

**COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
Commercial Law & Equity Division
Claim No. 2022/CLE/Gen/01558**

B E T W E E N

ARNOLD COOPER

Claimant

AND

CHIEF SUPERINTENDENT ROBERTO GOODMAN

First Defendant

AND

THE COMMISSIONER OF POLICE

Second Defendant

AND

THE ATTORNEY GENERAL

Third Defendant

**COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
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Claim No. 2022/CLE/Gen/01559**

B E T W E E N

BRANDON DEAN

Claimant

AND

CHIEF SUPERINTENDENT ROBERTO GOODMAN

First Defendant

AND

THE COMMISSIONER OF POLICE

Second Defendant

AND

THE ATTORNEY GENERAL

Third Defendant

Before: Her Ladyship The Honourable Madam Justice Cheryl Bazard KC
Appearances: Mr. K. Melvin Munroe for the Claimants
Mr. Patrick Sweeting for the Defendants
Hearing Dates: 11 December 2025, 12 December 2025 and 23 March 2026

Civil – Unlawful Arrest - False Imprisonment – Damages for Breach of Constitutional Rights – Special Damages – Exemplary Damages – Aggravated Damages -Article 19(1)(d) of the Constitution

RULING

BAZARD J:

[1.] This is the decision of the consolidated trial of 2022/CLE/Gen/01558 brought by Arnold Cooper (the **“First Claimant”**) and 2022/CLE/Gen/01559 brought by Brandon Dean (the **“Second Claimant”**)(together called **“the Claimants”**), against Chief Superintendent Roberto Goodman (the **“First Defendant”**), The Commissioner of Police (the **“Second Defendant”**), and The Attorney General (the **“Third Defendant”**). The matter concerns allegations of unlawful arrest, false imprisonment, breach of constitutional rights, and damages resulting from the alleged arrest of the Claimants by the First Defendant on June 10, 2022.

[2.] The Court determined that the Claimants were unlawfully arrested and that their constitutional rights were infringed.

BACKGROUND

[3.] On June 10, 2022, the homes and vehicles of the Claimants were searched by officers and a police dog led by the First Defendant. The Claimants were initially detained at Spring Point Police Station and prevented from communicating with each other. They were subsequently transported to Nassau and held at the Drug Enforcement Unit until their release. After their release, they became aware of media reports and an official police press release regarding the arrest of three police officers and two Colombian nationals on Acklins in connection with an alleged drug seizure on 7 June 2022.

[4.] On 10 November 2022, the Claimants, who are police officers with the Royal Bahamas Police Force, filed separate Writs of Summons with their Statements of Claim. Notably, both Statements of Claim are largely similar. For contextual background, I set out paragraphs [4] through [27] of the First Claimant's Statement of Claim.

“4. On Friday 10th June, 2022 sometime around 8:30 am the Plaintiff was on duty at Spring Point Police Station.

5. While at the station the Plaintiff saw the 1st Defendant along with some other officers.

6. The Plaintiff was then told by the 1st Defendant that he had to go with him and was later taken to his residence where his home was searched by officers and a police dog along with the surrounding area. Upon completion of the search the Plaintiff was told by the 1st Defendant that he needed to bring pants a shirt and identification.

7. All this was done in the presence of the Plaintiff and other persons from the community. This caused embarrassment and stress for the Plaintiff and his family.

8. The Plaintiff was placed at the back of a jeep with an unknown male who started asking the Plaintiff multiple questions and accusing the Plaintiff of being involved in criminal activities.

9. The Plaintiff was later taken to the Spring Point station. At the station the Plaintiff saw Cpl. Dean sitting on the inside. The 1st Defendant instructed two officers not to allow the Plaintiff and Cpl. Dean to communicate.

10. The Plaintiff's movement and speech was (sic) restricted by the 1st Defendant. The 1st Defendant also told the Plaintiff that he was under arrest and that he will be taking him to Nassau. The 1st Defendant demanded that the Plaintiff hand over his cellular

phones. As a result the Plaintiff hand (sic) to the 1st Defendant two cellular phones. The 1st Defendant also took the Plaintiff's laptop.

11. Sometime around 3:00 pm the Plaintiff was place (sic) in a jeep and escorted to the airport. At the airport the Plaintiff was taken from the jeep and taken to an airplane. The Plaintiff was paced on the airplane with other officers and was taken to Nassau.

