OPERATIONAL ORDER

PUBLIC PROTEST

HOUSE OF ASSEMBLY

Friday 2\textsuperscript{nd} December, 2016

SILVER COMMANDER’S ORDER

Authorising Officer: 

Authors: 

Date: 30\textsuperscript{th} November, 2016 and Amended on 2\textsuperscript{nd} December, 2016

File Location: G:/Op Orders

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1. INFORMATION SECTION

1.1. Unconfirmed intelligence information suggests that members of the public who are opposed to the One Bermuda Alliance Government’s plans for the re-development of the L.F. Wade International Airport are planning to hold a protest on the grounds of the House of Assembly (HOA). This is expected to take place on Friday 2\textsuperscript{nd} December, 2016.

1.2. The Legislature is scheduled to debate the Airport Redevelopment Concession Act, 2016, during a scheduled sitting of the HOA.

1.3. It is unknown at this time as to how many protestors will be in attendance at the HOA. Past protests have seen the crowd vary in size from a few protestors to a couple of thousands.

1.4. Past protests have been peaceful in nature with little to no reported incidents of antisocial or threatening behaviour.

1.5. The Legislature is scheduled to start at 1000 hours, Friday 2\textsuperscript{nd} December, 2016.

1.6. A public meeting has been called by the People’s Campaign supported by the labour unions to discuss the OBA Government’s plans for the re-development of the airport, for Thursday December 1, 2016 at 1800 hours, at the St. Paul’s A.M.E. Church Hall, Court Street, City of Hamilton.
1.7. It is anticipated that protesters will start to gather at the HOA early Friday morning.

1.8. Weather forecast for Friday December 2, 2016:

- Mostly cloudy, High of 75 F, Low of 68 F.
- Afternoon showers – chance of thunderstorms.
- Winds – SW – moderate to strong with possible gusts to gale force during afternoon showers. Winds will decrease during evening but expected to increase overnight from the NW, moderate to strong.
2. INTENT SECTION

2.1. To protect life and property.

2.2. Maintain peace and good order.

2.3. To maximise the safety of police officers.

2.4. To minimise risk to members of the Legislature.

2.5. To minimise risk to members of the public and protestors.

2.6. Facilitate the exercise of a person’s democratic right to protest peacefully and lawfully.

2.7. Investigate criminal offences, gather evidence and prepare files for the Director of Public Prosecutions’ review.

2.8. **Operational Outcomes:**

2.8.1. **Preferred:**

- The protest passes off safely without the need for significant intervention.
- Crime and disorder is minimal and there is no necessity for the use of additional powers.
- The operational order is run in a manner compatible with the Bermuda Police Service’s Mission Statement and Core values and public confidence is enhanced.
2.8.3. **Unacceptable:**

- Public safety is compromised or where serious disorder, damage or crimes occur.
- There is serious disruption to the community.
- There is disproportionate use of resources and/or powers and the operational order is resourced or delivered in a manner that is not compatible with the Bermuda Police Service's Mission Statement and Core Values.
- Public confidence is negatively impacted.
3. METHOD SECTION

The overarching methodology will be to use the least intrusive and coercive law enforcement measures possible to reduce harm.

3.1. Deployment of Police Officers

3.1.1. Officers from the Community Policing Division and Crime Division will be deployed at the HOA Grounds to monitor protests in support of the INTENT of this operational order.

3.1.2. Officers from the units named below will be deployed in the first instance and subject to prevailing conditions, will be deployed as required (see Appendix A for details):

i) A Watch (----------------------------------)

ii) C Watch (----------------------------------)

iii) Police Support Unit (----------------)

iv) Road Policing Unit (----------------)

v) B Watch (------------------------------)

3.1.3. Officers from the Crime Division will be available for deployment should there be a necessity. They will work their normal duties on the understanding that if required all non-urgent investigations are to be deferred.
3.1.4. The Silver Commander will deploy officers so that they are positioned at the perimeter of the HOA grounds but ready to respond to any incidents of physical or verbal threats of harm or to any situation that may unduly cause an interruption to the normal business of the HOA.

