alia*, as follows:

*“[IC OFFICER]:...the name [Person RM4]. Is that name familiar to you, Minister Montague.*

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<sup>111</sup> Transcript of hearing held on October 4, 2017 involving the Hon. Robert Montague. Pages 7, 10-11.



A: *I have it heard it before.*

Q: *I would just like to ascertain the basis upon which you had given an approval in this specific matter, given your earlier evidence that each case is determined based on the facts that are presented to you and on its own merit. So if you could just guide us the basis upon which you had given an approval for this particular case.*

A: **The same circumstances obtain. Each case is handled on its own merit. It is what is placed before me at the time of the hearing.**<sup>112</sup>

#### The Case of Person RM1/Person X1

By way of an article dated August 11, 2018 and entitled “**Montague: Firearm Licence Granted Because Man Was 'National Security Asset'**” in the Jamaica Gleaner, it was indicated, *inter alia*, as follows:

**“Robert Montague, former national security minister, has defended a decision taken by an appeal committee, including him, of the Firearm Licensing Authority (FLA) in December 2016 to grant a firearm licence to a St Mary resident who he has described as a national security asset.**

**Montague countered a Television Jamaica report on Thursday stating that he had overturned a**

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<sup>112</sup> Transcript of hearing held on February 22, 2018 involving the Hon. Robert Montague, MP. Pages 22-24.



**revocation by the FLA of a gun licence for a man the police believed was a member of a gang and involved in lottery scamming.**

**"This person in question had been charged previously under the lottery scamming legislation. The charges were thrown out by the courts as no evidence was ever provided. Subsequently, the police officer who had charged the person in question was alleged to be corrupt and was separated from the police force," said Montague during a press conference held at the Ministry of Transport and Mining yesterday.**

**He added that the revocation of the licence was prompted by two anonymous and unsigned letters containing allegations of criminal conduct.**

*Under Sections 37 and 37A of the Firearm Act, the minister of national security is empowered to make the final determination regarding the issuance of a licence. However, Montague said that a panel adjudicated 209 appeals between March 2016 and April 2018, with 29 cases being overturned.*

#### **APPEAL COMMITTEE**

*He said: "As minister, I took the additional policy decision to improve the governance of this process. I empanelled a committee of six persons [who were]*



*very senior within the national security framework to sit as a part of an appeals panel. I did not do it alone."*

***The former national security minister said that although the appellant was from his St Mary Western constituency, that factor did not play a role in the ruling. He added that throughout the appeal process, the appellant became a national security asset.***

*Montague explained, "... The information provided by him regarding the FLA unearthed scandalous issues that were associated with the entity. Proof of these issues was provided by him, and actions have been taken, including FLA personnel being fired and/or arrested..." According to Montague, the man is now abroad due to security concerns and his gun licence was revoked."<sup>113</sup> (DI Emphasis)*

Similar allegations were outlined by the Jamaica Observer in its article dated August 11, 2018 and which was entitled "*Not true! Montague counters claims that he sought to overrule FLA*". The article stated, *inter alia*, the following:

***“ROBERT Montague yesterday sought to rubbish claims that, as minister of national security in 2017, he overruled a decision by the Firearm Licensing Authority (FLA) in accepting the gun licence appeal of an individual believed to be of***

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<sup>113</sup> The Jamaica Gleaner article dated August 11, 2018 and entitled "*Montague: Firearm Licence Granted Because Man Was 'National Security Asset'*".



**questionable character from his St Mary Western constituency, saying due process was followed.**

*Montague, now minister of transport and mining, said the media report was “incredulous”, noting that decisions made as security minister were made in the interest of the ministry and the country.*

*A Television Jamaica (TVJ) report on Thursday said that a gun licence ended up in the hands of a man police believed was involved in lottery scamming and a gang member. TVJ said the FLA denied the initial request from the man for the licence, but Montague overruled the decision.*

*Yesterday, Montague denied the report at a press conference called at his Maxfield Avenue office in St Andrew, where he stated the circumstances under which the man's licence was reinstated. “Quite frankly, I strongly reject any suggestion of impropriety and wish to make it clear that all decisions made by me while occupying the post of minister of national security were in the interest of that portfolio and the safety and security of all Jamaicans,” the minister said.*

*According to Montague, when he took over the Ministry of National Security portfolio in March 2016, more than 350 firearm licence appeal cases had not been reviewed. He said he consulted an*



*attorney and hired a team to assist in the review of appeal cases languishing in the ministry. “Clauses 37 and 37A of the Firearms Act outline the process of appeals. It explicitly gives the minister the final determination to permits for firearms. As minister, I took the additional policy decision to improve the governance of this process. I empanelled a committee of six persons, very senior within the national security framework, to sit as a part of an appeals panel. I did not do it alone,” said Montague.*

*He said all decisions given after the appeal was heard had to be unanimous and that there were no deviations from that principle. “During my tenure, 209 cases were reviewed out of the 350, and 29 licences were recommended for granting by the panel. The case in question involves the person discussed in the [TVJ] story and the case was no different. The review panel unanimously recommended the reinstatement of the licence. Important to note, the licence had been previously issued by the previous Administration. They subsequently revoked it and the gentleman appealed. It is the appeal that was referred to me as minister,” he said.*

**Montague disclosed that the man in question had been previously charged under the lottery scamming legislation, but said the charges were**



thrown out by the courts because no evidence was ever provided. “The police officer who had charged the person in question was alleged to be corrupt and was separated from the police force. The man who appealed subsequently became a national security asset. The information provided by him regarding the FLA unearth scandalous issues which were associated with the entity. Proof of these issues were provided by him and actions were taken, including FLA personnel being fired and/or arrested along with licences of Jamaicans being revoked,” he told journalists. He added that the matter had been ventilated with the contractor general in the past, based on an assertion from the same ex-police officer in question. “I must admit that I find the reporting of this story incredulous. ...The reporting on this matter is irresponsible and has sent a troubling signal to other national security assets. The person in question has since voluntarily relocated outside of Jamaica because of personal security concerns and as such his gun licence was revoked,” the minister said, adding that the report represents gross journalistic irresponsibility.

The FLA had revoked the man's licence on the basis of two unsigned letters levelling allegations against him. The minister, in responding to a Jamaica Observer question, said that the man's lawyer raised the point during the appeal that a



**person accused of a crime by law should face his accusers, but since the letters were unsigned his appeal was granted.**

*“In addition to that, there was suspicion about one of the persons who wrote one of the letters and they brought to the meeting reports to the police of threats being made to the gentleman. There are receipts from the police. Once you knocked away the allegations and the person is already passed by the process as fit and proper in the appeal process, we were left with no choice,” Montague said.*

**He dismissed, too, the notion of bias during the appeal process, indicating that others from his constituency also had appeals.”**<sup>114</sup> (DI Emphasis)

Upon a review of the documents contained in Person RM1/Person X1’s firearm user licence application, the DI observed the following:

1. Person RM1 was arrested and charged for being in possession of personal information of US Citizen.
2. Based upon a NIB report dated September 8, 2015, Person RM1 is a member of a gang and is involved in lottery scamming. He is also reported to be in possession of an illegal firearm.
3. By way of a Certificate of dismissal dated January 29, 2015 on the letterhead of the Resident Magistrate’s Court in Port Maria, St. Mary, it was indicated that no evidence

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<sup>114</sup> Jamaica Observer article dated August 11, 2018 and which was entitled “*Not true! Montague counters claims that he sought to overrule FLA*”.



was offered against Person RM1 for the offence of possessing identity information of a person and as a result, the matter was dismissed.

4. On December 16, 2016, the Hon. Robert Montague, MP, granted him a firearm user licence on appeal.

Based upon the foregoing representations made in the media, the then OCG sought to ascertain the veracity of the allegations by way of a hearing convened on October 4, 2017 with the Hon. Robert Montague, MP.

*“Q: You have heard of the unruly gang in St. Mary, Minister?”*

*A: Yes, sir.*

*Q: Your information, is there any connection of [Person RM1/Person X1] to that gang?”*

*A: Not to my information.*

*Q: Have you ever received any intel or anything to your information suggesting that he is?”*

*A: I have seen something from the NIB that he associated with a set of scammers in Annotto Bay. I don’t know if that is the reference to the unruly gang.*

*Q: You have seen also as reference, which is not confirmed, that he is in possession of illegal firearm?”*



A: *I have seen a report where his house was searched in pursuit of discovering an illegal firearm but nothing was found.*

Q: **You know [Person RM1/Person X1] personally?**

A: **Yes, sir.**

Q: **Where do you know him from?**

A: **St. Mary.**

Q: **And how long have you known him?**

A: **From about 2015.**

Q: **And in what capacity have you known him?**

A: **As a citizen, a voter.**

Q: *Any connection to – the information is that he was a part of your campaign machinery leading up the General Elections.*

A: **Eleven thousand seven hundred and ten persons are a part of my campaign machinery, sir.**

Q: **And he was part of that machinery?**

A: **I hope that he would have been which is what I mean. But in terms of machinery**



**what do you mean by part of the machinery?**

Q: Campaigning?

A: Well a lot of people campaigned for me because I did my – I never stopped campaigning after I lost the election in 2011. I campaigned in a very different way. Having lost, I took the decision I would do house to house and from January, 2012 I have been doing house to house.

Q: Did [Person RM1/Person X1] assist you in any of this house to house?

A: No, sir. Doing the house to house who assisted me was a young man by the name of [Name withheld] who is my driver and he he would drop me at a point and come back for me in the evening. I would do it alone.

Q: **So [Person RM1/Person X1] play any role at all in terms of your campaign?**

A: **[Person RM1/Person X1] to my certain knowledge attended about three or four meetings that I had in Mason Hall and I believe I had one in Rio Nuevo and he came.**

**But [Person RM1/Person X1] used to be a very strong supporter of the Peoples**



**National Party and was very active with the then Member of Parliament, Georgian Silvera.**

...

**Q: The eleven thousand seven hundred and ten persons, and [Person RM1/Person X1] being a former strong supporter of the Peoples National Party, how do your powers of recollection cause you to remember him being at about three of these meetings?**

**A: Because I spoke to him. Because I was introduced to him and I was told who he was and he was not the only person being introduced at the time.**<sup>115</sup> (DI Emphasis)

Further, the then Contractor General outlined the contents of an email correspondence dated July 30, 2017, to Minister Montague in the course of a hearing convened on October 12, 2017. The following *inter alia*, was disclosed:

*“CHAIRMAN: ...Mr Montague, let me just read something to you; I am sure you may have seen it before:*

*Good afternoon:*

*I am a former member of the Jamaica Constabulary Force who served in the capacity of a Detective*

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<sup>115</sup> Transcript of hearing held on October 4, 2017 involving the Hon. Robert Montague. Pages 20-23.



*Corporal of Police between 2007 and 2015 in the St Mary and Area Two Police Divisions.*

*Sometime in early 2014 I arrested and charged one [[Person RM1/Person X1]...of Mason Hall, St Mary, for breaches of the Law Reform Fraudulent Transaction Act (Lottery Scam) after my colleagues and I conducted a raid at his house and seized lead sheets, computers, cellphones, tablet and other paraphernalia from the illicit lottery scam. He was taken before the Port Maria RM Court where the matter was disposed of in 2015 due to the fact that I resigned the JCF and did not attend court. His application for Firearms Licence was made whilst he was charged and before the courts.*

*During his background check conducted by an Investigator from the Firearms Licensing Authority, I was questioned about the character of [Person RM1/Person X1] where I indicated to the investigator that [Person RM1/Person X1] was not a fit and proper person to be granted a Firearms licence because he associates himself with persons of questionable character and is deeply involved in the illicit lottery scam.*

*During this time, [Person RM1/Person X1] and I would see each other on a regular basis and would talk to each other as we would have run into each other at parties in St Mary.*



Sometime in about September 2015 his firearm application was denied. Through his attorney, Mr Ernest Smith, he appealed the matter which became stagnant as it was not going anywhere. Due to his close friendship with Mr Robert Montague and the fact that [Person RM1/Person X1] is a well known person in and around Oracabessa area of Western St. Mary, he was one of the main campaign members for Mr Montague team during the 2016 Election campaign.