12. When the Plaintiff reached Nassau from Aklins he was placed in a black police jeep and escorted from the airport to the Drug Enforcement Unit (D.E.U.) located Thompson Boulevard.

13. At D.E.U. the Plaintiff was placed at the back of the office and made to sit in the area where suspects are kept.

14. The Plaintiff had to ask permission of the officers at the office to use the restroom. The Plaintiff also could not sit where he wanted but only where he was instructed to sit.

15. The Plaintiff was visited by his attorney but was not allowed to have private communication as a Superintendent stood next to the door with the door open. The Plaintiff was told by the superintendent that the door cannot be closed to communicate with his attorney. The Plaintiff was later seen by the 1st Defendant who told him that he would release him from custody but he would not be allowed to leave without his permission.

16. The Plaintiff was later released without charge after being in custody for almost 24 hours. The Plaintiff requested the return of his cellular phones and laptop from the 1st Defendant but was denied by the 1st Defendant.

17. The Plaintiff now bring (sic) this action against the Defendants as they are liable for the unlawful acts of their agents the police officers who unlawfully arrested and detained the Plaintiff.

[5.] I set out below paragraphs [4] to [10] and [16] of the Second Claimant's Statement of Claim:

"4. On Friday 10th June, 2022 sometime around 8:30am the Plaintiff was on duty conducting a road check with Sgt. 3601 Johnson in the area of Spring Point Police Station.

5. The Plaintiff observed his wife coming to the station in his vehicle as she was followed by a police vehicle. At the station the Plaintiff saw the 1st Defendant with other officers.

6. While at the station, the Plaintiff's wife was ordered out of the vehicle and the 1st Defendant instructed that the vehicle be searched. The vehicle was searched by officers and a police dog.

7. The Plaintiff was then told by the 1st Defendant that he had to go with him and was later taken to his residence where his home was searched again by officers and a police dog along with the surrounding area. Upon completion of the search, the Plaintiff was told by the 1st Defendant that he needed to bring pants, a shirt, and identification.

8. All this was done in the presence of the Plaintiff wife and young child among other on lookers from the community. This caused embarrassment and stress for the Plaintiff and his family.

9. The Plaintiff was placed at the back of a jeep with an unknown male who started asking the Plaintiff multiple questions and accusing the Plaintiff of being involved in criminal activities.

10. The Plaintiff was later taken to the Spring Point Police station. At the station the Plaintiff saw Insp. Cooper sitting on the inside. The 1st Defendant instructed two officers not to allow the Plaintiff and Insp. Cooper to communicate.

...

16. The Plaintiff was visited by his mother and attorney. The Plaintiff was later seen by the 1st Defendant who told him that he would release him from custody but he will not be allowed to leave the island.”

[6.] The Claimants allege they were unlawfully arrested, falsely imprisoned, and their constitutional rights were violated.

[7.] The Claimants are seeking the following reliefs:

- (i) Damages for unlawful arrest and false imprisonment;
- (ii) Damages for breach of Constitutional rights;
- (iii) Special damages;
- (iv) Exemplary damages;
- (v) Aggravated damages;

[8.] On 4 February 2025, the Defendants filed their Defence, which denied the allegations and further asserted that the Claimants voluntarily accompanied officers to New Providence, from Acklins, led by the First Defendant. The First Defendant denied restricting the Claimants' movements or speech. The Defendants also denied infringement of any constitutional or rights. The Second Defendant, having command and control over the Royal Bahamas Police Force, is sued because the First Defendant acts under his direction. The Third Defendant is also sued pursuant to section 12 of the Crown Proceedings Act.

[9.] On 8 July 2025, the Court ordered the consolidation of 2022/CLE/Gen/01558 and 2022/CLE/Gen/01559.

The Evidence and Findings of fact

Arnold Cooper

[10.] The evidence of the First Claimant, Arnold Cooper, was contained in his witness statement filed on 15 September 2025. This stood as his evidence in chief. The First Claimant explained that on 10 June 2022 at Spring Point Police Station, he was approached by the First Defendant and other officers and was instructed to accompany them. He was taken to his residence where a search of the property was conducted. Nothing illegal was found. He was then transported to the Spring Point Police Station, where he saw the Second Claimant, and observed the First Defendant directing officers to prevent communication between them.

[11.] The First Claimant stated he was informed he was under arrest, his movement and communication were restricted, and his mobile phones and laptop were confiscated. He was flown to Nassau and held at the Drug Enforcement Unit, treated as a detainee, and required permission and escort to use the bathroom. During a visit from his attorney, a police Superintendent stood at the doorway and would not allow the door to be closed.