3.1.6. Hotel 1 – Night Turn (Inspector [Redacted])

3.1.7. Hotel 1 – Day Turn (Inspector [Redacted])

3.1.8. Officers assigned duties inside of the of HOA will be responsible for ensuring that members of the public who wish to enter the HOA Chamber do so only after they have met the entrance conditions as listed in paragraph 3.4.

3.2. **Video Taping of Protest**

3.2.1. Officers who are assigned duties at the HOA and are equipped with the BPS' body cameras are to ensure
that when engaging with protestors that they are switched on and recording.

3.2.2. Officers with BPS issued cellular phones to record the event where appropriate.

3.2.3. The Silver Commander will detail officers to carry out overt video recording of the protest / protestors.

3.2.4. Officers who have recorded any part of the event should arrange with the Information Management Department to have the footage downloaded and forwarded to the Intelligence Unit.

3.3. **Use of Force / Arrest**

3.3.1. In the event that an incident occurs which requires the use of force or for an arrest to be made, the Silver Commander will, using the Service Decision Making Model and consider their powers under the following statutes:

- Parliament Act, 1957 (Section 13 – Disturbance of Legislature)
- Police and Criminal Evidence Act, 2006
- Summary Offences Act, 1926
- Criminal Code Act, 1907
- Public Order Act, 1963

3.3.2. The Silver Commander when briefing personnel are to remind officers of the rights of a person to protest in a peaceful and lawful manner. Officers deployed at the
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protest should be directed to use the least intrusive and coercive law enforcement measures if confronted by protestors.

3.3.3. Police officers, in carrying out their duties shall as far as possible apply non-violent methods before resorting to any use of force.

3.3.4. Police officers should use force only when strictly necessary and where other means remain ineffective to having no realistic chance of achieving the lawful objective.

3.3.5. Any use of force by police officers should be the minimum appropriate in the circumstances.

3.3.6. Police officers should use lethal or potentially lethal force only when absolutely necessary to protect life.

3.3.7. Individual officers are accountable and responsible for any use of force and must be able to justify their actions in law.

3.4. Public Entry into House of Assembly Chamber

3.4.1. Members of the public will be allowed entry into the HOA subject to the following conditions:

a) Availability of seats in public gallery (no standing allowed)

b) Photo ID (details of persons must be recorded)

c) No large packages allowed inside of chamber
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d) No knapsacks or bags, save women allowed entry with handbag

e) No cameras

f) Cellular devices must be turned off / placed on vibrate mode

g) Members of public must conduct themselves at all times in an orderly manner and do not disturb proceedings.
4.1. Command Structure

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4.2. Uniform

4.2.1. Officers working in support of this order will wear the uniform of the day. Reflective tabards or jackets to be worn.

4.2.2. Bronze Commanders to ensure that officers are equipped with their BPS issued officer safety
equipment before being deployed. The wearing of protective vest is mandatory.

4.3. **Reporting for Duty / Dismissal**

4.3.1. Officers from A Watch and the Police Support Unit will report for duty [redacted] They will be briefed by the Silver Commander.

4.3.2. Officers from C Watch [redacted] They will be briefed by the Silver Commander.

4.3.3. Officers from the Road Policing Unit [redacted] They will be briefed by the Silver Commander.

4.3.4. Should it be necessary, Night Turn Duty Shift – B Watch [redacted] They will be briefed by the Silver Commander.

4.3.5. Officers will stand down at the direction of the Silver Commander.
5.1. This protest has been risked assessed and given a grade of:

MEDIUM

5.2. Political protest by their very nature present some public order risk.

5.3. Due to the unconfirmed intelligence reports that protestors will be in attendance, this operational order is in place to deal with any spontaneous incidents of anti-social behaviour.

5.4. Whilst there is no intelligence that there are any direct threats to person or property attending the HOA, the current political climate in Bermuda is very sensitive.

5.5. In the past few weeks there has been a marked increase in the number of reports of ‘graffiti’ espousing anti-One Bermuda Alliance support. Therefore, incidents of anti-social behaviour cannot be ruled out.
6. COMMUNICATION SECTION

6.1. Officers involved in this operational order will use channel [redacted].

6.2. Chief Inspector, Information Management Department, will arrange for a radio operator to monitor channel [redacted] until otherwise directed.
7. HUMAN RIGHTS SECTION

7.1. During briefing, the Silver Commander is to remind officers of the rights of a person to protest in a peaceful and lawful manner.