I am not a supporter of the JLP, however, I have been on motorcades with [Person RM1/Person X1] and Mr Montague driving persons around as I was receiving payments for my time. This would allow me to see how close of friendship they had and would open my eyes to a lot of things.

After the Elections and the JLP won, Mr Montague became the Minister of National Security where [Person RM1/Person X1] told me that Mr Montague is going to give him his gun licence as soon as he is settled in Office. I have been around [Person RM1/Person X1] and overheard conversations with him and Mr Montague where Mr Montague told him that he spoke to Mr Ernest Smith who is [Person RM1/Person X1]'s attorney and told him to write to him and he will deal with it. I also spoke to Mr Montague asking him to help me rejoin the JCF where he told me that he will deal



*with it and that I should put it in writing. I wrote to him, Mr Robert Montague, and he sent his bodyguard... to pick up same from me in Oracabessa.*

...

*Now [Person RM1/Person X1] has been granted a Firearms Licence and is in possession of a firearm...*

*My main reason for writing is because this man is not a suitable person to be in possession of a firearm as I know for a fact that he has illegal firearms. He is claiming to be the Don for Mason Hall, he associates himself with criminal elements and has bought firearms for several young men in Oracabessa and Ocho Rios because he is claiming that they are his soldiers.*

*Proper process was not done for this gentleman and Mr Montague knows about the character of [Person RM1/Person X1]. Mr Montague is repaying him with the Firearms Licence for the work he put out to help him win his seat in Western St Mary.*

*This matter needs to be investigated.*

...

**Q: Did you, Mr Montague, at any time tell [Person RM1/Person X1] that you are going to give him his gun licence as soon**



**as you are settled in office as Minister of  
National Security?**

A: **No, sir.**

Q: *Did you in the presence of [Name withheld] tell [Person RM1/Person X1] that you had spoken to Mr Ernest Smith, his Attorney-at-Law, and that you told [Person RM1/Person X1] that you told Mr Ernest Smith to write to you and you will deal with it?*

A: *I can't recall that conversation. Mr Smith indeed wrote to me and it was not the first letter on the file.*

Q: *But the specific question, let me just repeat it: the specific question is whether or not in the presence of [Name withheld] you told [Person RM1/Person X1] that you had spoken with Mr Ernest Smith, his Attorney-at-Law, and you told him that you, Mr Ernest Smith, should write to you and will deal with it.*

A: *The answer is no because as far as I know I do not know, as I told you last week, [Name withheld]. If I see the person walk in through that door I really can't identify the*



*person; so I could not be speaking to him in his presence.”<sup>116</sup> (DI Emphasis)*

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<sup>116</sup> Transcript of hearing held on October 12, 2017 involving the Hon. Robert Montague. Pages 2-8.



**The Role Played by Mr. Peter Bunting, MP, former Minister of National Security, in the Grant and/or Issuance of Firearm User Licences for the period 2012-2016**

In furtherance of the Investigation, the Director of Investigation (DI) sought to ascertain the role played by Mr. Peter Bunting, MP, former Minister of National Security, in the grant and/or issuance of firearm user licences for the period 2012-2016.

By way of his response dated December 6, 2018 to the DI's Requisition of November 21, 2018, Mr. Bunting, MP, provided, *inter alia*, the following:

*“1.1 As the Minister to whom the responsibility for the administration of the firearms licencing regime was assigned, my role and responsibilities were as set out in the Firearms Act. These include:*

- a) Making of orders imposing restrictions to public places within defined areas, section 22(1);*
- b) Granting permission to a person to discharge a firearm in or near public places, section 23(1)(d);*
- c) Specifying conditions or directing conditions to be specified in my “absolute discretion” in respect of firearm licences, certificates or permits, section 33(2);*
- d) Requiring the delivery to the Firearms Authority (“the Authority”) of such firearms or ammunition as I may specify if satisfied*



*that it is necessary in the interests of national security so to do, section 35A(1);*

- e) Appointing members of the Review Board, section 37A(1);*
- f) Receiving, considering, the report findings and recommendations of the Review Board, and giving to the Authority such directions as I may think fit, s. 37A(3);*
- g) In the event of the Review Board not complying with its duties, exercising the power to hear and determine the matter under review; s. 37A;*
- h) Assigning the responsibility for the grant, amendment or revocation of any Firearms Transshipment (sic) Permit, s. 38;*
- i) Appointing the members and Chairman of the Authority, Third Schedule, para. 4;*
- j) Appointing the members and Chairman of the Review Board, Third Schedule, para. 4(1);*
- k) Approving the appointment by the Board of a Chief Executive Officer of the Authority. Third Schedule, para. 12, as amended by the Firearms (Amendment) Act, 2016.*



1.2 *The need to exercise several of the above powers did not arise during my tenure as the responsible Minister.”<sup>117</sup>*

### The Utilisation of a ‘Fit and Proper’ Criteria’ in the Issuance and/or Grant of Firearm User Licences

In furtherance of the Investigation, the DI sought to determine whether a ‘fit and proper’ criteria was utilised by the FLA and/or the Minister of National Security in its/his assessment of firearm user licence applications. By way of a requisition dated November 21, 2018, the DI posed the following questions to Mr. Peter Bunting, MP:

*“Kindly state whether you utilised ‘a fit and proper criteria’ in the review of firearm user applications in your capacity as then Minister of National Security.*

*In the event that your response is in the affirmative, please provide the following:*

- (i) A copy of the policy or guideline which documents this criteria; and*
- (ii) Details of the ‘fit and proper’ criteria which was utilised by you.”<sup>118</sup>*

Mr. Bunting, MP, in his response to the DI dated December 6, 2018, stated, *inter alia*, as follows:

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<sup>117</sup> Response dated December 6, 2018 which was addressed to the DI from Mr. Peter Bunting, MP. Response 1.

<sup>118</sup> DI requisition dated November 21, 2018 which was addressed to Mr. Peter Bunting, MP. Question 4.



*“In my capacity as the Minister of National Security I applied fit and proper criteria as I was required to do by the Firearms Act.*

4.2 *The criteria are laid down in express terms by section 29.*

...

*The fit and proper person test is also implicitly expanded by section 36...*

4.3 ***It was my view that these statutory specifications of the factors to be taken into account in assessing the fit and proper criteria were sufficiently stated by the Act and I did not vary or expand them or lay down or promulgate any other tests or guidelines.***<sup>119</sup> (DI Emphasis)

#### Irregular Practices of the Firearm Licensing Authority (FLA)

The DI also required Mr. Peter Bunting, MP, to indicate whether he was aware of the practices of the FLA Board reviewing its own decision as well as the expedition of firearm user applications by Members of Parliament (MPs)<sup>120</sup>.

##### ***i. The Practice of the FLA Board Reviewing its Own Decisions***

As it regards the practice of the FLA Board reviewing its previous decisions, Mr. Peter Bunting, MP, responded, *inter alia*, as follows:

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<sup>119</sup> Response dated December 6, 2018 which was addressed to the DI by Mr. Peter Bunting, MP. Response 4.

<sup>120</sup> DI requisition dated November 21, 2018 which was addressed to Mr. Peter Bunting, MP. Questions 5 and 7.



**“I am aware of the FLA Board reviewing previous decisions of the same or a previous Board on the basis of a subsequent appeal, new information, or on the basis of previously relied upon information being determined as having been inaccurate...”**

*One type of appeal that I reviewed was for applicants who had been denied firearm user licences solely on the basis of not having “established a need to be armed”. Many of those appeal cases were for serving members (in good standing) of the security forces. Further, in my review of the appeal files I could discern no objective criteria that had been applied in determining whether or not an applicant had “established a need to be armed”.*

*Therefore, in my first face to face meeting with the FLA Board appointed in 2012, **I requested that they examine the basis for such denials and that they subsequently review applications that had been previously denied under this determination.**”<sup>121</sup>*

(DI Emphasis)

**ii. *The Requests by MPs to Expedite Firearm User Licence Applications***

As it relates to the issue of expedition requests made by MPs, Mr. Bunting, MP, in his response of December 6, 2018, provided, *inter alia*, the following:

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<sup>121</sup> Response dated December 6, 2018 which was addressed to the DI by Mr. Peter Bunting, MP. Response 7.



*“Members of Parliament (“MPs”) generally make representations on behalf of constituents regarding a wide range of their problems, and particularly with problems concerning central government services.*

***However, I am not aware of a practice of MPs making requests for the expedition of firearm user applications. I do not recall any specific instance in which an MP made a request for the expedition of a firearm user licence application, though it is possible that such requests have occasionally been made.***<sup>122</sup> (DI Emphasis)

The Issue and/or Grant of Firearm User Licences by Mr. Peter Bunting, MP, to Persons of ‘Questionable Character’

Based upon a review of the firearm user licence applications that were approved by Mr. Peter Bunting, MP, during the period 2012 to 2016, the DI noted the following persons who had criminal antecedents:

v) Person PB1/Person X50

By way of a NIB report dated January 10, 2011, it was revealed that the applicant was arrested and charged in the US for the offences of trafficking cocaine, four (4) counts of larceny and grand theft in the third degree. His firearm user licence was revoked on September 4, 2012 by Gilbert Scott, Mrs. Justice (Ret’d.) Marva McIntosh and Mr. Michael Harvey on the basis that Person PB1/Person X50 misrepresented himself to the FLA and could no longer be considered fit and proper to be issued with a firearm. The applicant’s criminal record was expunged after the date of the NIB report. By way of letter dated October 28, 2014, it was indicated that Mr. Peter Bunting, MP, then Minister

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<sup>122</sup> Response dated December 6, 2018 which was addressed to the DI by Mr. Peter Bunting, MP. Response 5.



of National Security, granted the issuance of a firearm user licence to Person PB1/Person X50. Given that the basis upon which his firearm user licence was revoked was now void, the FLA Board withdrew the revocation.

w) Person PB2/Person X51

By way of a NIB report dated April 12, 2010, it was revealed that the applicant molested a little girl who is related to his wife. However, the matter was not reported to the police and therefore no action was taken against the applicant.

A CIB report dated December 3, 2010, revealed that the applicant was arrested and charged for the offence of indecent assault. His application was denied on January 24, 2012 by Mr. Errol Strong, Mrs. Justice (Ret'd.) Marva McIntosh and Mr. Khaleel Azan on the basis that the applicant was interviewed and found unfit to be armed and was subsequently approved on April 11, 2014 for firearm user licences for a .38 revolver and 12 gauge shotgun by Mrs. Justice (Ret'd.) Marva McIntosh, Gilbert Scott and Mrs. Rosalie McDonald-Barker. By way of letter dated July 25, 2013, it was indicated that Mr. Peter Bunting, MP, then Minister of National Security, granted the issuance of a firearm user licence for a .38 revolver and 12 gauge shotgun and denied a firearm user licence for a 9mm pistol to Person PB1/Person X50.

As it regards the basis upon which he appealed the decisions of the FLA concerning the foregoing firearm user licence applications, Mr. Peter Bunting, MP, indicated, *inter alia*, as follows:

*“I conducted appeals in respect of the firearm user applications of both [Person PB1/Person X50] and [Person PB2/Person X52]. I did not conduct a hearing in respect of those appeals as I did not consider it necessary, since the basic and essential facts were not in dispute. My review of these matters were based on the submissions of the*



**Applicants, the reports of the responsible officers  
and all the material in the official documents  
submitted to me by officials of the Ministry.**<sup>123</sup>

(DI Emphasis)

In furtherance of the Investigation, the DI examined the Minutes prepared by then CEO, Mr. Lincoln Allen which were addressed to the former Minister of National Security, Mr. Peter Bunting, MP, in relation to the abovementioned applicants. Upon the conclusion of his examination, the DI highlights below details of the criminal and/or any other antecedents which were outlined therein:

**Table 2**

#	Name of Applicant <sup>124</sup>	Date of Minutes	Details of Criminal and/or any other Antecedents contained in the Minutes prepared by the CEO and submitted to the Minister of National Security
1	Person PB1/Person X50	September 10, 2014	<p><i>“...[Person PB1/Person X50]... is a businessman and was the holder of Firearm User’s Licences in respect of a Springfield 9mm pistol...and Benelli 12 gauge Shotgun...up until September 21, 2012 when both firearm user’s licenses were revoked.</i></p> <p><i>On November 26, 2013, [Person PB1/Person X50] submitted an application for another firearm user’s licence in respect of a 9mm pistol. Investigations conducted by the National Intelligence Bureau as a result of the new application revealed that [Person PB1/Person</i></p>

<sup>123</sup> Response dated December 6, 2018 which was addressed to the DI by Mr. Peter Bunting, MP. Response 2.