[12.] The First Claimant testified that he was released by the First Defendant with instructions not to leave New Providence without authorization. His request to return his cellular phone was refused. After release, he learned of media reports and a police press release

about the arrest of police officers and Colombian nationals in relation to an alleged drug offences.

[13.] The Press Release issued “for immediate release” by the Royal Bahamas Police Force (RBPF) and in particular, the RBPF Public Affairs and Communications Office was exhibited and stated:

“Police arrested five male suspects for Possession of Dangerous drug (sic) and other related offenses.

In an ongoing investigation that commenced on the island of Acklins on Tuesday 7 June 2022 as a result of a drug seizure, Police have arrested and taken five male suspects into custody in connection with this incident. They include three Police Officers and two Colombian nationals.” (Emphasis added).

[14.] Eyewitness News reported it as:

“Three police officers and two Colombian nationals were arrested yesterday in connection with a drug seizure on Acklins on Tuesday, according to authorities.

Superintendent Audley Peters advised that an investigation commenced on the island following the drug seizure and led to the arrest of the five men.

The rank of the officers and the extent of their alleged involvement was also not provided.” (Emphasis added)”

[15.] On cross-examination, the First Claimant acknowledged being aware of a drug arrest days earlier and agreed that individuals may be classified as suspects or person of interest. He maintained he was told he was under arrest, was not free to move or communicate, and did not accompany officers voluntarily. He also agreed that the media reports did not identify him by name.

Brandon Dean

[16.] The Second Claimant’s evidence, contained in his witness statement, filed on 15 September 2025, was materially similar to that of the First Claimant. On 10 June 2022, he was conducting a road check near Spring Point Police Station, when he saw the First Defendant and other officers searching his wife’s vehicle. He was taken to his residence, where officers, accompanied by a police dog, conducted a search in the presence of his wife, young child, and community members. The Second Claimant testified that he was later taken to the police station, where he saw the First Claimant, and that the First Defendant instructed officers to prevent communication between him and the First Claimant.

[17.] On cross-examination, he disagreed with the assertion that he voluntarily boarded the plane to Nassau and rode in a jeep with the officers. He asserted that he had no choice. He acknowledged that the news article or police press release did not mention his name or contain his image.

Roberto Goodman

[18.] The evidence of the First Defendant was found in his witness statement filed on 11 September 2025, which stood as his evidence in chief. On 10 June 2022 he was Chief Superintendent with the Royal Bahamas Police Force and the investigator. He stated that he had intelligence that drugs were on Acklins, and that police officers may have drugs in their residences. He indicated that he had reason to search the residence of Assistant Superintendent Sonny Miller as well as the Claimants. He stated that the Claimants were never in police custody and that they merely accompanied him to Nassau pursuant to compliance with a lawful order.

[19.] On cross-examination, he did not recall informing his upline that he was returning to Nassau with three officers. He agreed that three officers accompanied him to Nassau, and when questioned about the media articles and the Royal Bahamas Police Force press release, he said the information did not come from him. He further stated that the press release stating that two officers were arrested is false. He did not recall giving his supervisor such information. He stressed that the information is wrong, as the two officers were placed on the docket as witnesses in the matter.

[20.] The First Defendant further testified that firearms were taken from the Claimants for safety reasons, and their phones were taken to gather intelligence. He could not remember if the phones were returned. He denied that the Claimants were taken into custody or that their movement and speech were restricted.

[21.] During re-examination, the First Defendant agreed that the news articles did not mention the Claimant's names. He stated that he did not secure the Claimants' phones, was not present when they were secured, and could not personally say if the phones were returned.

Superintendent Elvis Miller

[22.] The evidence of Superintendent Miller was contained in his witness statement, which served as his evidence in chief. He confirmed he had a search warrant for the claimants and nothing illegal was found at their residences. He explained that the First Defendant had instructed the Claimants to accompany him to New Providence, their movements were unrestricted, and they were not under arrest.

Finding of Facts

[23.] Having had the liberty of observing the Claimants and the witnesses for the Defence as they gave their evidence, I find both Claimants to be credible witnesses. I also take note that neither Claimant was identified by name in the media reports.