7.2. It is the duty of the BPS to facilitate a peaceful and lawful protest. Therefore officers are to be reminded during briefings of their duty to comply with section 2 (2) of the Human Rights Act, 1981. For simplicity, actions taken by officers should be based on the following variables:

- Justified
- Authority (Law)
- Proportionate
- Auditable
- Necessary
- Least intrusive
Signatures

Silver Commander

Gold Commander
Appendix A

Personnel Deployment

Day Turn

A Watch
Appendix A

Personnel Deployment

Day Turn

Police Support Unit

Marine Unit

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Crime Division

OECD

Day Turn

SCU

Day Turn

House of Assembly Protest
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Late Turn

[Blank] hours

Road Policing

[Redacted text]

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Appendix A

Personnel Deployment

B Watch

[Blank] hours

(Will be used as tasking unit for operational order should circumstances dictate)

To be added to order
Appendix B

Excerpts from Legislation

Offences

1. Parliament Act, 1957

Interference with Legislature an offence
12 Any person who wilfully, by force or fraud, interferes or attempts to interfere—
   (a) with the free exercise by either House of the Legislature of its authority; or
   (b) with the free exercise by any legislative committee of its authority; or
   (c) with the free exercise by any member of either House of the Legislature of his duties or authority as such member or as a member of a legislative committee,

commits an offence against this Act:

Punishment on conviction on indictment: imprisonment for 2 years or a fine of $16,800 or both such imprisonment and fine.

Disturbance of Legislature an offence
13 Any person, whether or not a stranger—
   (a) who wilfully and maliciously disturbs either House of the Legislature while in session or any legislative committee while sitting; or
   (b) who, while within the precincts of either House of the Legislature, does any unlawful act or conducts himself in a disorderly manner—
      (i) likely to interrupt the proceedings of the House in question, or of any legislative committee; or
      (ii) likely to impair the respect due to the authority of the House or legislative committee,

commits an offence against this Act:

Punishment on conviction on indictment: imprisonment for 12 months or a fine of $8,400 or both such imprisonment and fine.

Punishment on summary conviction: imprisonment for 6 months or a fine of $1,680 or both such imprisonment and fine.
2. Summary Offences Act

Restriction on the making of noise

7 (1) Except under the authority and in accordance with the terms of a permit issued by the Commissioner of Police, a person commits an offence if—

(a) the person unreasonably causes noise which disturbs or annoys any person in the vicinity, or is likely to disturb or annoy any person in the vicinity, by —

(i) operating, or causing or allowing to be operated, any amplifier or loud speaker so as to amplify the sound made by the playing of any musical instrument or by the human voice or so as to amplify any other sound; or

(ii) playing or operating, or causing or allowing to be played or operated, any radio, television, music player or other device designed or adapted for the transmission of sound; and

(b) the sound in question is heard from a distance exceeding 100 feet from the source of the sound.

(2) The issue of a permit by the Commissioner of Police under subsection (1) shall not affect any right or liability of any person under any Act or at common law.

(3) Any person who between the hours of midnight and six o’clock in the morning unreasonably causes any noise by singing, shouting or other means whatsoever in such a manner as disturbs or annoys, or is likely to disturb or annoy, any person in the vicinity commits an offence.

(4) A person shall not be convicted of an offence under this section unless it is proved that after having been required to desist by a police officer, or by any other person in the vicinity, he continued to make such noise.
Appendix B

Excerpts from Legislation

Offences

3. Public Order Act

Conduct conducive to breach of the peace

3 (1) Any person who, in any public place or at any public meeting, uses threatening, abusive, or insulting words, gestures or behaviour with intent to provoke a breach of the peace, or whereby a breach of the peace is likely to be occasioned, or incites any person to commit an unlawful act whereby a breach of the peace is likely to be occasioned, commits an offence:

Punishment on summary conviction: imprisonment for 12 months or a fine of $720 or both such imprisonment and fine.

(2) Nothing in this section shall derogate from any other law relating to incitement to commit an offence.