<sup>124</sup> Name withheld for security purposes.



#	Name of Applicant <sup>124</sup>	Date of Minutes	Details of Criminal and/or any other Antecedents contained in the Minutes prepared by the CEO and submitted to the Minister of National Security
			<p>X50] left Jamaica for Florida to undergo training as a Pilot for Two and a half (2 ½) years. During this time he was arrested and charged on January 15, 2003 for Trafficking Cocaine, four (4) counts of Larceny and Grand Theft in the 3<sup>rd</sup> degree...</p> <p>However, these charges have since been expunged by the Miami Dade Circuit Court dated July 17, 2013..."</p>
2	Person PB2/Person X51	July 15, 2013	<p>"... NIB and CRO checks revealed that there were two outstanding cases against the applicant. He was charged for indecent assault on May 13, 1998 and Assault O.B. Harm on June 12, 1998...[As it relates to the charge of assault] His case was heard in the Mandeville RM Court on the 19<sup>th</sup> of August 1998 a "No Order" was made by the Judge after considering the matter.</p> <p>... [As it relates to the charge of assault occasioning bodily harm] The case was heard at the Manchester RM Court and was subsequently dismissed."</p>



### Conflict of Interest

As a point of discourse throughout the DI's Investigation, it was deemed prudent to ascertain from Mr. Peter Bunting, MP, the extent of his knowledge regarding conflicts of interest involving FLA Board Members in the grant of firearm user licences<sup>125</sup>. By way of his response dated December 6, 2018, Mr. Bunting, MP, stated, *inter alia*, the following:

*“I am not aware of any established internal procedures regarding issues of conflicts of interest involving FLA Board members during my tenure as Minister of National Security.*

*In accordance with best practices, I avoided appointing to the FLA Board any person who appeared to me to have a potential conflict of interest.”*<sup>126</sup>

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<sup>125</sup> DI requisition dated November 21, 2018 which was addressed to Mr. Peter Bunting, MP. Question 6.

<sup>126</sup> Response dated December 6, 2018 which was addressed to the DI by Mr. Peter Bunting, MP. Response 6.



**Other Allegations of Corruption and/or Impropriety at the Firearm Licensing Authority (FLA)**

On November 8, 2018 and January 11, 2019, the Director of Investigation (DI) received allegations relating to (a) further acts of corruption; and (b) other matters which fall outside the remit of the Integrity Commission. Consequently, the DI undertakes to commence action to refer these allegations to the Financial Investigations Division (FID) and the Major Organised Crime & Anti-Corruption Agency (MOCA) for further investigation to be undertaken, pursuant to Section 7 of the Integrity Commission Act.



## **CONCLUSIONS**

Based upon the documentation which has been reviewed, as well as the sworn testimonies which have been received from the representatives of the Firearm Licensing Authority (FLA) and the Ministry of National Security, the Director of Investigation (DI) makes the following conclusions:

1. The 2016 Board of the FLA **acted with impropriety in the issuance and/or grant of firearm user licences to persons of questionable character** during the period 2016 to 2018. The DI's conclusion is premised on the following observations:
  42. Firearm user licences were granted to individuals who were convicted for drug related offences in at least thirteen (13) instances.
  43. Firearm user licences were granted to individuals who were convicted for lottery scamming and/or fraudulent offences in at least four (4) instances.
  44. Firearm user licences were denied and subsequently granted to individuals who were convicted for violent crimes in at least seven (7) instances.
  45. Firearm user licences were denied and subsequently granted to individuals who were convicted for the offence of illegal possession of firearm in at least three (3) instances.
  46. Firearm user licences were denied and subsequently granted to individuals who were convicted for otherwise breaching the Firearms Act in at least one (1) instance.
  47. Firearm user licences were denied and subsequently granted to individuals who were convicted for other illegal activities in at least five (5) instances.



48. Firearm user licences were denied and subsequently granted to individuals who were stated to be involved drug related offences by an FLA investigator, in at least ten (10) instances.
49. Firearm user licences were denied and subsequently granted to individuals who were stated to be involved in lottery scamming and/or fraudulent offences by an FLA investigator, in at least ten (10) instances.
50. Firearm user licences were denied and subsequently granted to individuals who were stated to be involved in violent crimes by an FLA investigator, in at least six (6) instances.
51. Firearm user licences were denied and subsequently granted to at least two (2) individuals who were stated to have been arrested for the offence of illegal possession of firearm by an FLA investigator.
52. Firearm user licences were denied and subsequently granted to individuals who were stated to be involved in other illegal activities by an FLA investigator, in at least ten (10) instances.

Notwithstanding the fact that in a number of instances, the convictions were expunged and outside of the five year period indicated in Section 2 of the Firearms Act, the adverse traces would remain, thereby, raising questions as to whether such an applicant would be deemed fit and proper to be entrusted with a firearm. Further, the files reviewed by the DI did not indicate that, in circumstances where (a) the decisions of the Board were reversed from a denial to an approval; and (b) where the recommendation of the investigator was not followed, subsequent investigations were conducted on the instruction of the Board or further intelligence reports requested to substantiate the decision by the Board to grant the firearm user's licence.



2. The DI further concludes that, notwithstanding the declaration of the 2016 Board that the recommendations of FLA investigators are heavily relied upon in its review of firearm user licence applications, in thirty (30) out of fifty-two (52) instances, the Board approved the firearm user licence applications of persons who were not recommended by FLA investigators and who were also previously denied.
3. The DI concludes that **irregular practices** obtained at the FLA in the review of firearm user licence applications by the Board for the period 2016 to 2018. These irregular practices include the following:
  - (a) The denial and subsequent approval of firearm user licence applications by the Board;
  - (b) The expedition of firearm user licence applications;
  - (c) Conflict of interest between former Board Director, Mr. Dennis Meadows and an applicant (Person X5)<sup>127</sup>; and
  - (d) The affixture of Board members' signatures to approve the grant of firearm user licence applications without the complete perusal of the applications.
4. It is the DI's opinion that the 2012 and 2016 FLA Boards **acted ultra vires in its denial and subsequent approval of firearm user licence applications** as the appeal of decisions of the FLA Board should be made to the Review Board, pursuant to Section 37 of the Firearm Act.
5. The DI concludes that the facilitation of an expedited process for applications submitted by Members of Parliament and/or other public officials or private citizens is **highly irregular and is a corruption enabling conduit**.

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<sup>127</sup> Name withheld for security purposes.



The DI's conclusion is premised on the fact that this mandated 'VIP treatment' lends itself to the perception of corruption and bias and offends the principle of equity which should be applied to public services.

6. The actions of Mr. Dennis Meadows, former Deputy Chairman, FLA, in approving the firearm user application of his family member, an applicant who was convicted of the offence of attempted possession with intent to distribute cocaine in the United States, amounts **to nepotism, a conflict(s) of interest and corruption.**

The actions of Mr. Meadows' in 'trying to assist a relative' in this regard, was an explicit act of nepotism which constitutes the common law offence of misconduct in public office and a breach of public trust. The DI is satisfied, for the purpose of Section 2 of the Integrity Commission Act that, if the facts as found were to be proved on admissible evidence to the requisite criminal standard, an appropriate tribunal, would find that Mr. Dennis Meadows had committed the offence of misconduct in public office. Accordingly, the DI is satisfied that the jurisdictional requirements of Sections 6 (1) (a) and 33 (1) (a) and (b) of the Integrity Commission Act are satisfied.

7. As a public servant in the execution of his public function, Mr. Dennis Meadows advanced a private interest which resulted in a benefit to his family member. In this respect, his actions contravened the principles of integrity and good governance.

Consideration must be given as to whether Mr. Meadows, in this regard, breached Section 14 (1) (b) of the Corruption (Prevention) Act and whether he obtained an illicit benefit for his family member, in his capacity as a public servant.

A public servant is defined by the Corruption Prevention Act as:

*"... any person-*



(a) *employed-*

(i) *in the public, municipal or parochial service of Jamaica;*

(ii) ***in the service of a statutory body or authority or a government company;***

(b) *who is an official of the state or any of its agencies;*

(c) ***appointed, elected, selected or otherwise engaged to perform a public function.***”

8. It is the DI’s conclusion that there is no written record of a declaration of a conflict of interest made by Mr. Dennis Meadows as it regards his family member’s firearm user licence application. There is also no written record of Mr. Dennis Meadows recusing himself from any deliberations regarding the application of a firearm user licence by his family member.

By Mr. Meadows’ action in approving his family member’s firearm user licence application and his failure to recuse himself from any process involving the referenced application, he contravened Section 17 (2) of the Public Bodies Management and Accountability Act.

9. The DI concludes that the practice of FLA Board members affixing their signatures for the approval of firearm user licences without a complete perusal of the application is **highly irregular and is tantamount to gross dereliction of duties and an abuse of the duty of care owed contrary to Section 16 of the Financial Administration and Audit Act and Section 17 of the Public Bodies Management and Accountability Act.**



**The actions of the Board Directors in this regard reflects a disregard for the public confidence and trust and the fiduciary obligations entrusted to them as Board Directors with the mandate of granting firearm user applications.**

10. In his capacity as the former Minister of National Security, the Hon. Robert Montague, MP, approved the following applicants for firearm user licences:

(a) Person RM1/Person X1

Person X1 was arrested and charged for being in possession of personal information of a US Citizen. He is alleged to be a member of a gang and is involved in lottery scamming. He is also reported to be in possession of an illegal firearm. His firearm user licence was revoked on September 29, 2015 but was thereafter granted on December 16, 2016 on appeal by the Hon. Robert Montague, MP.

(b) Person RM2

Person RM2 was implicated in an insurance fraud racket. His application for a firearm user licence was denied by the FLA on August 14, 2015. On December 2016, the Hon. Robert Montague, MP, approved his appeal of the FLA's decision to deny his firearm user licence application.

(c) Person RM3

Person RM3 discharged his firearm in a public place, contrary to the provisions of the Firearms Act. The FLA revoked his firearm user licence on March 5, 2013 due to his intemperate behaviour. On December 16, 2016, The Hon. Robert Montague, MP, approved his appeal of the FLA's decision to revoke his firearm user licence.

(d) Person RM4

Person RM4 breached the Firearms Act and was charged with the offence of negligence in loss of firearm. The FLA revoked his firearm user licence on March 6, 2012. On



December 16, 2016, The Hon. Robert Montague, MP, approved his appeal of the FLA's decision to revoke his firearm user licence.

(e) Person RM5/Person X3

Person RM5/Person X3 was convicted for numerous crimes involving illicit drugs, the use of counterfeit notes as well as breaches of the Firearms Act. His firearm user licence was revoked by the FLA in at least two (2) instances. On August 30, 2016, the Hon. Robert Montague, MP, approved the reinstatement of his firearm user licence.

(f) Person RM6/Person X4

Person RM6/Person X4 was arrested and charged for offences related to drugs and trading in guns. His application for a firearm user licence in respect of a 12 gauge shotgun was denied on March 27, 2012 by Mr. Errol Strong, Mr. Khaleel Azan and Mrs. Justice (Ret'd.) Marva McIntosh on the basis that the applicant did not establish a need to be so armed. On August 9, 2016, the Hon. Robert Montague, MP, approved his application for the particular firearm user licence on appeal.

Notwithstanding the (a) unquestioned discretion of the Minister; (b) the panel constituted by the Minister to review the cases for appeal; and (c) the fact that in at least one (1) instance, the charges against the applicant were dismissed, the DI concludes that the adverse traces in all instances remained. In point of fact, the DI has not gleaned any evidence of subsequent investigations which were conducted on the instruction of the then Minister or further intelligence reports requested to substantiate his decision to grant the firearm user licences on appeal.