Issues

[24.] The Claimants filed a statement of facts and issues in which they identified three main issues for the Court's determination, which are as follows:

1. Whether the Claimants were unlawfully arrested by the Defendants?
2. Whether the Claimants' constitutional rights were breached?
3. Whether the Claimants' are entitled to damages?

Submissions

[25.] Counsel for the Claimants and Defendants provided written submissions to the Court. Although these submissions will not be reproduced in detail here, they have been fully considered.

LAW

[26.] The Constitution of the Bahamas provide that every individual shall not be deprived of their liberty. **Article 19(1)(d) of the Constitution** states:

“No person shall be deprived of his personal liberty save as may be authorized by law in any of the following cases (d) upon reasonable suspicion of his having committed, or of being about to commit, a criminal offence;”

[27.] In **Anton Francis v Aljamon Francis et al Common Law Side No. 113 of 1998** the Court laid down the principles regarding the power of the police to effect arrest. In particular, at page 18 Osadebay J stated:

“In the Bahamas, the police have no general power or right to detain persons for the sole purpose of getting them to help with the police enquiries unless such power has been conferred by a statute. Police officers either arrest for an offence or they do not arrest at all. Neither arrest or detention can properly be carried out in the Bahamas without the accused person being told the offence for which he is being arrested.”

[28.] In **Gilford Lloyd v Chief Superintendent Cunningham et al 2016/CLE/gen/00062** Charles J (as sh then was) noted at paragraph 40:

“[40] No doubt, an unlawful arrest is a false imprisonment, and if the requirements of the law as to making it clear to the arrested person that he is under lawful restraint, or informing him promptly of the grounds of his arrests, or taking him before the appropriate authorities within a reasonable time are not complied with, an arrest which might otherwise have been justified will be unlawful and ground and action for false imprisonment.”

[29.] In the recent Privy Council ruling, **The Estate of Claudia Edwards Bethel (Respondent) v Attorney General of The Bahamas and another (Appellants) (The Bahamas) [2026] UKPC 26**, paragraph 28 outlines the criteria that must be proven for a lawful arrest. The court summarized the same as follows:

- (i) The arresting officers had reasonable cause to suspect an offence has been committed;**
- (ii) Immediate arrest was necessary to prevent the ends of justice;**
- (iii) The reason for the arrest is communicated as soon as possible.**

Issue No 1: Whether the Claimants were unlawfully arrested by the Defendants?

[30.] Counsel for the Claimants submitted that the Court should focus on the actual substance of the interaction rather than the specific words chosen by the parties. An arrest can be considered to have taken place even without handcuffs or formal paperwork if, from an objective perspective, a person's liberty has been restricted and they are not free to walk away.

[31.] The Defendants argued that the Claimants were never arrested and were merely assisting with the investigation. The Court rejects this contention.

[32.] The Claimants provided detailed accounts regarding their experiences following the searches of their residences, including being taken to the Spring Point Police Station, their movements being restricted, and the denial of confidential consultation with legal counsel. The Defendants did not materially dispute these assertions.

[33.] The inability of an individual to move freely or to communicate confidentially with an attorney is inconsistent with the treatment of a voluntary witness and is a strong indicator that the person is under police control and detention.

[34.] The events of 10 June 2022 were directly related to the drug seizure of 7 June 2022, with intelligence suggesting police involvement. The First Defendant was justified in conducting searches and further investigations, including making all officers subjects of inquiry.

[35.] The lawful command structure does not determine whether an arrest has occurred. The issue is whether the Claimants were deprived of their liberty. The evidence showed the Claimants were removed from their duties, transported under police authority, taken to the Drug Enforcement Unit, and subjected to movement and communication restrictions.

[36.] On this point, the dicta of Darville J in **Sgt 2375 Theodore M. Neilly v Inspector Alexis Roberts et al 2021/CLE/gen/00368** is instructive. At paragraph 31 she states:

“30. While I accept that the custom may be that a Commissioner of Police can summon an officer under his command at any time, I am still reminded of the importance of an individual’s constitutional rights. Therefore, even if the Plaintiff was summoned he had a right to determine his means of transportation to attend the meeting with the Commissioner of Police.

31. I believe the Plaintiff’s movement was restricted when he was not allowed to drive his own vehicle to the meeting. Additionally, considering the principles found in the authorities above, the Plaintiff was not informed of any reason why he was summoned to Police Headquarters. Although it is possible to infer the reason based on the earlier incident, he had a right be advised of the same. Therefore, I find the taking of the Plaintiff to Police Headquarters amounted to a wrongful arrest and detention and that it infringed the Plaintiff’s right to liberty and freedom of movement.”