Permit required for public procession

4 (1) Subject to section 5, it shall be unlawful for any public procession to take place—

(i) unless a permit has been issued in respect thereof in accordance with this Act; or

(ii) where a permit has been issued subject to directions or conditions, otherwise than in accordance with such directions or conditions.

(2) Any person who takes part in a public procession which is unlawful under this Act commits an offence:

Punishment on summary conviction: imprisonment for 6 months or a fine of $360 or both such imprisonment and fine.
Protection of public premises and activities

20 (1) Any person who—

(a) enters any public premises as a trespasser; or

(b) not being engaged in the discharge of duties, or the performance of obligations, connected with activities normally carried on in any public premises, wilfully neglects or fails to comply as soon as is practicable with a direction to leave those premises, being a direction given by—

(i) a person authorised in writing by a body or authority owning, or lawfully occupying or using, the premises to give such directions with respect to those premises; or

(ii) a police officer; or

(c) knowingly interferes with the carrying on of any lawful activity in any public premises,

commits (without prejudice to any other provision of law) an offence against this Act:

Provided that nothing in paragraph (c) shall operate to prevent—

(i) any lawful picketing carried on outside any public premises; or

(ii) any other lawful act done by or on behalf of a registered trade union in contemplation or in furtherance of a labour dispute under the Labour Relations Act 1975 [title 18 item 1].

(2) A police officer may remove from any public premises any person who commits an offence under subsection (1)(b) in those premises.

(3) A person authorised to give directions for the purposes of subsection (1)(b) with respect to any public premises shall, if so required by any person to whom a direction is given under that paragraph to leave those premises, produce his authorisation to give such a direction.

(4) References in this section to public premises include references to any building which is owned, occupied or used for any purpose by or on behalf of the Government or a local or public authority or which is occupied or used for parliamentary, judicial or police purposes and includes a school, and any part of any such building the curtilage thereof and the boundary walls thereof and any place or thing which is within the curtilage of any such building.
1. Information received on [redacted]:

   c. It is anticipated that protesters will start to gather at the HOA in the early am of early Friday morning.

3. Information received on the early morning **(0900 hours)** on **Friday 2nd December, 2016**, suggests that:

   a. Several people have gathered outside the HOA and are refusing to allow Members of Parliament to enter the grounds.

   b. Protestors are stating that they are not allowing any MP’s entry into the grounds or the HOA.
**RESTRICTED**

c. Further information also suggests that the protestors are standing outside the four (4) gates to the HOA and locking arms when people attempt to enter the grounds.

4. Information received (regular updates form officers at scene) during the day of Friday 2\textsuperscript{nd} December, 2016, suggests that: -

a. There is a steady increase of people gathering at the gates and the environs.
B) INTENT SECTION

The overarching methodology will be to use the least intrusive and coercive law enforcement measures possible to reduce harm.

1. Remains as aforementioned.
C) METHOD SECTION

The overarching methodology will be to use the least intrusive and coercive law enforcement measures possible to reduce harm.

**Deployment of Police Officers**

- Officer’s deployment remains as aforementioned.
- Additionally; [redacted]

Officers were to be informed about their powers under Section 20 of the Summary Offences Act, namely ‘Protection of public premises and activities’.

- See Appendix C.
### Command Structure

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E) RISK ASSESSMENT

- No Change.
F) COMMUNICATION SECTION

- No change.
b. During briefing, the Silver Commander is to remind officers of the rights of a person to protest in a peaceful and lawful manner.

c. It is the duty of the BPS to facilitate a peaceful and lawful protest. Therefore officers are to be reminded during briefings of their duty to comply with section 2 (2) of the Human Rights Act, 1981. For simplicity, actions taken by officers should be based on the following variables:

- Justified
- Authority (Law)
- Proportionate
- Auditable
- Necessary
- Least intrusive
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Appendix C

**Tactical Options**

After Consultation with the Gold re Strategic Intent:

- To facilitate peaceful protest.
- To facilitate the legislature sitting.
- Arrest any offenders.

The following options were presented by the Tac Ads.

The following Public Order Tactical Options are based on the Strategic Parameter – “The House of Assembly will sit by the Police gaining access and maintaining access to one of the gates allowing the legislature to attend the House of Assembly.”

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Based on the Strategic objective it is more than likely