11. It is the DI's opinion that the Hon. Robert Montague, MP, was aware of the criminal antecedents of applicants when he granted the appeal of FLA Board decisions concerning certain firearm user licence applications.



12. Mr. Peter Bunting, MP, in his capacity as former Minister of National Security for the period 2012 to February 2016, approved firearm user licence applications for the following persons who were previously denied by the FLA:

(a) Person PB1/Person X50

By way of a NIB report dated January 10, 2011, it was revealed that the applicant was arrested and charged in the US for the offences of trafficking cocaine, four (4) counts of larceny and grand theft in the third degree. His firearm user licence was revoked on September 4, 2012 by Gilbert Scott, Mrs. Justice (Ret'd.) Marva McIntosh and Mr. Michael Harvey on the basis that Person PB1/Person X50 misrepresented himself to the FLA and could no longer be considered fit and proper to be issued with a firearm. The applicant's criminal record was expunged after the date of the NIB report. By way of letter dated October 28, 2014, it was indicated that Mr. Peter Bunting, MP, then Minister of National Security, granted the issuance of a firearm user licence to Person PB1/Person X50. Given that the basis upon which his firearm user licence was revoked was now void, the FLA Board withdrew the revocation.

(b) Person PB2/Person X51

By way of a NIB report dated April 12, 2010, it was revealed that the applicant molested a little girl who is related to his wife. However, the matter was not reported to the police and therefore no action was taken against the applicant.

A CIB report dated December 3, 2010, revealed that the applicant was arrested and charged for the offence of indecent assault. His application was denied on January 24, 2012 by Mr. Errol Strong, Mrs. Justice (Ret'd.) Marva McIntosh and Mr. Khaleel Azan on the basis that the applicant was interviewed and found unfit to be armed and was subsequently approved on April 11, 2014 for firearm user licences for a .38 revolver and 12 gauge shotgun by Mrs. Justice (Ret'd.) Marva McIntosh, Gilbert Scott and Mrs. Rosalie McDonald-Barker. By way of letter dated July 25, 2013, it was indicated that Mr.



Peter Bunting, MP, then Minister of National Security, granted the issuance of a firearm user licence for a .38 revolver and 12 gauge shotgun and denied a firearm user licence for a 9mm pistol to Person PB1/Person X50.

The DI reiterates that notwithstanding the (a) unquestioned discretion of the Minister; (b) the panel constituted by the Minister to review the cases for appeal; and (c) the fact that in at least one (1) instance, the charges against the applicant were dismissed, the DI concludes that the adverse traces in all instances remained. In point of fact, the DI has not gleaned any evidence of subsequent investigations which were conducted on the instruction of the then Minister or further intelligence reports requested to substantiate his decision to grant the firearm user licences on appeal.



## **RECOMMENDATIONS**

Upon a review of the Findings and Conclusions detailed herein, the Director of Investigation (DI) makes the following recommendations:

1. The DI recommends that the FLA commence immediately consultations with the National Intelligence Bureau (NIB) and the Criminal Investigations Branch (CIB), a determination be made as to whether the firearm user licences appended to this Report, be revoked.
2. The DI recommends that revisions be made to the Firearms Act and/or its Regulations, for the inclusion of an established process which guides the Minister of National Security in the grant of firearm user licences on appeal.

Whereas the DI, in no way questions the authority of the Minister of National Security to consider and to grant such appeals, it must be cautioned that without such an established process, the unrestricted application of ministerial discretion would undermine the integrity and credibility of the appeals process and give rise to the perception of bias and/or corruption.

3. The DI also recommends that the Minister of National Security with portfolio responsibility for firearm user licences, intimately familiarizes himself with the details of the National Intelligence Bureau and Criminal Intelligence Branch reports, to ensure that in the fulfilment of his lawful Ministerial responsibilities, he is fully aware of any and all security concerns which may impact upon the determination of whether or not an applicant is a suitable, fit and proper candidate to be granted the proposed licence.
4. In addition to the provisions of Sections 29 and 36 of the Firearms Act, the DI recommends that amendments be made to the Firearms Act Regulations to incorporate



specific requirements and character traits that would constitute the criteria to be met by an applicant who is deemed ‘fit and proper’ to be granted a firearm user licence.

5. Notwithstanding the fact that the FLA may grant a firearm user licence to applicants who were convicted of crimes more than five (5) years prior to the submission of their applications, the DI recommends that the Board of the FLA give consideration to the conduct of a further assessment into the backgrounds and lifestyles of these applicants to determine whether they are ‘fit and proper’ to be entrusted with a firearm.
6. The DI recommends that the FLA excise from its processes, the irregular practice of a Board reviewing its own decisions or that of a previous Board. In this regard, the DI recommends strict compliance with the provisions of Section 37 and 37A of the Firearms Act in the assessment of firearm user licence applications and the review and/or appeal of the Board’s decisions.
7. The DI recommends that public officers/officials and Board members, who are engaged by the Government of Jamaica (GOJ), adhere to the strictest practices of professional ethics and conduct as it relates to issues concerning real or perceived conflicts of interest.
8. The Director of Investigation is, hereby, referring the matter to the Director of Corruption Prosecutions for a determination to be made in relation to whether the actions of Mr. Dennis Meadows, former Director of the 2016 FLA Board, in his approval of a firearm user licence for his family member, amounted to an explicit act of nepotism which constitutes the common law offence of misconduct in public office, a breach of public trust and a breach of Section 14 of the Corruption Prevention Act.
9. In light of the very serious responsibilities entrusted to Board Directors and the grave implications which may arise from awarding firearm user licences to persons of ‘questionable character’, the DI strongly recommends that the FLA Board ensures that all



its Directors in reviewing and approving firearm user licences, conduct a complete perusal of the firearm user licence applications rather than the execution of a mere ‘rubber stamping’ or ‘signing on the strength’ of other Directors.

10. The DI refers a copy of its report to the Financial Investigations Division (FID) and the Major Organized Crime and Anti-Corruption Agency (MOCA) for further investigations to be conducted into the other allegations received on November 8, 2018 and January 11, 2019 relating to (a) further acts of corruption; and (b) other matters which fall outside the remit of the Integrity Commission.
11. The DI recommends that the FLA Board Directors apprise themselves of the provisions of Section 17 of the Public Bodies Management and Accountability Act as well as the Corporate Governance Framework of Jamaica in so far as it relates to the duty of care owed by directors of a public body and in particular the disclosure of conflicts of interest and the requirement to recuse oneself.

Appendix 1

#	NAME OF APPLICANT	OFFENCE/ ALLEGATIONS	NIB Report & Contents	CIB Report & Contents	Recommended by FLA Investigator	Contents of FLA Investigator Assessment Report	Conviction	Application Granted	Application Denied	Application Revoked	Application Granted on Appeal by the Minister	Application On Hold	OTHER OBSERVATIONS
1	Person X1/Person RM1	Being in possession of personal information of US Citizen	NIB report dated September 8, 2015 indicated that Person X1/Person RM1 is a member of a gang and is involved in lottery scamming activities. He was also reported to be in possession of an illegal firearm, however, this information was not confirmed	N/A	Recommended by FLA Investigator on February 10, 2015	Recommended on the basis that a need to be armed was established	N/A	July 8, 2015 by Robert Gregory, Gilbert Scott and Rosalie McDonald-Barker for a 9MM pistol	N/A	September 29, 2015 by Robert Gregory, Gilbert Scott and Rosalie McDonald-Barker	December 16, 2016 by the Hon. Robert Montague, MP	N/A	By way of letter dated February 26, 2016, the Review Board chaired by Mr. Kent Pantry, CD, QC, indicated that “ <i>there was sufficient material placed before the Authority to justify the Authority’s decision to deny [this] application...</i> ”
2	Person X2	1. Conspiracy to commit murder 2. shooting with intent 3. illegal possession of firearms	N/A	CIB report dated December 8, 2010 indicated that Person X2 was	None seen	Incomplete	Letter dated November 18, 2015 which was addressed to the FLA by the Resident	July 28, 2016 by Dennis Wright, Granville Gause, Michael	N/A	None seen	N/A	N/A	Letter dated January 21, 2009 which was addressed to the FLA by the JCF Narcotics Division indicated that a “ <i>comprehensive check of the Narcotics Database failed to reveal anything of an</i>

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				presently before the court facing the following charges:  1. Conspiracy to commit murder 2. shooting with intent 3. illegal possession of firearms			Magistrate's Court, St. Thomas, regarding the charge of conspiracy to commit murder, indicated that the prosecution of the offence was abandoned subject to the availability of the witness.	Harvey and Dennis Meadows for approval to replace 9MM pistol					<i>incriminating nature...</i>  Letter dated October 31, 2009 which was addressed to the FLA from the JCF indicated that Person X2 is believed to be involved in organized crime involving the fraudulent use of credit cards.  Letter dated August 19, 2016 which was addressed to Person X2 by the FLA indicated that a 12 gauge shotgun would be returned to him.
3	Person X22	Alleged to be involved in narcotics trafficking and lottery scam operations in Montego Bay	NIB report dated October 23, 2013 revealed nothing adverse against the applicant	CIB report dated July 18, 2013 revealed no convictions recorded against the applicant	Not recommended by FLA Investigator	Not recommended by FLA Investigator on the basis that <i>"the firearm will make him to be more confident in his nefarious activities"</i>	N/A	December 29, 2015 by Rosalie McDonald-Barker, Michael Harvey and Gilbert Scott for 9mm pistol	N/A	N/A	N/A	January 28, 2015 by Rosalie McDonald-Barker, Marva McIntosh and Gilbert Scott on the basis that the FLA is to obtain a report from the Major Organised	N/A

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												Crime and Anti-Corruption Agency (MOCA) on applicant	
4	Person X23	Alleged to be involved in illegal activities including lottery scamming	NIB report dated March 3, 2015 revealed nothing adverse against the applicant	CIB report dated March 11, 2015 recorded no convictions against the applicant	Not recommended by FLA Investigator	Not recommended by FLA Investigator on the basis that he has not satisfied the investigator that he is gainfully employed or has a need for a firearm, was misleading with his assets and that to arm him will only assist him to 'carry out his lottery scamming activities'	N/A	September 1, 2016 by Dennis Wright, June Spence-Jarrett, Granville Gause and Dennis Meadows	October 22, 2015 by Rosalie McDonald-Barker, Michael Harvey and Marva McIntosh on the basis that the applicant was not 'speaking the truth' as it relates to his business operations and is therefore not a fit and proper person to be armed	October 22, 2015	N/A	It was held on August 31, 2015 by Robert Gregory, Rosalie McDonald-Barker and Marva McIntosh that the "Applicant is to be invited to an interview."	By way of letter dated October 30, 2015 which was addressed to the applicant by the FLA, the applicant was informed that his application for a firearm user licence was denied.  The decision of the outgoing Board was overturned by the incoming Board.  There is no evidence of a letter of appeal or subsequent application by the applicant on file.
5	Person RM2	Implication in insurance fraud racket	NIB report dated August 29, 2014 revealed	CIB report dated May 12, 2014 is incomplete	Not recommended by FLA Investigator	Not recommended by FLA Investigator on the basis that	N/A	N/A	August 14, 2015 by Rosalie McDonald-Barker,	N/A	December 16, 2016 by the Hon. Robert Montague,	N/A	By way of letter dated February 26, 2016, the Review Board chaired by Mr. Kent Pantry, CD, QC, indicated that "there was sufficient material placed

