



ROYAL TURKS & CAICOS ISLANDS POLICE
FORCE

OPERATION DOLPHIN

An independent investigation by the Royal Turks & Caicos Islands Police Force on behalf of the United Kingdom Caribbean Overseas Territories into the fatal shooting of Santo Yamarco Hernandez that occurred on Wednesday 6th December 2017 at Butu Mountain Road Town Tortola British Virgin Islands

In September 2017, in the aftermath of Hurricane Irma, several prisoners including Santo Yamarco Hernandez, escaped from Her Majesty's Prison. After his escape, there were several sightings of Santo Hernandez in the area. On one occasion while wearing a disguise he unlawfully entered a premises and grabbed a female by the shoulder to have a conversation. During this time he removed his disguise and showed her a firearm and made remarks about killing a Police officer.

Several appeals were made to the public requesting information on the whereabouts of Santo Yamarco Hernandez.

In November 2017 the RVIPF received information that Santo Yamarco Hernandez was residing at a property on Butu Mountain, Road Town, Tortola, BVI.

On Wednesday 6th December 2017 about 0600hrs members of the Immediate Response Unit (IRU), Major Incident Team (MIT) and Serious Investigation Unit (SUI) conducted an operation on the identified premises on Butu Mountains. During the operation, Santo Yamarco Hernandez was shot twice, he received first aid treatment at the scene, then was transported to the Peebles Hospital for further medical attention. The scene was preserved and a forensic examination conducted, a number of items were seized and removed from the scene.

Following initial treatment Mr Hernandez later succumbed to his injuries in hospital and on Thursday 7th December 2017 about 0513hrs Dr. Roberts pronounced Santo Yamarco Hernandez deceased.

Following the fatal shooting of Mr Hernandez, the Commissioner of Police, Mr Michael Mathews made a formal request for an independent enquiry into the incident. This is in line with accepted best practice where officers have discharged their weapons and a person has died or been injured. This request was made to the Royal Turks and Caicos Police Service (RTCIPF) Commissioner of Police, Mr James Smith, who agreed to have his officers conduct the enquiry and for him to provide the necessary strategic oversight.

Commissioner Smith appointed a Detective Assistant Superintendent and highly qualified Assistant Superintendent to focus on the firearms strategy and tactics used in the operation. They were supported by a detective constable was tasked to assist with enquiries.

This team of officers were provided with the following terms of reference:

- To provide independent strategic oversight of the investigation of the shooting incident which occurred on 6 December 2017.
- To conduct a thorough and ethical investigation of this shooting incident which occurred on 6 December 2017 resulting in the death of Santo Yamarco Hernandez on 7 December 2017.
- To provide Post Incident Management support to the RVIPF following the incident
- Prepare a comprehensive advice file for submission to the DPP, AG and Coroner.

- Review the action of the RVIPF and identify any lessons learned and make recommendations necessary.
- To assess if the RVIPF actions were necessary and proportionate with the identified risk.
- The RVIPF to provide full access to all information/intelligence available on Santa Yamarco Hernandez.

These officers arrived in BVI two days after the incident and were fully briefed on the incident by local officers who had taken initial responsibility for the investigation.

All of the weapons used that day had been preserved and sealed, these were handed to the RTCIPF officers.

The enquiry was conducted with all due speed given the serious nature of the incident. All the officers involved in the planning and actual operation were identified and full statements obtained from them. The weapons used in the incident, the notes made by officers and records kept, along with the authority to deploy firearms were closely examined.

It was ascertained that two officers had fired shots These two officers re-visited the scene, along with the investigators, in order that the investigators might gain a complete understanding of where both officers had been positioned when they discharged their weapons.

In addition statements were obtained from any individual who had been in any way involved in the incident, from intelligence gathering, planning and operational activity, to complete their understanding of what exactly had taken place.

A post mortem was carried out by the Pathologist who confirmed that Mr. Hernandez had died as a result of a gunshot wound. A forensic examination was carried out on the weapons used, the recovered warheads and shell casings.

It was ascertained that one shell casing recovered matched one of the weapons fired to the recovered warhead. However the other recovered warhead could not be positively matched to the weapon used. Whilst it is reasonable to assume it was fired from the second officers weapon the examination was inconclusive.¹

The investigation was very thorough and established that on the morning of the 6th December 2017 at Butu Mountain, Road Town Tortola, BVI. two officers from the RVIP discharged their weapons at Santo Yamarco Hernandez, the deceased.

These actions were in defense of their lives, as well as in the defence of the lives of their colleagues. Both officers gave accounts in their statements that they perceived that at the time, their colleagues and their lives were in imminent danger of being taken by the armed assailant Santo Yamarco Hernandez when he charged at them with a knife.

This evidence was supported by other officers deployed to the scene and who witnessed events.

A full report containing all of the witness statements, physical evidence and forensic material has been submitted to the Director of Public Prosecutions for consideration as he sees appropriate in the circumstances.

There are a number of lessons to be learned by The Royal Virgin Islands Police Force as a result of this incident in terms of equipment, training and record keeping. These recommendations have been included in the confidential report for consideration of the BVI Commissioner,

James Smith

Commissioner of Police

RTCIPF

¹ This does not imply there was any impropriety but more the examination could not conclusively say there was a match.