[37.] The evidence given by the Claimants goes beyond mere compliance with a lawful order. If the Claimants were following lawful instructions to accompany the First Defendant to Nassau, the evidence does not bear out that they were given the right or option to attend at their convenience. Rather, the claimants were removed from their duties following searches of their residences in the presence of family and community members; they were transported under police authority from Acklins to Nassau, taken to the Drug Enforcement Unit, and subjected to

restrictions on their movement and communications. The Defendants did not identify an operational or administrative purpose for these measures. When examined objectively, these actions were consistent with a suspect in custody.

[38.] I recognize that a significant drug interdiction occurred days earlier, and the First Defendant was the investigating officer. The evidence indicates that the Claimants' liberty was taken away when they were removed from Acklins and brought to Nassau, which is consistent with arrest procedures.

[38.] The Court must decide whether, based on the facts and law, the Claimants were deprived of their liberty. After reviewing all the evidence, I conclude that the Claimants faced restrictions on their movement and communications, losing their freedom to act freely. I also determine that the level of control the Defendants exerted was comparable to arrest, rather than voluntary cooperation.

[39.] Although the Defendants contend that the Claimants were witnesses, the objective facts point to them being treated as suspects.

[40.] The facts of the present case are distinguishable from **Barr v Tynes**. The evidence does not support a finding that the First Defendant set out to humiliate or oppress the Claimants. Rather, the objective of the operation appears to have been the investigation of serious allegations involving dangerous drugs. The facts bear similarity to **Anton Francis v Aljamon Francis et al, supra** where the Court found the Claimants did not voluntarily go in for questioning, but that they were under arrest from the time they entered the police vehicle, and that they were in fact and in law under arrest.

[41.] After reviewing all of the evidence, the Court finds that the Claimants were under arrest from the moment they were removed from duties and taken to the Drug Enforcement Unit in Nassau. The Defendants' conduct was consistent with arrest, despite the absence of handcuffs or detention records.

Unlawful Arrest

[42.] Having found that the Claimants were under arrest, I must consider whether that arrest was unlawful.

[43.] Applying the *Claudia Edwards* requirements to the facts of this case, I am satisfied that the first two requirements are met. The First Defendant had reasonable grounds to suspect that a serious criminal offence involving dangerous drugs had been committed. The second requirement was that, given the seriousness of the allegations, enquiries were conducted in the interests of justice.

[44.] The third requirement was not met. The Claimants were not informed they were under arrest or told the grounds for arrest.

[45.] I accept that the Defendants had reasonable grounds to suspect the commission of an offence and that the investigation was justified, but I am not satisfied that the requirement identified in *Claudia Edwards Bethel*, that is, the reason for the arrest, was communicated as soon as practicable.

[46.] In the circumstances, I find the Claimants were unlawfully deprived of their liberty contrary to Article 19 of the Constitution.

Reputational Harm

[48.] I have also considered the impact of the news reports and police press releases. Although not expressly named, the Claimants were easily identifiable in the small community of Spring Point, Acklins, where only a small number of police officers are stationed on the island. In fact, in the case of the Second Claimant, the search of the residence was done in the presence of civilians residing on Acklins. Additionally, the inference that three police officers were arrested or detained in connection with a drug investigation would inevitably have exposed them to public scrutiny, embarrassment, humiliation, and reputational harm.

[49.] The Royal Bahamas Police Force has a legitimate expectation to inform the public about significant criminal investigations, but such communications must avoid prejudicing individuals' presumption of innocence. In this case, the publications supported the Claimants' claim of being treated as suspects and demonstrated that the Defendants' actions caused reputational harm.

[50.] The Claimants are entitled to damages for unlawful arrest, deprivation of liberty, and reputational harm. The issue of quantum will be addressed separately.

[51.] In conclusion, I therefore make the following findings:-

1. The Claimants, Arnold Cooper and Brandon Dean, were unlawfully arrested;
2. The Claimants' rights under Article 19 of the Constitution were breached;
3. The Claimants are entitled to damages.
4. The issue of quantum is to be assessed by the Registrar.
5. Costs to the Claimants to be taxed if not agreed.

Dated 19 day of August, A.D., 2026

ORIGINAL SIGNED

Madam Justice The Honourable Cheryl Bazard KC