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			nothing adverse against the applicant			he has dishonest traits and is implicated in insurance fraud racket			Marva McIntosh and Michael Harvey on the basis that the applicant was not considered a fit and proper person to be armed as he was involved in an insurance fraud racket		MP		<i>before the Authority to justify the Authority's decision to deny [this] application...</i>
6	Person X3/Person RM5	1. Numerous crimes involving illicit drugs 2. Crimes involving the use of counterfeit notes 3. Breaches of the Firearms Act.	1.NIB report dated November 5, 2014 indicated that the applicant was deported from England to Jamaica in 2002. He was arrested in 1995 for breaches of the Firearms Act and was	CIB report dated October 24, 2014 recorded no convictions against the applicant	Not recommended by FLA Investigator	Not recommended by FLA Investigator on the basis that he has had 3 revocations and has had a long list of arrests and convictions internationally and locally	Letter dated February 2, 1996 indicated the following:  1.Convicted for the offence of sale of ganja on December 14, 1985 in the USA  2.Convicted for the offence of	December 7, 2016 by Dennis Wright, Dennis Meadows and Granville Gause in relation to a 9mm pistol	July 5, 2016 by June Spence-Jarrett, Marva McIntosh and Granville Gause in relation to a 9mm pistol on the basis that the adverse reports received from the NIB and also	1. February 7, 1996  2.October 10, 2012 by Robert Gregory, Gilbert Scott and Michael Harvey on the basis that the applicant was longer considered fit and proper to be a licensed firearm	August 30, 2016 by the Hon. Robert Montague, MP for the reinstatement of his firearm user licence	N/A	By way of letter dated March 20, 2002, the then Attorney General and Minister of Justice, AJ Nicholson, QC, indicated to the applicant that his appeal against the decision of the Criminal Records (Rehabilitation of Offenders) Board in relation to his application for expungement of convictions from police record, was allowed  FLA Memorandum dated September 27, 2010 indicated that the applicant had several aliases and 4 recorded dates of birth

Appendix 1

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			<p>convicted for numerous crimes in the USA including illicit drugs and counterfeit notes. The Transnational Crimes and Narcotics Division (TCND) report remained outstanding.</p> <p>2.NIB report dated November 21, 2014 revealed that the TCND results revealed nothing adverse against the applicant</p> <p>3.NIB report</p>				<p>possession of ganja on November 6, 1986 in the USA</p> <p>3.Convicted for the offence of unlawful wounding on April 18, 1989 in Jamaica</p> <p>4.Convicted for breaches of the Currency Act on December 14, 1985 in the USA</p>		his previous involvement with the law both locally and internationally	holder			

**Appendix 1**

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			dated December 16, 2014 revealed nothing adverse against the applicant										
7	Person RM3	Discharge of firearm in a public place	N/A	N/A	N/A	N/A	N/A	None seen	N/A	March 5, 2013 by Robert Gregory, Gilbert Scott and Rosalie McDonald-Barker on the basis that the applicant is no longer considered to be a fit and proper person due to his intemperate behaviour	December 16, 2016 by the Hon. Robert Montague, MP	N/A	FLA Investigator recommended that his licence be revoked.  Certificate of Dismissal dated April 23, 2012 indicated that the case against the accused for the charge of discharging firearm within 40 yards of a public place was dismissed  On February 14, 2013 the Review Board supported the decision of the Director of Investigations to revoke the applicant's firearm user licence
8	Person X4/Person RM6	Alleged to be involved in illicit activities including lotto scamming, drugs, trading in guns and is associated with gangs in	N/A	CIB report dated January 4, 2010 revealed no convictions recorded against the	Recommended by FLA Investigator	N/A	N/A	N/A	March 27, 2012 by Errol Strong, Khaleel Azan and Marva McIntosh on the basis that	N/A	August 9, 2016 by the Hon. Robert Montague, MP	N/A	N/A

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		Montego Bay		applicant					the applicant has not established a need to be possess a 12 gauge shotgun				
9	Person X5	Attempted possession with intent to distribute cocaine in the US	NIB report dated January 7, 2015 indicated that the applicant was deported from the USA subsequent to his conviction for the offence of attempted possession with intent to distribute cocaine in 2002	CIB report dated January 23, 2015 revealed no convictions recorded against the applicant	Recommended by FLA Investigator	Recommended by FLA Investigator on the basis that the applicant has a fixed and secure place of abode, is not the subject of any criminal investigation, has a safe place for the storage of the weapon, appears physically fit and mentally stable, and has a genuine fear that he may be targeted by criminals in the conduct of his business when traversing	Convicted for the offence of attempted possession with intent to distribute cocaine in the USA in August 2002	June 15, 2016 by Dennis Wright, Dennis Meadows and June Spence-Jarrett	August 17, 2015 by Marva McIntosh, Rosalie McDonald-Barker and Robert Gregory on the basis that his failure to disclose his criminal conviction disqualifies his application	N/A	N/A	N/A	By way of letter dated June 13, 2016 and received by the FLA on June 15, 2016, the applicant wrote to the FLA requesting a review of his application and provided an explanation for his failure to disclose his criminal conviction on his application

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10	Person X24	Alleged illicit activities including lotto scamming	N/A	CIB report dated April 30, 2013 revealed no convictions recorded against the applicant	Not recommended by FLA investigator	Not recommended by FLA investigator on the basis that the applicant could not substantiate his source of income as most of his assertions were unable to be verified and adverse reports were obtained and he is involved in illicit activities	N/A	October 28, 2016 by Marva McIntosh, Granville Gause and Dennis Meadows for a 9mm pistol  April 5, 2017 by Granville Gause, June Spence-Jarrett and Dennis Meadows for a 12 gauge shotgun	September 5, 2013 by Rosalie McDonald-Barker, Michael Harvey and Marva McIntosh on the basis that the applicant was not considered to be fit and proper to be armed  April 24, 2014 by Gilbert Scott, Marva McIntosh and Michael Harvey on the basis that the applicant was not credible and not deserving of the privilege of a licence, upon the conclusion	September 24, 2013	N/A	N/A	By way of letter dated April 8, 2014 requested that the FLA reconsider its decision in the denial of his application

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									of an interview with the applicant				
11	Person RM4	Breaches of Firearms Act – negligence in loss of firearm	N/A	CIB report dated October 27, 2010 revealed no convictions recorded against the applicant	Recommended by FLA Investigator	Recommended by FLA Investigator as the applicant sober, mature and appears to be of sound mind, and likely to attract attention of criminal elements and become exposed to danger in the conduct of his normal business	Convicted for breaches of the Firearms Act – negligence in loss of firearm and paid a fine	N/A	N/A	March 6, 2012	December 16, 2016 by the Hon. Robert Montague, MP	N/A	By way of letter dated April 11, 2012 the applicant appealed to the Review Board regarding the denial of his application
12	Person X25	Alleged importation and distribution of narcotics	N/A	CIB report dated October 27, 2009 revealed no convictions recorded against the applicant	Not recommended by FLA Investigator	Not recommended by FLA Investigator on the basis that the applicant is involved in the narcotics trade and is associated	N/A	October 7, 2016 by Dennis Meadows, Granville Gause, and June Spence-Jarrett	December 17, 2009 by the Board inclusive of Errol Strong on the basis that the applicant's lifestyle suggests that he was involved in	N/A	N/A	Deferred on July 14, 2014 by Robert Gregory, Gilbert Scott and Rosalie McDonald-Barker  The Board requested	By way of letter dated January 18, 2009, the applicant appealed to the Review Board regarding the denial of his application  The applicant resubmitted his application on June 17, 2013

**Appendix 1**

#	NAME OF APPLICANT	OFFENCE/ ALLEGATIONS	NIB Report & Contents	CIB Report & Contents	Recommended by FLA Investigator	Contents of FLA Investigator Assessment Report	Conviction	Application Granted	Application Denied	Application Revoked	Application Granted on Appeal by the Minister	Application On Hold	OTHER OBSERVATIONS
						with law enforcement officers and citizens of questionable character			lucrative nefarious activities, is currently unemployed and is living above his stated income			that an expedited report be provided by NIB	
13	Person X26	Alleged to be involved in lottery scamming	NIB report dated September 8, 2014 indicated that the applicant was involved in lotto scamming activities	None seen	Not recommended by FLA Investigator	Not recommended by FLA Investigator on the basis is not considered to be a fit and proper person to be granted a firearm licence as he appears to be living above his income, believed to be involved in lotto scamming as stated in the NIB report, has unsatisfactorily accounted	N/A	June 1, 2017  Approved by Dennis Meadows, Granville Gause and June Spence-Jarrett on the basis that his business was established and operational	N/A	N/A	N/A	February 12, 2015  Deferred by Robert Gregory, Rosalie McDonald-Baker, Michael Harvey and Gilbert Scott on the basis that the applicant may reapply in 2 years when his business has become more established	By statements dated June 10, 2014 and November 6, 2014, the applicant indicated that he was arrested with two other persons for attempting to change a US\$60,000 cheque

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#	NAME OF APPLICANT	OFFENCE/ ALLEGATIONS	NIB Report & Contents	CIB Report & Contents	Recommended by FLA Investigator	Contents of FLA Investigator Assessment Report	Conviction	Application Granted	Application Denied	Application Revoked	Application Granted on Appeal by the Minister	Application On Hold	OTHER OBSERVATIONS
						for monies used as startup capital, was arrested for attempting to change a US\$60,000 cheque and has not established a need for a firearm							
14	Person X27	Alleged to have assaulted and 'threatened a woman with death' and his lifestyle appears to be far above his income	None seen	CIB report dated June 22, 2010 revealed no convictions recorded against the applicant	Not recommended by FLA investigator	Not recommended by FLA investigator on the basis that he reported to be a member of the JDF but failed to produce any record of his service, was accused of assaulting and threatening a woman with death and his lifestyle appears to be far above his income	N/A	September 1, 2016 by Dennis Wright, Dennis Meadows and June Spence-Jarrett	June 4, 2013 by Rosalie McDonald-Barker, Marva McIntosh and Gilbert Scott on the basis that the applicant is not considered a fit and proper person to be granted a firearm licence		N/A	N/A	Transnational Crimes and Narcotics Division report dated October 5, 2010 did not reveal any trace of criminal or intelligence concern

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15	Person X28	Alleged to be physically and verbally abusive to his spouse	None seen	CIB report dated April 24, 2013 revealed no convictions recorded against the applicant	Not recommended by FLA Investigator	Not recommended on the basis that the applicant is ill-tempered and violent	N/A	April 9, 2015 by Robert Gregory, Rosalie McDonald-Barker, Michael Harvey and Marva McIntosh	October 28, 2013 by Robert Gregory, Gilbert Scott and Rosalie-McDonald-Barker on the basis that the applicant is not a fit and proper person	N/A	N/A	N/A	Letter dated April 11, 2013 which was addressed to the FLA from a medical doctor indicating alleged injuries received by the applicant's spouse from the alleged abuse inflicted by the applicant
16	Person X29	Alleged to be involved in Narcotics Lottery scamming	NIB report dated December 29, 2014 revealed nothing adverse against the applicant  NIB report dated November 19, 2014 revealed that there was an adverse against the applicant but did not provide	CIB report dated June 22, 2010 is incomplete	Not recommended by FLA Investigator	Not recommended on the basis that the applicant is visibly living above his means and is unable to satisfactorily reconcile this possibility, does not appear responsible or levelheaded, is involved in illicit activities and is affiliated with persons of	N/A	July 13, 2016  Approved by Dennis Wright, Dennis Meadows and Granville Gause	September 14, 2015  Denied by Robert Gregory, Rosalie McDonald-Barker and Michael Harvey on the basis that his source of livelihood cannot be verified, appears to be living above his means and is suspected to	N/A	N/A	N/A	A subsequent application for a firearm user licence was not seen

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			details of same  NIB report dated December 3, 2010 revealed nothing adverse against the applicant			questionable character who are involved in illicit activities			be involved in illicit activities and is therefore not a suitable person to be armed				
17	Person X6	1.Unlawful wounding in 1980  2.Illegal possession of firearm in 1983  3.Shooting with intent in 1983	NIB report dated July 22, 2015 indicated that adverse traces were found against an individual of a similar name, Nothing adverse was found against the applicant	CIB report dated September 18, 2015 indicated that the applicant was convicted of unlawful wounding, illegal possession of firearm for which he was sentenced to 10 years, and shooting with intent for which he was	Recommended by FLA Investigator	Recommended by FLA Investigator on the basis that due to background checks, length of time of offences, the a remorseful applicant was remorseful and outwardly showed a new leaf	1.Unlawful wounding in 1980  2.Illegal possession of firearm in 1983  3.Shooting with intent in 1983	September 7, 2016  Approved by Dennis Meadows, Granville Gause and June Spence-Jarrett	June 10, 2016  Denied by Dennis Meadows, Marva McIntosh and Granville Gause on the basis that the applicant is not a fit and proper person based on adverse findings	N/A	N/A	N/A	Letter dated January 20, 2016 addressed to the FLA from the Ministry of Justice indicated that the applicant applied to have his criminal record expunged and same is to be reviewed, after which, the outcome will be communicated to the applicant  Not recommended by Director of Investigations on the basis that the applicant is not considered a fit and proper person to bear arms as he was convicted of illegal possession of firearm and shooting with intent. Applicant also stated that he was arrested in the US

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				sentenced to 10 years imprisonment									on drug related charges
18	Person X7	1.Assault occasioning bodily harm  2.Malicious destruction of property	None seen	CIB report dated December 19, 2012 indicated that that the applicant was convicted for assault occasioning bodily harm in 1998  The report also indicated that the applicant was charged for malicious destruction of property, for which	Recommended by FLA Investigator	Recommended by FLA Investigator on the basis that he has displayed good mannerisms and has appropriate storage for his firearm	Convicted for the offence of assault occasioning bodily harm in 1998	July 17, 2014 by Robert Gregory, Marva McIntosh, Gilbert Scott, Rosalie McDonald-Barker and Michael Harvey	May 15, 2014 by Robert Gregory, Gilbert Scott and Marva McIntosh on the basis that false information was provided on the application regarding his employment	N/A	N/A	N/A	N/A

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				the result of the trail is outstanding									
19	Person X30	Convicted for fraud and sentenced to 17 months imprisonment	NIB report dated August 13, 2014 indicated that the applicant was arrested, charged in 2012 and convicted for fraud in Florida and sentenced to 17 months imprisonment. He was deported to Jamaica in 2013	CIB report dated April 16, 2014 revealed no convictions recorded against the applicant	Not recommended by FLA Investigator	Not recommended on the basis that the applicant is not a fit and proper person to be entrusted with a firearm	Convicted in 2012 in the USA for fraud and sentenced to 17 months imprisonment	February 12, 2015 by Robert Gregory, Gilbert Scott, Marva McIntosh and Michael Harvey	November 13, 2014  Denied by Michael Harvey, Gilbert Scott and Marva McIntosh on the basis that he his is not considered a fit and proper person to be armed as he was charged for fraud and deported	N/A	N/A	N/A	N/A

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20	Person X8	Possession of cocaine  Obtaining money by means of false pretence	None seen	CIB report dated January 31, 2012 revealed that the applicant was convicted for possession of cocaine in 2002 and was sentenced to a fine of \$20,000 or 6 months imprisonment as well as obtaining money by means of false pretence in 2003 and was sentenced to a fine of \$30,000 or 6 months	Recommended by FLA Investigator	Recommended by FLA Investigator on the basis that the applicant appears sober and responsible and has established a need to be armed	Convicted for the offence of possession of cocaine in 2002  Convicted for the offence of obtaining money by means of false pretence in 2003	October 16, 2013 by Gilbert Scott, Michael Harvey and Marva McIntosh subsequent to interview held with applicant	December 14, 2012 by Gilbert Scott, Rosalie McDonald-Barker and Marva McIntosh on the basis that the applicant is not considered a fit and proper person	N/A	N/A	N/A	TCND report dated January 5, 2011 revealed nothing adverse against the applicant

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21	Person X31	Possession with Intent to supply Class A crack cocaine	None seen	CIB Report dated October 20, 2015 indicated that the applicant was convicted for the offence of possession with Intent to supply Class A crack cocaine in 2003	Not recommended by FLA Investigator	Application denied on the following bases: 1. Applicant is not considered to be credible and has not made any reasonable effort to rehabilitate himself 2. Still participates in "illicit drug trade locally" 3. Applicant's income is unsubstantiated as well as his employment	Convicted for the offence of possession with Intent to supply Class A crack cocaine in 2003	July 19, 2016 by Dennis Meadows, June Spence-Jarrett and Dennis Wright	February 24, 2016 by Rosalie McDonald-Barker, Michael Harvey Marva McIntosh on the basis that the applicant is not considered to be a fit and proper person as he was convicted for a drug related offence in England and is still engaged in the drug trade locally	N/A	N/A	N/A	N/A

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22	Person X32	1.Assault Causing Bodily Harm	NIB Report was requested on December 21, 2011	CIB Report dated May 15, 2012 revealed that the applicant was convicted of the following:  1.Assault occasioning bodily harm in 1987  2. Assault occasioning bodily harm in 1987	Application recommended by FLA Investigator	Application recommended as community checks revealed he was of good character	Convicted of the following:  1.Assault occasioning bodily harm in 1987  2. Assault occasioning bodily harm in 1987		May 7, 2013 by Rosalee McDonald-Barker, Marva McIntosh and Gilbert Scott on the basis that the applicant is not domiciled in Jamaica and has not established the need to be armed				Applicant lied on application form regarding prior convictions
23	Person X9	Possession of and conspiracy to distribute cocaine and marijuana	NIB Report May 29, 2017, indicated that the applicant was extradited to the United States on July 28, 1995, on drug charges. He	None seen	None seen	Incomplete	Convicted for the offence of possession of and conspiracy to distribute cocaine and marijuana	April 6, 2017 by Dennis Meadows, June Spence Jarrett and Granville Gause for a 12 gauge shotgun	September 1, 2015, by Robert Gregory, Rosalie McDonald Barker, and Gilbert Scott on the basis that the applicant is already the holder of 3x9mm	N/A	N/A	N/A	N/A

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			was convicted for possession of and conspiracy to distribute cocaine and marijuana. He was sentenced to four (4) years imprisonment of which he served three years six months. He was deported back to Jamaica on June 24, 1998						pistols, 1x.22 Rifle 1x12 gauge shotgun His expressed need for a "short barrel" shotgun for tactical use is not supported as he has 3 pistols to offer him such tactical advantages for personal security				
24	Person X10	Document entitled "INMATE STATUS REPORT FOR PAROLE BOARD APPEARANCE" for the State of New York revealed the following: 1.Obstructing	NIB report dated January 14, 2013 revealed nothing adverse against the applicant  NIB report dated	CIB report dated December 30, 2013, recorded no convictions against the applicant	Not recommended by FLA Investigator	Not recommended by FLA Investigator on the basis of his 'previous run-ins with the law'	Convicted for the offence of:  1. Unlawful Possession of Marijuana 2. Bail Jumping 3. Forgery 4.Possession of cocaine	February 12, 2015 by Robert Gregory, Marva McIntosh, Gilbert Scott and Michael Harvey on the basis that "Applicant's appeal of the	May 15, 2014 by Robert Gregory, Marva McIntosh and Michael Harvey on the basis that the applicant was not considered	N/A	N/A	N/A	

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		Government Administration 2. Conspiracy 3. Unlawful Possession of Marijuana 4. Tampering with physical evidence 5. Resisting arrest 6. Assault 7. Harassment 8. Bail Jumping 9. Forgery 10. Possession and sale of cocaine	January 24, 2014 revealed nothing adverse against the applicant					<i>Board's earlier denial was considered and the Board has decided to approve his application"</i>	to be fit and proper to be entrusted with a firearm				
25	Person X33	Illegal Possession of Firearm	NIB report dated December 16, 2013, revealed that on September 9, 2008, an applicant with a similar name was arrested and charged for illegal possession of a firearm	CIB report dated July 22, 2013, indicate that the applicant was convicted for the offence of illegal possession of firearm on August 25, 2011 in the Mandeville Circuit	Not recommended by FLA Investigator	Not recommended by FLA Investigator on the basis that the applicant appears to be living above his means and is not a fit and proper person to be armed. Applicant also does not display mature	Convicted for the offence of Illegal Possession of Firearm on August 25, 2011 in the Mandeville Circuit Court and was fined \$400,000.00 or 4 years imprisonment	November 20, 2014, by Gilbert Scott, Marva McIntosh and Michael Harvey on the basis that the applicant was interviewed by the Board and that "...the	August 20, 2014 by Robert Gregory, Rosalie McDonald Barker and Gilbert Scott on the basis that the applicant is not considered a suitable person to be granted a	N/A	N/A	N/A	

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				Court and was fined \$400,000.00 or 4 years imprisonment		and responsible characteristics	t	<i>sentence imposed by the court... was well below the minimum stipulated by law. Suggesting some element of doubt or extenuating (sic) circumstance. We have decided to err on the side leniency and allow [the applicant] the privilege of a licence."</i>	firearm licence. He denied that he was convicted on the application form				
26	Person X34	1.Possession of Ganja 2.Dealing in ganja 3.Taking steps preparatory to export ganja	None seen	CIB report dated September 22, 2010, revealed that the applicant was convicted for the	Not recommended by FLA Investigator	Not recommended by FLA Investigator on the basis that information received from the police	Convicted for the offence of Possession of Ganja on May 5, 1993 and sentenced to a fine of	December 14, 2014, by Gilbert Scott, Rosalie McDonald Barker and Michael Harvey for a	October 31, 2012 by Gilbert Scott, Rosalie McDonald Barker and Michael Harvey on	Revocation order signed on August 18, 2016 by Dennis Wright on the basis that the applicant	N/A	Deferred on March 27, 2014, by Gilbert Scott, Marva McIntosh and Michael	

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		4.Breach of Section 45 (2) of the Firearms Act		offences of Possession of Ganja on May 5, 1993, Dealing in Ganja on May 5, 1993 and Taking steps preparatory to export ganja on May 5, 1993. The applicant was fined \$3,000.00 for the offence of possession of ganja and the other offences were admonished and discharged		indicated that the applicant is involved in the narcotics trade	\$3,000.00	9mm pistol and 12 gauge shotgun	the basis that the applicant is not considered to be a fit and proper person to be armed	breached Section 45 (2) of the Firearms Act		Harvey on the basis that “...an investigator visits the commercial complex...t o verify the activities and get copies of the Registration Documents”	

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27	Person X35	<p>1. Unlawfully importing a Controlled Drug</p> <p>2. Unlawfully Trafficking a Controlled Drug</p> <p>3. Possession of a controlled drug</p> <p>4. Unlawfully having in his possession a Controlled Drug, which was intended for supply</p>	<p>CIB report dated January 6, 2015 revealed no convictions recorded against the applicant</p>	<p>NIB report dated October 30, 2014 revealed that the applicant was deported from Barbados in 2006 subsequent to his imprisonment of 18 months for the following offences:</p> <p>1. Unlawfully importing a Controlled Drug (cannabis)</p> <p>2. Unlawfully Trafficking a Controlled Drug</p> <p>3. Possession of a</p>	<p>Not recommended by FLA Investigator</p>	<p>Not recommended by FLA Investigator on the basis that the applicant is unemployed, the applicant confessed that he was arrested, charged and convicted in Barbados for the offences of possession of, dealing in and intent to supply ganja. He was sentenced to 2 years imprisonment in Barbados and deported to Jamaica in 2006.</p> <p>Investigator indicated that he was reliably informed that</p>	<p>Convicted in 2006 and sentenced to imprisonment for 18 months in Barbados for the following offences:</p> <p>1. Unlawfully importing a Controlled Drug</p> <p>2. Unlawfully Trafficking a Controlled Drug</p> <p>3. Possession of a controlled drug</p> <p>4. Unlawfully having in his possession a Controlled Drug, which was intended for supply</p>	<p>October 13, 2016 by Dennis Meadows, June Spence-Jarrett and Marva McIntosh</p>	<p>August 17, 2015 by Rosalie McDonald-Barker, Robert Gregory and Marva McIntosh on the basis that the applicant has been involved in the drug trade and has not justified the legitimacy of his substantial source of income. The applicant is not considered to be a fit and proper person to be granted a firearm licence</p>	N/A	N/A	<p>The applicant indicated on his application that he had never been convicted of any criminal offence locally or abroad.</p>	

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				controlled drug  4.Unlawfully having in his possession a Controlled Drug, which was intended for supply		the applicant was involved in lottery scamming and by the applicant's own admission, he was involved in the drug trade. Applicant is also living above his means							
28	Person X11	1. Possession of ganja 2.Dealing in ganja 3. Skimming and cloning credit cards	NIB report dated December 08, 2015 indicated that the applicant was arrested and charged for the offences of (i)possession of ganja (ii) Dealing in Ganja. The applicant was also arrested and charged on	CIB report dated July 9, 2015 revealed no convictions recorded against the applicant	Not recommended by FLA Investigator	Not recommended by FLA Investigator on the basis that the applicant was arrested and charged for the offence of possession and dealing in ganja and skimming and cloning of credit cards.	1.Convicted for the offence of possession of ganja and sentenced to a fine of \$8,000.00 or a term of imprisonment of 3 months at hard labour plus 6 months imprisonment at hard	July 13, 2016 by Dennis Wright, Dennis Meadows and Granville Gause	May 24, 2016 by Dennis Meadows, Marva McIntosh and Granville Gause on the basis that the applicant has not established a need to be armed	N/A	N/A	N/A	N/A

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			December 29, 2010 for the offence of skimming and cloning of credit cards			The Investigator also stated that the applicant is dishonest and has been involved in illegal activities	labour suspended for 18 months  2. Convicted for the offence of dealing in ganja and sentenced to a fine of \$16,000.00 or a term of imprisonment of 3 months at hard labour plus 6 months imprisonment at hard labour suspended for 18 months						
29	Person X36	Convicted in the USA for the offence of conspiracy to import cocaine	NIB report dated January 7, 2015 indicated	CIB report dated January 23, 2015	Not recommended by FLA	Not recommended by FLA Investigator	Convicted for the offence of conspiracy	October 13, 2016 by June Spence-Jarrett,	August 15, 2015 by Marva McIntosh, Rosalie	N/A	N/A	N/A	N/A

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			that the applicant is involved in illicit narcotics trade (cocaine)	recorded no convictions against the applicant	Investigator	on the basis that the applicant was convicted in the USA for the offence of conspiracy to import cocaine and is not considered fit and proper in accordance with the Firearms Act	to import cocaine and served a term of imprisonment of 36 months	Marva McIntosh and Dennis Meadows	McDonald – Barker and Michael Harvey on the basis that the applicant convicted in the USA for the offence of conspiracy to import cocaine and served a sentence of 36 months. The applicant also failed to disclose his conviction on his application and is not considered a fit and proper person to be armed				

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30	Person X37	Fraud	NIB report dated February 28, 2011 revealed that the applicant was convicted in the USA for fraud and deported in 2002	CIB report dated March 21, 2011 revealed no convictions recorded against the applicant	Not recommended by FLA Investigator	Not recommended by FLA Investigator on the basis that the Investigator is doubtful of applicant's credibility	Convicted for fraud USA	March 27, 2014 by Gilbert Scott, Marva McIntosh and Michael Harvey	October 30, 2012 by Rosalie McDonald – Barker, Marva McIntosh and Gilbert Scott on the basis that the applicant is not considered a suitable person to be armed	N/A	N/A	N/A	N/A
31	Person X12	Charged for unlawful wounding	None seen	CIB report dated January 2, 2013 revealed that the applicant was charged for the offence of unlawful wounding in 1974 and the result of the trial is outstanding	Not recommended by FLA Investigator	Not recommended by FLA Investigator on the basis that the applicant is not a fit person for the grant of a licence, unfriendly, disrespectful, deceptive, power-hungry and he has been involved in 2 suspicious	N/A	By way of decision dated February 10, 2015 by Gilbert Scott, Michael Harvey, Rosalie McDonald – Barker and Robert Gregory, the decision to revoke the applicant's licence for a 12 gauge	October 28, 2013 by Robert Gregory, Michael Harvey and Gilbert Scott on the basis that the applicant as not considered to be fit and proper to be given a handgun and that the licence	The licence currently held by the applicant in relation to the 12 gauge shotgun is revoked by Board decision dated October 28, 2013 by Robert Gregory, Gilbert Scott and Michael Harvey on	N/A	N/A	Letter dated November 27, 2012 which was addressed to the FLA by the Clerk of Courts, Resident Magistrate's Court, Clarendon, indicated that the applicant was charged for the offence of murder but was discharged by the court.

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						killings		shotgun was reversed and the firearm was returned and a licence for a 9mm pistol was approved	currently held for the 12 gauge shotgun is revoked	the basis that the applicant is not considered a fit and proper person to be armed			
32	Person X13	1.Possession of ganja 2.Uttering forged document 3.Possession of forged document	NIB report dated July 22, 2015 revealed that the applicant was deported from England in 2001 for overstaying and was also arrested and charged for the possession of ganja in 2006	CIB report dated September 11, 2015 revealed that the applicant was convicted for the following offences: 1.Uttering forged document in 2002 2.Possession of forged document in 2007	Not recommended by FLA Investigator	Not recommended by FLA Investigator on the basis that the applicant was arrested in 2006 for possession of ganja and failed to disclose this information on his application	The applicant was convicted for the following offences: 1.Uttering forged document in 2002 2.Possession of forged document in 2007	July 20 2016 by Dennis Meadows, June Spence-Jarrett and Granville Gause	May 19, 2016 by June Spence-Jarrett, Granville Gause and Marva McIntosh on the basis that the applicant does not seem to be a fit and proper person to be armed and refused to hand over documents requested by the FLA	N/A	N/A	N/A	N/A
33	Person X38	Convicted in the USA for the sale of marijuana	NIB Report dated February 3,	CIB report dated January 16,	Not recommended by FLA	Not recommended by FLA	Convicted in the USA for the sale of	July 27, 2016, by Dennis	September 7, 2015, by Rosalie	N/A	N/A	N/A	N/A

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			2014 revealed that the applicant was deported from the USA in 1998 after serving a term of imprisonment for two years for selling marijuana	2014, revealed no convictions recorded against the applicant	Investigator	Investigator on the basis that the applicant did not establish a need to be armed as he is principally domiciled in the UK and that he was convicted for drugs in the USA and had 3 additional convictions in the UK.  Applicant indicated that he is a farmer but investigations disproved this claim.	marijuana	Meadows, Granville Gause and June Spence – Jarrett	McDonald – Barker, Marva McIntosh and Gilbert Scott on the basis that the applicant has not established the need to be armed. His place of residence is still unsure. He was also convicted for drug related offence in the USA to the UK where he was born				
34	Person X39	Charged for the offence of assault occasioning bodily harm in 2010	NIB report dated October 22, 2014, revealed nothing adverse against the	CIB report dated September 24, 2014, revealed that the applicant was charged for the	Not recommended by FLA Investigator	Not recommended by FLA Investigator on the basis that the applicant is not considered	Convicted for the offence of assault occasioning bodily harm and fined \$10,000.00	January 5, 2017 by Dennis Meadows, June Spence Jarrett and Marva McIntosh	June 29, 2015, by Robert Gregory Gilbert Scott and Marva McIntosh on	N/A	N/A	N/A	By way of Certificate of Previous Convictions dated November 2, 2015, obtained from the Resident Magistrate’s Court, St. Ann, the applicant was charged on indictment for the offence of assault

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#	NAME OF APPLICANT	OFFENCE/ ALLEGATIONS	NIB Report & Contents	CIB Report & Contents	Recommended by FLA Investigator	Contents of FLA Investigator Assessment Report	Conviction	Application Granted	Application Denied	Application Revoked	Application Granted on Appeal by the Minister	Application On Hold	OTHER OBSERVATIONS
			applicant	offence of assault occasioning bodily harm in 2010. The result of the trial outstanding		a fit and proper person to be armed. The applicant admitted to two previous offences involving violent offences. On both occasions he initiated the confrontations and arming such an individual would pose a threat to the public safety.	or a term of imprisonment of 30 days		the basis of the applicant's history of violent behavior and his reluctance to co-operate during the investigation rendering him unsuitable to be entrusted with a firearm				occasioning bodily harm and was fined \$10,000.00 or 30 days imprisonment.
35	Person X40	Shop breaking and larceny	NIB report dated February 4, 2011 revealed nothing adverse against the applicant	CIB report dated March 7, 2011 revealed that the applicant was convicted for shop breaking and larceny	Not recommended by FLA Investigator	Not recommended by FLA Investigator on the basis that even though he has a need to be armed, his residence was not adequately secured to be entrusted with a firearm	Convicted for shop breaking and larceny in 1986 and was fined \$250.00 or 3 months hard labour	May 26, 2017 by Dennis Meadows, Marva McIntosh and Granville Gause on the basis that the applicant's conviction record was expunged and the	March 22, 2017 by Granville Gause, June Spence-Jarrett and Dennis Meadows on the basis that he is not considered a fit and proper person	N/A	N/A	N/A	By way of letter dated August 11, 2015, it was indicated that the applicant's conviction record was expunged

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								offence committed was non-violent.					
36	Person X14	Illegal possession of firearm	None seen	CIB report dated December 17, 2012 revealed that the applicant was charged in 1994 for illegal possession of firearm. The result of the trial is outstanding	Recommended by FLA Investigator	Recommended by FLA Investigator on the basis that the applicant is a fit and proper person for the grant of a licence	N/A	August 24, 2016 by Dennis Wright, Dennis Meadows, Granville Gause and June Spence-Jarrett	October 9, 2013 by Robert Gregory, Gilbert Scott, Rosalie McDonald-Barker, Michael Harvey and Marva McIntosh on the basis that the applicant's principal residence is the USA and he visits Jamaica on average 3 months each year and that while the applicant maintains businesses in Jamaica, he is not	N/A	N/A	N/A	N/A

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									actively engaged in operating the businesses  August 29, 2013 by Robert Gregory, Marva McIntosh and Gilbert Scott on the basis that the applicant resides abroad and has not established a need to be armed when visiting Jamaica				
37	Person X15	Drug trafficking activities and money laundering  Possession of cocaine	NIB report dated February 17, 2015 revealed that the applicant is a member of a prominent gang based	CIB report dated February 13, 2015 revealed no convictions recorded against the applicant	Recommended by FLA Investigator	Recommended by FLA Investigator on the basis that he has adequate security and storage facilities to be entrusted with	N/A	October 14, 2016 by Dennis Meadows, June Spence-Jarrett and Granville Gause	August 24, 2015 by Robert Gregory, Marva McIntosh and Rosalie McDonald-Barker on the basis that	N/A	N/A	N/A	N/A

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			in Clarendon and is reported to be involved in drug trafficking activities and money laundering and was deported in 2007 for possession of cocaine			a firearm and the need to be armed has been established			the applicant failed to disclose the fact that he had been imprisoned for ten years for cocaine related offence and was subsequently deported. The applicant is not considered a fit and proper person to be armed				
38	Person X16	Criminal possession of a weapon	None seen	CIB report dated October 29, 2015 revealed no convictions recorded against the applicant	Not recommended by FLA Investigator	Not recommended by FLA Investigator on the basis that the applicant was convicted and sentenced in 1997 in the USA for criminal possession of	It was disclosed by the applicant that he was convicted of the offence of criminal possession of a weapon in 1997 and was sentenced to 3 years	October 20, 2016 by Dennis Meadows, June Spence-Jarrett and Marva McIntosh	February 15, 2016 by Gilbert Scott, Rosalie McDonald-Barker and Marva McIntosh on the basis that the applicant is a foreign	N/A	N/A	N/A	N/A

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						a firearm. He also has no established residence in Jamaica	imprisonment in the USA		national, not a resident in Jamaica and has not established a need to be armed in Jamaica				
39	Person X17	1.Assault occasioning bodily harm  2. Reported to be involved in illegal drug smuggling and corrupt practices	NIB Report dated August 19, 2015 indicated that the applicant was reported to be involved in illegal drug smuggling and corrupt practices on February 11, 2005.	CIB Report dated May 8, 2015 indicated that the applicant was convicted for the offence of assault occasioning bodily harm on March 9, 1999	Not Recommended by FLA Investigator	Not Recommended by FLA Investigator on the basis that the applicant is not a fit and proper person, she settles disputes by physical confrontation, she maintains a lavish lifestyle and is under surveillance by the Narcotics Branch of the JCF	Convicted for the offence of assault occasioning bodily harm on March 9, 1999 and was fined \$2,000.00 or term of imprisonment of ten days	August 17, 2016 by Dennis Meadows, Granville Gause and June Spence-Jarett	June 8, 2016 by Granville Gause, Marva McIntosh and June Spence-Jarrett on the basis that the applicant does not appear to be a fit and proper person to be entrusted with a firearm	N/A	N/A	N/A	N/A

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40	Person X41	Arrested on ganja related charges	NIB report dated February 21, 2013 indicated that the applicant was arrested at the Norman Manley International Airport on ganja related charges	CIB report dated February 25, 2013 is unclear	Recommended by FLA Investigator	Recommended by FLA Investigator on the basis that the applicant appears to be living within his means and is well known and respected by citizens in the community	N/A	June 15, 2011 by Marva McIntosh, Rosalie McDonald-Barker, and Michael Harvey. It was indicated that the Board "...acknowledged his indiscretions in 1991 and 1995. Since then he has had no problems with the law. He is currently a registered farmer and reports from the community indicate he is an upright citizen."	June 21, 2013 by Gilbert Scott, Rosalie McDonald-Barker, and Marva McIntosh on the basis that the applicant is not considered a suitable person to be granted the privilege of a licence	N/A	N/A	N/A	N/A
41	Person X42	Bulk smuggling Suspected to be	NIB report dated May 2, 2013	CIB report dated March 8, 2012	Not recommended by FLA	Not recommended by FLA	Convicted in the USA for the offence	August 24, 2016 by Dennis	November 13, 2013 by Robert	N/A	N/A	Deferred on February	TCND report dated April 2, 2012 revealed no trace of criminal or intelligence concern

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		involved in money laundering	indicated that the applicant was arrested and convicted in the USA in 2009. He was charged under the Customs Act for bulk smuggling	revealed no convictions recorded against the applicant	Investigator	Investigator on the basis that the applicant is suspected to be involved in money laundering and was convicted in the USA for the offence of bulk cash smuggling	of bulk cash smuggling and sentenced to 6 months imprisonment	Wright, Granville Gause, Dennis Meadows and June Spence-Jarrett	Gregory, Rosalie McDonald-Barker, Michael Harvey, Marva McIntosh and Gilbert Scott on the basis that the applicant is not considered a fit and proper person to be armed in Jamaica as he has a previous conviction in Miami for money laundering			19, 2013 by Robert Gregory, Rosalie McDonald-Barker and Gilbert Scott pending the provision of the NIB report	
42	Person X43	The applicant is living above his means, and procedurally should not have submitted a subsequent application as he was previously	NIB report dated February 26, 2015 revealed nothing adverse against the applicant	CIB report dated March 17, 2015 revealed no convictions recorded against the applicant	Not recommended by FLA Investigator	Not recommended by FLA Investigator on the basis that the applicant is living above his means, and	N/A	September 1, 2016 by Dennis Meadows, June Spence-Jarrett and Marva McIntosh	September 23, 2015 by Marva McIntosh, Gilbert Scott and Michael Harvey on the basis that "his	N/A	N/A	N/A	N/A

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		denied by the Board in 2014				procedurally should not have submitted a subsequent application as he was previously denied by the Board in 2014			<i>situation has not changed and he still does not present as a trustworthy person”</i>				
43	Person X44	Alleged to be involved in the narcotics trade	NIB report dated October 15, 2014 revealed nothing adverse against the applicant  NIB report dated November 13, 2014 revealed nothing adverse against the applicant	CIB report dated October 14, 2014 revealed no convictions recorded against the applicant	Not recommended by FLA Investigator	Not recommended by FLA Investigator on the basis that intelligence gathered revealed that he is involved in the narcotics trade	N/A	October 7, 2016 by Dennis Meadows, June Spence-Jarrett and Granville Gause	August 20, 2015 by Robert Gregory, Marva McIntosh and Rosalie McDonald-Barker on the basis that the applicant is believed to be involved in the narcotics trade and has failed to account for how he acquired funding for his business in such a short period	N/A	N/A	N/A	N/A

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									of time. He is not considered a fit and proper person to be armed.				
44	Person X45	1. Intent to possess and distribute cocaine  2. Illegally attempting to enter the USA	NIB report dated January 13, 2013 indicates that the applicant was convicted in 2001 for intent to possess and distribute cocaine	CIB report dated December 17, 2013 revealed no convictions recorded against the applicant	Not recommended by FLA Investigator	Not recommended on the basis that the applicant has a criminal record, was convicted for the offence of unlawful possession of a narcotic substance, was charged and convicted for illegally attempting to enter the USA, appears to be a habitual criminal and cannot be entrusted with a firearm	1. Convicted for the offence of intent to possess and distribute cocaine and sentenced to a term of imprisonment of 37 months	July 28, 2016 by Dennis Meadows, June Spence-Jarrett and Marva McIntosh	November 13, 2014 by Gilbert Scott, Marva McIntosh and Rosalie McDonald-Barker on the basis that his criminal past renders him ineligible for the grant of a firearm	N/A	N/A	N/A	N/A

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45	Person X18	Assault occasioning bodily harm	NIB report dated February 26, 2015 revealed nothing adverse against the applicant	CIB report dated March 17, 2015 revealed that the applicant was convicted of assault occasioning bodily harm in 1986	Not recommended by FLA Investigator	Not recommended by FLA Investigator on the basis that the applicant has not established a need to be armed and is principally domiciled abroad	Convicted of assault occasioning bodily harm in 1986 and was fined \$500.00 or a term of imprisonment of 4 months	November 3, 2016 by Granville Gause, Dennis Meadows and Marva McIntosh	November 2, 2015 by Robert Gregory, Rosalie McDonald-Barker and Gilbert Scott on the basis that the applicant resides abroad and has not established a need to be armed when visiting Jamaica	N/A	N/A	N/A	By way of letter dated November 18, 2014 which was addressed to the applicant by the Ministry of Justice, it was indicated that his criminal record for the offence of assault occasioning bodily harm was expunged  The applicant indicated on his application that he has never been convicted of a criminal offence locally or abroad
46	Person X46	Alleged to be the subject of an investigation for corruption	None seen	CIB report dated January 13, 2010 revealed no convictions recorded against the applicant	Not recommended by FLA Investigator	Not recommended by FLA Investigator on the basis that the applicant was investigated for corruption based on information confirmed by the JCF	N/A	August 3, 2015 by Robert Gregory, Rosalie McDonald-Barker and Michael Harvey	July 6, 2011 by Errol Strong, Khaleel Azan and Marva McIntosh on the basis that the applicant is not considered to be a fit and proper person to be	N/A	N/A	N/A	Letter dated January 13, 2014 addressed to the Minister of National Security from the JCF Anti-Corruption Branch indicating that the JCF is not currently or has ever conducted an investigation against the applicant.  Letter dated October 11, 2010 addressed to the FLA from the JCF indicated that the applicant was checked and found suitable

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									armed with a personal firearm				to become a licensed firearm holder
47	Person X19	Charged for the offence of unlawful wounding	None seen	CIB report dated October 10, 2017 revealed that the applicant was charged for unlawful wounding in 2009. The result of the trial is outstanding  CIB report dated May 6, 2010 revealed no convictions recorded against the applicant	Recommended by FLA Investigator	Recommended by FLA Investigator on the basis that the applicant is a businessman who operates two businesses, is maturing as it relates to his temperament and attitudes towards others and has remained a policeman despite his pending interdiction	N/A	September 15, 2014 by Gilbert Scott, Marva McIntosh and Michael Harvey	October 29, 2013 by Gilbert Scott, Marva McIntosh and Rosalie McDonald-Barker on the basis that the applicant is not considered a fit and proper person to be granted a licence	N/A	N/A	N/A	N/A

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48	Person X47	Loss of firearm through negligence	NIB report dated February 6, 2015 revealed nothing adverse against the applicant	CIB report dated March 19, 2015 revealed no convictions recorded against the applicant	Not recommended by FLA Investigator	Not recommended by FLA Investigator on the basis that the applicant is principally domiciled abroad and has not established a need to be armed. Further, he was not recommended as he was charged with loss of firearm through the negligence	N/A	November 3, 2016 by Dennis Meadows, Marva McIntosh and June Spence-Jarrett for a 12 gauge shotgun	April 7, 2016 by Rosalie McDonald-Barker, Marva McIntosh and Gilbert Scott on the basis that the applicant resides abroad and has not established a need to be armed	N/A	N/A	N/A	N/A
49	Person X48	Possession of cocaine	NIB report dated January 8, 2015 revealed that the applicant was deported from the US in 2006 subsequent to his	CIB report dated October 31, 2014 revealed no convictions recorded adverse against the applicant	Recommended by FLA investigator	Recommended by FLA investigator on the basis that a need to be armed has been established owing to the nature of his	Convicted for possession of cocaine and was imprisoned for 5 years and 3 months	August 24, 2016 by Dennis Meadows, June Spence-Jarrett and Marva McIntosh	August 17, 2015 by Robert Gregory, Marva McIntosh and Rosalie McDonald-Barker on the basis that the applicant was	N/A	N/A	N/A	N/A

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			conviction for possession of cocaine. He was also alleged to be a part of a criminal gang which operates in Manchester. Further, his stated business entity was not identified in the district or surrounding areas nor was any information available of its existence			employment and business			interviewed and questioned as to the truth of statements signed by him in his application regarding his place of employment and his criminal convictions, both of which proved to be untrue				

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50	Person X49	Conspiracy to defraud	None seen	CIB report dated October 10, 2011 revealed that the applicant was charged in 1999 for conspiracy to defraud. The result of the trial is outstanding	Recommended by FLA Investigator	Recommended on the basis that the applicant has a safe, appears well focused and living within his means	N/A	September 1, 2016 by Dennis Meadows, June Spence-Jarrett and Marva McIntosh	February 25, 2013 by Robert Gregory, Gilbert Scott and Rosalie McDonald-Barker on the basis that the applicant has indicated and demonstrated that he no longer wishes to pursue the application	N/A	N/A	N/A	TCND report dated November 4, 2011 revealed nothing adverse against the applicant
51	Person PB1/Person X50	Arrested and charged for the following offences:  1.Trafficking cocaine  2.Larceny	NIB report dated January 10, 2011 revealed that the applicant was arrested and charged in the US for the offences	None seen	N/A	N/A	N/A	N/A	N/A	September 4, 2012 by Gilbert Scott, Marva McIntosh and Michael Harvey on the basis that the	By way of letter dated October 28, 2014, it was indicated that Mr. Peter Bunting,	N/A	By way of letter dated July 17, 2013, the applicant's arrest record was expunged.  Given that the basis upon which his firearm user licence was revoked was now void, the FLA Board withdrew the revocation.

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		3. Grand theft	of Trafficking cocaine, 4 counts of Larceny and Grand theft in the 3 <sup>rd</sup> degree  NIB report dated August 7, 2014							applicant misrepresented himself to the FLA and can no longer be considered fit and proper	MP, former Minister of National Security, approved the applicant's case upon review and advised the FLA that favourable consideration should be given to the applicant's application for licences		
52	Person PB2/Person X21	1. Indecent Assault	NIB report dated April 12, 2010 revealed that the applicant molested a little girl who is	CIB report dated December 3, 2010 revealed that the applicant was arrested and charged	Recommended by FLA Investigator	Recommended by FLA Investigator on the basis that the applicant is fit for the granting of	N/A	April 11, 2014 by Marva McIntosh, Gilbert Scott and Rosalie McDonald-Barker	January 24, 2012 by Errol Strong, Marva McIntosh and Khaleel Azan on the basis that	N/A	By way of letter dated July 25, 2013, it was indicated that Mr. Peter	N/A	TCND report dated August 28, 2009 revealed nothing of an incriminating nature against the applicant

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			related to his wife. However, the matter was not reported to the police and therefore no action was taken against the applicant	for the offences of indecent assault in 1998		such licence and that he had previously held and maintained an impeccable record and given the nature of his employment, the applicant should be favourably considered.			the applicant was interviewed and found unfit to be armed		Bunting, MP, the former Minister of National Security approved the applicant's user licence in respect of a .38 revolver and a 12 gauge shotgun only and denied his application in respect of a 9mm pistol.		